

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

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

9 ABSENT: S. Hoitink, B. Leff
10

11 STAFF: City Recorder P. Murray
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 19, 2011 Regular Meeting 21

22 Motion 1: Goddard moved to approve the minutes from the April 19, 2011 Regular Meeting. Lewis
23 seconded the motion.
24

25 Mayor Connors said it was moved and seconded, and called for discussion. She corrected the
26 minutes as follows: Page 3, Line 4 should read ..."if the City Attorney had ~~committed~~ **commented**
27 on the legality"...

28
29 Vote: Motion 1 passed.

30 Ayes: Cameron, Goddard, Connors Lewis

31 Abstain: Zimmerman
32

33 IV. ACCOUNTS PAYABLE

34 Motion 2: Zimmerman moved to approve the Accounts Payable as submitted. Cameron seconded
35 the motion.
36

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

39 Vote: Motion 2 passed.

40 Ayes: Cameron, Goddard, Connors, Lewis, Zimmerman
41

42 V. NEW BUSINESS

43 B. Proclamations

- 44 • Commemorate National Safe Boating Week – May 21-27, 2011

45 Coast Guard Auxiliary member Larry Cox addressed the Council regarding the events that will be
46 occurring during National Safe Boating Week. Mayor Connors read the Proclamation (copy attached
47 to original of these minutes) into the record.
48

49 Motion 3: Zimmerman moved to proclaim May 21-27, 2011 as Safe Boating Week. Goddard
50 seconded the motion.
51

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

54 Vote: Motion 3 passed.

1 Ayes: Cameron, Goddard, Connors, Lewis, Zimmerman

2
3 The meeting was recessed at 7:07 PM for a photo-op. The meeting reconvened at 7:09 PM.

4
5 VI. SPECIAL ORDERS

6 A. Emergency Mass Notification and Warning Siren System – Lieutenant Curtis Landers,
7 Emergency Services Manager, Lincoln County Sheriff’s Office

8 Lt. Curtis Landers addressed the Council regarding a mass notification system called Everbridge,
9 which has been adopted and is recommended by several other counties in the state. Lincoln County
10 is looking at likely implementation of the system countywide within about two months. Oregon
11 Emergency Management will share in the cost; there will be no cost to the City. Each city will be
12 able to set the system up the way they want; however, the County will want to establish consistent
13 protocols between all the cities, so that when the system is used people will know it’s truly an
14 emergency situation. The system is self-administered on the web and is opt-in, meaning residents
15 will need to register with the system. Participants will be able to choose whether they prefer to
16 receive notifications via phone calls, text, or email; multiple phone numbers can receive notices. A
17 Councilor commented on how much better the system is than the one the City had been
18 considering, and asked Lt. Landers to keep the City informed of when the new system is coming
19 online. Lt. Landers noted that it was important to notify all people of flood/tsunami danger, not just
20 those living in inundation zones; people who would be otherwise safe must be informed to stay out
21 of the inundation zones. Mayor Connors told Lt. Landers that the City is in the process of
22 developing an RFP (Request For Proposal) for a siren warning system; an audience member added
23 that the draft RFP was being reviewed by the City Attorney. Mayor Connors asked Lt. Landers
24 about warning system requirements; he said the State wants to standardize on when the siren
25 goes off, which is currently a local decision; and recommended the City comply with SB557 while
26 moving forward with installation of a warning system (what the siren is supposed to sound like,
27 etc.). A Strategic Plan (copy attached to original of these minutes) describes how the Oregon
28 Distant Tsunami Working Group will help coastal communities improve their preparedness over the
29 next five years. City Staff met with members of FEMA staff on April 27 to discuss possible funding
30 for repairs to tsunami-damaged Dock 1. There are three project worksheets to be completed: one
31 for emergency response expenses, one for debris cleanup, and one for actual dock repairs. The
32 required paperwork will be submitted to the Depoe Bay project manager within two weeks. It was
33 also identified at that meeting that the Section 404 Hazard Mitigation program (copy of handout
34 attached to original of these minutes) could possibly be used to apply for funding a warning siren
35 system.

36
37 B. Interview/Appoint Applicants for city Commissions and Committees

38 One application was received from Dr. William P. Johnson (copy attached to original of these
39 minutes) for Parks Commission Position #3. Murray reported she attempted to contact Mr. Johnson
40 to inform him of tonight’s meeting, but did not receive a response to her phone calls or email.

41
42 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to
43 original of these minutes) and announced the results. The vote to appoint Dr. William P. Johnson to
44 Parks Commission Position #3 was unanimous.

45
46 Motion 4: Cameron moved to accept the canvass of votes and appoint Dr. Johnson to Parks
47 Commission Position #3. Goddard seconded the motion.

48
49 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

50
51 Vote: Motion 4 passed.

52 Ayes: Cameron, Goddard, Connors, Lewis, Zimmerman

53
54 Return to Item V. A.

1 Mayor Connors noted that the Council had previously discussed using the Call-Em-All service, and
2 asked the Council if they wanted to continue with that after Lt. Landers shared his information this
3 evening. One Councilor wanted to wait for the county-wide system. Another Councilor said the cost
4 of Call-Em-All was minimal, but the City wouldn't want duplication after the County's system was
5 online because it would cause confusion and tie up too many phone lines; but that it would be a
6 really good plan between now and when the County's system is up and running. It was not known
7 whether or not pre-paid funds were refundable, but Mayor Connors said a phone call could be
8 made for any message the City chose to deliver; a Councilor suggested a Fleet of Flowers
9 notification.

10

11 Motion 5: Goddard moved to sign up for Call-Em-All, and maintain it until the County's system is
12 online and proven to work. Lewis 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, Goddard, Connors, Lewis, Zimmerman

18

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

20 There were no reports.

21

22 VII. PUBLIC COMMENTS

23 B J Smith, 3700 N Hwy 101 in Depoe Bay, addressed the Council regarding the new Harbor
24 Ordinance insurance requirement that moorage holders shall list the City of Depoe Bay as an
25 additional insured. It was explained that the term "additionally insured" means that should there be
26 a claim against a boat owner, the claimant might also think they should file a claim against the
27 City, and the insurance covers the City under that circumstance – it covers the City in the event
28 the boat owner is negligent, not if the City is negligent.

29

30 Mary-Ann Mastriano 205 Williams Avenue, addressed the Council regarding her water meter. She
31 said the meter has been registering water use overnight. When asked if she had checked for a
32 leak, she said she had a plumber out who found the toilet was leaking but that had been fixed.
33 Suggestions on finding leaks were made. Murray said normal procedure is to monitor the meter,
34 and sometimes to test it to determine whether it is functioning correctly, and that the City works
35 with customers to help them identify whether or not there is a leak, although City Crew cannot do
36 any work on private property. Ms. Mastriano said Crew had read the meter several times and found
37 no leak. She said the leak only happens at night. She asked for a new meter. Murray said if a
38 meter has been tested and it's functioning properly, it's not replaced because of the cost. Ms.
39 Mastriano was advised to bring her water/sewer bills into City Hall and speak with Staff; she
40 agreed to come in tomorrow.

41

42 VIII. UNFINISHED BUSINESS

43 A. Lincoln County Surplus Police Car

44 Murray reported the Board of Commissioners has agreed to donate a surplus police car. There were
45 two alternatives: a car without a light bar this year, or a car with a light bar next year (see copy of
46 letter dated 4/19/11 attached to original of these minutes). Murray spoke with Lt. Carey, who said
47 he has old light bars, and could have an old light bar installed on a car. The car can be ready for
48 delivery after some minor modifications.

49

50 Motion 6: Goddard moved to accept a police car with a light bar from the County as soon as
51 possible. Cameron seconded the motion.

52

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

54

1 Vote: Motion 6 passed.

2 Ayes: Cameron, Goddard, Connors, Lewis, Zimmerman

3
4 IX. NEW BUSINESS

5 A. Schedule Joint Work Session with Lincoln County Board of Commissioners

6 Referring to an email from Casey Miller (copy attached to original of these minutes), Murray said
7 the Commissioners were offering Wednesdays in July for the regular joint meeting between the
8 Council and the Board of Commissioners; the Board holds their regular meeting immediately
9 following the joint meeting. A meeting was scheduled for Wednesday, July 6 at 6:00 PM.

10
11 B. Proclamations

12 • Older Americans Month – May 2011

13 Murray said that Scott Bond from the Council of Governments was unable to attend the meeting
14 due to illness; she read the proclamation (copy attached to original of these minutes) into the
15 record.

16
17 Motion 7: Goddard moved to proclaim May 2011 as Older Americans Month. Cameron seconded the
18 motion.

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

22
23 Vote: Motion 7 passed.

24 Ayes: Cameron, Goddard, Connors, Lewis, Zimmerman

25
26 C. OLCC License Renewals

27 Murray reviewed the OLCC license holder list (copy attached to original of these minutes) that will
28 be up for renewal July 1, noting there are three options for the Council: 1) provide a written
29 recommendation to OLCC for any or all of the licenses, 2) make a written request for additional
30 time to investigate a specific renewal(s), including a reason for the request; or 3) take no action,
31 which OLCC considers a recommendation for approval. She noted two of the companies on the list
32 are not within the City limits. It was agreed to exercise option 3 – to take no action.

33
34 IX.A. OTHER BUSINESS

35 Motion 8: Goddard moved to proceed in litigation as discussed in Executive Session. Cameron
36 seconded the motion.

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

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40 Vote: Motion 7 passed.

41 Ayes: Cameron, Goddard, Connors, Lewis, Zimmerman

42
43 X. CORRESPONDENCE

44 There were six items of correspondence (copies attached to original of these minutes): 1) A letter
45 addressed to Mayor Connors from the Oregon Parks and Recreation Department inviting Mayor
46 Connors to attend a meeting in Salem June 9-10 relating to the park building being on the National
47 Register of Historic Places. Mayor Connors said she would be out of town at that time; it was hoped
48 that another Councilor would step up and attend in her place. 2) A letter from Neighbors For Kids
49 Chair Sue McBane, proposing a "new partnership of sorts" with the City. Murray said she told Mrs.
50 McBane that until the Planning Commission makes a decision on NFK's conditional use application,
51 the City can't take any action on this. It was noted that the building has been rented before a
52 decision has been made on the application, and that NFK has been informed that they cannot do
53 that. 3) A letter dated 4/22/11 addressed to Loren Goddard of the Near Shore Action Team from
54 Representative Jean Cowan regarding the delay in the closure of the Otter Rock Pilot Marine

1 Reserve to January 2012, and HB 2009 being moved to the Ways and Means Committee; the letter
2 was presented to the Council for information only. 4) A letter from Sammy Cho of Koson
3 Enterprises regarding leasing the fish plant for exporting live slime eels. 5) An email from Mark Fay
4 regarding purchasing the fish plant, entering into a port lease agreement with the City, and
5 relocating the crab pot storage area that is in front of his property. Murray noted that real property
6 transactions can be discussed in Executive Session. The Council expressed interest in having Mr.
7 Cho and Mr. Fay attend a Council meeting to hear their plans. Murray said if the property were to
8 be offered for sale or lease, it would have to go through the public bid process. It was the
9 consensus of the Council to invite Mr. Cho and Mr. Fay to a regular Council meeting to discuss their
10 business plans. 6) A letter from Lee Bowman asking for permission to use the Community Hall for a
11 reunion of cancer survivors and serious illness people on July 16. Murray confirmed with Mr.
12 Bowman that he was requesting the fee and deposit be waived. Mayor Connors said that waiving
13 fees was discussed at the Budget Committee meeting, and it was thought that fees shouldn't be
14 waived. A Councilor said she felt the fees are not a significant amount of money and the good will
15 generated from waiving fees far outweighs the amount of money the City would receive from the
16 rental; other Councilors agreed. Mayor Connors said criteria for waiving fees needs to be
17 established. Staff was asked to return with criteria in two months; Murray requested direction on
18 establishing criteria from the Council. Murray said there is a Resolution identifying entities for who
19 the Council has determined to waive fees; the Resolution has had a few additions by Council
20 motion over the years. Rick Beasley, speaking from the audience, said the City has to be aware of
21 discriminating. He didn't think the waiver list was fair. Mayor Connors said the Resolution should be
22 brought before the Council for further discussion.

23
24 Motion 8: Goddard moved to waive the fee for the Community Hall on July 16 for the Pastega
25 House event, but to collect the deposit. Cameron seconded the motion.

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

28
29 Vote: Motion 8 passed.

30 Ayes: Cameron, Goddard, Connors, Lewis, Zimmerman

31 32 XI. CITY STAFF REPORT

33 Murray noted she had spoken about FEMA earlier in the meeting, and reported that Fox completed
34 newsletter survey results and provided a packet of information to Councilors; this item was put on
35 the agenda for the next meeting. Murray also reviewed her memo dated 4/29/11 regarding an
36 amendment to the Intergovernmental Agreement (IGA) for the Otter Rock Pilot Marine Reserve
37 Management Plan Project (copy attached to original of these minutes).

38
39 Motion 9: Cameron moved to approve Amendment 1 to the IGA for Otter Rock Pilot Marine
40 Reserves Management Plant Project, and authorize the Mayor to sign. Goddard seconded the
41 motion.

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

44
45 Vote: Motion 9 passed.

46 Ayes: Cameron, Goddard, Connors, Lewis, Zimmerman

47 48 XII. COUNCIL COMMENTS

49 Lewis reported he attended a meeting of the Wastewater Advisory Committee (WWAC). Gleneden
50 Sanitary District (GSD) agreed to recommend at their next meeting (on July 11) that the monthly
51 payment be increased from \$10,000 to \$17,500. In return, Lewis agreed to ask the Council to
52 consider changing from EDUs to flow. He requested Staff help because he didn't understand how
53 EDUs or flow are charged. It was noted that GSD has been asking for this change for years.

54

1 Goddard added to Lewis' comment she felt the three Councilors on that committee need to meet
2 with Staff to review and figure out what's involved, and bring the results to the Council. The WWAC
3 has agreed to meet the first Monday of every quarter at 3:00 PM. She also said some people had
4 been misinformed that the City was raising fuel fees by 20¢ per gallon; she wanted to state for the
5 record that the City is not raising fuel prices.

6
7 Mayor Connors expressed interest in attending the Oregon Mayor's Association is having their
8 annual conference on August 4-6 in Madras. She wanted to avoid confusion about trees on Summit
9 Street that are being removed; the trees are in the right-of-way and are not on her property.

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11 XIII. ADJOURN

12 There being no further business, the meeting was adjourned at 8:45 PM.

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Carol Connors, Mayor

23 Emma LuMaye, Recording Secretary