

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, January 20, 2015 - 7:00 PM
4 Depoe Bay City Hall

5

6

7 PRESENT: Mayor A.J. Mattila, J. Fisher-Brown, R. Gambino, J. Grant, S. Olsen, S. Sparks,
8 K. Wyatt

9

10 STAFF: City Recorder P. Murray, City Superintendent B. Weidner, City Planner Larry Lewis
11 (dep at 8:30), Recording Secretary E. LuMaye

12

13 I. PLEDGE OF ALLEGIANCE

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

15

16 II. CALL TO ORDER

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

18

19 III. APPROVE MINUTES: January 6, 2015 Regular Meeting

20 Motion 1: Wyatt moved to approve the minutes of the January 6, 2015 regular meeting. Fisher-Brown
21 seconded the motion.

22

23 Mayor Mattila said it was made and seconded, and called for the question.

24

25 Vote: Motion 1 passed.

26 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

27

28 IV. ACCOUNTS PAYABLE

29 Motion 2: Gambino moved to approve Accounts Payable as presented. Sparks seconded the motion.

30

31 Mayor Mattila said it was made and seconded, and called for the question.

32

33 Vote: Motion 2 passed.

34 Ayes: Fisher-Brown, Gambino, Grant, Sparks, Wyatt

35 Abstain: Mattila, Olsen

36

37 V. SPECIAL ORDERS

38 A. 2013-14 Audit Report Presentation – Signe Grimstad, Grimstad & Associates

39 Ms. Grimstad reviewed the 2013-14 audit, and asked for questions from the Council. There was brief
40 discussion. Future audits will include a note that Compensated Absences are compiled from unused
41 employee vacation and comp time hours. There was nothing unusual in the audit. Staff budgets closely,
42 and the audit reflects it. Councilors commended Murray on her good budgeting.

43

44 B. Interview/Appoint Applicants for City Commissions and Committees

45 Mayor Mattila said there were several people who were unable to attend tonight's meeting; therefore,
46 the only interviews/appointments that would be made were for the Harbor Master Plan Advisory
47 Committee and the Parks Commission, whose applicants were present. Harbor Master Plan Advisory
48 Committee applicant Matt DeWitt and Parks Commission Position #3 applicant Michael Granat came
49 forward and answered questions from Councilors regarding their interest in the positions.

1 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of applications and ballot
2 attached to original of these minutes) and announced the results. The vote to appoint each applicant to
3 their respective position was unanimous.

4
5 Motion 3: Olsen moved to accept the ballots as tallied. Gambino seconded the motion.

6
7 Mayor Mattila called for discussion, then called for the question.

8
9 Vote: Motion 3 passed.

10 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

11
12 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

13 There were no reports.

14
15 VII. PUBLIC COMMENTS

16 Bonnie Chavez, of Hazelton Place, addressed the Council regarding her house, which is dropping. She
17 had heard there's a crack in the seawall and was concerned that might be a part of the problem. Weidner
18 said the Army Corps of Engineers, who determined there was an ancient slide on the site, put some
19 stabilizers in a while ago, and whose markers show the slide has stopped. The Council discussed this for
20 some time. Weidner was directed to collect as much information as possible on this issue, and forward it
21 to Ms. Chavez.

22
23 Nate Fingerson, 250 Hazelton, addressed the Council regarding an article that appeared in the
24 NewsTimes about squatters. He wondered what the City plans to do, and offered to help. The Council
25 discussed this subject at length. At Sparks' suggestion, Mr. Fingerson agreed to lead a small community
26 discussion at the Neighbors For Kids (NFK) building; he and Sparks will exchange contact information
27 after the meeting.

28
29 Pete Tuana, Chair of the Little Whale Cove Home Owners Association, said the association has been
30 doing a lot of volunteer work recently, and told the Council if there was anything they could do to let
31 them know.

32
33 VIII. UNFINISHED BUSINESS

34 A. Medical Marijuana Facilities – City Regulations

35 Lewis reviewed his memo and attachments regarding location regulations (copy attached to original of
36 these minutes). There was lengthy discussion regarding protecting locations frequented by children from
37 proximity to dispensaries. Lewis shared how Waldport has dealt with this issue. Olsen felt holding
38 public hearings is important. Murray noted that adopting an amendment to the Business License
39 Ordinance as the fastest way of getting some restrictions in place; Lewis agreed with this idea. Fisher-
40 Brown noted that full-on statewide legalization is coming July 1 and the City needs to be prepared to
41 deal with that as well. Planning Commission Chair Roy Hageman also agreed with the idea of amending
42 the Business License Ordinance, and suggested tasking Lewis with writing a strawman for discussion at
43 the next meeting, using Waldport's regulations, which address the Council's concerns with the
44 exception of a 1,000 foot buffer for the children.

45
46 Motion 4: Olsen moved to 1) hold a public hearing the second meeting in February, and 2) move
47 forward with Lewis putting together a strawman and bring it to the public forum and go from there.
48 Fisher-Brown seconded the motion.

1 Mayor Mattila said it was made and seconded, and called for further discussion. Gambino said he had a
2 problem with putting together two different issues in one motion. Olsen withdrew his motion and Fisher-
3 Brown withdrew her second.

4

5 Motion 5: Olsen moved to have a public hearing on the second meeting in February for the marijuana
6 ordinance. Fisher-Brown seconded the motion.

7

8 Mayor Mattila called for the question.

9

10 Vote: Motion 5 passed.

11 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

12

13 Motion 6: Olsen moved to direct Lewis to draft a strawman so we can take a look at it and make the
14 information public for that meeting. Sparks seconded the motion.

15

16 Grant clarified that strawman means to draft an idea that everybody can beat about. Mayor Mattila
17 called for the question.

18

19 Vote: Motion 6 passed.

20 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

21

22 B. Lincoln County Emergency Preparedness Matching Grant Program Fiscal Year 2014-15

23 • Technology Needs Assessment

24 Murray reported the County will not fund a technology needs assessment through this grant program.

25 After discussion about the emergency trailer and satellite communications, Murray said the application
26 deadline is February 27. Weidner suggested submitting an application for an AED (Automated
27 Emergency Defibrillator) at City Hall, one in the emergency trailer, and maybe one in the Community
28 Hall. There was discussion about whether or not training is needed to use this piece of equipment; it is a
29 self-contained unit that walks a novice user through how to use it.

30

31 Motion 7: Grant moved that Staff find the price on a defibrillator up to the grant maximum, and apply
32 for the grant. Fisher-Brown seconded the motion.

33

34 Mayor Mattila called for the question.

35

36 Vote: Motion 7 passed.

37 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

38

39 C. Reclassification of Neighbors For Kids (NFK) Funding

40 Olsen said that currently funding for NFK comes out of the Unappropriated Ending Fund Balance
41 (UEFB) of the General Fund, as do other charitable contributions – that up to 1% of the UEFB is divided
42 amongst charities requesting funds. He proposed that due to NFK's significance to the City today,
43 tomorrow, and the future, to create an Education and Technology line item inside the normal general
44 operating budget of the General Fund, from which to make contributions to NFK. Murray said an
45 expense line for Education could be identified, and that it would not be tied to a specific entity, like a
46 contract, but would be open for any organization to request funding. Olsen said NFK should continue to
47 submit the same paperwork required by any other charitable organization requesting funding. Murray
48 said that separating NFK funding requests from those of other charitable organizations would be done
49 through a Resolution, which would guide the Budget Committee. Sparks said this would show the City's

1 priorities and commitment to education, separately from other things. Olsen felt that technology should
2 also be included in this proposed line item.

3

4 Motion 8: Sparks moved that Neighbors For Kids be included in the General Fund and distributed per
5 the Budget Committee's approval and Council's adoption of the budget. There was discussion about the
6 necessity of and advantages to this being a Resolution on the books, which carries as much weight as a
7 motion, but is more trackable.

8

9 Amendment: Sparks amended his motion to include directing Staff to draft a Resolution. Gambino
10 questioned whether it shouldn't say Education and Technology instead of Neighbors For Kids.

11

12 Amendment: Sparks amended his motion to include Technology and Education in place of Neighbors
13 For Kids. Wyatt seconded the motion, as amended.

14

15 Mayor Mattila called for the question.

16

17 Vote: Motion 8 passed.

18 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

19

20 Murray will bring a draft Resolution to the next meeting for the Council's review and approval.

21

22 D. Harbor Master Plan Study Advisory Committee

23 Murray reviewed her memo dated 1/20/15 (copy attached to original of these minutes) and the current
24 membership of the committee. She noted that new Councilor Grant was formerly the Harbor
25 Commission member, and asked what the Council wanted to do. Grant offered to continue on the
26 committee until a Harbor Commissioner steps up. Murray will set a first meeting date after contacting
27 members for their availability, and said it would be nice to be able to meet with the dock engineers if
28 they will be in town.

29

30 IX. NEW BUSINESS

31 A. Harbor Endowment Fund

32 Sparks said the concept is that of community foundation. He said cities countrywide are creating non-
33 profit 501(c)3s to generate new funding opportunities – new social capital from funders that don't offer
34 grants to cities. This type of funding allows communities to pursue opportunities to fund projects that
35 they couldn't otherwise fund. It is an idea that requires discussion with community stakeholders. The
36 City would be offering to provide leadership to gather five or six community leaders who might want to
37 participate, and to facilitate the process of forming a new 501(c)3 community foundation. He said that
38 any community organization could apply for a grant from the endowment fund. He said since he's the
39 subject matter expert on non-profit business, he'd be happy to facilitate the process. There was
40 discussion on how to select members; the idea of a bulletin seemed most acceptable. Grant said he'd like
41 to see a cohesive mission statement; Sparks agreed and said a vision statement would also be
42 important. Mr. Tuana said he's been on a couple of community foundations, and that it's risky territory
43 to have it tied to the City, but the City might facilitate the pre-conversation. He said community
44 foundations are independent. He said it was critical to have a mission statement, and suggested using an
45 existing mission statement from one of the Oregon cities which have a community foundation, as the
46 content for a bulletin. Sparks agreed that the only thing the City should do is get the conversation
47 started. He and Murray will develop a bulletin requesting people to come forward.

48

49

1 B. Request for Proposals (RFP) – Legal Services

2 Mayor Mattila proposed the City hire a local legal service. There was lengthy discussion including a
3 desire that the legal service be coastal to meet the special needs of our coastal community, that driving
4 distance should be minimal, and how long and where to advertise.

5
6 Motion 9: Olsen moved to ask Staff to place an RFP for legal services for the City, and that those legal
7 services are required to be within District 10 boundaries. Fisher-Brown seconded the motion.

8
9 Mayor Mattila said the motion was made and seconded. There was brief discussion. Mayor Mattila
10 called for the question.

11
12 Vote: Motion 9 passed.

13 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

14
15 Murray asked what for clarification on the advertisement, asking what newspapers the Council wanted
16 to advertise in. The Council directed to publish the ad for two weeks, allow two weeks after that for
17 response, and to publish in the Sheridan Sun, Tillamook Herald, Lincoln City News Guard, Newport
18 News Times, and the City’s website. There was discussion regarding notifying current legal counsel of
19 the change. Murray explained how this is typically handled.

20
21 C. Ballot Measure – Revise City Charter Sections 12, 32 to Clarify Elected Officials Residency
22 Requirement

23 Mayor Mattila said this item is to clarify whether elected officials actually live here in our city or not.
24 He said the City Charter says “in the meaning of the state constitution”. Olsen said Newport and
25 Lincoln City’s charters specify “must reside within city limits”, and those cities haven’t had to deal with
26 the issue that Depoe Bay recently did. He said the Council cannot change the City Charter, which can
27 only be changed by a vote of the residents. He said to get the question on the May ballot would cost
28 \$200, in September \$2,500, in November \$1,000, and if we wait two years it would be free. He said for
29 \$200 we should hit the nail on the head if we’re going to do something about changing the Charter and
30 putting in text that limits or negates the possibility of somebody living outside the village – then we’d
31 never have to go through again what we just went through, which was ugly, divisive, and not productive.
32 There was lengthy discussion about what the definition of residency is. Grant did not want it to be
33 subjective, he wanted it definitive and binding. Mayor Mattila suggested that asking the State Attorney
34 General to make the decision of what the intent of the constitution is could save the trouble of going
35 through an election. Gambino was concerned about having a precedent set, and suggested a finite
36 requirement for year-round permanent residency within city limits as a solution; Fisher-Brown
37 agreed. Olsen suggested tasking Murray with contacting a couple of big cities and a couple of small
38 cities, and write a synopsis of what their residency requirements are, before continuing to deliberate on
39 this issue. Mayor Mattila tabled this item until the Staff report is ready. (Copy of Murray’s memo dated
40 1/20/15 attached to original of these minutes.)

41
42 D. Bid Awards

43 • Vacuum Trailer

44 Weidner reviewed the bids received and his benefit analysis report (copies attached to original of these
45 minutes) for this budgeted item, and recommended accepting the bid of \$50,000 from Owen Equipment.

46
47 Motion 10: Gambino moved to approve up to \$50,000 for purchase of the excavation vacuum trailer.
48 Olsen seconded the motion.

1 Mayor Mattila called for comments. Grant said he would usually want more information on amortization
2 of what the City has spent on this kind of service for the last five years, to get an idea of the timeline to
3 pay back the purchase price based on usage and cost of maintenance of the equipment. Sparks agreed
4 with Grant, saying in the future he would like to see a lot more in terms of return on investment analysis,
5 lease options, and life cycle costs. There was brief additional discussion. Mayor Mattila said one dire
6 emergency and that machine would be worth its weight in gold.

7
8 Mayor Mattila called for the question.

9
10 Vote: Motion 10 passed.

11 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

12
13 ● Garage Addition – Concrete Work

14 Weidner reviewed the bids received (copy attached to original of these minutes), and showed a concept
15 design of the finished building posted on the wall. He recommended accepting the bid of \$8,970 from
16 Ray Clarke Construction.

17
18 Motion 11: Olsen moved to engage Ray Clarke Construction at a price of \$8,970 for the bus barn
19 addition. Sparks seconded the motion.

20
21 Mayor Mattila called for discussion, and then called for the question.

22
23 Vote: Motion 11 passed.

24 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

25
26 E. City Transportation System Plan Update Project

27 ● Schedule Date for Joint City Council/Planning Commission Meeting in February

28 Murray reported the consultant has requested the City set a date for a joint meeting. The meeting was
29 scheduled for Wednesday, February 11 at 7:00 PM.

30
31 ● Community Advisory Committee (CAC) Member

32 Murray said former Councilor Dorinda Goddard served on the CAC, and asked if there is a Councilor
33 who would like to take her spot. Current members are Mayor Mattila, Roy Hageman representing the
34 Planning Commission, Peggy Leoni also represents the Planning Commission but would rather not
35 continue to serve and would like another Planning Commissioner to step up, John O'Brien representing
36 the Traffic Safety Commission, Pat Dunlop representing the business community, Bruce Silver
37 representing residents, and Fred Robison representing the Chamber of Commerce. She said there are no
38 regular meetings; the committee only meets infrequently, as needed. Wyatt agreed to serve as the City
39 Council representative.

40
41 X. CORRESPONDENCE

42 There were three items of correspondence (copies attached to original of these minutes): 1) A letter
43 addressed to Councilor Olsen from the Office of the District Attorney for Lincoln County regarding
44 their search for interested parties to become members of the Local Public Safety Coordinating
45 Council. Sparks volunteered to participate. 2) An invitation from NFK to a Family Literacy Event on
46 Saturday, January 31 from 11 AM to 1 PM. 3) A letter from Oregon Mayors Association and League of
47 Oregon Cities regarding City Day at the Capitol on February 26; Mayor Mattila plans to attend. Sparks
48 also wanted to go. Murray said any other interested Councilors should let her know. Registration
49 deadline is February 18.

1 XI. STAFF REPORT

2 Murray said the annual joint work session with the Lincoln County Board of Commissioners is
3 scheduled for Wednesday, March 4, and asked the Council to think about subjects they might want to
4 discuss with the Board.

5

6 Weidner reported: 1) With recent storms there have been a lot of tree removals. 2) The tsunami
7 assembly area signs have all been installed.

8

9 XII. COUNCIL COMMENTS

10 Fisher-Brown said resident Danny Roberson passed away last Friday, and asked the Council to
11 demonstrate an appreciation of all the things he did. After brief discussion, Mayor Mattila directed
12 Murray to send a letter of sympathy and recognition. Fisher-Brown will supply family contact
13 information to Murray.

14

15 Sparks deferred his intended statement on mental health to the next meeting.

16

17 Gambino said a recent League of Oregon Cities Bulletin on PEG (Public, Education, and Government)
18 access was very interesting.

19

20 Grant said this was an informative meeting where a lot was done.

21

22 Mayor Mattila said he had no illusions about the length of the meeting, and thanked everyone for
23 hanging in there.

24

25 XII. ADJOURN

26 There being no further business, the meeting was adjourned at 10:30 PM.

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A.J. Mattila, Mayor

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Emma LuMaye, Recording Secretary