

Depoe Bay City Council Regular Meeting
Tuesday, January 2, 2024 – 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): Casey Elfstrom, Lincoln County Sheriff's Deputy

A. PLEDGE OF ALLIEGENCE

B. CALL MEETING TO ORDER AND ESTABLISH A QUORUM

Council President King called the meeting to order and established a quorum at 6:00 PM.

C. CHANGES AND ADDITIONS TO THE AGENDA

None.

D. Actions Taken as a Result of Discussions during January 2, 2024 Executive Session

1) Decision Regarding Pursuit of Scenic Land Purchase

Motion to direct the City Recorder to withdraw the Land and Water Conservation Fund Grant made by Councilor Bedingfield; seconded by Councilor Watson.

Vote: Motion Passed 6/1

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

Nays: Recht

2) Approval of Engagement Letter for Legal Services by Davis Wright Tremaine LLC

Motion to approve the engagement letter for legal services with Davis Wright Tremaine made by Councilor Beasley; seconded by Councilor Watson.

Vote: Motion Passed 7/0

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

E. Consent Agenda

Accounts Payable – Financial Report

Councilor King said that she's reviewed the report and found it to be in order. She asked if Council members had a chance to review it, and all indicated that they had.

Motion to approve the consent agenda made by Councilor Beasley; seconded by Councilor Bedingfield.

Vote: Motion Passed 7/0

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

F. Guest Presentations

1) Lincoln County Sheriff's Office Monthly Report (November - December)

Councilor King asked Officer Casey Elfstrom what his schedule was like, and how often he is in Depoe Bay. Officer Elfstrom said that he is in the Depoe Bay area Sunday through Wednesday between the hours of 7:00 AM and 5:00 PM. He said that he has administrative things to do in Newport, but that he just got his office set up in Depoe Bay City Hall that will enable him to write reports. During the month of December, he had shorter hours in Depoe Bay due to the fact that he was field training a new officer.

Councilor Beasley asked the officer about reported vandalism, that seems to be recurrent, in Depoe Bay's harbor area. The doors were kicked in at the fish cleaning station bathrooms. He asked what the City Council can do to help prevent that from happening and if video camera signage would be appropriate. Officer Elfstrom recalled a similar discussion in the past, and said he wasn't aware that the vandalism was recurring. Public Works Director Weidner said that there were three incidents of vandalism in the summer. City Recorder Wollenburg said that it seems like there should be more discussion about the placement of a camera so that it looks in the direction of the bathroom, but not in. Councilor Sovern said that it's good that he's training another officer, but she wondered why he didn't have a more substantial report for the City Council. She asked where he was physically when he was training another officer. Officer Elfstrom said that there are five phases of the training process. The last phase of the training is where the trainee takes the reins and is able to do tasks with the supervisor observing. Officer Elfstrom said that he was observing his trainee for most of the month of December.

G. Commission/Committee/Group Reports

Emergency Preparedness Committee Update - Councilor King provided a document that was recommended by Councilor Beasley. Councilor King mentioned that she met with Administrative Assistant Burke on the 18th to discuss emergency preparedness activities. She said that she will be meeting with Ms. Burke the Wednesday following the Monday Emergency Preparedness Committee meetings to make sure that things are being done and not falling between the cracks. Regarding the emergency radios, Councilor King said she is asking Public Works Director Weidner to show Committee members how to use them more efficiently. She also said that there are still some Council members who don't have a radio; however, if they want one, they can request one and receive training on how to use it. Public Works Director Weidner encouraged those who are interested in a radio to contact him for assistance. City Recorder Wollenburg said that there seems to be some confusion about the radios' purpose. The radios are not meant to be on 24/7; they are designed to be on only when needed, like in the case of an emergency. Councilor Beasley asked if the radios come with a charging station, and City Recorder Wollenburg said that they do, but that some of the concerns were with whether the radios would be overcharged. Public Works Director Weidner said that these radios work like a walkie-talkie and would be used for communicating directly with each other in the event of an emergency. Councilor King said that she talked with Samantha Buckley, the Emergency Manager for Lincoln County. Ms. Buckley plans to attend the Emergency Preparedness Committee meeting on January 8th. Councilor King mentioned the possibility of Ms.

Buckley giving another "Cascadia Rising" presentation, similar to the one that was given in February of 2023.

Houseless Advisory Committee Update - Mayor Short said that she has nothing to report at this time.

Harbor Commission Update - Nothing to report at this time.

Planning Commission Update - City Recorder Wollenburg said that the Council has the report provided in their packets. Commissioner White is on if the Council has questions.

Parks Commission Update - A proposal from the Parks Commission will be brought to the City Council at the next meeting.

Salmon Enhancement Commission Update – Salmon eggs were delivered just before Christmas; they've had a very light death count for the hatching at this time.

Councilor Sovern asked if she could ask a question about the Parks update. She asked if City Recorder Wollenburg could talk more about taking the inventory of the Parks. City Recorder Wollenburg said that was related to the recreational immunity issue. The goal is for members of the Parks Commission to take an inventory of the City's trails, parks, and lanes, and see if there are any dangerous or hazardous situations that need to be addressed. City Recorder Wollenburg said that if there are areas within the City that are improved trails that lead to the water, then that makes the City potentially liable for injuries/ accidents. She mentioned that they have a checklist from CIS. Councilor Beasley asked if there was anything on that checklist about fencing, because he said that he noticed that the State has fences at oceanfront locations.

City Recorder Wollenburg said that we could put fencing up on areas that were on our property, but in areas of our property that lead up to parts that belong to the county or the state, we would have to go to them for permission to put in fencing. It's all about the condition of the access to the water. Councilor Beasley said that we don't have anything that would currently stop someone from gaining access to the water. He also said that he isn't sure what the insurance company is requiring of the City and not requiring. City Recorder Wollenburg said that their recommendation right now is to close improved trail access to the beaches and the water. As an example, she said that the area by the Bob Jackson Memorial Bench (sometimes known as the Bob Jackson Park) would not be a problem because that area would fall under recreation immunity. The North Point trail access is a concern, however, because that path leads directly to the trail to the water where someone would recreate. The path is the problem. The question is how much of that is the City's problem, and how much of it is the county's problem. CIS is recommending that we close the improved areas of the trails up at North Point. At this point, it is important to see what the Oregon legislators will do with this issue when it comes up in their February lawmaking session.

H. Public Comment

Dennis King, Anchor Estates, asked if the 22.4 inches of rain we had in December was a record. Public Works Director Weidner said that it is close to what the City received in 1995, but 1995 had slightly more rain at approximately 24.7 inches. The City did have to

bypass, but not as much as some other areas.

Mr. Christian Zupanic identified himself as being there on behalf of C.A. White and asked if there was a staff report about the proposed property purchase. City Recorder Wollenburg said that there is a staff report on page 13 of the packet. Mr. Zupanic asked if there will be a resolution before the City Council. City Recorder Wollenburg said that she's asking the City Council for a motion to make a decision on the proposal by Mr. White. Mr. Zupanic said that he and Mr. White are in attendance in connection to that resolution.

I. Unfinished Business

1) *Proposed Property Purchase – CA White*

Councilor King asked if the members of the Council had read the documentation related to the property purchase, and the members said that they did.

Motion to approve the investigation into the purchase of the property by the reservoir per the presented proposal by Mr. C.A. White made by Councilor Bedingfield; seconded by Councilor Watson.

Councilor Sovern asked where the funding is coming from and if it couldn't come out of the Urban Renewal funds. City Recorder Wollenburg said there is an acquisition of land in the budget in general funds. Councilor Beasley asked why the City is not getting an easement on the property. City Recorder Wollenburg said that is something the Council could explore, but if the City purchased the property outright, it would eliminate the need for easement access and would also protect the property owner because he wouldn't have to worry about this access.

Councilor Beasley asked if the City has acquired an appraisal on the property. City Recorder Wollenburg said no. Councilor Beasley said that other property in the area looks unbuildable and asked if it were possible to get contiguous properties all at once. City Recorder Wollenburg said she wasn't aware of that. Councilor Beasley asked if the City owned other property in that area. Public Works Director Weidner said there is property east of the pond that is owned by another, but it isn't near the property in question.

Councilor Beasley said that the only way that he could justify purchasing property is if the property became an asset for the City that could be sold in order to meet obligations. He wondered about the value of the property. Mr. White was asked to speak about the value of the property. Mr. White said that a broker had estimated the value of the property at \$106,000. Public Works Director Weidner said that it's an unbuildable lot because of the 8-inch water main. Councilor Beasley asked again about the possibility of an easement. Mr. White said that he believes the property should be owned by the City because an easement would create some liability issues.

Mr. Zupanic said that there are liability issues around an easement because it's not City land and because of insurance issues that probably wouldn't be worth it to the City. Mr. Zupanic also said that he is proposing a collapse of Mr. White's land

boundary, which would leave the property in question within the City's control. He also stated that the property has a low price, which is a benefit to the City.

Councilor King asked Public Works Director Weidner if there could possibly be room for an emergency storage cache on the property. Public Works Director Weidner said it was possible; however, City Recorder Wollenburg said that the City Council should consider that it may not be a good idea to allow the public near a source of water for the City.

Public Works Director Weidner also said that the property could be vulnerable to flooding, depending on the type of event. Councilor Recht asked if the ownership line could go to the center of the creek. Mr. White said that has not been decided yet but will be discussed if an agreement is made. Councilor Sovern asked if a survey will be done and who will be paying for the survey fee. Mr. Zupanic said that a lot line adjustment will require a survey, and that the City will likely need to provide a surveyor. City Recorder Wollenburg said that the City Engineer will be involved in that. Councilor Watson said that she believes the property is a good deal and should not be passed up by the City.

Vote: Motion Passed 7/0

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

J. New Business

1) Big Tire Park Right-of-Way Vacation – Resolution 554-24

Councilor Recht expressed concern about vacating the property. Councilor Beasley expressed concern as well and said that, although he is pro-park, he feels that the area is too dangerous to be used as a park and is more of an attractive nuisance than a park.

Motion to approval Resolution 554-24 initiating the vacation of a street right-of-way made by Councilor Beasley; seconded by Councilor King.

Councilor Bedingfield said she disagreed and that she felt there was no reason for the City to vacate a very scenic property; she said she would be voting against the motion. Councilor Watson said she also disagreed with the idea of vacating the property and would be voting against the motion. She said she liked the idea of scheduling a workshop and a field trip to the site with the City Council in order to brainstorm ways to make it safer, but she is against the idea of vacating the property. Councilor Recht said that she felt that vacating the property would conflict with a coastal shoreline goal, which says that cities along the coast cannot vacate property that provides either physical or visual access to and along the Oregon shore without providing equal access somewhere else. Councilor Beasley said that he wanted to thank Councilor Recht for recognizing that this is a discussion about City resources, and that those resources are limited.

Vote: Motion Passed 4/3

Ayes: Beasley, King, Short, Sovern

Nays: Bedingfield, Recht, Watson

Councilor Recht said she felt that vacating the property violated some of the City's own ordinances by not providing replacement access to the shoreline somewhere else. She felt that the motion to adopt the resolution was illegal and should be withdrawn. Councilor Beasley said he doubted that they were making a motion on anything illegal but was not opposed to the matter being looked at deeper.

2) Small Cities Allotment Agreement Approval

Councilor Bedingfield asked clarifying questions regarding the scope of the sidewalk and confirmed that it will connect to the existing side.

Motion to approve the Small Cities Allotment grant agreement with the Oregon Department of Transportation made by Councilor Beasley; seconded by Councilor Watson.

Vote: Motion Passed 7/0

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

3) Public Meetings Compliance Annual Review

There was some discussion over whether someone needed to bring forward a motion, but City Recorder Wollenburg said that wasn't necessary. She said that the goal was for all Councilors to read the document and sign it because it's just an annual review/reminder to adhere to the rules about public meetings.

4) Councilor Committee Assignments

City Recorder Wollenburg asked if any Councilor wanted to move from a committee. Councilor King indicated that she was content to remain on the committees she is currently on. Councilor Bedingfield said she is concerned about her ability to remain on the Emergency Preparedness Committee due to her new work schedule. Councilor Beasley said he would like to see City Councilors get out of serving on committees and instead actively try to recruit other, qualified people to serve on more committees. In regard to the Emergency Preparedness Committee, specifically, he indicated that he'd like to see more qualified people serving on the Committee who can bring knowledge and experience of emergency management. Councilor Watson said that she'd like to see every councilor be CERT certified as well as first aid certified.

5) Work Sessions (discussion)

Mayor Short expressed a desire to have work sessions with the City Council once a month in order to go over some issues before they come up. She proposed that the second City Council meeting of the month should start with a work session in order to discuss some key issues. She asked for the Councilors' thoughts on the idea. Councilor Beasley asked if the work session would be part of the regular meeting, but Mayor Short said it would not be. She said that there would be agendas and goals to be accomplished in these work sessions. For the first work session in January she suggested they discuss the goals and things that need to be done for the year, as well as discussing the City's 5-year plan. Councilor Bedingfield said that she felt that meetings that are less than three hours long as more productive for the City Council. Council concurred with having monthly work sessions.

K. CITY STAFF REPORTS

1) Project Updates

Councilor Beasley asked why the City needs a new logo. City Recorder Wollenburg said that a new logo is not needed, but that she was hoping that the City could get a more updated logo that would match what other cities are doing. Councilor Beasley asked about the audit files and their condition. City Recorder Wollenburg noted that she has experience preparing for audits so is getting material ready to move forward as there have been a lot of people into the files. He asked about the grant funding stream that was extended through the end of June 2025. Councilor Beasley asked about water wells and if there were generators to operate the wells. Public Works Director Weidner said there are. Councilor Beasley asked how much water can be stored, and Public Works Director Weidner said the storage tank could store approximately 1.2 million gallons.

L. CLOSING PUBLIC COMMENTS

None.

M. COUNCIL COMMENTS

Bedingfield – Requests an estimate for speed limit signs before the discussions for next year's budget begin.

Short – None.

Sovern – Councilor Sovren asked about the status of the road clean up at Cook Avenue. She also said that she wants more law enforcement in Depoe Bay rather than less.

Beasley – None.

King – Councilor King asked if the City's siren notification system could be updated, or if there could be more research done to find out if it would be worth it to update the sirens.

Watson – None.

Recht – None.

N. ADJOURNMENT. Meeting adjourned by Council President King at 7:45 PM.

Submitted by:


Gena Burke, Administrative Assistant

Reviewed by:


Kimberly Wollenburg, City Recorder

