

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, January 6, 2004 - 7:00 PM
4 Depoe Bay City Hall
5

6
7 PRESENT: Mayor B. Silver, J. White, P. Taunton, A. Brown, G. Romans, J. Brown,
8 M. Lavery
9

10 STAFF: City Recorder P. Murray, City Planner L. Lewis, City Attorney D. Gordon
11

12
13 I. PLEDGE OF ALLEGIANCE

14 Mayor Silver called for all to stand for the Pledge of Allegiance.
15

16 II. CALL TO ORDER

17 Mayor Silver called the meeting to order and established a quorum at 7:03 PM.
18

19 III. APPROVE MINUTES: December 16, 2003 Regular Meeting
20

21 Motion 1: Alice Brown moved to approve the minutes of the December 16, 2003 Regular
22 Meeting as written. Lavery seconded the motion.
23

24 Mayor Silver said it was moved and seconded, and called for discussion. There was none.
25

26 Vote: Motion 1 passed.

27 Ayes: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery
28

29 IV. ACCOUNTS PAYABLE
30

31 Motion 2: Romans moved to pay the accounts payable. Taunton seconded the motion.
32

33 Mayor Silver said it was moved and seconded, and called for discussion. There was none.
34

35 Vote: Motion 2 passed.

36 Ayes: White, Taunton, Alice Brown, Silver, Romans, Jack Brown
37

38 Abstain: Lavery
39

40 V. PUBLIC INPUT

41 Jean Ludlam, 375 SE Anchor, addressed an ongoing problem with garbage at 121 SE Ainslee
42 Street, owned by Fir Tree. She circulated photos to the Council and cited health, safety, and
43 traffic hazards. She requested a permanent solution to this problem. It was agreed to include
discussion at the Council workshop meeting, which will be scheduled later this evening.

1 John O'Brien, 270 NE Bensell, responded to Mrs. Ludlam's concern, suggesting that Lincoln
2 County Health & Human Services be contacted regarding any health or child welfare
3 concerns.

4
5 Mike Metz, 628 NE Lillian, addressed the Council about a recurring problem regarding his
6 water line, which runs across three privately-owned tax lots. Mayor Silver encouraged Mr. Metz
7 to complete a written complaint to begin the process of resolving the issue.

8 9 VI. NEW BUSINESS

10 A. Penalty/Procedure for Failure to Obtain Building Permit Fee

11 Lewis summarized the history of this agenda item coming before the Council, and reviewed his
12 memo dated December 31, 2003 (copy attached to original of these minutes), outlining three
13 options available to the Council: maintaining the existing process, increasing enforcement, or
14 assessing penalties. Discussion of these options followed. Planning Commission Chairman
15 Dick Johnson was present to answer questions.

16
17 Motion 3: Lavery moved to maintain the existing building permit process. Taunton seconded
18 the motion.

19
20 Mayor Silver said it was moved and seconded, and called for discussion.

21
22 Amendment: Alice Brown amended the motion to add that the City make an effort to provide
23 educational materials relevant to building permits at City Hall. Taunton seconded the
24 amendment.

25
26 Mayor Silver said it was moved and seconded, and called for discussion. Lavery suggested
27 instructing people to contact the City if they want to build something. Alice Brown maintained
28 that providing basic information would be helpful. Gordon advised against making a list of
29 activities requiring a building permit. Murray said that people are often referred directly to the
30 county building inspector with building questions.

31
32 Vote: Amendment to Motion 3 failed.

33 Ayes: Taunton, Alice Brown

34 Noes: White, Silver, Romans, Jack Brown, Lavery

35
36 Vote: Original Motion 3 passed.

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

38 39 B. Interview Applicants for City Commissions and Committees

40 Economic Business Development Committee (EBDC) applicant Peggy Leoni was present, and
41 came forward to tell about herself and why she was interested in participating.

42 43 C. Appointments to Fill Vacancies on City Commissions and Committees

44 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached
45 to original of these minutes) and announced the results. All Councilors voted to appoint Peggy
46 Leoni as a business community member to the EBDC, Bruce Moore to Position #6 on the
47 Planning Commission, and Stephen McGavock to Position #7 on the Planning Commission.

1
2 Motion 4: Lavery moved to accept the canvass of votes and appoint Peggy Leoni to the
3 EBDC, and Bruce Moore and Stephen McGavock to the Planning Commission. Alice Brown
4 seconded the motion.

5
6 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

7
8 Vote: Motion 4 passed.

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

10
11 D. Executive Session Action

12 Motion 5: Lavery moved to approve the settlement with Fowler as discussed with counsel in
13 Executive Session, and authorize the Mayor to sign any appropriate settlement documents,
14 including any appropriate documents to preserve claims against Curran-McLeod, subject to
15 a) approval of document language by City Staff including the City Attorney, and b) authorizing
16 settlement funds to be expended as agreed to settle the Fowler litigation. Taunton seconded
17 the motion.

18
19 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

20
21 Vote: Motion 4 passed.

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

23
24 Motion 5: Lavery moved to authorize the Mayor to continue to negotiate with John Miller in
25 regards to land acquisition for the City's clean water storage tank. Alice Brown seconded the
26 motion.

27
28 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

29
30 Vote: Motion 5 passed.

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

32
33 E. Schedule Council Workshop Meeting – Council Mission and Goals

34 A workshop meeting to discuss the Council's mission statement, goals and priorities, policy
35 issues, and the Ainslee Street garbage problem was scheduled for January 15, 2004 at 6 PM.

36
37 VII. UNFINISHED BUSINESS

38 A. Harbor Fuel Systems

39 Mayor Silver said that due to inclement weather, the Oregon State Marine Board meeting was
40 cancelled. This item will remain on the agenda for updates.

1 VIII. CORRESPONDENCE

2 There was one item of correspondence: a letter from Herbert Baum (copy attached to original
3 of these minutes) requesting waiver of fees for the Lincoln County School District's use of the
4 Community Hall for a budget meeting on January 16, 2004.

5
6 Motion 6: Alice Brown moved to waive Community Hall fees for the Lincoln County School
7 District's budget meeting. Jack Brown seconded the motion.

8
9 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

10
11 Jack Brown added that the school district was hopeful that Depoe Bay residents would attend
12 the budget meeting.

13
14 Vote: Motion 6 passed.

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

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17 IX. LIAISON OFFICERS' REPORTS

18 Laverty reported the Traffic Safety Committee meets on January 13 at 4 PM. He expressed
19 gratitude to ODOT for keeping the highway open during the extreme weather.

20
21 Jack Brown reported that 1) The Harbor Commission met on December 29, 2003. They
22 declared a state of emergency for the fuel system. 2) Salmon eggs have been received, and
23 weather permitting, kids will be removing dead ones tomorrow. 3) Four letters in support of
24 the State Marine Board grant proposal were received.

25
26 Romans said the EBDC had not met.

27
28 White had no report.

29
30 Taunton reported the Safety Committee met. No accidents were reported. He passed on
31 thanks to the Council from the employees for disbursement of the safety bonus. He asked
32 Jack Brown what the status of the crab pot issue was, and Dick Johnson responded that he
33 had met with the Harbor Commission Chairman and there was virtually no disagreement
34 between them on what the joint recommendation to the Council will be.

35
36 Alice Brown reported that the Parks Commission did not meet in December. Their next
37 meeting will be January 21, 2004 at 5:30 PM.

38
39 X. CITY STAFF REPORT

40 Mayor Silver asked if there were any questions regarding Owings' written report (copy
41 attached to original of these minutes). There were none.

42
43 Murray had no report.

1 XI. COUNCIL COMMENTS

2 Romans said 1) The KidZone has grown to an average of 20 kids per week, and volunteers
3 are needed. 2) He received a complaint regarding the garbage on Ainslee Street, and he
4 drove by to investigate it. He felt the pictures didn't reflect the full extent of the problem. Mayor
5 Silver asked him to develop suggestions on how to handle this problem.

6
7 White said he also drove by the site and felt the situation was out of control. He reminded
8 Councilors that this item will be discussed at the workshop meeting on January 15.

9
10 Alice Brown added that the garbage problem is a quality of life issue, and she expressed her
11 concern over other quality of life issues: backyard burning and routine chimney care. Mayor
12 Silver suggested she write a letter to the fire chief. This item will also be addressed at the
13 workshop meeting on January 15.

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15 XIII. ADJOURN

16 There being no further business, the meeting was adjourned at 8:54 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary
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