

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, September 17, 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

7  
8 ABSENT: B. Berry

9  
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.

18  
19 III. APPROVE MINUTES: September 3, 2013 Regular Meeting

20  
21 Motion 1: Leff moved to approve the minutes from the September 3, 2013 Regular Meeting as  
22 written. Goddard seconded the motion.

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

25  
26 Vote: Motion 1 passed.

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

28  
29 IV. ACCOUNTS PAYABLE

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

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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, Mattila, Goddard, Gambino

37  
38 V. SPECIAL ORDERS

39 A. Depoe Bay Rural Fire Protection District (DBRFPD) Request

40 Lt. Patrick Ganz from the DBRFPD addressed the Council regarding storing a shipping container  
41 filled with emergency supplies for fire district personnel at City Hall (letter dated 9/11/13 attached  
42 to original of these minutes). Discussion included a comment that it is likely the City's emergency  
43 communications trailer will be located somewhere at City Hall as well and that it made sense for  
44 them to be together, how the container would be stocked, why City Hall was chosen as a location,  
45 what would be necessary to prepare a storage place, and what similar supplies the City has [for the  
46 public]. In response to a Councilor's question, Ganz explained the fire district doesn't want to place  
47 the container on their property because the fire building was constructed in the 1970s and is so  
48 old.

49  
50 Motion 3: Leff moved to authorize Staff to work with the fire district to come up with a plan for  
51 putting their shipping container along with the City's emergency trailer and other emergency  
52 equipment and/or supplies as it becomes reasonable. Gambino seconded the motion.

53  
54 Mayor Mattila said it was moved and seconded, and called for discussion. He commented that the  
55 supplies included the public at large; Ganz clarified the fire district's storage container is for fire

1 district personnel, not the general public. Mayor Mattila said he wanted to make sure the public has  
2 something to fall back on as well.

3

4 Vote: Motion 3 passed.

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

6

7 Leff said she has been working on the possibility of getting grant money for emergency supplies for  
8 the public through the fire district; if that attempt is unsuccessful, she may bring it to the Council.

9

10 B. Interview/Appoint Applicants for city Commissions and Committees

11 Economic Development Committee (EDC) Planning Commission Member applicant Michael Kiefer  
12 was present and came forward to tell about himself and why he was interested in participating.

13

14 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of application and  
15 ballot attached to original of these minutes) and announced the results. The vote to appoint Mr.  
16 Kiefer to the EDC was unanimous.

17

18 Motion 4: Leff moved to accept the canvass of votes and appoint Michael Kiefer to the EDC as  
19 Planning Commission Member. Goddard 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: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino

25

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

27 Gambino reported the EDC met last month and they are working on two items: 1) A possible  
28 tourism-generating event around Christmas, and 2) A City-wide survey which should be ready to  
29 present to Staff for print and distribution soon. A Councilor said the survey should be presented to  
30 the Council for review prior to printing; he agreed to do so.

31

32 VII. PUBLIC COMMENTS

33 There were no public comments.

34

35 VIII. UNFINISHED BUSINESS

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

37 Weidner reviewed his written price estimate (copy attached to original of these minutes). He also  
38 noted that after studying the project and learning there is a two-inch gas pipe and a sewer line in  
39 the project area, that the excavation should be done by a contractor.

40

41 Motion 5: Olsen moved to move forward with the Cardinal Street culvert replacement project as  
42 soon as possible, and allow \$5,000 for expenses. Leff seconded the motion.

43

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

45

46 Vote: Motion 5 passed.

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

48

49 B. Depoe Bay Chamber of Commerce – Contract Renewal

50 There was lengthy discussion about what information the Chamber should be providing to the  
51 Council before contract renewal, as well as recent problems at the Chamber and their current  
52 status, including a petition planned for circulation at the Salmon Bake. (Copy of letter to the  
53 Chamber dated 5/23/13 with attachments, attached to original of these minutes.)

54

1 Motion 6: Leff moved that the Council request a report from the Chamber on use of the \$4,999,  
2 including samples of ads run, names of publications, number of responses generated by each ad,  
3 number of info packets sent, an info packet sample, and copy of their annual tax report, and any  
4 other information the Chamber thinks will be helpful to the Council in making their decision on  
5 contract renewal. Olsen seconded the motion.

6

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

9

10 Vote: Motion 6 passed.

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

12

13 A Councilor confirmed that a letter will be sent to the Chamber confirming the details of the  
14 motion. This item will appear on the agenda for the second meeting in October. An unidentified  
15 audience member said he was the person who drafted the petition, which was not intended to  
16 attack the Council.

17

18 C. U.S. Coast Guard Auxiliary Safety Booth – Proposed Revocable City Property Use Permit  
19 Murray referred to a letter from Lawrence Cox dated 9/12/13 (copy attached to original of these  
20 minutes), explaining there are changes to the plan for the safety booth, and citing building permit  
21 issues as being problematic. The solution arrived at was to move the booth every six months,  
22 making it a temporary shelter and thus no need for a building permit. There was discussion about  
23 whether the City could move the safety booth, and possible storage locations during the winter  
24 months. Murray also requested authorization to send the draft use permit back to the attorney for  
25 review, as she had made a few changes to it.

26

27 Motion 7: Leff moved to authorize Staff to send the draft contract to the attorney to ensure it's still  
28 legal and appropriate, and that the City move ahead; and storing the booth makes sense as long  
29 as there's no liability the City doesn't know about. Olsen seconded the motion.

30

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

33

34 Vote: Motion 7 passed.

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

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37 Murray said if there were extensive revisions after the attorney's review, she would bring the use  
38 permit back to the Council.

39

40 D. WaveDivision Holdings, LLC – Franchise Renewal

41 Olsen said he requested this agenda item because the City should start talking to Wave before the  
42 franchise extension expires in April. He suggested leaving the attorney out of negotiations due to  
43 the cost and a suspicion there were more hours billed than necessary the last time the attorney  
44 was involved with City franchise negotiations. Another Councilor felt strongly that the attorney  
45 should be involved and that there were no Councilors with up-to-date knowledge on telecom-  
46 munication regulations. There was also discussion regarding an attorney [template] error in a  
47 contract and not wanting this to happen again; a Councilor said this should be mentioned to the  
48 attorney. An additional question raised was whether a different attorney might be used; Murray  
49 said there is someone in the attorney's office whose specialty is in telecommunications. Staff was  
50 directed to inquire of City Attorney Williamson the proper approach to handle this matter, who the  
51 proper attorney is, and to ask that there be no further [typing/proof-reading] errors in contracts.

52

53 IX. NEW BUSINESS

54 A. Construction Bid Award – City Park South Depoe Bay Creek Bridge Project

1 Weidner briefly reviewed the bids as outlined by Owings (copy attached to original of these  
2 minutes). Murray further explained the bids, which reflected the four [quality] options the Council  
3 requested in the RFP (Request For Proposals). There was lengthy discussion on the bids coming in  
4 over budget, how to proceed, and the short time remaining to complete the project without losing  
5 grant money.  
6

7 Motion 8: Goddard moved to go back to the engineer and ask him to put together engineering for a  
8 footbridge eight feet wide, matching what the City has now, and to ask him to rush. Hoytink  
9 seconded the motion.  
10

11 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief  
12 discussion which included a suggestion to find out if Lincoln County would be flexible with the way  
13 their grant money is expended. Mayor Mattila asked Goddard to withdraw her motion, and to have  
14 Weidner provide additional cost estimates. Mayor Mattila called for the question.  
15

16 Vote: Motion 8 passed.

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

18 Abstain: Gambino  
19

#### 20 B. Construction Bid Award – Cliff Street Water Line Project

21 Weidner reviewed the proposals as prepared by Owings (copy attached to original of these  
22 minutes). There was brief discussion.  
23

24 Motion 9: Goddard moved to accept the bid from WW Construction for the Cliff Street water line  
25 project, in the amount of \$36,263. Leff seconded the motion.  
26

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

29 Vote: Motion 9 passed.

30 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino  
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#### 32 X. CORRESPONDENCE

33 There were three items of correspondence (copies attached to original of these minutes): 1) A  
34 letter from Geoffrey Molfino requesting to lease the fish plant "as is". Murray asked the Council how  
35 they would like to respond to the letter. A Councilor said it was "no go" and the City needs to take  
36 the attorney's advice.  
37

38 Motion 10: Goddard moved to direct Staff to draft a letter to Living Pacific and give them the  
39 Council's decision concerning the fish plant property based on the attorney's advice that nothing  
40 will be happening until the property is brought up to code. Gambino seconded the motion.  
41

42 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.  
43

44 Vote: Motion 10 passed.

45 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino  
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47 Murray continued with Correspondence: 2) An email from Douglas Hunt announcing the Hwy 101  
48 bike/ped project south of the bridge project the City submitted to the STIP (Statewide  
49 Transportation Improvement Program) was recommended to the Oregon Transportation  
50 Commission for review and approval. She said this funding was a long time coming. 3) An email  
51 from Angela Carey at the League of Oregon Cities regarding a September 30 special legislative  
52 session on PERS reform. The email asks the City to encourage Representatives to support efforts to  
53 reform PERS in a way that brings about long-term rate relief and financial stability. Murray asked  
54 the Council if they wanted to support this; the answer was yes.  
55

1 XI. CITY STAFF REPORT

2 Weidner reported 1) Crew has been working with the Chamber getting ready for the Salmon Bake  
3 and cleaning up the harbor. There is a "green team" coming from WorldMark on Thursday to help  
4 spruce up the park before the Salmon Bake. 2) Broken water lines have been repaired. 3) Sludge  
5 hauling is done.

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7 XII. COUNCIL COMMENTS

8 There were no Council comments.

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10 XIII. ADJOURN

11 There being no further business, the meeting was adjourned at 8:51 PM.

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A.J. Mattila, Mayor

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22 Emma LuMaye, Recording Secretary