

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, April 15, 2014 - 7:00 PM
4 Depoe Bay City Hall

5

6 PRESENT: Mayor A.J. Mattila, B. Leff, S. Hoitink, S. Olsen, D. Goddard, R. Gambino, B. Berry

7

8 STAFF: City Recorder P. Murray, City Superintendent B. Weidner, Recording Secretary
9 E. LuMaye

10

11 I. PLEDGE OF ALLEGIANCE

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

13

14 II. CALL TO ORDER

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

16

17 III. APPROVE MINUTES: April 1, 2014 Regular Meeting

18 Motion 1: Leff moved to approve the minutes from the April 1, 2014 Regular Meeting as submitted.

19 Goddard seconded the motion.

20

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

22

23 Vote: Motion 1 passed.

24 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

25

26 IV. ACCOUNTS PAYABLE

27

28 Motion 2: Hoitink moved to approve the Accounts Payable as submitted. Leff seconded the motion.

29

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

31

32 Vote: Motion 2 passed.

33 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

34

35 V. SPECIAL ORDERS

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

37 Salmon Enhancement Commission applicant Kylie Carver was present and came forward to tell
38 about herself and why she was interested in participating, and answered questions from Councilors.

39

40 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to
41 original of these minutes) and announced the results. The vote to appoint Kylie Carver to the
42 Salmon Enhancement Commission was unanimous.

43

44 Motion 3: Leff moved to accept the canvass of votes and appoint Kylie Carver to Salmon
45 Enhancement Commission Position #5. Goddard seconded the motion.

46

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

48

1 Vote: Motion 3 passed.

2 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

3
4 B. Proclamation – National Safe Boating Week May 18-24, 2014

5 Murray read the Proclamation (copy attached to original of these minutes) into the record.

6
7 Motion 4: Leff moved to approve and embrace the Proclamation for National Safe Boating Week
8 May 18-24, 2014. Gambino seconded the motion.

9
10 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

11
12 Vote: Motion 4 passed.

13 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

14
15 USCG Auxiliary members present requested a photo with Mayor Mattila signing the proclamation.

16
17 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

18 A. Economic Development Committee Executive Summary/Report – Request Council to Initiate
19 Text Amendment to Ord. #234, the Depoe Bay Zoning Ordinance, to Allow Tourist
20 Accommodations in All Zones of the City

21 Michael Kiefer, Planning Commissioner and Economic Development Committee Chair, reviewed his
22 15-page executive summary (copy attached to original of these minutes). He said what initiated
23 the 1996 ordinance limiting tourist accommodations in residential zones was a petition with 36
24 signatures. From the City's website, he read the following statement found on the Depoe Bay
25 History page: *"In the late 1920s when the Sunset Investment Company purchased the DePoes' land*
26 *with the intent of establishing a town here, a rosy future was predicted for the new town. It was believed*
27 *to be destined that the town would become one of the leading summer and winter resorts on the Pacific*
28 *coast."* Mr. Kiefer said he did an extensive study of City records and found that there were not as
29 many people in favor of restricting transient rentals as there were people that wanted them to be
30 allowed. He said he didn't want to diminish the petition because there was obviously some type of
31 problem, but the problem was basically parking. He said it was clear early on that the intent of
32 Ord. 234 was to restrict transient rentals but there was nothing done to address the parking and
33 other problems brought up in the workshops and City Council meetings. He said he has worked in
34 the tourist accommodation industry taking care of over 90 homes, and the biggest problem he saw
35 was raccoons knocking over garbage cans and the only thing broken was one picture accidentally
36 knocked off a wall. He said college parties have been a big concern, and there is a State law that
37 doesn't allow five or more unrelated people to occupy a home and there are other laws on the
38 books that regulate people's conduct. He said the typical transient renter is a family looking for a
39 quiet place to stay. He said Ord. 234 was based on a restrictive ordinance from Cannon Beach, but
40 Yachats has an ordinance that works. They have rules the homeowners and renters must follow; a
41 safety inspection is required, and once the home is approved, the owner has to come back every
42 five years. Problems are reviewed, and the homeowner can lose their license. He said instead of
43 Depoe Bay restricting the rentals, they should have addressed the issues; one of the issues was
44 illegal rental of homes, and we still have that issue. He looked at rentals online but no one would
45 get back to him with the rental addresses so he could check them against what the City allows. He
46 said property in the city has been devalued because of lack of transient rentals, and jobs have
47 been lost because rental homes are well kept – maintenance, cleaning, interior and exteriors, and
48 electrical work is done. He knows because he's done it. He believes this would bring more money
49 into the City, noting that costs keep increasing but he doesn't see more money coming into the
50 coffers. He said this would solve a lot of problems and would bring in jobs for maintenance,
51 cleaning, and contractors. He mentioned something that stood out to him in the records: a
52 neighborhood watch at the time was annoyed because they couldn't tell who was coming and going
53 from rental homes, couldn't identify parked cars, and didn't feel safe because they didn't know who
54 the people were; but there was no mention of laws being broken or other problems. He said it's un-
55 American and creepy to spy on neighbors, and we have a police force (Lincoln County Sheriff's

1 department) for that. Mr. Kiefer thanked City Hall Staff for their help with this research; Councilor
2 Gambino thanked Mr. Kiefer for his work. The Council discussed Mr. Kiefer's presentation and also
3 Ord 261 enacted in 2003, which established an overlay zone on Coast Avenue allowing transient
4 rentals. A suggestion was made to use the development going in at the north end of town as a test
5 area instead of changing everything all at once. It was noted that inspecting the homes would be
6 important, as well as having a local representative to take responsibility. Other suggestions
7 included taking some of the revenue to create a compliance section at City Hall, and having the
8 owner put up a bond.

9

10 VII. PUBLIC COMMENTS

11 Unidentified Speaker in audience said it's the homeowners who will benefit from this, not residents.
12 She said she would freak out if vacation rentals came into her neighborhood. She said Lincoln City
13 has had ongoing problems with vacation rentals for a long time, and suggested we wait and see
14 what end results they have. Mr. Kiefer said there are already people renting their homes in areas
15 where they should not be, and it was his opinion that Lincoln City's problems are overblown.

16

17 Bruce Silver, 420 SW Cardinal Street, said homeowners **can** rent their homes – for 30 or more
18 days. He reviewed testimony he submitted prior to the meeting (copy attached to original of these
19 minutes). He noted that tourist accommodations are not transparent because they have signage,
20 advertising, and people coming and going. He said it's like having a perpetual house for sale. He
21 suggested the Council look at Goal 10 as amended: *“The City shall contribute preserve and enhance
22 the qualities that contribute to the character and livability of residential areas. These qualities include
23 limited traffic disruption, uncongested streets, a low level of noise and activity...The City finds that
24 transient occupation of dwelling units constitutes a visitor-oriented commercial use of property that is
25 injurious to the residential environment of the City's residential areas.”* He said there is a lot of
26 opportunity for commercial enterprise without interrupting the R-1 residential zone. He also noted
27 there are five different residential zones. Mr. Kiefer asked Mr. Silver what his conflict of interest
28 was in 1995-96; Mr. Silver said he did not and does not have a conflict of interest, that he is an R-
29 1 resident with an opinion. He also suggested the City might pursue establishment of a Local
30 Improvement District. Councilor Olsen and Mr. Silver will discuss this subject further outside of this
31 meeting; Mr. Kiefer was also asked to participate in that discussion.

32

33 Terry Wideman, 325 Cliff Street, said he knew a lot of work was put into Mr. Kiefer's summary and
34 he was sure the intentions were good, but after listening to the tone of what was presented, it felt
35 like it was stacked on the business side to the detriment of full-time residents. He said he would
36 ask business owners to consider that the people that live here are the ones that keep them in
37 business during the off season. He asked the Council to please look at what's happening in Lincoln
38 City. He said he appreciated Mr. Kiefer's experience in handling rentals and the ability to manage
39 them, but that's in a utopian environment and never happens. He said enforcement is the key and
40 it can't be enforced down to the letter of how it needs to be enforced while maintaining livable
41 neighborhoods. He said people in the R-1 zone don't want amendments to change things with the
42 swipe of a pen. It's a challenge to find the money needed to run the City, but please don't put this
43 on the back of full-time residents.

44

45 Claudia Crum, 430 SW Pine Court, said enforcement doesn't happen. She said about 50 people
46 came together to stop a fractional home on her street, and recently park benches in R-1 areas
47 were removed so people aren't leaving trash. She said there was a nearby house where it appears
48 there are nightly rentals. She wondered why the City would bring transient renters to streets full of
49 pot holes. Mayor Mattila said the City is aware of people renting their homes without a license and
50 that was one reason why this is being looked at.

51

52 Dennis Bachmann, 424 Cliff, said there is a great deal of difference between areas where houses
53 are rented out every day and a residential neighborhood. He said he didn't buy a house across
54 from a motel because he didn't want that environment. He wondered how much revenue the City

1 thought would be generated from this, and suggested a small sales tax might be a better way to
2 generate revenue.

3
4 Peggy Leoni, Trollers Lodge, said she manages two transient rental properties on Coast Avenue and
5 that management is the critical issue. She is in the houses every day and has never had any
6 complaints. She did not think that every area of town is suitable for transient rentals, nor is every
7 homeowner qualified. She encouraged the Council to give this a lot of consideration.

8
9 John O'Brien, 270 Bensell Avenue and an R-2 resident, said he and his wife bought a retirement
10 home here in 1995. They chose Depoe Bay because it's a nice city and the neighborhoods are clean
11 and quiet. He doesn't like disturbances in his neighborhood. He understands the Economic
12 Development Committee's task is to come up with ways to develop business and improve the
13 economy of the City; however, he is unalterably opposed to allowing vacation rentals in any
14 residential zone. While we have sheriff services, they can't enforce this. He also wondered how
15 many owners of transient occupancy dwellings live in the city, and what the current occupancy rate
16 is of those transient occupancy dwellings. If they are always occupied and never have any down
17 time, then maybe some additional transient occupancy dwellings are needed. He thought perhaps
18 testing the viability of transient rentals at the new development might be a good idea. He agreed
19 with Mrs. Leoni that management is important.

20
21 Rick Davilla, 35 South Point Street, said he loves this town and doesn't want to see it impacted in a
22 way that's going to hurt it. He said he serves on a board of 120 condos, and there are problems.
23 People come here to enjoy themselves and have fun. But they are not here to respect the
24 neighbors. He said many of these transient rental homes are owned by people who live out of the
25 area, and that trying to manage something when you live out of the area is tough. He guessed that
26 most of the Council would not want a transient rental next door to them. He is against transient
27 rentals in residential zones. He said motels don't stay full in the winter. He asked the Council to
28 think about the people that have bought into this town because they love it, and to be careful
29 where our dollars are spent because they're tight.

30
31 Loren Goddard, 15 SW Ellingson, purchased property in a zone allowing tourist rentals, and related
32 an anecdote about just one incident involving a transient rental with out-of-town owners,
33 wondering what would have happened to the people if he and his wife had not helped them out. He
34 said if you have more rentals, there will be more incidents. He suggested the Council consider
35 making this a ballot measure so all residents have a say.

36
37 Ms. Crum wondered what the zoning of the new development is going to be; Mrs. Leoni said it is a
38 planned development but nothing has been presented to the Planning Commission yet, and
39 explained that transient rentals are licensed and pay 1% transient lodging tax to the State and 8%
40 to the City. Discussion between the two continued until Mayor Mattila intervened. Mrs. Leoni added
41 that State room tax reporting now requires a listing of all income from third parties such as
42 Travelocity. Councilor Gambino suggested speakers be limited until everyone has had a chance to
43 speak once, then people can speak a second time.

44
45 Noelie Achen, 525 Lange Street, said she had an issue relating to the Chamber of Commerce that
46 she had been wanting to bring to the Council for a while. She said she had recently contacted the
47 Chamber to find out where to go whale watching, and she was given directions to one and only one
48 business. She said the person she spoke with sits on the Council. She said the Chamber isn't
49 supposed to do that and wondered if there were other businesses the Chamber is promoting. There
50 was brief discussion on whether this subject was best addressed by the Council or by the Chamber.
51 Ms. Achen said this wasn't the first time she had heard of one business being recommended over
52 another. She wasn't trying to ruffle feathers but it was concerning. A Councilor suggested it might
53 be a training issue, and she should take it to the Chamber. Ms. Achen said she wasn't comfortable
54 going to the Chamber because she felt there was a conflict of interest. She said this is deterring
55 people from wanting to join the Chamber. Councilor Goddard said she stepped up as Chamber

1 President because no one else would do it, and their Board is also new. She said there is a protocol
2 to be followed when answering questions, and they are trying to make things more professional
3 and grow the Chamber. She encouraged Ms. Achen to come to a Chamber Board meeting, which is
4 held the first Thursday of every month at 6 PM at the Chamber office. She said she didn't
5 appreciate the conflict-of-interest thing because nobody that hasn't been involved at the Chamber
6 Board or in the office has any clue how they try to make sure that these things don't happen. Ms.
7 Achen said Dockside was the business being recommended, and because Councilor Goddard is co-
8 owner of Dockside as well as President of the Chamber, this made her uncomfortable to bring the
9 issue to the Chamber. Mayor Mattila said it was established that a Councilor answered the phone
10 and gave the information, and that makes it a Council issue. From the audience, Mr. Goddard said
11 it is alleged, it hasn't been proven. Mayor Mattila said the problem would be taken care of. He said
12 it's alleged and that's the way it will be left and that's all he wanted to hear about it. He apologized
13 for getting a little upset.

14
15 Pete Cameron, 60 Cook, said he was on the Council for eight years, and went to great trouble to
16 purchase the newest radar trailer, and that Councilors Leff and Goddard helped to get the decoy
17 car. He expressed his displeasure that the trailers and car are not being utilized. He said the first
18 day of Oregon's spring break, town was jammed with cars going 35-40 MPH and pedestrians
19 crossing outside the crosswalks, and there was no radar trailer and no decoy car. He called City
20 Hall the first day and requested the units be put out; it didn't happen. He queried what would
21 happen this weekend with the Crab Feed. Mayor Mattila asked Murray to make note of this and
22 advise the Traffic Safety Commission (TSC). Weidner said there was a recall of the decoy car, but
23 it's been taken care of, and the car was out today. He said the TSC are all volunteers and they put
24 the trailers out when they can. Mr. Cameron said they need to be put out a lot more often.

25
26 Return to Item VI. A.

27 Councilor Olsen said he was looking forward to meeting with Mr. Silver & Mr. Kiefer, but he would
28 like a another couple of weeks to do research and study this issue. There was no objection.

29
30 B. Promotion Video Project Report – Michael Kiefer

31 Michael Kiefer reported that the committee for this project consisted of himself, Councilor Leff, and
32 Councilor/Chamber President Goddard. He said he contacted Howard Shippey the same night the
33 funds for the project were approved. He said he has bid, proposed, and written millions of dollars in
34 contracts, and has been an advertising account executive, and couldn't say how many business
35 meetings he's been in. With this background, he set some ground rules with Mr. Shippey. When he
36 was an advertising account executive he did a lot of "cold calling" with his sales and he would show
37 up at a meeting with specs to give them something to talk about; but when he tried to do this with
38 Mr. Shippey, he remained vague. He said he's been trying to get advertising going for over a year.
39 Some of the ground rules he sent to Mr. Shippey were: no business names, charter or whale
40 watching companies, people, or specific boats because we're trying to advertise the whole city and
41 we want people to come to Depoe Bay. He asked Mr. Shippey to prepare something to bring to the
42 meeting so they'd have a starting point. He wanted to see a storyboard drawn out of what would
43 be in the video because Mr. Shippey already has a lot of video in the can. He read the email he
44 sent Mr. Shippey the night before the meeting into the record, as well as Mr. Shippey's response
45 (copies attached to original of these minutes). Mr. Kiefer stated that he did not tell Mr. Shippey
46 what would be in the video because he wanted committee input on that; he said the other
47 committee members were upset because he didn't want businesses specifically named in the video,
48 but he didn't feel he was out of bounds with what he had told Mr. Shippey. He said he felt like his
49 authority was undermined and he was treated like a juvenile delinquent in detention during the
50 meeting because he was repeatedly told he didn't understand. He said Mr. Shippey ran out the
51 clock with sales talk. He is afraid the video will be top heavy with events, and this isn't a Chamber
52 video. He was offended when he tried to talk to Mr. Shippey about the short distance from the
53 harbor to the ocean and Mr. Shippey spoke to him in a condescending manner and he didn't feel he
54 deserved the disrespect he was shown. He expressed disappointment that Mr. Shippey didn't bring
55 something they could use as a starting point. He said the committee members agreed in principle

1 on a lot of things, but other than that it was not a productive meeting. Mr. Kiefer said his integrity
2 is not up for sale and neither is his character. He said he's an official of the City, and the Planning
3 Commission is the closest thing to a judge that we have. He said that the discussion turned to how
4 close boats get to whales, and he wanted the following to be known: he fishes at Boiler Bay all the
5 time. He thought the woman that runs the whale watch operation has a special permit and can get
6 closer to the whales as part of her research. He said he sees boats crowding whales, and whoever
7 is doing this is breaking the rules on how close you can get. When he shared this in the meeting,
8 he was told that it doesn't happen, and he shouldn't be saying that and people would get into
9 trouble and lose money. He said he's not going to cover up anything, and if he sees it again, he's
10 going to call the authorities. He said Mr. Shippey has no video on fishing, asked Mayor Mattila to
11 call Mr. Shippey. He would like to see Mr. Shippey provide a preliminary video, which he suggested
12 the Mayor and the entire City Council watch prior to approval. Councilor Leff responded to Mr.
13 Kiefer's comments about the meeting with Mr. Shippey. She agreed that Mr. Shippey tried to
14 oversell, but felt the meeting was productive. She also said that a committee should work as a
15 group and no one person should give direction without first discussing it with fellow committee
16 members, and welcomed Mayor Mattila to participate in future meetings. Councilor Goddard also
17 responded to Mr. Kiefer's comments. She said Mr. Kiefer put the kabbash on inviting Mr. Shippey to
18 do filming on a boat at the Crab Feed and that Mr. Shippey has been busy with a big project in
19 Astoria. There was a difference in opinion between Councilor Goddard and Mr. Kiefer about these
20 things having been discussed. Councilor Olsen asked if the city could get a video from Mr. Shippey
21 that sells the town. Councilor Leff said Mr. Shippey can come up with a video that will make the
22 City proud. There was brief discussion about the logistics of filming without getting business names
23 in the video. Mayor Mattila intervened. Councilor Goddard said she would not be accused without
24 being able to protect herself. Mayor Mattila will attend the next meeting with Mr. Shippey and get
25 this whole thing ironed out.

26

27 VIII. UNFINISHED BUSINESS

28 A. Harbor Restroom Facility Lease Agreement Renewal

29 Councilor Goddard declared a potential conflict of interest because if the City doesn't renew the
30 Robison Brothers lease her rent could be raised. (Copy of lease agreement and Robison Brothers
31 notes attached to original of these minutes.)

32

33 Motion 5: Olsen moved to approve the contract with the Robison Brothers. Berry seconded the
34 motion.

35

36 Mayor Mattila said it was moved and seconded, and called for discussion.

37

38 Amendment: Goddard amended the motion to include the wording of the Robison Brothers into the
39 contract and attach the Memo of Understanding to the contract. Olsen and Leff accepted the
40 amendment.

41

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

43

44 Vote: Motion 5, as amended, passed.

45 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

46

47 IX. NEW BUSINESS

48 A. Annual Fleet of Flowers – Request Authorization to Use City Facilities Memorial Day, May 26, 49 2014

50 Debby Metz, 26 NE Lillian Lane asked for authorization to use City facilities for the annual Fleet of
51 Flowers on May 26.

52

53 Motion 6: Leff so moved. Hoitink seconded the motion.

54

1 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief
2 discussion.

3
4 Vote: Motion 6 passed.

5 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

6
7 B. Proposed Ord. #300 – An Ordinance Declaring a Moratorium on Medical Marijuana Facilities,
8 and Declaring an Emergency

9 Murray reviewed the ordinance adoption procedure and asked for a motion to read the proposed
10 ordinance (copy attached to original of these minutes) by title only.

11
12 Motion 7: Goddard moved to read proposed Ord. #300 by title only for the first and second
13 readings. Olsen seconded the motion.

14
15 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

16
17 Vote: Motion 7 passed.

18 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

19
20 Murray read proposed Ord. #300 by title only and called for questions or comments.

21
22 Robert Beilin, 310 NE Williams, said this is an emotional issue for all people because there is fear of
23 the possibility of criminal action and behavior. He asked the Council to remember that the mean
24 age of a Depoe Bay resident is 54 years, and we have to deal with diseases that cause pain, lack of
25 sleep, and other problems. He said as you listen to this on TV, radio, and Congress, all you hear is
26 comments about prescription drugs and how wonderful they are. He is 64 and takes prescription
27 drugs because he's in a lot of pain, and the side effects are scary as hell – they're more scary than
28 the things they're curing. He said this is not a political issue it's a health issue; please don't deny
29 our community access to medicine. He said the potential for legalization of marijuana is inevitable,
30 and encouraged the Council to be at the forefront of people who are living in pain. Reciting financial
31 statistics from the State of Colorado, he commented that the Council talks about financial issues
32 and said this is an answer. He said there's a way to control this; he worked in prisons for 20 years
33 and there is a way to stop people entering or leaving a facility with a control, which he described.
34 He said a dispensary would generate jobs. He said currently people in the medical marijuana
35 program have to drive over Hwy 18 or Hwy 20, and it's not good or safe. He pointed out that
36 medical clinics, pharmacies, liquor stores, and bars all have controlled substances, and they are
37 controlled. He said this could help make Depoe Bay financially stable, and that people's health is
38 paramount. There were no further questions or comments from the audience.

39
40 Murray said the Council could move to adopt at the first reading, or not. Councilor Olsen said he
41 listened to Mr. Beilin and other people with similar issues. He said it looks like Waldport is close to
42 passing their ordinance so Depoe Bay wouldn't be the first, and there are three initiatives on the
43 November ballot. He said recreational use of marijuana will be superseding medical use of
44 marijuana. He noted Depoe Bay does not have a police force, and he didn't feel it would be
45 appropriate for Depoe Bay to allow medical marijuana dispensaries at this time because we don't
46 have any of the back-end stuff in place. Councilor Berry said initiatives have been on the ballot
47 before, and have failed, and if the Council can do anything to help Depoe Bay citizens, then we
48 should. He said there is more and more proof that medical marijuana helps people with certain
49 health conditions, and he will not vote to have a moratorium. Councilor Goddard said this isn't for
50 or against medical marijuana, it's about a moratorium on a dispensary. She said many Oregon
51 cities and counties are voting for a moratorium because the State law was so poorly written that it
52 left out important issues like taxation, zoning, compliance, and protection, so there's no way to
53 govern the dispensaries. The legal end of the moratorium will be May 1, 2015, after which there
54 will be no choice but to allow the dispensaries, and hopefully the law will be more user-friendly by

1 then. She said the Council can break an ordinance whenever it wants, but a moratorium cannot be
2 instituted after May 1, 2014.

3
4 Motion 8: Gambino moved to adopt proposed Ord. #300 at the first reading. Hoitink seconded the
5 motion.

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

8
9 Vote: Motion 8 passed.

10 Ayes: Hoitink, Olsen, Mattila, Goddard, Gambino

11 Noes: Leff, Berry

12
13 Murray said because the vote was not unanimous, the second reading would have to be held over
14 to the next meeting, and because the next meeting is after May 1, the ordinance does not pass.
15 There was brief discussion. In response to a question, Murray said if a person who voted on the
16 prevailing side of a motion wants to revisit the motion, it can be brought up again later at the same
17 meeting or at the very next meeting.

18
19 Mayor Mattila called a five-minute recess at 9:28 PM. The meeting reconvened at 9:35 PM.

20
21 Mayor Mattila asked everyone to keep in mind that the moratorium could be changed at any time.

22
23 Motion 9: Leff moved to reconsider the last motion. Berry seconded the motion.

24
25 Mayor Mattila said it was moved and seconded, and called for discussion. Murray advised Leff and
26 Berry they could not make and second the motion because they did not vote on the prevailing side.

27
28 Motion 9: Olsen moved to reconsider the last motion. Hoitink seconded the motion.

29
30 Mayor Mattila said it was moved and seconded, and called for discussion. Councilor Goddard asked
31 Murray to clarify the public meeting law allowing the motion to be reconsidered; Murray explained
32 what Robert's Rules of Order states on this subject.

33
34 Vote: Motion 9 passed.

35 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

36
37 Before voting, Councilor Berry made a statement: He said he was going to make everybody happy,
38 but before he said yes he wanted to remind the Council and everybody because he did not trust the
39 people here and it takes forever to change things. We should allow medical marijuana in this town.
40 But if a yes vote makes everybody happy, then he's voting yes but he thinks they all suck right
41 now.

42
43 Murray said a motion to adopt proposed Ord. #300 at the first reading could be made.

44
45 Motion 10: Gambino moved to adopt proposed Ord. #300 at its first reading. Olsen seconded the
46 motion.

47
48 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief
49 discussion.

50
51 Vote: Motion 10 passed.

52 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

53
54 Murray said by the City Charter, the Council can proceed with the second reading tonight. There
55 was no objection. Murray read proposed Ord. #300 by title only a second time, then called for

1 questions or comments. Mr. Beilin returned to the podium, and entreated the Council before
2 passing this ordinance, to consider the people lying in their beds sick. Mayor Mattila said his heart
3 goes out to Mr. Beilin, and this ordinance can be and will be rescinded. He said we have to enter
4 into this with the right mind and bring it about to a favorable conclusion. Councilor Goddard said
5 the problem isn't with the dispensaries, it's with the State law, and hopefully this would give the
6 State time to write the law the way it needs to be written. Mr. Beilin said State law is slow and
7 change is constant; he did not want to wait for the State to get it together, while people are sick.
8 Richard Huntpalmer, 235 Hazelton Place, suggested the Council and the City Attorney brainstorm
9 some regulations and laws to be put in place, and perhaps reach out to some other communities in
10 Colorado and Washington that have successfully regulated marijuana dispensaries. He said it's on
11 the horizon so let's get ahead of it and figure it out so we can accommodate our citizens.

12
13 Motion 11: Gambino moved to adopt proposed Ord. #300 at its second reading. Hoitink seconded
14 the motion.

15
16 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

17
18 Vote: Motion 11 passed.
19 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino
20 Noes: Berry
21

22 Before voting, Councilor Berry expressed uncertainty and frustration about the subject. He said if
23 the initiative on the November ballot passes, that's great, but if it doesn't pass, it takes forever to
24 change anything. He was encouraged by Mayor Mattila and Councilor Gambino to vote the way he
25 feels. Murray said Ord. #300 passed, and will be sent in to the Oregon Health Authority. Councilors
26 Goddard and Olsen agreed with Mr. Huntpalmer about getting a head start on this. Councilor Olsen
27 said he and Mayor Mattila would report on the May 1 moratorium conference at the next Council
28 meeting. Councilor Leff said there were two people present who had great interest in the subject,
29 and wanted to ensure the City has their contact information in case they might be interested in
30 working with the Council to develop regulations; Mr. Beilin and Mr. Huntpalmer both expressed
31 interest in participating. Mayor Mattila said he appreciated Councilor Berry's courage of conviction;
32 Councilor Berry stated his intent to follow up with having the moratorium lifted.

33
34 C. Authorize Purchase – Mini-Lifty Dump Truck
35 Motion 12: Goddard moved to authorize purchase of the mini-lifty dumpy truck that was budgeted
36 in this year's budget. There was a question as to which vehicle was being recommended; Weidner
37 said Power Ford in Newport. There was a question whether funding for the new City Park bridge
38 was supported by transferring some of the funds for this vehicle; Murray said Urban Renewal
39 Agency funding supported the bridge project. Leff seconded the motion. (Copy of Weidner's memo
40 dated 4/15/14 listing all proposals attached to original of these minutes.)

41
42 Mayor Mattila said it was moved and seconded, and called for discussion. A Councilor said
43 sometimes spending a little more on the vehicle is worthwhile, if you get a better warranty.

44
45 Vote: Motion 12 passed.
46 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry
47

48 D. Oregon Department of Transportation (ODOT) Special City Allotment (SCA) Grant
49 Agreement – SE Bay Street and SE Williams Avenue Improvements Project
50 Murray said the City applied for this grant funding last year. The City Attorney, who has reviewed
51 and approved the agreement, is required to sign off on it after the Council approves it.

52
53 Motion 13: Leff moved to approve the 2014 SCA agreement concerning Bay Street: Conway
54 Avenue to Bayview Avenue and SE Williams Avenue: Bay Street to Collins Street; and authorize
55 the Mayor to sign the agreement. Gambino seconded the motion.

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

3
4 Vote: Motion 13 passed.

5 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

6
7 E. Harbor Commission Assignment – Matters of Harbor Finance

8 Mayor Mattila wants the Harbor Commission to look into ways the City can improve how finances
9 are spent, and to gain their input to figure out ways to make the harbor more viable financially.
10 Councilor Leff said the budget process is about to begin, so if the Harbor Commission has any
11 major suggestions, they will need to get them in quickly. The first Budget Committee meeting is
12 April 28. Councilor Olsen asked Councilor Leff how the harbor financial study was coming along;
13 Councilor Leff said things have been very busy recently with Spring Break, but she has some
14 preliminary information on the harbor leases that could be shared with the Harbor Commission.
15 She suggested perhaps the Harbor Commission should take over the financial study because they
16 could include that information as part of their deliberations, and said she would be happy to turn
17 over all her information. Councilor Goddard agreed the preliminary research they have done would
18 give the Harbor Commission a good start. She said some things need to be slowly done, with no
19 abrupt changes. Murray asked the Council if they wanted to pass this back to the Harbor
20 Commission to look at revenues and expenses, and come up with a recommendation on finances.
21 Councilor Olsen asked Councilors Leff and Goddard if they could continue with the study and
22 perhaps have it done in time for Budget Committee meetings. Councilor Leff replied that she and
23 Councilor Goddard are working on a couple of other projects one of which is very time consuming
24 and she didn't want to commit to anything else. She said she is going as fast as she can given all
25 the responsibilities she has. Councilor Gambino recommended that Councilors Leff and Goddard
26 finish the study, no matter how long it takes; Councilor Leff said that was fine, but they could also
27 turn over information to the Harbor Commission. Councilor Goddard wanted Bruce Silver to
28 continue to help with the study. Mayor Mattila directed the Harbor Commission to look into
29 possibilities, in accordance with the agenda item. There were no objections.

30
31 X. CORRESPONDENCE

32 There were six items of correspondence (copies attached to original of these minutes), all related
33 to Ord. #234: letters from Bruce Silver, Claudia Crum, Sandra and Walter Graham, Stan and Jacky
34 Tiede, Patricia Neal, and Linda Williams.

35
36 Councilor Leff stated she was very concerned to see in the Sheriff's report there was no one
37 available for Depoe Bay duty in March. Her concern was that we are moving into our busier season
38 and now we're also talking about vacation rentals and enforcement, and we can't even get deputies
39 to come.

40
41 XI. CITY STAFF REPORT

42 Weidner reported he had looked at potential dates for the ribbon cutting ceremony for the
43 footbridge, park trail, and other projects, and suggested Saturday, June 28. Councilor comments
44 included a concern that Saturdays are busy for business owners, and that June is usually very wet;
45 a suggestion was made to schedule the ribbon cutting in August. Mayor Mattila wanted input from
46 the Parks Commission; Murray said they meet tomorrow.

47
48 Murray said 1) Budget Committee meetings start Monday, April 28 at 6 PM. and 2) The Central
49 Lincoln PUD Board meeting will be tomorrow in the Council Chambers from 9 AM – 3 PM.

50
51 XII. COUNCIL COMMENTS

52 Olsen referred to a Moody's credit rating report distributed to the Council, said he wanted to gift
53 this to future Councils, and to find a way to raise the money. The City's credit rating has gone up
54 to A-2 from A-3.

1 Goddard said she has had it with the personal attacks pointed at her and her business. She said
2 she has to her knowledge, never done anything to any one of you personally or through her
3 business, and asked anyone with knowledge to the contrary to please come and tell her. She has
4 never used her Council position, Planning Commission position, or any other position she has held
5 with the City to profit from or benefit herself or her business. Since the Chamber of Commerce was
6 discussed tonight, she said she is serving the Chamber solely out of love of Depoe Bay. She has no
7 personal agenda business-wise or personally. She's never done anything through the Chamber of
8 Commerce that she would profit from or that would solely profit her business. She's tired of the
9 attacks, and tired of coming to meetings being tense and worried about where the next attack is
10 coming from. Addressing Mayor Mattila, she said all she did several years ago was to help him with
11 his boat problem in the harbor; she set it all up to help him stay in the harbor – not so she would
12 benefit from it, but so he would. She has no clue what she did or was perceived to have done, or
13 what her business has done. They try to run a legal, above-board business, and try to watch
14 themselves because of the position she holds here, the positions that her partners hold (or held),
15 and try to hold themselves to a higher standard. She put everyone in the room on notice that she
16 was done with being attacked at these meetings, and if anyone wanted to come at her again to
17 bring their attorney.

18

19 Berry said he was ashamed of himself. He voted yes on something he did not believe in to go along
20 with the Council. He wanted the press to know that after May 1 he will remind the Council
21 constantly that we voted yes on a moratorium against people who are ill. He's ashamed he voted
22 yes and he apologized to those people. He went along with it for all of the Council. He left the
23 meeting at 10:16 PM.

24

25 Gambino wanted to address Councilor Berry, who had departed.

26

27 Hoitink said whatshername from Tradewinds was probably accusing him because he is on the
28 Council. When he gets questions on whale watching, he says to go to all of them because they're
29 all professional. He said he's 73 years old, and sometimes when phone calls come in he gets a
30 mind blank and he answers with the first thing that comes to mind. He said he's just a volunteer at
31 the Chamber of Commerce, but he could resign. Other Councilors said don't resign.

32

33 XIII. ADJOURN

34 There being no further business, the meeting was adjourned at 10:19 PM.

35

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A.J. Mattila, Mayor

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Emma LuMaye, Recording Secretary