

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, October 19, 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, City Attorney D. Gordon  
11 (departed 7:59 PM), Recording Secretary S. Fox  
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13 I. PLEDGE OF ALLEGIANCE

14 Mayor Silver called for all to stand for the Pledge of Allegiance.  
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16 II. CALL TO ORDER  
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18 III. APPROVE MINUTES: October 5, 2004 Regular Meeting & October 5, 2004 Executive Meeting  
19 The minutes of the October 5, 2004 regular and executive meetings 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  
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29 V. SPECIAL ORDERS

30 Dr. Richard Fox, Depoe Bay Clinic, announced that the clinic is holding an open house on November 12  
31 at 4 PM in honor of their 10<sup>th</sup> anniversary.  
32

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

34 Dick Johnson, Planning Commission Chairman, reported that the Planning Commission finished taking  
35 testimony on the proposed zoning changes on October 13, and will begin deliberations tomorrow at a  
36 special meeting starting at 6 PM, before the regular Planning Commission meeting at 7 PM.  
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38 VII. PUBLIC COMMENTS

39 Peggy Leoni, Chamber of Commerce, reported that the Chamber is in support of Terri Ann Thalman and  
40 the Coast Guard's efforts to prepare a Halloween party for local children. Please contact Terri Ann at  
41 Depoe Bay Candy Shoppe if you have a donation or wish to volunteer. Leoni noted that the Chamber is  
42 not hosting the party this year.  
43

44 VIII. UNFINISHED BUSINESS

45 A. Lease Agreement – Neighbors Against Drugs/Kids Zone – Ainslee Building

1 Murray reviewed the revised draft lease received today (copy attached to original of these minutes),  
2 focusing on changes suggested by the City’s insurance carrier. She noted that the City has received  
3 formal written approval to proceed with modification from Helen Caldwell (formerly Ainslee). Kay  
4 Wyatt said the Neighbors Against Drugs Board has reviewed the revised draft, and all board members  
5 have approved the suggested changes, except one person who is out of town. There was discussion  
6 regarding liability, insurance requirements prior to commencement of construction, and hazard  
7 insurance. Murray will contact the insurance company tomorrow for clarification on these issues, to be  
8 discussed at the next regular meeting.

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10 B. Review Draft Revisions to City Correspondence and Complaint Procedure (Tabled at  
11 September 7, 2004 Regular Meeting)

12 White reviewed the draft revisions resulting from his and Jack Brown’s work on this assignment (copy  
13 attached to original of these minutes). A Councilor expressed concern over “...any act that brings  
14 discredit on the City...”, asking who decides what constitutes an act that brings discredit on the City. A  
15 Councilor asked about inclusion of suggestions made at a previous meeting, but did not have a copy of  
16 the suggestions. A Councilor reminded everyone that the Council previously decided to minimize public  
17 exposure with issues regarding Councilor behavior, and that bringing such subjects up under Council  
18 Comments would negate that intent. There was brief discussion about whether it is appropriate to  
19 include a Staff member as part of an investigation, focusing on Staff’s availability as a resource, rather  
20 than as a participant. White and Jack Brown will re-draft their suggestions for presentation at a future  
21 meeting.

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23 IX. NEW BUSINESS

24 A. Amendment No. 1 – State Marine Board Facility Grant Agreement

25 Murray reported that a letter was received from the State Marine Board today, amending the facility  
26 grant agreement for the Harbor Fuel Facility Project for an additional \$40,000 in funding.

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28 Motion 2: Lavery moved to approve Amendment No. 1 to the State Marine Board Facility Grant  
29 Agreement #1206, and authorize the mayor to sign. White seconded the motion.

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

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33 Vote: Motion 2 passed.

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

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36 X. CORRESPONDENCE

37 Murray reported there were two pieces of correspondence (copies attached to original of these minutes):  
38 a letter from Millenium Digital Media regarding a rate increase, and a letter from a Depoe Bay property  
39 owner regarding a “kinder and gentler” utility billing procedure.

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41 XI. CITY STAFF REPORT

42 Owings reviewed his written report (copy attached to original of these minutes), covering the Harbor  
43 Fuel Project, Water Storage and Water Improvement Project, Pirate’s Cove Sidewalk Project, and  
44 Winchell Street Project.

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46 Murray had no report.

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XII. COUNCIL COMMENTS

White addressed a rumor that has been circulating regarding his service with the police department. He specifically stated that he believes he knows who started the rumor, and that Mayor Silver is not involved.

Alice Brown 1) Said rumors cause a tremendous amount of harm, and to consider the source when someone tells you a rumor. 2) Questioned why the City would seek to acquire a developed scenic land property when funding to maintain the building is insufficient.

Jack Brown said Depoe Bay is lucky to have two top-quality candidates for mayor.

Romans 1) Said he'd been approached by people who heard a rumor about Depoe Bay developing a large police department, and told them the City is only considering hiring one deputy sheriff. 2) Noted that campaign signs are being torn apart and some are missing. 3) Noted he is uncomfortable receiving last-minute business just before a meeting. 4) Questioned a Planning Commissioner's involvement with the Scenic Lands Acquisition Project, and asked why the Council isn't involved. There was discussion regarding ODOT involvement and their eminent domain policy. He was advised to discuss the history of this project with Staff. 5) Questioned why the City spends money on scenic land acquisition when there are infrastructure problems. It was explained that funding for scenic land acquisition can only be spent for the acquisition, and he was advised to consult Staff for further information.

With Council approval, Dick Johnson explained that the Planning Commission has never been involved with the Scenic Lands Acquisition Project, and that several Commissioners and Councilors are involved with other City projects.

XIII. ADJOURN

There being no further business, the meeting was adjourned at 8:25 PM.

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Mayor Bruce R. Silver

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Silver Fox, Recording Secretary