

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, March 17, 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, K. Wyatt

8

9 STAFF: City Recorder P. Murray, City Superintendent B. Weidner, City Planner L. Lewis,
10 Recording Secretary E. LuMaye

11

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 opened the meeting at 7:04 PM and established a quorum.

18

19 III. APPROVE MINUTES: March 3, 2015 Executive Session and Regular Meeting

20 Motion 1: Gambino moved to approve the minutes of both the Executive Session and Regular Meeting
21 from March 3, 2015. Sparks seconded the motion.

22

23 Mayor Mattila said it was moved 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. Olsen seconded the motion.

30

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

32

33 Vote: Motion 2 passed.

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

35

36 V. SPECIAL ORDERS

37 There were no Special Orders.

38

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

40 Sparks serves on the Lincoln County Local Public Safety Coordinating Council (LPSCC), and offered to
41 provide a report. He said they will be holding a meeting on March 27, and was pleased to pass along that
42 they have agreed to put mental health on their agenda.

43

44 VII. PUBLIC COMMENTS

45 There were no Public Comments.

46

47 VIII. UNFINISHED BUSINESS

48 There was no Unfinished Business.

49

1 IX. NEW BUSINESS

2 A. Depoe Bay Chamber of Commerce – request for Authorization to Use City Facilities for Wooden
3 Boat Show and Crab Feed

4 Beatrice Ray, Secretary for the Chamber of Commerce at 132 SE Hwy 101, was present to answer
5 questions. (Copy of request attached to original of these minutes).

6
7 Motion 3: Olsen moved to close the facilities and allow the Chamber of Commerce to run the Wooden
8 Boat and Crab Feed on April 18-19. Gambino seconded the motion.

9
10 Mayor Mattila called for the question.

11
12 Vote: Motion 3 passed.

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

14
15 Murray said there was also a special event liquor license application for temporary use of an annual
16 license, specific to the Wooden Boat Show & Crab Feed dates at the Community Hall. She said the
17 Council will review the application, then make a determination whether to recommend to OLCC to
18 either grant or deny the application. Chamber Board member Suzanne Treece explained why the
19 Chamber was submitting this application. The Council had many questions which Ms. Treece and Ms.
20 Ray answered.

21
22 Motion 4: Gambino moved to support / approve the application for temporary use of annual license to
23 the OLCC for the event. Wyatt seconded the motion.

24
25 Mayor Mattila said it was made and seconded. Grant asked Gambino whether the motion was to support
26 or to approve the application; Murray said wording on the OLCC form is to recommend, acknowledge,
27 or deny the application. Gambino restated his motion to recommend acceptance. Mayor Mattila called
28 for further discussion; there was none.

29
30 Vote: Motion 4 passed.

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

32 Noes: Olsen

33
34 John O'Brien, 20 Bensell Avenue, is a Chamber volunteer. He said all of the work is done by volunteers,
35 and asked everyone present to encourage friends and relatives to help out, because the same people do
36 the work year after year, and they are getting older and finding it difficult to do so much. Sparks said
37 this is a sustainability challenge, and suggested the Council think about creating a foundation or a
38 501(c)3 charity to start to raise money for these legacy events, and to recruit and have paid staff. Mayor
39 Mattila asked Sparks to write something up for the Council to review at a later date.

40
41 B. Proposed Ord. 302 – An Ordinance Amending Ord. 243, An Ordinance for the Licensing of
42 Businesses, Professions, Trades, and Occupations for Revenue Purposes; Adding Regulations for
43 Medical Marijuana Facilities Operating within the City of Depoe Bay; Repealing Ord. 300
44 Declaring a Moratorium on Medical Marijuana Facilities; and Declaring an Emergency

45 Murray explained the ordinance adoption process for the benefit of new Councilors. She said the draft
46 ordinance had been reviewed by the City Attorney.

47
48 Motion 5: Fisher-Brown moved to read this by title only. Grant seconded the motion.

49

1 Mayor Mattila said it was made and seconded, and called for further discussion. There was none.

2

3 Vote: Motion 5 passed.

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

5

6 Murray read proposed Ord. 302 by title only, then called for questions or comments from the audience.

7 There were none. She asked for a motion to approve Ord. 302 at the first reading.

8

9 Motion 6: Grant moved to approve at the first reading. Wyatt seconded the motion.

10

11 Mayor Mattila called for discussion. Grant discussed the meaning of the ordinance title terminology
12 “and Declaring an Emergency”. Murray said what it means for the City of Depoe Bay is that the
13 ordinance is effective upon adoption by the Council and if an emergency isn’t declared, the ordinance
14 becomes effective 30 days later. Fisher-Brown said we’ve given the public every possible opportunity to
15 provide their input, and she didn’t think there was any reason to not expedite the adoption. 3) Gambino
16 identified two typos on Page 2. He said he didn’t think there should be a business or entity’s name in an
17 ordinance, and that it should be more generic. Fisher-Brown and Sparks agreed. Wyatt said she thought
18 the purpose of naming NFK was because it isn’t a school; Olsen agreed, saying we put it in there to
19 protect them, and suggested identifying the location as Tax Lot 7400 instead. Fisher-Brown said her
20 understanding was that they are enacting this ordinance to get around the zoning issue by enacting an
21 exclusionary zone in an ordinance, and the ordinance could be changed later if necessary. Gambino
22 asked Lewis about the more generic wording in the previous draft ordinance; Lewis said the original
23 language was a variation of the State regulation that talks about schools, and the Council talked about
24 places primarily attended by children or minors. He said we could go back to that, but need to be as clear
25 as we can. Mayor Mattila said in 2016 we’re going to be re-voting anyway, so let’s do it, and if we have
26 to change it later, that’s what we’ll do. Grant agreed with the Mayor, and said he was letting the motion
27 stand. Mayor Mattila called for additional discussion; there was none.

28

29 Vote: Motion 6 passed.

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

31

32 Murray said the vote was unanimous, so the Council could perform the second reading tonight if they
33 want.

34

35 Motion 7: Olsen moved to proceed with the second reading of the ordinance, without the text. Gambino
36 seconded the motion.

37

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

39

40 Vote: Motion 7 passed.

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

42

43 Murray performed the second reading of proposed Ord. 302 and noted two typos will be corrected. She
44 called for questions or comments from the audience. There were none.

45

46 Motion 8: Fisher-Brown moved to adopt the ordinance with the corrections as presented. Sparks
47 seconded the motion.

48

49 Mayor Mattila called for discussion. There was none.

1
2 Vote: Motion 8 passed.

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

4
5 Murray said the ordinance is adopted and will be signed by the Mayor this evening or tomorrow, and
6 will be effective immediately. There was brief discussion about meetings attended by Councilors.

7
8 C. Responses to City Request For Proposals (RFP)

9 • City Legal Services

10 Motion 9: Olsen moved to approve David Gordon as the City Counsel for the City of Depoe Bay.
11 Gambino seconded the motion.

12
13 Mayor Mattila said it was made and seconded, and called for comment. There was none.

14
15 Vote: Motion 9 passed.

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

17
18 Murray asked the Council if they wanted to use the same legal services agreement format that is
19 currently in use, or if they wanted to review the agreement and make changes before forwarding to Mr.
20 Gordon for signature.

21
22 Motion 10: Grant moved that we send the draft form of counsel agreement to our new Counsel, in the
23 form that we already have in place. Olsen seconded the motion.

24
25 Mayor Mattila called for further discussion. There was none.

26
27 Vote: Motion 10 passed.

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

29
30 Murray said she would pencil in review of the agreement for the next agenda.

31
32 • Municipal Software

33 Murray reported five proposals were received. Staff has started the review process, which will be very
34 thorough and detailed because each of the proposals' formats is different, and Staff wants to bring a
35 good recommendation to the Council. Sparks offered to be on the sidelines to bounce things off of but
36 doesn't want to interfere; Murray thanked Sparks. Staff will contact him for any assistance needed.

37
38 • Harbor Fuel Supplier

39 Weidner said he and Murray put out an RFP which he got two responses to (copy of memo dated
40 3/17/15 attached to original of these minutes). Marc Nelson Oil's markup proposal was 50¢ per gallon
41 for non-ethanol gasoline and 45¢ per gallon for bio-diesel; Carson Oil's markup is 25¢ per gallon for
42 non-ethanol gasoline and 14.9¢ per gallon for bio-diesel. There was brief discussion. Grant said a new
43 law was just passed which will make it much more difficult to obtain non-ethanol fuel; Mayor Mattila
44 noted he will not put anything besides non-ethanol fuel in his boat.

45
46 Motion 11: Gambino moved to stick with Carson Oil on these two RFPs. Olsen seconded the motion.

47
48 Mayor Mattila called for further discussion. There was brief discussion.

1 Vote: Motion 11 passed.

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

3
4 D. Harbor Master Plan Advisory Committee (HMPAC) Membership – Exploration of Funding for
5 Harbor and Other Infrastructure

6 Murray said the Mayor put this item on the agenda after last week's HMPAC meeting, where funding
7 for harbor improvements was discussed. She also said Sparks sent an email with several attachments
8 relating to public/private partnerships (copy attached to original of these minutes), which was distributed
9 to the Council. Mayor Mattila said he's trying to get the Harbor Commission and the HMPAC to make a
10 list of priorities, and then try to secure funding. Olsen suggested the HMPAC and the Harbor
11 Commission have a joint meeting. Sparks agreed, and suggested bringing in a professional facilitator to
12 improve interpersonal communications between the committee members. Olsen said some of the
13 Council should attend the joint meeting as well. Grant said he was on the HMPAC and gave a verbal
14 resignation at the last meeting because 5:30 meetings don't fit into his schedule; but after looking at
15 what they came up with at the meeting he missed, he begged the Council to take his verbal resignation
16 back, and said he'd like to continue to serve on the HMPAC. He offered to moderate at the joint meeting
17 if the Harbor Commission is willing. Mayor Mattila said Dick Johnson, the Urban Renewal Chair, has
18 put a lot of work into this, and is the pathway to a lot of funding. Sparks said we have to sit down and
19 start to become strategic managers of our business. Weidner said that master plan development moves
20 along very quickly with the help of an engineer. Olsen said the Harbor Commission and the HMPAC
21 need to meet and hear what each other has to say; and he would ask Staff to organize a joint meeting for
22 both groups, and have as many Councilors come as are able. Weidner said there's grant money for this
23 project; Sparks asked if the grant money included the opportunity to fund a professional
24 facilitator. Grant confirmed with Weidner that the grant he was speaking of was for development of the
25 Harbor Master Plan, and was for \$15,000. He asked if the City was paying for the engineering that's
26 doing the docks and pilings. Murray said yes, and that money from the grant could be applied toward
27 those engineering costs of \$42,000. She explained that the engineering is for preliminary design
28 alternatives with cost estimates which will be presented for the Council's review. Mayor Mattila said
29 we've got the ball rolling, so let's get some peace between the HMPAC and the Harbor
30 Commission. Olsen asked Sparks if he would be willing to facilitate the first meeting; Sparks said he's a
31 professional facilitator and he would be happy to do that.

32
33 Motion 12: Olsen moved to have a joint meeting between the Harbor Commission and the Harbor
34 Master Plan Advisory Committee, and that the meeting is facilitated the first time only by Steve Sparks,
35 and we feed them. Gambino asked Olsen to state the purpose of the meeting; Olsen said the purpose of
36 the meeting is to bring them together and say hello, let's talk about what's going on in our harbor. Wyatt
37 seconded the motion. Olsen added that the meeting should start at 7 PM or later. Murray asked for
38 clarification if this would be a joint meeting between the City Council, the Harbor Commission, and the
39 HMPAC; Olsen said yes.

40
41 Mayor Mattila called for further discussion. Grant said the meeting should be under the same restraints
42 that the Council has; loud, impertinent comments and screaming are not allowed. Sparks said format for
43 facilitating includes strong rules that people learn up front must be followed; and that a facilitator is not
44 always nice about those sorts of things, but he has to keep people focused. The outcome is to get the
45 serious issues that everybody wants to talk about up on the white board. You don't solve the problems
46 during the facilitating session; you get everybody to talk about their issues. Mayor Mattila said Sparks as
47 facilitator will be the Chair, and we'll go by Robert's Rules.

48
49 Vote: Motion 12 passed.

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

2
3 The Agenda was slightly rearranged.

4
5 G. Municipal Court

6 Mayor Mattila, addressing David Gordon, said he and others would like to see a municipal court in town
7 for several reasons. He charged Gordon to give the Council the groundwork that it will take to put it
8 together. Gordon said there are two things municipal courts traditionally have: 1) code enforcement, and
9 2) traffic violations/enforcement. Necessary components to have in place are: 1) a code enforcement
10 officer, 2) someone to issue citations, and 3) a municipal judge. There was discussion about how much
11 of the money that would be collected would come to the City. Wyatt initiated brief discussion about
12 whether the cost would be worth the revenue; Gordon said Waldport has a code enforcement officer for
13 one day a week; but for traffic violations a law enforcement person would be required. He said the right
14 judge has to be hired – one who knows what their purpose is, which is to ensure that the system pays its
15 way. Grant asked what kind of code violations; Gordon said for example zoning enforcement issues like
16 when someone builds something where they shouldn't, or issues where people allow garbage to pile up
17 which becomes a nuisance and violates the code. Grant said he could see it becoming burdensome to the
18 residents and wondered whether that's what the citizens of Depoe Bay would really want. Fisher-Brown
19 said she is in favor of establishing a municipal court because the codes are there for a reason, and there
20 needs to be teeth so the rules can be enforced. Weidner is the City's enforcement officer; he said half the
21 people who come in to City Hall with a complaint won't fill out a complaint form, which is our
22 process. Olsen said tonight's discussion was to put this item on the radar, and asked Gordon what the
23 next steps are: 1) adopt an ordinance creating a municipal court; 2) contract with a municipal judge, and
24 3) designate a code enforcement officer. Olsen said Weidner's job and code enforcement are two
25 different jobs, so we'll need somebody else to do that. He would like to see a pro-forma of how much
26 it's going to cost – is it going to be revenue-neutral? Gordon suggested seeing what Waldport and
27 Toledo have done, such as what level of activity they've had in the past 12 months, what their revenues
28 are, and what they've expended on a judge and code enforcement officer.

29
30 Motion 13: Olsen moved to direct Staff to go to sister cities in this county that have a municipal court
31 and find out how much it costs, how they do it, how often they meet, yada yada yada, maybe a few
32 months' snippet - whatever they can share. Olsen asked Murray to re-state his motion: *To direct Staff to*
33 *go to sister cities to obtain cost information on municipal courts*. Wyatt seconded the motion.

34
35 Mayor Mattila called for discussion. Grant said if we move forward with this idea, he thinks it should be
36 referred to the voters. Wyatt said the Council has a lot on its plate and taking this on now is probably not
37 the right time; she supported Grant's suggestion to send it to the people for a vote. Olsen still wanted to
38 see the numbers. Sparks also wanted to see some preliminary work on this. Gambino called for the
39 question. Olsen asked for the motion to be restated: *Direct Staff to go to sister cities to obtain cost*
40 *information and details on municipal courts*. Mayor Mattila called for the question.

41
42 Vote: Motion 13 passed.

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

44 Noes: Grant, Wyatt

45
46 Murray said motion passed.

47
48 E. Haselton Place Storm Drain System Re-Construction

1 Weidner reported there's never been a designed storm sewer in this area. Some of the property owners
2 on the west side of the street have had movement of the hillside, and some of the homes on the east side
3 of the street have been flooding. He explained what he has done to mitigate the situation so existing
4 homeowners won't have any further issues with storm water.

5
6 F. Sunnyview Lane Street Overlay and Storm Drain System

7 Weidner said when Stonebridge was built, the Fairwind Court cul-de-sac blocked off the storm water, so
8 Sunnyview storm water has to be re-routed and will involve a catch basin. But instead of using a culvert,
9 we can use an asphalt overlay and have that feather into a catch basin system. He presented Sunnyview
10 Lane asphalt overlay price quotes from the only two local companies that work with asphalt: 1) Road &
11 Driveway \$2,400, and 2) Gettis Paving \$2,600; and recommended the Council approve the quote from
12 Road & Driveway.

13
14 Weidner presented his Staff Report: 1) Vista Street has flooding issues and will need two catch basins,
15 which he plans on having Dan Price install next week. A Vista Street overlay was in the budget, but this
16 will wait until the Vista Force Main Project is complete. 2) Crew is installing a fire hydrant on Carson
17 Street. 3) The new safety signs are installed on Shell Avenue. 4) The two flashing watch for children
18 signs on South Point each cost \$35 per month for electricity. He can get a solar flashing light for about
19 \$50, and save the City quite a bit of money over time. He needs Council approval to do this because the
20 signs were placed by Council motion. 5) He will be putting out an RFP for I&I (Inflow & Infiltration)
21 work on Coast Guard Drive to get water out of the sanitary sewer line. The water gets in through
22 cracked pipes and offset connections. This project is in the budget. He asked for Council authorization to
23 proceed with the overlay of Sunnyview Lane, and to upgrade the flashing lights on South Point Street.

24
25 Motion 14: Gambino moved to approve \$2,400 from Road & Driveway to make the storm drain overlay
26 system for Sunnyview Lane. Grant seconded the motion. Fisher-Brown disclosed she lives in the
27 Sunnyview area, but is not a property owner.

28
29 Mayor Mattila called for the question.

30
31 Vote: Motion 14 passed.

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

33
34 Motion 15: Olsen moved to replace the signs on South Point Street as Brady has suggested. Gambino
35 seconded the motion.

36
37 Mayor Mattila called for discussion. Murray explained that the City's agreement with PUD says that any
38 time we add a street light, we amend the agreement, and asked Olsen to please add to his motion
39 specifically to discontinue the expenditure with PUD. Olsen and Gambino accepted Murray's
40 suggestion. Grant asked for the motion to be re-stated: *To replace the signs on South Point and eliminate*
41 *the PUD electrical to those signs.* Mayor Mattila called for the question.

42
43 Vote: Motion 15 passed.

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

45
46 Weidner said on the afternoon of March 8, City Crew member Pogo Robison helped save a gentleman's
47 life downtown, by performing CPR with a police officer. Sparks wanted to recognize Pogo and hoped to
48 see this in the newspaper.

1 Motion 16: Wyatt moved to acknowledge Pogo for saving a life and the Council will sign and present it
2 to him. Gambino seconded the motion.

3

4 Mayor Mattila called for the question.

5

6 Vote: Motion 16 passed.

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

8

9 X. CORRESPONDENCE

10 There was one item of correspondence (copy attached to original of these minutes), a letter from the
11 Newport, Depoe Bay, and Lincoln City Chambers of Commerce inviting the Mayor and Council to
12 breakfast at the Surfrider Clarion to talk about the opportunity the 2017 solar eclipse will bring. Please
13 RSVP by March 25.

14

15 XI. CITY STAFF REPORT

16 Weidner (see above)

17

18 Murray reported the ballot measure amending the City Charter has been filed, and will appear on the
19 May 19 ballot.

20

21 XII. COUNCIL COMMENTS

22 Fisher-Brown thought Mr. Robison did a wonderful thing on Sunday, and encouraged people to stay up
23 to date on lifesaving techniques. She also said that a good Samaritan law covers anyone who makes a
24 sincere attempt to save a life.

25

26 Sparks said John O'Brien really got his attention tonight. He said we have another call to action
27 challenge, which is to bring together the community events that we have, and find a way to make them
28 sustainable. The events should be structured under the umbrella of a foundation or a 501(c)3 so we can
29 raise money for them, manage them more effectively, and they'll be here for years to come. He would
30 like to see this on the agenda, to bring everyone in the community together to address how we preserve
31 our community events, make them sustainable, and develop a succession plan.

32

33 Wyatt 1) Responding to Sparks' comment, said Lincoln City and Newport have a lot of sponsors that
34 help with their events, so we might consider that. 2) She said when there's something new on the
35 agenda, perhaps Councilors could be called or contacted so they're aware and not blindsided.

36

37 Olsen 1) There is a fish fry fundraiser for Fleet of Flowers on April 15 at the Sea Hag. 2) If you got a
38 packet in the mail from the Economic Interests for Ethics Commission, make sure to get it filled out and
39 send it in.

40

41 Gambino asked Murray to confirm this is the last year you cannot fill out your ethics paperwork online,
42 and that next year online will be the only option for completing the forms.

43

44 Grant requested two items for the agenda: 1) Change in boat ramp launch fee for boats and trailers, and
45 the methodology used to collect it; and 2) That Staff provide a breakdown on what it costs the City to
46 pay the discount fee to credit card companies on the fuel. He is interested in changing the mechanism
47 and charging more for credit card purchases and less for cash purchases, or whatever way seems the best
48 way for the City to recoup some money. He would like to see this item on the next agenda.

49

1 Wyatt said she should take responsibility and contact the Mayor or President before the meeting if she
2 has a question on an agenda item.

3

4 Mayor Mattila said that was very large of Wyatt, but that she was correct in that he hadn't discussed the
5 item with anybody, but it's been on his mind for a long time. There are so many good things about a
6 municipal court, but whether or not we can do it financially is another thing.

7

8 Olsen clarified with Grant that the item he wanted on the next agenda was the fuel item, and asked
9 Murray to put that on the April 7 agenda. Murray clarified with Grant that what he was requesting was
10 credit card costs specific for fueling.

11

12 XIII. ADJOURN

13 There being no further business, the meeting was adjourned at 9:42 PM.

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15

16

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18

19

A.J. Mattila, Mayor

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21

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23

24 Emma LuMaye, Recording Secretary