

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, February 3, 2009 - 7:00 PM  
4 Depoe Bay City Hall  
5

6 PRESENT: Mayor J. White, P. Cameron, C. Connors, D. Davilla, B. Leff, D. Zimmerman  
7

8 ABSENT: J. Brown  
9

10 STAFF: City Field Superintendent T. Owings, City Recorder P. Murray, Recording Secretary  
11 F. Dreamingtime  
12

### 13 I. PLEDGE OF ALLEGIANCE

14 Mayor White called for all to stand for the Pledge of Allegiance.  
15

### 16 II. CALL TO ORDER

17 Mayor White called the meeting to order and established a quorum at 7:00 PM.  
18

### 19 III. APPROVE MINUTES: January 20, 2009 Regular Meeting 20

21 Motion 1: Leff moved to accept the minutes of the January 20, 2009 Regular Meeting as written. Davilla  
22 seconded the motion.  
23

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

26 Vote: Motion 1 passed.

27 Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman  
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### 29 IV. ACCOUNTS PAYABLE

30 Motion 2: Zimmerman moved to approve the accounts payable as submitted. Davilla seconded the  
31 motion.  
32

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

35 Vote: Motion 2 passed.

36 Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman  
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### 38 V. SPECIAL ORDERS

39 A. Presentation: Signe Grimstad, Grimstad and Associates – Audit Fiscal Year 2007-08

40 Signe Grimstad presented the audit for fiscal year 2007-08. She noted that there were new and additional  
41 standards to be complied with, and that the role of the Audit Review Committee is up to the council. She  
42 recommended that the city reduce its number of funds.  
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44 Motion 3: Connors moved to accept the audit for fiscal year 2007-08 as presented. Davilla seconded the  
45 motion.

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

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4 Vote: Motion 3 passed.

5 Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman  
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7 B. Interview Applicants for City Commissions and Committees

8 Harbor Commission applicant Jim Wahl and Parks Commission applicant Gerry Engleman were present  
9 and came forward to tell about themselves and why they were interested in participating, and answered  
10 questions from councilors regarding their qualifications and applications. (Copies of applications  
11 attached to original of these minutes.)  
12

13 VI. REPORT OF OFFICERS, BOARDS, OR STANDING COMMITTEES

14 A. Audit Review Committee

15 Leff reported that the committee met with Ms. Grimstad last week. They discussed appropriate activities,  
16 how often the committee should meet, what the membership should be, and what kind of reporting  
17 should be done to the council. The committee recommended: 1) a monthly report to the council be  
18 presented by a committee member, 2) a community member with experiential knowledge of  
19 governmental budget participate as a committee member, and 3) the committee shall meet once a year to  
20 discuss the audit and once a year to ensure everything is proceeding smoothly.  
21

22 Motion 4: Cameron moved to accept the recommendations of the Audit Review Committee and to  
23 advertise for a new committee member. Connors seconded the motion.  
24

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

27 Vote: Motion 4 passed.

28 Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman  
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30 B. N.S.A.T. Letter

31 This item was tabled.  
32

33 VII. PUBLIC COMMENTS

34 Marie Gargano, Depoe Bay, addressed the council regarding a U.S. Navy hearing in Newport last week.  
35 She expressed concern about the nature of the activities that the Navy is proposing. February 11 is the  
36 deadline for submitting public comments. Mayor White told her the city would look into the matter.  
37 (Copy of Ms. Gargano's email dated 2/2/09 and Navy handout attached to original of these minutes.)  
38

39 John O'Brien, 270 Bensell Avenue, rebutted Ms. Gargano's address. Mayor White reiterated that the city  
40 will look into the matter.  
41

42 Steven Wyatt, 1760 Walking Wood, 1) Shared Ms. Gargano's concerns and suggested contacting the  
43 Hatfield Institute for additional information. 2) Said that people are not using the new crosswalks.  
44

1 Bill Ellsworth, Miroco, addressed the council regarding the “Welcome to Depoe Bay” sign at the south  
2 end of town, asking the city to take responsibility for the monthly electric bill for the sign, at an  
3 estimated cost of around \$20 per month.

4  
5 Motion 5: Davilla moved to assume responsibility for paying for power for the south “Welcome to  
6 Depoe Bay” sign. Zimmerman seconded the motion.

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8 Mayor White said it was moved and seconded, and called for discussion. There was brief discussion.

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10 Vote: Motion 5 passed.

11 Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman

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13 VIII. UNFINISHED BUSINESS

14 A. Review Draft Animal Control Ordinance

15 This item was tabled to after Item IX. A.

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17 IX. NEW BUSINESS

18 A. Appointments to Fill Vacancies/Expiring Terms on City Commissions and Committees

19 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to  
20 original of these minutes) and announced the results. Councilors Cameron, Connors, Davilla,  
21 Zimmerman, and Mayor White voted to appoint Mr. Wahl to the Harbor Commission. Councilor Leff  
22 voted to not appoint Mr. Wahl to the Harbor Commission. The vote to appoint Gerry Engleman to the  
23 Parks Commission was unanimous.

24  
25 Motion 6: Cameron moved to accept the canvass of votes and appoint Jim Wahl to Harbor Commission  
26 Position #6 and Gerry Engleman to Parks Commission Position #4. Leff seconded the motion.

27  
28 Mayor White said it was moved and seconded, and called for discussion. There was none.

29  
30 Vote: Motion 6 passed.

31 Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman

32  
33 Return to previous Item:

34 VIII. A. Review Draft Animal Control Ordinance

35 Murray reviewed the revisions to the draft ordinance from the last meeting. Kay Wyatt, 1760 SW  
36 Walking Wood, said she has five cats who are all spayed and neutered, and are a part of their family. She  
37 expressed concern about Page 2 Item 3: “A special provisions permit may be renewed annually  
38 providing there have been no complaints about animals to the city” because sometimes people complain  
39 just because they’re cranky, and there are no provisions for an appeal. She suggested changing the  
40 wording to “...no *verified* complaints...”. A councilor noted that the grandfathering clause may make  
41 the ordinance not applicable to existing situations. Jackie Hickerson, 40 Hour Lane, said she has tried to  
42 work with the people who have 20 cats that poop all over her yard, and she would get hostile if the  
43 ordinance was dismissed. A councilor asked how the ordinance would be enforced. Owings said it’s hard  
44 to prove who owns a cat that’s outside all the time and the city doesn’t have the manpower to run down  
45 cat owners; enforcement would probably need to be contracted with the county.

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Motion 7: Davilla moved to change Page 2 Item 3 as follows: "...A special provisions permit may be renewed annually. ~~providing there have been no complaints about the animals to the city. Owners or persons in charge of more than four dogs or cats at the time of the effective date of this ordinance shall be exempted from this provision.~~" Connors seconded the motion.

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

Vote: Motion 7 passed.

Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman

The draft ordinance will be brought back at the next regular meeting.

Return to Agenda:

IX. B. Bid Award – Community Hall Improvements Project

Owings reported that five bids were received, all of which were over budget (see attached recap in Owings' report dated 2/3/09). He recommended accepting the low bid from Evergreen Remodeling at \$57,900, and modifying the project to postpone a few items such as insulation and under-building sheeting to a later time.

Motion 8: Cameron moved to authorize Owings to work with the low bidder to reduce scope of work to the budget, and authorize the mayor to sign the contract. Davilla seconded the motion.

Mayor White said it was moved and seconded, and called for discussion. There was brief discussion.

Vote: Motion 8 passed.

Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman

C. Surplus City Property

Owings reported that the temporary water tanks used during the water improvements project are no longer needed and asked if the council wanted to declare them surplus and advertise them for sale. There was brief discussion during which a councilor suggested advertising them on craigslist or eBay. Other surplus items included leftover items from the fuel tank project and a foreclosed boat.

Motion 9: Connors moved to make the 10,000 gallon water storage tanks, leftover fuel tank project equipment, and 24-foot foreclosed boat surplus items, and directed staff to come up with a reasonable price to offer for sale. Leff seconded the motion.

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

Vote: Motion 9 passed.

Ayes: Cameron, Connors, Davilla, White, Leff, Zimmerman

1 Mayor White asked Owings to finish his staff report; Owings provided updates on Whale Park  
2 renovations, the crosswalk project, and the boarding float project. (Copy of Owings' written report  
3 attached to original of these minutes.)

4 Return to Agenda:

5 X. CORRESPONDENCE

6 There were two items of correspondence (copies attached to original of these minutes): 1) An email from  
7 Marie Gargano, discussed earlier in the meeting, and 2) Lincoln County Board of Commissioners News  
8 Release regarding Community and Economic Development Fund grant applications. Mayor White asked  
9 councilors to bring ideas for possible projects to the next meeting.

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11 XI. CITY STAFF REPORT

12 Owings reported above.

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14 Murray reported 1) Scenic Byways has responded to the city's October letter regarding revising the  
15 Scenic Lands Acquisition Project and requesting additional funding. They suggested the city apply for  
16 2009 funding. She and Fran Recht will be preparing an application to meet the February 6 deadline. The  
17 next step is to apply for Oregon Parks and Recreation Department funding. 2) If any councilors are  
18 interested in attending basic local budget law workshops, to let her know. (Copy of Murray's memo  
19 dated 2/2/09 attached to original of these minutes.)

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21 XII. COUNCIL COMMENTS

22 Davilla thanked Leff for bringing good experience to the Audit Review Committee, and thinks the new  
23 monthly report will make the budget meetings more meaningful.

24

25 Zimmerman thanked the audience.

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27 Leff said that beginning March 12, the fire district is starting an eight-week training course for CERT,  
28 and encouraged the council to have someone attend.

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30 Connors thanked the mayor for bringing information from the meetings he attends, and for attending the  
31 meetings.

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33 Mayor White 1) reviewed his activities from his meetings in Salem last week, and the economic  
34 stimulus and status of the economy, which he said will get worse before it gets better. 2) Thanked  
35 everyone for attending, and thanked the council and staff.

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37 XIII. ADJOURN

38 There being no further business, the meeting was adjourned at 8:31 PM.

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James White, Mayor

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45 Fox Dreamingtime, Recording Secretary