

Depoe Bay City Council  
Regular Meeting  
Tuesday, July 1, 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

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: June 9, 2003 Special Meeting with Executive Session, June 9, 2003 Workshop Meeting, and June 17, 2003 Regular Meeting

Motion 1: Alice Brown moved to approve the minutes from the June 9, 2003 Special Meeting with Executive Session, the June 9, 2003 Workshop Meeting, and the June 17, 2003 Regular Meeting, as written. Lavery seconded the motion.

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

Vote: Motion 1 passed.

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

Abstentions: Taunton (6/17/03), Romans (6/9/03), Lavery (6/17/03)

IV. ACCOUNTS PAYABLE

Motion 2: Romans moved to approve Accounts Payable as written, and to approve the two reimbursement items tabled from June 17 Accounts Payable. Alice 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

Abstain: Lavery

V. PUBLIC INPUT

Peggy Leoni Chamber of Commerce, provided an update on the July 3 fireworks schedule of events, noting Councilor Alice Brown is making a second quilt for the fundraiser raffle, since tickets had sold out for the first quilt.

## VI. NEW BUSINESS

### A. Winchell Street Improvements – Bid Award

Owings reported that two bids were received and the engineer had reviewed both, recommending acceptance of the lower bid.

Motion 3: Lavery moved to accept the Devils Lake Rock Company bid for \$66,868.11, for road work on Winchell Street. Alice Brown 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

Motion 4: Lavery moved to authorize the mayor to sign the contract with Devils Lake Rock Company for \$66,868.11 for Winchell Street improvements, as soon as legal review has taken place. Jack Brown seconded the motion.

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

Vote: Motion 4 passed.

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

### B. Depoe Bay Chamber of Commerce – Services Contract Renewal

Murray reviewed her memo to the Council and draft Agreement with the Chamber of Commerce for FY 2003-2004.

Motion 5: Lavery moved to renew the contract with the Depoe Bay Chamber of Commerce for FY 2003-2004. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. It was noted that the Council would like quarterly reports from the Chamber.

Vote: Motion 5 passed.

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

### C. Authorization: Employee COLA for FY 2003-2004

Motion 6: Lavery moved to authorize employee COLA of 1.4% for FY 2003-2004. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. It was noted that last year's increase was 2.7%, and a member of the audience noted that the State of Oregon Employment Division has authorized an increase of 1.9% for FY 2003-2004.

Vote: Motion 6 passed.

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

D. Ratify Poll Vote: Accept Proposal for Rock Work at Whale Park

Motion 7: Alice Brown moved to ratify the poll vote to accept the James Drayton Trucking & Excavating proposal in the amount of \$24,600 to provide and install rock facing on the Whale Park wall and planters. 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, Lavery

E. Ratify Poll Vote: Approve 2002-2003 Contract Payment to Depoe Bay Chamber of Commerce

Motion 8: Lavery moved to ratify the poll vote to approve contract payment of \$4,936 to the Depoe Bay Chamber of Commerce for FY 2002-2003. 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, Lavery

## VII. UNFINISHED BUSINESS

A. Proposed Res. #322 – Council Rules

A question was raised regarding clarifying the language in the last paragraph on Page 8. Councilors agreed to the following change: "Exceptions to this are issues related to the performance of the City Recorder and unique and sensitive personnel, *yet that involve* city business-related requests."

Motion 9: Lavery moved to adopt proposed Res. #322, with the change on Page 8 as noted above. Alice Brown 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, Jack Brown, Lavery

B. Whale Park Boundary/Vegetation Area

Murray reported results of research she conducted with the County Surveyor's Office (see copy of her memo dated July 1 attached to original of these minutes). Lengthy discussion followed. Concerns expressed by Florence Shepard 350 South Point, Betty Langdon 1635 Tintinnabulary, Cliff Wamacks 445 Spindriff, and Ron Nowark and Chris Nowark 425 Pine Ct., included restriction of public access to public land, misrepresentation of information by the Scorpios, having the Parks Commission involved in this process, the possibility of similar problems in the future due to this being a precedent-setting incident, and multiple suggestions to rescind the Whale Park boundary motion made at the June 3 meeting. Concerns and thoughts expressed by Councilors included safety issues related to the area in question, type and amount of vegetation, maintenance of vegetation, visual access to the ocean, methods of creating a permanent delineation of the property line, a notation that a similar buffer zone exists at the wastewater treatment plant, and including the Parks Commission in this process.

Motion 10: Lavery moved to turn the question of the Whale Park north boundary/vegetative buffer over to the Parks Commission for a proposal to come back to the Council. Jack Brown seconded the motion.

Mayor Silver said it was moved and seconded and called for discussion. It was noted that this motion was made with the understanding that the Council has reconsidered the June 3 motion based on new information, and is rescinding that decision.

Vote: Motion 10 passed.

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

Noes: Romans

#### VIII. CORRESPONDENCE

1) A letter dated June 11 from the Lincoln County Board of Commissioners regarding membership status of the Lincoln County Local Public Safety Coordinating Council (LPSCC). Cliff Wamacks provided an update, and general information about the LPSCC. Mayor Silver will discuss this at his next mayors' breakfast. 2) A letter of resignation from the Economic Business Development Committee (EBDC) dated June 25, from Bob Ward.

Motion 11: Alice Brown moved to accept Bob Ward's resignation from the EBDC, with thanks for his participation, and direct Staff to advertise the open position. Romans seconded the motion.

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

Vote: Motion 11 passed.

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

Correspondence, continued:

3) A letter dated June 23 from the Oregon Dept. of Fish and Wildlife encouraging Depoe Bay to adopt an ordinance pertaining to trash and animal attractants. Hearing no objection, Mayor Silver directed Staff to include this item on the July 15 agenda. 4) A letter dated June 27 from the Depoe Bay Chamber of Commerce, thanking the Council for entering into the contract with

them, and stating a desire to contract again in FY 2003-2004. (Copies of all correspondence are attached to original of these minutes.)

#### IX. LIAISON OFFICERS' REPORTS

Jack Brown reported that 1) At last week's Harbor Commission meeting, the harbor seawall construction scheduled to begin mid-September was discussed. 2) He met with Senator Smith in Reedsport, and emphasized the importance of the harbor seawall project and the fact that the City is still seeking funding to complete the job. 3) The Solid Waste Consortium met. Agate Beach monitoring will continue for 35-40 years. The County is recommending a reduction in the surcharge from 15% to 11%, which will necessitate a change in Ord. #224. Hearing no objection, Mayor Silver directed Staff to include this item on the July 15 agenda.

Laverty reported that 1) The Traffic Safety Commission (TSC) will meet July 8. 2) ODOT Region 2 has provided 28 bicycle helmets for KidZone advisors to distribute. 3) Over 75 pages of information on bicycle helmets was provided to the City. 4) The TSC is working on getting special helmets for skateboard and in-line skating participants. 5) ACTS Oregon Child Safety Seat Resource Center has recorded an increase in safety seat inspections in the past eight months. The rate of improper installation of child safety seats was 88%, but improper installation of booster seats was only 43%. 6) ODOT's annual Oregon Transportation Safety Conference is scheduled for October 15-17, 2003 at the Eugene Hilton. 7) Grants for local traffic safety projects are due by September 9, 2003. Maximum grant value is \$5,000. Contact Bill Sachs for further information.

Taunton reported that 1) Salmon Enhancement Commission meets tomorrow. 2) Safety Committee met. They are planning to obtain a gas detector for confined areas. Crew is considering getting new safety vests after giving theirs to Traffic Safety Commissioners. No accidents were reported.

Alice Brown reported that at the Parks Commission meeting 1) Ty Pedersen reported on the Skateboard Project. 2) Owings suggested having a meeting at the Community Hall to get youth involved and find out what they want. 3) A carwash fundraiser was discussed. 4) There was a request from Jackie Swinford for a multi-purpose field for KidZone.

Silver reported that at the Planning Commission on June 19 1) The Findings, Conclusions, and Final Order was approved, denying the appeal on the Staff decision on the Plechaty lot line adjustment. 2) The Commission started work on re-opening the zoning review known as "the matrix".

#### X. CITY STAFF REPORT

Owings reviewed his written staff report (copy attached to original of these minutes).

Murray reported that four applications were received for the City Council position as of closing (5 PM today).

Motion 12: Alice Brown moved to set an interview date of July 15 at 6 PM to interview the candidates for the vacant City Council position, and to make an appointment at the Council meeting which follows. Laverty seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. It was noted that all applicants will be considered, regardless of whether they are present for an interview.

Vote: Motion 12 passed.

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

A Councilor questioned a business license application for a fee-based parking lot. There was discussion about whether a property owner providing parking for a business can charge for this. Planning Commission Chair Dick Johnson advised that he and City Planner Larry Lewis had researched this matter and found nothing in City ordinances restricting this. Hearing no objection, Staff was directed to contact the City Attorney with input from Johnson and Lewis for review. The Mayor authorized a poll vote, if necessary, depending on what came out of the City Attorney's review.

#### XI. COUNCIL COMMENTS

Romans 1) Expressed concern about kids climbing on the whale at Whale Park. There are no signs saying to stay off, and someone could get injured. 2) Asked to have dissolution of the Sign Committee as a future agenda item. Hearing no objection, Staff was directed to include this item to the August 19 agenda. The Sign Committee Chair will be invited to this meeting.

#### XII. ADJOURN

There being no further business, the meeting was adjourned at 9:05 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary