

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, December 6, 2016 - 7:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: President R. Gambino, C. Bates, J. Grant, J. Wiseman

7  
8 ABSENT: Mayor A.J. Mattila, J. Rustenhoven

9  
10 VACANT: 1 vacant seat

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

14  
15 I. PLEDGE OF ALLEGIANCE

16 President Gambino called for all to stand for the Pledge of Allegiance.

17  
18 II. CALL TO ORDER

19 President Gambino said the Mayor sent his apologies and was not feeling well; then called the meeting  
20 to order at 7:00 PM and established a quorum.

21  
22 III. APPROVE MINUTES: November 15, 2016 Regular Meeting

23 Motion 1: Wiseman moved to approve the November 15, 2016 City Council meeting notes as written.  
24 Bates seconded the motion.

25  
26 President Gambino said it was moved and seconded, and called for discussion. There was none.

27  
28 Vote: Motion 1 passed.

29 Ayes: Bates, Gambino, Grant, Wiseman

30  
31 IV. ACCOUNTS PAYABLE

32 President Gambino said he reviewed the Accounts Payable and they were all good.

33  
34 Motion 2: Wiseman moved to approve Accounts Payable as is. Bates seconded the motion.

35  
36 President Gambino said it was moved and seconded, and called for discussion. There was none.

37  
38 Vote: Motion 2 passed.

39 Ayes: Bates, Gambino, Grant, Wiseman

40  
41 V. SPECIAL ORDERS

42 There were no Special Orders.

43  
44 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

45 There were no reports.

46  
47 VII. PUBLIC COMMENTS

48 There were no public comments.

49

1 VIII. UNFINISHED BUSINESS

2 A. Marijuana Tax Collection Agreement – Oregon Department of Revenue

3 Murray reported the City Attorney reviewed the Agreement and said it was a good Agreement. She said  
4 the Department of Revenue strongly recommends the City have a late fee, penalty, and interest. If this  
5 were added to the Ordinance, we would need to draft an amending Ordinance for the Council's  
6 adoption, creating a late penalty with interest charge on taxes that are not paid on time. The amending  
7 Ordinance would be attached to the Agreement with the State, and the State would follow up with  
8 penalties and interest.

9

10 Motion 4: Grant moved that we have our attorney draft the penalties and interest. Wiseman seconded the  
11 motion.

12

13 President Gambino said it was moved and seconded, and called for discussion. There was none.

14

15 Vote: Motion 4 passed.

16 Ayes: Bates, Gambino, Grant, Wiseman

17

18 Murray said she will try to bring this back for Council adoption at the December 20 meeting.

19

20 IX. NEW BUSINESS

21 A. 2016-17 Employee Safety Bonus

22 Murray said the City is doing really well with workers comp safety. This year's savings were \$5,416.59.  
23 She respectfully requested authorization to distribute the savings in accordance with policy. (Copy of  
24 Murray's memo dated 12/1/16 attached to original of these minutes.)

25

26 Motion 5: Grant moved to distribute that money amongst the employees, given with past policy. Bates  
27 seconded the motion.

28

29 President Gambino said it was moved and seconded, and called for discussion. There was none.

30

31 Vote: Motion 5 passed.

32 Ayes: Bates, Gambino, Grant, Wiseman

33

34 B. Change Order No. 1 – Devils Lake Rock Company Contract Time Extension

35 Weidner provided a project status report, and said the Change Order (copy attached to original of these  
36 minutes) was for an extension of time for Road & Driveway to complete the paving, which has been  
37 delayed.

38

39 Motion 6: Bates moved we accept the Change Order. Wiseman seconded the motion.

40

41 President Gambino said it was moved and seconded, and called for discussion. There was none.

42

43 Vote: Motion 6 passed.

44 Ayes: Bates, Gambino, Grant, Wiseman

45

46 C. Canvass of Votes – November 8, 2016 General Election

47 Murray reported she'd prepared two canvasses (copies attached to original of these minutes): one for the  
48 Measure for imposition of a 3% tax on retail marijuana items, and one for the Candidates. She reviewed  
49 the Measure canvass.

1  
2 Motion 7: Wiseman moved to accept the canvass of votes for the imposition of a 3% tax on marijuana.  
3 Bates seconded the motion.

4  
5 President Gambino said it was moved and seconded, and called for discussion. There was none.

6  
7 Vote: Motion 7 passed.  
8 Ayes: Bates, Gambino, Grant, Wiseman

9  
10 Murray reviewed the canvass for Candidates.

11  
12 Motion 8: Grant moved to accept the canvass of votes for Mayor, and Council positions 1, 2, 3, and 5.  
13 Wiseman seconded the motion.

14  
15 President Gambino said it was moved and seconded, and called for discussion. There was none.

16  
17 Vote: Motion 8 passed.  
18 Ayes: Bates, Gambino, Grant, Wiseman

19  
20 X. CORRESPONDENCE

21 There were three items of Correspondence (copies attached to original of these minutes). 1) A  
22 handwritten note from Mel Neylon, who would like the City to test the tsunami warning sirens after  
23 every major earthquake in different parts of the world, and during the winter months. 2) A letter from  
24 John O'Brien requesting the Council consider having no parking on both sides of Bechill Street. There  
25 was discussion regarding the request and the steps necessary to grant it.

26  
27 Motion 9: Grant moved to draft a Resolution for the City Council to consider at the next meeting.  
28 Wiseman seconded the motion.

29  
30 President Gambino said it was moved and seconded, and called for discussion. It was clarified that the  
31 Resolution's wording would be based on O'Brien's request.

32  
33 Vote: Motion 9 passed.  
34 Ayes: Bates, Gambino, Grant, Wiseman

35  
36 Correspondence, continued:  
37 3) An email from Ken White, resigning from the Parks Commission.

38  
39 Motion 10: Grant moved to regretfully accept the resignation. Bates seconded the motion.

40  
41 President Gambino said it was moved and seconded, and called for discussion. There was none.

42  
43 Vote: Motion 10 passed.  
44 Ayes: Bates, Gambino, Grant, Wiseman

45  
46 There was discussion regarding declaration of the vacancy, and when to close the vacancy posting for  
47 the vacant Council seat.

48

1 Motion 11: Grant moved to put out the announcement for applications for the open Council position,  
2 and that we put it on the next Agenda, for any applications that might come in. Wiseman seconded the  
3 motion.

4  
5 President Gambino said it was moved and seconded, and called for discussion. There was none.

6  
7 Vote: Motion 11 passed.

8 Ayes: Bates, Gambino, Grant, Wiseman  
9

10 XI. CITY STAFF REPORT

11 Murray reported the posting for Commission terms that are expiring will be closing at the end of this  
12 month, and she hopes to schedule applicants for the first meeting in January. Also, the advertisement for  
13 City Recorder is now out. The League of Oregon Cities and Association of Oregon Counties ads will run  
14 for a month. No advertisement was placed in the Tillamook paper due to cost.

15  
16 Weidner reported 1) Mr. Neylon has been informed that the sirens are tested daily. Weidner suggested  
17 creating a Committee in the spring to make decisions on the sirens' expiring warranty, and having  
18 audible tests could be addressed at that time. 2) The *Raptor* sank in the harbor on Thanksgiving day,  
19 just days after the City became the legal owner. Weidner could not find an available salvage crew on  
20 that day, so City Crew got the boat up and got a boom around the spill. They did a great job. Weidner  
21 received a stern verbal warning from DEQ that this cannot happen again, and he also received a  
22 frightening call during which the Miranda rights were read to him. 3) The Christmas tree is up and  
23 ready for the lighting on Saturday, December 10 from 4:00-5:30 PM. There will be cider, chocolate,  
24 candy canes, carols, and an appearance by Santa.

25  
26 XII. COUNCIL COMMENTS

27 President Gambino said the November 28 issue of the League of Oregon Cities Bulletin contained an  
28 article regarding the Supreme Court decision on Handy vs Lane County, which dealt with individual  
29 Councilors speaking to each other and whether that constituted a quorum.

30  
31 XIII. ADJOURN

32 There being no further business, the meeting was adjourned at 7:42 PM.  
33  
34  
35  
36  
37

38 \_\_\_\_\_  
Robert Gambino, Council President

39  
40  
41  
42 \_\_\_\_\_  
43 Emma LuMaye, Recording Secretary