



CITY OF CANNON BEACH

AGENDA

Amended: February 2, 2024

Meeting: City Council
Date: Tuesday, February 6, 2024
Time: 6:00 p.m.
Location: Council Chambers, City Hall

CALL TO ORDER AND APPROVAL OF AGENDA

CONSENT AGENDA

Minutes will be considered at the February 13th meeting.

PUBLIC COMMENT

*The Presiding Officer will call for statements from citizens regarding issues relating to the City.
The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.*

COMMENDATION

- (1) Presentation of Lifesaving Commendation to Officers Dietel, Salinas and Gipson**

RESOLUTIONS

- (2) Resolution 24-01 For the Purpose of Repealing Resolution 20-07 and authorizing signatories for financial institutions approved by the City Council of Cannon Beach**
If Council wishes to adopt Resolution 24-01 the appropriate motion is in order
- (3) Resolution 24-02 For the Purpose of establishing a Farmer's Market Fee Resolution**
If Council wishes to adopt Resolution 24-02 the appropriate motion is in order
- (4) Resolution 24-03 a Resolution Declaring the Need to Acquire Certain Property for Water Utility Improvements for a New Water Reservoir**
If Council wishes to adopt Resolution 24-03 the appropriate motion is in order

ACTION ITEMS

- (5) Appointment of City Committee/Board/Commission**
If Council wishes to appoint an appropriate motion is in order
- (6) Sea Turtles Forever**
If Council wishes to approve funding an appropriate motion is in order
- (7) City Manager Evaluation**
If Council wishes to adopt the evaluation form and criteria, an appropriate motion is in order

INFORMATIONAL/OTHER DISCUSSION ITEMS

- (8) **Monthly Status Report**
- (9) **Mayor Communications**
- (10) **Councilor Communications**
- (11) **Good of the Order**

ADJOURNMENT

To join from your computer, tablet or smartphone

Join Zoom Meeting

<https://zoom.us/j/99261084699?pwd=TkpjbGcxS0pCOGIMOCtSbSsxVWFMZz09>

Meeting ID: 992 6108 4699

Password: 365593

To join from your phone:

Phone: 1.669.900.6833

Meeting ID: 992 6108 4699

Password: 365593

View Our Live Stream: View our [Live Stream](#) on YouTube!

Public Comment: If you wish to provide public comment via Zoom for this meeting please use the raise your hand Zoom feature. Except for a public hearing agenda item, all Public to be Heard comments will be taken at the beginning of the meeting for both Agenda and Non-Agenda items. If you are requesting to speak during a public hearing agenda item, please indicate the specific agenda item number as your comments will be considered during the public hearing portion of the meeting when the public hearing item is considered by the Council. All written comments received by 3:00 pm the day before the meeting will be distributed to the City Council and the appropriate staff prior to the start of the meeting. These written comments will be included in the record copy of the meeting. Written comments received at the deadline will be forwarded to Council and included in the record, but may not be read prior to the meeting.

Please note that agenda items may not be considered in the exact order listed. For questions about the agenda, please contact the City of Cannon Beach at (503) 436.8052. The meeting is accessible to the disabled. If you need special accommodations to attend or participate in the meeting per the Americans with Disabilities Act (ADA), please contact the City Manager at (503) 436.8050. TTY (503) 436-8097. This information can be made in alternative format as needed for persons with disabilities.

Posted: 2024.01.30

Amended: 2024.02.02



CANNON BEACH CITY COUNCIL

STAFF REPORT

CHIEF SCHERMERHORN PRESENTING LIFESAVING COMMENDATION TO
OFFICERS DIETEL, SALINAS, AND GIPSON.

Agenda Date: February 6, 2024

Prepared by: Jason Schermerhorn, Chief of Police

BACKGROUND

On January 19th, 2024 Officers Dietel, Salinas, and Gipson responded to a medical call at a private residence. They found an unresponsive female and immediately went to work and began CPR. By the time Medix arrived on scene the female was conscious and breathing.

ACTION

Chief Schermerhorn will present Commendations and Lifesaving Medals to Officers Cody Dietel, Christian Salinas and Rashad Gipson.



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 24-01 FOR THE PURPOSE OF REPEALING RESOLUTION 20-07.

Agenda Date: February 6, 2024

Prepared by: Ron Logan
Assistant Finance Director

BACKGROUND

There is a need to review authorized banking signatories as provided in Resolution No. 20-07. Staff proposes changing the authorization to “staff positions” rather than individually named staff. This will allow bank signature cards to be updated immediately to reflect the new staff member when there is staff turnover making the transition process from one staff position to another very efficient and timely.

Staff proposes naming the following staff positions as signatories on all council approved financial institutions of the city:

City Manager
Finance Director
Chief of Police

Currently, the city uses two council approved financial institutions, Umpqua Bank (formerly Columbia Bank) and the Local Government Investment Pool.

ANALYSIS/INFORMATION

No fiscal impact.

RECOMMENDATION

Staff recommends adoption of Resolution No. 24-01, For the Purpose of Repealing Resolution 20-07 and authorizing signatories for financial institutions approved by the City Council of Cannon Beach.

List of Attachments

- A City of Cannon Beach Resolution 24-01
- B City of Cannon Beach Resolution 20-07

BEFORE THE CITY OF CANNON BEACH

REPEALING RESOLUTION NO. 20-07 AND) RESOLUTION NO. 24-01
AUTHORIZING SIGNATORIES FOR FINANCIAL)
INSTITUTIONS APPROVED BY THE CITY COUNCIL OF)
CANNON BEACH)

WHEREAS, Resolution 20-07 established specific City staff members to be authorized as signatories on file with Columbia Bank (Now Umpqua Bank) for the City of Cannon Beach Operating Account and the RV Park Account.

WHEREAS, the City of Cannon Beach wishes to authorize specific positions to be authorized as signatories on file with any financial institution with which the City conducts business.

WHEREAS, only the City Council can authorize opening a City of Cannon Beach bank account at a financial institution.

WHEREAS, the City of Cannon Beach wishes to authorize the City Manager, Finance Director, and Police Chief as signatories on all bank accounts at financial institutions approved by City Council.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Cannon Beach that:

1. Resolution 22-07 is repealed and replaced by resolution 24-01.
2. The employees filling the staff positions of City Manager, Finance Director, and Police Chief shall be authorized as signatories on all bank account at financial institutions approved by City Council.
3. This resolution is effective February 6, 2024.

PASSED by the Common Council of the City of Cannon Beach this 6th day of February, 2024, by the following vote:

YEAS:
NAYS:
EXCUSED:

ATTEST

Barb Knop, Mayor

Bruce St. Denis, City Manager

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF REMOVING MARK BARNES) RESOLUTION NO. 20-07
AND ADDING COLLEEN DICK AS A SIGNER TO THE)
OPERATING AND RV PARK ACCOUNTS AT THE)
COLUMBIA BANK)


WHEREAS, the City of Cannon Beach wishes to remove City Planner Mark Barnes from the signature card at the Columbia Bank due to his retirement; and

WHEREAS, the City of Cannon Beach wishes to add Assistant City Manager/City Recorder Colleen Dick to the list of signatories (includes, City Manager Bruce St. Denis, Finance Director Laurie Sawrey and Police Chief Jason Schermerhorn) on file at the Columbia Bank, for the Operating Account and the RV Park Account;

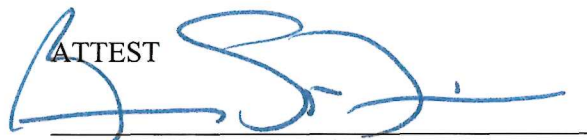
BE IT RESOLVED that the Common Council of the City of Cannon Beach hereby authorizes the removal of Mark Barnes, and the addition of Colleen Dick to the list of signatories on the Operating Account and the RV Park Account at the Columbia Bank. Such authority will remain in force until revoked by written notice to the Columbia Bank of the action taken by the City of Cannon Beach.

PASSED by the Common Council of the City of Cannon Beach this 3rd day of March, 2020, by the following vote:

YEAS: Councilors Benefield, McCarthy, Ogilvie, Risley and Mayor Steidel
NAYS: None
EXCUSED: None



Sam Steidel, Mayor

ATTEST


Bruce St. Denis, City Manager



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF RESOLUTION 24-02 FOR THE PURPOSE OF ESTABLISHING A FARMER'S MARKET FEE RESOLUTION

Agenda Date: February 6, 2024

Prepared by: Tracy Abel, Farmer's Market Manager

BACKGROUND

We are presenting Resolution 24-02 which establishes the Farmers Market fees in Resolution form. This has not been done in the past.

ANALYSIS/INFORMATION

Through researching other local area Farmer's Market, we discovered they all charge an application fee. We would like to include this fee in addition to the vendor booth pricing. In 2024 we would like to reduce vendor booth pricing to \$350 for the season paid in advance and in full including a yearly non-refundable application fee of \$25 if vendor is approved. Daily vendor booth pricing will remain at \$35 per market including a yearly non-refundable application fee of \$25 if vendor is approved. After 2024, vendor booth pricing will start at \$400 for a season paid in advance and in full and include a one-time non-refundable application fee.

RECOMMENDATION

Staff recommends Council adopt Resolution 24-02.

Suggested motion:

"I move to approve Resolution 24-02 for the purpose of establishing a Farmer's Market Fee Resolution"

List of Attachments

A. Resolution 24-02

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF ESTABLISHING A FARMERS) RESOLUTION NO. 24-02
MARKET FEE RESOLUTION)
)

INTENT AND PURPOSE. The intent and purpose of this Resolution is to establish Farmers Market fees.

WHEREAS, other farmers markets in the area charge an application fee; and

WHEREAS, in addition to the vendor booth fee, to be consistent with area practices, the City will add an application fee; and

WHEREAS, the Council wishes to establish the Farmer's Market fee schedule as described below.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Cannon Beach:

1. Vendor Booth Pricing of \$350 (paid in advance and in full) in 2024
2. Vendor Booth Pricing starting at \$400 (paid in advance and in full) after 2024
3. Daily Vendor Booth Pricing starting at \$35
4. Yearly application Fee of \$25.00 (upon approval and non-refundable)
5. Staff is authorized to take all necessary steps to effectuate this Resolution
6. This resolution is effective February 7, 2024

PASSED by the Common Council of the City of Cannon Beach this 6th day of February by the following roll call vote:

YEAS:
NAYS:
EXCUSED:

Barb Knop, Mayor

Attest:

Bruce St. Denis, City Manager



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF RESOLUTION 24-03 A RESOLUTION DECLARING THE NEED TO ACQUIRE CERTAIN PROPERTY FOR WATER UTILITY IMPROVEMENTS FOR A NEW WATER RESERVOIR

Agenda Date: February 6, 2024

Prepared by: Karen La Bonte, Public Works Director

BACKGROUND

The City currently has an easement on property owned by the Cannon Beach Conference Center (CBCC) for a drinking water reservoir and the associated underground infrastructure. The City needs to replace the existing water reservoir with a new reservoir that meets the current seismic standards. This requires a modification and increase to the current easement footprint.

The new water reservoir is a critical component of the Water Resiliency project that replaces current aging water infrastructure with new seismically resilient HDPE pipe, the new water reservoir, and seismic valves that can sense movement and close to preserve the drinking water that's inside the reservoir, so it's not lost in a seismic event.

ANALYSIS/INFORMATION

The City has attempted to revise the easement and has worked with conference center staff and their attorney for over a year and half. Despite numerous attempts and a significant amount of time passing, the City is still waiting on a revised easement from the CBCC. At this point, the City cannot delay the project any longer and must move forward with obtaining the easements by eminent domain.

RECOMMENDATION

Staff recommends Council adopt Resolution 24-03.

Suggested motion:

"I move to approve Resolution 24-03 a Resolution Declaring the Need to Acquire Certain Property for Water Utility Improvements for a New Water Reservoir"

List of Attachments

- A. Resolution 24-03

BEFORE THE CITY OF CANNON BEACH

A RESOLUTION DECLARING THE NEED TO AC-) RESOLUTION NO. 24-03
QUIRE CERTAIN PROPERTY FOR WATER UTILITY)
IMPROVEMENTS FOR A NEW WATER RESERVOIR)

WHEREAS, Section 33 of the Cannon Beach City Charter grants the City authority to acquire land for public purposes including through condemnation; and

WHEREAS, Oregon law, including but not limited to ORS 223.005, authorizes the City to appropriate real property within or without its corporate limits for any public or municipal use, and ORS 225.020 authorizes the City to use its condemnation power to acquire real property both within and outside its boundaries for water systems; and

WHEREAS, the Cannon Beach City Council deems it necessary and in the public interest to acquire permanent and temporary easements over certain real property located near the current water revoir located adjacent to the Cannon Beach Conference Center, which easements are legally described in Exhibit A and depicted on Exhibit B (collectively, Easement), attached and incorporated by reference herein; and

WHEREAS, the City needs the Easement in order to locate, construct, operate, and maintain the city's new drinking water reservoir and associated water system improvements to meet seismic requirements associated with the Water Resiliency Project, and

WHEREAS, the Water Resiliency Project is also on the City's Water Master Plan as well as a part of the City's Capital Improvement plan; and

WHEREAS, the Water Resiliency Project is designed to, among other benefits, enhance and protect the City's water system and to ensure it meets current seismic requirements; and

WHEREAS, the Cannon Beach City Council deems it necessary to construct the Water Resiliency Project for the continued growth, health, safety, and general welfare of the community and to acquire the Easement property interests for an enhanced water utility and other public purposes related to the Water Resiliency Project.

NOW, THEREFORE, THE CITY OF CANNON BEACH RESOLVES AS FOLLOWS:

Section 1. The above recitals shall form an integral part of this resolution and shall have the same force and effect as if fully stated herein.

Section 2. The permanent and temporary construction easements to be acquired are legally described in the attached Exhibit A and depicted in the attached Exhibit B (collectively, Easement); and

Section 3. The Easement is required and necessary to locate, construct, operate, and maintain the Water Resiliency Project, which will enhance the public water system for the benefit of the public.

Section 4. The Easement has been planned, designed, located, and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury; and

Section 5. The Cannon Beach City Manager and the City Attorney or their designees are authorized to attempt to agree with the owners and other persons with interest in the real property described in Exhibits A and B as to the compensation to be paid for the acquisition of the Easement. In the event that

no satisfactory agreement can be reached, then the City Attorney or their designee are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein, including condemnation proceedings, and that upon the filing of such proceeding, possession of the interest in real property may be taken immediately to the extent provided by law; and

Section 6. This resolution is effective immediately upon adoption.

Approved and adopted by the Cannon Beach City Council at a regular meeting held on the 6 day of February 2024 by the following roll call vote:

YEAS:
NAYS:
EXCUSED:

Barb Knop, Mayor

Attest:

Bruce St. Denis, City Manager



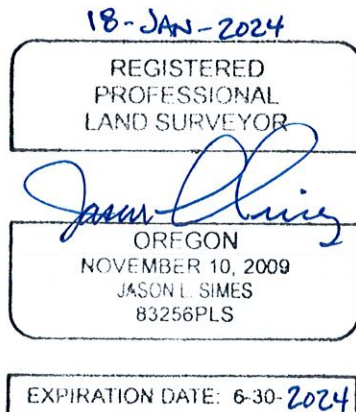
January 17, 2024

LEGAL DESCRIPTION
FOR
CITY OF CANNON BEACH
FOR
TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement over a portion of that tract of land as described in Book 558, Page 427, Clatsop County Deed Records, situated in the Northeast quarter of the Southwest quarter of Section 29, Township 5 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon, further described as follows:

Beginning at the Southwest corner of Parcel 2, Partition Plat 1996-032, Clatsop County Survey Records, thence N 88°50'26" E a distance of 33.62 feet to the **TRUE POINT OF BEGINNING**;

thence South 35°14'07" East a distance of 142.71 feet;
thence South 54°46'05" West a distance of 75.00 feet;
thence South 35°13'55" East a distance of 268.35 feet;
thence North 89°13'46" East a distance of 54.63 feet;
thence North 54°46'07" East a distance of 291.17 feet;
thence North 35°13'53" West a distance of 47.91 feet;
thence North 51°02'55" East a distance of 253.06 feet;
thence North 00°05'34" West a distance of 25.00 feet;
thence South 88°50'26" West a distance of 0.87 feet;
thence South 51°02'55" West a distance of 266.75 feet;
thence North 35°13'53" West a distance of 107.05 feet;
thence South 54°46'07" West a distance of 161.21 feet;
thence North 35°14'07" West a distance of 199.33 feet;
thence S 88°50'26" W a distance of 120.73 feet to the **TRUE POINT OF BEGINNING**.



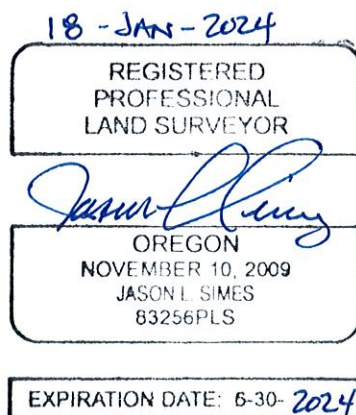


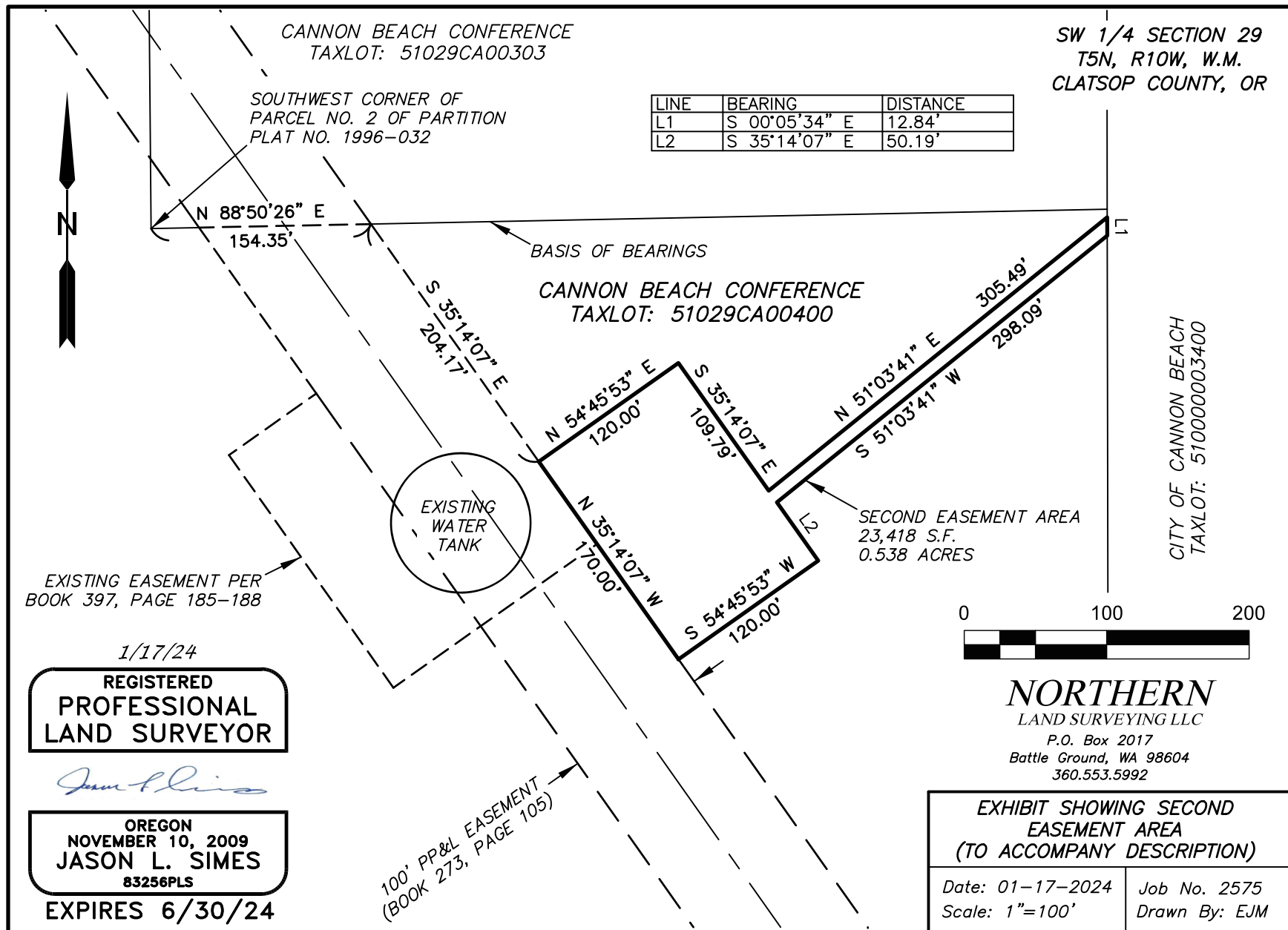
January 17, 2024

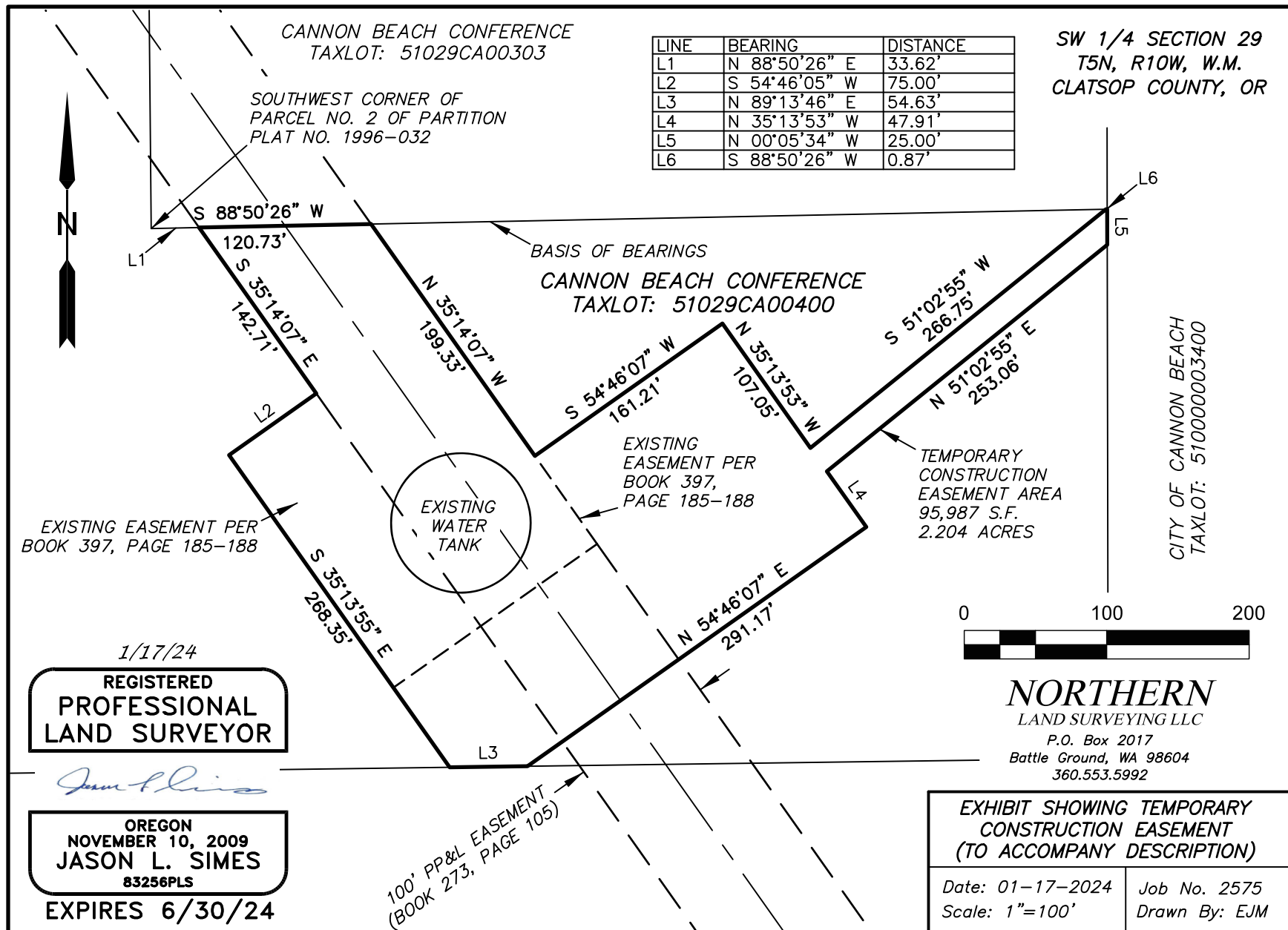
LEGAL DESCRIPTION
FOR
CITY OF CANNON BEACH
FOR
UTILITY EASEMENT

A utility easement over a portion of that tract of land as described in Book 558, Page 427, Clatsop County Deed Records, situated in the Northeast quarter of the Southwest quarter of Section 29, Township 5 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon, further described as follows:

Beginning at the Southwest corner of Parcel 2, Partition Plat 1996-032, Clatsop County Survey Records, thence N 88°50'26" E a distance of 154.35 feet; thence S 35°14'07" E a distance of 204.17 feet to the **TRUE POINT OF BEGINNING**;
thence S 35°14'07" E a distance of 170.00 feet;
thence N 54°45'53" E a distance of 120.00 feet;
thence N 35°14'07" W a distance of 50.19 feet;
thence N 51°03'41" E a distance of 298.09 feet;
thence N 00°05'34" W a distance of 12.84 feet;
thence S 51°03'41" W a distance of 305.49 feet;
thence N 35°14'07" W a distance of 109.79 feet;
thence S 54°45'53" W a distance of 120.00 feet to the **TRUE POINT OF BEGINNING**.









CANNON BEACH CITY COUNCIL

STAFF REPORT

APPOINTMENT OF CITY COMMITTEE/BOARD/COMMISSION

DESIGN REVIEW BOARD: one (1) vacancy to fill a four-year terms beginning immediately.

Applicants: Tim Ramey, Lisa Nofield and Jenee Pearce-Mushen

Council will vote by roll call.

If the Council wishes to appoint an applicant to the Design Review Board an appropriate motion is in order.

“I move to appoint _____ to the Design Review Board beginning immediately.”

TOURISM AND ARTS COMMISSION (TAC): two (2) vacancies to fill a four-year terms beginning immediately.

Applicants: Julie Walker*

If the Council wishes to appoint an applicant to the Tourism and Arts Commission an appropriate motion is in order.

“I move to appoint _____ to the Tourism and Arts Commission beginning _____. ”

*Julie Walker is eligible to serve on the Tourism and Arts Commission beginning May 1st



CITY OF CANNON BEACH

APPLICATION FOR CITY COMMITTEE, BOARD, OR COMMISSION

| | |
|--|---|
| Applicant Name: <u>TIMOTHY S. RAMSEY</u> | Type of Application: |
| Mailing Address: [REDACTED] | <input checked="" type="checkbox"/> New |
| Telephone (Home): [REDACTED] | <input type="checkbox"/> Renewal |
| Alt. Telephone: [REDACTED] | |
| Email Address: [REDACTED] | |

Which Committee, Board, or Commission would you like to serve upon (see full qualifications required for each Committee on reverse)? Submit completed application questionnaire with this application.

| | |
|--|---|
| <input type="checkbox"/> Budget Committee Must provide copy of voter registration card with application | <input type="checkbox"/> Parks & Community Services Committee |
| <input checked="" type="checkbox"/> Design Review Board | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Farmers Market Committee | <input type="checkbox"/> Public Works |
| <input type="checkbox"/> Tourism and Arts Commission (TAC) See specific requirements in Municipal Code Chapter 2.32.040 D | |

Please indicate which committee(s) you are already a member of: BUDGET

If you are applying for more than one committee, are you willing to serve on both? If not, indicate your order of preference for service:

Applicants must have resided within the city or its urban growth boundary during the one year immediately preceding appointment; or at the time of appointment, shall have owned real property located within the city or its urban growth boundary for at least one year immediately preceding appointment. **Note:** Tourism and Arts Commission applicants are not required to reside in Cannon Beach and are eligible if he or she has worked, at least part-time, within the City of Cannon Beach for at least one year immediately preceding appointment. Do you meet this criterion?

Why are you interested in this position? Please use extra sheets as necessary.

TO CONTINUE TO SERVE CANNON BEACH AND MAKE IT THE BEST IT CAN BE

What knowledge, skills or experience can you bring to this position? Please use extra sheets as necessary.

BOARD MEMBER - SEE MY CV

What is your current occupation?

BUSINESS OWNER - SEE MY CV

Applicant Signature: _____

Date: 12-31-23



CITY OF CANNON BEACH

APPLICATION FOR DESIGN REVIEW BOARD AND/OR PLANNING COMMISSION

| | |
|--|---|
| Applicant Name: Timothy S Haney TIMOTHY S HANEY | Type of Application: |
| Mailing Address: [REDACTED] | <input checked="" type="checkbox"/> Design Review Board |
| Telephone (Home): [REDACTED] | <input type="checkbox"/> Planning Commission |
| Alt. Telephone: [REDACTED] | |
| Email Address: [REDACTED] | |

Please answer the questions below and return with your application. Use extra pages as necessary.

1. Have you read the ordinance defining this committee to understand its purpose and duties?
Yes I have.
2. Are you willing to learn and follow the Oregon ethics rules, including those regarding conflict of interest?
<https://www.oregon.gov/ogec/Pages/Guide-for-Public-Officials.aspx> for details.

Yes I am.

3. Will you be able to regularly attend the meetings and possible work sessions? Including a one day training session?

Yes I will be.

4. What is it about this committee that attracts you?

The DRB is perhaps the committee most responsible for the beautiful look and feel of Cannon Beach that distinguishes it from all other Oregon coastal cities. I would be honored to continue in that tradition and uphold the trust that our citizens place in the DRB.

5. What would you like to accomplish by being a member of this committee?

I would like to serve the city to make Cannon Beach as beautiful and wonderful as possible. I support the City's position on the redevelopment of the CBE and on the development of the new city hall and police station. I want the city to become more proactive in development of workforce housing and would support a plan to do this on the site of the RV park. I support parking reform initiatives - not building more parking lots - Joni Mitchell got it right when she said "they paved paradise and put up a parking lot." Cannon Beach needs a vibrant beautiful business district and I would be highly supportive of making sure that continues. I would support an initiative to our Master Plan to make all utilities underground at least in the core business area of the city at the same time we open trenches in the streets for our water hardening projects. The burden of this cost should be on the city not the businesses.

6. Do you have a special expertise or training relevant to this appointment (for example, construction, design, engineering, environmental sciences, real estate, law)?

I have extensive experience with construction and have done countless construction projects. I run a small business and understand the challenges of that - running a successful small business is amazingly difficult. I am a Chartered Financial Analyst so I am quite financially savvy.

7. Are you able to make legally-defensible decisions, even if you personally disagree with the result?

I am an expert witness on a part-time basis and yes I am very skilled at writing reports that make legally defensible arguments.

8. Sometimes people testifying at PC/DRB hearings say things that are rude, uninformed, off-topic, or inappropriate. Can you provide a fair and even-handed hearing and decision under these circumstances?

Yes.

9. Have you ever attended a PC/DRB meeting in Cannon Beach? In another city? Have you ever participated in a PC/DRB hearing? As an applicant? As an opponent? As a proponent?

yes I have attended. I have never been a party to a matter at DRB

10. Have you looked at Cannon Beach's planning document: the comprehensive plan and zoning ordinance? What about other county or city planning documents?

Yes I am very familiar with the comprehensive plan and I support its goals. I also have a good working knowledge of the zoning ordinances and support our work to update them with the Code Audit Process

Applicant Signature:



Date:

12-31-23

Timothy S Ramey, CFA

Food, Beverage and Nutrition Analyst

Timothy Ramey has been an expert in the Food, Beverage and Nutrition industries for the past 33 years. From 2014 to 2019 he was Senior Analyst – Food, Beverage and Nutrition for Pivotal Research Group, New York, NY. Companies under his research coverage include: Balchem Corp; Brown-Forman; Constellation Brands; Flowers Foods; Herbalife Nutrition; Kellogg; Nu Skin; Post Holdings; Tyson Foods and USANA Health Sciences. Tim was a frequent commentator on Food and Beverage stocks for CNBC and Bloomberg TV.

In 2014 Tim was Director of Strategic Ventures for Post Holdings, a multi-billion dollar packaged foods company in St. Louis, MO. He was tasked with driving the acquisition strategy for Post and reporting to legendary CEO and dealmaker Bill Stiritz.

Prior to joining Post, Mr. Ramey served 11 years as Senior Vice President of Equity Research for D.A. Davidson & Co. covering food and beverage. He is an award-winning research analyst receiving many national awards recognizing the strength and accuracy of his research:

- 2013 Thompson/Reuters Starmine ranked #2 stock picker across all sectors
- 2011 ranked #1 in stock picking of all equity analysts (also in 2007)
- 2010 #2 for earnings estimates by Thompson/Reuters among food industry peers
- 2009 named to the *Forbes* "Best Brokerage Analysts" for coverage of the Food sector
- 2008 named the nation's No. 1 analyst (of all sectors) on the *Forbes* "Best Brokerage Analysts"
- 2010 and 2011 *The Wall Street Journal* ranked third among its "Best on the Street" analysts, an honor he has received five times in his career

In 2000 - 2002 Ramey served as Vice-President – Strategy and Corporate Development, Sara Lee Corporation, Chicago, IL. He reported to Sara Lee's CEO and served on its 11-person Executive Management Committee. Tim directed the company's acquisition and internal investment strategies and oversaw the strategic development of new business ventures.

From 1986-2000 Ramey was in New York, 10 years as Director of Food, Wine and Agribusiness Research for Deutsche Bank, and earlier posts at NatWest Securities and Kidder, Peabody & Co. where he began his Wall Street equity research career in 1986.

Ramey served as member of the Board of Directors of NASDAQ-listed Strategic Diagnostics for six years and served as Chairman of the Compensation Committee. More recently, Ramey has served as an expert witness in litigation involving M&A and valuation of packaged goods companies. Ramey earned his bachelor's degree from the University of Washington in 1981 and was awarded the Chartered Financial Analyst designation in 1986. With Kari, his wife of 44 years, the Rameys own Zenith Vineyard, a highly acclaimed 133-acre vineyard and winery in Oregon's Willamette Valley.



CITY OF CANNON BEACH

JAN 11 2024

Received

APPLICATION FOR DESIGN REVIEW BOARD AND/OR PLANNING COMMISSION

| | |
|-------------------------------------|---|
| Applicant Name: <u>Lisa Nofield</u> | Type of Application: |
| Mailing Address: [REDACTED] | <input checked="" type="checkbox"/> Design Review Board |
| Telephone (Home): [REDACTED] | <input type="checkbox"/> Planning Commission |
| Alt. Telephone: [REDACTED] | corn |
| Email Address: [REDACTED] | |

Please answer the questions below and return with your application. Use extra pages as necessary.

1. Have you read the ordinance defining this committee to understand its purpose and duties?

yes

2. Are you willing to learn and follow the Oregon ethics rules, including those regarding conflict of interest? <https://www.oregon.gov/ogec/Pages/Guide-for-Public-Officials.aspx> for details.

yes

3. Will you be able to regularly attend the meetings and possible work sessions? Including a one day training session?

yes

4. What is it about this committee that attracts you?

We have a passion for aesthetics of Cannon Beach. We enjoy design & creativity.

5. What would you like to accomplish by being a member of this committee?

Contribute & assist in supporting building design that has a sense of place and fits the fabric of our community.

6. Do you have a special expertise or training relevant to this appointment (for example, construction, design, engineering, environmental sciences, real estate, law)?

I've been involved in designing numerous residences + lodging projects from ground up.

7. Are you able to make legally-defensible decisions, even if you personally disagree with the result?

yes

8. Sometimes people testifying at PC/DRB hearings say things that are rude, uninformed, off-topic, or inappropriate. Can you provide a fair and even-handed hearing and decision under these circumstances?

yes

9. Have you ever attended a PC/DRB meeting in Cannon Beach? In another city? Have you ever participated in a PC/DRB hearing? As an applicant? As an opponent? As a proponent?

I've attended DRB meetings supporting my husband. (an applicant)

10. Have you looked at Cannon Beach's planning document: the comprehensive plan and zoning ordinance? What about other county or city planning documents?

yes

Applicant Signature: Glenn R. Field Date: Jan. 11, 2024



CITY OF CANNON BEACH

APPLICATION FOR CITY COMMITTEE, BOARD, OR COMMISSION

| | |
|--|--|
| Applicant Name: Jeneé Pearce-Mushen Mailing Address: [REDACTED] Telepho(Home): [REDACTED] Email Address: [REDACTED] | <u>Type of Application:</u> <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal |
|--|--|

Which Committee, Board, or Commission would you like to serve upon (see full qualifications required for each Committee on reverse)? Submit completed application questionnaire with this application.

| | |
|---|---|
| <input type="checkbox"/> Budget Committee Must provide copy of voter registration card with application | <input type="checkbox"/> Parks & Community Services Committee |
| <input checked="" type="checkbox"/> Design Review Board | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Farmers Market Committee | <input type="checkbox"/> Public Works |
| <input type="checkbox"/> Tourism and Arts Commission (TAC) See specific requirements in Municipal Code Chapter 2.32.040 D | |

Please indicate which committee(s) you are already a member of: Public Works

If you are applying for more than one committee, are you willing to serve on both? If not, indicate your order of preference for service:

Applicants must have resided within the city or its urban growth boundary during the one year immediately preceding appointment; or at the time of appointment, shall have owned real property located within the city or its urban growth boundary for at least one year immediately preceding appointment. **Note:** Tourism and Arts Commission applicants are not required to reside in Cannon Beach and are eligible if he or she has worked, at least part-time, within the City of Cannon Beach for at least one year immediately preceding appointment. Do you meet this criterion?

Why are you interested in this position? Please use extra sheets as necessary.

Please see below

What knowledge, skills or experience can you bring to this position? Please use extra sheets as necessary.

Please see below

What is your current occupation?
Director of Pacific Alarm Systems

Applicant Signature: [Signature] Date: 1.11.2024



CITY OF CANNON BEACH

APPLICATION FOR DESIGN REVIEW BOARD AND/OR PLANNING COMMISSION

| | |
|--|--|
| <p>Applicant Name: _____</p> <p>Mailing Address: _____</p> <p>Telephone (Home): _____</p> <p>Alt. Telephone: _____</p> <p>Email Address: _____</p> | <p><u>Type of Application:</u></p> <p><input type="checkbox"/> Design Review Board</p> <p><input type="checkbox"/> Planning Commission</p> |
|--|--|

Please answer the questions below and return with your application. Use extra pages as necessary.

1. Have you read the ordinance defining this committee to understand its purpose and duties?
2. Are you willing to learn and follow the Oregon ethics rules, including those regarding conflict of interest? <https://www.oregon.gov/ogec/Pages/Guide-for-Public-Officials.aspx> for details.
3. Will you be able to regularly attend the meetings and possible work sessions? Including a one day training session?
4. What is it about this committee that attracts you?
5. What would you like to accomplish by being a member of this committee?

6. Do you have a special expertise or training relevant to this appointment (for example, construction, design, engineering, environmental sciences, real estate, law)?
7. Are you able to make legally-defensible decisions, even if you personally disagree with the result?
8. Sometimes people testifying at PC/DRB hearings say things that are rude, uninformed, off-topic, or inappropriate. Can you provide a fair and even-handed hearing and decision under these circumstances?
9. Have you ever attended a PC/DRB meeting in Cannon Beach? In another city? Have you ever participated in a PC/DRB hearing? As an applicant? As an opponent? As a proponent?
10. Have you looked at Cannon Beach's planning document: the comprehensive plan and zoning ordinance? What about other county or city planning documents?

Applicant Signature:  Date: _____



CANNON BEACH CITY COUNCIL

STAFF REPORT

Sea Turtles Forever

Agenda Date: February 6, 2024

Prepared by: Bruce St. Denis, City Manager

BACKGROUND

During Good of the Order at the December 12th, 2023 work session, Council requested Sea Turtles Forever submit an invoice to the city with information from their clean up season. At the January 10th, 2024 work session, the Council reviewed the materials presented. The materials are included in Attachment A.

ANALYSIS/INFORMATION

The fiscal year 2023-2024 budget has \$10,000 for Beach Plastic Remediation, with no specific recipient designated.

RECOMMENDATION

Should council wish to award the funds to Sea Turtles Forever, a motion would be required.

“I move to award _____ to Sea Turtles Forever from the FY 23-24 for the beach plastic remediation work”

List of Attachments

- A Sea Turtles Forever Invoice
- B Public Input



STF/Blue Wave was asked to submit an invoice for work done in Cannon Beach during the summer of 2023.

It was our understanding that the Cannon Beach Budget Committee approved an \$11,000 budget line item for microplastic removal operations. We would like to receive these funds to cover our budget deficit from 2023 and earmark any remaining funds for the 2024 season.

During the 2023 season we knew we were going to be under budget without these funds and could not hire a needed additional worker that would have improved our operations.

We will be once again struggling to secure the necessary funds for operations during the 2024 season so any additional funds would be greatly appreciated. We have been dedicated to sustaining the beaches in the Cannon Beach area for 13 years and this is why Cannon Beach has the cleanest beaches in Oregon.

Thank you for your continuing support.

Alan Ward
Executive Director
503-739-1446



City of Cannon Beach
Finance Department

DEC 28 2023

Received

I have been asked for information regarding STF/Blue Wave microplastic removal operations in Cannon Beach, Oregon for the 2023 year.

How many people worked:

Five people worked over the course of the summer but only 3 worked full time due to budget restraints.

How many hours were worked:

A total of 788 hours were worked not including the volunteer hours put in by Marc Ward. Marc Ward volunteered for the first two months of operations and then received a salary of \$1500.00 per month when grant funds became available.

What was the rate of pay:

The rate of pay for our Team Leader on the beach is \$23.00, team members receive \$20.00 and Valerie Schokelt was at \$18.00. Marc received \$1500.00 per month salary for three months of operations but actually made \$7.00 per hour (Form 132).

Have the workers been paid:

All workers have been paid.

If the workers were paid what was the funding source for the payment.

We have a financial report that outlines where the funds came from and what our expenses were. We received 4 small grants and donations from Cannon Beach businesses. We also receive some donations from outside of the area that are earmarked for operations in Cannon Beach.

How much microplastics were collected:

Total debris collected was 2607.47lbs. and as usual a large percentage of that came from Whale Park where we removed 1301.47lbs.

Marc Ward - Executive Director

Financial Report STF/Blue Wave 2023

| | | |
|--|---------------------|--|
| | 1/1/2023 – 9/1/2023 | |
| Income | | |
| A. Grants | | |
| Lush Cosmetics | \$7,500.00 | |
| American Endowment Fund | \$3,959.00 | |
| First Nature | \$1,200.00 | |
| Lamb Foundation | \$2,000.00 | |
| B. Donations | | |
| Jeff and Carrol Hall | \$1,000.00 | |
| Ice Fire Gallery | \$500.00 | |
| Geoff Tichenor | \$500.00 | |
| C. Miscellaneous | | |
| Dragon Fire Gallery | \$1,375.00 | |
| Other | \$300.00 | |
| | | |
| Total Income | \$18,334.00 | |
| | | |
| | | |
| Expense | | |
| A. Administrative Expense | | |
| Accounting | \$1,642.50 | |
| Insurance | \$941.00 | |
| Corporate Registration | \$50.00 | |
| B. Equipment expense | | |
| Filtration screens (2) | \$378.00 | |
| Gloves | \$200.00 | |
| Disposal bags | \$121.45 | |
| Buckets | \$15.00 | |
| LUSH screens designated to other Non-profits | \$2,200.00 | |
| C. Payroll | | |
| Gross wages | \$15,321.50 | |
| Payroll taxes | \$2743.74 | |
| | | |
| Total expense | \$23,613.19 | |
| | | |
| Net income | \$18,334.00 | |
| | | |
| | | |
| Budget deficit | \$5279.19 | |
| | | |

Form 132

Oregon Employee Detail Report

Include with Form OQ

You must complete this form if you have employees and pay Unemployment Insurance (UI) tax (or reimburse the Employment Department for unemployment benefits) or withhold State Income Taxes, Statewide Transit Taxes (STT), or Paid Family and Medical Leave Insurance (PFMLI). If you fail to report all employees with correct and accurate information, including correct Social Security numbers, you may be charged penalties (ORS 657.571 and 657B.920). Do not submit photocopies.

Date received

05-Oct-2023

Business name

SEA TURTLES FOREVER

Federal employer identification number (FEIN) Business identification number (BIN) Quarter/Year (Q/YY) Total UI subject wages (must equal Form OQ, 13a).

20-1575608 01595739-6 3 2023 15,331.50

| Social Security Number | First Initial | Employee Last Name | Whole Hours Worked | UI Subject Wages | State Withholding | STT Subject Wages | STT Withholding | PFMLI Subject Wages |
|------------------------|---------------|--------------------|--------------------|------------------|-------------------|-------------------|-----------------|---------------------|
| ***-**-6379 | M | UNGER | 245 | \$4,890.00 | 346.00 | 4,890.00 | 4.89 | 4,890.00 |
| ***-**-6420 | J | BOOM | 33 | \$650.00 | 30.00 | 650.00 | 0.65 | 650.00 |
| ***-**-1880 | S | AMBER-VEORH EIS | 262 | \$5,991.50 | 433.00 | 5,991.50 | 5.99 | 5,991.50 |
| ***-**-4079 | M | WARD | 540 | \$3,800.00 | 210.00 | 3,800.00 | 3.80 | 3,800.00 |
| Total: | | | | \$15,331.50 | 1,019.00 | 15,331.50 | 15.33 | 15,331.50 |

From: [Cannon Beach Oregon](#)
To: [City Hall Group](#)
Subject: Council Work Session 1/10/2024 - Sea Turtles forever
Date: Thursday, January 11, 2024 4:37:47 PM

Name: Richard Bertellotti
Email: rlbertellotti@outlook.com

Message: I have previously served on the Cannon Beach Budget Committee for eight years. The Sea Turtles Forever group has been a budget issue in the past, they need to be reminded that they have to play by the rules like all the other nonprofits asking for City funds. I am not questioning the work they do, but their lack of an application and public discussion of the application for city funds needs to be addressed. If they cannot apply by the deadline they miss out on that year's grant, consistent with other nonprofits.

MEMORANDUM

TO: Cannon Beach City Council
FROM: Ashley Driscoll, City Attorney's Office
CC: City Manager Bruce St. Denis
SUBJECT: City Manager Evaluation
DATE: February 6, 2024

Pursuant to Section 5.C of City Manager's Bruce St. Denis' employment agreement with the City, the City Council shall review St. Denis' performance each year. Prior to the evaluation process, the City Council "shall meet with [St. Denis] to establish the parameters for the performance evaluation."

The timeline for this project is as follows:

- **Tonight:** Review and approve the Proposed 2023 Evaluation Form and Criteria
 - o City Council discusses any amendments to the Evaluation Form and Criteria
 - o City Council adopts Evaluation Form and Criteria by motion
- **February 13, 2024:** City Manager provides Council with self-evaluation
- **DATE – TBD between February 20 and 28:** City Council meets in executive session with City Attorney to discuss City Manager evaluation using the adopted form and criteria
 - o From past experience it is best to schedule this as a free-standing executive session.
- **DATE – TBD between February 28 and March 7:** City Council and City Manager meet in executive session to discuss City Manager evaluation
 - o Either a free-standing executive session or in conjunction with another meeting.
- **March 12, 2024:** City Council adopts City Manager evaluation and discusses potential merit increase in open meeting.
 - o What information does the Council need prior to making any merit increase decision? Previously I provided a city manager salary survey for Clatsop County (Warrenton, Astoria, Seaside and Manzanita)

Attachments: A. 2023 Proposed Evaluation Form and Criteria
B. Bruce St. Denis Employment Agreement



CITY OF CANNON BEACH

**City Manager
Evaluation
Process & Form**

INTRODUCTION

In order to establish and maintain an effective leadership team for the community, founded on the relationships between the City Council and the City Manager, it is essential the Council establish an ongoing evaluation process. This offers an opportunity for the Councilors and Manager to review the performance of the City Manager, to establish clarity in expectations for achievements and performance on both an annual and on-going basis, to establish the criteria by which the City Manager will be evaluated, to clarify what the City Manager expects of the Council to help the Manager be successful in meeting the expectations, and to jointly review the effectiveness of this joint leadership team.

Specifically, the evaluation process will:

- Allow the City Manager and the Council to test, identify, and refine their respective roles, relationships, expectations of and responsibilities to each other.
- Allow discussion of the City Manager's strengths and weaknesses as demonstrated by past performance with the objective of increasing the City Manager's effectiveness; that is, give the Council the opportunity to provide positive feedback in areas that have been handled well and to outline clearly areas where the City Manager could become even more effective through improved performance.
- If determined by the Council to be necessary, establish a framework for the Council and Manager to address deficiencies in the Manager's performance where the inability to successfully resolve those deficiencies may lead to reconsideration of the City Manager's contract.

CONTEXT

The City Charter establishes the position of City Manager and defines its responsibilities, as well as the Council's responsibilities relative to the Manager's role.

The City Manager's contract sets out an agreement that annual performance evaluations will be performed by the Council.



PROCESS

The City Manager evaluation process initially includes two steps: (1) establishment of the criteria and form to be used for the evaluation; and (2) the evaluation itself.

The criteria and form are adopted by the Council by motion.

The evaluation process is performed in executive sessions. Therefore, written minutes and the Council discussion are protected under the provisions of the Oregon Revised Statutes on executive sessions conducted for the purpose of an employee performance evaluation. (ORS 192.660(2)(i)).

The steps of the evaluation process are:

1. The evaluation process shall occur in the last quarter of each year. However, the Council may conduct an additional evaluation at any time.
2. The Mayor or designee distributes the evaluation forms to all Councilors and the City Manager.
3. Each Councilor and the Mayor reviews the evaluation form and considers the City Manager's performance based on the evaluation criteria prior to the first executive session.
4. Mayor, City Councilors and City Attorney meet in executive session to discuss the City Manager's performance based on the evaluation form and criteria.
5. Mayor or designee records the Council's collective opinion on the City Manager's performance based on the evaluation criteria. This document becomes the Council's written evaluation.
6. Mayor, City Councilors, City Attorney and City Manager meet in executive session to review/discuss the evaluation. Mayor or designee presents the City Manager with the Council's written evaluation.
7. The City Council adopts the City Council's review of the City Manager's performance by resolution in open session.
8. Following the evaluation, the Mayor and Council President will represent the City Council in any contract negotiations with the City Manager.



CITY MANAGER EVALUATION CRITERIA

City Manager _____

Evaluator Name _____

Signature _____

Evaluation Period _____

1. Service Delivery Management –

- a. How well is the City Manager managing the various departments?
- b. How well are those departments performing?

2. Human Resource Management –

- a. How effective are City employees overall?
- b. How responsive are City employees to citizens and business, what is the service orientation, and how is the follow-through?
- c. What is the level of overall morale within the organization?
- d. what is employee retention like?
- e. How well have recruitments been conducted, and have good employees been selected and hired?

3. Risk Management –

- a. How well has general liability been managed?

4. Financial Management –

- a. How efficiently does the organization use its limited financial resources?
- b. How good, and appropriate, is the budget process, presentation, and implementation?
- c. How well is financial planning and management undertaken, and, given relative economic conditions and factors outside the control of the City, is the financial condition of the City improving?

5. Planning –

- a. How well have meaningful goals and objectives been developed?
- b. How well have City programs and projects been developed?
- c. How well has Council policy-making been facilitated by good advance staff work?

6. Accomplishments –

- a. Have established goals and objectives been met?
- b. How well have City programs and projects been implemented?
- c. How well have Council policy directives been carried out?



7. City Council Relationships –

- a. How effectively does the City Manager communicate with Councilors?
- b. How effectively does the City Manager support the Council's policy development and problem solving?

8. Leadership –

- a. Has the City Manager been an effective leader and advocate for Cannon Beach in the regional community?
- b. Has the City Manager led the organization by creating a good example?
- c. Does the City Manager display foresight, imagination, and vision, and demonstrate reasonable risk-taking where rewards may be great?
- d. Does the City Manager display strategic thinking?

9. Communications –

- a. How well does the City Manager communicate orally?
- b. In written form?
- c. How responsive is the City Manager to citizen complaints and inquiries?
- d. How does the City Manager interact with the press

10. Decision-Making, Problem Solving, and Judgment –

- a. Does the City Manager display integrity, honesty, and ethical behavior?
- b. Is the City Manager fair, impartial, and objective?
- c. Are the City Manager's analyses and reports logical, clear, and concise?
- d. How successful are outcomes of various negotiations the City Manager been part of?
- e. Does the City Manager display a good sense of timing?
- f. Does the City Manager exercise good judgment?

11. Personal and Professional –

- a. Does the City Manager approach the job with enthusiasm, energy, and a positive attitude?
- b. Is the City Manager good at self-assessment and improvement?
- c. How good is the City Manager's personal and professional reputation?
- d. How good are the City Manager's listening skills?
- e. Is the City Manager fully engaged in the job, and fully dedicated and committed?
- f. How well does the City Manager handle stressful situations?
- g. How much job knowledge does the City Manager possess, and does the City Manager diligently pursue professional development opportunities?

EMPLOYMENT AGREEMENT

This agreement is made this date by and between the **City of Cannon Beach**, a political subdivision of Clatsop County, Oregon (hereinafter referred to as “City”), and Bruce St. Denis, an individual (hereinafter referred to as “Employee”) both of whom understand and agree as follows.

WHEREAS, Section 22 of the City of Cannon Beach Charter establishes the position of City Manager and authorizes the City Council to appoint an individual to fill that position for an indefinite term and to serve at the pleasure of the City Council; and

WHEREAS, the City desires to employ Employee as City Manager and to provide Employee inducements to remain in said employment; extend certain benefits, establish certain conditions of employment, and to set certain working conditions.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, **IT IS AGREED AS FOLLOWS**:

1. **EMPLOYMENT AND DUTIES.** The City hereby agrees to employ Employee as City Manager. The Employee’s first date of employment is December 1, 2017. Employee agrees to accept said employment and to discharge the duties of City Manager as provided in the City Charter, municipal ordinances, and to perform other legally permissible and proper duties and functions.

2. **TERM.** The term of this agreement shall be for an indefinite period of employment. Employee understands and agrees that he serves at the will and pleasure of the City Council. Termination shall occur as set forth in Section 3.

3. **TERMINATION.**

A. **BY THE CITY.** The parties recognize and acknowledge that Employee is an “at will” employee and agree that the City Council may terminate Employee with or without cause at any time and for any reason. City shall provide Employee with written notice, including the date termination becomes effective, at least 72 hours prior to the effective date. If terminating for cause, the written notice shall set forth the reasons for termination, and provide Employee an opportunity to meet with the Mayor and/or City Council prior to the effective date of termination to address the reasons and to provide more information. If Employee elects to meet with City, City shall provide a subsequent second written notice reconfirming or rescinding termination based upon meeting. For the purposes of this agreement, the term “cause” shall mean a finding by the City Council that Employee has (a) Engaged in conduct that constitutes willful gross malfeasance in office, fraud or theft; or (b) abandoned the position of City Manager; or (c) been convicted of a felony, or any crime involving breach of trust, dishonesty or moral turpitude.

B. **SEVERANCE PAY.** In the event the City elects to terminate Employee for any reason other than “cause,” Employee shall receive a cash payment equal to eight (8) months of Employee’ base salary. Employee shall also receive payment for all accumulated Vacation

Leave. Compensation includes benefits and continued enrollment in the health insurance program offered to management for up to 8 months from the date in which written notice of termination is given. Said sum shall be subject to applicable federal withholding taxes. In consideration of said payment, Employee agrees to execute a release of all claims against the City, its elected or appointed officers, employees or agents, for any claims arising out of Employee's employment or Employee's termination of employment with the City. If Employee is terminated for "cause," Employee shall not be entitled to any termination pay.

4. **RESIGNATION.** In the event Employee elects to terminate employment with the City for any reason, Employee agrees to provide the City with not less than sixty (60) days notice prior to the effective date of said termination of employment.

5. **COMPENSATION AND BENEFITS.**

A. **SALARY.** Employee shall be paid a starting salary of one hundred and thirty thousand dollars (\$130,000) per year, which shall be paid in accordance with the procedures for other employees of the City. In addition, Employee shall receive Cost of Living Adjustments (COLA) as otherwise provided to non-represented employees. As described in section 5B below, and after a satisfactory evaluation by the City Council, an increase in salary may be negotiated by the City Council and the Employee.

B. **HOUSING ALLOWANCE.** If the Employee resides within the city limits of the City of Cannon Beach, the City shall pay the Employee a housing allowance of one thousand two hundred dollars (\$1,200) per month.

C. **PERFORMANCE REVIEW.** Employee's first performance evaluation will occur after the first 6 months of starting the position and shall continue at least annually after the initial performance review. Said review and evaluation shall be based on Employee's performance of assigned duties and responsibilities, and any other matters deemed appropriate by City. The City Council shall meet with Employee to establish the parameters for the performance evaluation. In addition, the City Council may periodically identify any concerns to Employee either by formal or informal discussions with Employee.

D. **MERIT INCREASE.** At the conclusion of the Employee's performance evaluation each year, the City Council shall determine, based on the performance review, whether to grant a merit increase and, if so, the size of the merit increase. The increase shall become effective on the anniversary of the Employee's first date of employment with the City, December 1st.

E. **VACATION.** Employee shall accrue vacation time at a rate of four (4) weeks per year. Employee shall take no more than two (2) weeks vacation consecutively and no more than a total of three (3) weeks vacation in any six (6) month period without the express approval of the City Council.

F. **SICK LEAVE.** Employee shall accrue sick leave on the same basis as other non-represented city employees. Use of sick leave shall be on the same basis as other non-

represented city employees. In the event of resignation, retirement or termination of Employee, there will be no compensation for unused sick leave.

G. OTHER BENEFITS. The City shall provide Employee with all other benefits accruing to non-represented employees, as outlined in the *City of Cannon Beach Employee Handbook*.

H. PROFESSIONAL DEVELOPMENT. It is understood that, for the benefit of the City and for his own professional development, Employee will attend a reasonable number of conferences, training and educational offerings. City agrees to budget and pay the registration, travel, and subsistence expenses of the Employee for professional and official travel, meetings, and occasions deemed necessary or desirable to continue the professional development of the Employee and to adequately pursue necessary official functions of the City. The Employee shall make periodic reports to the council on such activities. City agrees to pay for Employees membership in professional organizations related to the position of city manager, such as the Oregon City/ County Management Association.

I. MODIFICATION OF COMPENSATION AND BENEFITS. The City and Employee may modify the compensation and benefits payable to Employee at any time upon mutual written consent.

5. MOVING EXPENSES. The City shall pay Employee at the end of the first month of employment twelve thousand dollars (\$12,000.00) for relocation expenses conditioned on his moving to Cannon Beach and remaining in the employ of the City for at least one (1) years. In the event Employee resigns from the position within one (1) year, the City shall be reimbursed for the amount of moving expenses.

6. HOURS. The position of City Manager is a salaried position and is an exempt position for purposes of overtime. The position of City Manager is based on a forty (40) hour work week and the City Manager is expected to devote, on average, at least forty (40) hours per week discharging the duties of the position. Employee shall be entitled to paid legal holidays.

7. AUTOMOBILE AND GENERAL EXPENSES.

7.1. The City shall provide a city owned vehicle for Employee's use when conducting city business. The City vehicle may be taken home if the Employee resides in the City of Cannon Beach. The Employee may use the city provided vehicle for incidental personal use. Employee understands that from time to time the use of this vehicle may not be available to Employee if there are other needs of the city which require use of said vehicle.

7.2. City agrees that if aforementioned automobile is unavailable to Employee at a time when business activities require it, Employee may use his personal automobile for City business and be reimbursed by the City at a rate consistent with Internal Revenue Service standards. It is the intent of the City that the City owned vehicle be used whenever possible, and the use of Employee's personal vehicle occur only when the City vehicle is unavailable.

7.3. City shall reimburse Employee for expenditures incurred in the course of conducting City business for meals, lodging and other job-related expenditures as consistent with City policy and Internal Revenue Service guidelines.

8. **RETIREMENT.** City agrees to pay PERS retirement for Employee including employer share and employee share, as is allowed by state law by contract. If PERS benefits are increased for other administrative employees of the City, then Employee shall receive the same benefit of any such increase at the same rate and interval.

9. **BONDING.** In accordance with the Cannon Beach City Charter, the City Manager shall be bonded. City shall bear the full cost of such bonds.

10. **ATTORNEY'S FEES.** In the event of any arbitration proceeding or other suit or action arising out of or relating to this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs in connection therewith; provided, however, that the prevailing party is not entitled to request, move for or be awarded any "enhanced fees" or fee multiplier in connection with a request or motion for its attorney fees.

11. **OUTSIDE ACTIVITIES.** The employment provided for by this Agreement shall be Employee's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to City and the community, Employee may elect to accept limited teaching, consulting or other business opportunities with the approval of City and the understanding that such arrangements shall not constitute interference with nor a conflict of interest with his responsibilities under this Agreement.

12. **INDEMNIFICATION.** The City shall indemnify, insure, and hold Employee harmless, including providing additional legal counsel if the City cannot otherwise provide legal representation for Employee, for any and all civil legal actions brought against Employee arising out of the proper discharge of his duties while acting within the scope of his employment as City Manager.

13. **CONFIDENTIALITY.**

A. Employee recognizes that City has and will have future plans, business affairs, employment, legal, and litigation matters, and other proprietary information that are valuable, special and unique assets of City and need to be protected from improper disclosure. Employee agrees not to, at any time or in any manner, either directly or indirectly, use any information for his own benefit, or divulge in any manner to any third party without the prior written consent of City. Employee will protect the information as strictly confidential. A violation of this paragraph shall be a material violation of this Agreement.

B. If it appears that Employee has disclosed (or has threatened to disclose) information in violation of this Agreement, City shall be entitled to an injunction to restrain Employee from disclosing, in whole or in part, such information, or from providing any services to any party to whom such information has been disclosed or may be disclosed. City shall not be prohibited by this provision from pursuing other remedies, including a claim for losses and damages.

C. The confidentiality provisions of this Agreement shall remain in full force and effect after the termination of this Agreement.

14. **GENERAL PROVISIONS.**

A. **EFFECTIVE DATE.** This Agreement shall become effective upon signatures of both parties.

B. **INTEGRATION.** This agreement constitutes the entire agreement between the parties, and both parties acknowledge that there are no other agreements, oral or otherwise, that have not been fully set forth in the text of this agreement.

C. **SEVERABILITY.** The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

D. **BINDING EFFECT.** This Agreement shall be binding on City and Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.

E. **MODIFICATION.** The parties agree that this agreement can be amended or modified only with the written concurrence of both parties.

F. **JURISDICTION.** Laws of the State of Oregon shall govern this Agreement.

CITY OF CANNON BEACH

By: 
Sam Steidel, Mayor

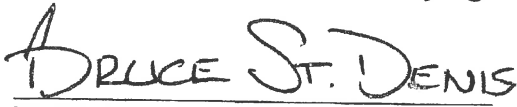
Date: 11-14-17, 2017

APPROVED AS TO FORM:

By: 
for Tamara Herdener, City Attorney

Date: 11/15/, 2017

Bruce St. Denis represents and acknowledges that he has read this agreement in its entirety and has had an opportunity to review the agreement. He further represents and acknowledges that it is his understanding that this agreement has been approved by the attorney for the City of Cannon Beach. By virtue of this passage, he further acknowledges that he has been advised that he has the right to consult independent counsel concerning this agreement, and that by signing this agreement, he acknowledges that he has afforded himself the opportunity to do so, or hereby expressly waives his right to have the agreement reviewed by independent counsel, and agrees to the terms hereof by signing the same.


EMPLOYEE

11/12/17
Date

**City of Cannon Beach
Monthly Status Report**

To: Mayor and City Council
From: City Manager Bruce St. Denis
Date: February 6, 2024

Community Development Monthly Report, December 2023

Planning Commission: The Planning Commission meeting on December 19, 2023 was cancelled due to a lack of quorum and rescheduled for January 17, 2024

Design Review Board: The Design Review Board met on December 11, 2023 to consider the following items:

DRB 23-12, Non-Hearing Consideration of a Freestanding Signage Application, Darwin Turner on Behalf of House Of Orange Gallery-Ginger At 107 Sunset Blvd

DRB 23-13, Non-Hearing Consideration of a Freestanding Signage Application, Darwin Turner on Behalf of John Nelson At 188 S. Hemlock St

The Chair of the DRB, approved minor modifications for the following addresses:
None

Short-term Rentals December

| Program | Number of permits |
|-----------------------------------|-------------------|
| 14-day permit | 147 |
| Lifetime Unlimited permit | 43 |
| 5-year Unlimited permit | 5 |
| Total permits | 195 |
| New short-term rentals this month | 1 |
| Pending short-term rentals | 2 |

Tree Report December

| Date | Location | Hazard | Dead | Const. | Health other | Solar | Replant Req. |
|------|----------|--------|------|--------|--------------|-------|--------------|
| | None | | | | | | |

Other Planning/Building Matters:

- CD Staff continues to support and work with Urbswork on the Wetlands Amendments, the zoning code reorganization and code audit.
- CD Staff participated with CREST and regional planning partners for the Ecola Creek Design project.
- CD Staff participated with CREST and regional planning partners for Clatsop Regional Housing Task Force.
- CD Staff continues to participate in the Cannon Beach Elementary School, Police Station, and City Hall projects.
- CD Staff continues working with the attorney preparing for the Roberts and Burton LUBA appeals.
- CD staff attended a Coastal Planning Goals Workshop put on by Oregon Coastal Management Program.

Building Department Permit Fees: December 1-31, 2023

| Building | Issued | Permit Fees | Value | Affordable Housing Tax Fund* |
|---------------------|----------|--------------------|-----------------------|------------------------------|
| New SFR | | | | |
| Addition | 1 | 5,106.88 | 385,000.00 | Pending |
| Alteration | 1 | 1,153.72 | 35,000 | |
| Repair | 3 | 3,428.53 | 121,500.00 | |
| Replacement | 1 | 794.67 | 49,320.00 | |
| Tenant Improvements | | | | |
| Commercial | 1 | 5,949.68 | 445,186.00 | |
| Total | 7 | \$16,433.48 | \$1,036,006.00 | |

*Affordable Housing Tax Collection is 1% of the value of the building permit and is distributed as follows:

Four percent as an administrative fee to recoup the expenses of the city. After deducting the administrative fee, Fifteen percent is distributed to the Housing and Community Services Department to fund home ownership programs that provide down payment assistance (paid to the state). Fifty percent to fund developer incentives allowed or offered and Thirty-five percent for programs and incentives of the city related to affordable housing. This eighty-five percent goes into the City's Affordable Housing Fund.

| Affordable Housing Summary | Month to Date | Year to Date | Total to Date |
|-----------------------------------|---------------|--------------------|---------------------|
| Residential | \$0 | \$10,355.04 | \$332,786.29 |
| Commercial | \$0 | \$0 | \$64,823.42 |
| Total | \$0 | \$10,355.04 | \$397,609.71 |
| Other Permits | Issued | Permit Fees | |
| Mechanical | 8 | \$1,779.72 | |
| Plumbing | 5 | \$1,226.00 | |
| Total | 13 | \$3,005.72 | |

Public Works Department Report – January

Parks:

- Tsunami sign at whale park
- Started trail signs washed
- Irrigation plan for main park
- Logan Street beach access widen slightly and brought up and re-chipped
- Doing storm clean up
- Joe Birch coming into town, all will be chipped up, lots of branches stuck in trees.
- Piles around town will be cleaned up.

Water:

- 2 Customer assistance leaks that were toilet tank flappers stuck open.
- 6 Customer shut offs, burst pipes due to freeze.
- 6 Customer shut offs and turn back on due to delinquent accounts.
- Water leak repaired at Filter Plant in Chlorine room.
- Cut pavement and repaired ¾ inch PE service line at 3507 W Chinook.
- Ash Station rain gutter damaged by large fallen tree limb.
- Valve turning exercise at reservoirs.
- New service line installed for 332 E Harrison.
- Educated customers on Eye on Water (Total: 848 signed up).
- Notified multiple users of water leaks and high use.
- Entered LTE data into Beacon and Caselle.
- Weather data collected and posted.

Wastewater:

- Received a final inspection on our Midway PS. Midway Pump Station building addition and generator installation completed.
- Continued construction on Siuslaw PS building and generator installation.
- Attended/completed flagger training.
- Storm cleanup and repair.
- Repair collapsed residential sewer service pipe. Contractor drilled through and installed cable in the center of 4" pipe.
- Replace several engine block heaters and a temperature sensor in our aux generators.
- Replace Gearbox oil in our MAG tank mixer.

Roads:

- Storm cleanup
- Installed 2 catch basins on east and west Jefferson Street.
- Rocked and regraded ocean St between W Jefferson and W Jackson.
- Cleaned the Gower St ramp twice outfalls and cleaned in front of storm pipes for better drainage
- We removed a log from the 2nd street tide gate.
- Picked up garbage cleaned off catch basins removed lots of trees and limbs that broke during the ice storm.

Emergency Management – January

- Wayfinding Wednesday –January 3rd
- Communication cable access in each cache
- EM budget development position for F/Y 24/25
- Host community gathering to discuss ORAM/DHS Resiliency Hub Grants
- Water treatment trailer modification for potable water registration - Started
- Cache site Gutter/Rain arrived, need to install
- CERT 2024 – planning group – increased volunteers
- CERT training started with 18 members
- Request to support Elsie/Juwel area due to their water contamination and damaged system
 - SPIRE 500-gallon Water Mobility Trailer (WMT) deployed to Hamlet
- SPIRE grant award and arrived for Fuel Trailer
 - Valued at \$22,000
- Moving the TANGO cache site possibilities for the Police Station build
- Coordinate with County EM – weather events
- Assist community with severe weather event for majority of January including -Ice Storm
- Activate EOC – monitoring level for severe weather event

Haystack Rock Awareness Program (HRAP) – January

- No Beach Contacts, currently off-season

- Our program will resume operation on the beach on Presidents Day Weekend. Hiring notices are posted and applications are being accepted via the City webpage
- Focuses for the upcoming season are volunteer recruitment and retention, an updated free beach wheelchair program

Public Safety Report – December 2023

| Staffing: | Authorized | Assigned |
|---------------------|-------------------|-----------------------------|
| Sworn | 9 | 8 |
| Code Enforcement | 1 | 1 |
| Admin/Support | 2 | 2 |
| Parking/Information | 6 | 0 |
| Lifeguards | 10 | 0 (15 incl. fire personnel) |

Station Activity:

| | 2023 | 2022 |
|---------------------------------------|-------------|-------------|
| CBPD Walk-in | 147 | 151 |
| CBPD Incoming Phone | 184 | 163 |
| SPD Dispatched Calls | 82 | 98 |
| Overnight Camping Warnings | 25 | 15 |
| Local Security Checks | 3049 | 3384 |
| Parking Citations | 0 | 1 |
| Traffic Warnings | 121 | 230 |
| Traffic Citations | 24 | 18 |
| DUI Arrests | 3 | 0 |
| Alarm Responses | 6 | 9 |
| AOA, Including FD | 26 | 33 |
| Citizen Assists | 5 | 11 |
| Transient Contacts | 3 | 4 |
| <u>Total Case File Reports</u> | 134 | 158 |

Cases of Significance:

| | | | |
|-------------------------|---------|-------------------------------------|---------|
| Suspicious Circumstance | 8 Cases | Out of Compliance Sex Registration: | 1 Case |
| Crim Mis II: | 1 Case | Unlawful Entry into Motor Vehicle: | 2 Cases |
| Elude: | 1 Case | Burglary II: | 1 Case |
| Criminal Mischief III: | 1 Case | Menacing: | 1 Case |
| DUI: | 3 Cases | Welfare Check: | 1 Case |

| | | | |
|--------------------|---------|-------------------------------------|--------|
| UUMV: | 1 Case | Curfew Violation: | 1 Case |
| Theft of services: | 1 Case | Missing Person: | 1 Case |
| Burglary I: | 2 Cases | Endangering the Welfare of a Minor: | 1 Case |

Traffic Citations:

| | | | |
|------------------------------------|---|--------------------------------------|-------------|
| Driving with Suspended License: | 3 Citations | Breath Refusal: | 2 Citations |
| Fail to Register Vehicle: | 1 Citation | Throwing Burning Material from Veh.: | 1 Citation |
| No Insurance: | 1 Citation | No Proof of Insurance: | 1 Citation |
| Reckless Driving: | 2 Citations | Smoking in Veh. w/ Child Present: | 1 Citation |
| DUII: (0.09%, Refusal, Blood Draw) | 3 Citations | Fail to Use Seatbelt: | 1 Citation |
| Illegal U-turn: | 1 Citation | Fail to Maintain Lane | 2 Citations |
| Violation of Basic Rule/Speeding: | 5 Citations (70/55, 77/55, 79/55, 70/50, 75/55) | | |

Code Enforcement Activities: During this period, **11** municipal code violations were addressed and resolved or pending resolution.