

Depoe Bay City Council
Regular Meeting
Tuesday, September 17, 2002 - 7:00 PM
Depoe Bay City Hall

PRESENT: Mayor J. Steen, S. Scorpio (arrived 7:08), 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. APPROVE MINUTES: September 3, 2002 Regular Meeting

Motion 1: Silver moved to approve the September 3, 2002 Regular Meeting minutes as written. Lavery 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. NEW BUSINESS

A. Interview Applicants for City Commissions and Committees

1) Harbor Commission

Steen noted that Frank Button had already been interviewed for Harbor Commission.

Motion 2: Silver moved to appoint Frank Button to Position #1 on the Harbor Commission. Alice Brown seconded the motion.

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

Silver reminded Council that the reason for the motion was because of previous interview.

Vote: Motion 2 passed.

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

2) Parks Commission

The Council interviewed Leslie Thompson for Parks Commission.

3) Traffic Safety Commission

No applications were received.

4) Sign Committee

No applications were received.

5) Economic Business Development Committee

No applications were received.

B. Proclamation - October 2002 as Disability Employment Awareness Month

Murray read the proclamation (copy attached to original of these minutes) into the record.

Motion 3: Lavery moved to adopt the proclamation "Disability Employment Awareness Month October 2002". 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, Jack Brown, Lavery

C. Ratify Poll Vote - Chamber of Commerce - Flea Market at City Park on September 22, 2002

Motion 4: Silver moved to ratify the unanimous poll vote in favor of allowing the Chamber of Commerce to hold a flea market in City Park on September 22. 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

D. Traffic Safety Commission - Poster Contest Proposal

Murray said a memo had been distributed from Traffic Safety Commission Chairman David Dunne (copy attached to original of these minutes). The Commission has been discussing an idea to have youths design posters that can be displayed in the post office throughout the year, to increase safety awareness of local residents. They requested authorization to disburse monetary awards ranging from \$10 to \$25.

Motion 5: Lavery moved to authorize the poster contest and allow prize awards in \$10 to \$25 amounts. Silver seconded the motion.

Steen said it was moved and seconded, and called for discussion. Silver was not clear on how the award amounts would be determined.

Amendment: Silver moved to amend Motion 5 to delineate a maximum of \$50 in awards monies, to be divided between first, second, and third places, as the Commission determines. Lavery seconded the amendment.

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

Vote: Amendment to Motion 5 passed.

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

Vote: Original Motion 5 passed.

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

E. Engineering Services - Highway 101 Sidewalk Improvements (West)

Owings said ODOT has increased the Quick Fix money from \$30,000 to \$40,000 for the sidewalk between Bradford and Austin Streets. He expects the contractor to be on site next week. The project on the west side of the street between the south side of Worldmark to Harney Street (Phase 2) is being referred to as Pirate's Cove Sidewalk Improvements. The City has received \$50,000 in Quick Fix money for this project. He had distributed the engineer's proposal prior to the meeting, and he thought it was a good proposal. He said this project needs to move ahead as rapidly as possible, and asked for authorization to get the engineer on board and give the mayor authorization to sign the contract.

Motion 6: Lavery moved to authorize Owings to accept the engineer's proposal and allow the major to sign the contract. Jack Brown seconded the motion.

Steen said it was moved and seconded, and called for discussion. Lavery requested clarification of what modifications are planned for the west side of the sidewalk. Owings said new sidewalks will be built between Worldmark and Harney Streets, and the sidewalk widening originally planned between Harney and Sunset Streets will be delayed.

Vote: Motion 6 passed.

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

V. UNFINISHED BUSINESS

A. Oregon Coast Aquarium Lease

Murray said the aquarium has returned a signed draft amendment to the lease. Information on the concessionaire has been provided. She explained what administrative actions were needed to proceed.

Motion 7: Silver moved to accept the amendment to the Oregon Coast Aquarium lease with the City for the parks building, as submitted on September 16, 2002. 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

Motion 8: Silver moved to accept and authorize the concessionaire use of that portion of the building as outlined. Lavery seconded the motion.

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

Vote: Motion 8 passed.

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

- B. Hearing Date: Planning Commission Recommendation for Text and Map Amendments - Comprehensive Plan and Zoning Code; Limited Land Use Overlay; Zone Change, North Coast Avenue (NCA) LLU Zone

Murray said at the last meeting, the Planning Commission Chairman presented a recommendation for text amendments affecting the Comprehensive Plan and Zoning Code. A motion had been made and passed to schedule hearing for October 15, 2002 but the City Planner was not available on that date.

Motion 9: Silver moved to reschedule the public hearing for the Planning Commission's text amendment recommendations to October 23, 2002 at 7 PM.

Due to the unavailability of multiple Councilors, Silver withdrew his motion.

Motion 10: Lavery moved to hold the public hearing on October 29, 2002. Silver seconded the motion.

Steen said it was moved and seconded, and called for discussion. Other Councilors were unavailable on this date, and Lavery withdrew his motion. All Councilors were available for on November 6. Murray said no motion was needed to set the meeting date for November 6, 2002 at 7 PM.

VI. PUBLIC INPUT

Peggy Leoni Chamber of Commerce 1) invited everyone to come to the flea market on September 22 at City Park. 2) The salmon bake is this Saturday. She encouraged people to ride the shuttle bus, because parking is expected to be a problem - there are 10 busses scheduled to arrive with tourists. She reminded everyone that the Chamber will be delivering salmon dinners to those individuals and businesses who request them (with ticket) on Saturday between 11-3.

7. CORRESPONDENCE

Murray reported there were two items of correspondence received (copies attached to original of these minutes): 1) A copy of a letter from Betty Langdon, with a fact sheet and a brief history of the Depoe Bay Community Response Team, which was distributed to the Council and the City Attorney, and 2) A letter from Duane and Rebecca Papke voicing their concerns about private property owners infringing into public right of ways, and asking the Council to consider opening and improving an undeveloped section of street designated as Park Avenue, located parallel to and west of Ainslee. Alice Brown asked if Park Avenue had been discussed as a possible emergency pedestrian access way around the park. Murray said there have been discussions about a walking path. The area is a 20'-wide gap in property deeds, and that it originally belonged to the county. It is not a normal platted street right of way. There are

utility and sewer lines there. Jack Brown asked if the claim made in the letter - that the owner has impeded the City's ability to access the property - was correct. Owings said there is a boat, some wood, and big rocks that would have to be cleared with a backhoe. He said he didn't see why money should be spent to develop a road with little purpose, and that such development would disturb a year-round waterway used by a lot of animals. Jack Brown asked if the neighbor feels they legally own the land, and Owings said they do not. He offered to write a letter explaining to the neighbor that this is City property and he would have to move his debris if the City wants to develop the property. Jack Brown said that wouldn't be necessary.

VIII. LIAISON OFFICERS' REPORTS

Scorpio said 1) The Planning Commission meets tomorrow night, and reviewed items on their agenda. 2) Thursday's Economic Business Development Committee meeting should be cancelled because there likely will not be enough members present for a quorum.

Taunton said Salmon Enhancement has not met.

Silver said 1) The Solid Waste Consortium met this afternoon. The question regarding pollution liability coverage has been tabled until next month because there were detail questions and attorney Wayne Belmont was unable to attend the meeting. 2) The Safety Committee met this morning. No accidents were reported. He announced that there will be a blood drive hosted by the Red Cross and Depoe Bay Rural Fire Protection District on September 20, 2002 between 10 AM and 3 PM. Call 765-2202 for further information. Cheryl Preston said that time slots needing to be filled are between 11 AM and 2 PM. 3) The Traffic Safety Commission met. The Council was already updated on the poster contest. They would also like to get training on use of the radar trailer, and are trying to schedule that for their next meeting. They are looking for a time and place to set up a child safety seat information/inspection clinic. Jack Brown asked about the radar trailer. Silver said it was borrowed from county, and it creates traffic records. He had a report of count and speeds measured; the Commission will do an analysis of the report. They would like to get definitive information on the data. He said that on September 13, seven cars were measured going 69 MPH.

Jack Brown 1) Expressed appreciation for Frank Button applying for the Harbor Commission. He has the only fish processing plant in town, and he's also trying to develop a live fish fishery for this area of the coast. 2) The boat launch donation box has collected over \$1,800 since June. 3) There have been lights installed on dock pedestals. 4) The Army Corps of Engineers has drilled five more test holes as part of their monitoring of land movement.

Laverty said that he was not at the Parks Commission meeting but reported from their minutes that 1) Alice Brown had suggested using a donation box like is used at the docks, for large events like the salmon bake and renaissance faire. The money would go towards parks and downtown projects. 2) Leslie Thompson brought up the subject of open public areas being covered up. She will be providing more information on that subject at the next meeting. 3) Planters at Whale Park were discussed. Some people are interested in adopting a planter. They will be checking with Blake's Nursery for advice on what would look good and be hardy.

4) The Commission voted on approval of the renaissance faire. Chairman Bill Spores had commented that Cheryl Preston might think the Commission is attacking her but that's not true. They're diligently trying to work with her. Alice Brown said she was there as private citizen, and she suggested a donation jar at all park events. The Mayor suggested using one at the Community Center when it's rented. Cheryl Preston offered use of a pavillion. She thought a donation jar was a great idea. Scorpio asked about making the Whale Park fence prettier. Owings said it's up to the Parks Commission. Scorpio offered to provide a list of bulbs and seeds that could be planted now and rest through the winter, coming up in the spring. Bill Sachs recommended creating empty round and/or square containers that can hold 2-5 gallon plants. The plants can be replaced seasonally for year-round attractiveness.

XI. COUNCIL COMMENTS

Alice Brown said 1) She very much enjoyed the music in the park event. 2) She has had people ask her to clarify what the Gates of Thyme Renaissance Faire is all about. She said she sees it as a cross between a renaissance fair, the types of performances seen in Ashland, live interactive theater on the green, historical re-enactments, and time travel. 3) She has had three people ask her why there is a \$1,000 deposit for land use applications, when refunds are so large, saying that such a big deposit is a hardship for some people. Maybe actual costs should be looked at and a more appropriate deposit determined. Murray said Resolution 192 established the fee and deposit for land use actions and applications. The deposit is held for expenses incurred with the applications, and any remaining money is refunded. Sometimes the deposit runs out, and more money must be obtained from the applicant. The resolution was adopted in 1994, and it might be time to look at it again. Silver said he'd like to know the percentage of the average refund for each type of action or application, and that a scale cost based on these numbers might be developed. Staff will research this and report at the next meeting.

X. ACCOUNTS PAYABLE

Alice Brown noted the good value on chip sealing.

Motion 11: Alice Brown moved to approve Accounts Payable as written. Silver seconded the motion.

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

Vote: Motion 11 passed.

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

IX. CITY STAFF REPORT

Owings reported 1) There was a malfunction at the water pumping station at View of the Bay. We are hoping to receive parts this week that are being sent from Texas. In the meantime, Crew is manually pressurizing the line above the station around the clock. 2) The annual asbestos test results are in. Maximum contamination level is set at 7.0, and our water tested at less than 0.083. He said Alice Brown had asked about disinfectant by-products, and those tests are not in yet. 3) The Whale Park statue is almost complete, and should be back in place within a week. 4) Army Corps inspected dams and jetties, and found no problems.

Murray reported that the annual League of Oregon Cities Conference registration forms will be in this month's *Local Focus*. The conference will be held November 9-10 in Portland. Silver expressed interest in attending. Murray noted this conference is not on the list of items regularly reimbursed.

Motion 12: Lavery moved to authorize expenses for Silver and whoever else wanted to go to the League of Oregon Cities 2002 Conference. Alice Brown seconded the motion.

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

Vote: Motion 12 passed.

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

Abstain: Silver

XI. COUNCIL COMMENTS, cont.

Jack Brown praised Silver and the Traffic Safety Commission for coming up with the poster contest. He and his wife Maggie will help get contestants. 2) He thanked Leslie Thompson for her application to the Parks Commission, noting she sounded dedicated and full of energy. 3) Told Owings his sister is visiting from southern California, and she told him Depoe Bay has the best water she's ever tasted.

XII. ADJOURN

There being no further business, the meeting was adjourned at 8:04 PM.

Mayor John Steen

Silver Fox, Recording Secretary