

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, November 3, 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, C. Teem

7
8 ABSENT: S. Sparks

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

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13 I. PLEDGE OF ALLEGIANCE

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

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16 II. CALL TO ORDER

17 Mayor Mattila called the meeting to order at 7:00 PM and established a quorum.

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19 III. APPROVE MINUTES: October 20, 2015 Regular Meeting

20 Motion 1: Fisher-Brown moved to approve the minutes from the October 20, 2015 Meeting. Gambino
21 seconded the motion.

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23 Mayor Mattila called for comments. There were none.

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25 Vote: Motion 1 passed.

26 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Teem

27 Abstain: Olsen

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29 IV. ACCOUNTS PAYABLE

30 Motion 2: Gambino recommended the Council approve the Accounts Payable as presented. Fisher-
31 Brown seconded the motion.

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33 Mayor Mattila called comments. There were none.

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35 Vote: Motion 2 passed.

36 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem

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38 V. SPECIAL ORDERS

39 There were no special orders.

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

42 Bill Spores, Parks Commission Chair, reported 1) The new rock sign at the harbor entrance has been
43 installed. He thanked Jim Hayes, the Old Stoners, City Crew, Bob Hickerson, and Ken White for their
44 work on this project. He said the anchor will be installed next to the sign. 2) The Bradford Street project
45 is coming along, and the lumber being used is from the tsunami damage to Dock 1, thanks to Murray's
46 efforts.

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48 VII. Public Comments

49 There were no public comments.

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VIII. UNFINISHED BUSINESS

A. League of Oregon Cities Small Cities Region 1 Quarterly Meeting, November 6, 2015 – Catering
Mayor Mattila said sandwiches and soda are usually served at these meetings, and suggested getting a sandwich plate and some veggies from Sentry market. Murray said about 12 people are anticipated to attend, including Councilors. There was discussion about using a Depoe Bay business; Murray has heard that Sea Breeze Bakery caters, and will contact them with an inquiry.

Motion 3: Grant moved that the Council authorize Murray to make that decision. Olsen seconded the motion.

There was no discussion.

Vote: Motion 3 passed.
Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem

B. Harbor Fuel Rate Review

Murray said the Council has talked about charging a percentage over fuel cost vs. a flat rate, and that she recommended a flat rate to avoid confusion. She noted a projection done on a five-year-average about six months ago predicted that 42¢ over cost per gallon would allow the City to recoup costs. A new projection which includes the last two fiscal years’ revenue and expenses, for a seven-year-average projection, predicts between 38¢ and 40¢ over cost per gallon to recoup costs. She said October is a good time of year to compile and bring this information to the Council for an annual review and possible rate adjustment. There was brief discussion. This item will be scheduled for discussion in April, 2016.

C. Lincoln County Community and Economic Development Grant Opportunity

Murray said possible grant projects the Council discussed were replacing the staircase behind the Community Hall, or creating an ADA-compliant walkway down Bay Street. Weidner reported he talked with Civil West Engineering about these two projects, and the pre-design engineering for an ADA-compliant walkway was estimated to be between \$50,000-\$60,000. In contrast, it would cost between \$7,000-\$8,000 to cover engineering and rebuilding of the staircase. He thought it would be a better idea to rebuild the stairs now, and work toward ADA compliance in the future.

Motion 4: Teem moved to apply for this grant to the County, and move forward with the plans for a metal staircase to replace the existing wooden stairs. Grant seconded the motion.

There was no discussion.

Vote: Motion 4 passed.
Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem

D. Sandwich Board Sign Complaint – Review Sign Ord. #58 and Ord. #134

The Council discussed the complaint, action taken by the City thus far, and the City’s Sign Ordinances (copies attached to original of these minutes). It was noted that per City Ordinances, the City is the enforcement officer for ODOT within City limits. Fisher-Brown reassured everyone that she was in no way, shape, or form advocating that the bakery with the sign sticking out in the middle of the walkway should be let off the hook. She also said the City should be diligent in enforcing laws and regulations that are already in effect. Grant said at some point his business was mentioned, and he pulled his sign immediately and he does not have a problem not ever putting it back up. Fisher-Brown suggested

1 sending a thank you letter to the complainer, letting him know the City is handling the situation to the
2 best of our ability.

3

4 Motion 5: Teem moved to have the Planning Commission draft a proposal for a revised Sign Ordinance
5 and bring to the Council for review and to provide input, and to discuss changes that may be appropriate.
6 Fisher-Brown seconded the motion.

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8 Mayor Mattila called for comment. There was none.

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10 Vote: Motion 5 passed.

11 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Teem

12 Noes: Olsen

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14 Weidner said he will provide the complainer with an update. Grant wanted it on record that he very
15 much appreciates Fisher-Brown's thoughtful approach to this decision making.

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17 E. Harbor Commission Membership – Recruitment /Advertising Strategy

18 Mayor Mattila said he did not want to spend money on advertising. There was much discussion about
19 use of social media. Murray said if the Council is interested in social media, to ask about Staff time and
20 said there are legal issues that would need to be addressed. Teem said it's important to get qualified
21 applicants, and if we expand our horizon of where we're advertising, we'll have a larger pool of
22 applicants. Olsen said a notice should be front and center on the City's website so it's the first thing a
23 website visitor would see. He was also in favor of advertising in the newspaper to state what's going on,
24 why we need people, and what they'll get in return for their time. He said this is an urgent issue, because
25 the City has been without a working Harbor Commission since July and filling the seats will take time.
26 He was in favor of having Staff look into Facebook. Grant concurred with posting a notice at the post
27 office and with advertising. He suggested advertising with NewsLincolnCounty, which gets a lot of
28 views every week, and to find out what Dave Morgan would charge to have a box ad. Gambino said Mr.
29 Morgan has posted an article stating the City is looking for people for the Harbor Commission. Olsen
30 suggested changing water/sewer billing protocol to mailing bills in envelopes, and would like Staff to
31 bring back costs for this to the Council. Teem suggested an open house. Gambino suggested putting this
32 item on the next agenda and inviting Mat DeWitt and Mike Metz to be present to answer
33 questions. Teem suggested also advertising in LincolnCountyDispatch and possibly posting
34 advertisements in local businesses. Olsen will talk to Rick and Kathy at the News-Times to find out if
35 they will do a piece for the City. Grant wondered if there were any other small cities doing
36 Facebook. Fisher-Brown and Teem said there are a lot; Grant wanted to phone those cities to find out
37 how much time it takes Staff. Olsen asked Murray to look into Facebook.

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39 Motion 6: Olsen moved to immediately post the openings for Harbor Commission on our website, that
40 we immediately feed that to the online blogs of Dave Morgan and Larry Coonrod, and that we post in
41 the post office. Gambino seconded the motion.

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43 Mayor Mattila called for discussion. There was none.

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45 Motion 6 passed.

46 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem

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48 IX. NEW BUSINESS

49 A. Neighbors For Kids (NFK) Request to Remove Reversionary Clause from Property Deed

1 Bob Houston, 215 Tillicum Street in Lincoln Beach, addressed the Council regarding NFK’s request to
2 remove the reversionary clause from the property deed. He provided a history of changes to the property
3 deed, and explained how the reversionary clause is a burden to NFK. He asked if the City must put a
4 reversionary clause in the deed. Murray said she didn’t know if it was a requirement, but there is a 20
5 year waiting period before the clause can be removed. Mr. Houston also talked about NFK’s problems
6 with paying for the parking they were required to obtain when they were granted a Conditional Use of
7 the property as a community center. Grant asked if there was any potential of offering a one-time bond
8 measure with a modest expiration date to the citizens within city boundaries to pay off the NFK parking
9 lot. Mayor Mattila suggested passing this to the City Attorney to see if he can find a way to smooth out
10 the ocean. Mr. Houston asked why there was a 20 year waiting period; Olsen said the statute is to
11 prevent what is trying to be done here. (Copies of Mr. Houston’s packet and Murray’s memo dated
12 10/30/2015 and supporting documents attached to original of these minutes.)
13

14 Motion 7: Olsen moved that we refer this to the City Attorney for two considerations: 1) Is there some
15 way to mitigate the reversionary clause? 2) To look at potentially deploying a bond. Gambino seconded
16 the motion.
17

18 There was no discussion.
19

20 Vote: Motion 7 passed.

21 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem
22

23 Olsen said for the record, the City Council supports NFK.
24

25 B. Heartfelt Gratitude to Debby Metz – Fleet of Flowers Service (Behalf of Citizens)
26 Mayor Mattila opened discussion by saying he’d like to see something special done, not just a letter or
27 plaque. Several ideas were considered including: starting a wall of honor at City Hall, dedicating a
28 bench overlooking the harbor or bay, naming the new park at Bradford Street Debby Metz Park or Metz
29 Park, naming one of the pocket parks the Fleet of Flowers Memorial Park or Recognition Park or
30 Dedication Park. Olsen said Tanya York should also be recognized because she ran the Fleet of Flowers
31 for many years before Mrs. Metz. Murray said the City has a very active Parks Commission and maybe
32 they would like to be involved with this. Olsen suggested writing a letter to Mrs. Metz and Mrs. York,
33 telling them thank you and letting them know what the Council is thinking of doing. Teem suggested if
34 we have a Dedication Park or Recognition Park that all manner of volunteers be recognized, not just
35 Fleet of Flowers. (Copy of Mrs. Metz’s letter of resignation attached to original of these minutes.)
36

37 Motion 8: Olsen moved to send both Debby Metz and Tanya York thank you letters for their years of
38 service collectively, and that that letter says that we are going to give it to the Parks Commission, and
39 the Parks Commission will decide how we’re going to name our newest latest and greatest park. Grant
40 suggested adding “in association with the Fleet of Flowers”; Olsen added “or volunteer
41 organizations”. Gambino said those are totally different organizations, which might cause
42 confusion. Fisher-Brown seconded the motion.
43

44 Discussion: Grant asked Murray to read back the motion. Murray said: Send Debby and Tanya thank
45 you letters, and in the letters we would inform them that the matter is being given over to the Parks
46 Commission to name our latest and greatest park in association with volunteerism. Olsen corrected to
47 “volunteer organizations”. Grant suggested “community service”. Mayor Mattila said the fact that they
48 are being recognized is something that really needed to be done. He called for the question.
49

1 Vote: Motion 8 passed.

2 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem

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4 X. CORRESPONDENCE

5 There were three items of correspondence (copies attached to original of these minutes): 1) A letter from
6 the Confederated Tribes of Siletz Indians Tribal Council, inviting Mayor Mattila to their Restoration
7 Celebration on November 14. The only cost for his attendance would be mileage to Lincoln City. 2) A
8 letter from ODOT stating our Special City Allotment Grant application for overlay paving of North
9 Point was not approved. 3) An email from Kathy Wyatt at the News-Times, informing the Council about
10 opportunities to place ads in the paper on November 11 for Veterans Day, and December 4 for Whale of
11 A Christmas in Depoe Bay.

12
13 Motion 9: Grant moved to approve an ad for veterans for at least the \$66, to have a presence for Depoe
14 Bay. Gambino asked for additional information about the ad; Murray responded. There was brief
15 discussion. Olsen seconded the motion.

16
17 Amendment: Teem amended the motion to a 3x5 ad, at \$132. Grant and Olsen accepted the amendment.

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19 There was no further discussion.

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21 Vote: Motion 9, as amended, passed.

22 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem

23
24 There was brief discussion about placing an ad for Whale of a Christmas in Depoe Bay. Fisher-Brown
25 said – with no negative reflections on any of the volunteers or members – she thought the Chamber of
26 Commerce can probably use all the help they can get, especially from the City.

27
28 Motion 10: Fisher-Brown moved to spend \$132, and participate in the full-page ad for Whale of a
29 Christmas in Depoe Bay. Grant seconded the motion.

30
31 Discussion: Olsen felt the Chamber should be brought in on that because they've run the event for years,
32 and suggested telling the Chamber the City wants to help advertise the event. Gambino agreed the
33 Chamber should be involved, and should maybe write the ad. Grant withdrew his second. Olsen
34 suggested Staff contact the Chamber to see if they're interested and if they want to work collaboratively
35 on this. Fisher-Brown withdrew her motion in favor of having Staff coordinate with the
36 Chamber. Murray will contact the Chamber.

37
38 XI. CITY STAFF REPORT

39 Weidner reported 1) Paving needs to be done on North Point behind the mall. Gettis Paving bid \$3,900
40 to finish Spencer Avenue to Vista Street, and \$1,775 to patch various locations. (Copies of quotes
41 attached to original of these minutes.)

42
43 Motion 11: Olsen moved to approve and authorize Weidner to proceed with the proposal for patching in
44 various locations for \$5,675. Gambino seconded the motion.

45
46 There was no discussion.

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48 Vote: Motion 11 passed.

49 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem

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2 Weidner continued his Staff Report:
3 2) The City has purchased a Christmas tree that goes on the roof of the Whale Center for many years.
4 The building has been owned by the State Parks Department for several years. He said we can continue
5 to put it up, but we also put up a tree at Whale Park. He said the weather is pretty tough on top of the
6 building and is hard on the equipment such as lights, and asked if the Council still wanted to put up two
7 trees. There was brief discussion.

8
9 Motion 12: Olsen moved to authorize Staff to spend up to \$500 in trees and lights to maintain the
10 tradition in both places. Gambino seconded the motion.

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12 There was no discussion.

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14 Vote: Motion 12 passed.
15 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Teem

16
17 Weidner continued his Staff Report:
18 3) The Rocky Creek water rights have been locked in and perfected, and we have a certificate. 4) The
19 surveyors are up working on the earthen dam project. A Lincoln City pile driver came as a courtesy to
20 see if he could get his equipment up there, and was able to do so with no problem.

21
22 Murray was not asked for a report.

23
24 XII. COUNCIL COMMENTS

25 Teem asked for the Council's blessing to do research and put together a proposal for the Council to look
26 at for contract law enforcement services, including the pros and cons of establishing a municipal court.
27 There was no objection to his request.

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29 Fisher-Brown was interested in Teem's proposal, and said sooner or later we'll need law enforcement,
30 and would like to keep it at the City level, rather than the County.

31
32 Gambino said he sent a letter to Wave Broadband, mentioning he'd heard from other residents who've
33 had problems. Not hearing back, he followed up this morning with an email and received an immediate
34 phone call from Ron, who is the technical operations supervisor for our region. Ron is going to light a
35 fire and get some things done, and call Gambino back.

36
37 Grant presented the Mayor with a hand-drawn 1st prize ribbon for getting the meeting done around 9:00,
38 and took a selfie with the Mayor.

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40 XIII. ADJOURN

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42 There being no further business, the meeting was adjourned at 9:06 PM.

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46 _____
47 A.J. Mattila, Mayor

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Emma LuMaye, Recording Secretary