

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, June 6, 2006 - 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 Field Superintendent T. Owings, City Recorder P. Murray, City Planner L. Lewis,
9 City Attorney P. Gintner, 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: May 16, 2006 Regular Meeting, May 25, 2006 Special Meeting, May 4,
18 2006 and May 11, 2006 Budget Committee Meetings
19

20 Motion 1: Alice Brown moved to accept the minutes of the May 16, 2006 Regular Meeting, the May 25
21 Special Meeting, and the May 4, 2006 and May 11, 2006 Budget Committee Meetings as written.
22 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 1 passed.

27 Ayes: Taunton, Alice Brown, White, Romans (May 16, 2006 Regular Meeting only), Jack
28 Brown, Lavery (all but May 25, 2006 Special Meeting)

29 Abstain: Cameron, Romans (all but May 16, 2006 Regular Meeting), Lavery (May 25, 2006
30 Special Meeting only)
31

32 IV. ACCOUNTS PAYABLE

33 Motion 2: Romans moved to pay the accounts payable. Cameron seconded the motion.
34

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

37 Vote: Motion 2 passed.

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

39 Abstain: Lavery
40

41 V. SPECIAL ORDERS:

42 A. District Attorney Barnett – Annual Report

43 District Attorney Berniece Barnett presented her annual report to the Council (copy attached to original
44 of these minutes). She reviewed trends and answered questions from the Council.
45

46 B. Fire Chief Smith – ISO Report

1 Fire Chief Ron Smith reported that Insurance Service Office (ISO) information has not yet been sent to
2 the City. He reviewed general criteria for the ISO grading system, noting that there are demographic
3 differences between east coast districts and west coast districts that are not currently reflected in the
4 grading system. Depoe Bay Rural Fire Protection District is a Class 5 district. He will follow up on
5 getting a letter from the ISO to the City.
6

7 C. Treasure Depoe Bay Group – Presentation by B. Philpott

8 Barry Philpott, 10 NW Vista, reviewed his handout (copy attached to original of these minutes), and
9 asked for the Council’s feedback and guidance on the group’s plans to hold organized business events in
10 Depoe Bay, such as their planned 1st Annual Treasure Hunt on October 7 of this year.
11

12 D. Sheriff’s Office Report

13 Mayor White asked the Council’s indulgence in allowing Deputy Vertner of Lincoln County Sheriff’s
14 Office to give his update out of order, so he could return to duty. Deputy Vertner submitted a report of
15 addresses that have had reports filed recently, but the addresses are not broken down by city. He offered
16 to arrange for subsequent reports to be faxed to the City on a daily basis. Mayor White indicated that the
17 City would like to receive these reports, and Deputy Vertner was provided with the City’s fax number.
18

19 E. Public Hearing: Case File #1-APPEAL-PC-06 – Appeal of Planning Commission Decision on
20 Application for Variance to Parking Requirements, Case File #1-V-PC-06

21 Lewis read the hearing officer’s opening statement (copy attached to original of these minutes). Mayor
22 White called for declarations of conflict of interest, ex-parte contact, or bias. There were no declarations.
23 Mayor White then asked if there was anyone opposed to any Councilor hearing the case. Appellant Fran
24 Recht, 66 NE Williams, stated that she objected to Councilor Romans hearing the case due to his filing
25 of multiple false reports against her and his making slanderous statements about her. She asked him to
26 step down. Councilor Romans responded with a statement that he felt he could act with integrity without
27 taking into account any individual’s personality. A point-of-order concern was raised regarding a
28 requirement to file a 24-hour notice for opposition to someone’s hearing the case. Recht said she was not
29 aware of this criteria. Lewis started the Staff Report. Recht raised a procedural issue regarding holding
30 the hearing when the record had not been presented to the Council within 10 days of the appeal being
31 filed. She also said the record was incomplete and that she would prefer that the matter was remanded to
32 the Planning Commission for a new hearing. Gintner said he had reviewed her appeal and requests, and
33 recommended that the Council proceed at this time. Richard Ligon, Waldport Seafood Co. (applicant),
34 said he would not be opposed to a continuation. After further discussion, it was the consensus of the
35 Council to continue the hearing. The hearing was continued to Monday, June 19, 2006 at 7 P.M. It was
36 clarified that “everything” will be included in the hearing packet.
37

38 Mayor White called a five-minute recess at 8:29 P.M. The meeting reconvened at 8:34 P.M.
39

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

41 There were no reports.
42

43 VII. PUBLIC COMMENTS

44 Peggy Leoni, Fleet of Flowers, reported that the Fleet of Flowers was a great event. They now have a
45 website at www.fleetofflowers.org, where they will be able to take donations as soon as PayPal has been
46 set up.

1
2 Frank Aspria, a direct descendent of Chief Charley Depoe, told the Council that he would like to see
3 more done to let the people of Depoe Bay know about who the town was named after, and to display a
4 picture of the Chief at City Hall. He noted that the Oregon Historical Society plaque doesn't do the Chief
5 justice, saying that he was respected not only locally, but throughout the plains and down into California.
6 Mayor White asked Mr. Aspria to leave his name and address and said that we will look into his request.
7

8 VIII. NEW BUSINESS

9 A. Proposed Res. #359 – A Resolution Extending Workers' Compensation Coverage to Volunteers
10 of the City of Depoe Bay for Policy Year 2006-07; Superseding Res. #350

11 Murray reported that the Workers' Compensation coverage has been changed by the insurance company,
12 which will no longer allow the City to provide volunteer coverage to "sponsored" groups such as the
13 rowing club. However, coverage for volunteer activities such as setting up the radar trailer and
14 Councilor/Commissioner attendance at meetings will still be covered.
15

16 Motion 3: Lavery moved to adopt proposed Res. #359, A Resolution Extending Workers'
17 Compensation Coverage to Volunteers of the City of Depoe Bay for Policy Year 2006-07; Superseding
18 Res. #350. Taunton seconded the motion.
19

20 Mayor White said it was moved and seconded, and called for discussion. There was none.
21

22 Vote: Motion 3 passed.

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

25 B. Proposed Res. #360 – 2007 Special City Allotment Grant Application – Bayview Avenue
26 Improvements from Winchell Street to Coast Guard Drive

27 Owings reviewed the parameters of the street improvements, and noted that the maximum funding
28 towards this project would be \$25,000, if the City should be awarded the grant.
29

30 Motion 4: Lavery moved to adopt proposed Res. #360 – 2007 Special City Allotment Grant Application
31 – Bayview Avenue Improvements from Winchell Street to Coast Guard Drive. Taunton seconded the
32 motion.
33

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

36 Vote: Motion 4 passed.

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

39 C. Contract Renewal: City Attorney Services

40 Murray noted that the proposed contract would run from July 1 – June 30, and is basically unchanged
41 from the prior year agreement, with the exception that there were two corrections to the opening
42 paragraph: "This agreement is made and entered into on this ____ day of ____ 2006, by and between
43 the City of Depoe Bay, hereinafter referred to as 'The City', *Peter Gintner*, and MacPherson, Gintner,
44 Gordon, and Diaz, P.C."
45

1 Motion 5: Alice Brown moved to approve the agreement for legal services to the City of Depoe Bay,
2 with corrections as noted by the City Recorder. Taunton seconded the motion.

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

5
6 Vote: Motion 5 passed.

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

8
9 D. Proposed Ord. #274 – An Ordinance Consenting to the Transfer and Assignment by Millenium
10 Digital Media Systems, L.L.C., Summit Cablevision, L.P. to WaveDivision Holdings, L.L.C. of
11 the Franchise to Operate a Cable Television System in the City of Depoe Bay and Declaring an
12 Emergency

13
14 Motion 6: Alice Brown moved to read the proposed ordinance by title only. Taunton seconded the
15 motion.

16
17 Mayor White said it was moved and seconded, and called for discussion. There was none.

18
19 Vote: Motion 6 passed.

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

21
22 The first reading of proposed Ord. #274 was done by title only. Murray asked for questions or comments
23 from the audience. There were none. It was noted that the City Attorney has reviewed and made
24 corrections to the proposed ordinance.

25
26 Motion 7: Lavery moved to adopt proposed Ord. #274 at the first reading. Taunton seconded the
27 motion.

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

30
31 Vote: Motion 7 passed.

32 Ayes: Cameron, Taunton, Alice Brown, White, Jack Brown, Lavery

33
34 The second reading of proposed Ord. #274 was done by title only, then Murray asked for questions or
35 comments from the audience. There were none.

36
37 Motion 9: Lavery moved to adopt proposed Ord. #274 at the second reading. Alice Brown seconded the
38 motion.

39
40 Mayor White said it was moved and seconded, and called for discussion. There was none.

41
42 Vote: Motion 9 passed.

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

44
45 E. Hwy 101 Crosswalks Project Funding: Quick Fix Program IGA, ODOT Bicycle and
46 Pedestrian Program Grant

1 Murray reported: 1) Staff has been in contact with ODOT regarding the proposed crosswalk by the post
2 office, and that ODOT has offered “Quick Fix” funding for this project. No match funding is required,
3 but the City would need to enter into an Intergovernmental Agreement (IGA) to access the funding. 2)
4 Funding for the Bay Street, Collins Street, and Clarke Street crosswalks may be obtained through a grant
5 from the Bicycle and Pedestrian Program. Cost is estimated at \$150,000 for these three crosswalks.
6

7 Motion 10: Laverty moved to pursue Quick Fix funding and enter into an IGA with ODOT for the
8 crosswalk at the post office, and to direct Staff to apply for a Bicycle and Pedestrian Program grant for
9 the Bay Street, Collins Street, and Clarke Street crosswalks. Cameron seconded the motion.
10

11 Mayor White said it was moved and seconded, and called for discussion. There was brief discussion
12 regarding parking spaces.
13

14 Vote: Motion 10 passed.

15 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Laverty
16

17 F. Discuss Rescheduling of First Regular Meeting in July (July 4th)

18 The regularly-scheduled Council meeting for July 4th was rescheduled to Thursday, July 6, 2006 at 7:00
19 P.M.
20

21 IX. UNFINISHED BUSINESS

22 There was no unfinished business.
23

24 X. CORRESPONDENCE

25 There was no correspondence
26

27 XI. CITY STAFF REPORT

28 Murray: 1) Asked the Council about scheduling a special Executive Session to meet with successful
29 bidders on the fish plant lease. A special meeting was scheduled for 5:00 P.M. on June 20, 2006. 2) In
30 response to a notice of intent to submit a Transportation Enhancement (TE) Grant application for the
31 Harbor Walkway Project, ODOT sent notice that that project is not eligible for that particular funding.
32 The notice of intent was revised and resubmitted, and the City has received an approval to submit a full
33 application for development of the north loop of the proposed walking tour. The Parks Commission has
34 reviewed the revised project, and moved to recommend to the Council that funding not be pursued at this
35 time. A Councilor added that there were concerns about placement of concrete walkways on the steep
36 slope, thereby destroying the natural state of that area.
37

38 Motion 11: Jack Brown moved to take the Park Commission’s recommendation to not apply for the TE
39 grant at this time. Taunton seconded the motion.
40

41 Mayor White said it was moved and seconded, and called for discussion. There was brief discussion
42 regarding the possibility of using the funds from that grant elsewhere, which was not an option.
43

44 Vote: Motion 11 passed.

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

1 Motion 12: Lavery moved to direct the City Attorney to write a letter pursuant to discussion at this
2 evening's Executive Session. Taunton seconded the motion.

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

5
6 Vote: Motion 12 passed.

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

8
9 Owings provided updates on the Water Storage Project, Phase III of the Winchell Street Project, Pirates
10 Cove Sidewalk Project, and a Corps of Engineers project beginning in mid-summer and ending in
11 October.

12
13 XII. COUNCIL COMMENTS

14 Alice Brown: would like to see the City do something to honor Charley Depoe.

15
16 Lavery: 1) One bridge on the newly-resurfaced section of Hwy 101 between Depoe Bay and north of
17 Lincoln City has not been resurfaced because it is scheduled for replacement next year. 2) Eight people
18 were killed in Memorial Day weekend traffic fatalities. This is the most in 19 years. 3) A woman was
19 stopped and cited for speeding twice before being stopped a third time and cited for careless driving after
20 spraying gravel on the citing officer and nearly colliding with another vehicle.

21
22 Jack Brown: 1) Advised that the congressional delegation involved with the Harbor Walkway Project
23 should be informed if the City is not going to move forward with this project. 2) Appreciates the City's
24 support of the rowing club. 3) The Near Shore Action Team and the governor's natural resources
25 representative were taken on board the *Samson* for a near shore tour up to the north end of the Siletz
26 Reef.

27
28 Romans expressed concern about how the Harbor Walkway may affect the fish plant.

29
30 Cameron noted he has seen many people crossing Hwy 101 within 50 feet of crosswalks.

31
32 Mayor White: 1) Attended a second summit meeting with Governor Kulongoski, who has written to
33 President Bush asking for financial help for commercial salmon fishermen. 2) Is still undecided whether
34 or not he will run for Mayor a second time.

35
36 XIII. ADJOURN

37 There being no further business, the meeting was adjourned at 9:25 PM.

38
39
40
41
42 _____
43 Mayor James White

44
45 _____
46 Fox Dreamingtime, Recording Secretary