

Depoe Bay City Council
Regular Meeting
Tuesday, March 2, 2004
Depoe Bay City Hall

PRESENT: Mayor B. Silver, P. Taunton, A. Brown, B. Romans

ABSENT: J. White, J. Brown, M. Laverty

STAFF: City Field Superintendent T. Owings, City Recorder P. Murray

I. Pledge of Allegiance

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

II. Call To Order

Mayor Silver called the meeting to order and established a quorum.

III. Approve Minutes: February 17, 2004 City Council/Planning Commission Joint Meeting, February 17, 2004 Regular Meeting, February 26, 2004 Workshop Meeting

Silver noted the minutes for the February 26th Workshop Meeting are not yet available, asked for comments on the minutes of the two February 17th meetings.

MOTION 1: A. Brown moved to approve the February 17 City Council/Planning Commission Joint Meeting minutes as written and to approve the February 17 Regular Meeting minutes as written with one correction on page 3, on the second to last line the word "subtle" should be "subdued" since that is the term used in the text amendments. Taunton seconded the motion.

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

VOTE: Motion 1 passed.

AYES: Taunton, A. Brown, Silver, Romans

IV. Accounts Payable

MOTION 2: Romans moved to pay the accounts payable. A. Brown seconded the motion.

Silver said it was moved and seconded and called for discussion. Silver confirmed the date of the listing with staff.

VOTE: Motion 2 passed.

AYES: Taunton, A. Brown, Silver, Romans

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V. Public Input

Peter Cameron, 50 Cook St., requests the Council schedule an agenda item to consider adopting a “scoop” law in Depoe Bay. Cameron explained irresponsible dog owners are causing the problem by not cleaning up after their pets. He witnesses many incidents on a daily basis, negatively affecting both public and private properties.

Peggy Leoni, Chamber of Commerce, reported that last month the Chamber’s postage expense was three times higher than normal, they believe the increase in requests for information is due to the 30 second TV spot that has been running. Leoni reminded everyone of the upcoming annual Citizen of the Year Event which will be on March 13th.

VI. New Business

VI.A. Interview Applicants for City Commissions and Committees

E. Elaine Placido and Robert Huffman were present and both provided a brief background and explanation of their interest in the committees they have applied to serve on.

VI.B. Appointments to Fill Vacancies on City Commissions and Committees

Completed ballots were turned in and the vote was tallied, with four yes votes to appoint E. Elaine Placido as a resident member of the Economic Business Development Committee and Robert Huffman to Position # 7 on the Salmon Enhancement Commission.

MOTION 3: A. Brown moved to accept the tally of votes and appoint Elaine Placido to the Economic Business Development Committee and Robert Huffman to the Salmon Enhancement Commission. Romans seconded the motion.

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

VOTE: Motion 3 passed.
AYES: Taunton, A. Brown, Silver, Romans

VI.C. ADA Parking Spaces - City Leased Parking Lot

Owings reported (copy of report attached to the original of these minutes) that pursuant to ADA regulations, the area which currently has 5 parking spaces would accommodate 4 ADA spaces, including one space with an area for side door access. The estimated cost to convert the spaces is \$302. He has reviewed the information with the property owner (G. Strom). Romans noted the “no parking” sign at Graham Street is not installed yet.

MOTION 4: A. Brown moved to direct staff to proceed with converting existing parking spaces to ADA parking in the parking lot off Bay Street, at a cost not to exceed \$302.00. Taunton seconded the motion.

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

VOTE: Motion 4 passed.
AYES: Taunton, A. Brown, Silver, Romans

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VI.D. Lincoln County Community and Economic Development Grant Agreement-Harbor Fuel Facility Project

Murray reviewed the announcement of grant award letter and attached agreement for \$10,000 grant funding for the harbor fuel facility project.

MOTION 5: A. Brown moved to approve entering into agreement with Lincoln County for the grant for the Harbor Fuel Facility Project and to authorize the Mayor to sign the award letter. Taunton seconded the motion.

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

VOTE: Motion 5 passed.
AYES: Taunton, A. Brown, Silver, Romans

VI.E. Proposals for Carson St. Improvements - Storm Drain, Water Line, Black Top Overlay
Owings reported he requested proposals from three companies, resulting in receipt of one proposal. He recommends accepting the proposal of \$12,596.00 from Devils Lake Rock Co. to do the project. In response to a question, Owings explained that one company did not submit a proposal because they do not have the necessary capability to do "hot tap" water line connections, one company did not submit a proposal by the deadline. John O'Brien, Bensell Ave., voiced concern regarding access issues during construction and asked if residents in the area would be notified. Owings confirmed there will be road closures involved and advance notice will be provided to affected residents.

MOTION 6: A. Brown moved to accept Devils Lake Rock Co. proposal of \$12, 596.00 to conduct the Carson Street Improvements and directed staff to proceed with the project. Taunton seconded the motion.

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

VOTE: Motion 6 passed.
AYES: Taunton, A. Brown, Silver, Romans

VII. Unfinished Business

VII.A. Council Concern: Panhandling/Soliciting

Silver reported that Councilor White had requested this item be tabled since he could not be at the meeting tonight.

MOTION 7: A. Brown moved to table agenda item "Panhandling/Soliciting" to the April 6, 2004 regular meeting. Taunton seconded the motion.

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

VOTE: Motion 7 passed.
AYES: Taunton, A. Brown, Silver, Romans

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VII.B. Council Concern: Conduct of Meetings-Length of Meetings

Taunton suggests if a topic being brought up under Council Comments is lengthy, to schedule as an agenda item. A. Brown submitted a handout (copy attached to the original of

these minutes) which she reviewed. Romans suggests individual members work on avoiding rambling discussions and repetitiveness when speaking. Discussion followed including the use of “consent agenda” for routine business items and the presiding officer providing an opportunity to council members to object to allowing an audience member to speak during Council Comments. Silver suggested a statement by the presiding officer such as “hearing no objection, the person may come forward to address the council” at which time any councilor may raise an objection. It was agreed to add this subject to a workshop meeting agenda.

VIII. Correspondence

Murray presented a letter from Oregon Department of Transportation regarding the proposed agreement for Scenic Byway grant funding in the amount of \$170,800 for the city’s Harbor Overlook Land Acquisition Project. The agreement, which was enclosed with the letter, is being reviewed by the City Attorney and will be presented at the March 16th meeting for Council’s consideration and approval. Brief discussion occurred.

IX. Liaison Officers’ Reports

Taunton reported the Salmon Enhancement Commission meets tomorrow night . The Safety Committee met, no accidents were reported.

A. Brown reported the Parks Commission met on February 25th and discussed educational signage at Whale Park, addition of slats on the Bay Street stairs for child protection, pruning of blackberry bushes, the spring park cleanup, the proposed nature trail in the city park with a second bridge across South Depoe Creek, matching the color of the bottom part of the whale fountain to the rock wall color at Whale Park, and the location of the skate park equipment.

Romans asked Peggy Leoni to report on the Economic Business Development Committee. Leoni reported the committee met and discussed approval of the timeline for parking and transportation goals and ways to implement the goals. The committee minutes are being done by a volunteer, Jackie (Aloha Taxi). Leoni welcomed Elaine Placido to the committee. A. Brown added that Chris Chandler-diTorrice is continuing to work with the committee and they are exploring ways to help small businesses.

Silver reported the Planning Commission met on February 18th where the matter of selecting a member to serve on the Economic Business Development Committee was rescheduled to the next meeting. In a follow-up from the February 26th Council Workshop meeting, he attended the Chamber of Commerce Board meeting and presented the idea of use of the Painter Building as a visitor center. The matter will be discussed further at the April Chamber Board meeting.

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X. City Staff Reports

Owings reported he met with the Parks Commission last week regarding placement of the skate park equipment. Of two sites discussed, the commission recommends the equipment be placed in the area previously utilized for the half-pipe (location #2) and to spend no more than \$1,000 for asphaltting the area and installing a 3 foot high fence between the area and the parking lot. Discussion ensued, including a suggestion the fence be 6 feet high.

MOTION 8: A. Brown moved to direct staff to pursue installation of the skate park equipment in location #2 at a cost not to exceed \$1,000. Romans seconded the motion.

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

VOTE: Motion 8 passed.
AYES: Taunton, A. Brown, Silver, Romans

Owings continued review of his report (copy attached to the original of these minutes): 1) The architect conducted site inspection of the City Hall ADA Improvements project today. The electric meter will be relocated on Thursday, March 4th, the electricity will be off at city hall while the work is conducted. 2) Engineering on the Winchell Street Improvements (phase 2) will begin by April. 3) The State Marine Board is in process of collecting data on fuel systems for the Harbor Fuel Facility Project.

Murray reported the U.S. Coast Guard requests input from the city regarding their proposed installation of fuel tank and pumps for Coast Guard vessels. Two alternate sites for the tank have been provided, (A) on Coast Guard property to the east of the station building, (B) on city property at the northwest corner of the seawall. The Harbor Commission briefly discussed the matter at their February 25th meeting with no recommendation. City Planner and City Field Superintendent have provided input relative to planning and public works concerns. Discussion ensued including encouraging a coordinated effort with the city's fuel facility project.

MOTION 9: Romans moved to inform the U.S. Coast Guard that if they choose to install their own fuel tank, Alternative A location is what the city would agree to and would provide necessary easements for. Taunton seconded the motion.

Silver said it was moved and seconded and called for discussion.

MOTION TO AMEND MOTION 9: A. Brown moved to inform the U.S. Coast Guard the city would like them to consider a cooperative effort on the city's fuel facility, if they do not install their own fuel facility. Romans seconded the motion.

Silver said it was moved and seconded and called for discussion. Brief discussion occurred.

VOTE: Motion to Amend Motion 9 failed.
AYES: A. Brown
NAYS: Taunton, Silver, Romans

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VOTE: Motion 9 passed.
AYES: Taunton, A. Brown, Silver, Romans

Murray continued to report 1) An appeal of Planning Commission decision has been filed by Rich & Val Allyn, Real Estate Centre, Inc. & Grey Investments, Inc. in the matter of application for development (retaining walls) in the Coastal Shorelands Overlay Zone. The appeal was filed in a timely manner and the public hearing will be scheduled, in keeping with notification requirements. It was agreed to schedule the appeal hearing for an evening other

than a regular council meeting date. 2) At the February 25th regular Harbor Commission meeting the commission discussed and agreed to a definition of commercial fishing gear, in response to staff's request to aide in enforcement matters. They had no comment on the draft wording for zoning code amendments relating to storage of commercial fishing gear (January 18, 2004 memo signed by R. Johnson) from the joint Harbor Commission/Planning Commission meeting. A report will be provided to the Council on the matter. 3) Council's concern relating to public comment received on proposed Ordinance No. 256, specifically what comments can be considered, City Attorney Gordon has informed staff that due to the text amendments being a legislative matter, the Council can consider any public comments received during the adoption process that Council desires. Discussion followed including Council's previous decision to consider only items relating to sections of the zoning code proposed to be amended by Ordinance 256.

Owings voiced his concern that the Harbor Commission's definition of commercial fishing gear is too general and not enforceable. It was agreed the definition needs to be specific and Owings was directed to attend the next Harbor Commission meeting and work with the commission on amending the proposed definition.

XI. Council Comments

A. Brown noted a letter received from My Sister's Place, announcing the new shelter in Lincoln City. Also, provided a handout "Helping Boards Solve Controversial, Divisive Problems" from League of Oregon Cities' Local Focus publication (copy attached to the original of these minutes), which she asked to be forwarded to the Planning Commission and Council members for the upcoming joint meeting.

XII. Adjourn

There being no further business the meeting was adjourned at 8:44 PM.

Mayor Bruce Silver

Pery Murray, City Recorder