

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

7 PRESENT: Mayor C. Connors, P. Cameron, D. Goddard, S. Hoitink, B. Leff, T. Lewis,
8 D. Zimmerman
9

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

13 I. PLEDGE OF ALLEGIANCE

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

16 II. CALL TO ORDER

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

19 III. APPROVE MINUTES: March 15, 2011 Regular Meeting

20 Motion 1: Leff moved to approve the minutes from the March 15, 2011 Regular Meeting as written.
21 Goddard seconded the motion.
22

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

25 Vote: Motion 1 passed.

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

27 Abstain: Hoitink
28

29 IV. ACCOUNTS PAYABLE

30 Motion 2: Zimmerman moved to approve the Accounts Payable as submitted. Cameron seconded
31 the 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, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman
37

38 V. SPECIAL ORDERS

- 39 A. Public Hearing – Appeal of Decision to Grant a City Business License – Applicant Darryl S.
40 Kidder, Appellant Michael Norris

41 Mayor Connors read the opening statement (copy attached to original of these minutes). No
42 conflicts of interest, bias, or ex-parte contact were declared. Murray read a written statement
43 made by the applicant (copy attached to original of these minutes) into the record, and then
44 presented the Staff Report (copy attached to original of these minutes), and asked for questions;
45 there were none. Mayor Connors asked if the appellant had a presentation; he was not present.
46 Mayor Connors called for testimony in support of the appeal; there was none. She called for
47 testimony in opposition to the appeal; there was none. She called for testimony from any person
48 either supporting or opposing the appeal; there was none. She asked if anyone wanted the matter
49 continued or the record held open; there were no requests. The public hearing was closed. There
50 was very brief deliberation on the matter.
51

52 Motion 3: Goddard moved to grant a City Business License to Darryl Kidder, as prepared by Staff.
53 Leff seconded the motion.
54

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

2
3 Vote: Motion 3 passed.

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

5
6 Murray was directed to prepare the Findings for the Mayor's signature.

7
8 B. Presentation – Lincoln County School District Bond Measure – Liz Martin

9 Liz Martin, representing the KIDS (Keep Improving District Schools) Committee of Lincoln County,
10 addressed the Council regarding a \$63 million bond measure being voted on next month. She
11 described the various aspects of the proposed projects (copies of handouts attached to original of
12 these minutes).

13
14 C. Presentation – Lincoln Community Land Trust – Benjamin Baggett

15 Bill Hall of Newport spoke in Mr. Baggett's place, addressing the Council about the land trust,
16 explaining how the trust works, and how the program is doing.

17
18 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

19 Mike Laverty reported on the recent CWACTION (Cascades West Area Council on Transportation)
20 meeting he attended. He reviewed the organization's structure and the status of the highway
21 system and funding to maintain it. He said gas/diesel tax is to pay back borrowed monies, maintain
22 rest areas, and modernization. State highways get 50% of the tax; county highways get 30%, and
23 cities get 20%. Gas tax may not be a sustainable funding source in the long term, due to
24 increasingly fuel-efficient cars and inflation. In January 2011, gas tax was increased by 6¢ per
25 gallon; this was the first increase since 1993. He said only 25% of state bridges are non-stressed;
26 75% are stressed. When asked about the status of our bridge, his response was that the bridge
27 would have to collapse before money could be spent on it because the money has to come from
28 the Federal Government.

29
30 VII. PUBLIC COMMENTS

31 Councilor Goddard said Near Shore Action Team Chair Loren Goddard went to Salem today to
32 testify on HB2009, for funding of marine reserves.

33
34 VIII. UNFINISHED BUSINESS

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

36 Owings presented a list (copy attached to the original of these minutes) of equipment to the
37 Council, and requested permission to declare it surplus.

38
39 Motion 4: Leff moved to declare as surplus the equipment listed in the 4/5/11 memo from Terry
40 and Pery. Lewis seconded the motion.

41
42 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

43
44 Vote: Motion 4 passed.

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

46
47 B. Draft Ord. #289 – An Ordinance Amending Ord. #252 (Depoe Bay Harbor Ordinance),

48 Imposing Insurance Requirements for Moorage Use Permits, and Declaring an Emergency
49 Murray asked if the Council was ready to direct Staff to prepare a final draft to start the adoption
50 process. She asked if there were any other changes to the February 28 draft, besides the exception
51 that an indemnification agreement would be acceptable in place of insurance for transient moorage
52 of three days or less; there were no other changes. It was the consensus of the Council to direct
53 Staff to prepare a final draft of the ordinance to begin the adoption process at the next regular
54 meeting.

1
2 C. Disaster Warning System

3 Murray provided options for the Council to choose from in moving forward with a warning system.

4
5 Motion 5: Leff moved to direct Staff to develop an RFP based on a combination of the research
6 done by the Planning Commission and the recent warning system presentation, and that Staff
7 drafts Roy Hageman (with his permission) to assist in writing the RFP to ensure everything is
8 covered and to limit the amount to no more than \$100,000. Mr. Hageman said there were a
9 number of people who would like to see a larger array of loud speaker-type sirens, and that the
10 one vendor had recommended five. He suggested writing the RFP to ask for two quotes. Hoitink
11 seconded the motion.

12
13 Mayor Connors said it was moved and seconded, and called for discussion. Mr. Hageman said there
14 are grants available, but you have to know exactly what you want and how much it costs before
15 you ask for the money. He said of the five major manufacturers, four make sirens with
16 loudspeakers. He said the sirens would have to be mounted high to avoid sound blockage. He was
17 willing to assist Owings in preparing the RFP.

18
19 Amendment: Goddard amended the motion to eliminate the cost cap. Leff and Hoitink accepted the
20 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 5, as amended, passed.

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

27
28 D. Engineering Services Agreement – MSS, Inc.

29 Murray said MSS, Inc. is the company that the Bay Street project was awarded to. The City
30 requires \$1 million professional liability insurance, but Mr. Seaders of MSS can only provide
31 \$500,000. He is not able to get \$1 million in coverage, due to the size of his company. She asked
32 the Council if they wanted to consider reducing the insurance requirement, for this contract only, to
33 \$500,000. Murray said Mr. Seaders felt that \$500,000 insurance for a \$100,000 job should be
34 more than adequate. There was brief discussion.

35
36 Motion 6: Leff moved to decline the opportunity to waive the professional liability insurance of \$1
37 million for MSS, Inc. contract. Goddard seconded the motion.

38
39 Mayor Connors said it was moved and seconded, and called for discussion. There was brief
40 discussion.

41
42 Vote: Motion 6 passed.

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

44
45 IX. NEW BUSINESS

46 A. Harbor Spill Prevention Control and Countermeasure Plan

47 This item was postponed to the next agenda.

48
49 B. Decoy Car (from Workshop)

50 Goddard spoke with a County Commissioner this evening on break between the Workshop and
51 Regular meetings, and the Commissioner told her it was absolutely appropriate to petition the
52 County to donate the car to the City.

1 Motion 7: Goddard moved to direct Staff to draft a letter to the County Commissioners petitioning
2 them to donate the car to the City. Leff seconded the motion.

3
4 Mayor Connors said it was moved and seconded, and called for discussion. The correspondence is
5 to include a statement that there is some urgency to respond, and the letter is to be signed by the
6 Mayor.

7
8 Vote: Motion 7 passed.

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

10
11 Return to Item VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

12 Loren Goddard 15 Ellingson Street, reported on his attendance (as a Cascade Head Community
13 Action Team member) at a public hearing for HB2009 in Salem, where he provided testimony. The
14 bill provides funding and makes provisions for the three marine reserve sites (Cascade Head, Cape
15 Falcon, Cape Perpetua) that were nominated and selected by the OPAC (Ocean Policy Advisory
16 Council). The Coastal Caucus prepared and presented the bill; the group does not move without a
17 consensus of all members. He got no feel for whether or not the bill would pass. When asked if
18 there's anything the City could do to help, he said he'd be willing to work with Staff to draft a letter
19 of support to go to the chair of Coastal Caucus, Jean Cowan.

20
21 Motion 8: Cameron moved to authorize Mr. Goddard to work with Staff to prepare a letter of
22 support for HB2009 and bring back to the next Council meeting. Leff seconded the motion.

23
24 Mayor Connors said it was moved and seconded and called for discussion. There was brief
25 discussion.

26
27 Vote: Motion 8 passed.

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

29
30 X. CORRESPONDENCE

31 There were three items of correspondence (copies attached to original of these minutes: 1) A letter
32 from Jim Wahl, resigning from the Harbor Commission.

33
34 Motion 9: Zimmerman moved to accept Mr. Wahl's resignation from the Harbor Commission.
35 Goddard seconded the motion.

36
37 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

38
39 Vote: Motion 9 passed.

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

41
42 Murray continued with Correspondence: 2) A letter from C3 Publications regarding a novel by
43 George Byron Wright that's due out this fall; Depoe Bay briefly appears in the novel. 3) A letter
44 from Dennis Bartoldus in response to Murray's letter to the Gleneden Beach Sanitary District
45 (GBSD) Board regarding the monthly contractual payments. Murray's been invited to attend the
46 GBSD Board meeting next Wednesday evening, which she is able to do. Councilors Goddard and
47 Hoitink also expressed an interest in attending that meeting.

48
49 XI. CITY STAFF REPORT

50 Owings reviewed his written report (copy attached to original of these minutes), He has a plan for
51 a temporary fix for Dock 1, which was damaged during the tsunami. Craig Taunton is willing to
52 loan the City a 32-foot aluminum gangway, which can be secured to the broken ends of the dock.
53 He expects to have cost information on restoring electrical service to at least two of the peds on
54 Thursday. He's also asked our insurance company about money for a temporary fix, and learned

1 that the temporary repair/patch must be justified in lost revenue before the funding would be
2 approved. He requested authority to pursue a temporary fix, whether that would be working with
3 Wiggins Towing to straighten out one of the pilings, which needs to be done before the patch can
4 be applied, or working on the west docks and stairs. There was brief discussion regarding declaring
5 an emergency as relates to public contracting law.

6
7 Motion 10: Zimmerman moved to declare an emergency for Dock 1 repair and bring resolution
8 back to the Council, if necessary, for approval. Goddard seconded the motion.

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

11
12 Vote: Motion 10 passed.

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

14
15 There was further discussion regarding the situation and implementing the temporary repair.

16
17 Motion 11: Goddard moved to allow City Staff to carry on with repairs to Dock 1. Cameron
18 seconded the motion.

19
20 Mayor Connors said it was moved and seconded, and called for discussion.

21
22 Amendment: Leff amended the motion to specifically authorize a contract of up to \$4,500 with
23 Wiggins Towing. Amendment accepted by Goddard and Cameron.

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

26
27 Vote: Motion 11 passed.

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

29
30 Owings continued with his report, providing updates on the south tank painting project, and DEQ
31 permits. He also suggested everyone get themselves a NOAA Alert Radio (copy of NOAA flyer
32 attached to original of these minutes). A Councilor added that every home should have one.

33
34 Murray reported that the newsletter survey will be mailed this week. Property owners and
35 registered Depoe Bay voters will receive the survey. The first Budget Committee meeting will be on
36 Tuesday, April 26 at 5:30.

37
38 XII. COUNCIL COMMENTS

39 Leff said she's Depoe Bay's representative for the InterGovernmental Council which oversees
40 LinComm. She has information on the first full meeting of the council in 16 months; the meeting
41 took place on March 9. At the meeting, the council approved a complete operational audit and
42 feasibility study about possibly consolidating emergency dispatch countywide. Evaluations will
43 begin in the next 6-8 weeks. Leff expressed excitement over how well the Council functions
44 together and the strides that are being made, giving credit to the Mayor for how she handles
45 business and herself. She thanked the audience for attending.

46
47 Cameron thanked the audience for coming.

48
49 Hoitink said he met with Congressman Schrader, and was surprised that he was the only attendee
50 from Depoe Bay. At that meeting, he learned from Terry Thompson that the County has emergency
51 rations that are available by request. Mayor Connors said this subject could be discussed at the
52 upcoming emergency preparedness workshop. There was brief discussion about emergencies; an
53 audience member said a big part of any emergency plan is to encourage residents to have their
54 own supplies.

1
2 Zimmerman thanked the audience, Owings, and City Crew. He's anxious to get Dock 1 repaired. He
3 also thanked Mr. Goddard for attending the public hearing in Salem.

4
5 Lewis said he picked up a copy of *Destination Depoe Bay* today. He complimented Mayor Connors
6 on the letter in the magazine, and thought it's a great magazine.

7
8 Goddard thanked her husband for attending the public hearing in Salem. She requested agendas
9 and other communications be distributed via email only. Councilors Goddard, Leff, Cameron, and
10 Mayor Connors opted for email only; Councilors Hoitink, Lewis, and Zimmerman chose to continue
11 receiving all materials via regular mail. Goddard also said she wanted to move ahead with
12 emergency plans and hopes that nothing gets tabled.

13
14 Mayor Connors thanked the audience for attending, and thanked Staff, especially Owings for all his
15 post-tsunami work. She's glad we're looking at having a temporary fix for the dock so we can have
16 boats in the harbor during fishing season. She thanked the Council for supporting her on the issues
17 she brings up.

18
19 XIII. ADJOURN
20 There being no further business, the meeting was adjourned at 9:04 PM.

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25
26 _____
Carol Connors, Mayor

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29
30 _____
31 Emma LuMaye, Recording Secretary