

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, February 19, 2013 - 7:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: Mayor AJ Mattila, B. Leff, S. Hoitink, Z. Olsen, R. Gambino, B. Berry

7  
8 ABSENT: D. Goddard

9  
10 STAFF: City Recorder P. Murray, City Superintendent T. Owings, Recording Secretary  
11 E. LuMaye

12  
13 I. PLEDGE OF ALLEGIANCE

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

15  
16 II. CALL TO ORDER

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

18  
19 III. APPROVE MINUTES: February 5, 2013 Regular Meeting

20  
21 Motion 1: Leff moved to approve the minutes from the February 5, 2013 Regular Meeting. Hoitink  
22 seconded the motion.

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

25  
26 Vote: Motion 1 passed.

27 Ayes: Leff, Hoitink, Olsen, Mattila, Gambino, Berry

28  
29 IV. ACCOUNTS PAYABLE

30 Motion 2: Hoitink moved to accept the Accounts Payable. Olsen seconded the motion.

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

33  
34 Vote: Motion 2 passed.

35 Ayes: Leff, Olsen, Hoitink, Gambino, Berry

36 Abstain: Mattila

37  
38 V. SPECIAL ORDERS

39 A. John Allen, Oregon Parks and Recreation Dept. – Status Report on Whale Watching Center  
40 John Allen addressed the Council regarding the history of the building, its addition to the National  
41 Register of Historic Places, the status of necessary repairs, and the contracting and restoration  
42 requirements of being listed on the historic register. There was discussion regarding whether the  
43 building could be closed during renovations so it can be open to the public by Memorial Day. Mr.  
44 Allen said this was their plan. He agreed to provide a copy of the State's Interpretive Plan to the  
45 City.

46  
47 B. Interview/Appoint Applicants for City Commissions and Committees

48 Planning Commission applicant Michael Garron Kiefer was present and came forward to tell about  
49 himself and why he was interested in participating, and answered questions from Councilors  
50 regarding his qualifications and applications. Salmon Enhancement Commission applicant Sara  
51 Davis was not present. (Copy of applications attached to original of these minutes.)

52  
53 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to  
54 original of these minutes) and announced the results. Councilors Hoitink, Olsen, Gambino, Berry,  
55 and Mayor Mattila voted to appoint Mr. Kiefer to the Planning Commission; Councilor Leff voted not

1 to appoint. Councilors Hoytink, Gambino, Berry, and Mayor Mattila voted to appoint Ms. Davis to  
2 the Salmon Enhancement Commission; Councilors Leff and Olsen voted not to appoint.

3  
4 Motion 3: Leff moved to accept the canvass of votes and appoint Michael Garron Kiefer to Planning  
5 Commission Position #3, and Sara Davis to Salmon Enhancement Commission Position #4. Hoytink  
6 seconded the motion.

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

9  
10 Vote: Motion 3 passed.

11 Ayes: Leff, Hoytink, Olsen, Mattila, Gambino, Berry

12  
13 C. Municipal Utility District (MUD) – Steve Sparks

14 Steve Sparks addressed the Council regarding the possible establishment of a MUD and open  
15 telecommunications access. He spoke extensively about a non-profit public/private partnership  
16 (PPP) created in Tillamook County, and how it benefits the communities it serves. The mission of  
17 this kind of a PPP would be to provide affordable broadband telecommunication services through a  
18 high-speed system, and to improve the overall communication activity in the county. The City  
19 would be buying and re-selling wholesale services. There would also be a wireless infrastructure, if  
20 public Wi-Fi were to be provided. The Tillamook PPP consists of Tillamook County, the Port of  
21 Tillamook Bay, and Tillamook PUD, which all own assets and take a percentage of the revenues.  
22 CoastCom maintains 100% of the Tillamook County PPP; they do all the billing, maintenance, put  
23 all the services in, and worked with PUD to get the fiber infrastructure in. The Depoe Bay fiber  
24 infrastructure is in the process of being upgraded for more bandwidth. In answer to a Councilor's  
25 question, Sparks explained that "unbundling" is a regulatory term that means that the phone  
26 company can legally loan its local distribution cable to another company to use. He said an  
27 opportunity is coming to unbundle with Wave Broadband. A Councilor asked a hypothetical cost-  
28 related question; Sparks said it would be the same or lower cost, that he wouldn't say the  
29 [consumers'] cost would be higher. He said creating PPPs has become a cost-effective way of  
30 building infrastructures. He suggested the City first set up an appropriate committee, then look at  
31 the scope of work and do a needs assessment, which would determine whether or not it was  
32 feasible for the City to move forward with establishing a MUD. If it looked good, then the City  
33 would develop a business and strategic plan, followed by a project management plan, and then  
34 implement the plan. He asked Bob Houston to tell the Council why NFK is so excited.

35  
36 Bob Houston said the world is going digital, and access comes through the pipes that Sparks was  
37 talking about. The bigger, faster access you have, the more ability you have to connect with the  
38 rest of the world and do more work and more pleasurable things on the internet. NFK is working on  
39 a high-tech computer lab, because young kids know how to text but not know how to run a  
40 computer or a mouse or a Word program. They don't know the kinds of computer skills that will get  
41 them employed or get them into higher education. NFK has 15 laptops and the signal goes down  
42 when they go online because they have a DSL connection and it's just not enough bandwidth. Part  
43 of their strategy is to get fiber optics into the building. NFK partners with Oregon Coast Community  
44 College (OCCC), who has a campus about 12 miles north and one about 12 miles south of Depoe  
45 Bay. NFK recently talked with small businesses about bringing classes to NFK for adult education,  
46 continuing education, or early college classes, and OCCC is excited about having an opportunity to  
47 look at the NFK building to increase the services they provide to the county. When asked if the  
48 attorney has been contacted about ways of regulating and collecting revenues for right-of-way  
49 usage, Murray responded she was waiting for the information being presented tonight.

50  
51 Richard Block spoke from the gallery, advising the City to look at existing franchise agreements. A  
52 Councilor replied that there's a pending broadband provider contract the Council will be talking  
53 about soon. Mayor Mattila said he thought a "central campus" is really important to have at NFK,  
54 and the City Attorney should be contacted to find out what needs to be done. There was discussion  
55 about forming a committee and who might be on it, noting the committee would need to adhere to

1 public meeting laws. A suggestion was made to advertise for a citizen who might be interested in  
2 participating in a committee. Sparks said typically PUD, broadband providers, and other technical  
3 resource people would be on a committee because they have the infrastructure. Referring to a  
4 piece of correspondence not yet presented, a Councilor noted the potential for conflict of interest,  
5 saying she could already sense it. Sparks said the structure of a PPP removes the conflict of  
6 interest problem during the planning process because it is set up with rules and criteria. A person  
7 spoke from the gallery, asking if this was something the City wants to do, whether it's good for the  
8 City, what does it bring to the City, and what would it cost the City if it goes bad. He suggested  
9 there might be a separate committee established to answer these questions. Another person spoke  
10 from the gallery, saying it's a great idea, but who writes the check? Who pays for it? While there  
11 was not a clear answer, Sparks said there are funding opportunities such as the grants NFK gets.  
12 There was additional discussion about moving forward to answer the questions about whether or  
13 not the City wants to do this.

14  
15 Motion 4: Leff moved to form an exploratory committee with Councilor Olsen as its Chair, one other  
16 Councilor, and two or three other people that that small group decides are important for the initial  
17 work. Hoytink seconded the motion.

18  
19 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

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21 Vote: Motion 4 passed.

22 Ayes: Leff, Hoytink, Olsen, Mattila, Gambino, Berry

23  
24 It was agreed that Councilor Gambino be the second Councilor on the committee. Staff will submit  
25 this matter to the City Attorney for comment.

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

28 There were no reports.

29  
30 VII. PUBLIC COMMENTS

31 Kay Wyatt, 1760 SW Walking Wood and Depoe Bay CERT Coordinator, addressed the Council about  
32 1) The tsunami inundation map (copy attached to original of these minutes) have been released for  
33 Lincoln County, noting they are not evacuation maps and are more for the use of City Planners.  
34 She wondered if the Council might discuss the map at their next meeting. 2) Depoe Bay CERT is  
35 conducting signage inventory of the tsunami signs in the fire district, and she should have a report  
36 by the date of the next Council meeting. 3) DOGAMI has appointed Linda Engle as tsunami  
37 outreach coordinator. There is a lot to be done to help residents learn what to do during a tsunami.  
38 Tomorrow CERT will be conducting pre-assessment surveys in the community. 4) A long-awaited  
39 report is now available on Oregon's emergency management website, [Oregon Resilience Plan](#). She  
40 strongly recommended the Council set up an ad-hoc committee to see what the report says and set  
41 target goals. A Councilor encouraged everyone to attend a March 18 training session (see attached  
42 memo from Murray and Owings dated 2/15/13).

43  
44 Anthony Vendetti of the AmeriCorps VISTA program addressed the Council regarding a resilience  
45 plan for businesses (copy attached to original of these minutes, along with his business card). He is  
46 taking the plan to the Chamber of Commerce next. He works with cities at no charge.

47  
48 Betty Loughlin, Depoe Bay resident and a real estate agent, said she is concerned about how  
49 shabby the streets look, and messy residents who leave debris laying around for years. She said  
50 when she shows houses, these things turn buyers off. Owings explained that written complaints are  
51 required for follow up; Ms. Loughlin will come meet with him tomorrow. The funds for street repairs  
52 come out of the General Fund, and other projects can take precedence. He suggested she come to  
53 a budget meeting to express her street concerns.

54  
55 VIII. UNFINISHED BUSINESS

1 A. DOGAMI Tsunami Evacuation maps – Proposed Additional Assembly Area  
2 Murray reviewed Peter Ovington’s email dated February 15 (copy attached to original of these  
3 minutes). There was discussion about inundation zones. It was agreed to not add the proposed  
4 [Kailani Ridge Subdivision] assembly area to the map.  
5

6 B. Designate Alternate Representative to Lincoln County Solid Waste Consortium  
7 Murray said this was the only agency that doesn’t have an alternate representative assigned, and  
8 one should be designated. It does not need to be an elected official. Councilor Gambino agreed to  
9 be the alternate.  
10

11 IX. NEW BUSINESS

12 A. Independence Day Celebration – Fireworks  
13 Mayor Mattila met and discussed fireworks with Senator Wyden on Saturday. He said fireworks  
14 might still be possible, if the cormorant is not an endangered species. He suggested writing a letter  
15 to the Governor. A Councilor advised the issue is Federally-mandated, not by the State. There was  
16 discussion about possible alternate ways of having fireworks. From the gallery, Chamber of  
17 Commerce President Phil Taunton said that fireworks must be at least 2.5 miles away from nesting  
18 areas, and there are no such locations in Depoe Bay.  
19

20 B. OLCC Temporary Liquor Sales Application – Depoe Bay Chamber of Commerce Crab Feed,  
21 April 20 & 21, 2013  
22

23 Motion 5: Leff moved to recommend the license be granted for the crab feed. Berry seconded the  
24 motion. (Copy of application attached to original of these minutes.)  
25

26 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.  
27

28 Vote: Motion 5 passed.

29 Ayes: Leff, Hoitink, Olsen, Mattila, Gambino, Berry  
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31 C. Outdoor Warning and Public Alert System – Program Implementation  
32 Owings reported the test had been run, and that protocol needs to be established. He suggested a  
33 committee be formed to look at protocol for implementation. He said Lincoln County has concerns  
34 about the messages and wording, and a small group needs to look at this. Councilor Leff suggested  
35 the committee include at least a Councilor and a Fire Department member, and she volunteered to  
36 serve on the committee. Another Councilor suggested including a lay person who’s outside the  
37 [government] box. A gallery member suggested that an alert tone be selected to get people’s  
38 attention that a message is coming. A Councilor didn’t like the whale songs and wants to use  
39 another sound, suggesting barking seals. Owings said he and Brady Weidner should also be  
40 committee members.  
41

42 Motion 6: Olsen moved to form a small committee to look at all the protocols for the early warning  
43 system. Gambino seconded the motion.  
44

45 Mayor Mattila said it was moved and seconded, and called for discussion. Councilor Leff was asked  
46 to lead the committee and she agreed to do so.  
47

48 Vote: Motion 6 passed.

49 Ayes: Leff, Hoitink, Olsen, Mattila, Gambino, Berry  
50

51 D. Bid Award – Dock 1 Finger Pier Project  
52 Owings reported one proposal was received (copy attached to original of these minutes), from  
53 Northwest Docks in the amount of \$24,890 for six aluminum finger piers. He recommended  
54 accepting the bid. There was brief discussion.  
55

1 Motion 7: Leff moved to approve the Northwest Docks bid to build the six finger piers for Dock 1.  
2 Hoitink seconded the motion.

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

5  
6 Vote: Motion 7 passed.

7 Ayes: Leff, Hoitink, Olsen, Mattila, Gambino, Berry  
8

9 E. Relocation of Glass Recycling Center

10 Mayor Mattila said he has received requests from many citizens who would like the glass recycling  
11 container back in the City Hall parking lot. Owings said the asphalt is not thick enough to  
12 accommodate the weight of the container. Murray said the State Marine Board said it can be in the  
13 harbor parking lot as long as it doesn't block any parking spaces or travel lanes and the use is not  
14 substantial enough to inhibit the intended use [parking boat trailers].  
15

16 X. CORRESPONDENCE

17 There were three items of correspondence (copies attached to original of these minutes). 1) An  
18 email from Jim Reim requesting a Depoe Bay participant in the upcoming "Effective Teamwork"  
19 class on February 26-27. Councilor Berry volunteered to participate; Murray will inform Mr. Reim.  
20 2) A Lions Club Community Needs Assessment Questionnaire. Staff was directed to complete the  
21 questionnaire. 3) A letter from Greg Palser at CoastCom, applying for a franchise. A Councilor did  
22 not want to hold them back, but also didn't want to sign a contract at this time. Staff was directed  
23 to get the City Attorney's advice. Councilor Olsen will get a small group together to form an  
24 opinion. Murray asked if Mr. Palser should be invited to the next Council meeting; it will depend on  
25 what the attorney's response is.  
26

27 XI. CITY STAFF REPORT

28 Owings briefly discussed an unsigned complaint, then asked if there were any questions about his  
29 written report (copy attached to original of these minutes). There were no questions.  
30

31 Murray asked if the Council was willing to provide for a 20-minute DOGAMI presentation at the  
32 March 5 meeting; the presenter, George Priest, is a knowledgeable speaker on tsunamis and  
33 earthquakes. The Council's consensus was to allow the presentation.  
34

35 XII. COUNCIL COMMENTS

36 Hoitink expressed his displeasure at having brown water at his house. Owings explained it's not the  
37 water it's the pipes, and that regular maintenance is performed on the system to minimize these  
38 occurrences. Hoitink pointed out that Gleneden Beach is replacing 2,000 feet of pipe per year;  
39 Owings said it costs about \$100 per foot to replace pipes. Leff requested it be discussed at the  
40 budget meetings.  
41

42 Leff asked to be notified if anyone knows a citizen interested in serving on the warning system  
43 protocols committee.  
44

45 XIII. ADJOURN

46 There being no further business, the meeting was adjourned at 9:28 PM.  
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51  
52 \_\_\_\_\_  
53 A.J. Mattila, Mayor

54 \_\_\_\_\_  
55 Emma LuMaye, Recording Secretary