

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, August 20, 2013 - 7:00 PM  
4 Depoe Bay City Hall  
5

6 PRESENT: Mayor A.J. Mattila, B. Leff, S. Olsen, D. Goddard, R. Gambino, B. Berry

7  
8 ABSENT: S. Hoytink  
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10 STAFF: City Recorder P. Murray, City Field Supervisor B. Weidner, 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.  
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### 19 III. APPROVE MINUTES: August 6, 2013 Regular Meeting 20

21 Motion 1: Gambino moved to approve the minutes from the August 6, 2013 Regular Meeting as  
22 written. Olsen seconded the motion.  
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24 Mayor Mattila said it was moved and seconded, and called for discussion.  
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26 Vote: Motion 1 passed.

27 Ayes: Leff, Olsen, Mattila, Goddard, Gambino, Berry  
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### 29 IV. ACCOUNTS PAYABLE

30 Murray said Councilor Hoytink reviewed the Accounts Payable and had no questions or concerns;  
31 there was one additional item, a reimbursement request for \$67.15 from Mayor Mattila for mileage  
32 and lunch for the Siletz PowWow and a visit to Trident Seafoods in Newport.  
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34 Motion 2: Leff moved to approve the Accounts Payable as submitted, with the one additional item.  
35 Gambino seconded the motion.  
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37 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.  
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39 Vote: Motion 2 passed.

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

41 Abstain: Mattila  
42

### 43 V. SPECIAL ORDERS

44 There were no special orders.  
45

### 46 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

47 Olsen said he would like to give his technology report in Item VIII.B. There was no objection.  
48

#### 49 A. Economic Business Development Committee Recommendation – Name Change

50 Gambino reported the Economic Business Development Committee had decided to drop the word  
51 "Business" from the name, and make it the Economic Development Committee. There was  
52 discussion regarding difficulty with getting Committee vacancies filled - specifically the resident  
53 hotel/motel owner and the Planning Commissioner positions – Gambino suggested changing the  
54 hotel owner requirement to "hotelier or general manager". There was an expressed desire to open  
55 the membership to applicants outside City limits; as a guideline, Murray said some Commissions

1 have a limit of two non-residents per seven-member Commission. It was the consensus of the  
2 Council that Gambino work with Staff to draft an amendment to Ord. 296 (re-enacting the  
3 Economic Business Development Committee) addressing the Committee name change and  
4 Committee member requirements, and present at the next Council meeting.

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6 VII. PUBLIC COMMENTS

7 Loren Goddard 15 SW Ellingson, addressed the Council as a private citizen, expressing his concerns  
8 about proposed Ord. 298 as it is presented this evening, without a time limit on the exception to  
9 moorage [non-transferability]. He said the Harbor Commission looked at the ordinance for two  
10 years, and this section was specifically one of the things they looked at. He said that without  
11 having some restrictions or restraints on the exception to the [non-transferability of] moorage, the  
12 moorage holders can have carte blanche, leading to a moorage morass. He said it was important to  
13 consider the amount of time the Harbor Commission spent in review of this subject, and noted the  
14 Harbor Commission had also re-reviewed the amended ordinance on another occasion recently,  
15 making a recommendation to the Council regarding a time limit. He said the Harbor Commission  
16 has over 100 years combined experience in working around marinas, and asked that that fact be  
17 given strong consideration.

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19 VIII. UNFINISHED BUSINESS

- 20 A. Proposed Ord. 298 – An Ordinance Amending Ord. 292, The City of Depoe Bay Harbor  
21 Ordinance, Adding an Exception to Non-Transferability of Moorage Use Permits for Reserved  
22 Moorage Use Permits; and Declaring an Emergency

23  
24 Motion 3: Olsen moved to accept Ord. 298 as presented.

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26 Murray asked if she should read the proposed ordinance by title only.

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28 Amendment: Olsen restated his motion to read proposed Ord. 298 by title only. Gambino seconded  
29 the motion.

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

32  
33 Vote: Motion 3, as restated, passed.

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

35  
36 Murray performed the first reading of proposed Ord. 298 by title only, and called for comments or  
37 questions from the audience. There were none.

38  
39 Motion 4: Olsen moved to adopt Ord. 298 - An Ordinance Amending Ord. 292, as written here this  
40 evening and read by title only. Berry seconded the motion.

41  
42 Mayor Mattila said it was moved and seconded, and called for discussion. Councilor Leff wanted to  
43 go on record that she came in before the meeting tonight so she could look at the moorage permit  
44 form, because she's distressed that there is no way on paper – no process, no procedure, no  
45 direction for Staff, the Harbor Commission, or City Council – to deal with the issue of a mis-sized  
46 boat; and she thought there might be something in the moorage permit restricting people from  
47 renewing their moorage unless they have the right boat in the slip, but there's nothing in the  
48 moorage permit application that deals with this issue. She discussed the matter with Murray, who  
49 told her that proof of insurance (the certificate indicates boat size) must be provided at the time of  
50 moorage renewal; but Staff would never know if a different boat had been put in the slip in place of  
51 the boat [holding the moorage permit] as long as the boat with the permit maintains insurance.  
52 She felt it isn't good governance to have no written guidelines for what to do in that situation, and  
53 wanted to go on record as saying it's *very poor* governance. Councilor Goddard wanted it in the  
54 record that she echoed Leff's concerns, saying there needs to be some continuity. She said, "If we  
55 don't have something, we'll lose complete control of the harbor, and eventually it's going to really

1 hurt the City of Depoe Bay, and the harbor." Further discussion noted there is a section of the  
2 ordinance which requires a substitute boat obtain and maintain a moorage permit and insurance. It  
3 was also noted that renewal of moorage is dependent upon the moorage holder's account being in  
4 good standing. Murray said key is that the Reserved Moorage Use Permit is specific to the person  
5 and the vessel, and the exception would make the moorage holder not have to comply with that  
6 [requirement]. Mayor Mattila called for the question.

7  
8 Vote: Motion 4 passed.

9 Ayes: Olsen, Mattila, Gambino, Berry

10 Noes: Leff, Goddard

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12 Murray said the motion to adopt at the first reading passed, but because it was not unanimous the  
13 second reading must be held over to the next meeting. Mayor Mattila wanted to see this in writing;  
14 Murray showed him Subsection 2 of Section 34 of the City Charter.

#### 15 16 B. Video Recording Equipment

17 Olsen addressed LuMaye regarding two memos she had distributed to the Council (copies attached  
18 to original of these minutes), and in general what other local cities are offering in the way of online  
19 meeting videos, and the potential costs involved. When the question was posed whether there was  
20 value to pushing live streaming video as opposed to the current method of disseminating audio CD-  
21 ROMs; Leff responded that as a person who regularly watches and/or listens to meetings online,  
22 she finds the greater value is in being able to hear meeting audio, and thought that was much  
23 more important than being able to see video. Olsen asked how the audio was accessed - hosted on  
24 the city's website, or accessed from a cloud archive - Leff said it was all on that City's website. Leff  
25 felt it was wise for the City to crawl before walking and walk before running. Olsen agreed with Leff  
26 that starting small was a good idea. Berry suggested that DVDs could be made using a security  
27 camera system, the videos could be put on a Depoe Bay City Council Facebook page at the end of  
28 the meeting, and there would be no need to hire an IT person. He said the whole thing could be set  
29 up for between \$800-\$1,400. Olsen agreed that audio was more important, and questioned  
30 whether people would be interested in watching "govern-tainment"; his wish would be to focus on  
31 audio while learning about video. Berry asked the Council's permission to research video equipment  
32 costs and present his findings at the next meeting; he was advised to do this research in concert  
33 with Staff. Olsen said the [fiber optic] equipment is in, and the two drops [City Hall and Neighbors  
34 for Kids] we've been anticipating should be in in the next two-three weeks. He has set up a  
35 meeting with CoastCom on the 29<sup>th</sup>, where they will be providing relevant information and  
36 suggestions about what needs to be done inside City Hall to be prepared for hookup to the 100 Gb  
37 (gigabit) pipe when it's dropped. Murray and LuMaye have been invited to attend the meeting, as  
38 well as someone from Neighbors for Kids, and anyone else who's interested in attending. Dave  
39 Morgan, News Lincoln County, said audio is an important step forward, and commented on how  
40 rapidly the City of Newport can get their audio up on their website. Staff was directed to contact  
41 the City Recorder in Newport to find out what hardware they use and where they got it. Olsen said  
42 Staff needed direction on how to proceed; Leff said much better audio (and to get it out quickly),  
43 and one camera. Olsen agreed with the suggestion and said this allows time for introspective  
44 thinking. He wanted to ensure it's right, and also modifiable in the future. Murray said Staff will  
45 also work with Berry on getting information on a camera. Berry said he's leaning toward security  
46 cameras and thought it would be great to have security cameras at the harbor; he said security  
47 systems can be expanded.

#### 48 49 IX. NEW BUSINESS

##### 50 A. Distribution of 9-1-1 Phone Taxes - Fiscal Year 2013-14 and Subsequent Years

51 Murray said this item was in follow up to a letter received in April regarding 9-1-1 taxes. In the  
52 past, the City has had to budget for it, even though we don't actually "see" it. In April the City  
53 agreed that 100% of the money would go to the Depoe Bay Fire Department, so this agreement is  
54 an add-on to what was agreed to for the last fiscal year. The State can change the agreement at

1 any time, but the agreement will be the same in following years unless somebody changes it. A  
2 Councilor noted there is no choice in this matter.

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4 Motion 5: Goddard moved to accept the agreement and authorize the Mayor to sign. Leff seconded  
5 the motion.

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7 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief  
8 discussion, then Leff called for the question.

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10 Vote: Motion 5 passed.

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

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13 B. Harbor

14 1) Boat Washdown Station

15 Weidner said Staff has been looking into possible grant funding for a washdown station, but is still  
16 gathering information. Murray said she has researched with NOAA, USFW, ODF&W, and the State  
17 Marine Board (SMB), but has found no funding. There is information on educational activities on  
18 invasive species, but not a lot of money for things like this. She is waiting to hear from SMB's  
19 Aquatic Invasive Species person. There was discussion on invasive species, and whether having a  
20 boatwashing station is federally mandated; Murray said she hasn't seen that, and that often federal  
21 mandates are not funded. An audience member said boats with anti-fouling paint on them can  
22 have issues with the DEQ, and special measures must be taken to capture the water. Weidner said  
23 the intent of a washdown station is more of a rinse, not a high-pressure wash.

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25 2) Fish Carcass Disposal Program and Facility

26 Weidner said Trident Seafood would accept fish carcasses, but the carcasses would have to be very  
27 clean; i.e., no fishing line or other contaminants. Weidner said carcasses would have to be audited,  
28 and that would be difficult for Crew [who are busy with other things]. He said Crew is working on a  
29 way to set it up so gurry goes directly into a line running underground to a catch basin, and  
30 hopefully containing the smell with a deodorant block. Weidner will provide an update at the next  
31 meeting.

32

33 At the Mayor's prompt, Weidner provided his Staff Report: 1) Allen & Sons have been contacted to  
34 provide *No Parking* signs and arrows in the harbor boat launch parking lot, to keep traffic moving.  
35 2) Mayor Mattila asked about fish plant repair; Weidner responded that Owings sent bid requests to  
36 local engineers the City has used in the past. A Councilor asked if RFPs (Requests For Proposals) go  
37 on the City's website; LuMaye responded only when the RFPs are in newspapers. There was brief  
38 discussion about public contracting law, which allows for individual contractors to be contacted  
39 directly on RFPs for projects under \$5,000. Mayor Mattila wanted to know when the fish plant  
40 repairs would begin; Murray said the closing date on the RFP is August 30. 3) Weidner said  
41 CoastCom has hit several water service lines, but with so many underground utilities in the area,  
42 it's hard not to hit something. CoastCom will be moving into the second phase of the fiber optic  
43 installation, which is tying in the existing blue and red conduits that are sticking out of the ground.  
44 From those points, everything will run up poles. It is possible that CoastCom may bore under Shell  
45 Avenue, but that is not yet known for certain. 4) The new Water Treatment Plant operator is on  
46 board and it's going really well.

47

48 X. CORRESPONDENCE

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50 There was one item of correspondence (copy attached to original of these minutes), a letter from  
51 OCZMA (Oregon Coastal Zone Management Association), regarding their current activities and  
52 annual dues, which did not increase. OCZMA is asking the City to appoint a representative and  
53 alternate. Councilor Goddard is the current representative, and Loren Goddard is the current  
54 alternate; they are willing to continue in these capacities, and it was the consensus of the Council  
55 that they do so.

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XI. STAFF REPORT

Murray said there will be a joint Planning Commission/City Council kickoff meeting for the Transportation System Plan (TSP) update on Wednesday, September 11 at the Community Hall; it is in follow-up to the joint meeting that was held in January. The project stalled because the City wanted a revision to the Statement of Work, and we finally have a contract; we have transitioned from a supplemental look at some of the pieces of the TSP to a full-blown update, and are ready to start moving on it. Refreshments will be served at the meeting, which will start around 4:30. A necessary part of this process is having a Community Advisory Committee; the group that's coming together so far includes Mayor Mattila and Councilor Goddard from the Council, a Planning Commissioner, a Traffic Safety Commissioner, someone from the Sheriff's Department and the County Road Department, a resident representative, and a business representative.

XII. COUNCIL COMMENTS

Gambino questioned what is wrong with the new copier; Murray said it's temporarily messed up but will be OK.

XIII. ADJOURN

There being no further business, the meeting was adjourned at 8:04 PM.

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A.J. Mattila, Mayor

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Emma LuMaye, Recording Secretary