

LIBRARY BOARD INTERVIEWS:
6:05 PM – GLORIA LINKEY
6:15 PM – CATRIONA PENFIELD

TOURISM ADVISORY COMMITTEE INTERVIEWS:
6:25 PM – SADIE MERCER
6:35 PM – PATRICK DUHACHEK

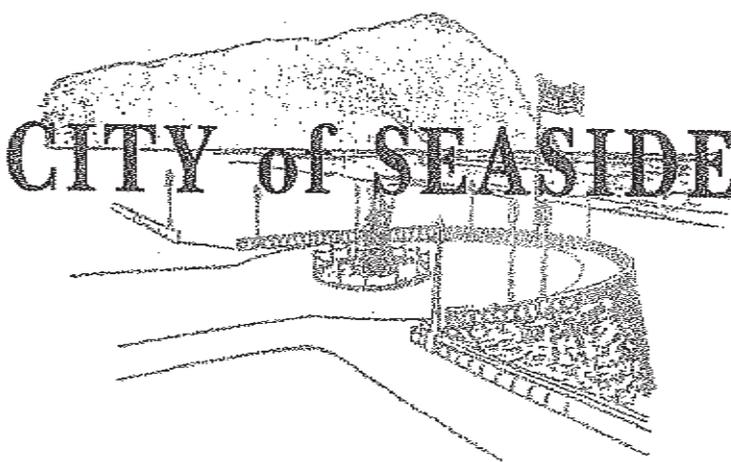
**AGENDA SEASIDE CITY COUNCIL MEETING
JANUARY 27, 2014 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PROCLAMATION – FIRE SERVICE APPRECIATION DAY
6. COMMENTS – PUBLIC
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$326,713.47
 - b) APPROVAL OF MINUTES – JANUARY 13, 2014 REGULAR MINUTES
9. UNFINISHED BUSINESS:
 - a) VACANCY – LIBRARY BOARD - Interviews
TOURISM ADVISORY COMMITTEE – Interviews
CONVENTION CENTER COMMISSION
10. NEW BUSINESS:
 - a) ORDINANCE #2014-01 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, REPEALING CHAPTER 111 OF THE SEASIDE CODE OF ORDINANCES REGARDING AMUSEMENT DEVICES
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - b) ORDINANCE #2014-02 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE COMPREHENSIVE PLAN REFERENCED IN CODE OF SEASIDE ORDINANCE CHAPTER 151 REVISING URBAN GROWTH POLICIES, GOAL 9 ECONOMIC OPPORTUNITIES ANALYSIS, EMPLOYMENT LAND NEEDS ASSESSMENT, GOAL 10 HOUSING AND RESIDENTIAL LAND NEEDS ASSESSMENT AND BUILDABLE LANDS INVENTORY
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED

- c) APPROVAL – CITY OF SEASIDE AUDIT CONTRACT
 - d) RECOMMENDATION – SEASIDE CONVENTION CENTER COMMISSION MONTHLY MEETING CHANGE
 - e) APPROVAL – COLLECTIVE BARGAINING AGREEMENT, SEASIDE POLICE ASSOCIATION
 - f) UPDATE – VISIONING 2034 –JON RAHL
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- 11. COMMENTS FROM STUDENT REPRESENTATIVE
 - 12. COMMENTS FROM THE COUNCIL
 - 13. COMMENTS FROM THE CITY STAFF
 - 14. ADJOURNMENT

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

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



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

PROCLAMATION

Whereas, the fire service members of Oregon have dedicated themselves to the protection of life and property of their fellow Oregonians, often at great risk to their own safety and well-being; and

Whereas, the fire service members of Oregon have continuously supported efforts to elevate the standards and training of firefighters and have been instrumental in increasing the public's awareness of methods of fire prevention and suppression; and

Whereas, firefighting is one of the most hazardous professions and requires extensive training, strength, endurance, courage, and a selfless concern for the safety of the citizens of Oregon; and

Whereas, the contribution and sacrifices of valiant fire service members often go unreported and are inadequately recognized by the public; and

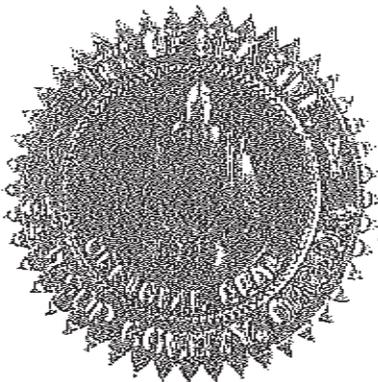
Whereas, the work of fire service members deserve the attention and gratitude of all individuals in Oregon;

NOW, THEREFORE, I, Don Larson, Mayor of the City of Seaside, in the State of Oregon, call upon all citizens to observe Monday, January 27, 2014, as

FIRE SERVICE APPRECIATION DAY

and encourage all citizens of Oregon to recognize and honor our fire service members for their efforts to keep our citizens safe from the ravages of fire.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 27th day of January, 2014.



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 Don Johnson; Councilors Jay Barber, Tita Montero, Randy Frank, and Stubby Lyons.
- Absent: Councilor Dana Phillips
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Joey Daniels, Seaside Fire Chief; and Nancy McCarthy, Daily Astoiran/Seaside Signal.
- COMMENTS – STUDENT REPRESENTATIVE** Mayor Larson stated he would allow Danny Leary, Student Representative, to speak prior to Council approving the agenda.
- Danny Leary, Student Representative, stated everything had calmed down a little after winter break. There were many seniors scrambling to get applications and paperwork filled out. The Senior Research Papers were finished and turned in which needed to be done to graduate. The girl's basketball team was doing very well and had lost only two games and was running fifth in the state.
- AGENDA** Motion to approve the January 13, 2014 agenda; carried unanimously. (Lyons/Montero)
- INTRODUCTION – SEASIDE POLICE DEPARTMENT** Bob Gross, Seaside Police Chief, swore in Seaside Communications Clerk, Diana Pappas and introduced her to the City Council.
- COMMENTS – PUBLIC** Bud Earl, 40 Avenue 'U', Seaside, which was on the Prom and a series of condominiums at the Ambassador by the Sea. Mr. Earl stated he had concerns with the growth coming up between his condominium and the ocean. Mr. Earl had spoken to the gardener, who had cut the growth last spring for a neighbor. Mr. Earl had spoken to a Police Officer and also spoke to the owners at the Inn at the Shore and was told to go to City Council. Mr. Earl further stated he had spoke with Kevin Cupples, Planning Director, in October, 2013, and asked if he could have the blackberries, Ivy, and Scotch broom taken out and Mr. Cupples stated he would take a look at the growth and get back to Mr. Earl. Mr. Earl had still not heard back from Mr. Cupples.
- Mr. Winstanley stated he would speak to Mr. Cupples about Mr. Earl's concerns and asked Mr. Earl to leave his phone number so that Mr. Cupples could contact him.
- Mr. Earl stated he lived in Seaside approximately sixty days out of the year and his permanent resident was in The Dalles. Mr. Earl gave Mr. Winstanley his phone number.
- CONFLICT** Mayor Larson asked whether any Councilor wished to declare a conflict of interest.
- Councilor Montero stated she had conversations two week ago with Steve Geiger, owner of Highway 420.
- CONSENT AGENDA** Motion to approve payment of the bills in the amount of \$1,281,565.54; and December 9, 2013, regular minutes; carried unanimously. (Frank/Johnson)
- VACANCY – LIBRARY BOARD** Mayor Larson stated there was one vacancy on the Library Board with two applications received from Gloria Linkey and Catriona Penfield. Mayor Larson asked Council what they wished to do.
- Motion to close the vacancy on the Library Board and nominate Gloria Linkey and Catriona Penfield and conduct interviews at the next City Council meeting; carried unanimously. (Montero/Lyons)
- Mayor Larson stated interviews for the Library Board would be conducted prior to the City Council meeting Monday, January 27, 2014.

VACANCY –
PLANNING COMMISSION

Mayor Larson stated there was one vacancy on the Planning Commission with one application received from Robert Perkel. Mayor Larson asked Council what they wished to do.

Motion to appoint Robert Perkel to the Planning Commission; carried unanimously.
(Barber/Frank)

Term expiration for Robert Perkel would be November 1, 2017.

VACANCY –
TOURISM ADVISORY
COMMITTEE

Mayor Larson stated there was one vacancy on the Tourism Advisory Committee with two applications received from Sadie Mercer and Patrick Duhachek and applications were closed December 31, 2013. Mayor Larson asked Council what they wished to do.

Motion to nominate Patrick Duhachek to the Tourism Advisory Committee, and conduct interviews prior to the City Council meeting Monday, January 27, 2014; carried unanimously.
(Johnson/Lyons)

PRESENTATION –
2012-2013 CITY OF
SEASIDE AUDIT

Mayor Larson stated Council had met with Rick Proulx prior to the City Council meeting to review the audit.

Rick Proulx, Kern & Thompson, stated for the year end of June 30, 2013, there was an audit performed of the financial statements in compliance with the City. Mr. Proulx further stated the audit was performed in accordance with general accepted auditing standards and rendered an opinion. The opinion on the financial statements for the City of Seaside was that the financial statements were fairly stated and all true in respects. The amounts and disclosures were proper and adequate and everything was recorded properly in the right year and the statements were suitable for the presentation and were available to the public.

Mayor Larson asked if Council had any questions for Mr. Proulx.

Motion to approve the 2012-2013 City of Seaside Audit; carried unanimously.
(Johnson/Lyons)

LIQUOR LICENSE
APPLICATION

Mayor Larson stated there was a liquor license application received from the Seaside Station located at 231 S. Holladay Drive. Mayor Larson further stated this was for change of ownership and the business was applying for an Off-Premises Sales License. Mayor Larson asked if the owner Wan Chul Yoo was present, and the owner was present for questions.

Councilor Frank asked if the business would be open year round.

Wan Chul Yoo, Seaside Station owner, stated the business would be open all year.

Councilor Barber stated he was glad to see the station open again which was a good location that serviced many people in the area.

Motion to approve the Off-Premises Sales License for the Seaside Station located at 231 S. Holladay Drive; carried unanimously. (Barber/Johnson)

APPEAL BUSINESS
LICENSE DENIAL –
HIGHWAY 420

Mayor Larson stated there was a business license denial appeal from Highway 420, 1803 S. Roosevelt, #C, Seaside. The owner was Steve Geiger and he was appealing the business license denial.

Mr. Winstanley stated in advance Council was given the following information pertaining to the denial of the business license. A letter from Bob Gross, Seaside Police Chief, a letter from Karen Lee Gillis who was commenting on the denial, and Highway 420 denial letter, appeal letter, business license application, and business license inquiry. Mr. Winstanley further stated the City of Seaside denied the business license renewal for "Highway 420", a retail store providing gifts, novelties, and kites. The City was made aware that marijuana was being distributed from this site. The retail distribution of marijuana was outside the scope of the owner's current business license and in violation of federal law. Mr. Winstanley further stated at present, Highway 420 was not a licensed medical marijuana distribution facility in the State of Oregon. The owner had not applied for nor received a business license authorizing the distribution of marijuana. Mr. Winstanley further stated he would turn this over to the Police Chief for further information for the Council.

Bob Gross, Seaside Police Chief, stated in November 2013, he met with City Attorney, Dan Van Thiel, to discuss the recent denial of a business that had applied to dispense medical marijuana in the downtown corridor as well as the ongoing operations of Puffin Tuff and Highway 420.

Based on that conversation and review of City Ordinances, the City Attorney felt the City was on solid ground to deny the recent application. In discussing the ongoing operations of Puffin Tuff and Highway 420, the City Attorney felt the City could refuse to renew their business license. Chief Gross stated he was asked to provide information to demonstrate the ongoing sale of medical marijuana at both locations to support the city's refusal to renew the business licenses. Chief Gross further stated on October 16, 2012, Highway 420 submitted an application for a city business license indicating their business was the sale of gifts, novelty, and kites. Although the Police Department recommended denial as "420" is a drug related term, the city did grant their application. Chief Gross further stated in the case of Highway 420, the Police Department learned in 2013, that they were selling medical marijuana out of the back of their store. This was not only a violation of Federal Law; it was outside the scope of the business license for which they had been granted. Chief Gross further stated on October 29, 2013, Sergeant Knight responded to a dog bite incident at Highway 420. Sergeant Goodding assisted on the call in an effort to gather more information about the business. During the conversation with the owner he represented himself as the "Seaside OMMMP" club. When asked to explain he responded that it was part of the Oregon Medical Marijuana Program. When asked what the club entailed, the owner stated it was like Puffin Tuff where someone with a medical Marijuana card or valid ID could reimburse the grower for medical Marijuana. When Sergeant Goodding explained that what the owner described was illegal, the owner responded "Once the Governor signed the bill, our attorneys tell us everything is in flux until the rules... we plan on paying for the license and becoming a state licensed dispensary at the time that happens. Right now we are on a flux period and my understanding was, until the rules were written stores could continue as they were". Sergeant Goodding also explained to the owner that he was in violation of some stated administration rules about displaying and selling drug paraphernalia as items to consume marijuana instead of tobacco and the owner responded, "I understand that, all of those rules are antiquated and going away". A video of the conversation was available. Chief Gross further stated after that contact it was clear that Highway 420 was not only a retail outlet but was engaged in a second business, selling medical Marijuana from the back portion of their business. Chief Gross further stated within the past 60 days, the Police Department conducted a controlled buy of medical Marijuana from Highway 420 using a confidential reliable informant (CRI). The purchase was overseen by Sergeant Barnett using standard control buy procedures. During the purchase of Marijuana, the CRI was not asked to provide any medical Marijuana card and had no identification with him. The CRI successfully purchased Marijuana and based on the description of the person selling marijuana, it appeared to be the owner. Chief Gross further stated Council had information that Highway 420 was clearly not only allowing Marijuana to be purchased in violation of Federal Law but had provided it to a person without the required medical marijuana card. In addition the business was untruthful on their application for a city business license. Highway 420 was clearly in violation of Seaside City Ordinance 110.04 Unlawful, Illegal, or Prohibited Businesses Not Authorized and Highway 420 was also in violation of Ordinance 110.07 Persons Operating More Than One Business. Chief Gross recommended Highway 420 was denied the renewal of their business license for 2014.

Steve Geiger, 1803 S. Roosevelt Unit C, Seaside, stated he was the owner of Highway 420 and was a Cannabis Activist. Mr. Geiger further stated he moved his family to Oregon in 1992 from California and purchased a home in Aloha and immediately became an activist and had been one since. Mr. Geiger was involved with the water department, water board, witness against lawless logging, various environmental groups, and became a national delegate for the green party on all levels. Mr. Geiger had stability in his life and was not a criminal but was an IT person for twenty-five years. Mr. Geiger further stated when he first moved to Seaside he saw the Rasta store which was very much like the store he owned which was kites, novelties, shirts, and jewelry. There was also water pipes and contrary to what was said earlier it was legal in Washington and for medical people in Oregon and the laws that applied to illegal uses did not apply to his store or the Seaside Tobacco shop which was a head shop masquerading as a tobacco shop for years. Mr. Geiger further stated his take was that his store was no different than the store that had been in Seaside for twenty years. Mr. Geiger further stated after the governor signed the bill to legalize dispensaries in Oregon there had been a great deal of contact at his store by locals asking for help and there was a decision to sublet a space in the store to a collective which then began helping people. Randy in the business office was contacted and added the sublet. There had not been any discussion with the Police Chief and that was a mistake Mr. Geiger had made. Mr. Geiger further stated he received the denial letter for the business license and he wanted Council to be aware that the sublease had been terminated with "Seaside Green Cross Collective" and all operations had ceased as of December 31, 2013. Once he was aware of the issue with the sublet he immediately contacted Mr. Winstanley and informed him that he would do whatever was necessary to meet all City ordinances. Mr. Geiger further stated considering the City had given the marijuana dispensary "Puffin Tuff" multiple renewals of their business license in the past, he thought it was reasonable to assume the city would approve the sublet of a collective and once the denial was received the sublease was terminated. Mr. Geiger further stated the store had been a welcome addition to the community and was not involved in any illegal activity. The community had welcomed the addition but did not want to damage the reputation or relationship with the City. Mr. Geiger further stated since there had been an immediate response to the surprise situation, he hoped to be given the right to resume the original business without the operation of the collective and wanted to cooperate with the City. Mr. Geiger further stated he wanted to address what the Police Chief had stated because it was the prime directive to look at cards and identifications and there was nothing more important when in the medical marijuana area.

There was no situation that could be possible where anyone who came into the store would be sold Marijuana without identification or a medical card. Without proof or something to see then that just did not happen because he was the only person other than his wife and they were the owners. The other members of the collective were in the back of the store and the identification would already have been checked. There had never been a non card holder that walked into the store and purchased medicine and he would guarantee that.

Mayor Larson stated the discussion was for Highway 420 and not the Tobacco Store for the last twenty years.

Mr. Geiger asked that Highway 420 not be confused with Puffin Tuff because they were two very different stores

Mayor Larson stated each business had separate issues. Mayor Larson further stated Mr. Geiger spoke about the rules and the laws being antiquated and going away.

Mr. Geiger stated he was referring to the incident when the police made an unrelated visit to the store about an officer commenting on some of the products in the store being illegal because they were for paraphernalia. Mr. Geiger's comment specifically to that was the fact that those laws did not apply when it was legal in the state that was twenty miles from here and was legal for medical people.

Mayor Larson stated the laws did apply to this specific issue and location.

Mr. Geiger asked which laws those were.

Mayor Larson stated the laws that the Chief of Police went by and just because there was going to be a change and it was antiquated had nothing to do with the issue right here tonight.

Mr. Geiger stated the issue was being confused and the Mayor was referring to dispensaries but he was referring to the products sold in his store not the marijuana medicine that was sold. Mr. Geiger was speaking specifically to his store about products like pipes that were sold and he knew what the law stated concerning medical marijuana.

Mayor Larson asked Chief Gross if the issue was being confused.

Chief Gross stated Mr. Geiger was referring to the violation with administrative rules when it had to do with marketing drug paraphernalia. The paraphernalia needed to state for tobacco purposes only.

Mayor Larson stated Mr. Geiger was also denying that the police made a buy.

Mr. Geiger stated it was never a buy but there was reimbursement. Mr. Geiger further stated he emphatically denied that there was marijuana purchased without identification and was willing to go with a lie detector test to prove this.

Mayor Larson stated the City had a marvelous Police Chief, Lieutenant, Detective, and four Sergeants.

Mr. Geiger stated he read about Detective Barnett earlier today which was the one that lied in court and had problems.

Mayor Larson asked Chief Gross where to go from there.

Chief Gross stated Detective Barnett was at the meeting and if Council wanted him to speak about how the buy was accomplished he would.

Mayor Larson stated he relied on what Chief Gross stated.

Chief Gross stated he was not sure there was a need for the explanation.

Mr. Geiger asked if he would get to hear whom the person was that made the buy and get to see their identification.

Chief Gross stated that information would not be released to protect the confidential informant.

Mr. Winstanley stated it might be helpful for Chief Gross to explain how a controlled buy would happen.

Chief Gross stated a controlled buy was where a confidential informant was first searched completely and everything was removed outside of what you exactly want him or her to take with them when they make a purchase. The Sergeant made a decision to not provide the confidential informant with identification and made sure that he only had enough money to purchase the medical marijuana. The informant was then observed going into the store and then coming out of the store and went immediately to the Sergeant and when searched the medical marijuana was the only thing on him.

Mr. Geiger asked if that person was a card holder.

Chief Gross stated that person was a card holder at one time but had never been to Highway 420.

Mr. Geiger stated this simply was not true and he did not know what was happening or if this was some small town politics. This was just not true and he did not appreciate what was happening here. He was a honest person and this had never taken place in his collective and had no idea what was going on but he did not like it. If this needed to go further and be taken to court and spend taxpayer's money then he would. Mr. Geiger further stated he was a business man and was a good person and did not deserve what was happening and did not think it was right.

Councilor Montero stated she was disturbed to hear what Chief Gross had reported to Council. The other issue was that Mr. Geiger sublet part of the store to a collective and she wanted to know for sure that the sub lease was terminated and if given another license that the parameters of the business license would be followed until such time as other changes had taken place.

Mr. Geiger stated absolutely he would follow all guidelines of the business license.

Councilor Montero asked when the sub lease was terminated.

Mr. Geiger stated the day the letter of denial was received was when the lease was terminated. There were many patients that were upset and now had to drive forty to fifty miles to get good quality. There were many people in Seaside and many of the patients were older like the people of the Council who were trying to get off Oxycontin and other things and that was what the store helped them to do. All products were tested and nothing was taken from outside of the store.

Councilor Frank stated Council was not arguing the good it might do or the need. There was a business license issued to Highway 420 for a certain reason and Mr. Geiger had stated he sublet part of the store out for something that was not legal.

Mr. Geiger asked if he could explain.

Councilor Frank stated it was like a speeding ticket either you went fast or you did not.

Mr. Geiger stated he did sublet part of the store and when he moved to Seaside he found out something disturbing and that was that people don't tell the truth but tell what others want to hear and that way you can be a tobacco store for twenty years and actually be a head shop or it can be a resource center and be a dispensary.

Councilor Frank stated Mr. Geiger lied.

Mr. Geiger stated when the City person called and asked about the business license she stated she had been hearing things and asked what type of business Mr. Geiger told her same business but would now be allowing a sublet for a collective.

Councilor Frank stated even if Council agreed with the thought of medical marijuana if it was illegal then it could not be approved. If that changed in the future that may be different.

Mr. Geiger stated House bill 3460 had it written into the law that communities could not do what Seaside was trying to do right now. They thought about this and wrote it into the law and places like Fairview, Gresham, Troutdale, and Tualatin had all tried to put up barriers and had been rebuked harshly.

Councilor Montero stated this was not about putting up a barrier but was about having a business license that was approved for a certain type of business and doing a different type of business. Currently there was no State license and was illegal the way it was being done. Councilor Montero further stated this was about what Mr. Geiger's business license stated, what had been done under that business license, and what was intended to be done.

Mr. Geiger stated he would be in Seaside long term which was his home and these were changing times and sometimes with the law you either step on it or step around it and I know that cannot be done. Once the business license was denied then the sub lease was stopped.

Councilor Barber stated his personal opinion was that he was looking forward to medical marijuana being available to patients that needed it. Councilor Barber's obligation as a Councilor was that the law was followed and it was clear that with the name of the store the intention was to provide access to medical marijuana out of the store. Councilor Barber asked what Highway 420 meant?

Mr. Geiger stated absolutely not and Highway 420 was a code name for cannabis related products which had been sold in the store. There could be a store that sold those types of products without being a dispensary.

Mr. Geiger further stated nothing illegal would be done in the future and he wanted to work with the City and had immediately stopped the business once the denial was received.

Chief Gross stated Mr. Geiger was part of the collective but did not indicate to the business license clerk that he was part of the collective but was subletting to a collective.

Mr. Winstanley asked Mr. Geiger to describe the operations of a collective.

Mr. Geiger stated medicine was never taken off the street and he had always had his own collective and was a grower. A collective works when someone came into the store and wanted to go to the back for medical marijuana there identification and medical card were looked at and compared. There was a room with different types of cannabis and once cannabis was selected and reimbursed, it was weighed out and put into a prescription bottle and that was the end of the transaction.

Councilor Johnson asked if there was a state license.

Mr. Geiger stated there was a state license and March 3, 2014 was when you could apply but was not available right now.

Councilor Montero asked if there was a license to be a grower.

Mr. Geiger stated there was a license to be a grower because they could take extra and sell to dispensaries.

Mayor Larson asked if the City Attorney had any comments.

Dan Van Thiel, City Attorney, stated the focus was correct and he was asked by the City if the businesses violated the law and his opinion was that it did violate the law. Things would become more complicated because the State of Oregon and the Federal Government meet head on with the issue. In March the State of Oregon would allow people to apply but the federal law would still be violated and the federal law was over the state law.

Mayor Larson stated the decision was not whether the issue was a good or bad item but whether the original business license should be renewed.

Councilor Montero stated there were two issues and that was the sales issue with the undercover buy and the other issue was having already terminated the sub lease with the collective.

Council President Johnson stated there were two issues, the person had made a mistake in operating a business in a false environment, and the other issue was a business that wanted to operate a business under the letter of the law and that was very difficult.

Councilor Montero asked Chief Gross if she sold someone pot and it was an undercover buy and was caught, what would happen.

Chief Gross stated that would be criminal charges, delivery of a controlled substance.

Motion to approve the business license for Highway 420, 1803 S. Roosevelt #C, Seaside, under the current business license application selling gifts, novelties, and kites with no sub lease ; carried with the following roll call vote. (Montero/Johnson)

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

**APPEAL BUSINESS
LICENSE DENIAL –
PUFFIN TUFF**

Mayor Larson stated there was a business license denial appeal from Puffin Tuff, 1525 S. Roosevelt. The owner was Jonathan Preuss and he was appealing the business license denial

Mr. Winstanley stated in advance Council was given the following information pertaining to the denial of the business license. A letter from Bob Gross, Seaside Police Chief, a letter from Karen Lee Gillis who was commenting on the denial, and Puffin Tuff denial letter, appeal letter, business license application, business license inquiry. Mr. Winstanley further stated the City of Seaside denied the 2014 business license renewal for Puffin Tuff, Patient Resource Center. The owner Jonathan Preuss was sent a letter of denial stating the City denied the business license renewal for Puffin Tuff a patient resource center providing education, training, safety, compliance, OMMMP program guidance, laboratory testing social interaction, patient and grower match ups, and meeting facilities. The City was aware that marijuana was being distributed from the site. The retail distribution of marijuana was outside the scope of the current business license and in violation of federal law. At present, Puffin Tuff was not a licensed medical marijuana distribution facility in the State of Oregon.

Puffin Tuff had not applied for nor received a business license authorizing the distribution of marijuana. Mr. Winstanley further stated he would turn this over to the Police Chief for further information for the Council.

Chief Gross stated on May 24, 2011, Puffin Tuff submitted an application for a city business license indicating they were going to grow and dispense medical marijuana charging the patients. An inspection of the building and conversations with the owner confirmed that this was their intent. Based on their business plan, the Police Department recommended denial of the application as the business was in violation of federal law. On June 16, 2011, Puffin Tuff was sent a letter of denial to operate their business in Seaside. On June 21, 2011, the owners came to the police department with a new business plan and submitted a new application for a city business license on June 22, 2011. The new business plan indicated they would not be dispensing medical marijuana but only providing information as a "Patient Resource Center". Based on their new application, there was no reason to deny and the license was granted. Chief Gross further stated in the case of Puffin Tuff the police department learned that there was ongoing selling during 2011 and 2012. During that time information was passed to Clatsop County Interagency Task Force in an effort to build a criminal case. While information was gathered by the Task Force, no criminal charges were ever sought. Chief Gross further stated this was not only a violation of Federal Law; it was outside the scope of the business license for which they had been granted. Chief Gross further stated within the past sixty days, the police department conducted a controlled buy of medical marijuana from Puffin Tuff using a confidential reliable informant. The purchase was again overseen by Sergeant Barnett using standard control buy procedures. During the purchase of Marijuana, the CRI was not asked to provide any medical Marijuana card and if he had been asked would have provided one that was expired. The CRI successfully purchased the Marijuana. Chief Gross further stated Council had information that Puffin Tuff was clearly not only allowing Marijuana to be purchased in violation of Federal Law but had provided it to a person without the required medical marijuana card. In addition the business was untruthful on their application for a city business license. Puffin Tuff was clearly in violation of Seaside City Ordinance 110.04 Unlawful, Illegal, or Prohibited Businesses Not Authorized. Chief Gross recommended Puffin Tuff was denied the renewal of their business license for 2014.

Mike Mullins, 10308 SE 96th Avenue, Happy Valley, was the owner of Stoney Girl Gardens and was engaged by Jonathan Preuss for integration, oversight, and compliance with the City on this matter. They were in the process of preparing a compliance plan and were asking the City for a delay on the decision to deny the City Business License for Puffin Tuff located at 1525 S. Roosevelt. Currently Puffin Tuff was in the process of preparing for an application with the State of Oregon for a Medical Marijuana Facility license in accordance with ORS 475.00-475.346 and OAR 333-008-1000. Mr. Mullins further stated Puffin Tuff was family operated by local pioneer residents that had operated businesses and lived in the Seaside Community for generations. The City was first approached in June of 2011 and had operated since that time for two and a half years without any serious incidents. Mr. Mullins further stated they would make formal application to the State as soon as they were available on the morning of March 3, 2014 and asked the Council to review the decision pending successful completion and approval of application. Proof of Registration and Registration number would be provided to the City. In addition Puffin Tuff looked forward to working with the City on any details to include compliance, security, zoning, and other matters associated with the longstanding business relationship to the community. Mr. Mullins further stated they would like to propose that the City begin a discussion on Medical Marijuana Dispensaries and how to regulate the establishment of Medical Marijuana Dispensaries in Seaside. Many other Oregon cities were already setting examples and information about Central Point Medical Marijuana dispensaries was distributed to Council. The establishment of a dispensary would possibly include Ordinance changes with conditional use under state law. It would be municipal code amendments in regards to Title 2 the business regulations, licensing and zoning. This would discuss the allowance of certain zones as a conditional use and define dispensaries as specific conditions under which the dispensaries would be allowed. This was important for the City to look at and plan for as going forward. The State of Oregon was expected to be legal for recreation marijuana this year and dispensaries should not be allowed in the downtown core area nor would we want them around children.

Mayor Larson stated Puffin Tuff would like Council to delay a decision for the denial of the business license.

Mr. Mullins stated on the condition that Puffin Tuff would do exactly what was stated on the business license and would comply with going forward in making application and working with the City.

Mayor Larson stated apparently there was an issue with marijuana being sold in 2011, 2012, and 2013.

Mr. Mullins stated Mr. Preuss had brought Stoney Girl Gardens into the issue because there needed to be a compliance plan and a review. There would be changes made like retraining all the personnel, daily video monitoring of employees and operations, providing written recommendations and would like to provide those to the Police Chief and the City for review and comments. Puffin Tuff was using security systems and traceability systems for state compliance that were used in Colorado and Washington which allowed the owner to know what was going on at all times.

Mr. Mullins stated he would like to work with the City and Police Department on any concerns going forward.

Mr. Winstanley asked if Mr. Mullins was asking for Council to grant a business license for operations of Puffin Tuff as it originally was licensed or asking for a license to be issued where medical marijuana would be distributed.

Mr. Mullins stated they were asking that Puffin Tuff conduct business as originally licensed until such time the business could go forward with the procedures to clarify the issue with the City. Mr. Mullins further stated Puffin Tuff would look forward to becoming a Medical Marijuana Facility but at this point would be willing to go back to being a Patient Resource Center.

Mr. Winstanley stated if the City were to grant a business license to operate as originally issued the license would be acceptable to the owner until whatever time the State issued a Medical Marijuana License.

Mr. Mullins stated one additional thing for City Council was to take a look at what the Federal Laws were.

Mayor Larson stated that was not the issue. The issue was that based on Puffin Tuff business license there would be no Marijuana sold but there was Marijuana sold in 2011, 2012, and 2013. Council was aware of the changes that were coming and that it was needed but the issue was that Puffin Tuff apparently violated the law in 2011, 2012, and 2013. Mayor Larson asked if that was correct.

Mr. Preuss stated that was apparently what he was told. Mr. Preuss stated something about the legitimacy of the report from the Police Department was that obviously someone could walk through the front door.

Mayor Larson stated that could be stopped right now because the Council had a thousand percent faith in the Police Department.

Mr. Preuss stated his concern was that possibly the informant could walk in the door when nobody was out front and grabbed a bottle off the counter and just left. There were patients that brought in samples to be tested.

Mayor Larson stated then someone was not minding the store.

Councilor Montero stated the original business license application was to be a Medical Marijuana Outlet and that was denied. A second business license application was filled out to be a Patient Resource Center. It would appear that in saying that, you fully intended to continue to sell medical marijuana. What I believe about medical marijuana did not mean anything because the intention was to go outside the scope of the business license. After three years why would Council believe now that Puffin Tuff would go back to patient resource when there was three years of evidence that as an owner you did something you said you would not do?

Mr. Preuss stated he understood the concern and Puffin Tuff did go beyond the scope of the business license. This was not to be greedy but was for the patient.

Councilor Montero stated she did not care why it was done.

Mayor Larson stated that was not the issue and Council understood all of that.

Councilor Frank stated under the premise of the other business license where you were providing information to patients. Every business he was aware of opened their doors because they would make money. Councilor Frank asked if Puffin Tuff had to file taxes since tax returns were filed based on sales whether it was kites or other things.

Mr. Preuss stated Puffin Tuff did file taxes.

Councilor Frank asked if Puffin Tuff could make a living on giving advice to people and was trying to understand the business.

Mr. Preuss stated he had been hired by many people to set up grow rooms or just give advice on different items or consultations. There was a fair living made off of that business and aside of that it was still a non-profit.

Council President Johnson asked Mr. Van Thiel if this was in violation of the federal law and in violation with City ordinances if a business license for Puffin Tuff were granted as a resource center would he then be grandfathered in.

Mr. Van Thiel stated the Mr. Mullins and Mr. Preuss stated they would not dispense medical marijuana and would be a research and information center. If there was a medical problem someone could go to them and they would be charged for the resources that were needed.

Mr. Van Thiel further stated Councilor Montero raised an issue of why would I believe that Puffin Tuff would not sell marijuana when there was a history of already selling marijuana when the business license wasn't approved for that.

Councilor Barber suggested that Mr. Preuss come back before Council after a State license had been retained in March, 2014. That would give Council the opportunity to consider the application at that time. Councilor Barber stated that would be the only way that he would consider issuing a business license.

Councilor Lyons stated he agreed with Councilor Barber and this would give Mr. Preuss a tremendous chance to coach the employees to do the right thing.

Mayor Larson asked if that would keep the business license appeal open.

Mr. Winstanley stated that would not keep the business license appeal open and basically what Councilor Barber suggested was for Council to uphold the denial and Puffin Tuff would not have a business license and would need to come back and reapply once the State Statutes concerning Medical Marijuana Distribution came out.

Motion to deny the business license for Puffin Tuff, 1525 S. Roosevelt; carried with the following roll call vote. (Barber/Montero)

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

**VACANCY – TOURISM
ADVISORY COMMITTEE**

Mayor Larson stated there was one vacancy on the Seaside Civic and Convention Center Commission with the resignation of Terry Bichsel.

Motion to accept Terry Bichsel's resignation effective January 13, 2014; carried unanimously. (Johnson/Barber)

Mayor Larson asked the press to advertise the vacancy.

COMMENTS – COUNCIL

Councilor Frank stated obviously there were some tuff items on the agenda but it really came to whether something was legal or not legal, the integrity of the police force, and people worked for. The Council appreciated all the work the police force did.

Councilor Lyons stated it was not easy to turn things items down but sometimes that was what needed to be done.

Council President Johnson stated he had a great time at the Seaside Fire and Rescue Awards Banquet.

Mayor Larson stated he had a negative vote because when told that the Seaside Police Department did not know what they were doing or did something improper he did not agree. The City had a marvelous police department and he was very proud of the department and would back them one-hundred percent.

Councilor Montero stated her vote did not mean she did not appreciate the work of the Seaside Police Department and believed every part of the information that Chief Gross had shared. Councilor Montero further stated her vote was based on the fact that this business owner had remedied the reason for the denial.

Mayor Larson stated Council did their best and the decision was difficult at times.

COMMENTS – STAFF

Chief Gross stated recently the police department arrested a couple for tipping the waitress with Meth and the story had now gone world wide with one-hundred eighty news organizations that had picked up the story. That demonstrated the partnership that the police had with the business community that when an incident like this happened there was no hesitation to call the police right away and in this case remove a lot of Methamphetamines from the community.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated the Convention Center had the Seaside Fire and Rescue Awards Banquet in the building on Saturday when Seaside lost power and the generators worked very well. The Executive Leadership Committee was in the facility and the new Visitors Guide was out and there were 100,000 copies ordered. Mr. Vandenberg further stated the Convention Center would say goodbye to Patrick Ragan who was retiring after twenty-six years with the City of Seaside and his last day would be January 22, 2014.

Joey Daniel, Seaside Fire Chief, stated the Seaside Fire and Rescue had a very good turn out at the awards banquet and there were forty to fifty years of fire chiefs at the banquet with approximately eighty people attending. The volunteer staff put many hours into the community. The EMS Officer of the year was Genesee Dennis, Firefighter of the year was Jacob Rose who was also an intern, and the Fire Officer of the year was David Rankin.

Mayor Larson stated the banquet this year awarded more people for education and Chief Daniels should be proud of the department.

ADJOURNMENT

The regular meeting adjourned at 8:20 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

SEASIDE LIBRARY BOARD

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

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

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

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

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

COMMITTEE/COMMISSION APPOINTMENT

1. Date Council Notified: November 25, 2013

Name: Mary Peterson

Commission/Committee: Library Board

Resignation Date: December 31, 2013

Term Expiration Date: December 31, 2013

Wants to be considered again: Peterson – No

2. Applicants:
Gloria Linkey
Catriona Penfield

3. Nominations:

4. Appointment:

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

CITY OF SEASIDE

Interest Form for Committee/Commission/Board Vacancies

PLEASE RETURN TO CITY HALL BY: _____

NAME Linkey Gloria PHONE 503/440-7142
Last First
ADDRESS 561 Thorne Ct. Seaside, Or
LENGTH OF TIME IN SEASIDE 25
ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No
OCCUPATION Teacher
PAST OCCUPATIONS Sales

List committee/commissions you are currently appointed to: _____

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

List fields in which you have interest or ability: Education & History

List employment and volunteer activities, which may relate to service on committee/commissions:
Working with people
researching history

List skills and special knowledge that you may have acquired from these activities:
I know the history of the area. As a writer I
have an interest in researching and studying!

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>Mary Cornell</u>	<u>Friend</u>	<u>111 Park</u>	<u>503-738-5193</u>
<u>Marilyn Clone</u>	<u>"</u>	<u>Seaside</u>	<u>503-739-4730</u>
<u>Ann Ann Smith</u>	<u>"</u>	<u>"</u>	<u>503-738-7378</u>

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

DATE 12-12-13 SIGNATURE Gloria Ray Linkey

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

CITY OF SEASIDE

Interest Form for Committee/Commission/Board Vacancies

PLEASE RETURN TO CITY HALL BY: December 31, 2013

NAME Penfield Catriona PHONE 503 / 738-6380

Last First
ADDRESS 276 Summit Ave, Gearhart

MAIL ADDRESS (DIFFERENT THEN ABOVE) P.O. Box 366, Seaside

LENGTH OF TIME IN SEASIDE Three years and seven months

ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No

OCCUPATION Attorney

PAST OCCUPATIONS Director of Cannon Beach Children's Center,

Coordinator of Teachers for Healthy Kids - a non-profit org.,
legal research assistant, legislative analyst, library assistant

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

List committee/commissions you are currently appointed to: _____

List fields in which you have interest or ability: law, information science non-profit management and formation
research and policy analysis

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

Current: Treasurer of Moxie NW, Inc. - a new volunteer organization focused on
youth and mentorship. Past: CASA of Lane County, Research assistant for Professor
Merle Weiner, U of O School of Law, Assistant for UC San Diego Social Sciences
and Humanities Library - Maps and Geography.

List skills and special knowledge that you may have acquired from these activities:

Familiarity of Clatsop County community needs and available resources especially
with regards to youth programs, Creating and managing budgets, Analyzing policy
and legal documents, Fundraising and special events, Knowledge of Information
Science and developing electronic/digital and physical collections.

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? _____

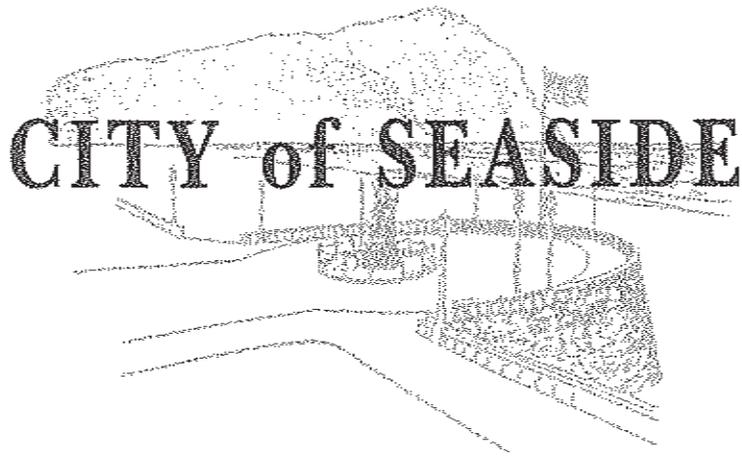
When? _____ Please explain: _____

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>Gretchen Darnell</u>	<u>friend</u>	<u>824 25th Ave, Seaside</u>	<u>738-8585</u>
<u>Bob Moberg</u>	<u>employer</u>	<u>842 Broadway, Seaside</u>	<u>738-6380</u>
<u>Ashley Flukinger</u>	<u>friend/colleague</u>	<u>135 N. Roosevelt, STE 101A, Seaside</u>	<u>738-4272</u>

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

DATE 12/20/2013 SIGNATURE 



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

LIBRARY BOARD COMMISSION

Term of Office: 4 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
VACANCY			12/31/2013
SHARON WARD	225 10 TH AVENUE	739-0148	12/31/2014
RUSS TAGGARD*	PO BOX 2329 -- GEARHART	738-2488	12/31/2015
TESS RATTY	89637 LAKESIDE CT. WARRENTON	738-5055	12/31/2016
JAMES SHIPLEY	284 ALPINE STREET	717-0392	12/31/2016

*CHAIR

TOURISM ADVISORY COMMITTEE

The purpose of the Tourism Advisory Committee is to advise the Tourism Director, City Manager and City Council concerning issues related to the marketing of the City. The Seaside Tourism Director and General Manager of the Seaside Civic and Convention Center shall be the staff liaisons to the Committee.

The Committee shall consist of five members none of whom are employees of the City of Seaside. One must be a resident of Seaside while the remaining four shall be residents, or owners, or employees of businesses within the Seaside City limits. Nominees shall be recommended to the Council for appointment and preference given to the following:

- a) Representative from the Seaside Chamber of Commerce
- b) Representative from the Downtown Development Association
- c) Representative from the lodging businesses
- d) Representative from the restaurant or catering industry
- e) Representative from the at large who resides within the Seaside City limits.

All members shall serve for a term of three years. Any portion of a term exceeding one-half the period of the term shall be considered a term.

Each year, the first meeting of the Committee, 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 committee may at any regular or special meeting cancel one of the monthly meetings, and/or may change the location site. The meeting 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.)

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** October 28, 2013
Name: Shaun Wagner
Commission/Committee: Tourism Advisory Committee
Resignation Date: Wagner - October 9, 2013
Term Expiration Date: December 31, 2013
Wants to be considered again: Wagner – No

2. **Applicants:**
Sadie Mercer
Patrick Duhachek

3. **Nominations:**

4. **Appointment:**

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

CITY OF SEASIDE

Interest Form for Committee/Commission/Board Vacancies

PLEASE RETURN TO CITY HALL BY: October 23, 2013

NAME Mercer Last Sadie First PHONE 541 / 513-1781

ADDRESS 580 Beach Dr #4, Seaside OR 97138

MAIL ADDRESS (DIFFERENT THEN ABOVE) _____

LENGTH OF TIME IN SEASIDE New kid in town - here to stay!

ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No

OCCUPATION Business Owner, Hotel & Restaurant

PAST OCCUPATIONS Business owner, Advertising, Sales & Customer Service

List committee/commissions on which you would like to serve: Tourism Advisory Committee

List committee/commissions you are currently appointed to: None

List fields in which you have interest or ability:
Marketing holds great interest to me, personally and for my business

List employment and volunteer activities, which may relate to service on committee/commissions:
Oregon Welcome - Welcome Wagon business Community Oriented Policy Advisory Board ^{Part}
Seaside Chamber Member owner Townsend, W
SODA Member

List skills and special knowledge that you may have acquired from these activities:
I started a Welcome Wagon in Eugene, OR to try to boost the community spirit, welcome new comers and showcase businesses to those new comers, expanding upon the traditional target market to reach new demographics led to greater success.

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

When? _____ Please explain: _____

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

NAME	RELATIONSHIP	ADDRESS	PHONE
<u>Jim Lomax</u>	<u>Previous Employer</u>	<u>45 Division Ave Eugene</u>	<u>503-939-8740</u>
<u>Bill Montero</u>	<u>Partner in business</u>	<u>241 3rd St Seaside</u>	<u>503-732-0919</u>
<u>Christy Meyers</u>	<u>Friend</u>	<u>2928 Dahlia Ln, Eugene</u>	<u>858-349-1448</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 10/28/13 SIGNATURE Sadie Mercer

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

CITY OF SEASIDE

Interest Form for Committee/Commission/Board Vacancies

PLEASE RETURN TO CITY HALL BY: November 30, 2013

NAME DUHACHEK PATRICK PHONE 858/ 774-4678

ADDRESS ^{Last} 89736 ^{First} SEALES RD. WARRENTON OR 97146

MAIL ADDRESS (DIFFERENT THEN ABOVE) _____

LENGTH OF TIME IN SEASIDE 2 MOS

ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No REGISTERED VOTER IN OREGON

OCCUPATION SELF EMPLOYED - OWNER WHEEL FUN RENTALS

PAST OCCUPATIONS ENGINEER - NORTHROP GRUMMAN 7 YEARS

NAVAL OFFICER 22 yrs

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

List committee/commissions you are currently appointed to: NONE

List fields in which you have interest or ability: BUSINESS MANAGEMENT LOGISTICS
MAINTENANCE MANAGEMENT

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

List skills and special knowledge that you may have acquired from these activities:

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? _____

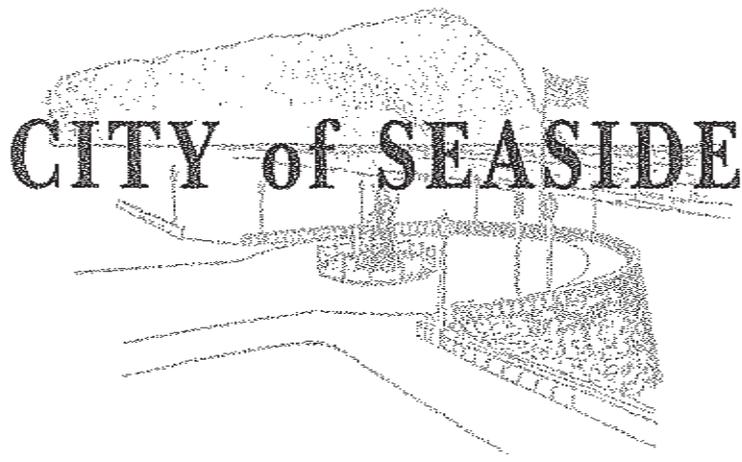
When? _____ Please explain: _____

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>BOB ROGERS</u>	<u>UNCLE</u>	<u>SEASIDE</u>	<u>(503) 440-1426</u>
<u>JIM ROGERS</u>	<u>FATHER IN LAW</u>	<u>(DECEASED)</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 19 Dec 20 SIGNATURE 



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

TOURISM ADVISORY COMMITTEE

Term of Office: 3 years
Number of Members: 5

Chairperson*
Vice Chairperson**
Secretary***

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXP.</u>
VACANCY			12/31/2013
VIRGINIA DIDEUM	1941 BEACH DR.	739-2776	12/31/2014
KEITH CHANDLER**	200 N. PROM	440-4040	12/31/2015
ANGELA CLARK	451 17 TH	739-1874	12/31/2015
MARCI UTTI	1423 S FRANKLIN	440-1018	12/31/2016

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 13, 2014

Name: Terry Bichsel

Commission/Committee: Convention Center Commission

Resignation Date: December 15, 2013

Term Expiration Date: October 25, 2017

Wants to be considered again: No

2. **Applicants:**

3. **Nominations:**

4. **Appointment:**

Terrance J. Bichsel
4580 Fairway Dr. Gearhart OR 97138

December 15, 2013

Mr. Mark Winstanley-City Manager

Seaside City Council

989 Broadway

Seaside OR 97138

Re: Seaside Civic & Convention Center Commission

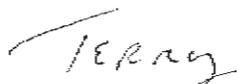
Dear Mr. Winstanley and the Seaside City Council;

Please accept my resignation as an appointed member of the Seaside Civic & Convention Center. I have enjoyed the seven-plus years of service on the commission which has included the opportunity to work with some tremendous people.

I am certainly willing to continue to serve on the commission until a replacement is named, but not later than March 31, 2014. The effective date of the resignation is flexible of course, at the discretion of the Council but again, not later than March 31, 2014.

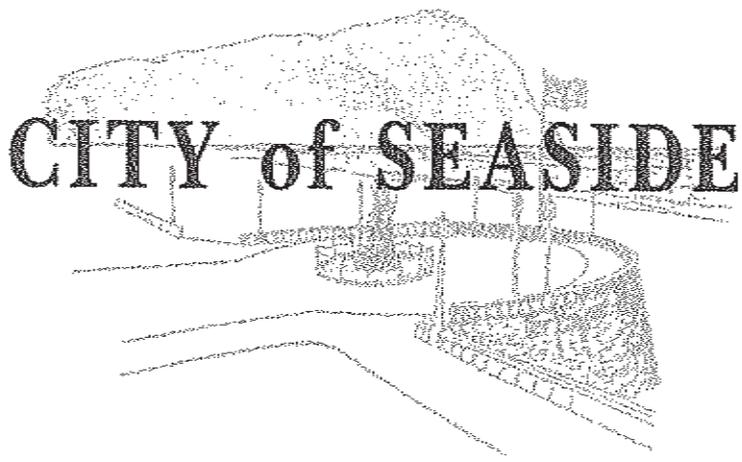
Thank you for this opportunity to be of service.

Sincerely yours,


Terrance J. Bichsel

CC; Russ Vandenberg; Commission Members:

Seth Morissey, Chuck Miner, Marc Posalski, Jeff Kilday, Roger Schultz, Tim Tolan



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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>
MARC POSALSKI	PO BOX 980	503-440-4797	10/25/2014
TIM TOLAN	PO BOX 911	503-738-3802	10/25/2014
ROGER SCHULTZ	2481 VENICE BLVD.	738-5641	10/25/2016
SETH MORRISEY	PO BOX 333	440-2138	10/25/2016
JEFF KILDAY**	PO BOX 1031	738-3018	10/25/2017
CHUCK MINER	2002 MAPLE ST.	440-9240	10/25/2017
VACANCY			10/25/2017

*CHAIR

**VICE CHAIR

ORDINANCE NO. 2014-01

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, REPEALING CHAPTER 111 OF THE SEASIDE CODE OF ORDINANCES REGARDING AMUSEMENT DEVICES.

WHEREAS, the City Council has determined that Chapter 111 is obsolete.

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

SECTION 1. CHAPTER 111 REPEAL.

Chapter 111 of the Seaside Code of Ordinances; also known as Ordinance No. 85-37, adopted 11/25/85 is repealed effective January 1, 2014.

SECTION 2. PAYMENT SETTLEMENT.

The City Council authorizes the City Manager to review all outstanding accounts and negotiate any outstanding balances.

ADOPTED by the City Council of the City of Seaside on this _____ day of _____, 2014, by the following roll call vote:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this _____ day of _____, 2014.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council

From: Planning Director, Kevin Cupples

Date: January 27, 2014

Applicant: City of Seaside
989 Broadway
Seaside, OR 97138

Subject: 13-040ACP- Amending the Comprehensive Plan By Adopting a Goal 9 Economic Opportunities Analysis & Employment Land Needs Assessment, a Goal 10 Housing and Residential Land Needs Assessment, & Buildable Lands Inventory By Ord. 2014-02

Request Summary:

The applicant is requesting a comprehensive plan amendment that will make appropriate changes to the City of Seaside Comprehensive Plan that will summarize the findings of a Goal 9 Economic Opportunities Analysis & Employment Land Needs Assessment, a Goal 10 Housing and Residential Land Needs Assessment, & Buildable Lands Inventory; and adopt these documents by reference. These documents will provide the justification necessary to support future extension of the City of Seaside's Urban Growth Boundary (UGB) so the City will have an adequate supply of buildable land for a twenty year planning horizon.

It is important to point out these amendments do not identify specific lands that are intended to be encompassed by a new UGB, but it will identify the needed acreage figures necessary to support future expansion of the UGB.

In accordance with the Comprehensive Plan, the City Council can make a final decision on the proposed text amendment after holding a public hearing and considering the recommendation made by the Seaside Planning Commission.

Public Hearing Testimony Summary:

The Planning Commission conducted an initial public hearing to obtain input concerning the proposed text amendment on December 3, 2014. Testimony in favor of the proposed request was offered by the consultant team that completed the Goal 9 Economic Opportunities Analysis & Employment Land Needs Assessment, a Goal 10 Housing and Residential Land Needs Assessment, & Buildable Lands Inventory. There were also two letters written that expressed

specific concerns about some of the information in the prepared materials. The consultants responded to these concerns during an additional hearing on December 17 and the documents were amended in response to the identified concerns.

Planning Commission Recommendation:

After closing the public hearing and discussing the proposed text amendment, the Commissioners recommended the City Council approve the amended documents based on their final recommendation (attached).

Final Recommended City Council Action:

The following recommendation is based on the assumption that the public hearing does not reveal any well substantiated reason to consider modifying the proposed text.

Approve Comprehensive Plan Text Amendment 13-040ACP based on the Commission's recommendation and make a motion that Ordinance No. 2014-02 (attached) be read "*by title only*." This ordinance is the document that will formally recognize the Council's approval of the request and authorize the changes to the Comprehensive Plan. This decision is supported by the record and the Planning Commission's recommendation referenced in the ordinance.

Following the first reading, a motion for a second reading "*by title only*" will be needed. The third and final reading "*by title only*" and final adoption will be scheduled for the next council meeting on February 10, 2014.

Attachments:

- Ordinance No. 2014-02
- Planning Commission's Recommendation
- Applicant's Amended Submittals
- Applicant's Response to 1000 Friends of Oregon's Concerns
- 1000 Friends Correspondence
- DLCD Correspondence

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE COMPREHENSIVE PLAN REFERENCED IN CODE OF SEASIDE ORDINANCE CHAPTER 151 REVISING URBAN GROWTH POLICIES, GOAL 9 ECONOMIC OPPORTUNITIES ANALYSIS, EMPLOYMENT LAND NEEDS ASSESSMENT, GOAL 10 HOUSING & RESIDENTIAL LAND NEEDS ASSESSMENT & BUILDABLE LANDS INVENTORY.

WHEREAS, the Planning Commission conducted public hearings regarding proposed Comprehensive Plan text amendments related to newly completed studies that establish the City of Seaside's 20 year future need for vacant land, and

WHEREAS, after careful consideration the Planning Commission recommended the City Council approve the text amendments based on revised submittals intended to address the concerns identified by 1000 Friends of Oregon and the Department of Land Conservation & Development, the original staff report, verbal & written testimony in the record, and the Commission's adopted findings, justification statements, and conclusions that support the proposed amendments; and

WHEREAS, the City Council reviewed the Commission's recommendation on Comprehensive Plan text amendment 13-040ACP and conducted a public hearing on the proposed amendment during their meeting on January 27, 2014, and

WHEREAS, after careful consideration the Council approved the request based on a determination the proposed text amendment was justifiable, consistent with the provisions in the City's Comprehensive Plan, and maintained the Plan's compliance with Statewide Planning Goals.

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

SECTION 1. Amend City of Seaside Comprehensive Plan Section 2.1 GROWTH CONCEPTS referenced in Code of Ordinance Chapter 151 as follows:

2.1 GROWTH CONCEPTS

The bulk of this section is still accurate; however, the direction and pattern of new growth needs to be updated as follows to reflect current conditions as follows:

Considering various physical limitations to growth, such as the ocean to the west, Gearhart adjoining the city to the north, the mountains and foothills to the east, natural resource and ocean hazard constraints in the southerly direction, and the additional constraint to growth caused by the flood hazard areas of the Necanicum River and Gnawing Creek, future growth will most likely occur east and southeast of the city. Except for the area along Wahanna Road north of Broadway and on the north side of Lewis and Clark Road, the city has annexed most of the area within the Urban Growth Boundary. Most areas within the

city have been developed so that growth within the current Urban Growth Boundary is limited.

SECTION 2. Amend City of Seaside Comprehensive Plan Section 14 URBAN GROWTH BOUNDARY referenced in Code of Ordinance Chapter 151 as follows:

14.0 URBAN GROWTH BOUNDARY

A. Basis for Boundary

Seaside's Urban Growth Boundary (UGB) is based on the analysis and review of growth concepts, natural features, utility systems, and periodic review of employment and residential land needs.

B. Findings of the 2013 Employment Land Needs Analysis and Buildable Lands Inventory

An Economic Opportunity Analysis and Employment Land Needs Assessment (EOA) was prepared in October 2013 for the City of Seaside to fulfill the requirements of statewide Planning Goal 9.

The results of the Employment Land Needs Analysis highlight projections of net new demand within Seaside for commercial and industrial land between 2012 and 2032. Detailed findings by use type and growth scenario are included in the EOA technical appendix. Over the next twenty years, net new demand for commercial and industrial land is expected to range from 52.2 to 65.7 net buildable acres, contingent upon Seaside's realized growth pattern.

These projections reflect the net developable land, required for building and impervious surface space requirements. Roads, right-of-ways, parks and public facilities, among other things necessary to serve projected land development, are also included by applying a typical 20 percent increase to the net-buildable land need for growth and availability of infrastructure in potential expansion areas.

The Buildable Lands Inventory identified 15 acres of buildable commercial land and 1.2 acres of buildable industrial land.

Table 1 summarizes the long-term demand for industrial and commercial land as identified in the Employment Land Needs Analysis and the existing supply of commercial and industrial acreage as identified through the Buildable Lands Inventory. The purpose of the reconciliation is (1) to assess whether the City of Seaside has an adequate supply of suitable employment land to satisfy economic expansion demands over the next 20 years, and (2) to serve as a basis for determining Urban Growth Boundary (UGB) expansion or other policy measures to increase the available employment land supply.

The results show a shortage of existing buildable industrial and commercial acreage over the planning period for all three potential growth scenarios. The deficit is 36 acres in the Baseline Growth Scenario and a net shortage of 40.5 acres in the Medium and 49.5 acres in the High Growth Scenarios.

- The City has a shortage of commercial land, including land for overnight lodging, in the three scenarios, ranging from 9.5 acres to 17 acres depending on the realized path of growth.
- The City currently has negligible industrial land available for development, resulting in across the board shortages ranging from 9.7 to 12.3 acres.
- Further, institutional uses will generate an additional 16.8 to 20.2 acres of land need. These uses will typically locate on high value industrial land, but not exclusively and development on commercial land is possible.

Table 1: Reconciliation of Buildable Employment Land and Need, Seaside, Oregon Gross Acres (EOA, Figure 30, page 27 – Johnson Reid, 2013)

Scenario	Demand	Supply	Surplus/ Shortage
Baseline Growth Scenario			
Commercial (Office, Retail) ²	24.5	15	(9.5)
Industrial ¹	10.9	1.2	(9.7)
<u>Institutional</u>	16.8	-	(16.8)
Total	52.2	16.2	(36.0)

² Assumes a demand distribution of Office support 75% to commercial and 25% to Industrial

C. Findings of the 2013 Residential Land Needs Analysis and Buildable Lands Inventory

A *Housing and Residential Land Needs Assessment* was prepared in October 2013 for the City of Seaside to fulfill the requirements of statewide Planning Goal 10. The analysis outlines a forecast of housing need and supporting uses within the City of Seaside UGB. Housing need and resulting land need are forecast to 2032 consistent with 20-year need assessment requirements of periodic review.

The model projects growth in the number of non-group households over 20 years of 919 households, with accompanying population growth of 1,653 new residents. While the projected number of households in 2032 is 3,930, the projected number of housing units is significantly higher at 6,090. This again reflects the prevalence of vacation home units in Seaside, resulting in a vacancy rate of 36%.

The profile of future housing demand was derived using the same methodology used to produce the estimate of current housing need. It includes current and future households, and includes a vacancy rate assumption of 35.5%. *Therefore, these projections represent the total number of housing units needed, occupied and vacant, including vacation home units.*

Future Housing Need

The profile of total future housing demand was compared to the current housing inventory to determine the total future need for new housing units by type and price range. The future housing need is summarized in Table 2.

- The results show a need for 1,425 new housing units by 2032.
- Of the new units needed, 61% are projected to be ownership units (including second-home vacation units), while 39% are projected to be non-transient rental units. This is because the large segment of vacation home units is mostly ownership in nature (i.e. second homes and condo units). The needed new rental units will serve mostly year-round primary residents.
- Of the new units needed, 51% is projected to be single family detached homes, due again to the stronger need for new ownership housing. Of the remainder of units, 43% is projected to be some form of attached housing and 4.2% are projected to be mobile home units in mobile home parks. Manufactured home units built on single-family lots are counted as a form of "single family detached" housing in this analysis.
- The projected preferences for future unit types are based upon historically permitted units since 2000, cross referenced with the profile of currently available buildable lands, and how that will shape future inventory (see next section on land need). It is projected that in coming decades a greater share of housing will be attached types, including attached single family. The share of detached homes shown here (51%) is lower than the number of detached homes permitted since 2000 (64%). The share of attached home types is higher, at 44%, compared to 29% of units permitted since 2000.
- Single-family attached units (townhomes on individual lots) are projected to meet 6% of future need.
- Duplex through four-plex units are projected to represent over 16% of the total need.
- 22% of all needed units are projected to be multi-family in structures of 5+ attached units.
- 4.2% of new needed units are projected to be mobile home units, which meet the needs of some low-income households for both ownership and rental. A handful of RV and misc. housing types fall into the same category.

Table 2: Projected Future Need for NEW Housing Units (2032)
(Housing and Residential Land Needs Assessment, Figure 13, page 21 – Johnson Reid, 2013)

TOTAL HOUSING UNITS								
	Single Family	Single Family Attached	Duplex	3- or 4-plex	5+ Units MFR	Mobile home	RV, other temp	Total Units
Total	730	84	85	140	315	60	9	1,425
Percentage	51.3%	5.9%	6.0%	9.8%	22.1%	4.2%	0.6%	100.0%

Sources: Clatsop County Comprehensive Plan (2007), Claritas, Census, Johnson Reid LLC

Future Housing Land Need

Residential land needs were determined by comparing the housing unit needs discussed in the previous section, with the remaining area, zoning, and achieved density of residentially-zoned land in Seaside. This analysis relied on tax lot data from Clatsop County on current and allowed uses. The data was reviewed and refined by JOHNSON REID LLC and the City of Seaside to reflect

new development in the area, to identify inaccuracies, and to address environmental constraints including slope, flood, and wetland status of vacant properties.

The Buildable Lands Inventory includes vacant and redevelopable parcels in the city. (See Appendix C of the *Housing and Residential Land Needs Assessment* report for greater detail on the buildable lands inventory and methodology.) GIS analysis of vacant, partially vacant and redevelopable parcels in Seaside found 104 net acres of developable residential land, which will accommodate an estimated 592 housing units.

The total projected need for 1,425 new housing units over the next 20 years (Table 2), minus the estimated capacity of existing developable parcels of over 592 units, leaves a need for lands to accommodate 832 new housing units by 2032. Table 3 summarizes the total residential land need.

Table 3: Projected NEW Residential Land Need, Seaside (2032)
(*Housing and Residential Land Needs Assessment, Figure 15, page 23 – Johnson Reid, 2013*)

Comp Plan Designation	TOTAL NEW UNITS NEEDED (2032)								Capacity of Vacant Lands (In Units) ¹	20-year Need - Existing Capacity	Units Per Net Acre	Net Acreage Needed	Gross Acreage Needed
	S.F. Detach	S.F. Attached	Duplex	3- or 4-plex	SF Units	Mobile home	Boat, RV, other temp	Total Units					
	730	84	85	140	315	60	9	1,425					
R1	348	0	0	0	0	0	0	348	152	196	4	49.1	61.3
R2	320	84	50	0	0	60	9	523	240	283	7	43.6	54.5
R3	0	0	35	109	247	0	0	392	124	268	10	26.8	33.5
RR	0	0	0	30	68	0	0	99	14	85	20	4.3	5.3
SR	62	0	0	0	0	0	0	62	62	0	4	0.0	0.0
	730	84	85	140	315	60	9	1,425	592	832	6.7	123.7	154.6

¹ From assessment of capacity of available Buildable Lands
Sources: Johnson Reid LLC

Future Park Facility Land Need

In addition to the projected need for new residential land discussed above, there will be an accompanying need for new park to serve the new households. Methodology drawn from the City of Seaside Parks Master Plan was used to estimate future facility needs associated with the projected 20-year population and housing growth.

The Seaside Parks Master Plan, adopted in 2004, specifies a target “Level of Service” standard of 3 acres of developed park per 1,000 residents. To meet this level of service of 3 acres for the projected 20-year population growth, the City of Seaside would need 24.65 acres of developed parks. Subtracting the current inventory of 14.05 acres of park, this leaves a 20-year need for 10.6 acres of new developed park land.

School Facilities Land Needs

At this time, the Seaside School District which covers the cities of Seaside, Gearhart, Cannon Beach does not have an updated School Facilities Master Plan which clearly outlines the districts needs going forward. There is acknowledgement at the local and state level that some alternative will be necessary to the current school facilities which lie on lower ground in the tsunami inundation zone. Eventually, the goal is to relocate school facilities above the tsunami line which may or may not involve an expansion of the urban growth boundary. Other districts are

experimenting with building high-ground evacuation berms or structures on current low-laying sites.

Given the current uncertainty of the likelihood and timing of such a move, there is no explicit school land need identified in this analysis. School districts that plan for facility needs necessitating an urban growth boundary expansion have recourse to initiate a UGB expansion independently for that need.

Any future expansion or purchase of land by the school district would be in addition to the need for residential and parks land identified in this analysis. For instance, if the School District were to use (X) net acres of residential land for new facilities, there would still be need for that X net acres of residential land elsewhere, potentially necessitating an expansion of the UGB.

D. Total New Land Need

Table 4 summarizes the total 20-year land need for employment, residential, schools and park land as presented in sections B and C above.

Table 4: Estimated Total New Land Need (2032)

Category of Land	Gross Acreage
Employment	36.0
Residential	154.6
Parks	10.6
Total New 20-Year Land Need	201.2

Sources: Johnson Reid LLC - Housing and Residential Land Needs Assessment, Figure 19 and EOA, Figure 30 – January 2013

SECTION 3. Amend City of Seaside Comprehensive Plan Section 14.1, Subsection 9 Additional Urban Growth Areas referenced in Code of Ordinance Chapter 151 as follows:

9. Additional Urban Growth Areas:

The following factors will be considered before changes are made in the Urban Growth Boundary:

- a. Land Need: Establishment and change of urban growth boundaries shall be based on the following:
 - (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
 - (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities,

streets and roads, schools, parks or open space, or any combination of these needs.

- b. **Boundary Location:** The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1.) Efficient accommodation of identified land needs;
- (2.) Orderly and economic provision of public facilities and services;
- (3.) Comparative environmental, energy, economic, and social consequences; and
- (4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

SECTION 4. The Seaside Planning Commission did hold a public hearing on December 3, 2013 and December 17, 2013, during which the public was given an opportunity to testify in favor and in opposition of the proposed amendment. Following the hearing, the Commission recommended the Seaside City Council approve the proposed Comprehensive Plan text amendment.

SECTION 5. The City Council hereby approves the Comprehensive Plan text amendment (file reference #13-040ACP) based on the adopted information in the Planning Commission's recommendation after consideration of the testimony offered during the Council's public hearing on January 27, 2014.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2014, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2014.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

Memo

To: Mayor and Council
From: City Manager's Office
CC: Kim Jordan
Date: January 22, 2014
Re: Audit Contract 2013

With City Council's approval Kern & Thompson, LLC, will conduct the City of Seaside audit for the period beginning July 1, 2013, and ending June 30, 2014, the amount of the contract is \$43,000.00.

The City of Seaside audit contract for the year beginning July 1, 2012, and ending June 30, 2013 with Kern & Thomson, LLC, was \$42,000.00.

CONTRACT

THIS CONTRACT, made this 13th day of January, 2014, 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, 2013, and ending June 30, 2014, 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 **\$43,000.00**, 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: _____

G. V. B. CPA

By: _____



MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Russ Vandenberg, SCCC/VB General Manager
DATE: January 22, 2014
RE: SCCC Commission Date and Time Change

The members of the Seaside Civic and Convention Center Commission would like to change the date and times of their monthly meetings to better accommodate all concerned.

Current Date and Time:

- Second Wednesday of each month at 7:00PM

New Date and Time:

- Second Thursday of each month at 5:00PM

During our last meeting held January 8, 2014, all members listed below voted unanimously in favor of this change.

Terry Bichsel, Chair
Jeff Kilday, Vice Chair
Tim Tolan
Seth Morrissey
Roger Schultz
Chuck Miner

Member Absent

Marc Posalski.

Staff is recommending the approval of this request.

Memo

To: Mayor and City Council
From: Trish Downey, Human Resources
Date: January 22, 2014
Re: Seaside Police Association Collective Bargaining Agreement

On June 30, 2013, the Collective Bargaining Agreement between the City of Seaside, Seaside Police Department, and the Seaside Police Association expired. After months of negotiations the City and the Police Department have finally agreed to a new Collective Bargaining Agreement (CBA).

To summarize the current document, the term will run from July 1, 2013 to June 30, 2016 with an agreement to open negotiations for the next contract no later than February 1, 2016.

Article 1 - Bargaining Unit and Recognitions -- No change.

Article 2 - Nondiscrimination, Association Membership, and Checkoff -- No change.

Article 3 - Hours and Overtime - No change.

Article 4 - Holidays - Employee's Birthday added. Employee must schedule and use their birthday within 7 +/- calendar days of their birthday.

Article 5 - Sick Leave - No change.

Article 6 - Vacations - No change.

Article 7 - Leave of Absence - No change.

Article 8 - Health and Welfare - Effective March 1, 2014, employees will go to a high deductible (\$1,500) plan with a health saving account. Employee premium will be as follows: Employee only - \$25 per month; Employee + child - \$50 per month; Employee + children - \$75 per month; Employee + Spouse - \$50 per month; Employee + Family - \$75 per month. City pays the remaining monthly premium.

Effective January 1, 2014, the City will cover any out of pocket expenses up to the employee's current annual deductible for the period between January 1, 2014, and the coverage start date of the High Deductible plan.

Upon ratification of the Agreement all full-time employees who are eligible for health insurance, the City will make a lump sum contribution to the employee's Health Savings Account in the amount of \$1,500 for employee only coverage, or \$3,000 for employees with one or more covered dependents.

For the next two years the City will contribute 1/12 of the annual deductible per month to the employees Health Savings Account.

Article 9 – Compensation - Cost of Living Increase – Following the approval and signing of the agreement all positions will be increased by 5%. This adjustment is in concert with the agreed upon elimination of the Physical Fitness Incentive. There will be no future compensation for fitness due to this base salary adjustment.

Effective and retroactive to August 1, 2013, the wage scale will increase by 2%.

Effective February 1, 2014, the wage scale will be increased by 2%.

Effective July 1, 2014, the wage scale will be increased by 3%.

Effective July 1, 2015, the wage scale will be increased by an average of the two semi-annual changes in the Portland CPI-W, not less than 2% nor more than 4%.

Article 10 – Discipline and Discharge – No change.

Article 11 – Settlement of Disputes – No change.

Article 12 – Seniority - No change

Article 13 – Strike and Lockouts – No change.

Article 14 – General Provisions – No change.

Article 15 – Education Incentive Program – No change.

Article 16 – Physical Fitness Incentive – Eliminated.

Article 17 – Retirement Plan – No change.

Article 18 – Savings Clause – No change.

Article 19 – Management Rights – No change.

Article 20 – Personnel File – No change.

Article 21 – Legal Defense Fund – No change.

Article 22-Term and Termination-Term is July 1, 2013 through June 30, 2016