

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

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7
8 PRESENT: Mayor C. Connors, S. Hoitink, B. Leff, D. Goddard, T. Lewis

9
10 ABSENT: P. Cameron, D. Zimmerman

11
12 STAFF: City Recorder P. Murray, City Planner L. Lewis, Recording Secretary E. LuMaye

13
14
15 I. PLEDGE OF ALLEGIANCE

16 Mayor Connors called for all to stand for the Pledge of Allegiance.

17
18 II. CALL TO ORDER

19 Mayor Connors called the meeting to order and established a quorum at 7:00 PM.

20
21 III. APPROVE MINUTES: July 17, 2012 Regular Meeting

22
23 Motion 1: Leff moved to approve the minutes from the July 17, 2012 Regular Meeting as
24 presented. Goddard 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

30
31 IV. ACCOUNTS PAYABLE

32 Murray said Councilor Zimmerman came into the office this afternoon, and reviewed and
33 recommended approval of the Accounts Payable.

34
35 Motion 2: Goddard moved to approve Accounts Payable as presented. T. Lewis seconded the
36 motion.

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

39
40 Vote: Motion 2 passed.

41 Ayes: Hoitink, Leff, Connors, Goddard, T. Lewis

42
43 V. SPECIAL ORDERS

44 A. Presentation: Virginia "Jenny" Demaris, Lincoln County Emergency Management Coordinator
45 – Everbridge Additional Users Agreement

46 Ms. Demaris said Lincoln County is offering use of the Everbridge system for notification of city
47 employees and officials. Cost is \$2.25 per person per year. She left some flyers on the service.
48 Discussion on this item was tabled to the next meeting. (Copy of Ms. Demaris' email dated 7/3/12
49 and copy of flyer attached to original of these minutes.)

50
51 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

52 A. Harbor Commission – Response to Council Request for Review of Moorage Use Permits /
53 Berth Assignments

54 Mayor Connors tabled this item to the joint meeting scheduled for August 21 at 5:30 PM. (Copy of
55 Murray's memo dated 8/3/12 attached to original of these minutes.)

1
2 B. Parks Commission Recommendation – Add Three Memorial Bench Site Locations
3 Bill Spores, Parks Commission Chair: 1) Enthusiastically encouraged everyone to go walk the new
4 section of the City Park Nature Trail; and gave credit to Murray for having the dream, L. Lewis for
5 putting it into writing, and Owings for completing tasks above and beyond the call of duty to turn
6 “Terry’s folly” into “Terry’s coup”. 2) Said the Parks Commission recommended three new
7 memorial bench locations. (Copy of 7/18/12 Parks Commission minutes with photos attached to
8 original of these minutes)
9

10 Motion 3: Leff moved to approve the Parks Commission request for three memorial benches at the
11 areas designated in the supplied photos. Goddard seconded the motion.
12

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

15 Vote: Motion 3 passed.
16 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis
17

18 VII. PUBLIC COMMENTS

19 Jerome Grant, 1048 SW Morning Walk, thanked the Council for their service and wished luck to
20 those running in the election. He said he has a long history with Depoe Bay, and is running for
21 State Representative.
22

23 Rick Beasley, 140 Bayview, thanked Mr. Spores and the City for the unique new nature trail, and
24 would like to see references to it incorporated into the City’s materials. He is proud of the City for
25 doing this.
26

27 VIII. UNFINISHED BUSINESS

28 A. Continued Public Hearing (Deliberations): Case File #1-APPEAL-CC-12 – Appeal of Planning
29 Commission Decision on Application for Development in Coastal Shorelands Overlay Zone
30 and Geological Hazards Permit (Case File #1-CS-PC-12)

31 Mayor Connors called for statements of conflict of interest; there were none. L. Lewis identified
32 new materials provided since the last meeting: 1) Supplemental Information Submitted on Behalf
33 of Applicant, 2) Appellant’s Response Brief, 3) Applicant’s Closing Argument, and 4) Two
34 communications from the City Attorney with related emails from the Applicant, regarding a
35 correction by the Applicant submitted after the deadline. The City Attorney recommended the
36 Council not accept the corrected document, nor did he recommend considering the corrected
37 document as part of the final written argument.
38

39 Motion 4: Leff moved to reject the Applicant’s corrected document as part of the record of the
40 appeal. Goddard seconded the motion.
41

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

44 Vote: Motion 4 passed.
45 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis
46

47 Mayor Connors announced that this part of the public hearing was a deliberation, and that no
48 further testimony would be accepted.
49

50 Motion 5: Goddard moved to uphold the Planning Commission decision, and direct Staff to prepare
51 Findings, including the City Planner’s coastal erosion setback calculation dated 7/12/12, and bring
52 to the next meeting. Leff seconded the motion.
53

1 Mayor Connors said it was moved and seconded, and called for discussion. L. Lewis asked the
2 Council if they wanted to accept the Applicant's closing argument offer to prepare the Findings; the
3 Council was uncomfortable accepting the offer.

4
5 Vote: Motion 5 passed.

6 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis
7

8 B. Employee Salary Survey, Bonus Program Proposal, Handbook Review

9 Murray said LGPI had completed their review of the existing Employee Handbook, and made
10 revision suggestions. She noted the City received a 1% reduction in insurance premium by having
11 the review done. She asked if the full Council wanted to review the handbook, or form a
12 subcommittee to review both salaries and the handbook. T. Lewis said he volunteered to review
13 salaries at the last meeting, and that Leff was willing to volunteer a couple of hours as well. He said
14 he would like to get the salary review done first. There was brief discussion about the effective
15 date for any salary revisions. A self-scheduling subcommittee was established, consisting of
16 T. Lewis, Leff, and Hoytink. (Copy of 2012 Salary Survey and Employee Handbook containing
17 recommendations attached to original of these minutes.)
18

19 C. Refinancing Debt Service

20 Murray said the Council previously approved refinancing of three loans for the City's economic
21 benefit. The company doing the refinancing sent an email (copy attached to original of these
22 minutes) saying that interest rates dropped significantly in July, and advised adding refinancing of
23 the 2007 Safe Drinking Water Loan (previously excluded from refinancing due to the small amount
24 of savings to be gained) to the resolution.
25

26 Motion 6: T. Lewis moved to accept the refinancing advice from Robert W. Baird & Company.
27 Hoytink seconded the motion.
28

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

31 Vote: Motion 6 passed.

32 Ayes: Hoytink, Connors, Goddard, T. Lewis

33 Abstain: Leff
34

35 IX. NEW BUSINESS

36 A. Draft New State Transportation Improvement Plan (STIP) Project Selection Process,
37 Multi-modal Transportation Enhancement Program – Opportunity to Provide Input

38 Murray explained that ODOT is changing how the STIP works. There was brief discussion about
39 multi-modal systems in Depoe Bay. A Councilor said studies are never done during our high traffic
40 times, and this should be challenged. (Copy of email dated 7/24/12 from Mark Volmert at Cascades
41 West Area Commission on Transportation [CWACT] attached to original of these minutes.)
42

43 B. Request to Schedule Event in City Park – Depoe Bay Chamber of Commerce Community
44 Picnic – Monday, August 13, 2012
45

46 Motion 7: Leff moved to approve the Chamber of Commerce request for a community picnic in City
47 Park on Monday, August 13. Hoytink seconded the motion.
48

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

51 Vote: Motion 7 passed.

52 Ayes: Hoytink, Leff, Connors, Goddard, T. Lewis
53

54 C. Oregon Department of Land Conservation and Development (DLCD) Coastal Zone
55 Management (CZM) Fiscal Year 2012-13 Grant Agreement

1 Murray said the City applies for this grant every year. It was \$3,000 per year for a long time, but
2 has been cut by 10% this year. The money goes into the General Fund for planning expenses.
3 (Copy of DLCDC letter dated 7/1/12 attached to original of these minutes.)
4

5 Motion 8: Goddard moved to direct Staff to apply for the \$2,700 Coastal Management grant from
6 DLCDC. T. Lewis seconded the motion.
7

8 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
9

10 D. League of Oregon Cities Annual Conference

11 Murray said the conference is September 27-29 in Salem, and asked if any Councilors wanted to
12 attend. Because this year flyers were not sent to individual Councilors, she was asked to make and
13 distribute copies of the flyer. This item was tabled to the next meeting.
14

15 E. Appoint City Representative FY 2012-13 Oregon Coastal Zone Management Association
16 (OCZMA)

17 Murray said the primary representative must be an elected official, but the alternate doesn't have
18 to be. Current representatives are Councilor Goddard and Jack Brown. Mr. Brown is willing to
19 continue as alternate. (Copy of OCZMA letter dated 7/26/12 attached to original of these minutes.)
20

21 Motion 9: Leff moved that the current appointments for OCZMA remain with Goddard as elected
22 representative and Jack Brown as alternate. T. Lewis seconded the motion.
23

24 Mayor Connors said it was moved and seconded, and called for discussion. Councilor Goddard
25 requested discretion in Mr. Brown's absence to have a substitute representative attend meetings, if
26 necessary; there was no objection.
27

28 Vote: Motion 9 passed.

29 Ayes: Hoitink, Leff, Connors, Goddard, T. Lewis
30

31 F. Oregon Ethics Commission Rules

32 Mayor Connors reported she attended a conflict of interest session at the mayor's conference,
33 where an Oregon Ethics Commission representative recommended the City contact the City
34 Attorney regarding possibly obtaining a "class exception" for discussions such as the joint Harbor
35 Commission meeting scheduled for August 21, because the City has two Councilors who own
36 businesses at the harbor, and several members of the Harbor Commission have businesses at the
37 harbor. City Attorney Williamson provided information on potential or actual conflict of interest
38 (copy attached to original of these minutes), explaining that the process for appointed public
39 officials is that members must provide written notice to the Council describing the nature of the
40 conflict of interest and the Council decides whether or not they should participate in the action.
41 Staff was directed to follow up with Mr. Williamson to find out whether one must abstain from
42 discussion, or just the vote, and to find out whether a verbal statement is acceptable in place of a
43 written statement.
44

45 X. CORRESPONDENCE

46 There were three items of correspondence (copies attached to original of these minutes):

47 1) A letter from League of Oregon Cities regarding fundraising for their scholarship program. It was
48 noted there is no discretionary money in the budget. Mayor Connors noted she contributes through
49 donations of gift baskets to a silent auction at the conferences; proceeds of the silent auction go to
50 the scholarship fund. 2) A request for overhead pedestrian crossing on Hwy 101 via complaint form
51 regarding an incident at the intersection of Hwy 101 and Bay Street. Upon speaking with the
52 complainant, Murray said they are not asking for overhead skywalks, but signs indicating the
53 location of the crosswalks, due to visibility concerns. Murray told him the most the City could do
54 would be to write a letter to ODOT. A Council said the issue is much bigger than the one complaint
55 letter. Mayor Connors said she spoke with ODOT Director Matt Garrett at the mayor's conference,

1 and shared with him the results of the traffic study in response to City's request to have the speed
2 limit lowered to 25 MPH. Mr. Garrett said speed limits are not usually lowered because ODOT wants
3 to keep traffic moving along, and they're looking at accident potential. She also spoke with Mr.
4 Garrett regarding the bulbouts, wondering if they are ever going to be fixed; ODOT followed up
5 with Owings a few days later. And she asked him about the number of lanes on Hwy 101. She
6 asked if the Transportation System Plan (TSP) must be complete before re-striping the highway;
7 yes, it does. 3) A letter from Kathi McConnell at ODOT regarding the City's letter contesting
8 investigation report results. Staff was directed to let Ms. McConnell know that someone will be in
9 attendance at the next ODOT hearing (date has not yet been set).

10
11 XI. CITY STAFF REPORT

12 Owings' report was provided by Murray: Requests For Proposal (RFP) were put out for a trenching
13 and boring contract for the warning siren and public address system project. There is a
14 walkthrough scheduled for tomorrow. Owings would like authorization to enter into a contract with
15 the low qualified bidder, if it's under \$10,000. The RFP closes on Friday.

16
17 Motion 10: Hoitink moved to approve the contract for boring and trenching for the warning siren
18 and public address system, not to exceed \$10,000. T. Lewis seconded the motion.

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

21
22 Vote: Motion 10 passed.

23 Ayes: Hoitink, Leff, Connors, Goddard, T. Lewis

24
25 Murray reported the Harbor Commission accepted the August 21 date for a joint workshop to
26 discuss the Harbor Ordinance. 2) She was contacted by John deTar, ODOT's Senior Region Planner,
27 who notified the City that it's time to set the membership of the Community Advisory Committee
28 for the TSP Update. She asked if Mr. deTar's list of representatives was acceptable and whether
29 she should start contacting people for the committee. This item was tabled to the next meeting;
30 however L. Lewis was given permission to discuss committee membership at tomorrow night's
31 Planning Commission meeting. (Copy of Mr. deTar's email dated 8/6/12 and Murray's memo of
32 same date to the Council attached to original of these minutes.)

33
34 XII. COUNCIL COMMENTS

35 Leff thanked everyone for coming, and asked the new owner of Harbor Lights Inn to introduce
36 himself, which he did.

37
38 Mayor Connors 1) She and Brady toured the harbor and City Park with Regional Solutions and
39 economic development representatives, who loved the tour and had ideas about bringing jobs to
40 Depoe Bay. 2) Discussed harbor issues with the director of Business Oregon at the mayor's
41 conference. 3) She and Murray will be attending a meeting at the Kids Zone on Thursday; a
42 lobbyist from Washington DC will be present. 4) Questioned when City Hall would be getting a new
43 flagpole. Murray said a pole that needs retrofitting has been found and Crew started work on it last
44 week.

45
46 XIII. ADJOURN

47 There being no further business, the meeting was adjourned at 8:32 PM.

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51
52 _____
53 Carol Connors, Mayor

54 _____
55 Emma LuMaye, Recording Secretary