

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, February 7, 2006 - 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, Recording Secretary
10 F. Dreamingtime
11

12
13 I. PLEDGE OF ALLEGIANCE

14 Mayor White called for all to stand for the Pledge of Allegiance.
15

16 II. CALL TO ORDER

17 Mayor White called the meeting to order and established a quorum at 7:00 PM.
18

19 III. APPROVE MINUTES: January 17, 2006 Executive Session and Regular Meeting
20

21 Motion 1: Alice Brown moved to accept the minutes of the January 17, 2006 Executive Session and
22 Regular Meeting as written. Lavery seconded the motion.
23

24 Mayor White said it was moved and seconded, and called for discussion. There was none.
25

26 Vote: Motion 1 passed.

27 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Lavery
28

29 IV. ACCOUNTS PAYABLE

30 Motion 2: Romans moved to pay the accounts payable. Taunton seconded the motion.
31

32 Mayor White said it was moved and seconded, and called for discussion. There was none.
33

34 Vote: Motion 2 passed.

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

36 Abstain: Jack Brown, Lavery
37

38 V. SPECIAL ORDERS

39 A. Interview Applicants for City Commissions and Committees

40 Salmon Enhancement Commission applicant Michael Samples was present and came forward to tell
41 about himself and why he was interested in participating, and answered questions from the Council.
42

43 B. Public Hearing: Appeal of City Recorder Decision to Grant City Business License
44 (Prlain/Boland-2D Trucking)

45 Murray read the public hearing script into the record (copy attached to original of these minutes). Mayor
46 White asked for declarations of conflict of interest, bias, or exparte contact; there were none. Murray

1 reviewed the Staff Report (copy attached to original of these minutes), and said that two additional
2 pieces of testimony were received (copies attached to original of these minutes): a letter from Barrett
3 Philpott, owner of Pirate Coffee Company, and a petition signed by neighborhood residents. Mayor
4 White called for the appellant's presentation. Mark Prlain discussed his reasons for filing the appeal.
5 Testimony in favor of the appeal was heard from Trisha Chandler, a Harbor Condo owner, who also
6 submitted photographs of the property into the record, and Ron Newark, 425 Pine Ct. Testimony in
7 opposition of the appeal was heard from Robert Hickerson, 40 Hour Lane, who spoke on behalf of the
8 property owner/applicant. There was no testimony from any person neither supporting or opposing the
9 appeal. The appellant declined the opportunity to rebut. Mayor White asked for requests to hold the
10 record open; there were none. The public hearing was closed and deliberations began. It was the
11 consensus of the Council that the type of business as it has been conducted is inappropriate for the
12 zoning of the property. There was discussion regarding providing the property owner with sufficient time
13 for cleanup of the property without creating a hardship.

14
15 Motion 3: Laverty moved to give 2D Trucking 30 days to clean up the property, and to not grant the
16 business license at this time, but allow the applicant to re-apply after 30 days, upon confirmation that the
17 property is cleaned up and all heavy equipment is removed. Cameron seconded the motion.

18
19 Mayor White said it was moved and seconded, and called for discussion. A Councilor advised that the
20 applicant should not be given false hope, as the type of business belongs in a L-I zone. It was noted that
21 the equipment can be stored in the L-I zone, with the office only being located on the property in
22 question. A suggestion was made to include as a condition of approval that there be no equipment
23 allowed on the property, if the applicant reapplies.

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25 Vote: Motion 3 passed.

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

27
28 Murray said the decision will be drafted for the Council's review and adoption at the next meeting.

29
30 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

31 John Rose, 135 Allen: 1) Requested an additional \$116.66 for Vincent Messina for supplies, in addition
32 to the \$200 granted at the last meeting. He said Mr. Messina has offered to do additional printing. A
33 Councilor asked for confirmation that this would be the last request for reimbursement for this project.

34
35 Motion 4: Jack Brown moved to grant the reimbursement request for \$116.66. Taunton seconded the
36 motion.

37
38 Mayor White said it was moved and seconded, and called for discussion. There was none.

39
40 Vote: Motion 4 passed.

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

42
43 2) Mr. Rose, representing the Kids Zone, asked the Council's permission to have Councilor Jack Brown
44 seek funding in the amount of \$200,000 when he goes to Washington D.C. next month, for the purpose
45 of expanding the Ainslee Building to include an office space, tutoring, a computer lab, and additional
46 play space.

1
2 Motion 5: Lavery moved to designate Jack Brown to request funding for expanding the Ainslee
3 Building to Congress when he's in Washington D.C. Alice Brown seconded the motion.

4
5 Mayor White said it was moved and seconded, and called for discussion. A Councilor asked if the City
6 needs the owner's permission before altering the building. It was noted that the City now owns the
7 building.

8
9 Vote: Motion 5 passed.

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

11
12 3) Mr. Rose, representing the Emergency Preparedness Committee, asked the Council's permission to
13 have Councilor Jack Brown seek funding from the Federal Emergency Management Agency (FEMA) to
14 cover the cost of initial warning devices to be incorporated into the City's warning system.

15
16 Motion 6: Lavery moved to designate Jack Brown to request a FEMA grant for emergency management
17 equipment for Depoe Bay. Cameron seconded the motion.

18
19 Mayor White said it was moved and seconded, and called for discussion. A Councilor asked how much
20 funding would be requested; Mr. Rose replied it would be \$200,000.

21
22 Vote: Motion 6 passed.

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

24
25 4) Mr. Rose, representing the Salmon Enhancement Commission, said the salmon eggs have hatched and
26 are growing nicely, and the whale egg hatching activities are creating a messy situation on the creek.

27
28 Loren Goddard: 1) Representing the Harbor Commission, reported the Commission is investigating
29 possible ways to increase moorage space. 2) Representing the Near Shore Action Team (NSAT),
30 reported NSAT met with Oregon Policy Advisory Council (OPAC), with the focus on the governor's
31 proposal to create a border-to-border marine sanctuary from high tide to the 30-fathom line. The NSAT
32 has not taken an official position on this issue at this time, and will meet on Thursday to discuss the
33 issue further. He asked the City to support their decision. Also, he reported that he and Lars Robison
34 attended the Western Groundfish Conference, where there were 80 presentations from the scientific
35 community; there was only one report that included inconclusive socio-economic data. The NSAT hopes
36 to be able to present this information at the next conference.

37
38 VII. PUBLIC COMMENTS

39 Peggy Leoni, Chamber of Commerce, reported 1) The Chamber has \$2,000 set aside for replacement of
40 the signs at each end of town. They have obtained a quote of \$3,000 for the work, and wondered if the
41 City would like to contribute \$1,000 toward this project, or whether the City plans to replace the signs.
42 2) The Chamber has declined to participate in the Oregon Coast Fishing Brochure again this year.

43
44 Benjamin Williams, 70 Raven Ln., asked what the Council's long-term plans were for the sewer
45 infrastructure, expressing concern over concrete erosion. Owings said four years ago the City put \$4.3
46 million into a wastewater treatment project, and two years before that, \$400,000 was spent on sewer

1 lines. He said I & I (infiltration and inflow) is expensive, and it would require a bond measure to do
2 more work at this time. He said the City is currently working on a 1.2 million gallon water storage
3 project, and there is no money available at this time for additional sewer work. Mayor White invited Mr.
4 Williams to write out his ideas and meet with him.

5
6 Shalene Kiser, 177 Hwy 101, said she was told in a meeting with the Council and the City Attorney that
7 the City would obtain an opinion of the 6” sewer line from an unbiased third party, and she wanted to
8 know why that hadn’t been done. Owings noted that discussion was from a private meeting that is
9 supposed to stay private. She asked why she had to get approval from the City to cut into the 6” line that
10 the City says it doesn’t own. Owings responded that someone asked his opinion and he had said it was
11 the best way to handle the problem, and that he had advised the caller to contact whoever is paying the
12 bill. She said she thought after their last meeting that the City was going to do something about the issue,
13 and she feels nothing has been done. She said that after viewing the video of the 6” sewer line, the
14 plumber’s opinion of the condition of the line was completely different from what Owings told her, and
15 advised the Council that she will see the City in court.

16
17 Grace Strom, 302 NE Hwy 101, said that this is a community and people in the community should be
18 helped. She thought this situation was heartbreaking, and asked the Council to think about what is right.

19
20 Mayor White responded to the concerns expressed.

21
22 VIII. UNFINISHED BUSINESS

23 There was no unfinished business.

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25 IX. NEW BUSINESS

26 A. Appointments to Fill Vacancies/Expiring Terms on City Commissions and Committees
27 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to
28 original of these minutes) and announced the results. The vote to appoint Bill Spores to Parks
29 Commission Position #5 and Michael Samples to Salmon Enhancement Commission Position #3 was
30 unanimous.

31
32 Motion 7: Lavery moved to accept the canvass of votes and appoint the individuals to the positions they
33 applied for. Taunton seconded the motion.

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

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37 Vote: Motion 7 passed.

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

39
40 B. Assignment to City Council Member Positions (2) on the Depoe Bay Economic Business
41 Development Committee

42 Due to the discussion at the workshop meeting on February 2 and tomorrow night’s joint meeting
43 between the Council and the Economic Business Development Committee, this item was postponed.

44
45 C. Chamber of Commerce Annual Wooden Boat Show and Crab Feed – Use of Harbor Facilities

1 Maggie Brown, 15 SE Ainslee, requested use of the harbor parking lot for wooden boat exhibits on April
2 22-23 , free moorage for boat exhibitors, and use of the area in front of the dam for the Ducky Derby.
3 She said the Harbor Commission has indicated one of the docks can be cleared for these dates. She
4 asked to see all the Councilors at the boat show and crab feed.

5
6 Motion 8: Jack Brown moved to grant the requests presented by Mrs. Brown. Taunton seconded the
7 motion.

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

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11 Vote: Motion 8 passed.

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

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14 D. Harbor Overlook Scenic Land Project – Lincoln Land Legacy Program

15 Murray reviewed her memo dated 2/6/06 (copy attached to original of these minutes).

16
17 Motion 9: Jack Brown moved to authorize staff to submit a funding request to the county for the Harbor
18 Overlook Scenic Lands Project. Laverty seconded the motion.

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

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22 Vote: Motion 9 passed.

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

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25 X. CORRESPONDENCE

26 There was one item of correspondence (copy attached to original of these minutes): an email from
27 Rebecah Morris of the Oregon Coast Visitors Association (OCVA) requesting a contribution to the new
28 Oregon Coast Fishing Brochure. Murray reported that the OCVA has obtained the funding necessary for
29 the brochure, per a telephone conversation earlier today.

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31 XI. STAFF REPORT

32 Owings had no report.

33
34 Murray reported: 1) There is one vacancy on the Budget Committee, and one expiring term. Notice will
35 be posted by the end of this week. 2) The proposed ordinance for the “Matrix” has been drafted, has
36 been reviewed by the City Planner, and is in the City Attorney’s hands. It was the consensus of the
37 Council to schedule the first reading of the proposed ordinance at the first regular Council meeting in
38 March. 3) All 30-year port leases will be expiring at the end of June, 2006. The Council was advised to
39 consider how to approach renegotiating the leases – through a negotiation committee, letters being
40 mailed, etc. Murray asked the Council to schedule the subject for a future agenda.

41
42 XII. COUNCIL COMMENTS

43 Alice Brown said it was good to see Commissioners coming to report to the Council and would like to
44 hear from the other Commissions..

45
46 Romans asked for clarification on an earlier agenda item postponement.

1
2 Mayor White 1) Presented John Rose with a Whale Watching Ambassador sash and a Whale Watching
3 Spoken Here hat. 2) Has spoken with the owner of Curves in Newport regarding coordinating an
4 exercise program for Depoe Bay's senior ladies. He will continue working on this.

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6 XIII. ADJOURN

7 There being no further business, the meeting was adjourned at 8:59 PM.

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17 Fox Dreamingtime, Recording Secretary

Mayor James White