

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

5
6

7 PRESENT: Mayor A.J. Mattila, R. Gambino, J. Grant, J. Wiseman

8

9 ABSENT: Fisher-Brown

10

11 VACANCY: 2 vacant seats

12

13 STAFF: City Recorder P. Murray, City Superintendent B. Weidner

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16 I. PLEDGE OF ALLEGIANCE

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

18

19 II. CALL TO ORDER

20 Mayor Mattila called the meeting to order at 7:09 PM and established a quorum.

21

22 III. APPROVE MINUTES: July 19, 2016 Regular Meeting

23 Motion 1: Gambino moved to approve the minutes of the July 19 Regular Council meeting. Wiseman
24 seconded the motion.

25

26 Mayor Mattila called for the question.

27

28 Vote: Motion 1 passed.

29 Ayes: Gambino, Grant, Mattila, Wiseman

30

31 IV. ACCOUNTS PAYABLE

32 Motion 2: Gambino moved to approve the Accounts Payable as presented. Wiseman seconded the
33 motion.

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35 Mayor Mattila called for the question.

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37 Vote: Motion 2 passed.

38 Ayes: Gambino, Grant, Wiseman

39 Abstain: Mattila

40

41 V. SPECIAL ORDERS

42 A. Tina French, North Lincoln Sanitary Service – 2016 Rate Review Report

43 Tina French reviewed the 2015 report (copy attached to original of these minutes), and asked for a CPI
44 rate increase of .425%. She discussed the recent removal of the glass recycling bin at the harbor with the
45 Council. Mayor Mattila stated the Council's intention to relocate the glass recycling to another location;
46 Ms. French said the chosen location needs to be visible to help avoid contamination with garbage.

47 Murray noted the new rates are scheduled to go into effect September 1, and a Resolution to accept the
48 rate change will be prepared and presented for adoption at the next Council meeting.

49

1 B. Steve Robert, PND Engineers – Harbor Master Plan Final Draft Presentation for Adoption
2 Steve Robert gave a PowerPoint presentation on the final draft of the Harbor Master Plan, and discussed
3 the Plan with the Council, reiterating goals and objectives (copy of final draft plan attached to original of
4 these minutes).

5
6 Motion 3: Gambino moved to approve and adopt the Harbor Master Plan as presented by PND.
7 Wiseman seconded the motion.

8
9 Discussion: There was brief discussion regarding whether future Councils can add or take away from the
10 Plan.

11
12 Vote: Motion 3 passed.

13 Ayes: Gambino, Grant, Mattila, Wiseman
14

15 C. Interview/Appoint Applicants for City Council Vacancies

16 City Council applicants Frank Lazarony and Charles Bates were present and came forward to tell about
17 themselves and why they were interested in participating, and answered questions from Councilors
18 regarding their qualifications and applications. (Copy of cover letter and applications attached to original
19 of these minutes.) There was also brief discussion regarding positions expiring on December 31 and the
20 need for anyone appointed to an expiring position to get on the November ballot if they wish to retain
21 the position. It was pointed out that Mr. Lazarony's application was received after the deadline; the
22 Council did not waive the deadline, but will re-post the vacancy announcement. Mr. Lazarony indicated
23 he would resubmit his application. Murray noted that Debra Callendar had submitted an application but
24 would not meet the residency requirement until November 1.

25
26 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to
27 original of these minutes) and announced the results. The vote to appoint Charles Bates to City Council
28 Position #3 was unanimous.

29
30 Motion 4: Gambino moved to approve the vote tally and appoint Mr. Bates as Councilor. Grant
31 seconded the motion.

32
33 Mayor Mattila said it was made and seconded, and called for the question.

34
35 Vote: Motion 4 passed.

36 Ayes: Gambino, Grant, Mattila, Wiseman
37

38 Murray said the vacancy for Position #2 will be re-posted with a closing date before the next Council
39 meeting, and will appear on the next Agenda if any applications are received.
40

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

42 Murray said the Salmon Enhancement Commission moved at their last meeting to remove a member,
43 Eric Messersmith, due to lack of participation. Messersmith's term expires 12/31/17. There was
44 discussion; Murray said she would send a letter asking for his resignation.
45

46 VII. PUBLIC COMMENTS

47 Debbie Callendar addressed the Council regarding her interest in working with the Council and her
48 intention to run for City Council Position #2 in the November election.
49

1 VIII. UNFINISHED BUSINESS

2 A. Bid Award – Devils Lake Rock Co. – Coast Avenue Infrastructure Improvements Project
3 Weidner reported two bids were received, and recommended the Council accept the low bid, from
4 Devils Lake Rock Company.

5
6 Motion 5: Gambino moved to award Devils Lake Rock the Coast Avenue Infrastructure Project. Grant
7 seconded the motion.

8
9 Mayor Mattila called for the question.

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11 Vote: Motion 5 passed.
12 Ayes: Gambino, Grant, Mattila, Wiseman

13
14 Murray referenced a letter dated 8/2/16 to Dave Buckingham at Devils Lake Rock Company (copy
15 attached to original of these minutes), saying if the Council was agreeable, a motion authorizing the
16 Mayor to sign the contract once we have all the required information would be in order.

17
18 Motion 6: Gambino so moved. Wiseman seconded the motion.

19
20 Discussion: There was brief discussion regarding bid contestation.

21
22 Vote: Motion 6 passed.
23 Ayes: Gambino, Grant, Mattila, Wiseman

24
25 B. Request to Waive Requirement to Connect to City Sewer System – 900 SE Hwy 101
26 Weidner reported Lincoln County wants to see a connection to sanitary sewer for this property, but if
27 there's no feasible way to accomplish this, a septic tank would be the second option. He said he hasn't
28 yet had time to test for rock under the nearby water mains due to reservoir dredging and other projects,
29 but hopes to have test results by the next Council meeting. If there's room, a boring machine could go
30 under the highway. Paul Lattig said Quinn at the County told him if it is impractical at this time to
31 facilitate a sewer connection, Quinn could sign off on replacing the septic tank; and that's what Lattig
32 was requesting. Weidner will report at the next meeting.

33
34 C. Draft Application for Permit to Place Mailbox in Public Right-Of-Way (Ord. #306)
35 Murray reviewed the draft application (copy attached to original of these minutes), saying the form
36 requests a lot of information to be attached. There was brief discussion.

37
38 Motion 7: Grant moved to accept the draft. Wiseman seconded the motion.

39
40 Mayor Mattila called for the question.

41
42 Vote: Motion 7 passed.
43 Ayes: Gambino, Grant, Mattila, Wiseman

44
45 Murray noted the application does not include fees.

46
47 IX. NEW BUSINESS

48 A. Request Authorization to Schedule Event in City Parks
49 • Treasure Depoe Bay Pirate Gathering – August 20, 2016 at Whale Park

1 Gambino said he is the President of Treasure Depoe Bay, and asked the Council's permission to use
2 Whale Park for their event.

3
4 Motion 8: Grant asked if a motion was needed, and said he'd make that motion. Wiseman seconded the
5 motion.

6
7 Discussion: There was brief discussion.

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9 Vote: Motion 8 passed.

10 Ayes: Gambino, Grant, Mattila, Wiseman

11
12 • Depoe Bay Chamber of Commerce Community Picnic – August 12-13, 2016 at City Park
13 An unidentified audience member at the podium withdrew this request.

14
15 • Depoe Bay Chamber of Commerce Salmon Bake – September 14-19, 2016 at City Park

16 Motion 9: Grant moved to approve the application for the Salmon Bake at City Park. Gambino seconded
17 the motion.

18
19 Mayor Mattila called for the question.

20
21 Vote: Motion 9 passed.

22 Ayes: Gambino, Grant, Mattila, Wiseman

23
24 (Copies of all requests attached to original of these minutes.)

25
26 B. Proposed Ord. #307 – An Ordinance Granting a Non-Exclusive Gas Utility Franchise to
27 Northwest (NW) Natural Gas Company; Fixing Terms, Conditions and Compensation of Such
28 Franchise; Replacing and Repealing Ord. #203; and Declaring an Emergency

29 Murray said the existing Ordinance with NW Natural expired in 2015, and the proposed Ordinance
30 (copy attached to original of these minutes) is the result of negotiations between the City Attorney and
31 NW Natural's attorney. She said the main change is an increase in the franchise rate from 3% to 5%;
32 also the term of the agreement is going from 20 years to 10 years. She asked the Council to consider a
33 motion to read by title only for the first and second readings.

34
35 Motion 10: Gambino moved to have the first reading by title only. Grant seconded the motion.

36
37 Mayor Mattila called for the question.

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39 Vote: Motion 10 passed.

40 Ayes: Gambino, Grant, Mattila, Wiseman

41
42 Murray performed the first reading of proposed Ord. #307 by title only, and called for questions or
43 comments from the audience. There were none. She noted the proposed Ordinance has been made public
44 for a week, and no written comments had been received.

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46 Motion 11: Gambino moved to adopt at the first reading, Ordinance #307. Wiseman seconded the
47 motion.

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49 Mayor Mattila said it was moved and seconded, and called for the question.

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Vote: Motion 11 passed.
Ayes: Gambino, Grant, Mattila, Wiseman

Murray said the motion passed unanimously, so the Council could proceed with the second reading tonight, and asked for a motion to read by title only.

Motion 12: Wiseman moved to consider the second reading of Ordinance #307 by title only. Grant seconded the motion.

Mayor Mattila called for the question.

Vote: Motion 12 passed.
Ayes: Gambino, Grant, Mattila, Wiseman

Murray performed the second reading of proposed Ord. #307 by title only, and called for questions or comments from the audience. There was a question about declaring an emergency; Murray explained the difference is in how soon the Ordinance becomes effective. There was a question whether NW Natural has any competition; the answer was no.

Motion 13: Gambino moved to adopt at the second reading Ord. #307, and ask that the Mayor sign the Ordinance. Wiseman seconded the motion.

Mayor Mattila called for the question.

Vote: Motion 13 passed.
Ayes: Gambino, Grant, Mattila, Wiseman

C. Authorize Expenses – OCPDA Planning Commissioner Training in Salem, September 29, 2016
Murray said five Planning Commissioners are interested in attending this training. Registration is \$75 each, with mileage to Salem and back at \$77, plus \$50 for meals, totaling around \$200 per person. There was brief discussion. (Copy of training flyer attached to original of these minutes.)

Motion 14: Gambino moved to approve up to \$200 each for members of the Planning Commission who would like to attend the Planning Commission training session. Wiseman seconded the motion.

Mayor Mattila called for the question.

Vote: Motion 14 passed.
Ayes: Gambino, Grant, Mattila, Wiseman

X. CORRESPONDENCE

There was one item of correspondence (copy attached to original of these minutes): a letter from CoastCom, who has a franchise agreement with the City. They are asking the Council’s approval to transfer the franchise to Astound Broadband, who is doing business as Wave Broadband. Murray said this was presented for the Council’s information, and that she believed there would be an Ordinance coming before the Council at the next meeting to approve the transfer. There was brief discussion.

XI. CITY STAFF REPORT

1 Murray reported the measure will be on the ballot, candidates are filing to be on the ballot, there will be
2 3½ Council positions on the ballot, and the filing deadline is August 30.

3
4 Weidner reported 1) The reservoir has been drained, and he was surprised at how much silt and other
5 material was in there, including half a bicycle, crawdad traps, cable, fishing rods, and sandbags. He
6 anticipates the dredging may be complete by Friday. 2) The City owns a vacant lot next to the Vista
7 pump station that, with a Conditional Use, could be used for parking and recycling if it was graveled,
8 compacted, and paved. He asked the Council if they wanted him to see how the neighbors feel about it
9 and get cost estimates. There was no objection. 3) ODOT is requiring the City to get a permit for the
10 Hwy 101 bypass project. He anticipates the temporary lines will be in place four to six weeks. 4) Point
11 Avenue has a new water line, storm sewer has been addressed, new water meters have been installed,
12 and it's ready to be paved. He had a cost estimate from Road & Driveway of \$13,000 to pave 750 feet.
13 He said there's only one other company that does paving, and they're not making asphalt right now.

14
15 Motion 15: Grant moved to approve Road & Driveway. Gambino seconded the motion.

16
17 Discussion: Weidner said if Crew is too busy to do prep of compaction and sweeping, that might cost
18 around \$1,000. Murray clarified the motion was to approve the Road & Driveway contract of \$13,048;
19 Weidner added there might be additional cost for prep work.

20
21 Amendment: Grant amended his motion to add up to \$1,500 as a contingency. Gambino accepted the
22 amendment.

23
24 Mayor Mattila called for the question.

25
26 Vote: Motion 15, as amended, passed.

27 Ayes: Gambino, Grant, Mattila, Wiseman

28
29 Weidner continued his Staff Report: 5) He sent out a 15-day notice via certified mail in early June and
30 another in late July to the owner of dilapidated structures at 20 Graham Street, informing the owner if
31 she does not come into compliance it will be referred to the City Attorney's office, which may be
32 directed by the Council to move forward with legal action against the property. He has not received any
33 response. Murray added that the day the second letter was mailed, the first letter was returned as
34 unclaimed. Weidner asked the Council's authorization to refer the matter to the City Attorney's office.

35
36 Motion 16: Gambino moved to approve Mr. Weidner to contact and work with the City Attorney to
37 draw up some paperwork moving forward with legal action against said property. Wiseman seconded
38 the motion.

39
40 Mayor Mattila called for the question.

41
42 Vote: Motion 16 passed.

43 Ayes: Gambino, Grant, Mattila, Wiseman

44
45 Weidner continued his Staff Report: 6) Mr. Crandall came to Depoe Bay and made an agreement with
46 the owner of the burlwood building, Mr. Martin, to get all the RVs off the lot, to get the garbage cleaned
47 up, to have no one living on the lot, and no business operating from the lot; but this is still happening as
48 of today, which was the deadline to accomplish the conditions of the agreement. Mr. Martin states that
49 as of today, nobody is living in the vehicles and he is going to install a fence in accordance with an

1 agreement with Mr. Crandall. This situation has been ongoing for over a year. He asked the Council if
2 they wanted him to wait and see if no one is really living there, and if the business of selling firewood
3 has ceased. Mr. Martin said after he builds the fence he's going to store material on the lot and buy the
4 property after September 1. Weidner said if the Council wants, he can move forward with the City
5 Attorney to impose a \$500 per day fine on the Crandall property. There was additional discussion.
6 7) There are parkland trees in South 40 that are leaning over homes and making the homeowners
7 nervous. Five large alder trees that were leaning over a home have been cut. A Councilor expressed
8 interest in making the wood available to Depoe Bay residents when trees like this are cut down.
9

10 XII. COUNCIL COMMENTS

11 Grant really appreciated the Council applicants, congratulated Charlie, and encouraged Frank to come
12 back with an application at the next meeting.
13

14 Mayor Mattila thanked everyone for coming.
15

16 XIII. ADJOURN

17 There being no further business, the meeting was adjourned at 9:20 PM.
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24 A. J. Mattila, Mayor
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30 Emma LuMaye, Recording Secretary (transcribed from audio)