

Depoe Bay City Council  
Regular Meeting  
Tuesday, January 15, 2002 - 7:00 PM  
Depoe Bay City Hall

PRESENT: Mayor J. Steen, P. Taunton, B. Silver, A. Brown, J. Brown, M. Lavery

ABSENT: S. Scorpio

STAFF: City Field Superintendent T. Owings, City Recorder P. Murray, Recording Secretary S. Fox

#### I. PLEDGE OF ALLEGIANCE

Mayor Steen called for all to stand for the Pledge of Allegiance.

#### II. CALL TO ORDER

Mayor Steen called the meeting to order and established a quorum at 7:00 PM.

#### III. APPROVE MINUTES: January 3, 2002 Regular Meeting

Motion 1: A. Brown moved to approve the minutes of January 3, 2002 Regular Meeting as written. Silver seconded the motion.

Steen said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 1 passed.

Ayes: Taunton, Silver, Steen, Alice Brown, Jack Brown, Lavery

#### IV. SPECIAL GUESTS

Maggie Brown 15 SE Ainslee, spoke on behalf of neighborhood children who want to have the privileges of skateboarding, bicycling, and rollerblading reinstated. The speed limit on Ainslee Street is 20 MPH, the kids really enjoy these activities, and the parents want their children to have a place to play near their homes. The skateboarding ramp is not safe or welcoming for younger children. It is frequented by older children who bully the younger ones, making them uncomfortable. She and Councilor Jack Brown will present a proposed amendment to Ordinance 156 at the next meeting. Several neighborhood children were present: Nikki Pedersen, Kyle Wright, Ty Pedersen, and Danny Wright spoke on their own behalf. Silver reminded Maggie Brown that the ordinance was put in place due to abusive use of streets and sidewalks, and that she should be specific in stating that obtaining public use of public streets is the objective. He said a topic of discussion at the next meeting of the Parks Commission will be the skateboard ramp, and encouraged the children to attend.

#### V. NEW BUSINESS

##### A. Interview Applicants for City Commissions and Committees

Before the interviews began, Silver noted that interviews are intended to allow the applicants to introduce themselves. He felt certain applicants were being shown support instead of being

interviewed, and said testimonials should be shared at voting time, not during interviews. He also said that interviews should not seem like an interrogation. Alice Brown had a different perspective, noticing no preference of one over another, and no feeling of interrogation.

1) Harbor Commission

a) Position #3, a four-year term (Jan 2002 - Dec 2005)

Lars Robison was present and was interviewed by the Council.

2) Salmon Enhancement Commission

a) Position #2, an unexpired term ending Dec 2004

Jan Robison was present and was interviewed by the Council.

b) Position #3, a four-year term (Jan 2002 - Dec 2005)

Joe Boyette was present and was interviewed by the Council. He also made a pitch for sale of salmon hats, which is a major source of income for the Commission. Murray will make up order forms.

B. Appointments to Fill Vacancies on City Commissions & Committees

Silver commented about the ballots being identified vs. secret. He wanted to discuss the applicants to date. He commented on apparent Council efforts to select a personality rather than by qualifications. He quoted from Alice Brown's memo of August 11, 2001, where she listed political neutrality as a standard for appointment. Silver questioned whether that standard applied to the decisions being made tonight, noting that one of the Planning Commission applicants took a specific disruptive political attitude last year. Alice Brown responded that the incident referred to was an individual opinion, and as a citizen everyone has a right to take a stand. Councilors turned in their ballots, and Murray read each councilor's selections into the record, marking the votes on a tally sheet as they were read. Applicants with the majority of votes in each position being appointed tonight were:

1) Planning Commission: Position #2 - G.K. "Bud" Romans.

Position #6 - Betty Taunton

Position #7 - Dick Johnson

2) Harbor Commission: Position #4 - Al Vanderford

3) Salmon Enhancement Commission: Position #5 - Gary Walls

4) Economic Business Development Committee: Resident Representative - Rick Davilla

Motion 2: Silver moved to accept the canvass of votes and appoint those who received the majority vote to those positions. Laverty seconded the motion.

Steen said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 2 passed.

Ayes: Taunton, Silver, Steen, Alice Brown, Jack Brown, Laverty

Murray noted procedure as defined by Ordinance 200 requires members of the Economic Business Development Committee, except the two Chamber of Commerce members, be appointed by the Council. A motion to appoint would accomplish this.

Motion 3: Alice Brown moved to appoint Serena Scorpio, Lars Robison, Peggy Leoni, Bill Spores, Rick Davilla, Dick Johnson, and Alice Brown to the Depoe Bay Economic Development Committee. Silver seconded the motion.

Steen said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 3 passed.

Ayes: Taunton, Silver, Steen, Alice Brown, Jack Brown, Lavery

#### C. Regional and Rural Investment Program Application

Owings said the best strategy to get this grant would be to pursue money for technical assistance. Providing matching funds will give the City better leverage. Murray said in-kind funds count as matching. The application is due in February, and much information will need to be gathered if the City makes application. He asked if the Council wants Staff to pursue funding. Murray said that a preliminary engineering study (prior to going out for bids) on water storage is estimated at \$25-\$30,000.

Motion 4: Silver moved to direct Staff to put together a proposal for a technical assistance grant for preliminary engineering on the water storage project. Lavery seconded the motion.

Steen said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 4 passed.

Ayes: Taunton, Silver, Steen, Alice Brown, Jack Brown, Lavery

## VI. UNFINISHED BUSINESS

### A. Whale Park Project

Silver said the Parks Commission met January 8. They understand the need to compromise on construction methods. Several alternatives were discussed at the meeting. He said the Council needs to give Staff direction on this project, as we are in the second year of a two-year grant. Owings said the grant is for \$70,000, and the previous time it went out to bid, the lowest bid came in at \$386,000. He has checked with the insurance company and legal counsel regarding completing the project in phases. They said the City will become liable if this approach is taken with the project, instead of hiring a general contractor. The Parks Commission has come up with the idea of doing a cement wall the same height as the original sea wall, and veneer rock on the sides to match existing rock as closely as possible. The City can save a lot of money by going with an aggregate cement base instead of design concrete. The Memorial Wall doesn't figure into this fund because it's self supporting through the sale of memorial plaques. There is currently \$5-6,000 in that account. If the bids should again come in higher than the available money, he requested permission for himself and the engineer to decide where to cut the project, without further guidance from the Council.

Motion 5: Silver moved to direct Staff to go forward with the project as outlined in the January 8 Parks Commission meeting, and see how much they can get done with the \$70,000 grant money. Alice Brown seconded the motion.

Steen said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 5 passed.

Ayes: Taunton, Silver, Steen, Alice Brown, Jack Brown, Lavery

#### B. Police Car Placement

Lavery said that David Dunne, Traffic Safety Commission Chairman, has come up with selected sites for placement of the retired Oregon State Police (OSP) car (see memo attached to original of these minutes). The sites were recommended by the OSP and the sheriff's department.

Motion 6: Lavery moved to accept Dunne's selection of sites for the police car. Silver seconded the motion.

Steen said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 6 passed.

Ayes: Taunton, Silver, Steen, Alice Brown, Jack Brown, Lavery

Motion 7: A. Brown moved to direct staff to create a sign-off sheet for individuals being given the keys, indicating that they have read the requirements and are aware of the responsibilities; also addressing the requirement for the car will come in each night, and a way of dealing with the keys when the car is being stored at the wastewater plant. Lavery seconded the motion.

Steen said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 7 passed.

Ayes: Taunton, Silver, Steen, Alice Brown, Jack Brown, Lavery

#### C. Ambulance Service

County Commissioners have directed the Ambulance Service Review Committee to come up with recommendations. The committee met last night, and came up with two recommendations: 1) our ambulance service area will not be split, and 2) there will be a public hearing (at Lavery's request) in this area. The public hearing will be on January 23 at Gleneden Beach Fire Hall.

#### VII. PUBLIC INPUT

Peggy Leoni Chamber of Commerce, said on Thursday, January 17 many of the City's lodging facilities will hold an open house from noon to 6 PM. The purpose is for people who live and work in Depoe Bay to come and see what the lodging facilities are like, so they can make recommendations to visitors. Refreshments will be served. The list of participants is posted at the Chamber.

Fran Recht expressed her pleasure at the City being awarded the \$40,000 Jeld-Wen grant, noting that Bill Durst and several City employees spent a lot of time on it. She also spoke to Councilor Alice Brown, quoting from two statements Brown made at the last Text Amendments

deliberation meeting: 1) Brown's knowledge of a lodge in a residential area, and 2) Brown's intention to protect herself. Recht referred to Ordinance 234 (vacation rentals in residential zones). She said requirements of the Oath of Office include not pursuing personal investments, and to represent the people of Depoe Bay and uphold the laws, not excuse their violations. She called for Brown's resignation if she is unable to perform her assigned duties as sworn to. Brown said the 14<sup>th</sup> Amendment needs to be taken into consideration, and information from a pamphlet from John Charles at the Cascade Policy Institute is what she presented at the Council meeting that preceded the Text Amendments. It was this information that she considered in making her statement. She said she has no contact with anyone who is in violation of a law, but that her statement was made based on historic usage. She said because of prior lawsuits naming individual Councilors, there is personal risk, and this is why she made the statement about protecting herself - it had nothing to do with personal investments or a conflict of interest.

#### VIII. CORRESPONDENCE

Murray said there were four items of correspondence (copies attached to original of these minutes), all in relation to a proposed development of Whale Cove. The first letter was a copy of a letter to James Taylor, signed by Whale Cove property owners, and was distributed to the Council and the Planning Commission. The other three were from Tom McDonald. Included in his correspondence is a request for a letter from the City indicating what the City plans to do regarding Ordinance 116. He would like a response by January 18. The City Planner originally contacted the Department of Land Conservation and Development (DLCD) in November, 2001, to find out if the DLCD had ever acknowledged Ordinance 116, and has been following up with them since that date. He is still waiting for an answer from DLCD. Silver suggested we direct Staff to send Mr. McDonald a letter stating that we have received his request, forwarded it to DLCD, and are waiting for a response. Murray will send a letter.

#### IX. LIAISON OFFICERS' REPORTS

Taunton had no report.

Silver reported that 1) The Parks Commission met on January 8. See Item VI.A. for Whale Park update, and Item IV regarding the skateboard ramp, which is in need of repair. 2) The Solid Waste Consortium met this afternoon. Regarding the landfill closure, they have finally contacted someone who will sign off on the Financial Assurance Program, per DEQ request. DEQ standards are set up for closure of a landfill. Our landfill already has a cap on it, so we don't quite fit into what they're requiring, and there's some continuing negotiation there. There has been a question of insurance for general liability should there be a failure down the road. Of the insurance companies that were contacted, there was only one willing to consider the fact that the landfill is closed, and is willing to waive a portion of the pre-existing conditions. Also, county-wide haulers are continuing negotiation to adopt a uniform reporting system for garbage pickup. 3) The Safety Committee met this morning. There were no reported accidents, and they are putting final touches on the quarterly vehicle and facilities checklist for OSHA.

Alice Brown reported that the Planning Commission will meet January 23 to look at a limited use overlay zone for tourist accommodations.

Jack Brown reported there was no Harbor meeting, but Jimmy Wahl talked to Owings about the selection process for the new harbormaster.

Laverty reported 1) The Traffic Safety Committee met January 8. Chairman David Dunne sent a letter to the Council. He requested two letters from the Council: One to Lt. Stallard at the sheriff's office requesting permission for the City to borrow a radar trailer with a traffic counter and which registers speed, for research data. The second letter would be to ODOT regarding a new sign informing pedestrians there is an underpass at the bridge. The existing sign is too small, and larger signs would alleviate jaywalking on Hwy 101. 2) He will be attending a Council of Governments meeting on January 17.

#### X. STAFF REPORT

Murray had no report.

Owings reported 1) He met with a PUD engineer regarding the street lighting requested by neighborhood watch. His investigation revealed a problem with two of the lights (on Winchell) because of underground boxes that would have to be tied into. There are also water and sewer lines in the area, which may create a conflict. These lights would be connecting to power in a private development. Since the City does not own the streets in private developments, we would either need an easement or permission to tear up a brand new street. It would be difficult to get permits even if the City had the money available. Silver suggested informing the neighborhood watch about these findings, and try to come up with alternatives. Owings and Steen will visit the area before Owings contacts the neighborhood watch. 2) The tsunami maps have all been distributed. He received a CD with the program on it from the State. It's being evaluated at the printer's for cost. He will report on price of reprints at the next Council meeting.

Rick Beasley, speaking to Alice Brown, said most people understand she's not motivated by a personal agenda, but that she has the town's interests at heart. He said "attack dog tactics" are methods to impugn peoples' integrity, and that a quote out of context doesn't necessarily mean what it looks like in black and white. He is grateful she's on the Council, and hopes she doesn't resign.

#### X. ACCOUNTS PAYABLE

Motion 8: Taunton moved to approve Accounts Payable as presented. Laverty seconded the motion.

Steen said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 8 passed.

Ayes: Taunton, Silver, Steen, A. Brown, J. Brown, Laverty

#### XI COUNCIL COMMENTS

Silver suggested a joint meeting with both the Council and the Planning Commission, to identify goals and how to move forward from where we are. Inspired by Lars Robison's

poignant comments during his interview for Harbor Commission, he also suggested a separate joint meeting between the Council and the Harbor Commission, for the same purpose. A date was set for the Council/Planning Commission meeting on February 13 at 7 PM.

Alice Brown questioned what “resolving” Measure 7 actually means, wondering what the parliamentary rule on this is.

Jack Brown 1) Speaking to Recht’s statement under Item VII., said the English language is less than perfect, and what’s in a person's heart is partly exhibited by what they say and also by how they live their life. He doesn't think Alice Brown is here for any selfish motives, and he was bothered by what Recht said because it puts a negative cloud over things. He hopes that the Council will become more positive and trusting of each other. All the Councilors are good people who want the best for the town. 2) He is on The Ocean Policy Advisory Council (OPAC), which is a state-appointed council. They are writing a paper to the governor on marine reserves. The OPAC will be holding two meetings at the Agate Beach Best Western in Newport: one on January 31, and one on February 1. They'll be interviewing local experts on January 31, and academic experts on February 1. Jim Tate will be representing Depoe Bay as a local expert. The meetings will be held from 8 AM to 4 PM, and the public is welcome. He will keep us posted.

Roma Powis said there's a Town Hall meeting on January 28 at the Community Center. The Traffic Safety Committee wanted to get on the agenda for discussion time with the community and children, regarding children and traffic safety issues. They will be looking for input and dialogue.

## XII. ADJOURN

There being no further business, the meeting was adjourned at 8:52 PM.

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Mayor John Steen

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Silver Fox, Recording Secretary

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