

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, January 18, 2005 - 7:00 PM
4 Depoe Bay City Hall
5
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7 PRESENT: Mayor J. White, P. Cameron, P. Taunton, A. Brown, G. Romans, J. Brown, M. Lavery

8
9 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Attorney D. Gordon,
10 Recording Secretary S. Fox
11

12 I. PLEDGE OF ALLEGIANCE

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

15 II. CALL TO ORDER

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

18 III. APPROVE MINUTES: January 4, 2005 Regular Meeting

19 Motion 1: Lavery moved to accept the minutes of the January 4, 2005 regular meeting as written.
20 Taunton seconded the motion.
21

22 Mayor White said it was moved and seconded, and called for discussion. There was none.
23

24 Vote: Motion 1 passed.

25 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery
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27 IV. ACCOUNTS PAYABLE

28 Motion 2: Romans moved to pay the accounts payable. Alice Brown seconded the motion.
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30 Mayor White said it was moved and seconded, and called for discussion. There was none.
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32 Vote: Motion 2 passed.

33 Ayes: Cameron, Alice Brown, White, Romans, Jack Brown, Lavery

34 Abstain: Taunton
35

36 V. SPECIAL ORDERS

37 A. Public Hearing: LUBA Remand to Depoe Bay City Council – Moreland vs. City of Depoe Bay,
38 LUBA No. 2004-101

39 Motion 3: Romans moved to postpone the public hearing to the February 1, 2005 regular meeting, when
40 the appellant's attorney, Dennis Bartoldus, could be present. Taunton seconded the motion.
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42 Mayor White said it was moved and seconded, and called for discussion. There was none. (Copy of
43 Bartoldus' letter requesting postponement attached to original of these minutes.)
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45 Vote: Motion 3 passed.

46 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery

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B. Review of Scenic Lands Projects

Project Manager Fran Recht, Melissa Mallott of ODOT, and Pat Moran of Oregon Scenic Byways were present to provide comprehensive answers to Council questions on the projects. Mallott said that Ray Langston, property owner of tax lot 700, told her after the last meeting that she could proceed with getting an appraisal for the deed restriction, and she told him she would need to get the Council’s direction before doing this. She clarified that the deed restriction would be a “scenic easement” that would prohibit anything new being built on the property above highway level, that currently-existing structures would be grandfathered in, and that obtaining first right of refusal was in the grant but wasn’t their top priority. She suggested moving forward with appraisals on tax lot 700, the property under the bridge by the old Joan-E building, and the property south of the smokehouse. Moran gave an overview of the Scenic Byways program’s 10-year history and objectives, noting that the program has no intention of telling local municipalities what they should or should not do with affected properties. He said that in 1997 the state of Oregon’s Scenic Byways program received fully 10% of all federal grant monies to pursue acquisition of properties mostly along Hwy 101 because of a sense of urgency regarding the loss of views of the Pacific Ocean along the highway.

Motion 4: Jack Brown moved to approve moving forward with the appraisal phase of the Scenic Lands Acquisition Project. Laverty seconded the motion.

Mayor White said it was moved and seconded, and called for discussion. A Councilor asked who pays for the appraisals; Mallott said it comes out of grant money and matching funds.

- Vote: Motion 4 passed.
- Ayes: Cameron, Alice Brown, White, Romans, Jack Brown, Laverty
- Noes: Taunton

Recht said she did not feel that there will be enough money to proceed on all three properties, and suggested prioritizing.

Motion 5: Romans moved to consider this project’s priorities as tax lot 700, followed by the property under the bridge, followed by the property south of the smokehouse. Laverty seconded the motion.

Mayor White said it was moved and seconded, and called for discussion. A Councilor clarified the action on tax lot 700 is a deed restriction, and acquisition of the other two properties. Gordon said if appraisal results require prioritization to determine how many can be done, that Staff can utilize the Council’s prioritization. Mallott clarified that a deed restriction qualifies as acquisition of a single right.

- Vote: Motion 5 passed.
- Ayes: Cameron, Alice Brown, White, Romans, Jack Brown, Laverty
- Noes: Taunton

C. Tsunami Warning System

Dr. George Priest of the Oregon Department of Geology and Jim Hawley of Lincoln County Emergency Services gave an informative Powerpoint presentation on earthquakes and tsunamis. The information is available at www.oregongeology.com. Follow up discussion included a suggestion to listen to local

1 media for accurate information following an earthquake, and that sirens are costly, not very audible,
2 unreliable, and people don't always pay attention to them because of the number of other sirens normally
3 heard (see copy of letter from Gordon Priedeman, attached to original of these minutes). The best
4 warning sign is the shaking from an earthquake which precedes a tsunami. Hawley noted that Lincoln
5 County is safer than the valley due to the risk of chemical spills from railroad cars, high voltage lines,
6 and the aviation line under I-5 from Portland to Eugene. Tsunami evacuation maps are available at City
7 Hall, the fire station, and the Chamber of Commerce.

8
9 Mayor White called a five-minute recess at 8:31 PM. The meeting was reconvened at 8:36 PM.

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

12 There were no reports.

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14 VII. PUBLIC COMMENTS

15 Joel Gallob, News-Times, suggested creating storage of emergency drinking water in gallon jugs with
16 bacteria-killing tablets, to be inspected on a five-year schedule. Former Mayor Silver advised there is
17 information in City files prepared by a now-defunct Future Preparedness Committee. Mayor White
18 directed Staff to locate this information.

19
20 VIII. UNFINISHED BUSINESS

21 There was no unfinished business.

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23 IX. NEW BUSINESS

24 A. Proposed Engineering Services Agreement – Water System Improvements Project
25 Owings requested this item be postponed to the February 1, 2005 regular meeting. It was the consensus
26 of the Council to allow this.

27
28 X. CORRESPONDENCE

29 There were four items of correspondence (copies attached to original of these minutes): 1) A letter from
30 Larry Hardy regarding positive thinking and moving forward to develop Depoe Bay. 2) A letter of
31 resignation from the Planning Commission, submitted by Bruce Moore effective January 10, 2005.

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33 Motion 6: Lavery moved to accept Bruce Moore's resignation from the Planning Commission, and send
34 him a letter of thanks. Alice Brown seconded the motion.

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36 Mayor White said it was moved and seconded, and called for discussion. There was none.

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38 Vote: Motion 6 passed.

39 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery

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41 Murray noted she will post notice that the City is accepting applications for the position.

42
43 Correspondence, continued: 3) A letter from Lester Fultz regarding development of Austin Street and
44 Vista Terrace Avenue and the City creating a Local Improvement District to conduct the improvements.
45 Mr. Fultz was present and described the proposed development and his involvement. The Council felt
46 this item rose concerns best discussed in a workshop setting. 4) A letter from the Gold Wing Road

1 Riders Association requesting waiver of fees and deposit for use of the Community Hall for a member
2 leadership retreat on March 5, 2005. A Councilor noted that waiver requests are generally granted when
3 it's a Depoe Bay group or the event benefits the community.

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5 Motion 7: Lavery moved to deny the waiver request of the Gold Wing Road Riders Association.
6 Taunton seconded the motion.

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

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10 Vote: Motion 7 passed.

11 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery

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13 XI. CITY STAFF REPORT

14 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
15 water use, water rights, the Harbor Fuel Tank Project, and dredging the harbor. He noted that the general
16 feeling among Harbor Commissioners was that due to limited funds, dredging should take precedence
17 over paving the parking lot. The consensus of the Council was to agree that dredging the harbor should
18 be done first.

19
20 Murray reported that 1) The City Planner will not be available on the proposed date of January 25, 2005
21 for the Matrix presentation workshop. The workshop was rescheduled for February 1, 2005 at 5:30 PM,
22 prior to the Council meeting. 2) The annual workshop to discuss goals and priorities, and the workshop
23 to discuss Mr. Fultz' proposed development will be scheduled in February. 3) The Council of
24 Governments would like city attorneys to attend their February meeting to discuss Measure 37 issues. It
25 was the consensus of the Council that Gordon should attend this meeting.

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27 XIII. COUNCIL COMMENTS

28 Alice Brown congratulated and thanked Mayor White for bringing the governor to Depoe Bay.

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30 Jack Brown echoed Alice Brown's comment.

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32 Romans said the goals and priorities workshop needs to be scheduled as early in the year as possible, and
33 asked Mayor White to report on the governor's visit.

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35 White summarized details of Governor Kulongoski's visit. He added that he spoke with Oregon Public
36 Broadcasting regarding a possible documentary on the Fleet of Flowers.

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38 XII. ADJOURN

39 There being no further business, the meeting was adjourned at 9:39 PM.

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44 Mayor James White

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46 Silver Fox, Recording Secretary