

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, August 6, 2013 - 7:00 PM  
4 Depoe Bay City Hall  
5

6 PRESENT: Mayor A.J. Mattila, B. Leff, S. Hoitink, S. Olsen, D. Goddard (arr 7:09 PM),  
7 R. Gambino, B. Berry  
8

9 STAFF: City Recorder P. Murray, City Field Supervisor B. Weidner, Recording Secretary  
10 E. LuMaye  
11

12 I. PLEDGE OF ALLEGIANCE

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

15 II. CALL TO ORDER

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

18 III. APPROVE MINUTES: July 16, 2013 Regular Meeting  
19

20 Motion 1: Leff moved to approve the minutes from the July 16, 2013 Regular Meeting as written.  
21 Gambino seconded the motion.  
22

23 Mayor Mattila said it was moved and seconded, and called for discussion.  
24

25 Vote: Motion 1 passed.

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

28 IV. ACCOUNTS PAYABLE

29 Motion 2: Hoitink moved to approve the Accounts Payable as presented. Gambino seconded the  
30 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, Hoitink, Olsen, Gambino, Berry

36 Abstain: Mattila  
37

38 V. SPECIAL ORDERS

39 A. Interview/Appoint Applicants for City Commissions and Committees

40 Murray noted an application was submitted by Michael Kiefer for the Economic Business  
41 Development Committee, but Mr. Kiefer did not meet the residency requirement. Harbor  
42 Commission applicants Eva Harmon and Richard Huntpalmer were present. Ms. Harmon came  
43 forward to tell something about herself and why she was interested in participating, and answered  
44 questions from Councilors. Mr. Huntpalmer withdrew his application, saying Ms. Harmon was more  
45 qualified than he. (Copies of applications attached to original of these minutes.)  
46

47 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to  
48 original of these minutes) and announced the results. The vote to appoint Ms. Harmon to Harbor  
49 Commission Position #7 was unanimous.  
50

51 Motion 3: Leff moved to accept the canvass of votes and appoint Eva Harmon to Harbor  
52 Commission Position #7. Berry seconded the motion.  
53

54 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.  
55

1 Vote: Motion 3 passed.  
2 Ayes: Leff, Hoytink, Olsen, Mattila, Gambino, Berry  
3 Abstain: Goddard  
4  
5 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES  
6 Leff said the Audit Review Committee would be doing the hardest part [of the harbor audit] after  
7 Labor Day, and encouraged Councilors to submit any specific questions they have before then.  
8  
9 Olsen said he will be meeting with CoastCom next week. The [fiber optic installation] project is  
10 underway; they hit a water line last week. The line to City Hall should be installed next week.  
11  
12 VII. PUBLIC COMMENTS  
13 There were no public comments.  
14  
15 VIII. UNFINISHED BUSINESS  
16 A. Fish Plant Facility – Quotes to Repair Structural Elements, Dry Rot, Potable Water to  
17 Building per Inspection Report, and Potential Grant Funding Sources  
18 Weidner reported the water line to the building is in good shape; there is a sleeve over the line that  
19 looks bad, but the line itself is OK. A building permit will be required before repairs can be started.  
20 He requested authorization to send out an RFP (Request For Proposals) for a structural engineer.  
21  
22 Motion 4: Olsen moved that Weidner and Owings solicit three structural engineers to find out what  
23 we need to do to fix the fish plant structural elements. Leff seconded the motion.  
24  
25 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.  
26  
27 Vote: Motion 4 passed.  
28 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry  
29  
30 B. Proposed Ord. 298 – An Ordinance Amending Ord. 292, the City of Depoe Bay Harbor  
31 Ordinance Adding an Exception to non-Transferability of Moorage Use Permits for Reserved  
32 Moorage Use Permits; and Declaring an Emergency  
33 Murray said the proposed ordinance (copy attached to original of these minutes) was a re-draft, as  
34 directed at the last Council meeting.  
35  
36 Motion 5: Leff moved to read the proposed ordinance by title only. Goddard seconded the motion.  
37  
38 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.  
39  
40 Vote: Motion 5 passed.  
41 Ayes: Leff, Hoytink, Olsen, Goddard, Gambino, Berry  
42 Abstain: Mattila  
43  
44 Murray read the proposed ordinance by title only at the first reading, and called for questions or  
45 comments. There were none.  
46  
47 Motion 6: Goddard moved to adopt Ord. 298, An Ordinance Amending Ord. 292, the City of Depoe  
48 Bay Harbor Ordinance Adding an Exception to Non-Transferability of Moorage Use Permits for  
49 Reserved Moorage Use Permits; and Declaring an Emergency, at the first reading. Leff seconded  
50 the motion.  
51  
52 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.  
53  
54 Vote: Motion 6 failed.  
55 Ayes: Leff, Hoytink, Goddard

1           Noes: Olsen, Mattila, Gambino, Berry

2  
3 Olsen proposed the Council look at and adopt the proposed ordinance presented at the July 16  
4 meeting. Leff said she wanted to [see and] read it again before voting on it. Goddard asked for  
5 discussion on the vote; she wondered why there was opposition to a time limit [on smaller boats in  
6 larger slips], which [just] says “you can’t do this forever”. She also noted that larger boats bring  
7 more business to the harbor, so having smaller boats in larger slips hurts harbor business. Leff  
8 asking why everyone voted the way they did. Gambino said he was originally in favor of the time  
9 limit, but after mulling it over for weeks, he changed his mind. He asked if the Harbor Commission  
10 could make recommendations to the Council on individual circumstances if they felt someone was  
11 taking advantage of having no time limit. He said he didn’t think 90 days was enough time for  
12 anyone but “major players” to get a boat back in the water. Berry said he doesn’t know how  
13 [moorage] leases are done, but he thought that 90 days was too short, and when the year’s lease  
14 is up if the [permitted] boat isn’t in the water, it’s time for discussion. Goddard said if 90 days isn’t  
15 enough, make it 120 days, or six months, but to put some limit on it, with extensions for  
16 extenuating circumstances. She noted the [existing] ordinance deals with derelict boats, and if they  
17 don’t run, they’re not supposed to be in the harbor. She felt very strongly there needs to be a time  
18 limit. Leff asked what the problem with a time limit was, and asked if 90 days is too short and nine  
19 years is too long, what’s an appropriate time frame that everyone’s comfortable with? Gambino  
20 said he’s not a boater but sees what goes on in the harbor and believes each case should be taken  
21 individually, and the Harbor Commission should have control over it; otherwise, he felt a year was  
22 a reasonable length of time. Mayor Mattila said Councilors are allowed to speak on a subject once;  
23 and with respect to all Councilors, wanted to make a point. He said the previous Council passed  
24 Ord. 292, and talked about his personal situation; he said it’s almost impossible to work on  
25 [repairs] in the wintertime, but that he’s fortunate enough to have a smaller boat that he can make  
26 a living with. Having the larger boat unfinished wouldn’t have been a question if there hadn’t been  
27 the mandatory insurance problem. He reiterated that this was passed by the previous Council and  
28 said he was without conflict of any kind as he has transient moorage only. Goddard said he was  
29 assigned a slip and turned it down. There was brief discussion about Robert’s Rules of Order. Mayor  
30 Mattila said without conflict of any kind, he wanted to make sure if anyone else has a problem like  
31 this, he wants it to be equitable for everyone in the harbor. He wasn’t talking about just the people  
32 having a “sweet life”, he wanted it to be equitable for *anyone* who has a problem, so they can deal  
33 with it on their own terms, not somebody else’s terms. That should be reason enough to bring the  
34 amendment back as originally penned. Goddard also wanted to ensure everyone having a boat in  
35 the harbor is treated equitably, and she believes having it [a time limit] in the ordinance  
36 accomplishes that. She also said the Harbor Commission or City Council wouldn’t pick out a boat  
37 and say “you’ve been there too long” because then that person would cry foul and say “What about  
38 him? You’re picking on me.” She said some kind of time frame, with an ability to appeal, is  
39 necessary.

40  
41 Motion 7: Olsen moved to direct Staff to bring [to the next meeting] Ord. 298 on Non-  
42 Transferability of Moorage Use Permits for Reserved Moorage Use Permits as penned by Mayor  
43 Mattila at the last meeting, to vote on it again. Berry seconded the motion.

44  
45 Mayor Mattila said it was moved and seconded, and called for discussion. Gambino suggested an  
46 amendment, as he questioned which version was being brought back, then withdrew his  
47 suggestion.

48  
49           Vote: Motion 7 passed.

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

51           Noes: Hoitink, Goddard

52  
53 IX. NEW BUSINESS

54       A. Wastewater Operator Job Description

1 Murray said Staff was presenting two things for the Council's consideration: 1) to eliminate the  
2 Wastewater Lead Operator position effective September 15, 2013; and 2) to approve the August  
3 2013 revised Wastewater Operator job description (copy attached to original of these minutes),  
4 effective immediately. The reason for these requests is because 1) DEQ (Department of  
5 Environmental Quality) is reclassifying the wastewater plant back to Level 2, so the City no longer  
6 needs a Lead Wastewater Operator position, and 2) the revised Wastewater Operator job  
7 description reverts the description to what it was prior to the creation of the Lead Wastewater  
8 Operator job description, with minor changes in the language. A Councilor asked what would  
9 happen to the Lead Wastewater Operator; Weidner responded that he has submitted a resignation.  
10 There was brief discussion regarding the status of treatment plant operator positions. A Councilor  
11 suggested the effective date of eliminating the Lead Wastewater Operator position should be left  
12 open to attrition, because the employee's departure date is uncertain.

13  
14 Motion 8: Goddard moved to approve the elimination of the Lead Wastewater Operator position  
15 effective upon vacation by the present employee. Olsen seconded the motion.

16  
17 Mayor Mattila said it was moved and seconded, and called for discussion. Murray questioned  
18 whether the motion included approval of the revised job description; Goddard responded that the  
19 motion was intended to include approval of the revised Wastewater Operator job description.

20  
21 Vote: Motion 8 passed.

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

23  
24 B. Oregon Department of Land Conservation and Development (DLCD) Coastal Zone  
25 Management (CZM) Fiscal Year 2013-14 Grant Agreement

26 Murray said this grant requires a Council motion for application. (Copy of award letter attached to  
27 original of these minutes.)

28  
29 Motion 9: Goddard moved to direct Staff to apply for the DLCD Coastal Management grant.  
30 Gambino seconded the motion.

31  
32 Mayor Mattila said it was moved and seconded, and called for discussion. A Councilor said the grant  
33 was already approved and authorization to sign the agreement was needed.

34  
35 Amendment: Leff amended the motion to authorize the Mayor to sign the grant agreement.  
36 Goddard accepted the amendment.

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

39  
40 Vote: Motion 9, as amended, passed.

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

42  
43 C. Cliff Street Water Main Improvements – Authorize Material Expenses

44 Weidner reviewed the proposals received and recommended accepting the low bid of \$19,515.97  
45 from Consolidated Supply Company. There was brief discussion on the project.

46  
47 Motion 10: Leff moved to authorize buying supplies for the Cliff Street water main improvement  
48 project from Consolidated Supply for \$19,515.97. Olsen seconded the motion.

49  
50 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

51  
52 Vote: Motion 10 passed.

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

54  
55 D. Request to Schedule Events

1 1) Depoe Bay Chamber of Commerce – Community Picnic, August 12, 2013  
2 Motion 11: Gambino moved to approve the request of the Depoe Bay Chamber of Commerce to  
3 hold a community picnic in the City Park gazebo. Berry seconded the motion.

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

6  
7 Vote: Motion 11 passed.

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

9  
10 2) Treasure Depoe Bay – 2013 Pirate Treasure Hunt, August 17, 2013

11 Robert Gambino 230 Anchor Avenue, wearing his pirate hat, requested authorization for this event  
12 on behalf of Treasure Depoe Bay.

13  
14 Motion 12: Leff moved to approve Treasure Depoe Bay's use of Whale Park for the Pirate Treasure  
15 Hunt on August 17. Goddard seconded the motion.

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

18  
19 Vote: Motion 12 passed.

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

21  
22 (Copies of applications attached to original of these minutes.)

23  
24 X. CORRESPONDENCE

25 There was one email (copy attached to original of these minutes) from the Chamber of Commerce  
26 stating Michael Granat will represent the Chamber at the Economic Business Development  
27 Committee, for the August 7 meeting only.

28  
29 XI. CITY STAFF REPORT

30 Weidner reviewed his written report (copy attached to original of these minutes), providing updates  
31 on the Coast Guard Auxiliary safety booth at the harbor, the City Park bridge project, CoastCom's  
32 fiber optic installation project, the power washing of the fish cleaning station, and the fabulous new  
33 chipper. Mayor Mattila asked about the newly-hired Water Operator; Weidner said it is Paul Carver.

34  
35 At Mayor Mattila's request, Murray reported that 1) in April the Oregon National Guard had asked  
36 for projects for 2015 and the City had suggested clearing the check dam. Mayor Mattila recently  
37 sent a follow-up letter to Duffy Cavanaugh, but there hasn't yet been a response; and 2) Lobbyist  
38 Ray Buchegar was present at a meeting at City Hall yesterday, where dredging was the topic of  
39 discussion. There has been progress at the Federal level, and the State of Oregon has authorized  
40 funding to help with dredging in Oregon. Depoe Bay is tentatively scheduled for dredging in 2014.  
41 Mayor Mattila added the State is looking at buying a portable dredge to be shared among harbors;  
42 Goddard said the stumbling block isn't the cost but who will be qualified to run it.

43  
44 XII. COUNCIL COMMENTS

45 There were no Council comments.

46  
47 XIII. ADJOURN

48 There being no further business, the meeting was adjourned at 8:14 PM.

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51  
52 \_\_\_\_\_  
A.J. Mattila, Mayor

53  
54 \_\_\_\_\_  
55 Emma LuMaye, Recording Secretary