

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, January 5, 2016 - 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

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

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

18
19 III. APPROVE MINUTES: December 15, 2015 Regular Meeting

20 Motion 1: Olsen moved to approve the minutes from the last meeting. Gambino seconded the motion.

21
22 Mayor Mattila said it was made and seconded, and called for the question.

23
24 Vote: Motion 1 passed.

25 Ayes: Fisher-Brown, Gambino, J. Grant, Mattila, Olsen, Teem

26
27 IV. ACCOUNTS PAYABLE

28 Motion 2: Gambino moved to approve Accounts Payable with the addition of a check for an approved
29 purchase of a Ford truck. The Council approved \$22,002.92, and there was an addition since then of an
30 \$86 hitch, bringing the total to \$22,088.92. Fisher-Brown seconded the motion.

31
32 Discussion: There was brief discussion, then Mayor Mattila called for the question.

33
34 Vote: Motion 2 passed.

35 Ayes: Fisher-Brown, Gambino, J. Grant, Mattila, Olsen, Teem

36
37 V. SPECIAL ORDERS

38 A. Guest Speakers – Harbor Financing and Restructuring

- 39 ● Kevin Greenwood, Port of Newport
40 ● Bud Shoemake, Port of Toledo

41
42 ***Beginning of verbatim transcription done at Mayor Mattila's request.***

43
44 Mayor Mattila: At this time, it is my great pleasure and privilege to uh offer up Kevin Greenwood and
45 Bud Shoemake. (Applause) They are here to discuss harbor financing and restructuring with us. Thank
46 you guys so much for coming.

47
48 Greenwood/Shoemake: Absolutely, yeah.

49

1 Mayor Mattila: And uh starting from our left – my left, Emma, would everybody introduce themselves
2 around?
3
4 LuMaye: I’m Emma.
5
6 Murray: Pery.
7
8 Weidner: Brady Weidner, City Superintendent.
9
10 Lewis: Larry Lewis, City Planner.
11
12 Gintner: Pete Gintner.
13
14 J. Grant: Jerome Grant, Councilman.
15
16 Gambino: Robert Gambino.
17
18 Olsen: Zeke Olsen, Councilman.
19
20 Fisher-Brown: Jo Fisher-Brown.
21
22 Teem: Colin Teem.
23
24 Mayor Mattila: And I’m AJ. Thank you guys.
25
26 Greenwood/Shoemake: Sure, absolutely.
27
28 Mayor Mattila: We’ve got a lot to talk about and a short time to do it in.
29
30 Shoemake: I’d like to say the last time I was in this building was when I worked for the school district
31 and we used to store stuff in here, so before it became the City Hall.
32
33 Multiple people: [*unintelligible*].
34
35 Olsen: That was about two or three years ago, right? (Laughter)
36
37 Shoemake: It goes by quick.
38
39 Mayor Mattila: I didn’t know you were allowed to have a beer. (Laughter)
40
41 Shoemake: We hid ‘em in here.
42
43 Mayor Mattila: Ah, thank you guys again. Uh, if you just lead off and [*unintelligible*].
44
45 Greenwood: Sure. I’ll just kind of uh start things off by saying though I think you know every port and
46 every facility is different. As you know, Bud and I we represent ORS 777, which are Special District
47 Ports. Um, and as you know, the City of Warrenton and the City of Depoe Bay are unique, as is Douglas
48 County and [*unintelligible*] harbor that has a a a major facility. So I just want to preface our comments
49 or my comments at least by just saying Depoe Bay is different from Newport, is different from

1 Garibaldi, is different from Toledo, and um you know part of this is just a back and forth. Um I don't
2 think Bud and I are here to give you the golden uh nugget, but I had a conversation about hearing what
3 you what some of your struggles might be with, and have a conversation. You know I would kind of boil
4 down just from the materials that Pery sent my way and Bud's way is three elements of consideration
5 would be: your governance uh um you know when you're looking at your Harbor Commission and how
6 the decisions are made around the harbor, what are the governance issues? Then you've got operational
7 issues, including operational income, operational expenses; and then you've got your capital projects
8 and capital plans. So I would kind of boil down the conversation to those three areas. Um so if you have
9 any other introductory...

10

11 Shoemaker: Yeah, and Depoe Bay is a special place you know, uh and I think everybody in this room
12 realizes that - that you guys have got probably one of the most unique places on the Oregon Coast. And,
13 and the thing I get tremendous possibilities here, and you've done a lot of good planning here, too you
14 know. I read everything that was sent to me, uh uh and I think that it uh uh it could be packaged a little
15 different holistically, and and come up with a way, and so what what I what I was going to talk about is
16 is how uh uh we we do it through the ports, and and how the Port of Toledo has done it. Uh and through
17 Ports Division uh there's grants available for planning, and that's been one of the biggest the factors of
18 for us to get stuff done is the planning of the we're required to uh, thanks to Betsy Johnson, really
19 requiring to do strategic business plans every five years, and they follow a template that's set up by this
20 Ports Division of the State, and and basically I I brought a plan with me just to show you uh what it is
21 for us. And it's not very thick, but it uh it's a "Strategic Business and Capital Investment Plan", and for
22 us uh we hired, actually it was a firm out of uh Seattle that came down and did the basic planning part of
23 it, but there was also PND Engineers who uh are probably one of the most renowned engineering when
24 it comes to maritime projects and that kind of thing - boatyards and that. And then BST Associates
25 which is uh, Paul Sorenson who's a financial person - two-man show really that that knows the
26 economics of harbors and boatyards, uh has done a lot of work in Coos Bay and a lot of ports up in
27 Washington and Alaska too. And and it's amazing what you can get out of these guys when you're
28 doing a plan. Um we did a focus on the boatyard and our waterfront development - what we wanted to
29 do with our waterfront right in downtown Toledo, and basically uh we looked at uh for us it was uh, we
30 bought the old Fred Wahl boatyard, which you know Fred is right next door here, uh and Fred's from
31 Depoe Bay. And, uh, and to keep a boatyard going for the larger vessels; and you know we have charter
32 boats that are from Depoe Bay in there all the time and there are boats there right now. But um and we
33 ended up looking at uh uh, so we did focus on those two areas with financials and what it takes to do it,
34 and uh and we went as far as including that we wanted permit drawings included into the business plan.
35 So, uh, the the permits, you know we adopted this in, on a on a third Tuesday of of March of 2013. The
36 next day we applied for our in-water permits, and and once you've applied for that, then uh then we can
37 we identified the different funding possibilities in in the plan, and we were able to uh, uh chase the
38 funding [*unintelligible*] we said OK, you know and when when it came time to apply for Connect
39 Oregon, which you guys would be eligible for that, uh we uh were able to say "Well, we've applied for
40 our permits - they're already processed" and um and it really speaks [*unintelligible*] to be that shovel
41 ready kind of a project. Um what and I think that uh a lot of the guts of what would go into a simple
42 document you've already done. And so, uh a lot of that is - I'd like to say that uh, I I called up and I
43 wanted Jack Brown's pathway, and I talked to the Mayor about this, but I think uh that would be a
44 critical piece of this whole harbor. And whether or not it gets funded this year or 10 years from now, if
45 you include the public in building the plan, and you get buyoff from the people that may not see the
46 value of that path, but there are people up there that in this town believe in that path, you get total buy-in
47 from the community. And so it would take uh - you know, there would be three or four workshops that
48 would be held uh getting the different people's opinion, and then just pull from a lot of your good
49 planning um, uh, you know, how to do it, you know. I will say in the harbor plan, uh the notes about the

1 new dock that went in, you know and you may be able to move it on down and put a bigger, beefier
2 dock to replace that in it. And uh and I think the other thing to look at in the harbor plan said that it did
3 not look at the tsunami preparedness part of it. I think, I think I would look at that part in this plan,
4 because – and you can pull from some ports that have, uh Brookings you know can [*unintelligible*] and
5 they have to you know down there – did some things and maybe some few modifications you can throw
6 in there that would help strengthen that, and uh still utilize the dock you put in but maybe move it down
7 into a more sheltered location. Um, and I think funding, funding-wise, I think you've got a transient area
8 that's a transient dock there's funding through the Marine Board which gets Federal funding uh uh to
9 help. They put a package together of three or four different funding agencies that would probably fund
10 that part, but I think you've got a an economic engine down there that's huge, and people don't really
11 realize how big it is, and uh you could use this document to help do that.

12

13 Greenwood: I think about it, and I'm a recovering City Manager. I was a City Manager for five years,
14 and so that's when I first met Pery, that was up in Garibaldi. I would say that really the uh strategic
15 business plan that ports have been required to produce is very similar to your utility master plans, and so
16 I don't know, Brady are you the public works director?

17

18 Weidner: Yeah, well City Superintendent, but yeah.

19

20 Greenwood: So uh so you know in those in your utility master plans...

21

22 Weidner: Um-hm.

23

24 Greenwood: ...you discuss your operational costs, your operational replacement...

25

26 Weidner: Right.

27

28 Greenwood: ...issues – it's going to identify where are potential grants and other financing uh for for
29 projects...

30

31 Weidner: Yes, sure. Prioritizing them and yeah.

32

33 Greenwood: So I-I think that from the City's perspective, if you treated the uh, the marina like a utility
34 system...

35

36 Weidner: Um-hm.

37

38 Greenwood: ...um and think of like instead of water meters, you're looking at moorage or um uh
39 leasable space, and kind of apply those same methods to a uh marina utility plan – start looking at your
40 marina like a utility system – that might be one way where you don't have to take a monumental jump...

41

42 Weidner: Right.

43

44 Greenwood: ...in reinventing a uh methodology. Uh cuz you got two very successful, strong utility
45 systems.

46

47 Weidner: Yeah, and our current – sorry – but our current master plans like you said in our utility and our
48 Wastewater Master Plan is really done well. And our water, and even our Parks Master Plan is done –
49 we can, we're out right now for engineering bids to put our master plan together, and if we take those

1 ingredients and really um get that into the engineering once it's on board, um those pieces, I think it's –
2 a lot of the homework's been done.
3
4 Greenwood: I think so, and I think you know we were talking about the the Hatch Mott McDonald work
5 that was done, I mean that's pretty much that's a pretty good – I don't know where the funding came to
6 pay for that planning document, but uh you know that's a pretty nice uh uh document. It was a little light
7 on the funding opportunities...
8
9 Weidner: Um-hm.
10
11 Greenwood: ...and the financing opportunities. Uh I think when you go to your consultant – you kind of
12 want them to bring you some of those uh sources, but uh I'm kind of curious, you know – we're here –
13 what do you, what does the Council see as the areas – we're talking about governance, operational
14 income and expenses, and capital – which of those three areas do you feel are the areas that you need the
15 most amount of help on?
16
17 Olsen: All three. (Laughter)
18
19 Weidner: Yeah.
20
21 Greenwood: Can you prioritize them?
22
23 Olsen: You know, um um my question is going to go to the operational and the implementation of it.
24 Um we're going to go out to master plan to [*unintelligible*] an RFP to put out that. Chances are the folks
25 that worked with Toledo will also bid on this project. We're hoping they did cuz we know they did a
26 good job. But there are other firms are out there, too. So they're going to give us an operational
27 foundation to work off of. It would be my guess, and I could be wrong, correct me if I'm wrong, but the
28 two of you are the ones that implemented the plan, and then you had the staff below you direct the actual
29 operations and little pieces to it. Is that correct? Cuz you guys are like the whips, and your
30 [*unintelligible*], right?
31
32 Shoemaker: You know, I think it's important, and I think you guys know this, but uh uh when the
33 planners come to town, you want to know what you want, (chuckles), you know. And you know it better
34 than they know it in a lot of ways. So...
35
36 Olsen: But you guys were the ones that kept the whip and the fire hot
37
38 Greenwood: Yeah...
39
40 Olsen: ...to make the project...
41
42 Greenwood: ...I think we were. I think the other element, too – even though the document's very similar
43 to the utility master plan, it's also very similar to a comp plan, because...
44
45 Weidner: Yeah.
46
47 Greenwood: ...within our strategic business plans, we've got five goals or sub-plans, which are:
48 marketing – how do you market your facility, the capital piece, um finance, uh there's two other ones I
49 can't remember offhand what they were. I can't remember. But very similar. Those were like those were

1 like chapters in your comp plan. Uh so uh but no I think I think you're you got a lot of the main uh
2 components uh already ahead of you. Jerome?

3

4 J. Grant: Um so I I'm getting from um Bud that he really uh Mr. Shoemake uh likes the uh I I mean
5 really the port here in Depoe Bay is uh is is looking for uh some I guess some views of how to define it,
6 OK, since over the last uh 25 years [*unintelligible*] be more than that, it's become more of a visual and
7 aesthetic addition to the City that that at at uh no little cost, it costs the the City to maintain it uh with uh
8 uh not enough revenues to to even break even, OK? And so it becomes uh uh an aesthetic uh value to the
9 whole community, you know, it's it's uh somewhat a center of gravity, as well as downtown, for people
10 to be able to see, but probably it's also the view shed out front here, from North Point to South Point is
11 is uh part of that. So I'm seeing I'm hearing from Bud he really likes the walkway around the bay, and
12 uh you know I, I'm not a big fan of it, OK, the whole plan. But I respect Mr. Brown, former Councilor
13 Brown, and I I respect your opinion that uh that it could be um and that would be for the folks for the uh
14 um uh for the tourists here. And I'm looking at other examples around the state of Oregon that uh I've
15 seen, OK, that have uh uh done some renewals – urban renewal-like work around the their their port
16 facilities – one that is very accessible to the public that I that is Bandon. They re-do that whole area. It's
17 brilliantly come uh uh a a it it's very busy now. People like to walk down there a lot. You know before it
18 was just nothing, you know. And so um and then uh I would say uh in Astoria, OK? But now I I don't
19 know. My question is: do you is there a Port of Bandon? Is there a port authority in Bandon...

20

21 Greenwood: Yes.

22

23 J. Grant: ...or is it run by the City?

24

25 Greenwood: Yes, it's the same[?]. Yeah.

26

27 J. Grant: Oh it's so OK so unlike us, we don't have that port authority uh here for our harbor
28 maintenance. So [*unintelligible*] in Astoria, which has done a lot down there on the the uh bay front, the
29 you know the river front there - it's huge. Uh, and and it uh it's a draw. For activity. So I guess what uh
30 we've got to define uh for us um is maybe the mixed use. And I I got a question for you. Kevin, you
31 brought up a really uh interesting point about um one of our revenue streams from the harbor – it's uh is
32 our moorage. Would you uh uh define uh would you charge I mean uh different rates for uh charter or
33 commercial boats that are there that are making use of that dock uh uh in a in a more fervent manner
34 than a sport boat of maybe of the same size?

35

36 Greenwood: Well, as you know, uh your uh your Superintendent – there's a lot of different ways to
37 charge for water service.

38

39 Weidner: Yeah.

40

41 Greenwood: And so I don't know if I necessarily know enough about your marina to to you know
42 describe what would work for Depoe Bay. But I think that coming back to what you're saying is that the
43 - and Bud mentioned it – and that was the trail uh vs. the income produced, and so uh you guys have
44 enterprise funds – I'm sure your water-sewer systems are enterprise funds, and you've got governmental
45 funds – your general fund is probably a governmental fund. So your park elements probably reside in the
46 uh governmental fund general fund. So you know, I don't know enough about how your where your
47 income's coming out. Are your operational incomes covering your operational expenses to the point of
48 where it can be a standalone enterprise fund item.

49

1 Multiple voices: [*unintelligible*]
2
3 Weidner: Well, it's subsidized by our general fund...
4
5 Greenwood: OK, well there you go [*unintelligible*].
6
7 Weidner: ...which is driven by you know room tax, so we've been told room tax kind of subsidizes
8 the...
9
10 Greenwood: Sure.
11
12 Weidner: ...which is tourism. And then we also rely on the State, with that money, and it kind of drew a
13 line in the sand in our boat launch area, because the State's provided us with a fish cleaning station and
14 uh a huge parking lot for trailers and the the free launch launching, which if if we decide to start
15 charging for moorage that was one of the issues in our master plan is to start charging for uh boat
16 launch, but there's really no parking. And guys have drove to Depoe Bay when salmon season there's
17 trailers parked along the highway as far is because there's just no park.
18
19 Greenwood: Yeah, I think one of the things going to what Grant uh Jerome was saying was that you
20 know there's a you raise water rates and and consumption goes down and you end up putting the same
21 amount of money in your pocket. The same's kind of true [*unintelligible*] your sewer you have a little
22 it's more of a tax-based thing...
23
24 Weidner: Mm-hm.
25
26 Greenwood: ...and you can bump that up, but uh no, I mean there's a lot of different ways to do
27 moorage.
28
29 Shoemake: I think what Jerome was asking if we charge more for commercial or sport.
30
31 J. Grant: [*unintelligible*] if you get down to it, since well it's certainly a commercial uh you've got more
32 use of the dock in most cases.
33
34 Shoemake: Well, but I'm seeing Newport is that you get a um the marina where you have more services,
35 you pay more for the moorage regardless of your boat.
36
37 J. Grant: Like cable and electricity.
38
39 Shoemake: Restrooms, upland restroom facilities, fish cleaning tables. So, so the South Beach Marina is
40 about 50% more than the bay front moorage, uh and it's not that only, you know it's not like it's not an
41 issue of where boats can go – it's where the services are. And that's what's dictating, at least in
42 Newport.
43
44 J. Grant: [*unintelligible*] I will say uh uh Bud on on the pathway around the bay, though, I I was the one
45 uh I I would be for a step - there's already a pathway around the bay, somewhat.
46
47 Shoemake: Right.
48

1 J. Grant: OK, in other words, look at what we have now, OK? Make that pathway, and then try to
2 improve it, as sections of it, as time goes on and we can afford it. I'm down with that.
3
4 Shoemake: As grants become available.
5
6 J. Grant: Right.
7
8 Shoemake: You know, and so, if you don't have it in the plans, it's awful hard to get get the funding for
9 it. But uh I think if you looked at it uh and included it in the plan as part of of the overall picture, it may,
10 you know I think, personally I think that the harbor needs to be rebuilt. And and hopefully you can do
11 that soon. And uh, but as those pockets, sections, and grants become available, you could go after
12 different different funding agencies for those, you know – state parks.
13
14 Greenwood: State parks is a good one. The Local Government Program is a [*unintelligible*] opportunity.
15
16 Olsen: Um, looking at the time and we had a half hour scheduled for you gentlemen, um, at this juncture
17 um, you know what, I, my biggest concern is how to implement whatever we decide to do. And that's
18 something that's internal for us to decide. But uh for now, while we get to the point where we're getting
19 ready to do, to bust a move as I would say and get ready to go down there and get our sleeves rolled up,
20 can our City Superintendent call you gentlemen from time to time, and...
21
22 Greenwood/Shoemake: Oh, yeah.
23
24 Olsen: ...get your advice, cuz I think that would be expedient, and we'd uh we have to talk with Brady
25 and Pery and with Staff about who is going to marshal and how we marshal and the forces that do it.
26 Cuz this isn't something that a group of volunteers is really equipped to do. This is a big deal. And you
27 guys are professionals in your own right, as our Staff is, so I'm just sitting here thinking to myself as we
28 develop, and I'd love to be able to tap into your guys' expertise. You tell us what it's worth – a cup of
29 coffee or whatever. A fish. A crab. [*multiple voices*] But um...
30
31 Shoemake: We could help in the RFPs portion of...
32
33 Olsen: Thank you. That would be critical.
34
35 Shoemake: ...you know because that's where you have to nail it down what you're after, and try to get
36 the most out of it.
37
38 Olsen: And your your Port Commissioners would be not exactly like our Harbor Commissioners. Your
39 Port Commissioners are elected by the city or the uh municipality at large. Ours are appointed here, but
40 your Port Commissioners are volunteers, also?
41
42 Shoemake: Yes. Very similar to you guys.
43
44 Olsen: Just like us. So they uh provide more of a uh sitting over here on mount high kind of nothing here
45 kind of thing, well not nothing here but how to make sure the widgets run right and [*unintelligible*] input
46 and our Staff would be the one that implements it, runs and operates it, correct?
47
48 Shoemake: Right. Absolutely.
49

1 Mayor Mattila: Um, another thing that we would really be uh interested in of course, is financing, and
2 those people we need to contact to make these things happen. And so that is obviously you can't do
3 anything without a dollar in your pocket, so...

4
5 Greenwood: Yeah.

6
7 Mayor Mattila: ...we'll need a lot of information and guidance in that uh in that way. Excuse me, go
8 ahead.

9
10 Gambino: Uh my concern, gentlemen, is the governance of the harbor, and with that the Commission,
11 the Harbor Commission. You, since you have Harbor Commissions or Port Commissioners, how do you
12 – can you give us any advice on how to populate such entities? How do you attract people to volunteer
13 their time...

14
15 Olsen: And to be berated.

16
17 Gambino: ...especially people with expertise?

18
19 Greenwood: You know I would [*unintelligible*]

20
21 Shoemake: Stop reading the newspaper. (Laughter)

22
23 Greenwood: I think if you look at probably – I know a lot of municipal planning commission uh
24 guidelines have some uh limitations on the type of uh involvement – you know there's usually
25 limitations on number of property developers that can actually sit on the Planning Commission. I've
26 been involved and appointed four subsidies where they're trying to get different people representing in
27 there, so that would be perhaps for Depoe Bay [*unintelligible*].

28
29 J. Grant: Yeah, we did that. Um, the question is, though, so people know, I I correct me if I'm wrong,
30 but the Port Commissioners for Toledo and for Newport are elected.

31
32 Greenwood: Correct. They're [*unintelligible*]

33
34 Olsen: Like we are here here on this [*multiple people speaking - unintelligible*]. Not like the Port
35 Commission.

36
37 J. Grant: When they uh uh make a financial decision, OK, then it has the force of of a regulation, it's
38 going to get done. If they decide to fund a certain project or not, or change the fuel rates or the dockage
39 or rents, then they're they go by – they rely heavily on your recommendations...

40
41 Greenwood: Mm-hm.

42
43 J. Grant: ... right? But in the end, they uh they're the ones that make the decisions.

44
45 Greenwood: Absolutely.

46
47 Shoemake: Yeah, and we pass a budget every year like you guys do, too, and so we we try to be as
48 precise in there as we can. And so a lot of that is pre-determined in our budget. So we have to work
49 within our budgets, and we both probably have limits on what we can uh you know uh do.

1
2 Grant: Which, I gotta ask one question. I'm sorry to take your time on a filibuster. Just, I gotta ask is uh
3 for you to chew on for maybe uh a later day is, would you see any value or a leg up for Depoe Bay to to
4 seek uh a port a port authority down in here in this a port district here?
5
6 Greenwood: Somebody told me you guys used to be part of the Port of Newport. (Laughter) I don't
7 know exactly what happened back then in 1972 or whenever it was.
8
9 Gambino: They gave it to us.
10
11 Greenwood: Yeah, those are all things I think are probably for another time.
12
13 Multiple people: Yeah.
14
15 J. Grant: For another time. Something to chew on.
16
17 Shoemake: Yeah, and you know there's a ports division under Business Oregon and Dave Harlan's his
18 name, and Dave has a commitment in Portland tomorrow morning, or he was actually going to come to
19 the meeting with us, but if you ever wanted to have him come or you want to just have a casual
20 conversation with him...
21
22 Greenwood: He's actually [*unintelligible*]
23
24 Mayor Mattila: Do we uh have any other quick questions, Councilors? Colin?
25
26 Teem: Thank you for your time.
27
28 Greenwood: Yeah!
29
30 Teem: You guys are a valuable, valuable asset.
31
32 Greenwood: Thank you.
33
34 Gambino: Yeah, thanks for coming, guys.
35
36 Mayor Mattila: Olsen?
37
38 Olsen: I'm done.
39
40 Mayor Mattila: Gambino?
41
42 Gambino: No. Thank you.
43
44 Shoemake: And if you want to see our plan...
45
46 Olsen: We'd love to see your...
47
48 Shoemake: ...it's on our website.
49

1 Olsen: It's on your website?

2

3 Shoemaker: You bet. Thank you.

4

5 Multiple speakers: Thank you. Thank you so much. (Applause)

6

7 *End of verbatim transcription.*

8

9 B. Interview/Appoint Applicants for City Commissions and Committees

10 Murray said Planning Commission applicants Peggy Leoni and Greg Steinke were present; but that
11 Parks Commission applicant Bill Spores was unable to be present, and Traffic Safety Commission
12 applicant John O'Brien had tried to make it back from the valley for the meeting, but wasn't present.
13 There was discussion regarding whether the Council was comfortable voting on re-appointing
14 incumbent Commissioners who were not present; there was no objection to proceeding with the vote on
15 absent applicants. Planning Commission applicants Peggy Leoni and Greg Steinke came forward to tell
16 about themselves and why they were interested in participating, and answered questions from
17 Councilors regarding their qualifications and applications.

18

19 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot and applications
20 attached to original of these minutes) and announced the results. The vote to appoint Peggy Leoni to
21 Planning Commission Position #6, Greg Steinke to Planning Commission Position #7, Bill Spores to
22 Parks Commission Position #5, and John O'Brien to Traffic Safety Commission Position #2 was
23 unanimous.

24

25 Motion 3: Olsen moved to accept the election results for all four seats. Gambino seconded the motion.

26

27 Mayor Mattila said it was made and seconded, and called for the question.

28

29 Vote: Motion 3 passed.

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

31

32 C. Public Hearing (Continued): Case File #1-APPEAL-CC-15 – Appeal of Planning Commission
33 Decision Application – Request for Planned Development Amendment (Case File #1-PD-PC-15)

34 Gintner cautioned Councilors to ensure they declare any ex-parte contact since the last meeting. Fisher-
35 Brown and Olsen declared they had had contact with people who live in Little Whale Cove or were
36 present in the room. Mayor Mattila and Gambino declared they were approached but declined to
37 interact. Olsen invited *Testimony in Opposition to the Appeal*. Lewis said additional written testimony
38 had been received since the last meeting (copies of written testimony from Eugene Grant, Patricia Neal,
39 Roy Hageman, Katherine Pyle, Pete Tuana, and Rose Sagawa attached to original of these
40 minutes). Richard Salazar, 1150 Morning Walk, distributed a packet of information relating to RV
41 storage areas being fire hazards (copy attached to original of these minutes), and read from a prepared
42 statement (copy attached to original of these minutes), encouraging the Council not to overturn the
43 Planning Commission's conclusion. Linda Perez Salazar, 1150 Morning Walk also read from a prepared
44 statement (copy attached to original of these minutes), and asked the Council not to overturn the
45 decision of the Planning Commission. Gintner called for comments from *Proponents of the*
46 *Appeal*. Jennifer Puentes, 1272 SW Meadow Lane, read from a prepared statement (copy attached to
47 original of these minutes) frequently referring to 39 pages of documentation (originals in Appeal file) as
48 she encouraged the Council to uphold the Planning Commission's decision. Gintner called for further
49 comments; there were none. He called for *Appellant's Rebuttal*. Eugene Grant rebutted the testimony

1 given in opposition to the appeal. He said the concerns raised in testimony were irrelevant, and made the
2 point that Little Whale Cove's CC&Rs (Covenants, Conditions, and Restrictions) are not related to the
3 City's zoning code. He said Tract B is a large common area buffer between homes and Tract D, and
4 reiterated that safety isn't relevant in this situation. He said the 40 ancillary parking spaces were clearly
5 subordinate to the 286 homes in Little Whale Cove. He insisted the Planning Commission's decision
6 was a mistake, and said we all make mistakes.

7
8 Motion 4: Olsen moved to close the record and begin our deliberations. Gambino seconded the motion.

9
10 Discussion: Audience member Pete Tuana's name had been mentioned in testimony, and he wanted to
11 address the statements that were made. E. Grant called a point of order, saying an audience member
12 cannot be allowed to give a rebuttal. There was no further discussion.

13
14 Vote: Motion 4 passed.

15 Ayes: Fisher-Brown, Gambino, J. Grant, Mattila, Olsen, Teem

16
17 The Council briefly deliberated.

18
19 Motion 5: Gambino moved that the Council uphold the Planning Commission decision of denial of the
20 appeal. Fisher-Brown seconded the motion.

21
22 Discussion: There was brief discussion.

23
24 Vote: Motion 5 passed.

25 Ayes: Fisher-Brown, Gambino, Mattila, Olsen, Teem

26 Noes: J. Grant

27
28 Gintner advised the Council to direct Staff to write up a written determination. Olsen asked if that would
29 make it so; Gintner said yes, and to bring it to the next meeting.

30
31 Mayor Mattila called a recess at 8:46 PM. The meeting reconvened at 8:55 PM.

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

33 There were no reports.

34 VII. PUBLIC COMMENTS

35
36 Mat DeWitt, 25 Evans, addressed the Council regarding his concern over recent storms washing debris
37 off Trollers Island in the harbor, saying he believes the debris has become a hazard to
38 navigation. Fisher-Brown expressed concern over possible liability. Weidner was directed to find out
39 how much it would cost to do a light cleanup; he said he will find out if the integrity of the hillside wall
40 is intact. There was brief discussion about a Corps of Engineers stabilization report that was done on the
41 north side of the harbor around 2007; Mayor Mattila said to take that report under advisement. Weidner
42 will take photos and provide a report at the next meeting.

43 VIII. UNFINISHED BUSINESS

44 There was no unfinished business.

45 IX. NEW BUSINESS

46 A. OLCC Liquor License Application – Depoe Bay Inn

1 Taffy Gleason, 235 SE Bayview Avenue and on-site manager, was present on behalf of the property
2 owner to answer questions from the Council.

3
4 Motion 6: J. Grant moved to approve the liquor license. Gambino seconded the motion.

5
6 Mayor Mattila called for comments; there were none.

7
8 Vote: Motion 6 passed.

9 Ayes: Gambino, J. Grant, Mattila, Olsen, Teem

10 Noes: Fisher-Brown

11
12 B. Amendment #3 – Cooperative Improvement Agreement #28669 – US Hwy 101 at Lillian Lane –
13 Oregon Department of Transportation (ODOT), City of Depoe Bay, and The Hills of Depoe Bay
14 LLC

15 Lewis explained an agreement has been in place between ODOT, the Lillian Lane developer, and
16 because Lillian Lane is public right of way, the City of Depoe Bay has jurisdiction, but maintenance
17 stays with the developer. The Department of State Lands (DSL) has looked at the storm area and made
18 recommendations to change the storm water analysis previously completed. The modifications have
19 been made in accordance with the DSL recommendations. These changes created the need for this
20 Amendment, which states the storm water discharges will be in agreement with the latest and greatest
21 storm water analysis report. (Copy of Amendment #3 attached to original of these minutes.)

22
23 Motion 7: Olsen moved to approve Amendment #3 on the Transportation Plan for Lillian Lane.
24 Gambino seconded the motion.

25
26 There was no discussion.

27
28 Vote: Motion 7 passed.

29 Ayes: Fisher-Brown, Gambino, J. Grant, Mattila, Olsen, Teem

30
31 C. Agreement of Services – CenturyWest Engineering – Coast Avenue Infrastructure
32 Improvements Project

33 Weidner said the Council needs to authorize moving forward with the agreement with CenturyWest
34 Engineering for engineering infrastructure improvements (copy of agreement attached to original of
35 these minutes).

36
37 Motion 8: J. Grant moved to approve the agreement for services with CenturyWest Engineering. Olsen
38 seconded the motion.

39
40 There was no discussion.

41
42 Vote: Motion 8 passed.

43 Ayes: Fisher-Brown, Gambino, J. Grant, Mattila, Olsen, Teem

44
45 D. Oregon Department of Fish and Wildlife (ODFW) Grant Agreement – R&E Project 15-027
46 Murray said this is the Salmon Enhancement grant award letter and Agreement (copy attached to
47 original of these minutes). She said the signature page has Neighbors For Kids Director Toby Winn's
48 name on it, and he can't legally sign an agreement between the City and the State. She said if the
49 Council approves entering into this agreement with ODFW and authorizes the Mayor to sign the

1 agreement, she wasn't sure how the technicality of taking Mr. Winn's name off the signature page
2 would work. Gintner said the agreement can be approved based on the name getting corrected.

3
4 Motion 9: Gambino moved to accept the Fish Restoration and Enhancement Grant and approve it,
5 conditional on the correction, and authorizing the Mayor to sign. J. Grant seconded the motion.

6
7 Discussion: There was brief discussion.

8
9 Vote: Motion 9 passed.

10 Ayes: Fisher-Brown, Gambino, J. Grant, Mattila, Olsen, Teem

11
12 E. Vista Street Asphalt Overlay Proposals

13 Weidner reported he received two proposals (copies attached to original of these minutes), and
14 recommended accepting the low bid of \$8,996.66 from Road & Driveway. He anticipated the work may
15 be done in February, weather permitting. Olsen asked that all residents in the affected area be notified.

16
17 Motion 10: Olsen moved to approve Road & Driveway's proposal for \$8,996.66. Fisher-Brown
18 seconded the motion.

19
20 There was no discussion.

21
22 Vote: Motion 10 passed.

23 Ayes: Fisher-Brown, Gambino, J. Grant, Mattila, Olsen, Teem

24
25 X. CORRESPONDENCE

26 There were two items of correspondence (copies attached to original of these minutes): 1) An invoice in
27 the amount of \$300 from Dean Gilpatrick of 305 Coast Avenue for removal of gravel from his driveway
28 drainage system. The drainage system was not installed by the City. Weidner said he spoke with Mr.
29 Gilpatrick about the storm drain on his property, which is at the bottom of the Heiberg Street hill, a
30 graveled street. Weidner suggested installing a short asphalt berm to help keep the gravel off Mr.
31 Gilpatrick's driveway; there was no objection. Mr. Gilpatrick's invoice indicated he would continue to
32 send invoices until the problem is resolved. There was brief discussion, during which it was clarified
33 that issues arising on private property are the responsibility of the property owner.

34
35 Motion 11: Teem moved to deny the invoice request. Fisher-Brown seconded the motion.

36
37 Mayor Mattila asked Teem to re-state the motion, then called for the question.

38
39 Vote: Motion 11 passed.

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

41
42 Weidner said he would talk to Mr. Gilpatrick and let him know the Council agreed to have a berm
43 installed; Grant suggested Weidner also tell him the City continually tries to improve our streets.

44
45 CORRESPONDENCE, continued:

46 2) A letter from Wave Broadband providing the City with a 30-day notification of an increase in their
47 rates, pursuant to the franchise agreement. There was brief discussion regarding the status of the City's
48 communications with Wave about the franchise agreement; Murray said she expects a response to be
49 received around the middle of this month.

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XI. CITY STAFF REPORT

Weidner briefly discussed the aftermath of the vessel sinking in the harbor last month

Murray was not asked for a report.

XII. COUNCIL COMMENTS

Fisher-Brown said she enjoyed the public hearing process.

XIII. ADJOURN

There being no further business, the meeting was adjourned at 9:52 PM.

A. J. Mattila, Mayor

Emma LuMaye, Recording Secretary