

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, January 21, 2014 - 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 Superintendent 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: January 7, 2014 Regular Meeting

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21 Motion 1: Leff moved to approve the minutes from the January 7, 2014 Regular Meeting as submitted.
22 Gambino seconded the motion.

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

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26 Vote: Motion 1 passed.

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

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29 IV. ACCOUNTS PAYABLE

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31 Motion 2: Hoitink moved to approve the Accounts Payable as submitted, with one addition: a
32 reimbursement check in the amount of \$95.09 for Mayor Mattila's expenses to attend a Council of
33 Governments meeting in Albany. Leff seconded the motion.

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

36

37 Vote: Motion 2 passed.

38 Ayes: Leff, Hoitink, Olsen, Goddard, Gambino

39 Abstain: Mattila

40

41 V. SPECIAL ORDERS

42 There were no special orders.

43

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

45 A. Traffic Safety Commission (TSC)

46 • Schedule City Street and Pothole Workshop Meeting

1 Terry Wideman, 325 Cliff Street and TSC Chair, noted there were three Traffic Safety
2 Commissioners in attendance at this meeting, then addressed the council regarding the TSC's
3 request to schedule a workshop with the Council to discuss street issues. Items they wish to
4 discuss at the workshop were: 1) revenue funding sources including Urban Renewal, the Transient
5 Room Tax safety percentage (noting previous Councils deemed potholes and street disrepair are
6 safety issues), ODOT grants, and increasing the gas tax or establishing a City tax; 2) an inventory
7 of City streets for the purpose of establishing a priority ranking for overlay; 3) materials,
8 techniques, and methods used when making repairs; 4) other factors affecting street conditions,
9 e.g. weather, and deterioration of the water system and the need to dig the pipes up so they can
10 be replaced. The TSC would like to hold a workshop before it's time for the budget meetings.
11 Recommended participants include City Staff, City Council, other Commission members, and
12 residents who would like to present their ideas and positive suggestions. The workshop would
13 make recommendations to the Council as appropriate. He said the TSC hopes to develop a street
14 repair strategy that has methodology to it, and to carry discussion beyond identifying that there's
15 no tax base to fund street maintenance. He stressed that in no way was the TSC criticizing past
16 practices and Staff has done an excellent job with the resources that were available.

17
18 Motion 3: Leff moved to task the TSC with the project of putting together a workshop perhaps
19 working with Staff to learn the details of how to do it and picking out a good time.

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

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23 Vote: Motion 3 passed.

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

25
26 Loren Goddard 15 SW Ellingson, 1) reported on the quarterly OCZMA (Oregon Coastal Zone
27 Management Association) meeting, where promoting tax breaks for small businesses and small
28 port dredging were discussed. He said Federal funds that are supposed to be used for things like
29 dredging have not been freed up, and encouraged people to write to their Senators and
30 Representatives. 2) OWET (Oregon Wave Energy Trust) is looking for a work force analysis of
31 marine clusters – areas like Astoria, Newport, and Coos Bay where there are ports that would be
32 impacted by wave energy generators. They want to enable community colleges to improve their
33 marine services education programs, but it will be years before wave energy generators will be in
34 the water. Last year the DLCD (Department of Land Conservation and Development) disregarded
35 the recommendations of the TSP (Territorial Sea Plan) work group and OPAC (Ocean Policy
36 Advisory Council), and instead followed DLCD staff recommendations; the legislature is now looking
37 at creating policies to cause the DLCD to consider public input. 3) Federal subsidies for flood
38 insurance are going away. 4) He was nominated for gubernatorial appointment to OPAC as a non-
39 voting member.

40
41 B. Parks Commission

42 • Purchase Playground Equipment – City Park

43 Bill Spores, 362 Hwy 101 and Parks Commission Chair, requested authorization to purchase
44 equipment for the playground at City Park. Mayor Mattila added that Debby Metz had submitted
45 her resignation; Mr. Spores requested the Council send her a letter of appreciation.

46
47 Motion 4: Goddard moved that the Council direct the purchase of the USS Challenger/Good Ship
48 Lollipop at the price of \$4,887.52 plus \$250 for shipping. Olsen seconded the motion.

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50 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief
51 discussion.

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53 Vote: Motion 4 passed.

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

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1 Motion 5: Leff moved to direct Staff to prepare a letter of appreciation to Debby Metz for her work
2 on the Parks Commission, to be signed by the Mayor. Gambino seconded the motion.

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

5
6 Vote: Motion 5 passed.

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

8
9 Hoytink provided a report on last week's quarterly Wastewater Advisory Committee meeting. Taking
10 photos and inspecting the sewer pipe from Fogarty Creek to Boiler Bay was discussed. There was
11 also discussion on the section between the Vista lift station and the harbor. It's going to cost
12 money, but this is something that has to be taken care of. He said it will probably come up for a
13 vote.

14 15 VII. PUBLIC COMMENTS

16
17 Hoytink left his seat at the table to take a seat at the podium and address the Council from a
18 prepared statement (copy attached to original of these minutes). He stated his address as 195 SE
19 Whalesong Drive in Depoe Bay and 255 NE 36th Street in Newport. He said the statement
20 concerned himself and the Council. He said this wasn't exactly what he wanted to say, but he had
21 thought a lot about what to say and had discussed it with counsel. He first asked for a public
22 apology from the Council for being embarrassed by discussion of his personal life, which is not
23 relevant to Council business. Second, he thought by now Council members would understand the
24 City Charter, Council Rules, and the Mission Statement. He said the whole thing happened because
25 some did not understand the City Charter and chose not to wait for legal counsel before taking
26 action. He said this was the second time in recent weeks the Council acted prematurely and had
27 been asked for an apology. He said the City's reputation is at stake. He spoke of recently being in
28 Florence where he was told that it sounds like there's a circus going on in Depoe Bay. Hoytink asked
29 what other people might be thinking. He said he doesn't want people to see Depoe Bay as a circus,
30 and that was one of the reasons he decided not to file at at this time either one of the two formal
31 complaints he has discussed with counsel. He said a quick look to the minutes of the past year
32 shows that the Council has acted without full consideration and knowledge of a number of issues,
33 and said this is ignorant. He said the Mission Statement says the Council should manage and
34 execute the business of the City of Depoe Bay; preserve public health, safety, and welfare;
35 preserve financial stability; and promote cohesiveness; and that is what the citizens of Depoe Bay
36 elected the Council to do and it's time we started doing it. He said the other reason he wasn't filing
37 the complaints at this time was because it's more important that they begin to work together and
38 with information they can rely on to recapture the reputation that Depoe Bay has begun to lose.

39 40 VIII. UNFINISHED BUSINESS

41 A. Offer of Gift of Property to City from the K. Henry and M. Louise Granat Living Trust
42 Murray referred to a letter from Russ Hunter (copy attached to original of these minutes) which
43 had been distributed to the Council prior to the meeting. Mr. Hunter asked to have his access
44 maintained. Murray summarized a brief memo to the Council (copy attached to original of these
45 minutes). She said total tax revenue the City would lose if the property was accepted would be
46 about \$107 per year. Michael Granat was present and answered a Councilor's question regarding
47 changing the in perpetuity clause in the conditions. He said his father had tried to get ahold of the
48 City Attorney to discuss the matter but had not heard back. Mr. Granat said he felt his father and
49 the Lareisa Plaza Condominium Association would be open to changing the clause. Murray said she
50 spoke to Karl Granat this afternoon, at which time she told him that if the Council makes a decision
51 on whether to accept the gift and proceed looking into it, the City Attorney would become involved
52 at that point. There was brief discussion about estimated maintenance costs for the parking lot;
53 Weidner said it would be minimal.

54

1 Motion 6: Leff moved that Staff be directed to talk with the City Attorney with an eye toward
2 accepting the gift keeping in mind we want to make sure that the access/egress promised to the
3 Hunter family is kept within the legal parameters of whatever they develop. Hoitink seconded the
4 motion.

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

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8 Vote: Motion 6 passed.

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

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11 B. Grant Funding Opportunity – Lincoln County Emergency Preparedness Matching Grant
12 Program

13 Weidner said that a concrete slab was discussed at the last meeting and the motion made
14 mistakenly included a concrete slab, but what was actually needed was on the list distributed prior
15 to the meeting (copy attached to original of these minutes): a drainage pipe, a storage bench,
16 customized storage area, and two ergonomic task chairs. He said the funds should be used to get
17 the inside of the trailer set up similar to other emergency communications trailers. He would like
18 the storage bench to hold first aid equipment and water filter kits. Murray said she and Weidner
19 were asking the Council to reconsider the motion that was made, which didn't include a storage
20 bench in the emergency communications trailer.

21

22 Motion 7: Leff moved to submit the grant application for items as listed on Weidner's handout.
23 Gambino seconded the motion.

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

26

27 Vote: Motion 7 passed.

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

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30 IX. NEW BUSINESS

31 A. Event Planning

- 32 • South Depoe Bay Creek Bridge – Christening
- 33 • U.S. Coast Guard Auxiliary Safety Booth – Ribbon Cutting

34 Mayor Mattila said the bridge project is coming to a close and he wanted to propose a bridge
35 christening/party, to include the fire truck pride of our fleet and a ribbon cutting. He said a band
36 was lined up and other festivities to go along with that. Weidner said the Parks Commission had
37 been discussing having a grand opening for the City Park Nature Trail and it would be nice if there
38 was one big event. Murray said dignitaries from funding agencies are typically invited to events like
39 this. An unidentified gallery member asked if the event could wait until the playground equipment
40 is in place, which would happen in April or May. A suggestion was made to ensure we schedule the
41 event when good weather is likely. A Councilor said the Chamber of Commerce picnic happens
42 around that time; another Councilor said that Safe Boating Week is also in May. Coast Guard
43 Auxiliary members present were asked if they would be interested in adding their ribbon-cutting for
44 the new safety booth into this event. They said they're planning their event on May 10 to coincide
45 with Safe Boating Week.

46

47 Motion 9: Leff moved that we task the Parks Commission with leading planning of a major event on
48 May 10, to include christening the City Park bridge, ribbon cutting, and other things around Coast
49 Guard Safe Boating Week, the new playground equipment, and the nature trail all wrapped up into
50 one big event, and that the Parks Commission contact the Chamber of Commerce to see if they can
51 tie in with their picnic; and come back to the Council with suggestions, an event program, and a
52 budget. Gambino seconded the motion.

53

54 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief
55 discussion.

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2 Vote: Motion 8 passed.
3 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino
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5 X. CORRESPONDENCE

6 There were two items of correspondence (copies attached to original of these minutes): 1) A letter
7 of resignation from Debby Metz, already discussed.
8

9 Motion 9: Goddard moved to accept Debby Metz's resignation from Parks Commission and declare
10 a vacancy. Leff seconded the motion.
11

12 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.
13

14 Vote: Motion 9 passed.
15 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino
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17 2) A letter from DLCD regarding a Technical Assistance grant the City applied for funding the
18 Harbor Renaissance Study; the application was not successful, but the City was encouraged to
19 apply for 2015-17 funding.
20

21 Motion 10: Goddard moved to send a thank you letter to Lars Robison for serving on the Harbor
22 Commission since 1985. Leff seconded the motion.
23

24 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.
25

26 Vote: Motion 10 passed.
27 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino
28

29 Motion 11: Goddard moved to grant Skip Hoitink his request for a written apology for dragging his
30 personal life into a City meeting. Leff seconded the motion.
31

32 Mayor Mattila said it was moved and seconded, and called for discussion. He said he couldn't in all
33 honesty involve himself with an apology to Mr. Hoitink for several reasons. He read from a
34 prepared statement, saying at the last Council meeting he felt the City Council faced an
35 unprecedented emergency by having a member who by his own admission no longer resided in the
36 city and therefore was unqualified to hold office under the rules of the City Charter. He said he
37 based his reasoning solely on the Charter which he believes is clear in its intent that only qualified
38 electors of Depoe Bay shall be allowed to serve on the City Council. He said that objective is
39 addressed in at least two places, including Chapter 3 Section 12, which defines qualifications for
40 public officers. He said that so intent were the City founders on ensuring that only full-time
41 residents would serve on the Council that they also created a vacancy clause: Chapter 7 Section
42 32, which is triggered by unexcused absence from the city – and there can be no greater absence
43 than to physically move out of town and take up residence in another city. He said to some people,
44 including the City Attorney, this issue appears theoretical and elusive, but to the ordinary citizen
45 it's black and white, and goes to the heart of representative government. He said someone who
46 does not reside in the city shall not be allowed to serve on the City Council. He said the citizens of
47 Newport and Lincoln City would not tolerate a Depoe Bay resident serving on their City Council and
48 it was a preposterous idea, and distressing that Mr. Hoitink or anyone else, including the City
49 Attorney would think otherwise; yet we continue to face this emergency. He said every vote or
50 action which Mr. Hoitink takes on the City Council is damaging to our small town and threatens the
51 legitimacy of our actions as a City Council. He said as Mayor he felt it was his job to address this
52 emergency as quickly and civilly as possible. He went on to recap his verbal contacts with Councilor
53 Hoitink on January 3, at which time he was assured Mr. Hoitink would do the right and honorable
54 thing and resign with his record untarnished; instead he has chosen a different path, one that is
55 both deceptive and contrary to our Charter. He wanted to assure the members of the City Council

1 and the citizens of Depoe Bay that he would not rest until this matter is resolved. Gambino said he
2 wanted to be quoted as stating that he didn't recall any mention of personal issues with Councilor
3 Hoitink. Leff said she listened to the minutes and it was specifically mentioned. John O'Brien 270
4 Bensell Avenue, said he was at the meeting and personal references were mentioned. He was
5 surprised that Gambino missed it. The motion was recapped, then Mayor Mattila called for the
6 question.

7

8 Vote: Motion 11 did not pass due to a tie vote.

9 Ayes: Leff, Hoitink, Goddard

10 Noes: Olsen, Mattila, Gambino

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12 XI. CITY STAFF REPORT

13 Weidner reported 1) He met with the Harbormaster and updated a repair list and identified safety
14 issues. Some are long-time issues and some came up with the last windstorm. 2) The Cardinal
15 Street culvert is not quite finished; CenturyTel needs to lower their lines before the south side can
16 be finished. 3) The water intake valve is failing at the Water Treatment Plant. A new eight-inch
17 intake valve has been ordered; the Crew will install it.

18

19 Murray reported 1) Christy Munson is the attorney working on the negotiations for renewal of the
20 Wave franchise, and Ms. Munson is interested in meeting with the Council in an Executive Session
21 in the very near future. 2) She needed a head count for Council attendance at the League of
22 Oregon Cities Region 1 quarterly meeting hosted by the City at Neighbors For Kids (NFK). Leff,
23 Hoitink, Olsen, Mayor Mattila, and Gambino confirmed their attendance; Goddard will not be
24 attending. Berry was an unknown.

25

26 XII. COUNCIL COMMENTS

27 Goddard said in Mayor Mattila's statement he referenced legal counsel disagreeing with what the
28 Mayor was proposing with the actions being taken against Mr. Hoitink. Mayor Mattila said the
29 attorney had some reservations as of now, but was going to review and see if the way the Mayor
30 read the Charter was correct and this was in the attorney's correspondence. Leff said there were
31 two items of correspondence from the City Attorney, both saying he has great reservations about
32 what the Mayor is proposing and that it puts the City at risk of litigation. Mayor Mattila said if you
33 read the correspondence in its entirety, the attorney left part of it open and would consider any
34 further news or whatever and change his mind. Mayor Mattila said he would have to re-read the
35 correspondence. Goddard asked if he would read the correspondence into the record. Olsen said it
36 was confidential. Gambino said he wasn't sure they should be discussing this in a public meeting.
37 Mayor Mattila said he rescinded what he said; Goddard said you can't do that.

38

39 Olsen said the final permits have been given by CenturyTel and they would be dropping the line to
40 NFK and City Hall post haste. Weidner added that CoastCom was at City Hall today and Crew would
41 be installing a Cat 5 cable.

42

43 Leff said at the last Council meeting she said she was going to do everything she could to
44 encourage voting citizens of Depoe Bay to attend Council meetings so they can understand better
45 the way the Council was functioning. She was delighted to see so many people here tonight, and
46 really hoped they would continue coming so they get a very good feel for how this Council is
47 functioning, and the things they are doing and not doing, saying or not saying, so when voting time
48 comes they will be able to vote with real knowledge of how each person around the table functions.

49

50 Gambino seconded that.

51

52 Mayor Mattila echoed, saying he was really glad to see everybody here, and the only way
53 government can work is if people participate.

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1 XIII. ADJOURN

2 There being no further business, the meeting was adjourned at 8:16 PM.

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A.J. Mattila, Mayor

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12 Emma LuMaye, Recording Secretary