

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, April 2, 2019 - 7:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: Mayor R. Gambino, D. Callender, B. Leff, L. Goddard, K. Short, C. Bates, J. Grant
7 STAFF: City Superintendent B. Weidner, Interim City Recorder C. Duering

8
9 I. PLEDGE OF ALLEGIANCE

10 Mayor Gambino called for all to stand for the Pledge of Allegiance.

11
12 II. CALL TO ORDER

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

14
15 III. APPROVE MINUTES: March 19, 2019, Regular Meeting.

16 Mayor Gambino asked for a motion to approve the March 19, 2019, Regular Meeting minutes.

17
18 Motion 1: Callender moved to approve the March 19, 2019, minutes as written. Leff seconded the motion.

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

21
22 Vote: Motion 1 passed.

23 Ayes: Callender, Leff, Goddard, Short, Gambino, Bates, Grant

24
25 IV. ACCOUNTS PAYABLE

26 Mayor Gambino stated he reviewed the accounts payable and corrected the check payable to Sharlene
27 Wullenwaber (mileage reimbursement).

28
29 Motion 2: Short moved to approve the accounts payable as presented. Leff seconded the motion.

30
31 Mayor Gambino said it was moved and seconded, and called for discussion.

32
33 A Councilor requested the Lincoln County Sheriff's Office memorandum regarding January 1 – March
34 31, 2019, Depoe Bay Summary Report be distributed.

35
36 Vote: Motion 2 passed.

37 Ayes: Leff, Goddard, Short, Gambino, Bates, Grant, Callender

38
39 V. SPECIAL ORDERS

40
41 A. Interview/Appoint Applicants for City Commission and Committees

42
43 Parks Commission applicant, Robert Hickerson, stated he has volunteered as a member of the Parks
44 Commission for six years (copy of application attached to original of these minutes). Weidner noted
45 Hickerson has been very helpful with many projects. Short thanked him for his service.

46

1 Parks Commission applicant, Debby Metz, was unable to attend the meeting (copy of application attached
2 to original of these minutes).

3
4 Ballots were filled out, signed, and handed in.

5
6 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

7
8 Short and Mayor Gambino reported on their discussion with Sue Forty, Oregon Cascades West Council
9 of Governments (OCWCOG) regarding: 1) OCWCOG staff will be in Depoe Bay two days per week; 2)
10 OCWCOG guarantees everything will be completed by June 30, 2019; 3) 2017-18 Audit – Oregon
11 Division of Audits granted an extension (filing deadline June 30, 2019); and 4) 2019-20 Budget Meetings
12 will start in mid-May.

13
14 Lars Robison, Harbor Commission Chair, requested Council amend the Bergerson Construction, Inc.
15 contract to include the repair of two additional pilings located on Dock 3. He noted contingency funds
16 are available.

17
18 Discussion followed regarding: 1) Increase costs (verbal quote approximately \$21,000); 2) Amending
19 Resolution No. 475 (scope of work and contract amount); and 3) Utilizing Urban Renewal funds.

20
21 Motion 3: Grant moved to direct Staff to prepare an amendment to Resolution No. 475 and authorize the
22 Mayor to sign. Leff seconded the motion.

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

25
26 Vote: Motion 3 passed.

27 Ayes: Goddard, Short, Gambino, Bates, Grant, Callender, Leff

28
29 Weidner reported: The Emergency Warning Committee has directed American Signal to correct the pre-
30 recorded messages and add a wailing sound.

31
32 V. SPECIAL ORDERS

33
34 A. Interview/Appoint Applicants for City Commission and Committees

35
36 Duering tallied the votes (copy of ballots attached to original of these minutes) and announced the results.

37
38 The vote to appoint Hickerson to the Parks Commission was unanimous. The vote to appoint Metz to the
39 Parks Commission was unanimous. Mayor Gambino called for a motion.

40
41 Motion 4: Goddard moved to accept the ballots. Grant seconded the motion.

42
43 Mayor Gambino said it was moved and seconded, and called for discussion. There was none.

44
45 Vote: Motion 4 passed.

46 Ayes: Short, Gambino, Bates, Grant, Callender, Leff, Goddard

1 VII. PUBLIC COMMENTS

2
3 Jessie Caldwell read into the record her letter requesting the City include SE South Forty Lane on the
4 asphalt overlay 2019-20 Fiscal Year Budget Project List (copy attached to original of these minutes).

5
6 Discussion ensued regarding: 1) Portion of South Forty is private; 2) Street dedication/adoption process;
7 3) Neighborhood history; and 4) Callender declared a conflict of interest (owns three properties).

8
9 In conclusion, the Council directed Weidner to measure the street and prepare project costs for
10 consideration at the next meeting.

11
12 James Dale summarized his written complaint against the property directly across the street from him on
13 SE Cook Avenue (copy attached to original of these minutes). He has submitted photographs to the City
14 Superintendent.

15
16 Jane Jackson stated the property is an eyesore, attracts vermin, and is a health hazard. The owner allows
17 her dogs to roam freely and does not clean-up the feces. Jackson is concerned about animal care and
18 safety.

19
20 Discussion followed regarding: 1) On-going health risk to our community (over 20 years); 2) Potential
21 devaluation of surrounding properties; 3) Lincoln County Animal Control has been contacted; 4) Storage
22 shed is inhibiting manhole access; and 5) Ordinance No. 29 and No. 165 and Council authorization to
23 pursue enforcement/legal action.

24
25 Motion 5: Grant moved to authorize Weidner to take legal action against 35 SE Cook Avenue. Callender
26 seconded the motion.

27
28 Mayor Gambino said it was moved and seconded, and called for discussion.

29
30 Items discussed included: 1) Filing a lien against the property for expenses incurred; 2) Effectiveness of
31 legal action in the South Forty matter; 3) Involving the State Fire Marshall, Lincoln County Environmental
32 Health Department, and Lincoln County Sheriff's Office; 4) Property owner has threatened neighbors;
33 and 5) Removal of the recreational vehicle on public right-of-way.

34
35 Jodi Jackson came forward and quoted the property owner – “She is tired of people complaining about
36 them and if anyone else does she will shoot them including City people who come to their property.”
37 Sheriff has been contacted regarding stolen property. Jackson's mother is afraid for her own safety.

38
39 Vote: Motion 5 passed

40 Ayes: Gambino, Bates, Grant, Callender, Leff, Goddard, Short

41
42 Theola Jackson (from the audience) expressed her concern regarding blocking emergency vehicle access.

43
44 VIII. UNFINISHD BUSINESS

45

1 A. Oregon Cascades West Council of Governments (OCWCOG/City of Depoe Bay
2 Intergovernmental Agreement

3
4 Duering summarized items identified in the agreement as subject to prior approval by the City Council
5 (copy attached to original of these minutes).

6
7 Mayor Gambino summarized Attachment “A” and recommended the Council approve Section 3 and
8 Section 4 – Not to exceed the maximum quoted without further approval.

9
10 Discussion items included: 1) Attachment “A” Section 1 (\$6,500 monthly fee - \$78,000 per year) is in
11 response to the lack of bookkeeping manpower in the City (former duties of the Accounting Clerk and
12 City Recorder); and 2) Section 4. Provisions A. Contract Period and C. Termination.

13
14 Motion 6: Short moved to move forward with finalizing the contract and approval of Attachment “A”
15 Section 3 and Section 4 – Not to exceed the costs stated in the contract. Any costs exceeding those
16 amounts will need prior Council approval. Leff seconded the motion.

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

19
20 Vote: Motion 6 passed.

21 Ayes: Bates, Grant, Callender, Leff, Goddard, Short, Gambino

22
23 IX. NEW BUSINESS

24
25 A. Request Authorization to Use City Facilities:

- 26
27 • Neighbors for Kids – Depoe Bay Easter Egg Hunt, April 20, 2019, City Park

28
29 Mayor Gambino summarized the application form (copy attached to original of these minutes).

30
31 Motion 7: Callender moved to approve Neighbors for Kids use of the park on April 20, 2019, for an Easter
32 Egg Hunt. Leff seconded the motion.

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

35
36 Vote: Motion 7 passed.

37 Ayes: Grant, Callender, Short, Goddard, Gambino, Leff, Bates

- 38
39 • Bayside Chapel – Easter Sunrise Service, April 21, 2019, Whale Park

40
41 John Bagorio, Pastor of Bayside Chapel, stated he was recently made aware that he needed to apply for
42 use of the city park for their annual event (copy attached to original of these minutes). The service will
43 start at 6:45 a.m. rain or shine.

44
45 Motion 8: Short moved to approve the use of Whale Park and waive the \$100 deposit. Goddard seconded
46 the motion.

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

2

3 Vote: Motion 8 passed.

4 Ayes: Callender, Leff, Goddard, Short, Gambino, Bates, Grant

5

6 B. Fox Farm Vineyards – Oregon Liquor Control Commission (OLCC) Special Event Winery (SEW)
7 Application

8

9 Mayor Gambino summarized the application (copy attached to original of these minutes).

10

11 Motion 9: Leff moved to recommend OLCC grant approval. Goddard seconded the motion.

12

13 Mayor Gambino said it was moved and seconded, and called for discussion.

14

15 A Councilor clarified this is an event sponsored by the Little Whale Cove Social Committee.

16

17 Vote: Motion 9 passed.

18 Ayes: Leff, Goddard, Short, Gambino, Bates, Grant, Callender

19

20 C. Schedule Public Hearing – Appeal of City’s Determination to Grant City Business License to
21 Sunset Senior Living Center

22

23 During stated the Public Hearing requires a notice to be mailed to surrounding property owners twenty
24 days prior to the hearing and publication in the newspaper. During recommended the Public Hearing be
25 held at the May 7, 2019, Regular Council Meeting. (copies of written appeals, notice of determination,
26 and business license application attached to original of these minutes)

27

28 After discussing the May 7, 2019, Lincoln County Republican Central Committee meeting at the
29 Community Hall the Council agreed to proceed with the Public Hearing on May 7, 2019.

30

31 Catherine Hingson, owner, of Sunset Senior Living Center, was in the audience and confirmed she will
32 be in attendance.

33

34 X. CORRESPONDENCE

35

36 1) Oregon Division of Audit; 2) Lincoln County Farm to Forest Tour; and 3) Jerald Scheuerman. (copies
37 attached to original of these minutes). Brief discussion followed.

38

39 XI. CITY STAFF REPORT

40

41 Weidner: Requested authorization to request a quote from HBH Consulting Engineers for a sewer flow
42 study as discussed at the Wastewater Advisory Committee meeting.

43

44 Lengthy discussion ensued regarding: 1) Equivalent dwelling units (EDUs) versus flow; 2) Sewer bond
45 maturity date; 3) Termination of the Depoe Bay/Gleneden Sanitary District Agreement and 4)
46 Infiltration/Inflow (I&I).

1 Motion 11: Leff moved to authorize Weidner to get a cost estimate on a flow study as discussed. Callender
2 seconded the motion.

3

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

5

6 Vote: Motion 11 passed.

7 Ayes: Goddard, Short, Gambino, Bates, Grant, Callender, Leff

8

9 Weidner: 1) Settlement of Rick Hall lawsuit; 2) Abandoned motorhomes; 3) Community Hall foundation
10 inspection; 4) Finger pier installation; 5) Changes in Public Works personnel; 6) Increased trash during
11 Spring Break; 7) Check Dam cattail removal; and 8) Harbor dredging.

12

13 Brief discussion followed regarding: 1) New construction in the Lincoln Beach/Gleneden Beach area;
14 and 2) Advertising projects for bids.

15

16 Dueling: 1) Encouraged Sue Forty, Finance Director, OCWCOG, to attend a City Council Meeting to
17 provide a report and answer questions.

18

19 XII. COUNCIL COMMENTS

20

21 Callender: Stated it was good to see City Crew working on the installation of the bus stop enclosures.

22

23 Leff: None.

24

25 Goddard: Reported on the sunken bell buoy. Unlikely to be replaced within the next year – Coast Guard
26 buoy tender is presently in dry dock. Mariners beware.

27

28 Short: None.

29

30 Gambino: None.

31

32 Bates: None.

33

34 Grant: None.

35

36 XIII. ADJOURN

37 There being no further business, the meeting was adjourned at 8:32 PM.

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39

40

41

Robert Gambino, Mayor

42

43

44

Carla Duering, Interim City Recorder