

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, October 20, 2009 - 7:00 PM  
4 Depoe Bay City Hall  
5

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

8 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, Recording Secretary  
9 E. LuMaye  
10

#### 11 I. PLEDGE OF ALLEGIANCE

12 Mayor White called for all to stand for the Pledge of Allegiance.  
13

#### 14 II. CALL TO ORDER

15 Mayor White called the meeting to order and established a quorum at 7:00 PM.  
16

#### 17 III. APPROVE MINUTES: October 6, 2009 Regular Meeting 18

19 Motion 1: Leff moved to accept the minutes of the October 6, 2009 Regular Meeting as written. Davilla  
20 seconded the motion.  
21

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

24 Vote: Motion 1 passed.

25 Ayes: Cameron, Davilla, Leff, Brown

26 Abstain: Connors, White, Zimmerman  
27

#### 28 IV. ACCOUNTS PAYABLE

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

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

34 Vote: Motion 2 passed.

35 Ayes: Cameron, Connors, Davilla, White, Leff, Brown, Zimmerman  
36

#### 37 V. SPECIAL ORDERS

38 A. Coralee Palmer, Just Wait Foundation – Proclamation Complaint Free Wednesday

39 Carl Palmer, 1113 N Hwy 101, #21 and co-chair of the Just Wait Foundation asked the Council to  
40 approve their Proclamation (copy attached to original of these minutes) that the day before  
41 Thanksgiving be designated as “Complaint Free Wednesday”. Mr. Palmer reported on last year’s  
42 foundation activities. Everyone was encouraged to practice and promote an “attitude for gratitude”.  
43

44 Motion 3: Davilla moved to make the day before Thanksgiving, November 25, a day of “attitude for  
45 gratitude”, and to approve the Palmers’ proclamation. Cameron seconded the motion.  
46

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

1  
2 Vote: Motion 3 passed.

3 Ayes: Cameron, Connors, Davilla, White, Leff, Brown, Zimmerman  
4

5 B. Interview Applicants for City Commissions

6 Parks Commission applicant Skip Hoytink was present and came forward to tell about himself and why  
7 he was interested in participating, and answered questions from Councilors regarding his qualifications  
8 and application. (Copies of applications attached to original of these minutes.)  
9

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

11 There were no reports.  
12

13 VII. PUBLIC COMMENTS

14 There were no public comments.  
15

16 VIII. UNFINISHED BUSINESS

17 There was no unfinished business  
18

19 IX. NEW BUSINESS

- 20 A. Proposed Ord. #285 – An Ordinance Amending Ord. #24 (Zoning Ordinance), as Amended;  
21 Repealing and Replacing Section 3.370 – Flood Hazard Overlay Zone; and Declaring an  
22 Emergency

23 Murray reviewed the ordinance adoption process, and asked the Council for a motion to read the  
24 proposed ordinance (copy attached to original of these minutes) by title only for both readings. She said  
25 on adoption, the ordinance will amend the zoning ordinance and replace the flood hazard overlay zone.  
26 The amendment is necessary because FEMA has updated their standards. The Planning Commission has  
27 reviewed proposed changes, and has recommended the Council adopt the proposed ordinance.  
28

29 Motion 4: Brown moved to read the proposed ordinance by title only for both readings. Leff seconded  
30 the motion.  
31

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

34 Vote: Motion 4 passed.

35 Ayes: Cameron, Connors, Davilla, White, Leff, Brown, Zimmerman  
36

37 Murray read proposed Ord. #285 by title only, and called for questions or comments; there were none.  
38 She noted there was no additional written questions or comments. A Councilor asked if there were  
39 changes to the overlay zone; Murray responded that there were a few very minor changes that the City  
40 had no choice but to enact.  
41

42 Motion 5: Cameron moved to adopt proposed Ord. #285, An Ordinance Amending Ord. #24 (Zoning  
43 Ordinance), as Amended; Repealing and Replacing Section 3.370 – Flood Hazard Overlay Zone; and  
44 Declaring an Emergency, at the first reading. Connors seconded the motion.  
45

46 Mayor White said it was moved and seconded, and called for discussion. There was none.  
47

1 Vote: Motion 5 passed.

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

3  
4 Murray performed the second reading of proposed Ord. #285 by title only, and called for questions or  
5 comments. There were none.

6  
7 Motion 6: Davilla moved to adopt proposed Ord. #285, An Ordinance Amending Ord. #24 (Zoning  
8 Ordinance), as Amended; Repealing and Replacing Section 3.370 – Flood Hazard Overlay Zone; and  
9 Declaring an Emergency, at the second reading. Leff seconded the motion.

10  
11 Mayor White said it was moved and seconded, and called for discussion. There was none.

12  
13 Vote: Motion 5 passed.

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

15  
16 B. Donation of City Land/Real Property – Neighbors For Kids (NFK)

17 Murray said NFK had informally approached the City regarding donating the property they currently  
18 lease for the Kids Zone. At the Council’s direction, legal questions were asked. It was noted that the  
19 City does not pay taxes on the property, but it was not known whether NFK would have to pay taxes –  
20 they would have to apply to the County Assessor for an exemption. There was discussion regarding  
21 adding a reversionary clause that the property would revert to the City if it wasn’t being used. Steve  
22 Scopelleti of 130 Ludson Place and speaking on behalf of NFK, said that adding such a clause would not  
23 be a problem for them.

24  
25 Motion 6: Connors moved to donate to NFK the City land located at 630 SE Hwy 101, with the  
26 stipulation that if it’s not used by NFK, it will revert to the City. Leff seconded the motion.

27  
28 Mayor White said it was moved and seconded, and called for discussion. A Councilor clarified the  
29 reversionary clause by stating that revenue-generating non-NFK activities during off-hours could take  
30 place, and that community functions and emergency uses of the building were planned. Murray  
31 suggested that draft language be prepared and reviewed at the next meeting. A Councilor requested  
32 addition of a statement limiting the amount of time the building can sit unused before it would revert to  
33 the City.

34  
35 Amendment: Connors amended her motion to include a provision that the property would not revert to  
36 the City unless it was not being used for longer than 12 months. Leff seconded the amendment.

37  
38 Mayor White said it was moved and seconded, and called for discussion. A Councilor stated he didn’t  
39 see why the existing arrangement couldn’t stay in place; it was explained that NFK needed to own the  
40 property in order to get a grant.

41  
42 Vote: Motion 6 passed.

43 Ayes: Connors, Davilla, White, Leff, Brown, Zimmerman

44 Noes: Cameron

45 C. Appointments to Fill Vacancies on City Commissions

46 It was the consensus of the Council not to vote on the Planning Commission applicant, who was not  
47 present for an interview. Ballots were then filled out, signed, and handed in. Murray tallied the votes

1 (copy of ballot attached to original of these minutes) and announced the results. The vote to appoint  
2 Skip Hoytink to the Parks Commission was unanimous.

3  
4 Motion 3: Leff moved to accept the canvass of votes and appoint Skip Hoytink to Parks Commission  
5 Position #3, effective immediately. Zimmerman seconded the motion.

6  
7 Mayor White said it was moved and seconded, and called for discussion. There was none.

8  
9 Vote: Motion 7 passed.

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

11  
12 Owings told Mr. Hoytink there is a Parks Commission meeting tomorrow. Mr. Hoytink said he would not  
13 be available.

14  
15 D. Depoe Bay Urban Renewal Agency Funding – Loan

16 Murray reported that earlier this evening the Urban Renewal Agency met and voted to approach the  
17 Council to fund two contracts for right-of-way and topographical surveys. The requested amount of the  
18 loan was \$10,000, and would be paid back in 3-6 months. If the Council wanted to make the loan, an  
19 agreement would need to be drawn up between the City and the Urban Renewal Agency, and the  
20 Council would need to determine the amount of interest to be charged. The City would also need to go  
21 through a supplemental budget process. Because the amount of the loan is less than 10% of the General  
22 Fund expenditures, the supplemental budget would be prepared and adopted by Resolution of the  
23 general governing body (Council) at a meeting following the posting of a public notice of budget  
24 hearing.

25  
26 Motion 8: Connors moved to approve a loan to the Depoe Bay Urban Renewal Agency, in the amount of  
27 \$10,000, with interest at the “going rate”, with a supplemental budget meeting to be held on November  
28 3, and the loan to be for six months. Davilla seconded the motion.

29  
30 Mayor White said it was moved and seconded, and called for discussion.

31  
32 Amendment: Leff amended the motion that the loan of \$10,000 be made at prevailing interest rates, and  
33 that City Staff prepare a loan agreement and have it reviewed by legal counsel. Connors seconded the  
34 amendment.

35  
36 Mayor White said it was moved and seconded, and called for discussion. There was none.

37  
38 Vote: Motion 8, as amended, passed.

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

40  
41 E. Oregon Parks and Recreation Department Recreational Trails Grant Program

42 Murray reviewed this grant opportunity and explained what a mandatory letter of intent was. She  
43 suggested that replacing the bridge in City Park be the project submitted, as it was a good match for the  
44 grant, noting this is the same grant program and project the City submitted last year.

45

1 Motion 9: Connors moved to send a mandatory letter of intent for the 2010 Recreational Trails Grant  
2 Program, and to have the letter include replacement of the bridge in the park as the proposed project.  
3 Davilla seconded the motion.

4  
5 Mayor White said it was moved and seconded, and called for discussion. There was none.

6  
7 Vote: Motion 9 passed.

8 Ayes: Cameron, Connors, Davilla, White, Leff, Brown, Zimmerman  
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10 F. Authorization of Expenses – LOC OLLI Training-Government Ethics in Oregon

11 Murray said two Planning Commissioners had expressed interest in attending this training, and asked if  
12 any Councilors wanted to attend. The training costs \$75 per person. She requested authorization of  
13 expenses of registration, mileage, and meals for two people to attend the training in Bandon.

14  
15 Motion 10: Davilla moved to authorize expenses of \$150 for two Planning Commissioners to attend the  
16 conference in Bandon, plus mileage. Leff seconded the motion.

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

19  
20 Vote: Motion 10 passed.

21 Ayes: Cameron, Connors, Davilla, White, Leff, Brown, Zimmerman  
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23 X. CORRESPONDENCE

24 Murray said one item of correspondence was received – a notice that the City did not receive Scenic  
25 Byway Program grant funding for acquisition of tax lot 700.

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27 XI. CITY STAFF REPORT

28 Owings had no report.

29  
30 Murray was not asked for a report.

31  
32 XII. COUNCIL COMMENTS

33 Davilla - asked the City to do something to recognize what the rangers at the Whale Watch Center have  
34 done and contributed to the City; perhaps a proclamation. Mayor White advised her to meet with  
35 Murray.

36  
37 Zimmerman – agreed with Davilla’s idea.

38  
39 Brown – 1) Congratulated Mr. Hoitink. 2) Thanked the Palmers for attending. 3) Acknowledged people  
40 from Newport in the audience.

41  
42 Leff – 1) Thanked everyone in attendance. 2) Said the next emergency preparedness workshop needed  
43 to be scheduled, and asked Councilors who were not present for the last workshop to please attend the  
44 next one. The workshop meeting was scheduled for November 17 at 6 PM.

45  
46 Connors – complimented City Crew who removed the fallen tree on Summit Street so quickly.  
47

1 Mayor White – 1) Is meeting with Parks and Recreation Department tomorrow to discuss issues with the  
2 Whale Watching Center. 2) Will begin his duties as Oregon Mayors Association President in January. 3)  
3 Just got back from a nice vacation in Mexico. 4) Thanked everyone for coming, and the Council, Staff,  
4 and Crew for their hard work.

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6 XIII. ADJOURN

7 There being no further business, the meeting was adjourned at 7:57 PM.

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James White, Mayor

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Emma LuMaye, Recording Secretary