

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, March 15, 2011 - 7:00 PM
4 Depoe Bay City Hall
5
6

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

9 ABSENT: S. Hoitink
10

11 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings
12
13

14 I. PLEDGE OF ALLEGIANCE

15 Mayor Connors called for all to stand for the Pledge of Allegiance.
16

17 II. CALL TO ORDER

18 Mayor Connors called the meeting to order and established a quorum at 7:00 PM.
19

20 III. APPROVE MINUTES: March 1, 2011 Executive Session and Regular Meeting

21 Motion 1: Leff moved to approve the minutes from the March 1, 2011 Executive Session and
22 Regular Meeting as written. Goddard seconded the motion.
23

24 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
25

26 Vote: Motion 1 passed.

27 Ayes: Cameron, Leff, Connors, Goddard, Lewis, Zimmerman
28

29 IV. ACCOUNTS PAYABLE

30 Motion 2: Zimmerman moved to approve the Accounts Payable as submitted. Leff seconded the
31 motion.
32

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

35 Vote: Motion 2 passed.

36 Ayes: Cameron, Leff, Connors, Goddard, Lewis, Zimmerman
37

38 V. SPECIAL ORDERS

39 A. Interview/Appoint Applicants for City Commissions and Committees

40 Bruce Silver was present and came forward to tell about himself and why he was interested in
41 participating, and answered questions from Councilors. (Copy of application attached to original of
42 these minutes.)
43

44 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to
45 original of these minutes) and announced the results. The vote to appoint Mr. Silver to the Budget
46 Committee was unanimous.
47

48 B. Presentation: Neighbors For Kids (NFK)

49 Toby Winn provided the Council with an update on NFK challenges and activities. He mentioned
50 tutoring, music lessons, a rowing club, sports fitness, a successful meal program, a youth
51 entrepreneur class, a partnership with Oregon Coast Community College. He said there are over 40
52 children attending Kids Zone daily, and last year they served 5,400 dinners to children after school;
53 in the summer 1,400 lunches and 1,200 afternoon snacks were served. All meal program costs,
54 including cooks' salaries, are reimbursed, so the program is self-sustaining. Children also went on

1 field trips around the state. There are plans for a permanent science room when the second floor is
2 completed. The current register is 108 children, with another 20 on the waiting list. NFK operates
3 between 3-6 PM, and the programs are designed to build a workforce, and to teach the children
4 responsibility and to be good citizens to this community and surrounding communities in which
5 they live. Their major focus is to "make school return to Depoe Bay".

6
7 Steve Sparks gave a PowerPoint presentation to the Council. He said the NFK building is 85 feet
8 above sea level, and is a pretty safe place for the community to go to when there are disasters. He
9 gave examples of NFK supporting the community: the Coast Guard Fitness Program uses the gym,
10 the Oregon Support Network holds monthly meetings, a troops fundraiser is scheduled; Girl Scouts,
11 the Coast Guard Auxiliary, and Head Start all use the facility. The Youth Entrepreneurship Program
12 has 14-17 year olds writing a business plan to start a business this coming summer. He talked
13 about partnering with existing facilities like the Community Center and organizations like the
14 Chamber of Commerce, improving the NFK facility, the importance of NFK volunteers, collaboration
15 with other non-profit organizations, and how valuable assistance has been received from local
16 businesses.

17
18 C. Presentation: The Ford Leadership Institute Program – Jack and Maggie Brown
19 Jack and Maggie Brown addressed the Council to promote the Ford Leadership Institute Program
20 (FLIP). This is not Ford Motor Company. FLIP offers over \$1 million in grants available to small
21 communities in Oregon and Northern California. They offer a leadership class that Councilors, Staff,
22 and others might be interested in attending September-January. Anyone who is interested can
23 attend a recruitment lunch on April 27 at noon at NFK, to see who will be invited to join the class.

24 25 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

26 A. Planning Commission Recommendation – Disaster Warning Sirens
27 Planning Commission Chair Roy Hageman 325 SW Coast Avenue, gave a presentation to the
28 Council on the Planning Commission's recommendation for a disaster warning system (copy of his
29 handout attached to original of these minutes). Of the four options presented, the Planning
30 Commission recommendation was for "Possibility #4": two 121-122 dB mechanical sirens installed
31 nearer the north and south ends of town, plus a 128 dB electronic siren with voice capability
32 installed at the west end of Winchell Street (next to Dockside Charters); at an approximate cost of
33 \$80,000 (funding from Public Safety line item, Fleet of Flowers, and the Chamber of Commerce),
34 which includes battery back-up, solar power, and a command and control center. There was a
35 period of questions and answers after the presentation. American Signal will be giving a siren
36 demonstration at the Community Hall on Monday 3/21/11 around 1:00 PM.

37 38 VII. PUBLIC COMMENTS

39 Rick Beasley addressed the Council regarding whether the \$5,000 Budget line item for advertising
40 meets the legal State requirement for percentage of transient room tax receipts devoted to
41 advertising, and said he intends to ask this question when the Budget Committee meets. He also
42 spoke in support of the newsletter the City may be producing, but said he felt a better way of
43 improving communication with citizens is through the City's website because newsletters are time
44 consuming and expensive. He suggested borrowing website development ideas from Lincoln City
45 and Newport, specifically mentioning audio recordings of Council meetings, linking to all tourist
46 facilities that pay transient room tax, and posting Council packets.

47
48 Peggy Leoni thanked the City and the Fire Department for their work during Friday's tsunami. She
49 was curious about whether anyone received a reverse 9-1-1 call. Mayor Connors said that would be
50 addressed later in the meeting.

51 52 VIII. UNFINISHED BUSINESS

53 A. Draft Ord. #289 – An Ordinance Amending Ord. #252 (Depoe Bay Harbor Ord.), Imposing
54 Insurance Requirements for Moorage Use Permits, and Declaring an Emergency

1 Murray summarized discussion from the previous meeting. She said the City Attorney had been
2 contacted (copy of memo dated 3/11/11, with attachments, from Murray & Owings is attached to
3 original of these minutes) and responded that in the case of an incident, an indemnification
4 agreement imposes a contractual responsibility for the moorage holder but it does not protect the
5 City like insurance does. Owings contacted the State Marine Board (SMB) regarding posting of
6 signs at the harbor to notify users of liability; the SMB asked other ports statewide, and nobody
7 does this. Murray clarified that "additional insured" simply means that it helps protect the City –
8 there is no potential liability to the City associated with being an "additional insured". Mayor
9 Connors had prepared information about homeowners insurance as relates to watercraft (copy
10 attached to original of these minutes) which she reviewed, noting that some boats can be covered
11 under homeowners insurance. She then asked audience members if they would like to speak on
12 this agenda item.

13
14 Phil Shane addressed the Council as a moorage holder. He said that his boat is a 46-year-old
15 wooden boat that is difficult to insure. He also noted that insuring a boat for a full year when it's
16 only in the water for three months is an expensive requirement.

17
18 Mike Metz 26 Lillian Lane, a moorage holder, questioned how much money related to dock liability
19 the City had to pay over the past 20 years. His opinion was that \$500,000 was a lot of insurance.
20 He also expressed concern over the possibility of transient moorage holders not having to meet the
21 same requirements as regular moorage holders. Mr. Metz said that to increase his insurance
22 coverage to the proposed level would cost him an additional \$650 per year.

23
24 Lars Robison Harbor Commission Chairman, said there is a lot of concern about how much the
25 proposed insurance requirement would cost individuals, and nobody seems to know exactly how
26 much it will cost the boat owners. Mayor Connors suggested the owners call insurance companies
27 to get quotes.

28
29 Jack Brown 15 SE Ainslee, said the harbor's always been the City's economic engine, and boat
30 owners are citizens and an important part of the town; and protecting them is also the City's job.

31
32 There was further discussion about property damage, bodily injury, the cost of repairs, and the
33 cost of insurance.

34
35 A.J. Matilla 130 SE Douglas, said he couldn't hear in the back of the room. He addressed the
36 Council on this issue, bringing up a question which he said is before the Supreme Court on whether
37 mandatory insurance is constitutional. He reminisced about the sinking of the *Hawk* about 10 years
38 ago, the sinking of the *Amigo* about four years ago, and the recent sinking of the *Sea Slug*; noting
39 that all of these sinkings were uneventful. It was his opinion that the City should buy insurance for
40 the harbor, and the citizens would be equal partners in paying for it. He felt it was wrong to burden
41 the few individuals who are boat owners for a "what if" situation. A Councilor asked him to speak
42 about his experience as a commercial fisherman and his opposition to having to purchase
43 insurance. He shared his opinion that the existing docks are overloaded, and said the City won't
44 allow him to sell product off public docks without insurance, which he can't afford. It was the
45 consensus of the Council that this item should appear on the next agenda for further discussion
46 before beginning the adoption process.

47
48 B. Authorization for Use of City Facilities – Chamber of Commerce Annual Wooden Boat Show
49 Jack Brown 15 SE Ainslee, asked the Council to approve the Chamber of Commerce's use of the
50 parking lot in front of Dockside for boat exhibitors (not all parking spaces are requested), to clear
51 Dock 4 for exhibitors who want to put their boats into the water, use of the small part of the launch
52 area for parking boat trailers and traffic control (to be worked out with the Coast Guard and Fire
53 Department), and limiting access to Bay Street from Coast Guard Drive. Harbormaster Shane was
54 present and said that with the tsunami damage, it would be highly unlikely that Dock 4 could be

1 dedicated to the boat show. Lars Robison Dockside Charters owner, said Dockside likes the Wooden
2 Boat Show, but people have trouble finding Dockside's loading area when the boat show is on. He
3 said he'd like a recognized spot where people could drive down to a loading area and drop off
4 people and gear for fishing trips; John O'Brien said something could be arranged.

5
6 Motion 3: Leff moved to authorize the Wooden Boat Show Committee to use the space, or not, as
7 discussed at this meeting. Lewis seconded the motion.

8
9 Mayor Connors said it was moved and seconded, and called for discussion. An audience member
10 asked if arrangements had been made for use of the Community Hall for the Crab Feed; they had.

11
12 Vote: Motion 3 passed.

13 Ayes: Cameron, Leff, Connors, Goddard, Lewis, Zimmerman

14
15 C. Destination Depoe Bay Advertisement

16 Murray presented the draft advertisement provided by the NewsTimes, as well as a draft of an
17 advertisement with changes suggested by City Staff to the Council for their consideration. Also
18 included were some additional photos the City has available (copy of packet attached to original of
19 these minutes). She said the bill for the ad has already been submitted to the City for payment.
20 Discussion included a general feeling that the ad should reflect Depoe Bay as a tourist destination;
21 Mayor Connors said she had covered that in her "Letter from the Mayor". Suggestions for revision
22 were made; Councilors Leff and Goddard will meet with Mayor Connors to revise the ad for
23 submission to the magazine.

24
25 IX. NEW BUSINESS

26 A. Request to Declare Equipment Surplus – Offer to Sell

27 Mayor Connors announced she removed this item from tonight's agenda; it will appear on the
28 April 5 agenda.

29
30 B. Tsunami Debriefing

31 Owings began the discussion by reviewing the timeline of what happened the day of the tsunami,
32 starting early in the morning on Friday, March 11, 2011 (copy of timeline and photos attached to
33 original of these minutes). He also reviewed areas where follow-up is necessary or improvement
34 can be made. Mayor Connors added her recollections, including her opinion that the Reverse 9-1-1
35 service was not effective in this emergency. An audience member said the City might be interested
36 in a service called call-em-all.com that the school district uses; the service seemed to work
37 efficiently during this emergency. She also noted that County agencies need to have correct phone
38 numbers, as some messages were not received in a timely manner because they went to wrong
39 phone numbers. Further discussion included the Neighbors For Kids building being used as an
40 evacuation center, the Fire Department's area of responsibility being far larger than Depoe Bay,
41 and the need for better coordination in the future. Michael Dane was present and recalled his role
42 in emergency communications that morning. Other audience members added their recollections
43 and observations, as did Fire Chief Josh Williams, who recommended everyone sign up for local
44 alerts to your cell phone or email through a service called NIXLE.com. He recommended the City
45 sign up for this service as well.

46
47 X. CORRESPONDENCE

48 There was one item of correspondence (copy attached to original of these minutes): a letter from
49 the Lincoln Community Land Trust asking for the City's support in the form of becoming a member.
50 Murray asked that this item be scheduled for discussion on the next agenda.

51
52 XI. CITY STAFF REPORT

53 Owings had no report.

1 Murray reported that an appeal had been received on a City decision to grant a business license.
2 The appeal must be heard at a public hearing, to be scheduled within 30 days of the filing of the
3 appeal. The public hearing was scheduled for the April 5 meeting.
4

5 XII. COUNCIL COMMENTS

6 Leff thanked everyone for coming. She congratulated Chief Williams on how useful the CERT
7 (Community Emergency Response Team) team is to the community. She would like to see a team
8 developed specifically for the City. She also said City Staff was fabulous.
9

10 Zimmerman agreed with Leff.
11

12 Goddard said she has a DVD made by Mr. Rasmussen which covered the entire event, if anybody
13 would like to borrow it. She also said everyone did a great job.
14

15 Mayor Connors met with Sheriff Dotson and Lt. Carey, and would like to schedule a workshop
16 before the April 5 meeting, to discuss law enforcement options brought up at their meeting. She'd
17 also like to discuss acquiring a decoy police car at the workshop. A workshop to discuss these
18 subjects was scheduled for 6:00 PM on April 5. She also thanked everyone for attending. She
19 thanked Staff and the Fire Department for the fabulous work they did.
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21 XIII. ADJOURN

22 There being no further business, the meeting was adjourned at 10:23 PM.
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28 Carol Connors, Mayor
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33 Emma LuMaye, Recording Secretary