

**AGENDA SEASIDE CITY COUNCIL MEETING
JUNE 23, 2014 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS – PUBLIC
6. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
7. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$163,839.68
 - b) APPROVAL OF MINUTES – JUNE 9, 2014 REGULAR MINUTES
8. UNFINISHED BUSINESS:
 - a) ORDINANCE #2014-05 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 93 OF THE SEASIDE CODE OF ORDINANCES REGARDING BEACHES – THIRD AND FINAL READING
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ROLL CALL VOTE
 - b) VACANCY – PARKS ADVISORY COMMITTEE
TOURISM ADVISORY COMMITTEE
COMMUNITY CENTER AND SENIOR COMMISSION
9. NEW BUSINESS:
 - a) PUBLIC HEARING - RESOLUTION #3820 – A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
 - b) PUBLIC HEARING - RESOLUTION #3821 – A RESOLUTION ADOPTING AND APPROPRIATING THE 2014-2015 SEASIDE ROAD DISTRICT
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

- c) RESOLUTION #3822 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, SEASIDE ROAD DISTRICT, LEVYING AND CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2014-2015
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

 - d) PUBLIC HEARING - RESOLUTION #3823 – A RESOLUTION ADOPTING AND APPROPRIATING THE 2014-2015 CITY OF SEASIDE BUDGET
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

 - e) RESOLUTION #3824 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, LEVYING AND CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2014-2015 AND CATEGORIZING THE 2014-2015 ASSESSMENTS ON THE PROPERTIES IN THE DOWNTOWN MAINTENANCE DISTRICT
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

 - f) RESOLUTION #3825 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, SETTING FORTH A COMMITMENT TO PUT HEALTHY OPTIONS WITHIN REACH OF ALL RESIDENTS
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

 - g) AGREEMENT – BOB CHISHOLM COMMUNITY CENTER
 - h) AGREEMENT – SUNSET EMPIRE PARK AND RECREATION DISTRICT YOUTH CENTER
 - i) FINAL – SEASIDE CLASS ‘A’ DRYER BUILDING PROJECT
 - j) FINAL – SEASIDE CLASS ‘A’ DRYER PURCHASE
 - k) RECOMMENDATION – SEASIDE LIBRARY PROPERTY NON-SMOKING
 - l) UPDATE - SEASIDE VISIONING 2034, Esther Moberg and Jon Rahl
- 10. COMMENTS FROM THE COUNCIL
 - 11. COMMENTS FROM THE CITY STAFF
 - 12. ADJOURNMENT

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

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

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

Present: Mayor Don Larson, Council President Don Johnson; Councilors Dana Phillips, Tita Montero, Jay Barber and Randy Frank.

Absent: None

Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Joey Daniels, Seaside Fire Chief; Neal Wallace, Public Works Director; and Russ Vandenberg, Convention Center & Visitors Bureau General Manager.

AGENDA Motion to approve the June 9, 2014 agenda; carried unanimously. (Phillips/Frank)

PROCLAMATION Mark Winstanley, City Manager, read the Proclamation for the Seaside High School Golf Team.

POLICE CITIZEN ACADEMY GRADUATION Jason Schermerhorn, Cannon Beach Police Chief, stated this was the eighth annual Police Citizens Academy. Chief Schermerhorn further stated there were seven people that took the class learning about different police processes. There were four students who were tazed this year. Chief Schermerhorn introduced the eighth graduating class for the Police Citizen's Academy and presented each student with a certificate. Mayor Larson stated the City was very proud of these people going through the Police Citizen Academy which was really good exposure for how the police process worked.

COMMENTS - PUBLIC Gini Dideum, 1941 Beach Drive, Seaside, stated she would like to update the Council on the Treasure the Beach Cleanup. There had been 300 people who had helped volunteer for the clean up and over 600 man hours spent on the beach clean up with an estimate of 5000 pounds of trash taken off the beach. There had been many different schools and groups that had helped clean up the Seaside beach. Ms. Dideum further stated there were now Treasure the Beach buttons for local residents to wear which would start conversations about the beach clean up. There were trash bags at several downtown locations and there were also PVC Pipe Tubes at Avenue 'U' and at 12th Avenue for people to get bags. There were also dog poop bags available along the prom. Ms. Dideum further stated she appreciated the support from the City.

Mayor Larson asked how people heard about the clean up.

Ms. Dideum stated it was on the SOLV Website.

Steve Geiger, 1803 S. Roosevelt, Seaside, stated the last time he spoke with the City Council was mid April, 2014, and was around the time Council had voted for the Medical Marijuana Moratorium. There were several members of the City Council who wished to see the moratorium expedited to make the process sooner. Mr. Geiger further stated he put a packet of information together for the City Council to review which contained contact information, maps, and links for information on marijuana. Mr. Geiger further stated since the moratorium was approved by the City Council there had not been a safe access location for medical marijuana in Seaside.

Councilor Montero asked if Mr. Geiger had included a copy of an application for a license.

Mr. Geiger stated he could get that information to Council and there was also information in the packet where you could get a copy of the license online.

CONFLICT Mayor Larson asked whether any Councilor wished to declare a conflict of interest.

No one declared a conflict of interest.

CONSENT AGENDA Motion to approve payment of the bills in the amount of \$1,351,497.89; May 12, 2014, regular minutes; Resolution #3818 - A Resolution of the City of Seaside, Oregon, Adjusting the 2013-2014 City of Seaside Budget; and Resolution #3819 - A Resolution of the Seaside Road District, Oregon, Adjusting the 2013-2014 Seaside Road District Budget; carried unanimously. (Barber/Montero)

VACANCY –
PARKS ADVISORY
COMMITTEE

Mayor Larson stated there were three vacancies on the Parks Advisory Committee with four applicants Tom Horning, Jason Boyd, Mary Blake, and Norman Brown. Mayor Larson further stated Council voted to close the application process and were now reopening the vacancy for application until July 1, 2014 and would conduct interviews the first meeting in July.

VACANCY –
CONVENTION CENTER
COMMISSION

Mayor Larson stated there was one vacancy on the Convention Center Commission with two applications received from Norman Brown, and Robert Hugo. Mayor Larson stated City Council conducted interviews prior to the City Council meeting and Norman Brown was not able to attend the interviews. Mayor Larson asked what Council wished to do.

Motion to appoint Robert Hugo to the Convention Center Commission; carried unanimously. (Phillips/Johnson)

The term expiration for Robert Hugo would be October 25, 2014.

SEASIDE CONVENTION
CENTER FINANCIAL
FEASIBILITY STUDY

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated the City received three proposals for the Seaside Civic and Convention Center (SCCC) Expansion/Renovation Financial Feasibility Study. The proposals were received from the following: C.H. Johnson Consulting, Inc. \$42,000.00/All-Inclusive, Property Councilors \$44,700.00 + All Inclusive, and Hunden Strategic Partners \$45,000.00 + \$6,477.00 Estimated Travel Expenses. Mr. Vandenberg further stated after making the detailed comparison, the convention center Expansion/Renovation sub-committee recommended accepting the proposal from C.H. Johnson Consulting, Inc. in the amount of \$42,000.00.

Mayor Larson asked if they were out of Seattle, Washington.

Mr. Vandenberg stated the company was from Chicago, Illinois.

Motion to accept the SCCC Expansion/Renovation Financial Feasibility Study proposal from C.H. Johnson Consulting, Inc. in the amount of \$42,000.00; carried unanimously. (Phillips/Montero)

RESOLUTION #3817

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE SOLID WASTE COLLECTION RATES, Dave Larmouth

Mr. Winstanley stated Recology was asking for a .9% increase in garbage rates, for example a 32 gallon cart weekly was \$15.54 per month and the rate would increase \$.14 and the new charges for a 32 gallon cart weekly would be \$15.68.

Dave Larmouth, Recology Western Oregon, stated the change in the monthly bill for a larger cart would be \$.23 a month. The annual small adjustments helped to keep Recology close in the range to avoid large adjustments. Mr. Larmouth further stated he would like to thank Neal Wallace and his crew for assisting Recology and the County with the Household Hazardous Waste Collection May, 2014. There had been 350 cars come through with disposables and sometime in the future there would be information provided with the amount of household waste that was collected.

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

Mayor Larson asked for Council comments.

Mayor Larson asked why Recology ran three trucks down the side of the street every time a pick up was done. There were three trucks today on the side.

Mr. Larmouth stated he hoped not.

Mayor Larson asked if there was a truck that picked up garbage, a truck that picked up Recycling, and a truck that picked up side yard garbage cans.

Mr. Larmouth stated there were some exceptions in the hard to reach places but for the most part a truck that picked up a can on the street would walk in for carts that were not curbside. It should be the same truck which was one for garbage pickup and one for recycling. Recology was working on a pilot project with a truck that operated in Cannon Beach and South County and had a split body and had two hoppers that picked up both recycling and garbage.

Mayor Larson stated instead of seeing an increase every year the City could see a decrease.

Mr. Larmouth stated that would be great and would create downward pressure and may be enough to counter fuel and insurance. Rates rarely went down.

Mayor Larson asked about the CPI.

Mr. Larmouth stated the Consumer Price Index (CPI) was used as an independent third party evaluation.

Mayor Larson stated Recology was projecting this cost to the future and were getting the money in advance.

Mr. Larmouth stated each month when bills were paid the rate was based on the projections and what was reasonably expected to occur from the prior year.

Councilor Barber asked if there was anytime in the future that yard debris could be picked up in Seaside, and the disposable recyclable glass.

Mr. Larmouth stated Recology would collect whatever the City asked to be collected and there was a cost associated with the addition. There was a possibility in the future that glass could be mixed in with the other recyclables.

Motion to read Resolution #3817 by title only; carried unanimously. (Barber/Montero)

Motion to adopt Resolution #3817; carried with Larson opposed. (Barber/Johnson)

**PRESENTATION –
URBAN GROWTH
BOUNDARY (UGB)**

Don Hanson, OTAK, stated there had been a meeting with the Planning Commission two weeks ago and the paperwork presented to Council was the information discussed at that meeting. The Comprehensive Plan was modified and amended to include the twenty year land supply or needs analysis and where was the logical place to expand the Urban Growth Boundary (UGB) and what would the process entail. Mr. Hanson further stated this was the start up stage where maps were collected, meetings with the Seaside Planning Commission who would be the advisory with UGB. The focus locations were defined with bubble diagrams on the maps which would be brought down in size. Mr. Hanson stated the second phase would be looking at all the sites in more detail because there were nine property owners in that bubble. There would be a Planning Commission/City Council workshop on June 30, 2014, where more detailed information on the sites would be discussed. Mr. Hanson further stated next would be the application process to move the UGB out which would occur in August, September, and October as it went through the approval process. Mr. Hanson further stated the boundary would be modified but there would not be underlying zoning or annexations into the City at this time. There would be comp planned destinations which meant the property owners continued to have their current zoning in Clatsop County and the current tax rate. If there was development made on the property in the future the development would be approved by the Planning Commission, City Council, and annexed into the City of Seaside. Mr. Hanson commented on the map that was presented to City Council and there was a brief discussion regarding locations on the map.

Mayor Larson stated Mr. Hanson had a meeting with the Planning Commission on June 17, 2014 and a Planning Commission/City Council workshop on June 30, 2014.

Mr. Hanson stated he expected that the June 17, 2014, Planning Commission work session would be cancelled and instead conduct a meeting with the Planning Commission/City Council on June 30, 2014.

Councilor Phillips stated she would not be available for a meeting on June 30, 2014.

Mr. Winstanley stated June 30, 2014 was the last day of the fiscal year for the City.

Council President Johnson stated he would prefer to have a meeting after the 4th of July.

Mr. Winstanley stated the dates could be looked at to see what would work for the City Council.

ORDINANCE #2014-05

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 93 OF THE SEASIDE CODE OF ORDINANCES REGARDING BEACHES

Mr. Winstanley stated the beaches were controlled by the State of Oregon and the State of Oregon allowed the City of Seaside to work with the state to set certain policy and certain laws. There were currently Oregon Administrative Rules (OAR) that governed the way the beaches were used and the City was looking at incorporating the OAR's into the laws of the City of Seaside.

Bob Gross, Seaside Police Chief, explained as the City prepared for the summer and specifically the 4th of July there was a look at the current ordinances concerning beaches and some of the challenges that were faced were camping and tents on the beach. There was a review of the OAR and there was a section that dealt specifically with camping. The City amended the current Ordinance regarding beaches and the wording of the OAR.

Mayor Larson asked for public comments.

Bill Carpenter, 870 5th Avenue, Seaside, stated there were a lot of tents used on the beach.

Chief Gross stated the covers were still allowed but not tents that close up to sleep in.

Dale McDowell, 3760 Sunset Blvd., Seaside, stated at the location he lived that was an issue with homeless people camping on the beach and living on the beach.

Chief Gross stated the ordinance was not for the police to drive on the beaches to look for people camping and enforcement would be acted upon when a complaint was received. On the Seaside Beach from Avenue 'U' and past 12th Avenue was patrolled regularly because the camps were set up wherever.

Mayor Larson asked for Council comments.

Councilor Montero asked when the ordinance became effective.

Mr. Winstanley stated the ordinance would go through first and second reading tonight and at the City Council meeting on June 23, 2014, there would be a third reading and motion to adopt. There would be a thirty day period before becoming effective.

Councilor Montero stated the Ordinance would not go into law until next year.

Chief Gross stated the teeth of this particular ordinance would not but the City had an ordinance for unlawful lodging.

Councilor Montero stated there were many people who came to Seaside for the 4th of July with tents. There should be a way to inform people before they arrive to Seaside.

Mr. Winstanley stated the people were informed and had been for years.

Chief Gross stated it was the same message when people were told no illegal fireworks.

Councilor Phillips asked if there were signs put on the beach.

Chief Gross stated the signs were put up at 7:00 am the day of the 4th of July and said no fireworks, large pits and this year no tents would be added.

Councilor Phillips stated she would like to see permanent signs located in the beach access areas that would inform people this was the law year round.

Motion to place Ordinance 2014-05 on its first reading by title only; carried unanimously. (Frank/Montero)

Motion to place Ordinance 2014-05 on its second reading by title only; carried unanimously. (Phillips/Frank)

PRESENTATION –
WATER RESERVOIR
VARIABLE INTAKE

Neal Wallace, Public Works Director, stated there was a Peterson Point Variable Intake Project with the Water Department. Mr. Wallace further stated the words of the day were Limnology and Thermocline. Limnology was the study of inland waters that included the biological, chemical, physical, and geological attributes of lakes, ponds, rivers, streams, and wetlands. Thermocline was a thin but distinct layer separating the warm upper layer of a lake or body of water from the colder bottom layer. Mr. Wallace further stated during the summer, warm water which was less dense, would sit on top of the colder, denser, deeper water with a thermocline separating them. Because the warm water was exposed to the sun during the day, a stable system exists and very little mixing of warm water and cold water occurred, particularly in calm weather. One result of the stability was that as the summer wears on, there was less and less oxygen below the thermocline as the water below the thermocline never circulated to the surface and organisms in the water depleted the available oxygen. As winter approached the temperatures of the surface water would drop as nighttime cooling dominates heat transfer. A point was reached where the density of the cooling surface water became greater than the density of the deep water and overturning began as the dense surface water moved down under the influence of gravity. The process was aided by wind or any other process (currents for example) that agitates the water. This effect may bring water to the surface which, although low in oxygen, was higher in nutrients than the original surface water. The enriching of surface nutrients may produce blooms of algae. Mr. Wallace further stated early this year the City engaged the services of Christopher Kund-Hansen, a well respected limnologist from Denver who happened to be traveling in the area with the SolarBee representatives. Mr. Hanson examined the Peterson Point Reservoir and developed a technical memorandum for the City that looked at the three management considerations: the intake depth at which water was taken from the reservoir and sent to the plant, an appropriate lake monitoring protocol that fit the needs of the plant, and SolarBee management. Mr. Wallace further stated the intake pipe in the reservoir should be at a depth that would most consistently deliver the best quality water in the reservoir. To avoid blue-green algae blooms like the one the City had several years ago. Intakes were often set well below the thermocline. However, during summer conditions of thermal stratification, bottom waters became low in oxygen which allowed soluble iron and manganese to accumulate with other undesirable constituents in those bottom waters.

Mr. Wallace further stated currently the intake was set on the bottom of the reservoir. With the installation of the SolarBee, the threat of blue-green algae blooms during the summer months was essentially eliminated. The best quality water during the summer will therefore be found above thermocline in the 3-5 foot depth range while the worst quality will be deep below. Mr. Wallace further stated one of the more interesting aspects of the proposal for the reservoir was the in-house design that was simple, practical, and effective. Connecting directly to the old intake pipe was risky because of pressure that could be applied. A cracked pipe at the bottom of the reservoir that ran under the earthen dam was not something the City wanted to experience. The plan was to place a simple manhole over the intake and connect to the manhole negating the need for a direct connection to the old pipe. Mr. Wallace stated on Thursday, June 5, 201, the water department, with the help of the Seaside Fire Department would drain and clean the existing clear well at the water plant. This had become an ongoing, inconvenient, and costly maintenance item that was required because of the buildup of iron bacteria in the clear well. Iron bacteria interacted with the residual chlorine after treatment and could drop residuals below compliance levels if not extremely careful. The source of the iron problem was taking water off of the bottom of the reservoir, far below the thermocline. Mr. Wallace further stated the project had been designed, parts had been located, fabricators had been found, and contractors contacted. The project was designed in-house to use a large number of common parts and supplies, the projected final cost of the project had been calculated to be under \$80,000.00. There were conversations with the engineers about designing the project and there were numbers received in the \$40,000.00 to \$50,000.00 range for engineering alone. With this understanding, staff strongly recommended changing the intake form to a fixed depth to a variable depth. This would allow for seasonal adjustments to conditions. With Council's approval the Water Department was ready to go on this excellent and innovative project.

Councilor Frank asked when the project would start.

Mr. Wallace stated the project would start in approximately three to four weeks.

Motion to approve the Seaside Water Reservoir Variable Intake in the amount of \$80,000.00; carried unanimously. (Frank/Montero)

**APPROVAL –
PROCEED AVENUE 'U'
BRIDGE DESIGN**

Mr. Wallace stated after a lengthy discussions and planning for an Improvement Commission project. The project that had been selected was the Avenue 'U' Bridge project and OBEC was hired to do preliminary designs for the cost of the project. During that process the cost for the bridge project came in at \$3,900,000.00 which was too expensive. The reason for the cost increase of the bridge was because of the great big round rock which they had drilled down 43 feet deep and were still in the round rock. That item had a price tag of \$500,000.00 and the Improvement Commission then looked at some cost saving measures which really didn't work and there was a decision to finish the design of the Avenue 'U' Bridge project to make it shovel ready in case funds came available in the future. There was also a decision to then take on the North Holladay project in place of the Avenue 'U' Bridge project. The money the Improvement Commission had paid on the design and engineering would then be reimbursed from the City since Urban Renewal Agency could only spend money on the design and engineering of a project that would be completed. Mr. Wallace stated there had been approximately \$200,000.00 spent already and to get the project to shelf ready would be approximately \$200,000.00 to \$300,000.00 more.

Councilor Barber asked where the funds would come from.

Mr. Winstanley stated the funds would come from the road district and would come out of this fiscal year and next fiscal year.

Motion to complete the Avenue 'U' Bridge Design; carried unanimously. (Phillips/Frank)

**VACANCY –
TOURISM ADVISORY
COMMITTEE**

Mayor Larson stated there was one vacancy on the Tourism Advisory Committee with Angela Clark who resigned. Mayor Larson asked that the press advertise the vacancy.

**VACANCY COMMUNITY
CENTER AND SENIOR
COMMISSION**

Mayor Larson stated there were three vacancies on the Community Center and Senior Commission with one resignation from Joan Boesen and two term expirations from Joe Fisher, and Doris Snodgrass who wished to be reappointed.

Motion to reappoint Joe Fisher, and Doris Snodgrass to the Community Center and Senior Commission; carried unanimously. (Phillips/Johnson)

Term expiration for Joe Fisher and Doris Snodgrass would be June 1, 2017.

**CITY COUNCIL
POSITION WARD 4
VACANCY**

Mayor Larson stated Councilor Lyons had resigned from his City Council Position Ward 4, Precinct 40; Council would need to determine a process for filling the position that was vacated.

There was a process Council could use by following a process for filling Council vacancies: Announce the vacancy and advertise that Council is seeking applications, Receive applications – interest forms through date selected, Schedule a date to interview the candidates, Council appoints a candidate by roll call vote at a designated regular Council meeting, and Council reserves the right to not appoint a candidate for the position. Mayor Larson further stated Council may wish to not fill the vacant position simply because there would be an election in November, 2014.

Councilor Phillips stated she would like Council to discuss this further in a workshop.

Council President Johnson asked if Council could meet prior to the next City Council meeting. Council could review the information provided in the packet and then discuss the information further at the workshop.

Mayor Larson stated that was an extremely good idea and asked if there was a consensus.

Council consensus to conduct a workshop to further discuss the vacancy.

Mayor Larson stated Council would meet June 23, 2014, at 6:00 pm.

COMMENTS – COUNCIL

Councilor Phillips thanked Gini Dideum for all the work that was done keeping the beaches clean.

Mayor Larson stated Karen Murray was in charge of the Miss Oregon Parade and would like to see all of the Councilors in the parade and not just the Mayor. The parade was June 28, 2014, at 2:00 pm.

Councilor Frank stated the Budget Committee had approved funds for non-profits and would like to revisit one of the non-profits, Northwest Senior and Disability who was not able to attend the Budget Committee meeting to give a presentation. Councilor Frank stated the Budget Committee made a decision that to be eligible for non-profit dollars all organizations needed to attend to make a presentation if they wanted to receive funds.

Mr. Winstanley stated Council could approve the Budget on June 23, 2014 and no funds would be released to that organization until a presentation could be done.

Motion for Northwest Senior and Disability services to make a presentation before Council requesting the funds asked for; carried unanimously. (Frank/Phillips)

Councilor Montero stated she had attended Suzanne Bonamici Town Hall meeting on Saturday, June 7, 2014, at the Gearhart School.

Councilor Barber stated he was appointed to serve on the Council when he filled a vacancy of a Councilor that had resigned.

Mayor Larson stated the American Legion was having their State Convention in Seaside on June 25, 2014 at Broadway Middle School, 6:00 pm. Mayor Larson stated there were over 77 teams yesterday at the Soccer event in Seaside.

COMMENTS – STAFF

Chuck Minor, Chamber of Commerce Representative, stated the 4th Annual Beach Soccer Tournament took place this last weekend which was a great turnout. The Chamber of Commerce was preparing for the 4th of July.

Joey Daniels, Seaside Fire Chief, stated the Seaside Fire Department was having a mustache contest with dinner served on Wednesday, June 11, 2014, 6:00 pm.

Laurie Oxley, Seaside Downtown Development Association, stated there was a downtown wine walk on May 15, 2014, with 823 glasses sold. Coming Saturday, June 14, 2014, was the Muscle and Chrome Car Event.

Bob Mushen stated he was appointed to the Port of Astoria Commission and would be working on bringing tax dollars back to the City of Seaside.

Councilor Montero stated Tuesday, June 10, 2014, 5:30 – 7:00 pm would be the Visioning Community meeting for Arts and Culture.

ADJOURNMENT

The regular meeting adjourned at 8:23 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

ORDINANCE NO. 2014-05

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 93 OF THE SEASIDE CODE OF ORDINANCES REGARDING BEACHES

WHEREAS, Oregon Administrative Code prohibits overnight camping on Seaside Beaches; and

WHEREAS, the Police Department deals with overnight camping on the beach throughout the year; and

WHEREAS, the use of tents and other camping equipment creates a fire danger when fireworks are used during summer months;

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

SECTION 1. Chapter 93.01 of the Seaside Code of Ordinances is amended to read:

BEACHES

§ 93.01 AREA UNDER JURISDICTION OF CITY; LIMITED USE AND PURPOSE

- (A) The ocean beaches located adjacent to the city on its westerly shore and from the Promenade westward to low water are hereby declared to be under the direct supervision and control of the city.
- (B) The use and occupancy of the beaches herein described are hereby limited to recreational purposes and no building or structure shall be built westerly of the Promenade without permission of the Council.
- (C) It is further the intention of the Council, in passing this ordinance, to restrict any use or occupancy of the beaches west of the promenade to recreational purposes and that any building or structure constructed west of the Promenade would have to be for that purpose for the public, in the event it were to be allowed.
- (D) Camping on the ocean shore within the city limits of Seaside is prohibited. Camping includes, but is not limited to, erecting a tent or temporary shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle in such a manner as will permit remaining overnight, or for other extended periods.

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

SEASIDE PARKS ADVISORY COMMITTEE

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

The committee shall consist of seven members who are not officials or employees of the City and who will be appointed by the City Council. A minimum of six members shall reside within the city limits, and a maximum of one member may reside within the Urban Growth Boundary. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. The Mayor shall appoint one member of the City Council as Council liaison, and the City Manager or his designee, shall be the Staff liaison to the Committee.

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

All members shall be appointed by the City Council and shall serve for a term of three years. The initial terms will be: two members shall be appointed for a term of one year, two members for two years, and three members for three years. As those terms expire, all vacancies will be filled for three year terms.

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

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

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** March 10, 2014

Name: Tom Horning
Jason Boyd
Mary Blake

Commission/Committee: Parks Advisory Committee

Resignation Date: N/A

Term Expiration Date: March 31, 2013

Wants to be considered again: Horning - Yes
Boyd - Yes
Blake - Yes
2. **Applicants:**
Tom Horning
Jason Boyd
Mary Blake
Norman Brown
3. **Nominations:**
4. **Appointment:**

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:** June 9, 2014
Name: Angela Clark
Commission/Committee: Tourism Advisory Committee
Resignation Date: Clark – Replacement Found
Term Expiration Date: December 31, 2015
Wants to be considered again: Clark – No
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**

COMMUNITY CENTER & SENIOR COMMISSION

The purpose of the Community Center and Senior Commission is to be an advisory body to recommend and make suggestions to the City Council concerning matters relating to the well being of the community center and seniors of the city. Receive direction from the Council concerning matters relating to the well being of the community center and seniors of the City.

The commission consists of nine members who are not officials or employees of the city and who shall be appointed by the City Council. A minimum of five members shall reside within the city limits; a maximum of four members may reside within the Urban Growth Boundary, but outside the City limits.

A Community Center and Senior Commissioner's term of office shall commence on June 1, of each year of his/her term. At the first Commission meeting in June, the Commission will appoint one of their members as Chairperson and one as Vice-Chairperson. One member of the Commission will serve as secretary and minutes will be filed with the City Council.

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 from the Mayor 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. "The members shall serve without salary or compensation of any nature."

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** June 9, 2014
Name: Joan Boesen
Commission/Committee: Community Center & Senior Commission
Resignation Date: Boesen – June 3, 2014
Term Expiration Date: June 1, 2014
Wants to be considered again: Boesen - No

2. **Applicants:**

3. **Nominations:**

4. **Appointment:**

RESOLUTION #3820

**A RESOLUTION DECLARING THE CITY'S ELECTION
TO RECEIVE STATE REVENUE SHARING**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. Pursuant to ORS 221.770, the City hereby elects to receive State Revenue Sharing for fiscal year 2014-2015.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2014.

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

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

I certify that a public hearing before the Seaside Budget Committee was held on May 5, 2014, and a public hearing before the Seaside City Council was held on June 23, 2014, giving citizens an opportunity to comment on the use of State Revenue Sharing.

Mark J. Winstanley, City Manager

Date

RESOLUTION #3821

A RESOLUTION ADOPTING AND APPROPRIATING THE 2014-2015
SEASIDE ROAD DISTRICT BUDGET

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Seaside hereby adopts the budget for the Seaside Road District for fiscal year 2014-2015, in the sum of \$828,128 now on file at Seaside City Hall; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2014, and for the purposes shown below are hereby appropriated as follows:

District Road		
Materials and Services	\$ 10,300	
Capital Outlay	791,869	
Interfund Transfers	<u>15,959</u>	
Total Appropriations	<u>\$818,128</u>	
Unappropriated Ending Fund Balance		<u>\$ 10,000</u>
Total District Road		<u>\$ 828,128</u>
Total 2014-2015 Appropriations	<u>\$818,128</u>	
Total Unappropriated Ending Fund Balance		<u>\$10,000</u>
Total 2014-2015 Adopted Budget		<u>\$ 828,128</u>

PASSED by the City Council of the City of Seaside this _____ day of _____, 2014.

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

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3822

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON,
SEASIDE ROAD DISTRICT, LEVYING AND CATEGORIZING AD VALOREM
TAXES FOR THE TAX YEAR 2014-2015**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. That the City of Seaside hereby imposes the taxes provided for in the adopted budget at the rate of \$ 0.3036 per \$ 1,000 of assessed value for the Seaside Road District; and that these taxes are hereby imposed and categorized for the tax year 2014-2015 upon the assessed value of all taxable property within the district.

	Subject To The General Government Limitation	Excluded From The Limitation
District Road	\$0.3036/\$1,000	\$ 0

PASSED by the City Council of the City of Seaside on this _____ day of _____, 2014.

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

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION # 3823

**A RESOLUTION ADOPTING AND APPROPRIATING THE 2014-2015
CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Seaside hereby adopts the budget for the City of Seaside for fiscal year 2014-2015, in the sum of \$34,054,783 now on file at Seaside City Hall; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2013, and for the purposes shown below are hereby appropriated as follows:

General

Mayor and Council	\$ 18,785	
City Attorney	41,525	
Business Office	443,270	
Library	611,769	
Non-Departmental	223,600	
Community Center	48,950	
Debt Service	264,781	
Interfund Transfers	3,318,349	
Contingency	<u>55,000</u>	
Total Appropriations		\$ 5,026,029

Unappropriated Ending Fund Balance \$ 187,517

Total General \$ 5,213,546

Public Safety

Municipal Court	\$ 151,269	
Police	3,342,098	
Lifeguards	36,761	
Fire	630,993	
Non-Departmental	18,500	
Interfund Transfers	340,790	
Contingency	<u>100,000</u>	
Total Appropriations		4,620,411

Unappropriated Ending Fund Balance 69,977

Total Public Safety 4,690,388

Community Development

Planning	\$ 154,782	
Building	187,401	
Non-Departmental	1,000	
Special Payments	333,179	
Interfund Transfers	31,017	
Contingency	<u>16,165</u>	
Total Appropriations		723,544

Total Community Development 723,544

Public Works

Engineering	\$ 258,696	
Public Works	576,061	
City Parks	195,266	
Interfund Transfer	145,941	
Contingency	<u>25,000</u>	
Total Appropriations		1,200,964

Unappropriated Ending Fund Balance 38,428

Total Public Works 1,239,392

State Tax Street

Materials and Services	\$ 192,200	
Capital Outlay	759,201	
Interfund Transfers	<u>23,746</u>	
Total Appropriations		975,147

Unappropriated Ending Fund Balance 100,000

Total State Tax Street 1,075,147

Downtown Maintenance District

Materials and Services \$ 80,000
Interfund Transfers 6,611
Contingency 10,000

Total Appropriations 96,611
Unappropriated Ending Fund Balance 22,000
Total Downtown Maintenance District 118,611

911

Personal Services \$ 85,826
Capital Outlay 7,000
Contingency 44,382

Total Appropriations 137,208
Total 911 137,208

Economic Development

Materials and Services \$ 7,500

Total Appropriations 7,500
Unappropriated Ending Fund Balance 1,508
Total Economic Development 9,008

Fire Equipment (2013)

Materials and Services \$ 1,025
Contingency 179,844

Total Appropriations 180,869
Total Fire Equipment (2013) 180,869

Airport

Materials and Services \$ 3,400
Capital Outlay 108,675

Total Appropriations 112,075
Total Airport 112,075

Emergency Readiness

Personal Services \$ 12,409
Materials and Services 39,750
Contingency 25,000

Total Appropriations 77,159
Unappropriated Ending Fund Balance 32,885
Total Emergency Readiness 110,044

Watershed Enhancement

Materials and Services \$ 25,000
Capital Outlay 81,465

Total Appropriations 106,465
Total Watershed Enhancement 106,465

Library Grants

Materials and Services \$ 89,680
Capital Outlay 11,000

Total Appropriations 100,680
Total Library Grants 100,680

Water G.O. Bond Debt

Debt Service	<u>\$ 336,328</u>		
Total Appropriations		336,328	
Unappropriated Ending Fund Balance			643,998
Total Water G.O. Bond Debt			980,326

Library Trust

Capital Outlay	<u>\$ 22,000</u>		
Contingency	<u>50,000</u>		
Total Appropriations		72,000	
Unappropriated Ending Fund Balance			196,607
Total Library Trust			268,607

Evergreen Cemetery Trust

Capital Outlay	<u>\$ 4,284</u>		
Total Appropriations		4,284	
Total Evergreen Cemetery Trust			4,284

Special Assessment

Materials and Services	<u>\$ 3,500</u>		
Capital Outlay	<u>81,000</u>		
Special Payments	<u>80,000</u>		
Total Appropriations		164,500	
Total Special Assessment			164,500

Systems Development - Parks (91)

Materials & Services	<u>\$ 25,000</u>		
Capital Outlay	<u>35,286</u>		
Total Appropriations		60,286	
Total Systems Development-Parks(91)			60,286

Capital Improvement & Maintenance

Materials and Services	<u>\$ 50,500</u>		
Capital Outlay	<u>224,118</u>		
Interfund Transfers	<u>10,000</u>		
Total Appropriations		284,618	
Total Capital Improvements & Maintenance			284,618

Systems Development - Roads (91)

Capital Outlay	<u>\$ 37,362</u>		
Total Appropriations		37,362	
Total Systems Development - Roads (91)			37,362

Prom Improvement

Materials and Services	<u>\$ 65,000</u>		
Capital Outlay	<u>501,135</u>		
Total Appropriations		566,135	
Total Prom Improvement			566,135

Parks Construction

Capital Outlay	<u>\$ 104,647</u>		
Total Appropriations		104,647	
Total Parks Construction			104,647

Water

Personal Services	\$ 676,878
Materials and Services	470,600
Capital Outlay	360,000
Interfund Transfers	505,859
Contingency	<u>150,000</u>

Total Appropriations	2,163,337	
Total Unappropriated Ending Fund Balance		1,241,888
Total Water		3,405,225

Systems Development - Water (91)

Materials & Services	\$ 50,000
Capital Outlay	250,000
Special Payments	300,000
Contingency	<u>250,000</u>

Total Appropriations	850,000	
Total Unappropriated Ending Fund Balance		503,039
Total Systems Development - Water (91)		1,353,039

Sewer

Personal Services	\$ 643,902
Materials and Services	637,950
Capital Outlay	230,000
Debt Service	361,813
Interfund Transfers	258,966
Contingency	<u>150,000</u>

Total Appropriations	2,282,631	
Unappropriated Ending Fund Balance		594,692
Total Sewer		2,877,323

Systems Development - Sewer (91)

Materials and Services	\$ 75,000
Capital Outlay	<u>500,000</u>

Total Appropriations	575,000	
Unappropriated Ending Fund Balance		824,643
Total Systems Development - Sewer (91)		1,399,643

Sewer Plant Replacement

Materials & Services	\$ 11,000
Capital Outlay	<u>579,074</u>

Total Appropriations	590,074	
Total Sewer Plant Replacement		590,074

Sewer Reserve

Capital Outlay	<u>\$ 11,936</u>
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Total Appropriations	11,936	
Total Unappropriated Ending Fund Balance		362,813
Total Sewer Reserve		374,749

Convention Center

Personal Services	\$ 966,733
Materials and Services	1,036,550
Interfund Transfers	111,435
Contingency	<u>150,000</u>

Total Appropriations	2,264,718	
Unappropriated Ending Fund Balance		1,448,150
Total Convention Center		3,712,868

Convention Center Capital Improvements

Materials and Services	\$ 30,000
Capital Outlay	175,000
Contingency	<u>75,000</u>

Total Appropriations	280,000	
Unappropriated Ending Fund Balance		170,120
Total Convention Center Capital Improvements		<u>450,120</u>

Room Tax & Business License

Personal Services	\$ 199,720
Materials and Services	433,900
Interfund Transfers	2,598,035
Contingency	<u>150,000</u>

Total Appropriations	<u>3,381,655</u>	
Unappropriated Ending Fund Balance		<u>222,345</u>
Total Room Tax & Business License		<u>3,604,000</u>

Total 2014-2015 Appropriations	<u>\$ 27,394,173</u>	
Total Unappropriated Ending Fund Balance		<u>\$ 6,660,610</u>
Total 2014-2015 Adopted Budget		<u>\$ 34,054,783</u>

PASSED by the City Council of the City of Seaside this _____ day of _____, 2014.

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

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3824

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON, LEVYING AND
CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2014-2015 AND
CATEGORIZING THE 2014-2015 ASSESSMENTS ON THE PROPERTIES IN THE
DOWNTOWN MAINTENANCE DISTRICT**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. That the City of Seaside hereby imposes the taxes provided for in the adopted budget at the rate of \$3.1696 per \$1,000 of assessed value for the General Fund, and a Tax Levy of \$215,000 of which \$95,000 is for the Public Safety Fund and \$120,000 is for the Fire Equipment (2013) Fund, and the amount of \$339,359 for Water G.O. Bond Debt; and that these taxes are hereby imposed and categorized for the tax year 2014-2015 upon the assessed value of all taxable property within the City of Seaside.

	Subject To The General Government Limitation	Excluded From The Limitation
General	\$3.1696/\$1,000	\$ 0
Public Safety	\$ 95,000	\$ 0
Fire Equipment (2013)	\$ 120,000	\$ 0
Water G. O. Bond Debt	\$ 0	\$ 339,359

SECTION 2. That the City of Seaside hereby imposes assessments provided for in the adopted budget in the amount of \$92,051; and that these assessments are hereby imposed for tax year 2014-2015 upon all the properties within the City of Seaside Downtown Maintenance District. In accordance with ORS 310.060(4), this amount is categorized as follows:

	Subject To The General Government Limitation	Excluded From The Limitation
Downtown Maintenance	\$ 92,051	\$ 0

PASSED by the City Council of the City of Seaside on this ____ day of _____, 2014.

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

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3825

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON,
SETTING FORTH A COMMITMENT TO PUT HEALTHY OPTIONS
WITHIN REACH OF ALL RESIDENTS**

WHEREAS, improving livability and community health are important goals; and

WHEREAS the nutrition and physical activity choices that individuals make for themselves and their families are influenced by their environment; and

WHEREAS local policies on land use and transportation, access to healthy food, and shared use determine whether options for healthy eating and active living are within reach of the people who live, work, go to school, play or worship in the city; and

WHEREAS high rates of costly chronic disease among both children and adults are correlated to environments with few or no options for healthy eating and active living; and

WHEREAS, Seaside is a member of the League of Oregon Cities and in 2010, the League of Oregon Cities Board of Directors resolved to partner with and support the national *Let's Move!* Campaign headed by the first Lady of the United States, and has encouraged Oregon cities to adopt preventive measures to fight obesity; and

WHEREAS, in 2012, the League of Oregon Cities Board of Directors resolved to partner with the Oregon Public Health Institute (OPHI) in the *Healthy Eating Active Living (HEAL) Cities Campaign*, and encouraged all Oregon cities to join the *HEAL Cities Campaign* and qualify as a HEAL City by accepting information, training, and technical assistance from OPHI staff on policies to support healthier eating and increased physical and technical assistance from OPHI staff on policies to support healthier eating and increased physical activity levels for all residents, create more livable communities, and create a culture of wellness at municipal workplaces, and adopting at least one recommended HEAL policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recognizes that joining the HEAL Cities Campaign has the potential to improve local livability and have a positive impact on the community's health and well-being. To that end, Seaside adopts this HEAL Resolution;

BE IT FURTHER RESOLVED that Sunset Empire Park and Recreation staff shall work with HEAL Cities Campaign Staff to explore HEAL policies and to identify those policies that are suitable for the City's unique local circumstances.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2014.

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

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**AGREEMENT FOR MANAGEMENT SERVICES
BOB CHISHOLM COMMUNITY/SENIOR CENTER**

THIS AGREEMENT is made and entered into this 1st day of July, 2014, by and between the CITY OF SEASIDE, a municipal corporation of the State of Oregon, hereinafter referred to as "City", and the SUNSET EMPIRE PARK AND RECREATION DISTRICT, a special district of the State of Oregon, hereinafter referred to as "District".

SECTION 1. THE DISTRICT AGREES:

A. Upon execution of this Agreement by both parties, the District shall perform the services required by this Agreement beginning July 1, 2014, and ending June 30, 2019.

B. The District agrees to provide the following services:

1. Process all applications from organizations, agencies, and individuals interested in using the facility.
2. Schedule use of the facility and monitor user conduct.
3. Remit payment of City adopted rental fees for building use to the City on a quarterly basis.
4. Interpret and enforce applicable Community Center Rules and Regulations.
5. Schedule and supervise the activities of Community Center volunteer staff.
6. Provide Janitorial services.
7. Oversee condition of building and report any necessary building maintenance to Seaside Public Works.
8. Coordinate the following activities and services:
 - a) Manage Senior meal site and home deliveries;
 - c) Community education programs;
 - d) Other activities and services as required.
9. Prepare and submit monthly reports to the Community Center Commission, and Northwest Senior & Disability Services as requested.
10. Oversee the use of the Drop-In-Center.
11. Provide telephone reassurance, outreach, and other services as time permits.
12. Maintain the exterior flower beds.

13. Maintain combined single limit insurance naming the City as additional insured with 30 days notice given for any reason of cancellation.
14. Maintain regular hours of operation from 9:00 a.m. to 5:00 p.m. Monday through Friday.
15. The District shall provide staff coverage for rentals and events occurring outside of the regular operating hours and will be allowed to charge a reasonable hourly staffing fee to cover the additional staffing expense.

SECTION 2. THE CITY AGREES:

- A. The City shall set the rental fees annually to be charged by the District for use of the facility.
- B. City shall keep the Premises insured at City's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage.
- C. District sponsored or co-sponsored programs will not be charged a rental fee for building use.
- D. For services listed in this Agreement the City agrees to pay the District \$26,000 annually in twelve (12) equal monthly installments payable on the first of the month, from July 1, 2014 through June 30, 2019. The annual payments shall increase by a percentage, not to exceed 3%, according to the Portland CPI-U each year beginning on July 1, 2015.
- E. Meet with the District annually in February to review larger facility maintenance items that would ensure longevity of the facility to allow the City to make necessary budget arrangements.

SECTION 3. BOTH PARTIES AGREE:

- A. The District is an independent contractor. The District shall control the manner in which it performs the services herein; however, the City shall specify the nature of the services and the results to be achieved. The District is not to be deemed an employee or agent of the City and has no authority to make any binding commitments on behalf of the City except as expressly approved in writing by the City.
- B. Each party shall indemnify, hold harmless and defend the other, its officials, agents and employees, from and against any and all claims, damages, losses and expenses, including attorney fees, arising in or from its performance of, or failure to perform, this agreement. The extent of each party's obligation under this subsection is limited to that party's obligation under the Oregon Constitution and ORS 30.260 through 30.300.
- C. Any controversy regarding the language of this Agreement or the performance of this Agreement shall be submitted to arbitration. Either party may request arbitration by

written notice to the other. If the parties cannot agree on a single arbitrator within fifteen (15) days from the giving of notice, each party shall within five (5) days select a person to present the party and the two representatives shall immediately select an impartial third person to complete a three (3)-member arbitration panel. If either party fails to select its representative, the other party may petition the Chief Judge of the Circuit Court of Clatsop County for designation of the representative. In preparation for any arbitration, each party shall have the rights of any litigant under Oregon Law for discovery. The arbitration shall be conducted in accordance with ORS 30.300. The arbitrator(s) shall assess all or part of the costs of arbitration, including attorney fees to either or both sides.

D. If any arbitration, administrative proceeding, action, or appeal thereon is instituted in connection with any controversy arising out of this agreement, performance of this agreement or failure to perform this agreement, the prevailing party shall be entitled to recover, in addition to costs and disbursements, such sum as the adjudicator may adjudge reasonable as attorney fees.

E. In whatever form it may be produced or stored, any documents or publications prepared in performance of this Agreement and any supporting and investigative information that is gathered in the performance of this Agreement, upon completion of the work or upon termination of this Agreement shall be and remain the property of the City.

F. The laws of the state of Oregon shall be used in construing this Agreement and enforcing the rights and remedies of the parties.

G. Termination Clause. Without cause either party may terminate this Agreement upon ninety (90) days prior written notice to the other.

CITY OF SEASIDE

**SUNSET EMPIRE PARK AND
RECREATION DISTRICT**

Don Larson, Mayor

Justin D. Cutler, General Manager

Date: _____

Date: _____

Mark J. Winstanley, City Manager

Date: _____

SEASIDE YOUTH CENTER LEASE

Date: October 28, 2013

Between: **City of Seaside**
989 Broadway Street
Seaside, Oregon 97138

("Landlord")

And: **Sunset Empire Park and Recreation District**
P.O. Box 514
Seaside, Oregon 97138

("Tenant")

Landlord leases to Tenant and Tenant leases from Landlord the property known as 1140 East Broadway, Seaside, Oregon described in Exhibit A (the "Premises") on the terms and conditions stated below.

Section 1. Occupancy

1.1 Original Term. The term of this Lease shall commence January 1, 2014, and continue through December 31, 2033, unless sooner terminated as hereinafter provided.

1.2 Possession. Tenant's right to possession and obligations under the Lease shall commence on execution of this Lease

Section 2. Rent

2.1 Base Rent. Tenant shall pay to Landlord as base rent the sum of \$1.00 per year.

2.2 Additional Rent. All insurance costs, utility charges that Tenant is required to pay by this Lease, and any other sum that Tenant is required to pay to Landlord or third parties shall be additional rent.

Section 3. Use of the Premises

3.1 Permitted Use. The Premises shall be used for a youth activities center and related recreational purposes and for no other purpose without the consent of Landlord.

3.2 Restrictions on Use. In connection with the use of the Premises, Tenant shall:

- (1) Conform to all applicable laws and regulations.
- (2) Refrain from any activity that would make it impossible to insure the Premises against casualty, would increase the insurance rate, or would prevent Landlord from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successor, allowing Landlord to obtain reduced premium rates for long-term fire insurance policies, unless Tenant pays the additional cost of the insurance.
- (3) Tenant shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may use or otherwise handle on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of a recreation facility. Tenant may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Tenant's reasonably anticipated needs. Tenant shall comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances.

Section 4. Repairs and Maintenance

4.1 Landlord's Obligations. The following shall be the responsibility of Landlord:

- (1) Repairs and maintenance of the roof and gutters, exterior walls (including painting), bearing walls, structural members, floor slabs, and foundation.
- (2) Repair of sidewalks, driveways, curbs, parking areas, and areas used in common by Tenant and Landlord or tenants of other portions of the same building.
- (3) Repair and maintenance of exterior water, sewage, gas, and electrical services up to the point of entry to the leased Premises.
- (4) Repair of the heating and air conditioning system other than ordinary maintenance.

4.2 Tenant's Obligations. The following shall be the responsibility of Tenant:

- (1) Repair of interior walls, ceilings, doors, windows, and related hardware, light fixtures, switches, and wiring and plumbing from the point of entry to the Premises.
- (2) Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees.
- (3) Ordinary maintenance of the heating and air conditioning system and any repairs necessary because of improper maintenance.
- (4) Any repairs or alterations required under Tenant's obligation to comply with laws and regulations.

Section 5. Alterations

Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent. All alterations shall be made in a good and workmanlike manner, and in compliance with applicable laws and building codes. All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed.

Section 6. Insurance

6.1 Insurance Required. Landlord shall keep the Premises insured at Landlord's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. Tenant shall bear the expense of any insurance insuring the property of Tenant on the Premises against such risks but shall not be required to insure.

6.2 Liability Insurance. Tenant shall carry the following insurance at Tenant's cost: comprehensive general liability insurance with a combined single limit of not less than \$2,000,000 or such higher amount as may be established as the Oregon Tort Claim limit for local government agencies.

Section 7. Taxes; Utilities

7.1 Property Taxes. The parties shall work together to maintain the Premises tax exempt status.

7.2 Payment of Utilities Charges. Tenant shall pay when due all charges for services and utilities incurred in connection with the use, occupancy, operation, and maintenance of the Premises, including (but not limited to) charges for fuel, water, gas, electricity, sewage disposal, power, refrigeration, air conditioning, telephone, and janitorial services.

Section 8. Default

Failure of Tenant to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within 30 days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the 30-day period, this provision shall be complied with if Tenant begins correction of the default within the 30-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

Section 9. Miscellaneous

9.1 Nonwaiver. Waiver by either party of strict performance of any provision of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

9.2 Notices. Any notice required or permitted under this Lease shall be given when actually delivered or 48 hours after deposited in United States mail as certified mail addressed to the address first given in this Lease or to such other address as may be specified from time to time by either of the parties in writing.

9.3 Succession. This Lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.

9.4 Time of Essence. Time is of the essence of the performance of each of Tenant's obligations under this Lease.

Landlord:

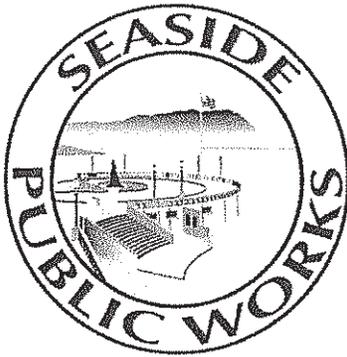
City of Seaside

By: _____

Tenant:

Sunset Empire Park and Recreation District

By: _____



MEMO

June 23, 2014

To: The Honorable Mayor and City Council
From: Neal Wallace

Re: Dryer Building Project at the WWTP Final Approval

This project has been a long time in the making. I first came before Council back in December of 2012 for your approval to purchase the steel building package for the dryer building. Since then we have changed the building location due to erosion issues near the plant, received bids for construction of the building in June of 2013 that were too high, and negotiated changes with Helligso Construction and reduced the contract price from 1.15 million dollars to \$857,810.80 by September of 2013.

Helligso finished the construction work in May, 2014, and we have have been working out final details of the warranty and final punchlist items and tonight I am pleased to announce that the warranty issues have been addressed and staff recommends accepting the dryer project and releasing retainage.

There were change orders from the original contract and the majority of those were small and dealt with typical underground unknowns, changes in materials, and other minor changes. There were two large change orders that accounted for about half of the total. It was decided to add construction of the electrical service room back into the contract. This was necessary for the long term health of the panels and controls. That added \$21,480.00 to the contract. The electrical inspector would not accept much of the electrical system on the belt press. It was acceptable if the unit functioned as a portable unit outside but didn't meet code when it was moved inside as a permanent installation. The cost to bring that up to code was \$24,129.00. The remainder of the change orders totaled \$52,939.00 which is an acceptable 6% change order. The final project cost of \$956,358.90 is still \$200,000.00 under the original bid made in June.

The retainage being held is \$17,818.45.



MEMO

June 23, 2014

To: The Honorable Mayor and City Council
From: Neal Wallace

Re: WWTP Dryer Project Final Approval

This project has also been a long time in the making. The City received a copy of the proposal from Fenton Environmental Industries for our dryer back in April of 2012. The City Council approved moving forward with the project in September, 2012 and made the first 30% payment in October, 2014. The original proposal was for \$392,000.00 plus shipping of between \$18,000.00 and \$23,000.00. The dryer had to be upgraded electrically to accommodate our 460V 3-phase power and Fenton added an additional \$3,000.00. Shipping came to \$17,800.00. The City withheld \$39,500.00 in retainage. The agreement with Fenton was for a dryer that was reconditioned and functional that would be warranted for 60 days except for the hopper which is new and carries the one-year warranty.

When the Fenton technician showed up to put us on line there were several issues that have been addressed. Some of those issues have been handled since the technician left and we have totalled the equipment and labor and taken that amount out of the retainage. The work/equipment in question was:

- A new dryer/tumbler motor \$1,260.00
- A new air compressor \$ 169.00
- A new CPU controller unit \$5,800.00
- Misc. parts and Electrician's time \$3,210.77

The total for this work is \$10,439.77. When applied to the \$39,500.00 that was held there would be a balance of \$29,060.23. The dryer is working consistantly and working well. Staff recommends accepting the dryer project and releasing the retainage of \$29,060.23.



Seaside Public Library

1131 Broadway Seaside, OR 97138

May 6th, 2014

We, the Library Board of the Seaside Public Library,

Have made a motion and unanimously approve bringing to City Council the matter of banning smoking on the Library property.

The Library Board would request that the city council take under consideration making a similar resolution to the following:

Whereas, Oregon Revised Statutes 433.855 regulates smoke-free areas in places of employment including within ten feet of public entrances; and

Whereas, Oregon Administrative Rule 333-015-0064(2) states that "Nothing in these rules shall prevent an employer from increasing the amount of property where smoking is prohibited beyond the 10 foot requirement or from designating the entire premises as smoke free"; and

Whereas the library has had complaints from the public regarding having to walk through secondhand smoke to enter the library building; and

Whereas, for the health and wellbeing of employees and library users, especially those youth and families with small children that are encouraged to regularly attend story times, family programs and use the libraries services daily,

Now therefore, that smoking shall not be permitted on the Library's grounds up to the sidewalks and behind the library on the grass surround and that the library grounds would be designated as a smoke-free area; and that the city manager or designee is authorized to post signs stating that smoking is prohibited in this area.

Sincerely

Library Board Members

Russ Taggard, Sharon Ward, Jim Shipley, Tess Ratty, and Catriona Penfield

Four handwritten signatures in black ink are written across the bottom of the page. From left to right, they appear to be Russ Taggard, Sharon Ward, Tess Ratty, and Jim Shipley. The signatures are fluid and cursive.

Notes regarding research of other libraries in the state of Oregon that ban smoking (not a comprehensive list, just a few that I have contacted)

- Other libraries throughout the state have either set smoking further away from the doors or have banned smoking on their property entirely.
- The Salem Public library has a 15 foot from doorway smoking policy and receives complaints regarding smoking near entrances according to the library director.
- Tigard Public Library has a 45 foot no smoking ban and has visual markers to help point out where the line is. (This is also where petitioners are stopped)
- The City of Eugene has a no smoking ban to the curb for any city buildings that are primarily serving children. The main Library therefore have a no smoking ban to the curb, but the branches are leased so they cannot have this limitation (not owned by the city). The Parks & Rec center also has a no smoking ban but not the senior center.
- In Newport, there is a ban on smoking on all city property.
- All Beaverton city departments are tobacco free, including parking lots.
- Corvallis has a municipal code of no smoking within 50 feet of the library building which includes the sidewalks surrounding the library. The no smoking ban is only for the library and city parks.

Smoking shall be prohibited on all of the City-owned grounds, patios, plazas, steps, ramps, and facilities for the Corvallis-Benton County Public Library. This prohibition includes the library parking garage and library parking lot. This prohibition includes any sidewalk, pedestrian way, driveway, planting area, public right-of-way, street, curb, or gutter within 50 feet of the exterior of the City-owned Corvallis Benton County Public Library building. This prohibition does not include any property that is within 50 feet of the exterior of the City-owned Corvallis Benton County Public Library building that is not owned by the City or part of a public right-of-way. This prohibition does not include smoking within a private automobile with the doors and windows closed, except within the library parking garage or library parking lot, or the associated driveways.

The Sandy library has a resolution banning smoking on premises. Example of Sandy resolution:

Resolution 2013-04

A RESOLUTION OF THE CITY OF SANDY EXTENDING THE SMOKE-FREE AREA AT THE ENTRANCE TO THE SANDY LIBRARY.

WHEREAS, Oregon Revised Statutes 433.855 regulates smoke-free areas in places of employment, including within ten feet of public entrances; and

WHEREAS, and Oregon Administrative Rule 333-015-0064 (2) states "Nothing in these rules shall prevent an employer from increasing the

amount of property where smoking is prohibited beyond the 10 foot requirement or from designating the entire premises as smoke free"; and

WHEREAS, the library's recent renovation has expanded the public area at the front door and along the west side of the building; and

WHEREAS, for the health and wellbeing of employees and patrons, the Sandy City Council desires to increase the smoke-free area at the entrance to the Sandy Library.

NOW, THEREFORE, BE IT RESOLVED that the front sidewalk area of the Sandy Library between Shelley Ave. and the east parking lot driveway, and the sidewalk on the west side of the building between Proctor Blvd. and the alleyway, as shown in Exhibit A, is hereby designated as a smoke-free area; and that the city manager or designee is authorized to post a sign or signs clearly stating that smoking is prohibited in this area.

This Resolution shall be effective on February 19, 2013.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 18th day of February, 2013.

FAQs regarding smoking on the Seaside Library premises 2014

- Library staff have received many complaints about library users “walking through a cloud of smoke” at the main front doors. Library users are concerned about secondhand smoke.
- In the month of May, we had 510 youth (ages 0-19) in attendance at programs in the Library. This does not include numbers for youth just using the library in general. All of these youth came through the front doors of the library past the ‘smoking area’.
- We provide programming for all ages including preschool storytime twice a week, teen Tuesdays every week, and we have middle school classes using the library daily during the school year.
 - When the front doors of the library are open, cigarette smoke drifts inside.
- One lady said she would not be returning to the library because she had to walk through smoke to get inside.
- Smoking outside the Library front doors does not promote a “family friendly” library, nor that we are part of a youth and family friendly ‘campus’ as constituted by the Library, middle school, swimming pool, and Broadway Park.
- Cigarette butts scattered around the front doors and along walkways have to be picked up weekly. Cigarette butts are the main trash seen on the Library’s walkway leading up to the front doors.
- The library director found one used cigarette placed on the wood siding of the library building directly below dry wood shingles on June 12th. Fortunately it had gone out.
- People smoke close to the building both by the main front doors and the side in front of the staff entrance and the side entrance doors.
- In one day, the library director picked up 30 cigarette butts off the ground outside the front doors and side doors. Approximately 3 times that many cigarettes were in the cigarette ash tray outside the library.

Memo

To: Mayor Larson and Seaside City Council
From: Jon Rahl and Esther Moberg
cc: Jeremy Goldsmith
Date: June 18, 2014
Re: Selection of third-party facilitator for Seaside 2034: Building a bridge to our future

Dear Mayor and Seaside City Council,

This month, the Seaside 2034 Project Committee has taken on the responsibility of seeking out qualified third-part facilitators to assist with the planning, facilitation and wrap-up report of a Vision Town Hall to be held in late July or early August.

The committee did an RFQ with three reputable agencies. JLA Public Involvement, Corragio Group and The Dennett Consulting Group were all asked to complete a statement of work, pertinent qualifications and an estimated cost to complete said project.

After reviewing all three proposals and scopes of work, it is our recommendation that the City of Seaside hire Corragio Group for the Vision Town Hall at a cost of \$5,500.

Corragio Group is highly qualified and brings with it work done extensively with City, County and State governments up and down the west coast. They offer deep experience in facilitating Town Halls and similar types of forums that have had as many as 300 participants. Both facilitators assigned to our project are senior consultants that have 15+ years of experience.

Our project scope will include up to two one-hour planning sessions, a "run-of-show" plan that outlines the details of a projected 2.5 to 3 hour meeting and a recap report designed to "plug into" the vision plan and subsequent strategic planning work.

We appreciate your continued support of Seaside 2034 and look forward to your participation in the facilitation sessions held later this summer.

Kindly,

Jon Rahl and Esther Moberg