

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, April 17, 2012 - 7:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: President B. Leff, P. Cameron, S. Hoitink, D. Goddard, T. Lewis, D. Zimmerman

7
8 Absent: Mayor C. Connors

9
10 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Planner L. Lewis,
11 Recording Secretary E. LuMaye

12
13 I. PLEDGE OF ALLEGIANCE

14 President Leff called for all to stand for the Pledge of Allegiance.

15
16 II. CALL TO ORDER

17 President Leff called the meeting to order and established a quorum at 7:00 PM.

18
19 III. APPROVE MINUTES: April 3, 2012 Regular Meeting

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21 Motion 1: Goddard moved to approve the minutes from the April 3, 2012 Regular Meeting. T. Lewis
22 seconded the motion.

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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, Hoitink, Leff, Goddard, T. Lewis, Zimmerman

28
29 IV. ACCOUNTS PAYABLE

30 Motion 2: Zimmerman moved to approve Accounts Payable as presented. Cameron seconded the
31 motion.

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33 Vote: Motion 2 passed.

34 Ayes: Cameron, Hoitink, Leff, Goddard, T. Lewis, Zimmerman

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36 V. SPECIAL ORDERS

37 A. Whale Watch Center Presentation – Claude Crocker, Oregon Parks and Recreation
38 Department (OPRD)

39 Claude Crocker addressed the Council regarding the Whale Watch Center getting on the National
40 Register of Historic Places and renovations to the building. He said new funding sources have
41 opened up since getting on the national register, but now there will be higher standards attached
42 to work done on the building. The building has serious needs. This past winter it leaked very badly
43 with the extensive rains, causing the carpet to mildew and plaster to fall off the walls. When the
44 mildewing carpet was pulled up, asbestos tiles were found underneath. The Parks Department
45 would rather have the building look like it's in a state of repair vs. a state of neglect. They are in
46 the process of developing temporary displays, and are working with the aquarium and the marine
47 science center to possibly use some of their older displays. They are also actively pursuing grants
48 and will keep the City informed. Emergency repairs are being done now. They are committed to
49 taking care of the building into the future for the public. Because the bathrooms are downstairs,
50 ADA restrooms may be built outside where the chemical toilets are now; the new restrooms would
51 blend into the architecture and not block views. A Councilor asked for a formal statement to be
52 issued to the Chamber and the City; Mr. Crocker said he would prepare a statement that addresses
53 why the building is torn up and what its future is. OPRD may want to partner with the City and the

1 Chamber of Commerce to hold an event to raise public awareness when the building gets a bronze
2 plaque commemorating its inclusion in the National Register of Historic Places.

3
4 B. Draft Parks Master Plan Update Presentation – Request for Public Input

5 City Planner Lewis gave a PowerPoint presentation summarizing the draft update to the Parks
6 Master Plan. Murray read the names of those residents who have so far provided written input on
7 the draft plan (copies attached to original of these minutes): Robert & Kelly Binger, Kenneth &
8 Sheila Clark, Mary Garoian, Roger & Brenda Glover, Philip Green, Teni Green, Peter Gurney, James
9 Hamblin, Judi Irving, Sarah Jincks, Jack & Barbara Karnes, Robert & Diana Kelly, Carol McCarthy,
10 Ruth Moreland, Katherine Pyle, Sonia Schmitt, Jerry & Sharron Sharp, Keith Sheldon, Bruce & Bette
11 Silver, Bert & Gretchen Sperling, Steven & Traci Taylor, Tom & Mannie Thornton, William Trent,
12 Robert, Sharon, Gus, & Karen Van de Velde, Gene & Josie Whisnant, Kathy Yamamoto, and one
13 letter signed by 19 residents. President Leff opened the floor to public input.

14
15 Peter Gurney, Seal Rock resident and Depoe Bay property owner, asked if the written input has
16 been categorized. President Leff said there hasn't been time, but that will be done after tonight's
17 meeting.

18
19 Sarah Jincks, General Manager of the Channel House, read the letter she emailed into the record.

20
21 Steve Taylor, 410 SW Coast, voiced enthusiastic support of the draft plan.

22
23 Fran Recht, Williams Street, was pleased to see development of a comprehensive plan for the City's
24 parks, and endorsed the plan in general. She itemized a number of suggestions for updating the
25 plan (see copy of her written testimony submitted at the meeting, attached to original of these
26 minutes), including identifying natural habitat areas, sensitivity to aesthetics, and invasive plant
27 species control.

28
29 Gretchen Sperling, 555 Point Avenue, said that years ago the Sierra Club cautioned against
30 developing trails because that's followed by the temptation to widen them, and then to pave them,
31 etc. She asked the Council to consider what the City's in danger of losing – ruggedness and
32 uniqueness.

33
34 Phil Hingson, 310 Cliff Street, voiced his opposition to having lot 1300 become a scenic viewing
35 area because it's a private easement. He said he was concerned over the lack of notice about the
36 plan to South Point residents. President Leff said it's very important for everyone to know that
37 there is no intention on the part of the City to do any eminent domain taking of property. The City
38 wants to know what does or doesn't work. This plan covers the next 20-30 years. Mr. Hingson said
39 there is also not a lot of parking, and there's a fire hydrant within a couple of feet of the trail, and
40 community mailboxes nearby.

41
42 Peggy Leoni, 355 SW Hwy 101, said she doesn't believe private property belongs in this plan, and
43 that it's premature.

44
45 Dennis Bachman, Cliff Street, echoed Leoni's comment, and said if private land acquisition was off
46 the list everyone would feel better. He was "totally and completely" against development of tax lot
47 1300.

48
49 Linda Phillips, 510 Coast property owner who lives at North Point, spoke in support of the draft
50 plan. She said all the trails are being used now, and it's a matter of asking if we want to do what
51 we can to make it more beautiful.

52
53 Terry Wideman, 325 Cliff Street, thanked City Planner Lewis and Staff for a great job on the draft
54 plan. He clarified that if property owners don't want to sell the City won't pursue, then suggested

1 the private parcels be removed from the plan. He said opening some of the private parcels up to be
2 parks is a bad idea, and asked about consideration of fire truck access, trash, City Staff time, and
3 break-ins. He felt this would be inviting a certain [negative] element into the neighborhoods.

4
5 Bert Sperling, 555 Point Avenue, echoed Mr. Wideman, and said it's really not a good idea. There's
6 not enough parking, and he didn't want to invite more public to an infrastructure that isn't suitable
7 for more traffic – the roads need to be repaired too. Tax lot 1300 is a sensitive, fragile area that's
8 already getting misused. He wondered if ADA requirements would include paving. He wanted to be
9 on record saying those two particular areas are encumbered by having private ownership and
10 hopes they stay off the beaten path. They shouldn't be developed in the way the City's talking
11 about.

12
13 Joe Dunn 435 SW Pine Court, said there's a path no one has authorization to use but people go out
14 there all the time. He noted that the rocks are not public property; his deed goes all the way to the
15 water. Putting in a 10-foot easement would make the existing problems worse.

16
17 Dennis Bartoldus, P.O. Box 1510 in Newport, was present on behalf of Brenda Pfahl. He requested
18 that Ms. Pfahl's property be taken off the list and encouraged the Council to take all the private
19 properties off the list. He submitted a written letter on behalf of Ms. Pfahl (copy attached to original
20 of these minutes).

21
22 Carol McCarthy, 565 South Point, is a beneficiary of her parents' trust and is very worried about
23 vandalism. Her house has been broken into twice in the past 12 years, and she has regular
24 problems with garbage, etc. The cliffs are dangerous and she was worried about an increase in the
25 number of people wandering off the trail and coming onto her property. She asked that private
26 properties be taken off the list.

27
28 Judy Irving, Cliff Street, addressed the Council about potential liability, and suggested not taking
29 any action without doing a cost analysis, and felt the risks far outweigh any benefit. She requested
30 private properties be taken off the list.

31
32 From the audience, Mr. Gurney asked how to get the private properties off the list. City Planner
33 Lewis explained that a revised plan will be presented to the Council at the next meeting.

34
35 Sonia Schmitt, 515 Point, said that what's been done is remarkable for a very small town [like
36 Depoe Bay]. She said whether or not you agree with what is done, the important thing is to let
37 people know. She asked how she can find out what's happening. President Leff suggested she read
38 Council and Commission minutes on the City's website.

39
40 Bill Spores, Parks Commission Chair, said there has been no work on the Master Plan since 2003.
41 The plan itself is fantastic in general. What's been presented here is proposed, not final. He
42 commented that Depoe Bay is extremely fortunate to have the best planner on the west coast to
43 put this together. He asked the audience to have patience.

44
45 Robin Crum 430 SW Pine Court, said he'd spoken with adjacent owners to the property next to 167
46 NW Hwy 101, who request a bathroom be put in that proposed park area.

47
48 President Leff closed public input, and thanked everyone for coming. She called a five-minute
49 recess at 8:31 PM. City Planner Lewis departed. President Leff reconvened the meeting at 8:36 PM.

50
51 C. Interview/Appoint Applicants for the Budget Committee

52 Robert Gambino was present and came forward to tell about himself and why he's interested in
53 participating, and answered questions from Councilors. Ballots were filled out, signed, and handed
54 in. Murray tallied the votes (copy of application and ballot attached to original of these minutes)

1 and announced the results: the vote to appoint Mr. Gambino to the Budget Committee was
2 unanimous.

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

5 Loren Goddard, 15 SW Ellingson: 1) For the Harbor Commission, reported that the Harbor
6 Commission would like to recommend or ask the Council to consider the possibility of adding six
7 new finger piers to the Dock 1 replacement project; the piers would be constructed of the same
8 material as the new dock, and in the same fashion (see Harbor Commission minutes dated March
9 28). He said the existing finger piers will make it through this season, but are very ragged. There
10 was brief discussion regarding whether this could be added to the FEMA grant; Mr. Goddard said he
11 wasn't suggesting how it be funded, he was just asking for the new finger piers. 2) For the Near
12 Shore Action Team (NSAT), reported he attended an Ocean Policy Advisory Committee (OPAC)
13 meeting where the focus was examining the Territorial Sea Plan (TSP) and suggestions made by
14 the TSP Working Group. He made sure OPAC was aware of the letters sent by the City, and
15 reiterated some of the points that were made in the letters. Potential impacts of the plan on
16 communities were discussed. 3) Invited Councilors to Thursday's NSAT meeting for an extensive
17 presentation by Oregon Department of Fish & Wildlife staff regarding preliminary work they've
18 done on the Otter Rock Marine Reserve.

19

20 VII. PUBLIC COMMENTS

21 There were no public comments.

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23 VIII. UNFINISHED BUSINESS

24 There was no unfinished business

25

26 IX. NEW BUSINESS

27 A. Intergovernmental Council (IGC)/9-1-1 Dispatch Services for Lincoln County
28 President Leff reviewed the situation with local 9-1-1 services being moved out of the area (see
29 copy of memo from President Leff attached to original of these minutes).

30

31 Motion 3: Goddard moved to direct temporary City representative Ted Lewis to vote in favor of 9-
32 1-1 dispatch services moving to Willamette Valley Call Center, if a vote comes up at the April 18
33 IGC meeting. Hoitink seconded the motion.

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35 President Leff said it was moved and seconded, and called for discussion. There was none.

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37 Vote: Motion 3 passed.

38 Ayes: Cameron, Hoitink, Leff, Goddard, T. Lewis, Zimmerman

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40 B. Oregon Emergency Management (OEM) Infrastructure Contract 4055-DR-OR (FEMA Funding
41 for January 2012 storm)

42 Murray said the contract (copy attached to original of these minutes) needs to be signed in order to
43 receive FEMA funding. There was brief discussion on single audit requirement.

44

45 Motion 4: Cameron moved to approve the FEMA OEM contract and authorize the Mayor Pro Tem
46 (President Leff) to sign it. Zimmerman seconded the motion.

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48 President Leff said it was moved and seconded, and called for discussion. There was none.

49

50 Vote: Motion 4 passed.

51 Ayes: Cameron, Hoitink, Leff, Goddard, T. Lewis, Zimmerman

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53 C. Proposed Res. #418 – A Resolution Setting Forth Rental Fees and Deposits for City-Owned

1 Facilities and Fee for Purchase of Memorial Bench; Amending Fee for Purchase of Memorial
2 Bench; Superseding Res. #414

3
4 Motion 5: Goddard moved to read the proposed Resolution (copy attached to original of these
5 minutes) into the record by title only. T. Lewis seconded the motion.

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7 President Leff said it was moved and seconded, and called for discussion. There was none.

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9 Vote: Motion 5 passed.

10 Ayes: Cameron, Hoitink, Leff, Goddard, T. Lewis, Zimmerman

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12 President Leff read the proposed Resolution by title only.

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14 Motion 6: Zimmerman moved to pass proposed Resolution #418. Cameron seconded the motion.

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16 President Leff said it was moved and seconded, and called for discussion. There was none.

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18 Vote: Motion 6 passed.

19 Ayes: Cameron, Hoitink, Leff, Goddard, T. Lewis, Zimmerman

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21 X. CORRESPONDENCE

22 There was one item of correspondence (copy attached to original of these minutes): a letter from
23 Mark and Linda Livingston requesting the glass recyclables container stay at its current location in
24 the harbor parking lot. There was brief discussion regarding whether trash would be a problem if
25 the container remains at its present location.

26
27 Motion 7: Goddard moved to make an attempt at leaving the glass recycling receptacle in the
28 harbor parking lot, relocate it to maximize parking, and monitor the receptacle for problems.
29 T. Lewis seconded the motion.

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31 President Leff said it was moved and seconded, and called for discussion. There was none.

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33 Vote: Motion 7 passed.

34 Ayes: Cameron, Hoitink, Leff, Goddard, T. Lewis, Zimmerman

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36 XI. CITY STAFF REPORT

37 Murray reported that the 2010 Census challenge results have been received, and there were no
38 additions to the count (see copy of memo from Fox attached to original of these minutes). It was
39 the consensus of the Council to coordinate a phone conference between a census representative
40 and the Council.

41
42 Owings had no report, but answered questions from the Council regarding the Miroco water line
43 repair, the nature trail, the outdoor warning system, and dock 1 repairs.

44
45 XII. COUNCIL COMMENTS

46 T. Lewis asked Owings for an update on the property by Wing Wa. Owings said he'd sent a letter
47 but no response has been received, although there has been some activity in cleaning up.

48
49 Goddard 1) Thanked Owings for all the work that's been done in the harbor and asked when it
50 would be finished. Owings said after the water line repair and outdoor warning system project. He
51 said the Lincoln County work crew is pretty booked up. 2) She and Mayor Connors went to see
52 Congressman Schrader in Newport. The TSP will be revisited because of the letters that were sent.
53 She was told the marine reserves might also be revisited if the City "stomps a little louder". Loren
54 Goddard was unofficially asked to have NSAT look into this possibility.

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Hoitink commented that we need more controversial things to stir up the town.

President Leff reminded everyone that the Wooden Boat Show and Crab Feed is this weekend, and thanked everyone who was present for being patient with her lack of experience in chairing Council meetings.

XIII. ADJOURN

There being no further business, the meeting was adjourned at 9:10 PM.

Barbara Leff, President

Emma LuMaye, Recording Secretary