

**AGENDA SEASIDE CITY COUNCIL MEETING
FEBRUARY 28, 2011 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PROCLAMATION – KIWANIS CHILDREN’S CANCER CURE MONTH
6. SWEARING IN SEASIDE RESERVE OFFICER – BRANDON PETERSEN AND ALEXANDER SILANTIEV
7. COMMENTS – PUBLIC
8. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
9. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS - \$648,675.34
 - b) APPROVAL OF MINUTES – JANUARY 24, 2011 REGULAR MINUTES
10. UNFINISHED BUSINESS:
 - a) VACANCY – BUDGET COMMITTEE
CONVENTION CENTER COMMISSION
11. NEW BUSINESS:
 - a) LIQUOR LICENSE APPLICATION – TWISTED FISH STEAKHOUSE, 311 BROADWAY
 - b) PUBLIC HEARING – ORDINANCE #2011-04 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - 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
 - c) ORDINANCE #2011-01 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 92 OF THE SEASIDE CODE OF ORDINANCES REGARDING ANIMALS
 - PUBLIC COMMENTS
 - COUNCIL COMMENT
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED

- d) UPDATE – SEASIDE POLICE DEPARTMENT ANNUAL REPORT
- e) APPROVAL – CITY OF SEASIDE AUDIT CONTRACT
- f) PROPOSAL – BIOSOLIDS, DEWATERING, HAULING AND DISPOSAL PROJECT

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. 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.

CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

PROCLAMATION

Whereas, the Men and Woman of the Pacific Northwest District of Kiwanis International have exhibited a deep sense of pride in Community by serving the needs of families and children worldwide; and

Whereas, the Pacific Northwest District of Kiwanis International has, effective October 1, 2010, initiated the multi-year District-wide Service Project, Kiwanis Children's Cancer Care Program; and

Whereas, this program will fund the Kiwanis Children's Cancer Fellowships, allowing physicians to seek cures for currently untreatable forms of cancer; and

Whereas, the Kiwanis Clubs of the Pacific Northwest will collaborate with Doernbecher Children's Hospital in Portland, the Seattle Children's Hospital, and the Vancouver, B.C. Children's Hospital; and

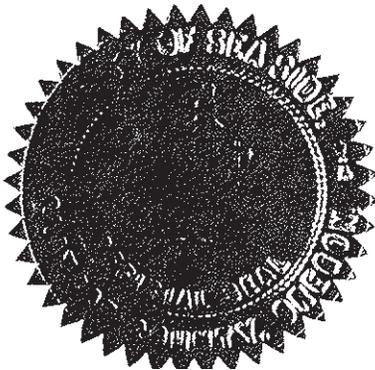
Whereas, the local Kiwanis Clubs are the epitome of their defining statement: "Kiwanis is a Global Organization of Volunteers Dedicated to Changing the World One Child and One Community at a Time."

NOW, THEREFORE, I Don Larson, Mayor of the City of Seaside, in the State of Oregon, and on behalf of children, do hereby proclaim February, 2011 as

"KIWANIS CHILDREN'S CANCER CURE MONTH"

in Seaside, and urge all citizens to embrace and celebrate this endeavor in the interest of children suffering cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 28th day of February, 2011.



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 Stubby Lyons, Councilors Tim Tolan, Jay Barber, Dana Phillips and Tita Montero.
- Absent: Councilor Don Johnson
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Neal Wallace, Public Works Director; Dale Kamrath, Seaside Fire Chief; Tom Freel, Northwest Broadcasters; and Rosemary Dellinger, Seaside Signal.
- OATH OF OFFICE** Mark Winstanley, City Manager, swore in Councilors Jay Barber and Dana Phillips.
- Mayor Larson stated it was a pleasure to have Councilor Barber, Councilor Phillips, and Councilor Montero.
- ELECTION – COUNCIL PRESIDENT** Council President Tolan thanked the Mayor and Council for allowing him to be Council President the last two years.
- Motion to elect Councilor Stubby Lyons as Council President; carried unanimously. (Tolan/Phillips)
- AGENDA** Mayor Larson asked to move agenda item 12, Comments from the Student Representative, after item 6, Approval of the Agenda.
- Motion to approve the January 24, 2011, agenda as amended; carried unanimously. (Lyons/Montero)
- COMMENTS – STUDENT REPRESENTATIVE** Taylor Ames, Student Council Representative, stated there was a Seaside High School Robotics Team where students participated to promote math and science and build a robot which was a statewide competition in March, 2011. Ms. Ames further stated when the weather was better there would be a Tsunami Drill at the school. Ms. Ames further stated Pac Ram was very successful with quite a few schools participating. Ms. Ames further stated Parent Conferences were scheduled for the beginning of February.
- 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 \$344,029.82; and January 10, 2011, minutes; carried unanimously. (Lyons/Barber)
- VACANCY – BUDGET COMMITTEE** Mayor Larson stated there were still two vacancies on the Budget Committee. Mayor Larson asked the press to advertise the vacancies.
- VACANCY – CONVENTION CENTER COMMISSION** Mayor Larson stated there was still one vacancy on the Convention Center Commission. Mayor Larson asked the press to advertise the vacancy.
- LIQUOR LICENSE APPLICATION** Council considered an application for a liquor license for The Turnaround Market, 1 Broadway Street. The applicant was applying for an Off-Premise Sales License, which would be for a change of ownership.
- Motion to approve an Off - Premise Sales License for The Turnaround Market, 1 Broadway Street; carried unanimously. (Tolan/Lyons)
- PUBLIC HEARING** This was the duly advertised time and place to hold a public hearing regarding Approving a Ballot Title to be Submitted to the Voters at the next Special Election; Regarding Funding for the Purchase of Police Vehicles.
- Mr. Winstanley explained the resolution was for a levy that would be placed on the May 17, 2011, ballot, for police vehicles. Mr. Winstanley stated previously the City went out to the voters to ask for both personnel and vehicles and the levy was turned down by the voters. There were issues that needed to be addressed as far as vehicles were concerned so the personnel were removed from the levy. Mr. Winstanley further stated there would be seven vehicles which were three cars, three Tahoe's, and one motorcycle purchased with the levy over a five year period. The levy amount would be .0657 cents per thousand.
- RESOLUTION #3727** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE, OREGON, APPROVING A BALLOT TITLE TO BE SUBMITTED TO THE VOTERS AT THE NEXT SPECIAL ELECTION; REGARDING FUNDING FOR THE PURCHASE OF POLICE VEHICLES

Mayor Larson opened the public hearing.

John Dunzer, 2964 Keepsake Drive, Seaside, stated he wrote a letter against the levy that was presented to the voters previously. Mr. Dunzer stated when budgets were mentioned with local government there were problems everywhere with fewer dollars to work with because of the tax assessments. There were police officers being laid off everywhere. Mr. Dunzer further stated there should be four more officers hired for three months since there were more employees needed during the summer then during the winter. Mr. Dunzer further stated he did not hear the total amount that would be needed to fund the vehicles each year.

Mr. Winstanley stated the amount of money needed annually would be \$60,200.00.

Mr. Dunzer stated the City could take \$70,000.00 annually and put that money away to pay the police officers that were hired during the summer months. There could be seventeen officers hired full time during the rest of the year because that was all that was needed and then there would be twenty-one officers for the summer months. That was the way businesses were ran in Seaside with more people being hired during the busy season then during the winter. Mr. Dunzer further stated the \$6,500.00 that was given to the Clatsop Economic Development Resources (CEDR) should be used to buy vehicles and not be given to CEDR. Mr. Dunzer further stated he was not against the police department getting vehicles because the police officers deserved to have good vehicles.

Brian Leward, 491 Hillside Loop, Seaside, commended the Chief of Police on the Seaside Police Department which was one of the best for a small town. Mr. Leward stated he had been on the computer for three days and the Ford Motor Company stated police vehicles in a city our size should last up to 200,000 miles with maintenance and upkeep. There should be cooperation between the state and municipalities that could help buy cars at a larger volume. Mr. Leward further stated with officers being shot and maimed and killed then reserve officers should be used for certain purposes only and not out on there own without that much experience.

Merlin Humpal, 2481 Oregon, Seaside, stated there were concerns that assessments were dropping which meant less money would be coming in for the budget. Mr. Humpal further stated he was sorry the police officer was not included in the levy this year because he was in favor of the officer and vehicles. Mr. Humpal further stated when a City asks for five new vehicles the public does not believe they are really needed because public officials aren't believable. The City should give the public more details about each separate vehicle owned by the police department, because the police needed to have good vehicles to drive.

John Cooney, Sunset Family Fitness, Seaside, stated he was here because of the Transportation System Plan (TSP)

Mayor Larson stated the agenda item that was being discussed was resolution #3727. The public comments were already opened at the start of the meeting.

There were no more public comments and Mayor Larson closed the public hearing.

Mayor Larson stated on occasion there had been people who stated there are too many police officers. If people listened to the police scanner more they would most likely be shocked at what the men and woman of the police department do every day and night. The Police Chief works shifts to help out the department. Mayor Larson further stated the police department vehicles that were constantly going for sixteen hours which was very difficult. The Police Chief was asking for support because new vehicles were needed for the police department. The levy would allow the police department to purchase seven cars in five years. Mayor Larson asked the Police Chief how the cars were purchased.

Chief Bob Gross stated the cars were purchased through a state bid which pooled the resources with Ford and Chevy Dealers to purchase the vehicles at a reduced price.

Mayor Larson asked for Council comments.

Council President Lyons stated when taking a look at the police vehicles it was amazing what the vehicles were put through. Council President Lyons further stated he went on a ride along with a police officer after midnight which was quiet until a call was received and the police vehicle was on the go to the call. The vehicles were driven sixteen hours a day unlike personal vehicles which were driven a few hours a day.

Councilor Barber stated he was in full support of the resolution. Councilor Barber further stated a group of citizens needed to step up to support the measure and Councilor Barber along with his wife was willing to work with a group of supporters for the measure. There needed to be a group to articulate the importance of the measure to the citizens of Seaside.

Councilor Montero stated public safety was a very important issue for the City of Seaside. Councilor Montero further stated there was a very similar levy put in front of the voters within the last year and was defeated. Council needed to look at the expansion of time, energy, and tax payer dollars that cost as a City to put that levy forward. Councilor Montero further stated she heard the questions from Mr. Humpal and had written a few of the questions herself. Council needed to be very aware that citizens and tax payers needed to have answers to the questions in order to fully evaluate what the situation was. What is the age of the cars? What is the mileage on the cars? What was the cost to replace the cars? What would happen to the cars once they were replaced?

Those were the kind of questions that were being asked before actually making a decision to vote yes or no on the levy and without answers to those questions people were more likely to vote no to the levy. Councilor Montero further stated she would like to make sure people had answers to their questions.

Councilor Tolan stated he was in agreement with all of the Mayor and Councils comments.

Councilor Phillips stated she was in full support of the police levy.

Motion to read Resolution #3727 by title only; carried unanimously. (Tolan/Lyons)

Motion to adopt Resolution #3727; carried unanimously. (Tolan/Lyons)

RESOLUTION #3728

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ESTABLISHING PARKING RESTRICTIONS ON BEACH DRIVE

Mayor Larson explained the resolution would establish parking restrictions on the east side of Beach Drive from Avenue 'G' to Avenue 'U'.

Mayor Larson asked for Public comments.

Gini Dideum, 1941 Beach Drive, Seaside, stated she had lived on Beach Drive for six years and during that time there had been many things she had observed going up and down Beach Drive. Ms. Dideum understood not wanting parking on the east side of the street which would then mean cars would be parked behind her. Ms. Dideum further stated she would be able to see the traffic coming from North and South on Beach Drive but would make it difficult seeing east and west when pulling out of her driveway. During the summer there were also fires on the beach and the fire trucks needed to get through and emergency vehicles also have had problems driving up and down the street on Beach Drive. Ms. Dideum asked Council to carefully consider the restrictions on Beach Drive.

Mayor Larson asked for Council comments.

Councilor Tolan stated when the restrictions on Beach Drive were first mentioned he had difficulty with the idea and had recently discussed the issue with others and seemed satisfied with supporting the resolution.

Councilor Montero stated she was not sure why the parking restrictions came directly to the City Council because according to the City of Seaside Ordinances the powers and duties of the Planning Commission were to recommend and make suggestions to the City Council and to other public authorities concerning the laying out, widening, extending, and locating of public thoroughfares, the parking of vehicles, the relief of traffic congestion, among other items mentioned. Councilor Montero further stated she would like to make a motion to send the item to the Planning Commission because that was where the issue should start.

Motion for the Resolution of the City of Seaside Establishing Parking Restrictions on Beach Drive be remanded to the Planning Commission for consideration and recommendation; carried with no second. (Montero)

Mayor Larson stated the motion was not passed because there was no second.

Motion to read Resolution #3728 by title only; carried with Councilor Montero opposed. (Tolan/Barber)

Motion to adopt Resolution #3728; carried with Councilor Montero opposed. (Tolan/Phillips)

COMMENTS - COUNCIL

Mayor Larson stated there was a City Council and Convention Center Commission workshop on Monday, January 31, 2011, at 6:30 pm.

Councilor Barber stated recently he returned from a trip to the Middle East and while he was there the Lebanese Government collapsed. Councilor Barber further stated he was thankful for the Country he lived in.

Councilor Montero stated the Homeless Connect Project would be at the Convention Center on Thursday, January 24, 2011. There were volunteers still needed for the project.

COMMENTS - STAFF

Neal Wallace, Public Works Director, stated he looked forward to working with the new Councilors.

Laura Oxley, Seaside Downtown Development Association, stated the association was gearing up for the flower basket campaign.

Mr. Winstanley stated the City Council Goal Setting Session was scheduled for Friday, March 11, 2011, and Saturday, March 12, 2011. Mr. Winstanley further stated in the last twenty-four hours eleven police officers were shot in five states which was a serious concern and staff hoped and prayed that all of the officers were being very safe.

RECESSED INTO EXECUTIVE SESSION

Council recessed into Executive Session at 7:47 PM in accordance with ORS 192.610 (l) (i) regarding annual evaluation of the City Manager, Mark Winstanley.

**RECONVENED FROM
EXECUTIVE SESSION**

Council reconvened from Executive Session at 8:43 PM. Mayor Larson read a summary of the Council's evaluation on City Manager, Mark Winstanley.

Mayor Larson stated without any hesitation Council had rated Mark as an exceptional City Manager. Council was proud of Mark's positive leadership. Mark lived the job and gave more than his all, spending long days to keep and show Seaside in a positive position to our Community. Mark made things happen. Mayor Larson further stated this year Council would hope Mark could take some time off to enjoy the other side of life and his family. Hopefully some time in the future Mark would be able to hire a finance manger to give him needed support.

ADJOURNMENT

The regular meeting adjourned at 8:45 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

SEASIDE BUDGET COMMITTEE

The Seaside Budget Committee meets publicly to review the budget documents as proposed by the budget officer. The budget committee receives the budget and budget message and provides an opportunity for the public to ask questions about and comment on the budget. The committee also approves a budget, and, if ad valorem property taxes are required, approves an amount or rate of tax for all funds that receive property taxes.

The budget committee is composed of the governing body and an equal number of electors appointed by the governing body. All members of the budget committee have equal authority. An elector is a qualified voter who has the right to vote for the adoption of any measure. If the governing body cannot find a sufficient number of electors who are willing to serve, those who are willing and the governing body become the budget committee.

Applicants for the Budget Committee need to be registered voters of the City of Seaside for at least one year prior to serving on the Committee. The appointive members of the budget committee cannot be officers, agents or employees of the local government. Spouses of officers, agents or employees of the local government are not barred from serving on the budget committee if they are qualified electors and not themselves officers, agents, or employees. Appointive members of the budget committee are appointed for three-year terms.

The committee shall elect a presiding officer from among the members at the first meeting. No member of the budget committee may receive any compensation for their services as a member of the committee.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** January 10, 2011

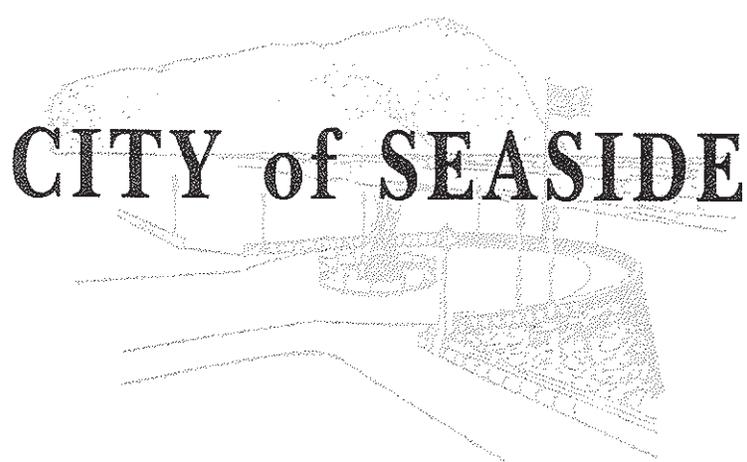
Name: Oliver Vernor
Dana Phillips

Commission/Committee: Budget Committee

Resignation Date: Phillips – January 3, 2011

Term Expiration Date: December 31, 2010 – Vernor
December 31, 2011 – Phillips

Wants to be considered again: Vernor – No
Phillips – No
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**



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

BUDGET COMMITTEE

Term of Office: 3 years
Number of Members: 14 (Includes City Council)

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
VACANCY			12/31/2010
GUY WILLIAMS	1125 N. HOLLADAY DR.	738-5342	12/31/2011
REBECCA BUCK	P O BOX 1152	738-3045	12/31/2011
VACANCY			12/31/2011
GAYLE SPEAR	50 7 TH AVENUE	738-7942	12/31/2012
ROBERT JOHNSON	2358 S. EDGEWOOD	717-1824	12/31/2012
LES MCNARY	1624 S. FRANKLIN	738-0759	12/31/2013

SEASIDE CIVIC AND CONVENTION CENTER COMMISSION

The purpose of the Seaside Convention Center Commission is to be an advisory body to make recommendations to the City Council on matters concerning the Civic and Convention Center. The Commission shall make recommendations concerning policy matters related to the Civic Convention Center. The Civic and Convention Center Commission shall advise the Convention Center Manager, City Manager and City Council on all items relating to the operation of the Civic and Convention Center including but not limited to: Contracts; Building Improvements; Employment of Civic and Convention Center Manager; Rentals; and Budget.

The commission consists of seven members who are not employees of the city and shall be residents, or owners or employees of businesses within the city limits of Seaside.

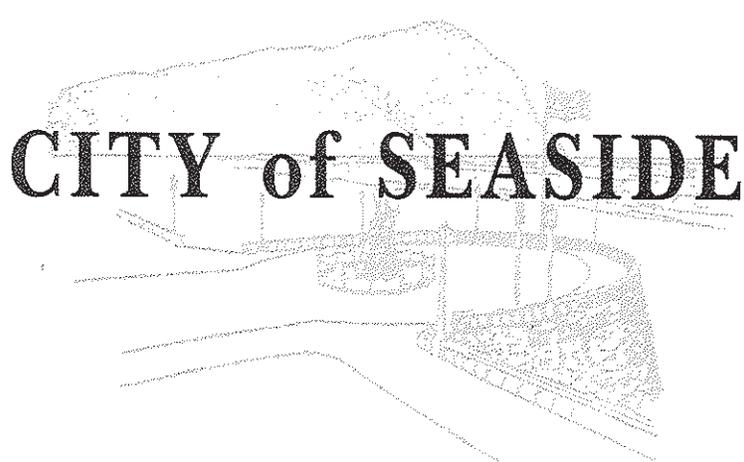
Each year, at the first Commission meeting in November, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. The center manager shall serve as Secretary to the Civic and Convention Center Commission.

The Commission shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public. Any person appointed to serve on this committee who misses three or more regularly scheduled meetings during a 12 month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council. (A 12 month period is defined as beginning in January of each calendar year.)

The members shall serve without salary or compensation of any nature.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** January 10, 2011
Name: Dana Phillips
Commission/Committee: Convention Center Commission
Resignation Date: January 3, 2011
Term Expiration Date: October 25, 2013
Wants to be considered again: N/A
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**



CITY of SEASIDE

OREGON'S
F A M O U S
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R E S O R T

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

CONVENTION CENTER COMMISSION

Term of Office: 4 years

Number of Members: 7

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
MARK TOLAN	454 FAIRWAY CT.	738-0982	10/25/2012
SETH MORRISEY	PO BOX 333	440-2138	10/25/2012
JEFF KILDAY	P O BOX 1031	738-3018	10/25/2013
VACANCY			10/25/2013
TERRY BICHSEL**	414 N. PROM	738-3334	10/25/2013
MARC POSALSKI	P O BOX 980	503-440-4797	10/25/2014
RANDY FRANK*	454 HIGHLAND	738-7379/4331	10/25/2014

*CHAIR
**VICE CHAIR

LIQUOR LICENSE APPLICATION

Mark Utti
Twisted Fish Steakhouse
311 Broadway
Seaside

This business has applied for a Full On-premises Sales Liquor License. This would be for a change of ownership.

Full On-Premises Sales License – allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business. This license also allows private catering if the applicant receives pre-approval from OLCC.

The Police Department has reviewed the applicant and business applying for the liquor license and found no cause to deny the request. Attached is the information received.

Criteria for consideration

The City Council, after consideration, may determine to make a favorable, unfavorable, conditionally favorable or no recommendation to the OLCC. If the City Council makes an unfavorable or conditionally favorable recommendation to the OLCC regarding any application for liquor license, the recommendation will be based on a finding that one or more of the following conditions exist:

1. There is a history or pattern of illegal or disorderly activity on the premises.
2. There have been disturbances and/or other problems (such as fights, altercations, drug dealing by patrons, furnishing alcohol to minors by patrons, public drunkenness, alcohol related litter, etc.) related to the exercise of the applicant's alcohol license privilege and the applicant has failed to take reasonable and timely corrective action when notified of these problems by the police or the OLCC.
3. There is a continuing problem of noise from this business disturbing neighbors.
4. The applicant would be a poor risk for compliance with liquor laws, as indicated by a felony conviction, which reflects on the applicant's ability to be a responsible liquor licensee.
5. The applicant would be a poor risk for compliance with liquor laws, as indicated by a failure to comply with liquor laws.
6. The applicant has a history of abusing alcohol or other controlled substances and would be a poor risk for compliance with liquor laws.
7. The applicant has made an intentional and materially false statement about a matter that reflects on the applicant's ability to comply with the State's liquor laws.
8. An unlicensable person or a party not named as applicant has an ownership interest in the business to be licensed.
9. The applicant has failed to operate as originally proposed to the City Council, the original proposal having been a deciding factor in the Council's favorable recommendation to the OLCC.
10. The applicant has expanded the boundaries of the licensed premises to areas not originally considered by the Council and without City and OLCC approval.
11. The business is located within 500 feet of a school, child care facility, church, hospital, nursing or convalescent care facility, a park or child oriented recreation facility, or an alcohol and other drug treatment facility and there is evidence that the business will adversely impact the facility.

Seaside Police Department

February 22, 2011

MEMORANDUM

TO: Mark Winstanley, City Manager

FROM: Robert Gross, Chief of Police

SUBJECT: The Twisted Fish Steakhouse OLCC Permit Request

We have reviewed the liquor application involving the change of ownership for The Twisted Fish Steakhouse located at 311 Broadway. This is a restaurant and lounge formerly known as Girtles. The new owner's request is for "Full On-premises sales".

After a review of local records and based upon information available, we found no cause to deny their request.

If you have any additional questions, please let me know.

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council

From: Community Development Department

Date: February 28, 2011

Subject: Ordinance 2011-04, an Ordinance Adopting An Updated City of Seaside Zoning Map

Background:

The City of Seaside Zoning Map was updated in 2005 to a new electronic file format. This replaced the paper copy of an original that was drawn on a 1980 base map of Seaside. Some of the zoning was later found to be inconsistent with the original map and these errors needed to be corrected. The Columbia River Estuary Study Taskforce (CREST) secured grant funding from the Department of Land Conservation and Development (DLCD) to correct these errors and improve the readability by distinguishing the contrast between zones.

The map has now been updated by CREST and the Planning Commission has recommended the City Council adopt the newly developed map (see attached recommendation), thereby replacing 2005 version of the map.

Prior to taking any action concerning the adoption of the updated zoning map, the City Council should conduct a public hearing in an effort to obtain any final public input on the proposed map amendment.

Staff Recommendation:

Adopt the updated Zoning Map of Seaside, Oregon as the City's official zoning map by enacting Ordinance No. 2011-04 (attached). The first step in this process is a motion for Ordinance No. 2011-04 to be read by title only. This would be followed by a motion for a second reading by title only. The third and final reading would then be scheduled for the next Council meeting on March 14, 2011.

PLANNING COMMISSION ADOPTED JUSTIFICATION & FINAL RECOMMENDATION

To: The Mayor and Seaside City Council
From: Seaside Planning Commission
Date: January 4, 2011
Applicant: City of Seaside, 989 Broadway, Seaside, OR 97138
Subject: 10-040ZMA / Adoption of an Updated Version of the Seaside Zoning Map

REQUEST:

The applicant is requesting the adoption of a new Zoning Map of Seaside, Oregon prepared by the Columbia Estuary Study Taskforce (CREST). Although the map is intended to reflect the zones currently identified on the official city zoning map, some prior mapping errors have been corrected on the map that was previously adopted in 2005. These changes are intended to resolve the obvious errors currently present on the map and improve the readability by distinguishing the contrast between zones.

DECISION CRITERIA, JUSTIFICATION, FINDINGS, & CONCLUSIONS:

The following is 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. These statements may be used to support 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 text amendments, at a minimum, the following criteria must be addressed:

DECISION CRITERIA # 1: The proposed amendment is consistent with the Comprehensive Plan and it will maintain the Plan's compliance with the State Wide Planning Goals.

FINDINGS & JUSTIFICATION STATEMENTS:

1. The City's official zoning map was previously adopted with errors that were not discovered until after the map was being used within the Department. The poor contrasts in the color version of the map also make it very difficult to read and it cannot be easily transferred.
2. The new electronic version of the zoning map will improve citizen involvement by providing accurate zoning information in a format that can be transported and more easily viewed electronically.
3. The new map will more accurately reflect the actual on-the-ground location of zone boundaries that depict the separation between upland and aquatic zones.
4. The updated map will support Seaside's efforts to provide zoning information on line via

the City's web site.

CONCLUSION TO CRITERIA #1:

The new computer generated zoning map will improve the public's access to accurate zoning information in a format that can be easily read and understood. This will further the intent of the Comprehensive Plan and Statewide Planning Goals 1 & 2.

PLANNING COMMISSION FINAL DECISION AND RECOMMENDATION TO COUNCIL

The Commission recommends the City Council approve the new "Zoning Map of Seaside, Oregon." This recommendation can be supported by the Commission's adopted findings, justification statements, conclusions.

ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN CODE OF SEASIDE ORDINANCE CHAPTER 158, ADOPTING AN UPDATED ZONING MAP OF SEASIDE, OREGON.

WHEREAS, the Planning Commission conducted a public hearing regarding an amendment to the Seaside Zoning Ordinance that would updated the current zoning map, and made recommendation to the Council based on findings and conclusions which support the proposed amendment; and

WHEREAS, the City Council reviewed the Commission's recommendation on zone code amendment 10-040ZMA during their meeting on February 28, 2011, and determined the proposed amendment conforms to the City of Seaside Zoning Ordinance in Code of Seaside Ordinance Chapter 158 and the City of Seaside Comprehensive Plan, Code of Seaside Ordinance Chapter 151.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Amend the zoning map referenced in Section 2.030 of the Seaside Zoning Ordinance, as follows:

The updated map entitled Zoning Map of Seaside, Oregon is attached hereto and the digital file of this map will be recognized as the official zoning map.

SECTION 2. The Seaside Planning Commission did hold a public hearing on December 7, 2010, and an opportunity to provide evidence in favor and in opposition of the zoning ordinance amendment could be given. Following a continuance of the hearing, the Commission recommended approval of the Zoning Ordinance amendment and adoption of the new Zoning Map.

SECTION 3. The City Council hereby approves the zoning ordinance amendment (file reference #10-040ZMA) based upon the findings and conclusions in the Planning Commission's recommendation.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2011, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2011.

DON LARSON, MAYOR

ATTEST:

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 92 OF THE SEASIDE CODE OF ORDINANCES REGARDING ANIMALS

WHEREAS, the City of Seaside is seeing more aggressive dogs in the City; and

WHEREAS, the Police Department recently investigated the death of a dog at the hand of another dog; and

WHEREAS, Ordinance 92 of the Seaside Code of Ordinances regarding animals has not been reviewed or updated since 1988 to ensure compliance with Oregon Revised Statute;

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Chapter 92 of the Seaside Code of Ordinances is amended to read:

DOG CONTROL

§ 92.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOG. Both male and female.

ANIMAL CONTROL OFFICER. The Community Service Officer of the Seaside Police Department or any other authorized law enforcement officer.

OWNER. A person, firm, association, or corporation owning, keeping, or harboring a dog.

KEEPER. A person who owns, possesses, control or otherwise has charge of a dog, other than:

- a) A licensed business primarily intended to obtain a profit from the kenneling of dogs;
- b) A humane society or other nonprofit animal shelter
- c) A facility impounding dogs on behalf of the city or county; or
- d) A veterinary facility.

KENNEL. Any lot or premises on which four or more dogs more than six months old are kept.

AT LARGE. Off the premises of the dog owner, or the person having the control, custody or possession of the dog.

HABITUALLY. Three or more of the same offenses in a 12-month time period.

DANGEROUS OR VICIOUS DOG. A dog that:

- a) Causes serious physical injury or death to any person, or
- b) Causes the death of another animal while at large, off the property of the owner, not under the control of the "keeper"; or
- c) Having previously designated a potentially dangerous dog, it causes physical injury to any person; provided, however this subsection shall not include an animal which injures a person over 12 years of age trespassing on the keepers premises or a person tormenting or abusing the dog; or
- d) Is a wild dog; or
- e) Is a dog trained for dog fighting or kept, harbored, or possessed primarily for the purpose of dog fighting.

PHYSICAL INJURY. Impairment of physical condition or substantial pain.

SERIOUS PHYSICAL INJURY. Physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

EUTHANIZED. Put to death in a humane manner by a licensed veterinarian or certified Oregon euthanasia technician.

§ 92.02 PRESUMPTION OF OWNERSHIP

- (A) It is presumed that the person shown on the application for the license of a dog as the owner, is the owner of such dog.
- (B) The adult occupants of a dwelling shall be presumed to be the co-owners of any dogs housed in such dwelling or on the premises thereof.

§ 92.03 DOGS NOT TO BE AT LARGE.

(A) It shall be unlawful for any person to allow a dog to run at large. **A dog off or outside the premises of the keeper not restrained by a rope, line, leash, chain or other similar mean, or not under the immediate control, restraint or command of the keeper thereof. If a dog is not restrained by a tether of some kind, is not at heel or not a working dog in the field that dog shall be deemed "at large".**

(B) The following dogs shall not be considered subject to the definition of dog at large as defined under § 92.01, above:

- (1) Dogs on the beach are limited only to voice or signal command. The owner is responsible for the animal's behavior and physical control while on the beach.
- (2) Dogs under the complete control of a person by being on an eight feet or less adequate chain or leash.
- (3) Dog's safely and securely confined or completely controlled while in or upon a motor vehicle.

§ 92.04 DOGS IN PUBLIC PLACES.

No person shall permit a dog, including those on chains or leashes, to be in any bus, restaurant, theater, school building, or upon the public grounds of any such building in the city except guide dogs for the blind or deaf.

§ 92.05 LOCATION OF DOGS THAT ARE TIED.

- (A) No person shall tie a dog on the owner's property so that it would have access to any person approaching the main entry of that residence.
- (B) No person shall tie a dog on property so that the dog has access to the sidewalk or to the city street.
- (C) No person shall tie a dog to any object or left unattended on any city street or sidewalk or on the property of any business in the city.

§ 92.06 **DANGEROUS OR VICIOUS DOGS AND DOGS THAT BITE.**

- (A) Any person owning or harboring a **dangerous or** vicious dog shall keep the dog securely leashed and muzzled or otherwise securely restrained when off its property.
- (B) The dog must not be unconfined when on its own property. It must be restrained by a secure fence, other secure enclosure or any other security device which effectively prevents the dog from going beyond the premises or from coming in contact with any person legally on the premises.
- (C) The dog must be so restrained within the house so that it does not have access to any person for which an entry door to the house is opened.

§ 92.07 NUISANCE DOGS.

No person shall allow a dog to be a public nuisance. A dog is a public nuisance if it:

- (A) Bites a person;
- (B) Habitually chases vehicles or persons;
- (C) Damages or destroys property of persons other than the owner of the dog;
- (D) Scatters garbage;
- (E) Habitually trespasses on private property of person other than the owner of the dog;
- (F) Disturbs any person by frequent or prolonged noises;
- (G) Is a female in heat and running at large; or
- (H) Drinks from a public fountain.

§ 92.08 DOG WASTE MATTER.

No person owning or in custody, possession or control of any dog shall cause or permit the dog to defecate on any property other than that of the person owning, or in custody, possession or control of the dog; but it shall be a defense to this charge to immediately remove the feces from the property.

§ 92.09 IMPOUNDING; SEIZING OF DOG BITING PERSON.

- (A) A dog which is running at large, is a nuisance, or is unlicensed, is in violation of this ordinance and may be impounded by the Chief of Police, ~~Humane Officer~~, Community Service Officer, or any other authorized law enforcement officer.
- (B) A dog found biting a person may be summarily seized by any person and promptly delivered to the Police Department, ~~Humane Officer~~, Community Service Officer, or any other authorized law enforcement department or officer for impounding.

§ 92.10 NOTICE OF IMPOUNDMENT.

- (A) Whenever a dog is impounded pursuant to the provisions of this subchapter, **and in a case where** the owner or custodian of the dog is known to the impounding official, he shall forthwith give notice of the impounding by personal service or by mail upon the owner or custodian; and if the owner or custodian does not, within five days after the date of service of the notice, claim the dog and pay a redemption fee as established by the city, the dog may be humanely killed or disposed of to a person agreeing to provide it a suitable home.
- (B) In case the owner or custodian of the dog is not known to the ~~City Animal Control Officer~~, **Community Service Officer**, a notice of impoundment shall be placed on the bulletin board at the police station and if at the expiration of five days after notice is posted, neither the owner nor custodian claims the dog and pays a redemption fee as established by the city, it may be humanely killed or disposed of to a person agreeing to provide a suitable home.

§ 92.11 RIGHT OF APPEAL.

A dog owner, believing himself aggrieved by the seizure and impounding of his dog may apply to the municipal judge for the release of his dog; and the municipal judge shall thereupon set a time and place for hearing the application and notify the enforcing officer; and upon a summary hearing at such time and place the municipal judge shall have full power to determine whether the dog has been wrongfully impounded and whether he shall be returned to his owner and upon what terms.

POTENTIALLY DANGEROUS DOGS

§ 92.25 PURPOSE.

The purposes of §§ 92.26 through 92.29 is to establish a procedure whereby dogs that pose a reasonably significant threat of causing serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury has occurred.

§ 92.26 CLASSIFICATION OF LEVELS OF DANGEROUSNESS.

A dog shall be classified as potentially dangerous based upon specific behaviors exhibited by the dog. For the purposes of §§ 92.25 through 92.29 behaviors establishing various levels of potentially dangerousness are as follows:

- (A) Level 1 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal.
- (B) Level 2 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.
- (C) Level 3 behavior is established if a dog, while confined in accordance with § 92.06 aggressively bites any person.
- (D) Level 4 behavior is established if a dog while at large, aggressively bites or causes physical injury to any person or domestic animal.
- (E) Level 5 behavior is established if:
 - (1) A dog, whether or not confined, causes the serious injury or death of any person
 - (2) A dog, while at large, kills any domestic animal;
 - (3) A dog engages in or is found to have been trained to engage in exhibitions of fighting; or
 - (4) A dog that has been classified as a Level 4 potentially dangerous dog repeats the behavior described in division (D) of this section after the owner receives notice of the Level 4 classification.
- (F) Notwithstanding division (A) through (E) of this section, the Chief of Police or his designee shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the behaviors specified in division (A) through (E) of this section, if the Chief of Police or his designee determines that the behavior was the result of the victim abusing or tormenting the dog or other extenuating circumstances. In any case, no dog shall be classified as potentially dangerous if the behavior in question was directed against a trespasser inside any fully-enclosed building on private property if all exterior doors of the building were locked at the time the trespass occurred.

§ 92.27 IDENTIFICATION OF POTENTIALLY DANGEROUS DOGS; NOTICE AND APPEAL.

- (A) The Chief of Police or his designee shall have authority to determine whether any dog has engaged in the behaviors specified in § 92.26. This determination shall be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's control of the dog. These observations and testimony can be provided by the ~~Animal Control Officer~~ **Community Service Officer** or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior if necessary.

- (B) The Chief of Police or his designee shall give the dog's owner written notice by certified mail or personal service of the dog's classification as potentially dangerous dog and of the additional restrictions applicable to that dog by reason of its classification. If the owner denies that the behavior in question occurred, the owner may appeal the Chief of Police or his designee's decision to the Municipal Judge by filing a written request for a hearing with the Chief of Police within ten days of the date the notice was mailed to the owner by certified mail or the owner was personally served.
- (C) The Municipal Judge shall hold a public hearing on any appeal from the Chief of Police's decision to classify a dog as potentially dangerous. The owner and any other persons having relevant evidence concerning the dog's behavior as specified in § 92.26 shall be allowed to present testimony. The Municipal Judge shall determine whether the behavior specified in § 92.26 was exhibited by the dog in question. The Municipal Judge shall issue an order containing his or her determination, which shall be final.
- (D) Once the owner has received notice of the dog's classification as a Level 1, 2, 3, or 4 potentially dangerous dog pursuant to subsection (B) of this section, the owner shall comply with the restrictions specified in the notice until such time as the Chief of Police or his designee's decision may be reversed on appeal. Failure to comply with the specified restrictions pending the completion of all appeals shall be a violation of this chapter for which a fine can be imposed. Additionally, the Chief of Police or his designee shall have authority to impound the dog pending completion of all appeal.
- (E) If the Chief of Police or his designee finds that a dog has engaged in Level 5 behavior, the dog shall be impounded pending the completion of an appeal. If the Chief of Police or his designee's decision is upheld on appeal, the dog's owner shall be liable for the cost of the dog's impoundment.
- (F) The imposition of regulations pursuant to this section shall not prevent the issuance of a citation pursuant to §§ 92.01 through 92.11.

§ 92.28 REGULATION OF POTENTIALLY DANGEROUS DOGS; NOTICE OF APPEAL.

In addition to the other requirements of Ordinance No. 83.2, the owner of a potentially dangerous dog shall comply with the following regulations:

- (A) If the dog has engaged in Level 1 behavior, the dog shall be restrained by a physical device or structure that prevents the dog from reaching any public sidewalk or adjoining property whenever that dog is outside the owner's home on a leash.
- (B) If the dog has engaged in Level 2 behavior, the owner shall confine the dog within a secure enclosure whenever the dog is not on a leash or inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's property.
- (C) If the dog has engaged in Level 3 behavior, the owner shall meet the requirements of division (B) of this section and shall also post warning signs on the property where the dog is kept.
- (D) If the dog has engaged in Level 4 behavior, the owner shall meet the requirements of divisions (B) and (C) of this section and shall, additionally, not permit the dog to be off the owner's property unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person.
- (E) Any dog that has been found to have engaged in Level 5 behavior as described in § 92.26 shall be euthanized. In addition, the Chief of Police or his designee may suspend, for a period of up to five years that dog owner's right to be the owner of any dog within the city limits, including dogs currently owned by that person.

§ 92.29 BANNING OF DANGEROUS DOGS.

- (A) At the discretion of the chief of Police a dog with a documented history of exhibiting Level 3 or 4 behavior may be prohibited from entering or residing within the city limits except to be transported in a secure vehicle while passing through the city.
- (B) In addition, the Chief of Police is empowered to ban a Level 3 or 4 dog from the city limits for a specified period of time or permanently, however, the dog owner shall have the right of appeal, specified in § 92.27 of any decision under this section.

§ 92.30 SELLING OF DANGEROUS DOGS.

No person shall sell or otherwise transfer to another ownership of a potentially dangerous dog within the city limits. No person shall secrete or harbor a dangerous dog for another while the owner of that dog exercises the right of appeal.

§ 92.31 RESTITUTION AND DAMAGE.

- (A) The owner(s) of a dog that injures a human shall be liable for damages such as hospitalization, and medical costs, compensation, and other consequential damages incurred by the victim.
- (B) The owner(s) of a dog that bites or injures any domestic animal (including birds and husbandry animals) shall be liable for damages such as veterinary costs, compensation and other consequential damages incurred by the owner of the injured animal.

§ 92.32 REPORTING OF POTENTIALLY DANGEROUS DOGS.

Any person who observes or has evidence of behavior as described in § 92.26 shall forthwith notify the Chief of Police.

LICENSING OF DOGS

§ 92.45 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOG. Both male and female

KENNEL. Any lot or premises on which four or more dogs more than six months old are kept.

OWNER. A person, firm, association, or corporation owning, keeping, or harboring a dog. (Ord. 82-30, passed 12-27-82; Am. Ord. 84-12 passed 5-14-84)

§ 92.46 LICENSE REQUIREMENT

Every dog that resides within the city and that has developed permanent canine teeth or is six months old, whichever occurs first, shall be licensed according to the terms and requirements herein. The licensing year shall be the same as the calendar year. No license may be issued without proof of rabies inoculation as provided herein. Operation of a kennel shall require the license described above along with a business license. A kennel shall only be operated in areas that comply with the zoning code.

§ 92.47 LICENSE FEES.

- (A) The following annual license fees shall be applicable and payable to the city on January 1, 1983 of each year, ~~and January 1 of each subsequent year~~, and shall be paid no later than March 1, 1983, ~~and March 1 of each subsequent year~~.
 - (1) For each spayed female or neutered male for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the city, ~~five (\$5)~~ **fifteen (\$15) dollars**.

- (2) For each dog kept primarily in a Kennel and not permitted to run at large, five (\$5) fifteen (\$15) dollars, so long as the dog is not taxed as inventory pursuant to O.R.S. 310.608. In the event that the dog is so taxed, a fee shall not be charged for the issuance of a license for that dog.
- (3) For the first dog owned by a resident of the city who is 65 years of age or older as of March 1 of each year, the license fee shall be ~~three (\$3)~~ five (\$5) dollars if the dog is shown to be spayed or neutered. For each additional dog, the regular applicable fee shall be charged. These fees are set pursuant to the minimum fee requirements of O.R.S. 609.100, as amended by 1977 O.L. Ch. 189, Sec. 10.
- (4) For each dog owned by a resident of the city who is disabled, "disable" describing a person who has been classified as or determined to be totally disable by any state or federal agency, and who presents verification thereof from the classifying agency, the license fee shall be ~~three (\$3)~~ five (\$5) dollars if the dog is shown to be spayed or neutered as provided herein, and ~~nine (\$9)~~ fifteen (\$15) dollars if the dog is not spayed or neutered. For each additional dog, the regular applicable fee shall be charged. These fees are set pursuant to the minimum fee requirements of O.R.S. 609.100, **609.10**, as amended by ~~1977 O.L. Ch. 189, Sec. 10~~. Provided, however, that pursuant to O. R.S. 609.100(4), no license fee shall be required to be paid for any dog owned by a blind person who uses it as a guide. A license shall be issued for such dog upon filing with the city an affidavit by the blind person showing such dog to be within this exemption.
- (5) For any other dog, ~~ten (\$10)~~ **fifteen (\$15) dollars**.

(B) Where a person establishes residence in the city or obtains ownership of a dog after March 1 of each year, or where a person owns a dog who turns six months of age or develops permanent canine teeth after March 1 of each year, that person shall have 30 days to obtain a dog license as provided above. The license fee shall be prorated as follows:

- (1) If the original license fee is ~~ten (\$10)~~ **fifteen (\$15) dollars**, the fee for the license obtained on or after April 1 of each year shall be ~~nine (\$9)~~ **fourteen (\$14) dollars**.
- (2) If the original license fee is ~~five (\$5)~~ **ten (\$10) dollars**, the fee for the license obtained on or after April 1 of each licensing year shall be ~~three (\$3)~~ **nine (\$9) dollars**.

§ 92.48 RABIES INOCULATION REQUIRED.

Prior to the issuance of a license, the city, pursuant to O.R.S. 433.375, shall require proof of rabies inoculation that is valid for the entire year for which the license is applied, and properly certified by a licensed veterinarian, unless the dog for which the license is applied is specifically exempted by the State Health Division or the State Department of Agriculture. The ~~Animal Control Officer~~ **Community Service Officer** shall keep on record such evidence of inoculation for future licensing years. Where the dog is too young or otherwise not able to receive his inoculation safely, a veterinarian's certificate as to this fact may be submitted in lieu of the rabies inoculation.

§ 92.99 PENALTY.

- (A) (1) A violation of § 92.07 may be punishable by a fine of not more than one hundred fifty (\$150) dollars for the first violation, **two hundred-fifty (\$250) dollars for the second violation and** or not more than ~~three hundred (\$300)~~ **three hundred-fifty (\$350) dollars** for each additional violation occurring within six months of the first violation or imprisonment in the city **county** jail for not more than five days or both.
- (2) A violation of §§ 92.01 through 92.06 or §§ 92.08 through 92.11 may be punishable by a fine not to exceed **seven hundred (\$700) dollars** or imprisonment in the city county jail for not more than five days or both.

- (3) Each violation of a separate provision of §§ 92.01 through 92.11 shall constitute a separate offense. Each day that a violation is committed or permitted to continue shall constitute a separate offense.
- (4) ~~In addition to any fines, if a dog has been repeatedly found to be a public nuisance as defined in § 92.07, the court may order such disposition of the dog as the court considers necessary for the safety or health of the public.~~
For each impound in violation of §§ 92.01 through 92.06 or §§ 92.08 through 92.11, the owner or keeper of the dog is required to pay an impound fee of twenty-five (\$25) dollars (licensed) or forty (\$40) dollars (unlicensed) for the first offense; fifty-five (\$55) for a second offense within one year and seventy-five (\$75) dollars for each subsequent offense within one year.
- (5) (4) In addition to any fines, if a dog has been repeatedly found to be a public nuisance as defined in § 92.07, the court may order such disposition of the dog as the court considers necessary for the safety or health of the public.

(B) Violation of any provision of §§ 92.25 through 92.32 is punishable by a fine of not to exceed **five hundred (\$500) dollars.**

(C) Any dog owner who fails to license his dog by the dates provided in §§ 92.45 through 92.48 shall be assessed a penalty of ~~ten (\$10)~~ **fifteen (\$15) dollars per dog when no enforcement action is taken or thirty (\$30) dollars per dog when enforcement action is taken** in addition to the applicable regular license fee. ~~and \$20 for each subsequent violation.~~

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2011, by the following roll call vote:

YEAS:
 NAYS:
 ABSTAIN:
 ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2011.

 DON LARSON, MAYOR

ATTEST:

 Mark J. Winstanley, City Manager

Memo

To: Mayor and Council
From: City Manager's Office
CC: Kim Jordan
Date: February 24, 2011
Re: Audit Contract 2011

With City Council's approval Kern & Thompson, LLC, will conduct the City of Seaside audit for the period beginning July 1, 2010, and ending June 30, 2011, the amount of the contract is \$38,000.00. The City of Seaside audit contract for the year beginning July 1, 2009, and ending June 30, 2010 with Kern & Thomson, LLC, was \$37,500.00.



KERN & THOMPSON, LLC

Certified Public Accountants

February 1, 2011

Honorable Mayor
Members of the City Council, and
Mark J. Winstanley, City Manager
City of Seaside, Oregon
989 Broadway
Seaside, Oregon 97138

We are pleased to confirm our understanding of the services we are to provide the City of Seaside, Oregon for the year ended June 30, 2011. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City of Seaside, and the separate basic financial statements of its component unit, the Seaside Urban Renewal Agency, as of and for the year ended June 30, 2011 (collectively referred to hereafter as the City).

Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's MD&A in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtain during our audit of the basic financial statements. We will not express an opinion or provide any other assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. Accordingly, the MD&A required by generally accepted accounting principles will be subjected to certain limited procedures, but will not be audited.

Supplementary information other than RSI also accompanies the City's basic financial statements. We will subject the following RSI and the following other supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the basic financial statements as a whole:

RSI:

General Fund and Major Special Revenue Funds Budgetary Comparison Schedules

Other Supplementary Information:

Non-Major Governmental Funds Combining and Budgetary Comparison Schedules
Enterprise Funds Combining and Budgetary Comparison Schedules
Schedules of Property Tax Transactions
Schedule of Accountability of Independently Elected Officials

City of Seaside, Oregon
February 1, 2011
Page Two

The following additional information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will disclaim an opinion.

Introductory Section
Statistical Information

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America, the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and the *Minimum Standards for Audits of Oregon Municipal Corporations*, and will include tests of the accounting records of the City and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement. Our audit of the financial statements does not relieve you or management of your responsibilities.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and compliance will include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity, and specific legislative or regulatory bodies, and is not intended to be and should not be used by anyone other than these specified parties. If during our audit we become aware that the City is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

City of Seaside, Oregon
February 1, 2011
Page Three

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the [Name of Governmental Unit] and the respective changes in financial position and cash flows, where applicable, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report. You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that indicates that we have reported on the supplementary information. You also agree to present the supplementary information with the audited financial statements.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

City of Seaside, Oregon
February 1, 2011
Page Four

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our reports on compliance issued pursuant to *Government Auditing Standards* or the *Minimum Standards for Audits of Oregon Municipal Corporations*.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

City of Seaside, Oregon
February 1, 2011
Page Five

If you request, we will provide copies of our reports directly to the Division of Audits of the Oregon Secretary of State on your behalf; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Kern & Thompson, LLC and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to the Division of Audits of the Oregon Secretary of State or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Kern & Thompson, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Division of Audits of the Oregon Secretary of State. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to perform preliminary audit work in late May 2011, final audit field work during October 2011, and to issue our reports no later than November 30, 2011. Rick Proulx is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services are based on our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.), except that **we agree that our all-inclusive fee, including expenses, will not exceed \$38,000**. The fee estimate is based on anticipated cooperation from Organization personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with the Organization's management and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. Payment is due upon receipt of the invoice. If not paid when due, a late charge of 1-1/2% per month will be imposed and we shall be entitled to stop rendering services until payment is made. In accordance with our firm policies, work may be suspended if the Organization's account becomes 90 days or more overdue and will not be resumed until the Organization's account is paid in full.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2008 peer review accompanies this letter.

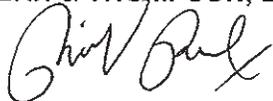
We appreciate the opportunity to be of service to the City of Seaside and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

KERN & THOMPSON, LLC

City of Seaside, Oregon
February 1, 2011
Page Six

Very truly yours,

KERN & THOMPSON, LLC



Richard V. Proulx, CPA

RVP/ljn
Enc.

RESPONSE:

This letter correctly sets forth the understanding of the **CITY OF SEASIDE**

By: _____

Title: _____

Date: _____

CONTRACT

THIS CONTRACT, made this 1st day of February, 2011, in accordance with the requirements of Oregon Revised Statutes 297.405 through 297.555 between **KERN & THOMPSON, LLC**, Portland, Oregon, Certified Public Accountants (Auditor), and the **CITY OF SEASIDE**, Seaside, Oregon (Client), provides as follows:

It hereby is agreed that Auditor shall conduct an audit of the accounts and fiscal affairs of Client for the period beginning July 1, 2010, and ending June 30, 2011 (and annually thereafter), in accordance with the Minimum Standards for Audits of Municipal Corporations as prescribed by law. The audit shall be undertaken in order to express an opinion upon the financial statements of Client, and the separate financial statements of the Seaside Urban Revenue Agency (a component unit of the City of Seaside), and to determine if the Client has complied substantially with appropriate legal provisions.

Auditor agrees that the services contracted to perform under this contract shall be rendered by or under personal supervision and that the work will be faithfully performed with care and diligence.

It is understood and agreed that, should unusual conditions arise or be encountered during the course of the audit whereby the services of Auditor are necessary beyond the extent of the work contemplated, written notification of such unusual conditions shall be delivered to the Client, who shall instruct in writing Auditor concerning such additional services, and that a signed copy of each such notification and instruction shall be delivered immediately to the Secretary of State by the party issuing the same.

The audit shall be started as soon after this contract is executed as is agreeable to the parties hereto and shall be completed and a written report thereon delivered within a reasonable time, but not later than six months, after the close of the audit period covered by this contract. Adequate copies of such report shall be delivered to the Client, and its form and content shall be in accordance with and not less than that required by the Minimum Standards for Audits of Oregon Municipal Corporations.

It is understood and agreed that the Client is responsible for such financial statements as may be necessary to fully disclose and fairly present the results of operations for the period under audit and the financial condition at the end of that period. Should such financial statements not be prepared and presented within a reasonable period of time, it is understood that Auditor shall draft them for Client. The cost of preparing such financial statements shall be included in the fee for conducting the audit as set forth below.

~~It is understood and agreed that either party may cancel this Contract by giving notice in writing to the other party at least ninety (90) days prior to July 1 of any year.~~

In consideration of the faithful performance of the conditions, covenants, and undertakings herein set forth, the Client hereby agrees to pay Auditor the sum of **\$38,000.00**, and the Client hereby affirms that proper provision for the payment of such fee has been or will be duly made and that funds for the payment thereof are or will be made legally available.

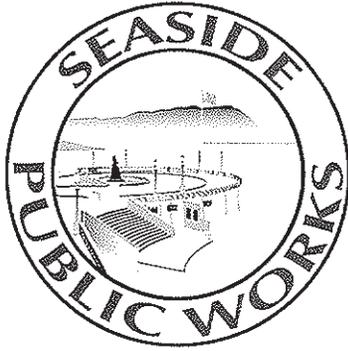
KERN & THOMPSON, LLC

CITY OF SEASIDE, OREGON

By: _____

Garth Paul, CPA

By: _____



MEMO

From: Neal Wallace

February 28, 2011

To: The Honorable Mayor and City Council

Re: Biosolids Program

The Seaside Waste Water Treatment Plant will produce approximately 1,800,000 (1.8 million) gallons of sludge that will be treated to become lime stabilized bio-solids. We are able to land apply one million gallons at the City farm, leaving 800,000 gallons annually to be hauled and disposed of properly. Last year our contract to have liquid sludge hauled was for 26 cents per gallon. If we were to sustain that level annually it would cost Seaside \$208,000 per year.

The proposal before you is with Parker Agricultural Services and it proposes to dewater the 800,000 gallons on site and haul the dewatered sludge to DEQ approved sites. We have the ability to store up to 400,000 gallons in the plant and Parker will come twice a year (spring and fall) to dewater and haul. Parker charges \$10,000 to mobilize equipment, nine cents a gallon to dewater, and 4.3 cents per gallon to haul and land apply. Costs for 800,000 gallons with Parker will be:

Mobilization (two times)	\$20,000
Dewater (9 cents x 800,000)	\$72,000
<u>Haul (4.3 cents x 800,000)</u>	<u>\$34,400</u>
Total	\$126,400

Dewatering will cost approximately 60% of our previous method of hauling.

Parker Ag is the only contractor I have been able to find working in the area that offers all of these services in one contract. There is a contractor in Florida and one in Texas that offer these services, but they are not in the area and won't come for the small amount we have to dewater. Parker is active in the Northwest, has good local references, and has a positive history with DEQ. Staff recommends accepting Parker's proposal and entering into contract with them so they can dewater and haul this spring.

City of Seaside Public Works



1387 Avenue U
Seaside, OR 97138
503-738-5112
503-738-8765 FAX

Biosolids dewatering Proposal from Parker Ag

Proposed Plan of Operations

Parker Ag will mobilize in during late May and late September every year to dewater the stored sludge and remove it for land application. There will be an estimated 400,000 gallons of biosolids at 2% total solids stored in the digesters located at the City wastewater treatment plant. The City will lime stabilize the liquid biosolids in the digesters prior to dewatering by Parker Ag. The City will provide the 480 3 phase 100 amp service required for the belt filter press operation.

Parker Ag will pump the solids from the storage tanks and dewater them. The solids will be piled on the ground. The City will load the dewatered solids into transport units for removal. Due to the timing of this event in the spring and fall, it is most likely that the biosolids will have to be transported to permitted application sites near The Dalles, OR. The permitting of these sites will be done by Parker Ag under the City's permit. The City will provide the required Class B, VAR and lab data required by the Oregon DEQ.

Termination

These prices are based upon a good faith effort to extrapolate data; however, it is understood that the exact sludge to be dewatered does not exist until a few days prior to hauling. Parker Ag reserves the right to either terminate this agreement or renegotiate the fees if the sludge provided does not meet the following metrics:

- 2% total solids or less
- pH less than 9.5 SU
- Dewaterers to a minimum of 14% total solids
- 100 gpm cannot be pumped over the course of an event.

Term

The prices provided are based upon being issued a three year contract to provide these services.

Fees

Mobilization - \$10,000 lump sum per event

Dewatering - \$.09 per gallon as measured by on board flow meters (includes all labor, land application fees, permits and polymer cost)

Transportation - \$.043 per gallon in place

The fees are fixed for the term of the contract provided that diesel fuel does not exceed \$4.00 per gallon as indicated by the below listed web site. If it does, there will be a fuel surcharge added to the entire event as outline below.

An event fuel adjustment which shall be indexed on a diesel fuel price of \$4.00 per gallon, and based upon the U.S. Department of Energy-Energy Information Administration Weekly Retail On-Highway Diesel Prices for the West Coast region (http://www.eia.doe.gov/oog/info/wohdp/diesel_detail_report_combined.asp) (the "Fuel Adjustment"). The Fuel Adjustment will be based upon the weekly price of diesel fuel as it deviates from \$4.00/gal in ten-cent increments. The adjustment will be the percent increase or decrease of diesel fuel price relative to \$4.00/gallon multiplied by 10 percent times the tonnage fee.

Key personnel with experience in preparation, hauling and land application of biosolids.

Mike Scharp – Vice President of Marketing and Program Development: A co-owner, Mike is in charge of developing various technical services and business programs within Parker Ag. His responsibilities include business development and oversight of the regulatory staff. Mike has been directly employed in the biosolids management industry since 1984. He was the key developer of the successful New York City project in Prowers County and has been a resident participant in the Colorado biosolids industry since 1998. Mike is a Certified Professional Soil Scientist, has a Bachelor of Science in Forestry from the University of Illinois, and has served on numerous biosolids committees over the years. He is also certified as a Class I/II Land Applier by the Associated Boards of Certification.

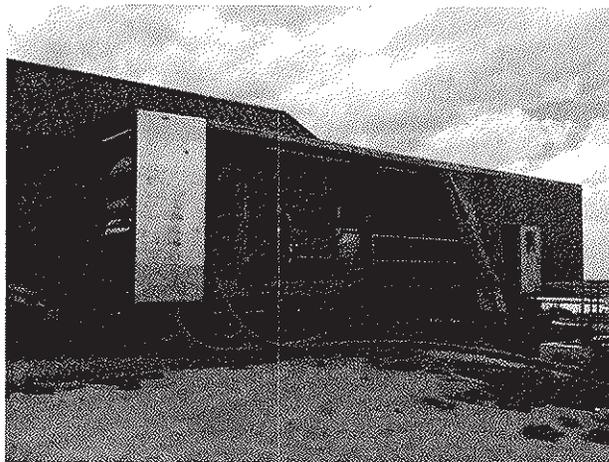
Robert Domenico – Director of Operations: Robert has been with Parker Ag over 10 years and has an extensive equipment operations background including owning his own over the road trucking company and operating one of the largest farming operations of its kind in the early 1980's. He manages our belt filter presses and air drying equipment and will be available for the Greeley contract on an as-needed basis. Robert has a degree in Agronomy/ Industries Management from the Colorado State University. Robert will manage Parker Ag's on-site operations staff during the biosolids removal program.

Dennis O'Neill – Oregon Technical Services Manager. A Certified Crop Advisor, Dennis is responsible for developing working relationships with the farmers on whose land biosolids will be spread, assembling and submitting the documentation necessary to obtain regulatory approvals for the land application projects, and follow-up as necessary with local entities and the public. He is also responsible for preparing and submitting annual reports to clients and the regulatory agencies. Dennis has been very successful in establishing the land base in Oregon for the Clean Water Services and Salem land application contracts. Dennis possesses six years of land application experience; 8 years as consulting agronomist, 10 years as ranch hand/manager. Dennis is a Certified Crop Advisor and has been certified as a Land Applier I by the Associated Boards of Certification.

Major equipment to be used in performing the work.

Parker Ag will use one mobile belt filter press and one dredge to remove the biosolids and dewater them. The solids will be loaded in transport units using a standard front end loader. The transport units will be subcontracted. Once the biosolids get to the permitted application site the biosolids will be loaded with a front end loader in a Knight Spread for application.

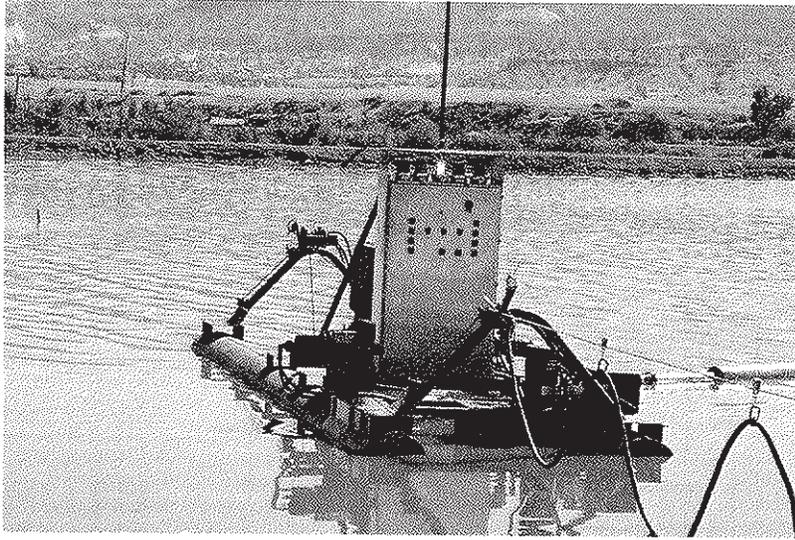
Parker Ag Mobile Press 3



2008 Peterbilt Truck and Pup Model 387 33 ton capacity



Crissafulli Flump 4" Model



Subcontractors

Parker Ag will utilize the transportation services of Behrman Transport, Inc. for the hauling of the dewatered biosolids. Attached is their Oregon PUC.

PUBLIC UTILITY COMMISSION OF OREGON
SALEM, OREGON 97310-1380

MOTOR CARRIER PERMIT No. 31869
CLASS 1A

BEHRMAN TRANSPORT INC
9013 NE HIGHWAY 99 SUITE G
VANCOUVER WA 98665

Is hereby issued a permit to transport PROPERTY (EXCEPT HOUSEHOLD GOODS) IN
INTRASTATE COMMERCE IN OREGON, subject to applicable provisions of ORS Chapter 767.

	YES	NO
VEHICLE LIABILITY INSURANCE \$750,000 minimum per accident; policy on file with PUC. If NO, carrier operates only vehicles with a declared weight of 26,000 pounds or less and is not required to file proof of vehicle liability insurance.	X	
CARGO INSURANCE \$10,000 minimum, policy on file with PUC. If NO, carrier transports only commodities that are not subject to material damage or loss through ordinary transportation hazards and cargo insurance is waived.	X	
COLLECT-ON-DELIVERY SERVICE \$10,000 bond on file with PUC. If NO, carrier does not provide COD service.		X
Carrier transports hazardous materials.		X
Carrier elects to participate in the following regulations:		
Carrier's operations governed by Uniform Cargo Liability Law, ORS Chapter 771.		X
Carrier's operations governed by Uniform Cargo Credit Rule, OAR 860-66-015.		X
Carrier's operations governed by Uniform Bill of Lading Rule, OAR 860-68-067.		X
Carrier participates in Joint Line Rates and Routes approved by PUC.		X
Carrier participates in Mileage Guides approved by PUC.		X
Carrier participates in Commodity Classifications approved by PUC.		X

This permit is evidence of the authority of the named permit holder and is subject to revocation, suspension, or modification as authorized by ORS Chapter 767.

Each power vehicle with a combined weight of more than 26,000-pounds operating under this permit must be registered with a valid temporary pass or PUC-plate. The weight certificate issued with a plate by the Commission must show the correct loaded combined weight and be carried in the vehicle.

An additional permit is required from the proper authority for highway or structure restrictions and excess weight or dimension.

JANUARY 1, 1995



Parker Ag sample insurance certificate

1997-2000 09/00 THE INSURABLE FORM 1997 04 000 0100 01
AGENCY CERTIFICATE OF LIABILITY INSURANCE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

INSURERS AFFORDING COVERAGE: COMPANY: Farmers Group, Inc. POLICY: Personal Automobile ADDRESS: Raleigh North Carolina		4247 1990A 1970
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COVERAGES

COVERAGE	TYPE OF COVERAGE	POLICY NUMBER	START DATE	END DATE	AMOUNT
A	GENERAL LIABILITY	CNPA494584	08/01/07	08/01/08	\$2,000,000
	PRODUCT LIABILITY				\$1,000,000
	ADVERTISING LIABILITY				\$1,000,000
	CONTINGENT LIABILITY				\$1,000,000
X	COMMERCE LIABILITY	CN02696087	08/01/07	08/01/08	\$1,000,000
	TRANSPORTATION LIABILITY				\$1,000,000
	CONTRACTORS LIABILITY				\$1,000,000
	CONTRACTORS POLLUTION LIABILITY				\$1,000,000
X	COMMERCE LIABILITY	01 2696901-21	08/01/07	08/01/08	\$1,000,000
	CONTRACTORS LIABILITY				\$1,000,000
X	COMMERCE LIABILITY	4223044	05/01/08	05/01/09	\$1,000,000
	CONTRACTORS LIABILITY				\$1,000,000
X	CONTRACTORS LIABILITY	0219187700	10/17/07	08/01/08	\$1,000,000
	CONTRACTORS POLLUTION LIABILITY				\$1,000,000

CERTIFICATE HOLDER: PARKER AG SERVICES, LLC
 154 W COX
 ARLINGTON VA 22202
 ATTN: DAVID RANDOLPH
 FAX# 504-403-3314

AGENT: David A. Hinkle
 2300 CONVENT ROAD
 RALEIGH NC 27601