

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

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

7
8 ABSENT: P. Taunton
9

10 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, Recording
11 Secretary S. Fox
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 7:00 PM.
18

19 III. APPROVE MINUTES: January 20, 2004 Regular Meeting and January 22, 2004
20 Workshop Meeting
21

22 Motion 1: Lavery moved to approve the minutes of the January 20, 2004 Regular Meeting and
23 January 22, 2004 Workshop Meeting as written. Jack Brown seconded the motion.
24

25 Mayor Silver said it was moved and seconded, and called for discussion. A Councilor
26 questioned whether a workshop item should be scheduled as an agenda item, and was
27 advised to discuss this under Council Comments.
28

29 Vote: Motion 1 passed.

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

32 IV. ACCOUNTS PAYABLE
33

34 Motion 2: Romans moved to pay the accounts payable. Alice Brown seconded the motion.
35

36 Mayor Silver said it was moved and seconded, and called for discussion. There was none.
37

38 Vote: Motion 2 passed.

39 Ayes: White, Alice Brown, Silver, Romans, Jack Brown, Lavery
40

41 V. PUBLIC INPUT

42 Peggy Leoni Chamber of Commerce, confirmed that Owings had received information from
43 the Chamber regarding a drainage problem in front of the Chamber building. Owings stated he
44 had looked into the problem, and that its resolution lays with ODOT and the private property
45 owner. Leoni requested Owings coordinate with ODOT to ensure the problem gets fixed.
46

1 Bill Sachs 1450 Walking Wood, submitted written information (copy attached to original of
2 these minutes) and spoke about motorized assisted scooters (MAS). He noted that their use is
3 limited to streets with posted speeds of 25 MPH or less or in a designated bike lane, the speed
4 limit for MAS is 15 MPH, no passengers allowed, drivers must be at least 16 years old, MAS
5 are not allowed on sidewalks, and they must follow traffic laws. Additional information is
6 available on the Traffic Safety Council's website.

7 8 VI. NEW BUSINESS

9 A. Presentation of Audit Report 2002-03 – Signe Grimstad

10 Ms. Grimstad reviewed and summarized the audit report (copy of cover letter attached to
11 original of these minutes) and answered questions from Councilors. Specific items mentioned
12 included: 1) The large number of funds the City has, compared to other cities she audits, and
13 how much paperwork this creates for the City's Staff. 2) The need for additional
14 collateralization. 3) There is relief for small cities on GASB 34 requirements relating to
15 infrastructure fixed assets; the City can choose to use a start date of July 1, 2003. 4) Future
16 changes to audit reports as required per GASB.

17 18 B. Interview Applicants for City Commissions and Committees

19 There were three applications received for the Budget Committee: one for a vacant seat, and
20 two for expiring terms. New applicant Russ Hunter and expiring term applicant Dick Johnson
21 were present for interviews.

22 23 C. Appointments to Fill Vacancies on City Commissions and Committees

24 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached
25 to original of these minutes) and announced the results. All Councilors voted to appoint all of
26 the candidates to their respective positions on the Budget Committee.

27
28 Motion 3: Lavery moved to accept the canvass of votes and appoint Russ Hunter, Dick
29 Johnson, and David Dunne to the Budget Committee. Alice Brown seconded the motion.

30
31 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

32
33 Vote: Motion 3 passed.

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

35 36 D. Lincoln County Solid Waste Management Plan

37 Owings reviewed the report from Aaron Cubic (copy attached to original of these minutes). He
38 noted that the Solid Waste Advisory Committee (SWAC) would like Council questions and
39 comments before their February 10 meeting, and asked Councilors to contact him with
40 additional feedback. Hearing no objection, Mayor Silver directed Owings to relay that the
41 Council is satisfied with SWAC's recommendations, and include Council comments that: 1)
42 The \$4 per ton surcharge makes more sense than adding to property tax, since not all
43 residents and businesses own property. 2) The 2% credit for residential backyard composting
44 is also a good idea, and the City would like to support such a program. There was discussion
45 from the audience about how the funds are used. A Councilor suggested this item be put on
46 the agenda for the next joint meeting with Lincoln County Commissioners.

1 E. ODOT – SCA Agreement – Winchell Street Improvements (Phase 2)
2 Murray reported that the City’s application to the Small Cities Allotment (SCA) was successful,
3 and the agreement was being presented (copy of cover letter attached to original of these
4 minutes). Funding is 50% of project cost, with a maximum of \$25,000. The estimated project
5 cost is \$70,000. Legal review had been done and the City Attorney signed off on the
6 agreement.

7
8 Motion 4: Lavery moved that the City of Depoe Bay enter into the agreement and authorize
9 the mayor to sign the SCA agreement for the second phase of Winchell Street. White
10 seconded the motion.

11
12 Mayor Silver said it was moved and seconded, and called for discussion. A Councilor noted
13 that previous SCA grants have helped fund many City projects.

14
15 Vote: Motion 4 passed.

16 Ayes: White, Alice Brown, Silver, Romans, Jack Brown, Lavery
17

18 VII. UNFINISHED BUSINESS

19 A. Report – Recommendation from Subcommittee: Request for Relief on Water 20 Billing/Baff

21 Romans reported that the subcommittee met and reached a decision on the request for relief,
22 and asked the Council to accept the subcommittee’s recommendation (copy attached to
23 original of these minutes) to grant no relief based on information provided by Staff and by the
24 property manager, and the City’s policy of private property owner responsibility. A Councilor
25 noted that an adjustment had been made on the sewer portion of the bill.

26
27 Motion 5: Lavery moved to deny relief on the water only part of the charges. Alice Brown
28 seconded the motion.

29
30 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

31
32 Vote: Motion 5 passed.

33 Ayes: White, Alice Brown, Silver, Romans, Jack Brown, Lavery
34

35 B. Economic Business Development Committee Report: Input on Update to County’s Long 36 Range Plan for Economic Development

37 Romans reported that the Economic Business Development Committee (EBDC) had the
38 following recommendations on subject matter for the mayor to take to the County meeting:
39 tourism, transportation, and small business. There was also discussion about providing a Staff
40 member or hiring a scribe to take minutes at the meeting. Peggy Leoni offered to see if
41 anyone at the Chamber would be interested in taking minutes. The EBDC meeting scheduled
42 for February 23, 2004 has been rescheduled for March 1, 2004.

43 44 C. Traffic Safety Commission – Report on Survey of Streets

45 Bill Sachs reviewed the revised report on the streets survey submitted just before the meeting
46 (copies of original and revised reports attached to original of these minutes) and answered
47 Councilor questions. He requested that a copy of the report be sent to the fire chief. The

1 Traffic Safety Commission was thanked for their efforts in producing this report, which will be
2 filed with other City inventories for future reference.

3
4 D. Painter (Park) Building Lease

5 Murray reviewed her memo dated 2/2/04 (copy attached to original of these minutes): the
6 current lease expires May 31, 2004 and 25 RFP letters were mailed to potential marketing
7 consultants with zero responses. There was much discussion on how to proceed, conforming
8 and non-conforming allowances in the P-F (public facility) zone, how different options could
9 affect future use of the building, and legal requirements relative to advertising. There was a
10 consensus of the Council to continue to rent the building. A Councilor suggested submitting
11 letters of inquiry to a short list of educational organizations, and offered to provide addresses
12 and draft a cover letter.

13
14 Motion 6: Alice Brown moved to advertise the Painter Building for rent and send a copy of the
15 ad with a letter of inquiry to the educational organizations.

16
17 Further discussion resulted in setting a March 31, 2004 deadline for responses to the
18 advertisement, and the motion was restated:

19
20 Motion 6: Alice Brown moved to advertise the Painter Building, starting with local newspapers
21 and media, and send copies of the ad to people who might be interested, with a timeline
22 March 31, 2004 for a response. 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 6 passed.

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

28
29 Murray added that the ad will also be placed on the City's website.

30
31 VIII. CORRESPONDENCE

32 Murray reported that there were three items of correspondence (copies attached to original of
33 these minutes): 1) A letter from Millenium Digital media advising of an upcoming increase in
34 rates effective February 24, 2004. 2) A letter of resignation from Traffic Safety Commissioner
35 Peter Cameron, effective today. 3) A letter from Dustin Getty regarding crab pots.

36
37 Motion 7: Lavery moved to accept Cameron's resignation from the Traffic Safety Commission,
38 declare a vacancy, and direct Staff to advertise the position. Alice Brown seconded the
39 motion.

40
41 Mayor Silver said it was moved and seconded, and called for discussion.

42
43 Amendment: Alice Brown amended the motion to include sending a thank you letter to
44 Cameron. Lavery seconded the amendment.

45
46 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

1 Vote: Motion 7 as amended passed.

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

3
4 IX. LIAISON OFFICERS' REPORTS

5 Lavery reported: 1) There will be no Traffic Safety Commission meeting next week due to
6 lack of quorum. 2) LinnCom requested confirmation that Lavery will remain the City's
7 representative. 3) He has been advised that there may be an opportunity for a City
8 representative on the Lincoln County Bicycle/Pedestrian Committee to get the Collins Street
9 Bicycle/Pedestrian Project moving. 4) Child Passenger Safety Week is February 8-14, 2004.
10 5) There will be a CWACT workshop meeting on February 26, 2004.

11
12 Motion 8: Jack Brown moved to ratify Lavery remaining on the LinnCom Board as Depoe
13 Bay's representative. Alice Brown seconded.

14
15 Mayor Silver said it was moved and seconded, and called for discussion. A Councilor
16 requested clarification on what LinnCom does.

17
18 Vote: Motion 8 passed.

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

20
21 White had no report.

22
23 Alice Brown reported that the Parks Commission met January 21, 2004. Items discussed
24 included 1) A lighting problem in the pyramid of the veteran's memorial. 2) Appointment of
25 Florence Shepard to head a committee for helping spring planting in Whale Park and City
26 Park. 3) The Commission's budget requests for 2004-05. 4) Skateboard ramp. 5) Harbor
27 diesel gas tank. 6) ADA ramp. 7) Placement of trash cans and pet stations in the Scenic
28 Lands Acquisition Park. 8) City Park trail. 9) The Chairman expressed concern about what
29 will happen to the public land adjacent to the oceanfront property where a resident recently
30 applied for a building permit for a retaining wall, saying that the Parks Commission would like
31 to provide input on the issue.

32
33 Owings added that the trash cans and "mutt mitts" have been installed in the Scenic Lands
34 Acquisition Park. The skateboard equipment has been put together, except for pieces
35 requiring brackets that have not been delivered yet. He noted that the placement of the
36 skateboard ramp in the harbor parking lot is temporary, and that the Parks Commission needs
37 to dedicate a permanent area to be blacktopped for the skateboard ramp. Harbor Commission
38 liaison Jack Brown said he would advise the Harbor Commission that the skateboard ramp is
39 only temporarily in the harbor parking lot, and requested Owings contact the State Marine
40 Board regarding its placement there.

41
42 Romans had no further report from the Economic Business Development Committee.

43
44 Jack Brown reported that: 1) The Harbor Commission will hold a joint meeting with the
45 Planning Commission on February 12, 2004. 2) Darlene Hooley will be visiting on February
46 27, 2004 from 1:30-2:00 PM. She would like seawall representatives to get a press release on

1 funding she assisted the City to obtain. 3) Funding for dredging has been lost for all cities on
2 the Oregon coast. He will continue to try to get \$250,000 for dredging.

3
4 Motion 9: Lavery moved to direct Staff to contact County Commissioners to inquire whether
5 the City can get a seat on the Lincoln County Bicycle/Pedestrian Committee. Alice Brown
6 seconded the motion.

7
8 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

9
10 Vote: Motion 9 passed.

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

12
13 Silver asked if there were any questions on the minutes from the January 21, 2004 Planning
14 Commission meeting. A Councilor questioned why the Planning Commission told an applicant
15 that they would need to find out who controlled public land near their property on Coast Street,
16 when the City Attorney had stated that the County told him the City was in control of the public
17 land in question. Mayor Silver read the relevant motion from the Planning Commission
18 minutes, adding that the Planning Commission advised the applicant of items necessary for a
19 complete application. Murray noted that the City Attorney is still researching the question of
20 who controls that public land.

21
22 X. CITY STAFF REPORT

23 Owings had no report.

24
25 Murray had no report.

26
27 XI. COUNCIL COMMENTS

28 White asked if the City has a policy on panhandling because a man has been stopping tourists
29 and asking them for money. He tells people different stories, and told White that he intends to
30 stay here. White asked the sheriff to contact the man. This item will appear on the agenda for
31 the March 2, 2004 regular meeting, and Staff was directed to research whether the City has an
32 ordinance on soliciting.

33
34 Alice Brown had a concern about the audit. Assets and asset management will be reviewed at
35 an upcoming workshop, and she wondered whether collateralization should be reviewed at the
36 same time. Murray clarified the auditor's comment was particular to cash and will be corrected.
37 She will work with the bank on increasing the City's collateralization pool certification. The last
38 increase was about three years ago.

39
40 Jack Brown said a neighbor complained about having an out of town contractor on the city hall
41 ADA project. Owings said that no local contractors had submitted a proposal, and many
42 contractors choose not to be involved with government projects, especially when grant money
43 is involved, because of the amount of paperwork involved. The procedure for requesting bids
44 was reviewed.

45
46 Silver read a prepared statement and distributed informational packets (copies attached to
47 original of these minutes) regarding misunderstandings surrounding what City Councilors' and

1 Planning Commissioners' roles, duties, and responsibilities are. There was much discussion
2 regarding whether or not a problem exists. Mayor Silver requested all Councilors and Planning
3 Commissioners become familiar with the information before the Council's next workshop
4 session. Planning Commission Chairman Dick Johnson urged the Council to come to a joint
5 meeting at 6 PM on Wednesday, February 18, 2004, before the regular Planning Commission
6 meeting. Because a Parks Commission meeting is scheduled for 5:30 PM on February 18, it
7 was the consensus of the Council to schedule a joint meeting with the Planning Commission
8 at 6 PM on Tuesday, February 17, 2004.

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10 XIII. ADJOURN

11 There being no further business, the meeting was adjourned at 10:49 PM.

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14

15

Mayor Bruce R. Silver

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17

18 Silver Fox, Recording Secretary