

Depoe Bay City Council
Regular Meeting
Tuesday, October 21, 2003 - 7:00 PM
Depoe Bay City Hall

PRESENT: Mayor B. Silver, J. White, P. Taunton, A. Brown, G. Romans, J. Brown,
M. Lavery (arr. 7:05)

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 23, 2003 Workshop Meeting, October 7, 2003 Regular Meeting, and October 9, 2003 Special Meeting

Motion 1: Taunton moved to approve the minutes of the September 23, 2003 Workshop Meeting as written. Jack Brown 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

Abstain: Jack Brown

Motion 2: Alice Brown moved to approve the minutes of the October 7, 2003 Regular Meeting as written. White 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

Mayor Silver noted that the minutes of the October 9, 2003 Special Meeting were not ready.

IV. ACCOUNTS PAYABLE

Motion 3: Romans moved to approve Accounts Payable as presented. Taunton seconded the motion.

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

Vote: Motion 3 passed.

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

V. PUBLIC INPUT

Peggy Leoni, Chamber of Commerce: 1) The Chamber will be hosting a Halloween Party for children 12 and under at the Community Center on Halloween night. The Chamber is looking for donations of candy, toys, or cash for the party. 2) The Chamber is collecting new or “gently used” jackets or coats for toddlers to teens. 3) The Chamber is taking orders for pumpkins carved by KidZone kids. They are reasonably priced and will be delivered to your door.

VI. NEW BUSINESS

A. Painter (Park) Building Lease

Murray reported that the five-year lease is due to expire in seven months. The existing lease does not include a renewal option clause. Current rent is \$2,000 per month, with an offset of up to \$700 per year for cleaning and restroom supplies. She said if the Council wants to continue to lease a portion of the building, advertising will need to be done very soon. This item will be forwarded to the Economic Business Development Committee for their input on different ways this space might be utilized. Tabled to the next regular meeting.

VII. UNFINISHED BUSINESS

A. Request for Relocation of Travel Information Sign

Mayor Silver said that two items of correspondence and a background memo from the City Field Superintendent (copies attached to original of these minutes) had been received regarding this sign. Discussion about how to handle this most recent request followed.

Motion 4: Laverty moved to have business owners contact the Oregon Travel Information Council directly to resolve this issue. Motion died for lack of second.

Further discussion followed. Peggy Leoni, 355 SW Hwy 101, remarked that the issue appears to be between the Tourism Commission and ODOT, and suggested the Council try to find a way to open a line of communication between these two entities.

Motion 5: Alice Brown moved that Laverty contact Don Lindley at the County to find out who to talk to at ODOT, to direct Staff to forward the correspondence to the Oregon Travel Information Council, to send a brief cover letter and copies of the background memo dated 10/10/03 from the City Field Superintendent to the people who wrote the letters of concern, and to table this item to the next meeting. Taunton seconded the motion.

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, Laverty

B. Encroachment on Ellingson Street Right-of-Way

There was brief discussion on this item regarding the Planning Commission’s request to take action on this item, including input from the City Field Superintendent (see attached memo dated 10/14/03).

Motion 6: Romans moved to take no further action on this request. White seconded the motion.

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

Amendment: Alice Brown amended the motion to send a copy of the memo dated 10/14/03 from the City Field Superintendent to the Planning Commission, with the understanding that a policy is being followed, the encroachment is not permanent, and that no action will be taken until such time as the right-of-way is improved. Jack Brown seconded the amendment.

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

Vote: Amendment to Motion 6 passed.

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

Vote: Original Motion 6 passed.

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

C. Update on Harbor Fuel Station

Jack Brown said there is a fuel truck that comes in once a week to provide fuel. He visited the State Marine Board on October 6 with Fred Robison, to discuss options for the fueling situation. He distributed a handout (copy attached to original of these minutes) regarding a grant, and asked the Council's approval to draft and fine tune an application to the State Marine Board before presenting the grant proposal to the Council for approval and hopefully submit the application in mid-December. The State Marine Board will make its decision in January. If the harbor gets funding, the City may be asked to provide between \$5,000 and \$15,000 in cash.

Motion 7: Lavery moved that Jack Brown work with Fred Robison and the Harbor Commission to prepare a grant application to the State Marine Board for a fuel dock. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was a question about fueling off docks. Fred Robison said the Chief of Staff of the State Marine Board approved of this activity.

Vote: Motion 2 passed.

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

D. Written Procedure for Correspondence and Complaints

Mayor Silver noted that the draft policy had been revised and comments from the City Attorney incorporated into it.

Motion 8: Jack Brown moved to adopt the October 17, 2003 draft correspondence procedure, and add to the Rules of Council. Lavery 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, Laverty

E. Other Unfinished Business: Information Dissemination on Ballot Measures
A Councilor noted there was new information on the two ballot measures available as handouts at City Hall (copies attached to original of these minutes). The question was raised if this new information should be mailed to registered voters. Discussion followed.

Motion 9: Laverty moved to direct Staff to mail the new ballot measure information to registered voter households in Depoe Bay, no later than October 24. 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, Jack Brown, Laverty

Noes: White, Romans

Those voting “no” provided their reasons for doing so, and further discussion followed.

Motion 10: Laverty moved to subcontract copying and folding of ballot measure information with *The Beacon* and have Councilors stuff envelopes. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. Concern was expressed over the size of the water bond measure packet and the associated cost of copying and mailing the full packet.

Amendment: Laverty amended the motion that the water bond measure information only consist of the cover sheet, with a minor wording change to reflect the attachment is available at City Hall. Alice Brown seconded the amendment.

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

Vote: Amended Motion 10 passed.

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

Noes: White, Romans

VIII. CORRESPONDENCE

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

1) A letter from Willard Bradshaw from ODOT regarding the City’s request in April for new road signs at the south end of town: they do not use a “dangerous curves” sign, they have posted a “Passing Lane 1 Mile Ahead” sign, and there are “Speed Zone Ahead” and “45 MPH Signs” already in place. 2) A letter from Jean Cowan with the Lincoln County Board of Commissioners regarding a 2004 joint meeting with the Council. The Council considered dates

of January 7 or 14, 2004 from 6:00-7:30 PM, and will make a final decision on the date and topics to be discussed, at the next regular meeting.

IX. LIAISON OFFICERS' REPORTS

Romans: The Economic Business Development Committee has not met.

Jack Brown: The Corps of Engineers has begun stabilization of the harbor retaining wall.

Laverty: 1) Unofficially, the City has been approved for a \$5,000 ACTS mini-grant. Formal notice should arrive soon. 2) He has spoken with Andy Baldwin regarding "Quick Fix" money for the Sidewalk Improvement Project that has experienced problems causing major delays. ODOT is looking at other ways of getting this taken care of, and the City should be notified about the status soon.

White: At the Planning Commission meeting, two building permit applications were approved. The Commission discussed penalty and procedures for not having a building permit. They passed a motion to request the Council adopt a late filing fee in the amount of double the original fee (formal request to follow). They discussed commercial storage in residential zones, and said that the issue of crab pot storage will be addressed through the Commission's work on the "Matrix". They selected either November 17 or December 1, 2003 for land use training from 6-8 PM. Any interested Councilors are encouraged to attend.

Taunton reported that at the Safety Committee meeting: 1) With zero time off due to worker's comp related illness or injury, the City has submitted an entry for the League of Oregon Cities and City & County Insurance Services Annual Safety Awards. 2) They discussed ideas for temporary handicapped accessibility issues during ADA construction at City Hall. 3) A water line at Baird & Vista broke. This is a steep hill, and crew analyzed the situation, deciding to dig out the line by hand rather than using a backhoe. The job was done quickly and safely.

Alice Brown reported that at the Parks Commission meeting on October 16: 1) Resident Larry Newman reminded the City of its responsibility to maintain the VFW Memorial in City Park, with concern expressed for the specific observances of Memorial Day, September 11, Veteran's Day, and Pearl Harbor Day. He also brought attention to the need of adjustment of the cable on the flagpole, wants the roses maintained, and the bent VFW sign on Hwy 101 replaced. 2) The Commission requests that the Council remove Leslie Thompson from Position #2 due to lack of attendance. 3) The Commission requested the Council provide written authorization for the Chamber to place a Christmas tree at the usual location from November 24 through January 3. 4) The Commission decided against placement of a flagpole at Whale Park, due to concerns about obstruction of view, lighting, cost, and funding issues. (Copy of memo dated 10/17/03 from Pery Murray attached to original of these minutes.)

Motion 11: Laverty moved to remove Leslie Thompson from the Parks Commission and declare a vacancy. 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, Lavery

Hearing no objection, Mayor Silver directed Staff to advertise for the position and to send Ms. Thompson a letter of thanks and that we're sorry it didn't work out.

Motion 12: Lavery moved to allow and authorize the Chamber of Commerce to put a Christmas tree on the Painter Building through January 3, 2004, unless damaged due to high winds or storms. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. A Councilor remarked that he'd had a conversation with the manager of the gift shop last year, who said they have no problem with the tree being on the building, but it needs to be maintained.

Vote: Motion 2 passed.

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

A question was raised regarding who was responsible for maintenance of different aspects of the VFW Memorial (groundskeeping, hardware, etc.). Staff was directed to provide a copy of the written agreement before the next meeting. Item tabled to the next regular meeting.

X. CITY STAFF REPORT

Mayor Silver asked if there were any questions on the City Field Superintendent's written report (copy attached to original of these minutes). There were none.

Murray reported that: 1) Staff posted a notice for Parks Commission vacancy after the last Council meeting. No new applications were received, but Florence Shepard re-submitted her application, and Murray questioned whether the Council wanted to re-interview her. Discussion followed regarding posting vacancies without ending dates. It was the consensus of the Council to re-post the current vacancy as well as the vacancy created tonight, both with a closing date of November 14, 2003. 2) Tentative scheduling of the Department of Land Conservation and Development (DLCD) land use issues training session has been set for Monday, November 17, 2003 from 6-8 PM. She should have confirmation by the end of the week. 3) After tonight's agenda was posted, an application for a liquor license was received (copy attached to original of these minutes) for full on-premises sales at Puerto Escondido. She requested the Council recommend to the Liquor Control Commission either approval or denial of the application.

Motion 13: Romans moved to recommend approval of the liquor license application. 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

Murray continued her Staff Report:

4) The City has been selected to proceed with code assistance on the TGM grant for the Downtown Refinement Plan (copy of letter dated 10/7/03 from Gloria Gardiner of DLCD attached to original of these minutes).

XI. COUNCIL COMMENTS

White encouraged Councilors to attend the Lincoln County Dept. of Health & Human Services sponsored breakfast on Thursday, October 23 from 7-8 AM.

XII. ADJOURN

There being no further business, the meeting was adjourned at 8:47 PM.

Mayor Bruce R. Silver

Silver Fox, Recording Secretary