

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, February 17, 2004 - 7:00 PM
4 Depoe Bay City Hall
5

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

9 ABSENT: J. Brown
10

11 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, Recording
12 Secretary S. Fox
13

14
15 I. PLEDGE OF ALLEGIANCE

16 Mayor Silver called for all to stand for the Pledge of Allegiance.
17

18 II. CALL TO ORDER

19 Mayor Silver called the meeting to order and established a quorum at 7:00 PM.
20

21 III. APPROVE MINUTES: February 3, 2004 Regular Meeting
22

23 Motion 1: Alice Brown moved to approve the minutes of the February 3, 2004 Regular Meeting
24 as written. Lavery seconded the motion.
25

26 Mayor Silver said it was moved and seconded, and called for discussion.
27

28 Vote: Motion 1 passed.

29 Ayes: White, Alice Brown, Silver, Romans, Lavery

30 Abstain: Taunton
31

32 IV. ACCOUNTS PAYABLE
33

34 Motion 2: Romans moved to pay the accounts payable. Lavery 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, Taunton, Alice Brown, Silver, Romans, Lavery
40

41 V. PUBLIC INPUT

42 There was no public input.
43

44 VI. NEW BUSINESS

45 A. Government Accounting Standards Board (GASB) 34 – Fixed Assets Inventory

46 Murray outlined a compromise on this fixed assets inventory and depreciation requirement.

47 The compromise is available to small cities due to the high cost and time involved to comply.

1 There are two options available to the City: to start the inventory effective 7/1/03, or to hire a
2 consulting firm at an estimated cost of \$6,000 (which has been budgeted), to help research
3 when the required assets (e.g. City buildings, streets, and storm drains) were developed and
4 figure their depreciation.

5
6 Motion 3: Lavery moved to direct Staff to utilize the compromise offered by GASB, and start
7 the inventory as of 7/1/03. Alice Brown seconded the motion.

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

10
11 Vote: Motion 3 passed.

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

13
14 Hearing no objection, Staff was encouraged to include items prior to 7/1/03, as available.

15
16 B. Engineering Services Agreement – Winchell St. Improvements, Phase 2
17 Owings reported that a Special Cities Allotment from ODOT funded Phase 1 of this project.
18 The City has now received an additional \$25,000 to proceed. HTE has done preliminary
19 engineering work for Phase 2. The City Attorney has reviewed and approved their proposal
20 (copy attached to original of these minutes), and will review it before signing, at the Council's
21 request.

22
23 Motion 4: Lavery moved to authorize the City to enter into the agreement with HTE, and
24 authorize the mayor to sign the agreement after the City Attorney has reviewed it. Alice Brown
25 seconded the motion.

26
27 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

28
29 Vote: Motion 4 passed.

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

31
32 C. NHB Inc. Pay Request #1 – City Hall ADA Improvements
33 Murray reported that this pay request was included in Accounts Payable, but it was also
34 included as an agenda item as a formal review of the application for payment because it is
35 funded through the Oregon Economic Community Development Block Grant Program and
36 Lincoln County Economic Development Program.

37
38 Motion 5: Lavery moved to authorize Pay Request #1 for NHB Inc. for City Hall ADA
39 improvements, in the amount of \$46,068. Taunton seconded the motion

40
41 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

42
43 Vote: Motion 5 passed.

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

45 D. Proposed Ordinance #256 – An Ordinance amending Ord. #24 (Zoning Ordinance), as
46 amended; amending the inventory information, as amended; repealing Ord. #111
47 (Depoe Bay Partition and Subdivision Ordinance), as amended; incorporating land

1 division provisions into Ord. #24 as Article 14 – Land Division; repealing Ord. #132
2 (Development in Areas of Special Flood Hazard Ordinance); incorporating flood hazard
3 provisions into Ord. #24 as Article 3, Section 3.370 – Flood Hazard Overlay Zone;
4 enacting provisions requested as result of review of the Depoe Bay Zoning Ordinance
5 by the City of Depoe Bay, pursuant to review by the Department of Land Conservation
6 and Development; and declaring an emergency.
7

8 Mayor Silver reviewed the procedure for adoption of ordinances, and said that City Planner
9 Larry Lewis had provided a recommended revision (copy attached to original of these
10 minutes). He outlined the action options faced by the Council.
11

12 Motion 6: Alice Brown moved to read proposed Ord. #256 by title only, including Lewis'
13 recommended revision. Laverty seconded the motion.
14

15 Mayor Silver said it was moved and seconded, and called for discussion. There was none.
16

17 Vote: Motion 6 passed.

18 Ayes: White, Taunton, Alice Brown, Silver, Romans, Laverty
19

20 Murray read proposed Ord. #256 by title only, and Lewis' recommended revision. She also
21 entered into the record written comments including an editorial review, and *Some "property*
22 *owner" questions and observations about parts of the January 2004 proposed text*
23 *amendments* (copy of property owner questions attached to original of these minutes) from
24 Kathryn Pyle, who also submitted a *Codes Table File* chart which is not part of her official
25 submission. She then called for questions or comments from the audience.
26

27 Peggy Leoni, Chamber of Commerce, said that in light of the work done on the "Matrix", the
28 Transportation and Growth Management Study audit, and other inter-related things that are
29 going on, the Chamber Board of Directors and general membership voted unanimously on
30 February 9 to request the Council hold off on further work on this ordinance until all
31 information is in.
32

33 Fran Recht 66 NE Williams, urged the Council to proceed with the adoption process, and
34 thanked the Council for their hard work in reviewing this document. She submitted written
35 comments on Exhibits G, H, and O (copy attached to original of these minutes), expressing
36 concern about the forested corridor, "mature vegetation", dumping of landfill, and the inventory
37 exclusion of a portion of Winchell Street as a dead end public access.
38

39 Peggy Leoni 355 SW Hwy 101 expressed her feeling that the City has no right to try to
40 legislate taste through Exhibit G, which requires roofing and siding material to be of "subtle"
41 colors.

1 Motion 7: Lavery moved to adopt proposed Ord. #256 as written. Motion died for lack of
2 second.

3
4 Motion 8: Lavery moved to table the adoption process of proposed Ord. #256 to the March
5 16, 2004 Regular Council Meeting. White seconded the motion.

6
7 Mayor Silver said it was moved and seconded, and called for discussion. A Councilor
8 commented that this would allow time to clarify the addition of things that weren't part of the
9 original hearing.

10
11 Vote: Motion 8 passed.

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

13
14 VII. UNFINISHED BUSINESS

15 Taunton asked if any recommendations came out of the Planning Commission-Harbor
16 Commission joint meeting. Murray said the minutes aren't yet complete.

17
18 VIII. CORRESPONDENCE

19 There were two items of correspondence (copies attached to original of these minutes): 1) A
20 letter from John Woodmark, resigning from the Economic Business Development Committee
21 (EBDC). 2) A letter from Rich and Valerie Allyn, Real Estate Centre, Inc. and Grey
22 Investments, Inc. addressed to the Planning Commission and copied to the Council,
23 requesting reconsideration of a land use decision. A memo from Murray relating information
24 relevant to the request was attached.

25
26 Motion 9: Lavery moved to accept Woodmark's letter of resignation to send him a letter of
27 thanks, and declare a vacancy on the EBDC. Taunton seconded the motion.

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

30
31 Vote: Motion 9 passed.

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

33
34 A Councilor asked if the Planning Commission had decided to reconsider their decision or to
35 continue the Allyn's building permit application. Murray responded that the findings have not
36 yet been adopted, so the action is not complete. It is on the agenda for tomorrow's meeting. If
37 the findings are adopted, a nine-day appeal period begins. The Planning Commission cannot
38 reconsider the application, since City ordinance has no provision for such an action. An
39 applicant may either submit a new application, or appeal the decision.

40
41 IX. LIAISON OFFICERS' REPORTS

42
43 Taunton reported that the Salmon Enhancement Commission met. Out of 20,000 salmon eggs
44 received, less than 500 were dead. The fry will be moved to floating net pen when ready, and
45 fin clipping will be done in June.

1 Alice Brown reported that Parks Commission meets February 25 at 5:30 PM.

2
3 Romans reported the Economic Business Development Committee hasn't met since the last
4 Council meeting.

5
6 Lavery reported that there was no meeting of the Traffic Safety Commission due to lack of
7 quorum. Their next scheduled meeting is March 9, 2004. He will be attending a conference on
8 March 2, 2004 with ODOT's Transportation Safety Division in Silver Falls. This meeting falls
9 on the same day as the first Council meeting in March, and Lavery requested to be excused
10 from the Council meeting.

11
12 Silver reported that the Planning Commission meets tomorrow at 7 PM.

13
14 X. CITY STAFF REPORT

15 Murray reported that the City received a request from Grace Strom for the City to put
16 dedicated handicapped parking spaces in the parking lot the City leases from her (the
17 intersection of Conway and Bay Streets). Staff was directed to research this request and
18 report at the next Regular Meeting.

19
20 Owings reviewed his written report (copy attached to original of these minutes), which included
21 skateboard equipment, streets, ADA restrooms at City Hall, the Harbor Fuel Tank Project, and
22 a water distribution/storm drain/street project on Carson Street. He requested the Council's
23 permission to get quotes on the Carson Street project, noting that there is money in the budget
24 for this.

25
26 Motion 10: Romans moved to direct Staff to get multiple bids for the Carson Street Project.
27 Lavery seconded the motion.

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

30
31 Vote: Motion 10 passed.

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

33
34 XI. COUNCIL COMMENTS

35 White suggested Mayor Silver review the Code of Conduct (from Silver's informational packet
36 distributed 2/3/04) with Johnson when they hold their meeting.

37
38 Taunton 1) Suggested extended Council Comments items be listed on the agenda. 2)
39 Speaking in reference to a comment about Councilors not attending land use meetings, he
40 noted that many people have other commitments which take priority, and that doesn't mean
41 they are not interested in the meetings. 3) A large rock is missing from the sea wall near
42 Whale Park. He questioned whether ODOT does safety inspections of the wall. Owings
43 responded that he took the large, loose rock to City Hall, and said he would contact ODOT
44 regarding a safety inspection of the wall.

1 Alice Brown 1) Thought the joint meeting with the Planning Commission was constructive.
2 2) Requested an agenda item on length of meetings. It was the consensus of the Council to
3 add this item to the first regular meeting in March. 3) Asked when Panhandling will appear on
4 the agenda. Murray responded that it is scheduled for the first regular meeting in March.
5

6 Silver asked the Council to reconsider agenda item VI. D. Proposed Ord. #256, since the
7 action taken was not in keeping with procedure pursuant to Robert's Rules of Order. There
8 was much discussion regarding interpretation of Robert's Rules of Order as relates to proper
9 procedure for amending and ranking motions.
10

11 Motion 11: Lavery moved to reconsider the motion that was made on proposed Ord. #256,
12 and to adopt the proposed ordinance as written. Motion died for lack of second.
13

14 It was the consensus of the Council to leave this item tabled to the March 16, 2004 regular
15 meeting.
16

17 XIII. ADJOURN

18 There being no further business, the meeting was adjourned at 8:43 PM.
19
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21
22

23 _____
Mayor Bruce R. Silver

24
25
26 _____
27 Silver Fox, Recording Secretary