

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

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

8 ABSENT: J. White, A. Brown  
9

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

### 13 I. PLEDGE OF ALLEGIANCE

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

### 16 II. CALL TO ORDER

17 Mayor Silver called the meeting to order at 7:00 PM. A brief recess was called while technical  
18 difficulties were resolved. The meeting was reconvened and a quorum established at 7:04 PM.  
19

### 20 III. APPROVE MINUTES: July 20, 2004 Executive Session and Regular Meeting

21 The minutes of the July 20, 2004 Executive Session and Regular Meeting stood approved as  
22 written.  
23

### 24 IV. ACCOUNTS PAYABLE

25 Motion 1: Romans moved to pay the accounts payable. Taunton seconded the motion.  
26

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

29 Vote: Motion 1 passed.

30 Ayes: Taunton, Silver, Romans, Jack Brown

31 Abstain: Lavery  
32

### 33 V. SPECIAL ORDERS

#### 34 A. Kids Zone: Ainslee Building

35 Carla Kearnes presented a proposal to remodel and expand the Ainslee Building in two  
36 phases, including the addition of an ADA accessible bathroom, a kitchen, two new offices, and  
37 a covered patio. There was brief discussion regarding the proposal and the deed restriction on  
38 the building. (Copy of request attached to original of these minutes.)  
39

40 Motion 2: Jack Brown moved to approve the two-phase process to expand the Ainslee  
41 Building, and to direct Staff to draft an amendment to the lease with Neighbors Against Drugs  
42 and to draft a letter to the Ainslee family requesting their approval. Lavery seconded the  
43 motion.  
44

45 Mayor Silver said it was moved and seconded, and called for discussion. A member of the  
46 audience expressed support for this project.  
47

1 Vote: Motion 2 passed.

2 Ayes: Taunton, Silver, Romans, Jack Brown, Lavery

3  
4 The lease agreement revision will be reviewed at the next regular meeting.

5  
6 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

7 Silver: reported that the Water Projects Committee met with retired engineer Robert Meyer  
8 today. The Committee has developed an itemized list to include in a request for proposal from  
9 Mr. Meyer. This will be moving forward in the near future.

10  
11 VII. PUBLIC COMMENTS

12 Cheryl Preston, POB 902, Lincoln City, extended an invitation from North Lincoln Fire District  
13 to attend an open house to meet New York firefighter Kevin Erdman on Monday, August 9 at  
14 the Oceanlake fire station from 8:15 to 10:00 AM. Mr. Erdman was at ground zero on 9/11.

15  
16 Peggy Leoni, Chamber of Commerce, 1) Abridged her comments from the previous Council  
17 meeting, saying she had been unaware of a meeting that had taken place between Mayor  
18 Silver and some of the Chamber Board members when she spoke. 2) Said that *The Beacon*  
19 had printed a misquote regarding the contract between the City and the Chamber. She  
20 clarified that the contract is to promote Depoe Bay, and receipts provided to the City confirm  
21 that the money is only used for that purpose.

22  
23 VIII. UNFINISHED BUSINESS

24 A. Painter (Park) Building Lease

25 Murray reported that a letter was received late this afternoon from Roy and Carla Griffin (copy  
26 attached to original of these minutes), withdrawing their proposal. The two remaining  
27 proposals are from Oregon Dept. of Parks and Recreation, and the Village Apprentice School.  
28 John Allen from the Parks Dept. and Cheryl Preston from the Village Apprentice School were  
29 present to provide details on their proposals and to answer questions from Councilors and the  
30 audience. There was discussion regarding the proposals. Betty Langdon, Bill Sachs, and  
31 Peggy Leoni spoke in favor of a visitor-oriented use such as an interpretive center.

32  
33 Motion 3: Lavery moved to accept the Oregon Dept. of Parks & Recreation proposal dated  
34 July 13, 2004.

35  
36 Amendment: Jack Brown amended the motion to allow one additional negotiation with the  
37 Parks Department. Lavery withdrew the motion.

38  
39 Motion 4: Lavery moved to use the Painter Building as a visitor interpretive center and  
40 continue negotiations with Oregon Dept. of Parks and Recreation for their "Whale Watching  
41 Spoken Here" program to occupy the building. Jack Brown seconded the motion.

42  
43 Mayor Silver said it was moved and seconded, and called for discussion. It was noted that the  
44 City will maintain the building and keep the restrooms open, as per deed conditions. A  
45 Councilor asked how the City would fund this use; this is to be discussed in negotiation.

46  
47 Vote: Motion 3 passed.

1           Ayes: Silver, Romans, Jack Brown, Lavery

2           Noes: Taunton

3  
4       Hearing no objection, Mayor Silver will research funding options with Staff, and report at the  
5       next meeting. A Councilor expressed concern that if volunteers are responsible for cleaning  
6       the restrooms, the responsibility might end up back with the City.

7  
8           B. Planning Commission Recommendation: Proposed Amendments to Ord. #24, Zoning  
9           Code Relating to Commercial Fishing Gear Storage

10       Referring to a packet and cover letter from the Planning Commission (copy attached to original  
11       of these minutes), Mayor Silver said that the Council has two options in how to proceed, per  
12       the City Charter's ordinance adoption process: either to direct Staff to prepare a draft  
13       amending ordinance and schedule an agenda item at a future regular Council meeting, or to  
14       hold a public hearing prior to the ordinance adoption process beginning. There was discussion  
15       regarding the two processes, and opportunities for public input as related to each of the  
16       options. It was the consensus of the Council to direct Staff to prepare a draft ordinance and  
17       schedule the first reading for the September 7, 2004 regular meeting.

18  
19       IX. NEW BUSINESS

20           A. Contract Renewal: Auditor Services

21       Murray noted that the proposal (copy attached to original of these minutes) would cover  
22       services for the next three years.

23  
24       Motion 4: Lavery moved to approve the contract renewal from Grimstad & Associates, and  
25       authorize the mayor to sign. Romans seconded the motion.

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

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29           Vote: Motion 4 passed.

30           Ayes: Taunton, Silver, Romans, Jack Brown, Lavery

31  
32           B. Proposed IGA with ODOT Right-of-Way: Harbor Overlooks Project

33       Murray said this inter-governmental agreement would allow ODOT's Right-of-Way Division to  
34       work for the City in acquiring the two properties for the Harbor Overlooks Project.

35  
36       Motion 5: Lavery moved to approve the proposed IGA with ODOT Right-of-Way, and  
37       authorize the mayor to sign. Taunton seconded the motion.

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

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41           Vote: Motion 5 passed.

42           Ayes: Taunton, Silver, Romans, Jack Brown, Lavery

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44           C. Water Storage Improvements Project Property Acquisition

45       Mayor Silver said that the City Attorney is drafting the necessary documents, and has not yet  
46       received information from the title company. This item was tabled to the next meeting.

1 D. Proposed Res. #342 to Place Local Option Tax Levy for Law Enforcement on the  
2 November 2, 2004 Ballot  
3 Murray read the notice of City Measure Election (copy attached to original of these minutes)  
4 into the record.

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6 Motion 6: Lavery moved to adopt proposed Res. #342, and authorize the mayor to sign.  
7 Romans seconded the motion.

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

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11 Vote: Motion 6 passed.

12 Ayes: Taunton, Silver, Romans, Jack Brown, Lavery  
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14 E. Law Enforcement Ballot Measure, November 2, 2004 Election – Information  
15 Dissemination

16 There was brief discussion about how to get information on this measure to the public, and  
17 how the dissemination would be funded. It was the consensus of the Council that the Law  
18 Enforcement Committee should draft a letter for mailing to all residents, and bring the draft  
19 back to the Council. The mailing will be funded by monies already collected from last year's  
20 room tax increase.

21  
22 F. Proposed Walkway/Bikeway Project Agreement with ODOT – Pirate's Cove Sidewalk  
23 Murray noted the City Attorney has reviewed and approved this agreement (copy attached to  
24 original of these minutes). She said there were two issues that are not resolved and Owings is  
25 still discussing with the State: 1) Item 15 on Page 4 – "City shall, upon completion of Project,  
26 maintain the Project at its own cost and expense and in a manner satisfactory to State."  
27 Owings said he would prefer that ODOT maintain that sidewalk, like they do with all Hwy 101  
28 sidewalks. 2) ODOT may want dates changed. There was brief discussion.

29  
30 Motion 7: Lavery moved to enter into the proposed Walkway/Bikeway Project Agreement with  
31 ODOT, and authorize the mayor to sign. Taunton seconded the motion.

32  
33 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

34  
35 Vote: Motion 7 passed.

36 Ayes: Taunton, Silver, Romans, Jack Brown, Lavery  
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38 X. CORRESPONDENCE

39 Murray said there was one item of correspondence: a letter from Larry Hardy (copy attached to  
40 original of these minutes) regarding law enforcement.

41  
42 XI. CITY STAFF REPORT

43 Owings reviewed his written report (copy attached to original of these minutes), including  
44 updates on the water plant, waste water plant, Pirate's Cove Sidewalk Project, Winchell Street  
45 Project, Parks Commission meeting, and hiring a part-time person. He also reported that the  
46 Corps of Engineers met regarding phase 2 of the seawall stabilization project (blacktop and  
47 sidewalks).

1  
2 Murray reported that Mim Swartz, Oregon Economic Community Development Department,  
3 will be visiting Lincoln County on August 9-10 to discuss community development issues.  
4 Anyone wanting to meet with her should contact Murray to set up an appointment.  
5

## 6 XII. COUNCIL COMMENTS

7 Silver: received a request from a Councilor to review Council policies regarding  
8 correspondence and the complaint procedure, with the City Attorney present. Hearing no  
9 objection, Staff was directed to contact the City Attorney and schedule a Thursday workshop  
10 for this purpose.  
11

12 Taunton: asked if there is a list of properties that the City is interested in acquiring besides tax  
13 lot 700 (discussed at the July 20 meeting). Murray said the original plan established around  
14 1996 was to acquire all the properties in that area, as they become available. Tax lot 700  
15 owner Ray Langston was present, and indicated that should he decide at some point in the  
16 future to sell the property, he would want fair market value for it. If this subject is discussed at  
17 a workshop, Mr. Langston will be mailed an agenda.  
18

19 Lavery: 1) At the last Cascades West Area Commission on Transportation meeting, a funding  
20 shortfall for Hwy 20 improvements was discussed. Lavery requested the Council support an  
21 effort to get the full funding by sending letters (as individuals, and from the City) to appropriate  
22 government officials. It was the consensus of the Council to send a letter of support from the  
23 City. 2) A Councilor was seriously injured in a pedestrian accident last weekend which  
24 occurred on the bridge. Lavery requested the City contact ODOT and ask them to install a  
25 railing between people crossing the bridge and traffic. The Traffic Safety Commission was  
26 directed to discuss this among themselves, and with involvement of the Downtown Refinement  
27 Plan Advisory Committee, draft a letter to ODOT, and bring it back to the Council for  
28 endorsement.  
29

30 Romans: 1) Suggested amending the City Charter to remove references to a person's sex. 2)  
31 Distributed copies of the Oaths of Office for Planning Commissioners and for City Councilors  
32 (copies attached to original of these minutes), and said that that City Council Oath of Office  
33 should include a statement about upholding laws. Mayor Silver noted these documents can be  
34 reviewed at a workshop, if that is Romans' wish.  
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## 36 XIII. ADJOURN

37 There being no further business, the meeting was adjourned at 9:29 PM.  
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42 \_\_\_\_\_  
43 Mayor Bruce R. Silver  
44

45 \_\_\_\_\_  
46 Silver Fox, Recording Secretary