

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, March 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, Recording Secretary 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: February 20, 2007 Regular Meeting
20

21 Motion 1: Alice Brown moved to accept the minutes of the February 20, 2007 Regular Meeting as
22 written. Davilla 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, Davilla
28

29 IV. ACCOUNTS PAYABLE

30 Motion 2: Davilla moved to approve 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, Alice Brown, White, Romans, Jack Brown, Davilla
36

37 V. SPECIAL ORDERS
38

39 A. Mayor White presented a plaque of appreciation to Fred Robison in recognition of his many
40 years of dedicated service to the community. Mr. Robison received a standing ovation.
41

42 B. Public Hearing: State of Oregon Land Use Board of Appeals Final Opinion and Order Remand:
43 J. Grant v. City of Depoe Bay

44 Mayor White began the opening statement for the public hearing procedure (copy attached to original of
45 these minutes); Murray completed the statement, noting there was one piece of written testimony
46 attached to the Staff Report and that one additional piece of written testimony was received today from

1 Jim Wahl (copy attached to original of these minutes). Mayor White called for declarations of conflict of
2 interest, ex-parte contact, or bias; there were none. He asked if there was any opposition to any
3 Councilor hearing the case; there was none. Lewis reviewed the Staff Report (copy attached to original
4 of these minutes), noting the letter from winery property owner Richard Cutler, stating he has no interest
5 in leasing his property for parking. Mayor White called for testimony from the appellant; Jerome Grant,
6 356 E Logsdan Road in Siletz, was present and came to the podium. He asked about the new written
7 testimony; a Councilor provided his copy of the letter to Grant. Grant acknowledged that providing
8 parking spaces on the winery property was not an option. He suggested clearing out the blackberry
9 bushes and developing the adjacent lot. He said he met with Wahl, who was not opposed to his land
10 being used. Grant suggested that cantilevered parking on Wahl's property could alleviate at least part of
11 the need for a variance. Mayor White called for proponent testimony; Peggy Leoni, 355 SW Hwy 101
12 respectfully requested the Wahl testimony be read into the record; Murray read the letter. Mayor White
13 called for opponent testimony; there was none. He called for testimony from other interested parties;
14 there was none. He asked the appellant if he would like to rebut; Grant said Wahl's written testimony
15 did not contradict anything Wahl had told him. Mayor White called for any requests to leave the record
16 open; there were none. The hearing was closed and Council deliberations began. Discussion included a
17 concern that engineering cantilevered parking would be more difficult than engineering a cantilevered
18 viewing deck as proposed in the Downtown Refinement Plan; the cost of developing such parking would
19 create a hardship; developing cantilevered parking would not be feasible for a year-to-year lease; and a
20 concern about the intent of Wahl's testimony, with a suggestion to have the City Attorney speak with
21 Wahl to clarify.

22
23 Motion 3: Cameron moved to direct Staff to prepare the Final Order, upholding the Council's decision to
24 approve the variance. Taunton seconded the motion.

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

27
28 Vote: Motion 3 passed.

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

30 Noes: Jack Brown

31 Abstain: Davilla

32
33 Murray stated the Final Order will be presented at the March 20 regular meeting. Grant asked if the
34 record is completely closed; Gintner said yes.

35 36 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

37 A. Jim Hayes, 30 SW Heiberg, provided the Council with an update on the Community Hall kitchen
38 project. He said it is proceeding nicely, but purchase of appliances will cause the project to run over
39 budget. He requested an additional \$3,000. There was discussion regarding commercial grade appliances
40 vs. professional grade. Davilla stated she could get a discount on the appliances.

41
42 Motion 4: Davilla moved to approve up to \$4,000 to upgrade kitchen equipment at the Community Hall
43 to commercial quality. Alice Brown seconded the motion.

44
45 Mayor White said it was moved and seconded, and called for discussion. A Councilor questioned
46 whether the City could take advantage of Davilla's offer.

1
2 Vote: Motion 4 passed.

3 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown, Davilla
4

5 B. Economic Business Development Committee

6 Craig Toll, 116 Carson, distributed copies of an email (copy attached to original of these minutes) he
7 sent after the last meeting. The email included a non-prioritized list of possible projects for the
8 committee. The committee will select three projects from the list. If anyone has any additional ideas, he
9 invited them to be emailed to him at the address shown on the handout.
10

11 C. Salmon Enhancement Commission Report

12 Beanie Robison, 765 Coast, and James Ray, ODF&W biologist and advisor, provided the Council with
13 historical information on the commission (see copies of documentation attached to original of these
14 minutes), and discussed the importance of Depoe Bay's creeks, saying how well-suited the environment
15 is for the salmon.
16

17 D. Mayor White presented Murray with a plaque for "The Outstanding Parks Support Staff Award
18 for 2005-07" from the Oregon State Marine Board.
19

20 Mayor White called a recess at 8:10; the meeting reconvened at 8:16.
21

22 VII. PUBLIC COMMENTS

23 Peggy Leoni, Chamber of Commerce, said the Citizen of the Year banquet begins March 17 at 6 PM.
24 She will report on the banquet at the next meeting.
25

26 Kay Skaggs, 416 NE Hwy 101, reported that Treasure Depoe Bay has evolved into a non-profit group.
27 They have applied for 501(c)3 status and have insurance for all their events. They now will be giving
28 funds for generic community needs. She said all their members are volunteer. Their intent is "to improve
29 the lives of people in the community through all age spectrums". (Copy of Treasure Depoe Bay report to
30 the Council attached to original of these minutes.)
31

32 VIII. UNFINISHED BUSINESS

33 There was no unfinished business.
34

35 IX. NEW BUSINESS

36 A. Proposed Ord. #278 – An Ordinance Amending Ord. #24 as Amended; Amending the Inventory
37 Information, as Amended; Relating to the Natural Resources Local Wetlands and Riparian
38 Inventory and Maps; and Declaring an Emergency

39 Murray said the proposed ordinance (copy attached to original of these minutes) was drafted after
40 Council deliberations were complete, and that it will incorporate the local wetlands study done in 2003.
41 Lewis provided an overview of the proposed ordinance. A Councilor distributed a letter from Frank
42 Helle (copy attached to original of these minutes), asking the Council to take a closer look at separation
43 of significant and non-significant wetlands. There was lengthy discussion on this.
44

45 Motion 5: Jack Brown moved to read proposed Ord. #278 by title only. Motion died for lack of a second.
46

1 Murray read the proposed ordinance in its entirety at the first reading, and then called for comments or
2 questions from the audience. Dorinda Goddard, 15 SW Ellingson, asked if anyone proposing building on
3 wetlands is required to do a wetlands delineation, whether the significance or non-significance is
4 determined at that time, and whether property with identified non-significant wetlands would have to
5 follow the ordinance; Lewis said yes on all counts, as drafted.

6
7 Motion 6: Jack Brown moved to adopt proposed Ord. #278 as written, at the first reading. Cameron
8 seconded the motion.

9
10 Mayor White said it was moved and seconded, and called for discussion. Discussion ensued.

11
12 Motion 7: Alice Brown moved to amend Motion 6 as follows: Page 2, Section b., "...The provisions of
13 Section 4.800 shall apply to the *significant* wetlands, ponds, and riparian areas..." and "...shall also
14 apply to existing streams, *significant* wetlands, and riparian areas..." Cameron seconded the amendment.

15
16 Mayor White said it was moved and seconded, and called for discussion. There was none.

17
18 Vote: Motion 7 passed.

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

20 Noes: Jack Brown

21
22 Vote: Motion 6, as amended, passed.

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

24
25 Murray noted that the second reading could not be performed because Motion 7 was not unanimous. The
26 proposed ordinance will be presented for the second reading and adoption at the March 20 meeting.

27
28 B. Proposed Services Agreement for Urban Renewal Feasibility Study: Spencer & Kupper
29 Motion 8: Cameron moved to accept the agreement from Spencer & Kupper for an Urban Renewal
30 Feasibility Study, and authorize the Mayor to sign. Alice Brown seconded the motion. (Copy of
31 agreement attached to original of these minutes.)

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

34
35 Vote: Motion 8 passed.

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

37
38 C. Authorization for Use of the Community Hall and Harbor Facilities: Depoe Bay Chamber of
39 Commerce Annual Wooden Boat Show and Crab Feed
40 Jack Brown distributed a memo from the Chamber of Commerce (copy attached to original of these
41 minutes), and requested Council approval for the Chamber to use the harbor parking lot, Dock 4, the
42 harbor for the Ducky Derby and rowing races, free moorage for all exhibit boats on Dock 4, and the
43 Community Hall for the Crab Feed.

44
45 Motion 9: Jack Brown moved to approve the Chamber of Commerce request to use harbor facilities and
46 the Community Hall. Cameron seconded the motion.

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2 Mayor White said it was moved and seconded, and called for discussion. There was none.
3
4 Vote: Motion 9 passed.
5 Ayes: Cameron, Taunton, Alice Brown, White, Romans, Jack Brown
6 Abstain: Davilla
7
8 X. CORRESPONDENCE
9 There was no correspondence.
10
11 XI. CITY STAFF REPORT
12 Owings reviewed his written report (copy attached to original of these minutes), providing updates on
13 the crosswalk project, the harbor fueling system, the new water tank, pothole patching, and engineering
14 services for Bayview Ave.
15
16 Murray had no report.
17
18 XII. COUNCIL COMMENTS
19 Alice Brown congratulated Fred Robison and Murray on their plaques, and thanked Jim Hayes for his
20 work upgrading the Community Hall kitchen.
21
22 Jack Brown concurred with Alice Brown.
23
24 Romans thanked Owings for filling potholes.
25
26 Taunton also concurred with Alice Brown.
27
28 Mayor White: 1) Asked the Council to read proposed ordinances prior to meetings so Staff would not
29 have to read them aloud. 2) Asked the Council to consider a ballot measure changing the length of term
30 of office for the mayor from two years to four years. 3) Reminded everyone that he and Jack Brown will
31 be leaving for Washington D.C. on Saturday. 4) Congratulated Murray on her plaque.
32
33 XIV. ADJOURN
34 There being no further business, the meeting was adjourned at 9:38 PM.
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37
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39 _____
40 James White, Mayor
41
42
43 _____
44 Fox Dreamingtime, Recording Secretary