

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, August 15, 2006 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Mayor J. White, P. Cameron, P. Taunton, A. Brown, B. 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 7:03 PM.
16

17 III. APPROVE MINUTES: July 31, 2006 Workshop Meeting and August 1, 2006 Regular Meeting
18

19 Motion 1: Alice Brown moved to accept the minutes of the July 31, 2006 Workshop Meeting and the
20 August 1, 2006 Regular Meeting. 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 (abstained from 7/31/06 Workshop Meeting minutes), Alice Brown,
26 White, Romans, Jack Brown, Lavery
27

28 IV. ACCOUNTS PAYABLE

29 Motion 2: Romans moved to pay the accounts payable. Cameron 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, Lavery
35

36 V. SPECIAL ORDERS

37 There were no special orders.
38

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

40 A. Parks Commission: Recommendations on Park Use

41 Bill Spores, Parks Commission Chairman, said there had been confusion in passing along the
42 Commission's recommendations. The Commission has not considered requesting enactment of park use
43 fees, but wanted suggestions on handling larger (often out-of-town) groups, as the Commission was
44 advised this was something that should be looked at due to the extra expenses incurred with electricity,
45 setting up the stage or barbeque, and staff time involved when large groups use the park. He said that a
46 refundable deposit might be considered, with damage or extra cleanup costs being deducted from the

1 deposit. The existing “exempt” list would continue to be in effect. He said that a large group might
2 provide a percentage of their profits or a donation to help maintain the park. The Commission would like
3 for the City Attorney to review the request form because it has been a few years since it has been
4 reviewed. The Commission felt having requests routed through them would be one less thing for the
5 Council to handle, and that there would usually not be a time issue. In the event there was a time issue, a
6 telephone poll could be conducted. It was noted that other cities do have fees for groups utilizing park
7 resources. Mayor White said the City Attorney will review the form, and asked Mr. Spores to have the
8 Commission return to the Council with specific requests.

9
10 B. Near Shore Action Team

11 John Rose, Near Shore Action Team (NSAT) member, provided an update on the committee’s activities
12 and requested \$2,000 toward expenses for production of a DVD for presentation at a meeting in
13 Brookings on August 25.

14
15 Motion 3: Lavery moved to authorize a \$2,000 expenditure for NSAT production costs for an Ocean
16 Policy Advisory Council meeting. Taunton seconded the motion.

17
18 Mayor White said it was moved and seconded, and called for discussion. A Councilor asked what fund
19 this would come out of; Murray responded it would be the General Fund.

20
21 Vote: Motion 3 passed.

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

23
24 Mr. Rose requested reimbursement for mileage and meals for up to four people to attend the meeting in
25 Brookings.

26
27 Motion 4: Lavery moved to authorize mileage and meals reimbursement for up to four people to attend
28 the meeting in Brookings. Cameron seconded the motion.

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

31
32 Vote: Motion 4 passed.

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

34
35 A Councilor advised the NSAT to become involved in the budget proceedings next year.

36
37 VI. PUBLIC COMMENTS

38 Debbie Davilla, Chamber of Commerce: 1) Announced the 51st Annual Salmon Bake will be held
39 September 16, from 10 AM to 5 PM. Jaci McKim is coordinating volunteers. Tickets are available at the
40 Chamber. 2) The Chamber held an appreciation day yesterday for the Fire Dept., Coast Guard, and City
41 Staff. She thanked the City for providing the barbeque for the picnic.

42
43 VII. UNFINISHED BUSINESS

44 A. Depoe Bay Emergency Preparedness Committee: Emergency Procedures Packet
45 John Rose, Emergency Preparedness Committee member, asked Gintner if he had reviewed the
46 committee’s packet. Gintner said it has some worrisome language in it, such as “safe haven”. There was

1 discussion about possible litigation after a disaster if such a packet is provided. Rose said the
2 committee’s intent was “neighbors taking care of neighbors”, but it seems it isn’t that simple. Gintner
3 said he would make as few changes as possible to keep it readable, but it will be up to the Council
4 whether or not to authorize publication. Gintner said it is usually best for an entity to do nothing,
5 because once recommendations are made, they must be perfect. It was the consensus of the Council to
6 have Gintner and the insurance company continue their review of the document. Staff will distribute
7 copies of the memo from Terry Wideman at City County Insurance Services (copy attached to original of
8 these minutes) to Emergency Preparedness Committee members.

9
10 B. Lease Agreement: Port Waterways

11 Murray said this item had been discussed in this evening’s Executive Session. There were minor
12 revisions made to the draft, which would expire 12/31/06: add *any use allowed in MP zone* and delete
13 the red wording.

14
15 Motion 5: Laverty moved to approve the port waterway lease agreement with Monty Roberts as
16 discussed in Executive Session, and with the changes as discussed by the City Recorder. Alice Brown
17 seconded the motion.

18
19 Mayor White said it was moved and seconded, and called for discussion. There was none.

20
21 Vote: Motion 5 passed.

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

23
24 C. Lease Agreement: Seafood Processing Facility (Fish Plant)

25 It was the consensus of the Council that they would like to see the re-draft before approving this item.
26 Staff will re-draft the agreement and bring it back to the next regular meeting.

27
28 IX. NEW BUSINESS

29 A. Harbor Fuel Station Project

30 Owings asked the Council to approve the change order from PNE (copy attached to original of these
31 minutes) for additional materials and expenses. He explained the additional charges will be billed at
32 actual time and materials, not to exceed \$34,936.55.

33
34 Motion 6: Alice Brown moved to approve the change order from PNE in the amount of \$34,936.55 as
35 designated by the City Field Superintendent. Laverty seconded the motion.

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

38
39 Vote: Motion 6 passed.

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

41
42 B. Proposed Ord. #276 – An Ordinance Amending Ord. #69 (Depoe Bay Comprehensive Plan)
43 Map, Changing the Designation of Seven Properties from Marine to Commerical; Amending
44 Ord. #24 (Depoe Bay Zoning Ordinance) Map, Changing the Zoning of Seven Properties from
45 M-C (Marine Commercial) to C-1 (Retail Commercial); and Declaring an Emergency

1 Motion 7: Lavery moved to read proposed Ord. #276 by title only. Alice Brown seconded the motion.

2

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

4

5 Vote: Motion 7 passed.

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

7

8 Murray performed the first reading of proposed Ord. #276 (copy attached to original of these minutes)
9 by title only, then called for questions or comments. There were none.

10

11 Motion 8: Lavery moved to adopt proposed Ord. #276 at the first reading. Alice Brown seconded the
12 motion.

13

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

15

16 Vote: Motion 8 passed.

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

18

19 Lavery clarified that Motion 7 included the first and second readings of the proposed ordinance by title
20 only. Murray performed the second reading of proposed Ord. #276 by title only and called for questions
21 or comments. A member of the audience asked if the properties could never be used for marine again.
22 Murray explained that the change would expand the current uses to include additional uses allowed in
23 retail commercial zoning.

24

25 Motion 9: Lavery moved to adopt proposed Ord. #276 at the second reading. Alice Brown seconded the
26 motion.

27

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

29

30 Vote: Motion 9 passed.

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

32

33 D. Proposed Res. #366 – A Resolution of the City of Depoe Bay, Lincoln County, Oregon, Calling
34 an Election to Submit to the Voters the Question of a Local Option Tax Levy at a Rate of Thirty
35 Cents (30¢) Per Thousand Dollars Assessed Value to Finance, in Part, Public Safety and Law
36 Enforcement Services and to Pay Related Costs

37 Murray explained how she arrived at 30 cents per thousand dollars assessed value, and said the
38 resolution (copy attached to original of these minutes) has a “ballot title” attached to it, which is what
39 would actually appear on the ballot. A Councilor noted the cost was reduced from 35 cents per thousand
40 dollars on the previous ballot question, and that now there is room tax funding available if the measure
41 should pass. In response to another Councilor’s question, Murray explained that municipal judge duties
42 would not be included in this measure, as the municipal court would be expected to be self-supporting.
43 A Councilor explained to the audience that without a judge, ticket fees would go to the state.

44

45 Motion 10: Lavery moved to adopt proposed Res. #366. Cameron seconded the motion.

46

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

2
3 Vote: Motion 10 passed.

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

5
6 B. Voter's Pamphlet Explanatory Statement – Local Option Tax Levy Measure for Law
7 Enforcement

8 Murray called for questions or comments on the draft statement (copy attached to original of these
9 minutes). There were none.

10
11 Motion 11: Lavery moved to adopt the Voter's Pamphlet Explanatory Statement for Local Option Tax
12 Levy Measure for Law Enforcement, as drafted by the City Recorder. Alice Brown seconded the motion.

13
14 Mayor White said it was moved and seconded, and called for discussion. There was none.

15
16 Vote: Motion 11 passed.

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

18
19 X. CORRESPONDENCE

20 There were two items of correspondence (copies attached to original of these minutes): 1) A letter from
21 Millenium Digital Media. The anticipated sale of the company has been cancelled. Murray asked the
22 Council to ask the City Attorney for legal advice regarding the ordinance that was adopted to handle
23 transfer of the franchise. 2) A letter from John Leahy regarding establishment of a local cardiac care
24 center. A Councilor noted that he advised Mr. Leahy that this would need to be addressed through one of
25 the two local hospital boards.

26
27 XI. STAFF REPORT

28 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
29 the Water Storage Project, the Pirate Cove Sidewalk Project, the Winchell Street Project, and the Corps
30 of Engineers Paving Project.

31
32 Murray reported she researched expenses for Mayor White to attend the upcoming League of Oregon
33 Cities (LOC) conference, per Council direction at the last regular meeting. The registration fee is \$385,
34 and with lodging and mileage, the total is estimated at \$1,060.

35
36 Motion 12: Lavery moved to authorize expenses for Mayor White to attend the LOC conference, not to
37 exceed \$1,200. Cameron seconded the motion.

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

40
41 Vote: Motion 12 passed.

42 Ayes: Cameron, Taunton, Alice Brown, Romans, Jack Brown, Lavery

43 Abstain: White

44
45 Murray continued her staff report: 2) A notice was received of intent to appeal to LUBA on a Planning
46 Commission decision on a parking variance approval that was appealed to the Council. It was submitted

1 in a timely manner. The next step is for the City to prepare the record. 3) There are candidacy openings
2 for Mayor and three Council positions. Interested parties must apply no later than 5 PM on August 29,
3 2006.

4
5 XII. COUNCIL COMMENTS

6 Alice Brown expressed her concern over the spread of tansy ragwort, especially in City Park with the
7 annual Salmon Bake coming up and children in the park who could be poisoned by the weed.

8
9 Laverty said there is a murder in the United State every 32 minutes, and approximately every 12 minutes
10 there's a traffic fatality in the state of Oregon. He advised all to be observant when driving.

11
12 Taunton 1) Wondered if the City needs to endorse the pirate treasure hunt fundraising event for a new
13 community center. There was brief discussion regarding whether the organization is a non-profit and
14 what they plan to do with their proceeds. 2) Said clearing out tansy ragwort would be a good project for
15 the Parks Commission.

16
17 White 1) Thanked the Council for allowing him to attend the LOC conference. 2) He will not be in
18 attendance at the next two Council meetings as he will be out of state, and asked the Council to support
19 the Council President during his absence.

20
21 XIII. ADJOURN

22 There being no further business, the meeting was adjourned at 8:30 PM.

23
24
25
26
27 _____
Mayor James White

28
29
30 _____
31 Fox Dreamingtime, Recording Secretary