

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, September 15, 2015 - 7:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: President S. Olsen, R. Gambino, J. Grant, S. Sparks, C. Teem

7
8 ABSENT: Mayor A.J. Mattila, J. Fisher-Brown

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

12
13 I. PLEDGE OF ALLEGIANCE

14 President Olsen called for all to stand for the Pledge of Allegiance. He said the Mayor sends his
15 salutations and was unable to attend tonight.

16
17 II. ADMINISTRATION OF OATH OF OFFICE – Colin Teem

18 President Olsen administered the Oath of Office to Colin Teem, who then took his seat.

19
20 III. CALL TO ORDER

21 President Olsen opened the meeting at 7:03 PM and established a quorum.

22
23 IV. APPROVE MINUTES: September 1, 2015 Regular Meeting

24 Motion 1: Gambino moved to approve the minutes of the regular meeting on September 1, 2015. Grant
25 seconded the motion.

26
27 President Olsen called for discussion. There was none.

28
29 Vote: Motion 1 passed.
30 Ayes: Gambino, Grant, Olsen, Sparks
31 Abstain: Teem

32
33 V. ACCOUNTS PAYABLE

34 Motion 2: Gambino moved to approve Accounts Payable as presented. Sparks seconded the motion.

35
36 President Olsen called for the question.

37
38 Vote: Motion 2 passed.
39 Ayes: Gambino, Grant, Olsen, Sparks
40 Abstain: Teem

41
42 VI. SPECIAL ORDERS

43 There were no Special Orders. President Olsen said tonight's agenda was very long and Public
44 Comments would be limited to three minutes per person.

45
46 VII. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

47 There were no Reports.

48
49 VIII. PUBLIC COMMENTS

1 There were no Public Comments.

2

3 IX. UNFINISHED BUSINESS

4 A. Proposed Ord. #303 – An Ordinance Declaring a Ban on the Sale of Recreational Marijuana by
5 Medical Marijuana Dispensaries, and Declaring an Emergency

6 President Olsen acknowledged that a petition with 100 signatures was just submitted. Murray confirmed
7 the wording was the same as that on a single sheet petition received earlier today. She counted the
8 number of names appearing on each of the multiple pages of signatures, then read the cover letter signed
9 by Anita Quilici into the record (copy of all petition pages and cover letter attached to original of these
10 minutes). There was brief discussion.

11

12 Motion 3: Sparks moved to allow limited legal sales of recreational marijuana from legal licensed
13 dispensaries as allowed in SB 460, and in terms of Item A in Unfinished Business, we should forego or
14 do whatever we need to do to dispense with Ordinance 303. Grant seconded the motion.

15

16 Amendment: President Olsen asked Sparks to delete the last part of the motion; he agreed.

17

18 Discussion: Grant clarified the motion is to allow legal sales of recreational marijuana in accordance
19 with Oregon State law. President Olsen said this would allow for legal sales of recreational marijuana
20 starting October 1. Gambino asked if there were any negative comments received; Murray said no
21 written testimony was received, and the signed petitions were the only testimony received. Gambino
22 recalled that previously-received negative correspondence was only a few pieces that all came from one
23 area of town. Teem said those who have spoken against early sales are concerned about lack of law
24 enforcement and increased crime. He said it's his understanding the City can add a 3% tax on top of
25 State tax; revenue from a 3% tax might be used to contract for a full-time deputy. There was additional
26 discussion.

27

28 Sparks restated his motion: To allow limited legal sales of recreational marijuana from legal licensed
29 dispensaries as allowed in SB 460. Grant seconded as amended.

30

31 Vote: Motion 3, as amended, passed.

32 Ayes: Gambino, Grant, Olsen, Sparks, Teem

33

34 President Olsen noted there is a public hearing next Monday at 6:30 PM, as a result of five letters of
35 appeal of the City Recorder's decision to grant a business license to a medical marijuana dispensary. He
36 encouraged the audience to attend and participate in the public hearing.

37

38 B. Harbor Commission Membership Qualifications

39 President Olsen read a memo from Councilor Fisher-Brown (copy attached to original of these minutes)
40 into the record; Fisher-Brown suggested that no more than two people who have financial ties to an
41 individual business be allowed membership, there be a similar restriction on family members; and sitting
42 members should be asked to disclose any affiliations. There was lengthy discussion on membership
43 requirements, how many members the Commission should have and what qualifications they should
44 have, how to attract qualified new members, and non-voting members. Murray said the changes being
45 discussed would require an Ordinance amendment, and asked for clear wording to bring back in a draft
46 amendment to the Harbor Ordinance. She summarized what she thought the Council wanted: to leave
47 the membership at seven members to be appointed by the Council, with not more than two members
48 being non-residents of the City of Depoe Bay, not more than two business persons commercially and
49 financially tied to the harbor, with special consideration to be given to applicants from the Depoe Bay

1 business community, environmentalist community, or those that have special expertise or experience
2 with harbor operations. There was additional discussion about special considerations, and non-voting
3 members.

4
5 Motion 4: Gambino moved to adopt a change in *Ord. 292 Sec 2.010 Membership* to add to the existing
6 language not more than two members of the Commission may be directly financially affiliated with the
7 harbor, not more than two people from outside Depoe Bay city limits, and what Murray said about
8 special consideration. Grant seconded the motion.

9
10 Discussion: Teem suggested adding advisory positions to the Commission. There was discussion about
11 this idea, and whether they should be called emeritus, ex-officio, or advisory.

12
13 Amendment: President Olsen amended the motion to add up to two non-voting advisory members to be
14 appointed in addition to the seven regular members. Gambino and Grant accepted the amendment.

15
16 Vote: Motion 4, as amended, passed.

17 Ayes: Gambino, Grant, Olsen, Sparks, Teem

18
19 Murray said the draft Ordinance amendment will be presented at the next meeting. President Olsen said
20 if there's room on the next agenda, he'd like to add discussion about the marketing of these changes.

21 22 C. Legal Services

23 President Olsen said City Attorney David Gordon has become seriously ill and cannot fulfill his duties,
24 noting that while Mr. Gordon is currently affiliated with Ouderkirk & Hollen, he was previously with
25 the law firm of Macpherson, Gintner, Gordon, and Diaz. Murray reported that she contacted the City of
26 Newport to see if Depoe Bay could use their attorney on a limited basis but while supportive, the City
27 of Newport had concerns about their attorney's workload. Murray said at the last meeting she was asked
28 to talk to the City of Waldport about this matter; and their attorney, Pete Gintner, is willing to help the
29 City out on an interim basis until Mr. Gordon is able to return. She said if the Council is amenable, a
30 contract can be drawn up. President Olsen said Mr. Gintner comes highly recommended by Mr. Gordon.
31 There was brief discussion.

32
33 Motion 5: Grant moved to retain the services of Mr. Gintner, Macpherson, Gintner, and Diaz for an
34 interim three months, until the first of the year. Gambino seconded the motion.

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36 Discussion: There was brief discussion about contract terms.

37
38 Vote: Motion 5 passed.

39 Ayes: Gambino, Grant, Olsen, Sparks, Teem

40 41 X. NEW BUSINESS

42 A. Councilor Assignments

- 43 ● Cascades West Commission on Transportation (CWACTION) Alternate Representative
- 44 ● Safety Committee Representative
- 45 ● Depoe Bay TSP Community Advisory Committee (CAC) Member

46 President Olsen said that when Councilor Wyatt resigned, these positions were left vacant. After brief
47 discussion, assignments were made as follows: President Olsen will serve as the CWACTION Alternate
48 Representative, and Teem will serve as the Safety Committee Representative and as a member of the
49 TSP CAC.

1
2 B. Lincoln County Sheriff's Office – Request Waiver of Community Hall Deposit
3 Motion 6: Gambino moved to give a waiver to the Lincoln County Sheriff's Office so they do not have
4 to go through all the rigmarole of going through their payroll and such to be able to come up with a
5 check for \$100 that's only going to be given back. Teem seconded the motion.
6

7 Discussion: Murray asked if the waiver was for one-time-only, or if the Sheriff's Office should be added
8 to the list of deposit waivers, which consists of Federal and State government agencies who have the
9 same issues with obtaining checks for a deposit. President Olsen said one time only. (Copy of deposit
10 waiver request attached to original of these minutes.)
11

12 Vote: Motion 6 passed.

13 Ayes: Gambino, Grant, Olsen, Sparks, Teem
14

15 C. Depoe Bay Chamber of Commerce – Request to Schedule an Event in City Park, Community
16 Picnic, September 19, 2015

17 Beatrice Ray (unidentified) explained that because the Salmon Bake was cancelled, the Chamber wants
18 to have something for people to come to on that weekend. There was brief discussion. (Copy of request
19 attached to original of these minutes.)
20

21 Motion 7: Gambino moved to accept the request for the Chamber of Commerce to schedule an event in
22 City Park for a community picnic on September 19. Sparks seconded the motion.
23

24 Discussion: There was brief discussion.
25

26 Vote: Motion 7 passed.

27 Ayes: Gambino, Grant, Olsen, Sparks, Teem
28

29 D. Host League of Oregon Cities Small Cities Region 1 Quarterly Meeting – November 6, 2015
30 President Olsen tabled this item so Mayor Mattila can explain his vision on this.
31

32 XI. CORRESPONDENCE

33 There were two items of correspondence (copies attached to original of these minutes): 1) An email
34 from the Chamber of Commerce announcing the picnic the Council just approved. They are seeking
35 volunteers from 8 AM to 6 PM for setup and cleanup. 2) A letter from the Oregon Association of Chiefs
36 of Police asking if the City would contribute to their fundraising campaign. President Olsen suggested
37 tabling this item until the Mayor returns. Grant questioned what percent of a contribution would actually
38 go to the organization; President Olsen asked Murray to look into this and report at the next meeting.
39

40 XII. CITY STAFF REPORT

41 Weidner reported 1) City Crew found a significant water leak at Kent Street and Coast Avenue, which
42 has subsequently been fixed. 2) Sludge hauling will begin on Monday. 3) Chamber volunteers have
43 cleaned out the bus barn, and did a very nice job. 4) There has suddenly been a lot of contractor interest
44 in the Scenic Lands Project, and he anticipated making a recommendation at the next meeting.
45

46 Murray reminded the Council that Monday at 6:30 PM is the public hearing on the appeal of granting a
47 business license to Black and Yellow LLC. The Staff Report is ready and will be in Councilors' boxes
48 tomorrow morning.
49

1 XIII. COUNCIL COMMENTS – Lessons Learned

2 Teem thanked everyone for giving him the opportunity to serve his community.

3

4 Sparks requested a future agenda item to discuss the need for a City Manager.

5

6 Gambino appreciated the public's attendance.

7

8 Grant shared an anecdote about the importance of keeping his eye on the ball, saying how good he felt
9 until he got here and realized he'd missed the Urban Renewal meeting.

10

11 President Olsen thanked everyone for their participation, and said the Mayor will be back at the next
12 meeting and wishes everyone well. He said there would be a short break, followed by an Executive
13 Session.

14

15 XIV. RECESS TO EXECUTIVE SESSION – ORS 192.660(2)(f) – To Consider Information or Records
16 that are Exempt by Law from Public Inspection

17 The meeting was adjourned at 8:40 PM.

18

19 President Olsen called the Regular meeting to order at 9:24 PM, and established a quorum.

20

21 Motion 8: Grant moved to counter the offer given to the City by Mr. McGrath's counsel, that the
22 Council is agreeable to the cash settlement initially of \$5,000, but our counter is that the Council would
23 like Mr. McGrath to pay all of our processing fees associated with our action, and as part of the counter,
24 we will release the lien as requested. Gambino seconded the motion.

25

26 Discussion: Murray asked the Council if they wanted to add withdrawing the objection to the execution
27 of a deed in lieu of foreclosure. Grant and Gambino stated that's what was being said. President Olsen
28 asked Murray to read the motion; she did.

29

30 Amendment: Grant amended his motion to add that the City is agreeable to Page 2, Paragraph 5.
31 Gambino seconded the amendment.

32

33 Discussion: It was clarified that "processing fees" includes attorney fees, and Murray was directed to
34 ensure Mr. Gintner moves quickly on this.

35

36 Vote: Motion 8 passed.

37 Ayes: Gambino, Grant, Olsen, Sparks, Teem

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39 XV. ADJOURN

40 There being no further business, the meeting was adjourned at 9:30 PM.

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Seth Olsen, President

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Emma LuMaye, Recording Secretary

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