

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, July 20, 2004 - 7:00 PM  
4 Depoe Bay City Hall  
5

6 PRESENT: Mayor B. Silver, J. White, P. Taunton, A. Brown, G. Romans (arr 7:03),  
7 J. Brown, M. Lavery  
8

9 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Attorney  
10 D. Gordon, Recording Secretary S. Fox  
11

## 12 I. PLEDGE OF ALLEGIANCE

13 Mayor Silver called for all to stand for the Pledge of Allegiance.  
14

## 15 II. CALL TO ORDER

16 Mayor Silver called the meeting to order and established a quorum at 7:00 PM.  
17

## 18 III. APPROVE MINUTES: July 6, 2004 Regular Meeting

19 The minutes of the July 6, 2004 Regular Meeting stood approved as written.  
20

## 21 V. SPECIAL ORDERS:

22 A. Presentation: Request to Open Unimproved Street Right-of-Way for Access Purposes –  
23 Park Ave. & Melody St.

24 Craig Calkins addressed the Council regarding permission to improve a 50' x 20' section of  
25 City property abutting the east end of Anchor Estates by clearing, smoothing, and gravelling,  
26 for the purpose of accessing property he is purchasing. (Copy of written request attached to  
27 original of these minutes.)  
28

29 Motion 1: Lavery moved to approve Calkins' proposal to open a small section of Park Ave.  
30 and Melody St. so Calkins can access his property. Taunton seconded the motion.  
31

32 Mayor Silver said it was moved and seconded, and called for discussion. A Councilor asked  
33 Owings if the request was feasible; Owings responded that it was the easiest way for Calkins  
34 to access his property. Gordon clarified that there was no third party property involved in the  
35 request.  
36

37 Vote: Motion 1 passed.

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

## 40 IV. ACCOUNTS PAYABLE

41 Motion 2: Romans moved to approve Accounts Payable. Alice Brown seconded the motion.  
42

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

44 Vote: Motion 2 passed.

45 Ayes: White, Taunton, Alice Brown, Silver, Romans, Jack Brown

46 Abstain: Lavery  
47

1 V. SPECIAL ORDERS

2 B. Public Hearing: Completion of City Hall ADA Access and Restroom Improvements  
3 Project

4 Murray reported that the public hearing is to inform the public that the project is complete, and  
5 to ask for questions and/or comments on the project as part of the closing paperwork. There  
6 were no questions or comments from the audience or the Council.

7  
8 C. The City Attorney was excused from the remainder of the meeting.  
9

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

11 Bill Sachs, Traffic Safety Commission Chairman, reported that at their July 13 meeting: 1) He  
12 was directed to write a letter to the Council regarding the Commission's findings regarding  
13 purchase of a radar trailer; his letter will be addressed later in this meeting. 2) In response to  
14 concerns regarding blind intersections, the Commission voted to survey six Depoe Bay  
15 intersections for compliance with Ord. 256, Section 4.010. Results will be reviewed at the next  
16 Commission meeting, with recommendations to be made to the Council as appropriate. 3)  
17 Sheriff Dotson, who attended the meeting, was asked to support the Commission's request  
18 that officers who have stopped a vehicle turn off their oscillating headlights which flash in the  
19 eyes of oncoming drivers and impair the vision of senior drivers. Dotson was in support of this  
20 request, and will discuss it at the next meeting of Lincoln County Police Chiefs, asking their  
21 support as well.  
22

23 Laverty: reported that the Law Enforcement Subcommittee met last night. Sheriff Dotson  
24 attended this meeting as well. Depoe Bay crime stats were discussed, as well as the  
25 possibility of a dedicated deputy sheriff for Depoe Bay at a cost of \$120,000 per year. The  
26 cost would be covered by the 1% increase in room tax enacted last July and an increase of  
27 approximately 35 cents/\$1,000 assessed property tax. Council approval is necessary to place  
28 a local option tax/serial bond levy funding item on the November ballot; to place news articles  
29 and letters to the editor in local newspapers; and to mail flyers to all residents. This cost to be  
30 covered by existing law enforcement/public safety funding.  
31

32 Motion 3: Laverty moved to place a local option tax/serial bond levy for funding of a dedicated  
33 deputy sheriff on the November 2, 2004 ballot by resolution, and to direct Staff to develop said  
34 resolution and bring back to the next regular Council meeting. Alice Brown seconded the  
35 motion.  
36

37 Mayor Silver said it was moved and seconded, and called for discussion. Comments included  
38 a funding clarification, a notation that a double majority will not be necessary because it's a  
39 general election year, and a review of reasons why this item was put on last year's ballot.  
40

41 Vote: Motion 3 passed.

42 Ayes: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Laverty  
43

44 Alice Brown reported that at the July 14 Economic Business Development Committee  
45 meeting: 1) There was a presentation by the Oregon Coast Community College Small  
46 Business Development Center. 2) New Committee Chairman Rick Davilla requested a letter  
47 of thanks be sent to previous Chairman Evelyne English. Hearing no objection, Staff was

1 directed to send a letter to English. 3) Mayor Silver was invited to come to the next meeting to  
2 address the purpose for establishing the Committee.

#### 3 4 VII. PUBLIC COMMENTS

5 There were no comments from the public.

#### 6 7 VIII. UNFINISHED BUSINESS

##### 8 A. Painter (Park) Building Lease

9 Murray reported that the closing date for proposals was July 15, 2004 at 5 PM, and that  
10 proposals were received from the Oregon Parks and Recreation Department to use the  
11 building as headquarters for their "Whale Watching Spoken Here" program and visitor  
12 information center, from Roy and Carla Griffin to use the building as a retail gift shop, and from  
13 Cheryl Preston for the Village Apprentice School to develop an interpretive center focusing on  
14 the history of Depoe Bay. (Copies of proposals, memo from Mayor Silver, and cover memo  
15 from Murray are attached to original of these minutes.) Discussion regarding the proposals  
16 included concerns regarding a proposed 1% room tax increase and the associated burden to  
17 those business owners, amount of expected revenue to the City, Depoe Bay's permanent lack  
18 of a tax base to fund growth-related expenses, and the fact that the Chamber is an existing  
19 visitors' center. Peggy Leoni, representing the Chamber of Commerce, contended there were  
20 inaccurate statements in Mayor Silver's memo regarding information provided to the Chamber  
21 that they have not been made aware of prior to seeing the memo at tonight's meeting. Peggy  
22 Leoni, private citizen at 355 SW Hwy 101, expressed strong opposition to a raise in room tax,  
23 naming other tourist accommodations sharing her viewpoint. She said that while the building is  
24 a beautiful landmark, it has few usage options and significant operational costs, and  
25 suggested the City might consider giving it back to the State. Barbara Leff, representing Grace  
26 Strom, was also opposed to another raise in room tax, and said that there were at least three  
27 tourist accommodation businesses that absorbed, without raising their rates, the recent  
28 increases of 1% by the City and 1% imposed by the State, and that Mrs. Strom had not  
29 increased her rates in four years. It was the consensus of the Council to gather additional  
30 information on the proposals, and continue this discussion at the next regular meeting. Staff  
31 was directed to write response letters to the people who submitted proposals, inviting them to  
32 provide additional details and including any concerns relayed by Councilors before the letters  
33 go out. Mayor Silver will follow up with all of the people he contacted.

#### 34 35 IX. NEW BUSINESS

##### 36 A. Radar Speed Monitor Trailer

37 Lavery reported that in addition to the ACTS Oregon \$5,000 grant the City was awarded for  
38 purchase of a radar trailer, ODOT has provided an additional \$2,500 for the purchase. The  
39 \$2,500 has been prepaid to MPH, Inc., which is the company that ODOT purchases all their  
40 radar trailers from. He provided a description of the unit approved by the Traffic Safety  
41 Commission. (Copy of letter from Traffic Safety Commission attached to original of these  
42 minutes.)

43  
44 Motion 4: Lavery moved to authorize Terry Owings to be point of contact and to purchase the  
45 radar trailer from MPH, Inc. for \$10,050. Taunton seconded the motion.

1 Mayor Silver said it was moved and seconded, and called for discussion. A Councilor  
2 questioned why the lowest bidding company was not chosen; Lavery explained that the unit  
3 offered by the lowest bidder did not meet stated requirements, and that if MPH was not used,  
4 the City would lose the \$2,500 from ODOT. A member of the audience suggested adding a  
5 small amount to the purchase price for identifying the unit as belonging to Depoe Bay.

6  
7 Amendment: Lavery amended the motion to be a cost not to exceed \$10,150. Taunton  
8 seconded the amendment.

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

11  
12 Vote: Motion 4 as amended, passed.

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

14  
15 B. Oregon Parks Recreation Department Grant Application

16 Murray reviewed her memo dated July 20, 2004 (copy attached to original of these minutes),  
17 noting that the City has been awarded Scenic Byway Program funding in the amount of  
18 \$170,800 for the Harbor Overlooks Project, which includes acquisition of two properties on the  
19 southwest side of the harbor, and securing a purchase option on a developed property (tax lot  
20 700) in the middle of the recently-acquired scenic lands along the oceanfront. This grant is  
21 opportune for acquisition of the developed property, opposed to securing an option, because  
22 the 40% required match can be met with the Scenic Byway grant. She noted there was no  
23 guarantee of funding, but if an application is submitted, the City must be committed to acquire  
24 the property, which may include exercising eminent domain. Should the Council decide to  
25 pursue this grant opportunity, the application must be submitted by August 2, 2004. There was  
26 significant discussion over a concern shared by several Councilors regarding whether the  
27 owner of tax lot 700 would be willing to sell the property.

28  
29 Motion 5: Lavery moved to apply for the Oregon Parks and Recreation Department grant for  
30 acquisition of tax lot 700. Motion died for lack of a second.

31  
32 Motion 6: Alice Brown moved to apply for scenic land, but only to include the Harbor Overlooks  
33 Project, and not including first option on tax lot 700. Motion died for lack of a second.

34  
35 After further discussion, Staff was directed to find out whether it's appropriate to contact the  
36 owner of tax lot 700 to see if they are interested in selling; if it is not appropriate to contact  
37 them, the application will not be pursued. If it *is* appropriate and they are not interested, the  
38 application will not be pursued. If it is appropriate and they *are* interested, they will be asked to  
39 put this in writing, and the Council will hold a special meeting to review the letter prior to  
40 submitting the application to Oregon Parks and Recreation Department.

41  
42 C. Appoint OCZMA Representatives

43 Current representative Jack Brown noted he was amenable to continue, but as OCZMA Board  
44 Member At Large, he must attend the meetings anyway, and he remarked on Alice Brown's  
45 positive interaction with OCZMA.

1 Motion 7: Taunton moved to appoint Alice Brown as Depoe Bay's OCZMA representative.  
2 Lavery seconded the motion.

3  
4 Mayor Silver said it was moved and seconded, and called for discussion. Alice Brown noted  
5 her only concern was that she have transportation available, since she doesn't drive.

6  
7 Vote: Motion 7 passed.

8 Ayes: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery  
9

10 Jack Brown outlined some of the benefits of OCZMA membership. He will serve as alternate if  
11 Alice Brown is unable to attend a meeting.

## 12 13 X. CORRESPONDENCE

14 There was no correspondence.  
15

## 16 XI. CITY STAFF REPORT

17 Owings asked if there were any questions on his written report (copy attached to original of  
18 these minutes). There were no questions.

19  
20 Murray had nothing to report, and there were no questions of her.  
21

## 22 XII. COUNCIL COMMENTS

23 Lavery: 1) Expects the City will receive a letter requesting a representative for an advisory  
24 committee for a transportation program that assists disabled and elderly persons to get to  
25 doctor and hospital appointments. 2) Urged everyone to be careful and take proper  
26 precautions when going through construction zones, citing a recent incident where a  
27 construction worker in Portland was hit by a car. The driver thought he hit a pylon. 3) The City  
28 of Toledo has invited everyone to their Fourth of July fireworks display this Saturday evening  
29 at dusk. They promise it will be better than the Vancouver barracks fireworks display.  
30

31 White: Expressed thanks to Owings for his assistance in getting a recent complaint resolved.  
32

33 Taunton: Pointed out there is a dead tree in the park land just north of Tidal Raves, saying it  
34 may be a safety hazard. Staff was directed to look into this.  
35

36 Jack Brown: 1) The harbor is full of boats. 2) All fueling is being done on dock 5. While this is  
37 risky, there is no alternative at this time. It is everyone's responsibility to say something if  
38 fueling is being done on other docks. 3) PMK is bringing fuel twice a week. If you see them,  
39 say hello and thank them for coming down. Jack may ask the Council to send a thank you  
40 letter with a gift certificate at the end of summer. 4) The Coast Guard rescues a small boat  
41 nearly every day. If you see them, tell them thank you and that they are appreciated. 5) The  
42 new fuel dock is proceeding.  
43

44 Alice Brown: Noted that campaigning for the election in 2000 resulted in conflicts between  
45 members of the Council. She encouraged everyone to commit to engage in positive  
46 campaigning, and to use candidates' platforms and programs when making decisions on who  
47 to vote for this year.

1  
2 Romans: 1) Suggested that rather than the City giving a gift to PMK, the charter boats should.  
3 2) Asked where the City Attorney is at with the complaint investigation he asked about at the  
4 last meeting. Mayor Silver said a written comment was received today, and he will be calling a  
5 Councilor to participate in a review committee. 3) Asked why the owner of a house would  
6 have to get a building permit to put in a window that was installed 10 years ago. Mayor Silver  
7 suggested he ask Staff.

8  
9 Silver: 1) Hometown Voices is a grassroots effort to get local municipalities to band together  
10 to express their concerns. Anyone interested in participating can do so tomorrow, when there  
11 is a phone conference. 2) Jean Cowan and Al Pern (state legislature candidates) have been  
12 invited to the next area mayors meeting, where they will hear positions and concerns from  
13 Florence, Yachats, Newport, Depoe Bay, and Lincoln City mayors.

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15 XIII. ADJOURN

16 There being no further business, the meeting was adjourned at 9:07 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary

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