

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

6 PRESENT: Mayor B. Silver, J. White, A. Brown, G. Romans, J. Brown, M. Lavery

7
8 ABSENT: P. Taunton
9

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

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18 III. APPROVE MINUTES: September 21, 2004 Regular Meeting

19 The minutes of the September 21, 2004 regular meeting stood approved as written.
20

21 IV. ACCOUNTS PAYABLE

22 Motion 1: Romans moved to pay the accounts payable. Lavery seconded the motion.
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24 Mayor Silver said it was moved and seconded, and called for discussion. There was none.
25

26 Vote: Motion 1 passed.

27 Ayes: White, Alice Brown, Silver, Romans, Jack Brown, Lavery
28

29 V. SPECIAL ORDERS

30 Marie Bahr, 131 SE Ainslee, said there are two large wood sculptures for sale at the apartment buildings,
31 and she thought the City might be interested in one of them for placement in the City Park. She passed
32 around a photo for Councilors to look at. Value is estimated at \$7,500. This item will be referred to the
33 Parks Commission.
34

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

36 Dick Johnson, Planning Commission Liaison, reported that the public hearing on the "Matrix" will be on
37 October 13, 2004, and invited Councilors to attend and listen to the proceedings. A question was raised
38 regarding the possibility of a quorum at the public hearing, and Murray will look into the legal aspects of
39 whether notice would be required should this happen.
40

41 VII. PUBLIC COMMENTS

42 Serena Scorpio 147 NW Hwy 101, expressed a concern that she was not notified that the Parks
43 Commission plans to remove a chain link fence on City property between her house and Whale Park.
44 Should the Parks Commission request the Council to take this action, an agenda will be sent to Mrs.
45 Scorpio.
46

1 VIII. UNFINISHED BUSINESS

2 A. Law Enforcement Ballot Measure, November 2, 2004 Election – Information Dissemination
3 Romans reported that last year’s ballot information was updated with new dates and statistics (copy of
4 packet attached to original of these minutes). A concern was expressed regarding the location of police
5 officer’s work space should the initiative pass, as City Hall does not have an appropriate space, and the
6 fire department headquarters has moved from Depoe Bay to Gleneden Beach.

7
8 Motion 2: Lavery moved that the draft form of Ballot Measure 21-100 – Local Option Tax Levy
9 information letter be approved with consideration that Item 7 be dropped from the final copy if the Fire
10 Chief does not approve using Station 1 for the police officer’s work space, and that the final letter
11 mailed to residents will include preferably both but at least one of LinComm’s graphs on the back side.
12 Alice Brown seconded the motion.

13
14 Mayor Silver said it was moved and seconded, and called for discussion. There was none.

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16 Vote: Motion 2 passed.

17 Ayes: White, Alice Brown, Silver, Romans, Jack Brown, Lavery

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19 Murray advised that the *Beacon* had faxed an offer (copy attached to original of these minutes) to run the
20 ballot measure text or a copy of the letter to residents in the *Beacon*’s special 2004 voter’s guide.
21 Council consensus was to send the letters to registered voters as planned, and not spend further money.

22
23 IX. NEW BUSINESS

24 A. Review Draft Letter Concerning Closure of Groundfishing
25 Jack Brown provided a draft letter regarding the recent sudden closure of groundfishing (copy attached
26 to original of these minutes), which Mayor Silver read into the record. Silver also noted he and other
27 port cities had received a letter from Mayor Jones of Newport, encouraging us to contact State
28 Representatives to ask them to review the way closures are determined. Mayor Jones suggested sending
29 a copy of the letter to Ray Naff of the Governor’s Office of Intergovernmental Relations, in addition to
30 Senators Smith and Wyden and Representative Hooley. Mayor Silver also said he would give Staff
31 information on the Department of Fish & Wildlife’s website for anyone interested. Peggy Leoni, 355 SW
32 Hwy 101, said she had a list of the members of the Governor’s Small Business Advisory Council that
33 she would email to Councilor Jack Brown, who suggested adding County Representatives and OCZMA
34 to the mailing list. It was the consensus of the Council to direct Staff to prepare the final letter for Mayor
35 Silver’s signature, and to mail to all persons named above.

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37 X. CORRESPONDENCE

38 Murray reported there was one item of correspondence: a letter dated September 24, 2004 addressed to
39 Mayor Silver from Larry Hardy (copy attached to original of these minutes) regarding fire hydrants. A
40 Councilor asked if Mr. Hardy had a copy of Ord. #164; Murray responded that Mr. Hardy has copies of
41 several ordinances, but she wasn’t sure if he had that one. Owings said he would meet with Mr. Hardy to
42 discuss relevant ordinances, and Mr. Hardy (who was in the audience) said he would phone for an
43 appointment.

1 XI. CITY STAFF REPORT

2 Owings had no report.

3

4 Murray reported that 1) ODOT is contacting Mr. Langston, the property owner of tax lot 700, to inquire
5 whether he is interested in securing the first option on the property. Once the City has received feedback
6 on this, Murray will request an agenda item to discuss the three components of the Harbor Overlooks
7 Project. 2) The City got signed approval from the Ainslee family for modifications to the Ainslee
8 Building requested by Neighbors Against Drugs. The lease has not yet been redrafted with the insurance
9 agent's comments, but the City Attorney has reviewed the comments and has no legal problem with the
10 recommendations, although there is a policy question. Murray expects to present a draft lease agreement
11 at the next regular Council meeting. 3) The League of Oregon Cities 39th Annual Conference is
12 November 4-6, 2004. Councilor White expressed an interest in attending.

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14 Motion 3: Jack Brown moved to approve lodging, travel, and registration expenses not to exceed \$700
15 for Councilor White to attend the League of Oregon Cities 39th Annual Conference. Laverty seconded
16 the motion.

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

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20 Vote: Motion 3 passed.

21 Ayes: White, Alice Brown, Silver, Romans, Jack Brown, Laverty

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23 XII. COUNCIL COMMENTS

24 Jack Brown expressed a concern regarding Serena Scorpio's public input, saying that the City should
25 ensure people are aware when an agenda item might affect them; e.g. property owners adjacent to City-
26 owned property that's being changed. Mayor Silver asked him and Councilor White to draft criteria to
27 apply to this concern.

28

29 Romans 1) Asked if the Council intended to take any action on Les Fultz's "20 Miracle Miles"
30 presentation from the September 21 meeting. It was noted that this item was referred to the Economic
31 Business Development Committee, who will be providing a report to the Council, at which time their
32 recommendation will be taken into consideration. 2) Regarding Mr. Hardy's letter, said perhaps
33 Newport's ordinances could be useful in modifying our own, and that he was looking forward to
34 Owings' report on his meeting with Mr. Hardy.

35

36 White noted that draft input on the City's complaint procedure has been distributed to the Council and
37 the Mayor for discussion at the next regular meeting, and asked Councilors to review and have their
38 suggestions ready.

39

40 Alice Brown expressed concern that codification of Ord. #256 has not begun. There was brief discussion
41 regarding how October 13th's public hearing on the "Matrix" might affect Ord. #256, and availability of
42 Staff time to work on this project. Murray stated that she could have a codified document ready for
43 Council review at the first meeting in January, 2005, and that the document should be reviewed by the
44 City Attorney before adopting through resolution. It was the consensus of the Council to direct Murray
45 to move forward with this process.

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1 XIII. ADJOURN

2 There being no further business, the meeting was adjourned at 8:00 PM.

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Mayor Bruce R. Silver

Silver Fox, Recording Secretary