

Depoe Bay City Council
Regular Meeting
Tuesday, February 5, 2002 - 7:00 PM
Depoe Bay City Hall

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

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. SPECIAL GUESTS

Several Depoe Bay youth were present to request and support modification of Ordinance 156. They are prepared to wear helmets and exercise caution around vehicles. Shawnee Dixon, a member of the rowing club, extended an invitation (copy attached to original of these minutes) to a rowing club open house on February 9 at 3 PM in the barn behind City Hall, and a potluck dinner to thank the creators of the Kid Zone on February 16 at 5 PM at the Community Center. Silver read from the current ordinance: "No person shall operate a skateboard on sidewalk or street." He suggested: "No person shall operate a skateboard on a sidewalk." He feels the use of helmets and other safety precautions is up to each individual. Alice Brown suggested deleting "sidewalk" and substituting "appropriate areas". Scorpio suggested adding a waiver clause. Lavery said the Traffic Safety Commission has no problem with kids in the streets, but the kids need to know that the automobiles have the right of way and that this should be added. Silver said he doesn't want the City to be a parent, telling children how to behave on the streets.

Motion 1: Silver moved to direct Staff to bring a draft of amended Ordinance 156 to the next Council meeting for consideration. Page 3 Item 4 is to say: "No person shall operate a skateboard upon a sidewalk." Jack Brown seconded the motion.

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

Vote: Motion 1 passed.

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

IV. APPROVE MINUTES: January 10, 2002 Special Meeting/Public Hearing January 15, 2002 Regular Meeting

Motion 2: Alice Brown moved to approve the January 10 Special Meeting/Public Hearing minutes with the following addition: She would like it noted that the handout she distributed at

the start of the meeting contained proposed reconsiders for the terms “lodge”, “non-conforming structure”, and “right-of-way”. Silver 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, Lavery

Abstain: Scorpio

Motion 3: Silver moved to accept the January 15 Regular Meeting minutes as written. Lavery seconded the motion.

Steen said it was moved and seconded, and called for discussion. Alice Brown requested the following amendments: 1) On Page 3 prior to Motion 3, Mayor Steen had requested she make the motion and he had previously chosen Councilor Scorpio and herself to be appointed to the Economic Business Development Committee. 2) On Page 5, “...presented at the Council meeting that preceded the Text Amendments *meeting*.” Silver seconded the amendment.

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

Vote on Amendment: Amendment to Motion 2 passed.

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

Abstain: Scorpio

Vote: Amended Motion 2 passed.

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

Abstain: Scorpio

IV. NEW BUSINESS

A. Interview Applicants for City Commissions & Committees

Murray reported that two applications were received since the last meeting: 1) Bob Ward applied for the position of business community member of the Depoe Bay Economic Development Committee, and 2) Donna Soelberg applied for a Traffic Safety Commission opening. Ms. Soelberg was unable to be present this evening. Mr. Ward was present and was interviewed by the Council

B. Skateboarding/Ordinance No. 156 Addressed as Item III.

C. Transportation Committee Report

Dick Johnson said a transportation system plan study was done last year. A committee was appointed to look at implementing the plan, starting with parking in the core downtown area. The committee has completed its report. The committee will distribute the report before an open house meeting, which was scheduled for 7 PM on Wednesday February 27 at the Community Center..

D. Appointments to Fill Vacancies on City Commissions & Committees

Ballots were distributed, completed, and turned in. Murray tallied the votes verbally. All three applicants received 100% of the votes: Lars Robison for Harbor Commission Position #3, Jan Robison for Salmon Enhancement Commission Position #2, and Joe Boyette for Salmon Enhancement Commission Position #3.

Motion 4: Silver moved to accept the canvass of votes and appoint individuals to their respective positions. Lavery seconded the motion.

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

Vote: Motion 4 passed.

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

E. Engineering Proposals.

Owings reported that four bids were received for engineering services for the four gangways at the docks, ranging from \$6,850 bid by PacWest to \$21,000 bid by LEI Engineering. His recommendation was to accept the PacWest bid, saying that he has worked with them before.

Motion 5: Silver moved to accept Staff recommendation on PacWest Engineering for \$6,850 on the gangway project at the harbor. Scorpio seconded the motion.

Vote: Motion 5 passed.

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

F. Amendment to Engineering Services Agreement - Whale Park Project

Owings reported that the consulting engineers will need to make new drawings at a total cost of \$2,300. Silver requested the engineers be instructed to generalize the documents and drawings so there will be no need for future re-draws.

Motion 6: Silver moved to authorize the expenditure of \$2300 to HBH Consulting for redrawing engineering for the Whale Park Improvement Project. Lavery seconded the motion.

Scorpio was concerned about the overall looks of the project due to changes associated with budget constraints. Owings said he will ensure the finished product looks good.

Vote: Motion 6 passed.

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

G. Role/Duties: Council Liaison Officers

Alice Brown said she requested this item be put on the agenda because of chronic criticism of her liaison reports by one member of the commission she is liaison to. She has been unable to find any information or guidelines in City ordinances. She said she acknowledges minutes when available, provides an overview of the meeting when minutes are not available, and provides clarification of City Council action. She asked for guidance from the Council. Jack Brown said we need to have a level of common decency and respect for each other, and

recommended that any commissioner who is not respectful be given a probation period, and removed from office if the problem persists. Scorpio noted she has offered to discuss this type of problem at town hall meetings, but nobody showed up. Silver said a liaison should act as a conduit between the City Council and the commission, and often acts as a messenger. He said the newly adopted Rules of Council state that the liaison should not speak for other councilors unless so authorized, and he cautioned her that the liaison must be careful in what they say. Alice Brown said she wanted to bring this subject up to serve as a warning. Scorpio said the chairman of every meeting is responsible for stopping such behavior. Dick Johnson maintained that Planning Commission meetings are held in a professional manner, and stated that he has no control over what happens after the meetings.

H. Reimbursement Travel/Meeting Expenses

Silver said he asked for this item to be put on the agenda because he would like to give Staff a clear definition of what "normal" expenses are, in the form of a list. Items not appearing on this list can be brought up for a decision by the City Council as necessary.

Motion 7: Silver moved to adopt the list as presented by Staff, for consideration as normal reimbursements, for Staff to review as applied for. Lavery seconded the motion.

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

Vote: Motion 7 passed.

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

V. UNFINISHED BUSINESS

A. Tsunami Maps

Owings reported that the cost of additional maps is \$824.15 for 1,000, or \$1,116.71 for 2,000. This includes all materials and folding. The reprints will fit in business size envelopes. Funding will come out of the Office Supplies line item of the General Fund. Lavery said it would be a cost savings to purchase the larger amount at the reduced price. Fire Chief Ron Smith said he would like to see if the Fire Department can provide some funding to the City for this project. Taunton said the Chamber of Commerce may be able to assist with funding also.

Motion 8: Silver moved to authorize the purchase of 2,000 tsunami maps, not to exceed \$1116.71. Lavery seconded the motion.

Vote: Motion 8 passed.

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

B. Measure 7 - Zoning Code

Alice requested this item be put on the agenda. She is very concerned over progressively restrictive regulatory control. She noted that the City is supposed to have an ordinance review every five years, but the last time one was held was in 1993. She felt an ordinance review would better ascertain Measure 7 risks. She asked Cliff Wamacks to discuss the review process. He said State statutes regarding Planning require a periodic review. The last time

Depoe Bay came up for review (in 1993), all ordinances were brought up to State standards under the State ordinances at that time. When it was nearly time for the next review, the State statutes were amended, eliminating the requirement for Depoe Bay to conduct periodic reviews. He said these reviews are a laborious, time consuming and expensive process. His opinion was that the status of the current ordinances needs to be reviewed, as well as pending amendments. Those things with Measure 7 impact should be brought to the Council for their review and action. Referring to the scheduled joint meeting between the City Council and the Planning Commission on February 13, Dick Johnson said they don't want to talk about resurrecting the Text Amendments, but rather to make sure everyone has the same perspective on what the Text Amendments were, and then to answer the question "Where do we go from here?" Scorpio felt that the Council is very familiar with what work has been done to this point and we know where we are. She said next week's joint meeting could easily become an illegal meeting, by being drawn over a fine line in the discussion, and she was uncomfortable with this.

Motion 9: Alice Brown moved to cancel the February 13 joint meeting between City Council and the Planning Commission. Scorpio seconded the motion.

Steen said it was moved and seconded, and called for discussion. Silver said it is important for the Council to give the Planning Commission direction, and that Larry Lewis has said some of the ordinances are unworkable. Jack Brown said it was a good idea to have the meeting but to stay away from text amendments conversation. Alice Brown wanted them formally excluded. Johnson said there had been a misunderstanding about what they were to do. He said they just wanted to take 10-15 minutes to identify the kinds of problems they ran into in the ordinances, and then move on from there.

Amendment: Alice Brown amended her motion: Cancel the February 13 meeting and have a three-month cooling off period before any of this is discussed. Scorpio seconded the amendment.

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

Restatement: Alice Brown restated the amended motion: Cancel February 13 meeting and have a three-month cooling off period before we discuss this topic again. Scorpio seconded the motion.

Steen said it was moved and seconded, and called for discussion. Silver asked what three months would buy. Alice Brown responded that it will give people time to cool off and re-think everything. She doesn't have a problem looking at what Johnson wanted to present at the joint meeting, but there should be no discussion.

Vote: Amended Motion 9 passed.

Ayes: Scorpio, Steen, Alice Brown, Jack Brown, Laverty

Noes: Silver, Taunton

VI. PUBLIC INPUT

Bud Romans 405 Coast, spoke about the last Planning Commission meeting and requirements the chairman made of the commissioners. He stated he had a disagreement with Johnson when he refused to do the required task. He wanted the Council to know that this incident will not color his future actions on the Planning Commission.

Cheryl Preston POB 153, addressed issues relating to last year's Gates of Thyme Renaissance Faire & Village Apprentice School. To improve communication, she requested having liaison officers assigned to her in 2002. She said only 35 people rode the shuttle during the two-day faire, and only 10 of those attended the faire. She felt the shuttle service was an unreasonable request. They had too many picnic tables last year, and will only need 20-25 picnic tables this year. She also requested permission to place the garbage dumpsters where they will be better monitored, as large pieces of metal were put in them last year when they were at the fish cleaning station, making them unavailable for garbage generated by the faire. She requested the use of City Park and Community Center on the following planned dates: Village Apprentice School on September 26 & 27, and Gates of Thyme Renaissance Faire on September 28 & 29, 2002. Lavery suggested that a Traffic Safety Commissioner be a liaison, and specified that it should be easy for them to contact the faire representative and vice versa. Roma Powis volunteered to be a liaison from the Parks Commission. The requested dates will be checked against the calendar, and this item will appear on the next agenda. Preston also said she is the new community outreach person for Northwest Ambulance, and can be reached at 994-6304 or cpreston@wcn.net.

VII. CORRESPONDENCE

There were four items of correspondence (copies attached to original of these minutes), which had already been distributed to Councilors: 1) a memo from Fran Recht re liaison reports, 2) a letter from Neighbors Against Drugs, 3) a letter from Peggy Leoni resigning from the Depoe Bay Economic Development Committee - Evelyne English will replace her, and 4) a letter from Alan Vanderford, resigning from the Harbor Commission.

VIII. LIAISON OFFICERS' REPORTS

Alice Brown reported that at the January 23, 2002 Planning Commission meeting: 1) Incumbent officers were re-elected. 2) There was a public hearing on an application for a new single family residence in the Coastal Shorelands Zone, which was approved with conditions. 3) Three building permit applications were approved. 4) There was a workshop on a text amendment application for a Tourist Accommodation Overlay Zone. 5) PC Chairman Johnson provided a summary of the tabled Text Amendments to Commissioners in preparation for the joint meeting. 6) She wanted it noted that there was an error in the Planning Commission minutes: "lodge", "non-conforming structure", and "right-of-way" were to be reconsidered, but only "lodge" was actually addressed at the meeting.

Jack Brown reported that the Harbor Commission was concerned about the Army Corps' feedback that there wasn't enough funding to make repairs, mostly concerning the sewer line under the parking lot. Owings said the sewer line was inspected today, and it seems to be in good shape.

Laverty: reported that at today's Traffic Safety Commission meeting: 1) An Oregon State Patrol (OSP) representative was present. They would like the car out for the seafood & wine festival. They also intend to put the live car in the same place the retired car is, from time to time. 2) Skateboarding was discussed. 3) February 10-16 is Child Passenger Safety Week, and OSP usually tags a lot of people during this time. 4) The ambulance service meeting was attended by about 50 people.

Scorpio reported that there was no town hall meeting in January due to her unexpected absence. She announced there will be one on February 25 at 7 PM at the Community Center.

Taunton reported that the Salmon Enhancement Commission meets tomorrow.

Silver reported that the Depoe Bay/Gleneden Beach Sanitary District Wastewater Advisory Committee met January 30. They distributed historical flow data sheets for analysis, and discussed flow meter alternatives. The Parks Commission meets February 13 at 5:30 PM.

IX. CITY STAFF REPORT

Murray said the grant application for technical engineering assistance for engineering on the water storage tank discussed at the last meeting was submitted to the BL3. She suggested setting a workshop date for determining goals and priorities in preparation for budget meetings. The workshop will be at 6 PM before the February 19 City Council meeting.

Owings reported that the corps of engineers budget is due to come out this month. They are unsure whether there's enough money to do repairs to the seawall. During the last year they've put in test holes and have been monitoring how much of a slide is occurring there. If budget comes out this month, they'll find out how much money, if any, is put toward seawall renovation.

Roma Powis said that at tonight's Traffic Safety Commission meeting, concern was expressed about the City being put at risk if skateboarding is allowed on City streets. She asked if certain areas could be designated as skateboarding zones. Scorpio said enforcement would be a problem, and a waiver should protect the City. Bud Romans commented that the City cannot grant permission for skateboarding on state or county roads. Murray asked for clarification that staff can obtain legal advice in preparation of the draft ordinance amendment for the next meeting. There was no objection.

X. ACCOUNTS PAYABLE

Motion 10: Scorpio moved to accept accounts payable as presented. Alice Brown seconded the motion.

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

Vote: Motion 10 passed.

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

XI. Council Comments

Taunton asked about the status of Oregon Coast Aquarium Store's rent payment. Murray said payment had been recently received.

Silver said Robert's Rules of Order addresses absentee voting on page 408. Absentee voting is not normally done because the absentee is not present during deliberations to make an informed decision.

Alice Brown said pages 206-207 of Robert's Rules of Order talk about tabling, which is usually done just within a meeting. You can do it to an adjourned meeting, but if you don't have a "reconsider" at the adjourned meeting, you have effectively postponed it indefinitely. She asked Cheryl Preston about community meetings regarding the Renaissance Faire.

Jack Brown said he and Silver toured the waste water treatment plant. It is a state-of-the-art plant, and probably one of the best in the state.

XII. ADJOURN

There being no further business, the meeting was adjourned at 9:36 PM.

Mayor John Steen

Silver Fox, Recording Secretary