

Depoe Bay City Council  
Regular Meeting  
Tuesday, June 3, 2003 - 7:00 PM  
Depoe Bay City Hall

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

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

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: May 20, 2003 Regular Meeting

Motion 1: Lavery moved to approve the minutes of the May 20, 2003 Regular Meeting as written. Alice Brown seconded the motion.

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

Vote: Motion 1 passed.

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

IV. ACCOUNTS PAYABLE

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

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

Vote: Motion 2 passed.

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

V. PUBLIC INPUT

Jeannie Ludlum Anchor Estates and President of the Southeast Depoe Bay Neighborhood Watch, encouraged the Council to support efforts to establish law enforcement in Depoe Bay.

Linda Livingston 40 SE Schoolhouse, read her submitted letter (copy attached to original of these minutes) regarding her personal experience with recent vandalism.

Curt McLeod of Curran-McLeod, reported that the preliminary water storage site survey has been completed (see copies of handouts attached to original of these minutes) for the planned 1.2 million gallon reservoir. Three design options were outlined. The current cost estimate is

\$1,450,000, which is \$50,000 over the original estimate. An agreement with the adjacent property owner will be necessary.

## VI. NEW BUSINESS

### A. Lincoln County Health and Human Services Gambling Treatment and Prevention Specialist: Marilyn Austin-Heins

Marilyn Austin-Heins gave a presentation about a free program available to gamblers and their families. She left a small supply of brochures.

### B. Public Hearing – System Development Charges Periodic Review

Curt McLeod Curran & McLeod discussed the Parks System Capital Improvement Plan; and each of the four existing System Development Charges (SDCs) and their proposed cost increases and purposes, as well as the proposed Parks SDC. He requested adoption of the proposed fees and Capital Improvement Plan, by resolution or ordinance. The adopted resolution or ordinance would be updated annually to incorporate increases factored by the consumer cost index. A question was asked about an SDC for the harbor, and McLeod responded that there were issues to be resolved before proceeding with this, and it could be included as either a parks or transportation facility.

Mayor Silver asked if there was any public input or questions on the Capital Improvement Plan for Parks and Recreation or the proposed SDC fee schedules. Carl Halvorson 440 Overlook, questioned McLeod about the methods of calculation, impacts of grant revenues on SDC fees, fluctuating EDU capacities, identification of open spaces slated for Parks development, projected costs of Parks development, current and future values of existing parks, and Parks land acquisition. Bill Sachs 1450 Walking Wood, questioned what consideration was given to each of the SDCs as they relate to Little Whale Cove (LWC), which has its own storm drainage system, private streets, and open space common areas, with associated homeowners' costs. In response to a related comment made by a Councilor, Traynor Harley 1155 Walking Wood, said that although LWC is a gated community, many other residents freely take advantage of LWC facilities.

Hearing no objection, Mayor Silver directed Staff to prepare a draft ordinance to amend Ord. #242, regarding SDCs.

A five-minute recess was called at 8:34 PM. The meeting reconvened at 8:39 PM.

### C. Proposed Res. #324 – SCA Grant Application – Winchell Street Improvements

Motion 3: Lavery moved to submit the SCA application for Winchell Street improvements. Taunton seconded the motion.

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

Vote: Motion 3 passed.

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

## VII. UNFINISHED BUSINESS

A. Proposed Contract with Depoe Bay Chamber of Commerce

Gordon noted that any contract for services under \$5,000 does not have to be competitively bid.

Motion 4: Romans moved to direct the City Attorney to prepare a draft service contract with the Chamber of Commerce for the purpose of promoting Depoe Bay through advertising, not to exceed \$4,999. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. A question regarding conflict of interest was raised, since several Councilors are business owners and the motion relates to bringing business to Depoe Bay. Gordon said there is no conflict because none of the business owners stand to gain personally.

Vote: Motion 4 passed.

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

B. Whale Park – Austin and Serena Scorpio Letter

This item had been tabled for 60 days to allow the Scorpios time to research the property line issue. Serena Scorpio 147 NW Hwy 101, said the results of the County Surveyor's visit were inconclusive and questionable. She was asked if she could provide written documentation of this, and she indicated she could. A suggestion was made to accept the survey the City contracted for, and to direct the Parks Commission to develop a 10' buffer between Whale Park and the Scorpio's property. Scorpio indicated this would be satisfactory.

Motion 5: Romans moved to direct Staff to record the current survey, with the understanding that there will be a 10' buffer with vegetation, and to direct the Parks Commission to develop a policy to maintain the 10' buffer between Whale Park and Scorpios' property. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. Vegetation and public access to the buffer was discussed.

Amendment: Romans amended the motion to include *dense* vegetation in the buffer area and restriction of public access. Alice Brown seconded the amendment.

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

Vote: Motion 5, as amended, passed.

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

C. Proposed Res. #323 – Worker's Compensation Coverage for Volunteers 2003-04

Murray reviewed her memo dated May 30, 2003. Discussion followed.

Motion 6: Lavery moved to adopt Res. #323 – Worker's Compensation Coverage for Volunteers 2003-04, with the added activities discussed in the memo including a public safety

portion specific to placement of the radar trailer, and a designated wage of \$800 for determining insurance coverage. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was discussion regarding there may be public safety activities other than placing the radar trailer.

Amendment: Laverty amended the motion to delete the wording "placement of radar trailer", to not restrict coverage to that activity specifically. Alice Brown seconded the amendment.

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

Vote: Motion 6, as amended, passed.

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

- D. Second Reading, Proposed Ord. #262 – An Ordinance Amending Ord. #22, as amended, Increasing the Transient Room/Occupancy Tax from 7% to 8% for the Purpose of Financing Public Safety/Law Enforcement Efforts

Gordon approved the language of the proposed ordinance.

Motion 7: Alice Brown moved to read proposed Ord. #262 by title only. Romans seconded the motion.

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

Vote: Motion 7 passed.

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

Murray read proposed Ord. #262 by title only, plus changes approved at the first reading. She also read a letter (copy attached to original of these minutes) into the record from motel owner Dan Arb. Chris Morrissette from Worldmark, said Worldmark provides their own security, and opposed this proposed ordinance.

Motion 8: Romans moved to adopt proposed Ord. #262 as read. Alice Brown seconded the motion.

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

Vote: Motion 8 passed.

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

Noes: Laverty

Gordon noted the ordinance will become effective in 30 days, but assessment will start July 1, 2003.

## VIII. CORRESPONDENCE

There were two items of correspondence (copies attached to original of these minutes): 1) A letter from Senator Gordon Smith in response to Bob Ward's request for support regarding preservation of Drake sites in Depoe Bay. The letter included information on funding sources. 2) A letter from Senator Gordon Smith inviting a Depoe Bay representative to attend the Oregon Coastal Port Summit on July 1, 2003 at 9 AM in Reedsport. Jack Brown volunteered to attend.

Motion 9: Lavery moved to reimburse Jack Brown's mileage to attend the Oregon Coastal Port Summit in Reedsport on July 1, 2003. Taunton seconded the motion.

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

Vote: Motion 9 passed.

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

Abstain: Jack Brown

#### IX. LIAISON OFFICERS' REPORTS

Taunton had no report.

Alice Brown reported that at the Parks Commission meeting: 1) There is \$57,000 left to finish Whale Park rock work, which must be finished by June 30. 2) Fran Recht provided an update on Scenic Land Acquisition Project properties. 3) A motion was passed to send a letter to the Council regarding benches and improvements. 4) Eric Lee offered to donate his time and expertise to the construction of the skateboard ramp.

Lavery reported: 1) The next Traffic Safety Commission meeting is June 10. 2) The governor has signed a Senate bill requiring operators of bicycles, skaters, scooters, skateboards, etc. to wear helmets starting January 1, 2004.

Jack Brown reported that Corps of Engineers seawall repair project manager John Edsel has set a date in mid-September; there will be no interference with the salmon bake. Edsel and Steve Chesser are planning to visit the City on June 24.

Silver said the Planning Commission met May 21. There was one public meeting item: a building permit application in a coastal shorelands overlay zone; the application was approved. There were two public hearing items: a conditional use permit in an R-4 zone, which was approved; and an appeal on a Staff decision of tentative approval for a property line adjustment. The appeal was denied and Staff was directed to prepare Findings, Conclusions, and Final Order.

#### X. CITY STAFF REPORT

Murray reported that: 1) Copies of the ODDA parking study will be available in time for the workshop on June 9. 2) The new computers are installed and working well.

Owings submitted a written Staff Report (copy attached to original of these minutes).

XI. COUNCIL COMMENTS

Taunton reported that there was a ceremony promoting Kary Moss to Chief Warrant Officer at the Coast Guard station on May 30. The crew of the boat involved in the rescue of the *Hawk* received medals of commendation.

Alice Brown said this year's Fleet of Flowers was incredibly beautiful.

Silver reminded Councilors that the joint meeting between City Council and the County Board of Commissioners will be at City Hall on June 11 at 6 PM.

XII. ADJOURN

There being no further business, the meeting was adjourned at 10:02 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary