

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, March 7, 2017 - 7:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: Mayor B. Leff, C. Bates, D. Callender, R. Gambino, L. Goddard, J. Grant, J. Wiseman

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8 STAFF: City Superintendent B. Weidner, Recording Secretary E. LuMaye, City Attorneys P.  
9 Gintner and C. Blake

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11 I. PLEDGE OF ALLEGIANCE

12 Mayor Leff called for all to stand for the Pledge of Allegiance.

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14 II. CALL TO ORDER

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

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17 III. APPROVE MINUTES: February 21, 2017 Executive Session and Regular Meeting

18 Mayor Leff asked for a motion to approve the minutes of the February 21 Executive Session and  
19 Regular Meeting.

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21 Motion 1: Gambino so moved. Goddard seconded the motion.

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23 Mayor Leff said it was moved and seconded and called for discussion. There was none.

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25 Vote: Motion 1 passed.

26 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

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28 IV. ACCOUNTS PAYABLE

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

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31 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

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33 Vote: Motion 2 passed.

34 Ayes: Bates, Callender, Goddard, Grant, Leff, Wiseman

35 Abstain: Gambino

36

37 V. SPECIAL ORDERS

38 Mayor Leff said the Martin public hearing would be held before the Crandell public hearing, and the  
39 purpose of this hearing was to give the owner a chance to be heard and to give the public an opportunity  
40 for anything members of the public might have.

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42 A. Public Hearing: Nuisance Complaint – Martin Property Tax Lot #8200, 09-11-08-BD

43 Mayor Leff opened the public hearing regarding the continued violation of City Ord. #29. Property  
44 owner Keith Martin was present and came forward with his friend Sharon Day to address the complaint.  
45 He talked a little about himself and his deceased son, and explained how he acquired the property from  
46 previous owner Bill Hunt, whom he now has a lawsuit against for embezzlement. He said he has had  
47 garbage dumped on a property he does not own but intends to purchase when the lawsuit is settled, and  
48 would like to utilize. He said the only debris he would generate would be wood and sawdust, and all the  
49 other garbage is being dumped by other people. He said somebody threw garbage over the wall just a

1 couple of days ago. He said when he bought the building, he asked the real estate agent if it was a  
2 residence, and the agent told him there was living quarters for his seasonal crew. Mr. Martin said that is  
3 how the building was sold to him, but he would straighten that out with the City now that he knows. He  
4 said ODOT told him he would have to move everything back 15 feet from the sidewalk, and he paid  
5 \$500 to comply with that. The fire department told him he would have to put in smoke detectors, have  
6 fire extinguishers, and would have to do all his woodwork in a space of less than 2,500 square feet or he  
7 would have to install overhead sprays; so he has moved his work to an 800 square foot room with a  
8 smoke detector and fire extinguisher in the back of the building, and has plans to install a dust removal  
9 system within the next 60 days which removes the necessity of installing a secondary dust wall in the  
10 front of the building. He said he's had the fire department called on him seven times for having a fire in  
11 the fireplace, and has had the police called on him three times. He said he doesn't give people  
12 permission to move onto that lot. He said he got the titles to the two trailers just two days ago, so now  
13 that he has the legal means to move them he can get them off the lot. He said by the end of this month  
14 there won't be a stick of anything on that property, only the landscaping wall with the gate. He said he  
15 has paid three times to have all the garbage removed from the property, when it isn't his financial  
16 responsibility; he's cleaning it up because it's property he's trying to use, and he graveled the lot next  
17 door out of his pocket. Mayor Leff called for other testimony regarding nuisance issues on the Martin  
18 property; Kevin Warren of Newport spoke on behalf of Mr. Martin; as did Sharon Day, who said that the  
19 grandfathered woodstove that was in the apartment has, during the seven fire department inspections,  
20 been updated and new piping has been installed, but Mr. Martin continues to get complaints from the  
21 next door neighbor. She said the only time the fire department has had issue since the woodstove was  
22 updated was after they'd burned rib bones, and they received a notice of what they are and are not  
23 allowed to burn and they have stuck to those guidelines. Mayor Leff called for further testimony; there  
24 was none. She closed the public hearing and proceeded to the next hearing.

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26 B. Public Hearing: Nuisance Complaint – Crandell Property Tax Lot #8400, 09-11-08-BD  
27 Mayor Leff opened the public hearing regarding the continued violation of City Ord. #164. Attorney  
28 Dennis Bartoldus came forward on behalf of property owner Crandell QTIP Trust to address the  
29 complaint (copy of his handout with copies of relevant letters and emails attached to original of these  
30 minutes). He provided a brief history of Mr. Martin's involvement with the property, a vacant lot  
31 adjoining Mr. Martin's property. He said a few years ago there was a lease agreement between the  
32 Crandells, Mr. Martin, and Mr. Hunt, who were expected to purchase the property. The lease expired in  
33 2014, at which time Mr. Bartoldus became involved because Mr. Martin and Mr. Hunt were still on the  
34 property and the Crandells wanted it vacant because they wanted to sell it. Discussions regarding the  
35 City purchasing the property followed. Mr. Bartoldus received notice that the property had been vacated  
36 as of October 5, 2014, and the lease was considered to be terminated. He said he had occasion to drive  
37 by the lot about a week later, and it appeared to be mostly vacant with the exception of a couple of  
38 pieces of wood. He was not involved with the property from that time until recently, when the Crandells  
39 contacted him saying they were having another problem and trying to come up with a plan to clean up  
40 the property. Mr. Bartoldus sent a letter to Mr. Martin on February 22, 2017 informing him the property  
41 needed to be cleaned up by March 31, 2017; otherwise the Crandells would move forward with litigation  
42 including a request for damages and an injunction to get the property cleaned up, as they still want to  
43 sell the property. He said the Crandells will not seek any damages if the property is cleaned up by March  
44 31, and his instructions are to move forward with all due diligence and haste to file for an injunction and  
45 seek a preliminary injunction if the property is not cleaned up by March 31. He asked the Council to  
46 allow the Crandells 30 days or to April Council meetings to see if it gets cleaned up; if the cleanup is not  
47 done at the end of the 30 days, he will provide copies of the litigation to the Council. Mayor Leff called  
48 for additional testimony. Mr. Martin asked for clarification on whether the wood wall needed to be  
49 removed; Mr. Bartoldus responded yes, everything needs to be cleaned off the lot. Mayor Leff closed

1 the public hearing and opened Council discussion. There was brief discussion with the City's legal  
2 counsel. Mr. Bartoldus said mid-April would be a mutually-beneficial date due the time necessary to  
3 take the potential legal actions. Mayor Leff asked for a motion regarding the Crandell property.

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5 Motion 3: Gambino moved that the owner in the Crandell nuisance hearing be found in violation of  
6 Depoe Bay nuisance ordinance and that the owner is ordered to bring the property into compliance by  
7 April 14, 2017. Grant seconded the motion.

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9 Mayor Leff said the motion was made and seconded, and called for discussion. There was none.

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11 Vote: Motion 3 passed.

12 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

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14 Mayor Leff called for a motion on the Martin property.

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16 Motion 4: Gambino moved that in reference to the Martin nuisance hearing, the owner be found in  
17 violation of the Depoe Bay nuisance ordinance, that the building is a dangerous building, and that the  
18 owner is ordered to bring the property into compliance by March 31. Grant seconded the motion.

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20 Mayor Leff said it was moved and seconded, and called for discussion. There was brief discussion about  
21 the compliance date.

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23 Vote: Motion 4 passed.

24 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

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26 City Attorneys Gintner and Blake left the meeting at 7.46 PM.

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28 C. Interview/Appoint Applicants for City Commissions and Committees

29 Mayor Leff said Parks Commission applicant Richard Salazar was unable to be present, but wanted the  
30 Council to know he was very interested in being reappointed.

31  
32 Ballots were filled out, signed, and handed in. While LuMaye tallied the votes (copy of ballot and Mr.  
33 Salazar's application attached to original of these minutes), Mayor Leff announced the new City  
34 Recorder will be starting on Monday morning. LuMaye announced the results: the vote to appoint  
35 Richard Salazar to Parks Commission Position #2 was unanimous.

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37 Motion 5: Gambino moved to accept the canvass of votes and appoint Richard Salazar to the Parks  
38 Commission. Wiseman seconded the motion.

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40 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

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42 Vote: Motion 5 passed.

43 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

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

46 A. August 21 Solar Eclipse Planning Committee

47 Mayor Leff reported Jaci McKim was ill, and provided an update. The Committee's last meeting was  
48 February 22. They selected bright orange vests with the new signature whale badge and volunteers'  
49 names. The National Guard doesn't keep a stored water supply. Weidner has rented 10 portapottys and

1 is investigating purchasing a number of portapottys for the eclipse as well as other events such as the  
2 Salmon Bake, at \$350 each. The City has purchased a large number of cones and barriers. There will be  
3 four workers on constant cleanup of garbage and restrooms during the eclipse event. The local church  
4 and the Kids Zone will assist with some volunteers – we’re going to need a lot more volunteers.  
5 Weidner hopes to rent at least one or maybe two giant dumpsters so we have a place to put the garbage  
6 from the cans. Councilor Goddard suggested asking Lincoln County Corrections for work crew  
7 assistance with garbage cleanup; Weidner was directed to contact them and ask. She anticipated the  
8 Committee will have a budget to present at the next Council meeting, with the understanding there will  
9 probably be additional items to be added. The Committee was offered a great deal on eclipse glasses by  
10 the fire district, which is working with three other fire districts and the County for one huge order, and  
11 the job can be divided up into customized smaller batches. The cost for 10,000 – 12,000 glasses was  
12 expected to be \$5,000 – \$6,000, and the City will have a lot of options on how to disperse them, whether  
13 giving some to the Kids Zone or selling some to businesses in town. The Chamber offered to share in the  
14 cost, but was only willing if the date of the next Salmon Bake, the Salmon Bake logo, and a message to  
15 come to the Salmon Bake was printed on the glasses, and the Committee determined that was not  
16 appropriate. The Chamber purchased a domain called *depoebaysolareclipse*, but they were unable to  
17 build the website. Because it was important to get the website up as soon as possible, the Committee got  
18 some bids, and Mayor Leff approved its development, which is now done. She told the Committee if the  
19 Council wouldn’t approve the \$100 cost, she would pay it personally. The Committee also discussed  
20 food trucks, and the Committee decided to encourage existing restaurants to plan and facilitate feeding  
21 many more than usual, and to try to be open for breakfast if you’re not already. The Committee will be  
22 preparing a letter and questionnaire to be sent to all the restaurants, coffee shops, and drive-thrus in the  
23 Depoe Bay/Gleneden Beach area to see what plans they have and to see if there’s some way we can  
24 support them. The Committee plans to make use of the warning system’s PA system to make  
25 announcements for the first time, and Roy Hageman has volunteered to help put that all together. The  
26 Kids Zone’s Toby Winn is working on getting a loan of several golf carts that we can use in the center  
27 part of town for transporting lost kids, etc. Michael Dane is investigating crowd impact on cell systems.  
28 The Committee is still working on letters and postcards to go out to everybody. The Committee wants to  
29 put together a couple of eclipse fact sheets for the Chamber office to distribute to visitors. There are  
30 issues around the harbor the Committee hasn’t gotten into yet, but they are hoping for support from the  
31 Coast Guard and the Coast Guard Auxiliary.

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### 33 VII. PUBLIC COMMENTS

34 There were no public comments.

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### 36 VIII. UNFINISHED BUSINESS

37 There was no unfinished business.

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### 39 IX. NEW BUSINESS

#### 40 A. Valerie DiBlasi – Request for Adjustment on Water Billing #1

41 Valerie DiBlasi presented her case for adjustment to her water bill. She said the Staff Report (copy  
42 attached to original of these minutes) claimed her tenant Bob was notified of the leak; her tenant claimed  
43 he was not notified. The tenant was present if the Council wished to speak with him directly. When Ms.  
44 DiBlasi received her November-December 2016 bill, it was stamped “high usage”. She said the bill is  
45 usually between \$75 and \$82 per billing cycle, and the bill was over twice as high as usual. She called  
46 the City on January 5 when she got the bill, asking why she wasn’t notified. She noted there was a  
47 similar incident in April, 2015. She provided the following history: They had moved to Toledo at the  
48 end of January, 2015, and when the November-December bill was received, she came in and updated  
49 her phone number to her cell phone when they were here working to find and fix a leak. She asked that

1 if there was any high usage or problems that she be notified, because her tenant Bob had been notified.  
2 She noted that the Staff Report indicated the phone number on record was no longer in service, and said  
3 that would have been her Depoe Bay phone number. On January 5, 2017 she asked to have the meter re-  
4 read so she would know how much water had been used since the meter was read for the billing on  
5 December 22; the usage was 20,570 gallons since December 22. She called a repairman, who fixed the  
6 leak the next day. Her January-February 2017 bill is \$228. She said her problem was that she had asked  
7 to be notified if there was high usage, and she was not notified, and her phone number had not been  
8 updated. She said the current bill is \$146 over what it should be, and the prior bill was \$91 over what it  
9 should be. She asked the Council for a credit of \$237, noting the Staff Report reflected a proposed  
10 adjustment of \$100.42 to the sewer portion of those two bills. There was brief discussion about what  
11 happens when high usage is noticed.

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13 Motion 6: Grant moved to grant Ms. DiBlasi's request. Gambino seconded the motion.

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15 Mayor Leff said it was moved and seconded, and called for discussion. A Councilor noted she had heard  
16 two different versions of this story, and she had a lot of confidence in Staff and feels they are off-the-  
17 chart exceptional. Ms. DiBlasi said when the repairman was there he noticed the meter couldn't be  
18 turned completely off, as it's a very old meter. She called the office and advised them the meter needed  
19 to be replaced, and to date that has not happened. A Councilor said he wasn't sure Ms. DiBlasi's request  
20 was completely equitable as all water going through the system is treated, and he didn't feel it was  
21 incumbent upon the City to make sure that water lines on private property are intact; the City's  
22 responsibility is up to and including the meter. He said the property owner also has to take some  
23 responsibility for knowing when there is a problem on their property, and that it is a courtesy when Staff  
24 notifies a property owner that there is high usage.

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26 Vote: Motion 6 passed.

27 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

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29 B. Review City Employee Handbook

30 Mayor Leff said the Employee Handbook hasn't been reviewed or updated in a long time, and laws have  
31 changed. A copy of the Handbook has been given to our insurance company, CIS, for review. When it  
32 comes back to us, she would like to recommend a small Committee of a Staff person and a Councilor to  
33 review and update it. There was brief discussion. It was the consensus of the Council that the Committee  
34 will consist of Weidner, LuMaye, Wiseman, and the City Attorney.

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36 C. Chamber of Commerce Request to Use City Facilities – Crab Feed & Wooden Boat Show

37 There was brief discussion about the Chamber's request (copy attached to original of these minutes) to  
38 use the harbor for the Crab Feed and Wooden Boat Show between Thursday April 20 through Sunday  
39 April 23.

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41 Motion 7: Callender moved that we accept the memo from Jack O'Brien laying out what needs to be  
42 done for the Crab Feed and Boat Show. Gambino seconded the motion.

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44 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

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46 Vote: Motion 7 passed.

47 Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

48 X. CORRESPONDENCE

49 There was no correspondence.

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XI. CITY STAFF REPORT

LuMaye had no report.

Weidner reported 1) Requested authorization to lay new carpet in the Council Chambers at a cost of \$3,013 installed.

Motion 8: Callender moved that we put in new carpet, and use Brady’s choice for \$3,013. Grant seconded the motion.

Mayor Leff said it was moved and seconded, and called for discussion. There was brief discussion regarding replacing the office carpet at a later date.

Vote: Motion 8 passed.  
Ayes: Bates, Callender, Gambino, Goddard, Grant, Leff, Wiseman

Weidner continued his Staff Report:

2) Trenchless Pipe Repair I&I work has been delayed due to inclement weather. They may be able to start tomorrow. 3) The Lincoln County Emergency Preparedness grant application for \$1,200 for radio equipment for the emergency trailer was hand delivered to the County. We should hear whether we got the grant in the first week of April. 4) There was a sewer bypass in Little Whale Cove at the pump station a couple of nights ago. A PVC pipe in the ground cracked and drained 7,000 gallons of raw sewage from the force main onto the ground and into a rain runoff stream which ended up in the ocean. With the heavy surf, samples were unable to be obtained, and DEQ said to get samples upstream and around the station, and do a Sanitary Overflow Report. 5) The Conway parking lot is going to be refurbished with seal coat, repainting the stripes, new curbing, and a catch basin before tourist season kicks off. Mowing has been done at the Taunton parking lot, and has really opened up the view. The Parks Commission wants to rename the parking lots with fish names.

XII. COUNCIL COMMENTS

Callender said she thought the Council did very well at the public hearings.

Wiseman thanked the Council for doing all the hard work in getting a new City Recorder, and said Grant was holding an event at The Horn; this turned out to be a Fleet of Flowers fundraiser at the Sea Hag.

Grant concurred with Callender.

Mayor Leff thanked everyone, and said there is an Eclipse Committee meeting tomorrow

XIII. ADJOURN

There being no further business, the meeting was adjourned at 8:45 PM.

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Barbara Leff, Mayor

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Emma LuMaye, Recording Secretary