

**AGENDA SEASIDE CITY COUNCIL MEETING
SEPTEMBER 23, 2013 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. RECOGNITION – ANNIKA BROWN, YARELI MARTINEZ, COSMA DAVIS
6. COMMENTS – PUBLIC
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$ 378,624.20
 - b) APPROVAL OF MINUTES – SEPTEMBER 9, 2013 REGULAR MINUTES
9. UNFINISHED BUSINESS:
10. NEW BUSINESS:
 - a) PRESENTATION – HIGHWAY 101 FLOODING ABATEMENT PROJECT
 - b) CONSIDERATION – SEASIDE WASTE WATER TREATMENT PLANT (WWTP) STREAMBANK STABILIZATION AND RESTORATION PROJECT DESIGN AND PERMIT SCOPE OF WORK.
 - c) VACANCY – TERM EXPIRATIONS - SEASIDE CIVIC AND CONVENTION CENTER
11. COMMENTS FROM THE COUNCIL
12. COMMENTS FROM THE CITY STAFF
13. ADJOURNMENT

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

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

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

Mayor Larson invited the boy scouts attending the meeting to come up and start the Pledge of Allegiance.

Present: Mayor Don Larson, Council President Don Johnson, Councilors Tita Montero, Jay Barber, Randy Frank, and Stubby Lyons.

Absent: Councilor Dana Phillips.

Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Neal Wallace, Public Works Director; Joey Daniels, Seaside Fire Chief; Bob Gross, Seaside Police Chief; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Dave Patch, Waste Water Treatment Plant Foreman; David Rankin, Seaside Fire Department Safety and Training Officer; and Nancy McCarthy, Daily Astorian/Seaside Signal.

- AGENDA Motion to approve the September 9, 2013 agenda; carried unanimously. (Lyons/Frank)

- PROCLAMATIONS Councilor Stubby Lyons, read a proclamation for Constitution Week.

- RECOGNITION –
EAGLE SCOUT Council President Johnson stated a few weeks ago he was fortunate enough to have the honor of seeing Douglas Larkins receive the Eagle Scout award. Council President Johnson recognized Douglas Larkins for receiving the Eagle Scout award.

Mayor Larson presented Douglas Larkins with a Certificate of Appreciation.

- RECOGNITION –
SEASIDE LIFEGUARDS Joey Daniels, Seaside Fire Chief, stated the Seaside Fire Department had a wonderful lifeguard program and with the dry weather this year there had been many rescues. Chief Daniels further stated more than just being lifeguards they were there for public awareness like cleaning up the beach, informing people of where the rip currents were located. There were signs added this year which also informed people where the rip currents were located. The lifeguard duties were much more than sitting in the tower looking through their binoculars. Chief Daniels stated the lifeguards trained with the fire department and received new gear this year to be used on the beach. The employee who had worked hard on the lifeguard program this year was David Rankin.

David Rankin, Training and Safety Officer, stated this summer the lifeguards assisted the Seaside Police six times, assisted Seaside Fire three times, other agencies two times, prevention and safety fifty times where the lifeguards interacted with the public and informed them about safety and swimming with the ocean conditions, lost persons was forty-one cases, informed people of the rules and ordinances of the beach twenty-seven times, lost and found properties twenty-two cases, public contacts one hundred eighty-three, beach clean up forty-five occurrences which was not just walking and picking up garbage but finding debris piles or something in the surf that was removed, first aid calls thirty-eight, medical emergency six calls, warnings fifty-nine where the lifeguards had actually went out and informed people they were in a dangerous area and should move, there were four assist where they brought the people back, and rescues were seven. Overall the year was very productive and there was a new truck for the lifeguards this year instead of the old blue truck. Captain Rankin further stated next year there were a couple of new things in store and this year something that was new was using the United States Licensing Association and instituted their standards and guidelines for how the lifeguards trained and provided services for ocean lifeguards in the United States. The standard would continue next year. Captain Rankin presented Certificates of Award to Kai Warts, Genesee Dennis, Lisa Talamantez, Shea Stokes, Aaron Shaughnessy, Ben Hamar, Alexander Riggs, Susan Agalzoff, Dustin Bessette, and Daniel Mullery.

Mayor Larson stated the City was so fortunate to have such a great team of lifeguards and Lincoln City was very jealous.

- COMMENTS – PUBLIC Merlin Humpal, 2481 Oregon Street, Seaside, stated he came to the meeting as an optimist. The first request was for Council to rescind the Lighting Ordinance that was approved by Council previously. Mr. Humpal was very upset when he read the ordinance and had missed the last two meetings. There was a grandfather clause in the ordinance but the remarks were not included in the requested summary which did explain what the grandfather clause meant but the ordinance itself did not define what the grandfather clause meant. In the requested summary it mentioned the fixture that was installed and the question Mr. Humpal would have was installed rusted out was he allowed to install the same fixture and still fall under the grandfather clause.

Mr. Humpal further stated what he really could not understand why a 40 watt bulb or 450 lumen lights were selected when there were people who were growing old and had Cataracts, Glaucoma, Macular Degeneration, and other eye problems. A 40 Watt bulb or 450 lumen does not hack it. Mr. Humpal asked if the ordinance complied with the American Disabilities Act (ADA). Mr. Humpal did not really understand how this referred to Chapter 96 which was the Nuisance Ordinance and he was not sure how that really applied. The first thing that struck me was the definition of a City Manager which was any designated person which was vague. The ordinance should be rescinded. Mr. Humpal further stated the second request was the nuisance ordinance and how he lived next door to a house that everybody should be ashamed of. If any Councilor had not gone to 2489 Oregon and walked into the back yard it was your duty to do that. As far as I know the police and City Manager had not done anything about the house to resolve the problem. The nuisance ordinance had power to do something to get that placed cleaned up but nothing had been done.

Mayor Larson asked if a Citizen's Complaint had been filed.

Mr. Humpal stated he had spoken to the police about the house.

Mayor Larson stated if a Citizen's Complaint was filed the City had a great follow up system.

Greg Hope, 870 S. Columbia, Seaside, stated on South Columbia from Avenue 'G' to approximately Avenue 'S' there was a stop sign at each end of the street and in between that almost no one drives twenty-five miles an hour. Would there be a possibility of getting a stop sign or a speed bump installed to help with the traffic? There had been so many near misses with people in that area. Mr. Houke asked if there was a leash law and if there was did that pertain to the beach.

Mark Winstanley, City Manager, stated there was a law that animals had to be on a leash or under voice control on or off the beach.

Mr. Houke stated the voice control was tricky. Having walked on the beach many times you almost never see a dog on a leash. There were people angry that dogs would jump them and it was disgusting with the messes the owners would not pick up.

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 \$505,131.52; and August 12, 2013, regular minutes; carried unanimously. (Lyons/Montero)

PRESENTATION – WASTE
WATER TREATMENT
PLANT EROSION

Neal Wallace, Public Works Director, stated the erosion at the Seaside Waste Water Treatment Plant (WWTP) was ongoing for a while. Mr. Wallace introduced Evan Engber who was the president of Bioengineering Associates out of Charleston, Oregon. Mr. Engber and his company had completed many erosion projects and would present a video on the Mad River Erosion Project in Northern California and then speak about some specifics of what Seaside could do to solve there erosion problems.

Evan Engber introduced Cam Parry, who managed the office in Charleston and Phillip Bueller, who was head engineer and training. Mr. Engber presented the Mad River Erosion Project with a video and explained how the project took place happened. The agencies would not allow rock to just be dropped anymore and there had to be vegetation and habitat. There were red wood logs used for the project and willows along with large rock. The total cost of the project was approximately \$1,000,000.00.

Councilor Lyons asked how long was the footage or mileage with the project.

Mr. Engber stated the project was 1,300 feet.

Mr. Wallace stated the erosion at the WWTP was approaching 1,000 feet.

Mr. Engber stated it was approximately 1,000 feet where the Necanicum comes around the corner and stopped just past the metal building. Mr. Engber showed a picture in 1989 of the erosion at the WWTP. There was approximately twenty to thirty feet between the sand and the building from the cliff. The homes in the area were not in immediate danger but the metal building and plant was in dire need of something being done. Mr. Engber showed pictures of an erosion project done in the Russian River which was over 1,300 square miles. The river had the reputation of going up fast and then coming back down.

Mayor Larson stated the Corp was there looking at what was down and underneath. Was there a bunch of rock in that location?

Mr. Wallace stated at the very least the City had to see what was underneath there and how deep it was.

Mr. Engber stated it pretty much ran along the area but seemed to be low.

Mr. Wallace stated the river came in and then turned and headed back out and it was at that location where the erosion was. If there was large material suitable for the erosion that that could be used as the base and then build from that.

Mr. Engber stated if there was a good base then you definitely would want to connect to the base.

Cam Perry stated there was not much habitat in the area and the design would give a tremendous habitat with the estuary at that location. There would be discussions with the Oregon Senators to see what funds if any were available or even a federal loan. A project like this may have grants that could be applied for to help with the cost of the erosion project. The project was very challenging with the river going up and down. Mr. Engber had been at this type of bioengineering for thirty years and this was a wonderful form of stabilization and habitat creation and was almost bulletproof when it was done. Each day the stabilization would get stronger especially with the rooting system and there would be several agencies brought in with the initial design phase.

Mr. Engber stated there would be key people brought in and would work with Leo Kunz.

Mr. Wallace stated Mr. Kunz was with the Nehalem Marine Manufacturing and had done several emergency repairs protecting the water main in Seaside.

Mayor Larson asked where Council would go from here.

Mr. Wallace stated there would be a proposal for a preliminary design which needed to be funded and the proposal would be brought before Council.

Councilor Frank stated was there a piece that the City wanted removed in the waterway.

Mr. Wallace stated there had been discussions and he was not sure if this was the best time to try and get that done. That tip was now connected to Gearhart and was still armored with rock. The channel would connect with Gearhart and then connect back to Seaside and every time there was a connection back to Seaside it would take 40 to 50 feet and there was not 40 or 50 feet left. When the project was done and if the channel was connected to Seaside there was a possibility of going out to get the rock.

Mr. Engber stated somewhere back in the near past a developer received permission to do a development with a bunch of rock. The rock could be brought in and used as part of the armor.

Councilor Barber asked if that location would survive another winter with the storms.

Mr. Wallace stated he was not sure. The majority of the erosion had been caused by the river channel and not by the ocean. There was just a small amount of area left and the ocean may finish the problem.

Mr. Engber stated the thought was to jump on the permitting agencies fairly quick. There were fallen trees all over and there was a technique where trees were piled up staked and then anchored down with boulders which may give some safety for a season.

Mr. Wallace stated if the City could go back and look at all the dealings with the Corp six to eight years ago when they came up with three options of to do nothing, another revetment, or the rock groynes. The City was told the Corp was not really an agency capable of doing things proactively in this regard until the plant started sustaining damage. Right now the bank was eight to ten feet from the fence and once the fence fell down the bank, there was damage sustained. At that point the City would have the right to go after that project the same as on the river when the water main had been exposed and now it would be an emergency application.

Mayor Larson stated the Corp had emergency money.

Mr. Wallace stated rather the Corp jumps in and does the project or the City still looks for the funding mechanism if something happened this winter it would be an emergency operation. The main function at the plant was not in immediate danger but accessory buildings and fencing should not be lost either.

Councilor Montero asked how that would work during the winter.

Mr. Wallace stated the winter would not be a good time. Mr. Wallace further stated he wanted Council to be aware of other possibilities out there instead of just slamming rock into the ground.

Mark Winstanley, City Manager, stated the draft contract would be added to the future Council Agenda.

RESOLUTION #3795

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ACCEPTING THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT GRANT NO. CPA-13-030

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

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

Motion to read Resolution #3805 by title only; carried unanimously. (Barber/Lyons)

Motion to adopt Resolution #3805; carried unanimously. (Johnson/Montero)

COMMENTS – COUNCIL

Councilor Frank stated great weather and a great Wheels and Waves event this last weekend. There would be a barbecue at the Airport on Saturday September 21, 2013. There was a forum at City Hall on Tuesday, September 10, 2013, 7:00 pm, for Hood to Coast.

Councilor Lyons stated there would be a new City Council Student Representative from the High School starting in a couple of weeks. The Hall of Fame at Seaside High School was Saturday, September 7, 2013, which went well and was a success with approximately \$1,200.00 made for the scholarship fund.

Mayor Larson stated the Wall of Fame this year was Judy Shook and Ruth Johnson who ran the Seaside Jazz Festival event at the Convention Center.

Councilor Lyons stated there was only one empty Frame on the wall and that was Tom Horning.

Councilor Barber stated on behalf of the Sunset Empire Park and Recreation District Foundation he wanted to invite everyone to a first time event called The Grateful Hearts Gathering which was not a fundraiser but was a unique thank you to the community recognizing some people who normally did not get recognized. The event would be at the Bob Chisholm Community Center September 28, 2013, 6:30 pm. There was only room for one hundred guests and the cost was \$20.00. The meal would largely come from the Community Gardens.

Councilor Johnson stated he went on a nice tour of circle creek to see what had been done for the Highway 101 flood project. The project was coming along and the contractor was doing a great job for the habitat because of the restoration. Councilor Johnson further stated he also went out to the Watershed where some restoration was being done and repairs.

Mr. Wallace stated that group was there approximately seventy-two hours and he went out today and a new fish screen which was a massive rotating fish screen which would hopefully be slid into place later this week.

Mayor Larson stated a workshop was scheduled with the Parks Advisory Committee to discuss the new parks plan which was scheduled for September 30, 2013, 6:30 pm. Mayor Larson further stated there was a nice retirement for Doug Barker from the Chamber of Commerce. Mayor Larson further stated he was still waiting for two Councilors comments on plastic bags.

Bill Carpenter, PO Box 797, Seaside, stated the NWACT managed the transportation needs for Clatsop, Tillamook and parts of Washington County. Mr. Wallace had submitted two applications for the Center Turn Lane at 'G' Street to the Holladay 'Y' and the Improvement of the US Highway 101 and Broadway Intersection and both those projects made the cut. There was a third application for US Highway 101 Crosswalks which was withdrawn from consideration but had been entered into the Center Turn Lane addition project from the Oregon Department of Transportation (ODOT). The Center Turn Lane project topped the list of the entire NWACT project and would for sure happen and ODOT had been a great partner in getting that project. The US Highway 101 and Broadway Intersection just made the bare cut and was the last project on the list. Mr. Carpenter thanked Mr. Wallace for all the hard work in putting the applications together.

Mayor Larson stated Seaside and ODOT were definitely solid partners and Mr. Wallace gave an extremely good explanation of how the Broadway Intersection reacted to the accidents with one of them was a fatality. Mayor Larson stated five thousand feet of the berm was removed on the Highway 101 Flood project.

COMMENTS –
CITY STAFF

Mr. Wallace stated there was four extremely good looking Statements of Qualifications (SOQ) from four firms for design of the Avenue 'U' Bridge replacement.

Bob Gross, Seaside Police Chief, stated he attended the Fall Chief and Sheriff Conference at the Training Academy. Hood to Coast went fairly well with a couple of glitches based on a new promotion company and the Wheels and Waves went very well this last weekend.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated the Seaside Civic and Convention Center was busy this month with twenty-seven days of events. This week the International Association of Arsons Investigators was in the building and then Woman in Recovery would finish up the week. The Convention Center Commission meeting was Wednesday, September 11, 2013.

Susan Huntington, Chamber of Commerce Director, stated the Chamber of Commerce owned quite a bit of equipment that was at the WWTP. The Chamber of Commerce membership drive was next week and elections were planned and the annual meeting on November 1, 2013.

Joey Daniels, Seaside Fire Chief, stated there were two Seaside Fire Fighters that went to The Dalles to help out with the fire and came back in one piece. This weekend people thought the fire department was going to burn down the Royale Motel during the Wheels and Waves event but were using the motel for training and were able to tear and cut up the motel. Chief Daniels thanked public works for the wonderful job painting the Seaside Fire Department building.

Mr. Winstanley reminded Council of the League of Oregon Cities Conference in a couple of weeks.

ADJOURNMENT

The regular meeting adjourned at 8:20 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

**Seaside WWTP Streambank Stabilization and
Restoration Project**
Design and Permit Scope of Work

The project site is located near the mouth of the Necanicum River in Seaside, Oregon. The project site consists of an actively eroding streambank which is threatening the Seaside Waste Water Treatment Plant.

Bioengineered bank restoration design will function to prevent further erosion of the bank, using boulder structures, vegetated above high tide level which will add riparian habitat value, aesthetic appeal and will include large wood providing resting habitat and shelter for juvenile and migrating salmonids.

- BioEngineering Associates Design Team will include Evan Engber, Principal Bioengineer, Kelly Harris, GIS analyst, Chris Anderson, Project Supervisor, Philip Buehler EIT. The design team will survey the site and collect all the data necessary for a design.
- BioEngineering Associates will discuss design concepts for approval with the City of Seaside Public Works Department.
- BioEngineering Associates will discuss design concepts with the permitting agencies to ensure that any final design meets all the regulatory requirements. This will also include an additional site visit to meet on site with all regulatory agencies as part of the permitting process. This scope of work does not include the cost of the project permit fees.
- BioEngineering Associates will provide the City of Seaside Public Works Department all technical data and support

necessary to complete the project permits, including design documents; plan view; cross sections; drawings; and text for treatment of the riverbank sufficient for all necessary permit applications. Where appropriate, we will work with your engineer on preparing site specific data for design elements.

- BioEngineering Associates will present the project to the Seaside City Council and the Necanicum Watershed Council. The presentation will be conducted by Evan Engber and Campbell (Cam) Parry. The presentation will outline the proposed design for stabilizing the streambank near the WWTPS and show examples of successful similar projects that BioEngineering Associates has designed and constructed. The cost for this is included in the budget.
- The cost for the above scope of work is \$45,750.00.
- In consideration of the recent dialogue between our representative Cam Parry, Leo Kuntz and Neal Wallace Bioengineering Associates has decided to donate \$10,000.00 worth of staff time to reduce the burden to the City of Seaside.
What this means is that the cost to the city for the design will be \$ 35,750.00.

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:** September 23, 2013

Name: Jeff Kilday
Chuck Miner
Terry Bichsel

Commission/Committee: Convention Center Commission

Resignation Date: N/A

Term Expiration Date: October 25, 2016

Wants to be considered again: All - Yes

2. **Applicants:**
Jeff Kilday
Chuck Miner
Terry Bichsel

3. **Nominations:**

4. **Appointment:**



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>
JEFF KILDAY**	PO BOX 1031	738-3018	10/25/2013
CHUCK MINER	2002 MAPLE ST.	440-9240	10/25/2013
TERRY BICHSEL*	414 N. PROM	425-443-1902	10/25/2013
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

*CHAIR
**VICE CHAIR