

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, September 16, 2014 - 7:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: Mayor A.J. Mattila, D. Goddard, B. Leff, S. Olsen, R. Gambino, B. Berry

7  
8 STAFF: City Superintendent B. Weidner, Recording Secretary E. LuMaye

9  
10 I. PLEDGE OF ALLEGIANCE

11 Mayor Mattila called for all to stand for the Pledge of Allegiance at 7:00 PM.

12  
13 II. CALL TO ORDER

14 Before roll call, Mayor Mattila expressed his heartfelt sympathy to Cathie Hoitink, who was in the  
15 audience. He called the meeting to order at 7:01 PM and established a quorum.

16  
17 III. APPROVE MINUTES: September 2, 2014 Executive Session and Regular Meeting

18  
19 Motion 1: Leff moved to approve the minutes from the Executive Session from September 2 and the  
20 Regular City Council meeting from September 2. Goddard seconded the motion.

21  
22 Mayor Mattila called for the question.

23  
24 Vote: Motion 1 passed.

25 Ayes: Leff, Goddard, Mattila, Gambino, Berry

26 Noes: Olsen

27  
28 IV. ACCOUNTS PAYABLE

29 Motion 2: Gambino moved to approve Accounts Payable as presented. Berry seconded the motion.

30  
31 Mayor Mattila said the motion was made and seconded, and called for the question.

32  
33 Vote: Motion 2 passed.

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

35  
36 V. SPECIAL ORDERS

37 A. Mayor's Statement – Civility at City Council Meetings

38 Mayor Mattila said the last meeting was rather charged, and some people from the audience who spoke  
39 without even announcing themselves were being rather uncivil. He wanted everyone to know that in  
40 meetings to come, that will not be tolerated. He said the Council is required to display responsibility  
41 through keeping the Mayor informed of very important subjects. That was one reason why the last  
42 session was so unruly. It is Councilors' responsibility, as well as any Commissioner, if they have any  
43 information that's anywhere close to what the last meeting dealt with, they are responsible for alerting  
44 the Mayor to these problems. Unfortunately, the Mayor was one of the last to know about any of this. As  
45 soon as he did get wind of something, he started calling different Councilors; one of the first ones was  
46 Councilor Leff. He left her a message that said "Barbara, I don't know what to say. I don't even know  
47 how to begin. We need to talk." Addressing Councilor Leff directly, he said he didn't know why it took  
48 her several days to get back to him, but when she did, she told him she was spending time with...and he  
49 understood that, and she was to be commended for that; however, she was remiss in her responsibility,

1 as were other Councilors and Commission people. He said it's not right, and this could have been kept to  
2 a civil and...sad as it is...tone. He wanted everybody to reflect on that. He said his name is A.J. Mattila,  
3 and this he said in the very first meeting of the first month of this tenure, you may not care for him as a  
4 person, but you will respect the office of Mayor; that will happen. That was all he had to say. Leff said  
5 she'd like an opportunity to respond, if he didn't mind. Mayor Mattila said she may, at Comments. Leff  
6 said OK, fine, and asked if he was hoping everyone would leave before she responds, and said she'd like  
7 the same audience to hear her as just heard the Mayor, and turning to the audience, asked if they would  
8 all stay and listen to her. The audience indicated they would.

9  
10 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES.

11 There were no reports.

12  
13 VII. PUBLIC COMMENTS

14 Mayor Mattila asked the audience to please keep in mind the civility portion of this meeting. There were  
15 no public comments.

16  
17 VIII. UNFINISHED BUSINESS

18 A. Fish Plant Lease Agreement

19 Motion 3: Leff moved that we give a copy of the current draft lease agreement as received from our  
20 attorney to the potential renters for their review and comment. Berry seconded the motion.

21  
22 Mayor Mattila said it was made and seconded, and called for other comments. There were none.

23  
24 Vote: Motion 3 passed.

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

26  
27 IX. NEW BUSINESS

28 A. Meeting Schedule – Transportation System Plan (TSP) Update Project

29 There was brief discussion, then Leff referred to Murray's memo dated 9/12/14 (copy attached to  
30 original of these minutes), noting the proposed date for the meeting is October 7, and it is anticipated  
31 that the TSP Community Advisory Committee will meet that afternoon and the joint meeting will be  
32 scheduled before the regular Council meeting, at 5:00 or 5:30 PM.

33  
34 Motion 4: Leff so moved. Goddard seconded the motion. Weidner suggested holding the meetings in the  
35 Community Hall, and said he would ensure it's available; if not, the meetings will be held at City Hall.  
36 He will put the word out if the Community Hall is not available.

37  
38 Mayor Mattila called for the question.

39  
40 Vote: Motion 4 passed.

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

42  
43 B. Proposals for Engineering Services – Vista Pump Station Wastewater Force Main Replacement  
44 Project

45 Weidner reported he received a lot of phone calls but only five proposals (copy of Weidner's memo  
46 dated 9/16/14 attached to original of these minutes). One proposal was from Century West Corp, who  
47 did not include a dollar amount. He said there's been a change in Oregon State law for engineering RFPs  
48 called a QBS (Quality Base Selection). He noted there is a Depoe Bay ordinance which requires

1 anything over \$5,000 to have an RFP. Weidner recommended the Council accept the proposal from  
2 Civil West Engineering out of Newport.

3  
4 Motion 5: Olsen moved that we approve the RFP bid from Civil West Engineering for \$16,967.  
5 Gambino seconded the motion.

6  
7 Mayor Mattila said the motion was made and seconded, and called for discussion. There was none.

8  
9 Vote: Motion 5 passed.

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

11  
12 C. Proposal – Use of Community Hall as Community Center

13 Berry said Pat Dunlop brought the idea to him to use the Community Hall for the community on  
14 Mondays through Wednesdays (unless it's being rented) so our citizens can have a place to organize  
15 things like bridge clubs and sewing circles. He would be willing to give his time to unlock it and clean it  
16 up afterwards. Winter's coming, and most cities have things like indoor parks. Bob's Books might do a  
17 "take-a-book, give-a-book", and it would be an indoor park for our citizens to gather and it would be  
18 good for the community. Leff said she thought that was such an absolutely wonderful idea that she  
19 proposed it at City Council two years ago and it was also proposed five years before that; each time after  
20 the lawyers and insurance company got finished with us, there was no way we could do it because of the  
21 liability insurance. If there's a way around that now that didn't exist then, she loves the idea but  
22 someone's going to have to do a lot of research. Berry said he would start doing some research, and  
23 would ask the City Attorney about what's protecting the City when people rent the hall. Leff said  
24 insurance protects us up to a certain point and she encouraged Berry to really research it. Mayor Mattila  
25 asked somebody to make a motion and include running it by the City Attorney.

26  
27 Motion 6: Leff so moved. Goddard seconded the motion. An unidentified person in the audience said  
28 she tried to push this through with the old Economic Development Committee and the new one, and  
29 talked about practical uses of the Community Hall, such as high school kids needing credit being  
30 available to help people use their cell phones, iPads, or computers. Mayor Mattila acknowledged an  
31 audience member, asking him to come forward. Steve Sparks 228 SW Nesting Glade, said if the City  
32 allowed the Lions Club to sponsor our Community Hall, they can provide the insurance. This is  
33 something new from Lions Club International; their new focus is being directed more toward  
34 community needs. He thought there is a solution to this. Leff suggested he get together with Berry.

35  
36 Mayor Mattila said it was moved and seconded, and that we'll send it to the Attorney for the final  
37 points, and called for the question. Berry questioned whether the motion should be specific to him  
38 getting together with Sparks; the two will talk. Leff wanted the motion to stand as is. Mayor Mattila  
39 again called for the question.

40  
41 Vote: Motion 6 passed.

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

43  
44 D. City Council Vacancy – Position #3

45 Mayor Mattila said we need to direct Staff to advertise for that position, and that should be done as soon  
46 as possible. Leff said the memo from Murray (copy attached to original of these minutes) asked the  
47 Council to give her specific dates that we want the ads to run and what the deadline will be for people  
48 submitting applications, so we can have it on the agenda for the next Council meeting. Mayor Mattila

1 said he would take it up with Murray tomorrow. Leff asked him if he needed direction from the Council.  
2 Mayor Mattila asked if there wasn't a protocol for this, and whether she had a suggestion.

3  
4 Motion 7: Leff moved to authorize the Mayor to work with Murray to set up the advertising and follow  
5 up on the Council vacancy so that the ad runs at least twice in the media and things get properly posted  
6 for at least one week, and then at the closest Council meeting after that we take the matter up. Gambino  
7 seconded the motion.

8  
9 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

10  
11 Vote: Motion 7 passed.

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

13  
14 X. CORRESPONDENCE

15 Weidner had two items of correspondence (copies attached to original of these minutes): 1) An  
16 invitation from the Executive Director of Oregon Cascades West Council of Governments to meet for  
17 lunch with Weidner and the Mayor on October 15. He said the subject matter of the invitation was non-  
18 specific. 2) A letter was sent to Craig Taunton regarding completion of the dock lease agreement to  
19 Weidner's satisfaction. He said all the criteria has been met and he has photos.

20  
21 XI. CITY STAFF REPORT

22 LuMaye reported that the City received a copyright notice on our YouTube channel in regards to the  
23 music on the promotional video. Howard Shippey was contacted, and he provided a copy of the receipt  
24 he received when he purchased the music, and assured us we were OK to use it. However, YouTube  
25 rejected the dispute, reinstated the copyright infringement notice, and gave the City no recourse for  
26 appeal. She and Murray discussed the situation, and based on Mr. Shippey's own experience with a  
27 copyright issue with YouTube and options he suggested via email, the video has been removed from  
28 YouTube and uploaded onto the City's website. Goddard asked if the Chamber was going to get a copy  
29 of the master DVD; LuMaye responded that the City does have a master DVD to give to the Chamber.  
30 (Copies of emails to and from Mr. Shippey attached to original of these minutes.)

31  
32 Weidner reported 1) Today he and the Fire Chief were involved in a simulated tsunami exercise. 2)  
33 Problems with the northernmost siren were found during maintenance; parts are coming. He and Murray  
34 are still trying to get some of the final, final stuff done. We still need to come up with the right wording  
35 and deciding what phrases to use. Leff said she and Roy Hageman have talked about setting up that  
36 meeting, which needs to be done before the end of the year. 3) The bus barn lean-to was removed today  
37 by Dan Price Construction. The City Planner is working with Weidner on a design for storing the  
38 emergency trailer in that space. 4) City Crew acted really well with the first responders during the truck-  
39 in-the-bay incident last week. There was absolutely no spill, as the containment boom absorbed  
40 everything. Kudos to everyone, including the diver, Fire Department, and Coast Guard. 5) The operator  
41 at the water plant wants the Council to know that there was no impact to the quality of water when the  
42 new culvert went in. The culvert is to help mitigate beaver problems.

43  
44 XII. COUNCIL COMMENTS

45 Leff addressed the Mayor. She said for two years she has worked very hard to do her job as a Councilor,  
46 to support the Mayor, and to support other Councilors, whether she has agreed with them or not. She has  
47 never engaged in any personal attacks. She has never tried to obfuscate an issue by looking for another  
48 issue to focus on. She could have done those things, often. But she chose not to then, and she chooses  
49 not to now, except to say if it weren't so sad, what the Mayor did would have been really funny. She

1 said she called him within 20 seconds of getting his message. Her phone had been off because she was  
2 helping a friend who happened to be married to a City Councilor to whom she felt very close, and she  
3 felt a huge sense of loss herself. She said, “Don’t try to attack me when your issues are elsewhere and  
4 you’re just not dealing with them.” And then she “pulled” the other thing she’s heard the Mayor do  
5 often, and said “OK, I’ve said my piece. That’s enough about that.” Mayor Mattila said respectfully it  
6 was days, not seconds, before she responded. Leff said her phone was off for days. Mayor Mattila said  
7 there was nothing that could be done about that, and he thanked her for spending her time, and it was  
8 very important. He said he had no idea she hadn’t received her voicemail. He said it was one of those  
9 things, and it just happened.

10

11 Goddard asked Mayor Mattila how many Councilors he called when he needed to talk to the entire  
12 Council, because she didn’t get a phone call. Mayor Mattila said he came down and visited with her.  
13 Goddard said she remembered walking into the office and the Mayor didn’t speak to her. Mayor Mattila  
14 said he did, and that Goddard acted like he wasn’t even there. Goddard said the Mayor was talking to  
15 her employee, and shortly after she walked into the office, the Mayor left. She again asked how many  
16 Councilors he called. Mayor Mattila said he came down and made eye contact with her, and wanted to  
17 talk with her, but it just didn’t happen; that it was like he wasn’t even there. Goddard said she stood right  
18 in front of him waiting for him to say something to her; and she said hello to him but he chose to  
19 continue talking to her employee. She wondered why this was a major subject, and said the entire  
20 subject was being skirted. Mayor Mattila called for any other Council Comments.

21

### 22 XIII. ADJOURN

23 There being no further business, the meeting was adjourned at 7:49 PM.

24

25

26

27

28

---

A.J. Mattila, Mayor

29

30

31

---

32 Emma LuMaye, Recording Secretary