

AGENDA SEASIDE CITY COUNCIL MEETING
APRIL 12, 2010 7:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PROCLAMATION – ARBOR WEEK
6. COMMENTS – PUBLIC
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS - \$870,160.28
 - b) APPROVAL OF MINUTES – MARCH 22, 2010 REGULAR MINUTES
 - c) RESOLUTION #3697 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON. ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGETS OF LESS THAN 10 PERCENT TO THE 2009-2010 CITY OF SEASIDE BUDGET
 - d) RESOLUTION #3698 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON. ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET OF LESS THAN 10 PERCENT TO THE 2009-2010 SEASIDE ROAD DISTRICT BUDGET
9. PUBLIC HEARING - RESOLUTION #3699 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON. ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGETS OF MORE THAN 10 PERCENT TO THE 2009-2010 CITY OF SEASIDE BUDGET
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
10. UNFINISHED BUSINESS:
11. NEW BUSINESS:
 - a) ORDINANCE 2010-02 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 150 AND 159 OF THE SEASIDE CODE OF ORDINANCES REGARDING BUILDING REGULATIONS AND ABATEMENT OF DANGEROUS BUILDINGS
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - b) UPDATE – WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECTS
12. COMMENTS FROM THE STUDENT REPRESENTATIVE
13. COMMENTS FROM THE COUNCIL
14. COMMENTS FROM THE CITY STAFF
15. ADJOURNMENT

Complete copies of the Current Council meeting Agenda Packets can be viewed at: *Seaside Public Library and Seaside City Hall.*

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Council may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-5511 if you will need any special accommodation to participate in this meeting.

CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

PROCLAMATION

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, reduce heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

Whereas, trees are a source of joy and spiritual renewal, and

Whereas, the City of Seaside has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices.

NOW, THEREFORE, I, DON LARSON, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim the week of April 12 to April 17, 2010, as

ARBOR WEEK IN SEASIDE

and urge all citizens to support efforts to care for our trees and woodlands, and further urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 12th day of March, 2010.



DON LARSON, MAYOR

- 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 Tim Tolan, Councilors Stubby Lyons, Don Johnson, Larry Haller, and Jay Barber.
- Absent: Councilor Dave Moore
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Russ Vandenberg, Convention Center General Manager; Neal Wallace, Public Works Director; Max Milander, Seaside High School Representative; Rebecca Herren, The Coast Times; Jeremy Ruark, Seaside Signal; Nancy McCarthy, Daily Astorian; and Jeff Nelson, KAST.
- AGENDA** Motion to approve the March 22, 2010, agenda; carried unanimously. (Haller/Johnson)
- PROCLAMATION** Mayor Larson read a Proclamation on Tsunami Preparedness and Earthquake Awareness Month.
- Mayor Larson read a Proclamation on Sexual Assault Awareness Month.
- COMMENTS – PUBLIC** Kevin O’Keane, 2525 Pine, Seaside, stated he wanted to follow up with the improvements that needed to be done to Pine Street, and the Venice Park area.
- 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 \$233,960.64; and approve the March 8, 2010, minutes; carried unanimously. (Lyons/Tolan)
- UPDATE – SEASIDE AIRPORT ADVISORY COMMITTEE** Councilor Johnson introduced the Airport Committee members who attended the meeting, Randall Henderson, Steve Phillips, Roy Bennett, Wally Hamer, and Neal Wallace.
- Randall Henderson, 7233 SW Benz Park Ct., Portland, stated he was the chairman of the Airport Committee and enjoyed serving the City by volunteering for the committee. Mr. Henderson further stated the Airport Committee had accomplished quite a few projects like clearing trees that were a safety issue at the Seaside Airport; ongoing brush removal at the North and South end of the Airport; pavement maintenance which was mainly paid for by the state. The Seaside Airport was very fortunate since there was a pavement management program in place which consisted of crack repairs, sinkholes, and striping; Windsock and segmented circle update paint was completed a few years ago which the Federal Aviation Administration (FAA) covered nearly all of the cost of the project; parking lot was paved and a security fence was placed around part of the area which was paid for with a grant that was received; and there were drainage improvements done to the Airport. Mr. Henderson further stated the projects for 2010 would consist of a grant received from the FAA for \$226,000.00, to pay for extending the security fence; aviation easements to the North and South of the property; and drainage improvements. Mr. Henderson further stated future projects were adding signage to the airport; widen the runway; tie-down rework; upgrade runway and taxiway lighting; run-up pads; and approach slope indicator lights. Mr. Henderson further stated there were plans to improve transportation access with a bus stop schedule at the airport; and to improve pilot education for people flying in or out of the airport.
- Councilor Barber asked what kind of traffic the Seaside Airport experienced on a typical day.
- Mr. Henderson stated there was not a typical day at the Seaside Airport because in the summer the airport was very busy and in the winter there could be a week or two go by with just one or two planes depending on the weather. A typical summer weekend there could be approximately twenty airplanes on the ramp and on average there were ten to fifteen airplanes flying in and out.
- Mayor Larson asked if there was any discussion about adding another hanger at the Seaside Airport.
- Mr. Henderson stated the existing hanger at the airport was sub-leased. When more people were interested an additional hanger could be added.
- Councilor Tolan asked who had access to the security fence at the Seaside Airport.
- Mr. Henderson stated there was a pedestrian gate and an automobile gate at the airport. The policy and procedure for the gates were being established which would ensure no one was locked out. A person would exit out of the gate and get the code and when returning would use the same code to enter back into the gate.

Councilor Johnson complimented all of the Airport Committee members for all the hard work that had been done and were still doing. Councilor Johnson further stated there was a great pride in ownership by the members of the Committee.

Neal Wallace, Public Works Director, stated the Airport Committee had worked very hard with the FAA in developing the new Airport Improvement Project (AIP) which was a capital improvement list for the airport. Mr. Wallace further stated since adopting the Seaside Airport as part of the City infrastructure and with the help from the FAA and the Oregon Department of Aviation there had been many functional and safety improvements made at the airport. With the larger expenditure this year from the FAA the grants were very generous and only required a five percent match. This year Connect Three was being administered through the Oregon Department of Administration and would actually pick up even the five percent match and would make the project one hundred percent funded.

**BID RESULTS --
CONVENTION CENTER
IMPLEMENTATION
PROJECT PLAN**

Russ Vandenberg, Seaside Convention Center General Manager, stated he wanted to clarify the Convention Center's potential expansion project. There was a feasibility study conducted approximately a year and a half ago to see if there was enough business to support an expansion for the Seaside Convention Center. The feasibility study came back very positive and based on the demographic of the business there would be enough support to move further along. The next phase of studies would determine if there was an expansion, where the expansion would be built, a site study, land use study, geotechnical reports, environmental reports, and a cost estimate. The information would be collected and compiled into a master plan. The studies for the Convention Center were completed for the purpose of educating the City on whether or not the project needed to move forward. The studies were preliminary in nature and would be used strictly for educational purposes; there were no plans to expand the Convention Center at this time. The City Council would need to approve all reports or changes that were done to the Convention Center and there had never been an approval to expand the Convention Center. Mr. Vandenberg further stated the City received five bids for the Convention Center Expansion Implementation Master Plan. After making a detailed comparison, the Convention Center and Ad-hoc Committee recommended accepting the bid from EHS Design in the amount of \$36,000.00. EHS Design had presented a thorough understanding of the project, approach, presentation, and references.

Mayor Larson asked if EHS Design was based in Seattle.

Mr. Vandenberg stated that was correct the company was based in Seattle.

Councilor Barber asked where the funds would come from to pay for the master plan.

Mr. Vandenberg stated the funds came out of the Convention Center Contractual Professional funds.

Motion approving the bid for the Convention Center Expansion Implementation Master Plan to EHS Design Company in the amount of \$36,000.00; carried unanimously. (Johnson/Barber)

**VACANCY --
PARKS ADVISORY
COMMITTEE**

Mayor Larson stated there were two vacancies on the Parks Advisory Committee with two term expirations. Steve Phillips and Chris Quackenbush wished to be reappointed to the Committee. Mayor Larson asked Council what they wished to do.

Motion to reappoint Steve Phillips and Chris Quackenbush to the Parks Advisory Committee; carried unanimously. (Haller/Johnson)

Term expiration for Steve Phillips and Chris Quackenbush would be March 31, 2013.

**COMMENTS - STUDENT
REPRESENTATIVE**

Max Milander, Seaside Student Representative, stated Seaside High School students were on their Spring Break Vacation and in one week the final trimester would start for the school year. Mr. Milander further stated he was able to attend the Town Hall meeting on Saturday, March 20, 2010, with Senator Jeff Merkley, and presented the first question for the meeting.

COMMENTS -- COUNCIL

Councilor Johnson stated at the last City Council meeting he had suggested Council have a workshop to discuss alternative plans with paving, sidewalks, and curbs.

Mayor Larson asked Mr. Winstanley if a date could be set for the workshop.

Mark Winstanley, City Manager, stated staff was working on the date for the workshop.

Councilor Haller stated Mary Blake, Sunset Empire Parks and Recreation Director, had several great events scheduled for Spring Break.

Councilor Barber stated he had just returned from Germany on Sunday, March 21, 2010. Councilor Barber further stated he had visited Washington DC to attend the quarterly meeting of the Board of Directors of Mercy Corps, March 10, 2010, and March 11, 2010. Councilor Barber arrived a day early and visited the offices of Representative David Wu, Senator Ron Wyden, and Senator Jeff Merkley. The meetings were largely an opportunity to say hello to the members of congress and remind them of the needs in the Community and region.

Councilor Barber further stated both Representative Wu and Senator Merkley were present for the appointments; Senator Wyden was unable to attend but sent two of his staff to represent him. Representative Wu expressed the greatest interest in Seaside, and the City's request for appropriation support and was generally interested in the latest news from Seaside and Clatsop County. Councilor Barber further stated visits by local officials were very important in keeping issues alive to the representatives. If Senators and Representatives personally knew us and were well informed of both the opportunities and needs of the City then most likely Seaside would be remembered when decisions were made.

Mayor Larson stated there was a new bus service that traveled from Portland to Seaside for the day, and there had been a ribbon cutting for the bus service at the turnaround Saturday, March 20, 2010. Mayor Larson further stated he visited the Thunder group at the Seaside Convention Center this last weekend and everything seemed under control. Mayor Larson further stated the Sunday Oregonian printed a nice article regarding Seaside that was very positive. Mayor Larson further stated the portals for the Highway 26 Tunnel would not be touched or removed.

COMMENTS – STAFF

Neal Wallace, Public Works Director, stated the new lights were installed on the South Highway Sidewalk Project. Mr. Wallace further stated the work was finished with Seltzer Park at the Cove. Mr. Wallace further stated the City of Seaside received the Tree City USA Award for the Twelfth Year.

Mr. Vandenberg stated there was a meeting last month for the All American City application and the Committee has scheduled meetings with service organizations in Seaside to help identify some of the projects and get the organizations involved in the process.

Bob Gross, Seaside Police Chief, stated for the first Spring Break weekend there were seventy-five service calls. Chief Gross further stated there were more families in Seaside enjoying the activities offered for Spring Break.

Mr. Winstanley stated a City Council/Planning Commission Workshop was scheduled for Monday, March 29, 2010, 6:30 pm, to discuss the Transportation System Plan (TSP) with the main focus being Wahanna Road. Mr. Winstanley further stated Saturday, April 3, 2010, 2:00 pm, there would be a dedication for the Seaside Community Gardens. Mr. Winstanley further stated Tuesday, April 13, 2010, was the Arbor Day Celebration at 3:00 pm.

ADJOURNMENT

The regular meeting adjourned at 7:42 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

A public meeting on proposed supplemental budgets for the City of Seaside, Clatsop County, State of Oregon, for the fiscal year July 1, 2009 to June 30, 2010 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public meeting will take place during the regularly scheduled City Council meeting on the 12th day of April, 2010 at 7:00 P.M. The purpose of the public meeting is to consider a resolution adopting the supplemental budgets and making necessary appropriations.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: Convention Center

Beginning Fund Balance	\$(50,225)	Contingency	\$(53,000)
Transfer - Room Tax	(19,043)		
Convention Fees	6,000		
Miscellaneous	<u>10,268</u>		
Revised Total Resources	<u>\$(53,000)</u>	Revised Total Requirements	<u>\$(53,000)</u>

COMMENTS To reduce beginning balance to actual, reduce room tax per Resolution No. 2009-03, and increase convention and miscellaneous fees.

FUND: Room Tax & Business License

Beginning Fund Balance	\$ (2,324)	Materials & Services	\$(10,324)
Interest On Investments	<u>(8,000)</u>		
Revised Total Resources	<u>\$(10,324)</u>	Revised Total Requirements	<u>\$(10,324)</u>

COMMENTS To reduce beginning balance to actual and reduce investment income.

FUND: Public Safety

Beginning Fund Balance	\$(82,463)	Police	\$(50,463)
Transfer - Room Tax	27,204	Lifeguards	27,204
Fines & Forfeitures	<u>20,000</u>	Fire	<u>(12,000)</u>
Revised Total Resources	<u>\$(35,259)</u>	Revised Total Requirements	<u>\$(35,259)</u>

COMMENTS To reduce beginning balance to actual and increase room tax revenue per Resolution No. 2009-03.

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

FUND: Prom Improvement

Beginning Fund Balance	\$ (2,931)	Materials & Services	\$ (5,651)
Transfer - Room Tax	<u>(2,720)</u>		<u> </u>
Revised Total Resources	<u>\$ (5,651)</u>	Revised Total Requirements	<u>\$ (5,651)</u>

COMMENTS To reduce beginning balance to actual and reduce room tax revenue per Resolution No. 2009-03.

FUND: Convention Center Capital Improvements

Beginning Fund Balance	\$ (15,483)	Contingency	\$(20,924)
Transfer - Room Tax	<u>(5,441)</u>		<u> </u>
Revised Total Resources	<u>\$ (20,924)</u>	Revised Total Requirements	<u>\$(20,924)</u>

COMMENTS To reduce beginning balance to actual and reduce room tax revenue per Resolution No. 2009-03.

FUND: Water Reserve

Beginning Fund Balance	\$ (3,247)	Capital Outlay	\$(11,447)
Interest On Investments	<u>(8,200)</u>		<u> </u>
Revised Total Resources	<u>\$ (11,447)</u>	Revised Total Requirements	<u>\$(11,447)</u>

COMMENTS To reduce beginning balance to actual and reduce investment income.

FUND: Watershed Enhancement

Beginning Fund Balance	\$ (1,616)	Materials & Services	\$ (3,616)
Interest On Investments	<u>(2,000)</u>		<u> </u>
Revised Total Resources	<u>\$ (3,616)</u>	Revised Total Requirements	<u>\$ (3,616)</u>

COMMENTS To reduce beginning balance to actual and reduce investment income.

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

FUND: Systems Development - Water (91)

Beginning Fund Balance	\$ (9,604)	Capital Outlay	\$(29,604)
Interest On Investments	<u>(20,000)</u>		<u> </u>
Revised Total Resources	<u>\$ (29,604)</u>	Revised Total Requirements	<u>\$(29,604)</u>

COMMENTS To reduce beginning balance to actual and reduce investment income.

FUND: Systems Development - Sewer (91)

Beginning Fund Balance	\$ (3,769)	Capital Outlay	\$(23,769)
Interest On Investments	<u>(20,000)</u>		<u> </u>
Revised Total Resources	<u>\$ (23,769)</u>	Revised Total Requirements	<u>\$(23,769)</u>

COMMENTS To reduce beginning balance to actual and reduce investment income.

FUND: Systems Development - Parks (91)

Beginning Fund Balance	<u>\$ (50,366)</u>	Capital Outlay	<u>\$(50,366)</u>
Revised Total Resources	<u>\$ (50,366)</u>	Revised Total Requirements	<u>\$(50,366)</u>

COMMENTS To reduce beginning balance to actual.

FUND: Emergency Medical Services

Beginning Fund Balance	<u>\$ (928)</u>	Capital Outlay	<u>\$ (928)</u>
Revised Total Resources	<u>\$ (928)</u>	Revised Total Requirements	<u>\$ (928)</u>

COMMENTS To reduce beginning balance to actual.

RESOLUTION #3697

**A RESOLUTION ADOPTING AND APPROPRIATING
SUPPLEMENTAL BUDGETS OF LESS THAN 10 PERCENT
TO THE 2009-2010 CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following budget reduction for 2009-2010; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2009, and for the purpose shown below are hereby adjusted and appropriated as follows:

**Convention Center
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 985,032	\$ (50,225)	\$ 934,807
Transfer - Room Tax	1,395,571	(19,043)	1,376,528
Interest On Investments	29,000	0	29,000
Food & Liquor Franchise	680,000	0	680,000
Rentals/Events	65,000	0	65,000
Convention Fees	25,000	6,000	31,000
Promotion/Events	125,000	0	125,000
Bulk Housing	10,000	0	10,000
Miscellaneous	5,000	10,268	15,268
Total	\$ 3,319,603	\$ (53,000)	\$ 3,266,603

**Convention Center
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 819,219	\$ -	\$ 819,219
Materials & Services	1,129,950	0	1,129,950
Capital Outlay	312,000	0	312,000
Interfund Transfers	97,451	0	97,451
Contingency	150,000	(53,000)	97,000
Ending Fund Balance	810,983	0	810,983
Total	\$ 3,319,603	\$ (53,000)	\$ 3,266,603

**Prom Improvement
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 258,117	\$ (2,931)	\$ 255,186
Transfer - Room Tax	70,731	(2,720)	68,011
Interest On Investments	10,000	0	10,000
Total	\$ 338,848	\$ (5,651)	\$ 333,197

**Prom Improvement
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 50,000	\$ (5,651)	\$ 44,349
Capital Outlay	288,848	0	288,848
Total	\$ 338,848	\$ (5,651)	\$ 333,197

**Room Tax & Business License
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 349,246	\$ (2,324)	\$ 346,922
Interest On Investments	16,000	(8000)	8,000
Room Tax	2,720,411	0	2,720,411
Business License	168,000	0	168,000
Miscellaneous	100	0	100
Total	\$ 3,253,757	\$ (10,324)	\$ 3,243,433

**Room Tax & Business License
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 185,211	\$ -	\$ 185,211
Materials & Services	527,525	(10,324)	517,201
Interfund Transfers	2,276,609	0	2,276,609
Contingency	100,000	0	100,000
Ending Fund Balance	164,412	0	164,412
Total	\$ 3,253,757	\$ (10,324)	\$ 3,243,433

**Convention Center Capital Improvement
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 167,177	\$ (15,483)	\$ 151,694
Transfer - Business License	3,000	0	3,000
Transfer - Room Tax	171,386	(5,441)	165,945
Interest On Investments	5,500	0	5,500
Total	\$ 347,063	\$ (20,924)	\$ 326,139

**Convention Center Capital Improvement
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Capital Outlay	\$ 120,000	\$ -	\$ 120,000
Contingency	75,000	(20,924)	54,076
Ending Fund Balance	152,063	0	152,063
Total	\$ 347,063	\$ (20,924)	\$ 326,139

**Public Safety
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 234,114	\$ (82,463)	\$ 151,651
Transfer - Room Tax	367,255	27,204	394,459
Transfer - General	2,578,176	0	2,578,176
Tax Levy	70,000	0	70,000
Est. Taxes Not Rec'd	(6,300)	0	(6,300)
Delinquent Taxes	2,500	0	2,500
Tax Offsets	500	0	500
Interest On Investments	20,000	0	20,000
Interest On Taxes Receipts	400	0	400
Dog Licenses	1,050	0	1,050
Liquor Tax	76,500	0	76,500
State Revenue Sharing	70,500	0	70,500
State Fire Grant	10,000	0	10,000
Police Grant	10,000	0	10,000
Rural Fire Protection	30,000	0	30,000
Dispatch Service	74,200	0	74,200
Fines & Forfeitures	175,000	20,000	195,000
Parking Tickets	3,000	0	3,000
False Alarms	1,000	0	1,000
Sale of City Property	5,000	0	5,000
Miscellaneous - Police	29,000	0	29,000
Miscellaneous	3,500	0	3,500
Donations	4,000	0	4,000
Total	\$ 3,759,395	\$ (35,259)	\$ 3,724,136

**Public Safety
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Municipal Court	\$ 163,152	\$ -	\$ 163,152
Police	2,830,032	(50,463)	2,779,569
Lifeguards	0	27,204	27,204
Fire	482,539	(12,000)	470,539
Non-Departmental	283,672	0	283,672
Total	\$ 3,759,395	\$ (35,259)	\$ 3,724,136

**Water Reserve
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 330,795	\$ (3,247)	\$ 327,548
Interest On Investments	13,200	(8200)	5,000
Total	\$ 343,995	\$ (11,447)	\$ 332,548

**Water Reserve
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Capital Outlay	\$ 28,195	\$ (11,447)	\$ 16,748
Ending Fund Balance	315,800	0	315,800
Total	\$ 343,995	\$ (11,447)	\$ 332,548

**Watershed Enhancement
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 109,710	\$ (1,616)	\$ 108,094
Interest On Investments	4,400	(2000)	2,400
Total	\$ 114,110	\$ (3,616)	\$ 110,494

**Watershed Enhancement
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 14,110	\$ (3,616)	\$ 10,494
Capital Outlay	100,000	0	100,000
Total	\$ 114,110	\$ (3,616)	\$ 110,494

**Systems Development - Water (91)
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 1,139,688	\$ (9,604)	\$ 1,130,084
Systems Development - Prii	50,000	0	50,000
Systems Development - Int	1,000	0	1,000
Interest On Investments	44,000	(20000)	24,000
Total	\$ 1,234,688	\$ (29,604)	\$ 1,205,084

**Systems Development - Water (91)
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 50,000	\$ -	\$ 50,000
Capital Outlay	879,638	(29,604)	850,034
Special Payment	305,050	0	305,050
Total	\$ 1,234,688	\$ (29,604)	\$ 1,205,084

**Systems Development - Sewer (91)
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 1,139,634	\$ (3,769)	\$ 1,135,865
Systems Development - Prii	38,000	0	38,000
Systems Development - Int	600	0	600
Interest On Investments	44,000	(20000)	24,000
Total	\$ 1,222,234	\$ (23,769)	\$ 1,198,465

**Systems Development - Sewer (91)
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 50,000	\$ -	\$ 50,000
Capital Outlay	1,172,234	(23,769)	1,148,465
Total	\$ 1,222,234	\$ (23,769)	\$ 1,198,465

**Systems Development - Parks (91)
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 511,879	\$ (50,366)	\$ 461,513
Systems Development - Prii	15,000	0	15,000
Systems Development - Int	150	0	150
Interest On Investments	12,000	0	12,000
TLC Loan Proceeds	400,000	0	400,000
Total	\$ 939,029	\$ (50,366)	\$ 888,663

**Systems Development - Parks (91)
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Capital Outlay	\$ 228,908	\$ (50,366)	\$ 178,542
Debt Service	40,000	0	40,000
Interfund Transfer	670,121	0	670,121
Total	\$ 939,029	\$ (50,366)	\$ 888,663

**Emergency Medical Services
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 18,003	\$ (928)	\$ 17,075
Interest On Investments	600	0	600
	<u>\$ 18,603</u>	<u>\$ (928)</u>	<u>\$ 17,675</u>
Total	<u>\$ 18,603</u>	<u>\$ (928)</u>	<u>\$ 17,675</u>

**Emergency Medical Services
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 7,300	\$ -	\$ 7,300
Capital Outlay	11,303	(928)	10,375
	<u>\$ 18,603</u>	<u>\$ (928)</u>	<u>\$ 17,675</u>
Total	<u>\$ 18,603</u>	<u>\$ (928)</u>	<u>\$ 17,675</u>

Passed by the City Council of Seaside on this ____ day of _____, 2010.

Submitted to the Mayor and **Approved** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

A public meeting on a proposed supplemental budget for the Seaside Road District, Clatsop County, State of Oregon, for the fiscal year July 1, 2009 to June 30, 2010 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public meeting will take place during the regularly scheduled City Council meeting on the 12th day of April, 2010 at 7:00 P.M. The purpose of the public meeting is to consider a resolution adopting the supplemental budget and making necessary appropriations.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: District Road

Beginning Fund Balance	<u>\$(36,011)</u>	Capital Outlay	<u>\$(36,011)</u>
Revised Total Resources	<u>\$(36,011)</u>	Revised Total Requirements	<u>\$(36,011)</u>

COMMENTS To reduce beginning balance to actual.

RESOLUTION #3698

**A RESOLUTION ADOPTING AND APPROPRIATING A
SUPPLEMENTAL BUDGET OF LESS THAN 10 PERCENT
TO THE 2009-2010 SEASIDE ROAD DISTRICT BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following budget reduction for 2009-2010; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2009, and for the purpose shown below are hereby adjusted and appropriated as follows:

**District Road
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 821,161	\$ (36,011)	\$ 785,150
Current Taxes	268,056	0	268,056
Est Taxes Not Recd	(24,125)	0	(24,125)
Delinquent Taxes	7,500	0	7,500
Tax Offsets	1,900	0	1,900
Interest On Investments	30,000	0	30,000
Interest On Tax Receipts	1,800	0	1,800
	<hr/>	<hr/>	<hr/>
Total	\$ 1,106,292	\$ (36,011)	\$ 1,070,281
	<hr/>	<hr/>	<hr/>

**District Road
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 7,100	\$ -	\$ 7,100
Capital Outlay	1,073,533	(36,011)	1,037,522
Interfund Transfers	25,659	0	25,659
	<hr/>	<hr/>	<hr/>
Total	\$ 1,106,292	\$ (36,011)	\$ 1,070,281
	<hr/>	<hr/>	<hr/>

Passed by the City Council of Seaside on this ____ day of _____, 2010.

Submitted to the Mayor and **Approved** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC HEARING
FOR SUPPLEMENTAL BUDGETS
Of greater than 10% of Fund Expenditures**

A public hearing on proposed supplemental budgets for the City of Seaside, Clatsop County, State of Oregon, for the fiscal year July 1, 2009 to June 30, 2010 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public hearing will take place during the regularly scheduled City Council meeting on the 12th day of April, 2010 at 7:00 P.M. The purpose of the public hearing is to discuss the supplemental budget with interested persons. A copy of the supplemental budget document may be inspected or obtained on or after April 5, 2010 at City Hall, between the hours of 8:00 AM and 5:00 PM.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: Capital Construction - Water

Beginning Fund Balance	\$ 574,232	Interfund Transfer	\$651,270
Miscellaneous	<u>77,038</u>		<u> </u>
Revised Total Resources	<u>\$ 651,270</u>	Revised Total Requirements	<u>\$651,270</u>

COMMENTS To budget for the closing transfer of the water tank construction project to the water fund.

FUND: Capital Improvement & Maintenance

Beginning Fund Balance	<u>\$ (29,132)</u>	Materials & Services	<u>\$ (29,132)</u>
Revised Total Resources	<u>\$ (29,132)</u>	Revised Total Requirements	<u>\$ (29,132)</u>

COMMENTS To reduce beginning balance to actual.

FUND: Capital Construction - Library

Beginning Fund Balance	\$ (202,135)	Interfund Transfer	\$169,353
Sale of Property	<u>371,488</u>		<u> </u>
Revised Total Resources	<u>\$ 169,353</u>	Revised Total Requirements	<u>\$169,353</u>

COMMENTS To reduce beginning balance to actual, budget for the sale of the old library, and budget for the closing of the library construction fund to the library trust.

**NOTICE OF A PUBLIC HEARING
FOR SUPPLEMENTAL BUDGETS
Of greater than 10% of Fund Expenditures**

FUND: Equipment Replacement

Beginning Fund Balance	<u>\$ (16,502)</u>	Capital Outlay	<u>\$ (16,502)</u>
Revised Total Resources	<u>\$ (16,502)</u>	Revised Total Requirements	<u>\$ (16,502)</u>

COMMENTS To reduce beginning balance to actual.

FUND: Economic Development

Beginning Fund Balance	<u>\$ (575)</u>	Materials & Services	<u>\$ (575)</u>
Revised Total Resources	<u>\$ (575)</u>	Revised Total Requirements	<u>\$ (575)</u>

COMMENTS To reduce beginning budget to actual.

FUND: Mary Catlin Trust

Beginning Fund Balance	<u>\$ 32,671</u>	Interfund Transfer	<u>\$ 32,671</u>
Revised Total Resources	<u>\$ 32,671</u>	Revised Total Requirements	<u>\$ 32,671</u>

COMMENTS To budget for closing transfer to the library trust fund.

FUND: Library Memorials

Beginning Fund Balance	<u>\$ 11,435</u>	Interfund Transfer	<u>\$ 11,435</u>
Revised Total Resources	<u>\$ 11,435</u>	Revised Total Requirements	<u>\$ 11,435</u>

COMMENTS To budget for closing transfer to the library trust fund.

RESOLUTION #3699

**A RESOLUTION ADOPTING AND APPROPRIATING
SUPPLEMENTAL BUDGETS OF MORE THAN 10 PERCENT
TO THE 2009-2010 CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following budget reduction for 2009-2010; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2009, and for the purpose shown below are hereby adjusted and appropriated as follows:

**Capital Construction - Water
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ -	\$ 574,232	\$ 574,232
Miscellaneous	0	77,038	77,038
Total	<u>\$ -</u>	<u>\$ 651,270</u>	<u>\$ 651,270</u>

**Capital Construction - Water
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Interfund Transfers	\$ -	\$ 651,270	\$ 651,270
Total	<u>\$ -</u>	<u>\$ 651,270</u>	<u>\$ 651,270</u>

**Capital Improvement & Maintenance
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 126,394	\$ (29,132)	\$ 97,262
Transfer - Room Tax	84,333	0	84,333
Interest On Investments	5,000	0	5,000
Total	<u>\$ 215,727</u>	<u>\$ (29,132)</u>	<u>\$ 186,595</u>

**Capital Improvement & Maintenance
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 45,500	\$ (29,132)	\$ 16,368
Capital Outlay	161,227	0	161,227
Interfund Transfers	9,000	0	9,000
Total	<u>\$ 215,727</u>	<u>\$ (29,132)</u>	<u>\$ 186,595</u>

**Capital Construction - Library
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ -	\$ (202,135)	\$ (202,135)
Sale of City Property	0	371,488	371,488
Total	\$ -	\$ 169,353	\$ 169,353

**Capital Construction - Library
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Interfund Transfers	\$ -	\$ 169,353	\$ 169,353
Total	\$ -	\$ 169,353	\$ 169,353

**Equipment Replacement
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 49,086	\$ (16,502)	\$ 32,584
Transfer - Public Works	3,000	0	3,000
Transfer - General (Library)	6,100	0	6,100
Transfer - Public Safety	5,062	0	5,062
Interest On Investments	1,000	0	1,000
Property Leases	18,900	0	18,900
Total	\$ 83,148	\$ (16,502)	\$ 66,646

**Equipment Replacement
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Capital Outlay	\$ 83,148	\$ (16,502)	\$ 66,646
Total	\$ 83,148	\$ (16,502)	\$ 66,646

**Economic Development
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 3	\$ (575)	\$ (572)
Interest On Investments	40	0	40
Cigarette Tax	2,600	0	2,600
Total	\$ 2,643	\$ (575)	\$ 2,068

**Economic Development
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 2,643	\$ (575)	\$ 2,068
Total	\$ 2,643	\$ (575)	\$ 2,068

**Mary Catlin Trust
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ -	\$ 32,671	\$ 32,671
Total	<u>\$ -</u>	<u>\$ 32,671</u>	<u>\$ 32,671</u>

**Mary Catlin Trust
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Interfund Transfer	\$ -	\$ 32,671	\$ 32,671
Total	<u>\$ -</u>	<u>\$ 32,671</u>	<u>\$ 32,671</u>

**Library Memorials
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ -	\$ 11,435	\$ 11,435
Total	<u>\$ -</u>	<u>\$ 11,435</u>	<u>\$ 11,435</u>

**Library Memorials
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Interfund Transfers	\$ -	\$ 11,435	\$ 11,435
Total	<u>\$ -</u>	<u>\$ 11,435</u>	<u>\$ 11,435</u>

Passed by the City Council of Seaside on this ____ day of _____, 2010.

Submitted to the Mayor and **Approved** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

Memorandum

To: Mayor and City Council
From: Bob Mitchell, Seaside Community Development Building Official
Date: April 8, 2010
Re: Revisions to City Ordinance Chapters 150 and 159

Background:

The City of Seaside Building Department manages and operates a full service building inspection and plan review program on behalf of the State of Oregon. The State recently passed Senate Bill 915 mandating Building Code violations to be assessed as civil penalties. This administration process excludes the use of the Municipal Court system. The revised ordinance will offer the violator a local appeal procedure through the City Manager to have an assessed penalty lowered or have it dismissed.

Minor modifications are also needed to City Ordinance chapters 150 and 159. This is due to changing codes, and I have found repetition of requirements for dangerous buildings. Sections in chapter 150 regarding dangerous buildings are repeated in the Ordinance. Ordinance 159 is a complete separate chapter referred to as the city's Dangerous Building Code." I propose to relocate penalties for violations to the Dangerous Building Code to chapter 159 as well.

Civil penalties are limited by State Statute to \$5000, except an ongoing offense cannot be assessed more than \$1000 each day after the violation exists. The State of Oregon and the City of Cannon Beach have in place the ability to use the maximum civil penalty amount permitted by law. I feel there can be situations to warrant a stiffer penalty than currently adopted as determined by the City Manger. The current City Ordinance limits Building Code violations to \$1000.

Recommendation:

Approve the minor modifications to City Ordinance Chapters 150 and 159. Chapter 150 is being amended to comply with Senate Bill 915, and raise the maximum permitted penalty amount for Building Code violations to \$5000. Raising this penalty to this level also encourages voluntary compliance. As previously noted, a petitioner will be offered an administrative process to have an assessed penalty dismissed or lowered by the City Manager.

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 150 AND 159 OF THE SEASIDE CODE OF ORDINANCES REGARDING BUILDING REGULATIONS AND ABATEMENT OF DANGEROUS BUILDINGS

THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

WHEREAS, the City of Seaside Building Department is amending sections 150.20, 150.71, 150.73, and 150.99, as required by Senate Bill 915; deleting section 150.35 through 150.42, which is duplicated in Chapter 159; and adding section 159.02.

SECTION 1. Section 150.20 Standard Code Adopted by Reference is amended to read:

The following codes are hereby adopted by reference and made a part of this code, the same as if set forth in full herein:

- (A) The 1994 1997 edition of the Uniform Housing Code, as published by the International Conference of Building Officials.
- (B) The current edition of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations, its standards, and Appendix Chapters 3 (Div. I & II), 4 (Div. 11), 9 (Division III), 15, 16, 18, 19, 29, 31 (Div. II & III), and the 1997 Uniform Building Code, Appendix 33 or current chapters.
- (C) The current editions of the State of Oregon Mechanical Specialty Code, Appendix A, and chapters 10 and 15 of Appendix B.
- (D) The current edition of the Oregon State Plumbing Specialty Code, its standards and administrative rules.
- (E) The current edition of the State of Oregon Residential One and Two-Family Dwelling Specialty Code.
- (F) The State of Oregon Administrative Rules Chapter 814, Division 23, for the placement of mobile homes, and Chapter 814, Division 28, mobile home parks.

SECTION 2. Section 150.35-150.42 Unsafe Buildings and Structures (adopted in Section 159) is deleted:

~~150.35 MAINTENANCE OF BUILDINGS~~

~~All buildings, structures, safeguards and devices, both existing and new, and all parts thereof, shall be maintained in conformance with acceptable fire, life, safety, structural, mechanical, plumbing, sanitary and health practices.~~

~~150.36 DESIGNATION OF UNSAFE BUILDINGS OR STRUCTURES~~

~~(A) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unstable to sustain the design loads, are designated as unsafe building appendages.~~

~~(B) All such unsafe buildings, structures or appendages are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the 1994 Uniform Code for the Abatement of Dangerous Buildings.~~

150.37 NOTICE TO ABATE; TIME FRAME

~~(A) On determination that a violation exists, the city shall post a notice of abatement on the property, and a written notice by certified mail shall be served upon the owner of record of the property.~~

~~(B) The notice to abate shall contain:~~

~~(1) A legal description of the property where the violation exists.~~

~~(2) A direction to abate the violation within a specified time frame.~~

~~(3) A description of the violation.~~

~~(4) A statement that, unless the violation is removed, the city may abate the violation and the cost of abatement will be charged to the owner.~~

~~(5) A statement that failure to abate a violation may warrant citation into municipal court with the imposition of a fine.~~

~~(6) A statement that the person responsible may protest the notice to abate by giving notice to the city manager, ten days from the date of posting of the notice.~~

~~(C) The person posting the notice shall execute and file with the city a certificate before a notary public, stating the date and place of the posting, required in division (A) of this section.~~

~~(D) An error in the name or address of the person responsible shall not make the notice void.~~

~~(E) The violation shall be abated within a reasonable time, but not more than 30 days.~~

150.38 ABATEMENT BY PERSON RESPONSIBLE

~~(A) Within the time frame specified in the notice to abate, the person responsible shall remove the violation, or file a protest within ten days from the date of notice.~~

~~(B) The person responsible may request an extension of time from the City Manager, or authorized designee, who may grant a reasonable extension or accommodations to the specified time frame.~~

~~(C) The person responsible, protesting that no exists, shall file a written statement that the basis for the protest with the City or authorized designee.~~

~~(D) The statement shall be referred to the City Council as a part of its regular agenda at its next meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council.~~

~~In all cases the Council shall determine whether a violation in fact exists, and set a time frame for the abatement of the violation. The determination shall be entered in the official minutes of the Council.~~

~~(E) If the Council determines that a violation in fact exists, the person responsible shall abate the violation within the time frame specified.~~

~~(F) If more than one person is responsible for the violation, they shall be jointly and severally liable for abating the violation or for the costs incurred by the city in abating the violation.~~

150.39 ABATEMENT BY CITY

~~(A) If the violation has not been abated by the person responsible within the time allowed, the Council may cause the violation to be abated.~~

~~(B) The officer charged with the abatement of the violation shall have the right to enter onto or upon property at reasonable times to investigate or cause removal of a violation.~~

~~(C) The City Manager shall keep an accurate record of the expense incurred by the city in physically abating the violation and shall include a charge equal to 20% of those expenses for administrative costs.~~

150.40 ASSESSMENT OF COSTS

(A) The City Manager shall forward to the person responsible, by certified mail, a notice of assessment stating:

~~(1) The total cost of the abatement, including administrative costs.~~

~~(2) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.~~

~~(3) That if the owner, or the person responsible, objects to the cost of the abatement, as indicated, a notice of objection may be filed with the City Manager not more than five days from the date of the notice of assessment.~~

~~(B) No later than 30 days after the date of objection, the Council, in regular course of business, shall hear and make a decision on the objections to the costs assessed.~~

~~(C) If the costs of the abatement are not paid within 30 days from the date of the notice of assessment, an assessment of the costs, as stated or as decided by the Council, shall be made by resolution, and it shall constitute a lien on the property from which the violation was removed or abated.~~

~~(D) The lien shall be enforced in the same manner as liens for street improvements, utility bills and other city liens and shall bear interest at an annual rate of 18%. The interest rate shall begin to run on the thirty-first day from the date of notice of abatement.~~

~~(E) An error in the name of the owner or the person responsible or a failure to receive the notice of assessment will not void the assessment, and it shall remain a valid lien against the property.~~

150.41 SUMMARY ABATEMENT

City officials may proceed to summarily abate a health or other violation which imminently endangers human life or property. The person responsible for such a violation shall reimburse the city for costs incurred in abating the violation.

150.42 VIOLATIONS

~~(A) Each day a violation of a provision of this subchapter constitutes a separate violation.~~

~~(B) The abatement of a nuisance is not a penalty for violation of this subchapter, but is an additional remedy. The imposition of a fine does not relieve a person of the duty to abate the violation.~~

SECTION 3. Section 150.71 (B) Work Without Permit; Investigation is amended to read:

(B) An investigation fee in the amount equal to the permit fee but not less than \$50, in addition to the permit fee and any **assessment penalty** citation, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the subchapter nor from any penalty prescribed by law.

SECTION 4. Section 150.73 Enforcement of Standard Codes is amended to read:

(A) The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, ~~and Appendix chapter 33 is enforced as part of this subchapter.~~

(B) Appendix chapter 33 **of the Uniform Building Code, 1994 1997 Edition**, published by the ICBO, ~~except tables 33-A and 33-B~~, is adopted as part of this subchapter.

(C) The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0040, is enforced as part of this subchapter.

- (D) The Oregon Plumbing Specialty Code, as adopted by OAR 918-750-0010, is enforced as part of this subchapter.
- (E) The Oregon Electrical Specialty Code, as adopted by OAR 918-290-0010, is enforced as part of this subchapter.
- (F) The Oregon ~~One and Two Family Dwelling~~ **Residential Specialty Code**, as adopted by OAR 918-480-0000 through 918-480-0010, and **the 1997 Uniform Building Code**, Appendix Chapter 33, ~~Oregon Structural Specialty Code~~, is enforced as part of this subchapter.
- (G) The Manufactured Dwelling Park and Mobile Home Park rules adopted by OAR 918-600-0005 through 918-600-0110, and ~~appendix chapter 33, Oregon Structural Specialty Code~~, are enforced as part of this subchapter.
- (H) The Manufactured Dwelling rules adopted by OAR 918-500-0000 through 918-500-0500 and OAR 918-520-0010 through 918-520-0020, and ~~Appendix chapter 33, Oregon Structural Specialty Code~~, are enforced as part of this subchapter.
- (I) The Recreational Park and Organizational Camp Rules adopted by OAR 918-650-0000 through 918-650-0085, and ~~Appendix chapter 33, Oregon Structural Specialty Code~~, are enforced as part of this subchapter.

SECTION 5. Section 150.99 Penalty is amended to read:

~~(A) Any person violating any provisions of § 150.01, or any provision of this chapter for which no specific penalty is otherwise provided, shall, upon conviction in the municipal court of the city, be punished by a fine not to exceed \$700.~~

~~(B) Violation of § 150.02, or of any provision of § 150.35 through 150.42, or any provision of § 150.55 through 150.74 is a misdemeanor, and may be punishable, upon conviction, by a fine of not more than \$700. Each day that a violation exists is a separate offense.~~

~~(C) Any violation of § 150.03 or 150.20 may be punishable, upon conviction in the municipal court of the city, by fine of not to exceed \$1,000.~~

A. Any person violating any provisions of 150.01, 150.03, or 150.04 and any provision of this chapter for which no specific penalty is otherwise provided, shall upon conviction in the Municipal Court of the City, be punished by a fine not to exceed \$1000.

B. Violation of any provision of 150.20 of this chapter is subject to an Administrative Civil Penalty not to exceed \$5000 for a single violation and shall be processed in accordance with the procedures set forth in this code. Each additional day that a violation of a provision of this ordinance exists constitutes a separate violation with a Civil Penalty not to exceed \$1000.

C. In addition to the above penalties, a condition caused or permitted to exist in violation of this ordinance is a public nuisance and may be abated by any of the procedures set forth under law.

D. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under any ordinance, statute, or law.

AUTHORITY TO IMPOSE A CITATION INTO MUNICIPAL COURT AND ASSESS ADMINISTRATIVE CIVIL PENALTIES

- A. Upon a determination by the Building Official that any responsible person, firm, corporation or other entity however organized has violated any provisions of 150.01, 150.03, or 150.04, may be issued a citation into Municipal Court.**

- B. Upon a determination by the Building Official that any responsible person, firm, corporation or other entity however organized has violated any provisions of 150.20; the Building Official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an Administrative Civil Penalty.**

For purposes of this subsection and subsection B above, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, this may include the owner or owners as well.

- C. Prior to issuing a citation or an Administrative Civil Penalty, the Building Official may pursue reasonable attempts to secure voluntary correction.**
- D. Any notice of a civil violation that imposes an Administrative Civil Penalty under this section shall either be served by personal service or shall be sent by registered or certified mail.**

Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date if mailed to an address within this state, and seven days after the date if mailed to an address outside this state. Every notice shall include:

1. Reference to the particular code provision, ordinance number or rule involved;
2. A short and plain statement of the matters asserted or charged;
3. A statement of the amount of the penalty or penalties imposed and;
4. A statement of the party's right to appeal the Civil Penalty to the City Manager, a description of the process the party may use to appeal the Civil Penalty; and the deadline by which such an appeal must be filed.

- E. Any person, firm, corporation, or other entity however organized that is issued a notice of Civil Penalty may appeal the penalty to the City Manager.**
- F. A Civil Penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager within 10 days.**
- G. Each day the violator fails to remedy the code violation shall constitute a separate violation.**
- H. The Civil Penalty authorized by this section shall be in addition to assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and any other actions authorized by law.**

UNPAID PENALTIES

- A. Failure to pay an imposed Administrative Civil Penalty pursuant to this code within ten days after the penalty becomes final shall constitute a violation of this code. Such time may be extended as determined by the City Manager. Each day the penalty is not paid after this deadline shall constitute a separate violation. The City is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by law.**
- B. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an Administrative Civil Penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or Certificate of Occupancy.**

SECTION 6. Section 159.02 Assessment of Penalties is added to read:

- A. Any violation of this chapter is subject to an Administrative Civil Penalty not to exceed \$5000 for a single violation and shall be processed in accordance with the procedures set forth in this code. Each additional day that a violation of a provision of this ordinance exists constitutes a separate violation with a Civil Penalty not to exceed \$1000.**
- B. In addition to the above penalties, a condition caused or permitted to exist in violation of this ordinance is a public nuisance and may be abated by any of the procedures set forth under law.**
- C. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under any ordinance, statute, or law.**

AUTHORITY TO IMPOSE AN ADMINISTRATIVE PENALTY

- A. Upon a determination by the Building Official, any responsible person, firm, corporation or other entity however organized violating any provisions of this chapter may be issued an Administrative Civil Penalty.**
- B. Upon a determination by the Building Official that any responsible person, firm, corporation or other entity however organized has violated any provisions of this chapter; the Building Official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an Administrative Civil Penalty. For purposes of this subsection and subsection B above, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, this may include the owner or owners as well.**
- C. Prior to issuing a citation or an Administrative Civil Penalty, the Building Official may pursue reasonable attempts to secure voluntary correction.**
- D. Any notice of a civil violation that imposes an Administrative Civil Penalty under this section shall either be served by personal service or shall be sent by registered or certified mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date if mailed to an address within this state, and seven days after the date if mailed to an address outside this state. Every notice shall include:
 - 1. Reference to particular code provision, ordinance number, or rule involved;**
 - 2. A short and plain statement of the matters asserted or charged;**
 - 3. A statement of the amount of the penalty or penalties imposed and;**
 - 4. A statement of the party's right to appeal the Civil Penalty to the City Manager, a description of the process the party may use to appeal the civil penalty; and the deadline by which such an appeal must be filed.****
- E. Any person, firm, corporation, or other entity however organized that is issued a notice of Civil Penalty may appeal the penalty to the City Manager.**
- F. A Civil Penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager with 10 days.**
- G. Each day the violator fails to remedy the code violation shall constitute a separate violation.**

H. The Civil Penalty authorized by this section shall be in addition to assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and any other actions authorized by law.

UNPAID PENALTIES

A. Failure to pay an imposed Administrative Civil Penalty pursuant to this code within ten days after the penalty becomes final shall constitute a violation of this code. Such time may be extended as determined by the City Manager. Each day the penalty is not paid after this deadline shall constitute a separate violation. The City is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by law.

B. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an Administrative Civil Penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or Certificate of Occupancy.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect and be in force on May 28, 2010.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2010, by the following roll call vote:

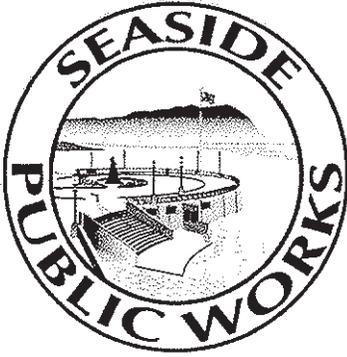
YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager



MEMO

To: The Honorable Mayor and Members of the City Council
From: Neal Wallace
Date: April 7, 2010
Re: Waste Water Treatment Plant Improvements

The Seaside Waste Water Treatment Plant (WWTP) is in need of renovations. There are renovations needed because age is taking a toll on the plant, others are needed because they are being mandated by the State and Federal Government, and the other renovations are simply needed to improve operational capabilities. The following projects and their rough costs have been included for your consideration:

- The Outfall Project\$1,200,000
- Lift Station Electronics and Controls.....\$500,000
- Automated Lime System.....\$350,000 - 1st set pictures
- Generator for Plant.....\$350,000
- Lift Station #3 Pump Project.....\$165,000 - 3rd set pictures
- Land Purchase near City Farm.....\$135,000
- Collection System Master Plan.....\$250,000

The outfall project is the DEQ mandated project and is currently being engineered. Application has already been made for the permits that will be required by the Division of State Lands and the Corps of Engineers. The lift station electronics and controls project has been engineered and is waiting for funding to go out to bid. This is a very important project because failing control systems on the lift stations have already caused the City to be fined over \$10,000. The automated lime system is needed to replace the archaic and dangerous process of hand mixing lime. Lift station #3 is the City's main lift station and is in need of new pumps to replace the existing 24 year old units. A generator will allow full function of the sewer plant and lab building during a power outage. The land purchase will help us with our bio-solids application and add about 11 acres to our existing farm. The last collections system planning was completed in the early 1980's.