

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, May 15, 2012 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Mayor C. Connors, S. Hoitink, D. Goddard, B. Leff, T. Lewis, D. Zimmerman

7
8 ABSENT: P. Cameron

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 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: May 1, 2012 Regular Meeting and Executive Session, May 2, 2012 and
20 May 7, 2012 Budget Committee Meetings
21

22 Motion 1: Goddard moved to approve the minutes from the May 1, 2012 Regular Meeting and
23 Executive Session, and the May 2, 2012 and May 7, 2012 Budget Committee Meetings. Leff
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: Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman
30

31 IV. ACCOUNTS PAYABLE

32 Motion 2: Zimmerman moved to approve Accounts Payable with one addition: \$20 for name plates.
33 T. Lewis seconded the motion.
34

35 Vote: Motion 2 passed.

36 Ayes: Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman
37

38 V. SPECIAL ORDERS

39 A. David Ulbricht, Baird Public Finance – Refinancing Debt Service

40 Mayor Connors said Mr. Ulbricht submitted a lot of information for review (copy attached to original
41 of these minutes), and suggested tabling the item to the next meeting. A Councilor asked for
42 refinancing cost information to be provided. Murray asked if the Council wanted information on
43 paying the loans off early; consensus was yes. Discussion tabled to next meeting.
44

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

46 There were no reports.
47

48 VII. PUBLIC COMMENTS

49 There were no public comments.
50

51 VIII. UNFINISHED BUSINESS

52 A. Draft Master Plan Update

53 Murray said there were letters and email input received since the previous meeting from: Duncan
54 Berry, Jeanine Stice, Katherine Pyle, and Robert Kelly (copies attached to original of these

1 minutes). She reviewed her memo dated 5/14/12 (copy attached to original of these minutes)
2 addressing questions raised at the last meeting regarding 1) use of platted street right-of-way
3 (ROW), and 2) liability, reporting [in part] that 1) the City Attorney advised that street ROW are to
4 be used for public conveyance and it is proper and valid for the City to use unimproved street ROW
5 for pedestrian or bicycle paths; and 2) the City's insurance carrier advised that public recreational
6 immunity applies, improving an existing site does not necessarily increase liability, posting
7 warning/caution signs can result in unintended consequences, and barriers could create tripping
8 hazards.

9
10 Mayor Connors called for public input.

11
12 Sharon Lawrence, 30 Hawkins Street and owner of additional Depoe Bay property, said she would
13 like to see south of the bridge areas developed, and was especially in favor of the proposed
14 Graham Street Scenic View Area (SVA).

15
16 Fran Recht said Ray Langston (owner of tax lot 700 near Tidal Raves) told her he wants his
17 property noted for future acquisition for scenic land. She was supportive of the City Attorney's
18 feedback and advocated for less signage.

19
20 John O'Brien, 270 Bensell Avenue, said he would like to see an ADA ramp replace the staircase by
21 the Community Hall, and said widening the harbor sidewalk would leave less room for vehicles.
22 There was brief discussion about a possible survey of the staircase area; an ADA ramp will be
23 added if feasible, otherwise the staircase will remain in place.

24
25 Lars Robison said Bay Street used to be wider before a property owner put up a retaining wall after
26 having the property surveyed.

27
28 There was no further public input. The Council reviewed each of the SVAs individually, and made
29 additional revisions to the revised draft plan as follows:

30
31 Spencer Avenue SVA – remove barrier
32 Harney Street SVA – remove barrier and public view sign
33 Siletz Avenue SVA – remove barrier
34 Vista Street SVA – remove barrier and warning signs
35 Sunset Street/Surf Avenue & Alsea Avenue – remove barriers and warning signs
36 Cove Point SVA – remove barriers and log
37 Floral Avenue SVA – remove existing warning sign
38 Hwy 101 SVA South of Sunset Street – remove warning sign
39 Hwy 101 West of Berg Street – remove log barriers and add planting
40 Hwy 101 West of Bradford Street – remove warning signs
41 Ellingson Street SVA – remove barriers and all signs
42 (there was discussion about a fence on City ROW; the Council
43 wants to know where the property line is in relation to the fence)
44 Graham Street SVA – add arrow to sign; make path 2.5' wide
45 Berg Street SVA – remove barrier and sign
46 Winchell Street SVA – remove barriers and delete public view/public access sign
47 Remove Item B (new, wider Coast Guard Drive sidewalk/curb along the harbor)
48 from the Harbor Pedestrian Loop.

49
50 City Planner L. Lewis will bring a final draft plan to the Council for adoption at the June 19 meeting.

51
52 Jump to IX. NEW BUSINESS

53 C. Request to Authorize Use of City (Harbor) Facilities – Fleet of Flowers Event, May 28, 2012
54 Debby Metz, 26 NE Lillian Lane, was present to answer questions regarding the request.

1 Motion 3: Goddard moved to authorize use of City harbor facilities for the Fleet of Flowers on May
2 28. T. Lewis seconded the motion.

3
4 Mayor Connors said it was moved and seconded, and called for discussion. There was brief
5 discussion to clarify the details of the request.

6
7 Vote: Motion 3 passed.

8 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis, Zimmerman
9

10 Return to VIII. UNFINISHED BUSINESS

11 B. Outdoor Warning and Public Alert System Contract – GB Manchester Corp.

12 Owings reported there are still issues with the contract, including an extra charge for the standard,
13 required performance bond. As soon as it's all worked out, he will bring the contract to the Council.
14 Mayor Connors expressed frustration with the delays and asked Owings to tell GB Manchester that
15 "the Council is annoyed with the process". Owings said the City Attorney said that because there is
16 no signed contract, the City has the option of pulling out and going with another provider.

17
18 C. U.S. Census Bureau – Special Census Process

19 Murray reviewed the Special Census procedure (copy attached to original of these minutes). Mayor
20 Connors said she encountered representatives from Congressman Schrader's office and Senator
21 Wyden's office at a recent meeting she attended, and they requested details of the situation;
22 Murray has been asked to prepare packets to send to their offices, as well as Senator Merkley's
23 office. Mayor Connors also said there may be another procedure available other than the Special
24 Census, which is cost prohibitive.

25
26 D. Traffic Safety Commission – Operate Decoy Police Car

27 Murray reviewed the minutes from the April 10 Council meeting regarding this issue (copy attached
28 to original of these minutes). She said the Traffic Safety Commission has reconsidered their
29 request and decided to withdraw it. John O'Brien, Traffic Safety Commissioner was present to
30 answer questions.

31
32 IX. NEW BUSINESS

33 A. Planner Services Contract Renewal

34 Motion 4: Zimmerman moved to approve the Planner Services Contract renewal (copy of contract
35 attached to original of these minutes). T. Lewis seconded the motion.

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

38
39 Vote: Motion 4 passed.

40 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis, Zimmerman
41

42 B. Depoe Bay Chamber of Commerce Annual Report, Services Contract Renewal

43 Murray said the Chamber President was unable to be present, but the Chamber sent a letter
44 detailing the past year's activities. (Copy of letter and contract attached to original of these
45 minutes.)

46
47 Motion 5: Hoytink moved to approve the Chamber of Commerce Agreement renewal. Zimmerman
48 seconded the motion.

49
50 Vote: Motion 5 passed.

51 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis, Zimmerman
52

53 C. Request to Authorize Use of City (Harbor Facilities) – see above
54

1 D. Authorization of Expenses – Oregon Mayor’s Association (OMA) 2012 Summer Conference,
2 July 26-28, Florence, Oregon
3

4 Motion 6: Goddard moved to authorize expenses for the Mayor to attend the OMA 2012 Summer
5 Conference (copy of notice attached to original of these minutes). Leff seconded the motion.
6

7 Mayor Connors said it was moved and seconded, and called for discussion. Murray asked for a “not
8 to exceed” amount, and said expenses were estimated at just under \$650.
9

10 Amendment: Goddard amended her motion not to exceed \$650 for registration, lodging, and
11 mileage. Leff seconded the amendment.
12

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

15 Vote: Motion 6, as amended, passed.

16 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis, Zimmerman
17

18 E. Proposed Res. #419 – A Resolution Extending Worker’s Compensation Coverage to
19 Volunteers of the City of Depoe Bay for Policy Year 2012-13; Superseding Res. #409
20

21 Motion 7: Leff moved to approve proposed Res. #419 – A Resolution Extending Worker’s
22 Compensation Coverage to Volunteers of the City of Depoe Bay for Policy Year 2012-13;
23 Superseding Res. #409 (copy of proposed resolution attached to original of these minutes). T.
24 Lewis seconded the motion.
25

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

28 Vote: Motion 7 passed.

29 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis, Zimmerman
30

31 F. Grant Funding Opportunity – Oregon Bicycle and Pedestrian Program and Transportation
32 Enhancement Program Combined Solicitation 2012

33 Murray said these two programs have been around for a long time but this is the first time they
34 were combined (copy of notice attached to original of these minutes). The City has applied for
35 funding before, but hasn’t been awarded. The project identified for potential funding was South of
36 the Bridge Pedestrian Crosswalks and Sidewalks. L. Lewis said a Notice of Intent is due by June 6,
37 and applications are due in December. He said ODOT representatives are familiar with the chosen
38 project, and will help ensure potential problems are addressed before the grant submission.
39

40 Motion 8: Leff moved to direct Staff to submit a Notice of Intent for South of the Bridge Pedestrian
41 Crosswalks and Sidewalks. Goddard seconded the motion.
42

43 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
44

45 Vote: Motion 8 passed.

46 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis, Zimmerman
47

48 G. OLCC liquor License Application – Change of Ownership, Thai Bay

49 Murray said this application (copy attached to original of these minutes) was for change of
50 ownership only (no change to type of permit), and that no complaints had been received.
51

52 Motion 9: Goddard moved to recommend the OLCC change of ownership application for Thai Bay
53 be approved. Leff seconded the motion.
54

1 Mayor Connors said it was moved and seconded, and called for discussion. A Councilor asked why
2 this was handled differently than the renewal applications that were processed at the previous
3 meeting; Murray explained the difference between processing renewals and change of ownership.

4
5 Vote: Motion 9 passed.

6 Ayes: Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman
7

8 X. CORRESPONDENCE

9 There were five items of correspondence (copies attached to original of these minutes): 1) An
10 email response from Senator Merkley's office in support of the Harbor Maintenance Trust Fund. 2)
11 An email from Peter Gurney regarding potholes on Manzanita and a dumped barbeque, which has
12 already been removed by City Crew. 3) An email response from Senator Wyden's office stating he
13 is a co-sponsor of the Harbor Maintenance Act of 2011 and that he plans to sign the Harbor
14 Maintenance Trust Fund letter. 4) A letter to the Mayor from NW Natural Gas regarding a meeting
15 on June 6; Mayor Connors plans to attend. 5) A letter from Oregon Emergency management
16 granting the City's request for extension on Dock 1 repair work.
17

18 XI. CITY STAFF REPORT

19 Owings reviewed his written report (copy attached to original of these minutes), providing updates
20 on sludge hauling, the nature trail bridges, and the City Park bridge.
21

22 Murray reported 1) She attended an emergency services meeting in Newport where the
23 representative encouraged attendees to complete tsunami and storm readiness training and
24 certification (see copy of Murray's memo dated 5/15/12, attached to original of these minutes),
25 and asked if the Council was interested in the training/certification. There was discussion regarding
26 the cost of the training and what it entails. Murray was directed to bring a cost estimate to the
27 Council at the next meeting.
28

29 XII. COUNCIL COMMENTS

30 Zimmerman thanked Owings, Crew, and Staff. He said the Harbormaster is doing a great job.
31 Dock 1 is "not perfect" but will be fine as long as the weather is nice.
32

33 Goddard asked Murray to ensure the Harbor Commission gets copies of letters sent to and received
34 from senators (Harbor Maintenance Trust Fund).
35

36 Hoitink said the county work crew is getting the nature trail bridges in by using a tram made out of
37 a wheelbarrow and cable.
38

39 Mayor Connors: 1) Has a copy of a different version of the territorial sea plan map, which shows
40 the Oregon coast all in red. She wasn't sure whether the map reflected no fishing, no wave energy,
41 etc., and said it needs to be looked into. 2) Received an email from ODOT, who is proposing a
42 meeting concerning taking action about the intersection of Collins Street and Hwy 101. Possible
43 meeting dates are May 21 or May 23. She wants to ensure Depoe Bay's views on the issue are
44 heard.
45

46 XIII. ADJOURN

47 There being no further business, the meeting was adjourned at 9:00 PM.
48
49
50

51 _____
52 Carol Connors, Mayor

53 _____
54 Emma LuMaye, Recording Secretary