

Depoe Bay City Council
Regular Meeting
Tuesday, February 18, 2003 - 7:00 PM
Depoe Bay City Hall

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

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

I. PLEDGE OF ALLEGIANCE

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

II. CALL TO ORDER

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

VII. NEW BUSINESS

A. Wastewater Improvements Project - Grit Removal System Change Order

Silver modified the agenda to allow Curt McLeod to present his request early in the meeting. McLeod requested approval for a \$6,613 change order (copy attached to original of these minutes) for the grit works project, to relocate electrical conduits.

Motion 1: Lavery moved to approve the change order for the grit removal system at the wastewater plant, in the amount of \$6,613. Scorpio seconded the motion.

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

Vote: Motion 1 passed.

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

III. APPROVE MINUTES: February 4, 2003 Regular Meeting

Motion 1: Alice Brown moved to approve the minutes of the February 4, 2003 Regular Meeting as written. Scorpio seconded the motion.

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

Vote: Motion 2 passed.

Ayes: Scorpio, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

IV. ACCOUNTS PAYABLE

Motion 3: Romans moved to approve Accounts Payable as presented. Lavery seconded the motion.

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

Vote: Motion 3 passed.

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

Abstain: Silver

V. PUBLIC INPUT

Peggy Leoni Chamber of Commerce: 1) The Citizen of the Year Banquet is on March 8. Tickets are \$15 for single/\$25 for couple. The theme is Beach Blanket Bingo. 2) The Newport Seafood & Wine Festival is this weekend. There will be a free shuttle bus to the festival on February 22 from 10 AM to 6 PM.

Bill Sachs 1450 Walking Wood: announced there will be a Child Safety Seat Clinic on March 1 from 10 AM to 2 PM at Wal-Mart in Newport.

VI. CONTINUE PUBLIC HEARING COUNCIL DELIBERATIONS: Consideration of Removal of Larry Tyler from Planning Commission

Motion 4: Romans moved to remove Larry Tyler from the Planning Commission immediately. Scorpio seconded the motion.

Silver said it was moved and seconded, and called for discussion. He informed the audience that Taunton had reviewed the tapes and video from the last meeting. The need to set a minimum standard for decency of communication within Council chambers was noted. Councilors were advised they must not act in a capricious or arbitrary manner while deciding this issue.

Vote: Motion 4 passed.

Ayes: Scorpio, Taunton, Alice Brown, Romans

Noes: Silver, Jack Brown, Lavery

Hearing no objection, Silver directed Staff to advertise the vacancy on the Planning Commission. Applications are to be submitted no later than March 14, 2003.

VII. NEW BUSINESS

B. Interview Applicants for City Commissions and Committees

Traffic Safety Commission applicant Jim White came forward to tell about himself and why he was interested in participating. No other applications were received.

C. Appointments to Fill Vacancies on City Commissions and Committees

Silver noted that although Mr. Trapani had withdrawn his application in writing, he decided against this action and was willing and able to serve on the Traffic Safety Commission. Ballots were filled out, signed, and turned in. Murray tallied the votes (copy of ballot attached to original of these minutes) and announced the results. All Councilors voted to accept applicants as follows:

Frank Button for Harbor Commission Position #1

I. Louis Trapani for Traffic Safety Commission Position #3

Motion 5: Jack Brown moved to accept the canvass of votes and appoint applicants to their respective positions. Lavery seconded the motion.

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

Vote: Motion 5 passed.

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

D. Flood Insurance - NFIP Program

Murray reviewed her memo and the letter from City & County Insurance Services (copies attached to original of these minutes) and asked if the Council wanted to have a flood survey done.

Motion 6: Alice Brown moved to direct Staff to have a survey done on the Painter Building and the fish plant to determine eligibility in the National Flood Insurance Program. Lavery seconded the motion.

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

Vote: Motion 6 passed.

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

E. Raw Water Reservoir Landslide Correction Project - Proposal Acceptance

Owings reported three quotes were received (copy attached to original of these minutes) to correct the slide at the raw water reservoir. He recommended accepting the low bid of \$2,580 from James Drayton Trucking & Excavating.

Motion 7: Lavery moved to contract with James Drayton Trucking & Excavating to correct the raw water reservoir landslide, not to exceed \$2,580. Taunton seconded the motion.

Silver said it was moved and seconded, and called for discussion. It was noted that there was no immediate danger, and the project should be completed within two weeks.

Vote: Motion 7 passed.

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

F. OLCC Liquor License Application - Tradewinds Charters Inc.

Hearing no objection, Silver said the recommendation is to grant the Tradewinds Charters application (copy attached to original of these minutes), and to direct staff to allow it to move forward.

G. OLCC Special Event Liquor License - Depoe Bay Chamber of Commerce

Motion 8: Alice Brown moved to approve the Chamber's application (copy attached to original of these minutes) as submitted. Scorpio seconded the motion.

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

Vote: Motion 8 passed.

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

H. Request for Reimbursement of Attorney Cost - Larry Tyler

There was discussion about the reason for this request (copy attached to original of these minutes) and justification of the cost: a hearing directly related to Tyler's position on the Planning Commission had been held, and an appointed attorney worked with Tyler before the hearing, and also attended the hearing. Tyler was found innocent. There was also discussion about the City standing behind its volunteers.

Motion 9: Romans moved to establish a policy that the City reimburse attorney fees in excess of insurance when a Commissioner or Councilor is found innocent of charges; if the volunteer is found guilty, the City will not reimburse excess fees. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. There was a question regarding how much the City should be prepared to pay.

Amendment: Jack Brown amended the motion to include legal review before establishing the policy in the original motion. Alice Brown seconded the amendment.

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

Vote: Amendment to Motion 9 passed.

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

Vote: Original Motion 9 passed.

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

Motion 10: Lavery moved to reimburse \$550 in attorney fees to Larry Tyler. Alice Brown seconded the motion.

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

Vote: Motion 10 passed.

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

I. Ratify Poll Vote: Request to Waive Fees for Community Hall - OCCA

The question was: *Shall the fees be waived for the OCCA's use of the Community Hall?*
Results: Fees were waived. (Copy of vote attached to original of these minutes.)

Motion 11: Scorpio moved to accept the poll vote results regarding waiving Community Hall fees. Taunton seconded the motion.

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

Vote: Motion 11 passed.

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

It was noted that the meeting did not take place.

VIII. UNFINISHED BUSINESS

A. Request for Support - Bob Ward, Big Whale Cove Preservation

The draft letter of support (copy attached to original of these minutes) was reviewed and approved by the City Attorney.

Motion 12: Lavery moved to approve the mayor signing the draft letter of support for the Drake in Oregon Society, to be sent to the addressees at the bottom of the letter. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. Bob Ward provided the following additional entities to receive a copy of the letter: Archaeological Conservancy, Nature Conservancy of Oregon, Confederated Tribes of the Siletz Indians, Regional Director (in place of Deputy Director) for Federal Parks, and the Trust for Public Lands. Lavery and Alice Brown approved the additions and correction.

Amendment: Jack Brown amended the motion to include sending a copy of the letter to the governor. Lavery and Alice Brown approved the amendment.

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

Vote: Motion 12 as amended passed.

Ayes: Scorpio, Alice Brown, Silver, Romans, Jack Brown, Lavery

B. Business License - Chamber of Commerce

There was discussion about the historical exemption of the Chamber of Commerce from obtaining an annual business license.

Motion 13: Lavery moved to add the Chamber of Commerce to the list of business license exemptions. Alice Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. Staff explained that there is no list of exempted entities; exemptions for certain circumstances are provided in the ordinance, none of which the Chamber meets. An ordinance amendment would be required to add an exemption category.

Amendment: Lavery amended the motion to exempt all 501(c)(6) corporations/organizations from obtaining an annual business license. Alice Brown seconded the amendment.

Silver said it was moved and seconded, and called for discussion. It was noted that a review of the business license ordinance is pending. A question was raised regarding what other types of organizations are included in a 501(c)(6) designation.

Motion 14: Scorpio moved to table the motion regarding an exemption for 501(c)(6) organizations until more information is available. Romans seconded the motion.

Silver said it was moved and seconded, and called for discussion. A time specific review date of March 18, 2003 was set.

Vote: Motion 14 passed.

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

C. Mission Statement

Motion 15: Alice Brown moved to adopt the Mission Statement for 2003-2004 as written. Lavery seconded the motion.

Silver said it was moved and seconded, and called for discussion. Upon request, Staff read the Mission Statement (copy attached to original of these minutes) into the record.

Vote: Motion 15 passed.

Ayes: Scorpio (with four exceptions), Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

IX. CORRESPONDENCE

There were two items of correspondence (copies attached to original of these minutes): 1) An email from Russ Crabtree from the Port of Brookings, asking if Depoe Bay wanted to become a member of the National Harbor Association, whose primary directive currently is to ensure continued funding of harbor dredging.

Motion 16: Jack Brown moved to join the National Harbor Association, at a cost of \$50 membership dues. Romans seconded the motion.

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

Vote: Motion 16 passed.

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

CORRESPONDENCE, continued: 2) A letter from Conservation Leaders Network asking the City to support the Ocean Policy Advisory Council's recommendation to create a scientifically-sound system of marine reserves. Concern was expressed about lack of representation of the fishing and coastal communities, lack of adequate explanation of the need for marine reserves, and a need for further study. Hearing no objection, Staff was directed to write a letter saying the City cannot endorse this project at this time.

X. LIAISON OFFICERS' REPORTS

Scorpio reported that the Planning Commission will meet tomorrow evening.

Alice Brown reported that the Parks Commission meeting was rescheduled for March 19.

Jack Brown reported that there was a special meeting of the Harbor Commission on February 12 to discuss information he will take to Washington D.C. next month. Councilors were encouraged to provide any additional recommendations to his handout (copy attached to original of these minutes) no later than February 24.

Laverty reported that 1) He will be unable to attend the March Traffic Safety Commission meeting. 2) Traffic Safety Commissioner Donna Solberg will be submitting a letter of resignation. 2) ODOT requested the City provide ideas for the Hwy 101 traffic safety corridor. Hearing no objection, Staff was directed to complete and return the application form by February 25.

Taunton had no report.

XI. CITY STAFF REPORT

Owings had no report.

Murray reported the City has received grant funding from the TGM (Transportation Growth Management) program in past years. She asked the Council if they would like the City to submit a preliminary application (with no obligation to submit subsequent application) to indicate our interest in funding this year. Staff recommends re-submitting the downtown business area refinement plan that was not funded last year. There will be a minimum 12% cash match the City would need to commit to if a formal application is submitted.

Motion 17: Laverty moved to direct Staff to submit a preliminary application for a TGM special transportation funding grant. Jack Brown seconded the motion.

Silver said it was moved and seconded, and called for discussion. Staff noted that when the time for submitting the application arrives and the actual match requirement is known, Council authorization will be requested by Staff.

Vote: Motion 17 passed.

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

XII. COUNCIL COMMENTS

Jack Brown noted that Lincoln County School District is undergoing a \$10 million downsizing, making after school programs even more important.

Scorpio said she and her husband have been receiving hate mail and they have reported the incidents to law enforcement.

Alice Brown asked for further information regarding the aborted use of the Community Hall as noted in item VII.I.

XIII. ADJOURN

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

Mayor Bruce R. Silver

Silver Fox, Recording Secretary