

Depoe Bay City Council  
Regular Meeting  
Tuesday, July 15, 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: July 1, 2003 Regular Meeting

Motion 1: Alice Brown moved to approve the minutes of the July 1, 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: 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.

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

Bill Sachs 1450 Walking Wood, said he was directed by the Little Whale Cove Homeowners Association to offer 35-38 chairs to KidZone, with the Community Hall to receive any surplus chairs they are unable to use.

Motion 3: Romans moved to accept 35-38 chairs from Little Whale Cove Homeowners Association, for KidZone and the Community Hall. Jack 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

Mayor Silver directed Staff to send a letter of thanks to the Little Whale Cove Homeowners Association.

## VI. NEW BUSINESS

A. Lincoln County Health & Human Services Dept – Presentation on West Nile Virus  
Gail Stater handed out pamphlets (copy attached to original of these minutes), gave a presentation, and answered Councilors' and audience questions on West Nile Virus. He noted that there were 285 deaths from the virus last year, compared to approximately 20,000 deaths which occur due to the flu every year. The only way to get this virus is to be bitten by a mosquito carrying it. While the threat is low in Oregon, especially on the coast, he advised everyone to avoid getting bitten by mosquitoes, and anyone finding a crow or blue jay dead less than a day is asked to put it on ice and call the County for lab testing.

B. Proposed Ord. #263 – An Ordinance Amending Ord. #224, Adopting the Uniform Rate Reporting Format Relating to Solid Waste Management and Declaring an Emergency  
Tina French was present to answer Council questions on this proposed ordinance (copy attached to original of these minutes).

Motion 4: Lavery moved to do the first reading of proposed Ord. #263 by title only. Taunton 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

Murray did the first reading of proposed Ord. #263 by title only, and called for questions or comments from Councilors and the audience. There were none.

Motion 5: Lavery moved to adopt proposed Ord. #263 at the first reading. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. Murray noted that there were two differences between the draft version presented to the Council last week and the final version for signature: 1) the final version has page numbers, and 2) the Emergency Clause number was changed from 3. to 4.

Vote: Motion 5 passed.

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

Motion 6: Lavery moved to have the second reading of proposed Ord. #263 by title only. Alice Brown seconded the motion.

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

Vote: Motion 6 passed.

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

Murray did the second reading of proposed Ord. #263 by title only. She again noted the revisions to the draft as above, and called for questions or comments from Councilors and the audience. There were none.

Motion 7: Lavery moved to adopt proposed Ord. #263 with the administrative corrections as noted by the City Recorder. Alice Brown 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

C. Proposed Res. #327 – A Resolution Amending Res. #188, Revising the Rate of the Agate Beach Closure Fee

Murray reviewed the history of the resolution and noted the proposed resolution (copy attached to original of these minutes) would reduce the surcharge from \$15 per ton to \$11 per ton. Tina French supplied supplemental information on the basis for the resolution.

Motion 8: Jack Brown moved to adopt proposed Res. #327 as presented. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. He clarified that there were two separate but intertwined entities involved in the resolution: the haulers' uniform rate, and the Agate Beach Closure fee. There was no other discussion.

Vote: Motion 8 passed.

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

French said the first report in the new format should be forthcoming in April of next year, rather than April, 2005.

D. Appointment to Fill Vacancy – City Council Position #2

Mayor Silver called for comments from Councilors on candidates Tray Harley, Russ Hunter, Dick Johnson, and Jim White. Ballots (copy of ballot attached to original of these minutes) were completed and turned in. Murray tallied the votes and announced the results: Taunton, Alice Brown, Romans, and Jack Brown voted for Jim White; Silver and Lavery voted for Dick Johnson. Mayor Silver offered congratulations and a welcome to Mr. White, and asked him to contact the City Recorder before the next Council meeting for swearing in and distribution of Council materials. He noted that all applications were appreciated.

E. Proclamation – Declaring August 7 to be Vision and Hearing Day

Mayor Silver read the proclamation (copy attached to original of these minutes) into the record.

Motion 9: Jack Brown moved to proclaim August 7 as Vision and Hearing Day and authorize the mayor to sign the proclamation. Romans seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. Alice Brown said she supports this, but abstained from voting because she is a member of the Pacific Sea Lions Club and will be involved with it.

Vote: Motion 9 passed.

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

Abstain: Alice Brown

F. Oregon Dept. of Fish & Wildlife Correspondence (ODFW) – Request City Consider Adoption of an Ordinance Pertaining to Trash and Animal Attractants

Murray reviewed the request that was presented at the last meeting under Correspondence. There was discussion on the perceived necessity of the requested ordinance, the number of related complaints the City has received over a period of several years, and difficulty of enforcement. Staff was directed to write a letter to ODFW for the mayor's signature, saying that this issue has not been a problem in our small community, we will monitor the situation, and we appreciate their concern.

G. Authorization of Contract – James Drayton for Rock Work at Whale Park

Motion 10: Laverty moved to authorize the mayor to sign the agreement with James Drayton for rock work at Whale Park in the amount of \$24,600. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was discussion about the best time to perform this work so as to not discourage tourists from utilizing the park. Staff indicated that there was a time limit involved and the work must be done as soon as possible.

Vote: Motion 10 passed.

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

## VII. UNFINISHED BUSINESS

### A. Public Safety/Law Enforcement

Mayor Silver noted it was necessary to make a decision tonight on whether to put this item and/or Item VII.B. on the November, 2003 ballot, as information must be finalized and provided to the County by the end of August. He noted that being a non-general-election year, a double majority would be needed: a minimum 51% turnout with a minimum 60% of the turnout voting in favor of the ballot item(s). It was the consensus of the Council that both items should appear on the November ballot. A suggestion was made to have each Councilor go door-to-door in a given section of the city, with each Councilor using identical printed information to discuss the upcoming election items with each resident and stressing the need for everyone to vote. A subsequent suggestion was made to ask the Southeast Neighborhood Watch if they would be willing to assist with this task. Silver noted the Law Enforcement Sub-Committee minutes from their July 8 meeting (copy attached to original of these minutes) did not reflect consideration in their cost estimates for law enforcement administrative needs such as office accommodations, phones, computer, and Staff assistance. Alice Brown reviewed her notes on the COPS MORE grant program (copy attached to original of these minutes), from a conversation she had with Lt. Stallard.

## B. Water System and Water Storage Improvements

Mayor Silver reviewed planned capital improvements to the water system and water treatment plant, and an update to the water storage project provided by Curran-McLeod (copy attached to original of these minutes), with a total project cost of \$1,470,000. Murray noted that the Council would need to determine whether to repay the capital improvement debt through a revenue bond (repaid through user fees) or a general obligation bond (repaid through property taxes) before putting this item on the November ballot. She also said prospects for grant funding do not look good at this time, and also requested permission to contact the bond counsel, and the Council agreed. A suggestion was made to consult the City Attorney before Councilors start going door to door with ballot information.

## VIII. CORRESPONDENCE

There were three items of correspondence (copies attached to original of these minutes):

- 1) A letter from ODOT regarding Spring Roadside Clean-Up, which Murray read into the record. A suggestion was made to provide information to the Chamber of Commerce, to warn business owners to move any signs they may have in ODOT's right of way; Murray will fax them a copy of the letter.
- 2) A letter from ODOT regarding the Spencer Creek Bridge project. There will be a public Stakeholder Summit meeting at the Embarcadero Resort Hotel on August 6 from 1-4 PM, which the mayor will be attending. Further information is available at City Hall.
- 3) A letter from Gary Thebault requesting termination of a lease due to expire June 2006, due to his having sold the property to a party having no interest in maintaining the lease. Input will be obtained from the Harbor Commission before making a decision on this request.

## IX. LIAISON OFFICERS' REPORTS

Laverty reported: 1) The following items were discussed at the July 8 Traffic Safety Commission meeting: a) Bike helmets for KidZone. b) The possible acquisition of a static police car from Hwy 18/Hwy 20 Safety Committee and Chinook Winds Casino. Because Depoe Bay provided funds when the safety corridor began, they have offered to let us use one of their two police cars. They are requiring the car to be protected when not in use. Bill Sachs is working with Peggy Leoni on this issue. c) Peter Cameron is working on a grant; he may request the assistance of Alice Brown, since she attended a grant writing class. d) An Allstate Insurance representative discussed a possible grant for helmets for kids using skateboards and in-line skates. There also may be funding from ODOT for this. 2) He requested the next agenda include an item to address the need for a sign prohibiting motorhomes on the first block of Collins Street, due to the high number of motorhomes that create a traffic safety hazard by getting stuck trying to turn up the street. Owings said if the City sends a letter to Jerry Stokes of ODOT explaining the problem and requesting their assistance, Stokes will try to find money through a safety program to get an engineer to inspect the area where the county road intersects Hwy 101 and see what can be done. Owings was directed to use his best judgment in following up on this issue. 3) There will be a Council of Governments meeting in Albany on July 17.

Jack Brown reported that John Edsel of the U.S. Army Corps of Engineers and a small team will be visiting the harbor seawall site. This will be an opportunity for Edsel to speak with interested citizens. There is a preliminary meeting scheduled for tomorrow.

Alice Brown reported: 1) The Parks Commission will meet on July 23. 2) She suggested reducing the size of the Economic Business Development Committee from nine to seven, due to difficulties with getting a quorum and two recent resignations which have resulted in unfilled vacancies. This item was added to the next agenda.

Taunton had no report.

Silver reported the Planning Commission meets tomorrow.

#### X. CITY STAFF REPORT

Owings provided a written report (copy attached to original of these minutes), and also reported that a Winchell Street property has been surveyed prior to being sold, and results indicate that the road is encroaching 2.5' onto the property. The prospective buyers have requested the City remove the pavement.

Murray reported that an environmental assessment is needed before the new City Hall ADA ramp and restrooms can be built. She requested authorization for the City Planner to do this project, which he has estimated at a maximum of 20 hours, or \$800. This cost would be applied toward the required \$5,000 in matching funds for the grant.

Motion 11: Lavery moved to authorize the City Planner to work on the environmental assessment for the ADA ramp and restrooms, not to exceed \$800. Taunton 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

#### XI. COUNCIL COMMENTS

Jack Brown was pleased there were four very good applicants for the vacant Council seat.

Romans said the Scorpions would like to remove a chain link fence they had installed in the "buffer" area at the north end of Whale Park. There was much discussion regarding options, perspectives, liabilities, and legalities. Staff was directed to contact the Parks Commission Chair to make him aware of the Council's concerns, and then to contact the City Attorney for advice on the following questions: 1) Should the fence be returned to the Scorpions? 2) Who should perform the removal? 3) Is trespassing an issue?

Alice Brown noted there is a new vacancy on the Traffic Safety Commission, created by the appointment of Jim White to the City Council. Staff was directed to advertise the vacancy.

Taunton thanked the City, Staff, and Crew for their help with July 3 fireworks and use of City's safety equipment.

Silver thanked Taunton and the Spouting Horn for helping him host the monthly mayor's breakfast last week.

XII. ADJOURN

There being no further business, the meeting was adjourned at 9:26 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary