

**AGENDA SEASIDE CITY COUNCIL MEETING
FEBRUARY 8, 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**
7. **DECLARATION OF POTENTIAL CONFLICT OF INTEREST**
8. **CONSENT AGENDA**
 - a) **PAYMENT OF THE BILLS – \$567,734.78**
 - b) **APPROVAL OF MINUTES – JANUARY 25, 2016 REGULAR MINUTES**
9. **UNFINISHED BUSINESS: None**
10. **NEW BUSINESS:**
 - a) **RESOLUTION #3861 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE 2015-2016 CITY OF SEASIDE BUDGET**
 - **PUBLIC COMMENTS**
 - **COUNCIL COMMENTS**
 - **MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED**
 - **MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED**
 - b) **RESOLUTION #3862 – A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES AND REDUCTIONS OF LESS THAN 10% FOR THE 2015-2016 CITY OF SEASIDE BUDGET**
 - **PUBLIC COMMENTS**
 - **COUNCIL COMMENTS**
 - **MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED**
 - **MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED**
 - c) **PUBLIC HEARING - RESOLUTION #3863 – A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES OF GREATER THAN 10% FOR THE 2015-2016 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**

- d) ORDINANCE 2016-02 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 110.04: UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED AND AMENDING CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL RETAILERS, Kevin Cupples
 - > OPEN PUBLIC COMMENTS
 - > CLOSE PUBLIC COMMENTS
 - > COUNCIL COMMENTS
 - > MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - > MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED

- e) INTERGOVERNMENTAL AGREEMENT (IGA) COOPERATION IN THE PROVISION OF LIBRARY SERVICES BETWEEN SEASIDE, ASTORIA, AND WARRENTON, Esther Moberg

- f) AGREEMENT – PACIFIC POWER WORK AGREEMENT FOR NORTH HOLLADAY UNDERGROUND UTILITIES, Dale McDowell

- g) EVERGREEN CEMETERY ENTRANCE UPGRADES, Dale McDowell

11. COMMENTS FROM THE CITY STAFF

12. COMMENTS FROM THE COUNCIL

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.

RESOLUTION #3861

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE
2015-2016 CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adjusts the 2015-2016 budget, as follows:

**General
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Mayor & Council	\$ 19,643	-	\$ 19,643
City Attorney	43,025	0	43,025
Business Office	510,554	0	510,554
Library	633,755	0	633,755
Non-Departmental	259,290	0	259,290
Community Center	51,800	10,000	61,800
Debt Service	266,706	0	266,706
Special Payments	0	1,000	1,000
Interfund Transfers	3,357,282	2,500	3,359,782
Contingency	50,000	(13,500)	36,500
Ending Fund Balance	<u>356,595</u>	<u>0</u>	<u>356,595</u>
Total	<u>\$ 5,548,650</u>	<u>\$ -</u>	<u>\$ 5,548,650</u>

The purpose of this adjustment is to provide for additional funding for the Community Center building evaluation, to provide for grant funding for employee wellness, and an increase in the transfer to the Economic Development Fund per City Council action.

**Water
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 681,667	\$ -	\$ 681,667
Materials & Services	463,400	0	463,400
Capital Outlay	485,000	(275,000)	210,000
Interfund Transfer	525,376	375,000	900,376
Contingency	150,000	(100,000)	50,000
Ending Fund Balance	<u>1,703,146</u>	<u>0</u>	<u>1,703,146</u>
Total	<u>\$ 4,008,589</u>	<u>\$ -</u>	<u>\$ 4,008,589</u>

The purpose of this adjustment is to provide for the transfer of funds to the Street Construction Fund for the Water Fund portion of the North Holladay project.

**Sewer Replacement
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Capital Outlay	\$ 389,949	\$ (150,000)	\$ 239,949
Special Payments	-	150,000	150,000
Total	<u>\$ 389,949</u>	<u>\$ -</u>	<u>\$ 389,949</u>

The purpose of this adjustment is to allow for an interfund loan to the Sewer Fund for FY 2015-2016.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2016.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2016.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3862

**A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL
BUDGET INCREASES AND REDUCTIONS OF LESS THAN 10%
FOR THE 2015-2016 CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following supplemental budget increases and reductions for 2015-2016; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2015, and for the purpose shown below are hereby adjusted and appropriated as follows:

SEWER

Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 969,459	\$ -	\$ 969,459
Interest On Investments	2,100	0	2,100
Sewer Revenue	2,334,589	0	2,334,589
Miscellaneous	1,500	0	1,500
Interrfund Loan - Sewer Replacement	0	150,000	150,000
Total	\$ 3,307,648	\$ 150,000	\$ 3,457,648

SEWER

Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 698,156	\$ -	\$ 698,156
Materials and Services	643,950	0	643,950
Capital Outlay	225,000	(150,000)	75,000
Debt Service	459,979	0	459,979
Interfund Transfers	293,608	450,000	743,608
Contingency	150,000	(150,000)	-
Ending Fund Balance	836,955	0	836,955
Total	\$ 3,307,648	\$ 150,000	\$ 3,457,648

PUBLIC SAFETY

Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 654,780	\$ -	\$ 654,780
Transfer - Room Tax	629,748	0	629,748
Transfer - General	3,276,782	0	3,276,782
Tax Levy	94,934	0	94,934
Est Taxes Not To Be Rec'd	(7,595)	0	(7,595)
Delinquent Taxes	3,300	0	3,300
Tax Offsets	50	0	50
Interest On Investments	3,100	0	3,100
Interest On Tax Receipts	800	0	800
Dog Licenses	2,200	0	2,200
Liquor Tax	95,000	0	95,000
State Revenue Sharing	85,500	0	85,500
State Fire Grant	0	32,500	32,500
Police Grants	5,000	0	5,000
Rural Fire Protection	35,000	0	35,000
Dispatch Services	86,000	0	86,000
Fines & Forfeitures	158,000	0	158,000
Parking Tickets	9,000	0	9,000
False Alarms	400	0	400
Insurance Reimbursement	0	6,000	6,000
Rental/Sale of Property	23,270	9,730	33,000
Miscellaneous - Police	15,000	0	15,000
Miscellaneous	12,000	0	12,000
Donations	497	0	497
Total	\$ 5,182,766	\$ 48,230	\$ 5,230,996

PUBLIC SAFETY
Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Municipal Court	\$ 163,122	\$ -	\$ 163,122
Police	3,388,335	7,730	3,396,065
Lifeguards	44,680	0	44,680
Fire	658,242	40,500	698,742
Non-Departmental	26,500	0	26,500
Interfund Transfers	354,505	0	354,505
Contingency	100,000	0	100,000
Ending Fund Balance	<u>447,382</u>	<u>0</u>	<u>447,382</u>
Total	<u>\$ 5,182,766</u>	<u>\$ 48,230</u>	<u>\$ 5,230,996</u>

Passed by the City Council of Seaside on this ____ day of _____, 2016.

Submitted to the Mayor and **Approved** by the Mayor on this ____ day of _____, 2016.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

A public meeting on proposed supplemental budgets of less than 10% for the City of Seaside, Clatsop County, State of Oregon for the fiscal year July 1, 2015 to June 30, 2016 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public meeting will take place during the regularly scheduled City Council meeting on the 8th of February, 2016 at 7:00 P.M. The purpose of the public meeting is to consider a resolution adopting supplemental budgets and making necessary appropriations. A copy of the supplemental budget document may be inspected or obtained on or after February 1, 2016 at City Hall, between the hours of 8:00 A.M. and 5:00 P.M.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: Sewer					
Resources				Requirements	
Interfund Loan - Sewer Replacement	\$ 150,000	Capital Outlay		\$ (150,000)	
		Interfund Transfer		450,000	
		Contingency		(150,000)	
Revised Total Resources	\$ 3,457,648	Revised Total Requirements		\$ 3,457,648	

COMMENTS: To increase budget and allow for transfer to the new Street Construction Fund for sewer costs associated with the N. Holladay project.

FUND: Public Safety					
Resources				Requirements	
State Fire Grant	\$ 32,500	Police		\$ 7,730	
Insurance Reimbursement	6,000	Fire		40,500	
Rental/Sale of Property	9,730				
Revised Total Resources	\$ 5,230,996	Revised Total Requirements		\$ 5,230,996	

COMMENTS: To increase budget for funds received for state fire support, insurance payments, and the sale of a fire truck and miscellaneous property.

RESOLUTION #3863

**A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL
BUDGET INCREASES OF GREATER THAN 10%
FOR THE 2015-2016 CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following supplemental budget increases and reductions for 2015-2016; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2015, and for the purpose shown below are hereby adjusted and appropriated as follows:

STREET CONSTRUCTION

Resources

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Transfer - Water	\$ -	\$ 375,000	\$ 375,000
Transfer - Sewer	0	450,000	450,000
Seaside Urban Renewal	<u>0</u>	<u>2,575,000</u>	<u>2,575,000</u>
Total	<u>\$ -</u>	<u>\$ 3,400,000</u>	<u>\$ 3,400,000</u>

STREET CONSTRUCTION

Requirements

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials and Services	\$ -	\$ 85,000	\$ 85,000
Capital Outlay	<u>0</u>	<u>3,315,000</u>	<u>3,315,000</u>
Total	<u>\$ -</u>	<u>\$ 3,400,000</u>	<u>\$ 3,400,000</u>

Passed by the City Council of Seaside on this ____ day of _____, 2016.

Submitted to the Mayor and Approved by the Mayor on this ____ day of _____, 2016.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC HEARING
FOR BUDGET INCREASES AND REDUCTIONS OF GREATER THAN 10%**

A public hearing on proposed budget increases and reductions of greater than 10 % for the City of Seaside, Clatsop County, State of Oregon, for the fiscal year July 1, 2015 to June 30, 2016 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public hearing will take place during the regularly scheduled City Council meeting on the 8th day of February, 2016 at 7:00 P.M. The purpose of the public hearing is to discuss the budget adjustments with interested persons. A copy of the budget document may be inspected or obtained on or after February 1, 2016 at City Hall, between the hours of 8:00 A.M. and 5:00 P.M.

SUMMARY OF BUDGET ADJUSTMENTS

FUND: Street Construction			
Resources		Requirements	
Transfer - Water	\$ 375,000	Materials & Services	\$ 85,000
Transfer - Sewer	450,000	Capital Outlay	3,315,000
Seaside Urban Renewal	2,575,000		
Revised Total Resources	\$ 3,400,000	Revised Total Requirements	\$ 3,400,000

COMMENTS: To establish a budget for the new Street Construction Fund. Costs are associated with the N. Holiday project.

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Community Development Department
Date: February 8, 2016
Subject: Recreational Marijuana Retail Ordinance 2016-02

Request Summary:

The Oregon Liquor Control Commission has established administrative rules that regulate four different types of recreational marijuana facilities (retail, wholesale, processing, & production). Although the City's business license ordinance indicates only medical marijuana facilities can be licensed in Seaside, the Oregon Liquor Control Commission (OLCC) has indicated they do not believe our current regulations are sufficient to be considered an opt out that would prohibit retail establishments.

Staff is concerned the limiting provision of our business license ordinance could lead to legal challenges if OLCC approves a retail business even if we have stated our ordinance restricts the activity. Prior rule making by the Oregon Health Authority has already allowed retail sales of recreational marijuana from licensed medical marijuana facilities.

In an attempt to regulate recreational marijuana retailers to the same extent currently recognized under our limitations for medical marijuana dispensaries, staff has prepared an amendment to Ordinance Chapter 118 (attached).

If this is acceptable to the Council, similar amendments to Chapter 119 can be prepared in order to address the licensing process for the other recreational marijuana activities regulated by OLCC. A resolution addressing a potential fees schedule has not been prepared at this point; however, that can be reviewed at a future date if the ordinance is acceptable to the Council.

As with any new ordinance, adoption is at the discretion of Council and the proposed text can be modified in order to address any additional concerns.

Recommended City Council Action:

Following public testimony, review the proposed ordinance and consider beginning the adoption process for the new regulations intended to establish new licensing requirements for recreational marijuana retailers.

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 110.04: UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED AND AMENDING CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL RETAILERS .

WHEREAS, the previously established Chapter 118 in the Code of Seaside to establish a license procedure for medical marijuana dispensaries following the Oregon Legislature's enactment of Senate Bill 1531 (2014) which granted cities the authority to adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered under ORS 475.314 that are located in the city's jurisdiction; and

WHEREAS, the voters of Seaside and the State of Oregon passed Ballot Measure 91 allowing the retail sale and use of recreational marijuana; and

WHEREAS, the Oregon Legislature enacted House Bill 3400 directing the Oregon Liquor Control Commission to establish administrative rules to govern the licensing requirements and procedures for recreational marijuana retailers

WHEREAS, this is a new industry and the City seeks to develop regulations that protect public health and safety; and

WHEREAS, the City of Seaside wishes to develop reasonable regulations for this industry in addition to the administrative rules adopted by the Oregon Liquor Control Commission; and

WHEREAS, the City of Seaside believes it is in the best interest of the health, safety and welfare of the citizens of the city to adopt and include such regulations in the Municipal Code.

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

SECTION 1: Chapter 110 of the Code of Seaside is amended to read:

110.04 UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED.

The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the city, to the person engaged therein, in the event such business shall be unlawful, illegal, or prohibited by the laws of the state or the United States or ordinances of the city. Notwithstanding the aforementioned provisions, a license can be issued for medical marijuana dispensaries and recreational marijuana retailers that comply with the additional licensing requirements in Chapter 118 or medical marijuana production & processing facilities that comply with the additional licensing requirements in Chapter 119. .

SECTION 2: A new Chapter 118 is hereby amended in the created and added to the Code of Seaside to read:

Chapter 118 MEDICAL MARIJUANA DISPENSARIES & RECREATIONAL MARIJUANA RETAILERS

118.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

Marijuana. As defined under ORS 475.005.

Dispensary. A medical marijuana facility registered by the Oregon Health Authority under ORS 475.314.

Cardholders. Persons authorized under Oregon's Medical Marijuana Program to buy and transfer medical marijuana. This includes patients, designated primary caregivers, person responsible for a medical marijuana facility, and person responsible for a medical marijuana grow site.

License. A medical marijuana dispensary or recreational marijuana retailer license issued pursuant to this Chapter.

Recreational marijuana retailer (retailer). A person licensed by the Oregon Liquor Control Commission who sells marijuana items to a consumer in this state in accordance with the applicable provision of Oregon Administrative Rule OAR 845-025-1000 to 845-025-8590.

118.02 PURPOSE OF REGULATION.

To protect the public health and safety from unlawful use and sale of marijuana, all medical marijuana dispensaries shall be registered with the Oregon Health Authority in accordance with ORS Chapter 475.300 to 475.346 and the applicable Oregon Administrative Rule (OAR 333-008). Likewise, recreational marijuana retailers shall be licensed with the Oregon Liquor Control Commission in accordance with Oregon Administrative Rule OAR 845-025-1100. Registration by the Oregon Health Authority or a license from the Oregon Liquor Control Commission is not a guarantee that a dispensary or recreational marijuana retailer is permitted to operate under applicable local municipal regulations. All dispensaries and retailers shall comply with the regulations set forth in the *Code of Seaside*.

The regulations set forth by the City of Seaside in this chapter provide reasonable regulations that supplement the Oregon Health Authority's Medical Marijuana Program and Oregon Recreational Marijuana Laws. These regulations are intended to solely address the issue of selling or dispensing medical and recreational marijuana. These regulations do not address and shall not be applied to any recreational or other use of marijuana that does not relate to the authorized use under Oregon's existing Medical Marijuana Act.

118.03 LICENSE REQUIRED.

- (A) No person shall establish, maintain or operate a dispensary or recreational marijuana retailer within the city unless an annual license is obtained from the city. Every place or building where a dispensary is established shall be deemed a dispensary subject to the provisions of this chapter. Each licensee shall also obtain a General Business License in accordance with Code of Ordinance Chapter 110.
- (B) No license will be issued without proof of registration to operate a dispensary or license for a recreational marijuana retailer issued by the State of Oregon. The applicant for the license must also provide copies of the written detailed policies and procedures and training for employees on the policies and procedures that were used as the basis for documenting compliance with OAR 333-008-1200 (4) or OAR 845-025-1030 (4).
- (C) The City may deny a license if any owner, manager, operator, employee, agent, or volunteer:
- (1) Has been convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application for a license was received by the City; or
 - (2) Has been Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
 - (3) Is prohibited by a court from participating in the Oregon Medical Marijuana Program (OMMP) or activities associate with Oregon Recreational Marijuana Laws.
- (D) Application for a license must include the information necessary for criminal record background checks for any owner, manager, operator, employee, agent, or volunteer. The City of Seaside police department will conduct all necessary background checks.
- (E) No license shall be issued until after a criminal record background check has been completed for the applicant and all individuals employed or volunteering with the dispensary or retailer.
- (F) Once the dispensary or retailer is licensed, the licensee must notify the city and submit necessary information for criminal record background checks of any new owner, manager, operator, employee, agent, or volunteer.

(G) Each licensee shall be required to pay the applicable license fee as set by Resolution of the Seaside City Council.

(H) The requirements of sections 118.01 to 118.04 shall apply to the owners, managers, operators, employees, agents, and volunteers of the licensee's business.

118.04 OPERATIONAL REQUIREMENTS.

(A) Dispensaries and retailers must be located in accordance with ORS 475.314 and retailers will be subject to the same 1000 foot separation requirement from other retailers and dispensaries. They are also subject to an additional exclusion area described as follows:

The area lying between a line drawn 600' north of the Broadway right-of-way that extends from the east side of North Prom to the West side of North Roosevelt Drive and a line drawn 600' south of the Broadway right-of-way that extends from the east side of South Prom to the West side of South Roosevelt Drive.

(B) Remain in compliance with all of the applicable provision of OAR 333-008 or OAR 845-025 and specifically recognize local law enforcement officers as government officials that have jurisdiction over some aspect of the registered facility and licensed retailer or that otherwise have authority to be on the premises of the registered facility as specified in OAR 333-008-1200 (3) (h) and OAR 845-025-1600 (1).

(C) Non-Operational Hours. No sale or other distribution of marijuana shall occur upon the premises or via delivery between 8:00 pm and 8:00 am.

(D) Giveaways. Dispensaries and retailers shall not distribute to consumers marijuana or marijuana-infused products free of charge.

118.05 LICENSE VALIDITY & ANNUAL REVIEW FOR RENEWAL.

(A) A license will be valid for one calendar year and a new application for a license must be submitted each year. A previously licensed business may continue to operate during the next calendar year until the status of their new application is determined, provided a complete renewal application is submitted in December.

(B) A license for a medical marijuana dispensary or a recreational marijuana retailer may be converted prior to expiration of a current license; however, each conversion will require a new application and the prior license will become void at the time the new license is approved.

118.06 REVOCATION OF LICENSE

(A) A license is subject to revocation at any time for violation of this chapter or any of the provisions of state law or the applicable Oregon Administrative Rules.

(B) If at any time facts arise or become known to the City Manager that are sufficient to show violation of this chapter, state law, or Oregon Administrative Rule; the City Manager shall notify the licensee, in writing, that the license is to be revoked and that all dispensary activities must cease within 15 days.

(C) The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property, public health or safety.

115.13 SUSPENSION OF LICENSE.

(A) Upon determining that a licensed activity presents an immediate danger to person or property, the City Manager may suspend the license for the activity.

(B) The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's business address, as stated on the licensee's application for the license that is being suspended.

(C) The notice shall be mailed to the licensee and state the reason for the suspension, and inform the licensee of the procedures for filing an appeal.

(D) The City Manager may continue the suspension for as long as the reason for the suspension exists, or until a decision by the appellate authority on an appeal regarding the suspension concludes the matter.

118.99 PENALTY.

- (A) Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the city, be punishable by a fine not to exceed \$700.
- (B) Each day a violation of a provision of this chapter constitutes a separate violation.
- (C) Revocation or suspension of a license is not a penalty for violation of this chapter and it does not relieve a person of any fine for the violation.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2016, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2016.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager



Seaside Public Library

1131 Broadway Seaside, OR 97138

LIBRARY MEMORANDUM

To: The Mayor and City Council

From: Esther Moberg, Library Director

Date: January 26, 2016

Subject: Renewal of Libraries ROCC! Intergovernmental agreement between the cities of Astoria, Seaside, and Warrenton for cooperation in the provision of a Library services Intergovernmental Agreement (or IGA)

Since 2010, the Seaside City Council has authorized Seaside Public Library staff to participate in a grant program titled Libraries ROCC (Rural Outreach to Clatsop County). Thanks to this collaboration between the schools of Astoria, Jewell, Knappa, Seaside, and Warrenton, and the public libraries of Astoria, Seaside, and Warrenton, we have been able to remove barriers to learning and reading while providing access to library services for all children in the Seaside school district.

This renewal document has been reviewed by the City Attorney and City Manager. We (the library directors) continue the ROCC program with the understanding that in order for this program to continue, we (the library directors) must continue to secure community support and funding. The ROCC program has proven success, is sustainable, and provides resources which the youth of our community need.

As Library Director, I am requesting that the City Council approve the 5 year continuation of the ROCC program collaboration by having the City Manager sign this intergovernmental agreement. Doing so would say that the City of Seaside supports all children in our community having access to libraries, library books, and library services. It is my recommendation that the City of Seaside's Mayor and City Council approve the signing of this IGA, with the understanding that once approved, it will renew on May 1, 2016, and may be dissolved in future after giving 90 days' notice to the other parties.

Sincerely,

Esther Moberg, Library Director
Seaside Public Library

**PACIFIC POWER, a division of PACIFICORP
CUSTOMER REQUESTED WORK AGREEMENT**

This Customer Requested Work Agreement (this "Agreement"), dated September 30, 2015 ("Agreement Date"), is between Pacific Power, a division of PacifiCorp ("Company"), and CITY OF SEASIDE, ("Customer"), for work to be performed by Company for Customer at or near 12th and Holladay, Seaside in Clatsop County, State of Oregon.

Description:

Overhead to Underground Conversion

The Customer will provide, all necessary trenching and backfilling, and will furnish and install all distribution transformer pads, conduit and duct required by the Company. Company may abandon in place any underground cables installed under this Contract that are no longer useful to Company.

Customer also agrees to:

- a) Establish final grade for routing of circuits, placement of transformer pads, vaults, junction boxes and other underground facilities as required by Company.
- b) Install and maintain property lines and survey stakes; and,
- c) Make no permanent surface improvements, except curb and gutters, before Company completes installation of its facilities.
- d) Provide legal rights-of-way to Company, at no cost to the Company, using Company standard forms.

If any change in grade, or property lines, or any surface improvements require Company to change its facilities, or causes additional cost to Company, Customer agrees to reimburse Company for such change or cost.

Third-Party Relocation Costs: This work does not include any third-party relocation costs. Customer shall be solely responsible for obtaining cost estimates from any third-parties attached to the existing facilities, and Customer shall be solely responsible for making all necessary arrangements to transfer third-party facilities to the replacement facilities, or any alternative arrangements to accommodate all such third-parties.

Payment to Company: In consideration of the work to be performed by Company, Customer agrees to pay the estimated costs of the work in advance, with the understanding that there will be no other charges or refunds for the above specified work. Customer has previously paid for design, permitting or other work in the amount of \$0.00. The total advance for this work is \$187,031.00, with a balance due of \$187,031.00. Estimated cost is valid for 90 days from the Agreement Date.

Requested Date of Service: 5/31/2016

Any correspondence regarding this work shall be directed to the appropriate party as shown below:

City of Seaside
989 Broadway Street
Seaside, OR 97138
Phone (503) 7385511

Pacific Power
Steve, McGrorty, Manager
2340 SE Dolphin Ave
Warrenton, OR 97146
Phone (503) 861-6001
Fax (503) 861-6020

This Agreement, upon execution by both Company and Customer, shall be a binding agreement for work performed by Company to accommodate Customer at the Customer's expense. The provisions of Appendix A, General Terms and Conditions, are an integral part of this Agreement.

CITY OF SEASIDE

By 
Signature

Title City Manager

Mark J. Winstanley
Print name of Signing Officer

January 25, 2016
Date

PACIFIC POWER, a division of PACIFICORP

By _____
Signature

Title Manager

Steve McGrorty
Print name of Signing Manager/Officer

Date