

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

ROLL CALL Present: Mayor Don Larson; Council President Johnson; Councilors Jay Barber, Tita Montero, Seth Morrisey, and Randy Frank.

Absent: Councilor Dana Phillips

Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Dale McDowell, Public Works Director; Kevin Cupples, Seaside Planning Director; Russ Vandenberg, Seaside Civic and Convention Center and Seaside Visitors Bureau General Manager; and RJ Marx, Daily Astorian/Seaside Signal.

AGENDA Mayor Larson asked for a motion and a second for approval of the agenda.

Councilor Frank so moved with a second from Councilor Morrisey; carried unanimously. (Frank/Morrisey)

RECOGNITION – SEASIDE PUBLIC WORKS DEPARTMENT

Sarah Daily, Seaside Downtown Development Association (SDDA), stated this weekend there were approximately 240 cars that came to town for the Wheels and Waves Car Show. The car show was very successful this year with a lot of new entries. Ms. Daily gave Council an update for Gini Dideum. The American Association of University Woman (AAUW) will be hosting a candidate forum for those running for Seaside City Council and Gearhart Mayor and City Council on October 3, 2016, 7:00 pm, here at City Hall. Ms. Daily stated she would like to take a moment to invite the Seaside Public Works Department up front and asked Dale McDowell to introduce the staff.

Dale McDowell, Public Works Director, introduced public works staff Jeremy Strimple who is the street foreman and Steve Keever who is the guy that puts all the lights in Seaside among many other things for the City.

Ms. Daily further stated the Seaside Downtown Development Association is pleased to formally recognize Dale McDowell and the entire City of Seaside Public Works Department for their outstanding efforts in Downtown Seaside and beyond. You have gone to great efforts in a short period of time to improve our community ten-fold, and we cannot thank you enough! Under Mr. McDowell’s leadership, the Public Works team worked on a multitude of improvement and maintenance projects. A complete list would not fit in this letter, but here are just a few: Refurbishing paint on downtown lights & trash receptacles, installation/removal of event banners & flower baskets, improvement of the Seaside Cemetery entrance, removal of extra debris or garbage left throughout the community, Holladay Drive Improvement Project, Water Treatment Plant Improvement Project, and improved maintenance of common areas such as parks. The Public Works department also has a number of other future projects planned, such as improvement of the Downtown Pergolas, city parking lot at 1st/Columbia, tree replacement and pocket garden improvements, and installation of Seaside’s first Dog Park. During projects such as these, Dale McDowell also does a wonderful job ensuring all the proper entities and individuals are informed along the way. The City of Seaside as a whole greatly benefits from these projects. On behalf of the Seaside Downtown Development Association, we would like to extend our sincere gratitude to Dale McDowell and the entire Public Works team for their outstanding service, dedication, patience, professionalism and hard work in our community. Compared to the great impact you have had, and as a small token of thanks, SDDA was proud to present the Seaside Public Works Department with a Certificate of Appreciation on this Twelfth Day of September, 2016.

COMMENTS – STUDENT REPRESENTATIVE

Lizzy Barnes, Seaside High School Student Representative, stated school started last week with Tuesday welcoming all new students and freshman. This week was the first full week of school and classes were in full swing and everyone was getting homework. This year there were approximately 480 students attending Seaside High School which was a lot. Today was the official start of fall sports football, boys and girls soccer and volleyball. This week, league play would start for football and volleyball. Ms. Barnes gave the sports schedule for Seaside High School. Ms. Barnes further stated the fall play tryouts would be in the next couple of weeks. The Associated Student Body (ASB) will try and have a club fair so students can learn about all the clubs that were at the high school.

COMMENTS – PUBLIC

Rebecca Read, 328 7th Avenue, Seaside, stated she was also representing her husband Mark Hanson. Ms. Read submitted a letter to department staff with a photo included, outlining a complaint regarding a property maintenance problem in our neighborhood with a request for the city to contact the owner to make necessary improvements. Ms. Read presented a letter to the Council and read the letter. The letter is on file at City Hall.

Mayor Larson thanked Ms. Read for doing a lot of work on the letter and encouraged her to keep filling out the forms; the code enforcer does a lot of work on these properties.

Councilor Barber stated Becky and her husband have been workers at the Community Gardens on Highway 101.

CONFLICT

Mayor Larson asked whether any Councilor wished to declare a conflict of interest.

No one declared a conflict of interest.

CONSENT AGENDA

Mayor Larson asked for a motion and second to approve the consent agenda.

Consent Agenda: Payment of the Bills - \$817,158.72; and Approval of Minutes August ~~8~~ 22, 2016.

Council President Johnson moved to approve as amended with a second from Councilor Barber; carried unanimously. (Johnson/Barber)

**PUBLIC HEARING -
CONTINUANCE APPEAL
VARIANCE APPROVAL**

Mayor Larson stated he read the procedural statement prior to opening the public hearing during our last meeting but I will again ask the Councilors to state if they have any conflicts of interest or ex-parte contacts they need to disclose since our last meeting. Hearing none, I'd like to remind the public that we are not planning on taking any new public testimony tonight; however, the Council may call on individuals to answer questions concerning oral or written testimony that has already been entered into the record. Mayor Larson asked to have the Planning Director give a brief update before Council begins deliberations.

Kevin Cupples, Planning Director, stated at their last meeting, the City Council left the record open to accept additional written testimony concerning appeal 16-041VA of the Planning Commission variance approval 16-017V. The Council accepted additional written testimony that was submitted by 5:00 p.m. on September 7, 2016. Mr. Cupples further stated tonight the public hearing continuance is being held by the Seaside City Council to review any additional written testimony regarding Avrel Nudelman & Susan Calef's appeal (16-041VA) of the Planning Commission's approval of the following item: 16-017V: A request by Antoine Simmons for a variance to the allowed building height and required side yard setbacks at 341 S Prom. (6 10 21AC TL: 11900, 11100, 10900). The property is zoned Resort Residential (R-R). Mr. Cupples further stated written testimony that was submitted by the September 7, 2016, deadline was provided to the Council prior to tonight's meeting for review. Additional comments were included in the Council packets, with one statement from the developers' architect not included in the packets because it discussed the submittal of a revised development plan at tonight's meeting and after discussing that with Mr. Van Thiel it was determined this would not be the proper time or place to submit a revised development plan therefore that information was not included in the packets. All interested persons were invited to attend the meeting and be available to answer any questions that may be asked by the Council during their review and deliberation. During the hearing, individuals may be called to the microphone by the Mayor to answer questions concerning any information submitted by the submittal deadline or any other information already in the record.

Mayor Larson stated to the audience and people submitting reports, notes and things, he did not think he ever had a more professional group deal with the issues brought out to the public. The letters were absolutely, beautifully and professionally done and Mayor Larson thanked them for that. Mayor Larson further stated Council wanted to clarify anything that wasn't clarified at the last meeting.

Councilor Barber stated he would like to hear from the developer and those that are appealing to see if there was new progress.

Councilor Montero stated not new progress but anything additional they think Council should know.

Mayor Larson asked Council if they wanted to call on Mr. Simmons.

Councilor Barber stated he would call on Mr. Simmons and then Mr. Nudleman.

Antoine Simmons stated his hands are tied to explain. When we left the last meeting you gave us counsel to go back and meet with our neighbors and come up with a solution together and that was taken at heart. Mr. Simmons further stated the day after the last City Council meeting he met with the Calefs' and talked about a project and talked about a price but they were not interested in selling. Mr. Simmons further stated he spoke with Mr. Nudleman and there was a price discussed and discussions went back and forth but they just can't come to terms on a feasible price for his property. Mr. Simmons further stated he was not exactly sure what he could offer because if this gets approved then Avrel made it very clear that he would go to LUBA and this would be tied up in those courts.

Councilor Frank stated Council heard that last time but was there anything new or anything changed since the last Council meeting.

Dan Van Thiel, City Attorney, stated he wanted to caution the Council. People were entitled to speak as it relates to the appeal. Mr. Van Thiel was aware of the other discussions and probably this Council is. This was discussions to try and resolve it but those are all outside this procedure and this Council was in the position where if there was anything to add as it relates to the appeal then they certainly can tell us that and provide people with that opportunity. Any other compromise or discussions really are not our business.

Mr. Simmons stated he was asked by the Council to go make a solution and then we can't even talk about it.

Mr. Van Thiel stated it isn't the prerogative of the Council to direct you to go compromise issues or to do anything. People have taken an appeal of the Planning Commission decision and that appeal is before this Council and it deals with certain issues. Any testimony as the Council stated anything more to add within this timeline as they relate to the issues that were discussed on appeal. This Council will give you the opportunity but you cannot inject into the appeal other issues or discussions as they relate to compromises that may have been met. Mr. Van Thiel further stated this Council can only look at the appeal and basically from a procedural standpoint it has to deal with the appeal has merit and should be granted or the alternative to the appeal it should not be granted and it fails. If these folks have other issues it should precede back before the Planning Commission.

Councilor Barber stated he was the one that urged Mr. Simmons to sit down and figure out a compromise. Councilor Barber further stated what he meant by that, is after Council acts on this appeal then there will be opportunity for you to go back and continue the work.

Mayor Larson asked Mr. Nudleman if there was any new information he wanted to discuss with Council.

Avrel Nudelman stated no, he understood the instructions as questions and answers tonight and not testimony according to the instructions given August 22, 2016 and online.

Mayor Larson had comments regarding the issue and stated it needed to be approved as it stands. Mayor Larson asked Mr. Nudleman why it wasn't time to make a move.

Mr. Nudleman informed Council of the reasons he wanted to stay where he was at.

Councilor Morrisey stated he would like to get the legal opinion of Dan Van Thiel for the appeal.

Mr. Van Thiel stated it was not his prerogative to tell Council how to vote. The merits of the appeal need to be decided by Council. Council had a dissertation, correspondence, and counsel for Mr. Nudleman telling you what the law was and he was spot on with the land use matters.

Councilor Barber moved that Council approve the Nudleman & Calefs' appeal, file reference #16-041VA and deny the original variance request, file reference #16-017V at 341 S. Prom based on the evidence in the record that shows the need for the side yard setback variance was brought about by Mr. Simmons' building design and not circumstances unique to the property. He would like to direct staff to prepare an appropriate final order based on finding in the record that support this decision for Council's approval at their next regularly scheduled meeting. This in no way should be considered an opinion by the Council concerning any revised proposal that would eliminate the need for a side yard setback variance with a second from Council President Johnson; carried with Mayor Larson opposed. (Barber/Johnson)

Mr. Cupples stated he would have a final order for adoption at the next City Council meeting.

**VACANCY –
CITY TREE BOARD**

Mayor Larson stated there was one vacancy on the City Tree Board with two applications received. Mayor Larson asked what Council wished to do.

Councilor Morrisey stated Ann Tierney.

Councilor Montero stated the applicants Ann Tierney-Ornie and Alisa Dunlap should be interviewed.

Mayor Larson asked that interviews be scheduled prior to the City Council meeting September 26, 2016.

**VACANCY –
CONVENTION CENTER
COMMISSION**

Mayor Larson stated there was one vacancy on the Seaside Civic and Convention Center Commission with no applications received.

LIQUOR LICENSE

Mayor Larson stated there was a liquor license application received from the Oregon Marketplace, 2480 S. Roosevelt. Mayor Larson further stated the application was for an Off - Premises Sales License, and was for a new outlet. Mayor Larson asked if the owner or representative was present and Jodi McCallister who was the owner was present for Council questions.

Mayor Larson asked if Council had any questions.

Councilor Barber moved to approve the application with a second from Councilor Morrisey. (Barber/Morrisey)

**CITY OF SEASIDE
LEAD AND COPPER
SAMPLING REPORT**

Dale McDowell, Public Works Director, stated in Council's packet was an Analysis Report for Lead and Copper. Mr. McDowell presented a map with red pins that showed the locations throughout Seaside that had been tested. The analysis report center column showed no number determined and where there are numbers they were well below the levels. Most are older homes and was actually very good coverage of our city and the different streets.

Councilor Montero stated this water was tested at the sidewalk level.

Mr. McDowell stated in your kitchen tap. One thing that had come up in the last couple of months was some positive readings, not from the city standpoint. A couple of those were the locations they took them and one was a valve on the side of a boiler which gave a false reading. These reads give the city their great bill of health.

**BID RESULTS -
VISITOR BUREAU
BUILDING MAINT.
PROJECT**

Mayor Larson stated there were bid results received for the Visitors Bureau Building Maintenance Project.

The Memo Stated: The Visitors Bureau received three informal bids from the following contractors for needed siding and window improvements on the east and south facing walls of the Visitors Bureau and Chamber Building. The bid results:

Dale Kamrath Seaside, Oregon — not enough time to complete project;

Airrun Construction Seaside, Oregon — participated in process but did not submit final bid;

Helligso Construction Co Astoria, Oregon — submitted bid of \$36,383

The Visitors Bureau, assisted by City Engineer Geoffrey Liljenwall, spent late July and early August reviewing proposals and going over specifications for a much needed building improvement project at the Visitors Bureau. Although three contractors participated in the early facets of this project, only one contractor submitted a complete bid. It is the recommendation of Mr. Liljenwall and Mr. Rahl that we accept this bid and immediately move forward with this improvement project. This will sustain the building and help us continue to welcome visitors to our town. The Visitors Bureau has outlined eight line items within its advertising, postage and printing budget to pull money from in order to make this project happen. This will be combined with a previously established budget of \$7,500 in the building maintenance line item. Barring unforeseen circumstances, this will allow us to satisfactorily meet the budget needs of this project.

Council President Johnson moved that Council accept the bid results with a second from Councilor Montero. (Johnson/Montero)

**UPDATE -
NORTH HOLLADAY
DRIVE IMPROVE.
PROJECT**

Mr. McDowell stated he made the mistake of calling Charter Communications back in Missouri when he should have just called the Daily Astorian and talked to RJ Marx. After the article in the Daily Astorian Charter Communications had their crew out there and finished their part of the project. The wires and poles were down and there was not a single pole left on Holliday and those poles would go to the cemetery with a couple going to the convention center. The curbing crew was coming back Tuesday, September 13, 2016 and Wednesday, September 14, 2016. Concrete will more than likely be done Friday and paving was scheduled for September 28-29, 2016 and landscapers will be in there next week.

Mayor Larson asked when the lights would go up.

Mr. McDowell stated the concrete contractor needed to finish dressing down the poles and they were ready to be picked up at the city shops.

**COMMENTS –
CITY STAFF
AND OTHERS**

Mr. Cupples stated the RARE Participant for this year will be starting tomorrow.

Mayor Larson asked Russ Vandenberg if they looking for applicants for the Convention Center Commission.

Russ Vandenberg, Seaside Civic and Convention Center and Seaside Visitors Bureau General Manager, stated they were actively recruiting for the vacancy on the Convention Center Commission.

Ms. Daily stated at the SDDA breakfast meeting scheduled for Thursday morning will be a round table discussion on Seaside Housing Challenges.

Brian Owen, Chamber of Commerce Director, stated he lived on North Holladay and as a resident he appreciated the project and how the residents were updated throughout the process of the project. Mr. Owen thanked Council for approving the bid to get the building taken care of.

COMMENTS – COUNCIL

Mayor Larson read a letter from Joyce Lynn Libby who was a Trauma Intervention Program (TIP) Volunteer wrote a letter regarding the drowning in Seaside this summer.

Councilor Barber stated he had the privilege of hosting all the staff of the MJ Merdock Charitable Trust on the North Coast today. They ended up this afternoon at the Helping Hands re-entry program in Tillamook and their executive director stated that was the best visit of the whole day.

Councilor Montero stated in talking about the housing situation she has spent a lot of time in Crook and Deschutes County this summer and they were having the same kinds of problems. It was really difficult for everyone and she had been seeing both sides for so long. Councilor Montero further stated Tuesday, September 13, 2016, the Seaside Museum will be presented with a \$1,000.00 grant from the US Bank. The grant would be used for refreshing and making it safer and would also put in grants for the curriculum that we provide for the 4th graders throughout the county about the Native American Culture in Seaside.

Councilor Morrisey stated he wanted to recognize Dale and have noticed a big difference to the public works department since he has been there. Councilor Morrisey further stated he wanted to recognize Jeremy Strimple who was the hardest worker he has ever met, works all day, and never complains.

Councilor Frank stated Hood to Coast seemed to improve this year and he heard more favorable comments and parking the vans and shuttling people from the other end of town helped so much and made the town a lot nicer. Councilor Frank stated he sees the public works staff working downtown and just the attitudes and the change in their work. Councilor Frank further stated when he came off 12th Avenue turning onto Holliday Drive it looked so nice with all the poles and wires gone.

Council President Johnson stated he attended City Hall week put on by the League of Oregon Cities and today there was a round table discussion at Astoria City Hall with Betsy Johnson and Deborah Boone and Councilors from Seaside, Gearhart, Astoria, Warrenton, Cannon Beach, and Manzanita There was a discussion regarding the legislation's up and coming agenda.

Mark Winstanley, City Manager, stated Councilor Frank had asked at the last Council meeting about sidewalks on Edgewood and staff had not had an opportunity to have much conversation about that in the last couple of weeks. Staff will bring you information at the next City Council meeting.

ADJOURNMENT

The regular meeting adjourned at 7: 53 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR