

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, August 21, 2012 - 7:00 PM
4 Depoe Bay City Hall

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8 PRESENT: Mayor C. Connors, P. Cameron, S. Hoitink, B. Leff, D. Goddard, T. Lewis,
9 D. Zimmerman

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11 STAFF: City Recorder P. Murray, City Superintendent T. Owings, City Planner L. Lewis (dep
12 7:34 PM), Recording Secretary E. LuMaye

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: August 7, 2012 Regular Meeting

22

23 Motion 1: Goddard moved to approve the minutes from the August 7, 2012 Regular Meeting as
24 presented. T. 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 1 passed.

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

30 Abstain: Cameron, Zimmerman

31

32 IV. ACCOUNTS PAYABLE

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

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

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39 Vote: Motion 2 passed.

40 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman

41

42 Mayor Connors rearranged the agenda:

43

44 IX. NEW BUSINESS

45 A. Lincoln County Sheriff's Office – Law Enforcement Services Agreement Renewal (Section 6)
46 Patrol Sergeant Mark Meister was present to answer Councilors' questions. Murray noted there
47 were two minor changes in the agreement (copy attached to original of these minutes). A Councilor
48 requested less cryptic information in the reports.

49

50 Motion 3: Leff moved to authorize the mayor to sign the agreement for renewal of law enforcement
51 services with the Lincoln County Sheriff's Office. Zimmerman seconded the motion.

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

54

55 Vote: Motion 3 passed.

1 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman

2
3 Mayor Connors noted there was an overcharge on a previous bill and that a refund check was
4 forthcoming.

5
6 Return to regular Agenda:

7
8 V. SPECIAL ORDERS

9 There were no special orders.

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

12 There were no reports.

13
14 VII. PUBLIC COMMENTS

15 There were no public comments.

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17 VIII. UNFINISHED BUSINESS

18 A. Findings, Conclusions, and Final Order: Case File #1-APPEAL-CC-12 – Appeal of Planning
19 Commission Decision on Application for Development in Coastal Shorelands Overlay Zone
20 and Geological Hazards Permit (Case File #1-CS-PC-12)

21 City Planner L. Lewis reviewed the draft Findings and called for questions; there were none.

22
23 Motion 4: Goddard moved to authorize the Mayor to sign the Findings, Conclusions, and Final Order
24 for Case File #1-CS-PC-12 (#1-APPEAL-CC-12). Hoitink seconded the motion.

25
26 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

27
28 Vote: Motion 4 passed.

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

30 Abstain: Cameron

31
32 B. Oregon Ethics Commission Rules

33 Murray reviewed the information provided in an email from Bethany Reeves (copy attached to
34 original of these minutes). Murray explained the difference between a “potential” conflict of
35 interest, and an “actual” conflict of interest, noting that money is always tied to conflict of interest.
36 Because Commissions are recommending bodies, they would have potential conflicts of interest
37 rather than actual. She also explained “class exceptions”: when an official action would result in
38 the same financial effect on all members of a group of people that includes a public official (or a
39 member of their family), there is no conflict of interest; e.g., a discussion or vote on raising
40 water/sewer rates would be a class exception.

41
42 C. Lincoln County Emergency Services – Everbridge Additional Users Agreement

43 Murray followed up on the invitation made by Jenny Demaris at the previous Council meeting
44 regarding an opt-in agreement for limited Everbridge service. (Copy of 7/3/12 email and
45 agreement attached to original of these minutes.)

46
47 Motion 5: Leff moved to authorize Staff to purchase memberships for all City Staff and elected
48 officials. Goddard seconded the motion.

49
50 Mayor Connors said it was moved and seconded, and called for discussion. Mayor Connors
51 questioned the need for all Staff to be on the list; Murray said the City is so small that with a price
52 tag of \$2.25 each, everyone should be included.

53
54 Vote: Motion 5 passed.

55 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman

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2 D. League of Oregon Cities (LOC) Annual Conference
3 After reviewing the LOC conference flyer (copy attached to original of these minutes), Mayor
4 Connors expressed interest in attending in two sessions. Murray did a quick estimate of expenses.

5
6 Motion 6: Leff moved to authorize expenses not to exceed \$750 for the Mayor to attend the 87th
7 LOC Annual Conference. Goddard seconded the motion.

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

10
11 Vote: Motion 6 passed.

12 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman
13

14 E. Community Advisory Committee (CAC) for Transportation System Plan (TSP) Update Project
15 City Planner L. Lewis said the Council discussed establishing the CAC at their last meeting, and
16 questioned the need for some agencies being (e.g., Lincoln County Transit) on the CAC. He spoke
17 with John deTar of ODOT about this. Mr. deTar prefers having these agencies on the CAC, however,
18 they would not need to attend all CAC meetings if the meetings don't pertain to their area of
19 expertise. Mr. Lewis said the Planning Commission has requested to have two Commissioners on
20 the CAC. Mayor Connors said she talked to a member of the Traffic Safety Committee, who agreed
21 to be on the CAC. This item will appear on the September 4 agenda for finalization. Mr. Lewis left
22 the meeting.

23 24 IX. NEW BUSINESS

25 A. Lincoln County Sheriff's Office – Law Enforcement Services Agreement Renewal (Section 6)
26 See above.

27
28 B. Proposed Res. #423 – A Resolution Authorizing the Sale of General Obligation Refunding
29 Bonds
30 Murray reviewed the proposed resolution, which was drafted by the Bond Counsel (copy attached
31 to original of these minutes).

32
33 Motion 7: Leff moved to adopt Res. #423, A Resolution Authorizing the Sale of General Obligation
34 Refunding Bonds. Cameron seconded the motion.

35
36 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

37
38 Vote: Motion 7 passed.

39 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman
40

41 C. Draft Preliminary Official Statement - Refinance
42 Murray asked the Council to review the draft statement and provide comments to her by this
43 Thursday. She said it's on a fast track, with closing expected by October 3. The City's loan
44 agreement with USDA requires a reserve containing at least a year's worth of payments; there is
45 an existing reserve fund for debt service. She asked the Council whether they wanted to continue
46 to carry the reserve, to apply the reserve money to the refunding, or to return the reserve money
47 to the water fund; her recommendation was to put the money back into the water fund and start
48 building a new reserve for future improvements.

49
50 Motion 8: Cameron moved to return the debt service money to the water fund. T. Lewis seconded
51 the motion.

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

54
55 Vote: Motion 8 passed.

1 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman

2
3 D. Pat Dunlop – Pedestrian Safety Concerns – ADA Access Collins Street and Hwy 101
4 Pat Dunlop, of 10 NE Hwy 101, addressed the Council regarding the safety of handicapped
5 pedestrians on the first block of Collins Street. She related a specific incident she witnessed where
6 a large man in a wheelchair struggled to get up the hill, and wondered how a handicapped person
7 could safely get from Hwy 101 up to the Combs Avenue parking area. Owings said Collins Street is
8 a County road and Hwy 101 is a State highway, and the City has no jurisdiction on those streets.
9 The parking in question, which is behind Lareisa Plaza, is required by ordinance. He said people
10 need to use common sense. Mrs. Dunlop also said she'd like to see a sign with a big hand pointing
11 up Collins Street toward parking, and there are times when big trucks parking on Hwy 101 make it
12 difficult and dangerous to back out onto Hwy 101.

13
14 X. CORRESPONDENCE

15 There were several items of correspondence (copies attached to original of these minutes):

16 1) A letter from Congressman Kurt Schrader responding to the Mayor's letter requesting assistance
17 in correcting the 2010 Census results. Congressman Schrader forwarded a copy of a letter he
18 received from Robert Groves at the Census Bureau, which re-stated what was previously reported
19 to the City; i.e., that there would be no change in the count. Mayor Connors said she will contact
20 his office and let them know his letter wasn't helpful. 2) A letter from the City of Florence inviting
21 the City to participate in City Hall Week on September 19 from noon – 2:00 PM at the Florence
22 Event Center. RSVP required. 3) A letter from ODOT regarding the City's notice of intent to submit
23 an application for a Transportation Enhancement Bike and Pedestrian Program grant. The City's
24 proposed project has advanced to Stage Two, and the City will be contacted by ODOT Active
25 Transportation staff to schedule site visits. This will need to be discussed with the Urban Renewal
26 Agency, who may provide matching funds. 4) A copy of a letter from the Lincoln County Board of
27 Commissioners to Jim Rue at DLCD regarding visual resource impact assessments of the Territorial
28 Sea Plan in the Newport area. 5) A letter from Steve Scopelleti, resigning from the Planning
29 Commission.

30
31 Motion 9: Leff moved to accept Mr. Scopelleti's resignation and authorize the Mayor to sign a letter
32 thanking him for his service. Hoitink seconded the motion.

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

35
36 Vote: Motion 8 passed.

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

38
39 There was one additional item received late today and not part of the Council packet: a request
40 from Neighbors For Kids (NFK) to schedule an event in City Park and reserve the gazebo on August
41 24 from 2-6:30 PM. (Copy attached to original of these minutes.)

42
43 Motion 10: Goddard moved to authorize NFK's request to schedule an event in City Park on Friday,
44 August 24. Leff seconded the motion.

45
46 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

47
48 Vote: Motion 10 passed.

49 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, T. Lewis, Zimmerman

50
51 XI. CITY STAFF REPORT

52 Murray reported 1) City Attorney Williamson provided input (copy of email dated 8/9/12 attached
53 to original of these minutes) on the feasibility of a noise ordinance in Depoe Bay. A Councilor
54 requested copies of League of Oregon Cities information referred to in the email (examples of noise
55 regulations from other cities and/or a model [noise] ordinance). This item was tabled to the next

1 agenda. 2) There is less than a week left for candidates to file for the November election. All
2 paperwork must be turned in to City Hall before next Tuesday.

3
4 Owings reviewed his written report (copy attached to original of these minutes), providing updates
5 on the Dock 1 replacement project, the outdoor warning system, the nature trail, smoke testing,
6 and curb painting and street sweeping. Referring to Dock 1 replacement, a Councilor asked what
7 the delay is with the Corps of Engineers; Owings responded that the Corps got a new biologist/
8 permit specialist and didn't inform the City; and that he has explained to the Corps if the project
9 permit isn't complete by November, the City will lose its FEMA funding.

10
11 XII. COUNCIL COMMENTS

12 Zimmerman praised the temporary employee who's been pumping gas at the harbor, and hoped
13 the employee will be available next summer.

14
15 T. Lewis said the Salary/Handbook Subcommittee reviewed an employee questionnaire at their first
16 meeting, and will firm up recommended actions at their next meeting.

17
18 Goddard echoed Zimmerman's comment, and said the harbor is looking well kept. She was sorry
19 the position is only temporary.

20
21 Hoitink said he attended a meeting about wave energy in Newport. Four sites are being looked at,
22 with one to be selected in September. Funding has already been arranged to lay cable for sending
23 signals back to shore. Testing could take years. A Councilor questioned what the City has done to
24 contribute to the Territorial Sea Plan view sheds, and said the City can't be complacent on this
25 issue. Mayor Connors suggested writing a letter to County Commissioner Bill Hall to find out what
26 action can be taken. This item was tabled to the next agenda for further discussion.

27
28 Mayor Connors asked Owings to find out when ODOT will do something about the bulbouts. She
29 also noted the Cascades West Council of Governments meeting this week was cancelled because
30 they're looking at priorities and she suspects small areas like Depoe Bay won't get funding through
31 the Statewide Transportation Improvement Plan process.

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33 XIII. ADJOURN

34 There being no further business, the meeting was adjourned at 8:15 PM.

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Emma LuMaye, Recording Secretary

Carol Connors, Mayor