

Depoe Bay City Council  
Regular Meeting  
Tuesday, June 17, 2003 - 7:00 PM  
Depoe Bay City Hall

PRESENT: Mayor B. Silver, A. Brown, G. Romans, J. Brown

ABSENT: P. Taunton, M. Lavery

STAFF: City Field Superintendent T. Owings, Recording Secretary S. Fox, City Attorney  
D. Gordon

#### I. PLEDGE OF ALLEGIANCE

Mayor Silver called for all to stand for the Pledge of Allegiance.

#### II. CALL TO ORDER

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

#### III. APPROVE MINUTES: May 19, 2003 Budget Committee Regular Meeting and June 3, 2003 Regular Meeting

Alice Brown noted a correction to her Liaison Officer Report in the minutes of the June 3, 2003 Regular Meeting: 1) There is \$57,000 left to finish Whale Park rock work, which must be finished *started* by June 30.

Motion 1: Alice Brown moved to approve the minutes of the May 19, 2003 Budget Committee Regular Meeting as written, and the May 20, 2003 Regular Meeting as corrected. Romans seconded the motion.

Mayor Silver said it was moved and seconded and called for discussion. There was none.

Vote: Motion 1 passed.

Ayes: Alice Brown, Silver, Romans, Jack Brown

#### IV. ACCOUNTS PAYABLE

Romans noted there was a late addition to Accounts Payable which was not included in the report: a payment of \$1,120 to Jeff Mann for bio-solids disposal, also he recommended the exception of two items of request for travel reimbursement which he wishes to look into before approval.

Motion 2: Romans moved to approve Accounts Payable with one addition and two exceptions. Alice Brown seconded the motion.

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

Vote: Motion 2 passed.

Ayes: Alice Brown, Silver, Romans, Jack Brown

## V. PUBLIC INPUT

Bill Sachs 1450 Walking Wood addressed the Council about 1) A law was recently passed, effective 1/1/04. Children age 15 and under must use helmets when operating any non-motorized "vehicle" with wheels. 2) Another law recently passed that requires any doctor or licensed caregiver to report to the DMV any perceived physical or psychological impairment of senior citizens or any person, which would cause them to be unsafe drivers. This law will become effective in Lincoln County on 2/1/04. He indicated he would be seeking letters on these issues from the Mayor, to increase awareness.

## VI. NEW BUSINESS

### A. Budget Hearing – Fiscal Year 2003-04

Mayor Silver noted there had been one item of correspondence received for this public hearing: a letter of clarification from Bridget Dix, Executive Director of Samaritan House (copy attached to original of these minutes). He invited testimony, comments, or questions from the audience and from Councilors. There was no comment, and the hearing was closed.

### B. Proposed Res. #325, A Resolution Declaring the City's Election to Receive State Revenues

Motion 3: Romans moved to adopt Res. #325, A Resolution Declaring the City's Election to Receive State Revenues. Alice Brown seconded the motion.

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

Vote: Motion 3 passed.

Ayes: Alice Brown, Silver, Romans, Jack Brown

### C. Proposed Res. #326, To Adopt the Budget, Make the Appropriations, Impose and Categorize the Ad Valorem Tax Levy for the 2003-04 Fiscal Year

A suggestion was made to clarify the \$39,000 Materials & Services appropriation in the Transient Room Tax Fund is the Public Safety Reserve Fund.

Motion 4: Jack Brown moved to adopt Proposed Res. #326, To Adopt the Budget, Make the Appropriations, Impose and Categorize the Ad Valorem Tax Levy for the 2003-04 Fiscal Year, with the above clarification. Alice Brown seconded the motion.

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

Vote: Motion 4 passed.

Ayes: Alice Brown, Silver, Romans, Jack Brown

### D. Contract Proposals for Whale Park Rock Wall Work – Acceptance/Authorization

Owings reported that no proposals were received. The project has been re-advertised in the newspaper and faxed to four companies that do masonry work. Hearing no objection, this item was tabled to the July 1 meeting.

## VII. UNFINISHED BUSINESS

A. Proposed Res. #322 – Council Rules

Gordon was present to answer questions regarding his suggestions for changes in this proposed resolution. The following changes were agreed upon: 1) To ensure Councilors are aware of how to proceed in challenging the Presiding Officer when taking issue with his/her actions in a meeting, a request was made to insert a new item 2.a.iii. on Page 3 of 9, called “Responsibility of Chair” with a reference to Page 642, Lines 10-25 of Robert’s Rules of Order Newly Revised 10<sup>th</sup> Edition. 2) Gordon suggested adding after the reference to Page 642 Lines 10-25: “*will specifically apply in all relevant situations*”. 3) Regarding establishing selection criteria for filling Council vacancies, Item 3.b.ii. on Page 7 of 9: strike remainder of paragraph after first sentence. 4) There was discussion regarding the City Charter guideline of drawing lots to decide a tie vote.

Motion 5: Alice Brown moved to direct Staff to prepare a final draft of proposed Res. #322, incorporating adjustments from previous meetings, the changes agreed upon in tonight’s meeting, and delineating Counsel’s concerns; and bring to the next meeting. Romans seconded the motion.

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

Vote: Motion 5 passed.

Ayes: Alice Brown, Silver, Romans, Jack Brown

B. Proposed Contract with Depoe Bay Chamber of Commerce

Mayor Silver read the proposed agreement provided by Gordon (copy attached to original of these minutes) into the record. Peggy Leoni representing the Chamber of Commerce, expressed the Chamber’s concern over being referred to as a “not-for-profit organization”, as the Chamber might be perceived as a 501(c)(3) corporation, when they are a 501(c)(6) corporation. This reference will be changed in the final agreement. The agreement is for the current 2002-2003 fiscal year, and this will be clarified in the final agreement. A poll vote will be conducted before June 30 to authorize the amount submitted in the Chamber’s proposal. Gordon advised creating a new contract for each year the City supports the Chamber in this manner. A new agreement for fiscal year 2003-2004 will appear on the agenda for the next meeting.

Motion 6: Romans moved to accept the proposed service agreement with the Depoe Bay Chamber of Commerce, with the changes noted above, and the addition of the word “*Bay*” after “Depoe” in the second paragraph. Jack Brown seconded the motion.

Vote: Motion 6 passed.

Ayes: Alice Brown, Silver, Romans, Jack Brown

Motion 7: Alice Brown moved to authorize the Mayor to sign the agreement with the Chamber of Commerce. Jack Brown seconded the motion.

Vote: Motion 7 passed.

Ayes: Alice Brown, Silver, Romans, Jack Brown

## VIII. CORRESPONDENCE

This item was tabled to the next meeting.

## IX. LIAISON OFFICERS' REPORTS

Jack Brown reported that the harbor is gearing up for coho season, which begins on June 21. Everyone is recovering mentally from the recent *Garibaldi* accident, which has served to cause many to reconsider policies regarding using life preservers when crossing the bar.

Alice Brown reported that the Parks Commission will meet tomorrow at 5:30 PM. On the agenda is a skateboard report, a discussion of the Council's request for a 10' green space dedication in Whale Park, Memorial Wall progress, and a report on KidZone activities.

Silver reported that the Planning Commission will meet tomorrow at 7:30 PM. They will be discussing their zoning review, "The Matrix".

## X. CITY STAFF REPORT

Owings reviewed his written report (copy attached to original of these minutes). He additionally reported that a meeting has been scheduled for June 24 with the Corps of Engineers regarding the seawall improvement project.

## XI. COUNCIL COMMENTS

Jack Brown said the new parking signs look good, and the Depoe Bay News website is doing well. Reminded everyone there is a vacancy on the Council and encouraged anyone interested to submit an application.

Romans spoke about life preservers and the time frame of policy changes.

Alice Brown said the governor has provided a compromise on HB2267 which allows local governments to address impacts through their communities. Detailed information appears in the League of Oregon Cities Legislative Bulletin. She questioned whether Depoe Bay should support the compromise. Hearing no objection, Mayor Silver indicated he would send a letter of support to the appropriate representatives.

## XII. ADJOURN

There being no further business, the meeting was adjourned at 8:06 PM.

---

Mayor Bruce R. Silver

---

Silver Fox, Recording Secretary