

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, January 4, 2011 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Outgoing Mayor J. White, Mayor C. Connors, Outgoing Councilor J. Brown, Outgoing
7 Councilor D. Davilla, D. Goddard, B. Leff, D. Zimmerman
8

9 ABSENT: P. Cameron

10
11 STAFF: City Recorder P. Murray, City Attorney P. Gintner
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: December 7, 2010 Executive Session and Regular Meeting

20 Motion 1: Davilla moved to approve the minutes from the December 7, 2010 Executive Session and
21 Regular Meeting as written. Leff seconded the motion.
22

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

25 Vote: Motion passed.

26 Ayes: Connors, Davilla, White, Leff, Brown, Zimmerman
27

28 IV. ADMINISTRATION OF OATHS OF OFFICE TO NEWLY ELECTED OFFICIALS

29 Gintner administered the Oath of Office to returning Councilor Leff and new Councilor Dorinda
30 Goddard. The Councilors took their seats. Gintner then administered the Oath of Office to new
31 Mayor Carol Connors. Exiting Mayor Jim White handed over the gavel to Mayor Connors. Mayor
32 Connors presented Certificates of Recognition to exiting Councilors Brown and Davilla, and a
33 Certificate of Appreciation and a few parting gifts to Jim White.
34

35 V. ACCOUNTS PAYABLE

36 Motion 2: Zimmerman moved to accept the Accounts Payable as presented. Leff seconded the
37 motion.
38

39 Mayor Connors said it was moved and seconded, and called for discussion. There was none.
40

41 Vote: Motion 2 passed.

42 Ayes: Goddard, Connors, Leff, Zimmerman
43

44 VI. SPECIAL ORDERS

45 A. Interview/Appoint Applicants for City Commissions and Committees

46 Harbor Commission applicants Pogo Robison and Steve Hausotter, Parks Commission applicant Skip
47 Hoitink, and Traffic Safety Commission applicants Lou Trapani and Brent Berry were present and
48 came forward to tell about themselves and why they were interested in participating, and answered
49 questions from Councilors regarding their qualifications and applications. Mr. Robison spoke on
50 behalf of Salmon Enhancement Commission applicant Paul Carver. A Councilor discussed with Mr.
51 Berry a recent disparaging letter he had written about the City's election procedure that had been
52 published in a local newspaper. (Copies of applications attached to original of these minutes.)
53

1 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to
2 original of these minutes) and announced the results. The vote to appoint all applicants to their
3 positions was unanimous with the exception that Councilor Leff did not vote to appoint Mr. Berry.

4
5
6 VII. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

7 There were no reports.

8
9 VIII. PUBLIC COMMENTS

10 Rick Beasley 140 Bayview, addressed the Council regarding election law, saying he found no
11 information about write-in votes. He felt the County Clerk and the Secretary of State should be
12 questioned about this point of election law because it's unclear. A Councilor responded that there is
13 a regulation in the Oregon Election Manual, as confirmed by the County Clerk. Mr. Beasley also
14 requested information relating to litigation; Gintner said it was an ongoing matter and no
15 comments could be made.

16
17 Mayor Connors said a motion would be needed to approve the Commission appointments.

18
19 Motion 3: Leff moved to accept the canvass of votes and appoint Pogo Robison to Harbor
20 Commission Position #1, Steve Hausotter to Harbor Commission Position #2, Skip Hoytink to Parks
21 Commission Position #3, Beanie Robison to Salmon Enhancement Commission Position #1, Paul
22 Carver to Salmon Enhancement Commission Position #6, Ron Gilliam to Traffic Safety Commission
23 Position #1, Lou Trapani to Traffic Safety Commission Position #3, and Brent Berry to Traffic
24 Safety Commission Position #5. Goddard seconded the motion.

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

27
28 Vote: Motion 3 passed.

29 Ayes: Goddard, Connors, Leff, Zimmerman

30
31 Jim White 140 Sea Grove Loop, addressed the Council regarding Mr. Berry's letter, saying that
32 people reading the letter would think the outgoing Council didn't take the [write-in] votes seriously.
33 He said the Council and Staff researched the situation at the County and State levels, and acted in
34 accordance with State law.

35
36 IX. UNFINISHED BUSINESS

37 A. Scenic Byway Program – Termination of Harbor Overlooks Land Acquisition Project,
38 Amendment #1 to Agreement #21297 (ODOT)

39 Murray said the amendment to terminate the project (copy attached to original of these minutes)
40 had been reviewed and found sufficient by legal counsel. Approving the amendment would allow
41 the City to close out the project. There was brief discussion.

42
43 Motion 4: Leff moved to approve Amendment #1, to terminate the Scenic Byways Agreement
44 #21297. Zimmerman seconded the motion.

45
46 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

47
48 Vote: Motion 4 passed.

49 Ayes: Goddard, Connors, Leff, Zimmerman

50
51 B. Proposed Lease Agreement – Downtown Restrooms – Woodmark

52 Murray reviewed her memo dated 3/3/11 (copy attached to original of these minutes), which
53 summarized the recommendation of the subcommittee the Council assigned to negotiate with Mr.
54 Woodmark. It was agreed to accept the recommendations for a new lease agreement as follows:

1 rent would be \$3,600 per year, there would be a 2% increase per year for the five-year lease
2 term, and a clause would be added to the agreement that would allow for renegotiation in the
3 event that the property owner improves the parking lot.

4
5 Motion 5: Zimmerman moved to direct Staff to draft a new lease agreement based upon the
6 subcommittee's recommendations, for execution by the Council and Mr. Woodmark. Leff seconded
7 the motion.

8
9 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

10
11 Vote: Motion 4 passed.

12 Ayes: Goddard, Connors, Leff, Zimmerman

13
14 X. NEW BUSINESS

15 A. Elect Council President

16 Motion 5: Goddard moved to nominate Councilor Leff as Council President. Zimmerman seconded
17 the motion.

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

20
21 Vote: Motion 5 passed.

22 Ayes: Goddard, Connors, Leff, Zimmerman

23
24 B. Schedule Advertisement for Applicants for Vacant Council Seats

25 Murray said this item was to set the time frame to accept applications for open Council seats; one
26 of the seats is a full four-year term and the other is an unexpired term with two years remaining,
27 although per City Charter, appointed Councilors are required to be on the ballot at the next general
28 election following appointment to complete a term.

29
30 Motion 6: Leff moved to schedule interviews for the February 1 Council meeting and advertise that
31 applications will be accepted until 5 PM on January 27. Goddard seconded the motion.

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33 Mayor Connors said it was moved and seconded, and called for discussion. There was brief
34 discussion about procedure.

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36 Vote: Motion 6 passed.

37 Ayes: Goddard, Connors, Leff, Zimmerman

38
39 C. Councilor Assignments

- 40
- 41 ● Oregon Cascades West Council of Governments (COG)
 - 42 ● Cascades West Commission on Transportation (CWACT)
 - 43 ● Lincoln County Solid Waste Consortium
 - 44 ● Oregon Coastal Zone Management Association (OCZMA)
 - 45 ● Wastewater Advisory
 - 46 ● Audit Review Committee
 - 47 ● Safety Committee

48 Murray noted that Jack Brown is currently the primary representative to COG, the Solid Waste
49 Consortium, and to OCZMA. Primary representatives must be elected officials, but the alternates
50 don't have to be. Mr. Brown is willing to serve as an alternate for OCZMA. Mike Laverty has served
51 as alternate representative for CWACT for some time and attends meetings in that capacity. As
52 long as the primary representative is an elected official, then alternates can attend if the primary
53 representative is unavailable. Mr. Laverty is also willing to continue serving as CWACT alternate.
54 Mayor Connors asked that Councilors advise her of which assignments they might be interested in,
and this item will be carried over to the next meeting.

1
2 D. Oregon Coast Trail Project – Support Letter for OPRD Grant Application
3 Motion 7: Leff moved to send a letter of support for the Oregon Coast Trail Project. Goddard
4 seconded the motion.

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

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8 Vote: Motion 7 passed.

9 Ayes: Goddard, Connors, Leff, Zimmerman

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11 E. Proposed Amendment 1 – Clearwater Engineering Services Contract – South Water Tank
12 Exterior Painting Project

13 Murray summarized the history of the project as applies to this amendment (copy attached to
14 original of these minutes). The amendment is to allow an additional \$2,728 in engineering fees for
15 exterior painting. There was brief discussion.

16
17 Motion 8: Leff moved to approval Amendment 1 to the Clearwater Engineering Services
18 Contract. Goddard seconded the motion.

19
20 Mayor Connors said it was moved and seconded, and called for discussion. There was none.

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22 Vote: Motion 8 passed.

23 Ayes: Goddard, Connors, Leff, Zimmerman

24
25 XI. CORRESPONDENCE

26 There was no correspondence.

27
28 XII. CITY STAFF REPORT

29 There was no report.

30
31 XIII. COUNCIL COMMENTS

32 Leff thanked Jim White for his hard work and dedication over the years, and to Jack Brown for
33 changing the face of the town. She offered to assist Mr. Berry as he learns about governance. She
34 also thanked Debbie Davilla for her service.

35
36 Zimmerman echoed Leff's comments and told Mr. Berry the City wants people who care and are
37 concerned, and the Council wouldn't dismiss anybody who wants to help out.

38
39 Goddard said she had big shoes to fill, and thanked the people who voted for her.

40
41 Mayor Connors also thanked voters and outgoing officials. She said that because Depoe Bay
42 doesn't have property tax-based income, that there hasn't been a need to lay off any City
43 employees, and so the City is fortunate in that respect. She also addressed the issue of July 3rd
44 fireworks – the City has been informed that the State will no longer issue permits for fireworks at
45 Boiler Bay, due to an environmental concern. The City is looking at alternatives with the Chamber
46 of Commerce. There was further discussion about the fireworks.

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48 XIV. ADJOURN

49 There being no further business, the meeting was adjourned at 8:07 PM.

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52
53 _____
54 Emma LuMaye, Recording Secretary

Carol Connors, Mayor