
The meeting location will be accessible to the public and social distancing protocols will be implemented as per Office of the Governor State of Oregon Executive Order No. 20-12. Public comments may be made, via email up to two hours before the meeting start time at info@cityofdepobay.org or you can also dial in to attend using your telephone (888) 204-5987, access code 9599444.

AGENDA

- I. Pledge of Allegiance
- II. Call Meeting to Order and Establish a Quorum
- III. Approve Minutes: October 6, 2020
- IV. Accounts Payable – Financial Report
- V. Special Orders
 - A. Interview/Appoint Applicants for Commissions and Committees
 - Parks Commission
- VI. Reports of Officers, Boards, or Standing Committees
- VII. Public Comments
- VIII. Unfinished Business
 - A. Review of Resolution No. 484-20 – A Resolution Declaring a State of Emergency for the City of Depoe Bay Due to the Coronavirus (COVID-19) Pandemic
- IX. New Business
 - A. Michael Barrett – Request for Waiver of Requirements to Connect to City Sewer and Permission to Install an Alternative System – SW McDonald Avenue in Whale Cove, Map 09-11-17-BD, Tax Lots #00200 and #00300
 - B. Public Works Project Proposals
 - Trenchless Pipe Repairs – Sewer Cleaning and Inspection, 1,500 Ft., Coast Guard Drive
 - Ferguson Waterworks – Supply Material for Harbor Sewer Force Main
 - Road & Driveway Company – Asphalt Paving at Various Locations
 - C. Financial Advisory Committee – Set Meeting Date
- X. Correspondence
- XI. City Staff Report
 - Public Works Director B. Weidner
 - City Recorder B. Chestler
- XII. Council Comments
- XIII. Adjourn

Depoe Bay City Hall is accessible to the disabled. If special accommodations are needed, please notify City Recorder at 765-2361 48 Hours in advance of the meeting so that appropriate assistance can be provided.

TTY#1-800-735-2900

"This institution is an equal opportunity provider"

1 City of Depoe Bay
2 Regular Meeting
3 Tuesday, October 6, 2020, 7:00 PM
4 Depoe Bay City Hall
5

6 Present: Mayor Gambino, J. King, J. Grant, K. Short, L. Goddard, D. Callender
7 Excused: R. Smolcic
8 Staff: Public Works Director B. Weidner, City Recorder B. Chestler
9

10 I. Pledge of Allegiance

11
12 Mayor Gambino called for all to stand for the Pledge of Allegiance.
13

14 II. Call Meeting to Order and Establish a Quorum

15
16 Mayor Gambino called the meeting to order at 7:00 PM and established a quorum.
17

18 III. Approve Minutes September 15, 2020

19
20 Motion 1: Goddard moved to approve the minutes of September 15, 2020, as presented. Short
21 seconded the motion.
22

23 Mayor Gambino declared it was moved and seconded and called for discussion. There was
24 none.
25

26 Vote: Motion 1 passed

27 Ayes: King, Gambino, Short, Callender, Grant, Goddard
28

29 IV. Accounts Payable-Finance Report

30
31 Mayor Gambino stated he reviewed the accounts payable and recommended approval as
32 presented.
33

34 Motion 2: Short moved to approve the accounts payable as presented. Goddard seconded the
35 motion.
36

37 Mayor Gambino declared it was moved and seconded and called for discussion. Discussed
38 was the payment to Bergerson Construction and if this was the final payment for the Dock 3
39 Piling project.
40

41 Vote: Motion 2 passed

42 Ayes: Short, Callender, Gambino, Grant, Goddard, King
43

44 Financial Report

45
46 City Recorder B. Chestler stated this is not the scheduled meeting for the financial report, but
47 gave a brief update of the Transient Room Tax. She stated we are at approximately 33% of
48 what the city had received this time last year. She advised that October is the month that we will
49 receive the quarterly payments.
50

1 V. Special Orders

2
3 There was none.
4

5 VI. Reports of Officers, Boards, or Standing Committees

6
7 A. Analysis of Fuel Rate Increase – Councilor Jerome Grant

8
9 Councilor Grant read into the record his full report regarding the Depoe Bay Harbor fuel prices
10 (attached to these minutes). He covered: the issue, the question is this enough or too much, fuel
11 prices at 12 Oregon coastal harbors, staff efforts, what the city should do next, and a static fixed
12 price. Discussed was the harbor lease possibility, card lock system, and potentially forming a
13 co-op.
14

15 VII. Public Comments

16
17 There were none.
18

19 VIII. Unfinished Business

20
21 There was none.
22

23 IX. New Business

24
25 A. Proposed Resolution No. 497-20 – A Resolution of the City of Depoe Bay Authorizing
26 the Establishment of a Mandatory Residential Yard Debris and Compostable
27 Collection Program and Adopting Rates
28

29 Mayor Gambino read into the record Resolution 497-20.
30

31 Motion 3: Short moved to approve Resolution 497-20 A Resolution of the City of Depoe Bay
32 Authorizing the Establishment of a Mandatory Residential Yard Debris and Compostable
33 Collection Program and Adopting Rates. King seconded the motion.
34

35 Mayor Gambino declared it was moved and seconded and called for discussion. The discussion
36 included recognizing Depoe Bay is a unique community, the composting containers must have
37 secure lids, the low percentage of sanitary service users in the community concerns with
38 attracting wild animals such as bears, raccoons, and rodents, the ability to continue composting,
39 and concern the \$6.85 rate increase will be difficult for some residents.
40

41 Vote: Motion 3 passed

42 Ayes: Short, Goddard, Callender, King, Gambino

43 Nay: Grant
44

45 B. Proposed Resolution No. 498-20 – A Resolution Establishing the Use of the General
46 Records Retention Schedule for the Cities of Oregon, Adopted as Oregon
47 Administrative Rules, Chapter 166, Division 200
48

49 Mayor Gambino read into the record Resolution 498-20.
50

1 Motion 4: Short moved to approve Resolution 498-20 A Resolution Establishing the Use of the
2 General Records Retention Schedule for the Cities of Oregon, Adopted as Oregon Administrative
3 Rules, Chapter 166, Division 200. Callender seconded the motion.
4

5 Mayor Gambino declared it was moved and seconded and called for discussion. Discussed
6 were the State's retention schedule, the city's housekeeping measures, and a suggestion to
7 purchase a demagnetizer for the tapes.
8

9 Vote: Motion 4 passed

10 Ayes: Callender, Gambino, Goddard, Short, Grant, King
11

12 C. Proposed Resolution No. 499-20 – A Resolution of the City of Depoe Bay Declaring
13 Surplus Property Items of the City to be Disposed of and Sold by Competitive Bid
14

15 Mayor Gambino read into the record Resolution 499-20.
16

17 Motion 5: Gambino moved to approve Resolution 499-20 A Resolution of the City of Depoe Bay
18 Declaring Surplus Property Items of the City to be Disposed of and Sold by Competitive Bid.
19 Callender seconded the motion.
20

21 Mayor Gambino declared it was moved and seconded and called for discussion. Discussed was
22 the process and expectations of the viewing and location of the surplus property.
23

24 Vote: Motion 5 passed

25 Ayes: Gambino, King, Grant, Short, Goddard, Callender
26

27 D. Phase 2 Reopening Considerations
28

29 Mayor Gambino stated City Hall, the Community Center, and the Fish Cleaning Station all have
30 remained closed due to the COVID-19 Pandemic. With the Governor moving the county into
31 Phase 2, he requested comments on reopening any of those venues. It was the consensus of
32 the council for the Community Hall and City Hall to remain closed. The Fish Cleaning station
33 would be opened for two users only at a time. There is a short window left in the season for the
34 need of the fish cleaning station so it will make monitoring easier. The Mayor stated we are still
35 requiring masks and social distancing.
36

37 X. Correspondence
38

39 There was none
40

41 XI. City Staff Reports
42

- 43 • Public Works Director B. Weidner 1) Floatation systems have been added to
44 docks two and three in the Harbor, 2) The State added tide surge monitors back
45 on the check dam, 3) Rerouting storm drain water on Bechill Street 4) Hills of
46 Depoe Bay hydro-seeding and putting in their irrigation system 5) Status of
47 dredging at the check dam.
48
- 49 • City Recorder B. Chestler 1) Archive and housekeeping measures underway

1 in city hall, 2) Prior Audit work, 3) Water and Sewer records update, 4)
2 Personnel files, and job descriptions.
3

4 XII. Council Comments
5

6 Callender: Shared an analysis provided by staff on the boat launch fees since raising the
7 launch rates from \$3.00 to \$5.00. It shows an increase over last year's revenues of
8 approximately \$975.00. She said it represents the city making a statement that its resources
9 have value.
10

11 Goddard: Harbor Leases
12

13 Short: Nothing
14

15 Gambino: Nothing
16

17 Grant: Read into the record a letter from Jim O'Rourke requesting voters to vote no on Measure
18 110 " Decriminalization possession of significant amounts of addictive lethal drugs including
19 heroin, methamphetamine, cocaine, and oxycodone, for children teens and adults in Oregon".
20

21 King: Nothing
22

23 XIII. Adjournment
24

25 There being no further business to come before the council, Mayor Gambino adjourned the
26 meeting at 8:12 PM.
27
28
29
30
31
32

33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Mayor Gambino

City Recorder Barbara Chestler

A/P Check Register

Fiscal : 2020-2021
 Period : 2020-2021 - October
 Council Date : 2020-2021 - October - AP 10/20/2020

Number	Vendor Name	Account Description	Amount
32607	Analytical Laboratory	Tests-Lab	\$47.00
32608	AT & T Teleconference Services	Telephone Expense	\$195.16
32609	Barrelhead Supply	Supplies	\$40.83
32610	Barrett Business Services, Inc	Professional Services	\$547.81
32611	Builders FirstSource	Maintenance System & Plant	\$34.29
32612	Canon Solutions America, Inc	Office Supplies	\$430.52
32613	Carson Oil Company	Vessel Fuel (gas and diesel)	\$7,926.23
32614	Coastcom By Wave	Telephone Expense	\$100.00
32615	Corpro Companies, Inc	Maintenance System & Plant	\$790.00
32616	Depoe Bay Food Pantry	Depoe Bay Food Pantry	\$1,000.00
32617	Global Equipment Company	Restroom Maintenance & Supplies (Woodmark)	\$101.80
32618	League of Oregon Cities	Memberships, Permits, & Fees	\$253.05
32619	Lincoln County Assessor	Memberships, Permits, & Fees	\$12.50
32620	Lincoln County Solid Waste Consortium C/O Carly Sexton-Robledo	Solid Waste Consortium	\$162.74
32621	MacPherson, Gintner & Diaz	Professional Services - Legal	\$3,375.00
32622	North Lincoln Sanitary Service	Maintenance - Sludge Removal Utilities & Garbage	\$4,149.05 \$983.08
		Check Total:	\$5,132.13
32623	Northstar Chemical Inc	Supplies	\$1,617.00
32624	One Call Concepts	Maintenance System & Plant	\$25.40
32625	Oregon Labor Law Poster Service	Miscellaneous Expenses	\$152.00
32626	Pioneer Printing	Office Supplies	\$323.15
32627	Platt	Equipment Maintenance	\$200.63
32628	Shell Fleet Plus, Wex Bank	Motor Vehicle Maintenance	\$463.17
32629	Shred Northwest	Office Supplies	\$385.00
32630	TWGW Inc NAPA Auto Parts	Equipment Maintenance	\$163.80
32631	Verizon Wireless	Telephone Expense	\$266.67
32632	Western States Electrical Construction	Maintenance - Building	\$108.16
32633	Aire-Master of America	Restrooms / Fish Cleaning Station Maintenance & Supplies Supplies	\$29.20 \$222.70
		Check Total:	\$251.90
	Grand Total		\$24,105.94

Total Accounts Payable for Checks #32607 Through #32633

Essential Monthly Expenses

Expense	Total	Previous Balance	September Expenses	Balance Forward
Electricity/PUD	\$12,000.00	\$5,190.19	\$11,586.58	\$5,603.61
Phones, Copier, Postage, Internet/IT	\$3,024.00	(\$1,117.53)	\$3,004.55	(\$1,098.08)
Liability Insurance	\$8,000.00	\$8,120.76	\$15,679.25	\$441.51
Worker's Comp	\$3,000.00	(\$16,288.31)		(\$13,288.31)
Office Supplies	\$420.00	(\$285.39)	\$1,228.07	(\$1,093.46)
Restroom & Leases	\$1,250.00	(\$1,332.60)	\$457.21	(\$539.81)
Garbage	\$1,600.02	(\$227.96)	\$1,677.38	(\$305.32)
Equipment Maintenance	\$1,350.00	(\$358.58)	\$330.61	\$660.81
Sheriff Contract	\$500.00	\$1,878.40		\$2,378.40
Chemicals - Water and Sewer Plants	\$2,500.00	\$13,839.16	\$3,883.50	\$12,455.66
Test	\$250.00	\$173.00	\$259.20	\$163.80
Small Tools and Equipment	\$100.00	\$238.48	\$200.20	\$138.28
Travel and Training	\$100.00	\$61.00		\$161.00
Maintenance and Repair	\$3,500.00	(\$4,805.92)	\$68.67	(\$1,374.59)
Sludge Haul	\$4,500.00	\$6,313.30		\$10,813.30
Fuel - Harbor	\$16,000.00	(\$16,488.46)	\$27,032.40	(\$27,520.86)
NW Natural Gas	\$95.00	\$107.56	\$38.92	\$163.64
Professional Services - Legal/Eng.	\$4,000.00	(\$4,240.15)	\$3,922.50	(\$4,162.65)
City Vehicle Fuel/Maintenance	\$500.00	\$1,235.98	\$515.59	\$1,220.39
CPA/Audit	\$3,200.00	(\$5,600.00)	\$1,200.00	(\$3,600.00)
Credit Card Fees	\$3,500.00	\$106.31	\$3,881.51	(\$275.20)
Supplies	\$2,000.00	(\$1,485.53)	\$2,298.27	(\$1,783.80)
Payroll, Payroll Taxes, PERS, Benefits	\$110,000.00	\$52,461.03	\$90,856.64	\$71,604.39
I & I	\$13,600.00	\$37,020.00	\$1,586.00	\$49,034.00
Charitable Contributions			\$ 6,999.00	(\$6,999.00)
Total	\$ 194,989.02	\$ 74,514.74	\$176,706.05	\$92,797.71

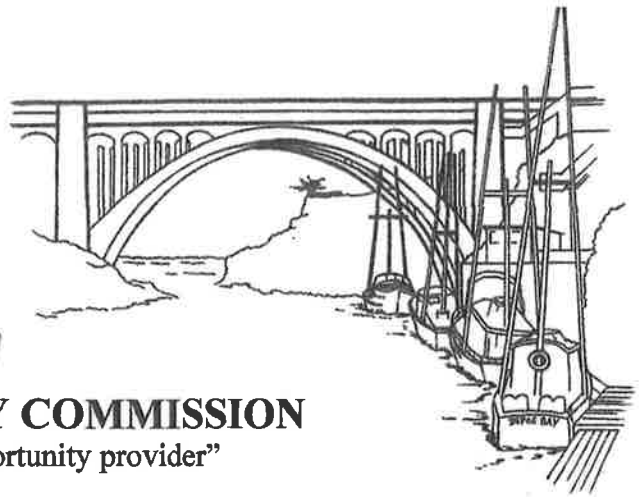
Statement of Revenues, Expenditures and Changes in Fund Balances - SEPTEMBER 2020

Account	General Fund	Transient Room Tax Fund	Street Fund	Harbor Fund	Sewer Fund	Water Fund	Water/ Sewer Bond Fund	Parks and Building Fund	Total Governmental Funds
REVENUE:									
010-402 Franchises				\$26,445.77	\$17,000.00				\$0.00
030-436 Fuel Sales			\$4,690.00	\$3,233.82	\$89,513.41	\$6,661.00		\$1,498.00	\$26,445.77
040-444 Gleneden				\$839.80	\$290.00	\$124,589.35			\$17,000.00
SDC Income	\$237.10					\$1,605.00			\$12,849.00
Lease, rental and utilities	\$13,296.38		\$6,662.03						\$217,336.58
Licenses, permits and fees	\$243.11	\$113.49	\$10.73		\$67.50		\$1,111.14		\$2,946.90
Taxes -State & City	\$13,776.59	\$113.49	\$11,362.76		\$106,870.91	\$825.55	\$16.30	\$123.30	\$21,069.55
Late fees, interest, misc									\$1,395.04
Total Revenues									\$299,042.84
PERCENT OF BUDGET	18%	14%	8%	23%	82%	199%	2%	1%	50%
EXPENDITURES:									
049 & 059 Bond									\$0.00
Credit Card Fees	\$1,164.45			\$27,032.40	\$1,319.71	\$1,358.53		\$38.82	\$3,881.51
Fuel				\$4,433.44	\$14,365.25	\$11,348.66		\$3,366.76	\$27,032.40
General government	\$16,265.60		\$5,121.28	\$14,497.79	\$23,224.13	\$21,034.52		\$8,484.02	\$54,900.99
Personnel	\$14,712.54		\$8,903.64						\$90,856.64
Capital Outlay									\$0.00
Technological Improvements									\$0.00
Street improvements and equipment									\$0.00
System & Plant									\$0.00
Total Expenditures	\$32,142.59	\$0.00	\$14,024.92	\$45,963.63	\$38,909.09	\$33,741.71	\$0.00	\$11,889.60	\$176,671.54
PERCENT OF BUDGET	39%		6%	15%	10%	15%		13%	14%
Excess (deficit) of revenues over expenditures	(\$18,366.00)	\$113.49	(\$2,662.16)	(\$15,449.18)	\$67,961.82	\$99,939.19	\$1,127.44	(\$10,293.30)	\$122,371.30
Transfers in/out	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Change in fund balance	(\$18,366.00)	\$113.49	(\$2,662.16)	(\$15,449.18)	\$67,961.82	\$99,939.19	\$1,127.44	(\$10,293.30)	\$122,371.30
FUND BALANCES - Previous Month	(\$135,275.00)	\$72,027.90	(\$21,643.89)	\$63,181.59	\$155,644.14	\$122,789.37	\$15,143.79	(\$42,326.79)	
FUND BALANCES - Ending	(\$153,641.00)	\$72,141.39	(\$24,306.05)	\$47,732.41	\$223,605.96	\$222,728.56	\$16,271.23	(\$52,620.09)	

Bank Balances as of 9/30/2020 Checking \$ 224,095.66 Money Mkt \$ 5,553,232.83 Bond Acct \$ 300,431.47 LGIP \$ 359,375.69 Total \$ 7,437,135.65

CITY of DEPOE BAY

Post Office Box 8 + Depoe Bay, Oregon 97341
Phone (541) 765-2361 + Fax (541) 765-2129
TDD# 1-800-735-2900



OCT - 6 2020

APPLICATION FOR CITY COMMISSION

"This institution is an equal opportunity provider"

APPOINTMENT FOR Parks COMMISSION

I, Stan Zitnik am requesting to be considered as a member of the Depoe Bay Commission, for Position Number _____, for a (2/4) year term; or, to fill the vacancy which now exists, for Position Number 7, which expires 12/31/20.

I understand there is at least one regular meeting each month to conduct the necessary business of the Commission.

Ordinance No. 290 "Any member of the Commission may be removed by a majority vote of the City Council at any time without cause. No member shall miss more than three consecutive meetings."

I also understand there could be special meetings called for various purposes.

I am willing to give of my time and knowledge to attend all meetings of the Commission, unless good cause prevents such attendance. I will notify the Commission Chairperson or the City Recorder of such cause prior to meeting time.

Respectfully,

Stan Zitnik

Name Stan Zitnik Date 10.6.20

Mailing Address P.O. Box 368 Depoe Bay OR 97341

Residence Address 170 SE Bay View Ave, Depoe Bay OR 97341

How Long 3⁺ years

Occupation retired

Telephone Numbers (808) 385-1405

E-mail Address szitnik@outlook.com

Background Information / Brief History I grew up in Oxnard, CA;
went to college at San Francisco State Univ. Moved to
Maui, Hawaii and lived there for 34 yrs., raised
a family, career in local government and retired.
My wife and I moved to Oregon in 2016 and to Depoe Bay in 2017.

I would like to serve on this commission because I have a background
with the parks department during my career with the
County of Maui and I think community parks are
important to the quality of life in a community.

My contributions to this commission will include attending the meetings
and being a positive member of the team.

I will be a servant to the community
through service.

Thank you for the consideration. Stan

You will be notified as to the date of the City Council meeting at which the Council will conduct interviews and consider appointment to fill the vacancy on the commission. If you are unable to attend the council meeting, please notify city staff at your earliest convenience. Thank You!

EXPERIENCED PUBLIC ADMINISTRATOR

Public service orientated professional with experience, knowledge, skills and abilities in all aspects of public organizational administration including risk management, team building, written and verbal communications, grant funding applications, community relations and event management.

CAPABILITIES

Computer Proficient
Office Management
Discretion and Confidentiality
Internal & External Communications
Risk Management

Program Filing & Documentation
Personnel Management
Project & Program Management
Budget Preparation & Management
Incident Preparedness & Response

EXPERIENCE

County of Maui, Department of Management, Wailuku, Maui
First Assistant to the Managing Director

July 2009 – December 2010

- Provided executive level administrative support to the Managing Director in direct management of the various County departments and special projects.
- Provided management representation and review of the County's Civil Defense Agency and the modernization of the agency's operations and administrator position description.
- Provided direction and support for proposed Federal and State legislation relating to emergency preparedness and veteran issues.
- Managed operations and direct responsibilities of the Department of Management during the absence of the Managing Director.
- Provided project management for the Mayor's Office renovations, including funding, request for proposals, demolition, renovation, communication and budget reporting.

County of Maui, Office of the Mayor, Wailuku, Maui
Executive Assistant to the Mayor

January 2007 – July 2009

- Developed cooperative relations with County departments at all levels of organization, community organizations and individuals to address the concerns of residents and visitors of Maui County.
- Coordinated the 2006 Kiholo Bay Earthquake disaster recovery road projects to reopen the Hana and Piilani Highways between Kaupo and Kipahulu and secure FEMA reimbursement funding.

- Coordinated the County's 2008 Maui United Way Campaign which received the campaign of the year award and the County's 2009 Maui Food Bank food drive which generated over 3,500 pounds of food.
- Coordinated the multi-department and agency project to facilitate the opening of the home based dialysis center at the Old Territorial Physician's home in Hana.
- Represented the Mayor's Office on the Cost of Government Commission and support the commission's efforts with three annual reports.
- Represented the Mayor's Office and provided statements on behalf of the Mayor at community events, presentations, award ceremonies and facility dedications.

County of Maui, Risk Management Division, Wailuku, Maui
Loss Control Specialist- Acting Risk Manager

July 2003 – December 2006

- Responsible for loss control, safety and risk management programs and functioned as the Acting Risk Manager, responsible for the countywide self-insurance program, insurance renewals, workers compensation program and small general liability claims.
- Reviewed and updated countywide safety & health program for over 2,000 personnel.
- Created a digital and hard copy monthly safety newsletter distributed department wide.
- Developed and provided instruction for "*Safety Training for Supervisors*" course.
- Coordinated worksite safety training for scaffolding, confined spaces and fall protection.
- Provided training and increased countywide reporting compliance for OSHA recordkeeping.
- Established a safety recognition program for individuals and work teams.
- Functioned as Safety Officer for emergency disaster response due to the 2006 Kiholo Bay Earthquake; zero injuries/losses.
- Replaced a culture of "just get the job done" with a "*Safety First*" priority which reduced countywide injury incident rates.

EDUCATION

Masters Business Administration
University of Phoenix, Hawaii (2002)

Bachelor of Arts, Social Science
Thomas Edison State College, Trenton, NJ (1995)

SOFTWARE

MS Suite (Word, Excel, PowerPoint, Outlook)
Quicken

**RESOLUTION NO. 484-20
CITY OF DEPOE BAY, OREGON**

A RESOLUTION DECLARING A STATE OF EMERGENCY FOR THE CITY OF DEPOE BAY DUE TO THE CORONAVIRUS (COVID-19) PANDEMIC

Whereas the nation is amid a health crisis as a result of the Coronavirus; and

Whereas the United States Government and the State of Oregon and the County of Lincoln have declared that there exists a state of emergency; and

Whereas the City of Depoe Bay City Council recognizes the need to declare a state of emergency to allow for possible mitigation and restoration funding from federal, state and county emergency funding resources; and

Whereas the City of Depoe Bay wishes to follow the lead of federal, state and county health advisories, orders and declarations; and

Whereas the City of Depoe Bay is committed to keeping its citizens, businesses and visitors safe wherever and whenever possible within the city;

Now, therefore, be it *resolved* that the City Council of the City of Depoe Bay, Oregon:

1. Remains informed and responsive to the evolution of the virus within the county, state, and nation;
2. That it will continue to monitor federal, state and county status and orders during the period of declared emergency;
3. That it will avail itself to any mitigation and restoration funding available;
4. That it will follow the lead of federal, state and county health advisories, orders and declarations; and
5. Shall take whatever steps it has at its disposal to assist the citizens, businesses, and visitors of the city as well as cooperating and assisting other agencies and governments.

BE IT FURTHER RESOLVED: that the City Council by this resolution has implemented the City's Emergency Operations Plan until such time word is received from the State of Oregon declaring the state of emergency has been closed or council will revisit the resolution in one-week increments, per the City of Depoe Bay's Emergency Plan 1.7.2, to determine if, and whether to extend or sunset this resolution.

Passed by the City Council of the City of Depoe Bay, Oregon on this 24TH day of March 2020.



Mayor

Attest



City Recorder

MEMORANDUM

To: Depoe Bay City Council
From: Jaime White, City Planner
Date: October 20, 2020
Subject: Michael Barrett – Whale Cove Lot 8, Block 3
Request for Waiving of Requirement to Connect to City Sewer and Permission to Install an Alternate System

Applicant: Michael Barrett

Request: The request is for waiving requirement to connect to city sewer as per Ordinances 46 and 168, and for permission to install a septic system.

Property Location: The property is located on SW McDonald Ave. in Whale Cove, west of Hwy 101 and further described on Lincoln County Assessor Tax Map 09-11-17BD as Tax Lots 00200 and 00300.



Background:

- Existing residential dwellings to west and north have on-site waste management systems, i.e. septic tanks and drain fields. One residence has an above ground sand/UV treatment system to accommodate for newer treatment technology.
- 1975 – Ordinance 46 (public sewers...) adopted by City Council.
- October 1988 – Lincoln County denies request for septic system on property.
- June 1989 – Depoe Bay Annexed Whale Cove into City Limits.
- July 1989 – Oregon DEQ grants a variance for septic system on property.
- July 1991 – Ordinance 168 (public sewers...) adopted by City Council.
- 2007, 2013 – Lot Partition applications #5-PAR-PC-07, #1-PAR-PC-13 Maui Dream requested partition of one lot into three lots east of Barrett Property. Planning Commission required connection to city sewer. Lots were not developed.
- 2008 - Planned Development application #1-PD-PC-08 Whale Cove requested development of 10 lots north of Barrett Property. Planning Commission required connection to city sewer. Lots were not developed.

October 20, 2020 City Council Meeting

- 2017 – Barretts purchase Lot 9, Block 3
- 2019 – Barretts purchase Lot 8, Block 3
- September 2020 – Barretts consolidate lots 8 & 9 into one lot (1 acre)
- August 2020-Present – Conversations with City Planner regarding septic vs. sewer. Mr. Barrett was told septic systems were not allowed as stated in Ordinance 46 (1975).

Section 5-03. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the District, or in any area under the jurisdiction of the District.

And in Ordinance 168 (1991).

a. connect such facilities directly with the proper City sewer in accordance with the provision of this ordinance within ninety (90) days of official notice to do so; provided that said sewer is within 250 feet of the property line; or

b. connect such facilities to the owner's private sewage treatment facility and to treat the sewage upon the property such that no sewage effluent shall be disbursed either upon the property or beyond the boundaries of the property nor sewage transported from the property, unless otherwise permitted by ordinance, except as has been fully treated as required by law or regulation in accordance with applicable federal and state requirements for treatment of sewage from residential, industrial or commercial uses, as is appropriate to the use of the property; provided that the sewage shall not thereafter be treated by means of a septic tank and drainfield."

- Nearest existing sewer is in Little Whale Cove, 800' \pm to the north. Planned development had discussed placing a new sewer line in HWY 101 up to South Pointe Street.
- Ordinance 168 allows the owner to file a written objection and present their case to the City Council. City Council's decision is final.

in the event that, during the period of ninety (90) days to connect to the City sewer or to provide equivalent sewage treatment facilities, the said owner shall file written objection with the Secretary (City Recorder) against so being required to install said facilities, the District (City) shall not enforce the provisions of this subsection upon said owner, so filing his objections, until the Directors (City Council) shall have, at a meeting thereof, heard the said objections of said owner, and rendered its decision thereon. The meeting of the Directors (City Council) shall be held not less than ten (10) days nor more than forty (40) days from and after the date of filing of said objections with the Secretary (City Recorder). Not less than seven (7) days prior to the date set by the Directors (City Council) for said meeting, the Secretary (City Recorder) shall give due notice of the date set therefore to said owner. The decision of the Directors (City Council) shall be final and no recourse shall be available to said owner except as is provided by law."

- Mr. Barrett is requesting the city to allow for a modified septic system be permitted for his property

Oct 13th, 2020

Depoe Bay City Council

PO Box 8

570 SE Shell Avenue

Depoe Bay, OR 97341

Subject: property owner requests permission to install a more modern sewage treatment system to accommodate for city code and environmental concerns.

Lot 8, Block 3 of Whale Cove area.

Dear Councilors,

Thank you for your service to our community.

Mr. White has already provided a timeline and background information for your review. With respect to that timeline we want the city to consider the following:

It has been 31 years since annexation of the Whale Cove area by the city of Depoe Bay and for complex reasons city sewer has not been extended. Meanwhile, many of the older homes (some more than 50 years old) with antiquated systems continue operating at potential risk of failure or damage to the ecosystem in Whale Cove.

For all of the Depoe Bay area, the city council should allow for (even encourage) installation and/or updating of newer sewage treatment technologies that did not exist in 1991.

Current city owned Sewer is more than 600 feet from the building site. Digging over 600' of new sewer installation is cost prohibitive for a single lot owner and presents a hardship.

Therefore, the Barrett family would like to utilize one of these newer treatment systems (like the **Bottomless Sand Filter System** or a comparable system used in high water table areas) in accordance with the approval already granted by DEQ for this property in 1989.

Property owner will agree to disconnect/discontinue use of the onsite system as soon as the City provides sewer services.

Thanks in advance,

Michael and Donna Barrett, Trustees

Barrett Family Trust

1440 SW Dune Avenue

Lincoln City, OR 97367

541-921-2281



3511 Pacific Boulevard SW
Albany, OR 97321-7727 USA
P: 541.926.7737 | cascade-earth.com

October 14, 2020

Depoe Bay City Council
PO Box 8
570 SE Shell Avenue
Depoe Bay, OR 97341

SUBJECT: Request to Remove Conflicting Language in Ordinance 168

Dear City Councilors:

The purpose of this request is to consider removing or changing conflicting language in the code that was adopted in 1991. Ordinance 168 amends Section 5-04 of Ordinance 46 to state that sources of sewage a) connect to the sewer if it is available within 250 feet of the property line, or b) connect to "the owner's private sewage treatment facility . . . ; *provided that the sewage shall not thereafter be treated by means of a septic tank and drainfield.*" A literal reading of Option B opens the door to an owner connecting to their own sewage treatment facility (which is consistent with city codes throughout the state) but then closes the door by excluding a *septic tank and drainfield*. Considering the typical soil conditions and lot sizes within the city limits of Depoe Bay, I doubt that any parcels would be approved by Lincoln County or the Oregon Department of Environmental Quality (DEQ) for a *septic tank and drainfield* (also known as a "standard" system). However, some parcels may qualify for an advanced treatment system, like the bottomless sand filter either alone or in combination with one of the alternative treatment technology (ATT) systems approved by DEQ. I am familiar with several other cities in Oregon that allow private sewage treatment systems (including standard systems) within their jurisdiction (legally available) if a sewer is not physically available (defined in state code as being within 300 feet of the property line).

Mike and Donna Barrett are the current owners of a pair of lots in Whale Cove. Lot 8 of Block 3 of Whale Cove was denied a septic system by Lincoln County in 1988. Cascade Earth Sciences (CES) prepared a formal variance to the DEQ in 1989. I was the primary representative for CES in this effort and developed the variance proposal. The primary limitation in the denial was the shallow depth to an iron-cemented sand layer that created a perched (temporary) water table near the surface during the wetter months of the year. We were able to identify a layer of permeable sand with deeper excavation. Our proposal was to intercept and divert the shallow perched water around the proposed sand filter area to prevent that water from short-circuiting into the underlying permeable sand and therefore allow the bottomless sand filter operate properly. The DEQ approved the variance and that approval is still valid.

The lots in question were annexed in 1989, about the same time as we were working through the variance process, as described above, with DEQ and Lincoln County. It is my understanding that the nearest city sewer line is more than 600 feet away, which, by both the state's and city's definitions (300 feet and 250 feet, respectively), the public sewer does not meet the standard for "physical" availability. The DEQ code requires all onsite sewage treatment systems start with a septic tank and end with some form of subsurface soil absorption system. The sand filter is the "original" ATT and its documented performance is what all the other ATT systems were measured against.



The bottomless sand filter approved through the variance process incorporates the advanced treatment and the subsurface dispersal elements into a vertically integrated unit. The system proposed today under the original variance approval incorporates the best available technology among the approved ATT units (i.e., the AdvanTex AX20RTN, operated in Mode 3B). The high level of treatment provided by the AdvanTex system allows a slight reduction in the size of the bottomless sand filter since the treatment demand on the sand filter is substantially reduced. Unlike a “standard” septic system, ATT systems require an ongoing maintenance contract with a certified operations and maintenance service provider with annual reports filed with the county. This system clearly meets the definition of a “private sewage treatment facility.”

On behalf of the Barrett’s, we respectfully request that either their proposed system be recognized as qualifying as a “private sewage treatment facility” or the language at the end of Option B be stricken to be consistent with the provisions in similar code language at other cities in Oregon. The Barrett’s recognize and accept that they would be required to decommission their advanced treatment system and connect to the City sewer system at such time as it is extended to their lot.

Thank you for taking the time to consider this request. If you have any questions, please do not hesitate to contact me by e-mail (brian.rabe@valmont.com) or phone at (541) 812-6639.

Sincerely,
CASCADE EARTH SCIENCES

A blue ink handwritten signature, appearing to read "B. Rabe", is written over a faint circular stamp.

Brian T. Rabe, CPSS, WWS
Managing Soil Scientist

BTR/mjb



Certified Professional
Soil Scientist
BRIAN T. RABE
15239 Exp. 31DEC20
Registered Wastewater Specialist
No. 1311-W-448430 Exp. 30SEP20

MEMORANDUM TO COUNCIL

RE:

Fr: City Recorder

October 20, 2020

This agenda item covers 3 different Bids and 3 different project requests.

The 1st one is Trenchless Pipe Repairs. This is for I & I work on a shared section of sewer pipe that runs from Bay Street/ Community Building down to the Harbor Main. It is 1500' of 16" sewer pipe that needs to be inspected for any leaks. The pipe has to be dewatered and rerouted during the process.

Then you will see a quote from Ferguson Waterworks. That is for all the fittings needed to finish up the Harbor Main, which the guys laid the pipe in June but did not connect due to budget concerns due to COVID-19. This is to connect that project up. We have on order (that the council approved) a pump that had to be replaced at the Harbor Main. It's being built at the manufacture and we have not received that yet. It is a shared cost with Gleneden Sanitary as well, in the neighborhood of \$38,000.00.

The 3rd Request for funding is the various paving projects that Public Works is requesting to get done.

Action Requested: For each item council should determine and make a motion in support or opposition to whether or not the money will be spent on the project. If money is to be spent then we should place a date on when the project should be scheduled. If the council chooses to not spend money on the project a potential postponement date would be appropriate as well to set further work schedules and plans.

Trenchless Pipe Repairs
A Vortex Company

1



Date: 8/17/2020

To: City of Depoe Bay

Office:

Fax:

Address: 570 SE Shell Ave
Depoe Bay, OR. 97341

Cell: 541.992.2029
E-mail: weidner@cityofdepoebay.org

Attention: Brady Weidner

Project: 15" By-pass and inspection

Location: Coast Guard Dr.

Scope of Work:

Vortex Services, LLC is pleased to provide an estimate to

Estimate includes:

- 1) Provide labor and equipment to by-pass 15" sewer line approx. 1500ft for cleaning and inspection. Includes back up pump, crossing ramps and forklift to move equipment for set up.**
- 2) Perform CCTV inspection of 15" sewer line on Coast Guard Dr. to fuel pump house.**
- 3) City to contract combo truck for cleaning and vac of sewer line once by-pass set up and flush by-pass equipment before break down of set up.**
- 4) City to provide traffic control and flaggers.**

NOTE: Project expected to take 2 days to complete.

We propose to furnish all material, equipment and certified labor to perform work upon designated area.

Trenchless Pipe Repairs, A Vortex Company
13701 24th St. E, Suite F-10, Sumner WA 98390
253-447-8026 Fax 253-375-6819
WA# VortesL817J4
CCB#229926

Trenchless Pipe Repairs
A Vortex Company

2

Quote:

Mobilization	1	LS	\$	-	\$	7,426.13
CCTV inspection	1	LS	\$	-	\$	3,672.00
By-Pass (including labor and equipment)	1	LS	\$	-	\$	21,689.09
Sub-Total:						\$ 32,787.22
Tax:						N/A
Total:						\$ 32,787.22

FT= FEET, EA= EACH, LS= LUMP SUM, HR= HOUR

Terms: Work will be scheduled upon receipt of a ____\$0____ down payment and return of signed Proposal and attached 1-5. The remainder of the contract will be due when invoiced (Job Completion or Progress Billing)

Customer agrees to pay all the cost and fees charged for the services rendered as stated on this proposal. The terms are 0% down payment, and balance due net 30days. Customer is responsible for all cost of collection, including, but not limited to, attorney fees and expenses. Warranty is void if not paid per terms.

Respectfully,

Mike Wasmund

Vortex Services, LLC

mwasmund@vortexcompanies.com

THIS PROPOSAL BECOMES VOID IF NOT ACCEPTED WITHIN 30 DAYS OF OFFER
WHEN ACCEPTED. PLEASE RETURN ALL SIGNED PAGES TO Vortex Services, LLC

Note: Customer has read the Proposal and General Conditions attached and agrees to the terms.

DATE OF ACCEPTANCE: _____

SIGNATURE: _____

Vortex Services, LLC

CCB# 229926

SIGNATURE: _____

Trenchless Pipe Repairs, A Vortex Company
13701 24th St. E, Suite F-10, Sumner WA 98390
253-447-8026 Fax 253-375-6819
WA# VortexL817J4
CCB#229926



FEL ALBANY WATERWORKS #2622
34403 HWY 99 E.
TANGENT, OR 97389-0000

Phone: 541-928-1329
Fax: 541-928-1907

Deliver To:

From: Jeff Hart

Comments:

11:19:37 OCT 15 2020

Page 1 of 1

FERGUSON WATERWORKS #3011

Price Quotation

Phone: 541-928-1329

Fax: 541-928-1907

Bid No: B374009
Bid Date: 10/15/20
Quoted By: JDH

Cust Phone: 541-765-2361
Terms: NET 10TH PROX

Customer: CITY OF DEPOE BAY
PO BOX 8
DEPOE BAY, OR 97341

Ship To: CITY OF DEPOE BAY
PO BOX 8
DEPOE BAY, OR 97341

Cust PO#: WASTEWATER FORCE

Job Name: WASTEWATER

Item	Description	Quantity	Net Price	UM	Total
AFC2512FFOL	12 DI FLG RW OL GATE VLV	1	1866.080	EA	1866.08
FT12	12 DI 125# C110 FLG TEE	2	970.810	EA	1941.62
CR12X	12X8 DI 125# C110 FLG CONC RED	3	436.490	EA	1309.47
312	12 DI 125# C110 FLG 90 BEND	1	608.650	EA	608.65
MJFALA12	12 MJXFLG C153 ADPT L/A	1	280.240	EA	280.24
AFC2508AFLSTDOL	8 DI RW OL GATE VLV STD ALPHA X FLG	3	963.620	EA	2890.86
RRGPVCAP12	12 ROMAGRIP ACCY PK F/ CIOD & IPS	1	157.530	EA	157.53
ATSGA12	12 FF 1/8 TORUSEAL NSF61 FLG GSKT	7	20.350	EA	142.45
FNWNBSZ112	12 ZN 150# FLG NUT/BLT SET	7	28.240	EA	197.68
ATSGAX	8 FF 1/8 TORUSEAL NSF61 FLG GSKT	3	15.840	EA	47.52
FNWNBSZ1X	8 ZN 150# FLG NUT/BLT SET	3	11.950	EA	35.85

Net Total: \$9477.95

Tax: \$0.00

Freight: \$0.00

Total: \$9477.95

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTACT YOUR SALES REPRESENTATIVE IMMEDIATELY FOR ASSISTANCE WITH DBE/MBE/WBE/SMALL BUSINESS REQUIREMENTS.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to
complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=2622&on=41889>



Road & Driveway Company

121 NE Harney Street
PO Box 730
Newport, OR 97365

P: 541-265-9441
F: 541-265-9443
www.roadanddriveway.com

(Quote)
ONLY

BID

Bid Date	Job #
9/28/2020	13423
CCB 16331	

Contact Name & Billing Address

Depoe Bay City of
Attention: Brady Weidner
SE, 570 Shell Ave
Depoe Bay, OR 97341

Project Name and Location:

Asphalt Paving at Various Locations

Various Locations
Depoe Bay, OR 97341

Item No.	Item Description	UoM	Qty	Rate	Amount
1	SOUTH POINT, MANZANITA, HARNEY, COAST, COLLINS - DIGOUT, HAUL AWAY & PAVE BACK STREET CUTS ON SOUTH POINT, MANZANITA, HARNEY APPROX. 180 SF @ 3" NOMINAL COMPACTED DEPTH, PAVE BERM ON COAST APPROX. 40 LF, PAVE APPROACH ON COLLINS @ 220 SF @ 3" NOMINAL COMPACTED DEPTH	LUMP SUM	1	4,972.64	4,972.64
2	SHELL AVE - DIG OUT, HAUL AWAY & PAVE BACK TRENCH CUT APPROX. 1,720 SF @ 3" NOMINAL COMPACTED DEPTH	LUMP SUM	1	11,334.06	11,334.06
General Conditions: All work to be completed during normal (daytime) business hours or additional charges will apply. Work excludes: traffic control, grinding, base preparation, survey, vertical/horizontal layout, engineering, pesticides/herbicides, bonds/permits, utility adjustment, temp ac pavement, slurry seal, seal coat, shoulder rock, striping. Total to be determined per option(s) chosen. All work is weather dependent.					
#2	Shell AVE ^{12"} Sewer Force Main Patch				
Thank you for the opportunity!				Total	16,306.70

Terms: cash, check, credit paid upon completion of work. In accordance with ORS 701.625, invoices not paid by Customer within thirty (30) days are delinquent and will bear interest at the rate one and one-half percent (1.5%) per month, or the max amount allowed by law, whichever is less, until paid.

I (we) hereby accept this bid and all terms and conditions and authorize Road & Driveway Co. to proceed as specified.

Accepted By: _____

Owner/Authorized Representative

Price valid for 30 days after bid date, prior to acceptance.

#1 (WATER LINE REPAIR)
Asphalt Patching
through town,
Also Collins Driveway Approach
To be repaired from a broken WATER MAIN - July 15th

From: accounting cityofdepoebay.org
Sent: Thursday, October 15, 2020 9:11 AM
To: recorder cityofdepoebay.org
Subject: FW: Local Lodging Administration Project (LLAP) Update on Oregon Department of Revenue progress

Hi,

Wanted to make sure you are in the loop with this. May effect the city in the near future.

Kathy

From: LUM Tera L * DOR <Tera.L.LUM@oregon.gov>
Sent: Thursday, October 15, 2020 8:18 AM
To: LUM Tera L * DOR <Tera.L.LUM@oregon.gov>
Subject: Local Lodging Administration Project (LLAP) Update on Oregon Department of Revenue progress

Good morning,

As you know, the Department of Revenue is working to implement two bills from past sessions regarding transient lodging taxes. House Bill 2400 (2017) allows us to administer the local transient lodging tax and House Bill 3136 (2019) requires us to purchase a service that allows us to acquire raw data gathered from the internet, related to sales for transient lodging.

Here is our progress in meeting these legislative obligations.

- The Inter-Governmental Agreement allowing the department to administer the local transient lodging tax is currently under DOJ review.
- The quarterly joint (state and local) transient lodging tax return, instructions, and payment voucher is currently with our IT staff for system design.
- The procurement process to acquire access to raw data gathered from the internet that relates to the sale, service, or furnishing of transient lodging in Oregon has been completed.
- The contract has been signed with Host Compliance (Granicus) to purchase services for raw data gathered from the internet.

Our next step is to work on the necessary rules and communication plan for transient lodging tax outreach. We'll have more information soon.

Thank you,
Tera Lum
Oregon Department of Revenue
503-877-0611