

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, August 16, 2005 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Mayor J. White, P. Cameron, P. Taunton, A. Brown, G. Romans, J. Brown, M. Lavery
7

8 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Attorney P. Gintner,
9 Recording Secretary F. Dreamingtime
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: August 2, 2005 Executive Session and Regular Meeting
18

19 Motion 1: Alice Brown moved to accept the minutes of the August 2, 2005 Executive Session and
20 Regular Meeting as written. Lavery 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. Taunton seconded the motion.
29

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

32 Vote: Motion 2 passed.

33 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery
34

35 V. SPECIAL ORDERS

36 There were no special orders.
37

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

39 There were no reports.
40

41 VII. PUBLIC COMMENTS

42 Jack Chiavario asked for the City's support of a Lions Club health-screening event on September 3 at the
43 Lincoln Beach Sentry market. He also asked for the Mayor's signature on a proclamation about this
44 event. (Copy of handout attached to original of these minutes.)
45

1 Motion 3: Jack Brown moved to support the Lions Club health-screening on September 3. Cameron
2 seconded the motion.

3
4 Mayor White said it was moved and seconded, and called for discussion. The Mayor and a Councilor
5 said they would abstain from voting because they are Lions Club members.

6
7 Vote: Motion 3 passed.

8 Ayes: Cameron, Taunton, Romans, Jack Brown, Laverty

9 Abstain: Alice Brown, White

10
11 Kay Wyatt, Neighbors Against Drugs (NAD) - Kids Zone sponsor, said they were very happy to receive
12 a grant from the Oregon Community Foundation in the amount of \$3,000 and the NAD Board
13 unanimously voted to use the funds for a second bathroom for the Kids Zone. The new bathroom will be
14 ADA compliant. (Copy of announcement attached to original of these minutes.)

15
16 John Wiegardt, Wing Wa employee, asked the Council to reconsider their decision to recommend denial
17 of Wing Wa's OLCC application for off-premises sales at the last Council meeting. (Copy of memo
18 from Murray to the Council on this matter is attached to original of these minutes.)

19
20 Motion 4: Romans moved to reconsider the recommendation to deny Wing Wa's OLCC application for
21 off-premises sales. Cameron seconded the motion.

22
23 Mayor White said it was moved and seconded, and called for discussion. A Councilor noted that he had
24 thought he voted wrong on this issue at the last meeting.

25
26 Vote: Motion 4 passed.

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

28
29 Bill Freeman, South Point, inquired on the status of the South Point property that is supposed to be
30 getting cleaned up. Mayor White said it has gone to court. Mr. Freeman was asked to contact City Hall
31 tomorrow for the exact court date.

32
33 Peggy Leoni, Chamber of Commerce, said this year's Salmon Bake poster is fabulous, and posters are
34 available for sale. The Salmon Bake will take place on September 17. Call the Chamber if you are
35 interested in volunteering. Mayor White said he gave up football tickets in order to attend the Salmon
36 Bake.

37 38 VIII. UNFINISHED BUSINESS

39 A. Fractional Ownership in Residential Zones

40 Mayor White asked if anyone in the audience wanted to speak. All were interested in hearing what the
41 City Attorney had to say. Mr. Gintner explained that he will be taking over legal services in place of Mr.
42 Gordon, and that he had reviewed all the materials and the ordinances. He stated that the law firm stands
43 behind Gordon's opinion that fractional ownerships are not allowed in residential zones. (Copies of
44 letter dated 8/10/05 in opposition to commercial fractional ownership from Walter & Sandra Graham,
45 letters dated 8/9/05 and 8/16/05 regarding joint ownership of residential property from Robert Van

1 Brocklin of Stoel Rives, and letter dated 8/16/05 regarding fractional ownership in R-1 zone from Dave
2 Gordon attached to original of these minutes.)

3
4 Motion 5: Lavery moved to stand by the City Attorney’s advice to not allow fractional ownerships in an
5 R-1 zone. Romans seconded the motion.

6
7 Mayor White said it was moved and seconded, and called for discussion. A Councilor noted that the
8 whole point of having single family ownership is so it stays within the family unit, and that use of the
9 property must be 30 contiguous days.

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11 Vote: Motion 5 passed.
12 Ayes: Cameron, Taunton, Alice Brown, White, Jack Brown, Lavery
13 Noes: Romans

14
15 Mayor White asked Gintner to draft a letter to Mr. Van Brocklin in explanation of the Council’s
16 decision.

17
18 B. Legal Services Agreement
19 Since Mr. Gintner has assumed Mr. Gordon’s position, there was no action necessary to change the
20 contract.

21
22 Motion 6: Lavery moved to accept Pete Gintner as the City Attorney. Taunton seconded the motion.

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

25
26 Vote: Motion 6 passed.
27 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery

28
29 Mayor White noted that although Gordon is leaving the area, he will maintain contact with Gintner.

30
31 IX. NEW BUSINESS

32 A. Downtown Refinement Plan – Implementation Crosswalks at Collins, Clarke, and Bay Street
33 Intersections

34 Owings reported that ideas to implement crosswalks and bulbouts include applying for a
35 bicycle/pedestrian grant, or applying for a “quick fix” grant from ODOT. The quick fix grants are up to
36 \$100,000, and the City would have to fund anything in excess of that. The cost of the entire project is
37 estimated at close to \$3 million, and the City must be prepared to spend significant dollars toward the
38 project. The necessity for a crosswalk near the Kids Zone was discussed, and it was noted that one is in
39 the plan, but the north side of town is being addressed first. Council consensus was for Owings to meet
40 with the City Planner and provide additional information at the next meeting.

41
42 B. Designate OCZMA Representative and Alternate

43 Current representative Alice Brown asked to be excused from continuing in this capacity due to a
44 personal situation regarding transportation. There was brief discussion. (Copy of OCZMA letter dated
45 July 20 attached to original of these minutes.)

46

1 Motion 7: Taunton moved that Jack Brown be the primary OCZMA representative and Romans be the
2 alternate. Lavery seconded the motion.

3
4 Mayor White said it was moved and seconded, and called for discussion. There was none.

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6 Vote: Motion 7 passed.

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

8
9 X. CORRESPONDENCE

10 Two letters were received from Oregon Parks and Recreation Department (copies attached to original of
11 these minutes) regarding award of funding toward expansion of City Park. Murray noted that the grant
12 application to OWEB (Oregon Watershed Enhancement Board) is not expected to be recommended for
13 funding, but final word will not be received until mid-September. She asked the Council to consider
14 fundraising to cover necessary costs associated with the expansion.

15
16 Motion 8: Lavery moved that the City have a fundraiser to raise \$30,000 as match for the \$130,000
17 grant awarded for expansion of City Park. Alice Brown seconded the motion.

18
19 Mayor White said it was moved and seconded, and called for discussion. It was noted that \$20,000 in
20 Parks SDC funding is currently available. A Councilor suggested consulting with the Parks Commission,
21 and another Councilor commented how successful the *Music in the Park* event was in celebration of the
22 Scenic Lands Acquisition Project coming to a close.

23
24 Vote: Motion 8 passed.

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

26
27 Murray said she will present fundraising ideas at the next meeting.

28
29 Correspondence, continued:

30 A letter was received from Bob Ward of the Drake in Oregon Society (copy attached to original of these
31 minutes) asking the City to support his proposal to establish a maritime museum in Depoe Bay.

32
33 Motion 9: Cameron moved the City send a letter in support of establishing a maritime museum in Depoe
34 Bay. Taunton seconded the motion.

35
36 Mayor White said it was moved and seconded, and called for discussion. A Councilor noted that this
37 idea would help attract tourists by making Depoe Bay a destination. Another Councilor expressed
38 concern over stability of the land that is planned to be used to build the maritime museum on.

39
40 Vote: Motion 9 passed.

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

42
43 XI. CITY STAFF REPORT

44 Murray had no report. A Councilor asked her to report on the status of the salary survey. Murray said she
45 will provide a complete report at the second meeting in September, provided she is able to acquire all the
46 information.

1
2 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
3 the Water Storage Project, the Harbor Fuel Project, the Edgewater Lift Station upgrade, a wastewater
4 plant tour, and other harbor projects.

5
6 XII. COUNCIL COMMENTS

7 Alice Brown thanked the Council for being supportive of the Drake in Oregon Society.

8
9 Laverty thanked Mr. Gintner for taking over the vacancy left by Mr. Gordon's departure.

10
11 Jack Brown quipped with the Council, advising that Mr. Ward be watched as he intends to change
12 "coastal communities" to "coastal colonies". He also brought attention to the fact that Mr. Van Brocklin
13 (present) is the cousin of Norman Van Brocklin, who used to be with the L.A. Rams in the 1950s.

14
15 Cameron said he appreciated the number of people in the audience and asked them to participate in
16 Council meetings more often.

17
18 Mayor White said he attended the Mayors Association Conference in a very hot Jacksonville last
19 weekend. He noted he provided the Council with information on communications from one of the
20 speakers. He said there were five resolutions approved to go to the Governor: one on
21 telecommunications, prevailing wages, the Oregon Land Use Task Force, importing of and education on
22 methamphetamine, and Oregon Air Defense. Next year's conference will be in Newport, and each local
23 community will be asked to do something.

24
25 XIV. ADJOURN

26 There being no further business, the meeting was adjourned at 7:54 PM.

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31 _____
Mayor James White

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33
34 _____
35 Fox Dreamingtime, Recording Secretary