

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, November 18, 2014 - 7:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: Mayor A.J. Mattila, D. Goddard, B. Leff, S. Olsen, K. Wyatt

7
8 ABSENT: B. Berry, R. Gambino

9
10 STAFF: City Superintendent B. Weidner, Recording Secretary E. LuMaye

11
12 I. PLEDGE OF ALLEGIANCE

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

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15 II. CALL TO ORDER

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

17
18 III. APPROVE MINUTES: November 4, 2014 Regular Meeting

19 Motion 1: Leff moved to approve the minutes of Tuesday, November 4. Olsen seconded the motion.

20
21 Mayor Mattila called for the question.

22
23 Vote: Motion 1 passed.
24 Ayes: Leff, Wyatt, Olsen, Mattila
25 Abstain: Goddard

26
27 IV. ACCOUNTS PAYABLE

28 Motion 2: Leff moved to approve Accounts Payable as presented by Staff. Olsen seconded the motion.

29
30 Mayor Mattila called for the question.

31
32 Vote: Motion 2 passed.
33 Ayes: Goddard, Leff, Wyatt, Olsen
34 Abstain: Mattila

35
36 V. SPECIAL ORDERS

37 There were no special orders.

38
39 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

40 Loren Goddard, 15 SW Ellingson, Near Shore Action Team Chair reported on his attendance at the State
41 of the Coast conference, hosted by OSU Sea Grant in Florence (formerly Heceta Head Conference). He
42 also reviewed materials he passed out at the beginning of his report (later given to Councilor Olsen)
43 regarding the status of national marine sanctuaries, which he said there is probably a five-year period in
44 which to prepare for action.

45
46 A. Planning Commission Request Authorization to Initiate Text Amendment to Add Criteria for
47 Planned Development Master Plan Approval to the Zoning Ordinance #24

48 Roy Hageman, Planning Commission President, reviewed what the Planning Commission did, and did
49 not, approve in the master plan for the Whale Watch LLC area. He said preliminary approval is when

1 the engineering is all done, and the developer provides his whole plan for streets, roads, buildings,
2 density, open areas, etc., to the City. Once the preliminary plan has been approved, the developer begins
3 laying roads, installing curbs, and putting in utilities. Then comes the final approval, where the
4 developer comes to the City and shows what he has done – with plans, drawings, and engineering. When
5 the Planning Commission approves these plans, drawings, and engineering, the developer can begin
6 plotting the area and building the homes or businesses. The developer is free to come in prior to any of
7 that and ask for master plan approval. Mr. Hageman stressed that the names of the approvals can be
8 misleading. He also said there is clearly-defined criteria for each approval stage. Getting a master plan
9 approval allows the developer to complete the project in phases, which is good for the developer and the
10 City because it takes risk off both. The problem with the zoning code is that there is no criteria for a
11 developer’s master plan. The Planning Commission is asking for approval to go in and look into what
12 other cities have in the way of criteria and requirements for a master plan. This would likely result in the
13 need to modify parts of the planned development code so it would fit in. This would not affect Whale
14 Watch LLC, which is already in progress, but there is a lot of undeveloped land and anything over two
15 acres can be a planned development. The work would require some Staff time. Once the Planning
16 Commission comes up with what they want, there would need to be public meetings and any property
17 owners with over two acres would have to be notified. There was brief discussion.

18
19 Motion 3: Leff moved to authorize the Planning Commission to do necessary research and development,
20 and come back with a recommendation for appropriate changes to the planned development code.
21 Goddard seconded the motion. Mayor Mattila asked if this would be an addendum to Ord. #24; Mr.
22 Hageman said yes it would be changing minor parts of the existing preliminary and final approval,
23 probably, but would definitely be adding criteria for the Master Plan. There was brief discussion, then
24 Mayor Mattila called for the question.

25
26 Vote: Motion 3 passed.

27 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila

28 29 VII. PUBLIC COMMENTS

30 John O’Brien, 270 Bensell Avenue, said at the previous meeting, Councilor Olsen had expressed a
31 thought of creating a separate line item in the budget for Neighbors For Kids (NFK). He said while
32 supporting NFK is an admirable idea, he did not think it was a good idea to create a budget line item
33 specifically for NFK because doing so could be construed as the City subsidizing NFK, resulting in
34 citizens who routinely support NFK throughout the year may feel their support is no longer necessary.
35 He said years ago when NFK was first starting out, the City was most generous in its support with
36 money, goods, and services. NFK has grown exponentially since then, and now appears to be on stable
37 financial footing. He suggested if the City wants to create a new budget line item, he would rather see a
38 more generalized line item like funding for support of local organizations and agencies.

39
40 Bill Spores, Parks Commission Chair, spoke as Chair and also as a Chamber member. He said the
41 Chamber has decided to fund a memorial bench for Skip Hoitink, and the chosen site is not on the list of
42 approved locations. Referring to a photo (copy attached to original of these minutes) previously
43 distributed to the Council, he said the Parks Commission would like approval to place the memorial
44 bench across from the Coast Guard station.

45
46 Motion 4: Goddard moved to approve the Parks Commission request for location of the Skip Hoitink
47 memorial bench, as pictured, in the harbor. Leff seconded the motion.

48
49 Mayor Mattila called for the question.

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2 Vote: Motion 4 passed.

3 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila
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5 VIII. UNFINISHED BUSINESS

6 There was no unfinished business.
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8 IX. NEW BUSINESS

9 A. Appointment to Fill Vacancy on City Wastewater Advisory Committee

10 Olsen said incoming Councilor Steve Sparks has agreed to fill the seat, and asked the Council to approve
11 the appointment. There was brief discussion. This item was tabled to the January 6 agenda.
12

13 B. Marijuana Regulations and Zoning (Schools)

14 Olsen expressed concern over the potential for a business to sell marijuana near the NFK facility, and
15 expressed his sense of urgency over enacting a marijuana retail location ordinance. NFK is located in the
16 Light Industrial (L-I) zone, which does not permit schools as an outright use. Mr. Hageman returned to
17 the podium to discuss zoning with the Council. He talked about Spot Zoning, Conditional Use, and
18 Outright Use. He said Spot Zoning would lower the value of surrounding properties because L-I zoning
19 is the top tier of zoning. A Conditional Use would have a lot of steps to go through with no guarantee of
20 approval. To declare a school as an Outright Use in the L-I zone, NFK would have to prove they meet
21 the requirements. He suggested waiting until January, to get an idea of where the new Council sits on
22 this issue. Dick Johnson, former Planning Commission Chair speaking as an NFK board member, said
23 NFK cannot meet the parking requirements for a school, and suggested the term “children’s facility” or
24 “formal youth organization” might be better. There was additional discussion. Olsen will ask the City
25 Planner to gather up other cities’ ordinances relating to marijuana. This item was tabled until early next
26 year. (Copy of City Planner Lewis’ memo dated 11/13/14 attached to original of these minutes.)
27

28 C. Proposals – Marine Engineering Services – Concept Engineering and Construction Cost 29 Estimate for Docks 2, 3, and 4 Replacement

30 Weidner advised the Council that two proposals were received in a timely manner and one proposal was
31 received after the deadline. A request was made (copy attached to original of these minutes) from
32 Christian Steinbrecher, who represents the company that missed the deadline, asking the Council to
33 waive the deadline. Mayor Mattila said what it boils down to is that the firm has an argument with Fed
34 Ex and not with the City, and we’d be leaving ourselves wide open for a problem if we waived the
35 deadline. He said the Council should go ahead with the two bids that were received before the deadline.
36 No objection to this suggestion was heard from the Council, and Weidner handed out his written
37 recommendation (copy attached to original of these minutes) for awarding the project. Mr. Johnson
38 returned to the podium as Urban Renewal (UR) Agency Chair, saying UR passed funding on to the
39 Council for this project, most of which would be paid for by UR. He said he reviewed the proposals and
40 agreed with Weidner’s recommendation. He also recommended having the engineer provide a cost
41 estimate for doing one dock at a time negotiated into the contract, and said doing the docks one at a time
42 might be the best way to do the project. Mayor Mattila agreed with Mr. Johnson and said the Council
43 needs to look at where the funds are going to come from. He didn’t necessarily think funding would
44 come from the City, and said he wanted to go through the Oregon State Marine Board as well, and we’d
45 need that cost estimate first.
46

47 Motion 5: Leff moved to authorize Staff to accept the Coast and Harbor bid for \$42,375 to complete the
48 work as outlined in the proposal. Goddard seconded the motion. Olsen confirmed with Weidner that he

1 would speak with the engineer about cost estimates for doing the docks separately. Goddard suggested
2 including the Harbor Commission when the engineer comes to look at the harbor.

3
4 Mayor Mattila called for the question.

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6 Vote: Motion 5 passed.

7 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila
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9 X. CORRESPONDENCE

10 LuMaye had one item of correspondence (copy attached to original of these minutes), an email from
11 Kim Herring at Lincoln County Board of Commissioners, notifying the Council they'd like to schedule
12 next year's joint work session in March. This item was tabled to a January meeting.
13

14 Weidner had one item of correspondence (copy attached to original of these minutes), a letter from John
15 Johnson at ODOT. The Special City Allotment Proposal submitted by the City was not chosen for
16 funding because the street selected did not score enough points to qualify, when compared to other city
17 applicants.
18

19 XI. CITY STAFF REPORT

20 Weidner reported 1) City Crew relocated a 16-inch storm line on Floral Street. 2) He met with Civil
21 West Engineering regarding the Vista force main project. 3) He met with Stacy from ODFW regarding
22 off-limits fishing signs. 4) Requested authorization to get a Christmas tree to place on the Whale Center
23 building as done every year. He estimated the cost to be \$100-\$120 for an 18-20 foot tree at \$5-\$6 per
24 foot.
25

26 Motion 6: Olsen moved to approve Weidner purchase a tree with a budget up to \$125. Leff seconded the
27 motion. Weidner said the City has recently been putting up a second tree at the planter box at the whale
28 fountain; he didn't know whether the Council wanted to continue doing that or not. Goddard added the
29 Chamber is getting ready to refurbish the candy canes that get put up around town. She wondered if the
30 City could throw in some funds for more Christmas decorations. Weidner said normally the City does
31 the tree and the Chamber helps with lights; Goddard said we bought all new lights last year; Weidner
32 said we shouldn't worry about lights this year. Goddard said there are 54 candy canes, and they need
33 new paint and new bows.
34

35 Olsen withdrew his motion.
36

37 Motion 7: Olsen moved to approve a budget of \$400 for the holiday decorations: for two trees and to
38 help the Chamber of Commerce with decorations. Leff seconded the motion.
39

40 Mayor Mattila asked if the Chamber's decorations would include bells; Goddard said if the City would
41 like to put money in its budget next year to work with the Chamber, the Chamber would really like to
42 work with the City to get some nice, big decorations. Mayor Mattila called for the question.
43

44 Vote: Motion 7 passed.

45 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila
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47 XII. COUNCIL COMMENTS

48 Olsen said in the last two weeks he's had a few people in his restaurant who were working at the fish
49 plant, and he found it grand that the City did something to bring further employment to town. He also

1 had two encounters with residents who commented how nice it was to have the fish plant and adjacent
2 property cleaned up.

3

4 Goddard expressed concern about an article she read in the newspaper about slime eels being processed
5 at the harbor. The Council discussed slime eel processing in the past and discarded the idea as
6 undesirable. Weidner was tasked with going to the renter of the private property indicated in the news
7 article to ask if they are planning to process slime eels, and report his findings to the Mayor.

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10 XIII. ADJOURN

11 There being no further business, the meeting was adjourned at 8:23 PM.

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A.J. Mattila, Mayor

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18 Emma LuMaye, Recording Secretary