

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, February 15, 2011 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Mayor C. Connors, P. Cameron, S. Hoitink, B. Leff, D. Goddard, T. Lewis,
7 D. Zimmerman
8

9 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings
10

11 I. PLEDGE OF ALLEGIANCE

12 Mayor Connors called for all to stand for the Pledge of Allegiance.
13

14 II. CALL TO ORDER

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

17 III. APPROVE MINUTES: February 1, 2011 Regular Meeting

18 Motion 1: Goddard moved to approve the minutes from the February 1, 2011 Regular Meeting as
19 written. Cameron seconded the motion.
20

21 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
22

23 Vote: Motion 1 passed.

24 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Zimmerman

25 Abstain: Lewis
26

27 IV. ACCOUNTS PAYABLE

28 Motion 2: Zimmerman moved to approve the Accounts Payable as submitted. Hoitink seconded the
29 motion.
30

31 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
32

33 Vote: Motion 2 passed.

34 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman
35

36 V. SPECIAL ORDERS

37 There were no special orders.
38

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

40 There were no reports.
41

42 VII. PUBLIC COMMENTS

43 There were no public comments.
44

45 VIII. UNFINISHED BUSINESS

46 A. Grant Opportunities

47 Murray reviewed her memo dated 2/14/11 (copy attached to original of these minutes) regarding
48 the projects that were considered at the last Council meeting for submission to Oregon Parks and
49 Recreation Government Grant Program – a land acquisition project for City Park expansion, and
50 construction of ADA restrooms at the State Park Building. The restroom project cannot be
51 submitted because the City would have to own the property in order to construct anything on it.
52 The land acquisition project has some stumbling blocks: the property owner wants to sell more
53 parcels than the City wants to buy, and at a higher price than the land is likely to be appraised at.
54 It was the consensus of the Council to not submit any application at this time.

1
2 B. Harbor Commission Recommendation – Insurance Requirements for Moorage Holders
3 Murray said the Harbor Commission had deliberated on the Council's request they consider
4 requiring liability insurance for moorage holders. She noted that the only time the City currently
5 requires insurance is when the boat owner is conducting business off public docks. The Harbor
6 Commission was concerned about the financial impact requiring insurance might have on moorage
7 holders. Murray reviewed information received from the Port of Newport on this subject. She also
8 said the City's insurance company recommended protection and indemnity insurance coverage but
9 these policies rarely offer pollution liability coverage, which is usually a standalone policy. Mayor
10 Connors believed that pollution liability coverage is easier to obtain than the insurance company
11 said, and that \$500,000 would be the level to require.

12
13 Motion 3: Leff moved to direct Staff to develop an amendment to the current Ordinance that will
14 require protection and indemnity insurance with a minimum of \$500,000 coverage – an equal
15 match with the City. Cameron seconded the motion.

16
17 Mayor Connors said it was moved and seconded, and called for discussion.

18
19 Amendment: Goddard amended the motion to include pollution coverage. Leff and Cameron
20 accepted the amendment.

21
22 Mayor Connors said it was moved and seconded, and called for discussion. There was no further
23 discussion.

24
25 Vote: Motion 3, as amended, passed.

26 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

27
28 Murray asked if the Council wanted to consider any exclusions to the requirement, such as
29 transient moorage holders who pull in after hours and only stay overnight. She also questioned
30 whether it was reasonable to expect an overnight transient moorage applicant to, on the same day,
31 obtain a certificate naming the City as additional insured. There was further discussion. Murray
32 suggested that Staff begin drafting the Ordinance amendment with legal counsel's help, and bring
33 it to the next Council meeting for further discussion on exclusions.

34 35 IX. NEW BUSINESS

36 A. Neighbors for Kids

37 i) Request for Waiver of Land Use Action Fees

38 Dick Johnson addressed the Council representing Neighbors for Kids (NFK), and requested a waiver
39 of fees for a Conditional Use application so NFK can operate a community center and mobile
40 vending stands. The application is scheduled for discussion at the March Planning Commission
41 meeting. There was discussion about how business licensing requirements for non-exempt
42 organizations that will be using their space relate to their business licensing requirements as an
43 exempt organization. There was further discussion about what activities NFK intends to pursue,
44 what specific fees they were requesting be waived, and what the land use application deposit and
45 fees cover. Mr. Johnson asked if NFK could coordinate with the City to use City Hall parking on
46 occasion. Murray discussed shared parking spaces, and said that this subject needs to be
47 addressed during the application process for the conditional use, and that the number of spaces is
48 determined by the use, not by individual events. There was no action taken on the waiver request.

49 50 ii) Request to Schedule Event in City Park – Easter Egg Hunt, April 23

51 Murray reviewed the application (copy attached to original of these minutes) for scheduling the
52 annual Easter Egg Hunt in City Park.

1 Motion 4: Cameron moved to approve the NFK application to schedule the Easter Egg Hunt in City
2 Park on April 23, 2011. Leff seconded the motion.

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

5
6 Vote: Motion 4 passed.

7 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

8
9 B. Depoe Bay Chamber of Commerce OLCC Temporary Sales Application – Crab Feed, April 16-
10 17, 2011

11 Motion 5: Leff moved to approve the application for temporary OLCC sales for the Crab Feed on
12 April 16-17, 2011. Zimmerman seconded the motion.

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

15
16 Vote: Motion 5 passed.

17 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

18
19 C. Federal Appropriations Request FY 2012

20 Murray said last year the City submitted two requests relating to the harbor: 1) to fund cleaning
21 out the check dam at \$120,000, and 2) to fund the Harbor Flotation Project (which is Phase 1 of 4
22 of the Harbor Rehabilitation Project) at \$615,000. No response was received. The Oregon Ports
23 lobbyist in Washington D.C. recommended resubmitting the projects if they still have priority; the
24 Harbor Commission recommends that the projects be resubmitted.

25
26 Motion 6: Zimmerman moved to authorize Staff to resubmit two Federal Appropriations Requests
27 for Harbor projects. Leff seconded the motion.

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

30
31 Vote: Motion 6 passed.

32 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

33
34 D. Authorize Travel Expenses – Mayor’s Day at the Capitol, March 2

35 Murray estimated the expenses to be \$125. (Copy of notice attached to original of these minutes.)

36
37 Motion 7: Leff moved to approve expenses not to exceed \$125 for Mayor Connors to attend
38 Mayor’s Day at the Capitol. Hoitink seconded the motion.

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

41
42 Vote: Motion 7 passed.

43 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

44
45 E. Councilor Appointments – Lincoln County Communications Agency – City Representative

46 Motion 8: Cameron moved to reappoint Councilor Leff to the Lincoln County Communications
47 Agency. Goddard seconded the motion. (Copy of letter from Tami Atkinson at Lincoln County
48 Communications Agency attached to original of these minutes.)

49
50 Mayor Connors said it was moved and seconded, and called for discussion. There was brief
51 discussion.

52
53 Vote: Motion 8 passed.

54 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

X. CORRESPONDENCE

There were two items of correspondence (copies attached to original of these minutes). 1) A thank you booklet for the new addition to the City Park Nature Trail from Dr. Grant and Irene Clark. 2) A letter from the Town & Country Fair & Rodeo Association asking for a contribution of \$250 to support the third annual geo-coin. There was brief discussion about the City's participation in last year's geo-coin program. It was the consensus of the Council to table this item until the Mayor contacts the Association to express the City's displeasure with what happened last year (contribution was to be contingent upon the other cities in Lincoln County also contributing, which they did not).

XI. CITY STAFF REPORT

Murray had no report.

Owings reviewed his written report (copy attached to original of these minutes), providing updates on the wastewater pump repair, DEQ mixing zone study, water plant upgrades, street projects, harbor project, and park project. He invited the new Councilors to take a tour of City facilities; this was scheduled for Monday, February 28. Councilors will meet at the water plant at 10 AM. A Councilor requested a representative from Salmon Enhancement be present at the water plant. Owings also reported that because of multiple complaints about the noise generated from the heater at the Community Hall, he would like authorization to seek cost information on moving the heater into the storage area or installing electric heat (which would cost more); Mayor Connors instructed him to proceed.

XII. COUNCIL COMMENTS

Leff thanked everyone for attending the meeting, and said that when she went on the City facility tour she learned a lot. She responded to a comment another Councilor made earlier in the meeting about the Council's decision to not waive land use fees for NFK.

Zimmerman said it was nice to see all the Council chairs filled, and welcomed the new Councilors.

Goddard expressed concern about the ultra-high frequency sonar devices the Coast Guard plans to put in the ocean between shore (including bays) and up to 12 miles out. She said she carefully reviewed Bruce Mate's email message dated 2/12/11 (copy attached to original of these minutes), and can find no description of what the devices are for or what they will do. She said the deadline for comments on the proposal was two days ago. She felt that the issue was too important for the Council to ignore because of the potential effect on dolphins and whales, and suggested it be watched as the situation develops.

Hoitink said a Depoe Bay home was broken into and about \$6,000 worth of items were stolen. There was brief discussion about a possible connection with drug users. He also thanked the Council for voting him in.

Cameron asked if the beer tent at the crab feed was something new; no.

Mayor Connors thanked everyone for attending. She attended a League of Oregon Cities (LOC) meeting in Toledo. She said she learned about a lot of programs that are available. She asked for a workshop to be scheduled to discuss changing the harbor so it will become more of a tourist attraction. She also wanted to schedule a workshop to discuss law enforcement. Scheduling a workshop was suggested to bring the new Councilors "up to speed"; Murray offered that LOC has extensive classes which could help the new Councilors understand their duties, and said she would provide information to the new Councilors; there was brief discussion about other options that are available for newly-elected/appointed officials. Mayor Connors requested the discussion on workshops continue at the next meeting.

1 XIV. ADJOURN

2 There being no further business, the meeting was adjourned at 8:40 PM.

3

4

5

6

7

8

9

10

11

12 _____
Emma LuMaye, Recording Secretary

Carol Connors, Mayor