

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, May 5, 2015 - 7:00 PM  
4 Depoe Bay City Hall

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6

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

8

9 ABSENT: K. Wyatt

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

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15 I. PLEDGE OF ALLEGIANCE

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

17

18 II. CALL TO ORDER

19 Mayor Mattila opened the meeting at 7:00 PM and established a quorum.

20

21 III. APPROVE MINUTES: April 21, 2015 Executive Session and Regular Meeting

22

23 Motion 1: Fisher-Brown moved to approve the minutes from the last meeting. Sparks seconded the  
24 motion.

25

26 Mayor Mattila called for the question.

27

28 Vote: Motion 1 passed.

29 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

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31 IV. ACCOUNTS PAYABLE

32 Motion 2: Gambino moved to accept Accounts Payable as received. Olsen seconded the motion.

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

35

36 Vote: Motion 2 passed.

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

38

39 Olsen advised the Executive Session minutes needed to be approved.

40

41 Amendment to Motion 1: Fisher-Brown amended her motion to include the Executive Session minutes.  
42 Sparks seconded the amendment.

43

44 Mayor Mattila called for the question.

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46 Vote: Motion 1, as amended, passed.

47 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

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1 V. SPECIAL ORDERS

2 A. Oregon Liquor Control Commission (OLCC) Permit Renewals – Sarah Morgan

3 Sarah Morgan said the new OLCC Licensing Director prompted her presentation because some cities  
4 feel that their recommendations were not being followed. She reviewed information presented in a  
5 handout (copy attached to original of these minutes), covering reasons a renewal can be denied and  
6 reasons it can't. She said the City can make a recommendation even before a business submits their  
7 renewal application. She fielded questions regarding marijuana, saying there's recently been a  
8 committee established to create the guidelines for recreational marijuana, and they hope to have the rules  
9 in place by November, and the OLCC will begin taking applications for retail marijuana outlets in  
10 January. She is not on the committee. She suggested the City use the Time Place and Manner handout  
11 when developing regulations for recreational marijuana. She said you can sign up to receive information  
12 on the OLCC website. She said the OLCC will be overseeing recreational marijuana; the Oregon Health  
13 Authority has jurisdiction over medical marijuana. She said it would be unlikely to see on-premises  
14 consumption because the bill says you can't consume marijuana in public.

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

17 A. Salmon Enhancement Commission – Oregon Department of Fish and Wildlife (ODFW) R&E  
18 Grant Program Application for North Reservoir Fish Pen and Dock Float Project

19 Beanie Robison Salmon Enhancement Chair, reported the total cost estimate for the project is \$32,000.  
20 He requested a motion of support from the City and \$8,500 for the project. Olsen said this item will be  
21 discussed at Thursday night's Budget meeting. Mr. Robison said the application deadline is June 5.  
22 (Copy of memo from Mr. Robison dated 4/4/2015 attached to original of these minutes.)

23  
24 Motion 3: Olsen moved that the City put up the \$8,500 and put it in the Salmon Enhancement fund and  
25 that it is for Beanie to get the application for a matching grant. Sparks seconded the motion.

26  
27 Mayor Mattila said it was moved and seconded, and called for the question. Grant asked for discussion.  
28 He said this would show the City wants to be a stakeholder in salmon enhancement; Mr. Robison with  
29 due respect corrected Grant, saying the City is already an on-going stakeholder in the project, socially,  
30 economically, and educationally. Olsen said June 5 or June 6 is the statewide free fishing day this year,  
31 and asked Mr. Robison about opening the reservoir up to the kids at NFK (Neighbors For Kids) to come  
32 up there that one day, and do a little fishing to get them involved in the process up there; Mr. Robison  
33 deferred to Weidner because it's on City property. Gambino said Big Creek is flat and wide, and  
34 questioned whether our reservoir would be safe for children because of the terrain. Weidner said it's  
35 quite steep, but if it's a handful of children with parents and life jackets on a scheduled date, we've done  
36 that before. Sparks said other hatcheries have fishing safety for children. He said we need to teach kids  
37 safety, and he'll be the first one if you let him bring his fishing pole. Mayor Mattila said children have  
38 been coming to fin clipping for some time with no problems, and he would also like to see participation  
39 from the Kids Zone.

40  
41 Vote: Motion 3 passed.

42 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

43  
44 Motion 4: Olsen moved that Staff figures out what day of the month it is, it's going to be a Saturday, to  
45 open up the fishing in our reservoir for just one day, that day, to the children of NFK, providing that all  
46 the safety has been laid out and we do all the proper protocols. Sparks added sending a letter to the chair  
47 of Neighbors For Kids inviting them to participate; Olsen said Staff can be directed to do that and it  
48 doesn't complicate the motion. Gambino seconded the motion.

1 Mayor Mattila said it was made and seconded, and called for further discussion. Olsen agreed with  
2 Sparks' suggestion to direct Staff to send a letter to NFK inviting them to participate in the event. Grant  
3 reinforced the point Weidner made about secure drinking water and making sure we have a nod from the  
4 State. Mr. Robison said he also needed a letter of commitment from the City; Murray added that along  
5 with the grant application, the City typically would provide a cover letter of support signed by the  
6 Mayor. She said a motion was not necessary, if there is no objection. There was no objection.

7  
8 Vote: Motion 4 passed.

9 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

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11 VII. PUBLIC COMMENTS

12 Bruce Silver, 420 SW Cardinal Street, informed the Council that he anticipates the Memorial Wall will  
13 be full in about four years. He said he's already spoken with Parks Commission Chair Bill Spores and  
14 the Budget Committee about this, but no action has been taken. There was brief discussion. This item  
15 will be passed to the Parks Commission for discussion at their May 20 meeting.

16  
17 VIII. UNFINISHED BUSINESS

18 A. Offer of Gift of Property to City – Kurt Granat, Depoe Bay Parking LLC  
19 Mayor Mattila called for discussion. Grant thought it would be unwise at this time for the City to move  
20 on this, and that the parking won't go away. He said if the City takes it over, we'd be giving special  
21 precedent to that property owner that other property owners of commercial businesses don't have, and  
22 questioned who would benefit. Sparks said he read and re-read the proposal multiple times, and can't  
23 find any benefit to the City. Fisher-Brown said the people she works for are renters in that building, and  
24 the business has a lot of repeat customers who want to park near the store. She said a lot of business  
25 owners on the north end of downtown experience frustration because people don't want to have to walk  
26 very far. She referred to mitigating circumstances, and encouraged the Council to accept the offer. She  
27 said if any other business owner or property owner in the downtown area wanted to make an offer  
28 similar to that, they're more than welcome to, in her opinion. Olsen said the thing he has the biggest  
29 problem with is making an exception to the parking rules and providing a variance, because what has  
30 happened before should be consistent, but now we are considering changing that. He asked Staff what  
31 would have to happen for the City to accept the gift with regards to the zoning. Lewis came to the  
32 podium and said he had reviewed previous approvals from Lareisa Plaza, and based on what he found,  
33 the number of parking spaces required for the development and the number of spaces that are available  
34 are essentially identical; so if any parking spaces are taken away from the subject lot, Lareisa Plaza will  
35 fall below the minimum parking requirement. He also said that if the adjacent neighbor's access is an  
36 official easement, at least one parking space would be lost. He said there have also been discussions  
37 about if that were a City lot, would there be opportunities for any other kind of facilities; on one hand  
38 the answer is yes, but that would take away even more parking spaces than currently exist. He didn't see  
39 how accepting this gift of property would benefit the overall parking aspects that are needed in the City.  
40 One final thing he wanted to mention was that either property owners, business owners, or residents of  
41 Lareisa Plaza have easement agreements to use those parking spaces, so if the City were to take that  
42 property, there could be some issues there where even though it's City property it could still be  
43 dedicated to those people who have easement agreements, who would have first choice of parking  
44 spaces. Sparks said there's a larger issue of parking development. He said the patchwork discussion can  
45 go on forever, and said we need to make a commitment as a City to do that overall parking development.  
46 He said he's not comfortable with patchwork decision making. Lewis said there was a parking  
47 management study that was done at least 10 years ago through the Oregon Downtown Development  
48 Association, and maybe it's time to update that study. Grant was worried about unintended  
49 consequences if the property is accepted by the City. It was his understanding that Lareisa Plaza is

1 required to have 69 spaces, and if the City receives the gift under the conditions laid out, they would  
2 have zero requirements for parking. Lewis said his concern was if the City takes the gift and it opens up  
3 to become general purpose public parking, an argument can be made that it takes away from Lareisa  
4 Plaza parking spaces that are required to be in place. Gambino said for years it's been Lareisa Plaza  
5 parking and it's always been posted "public parking"; he wondered how they could do that if at least ¾  
6 of that was required for Lareisa Plaza tenants and customers. Lewis referred to the parking study that  
7 was done, explaining that owners of private parking lots were asked to open their lots up to the public,  
8 and the majority complied. Fisher-Brown asked 1) if the lot as currently configured lost any spaces  
9 when it was reconfigured, and 2) what is Lewis' take on the current easement that exists for the adjacent  
10 property owner. She said there is no parking spot designated in the area of the adjacent property owner's  
11 easement. Lewis said that space was originally granted, and a parking space was not lost, so it's  
12 fine. Fisher-Brown would like to take public input, especially from business owners, who she feels will  
13 be negatively impacted if we allow that lot to sit empty. Olsen said this has been in front of the Council  
14 for almost a year, and if the Council was going to take action tonight, it should be a final decision and to  
15 let the Granats know we're either going to take it or not take it. Sparks wondered what we need to do as  
16 a Council to launch a parking development study. Olsen said to start with the existing study. Mayor  
17 Mattila said Depoe Bay really needs parking, especially since ODOT took some spots away on the right-  
18 of-way. He said the Granats have offered this parking lot to the City several times, and Depoe Bay needs  
19 parking more than whether it's right or wrong. He said it bears merit to accept the property, and he  
20 thinks it's in the good of the City to accept the offer.

21

22 Motion 5: Grant moved to respectfully decline the offer by the Granats to the City, based upon current  
23 parking regulations within the City. Sparks seconded the motion.

24

25 Mayor Mattila called for further discussion. Fisher-Brown said it's entirely possible the Granats may sell  
26 the property to someone else; Olsen replied they'd be in violation of our zoning code. Grant agreed we  
27 need to give the Granats an answer now, and expressed concern that accepting the property under the  
28 conditions it's offered could set a precedent that results in a hyperbolic scenario of businesses wanting to  
29 have parking waived. He thought it's worth more discussion and more involvement of the stakeholders.  
30 (Copy of email and letter from Kurt Granat dated 4/14/2015 attached to original of these minutes.)

31

32 Vote: Motion failed due to tie vote.

33 Ayes: Grant, Olsen, Sparks

34 Noes: Fisher-Brown, Gambino, Mattila

35

36 Olsen said this item should either be scheduled for another vote at another Council meeting, or open it  
37 up to a public discussion, but the Granats need to be given an answer. Grant said if there's going to be  
38 another motion, he begged the Council to publicize this, because it has far-reaching implications. If the  
39 City takes this property based on the Granats' conditions, then the Council owes it to the rest of the  
40 property owners that are in compliance to tell them what we're up to. Gambino disagreed because the  
41 item has appeared on multiple agendas which get posted around town. There was additional  
42 discussion. Sparks said this one decision is a patch for a bigger problem, and begged the Council to  
43 think about the global requirements of parking in the context of this decision. Mayor Mattila said we'll  
44 have to get with the Planning Commission and Lewis, and figure out how to get more parking. However  
45 it comes down, maybe we'll have to change the parking values for businesses, then that's what  
46 ultimately will have to happen in the future.

47

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1 B. Land Acquisition

2 Mayor Mattila said there is a piece of property the City has been interested in acquiring at the bottom of  
3 Shell Avenue for parking. Weidner said he and Murray checked the assessed value of the lot, which is  
4 \$15,600 and is located between the condos and where the *Jim Bob* is. The property could be leveled and  
5 used for boat trailer parking. Grant asked if the property owner had been contacted; Weidner said we  
6 contacted them last year, and they weren't interested in selling at that time. Murray pointed out the lot  
7 size is 0.11 acre. Olsen noted the assessed value and asking price are two different things. He'd also like  
8 to discuss this in context with the next agenda item, because there's an opportunity to work on the  
9 parking issue in D.C. He suggested asking Staff to inquire to see if they want to sell the property. There  
10 was no objection. Grant said as a business owner and a property owner, he's here to advocate for  
11 downtown. He said this property would provide more parking for the marina, and the only two parking  
12 lots the City owns are at the harbor. In his opinion, with the limited resources we have, he would  
13 behoove the parking issue be thrown into where we should spend our dollars. Mayor Mattila said Staff  
14 will look into the price and report back to the Council.

15  
16 C. Authorization of Travel Expenses to Washington DC – Mayor and Council President

17 Murray had a cost estimate for two people to take a five-day-trip to Washington DC. The cost estimate  
18 of just over \$7,000 included all travel, lodging, and meal expense. Olsen said he and the Mayor had a  
19 teleconference today with Fred Abousleman about what we need. Mr. Abousleman said some research  
20 needs to be done, and suggested mid-fall as the best time to go. He said personal presentation is  
21 important, as is going to different agencies with a general plan. Also, have a slick presentation of the  
22 town and its worth to the community and region, focusing on the economy. He said the more  
23 information you give them, the less likely they are to look at it. He also suggested making a presentation  
24 to representatives in Salem in August to let them know there is a Washington DC trip planned, because  
25 most small cities don't do this anymore due to budgetary constraints. Mr. Abousleman recommended  
26 that we need to present ourselves and our program, and stay with it and follow every step along the way  
27 and guide them to the conclusion that Depoe Bay is important and we need the funding. Once the visits  
28 have been made, we continue to work our plan to finalize the items, with follow-up occurring in January  
29 or February. He noted the cost estimate was partially dependent on travel dates.

30  
31 Motion 6: Olsen moved that we continue on the path to go to Washington DC to do this PR trip in  
32 advance of our packet and our presentation next Spring. He asked for a second so he could add a caveat,  
33 then withdrew the motion for further discussion. There was brief discussion.

34 Motion 7: Olsen moved to authorize Staff to continue on the process, and to help us work towards going  
35 to Washington DC in the fall. Grant seconded the motion.

36  
37 Mayor Mattila called for further discussion. Sparks said he gets a lot of feedback from citizens of Depoe  
38 Bay, and they really appreciate the deliberation on this subject. He thanked Olsen for his homework and  
39 due diligence. Olsen asked to have this item on the next agenda, and have Murray report on her inquiries  
40 and research. He said we're talking about the harbor, Congress, sewer, infrastructure, and we need some  
41 breakout groups. He also thought we should deliberate with professional help to put together packets so  
42 they sing. Grant encouraged organizing the trip, and commented that lobbyists are paid to get things  
43 done, and that's why they're able to stay in business. He also encouraged one or more Councilors  
44 besides the Mayor and the President, to meet with our lawmakers. If one more Councilor wanted to go to  
45 DC and the Council was of a mind to approve three and more than one Councilor was interested, we  
46 could put names in a hat. He declared he is not interested in going to DC.

47  
48 Vote: Motion 7 passed.

49 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

1 IX. NEW BUSINESS

2 Planner Services Contract Renewal

3 Lewis spoke briefly about the contract renewal, then answered questions from the Council. There was  
4 brief discussion. (Copy of renewal agreement attached to original of these minutes.)

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6 Motion 8: Grant moved that we retain Mr. Lewis as our City Planner, with the new rates. Fisher-Brown  
7 seconded the motion.

8  
9 Mayor Mattila said the motion was made and seconded, and called for further discussion. There was  
10 none.

11  
12 Vote: Motion 8 passed.

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

14  
15 B. Fleet of Flowers – Request Authorization to Use City Facilities for Memorial Day

16 Debby Metz requested the Council’s permission to hold the 70<sup>th</sup> Fleet of Flowers ceremony; set-up to be  
17 done on Sunday afternoon with cleanup done by Monday at 2:00 PM.

18  
19 Motion 9: Gambino so moved. Fisher-Brown seconded the motion.

20  
21 Mayor Mattila called for the question.

22  
23 Vote: Motion 9 passed.

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

25  
26 C. Bid Award – Harbor Pump-Out and Dump Station Boating Improvement Project

27 Weidner recommended the Council approve the bid from EMP Industries at \$15,999. There was brief  
28 discussion. (Copy of Weidner’s written recommendation attached to original of these minutes.)

29  
30 Motion 10: Gambino moved to approve Brady’s recommendation for EMP Industries’ quote for \$15,999  
31 for the grant from the State Marine Board. Olsen seconded the motion.

32  
33 Mayor Mattila said it was moved and seconded, and called for further discussion. There was none.

34  
35 Vote: Motion 10 passed.

36 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

37  
38 X. CORRESPONDENCE

39 There was one item of correspondence (copy attached to original of these minutes): an email from  
40 Cheryl Carlton at Council of Governments regarding a Proclamation for Older Americans Month, May  
41 2015; there was a Proclamation specific to the City of Depoe Bay attached. There was brief  
42 discussion. Murray said a motion would be needed to proclaim Older American Month as May 2015.

43  
44 Motion 11: Sparks said he just made that motion. Fisher-Brown seconded the motion on behalf of all the  
45 people who eventually are going to be older.

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2 Mayor Mattila called for discussion. There was none.

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4 Vote: Motion 11 passed.  
5 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

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7 XI. CITY STAFF REPORT

8 Weidner reported 1) He is transitioning the temp service worker to the harbor because halibut season is  
9 starting and he needs help with fueling. The temp worker has insurance through the temp agency. He's  
10 currently paid \$11 an hour, and Weidner would like to give him a \$2 an hour raise. Olsen commented  
11 that if the temp worker is on the Affordable Care Act, giving him a raise might affect his take-home pay.  
12 Weidner was directed to find out about the insurance before the Council takes action on this. 2) He  
13 would like to hire a temp worker for weed-eating, like we did last year. It would be two eight-hour-days  
14 per week at \$10 per hour.

15  
16 Motion 12: Olsen moved to authorize Brady to hire a part time grass boy/grass girl to mow grass for 2-3  
17 months. Gambino seconded the motion.

18  
19 Mayor Mattila called for the question.

20  
21 Vote: Motion 12 passed.  
22 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

23  
24 Weidner continued his Staff Report:

25 3) Crew has been blowing off hydrants. 4) Crew is getting ready to paint the downtown curbs. 5) We are  
26 hauling sludge this week. Fisher-Brown asked about the situation at Alsea and Sunset. Weidner said the  
27 pilings have been moved back. The property owner has requested a *No Dumping* sign because he says  
28 neighbors are dumping yard debris off the cliff. There was no objection to his request to put up a no  
29 dumping sign.

30  
31 Murray reminded the Council of the next Budget Committee meeting Thursday at 6:00 PM.

32  
33 XII. COUNCIL COMMENTS

34 Fisher-Brown apologized for missing the last Budget meeting. She's committed to be at the next Budget  
35 meeting, but has to work in Newport until at least 5:30.

36  
37 Sparks suggested convening a workshop-type meeting to address sustainability of signature events like  
38 the Fleet of Flowers, and send a letter signed by the Mayor to owners of non-profits, the Chamber of  
39 Commerce, and Commission Chairs, and discuss how to proceed. Whatever's done when the events are  
40 revitalized, younger people need to be involved.

41  
42 Olsen said City employee Dan Arnold has worked for the City 15 years and is retiring. He would like to  
43 see the Mayor and Council send him a letter wishing him well in his retirement. Murray will help write  
44 the letter, which the full Council will sign.

45  
46 Gambino commented that we're getting medical marijuana here, but still have to go to Lincoln City or  
47 Newport for pharmaceuticals.

48

1 Grant said he's been approached by several citizens about the proposed trip to Washington DC, and  
2 wanted to ensure it's well-planned and orchestrated.

3

4 Mayor Mattila expressed thanks to Fred Abousleman.

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6 XIII. ADJOURN

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

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A.J. Mattila, Mayor

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17 Emma LuMaye, Recording Secretary