

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, June 21, 2005 - 7:00 PM
4 Depoe Bay City Hall
5
6

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 Planner L. Lewis
10

11 I. PLEDGE OF ALLEGIANCE

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

14 II. CALL TO ORDER

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

17 III. APPROVE MINUTES: June 7, 2005 Regular Meeting
18

19 Motion 1: Alice Brown moved to accept the minutes of the June 7, 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
26

27 IV. ACCOUNTS PAYABLE

28 Motion 2: Romans moved to pay the accounts payable, including two separate prorated checks to
29 Cingular. Taunton seconded the motion.
30

31 Mayor White said it was moved and seconded, and called for discussion. There was none.
32

33 Vote: Motion 2 passed.

34 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown
35

36 Abstain: Lavery
37

38 V. SPECIAL ORDERS

39 A. Water Storage/System Improvements Project – Presentation by MSA Engineers
40 Matt Hickey and Jim Helton of MSA Associates gave a brief presentation and answered questions
41 regarding the water improvements project. Included was a cost summary of alternatives for the water
42 storage tank. (Copy of Technical Memorandum from MSA attached to original of these minutes.)
43

44 Motion 3: Lavery moved to go with Alternative #5 and continue with the process to install the new 1.2
45 million gallon water storage tank. Cameron seconded the motion.

1 Mayor White said it was moved and seconded, and called for discussion. Owings noted that the ballot
2 measure included water plant improvements, fire hydrants, and other distribution system work, but that
3 the original cost estimate will be insufficient to cover costs. He had spoken with the engineers and the
4 Water Committee, and together they have decided the best option is to phase these other projects in until
5 all projects covered in the ballot measure have been completed.

6
7 Vote: Motion 3 passed.

8 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Laverty
9

10 B. Public Hearing – Adoption of Highway 101 Downtown Refinement Plan

11 Lewis summarized the recommendations for improvements to the Hwy 101 corridor (copy of Summary
12 of Recommended Improvements attached to original of these minutes). He noted that ODOT is the
13 primary funding source for projects that will implement the recommendations made in the plan, and that
14 a plan is necessary in order to pursue future funding. He said there was a significant public involvement
15 process, including citizen interviews, an advisory committee, three open houses, and three “agency”
16 meetings that included City Staff and ODOT personnel. He also noted that the Capital Improvement
17 Plan identifies individual projects, and the Finance Plan identifies funding options. He reviewed the
18 proposed plan in detail, and answered questions from Councilors and the audience. Carla Kearnes, 140
19 SW Gull Station, expressed concern regarding the safety of children crossing the highway to get to the
20 Kids Zone at the south end of town, and asked if it would be possible to put in a crosswalk at
21 Schoolhouse Street, and in lieu of a crosswalk, would signage be an option. She also said that big trucks
22 park near the Ainslee Building to go to the Whistle Stop. Lewis responded that a crosswalk in that area
23 was looked at in depth, but safety-related obstacles were encountered, and ODOT is the agency that
24 determines signage issues on the highway. Kearnes requested that Lewis follow up with ODOT. A
25 suggestion was made that perhaps the trucks could be directed to park in a different location; and a
26 Councilor also noted that big trucks speed through the south end of town. Dick Johnson, Planning
27 Commission Chairman, said for the record that the project required that the plan be presented to the
28 Planning Commission, and the Planning Commission recommended adoption of the plan, provided: 1)
29 diagonal parking be maintained for two blocks south of the bridge on the west side, and 2) there be a
30 special study of the safety at the intersection where Combs and Conway cross Collins, to determine what
31 kind of safety features are necessary at that location. Fran Recht, 66 NE Williams, recommended that an
32 indication that there is a need for further study for a crosswalk at Schoolhouse Street be added to the
33 plan. There was discussion regarding traffic signals, including the number and type of signals needed.
34 Lewis said that while there was a lot of discussion about a second signal, the overall consensus of the
35 community was that a second light was not wanted, and also that a second light is not warranted due to
36 lack of volume coming off local streets. He added that there is a recommendation for a fire warning
37 signal in front of the fire station. Pat Maguire said the Bay Street loading zone area is already congested,
38 and there are visual limitations when making left turns, so perhaps instead of making Collins Street one
39 way, that block could be made right turn only. In response to a Councilor’s question, Lewis said that no
40 parking spaces will be lost in this plan.

41
42 Motion 4: Cameron moved to adopt the Downtown Refinement Plan proposal, including maintaining
43 diagonal parking two blocks south of the bridge on the west side of Hwy 101, and including a provision
44 for a crosswalk at Schoolhouse Street. Taunton seconded the motion.
45

1 Mayor White said it was moved and seconded, and called for discussion. A Councilor said the Kids
2 Zone has been given a 20-year lease in the Ainslee Building, and spoke strongly to their safety being
3 taken into consideration in this plan.

4
5 Amendment: Lavery amended the motion to include signs and lighting for all crosswalks, and to leave
6 Collins Street as a two-way street with right turn only onto Hwy 101. Alice Brown seconded the
7 amendment.

8
9 Mayor White said it was moved and seconded, and called for discussion. A Councilor clarified the
10 Planning Commission's recommended amendment. It was also clarified that the amendment included
11 safety concerns at the intersection where Combs and Conway cross Collins. Lewis said he was hesitant
12 to show a crosswalk at Schoolhouse Street at this time, because safety concerns were identified. He
13 advised noting on the plans that a crosswalk is needed there and it needs a more detailed look to
14 determine the exact location, and said that ODOT would need to be involved in any plans for a
15 crosswalk on the highway. He said there were extensive discussions in the advisory committee meetings
16 and open houses regarding Collins Street, and there was a lot of interest in making Collins Street one
17 way; it was the intent to show both alternatives in the plan.

18
19 Vote: Amendment to Motion 4 passed.

20 Ayes: Taunton, Alice Brown, White, Romans, Jack Brown, Lavery

21 Noes: Cameron

22
23 Vote: Original Motion 4 passed.

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

25 26 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

27 A. Presentation by Robert Lee for Depoe Bay Emergency Preparedness Committee – Updating 28 Emergency Operations Plan

29 Robert Lee, 140 NE Spring, briefed the Council on the history of the Emergency Preparedness
30 Committee. He requested the Council begin a review of the Emergency Operations Plan (EOP), and said
31 the committee would assist in dissemination of information after it's updated. He said the committee is
32 prepared to develop suggestions for parts of the plan that deal with community response to general
33 emergencies like tsunamis, and to extend emergency plans developed by official agencies such as the
34 Coast Guard, law enforcement, and medical agencies. The committee seeks input and participation from
35 the community and from local, state, and other authorities. A Councilor suggested authorizing this
36 committee as an official City Committee so their suggestions could be worked on. Murray noted that
37 Oregon public meeting laws have specific requirements regarding notification of meetings and minutes
38 requirements. On advice of the City Attorney, Murray said the Council can state there is no objection to
39 this committee evaluating the City's EOP and providing comments to the Council, without official
40 sanction as a City Committee. Alternately, the City can direct Staff to draft an ordinance creating a
41 Committee that will do this work. The committee will review the existing plan and return at a future date
42 to provide comments for change to the Council.

43
44 Jim Hawley, Emergency Services Manager for Lincoln County, was present to discuss last week's
45 tsunami alert and answer questions. He said that most of the west coast received no information from
46 NOAA (National Oceanic and Atmospheric Administration) because there was a problem with a

1 telephone line. He said that any quake below a 7.0 does not generate an alert. He said there is a 15%
2 chance of having a major earthquake in the next 50 years, and that a 9.0 earthquake would generate a
3 wave action of 31 feet. He indicated it is safer at the coast than in the valley. Mayor White asked about
4 the County's procedure for getting the word out to police and fire departments; Mr. Hawley said
5 information comes through LinCom to police, fire, and medical groups. He noted that in the past, the
6 Depoe Bay Fire Department notified public works, but he did not know their current responsibilities. He
7 said that the Siletz, Newport, and Lincoln City Fire Departments notify their respective public works
8 departments. He advised the City's emergency plan as relates to fire department services be updated
9 immediately. A Councilor asked Murray to read an excerpt from the *Concept of Operations* section of
10 the *Lincoln County, Oregon Emergency Operations Plan 2003-2005*: in general, "Emergency operations
11 will be an expansion of daily tasks and responsibilities, as well as tasks and responsibilities particular to
12 the incident." Subsection 2 reads: "General responsibilities for fire service agencies during emergencies
13 will continue to include fire control and suppression, emergency medical services, rescue from structures
14 and vehicles, warning for tsunamis, and first response to hazardous materials incidents." There was
15 discussion regarding the initial and maintenance costs of free-standing sirens, and the existing sirens and
16 PA systems on fire trucks, which were not utilized during the recent alert. Mayor White said he is
17 investigating funding for sirens and signage.

18

19 VII. PUBLIC COMMENTS

20 Peggy Leoni, Chamber of Commerce, said fireworks will be held at Boiler Bay on July 3. There will be a
21 free shuttle bus running through town from 5 PM until everyone has left Boiler Bay, and there will be a
22 concession stand.

23

24 Mayor White called a recess at 9:08 PM. The meeting reconvened at 9:15 PM.

25

26 Cheri Ellithorpe, 167 SE South Forty, said the City needs to address the lack of warning during the
27 recent tsunami alert, and that it's the City's responsibility to ensure its citizens are safe. She was
28 disturbed that the fire department and Coast Guard went to higher ground and also had time to call their
29 families and send them to higher ground, while the rest of the population was "considered expendable".
30 She felt that using the sirens and microphones while they were in the process of moving to higher ground
31 would have warned at least some people. She also said there are several technological warning system
32 options available.

33

34 VIII. NEW BUSINESS

35 A. Proposed Intergovernmental Agreement with Oregon Parks and Recreation Department – Painter
36 Park Building

37 Murray said the City Attorney drafted language to make revisions to the existing agreement with the
38 Parks and Recreation Department. Included is a longer time frame and a change in utility payments.

39

40 Motion 5: Laverty moved to send the proposed amended Intergovernmental Agreement to Oregon Parks
41 and Recreation Department for their approval. Jack Brown seconded the motion.

42

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

44

45 Vote: Motion 5 passed.

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

1
2 B. Social Games, Request to Authorize Within the City of Depoe Bay – Pat Maguire, Harbor Lights
3 Pat Maguire provided a brief outline of social games as defined by the City of Newport, with Lincoln
4 County requirements. He described his proposal, which would include additional room tax revenues to
5 the City, and asked the Council to enact a resolution to allow this activity. Fran Recht urged caution and
6 consideration as to whether the City would want to have this type of activity in Depoe Bay, and open it
7 up to public discussion. She asked that the Council not move forward with a resolution without further
8 discussion. Mayor White assured Ms. Recht that no action would be taken before the issue is looked into
9 further. Two Councilors said they were against this activity. Another Councilor asked for additional
10 information on how it operates and where gaming currently takes place in Newport. Mr. Maguire said
11 his brother is an independent entity who has been investigated by the FBI and would be handling that
12 end of the business. A Councilor suggested getting additional information from the City of Newport and
13 holding a public hearing on the matter. Murray said she did not know if allowing this activity would
14 require a text amendment to the zoning ordinance, with its associated Measure 56 notification
15 requirements. If not, the only way it can be allowed would be if the Council would authorize it through
16 adoption of an ordinance, which procedure provides two opportunities for public comment. Staff was
17 directed to gather information regarding the procedure, and what regulations the City could impose, and
18 report back to the Council at the next regular meeting.

19
20 IX. OLD BUSINESS

21 A. Pirate’s Cove Sidewalk Project – Amendment to ODOT Agreement #21845
22 Murray said this amendment (copy attached to original of these minutes) revises portions of the
23 agreement, such as changing the requirement that the City hire the contractor to allowing ODOT to hire
24 the contractor, to ensure the paperwork reflects what actually occurred.

25
26 Motion 6: Laverty moved to approve Amendment #1 to ODOT Agreement #21845 for the Pirate’s Cove
27 Sidewalk Project. Taunton seconded the motion.

28
29 Mayor White said it was moved and seconded, and called for discussion. There was none.

30
31 Vote: Motion 6 passed.

32 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Laverty

33
34 B. Findings, Conclusions, and Final Order – Appeal of Planning Commission Decision on
35 Application for Development in the Coastal Shorelands Overlay Zone – Case File #3-CS-PC-05 -
36 Appeal

37 Lewis said the Planning Commission findings were combined with additional testimony received from
38 the applicant and the memo provided to the Council at the last meeting. He reminded the Council that
39 they were upholding the Planning Commission’s decision with the included conditions of approval.
40 (Copy of the Findings, Conclusions, and Final Order attached to original of these minutes.)

41
42 Motion 7: Taunton moved to adopt the Findings, Conclusions, and Final Order for Case File
43 #3-CS-PC-05. Cameron seconded the motion.

44
45 Mayor White said it was moved and seconded, and called for discussion. A Councilor questioned
46 wording at the top of Page 5.

1
2 Amendment: Taunton amended the motion to make the following change to Item F. Order: “It is
3 ORDERED by the Depoe Bay City Council that ~~the appeal~~ of the Planning Commission’s decision of
4 approval...” Cameron accepted the amendment.

5
6 Mayor White said it was moved and seconded, and called for further discussion. There was none.

7
8 Vote: Motion 7, as amended, passed.

9 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown

10 Noes: Lavery

11
12 X. CORRESPONDENCE

13 There were four items of correspondence (copies attached to original of these minutes: 1) A letter of
14 thanks from John Sollers and Ryan Pedersen for use of the Council Chambers for tutoring. 2) A letter
15 from Paula Gallegos identifying outstanding action performed by a City Employee. 3) A letter from
16 Suzette Boydston requesting funding for the Senior Companion Program. Murray noted the request is
17 too late for including in the 2005-2006 Budget, as the Budget had already been adopted, but that the
18 request should be responded to. 4) A letter of resignation from Joe Boyette from the Salmon
19 Enhancement Commission.

20 Motion 8: Lavery moved to accept Joe Boyette’s resignation from the Salmon Enhancement
21 Commission, send him a letter of thanks for his long service, and advertise the vacancy. Taunton
22 seconded the motion.

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

24 Vote: Motion 8 passed.

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

26
27 Mayor White asked if funding for the Senior Companion Program could be authorized in the same
28 manner as funding for CASA was authorized at the last Council meeting. It was noted that the Budget
29 was adopted after that authorization had been made. Murray said if the Council wants to authorize the
30 funding in the 2005-2006 fiscal year, she will review the Miscellaneous Expense line item to see if
31 there’s enough money there, and it could be discussed at the next regular meeting. It was the consensus
32 of the Council to ask Ms. Boydston to attend the next Council meeting.

33
34 XI. CITY STAFF REPORT

35 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
36 the Winchell Street Project, the Pirate’s Cove Sidewalk Project, the Water Storage Project, the Annual
37 Drinking Water Quality Report, water leaks and breaks, and the Harbor Fuel Project. Murray said the
38 fuel tank was inspected last week, and that the main tank is built, dimensions were able to be measured,
39 and the welding has been done properly, but the tank is not yet completed.

40
41 Murray had no further report.

1 XII. COUNCIL COMMENTS

2 Alice Brown offered thanks to Mr. Lee and his group for their work on emergency preparedness. Jack
3 Brown agreed.

4
5 Romans said the person at the charter office who was feeding the seals is no longer feeding them, so
6 apparently the representative from Astoria paid him a visit.

7
8 Mayor White said he was asked to be the opening speaker for Relay for Life on July 9 from noon to 5
9 PM at Taft High School. He invited anyone from the community and the Council to join him on this
10 walk.

11
12 XIV. ADJOURN

13 There being no further business, the meeting was adjourned at 9:56 PM.

14

15

16

17

18

Mayor James White

19

20

21

22 Fox Dreamingtime, Recording Secretary