

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, March 1, 2016 - 7:00 PM
4 Depoe Bay City Hall

5
6 PRESENT: Mayor A.J. Mattila, J. Fisher-Brown, R. Gambino, J. Grant, C. Teem

7
8 VACANCY: 2 vacant seats

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 called the meeting to order at 7:15 PM and established a quorum.

18

19 III. APPROVE MINUTES: February 16, 2016 Regular Meeting

20 Motion 1: Gambino moved to approve the minutes of the Regular Depoe Bay City Council meeting of
21 February 16, 2016. Fisher-Brown seconded the motion.

22

23 Discussion: Fisher-Brown asked if the Urban Renewal meeting minutes should also be approved; it was
24 noted that these are only approved at Urban Renewal meetings. Mayor Mattila called for the question.

25

26 Vote: Motion 1 passed.

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

28

29 IV. ACCOUNTS PAYABLE

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

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33 There was no discussion.

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35 Vote: Motion 2 passed.

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

37

38 V. SPECIAL ORDERS

39 A. Interview/Appoint Applicants for City Council Vacancies

40 Applicant Jeff Wiseman was present and came forward to tell about himself and why he is interested in
41 participating, and answered questions from Councilors regarding his qualifications and application.

42

43 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot and application
44 attached to original of these minutes) and announced the results. The vote to appoint Mr. Wiseman to
45 Position #5 of the City Council was unanimous.

46

47 Motion 3: Gambino moved to accept the tally of the votes and appoint Mr. Wiseman as City Councilor.
48 Fisher-Brown seconded the motion.

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1 Mayor Mattila called for the question.

2

3 Vote: Motion 3 passed.

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

5

6 Mayor Mattila asked Murray if Mr. Wiseman could be sworn in tonight; Murray said he can be sworn in
7 tomorrow or when it's convenient for him.

8

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

10 Budget Committee applicants Danny Arnold, Russ Hunter, Dick Johnson, and Jeff Speer were present
11 and came forward to tell about themselves and why they are interested in participating, and to answer
12 questions from Councilors regarding their qualifications and applications. Murray said applicant Peggy
13 Leoni was not able to be present.

14

15 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot and applications
16 attached to original of these minutes) and announced the results. The vote to appoint Danny Arnold,
17 Russ Hunter, Dick Johnson, and Jeff Speer to the Budget Committee was unanimous.

18

19 Motion 4: Gambino moved to accept the tally of the votes and appoint said five to the Budget
20 Committee. Fisher-Brown seconded the motion.

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22 Mayor Mattila said it was made and seconded, and called for comments. There were none.

23

24 Vote: Motion 4 passed.

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

26

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

28 There were no reports.

29

30 VII. PUBLIC COMMENTS

31 Debra Callender, 151 SE South 40 Lane, addressed the Council regarding her concern over English ivy
32 on trees near her property. There was brief discussion; Weidner said he will have the County work crew
33 take care of it when they are doing scheduled work in late March or mid-April.

34

35 Rick Hall, 205 South Point, said he was the owner and captain of the charter boat *Siamez*, and was
36 present to discuss his shame and disgust at certain people regarding the sinking of his boat on December
37 12. He said it was proven that the City's finger dock caused the damage, and said certain members of
38 this body had decided to be less than honest and told the insurance company a ridiculous story that
39 couldn't have happened. He said he, his business, and his family were destroyed. He questioned a bill
40 for materials and Crew time associated with the boat's sinking which he received from the City. He
41 expressed his intent to sell his house, hire an attorney, and bring a storm down to Depoe Bay if some
42 people didn't start telling the truth. He said a couple of people told his insurance company that his boat
43 broke loose, floated over to the Tradewinds side of the bay and hit something over there, then floated
44 back to his dock, turned itself in the right position, and sank. He wanted to know how that would even
45 be possible. Multiple Councilors expressed their lack of knowledge of the things he was claiming, and
46 said they had seen nothing like that in writing. Weidner said Mr. Hall's statement was not in the report
47 from the insurance company. Mr. Hall said that's what he was told by the insurance people. Weidner
48 said employees involved in the rescue of the boat were interviewed by the insurance company, and the
49 City was told by the marine surveyor to turn in the time, hours, and materials used to rescue the

1 boat. Mr. Hall said his insurance claim was denied, and asked what he is supposed to do. Multiple
2 Councilors stated they had not be questioned or consulted regarding the sinking of the boat. Mr. Hall
3 apologized to the Council. Grant said he appreciated the apology, because Hall had come in with some
4 pretty strong accusations that the Council made this report; that he was a little intolerant of making a
5 case with innuendo and accusation, and that Hall had not presented a written report. Mr. Hall said that
6 was because the insurance people denied the claim and would not talk to him. Grant encouraged Mr.
7 Hall to get a written record. Weidner said the insurance company did an investigation which included
8 interviewing the Crew that was working in the harbor – specifically the harbormaster and assistant
9 harbormaster. Grant asked whether Hall had signed an agreement regarding indemnity when he signed
10 up for moorage; Mr. Hall said probably. Murray said moorage holders are required to sign a Moorage
11 Use Permit. Grant asked if there was a fault or no-fault passage that covers when boats sink. Murray said
12 for a Moorage Use Permit to be valid, the City requires proof of insurance which includes listing the
13 City as an additional insured. She said when a claim is filed against the City, as Mr. Hall did, it goes to
14 our insurance company, which conducts an investigation. The insurance company then provides their
15 acceptance or denial of the claim. Weidner said the City was not contacted by Mr. Hall's insurance
16 company. Grant said when the boat sank he heard a lot of rumors, but he doesn't put much stake in
17 rumors; Mr. Hall said he doesn't either. Grant asked Mr. Hall to confirm that he was saying it's the
18 City's fault his boat sank; Mr. Hall said that was correct. Grant asked Mr. Hall if he was there when the
19 boat sank; Mr. Hall said he was not. Grant said City Crew was present and that he couldn't see them
20 lying; Mr. Hall said he sees it happening and that somebody's covering for somebody else. He said he
21 will bring a storm down here to prove it because he has to. He said he's going to sell his house, hire a
22 lawyer, and do whatever he's got to do, because he's out of work, out of a life, out of everything. Teem
23 said nobody on the Council had any decision on the claim denial. Mayor Mattila said he had great
24 empathy for Mr. Hall losing his boat, and he's lost a couple himself. He said Mr. Hall came in like a bull
25 in a china shop, accusing Councilors and Staff of improprieties which are unfounded. He said Mr. Hall
26 has an argument with his insurance company, and they have an argument with the City's insurance
27 company. He said the Council is not responsible for Mr. Hall's boat sinking, and he requested that Mr.
28 Hall respect the dignity of the Council when he returns. He said neither he nor any Councilor knew
29 anything about the sinking of his boat or the findings of his insurance company. He said if Mr. Hall felt
30 like he needed to hire an attorney and bring the wrath of God down on the Council, he would do a little
31 soul searching before taking that approach, as that was an avenue he didn't think anybody needs to be
32 going down. Mr. Hall apologized to the Council again, saying he didn't know how deep this went, that
33 he knows somebody's covering something up, and he will prove it. Grant said the Council made no
34 conclusion as to what went wrong causing Mr. Hall's boat to sink, and asked Mr. Hall to give the
35 Council the benefit of the doubt that we don't know whose fault it was. Mr. Hall was advised to speak to
36 a claims adjuster and get a written report.

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38 VIII. UNFINISHED BUSINESS

39 A. Cleanup Trollers Island

40 Weidner said that using a crane wasn't feasible due to the location, and recommended cleanup be done
41 with manual labor. He said he'd contacted numerous contractors and handymen, none of which was
42 interested in the project, and he's thinking of using the County work crew, City Crew, City equipment
43 including the port skiff and floats. Materials will be needed to fabricate the floats into a barge to place
44 the debris on and transfer to the ramp area for hauling off. He may need Wiggins Tug & Haul to help.
45 Life jackets will be needed for County work crew.

46

47 Motion 5: Gambino moved to authorize Brady to move forward with the plan of securing materials
48 needed and setting up a platform and crew to clean up Trollers Island. Teem seconded the motion.

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1 There was brief discussion.

2

3 Vote: Motion 5 passed.

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

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6 B. Draft Letter to U.S. Postal Service

7 At the Mayor's request, Fisher-Brown read the draft letter (copy attached to original of these minutes)
8 into the record. She said she was willing to go to Salem or Portland if necessary, to speak to the regional
9 postmaster. There was discussion regarding the draft letter, which will be edited by Grant and brought
10 back to the next meeting for approval. Fisher-Brown asked for official City documentation from 1992
11 when the post office stopped providing street delivery service to residents. Jack O'Brien, 270 Bensell
12 Avenue, shared his post office experiences with getting a free box over the years.

13

14 IX. NEW BUSINESS

15 A. OLCC Application – change of Ownership/Whistle Stop Market

16 Murray said this application (copy attached to original of these minutes) is only for a change of
17 ownership, and the Council can move to recommend the license be granted or denied, and the
18 recommendation goes to OLCC as part of their process.

19

20 Motion 6: Gambino moved to notify the Oregon Liquor Commission that we approve of and agree with
21 the license application. Grant seconded the motion.

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23 Mayor Mattila called for the question.

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25 Vote: Motion 6 passed.

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

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28 B. Water Main Extension Project – SW Point Avenue

29 Weidner said Cliff Street was done two years ago, and this project will finish up the South Point area.
30 He said he wants to do this on his own instead of hiring a contractor, and had three quotes for materials
31 (copy of Weidner's memo dated 2/29/16 attached to original of these minutes). He plans on using a
32 contractor at \$90 an hour, who can get the project done in less than five days. He has already called in
33 the locates. This project is in the budget, not including overlays.

34

35 Motion 7: Teem moved for Brady to move forward with the Point Street water main extension with
36 material and bids, and using City Crew and the contractor he's mentioning. He asked if it needed to go
37 out to bid first; Weidner said that wasn't necessary because it's going to be under \$5,000. Gambino
38 seconded the motion.

39

40 Discussion: Weidner said he got price quotes and bids on the materials, because that will be over the
41 \$5,000 limit.

42

43 Amendment: Teem amended his motion to include the Ferguson Waterworks materials quote of
44 \$5,435.32. Gambino seconded the amendment.

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46 Mayor Mattila called for the question.

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48 Vote: Motion 7, as amended, passed.

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

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C. Street Overlay Projects – SW South Point Street and NW Spencer Avenue
Weidner reported South Point is riddled with potholes, and 100 feet of Vista Street and Spencer Avenue need paving due to runoff flooding a yard. There is also work to be done on Hazelton Place, Elsie Street, and the sidewalk by O’Connell Gallery. (Copy of Road & Driveway bid attached to original of these minutes.)

Motion 8: Gambino moved that we approve the amount of \$7,980 for these improvements with Road & Driveway. Fisher-Brown seconded the motion.

Mayor Mattila called for the question.

Vote: Motion 8 passed.
Ayes: Fisher-Brown, Gambino, Grant, Mattila, Teem

D. Identify Discussion Topics for April 6 Joint Meeting with Lincoln County Board of Commissioners
Items the Council identified as topics of discussion were: more money, increasing the budget and/or expenditure toward Lincoln County Sheriffs who patrol outlying areas on a permanent basis, and affordable housing. This item will appear on the next agenda for further discussion.

X. CORRESPONDENCE

There were three items of correspondence: 1) A letter from Lance Giammanco, resigning from the Planning Commission (copy attached to original of these minutes). 2) A letter addressed to each Councilor from Representative Kurt Schrader inviting the Councilors to a forum on March 10; he has requested Councilors RSVP to the invitation. Mayor Mattila and all Councilors said they will attend; Murray will RSVP for all. She asked if newly-appointed Councilor Wiseman could be included in the invitation. There was no objection. Mr. Wiseman said he would like to attend; Murray will send an RSVP on his behalf.

Murray asked if the Council wanted to accept Mr. Giammanco’s resignation before moving forward. Grant wanted to send a heartfelt thank you.

Motion 9: Gambino moved to accept Lance Giammanco’s resignation reluctantly, and that we declare his seat vacant, and we send him a heartfelt thank you. Fisher-Brown seconded the motion.

Mayor Mattila called for the question.

Vote: Motion 9 passed.
Ayes: Fisher-Brown, Gambino, Grant, Mattila, Teem

Correspondence, continued:

3) A letter from Chris Carr, who’s unhappy with tree harvesting behind his house on Spring Avenue. He feels it’s necessary to leave a wider margin (buffer) of trees between neighborhoods and land designated (zoned) for tree farming. It was noted that the area in question is private property that is not within City limits, but is within the Urban Growth Boundary in an area zoned for Timber Conservation. Weidner said Hancock Timber has told him they are doubling their buffer to 20 feet, and even more around the reservoir. Murray said the City adopted the State’s Forest Practices Act many years ago, and the City

1 follows the Forest Practices Act. Mayor Mattila suggested Staff send a letter to Hancock asking what the
2 lawful requirements are and what, if anything, we can exercise to keep our boundaries more forested.

3
4 Murray asked the Council for a motion on items discussed in Executive Session.

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6 Motion 10: Grant moved that we authorize our counsel Gintner to move forward on both the items
7 discussed, which were 1) the gas franchise agreement, and 2) the Corcoran property stipulated judgment.
8 Gambino seconded the motion.

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10 Mayor Mattila called for the question.

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12 Vote: Motion 10 passed.

13 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Teem
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15 XI. CITY STAFF REPORT

16 Weidner reported: 1) The Lincoln County Emergency Manager is going around to cities in the county
17 with an informative seminar on Cascadia uprising. She will make a presentation in Depoe Bay if the
18 City helps advertise it and provides the space. He would like to schedule a presentation for early April at
19 the Community Hall. There was discussion about emergency preparation vs. fearmongering. 2) He will
20 not be at the March 15 meeting because he will be at short school. 3) He has found some water rights
21 dating back to 1936, and they need to be brought up to date. He would like to include funding for this in
22 next year's budget.

23
24 Murray had no report.

25 XII. COUNCIL COMMENTS

26 Teem said there was great discussion.
27
28

29 Grant said: 1) He's all for safety, and he supports the education seminar. 2) The Harbor Commission is
30 getting harder and harder to get people interested in participating. He would like the Council to consider
31 reducing the Harbor Commission to a five-person body, and asked to have this on the Agenda.

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33 Gambino said it was a good meeting.
34

35 XIII. ADJOURN

36 There being no further business, the meeting was adjourned at 9:45 PM.
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42 _____
A. J. Mattila, Mayor

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46 _____
47 Emma LuMaye, Recording Secretary