

Minutes of the
CANNON BEACH CITY COUNCIL
Tuesday, October 6, 2009
Council Chambers

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

Excused: None

Staff: City Manager Rich Mays, City Attorney Tamara Herdener, City Planner Rainmar Bartl, Public Works Director Mark See, Finance Director Renee Sinclair, Police Chief Gene Halliburton 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.

Motion: Giasson moved to approve agenda as presented; 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

(1) Former City Attorney Bill Canessa – Appreciation of Service

Mayor Morgan expressed his appreciation to Canessa for his immeasurable contribution to the City of Cannon Beach. Mays added that, on behalf of the City staff, Canessa was very helpful and knowledgeable and his reputation is impeccable. Council concurred and thanked Canessa and his wife, JoAnne, for their valued commitment and involvement with the City for a number of years. In appreciation, Mayor Morgan presented Mrs. Canessa with floral arrangement and Mr. Canessa with a plaque that read “In appreciation for 25 years of commitment and service to the citizens and community of Cannon Beach, Bill Canessa, Cannon Beach City Attorney, July 1983 - October 2008”.

(2) Insurance Services Office Inc. (ISO) Rating Update by Cleve Rooper

Mayor Morgan stated that Fire Chief Cleve Rooper is present to provide an update with regard to the Community's Insurance Services Office Inc. (ISO) rating for the City.

Rooper reviewed his report, noting that in June 2009, the ISO evaluated and re-rating the Fire District's Protection Class rating. The ISO evaluates Fire Suppression agencies in the USA every 10 to 15 years, the rating numbers are then used by subscribing insurance companies to determine the premium costs for fire insurance policies. Cannon Beach was last rated in 1997 and received a 4/9 score. This year, Cannon Beach slipped to a 5/9 rating and the change in rating of developed areas could mean slightly higher insurance costs for Cannon Beach and Arch Cape property owners.

Rooper reviewed that the ISO evaluation addressed three main areas:

- The 911 Center, its staffing, facilities, and equipment
- The Community water system; hydrants, water mains, storage, source, etc.
- The Fire District; training program and facilities, trucks (pumping capacity, water carried, type and amount of hose, equipment carried, age, maintenance, testing), personnel (how many, paid vs. volunteer, number responding, response times, etc.)

Rooper noted that all three main areas received high marks overall, however the Fire District lost points in several areas such as average drill attendance, volunteers receive less credit because the stations are not staffed 24/7, lack

of a training tower and a live-fire training facility, failing to roll all trucks on false alarms and reported chimney fires.

In response to Council discussion, Rooper stated that if Cannon Beach wished to make staffing changes to increase its rating, as did Seaside, it would necessitate the abolishment of their current fire department and the implementation of a new fire district.

Council also discussed that the ongoing issue with affordable housing in Cannon Beach is a primary reason for its difficulty in recruiting volunteer fire fighters.

Rooper thanked the Council and encouraged all members of the community to attend the Ham Dinner on Saturday to support the Fire District.

(3) Consideration of the Minutes of the Council Regular Meeting of September 1, 2009 and the Council Work Session of September 8, 2009.

Motion: Cadwallader moved to approve the minutes of the Council regular meeting and work session as presented; 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.

(4) Adoption of Final Findings of Fact and Ordinance 09-04, for the Purpose of Amending the Municipal Code, Title 17, Zoning, to Establish Provisions for Community Gardens, including Applicable Standards.

Bartl reviewed his staff report. He noted that the proposed amendments to the zoning code were tentatively approved at the September 1, 2009 meeting, subject to the preparation of the final findings of fact and an ordinance. He also noted, at the recommendation of Councilor Giasson, that Section 1 of Ordinance 09-04 has been amended to modify the definition of community garden, in the zoning code, Section 17.04.116, to read "... for personal use **or donation.**"

Motion: Steidel moved to adopt the final findings of fact; 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.

Motion: Steidel moved to read the ordinance twice by title only; 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.

Herdener read the ordinance twice by title only.

Motion: Steidel moved to adopt Ordinance 09-04; 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.

(5) Adoption of Final Findings of Fact and Ordinance 09-05, for the Purpose of Amending the Municipal Code, Chapter 17.75, Wireless Communication Facilities, Section 17.75.040, Development Standards.

Bartl reviewed his staff report.

Motion: Giasson moved to adopt the final findings of fact; 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.

Motion: Giasson moved to read the ordinance twice by title only; 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.

Herdener read the ordinance twice by title only.

Motion: Giasson moved to adopt Ordinance 09-05; 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.

(6) Public Comment and Consideration of Ordinance 09-10, for the Purpose of Amending the Municipal Code, Section 12.12.100, Lien Record and Foreclosure Proceedings.

Sinclair summarized her staff report.

Motion: Steidel moved to adopt Ordinance 09-10; 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.

(7) Consideration of Resolution 09-26, for the Purpose of Authorizing the Purchase of a Bond from Un-Segregated Tax Receipts; and Authorization of the Mayor to Sign the Intergovernmental Agreement for Payment of a Potential Refund.

Mays reviewed his staff report. He also noted that the matter has been previously discussed at the September City Council meetings and the Seaside School District is still in anticipation of potential layoffs if these monies are not distributed.

In response to Councilors questions, Herdener stated that the appeal process and other litigations will likely take less than the predicted 10 years, however she noted that Wauna Mill is in no hurry to resolve this matter.

Sharon Clyde, Fire District Board of Directors, P.O. Box 973, Cannon Beach, OR, stated that the Fire District Board recently discussed this matter and voted against the adoption of this resolution, however the Board Members has agreed to invite the County Manager to attend their next board meeting to address their concerns and provide additional details. Clyde noted that the Board does recognize the concerns of the School District and following the County Manager's presentation, the Board plans to re-consider the adoption of a resolution.

Motion: Steidel moved to adopt Resolution 09-26; 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.

OTHER ACTION ITEMS

(8) Consideration of Appointments to City Committees.

Motion: Steidel moved to appoint the applicants to their applicable committee; 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.

(9) Consideration of an Amended and Restated Timberlands Purchase And Sales Agreement With Agency Creek Management Company, Regarding the Purchase of Forest Land in Conjunction with the Proposed Land Exchange for the Ecola Tract.

Bartl summarized his staff report.

Mayor Morgan asked if anyone in attendance wanted to comment on this matter. There was no one.

Motion: Steidel moved to approve the amended and restated agreement; 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.

(10) Monthly Status Report

There was none.

(11) Mayor Communications

Mayor Morgan reviewed that he met with other Mayors from Clatsop County with regard to the closure of the Dennis L. Edwards Tunnel and it was agreed to send a letter to Mr. Kim, Area Manager of ODOT Region 1 to meet with the public to discuss this project and its probable impact on the communities of Clatsop and Tillamook Counties and possible alternatives. In response to Councilor communications, Mayor Morgan also noted some improvements to the tunnel may be to accommodate heavy freight vehicles and that it would not be necessary as Highway 26 is not designed to accommodate those types of heavy freight vehicles.

(12) Councilor Communications

Giasson stated that she attended the *Feast Conference* on September 24, 2009, and obtained valuable information with regard to ways that the community may better utilize their food services.

Giasson and Cadwallader reviewed that they attended the *League of Oregon Cities (LOC) Conference*. Giasson noted that last year the *League* researched and compared State vs. City and a draft report is available online, Council may visit their website prior to December 3, 2009 to make comments to further develop legislation.

Cadwallader reviewed that she has been appointed to represent the local government on the *Marine Advisory Board*. Board members recently discussed that there is still a great deal of confusion with regard to ownership of the Cape Falcon area, HB3013 turned the authority over to the ODOW.

(13) Good of the Order/ Public Comment

Joyce Lincoln, P.O. Box 279, Cannon Beach, OR, presented a petition with regard to the lighting on Spruce Street. She read correspondence entered into the record and asked that the Council consider illuminating the crosswalk between Second and Third Street for pedestrian safety. She thanked Council and noted that she is prepared to provide more signatures and information if Council wishes.

Charlie Plybon, Oregon Field Coordinator, Surfrider Foundation, P.O. Box 719, South Beach, OR 97366, reviewed correspondence entered into the record with regard to continual high bacterial readings at the Cannon

Beach Ecola Court Outfall. He noted that Cannon Beach does not stand alone in this challenging situation. Plybon reviewed his recent meetings with See and Mays to address this issue.

Plybon suggested that the Council appoint a group or sub-committee of the Sustainability Ad-hoc Committee to identify goals and objectives for improving Ecola Court Outfall water quality conditions. As discussed with See and Mays, he reviewed the following goals and objectives once a task force is in place:

- 1) Source and/or eliminate contributing factors to water quality conditions from stormwater run-off to sewer infrastructure
- 2) Improve public notification of the issue and contributing factors
- 3) Educate and engage the citizens of Cannon Beach and surrounding areas on issues concerning urban watershed and how their actions may influence this watershed
- 4) Identify funding for and implement best management practices and infrastructure improvements for improved water quality conditions
- 5) Amend the City's Municipal Code to codify best management practices and low impact development techniques for future building, planning and infrastructure. Plybon noted that this has already been identified by the Sustainability Ad-hoc Committee in their action plan.

Mayor Morgan noted that he too has discussed the solution at the outfall with See and Mays and is satisfied with their plan.

Plybon thanked the Council for the opportunity to speak. Council thanked Plybon.

Council and staff further discussed the issue and noted that there have been documented cases of recreational beach users becoming ill due to direct contact to the water.

Tom Oxwang, 2865 Mill Pond Lane, Astoria, OR 97103, noted that he is concerned for the safety of the children. He agreed that parents should be aware that children should not be playing in the area at the Ecola Court Outfall.

In response to a question from Morgan, Bartl stated that he, Mays and See will confer to form an ad-hoc committee. He also noted that the DEQ may be able to provide financial support through grants.

Cadwallader agreed that this issue be addressed.

Jerome Arnold, P.O. Box 72, Cannon Beach, OR, reviewed that the Ecola Creek Watershed Council has been testing at the wastewater treatment area since June and is capable of testing the Ecola Court Outfall as well if Council wishes.

Mays stated that he appreciates the community outreach. He also clarified, since the City has suffered from media comment in the past, that the problem has nothing to do with our drinking water. He also noted that if Council considers implementing a committee specific to this issue that a City staff liaison may be a problem.

Jan Siebert-Wahrmund, P.O. Box 778, Cannon Beach, OR, wanted to make sure the Council was aware of the public meeting scheduled for Monday at the Presbyterian Church with regard to climate change hosted by 350.org. She encouraged staff, Council and members of the audience to attend.

ADJOURNMENT.

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

Brandy Brien, Administrative Assistant

ATTEST:

Mike Morgan, Mayor