

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, July 21, 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. Sparks

8

9 ABSENT: S. Olsen, K. Wyatt

10

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

13

14

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: July 7, 2015 Regular Meeting

22 Motion 1: Gambino moved to approve the minutes of the July 7 regular meeting. Fisher-Brown
23 seconded the motion.

24

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

26

27 Vote: Motion 1 passed.

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

29

30 IV. ACCOUNTS PAYABLE

31 Motion 2: Gambino moved to approve Accounts Payable as presented. Grant seconded the motion.

32

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

34

35 Vote: Motion 2 passed.

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

37

38 V. SPECIAL ORDERS

39 A. Jenny Demaris, Lincoln County Emergency Manager – NOAA Coastal Resilience Grant
40 Jenny Demaris addressed the Council regarding a comprehensive water resiliency framework project
41 sponsored by NOAA (National Oceanic and Atmospheric Administration). The grant-funded project
42 aims to put emergency water stores around the county. Each pod will contain 15 50-gallon barrels plus
43 around 300 personal water filtration straws, each of which is good for about a month. A team will be
44 deciding where the pods will be placed. Ms. Demaris asked the Council to support the project with an
45 annual contribution for four fiscal years. Discussion revealed that Lincoln City and Newport are each
46 contributing \$5,000 for each of the four years, Siletz is contributing \$200-\$300 for each of the four
47 years, and Waldport and Yachats had not responded. The grant application deadline is Friday, July 24.
48 The population needs to be educated on how to be water resilient. (Copy of Ms. Demaris' email, grant
49 information, and Supporting Partner Commitment form attached to original of these minutes.)

1
2 Motion 3: Gambino moved to sign the Supporting Partner Commitment form and pledge \$2,500. Sparks
3 seconded the motion.

4
5 Discussion: Weidner said the emergency trailer has a water-purification system. Grant questioned how
6 much of the \$900,000 grant would be spent on education; Ms. Demaris said around \$44,000. Grant said
7 he would propose a more modest amount such as \$1,000 per year for a total of \$4,000. Mayor Mattila
8 recommended pledging the same amount as Lincoln City and Newport, and asked Gambino to change
9 his motion; Gambino didn't think it would pass, and did not amend his motion.

10
11 Vote: Motion 3 passed.
12 Ayes: Fisher-Brown, Gambino, Mattila, Sparks
13 Noes: Grant

14
15 Ms. Demaris said she will keep the City posted on how the grant proceeds, and hopes to hear something
16 in October.

17
18 VI. REPORTS OF OFFICERS

19 Beanie Robison, Salmon Enhancement Commission Chair reported: 1) 14,878 fish got clipped on July
20 11. They are currently being held in a pen, and will be moved on Tuesday, July 28. This has never been
21 done before; they will be carried in buckets of about 500 fish each and released at different points in the
22 creek at City Park. 2) Murray has been provided with a copy of the STEP grant application. The overall
23 cost is going to be just over \$28,000, which is less than the \$32,000 originally estimated. 3) He
24 complimented the Parks Commission for being so respectful of the creek while creating the nature trail
25 in City Park.

26
27 Bill Spores, Parks Commission Chair, said the credit for the trail and other park projects goes to a lot of
28 people. He specifically named Robert Hickerson, Skip Hoitink, Jim Hayes, Ken White, Jaci McKim, and
29 Pery Murray. He said two new memorial benches have been installed, and none of this would happen
30 without the approval and backing of the Council and Staff support.

31
32 VII. PUBLIC COMMENTS

33 John O'Brien 270 Bensell Avenue, said the nature trail is absolutely wonderful. There was brief
34 discussion.

35
36 VIII. UNFINISHED BUSINESS

37 There was no unfinished business.

38
39 IX. NEW BUSINESS

40 a. Jindati Doelter, 225 SE Hazelton Place – Appeal System Development Charge (SDC)
41 Determination

42 Weidner reviewed the timeline of Ms. Doelter's contact with the City and what led to her request to
43 waive the difference between 2014 SDC charges and 2015 SDC charges. There was brief discussion.
44 (Copy of Weidner's Staff Report and supporting documents attached to original of these minutes.)

45
46 Motion 5: Grant moved that we deny the request for relief. Gambino seconded the motion.

47
48 Mayor Mattila called for the question.

49

1 Vote: Motion 6 passed.

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

3
4 B. Hwy 101 Open Space west of Bradford Street – Scenic Lands Park Improvement Project

5 • Correspondence – Whales Rendezvous B&B

6 Dian Forbis, 147 N Hwy 101 and owner of Whales Rendezvous Bed and Breakfast asked the Council to
7 please read her letter (copy attached to original of these minutes) and understand her concern for the
8 planned improvements to Whale Park. She said there have been incidents where people come and sit on
9 the decks of her building and open the gate and walk in her private garden. She expressed concern for
10 the privacy of her guests, and suggested planting bushes like berry vines and wild roses to discourage
11 people from trespassing. She was also concerned about noise during construction disrupting her
12 customers who come for peace and quiet; Fisher-Brown suggested adjusting the work schedule for least
13 possible disruption. Further discussion ensued. Weidner and the City Planner will discuss this. Gambino
14 suggested Mrs. Forbis keep in touch with the City on this issue.

15
16 C. City Councilor Resignation Letter

17 Motion 7: Grant moved to accept the resignation of Miss Wyatt, with some regret. Sparks seconded the
18 motion.

19
20 Discussion: Gambino asked to lengthen the motion to have Staff draft a letter of recognition and
21 appreciation, and also we must declare Position #3 vacant. Grant asked if Gambino wanted to include
22 recognition as a friendly amendment to his motion; Gambino said sure; Grant said he would accept
23 that. Sparks said Wyatt is a loss to the Council and he hopes we can get an exceptional replacement for
24 her. (Copy of resignation letter attached to original of these minutes.)

25
26 Vote: Motion 7, as amended, passed.

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

28
29 Grant confirmed that the motion included recognition and appreciation.

30
31 Motion 8: Fisher-Brown moved to declare Councilor Wyatt's position vacant and immediately start
32 accepting applications for a replacement. Gambino seconded the motion.

33
34 Discussion: There was brief discussion about whether there is a statutory time that a position is declared
35 open and advertised; Grant was interested in accepting applications for a lengthier period that what
36 might be determined by statute; Murray said there is no statute that states the time, and it is solely up to
37 the Council. She added that if it's not included in the motion, she'd be asking what date the Council
38 wants to conduct interviews. She said typically applications are received until 4:00 or 5:00 PM on the
39 Thursday before a Council meeting; this provides time for Staff to prepare the packet.

40
41 Vote: Motion 8 passed.

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

43
44 There was lengthy discussion about how long to accept applications and what date to conduct
45 interviews. Some Councilors wanted to fill the position as soon as possible; others didn't want to rush it,
46 and to do a quality job. John O'Brien said his understanding of the process is that the person who is
47 appointed only fills the position until the term is up, and didn't understand why waiting longer makes
48 that much difference in the decision-making process.

1 Motion 9: Grant moved to make a decision on the 15th, based upon all the applicants that have been
2 interviewed by then, either at the end of that session, and we would allow interviews to take place on the
3 1st, and also if we have interviews, enough applicants in the first two meetings of August, that we could
4 conduct interviews in the one meeting that we have in August, he thought it was the 28th. So three
5 meetings we could conduct interviews. Gambino called a point of order or clarification: you can't have
6 interviews until it's closed. Murray said we need a closing date: submit your application no later
7 than... Grant said no later than the 28th of August, which is going to be 37 or 38 days and that's not
8 bad. Mayor Mattila said we were discussing whether we are going to have it at the earliest possible date
9 or not. He asked if there was a second. Sparks said he seconded.

10
11 Mayor Mattila said if there's no further discussion to call the question.

12
13 Vote: Motion failed.

14 Ayes: Grant, Sparks

15 Noes: Fisher-Brown, Gambino, Mattila

16
17 Motion 10: Fisher-Brown moved to open the application process with an eye toward closing the process
18 on the Thursday prior to the August 18 meeting and conduct interviews on the 18th and possibly extend
19 that interview process to the following meeting if necessary and the Council deems that it's appropriate.
20 Gambino seconded the motion.

21
22 Mayor Mattila said it was made and seconded and called for comments. There were none.

23
24 Vote: Motion 10 passed.

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

26 Noes: Grant

27
28 Murray said we'll schedule applicants for the August 18 meeting and go from there.

29
30 D. Treasure Depoe Bay, Inc. – Request to Schedule an Event in Whale Park August 15, 2015
31 Gambino, President of Treasure Depoe Bay, reviewed the application (copy attached to original of these
32 minutes).

33
34 Motion 11: Grant moved to approve the request to schedule an event in Whale Park on August 15, 2015
35 for Treasure Depoe Bay. Fisher-Brown seconded the motion.

36
37 Mayor Mattila called for the question.

38
39 Vote: Motion 11 passed.

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

41
42 E. Request to Authorize Expenses – Mayor Mattila, 2015 Nesika Illahee Pow Wow August 6-9, 2015
43 Mayor Mattila said the only cost for this is mileage. He said he was invited to be in the parade, and
44 would be proud to represent our city. There was brief discussion about how he would be identified as the
45 Mayor of Depoe Bay; he will put the banner from the back of the Council chambers across his truck.
46 (Copy of letter of invitation from the Confederated Tribes of Siletz Indians Tribal Council attached to
47 original of these minutes.)

1 Motion 12: Grant moved to authorize up to \$100 worth of expenses for the Mayor to make a presence
2 known from Depoe Bay in the Illahee Pow Wow. Gambino seconded the motion.

3
4 Mayor Mattila called for the question.

5
6 Vote: Motion 12 passed.

7 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Sparks
8

9 F. 2016 Oregon Department of Transportation (ODOT) Special City Allotment (SCA) Grant
10 Program Application – Street Asphalt Overlays, North Point Area

11 Murray said draft Res. #444 was before the Council. The Resolution is in ODOT format and has some
12 blanks that need to be completed. She said Weidner will discuss his proposed project, and will be asking
13 for the Council to adopt, fill in the blanks, and submit the grant application. Weidner said there have
14 never been street improvements in the North Point area, and for this year’s SCA grant application, he
15 would like to include all of Vista Street, Alsea Avenue, and Sunset Street to Floral Avenue. Adding
16 Siletz Avenue would be an additional \$3,500. He called Road & Driveway, and for two inches of
17 overlay at \$1.25 per square foot, 16-foot wide streets totaling 3,500 feet in length would cost \$70,000.
18 He requested the Council’s authorization to apply for this grant. Murray said the way to accomplish
19 telling Weidner to submit the grant application is by adoption of Res. #444, which says the City has
20 considered the project that Weidner just outlined. She said these grants have a maximum of \$50,000, so
21 we’d be committing \$20,000 to the project if we receive the grant.
22

23 Motion 13: Fisher-Brown moved to adopt Res. #444 as stated and interpreted by Pery. Gambino
24 seconded the motion.

25
26 There was brief discussion.

27
28 Vote: Motion 13 passed.

29 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Sparks
30

31 X. CORRESPONDENCE

32 There were two items of correspondence (copies attached to original of these minutes). One item came
33 in after the agenda was posted: an OLCC application for Sea Treats LLC. She said the Council must
34 recommend that this new application be approved or denied. There was brief discussion.
35

36 Motion 14: Gambino moved to recommend to OLCC that they approve the request for the limited liquor
37 license for Sea Treats LLC. Fisher-Brown seconded the motion.
38

39 Discussion: There was brief discussion about the approval process. Grant questioned whether they can
40 have a sign that says it’s private parking for Sea Treats customers only. Fisher-Brown asked Weidner to
41 check into the private parking question; Weidner said he would.
42

43 Vote: Motion 14 passed.

44 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Sparks
45

46 The second piece of correspondence was an email from Diane Lewis advising that her husband Bob
47 Lewis, who served on the Planning Commission, has passed away, as we know. Murray said the Council
48 needs to declare that position vacant and direct Staff to advertise for applicants.
49

1 Motion 14: Gambino moved that we declare the position on the Planning Commission vacant and
2 proceed with the filling process. Fisher-Brown seconded the motion.

3
4 Mayor Mattila called for the question.

5
6 Vote: Motion 14 passed.

7 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Sparks
8

9 There was brief discussion regarding residency requirements for Planning Commissioners.
10

11 XI. CITY STAFF REPORT

12 Murray reported that she spoke with Mr. Ciuffo yesterday about getting a business license for his craft
13 fair. He took a business license application with him and said he'd come back in a day or two. He came
14 into the office today when Murray was out, but didn't submit the application.
15

16 Weidner 1) One of the items tagged by the Council at the previous meeting regarding the contract with
17 Water Solutions GSI was that GSI wants to retain original documents. He spoke with Adam Sussman,
18 who owns the company. Mr. Sussman told him they like to retain the originals because they are their
19 boilerplates; however, they are willing to work with the City. Grant said he didn't have a problem with
20 them retaining original documents for their use, but there are copyright issues and sale of the
21 information; he would feel more comfortable if the City could retain the copyrights so we can share or
22 print as desired. Fisher-Brown agreed, saying they would be generating original content on behalf of
23 Depoe Bay. Murray said the City Attorney is reviewing the proposed contract at Council's direction
24 through a motion at the last meeting. This matter was placed on the August 4 Agenda. 2) The Council
25 accepted a bid that went out a couple of months ago which authorized Trenchless Pipe Repairs to come
26 in and do some sewer line I&I (Inflow and Infiltration) work. They were unable to do three of the items
27 because our flows were too high and we didn't have the equipment to bypass the manholes to fix these
28 crucial lines next to the harbor. He noted this is part of the shared system with GSD (Gleneden Sanitary
29 District), so the cost will be shared with GSD. He said there are other items he's removing because the
30 repairs that were bought a couple of months ago are time sensitive because we had them do a repair and
31 they couldn't do it because the flows were too high. Some of the other stuff that was added to this put
32 the price up to where it became a big change order that overcame the original quote because he had
33 added on to it. Being time sensitive, he'd have to go out for an RFP (Request For Proposals) and pay to
34 place an add. Being as it's part of the original quote, he's asking the Council's authorization to get the
35 two time-sensitive items done. There is a mobilization cost to get them here and in order to do the
36 project safely, we will have to rent a special pump. The City Attorney said that amount falls within the
37 allowed percentage for a Change Order. If he adds the trimming with robotic cutter at \$1,000 and 251
38 feet of eight-inch liner at \$15,060, that puts the total way over the allowed percentage, so he will put out
39 an RFP at a later date and have those things done this year because it is in the budget. Grant asked how
40 much Weidner was asking for. Weidner said \$10,119. This includes \$8,300 for mobilization, \$1,900 for
41 the two 15-inch x three-foot CIPP repairs, \$1,500 for one eight-inch by three-foot CIPP repair, and
42 \$1,819 for the pump rental.
43

44 Motion 15: Grant moved to approve Brady's request for \$10,119 for this project that, according to his
45 words, the City will provide bypass for sewer line repair on Coast Guard Drive. Gambino seconded the
46 motion.
47

48 There was brief discussion during which Weidner said he felt this is a borderline emergency repair and
49 is time sensitive.

1
2 Vote: Motion 15 passed.

3 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Sparks
4

5 3) At the Council's direction, he researched trailer parking machines. He found a ticket machine that
6 will use debit and credit cards but not cash. It has a weatherproof kiosk, and dispenses tickets for
7 parking permits. The total cost is \$10,531. It requires a phone line. 4) When we fixed a valve on South
8 Point, there's an 11-foot by nine-foot repair patch where a water main "T" was replaced which needs to
9 be paved; and there are various potholes on Coast Avenue. He got quotes from Road & Driveway, and
10 Gettis Paving. He recommended accepting the low bid of \$3,700 from Gettis Paving for Coast, South
11 Point Street, and Manzanita Avenue.

12
13 Motion 16: Gambino moved to approve paying \$3,700 to Gettis Paving for doing those repairs. Grant
14 seconded the motion.

15
16 Mayor Mattila called for the question.

17
18 Vote: Motion 16 passed.

19 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Sparks
20

21 5) The tenant at the fish plant is requesting the City provide him a separate water line for his ice
22 machine, the use of which does not utilize the sewer system. Radar Plumbing provided a quote of \$2,400
23 to run a line down the hill and reconfigure existing plumbing. Grant thought the tenant was requesting a
24 waiver of sewer fees; Murray explained that the SDC fee for a new service connection is not applicable
25 in this case because the City owns the building. Fisher-Brown thought it was fair as long as there's no
26 leakage into the sewer system. Grant asked if somebody wanted to cheat could all of their water be run
27 through this line; Weidner said that would be visible. He will do further research to find out if there's
28 any kind of sewer issue, and bring back at next meeting. 6) He spoke to the City Attorney about the City
29 having an "engineer of record". The Attorney can draw up the appropriate papers, but advised Weidner
30 to ask the Council about this. The firm Weidner would like to use is Civil West Engineering, the firm
31 providing engineering services on current projects. Grant asked if there would be a retainer
32 involved; Weidner will ask the Attorney to research that. He said if this can be arranged, it would save
33 Staff time. 7) Emergency repairs are necessary on Kent Street, where a house is being flooded by a
34 creek. He's getting a contractor in to dig around the water mains and put a dry well system in. There
35 needs to be 150-160 feet of culvert, two catch basins, and a dry well to prevent flooding.

36 37 XII. COUNCIL COMMENTS – LESSONS LEARNED

38 Fisher-Brown said several members of the Harbor Commission are in a little hot water and she
39 wondered about the appropriateness of their membership on the Harbor Commission. She doesn't know
40 any of the people. Her concern is that the allegations they are facing are fairly serious, and she wondered
41 if there might be any ramifications to the City. Mayor Mattila said he talked to the City Attorney about
42 this, and people are allowed due process; until that takes place, they are considered innocent. He said the
43 court date is August 17. He said the next Harbor Commission meeting could be postponed until the
44 August meeting.

45
46 Sparks agreed, and said it's troublesome for the families, and it's very sad to have this happen. If you are
47 serving on a government board and indicted, the business of the City still needs to proceed. We do have
48 a fiduciary duty to the citizens of Depoe Bay, and he wasn't happy that the Council as an executive team

1 didn't have closer communications about this. He was asked a lot of questions during the last week, and
2 had no answers. He suggested possibly postponing the upcoming Harbor Commission meeting.

3

4 Mayor Mattila said he will speak with the City Attorney in the morning and run these comments by him,
5 and find out where the City stands; but until due process, no comment. He doesn't want to get the City
6 involved in any legal backlash. He will ask the Attorney for an explanation of why we're not doing what
7 we're not doing, and why we don't need to be doing anything.

8

9 Gambino said people shouldn't expect the Council to tell them anything; it doesn't have to do with City
10 government.

11

12 Grant said everybody accused of a crime deserves no presumptions. The Council can remove anybody
13 "for no cause". He sees no harm and would show respect for those that have been accused, to save them
14 from having to appear in public by cancelling the next Harbor Commission meeting. Mayor Mattila said
15 we pay the Attorney to make these decisions or help us through them; hopefully we can make a very
16 delicate correct decision based on his advice. Grant, addressing the presentation by Jenny Demaris, said
17 the grant being applied for is for Lincoln County, and that is why he thought a more modest sum was
18 appropriate.

19

20 XIII. ADJOURN

21 There being no further business, the meeting was adjourned at 9:50 PM.

22

23

24

25

26

A.J. Mattila, Mayor

27

28

29

30

31 Emma LuMaye, Recording Secretary