

**AGENDA SEASIDE CITY COUNCIL MEETING
DECEMBER 10, 2012 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS – PUBLIC
6. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
7. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$517,139.64
 - b) APPROVAL OF MINUTES – NOVEMBER 26, 2012 REGULAR MINUTES
8. UNFINISHED BUSINESS:
 - a) VACANCY – LIBRARY BOARD
9. RECOGNITION – COUNCILOR TIM TOLAN
10. NEW BUSINESS:
 - a) PRESENTATION OF 2011-2012 CITY OF SEASIDE AUDIT, RICK PROULX
 - b) BID RESULTS – WASTEWATER TREATMENT PLANT METAL BUILDING PACKAGE FOR DRYER
11. COMMENTS FROM STUDENT REPRESENTATIVE
12. COMMENTS FROM THE COUNCIL
13. COMMENTS FROM THE CITY STAFF & PUBLIC
14. ADJOURNMENT

Complete copies of the Current Council meeting Agenda Packets can be viewed at: *Seaside Public Library and Seaside City Hall. The Agendas and Minutes can be viewed on our website at www.cityofseaside.us.*

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.

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Don Larson.
- Mayor Larson announced that Oliver Vernor passed away on Monday, November 19, 2012, and served on the City Council for six years and was Mayor for four years. Don McKay passed away on Friday, November 23, 2012, and had served two years on the City Council and also served on the Library Board.
- Present: Mayor Don Larson, Council President Don Johnson, Councilor Dana Phillips, Stubby Lyons, Tim Tolan, Jay Barber, and Tita Montero.
- Absent: None
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Sayde Moser, Seaside Signal; and Nancy McCarthy, Daily Astorian.
- AGENDA** Motion to approve the November 26, 2012 agenda; carried unanimously. (Lyons/Phillips)
- PROCLAMATION** Councilor Lyons read the Proclamation for Pearl Harbor Day.
- COMMENTS – PUBLIC** None
- CONFLICT** Mayor Larson asked whether any Councilor wished to declare a conflict of interest. No one declared a conflict of interest.
- CONSENT AGENDA** Motion to approve payment of the bills in the amount of \$105,993.92; and November 12, 2012, regular minutes; carried unanimously. (Lyons/Johnson)
- VACANCY – PARKS ADVISORY COMMITTEE**
- Mayor Larson stated there was one vacancy on the Parks Advisory Committee with two applications received from Mary Blake and Sean McKendry who had been interviewed prior to the Council meeting. Mayor Larson asked Council what they wished to do.
- Motion to appoint Mary Blake to the Parks Advisory Committee; carried unanimously. (Tolan/Phillips)
- The term expiration for Mary Blake would be March 31, 2014.
- VACANCY – LIBRARY BOARD**
- Mayor Larson stated there were two vacancies on the Library Board with two term expirations from Don McKay and James Shipley. Mayor Larson further stated James Shipley wished to be reappointed and Don McKay had resigned. Mayor Larson asked Council what they wished to do.
- Motion to reappoint James Shipley to serve on the Library Board; carried unanimously. (Lyons/Montero)
- Mayor Larson asked the press to advertise the vacancy for the Library Board.
- The term expiration for James Shipley would be December 31, 2016.
- VACANCY – BUDGET COMMITTEE**
- Mayor Larson stated there were two vacancies on the Budget Committee with two term expirations from Genesee Dennis and Gayle Spear who wished to be reappointed. Mayor Larson asked Council what they wished to do.
- Motion to reappoint Genesee Dennis and Gayle Spear to serve on the Budget Committee; carried unanimously. (Barber/Lyons)
- The term expiration for Genesee Dennis and Gayle Spear would be December 31, 2015.

VACANCY –
BUILDING BOARD
OF APPEALS

Mayor Larson stated there were two vacancies on the Building Board of Appeals with two term expirations from James O'Brien and Christopher Rose who wished to be reappointed. Mayor Larson asked Council what they wished to do.

Motion to reappoint James O'Brien and Christopher Rose to serve on the Building Board of Appeals; carried unanimously. (Johnson/Montero)

The term expiration for James O'Brien and Christopher Rose would be December 31, 2015.

VACANCY –
TOURISM ADVISORY
COMMITTEE

Mayor Larson stated there were two vacancies on the Tourism Advisory Committee with two term expirations from Keith Chandler and Angela Clark who wished to be reappointed. Mayor Larson asked Council what they wished to do.

Motion to reappoint Keith Chandler and Angela Clark to serve on the Tourism Advisory Committee; carried unanimously. (Montero/Lyons)

The term expiration for Keith Chandler and Angela Clark would be December 31, 2015.

RESOLUTION #3783

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, APPROVING A
LEASE/PURCHASE MASTER AGREEMENT BETWEEN IBM CREDIT LLC AND CITY
OF SEASIDE

Mark Winstanley, City Manager, explained the City of Seaside was purchasing a new mainframe computer. Currently the computer the City of Seaside had been using was ten years old. As far as IBM was concerned the computer had become obsolete and IBM no longer supported the computer. There were also storage problems with the computer and it needed to be replaced. Mr. Winstanley stated the price of the computer was within the City of Seaside's purchasing authority but IBM needed the City to pass a resolution by the governing body authorizing the acquisition of the mainframe computer which was \$23,000.00 which would be financed over three years.

Mayor Larson asked for public comments.

Merlin Humpal, 2481 Oregon Street, Seaside, asked what kind of computer was this, how much memory and how much storage.

Mr. Winstanley stated he could not answer the question because the IT Computer people ordered computers for the City of Seaside. The computer was an AS400 which was the same model the City of Seaside had at this time. The City of Seaside needed to stay with this model of computer because the software was fairly particular and the City needed to stay with this type of IBM computer because the software would need to be replaced which would be a huge expense. Mr. Winstanley further stated the computer was more powerful and had an unbelievable storage system and would last at least another ten years.

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

Motion to read Resolution #3783 by title only; carried unanimously. (Johnson/Tolan)

Motion to adopt Resolution #3783; carried unanimously. (Johnson/Montero)

APPROVAL =
LEASE/PURCHASE
MASTER AGREEMENT
IBM CREDIT LLC

Mr. Winstanley explained IBM was requiring a letter from the City of Seaside's attorney Dan Van Thiel giving the authority to purchaser the computer and that the City of Seaside follows the law.

Mr. Van Thiel stated the letter had already been added to the City Attorney's letterhead and was waiting to be approved by Council.

Motion approving the Lease/Purchase Agreement between IBM Credit LLC and City of Seaside with legal Counsel's signature; carried unanimously. (Johnson/Tolan)

ORDINANCE #2012-07

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 71
OF THE SEASIDE CODE OF ORDINANCES REGARDING GOLF CARTS

Mr. Winstanley explained the City had a request from a citizen as to whether the City Council would consider an ordinance allowing golf carts to be driven on City streets. The Chief of Police took a look at other ordinances in other cities and cities were all over the map on this one.

Some cities did not allow golf carts which was currently the language that was in Seaside's Ordinances. There were some cities that allowed golf carts and some that only allowed golf carts in particular areas. Staff was fulfilling the wish of a citizen of Seaside and this was not something that we were recommending or not recommending but the ordinance was here for Council's consideration.

Bob Gross, Seaside Police Chief, explained when researching golf carts there were proclamations that stated golf carts could be driven on City streets to a very detailed City Ordinance that was very restrictive in some areas and had a ton of rules and regulations. Chief Gross further stated staff took a look at ordinances that were in between and would be best suited for the City of Seaside if Council decided they would like to establish an ordinance for golf carts. Chief Gross further stated Council had a copy of the ordinance and he would go over some of the highlights. The ordinances stated golf carts could be operated on any street where the speed limit did not exceed thirty miles per hour, the operator of a golf cart must have a valid drivers license, and the owner or operator must maintain a minimum Oregon State Liability Insurance. Chief Gross checked into the cost of the insurance and based on the ordinance as written it would cost \$100.00 to \$150.00 annually depending on the insurance company. The ordinance would also require any golf cart operated at dusk or during darkness to have two headlamps at least one stop lamp, turn signals, and tail lamps, operators of a golf cart were subject to all state and federal traffic laws with any citations or penalties handled in the same manner as other vehicles, parents or legal guardians of a licensed operator that was under the age of eighteen were legally responsible for the minors actions both criminally and civilly for any damage that may have occurred to City property or anyone else's property. Chief Gross further stated that was the way the City chose to write the ordinance and there were businesses in town that rented golf carts and allowed them to be driven in the downtown corridor. Chief Gross further stated over the years he has been contacted about golf carts and the people were told that golf carts were not allowed and there was a gentleman that moved here from a City that allowed golf carts and in conversations wanted to drive his golf cart just to the beach and back to his home. Chief Gross further stated based on the request for golf carts the City was presenting the ordinance to Council for their consideration.

Councilor Phillips asked if the gentleman lived on Wahanna Road.

Chief Gross stated the gentleman lived east of Wahanna Road on Spruce.

Councilor Phillips stated it would not be legal for him to cross Highway 101 to go to the beach.

Chief Gross stated it would be legal because he would be driving across the highway and not on the highway.

Mayor Larson asked for public comments.

Mr. Humpal stated it occurred to him that there were many people driving their wheelchairs and how different was golf carts to wheelchairs.

Chief Gross stated wheelchairs were covered by Oregon Revised Statutes (ORS) that permitted the disabled to use their wheelchairs. The ORS allowed for golf cart use under certain restrictions if the municipality agreed for golf carts to be allowed in the City.

Mayor Larson asked Laurie Oxley if she had a golf cart.

Laurie Oxley, Seaside Downtown Development Association, stated she liked to think it wasn't a golf cart but the frame was indeed a golf cart base but it was licensed with license plates from the Department of Motor Vehicles.

Mayor Larson asked if that was different than the ordinance presented.

Chief Gross stated it was different.

Mayor Larson asked for Council comments.

Councilor Tolán stated Chief Gross mentioned the golf carts would have head lamps, etc. at dusk and dark and why not during the day.

Chief Gross stated that was not required during the day and was one of those things that were looked at when reviewing a number of ordinances in Oregon. Only one ordinance looked allowed golf carts to be driven at night and spoke to what was in the Ordinance for vehicle requirements.

Councilor Tolán stated most golf carts did not have taillights.

Chief Gross stated it depended on what was bought. There were people moving into Seaside from other areas where golf carts were being used very frequently. Those golf carts did have taillights and headlights because it was a big business in retirement communities. The gentleman requesting the use of his golf cart came from one of those communities that allowed golf carts based on the ordinance in that City. Chief Gross further stated if Council wished to require the use of lights during the day then that could be changed to equipment requirements during the day and evening.

Councilor Montero asked if the golf carts would be required to have seatbelts.

Mr. Winstanley stated the ordinance was for Council's consideration and if Council wished to require the golf carts to have seatbelts that could be added to the ordinance. If there was language Council wanted to add to the ordinance that could be done.

Councilor Montero stated she would want to be sure that people driving the golf carts were as safe as possible and being seen by other vehicles was safe.

Councilor Lyons stated he was aware of golf carts and especially in Arizona where he had driven the golf carts. The rules were that everyone could drive a golf cart and there were golf carts in almost every garage. The speed limit on Wahanna Road was thirty miles per hour and if golf carts went twenty to twenty-five miles per hour that would cause problems. During certain times of the year when traffic was busy people would be getting mad. Councilor Lyons further stated Council should discuss this further and conduct a workshop on the ordinance.

Councilor Phillips stated she would like to see some public input from the community.

Councilor Montero agreed with Councilor Phillips.

Councilor Lyons stated golf carts would be dangerous. Council needed to take a good look at the ordinance.

Councilor Phillips stated this was Wahanna Road with log trucks.

Councilor Montero stated the golf carts would also cross Highway 101.

Mayor Larson stated there were bicycles on the highway and on Wahanna Road.

Councilor Montero stated on Highway 101 bicycles had their own lane.

Councilor Barber stated he would see the golf cart like vehicles that were rented for recreation use. What was the regulation that allowed those golf carts to operate?

Chief Gross stated that was permitted by a business license in the City of Seaside and in the downtown corridor there were Surrey's, two wheel bicycles, three wheel bicycles, golf carts, and a variety of scooters. Those were all part of a business and were granted a business license to conduct a business and rent out those items. Chief Gross further stated there were no restrictions on where they were allowed except when going out to the highway. Chief Gross further stated there was a fatality accident on Highway 101 involving a scooter.

Mayor Larson asked what Council wished to do.

Council President Johnson stated there were more questions than answers.

Motion to conduct a workshop to discuss the proposed ordinance; carried unanimously. (Johnson/Montero)

Mayor Larson asked if staff had a rush on the ordinance.

Mr. Winstanley stated there was no reason to rush the ordinance and Council could schedule a workshop in January, 2013, to discuss the ordinance further.

Councilor Montero suggested Council schedule a workshop after the Goal Setting.

Dan Van Thiel, City Attorney, stated he would like the City's insurance carrier to look at the ordinance. The configuration of the City and streets was important and there were two significant roads in the City. Was the possibility of injury more significant for people in golf carts? Mr. Van Thiel further stated the ordinance could pose some problems for the City in policing and other things.

COMMENTS - STUDENT
REPRESENTATIVE

Absent

COMMENTS – COUNCIL Councilor Phillips thanked Chief Gross for all the work he had done with the Ordinance for golf carts.

Councilor Lyons reminded Council and the public to remember Pearl Harbor Day on December 7, 2012.

Councilor Tolan stated he appreciated receiving the information from Western Oregon Waste (WOW)

Council President Johnson stated Mayor Larson did a very nice presentation at Oliver Vernor's service and represented the City well.

COMMENTS – CITY
STAFF AND PUBLIC

Ms. Oxley stated downtown Seaside was beautiful right now. Ms. Oxley further stated there was a Wine Walk downtown Saturday, November 10, 2012 which went very well. Ms. Oxley further stated right now was the Shop Seaside Campaign which was off to a great start.

Mayor Larson stated considering what happened with the tree it looked quite fine.

Jack Bland, Port of Astoria Vice President, stated the City of Astoria anticipated there would be twenty-three Cruise Ships coming to Astoria in 2013.

Mayor Larson asked if the Port of Astoria had taken a stand on the gillnetters.

Mr. Bland stated the Port of Astoria was in support of the gillnetters.

Mayor Larson asked if the Port of Astoria would be taking a stand at the meetings next week.

Mr. Bland stated he believed the Port of Astoria was but he had been gone for ten days.

Chief Gross stated there were changes made to the Seaside Parade of Lights this year which was due to some safety concerns with being an evening parade. Thanks to the Port of Astoria who loaned out the barriers at Broadway and Holladay and Columbia and Broadway which helped keep the crowd out of the street. Chief Gross further stated the parade went very well.

Mr. Van Thiel stated he wanted to apologize to Council for telling them how to take care of the Coyote problem in Seaside. There was someone from the last meeting who called Lars Larson with a conversation about someone from Baker City talking about Coyotes. Mr. Van Thiel further stated he had clients in Baker City that agreed with Mr. Van Thiel and would form a posse to take care of the Coyotes.

Mr. Winstanley stated he did hear about Lars Larson and the City Attorney and thought it was very entertaining.

ADJOURNMENT

The regular meeting adjourned at 7:37 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

SEASIDE LIBRARY BOARD

The Seaside Library Board shall approve board bylaws, follow Oregon's open meetings law and public records laws, propose the annual budget to the governing body, accept donations/grants, build a good community support for the library's service, and listen, then respond to the community with the best possible solution.

The board consists of five members appointed by the Mayor subject to City Council approval. The Seaside Public Library is advised by a library board. All terms of office shall be four years beginning on December 31st, and no member shall hold office for more than two full consecutive terms.

The board shall meet at least once a month in the library at a designated time and special sessions may be called by the chairman of the board should the chairman deem it necessary.

The board shall elect a chairman and vice-chairman at the beginning of each serving year, and in the absence of the chairman, the vice chairman shall assume the duties of the chairman. The board, should it so desire, may appoint the librarian as secretary to the board to take minutes and to keep a record of its actions.

The members shall serve without salary or compensation for services rendered.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** November 26, 2012
Name: Don McKay
Commission/Committee: Library Board
Resignation Date: McKay – November 6, 2012
Term Expiration Date: December 31, 2012
Wants to be considered again: McKay – No

2. **Applicants:**
Marilyn Smiley
Robert Perkel

3. **Nominations:**

4. **Appointment:**

Please Note: It is Council policy that applicants must be a city or urban growth boundary resident, business owner or employee of a business for at least one year, depending on committee/commission residency requirements.

CITY OF SEASIDE

Interest Form for Committee/Commission/Board Vacancies

PLEASE RETURN TO CITY HALL BY: December 3, 2012

NAME Smiley Marilyn Home: 503/738-6984 Cell: 440-1524
Last First PHONE
ADDRESS 2326 S. Downing Seaside, OR 97138-
MAIL ADDRESS (DIFFERENT THEN ABOVE) P.O. 456 Seaside, OR 97138-0456
LENGTH OF TIME IN SEASIDE 20 years
ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No
OCCUPATION Substitute Teacher
PAST OCCUPATIONS Teacher / Travel Agent / Realtor

List committee/commissions on which you would like to serve: Seaside Library Board

List committee/commissions you are currently appointed to: ∅

List fields in which you have interest or ability: Reading Specialist

List employment and volunteer activities, which may relate to service on committee/commissions:
• Miss Oregon Volunteer 20 years
• Substitute teacher on N. Coast for Seaside, Warrenton and Astoria

List skills and special knowledge that you may have acquired from these activities:
I work well with a variety of age groups. I am passionate about reading and loved my job when employed by Seaside School Dist. #10 as the TITLE I Reading and Math Teacher.

Have you ever been convicted, pled guilty or pled "no contest" to any crime, offense, or major traffic violation? Yes (✓) No (X) If yes, what offense? _____

When? _____ Please explain: _____

Please list 3 references including an employer or supervisor, and people that have known you for at least 2 years. (No City Council Members, Please)

NAME	RELATIONSHIP	ADDRESS	PHONE
<u>Travis Roe</u>	<u>principal @ ASTOR ELEM</u>	<u>ASTORIA, OR</u>	<u>(503) 325-6672</u>
<u>Dana Phillips</u>	<u>CEO MISS OREGON</u>	<u>Seaside, OR</u>	<u>(503) 738-8568</u>
<u>Tiffany Golden</u>	<u>Teacher @ ASTOR</u>	<u>Warrenton, OR</u>	<u>(503) 791-1006</u> call

(I did a long-term sub job in 2010 for her @ ASTOR SCH.)

I authorize, any person or entity contacted by the City of Seaside to furnish information relating to my appointment to the Commission/Committee/Board indicated above and I release any such person or entity from any and all liability for furnishing such information. I also release the City of Seaside from any and all liability for conducting such an investigation.

DATE December 3, 2012 SIGNATURE Marilyn Smiley

Please Note: It is Council policy that applicants must be a city or urban growth boundary resident, business owner or employee of a business for at least one year, depending on committee/commission residency requirements.

CITY OF SEASIDE

Interest Form for Committee/Commission/Board Vacancies

PLEASE RETURN TO CITY HALL BY: December 5, 2012

NAME PERKEL ROBERT PHONE 503, 830-7991

ADDRESS 2039 HUCKLEBERRY DRIVE, SEASIDE, OR 97138

MAIL ADDRESS (DIFFERENT THEN ABOVE)

LENGTH OF TIME IN SEASIDE 5 1/2 YEARS

ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No

OCCUPATION RETIRED

PAST OCCUPATIONS Job Placement Rep - Oregon State Emp Dept - 30 YRS. OF SERVICE - 4 YRS - OWNED A GOLF BAGGIE BUSINESS (THE GENERAL ASSISTANT)

List committee/commissions on which you would like to serve: Library Board - Seaside Oregon

List committee/commissions you are currently appointed to: None

List fields in which you have interest or ability: Public Relations Community Service Public Speaking

List employment and volunteer activities, which may relate to service on committee/commissions:

List skills and special knowledge that you may have acquired from these activities: Good listening skills, public speaking, organizational skills

Have you ever been convicted, pled guilty or pled "no contest" to any crime, offense, or major traffic violation? Yes () No If yes, what offense?

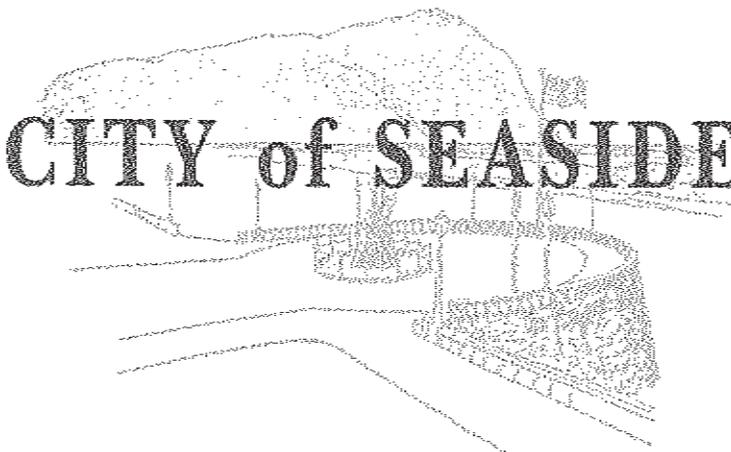
When? Please explain:

Please list 3 references including an employer or supervisor, and people that have known you for at least 2 years. (No City Council Members, Please)

NAME	RELATIONSHIP	ADDRESS	PHONE
<u>Bill Carpenter</u>	<u>Friend (last 10 years)</u>		
<u>John McNeil</u>	<u>Friend</u>		<u>503-440-0701</u>
<u>Dennis Greenman</u>	<u>Friend</u>		<u>503-538-8771</u>

I authorize, any person or entity contacted by the City of Seaside to furnish information relating to my appointment to the Commission/Committee/Board indicated above and I release any such person or entity from any and all liability for furnishing such information. I also release the City of Seaside from any and all liability for conducting such an investigation.

DATE 12/4/12 SIGNATURE Robert E. Paul



CITY of SEASIDE

OREGON'S
F A M O U S
A L L - Y E A R
R E S O R T

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

LIBRARY BOARD COMMISSION

Term of Office: 4 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
MARY PETERSON	26 N. WAHANNA RD. #4	738-9344	12/31/2013
SHARON WARD	225 10 TH AVENUE	739-0148	12/31/2014
RUSS TAGGARD	PO BOX 2329 -- GEARHART	738-2488	12/31/2015
VACANCY			12/31/2016
JAMES SHIPLEY	284 ALPINE STREET	717-0392	12/31/2016

*CHAIR



MEMO

From: Neal Wallace

December 10, 2012

To: The Honorable Mayor and City Council

Re: Metal Building Package for the Dryer at the WWTP

We received two bids from suppliers for the prefabricated metal building to house the sludge dryer at the sewer treatment plant. The building is 150' long by 64' wide, is 14' tall at the eaves and 18' tall at the peak. The sides of the building will be a neutral sand stone color and the roof will be a forest green. A minimal amount of directional exterior lighting will be used; enough for safety but no bright wall packs. Web Steel out of Sandy bid \$115,237 for the building package and Heligso out of Astoria, using an American Building building package bid \$114,910.

These are very competitive bids compared to the engineers estimate of \$135,000. Staff recommends accepting the bid from Heligso Construction for \$114,910 for the steel package. These building typically have a 10 to 12 week lead time before shipment.

A structural sketch of the building and a diagram of where it will be located have been attached.



SCALE: 1" = 100'



