

Depoe Bay City Council
Regular Meeting
Tuesday, June 4, 2002 - 7:00 PM
Depoe Bay City Hall

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

ABSENT: J. Brown

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: May 21, 2002 Regular Meeting Minutes

Motion 1: Alice Brown moved to approve the minutes of the May 21, 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: Scorpio, Taunton, Silver, Steen, Alice Brown, Lavery

IV. NEW BUSINESS

A. Curran & McLeod - Water System Master Plan Update, System Development Charges
Curt McLeod provided the Council with copies of Curran-McLeod's System Development Charge Periodic Review and Water System Master Planning Update. He also provided a memo summarizing these reports (copy attached to original of these minutes). He made an extensive verbal report based on the information provided in the written reports. The deadline for application for a five-year extension on the Rocky Creek 4CFS permit is July 1, 2003, and the information provided in the reports is in support of renewing this permit. The last Water System Master Plan update was in 1989. The new report makes projections for water demands through the year 2050, and projects costs through 2020. He said storage is the most important issue at this time, and noted that shortages are expected during peak times as soon as the year 2020. Proposed upgrades would create an increase in cost to \$33-34 per month per Equivalent Dwelling Unit (EDU). McLeod addressed central coast regionalization of the water supply. He encouraged the City to facilitate development of this system, without actually participating in it, because Depoe Bay's proportional share would be only 4.2%, and with a cost of \$2 million, it would not be cost effective, since Depoe Bay is located at the source of the water supply (Rocky Creek), while it would be cost effective for other cities that are located

farther from the water source. At Silver's request, McLeod gave background information on Bob Pailthorp, who has volunteered much time and effort on the City water program. Lavery asked how fire flow was determined, and questioned whether it was adequate. McLeod said fire marshals normally provide this information, and they use composite figures when necessary. He suggested the fire marshal review the needs of the downtown area, which Lavery pointed out consists of old wooden buildings without sprinkler systems. Proposed increases to System Development Charges (SDCs) per EDU which were detailed in the written report are as follows: Sewer from \$725 to \$1,100; Transportation from \$1,486 to \$1,928; Storm Water from \$750 to \$1,060, Water from \$1,113 to \$1,552, and Parks (a new SDC) \$365. McLeod said the next step will be to schedule a public hearing on the proposed SDC changes. A 90-day notice is required, and proposed changes must be available to the public 60 days in advance of the public hearing. He suggested 1) the Council, the public, and appropriate agencies review the Water System Master Plan and address questions at a later date before formal adoption of the plan, and 2) schedule a date for the public hearing on the proposed SDC changes, as soon as possible.

Motion 2: Silver moved to schedule public hearings in accordance with notification requirements pursuant to Staff readiness to do so. Alice Brown seconded the motion.

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

Vote: Motion 2 passed.

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

B. Public Hearing: Oregon Economic and Community Development Department 2002 Community Development Block Grant Program and Proposed Project

Steen explained that this public hearing was to obtain citizen comments about both community development needs and the proposed project to make ADA improvements to City Hall. The City is preparing an application for grant funding for the project, which includes an improved ADA access and restroom facility at City Hall, with total project cost estimated at \$70,000. Partial funding of \$10,000 has been awarded to the City through Lincoln County's Community and Economic Development Grant Program, and the City has budgeted \$5,000 toward this project. He asked if there was public comment. No one came forward. Alice Brown asked about future notification of the general public before hearings like this. Murray said a notice was published in the newspaper, and a special mailing went to county agencies that assist people with low-income, asking them to provide comments. She said that while the grant program provides funding for a variety of projects, it does not provide funding for government buildings, with the exception for ADA accessibility improvements. Cliff Wamacks, 445 Spindrift, asked about meeting the percentage level of low-moderate income population. Murray said that requirement will not exclude the City from submitting this application. Wamacks encouraged the City to submit application for the City Hall improvements, since they are greatly needed. It was agreed by consensus to proceed with submitting the application to the Oregon Economic and Community Development Department. Steen closed the public hearing.

C. Contract Renewal for Auditor Services

Murray said the proposed contract from Grimstad and Associates covers a two-year period vs. the normal three-year period, because of upcoming changes in governmental audit requirements. She also noted there was a minimal increase in cost over what was paid for last year's audit.

Motion 3: Lavery moved to accept Grimstad and Associates' proposal. Silver seconded the motion.

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

Vote: Motion 3 passed.

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

D. OLCC Permit for Temporary Event, Nautical Nook

This item was tabled to the next meeting, at the request of the applicant.

V. UNFINISHED BUSINESS

A. Second reading - Proposed Ordinance #259, An Ordinance Relating to the Planning Commission and Its Powers, Functions, and Duties

Murray summarized events of the previous meeting, when the first reading of this ordinance occurred. The motion to adopt, with one change at the top of Page 2, passed at the previous meeting. Since the vote was not unanimous, the second reading was delayed until this meeting.

Motion 4: Silver moved to conduct the second reading by title only for the ordinance relating to the Planning Commission and its powers. 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, Lavery

Murray read proposed Ordinance #259 by title only. She then requested input, questions, or comments from the audience. There were none.

Motion 5: Alice Brown moved to adopt Ordinance #259 as written. Scorpio seconded the motion.

Steen said it was moved and seconded, and called for discussion.

Amendment 1: Silver moved to amend the motion as follows: on Page 1, "WHEREAS, the City Council has determined that the reduction in the membership of the Planning Commission shall be accomplished by means of attrition, meaning that, after the effective date of this ordinance, ~~when a member's term expires or a member resigns, dies~~ *a gradual and natural reduction in membership or personnel, as through retirement, resignation, or death*, or is removed from the Commission, the position formerly held by that member shall be eliminated

until seven (7) positions only remain". Retirement shall be defined as "withdraw from one's occupation, business, or office". Lavery seconded the amendment.

Steen said it was moved and seconded, and called for discussion. Alice Brown said this isn't what the City Attorney recommended when asked to provide a definition of attrition. Silver said the City Attorney represents the Council as a body. He was not convinced that she had heard all Councilors' ideas or concerns, specifically his own. He said he would like to see a natural reduction in membership.

Vote: Amendment 1 to Motion 5 failed.

Ayes: Silver, Lavery

Noes: Scorpio, Taunton, Steen, Alice Brown

Amendment 2: Silver moved to table the question until such time as the City Attorney can be present, and get her recommendations based on City Council input. Lavery seconded the amendment.

Steen said it was moved and seconded, and called for discussion. Silver maintained he wants legal counsel to hear everyone and all concerns for the method used to reduce Planning Commission membership. Alice Brown said she saw this as an attempt to postpone the vote, saying the City Attorney is well qualified to provide a legal definition of attrition. Silver denied malicious intent to postpone, saying he had a valid and reasonable concern, and that the question has been on the table for nearly two years. Scorpio didn't feel the amendment followed the definition of attrition. Alice Brown stated she did not mean there was malicious intent on Silver's part. Silver said that should the ordinance be adopted, nothing would happen until the first of the year, so he did not see why the Council should not meet with the City Attorney before rendering a decision. Alice Brown said many things affecting Planning Commission membership could possibly take place in the next six months, and she could see no reason for further delay.

Vote: Amendment 2 to Motion 5 failed due to a tie vote, lack of majority.

Ayes: Silver, Taunton, Lavery

Noes: Scorpio, Steen, Alice Brown

Vote: Motion 5 passed.

Ayes: Scorpio, Taunton, Steen, Alice Brown

Noes: Silver, Lavery

Murray noted the ordinance does not include an emergency clause statement, so it will take effect 30 days after today.

B. Report - Recommendation from Subcommittee: Request for Relief on Water Billing / Mengucci

Silver summarized the subcommittee's report (copy attached to original of these minutes), which provided background information on the request. The subcommittee recommended

there be no relief granted, based on the findings of the investigation and the City's policy of private property owner responsibility.

Motion 6: Silver moved to direct Staff to send a letter of denial to the appropriate party. Scorpio seconded the motion.

Steen said it was moved and seconded, and called for discussion. Alice Brown said this seemed cruel in many ways, because people with vacation homes can be gone for a long time. She asked if it was determined how long the meter was running. Silver responded that it was long enough to use over 600,000 gallons. Owings said the City is responsible for maintaining many miles of pipeline. City ordinances state that property owners are responsible from their side of the meter. In this case, the City went out of their way to test the meter for accuracy. He said owners should shut off the water on their side of the meter, and turn off the hot water heater (which can explode). Alice Brown asked if this recommendation is given out publicly. Scorpio said the letter of request said there was a financial hardship, and asked if payment arrangements had been discussed. Silver suggested leaving that detail to Staff.

Vote: Motion 6 passed.

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

Noes: Lavery

Motion 7: Lavery moved to direct Staff to write letter to go with the next water bill on how to proceed in closing the house up before going on vacation, or if their home is a vacation home. Alice Brown seconded the motion.

Steen said it was moved and seconded, and called for discussion. Silver requested the letter be reviewed by the City Attorney prior to mailing.

Amendment: Lavery amended the motion to include "with the City Attorney reviewing prior to mailing". Alice Brown seconded the amendment.

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

Vote: Amended Motion 7 passed.

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

VI. PUBLIC INPUT

Bud Romans of 405 Coast, asked when the increase in water rates would be likely to happen. Steen replied this has not been determined. He was also curious whether the letter going in the water bills would go to everyone, or just the people in the Miroco district. Lavery said everyone would receive the letter. Owings said City Crew and Staff continually are on the lookout for problems, and often go out of their way to be helpful. He advised caution in dispensing advice, and said there are liability issues with getting involved. If the City does any work on the customer side of the meter, we can get in trouble with the plumbers, because it involves their livelihood.

Debbie Davilla of 325 Coast, 1) Commended Owings and Crew. She recently represented a property owner that had the water turned off, and when Crew turned the water on and observed the meter start to move, the water was turned back off and Staff contacted her immediately. 2) As Chamber of Commerce liaison, she gave a reminder that June 15 is the Citizen of the Year Banquet at the Gleneden Beach Community Hall at 6 PM. This is a fundraiser for the Chamber, and everyone is invited.

VII. CORRESPONDENCE

Murray said two letters (copies attached to the original of these minutes) were received from Bob Ward, representing the Depoe Bay Economic Business Development Committee (DBEBDC), regarding establishing access to the post office from Williams Avenue. The first letter stated that the DBEBDC unanimously passed a motion on May 23, 2002, asking the City to examine two opportunities to establish access and enter into a suitable agreement with the property owner, and authorize the access from Williams Avenue to be constructed, and for the adjacent lot to be suitably surfaced and marked. The follow-up letter stated that the property owner's position was not as represented in the first letter; they are willing to listen to a proposal, but unsure of their willingness to permit access. He requested Owings be authorized to provide draft plans and estimates of the cost of doing so, and work with Ward in producing a proposal that can be submitted for consideration by the owners of the property and the local Postmaster.

Motion 8: Scorpio moved that to direct Owings to draft a proposal for post office access from Williams Avenue. Alice Brown seconded the motion.

Steen said it was moved and seconded, and called for discussion. Owings said this was a good idea. He suggested the City write a letter to the property owner requesting written verification of his verbal permission for easement rights. Scorpio offered to amend the motion to include "and all that that implies". Ward said there had been a communication problem with the property owner, who wants a proposal from the City as to what the City might like to do. The property owner would probably prefer not to do it, but is willing to listen to a proposal. Alice Brown said she's concerned about safe pedestrian access to the post office, and she feels additional parking space and access to Williams Avenue is a good idea.

Vote: Motion 8 passed.

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

VIII. LIAISON REPORTS

Alice Brown reported 1) Planning Commission deliberations on the proposed Text Amendment for a Tourist Accommodation Overlay Zone will continue on June 12, 2002 at 7 PM. 2) The joint meeting between the City Council and the Planning Commission took place on May 30. Topics discussed included roles of the City Planner, Planning Commission members, City Council, and applicants. Planning Commission members stressed their rights to use substantial discretion in reflecting community values while making land use decisions. 3) Council deliberations on the Text Amendments required to conform to State and Federal regulations are scheduled to continue on June 13, 2002 at 7 PM.

Laverty reported that 1) The Highway 101 Sidewalk Project plans should be available by the next Council meeting. The City hopes to be able to widen the sidewalk by using the good portions of the existing sidewalk, replacing only what is necessary. The City would also like to install two storm water collection boxes at the north corner of Bradford Street and Hwy 101 - one at the bump and one at the corner, to catch drainage water coming off the hill. If these things can be accomplished with conservative expenditure, the City might be able to continue the sidewalk all the way to Austin Street. ODOT is in the position of deciding what the City will be allowed to do. 2) The speed humps have been installed. 3) He attended a meeting today on electric restructuring. Although the speakers were knowledgeable and interesting, the information was intended for people with electric bills of \$1 million per month. Of interest was the fact that during last summer, a megawatt of electricity cost \$1,000, while today it costs \$16. One of the reasons for this is the increased amount of rain. 4) He asked if the Council wanted him to attend the June 7, 2002 State Scenic Byways Committee meeting in Salem. When he went to the meeting in Tillamook, Depoe Bay had top rating for our area. The meeting in Salem will see how we come out on the State side. 5) A letter was sent to Bob Woods at ODOT from Linda Livingston. Her mother-in-law, who is 82 years old and suffers from a degenerative muscular disease, fell while crossing the bridge during the Fleet of Flowers. She suffered a broken nose, chipped front teeth, and a split lip. Livingston is asking ODOT to paint a bright caution line on the edge of the sidewalk along the bridge, to alert people of the step. 6) The next Traffic Safety Commission meeting is on June 11, 2002 at 4 PM.

Scorpio had no report.

Taunton reported that the Salmon Enhancement Commission meets tomorrow.

Silver reported the Parks Commission meets on June 12 at 5 PM. He clarified that there was a consensus that Laverty should attend the meeting in Salem later this week.

IX. CITY STAFF REPORT

Murray reported that the grant agreement with the Oregon Parks & Recreation Department for the Whale Park Project is set to expire on June 30, 2002. One extension is permitted, and the City has requested an extension. The request has been acknowledged by sending paperwork, which is in the process of being completed. With the recent bidding outcome for Whale Park Improvements and the current status of scenic land acquisition, she felt confident the City can meet the new time frame.

Owings reported that 1) The new gangways are in, 2) The new sound system parts arrived yesterday, and installation should be complete by next week. 3) Legal counsel has reviewed Whale Park contracts, and he hopes they will be signed soon. 4) The annual water report has been mailed. Reports are hand delivered to renters, one is posted on the bulletin board at City Hall, and copies are available in the office. Steen complimented staff on the quality of water.

X. ACCOUNTS PAYABLE

Motion 9: Scorpio moved to approve accounts payable as presented. Silver seconded the motion.

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

Vote: Motion 9 passed.

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

XI. COUNCIL COMMENTS

Taunton thanked those who helped at Fleet of Flowers.

Alice Brown said 1) She felt there would be additional water recycling technology available in 50 years 2) She appreciated the Fleet of Flowers and Sule Whitlock did a wonderful job. 3) She saw the Depoe Bay float on TV in the Starlight Parade.

XII. ADJOURN

There being no further business, the meeting was adjourned at 8:49 PM.

Mayor John Steen

Silver Fox, Recording Secretary