

Depoe Bay City Council
Regular Meeting
Tuesday, April 15, 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.

III. APPROVE MINUTES: April 1, 2003 Regular Meeting

Motion 1: Alice Brown moved to approve the minutes of the April 1, 2003 Regular Meeting, as written. Lavery 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

IV. ACCOUNTS PAYABLE

Motion 2: Romans moved to approve Accounts Payable as presented. Alice Brown seconded the motion.

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

Vote: Motion 2 passed.

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

V. PUBLIC INPUT

Peggy Leoni Chamber of Commerce: 1) There will be a fundraising dinner for the Fleet of Flowers on April 22. Tickets are \$9 for adults and \$5 for children. Donations are tax deductible. 2) The weekend of April 26 is the Ducky Derby, Crab Feed, and Wooden Boat Show. Ducky Derby tickets are \$5 each. There is over \$1,500 in prizes.

Cheryl Preston POB 1538, thanked Silver for representing Depoe Bay at a volunteer recognition luncheon in Newport.

Bill Sachs 1450 Walking Wood addressed the subject of volunteerism. He was upset when the Council did not appoint Cliff Wamacks to the Budget Committee at the last Council meeting, and nearly resigned from the Traffic Safety Commission as a result.

VI. NEW BUSINESS

A. Interviews for City Commissions and Committees

Parks Commission applicant Roma Powis came forward to tell about herself and why she was interested in participating.

B. Appointment to Fill Vacancies on City Commissions and Committees

Concerns were expressed prior to the vote for Sign Committee applicant Fran Recht, as follows: 1) The sign ordinance does not prohibit lighted signs, and Recht has advocated against lighted signs and for the passage of a dark skies ordinance. This could create a conflict with business operations (especially restaurants) after dark. 2) Potential behavior toward other members of the Sign Committee, due to a previous unauthorized investigation into a member of the Planning Commission, which may have been an attempt to impersonate an enforcement official over usage of signs. 3) Any Planning Commissioner appointed to the Sign Committee must be capable of representing the Planning Commission as a whole, as opposed to the limited perspective of an advocate. 4) Recht has a long-standing association with the Oregon Coastal Coalition, which might cause a conflict with what is best for Depoe Bay. Also expressed was the importance of diversity in representation on the Sign Committee.

Ballots were then filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to original of these minutes) and announced the results. Councilors Taunton, Silver, Jack Brown, and Lavery voted to appoint Recht to the Sign Committee, and Councilors Scorpio, Alice Brown, and Romans voted against appointing Recht to the Sign Committee.

Motion 3: Lavery moved to accept the canvass of votes, and to appoint Fran Recht to the Sign Committee. Alice Brown 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, Silver, Romans, Jack Brown, Lavery

C. Cheryl Preston - Request to Waive Fees for Community Hall/Mad Hatter Tea Party
Cheryl Preston gave an update on the plans for the Mad Hatter Tea Party, which will take place at the Community Hall on Saturday, April 19 from 12:30-2:30, following the Easter Egg Hunt. (Application for use of the Community Hall attached to original of these minutes.)

Motion 4: Romans moved to waive Community Hall fees for the Mad Hatter Tea Party on April 19, 2003. Lavery seconded the motion.

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

Vote: Motion 4 passed.

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

D. City Computer System Upgrade

Murray reviewed her memo dated 4/15/03 (copy attached to original of these minutes), followed by discussion.

Motion 5: Lavery moved to accept the recommendation of Staff and authorize the purchase of IBM computers, including installation, at a cost of \$8,140. Alice Brown 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

E. Parking Signs - Dick Johnson

Johnson reviewed the Stakeholders Committee plan for 15 parking signs (copy attached to original of these minutes). The signs, designed by Bill Ellsworth, are intended to make better use of existing parking areas in the downtown core. They are 24" x 24" aluminum signs, and are reflective for nighttime visibility. Most of them will have 9" x 12" signs underneath acknowledging courtesy of the property owner providing the parking. Written approval has been obtained from involved property owners. He requested approval for purchase and installation of the signs, not to exceed \$5,000, contingent upon approval of the Sign Committee, with installation to be accomplished before the Fleet of Flowers in May.

Motion 6: Taunton moved to direct Staff and the requesting person complete a sign application and follow the normal Sign Committee review process. Lavery seconded the motion.

Silver said it was moved and seconded, and called for discussion. Owings outlined the steps that will be necessary in this process, including what permits will be required from the County and from ODOT prior to installation. Lengthy discussion followed.

Vote: Motion 6 passed.

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

Staff was directed to contact the mayor for possible authorization of a poll vote, after the Sign Committee has made a determination regarding this issue.

F. Proposed Resolution #322 - Council Rules

An inconsistency in policy was noted and addressed as follows: On Page 7, the last sentence in Item 3.a.ii. will be replaced with the last sentence in Item 3.b.iii.: "In the event of three non-conclusive rounds of voting without a candidate receiving a majority of votes cast, the Council may either continue with the voting or reopen the process."

Motion 7: Scorpio moved to send proposed Resolution #322 as written, with the above revision to legal counsel for review. Alice Brown seconded the motion.

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

Vote: Motion 7 passed.

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

A five-minute recess was called at 8:20 PM. The Council reconvened at 8:25 PM.

G. Water Storage Project - Engineering Services

Owings updated the Council on this project (copy of letter from Curran-McLeod dated April 15, 2003 attached to original of these minutes). No action was necessary at this time.

H. Lincoln County Solid Waste District

Murray reviewed the preliminary FY 2003-04 budget proposal from the Lincoln County Solid Waste District (copy attached to original of these minutes): a \$36 increase to Level 1 service and a \$13 increase to Level 2 service. The City has been requested to respond with an acceptance or rejection of the increases by April 30.

Motion 8: Lavery moved that the City participate in both Level 1 and Level 2 of the Lincoln County Solid Waste District program. Taunton seconded the motion.

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

Amendment: Alice Brown moved to amend Motion 8 to make participation subject to approval by the Budget Committee. Scorpio seconded the amendment.

Silver said it was moved and seconded, and called for discussion. Scorpio questioned why Budget Committee approval should be necessary, since this is a necessary expenditure. Murray re-stated the total expense increase. Alice Brown withdrew the amendment and Scorpio withdrew her second.

Vote: Motion 8 passed.

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

I. Wastewater Improvements Project Gritworks, Pay Request #2

Murray reviewed Curran McLeod's Pay Request #2 for the period ending March 25 (copy attached to original of these minutes) to Mountain State Construction for gritworks improvements. Upon approval of this pay request, total payments will equal approximately 95% of the contracted amount.

Motion 9: Lavery moved to authorize payment of the Wastewater Treatment Plant gritwork improvement contract application for payment #2 to Mountain State Construction in the amount of \$69,492.55. Taunton seconded the motion.

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

Vote: Motion 9 passed.

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

VII. UNFINISHED BUSINESS

A. Streetlight on Sunnyview Lane

It was noted that there had been a misunderstanding in communication on this issue, with no intent to mislead or harm anyone. (Letters attached to original of these minutes.)

Motion 10: Jack Brown moved to direct Staff to ask PUD to remove the streetlight on Sunnyview Lane. Lavery 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

B. ODOT - Highway 101 Right of Way Status Update

Lavery provided an update on the one-year extension (ending in September or October) ODOT granted the City to decide whether the City should accept responsibility, liability, and maintenance of Depoe Bay sidewalks, to be accomplished through transfer of ownership from ODOT to the City. Recent communication from Bob Woods at ODOT indicates that the transfer is most likely possible, but that the sidewalks would have to be declared surplus property and a dollar value established, in order to transfer ownership by selling the sidewalks to the City. Lengthy discussion followed. Lavery was directed to obtain the answers to the following questions: 1) How much would it cost to buy the sidewalks? 2) Would the purchase include the land underneath the sidewalks? 3) What would the consequences be if the City does not purchase the sidewalks? 4) How many properties/businesses would be affected if the City does not purchase the sidewalks?

VIII. CORRESPONDENCE

Murray read into the record a letter of resignation from the Sign Committee from Ken Powis, dated and effective April 1, 2003 (copy attached to original of these minutes).

Motion 11: Scorpio moved to accept Ken Powis' letter of resignation, and to direct Staff to post an advertisement for his position on the Sign Committee. 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

IX. LIAISON OFFICERS' REPORTS

Jack Brown reported a inquiry had been received from Senator Smith's office regarding Depoe Bay's needs for FY 2003-04, and Jack Brown responded that an additional \$1.3 million was needed for repairing the seawall. The Corps of Engineers is working on getting the repair done

for the \$2 million recently awarded. Jack Brown is working with Owings to determine the best way to approach the Corps about the possibility of full funding without losing the possibility of having the repair done adequately at the lower cost.

Laverty had no report at this time.

Scorpio reported the Planning Commission meets tomorrow at 7:30 PM.

Taunton reported the Salmon Enhancement Commission met: 1) The fish in the reservoir are in good shape with no signs of disease, and some of the fish in the river are beginning to smolt. 2) The KidZone will be assisting with fin clipping, which is scheduled for June 12-14. 3) There is a work party planned to work on new screens. 4) The Commission has taken on a new educational goal of involving the KidZone as much as possible in all their projects, and biologist Tony Stein is interested in stream education with small groups of kids. A fish identification field trip is scheduled for July 28. The Commission is giving the KidZone \$200 for salmon education. 5) The Commission plans to contact charter boat operators to ensure no one is tossing anything off their boats.

Alice Brown reported the Parks Commission met: 1) Concern was expressed the wind taking water out of the pool around the whale at Whale Park. This can cause the motor to burn out, so the whale had been turned off. 2) Ty Pedersen gave a presentation on a 4' high, 12' wide, and 24' long portable skateboard ramp and halfpipe, made out of masonite and steel at an estimated cost of \$3,825. 3) Replacing dead plants at Whale Park was discussed.

Silver 1) Will attend a public hearing regarding HB2267 (state pre-emption of local tax authority) in Salem on April 17 with other local mayors. 2) In response to a request for an update on law enforcement: This continues to be a primary concern of the Council. A workshop was recently held, where several items were identified for further investigation.

X. CITY STAFF REPORT

Owings Reviewed his written report (copy attached to original of these minutes), providing updates on water treatment plant and wastewater treatment plant tours, wastewater sludge hauling, the loading zone at the corner of Bay Street and Hwy 101 (this item to be addressed at the next meeting), the water plant, the grit unit, and streets. He also reported that while the contractor is still on-site, there are three things unrelated to the gritwork contract that Staff would like to have done: 1) Installation of a concrete sidewalk under the grit dumpster. This is a safety issue. 2) Addition of a 4' x 6' triangular piece of concrete behind the chlorine area, so 500 pound barrels don't have to be unloaded onto gravel. 3) Another safety issue, an open 3' x 2' flume needs to be covered. The cost of these items was quoted at \$580.

Motion 12: Laverty moved to accept Staff's recommendations for modifications to the wastewater treatment plant to be done by Mountain State Construction, not to exceed \$600. Alice Brown seconded the motion.

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

Vote: Motion 12 passed.

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

Murray reported that the Lincoln County Board of Commissioners has accepted our proposed date of Wednesday, June 11 at 6:00 PM for the joint meeting with City Council. They have asked that discussion topics be provided in advance. Suggestions can be dropped off at City Hall.

XI. COUNCIL COMMENTS

Taunton said that immediately preceding the Mad Hatter Tea Party on April 19, the Easter Egg Hunt will begin at 11:00 AM. There will be 1,500 plastic eggs hidden in the park.

Alice Brown said the Chamber is struggling financially with funding this year's fireworks, and asked if the City should contribute. It was the consensus of the Council that the City's standing contribution of sand and backhoe services was sufficient.

Romans wondered if the Council wanted to acknowledge the City's 30th anniversary of incorporation in any special way. Ideas were discussed.

Jack Brown said: 1) Beanie Robison and Maggie Brown are leading a campaign to get kids involved in Salmon Enhancement Commission activities. 2) Carol Hall, Bob Hall, and Diana Kinney are tutoring some kids needing help at school, several times a week. 3) Fran Recht has been helping Ty Pedersen make effective presentations to the Parks Commission. In response to a question, Maggie Brown spoke about the number of participants in KidZone, as well as some of its programs and activities.

Lavery extended compliments to Jack and Maggie Brown for all the work they've done with kids, and Silver echoed the thanks on behalf of the City.

XII. ADJOURN

There being no further business, the meeting was adjourned at 9:42 PM.

Mayor Bruce R. Silver

Silver Fox, Recording Secretary