

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 p.m.

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Councilors Excused: None

Staff Present: City Manager Pro Tem Estes, Police Chief Curzon, Parks and Recreation Director Cosby, Planner Johnson, Fire Chief Ted Ames, Public Works Director Cook, City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS:

Item 3(a): Councilor Warr had no report.

Item 3(b): Councilor Mellin reported that she attended the Astoria Downtown Historic District (ADHDA) open house at Sean Fitzpatrick's office building on 12th Street, which has an incredible and elegant interior. She encouraged everyone to see the front room.

Sean Fitzpatrick noted the building could be seen from Council Chambers at City Hall. Hospice installed a film on the front window to prevent people from seeing into the building from outside; this was to comply with HIPAA laws. Visitors can stop by during the day to see the interior.

Councilor Mellin continued, saying she had attended the Parks Board meeting and Director Cosby will give a report at the next City Council meeting because so much has happened within the Parks Department. She noted that Recreation Coordinator Pam Pearce received a letter last week from Ellis and Associates notifying her that the Center won the 2013 Silver International Aquatic Safety Award for consistently exceeding certain criteria during audits. She recalled seeing letters to the editor about the qualifications of the Aquatic Center. On April 27, 2014, the Parks Department will host the next Citizens Helping Improve Parks (CHIP-IN) project at Tapiola Park. She invited everyone to participate. On April 4th, she was interviewed by Jim Wilkins on KMUN's Friday morning show at 9:30 am, and on April 6th, she saw the North Coast Big Band perform at the Performing Arts Center (PAC). The band played all types of music and had volunteered to play as the concert was a benefit for the PAC. The star performer was Peter Hinsbeeck, a saxophone player from Walldorf, Germany. Mr. Hinsbeeck composed three different versions of *Oregon, My Oregon*, the State song of Oregon. The concert had 190 attendees.

Item 3(c): Councilor Herzig reported that he represented Astoria at the Welcome Home Veterans Appreciation Day at Lum's Auto Center on Saturday, March 29th. Veteran John Toyooka, Mr. Lum's son-in-law, was one of the honorees. He noted people often do not think of veterans being as young as Mr. Toyooka. It is impressive to see how much veterans contribute to the community and he was happy to represent the City. He also represented the City and the Lower Columbia Diversity Project at the Column lighting on April 2nd. He thanked Director Cosby and Parks Maintenance Supervisor Elkins for their efforts, noting the Column will be lit teal for the entire month. On April 6th, a sexual assault awareness panel, which included a couple Coast Guard representatives, discussed their personal experiences and the Coast Guard's responses to sexual assault. The event resulted in a good discussion of a very important topic. As Astoria is a Coast Guard City, he believed it was great that the Coast Guard was involved in the discussion. Our awareness makes us part of the solution and not part of the problem.

Item 3(d): Councilor LaMear reported that she toured the Fire Department with Chief Ames and it was nice to see what has happened since he has become Fire Chief. On March 30th, she attended the Lower Columbia Diversity Project (LCDP) event titled *Exploring the State of Marriage*, which was very timely considering that so much has happened regarding the state of marriage. The presentation was excellent and she commended the LCDP for bringing the discussion to the community.

Item 3(e): Mayor Van Dusen had no report.

CHANGES TO AGENDA: No changes were proposed.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 3/24/14
- 5(b) Boards and Commission Minutes
 - (1) Planning Commission Meeting of 2/27/14
- 5(c) Acceptance of Certified Local Government Grant for Pass-Through Façade Grant (Community Development)
- 5(d) Continuation of Libraries ROCC! LSTA Grant, Extending Service to the Unserved (Library)
- 5(e) Dr. Edward Harvey Historic Preservation Award Nominations (Community Development)
- 5(f) Irving Avenue: 19th Street Bridge Replacement – Consideration of Resolution and Authorization to Purchase Private Easement (Public Works)
- 5(g) Irving Avenue: 19th Street Bridge Replacement – County Easement (Public Works)
- 5(h) Pipeline Road Water Line Project Easement (Public Works)

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Public Hearing regarding Amendment Request A14-01 on Astoria Transportation System Plan and Implementation Ordinances (1st Readings) (Community Development)

- (1) Amending the Astoria Comprehensive Plan Section Pertaining to Background Reports and Transportation Policies**
- (2) Amending the Astoria Development Code Pertaining to Background Reports and Transportation Issues**
- (3) Amending the Astoria City Code Section 2.350 Pertaining to Local Improvements and Section 6.100 Pertaining to Vision Clearance Area**

The City of Astoria Community Development Department is initiating a legislative amendment to adopt the 2013 Transportation System Plan and amend the Development Code, Comprehensive Plan, and City Code to implement the TSP. The Astoria Transportation System Plan (TSP) has been developed to provide direction for transportation systems in the Astoria urban area over the next 20 years, as well as meet Federal, State and local transportation planning requirements. The TSP includes items such as reviewing current traffic conditions, conducting new traffic forecasting models, development of an updated project list, and integration of previously adopted neighborhood transportation plans. The TSP is formatted in two volumes. Further information regarding the Plan is included in the attached memorandum.

At its February 25, 2014 meeting, the Astoria Planning Commission held a public hearing and unanimously recommended that the City Council adopt the proposed amendments. A public hearing on the Amendment has been advertised and is scheduled for the April 7, 2014 City Council meeting. It is recommended that the Council hold a public hearing and adopt the ordinances as recommended by the Astoria Planning Commission. If the Council were in agreement with the recommendation of the Planning Commission, it would be in order for Council to hold a first reading of the three separate Ordinances.

City Manager Pro Tem Estes noted that consultants Chris Maciejewski of DKS Associates and Matt Hastie of Angelo Planning Group were present to give an update.

Chris Maciejewski, DKS Associates, gave a brief overview of the Transportation System Plan (TSP) via PowerPoint, focusing on the transportation projects and policies. The TSP document was included in the agenda packet. Matt Hastie, Angelo Planning Group, presented an overview of the proposed Development Code amendments necessary to implement the TSP. Mr. Maciejewski concluded that once the TSP is adopted, next

steps include the funding piece and determining how the projects would be implemented, which would involve partnering with Oregon Department of Transportation (ODOT) and other agencies.

Mayor Van Dusen asked who owned the property between Irving Avenue and Nimitz Drive, where Irving Avenue would be extended and what type of topography the property had. Mr. Maciejewski said the consultants visited the sites of several projects during the planning process. A roadway civil engineering firm walked the corridor between Irving Avenue and Nimitz Drive with City and ODOT staff and a topography map was used to determine a reasonable route. However, alternative routes will be considered in the future. He understood that a large portion of the property was owned by the City and County. City Manager Pro Tem Estes added there are some topographical issues, but after traversing one ravine, a sloping plane exists on the east side that would enable access to Nimitz Drive.

Mayor Van Dusen explained that Bond Street was a two-way street until the land moved. He asked if more land movement had occurred in a way that made now a good time to return Bond Street to two-way traffic.

Mr. Maciejewski replied no land movement had occurred. The consultants considered whether to leave Bond Street a one-way street or restore it to two-way traffic. The analysis did not consider land movement, but determined that two-way traffic would be best.

Councilor Herzig said pedestrian access to the sports complex was only recently brought up. He asked if the consultants had considered this issue during the course of their study.

Mr. Maciejewski confirmed that the issue did come up late in their process; however, the consultants have considered complete pedestrian facilities on all of the higher traffic roadways, arterials, and collectives all along. The TSP includes project recommendations that would build complete gaps in connections to the sports complex and nearby neighborhood, along Williamsport Road, and Highway 202.

Mayor Van Dusen asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. Hearing none, he asked if any member of the City Council had a conflict of interest to declare. There were none. He explained the procedures governing the conduct of public hearings to the audience and advised that the applicable criteria were included in the Staff report, which could be obtained from Planner Johnson. He opened the public hearing at 7:27 pm and called for anyone wanting to speak in favor of, impartial, or opposed to the amendment request to come forward. Hearing none, he closed the public hearing at 7:28 pm.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin to conduct the 1st readings of the Astoria Transportation System Plan and Implementation Ordinances. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Planner Johnson conducted the first reading of all three ordinances.

Item 6(b): Riverfront Vision Plan Implementation Update (Community Development)

In 2009, the City of Astoria adopted the Astoria Riverfront Vision Plan. The Riverfront Vision Plan describes a future vision and specific recommended implementation measures related to open space, land use, and transportation plans along the Columbia River waterfront. For purposes of the Riverfront Vision Plan, the City's riverfront was divided into four plan areas: Bridge Vista, Urban Core, Civic Greenway, and Neighborhood Greenway. In 2011-2012 and 2012-2013, the City Council adopted a goal to implement the Riverfront Vision Plan on a Zone-by-Zone basis. In 2012-2013, the City of Astoria requested and received a Transportation and Growth Management (TGM) Code Assistance grant to develop and write updated Comprehensive Plan language, Development Code text, and map amendments to implement policies and recommendations in the City's adopted Riverfront Vision Plan for the Civic Greenway Plan Area (Phase 1) and Bridge Vista Plan Area (Phase 2). The intent of the implementation process is not to revisit or revise recommendations from the Riverfront Vision Plan which has been adopted by the Astoria City Council.

The project consultant, Matt Hastie, Angelo Planning Group, will be present at the April 7, 2014 City Council meeting to give an overview of the Phase 1 draft amendments as developed with the Astoria Planning Commission. Staff recommends that following the presentation on the proposed amendments to implement the Civic Greenway Area of the Riverfront Vision Plan, Council provide any feedback they may have on the draft amendments.

Matt Hastie, Angelo Planning Group, updated Council on some key recommendations and issues that he, Staff, the Planning Commission, and members of the public have been working on regarding the Riverfront Vision Plan via PowerPoint as follows:

- The goal is not to change the Riverfront Vision Plan, but implement recommendations in the Plan that can be implemented via Code amendments. Some parts of the Plan will require other actions to be implemented.
- The objectives for the Civic Greenway Area included protecting river vistas, enhancing open spaces, encouraging maritime related uses, creating a modest scale residential and mixed-use neighborhood, essentially between Mill Pond and Safeway along the riverfront, applying architectural design standards for the entire area, and limiting overwater development.
- He described the five categories of code amendments being discussed with these key additional comments:
 - Creating a new Civic Greenway Overlay Zone which would apply to development both on land and over the water.
 - Recommendations for overwater development are designed to limit development over the water. Allowed uses are either water-dependent or associated with water-dependent uses, such as an eating or drinking establishment that would have to be associated with another outright permitted use, such as a marina or bait shop. [in response to a request for more info] Building sizes would be limited, including the width of structures. Physical and visual access is required of any overwater development. View corridors at least 70 feet wide must be maintained along streets running north and south approaching the river.
 - Landscaping requirements focus on enhancing and improving open spaces and include limits on the vegetation allowed between the Rivertrail and the river to maintain the view of the river. On the land side of the Rivertrail, requirements focus on buffering the impact of the buildings from people walking along the trail. Trail amenities will count toward landscaping requirements.
 - Creating and applying a Compact Residential Zone between 30th and 32nd Streets and the area between Marine Drive and the river that is closer to the river.
 - Types of residential uses are limited to single-family homes, duplexes, and cottage clusters. Provisions focus on small lots and small buildings to keep the developments affordable for working families and Astoria residents. Open space requirements are increased relative to other residential zones.
 - Establishing provisions to allow for cottage cluster housing.
 - Cottage cluster developments are small single-family homes clustered around a common open space that have limits on building sizes. Parking could be in attached garages or in on-site shared parking areas, which makes development more efficient and less costly per dwelling. Provisions include minimum requirements for common open space.
 - Extending the Gateway Overlay Architectural Design Guidelines to the entire Civic Greenway Area.
 - The intent is to promote architecture in the area typical to Astoria and the Gateway Overlay Architectural Design Guidelines are a good starting point.
 - Establishing new residential design standards in the area.
 - State law requires cities to apply clear and objective standards to needed housing, but the Design Guidelines do not represent clear and objective standards, so some specific residential design standards are recommended for housing within the area.
- Next steps will be to conduct hearings with the Planning Commission and City Council, tentative scheduled for May and June. There will be opportunities to revise the proposed standards until the City Council hearing. The State Department of Land Conservation and Development must approve the Code amendments, and then, work would begin on the Code amendments for the Bridge Vista Area, which is Phase 2 of the project.

Councilor Mellin noted that Mill Pond has cluster housing, but it is not low-income housing. Mr. Hastie clarified that houses in Mill Pond are all built on individual lots. This cottage cluster housing is built on one lot, which can be subdivided so the areas can be owned privately or in common. The way the land is used in a cottage cluster development can result in less expensive housing. There is no guarantee that cottage clusters will be affordable to low-income people, but the housing is more affordable than the type of housing in Mill Pond.

Councilor Herzig understood that the Planning Commission spent many hours going through the plan with public hearings and discussions. He was glad the public has provided feedback. He recalled discussions about the appropriate height of overwater structures, adding the recommendation seemed extreme and may be contentious. Mr. Hastie confirmed there had been a lot of discussion about the issue. He recalled Staff believed that unless at least one story was allowed, development would be limited to docks and piers. Measuring the

height from the water level became problematic and many people testified about this method of measurement. Therefore, the recommendation is to measure from the top of the bank. The flood plain elevation was also a consideration. Councilor Herzig confirmed the recommendation was one of the most contentious aspects of the plan. He thanked Staff and the Planning Commission for spending so many hours on the recommendations.

Councilor Warr confirmed that the public hearing with the Planning Commission was scheduled for May 27, 2014 and a public hearing would be scheduled with City Council in late June.

Item 6(c): Ordinance Imposing a Moratorium on Marijuana Dispensaries (Emergency Adoption)
(City Attorney/Police)

In March 2014, the Oregon Legislature passed Senate Bill 1531, which purports to restrict local government regulation of medical marijuana facilities to only time, place, and manner of operation restrictions unless a city or county enacts an ordinance declaring a moratorium and notifies the Oregon Health Authority of such moratorium by May 1, 2014. SB1531 limits the moratorium to May 1, 2015, after which it is replaced by the time, place, and manner of operation restrictions proposed by the city or county. City Attorney Blair Henningsgaard has authored the attached proposed ordinance that satisfies the requirements of Senate Bill 1531. In short, this ordinance will impose a moratorium on marijuana dispensaries conducting business within the City of Astoria. This includes all marijuana dispensary businesses whether currently in operation or pending approval. The proposed moratorium is not intended to provide a position on the issue of marijuana dispensaries, but rather to allow the City additional time to address this issue. It is recommended that the City Council hold a public hearing and conduct the first reading to adopt the ordinance. If the Council were in agreement with the recommendation, it would be in order for Council to conduct the first reading of the ordinance, including declaring an emergency for this ordinance to become effective immediately upon passage for the immediate preservation of the public peace, health, and safety of the public.

City Manager Pro Tem Estes explained that should City Council request a first reading tonight, a second reading could be held on April 21st and then, the ordinance would go into effect immediately. The draft ordinance in the agenda packet incorrectly stated the ordinance would go into effect on April 7, 2014. He explained that SB1531 allows local governments to regulate marijuana facilities with regard to their hours of operation, location, and how they operate unless a moratorium is declared. A moratorium would prohibit marijuana facilities for one year. At the end of one year, the time, place, and operation restrictions would take effect. During the moratorium, the City could adopt restrictions that would become effective when the moratorium expires.

Councilor LaMear confirmed the ordinance would pertain to the marijuana facility on Marine Drive and asked what effect the moratorium would have on the business. City Attorney Henningsgaard explained that the continued sale of marijuana would be prohibited at that location. The business would be closed down for one year.

Councilor Mellin asked why the moratorium was necessary. City Attorney Henningsgaard explained marijuana is still classified as a Schedule 1 narcotic drug by the federal government. The sale and possession of marijuana is illegal under federal law. Therefore, the businesses are not able to open bank accounts or process checks and credit cards, making them cash operations. This raises concerns with law enforcement because the businesses become targets for criminal activity. Regulating the sale of marijuana has never been examined closely by the legislature or the City. Astoria currently does not have any regulations as to where the businesses can take place within commercial zones or how to tell which customers exiting the stores have made purchases legally. Many questions that rise from the marijuana laws today have gone unanswered. The moratorium would give the legislature, City Council, and law enforcement time to incorporate appropriate restrictions on the businesses.

Councilor Warr asked what the consequences would be if City Council did not pass the moratorium. City Attorney Henningsgaard said that Astoria's ability to restrict the sale of marijuana in dispensaries would be restricted to time, place, and manner. The City would not be able to require existing businesses to move. Astoria does not currently have any regulations regarding the dispensaries.

Councilor LaMear confirmed that Astoria currently has only one dispensary. Planner Johnson added that the City has approved two other facilities, located at 14th and Commercial and 2911 Marine Drive. Both facilities have received City approval as new businesses in the community. She was unsure if either one had opened. Chief Curzon confirmed there had been no problems with the dispensary currently in operation. He noted that police are not able to go inside the business to do an inspection, as there is no regulation in place allowing the police to

conduct any inspections. The moratorium would allow the City to put some regulations in place similar to the Oregon Liquor Control Commission (OLCC) regulations of liquor stores.

Councilor Warr asked Chief Curzon if he knew how many people in the community had medical marijuana cards. Chief Curzon stated that about 33,000 medical marijuana cards have been issued in the State of Oregon, but he did not know how many people within the county had cards. Cardholders can conduct business anywhere in the State.

Angela Fairless said 60,000 people in Oregon, including 568 people in Clatsop County, had medical marijuana cards.

Councilor Mellin said she was concerned that while the sale of medical marijuana was legal in Oregon, it was illegal under the federal law. This puts the City at a crossroads because a federal agent could intervene at any time. She understood this was an argument between state's rights and federal rights. City Attorney Henningsgaard disagreed, explaining that the federal government outlaws many activities but is a different jurisdiction. Laws between jurisdictions are not always the same. The federal government considers marijuana to be among the most dangerous drugs.

Mayor Van Dusen asked for examples of other substances or activities that are considered illegal by the federal government but legal in the State of Oregon. City Attorney Henningsgaard could not recall any other examples.

Councilor Herzig noted that his marriage was considered legal by the federal government, but illegal by the State of Oregon. The United States Attorney General has indicated that he would not pursue criminalizing marijuana, so he did not believe federal agents would be intervening. He understood the moratorium would become effective after the second reading and adoption on April 21, 2014, not at this meeting. City Attorney Henningsgaard explained that two procedures could be followed. City Council could conduct both readings and unanimously adopt the moratorium at this meeting, which would make the moratorium effective immediately. Alternatively, City Council could have the first reading at this meeting and the second reading on April 21st, after which, City Council could adopt the moratorium by emergency to go into effect on April 21, 2014. Councilor Herzig confirmed a unanimous vote would be necessary to put the moratorium into effect immediately and a simple majority would be necessary to put it into effect on April 21, 2014.

Councilor LaMear asked if there was a way to pass the moratorium with an exemption for the existing marijuana dispensary. She believed it was unfair to put the dispensary out of business for a year. City Attorney Henningsgaard believed an exemption would cause significant due process and legal protection problems. While an exemption is not impossible, the City could not allow one individual to have an activity that is criminalized for everyone else.

Mayor Van Dusen understood the existing business and two new businesses spent money to receive a document from the City allowing them to operate a pharmacy, but now the City will be taking this document away. Planner Johnson confirmed that is correct. When the first application was received, she did a lot of research with the Attorney General's Office, the League of Oregon Cities, and the Department of Land Conservation and Development on how to deal with medical marijuana facilities. She learned that in Astoria, the facilities are classified as professional offices, just like doctors' offices and pharmacies. The dispensaries have memberships, which makes them similar to clubs like the Elks Lodge. The City classified marijuana dispensaries as clubs and professional offices, which are allowed as outright uses and conditional uses in certain zones. The three applicants provided the City with business licenses and occupational tax applications. She signed off on the applications as being appropriately zoned and meeting the minimum qualifications of the State with regard to distance from schools and distance between facilities. She confirmed that the applicants stated were open about the type of business being opened.

Councilor Herzig said the State has a 38-page document that includes the restrictions on medical marijuana. Similar to the regulations on liquor, marijuana facilities cannot be within a certain distance of a playground. The facilities also have regulations on the amount of security cameras, safes, quality of marijuana, the facility, and location of the facility. He asked if Planner Johnson had considered all of these regulations when she approved the three applications. Planner Johnson replied that she considered zoning and the location aspects, but not any of the other State requirements.

Councilor Mellin said she was concerned because unlike liquor, marijuana is part of medical care. The City does not interfere with businesses that fill prescriptions written by doctors and she questioned the legality of doing so.

Councilor LaMear asked how other communities in Clatsop County have handled this issue. Chief Curzon, who has been speaking with police chiefs in other communities, said that Cannon Beach and Warrenton are discussing adoption of a similar ordinance, while Seaside has already banished dispensaries under federal law. City Manager Pro Tem Estes added Seaside has a separate provision within their current code that prohibits issuing a business license to medical marijuana dispensaries.

Councilor Herzig noted that marijuana dispensaries have generated considerable revenue for the State of Washington. The City of Astoria could generate revenue from the dispensaries, so allowing the dispensaries to operate would provide financial benefits to the City and its citizens.

Mayor Van Dusen asked what type of revenue would come from the dispensaries. Councilor Herzig believed they would provide tax revenue. City Manager Pro Tem Estes clarified that this was not the case in Oregon and a different system would need to be put in place to collect taxes from the sale of marijuana. Property taxes are collected on the properties where the dispensaries are located.

Councilor Warr understood the police had no authority to enter a dispensary. With 500 people in the county with medical marijuana cards and probably between five and seven dispensaries in the county, he did not believe a dispensary could be profitable. If the activities of the facilities cannot be policed, how does the City ensure that these facilities are conducting business legally? The market would be spread so thin that it would be impossible for an average facility to act within the law and remain profitable. Chief Curzon responded that the Oregon Health Authority (OHA) is currently the only agency that oversees medical marijuana facilities. The OHA enforces the State laws that regulate their location, security systems, etc. There are no local laws that authorize the police department to inspect the premises or check customers for medical marijuana cards. The intent of the moratorium is to allow time to develop regulations that give local authorities the ability to regulate the facilities. This issue is not about the pros and cons of medical marijuana, but about controlling and enforcing marijuana laws. He believed the intent of the State was to give Oregon and individual cities a year to figure out how to regulate the sale of marijuana. He believed everyone agreed that the issue was a mess. He clarified that he had the right to enter the facilities; he just did not have the authority to do an inspection.

Councilor Mellin believed the lack of authority to do an inspection was because marijuana facilities were health related and overseen by the OHA. She asked if the OHA conducted inspections. Chief Curzon said the OHA did not have enough staff to do inspections. Councilor Mellin asked if the OHA planned to fill their staff during the moratorium. Chief Curzon said that part of the moratorium is to figure out how to regulate the facilities, either through the OLCC or through a whole new system like the State of Colorado.

Mayor Van Dusen opened the public hearing at 8:16 p.m. and invited anyone wanting to address the issue to come forward.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he hoped City Council did not make a terrible mistake. He asked if any Councilors had a medical background or knew anything about medicine. He questioned why City Council wanted to get involved in something that should be between medical professionals and the patients receiving prescriptions for marijuana. He believed Councilors would say they did not care if people were using marijuana to alleviate pain, and noted that cancer patients use marijuana so they can eat and function. And yet, City Council is going to make a decision with limited knowledge of medicine. Marijuana is legal in Oregon and the Attorney General of the United States of America has said he would leave the decision to the states and would refrain from bothering the states. He advised City Council to stay out of issue and say that this is not something the City should get involved in. Whether it is marijuana or a heart medication, the City should not take on the issue because City Council does not have the qualifications and State authorities are already in place to resolve the issue properly. Allow the State to go through their process even though it is a bit of a mess right now. The reason the issue is such a mess is because there is an attitude that marijuana should be restricted. He suggested the issue be considered in a legitimate way: consider the benefits and treat marijuana as a medicine. Allow people to get relief from their maladies and obtain marijuana locally. Otherwise, people would drive across the bridge to purchase marijuana, bring back as much as they want and distribute it to anyone just as if they purchased it from a local dispensary. He told City Council not to listen to City Attorney Henningsgaard.

Mark Newell, 859 Glasgow Avenue, Astoria, did not come to the meeting to speak on this topic, but said he could not believe this was up for discussion. He quit smoking marijuana many years ago because it did not serve him. He did not believe a moratorium would make the issue go away, but only change it. Why not spend the time figuring out how to tax marijuana and deal with the issue. He said he had been coming to the meetings because he wants to help save open spaces in town. However, he decided to comment on this topic because he believed it was ridiculous. Marijuana has been hugely pervasive in his life since he grew up in north Portland and it will not go away. It is silly that marijuana is being legislated in this manner.

Nancy Ross, 4940 Cedar Street, Astoria, said she did not use marijuana, did not have a medical marijuana card, or knew anyone who was affiliated with the dispensary. She is a board member of the Oregon American Civil Liberties Union (ACLU), which helped write the ballot measure. She has legislated and lobbied for the legalization of marijuana. On April 3, 2014, a Pew research poll was published that said three quarters of all Americans believe legal marijuana is inevitable. Polling in Oregon suggests the legislation will pass in November 2014. Closing local dispensaries places a burden on too many sick and disabled patients who will be forced to travel long distances, turn to the black market, or go without safe medicine that has been recommended by their physicians. Assuming marijuana is legalized, putting a moratorium in place now would remove the only ongoing opportunity to train staff and find appropriate manners for testing marijuana for mold as required by the State. This is important knowledge that would be lost if the dispensary in Astoria is closed. City Attorney Henningsgaard's notice stated, in part, that the bill "which purports to restrict local government regulation of medical marijuana facilities to only time, place, and manner of operation." What else does is needed? Suggesting that a moratorium is necessary to decide when these facilities can operate, where they can be located and the manner in which they can do business seems unreasonable, as this would likely be a flowing policy that would change and develop as the issue moves forward. Legalizing marijuana in November might become pervasive, part of who we are in Oregon, and probably around the United States. She believed the moratorium was a knee-jerk reaction demonstrated by calling this an emergency adoption. The deadline is May 1, 2014. This issue may be considered of essence or of a timely manner, but to say this is an emergency leads constituents to believe that there is some eminent danger to the citizens of Astoria. The sky is not falling because there is one, possibly three, dispensaries in Astoria. Her brother-in-law, the U.S. Ambassador to Malaysia, once said that it is much easier to say no because nothing bad could ever come back on you. This is a bureaucratic state of mind, which she believed was occurring now. Accepting the moratorium would give the City a year, but there is nothing to be gained from that. There must be an end game to the issue and the Councilors must be responsible by looking at the evidence and understand they get to determine time, place, and manner. If doing so is so frightening that Council thinks a moratorium is necessary, she will lose confidence in each of the Councilors. The Senate website indicates that the governing body of the city or county may adopt its ordinances that impose reasonable regulations on the operation of medical marijuana facilities. What more could any business want? This is something between a doctor and a patient. Out of all the choices City Council has, regulation is the best. Making a knee-jerk reaction and shutting down a business that the city can learn from would prevent using the business as a model for how this issue will move forward. She asked City Council to think about the issue, be reasonable, and do the right thing. She asked City Council not to vote for the moratorium because she did not believe there was anything to be gained.

Tom Duncan, 511 Jerome, Astoria, believed he was the only person at the meeting who signs marijuana cards. It is important to understand that physicians do not prescribe marijuana. Physicians only determine whether or not a patient has a condition that qualifies the patient for a marijuana card from the Oregon Medical Marijuana Plan. The legislature is completely in charge of what conditions are allowable for medical marijuana cards. The sad thing is that medical marijuana is a misnomer. There is only marijuana, which is an illegal drug. Physicians can lose their licenses. He explained that if the federal government really wanted to pursue the issue, it could pull his DEA number just for suggesting that marijuana might be appropriate for some people. While the federal government has never done this, they have classified marijuana as a Schedule 1 Narcotic, making it impossible to conduct any research. There is no way to know whether a patient really benefits from marijuana through double-blind medically approved studies. Only anecdotal evidence exists and he has no way of objectively evaluating the evidence. No research has been published. It is important to keep in mind that the situation is completely insane. Physicians are trying to make people feel better. These people are not responding to narcotics, alcohol, or other drugs that are available, but say they feel much better when they take marijuana. What is he supposed to say to someone who has chronic pain and starts doing better with marijuana, decrease their opiate use? This is not research, but purely a subjective decision for him to say a patient qualifies for a medical marijuana card. It is not a prescription for marijuana. Physicians need the ability to research marijuana, which is no different from any other natural product like opiates, cocaine, coltrazine/colchicine, or digitalis. These natural products have been available to the medical profession for thousands of years. Marijuana has been used

by people since the Neolithic era and should be researched. This issue tonight is to decide if Astoria should put a one-year moratorium on a dispensary that is following the rules and has not caused any problems. He agreed with Ms. Ross that the moratorium should not be approved. He asked City Council to consider the issue from his perspective. He is not prescribing marijuana, but is just trying to follow the rules and do the best he can for his patients.

Mayor Van Dusen asked Mr. Duncan for more information on the conditions that allowed a person to get a medical marijuana card.

Mr. Duncan explained that marijuana makes you hungry, so it was identified as a possible solution for cancer patients who have a difficult time eating. Marijuana was effective in people with acquired immunodeficiency syndrome (AIDS) at reversing chronic nausea and inanition. Appetites improved and patients did better after taking marijuana. Some patients noticed that marijuana has pain-modifying effects that make them feel less affected by the pain, allowing them to tolerate the pain better. The most recent legislature passed a law making Post Traumatic Stress Disorder (PTSD) an allowable condition for medical marijuana cards. Now, marijuana is being taken for intractable seizures, nausea, intractable vomiting, intractable pain, and a variety of conditions. None of these conditions make sense because no double-blind acceptable studies have ever been conducted. There will never be any such studies until marijuana is legal to study. He knows that some of the people who come to him for medical marijuana cards are just putting him on and just want to smoke marijuana. While he does try to weed these people out, he is not always successful. Some of his patients are doing much better, as he has many ways of knowing what people are actually doing. He cannot tell City Council what to do with the existing medical marijuana dispensary, but he believed this situation was entirely fluid and out of control. The federal government has indicated that it would not pursue state initiatives, but they can change this at any time.

Sydney Nickel, Gearhart, said she has 27 different drugs she could take at any time for a variety of reasons. The side effects reduce her quality of life to nothing. She is either so tired that she cannot get out of bed or is nauseated. Smoking marijuana does not put her in a trance. She cannot drive from Astoria to Gearhart without getting carsick. Taking away the dispensary in Astoria would require her to drive to Portland or another state or to find someone on the street willing to sell her a bag of marijuana. Her medical marijuana card came from an oncologist in Portland at Providence Hospital. The oncologist had no problems signing her card. She did not understand why this issue was up for discussion since the City has already issued business licenses and the dispensary has not caused any problems. She needs medical marijuana and needs it available when she is able to go get it without having to wait for someone to call around, looking for someone that may have it. Marijuana is legal, so she did not understand why City Council was wasting time with this issue.

Ernie Nickel, Gearhart, said he did not see why his wife should be sentenced to pain. In the past, he has smoked marijuana that he bought on the street. The dispensary takes care of his wife and others with illnesses. He believed it would be wrong to approve the moratorium.

Jeff Watkins, 92295 Youngs River Road, Astoria, said he was new to marijuana as he has multiple sclerosis, which is an incurable degenerative disease. His neurologist at the Veteran's Administration (VA) suggested he take marijuana. She is unable to give him marijuana because she is a government agent. When she asked if he had ever considered marijuana, he responded that he was always taught as a kid that marijuana was a drug, so rather than smoking it, he ingests marijuana. He questioned if the government would be willing to take aspirin off the market. He has yet to see proof of any negative effects of marijuana, but drinking too much alcohol can cause alcoholism. City Council makes the decisions for the community and the community is all that City Council has to listen to. He has to spend \$500 each year to keep his medical marijuana card that allows him to take something that helps him. How many people pay \$500 to buy a bottle of aspirin? The moratorium would be a burden to the patients, as they would have to drive more than 100 miles. He was asking a lot, just for some common sense. Restricting medical marijuana is difficult on the patients because they do not make the rules; they just try to abide by them. He asked City Council to appreciate and acknowledge that patients are part of the taxpaying public so they do not have to feel ashamed or feel they have to hide their use of marijuana. He hopes society's attitude would change to realize that marijuana is not bad, so why would the City restrict something that is not bad?

Angela Fairless, 846 10th Avenue, Seaside, said she is a mother and an active citizen, she has been columnist and reporter for the *Seaside Signal*, and her articles have been published in the *Daily Astorian* and *Hipfish*, and she has been on KMUN, and every local radio station. She advocates for youth, low income families, homeless people, and veterans. In 2010, she became an activist for medical marijuana because it dramatically helped her

health. She visited the emergency room for the first time when she was 10 years old. Her pain was so unbearable that she was praying for God to kill her. Between the ages of 10 and 23 she was in the emergency room 5 to 12 times each year where she had CAT scans and MRIs and met with specialists. As with most western medicine, a cause was never found so her symptoms were treated, but this caused more symptoms. At age 23, she learned how to use cannabis as medicine. Cannabis is the scientific name for marijuana. She learned to use it as a medicine in a liquid form and she had not returned to the emergency room or used medicine, pharmaceutical drugs or IVs since she was 23. She is lucky to have such good health now. Because she feels so blessed, she has done some activism work. As part of this work, she has been encountered people like those testifying tonight; she has been at the death bed of a nine year old and watched her brother pull shrapnel from his head. Multiple sclerosis, gout, fibromyalgia, and the wasting syndrome that occurs with AIDS and chemotherapy are some of the most horrific things she hopes to never experience. However, if she ever does, she will use cannabis in a concentrated form to alleviate the suffering. There are 60,000 medical marijuana card holders in the State of Oregon, 568 of those are in Clatsop County. In 1973, the State of Oregon became the first state in country to decriminalize small amounts of marijuana, not medically, but just in terms of adult possession. Since 1973, the state has made it clear that it does not agree with the federal government's classification of marijuana as a Schedule 1 Narcotic. Double-blind studies on humans are not possible, but rats, monkeys, Petri dishes and test tubes can be used by the government to conduct a study. In 1974, under President Nixon, the University of Mississippi discovered that cannabinoids helped with chemotherapy, wasting syndrome, and safely killed cancer cells. While the federal government classifies marijuana as a Schedule 1 Narcotic, they also have a patent on marijuana as a neuroprotectant and antioxidant. This information can be found on .gov websites. She does not envy the City Council, as they are citizens volunteering to do a job. Between the Federal, State, and local powers, City Council is being pulled in all directions, as well as the citizens asking them to do one thing or another. Seaside has declared that they will pass the law even if they do not use the moratorium. Seaside's existing ordinance uses the federal classification to deny medical marijuana. She believed Warrenton would pass the law as well. Even though the majority of citizens in Cannon Beach and Arch Cape voted in favor of the law, those cities have made it clear that they will vote it down. The county commission has left their public hearing open. The County is considering passing the law, but because their jurisdiction is unincorporated areas, the moratorium will probably be approved. She believed dispensaries should be in the county because they would not be detrimental. It would be detrimental if Astoria City Council approved the moratorium because they are the last hope that medical marijuana patients have. She asked that Council please not take away the dispensaries. While she does not envy the Councilors, she does admire and appreciate them. She thanked them for taking time to consider the issue.

Dave Elms, 1444 Commercial, Astoria, said he was the owner of the upcoming medical marijuana dispensary Sweet Leaf Natural Medicine. House Bill 3460, authorizing medical marijuana dispensaries, was approved by the legislature on June 28, 2013 and signed by the governor on August 14, 2013. On September 11, 2013, he told Planner Johnson that he intended to open a dispensary. After researching where the business could and could not be located, the City issued him a business license. He then obtained a permit and hired an engineer to ensure that the building was sufficient, which cost a lot of money. He continued to move forward thinking everything was fine until he received notice stating the City has an opportunity to ban dispensaries through a moratorium. He has put \$26,000 into his building, which was his life's savings, and now he did not know what would happen. He stated he is trying to be a business owner and urged City Council to consider that.

Mayor Van Dusen asked why Mr. Elms needed to hire an engineer. Mr. Elms explained that his building is a commercial building in downtown. He believed he could just draw a picture for Planner Johnson showing where he would build walls and put his glass cases, but many things needed to be done to his building that were not related to selling marijuana. He has not yet sold any marijuana out of the building because he was waiting on approval from the State. He has just received his provisional state permit, but it does not allow him to open his business yet. He and the other dispensaries are trying to do something for the community and he has been taking care of patients for a while. He cannot make the pills or edibles, but he can give his patients medicine so they can try to eat. Everything must be tested before it can be sold. Right now, this is a grey area but to play this game, there are rules. He did not understand why the Police Chief, district attorney of the County, or a sheriff is trying to keep marijuana from the medical community. He asked City Council to get on board and work with the dispensaries. He invited City Council to visit his shop and see what he has done. The patients and their families are having difficulties. Running a dispensary and growing marijuana are not easy or affordable tasks. The plants need care every day and he described some of the efforts involved. He distributed a handout showing the work he had done so far to get his business going.

Nick Clark , Nature's Choice Alternative Medicine, 59 W. Marine Drive, Astoria, said he has invited City Council and others to visit his dispensary several times. Kenny Hanson and another police officer have visited his shop. He is trying to make his business as legal and legitimate as possible and make it profitable. Instead of considering a moratorium, the City should consider other ways of putting legalized marijuana in Clatsop County. He noted that many tourists and visitors from the cruise ships would like to visit his store, but they are unable, adding there are ways to legalize recreational use of marijuana in Clatsop County. He invited the Councilors to visit his store, stating that everyone has done a good job of presenting the issue. If the moratorium passes, his dispensary will have to move, but his business will not be hurt. However, the patients that do not have safe access to marijuana will be hurt. Council must think about the patients. He noted that he has been operating in Astoria for three years and the police have not had any problems with his dispensary.

Dawn Greenfield, 413 S. Franklin, Seaside, said her son, Ian Gonzales, owns the pharmacy at 2911 Marine Drive. She volunteers at the dispensary and is a patient. When she was 38 years old, she became really sick and was finally diagnosed with Crohn's disease. She was a giant blimp on steroids, taking handfuls of pills every day. Today, she looks and feels great and is doing much better. She loves what the medicine has done for her and other patients. While helping her son with his business, she was surprised to learn that the customers were not what she expected. The store is not a party with customers using bong, which is possibly what some people expect. The business is very professional, located in an old doctor's office. Customers are greeted by a receptionist. Their medical marijuana cards and identifications are checked. There are cameras and everything is entered into a computer before the customer can go in the back to look at the medicine. An employee is with the customer to explain the different types of medicine and how to use it. Customers are encouraged not to smoke the marijuana because smoking is unhealthy. All of this is recorded into a computer. The State of Oregon has the ability to log on to the computer and cameras at any time to see the data. The business must provide 10 days of video logs upon request. Contrary to what most people have heard, a lot of control already exists. There are tax advantages to the City because Senate Bill 3460, 38 pages of laws, states that medical marijuana dispensaries are like any other retail store in the City of Astoria that file state business tax returns. Dispensaries pay taxes on every product they sell. The clubs are phasing out with the new law. The bill should be clearer about enforcement. Her son's dispensary is across the street from the police department and there have not been any issues. She was surprised to find that almost every patient is over 50 years old and that the faces of marijuana are the faces seen at this meeting. Patients are normal people from all walks of life, not crazy hippies. Prohibiting dispensaries will lead people to commit crimes, for which City Council will be responsible. There are no prescriptions for marijuana, but recommendations by doctors. This issue is City Council coming between a patient and their doctor. As Councilor Mellin said, this is not a good idea. She confirmed for Mayor Van Dusen that her son's dispensary has been open for one month. Hearing about the new law was like a dream come true for her and her son. Her son had always wanted to start a business like the dispensary. The old law was very grey and failed to provide direction. The new law provides everything in black and white, making it easy to follow. She and her son spent much of their life's savings to open the dispensary. Planner Johnson was fabulous, but Seaside was uninformed and unprofessional. Seaside kept saying their business license had been mailed, but this was not true. Astoria has a chance to be pioneers and make this right for the City of Astoria by providing a professional platform to do this right.

Mayor Van Dusen closed the public hearing at 8:59 p.m. and called for questions and comments from Council.

Councilor Herzig said he did not want to preempt Council discussion, but did not see any reason to move forward with the ordinance. He thanked everyone who gave up their evening to attend and testify.

Councilor Mellin said this discussion has been going on for decades and she believed some things take time. She could not approve the moratorium because it is a medical issue. She did not know that anything would happen in one year, so the moratorium did not make sense to her.

Councilor Warr said he arrived at the meeting with the intention of voting in favor of the moratorium, but now, he is conflicted. He believed marijuana would be legal in Oregon soon. He hoped Astoria would be smart enough to regulate marijuana properly. He apologized that he was unsure how he would vote.

Councilor LaMear said she would definitely vote against the moratorium because it did not make any sense to her.

Mayor Van Dusen complimented Planner Johnson for her design and review work. Safeway voluntarily used design standards on their new store after speaking with Planner Johnson. She did a great job. He said he was

most concerned that these businesses have invested money because the City said the dispensaries were allowed. In his personal business, he has relied on a document only to be told later that it was invalid, which was very difficult.

City Council agreed not to conduct a reading of the ordinance.

Mayor Van Dusen called for a recess at 9:03 pm and reconvened the City Council meeting at 9:07 pm.

Item 6(d): Irving Avenue: 19th Street Bridge Replacement – Surface Transportation Fund Exchange for Construction (Public Works)

The Irving Avenue Bridge near 19th Street was built in 1946 and serves as part of an alternate route for State Highway 30. Federal funding has been secured from the Bridge Replacement and Rehabilitation program to replace the bridge. This project is scheduled to begin bid advertisement on May 1, 2014. The construction cost estimate for the project at the final design stage is \$5,158,000. The expected total cost of this project is \$6,187,000 with the City's 10.27% match expected to total \$635,404.90. ODOT requires a deposit of 110% of the City's match for construction costs so that a construction contract can be awarded if the lowest bid is above the engineers estimate. The City's current estimated contribution is \$582,700. If any deposited City funds remain at the end of the project, it will be returned to the City's STP account.

In May 2011, Council authorized transfer of Surface Transportation Program (STP) funds in the amount of \$123,506 for the City's contribution of the engineering phase of the project. Since then the City has accumulated \$33,787 in additional STP funds. ODOT exchanges these Federal funds for State funds at a rate of 94 cents on the dollar; therefore, a total of \$310,939.78 in STP funds is available for this project. An agreement to allocate \$310,939.78 in STP funds for a portion of the City's match has been prepared. The remaining City contribution of \$271,760.22 is proposed be paid for out of the Local Fuel Tax. It is recommended that Council authorize entering into a 2014 Fund Exchange Agreement with ODOT to allocate \$310,939.78 in STP Funds to be used toward the construction of the Irving Bridge Replacement project.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Warr to authorize entering into a 2014 Fund Exchange Agreement with ODOT to allocate \$310,939.78 in STP Funds to be used toward the construction of the Irving Bridge Replacement project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(e): Consider Setting Public Hearing for Estate of Frankye Thompson Property Sale Offer – 100 Block W. Franklin (Public Works)

The City has received an offer from Lisa M. Stevenson and Greta Thompson Sangder, devisees of the estate Frankye Thompson, for a City-owned lot in the 100 block of West Franklin Street. The lot is west of the house owned by the estate. The original price set by Area Properties was \$25,000. The offer, which was accepted by City staff, is \$15,000. The estate's attorney has stated that the purchase offer includes a condition that the property be dedicated and maintained in perpetuity as open space. Thus, no construction or building will occur on the property once it is purchased from the City. The deed would recite that the open space would be titled "Denny and Frankye Thompson Open Space". It is recommended that the City Council hold a public hearing at its April 21, 2014 meeting to consider the purchase.

Councilor Herzig requested that at the public hearing, Staff or Area Properties explain why the asking price was reduced from \$25,000 to \$15,000.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor LaMear to schedule a public hearing on April 21, 2014 to consider property sale offer by the Estate of Frankye Thompson. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(f): Consider Setting Public Hearing for Sale of City Property – 4800 Block of Birch (Public Works)

Area Properties listed the vacant City lot in the 4800 block of Birch, Block 17, Alderbrook, for \$19,000. The property was identified on "City Owned Properties for Potential Sale" list updated February 6, 2014, as "In Price

Negotiations". Following the February 18, 2014 City Council meeting a list of properties currently under negotiation was prepared. That identified 10 properties that were eligible to continue under the property sale program after City Council suspended the property sale program. The 4800 Block of Birch property was included on this list. This list was subsequently updated and the 4800 Block of Birch property was identified erroneously on the March 5, 2014 "Current Status of Properties Under Negotiations" list as "withdrawn". The property had never been withdrawn by the potential purchaser, but was unfortunately confused by the City's real estate team with the 4900 Block of Birch (west). Leroy Olvey, the adjacent property owner originally made an offer of \$8,000 in October, 2013. Staff countered with the price of \$12,000, which has been accepted by Mr. Olvey. It is recommended that the Council schedule a public hearing on this purchase at their May 5, 2014 Council meeting.

City Manager Pro Tem Estes noted that Director Cook signed the counteroffer on February 19, 2014. Staff recommends scheduling this public hearing in May instead of April to allow Staff additional time to develop a detailed synopsis for the City Council that explains how the mistake occurred.

Councilor Herzig requested that at the public hearing, Staff explain why the asking price was reduced from \$19,000 to \$12,000.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to schedule a public hearing on May 5, 2014 on the sale of City Property located at the 4800 block of Birch. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(g): Consideration of Draft City Council Fiscal Year 2014-2015 Goals

The City Council held a work session to set goals for Fiscal Year 2014-2015 on February 17, 2014. From that work session a list of Council goals was drafted. The draft goals were discussed at the Council meeting of February 18, 2014 and an article reviewing the goals was published in the February 18, 2014 edition of *The Daily Astorian*. The final draft of the goals has been posted on the City website. The goals are presented for further consideration and possible adoption.

Councilor LaMear requested the next to the last goal be edited to read, "**Ensure that** post-construction maintenance plans are prepared and in place for all City projects" to match the format of the other listed goals.

Councilor Mellin noted that Lower Columbia Diversity Project (LCDP) had been added to the third to the last goal, which was not her intent. The intent of her goal was to focus on nurturing and respecting Astoria's relationship and common interests with other countries, including China, India, Japan, and Germany. She wanted to change the wording of the goal to reflect that intent. City Manager Pro Tem Estes said he wanted to discuss changes with all of the Councilors because this language was originally discussed at the goal setting session. Councilor Mellin recalled there was a rush to end the goal setting session, so she decided to bring up the issue at a later time.

Mayor Van Dusen suggested Councilor Mellin work with City Manager Pro Tem Estes to develop wording that she prefers or to create a new goal and present it to Council for discussion and consideration. He reminded that the goals will become effective July 1, 2014, so there is no hurry.

Councilor Mellin added that Astoria has a relationship with China after receiving items for the Garden of Surging Waves. Japan has a historical organization housed in the Historical Society, which is the Friends of Ranald MacDonald that the community will be hearing more about. And, since the Ghadar celebration, Astoria now has a relationship with India. She agreed to work on the wording of her goal, noting she did not want the word diversity included because she was referring to international relationships. She clarified that she wanted to remove the goal to support diversity. The Lower Columbia Diversity Project is only one project and there are so many volunteer organizations. She knew of five or ten organizations that City Council should be supporting. She suggested saying that City Council supports volunteer projects in general, instead of naming all of the projects. Rather than a goal to continue supporting diversity, she preferred to continue supporting volunteer organizations, which deal with diversity, but she did not want to use the word diversity.

Councilor Herzig asked that the third goal from the top be edited to read, "Support community efforts to provide emergency **and** warming shelters." The City should be supporting emergencies other than warming, such as when there are floods, fires, or power outages. Mayor Van Dusen agreed.

City Manager Pro Tem Estes said he would work with Councilor Mellin and bring the goals back to the next meeting.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Mayor Van Dusen asked for an update on the ribbon cutting at the Garden of Surging Waves. City Manager Pro Tem Estes said the Garden of Surging Waves Grand Opening was scheduled for Saturday, May 17, 2014. The activities currently being planned by Staff and the Astoria Downtown Historic District Association (ADHDA) will begin at 10:30 am. He reminded that the ADHDA assisted the City with the groundbreaking ceremony. The annual Ranald MacDonald luncheon will be held at noon following the grand opening ceremony.

Councilor Mellin noted there is a charge for the luncheon and suggested the Councilors pay for their lunch since the City paid their membership dues.

Councilor LaMear asked for an update on the Flavel properties. City Attorney Henningsgaard said that fines have been levied against the Flavels. The paperwork to conduct a sheriff's sale is currently being reviewed by Sheriff's Office, but he learned that there would be a delay because the City has requested 29 sheriff's sales, which is a high number of foreclosures. He did not know when the sale would be scheduled.

Jim Krettler, 1660 SE 1st Street Astoria, handed Mayor Van Dusen a copy of his comments and questions, which he presented as follows:

- He recalled that at the first City Council meeting in April 2013, he asked City Council to post its goals and objectives on the City's website so the citizens could follow the progress. Mayor Van Dusen was not present at that meeting. One Councilor was against and two Councilors were in favor of posting the goals on the website. He has not seen anything posted on the website about the progress of City Council's goals from last year. He asked if there was a written document available to the public with this information.
- In September 2012, he attended a City Council meeting to ask how maintenance at the Garden of Surging Waves would be funded. Mayor Van Dusen had stated funding would come from private donations. He asked how much money had been raised for the maintenance of the garden and how the City was documenting the use of that money. After Measure 5 passed in the 1990s, Parks Director Lindstrom started a Parks and Recreation Fund. Parks Department Staff solicited money on the condition that only the interest, not the principle, would be used for park projects. When he retired, the fund was still included in the budget. However, the fund is not in the current budget. In November 2013, he asked Director Carlson about the fund and Director Carlson said he would look into it. Mr. Krettler has not yet received an answer. He asked what the City has done with the money in the Parks and Recreation Fund.
- The City of Astoria has contracted with the State of Oregon to take care of the Smith Point roundabout. The City receives over \$9,000 a year for this work. Using temporary employees should result in at least 75 hours of work completed each month at the site. He has not seen 75 hours of work done, nor has he seen the flower beds weeded in the last five years. If he is wrong, he would like to see documented proof of the amount of work that has been completed. If he is correct, he questioned if the City had been breaking the law by using the funds for other projects.
- During the 30 years that he worked for the City of Astoria, training and hiring costs had to be included in the budget process. When City Council went to Germany, their travel expenses went through the budget process. While reviewing details of the budget, he came across some items that he had asked be clarified, such as the \$800 spent on airfare to bring in a person to be interviewed for a Parks Maintenance position. Parks Staff went to the East Coast for training, which cost about \$4,000. The Staff stayed at a hotel that cost \$200 per night and used a limousine service. He did not understand why a taxi service could not be used. Parks Staff was also sent to a five-star resort in Arizona and to Pittsburg for training. When he worked for the Parks Department, Staff members were part of the Oregon Parks Association and the City was a member of the League of Oregon Cities. Both of those organizations help train Staff. Since the training was not included in the budget, where did Parks Staff get the money to attend the training? He supported training, but only \$1,000 was in the budget and the Parks Department spent \$4,000. He wanted to know where the money came from. He understood that the City had not completed an amended budget resolution to include the funds.

Mayor Van Dusen asked if there was any way for people to track the progress of the goals for FY2013-14. City Manager Pro Tem Estes explained that when departments do project status updates they many times tie them back to Council Goals. However, at the next City Council meeting, he has requested that the Parks Department,

Community Development Department, and Public Works to provide updates to Council. Staff can prepare a report at the next meeting specifically showing the progress of all the City Council goals.

Mayor Van Dusen believed if Council asks people to help create the Council's goals, information about the progress made should be made readily available to everyone.

Mr. Krettler suggested the information be posted on the City website.

Councilor Herzig said he attended a League of Oregon Cities Conference in 2013, where he learned that in North Bend, each Councilor was responsible for reporting quarterly on certain goals, though Staff did most of the work. He mentioned this at the goal setting session and Council agreed it was good idea. Astoria did not make progress reports a goal because the intention is to report on goals quarterly. He suggested goal shepherds be assigned so quarterly reports are provided on the progress of goals.

Mr. Krettler agreed, adding a written document is needed for everyone to see.

Mayor Van Dusen said the City has developed a maintenance plan for the Garden of Surging Waves, but all of the money has not yet been received. He hoped the City would receive more money at the ribbon cutting ceremony. He noted the question was how much money had been raised and how much money had been donated specifically for maintenance of the Garden. City Manager Pro Tem Estes said that Parks Department volunteer coordinator, Janice Galizio, has been contacting groups in the community to coordinate volunteer activities. The City is looking for citizens to assist with weeding the garden and provide some care. A budget has not yet been created, but the Garden would be maintained as part of the Parks Department budget.

Mayor Van Dusen added the City raised more money than he expected; however, it was still not enough. The City had tried to raise the funds and will continue to do so. Mr. Krettler said the City's flyer is posted on the door of his store downtown, as the City has six projects that need volunteers. City Manager Pro Tem Estes said he needed to look into the Parks and Recreation Fund. Mayor Van Dusen added that Director Carlson and Director Snyder were not present. Mr. Krettler said he spoke with the Finance Department in November 2013 about the fund when he came to City Hall to request budget details.

Mayor Van Dusen did not understand how Mr. Krettler calculated that \$9,000 meant 75 hours of work each month should have been completed on the roundabout. Mr. Krettler replied that 75 hours was a little low, but explained that he divided about \$9,300, actually, by 12 to get about \$750 per month and figured \$10 per hour for temporary employees' pay. Mayor Van Dusen noted that labor cost more than \$10 per hour after insurance and worker's compensation. Mr. Krettler said he would add 37 percent. City Manager Pro Tem confirmed Staff would provide a report back to him on where the \$9,300 was being used.

Mayor Van Dusen noted Mr. Krettler had a number of questions about training and hiring. City Manager Pro Tem Estes said he would coordinate with Director Cosby about where the training costs were budgeted.

Mr. Krettler said \$1,000 was budgeted but \$4,000 was spent. After writing parks department budgets for 30 years, he understood that the expenses came out of various funds, like conferences, travel, and training. Director Cosby explained the department has saved a large amount on personnel over the last fiscal year because one full time position was vacant for 10 months. Budget cuts and increased revenues have also resulted in more savings. Her main goal is to make sure her department stays within its budget. She has used discretion on how to spend funds from the Park Department budget and it was her choice to invest in Staff since the department was exceeding its budgeted goals.

Mr. Krettler responded that making more money does not mean the department gets to spend more. That is not the way the City is set up. Even though he raised more money, he was never able to spend more at the discretion of the Parks Director. Each line item in the budget indicates how much can be spent.

Mayor Van Dusen understood that Director Cosby could spend the money allocated for a full-time employee if the spending was approved by the City Manager, and that the money could be spent on anything as long as the amount did not exceed what was budgeted. City Manager Pro Tem Estes confirmed this was correct.

Mr. Krettler said he worked under numerous city managers. Some city managers required that spending stay within the line item; others required spending to stay within the bottom line. City Manager Pro Tem Estes confirmed that the training expenditures were approved by City Manager Benoit.

Mr. Krettler asked why the money saved on a full time employee was not used to hire more temporary maintenance people to work on the parks. Mayor Van Dusen responded that the decision was at Director Cosby's discretion.

Ken Hougham, 3761 Franklin, Astoria, said that he has yet to see an organized softball game played at the girls' softball field at Tapiola Park since the gates to the field have been unlocked. He has a granddaughter who plays varsity softball. People only use the field to run their dogs and let their dogs do their business, which he has observed while eating lunch at the park. If he were 20 years younger, he would confront the dog owners. He spoke to Director Cosby about how to handle the situation. He also spoke to his doctor and a veterinarian about the diseases children can get from the animal waste. His landscaper said that animal waste kills grass. Staff told him signs would be posted within two weeks. However, five weeks have passed and the girls are playing on that field. When the temporary closed signs were posted as the field was being reseeded, the pet owners used the baseball field to run their dogs and did not pick up their animal's waste. However, he believed picking up the waste does not matter because it cannot be completely removed. He did not believe the kids should be subject to playing where there is animal waste on the ground; something needs to be done. He suggested signs be posted at the gates and around the park that the law states dogs cannot run around the park off-leash.

He had heard about the proposed dog park, but that has nothing to do with the issue at the softball field, which is about the responsibility of adults who live in the neighborhood and walk dogs to that park, specifically to put them in the fenced softball field that prevents them from running into the street. The softball field is not a dog park, it is a human park. Children can get many diseases from the bacteria left behind from dog waste. All he is requesting are signs to be posted, so that dog owners realize what they are doing.

Shel Cantor, 1189 Jerome, Astoria, stated the Riverfront Vision Plan is online, available in five parts of two or three megabytes each, making the document is relatively easy to download or view. The Table of Contents indicates that there is also supposed to be an appendix with various sections. Some of the sections would be very helpful and he asked how people could access that appendix.

City Manager Pro Tem Estes said Staff can make sure the appendix is posted online. Mr. Cantor asked if there was any way to access the appendices in the interim. Planner Johnson confirmed that she could provide a copy, but she was unsure what format the document was in.

Dulcye Taylor, 1287 Commercial Street, Astoria, reported that the Jane Barnes Revue held Saturday, March 29th almost doubled the ADHDAs' income through donations and the live auction. The event was sold out and the community was very supportive. She acknowledged Alana Garner and the many volunteers that assisted with the event. The downtown cleanup was held yesterday and about 40 people volunteered to pressure wash, clean moss out of cracks, and clean underneath trash cans. The downtown area looks substantially better. She thanked all the volunteers, the Lions Club, who fed the volunteers hot dogs and Ms. Garner for organizing the event.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:45 p.m.

APPROVED:



City Manager Pro Tem