

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

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

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9 STAFF: City Recorder P. Murray, City Superintendent B. Weidner, Recording Secretary
10 E. LuMaye, City Attorney D. Gordon

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13 I. PLEDGE OF ALLEGIANCE

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

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16 II. CALL TO ORDER

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

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19 III. APPROVE MINUTES: May 19, 2015 Regular Meeting

20 Motion 1: Gambino proposed to approve the minutes of the May 7 Budget Committee Meeting and the
21 regular Council meeting of May 10. Fisher-Brown seconded the motion.

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

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25 Vote: Motion 1 passed.

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

27 Abstain: Wyatt

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29 IV. ACCOUNTS PAYABLE

30 Motion 2: Gambino proposed to accept Accounts Payable as presented. Olsen seconded the motion.

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

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34 Vote: Motion 2 passed.

35 Ayes: Fisher-Brown, Gambino, Grant, Olsen, Sparks, Wyatt

36 Abstain: Mattila

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38 V. SPECIAL ORDERS

39 A. Budget Hearing

40 Motion 3: Olsen moved to approve the Depoe Bay City Budget for fiscal year 2015-2016. Gambino
41 seconded the motion.

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43 Mayor Mattila called for discussion; there was none.

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45 Vote: Motion 3 passed.

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

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

1 Murray said the only applicant, Mr. Gilliam, was not able to be here tonight, and it was the Council's
2 decision whether or not to appoint or wait. Mayor Mattila wanted to wait until Mr. Gilliam is available
3 for interview. Murray will let Mr. Gilliam know. (Copy of application and cover sheet attached to
4 original of these minutes.)

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

7 A. Safety Committee Recommendation – Mental Health First Aid Training

8 Weidner reviewed memo dated 6/2/15 from the Safety Committee (copy attached to original of these
9 minutes). He said the Safety Committee recommends for brochure/information pertaining to mental
10 health first aid training be distributed to all employees, and that they be encouraged to participate in the
11 training. The Committee did not recommend amending job descriptions in the employee handbook.
12 There was brief discussion. Weidner and Sparks said they will take the course.

13
14 Motion 4: Gambino moved to approve the recommendation of the Depoe Bay Safety Committee
15 pertaining to mental health first aid training, and the pamphlet being distributed to all the employees
16 with a memorandum from the Council encouraging the employees to participate in the eight-hour
17 course, and does not recommend amending the job descriptions. Fisher-Brown seconded the motion.

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19 Mayor Mattila called for discussion. There was none.

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21 Vote: Motion 4 passed.

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

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24 Murray said the flyers will be distributed, and the Council will be kept in the loop.

25
26 B. Harbor Commission Recommendation – Review and Consider Revising City Commission
27 Liaison Officer Policy (Ord. #267)

28 Murray said on May 27 the Harbor Commission recommended the Council look at the liaison policy
29 (copy of memo dated 5/29/15 from the Harbor Commission attached to original of these minutes). They
30 would like to have a Councilor serve as liaison to their meetings instead of the Harbor Commission
31 sending a liaison to the Council. Gambino said because most Councilors serve on one or more other
32 committees outside the City, he feels they should come to the Council and give reports. Grant
33 commented that when he was Chair of the Harbor Commission, the recommendations they made were
34 not heeded by the Council. He felt it would be more meaningful to bring the weight of the Council to the
35 Harbor Commission through a liaison. Olsen questioned if the Council sends a liaison to the Harbor
36 Commission, would they also send a liaison to the other Commissions, and if not, other Commissions
37 might make the same request piecemeal. Sparks said the Council is struggling with the Harbor
38 Commission to demonstrate leadership, and he didn't think it would be a good idea to enable them any
39 more than they're already enabled, to not demonstrate leadership.

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41 Motion 5: Gambino proposed we respectfully decline the recommendation to review and revise the City
42 Commission and Committee liaison officer policy. Sparks seconded the motion.

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44 Mayor Mattila called for further discussion. There was none.

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46 Vote: Motion 5 passed.

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

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49 VII. PUBLIC COMMENTS

1 Colin Teem, 520 SE Pettinger, addressed the Council regarding a written complaint made against him
2 by his neighbor. He wanted to explain his side of the situation to the Council. He handed out photos
3 (copies attached to original of these minutes). There was brief discussion.

4
5 Motion 6: Fisher-Brown moved to follow the City Attorney’s recommendation and have Staff
6 investigate the issue and bring the results to the next Council meeting. Olsen seconded the motion.

7
8 Mayor Mattila called for discussion. Grant said he wanted to see the complaint. Sparks thanked Mr.
9 Teem for being proactive, and told him he was setting an excellent example of being a good
10 citizen. Weidner said he would contact the neighbor to let her know what’s happening.

11
12 Vote: Motion 6 passed.

13 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt
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15 VIII. UNFINISHED BUSINESS

16 A. Offer of Gift of Property to City – Kurt Granat, Depoe Bay Parking, LLC

17 Kurt Granat, 2534 NW Svea Drive, Hillsboro was present to discuss the offer and to answer questions
18 from the Council. He said they are following their lawyer’s advice in making the offer, and stressed that
19 if they have to provide the parking spaces, they’d like to have them used. Because the lot is paved and
20 stiped, he said it would take little maintenance, unlike a parking lot on Williams Avenue that’s full of
21 alders and no longer has access. Grant was worried about setting a precedent. Wyatt asked how Mr.
22 Granat would benefit if the City accepts the lot; he said they wouldn’t have to pay taxes on it. Gambino
23 said the taxes would be negligible as compared to the liability issues, and if the City assumed the
24 liability for the lot, it would far supersede any kind of tax revenue. Grant said he was inclined to decline
25 the offer at this time; however, if Mr. Granat would like to extend the offer going forward some time, he
26 would also be inclined maybe if it’s appropriate, to schedule an executive session in the near future to
27 discuss this matter in a thorough way, with the City Planner in attendance. Gambino noted the offer was
28 already declined in a previous meeting. There was brief discussion regarding a variance. Olsen
29 suggested possibly involving the Planning Commission to find out if the Granats could meet the five
30 criteria of a variance. Planning Commission Chair Roy Hageman was in the audience, and he said the
31 Council needs to decide whether or not they want to accept the gift. If the Council wants to accept the
32 gift, an Ordinance needs to be written as to what conditions are necessary to accept it, and what it needs.
33 Then it would be available to everyone else, and it would be plain that others would have to meet the
34 same requirements, whatever they may be. Grant did not think it would be wise to craft a variance
35 without further research. Sparks agreed that more research is necessary. He would prefer calling it a
36 partnership investment rather than a gift, because there are implications we don’t understand. Mayor
37 Mattila asked Mr. Gordon to give the Council a decision on which way to proceed. Gordon said the
38 research would be a conversation between himself and the City Planner, to find out what he thinks about
39 a potential solution. He said he understands there’s a desire to hear from the Council if there’s a desire to
40 move forward with a prospect for acquiring the land, as a parking location open to the public, or not.

41
42 Motion 7: Gambino moved that although we seriously appreciate the offer, we formally decline the offer
43 of the gift of property, considering the probable requirement to change or amend an Ordinance. Sparks
44 seconded the motion.

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46 Mayor Mattila called for discussion. Grant said he wanted Mr. Granat to know that this is worth
47 discussion, because he realized that even though the parking is required for his business based upon the
48 types of businesses that are there, different parking requirements might kick in sometime in the future.

1 Vote: Motion 7 failed.

2 Ayes: Gambino

3 Noes: Fisher-Brown, Grant, Mattila, Olsen, Sparks, Wyatt

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5 Olsen directed Staff to set up a time in the near future for an executive session, and asked Mr. Granat to
6 come down from Portland one more time to see us. The City Attorney, City Planner, and Planning
7 Commission Chair will also be asked to attend the executive session.

8
9 B. Public Relations Trip to Washington D.C. – Review and Prioritize Projects List

10 Olsen said he spoke to David Gomberg at the Fleet of Flowers, and Rep. Gomberg told him State
11 Senator Fred Girod, and Rep. Gene Whisnant would be good contacts. Olsen said we've been assuming
12 it's the Federal government we'll get monies from, but these people are quite adamant that we visit them
13 too. He said at first our focus was narrower, and he thinks we should expand it and that more legwork,
14 PR work, and pressing of palms is due for this project. He said he and Sparks met with Jaci McKim, a
15 graphic arts professional, and they talked to her about the cost of putting together something
16 professional to take to these entities. Sparks added they discussed the technology component and said
17 there will be a lot of data and some more robustness needed in our information technology capacity to be
18 able to pull all this together and move forward with it and project manage it. He wants this project to
19 have long-term value that allows us to move forward with it for years to come. Olsen added that Staff
20 have been working to gather demographic numbers, so when they go, they can present the information
21 in a precise neat way. We want to design the information targeted to different people. He said Lewis is
22 working toward the end of where do we go to get the money. Olsen wanted to talk about the list of
23 priorities tonight, so when they go to see these people, it's all very targeted and slick, and we look like
24 we know what we're talking about and have done our research. He said if we want the portfolio ready,
25 we need to have all the information ready to give to Ms. McKim by July 1, so we can have it back by
26 August 1. Grant said we should know our audience, and what we take to State lawmakers should be
27 different from what we take to Washington D.C. Sparks talked about social funding; e.g. entities like the
28 Meyer Memorial Trust. Fisher-Brown pitched affordable housing. Sparks wanted to go back to
29 diversified funding strategy, which isn't on the list; he said we have to have a funding strategy. He said
30 we have to create infrastructure to do the kind of funding other communities do. Grant said he doesn't
31 want Sparks to be the lone voice in this community foundation idea. He said there are a lot of
32 foundations providing money for worthy causes. The City can't apply, but a foundation might be able to
33 tap in on some of the money. He specifically mentioned salmon enhancement and affordable housing.
34 The Council prioritized the top five items on the list (copy attached to original of these minutes) as
35 follows:

- 36 1) Failing transmission lines – sewer & water
37 2) Dredging of North Creek Dam Reservoir
38 3) Parking development
39 4) Harbor project
40 5) Economic development

41
42 Olsen said the list will go to Lewis for identifying funding sources, so we can figure out the most likely
43 candidates for bucks. He said he's asked Staff to put together a matrix for us to keep track of all the
44 palm pressing, baby candy stealing and kissing of foreheads, because it's going to be very difficult to
45 keep this all on track. He said when we call somebody, it goes in the log, along with the outcome of the
46 call. That data can be useful in the future. He said we need to have that to proceed with this project
47 because it's not just about a sales pitch, it's about making connections and working those
48 connections. Mayor Mattila said he and Murray attended a Council of Governments meeting in
49 Newport, and Fred Abousleman reiterated his contacts in Washington, and offered to give guidance on

1 affordable housing. Olsen said Ms. McKim will be submitting a proposal and he'd like this on the next
2 agenda.

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4 X. UNFINISHED BUSINESS

5 A. Membership Application – Lincoln County Mental Health Advisory Committee

6 Sparks said he represents the City at the Local Public Safety Council, and an adjunct to that is the
7 Mental Health Advisory Committee. He said he's engaged in that and would be happy to continue to do
8 that, and thinks it would be smart for the City to become a member of the Mental Health Advisory
9 Committee. Murray said if the City decides to become a member, at least one alternate should be
10 appointed; Fisher-Brown volunteered in that capacity. (Copy of Mental Health Advisory Committee
11 application attached to original of these minutes.)

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13 Motion 8: Gambino moved that we apply for membership in the Mental Health Advisory Committee for
14 Lincoln County, with both a primary and an alternate member. Olsen seconded the motion.

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16 Mayor Mattila called for the question.

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18 Vote: Motion 8 passed.

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

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21 B. Proposed Res. #441 – A Resolution Declaring the City's Election to Receive State Revenues

22 Motion 9: Olsen proposed that we ask the Mayor to sign and ratify this Res. #441 concerning the
23 election to receive State funds. Gambino seconded the motion. (Copy of proposed Res. #441 attached to
24 original of these minutes.)

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

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28 Vote: Motion 9 passed.

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

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31 C. Proposed Res. #442 – A Resolution Adopting the Budget; Making Appropriations; Imposing and 32 Categorizing the Tax for the 2015-16 Fiscal Year

33 Motion 10: Olsen moved that we ask the Mayor to sign Res. #442 Adopting the Budget, Making the
34 Appropriations; Imposing and Categorizing the Tax for the 2015-16 Fiscal Year. Gambino seconded the
35 motion. (Copy of proposed Res. #442 attached to original of these minutes.)

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37 Mayor Mattila called for the question.

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39 Vote: Motion 10 passed.

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

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42 X. CORRESPONDENCE

43 There was no correspondence.

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45 XI. CITY STAFF REPORT

46 Weidner reported 1) Wave cable is upgrading their lines throughout the city. 2) There is a guard rail by
47 the community hall that existed before the road was built, and with the Council's approval he'd like to
48 remove it because the Parks Commission wants to put the anchor by the rock sign. He also wants to
49 eventually continue the sidewalk further toward the harbor.

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Murray was not asked for a report.

XII. COUNCIL COMMENTS

Sparks said there was a newspaper article that appeared after the last Council meeting that made it look like the Council was pretty tough on Bea Ray, and he wanted it on record that his comments about fiduciary responsibility were purely professional business focus. He said he really likes and respects Bea Ray. He thinks she's one of the finest citizens we have in this town and he felt bad when he read the article because it made him sound like a jerk. There was nothing personal about it. We have to make business decisions, and he can get passionate about making statements because of his professional background, but it's really a business focus and he wanted to make sure the citizens understood that for him personally.

Olsen suggested Councilors give the Urban Renewal consultant handouts back to Murray for re-distribution at a future meeting.

Grant shared a historical anecdote about his approach to the Council. Everybody's heard the saying "We're a nation of laws, not men", said by John Adams. He said it because one of the reasons we revolted and this country was created is that we were the servants of a nation that kept changing the laws based upon the king's whims, and they were repressive to us, and that's the reason why our country's fathers crafted the Constitution that we have, so that if hindered by Executive Order or otherwise, a repressive government changing the rules with every different administration, as much as possible. Now we have this Constitution that we can use as a guiding document. In the City of Depoe Bay, we have some guiding documents that it's important for us to look at; hence his approach to receiving this gift, rather than doing it by Executive Order, it's wise that we use our guiding documents that already exist – our laws – rather than by whim of one Council, when a future Council might change their minds. Fast forward 200 years to a statement made by Frank Zappa: "We are a nation of laws badly written and randomly enforced."

Gambino said he is on the Cascades West Area Commission on Transportation, and if anybody's interested in meeting information to ask him.

XIII. RECESS TO EXECUTIVE SESSION – ORS 192.660(2)(h) – To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Mattila recessed the Council meeting to Executive Session at 9:12 PM. Regular session was resumed at 10:00 PM.

Motion 11: Olsen moved to instruct Staff along the lines we discussed in Executive Session. Wyatt seconded the motion.

Mayor Mattila called for the question.

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

1 XIV. ADJOURN

2 There being no further business, the meeting was adjourned at 10:01 PM.

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A.J. Mattila, Mayor

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12 Emma LuMaye, Recording Secretary