

**AGENDA SEASIDE CITY COUNCIL MEETING
JUNE 28, 2010 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PROCLAMATION – RELAY FOR LIFE
6. COMMENTS – PUBLIC
6. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
7. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$340,092.53
 - b) APPROVAL OF MINUTES – JUNE 14, 2010 REGULAR MINUTES
 - c) RESOLUTION #3702 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGETS OF LESS THAN 10 PERCENT TO THE 2009 – 2010 CITY OF SEASIDE BUDGET
 - d) RESOLUTION #3703 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AUTHORIZING INTERFUND BORROWING
 - e) RESOLUTION #3704 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE 2009-2010 CITY OF SEASIDE BUDGET
8. UNFINISHED BUSINESS:
 - a) ORDINANCE 2010-04 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 115 OF THE SEASIDE CODE OF ORDINANCES REGARDING SOCIAL GAMES – THIRD AND FINAL READING
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ROLL CALL VOTE
 - b) ORDINANCE 2010-05 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 94 OF THE SEASIDE CODE OF ORDINANCES REGARDING FIRE PREVENTION – THIRD AND FINAL READING
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ROLL CALL VOTE

9. NEW BUSINESS:

- a) PUBLIC HEARING - RESOLUTION #3705 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADOPTING AND APPROPRIATING A SUPPLEMENTAL BUDGET OF MORE THAN 10 PERCENT TO THE 2009 - 2010 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

- b) PUBLIC HEARING - RESOLUTION #3706 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUE SHARING
 - 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

- c) PUBLIC HEARING - RESOLUTION #3707 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADOPTING AND APPROPRIATING THE 2010 - 2011 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) RESOLUTION #3708 - A RESOLUTION OF THE CITY OF SEASIDE, OREGON, LEVYING AND CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2010-2011 AND CATEGORIZING THE 2010-2011 ASSESSMENTS ON THE PROPERTIES IN THE DOWNTOWN MAINTENANCE DISTRICT
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

- e) PUBLIC HEARING - RESOLUTION #3709 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADOPTING AND APPROPRIATING THE 2010 - 2011 SEASIDE ROAD DISTRICT 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

- f) RESOLUTION #3710 - A RESOLUTION OF THE CITY OF SEASIDE, OREGON, SEASIDE ROAD DISTRICT, LEVYING AND CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2010 -2011
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

- g) RESOLUTION #3711 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, INCREASING SEWER SERVICE USER RATES
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

- h) RESOLUTION #3712 - A RESOLUTION OF THE CITY OF SEASIDE, OREGON, INCREASING WATER ACCESS/DEMAND CHARGES
 - PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED

10. COMMENTS FROM THE PUBLIC

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.*

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.



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

PROCLAMATION

Whereas, the American Cancer Society is the nationwide, community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy and service; and

Whereas, Relay For Life is the American Cancer Society's nationwide signature activity and a "Celebration of Life" where we Celebrate, Remember and Fight Back"; and

Whereas, Relay For Life is a community event that celebrates survivors, remembers those who have lost their battle with cancer and unites our community to fight against a disease that has taken too much from too many; and

Whereas, because cancer never sleeps, Relay For Life Teams spend the night camping out, enjoying music and family activities together, while team members walk around a track relay-style for the duration of this event; and

NOW, THEREFORE, I, DON LARSON, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim July 10, 2010, as

RELAY FOR LIFE DAY

and encourage all citizens of Clatsop County to join a team at Seaside High School and participate in the 24 hour walk to celebrate those that have been lost to cancer and those who continue to battle against cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 28th day of June, 2010.



DON LARSON, MAYOR

CALL TO ORDER

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

Present: Mayor Don Larson, Council President Tim Tolan, Councilors Stubby Lyons, Don Johnson, Jay Barber, and Larry Haller.

Absent: None

Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Russ Vandenberg, Convention Center General Manager; Bob Gross, Seaside Police Chief; Neal Wallace, Public Works Director; Dale Kamrath, Seaside Fire Chief; Jeremy Ruark, Seaside Signal; Jeff Nelson, KAST; Rebecca Herren, The Coast Times; and Nancy McCarthy, Daily Astorian.

Mayor Larson announced Council had made a decision to not appoint anyone to fill David Moore's position on the City Council since the position would be open for election in November.

AGENDA

Motion to approve the June 14, 2010, agenda; carried unanimously. (Lyons/Tolan)

POLICE CITIZEN'S
ACADEMY GRADUATION

Bob Gross, Seaside Police Chief, stated this was the fourth annual Clatsop County Police Citizens Academy and Sergeant Jason Schermerhorn had been the coordinator. Chief Gross introduced Sergeant Schermerhorn.

Sergeant Jason Schermerhorn stated this was the fourth year for the Citizens Academy and this year Seaside High School Senior David Weber volunteered to help out with the class for his Pacifica Project. There were thirteen graduates and each student attended classes to learn about law enforcement in the South County and Sheriff's Office. There were classes that involved crime scenes, the judge, District Attorney's Office, Clatsop County Jail tour, drug class, dispatch, ride along with police officers, and seven students had been tasered. Sergeant Schermerhorn further stated there was also information the students learned about volunteering in the community with different events that were in town. Sergeant Schermerhorn introduced the fourth graduating class for the Clatsop County Police Citizen's Academy and presented each student with a certificate.

Mayor Larson stated Council was very proud of each student for taking the time to be involved with the Citizens Academy Class.

RECOGNITION

Councilor Lyons introduced the City Council Student Representative Taylor Ames. Ms. Ames would start serving as the Student Representative in September, 2010.

Councilor Lyons introduced the Seaside Football Team for Seaside which raised money for the Law Enforcement for Youth fund which was used towards youths that were involved in athletics but could not afford to pay the fees. The Seaside team called Storm, won the game 35-6 against the Law Dogs from Hillsboro, Oregon. Councilor Lyons asked the football team that had played for Seaside to come to the front of the Council Chambers.

Dave Ham, Seaside Police Lieutenant, and football player stated he did not have final figures on the money that was raised but the rough numbers was approximately \$6,000.00 to 7,000.00. There were individual grants given to youths two times a year to play in sports, go to camps, among other things. Anyone that was interested could go to the website www.lawenforcementforyouth.com.

Councilor Lyons announced he would be the new head football coach for Seaside High next year.

COMMENTS – PUBLIC

Kevin O'Keane, 2525 Pine Street, Seaside, stated he was attending the meeting to remind Council about the improvements that were needed to his street and the Venice Park area.

Neal Wallace, Public Works Director, stated he had taken the engineer around the neighborhood to look at the area. Mr. Wallace further stated when the North Holladay Project was completed more information would be given to the property owners regarding the project.

Merlin Humpal, 2481 Oregon Avenue, Seaside, stated the street in front of his house was dug up and put back into place in one day. The City employees worked very hard on the area of the street and the City should be proud of them. Mr. Humpal further stated he hoped to be given notice if there were plans to work on the street so he would not get trapped in his driveway again.

Al Smiles, Seaside Chamber of Commerce Director, asked if it was ok to bring his horse into work because he found out today the City did not have a policy with pets in the business place and he was hoping to get a policy.

Debra Birkby stated she was the new Clatsop County Commissioner for District 5 and was available if there were any issues to speak about.

Erin Barker, Beach Property Management, stated she was a property management for long and short term rentals in Seaside. Ms. Barker further stated she had an email comment that was received from someone who had rented one of the Vacation Rentals in Seaside and would not be coming back to Seaside to visit.

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 \$558,808.28; and approve the May 24, 2010, minutes; carried unanimously. (Lyons/Barber)

RES. #3701

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE SOLID WASTE COLLECTION RATES

Mark Winstanley, City Manager, explained each year Western Oregon Waste (WOW) was required to provide an annual financial report which included a rate review report as outlined in the Solid Waste Collection Franchise. WOW was proposing a rate schedule that reflected the adjustment to the current collection rates which totaled 3.16%. The proposing rate schedule included: a 1.70% CPI adjustment, based on the change in the CPI-U West B/C from April, 2009 to April, 2010, and a 1.46% adjustment which reflected Seaside's share of the Household Hazardous Waste (HHW) Surcharge, which would be collected for Clatsop County and based on trash tons collected in 2009. The surcharge was scheduled to be added to the tip fee for waste disposed at Clatsop Transfer & Disposal, effective July 1, 2010, and would fund the County's HHW Collection program. Mr. Winstanley further stated WOW staff was available to answer any questions.

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

Mayor Larson asked for Council comments.

Councilor Barber stated he was concerned about the Household Hazardous Waste fund. The money was being collected for the HHW in advance before the facility was even built.

Mayor Larson stated he had the same concerns because the facility had not been designed and a site established but funds were going to be collected in advance.

Laura Leebrick, WOW Representative, stated the funds collected for the HHW in advance would go to the county and was calculated to be enough to hold a HHW collection event in the spring of 2011.

Councilor Barber stated if was absolutely in support of the HHW facility and events and with what Ms. Leebrick explained he was satisfied with the funds being charged in advance.

Council President Tolan asked in not knowing when a HHW facility would be built was there a possibility that two years from now the residents would still be paying the HHW fund.

Ms. Leebrick stated there was a possibility there would not be a permanent facility located within the next three years. In the mean time there would be a collection of funds adequate to cover an annual collection event that would alternate between the North and South County.

Council President Tolan asked if there was any studies to show how many people would take advantage of a HHW event.

Ms. Leebrick stated the consultant that was hired to draft the plan, provided information on how to project the number of participants. There was a projection that the HHW event next year would be a huge usage since there had not been a collection event for seven to eight years. There was pretty good data available.

Mayor Larson stated if there was an event planned for 2011 then he agreed with paying the money in advance.

Mr. Winstanley stated HHW was not allowed to go into the garbage stream but there was no other way of disposing of the HHW.

Motion to read Resolution #3701 by title only; carried unanimously. (Johnson/Tolan)

Motion to adopt Resolution #3701; carried unanimously. (Tolan/Barber)

**UPDATE –
NECANICUM NATURAL
HISTORY PARK**

Jason Boyd, Parks Advisory Chair Person, introduced the Parks Advisory Committee members and the Northcoast Land Conservancy members. Mr. Boyd stated there were seven groups involved which were the Parks Advisory Committee, Northcoast Land Conservancy, Clatsop Nehalem Confederated Tribe, Sunset Empire Parks and Recreation District, Seaside School District, Necanicum Watershed Council, Seaside Chamber of Commerce, and Jones and Jones. Mr. Boyd further stated the Necanicum Estuary Natural History Park would be the gateway to Seaside and the North Oregon coastal environment. Through celebrating and improving access to the estuary, restoring estuarine and riparian habitat, and interpreting the cultural history of the estuary, the park provided an opportunity for Seaside to define its identity as a city built on a foundation of deep respect for the natural coastal environment.

Over the last century, day trippers, overnight visitors, and residents had frequented Seaside's promenade and beaches, drawn to an easy-going and scenic coastal lifestyle. Increasingly, as Seaside's population and tourism had grown, people had been exploring the natural environment of the adjacent estuary, its contributing rivers, tributaries and the surrounding forests. The development of a city-wide natural history park must achieve a delicate balance between enhanced public access to the estuary and protecting those critical ecological resources on which the health of people and all other species depended. The Necanicum Estuary Natural History Park could be the gateway through which visitors and residents alike were invited to become a positive force in celebrating and enhancing the health of the estuary. Mr. Boyd further stated Jones and Jones was hired by the City for \$35,000.00 to help outline possible elements of the park with a vision plan that would include ecological and cultural influences. The natural history park would enhance Seaside's tourism efforts. Mr. Boyd further stated he had presented the information and requested Council's approval on the vision plan for the Necanicum Estuary Natural History Park.

Councilor Barber stated the potential of developing something other than the beach not only would serve the tourist but also educational field trips from the schools and other places. This would be a great asset to the City of Seaside and a great plan.

Councilor Johnson stated the citizens of Seaside and the tourist visiting would thoroughly enjoy.

Councilor Tolan thanked all those involved and stated he was very excited about the plan.

Mayor Larson thanked all those involved and stated the piece would be a new Seaside.

Councilor Lyons stated the plan would take some hard work and if pulled off would be bigger than even the aquarium in Seaside.

Motion accepting the vision plan for the Necanicum Estuary Natural History Park; carried unanimously. (Lyons/Johnson)

**APPROVAL –
SEASIDE COVE PATH**

Mr. Wallace stated approximately a year ago a landscape architect was putting together a sketch concept of what a multiple use path project in the Cove might look like. A multiple use path must be a minimum of 10 feet wide in order to support both pedestrian and bicycle traffic. The Council packet included sketches that showed a path that was mostly 14 feet wide with some wider areas that would allow for seating. The path as well as seating would need to be designed to handle the weather and surf conditions that prevail in the Cove. There would not be decorative lighting or railings and everything built would have to be low profile. Mr. Wallace further stated Chris Quackenbush, a local surfer/contractor who was also a member of the Parks Advisory Committee, had a group of people called the Cleanup Set, and they had adopted Seltzer Park and the Cove area. Mr. Quackenbush spent a great amount of time putting the sketches out in front of the surf community and the public in general. The following were comments and observations received from Mr. Quackenbush, "This had been an interesting process and he was happy to say that the overall comment from just about everyone was that it was a necessary thing for the Cove and in fact, would even go so far as to say that there was a 100% buy-in from everyone that had been talked to about the sketches. There were concerns and some doubts about the strength or the necessity, and after discussing the information with them and asking for their feedback, people really liked the idea". Mr. Wallace further stated the two questions that were asked the most were: would the area be destroyed by the winter swell? would sections be lifted or dropped when the water comes up in the winter, undermining the concrete? Would the natural look be taken away from the area? Mr. Wallace further stated in order for the path project to blend into the natural environment more, the entire sidewalk surface could be some type of stamped concrete, not with a brick look, but more like a natural stone, uneven, but seamless surface, using concrete dye to blend in a more natural color and look to the walkway. The next idea was that there were a lot of local artists who would love the chance to do something with those benches to make them cool, get their name on them for people to see, and to help keep the natural look or at least make them look less like concrete benches and more like something interesting to look at. Mr. Wallace further stated some of the more outstanding, yet realistic, suggestions heard from people were: to not take away the picnic table at the far end since it was constantly being used. In fact, another one might not be bad, secure trash cans to the sidewalk so they don't get tossed around, more dog poop mitts, use the round rocks from the Cove on the benches, did the walk need to be so wide, and what about water that drained off the road, would the drainage continue out under the sidewalk. Mr. Wallace further stated he also received comments from the Department of Land Conservation and Development (DLCD) and State Parks who indicated there could be support for the project. Laren Woolley stated in an email that increased public access to the beach areas in general was encouraged by Statewide Planning, and Mr. Woolley appreciated the City's desire to provide increased access in the area. Mr. Woolley encouraged the City to work with Tony Stein, Oregon Parks and Recreation Department (OPRD) and DLCD coastal management staff (and others as applicable) to develop a proposal that was consistent with Statewide Planning provisions in moving forward with any proposal in the area. Mr. Wallace further stated some considerations were that the local government and state and federal agencies regulated actions in beach and dune areas to minimize the resulting erosion like the destruction of desirable vegetation, the exposure of stable and conditionally stable area to erosion, and construction of shore structures which modified current or wave patterns leading to beach erosion.

Examples related to "minimal development" that could be authorized in beach and dune areas included beach and dune boardwalks, fences which do not affect sand erosion or migration, and temporary open-sided shelters. The implementation requirement was that the proposed structure should not be proposed with such size and bulk to be construed as a beach front protective structure which appeared to be prohibited in the area. OPRD jurisdictional issues and permitting stated some of the area proposed for an access structure appeared to be within the jurisdiction of OPRD and would need coordination with OPRD, and consistency and permitting subject to OPRD requirements. Local Comprehensive Plan Provisions did not see anything in the City's Comprehensive Plan that would preclude a public access walkway but Kevin Cupples, Planning Director, would need to make that determination together with any necessary requirements and findings. Mr. Wallace further stated the work could be done together to identify a proposal that was consistent with the requirements. Mr. Wallace suggested the City put together some quick concepts, and discuss them further. Mr. Wallace further stated staff requested Council's approval to apply for the Transportation Enhancement Program offered by the Oregon Department of Transportation (ODOT). The City would provide a letter of intent by June 30, 2010. There was \$16,000,000.00 available statewide and there was a minimum request of \$200,000.00. There would be a minimum matching requirement of 10.27%. Mr. Wallace further stated the number one entry for transportation enhancement activities was the provision of facilities for pedestrians and bicyclists. Given the background of general support and the current climate of cooperation for the project, staff was prepared to apply for the Transportation Enhancement Program for the Cove Path with Council's approval.

Councilor Barber stated he walked that area quite often and the plan had the potential to save lives because many people walked behind the parked cars and there were many close calls with people backing their cars out of the area.

Motion approving staff to apply for the Transportation Enhancement Program for the multiple use path project at the Cove area; carried unanimously. (Barber/Lyons)

ORDINANCE #2010-04

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 115 OF THE SEASIDE CODE OF ORDINANCE REGARDING SOCIAL GAMES

Mr. Winstanley explained the Ordinance was an ordinance concerning Social Gaming and the current language chapter 115 dealt with the rudimentary items as far as social gaming was concerned. Staff believed the ordinance needed to be updated since it was first put into place thirty five years ago. There was language added to social gaming which was more up to date with the atmosphere that people lived in currently today.

Mayor Larson called for public comments and there were no public comments.

Mayor Larson asked for Council comments.

Councilor Barber stated he wanted to clarify that he was adamantly opposed to card rooms in the City but had no problem with businesses like the Elks, American Legion, and Catholic Church having fund raisers or with card games being played in homes.

Motion to place Ordinance 2010-04 on its first reading by title only; carried unanimously. (Haller/Lyons)

Motion to place Ordinance 2010-04 on its second reading by title only; carried unanimously. (Haller/Lyons)

Dan Van Thiel stated without the ordinance being updated the City had no control over social gaming because the state allowed social gaming.

ORDINANCE #2010-05

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 94 OF THE SEASIDE CODE OF ORDINANCE REGARDING FIRE PREVENTION

Dale Kamrath, Seaside Fire Chief, explained the ordinance would modify and make minor changes to the fire prevention code in the City. Primarily the changes made were to address the international fire code which changed every couple of years. There were changes to 94.05 and 94.06 which identified language that allowed tanks with fire department approval. There were also changes made to 94.13 with lock boxes and ordinance was modified for recreational beach fires making it unlawful to burn any garbage, leaves, trash, and household garbage on the beach.

Mayor Larson called for public comments and there were no comments.

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

Motion to place Ordinance 2010-05 on its first reading by title only; carried unanimously. (Haller/Tolan)

Motion to place Ordinance 2010-04 on its second reading by title only; carried unanimously. (Johnson/Lyons)

COMMENTS – COUNCIL Councilor Lyons stated the 4th of July parade was approximately three weeks away and the taffy and American Flags had been ordered.

Councilor Barber stated he would like to volunteer to answer the letter regarding the Seaside's Vacation Rental rules which protected the people who rented the vacation rentals but also the residents in the City.

Ms. Barker stated she tried to explain the rules of the Vacation Rentals to the person who made the comments.

Mayor Larson stated he had attended a luncheon at the Library for over thirty volunteers that helped with the Library.

COMMENTS – STAFF Russ Vandenberg, Seaside Convention Center General Manager, stated the All American City Ad Hoc Committee met last week and wanted to schedule a workshop with the City Council to come up with the vision statement for Seaside.

Mr. Wallace thanked Council for adopting the vision plan for the Natural History Park.

Mary Blake, Sunset Empire Parks and Recreation General Manager, stated it was a privilege for Sunset Empire Parks and Recreation to endorse the Necanicum Natural History Park.

Chief Kamrath stated Councilor Lyons was a great coach for the football game and did a fantastic job.

Mr. Winstanley thanked all those that attended the open house last week for the Transportation System Plan (TSP). Mr. Winstanley further stated it was election time and currently there were packets available for those interested in running for City Council. The Mayors seat was up for reelection this year as well as Council position and at large position for Mr. Haller in Ward 3-4 which was east of the highway, the vacant position for Ward 2 was up for election, and Mr. Barber in Ward 1 was up for election. Anyone interested in running could stop by City Hall to pick up a packet and speak to Kim Jordan.

ADJOURNMENT The regular meeting adjourned at 8:14 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR

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

A public meeting on proposed supplemental budgets for the City of Seaside, Clatsop County, State of Oregon, for the fiscal year July 1, 2009 to June 30, 2010 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 28th day of June, 2010 at 7:00 P.M. The purpose of the public meeting is to consider a resolution adopting the supplemental budgets and making necessary appropriations.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: General

Delinquent Taxes	\$ 150,000	Mayor & Council	\$ 300
Interest On Investments	(6,000)	Business Office	24,000
Interest On Tax Receipts	(6,600)	Library	5,000
Room Tax - Vacation Rent	<u>(48,400)</u>	Non-Departmental	<u>59,700</u>
Revised Total Resources	<u>\$ 89,000</u>	Revised Total Requirements	<u>\$ 89,000</u>

COMMENTS To increase expenditures for retirements, capital repairs, and web design.

FUND: Public Works

State Grant	\$ 6,500	Engineering	\$ 3,050
Miscellaneous	5,000	City Parks	14,000
Donations	7,500	Non-Departmental	11,000
		Contingency	<u>(9,050)</u>
Revised Total Resources	<u>\$ 19,000</u>	Revised Total Requirements	<u>\$ 19,000</u>

COMMENTS To increase expenditures for equipment in engineering and parks and to allow for transfer to the equipment replacement fund.

FUND: Public Safety

Law Enforcement Grant	\$ 20,000	Municipal Court	\$ 4,000
Police Grants	18,000	Police	63,000
Lifeguards	11,300	Fire	110,550
Parking	4,000	Non - Departmental	13,250
Interfund Loan - Sys Dev(Wtr)	47,250		
Homeland Security Grant	<u>90,250</u>		
Revised Total Resources	<u>\$ 190,800</u>	Revised Total Requirements	<u>\$190,800</u>

COMMENTS To increase expenditures associated with grant funds and personal services.

FUND: 911

911 Revenue - County	\$ 7,000	Personal Services	\$ 8,000
		Materials & Services	<u>(1,000)</u>
Revised Total Resources	<u>\$ 7,000</u>	Revised Total Requirements	<u>\$ 7,000</u>

COMMENTS To increase expenditures associated with personal services.

RESOLUTION #3702

**A RESOLUTION ADOPTING AND APPROPRIATING
SUPPLEMENTAL BUDGETS OF LESS THAN 10 PERCENT
TO THE 2009-2010 CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following budget reduction for 2009-2010; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2009, and for the purpose shown below are hereby adjusted and appropriated as follows:

General Revenue			
	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 265,492	\$ -	\$ 265,492
Admin Cost - Water	93,274	0	93,274
Admin Cost - Sewer	107,905	0	107,905
Admin Cost - State Tax Stre	28,091	0	28,091
Admin Cost - Conv Center	97,451	0	97,451
Admin Cost - District Road	25,659	0	25,659
Admin Cost - Downtown Ma	5,429	0	5,429
Admin Cost - Public Safety	283,672	0	283,672
Admin Cost - Community D	34,742	0	34,742
Admin Cost - Public Works	66,945	0	66,945
Tax Base	2,828,786	0	2,828,786
Est Taxes Not Rec'd	(254,591)	0	(254,591)
Delinquent Taxes	80,000	150,000	230,000
Tax Offsets	20,000	0	20,000
Interest On Investments	12,000	(6,000)	6,000
Interest On Tax Receipts	16,600	(6,600)	10,000
Liquor License Fee	1,700	0	1,700
Bus License & Rm Tax Pen	19,000	0	19,000
Room Tax - Vacation Rent	349,000	(48,400)	300,600
Cigarette Tax	7,800	0	7,800
Library Grant	5,000	0	5,000
Seaside Urban Renewal	75,000	0	75,000
Library	23,000	0	23,000
Community Center	6,000	0	6,000
Insurance Reimbursement	2,500	0	2,500
Rental/Sale City Property	5,000	0	5,000
Cemetery Lots	3,500	0	3,500
Miscellaneous	12,462	0	12,462
Total	<u>\$ 4,221,417</u>	<u>\$ 89,000</u>	<u>\$ 4,310,417</u>

General Expenditures			
	<u>Present</u>	<u>Changes</u>	<u>New</u>
Mayor & Council	\$ 13,646	\$ 300	\$ 13,946
City Attorney	36,575	0	36,575
Business Office	579,315	24,000	603,315
Library	520,248	5,000	525,248
Non-Departmental	2,776,276	59,700	2,835,976
Community Center	42,300	0	42,300
Contingency	50,000	0	50,000
Ending Fund Balance	203,057	0	203,057
Total	<u>\$ 4,221,417</u>	<u>\$ 89,000</u>	<u>\$ 4,310,417</u>

**Public Works
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 69,896	\$ -	\$ 69,896
Transfer - Water (Fran)	124,068	0	124,068
Transfer - Sewer (Fran)	110,889	0	110,889
Transfer - Room Tax	84,333	0	84,333
Interest On Investments	1,000	0	1,000
Franchise Fees	545,108	0	545,108
State Grant	0	6,500	6,500
State Marine	7,600	0	7,600
Seaside Urban Renewal	13,000	0	13,000
Engineering	1,000	0	1,000
Miscellaneous	3,000	5,000	8,000
Donations	17,000	7,500	24,500
Total	\$ 976,894	\$ 19,000	\$ 925,998

**Public Works
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Engineering	\$ 209,934	\$ 3,050	\$ 212,984
Public Works	470,727	0	470,727
City Parks	166,001	14,000	180,001
Non-Departmental	69,945	11,000	80,945
Contingency	40,000	(9,050)	30,950
Total	\$ 956,607	\$ 19,000	\$ 975,607

**911
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 13,048	\$ -	\$ 13,048
Interest On Investments	300	0	300
911 Revenue - City	38,210	0	38,210
911 Revenue - County	54,803	7,000	61,803
Total	\$ 106,361	\$ 7,000	\$ 113,361

**911
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 99,461	\$ 8,000	\$ 107,461
Materials & Services	6,900	(1,000)	5,900
Total	\$ 106,361	\$ 7,000	\$ 113,361

**Public Safety
Revenue**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 151,651	\$ -	\$ 151,651
Transfer - Room Tax	394,459	0	394,459
Transfer - General Fund	2,578,176	0	2,578,176
Tax Levy	70,000	0	70,000
Est Taxes Not Rec'd	(6,300)	0	(6,300)
Delinquent Taxes	2,500	0	2,500
Tax Offsets	500	0	500
Interest On Investments	20,000	0	20,000
Interest On Tax Receipts	400	0	400
Dog Licenses	1,050	0	1,050
Lifeguards	0	11,300	11,300
Liquor Tax	76,500	0	76,500
State Revenue Sharing	70,500	0	70,500
State Fire Grant	10,000	0	10,000
Law Enforcement Grant	0	20,000	20,000
Police Grants	10,000	18,000	28,000
Homeland Security Grant	0	90,250	90,250
Rural Fire Protection	30,000	0	30,000
Dispatch Services	74,200	0	74,200
Fines & Forfeitures	195,000	0	195,000
Parking Tickets	3,000	4,000	7,000
False Alarms	1,000	0	1,000
Sale Of City Property	5,000	0	5,000
Miscellaneous - Police	29,000	0	29,000
Miscellaneous	3,500	0	3,500
Donations	4,000	0	4,000
Interfund Loan - Sys Dev (V	0	47,250	47,250
Total	\$ 3,724,136	\$ 190,800	\$ 3,914,936

**Public Safety
Expenditures**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Municipal Court	\$ 163,152	\$ 4,000	\$ 167,152
Police	2,779,569	63,000	2,842,569
Lifeguards	27,204	0	27,204
Fire	470,539	110,550	581,089
Non-Departmental	283,672	13,250	296,922
Total	\$ 3,724,136	\$ 190,800	\$ 3,914,936

Passed by the City Council of Seaside on this ____ day of _____, 2010.

Submitted to the Mayor and **Approved** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3703

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON,
AUTHORIZING INTERFUND BORROWING**

WHEREAS, the Seaside City Council wants to insure legal and proper cash management for all Funds; and

WHEREAS, the Seaside City Council desires to authorize interfund borrowing between the following funds if required.

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

SECTION 1. SHORT TERM INTERFUND LOANS

FUNDS

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Systems Development-Water(91)	Special Assessments	350,000
Systems Development-Sewer(91)	Sewer	200,000
Systems Development-Sewer(91)	Public Works	50,000
Systems Development-Sewer(91)	911	50,000
Systems Development-Sewer(91)	Public Safety	250,000
Systems Development-Sewer(91)	Airport	75,000
Systems Development-Sewer(91)	Community Development	100,000

Interest. Interest will be at the rate the City earns on its investments, ensuring neither a gain nor a loss from the borrowing.

Repayment. The loans will be repaid as soon as funds are available, but not later than June 30, 2011.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Auditor

RESOLUTION #3704

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE 2009-2010 CITY OF SEASIDE BUDGET

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adjusts the 2009-2010 budget, as follows:

Water Expenditures			
	Present	Changes	New
Personal Services	\$ 606,192	0	\$ 606,192
Materials & Services	432,600	23,000	455,600
Capital Outlay	711,061	(23,000)	688,061
Debt Services	304,360	0	304,360
Interfund Transfers	843,612	0	843,612
Contingency	100,000	0	100,000
Ending Fund Balance	<u>450,000</u>	<u>0</u>	<u>450,000</u>
Total	<u>\$ 3,447,825</u>	<u>0</u>	<u>\$ 3,447,825</u>

The purpose of this adjustment is to provide for increased supply and maintenance costs.

Convention Center Expenditures			
	Present	Changes	New
Personal Services	\$ 819,219	10,000	\$ 829,219
Materials & Services	1,129,950	0	1,129,950
Capital Outlay	312,000	(10,000)	302,000
Interfund Transfers	97,451	0	97,451
Contingency	97,000	0	97,000
Ending Fund Balance	<u>810,983</u>	<u>0</u>	<u>810,983</u>
Total	<u>\$ 3,266,603</u>	<u>0</u>	<u>\$ 3,266,603</u>

The purpose of this adjustment is to provide for overtime costs.

State Tax Street Expenditures			
	Present	Changes	New
Materials & Services	\$ 142,700	20,000	\$ 162,700
Capital Outlay	544,834	(20,000)	524,834
Interfund Transfers	28,091	0	28,091
Ending Fund Balance	<u>90,000</u>	<u>0</u>	<u>90,000</u>
Total	<u>\$ 805,625</u>	<u>0</u>	<u>\$ 805,625</u>

The purpose of this adjustment is to provide for increased costs associated with road repair and street lights.

**Room Tax & Business Licenses
Expenditures**

	Present	Changes	New
Personal Services	\$ 185,211	15,000	\$ 200,211
Materials & Services	517,201	0	517,201
Interfund Transfer	2,276,609	0	2,276,609
Contingency	100,000	(15,000)	85,000
Ending Fund Balance	<u>164,412</u>	<u>0</u>	<u>164,412</u>
Total	<u>\$ 3,243,433</u>	<u>0</u>	<u>\$ 3,243,433</u>

The purpose of this adjustment is to provide for overtime costs.

**Sewer Plant Replacement
Expenditures**

	Present	Changes	New
Materials & Services	\$ -	50,000	\$ 50,000
Capital Outlay	4,034,000	(50,000)	3,984,000
Contingency	75,000	0	75,000
Ending Fund Balance	<u>191,087</u>	<u>0</u>	<u>191,087</u>
Total	<u>\$ 4,300,087</u>	<u>0</u>	<u>\$ 4,300,087</u>

The purpose of this adjustment is to provide for costs associated with professional services.

**Capital Construction - Library
Expenditures**

	Present	Changes	New
Materials & Services	\$ -	3,800	\$ 3,800
Interfund Transfer	<u>169,353</u>	<u>(3,800)</u>	<u>165,553</u>
Total	<u>\$ 169,353</u>	<u>0</u>	<u>\$ 169,353</u>

The purpose of this adjustment is to provide for costs associated with interest and professional services.

**Convention Center Capital Improvements
Expenditures**

	Present	Changes	New
Capital Outlay	\$ 120,000	6,000	\$ 126,000
Contingency	54,076	(6,000)	48,076
Ending Fund Balance	<u>152,063</u>	<u>0</u>	<u>152,063</u>
Total	<u>\$ 326,139</u>	<u>0</u>	<u>\$ 326,139</u>

The purpose of this adjustment is to provide for costs associated with the new projection screens.

**Systems Development - Parks (93)
Expenditures**

	Present	Changes	New
Materials & Services	\$ -	45,100	\$ 45,100
Capital Outlay	178,542	(45,100)	133,442
Debt Service	40,000	0	40,000
Interfund Transfers	<u>670,121</u>	<u>0</u>	<u>670,121</u>
Total	<u>\$ 888,663</u>	<u>0</u>	<u>\$ 843,563</u>

The purpose of this adjustment is to provide for costs associated with professional services

**Airport
Expenditures**

	Present	Changes	New
Materials & Services	\$ 4,901	15,000	\$ 19,901
Capital Outlay	<u>222,300</u>	<u>(15,000)</u>	<u>207,300</u>
Total	<u>\$ 227,201</u>	<u>0</u>	<u>\$ 207,300</u>

The purpose of this adjustment is to provide for costs associated with professional services.

**Emergency Medical Services
Expenditures**

	Present	Changes	New
Materials & Services	\$ 7,300	2,000	\$ 9,300
Capital Outlay	<u>10,375</u>	<u>(2,000)</u>	<u>8,375</u>
Total	<u>\$ 17,675</u>	<u>0</u>	<u>\$ 17,675</u>

The purpose of this adjustment is to provide for costs associated with medical supplies.

**Library Trust
Expenditures**

	Present	Changes	New
Materials & Services	\$ 19,000	(3,000)	\$ 16,000
Capital Outlay	3,000	3,000	6,000
Ending Fund Balance	<u>481,555</u>	<u>0</u>	<u>481,555</u>
Total	<u>\$ 503,555</u>	<u>0</u>	<u>\$ 503,555</u>

The purpose of this adjustment is to provide for costs associated with books

PASSED by the City Council of the City of Seaside this ____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

ORDINANCE NO. 2010-04

AN ORDINANCE DEFINING AND REGULATING SOCIAL GAMING IN THE CITY OF SEASIDE, OREGON, ESTABLISHING A NEW CHAPTER 115 OF THE SEASIDE CODE OF ORDINANCES REGARDING LICENSING AND FEES, PROVIDING PENALTIES FOR THE VIOLATION; AND REPEALING ORDINANCE NO. 75-23.

SECTION 1. 115.01 SOCIAL GAMES PERMITTED.

Social games, other than a lottery, between players in a private business, private club or in a place of public accommodation where no house player, house bank or house odds exist and there is no house take (meaning no house income from the operation of the social game), are hereby permitted as provided herein.

SECTION 2. 115.02 DEFINITIONS. For purposes of this ordinance, the following mean:

CARD ROOM. Any space, room, or enclosure furnished or equipped with a table used or intended to be used as a card table for the playing of cards only, and the use of which is available to the public.

GAMBLING. Any contest, game, gaming scheme, gaming device, or machine in which the outcome depends in a material degree upon an element of chance. Gambling does not include "social games" or bingo, lotto, or raffles operated in compliance with Oregon law by a charitable, religious, or fraternal organization, or off-track wagering operated in compliance with Oregon law.

PLAYER. A person who engages in any form of social gaming solely as a contestant or bettor, without receiving or becoming entitled to receive any profit other than personal winnings, and without otherwise rendering any material assistance to the conduct or operation of the particular activity.

SOCIAL GAMES. As authorized by Oregon Revised Statute 167.121, a game involving the playing of cards between players only, which does not include lotteries or any game involving the use of any property, instrument, or device designed or adapted for any type of gambling activity, in a private home, private business, private club, or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

HOUSE BANK. The operation of social games whereby a charitable, fraternal or religious organization employs a person to supervise a single social game for the purpose of securing a portion of any monetary gain contributed directly by the individual players to that single game.

HOUSE INCOME. Any monetary net gain or advantage received by the house directly from the actual play of a single social game conducted by a charitable, fraternal, or religious organization.

HOUSE ODDS. The operation of social games by a charitable, fraternal, or religious organization whereby the probabilities of success of the single social game exist in favor of the operation.

HOUSE PLAYER. A principal or employee of a charitable, fraternal, or religious organization which conducts social games; who participates on behalf of the organization for the purpose of altering the normal probabilities associated with social gaming.

SECTION 3. 115.03 LICENSE REQUIRED FOR SOCIAL GAMES.

Any person(s), business, private club, non-profit organization, or place of public accommodation desiring to permit patrons or invitees to engage in any social game within the City of Seaside shall acquire and maintain a valid City of Seaside Social Gaming license. Licenses shall be granted only upon application to the City and upon approval by the City Manager.

SECTION 4. 115.04 APPLICATION REQUIREMENTS.

Before a license for social gaming may be granted by the City Manager, an applicant must submit an application for a license to the Business Office with the following information and allow an investigation to be made. A completed application form must include the true names, dates of birth, social security numbers, and addresses of all persons financially interested in the business and/or all persons who are either on the board of directors of or hold offices in the entity or organization. The term "persons financially interested in the business" shall include all persons who share in the profits of the business where the social gaming activity is located, on the basis of gross or net revenue, including landlords, lessors, lessees, and the owners of the building, fixtures or equipment used in the social game. The application sponsors if different from persons financially interested in the business.

SECTION 5. 115.05 APPLICATION RENEWAL.

The grantee of a social gaming license must notify the Business Office within 10 days of any change persons financially interested in the business or in the names of any persons who are either on the board of directors of or hold offices in the entry or organization and request a renewal of its license. At the time of such request, the applicant shall submit the information required by Section 115.04

SECTION 6. 115.06 LICENSE FEE.

For each business or other entity or organization licensed, an annual \$50.00 fee, in addition to a business license fee, shall be required. The City Council may modify this fee at any time.

SECTION 7. 115.07 STANDARDS FOR ISSUANCE OF LICENSE.

The City Manager shall either approve the application and grant the license applied for, or deny the application and refuse to grant the license. The license shall not be granted, or it shall be temporarily revoked or suspended, if any applicant or any person(s) financially interested in the business, entity, or organization have:

- 1) Supplied any false or misleading information in the application or omitted any requested information from the application;
- 2) Pleaded no contest to or been convicted of any felony within the last ten (10) years;
- 3) Had a license in his/her name which was revoked or suspended three (3) time by the Oregon Liquor Control Commission, either of which was in the last (5) years;
- 4) Been convicted and is currently on parole for any crime involving or related to gambling;
- 5) Had two (2) or more convictions within five (5) years for gambling-related activities; or
- 6) Violated any provision of this Ordinance.

SECTION 8. 115.08 LICENSE NOT TRANSFERABLE.

No license shall be assigned or transferred; any such attempt shall void the license.

SECTION 9. 115.09 RESPONSIBILITIES OF LICENSEE.

It shall be the responsibility of the licensee to ensure that:

- 1) No form of unlawful gambling is permitted upon the licensed premises.
- 2) Social games are conducted consistent with the provisions of state law, city ordinances and this section.
- 3) There shall be no house player, house bank or house odds, and there shall be no house income from the operation of the social game.
- 4) All social games shall be open to public inspection during all hours of operation.
- 5) There are no off-premises signs advertising gambling, card playing, or social games.
- 6) The playing of all social games shall be so arranged as to provide equal access and visibility to any interested party.

- 7) No person under the age of twenty-one (21) years shall be permitted to participate in a social game.
- 8) No charge, other than an entry fee, shall be collected from a player for the privilege of participating in a game.
- 9) No participant in a social game shall be charged a price for any consumer goods which is higher or lower than the price charged non-participants.
- 10) This Chapter 115, the rules for the social games and the social gaming licenses are posted in a conspicuous place near the area where the games are being played.
- 11) The room or enclosure where the social games take place is open to free and immediate access by law enforcement officers. Doors leading into the room or enclosure remain unlocked during all hours of operation.
- 12) No social game is conducted between the hours of 2:00 am and 10:00 am.

SECTION 10. 115.10 TOURNAMENT FORMAT REQUIRED.

All social games shall utilize a tournament format. A tournament format shall include:

- 1) A set entry fee.
- 2) Players in card games shall receive in-game currency represented by chips (poker type) which shall be non-redeemable.
- 3) Participants shall compete for awards corresponding to a participant's relative standing at the conclusion of the tournament.
- 4) All entry fees and monies taken in for the tournament shall be paid back to the contestants at the conclusion of the tournament.

SECTION 11. 115.11 TERMS OF LICENSE.

All licenses issued hereunder shall be for a period of one (1) year and shall be renewed no later than June 30 of each year. Licenses are nontransferable and must be reapplied for at least thirty (30) days prior to the renewal date each year accompanied by the appropriate fee. All persons securing a license after first business day of January each year shall be required to pay the total annual fee of \$50.00. All renewals shall be approved by the City Manager.

SECTION 12. 115.12 REVOCATION OF LICENSE.

A license is subject to revocation at any time for violation of this Ordinance or any of the provisions of state law related to gambling. If at any time facts arise or become known to the City Manager which are sufficient to show violation of this ordinance or state law, the City Manager shall notify the licensee in writing that the license is to be revoked and that all social gaming activities must cease within fifteen (15) days. 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 or public health or safety. The notice of revocation shall state the reason for the revocation, set a period of no less than 30 days before social gaming activities can recommence and inform the licensee of the procedures for filing an appeal.

SECTION 13. 115.13 SUSPENSION OF LICENSE.

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

SECTION 14. 115.14 PENALTIES.

In addition to the suspension or revocation of any license, any licensee, firm, corporation, association or person(s) associated with licensee who violates any provision of this ordinance, may, upon conviction, be fined in the amount not to exceed Five Hundred and no/100 Dollars (\$500.00) for each violation. Each day that a violation is permitted to occur is considered a separate violation.

SECTION 15. 115.15 SAVINGS CLAUSE.

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance; it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid, is valid.

SECTION 16. 115.16 SEVERABILITY.

The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

SECTION 17. 115.17 REPEAL.

Ordinance No. 75-23, adopted 12-22-75 is repealed.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2010, by the following roll call vote:

- YEAS:
- NAYS:
- ABSTAIN:
- ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

ORDINANCE NO. 2010-05

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 94 OF THE SEASIDE CODE OF ORDINANCES REGARDING FIRE PREVENTION

THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Chapter 94 is hereby amended by the following:

94.01 ADOPTION OF OREGON FIRE CODE.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the *Oregon Fire Code, 2004 2010 Edition including appendices, as hereafter modified or amended, with the exception of those appendices used as references or guides, three copies of which have been and are now filed in the office of the City Auditor, and the same are* hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this subchapter shall take effect, the provision shall be controlling within the limits of the city.

94.05 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED.

The geographic limits referred to in ~~IFC Section 3404.2.9.5.1~~ *3404.2.9.6.1* 3406.2.4.4 of the Oregon Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows:

“From the center of the intersection of Broadway and Highway 101; thence northerly to the center of the intersection of Highway 101 and First Avenue; thence westerly along the centerline of First Avenue to the west boundary of the cement sidewalk described as North Prom; thence southerly along said sidewalk to the center of the intersection of Avenue “A” and the west boundary of South prom; thence easterly along the center line of Avenue “A” to the center line off South Holladay; thence easterly along the center line of Avenue “B” to the center of the intersection of Avenue “B” and Highway 101 to the starting point, **except by special permit issued by the Fire Chief or his representative where it appears that public interest is served by issuance of such special permit.**”

94.06 ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS PROHIBITED.

The limits referred to in Section 3804.2 of the Oregon Fire Code in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

“The aggregate capacity of any one installation of liquefied petroleum gas shall not exceed 500 gallons water capacity within the entire city **City of Seaside except by special permit issued by the Fire Chief or his representative where it appears that public interest is served by issuance of such special permit.**”

94.10 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS PROHIBITED OR LIMITED.

The limits referred to in Section ~~8001.1.1~~ 2703 of the Oregon Fire Code in which the storage of hazardous materials is prohibited or limited is hereby established as follows:

“The entire city of Seaside except by special permit issued by the Fire Chief or his representative where it appears that public interest is served by issuance of such special permit.”

94.13 LOCKBOX PROCEDURES.

The limits referred to in IFC Section 506.1 of the Oregon Fire Code in which access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire chief is authorized to require a key box to be installed in an accessible location. The key box shall be an approved type and shall contain keys to gain necessary access as required by the fire chief are hereby established as follows:

(A) *Applicant user.* The following buildings or occupancies shall meet one of the following criteria:

- (1) Multi-family housing (R-1) with restricted access.
- (2) Assisted living occupancy with restricted access.
- (3) Any building at owners request and approved by authority having jurisdiction.
- (4) Any building seen fit by the authority having jurisdiction.

(B) *Type lockbox used.* The lockbox shall be a brand selected and supplied by the building owner/management company, which will accommodate a mortise type key cylinder. There will be only one mortise type key cylinder code available to all lock boxes required within the city limits. The code information is available at the Fire Department.

(C) *Lockbox location.* The lockbox shall be mounted by the building owner/management company at a location approved by the Fire Chief or his designee.

~~(D) — Lockbox keys.~~ There will be three master keys available to emergency personnel for access to lock boxes, in the event of an emergency, they shall be:

- ~~(1) — In the possession of the Fire Chief;~~
- ~~(2) — In the possession of the Fire Marshal;~~
- ~~(3) — In the possession of the Police Department.~~

~~(E) (D) Liability.~~ The city and their representatives shall not be liable for any loss resulting from the use of the lock box system.

94.21 RECREATIONAL BEACH FIRES.

(A) Small recreational beach fires in the ocean shore recreation area are allowed provided they are located in the open dry sands area, downwind of and below beach grass and the driftwood line; no fires are allowed in dunes or beach log accumulations. **It shall be unlawful to burn any garbage, refuse, leaves, trash, or any household waste.**

(B) No fire shall be placed in driftwood, left unattended or be permitted to cause damage to facilities or natural resources. Every fire shall be extinguished before its users leave the area.

(C) At the discretion of an Oregon State Park Manager, fires normally permitted in the ocean shore recreation area may be restricted or prohibited due to high fire hazard conditions.

~~**SECTION 2. REPEAL OF CONFLICTING ORDINANCES.** Ordinance No. 96-31 and all former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance or the Oregon Fire Code as adopted and amended is repealed.~~

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in force on 1 day of August, 2010.

PASSED by City Council of the City of Seaside on this ____ day of _____, 2010.

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC HEARING
FOR SUPPLEMENTAL BUDGETS
Of greater than 10% of Fund Expenditures**

A public hearing on proposed supplemental budgets for the City of Seaside, Clatsop County, State of Oregon, for the fiscal year July 1, 2009 to June 30, 2010 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 28th day of June, 2010 at 7:00 P.M. The purpose of the public hearing is to discuss the supplemental budget with interested persons. A copy of the supplemental budget document may be inspected or obtained on or after June 17, 2010 at City Hall, between the hours of 8:00 AM and 5:00 PM.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: Water

Transfer - Wtr Cap Construction	<u>\$651,270</u>	Materials & Services	\$25,000
		Interfund Transfers	<u>626,270</u>
Revised Total Resources	<u><u>\$651,270</u></u>	Revised Total Requirements	<u><u>\$651,270</u></u>

COMMENTS

To increase expenditures to allow for transfer of funds to debt service fund.
water fund.

RESOLUTION #3705

**A RESOLUTION ADOPTING AND APPROPRIATING A
SUPPLEMENTAL BUDGET OF MORE THAN 10 PERCENT
TO THE 2009-2010 CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following budget reduction for 2009-2010; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2009, and for the purpose shown below are hereby adjusted and appropriated as follows:

Water Revenue			
	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 1,054,296	\$ -	\$ 1,054,296
Transfer-Wtr Cap Const	0	651,270	651,270
Interest On Investments	6,000	0	6,000
Gross Water Sales	1,694,259	0	1,694,259
Tap & Meter Set	15,000	0	15,000
On & Off	25,000	0	25,000
Miscellaneous	2,000	0	2,000
Total	<u><u>\$ 2,796,555</u></u>	<u><u>\$ 651,270</u></u>	<u><u>\$ 3,447,825</u></u>

Water Expenditures			
	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 606,192	\$ -	\$ 606,192
Materials & Services	407,600	25,000	432,600
Capital Outlay	711,061	0	711,061
Debt Service	304,360	0	304,360
Interfund Transfers	217,342	626,270	843,612
Contingency	100,000	0	100,000
Ending Fund Balance	450,000	0	450,000
Total	<u><u>\$ 2,796,555</u></u>	<u><u>\$ 651,270</u></u>	<u><u>\$ 3,447,825</u></u>

Passed by the City Council of Seaside on this ____ day of _____, 2010.

Submitted to the Mayor and **Approved** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3706

**A RESOLUTION DECLARING THE CITY'S ELECTION
TO RECEIVE STATE REVENUE SHARING**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. Pursuant to ORS 221.770, the City hereby elects to receive State Revenue Sharing for fiscal year 2010-2011.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

I certify that a public hearing before the Seaside Budget Committee was held on May 3, 2010, and a public hearing before the Seaside City Council was held on June 28, 2010, giving citizens an opportunity to comment on the use of State Revenue Sharing.

Mark J. Winstanley, City Manager

Date

RESOLUTION # 3707

**A RESOLUTION ADOPTING AND APPROPRIATING THE 2010-2011
CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Seaside hereby adopts the budget for the City of Seaside for fiscal year 2010-2011, in the sum of \$35,661,370 now on file at Seaside City Hall; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2010, and for the purposes shown below are hereby appropriated as follows:

General

Mayor and Council	\$ 14,462		
City Attorney	38,360		
Business Office	498,358		
Library	558,154		
Non-Departmental	3,143,069		
Community Center	39,690		
Contingency	<u>50,000</u>		
		\$ 4,342,093	
Total Appropriations			
			\$ 211,953
Unappropriated Ending Fund Balance			
Total General			\$ 4,554,046

Public Safety

Municipal Court	\$ 175,339		
Police	2,930,490		
Lifeguards	31,829		
Fire	498,200		
Non-Departmental	<u>300,179</u>		
		3,936,037	
Total Appropriations			
Total Public Safety			3,936,037

Community Development

Planning	\$ 211,103		
Building & Code Enforcement	217,948		
Non-Departmental	<u>35,754</u>		
		464,805	
Total Appropriations			
Total Community Development			464,805

Public Works

Engineering	\$ 234,400		
Public Works	484,243		
City Parks	177,072		
Non-Departmental	76,674		
Contingency	<u>11,815</u>		
		984,204	
Total Appropriations			
Unappropriated Ending Fund Balance			
Total Public Works			984,204

State Tax Street

Materials and Services	\$ 162,200		
Capital Outlay	328,266		
Interfund Transfers	<u>17,868</u>		
		508,334	
Total Appropriations			
Unappropriated Ending Fund Balance			90,000
Total State Tax Street			598,334

Downtown Maintenance District

Materials and Services	\$ 74,030
Interfund Transfers	5,504
Contingency	<u>10,000</u>

Total Appropriations	89,534	
Unappropriated Ending Fund Balance		19,072
Total Downtown Maintenance District		108,606

911

Personal Services	\$ 86,435
Materials and Services	<u>1,830</u>

Total Appropriations	88,265	
Total 911		88,265

Emergency Medical Services

Materials and Services	\$ 8,000
Capital Outlay	<u>2,269</u>

Total Appropriations	10,269	
Total Emergency Medical Services		10,269

Economic Development

Materials and Services	\$ 5,061
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Total Appropriations	5,061	
Total Economic Development		5,061

Fire Equipment (2008)

Materials and Services	\$ 2,000
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Total Appropriations	2,000	
Unappropriated Ending Fund Balance		6,700
Total Fire Equipment (2008)		8,700

Airport

Materials and Services	\$ 102,200
Capital Outlay	<u>273,865</u>

Total Appropriations	376,065	
Total Airport		376,065

Emergency Readiness

Materials and Services	\$ 45,729
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Total Appropriations	45,729	
Total Emergency Readiness		45,729

Watershed Enhancement

Materials and Services \$ 9,094
Capital Outlay 100,000

Total Appropriations 109,094

Total Watershed Enhancement 109,094

Police Equipment Levy (2010)

Materials and Services \$ -
Capital Outlay 0

Total Appropriations 0

Total Police Equipment Levy (2010) 0

Water G.O. Bond Debt

Debt Service \$ 299,845

Total Appropriations 299,845

Unappropriated Ending Fund Balance 638,028

Total Water G.O. Bond Debt 937,873

Library Trust

Capital Outlay \$ 6,000
Contingency 50,000

Total Appropriations 56,000

Unappropriated Ending Fund Balance 202,416

Total Library Trust 258,416

Evergreen Cemetary Trust

Capital Outlay \$ 4,521

Total Appropriations 4,521

Total Evergreen Cemetary Trust 4,521

Special Assessment

Materials and Services \$ 7,600
Capital Outlay 500,000

Total Appropriations 507,600

Total Special Assessment 507,600

Systems Development - Parks (91)

Materials & Services \$ 25,000
Capital Outlay \$ 154,782
Debt Service 40,000
Interfund Transfers 670,121

Total Appropriations 889,903

Total Systems Development-Parks(91) 889,903

Capital Improvement & Maintenance

Materials and Services	\$ 45,500
Capital Outlay	192,957
Interfund Transfer	<u>9,000</u>

Total Appropriations	247,457
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Total Capital Improvements & Maintenance	247,457
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Systems Development - Roads (91)

Capital Outlay	<u>\$ 33,739</u>
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Total Appropriations	33,739
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Total Systems Development – Roads (91)	33,739
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Prom Improvement

Materials and Services	\$ 50,000
Capital Outlay	<u>328,143</u>

Total Appropriations	378,143
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Total Prom Appropriations	378,143
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Equipment Replacement

Capital Outlay	<u>\$ 115,750</u>
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Total Appropriations	115,750
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Total Equipment Replacement	115,750
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Parks Construction

Materials and Services	\$ 38,578
Capital Outlay	<u>1,500,000</u>

Total Appropriations	1,538,578
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Total Parks Construction	1,538,578
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Water

Personal Services	\$ 627,713
Materials and Services	429,950
Capital Outlay	325,000
Debt Service	304,360
Interfund Transfers	220,488
Contingency	<u>100,000</u>

Total Appropriations	2,007,511
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Total Unappropriated Ending Fund Balance	608,129
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Total Water	2,615,640
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Systems Development - Water (91)

Materials & Services	\$ 50,000
Capital Outlay	915,262
Special Payment	<u>224,075</u>

Total Appropriations	1,189,337
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Total Systems Development – Water (91)	1,189,337
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Water Reserve

Capital Outlay	\$ 28,788		
Total Appropriations		28,788	
Total Unappropriated Ending Fund Balance			304,360
Total Water Reserve			333,148

Sewer

Personal Services	\$ 583,270		
Materials and Services	612,750		
Capital Outlay	135,000		
Debt Service	274,510		
Interfund Transfers	2,868,554		
Contingency	100,000		
Total Appropriations		4,574,084	
Unappropriated Ending Fund Balance			366,264
Total Sewer			4,940,348

Systems Development - Sewer (91)

Materials and Services	\$ 50,000		
Capital Outlay	1,176,967		
Total Appropriations		1,226,967	
Total Systems Development - Sewer (91)			1,226,967

Sewer Plant Replacement

Materials & Services	\$ 75,000		
Capital Outlay	2,660,626		
Total Appropriations		2,735,626	
Total Sewer Plant Replacement			2,735,626

Convention Center

Personal Services	\$ 863,916		
Materials and Services	1,043,200		
Interfund Transfers	103,144		
Contingency	150,000		
Total Appropriations		2,160,260	
Unappropriated Ending Fund Balance			880,003
Total Convention Center			3,040,263

Convention Center Capital Improvements

Capital Outlay	\$ 130,000		
Contingency	75,000		
Total Appropriations		205,000	
Unappropriated Ending Fund Balance			141,703
Total Convention Center Capital Improvements			346,703

Room Tax & Business License

Personal Services	\$ 176,124
Materials and Services	478,750
Interfund Transfers	2,212,269
Contingency	<u>50,000</u>

Total Appropriations 2,917,143

Unappropriated Ending Fund Balance 115,000

Total Room Tax & Business License 3,032,143

Total 2010-2011 Appropriations \$ 32,077,742

Total Unappropriated Ending Fund Balance \$ 3,583,628

Total 2010-2011 Adopted Budget \$ 35,661,370

PASSED by the City Council of the City of Seaside this _____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this _____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3708

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON, LEVYING AND
CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2010-2011 AND
CATEGORIZING THE 2010-2011 ASSESSMENTS ON THE PROPERTIES IN THE
DOWNTOWN MAINTENANCE DISTRICT**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. That the City of Seaside hereby imposes the taxes provided for in the adopted budget at the rate of \$3.1696 per \$1,000 of assessed value for the General Fund, and a Tax Levy of \$180,000 of which \$70,000 is for the Public Safety Fund and \$110,000 is for the Fire Equipment (2008) Fund, and the amount of \$312,467 for bonds; and that these taxes are hereby imposed and categorized for the tax year 2010-2011 upon the assessed value of all taxable property within the City of Seaside.

	Subject To The General Government Limitation	Excluded From The Limitation
General	\$3.1696/\$1,000	\$ 0
Public Safety	\$ 70,000	\$ 0
Fire Equipment (2008)	\$ 110,000	\$ 0
Water G. O. Bond Debt	\$ 0	\$312,467

SECTION 2. That the City of Seaside hereby imposes assessments provided for in the adopted budget in the amount of \$81,002; and that these assessments are hereby imposed for tax year 2010-2011 upon all the properties within the City of Seaside Downtown Maintenance District. In accordance with ORS 310.060(4), this amount is categorized as follows:

	Subject To The General Government Limitation	Excluded From The Limitation
Downtown Maintenance	\$ 81,002	\$ 0

PASSED by the City Council of the City of Seaside on this ____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3709
A RESOLUTION ADOPTING AND APPROPRIATING THE 2010-2011 SEASIDE
ROAD DISTRICT BUDGET

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the budget for the Seaside Road District for fiscal year 2010-2011, in the sum of \$368,529 now on file at Seaside City Hall; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2010; and for the purposes shown below are hereby appropriated as follows:

District Road

Materials and Services	\$ 7,100	
Capital Outlay	341,009	
Interfund Transfers	<u>3,420</u>	
Total Appropriations	\$351,529	
Unappropriated Ending Fund Balance	\$ 17,000	
Total District Road		\$368,529

PASSED by the City Council of the City of Seaside on this ____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3710

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON,
SEASIDE ROAD DISTRICT, LEVYING AND CATEGORIZING AD VALOREM
TAXES FOR THE TAX YEAR 2010-2011**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. That the City of Seaside hereby imposes the taxes provided for in the adopted budget at the rate of \$ 0.3036 per \$ 1,000 of assessed value for the Seaside Road District; and that these taxes are hereby imposed and categorized for the tax year 2010-2011 upon the assessed value of all taxable property within the district.

	Subject To The General Government Limitation	Excluded From The Limitation
District Road	\$0.3036/\$1,000	\$ 0

PASSED by the City Council of the City of Seaside on this ____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3711

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, INCREASING SEWER SERVICE USER RATES

THE SEASIDE CITY COUNCIL RESOLVES AS FOLLOWS:

That in accordance with Section 51.093 of the Seaside Code of Ordinances, the following fees for sewer service user rates are adopted:

SECTION 1. Rates. Just and equitable rates are hereby established, determined and declared to be as follows.

- (A) Access/Demand Charge shall be ~~\$23.22~~ **\$24.85** per sewer connection per month.
- (B) Tap Charges and Sewer Lateral Connection Charges shall be the actual cost of labor and materials plus 20% for billing, administration and overhead.
- (C) Sewer System Development Charges shall be those established by the City Council in a separate ordinance.
- (D) Sewer Service Verification Charge shall be \$25 for the physical verification of sewer connection.
- (E) Cost of extending the sewer lines shall be paid by those property owners who use the new service.
- (F) Sewer Service User Fees. Single-family residential dwellings shall be charged only the access/demand charge of ~~\$23.22~~ **\$24.85** per month. All other users shall be charged ~~\$23.22~~ **\$24.85** for the first 700 cubic feet of water used and ~~\$3.07~~ **\$3.32** for each 100 cubic feet of water used over 700 cubic feet per month.
- (G) Special rates that may be needed for high-strength commercial users, industrial users, or heavy users will be set by negotiation and will be in conformance with federal guidelines, and must cover their operation and maintenance costs.

SECTION 2. Effective Date. The rate increases will become effective June 15, 2010, and will first be reflected in the August 2010 billing.

PASSED by the City Council of the City of Seaside on this ____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

RESOLUTION #3712

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, INCREASING WATER ACCESS/DEMAND CHARGES.

THE SEASIDE CITY COUNCIL RESOLVES AS FOLLOWS:

That in accordance with Sections 52.61 and 52.62 of the Seaside Code of Ordinances, the following fees for water access/demand and consumption charges are adopted:

SECTION 1. ACCESS/DEMAND CHARGE. The Access/demand charges are hereby established, determined and declared to be as follows:

The access/demand charge is based on meter size. All water customers connected to the city water system shall pay an access/demand monthly charge as follows:

5/8"-3/4" meter	\$17.63	\$18.00
1" meter	\$23.50	\$23.99
1 1/2" meter	\$30.79	\$31.44
2" meter	\$46.65	\$47.63
3" meter	\$77.78	\$79.41
4" meter	\$131.35	\$134.11
6" meter	\$248.86	\$254.09

SECTION 2. CONSUMPTION CHARGE. The Consumption Charge is established, determined and declared to be as follows:

In addition to the above base charge, each customer shall pay ~~\$2.29~~ **\$2.34** for each 100 cubic feet (750 gallons) of water used above 400 cubic feet per bi-monthly billing period.

SECTION 3. EFFECTIVE DATE. The rate increases will become effective June 15, 2010, and will first be reflected in the August 2010 billing.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2010.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager