

Minutes of the  
**CANNON BEACH CITY COUNCIL**  
Tuesday, September 1, 2009  
Council Chambers

Present: Mayor Mike Morgan; Council President Sam Steidel; Councilors Nancy Giasson, Melissa Cadwallader and Wendy Higgins

Staff: City Attorney Tamara Herdener, City Planner Rainmar Bartl, Police Chief Gene Halliburton, Public Works Director Mark See and Administrative Assistant Brandy Brien

CALL TO ORDER AND APPROVAL OF THE AGENDA.

Mayor Morgan called the meeting to order at 7:00 p.m.

INTRODUCTIONS AND PRESENTATIONS

**(1) Introduction of Jack Bland, New Port of Astoria Commissioner**

Mays introduced new Port of Astoria Commissioner Jack Bland. Mr. Bland stated that he is delighted to be here, he is new on the block and hopes to become better acquainted with the City. He noted that since Cannon Beach has long been considered an arts community, he and his wife, an artist, spend a lot of time here. Mr. Bland stated that he has vast experience in the transportation industry. He noted other experience in aviation and public transit and stated that he would be delighted to hear comments with regard to the Port to plan for the future.

Mayor Morgan thanked Mr. Bland and welcomed him aboard.

Mays noted that a joint meeting between the County and the Port has been scheduled for September 29, 2009 at City Hall.

CONSENT OF MEETING MINUTES

**(2) Consideration of the Minutes of the Council Regular Meeting of August 4, 2009 and the Council Work Session of August 11, 2009.**

Motion: Giasson moved to approve the minutes of the Council regular meeting and the work session; Cadwallader seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

PUBLIC HEARINGS/COMMENT

**(3) Public Hearing and Consideration of ZO 09-03, City of Cannon Beach, Zoning Code Text Amendments, Community Gardens.**

Mayor Morgan opened the public hearing and stated that this is a legislative matter.

No one objected to the jurisdiction of the City Council to hear this matter at this time. No Councilor stated a conflict of interest.

Bartl reviewed his staff report. In response to a recommendation by Steidel, Council concurred to include a

provision that community gardens are not subject to design review unless there is a building of more than 200 square feet associated with the community garden.

It was noted that there was no additional correspondence.

Mayor Morgan asked if anyone wished to testify as proponents of this proposal.

Jan Siebert Wahrmond, P.O. Box 778, Cannon Beach, stated that she supports the proposed amendment and urged the Council to approve.

Mayor Morgan asked if anyone wished to testify as opponents or if anyone else wished to testify.

There was no additional testimony or additional staff response.

Morgan closed the public hearing.

Motion: Steidel moved to approve the text amendment, tentatively, subject to the final findings of fact; Cadwallader seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

**(4) Public Hearing and Consideration of ZO 09-04, City of Cannon Beach, Zoning Code Text Amendments, Wireless Communication Facilities.**

Mayor Morgan opened the public hearing and stated that this is a legislative matter.

No one objected to the jurisdiction of the City Council to hear this matter at this time. No Councilor stated a conflict of interest.

Bartl reviewed his staff report and reviewed the background on this issue.

It was noted that there was no additional correspondence.

Mayor Morgan asked if anyone wished to testify as proponents of this proposal.

Jan Siebert Wahrmond, P.O. Box 778, Cannon Beach, OR, stated that she supports the proposed amendment and noted that she believes that this is the best route to take to further protect open space.

Mayor Morgan asked if anyone wished to testify as opponents or if anyone else wished to testify.

There was no additional testimony or additional staff response.

Morgan closed the public hearing.

Motion: Cadwallader moved to approve the text amendment, tentatively, subject to the final findings of fact; Steidel seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

**(5) Public Comment and Acceptance of Planning Commission Report on the Potential Future Use of the Cannon Beach Elementary School Site.**

Bartl summarized his staff report and provided some background information.

Mayor Morgan opened for public comment and asked if anyone wished to testify.

Jan Seibert-Wahrmund, PO Box 778, Cannon Beach, OR, stated that she supports the Planning Commission's report, particularly the second option, to reuse the school for park use and for a cultural center.

Jerome Arnold, P.O. Box 72, Cannon Beach, reiterated Seibert-Wahrmunds's statements, noting that the City is need of more meeting places for environmental events, arts and watershed, etc.

There was no additional testimony or additional staff response.

Morgan closed the public comment.

Giasson asked that this be discussed further with the school board at a later date. Council concurred.

Motion: Steidel moved to accept the Planning Commissions report; Higgins seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

#### ORDINANCES

- (6) **Public Comment and Consideration of Ordinance 09-09, For the Purpose of Amending Municipal Code, Chapter 2, to Establish a City Farmer's Market Committee, Establishing Rules and Regulations for its Governance and Prescribing the Powers and Duties of Said Farmers Market Committee.**

Mayor Morgan opened for public comment and asked if anyone wished to testify. No one wished to testify and the public comment period was closed.

Motion: Steidel moved to adopt by title only; Higgins seconded the motion.

Herdener read the ordinance twice by title only.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously

Motion: Steidel moved to adopt the ordinance; Higgins seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously

#### PROCLAMATIONS

- (7) **Consideration of a Proclamation to Proclaim Recognition of the Great Oregon Beach Cleanup 25th Anniversary Event on Saturday, September 19, 2009.**

Motion: Giasson moved to approve the proclamation to recognize the Great Oregon Beach Cleanup; Higgins seconded the motion.

Cadwallader asked that an additional clause be incorporated into the proclamation. Mays read the addition,

“WHEREAS, Recent data tells that due to increased land-based use of plastic and other material that never fully degrade or disappear, we must continue the impressive work of SOLV and its volunteers in removing these materials from our shore and preventing them from entering or reentering our ocean.” Council concurred to include the clause.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

#### OTHER ACTION ITEMS

**(8) Consideration of a Request to Close a Portion of 2nd Street Between Hemlock and Spruce from 4:00 - 9:00 pm on October 2, 2009.**

Mays summarized his staff report.

Mayor Morgan asked if the applicant had comments. Tom Morris thanked the Council and stated that this will be the Plymouth Prowler Car Club Event’s 11th year.

Motion: Steidel moved to approve street closure; Higgins seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

**(9) Consideration of the Authorization to Proceed with Little Pompey Estuarine Wetland Restoration Project, Restoration of the Northwest Wastewater Treatment Lagoon.**

Bartl summarized his staff report.

In response to a question from Steidel. Bartl replied that the next step would be construction drawings and he noted that there is a substantial amount of engineering required. Bartl added that grants are being sought for both the engineering and the construction. And a mitigation project is possible, however it would be a large project and there are not many done in Cannon Beach.

In response to a question from Giasson, Bartl replied that there are a limited amount of funders, the grant writer is familiar with many of those funders and has already discussed the project with some of those individuals and received a positive response.

See reviewed that the Public Works Department reviewed the Department’s latest treatment in eliminated storage sludge with more aggressive bugs at a minimal cost and minimal impact on the area that are very good on the carbons.

Motion: Cadwallader moved to authorize proceeding with the project provided the funding is obtained through grants; Giasson seconded the motion.

Vote: Steidel, Giasson, Higgins, Cadwallader and Morgan voted AYE; the vote was 5/0 in favor and the motion passed unanimously.

#### DISCUSSION/INFORMATIONAL ITEMS

**(10) Monthly Status Report**

In response to questions form Giasson and Higgins, Halliburton reviewed crime statistics.

In response to a question from Giasson, Mays reviewed that the Public Art Committee members are local residents: Leslie Wood Garvin, Tracey Abel, Carol Hungerford, Robin Risley and two new members: Allyn Cantor and Hank Johnson.

**(11) Mayor Communications**

There was none.

**(12) Councilor Communications**

There was none

**(13) Good of the Order/ Public Comment**

Jerome Arnold, P.O. Box 72, Cannon Beach, expressed his concerns with regard to the proposed herbicide spraying in the *Ecola Creek Watershed* southeast of Cannon Beach. The City draws its water from the creek and herbicide residue will have very serious impacts on our water quality.

The Council discussed and agreed to direct staff to prepare a letter to Stimson Lumber. Mays asked Arnold to provide key points and staff will prepare a letter for the Mayor to sign.

ADJOURNMENT.

The meeting was adjourned at 8:15 p.m.

ATTEST:

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Brandy Brien, Administrative Assistant

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Mike Morgan, Mayor