

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, September 3, 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: August 20, 2013 Regular Meeting
18

19 Motion 1: Olsen moved to approve the minutes from the August 20, 2013 Regular Meeting as
20 written. Leff 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, Olsen, Mattila, Goddard, Gambino, Berry

26 Abstain: Hoitink
27

28 IV. ACCOUNTS PAYABLE
29

30 Motion 2: Hoitink moved to approve the Accounts Payable as submitted. Gambino seconded the
31 motion.
32

33 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.
34

35 Vote: Motion 2 passed.

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

37 Abstain: Mattila
38

39 V. SPECIAL ORDERS

40 A. Lincoln County Solid Waste District, Solid Waste Advisory Committee (SWAC) – Mark Saelens
41 Mark Saelens updated the Council on planned tasks for the SWAC, and submission of the Depoe
42 Bay application to the Board of Commissioners. Murray said the representatives previously chosen
43 were Terry Owings as primary, and Councilors Goddard and Berry as alternates. She asked the
44 Council if these were the names to be submitted on the application. (Copy of Mr. Saelens' email
45 attached to original of these minutes.)
46

47 Motion 3: Leff moved to appoint Weidner as primary representative, with Councilors Goddard and
48 Berry as alternates. Hoitink seconded the motion.
49

50 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.
51

52 Vote: Motion 3 passed.

53 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry
54

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

1 Olsen said cell phone service last week went from 3G to 4G. He also met with CoastCom last week;
2 Murray and LuMaye were in attendance.

3
4 VII. PUBLIC COMMENTS

5 Jerome Grant, Depoe Bay homeowner and business owner who resides on Morning Walk, asked
6 about the fish plant. Mayor Mattila said the subject was coming up later in the agenda.

7
8 Angie Allbee, District 10 Chief of Staff in Representative David Gomberg's office, thanked the
9 Council for their communications and encouraged them to continue to reach out for needs the City
10 may have.

11
12 VIII. UNFINISHED BUSINESS

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

16
17 Motion 4: Olsen moved to approve Ord. 292 [298], the City of Depoe Bay Harbor Ordinance,
18 Adding an Exception to Non-Transferability of Moorage Use Permits for Reserved Moorage Use
19 Permits; and Declaring an Emergency, and please read it by title only. Berry seconded the motion.

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

22
23 Vote: Motion 4 passed.

24 Ayes: Olsen, Mattila, Gambino, Berry

25 Noes: Leff, Hoytink, Goddard

26
27 Murray said proposed Ord. 298 was approved at the first reading at the last Council meeting, and
28 then she read the proposed ordinance by title only, second reading, and called for questions or
29 comments; there were none. She said normally there is a motion to read by title only and then a
30 motion to approve, but because the motion to read included approval, she asked the Council if they
31 wished to further discuss the proposed ordinance or if they wished to vote a second time. Olsen
32 called for the question.

33
34 Vote: Motion 4-a passed.

35 Ayes: Olsen, Mattila, Gambino, Berry

36 Noes: Leff, Hoytink, Goddard

37
38 Murray said Ord. 298 is adopted, and the Mayor will sign it after the meeting.

39
40 B. Video Recording Equipment

41 Berry reported he conducted research this morning. He said security cameras are a bad idea
42 because the audio isn't good. He would like to continue with his original suggestion, to bring in and
43 experiment with his own equipment before spending any money. Leff asked Murray about how the
44 City of Newport handles their audio. Murray said they have two systems: 1) A fancy, built-in sound
45 system in their [large] Council chambers for Council meetings. This system uses an audio cartridge
46 which is uploaded to a computer and then to the internet. 2) An Olympus digital recorder like
47 Depoe Bay uses. Murray also noted that since the last meeting, City Council meeting audio has
48 been added to the City's website. Murray said the City of Newport's video recording is done by
49 contract with the Lincoln County School District, with the average cost being about \$600 per
50 meeting; the City Recorder uploads the audio after meetings while she's waiting for the contracted
51 personnel to pack up their equipment. Olsen said he made a fascinating discovery this week when
52 he downloaded an audio file from the City's website; he said some of the voices were faint but
53 audible, but more interesting was that it took 5-6 minutes for him to download the file onto his
54 computer, but only 30 seconds to download it to his cell phone, attributing the faster download to
55 digital technology. He supported Berry's suggestion to experiment with his own equipment before

1 uploading anything to the City's website. Berry commented on the difference in quoted prices
2 [higher quotes] when he mentioned he was asking for a government entity. Olsen said he didn't
3 want to post anything of poor quality on the City's website. Olsen asked if there wasn't a way to
4 plug the microphones into some gizmo and turn it into a digital recorder. Leff said the fire district
5 uses a system with three digital microphones integrated into a digital recorder. She did not know
6 the cost. LuMaye noted the Olympus digital recorder in use has a "conference" setting suitable for
7 use in meeting rooms like the Council Chambers. She said the most important part of a good
8 recording is to get people to speak up and to speak clearly, and that no [reasonably-affordable]
9 sound system will pick up people who speak softly.

10
11 Motion 5: Berry moved that he bring a home recorder in to record the first meeting in October to
12 test it out, as an experiment. Olsen seconded the motion.

13
14 Mayor Mattila said it was moved and seconded, and called for discussion. Leff was concerned that
15 Berry might be distracted by working the camera; he responded that he would set it up in the
16 corner and leave it the entire meeting. He said home recorders usually only last one hour. He said
17 he would come by and set up software on one of the City's computers. When Berry noted any
18 unacceptable video could be deleted, Mayor Mattila stated any recordings would be the property of
19 the City, and Leff said once it's recorded, it's a public record and can't be deleted, even if you take
20 it home. Olsen said he doesn't want to spend \$600 per meeting, and would rather have a pair of
21 fixed cameras; he didn't see a reason to have a "full production" and said that wouldn't be wisely-
22 spent money. Olsen said some websites offer free compression software, and asked LuMaye if that
23 could be posted on the City's website so people could compress large downloads. LuMaye
24 responded that she uses compression software, and it's typically used to compress files for
25 transferring files for use on portable devices. She said smaller file sizes sacrifice quality for size,
26 and that a medium file size should be chosen to balance quality and size; the Olympus audio
27 recorder is set at medium quality for this reason. She said the time required for a download is a
28 combination of the file size and speed of the internet connection, and that each user's internet
29 connection speed depends on their provider. Mayor Mattila called for the question.

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31 Vote: Motion 5 passed.

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

33
34 C. Request for Reimbursement

35 Mayor Mattila said a request for reimbursement (copy attached to original of these minutes) was
36 received from Debbie Davilla, for sheets stained during laundering.

37
38 Motion 6: Leff moved to reimburse the Davillas \$175, with a note of apology. Berry seconded the
39 motion.

40
41 Mayor Mattila said it was moved and seconded, and called for discussion. Weidner said the staining
42 wasn't from mud in the water as claimed in the complaint – it was iron and manganese.
43 Additionally, the procedure [reservoir draining] is done weekly. He said there's concern that the
44 problem was caused by someone opening a fire hydrant. Mayor Mattila called for the question.

45
46 Vote: Motion 6 passed.

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

48
49 IX. NEW BUSINESS

50 A. Request for Cardinal Street Storm Drain System Improvement – Bruce Silver

51 Bruce Silver, 420 SW Cardinal Street, said his request (copy of map attached to original of these
52 minutes) was specifically for the culvert that goes under Cardinal Street. The issue was with
53 drainage from the southeast. He said he's spent a lot of time and effort to get the ditch to drain,
54 and the culvert needs to be lowered one foot to allow proper drainage. Weidner said he and Owings
55 researched the request, and determined the culvert could be replaced with a 12" or 16" poly pipe

1 which can be installed to the requested depth. Debra Boettcher, owner of 415 Cardinal, said her
2 concern was potential erosion around her home after the flow is straightened out. Weidner said a
3 catch basin can be installed, with another culvert sending the water towards the ocean. When
4 asked if City Crew could do this work, he said the Crew does work like this all the time. There was
5 discussion about how much the project would cost. Murray said there is \$10,000 in this year's
6 budget for storm drain construction (which this is); Weidner will research the cost of parts and
7 materials and provide at the next meeting.

8

9 B. Proposed Ord. 299, an Ordinance Amending Ord. 296; Renaming the Depoe Bay Economic
10 Business Development committee to Depoe Bay Economic Development Committee;
11 Revising Membership Requirements; and Declaring an Emergency

12 Murray provided a brief background history of the proposed ordinance and read parts of the
13 proposed ordinance aloud.

14

15 Motion 7: Leff moved to read proposed Ord. 299 by title only. Berry seconded the motion.

16

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

18

19 Vote: Motion 7 passed.

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

21

22 Murray performed the first reading of proposed Ord. 299 by title only, and called for questions or
23 comments. There were none.

24

25 Motion 8: Leff moved to adopt proposed Ord. 299 at the first reading. Goddard seconded the
26 motion.

27

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

29

30 Vote: Motion 8 passed.

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

32

33 Murray said because the vote was unanimous, the Council could proceed with the second reading
34 this evening.

35

36 Motion 9: Goddard moved to proceed with the second reading. Berry seconded the motion.

37

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

39

40 Vote: Motion 9 passed.

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

42

43 Murray performed the second reading of proposed Ord. 299 by title only, and called for questions or
44 comments. There were none.

45

46 Motion 10: Leff moved to adopt Ord. 299 as read twice tonight. Gambino seconded the motion.

47

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

49

50 Vote: Motion 10 passed.

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

52

53 C. Proposals for Engineering Services – Fish Plant

54 Weidner reported three firms were contacted and two proposals were received. He reviewed
55 Owings' memo (copies of all documents attached to original of these minutes) and said it was the

1 Council's decision if they wanted to choose one. A Councilor said both proposals reflected grave
2 concerns about what was being faced, and indicated there could be multiple change orders. There
3 was a general feeling that more evaluation was necessary before proceeding with repairs. There
4 was also concern about the project costing more than what is available in this year's budget.

5
6 Motion 11: Goddard moved to accept the proposal from Clearwater Engineering for \$23,974. Olsen
7 seconded the motion.

8
9 Mayor Mattila said it was moved and seconded, and called for discussion. There was discussion
10 about the unknown degree of damage to the concrete column, which could end up costing a lot of
11 money. A Councilor wondered whether the damage might have been caused by the tsunami, and if
12 so whether the damage would be covered by insurance. Mayor Mattila called for the question.

13
14 Vote: Motion 11 passed.

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

16
17 Mr. Grant asked to address the Council. He said he has a timeline and it looks like this project
18 would take 100 years. He said he hated to be glum, but "with the demographic in this room...one or
19 more of us won't be here next year". He asked if there was a possibility that the plant could be
20 rented as is; the answer was no. He said liability could be indemnified with a contract. The Council
21 felt this was a legal question. It was noted that the degree of damage isn't know at this time, and
22 so liability cannot even be determined. Lengthy discussion ensued. Jeff Molfino, Mr. Grant's
23 partner, said they have been looking at the building for some time and understand it's far from
24 perfect. He said their business would have a small footprint for the first year, and could stay away
25 from the areas needing repair. He said he has been in similar situations before and knows there are
26 ways to indemnify.

27
28 Motion 12: Leff moved that Staff contact the City Attorney to get information and an opinion as to
29 whether this can be done and how; and that Staff also contact the City's insurance company to see
30 what their policies are. 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 12 passed.

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

36
37 X. CORRESPONDENCE

38 There were two items of correspondence (copies attached to original of these minutes): 1) A letter
39 from Beanie Robison, Salmon Enhancement Commission Chair, regarding repeated lack of quorum
40 and a request to remove Sara Davis, the most recently-appointed person on the Commission, due
41 to lack of attendance. 2) An email from OCZMA (Oregon Coast Zone Management Association)
42 regarding a draft letter in support of dredging, asking if the City wants to be included.

43
44 Motion 13: Leff moved to authorize the Mayor to be a signer on behalf of the City of Depoe Bay.
45 Berry seconded the motion.

46
47 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

48
49 Vote: Motion 13 passed.

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

51
52 Motion 14: Goddard moved to grant removal of Sara Davis as requested by the Salmon
53 Enhancement Commission so they can move forward and get a member who attends meetings.
54 Gambino seconded the motion.

1 Mayor Mattila said it was moved and seconded, and called for discussion. A Councilor asked if Ms.
2 Davis is aware she's on the Commission. Murray responded that the City sends out letters of
3 congratulation, notices of meetings are sent, and phone calls and messages were left for Ms. Davis.
4 Mayor Mattila called for the question.

5

6 Vote: Motion 14 passed.

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

8

9 XI. CITY STAFF REPORT

10 Weidner reported 1) City Crew has been working on tree removal on Indian Trail and at the water
11 plant. 2) The Rocky Creek pump failed when a beaver got into the plywood dam and ripped it
12 down, lowering the water level which caused the pump to airlock and burned out the seals. A
13 backup pump was acquired today, and everything is up and running. There was brief discussion
14 about the material used for the dam, which is dismantled around this time every year; Staff was
15 directed to check with ODOT on current recommendations for dam construction.

16

17 Murray reminded the Council that Wednesday, September 11 at 4:00 PM is the joint City Council/
18 Planning Commission Transportation System Plan meeting.

19

20 XII. COUNCIL COMMENTS

21 Leff said she noticed in the Parks Commission minutes that someone is interested in seeing if the
22 City can get grant money by having the Community Hall put on the historical register. The minutes
23 also contained a description of a detailed major change in the outside of the building. She said
24 buildings on the historical register can't be changed, and all work must be done in the style of
25 when the building was first constructed. As much as the building is used, she thinks that getting on
26 the historical register would be a bad idea.

27

28 XIII. ADJOURN

29 There being no further business, the meeting was adjourned at 8:27 PM.

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A.J. Mattila, Mayor

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40 Emma LuMaye, Recording Secretary