

Minutes of the
CANNON BEACH CITY COUNCIL
Tuesday, October 3, 2023
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Gary Hayes and Lisa Kerr

Excused:

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, Recorder Jennifer Barrett, Chief of Police Jason Schermerhorn, Community Development Director Steve Sokolowski

Other: Special Counsel Bill Kabeiseman

CALL TO ORDER AND APPROVAL OF AGENDA

Mayor Knop called the meeting to order at 6:01 p.m.

Motion: Ogilvie moved to approve the agenda; Hayes seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried. The agenda was approved.

CONSENT AGENDA

(1) Consideration of the Minutes will be on the October 10th meeting.

PUBLIC COMMENT

Knop said please be respectful and kind and keep it under 3 minutes.

- Jan Siebert-Wahrmund and Wes Wahrmund PO Box 778 - thanked the city staff who worked on the water report and aided in better accessing information.
- Deb Atiyeh PO Box 1426 – spoke of the rising of current discontent in the community and being supportive and not dragging each other down.

PROCLAMATION

(2) Proclamation No. 23-11, proclaiming October 2023 as Domestic Violence Awareness Month in Cannon Beach

Schermerhorn introduced Mia Matias from The Harbor. Matias discussed the impacts and statistics of domestic violence, and the services The Harbor provides. Schermerhorn noted I forwarded an email about the purple light project which include ways you can help.

Motion: Hayes moved to adopt Proclamation 23-11, proclaiming October 2023 as Domestic Violence Awareness Month in Cannon Beach; Kerr seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Schermerhorn read the Proclamation. Mayor thanked Jason and Mia.

RESOLUTIONS

(3) Resolution 23-20 for the Purpose of approving changes to the FY 2023-2024 budget by increasing appropriations in the general fund to allow for a specific purpose grant from Oregon Department of Transportation

St. Denis summarized the staff report, and read the Resolution, noting we will be able to replace the two wheelchairs. Kerr added it's a great program.

Motion: Kerr moved to adopt Resolution 23-20 for the Purpose of approving changes to the FY 2023-2024 budget by increasing appropriations in the general fund to allow for a specific purpose grant from Oregon Department of Transportation; Ogilvie seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

(4) Resolution 23-21 to adopt the Commemorative Plaque and Tree Policy as presented by the Parks and Community Services Committee

St. Denis introduced the Parks and Community Services chair, Stacy Benefield, noting the Parks Committee was delegated to creating the policy. Benefield gave an overview of the review process used for this item, adding we determined that adding a naming or renaming policy would open up a can of worms. Benefield noted Karen La Bonte spoke with other municipalities who said they are moving away from naming. Kerr said for tree policy there are no markings. Benefield replied correct, they would be told where the tree was planted. McCarthy said there wouldn't be any plaque at all, Benefield replied correct. Knop noted they can do a commemorative plaque, and added I am hoping that further down the line the plaques won't be at the bandstand. McCarthy said I love the idea of a tree but like to see them being honored. La Bonte added this is something I asked a long time ago and was given an explanation of why we don't do the plaque at the tree, so the bandstand was a great compromise to be able to do that. It surfaced again during this discussion and the committee felt the same and staff supported the decision. Kerr said if they did a tree they can also do a plaque to honor them. McCarthy said I can see why you wouldn't put a plaque on a tree. Hayes asked will trees be planted in ODOT ROW at sunset, St. Denis replied that has become available to use recently, Hayes asked are there other sites, Benefield replied all over the city where trees are needed, that wouldn't get in the way of power lines or sewer lines.

Motion: Hayes moved to adopt Resolution 23-21 to adopt the Commemorative Plaque and Tree Policy as presented by the Parks and Community Services Committee; Ogilvie seconded the motion.

McCarthy said do we need to say anything in the resolution that a plaque with their name on it will be posted in the bandstand. Kerr added I think whatever the cost is of the plaque they will pay for the cost of the plaque through the policy. McCarthy asked but should it be in the resolution? Hayes replied I don't think there are details in there either, but they can be presented with options. Knop added if you want a plaque there is an application and fee. La Bonte added when people say they want to donate a tree they paid for we let them know about the plaque policy. Knop said I don't see the need to put it in the policy, but if you do, you can put it in the resolution. I don't feel it at this time, and we can always make a change at a future time. Kerr replied I think it would be good

to be put in the policy. J Barrett will add language to exhibit A.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

(5) Resolution 23-22 for the Purpose of Repealing Resolution 23-09 the Cannon Beach Elementary School Rejuvenation Research Advisory Committee to add a Member Of The Clatsop Nehalem Tribe

St. Denis summarized the staff report. Kerr said I am glad we are doing this.

Motion: Ogilvie moved to adopt Resolution 23-22 for the Purpose of Repealing Resolution 23-09 the Cannon Beach Elementary School Rejuvenation Research Advisory Committee to add a Member of The Clatsop Nehalem Tribe; Kerr seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

PUBLIC HEARING

(6) APP 23-06, Appeal of Design Review Board's denial of DRB 23-08, Jay Orloff of Tolovana Architects, applicant on behalf of Paul White for the building of a new accessory dwelling unit above a new garage.

Knop stated this is a hearing regarding the appeal requested by Jay Orloff of Tolovana Architects, applicant on behalf of Paul White for the building of a new accessory dwelling unit above a new garage.

Knop asked does anyone object to the jurisdiction of the City Council to hear this appeal at this time?
No.

Does any Councilor believe he or she has a personal bias to declare? No.

Does any Councilor believe he or she has a conflict of interest? No.

Has any Councilor had any ex parte contacts or made a site visit? Site visits were declared.

Is there any additional correspondence? Sokolowski said there was a letter from Michelle Johnson that was forwarded.

Knop requested the staff report. Sokolowski read the staff report.

Knop stated the appeal will be reviewed against the criteria of Municipal Code, Chapter 17.44.080-17.44.100, Design Review Criteria. The hearing will be held on the record and no new evidence will be allowed into record. The pertinent criteria to be considered are noted in the staff reports; Testimony, arguments and evidence must be directed toward those criteria or other criteria in the Comprehensive Plan or Municipal Code which the person testifying believes to apply to the decision; Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue. In addition, failure of the applicant to raise constitutional or other issues related to proposed conditions of approval will preclude an action for damages in circuit court; Persons who testify shall first receive recognition from the Mayor, state their full name and mailing address, and if appearing in a representative capacity, identify

whom they represent. Testimony is limited to matters which were raised at the Design Review Board hearing in writing or orally.

Knop asked is there a presentation by the applicant?

Jay Orloff from Tolovana Architects, PO Box 563, and Paul White, PO Box 726

Orloff said I hope you listened to the DRB meeting and reviewed my narrative. Steve gave a clear definition of the project, adding the DRB was only for the ADU and not the home. Orloff read through the DRB criteria, noting the site has trees on it, and all trees are located in the center, and any development allowed would be located in the tree area which would require removal. White added all the trees are coming off a nurse log and an arborist told me if one came down, they all would which would create a disaster. These are not trees with value on their own. Orloff added we will retain two large Spruce on the site. Regarding values, Lindsey is the only one affected by views and it would not be the ADU that impacts the views, it would be the house. Regarding the architect design, the ADU is allowed use in R1, but seems to be confusion with multifamily and ADU. With an ADU the owner is required to sign a sworn statement that it is not a short term rental (STR) and only rental for 30 days or more as a long-term rental (LTR). Regarding parking, there is confusion on parking and public use of the ROW. Requirements are two for residential and one for the ADU. Orloff gave an overview of parking, adding a similar layout was recently done on Ocean. For the landscape criteria, we proposed planting two additional trees, giving overview. The ADU is on the backside and heavy landscape would be irrelevant as there is no street value. We concentrated on north side at the front and side of house, and preserving two large Hemlocks on site. The ADU is in the back of site and rather than driving up and seeing a garage the site is presented to see the house first. I was taken a bit back by DRB and supported by some of the comments, but understand what they are trying to do, preserve trees and natural environment, but we presented a nice plan that accomplishes this. There are not clean flat lots available, these are the sites that are left. What we presented to DRB was appropriate for this site.

Kerr said you said the owner wants to have a home in Cannon Beach. It doesn't sound like it will be used as a home in Cannon Beach, sounds like the owner already has a home in Cannon Beach and the home would be a STR with the ADU as long term. The argument doesn't resonate very well, they want a STR not a home. A reason for the rule of ADU being a LTR is to encourage LTR in the community and other is you don't want one property with people coming in and out with a constant turn over of people. This is an accessory to a STR, it's a little disingenuous. I don't understand how parking will work. You have a garage for one car and other two behind. Orloff replied there are two in the garage and one off to the side and clear access in and out on the property line. You were on the board to approved 663 Ocean with the similar situation. R Barrett pulled up plan and Orloff pointed out parking locations. Orloff answered councils questions on the stie plan about parking. Orloff added people are concerned about parking on the street, but we have the required spots. McCarthy said will you show the trees to be preserved and removed, Orloff pointed them out, adding the removals are all in the building footprint. The one one the top is being removed as it is in the footprint of the building and driveway which would case root damage, but proposed adding two more. McCarthy asked is there way to preserve the tree and not harm it, Orloff replied I can talk to the arborist but our arborist recommended the removal. Orloff reviewed the landscape plan, giving an overview of what would be planted. Kerr asked how many feet from stream corridor, Orloff replied a couple hundred feet, the property is completely outside the stream corridor. Orloff noted there is a neighbor that doesn't stay in the house because of these trees. Hayes asked if there was no ADU would you still remove the trees, Orloff replied yes because of the garage. Hayes asked what arborist recommended the removal of trees, White replied Joe Balden. White added I never told anyone what my intentions are with the property and that is not a requirement of the permit. Kerr replied several people have informed us of that, whether true or not. And there is nothing in the

code to prohibit it, but the intent of the code is to prevent that situation on one lot to avoid a STR and LTR.

Knop asked are there presentations by proponents?

There were none

Knop asked are there presentations by opponents?

Jan Siebert-Wahrmund PO box 778 - The proposed project would result in a significant loss of tree canopy in this forested neighborhood. I recommend alternative plans that allow for the safe preservation of more trees pursued. The permit application requests the removal of six large in diameter Sitka spruce trees. These six trees represent all of the Sitka spruce trees on the property. It is of my opinion that if removed adverse impacts will extend onto neighboring properties adjacent trees will have an increased exposure to onshore winds root stability will be compromised and soil erosion will occur. I recommend alternative site plans be considered that strive to retain and protect a portion of the Sitka spruce trees on the property. Additionally, a report from a certified Arborist outlining the protection measures during any construction should be drafted and followed.

Pete Lindsey PO Box 454 – I lived next door to the lot and from my many years of experience the trees in discussion are on the west boundary of the property and Jonathan on the other side. I am quite concerned because in the 2007 storm with 130MPH gusts a tree limb speared through my kitchen. I am concerned with removal of trees to provide access to garage on the west side of the property. It may dramatically alter the wind patterns are they come in from various directions and trees might start falling on my and Jonathan's property.

Andrew Tonry PO Box 664 –I thought I was going to say I am all for the ADU. But there is a loophole that needs to be closed. Whatever the truth is, it shouldn't be a possibility or a concern of ours. We all want it and it should be fast tracked. McCarthy replied will you explain what you are talking about, what do you want fast track? Tonry replied you are afraid someone can move into a ADU and STR the house, you cant do it reverse, but you can in this way. There should be no STR of the two.

Knop asked is there a staff response?

Sokoloski said regardless of the ADU and home the tree permit would be applied for and is something that could be appealed at some time. It will also be reviewed by staff.

Knop asked does the applicant wish to make additional statements? There was none.

Knop stated I will lose the public hearing and move to consideration.

Kerr the intent of renting ADU as LTR includes the idea that the main house is not a STR, but that is not explicit in the code. My biggest issues is the trees and what Joe Balden said in his report. We also got letters indicated that this project would negatively impact the scenic value of the surrounding neighborhood and the parking thing doesn't make any sense to me. People are going to park on the street, they are not going to move every time someone wants to get in and out of the garage. Architects are clever and creative and can figure out a way to preserve more trees on the property. Hayes added I want to address STR. We can deny this and the house would be built and it can be a STR and then we have no ADU. It is not a huge victory. We can address it in the code audit. We can deny the ADU but

the trees will still be removed. I don't understand why the one tree so far from the footprint needs to be removed. Kerr said what about the parking, Hayes replied the parking is not ideal but probably workable. Ogilvie added that may be in fact what happens. Hayes added I don't think we can rely on what people are imaging as the worst case scenario and need to rely on code. Ogilvie asked am I correct that the code allows this parking configuration, Sokolowski replied that is correct. It's not the function, it's whether they are meeting the requirements. In addition to garage there is a long driveway which is used in other homes to meet the requirement. I see your functional concerns, but from a code requirement they are meeting it. Hayes said what you said about tree removal permits to follow, Sokolowski replied, yes they have to be reviewed and if approved there is a 14 day review period which could be appealed. Kerr said we received a letter from neighbor to the west saying they were concerned about the scenic value of their property. Kerr said it should be developed in a way that doesn't remove every single tree. I realize to build a house on the property there is no one to do it without some trees coming down, but it could be minimized to prevent the wind corridor that could impact other homes. Not sure how to wrap my head around this, but there is a letter from the city arborist saying it could cause a problem. Kerr asked what the degree of the slope is, Sokolowski gave a rough overview, adding its fairly significant. There are no wetlands in this area or property, a creek a little southeast but nothing on this street. McCarthy asked do you see any way that there could be an alternate plan and alternate design to reduce the number of trees or prevent the wind situation that might occur if the trees removed. Sokolowski replied that's a difficult question to ask I would look to the architect, the house and garage not as high as the tree canopy but there are going to be structure there that are going to impact the winds themselves as far as the garage and the homes structure you basically replacing the trees with the homes and the garage. The other thing that Joe Balden said in his report is that these spruce trees have a common root system due to growth on a nurse log root distribution is not a normal spread whereby a large percentage of the structural roots are not in adequate alignment for structural stability so you do have two arborist saying different things. One for the person building and one objective in terms for city response. It's not a question I think I should have to answer. Hayes asked is there anything in the code about wind patterns, Sokolowski replied I don't believe I have anything that specifically addresses that. Kerr added I feel our code is inadequate for a situation like this and so is our tree code. Knop replied but that's what we have to work with. Ogilvie said we are asked to make a decision and the fact remains, if we deny the ADU they can still build a garage in the same location. Knop added and the trees will be gone. Hayes replied make a decision based on the code we have not the code we want.

Knop said a modification we can make would be to save the one tree. Kerr replied I would like to see that. Ogilvie asked is it true that the DRB asked for no modification of the proposal, Sokolowski replied I don't know that a redesign of the project was discussed. Ogilvie asked there were no conditions, Sokolowski replied yes no formal conditions but there was discussion. Kerr asked if the council approves this because we have no choice based on code, can we put a previous that the tree on northern most edge of property be preserved? Can we do that? Is it within our ability? Kabeiseman replied this is one of the toughest questions about redesigning on the fly, sometimes it's a simple answer and sometimes has significant ramifications at this level. What you are doing is making a decision based on application in front of you. A redesign or pushing something back could cause repercussions we don't know about. A redesign may have ramifications so it's difficult to tell. McCarthy asked can we make condition that permit of trees be reviewed by the Council? Kabeiseman replied any condition has be tied to a criteria so I think you can make a condition like that. Knop asked so reviewed and approved? Kerr said if we can do that, that would be good. McCarthy added at least let us look at it.

Motion: Hayes moved to tentatively approve the requested design and direct staff to prepare findings and support of approval and bring them back to the city council on November 7

2023 for a final decision on the basis the council approves the tree removal permits.

McCarthy said after review, does that allow us to approve or deny? Hayes said we can add language that the tree removal application come before Council for review before reviewed or denied. McCarthy said are we are allowing the ADU but the tree removal permit comes to council, how does it tie together?

Kerr replied you review together. Sokoloski added typically there would be a review of ADU and submit for building permit for construction and the tree permit is reviewed at the same time. In this instance instead of staff administratively acting as a tree removal permit it comes to council and council makes a decision.

Amended Motion: Hayes move to tentatively approve the requested design, and direct staff to prepare findings in support of approval and bring them back to the City Council on November 7, 2023, for a final decision, on the condition the tree removal permit applications come before the City Council for review and approval. McCarthy seconded.

Sokolowski said we can include this in the findings that you review. McCarthy said if I was the applicant what would I do. They haven't gotten absolute approval the next step would be to get the tree permit, then come back to council, we as a council review tree permit? What do we do then if we don't like the fact that trees are being removed are they denied. Kerr replied if they modify their design so they don't take out the northeast tree, this is one area we can have some say over it.

Brandon the issue before us is on the ADU, are you asking for control of all the trees on the property of just the one the ADU are affecting. Kerr said this is in the driveway. Ogilvie asked do you want control over every single tree in the footprint of the ADU? Hayes said Ogilvie's question is good one, we are talking about control of a tree that has nothing to do with the ADU whatsoever. Ogilvie said it's admirable, I want to save trees but trying to work within the framework. Kerr replied but Kabeiseman said we can do it. Ogilvie added I am asking what the council intentions are. Sokolowski replied we have a tree permit removal application and I need to understand other than the tree on the NE corner by the driveway are the other trees to be removed follow the tree removal process, maybe a discussion to have with Kabeiseman. Typically before the building permit is issued you go through the tree removal process. Are the remainder that are part of the footprint and discussion go through the typical removal process? I want to be clear too. Kabeiseman said I think you can structure it so its just the one tree that comes back. Hayes replied that is my intention. Sokolowski replied in this case that one would come back to you, but the others would follow the permitting process we typically follow. When I draft the findings and conditions I want to be clear that it reflects what you are asking. Knop said the other trees are for the house that we have no control over. The condition we are setting is to save the one tree. Hayes replied that was the intention of the motion, not sure if I need to change the motion, but Ogilvie's questions disturbs me.

Amended Motion: Hayes moved to tentatively approve the requested design, and direct staff to prepare findings in support of approval and bring them back to the City Council on November 7, 2023, for a final decision, on the condition the tree removal permit applications for the NE tree come before the CC for review and approval; Ogilvie seconded the motion.

Sokolowski said I think what I would like to do then is work with the applicant to potentially if they can address the condition when we consider the findings that staff brings back to the consideration to have it all at the same meeting. McCarthy said I am still concerned about the wind patterns, not sure we can do

anything about it. My underlying reason for looking at all of the trees to push the application to make a redesign on the lot to save as many trees as possible.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

(7) Continuation APP 23-05, Appeal by Red Crows, LLC/Jamie Lerma of Planning Commissions approval of AA 23-04, upholding an administrative appeal submitted by Janet Stastny of the City’s approval of a Tree Removal Permit.

Knop stated this is a hearing regarding the appeal by Red Crow, LLC/Jamie Lerma of Planning Commissions approval of AA 23-04, upholding an administrative appeal submitted by Janet Stastny of the City’s approval of a Tree Removal Permit. The property is located at 743 N. Ash St. (Tax Lot 05602, Map 51019AA), and in a Residential Lower Density (RL) Zone.

Knop asked does anyone object to the jurisdiction of the City Council to hear this appeal at this time?
No

Does any Councilor believe he or she has a personal bias to declare? No

Does any Councilor believe he or she has a conflict of interest? No

Has any Councilor had any ex parte contacts or made a site visit? Site visits were declared.

Is there any additional correspondence? Sokolowski replied no.

Knop requested the staff report. Sokolowski said there was a supplemental staff report provided after the original staff report came out. The applicant has submitted new plans for staff to review. We have not fully reviewed them at this time. Mick Harris the appellant representative, requested an additional 30 day continuance to give staff the opportunity to review the proposal. Staff did not object, but it’s up to the Council. Kerr asked this is a proposal that could potentially not damage or cut down the tree, Sokolowski replied yes. Knop asked do you want to hold the public hearing or wait until staff reviews? Sokolowski replied we may no longer need a hearing if the applicant withdraws, or we are back here to consider. They also agreed to extend the 120-day notice.

Motion: Kerr moved to continue the hearing to give staff the opportunity to review the revised plans; McCarthy seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

ACTION ITEMS

(8) Appointment of City Committee/Board/Commission

Knop said we have one applicant and asking Landrum would you like to speak.

Landrum said I am a retired engineer and project manager and worked in ship building, oil and gas Projects, and utilities. Most recently as the operations manager and Inn at Haystack Rock and recruiter for the 2020 census. I feel this would be a good fit for me. I have an affinity for the parks and been a

volunteer at both the library and Farmers Market. I have more time on the hands than I had in the past and would like to put it to good use in the city. Ogilvie said thank you for putting application. Hayes asked what interests you most with their committee, Landrum replied I worked with Stacy at the Farmers Market and have known Les for quite a few years. I have a connection with the committee. Hayes asked are the particular activities that interest you, Landrum replied just being involved with the parks. They're all lovely and I like the tourist to come in and see and we want to make sure that they stay there.

Motion: Ogilvie moved move to appoint Thomas Landrum to the Parks and Community Services Committee beginning immediately; Kerr seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

(9) Tolovana Hall Lease Terms

St. Denis read the staff report. Ogilvie asked are you ok with the proposed language, Andrew Tonry replied I need to review the language. After reading Tonry replied yes, I am good with the revisions.

Motion: Ogilvie moved move to approve the Tolovana Hall Lease revised amendment; Hayes seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Tonry asked is this still at our discretion, if we don't want to rent do someone do we have to? St. Denis replied it depends on our reason. Tonry replied if we didn't feel it was a fit, too messy or loud. Hayes added we are going to hear from city attorney on first amendment issues. Tonry replied I wouldn't want the change if we are required to allow everyone. Kerr noted there is nothing in this contact that gives you the option. Tonry said I thought when the Friend of Haystack Rock wanted to do a donor celebration and it was going to be private it was a good fit. If someone wants to have a Thanksgiving dinner I don't think that would be a good fit. Hayes noted it says may allow, but doesn't mean you have to. Kerr added if I was you I'd wait until the first amendment discussion. J Barrett noted the date to start is January, and we can put on the November for clarification. Tonry noted will talk to his board as well. Ogilvie said if you are to establish criteria for your possible rentals that could go a long way to allow you to be selective.

(10) One-Time Holiday for Staff

St. Densi summarized the staff report, noting it's a very small time for us. I've volunteered to answer the phones and had no calls.

Motion: Hayes moved move to approve the one-time granting of December 29th for SEIU and December 31st for the GUILD as a city holiday as a gesture of support and thanks to City Staff; Ogilvie seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried..

DISCUSSION

(11) Water Resiliency Phase 1 – Seismic improvements Construction Project Award

St. Denis read the staff report. We will rebuild the project, there seems to be a good amount of interest. We had 5-6 contractors at the pre-bid but only two bids were received, and we are trying to find out why. Ogilvie noted this is the third time this has happened and its an endemic in the construction industry, but I also think we need to adjust our expectations and accept and work with that. La Bonte said Ogilvie's points are well taken, there have been others for different projects. We've gone back and looked at ways to reduce the scope by having our own team take on some of the responsibilities to save money and review the time frame. That is what's happening with this project as well as the previous ones. La Bonte added projects this size are planned years in advance and whether chasing loans or grants. We started this process 5 years ago and the engineering company did what you said and did a deep dive and put a healthy contingency. All we can do now is reduce our scope if we can with city staff or change the time frame along with the expectations, or lastly the last resort to ask Business Oregon to amend the loan amount and ask for more. Others have had to do this, and it's your last resort. Hayes asked Windsor made the estimate 5 years ago, La Bonte replied yes they were one of the 3 who reviewed this. When we went through the process to award for a full design they applied for the job as did other firms that new our infrastructure. McCarthy added as I understand the loan also has a time limit and you were talking about having to change the timing of it, how does it affect the agreement of the loan. La Bonte replied the time frame is typically 2 years, however you can ask for an extension like we did on Matanuska. It's not a detrimental thing to ask for a date extension, they understand there are delays. They are more focused on the delay in getting the project planned, designed and executed. Once executed it's not difficult to ask for more time. McCarthy said so it's easier to ask for more time than money, La Bonte replied yes.

(12) Cannon Beach Elementary School Rejuvenation Design Review Board Update

Knop asked has everyone had a chance to listen to the meeting? Ogilvie said I did not. St. Denis summarized the staff report. St. Denis gave an overview of the recent revisions made for DRB. St. Denis and CIDA Architect Dustin Johnson answered Council's questions.

INFORMATIONAL/OTHER DISCUSSION ITEMS

(13) Monthly Status Report

Kerr asked for details on the permit type and value. J Barrett gave an overview and will provide more information to Council.

(14) Mayor Communications

none

(15) Councilor Communications

Ogilvie said the housing task force meeting is Thursday.

(16) Good of the Order

Kerr asked when will Sea Turtles and STR be on a future meeting. J Barrett gave an update on the

progress of both items.

Ogilvie said the History Center requested a line item in budget. I don't have an opinion and think this is a discussion to have with the budget committee. Knop added we will discuss at preliminary budget meeting. J Barrett to email Andrea to let her know will discuss at prelim budget meetings.

St. Denis said the bus will resume in October, giving an overview of the schedule.

Thursday COE at 6pm.

ADJORNMENT

The meeting was adjourned at 8:41 p.m.

ATTEST:

Jennifer Barrett, Recorder

Barb Knop, Mayor