

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

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7

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

10

11 STAFF: City Recorder P. Murray, City Superintendent T. Owings, Recording Secretary
12 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: November 6, 2012 Regular Meeting

22

23 Motion 1: Leff moved to approve the minutes from the November 6, 2012 Regular Meeting. Lewis
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, Lewis, Zimmerman

30

31 Abstain: Cameron

32

33 IV. ACCOUNTS PAYABLE

34

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

37

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

39

40 Vote: Motion 2 passed.

41 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

42

43 V. SPECIAL ORDERS

44

45 A. Caroline Bauman, Economic Development Alliance of Lincoln County – Request for Support

46

47 Wave Energy Test Center
48 Caroline Bauman addressed the Council regarding Newport being a testing site for wave energy.
49 She said the purpose of her presentation wasn't to request formal action, but to gauge support and
50 see whether the City has a position or might be interested in taking a position on the subject. She
51 said area ports and cities are supportive of the project. If Newport does become a testing center,
52 there will be a grid cable connection under the ocean floor and the testing will be ongoing for a
53 number of years. She's hoping by diversifying into ocean and marine science, it will benefit ports as
54 well as the Depoe Bay harbor. Mayor Connors told her this Council and previous Councils have
55 been working on this issue for a number of years, and continues to send letters to legislators
56 regarding the Territorial Sea Plan. Mayor Connors asked Loren Goddard to discuss what he learned
57 at the Ocean Policy Advisory Council (OPAC) in Tillamook today, which he did. Ms. Bauman
58 resumed her presentation, saying the footprint of the project would be two square miles. She said

1 her organization's mission is to spread the benefit around the county. There was a brief question
2 and answer period during which Ms. Bauman said the test devices would be anchored to the ocean
3 floor. Mr. Goddard added that the test site would be in water up to 43 fathoms deep, west of the
4 Newport jettys – a site that isn't of the highest commercial value for crabbing. There was concern
5 about how the test site might affect migrating grey whales; Ms. Bauman said she would relay back
6 to the team how important whale watching is to Depoe Bay. (See copy of Ms. Bauman's memo
7 dated 11/21/12, attached to original of these minutes.)
8

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

10 Loren Goddard reported on 1) The Oregon Coast Zone Management Association (OCZMA) meeting
11 (attended in place of Councilor Goddard): OCZMA is looking for solutions to their funding and
12 staffing crisis. Onno Husing, a driving force in funding, has resigned; and the interim director is
13 resigning effective January 1. There was also a presentation on landslides. The Department of
14 State Lands has laser technology that peels away layers of vegetation. Through computer analysis,
15 they can look at topography in a way we can't see with the naked eye. They are finding places
16 where it was thought there were no landslides, but the landslides were older. This information is
17 available at several unnamed websites. 2) Ocean Policy Advisory Council (OPAC) meeting: OPAC is
18 working on amendments to the Territorial Sea Plan (TSP) process. Documents and
19 recommendations will be presented to OPAC to make their decisions on January 4. There is a TSP
20 meeting on Thursday in Salishan, and any interested parties are encouraged to attend. There are
21 five sites being seriously considered. After the sites are defined, standards will be set. Areas
22 studied are to be no more than 5% of the territorial sea, and developmental areas are to be no
23 more than 3% of the territorial sea. Add to that the marine reserves and other restricted areas for
24 a total of about 20% of territorial sea that people are trying to control. A 3% cap on the territorial
25 sea would allow up to 37 square miles of area that could be developed for wave energy, which
26 doesn't include the corridors they would need to get the cabling ashore. There is no data on how
27 electro-magnetic frequencies coming through the unshielded cables would affect surrounding ocean
28 life. Public comments can be made to TSP.comments@state.or.us. There was also a presentation
29 regarding dead zones/high nutrient areas. Extra CO2 causes acidification, and this is becoming an
30 ever-increasing problem as our carbon footprint grows. The fact that acidification is underway can
31 be conclusively demonstrated. This area is particularly sensitive, and there are impacts to local
32 fisheries. Shellfish have difficulty in building their shells in high-CO2 areas. Mayor Connors asked
33 about a recommendation, saying Paul Klarin, DLCD, had said it was a done deal. Mr. Goddard said
34 that was incorrect, and that it's a bottom-up process being driven by grassroots action.
35

36 VII. PUBLIC COMMENTS

37 A J Mattila, 130 SE Douglas, thanked the outgoing Mayor and Council for their service to the
38 community, on behalf of the incoming Council.
39

40 Zeke Olsen, 40 Conway Street, addressed the Council about wave energy. He expressed concern
41 that areas adjacent to the harbor are being placed off limits for marine reserves and that the
42 testing and production site being proposed is in the grey whales' migration path. If the whales are
43 diverted, it could affect Depoe Bay's economy. He said the same companies are testing sonic
44 marine equipment that will drive the whales away, and the whales are being tagged to see how
45 they are moving around the sonic areas. There is not enough data for the Council to support the
46 project. Mayor Connors responded that this Council and previous Councils, the Near Shore Action
47 Team, and the Harbor Commission have been working on this subject for years, and have written
48 many letters and attended many meetings regarding the Territorial Sea Plan. There was additional
49 conversation between Mr. Olsen and the Council related to Mr. Olsen's correspondence dated
50 12/3/12 (copy attached to original of these minutes).
51

52 VIII. UNFINISHED BUSINESS

53 A. Request to Temporarily Encroach on Elsie Street Right-of-Way – J. Million and V. Sovern
54 Jeff Million was present to answer Council questions; he briefly stated the reason for the request.
55 Murray said notices were mailed out at the Council's direction to residents within 250 feet of the

1 subject area, and the comment period expired on November 9. One letter not in support of the
2 request was received from Lori and Robert Fowler; and one email was received yesterday from Rick
3 Beasley, speaking to the procedure but wasn't for or against the request (copies attached to
4 original of these minutes). Councilor Leff asked if the City Attorney had been contacted regarding
5 setting a precedent; Murray responded that each request is considered on its own merit, and this
6 was what the attorney advised.

7
8 Lori Ann Fowler, 155 Hazelton Avenue, said she would be directly affected by the temporary
9 encroachment, and had concerns which were not listed in her letter, including the value of her
10 home being affected and a negative environmental impact. She stated a concern about impacts to
11 aesthetics, lifestyle, and safety. She also had questions about sewer and garbage service, parking,
12 and electrical utilities. She wondered if there would be an indemnification clause in case someone
13 gets injured. She said the request needed to have good justification. She questioned why the
14 trailer couldn't be placed on their own property rather in the Elsie Street right-of-way. She
15 respectfully requested the request be denied, saying it isn't beneficial, considerate, or neighborly,
16 and that she walks on that street and doesn't want somebody living 10 feet away from her
17 property.

18
19 Jeff Million responded to the concerns expressed by Mrs. Fowler, and answered other questions
20 posted by Councilors. There was much discussion regarding whether or not the trailer could be
21 placed on one of the Million/Sovern's adjoining lots; Mr. Million repeatedly explained how the grade
22 of the land prevented them from putting the trailer on their own property.

23
24 Motion 3: Leff moved to permit Mr. Million and Ms. Sovern to encroach on Elsie Street as
25 requested. Cameron seconded the motion.

26
27 Mayor Connors said it was moved and seconded, and called for discussion.

28
29 Amendment: Councilor Hoitink amended the motion to include a nine-month limit on the
30 encroachment. Leff and Cameron agreed to the amendment.

31
32 Mayor Connors said it was moved and seconded, and called for discussion. Owings encouraged
33 anyone who hasn't seen the property to go up and view it. He said sewer, water, and utilities have
34 been engineer-drawn, stamped, and accepted by the City. He clarified that it isn't a City street, it's
35 a public right-of-way, and Mr. Million and Ms. Sovern are allowed to have equipment there. The
36 sewer has been accepted by Department of Environmental Quality (DEQ), and the water has been
37 accepted by Department of Health Services.

38
39 Motion 3 withdrawn. This item was tabled to the next agenda to allow Councilors time to go view
40 the property.

41
42 B. Employee Salary Survey and Handbook Review, New Job Position

43 Mayor Connors said she wanted to start with review of the Employee Handbook. Murray explained
44 the color coding, reviewed the Staff-suggested changes, and recommended the Council consider
45 adopting the handbook as written, upon legal review. Leff commended Staff's work on the
46 handbook's presentation. (Copy of draft handbook attached to original of these minutes.)

47
48 Motion 4: Leff moved to adopt the revised Employee Handbook as written, upon legal review.
49 Goddard seconded the motion.

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

52
53 Vote: Motion 4 passed.

54 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

55

1 Staff requested Council opt to participate in the PERS Sick Leave Program. Participation results in a
2 positive impact to retirees' benefits at no cost to the City. Murray said adopting the PERS Sick
3 Leave Program would need to be accomplished through resolution.

4
5 Motion 5: Leff moved to direct Staff to bring the Council a resolution indicating Depoe Bay's
6 participation in the PERS Sick Leave Program. Cameron seconded the motion.

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

9
10 Vote: Motion 5 passed.

11 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

12

13 Owings said he had previously reported that Wastewater Treatment Operator Gary Walls passed a
14 level 3 test. He did this on his own, in response to a new DEQ requirement that the City have a
15 level 3 certified operator. This has resulted in the need for a new "Lead Wastewater Treatment
16 Plant Operator" job description. Owings reviewed the new job description. Minor adjustments were
17 also recommended to the Wastewater Treatment Operator job description. (Copies of job
18 descriptions attached to original of these minutes.)

19

20 Motion 6: Leff moved to approve the new Lead Wastewater Treatment Operator job description and
21 edited Wastewater Treatment Operator job description as presented. Hoitink seconded the motion.

22

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

24

25 Vote: Motion 6 passed.

26 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

27

28 Murray reviewed the salary survey conducted at the Council's request in June, 2011, which was
29 updated for re-presentation to the Council in August, 2012. She reported that most existing City
30 job position base and cap salaries were under the average, the majority of cities pick up the
31 employees' PERS contribution, and surveyed cities' benefits packages were similar to the City of
32 Depoe Bay's benefits package. Staff requested the Council consider authorizing City pick-up of the
33 6% employee contribution to PERS, and bringing up those salaries which were under the average,
34 to average, effective January 1, 2013. She reviewed tables prepared for the Council to compare
35 options (copy attached to original of these minutes). Mayor Connors said a PERS expert spoke at a
36 League of Oregon Cities (LOC) meeting, and said picking up employees' PERS contributions was a
37 bad idea because it's an "all or nothing" option. A Councilor suggested separating out the PERS
38 question from the salary question.

39

40 Motion 7: Leff moved to adjust all salary levels to meet survey averages as outlined in table 3.

41 Cameron seconded the motion.

42

43 Mayor Connors said it was moved and seconded, and called for discussion. Mayor Connors wanted
44 to ensure no one's salary decreased.

45

46 Amendment: Leff amended her motion that Plant Operator and Maintenance Worker positions be
47 excluded from the salary adjustment. Cameron seconded the amendment.

48

49 Mayor Connors said it was moved and seconded, and called for discussion. A Councilor said at
50 some point salary steps will need to be looked at, because most employers have 10-12 steps.

51

52 Vote: Motion 7, as amended, passed.

53 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

54

1 Staff requested a base and cap salary for the new Lead Wastewater Treatment Operator position
2 be set at \$3,000 per year over the Wastewater Treatment Operator base and cap.

3
4 Motion 8: Leff moved that the base and cap salary amounts for the newly-adopted job position of
5 Lead Wastewater Treatment Operator be set at \$3,000 over the existing Wastewater Treatment
6 Operator base and cap salary. Goddard seconded the motion.

7
8 Mayor Connors said it was moved and seconded, and called for discussion. A Councilor said Mr.
9 Walls had worked very hard to make level 3, and suggested giving him a \$1,000 bonus out of the
10 money that was set aside for budgets. Owings said he did a small communities Lead Wastewater
11 Treatment Operator survey, and salaries were anywhere from \$40,000 to \$65,000 per year,
12 depending on size of city and number of employees supervised.

13
14 Amendment: Goddard amended the motion to use the old existing Field Supervisor base and cap
15 salary and make it the new Lead Wastewater Treatment Operator base and cap salary. Leff
16 accepted the amendment.

17
18 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

19
20 Vote: Motion 8, as amended, passed.

21 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

22
23 Motion 9: Lewis moved to provide Gary Walls with a \$1,000 bonus for working hard on his own and
24 passing the level 3 test. Leff seconded the motion.

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

27
28 Vote: Motion 9 passed.

29 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

30
31 C. Noise Control

32 Murray reported the draft ordinance was created from the League of Oregon Cities' model and had
33 been sent to the City Attorney along with the public comments received in October, and the
34 attorney's comments had been distributed. Staff was directed to incorporate Mr. Babinsky's
35 suggestions into a new, colorful draft and bring back to the next Council meeting.

36
37 D. Proposed Ord. #292, Amending Harbor Ordinance – Review

38 Murray said the "near final" draft had been reviewed by the insurance agent, with their comments
39 on the two sections related to insurance (page 15 subsection D and page 17 subsection C.1). A
40 Councilor said she didn't want to "add another comma" to the ordinance, as it had been vetted by
41 so many people. Mayor Connors agreed that no further changes were necessary. The draft
42 presented at tonight's meeting for final review was scheduled for adoption at the next meeting.

43
44 E. Lincoln County Emergency Preparedness Grant

45 Owings reported on his directive to obtain information about helicopter landing symbols. There are
46 no required markings for helicopter landings – they can land anywhere they are able. He suggested
47 purchasing 10 power flares, which are used by medical evacuation units. Pilots can see them from
48 five miles away. The flares are waterproof and rechargeable, and are \$100 apiece.

49
50 Motion 10: Leff moved to direct Staff to submit the Emergency Preparedness Grant to purchase 10
51 power flares for the helicopter landing zone that would be set up in an emergency. Lewis seconded
52 the motion.

53
54 Mayor Connors said it was moved and seconded, and called for discussion. Murray asked for
55 clarification that no charging station would be necessary for the flares.

1
2 Vote: Motion 10 passed

3 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman
4

5 IX. NEW BUSINESS

6 A. News Media Policy

7 Murray said the City should have a written news media policy, and she obtained a model policy
8 from LOC (copy attached to original of these minutes) through the City Attorney, who has reviewed
9 it and said it's a pretty good outline to modify for Depoe Bay. Much of the policy addresses the
10 changing world, and lines are grey; the policy would help the City identify who it accepts as news
11 media. Murray was directed to draft the policy in resolution form and bring it back to the Council.
12

13 B. 2012-13 Employee Safety Bonus

14 Murray displayed the City's Gold Safety Award for 2011-12, and said City employees take safety
15 very seriously. She asked for authorization to disburse the difference between the workers' comp
16 premium and the reduction/discount due to experience rating of 83%, in accordance with
17 established policy. Total savings on this year's premium were \$4,107.24, which is over the
18 budgeted \$4,010. The request is to disburse the budgeted amount of \$4,010, divided equally
19 among the employees. (Copy of 11/30/12 memo attached to original of these minutes.)
20

21 Motion 11: Leff moved to authorize Staff to disburse the 2012-13 safety bonus in the amount of
22 \$4,010 to all Staff, with congratulations. Goddard seconded the motion.
23

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

26 Vote: Motion 11 passed.

27 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman
28

29 C. Opportunity to Participate in Master Planning Effort for the Lincoln County Fairgrounds

30 Murray said Wayne Belmont is extending an invitation to mayors, councilors, staff, and others to
31 participate in providing input in planning for the Lincoln County Fairgrounds. Interested parties can
32 contact Kimberly Herring at 541-265-4108 to set up a one-on-one interview with the consultants
33 before January 1. Written comments may be submitted to the Board and Fair Board at 225 W Olive
34 Street in Newport. No interest was expressed.
35

36 D. Canvass of Votes – November 6, 2012 Election

37 Murray read the canvass title (copy attached to original of these minutes).
38

39 Motion 12: Leff moved that the City Council of Depoe Bay accept the official abstract of votes for
40 the 11/6/12 General Election. Hoitink seconded the motion.
41

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

44 Vote: Motion 12 passed.

45 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman
46

47 E. Schedule First January Council Meeting (Holiday Conflict) and City Attorney Attendance

48 The first Council meeting in January was rescheduled to Wednesday, January 2. The City Attorney
49 will be asked to attend and give the Oath of Office to incoming members.
50

51 F. Proposed Res. #424 – A Resolution Establishing a Request for Information Policy

52 Murray said this proposed resolution establishes a written policy for how requests for information
53 are handled (copy of proposed resolution attached to original of these minutes). She reviewed the
54 draft resolution in detail. Mayor Connors suggested making a minor change to Page 1 Item 1.B.
55

Level 2 Request: "...extensive staff time and/or attorney review." From the audience, Dave Morgan

1 asked if the City could put agenda packets online; Murray said she would look into it, and a
2 Councilor said as long as it's a public document that's already in the computer. Murray will report
3 back at the next meeting.

4
5 Motion 13: Goddard moved to accept proposed Res. #424, A Resolution Establishing a Public
6 Records Request Policy; Rescinding and Replacing Fees Set Forth in Res. #262 – Sections 2 & 3.
7 Leff seconded the motion.

8
9 Mayor Connors said it was moved and seconded, and called for discussion. Murray asked if the
10 revision as suggested by Mayor Connors was to be included; yes.

11
12 Vote: Motion 13 passed.

13 Ayes: Cameron, Hoitink, Leff, Connors, Goddard, Lewis, Zimmerman

14
15 X. CORRESPONDENCE

16 There was no correspondence.

17
18 XI. CITY STAFF REPORT

19 Owings reviewed his written report (copy attached to original of these minutes). He noted that the
20 Water Treatment Plant received an award from The Oregon Health Authority Drinking Water
21 Services for "outstanding performance" at its survey on June 19, 2012. This award bumps back the
22 next system survey to five years vs. the usual three years. The notice was accompanied by a
23 certificate signed by David E. Leland, P.E., Manager of Drinking Water Services (copy attached to
24 original of these minutes). Kudos were given to Field Supervisor Brady Weidner!

25
26 Murray reported the Fiscal Year 2011-12 audit is near printing. Signe Grimstad is available to
27 attend the December 18 meeting to present the audit, if the Council would like; yes.

28
29 XII. COUNCIL COMMENTS

30 Leff was delighted to see so many people come to the meeting, and hoped everyone has a
31 wonderful holiday season, whatever your holidays are.

32
33 Goddard asked if action was needed on an item in Owings' report; no.

34
35 Mayor Connors 1) Thanked Mr. Goddard for the time he's spent the past 4-5 years on the
36 Territorial Sea Plan, marine reserves, the Near Shore Action Team (Jack O'Brien also), and the
37 Harbor Commission. Mr. Goddard has been instrumental in ensuring the voices of Depoe Bay have
38 been heard. 2) Was excited to see the new 25 MPH signs in town, and hoped that people will be
39 safer.

40
41 XIII. ADJOURN

42 There being no further business, the meeting was adjourned at 9:52 PM.

43
44
45
46
47
48 _____
49 Carol Connors, Mayor

50
51
52 _____
53 Emma LuMaye, Recording Secretary