

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, December 20, 2016 - 7:00 PM
4 Depoe Bay City Hall

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

8

9 ABSENT: Mayor A.J. Mattila, J. Rustenhoven

10

11 VACANT: 1 vacant seat

12

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

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16 I. PLEDGE OF ALLEGIANCE

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

18

19 II. CALL TO ORDER

20 President Gambino said the Mayor was unavailable due to unforeseen circumstance; then called the
21 meeting to order at 7:00 PM and established a quorum.

22

23 III. APPROVE MINUTES: December 6, 2016 Regular Meeting

24 Motion 1: Wiseman moved to approve the minutes of the Tuesday, December 6, 2016 Depoe Bay City
25 Council meeting as submitted. Bates seconded the motion.

26

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

28

29 Vote: Motion 1 passed.

30 Ayes: Bates, Gambino, Grant, Wiseman

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32 IV. ACCOUNTS PAYABLE

33 President Gambino said he reviewed the Accounts Payable and they were accurate.

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35 Motion 2: Wiseman moved to approve the Accounts Payable for the City of Depoe Bay as of December
36 20, 2016 as presented. Bates seconded the motion.

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

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40 Vote: Motion 2 passed.

41 Ayes: Bates, Gambino, Grant, Wiseman

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43 V. SPECIAL ORDERS

44 Murray reported the Council vacancy left by Jo Fisher-Brown's resignation had been advertised, but no
45 applications were received before the closing date. She said had any applications been received,
46 interviews would have been conducted under this Agenda item. She asked the Council what the next
47 closing date should be.

48

1 Motion 3: Grant moved that we open for applications for the vacant position until January 2, and we
2 consider them, if we do get any, at the next Council meeting. Bates seconded the motion.

3
4 President Gambino said it was moved and seconded, and called for discussion. There was brief
5 discussion regarding the closing date.

6
7 Amendment: Grant amended his motion to change the closing date to January 17. Bates seconded the
8 amendment.

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10 President Gambino called for further discussion. There was none.

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12 Vote: Motion 3, as amended, passed.

13 Ayes: Bates, Gambino, Grant, Wiseman

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

16 There were no reports.

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18 VII. PUBLIC COMMENTS

19 There were no public comments.

20
21 VIII. UNFINISHED BUSINESS

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

23 Murray reported the City Attorney has reviewed the Agreement, has no legal issues with it, and said it
24 appears to be a good Agreement. The final Agreement (copy attached to original of these minutes) was
25 presented to the Council, and Murray asked for the Council's authorization to enter into the Agreement
26 via motion to approve the Agreement and authorize the Council President/Mayor Pro Tem to sign. She
27 called for questions; there were none. She said if the Agreement is entered into, the State of Oregon will
28 collect marijuana taxes on behalf of the City, and remit them to the City on a quarterly basis. They have
29 a complicated fee structure which allows them to keep approximately 4% of the tax collected.

30
31 Motion 4: Grant moved to enter into this Agreement with the State, for their modest service fee.
32 Wiseman seconded the motion.

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

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36 Vote: Motion 4 passed.

37 Ayes: Bates, Gambino, Grant, Wiseman

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39 IX. NEW BUSINESS

40 A. Proposed Ord. #311 – An Ordinance Amending Ord. #305 Adding a Provision for Interest and
41 Late Penalty on Marijuana Tax Payments, and Declaring an Emergency

42 Murray asked for a motion to read the proposed Ordinance (copy attached to original of these minutes)
43 by title only at the first and second readings, unless the Council would prefer reading it in its entirety.

44
45 Motion 5: Wiseman moved to review the first and second readings of this as written tonight by title
46 only. Grant seconded the motion.

47
48 President Gambino said it was moved and seconded, and called for discussion. There was none.

1 Vote: Motion 5 passed.
2 Ayes: Bates, Gambino, Grant, Wiseman
3
4 Murray performed the first reading of proposed Ord. #311 by title only, provided general information on
5 Ord. #305, the reason for the proposed Ordinance, and explained that if adopted the Ordinance will be
6 attached to the Agreement that goes to the State. She called for questions or comments from the
7 audience. There was brief discussion with an unidentified woman in the audience. Murray added the
8 marijuana retailers will be notified of the new Ordinance. She asked for a motion to adopt.
9
10 Motion 6: Grant moved to adopt Res. #311 at the first reading. Wiseman seconded the motion.
11
12 President Gambino said it was moved and seconded, and called for discussion. There was none.
13
14 Vote: Motion 6 passed.
15 Ayes: Bates, Gambino, Grant, Wiseman
16
17 Murray said the motion passed unanimously, and it was at the Council's discretion whether to proceed
18 with the second reading tonight. There was consensus around the table to proceed.
19
20 Motion 7: Wiseman so moved. Grant seconded the motion.
21
22 President Gambino said it was moved and seconded, and called for discussion. There was none.
23
24 Vote: Motion 7 passed.
25 Ayes: Bates, Gambino, Grant, Wiseman
26
27 Murray performed the second reading of proposed Ord. #311 by title only, then called for questions or
28 comments from the audience. There were none. She asked for a motion to adopt at the second reading.
29
30 Motion 8: Grant moved to adopt Ord. #311 at the second reading. Bates seconded the motion.
31
32 President Gambino said it was moved and seconded, and called for discussion. There was none.
33
34 Vote: Motion 8 passed.
35 Ayes: Bates, Gambino, Grant, Wiseman
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37 Murray said President Gambino would sign the Agreement tonight, and while we have until January 15
38 to get the Agreement to the State, submitting it earlier would be preferable.
39
40 B. Proposed Res. #454 – A Resolution Prohibiting Parking of Vehicles on Bechill Street
41 Murray said the proposed Resolution (copy attached to original of these minutes) was drafted at the
42 Council's direction at the last meeting. There was brief discussion.
43
44 Motion 9: Bates moved to accept Res. #454 for the City of Depoe Bay. Wiseman seconded the motion.
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46 President Gambino said it was moved and seconded, and called for discussion. There was none.
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48 Vote: Motion 9 passed.
49 Ayes: Bates, Gambino, Grant, Wiseman

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C. Fiscal Year 2015-16 Audit Report Filing Extension
Murray said the State requires the fiscal year audit be filed by the end of the calendar year. She just got the audit report and is reviewing it. She asked the Council's consideration to file for a one-month extension with the State. She anticipated presenting the audit report to the Council at the January 17 Council meeting.

Motion 10: Wiseman moved we go ahead and approve the request for an extension to January 31, 2017 on our City audit. Bates seconded the motion.

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

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

X. CORRESPONDENCE

There were two items of Correspondence (copies attached to original of these minutes): 1) A letter from Peggy Leoni resigning from the Planning Commission, Budget Committee, and the TSP.

Motion 11: Grant moved to accept Leoni's resignation. Bates seconded the motion.

President Gambino said it was moved and seconded, and called for discussion. There was brief discussion.

Amendment: Grant amended his motion to include that the Council recognizes her years of devoted service to the City of Depoe Bay. Bates accepted the amendment.

President Gambino called for the question.

Vote: Motion 11 passed.
Ayes; Bates, Gambino, Grant, Wiseman

Grant wanted to get a large first prize blue ribbon for Mrs. Leoni, and asked Murray to compose a letter to Mrs. Leoni reflecting the spirit of the Council.

Correspondence, continued:
2) A letter from the Lincoln County Board of Commissioners, who are offering dates of April 19 or April 26 for the annual joint work session with the Council. She noted there is a Parks Commission meeting scheduled for April 19. It was the consensus of the Council to hold the joint work session on April 26.

XII. CITY STAFF REPORT

Murray said Merry Christmas and Happy New Year to everyone.

Weidner reported 1) There are electrical issues at the harbor. Docks 1, 3, and 4 have electrical panels that have become cracked. He believes the damage was caused by water surges during storms. He noted the sea wall is moving out on Dock 4, although the pilings are holding the dock in place. The electrical repairs will include Crew time as well as getting an electrician on site. 2) The Harbormaster has requested installation of a base station and antenna in the Harbormaster's shack, so he can hear

1 incoming boats and boats requesting a port of refuge; Weidner plans on installing the base station. There
2 was discussion regarding how much time the Harbormaster actually spends in the shack and how secure
3 the shack is. 3) The surplus ad for the *Raptor* did not generate any bids, and the boat is being re-
4 advertised without a minimum bid requirement. It will be costly to demolish if it isn't sold. There was
5 discussion about advertising it on craigslist; Weidner said he has an account and will post a notice with
6 the same information as ran in the newspaper ad. 4) The electrical problem at Whale Park has been
7 fixed, and the Christmas tree lights are working. 5) Merry Christmas and Happy New Year to you and
8 yours.

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10 XII. COUNCIL COMMENTS

11 Wiseman 1) wished everyone a Merry Christmas and Happy New Year. 2) Confirmed this was
12 President Gambino's last meeting as his term is expiring, and thanked him for his service. Wiseman
13 reminded him there's an opening on the Council.

14

15 Bates said Merry Christmas and it's been an interesting year.

16

17 Grant said it's been his honor to serve on the Council, and the last two years have been a journey. He
18 thanked those people who support him, and forgave those who didn't.

19

20 President Gambino 1) Thanked the Council and the audience. He said he's learned a lot in the last four
21 years and it's been an absolute honor to serve the City and he hopes to do so in the future. 2) Merry
22 Christmas and Happy New Year.

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24 XIII. ADJOURN

25 There being no further business, the meeting was adjourned at 7:34 PM.

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Robert Gambino, Council President

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Emma LuMaye, Recording Secretary