

Depoe Bay City Council Regular Meeting
Tuesday, October 17, 2023 – 6:00 PM
Depoe Bay City Hall

PRESENT: K. Short, J. King, R. Beasley, L. Bedingfield, V. Sovern, F. Recht, A. Watson
ABSENT: None
STAFF: Public Works Director B. Weidner; City Recorder Kimberly Wollenburg
GUEST(S): None

- A. PLEDGE OF ALLIEGIENCE
- B. CALL MEETING TO ORDER AND ESTABLISH A QUORUM
Mayor Short called the meeting to order and established a quorum at 6:00 PM.
- C. CHANGES AND ADDITIONS TO THE AGENDA
None.
- D. CONSENT AGENDA
August 15, 2023 City Council Regular Meeting Minutes
September 5, 2023 City Council Regular Meeting Minutes
Accounts Payable Report

Motion to approve the Consent Agenda with corrections made on the September 5 minutes made by Councilor Recht; seconded by Councilor Watson

Vote: Motion Passed 7/0

Ayes: Beasley, Bedingfield, King, Recht, Short, Sovern, Watson

- E. PUBLIC HEARING
1) 35 Cook Avenue – Order of Abatement – Resolution 549-23

Mayor Short opened the public hearing at 6:09 PM.

City Recorder Wollenburg addressed the Council regarding the past history of the rights-of-way on Cook Avenue, particularly the issues with the property at 35 Cook Avenue. She shared that the homeowner did do some clean up and removed vehicles; however, recently the homeowner has brought in other vehicles. Lincoln County Sheriff's Office has attempted to enforce the Council's orders, but to no avail. City Recorder Wollenburg said she also spoke to the City Attorney who provided some possible ideas on how to proceed and this current one addresses the rights-of-way that is provided under the Municipal Code.

City Recorder Wollenburg said that there is a concern that there is a house on Cook Avenue who does not have a driveway so has been parking on the rights-of-way. In order for the Order of Abatement to be enforced, all

vehicles, including the ones from the owners with no driveway, need to be enforced in the same way.

Councilor Recht asked about the update to the resolution. City Recorder Wollenburg said she revised the resolution to make sure all of Cook Avenue Was covered.

Rhonda Newman, 35 Cook Avenue, said she has no clue what the City is asking from her. She said she knows we want the stuff off the front of her house and moved back and she's working on that. Mayor Short said that she needs to remove her vehicles from Cook Avenue. Ms. Newman said she would when everyone else removed their vehicles, and Mayor Short shared that staff is working on that.

Ms. Newman asked for clarification of what an abatement is. Mayor Short said it's a legal action to clean up the property. Ms. Newman said that the deputy does not need to come by every day when there is a time to be done. Ms. Newman said that she has no idea what needs to be done. She works and she has health conditions that require frequent travel to the doctor. Mayor Short says she needs to get the property cleaned up and that Ms. Newman has been provided a lot of leeway and it's time to get it done.

Ms. Newman said she wants the City to tell her what is needed. She said we want cars removed and that stuff on her property. Mayor Short said she has been told previously. Ms. Newman said she wants to be told exactly where the property line is and how far we want of her property. City Recorder Wollenburg shared the map noting that while the image with the extra stuff on the rights-of-way is not accurate the property lines remain the same. The City isn't taking her property but merely enforcing the encroachment on City rights-of-way.

Ms. Newman said the clean-up is a work in progress and she can't get it done in a month. Mayor Short noted that Ms. Newman has had a year to remove the vehicles from the City rights-of-way. Ms. Newman said to give her a torch and she'll take care of it. She asked how far the red line is and how much of her property do we want. Public Works Director Weidner said there are property pins that show where her property line is. She asked how far, and Public Works Director Weidner said that Cook Avenue is a 40-foot street.

Mario Bena said he's been working diligently, and everyone knows how it looked a year ago. He said he is just a friend, and he's paid to do the job. He said if we'd seen the property from a year ago, there were a lot of vans full of stuff and cars. He mentioned her medical then mentioned he's in the middle of medical concerns for his brother and has been taking care of his brother. Mr. Bena said he is doing what he can to clean up her property. He said he appreciates the patience everyone has and that it does need to be resolved. He asked about a fence on the adjacent property and if that is where it ends.

Public Works Director Weidner noted a rule that residents can't store RVs and campers on the front yard per Ordinance 164 and 29. Discussion followed regarding why this has not been addressed.

Mr. Bena said she has no one to help but him. Mayor Short said this has been ongoing for a while and needs to be resolved. Ms. Newman noted from the audience that she is willing to do it but physically she can't. Mr. Bena asked to work together, and Mayor Short said that the City has but it needs to be done. Ms. Newman asked how the City is working with her when they constantly send the cops to harass her, and there is no help.

Mayor Short closed the public hearing at 6:22 PM.

Councilor Recht requested further clarification on the language in the resolution to make minor tweaks.

Councilor Bedingfield said that the idea of moving things back should be ignored and said that things should just be removed. Public Works Director Weidner said that just moving still means a violation and that RVs would still be there in front of the property.

Councilor Beasley said he's noted that Lincoln County Sanitary District charges a \$150 demolition fee on RVs and the tonnage to dispose of RVs. Councilor Beasley said this abatement process is a way out for property owners and that the City will make the property right and she won't have to pay for it until the property sells. He said that the idea that there has been no help from the City is not correct and believes the City has been compassionate.

City Recorder Wollenburg noted a concern recently that came up with others besides the homeowner who is using 35 Cook Avenue as a residential address.

Deputy Elfstrom, LCSO, said there may be an eviction process that would need to be followed for the abatement of occupied RVs. Councilor Recht expressed concern about kicking people out of RVs on that property. Mayor Short said those would not be addressed at this time. Councilor Recht noted that part of the abatement should include an eviction process. Councilor Beasley concurred; however, City Recorder Wollenburg said that it's a separate violation issue and one that needs to be addressed but it's not a simple process and will be under a different timeline.

Councilor Recht suggested a reframe that the Council heard that the homeowner didn't have time and frame it in a way that shows we are being helpful and here's what this does for her. City Recorder Wollenburg will note that in the notice to Ms. Newman.

Mayor Short asked how long Public Works Director Weidner would need to get a quote to clean up the area. Councilor Recht suggested contracting Paul Seitz with Lincoln County for contractors who might be able to do the work.

Motion to approve Resolution 549-23 ordering the abatement of the vehicles parked on the City's rights-of-way on Cook Avenue and the vehicles owned by 35 Cook Avenue on the City's rights-of-way made by Councilor King; seconded by Councilor Watson.

Vote: Motion Passed 7/0

Ayes: Beasley, Bedingfield, King, Recht, Short, Sovern, Watson

Mayor Short asked to make sure the homeowner gets the notice. City Recorder Wollenburg shared the process and said that the homeowner would receive the notice from this hearing.

2) Second Reading – Harbor Ordinance 342-23

Mayor Short clarified this was the second reading of the ordinance.

Motion to read Ordinance 342-23 by title only made by Councilor King; seconded by Councilor Bedingfield.

Vote: Motion Passed 7/0

Ayes: Beasley, Bedingfield, King, Recht, Short, Sovern, Watson

Public hearing opened by Mayor Short at 6:38 PM
No public comments.

Public hearing closed by Mayor Short @ 6:39 PM

Motion to adopt Ordinance 342-23 as presented with changes from previous meeting made by Councilor Recht; seconded by Councilor King.

Vote: Motion Passed 7/0

Ayes: Beasley, Bedingfield, King, Recht, Short, Sovern, Watson

F. GUEST PRESENTATIONS

1) Lincoln County Sheriff's Office

Lincoln County Sheriff's Office Deputy Elfstrom was in attendance to answer any questions or provide clarification regarding his submitted monthly report. Councilor Sovern asked about the illegal camping noted on the report, and Deputy Elfstrom said there have been some abandoned items lying around and that there is nothing active going on, but he is watching. Councilor King asked about the motorcycle accident. Councilor Bedingfield mentioned the coffee with a cop and that she appreciated them doing that and asked about how often this would be. Deputy Elfstrom indicated that it is planned for quarterly.

2) Harbormaster Conference Report

Roy Hildenbrand introduced himself as the Harbormaster for Depoe Bay and provided the Council a report regarding what he learned at the conference beginning with emergency preparedness ideas such as doing drills with local fire department and the Coast Guard and dealing with spills and other things that could occur. He has already spoken to the Coast Guard about setting up drills and that he is going to reach out to the fire department. He shared that PND presented on the large project they are doing in Nome, Alaska.

Harbormaster Hildenbrand is interested in looking at hazard waste operations & emergency response training and taking some basic electrical classes. He shared that he found benefit in networking with other harbor folks and learning about their challenges such as things left on docks, dealing with moorage holders, municipal owned fueling. He provided images from his trip and some ideas on problem-solving on such things as docks.

Councilor Recht asked about how the personal items off the docks were going, and Harbormaster Hildenbrand said things are going well and stuff hasn't been accumulating.

G. COMMISSION / COMMITTEE / GROUP REPORTS

Emergency Preparedness – Councilor Bedingfield said the Committee recently decided to meet the 2nd and 4th Monday monthly and spoke about the 13th of November being the radio training. Councilor King shared that member Karen Andreika is now the chair of the Committee. Councilor King shared that Jenny Demaris who was the Emergency Manager or Lincoln County is no longer with Lincoln County.

Councilor Beasley asked how the Committee goes from one meeting to two meetings a month, and it was confirmed that an amendment to the Ordinance is needed.

Harbor Commission – None.

Parks Commission – None.

Houseless Committee – Mayor Short shared that a Town Hall is being discussed for October 27 from 4-6 PM.

Planning Commission – None.

Salmon Enhancement Commission – Beanie Robison shared that the salmon are starting to go up North Depoe Bay Creek. He said that the new pen was paid for in full from donations by locals which showed how much they care about the salmon. Date set for July 13, 2024 for the salmon fin clipping. Next meeting is a work session at the reservoir on Saturday November 18. Councilor Recht said that after the drone pictures, a work session was set up on November 7, 2023 to

discuss watershed protection and acquisition. He next addressed a stream stewardship program that some members are eager to get started on. He shared the approach based on following Oregon Public Meeting Laws. He shared that the fish going up there aren't making it to the top end of the area by the Community Hall and there aren't a lot of pools for the salmon. Councilor Beasley said that there are people all over Oregon who think that the only thing that happens in Depoe Bay is Salmon Enhancement.

H. PUBLIC COMMENT
None.

I. UNFINISHED BUSINESS:

1) Property Acquisition – Action (if needed) from Executive Session

Motion to hold a public hearing inviting the public to weigh in on how it would like the City to spend this money, including purchasing a water park or expanding existing parks made by Beasley; seconded by Councilor Sovern

Councilor Recht said that this property acquisition has already been determined to be a City priority and it's in the City's long-range plan and has already been identified by the community and supported by fund-raising efforts to raise \$77,000 to protect scenic lands. A public discussion could be applicable if the City is buying different property but since it's already been part of various plans, she doesn't feel this is warranted.

Councilor Beasley said he believes things have changed quite a bit and that what we are seeing now in Depoe Bay is a tremendous amount of development going on that is already putting a burden on our current parks system. He said that no matter what the Council does, it would be helpful to have the public provide input regarding their City parks. He said that public money should not be spent by the City Council in the dark of night without public input. Councilor Watson said this was not being done in the dark of night and that if we want input on the park later, we can hold meetings then.

Vote: Motion Failed 7/0

Ayes: Beasley

Nays: Bedingfield, King, Recht, Short, Sovern, Watson

2) Harbor Docks 2-4 Replacement Project – Response to Bid Protest

Mayor Short asked the Council if they had a chance to review the material from PND Engineering and asked if the City Recorder has spoken with the City Attorney. City Recorder Wollenburg said she did and reported that we were advised to have PND draft the response as it was their contract which was provided.

Todd Ross from Legacy Contracting and said that when they bid, PND had only listed one foot and that it said the successful responsive bid based on the base bid amount, then they added the contingency fee and did specify

the foot and only noted one foot. He said that it would be more than fair in order the renegotiation of what the final bid price would be.

Motion to affirm the award of the Harbor Docks 2-4 Project to Advanced American based on PND recommendations and response to the protest made by Councilor Bedingfield; seconded by Councilor Recht.

Vote: Motion Passed 7/0

Ayes: Beasley, Bedingfield, King, Recht, Short, Sovern, Watson

3) Tourism Promotions & Events Planning Committee

Loretta Myles, resident of Depoe Bay, spoke about the initial thought of Friends of Depoe Bay as possibly having some interest in the Salmon Bake and because the purpose of the meeting was to see if there was a way to move forward. She said she reached out to Bruce Trent and shared his response and that was also sent to the Council that the Friends of Depoe Bay is not interested in managing the Salmon Bake.

Ms. Myles next read her statement regarding the recent meeting that was held as recommended by Councilor Beasley. She ended with her recommendation that the Committee be seriously considered and one of the first projects for the new group to complete is the Salmon Bake.

Nicole Moody, resident of Depoe Bay, said she was the one who said it was a foregone conclusion. She said that her understanding of the meeting was that the City would receive two proposals and the City would decide between the two organizations. She said two proposals were supposed to be presented and she thought that the Chamber had already decided to give the Salmon Bake to the City. She said she didn't feel things were handled in an objective manner as the City didn't hear two presentations. Councilor Watson said there has been no conclusion made as a group. Ms. Moody said that didn't happen and it was pretty clear that the Committee was the choice.

City Recorder Wollenburg clarified that the City Council has no oversight of the Chamber and the purpose of the meeting was not to present two proposals to the City as the City could not make a decision. The idea was to see if the groups could work together. She further clarified that the Chamber Board President Vincent said that if the City did not take the Salmon Bake, the Chamber would review presentations from those interested parties. Ms. Moody said she would appreciate that as a citizen that everyone prepares and presents a proposal in the same way for an objective review and approval.

Sule Wisniewski, Depoe Bay, thanked Nicole for coming forward and that Sule just met Nicole the other night and that it was interesting to see different dynamics and groups and a Council person who showed up. Ms. Wisniewski said it didn't seem like a meeting moderated by an unbiased moderator and

that she said that she knows if she is going to cook salmon, that she knows what it's like on the fire line and that she's seen people get sick and it does seem like volunteers need to be able to have a place and have a voice and figure out how funds are shared from this event. She said it's hard to believe that the 2022 Salmon Bake only brought in a little over \$1,100.

Melissa Sumner, Depoe Bay Chamber of Commerce Executive Director, said she thought Wednesday was productive and that she hopes the Chamber can have support and partnership with the City and acknowledged that there was a lot she needed to learn.

Loretta Myles, North Point resident, said she wanted to clarify that the Committee be proposed for the City and said it wasn't her idea and that she was approached by a group and as a result of the letter she submitted at a Council meeting in support of the City taking the Salmon Bake temporarily to assure the security of all of the equipment and pieces of the Salmon Bake until the future was determined. She wanted to make it clear that it was not her idea and that she was starting to get the wrath of the community who think she is trying to take something and that isn't her intention at all.

Mayor Short said it would not be a money-making operation and believes it would just be a City event for just the community. Councilor Beasley said he doesn't remember that conversation. Mayor Short shared it would not be busing in adults and make it just for residents.

Councilor Beasley said our job is to "prime the pump" so that legitimate people/groups to put on these events. He further said that the goal of the Salmon Bake was not to focus on community but to focus on tourism. There was general objection to that statement.

Motion for the City to issue an RFP open to a non-profit or bonded individual to organize the 2024 Salmon Bake made by Councilor Beasley.

Motion failed due to lack of a second.

Discussion followed that the City cannot do this because the City does not own the Salmon Bake as was confirmed by Melissa Sumner, Executive Director of the Depoe Bay Chamber of Commerce. Councilor Beasley said that he is sure we are going to end up creating a committee and that his concern is that this is a major distraction for the City Council and there has to be some wiggle room. He'd like to know what would be expected from the City. Mayor Short said that is what the committee would be formed to do. He asked about staff moving tables. City Recorder Wollenburg said all groups can ask for staff assistance.

Councilor Recht said she shares concerns but she also realizes how important the Salmon Bake is to the City. She would like to see the Committee sunset after 2-3 Salmon Bakes unless it is extended by the Council. She would like to see what is expected of the City and that there is a lot of City time used for

events. Councilor Sovern asked for a quick work session on this and said she has gone back and forth and has a problem with the way things are now. Item tabled until next meeting.

J. NEW BUSINESS

1) Fee Waiver Request – Community Hall – Lincoln County Fair Board

Daniel Helberg, the Chair of the Lincoln County Fair Board & Rodeo, saying that they are putting together a sub-committee for promotion and marketing and that Depoe Bay is centrally located for the individuals being asked to be on the Committee. He said the Fair Board runs on a zero budget and only runs on what is raised each year. He's requesting a waiver of \$28.00 per month for the meetings.

Motion to waive the \$28.00 per meeting charge made by Councilor Beasley; seconded by Councilor Recht.

Vote: Motion Passed 7/0

Ayes: Beasley, Bedingfield, King, Recht, Short, Sovern, Watson

2) Harbor Commission Application – Jack Burrigh

Councilor Beasley said that he read the letter and that he thinks he meant Bob Jackson instead of Fred Robison. Mr. Burrigh mentioned the Jimco dock and how Mr. Robison had him as a deck hand. Mayor Short asked if he was a resident and he said he was a 50% resident and is there most summers and tries to be in Depoe Bay often. Councilor Watson asked if he would be able to attend in person. Mr. Burrigh said that was his goal but would like to be able to attend via Zoom at times. He said he's been fishing out of the port since the seventies. Councilor Beasley asked if Mr. Burrigh's attendance on Zoom could be accommodated. City Recorder Wollenburg confirmed that he would be able to.

Motion to appoint Jack Burrigh to the Harbor Commission made by Councilor King; seconded by Councilor Beasley.

Vote: Motion Passed 5/2

Ayes: Beasley, Bedingfield, King, Recht, Short

Nays: Sovern, Watson

3) Proposed Changes – Planning Commission (Discussion)

Judy Faucett, Planning Commission Chair, asked if there were any questions. Council supports the Planning Commission's proposal. Ms. Faucett said that they'd like to see this done by the end of the year and that the two who are going off at the end of this year are willing to be considered as alternates.

4) Tri-County Continuum of Care – Resolution 550-23

Mayor Short introduced the resolution, reminding the Council of the presentation made by the executive director.

Motion to adopt Resolution 550-23 made by Councilor Beasley; seconded by Councilor Watson.

Vote: Motion Passed 7/0

Ayes: Beasley, Bedingfield, King, Recht, Short, Sovern, Watson

5) Community Hall Rules & Regulations (Discussion)

Mayor Short shared that there have been several complaints and she thought it would be a good idea to have a discussion. Councilor Beasley said out of full disclosure, he is the one who complained. He apologizes that he gave the impression that he wanted a noise ordinance and that he doesn't. He wants the City to enforce rules we have and the easiest way to do it is to expand the deposit language so that if you violate the rules on noise that you would lose your deposit. He said the notion that we needed to have a noise ordinance and buy a noise gun is a bit over the top. Mayor Short said that the noise ordinance already exists. Councilor Beasley said the problem isn't the noise but just that they don't stop when they should. He believes if that one part is changed and the deposit expanded to include noise, that would solve the problem.

Councilor Sovern said she liked the idea of the Millersburg permit and asked if there was a fee. City Recorder Wollenburg said that there wasn't one and confirmed that the noise ordinance needs some tweaking and that enforcement is for the resident to contact the Lincoln County Sheriff's Office non-emergency number. Councilor Recht asked about phones with time stamps and if that would work. City Recorder Wollenburg said she would have to verify that with law enforcement. She said that she did speak about a noise deposit with the City Attorney who said that the City could charge a deposit but the issue remains with enforcement.

Mayor Short said that staff doesn't address the rules, and City Recorder Wollenburg shared that given the recent issues, staff is going over the rules with the applicants. They will also work on putting other signs in the Community Hall reminding them of the noise rules.

Councilor Beasley asked why we just can't change the form and City Recorder Wollenburg said the issue is the verification of the violation. Discussion followed regarding a time-stamped recording as proof and City Recorder Wollenburg will check with law enforcement and legal.

K. CITY STAFF REPORTS

Mayor Short asked if there were any questions on the project updates. Councilor Beasley said that the auditor didn't finish as we indicated and how much we've paid with no end in sight and said this is a scandal and that something different needs to be done. The visit by the County Administrator was eye-opening in that they are having the same problems with the same auditor. Councilor Beasley asked if the County Administrator can help the City and take charge and have a meeting with all cities facing this problem and approach from the standpoint

of hiring our own auditor. City Recorder Wollenburg shared a suggestion she received from a presenter at the Oregon Government Financial Officer's conference she attended recently. She will follow up with them to get clarification and may be asking the Council to proceed with an RFP.

Councilor Bedingfield mentioned that we will be a level 3 and that should be an agenda item as it's a big deal. She asked about the harbor door being replaced and getting auto locks. Public Works Director Weidner said we have them and they are on a timer and the problem is that someone tried to get in or out and broke it. We have to replace two doors due to this issue.

Councilor Recht asked about security cameras in the harbor. Public Works Director Weidner said there are cameras and they cannot put security cameras at the launch dock because there is no electricity available there. He said they can work getting something with a battery or some kind of Zoom camera that can be used.

Councilor Beasley asked about the North Bridge replacement and City Recorder Wollenburg shared that replacement of both bridges were quoted for but only the North Bridge is in the FY 23/24 budget. Councilor Beasley said he's noticed at the park there are a lot more pressures that should be addressed and noted that the dog poop is getting excessive in the park and that Lincoln City addressed this. He said he's also seen groups of people collecting mushrooms and the park is really fraying at the edges. He's hoping the Parks Commission will look into these issues and such things as a bag law saying that Lincoln City has the bag law and can

City Recorder Wollenburg said that if the Council wants the Parks Commission to work on something, they need to be directed. Councilor Beasley said he'd really like them to work on a dog poop ordinance. Councilor Watson said several meetings ago it was said that a security camera would be placed and a sign about picking up after their pets. Public Works Director Weidner said there isn't anything about an ordinance violation but they could double-check the ordinance and put up signs.

L. CLOSING PUBLIC COMMENTS

1) Liz Martin, Depoe Bay, asked if there will be a sidewalk down Shell Avenue. Public Works Director Weidner said there are plans to have a sidewalk along Shell Avenue.

M. COUNCIL COMMENTS

Recht – None.

Bedingfield – Thanked staff for their work on Cook Avenue and noted she had some concerns about staff public safety.

Short – Witches of Depoe Bay will be out on Halloween.

Sovern – Thanked everyone for coming.

Beasley – Supports a tough tree ordinance but that it would impede development and that having one would go against affordable housing.

King – None.

Watson – Asked about the tree ordinance and getting one together.

N. ADJOURNMENT. Meeting adjourned by Mayor Short at 8:38 PM.

Submitted by:



Kimberly Wolfenbarg, City Recorder

Reviewed by:



Kathy Short, Mayor