

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, September 1, 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

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 18, 2015 Regular Meeting

20 Motion 1: Gambino moved to approve the minutes of the regular meeting on August 18, 2015. Sparks
21 seconded the motion, with a correction: he was present at the August 18 meeting but not listed as
22 present. Gambino accepted the correction.

23
24 Mayor Mattila called for discussion. There was none.

25
26 Vote: Motion 1 passed.

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

28
29 IV. ACCOUNTS PAYABLE

30 Motion 2: Gambino moved to approve Accounts Payable as presented. Olsen seconded the motion.

31
32 Mayor Mattila called for the question.

33
34 Vote: Motion 2 passed.

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

36
37 V. SPECIAL ORDERS

38 A. Interview/Appoint Applicants for City Commissions and Committees

39 Mayor Mattila wanted to include Item VIII. A. with this item. Planning Commission applicant Jeffrey
40 Speer was present and came forward to tell about himself and why he was interested in participating,
41 and answered questions from Councilors regarding his qualifications.

42
43 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot and cover
44 attached to original of these minutes) and announced the results. The vote to appoint Mr. Speer to
45 Planning Commission Pos. #3 was unanimous.

46
47 Motion 3: Olsen moved to accept the tally of the vote for Jeff Speer for the Planning Commission.
48 Gambino seconded the motion.

49

1 Mayor Mattila called for the question.

2

3 Vote: Motion 3 passed.

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

5

6 Ballots for City Council Pos. #3 were completed and handed in. Murray tallied the votes (copy of ballot
7 attached to original of these minutes) and announced the results: there were two votes for William
8 Johnson and four votes for Colin Teem.

9

10 Motion 4: Olsen moved to accept the ballots for Colin Teem for Pos. #3 on the City Council. Gambino
11 seconded the motion.

12

13 Mayor Mattila called for the question.

14

15 Vote: Motion 4 passed.

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

17

18 Murray said Oaths of Office will be prepared for Mr. Speer and Mr. Teem.

19

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

21 There were no reports.

22

23 VII. PUBLIC COMMENTS

24 Joshua Gilleo, a local businessman and owner of 433 NW Hwy 101- location of the hopefully soon to be
25 established OMMP (Oregon Medical Marijuana Program) dispensary – read a prepared statement (copy
26 attached to original of these minutes) into the record. Mayor Mattila asked Murray to explain the
27 Ordinance adoption process to Mr. Gilleo; Murray did as requested.

28

29 VIII. UNFINISHED BUSINESS

30 A. Appoint Applicant to Fill Vacancy – City Council Pos. #3

31 This Item was addressed during Item V.A.

32

33 B. Washington D.C. Public Relations Trip

34 There was lengthy discussion regarding Mayor Mattila's desire to make this trip in October. Sparks
35 addressed resources available to the City in Salem that have not been taken advantage of to help us make
36 our case for an eventual trip to Washington DC. Fisher-Brown specifically stated her support of the
37 Mayor on this issue.

38

39 Motion 5: Gambino moved that the Council continue to plan for a Washington DC trip, but that we look
40 to certainly at least at or after the beginning of the next legislative session in DC, quite possibly January,
41 February, or sometime in Spring. Olsen seconded the motion.

42

43 Mayor Mattila called for discussion. Gambino said he felt strongly that the trip needs to be made. There
44 was brief discussion.

45

46 Vote: Motion 5 passed.

47 Ayes: Gambino, Grant, Olsen, Sparks

48 Noes: Fisher-Brown, Mattila

49

1 Grant suggested bringing Federal legislators to Depoe Bay for the holidays and extend accommodations
2 for them. Murray said this would have to be looked into because of a dollar limit on gifting.

3
4 C. Depoe Bay U.S. Post Office Mail Delivery

5 Murray said there were two pieces of email correspondence on this issue (copies attached to original of
6 these minutes): one from Fred and Linda Cornilles, and one from Nick and Gloria Ruffner. Murray also
7 reported Staff researched the postal service website, where Section 4.5 of the Domestic Mail Manual
8 was reviewed and is included in the Council’s packet for tonight’s meeting, along with some historical
9 information regarding mail boxes in Depoe Bay (copies attached to original of these minutes). There
10 was lengthy discussion on the situation.

11
12 Motion 6: Grant moved that we should craft a letter to get a decision. We are confused in this City, and
13 are looking towards the Postmaster to give us a definitive answer on going forward for the City of
14 Depoe Bay, and craft it in whatever language we think is appropriate to address all the issues.

15
16 Motion 6, restated: Grant moved that we craft a letter to the district office – and if that’s in Portland, he
17 would leave it up to Murray to find out where that is – that addresses our concerns on these new
18 apparent rules for the City of Depoe Bay and gives definitive guidance on going forward from the
19 district office. Fisher-Brown seconded the motion.

20
21 Discussion: Mayor Mattila said it would be important to include in the correspondence to the main
22 office that some people have been locked out of their boxes and have been unable to receive their
23 mail. Gambino noted the ambiguity of home delivery being “at or near” the home address, and that
24 Lillian Lane is not near 90% of residents’ homes. Fisher-Brown wondered whether the private property
25 owner of Lillian Lane has been asked if they want the entire city tromping through their subdivision
26 getting their mail, and felt the land owner should be consulted.

27
28 Motion 6, restated: Grant clarified we want to craft a letter to the district office of the U.S. Postal
29 Service, to find the person in charge whoever that may be – the Postmaster of this district or the State of
30 Oregon – he left that up to Staff to find out – and craft a letter that addresses the questions of the Council
31 and the citizens of Depoe Bay, and what policy would the district office give us and our current postal
32 supervisor, going forward. He added that he would trust the discretion of the Council President and
33 Mayor to proof the letter and say yay or nay, or add this or that or the other thing. Murray asked if the
34 Mayor would sign the letter; Grant said yes. There was additional brief discussion.

35
36 Discussion: there was brief discussion. Mayor Mattila called for the question.

37
38 Vote: Motion 6, as restated, passed.

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

40
41 IX. NEW BUSINESS

42 A. Recipient of U.S. Coast Guard Meritorious Public Service Award – Loren Goddard
43 Olsen said he asked for this Item to be on the Agenda. The United States Coast Guard honored Loren
44 Goddard as a hero for saving the life of a fisherman, and Olsen wanted to recognize that on the record.
45 (Copy of news article dated 8/20/15 attached to original of these minutes.)

46
47 Motion 7: Grant moved that the City of Depoe Bay recognize Loren Goddard in this way: in the form of
48 a letter that states he was the right guy in the right place at the right time, thank you very much Mr.

1 Goddard. Sparks added that we are proud of him and that we should try to honor our citizens
2 more. Olsen called point of order, and seconded the motion.

3
4 Discussion: Mayor Mattila suggested adding “in the spirit of the Fleet of Flowers”. There was no
5 objection from the Council. The Mayor called for the question.

6
7 Vote: Motion 7 passed.

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

10 B. Coast Avenue Improvements Pre-Design Report

11 Weidner reviewed the Civil West’s pre-design report for the Coast Avenue project. There was
12 discussion about funding of the project. Mayor Mattila called Urban Renewal Agency Chair Dick
13 Johnson to the podium. Mr. Johnson said some of the work being done on Coast Avenue is
14 infrastructure repair, and some is upgrading that fits the urban renewal concept. He explained that the
15 URA budgeted \$100,000 for this project in this fiscal year, to match \$100,000 from the City. He
16 strongly recommended going forward with an RFP (Request For Proposals) for engineering. He did not
17 think it necessary to apply for a grant. There was further discussion.

18
19 Weidner said the pre-design report needed to be approved and the engineering needs to get started if the
20 project is to get done. Olsen recognized Roy Hageman in the audience: Mr. Hageman said he has lived
21 on Coast Avenue since 2004 and he has been promised the street would get an overlay and be paved, but
22 this couldn’t be done until utilities were done. He noted Coast Avenue is within the urban renewal
23 boundary.

24
25 Motion 8: Fisher-Brown moved that we accept the report and ask Weidner to put out RFPs and to use
26 City and Urban Renewal monies to get the project started. Sparks seconded the motion.

27
28 Amendment: Olsen asked Fisher-Brown to restate the motion without Urban Renewal money because
29 the City has enough money in the budget. Fisher-Brown agreed to that amendment. Mr. Johnson said
30 that Urban Renewal is a revenue stream to the City, and \$200,000 is in this year’s budget for the
31 City. Olsen called point of order and asked Sparks if he would second the amendment; Sparks seconded
32 the amendment. There was additional discussion. Gambino called for the question.

33
34 Vote: Motion 8, as amended, passed.

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

37 Mr. Johnson said he agreed with what the Council is doing, but misconceptions of what we’re supposed
38 to be doing need to be cleared up at the Urban Renewal meeting on September 15.

39
40 C. Proposed Ord. #303 – An Ordinance Declaring a Ban on the Sale of Recreational Marijuana by
41 Medical Marijuana Dispensaries, and Declaring an Emergency

42 Murray provided background information on the draft Ordinance (copy attached to original of these
43 minutes). She said the draft was not legally reviewed due to the current situation. She noted the only
44 written testimony received was from Joshua Gilleo during Public Comments. She asked for a motion to
45 read the proposed Ordinance by title only.

46
47 Robert Beilin, of Depoe Bay, said he came to the Council when discussion of medical marijuana
48 dispensaries was on the Agenda. He said medical marijuana dispensaries have security, knowledge, and
49 labs to ensure the products are not adulterated. He questioned why a community that complains about

1 not having money would deny a revenue resource, and suggested that law enforcement would be a good
2 use for money coming from the anticipated sales tax of 25% for recreational marijuana sales. Fisher-
3 Brown agreed with him and said she is not in favor of banning early sales because it's a legal product
4 and the Governor signed the bill authorizing early sales to create a legal way of obtaining a legal
5 substance. There was additional discussion.

6
7 Motion 9: Olsen moved to start the Ordinance adoption process and to read it by title only. Gambino
8 seconded the motion.

9

10 Discussion: there was brief discussion.

11

12 Vote: Motion 9 passed.

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

14

15 Murray performed the first reading of proposed Ord. #303 by title only, and called for questions or
16 comments from the audience.

17

18 Joshua Gilleo addressed Council concerns about OLCC oversight of recreational marijuana. He said
19 OLCC has decided dispensaries be allowed to, under certain rules and regulations, go forward with
20 limited sales of recreational marijuana. He said the highly regulated environment the medical marijuana
21 system currently operates under is far more stringent and restrictive than what's actually going to
22 happen once OLCC is fully in charge. Massive background checks, expensive licensure, and other
23 things the Council has expressed concern over have been addressed in the OMMP. As an example of the
24 extra steps that are taken with medical marijuana sales, he said you can walk into a liquor store and buy
25 whatever you want, but in a dispensary your date of birth is recorded, as well as what you buy, how
26 much you buy, and how much was spent. It was his opinion that once OLCC has taken over, recreational
27 marijuana sales will be more like liquor sales. Gambino said everybody thinks there's going to be 25%
28 tax, and advised the Council not to think the City will receive 25¢ on the dollar, because 10% of the tax
29 will end up with counties and the rest will all be federal funds. Olsen said Oregon is learning from
30 Colorado and Washington's successes and pitfalls. He asked what's the harm to the citizens in waiting
31 five months? Mr. Gilleo said if you want black market sales to stop, allow the limited sales. Fisher-
32 Brown asked Mr. Gilleo to define "limited sales"; he did.

33

34 Robert Beilin said as the Council considers these issues, the same issues will still be present in January,
35 and if the Council starts now, the issues can be resolved slowly and the City would have control and
36 would be making money. There was brief discussion on the amount of taxes that might be
37 collected. Olsen said he hasn't spoken to anyone who was against medical marijuana or recreational
38 marijuana sales, but the concern is allowing a controlled substance out there without the proper
39 authorities maintaining control of it through regulatory process. Grant agreed with Olsen, and said his
40 objection was enforcement, and he was worried about kids under 21, so was willing to give the OLCC a
41 little time.

42

43 Josh Gilleo, speaking from the audience, spoke in response to Olsen's question of what is the harm in
44 waiting: he said he has been hearing from several places in the county is that there is currently marijuana
45 being sold on the street that has PCP in it, and it is freaking people out. He guaranteed that marijuana
46 sold through legal means would not have PCP in it, and no minors would be making purchases.

47

1 Robert Beilin said he's been in many dispensaries because his wife is extremely ill; he said it's
2 important to go into the dispensaries. Mayor Mattila said we need to move on; Mr. Beilin returned to his
3 seat.

4
5 Jeff Wiseman, 185 SW South Point, addressed Grant directly, saying he was a bit hypocritical in
6 worrying about how it's going to affect kids in the community and people driving under the influence of
7 marijuana. As a person who has lost family due to drunken driving, he asked Grant if he runs an
8 establishment that sells alcohol, and don't those people go out and drive on roads after drinking at his
9 establishment. He said OLCC would control this like they control liquor sales, but people are still dying
10 from that. Grant responded that he wasn't sure where the hypocrisy was coming in. He said a lot of
11 people drink beer and wine for the taste not the effect, and with pot people usually smoke it for one
12 reason – the high – which may alleviate some medical symptoms. He said today's marijuana is
13 extremely powerful and you can take one hit and get in an accident while driving; and there's no way of
14 taking a blood test, breathalyzer, or otherwise proving legal impairment from the marijuana. Mr.
15 Wiseman said he knows of people who have had one beer and gotten behind the wheel and killed
16 someone. The point he was trying to make was that substances affect different people in different ways.
17

18 Lynlei Gilleo said she is very new to the marijuana thing, but has friends who have used marijuana for
19 medical purposes for most of their lives, as well as people who use it recreationally. She felt that Grant,
20 like her, didn't have much knowledge of the industry or the different types of plants available, how
21 they're grown, or why people smoke different kinds. She said there's a lot in the industry that's brand
22 new to most people. She said the best way for the public to start to learn about this is through the people
23 who are already involved in the industry, and those people are the dispensary operators. These are the
24 people who know the most, are most responsible, and want to abide by the law. She also said it could
25 take up to a year for OLCC to get the recreational program up and running, and there's nothing wrong
26 with people wanting to purchase a legal product legally.
27

28 Murray said if there were no more public comments or questions, a motion would be in order.
29

30 Motion 9: Gambino moved to accept the first reading of Ord. #303. Olsen seconded the motion.
31

32 Mayor Mattila called for the question. There was brief discussion regarding the motion.
33

34 Vote: Motion did not pass.

35 Ayes: Gambino, Mattila, Olsen

36 Noes: Fisher-Brown, Grant, Sparks
37

38 Murray noted that with a tie vote, the motion fails to pass and because the vote at the first reading was
39 not unanimous, the second reading could not take place until the next Council meeting.
40

41 Mayor Mattila called a five-minute recess at 9:38 PM. The meeting reconvened at 9:45 PM.
42

43 D. Harbor Commission Membership Qualifications

44 Gambino started discussion by saying the Economic Development Committee, now disbanded, had
45 requirements for membership. He said there's thought that having Harbor Commission member
46 requirements might provide an opportunity to tailor how the Commission is set up; for example, to
47 include an ecologic oceanographic person and a non-harbor-business owner. Sparks said the
48 Commissions that work well have more diversity, and he liked the idea that two members might
49 potentially reside outside city limits because it might make the Commission work better as a team. Olsen

1 said Murray has kept a 20-year record of harbor finances, and that the harbor and its boats bring
2 business to town. But when he looks around the harbor, he's disappointed. He said it's not entirely the
3 Harbor Commission's fault, because the prior Council and this Council have not had the best
4 communications with the Harbor Commission. He said harbor assets have been depleted, we have
5 dilapidated piers, there are buildings and platforms in shambles. He wasn't suggesting not to have
6 fishermen involved, because they know the harbor and the resources better than anybody else. He agreed
7 with Sparks that putting in some diversity with people who are not financially tied to the harbor is
8 probably a reasonable suggestion. He said the Harbor Master Plan Advisory Committee would be
9 submitting its final report next month, and he thinks that report should be a template to put out a call to
10 arms. We need people to help the harbor itself. If we get money to fix the harbor and put the same
11 management back in place, we'll end up with the same bucket of worms in 30 years. If we go to
12 Washington DC and ask for money, we should go for the gusto. When we go, it will be an easier sell to
13 Mr. Wyden and others if we have in place a structure that is looking towards keeping the harbor up,
14 reinvesting in the harbor, keeping the assets fresh instead of depleting them, and what we're going to do
15 to steward the resource after we get the money. Mayor Mattila wanted everyone to take this to heart. He
16 said the Harbor Commission is an advisory body, and can't do anything unless the Council tells them
17 what to do and how to do it. Grant, speaking as a former Harbor Commission Chair, said he's been
18 libeled, screamed at, and walked out of meetings. His experience when coming to the Council with
19 modest ideas to bring money to the harbor such as increasing the ramp fee or the price of fuel, was that
20 there was no support from the Council, not even a response to their recommendations in the form of
21 approval or disapproval, and this left him disheartened. He said he has served on a number of State
22 commissions and boards, and said we could come up with some clever ideas to add diversity to the
23 Harbor Commission, such as one or two positions from the sport community, two positions from the
24 charter community, a representative of the environmental community, and at least one position for
25 someone from outside the city limits. Mayor Mattila noted the late hour, and asked Councilors to make
26 notes on anything they would like to see as far as qualifications for Harbor Commissioners, and this
27 Item will be on the next Agenda for further discussion. Olsen asked Murray to post a notice informing
28 the public about this discussion and inviting people to attend the next meeting, because he would like to
29 hear more voices on this issue. Fisher-Brown said she would like to submit her recommendations in
30 writing, since she will not be in attendance.

31

32 E. Legal Services

33 Mayor Mattila said Dave Gordon has spelled out what we should do (copy of Murray's memo dated
34 9/1/15 attached to original of these minutes), and the Mayor charged Staff with finding suitable counsel
35 for the City until Mr. Gordon has recovered sufficiently to resume his services. Murray asked if the
36 Council want Staff to post an announcement that we are seeking proposals. Olsen asked if Murray had
37 talked to our sister cities to see if they have someone whose services we could pay for; Murray said of
38 the cities she has contacted, it is not possible to "borrow" their attorney due to workload issues, but they
39 suggested we either find another City whose attorney we could use, or post an announcement for
40 proposals. Olsen asked if we could use Waldport's or Yachats' lawyer. Murray said she hadn't contacted
41 them. Mayor Mattila said he talked with Susan Woodruff (Mayor of Waldport), who was going to look
42 into the situation. There was additional brief discussion. Mayor Mattila said to carry this item over to the
43 next agenda. Murray asked for clarification that the Council was not directing that a notice be
44 posted; Olsen responded that said it wouldn't hurt to post a notice, but last time we stipulated it would
45 be restricted to District 10 and we only got one applicant; he advised if we post a notice we should not
46 restrict it to District 10. Murray said she could contact the Oregon Bar Referral Service and get a name
47 to bring back to the Council. Mayor Mattila said we'll muddle along until the next meeting.

48

49 F. Engineering Services Proposals – Water Reservoir Earthen Dam Project

1 Weidner reviewed the one proposal (copy attached to original of these minutes) received for this project.
2 The proposal was from Civil West Engineering, and he felt it was a good proposal, although it left a few
3 doors open on a few issues that may arise, like environmental reporting activities and wetlands. He said
4 a lot of that had been done already, and unless there are new rules and regulations it would probably
5 amount to getting permits and things like that.

6
7 Motion 10: Olsen moved to approve the engineering bid from Civil West for \$13,408 to get the project
8 started; it's our water supply and we've got to do something. Sparks seconded the motion.

9
10 Discussion: There was brief discussion.

11
12 Vote: Motion 10 passed.

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

14
15 X. CORRESPONDENCE

16 There was no correspondence.

17
18 XI. CITY STAFF REPORT

19 Murray said several meetings ago the Parking Master Plan was scheduled to be on the Agenda for the
20 second meeting in September, and asked if the Council still wanted to discuss the Parking Master Plan at
21 the next meeting. There was brief discussion; it was the consensus of the Council to move it forward.

22
23 Weidner reported 1) He accepted a bid in the amount of \$1,200 from Charlie Tree Excavation to remove
24 the old office building on the dilapidated wharf . The City will provide a dump box and dump truck for
25 the three freezers and a water heater, and will provide a sausage boom underneath for dust and debris.
26 2) Pothole repair is being done throughout town. 3) There have been several late-night water repairs, as
27 we're trying to save water.

28
29 XII. COUNCIL COMMENTS – LESSONS LEARNED

30 Mayor Mattila said our meetings should start at 6:00 PM.

31
32 Gambino was happy to see so many people in the audience, and thanked them for coming.

33
34 Grant said that he doesn't much mind being called a hypocrite, but he thinks it's important and in his
35 experience the best decisions are made at meetings based upon the testimony of the public and
36 comments of the Council. He doesn't come to meetings with pre-conceived decisions and encouraged
37 the rest of the Council to do the same.

38
39 XIII. ADJOURN

40 There being no further business, the meeting was adjourned at 10:13 PM.

41
42
43
44
45
46 _____
A.J. Mattila, Mayor
47
48
49

1 _____
2 Emma LuMaye, Recording Secretary