

**AGENDA SEASIDE CITY COUNCIL MEETING
APRIL 25, 2016 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS FROM STUDENT REPRESENTATIVE, Taylor Barnes
6. COMMENTS – PUBLIC – (please keep speaking time to four minutes)
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$159,216.60
 - b) APPROVAL OF MINUTES – APRIL 11, 2016 REGULAR MINUTES
9. UNFINISHED BUSINESS: None
10. NEW BUSINESS:
 - a) LICENSING AGREEMENT BETWEEN THE CITY OF SEASIDE AND REBECCA A. POOLE FOR REAL PROPERTY
 - b) PARKS ADVISORY COMMITTEE RECOMMENDATION – BMX PUMP TRACK IN CARTWRIGHT PARK
 - c) FINAL – SEASIDE POLICE DEPARTMENT GENERATOR REPLACEMENT PROJECT (Electrical Contractor)
 - d) BID RESULTS – LANDSCAPE MAINTENANCE: CITY OF SEASIDE FACILITIES
 - e) UPDATE – SEASIDE EVERGREEN CEMETERY, Dale McDowell
 - f) UPDATE – NORTH HOLLADAY IMPROVEMENT PROJECT, Dale McDowell
11. COMMENTS FROM THE CITY STAFF
12. COMMENTS FROM THE COUNCIL
13. RECESS INTO EXECUTIVE SESSION IN ACCORDANCE WITH ORS 192.610 (1) (i) REGARDING ANNUAL EVALUATION OF CITY MANAGER
14. RECONVENE INTO REGULAR SESSION – COUNCIL ACTION REGARDING CITY MANAGER EVALUATION
15. ADJOURNMENT

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

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

LICENSE AGREEMENT

AN AGREEMENT, made and entered into this _____ day of _____, 2016, between the **City of Seaside, Oregon**, a municipal corporation of the State of Oregon, hereinafter referred to as "**City**", and **Rebecca A. Poole**, hereinafter referred to as "**Poole**",

CIRCUMSTANCES:

City is the owner of certain real Property in Clatsop County, Oregon, hereinafter referred to as the "**Property**", and more particularly described as:

21st Avenue created out of the plat of Dee's Subdivision of Block 18, Clatsop Grove, recorded in Town Plat Book 0, Page 56.

Poole is the owner of certain real property in Clatsop County, Oregon, hereinafter referred to as the property and more particularly described as:

Parcel No. 1:

CLATSOP GROVE LT 2, 3 BLK 18

Parcel No. 2:

The 1,912 Square Feet of Vacant Land off of Holladay Drive, Seaside, Oregon, further described as:

A portion of that property described in Deed Book 159, Page 17, a portion of that property described in Deed Book 242, Page 360, and a portion of vacated 21st Ave described in Book 256, Page 461 more particularly described as follows:

Beginning at the Southwest corner of Lot 2, Block 18, Dee's Subdivision of Block 18, Clatsop Grove per the Plat thereof; Thence along the South line of Lots 2 and 3, Block 18 of said Dee's Subdivision, South 87°49'24" East, a distance of 128.27 feet to a point, being the Southeast corner of said Lot 3; Thence along the East line of said Lot 3, North 02°10'35" East, a distance of 112.00 feet to a point, being the Northeast corner of said Lot 3; Thence North 02°10'35" East, a distance of 20.00 feet to a point on the North 20.00 feet of vacated 21st Street as described in Deed Book 256, Page 461; Thence along the North line of the North 20.00 feet of said vacated 21st Street, South 87°49'24" East, a distance of 10.00 feet to a point; Thence South 02°10'35"

West, a distance of 140.58 feet to a point; Thence North 84°16'24" West, a distance of 138.53 feet to the Point of Beginning. Situated in the Northwest quarter of Section 15, Township 6 North, Range 10 West, W.M., City of Seaside, County of Clatsop, State of Oregon. Bearings for this description are based on Oregon State Plane Coordinate System, North Zone (3601), NAD 83 (CORS 11), International Feet, Grid North, and as shown on that survey by Otak Inc. dated October 5, 2015 for Marion Poole Trust.

Situs: 2025 North Holladay Drive, Seaside, Oregon.

Tax Account No.: 10263

The **Poole** property abuts the **Property**, vested in **City** and desires to use a portion of **City's Property** as **Poole** has previously placed a swimming pool as an improvement on its property which encroaches upon **City's Property**. **City** has no desire as the date of execution of this License Agreement to cause the removal of this improvement on City's street and enters into this Agreement to allow **Poole** to leave this swimming pool as an encroachment on **City's Property** at this time.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED IN THIS AGREEMENT, IT IS AGREED AS FOLLOWS:

1. **City** grants permission to **Poole** and **Poole** accepts **City's** permission to the exclusive use of a portion of **City's Property** mentioned-above and such encroachment being described hereinafter as follows:

A portion of 21st Ave created on the plat of Dee's Subdivision of Block 18, Clatsop Grove, recorded in Town Plat Book 0, Page 56, as a 20 foot wide street, more particularly described as follows:

Beginning at the Northeast Corner of Lot 3, Block 18, Dee's Subdivision of Clatsop Grove, being a point of the South line of 21st Avenue and the Southwest corner of vacated 21st Avenue as described in that vacation ordinance recorded in Book 256, Page 461, Clatsop County Records;

Thence North 87°49'24" West along the South line of said 21st Avenue, a distance of 43.32 feet to a point;

Thence North 02°10'35" East, a distance of 15.00 feet to a point;

Thence South 87°49'24" East, a distance of 43.32 feet to a point on the West line of vacated 21st Avenue as described in the vacation ordinance recorded in Book 256, Page 461, Clatsop County Records;

Thence along the West line of said vacated 21st Avenue, South 02°10'35" West, a distance of 15.0 feet to the **Point of Beginning**.

Situated in the Northwest quarter of Section 15, Township 6 North, Range 10 West, W.M., City of Seaside, County of Clatsop, State of Oregon.

2. **Poole's** use of this **Property** shall not be "adverse" or contrary to **City's** interest in such **Property** in anyway.
3. Neither **Poole** nor any subsequent owner or occupant of that property owned by **Poole** shall acquire any prescriptive rights in the **City's Property**.
4. City may revoke its permission for **Poole's** continued use and occupation of **City's Property** for any reason in **City's** sole discretion upon One-Hundred Twenty (120) days prior written notice to **Poole**. Upon such notice, **Poole** shall discontinue their use of **City's Property** and to remove the encroaching improvement.
5. **Poole** shall forever defend, indemnify and hold **City** harmless from any and all claims, loss or liability arising out of or in any way connected with **Poole's** use of **City's Property**. In the event of any litigation or proceeding brought against **City** arising out of or in any way connected with any of the foregoing matters or claims, **Poole** shall, upon notice from **City**, vigorously resist and defend against such actions or proceedings through legal counsel reasonably satisfactory to **City**.
6. No modification, change, waiver or amendment of this License shall be deemed to be made unless in writing signed by all parties.

7. This License is the entire, final, and complete agreement of the parties and supersedes and replaces all written and oral agreements heretofore made or existing. **Poole's** further declare and represent that no promise, inducement or agreement not herein expressed has been made to them. This License contains the entire agreement hereto and the terms of this License are contractual and not a mere recital.
8. The language of all parts of this License shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against either party.
9. Should any provision of this License be declared or determined to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby and the illegal or invalid part, term or provision shall be deemed not to be a part of the License.
10. The parties agree that the laws of the State of Oregon and no other state shall control or be used in construing the License and enforcing the rights and remedies of the parties.
11. The provisions, covenants, and agreements of this License shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and permissible assigns of the parties hereto.
12. In the event suit or action is instituted to enforce any of the terms of this License, the prevailing party shall be entitled to recover from the other party such sum as the Court may adjudge reasonable as attorney fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

IN WITNESS WHEREOF, the parties hereto have executed this License the day and year first above written, and by the notarization of their respective signatures.

CITY OF SEASIDE,
A Municipal Corporation of the State of Oregon

By: _____
Mark Winstanley, City Manager

Rebecca A. Poole

STATE OF OREGON)
)ss.
County of Clatsop)

This instrument was acknowledged before me on the _____ day
of _____, 2016, by **Rebecca A. Poole**.

Before me: _____
Notary Public for the State of Oregon

STATE OF OREGON)
)ss.
County of Clatsop)

On this _____ day of _____, 2016, personally appeared **Mark Winstanley**,
who, being first duly sworn, did say that he, is the City Manager of CITY OF SEASIDE,
a municipal corporation, and that this Agreement was signed in behalf of the City by
authority of its City Council and acknowledged this Agreement to be its voluntary act
and deed.

Before me: _____
Notary Public for the State of Oregon

**SEASIDE PLANNING COMMISSION
NOTICE OF DECISION**

Date: April 13, 2016
To: Applicant & Interested Parties
From: Kevin Cupples, Planning Director
RE: 16-013CU: A conditional use request by Chris Quackenbush that will allow the development of a bicycle track (also called a pump track or skills park) as an improved extension of Cartwright Park. The track would be developed behind School Administration Building located at 1821 S Franklin (T6, R10, 21DC TL: 101, 5400, & 11401). Development of the track is being supported by the North Coast Trail Alliance, and as proposed, it will be broken down into two separate tracks. One small loop will be for beginners and the other longer loop will be more advanced. The property currently is currently zoned Medium Density Residential (R-2).

PLANNING COMMISSION DECISION:

On **April 5, 2016**; the Seaside Planning Commission conditionally approved the above referenced requests in accordance with the provision in the City of Seaside Zoning Ordinance.

The Commission's decision was based on the oral and written testimony provided during the hearing, the information submitted by the applicant, and the staff report. Approval to develop a bicycle track as an improved extension of Cartwright Park in the R-3 zone is subject to all of the development standards in the Seaside Zoning Ordinance..

In addition to the findings, justification statements, and conclusions adopted by the Commission; the request was approved subject to the applicant satisfying the following condition(s):

Condition 1: The applicant must develop a long term method to prevent erosion of the site once the track is completed.

Condition 2: The applicant must avoid filling within the floodway unless a balanced method of cuts & fills will support submittal of a no rise certification.

Condition 3: The appropriate number of short term bike rack(s) for the park and their location within the park must be determined in consultation with the Public Works Director. No fixed number is being required at this time; however, the installation of bike facilities is encouraged by the Commission within each of the City's developed parks.

Condition 4: Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

Adherence to these conditions is a matter of compliance with the Seaside Zoning Ordinance. Violations can be subject to the penalties identified in Article 12 of the Ordinance.

Although they are not conditions of approval, the following is a list of reminders to the applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

APPEAL PROVISIONS:

The Planning Commission's decisions may be appealed in accordance with Section 10.068 of the Seaside Zoning Ordinance which states:

Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed (or postmarked) within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

The appeal must be filed at the Planning Department (located at 1387 Ave. U) or mailed to 989 Broadway, Seaside, OR 97138. The appeal must include the applicable fee of \$625.00.

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at (503)738-7100. The Notice of Decision date and appeal deadline are listed below. Appeals must be submitted or postmarked by this deadline.

Date of Decision: Wednesday, April 13, 2016

Last Day to Appeal: Thursday, April 28, 2016

CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT



PUBLIC WORKS DEPARTMENT
LOCATION: 1387 AVE U
MAIL: 989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5112

MEMO

April 18, 2016

FROM: Dale McDowell

TO: The Honorable Mayor and City Council

RE: Police Generator - Installation Phase

Inland Electric has completed the Installation Phase of the Police Generator Project and has requested we close out the project. The Original Bid was in the amount of \$22,700.00. There were no Change Orders for this project.

At this time Staff is requesting the acceptance of the project – Police Generator - Installation Phase and the release of all retainage.

CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

PUBLIC WORKS DEPARTMENT
LOCATION: 1387 AVE U
MAIL: 989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5112



MEMO

April 19, 2016

FROM: Dale McDowell

TO: The Honorable Mayor and City Council

RE: Bid Results – Landscape Maintenance: City of Seaside Facilities, Project 2016-01

The Advertisement for Bid for the Landscape Maintenance: City of Seaside Facilities was published beginning April 6, 2016, with a Bid Opening on April 19, 2016 at 10:00 am at Seaside City Hall.

The City received One Bid, from Nature's Helper Inc. of Seaside Oregon in the amount of \$41,520.00.

Included with the Bid, was the required Certificate of Insurance, and the Cashier's Check in the amount of 5% of the Bid. All Pages of the Bid Proposal were completed, the Landscape Contractors Board Number was verified, Statement of Residency was included and the Bid was signed.

Staff recommends Council approval of the Bid by Nature's Helper Inc. in the amount of \$41,520.00

Respectfully yours,

A handwritten signature in black ink that reads "Dale M. McDowell". The signature is written in a cursive style with a large, sweeping initial "D".

Dale McDowell
Public Works Director