

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

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

10 STAFF: City Recorder P. Murray, City Superintendent B. Weidner

11

#### 12 I. PLEDGE OF ALLEGIANCE

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

14

#### 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: January 20, 2015 Regular Meeting

19 Motion 1: Gambino moved to approve the minutes of the January 20 Urban Renewal and City Council  
20 regular meetings. Fisher-Brown seconded the motion.

21

22 Mayor Mattila called for the question.

23

24 Vote: Motion 1 passed.

25 Ayes: Fisher-Brown, Gambino, Mattila, Olsen, Sparks, Wyatt

26 Abstain: Grant (was not present for Urban Renewal meeting)

27

#### 28 IV. ACCOUNTS PAYABLE

29 Motion 2: Gambino moved to approve Accounts Payable as presented. Olsen 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, Grant, Mattila, Olsen, Sparks, Wyatt

35 Abstain: Gambino

36

#### 37 V. SPECIAL ORDERS

38 A. Interview/Appoint Applicants for city Commissions and Committees

39 Mayor Mattila said Verla (Maggie) Thomas had withdrawn her application for Harbor Commission  
40 (HC) Pos. #1, and that Dan Zimmerman (HC Pos. #1), Robert Hickerson (Parks Commission Pos. #7),  
41 and Ron Gilliam (Traffic Safety Commission [TSC] Pos. #1) were unable to attend tonight's meeting.

42 Jan "Pogo" Robison (HC Pos. #1), Roman Smolcic (HC Pos. #2), Mike McFarland (HC Pos. #5),  
43 Beanie Robison (Salmon Enhancement [SE] Pos. #1, and Paul Carver (SE Pos. #6) were present and  
44 came forward to answer Councilors questions about the interest in serving the community. Sparks  
45 volunteered to help SE with Neighbors For Kids (NFK) field trips. Grant asked whether SE could accept  
46 donations; Mr. Robison indicated they can but they don't permit donors to advertise. Grant noted how  
47 labor intensive SE is and thanked Beanie Robison, his family, and all the people involved. Robison  
48 advised what Salmon Enhancement needs is volunteers. Mayor Mattila also thanked Mr. Robison for  
49 three decades of service, and thanked Mr. Carver as well.

1  
2 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot and applications  
3 attached to original of these minutes) and announced the results. The votes to appoint Dan Zimmerman  
4 to HC Pos. #1, Roman Smolcic to HC Pos. #2, Mike McFarland to HC Pos. #5, Robert Hickerson to  
5 Parks Commission Pos. #7, Beanie Robison to SE Pos. #1, Paul Carver to SE Pos. #6, and Ron Gilliam  
6 to TSC Pos. #1 were unanimous. Murray asked the Council to make a motion to accept the tally of votes  
7 and make the respective appointments.

8  
9 Motion 3: Grant moved that. Gambino seconded the motion.

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

12  
13 Vote: Motion 3 passed.

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

15  
16 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

17 A. DB/GSD Wastewater Advisory Committee

18 Sparks reviewed his written report on the January 26 Depoe Bay/Gleneden Sanitary District Wastewater  
19 Advisory Committee meeting (copy attached to original of these minutes). He highlighted that at some  
20 point in the future, land application of bio-solids will no longer be permissible, and he saw this as an  
21 item that will need action.

22  
23 B. Salmon Enhancement Report

24 Beanie Robison provided an overview of the SE program for the benefit of new Councilors. There was  
25 brief discussion.

26  
27 C. Harbor Master Plan Advisory Committee Report

28 Grant reported the committee had a good first meeting.

29  
30 D. Safety Committee Report

31 Weidner reported the Safety Committee discussed the AED (Automated External Defibrillator), and had  
32 done some research on its use in public areas, which requires certification and has special regulations.  
33 He said the committee felt there was more research needed before moving forward with purchasing an  
34 AED unit. Weidner reviewed supplies the emergency trailer is currently equipped with. There was brief  
35 discussion about what supplies could be acquired with the grant, keeping in mind the February 27  
36 application deadline. Fisher-Brown wanted to keep the idea of the AED on the table with an eye toward  
37 next year's grant opportunity, and also said that first aid supplies should be the first priority. Mayor  
38 Mattila said if we had a full complement of first responder supplies available like they have in the  
39 ambulances, that we'd be a lot closer to our objectives. Sparks said when it comes to emergency  
40 preparedness, we should do everything we can to take full advantage of funding opportunities. Fisher-  
41 Brown said her family has been in this business for 60 years, and the items she suggested were: blankets,  
42 basic first aid supplies like bandages, ice packs, splints or braces, and a very comprehensive large first  
43 aid kit, possibly including ammonia capsules – something you might expect to see if you opened a first  
44 aid kit at a large warehouse. She also mentioned re-hydration salts to add to water bottles.

45  
46 Motion 4: Gambino moved to apply for up to \$2,000 matching grant from the Lincoln County  
47 Emergency Preparedness Grant Program for the purchase of first aid equipment for the emergency  
48 trailer. Sparks seconded the motion.

49

1 Mayor Mattila called for discussion, then called for the question.

2

3 Vote: Motion 4 passed.

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

5

## 6 VII. PUBLIC COMMENTS

7 Maggie Thomas 124 SE S 40 Lane, addressed the Council regarding 1) The Harbor Master Plan  
8 Advisory Committee (HMPAC). She said she'd told Mayor Mattila she'd do some research, and she has  
9 learned that the Oregon Business Development Commission has a strategic business plan for Harbor  
10 Master Plans, and they want the plan to be followed to the "T" in order to be in line for Federal grant  
11 funding. She said all ports use this document. She said she would get copies of the business plan into  
12 HMPAC members' boxes. She said it's not just a matter of getting the harbor out of debt; there's a lot of  
13 material that needs to be thoroughly reviewed before the HMPAC moves forward. 2) Shell Avenue. She  
14 has huge concerns about safety on this street, which she feels is too narrow, has too much traffic, and a  
15 blind curve people can't see around. She's spoken with Weidner about replacing the missing speed limit  
16 sign, enforcement on speeding fishermen, and the difficulty of getting grants to widen the street or  
17 sidewalks. She spoke in favor of installing a speed bump that would slow drivers down to 10 MPH, and  
18 felt this would solve the problem and would not damage fishermen's trailer tongues. She said Mayor  
19 Mattila told her there was no way the City Council was going to approve this, but it hasn't been brought  
20 to their attention, and she thought this was a transparent forum; she was very concerned about this.  
21 There was discussion about the speed bump, it's cost, how visible it is, the darkness of the street,  
22 etc. Mayor Mattila told Ms. Thomas that the first time he heard about a speed bump was this morning  
23 when she told him; Ms. Thomas said she wasn't going to argue, and she was concerned about the  
24 community's safety. Sparks said NFK often talks about children's safety on the street, and said he  
25 thought there should be a motion to do a study in terms of seeing the speed limit enforced, and slowing  
26 people down. He said he brought it up at the Lincoln County Safety Committee last week, when the  
27 State Police said they would come by and give us some advice and talk to us about it. Mayor Mattila  
28 said at the last Traffic Safety Commission meeting he brought up the same questions to the two officers  
29 that were here. Ms. Thomas felt that because the Oregon State Police are short-handed, they are more  
30 needed on Hwy 101, rather than watching the traffic on Shell Avenue. Grant thought it was a good idea  
31 to talk about this issue further at the next meeting. There was additional brief discussion about the speed  
32 bump, including its dimensions. Olsen suggested directing Staff to look into pricing out the cost of  
33 missing signage, and pricing a speed bump, and for a Staff Report on what's probably most appropriate  
34 to solve the situation. Gambino added that two speed bumps should be priced, because two would be  
35 needed for the width of the street. Weidner said lines have to be painted around the speed bumps and  
36 warning signs. Sparks asked that people speaking under Public Comments should stick to issues and  
37 broader needs of the community, and as a new Councilor he didn't like to see the Mayor personally  
38 picked on. Grant said this was a great issue for Staff input, and he'd like to see it on the next  
39 agenda; Weidner agreed to gather the information and Mayor Mattila agreed to put it on the next agenda.

40

41 Roy Hageman 325 SW Coast, addressed the Council regarding the scope of services on the proposal for  
42 Coast Avenue project. He said the water line is old and scares him. It's about 80 feet from the bluff and  
43 60-70 feet above mean high tide. He feared if the water line broke, by the time somebody turned it off a  
44 house would be lost in the ocean. He said the sewer line is just as old, and he didn't think most people  
45 realize that most of the houses along there have a sewer problem. He was in full support of the project,  
46 and said it was probably more necessary than one would normally think.

47

48 Peggy Leoni 355 SW Hwy 101, addressed the Council regarding proposed Res. #439, which she thought  
49 is superfluous. She noted the Resolution proposes two things: creation of an Education and Technology

1 expense line item, which is fine, but that it's being tied into the Kids Zone (NFK). She said that when  
2 NFK wants funds from the City, they approach the Budget Committee, who considers the request. She  
3 noted that NFK has not requested money from the City in the past couple of years, and did not see the  
4 need for identifying NFK with a separate line item. She wondered why they should be considered  
5 separately. Gambino responded that the Council thought it would be a good idea to be more involved  
6 with the delegation of funding for that purpose. Leoni said maybe the food pantry or some other  
7 organization would like special consideration, and asked if there was going to be a line item for General  
8 Education and Technology which anyone could apply for. Gambino responded that he didn't think the  
9 Resolution necessarily states it will be only NFK, but that it's just mentioning the reason. Leoni said  
10 there are more people on the Council now who know what NFK does, it seems redundant, and she likes  
11 to keep things simple. Grant asked Leoni if she felt that funds like this for education should be equal  
12 opportunity across the community; Leoni replied it just seems extraneous. Mayor Mattila said this  
13 Resolution specifically establishes an Education and Technology expense line item in the General Fund  
14 budget; Leoni said everywhere besides the first line it mentions NFK.

15

## 16 VIII. UNFINISHED BUSINESS

### 17 A. Ballot Measure – Revise City Charter Sections 12, 32 to Clarify Elected Officials' Residency 18 Requirement

19 Olsen reviewed Murray's spreadsheet (copy attached to original of these minutes) on What Creates a  
20 Vacancy as defined by the Charters of neighboring cities. He pointed out that Depoe Bay is the only one  
21 of the six cities that does not qualify a vacancy by *ceasing to reside in the city*. He said the idea behind  
22 the agenda item is to tighten up the residency requirements to sit on the City Council. Gambino,  
23 referring to the Depoe Bay City Charter, suggested making the following changes:

24 ● To Section 12. QUALIFICATIONS OF OFFICERS: *"No person shall be eligible for an elective  
25 office of the city unless at the time of his election he is a qualified elector within the meaning of the state  
26 constitution and has ~~resided~~ **been a permanent resident** in the city during the twelve (12) months  
27 immediately preceding the election **and throughout his term of office**. The council shall be the final  
28 judge of the qualification and election of its own members."*

29 ● To Section 31. NOMINATIONS: *"A qualified elector ~~who has resided in the city during the twelve  
30 (12) months immediately preceding an election as prescribed in Section 12~~ may be nominated for an  
31 elective city office to be filled at the election."*

32 ● To Section 32. WHAT CREATES A VACANCY: *"...or in the case of a mayor or councilman, upon  
33 his absence from the city for thirty (30) days **in any combination** without the consent of the council..."*

34

35 There was discussion about situations that might cause a Councilor to be absent for more than 30  
36 days; Gambino's response was that it would not always have to be adhered to. Sparks said he would be  
37 comfortable with this if a Councilor could get permission from the Council to be away for e.g. two  
38 months; Gambino said yes that would be possible. Grant said he thought the Council was more or less of  
39 one mind of what the spirit of what they're trying to do here, and how it could be worded so it couldn't  
40 be interpreted another way by a future Council. He said the spirit of what we're trying to say is that you  
41 need to be a resident of Depoe Bay a year previously to run for office and you need to be a resident of  
42 Depoe Bay while you're in office, and a registered voter, and if you're going to leave town for 30 days  
43 or more you need to get the consent of the Council. Fisher-Brown suggested: *"A Councilperson must  
44 maintain a primary full-time residence in the City of Depoe Bay during the term of their office and if  
45 they need to be gone longer than 30 days, there should be a time limit."* Olsen noted that all the City  
46 Charters included in the study were based on the same State document and referenced each of the  
47 Charters, recommending the Council follow similar wording as the other cities. He thought the simpler  
48 the better and the less said the cleaner. He didn't think the wording would be written this evening, but  
49 expected the Council would reach a consensus this evening to drafting a Resolution that we are seriously

1 interested in seeing on the May 19 ballot. He said it would need to be passed by the City Attorney. There  
2 was discussion about the difference between “residence” and “residency”. Mayor Mattila said the City  
3 Charter says it is to be interpreted within the intent of the State Constitution, and that is the most  
4 important verbiage in the Charter.

5  
6 Motion 5: Fisher-Brown moved to amend the charter to add those five words and have the City Attorney  
7 vet that thoroughly, and add that to the City Charter as a permanent amendment. Olsen seconded the  
8 motion.

9  
10 Mayor Mattila said it was moved and seconded, and called for further discussion.

11  
12 Amendment 1: Grant amended Fisher-Brown’s motion to take “those five words” out to not limit the  
13 language to five words, either way it could be shorter or greater, whatever our attorney recommends  
14 would be the best way to resolve this matter in the spirit of what we’re trying to do here. Fisher-Brown  
15 and Olsen accepted the amendment.

16  
17 Mayor Mattila said to amend the verbiage to achieve our goal – it couldn’t be any simpler than that.  
18 From the audience, Mrs. Leoni said she thought they wanted to define residency. Olsen said the attorney  
19 would do that; Mrs. Leoni said that was the question, was defining it. Gambino said he had one other  
20 suggestion for Section 12. After the proposed addition “*throughout his term of office.*” to add  
21 “*Permanent residency is defined as occupying a residence within the city, excluding not more than a*  
22 *total of thirty (30) days of absence in any combination.*”

23  
24 Mayor Mattila called for further discussion. Gambino asked was the motion necessarily stringent  
25 wording. Murray reviewed the motion and the first amendment; Gambino asked what “those five words”  
26 were. Olsen said “*cease to reside in the city*” or “*must reside in the city*”. Mayor Mattila said if  
27 everyone was in accordance, to call the question.

28  
29 Vote: Motion, at first amendment, passed.

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

31  
32 Murray referred to Page 9 of the County, City, and District Referral Manual. She said by adopting this  
33 motion, the Council was directing that the process that would be used is *Governing Body does not*  
34 *prepare ballot title*, because it would be going to the City Attorney. She reviewed that section of the  
35 document, saying a Resolution including the text of the measure would be drafted for the Council’s  
36 approval at the next meeting, and once that is adopted, the next step is the City’s Elections Official  
37 forwards the Council’s text to the City Attorney, and that starts the clock ticking; there’s a challenge  
38 period, notices must be posted, etc. She asked the Council if they wanted to finalize the text  
39 tonight. Olsen said simpler is better, and the public would be deciding. If there are too many changes it  
40 might confuse the issue. Grant said the last sentence: “*The council shall be the final judge of the*  
41 *qualification and election of its own members.*” seemed rather subjective to him, and questioned  
42 whether the Council is bound by the City Charter and the laws and regulations of the State of Oregon or  
43 can they be subjective and supersede any qualification? He questioned whether the Council could waive  
44 the residency requirements. Gambino responded that that State Constitution has to be abided by, but the  
45 Council also has leeway. After brief discussion, Murray reviewed Fisher-Brown’s original Motion,  
46 which was to add those five words, which were *ceasing to reside in the city*. She questioned if that was  
47 all the Council wants to do is to add those words to Section 32 of the City Charter as one of the reasons  
48 that a vacancy is created, because she was hearing different Sections being referred to. She advised the  
49 Council, if they want to draft a Resolution to call for an election to place this on the ballot, they should

1 identify which Sections of the Charter they are going to be amending, and what the amending wording  
2 will be. The motion was amended to not limit to five words, so she was stuck. There was brief  
3 discussion, during which Fisher-Brown said she thought they should stick with the original  
4 motion. Grant said he was fine with the five or six words, but he still felt the problem could recur if the  
5 last sentence was left in (“*The council shall be the final judge of the qualification and election of its own*  
6 *members.*”); Olsen responded that the other vetted cities all have a clause like that, and if we nail it  
7 down too tight we might have trouble finding someone to serve. Gambino suggested changing that last  
8 sentence to “*The council shall have final judge.*” and said that is in the spirit of parliamentary  
9 rule. Olsen asked Gambino what if we were to direct Staff to use those five words, but to also send  
10 Gambino’s text along to the attorney for his feedback; Gambino agreed, and also wanted to include  
11 mention of the Council’s concern about keeping it a little simpler to not scare off voters. Grant quoted:  
12 “We are a nation of laws, not men”, and said those words make these decisions subjective, making it of  
13 men not laws, and goes against the spirit of our founding fathers. There was additional  
14 discussion. Murray summarily reviewed the motion again; to send to the City Attorney that where we  
15 are starting is to add “*ceasing to reside in the city*” to Section 32, and to also provide the attorney with  
16 all of what’s been presented this evening. She said he will understand where the Council’s coming from  
17 and trying to achieve. It was the consensus of the Council that Murray’s review and summary was  
18 correct, and another motion was not required for clarification. Olsen confirmed with Murray that she  
19 would contact the attorney immediately. She said February 27 is the 80-day before election deadline by  
20 which time we must have our ballot title and wording for publication.

21

## 22 IX. NEW BUSINESS

### 23 A. Civil West Engineering Services, Inc. Proposal – Coast Avenue Infrastructure Improvements 24 Pre-Design Report and Cost Estimate

25 Weidner reviewed Civil West’s Scope of Services Proposal (copy attached to original of these minutes)  
26 for the Coast Avenue Project. He liked the proposal, and anticipates the project will be done in phases.

27

28 Motion 5: Olsen moved to accept the engineering proposal from Civil West dated January 9 for the  
29 amount of \$4,950. Gambino seconded the motion.

30

31 Mayor Mattila called for discussion. Grant asked if this project has anything to do with the STIP  
32 (Statewide Transportation Improvement Plan); Weidner replied it does not. Grant clarified that the  
33 project is to fix infrastructure that has been degrading over time, both streets and sewer; he asked  
34 Weidner if the sewer really needs to be redone there. Weidner said the sanitary sewer wouldn’t have to  
35 be replaced, but TV work has shown that some areas have I&I (Inflow & Infiltration) issues that can be  
36 done as point repairs, which is a lot cheaper to do. He said that the Scope of Services would show some  
37 lateral from homes and things like that. Where the main sewer line combines with the line coming from  
38 Gleneden Beach, there will definitely be work done because the line needs to be enlarged from a 15-inch  
39 line to a 24-inch line if we don’t want to have to dig it up again for many, many years. Grant confirmed  
40 Weidner would provide updates to the Council.

41

42 Vote: Motion 5 passed.

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

44

### 45 B. Mental Health

46 Sparks said he invited Ms. Koehn, and it had everything to do with *Mental Health, Can’t We Do More?*,  
47 a State of Oregon legislative initiative that we in the rural community need to focus on. Based on his  
48 own experience with this issue, he has offered to lead to help us address the needs of our city and the  
49 best value for our mental health. Valerie Koehn 278 Hwy 101, said she just moved here from Colorado,

1 where she lived in a rural ranching area where they also looked at how to address mental health in a  
2 rural area with little funding. They creatively collaborated with local entities to develop service delivery  
3 models that could service the community at a low cost. She worked as one of a team of three people who  
4 had a background working in mental health, and with only a car and a phone they reached 200 people  
5 over a period of six months – people who may not otherwise have had contact with somebody who  
6 could provide referrals assessments, or support within the community. The things they addressed  
7 included domestic violence, drug and alcohol abuse, mental illness, and trauma-related illness, things  
8 which we don't identify in communities, but are ever-present in every community. She came to the  
9 Council to provide insight, and to provide support to Councilor Sparks in his initiative, and to let the  
10 Council know that there are models that can be actively utilized in support of local governments and  
11 community members. Sparks said several people are willing to work with them to get this conversation  
12 started. He said it might involve a public-private partnership. He thinks the timing's right and that it  
13 would be a great thing if Depoe Bay were to take this initiative seriously. Fisher-Brown agreed, saying  
14 she had an opportunity to take management services like that in a previous life as well as personal  
15 experience with family members dealing with problems, and knows this can be a real problem in small  
16 communities. She believes it can be a real pro-active move. Grant also spoke in support.

17

18 C. Request for Proposals (RFP) – Harbor Fuel Supplier

19 Murray said with Council's direction, Staff could advertise in the newspaper, generate a list of suppliers  
20 to mail RFPs to, or both. We would ask what they would charge the City over their cost for  
21 fuel. Gambino asked if the prices don't fluctuate with the market; Murray replied it does, but our cost  
22 over the supplier's cost remains the same. She said if the Council wants to generate a list of potential  
23 suppliers to send an RFP to, she wasn't sure who to send it to; Weidner said he wasn't either. Grant  
24 asked if a motion was needed to put out an RFP; Olsen said yes.

25

26 Motion 6: Grant made that motion. Wyatt seconded the motion.

27

28 Mayor Mattila called for the question.

29

30 Vote: Motion 6 passed.

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

32

33 D. Authorization of Travel Expenses – League of Oregon Cities City Day at the Capitol

34 Mayor Mattila said so far he and Sparks were the only two interested in attending and asked if anyone  
35 else wanted to go. Fisher-Brown expressed interest, but was not available on that day. Murray said there  
36 was a \$20 registration fee for each attendee, lodging would be \$240 for two rooms, if the two carpool,  
37 mileage was estimated at about \$85; double if no carpool, plus money for meals. Mayor Mattila said  
38 there was a possibility he would have to go to Portland the next day; Sparks said he could carpool to  
39 Salem, and he would be able to ride home with someone else. Murray said estimated costs without  
40 meals was \$450.

41

42 Motion 7: Olsen moved to authorize up to \$550 for this trip, which should give them money for meals,  
43 lodging, and for carpooling. Gambino seconded the motion.

44

45 Mayor Mattila called for discussion; there was brief discussion, then he called for the question.

46

47 Vote: Motion 7 passed.

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

49

1 E. Proposed Res. #439 – A Resolution to Establish an Education and Technology Expense Line  
2 Item in the General Fund Budget

3 Olsen said this was discussed and talked about.

4  
5 Motion 8: Olsen moved to adopt Res. #439 – A Resolution to Establish an Education and Technology  
6 Expense Line Item in the General Fund Budget. Gambino seconded the motion. (Copy of proposed Res.  
7 #430 attached to original of these minutes.)

8  
9 Mayor Mattila called for discussion; there was none. He called for the question.

10  
11 Vote: Motion 8 passed.

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

#### 13 14 X. CORRESPONDENCE

15 There were two items of correspondence (copies attached to original of these minutes): 1) An email  
16 from Ray Bucheger, a part of the Oregon Ports Lobbying Group in Washington D.C. The email was sent  
17 to several officials with a letter signed by many entities, including Depoe Bay, requesting that small  
18 ports be put back in the President's budget. 2) A letter from Fran Wolford regarding squatters and her  
19 concerns regarding that matter. There was discussion about the content of the letter. It was noted the  
20 letter is a public record. There was a question on whether Ms. Wolford requested the letter be read into  
21 the record; Gambino said she did. Murray said it is the Council's decision whether or not to honor the  
22 request. Fisher-Brown said she could understand the author's passion but did not consider it would be  
23 constructive to read it into the record. There was no objection to not reading the letter into the record.

#### 24 25 XI. CITY STAFF REPORT

26 Murray reported 1) Peggy Leoni has served on the Transportation System Plan Community Advisory  
27 Committee (CAC) as a Planning Commission representative, but would like to see someone else step up  
28 and take over the position, and Planning Commissioner Bob Lewis has indicated he would happily  
29 volunteer to do this. If this is OK with the Council, we'll make this change to the CAC. There was no  
30 objection. 2) At the last Council meeting Staff was directed to put out RFP for a City Attorney. One of  
31 the newspapers identified to be advertised in, the *Sheridan Sun*, has been out of business since last June,  
32 and is referring customers to the *News Register* in McMinnville or the *Newberg Graphic*. The Council  
33 did not indicate they wanted to advertise in those newspapers, as they were outside of District 10. She  
34 confirmed with the Council that they would still direct Staff to proceed with advertising in the *Tillamook*  
35 *Herald*, the *News Guard*, the *News Times*, and the City's website. She said the first publication will be  
36 February 11, and it will be closed on March 4. 3) A reminder about the joint Transportation System  
37 Plan meeting with the Council and the Planning Commission on February 11 at 7 PM.

38  
39 Weidner reported 1) We are having a problem with the dock at the water reservoir caving in and water is  
40 showing up on the other side of the dam. He has hired a certified diver with a business license at \$50 per  
41 hour to inspect the sluice gate to ensure it will be OK to open and close, so it doesn't get stuck open like  
42 it did on a previous occasion. Any findings about what is causing the dock to cave in will be brought  
43 back to the Council at the next meeting. 2) There are areas on Keene Avenue that are going to get sewer  
44 point repairs, a budgeted item. 3) The new vacuum trailer has already been used in Anchor Estates.

#### 45 46 XII. COUNCIL COMMENTS

47 Fisher-Brown – OLCC has added more sessions in reference to implementation of retail sales and other  
48 things related to the marijuana legalization issue. There will be a session in Newport on Wednesday,  
49 March 11 from 7-9 PM. Anyone with questions, comments, or issues, should participate.

1  
2 Sparks suggested to put a new static agenda item on the list and call it Lessons Learned. The reason for  
3 this is because it took more than a year for a formal complaint to get into City Hall. Many citizens and  
4 business owners complained about the abandoned motel for a long time, but it wasn't until a formal  
5 complaint was filed that we were able to get the owner to do something about it. The question is, are we  
6 doing enough to inform the public about the formal complaint process? That's the lesson learned – we  
7 should have had a formal complaint in on the Whale Inn a long time ago because it was a public safety  
8 issue. A Lessons Learned agenda item would be a good opportunity for the Council to discuss how to do  
9 a better job. Mayor Mattila agreed on the subject matter, but felt it was better placed under Council  
10 Comments. Sparks felt it would be appropriate as a static agenda item. Murray explained that static  
11 items are defined in the Council Reference book, appear on every agenda whether or not there is  
12 business associated with them, and have only been changed once since they were established.

13  
14 Motion 9: Sparks moved to add Lessons Learned as a static agenda item. Fisher-Brown seconded the  
15 motion.

16  
17 Grant felt it was more appropriate in Council Comments. Gambino thought it was a great idea, but also  
18 thought Council Comments covers it and many other things that may crop up as well as Lessons  
19 Learned. Sparks said the only point he'd make is that somehow or other we need to take an action item  
20 to make sure the public is better informed on our formal complaint process. We shouldn't have folks out  
21 there running around for a whole year complaining about an abandoned bldg. as a public safety issue &  
22 transient issue & drug issues on 101, without the public knowing that they can come and file a formal  
23 complaint right here, and he did it personally, and we got action on it. That is a lesson learned. He wants  
24 to see somebody say OK let's inform the public about our formal complaint process – maybe it could be  
25 a news story. He felt it was a bad mistake on the City's part to leave that abandoned motel sit there for a  
26 whole year.

27  
28 Mayor Mattila said there was a motion and a second, and called for further discussion. There was none.

29  
30 Vote: Motion 9  
31 Ayes: Grant, Mattila, Sparks, Wyatt  
32 Noes: Fisher-Brown, Gambino, Olsen

33  
34 Murray clarified where the Lessons Learned item should appear on the agenda; Mayor Mattila said  
35 either before or with Council Comments.

36  
37 XII. ADJOURN  
38 There being no further business, the meeting was adjourned at 9:48 PM.

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43 \_\_\_\_\_  
44 A.J. Mattila, Mayor

45  
46 \_\_\_\_\_  
47 Emma LuMaye, Recording Secretary