

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, April 19, 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

9 ABSENT: D. Zimmerman

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: April 5, 2011 Workshop and Regular Meeting, and March 30, 2011 Harbor
21 Commission/City Council Joint Meeting

22 Motion 1: Leff moved to approve the minutes from the March 15, 2011 Workshop and Regular
23 Meeting, and the March 30, 2011 Harbor Commission/City Council Joint Meeting as written. Lewis
24 seconded the motion.
25

26 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
27

28 Vote: Motion 1 passed.

29 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis
30

31 IV. ACCOUNTS PAYABLE

32 Motion 2: Leff moved to approve the Accounts Payable as submitted. Goddard seconded the
33 motion.
34

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

37 Vote: Motion 2 passed.

38 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis
39

40 V. SPECIAL ORDERS

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

42 Harbor Commission applicant Loren Goddard was present and came forward to tell about himself
43 and why he was interested in participating, and answered questions from Councilors regarding his
44 qualifications and application.
45

46 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of application and
47 ballot attached to original of these minutes) and announced the results. The vote to appoint Mr.
48 Goddard to Harbor Commission Position #6 was unanimous.
49

50 Motion 3: Leff moved to accept the canvass of votes and appoint Loren Goddard to Harbor
51 Commission Position #6. Lewis seconded the motion.
52

53 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
54

1 Vote: Motion 3 passed.

2 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

3
4 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

5 A. Traffic Safety Commission Recommendation – Use of Public Safety Funds

6 Traffic Safety Commission (TSC) Chairman Terry Wideman reported on the recent TSC meeting,
7 where the subject of potholes was discussed as a public safety issue. The TSC requested the
8 Council's support in deeming potholes to be a public safety issue. At Mayor Connors' request,
9 Murray reviewed guidelines regarding using Transient Room Tax funds designated for public safety
10 expenditure. (Copy of TSC memo dated 4/13/11 attached to original of these minutes.)

11
12 Motion 4: Leff moved to resolve that the Council recognizes that potholes are a public safety issue
13 and the Council would do what it can to protect the driving public. Lewis seconded the motion.

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

16
17 Vote: Motion 4 passed.

18 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

19
20 B. Wastewater Advisory Committee

21 Goddard reported that she, Councilor Hoitink, and Murray attended a meeting of the Gleneden
22 Beach/Kernville/Lincoln Beach (GBKLB) Sanitary District, in response to a letter from their attorney
23 Dennis Bartoldus, who was inexplicably present at the meeting. There will be a follow-up meeting
24 the first week of May. Goddard requested a third Councilor be added to the Committee. Murray
25 said that three members are required from each district; Owings has been standing in for a third
26 Committee member for some time. There was discussion about GBKLB not paying installments as
27 per the written agreement and GBKLB's desire to change how the amount owed is calculated.
28 Murray said the current contract has been in place since 1998, and that their attorney will be
29 attending all future meetings. Depoe Bay's attorney could also attend all the meetings; however,
30 he offered instead to write a letter to Mr. Bartoldus reminding him of his duty to inform a party
31 without legal representation that they should have an attorney present, when participating in a
32 meeting as legal counsel for a second party and discussion evolves into something where the
33 unrepresented party should have their attorney present. Councilor Cameron declined to continue
34 serving on the Committee; Councilors Hoitink and Lewis volunteered to serve as Committee
35 members. Murray explained that when the contract was first established, the monthly payment of
36 \$10,000 covered GBKLB's monthly billings. As time has passed, costs have gone up but the
37 monthly payments have not increased; GBKLB's average monthly payment should now be closer to
38 \$18,000.

39
40 Motion 5: Leff moved to appoint Dorinda Goddard, Ted Lewis, and Skip Hoitink to be the City's
41 representatives to the Wastewater Advisory Committee. Cameron seconded the motion.

42
43 Mayor Connors said it was moved and seconded, and called for discussion. There was brief
44 discussion.

45
46 Vote: Motion 5 passed.

47 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

48
49 Murray was directed to ask the City Attorney to send the letter as described above. The follow-up
50 meeting was scheduled for Monday, May 2 at 3:00 PM.

51
52 VII. PUBLIC COMMENTS

53 Dean Martineau, Depoe Bay resident, addressed the Council regarding the proposed ordinance
54 requiring insurance at the harbor. It was his feeling that the proposed insurance requirement was

1 unfair to moorage holders because non-moorage holders are not required to have insurance. He
2 thought the City should buy insurance to cover the harbor and then bill moorage holders.

3
4 A J Matilla 130 SE Douglas, asked the Council if the City Attorney had committed on the legality of
5 the proposed ordinance. Murray responded that the draft ordinance had been reviewed by the City
6 Attorney, who found no issue with it. Mr. Matilla asked if that opinion was in writing; Murray
7 responded she could get it in writing if so directed by the Council. Mr. Matilla said a Depoe Bay
8 Boat Owners Association is being formed, and they are in the process of hiring an attorney to
9 evaluate the legality of ordinances being imposed. He asked the Council to table the proposed
10 ordinance until the best way to handle the situation has been determined.

11
12 VIII. UNFINISHED BUSINESS

13 A. Proposed Ord. #289 – An Ordinance Amending Ord. #252 (Depoe Bay Harbor Ordinance),
14 Imposing Insurance Requirements for Moorage Use Permits, and Declaring an Emergency
15 Murray explained the ordinance adoption process for the benefit of new Councilors. (Copy of draft
16 ordinance attached to original of these minutes.)

17
18 Motion 6: Leff moved to read proposed Ord. #289 by title only. Cameron seconded the motion.

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

21
22 Vote: Motion 6 passed.

23 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

24
25 Murray read the proposed ordinance by title only, and called for questions or comments from the
26 public.

27
28 Mike Metz moorage holder, agreed with Mr. Matilla's previous testimony, and said he felt the
29 ordinance would lead to a class-action discrimination lawsuit. He questioned why moorage holders
30 would be required to hold insurance that non-moorage-holding boat owners would not. He felt
31 misled by a previous statement made by the Mayor that homeowner policies could be modified to
32 cover boats up to 19 feet in length; he had not located a homeowner's insurance company that
33 would do this.

34
35 Murray called for additional public comments; there were none. She noted that testimony received
36 under Public Comments applied to this agenda item.

37
38 Motion 7: Cameron moved to adopt proposed Ord. #289 as submitted. Leff seconded the motion.

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

42
43 Vote: Motion 7 passed.

44 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

45
46 Murray said the motion to adopt passed unanimously, and the adoption process could continue.

47
48 Motion 8: Cameron moved to read proposed Ord. #289 by title only at the second reading. Leff
49 seconded the motion.

50
51 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

52
53 Vote: Motion 8 passed.

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

1
2 Murray performed the second reading of proposed Ord. #289 by title only, and called for questions
3 or comments. There were none.

4
5 Motion 9: Leff moved to adopt proposed Ord. #289 at the second reading. Lewis seconded the
6 motion.

7
8 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

9
10 Vote: Motion 9 passed.

11 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

12
13 B. Harbor Spill Prevention Control and Countermeasure Plan

14 Owings thanked Steve Hausotter for the work he has done on this plan. He said the review is done,
15 but there are a few changes to be made. This will come back before the Council in a couple of
16 months.

17
18 C. Cable Franchise Agreement Renewal Request – Broadstripe

19 Murray said the 15-year agreement with Broadstripe is due to expire in November, and Broadstripe
20 has sent a letter requesting renewal of the franchise (copy attached to original of these minutes).
21 She suggested the Council might want to establish an ad-hoc committee of a couple of Councilors
22 and interested citizens to review the renewal, terms, percent collected, etc. She said the laws have
23 changed a lot in the past 15 years, and recommended the City Attorney review the renewal
24 request. She said many cities have moved to a "privilege tax", which is a percent of the company's
25 gross income collected from phone companies, cable companies, electric companies, etc. She
26 would like to research this and bring information back to the Council. It was the consensus of the
27 Council that a "privilege tax" is worth investigating.

28
29 Motion 10: Leff moved to direct Staff to research a privilege tax with other similar-sized cities, and
30 also other kinds of agreements having to do with franchises; and return to the Council with a
31 comparison and recommendation by July 15. Goddard seconded the motion.

32
33 Mayor Connors said it was moved and seconded, and called for discussion. There was brief
34 discussion.

35
36 Amendment: Leff amended the motion to direct Staff to put out appropriate notices for an ad-hoc
37 committee to work on the franchise agreement, and come back to the Council with a report by July
38 15. Lewis seconded the amendment.

39
40 Vote: Motion 10, as amended, passed.

41 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

42
43 IX. NEW BUSINESS

44 A. Emergency Mass Notification System

45 Murray reviewed her memo dated 4/18/11 (copy attached to original of these minutes), regarding
46 a phone conversation she had with Lt. Landers about a state-wide emergency notification system
47 that Lt. Landers would like to discuss with the Council. It was agreed to table this matter to the
48 next meeting. Murray will contact Lt. Landers to see if he can be present at the May 3 Council
49 meeting.

50
51 B. Law Enforcement Contract – Lincoln County Sheriff's Office

52 This item was a continuation of workshop discussion from April 5. There was brief discussion about
53 how many hours would be necessary, what the contract should include, exact hourly cost, and

1 other details. Mayor Connors offered to meet with Lt. Carey or Sheriff Dotson to put together a
2 plan with more specifics to bring back to the Council.

3
4 Motion 11: Leff moved to direct Staff and the Mayor to meet with Lt. Carey and Sheriff Dotson to
5 discuss a contract for enhanced law enforcement in Depoe Bay. Goddard seconded the motion.

6
7 Mayor Connors said it was moved and seconded, and called for discussion. There was brief
8 discussion regarding contract parameters.

9
10 Vote: Motion 11 passed.

11 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

12
13 Mayor Connors provided an update on obtaining a decoy police car. She said the County has
14 agreed to donate a car without a lightbar this year, or a car with a lightbar next year. A Councilor
15 offered that the County replaced the old lightbars with new low-profile LED lightbars last year, so
16 getting an old-style lightbar shouldn't be an issue. Murray was asked to obtain information on
17 surplus lightbars. Mayor Connors said this will be discussed upon the City receiving the letter
18 regarding the requested car from the Board of Commissioners.

19
20 C. Draft Letter of Support – HB2009

21 Loren Goddard 15 SW Ellingson, said he hasn't yet drafted a letter because he's been waiting to
22 speak with Rep. Cowan, which he did this morning. She said the letter wasn't necessary, as
23 HB2009 was supposed to move out of the Hearing Committee and into the Ways and Means
24 Committee today. Rep. Cowan chairs the Ways and Means Committee and was confident that the
25 bill would be moving forward.

26
27 D. Award Engineering Services Contract – Bay Street Improvement Project – Authorize Mayor
28 to Sign

29 Murray said the engineer who won the bid had been unable to provide the required insurance, and
30 the City contacted the second-place bidder, HBH Engineering, who was willing to do the job. The
31 agreement was presented to the Council for approval. There was brief discussion about the timeline
32 of the project. Staff was directed to ensure there is sufficient signage to direct traffic around the
33 construction. (Copy of agreement attached to original of these minutes.)

34
35 Motion 12: Cameron moved to award the Bay Street contract to HBH Engineering for \$23,610, and
36 authorize the Mayor to sign the agreement. Leff seconded the motion.

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

39
40 Vote: Motion 12 passed.

41 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

42
43 X. CORRESPONDENCE

44 There were five items of correspondence (copies attached to original of these minutes): 1) A letter
45 from the Census Bureau, which will be conducting the 2010 Census Count Question Resolution
46 Program between June 1, 2011 and June 1, 2013. There was brief discussion about the availability
47 of census results, and the fact that not all residents received a census questionnaire and how
48 uncounted residents could potentially affect grants and other funding. 2) An informational copy of a
49 letter sent to OPAC (Ocean Policy Advisory Council) by the City of Newport regarding wave energy
50 devices being located close to the shoreline. 3) A letter from Lincoln County Commissioner Bill Hall
51 regarding his recent presentation on the Lincoln Community Land Trust, requesting to be notified
52 when the City makes a decision on the request. 4) An email from Mayor Ron Brean of Yachats,
53 regarding the School Bond vote. He asked the Mayor to sign a letter urging people to vote in favor
54 of the School Bond.

1
2 Motion 13: Leff moved to authorize the Mayor to sign a letter in support of the May 17 School
3 Bond, keeping with the proposed wording in Mayor Brean's email. Goddard seconded the motion.

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

6
7 Vote: Motion 13 passed.
8 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

9
10 Correspondence, continued: 5) Following up her recent presentation to the Council, Liz Martin
11 provided a proclamation for consideration of adoption.

12
13 Motion 14: Leff moved to approve endorsement of the proclamation in support of the Lincoln
14 County School District Bond measure on the May 17, 2011 ballot. Lewis seconded the motion.

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

17
18 Vote: Motion 14 passed.
19 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

20
21 XI. CITY STAFF REPORT

22 Owings reviewed his written report (copy attached to original of these minutes). He provided an
23 update on tsunami damage repair, and offered special thanks to Craig Taunton for his expertise in
24 helping with the temporary dock repair. He said the next step is to restore electric.

25
26 Motion 15: Goddard moved to allow Staff to carry on with electrical patch-up on Dock 1, and to
27 approve Western Electric to conduct repairs at a cost not to exceed \$4,004. Lewis seconded the
28 motion.

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

31
32 Vote: Motion 15 passed.
33 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis

34
35 Staff was directed to prepare a letter of thanks to Mr. Taunton. Owings continued with his Staff
36 Report, speaking about the warning siren project. He said the State is developing a statewide
37 warning system, and if the City could wait a short period of time (up to 18 months), we could
38 ensure the system that is purchased is a standardized system that conforms to the rest of the
39 state; and also the purchase could be "piggy-backed" on a larger purchase, thereby reducing cost
40 at the same time as acquiring a standardized system. It was his opinion that the City needs to hire
41 an acoustic engineer to determine where sirens should be located and how loud and tall they need
42 to be. He said there are too many unanswered questions to proceed with getting bids at this point.
43 Murray said the State might have an engineer the City could consult with to identify how many
44 sirens would be required and where they should be placed; salespeople try to sell their product –
45 as many as they can convince the buyer they need. She felt contacting an independent consultant
46 would be a wise choice, and that the State might have someone available at no cost. She
47 acknowledged all the work the Planning Commission has done on this project, and said that several
48 previously-unknown siren companies have contacted the City about buying their sirens. A Councilor
49 said that citizens are in a hurry to get a siren system, and felt that the City should move quickly to
50 satisfy citizens, but should also keep in touch with the State. Owings was directed to speak to
51 Curtis in the State Emergency Management office to see what time frame the State expects to
52 implement the new system, and tell them Depoe Bay's Council is interested in proceeding quickly.

53

1 Murray said the SDC (System Development Charge) update and proposed ordinance should be
2 presented to the Council for adoption by June.

3
4 XII. COUNCIL COMMENTS

5 Leff thanked everyone for coming, the Council, and the Mayor. She said she will be out of town for
6 the next meeting.

7
8 Lewis said the City of Newport put \$80,000 into out-of-area billboards advertising the City of
9 Newport, and Depoe Bay might benefit from those ads.

10
11 Goddard said Depoe Bay can't afford to ignore the people behind the wave energy devices
12 discussed under Correspondence, because they're not going away. She hopes the Council and
13 NSAT (Near Shore Action Team) pay attention. A Councilor asked Loren Goddard to have NSAT put
14 together an explanation of why wave energy isn't a desirable technology for our coast; Mr.
15 Goddard said nobody knows how it will impact whale migration, the proposed moorages to keep
16 the devices in place would be located in prime crab habitat, and the huge devices would change the
17 sandy bottom crab habitat into an artificial reef. It is also unknown how the electric field generated
18 by the wave energy devices would impact salmon, which react to minute amounts of electricity in
19 the water.

20
21 Hoitink commented on all the work done at the crab feed and wooden boat show.
22
23 Mayor Connors was approached by people at the crab feed regarding a dog park in Depoe Bay. She
24 would like the Parks Commission to research this. There is grant money available for tsunami
25 damage repairs; Murray will be looking into finding out whether any funding may be available for
26 Depoe Bay. Mayor Connors has a meeting with Lincoln County mayors tomorrow night. She
27 thanked everyone for supporting the new harbor ordinance, saying it protects the City and she felt
28 it should be a statewide law. A Councilor still wants to see a notice at the boat launch.

29
30 XIII. ADJOURN
31 There being no further business, the meeting was adjourned at 9:10 PM.

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33
34
35
36
37 _____
38 Carol Connors, Mayor

39
40
41 _____
42 Emma LuMaye, Recording Secretary