

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, July 7, 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 Superintendent B. Weidner, Recording Secretary E. LuMaye, City Attorney
10 D. Gordon

11

12

13 I. PLEDGE OF ALLEGIANCE

14 Mayor Mattila called for all to stand for the Pledge of Allegiance. A moment of silence was held for Bob
15 Lewis, a Planning Commissioner who recently passed away.

16

17 II. CALL TO ORDER

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

19

20 III. APPROVE MINUTES: June 16, 2015 Executive Session and Regular Meeting

21 Motion 1: Olsen moved to approve those minutes of June 16, 2015. Gambino seconded the motion.

22

23 Sparks asked for discussion. He said in Council Comments he used the word “love” when he should
24 have used the word “care”, because caring is more in the context of what the conversation was about,
25 not romance. He asked that the minutes be changed to reflect the context. Mayor Mattila said he didn’t
26 think anybody took it wrongly, but if Sparks wanted it changed, we would. LuMaye asked Olsen to
27 clarify that the motion included both Executive Session and Regular Meeting; he said it did. Mayor
28 Mattila called for the question.

29

30 Vote: Motion 1 passed.

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

32

33 IV. ACCOUNTS PAYABLE

34 Motion 2: Gambino moved to approve Accounts Payable as presented, with the addition of one
35 additional check to Pitney Bowes for \$50 to cover the Streets Department, inadvertently left off the
36 Pitney Bowes check. Wyatt seconded the motion.

37

38 Mayor Mattila called for comments; there were none.

39

40 Vote: Motion 2 passed.

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

42

43 V. SPECIAL ORDERS

44 A. Tina French, North Lincoln Sanitary Service – 2014 Rate Review Report

45 Tina French of North Lincoln Sanitary Service (NLSS) reviewed the Depoe Bay Report (copy attached
46 to original of these minutes, along with their May 30, 2015 Rate Review Report). No rate increase is
47 scheduled for the upcoming year. Items she specifically addressed were: a need to find a new market for
48 yard debris; scrap metal and non-fridge appliances; product stewardship of electronics, paints, mercury
49 thermometers, household hazards, and deposit beverage containers. She said a newly-passed DEQ bill

1 adds carpet and pharmaceuticals to the stewardship list. She said China is putting up a green fence and
2 will no longer accept rigid plastic debris, which has caused thousands of barges full of plastic debris to
3 be stranded on the ocean with nowhere to go. No one has a solution to cleaning up the rigid plastic
4 debris conundrum. She said \$15-\$17 per ton of recyclables is expected to be a stable price for a while,
5 but recycling costs them more than they get paid to turn it in. The NLSS annual report is due on April 15
6 with rate increases effective on June 1, and asked the Council to please change the Ordinance to have
7 the annual report due on June 1 because she can't get her financials back from her accountant in time for
8 April 15. Providing the report on June 1 would also bump any rate increases to September 1. She will
9 work with the City Recorder to effect the change of date.

10
11 B. Interview/Appoint Applicants for City Commissions and Committees

12 Parks Commission applicant Ron Gilliam and Planning Commission applicant Lance Giammanco were
13 present and came forward to tell about themselves and why they were interested in participating, and
14 answered questions from Councilors regarding their qualifications and applications.

15
16 Ballots were filled out, signed, and handed in. LuMaye tallied the votes (copy of ballot and applications
17 attached to original of these minutes) and announced the results: the vote to appoint Ron Gilliam to
18 Parks Commission Position #6 and Lance Giammanco to Planning Commission Position #2 was
19 unanimous.

20
21 Motion 3: Olsen moved to accept the ballot and appoint the applicants to their respective positions.
22 Gambino seconded the motion.

23
24 Mayor Mattila called for discussion; there was none.

25
26 Vote: Motion 3 passed.

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

28
29 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

30 Jim Hayes 30 SW Heiberg, reported the three smaller rock signs are completed and currently at the
31 wastewater treatment plant, ready to be placed. The plan is to prepare the three locations and get them
32 mounted in concrete by the end of next week. The larger harbor rock sign is currently in Taft and the
33 lettering is being worked on.

34
35 VII. PUBLIC COMMENTS

36 Larry Ciuffo owner of Ciuffo's Coffee Shop, Antiques, and Collectibles addressed the Council
37 regarding his displeasure with the business licensing for the craft fair he has started. He read a prepared
38 statement into the record:

39 When we first saw this property at 474 SE Hwy 101 in Depoe Bay, we knew we'd found our
40 dream home and business. We also fell in love with Depoe Bay, what a neat little town on the
41 ocean. We moved here in late June of 2013, and began to set up our business. We were not sure
42 what we were going to do, so we opened a coffee shop, antiques, heirlooms, and [unintelligible]
43 shop. I also did repairs on Model Ts from time to time, and other odds and ends. We knew that
44 we needed a business license, so we went to City Hall to apply. The license was \$100; \$30 for
45 processing, \$70 for the license. OK, no problem. That seemed fair. But when we were told that if
46 we served coffee through our drive-thru it would cost \$750 for a Conditional Use permit with no
47 guarantee that we would be approved. Wow. Was that true? We asked the City to show us the
48 Ordinance in writing, but no one did for over a year, so we opened our drive-thru.

1 Then in late 2014, we decided to build a small building next to our garage. We approached the
2 City to see if we needed a permit. We were told that because the building was going to be under
3 200 square feet that we did not need a permit. So we started. Surprise. The County came along
4 and said we did need a permit. So \$200 later we were legal. In February of 2015, we decided we
5 would like to establish a craft fair in our parking lot. We thought the fair would bring more
6 people south of the bridge. So we went to the City to find out what we needed to do. You
7 guessed it - a Conditional Use permit. So we paid the \$740 fee, and received our permit from the
8 Planning Commission. Wow, that was fast. The approval only took three months and they
9 approved our drive-thru except for fair days. So we started to sign up vendors. We had a list of
10 vendors, bought signs, made flyers that set the date for June 27.

11
12 Then surprise, the City said we need a business license. OK, why? We have a Conditional Use
13 permit. We were told by the Planning Committee that our business license would probably cover
14 it. City offices said you still need a separate business license. We said we already have a current
15 business license. The City said well, you need a separate business license for the craft fair. It will
16 cost \$500 and will cover all of your vendors. Well, with our existing license, the cost is \$70 per
17 year. We operate 312 days a year, so 312 divided into 70 is 22 cents a day. OK, if our vendors
18 are showing four days a month for six months, that cost would be 20 vendors times 24 days is
19 480 vendor days at 22 cents a day is \$105.60 maximum. Why \$500 for a short-term fair? Our
20 business license, which we said costs \$70 a year, covers our coffee shop, Model T repairs, and
21 antique sales. We already have spent over \$2,000 getting the fair up and running, and do not
22 have 20 vendors yet. So far, we have had the fair for two Saturdays. The first day we had seven
23 vendors, and the second we had five vendors. Getting vendors and people into the fair will take
24 time, so we have to plan our finances accordingly.

25
26 It also seems that people who are trying to play by the rules are singled out and pressured to
27 comply with rules that make starting a business costly and more difficult. Our neighbor to the
28 south keeps breaking the City rules, and just puts storage items on our neighbor's property to the
29 north, but nothing seems to be done. There are trailers being lived in two lots south of us, and
30 nothing is being done about that. Where is code enforcement? We keep our property neat and
31 clean and freshly painted, and our neighbors do not. What must we do to get support from the
32 City and not be pressured to spend another \$500 for more licenses? My wife and I are basically
33 retired. I'm a 100% disabled veteran but I like to keep as active as I can. The pressure I am
34 feeling from my City government is affecting my health negatively. You are our servants of the
35 people, and not our masters. We would just like to see some more common sense regarding
36 businesses, from the people who represent us. And that's the end of my statement.

37
38 Lengthy discussion ensued. Mayor Mattila said the Council would mull it over and bring this item to the
39 Agenda at a later date.

40 41 VIII. UNFINISHED BUSINESS

42 A. Parking Master Plan

43 There was brief discussion about tabling this item for a few months, and possibly having a workshop.

44
45 Motion 4: Fisher-Brown moved to table this subject until a future date to be determined, before we pass
46 on it to schedule the workshop Mr. Sparks recommends, and take this up at a future date when we're
47 more informed on the subject, possibly... Sparks seconded the motion.

1 Discussion: Olsen said he would like to pencil this in on the Agenda. Fisher-Brown said that's what she
2 was going to add when she said "possibly".

3
4 Amendment 1: Fisher-Brown amended the motion to include scheduling a date before we leave this
5 session. Sparks seconded the amendment.

6
7 Discussion: Olsen suggested holding the meeting at 6:00 PM and invite the public. Sparks said this
8 connects to everything else we're trying to do, and parking comes up at nearly every Council meeting so
9 we need a strategic plan for parking, the sooner the better. Grant agreed and suggested picking it up in
10 the fall. He pointed out that it's a complex issue that needs improvement, yet it's also working at the
11 same time. Olsen asked Fisher-Brown if she would be willing to modify her motion to put it back on the
12 Agenda the first meeting in September after the summer's over, and schedule the date from there. Sparks
13 agreed to the amendment.

14
15 Amendment 2: Fisher-Brown modified her motion as stated.

16
17 Discussion: Mayor Mattila said it will be scheduled for the first part of September. There was brief
18 discussion. Grant thought the second meeting in September would be better. Mayor Mattila asked if
19 everyone was in agreement. There was no objection. There was brief discussion about use of the words
20 "invite the public" as being redundant because the public is always invited to public meetings. Grant
21 stated when he uses those words he generally means stakeholders or property owners affected by
22 changes; he said they could do due diligence themselves by picking up the phone and calling people to
23 tell them about upcoming discussions. From the audience, Planning Commission Chair Roy Hageman
24 asked the Council since they are putting off the parking plan, did they still want the Planning
25 Commission to continue with the possible Ordinance change that was presented at the Executive
26 Session. Multiple Councilors responded in the affirmative. Mayor Mattila said the Agenda has a Public
27 Comments item, and suggested adding "Public Comments Invited on the Master Plan". He asked if that
28 could be added to the motion. Fisher-Brown agreed, and there was no objection. LuMaye was asked to
29 repeat the motion; she provided an abbreviated re-statement. Mayor Mattila called for the question.

30
31 Vote: Motion 4, as amended, passed.

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

33
34 B. Boat Launch Fee

35 Mat De Witt reviewed his memo dated 7/7/15 (copy attached to original of these minutes). Discussion
36 included:

- 37 1) A recommendation to raise launch fees to \$10 per boat and a \$5 per person fish carcass disposal
38 fee, generating an estimated revenue of \$20,000.
- 39 2) A comparison of expenses and revenue.
- 40 3) A recommendation to install a fee collection booth across from City Hall, to include the ability to
41 accept credit cards and video surveillance or faux video surveillance, to be manned from 6:00 AM
42 to 10:00 AM at \$15 per hour after which an automated payment collection method should be
43 available.
- 44 4) A recommendation for half-price waivers for local residents, who would be issued windshield
45 stickers upon proof of residency.
- 46 5) Lack of ability to enforce.
- 47 6) A suggestion that if we have video surveillance, we should also have a Justice Department.
- 48 7) A recommendation to develop a system similar to Newport's automated trailer sailor fee to utilize
49 after staffing hours; and a concern about how such a system would be developed.

1 8) A recommendation for half-price waivers for local residents

2
3 Olsen directed DeWitt to take his report to the Harbor Commission, and LuMaye to ensure it gets on the
4 Harbor Commission Agenda. De Witt said he would like to see one or two Councilors attend the Harbor
5 Commission meeting. Olsen said he would try to attend; Grant said schedule permitting, he would
6 attend. Sparks suggested moving forward by implementing an interim step, followed by broader long-
7 term action.

8
9 Motion 5: Grant moved to direct Staff to develop the cost of implementing a passive system similar to
10 Newport. Olsen seconded the motion.

11
12 Discussion: There was brief discussion about how long it would take to implement; campaigning to the
13 public possibly with a brochure as to why this is being done; how reasonable a \$10 fee is; lack of public
14 interest and involvement on this subject; possibly allowing the purchase of ticket books reducing the
15 rate; and enforcement. Weidner offered to conduct research, and said he thinks more Staff will be
16 necessary at the harbor to handle this.

17
18 Vote: Motion 5 passed.

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

20
21 LuMaye begged the Council's pardon and said she didn't intend to be flippant at the Council's request
22 to repeat the motion on parking, and if any Councilor was uncertain on the previous motion, she would
23 be happy to read it back. There was no request to re-state the motion.

24
25 C. Proposals for Graphic Arts and Folder Production Washington D.C. Trip – City Council
26 Subcommittee Report

27 Sparks reported the subcommittee narrowed down the dollar amount and tasks for a folder that can be
28 used for the trip to Washington D.C. and also for other things. Jaci McKim provided a proposal for
29 \$1,000 (copy attached to original of these minutes). It's a simple job and we know she has the capacity
30 to do it, and has demonstrated good work in the past. Olsen added that Staff sent an RFP to the *News*
31 *Times*, who did not respond with a proposal. He noted that Ms. McKim is purchasing photos from Ray
32 Lusson, who has an extensive library of photos of Depoe Bay, as part of her proposal, and the City
33 would own all the content from the project; Grant wanted to ensure the City gets reproduction
34 rights. Sparks said when he hopefully attends a League of Oregon Cities training in Bend in September,
35 if the folders aren't available, he could show people the City's website. Olsen said they talked about QR
36 codes, which can be scanned with smartphones and go directly to a website.

37
38 Motion 6: Olsen moved to approve the \$1,000 for Jaci McKim to start the graphics production for this
39 project. Gambino seconded the motion.

40
41 Discussion: Mayor Mattila said we spent far more money with the CD we produced that we gave to the
42 Chamber and it's not far-reaching at all, and this project costs less and reaches farther; he thinks it's
43 money well spent. Olsen wanted a caveat that we do exactly as Grant suggested and have all copyright
44 and reproduction rights, and that it be re-iterated with Ms. McKim if this is approved. It was noted that
45 dates in the proposal would need to be modified.

46
47 Vote: Motion 6 passed.

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

1 IX. NEW BUSINESS

2 A. Request Authorization – Employee COLA Fiscal Year 2015-16

3 Mayor Mattila called for comments. Olsen asked where the COLA percentage comes from; LuMaye
4 said the City Recorder uses a Consumer Price Index (CPI) – she didn't know which one. There were
5 also questions and discussion about previous COLA amounts. Grant asked if we are anchored to the
6 index that is used; this question should be directed to the City Recorder. Olsen asked if there's anything
7 in the Employee Handbook, Council Rules, or if there is an Ordinance saying COLA must be
8 given; LuMaye said there is not. Olsen said he's been watching the City's budget for almost eight years,
9 and asked Weidner to correct him if he was wrong, but he thought employees did better than the
10 standard 2% and 3% and 5% over some years; Weidner did not reply but LuMaye said COLA amounts
11 go up and down year by year. She also confirmed there was a year when employees received no
12 COLA. Olsen asked if in the year following the 0% COLA the prior Council decided to not combine,
13 but to add up what was not paid over the years and pay that; LuMaye and Weidner said they did not
14 recall this happening. Olsen said the standard has been 1.5% the two years he, the Mayor, and Gambino
15 have been on the Council. Sparks noted the 1.5% was lower than other CPIs. Olsen said it seemed to
16 him that one of the years prior to their administration, there was a 3% or a 5% COLA to catch
17 up. LuMaye said she could have brought that information to the meeting had she known these questions
18 would come up. Olsen confirmed the COLA is to be effective July 1; LuMaye confirmed it
19 would. Olsen asked if this item was pushed to the next agenda to get answers to these questions, could
20 the Council if need be, make the COLA retroactive; LuMaye said the Council can do whatever it
21 wants. Olsen said "OK then, off with their heads!" Gambino questioned delaying making a decision on
22 this issue; Sparks agreed and wanted to get it done. (Copy of Murray's memo dated 6/26/15 attached to
23 original of these minutes.)

24

25 Motion 7: Fisher-Brown moved to adopt the requested 1.5% Cost Of Living Adjustment for City Staff.
26 Gambino seconded the motion.

27

28 Mayor Mattila called for the question.

29

30 Vote: Motion 7 passed.

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

32

33 B. Authorize Expenses – Mayor Mattila, Oregon Mayor's Association (OMA) 2015 Summer
34 Conference, July 30-August 1, Cottage Grove

35 Motion 8: Grant moved to authorize expenses for the Mayor to go to the Oregon Mayor's Association.
36 There was no second. LuMaye said estimated expenses for mileage, registration, lodging, and meals was
37 \$822.20. (Copy of OMA letter dated 6/1/15 attached to original of these minutes.)

38

39 Motion 9: Grant moved to authorize expenses up to \$950 for the Mayor to travel to the OMA
40 conference. Gambino seconded the motion.

41

42 Mayor Mattila called for discussion. There was none.

43

44 Vote: Motion 9 passed.

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

46

47 Gambino noted one of the events is a presentation where Mayors bring baskets of goodies to share.

48

49 C. Update to Water Management and Conservation Plan – GSI Water Solutions, Inc.

1 Weidner said the State is mandating that we update our Water Management and Conservation Plan
2 (WMCP), which was started in the mid-90s. He said there were issues with specifications at that time.
3 The specification issues were addressed in the mid 2000s, but there are still problems. GSI Water
4 Solutions worked with Civil West Engineering to get our Rocky Creek water access rights in place for
5 generations to come. He asked the Council to look through GSI's Professional Services Agreement
6 (copy attached to original of these minutes). He said the cost would be about \$12,000 and is in the
7 budget. Olsen had concerns about the agreement, including 1) A section on Page 3 that says GSI would
8 own all original documents, and 2) They carry \$2,000,000 liability policy but have a limitation of
9 liability of only \$100,000. Sparks said we need to be very careful before we sign stuff, and anything we
10 want done differently should be put in the contract before it's signed. Gambino agreed. Mayor Mattila
11 said the City Attorney should be involved with this. Olsen passed his copy of the Agreement, on which
12 he had marked areas of concern, to LuMaye so she could scan it to a PDF file for the City Attorney.

13
14 Motion 10: Wyatt moved to send the proposal for updating the Water Management and Conservation
15 Plan to the Attorney for review. Gambino seconded the motion.

16
17 Mayor Mattila called for discussion; there was none.

18
19 Vote: Motion 10 passed.

20 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt
21

22 X. CORRESPONDENCE

23 There were two items of correspondence (copies attached to original of these minutes): 1) A letter to the
24 Council from Dennis Bartoldus regarding the Depoe Bay/Gleneden Sanitary District Agreement, and 2)
25 A letter from Bart Crandell regarding Tax Lots 7700 and 8400. The Council discussed the Crandell
26 letter at some length. Grant said he would defer this to looking at the Parking Master Plan, and that any
27 purchases we make knowing that we have limited funds should be strategic and maybe coincide with
28 some of the objectives of the master plan. Staff was directed to respond to Mr. Crandell saying thank
29 you, we got the correspondence. Weidner addressed the situation earlier in the meeting with Mr. Ciuffo:
30 when Mr. Ciuffo said he was having problems with another lot and the City isn't doing anything,
31 Weidner said there's a written procedure that he has to abide by and he's gotten many complaints about
32 it. He has not ignored Mr. Ciuffo; he has spoken with him many times. He has also spoken with Mr.
33 Crandell and told him there are numerous Ordinance violations, and Mr. Crandell is in the process of
34 having a sign posted that says vehicles will be towed from the lot, which should solve the problem of
35 people camping and living there in trailers, and dumping there. There is debris on the Flying Dutchman
36 property from the burlwood carving company, who was allowed to put materials on the lot; there are
37 abandoned cars and boats, and plumbing equipment – all kinds of flotsam and jetsam behind the trailer.
38 The property owner is in the process of working with the burlwood carving owner to have the debris
39 removed. He said he can't move forward on this without a written complaint. Fisher-Brown asked if the
40 Council should be looking at the burlwood company and talk to them about whether or not they should
41 be licensed to do business, since they seem to be in such disregard of City Ordinances. Grant noted that
42 what sets enforcement in action is a written complaint. It was pointed out that anyone can make a
43 written complaint, not just a neighbor. Olsen said we are going to acknowledge the Crandells' offer and
44 defer our decision.

45 46 XI. CITY STAFF REPORT

47 Weidner 1) Provided an update on the Vista Force Main Project. 2) The Pump 'n' Dump machine has
48 been put in. We are receiving a check from the State Marine Board for the Pump 'n' Dump and for MAP
49 (Maintenance Assistance Program). He said he believes we'll be getting close to \$18,000 for the Pump

1 'n' Dump, and the MAP money will be in addition to that. Electrician time will be needed to straighten
2 out the wiring mess. 3) The temp agency worker is doing real well and is covering while the
3 Harbormaster is on vacation. 4) He will be on vacation from July 8-15. Eric Watkins will be covering
4 the field while he is gone. 5) We have some of the best operators in the county.

5
6 LuMaye reported 1) Mr. Ciuffo's Business License file contains information the Council is unaware of
7 that is relevant to his complaint this evening. She suggested having a Councilor review both the
8 Business License file and the Conditional Use file. Olsen said he would speak with LuMaye and the
9 Secretary about this. 2) The video camera, which was thought fixed, malfunctioned again about five
10 minutes into this evening's meeting.

11
12 **XII. COUNCIL COMMENTS**
13 Sparks said thanks to the Mayor's and President's leadership, he's observed the progress made in
14 strategic thinking. It's a huge step in the right direction. He said we can't live in two-year increments.

15
16 Olsen said no less than five people came up to him in the last week and a half saying we're doing a great
17 job.

18
19 Mayor Mattila said that was a classic observation and he's experiencing the same thing.

20
21 **XIII. ADJOURN**
22 There being no further business, the meeting was adjourned at 9:56 PM.

23
24
25

26
27

A.J. Mattila, Mayor

28
29
30
31

Emma LuMaye, Recording Secretary
32