

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, September 19, 2006 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Council President A. Brown, P. Cameron, P. Taunton, B. Romans, J. Brown
7

8 ABSENT: Mayor J. White, M. Laverty
9

10 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Attorney P. Gintner,
11 Recording Secretary F. Dreamingtime
12

13 I. PLEDGE OF ALLEGIANCE

14 Alice Brown called for all to stand for the Pledge of Allegiance.
15

16 II. CALL TO ORDER

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

19 III. APPROVE MINUTES: September 5, 2006 Executive Session and Regular Meeting 20

21 Motion 1: Taunton moved to accept the minutes of the September 5, 2006 Executive Session and
22 Regular Meeting as written. Cameron seconded the motion.
23

24 Alice Brown said it was moved and seconded, and said she had concerns about the minutes: 1) Page 4
25 Line 11 - "*Laverty responded that they would be able to utilize the Allyn parking lot.*" was clarified:
26 "they" refers to people utilizing the harbor, not people using the Community Hall. Taunton and Cameron
27 agreed to the clarification. 2) Page 5 Line 13 - "*...since the new property owner has put up a fence at*
28 *the edge of their property.*" was clarified: "the new property owner" refers to the adjacent property, and
29 not to Whale Park. Taunton and Cameron agreed to the clarification.
30

31 Vote: Motion 1 passed.

32 Ayes: Cameron, Taunton, Alice Brown, Romans

33 Abstain: Jack Brown
34

35 IV. ACCOUNTS PAYABLE

36 Motion 2: Romans moved to pay the accounts payable, including three items received too late to be
37 included on the report: Hightower Engineering, \$1,950.00 for the Winchell Street project; T. Bailey Inc.,
38 \$186,288.69 for the water storage project; and Devil's Lake Rock, \$118,976.38 for the Winchell Street
39 project, which includes Change Order 2 for \$2,670.77 (with additional background information provided
40 by Owings in the meeting, and documentation attached to original of these minutes). Taunton seconded
41 the motion.
42

43 Alice Brown said it was moved and seconded, and called for discussion. It was clarified that the motion
44 includes approval of Change Order #2 for the Devils Lake Rock contract.
45

46 Vote: Motion 2 passed.

1 Ayes: Cameron, Taunton, Alice Brown, Romans, Jack Brown

2
3 V. SPECIAL ORDERS

4 There were no special orders.

5
6 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

7 Adam Shanks, patrol sergeant with the sheriff's office, said he hoped to have statistics to provide to the
8 Council at the October 3 meeting. His office is proud to serve our community. There is a "safety belt
9 blitz" in progress, which includes intensive enforcement of all traffic violations. They have sent five
10 more deputies to "mountain bike enforcement training" and there are now a total of eight mountain bike-
11 certified deputies on the force; they have a lot of interaction with foot traffic. The detective division has
12 been very busy with testifying at the murder trial in Siletz and with investigating human remains found
13 on a forest road east of Lincoln City last week. The sheriff's office has a new website located at
14 www.lincolncountysheriff.net, where there is a lot of valuable information for both citizens and visitors.
15 A Councilor noted there are heavy trucks moving too fast on Collins and Ainslee streets where there are
16 a lot of children, and asked Shanks to speak with the company's management. Shanks will do as asked
17 and try to get additional enforcement patrolling those streets.

18
19 VII. PUBLIC COMMENTS

20 Dorothy Mayes, 335 Anchor, addressed the Council regarding a drainage ditch behind seven lots in
21 Anchor Estates that back onto Park Avenue south of Winchell Street. The ditch is clogged with debris
22 which creates standing water (copy of photos submitted at the meeting attached to original of these
23 minutes). The property owners want the vegetation from the bottom of the ditch removed, and they want
24 it done using manpower rather than machinery. They have been told by the City there is not enough
25 money or manpower to accomplish this. She asked if the property owners could get bids on the cost of
26 getting this work done; Owings said citizens cannot go out for bids for City projects. He said a track-hoe
27 could do the job, but it is a big piece of equipment that would cause damage to the immediate land.
28 Mayes said it would be appreciated if the City would find a way to clear it out, as there is stagnant water
29 deep enough to drown a child.

30
31 VIII. UNFINISHED BUSINESS

32 A. Planning Commission Recommendation: On the Matter of Request to Place Moratorium on Non-
33 Single Family Building Permits

34 Murray reviewed her memo dated 9/14/06 (copy attached to original of these minutes) regarding the
35 Planning Commission's recommendation on the request to establish a moratorium. Alice Brown noted
36 that written correspondence on this matter was received from Dorothy Mayes (copy attached to original
37 of these minutes). Mrs. Mayes read a letter written by her husband into the record (copy attached to
38 original of these minutes). There was discussion regarding how much water is available to Depoe Bay
39 compared to how much is used, and the status of the City's fire hydrant system, which was evaluated and
40 approved by an insurance company just eight months ago. The efforts of volunteer Bob Pailthorp, who
41 provides a monthly report on water usage and loss were lauded. Owings said the City is not close to
42 establishing any moratorium.

43
44 Motion 3: Cameron moved to accept the Planning Commission's recommendation to not place a
45 moratorium on non-single family building permits. Taunton seconded the motion.

1 Alice Brown said it was moved and seconded, and called for discussion. There was none.

2
3 Vote: Motion 3 passed.

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

5
6 B. Lease Agreement: Seafood Processing Facility (Fish Plant) – Waldport Seafood Co.

7 Motion 4: Cameron moved to table this item until further notice. Taunton seconded the motion.

8
9 Alice Brown said it was moved and seconded, and called for discussion. There was none.

10
11 Vote: Motion 4 passed.

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

13
14 C. Nuisance – 130 SW South Point Street

15 Motion 5: Taunton moved to accept the settlement offered by the property owner and recommended by
16 legal counsel, and direct Staff to proceed with acquiring bids to clean up the property. Cameron
17 seconded the motion.

18
19 Alice Brown said it was moved and seconded, and called for discussion. There was none.

20
21 Vote: Motion 4 passed.

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

23
24 IX. NEW BUSINESS

25 A. Solid Waste Franchise Renewal – North Lincoln Sanitary

26 Tina French, President of North Lincoln Sanitary Service (NLSS), said she had provided amendments to
27 the franchise agreement (copy attached to original of these minutes) to the City Attorney. She reviewed
28 some of the proposed changes and said it would be nice if the two ordinances addressing the franchise
29 were combined into one ordinance. Alice Brown clarified that charitable groups such as the Lions are no
30 longer allowed to go through containers to look for particular items. French said NLSS is also requesting
31 a change in the term of the franchise – from 10 years to seven years in keeping with their other franchise
32 locations. It was noted that the City Attorney’s firm cannot advise on this matter due to the fact that they
33 also represent NLSS.

34
35 Motion 5: Cameron moved to direct Staff to draft a new ordinance combining Ordinances 224 and 263.
36 Taunton seconded the motion.

37
38 Alice Brown said it was moved and seconded, and called for discussion. There was none.

39
40 Vote: Motion 5 passed.

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

42
43 B. Economic Business Development Committee Recommendations: Treasure Depoe Bay

44 Kay Skaggs, 416 NE Hwy 101, asked about having fees waived for use of the Community Hall, since
45 proceeds from their events will be given to the City.

1 Motion 6: Romans moved to waive Community Hall fees for Treasure Depoe Bay. Taunton seconded
2 the motion.

3
4 Alice Brown said it was moved and seconded, and called for discussion. Murray clarified that the intent
5 of the motion is to add Treasure Depoe Bay to the list of permanent waivers. Alice Brown clarified that
6 donations from Treasure Depoe Bay will become a line item in the Parks and Buildings fund of the
7 budget, to be seed money for a future civic center. She also said the importance of retaining the
8 Community Hall as a historical building was stressed at a Chamber of Commerce meeting.

9
10 Vote: Motion 6 passed.

11 Ayes: Cameron, Taunton, Alice Brown, Romans, Jack Brown

12
13 C. City Ballot Measure: Local Option Levy Authorization – Information to Voters
14 Murray asked the Council if they wanted to provide information to voters in addition to the ballot
15 measure itself, and if so, how did they want to provide it. Alice Brown stressed that whatever is sent out
16 must be informational facts only, and not biased for or against the measure. A member of the audience
17 encouraged the Council to get full information about what services would be included in a contract with
18 the sheriff's office.

19
20 Motion 7: Romans moved to approve having a City ballot measure information sheet sent out. Taunton
21 seconded the motion.

22
23 Alice Brown said it was moved and seconded, and called for discussion. There was brief discussion
24 regarding whether Staff required assistance in phrasing the information. Murray will ask the State to
25 review a draft she prepares and will bring it back to the Council no later than the October 17 regular
26 meeting. The Council will discuss how to distribute the information at the next regular meeting. A
27 Councilor requested the City Attorney review the draft as well.

28
29 Vote: Motion 7 passed.

30 Ayes: Cameron, Taunton, Alice Brown, Romans, Jack Brown

31
32 X. CORRESPONDENCE

33 There was one item of correspondence (copy attached to original of these minutes): a letter from Sue
34 Tyler at Central Lincoln PUD requesting permission to hold their October board meeting in the Council
35 Chambers.

36
37 Motion 8: Taunton moved to allow Central Lincoln PUD to use the Council Chambers on Wednesday,
38 October 18. Cameron seconded the motion.

39
40 Alice Brown said it was moved and seconded, and called for discussion. A Councilor asked if this would
41 be inconvenient to Staff. Murray responded that Owings and the City Planner would be most likely to be
42 inconvenienced, as they use the room the most.

43
44 Vote: Motion 8 passed.

45 Ayes: Cameron, Taunton, Alice Brown, Romans, Jack Brown

46

1 XI. CITY STAFF REPORT

2 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
3 the Corps of Engineers Sidewalk and Parking Lot Paving Project, the Harbor Fuel Project, the Water
4 Storage Project, and two completed projects: Winchell Street and Pirate’s Cove Sidewalk.

5
6 Murray had no report.

7
8 XII. COUNCIL COMMENTS

9 Jack Brown said he hoped Taunton would comment on the Salmon Bake.

10
11 Romans asked Gintner to define “lis pendens”; Gintner responded that it is a place marker in a pending
12 judgment.

13
14 Cameron proposed changing the schedule of Planning Commission meetings to the Wednesday between
15 the first and second Council meetings each month. It was agreed that this item will appear on the next
16 agenda.

17
18 Taunton said all the activities in the park last weekend were successful – the Crooze-In on Friday, the
19 Salmon Bake on Saturday, and Music in the Park on Sunday. He thanked all the volunteers who helped
20 make these events a success.

21
22 Alice Brown enjoyed the two events in the park that she attended last weekend.

23
24 Romans said he may have an item for the next agenda.

25
26 XIII. ADJOURN

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

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32 _____
Alice Brown, Council President

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34
35 _____
36 Fox Dreamingtime, Recording Secretary