

**AGENDA SEASIDE CITY COUNCIL MEETING
JANUARY 11, 2010 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SWEARING IN CITY COUNCILOR JAY BARBER
4. ROLL CALL
5. APPROVAL OF AGENDA
6. COMMENTS – PUBLIC
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS - \$835,779.21
 - b) APPROVAL OF MINUTES – DECEMBER 14, 2009 REGULAR MINUTES
9. SWEARING IN SEASIDE POLICE COMMUNICATIONS CLERK JOHANNES KORPELA
10. UNFINISHED BUSINESS:
 - a) ORDINANCE 2009-08 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN THE CODE OF SEASIDE ORDINANCE CHAPTER 151 CHANGING THE ZONING AT 60 & 120 N ROOSEVELT FROM R-3 TO R-C
 - MOTION FOR THIRD AND FINAL READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ROLL CALL VOTE
 - b) VACANCY – LIBRARY BOARD
BUDGET COMMITTEE
11. NEW BUSINESS:
 - a) PRESENTATION – CLATSOP COUNTY COMMISSIONERS DONATION OF A STATE OF OREGON FLAG AND UNITED STATES FLAG TO THE SEASIDE LIBRARY
 - b) APPROVAL – COMMUNITY GARDENS AGREEMENT
 - c) VACANCY – AIRPORT COMMITTEE
12. COMMENTS FROM THE STUDENT REPRESENTATIVE
13. COMMENTS FROM THE COUNCIL
14. COMMENTS FROM THE CITY STAFF
15. ADJOURNMENT

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

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

CALL TO ORDER The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Don Larson.

ATTENDANCE Present: Mayor Don Larson, Council President Tim Tolan, Councilors Stubby Lyons, Don Johnson, and Larry Haller.

Absent: Councilor Dave Moore

Also Present: Mark Winstanley, City Manager; Neal Wallace, Public Works Director; Geoff Liljenwall, Public Works Engineer; Kevin Cupples, Planning Director; Bob Gross, Seaside Police Chief; Max Milander, Seaside High School Representative; Rebecca Herren, The Coast Times; Jeff Nelson, KAST; and Jeremy Ruark, Seaside Signal; Nancy McCarthy, Daily Astorian.

AGENDA Motion to approve the December 14, 2009, agenda; carried unanimously. (Tolan/Lyons)

COMMENTS – PUBLIC No comments from the public.

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 \$739,497.08, and approve the November 23, 2009 minutes; carried unanimously. (Lyons/Johnson)

HEARING – This was the duly advertised time and place to hold a hearing regarding Amending the Zoning Map Referenced in the Code of Seaside Ordinances Chapter 151 Changing the Zoning at 60 & 120 N. Roosevelt from R-3 to R-C.

ORDINANCE #2009-08 AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN THE CODE OF SEASIDE ORDINANCE CHAPTER 151 CHANGING THE ZONING AT 60 & 120 N. ROOSEVELT FROM R-3 TO R-C

Kevin Cupples, Planning Director, explained applicants had requested a zone change that would amend the current designation of the property located at 60 and 120 N. Roosevelt from High Density Residential (R-3) to Residential Commercial (RC). The subject property consisted of two units of land located immediately north and south of 1st Avenue. The northern property was approximately .14 acres (6,250 sq. ft.) and the southern property was approximately .27 acres (11,750 sq. ft.). Mr. Cupples further stated both properties were committed to non residential uses and had been since a time prior to 1983 when the City's first Comprehensive Plan was acknowledged by the State of Oregon. The applicants had requested the zone change in order to more fully utilize the commercial use of the property without being restricted by the limited use allowed under the current zone. Mr. Cupples further stated if the request was approved, future development of the property would be governed by the ordinance provisions and development standards applicable to the Residential Commercial R-C zone. In accordance with Article 9 of the Seaside Zoning Ordinance, the City Council could make a final decision on a zone change after considering the recommendation by the Seaside Planning Commission. Mr. Cupples further stated the Planning Commission conducted a public hearing to obtain public input concerning the proposed zone change. Testimony in favor of the proposed request was offered by the applicant. There were no comments in opposition to the proposed zone change. After closing the public hearing and discussing the proposed zone change, the Commissioners recommended the City Council approve the request based on the adopted information in their final recommendation. Mr. Cupples further stated staff recommended Council approve the zone change request based on the Commission's recommendation and make a motion that Ordinance No. 2009-08 be read by title only. The ordinance was the document that would formally recognize the Council's approval of the request and authorize the change on the City's Zoning Map. The decision would be supported by the record of the Planning Commission's recommendation referenced in the ordinance. Following the first reading, a motion for a second reading by title only would be needed. The third and final adoption would take place during the next Council meeting scheduled for January 11, 2010. Staff was encouraging Council to not open the Ordinance for public testimony regarding the land use portion. If there were issues with the Ordinance that would appropriate to open for comments.

Motion to place Ordinance 2009-08 on its first reading by title only; carried unanimously. (Haller/Lyons)

Motion to place Ordinance 2009-08 on its second reading by title only; carried unanimously. (Haller/Lyons)

Mayor Larson stated the third and final reading and motion to adopt would be scheduled at the next City Council meeting as an agenda item.

**BID RESULTS –
NORTH HOLLADAY
PROJECT FROM
12TH TO 24TH AVENUE**

Councilor Lyons stated there was a Seaside High School Student Representative, Max Milander, who attended the City Council meetings to get updates on the City for the Seaside High School Students and also updated the Council and public on Seaside High School information. Councilor Lyons presented a Student Representative shirt to Mr. Milander.

Neal Wallace, Public Works Director, introduced Geoff Liljenwall, Public Works Engineer, to discuss the North Holladay Improvement Project Bid Results.

Mr. Liljenwall explained the North Holladay Improvement Project would be from 12th to 24th Avenue, with sewer, water, storm drainage, and utilities that were above ground would go underground. There would be five foot sidewalks provided on each side of Holladay, new intersections, and new driveways. There would be a discussion with properties owners about installing new combined mailboxes. On Wednesday, December 16, 2009, there would be an open house meeting with the public to discuss and answer any concerns or questions about the project.

Council President Tolan asked if the owners would be responsible for any expenses.

Mr. Liljenwall stated the owners would not be responsible for any expenses for the project improvements. Mr. Liljenwall further stated there were eighteen plan holders for the North Holladay Improvement Project. The bid opening was November 18, 2009, of which there were five received. The five bids received were from:

Big River Construction	\$1,839,960.97
Bob McEwan Construction...	\$2,282,828.00
Kerr Construction.....	\$2,624,267.15
Parson Construction.....	\$2,707,070.00
Rognlin Construction.....	\$3,202,388.00

Mr. Liljenwall stated upon review of the bid package submitted, staff recommended the project be awarded to Big River Construction for the total amount of \$1,839,960.97. Mr. Wallace further stated all the bids appeared to be responsive, but Big River Construction was the lowest bid. Staff had reviewed the bids and discussed the project with Big River's representative, Tony Ewing. Mr. Liljenwall further stated a copy of the bid summary sheet was added to each Council packet for review.

Motion accepting the North Holladay Improvement Project from Big River Construction for \$1,839,960.97; carried unanimously. (Johnson/Lyons)

**COUNCIL VACANCY
CONSIDERATION**

Mayor Larson stated Council accepted applications for the vacant City Council position. Prior to the City Council Meeting there were interviews conducted with the two applicants John Dunzer, and Jay Barber. Mayor Larson asked Council what they wished to do.

Council consensus to appoint an applicant for the vacant City Council position.

Mayor Larson asked for a roll call vote:

MOORE	ABSENT
TOLAN	BARBER
LARSON	BARBER
HALLER	BARBER
LYONS	BARBER
JOHNSON	BARBER

Mayor Larson stated Jay Barber was appointed for the new City Council position and would be sworn in at the next City Council meeting January 11, 2010.

Term expiration for Jay Barber would be December 31, 2010.

**VACANCY –
LIBRARY BOARD**

Mayor Larson stated there was one vacancy for the Library Board; Coleman Beghtol had served all of his term limits which left a vacancy on the board. Mayor Larson asked the Press to advertise the vacancy.

**VACANCY –
BUDGET COMMITTEE**

Mayor Larson stated there were two vacancies for the Budget Committee. There were two term expirations with Gayle Spear who wished to be reappointed and Diana Schafer who chose to not be reappointed. Mayor Larson asked Council what they wished to do.

Motion to reappoint Gayle Spear to the Budget Committee; carried unanimously. (Haller/Lyons)

Term expiration for Gayle Spear would be December 31, 2012.

Mayor Larson asked the Press to advertise the one Budget Committee Vacancy.

VACANCY –
BUILDING BOARD
OF APPEALS

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

Motion to reappoint James O'Brien and Christopher Rose to the Building Board of Appeals; carried unanimously. (Haller/Tolan)

Term expiration for James O'Brien and Christopher Rose would be December 31, 2012.

VACANCY –
TOURISM ADVISORY
COMMITTEE

Mayor Larson stated there were two vacancies for the Tourism Advisory Committee with two term expirations from Keith Chandler and Angela Clark who wished to be reappointed. Mayor Larson pointed out that Angela Clark was closing her restaurant "The Goose Hollow" but would still own the restaurant. Mayor Larson asked Council what they wished to do.

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

Term expiration for Keith Chandler and Angela Clark would be December 31, 2012.

COUNCIL MEETING
DECEMBER 28, 2009

Mayor Larson asked Council if they wished to have a City Council meeting on December 28, 2009. Mayor Larson stated he would be on vacation and the only piece of business would be the third and final reading on Ordinance 2009-08. Mayor Larson asked Council what they wished to do.

Motion to cancel the City Council Meeting scheduled for Monday, December 28, 2009; carried unanimously. (Johnson/Lyons)

STUDENT REP.

Max Milander, Seaside Student Representative, asked Mr. Liljenwall how the school would be affected by the North Holladay Improvement Project.

Mr. Liljenwall stated there would be traffic control from 13th to 17th Avenue with complete blocks shut off from traffic during days there was construction. Once the construction reached the high school there would be conversations with the school to inform staff and students what would be taking place.

Mr. Milander stated a new term had started on Tuesday, December 8, 2009, and today was the start of Holiday week which was like Homecoming week except it was about bringing the school together instead of classes competing against each other.

COMMENTS – COUNCIL

Councilor Lyons stated there was a Pearl Harbor Remembrance Day at the Convention Center on December 7, 2009. There was a color guard, rifle squad, fly over, and a trumpet player who performed beautifully. Councilor Lyons further stated there were 19,354 cities in the United States of America, and Seaside Oregon was one of the 51 communities in the State of Oregon and had now reached their 11th Anniversary of being a Tree City USA. Councilor Lyons further stated he hoped everyone had a Merry Christmas.

Council President Tolan congratulated Jay Barber for being selected for the City Council position, and thanked Mr. Milander for performing at the Festival of Trees Hospital Event which raised approximately \$90,000.00, on Saturday, December 5, 2009. Council President Tolan further thanked Councilor Lyons for the Pearl Harbor Remembrance Day Celebration.

Councilor Johnson wished everyone a Merry Christmas.

Councilor Haller thanked Jay Barber for being a new member for City Council.

Mayor Larson stated he had an update for the All American City Committee. Council had appointed Councilor Lyons to serve on the committee as a City Council representative, Gloria Linkey as the representative for the Seaside Downtown Development Association (SDDA), Doug Barker for the Chamber of Commerce representative, and Mary Blake for the Sunset Parks and Recreation representative. Mayor Larson further stated now that the Tourism Advisory vacancy was filled there would be a representative selected from that committee.

COMMENTS – STAFF

Russ Vandenberg, Convention Center General Manager, stated as a Rotarian he was inviting the public to help wrap presents for approximately five hundred children this year at the Convention Center, Wednesday, December 16, 2009, from 5:00 PM to 9:00 PM.

Mr. Wallace congratulated Jay Barber and looked forward to working with him in the future, and thanked Council for the support on all the projects for the City.

Lori Oxley, SDDA, stated one hundred and eighteen cedar boughs were added to the streets of Seaside and she asked the public to shop locally to support the businesses in town.

^{City}
Jenny Dideum stated Thursday, December 17, 2009, was the Chamber of Commerce open house from 5:00 PM to 7:00 PM at the Chamber of Commerce Building.

Bob Gross, Seaside Police Chief, wished Council a Merry Christmas and Happy New Year.

Mark Winstanley, City Manager, congratulated Jay Barber and looked forward to working with him as a City Councilor. Mr. Winstanley recognized the Public Works Department for all the work that was conducted last week which was very challenging for the department and residents of Seaside since the cold weather had caused quite a few broken pipes. Mr. Winstanley stated the two local events; the Festival of Trees and Rotary raised the highest totals for money this year or were very close to the years prior. The way the community supported the organizations this year and especially with the way the economy had been was remarkable.

ADJOURNMENT

The regular meeting adjourned at 7:28 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

ORDINANCE NO. 2009-08

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN THE CODE OF SEASIDE ORDINANCE CHAPTER 151 CHANGING THE ZONING AT 60 & 120 N ROOSEVELT FROM R-3 TO R-C.

WHEREAS, the Planning Commission conducted a public hearing regarding a proposed zone map amendment at 60 & 120 N Roosevelt that would change the zone from High Density Residential (R-3) to Residential Commercial (R-C) and made recommendation to the Council based on the applicant's submittal, the staff report, public testimony, adopted findings and conclusions that support the proposed amendment; and

WHEREAS, the City Council reviewed the Commission's recommendation on zone change 09-048ZC during their meeting on December 14, 2009, and based on the record, determined the request is consistent with the provisions in the City's Comprehensive Plan and it will not undermine the Plan's compliance with state wide planning goals.

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:

Change the zoning at 60 & 120 N Roosevelt from High Density Residential (R-3) to Residential Commercial (R-C). Said property is currently referenced on the Clatsop County Tax Assessor's Map as Township 6 North, Range 10 West, Section 21AA TL #3400, 3601, & N1/2 3700

SECTION 2. The Seaside Planning Commission did hold a public hearing on November 17, 2009, during which the public was given an opportunity to testify in favor and in opposition of the zone change. Following the hearing, the Commission recommended the Seaside City Council approve the proposed zone change request.

SECTION 3. The City Council hereby approves the zone map amendment (file reference #09-048ZC) based on the adopted information in the Planning Commission's recommendation.

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

YEAS:
NAYS:
ABSTAIN:
ABSENT:

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

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

SEASIDE LIBRARY BOARD

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

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

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

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

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

COMMITTEE/COMMISSION APPOINTMENT

- 1. Date Council Notified:** December 14, 2009

Name: Coleman Beghtol

Commission/Committee: Library Board

Resignation Date:

Term Expiration Date: December 31, 2009

Wants to be considered again: No – Served all of the term limits

- 2. Applicants:**
Mary Peterson
MaryJean Walker

- 3. Nominations:**

- 4. Appointment:**

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

CITY OF SEASIDE

Interest Form for Committee/Commission Appointment

PLEASE RETURN TO CITY HALL BY: JANUARY 6, 2010

NAME PETERSON MARY PHONE 503 738-9344
Last First
ADDRESS 26 N Wahanna Rd #4 Seaside OR 97138
LENGTH OF TIME IN SEASIDE 5 1/2 years
ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No
OCCUPATION retired
PAST OCCUPATIONS librarian

List committee/commissions you are currently appointed to: none

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

List fields in which you have interest or ability: Libraries

List employment and volunteer activities, which may relate to service on committee/commissions:
Volunteer at Seaside library 4 1/2 yrs.
President - Friends of Seaside library 2007-2008

List skills and special knowledge that you may have acquired from these activities:
understand workings of library
ability to work with people

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

When? _____ Please explain: _____

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

NAME	RELATIONSHIP	ADDRESS	PHONE
<u>Reila Fackera ll</u>	<u>Supervisor</u>	<u>Seaside library</u>	<u>503-738-6742</u>
<u>Nancy Taggart</u>	<u>Friend/Colleague</u>	<u>Seaside</u>	<u>503 738-8026</u>
<u>Leslie Palmeri</u>	<u>Colleague</u>	<u>Seaside</u>	<u>503 717-2036</u>

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

DATE Dec 30, 2009 SIGNATURE Mary Peterson

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

CITY OF SEASIDE

Interest Form for Committee/Commission Appointment

PLEASE RETURN TO CITY HALL BY: JANUARY 6, 2010

NAME Walker Mary Jean PHONE 503/470-9455

ADDRESS ^{Last} 3528 ^{First} Sunset Blvd Seaside OR 97138

LENGTH OF TIME IN SEASIDE 15 yrs

ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No

OCCUPATION Tot Consultant - self employed

PAST OCCUPATIONS Environmental enforcement
marine biology

List committee/commissions you are currently appointed to: None

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

List fields in which you have interest or ability:
Research legislation & compliance

List employment and volunteer activities, which may relate to service on committee/commissions:
Former board member Former President WA State
National Assn of Enrolled Society of Enrolled Agents
Agents

List skills and special ^{library} knowledge that you may have acquired from these activities:
I was a board member but had to resign due to a
conflict of interest. All of the outstanding issues have
been resolved and will not recur. I would now like to
continue serving on the board

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

When? _____ Please explain: _____

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

NAME	RELATIONSHIP	ADDRESS	PHONE
<u>Mike Bates</u>	<u>friend</u>	<u>PO Box 26 Seaside</u>	<u>738-3580</u>
<u>Don Dirgett</u>	<u>friend</u>	<u>PO Box 796 Seaside</u>	<u>739-2976</u>
<u>Barbara Batcher</u>	<u>friend</u>	<u>PO Box 326 Cannon Beach</u>	<u>436-0360</u>

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

DATE 1-6-2010 SIGNATURE Mary Jean Walker

LIBRARY BOARD COMMISSION

Term of Office: 4 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
COLEMAN BEGHTOL	511 HILLSIDE LOOP.	738-7646	12/31/2009
SHARON WARD	225 10 TH AVENUE	739-0148	12/31/2010
JAN CLAWSON*	343 HEMLOCK ST.	738-9044	12/31/2011
DON MCKAY	2516 OREGON AVE.	738-9003	12/31/2012
JAMES SHIPLEY	284 ALPINE STREET	717-0392	12/31/2012

*CHAIR

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:** December 14, 2009

Name: Diana Schafer

Commission/Committee: Budget Committee

Resignation Date: N/A

Term Expiration Date: December 31, 2009

Wants to be considered again: Schafer - No

2. **Applicants:**

3. **Nominations:**

4. **Appointment:**

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>
OLIVER VERNOR	764 3 RD	738-4352	12/31/2010
LES MCNARY	1624 S. FRANKLIN	738-0759	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
DANA PHILLIPS	217 BROADWAY	738-9413	12/31/2011
GAYLE SPEAR	50 7 TH AVENUE	738-7942	12/31/2012
VACANCY			12/31/2012

Memo

To: Mayor and City Council
From: Trish Downey, City Manager's Office
Date: 1/7/2010
Re: Intergovernmental Agreement-Community Gardens

The City has negotiated an agreement with Sunset Empire Park and Recreation District to design, plot and manage the Community Gardens along the Highway between Avenue M and K (two blocks).

The District will construct handicapped plots, a garden fence to meet City approval, and manage the operations of the gardens. They will also maintain the space in an appealing manner year-round. In the winter the land will be turned over and a uniform cover crop will be planted.

The District's Board of Directors has approved the agreement.

AGREEMENT

THIS AGREEMENT, made and entered into this 16 day of DECEMBER 2009, by and between the City of Seaside, a municipal corporation of the State of Oregon, hereinafter called "City" and the Sunset Empire Park and Recreation District, a Special District, hereinafter called "SEPRD".

WHEREAS, the "City" is desirous of contracting with "SEPRD" for the performance of the hereinafter described management of the Seaside Community Gardens located on the east side of S. Roosevelt between Avenue 'K' and Avenue 'M'; and

WHEREAS, "SEPRD" is agreeable to rendering such management service on the terms and conditions hereinafter set forth.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS HEREIN CONTAINED IT IS MUTUALLY AGREED AS FOLLOWS, TO WIT:

SEPRD

- I. Provide a Garden Manager,
- II. Will design gardens and garden plots, City requests that one block be filled before moving to the next block,
- III. Construct handicapped plots, a garden fence, to meet City approval,
- IV. Post signage regarding garden operation, to meet City Sign Ordinance standards,
- V. Manage garden operations as per policies established by the "Friends of Clatsop County Community Gardens",
- VI. Maintain the space in an appealing manner year-round. Wintertime the land will be turned over and a uniform cover crop will be planted.

SEASIDE

- I. Provide water for garden use,
- II. City reserves the right to review and make recommendations as it relates to other City policies or park plans,
- III. City must approve any alterations or changes to this IGA.

Likewise, "SEPRD" shall secure and maintain and cause "City" to be named as an insured on all appropriate general liability policies of "SEPRD" in an amount not less than \$1,000,000, to provide for coverage for performance under this agreement, and certificates of such coverage and endorsement evidencing that "City" is a named insured

shall be provided to "City" promptly after execution of this agreement. Similarly such insurance shall not be cancelled, modified or coverage reduced without providing "City" at least thirty (30) days advance written notice.

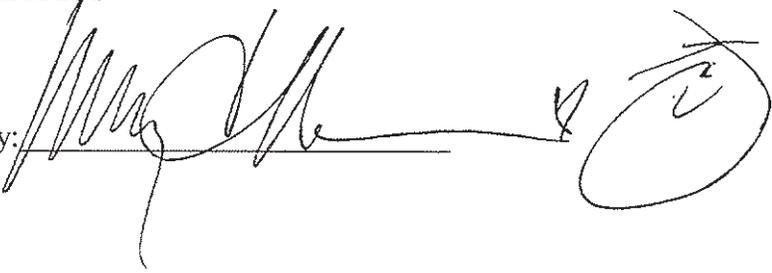
- VII. This agreement shall be effective from the December, 2009. It shall continue and shall automatically be renewed for each successive year unless written notice of termination is given by either party no later than the first day of the immediately preceding month of January. Nothing contained in this agreement is intended to limit the remedies, if any, of either party against the other party, or the other party's insurance carrier, to recover damages to property or injury to persons caused by the other party.

IN WITNESS WHEREOF, the parties have executed this agreement in duplicate on this _____ day of _____, 2009.

CITY OF SEASIDE

SUNSET EMPIRE PARK & RECREATION
DISTRICT

By: _____

By:  _____

COMMUNITY GARDEN AGREEMENT

Gardening courtesy and communication

One of the main goals in community gardening is to work together or next to each other in relative harmony. Please be courteous in all interactions, and work together to resolve any disagreements. Contact your Garden Manager for guideline clarifications or plot delineation. Garden Managers will check plots regularly to encourage productive use by participants. Gardeners should make arrangements for plot maintenance and notify the Garden Manager if they will be away for more than 2 weeks.

What constitutes a "working garden"

A garden plot must be maintained, planted or mulched, and stay reasonably within its boundaries. Plots may not be consistently weedy, untended or filled with debris. Gardeners are expected to spend at least 2 hours per week, on average, tending the plot during the growing seasons. If you go on vacation or cannot get to the garden for any reason, get a friend or another gardener to tend your plot in your absence.

Growing seasons

Gardeners are responsible for keeping the plot gardened, cover-cropped or mulched. Weedy plots are subject to warning and cancellation. Spring growing season begins when the ground is dry enough to be worked, which varies each year. Summer growing season is approximately June through August. Fall gardening is usually September and October, with most gardens prepared for winter with mulch or cover crop. Perennial crops and some annual winter hardy crops may be over-wintered, but should be maintained.

What to grow

Vegetables, herbs, flowers, and small fruit plants for home consumption and donation are appropriate. It is not acceptable to allow quantities of produce to rot. No large structures or shade trees. Garden art is acceptable if not shading your neighbor's bed.

Gardening Methods

Organic amendments, fertilizers and composting materials which promote a *sustainable soil and are not harmful to others as applied correctly may be used. Pesticides, herbicides, weed and feed, poisons etc. are not allowed. Violation of this policy will be cause for ending your garden contract. If in doubt contact the garden manager.*A pamphlet of garden methods to promote sustainability and pest control using organic materials and techniques is included in your packet.

Getting started

The deadline for beginning work is the 15th day from the signing of the garden contract. It exists to motivate our gardeners to show that they are going to use the garden plot, and not waste it. The minimum requirements of "getting started" include:

- Weeding, planting
- Working some of the soil in preparation for planting
- Harvesting of crops, If appropriate
- Pathway clean-up

By **30 days of the contract**, there should be marked progress towards a productive garden, which includes:

- At least ½ the plot(s) worked
- Removal of remaining weeds
- Establishing and caring for plants
- Continued pathway maintenance

November clean up

Annual crops should be harvested and the plants cleaned up and composted. Garden plots should be cover-cropped and/or mulched around perennial plants by November 30th.

Water availability and use

Conserve water as much as possible by using only the amount needed for healthy crops and turning the water off when done.

Pathway maintenance

Paths must be 2½ to 3 feet wide, level, and either wood chip mulched or mowed. No plastic or carpet should be used. Cardboard or paper must be covered by wood chips, and leveled. Plants should not grow into the paths, or hang over the paths. Each garden site will designate path maintenance responsibility.

Steps to organizing a work party

If you would like to organize a work party at your garden, first talk to your garden manager about what tasks you'd like to accomplish and the dates. Then talk to other gardeners to gauge their interest in forming a work party. If enough people are interested the date, time will be announced and scheduled.

Community Garden Shared Tool Care

Any soil that clings to the metal surface of the tools should be removed. You will probably find it easier to wash off the larger soil patches with a strong stream of water from the hose. Small soil particles and rust spots are easily removed with sandpaper. It pays to keep the tools in good working order. To keep the handle from drying out and splitting, rub the handle with linseed oil. Wipe off any excess so it won't get tacky. Tools will last much longer and will function more efficiently if you do.

Dogs in gardens

Dogs must be on leash, well behaved, non-aggressive, and not allowed to run through the garden or go into other garden plots. Please be mindful that your pet is not crushing other gardener's plants or peeing on their produce. Pick up and dispose of any waste in a plastic bag (tied). Pet privileges will be revoked if your pet is a nuisance.

Notification of abandoned/under-worked garden

1. Garden Manager calls gardener to set date for work to be done by gardener.
2. If gardener does not meet agreed-upon date, gardener will receive a 5-day notice to clean up garden or lose plot.
3. If gardener does not respond, gardener will receive a cancellation letter, and the plot will be assigned to another gardener.

Liability

Gardeners waive their right to sue the City, SEPRD, Friends of Clatsop County Community Gardens, or any other group or individual at the Community garden by signing the hold harmless clause in this packet.

I have read side 1 and 2 and I agree to follow the rules and policies in this garden agreement.

Gardener _____ Date _____

**SEASIDE COMMUNITY GARDEN AGREEMENT
HOLD HARMLESS CLAUSE**

Participant agrees to hold harmless the City, SEPRD, the Friends of Clatsop Community Garden Association, the Garden Managers, the Neighborhood, and their respective officers, agents and employees, from and against all damage to-property, bodily injury or death of any person arising out of the occupancy and/or use of the property by the participant at the Community Garden.

Signature: _____ Date _____

Affiliation: _____
(gardener, volunteer, other)

Mailing Address _____

Phone _____

E-Mail _____

**Payment Agreement: full spaces are \$40.
(Funds are used for water, materials, and garden events)**

My garden space is # _____

I agree to pay The Friends of Clatsop Community Gardens _____
By _____ . (no later than 2 months from beginning gardening).
(date)

Gardeners may begin gardening after signing and turning in their contract and paying their deposit to Garden Managers or The Friends of Clatsop Community Garden, PO Box 514, Seaside, OR 97138, a copy will be mailed to your address.

SEASIDE AIRPORT COMMITTEE

The purpose of the Seaside Airport Committee is to act as an advisory body to the City Council, the City Manager, and the Public Works Director/City Engineer regarding issues concerning the Seaside Public Airport.

The committee consist of the following permanent members: the Public Works Director/City Engineer (or designee), a member of the Seaside City Council, a member of the Gearhart City Council, a representative of the Seaside Downtown Development Association (SDDA), a representative of the Seaside Chamber of Commerce and four (4) non-permanent citizen members, who are not employees of the City, and at least (2) of the non-permanent citizens shall reside within the City limits who shall serve as members-at-large.

The citizen members of the committee shall be selected from, but are not limited to, members of the following groups: persons with a demonstrated interest in public airport, educators, private businesspersons, persons with a diversity of ethnic and cultural affiliations, and persons of diverse economic backgrounds and interests.

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

All members shall be appointed by the City Council and shall serve for a term of three years. However, three of the first non-permanent members shall be appointed for a term of one year, two years, and three years respectively. As those terms expire, the vacancy will be filled for three-year terms in each case.

Each year, at the first Committee meeting in January, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. One of the Committee members will serve as Secretary. Minutes of all meetings will be filed with the City Council.

The Committee 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 by the City Council 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.)

ORDINANCE NO. 2009-04

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON,
AMENDING CHAPTER 31 OF THE SEASIDE CODE OF ORDINANCES REGARDING
MEMBERSHIP OF THE SEASIDE PUBLIC AIRPORT COMMITTEE**

THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Amend Section 31.171 of the Seaside Code of Ordinances to read:

31.171 MEMBERSHIP.

(A) The committee shall consist of the following permanent members: the Public Works Director/City Engineer (or designee), a member of the Seaside City Council, a member of the Gearhart City Council, ~~a representative of the Seaside Downtown Development Association (SDDA), a representative of the Seaside Chamber of Commerce~~ and ~~four (4)~~ Six (6) non-permanent citizen members, who are not employees of the City, and at least ~~(2) (4)~~ of the non-permanent citizens shall reside within the City limits who shall serve as members-at-large.

(B) The citizen members of the committee shall be selected from, but are not limited to, members of the following groups: persons with a demonstrated interest in public airport, educators, private businesspersons, persons with a diversity of ethnic and cultural affiliations, and persons of diverse economic backgrounds and interests.

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

ADOPTED by the City Council of the City of Seaside on this 13 day of July, 2009, by the following roll call vote:

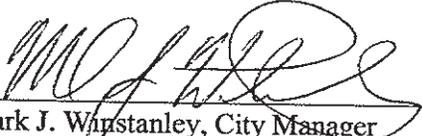
YEAS: LYONS, MOORE, DIEBOLT, JOHNSON, LARSON, TOLAN, HALLER
NAYS: NONE
ABSTAIN: NONE
ABSENT: NONE

SUBMITTED to and APPROVED by the Mayor on this 14 day of July, 2009.



DON LARSON, MAYOR

ATTEST:



Mark J. Wainstanley, City Manager

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** January 6, 2010
Name: Ed Tice
Commission/Committee: Seaside Airport Committee
Resignation Date: Deceased
Term Expiration Date: June 30, 2012
Wants to be considered again:

2. **Applicants:**
3. **Nominations:**
4. **Appointment:**

AIRPORT COMMITTEE

Term of Office: 3 years

Number of Members: 9

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>	
WALLY HAMER	312 SPRUCE DR.	738-9356	6/30/2010	
TRACY MACDONALD	451 HILLSIDE LOOP	738-8140	6/30/2010	
RANDALL HENDERSON	7233 SW BENZ PARK CT. PORTLAND, 97225	503-748-7896	6/30/2011	
ROY BENNETT	2026 FERNWOOD ST.	738-4102	6/30/2011	
ED TICE	333 RAILROAD AVE. GEARHART	738-3574	6/30/2012	Council Gearhart
STEVE PHILLIPS	217 BROADWAY	738-5402	6/30/2012	
NEAL WALLACE	989 BROADWAY	738-5112	6/30/2012	Public Works
DON JOHNSON	PO BOX 372	738-7535	6/30/2012	City Council
GUY WILLIAMS	1125 N. HOLLADAY DR.	738-5342	6/30/2012	

*Chair