

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

ATTENDANCE Present: Mayor Don Larson, Council President Stubby Lyons, Councilors Don Johnson, Tim Tolan, Dave Moore, Larry Haller and Gary Diebolt.

ABSENT None

Also Present: Mark Winstanley, City Manager; Dale Kamrath, Seaside Fire Department, Russ Vandenberg, Convention Center General Manager; Reita Fackerell, Seaside Library Director; Jeff Nelson, KAST; Rod Jones, Seaside Signal; Pamela Robel, Daily Astorian.

AGENDA Motion to approve the August 13, 2007, agenda; carried unanimously. (Tolan/Lyons)

MINUTES Motion to approve the July 23, 2007, minutes; carried unanimously. (Tolan/Diebolt)

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 \$633,229.38; carried unanimously. (Lyons/Johnson)

PUBLIC HEARING This was the duly advertised time and place to hold a public hearing regarding approving a ballot title to be submitted to the voters at the next special election.

Mark Winstanley, City Manager, explained five years ago staff was before Council for approval of a resolution to place on the ballot a five year levy to purchase a new fire truck and to fund the fire marshal/training officer position. That levy would end after this year and staff was requesting Council approve the ballot language for another five year levy which would be used to replace one of the fire trucks and to continue funding the fire marshal/training officer position. The levy would replace the levy that was currently in place. The estimated tax rate would be approximately 23 cents per thousand which was comparable to the rate five years ago. The current levy was approximately 20.2 cents and the new levy would increase taxes by approximately 3 cents per thousand.

Mayor Larson stated the levy would be used to purchase a Triple Combination Fire Apparatus (engine) with equipment to update the current 1992 apparatus, continue funding the salary plus benefits for the Fire Department Training Officer/Fire Marshal, purchase staff vehicle and allow for the rotation of current vehicle into the lifeguard fleet to replace aging guard unit, and purchase cab and chassis for the beach/wildfire apparatus since the current chassis was a recycled fire unit that was overweight for chassis allowance and posed a safety hazard.

RESOLUTION #3639 A RESOLUTION OF THE CITY OF SEASIDE, OREGON, APPROVING A BALLOT TITLE TO BE SUBMITTED TO THE VOTER AT THE NEXT SPECIAL ELECTION; REGARDING FUNDING FOR THE PURCHASE OF FIRE-FIGHTING EQUIPMENT AND FIRE MARSHAL/TRAINING OFFICER

Mayor Larson opened the public hearing.

There were no public comments and Mayor Larson closed the public hearing.

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

Motion to read Resolution #3639 by title only; carried unanimously. (Haller/Johnson)

Motion to adopt Resolution #3639; carried unanimously. (Haller/Johnson)

PRESENTATION – SEASIDE MUSEUM Micki Towell, 2345 S. Downing, Seaside, stated on behalf of the Seaside Museum Board an autographed book “Seaside 1920 – 1950” was dedicated to the people of Seaside and presented to Reita Fackerell for the Seaside Library.

Ms. Fackerell stated the Library’s local history collection was very popular because there was a limited amount of history about Seaside. Ms. Fackerell thanked the Museum for the book.

LIQUOR LICENSE APPLICATION Council considered an application for a liquor license for Lil’ Bayou at 30 N. Holladay. This would be for a change in ownership and the applicant was applying for a Full on Premise Sales License.

Motion to approve a Full on Premise Sales License for Lil’ Bayou; carried unanimously. (Haller/Johnson)

AGREEMENT – FIRE SERVICE MUTUAL AID Mr. Winstanley stated the Clatsop County Fire Defense Board had updated the Clatsop County Fire Service Mutual Aid Agreement and staff was requesting Councils approval to adopt the agreement. The agreement would allow for a jurisdiction like Seaside to go to other jurisdictions and assist with fires and also for other jurisdictions to assist Seaside if needed.

Dale Kamrath, Seaside Fire Chief, stated the agreement was a renewal of the current agreement.

Motion to approve the Clatsop County Fire Service Mutual Aid Agreement; carried unanimously. (Johnson/Tolan)

ORDINANCE #2007-11

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, REGARDING OUTDOOR FIRES AND USE OF INCINERATORS

Mr. Winstanley explained staff had prepared Ordinance #2007-11 which would amend chapter 94 which dealt with outdoor fires and burning requirements. Mr. Winstanley further stated Councilor Diebolt had requested Council consider a ban on outdoor burning of garbage and yard refuse. The current ordinance was amended to ban outdoor burning in the City of Seaside.

Councilor Diebolt stated when he was campaigning for office last year the subject to ban burning in the City was discussed. Councilor Diebolt further stated approximately three weeks ago his house had filled up with smoke and when investigated there was a resident two blocks away that had a fire in their burn barrel which was belching smoke and was unattended.

The Mayor called for public comments.

Jim Towell, 2345 S. Downing, Seaside, stated a ban on outdoor burning in Seaside would be very popular in his neighborhood. The houses were fifty to sixty feet apart and there were open fires that burned for three to four hours which was very disruptive.

Mayor Larson closed the public comments.

The Mayor called for Council comments.

Councilor Haller stated he had some concerns with the ordinance. Councilor Haller further stated the people in Seaside most likely did not realize what the rules were with outdoor burning in the City. The City had been lax in getting the information out to public for rules and regulations on burning in the City. The idea of Councilor Diebolt seeing the burn barrel unattended was certainly not what the rules were. The present ordinance stated when the public wanted to burn outdoors they would need to get permission and a permit from the fire department in order to burn outdoors, a screen needed to cover the burn barrel and the fire needed to be supervised at all times. The police department had the ability to enforce the rules of concerning outdoor fires.

Councilor Moore stated he had a problem with bans altogether and suggested there be a more creative solution to the problem. Councilor Moore further stated the procedures were in place to solve the problems.

Mayor Larson asked Chief Kamrath if the fire department received a lot of complaints concerning open burning in the City.

Chief Kamrath stated the fire department did not keep a record of complaints or calls concerning open burning. The majority of complaints were taken by Chief Kamrath, fire marshal, and duty officer.

Councilor Johnson stated before there was a ban placed on burning in the City there should be an alternative that could be discussed.

Councilor Diebolt stated the ordinance was last addressed twenty five years ago and since that time the City now had mandatory garbage service. Councilor Diebolt further stated basically the burning that was being done was lawn debris. The rights of the individuals were being protected but what about the rights concerning people's health. The population in Seaside now had a higher density then what was here twenty five years ago.

Councilor Tolan stated he would need something that would prove that a percentage of the residents were upset with burning in the City.

Councilor Haller stated on the front page of the water bills that were sent out there could be a message stating the regulations of outdoor burning placed on the bill since most everyone received a water bill in the City. If people continued to burn and did not follow the rules the police needed to give out citations and enforce the laws.

Councilor Lyons stated the City needed to try other alternatives before passing an ordinance that would ban burning altogether. If the alternatives did not work and there were still problems then the issue could be discussed further.

Councilor Diebolt made a motion to put Ordinance 2007-11 on its first reading by title only. There was not a second and the motion died.

COMMENTS – PUBLIC

Marti Wajc, 223 15th Avenue, Seaside, stated she was sorry Dan Van Thiel, City Attorney, was not present at the meeting because the issue was really with him. Several weeks ago on July 11, 2007, within eighteen hours a wandering dog in the neighborhood had killed two of Ms. Wajc cats. The community service officer Josh Zundel classified the dog as a number five which was the highest level an animal could receive for being dangerous. The ordinance

stated the dog would be euthanized and the Police Chief had the authority to prohibit the owner from having any other dogs for up to five years in the City limits. A court hearing was scheduled for August 8, 2007, and on August 7, 2007, the court clerk called to inform me the hearing had been cancelled because there had been an agreement made.

The agreement was that the owner would get to move out of town with his dog. Mr. Van Thiel stated he had all the reports but the police report just became available today. There were five witnesses that saw the dog kill the cats. Mr. Van Thiel also informed me that I was not entitled to restitution yet the Community Service Officer told me I was entitled to restitution. When the dog hurts a child maybe something would finally be done.

**RECESSED INTO
EXECUTIVE SESSION**

Council recessed into Executive Session at 7:27 PM in accordance with ORS 192.660 (2) (e) regarding negotiations to acquire property.

**RECONVENED FROM
EXECUTIVE SESSION**

Council reconvened into regular session at 7:40 PM.

Motion to move the sale of approximately forty five hundred square feet of property at the South Y to Terry Lowenberg; carried unanimously. (Tolan/Lyons)

COMMENTS – COUNCIL

Councilor Johnson stated he had a letter from Western Oregon Waste to implement a more user friendly recycling program with the school district.

Councilor Lyons stated he had the opportunity to spend the last six days in Astoria as a representative from the City of Seaside in the Astoria Regatta. Councilor Lyons further stated the Regatta was one of the most enjoyable experiences of his life.

Councilor Tolan stated after the vote tonight with the Ordinance to ban burning in the City he would encourage the Fire Chief to monitor the calls and in six months provide Council with an update on the issue.

Councilor Diebolt stated the Advertising and Promotions Committee met today for the second time since the Tourism Director was hired. Councilor Diebolt further stated within the next couple of months the directive of the Promotions Committee in relationship to the Tourism Director needed to be addressed.

Mayor Larson asked Councilor Diebolt to keep on top of the issue and Council would discuss the subject at a later date.

Councilor Haller stated he would like the Fire Chief to come up with some direction on outdoor burning regulations and to send information out to the citizens of Seaside. Councilor Haller thanked Council and Staff for all of the condolences on the death of his ninety three year old mother.

Mayor Larson stated Kim Jordan, Business Secretary, needed to register Councilors who were planning to go to the League of Oregon Cities Conference.

COMMENTS – STAFF

Ms. Jordan stated there were plans for Neal Wallace, Public Works Director, to take individual photographs of the Mayor and Council. The pictures would be taken outside in a more casual beach or outdoor area if Council agreed.

Council consensus to schedule Council pictures in a more casual outdoor area.

Mr. Winstanley stated volleyball was last weekend and the event went very well.

ADJOURNMENT

The regular meeting adjourned at 7:51 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR