

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, September 20, 2011 - 7:00 PM  
4 Depoe Bay City Hall  
5

6 PRESENT: Mayor C. Connors, S. Hoitink, B. Leff (arr 7:04 PM), T. Lewis, D. Zimmerman  
7

8 ABSENT: P. Cameron, D. Goddard  
9

10 STAFF: City Field Superintendent T. Owings, City Recorder P. Murray, Recording Secretary  
11 E. LuMaye  
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: September 6, 2011 Regular Meeting 20

21 Motion 1: Hoitink moved to approve the minutes from the September 6, 2011 Regular as written.  
22 Lewis seconded the motion.  
23

24 Mayor Connors said it was moved and seconded, and called for discussion.  
25

26 Vote: Motion 1 passed.

27 Ayes: Hoitink, Connors, Lewis, Zimmerman  
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### 29 IV. ACCOUNTS PAYABLE

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

33 Mayor Connors said it was moved and seconded, and called for discussion. There was none.  
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35 Vote: Motion 2 passed.

36 Ayes: Hoitink, Connors, Lewis, Zimmerman  
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### 38 V. SPECIAL ORDERS

#### 39 A. Neighbors For Kids (NFK) – Dick Johnson

40 Mayor Connors advised Mr. Johnson she wanted it clear that there would be no discussion on any  
41 item that might come before the Planning Commission or the Council in the future. Mr. Johnson  
42 proceeded to give his NFK Board report. There are 147 children registered. NFK has given out  
43 4,500 USDA meals this year. NFK needs operating funds to pay staff and maintain the building;  
44 they pursue grants, hold fundraisers, and are looking into renting/holding events in the building.  
45 They are working with people at the County level to institute a charter school. They have talked to  
46 Oregon Coast Community College about holding evening classes in the building. They are in  
47 discussion with the people who own the property south of the building to buy a 184' x 64' parcel of  
48 their property to use for 26 parking spaces; if an agreement is reached and the property is  
49 partitioned, NFK will apply for a conditional use permit so they can operate as a community center  
50 and a school. There may be a need to rezone the NFK building and the Shell station as Commercial.  
51 He said this could cause the perception of a conflict of interest, since he is also a member of the  
52 Urban Renewal Agency.  
53

### 54 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

1 There were no reports.

2

### 3 VII. PUBLIC COMMENTS

4 There were no public comments.

5

### 6 VIII. UNFINISHED BUSINESS

#### 7 A. Award Construction Contract – Community Hall Heating System Project

8 Owings said four proposals were received, and recommended accepting the low bid of \$5,775 from  
9 Robben Heating and Air Conditioning.

10

11 Motion 3: Zimmerman moved to accept the bid from Robben Heating and Air Conditioning for  
12 \$5,775 for a new Community Hall heating system. Lewis seconded the motion.

13

14 Mayor Connors said it was moved and seconded, and called for discussion. There was brief  
15 discussion.

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17 Vote: Motion 3 passed.

18 Ayes: Hoitink, Leff, Connors, Lewis, Zimmerman

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#### 20 B. Census 2010 Challenge

21 Murray reviewed the list of addresses (copy attached to original of these minutes) the City plans to  
22 challenge as uncounted, and asked the Council's approval to proceed with the submission.

23

24 Motion 4: Leff moved to authorize Staff to submit the list of challenged addresses to the Census  
25 Bureau with a cover letter signed by the Mayor. Lewis seconded the motion.

26

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

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29 Vote: Motion 4 passed.

30 Ayes: Hoitink, Leff, Connors, Lewis, Zimmerman

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### 32 IX. NEW BUSINESS

#### 33 A. Appoint Evaluation Committee for Outdoor Warning and Public Address System Project

34 Roy Hageman, Planning Commission President, emphasized the dedication the people appointed to  
35 this Committee must have. He said that legal counsel advised that the Committee meetings do not  
36 have to be public, and Committee members can take proposals home to study them. It was  
37 recommended the Committee not have more than three people from either the Planning  
38 Commission or the Council; and recommended appointing Greg Steinke and Peggy Leoni from the  
39 Planning Commission. Councilor Leff recommended appointing Mr. Hageman. Mayor Connors said  
40 Councilor Goddard had expressed interest in serving on this Committee, and she herself was  
41 interested. Councilor Leff said she was interested as well, and offered to serve as an alternate.

42

43 Motion 5: Leff moved that the Evaluation Committee for Outdoor Warning and Public Address  
44 System Project include Roy Hageman, Greg Steinke, and Peggy Leoni from the Planning  
45 Commission; and Dorinda Goddard and Mayor Connors from the Council, with Barbara Leff as an  
46 alternate. Hoitink seconded the motion.

47

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

49

50 Vote: Motion 5 passed.

51 Ayes: Hoitink, Leff, Connors, Lewis, Zimmerman

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53 Mr. Hageman noted that the first activity for the Committee's participation would be at 10 AM on  
54 October 5 at City Hall for the mandatory walkthrough with bidders.

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B. Lincoln County – Collins Street Survey

Murray said the results of the Lincoln County Sheriff's Office survey of Collins Street traffic was distributed at the last meeting. She reviewed the results, saying that Sgt. Jozwiak told her the results don't provide information to support an increase of patrols on Collins Street. Mayor Connors said that since we now have a contract with the Sheriff's Office, we could have them increase Collins Street patrols on their Depoe Bay time.

C. Direct Access – City Insurance Services

Murray said this item was for the Council's discussion. The City has done business with Isham & Sprague for many years, and the City's agent gets paid a commission of the premiums. As the years have passed, more and more business is conducted in-house and online. Due to the economic times, many cities are approaching CIS (City/County Insurance Services) for direct access. The savings would be around \$4,000 per year, starting with next year as this year's premiums are paid. Murray acknowledged she is not close to being as knowledgeable about insurance as an agent, but if the Council wanted to do direct access, she and Owings would be comfortable with it.

Paulette Isham-Wolf, 5801 NE Voyage in Lincoln City, said Isham & Sprague has been the insurance agent for the City for over 20 years, providing services for e-business; and endorsements, requests, and review of coverages; and was involved in the City's largest claim – the March 11, 2011 tsunami damage - which paid out at close to \$300,000. She said the City needs contact with an insurance agency or risk manager employed by the City to make risk management decisions. She said the Mayor's insurance background could present a conflict of interest. She said CIS recommends small cities utilize the services of an agency or risk manager. She hopes Isham & Sprague can still provide that service to the City in the future.

A Councilor commented that \$4,000 is a small amount of money to have someone the City can go to, to act as an advocate in various situations; a second Councilor agreed. Mayor Connors corrected Ms. Isham-Wolf's statement that the tsunami claim paid close to \$300,000 by stating that the insurance has paid the City nothing. She said as Mayor she was in contact with the insurance carrier after the tsunami, but she in no way represented the City in any way except as Mayor. She acknowledged she has expertise in the insurance industry, but said she does not intend to act as an insurance agent for the City. She feels comfortable with Staff going direct to CIS. She said many cities are not utilizing an agent in these economic times, and CIS doesn't require agents. She supports direct access because of the cost savings to the City, but she also supports the independent agent system.

Terry Wideman, 325 Cliff Street and a retired Isham & Sprague insurance agent, addressed the Council in support of maintaining the relationship with Isham & Sprague.

Mayor Connors said there were also service issues, and CIS had suggested the City send out an RFP (Request For Proposals) next spring to let other agencies bid on serving the City. A Councilor suggested working on solving the service issues between now and spring. It was the consensus of the Council to put this item back on the agenda in the spring.

D. 2011-2013 Flexible Funds Grant Program

Murray said this item was discussed at the Urban Renewal Agency (URA) meeting earlier this evening. The URA voted to commit 10.27% match for a Flexible Funds Grant Program for sidewalks and possibly crosswalks and underground utilities on the east side of Hwy 101 south of the bridge and the east side of Shell Avenue down to City Park. City Planner Larry Lewis will check to see if the underground utilities can be included in the application. She asked the Council if they want the City to submit the application.

1 Motion 6: Leff moved to direct Staff to develop a Flexible Fund Grant application for a sidewalk and  
2 crosswalks and potentially underground utilities on Hwy 101 south of the bridge to Schoolhouse  
3 Street, and a Shell Avenue sidewalk as outlined in the memo presented to the URA. Lewis  
4 seconded the motion.

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

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8 Vote: Motion 6 passed.

9 Ayes: Hoytink, Leff, Connors, Lewis, Zimmerman

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11 E. Proposed Ord. #290 – An Ordinance relating to member attendance for City Commissions;  
12 amending Ord. #140 – An Ordinance establishing the Depoe Bay Salmon Enhancement  
13 Commission; amending Ord. #206 – An Ordinance establishing the Depoe Bay Parks  
14 Commission; amending Ord. #215 – An Ordinance establishing the Depoe Bay Traffic Safety  
15 Commission; amending Ordinance #252 – the City of Depoe Bay Harbor Ordinance;  
16 amending Ordinance #259 – An Ordinance relating to the Depoe Bay Planning Commission  
17 and its powers, functions and duties

18 Murray provided background information on the proposed ordinance (copy attached to original of  
19 these minutes), and asked the Council for a motion to read by title only for both readings.

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21 Motion 7: Zimmerman moved to perform both readings of proposed Ord. #290 by title only. Leff  
22 seconded the motion.

23  
24 Mayor Connors said it was moved and seconded, and called for discussion. A Councilor asked for  
25 and received confirmation that the ordinance, if passed, would be forwarded to all Commissions.

26  
27 Vote: Motion 7 passed.

28 Ayes: Hoytink, Leff, Connors, Lewis, Zimmerman

29  
30 Murray performed the first reading of proposed Ord. #290 by title only, and called for questions or  
31 comments. There was brief discussion; Terry Wideman, Chair of the Traffic Safety Commission,  
32 voiced support for the proposed ordinance. Mayor Connors wanted it noted that the Council would  
33 have to vote to remove a Commissioner [on recommendation of the Commission].

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35 Motion 8: Leff moved to adopt proposed Ord. #290 following the first reading. Lewis seconded the  
36 motion.

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

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40 Vote: Motion passed.

41 Ayes: Hoytink, Leff, Connors, Lewis, Zimmerman

42  
43 Murray said the unanimous vote allowed the Council to proceed with the second reading tonight if  
44 they wanted.

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46 Motion 8: Zimmerman moved to do the second reading of proposed Ord. #290. Leff second the  
47 motion.

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

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51 Vote: Motion 8 passed.

52 Ayes: Hoytink, Leff, Connors, Lewis, Zimmerman

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1 Murray performed the second reading of proposed Ord. #290 by title only, and called for questions  
2 or comments. There were none.

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4 Motion 9: Leff moved to adopt proposed Ord. #290 at the second reading. Lewis seconded the  
5 motion.

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

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9 Vote: Motion 9 passed.

10 Ayes: Hoitink, Leff, Connors, Lewis, Zimmerman

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12 It was confirmed that all Commissioners will receive a copy of the new ordinance.

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14 F. Pine Avenue Overlay Proposals

15 Owings said two proposals were received, and recommended accepting the low bid from Allen &  
16 Sons for \$20,438.

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18 Motion 10: Leff moved to award the contract for Pine Avenue overlays to Allen & Sons for \$20,438,  
19 and authorize the Mayor to sign the agreement. Zimmerman seconded the motion.

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

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23 Vote: Motion 10 passed.

24 Ayes: Hoitink, Leff, Connors, Lewis, Zimmerman

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26 X. CORRESPONDENCE

27 There were three items of correspondence (copies attached to original of these minutes): 1) An  
28 email from Earle Rother regarding approaching Forest Capital Partners about getting an agreement  
29 to access their timberland in times of emergency. 2) An email from Curtis Landers introducing  
30 Jenny Demaris, the new Lincoln County Emergency Services Coordinator. 3) An email from Claude  
31 Crocker at Oregon Parks and Recreation Department saying they were unsuccessful in receiving  
32 funding for new interpretive displays at the Whale Center, but did receive funding for eight info  
33 kiosks along the coast, two of which will be located at Boiler Bay and Rocky Creek parks.

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35 XI. CITY STAFF REPORT

36 Owings reviewed his written report (copy attached to original of these minutes). He presented  
37 three quotes for two new vehicles, and requested authorization to accept the low bid. He noted the  
38 prices were "fleet" pricing, which is significantly below normal pricing.

39  
40 Motion 11: Leff moved to authorize Owings to purchase two vehicles with trailer packages for a  
41 total price of \$32,120 from Power Ford in Newport. Lewis seconded the motion.

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

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45 Vote: Motion 11 passed.

46 Ayes: Hoitink, Leff, Connors, Lewis, Zimmerman

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48 XII. COUNCIL COMMENTS

49 Zimmerman said it was nice to see a lot of people in the audience, and that a lot got done tonight.

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51 Hoitink said he looked at a map of logging roads behind Depoe Bay, and said there are really a lot  
52 of them. Somebody told him in case of emergency, you can cross private property to get to safety.

1 Mayor Connors said 1) She, Murray, and Owings met with Curtis Landers regarding emergency  
2 preparedness. Issues were brought up regarding the March 11 tsunami and how the City could  
3 change procedures so things run smoother from the beginning. On reviewing the newest Lincoln  
4 County Emergency Preparedness Plan, she noticed it states the Coast Guard station is a good  
5 resource in Newport and Lincoln Bay, and the County needs to be informed that Lincoln Bay  
6 doesn't exist. 2) She met with Fire Chief Josh Lewis regarding emergency preparedness and wants  
7 to continue to pursue getting a workable plan. The Fire Department's plan is four pages long, and it  
8 works. She stated her goal is to have something to bring to the Council by the end of the year – a  
9 working document you can pull out and use. The current plan was a good idea, but emergency  
10 operations can't be run by a committee; an Incident Commander is needed to take charge and  
11 delegate. 3) There was a problem at the Salmon Bake with busses that had trouble getting around  
12 the fish cleaning building. She wanted to remove the planting area by the building to make more  
13 room for the busses to get by. A Councilor noted the planting area was designated by the State  
14 Marine Board, who paid for the parking lot. Owings said he'll take it out if Mayor Connors wants it  
15 out. 4) People put fish carcasses into garbage cans at the fish cleaning station, instead of the  
16 provided dumpsters, which are only a few feet away. The garbage cans smelled horrible the day of  
17 the Salmon Bake. The Harbor Commission has discussed this. 5) She and Councilor Goddard will  
18 be attending a League of Oregon Cities conference starting next Wednesday.

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20 XIII. ADJOURN

21 There being no further business, the meeting was adjourned at 8:05 PM.

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Carol Connors, Mayor

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33 Emma LuMaye, Recording Secretary