

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

8 PRESENT: Mayor B. Silver, J. White, P. Taunton (arr 7:04), A. Brown, G. Romans,
9 M. Lavery

10
11 ABSENT: J. Brown
12

13 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, Recording
14 Secretary S. Fox
15
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17 I. PLEDGE OF ALLEGIANCE

18 Mayor Silver called for all to stand for the Pledge of Allegiance.
19

20 II. CALL TO ORDER

21 Mayor Silver called the meeting to order and established a quorum at 7:00 PM.
22

23 III. APPROVE MINUTES: June 15, 2004 Regular Meeting and June 22, 2004 Joint Planning
24 Commission/City Council Work Session

25 The minutes of the June 15, 2004 Regular Meeting stood approved as written. The minutes of
26 the June 22, 2004 Joint Planning Commission/City Council Work Session were corrected as
27 follows: 1) Page 2, paragraph 2: "It was noted that a design theme is more an economic
28 development tool ~~that~~ *than* a Smart Growth transportation tool..." and 2) Absentee Councilors/
29 Commissioners should be listed on Page 1. The minutes stood approved as corrected.
30

31 IV. ACCOUNTS PAYABLE

32 Motion 1: Romans moved to approve Accounts Payable. Lavery seconded the motion.
33

34 Mayor Silver said it was moved and seconded, and called for discussion. A clarification was
35 made regarding purchase of a replacement refrigerator.
36

37 Vote: Motion 1 passed.

38 Ayes: White, Taunton, Alice Brown, Silver, Romans, Lavery
39

40 V. SPECIAL ORDERS

41 Mayor Silver introduced this new regular agenda item, which will be for persons or
42 organizations wishing to offer a presentation or report. Public hearings will also be scheduled
43 in this slot. There was no action on this item.
44

45 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

46 Mayor Silver introduced this new regular agenda item, which will be for Commission and
47 Committee liaison reports.

1
2 Dave DeBelloy, Harbor Commission liaison: 1) The City was asked to provide assistance for
3 the new Harbormaster's downtown restroom maintenance duties. 2) A motion was made to
4 ask the Council to get a new renter in the fish plant, due to loss of commercial fishing business
5 and rent in arrears.

6
7 Dick Johnson, Planning Commission liaison: 1) A public hearing on commercial fishing gear
8 ordinance change and implementation of the natural resources consultant's work at the July
9 21, 2004 Planning Commission meeting.

10
11 Mayor Silver reported the Water Committee survey on the property where the new increased-
12 capacity water storage tank will be built is complete. Descriptions of the property line
13 adjustment were filed with the Lincoln County Surveyor on June 24, 2004. Staff will continue
14 the process for final approval.

15 16 VII. PUBLIC COMMENTS

17 There were no comments from the public.

18 19 VIII. UNFINISHED BUSINESS

20 A. Draft Policy – Auto Insurance Deductibles

21 Murray reviewed her memo dated 7/6/04 (copy attached to original of these minutes)
22 containing draft language for inclusion in the City Vehicle Policy and the Travel Expense
23 Reimbursement Policy regarding reimbursement of deductibles on private auto insurance
24 claims when an accident occurs while a private vehicle is used for City business. After a
25 question was raised regarding the possibility of a collision with an animal that causes damage
26 that falls below the required reporting level, it was the consensus of the Council to modify the
27 draft language as follows: "A copy of the Oregon Traffic Accident and Insurance Report, *if*
28 *applicable*, and proof of amount of deductible..."

29
30 Motion 2: Lavery moved to adopt the personal insurance deductible portion of Murray's 7/6/04
31 memo into our City Vehicle Policy and the Travel Expense Reimbursement Policy, including
32 the amendment to add "if applicable". White seconded the motion.

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

35
36 Vote: Motion passed.

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

38 Abstain: Lavery

39 40 B. Report: Painter (Park) Building Renovation Projects

41 Owings reviewed his memo of 6/28/04 (copy attached to original of these minutes) outlining
42 several projects. Brief discussion followed.

1 Motion 3: Lavery moved to authorize Owings to repair the Painter Building bathrooms and
2 front doors, and to remove the exhaust fan, at a cost not to exceed \$1,200; and to research
3 the cost of replacing the handrail on the top floor. Alice Brown seconded the motion.

4
5 Mayor Silver said it was moved and seconded, and called for discussion. There was a
6 question regarding the Trendwest proposal; Mayor Silver responded that the City has re-
7 advertised for lease proposals and all proposals will be reviewed after the July 15, 2004
8 closing date.

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10 Vote: Motion 3 passed.

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

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13 IX. NEW BUSINESS

14 A. Authorization: Employee COLA for Fiscal Year 2004-2005
15 Murray noted that the proposed COLA was 2.2%.

16
17 Motion 4: Lavery moved to authorize City employees to receive a COLA of 2.2% for fiscal
18 year 2004-2005. White seconded the motion.

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

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22 Vote: Motion 4 passed.

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

24
25 B. Zoning Code Audit – Proposed Work Plan

26 Murray reviewed her (and Lewis') memo dated 6/30/04 (copy attached to original of these
27 minutes) in detail. She and Lewis recommend moving ahead with the "Matrix" work by sending
28 a 45-day notice to the Department of Land Conservation and Development with the draft
29 language (after the Planning Commission has reviewed the revisions recommended by the
30 consultant), and notify property owners of the public hearing which would probably occur in
31 September or October. She noted that after the Downtown Refinement Plan work is completed
32 in June of 2005, draft ordinances will need to be prepared before the adoption process can be
33 started. She suggested applying for funding to hire a consultant to work on the updated
34 inventory. Discussion followed.

35
36 Motion 5: Lavery moved to direct Staff to apply to Transportation Growth Management for
37 assistance in developing draft ordinance language for presentation at a public hearing, and to
38 start the notification process for public hearing on the "Matrix". Alice Brown seconded the
39 motion.

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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
46 X. CORRESPONDENCE

1 There was one item of correspondence: a letter from Larry Hardy (copy attached to original of
2 these minutes) requesting the City enact an ordinance or recruit volunteers to improve the
3 appearance of Hwy 101 properties south of the bridge.

4 5 XI. CITY STAFF REPORT

6 Owings reviewed his written report (copy attached to original of these minutes), providing
7 updates on the Winchell Street Project, street patching, the Pirate Cove Sidewalk Project, and
8 the Harbor Fuel Project.

9
10 Murray reported: 1) This is an election year in Depoe Bay, and three Council seats and the
11 position of Mayor are expiring at the end of this year. Anyone interested in filling one of these
12 positions needs to have their candidacy filed by August 24. Filing packets are available at City
13 Hall. 2) A notice was received in today's mail regarding special funding opening up a grant
14 application cycle for local governments applying for grants for land acquisition, development,
15 and rehab projects for recreation areas and facilities. She anticipates asking for Council
16 authorization to submit an application at the July 20, 2004 meeting.

17 18 XII. COUNCIL COMMENTS

19 White: addressed a letter written by a Planning Commissioner that appeared in a local
20 newspaper, citing concern over personal conflicts between the City Council and the Planning
21 Commission. He acknowledged that everyone has freedom of speech, but this business had
22 been concluded at the time the letter was printed. Mayor Silver said that the printing of the
23 letter was an unfortunate timing issue, as there had not been space to print the letter when it
24 was submitted, and this was revealed during the investigation into the complaint.

25
26 Taunton: Would like to see the park just north of Tidal Raves designated as a memorial park
27 dedicated to fishermen lost at sea. Staff was directed to draft a memo to Parks Commission
28 asking for their input on this idea.

29
30 Romans: 1) Addressed the same letter as White, claiming that a statement in the letter
31 accusing the City of giving public land to a private property owner was an outright lie, and all
32 the City has the authority to do is grant an easement if all requirements are met. 2) Said he'd
33 been questioned about the status of a complaint regarding a different Planning Commissioner;
34 he didn't understand why the investigation was not complete after two weeks had passed. He
35 felt that complaints were maneuvered and handled without the majority of the Council having
36 any say. Mayor Silver responded that this complaint was in process, and that the City Attorney
37 has been questioned about one section of the complaint; the City is waiting for his response.
38 Silver reviewed the complaint procedure adopted by Council in October, 2003, saying if the
39 Council is unhappy with the procedure, the Council should address revising it. 3) The
40 Planning Commission Chairman stated to him that the Council had left the majority of the
41 Planning Commission's recommendations intact, and he expressed regret that such an honest
42 statement didn't appear in a publication.

43
44 Alice Brown: 1) Thanked Joel Gallob for the excellent article he wrote for the *News-Times* on
45 the Allyn appeal. 2) Said if someone is potentially maligned or defamed, they should be
46 allowed to give testimony in an investigation, and that she had been named in the letter
47 mentioned above, but was not contacted during the investigation. 3) Re-stated how important

1 it is to quote people in context, rather than picking words here and there drawing conclusions
2 the person being quoted never would have stated. 4) Said her understanding is that there is a
3 fine line between freedom of speech and libel, and you falsely accuse someone of a crime
4 that's punishable by imprisonment, you've crossed that line. 5) Requested the *News-Times*
5 print a retraction that the City has not stolen any public land and given it to a private property
6 owner. Mr. Gallob explained that the newspaper cannot print a retraction of a private citizen's
7 letter. Mayor Silver noted that during the investigation of the complaint, the person who filed
8 the complaint admitted a lie could not be found in the letter.

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10 XIII. ADJOURN

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

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary