

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, August 18, 2015 - 7:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: Mayor A.J. Mattila, J. Fisher-Brown, R. Gambino, J. Grant, S. Olsen, S. Sparks

7  
8 ABSENT: one vacant seat

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

12  
13 I. PLEDGE OF ALLEGIANCE

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

15  
16 II. CALL TO ORDER

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

18  
19 III. APPROVE MINUTES: August 4, 2015 Regular Meeting

20 Motion 1: Olsen moved to approve the minutes of the August 4 meeting. Gambino seconded the motion.

21  
22 Mayor Mattila called for the question.

23  
24 Vote: Motion 1 passed.

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

26  
27 IV. ACCOUNTS PAYABLE

28 Motion 2: Gambino moved to approve Accounts Payable as presented. Fisher-Brown seconded the  
29 motion.

30  
31 Mayor Mattila called for the question.

32  
33 Vote: Motion 2 passed.

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

35 Abstain: Mattila

36  
37 V. SPECIAL ORDERS

38 A. Civil West Engineering Presentation – Coast Avenue Improvements Pre-Design Report

39 Murray asked for this item to be postponed. Weidner said some last-minute items were found and Civil  
40 West wants to address them before making the presentation. Weidner also offered to do the presentation  
41 himself to save money, as this was not included in the proposal. There was no objection to postponing  
42 this presentation.

43  
44 B. Interview/Appoint Applicants

45 ● City Council Position #3

46 Applicants William (Bill) Johnson, Richard Pawlowski, Colin Teem and Jeff Wiseman were present and  
47 came forward to tell about themselves and why they are interested in participating, and to answer  
48 questions from the Council. Mr. Pawlowski withdrew his application, stating that Mr. Johnson was  
49 better qualified than he. Noting that Jeff Wiseman does not meet the residency requirement; the Council

1 asked him up to the podium and interviewed him. Both Mr. Pawlowski and Mr. Wiseman were  
2 encouraged to participate in other ways, such as applying for a Commission. (Copies of applications  
3 attached to original of these minutes.) Mayor Mattila asked about voting; Murray explained that the  
4 wording of the motion made at the July 21 meeting did not include voting at tonight’s meeting, so no  
5 ballots were prepared.

6  
7 Motion 3: Grant moved to set voting for the September 1 Council meeting. Fisher-Brown seconded the  
8 motion.

9  
10 Discussion: Sparks wanted to conclude the voting this evening. Murray said the Council could go “old  
11 school” and appoint by motion, but the Council Rules requires written ballots.

12  
13 Vote: Motion 3 passed.

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

15  
16 • Planning Commission Position #3

17 Applicant Jeffrey Speer was out of town until August 26, as stated in his email of 8/13/15. It was the  
18 Council’s decision to interview Mr. Speer at the September 1 Council meeting.

19  
20 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

21 Roy Hageman, 325 SW Coast, said he and City Planner Lewis were present to represent the Planning  
22 Commission, and provided a status report on the two proposed zoning amendments the Council tasked  
23 the Planning Commission with preparing: 1) Future Planned Developments and 2) Parking. He said the  
24 first Planning Commission public hearing will be at the October Commission meeting and he anticipates  
25 the public hearing at the City Council level will be held early next year. He said the proposed text  
26 amendment includes that in future Planned Developments, up to 25% of residential development could  
27 be contiguous tourist accommodations, with all of them to be managed by one property management  
28 company. Grant said there are property owners in other areas of town that may want to rent out their  
29 properties on a nightly basis; Hageman said it would be unfair to change the rules for people who bought  
30 their properties with existing zoning stipulations in place. (Copy of Notice of a Proposed Change to a  
31 Comprehensive Plan or Land Use Regulation attached to original of these minutes.)

32  
33 VII. PUBLIC COMMENTS

34 Teresa Werner, P.O. Box 587, introduced herself as Depoe Bay’s new postmaster. She read her letter  
35 dated 8/14/15, distributed to the Council prior to the meeting, into the record. (Copy attached to original  
36 of these minutes.) There was lengthy, contentious discussion about whether or not residents are or  
37 should be eligible for free boxes in areas where street delivery is not offered. Ms. Werner expressed  
38 concern over the safety of mail carriers due to narrow, winding Depoe Bay streets, and identified Lillian  
39 Lane as a good example of a location that would be safe for mail carriers to deliver mail to boxes  
40 purchased and installed at that location by residents wanting free mail delivery. Fisher-Brown said she  
41 lived on an island with narrow, winding streets and there was no problem with home delivery. Ms.  
42 Werner said a delivery location at Lillian Lane was an idea, not a proposal. She made it very clear that  
43 persons wishing to maintain their boxes at the post office will have to pay a fee. Olsen suggested  
44 referring this to the City Planner; Hageman said this is not a planning issue. Lewis departed the meeting  
45 at 8:31 PM.

46  
47 Beatrice Ray, 142 SE Ainslee Avenue, was present as a Chamber of Commerce representative to discuss  
48 the upcoming Salmon Bake next month. She said it’s time to work together and have some fun. She  
49 invited the Mayor, Councilors, and their families to come and greet the guests and be part of the

1 celebration. She also said at the last Wooden Boat Show/Ducky Derby, the Chamber began mentoring  
2 some Neighbors For Kids kids to start taking over some of the work for that event next year. (Copy of  
3 Chamber email dated 8/15/15 attached to original of these minutes.)  
4

5 Nick Ruffner, 31 NE Combs, asked if anybody has filled out a post office form that says the post office  
6 will provide a free box; some folks had. He said he thought the way it's being done now would be  
7 cheaper than the changes that are being put in motion.  
8

#### 9 VIII. UNFINISHED BUSINESS

##### 10 A. Public Relations Trip to Washington D.C.

11 Motion 4: Sparks moved to table this item to a later time when it's more appropriate to get into it,  
12 because the timing is not good to discuss a trip to Washington D.C. Grant seconded the motion.  
13

14 Discussion: Mayor Mattila said he has been in touch with several people who are anticipating him  
15 making this trip. Grant suggested a friendly amendment to table to a specific date. There was brief  
16 discussion about the amendment. Grant withdrew his amendment, leaving the motion at a date to be  
17 determined.  
18

19 Vote: Motion 4 passed.

20 Ayes: Fisher-Brown, Grant, Olsen, Sparks

21 Noes: Gambino, Mattila  
22

#### 23 IX. NEW BUSINESS

##### 24 A. Harbor Commission Discussion

25 Mayor Mattila read the Oath of Office he took as Mayor (copies of the oath and a statement released by  
26 the Mayor on July 22 attached to original of these minutes), and voiced his thoughts on the  
27 Constitutional rights of the four Harbor Commissioners facing felony charges whose court date has been  
28 postponed to September 14. Fisher-Brown didn't believe that taking action on this issue would deprive  
29 them of any of their Constitutional rights. She said the Council is responsible for running the City, and  
30 things of this nature can drag on for a long time and she didn't think the City can wait for a resolution to  
31 this situation. She said serving on a Commission that has ruling or advisory powers is a privilege, not a  
32 right; and Commissioners serve at the pleasure of the Council. Olsen said he was very disturbed by this  
33 issue. He was not happy with how much money is required to subsidize harbor operations, and said the  
34 Harbor Commission has no leadership. (Copy of Council Rules page 7 attached to original of these  
35 minutes.)  
36

37 Motion 5: Olsen moved that we vacate Harbor Commission seats 1, 2, 4, and 7 immediately, and  
38 additionally place an item on the next Agenda for discussion of qualifications for new members. Fisher-  
39 Brown seconded the motion.  
40

41 There was brief discussion.  
42

43 Vote: Motion 5 passed.

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

45 Noes: Mattila  
46

47 Olsen asked that the City send each of these people a thank you letter. There was brief discussion, but no  
48 objection.  
49

1 B. Senate Bill 460 – Allows Medical Marijuana Dispensaries, Beginning October 1, 2015, to Sell  
2 Limited Marijuana Retail Product to Persons at Least 21 Years of Age in Accordance with  
3 Certain Conditions

4 Mayor Mattila suggested referring this to a vote of the people; Murray said the earliest that could be  
5 done is November, 2016. Olsen asked Murray's input. Murray said Ord. #302, adopted in March, allows  
6 medical marijuana dispensaries within the city, but not within 1,000 feet of Neighbors For Kids.  
7 Referring to the League of Oregon Cities (LOC) Local Government Regulation of Marijuana in Oregon-  
8 August 2015 handout (Copy attached to original of these minutes), she said Senate Bill 460 allows early  
9 sales of recreational marijuana at medical marijuana dispensaries effective October 1, 2015, but the  
10 Council hasn't discussed recreational marijuana. The Council can choose to do nothing, but if the  
11 Council wants to take action on banning the early sales, an Ordinance must be adopted before October 1.  
12 There was brief discussion. Olsen said he's all about commerce, but the Council hasn't had a chance to  
13 discuss recreational marijuana. He noted the State will get no tax revenue from the sales because the  
14 OLCC hasn't finalized the regulations.

15  
16 Motion 6: Olsen moved to authorize the City to start writing an Ordinance, and to go through the  
17 process of public discussion of recreational marijuana sales in the City of Depoe Bay. Sparks seconded  
18 the motion.

19  
20 Discussion: Murray reviewed the Ordinance adoption process, and noted the first reading of the  
21 proposed Ordinance should take place at the first Council meeting in September. She asked for  
22 clarification of which sample Ordinance Olsen was referring to; Olsen responded it's the Ordinance that  
23 puts a pause on it. Fisher-Brown said a reason the Governor signed this into law was because of a  
24 loophole where the substance is legal as of July 1, but there's no mechanism in place for legally  
25 acquiring it. She also said Depoe Bay citizens made the decision to allow the Council to handle this by  
26 not participating in the public hearings that were previously held on the subject of marijuana. Grant  
27 doesn't want to ban anything the citizens of the State have voted for.

28  
29 Vote: Motion 6 passed.

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

31  
32 Murray confirmed the draft Ordinance will be based upon the Early Sales Opt-Out sample, Appendix A,  
33 LOC information, and the reading will be scheduled for the September 1<sup>st</sup> meeting. Olsen requested the  
34 OLCC information to be run by the City Attorney.

35  
36 C. Scenic Lands Park Improvements Project – Construction Bidding Phase

37 Weidner asked the Council's authorization to move forward with the Scenic Lands program and get out  
38 an RFP (Request For Proposals) for construction bids. Murray noted the money for this project needs to  
39 be spent and the project closed by October 31. (Copy of Depoe Bay Scenic Park Site Plan attached to  
40 original of these minutes.)

41  
42 Motion 7: Fisher-Brown moved to have Brady put out an RFP and start moving forward on this.  
43 Gambino seconded the motion.

44  
45 There was no discussion.

46  
47 Vote: Motion 7 passed.

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

1 D. Authorize Expenses

- 2 • Oregon Coastal Caucus – Spirit Mountain Casino, August 26-27

3 Mayor Mattila said Staff called the Casino to reserve a room, but there weren't any non-smoking rooms  
4 available. Grant suggested a B&B in Sheridan; Mayor Mattila asked Murray to look into that. (Copy of  
5 Oregon Coastal Caucus cost estimate of \$153.00 without lodging and Agenda attached to original of  
6 these minutes)

- 7  
8 • Annual League of Oregon Cities Conference – Bend, September 24, 25, 26

9 Murray said Mayor Mattila and Councilor Sparks are interested in attending the LOC conference. (Copy  
10 of LOC Conference cost estimate of \$2,210.16 for both to attend and Agenda attached to original of  
11 these minutes)

12  
13 Motion 8: Olsen moved to authorize both expenditures, with the small change identified by Mayor  
14 Mattila because of the non-smoking issue. Fisher-Brown seconded the motion.

15  
16 There was no discussion.

17  
18 Vote: Motion 8 passed.

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

21 Murray asked for authorization for one additional item: Councilor Sparks wants to go to a conference in  
22 Leavenworth, WA in October that's sponsored by Vision Municipal Solutions, our new municipal  
23 software company. They have waived the \$350 registration fee, but there would still be mileage,  
24 lodging, and meals at an estimated cost of \$920. There was brief discussion.

25  
26 Motion 9: Olsen moved to make that so. Mayor Mattila seconded the motion.

27  
28 There was no discussion.

29  
30 Vote: Motion 9 passed.

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

33 X. CORRESPONDENCE

34 Murray said two items of correspondence were addressed under Public Comments: the post office, and  
35 the Salmon Bake. There were six additional items: 1) An email from Jenny Demaris regarding Depoe  
36 Bay's support of the Lincoln County grant application to NOAA – this application will not be submitted  
37 until 2016. 2). Five letters of appeal were received regarding a decision to grant a business license to a  
38 medical marijuana dispensary. She asked the Council to schedule the required public hearing to hear the  
39 appeal for September 15, so Staff has time to meet notification requirements. Fisher-Brown asked to  
40 have this scheduled for a different date, as she won't be at that meeting.

41  
42 Motion 10: Olsen moved to have the public hearing on Monday, September 21, 2015 at 6:30 PM.  
43 Fisher-Brown seconded the motion.

44  
45 There was no discussion.

46  
47 Vote: Motion 10 passed.

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

1 Murray said appellants and the applicant will be notified by mail or email, according to how the letters  
2 were received. There was brief discussion on the high cost of mailing to residents in a 1,000-foot buffer,  
3 as compared to the \$30 new license application fee.

4  
5 XI. CITY STAFF REPORT

6 Weidner reported 1) On the commercial wharf there is a small old office where fuel was sold. There are  
7 a couple of freezer units and garbage that needs to be cleaned out and the building taken down. Gambino  
8 asked about EPA cleanup requirements. Weidner said a tarp would be put underneath. Olsen asked for a  
9 cost estimate; Weidner responded it would cost \$1,600 plus rental of a big drop box.

10  
11 Motion 11: Olsen moved to authorize Brady to make that thing go away. Gambino seconded the motion.

12  
13 Discussion: Grant asked if there was a budget; Weidner said under \$2,000.

14  
15 Vote: Motion 11 passed.

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

17  
18 Weidner continued his Staff Report:

19 2) People have been parking on the north side of Bay Street just off Hwy 101. He would like to put up  
20 another *No Parking* sign. There was brief discussion. He will get a *No Parking Any Time* sign. 3) The  
21 RFP is out for the earthen dam; closing date is next week. 4) He has hired a contractor to flail-mow  
22 through Coast Avenue, North Point, Williams Avenue, and Indian Trail. 5) We are selling a lot of  
23 fuel. Olsen noted fuel cost is due to be reviewed in October.

24  
25 Murray had no report.

26  
27 XII. COUNCIL COMMENTS

28 Sparks has a sense of relief because we tackled some tough issues tonight as a Council and he  
29 appreciates the leadership.

30  
31 Mayor Mattila said he already voiced his displeasure about the Constitution issue.

32  
33 Gambino was darn pleased we had so many really capable candidates for the empty Council seat.

34  
35 Grant said thank you to the two candidates who stuck it out to the end of the meeting.

36  
37 XIII. ADJOURN

38 There being no further business, the meeting was adjourned at 10:00 PM.

39

40

41

42

43

44

---

A.J. Mattila, Mayor

45

46

47

48

---

49 Emma LuMaye, Recording Secretary