```
Depoe Bay City Council
Regular Meeting
Tuesday, March 19, 2013 - 7:00 PM
Depoe Bay City Hall
```

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

8 ABSE

ABSENT: B. Berry

10 STAFF: City Recorder P. Murray, City Superintendent T. Owings, Field Supervisor B. Weidner

12 I. PLEDGE OF ALLEGIANCE

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

II. CALL TO ORDER

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

III. APPROVE MINUTES: March 5, 2013 Regular Meeting

Motion 1: Leff moved to approve the minutes from the March 5, 2013 Regular Meeting. Gambino seconded the motion.

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

Vote: Motion 1 passed.

Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino

IV. ACCOUNTS PAYABLE

Motion 2: Hoitink moved to accept the Accounts Payable as presented. Gambino seconded the motion.

Mayor Mattila said it was moved and seconded, and called for discussion; there was none.

<u>Vote</u>: Motion 2 passed.

Ayes: Leff, Olsen, Hoitink, Mattila, Goddard, Gambino

V. SPECIAL ORDERS

A. Interview/Appoint Applicants for Budget Committee

Incumbent Budget Committee applicants Richard Johnson and Peggy Leoni, and new applicant Betty Laughlin were present and came forward to tell about themselves and why they were interested in participating, and answered questions from Councilors regarding their qualifications and applications. Incumbent Budget Committee applicant Russ Hunter was not present.

Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of applications and ballot attached to original of these minutes) and announced the results: The vote to appoint Johnson and Laughlin was unanimous. Mayor Mattila and Councilors Leff, Hoitink, Goddard, and Gambino voted to appoint Hunter and Leoni; Councilor Olsen voted to not appoint Hunter and Leoni.

Motion 3: Leff moved to accept the canvass of votes and appoint Russ Hunter, Richard Johnson, Betty Laughlin, and Peggy Leoni to the Budget Committee. Goddard seconded the motion.

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

Vote: Motion 3 passed.

DBCC 3/19/13 Page 1 of 8

1 2 3

4 5

6

7 8

10

11

12 13

14

15

16

17

18

20

21

22

23

24

25

26

27

28

30 31

32

33

35

36

37 38

40

41

42

43

44 45

46

47

48 49

B. Presentation: CoastCom, Inc.

Matt Updenkelder, Director of Network Operations for CoastCom and Keith Crutcher(?), Director of Business Relations(?) for CoastCom addressed the Council regarding what CoastCom does. Mr. Updenkelder said the company started about 10 years ago. CoastCom is a competitive local exchange carrier providing service between Astoria and Reedsport, and as far east as Toledo. They provide internet access and Ethernet transport services in competition with companies like CenturyLink and Wave Broadband. They do not offer television services, and only limited telephone services. They are good at public/private partnerships with local government, healthcare, and education. They are partners with many cities on the coast. They have the ability to securely connect individual computers at different locations without using the internet or a VPN (virtual private network). Their primary focus is commercial, with only a handful of residential customers who have a pre-existing business relationship with CoastCom. They also have a full construction crew that builds fiber optic cable infrastructure to CoastCom customers as well as being contracted out to other companies. In order to provide faster speeds to smart phones, fiber optic infrastructure is needed to "backhaul" the information from the cell tower to their network. With fiber optic technology, you have a pulse of light with a laser on one end and a receiver on the other; the laser "shoots" a binary (1s and 0s) signal down the line. The average home internet connection has a 10-20 Mb (megabits) download speed; CoastCom download speeds are 1 GB (gigabyte), which is 1,000 MB (megabytes) or 10 GB, which is 10,000 MB. CoastCom currently has the ability to send 400 GB on one single pair of fiber (about the thickness of a hair). Fiber is not susceptible to weather, and fiber's lifespan is as yet unknown (oldest line is 24 years). A large number of fibers can fit into a very small cable. A fiber can transmit two signals concurrently, if they are traveling in opposite directions and at different speeds. CoastCom currently has fiber in Depoe Bay at the PUD office. CoastCom backhauls both CenturyLink and Wave data to Newport. They have a fiber optic line running from Newport to Lincoln City (does not stop in Depoe Bay), one from Newport to Florence, and one from Newport to Albany. If one of the lines gets damaged, the equipment automatically re-routes the information. Depoe Bay is an extension of Newport and has no connectivity of its own. They would like to take the Newport-Lincoln City line and break it out on the Collins Street property. If the line that backhauls out of Depoe Bay were damaged, it would leave Depoe Bay on an island; they are trying to build redundancy by splitting out the line to create a route north and a route south. Their lines are connected to the national grid in Portland; they own a route from Pacific City to Hillsboro, and then by third party transport from Hillsboro to Portland. Bringing Depoe Bay into the line from Newport to Lincoln City would also help sustain coverage in areas such as the north end of town near Boiler Bay, where coverage tends to be lost. CoastCom is a bandwidth wholesaler - they sell bandwidth to companies like CenturyLink, who can then increase bandwidth to their residential customers. CoastCom doesn't do residential because they don't have the resources [staff], and that it's hard to get enough [qualified] staff to live and work in Newport. When asked what promise could be given that CoastCom could handle the business community, the response was that CoastCom has 575 customers currently; adding a few customers is manageable with available resources, but adding 200 could not be done with existing resources. CoastCom is good at doing business, and they will stay focused on their core business and sell to the businesses that excel at providing residential services to provide to that community. They have tied together cities between Astoria and Crescent City, California. CoastCom doesn't own any fiber in Depoe Bay; they lease fiber to get to Depoe Bay. There was discussion about undergrounding and associated problems. Once the infrastructure to support fiber optic connections is in place, the City would have access to "x" number of fibers to manage the City's infrastructure using fiber optic technology without necessarily having to pay the monthly cost. (Copy of handout attached to original of these minutes.)

50 51 52

53 54

VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

A. Council President Olsen – MUD Exploratory Committee Report Councilor Olsen said he and Bob Houston visited with the Tillamook Chief of Staff yesterday, and correspondence regarding establishing a MUD has been received from the City Attorney's office

DBCC 3/19/13 Page 2 of 8

(copy attached to original of these minutes). He requested time to review the information and asked that this item be tabled to the next meeting; there was no objection.

<u>Councilor Hoitink</u> reported on yesterday's open house at City Hall, where there was open discussion of the Depoe Bay section of the Oregon Coast Trail. Oregon Parks and Recreation Department staff member Rocky Houston provided information and answered questions. There was discussion about the trail's proposed route along Coast Avenue. Murray provided historical information on this project, noting that no development is proposed on any City street with the exception of small signs indicating the trail's route. Concern was expressed over foot and bicycle traffic on Coast Avenue. Murray said construction is scheduled to begin very soon.

<u>Motion 4</u>: Leff moved to authorize Staff to prepare a letter to Rocky Houston expressing the Council's concerns about potential bikes and pedestrians using a street with no sidewalks.

<u>Amendment</u>: Goddard seconded the motion with an addition to the letter: a request to keep the route on State right-of-way.

Mayor Mattila said it was moved and seconded, and called for discussion. He said if a person wants to ride a bicycle on Coast Avenue, they can because it's public property. Goddard said it's City property, not State right-of-way. There was discussion about the State putting up signs for a State trail on a City street.

Vote: Motion, as amended, passed.

Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino

VII. PUBLIC COMMENTS

There were no public comments.

VIII. UNFINISHED BUSINESS

A. Tsunami Sign Inventory Report, Depoe Bay CERT

<u>Kay Wyatt</u>, Depoe Bay Fire District CERT Coordinator, said every effort to provide accurate data was made. The district was divided into nine areas, and [CERT volunteers] drove and walked every area. She reviewed the results of the inventory (see copy of her letter dated 3/19/13 attached to original of these minutes), noting the need for additional signage. The Fire Chief has scheduled a meeting for Monday, April 8 at 8:30 AM to review the report and develop a signage plan. She noted the serious nature of tsunami sign theft, as this can put people in danger. Councilor Olsen and Murray will attend the meeting on April 8.

B. DOGAMI Tsunami Outreach Project – Communications Strategic Plan

Murray said Lincoln County Emergency Manager Virginia Demaris has requested her team provide a 10-minute presentation at each of the April Council meetings. There was no objection. Murray said Ms. Demaris also asked if the City is interested in holding an evacuation drill and that Fire Chief Josh Williams plans to hold a district-wide evacuation drill in the future. Chief Williams suggested selecting a neighborhood and holding a mini-drill, if the City is interested. These activities are DOGAMI suggestions, not requirements. A Councilor noted that as a certified shelter, Neighbors For Kids wanted to be involved. A gallery member said CERT would be holding training sessions on April 13 and 27 for anyone wanting to work in a Red Cross shelter. She also asked if the City were to schedule any drill that May 5 be avoided, as CERT members will not be available on that date. She also said there was a plan to go door-to-door in the inundation zone. A Councilor suggested the City request the Fire Chief reschedule the May 5 drill to another date so CERT can be involved. (Copy of Demaris' 3/13/13 email attached to original of these minutes).

53 <u>Motion 5</u>: Leff moved the Council express to the Fire Chief support of having a drill in the South 54 Point area, and that it be at some date further out than May 5, because the Council thinks it's

DBCC 3/19/13 Page 3 of 8

critical that CERT be able to participate and that there be adequate planning time. Goddard seconded the motion.

Mayor Mattila said it was moved and seconded, and called for discussion. Mrs. Wyatt asked the Council if they'd prefer a Saturday or a Wednesday (to coincide with siren testing). A Councilor replied that sirens would be tested, but protocols would not be in place by the time of the drill.

Vote: Motion 5 passed.

Aves: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino

Murray said one of the DOGAMI requirements was for door-to-door community education to residences in the inundation zone, which will take a lot of manpower. Volunteers must go through a background check and get a certification, and CERT members are already certified. She asked the Council if they were interested in going beyond the scope of the inundation zone with the education. A Councilor asked if there was a time limit; Murray responded that all activities are intended to be completed within the month of May. Mrs. Wyatt said if the drill takes place later in the month, CERT would do their best to go door-to-door throughout the City.

C. Request for Franchise Agreement – CoastCom, Inc.

Councilor Olsen reported correspondence from the City Attorney had been received but had not yet been distributed, and asked for a postponement of this agenda item. Murray added that as the City Attorney works on the draft, she does have questions for the Council, and has advised the Council may discuss the questions in an Executive Session. Murray suggested the Council schedule an Executive Session, saying they're usually held on the same night as Council meetings. There was discussion regarding potential urgency of making a decision; a gallery member said if they [CoastCom] were not to be granted a conditional use, they wouldn't want to begin construction. An Executive Session was scheduled for 6:00 PM on April 2. Councilor Olsen will supply dinner for the Executive Session.

D. Staff Report – Water Meter System Upgrade

City Supervisor Brady Weidner had three items for the Council: 1) The emergency communications trailer has a log book of operators who conduct radio tests. The trailer is currently being stored at the Wastewater Treatment Plant. He suggested including the trailer the next time a facility tour is conducted. 2) He was out sick last week, but has been gathering information from Ferguson Water on the different types of meter (radio read and touch read), and working with Murray to prepare a spreadsheet of the information. He said he would have the information by the next meeting. 3) Hydrant flushing is usually done in early March, but this year it won't be done until April 15 due to Spring Break activity. Notification will begin on April 8 and will include newspapers and flyers in the post office and businesses. The flushing starts about 11:00 PM and continues through 6:00 AM the following morning. A Councilor asked if it was cost or time prohibitive to put notices on people's doors, as some neighborhoods get a lot of brown water. Weidner replied that some areas are at the end of a line and that's what causes them to get more brown water than other locations. Mayor Mattila suggested notices be delivered the next time the water meters are read; Weidner said meters won't be read until after the flushing has been done, but that there are other ways of getting the word out; and that a notice can be put up on the Stonebridge reader board and in Miroco, and Little Whale Cove (LWC) sends emails out to LWC residents. Weidner explained that there are a lot of minerals in the water, and chemicals are not put in to oxidize them. Manganese and iron cause discoloration of the porcelain in toilets, and soda ash is mandated; all these things combined create the need for flushing the lines regularly. Owings added that every morning, water should be run through residents' pipes for a minute or two before drinking; it's not unhealthy, but it's not pleasing to the eye. A Councilor suggested adding this information to notices.

E. City Park Bridge Replacement – Upgrade Project

Owings reported that project engineer Stricker said the 12-foot wide bridge would cost \$2,000-\$3,000 more (copy of Stricker's email dated 3/12/13 attached to original of these minutes). He

DBCC 3/19/13 Page 4 of 8

also suggested the RFP (Request For Proposals) go out in two configurations so if the cost of the increased width turns out to be over project budget, the lower-cost option can be chosen. He also said it's possible that the planned concrete foundation could change to a pile-supported structure, but that was unlikely; he couldn't be sure without a soils report, which could cost over \$10,000 and would definitely put the project over budget.

5 6 7

1

3

 $\underline{\text{Motion 6}}$: Olsen moved to put out an RFP for bridge construction that has both options as recommended by Stricker. Leff seconded the motion.

8 9 10

11 12

13

Mayor Mattila said it was moved and seconded, and called for discussion. He said galvanizing is the best option, and tubular frames can't be galvanized without opening them up because they'll explode. Galvanizing would also eliminate the need for painting. He also said he felt it would be money well spent to have a galvanized, wider-sized bridge that could accommodate the bigger emergency vehicles. There was brief discussion.

14 15 16

<u>Amendment</u>: Olsen amended the motion to include a third option to add an option for galvanized steel to the RFP for both the smaller and the larger bridge options. Leff accepted the amendment.

Mayor Mattila said it was moved and seconded, and called for discussion. There was brief discussion on galvanization, and possibly increasing the project budget. Staff was directed to bring cost estimates on all options back to the Council at the next meeting. Motion withdrawn.

212223

24

25

26

27

28

30 31

33

35

36 37

40

41

42

43

45

46

48

50

51

53

IX. NEW BUSINESS

A. Proposal to Amend Harbor Ordinance #292

Murray read Mayor Mattila's memo dated 3/15/13 (copy attached to original of these minutes, along with a copy of Ord. #292 and the Port property deed) proposing amendment of the Harbor Ordinance by adding two new subsections to Section 11.070 – Non-Transferability of Permits: proposed subsection (g) which would allow for a moorage holder to use the assigned slip for another vessel (of same or smaller size) while the permitted vessel is being repaired; and (h) which would allow each moorage holder one parking space. It was noted that the port deed contains a reversionary clause which states the properties are to be used for public use and public benefit. A Councilor said there are 92 moorage slips but only around 80 parking spaces. Another Councilor said this issue has been looked at multiple times with the conclusion that it is not legally feasible to do. She said it's not logical, and it's not a matter of re-writing the ordinance because the harbor would revert to the Port of Newport. When asked why this item was on the agenda, Mayor Mattila replied that sometimes one boat can have six-seven cars associated with it, and sometimes sport groups like iFish go out and catch tuna to take back to sell in the valley. All he wanted to do was have it reviewed by the City Attorney for a definite answer. Mayor Mattila was told by Councilors the deed has been reviewed by several City Attorneys, although the current City Attorney has not reviewed it. A Councilor said she didn't follow the Mayor's line of thinking, and he replied that people are taking advantage of other people to satisfy their own whims. A Councilor asked Murray how difficult it would be to look up what other City Attorneys have said on this issue; she said she would look into it. Someone from the gallery asked how this would be enforced. Another gallery member said parking is a long-standing issue, and suggested an education campaign to teach people where parking is available, such as City Park and the parking lot at the corner of Bay and Williams. Lars Robison, owner of Dockside Charters and Harbor Commission Chair, said this subject has not come before the Harbor Commission and he thought it should. He said he's been on the Harbor Commission a long time and the subject has gone to the City Attorney three times he knows of, but he never wanted reserved parking because if you took away all the parking, he'd be out of business. He said the Dockside lot used to go up to the water, but that was given up when the land was improved, and now their lot is half the size it used to be; there are a lot of property owners at the harbor who gave up land for improvements. There is always not enough parking, and they tell their quests to carpool. What's needed is more parking. He mentioned a piece of land near Harbor Lights Inn that could be purchased if the City had the

DBCC 3/19/13 Page 5 of 8

money. A Councilor asked if the entire proposal shouldn't go to the Harbor Commission before the

Council does anything; another Councilor added that usually the Harbor Commission is asked to review issues and make recommendations to the Council. Another Councilor asked what the compelling issue was with proposed item (g); Mayor Mattila replied that it's a matter of convenience so owners needing to repair their vessels continue to have a means of making a living while their vessels are out of the water. A Councilor said the Harbor Commission did a complete review and update of the Harbor Ordinance within the past nine months, which the Council approved; and if a change were to be made so guickly, she would certainly want the Harbor Commission's recommendation, and suggested sending this item to the Harbor Commission for their recommendation. Another Councilor concurred. Mayor Mattila said item (h) is pretty much a lost cause because of the deed restriction, and he withdrew that request; he wanted the Council to vote on item (g). A Councilor asked Murray to explain the process for changing an ordinance; Murray replied that the Council could direct Staff to draft an ordinance to amend the ordinance and refer it to the Harbor Commission or whatever the Council would like to do with the matter; but nothing could be done tonight to actually amend the existing ordinance, as the ordinance adoption process would need to be followed: first reading, second reading, and public comment. She said the only way to amend an ordinance is by an ordinance.

Motion 7: Goddard moved to send this proposal to the Harbor Commission for their review of item (g) only, taking (h) out of the equation. Leff seconded the motion.

Mayor Mattila said it was moved and seconded, and called for discussion. A Councilor asked if there was presently a time limit on a change in size of vessel in a moorage slip, or could a person conceivably hold the slip for years and years with a different size vessel? Mayor Mattila said that was a point well taken; another Councilor said she'd like the Harbor Commission to discuss that. Councilor Leff called for the question.

Vote: Motion 7 passed.

Ayes: Leff, Hoitink, Goddard, Gambino

Noes: Olsen, Mattila

B. Proclamation: Mayors Day of Recognition for National Services April 9, 2013 Murray read the proclamation (copy attached to original of these minutes) into the record.

<u>Motion 8</u>: Leff moved to adopt the proclamation for Mayors Day of Recognition for National Services April 8, 2013. Goddard seconded the motion.

Mayor Mattila said it was moved and seconded, and called for discussion. A Councilor said you couldn't find another community that would have more people who would stand up and volunteer their time and energy for anything in the best interest of the community.

Vote: Motion 8 passed.

Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino

C. Council of Governments (COG) Request for Input: COG's Role in Economic Development, Regional and Multi-Jurisdictional Issues

Murray referred to an email from Cynthia Solie (copy attached to original of these minutes), saying Mayor Mattila would be attending a regular COG meeting this Thursday, and COG would like input on how they can help the community or region. Murray suggested they might be able to help with dredging, which is multi-jurisdictional and regionalized. A Councilor suggested they might be of assistance in cleaning up some of the debris around the harbor.

<u>Motion 9</u>: Leff moved to authorize the Mayor to carry a message to COG that dredging is a critical need for Depoe Bay and anything they can do to help the City access funds would be greatly appreciated.

DBCC 3/19/13 Page 6 of 8

 Mayor Mattila said Congressman Schrader has invited him to the Whale Museum on March 27 from 1:30 – 2:15 PM, and he has accepted; Mayor Mattila invited the Council to accompany him. He said Congressman Schrader has been one of the City's biggest supporters in getting dredging. He also suggested inviting any member of the Chamber of Commerce.

Hoitink seconded Leff's motion; Leff re-stated her motion.

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

Vote: Motion 9 passed.

Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino

Mayor Mattila asked anyone who wanted to attend to let Murray know; Murray will inform the Mayor. Two Councilors said they would be there.

X. CORRESPONDENCE

There was one item of correspondence (copy attached to original of these minutes): An email from Beanie Robison dated 3/19/13 regarding a meeting with the STEP biologist.

20 XI. CITY STAFF REPORT

Owings reviewed his written report (copy attached to original of these minutes), providing updates on Dock 1, new finger piers, new electric pedestals and meters, the nature trail, and pot holes. A Councilor suggested the Harbor Commission look at handling power at the harbor the same way some other ports are handling it, which is having the moorage rate include electricity (no individual meters). Owings said some moorage holders use a lot more electricity than others; the Councilor said it might not be equitable for everyone but for the harbor itself it's less expensive and works out better billing-wise. Weidner said when this was done in the past, it was found that one boat was using a light bulb, while the next boat had 10 space heaters, and it wasn't fair. There was discussion about the electric pedestals (which are being replaced), and new meters for Dock 1 as well as possibly for the remaining docks. A Councilor asked Murray how much time is spent on electric billing; she said moorage holders pay a deposit, and are billed annually. The meters are read monthly, usage is deducted from the deposit, and there's an annual reconciliation. Owings said he needed direction because he was trying to get the project finished before fishing season starts; he asked if there was any objection to moving forward with purchasing new meters for Dock 1 – there was no objection.

<u>Motion 10</u>: Goddard moved to instruct the Harbor Commission to look into the possibility of flat rate electric vs. metered electric at the harbor. Leff seconded the motion.

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

Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino

Vote: Motion 10 passed.

<u>Murray</u> reported the Mayor would like to attend a Working Effectively with Public Safety Agencies class in Seaside on April 1. Total estimated cost of registration and mileage is estimated at \$229. (Copy of email from Mandy Allen at League of Oregon Cities attached to original of these minutes.)

Motion 11: Leff moved to authorize an expenditure not to exceed \$250 for Mayor Mattila to attend the Working Effectively with Public Safety Agencies class on April 1 in Seaside. Gambino seconded the motion.

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

Vote: Motion 11 passed.

DBCC 3/19/13 Page 7 of 8

1	Ayes: Leff, Hoitink, Olsen, Mattila,	Goddard, Gambino	
2 3 4 5 6	County Board of Commissioners is schedu	ed the Council that the joint meeting with the Lincoln uled for Wednesday, April 3, and they will be asking for nem to discuss. Any items for discussion provided to o the Board.	
7 8	XII. COUNCIL COMMENTS		
9 10 11		llysis and planning he'd like to take in LaGrande, but how far away it is, he said it's too far.	
12 13 14 15 16	employee who's going to collect them and asked that Gambino notify the Council the	no said occasionally people leave flowers in their rooms at WorldMark, and there's an yee who's going to collect them and put the fresh ones on the Memorial Wall. A Councilor that Gambino notify the Council the first time it happens, so the Mayor can be given ization to write a thank you letter to the employee responsible.	
17 18 19 20 21 22	Goddard said she knows someone going to the VA hospital tomorrow, and she'd like to ask him to take a picture of the crosswalk sign with LED lights around the perimeter to show the Council. Mayor Mattila said he received a lengthy message regarding these signs, and the initial cost of the only one being approved [by ODOT] is \$40,000. Goddard couldn't imagine the small signs at the VA hospital costing \$40,000.		
23 24 25	A gallery member asked if there was going to be a ribbon-cutting ceremony when the nature trail is finished; Owings replied he thought there would be, when there's better weather.		
26			
27 28 29			
30			
31 32			
33		A.J. Mattila, Mayor	
34		-	
35 36	Emma LuMayo Docarding Socratory	•	
30	Emma LuMaye, Recording Secretary		

DBCC 3/19/13 Page 8 of 8