

Depoe Bay City Council  
Regular Meeting  
Tuesday, August 5, 2003 - 7:00 PM  
Depoe Bay City Hall

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

STAFF: City Field Superintendent T. Owings, City Recorder P. Murray

Mayor Silver called the meeting to order and established a quorum. Silver announced a revision to the agenda to discuss the Water Improvement Project first under Unfinished Business, since the Fire Chief is present for that agenda item.

Approve Minutes: July 15, 2003 Regular Meeting and July 15, 2003 Special Meeting

MOTION 1: Lavery moved to approve the minutes of the July 15, 2003 regular and special meetings as written. A. Brown seconded the motion.

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

VOTE: Motion passed.  
AYES: Taunton, A. Brown, Silver, Romans, J. Brown, Lavery  
ABSTAIN: White

Accounts Payable

MOTION 2: Romans moved to pay the accounts payable. A. Brown seconded the motion.

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

VOTE: Motion passed.  
AYES: White, Taunton, A. Brown, Romans, J. Brown  
ABSTAIN: Silver, Lavery

Public Input

Peggy Leoni, Depoe Bay Chamber of Commerce, reminded everyone about the picnic in the City Park on Monday, August 11, 2003 at 6:00 PM.

New Business:

A. Recommendation from Harbor Commission-Thebault Lease

The Harbor Commission's recommendation (copy attached to the original of these minutes) is to agree to early termination of Thebault's lease agreement, providing there is no debt owed on the property. Further, the commission's recommendation is that Thebault is not required to retrofit the property to original condition.

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MOTION 3: Romans moved to accept the Harbor Commission's recommendation to agree to early termination of the Thebault lease agreement with the stated

conditions. Lavery seconded the motion.

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

VOTE: Motion passed.

AYES: White, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

B. Recommendation from Parks Commission- Whale Park

The Parks Commission provided recommendations regarding the northern portion of Whale Park and regarding the Scorpions' request to remove a fence they had constructed on the northern end of Whale Park (copy attached to the original of these minutes). A staff memo, dated July 30, 2003, provides procedural information pursuant to legal review of the Scorpions' request (copy attached to the original of these minutes).

MOTION 4: Romans moved to direct the City Recorder to compose a letter, along the guidelines the city attorney suggested, offering them the opportunity to remove the fence at their convenience, notifying the City Field Superintendent of the date they will do it, and that the City would like this take place no later than September 15<sup>th</sup>, with a notation that an early reply from them would be appreciated. A. Brown seconded the motion.

Silver said it was moved and seconded and called for discussion. It was clarified that this is a separate issue from the four recommendations relating to the development of the northern part of Whale Park.

VOTE: Motion passed.

AYES: White, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

Discussion on the Parks Commission recommendations relating to the northern portion of Whale Park included: 1) Relating to the chain-link fence to the north of the memorial wall (recommendations No. 3 and 4.A.): privacy issues, fence height regulations, safety issues, potential damage to the fence by attempts to reduce the fence height, removal of slats versus removal of the fence itself. 2) Relating to survey markers (recommendation No. 1): ways to mark the property corners to maintain visibility without detracting from visual aspects of the park. 3) Relating to trimming and pruning of foliage (recommendation No. 2): Romans said there are large tree limbs overhanging park property, from trees that are growing on the adjacent property, which should not be cut because the loss of support would cause blow-down. Public input included concerns of ensuring public use of public property and expectations of privacy in commercial and public areas, as well as an opinion that the chain-link fence is ugly. Silver summarized the discussion, that for the time being, the chain-link fence will not be altered in either height or width, slats will be removed on 25% of the east end of the fence, foliage will be trimmed under the supervision of the City Field Superintendent, property corners will be marked with white stakes that protrude 6 inches above ground. It was agreed by consensus of Council and staff was so directed.

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C. Collins Street Connection to Highway 101

Owings reported that ODOT and Lincoln County are reviewing options to alleviate the problem of large RVs hanging up at the intersection. Fire Chief Smith said he has had

conversations with ODOT on the matter as well. Brief discussion ensued. Silver said there is no Council action required as yet, but will be scheduled when necessary.

D. Economic Business Development Committee- Membership

A. Brown explained that the committee has experienced difficulty in holding meetings due to lack of a quorum, and with Richard Johnson's resignation, there are only six members which will make it more difficult to obtain the required quorum of five members. Discussion included the importance of diversity, encouraging and providing opportunities for involvement, recruiting efforts to fill vacancies before reducing membership requirements, this committee's membership requirements as identified in the enacting ordinance.

MOTION 5: Lavery moved to table discussion on the Economic Business Development Committee membership for 90 days. A. Brown seconded the motion.

Silver said it was moved and seconded and called for discussion. Romans suggested actively promoting applicants to serve on the committee. Silver confirmed that is the purpose of the 90 day period.

VOTE: Motion passed.

AYES: White, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

E. Presentation by Parking Committee- Parallel Striping on West Side of Highway 101

Richard Johnson referred to the recently completed Parking Study, modifications to parking standards that are presented in the study, and the Parking Committee's recommendation to proceed with striping of parallel parking spaces along the west side of the highway from the south end of Whale Park north to Harney Street. The idea is to better identify the availability of parking in this area for visitors. No additional striping is recommended for the east side of the highway at this time. A rough estimate of the cost of the recommended striping along the west side is \$1,000 and the committee is seeking Council authorization to proceed.

MOTION 6: Lavery moved to direct staff to proceed with striping of parallel parking spaces along the west side of the highway, from the south end of Whale Park to Harney Street, at a cost of \$1,000 plus 20% contingency. A. Brown seconded the motion.

Silver said it was moved and seconded and called for discussion. Brief discussion ensued regarding the adequacy of the dollar amount being approved.

VOTE: Motion passed.

AYES: White, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

F. Designation of City Representative to the Oregon Coastal Zone Management Association (OCZMA)

The city is a member of OCZMA, and has been requested to officially designate a representative to the association (copy attached to the original of these minutes). Councilor Jack Brown has been serving as the city's representative and is willing to continue to do so.

MOTION 7: Lavery moved to designate Councilor Jack Brown as the city's representative to the Oregon Coastal Zone Management Association. Taunton seconded the motion.

Silver said it was moved and seconded and called for discussion. Murray asked if the Council wished to designate an alternate representative. It was agreed that Councilor Brown will designate an alternate if necessary.

VOTE: Motion passed.

AYES White, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

Silver called a recess at 8:12 PM. The meeting was reconvened at 8:17 PM.

Unfinished Business:

B. Water System Storage Improvements

Silver said the Fire Chief had been asked to provide input on the matter of fire protection relating to the water system. Fire Chief Ron Smith provided background information on the inventory he had conducted, referring to a map on which he identifies his findings. Smith said his inventory was conducted on the basis of emergency response and he noted items relating to streets and fire hydrants. Smith reviewed the fire hydrant inventory, noting location discrepancies on the map which need to be corrected, locations where new hydrants are needed or where outdated hydrants need to be replaced, and four existing hydrants that should be relocated for better accessibility. The inventory identifies a need for twelve new hydrants, applying the basis of a hydrant located every 500 to 1,000 feet. Discussion included the need for water line extensions or other infrastructure improvements to proposed new hydrant locations. Smith was thanked for his report. Discussion ensued on funding options for the proposed water system improvements, including revenue bonds and general obligation bonds. Proposed improvements and cost estimates, listed in a July 15, 2003 letter from Curran-McLeod, Inc., were reviewed: the 1.2 million gallon treated water storage tank, fire protection and treatment plant improvements. The letter includes a \$20,000 amount for fire protection, which was a pre-inventory estimate with approximated cost of \$5,000 per hydrant installation.

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MOTION 8: Lavery moved to include the 1.2 million gallon storage tank at \$1,250,000; treatment plant upgrade at \$200,000; twelve new fire hydrants at \$60,000; and an amount for transmission lines as needed. Taunton seconded the motion.

Silver said it was moved and seconded, restating the motion as follows: To direct staff to prepare a draft resolution for the August 19<sup>th</sup> regular meeting, with the purpose being to

define a 1.2 million gallon water storage tank at \$1,250,000, fire protection improvements to include twelve new fire hydrants at approximately \$60,000 with new transmission lines as needed, and the upgrade to the water treatment plant at \$200,000; to be funded by general obligation bond. Lavery concurred with the restatement of the motion. Brief discussion occurred regarding the acquisition of land for the new storage tank, demolition of the existing tank and identifying a cost for hydrants and transmission lines.

VOTE: Motion passed.

AYES: White, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

#### A. Public Safety/Law Enforcement

A. Brown reviewed the details of the committee's recommendations previously discussed, a contract with the county at \$110,000 for a single police officer, the dedication of the 1% room tax estimated at \$39,000 in this year's budget, based on \$240 million total assessed valuation of the city the 35 cents per \$1,000 is projected to raise \$84,000 per year. It is anticipated the city will apply for grant funding as opportunities arise. If grant funds are awarded those funds could be used to begin contracting for a police officer before tax revenues are received and/or provide a cushion for potential revenue shortfalls. Annual increases in the amount of the contract with the county were discussed, it being suggested that the increase in assessed valuation would provide revenue for the increased costs each year. Staff provided a report on items the city would be required to provide for the officer, office furnishings including a desk, chair, locking file cabinets and telephone. An office area affording privacy will need to be provided, possibly involving minor construction. It was suggested the length of time of the proposed local option tax should be five years, the maximum time period for a local option tax for services.

MOTION 9: Lavery moved to direct staff to draft a resolution to contract for a deputy sheriff from the Lincoln County Sheriff's Department and payment would be from the 1% transient room tax and 35 cents per \$1,000 on property tax for a five year period, and this includes any cost of living increase during that five year period. A. Brown seconded the motion.

Silver said it was moved and seconded and called for discussion. It was clarified that by stating a rate per valuation in the question, increased valuation would have to be relied upon to raise the funds needed to pay increased costs each year.

VOTE: Motion passed.

AYES: White, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

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#### Correspondence

Murray presented the following items of correspondence: 1) Representative Darlene Hooley mailed invitations to each Council member individually to attend a luncheon meeting in Newport on August 13<sup>th</sup>, those attending will have the opportunity to discuss issues particular to their cities with Hooley. 2) Richard Johnson has submitted a letter of resignation from the Economic Business Development Committee.

MOTION 10: Lavery moved to accept Johnson's resignation, declare a vacancy on the

Economic Business Development Committee and direct staff to advertise to fill the vacancy. Taunton seconded the motion.

Silver said it was moved and seconded and called for discussion. A. Brown requested a letter of thanks be sent to Johnson for his efforts and involvement on the committee.

VOTE: Motion passed.

AYES: White, Taunton, A. Brown, Silver, Romans, J. Brown, Laverty

Silver said there is a letter from Larry Tyler requesting a letter be read into the record of the meeting. Silver said he would like the Council to consider this letter an illustration of why it is important to be cognizant of the perceptions of community members. Silver read the letter (copy attached to the original of these minutes) which alleges an inappropriate action by Councilor Romans and requests the Council to reprimand Mr. Romans. Silver said this is a citizen's opinion and concern and reminded everyone to be cautious to avoid possible misperceptions. Discussion ensued between Romans, Silver and A. Brown on procedures relating to correspondence, allegations or complaints, and responses to allegations or complaints. White suggested a change to procedure in handling correspondence items which present a complaint against a Council member, to conduct an investigation before a complaint is presented in a meeting.

#### Liaison Officers' Reports

Laverty reported on 1) Contact from Robert Woods, ODOT District 4 Manager, regarding the Pirates Cove sidewalk project, that ODOT is now ready to proceed with scheduling the storm drainage repairs needed to do the project. 2) Attended a COG meeting in Albany on July 17<sup>th</sup> where funding cuts to in-home services for senior citizens was discussed, as of June 30 ten Lincoln County residents no longer receive services, and there is a waiting list of approximately forty residents. 3) On July 24<sup>th</sup> attended a CWACT meeting, where the proposed project of widening I-5 from 4 lanes to 6 lanes from Hwy 22 in Salem to Hwy 34 south of Albany was discussed. 4) The Traffic Safety Commission will meet next Tuesday, they are working on a grant application to fund education of drivers.

J. Brown reported the Harbor Commission discussed the Thebault Lease resulting in the recommendation presented to the Council earlier, a decrease in availability of fuel in the harbor resulted in some boat owners asking a fuel truck to provide fuel at the public docks. There is concern that company is using city property without proper fees, the commission will discuss this further since there is not agreement on the matter. The commission is also

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discussing providing a fish cleaning station for moorage holders at the south end of the harbor seawall, a proposal will be presented to the Council after details are finalized.

A. Brown reported she was unable to attend the Parks Commission meeting. The Economic Business Development Committee is working on the economic development plan for the City with assistance from Chris Chandler-diTorrice.

White reported the Planning Commission held a special meeting on July 23<sup>rd</sup> to discuss the review of uses in zoning designations, with discussions to continue.

Brief discussion ensued regarding fish waste impacts on the sewer system, and ways of handling fish carcasses.

#### City Staff Report

Owings reviewed his report (copy attached to the original of these minutes), providing status reports on the City Hall ADA Project, the Winchell Street Improvements Project and street chip sealing. Owings said he's been presented with a concern regarding the South Point Street access to Highway 101, that a flat plateau is needed at the top of the hill to alleviate vehicle rollbacks at the stop sign. Owings reviewed the background on the Parks recommendation to pave the City Park parking area. The Chamber of Commerce has offered to provide the funds in the amount of \$6,700 for this project. Peggy Leoni, present in the audience, confirmed the Chamber has budgeted for this expense. Owings requested authorization for an additional \$2,000 city funds to add curbing and permanent barricades.

MOTION 11: Lavery moved to approve paving the City Park parking area and authorize the expenditure of an additional \$2,000 for curbing and barricades to keep vehicles from driving onto the park grounds. Taunton seconded the motion.

Silver said it was moved and seconded and called for discussion. It was clarified that the area to be paved is the area currently graveled.

VOTE: Motion passed.

AYES: White, Taunton, A. Brown, Silver, Romans, J. Brown, Lavery

Owings reported the harbor seawall stabilization project is progressing on schedule. Owings asked if the Council wanted staff to follow up on the concern on the South Point Street access. It was agreed that Owings should contact ODOT's maintenance department to seek assistance on the matter.

Murray had no report.

#### Council Comments

White thanked the Council for the opportunity to serve on the Council and members of the community who have been supportive. He will work as hard as he can for the community.

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Taunton apologized to Councilor Romans for the way he'd been treated earlier. Taunton feels that when a letter of complaint regarding a Council member is received the Mayor should discuss the matter with the Councilor before bringing the matter forward.

A. Brown concurred with Taunton's apology, adding that Channel 4 had a notice referring to the letter and stating that it would be addressed at tonight's meeting. Brown spoke about generations, that Romans comes from a generation that respected women so much that he wouldn't engage in that kind of behavior. Brown also said that while there won't be a Renaissance Faire in Depoe Bay this year, the program with William Shakespeare will be taking place, through OCCA, on Thursday, August 14<sup>th</sup> at 2:00 PM and 6:00PM.

Romans congratulated Silver for getting back at him for the recall. Silver responded that was not his motivation.

J. Brown voiced his appreciation of the consideration paid to residents, particularly the children, by the contractor working on the Winchell Street Project. Brown added he is disturbed by tonight's meeting, what is important is how the Council follows up, suggesting a special meeting be called to handle any similar circumstance in the future.

Laverty noted that Terry Tompkins has done an outstanding job of cutting the grass on the west side of Highway 101, it looks great and his efforts deserve recognition.

Silver said he has taken each Councilor's comments tonight very seriously and will consider them greatly. Silver added that the Oregon Parks and Recreation Commission Board meeting is Thursday August 7<sup>th</sup> at Beverly Beach State Park, and he would attend to present the City's thanks for their participation in the Scenic Land Acquisition Project, the donation of land and grant funds, if the Council is agreeable. There was no objection.

There being no further business, the meeting was adjourned at 10:12 PM.

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Mayor Bruce Silver

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Pery Murray, City Recorder