

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

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

7
8 ABSENT: D. Callender

9
10 STAFF: City Recorder M. Meagher, City Superintendent B. Weidner, Recording Secretary
11 E. LuMaye

12
13 I. PLEDGE OF ALLEGIANCE

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

15
16 II. CALL TO ORDER

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

18
19 III. APPROVE MINUTES: March 21, 2017 Regular Meeting

20 Mayor Leff asked for a motion to approve the minutes of the March 21, 2017 Regular Meeting.

21
22 Motion 1: Goddard so moved. Wiseman seconded the motion.

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

25
26 Vote: Motion 1 passed.

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

28
29 IV. ACCOUNTS PAYABLE

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

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

33
34 Vote: Motion 2 passed.

35 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman

36
37 V. SPECIAL ORDERS

38 A. Interview/Appoint Applicants for Budget Committee

39 Budget Committee applicants Michelle Walters and Eric Sherman came forward to tell about themselves
40 and why they are interested in participating, and answered question from Councilors regarding their
41 qualifications and applications. (Copy of applications attached to original of these minutes.)

42
43 There were no ballots, so Councilors voted on the applicants' applications, signed them, and handed
44 them in. Meagher tallied the votes and announced the results: the vote to appoint both Michelle Walters
45 and Eric Sherman to the Budget Committee was unanimous.

46
47 Motion 3: Gambino moved to approve the canvass of votes. Bates seconded the motion.

48
49 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

1
2 Vote: Motion 3 passed.

3 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman
4

5 B. Hancock Forest Management – Herbicide Notification

6 Mayor Leff reported the City received a letter from Rudy Frazzini of Hancock Forest Management
7 regarding an intended herbicide spray (copy attached to original of these minutes) within sight of the
8 salmon enhancement area at the reservoir. Weidner contacted Fran Recht, who drafted a letter which the
9 Mayor edited and sent via email to Kyle Williams at the Department of Forestry (copy of letter attached
10 to original of these minutes). She thanked Ms. Recht and asked her to come to the podium to talk about
11 why it is a problem when the chemicals identified in the notification letter have been approved. Ms.
12 Recht said while each individual pesticide may have had some study connected with it, the “inert”
13 ingredients that adhere the pesticides to the plants are a combination of chemicals which have not been
14 studied; neither has it been studied what happens when you put 2,4-D, atrazine, and other chemicals
15 together in a cocktail and spray them. She said what is more compelling to her is that on Federal lands in
16 Oregon, Washington, and California, they do not use pesticides on trees. She said 2,4-D (a chemical that
17 was used in Agent Orange and is not approved for spraying around water sources) and atrazine are not
18 allowed to be used for any purpose on Federal lands on the west coast; she queried: if they are too toxic
19 to be used on Federal lands, why are they still being used on private land? The narrow buffer strips in
20 Oregon are significantly smaller than those in our neighboring states, and the pesticide application
21 distances are also smaller. She said there have been studies done in Alsea after spraying, which showed
22 detectable runoff into creeks after the first and second rainfalls. There is also some information about
23 impacts on fish from low levels of pesticide. She said one of the reasons she lives in Depoe Bay is
24 because of high quality of life; and that clean water and clean air is essential to her being here. She
25 expressed her appreciation that the letter was sent. She commented that Weidner said the notification
26 was done as a courtesy, and was not required; in order to be notified, one has to sign up. Mayor Leff
27 added that you must sign up in person at their office in Toledo; Weidner said that was what the City did,
28 so receives notification on spraying in those areas around our creeks. He said we will do preliminary
29 testing of our water prior to the spraying, and will meet with Mr. Frazzini next week to come up with a
30 time frame and possibly a buffer to push the spraying back out of the ravine. Gambino asked how big
31 the buffer for spraying is; Ms. Recht said it’s only 15 feet, and it doesn’t matter what the slope is or if
32 there’s rain coming. Weidner said last year’s pesticide application was done in the area where the fire
33 started, and the main reason the hot spots kept firing up was because the pesticide is oil based. He said
34 the City donated 900,000 gallons of water to put out the fire, and never received even a thank you from
35 Hancock Forest Management. Gambino asked what could legally be done; Ms. Recht said there is
36 nothing that can be done legally until the Oregon Forest Practices Act is changed. Krista Robison, a
37 Stonebridge resident, was very concerned about this for herself, her pet, and her neighbors, at least three
38 of which have severe respiratory problems and need to know when spraying is being done. She has read
39 studies on what herbicides can do to salmon, and none of it is good. Citizens should be notified of when
40 and what is being sprayed. She told of an organic farm that lost its certification after spraying was done.
41 She said the herbicides don’t leave the body after a person is exposed. Mayor Leff said Ms. Robison
42 would be contacted if a citizen’s group is formed. LuMaye thanked the Mayor and Council, saying there
43 were a lot of timber industry representatives at Newport’s City Council public hearing last night on the
44 aerial spray Measure appearing on the May ballot. She was happy to see the concern in our citizens, and
45 the action taken by the Council. Ms. Robison added she was also glad to see the Council’s concern, and
46 that we should be concerned.

47
48 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

49 A. August 21 Solar Eclipse Planning Committee

1 Mayor Leff reported there is a Committee meeting tomorrow at 10 AM. She said Meagher met with our
2 insurance representative, who has provided detailed advice on dealing with potential liabilities (copy of
3 email from Adrian Albrich attached to original of these minutes). This information will be discussed at
4 the Solar Eclipse Committee meeting tomorrow.

5
6 B. Depoe Bay/Gleneden Beach Wastewater Advisory Committee
7 Mayor Leff reported she received a letter from the President of the Gleneden Sanitary District (copy
8 attached to original of these minutes, with related documentation). She sent a copy of the letter to the
9 City Attorney and asked for his feedback, and for him to put together a list of the pros and cons of
10 separating from the District from a legal standpoint and from a municipal standpoint. She also asked
11 Meagher to put together a list of what would happen from a financial standpoint over the next 10 years.
12 This information will not be available for while

13
14 VII. PUBLIC COMMENTS
15 Rick Beasley, Depoe Bay resident, said he recently discovered that City Council meeting videos were
16 not being aired due to equipment malfunction, and the Council had debated whether to get it going
17 again. He urged the Council to immediately get the equipment fixed or replaced, and to get the videos
18 back on the air. He noted that the small viewing numbers are at least twice as many as a typical
19 audience. He said it's democracy and the advance of technology, and we can't turn our backs on this
20 simple thing. He encouraged the Council to take a step toward transparency, and that it's to everyone's
21 benefit. He would also like to see Agenda packets online for all citizens.

22
23 VIII. UNFINISHED BUSINESS
24 There was no unfinished business.

25
26 IX. NEW BUSINESS
27 A. Depoe Bay Chamber of Commerce Annual Crab Feed/Boat Show – Oregon Liquor Control
28 Commission (OLCC) Temporary Sales License – Rusty Truck Brewing Company
29 Mayor Leff said Chamber President Bill Johnson was in the hospital for a few days, so there was no
30 Chamber representative present to speak about the application. Meagher said the City received a letter
31 from Mr. Johnson (copy attached to original of these minutes), who has been unable to contact the Rusty
32 Truck. He was worried if it isn't approved at tonight's meeting it won't be done in time for the Crab
33 Feed. He thought if they could get the approval and Rusty Truck submits the application, we would have
34 the approval on record; if we don't receive the application, the approval would be voided out. Mayor
35 Leff asked if a motion for preliminary approval based on getting the application was necessary; Meagher
36 responded it was.

37
38 Motion 4: Gambino so moved. Grant seconded the motion.
39
40 Mayor Leff said it was moved and seconded that we preliminarily approve a permit for a beer garden for
41 the Crab Feed and Wooden Boat Show April 22 and 23, and called for discussion. There was none.

42
43 Vote: Motion 4 passed.
44 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman

45
46 B. Neighbors For Kids (NFK) Request Authorization for Event in City Park – April 15 Easter Egg
47 Hunt
48 Mayor Leff said NFK has asked for City Park for April 15 (copy of application attached to original of
49 these minutes), for their annual Easter Egg Hunt, and they were not doing anything different.

1
2 Motion 5: Gambino moved to approve the request for use of the park for Saturday, April 15 for NFK's
3 Easter Egg Hunt. Wiseman seconded the motion.

4
5 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

6
7 Vote: Motion 5 passed.

8 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman

9
10 C. Fleet of Flowers

- 11 • Request Authorization to use City Facilities – May 22 through May 29
12 • Request \$2,000 Donation

13 Kathy Wyatt, 215 Nesting Glade, representing the Fleet of Flowers, said she submitted a request for use
14 of City facilities and for a \$2,000 donation (copies attached to original of these minutes). She said the
15 funds would be used to upgrade the PA system and to purchase a speaker to put in at the Whale Center
16 so people in that area can hear the ceremony. They are also looking for music stands, and Weidner will
17 be providing her with a list of things he needs to upgrade for the Fleet of Flowers. They will also
18 purchase sweatshirts for the Coast Guard, boat captains, and Fire Department. They also need to redo
19 the Fleet of Flowers sign that hangs over the bridge, and they need a tent for the ceremony over the Fleet
20 and the Flotilla. Mayor Leff said she was very disturbed to get a request for a donation just 10 weeks
21 before the end of the budget year and that it should have come in with the requests for donations of all
22 the other organizations for the Budget Committee's consideration. Ms. Wyatt apologized and said she
23 didn't know there was a procedure, and said she has filled out a form for next year's request.

24
25 Motion 6: Wiseman moved to go ahead and fund \$2,000 request for Fleet of Flowers, and also if we
26 need to approve the application. Gambino seconded the motion.

27
28 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

29
30 Vote: Motion 6 passed.

31 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman

32
33 An unidentified audience member asked about the use of sound equipment, and why the warning system
34 is not being used, because it has a public address system that was for the Fleet of Flowers. Mayor Leff
35 said that system could be used in certain situations, and it turns out that it doesn't work very well for the
36 Fleet of Flowers. The City will probably be using it extensively for the eclipse celebration. The
37 Committee will be meeting very shortly to finish up appropriate use of the speaking side of the warning
38 system. She said it wasn't specifically for Fleet of Flowers. Weidner said there was a problem with the
39 way receiver connected into the system – it needed a different interface for an analog system, and it was
40 costly to upgrade the system's hub. Mayor Leff said the Committee that worked on that is being
41 reconstituted, and if he would like to serve she would love to give them his name; he was agreeable to
42 this idea, and Mayor Leff will ensure they have his name.

43
44 D. Re-Schedule July 4, 2017 Regular Council Meeting
45 The meeting was re-scheduled for Monday, July 3, 2017.

- 46
47 E. Res. #456 – A Resolution Setting Forth Rental Fees and Deposits for City-Owned Facilities and
48 Fee for Purchase of Memorial Bench; Amending Fee for Community Center and Gazebo Rental;
49 superseding Res. #418

1 There was discussion regarding the rental of tables and chairs for use off-site, and whether the proposed
2 Resolution (copy attached to original of these minutes) should be amended.

3
4 Motion 7: Gambino moved that we approve Res. #456 referencing the rental fees for the City of Depoe
5 Bay with the amended recommendation of *The rental fee schedule for equipment off-site* in Item 4.
6 Wiseman seconded the motion.

7
8 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

9
10 Vote: Motion 7 passed.

11 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman

12
13 F. Change Order No. 2 Devils Lake Rock Company – Time Extension and \$20,000 Increase to
14 Contract

15 Weidner said the Coast Avenue project is being delayed because Road & Driveway isn't making
16 asphalt; and when the project was first quoted, it was to do base coats over certain areas where the road
17 was uneven, but now the Devils Lake Rock is suggesting a 1.5-inch basecoat followed by a final overlay
18 resulting in better quality and longevity of the road. Mayor Leff asked where the money would come
19 from; Weidner said in the cost savings from the Point Street project. (Copy of Change order No. 2
20 attached to original of these minutes.)

21
22 Motion 8: Gambino moved to approve Devils Lake Rock Change Order No. 2, for an increase of 30
23 days and increase in contract amount of \$20,000. Goddard seconded the motion.

24
25 Mayor Leff said it was moved and seconded, and called for discussion. There was none.

26
27 Vote: Motion 8 passed.

28 Ayes: Bates, Gambio, Goddard, Grant, Leff, Wiseman

29 30 X. CORRESPONDENCE

31 There were three items of Correspondence (copies attached to original of these minutes): 1) An email
32 from Mr. Langston's realtor Bill Patterson, asking if there's anything they can do to keep the potential
33 transaction alive. This was in regard to property the Council looked at purchasing in the past. Mayor
34 Leff said a couple of months ago the City required a letter of intent, and received nothing. There was
35 discussion. This item will appear on the Agenda again in three months, and Meagher will respond to Mr.
36 Patterson that the Council is considering the request. 2) A letter from Will Wiedenmann requesting an
37 amendment to Ord. #302 and #309 to allow residential occupation in the living unit above the marijuana
38 store he manages. There was brief discussion. Staff was directed to write a nice letter saying the Council
39 discussed it and decided against any changes in the Ordinance. 3) Mayor Leff discussed the letter she
40 wrote to Representatives Kelly and DeFazio regarding Unlocking the Harbor Maintenance Trust Fund
41 Act, saying it only makes sense to use the trust fund as it was originally intended. She asked the
42 Council's forgiveness for not consulting them prior to sending the letter. There was discussion regarding
43 the need for dredging after months of extraordinary rain. Mayor Leff directed Goddard and Weidner to
44 partner on working with the Army Corps of Engineers to help with this, without them having to do it, as
45 we are only two years into a five-year dredge schedule.

46 47 XI. CITY STAFF REPORT

48 Weidner 1) Has been getting re-roofing quotes from P&G Roofing and Jagow Roofing; he did not
49 receive quotes from Top Roofing or Best Roofing within his time frame. The quotes were: wastewater

1 plant main building: P&G \$20,640, Jagow \$27,160; wastewater plant lean-to: P&G \$7,380, Jagow
2 \$9,800; City Park gazebo: P&G \$3,950, Jagow's bid was not stated; Harbormaster's shed: P&G \$700,
3 Jagow: \$1,860. He recommended accepting the low bids, which were all from P&G Roofing at a total
4 amount of \$32,670

5
6 Motion 9: Gambino moved that we approve re-roofing of said properties to the tune of no more than
7 \$32,800. Wiseman seconded the motion.

8
9 Mayor Leff said it was moved and seconded, and called for discussion. The question of possible change
10 orders was raised.

11
12 Vote: Motion 9 passed.

13 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman

14
15 Weidner continued his Staff Report: 2) There have been recent thefts on City property, including the
16 bench at City Hall. He has been looking at in-house closed-circuit security camera systems for City Hall,
17 and the launch ramp, fish cleaning station, and Docks 2, 3, 4, and the fuel dock area. If the system gets
18 too costly we can budget it for next year. He will come back to the Council with numbers at the next
19 meeting. 3) He has been looking into getting fiber optic line in the Harbormaster's shed. Installation
20 cost would be \$225, plus \$100 per month. There was discussion regarding bundling with existing
21 service, eliminating/replacing expensive telemetry lines, replacing the existing phone line with an
22 internet phone line, and using a VPN (Virtual Private Network) to connect all City facilities.

23
24 Motion 10: Grant moved to set aside the monthly service fee of \$100 and installation fee of \$225 for a
25 fiber optics network for the harbor. Gambino seconded the motion.

26
27 Mayor Leff said it was moved and seconded, and called for discussion. There was brief discussion
28 regarding inclusion of telephone service.

29
30 Vote: Motion 10 passed.

31 Ayes: Bates, Gambino, Goddard, Grant, Leff, Wiseman

32
33 Meagher: reminded everyone the Oregon ethics reporting is due by April 15, and a couple of people still
34 need to complete theirs. (Copy of her written report attached to original of these minutes.)

35
36 Mayor Leff said she had a phone call from the Mayor of Dundee asking whether the City would be
37 willing to write a letter of support to the Joint Committee on Transportation, Preservation, and
38 Modernization of the Oregon State Legislature to get them to move forward on the Dundee bypass. She
39 asked if the Council was comfortable with this; the consensus was to write the letter of support.

40
41 XII. COUNCIL COMMENTS

42 Grant concurred with Mr. Beasley that he likes the idea of having meeting video back.

43
44 Bates said it was a productive meeting.

45
46 Goddard 1) Concurred with Grant on the video coverage of Council meetings. 2) Does not support
47 spraying pesticides and herbicides, but cannot support the Measure because it's far too vague and poorly
48 defined.

49

1 Wiseman said the Hatfield Marine Science Center is having Marine Science Day on Saturday from 10-4.
2
3 Mayor Leff said thank you, and it was a great meeting. We are getting a lot of good work done.
4

5 XIII. ADJOURN

6 There being no further business, the meeting was adjourned at 8:42 PM.
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9
10

11
12 _____
13 Barbara Leff, Mayor
14

15
16
17 _____
18 Emma LuMaye, Recording Secretary