

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, December 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 7:02 PM.  
16

17 III. APPROVE MINUTES: November 19, 2013 Regular Meeting

18 A few moments were taken for Councilors to review the draft minutes.  
19

20 Motion 1: Gambino moved to approve the minutes from the November 19, 2013 Regular Meeting as written.  
21 Berry seconded the motion.  
22

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

25 Vote: Motion 1 passed.

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

28 IV. ACCOUNTS PAYABLE

29  
30 Motion 2: Hoitink moved to approve the Accounts Payable as submitted. Leff seconded the motion.  
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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, Mattila, Goddard, Gambino, Berry  
36

37 V. SPECIAL ORDERS

38 A. 2012-13 Audit Report Presentation – Signe Grimstad, Grimstad & Associates  
39 Signe Grimstad presented a summary of the audit. She said the Balance Sheet is now called Net  
40 Position. Liquidation condition improves a little every year. Capital assets have increased by about  
41 \$600,000. Liabilities are being serviced, refinance rates are to the City's benefit, and liabilities are  
42 going down. The Net Position has improved for the current year. Revenues have gone up, as have  
43 Expenses. She said Murray and Staff do a good job of elaborating what's going on. The 2011  
44 tsunami and a legal settlement have been disruptive to the cash flow. Harbor expenditures went up  
45 due to replacement of the tsunami-damaged dock. Restricted Cash is building. She said the City is  
46 strengthening itself, and it is positive to see strength in [City] self; some municipalities don't  
47 address infrastructure, but Depoe Bay is taking advantage of opportunities.  
48

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

50 There were no reports.  
51

1 VII. PUBLIC COMMENTS

2 Bob Blessinger, Harbor Lights Inn owner, addressed the Council regarding his concerns about plans  
3 for a bathroom and a fish cleaning station in the harbor area. His concern was related to how hard  
4 he has worked to get five-star-reviews and the potential for losing guests should the inn receive  
5 any bad reviews due to odors from any new facilities. He advised the Council to act like adults and  
6 move forward.

7  
8 VIII. UNFINISHED BUSINESS

9 A. City Superintendent Position

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11 Motion 3: Olsen moved to set Weidner's salary at \$72,500 per year, about mid-range in the scale.  
12 He further moved that Weidner has some vacation time that needs to be paid out: a 250-hour  
13 lump to be paid by the end of this year, and a 175-hour lump to be paid after next year's fiscal  
14 year for the City, for a total of 425 vacation hours being paid. Also discussed was that Weidner will  
15 be doing the job as an exempt employee; and furthermore that from time to time the Council will  
16 talk with Weidner about bonuses for added work that he will be asked to do. Leff seconded the  
17 motion.

18  
19 Mayor Mattila said it was moved and seconded, and called for discussion. Olsen said a project he  
20 has discussed with Weidner is an electronic recordkeeping system for the City, and after tonight's  
21 meeting the Council and Weidner will be discussing how to make a very effective record  
22 management program for the City, electronically. Murray asked what the effective date of the  
23 appointment was.

24  
25 Amendment: Olsen amended his motion that the effective date of Weidner's appointment [as City  
26 Superintendent] be December 1, 2013. Leff seconded the amendment.

27  
28 Mayor Mattila said it was moved and seconded, and called for discussion. Olsen told Weidner the  
29 City will send him a letter outlining everything as discussed.

30  
31 Vote: Motion 3, as amended, passed.

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

33 Noes: Goddard

34  
35 Congratulations were offered. Weidner said after he receives the letter he will lay out some of the  
36 bonus goals that he needs to work out, along with everything else he's doing now. He said he will  
37 be doing two jobs [Goddard said two and a half], and it's a lot to ask of somebody.

38  
39 B. Harbor Restroom Facility Lease Agreement – Renewal Option

40 Motion 4: Olsen moved to instruct the City Attorney to enter into a tolling agreement, for one year,  
41 with Robison Brothers Partnership, similar to Summit Cable. Gambino seconded the motion.

42  
43 Mayor Mattila said it was moved and seconded, and called for discussion. When a Councilor asked  
44 what a tolling agreement was, Olsen said it's an extension, like what was done with Wave Cable.  
45 He said it means that we're going to continue our agreement and down the road continue to  
46 discuss the agreement, and [in the meantime] everything stays the same. He said the City would  
47 continue to conduct investigation into other alternatives. He was also thinking of the harbor  
48 research that Leff and Goddard are doing, and trying to resolve some of the issues seen with the  
49 harbor. Leff asked if this had been discussed with the building's owners; Olsen said the attorney  
50 would do that. Olsen said the Council determined that any negotiations would go through the  
51 attorney. Other Councilors did not agree that *all* negotiations would go through the attorney; only  
52 the negotiations being discussed at that time [Wave franchise]. A Councilor questioned why the  
53 City should build in attorney fees to a simple lease agreement. Mayor Mattila said the Robison  
54 Brothers Partnership has the same rights as the Council, and if they wanted to change anything,  
55 they'd have to go through their attorney as well, and he saw wisdom in Olsen's thoughts. Goddard

1 said she didn't believe any negotiations for any restroom leases have ever been handled by  
2 attorneys. A Councilor asked if anybody has sat down with the Robisons and talked to them; Olsen  
3 said that's why he's suggesting a tolling agreement. There was additional discussion about whether  
4 the Council had agreed that all [contract] negotiations would go through the City Attorney; a  
5 Councilor said Olsen was trying to make a universal law out of a specific motion for one contract.  
6 Mayor Mattila asked Mr. Blessinger if he wanted to say something; Blessinger said it seems crazy  
7 because the Council just acknowledged no one has approached the Robison Brothers to try to work  
8 this out on a personal level, and a handshake is the best way to do business. A Councilor asked for  
9 clarification on the lease renewal terms; Murray read Section 23 from the Agreement for Lease of  
10 Premises: *"Renewal Option: Lessor hereby grants to the Lessee the right, privilege and option of extending the  
11 aforementioned lease for an additional consecutive term of three years. All terms and conditions upon renewal  
12 shall be the same as set forth herein. The option to extend the term hereof may be exercised by notice in writing  
13 to the Lessor not less than 120 days prior to the expiration date of the within lease."* A Councilor asked  
14 what's wrong with the restrooms that we have down there right now. Another Councilor entered  
15 into discussion regarding the difference between City-owned and City-leased restrooms, saying he  
16 would rather the City not lease any restrooms. A Councilor again suggested sitting down and  
17 talking with the Robisons to see what they want. He asked if the City offered a one-year lease and  
18 the Robisons turned it down, what would happen when the restrooms closed and boat owners and  
19 tourists wanted to use them? A Councilor said that would probably never happen based on  
20 attempts made in the past. Another Councilor suggested the Council ask the Robisons, who were  
21 present, how the restrooms and the lease came to be. Leff said this was unconscionable and she  
22 was distressed at the way this Council is functioning. She said it's the first time in her life she's  
23 been forced, because she was elected, to work with a body for whom she is losing respect on a  
24 daily basis. She said it's not a grown-up way to function – to wait until the very end and then say  
25 we're not going to meet the terms the lease says we have to meet in order to keep the lease. A  
26 Councilor suggested the Council do their homework. Leff said she has done homework, and that at  
27 least two Councils in the past 10 years have looked into the issue of building restrooms at the  
28 harbor, and for lots of reasons and based on input from lots of agencies, there is no place to build  
29 restrooms in the harbor area. A Councilor said that's why the restrooms are there; that the Robison  
30 Brothers built the restrooms because the City asked them to put them there because they could  
31 and the City couldn't. Olsen called for the question. Mayor Mattila told Leff it was uncalled for to  
32 berate the Council as a whole because of her personal feelings, and the City has every right to look  
33 into building its own publicly-owned restrooms. Leff agreed with that, but said her problem was the  
34 way the Council was dealing with constituents – the Council has waited until the end of a 120-day  
35 period, putting the owners of the building in an impossible and unfair position, and this is not an  
36 appropriate way for an adult City Council to function. Mayor Mattila called for the question.

37

38 Vote: Motion 4 failed.

39 Ayes: Olsen, Mattila, Gambino

40 Noes: Leff, Hoytink, Goddard, Berry

41

42 Motion 5: Leff moved the City authorize the Mayor to sign the lease for three years and go forward.  
43 Hoytink seconded the motion.

44

45 Mayor Mattila said it was moved and seconded, and called for discussion. Goddard suggested the  
46 City have some negotiations with the Robison Brothers to find out how they're feeling about all  
47 this. Murray said once the Council makes a decision to exercise the renewal option, a letter goes to  
48 the property owners saying the City has moved to exercise its renewal option. Leff clarified that  
49 once the Robisons get the letter, they have 120 days to accept or negotiate. Olsen called for the  
50 question.

51

52 Vote: Motion 5 passed.

53 Ayes: Leff, Hoytink, Goddard, Berry

54 Noes: Olsen, Mattila, Gambino

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1 IX. NEW BUSINESS

2 There was no new business.

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4 X. CORRESPONDENCE

5 There were two items of correspondence (copies attached to original of these minutes): 1) A letter  
6 from ODOT regarding the City's 2014 Small City Allotment (SCA) proposal for Bay Street from  
7 Conway to Bayview, and Williams Avenue from Bay Street to Collins Street. The proposal was  
8 approved for grant funding, and the project will begin next year. 2) A letter from Howard Shippey,  
9 in response to his hearing a rumor the City is considering a proposal for production of a  
10 promotional video. The letter has been copied and provided to the Economic Development  
11 Committee (EDC) for discussion at their next meeting (December 5).

12

13 XI. CITY STAFF REPORT

14 Weidner reported 1) Nice weather is helping the City Park bridge project along. The piles have been  
15 driven, and concrete footing is being poured today and tomorrow. The span will come in two  
16 pieces. 2) He is trying to get the report on the fish processing plant from one of the two structural  
17 engineers, but it is slow in coming. 3) A spruce tree on SE Williams Avenue has been deemed not  
18 safe by an arborist, and the tree is in the process of being removed.

19

20 Murray respectfully requested disbursement of the worker's comp safety bonus, per policy (copy of  
21 memo dated 12/3/13 attached to original of these minutes). She said the experience rating  
22 modification factor is down to .79, meaning the worker's comp insurance premium is reduced from  
23 100% to 79%, and the savings are by policy distributed among employees. This year's actual  
24 savings are \$5,805.37, which is within the budgeted amount of \$6,230.

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26 Motion 7: Goddard moved to authorize disbursement of the safety bonus. Leff seconded the  
27 motion.

28

29 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief  
30 discussion.

31

32 Vote: Motion 7 passed.

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

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35 XII. COUNCIL COMMENTS

36 Hoitink said it's very cold in Montana.

37

38 Goddard reported on Chamber activity: 1) Carolers will be starting at Whale Park on Saturday  
39 December 7 at 4 PM, ending at the Whale Center at 5:30. The "real" Santa Claus will be there  
40 about 6 PM. There are stores that will be staying open late and having specials and refreshments.  
41 Betty is making cookies, and that's a good place to land. The Chamber has talked to stores about  
42 outside lighting; their intent is to buy commercial Christmas decorations for the City, and the  
43 Chamber would like the City to participate – she said maybe the Chamber and the EDC could get  
44 together and really spruce the town up. There was brief discussion about putting up lights and  
45 having problems finding enough electrical outlets. 2) The Community Potluck is scheduled for  
46 Monday, December 9 at 5:30 at the Community Hall. The "real" Santa Claus will be there, too. The  
47 Chamber is providing turkey and ham; everyone is invited to attend and bring a side dish and your  
48 own table settings.

49

50 Olsen said during discussions with Weidner it became evident that the Employee Handbook needs  
51 to be looked at, because there are a lot of pieces written in, and there are the edits from the  
52 attorney. A Councilor reminded him that was agreed to be done after the harbor expense review is  
53 complete.

54

1 Leff reminded everyone of the invitation to the Council and anyone else who is interested in the  
2 future of the Depoe Bay Fire District to come to the workshop a week from tonight at 5 PM at the  
3 Gleneden Beach Fire Hall. There will be a presentation by the Chief of Marion County Fire, who is  
4 one of the districts who had to pay out over \$250,000 in back taxes and PERS for volunteers. She  
5 said it would be educational and important for anyone who's available to come and hear what  
6 issues our fire district is going to be facing. She said this is a national problem, and she wants to  
7 start a big national movement to get Federal legislation, which is the only way the problem is going  
8 to be solved. Mayor Mattila asked who is pushing for this; Leff said the Firefighters Union would like  
9 to do away with all volunteers, and they have money. She said unfortunately the National  
10 Volunteer Association doesn't have the same deep pockets, so they're going to have to start a  
11 grass roots movement, and if it starts on the Oregon Coast, she's willing to start it.

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13 XIII. ADJOURN

14 There being no further business, the meeting was adjourned at 7:55 PM.

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A.J. Mattila, Mayor

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24 Emma LuMaye, Recording Secretary