

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, July 16, 2013 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Mayor A.J. Mattila, B. Leff, S. Hoitink, S. Olsen, D. Goddard, R. Gambino, B. Berry
7
8 STAFF: City Recorder P. Murray, City Field Supervisor B. Weidner, Recording Secretary
9 E. LuMaye
10

11 I. PLEDGE OF ALLEGIANCE

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

14 II. CALL TO ORDER

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

17 III. APPROVE MINUTES: July 2, 2013 Regular Meeting
18

19 Motion 1: Leff moved to approve the minutes from the July 2, 2013 Regular Meeting as written.
20 Hoitink seconded the motion.
21

22 Mayor Mattila said it was moved and seconded, and called for discussion.
23

24 Vote: Motion 1 passed.

25 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry
26

27 IV. ACCOUNTS PAYABLE

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

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

33 Vote: Motion 2 passed.

34 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry
35

36 V. SPECIAL ORDERS

37 A. North Lincoln Sanitary Service (NLSS) 2013 Rate Review Report – Tina French introduced
38 herself to the new Councilors and talked a bit about how the rates are established. She also talked
39 about the cost of the carts and how NLSS tries to keep all of them accounted for. Murray noted
40 that adoption of proposed Res. #432 (copy attached to original of these minutes) appears later on
41 the Agenda; Mayor Mattila said to do it now.
42

43 Motion 3: Olsen moved to adopt proposed Res. #432, a Resolution Setting Solid Waste Removal
44 Fees Pursuant to Ord. #277, as Amended; Superseding Res. #408, and to read by title only.
45 Gambino seconded the motion.
46

47 Mayor Mattila said it was moved and seconded, and called for discussion. Murray read the proposed
48 resolution title.
49

50 Vote: Motion 3 passed.

51 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry
52

53 B. Interview/Appoint Applicants for City Commissions and Committees

54 Ken White, Pat Dunlop, and Richard Huntpalmer were present and came forward to tell about
55 themselves and why they were interested in participating, and answered questions from Councilors

1 regarding their qualifications and applications. Noelle Achen was not present for interview, but
2 Councilor Olsen said he spoke with her last week and she was excited about being on the Economic
3 Business Development Committee (EBDC). A Councilor noted that Ms. Achen, a Harbor
4 Commissioner, misses a lot of Harbor Commission meetings.

5
6 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to
7 original of these minutes) and announced the results. The vote to appoint Ken White and Pat
8 Dunlop to the EBDC and to appoint Richard Huntpalmer to the Traffic Safety Commission was
9 unanimous. Councilors Hoytink, Olsen, Goddard, Gambino, Berry, and Mayor Mattila voted to
10 appoint Noelle Achen to the EBDC; Councilor Leff voted to not appoint Ms. Achen. (Copies of
11 applications and the ballot attached to original of these minutes.)

12
13 Motion 4: Leff moved to accept the canvass of votes and appoint the applicants to their respective
14 positions. Goddard seconded the motion.

15
16 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

17
18 Vote: Motion 4 passed.

19 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

20
21 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

22 Leff reported 1) The committee is putting together messages for the new Emergency Warning
23 System and the first phase is done. She said Murray would be presenting the Emergency
24 Operations Manual and once that is in place, Staff will pull together the proposed messages for the
25 committee's review, followed by presentation to the City Council with a recommendation. 2) The
26 Audit Review Committee met with City Auditor Signe Grimstad, who provided wise counsel.
27 Analysis of the harbor data will begin as soon as they can all get together. If any Councilors have
28 specific questions for the committee, please put them in writing so they can be responded to.

29
30 Mayor Mattila reported he spoke with Fire Chief Josh Williams on awards day about having the Fire
31 Department activate sirens through a wireless system, and wondered if there was any news on
32 this. He expressed a desire to not have to use Willamette Valley Communications Center in the
33 valley for this. Councilor Leff responded that this was likely to take until the fall to get set up.
34 Mayor Mattila noted that in an emergency, the City Hall building may not be available. Leff said
35 that a wireless response setup also requires equipment, so if power goes down in an emergency,
36 there's still a possibility the sirens could not be activated [locally].

37
38 Olsen reported he spoke with Matt Updenkelder from CoastCom, and the fiber optic drops are
39 expected to be in around the third or fourth week in August. He will provide a report after the next
40 meeting, which is scheduled for the second week in August.

41
42 Hoytink reported there was a Wastewater Advisory Committee meeting yesterday. Everything was
43 very friendly. The Gleneden Sanitary District has plans to clean the sewer line from Fogarty Creek
44 to Boiler Bay; it hasn't been cleaned out in a very long time.

45
46 VII. PUBLIC COMMENTS

47 Pat Dunlop asked "Now that we're on this committee [the EBDC], now what?" Murray said the City
48 would be re-advertising the remaining two positions, but there is a quorum of existing members.
49 Letters of congratulations will be sent out to new appointees, and the letter will include a question
50 about when a good time to meet would be. Two Councilors expressed interest in loosening
51 restrictions for [appointment of] out-of-town members. Murray explained the Council would have
52 to amend the ordinance if the guidelines are to be changed, and asked for direction on specifically
53 what part of the ordinance the Council wanted to change. She said the notice of vacancy re-posting
54 will be done tomorrow, with a closing date of August 1. The Council decided to wait to see if any
55 additional applications are received after the vacant positions have been re-advertised, before

1 discussing making changes to the ordinance. Murray said she spoke with Carole at the Chamber of
2 Commerce, who told her the Chamber's representative is Councilor Goddard; Goddard said the
3 Chamber needs to acquire a complete Board, and then the member will be announced. Mrs. Dunlop
4 said she will be away in the fall, and asked if her daughter could attend committee meetings in her
5 place; the Council was hesitant to create any precedents, and Mrs. Dunlop was advised to
6 participate in committee meetings via phone if she cannot attend in person.

7
8 VIII. UNFINISHED BUSINESS

9 Darrell Bennett 3940 Evergreen Avenue #4, brought the two cords he used to attempt to get 220
10 out of the electrical box at the harbor. He showed that the cords were not burned. Murray provided
11 him with a copy of the electrician's report (copy attached to original of these minutes). Mayor
12 Mattila said the [cause of the] damage could not be proven, but the City could "call" Mr. Bennett on
13 tampering with City equipment, up to and including theft of service. He said the City would not
14 pursue that, but he wanted to bring heavily on Mr. Bennett's mind that the equipment was not
15 designed for that use. Mayor Mattila moved to let the matter drop, with Mr. Bennett's
16 understanding that it's a "total no-no, and you can't mess with City property". A Councilor wanted
17 to see a very strong letter sent to the person who actually touched the equipment and the person
18 who told him to do it; saying it's illegal and the City is letting it pass this one time but will not ever
19 let it pass again. Another Councilor said when Richard Hall signed his moorage application, he
20 agreed to uphold City ordinances, and he didn't do that; Mr. Bennett said Mr. Hall had nothing to
21 do with it, and asked if the letter would include a statement that he will not be charged with
22 anything. He said his attorney wanted him to get a letter of apology. A Councilor said Mr. Bennett
23 should write a letter of apology to the City; Mr. Bennett said he would do that. Mayor Mattila said
24 the pedestals aren't designed to do what Mr. Bennett tried to do; Mr. Hall said the Harbormaster
25 said he had a cord that could do it, but it wasn't available at the time. Mayor Mattila said the
26 Harbormaster would be reprimanded.

27
28 Motion 5: Goddard moved to go with Councilor Leff's suggestion, and write letters to the moorage
29 holder and Mr. Bennett [as discussed]. Olsen seconded the motion.

30
31 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

32
33 Vote: Motion 5 passed.

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

35
36 IX. NEW BUSINESS

37 A. Proposed Res. #432 (see Item 5.A.)

38
39 B. Proposed Ord. #298 – An Ordinance Amending Ord. #292, City of Depoe Bay Harbor
40 Ordinance, Adding an Exception to Non-Transferability of Moorage Use Permits for Reserved
41 Moorage Use Permits; and Declaring an Emergency

42 A Councilor asked if this amendment had been reviewed by the Harbor Commission; Mayor Mattila
43 said it had but was put on the back shelf because of other business. A Councilor said she was
44 opposed to allowing smaller vessels in larger spaces with no time limit on how long it [the smaller
45 vessel] could stay, because there is limited space – especially for larger vessels. Murray said the
46 Harbor Commission had suggested adding the words "as controlled", and read the motion from
47 their March 27, 2013 meeting into the record: "*MOTION: Recommend to City Council to adopt paragraph
48 (g) as submitted, with the change '...vessel owned, or controlled by the vessel owner/moorage use permit
49 holder...', reference the time frame for repairs existing in the Ordinance, with an appeal process through the
50 Harbor Commission and City Council on a case-by-case basis if the moorage holder needs additional time
51 beyond the 90 days.*" There was an additional note: "*Adding 'or controlled' would provide for leasing of a
52 vessel to replace the permitted vessel being repaired. The existing section that is referred to for time frame is
53 section 6.040.*" A Councilor said she would like to see a time limit of 90 days, with the ability to
54 appeal. (Copy of proposed Ord. #298 attached to original of these minutes.)

1 Motion 6: Goddard moved to amend, to include a reference to the 90 days with an appeal. Hoitink
2 seconded the motion.

3
4 Mayor Mattila said it was moved and seconded, and called for discussion. He said the motion wasn't
5 the spirit in which it [the amendment] was originally penned.

6
7 Vote: Motion 6 passed.

8 Ayes: Leff, Hoitink, Goddard, Gambino

9 Noes: Olsen, Mattila, Berry

10
11 Staff was directed to bring a revised draft of proposed Ord. #298 to the next meeting.

12
13 C. Adopt Updated City of Depoe Bay Emergency Operation Plan

14 Murray displayed the updated plan, and said it was the final edition and had previously been
15 distributed.

16
17 Motion 7: Leff, with great expression of appreciation and gratitude for all the work Murray put into
18 this, moved to approve and adopt the Depoe Bay Emergency Operations Plan. Hoitink seconded the
19 motion.

20
21 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

22
23 Vote: Motion 7 passed.

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

25
26 Murray said copies will be available at City Hall, the water and wastewater treatment plants, and
27 one copy will stay with the emergency trailer. She said the letter of promulgation requires all
28 Councilors to sign.

29
30 D. Authorize Expenses for Annual League of Oregon Cities Conference

31 Murray said the only person who has expressed a desire to attend the League of Oregon Cities
32 Conference is the Mayor, and the estimated cost for one person is between \$1,150 and \$1,200.

33
34 Motion 8: Leff moved to approve an expenditure not to exceed \$1,200 for the Mayor to attend the
35 League of Oregon Cities Conference. Gambino seconded the motion.

36
37 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

38
39 Vote: Motion 8 passed.

40 Ayes: Leff, Hoitink, Olsen, Goddard, Gambino, Berry

41
42 E. Authorize Expenses for 2013 Nesika Illahee Pow-Wow

43 Murray referred to an invitation from the Confederated Tribes of Siletz Indians Tribal Council (copy
44 attached to original of these minutes) to Mayor Mattila, which encourages him to bring a vehicle for
45 participation in the Saturday morning parade. Mayor Mattila will go on Saturday, and take his pick-
46 up truck. He really wants to attend because the tribe has done a lot for the City, and he wants to
47 reciprocate. Round-trip mileage was estimated at about 68 miles.

48
49 Motion 9: Leff moved to authorize expenses not to exceed \$100 for the Mayor to attend the Nesika
50 Illahee Pow-Wow. Hoitink seconded the motion.

51
52 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief
53 discussion.

1 Amendment: Goddard amended the motion to not more than \$100, or receipts and mileage –
2 whichever is less. Leff and Hoytink accepted the amendment.

3

4 Vote: Motion 9, as amended, passed.

5 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

6

7 F. Amendment #1 – Oregon Department of Transportation (ODOT) Cooperative Improvement
8 Agreement US Hwy 101/Lillian Lane – The Hills of Depoe Bay

9 Murray reviewed the amendment (copy attached to original of these minutes).

10

11 Motion 10: Leff moved to accept Amendment #1 to Cooperative Improvement Agreement #28559.
12 Hoytink seconded the motion.

13

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

15

16 Vote: Motion 10 passed.

17 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

18

19 X. CORRESPONDENCE

20 There was no correspondence.

21

22 XI. CITY STAFF REPORT

23 Weidner 1) Reviewed his written report (copy attached to original of these minutes), and discussed
24 the fence the Crew built around the fish plant (pictures attached to original of these minutes), a
25 decision made because the cost of renting a fence was very high and most of the supplies needed
26 for building the fence were already on hand. There was discussion regarding putting barricade
27 blocks to prevent cars from running through the fence; when not in use, they could be stored at
28 the wastewater plant. Weidner said six barricades should do the job nicely; Mayor Mattila directed
29 purchase of a dozen barricades. 2) Weidner said there has been a lot of trouble getting the Rocky
30 Creek pump going. The Crew has been working on it all week. If it's not up and running soon, the
31 City may need to put out a notice about conserving water. 3) Owings and Weidner will be reviewing
32 the applications received for the Water Treatment Plant Operator position; about seven applications
33 were submitted. 4) Because the City no longer burns its debris, a chipper needs to be purchased to
34 eliminate the need to make trips to the dump. Weidner recommended purchasing the lowest-priced
35 chipper (see copy of fax attached to original of these minutes), a Kohler Command PRO.

36

37 Motion 11: Leff moved to approve the purchase of a Kohler Command PRO chipper at a cost of
38 \$13,950. Olsen seconded the motion.

39

40 Mayor Mattila said it was moved and seconded, and called for discussion. A Councilor asked about
41 getting an extended warranty; another Councilor said that isn't available with commercial
42 equipment.

43

44 Vote: Motion 11 passed.

45 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

46

47 XII. COUNCIL COMMENTS

48 Leff said she was elected President of the Fire Board at the last meeting, and Roy Hageman was
49 elected Vice-President.

50

51 Goddard said there is going to be a brand new complete Chamber Board, and the Salmon Bake is
52 on course to happen. The Chamber is putting together new things for the membership, and the
53 City will be hearing from them.

54

1 Berry said even though people didn't stay in the park all day on July 4th, it was something; and
2 hopefully we'll do more things like that. Another Councilor added that there were about 50-75
3 people.

4

5 Mayor Mattila said he was glad to see the Salmon Bake is back on. Another Councilor noted there is
6 an RSVP (Retired and Senior Volunteer Program) event the day before the Salmon Bake, and
7 Sunday in the Park the day after the Salmon Bake.

8

9 XIII. ADJOURN

10 There being no further business, the meeting was adjourned at 8:29 PM.

11

12

13

14

15

A.J. Mattila, Mayor

16

17

18

19 Emma LuMaye, Recording Secretary