

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS – PUBLIC
6. COMMENTS FROM STUDENT REPRESENTATIVE, Taylor Barnes
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
  - a) PAYMENT OF THE BILLS – \$179,646.03
  - b) APPROVAL OF MINUTES – OCTOBER 13, 2014 REGULAR MINUTES
9. UNFINISHED BUSINESS:
  - a) VACANCY – CITY TREE BOARD
10. NEW BUSINESS:
  - a) LIQUOR LICENSE APPLICATION – BEACH N BREW, 405 AVENUE ‘A’
  - b) RESOLUTION #3828 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON. AMENDING RESOLUTION #3815, ADOPTING FEES FOR CITY SERVICES
    - PUBLIC COMMENTS
    - COUNCIL COMMENTS
    - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
    - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
  - c) RESOLUTION #3829 - A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ESTABLISHING TAX RATES FOR THE SALE OF MARIJUANA, MEDICAL MARIJUANA AND MARIJUANA-INFUSED PRODUCTS
    - PUBLIC COMMENTS
    - COUNCIL COMMENTS
    - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
    - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
  - d) UPDATE – NEAWANNA CREEK CANOE LAUNCH
  - e) VACANCY – COMMUNITY CENTER AND SENIOR COMMISSION
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](http://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.

## SEASIDE CITY TREE BOARD

The purpose of the City Tree Board is to study, investigate, and develop and/or update annually, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets, and in other public areas. The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its duties and responsibilities,

- (1) Develop criteria for city staff and/or contractors to apply in making decisions entrusted to staff and/or contractor discretion,
- (2) Designate Heritage Trees on public and private lands within the city,
- (3) Promote the planting and proper maintenance of trees through special events including an annual local celebration of Arbor Day, and
- (4) Obtain the annual Tree City USA designation by the National Arbor Day Foundation.


The Board consists of five members, appointed by the City Council for a three-year term, and who are residents, or owners or employees of businesses within the city limit.

The City Tree Board shall schedule meetings as needed and elect a chairperson and a vice-chairperson. No more than 3 unexcused absences allowed in a calendar year.

Tree Board members serve without salary or compensation of any nature.

## COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** July 28, 2014  
  
**Name:** Jason Smith  
Richard Bailey  
Jon Wickersham  
  
**Commission/Committee:** City Tree Board Committee  
  
**Resignation Date:** N/A  
  
**Term Expiration Date:** June 30, 2015 &  
June 30, 2017  
  
**Wants to be considered again:** N/A
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**



# CITY of SEASIDE

OREGON'S  
F A M O U S  
A L L - Y E A R  
R E S O R T

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

## CITY TREE BOARD

Term of Office: 3 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
VACANCY			6/30/2015
VACANCY			6/30/2015
CRAIG SORTER	840 5 <sup>TH</sup> AVENUE	440-7201	6/30/2016
VACANCY			6/30/2017
PAM FLEMING	1255 AVENUE 'B'	738-5637	6/30/2017
NEAL WALLACE	989 BROADWAY	738-5112	STAFF REPRESENTATIVE

## LIQUOR LICENSE APPLICATION

Yue Fang Huang  
**Beach N Brew**  
405 Avenue 'A'  
Seaside

This business has applied for a Full On-premises Sales Liquor License. This would be for a change of ownership.

**Full On-Premises Sales License – allows the sale of distilled spirits, malt beverages, wine, and cider for consumption at the licensed business. This license also allows private catering if the applicant receives pre-approval from OLCC.**

The Police Department has reviewed the business and applicants applying for the liquor license and the information received is attached.

## Criteria for consideration

The City Council, after consideration, may determine to make a favorable, unfavorable, conditionally favorable or no recommendation to the OLCC. If the City Council makes an unfavorable or conditionally favorable recommendation to the OLCC regarding any application for liquor license, the recommendation will be based on a finding that one or more of the following conditions exist:

1. There is a history or pattern of illegal or disorderly activity on the premises.
2. There have been disturbances and/or other problems (such as fights, altercations, drug dealing by patrons, furnishing alcohol to minors by patrons, public drunkenness, alcohol related litter, etc.) related to the exercise of the applicant's alcohol license privilege and the applicant has failed to take reasonable and timely corrective action when notified of these problems by the police or the OLCC.
3. There is a continuing problem of noise from this business disturbing neighbors.
4. The applicant would be a poor risk for compliance with liquor laws, as indicated by a felony conviction, which reflects on the applicant's ability to be a responsible liquor licensee.
5. The applicant would be a poor risk for compliance with liquor laws, as indicated by a failure to comply with liquor laws.
6. The applicant has a history of abusing alcohol or other controlled substances and would be a poor risk for compliance with liquor laws.
7. The applicant has made an intentional and materially false statement about a matter that reflects on the applicant's ability to comply with the State's liquor laws.
8. An unlicensable person or a party not named as applicant has an ownership interest in the business to be licensed.
9. The applicant has failed to operate as originally proposed to the City Council, the original proposal having been a deciding factor in the Council's favorable recommendation to the OLCC.
10. The applicant has expanded the boundaries of the licensed premises to areas not originally considered by the Council and without City and OLCC approval.
11. The business is located within 500 feet of a school, child care facility, church, hospital, nursing or convalescent care facility, a park or child oriented recreation facility, or an alcohol and other drug treatment facility and there is evidence that the business will adversely impact the facility.

# *Seaside Police Department*

October 21, 2014

## **MEMORANDUM**

**TO:** Mark Winstanley, City Manager  
**FROM:** David Ham, Lieutenant  
**SUBJECT:** Beach N Brew OLCC Application

The Seaside Police Department has reviewed the liquor application for Beach N Brew located at 401 Avenue 'A'. This is a change of ownership and the owner is requesting a "Full On-Premises Sales" license. The owner will retain the same business name and previous operating manager.

Our background check did not find anything that would disqualify the owner from obtaining a liquor license.

If you have any additional questions, please let me know.



# CITY of SEASIDE

OREGON'S  
FAMOUS  
ALL-YEAR  
RESORT

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

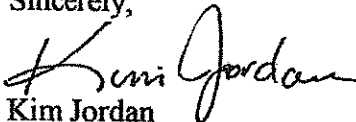
October 23, 2014

Yue Fang Huang  
1369 Stillwater Ct.  
Seaside, OR 97138

Dear Yue Fang Huang:

This letter is to confirm that the Oregon Liquor License application for the Beach N Brew, 405 Avenue 'A' that was submitted to the City of Seaside is scheduled to appear on the agenda for the City Council meeting Monday, October 27, 2014 at 7:00 PM. City Council requests the owner or a representative attend the Council meeting as they will be discussing the liquor license application and may have questions to ask. Attached with this letter is the Seaside Police Department memorandum that is submitted to City Council for review.

Sincerely,



Kim Jordan  
Administrative Assistant



## RESOLUTION #3828

### A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AMENDING RESOLUTION #3815, ADOPTING FEES FOR CITY SERVICES

#### THE SEASIDE CITY COUNCIL RESOLVES AS FOLLOWS:

**SECTION 1.** In accordance with Chapter 34.03 of the Seaside Code of Ordinances, fees for City Services are adopted as follows:

#### 34.03 FEES FOR SERVICES.

A schedule of fees, unless otherwise provided by law, is established as follows:

- (A) Photocopy fee (8½" x 11" & 14") Black and White - \$0.25 per page; Color - \$0.50 per page
- (B) File location and research
  - (1) Location of requestor's personnel file - no charge
  - (2) Other file location and all research \$6 per quarter hour
- (C) Audio/video tape reproductions \$25 per copy
- (D) Non-sufficient funds (NSF) charge \$25 per check returned NSF
- (E) Meeting agenda
  - (1) Picked up at city hall or for newspaper and radio reporters - no charge
  - (2) Mailed
    - (a) Single meetings - \$3.50 minimum mail charge.
    - (b) Annual subscription (Jan-Dec) - \$3 per meeting
  - (3) Single agenda and single minutes - \$5 (includes postage and handling)
- (F) Agenda packets
  - (1) Requested in advance of copy day - \$0.25 per page plus mailing charges
  - (2) All others - see photo copy fee
- (G) Fax (requested in lieu of standard mail delivery) \$5 for first page and \$2 for each additional page
- (H) Mail charges, prepaid (for copies, reports, and the like) Actual cost, minimum of \$4
- (I) Print-out or email business licenses, \$25 for each printout  
Print-out on labels or disc \$45 for each
- (J) Lien search \$10 per tax lot

(K) Library fees

- (1) Out-of-district use \$50 for 12 months  
\$25 for 6 months  
\$15 for 3 months

Visitor Pass use \$5 for 1 month, limit 5 items

- (2) Overdue fines \$0.15 per item per day

- (3) Photocopy fee using Library copier - Black and White - \$0.20 per page  
Color - \$0.50 per page

Copies using Library PC and/or Microfilm \$0.05 per page

- (4) Library Community Room Charges:

Non-Profit Agencies – No charge

For Profit Agencies – Must meet all other community room policies for use –

\$25 for first 2 hours  
\$10 for each additional hour

(L) Plots and blue prints

- (1) 24" x 36" plot \$25 each
- (2) 18" x 24" blue print \$2 each
- (3) 24" x 36" blue print \$2.50 each
- (4) \$2 per linear foot for roll stock

(M) Copies of police reports

- (1) \$10 per report, to be paid at time of request
- (2) Fingerprints for use by private citizens \$15

(N) Animal control/code enforcement – Chapter 92 of Seaside Ordinance

- (1) License Fees – Spayed female or neutered male or kennel dogs \$15 year  
Seaside resident 65 years of age or older \$5  
Seaside residents disabled \$5  
Any other dogs \$30

Dog impound - \$25 each (licensed- first offence)  
\$40 each (unlicensed – first offence)  
\$55 each (second offence)  
\$75 each (each subsequent offence)

\$15 each (unlicensed dog – penalty when no enforcement)  
\$30 each (unlicensed dog – penalty when enforcement)

- (2) Penalty – Nuisance Dogs first violation \$150  
second violation \$250  
each additional violation \$350

Dog Control - \$700  
Potentially Dangerous Dogs \$500

(O) Copies of fire reports

- (1) Reports – (each report requested) ~~Insurance companies \$10~~ \$25.00 per report

(2) ~~For general public \$0.25 per page~~

(P) Copies of 911 tapes \$15 - \$50 per request (depending on amount of staff time)

(Q) Other copies (books, journals, maps, and the like) Cost includes labor, materials, and copy equipment

Zoning ordinance only	\$20
Zoning map	\$20
Maps Large 3' x 6'	\$20
Comprehensive plan	\$15.50
Sign ordinance	\$13.00
Subdivision & partition ordinance	\$14.50
Inventory of historic residences	\$28.75

(R) Certified copies of Municipal Court Records \$10

Monthly payment plan fee – Violation \$25; Crime \$50

Clear Driver's License Suspension Fee \$25

(S) City Hall Meeting Room Charges:

Non-Profit Agencies – No charge

For Profit Agencies – Council Chambers - \$50 for first 2 hours  
\$20 for each additional hour

Conference Room - \$25 for first 2 hours  
\$10 for each additional hour

**SECTION 2.** This Resolution shall become effective November 1, 2014.

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

SUBMITTED to the Mayor and APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
DON LARSON, MAYOR

ATTEST:

\_\_\_\_\_  
Mark J. Winstanley, City Manager

**RESOLUTION 3829**

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON,  
ESTABLISHING TAX RATES FOR THE SALE OF MEDICAL  
MARIJUANA, MARIJUANA, AND MARIJUANA-INFUSED PRODUCTS**

**WHEREAS**, the Seaside City Council adopted Ordinance No. 2014-06, on September 22, 2014, establishing the rules and methodology for taxing marijuana and marijuana infused products in the City of Seaside, which shall be Chapter 32, Section 32.70 – 32.83 of the City of Seaside Code of Ordinances.

**WHEREAS**, Section 32.72 of the City of Seaside Code of Ordinances, states for the privilege of the sale of marijuana and marijuana-infused products, each seller shall pay a tax established by Resolution.

**THE CITY OF SEASIDE RESOLVES AS FOLLOWS:**

SECTION 1. Pursuant to Section 32.72 of the City of Seaside Code of Ordinances, the City Council of the City of Seaside establishes a tax rate of \_\_\_ percent (\_\_\_%) of the gross sale amount paid to the seller by an Oregon Medical Marijuana Program cardholder, as defined in Section 32.71 of the City of Seaside Code of Ordinances.

SECTION 2. Pursuant to Section 32.72 of the City of Seaside Code of Ordinance, the City Council of the City of Seaside establishes a tax rate of \_\_\_ percent (\_\_\_%) of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.

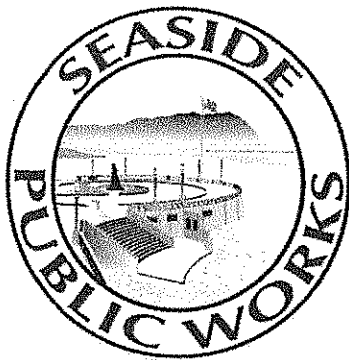
PASSED by the Council of the City of Seaside this \_\_\_ day of \_\_\_\_\_, 2014.

SUBMITTED to the Mayor and APPROVED by the Mayor this \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
DON LARSON, Mayor

ATTEST:

\_\_\_\_\_  
Mark J. Winstanley, City Manager



## MEMO

From: Neal Wallace

October 27, 2014

To: The Honorable Mayor and City Council

Re: Neawanna Creek Canoe Launch

On October 20, 2014 the Public Works Department received notification from the U. S. Army Corps of Engineers and National Marine Fisheries Service that our project for Broadway Park has been approved. This is great news considering we lost \$40,000 of Oregon Department of Fish and Wildlife grant money last year because we couldn't get the project permitted. Melyssa Graeper from the Necanicum Watershed Council and Justin Cutler from SEPRD both took a trip to Tillamook on October 3<sup>rd</sup> to present to ODF&W again that we are deserving for this project. Early information we had from them was that our project was not going to make the cut but Melyssa and Justin pulled us through. We have once again been awarded \$40,000 to help with this project. The total cost for this project is estimated to be \$60,000. We will use \$18,000 from the Hood to Coast donation and \$2,000 from SEPRD to make this happen.

Staff will be putting together a construction bid package in the next couple of weeks. We will have to follow the in-water work schedule that only allows pilings to be driven between November 15 and February 15. We hope to be in the water just after the first of the year. We will be back to seek Council approval after the bid opening next month.

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# MITIGATION PLAN FOR BROADWAY PARK BOAT DOCK ON NEAWANNA CREEK

September 30, 2014

The proposed dock replacement is located in the tidally-influenced portion of Neawanna creek, near Broadway Park, within the 100 year flood plain. There is no in-water vegetation in the reach, which has a sand/mud/clay substrate. The active channel width at mean low water is slightly less than 100 feet wide. Water depth at the location varies greatly based on tide and rainfall. The boat dock is located within a city park where there is also a motorized boat launch area. The area is gravel to the water's edge at mean tide so there are no wetland or riparian impacts in replacing the dock. The footprint of the old dock was 251 square feet and the new dock is proposed to be 420 square feet. This allows room for the ADA launch facility and a longer gangway to ensure the dock doesn't rest on the bottom at low tide. This is an increase in over-water area of 170 square feet.

Neawanna Creek joins the Necanicum River in the lower estuary and is one of the watershed's main tributaries. The headwaters of the Neawanna flow into a tidally influenced pond that is connected by groundwater to two other ponds. These three ponds are collectively known as the Mill Ponds, and cover approximately 17.2 acres. The area of the tidally influenced pond is approximately 4.5 acres. This pond is excellent over-winter habitat for the anadromous salmonid species known to occur in Neawanna Creek, including Oregon Coast ESU Coho salmon (*Oncorhynchus kisutch*), hatchery Chinook salmon (*O. tshawytscha*), winter steelhead trout (*O. mykiss*), and sea-run cutthroat trout (*O. clarkii*). Resident cutthroat trout and Pacific lamprey (*Lampetra tridentata*) are also present.

To mitigate for the 170 square foot increase in over-water area, the City of Seaside and the Necanicum Watershed Council are proposing to place coarse woody material, in the form of Christmas trees, in the tidally influenced pond shortly after the holidays. The Watershed Council will work with the local Boy Scout Troup, the City of Seaside, and the local Trout Unlimited chapter to collect and place the trees to create underwater habitat. We propose to place 200 Christmas trees to fulfill our mitigation obligation.

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## 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."

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## COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** October 27, 2014  
**Name:** June Stromberg  
**Commission/Committee:** Community Center & Senior Commission  
**Resignation Date:** N/A  
**Term Expiration Date:** June 1, 2015  
**Wants to be considered again:** N/A
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**





# CITY of SEASIDE

OREGON'S  
FAMOUS  
ALL-YEAR  
RESORT

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

## COMMUNITY CENTER & SENIOR COMMISSION

Term: 3 years

Number of Members: 9

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
LOUIS NEUBECKER	1859 BROADWAY	717-0152	6/01/2015
VACANCY			6/01/2015
LEILA VERNOR	764 3 <sup>RD</sup> AVENUE	738-4352	6/01/2015
PIPER O'BRIEN	720 S. LINCOLN	738-3169	6/01/2016
GRETA PASSETTI*	2556 QUEEN ST. #1	738-6583	6/01/2016
MOLLY IRONS	221 7 <sup>TH</sup> AVENUE	738-7005	6/01/2016
DORIS SNODGRASS	1185 AVE. 'E'	738-7827	6/01/2017
JOE (FRED) FISHER	2533 OREGON	738-9897	6/01/2017
KRISTIN TSCHANNEN	2125 S. DOWNING #1	323-397-5116	6/01/2017

\*CHAIR