

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, June 15, 2004 - 7:00 PM
4 Depoe Bay City Hall
5
6
7

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

10
11 STAFF: City Recorder P. Murray, City Attorney D. Gordon, Recording Secretary S. Fox
12
13

14 I. PLEDGE OF ALLEGIANCE

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

17 II. CALL TO ORDER

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

20 III. APPROVE MINUTES: June 1, 2004 Regular Meeting

21 The Regular Meeting minutes of the June 1, 2004 Regular Meeting stood approved with the
22 following corrections: 1) Page 2, Line 35 – “Anyone objecting to the building wall...” 2) Page
23 3, Line 15 – “...the structural approaches...” and after the word “omit” add “*Item 3 then*
24 *becomes Item 2*”.
25

26 IV. ACCOUNTS PAYABLE

27 Motion 1: Romans moved to approve Accounts Payable. 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 1 passed.

32 Ayes: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Laverty
33

34 V. BUDGET HEARING – Fiscal Year 2004-05

35 Murray introduced this agenda item. The hearing notice and financial summary was published
36 in the June 2nd *News Times*. The purpose of the hearing was to discuss the budget for fiscal
37 year 2004-05 as approved by the Budget Committee and the City’s election to receive State
38 Revenue Share Funds and the use of those funds. There were no comments from the public
39 and no comments from the Council. Mayor Silver closed the hearing, with a note that a related
40 resolution would come up later in the meeting.
41

42 VI. PUBLIC INPUT

43 Peggy Leoni, Chamber of Commerce, expressed thanks for volunteers. This year’s fireworks
44 celebration will be on July 3, and a shuttlebus will run all evening. There will be a concession
45 stand to help defray the cost of the fireworks, and the Chamber is counting on the City’s
46 assistance in setting up this event.

1 Dick Johnson, Planning Commission Chair, addressed the Council regarding the “wall of
2 misunderstanding” between the Council and the Planning Commission, stating that his goal is
3 to clear the air and protect the reputation of Commissioners. He asked the Council to focus on
4 the Planning Commission as a body and not as individuals, stated that people should ensure
5 they have accurate facts before writing letters to the editor, and charged the Council to “tear
6 down this wall”.

7
8 VII. NEW BUSINESS

9 A. Interview Applicants for City Commissions/Committees
10 No applications were received.

11
12 B. Appointments to Fill Vacancies on City Commissions/Committees
13 Tabled.

14
15 C. Depoe Bay Chamber of Commerce – Services Contract Renewal
16 Murray introduced this agenda item (copy of renewal contract attached to original of these
17 minutes), noting that the only change to the agreement is the dates.

18
19 Motion 2: Lavery moved to approve the service contract renewal with the Depoe Bay
20 Chamber of Commerce, and to authorize the mayor to sign. Jack Brown seconded the motion.

21
22 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

23
24 Vote: Motion 2 passed.

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

26
27 D. Speed Monitor Radar Trailer Project
28 Lavery reported this item would be updated at the next meeting.

29
30 E. Proposed Res. #339 – Special City Allotment Grant Application – South Point Street
31 Murray said this grant application was for South Point Street, from the Hwy 101 intersection
32 approximately 450 feet to the west, and that it will upgrade the street to the wastewater
33 treatment plant driveway.

34
35 Motion 3: Lavery moved to adopt proposed Res. #339, A Special City Allotment Grant
36 Application for South Point Street Improvement Project. Alice Brown seconded the motion.

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

39
40 Vote: Motion 3 passed.

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

42
43 F. Proposed Res. #340 – A Resolution Declaring the City’s Election to Receive State
44 Revenues

1 Motion 4: Lavery moved to adopt proposed Res. #340, A Resolution Declaring the City's
2 Election to Receive State Revenues. Taunton seconded the motion.

3
4 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

5 Vote: Motion 4 passed.

6 Ayes: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery
7

8 G. Proposed Res. #341 – To Adopt the Budget, Make the Appropriations, Impose and
9 Categorize the Ad Valorem Tax Levy for the 2004-05 Fiscal Year
10

11 Motion 5: Alice Brown moved to adopt proposed Res. #341, To Adopt the Budget, Make the
12 Appropriations, Impose and Categorize the Ad Valorem Tax Levy for the 2004-05 Fiscal Year.
13 Lavery seconded the motion.

14
15 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

16
17 Vote: Motion 5 passed.

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

20 VIII. UNFINISHED BUSINESS

21 A. Findings of Fact, Final Order: Allyn/Real Estate Centre Inc./Grey Investment Appeal of
22 Planning Commission Decision – Case File #1-APPEAL-CC-04
23

24 Motion 6: Lavery moved to approve the Findings of Fact, Final Order: Allyn/Real Estate
25 Centre Inc./Grey Investment Appeal of Planning Commission Decision – Case File #1-
26 APPEAL-CC-04. Alice Brown seconded the motion.
27

28 Mayor Silver said it was moved and seconded, and called for discussion. Gordon noted that
29 the applicants' attorney, Dennis Bartoldus, commented on two things: 1) Page 3, Subsection
30 10, Paragraph 2 says "Public meetings were held April 29 and June 1. Property owners were
31 duly notified. All interested parties were given an opportunity to provide written and oral
32 testimony." Bartoldus noted that there was no opportunity to provide testimony on April 29 and
33 June 1. 2) Bartoldus was not positive the legal description of the property matched the
34 properties owned by the applicants. Gordon said these comments did not invalidate the Final
35 Order. Mayor Silver noted that interested parties did have an opportunity to provided written
36 testimony, and that statement, taken by itself, was correct.
37

38 Vote: Motion 6 passed.

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

41 B. Findings of Fact, Conclusions and Decision: In the Matter of City Business License for
42 Joseph Bartosz
43

44 Motion 7: Romans moved to accept the Findings of Fact, Conclusions and Decision. Lavery
45 seconded the motion.

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

2
3 Vote: Motion 7 passed.

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

5 C. Painter (Park) Building Lease

6 A letter of interest (copy attached to original of these minutes) was received from Trendwest,
7 but could not be considered because it was submitted after the closing date. There was
8 continued discussion regarding opportunities and alternatives for maintaining this revenue
9 source after renovations, and concern was expressed about the building being closed during
10 the summer months. A Councilor was concerned that if the building were utilized as a visitor
11 information center, it would be in competition with the Chamber; another Councilor suggested
12 the Chamber itself may want to use the building, since it's in a better location. The question of
13 ADA accessibility was also raised. Tom Sites, of Trendwest, explained that Trendwest's
14 interest involves providing visitor information and coupons for local businesses, a coffee stand,
15 and a Trendwest sales office. Leoni noted the Chamber did not believe a visitor information
16 center would compete with the Chamber. Hearing no objection, Mayor Silver will investigate
17 use of the building as a tourist information center, and report back to the Council at the next
18 regular meeting. Gordon noted that if the building is used as an information center and nobody
19 is earning profit, it would not necessarily need to be competitively bid; and if advertised for a
20 commercial purpose, the advertisement period could be short, and the City can reserve the
21 right to say no.

22
23 Motion 8: Romans moved to readvertise the Painter Building for lease, for a period of two
24 weeks. Alice Brown seconded the motion.

25
26 Mayor Silver said it was moved and seconded, and called for discussion.

27
28 Amendment: Romans amended the motion to be subject to legal counsel's confirmation of the
29 minimum time needed to advertise for potential lease or use of public property. Taunton
30 seconded the amendment.

31
32 Mayor Silver said it was moved and seconded, and called for discussion.

33
34 Amendment: White amended the motion to readvertise the building for the minimum time
35 necessary depending on attorney review, and simultaneously direct the mayor to research the
36 viability of a visitor information center. Alice Brown seconded the amendment.

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

39
40 Vote: Motion 8, as amended, passed.

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

42
43 D. Repeat Offender Policy/Review & Update Ord. #94

44 Hearing no objection, this item was tabled to such time as the Law Enforcement Committee
45 provides a new proposal.

1 IX. CORRESPONDENCE

2 There was one item of correspondence: a thank you letter (copy attached to original of these
3 minutes) from the Fleet of Flowers.

4

5 X. LIAISON OFFICERS' REPORTS

6 Laverty reported 1) School zone speed signs will be modified effective July 1, 2004, and
7 encouraged everyone to pay close attention to the new guidelines, some of which will be in
8 effect 24 hours per day, 365 days per year. 2) He received information on eight tips for
9 avoiding accidents and saving lives on the road, and the 101 deadliest days on the road.

10

11 Alice Brown reported that the June Parks Commission meeting has been cancelled; the next
12 meeting will be in July.

13

14 XI. CITY STAFF REPORT

15 Murray reported 1) Laren Wooley from the Department of Land Conservation and
16 Development (DLCD) will be at City Hall tomorrow from 3:30 to 4 PM. He has invited
17 Councilors and Planning Commissioners to meet the new director of DLCD, Lane Shetterly.
18 2) Murray requested the Council consider her memo dated 6/15/04 (copy attached to original
19 of these minutes) regarding auto insurance; specifically, whether the City should reimburse the
20 deductible when a personal vehicle is involved in an accident while being used on City
21 business. Hearing no objection, Staff was directed to develop a written policy regarding
22 reimbursement of personal deductibles, and bring the draft policy to the next regular meeting.
23 3) There were no questions on Owings' written report (copy attached to original of these
24 minutes).

25

26 XII. COUNCIL COMMENTS

27 White advised there will be a memorial service for fisherman Ron Nissen Saturday at 1 PM.

28

29 Laverty requested scheduling of two workshop items: 1) Update of The Traffic Safety Plan. 2)
30 Street standards as related to laying driveways in unimproved areas.

31

32 Romans, speaking about the number of empty commercial buildings, especially south of the
33 bridge, suggested grandfathering-in buildings rather than occupations.

34

35 Alice Brown 1) Clarified statements she made as reflected in the minutes of recent Economic
36 Business Development Committee meetings. 2) Attended an Oregon Coastal Zone
37 Management meeting. She thought it was a great experience, and encouraged others to
38 attend.

39

40 Mayor Silver, referring to his memo dated 6/15/04 (copy attached to original of these minutes),
41 noted that there will be a procedural change in handling agenda items.

1 XIII. ADJOURN

2 There being no further business, the meeting was adjourned at 8:19 PM.

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4

5

Mayor Bruce R. Silver

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7

8 Silver Fox, Recording Secretary