

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

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

STAFF: 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: September 16, 2003 Regular Meeting

Motion 1: Alice Brown moved to approve the minutes of the September 16, 2003 Regular Meeting, with the following correction to her statement on Page 4 under Council Comments: "...the Smart Development Code Handbook has good information at *on* limited commercial and *in* residential zones...". Taunton seconded the motion.

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

Vote: Motion 1 passed.

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

Abstain: Lavery

#### IV. ACCOUNTS PAYABLE

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

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

Vote: Motion 2 passed.

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

#### V. PUBLIC INPUT

Jean Ludlam, President of the Southeast Depoe Bay Neighborhood Watch, spoke in favor of law enforcement in Depoe Bay. She has formed a "Voters for Law Enforcement" committee, and is looking for donations to equal the \$200 it will cost for mailing flyers to registered voters in Depoe Bay, and volunteers to assist in flyer preparation.

Rachel Saunders, a local health educator, extended an invitation to Councilors to attend a breakfast forum honoring work being done across the county in the Substance Abuse Prevention Program. The breakfast will be held on Thursday, October 23 from 7-9 AM at the

Community Hall. The breakfast is sponsored by Lincoln County Health and Human Services (LCHHS). She requested a fee waiver for this event. She left flyers for distribution.

Peggy Leoni, Chamber of Commerce: 1) Presented Mayor Silver with a check for \$6,700 to reimburse the City for paving in City Park. 2) The Salmon Bake took in as much money as last year. 3) The Chamber would like a written guarantee that the Christmas tree will be allowed to remain on the Painter Building this year from the week before Thanksgiving until no later than January 3, 2004. 4) The Chamber would like fees waived for the Community Hall one Tuesday in December for the Christmas potluck. 5) At next week's Chamber meeting, the City Field Superintendent and Councilor Romans will be presenting facts on the two ballot measures.

Motion 3: White moved to waive the fee for the Community Hall for the Lincoln County Health and Human Services breakfast forum. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. Councilors confirmed that the Community Hall was available on that date and that LCHHS would clean up afterwards.

Vote: Motion 3 passed.

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

Motion 4: Lavery moved to waive the Community Hall fee for the Halloween party sponsored by the Chamber of Commerce, and the night after. Alice Brown seconded the motion.

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

Vote: Motion 4 passed.

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

Motion 5: Lavery moved to ask the Parks Commission to review the lease agreement with the Oregon Coast Aquarium in reference to placing the Christmas tree on the building, and if there are any questions to ask the City Attorney, and that a letter will be sent to the leaseholder and lessee.

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

Vote: Motion 5 passed.

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

Motion 6: Lavery moved to waive the fee for the Community Hall on a day in December for the Chamber of Commerce sponsored Christmas potluck. Taunton seconded the motion.

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

Vote: Motion 6 passed.

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

## VI. NEW BUSINESS

### A. Interview Applicants for City Commissions and Committees

Economic Business Development Committee applicant Peggy Leoni was present and came forward to tell about herself and why she was interested in participating. She clarified that although her application reflected a willingness to serve either as a resident or as a member of the business community, she would prefer to serve as a member of the business community.

### B. Appointment to Fill Vacancies of City Commission and Committees

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. The vote to appoint Leoni to the Economic Business Development Committee was unanimous, with Councilor White voting to place her as either a member of the business community or as a resident, Councilors Taunton, Alice Brown, Romans, Jack Brown, and Lavery voting to place her as a member of the business community, and Mayor Silver voting to place her as a resident.

Motion 7: Alice Brown moved to accept the canvass of votes and appoint Peggy Leoni to the Economic Business Development Committee as a member of the business community. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. It was clarified that the position's term will expire December 31, 2003.

Vote: Motion 7 passed.

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

### C. ODOT Proposed Highway Segment Designation of Special Transportation Area (STA): Proposed Res. #331 – A resolution supporting the designation of Highway 101 (Sunset Street to Evans Street) as an STA

Rick Beasley asked about policy standards and design treatments that might be imposed affecting property as a result of the STA designation. Dick Johnson, Planning Commission Chairman, was present and provided general information regarding the designation, and said that any changes will occur through the Downtown Refinement Plan. (Copy of Res. #331 and memo from Planning Commission dated 9/18/03 attached to original of these minutes.)

Motion 8: Lavery moved to approve Res. #331 – A resolution supporting the designation of Highway 101 (Sunset Street to Evans Street) as an STA. 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: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

### D. Encroachment on Ellingson Street Right-of-Way

After lengthy discussion regarding Res. #215 and the difference between vacating a street and partially closing a street, it was pointed out that the agenda item was encroachment by a property owner into the City's right-of-way. There was some question about who painted a

stripe on the street and why. It was noted by a member of the audience that this is a problem that exists city-wide and needs to be addressed. (Copy of Planning Commission memo dated 9/3/03 attached to original of these minutes.)

Motion 9: Lavery moved to direct Staff to look into the written complaint by the Planning Commission regarding encroachment of Ellingson Street right-of-way, and report back to the City Council. 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: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

E. Economic Business Development Committee (EBDC) Report: Input on Update to County's Long Range Plan for Economic Development  
Romans said the Committee didn't meet due to lack of quorum. Mayor Silver said he still was seeking written guidance from the EBDC no later than October 15, for the Lincoln County Economic Development Alliance meeting he's been invited to on December 9. Hearing no objection, this item was tabled to the December 2 meeting.

## VII. UNFINISHED BUSINESS

A. City Ballot Measures, November 4, 2003 Election – Information Dissemination  
Murray reviewed her memo to the Council dated 10/7/03 (copy attached to original of these minutes), which provided specific guidelines regarding restrictions on political campaigning. Alice Brown noted that based on information provided by Murray, the factual data sheet she submitted (copy attached to original of these minutes) was not an appropriate item because it could be interpreted for or against the law enforcement measure. Mayor Silver drew attention to two documents on the Water System Master Planning Update (copy attached to original of these minutes) which had been prepared by the City's engineer – one of which was a special draft for this meeting, and had been edited to comply with the campaign restrictions identified by Murray's research. Clarification was made that the restrictions were applicable to City officials and was specific to the expenditure of public funds; elected officials are not considered to be public employees, and may advocate any measure, as long as they are not expending public funds. The current informational packet being handed out at City Hall consists of the ballot measure and summary filed with the County, Res. #330, and the explanatory statements that will appear in the voter's pamphlet. The Law Enforcement subcommittee was directed to meet, and to review and compile all information for dissemination and pass to Staff, who was directed to re-write factual statements for inclusion in informational packets being distributed on request at City Hall. Councilors will make contact with residents to promote the two ballot measures.

## VIII. CORRESPONDENCE

Murray presented four items of correspondence: 1) A letter of resignation from Roma Powis, which leaves a vacancy on the Parks Commission. 2) A letter from Ray Lunt regarding the September 24 Harbor Commission meeting and fuel availability in the harbor. 3) A letter from Dan and Sena Arb requesting the Council consider moving a sign. Due to the absence of the

City Field Superintendent, this item was tabled to the next agenda. 4) A letter from Matthew Freitag at ODOT regarding grant approval for the Winchell Street project.

Motion 10: Lavery moved to accept Roma Powis' letter of resignation from the Parks Commission, declare a vacancy, and direct Staff to advertise the position. Alice Brown seconded the motion.

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

Vote: Motion 10 passed.

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

#### IX. LIAISON OFFICERS' REPORTS

Lavery reported that 1) Depoe Bay applied to ACTS Oregon for a \$5,000 community traffic safety grant. Approval is expected shortly. 2) At the September 18 Council of Governments (COG) meeting there was discussion about expectations for the Pacific coast to become a major importing area for the U.S. An improved railroad system would facilitate the distribution of goods. 3) Also at the COG meeting it was noted that 50% of people on senior services have drug or alcohol related dependency. 4) The National Transportation Safety Board reports that in 2001 there were 17,440 alcohol-related fatalities, and in 1998 costs associated with alcohol-related fatalities was estimated at \$5.3 billion. 5) Between 1990-1999 nearly 17,000 children under the age of 10 died in car crashes, and 6 out of 10 of these children were not wearing safety belts.

White had no report.

Taunton reported that the Safety Committee met; there was nothing to report. The Salmon Enhancement Commission did not meet due to lack of quorum.

Alice Brown reported that Parks Commission met: 1) They inspected the skateboard equipment site, and examined a piece of used quarter-pipe. Three pieces of skateboard equipment were approved for purchase at a cost of \$4,240. 2) Fran Recht reported that the Scenic Lands Acquisition Project was able to purchase only three of the five benches planned, due to lack of funds. 3) Chairman Bill Spores reported on the Salmon Bake.

Jack Brown reported that the newest Salmon Enhancement Commissioner (Cody Lawrence) was very excited about being appointed. At the Harbor Commission meeting: 1) This has been a very successful fishing season all along the Oregon coast. The Fish and Wildlife Commission expects next year to be good, as well. 2) The Corps of Engineers has begun the landslide stabilization project at the harbor. 3) Imperial Marine is closing their fuel dock. PMK, a company out of Toledo, has committed to bring a fuel truck to the harbor one day a week through the end of the year. Jack Brown asked the Council to give him leeway in working with the Harbor Commission to find a long-term solution to the harbor's fuel needs, and he may need Staff assistance periodically.

Motion 11: Lavery moved to authorize Jack Brown to work with Fred Robison, other members of the Harbor Commission, and City Staff as appropriate, to come up with possible solutions to

having fuel available in the harbor, and report back to the Council. Taunton seconded the motion.

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

Vote: Motion 11 passed.

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

#### X. CITY STAFF REPORT

Murray asked if any Councilors were interested in attending any of the annual League of Oregon Cities conference sessions. Mayor Silver requested authorization to attend Friday workshops.

Motion 12: Jack Brown moved to authorize expenses for Mayor Silver and Councilor White to attend League of Oregon Cities Annual Conference Friday workshops. Taunton seconded the motion.

Murray continued her staff report:

The Department of Land Conservation and Development (DLCD) has a new educational program. They will now send a representative to cities to conduct training sessions on land use topics. The training sessions are intended for Councilors and Planning Commissioners, but other Commissioners are also welcome. They are available to come to Depoe Bay the third week in November, or the first or second week in December. The City needs to select a date for the training session.

Mayor Silver presented the City Field Superintendent's report (copy attached to original of these minutes): 1) Whale Park rockwork is about half-finished. 2) City Park has a new sidewalk to the gazebo. 3) Request for approval to expend \$4,240 for skateboard equipment.

Motion 12: Laverty moved to authorize an expenditure of \$4,000 as budgeted for skateboard equipment, plus a \$240 contribution from KidZone to make up the difference in total purchase price. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. It was noted that the quarter-pipe was discounted \$1,000 because it was used, and that kids earned \$600 toward the purchase with their recent car wash at the bank. There was discussion about whether there should be a requirement for kids to contribute 50% toward future purchases of a similar nature.

Vote: Motion 12 passed.

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

City Field Superintendent report, continued:

4) Asked the Council to consider turning over responsibility to the Parks Commission for maintenance of the property acquired by the City in the Scenic Lands Acquisition Project.

Motion 13: Romans moved to turn responsibility for development, preservation, and care of the new parcels to the Parks Commission. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. After brief discussion regarding appropriate use of the land, a suggestion was made to advise the Parks Commission of the restrictions in the deeds.

Vote: Motion 13 passed.

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

City Field Superintendent report, continued:

5) The Streets Department is working on repairing potholes on Bay Street, Bayview Avenue, Spencer Street, Point Avenue, and Harney Street. 6) Requests for Proposals were sent out for electrical power drop replacement on port docks. Two quotes were received: Doug's Electric bid \$20,900, and L.H. Morris bid \$9,955. Staff recommendation was to accept the bid from L.H. Morris.

Motion 14: Lavery moved to contract with L.H. Morris for replacement of the electrical power drops at the harbor, at a cost not to exceed \$9,955. Taunton seconded the motion.

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

Vote: Motion 14 passed.

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

City Field Superintendent report, continued:

7) Requests for Proposal for the Dock Flotation Project were sent to three companies. One quote was received from Active Diving and Marine Services for \$14,950. The recommendation was to accept the quote.

Motion 15: Lavery moved to contract with Active Diving and Marine Services for the Dock Flotation Project at a cost not to exceed \$14,950. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. It was noted that "reasonable effort" (minimum of three) must be expended in sending out RFPs, and the Dock Flotation Project requires specialized services that are not readily available in our area.

Vote: Motion 15 passed.

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

City Field Superintendent report, continued:

8) In anticipation of rainy season, the dam at Rocky Creek is being removed and the pump station is being winterized. 9) A new water line main on Bay Street has been installed.

## XI. COUNCIL COMMENTS

White encouraged Councilors to attend the LCHHS breakfast on October 23. He also referred to the discussion on encroachment, and noted that in the wake of the recent workshop on

correspondence and complaints, all Commissions should follow Council guidelines regarding the complaint procedure – future complaints will need to be submitted in writing.

Taunton questioned the proper procedure for following up on complaints like the one regarding encroachment. Murray said the City Planner is responsible for enforcement in land-use issues, as well as the City Field Superintendent. He also spoke thanks to a wide range of volunteers and participants who helped make the Salmon Bake a success.

Alice Brown said the fundraiser for My Sister's Place and the Scenic Lands Dedication/Music in the Park events went great and she anticipates these may become annual fundraising events.

Mayor Silver said he was honored to be mayor for the Scenic Lands Dedication, and it was enjoyable to have past mayors present on this occasion, particularly Ron Nairn, who had the vision to pursue the project originally.

#### XII. ADDITIONAL PUBLIC COMMENTS

Rick Beasley said his earlier question about policy standards in an STA was not intended to leave the impression that the Planning Commission was up to anything nefarious or underhanded, and apologized if that impression was given.

#### XIII. ADJOURN

There being no further business, the meeting was adjourned at 9:52 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary