

Depoe Bay City Council
Regular Meeting
Tuesday, October 1, 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. APPROVE MINUTES: September 17, 2002 Regular Meeting

Motion 1: Silver moved to approve the September 17, 2002 Regular Meeting minutes as written. Alice 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. NEW BUSINESS

A. Appointment to Fill Vacancies on City Commissions & Committees

Murray noted that Frank Button appeared on the ballot to affirm the motion made at the last meeting. Councilors completed and passed in ballots. Murray verbally tallied the ballots.

Motion 2: Lavery moved to appoint Leslie Thompson to Position #2 on Parks Commission. Alice Brown 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 (since she was not present for the interview session)

Motion 3: Silver moved to accept canvass of the vote appointing Frank Button to Harbor Commission. Alice Brown 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

B. Land Use Action Fees and Deposits - Review Res. #192

Murray reviewed her report (copy attached to original of these minutes) covering the past 10 years of land use action fees and deposits. She noted that one of the actions (temporary mobile home placement-original and temporary mobile home placement-extension) reflected no actions in the study period, and was probably an obsolete part of the code. Silver asked if there had been instances when the City was unable to collect expenses. Murray said that there were times when it had been difficult. Since the application process stops when additional expenses are accrued, she advised against getting applicants in a position where it is necessary for them to supply more money. Alice Brown expressed her concern that people have a perception that an applicant must "loan" money to the City to have an application considered. She cited as an example, that a property line adjustment costs \$50 and has a \$925 deposit. Murray noted that lower deposit rates would be monitored more closely, resulting in more staff time, which would in turn be charged against the deposit. Jack Brown asked if the categories in the report could be combined to just a few. Murray reviewed the categories outlined in Resolution 192, and said that using such a guideline, it would be possible to charge different deposits for different land use actions. Alice Brown compared such a system to the business license "step" system, saying a step system would be more reasonable. Steen suggested a committee be formed to develop these groups. Silver and Alice Brown volunteered to serve on this committee. Lavery noted that written policy should clearly state in bold letters that when costs reach deposit amount, the process is halted until additional deposit is paid.

C. City Enforcement Policy

Murray said a letter was received from Rick Beasley of the *Beacon* (copy attached to original of these minutes) regarding a business license application submitted by Larry Tyler. She read the letter into the record. She said Beasley provided her with information relevant to the application that she had not been aware of. She verified the information with Tyler, and then consulted the City Attorney today to see if the application could still be approved, and was told that it could not. Her decision to grant the business license will therefore be revoked, and Tyler will be notified of this decision in writing. He will have the right to appeal the decision within 10 days of written notification. Murray reviewed Staff procedure upon learning of a business operating without a license. Silver asked if the Council was comfortable with Staff's approach toward bringing non-compliant businesses into compliance. Alice Brown was concerned about precedent setting. She also asked how long a business had to be established to be "grandfathered" out of the ordinance. She asked if the City would pursue searching out all persons with non-conforming use. Scorpio noted the importance of consistency, and said she was not happy that she read about this in the papers rather than hearing from another Councilor or Staff.

D. Intergovernmental Agreements/ODOT - Sidewalk Projects

Owings said the City had not yet received the agreement for Quick Fix funding of the Sidewalk Project, but stated the need to expedite the project once the agreement is received. He asked

for Council approval to enter into the agreement upon its receipt, and to give the mayor authority to sign.

Motion 4: Lavery moved to give Staff authority to act on the agreement with ODOT for Quick Fix money for the Sidewalk Project, and to give the mayor authority to sign the contract. Silver seconded the motion.

Vote: Motion 4 passed.

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

V. UNFINISHED BUSINESS

There was no Unfinished Business.

VI. PUBLIC INPUT

Peggy Leoni Chamber of Commerce 1) Thanked everyone for their support and help for the salmon bake, which was the best on record. There was over 2,000 pounds of salmon served. 2) Asked the City to inform ODOT that the Chamber would like to know when streets will be torn up during an event weekend. 3) The flea market was successful, but not too big. Many comments about our "lovely little park" were heard. 4) The Chamber is putting together a children's party for a safe and happy Halloween. They are looking for support in the form of time or money.

Cheryl Preston POB 1538 1) Expressed gratitude to everyone for an outstanding renaissance faire. They had a lot of fun, and she thought visitors had a spectacular time. She gave a special thanks to Mr. King and his volunteers, and said the Killer Whale Rowing Club did an outstanding job of bringing in the queen. She also thanked Dockside Charters and the media for going out of their way to help. She thanked the City Council for giving them the opportunity to return and use the park. They felt it was wonderful time and the misunderstandings about park closure were cleared up - people walked their dogs, etc. They made a lot of new friends. 2) She expressed strong concern about vandalism in Depoe Bay, saying that it is threatening the community. She cited vandalism of the Rich Allyn Memorial, Dockside Charters, City Park, the Veterans' Memorial, and ODOT's radar trailer. She said a \$5,000 dragon sculpture on permanent loan was beheaded last night - a felony offense. The sculpture was intended for Doernbecher Children's Hospital. She suggested that an agreement could be reached with the Coast Guard monitoring of a motion-activated video camera, and offered to assist with whatever is needed to accomplish this. She said that things like veterans' memorials cannot be disgraced and defaced - this behavior cannot be tolerated. She has put up \$500 for information related to vandalism of the dragon sculpture. She said the City needs to make a backup report because the vandalism happened on City property. She asked Jim King to speak about the vandalism that occurred during Salmon Bake weekend.

Jim King of SW Coast 1) Said there was vandalism two nights of the salmon bake, with tables being thrown in the creek and one being totally destroyed. Tables borrowed from Lincoln County Fair had their legs ripped loose. He'd like to see some kind of monitoring camera in the park so the people doing this could be confronted. He is convinced there are people who know

who's responsible for the damage. 2) The shingles on the south side of the Community Hall are in disrepair. There is also dry rot forming on sills, which are the support of the building. He provided the mayor with the name of a contractor doing a shingle job on the Nash building.

Bud Romans 305 Coast 1) A few years ago the City rented a county deputy, who did a terrific job. When his contract was up, the community voted against renewing it. Volunteers got together to keep an eye on the streets by taking walks. No one was apprehended, but the vandalism stopped. 2) He asked the Council to answer a question the Planning Commission could not answer. He wondered how a Commissioner could vote against an application that meets all State and City ordinances. He spoke regarding a particular application, and claimed Commissioners voting against it were expressing personal bias and abuse of power. He wanted the City Attorney to respond to his question. Scorpio said his question could not be answered by anyone except those who voted no.

Roma Powis 410 Pine Court, said a group from the Parks Commission got together to decide on what kind of greenery to decorate Whale Park with. They went to Blake's Nursery and selected plants within the budget. The plants will be delivered on Friday, and she invited everyone to assist planting them on Saturday morning around 10. She said she hoped the plants will "soften" the park.

Rick Beasley 2050 NE Hwy 101, said he noticed several weeks ago at the Oregon Coast Aquarium building that the sidewalk around the harbor entrance is in terrible condition. He reported this to City Hall when he nearly wrenched his foot. Today he heard that someone broke their leg, and wondered if the City was aware of this. He wanted the City to know the danger. Lavery said there was a medical call today, and a woman had been injured. He did not know the extent of her injuries. He spoke with Owings and had planned on asking the Council during his liaison report about using asphalt in that area. The potholes have been filled with gravel a number of times, but it doesn't take much to wash this out. Owings was directed to look into funding.

Steen said Pat O'Connor from the Oregon Coast Community College is arriving at the Spouting Horn Thursday at 6:30 PM. He is walking the coast to help raise funds for the college. He will be leaving Friday at 7:30 AM for Yachats.

Cheryl Preston offered to get bids on surveillance cameras for the park.

Norm Counts, Chief of Police for Siletz Tribal Police, encouraged the Council and the mayor to support the City developing its own police department. He thought benefits would be seen within a year. He has 30 years of experience, and provides information to many small communities facing similar problems. A bill is scheduled to be passed in October that will allot funding for cities without an existing police department, to develop one. The first year of the three-year grant is 75% funded by the federal government. The second year is 50% funded, and the last year is 25% funded. Bud Romans said a policeman could earn much of his pay on Hwy 101, and that being known for having a speed trap isn't a bad thing and won't prevent tourists from stopping here.

VII. CORRESPONDENCE

Murray said there were three items of correspondence received: 1) A copy of a letter from Duane and Rebecca Papke to the City Planner (copy attached to original of these minutes), which was also distributed to the City Attorney and the City Council. Attached to the letter was a complaint which focused mainly on the outside burning of debris in unapproved burning devices. She had provided a copy of the complaint to the fire chief. Depoe Bay Fire Chief Ron Smith said he went to the Papke's residence today and discussed the letters with them. He asked Duane Papke for a copy of the written information Papke acquired from Lincoln County on woodstove setbacks. Papke told Smith he had not registered a complaint with the fire department, referring to a previous letter from Mr. Papke, requesting opening and improving Park Avenue. Smith will follow up with a letter to Papke. There is a pile of debris which may be on City property, just behind Papke's property. This debris looks like it's ready to be burned. Some of the debris is legal to be burned, and some is not. If anybody notices the debris being burned, call the fire department. Smith did not believe that emergency fire access was an issue at this time. Jack Brown asked about the shed referred to in the letter. Owings said there were two sheds and that one has been moved, the other one is located in a position that would need a determination made by the City Planner. 2) A letter was received from Rob Connell (copy attached to original of these minutes), who is representing John Connelly in an appeal on a property line adjustment which has since been withdrawn. The letter requests a refund of the \$1,000 filing fee and deposit. Because all costs associated with this action have not yet been received, this item was deferred to the next agenda. 3) A letter was received from ODOT (copy attached to original of these minutes). Murray read the letter into the record. It stated that funding for the Winchell Street project that was discussed during Budget meetings had been approved.

VIII. LIAISON OFFICERS' REPORTS

There were no reports other than what Laverty reported under Public Input.

IX. CITY STAFF REPORT

Murray reported that the project for ADA accessible bathrooms at City Hall is in its early stages. Because the building is over 50 years old, she will be contacting the State Historical Preservation Office to see if they have comments. After the environmental assessment checklist is completed, a notice will be published and paperwork will be sent to the State.

Owings reported that 1) The sidewalks project between Bradford and Austin Streets is scheduled to start Monday, October 7. The width of the sidewalk will be increased. 2) The grit unit project at the wastewater plant is scheduled to start in January. 3) The ADA accessible bathrooms project is getting underway. 4) The Winchell Street project will start in January. 5) Regarding vandalism, ODOT's radar machine was slightly damaged and the City will repair it before it's returned. The aquarium park area granite bench was broken, but this was not a memorial for Stan Allyn. He is looking for a specialist to get it put back together. There were totes and trash thrown in the harbor and in the creek at the park.

X. ACCOUNTS PAYABLE

Motion 5: Alice Brown moved to approve Accounts Payable as written. Silver seconded the motion.

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

Vote: Motion 5 passed.

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

XI. COUNCIL COMMENTS

Alice Brown said 1) The City Attorney recommended she release her memo of April 25, 2002 to Fran Recht, who had requested to see it. Alice Brown wanted the memo released with the understanding that at that point in time she did not know that Mr. Powis was a U.S. citizen. She asked the Council's consensus in granting her request to release the memo and Recht's certified letter to the general public. Murray noted that once a record is public, it's public for everyone. The Council gave the requested consensus. 2) She attended all three days of the renaissance faire. The production went well, and she hopes we can do it again next year.

Jack Brown said 1) The salmon bake went really well. He thanked Phil Taunton for his help. 2) He said it was unbelievable that no one noticed any of the vandalism - noise had to be made. Maybe everyone needs to be more sensitive to noises and what's happening in the middle of the night. We all have to play a role in helping the town fight this kind of activity.

Taunton thanked everyone that helped during the salmon bake.

XII. ADJOURN

There being no further business, the meeting was adjourned at 8:47 PM.

Mayor John Steen

Silver Fox, Recording Secretary