

Depoe Bay City Council  
Regular Meeting  
Tuesday, November 18, 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 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: November 4, 2003 Regular Meeting

Motion 1: Lavery moved to approve the minutes of the November 4, 2003 Regular Meeting as written. 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, Silver, Romans, Jack Brown, Lavery

Abstain: Alice Brown

#### IV. ACCOUNTS PAYABLE

Motion 2: Romans moved to pay the accounts payable. Jack Brown 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

Cheryl Preston, POB 153, requested use of the Community Center on November 23 and 24, 2003, for the third annual community Thanksgiving dinner, to be served at 5:30 on November 24. The dinner will be hosted by A Community of Partnership and sponsored by Pacific West Ambulance. Donations will be accepted at the door. Waiver of fees was also requested.

Maggie Brown, requested permission for KidZone to develop a garden on NE Braly Avenue, an unimproved street, with funding to be obtained from grants.

Peggy Leoni, Chamber of Commerce, said there are many Chamber events scheduled on the Chamber's December agenda, including: 1) A potluck on the December 15 with about 10 different stuffed Christmas stockings for raffle. Tickets are six for \$5 or \$1 each and will be available at the Chamber. 2) The tree lighting ceremony will be on November 29. 3) There is a lighting contest with cash prizes. December 7 is the decorating deadline for participants. 4) Santa and Mrs. Claus will be strolling downtown on Saturdays with candy canes and treats. 5) Carolers on Saturdays, weather permitting. Also, the Chamber is collecting children's coats until Thanksgiving, and children's toys until December 20.

Mayor Silver returned to the request for use of the Community Center.

Motion 3: Lavery moved to waive fees for the Community Center on November 23 & 24, 2003 for the Thanksgiving dinner. 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, Lavery

Mayor Silver returned to the request for permission to establish a garden.

Motion 4: Lavery moved to encourage Maggie Brown and KidZone to bring back more information to the Council on their request to use City right-of-way on Braly Avenue for a garden project, and that the City be supportive of this project. 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: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

## VI. NEW BUSINESS

### A. Central Lincoln PUD Franchise Ordinance – Tax Increase

Central Lincoln PUD General Manager Paul Davies and a district board member were present to answer questions about Depoe Bay's option to increase the existing franchise tax fee of 3½ % by an additional 1½%. This item will be addressed at the January 20, 2004 meeting, at which time franchise tax rates charged in other Lincoln County cities will be reviewed.

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

Florence Shepard was present but a second interview was not conducted. Ballots were 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 was unanimous to appoint Florence Shepard to alternate position #7 on the Parks Commission.

### C. Appointment to Fill Vacancies on City Commissions and Committees

Motion 5: Jack Brown moved to accept the canvass of votes and appoint Florence Shepard to Parks Commission Alternate Position #7. Taunton seconded the motion.

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

Vote: Motion 5 passed.

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

#### D. Natural Resources Inventory Project

Murray reviewed her memo dated November 13, 2003. There is a second open house scheduled for December 4, 2003 at city hall from 6:30-8:30 PM (copies of memo and flyer attached to original of these minutes), to provide the consultant with an opportunity to present a first draft and mapping to the public and the Council, with the final draft scheduled to be presented for approval at the December 16, 2003 Council meeting. City Planner Larry Lewis is available to prepare draft implementing ordinances by the December 31, 2003 deadline, and has estimated 60 hours to complete this task. Murray requested authorization to contract with Lewis at \$40 per hour to prepare the documents.

Motion 6: Lavery moved to authorize Lewis to complete this project, outside of his regular City contract, at the rate of \$40 per hour and not to exceed \$3,500, with the project to be completed no later than December 31, 2003. 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: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

#### E. Memorial Plaques – Cost Increase

Murray reported that effective December 1, 2003, the City's cost for memorial plaques will go up to \$96. She asked if the Council wanted to continue the policy of charging double the City's cost, effecting a cost of \$192 to the public.

Motion 7: Alice Brown moved to continue the existing policy to double the wholesale cost of plaques for retail sale. Taunton seconded the motion.

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

Vote: Motion 7 passed.

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

#### F. Canvass of Votes – November 4, 2003 Election – City Ballot Measures

Murray read the canvass of votes received from the Lincoln County Clerk's office (copy attached to original of these minutes).

Motion 8: Lavery moved to accept the official abstract of votes. 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

G. Request Permission to Use Public Land for Purpose of Constructing a Retaining Wall  
Rich Allyn was present to answer questions regarding his written request (copy attached to original of these minutes). Several Councilors requested that the City Engineer look at the property. All Councilors expressed concern that he be able to save his house, but were hesitant to approve use of public land to do so, and there was question as to who actually owns this public land. Murray explained that the public land owner must provide authorization to use the land to the property owner as a required part of the process to submit an application to the Planning Commission for construction and land use approval.

Motion 9: Romans moved to find out who owns and has authority to make decisions over use of the public land. Alice 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, Jack Brown, Lavery

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

## VII. UNFINISHED BUSINESS

### A. Painter (Park) Building Lease

Motion 10: Romans moved to set a workshop date to discuss marketing techniques for the Painter Building lease and invite a marketing consultant to the meeting. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. After some discussion, 6 PM December 2, 2003 was suggested and agreed to by consensus as the proposed meeting date. A Councilor requested results from previous marketing techniques be provided at the meeting (copy of 1999 advertising attached to original of these minutes). Romans was asked to invite a marketing consultant to attend the meeting to assist the Council.

Vote: Motion 10 passed.

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

### B. VFW Memorial Maintenance

White and Jack Brown reported that the KidZone and Ladies' Auxiliary have volunteered to maintain the grounds of the VFW Memorial.

#### C. Water Improvement Project

It was the consensus of the Council to have the current Water Systems Review Committee – consisting of Mayor Silver, Terry Owings, and Bob Pailthorp – remain intact and continue to keep the Council informed. Hearing no objection, Mayor Silver announced he will appoint Rick Davilla to take former Councilor Scorpio's position on the committee.

#### D. Law Enforcement

It was the consensus of the Council to have the current Law Enforcement Committee – consisting of Alice Brown, Romans, and Lavery – remain intact, consider alternatives, and report to the Council.

### VIII. CORRESPONDENCE

There was one item of correspondence: a thank you letter from KidZone for supporting their programs (copy attached to original of these minutes).

### IX. LIAISON OFFICERS' REPORTS

Lavery reported: 1) The Traffic Safety Commission did not meet due to lack of quorum. Members present requested Lavery ask for Council authorization to count the Council liaison as a commission member for the purpose of conducting business. 2) The Senate has informed ODOT they want to increase the speed limit on interstate highways. 3) Oregon is one of the states that has a graduate teenage driver license program, and it's very successful. 4) He will report at the next meeting about moving the blue sign.

White had no report.

Taunton reported: 1) The Salmon Enhancement Commission has made plans for hatchboxes, and adding more gravel to the spawning beds. 2) The Safety Committee met, and reported no accidents.

Jack Brown reported: 1) Extra money has been obtained for the full slate of pilings for the retaining wall/landslide stabilization project in the harbor. There will be a follow-on civil works improvement phase to re-work the parking lot and sidewalks, railings, and drain system next to the wall. This will require additional money, and Jack Brown will notify the senator and representatives when the amount needed is known. 3) The Harbor Commission is proceeding with a draft for a grant request for a fuel dock, which is likely to be a single tank partitioned for gas and diesel placed on parking lot level on a seismically-approved slab with stainless steel lines going down to the dock to metered dispensers. This will ultimately be decided by the State Marine Board. 4) He proposed submitting an application to Lincoln County Community Development Fund to help Depoe Bay establish a plan for a fuel dock (copy of grant information attached to original of these minutes).

Motion 11: Jack Brown moved to direct Staff to apply for a \$20,000 grant from Lincoln County for the purpose of developing a fuel supply at the harbor. 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

Alice Brown: reported that the Parks Commission will meet tomorrow at 5:30 PM. New members will be welcomed, and there will be discussions regarding a nature trail, a Christmas tree in City Park, Whale Park, and rock work.

Romans had no report from the Economic Business Development Committee.

Mayor Silver returned to Lavery's request regarding the Traffic Safety Commission.

Motion 12: Romans moved to direct Staff to draft an ordinance amending the makeup of the Traffic Safety Commission to include the Council liaison to become a member of the quorum as required. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was discussion regarding the duties and permissions of the appointment, and working toward uniformity on the makeup and quorum requirements of the various city commissions and committees.

Amendment: Romans amended the motion that the City liaison to Traffic Safety Commission be included only as a non-voting alternate member. Alice Brown seconded the amendment.

Vote: Motion 12 as amended passed.

Ayes: White, Alice Brown, Romans, Jack Brown

Noes: Taunton, Silver

Abstain: Lavery

Mayor Silver reported that he and White went to the 78<sup>th</sup> League of Oregon Cities (LOC) conference in Eugene and attended a seminar on "Harnessing the Tools of Governments". He and White will share what was learned at a future workshop.

#### X. CITY STAFF REPORT

Owings reviewed his written report (copy attached to original of these minutes), which included updates on Whale Park, City Park, Pirate's Cove Sidewalk Project, city hall ADA restrooms and ramp, and harbor projects.

Murray had no report.

#### XI. COUNCIL COMMENTS

Alice Brown thanked Cheryl Preston for her efforts to provide a community Thanksgiving dinner.

White said he was given a key at the LOC conference that opened a prize chest, and as a result the City is now the owner of a new 3M overhead projector.

XII. ADJOURN

There being no further business, the meeting was adjourned at 9:13 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary