

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, February 6, 2007 - 7:00 PM
4 Depoe Bay City Hall
5
6

7 PRESENT: Mayor J. White, P. Cameron, P. Taunton, A. Brown, J. Brown, G. Romans, D. Davilla
8
9 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Planner L. Lewis,
10 City Attorney P. Gintner
11

12 I. PLEDGE OF ALLEGIANCE

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

15 II. CALL TO ORDER

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

18 III. APPROVE MINUTES: January 16, 2007 Executive Session and Regular Meeting
19

20 Motion 1: Alice Brown moved to accept the minutes of the January 16, 2007 Executive Session and
21 Regular Meeting as written. Taunton seconded the motion.
22

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

25 Vote: Motion 1 passed.

26 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla
27

28 IV. ACCOUNTS PAYABLE

29 Motion 2: Davilla moved to approve the accounts payable. Cameron seconded the motion.
30

31 Mayor White said it was moved and seconded, and called for discussion. A Councilor asked for
32 clarification on two penalty charges which Owings explained were related to diesel fuel spills.
33

34 Vote: Motion 2 passed.

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

36 Abstain: Jack Brown
37

38 V. SPECIAL ORDERS

39 A. Interview Applicants for City Commissions and Committees

40 Parks Commission applicant Anne Drazek and Salmon Enhancement Commission applicant Cody
41 Lawrence were present and came forward to tell about themselves and why they were interested in
42 participating, and answered questions from Councilors regarding their qualifications and applications.
43

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

45 A. Parks Commission: Community Hall Kitchen Remodel

1 Jim Hayes, 30 SW Heiberg, requested the Council’s approval to proceed with remodeling of the
2 Community Hall kitchen (copy of proposal attached to original of these minutes) using volunteer labor.
3 Murray asked how much time would be needed for the project; Hayes responded that it should take
4 about two months. Murray advised that the volunteers would be covered by worker’s comp through the
5 City’s insurance, upon Council authorization.

6
7 Motion 3: Cameron moved to accept the Parks Commission proposal to remodel the Community Hall
8 kitchen and authorize volunteer workers for the project. Jack Brown seconded the motion.

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

11
12 Vote: Motion 3 passed.

13 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla

14
15 Loren Goddard, 15 SW Ellingson, reported that the Harbor Commission discussed the problems with the
16 fuel system, and met with City Staff and the engineer, and it was determined that the best solution would
17 be to moved the fuel cabinet off Dock 5 and put it on the north end of the containment vault. (Copy of
18 Harbor Commission memo attached.)

19
20 Motion 4: Jack Brown moved to present an appreciation plaque and letter of recognition to Fred Robison
21 for his many years of service related to the harbor. Taunton seconded the motion.

22
23 Mayor White said it was moved and seconded, and called for discussion. There was none.

24
25 Vote: Motion 4 passed.

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

27
28 VII. PUBLIC COMMENTS

29 Peggy Leoni, Chamber of Commerce, reported that 1) The chamber’s next meeting is at noon on
30 Monday, February 12. The speaker will be Guy diTorrice, who will speak about check fraud. 2) The
31 Citizen of the Year Banquet is March 17. This year’s theme is “The Luck of the Irish”. Advance tickets
32 are \$15 for single, \$25 per couple.

33
34 Rosalie Raudsep, 2702 Seafarer Court in Waldport, addressed the Council regarding her volunteer
35 campaign to raise \$30,000 toward digital video cameras for Lincoln County deputies’ patrol cars. (Copy
36 of handout attached.)

37
38 Chris Chandler diTorrice, Lincoln County Economic Development Alliance, and Joe Cox, owner of The
39 Mechanical Rockfish in Lincoln City and G.H. BioFuel addressed the Council regarding finding an
40 appropriate location to manufacture biodiesel, and expressed an interest in using the fish plant for this
41 purpose. This item will appear on a future agenda.

42
43 VIII. UNFINISHED BUSINESS

- 44 A. Council Deliberations Continued: Proposed Amendments to Zoning Ordinance and Inventory
45 Map Relating to Natural Resources Inventory

1 Lewis reviewed his January 6, 2007 report to the Council (copy attached to original of these minutes),
2 and there was discussion regarding the report.

3
4 Motion 5: Alice Brown moved to adopt Option 1 for the Definition of Riparian Corridor Boundary, a 50
5 foot setback that maintains the existing DBZO (Depoe Bay Zoning Ordinance) definition. Taunton
6 seconded the motion.

7
8 Mayor White said it was moved and seconded, and called for discussion. There was brief discussion.

9
10 Amendment: Jack Brown amended the motion to add a requirement for review by a fish biologist. The
11 amendment was accepted by Alice Brown and Taunton.

12
13 Mayor White said it was moved and seconded, and called for discussion. There was none.

14
15 Vote: Motion 5, as amended, passed.
16 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown
17 Abstain: Davilla

18
19 Motion 6: Cameron moved to accept Items B, C, D, and E of the proposed text amendments for adoption
20 in the ordinance. Jack Brown seconded the motion.

21
22 Mayor White said it was moved and seconded, and called for discussion. Lewis noted that two wetland
23 areas on the inventory are identified in the report as “mosaic wetlands”, with a portion of the area as
24 actual wetlands and a portion as uplands, and recommended making this notation on the map.

25
26 Amendment: Alice Brown amended the motion to delete “non-significant wetlands”. There was no
27 second.

28
29 Vote: Motion 6, unamended, passed.
30 Ayes: Cameron, Taunton, White, Romans, Jack Brown
31 Noes: Alice Brown
32 Abstain: Davilla

33
34 Motion 7: Cameron moved to direct Staff to draft the ordinance and bring it back to the Council for
35 adoption. Romans seconded the motion.

36
37 Mayor White said it was moved and seconded, and called for discussion. It was the consensus of the
38 Council that the draft ordinance should be brought back before the Council at the March 6, 2007
39 meeting.

40
41 Vote: Motion 7 passed.
42 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown
43 Abstain: Davilla

44
45 B. LUBA Final Opinion and Order (No. 2006-145): J. Grant V. City of Depoe Bay

1 Motion 8: Jack Brown moved to direct Staff to issue the appropriate public hearing notice for the LUBA
2 (Land Use Board of Appeals) remand. Cameron seconded the motion.

3
4 Mayor White said it was moved and seconded, and called for discussion. A Councilor questioned the
5 procedure. Murray noted that a date needed to be set; Gintner advised that 21 days was minimum notice;
6 it was the consensus of the Council to hold the remand hearing on March 6, 2007.

7
8 Vote: Motion 8 passed.

9 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla

10
11 C. Update to Job Descriptions and Salaries – City Employee Positions

12 Murray noted that proposed job descriptions and salaries had been distributed to Councilors before the
13 last meeting, with the exception of the Harbormaster/Maintenance Worker, which was approved in
14 December, 2006. She said the recommendations were based on the salary survey conducted in October,
15 2005 and were adjusted for cost inflation.

16
17 Motion 9: Davilla moved to accept the job descriptions and salaries as presented. Taunton seconded the
18 motion.

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

21
22 Vote: Motion 9 passed

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

24
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 was unanimous – all Councilors and the
29 Mayor voted to appoint each of the applicants to the positions they applied for.

30
31 Motion 10: Taunton moved to accept the canvass of votes and appoint Robert Flowers to Parks
32 Commission Position #4, Anne Drazek to Parks Commission Position #7, and Cody Lawrence to
33 Salmon Enhancement Commission Position #7. Alice Brown seconded the motion.

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

36
37 Vote: Motion 10 passed.

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

39
40 B. Oregon Parks and Recreation Department: Proposed ADA Access Improvements at Painter Park
41 Building

42 Owings reviewed his memo with supporting documentation to the Council dated 1/31/07 (copy attached
43 to original of these minutes) regarding preliminary plans to provide ADA access to the Painter building.
44 He noted that the City has been contacted by people wanting handicap access to the building.

1 Motion 11: Jack Brown moved to accept the Oregon Parks and Recreation Department's proposed
2 improvements for ADA access to the Painter building. 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 11 passed.

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

8
9 C. Opportunity for Coastal Resource Improvements Grant (306A)

10 Murray said this is the same program (copy of announcement attached to original of these minutes) that
11 is helping the City finance the City Park Expansion Project. She said the project most eligible for this
12 grant would be replacing the City Park bridge, a project estimated at \$50,000, and that the grant would
13 be for \$25,000, with the City committing \$25,000 in matching funds. The deadline to submit an
14 application is February 16.

15
16 Motion 12: Jack Brown moved to apply for a 306A grant to replace the City Park bridge. Davilla
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 12 passed.

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

23
24 D. Contract Award: Proposals to Conduct Urban Renewal Feasibility Study

25 Murray reviewed her memo and supporting documentation dated 1/31/07 (copy attached to original of
26 these minutes), and said that two proposals were received and had been distributed to Councilors. A
27 Councilor noted that one of the proposals listed the City of Depoe Bay as having a Renewal Feasibility
28 Study completed in 2006.

29
30 Motion 13: Davilla moved to table further discussion on the urban renewal requests for proposal until
31 additional information is received from Spencer & Kupper regarding why the City of Depoe Bay is on
32 their completed projects list. Alice Brown seconded the motion.

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

35
36 Vote: Motion 13 passed.

37 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla

38
39 E. Lease Agreement – Tax Lot #941, Map 09-11-08-AC

40 Murray noted that this lease agreement regards property on Shell Avenue the City has used for many
41 years for boat trailer parking, and the County has notified the City that the property changed hands about
42 a year ago. A new lease agreement or assignment of the existing lease agreement with the new owner
43 needs to be in place in order for the property to continue to be tax exempt. The new owner is agreeable
44 to assign the existing lease agreement, and also plans to develop the property within the next year.

1 Motion 14: Romans moved to approve assignment of the existing lease agreement with the new owner
2 for the boat trailer parking area. Taunton seconded the motion.

3
4 Mayor White said it was moved and seconded, and called for discussion. Mayor White asked if
5 assignment of the lease would extend the lease for one year. Murray responded that the existing lease
6 terms would not change.

7
8 Vote: Motion 15 passed.

9 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla

10
11 F. North Depoe Bay Harbor Walkway and High Cliff Stabilization

12 Jack Brown said stabilization of the north harbor cliff will be a topic of discussion during this year's
13 Washington D.C. trip (copies of two emails with supporting documentation and handout Jack Brown
14 submitted today attached to original of these minutes), and that information on property ownership needs
15 to be obtained before any proposals can proceed.

16
17 Motion 15: Jack Brown moved to direct Staff to determine ownership status of harbor properties.
18 Cameron seconded the motion.

19
20 Mayor White said it was moved and seconded, and called for discussion. There was brief discussion
21 regarding how soon this information could be obtained; it will not be available before the Washington
22 D.C. trip.

23
24 Vote: Motion 15 passed.

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

26
27 G. Proposed Res. #368: A Resolution Declaring an Emergency, Waiving a Requirement for
28 Competitive Bids for Contract for Harbor Marine Fuel Facility Rehabilitation

29 Owings reviewed two recent incidents involving spills at the fuel dock, noting that the location is
30 detrimentally affected by wave action. The Coast Guard, a mechanical engineer, and Harbor
31 Commissioners have evaluated the situation, and have determined that the best solution is to move the
32 cabinet up against the fuel tank on the west side of the harbor, with fuel going across the dock only when
33 a boat is being fueled. He asked for authorization to spend \$10,000 with a 30% contingency to resolve
34 the problem.

35
36 Motion 16: Cameron moved to accept Res. #368: A Resolution Declaring an Emergency,
37 Waiving a Requirement for Competitive Bids for Contract for Harbor Marine Fuel Facility
38 Rehabilitation. Taunton seconded the motion.

39
40 Mayor White said it was moved and seconded, and called for discussion. A Councilor advised a smooth
41 pad across the dock would protect the fuel hoses against being abraded.

42
43 Vote: Motion 16 passed.

44 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla

45
46 X. CORRESPONDENCE

1 There were four items of correspondence: 1) A letter from Richard Newton, resigning from the Harbor
2 Commission. 2) A complaint form regarding Millenium Digital cable TV services. 3) A letter regarding
3 problems with Millenium Digital cable TV service. 4) An email regarding prayer at Council meetings.
4 (Copies of correspondence attached to original of these minutes.)
5

6 Motion 17: Cameron moved to accept Newton's resignation and send him a letter of thanks for his
7 services. Taunton seconded the motion.
8

9 Mayor White said it was moved and seconded, and called for discussion. There was none.
10

11 Vote: Motion 17 passed.

12 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla
13

14 Motion 18: Davilla moved to provide copies of the complaints to Millenium Digital and request a
15 response. Romans seconded the motion.
16

17 Mayor White said it was moved and seconded, and called for discussion. A Councilor said he
18 complained and received a discount on his bill, noting that Millenium might take action if they receive
19 enough complaints.
20

21 Vote: Motion 18 passed.

22 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla
23

24 A Councilor said that under Oregon law, it is the choice of each city whether or not they want to open
25 with prayer. Gintner responded that he was unsure of the law in this respect.
26

27 XI. CITY STAFF REPORT

28 Owings reviewed his written report (copy attached to original of these minutes), providing additional
29 information on the fuel spills, and updates on the water storage project and the Hwy 101 crosswalk near
30 the post office.
31

32 Murray reported that the Budget Committee has four expiring term positions, and notice will be posted
33 soon.
34

35 XII. COUNCIL COMMENTS

36 Alice Brown: The Council is now receiving legislative bulletins from League of Oregon Cities, with a
37 recent issue addressing Measure 37 issues, and another recent issue addressing possible removal of the
38 double majority requirement.
39

40 Cameron: Asked everyone to stop by and say hi to Fred and Betty Robison when in Newport.
41

42 Taunton: 1) Asked about options for the Traffic Safety Committee trading storage space; Jack Brown
43 indicated something could be worked out with rowing club space in the bus barn. 2) Asked for
44 confirmation that the fuel dock design came from the State Marine Board; Owings said it did.
45

1 Mayor White: 1) He is on the board of the Oregon Mayors Association, and it supports elimination of
2 the double majority requirement. 2) He will be attending Mayor's Day at the Capitol on February 28. 3)
3 In March he will be going to Washington D.C. with Jack Brown to seek funding for Depoe Bay projects.
4

5 XIV. ADJOURN

6 There being no further business, the meeting was adjourned at 9:20 PM.
7
8
9

10
11 _____
12 James White, Mayor
13

14 _____
15 Fox Dreamingtime, Recording Secretary