

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

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

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 at 7:00 PM and established a quorum.

18
19 III. APPROVE MINUTES: November 18, 2014 Regular Meeting

20 Motion 1: Leff moved to approve the minutes of November 18, 2014 regular meeting. Goddard
21 seconded the motion.

22
23 Mayor Mattila called for the question.

24
25 Vote: Motion 1 passed.
26 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila
27 Abstain: Gambino

28
29 IV. ACCOUNTS PAYABLE

30 Motion 2: Gambino moved to approve Accounts Payable as presented by Staff. Leff seconded the
31 motion.

32
33 Mayor Mattila called for the question.

34
35 Vote: Motion 2 passed.
36 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila, Gambino

37
38 V. SPECIAL ORDERS

39 There were no special orders.

40
41 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

42 There were no reports.

43
44 VII. PUBLIC COMMENTS

45 There were no public comments.

46
47 VIII. UNFINISHED BUSINESS

48 There was no unfinished business.

49

1 IX. NEW BUSINESS

2 A. City Superintendent Performance Bonus

3 Olsen said the committee which worked with Weidner at the time of his promotion last year had
4 suggested Weidner accept a lesser salary with a promise of bonuses for projects that save the City
5 money. Staff has collected and analyzed data related to the fish plant project (copy of Murray's memo
6 dated 12/1/14 attached to original of these minutes), which experienced a savings of around \$6,000 and
7 got the plant open on time. He suggested a bonus of 30% of the savings.

8
9 Motion 3: Olsen moved to bonus Mr. Weidner 30% of the savings on the fish plant, amounting to about
10 \$1,800 or \$1,900. Gambino seconded the motion.

11
12 Amendment: Leff suggested making the bonus an even \$2,000. Olsen rescinded his motion in favor of
13 Leff's amendment. Gambino accepted the amendment.

14
15 Mayor Mattila called for further discussion. There was none. Mayor Mattila called for the question.

16
17 Vote: Motion 3, as amended, passed.

18 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila, Gambino

19
20 B. 2014-15 Employee Safety Bonus

21 Weidner said the City won a safety award for having an injury frequency of zero. (Copy of Murray's
22 memo dated 11/14/14 attached to original of these minutes.)

23
24 Motion 4: Leff moved to authorize Staff to disburse the 2014-15 safety bonus in the amount of
25 \$6,493.80. Goddard seconded the motion.

26
27 Mayor Mattila called for the question.

28
29 Vote: Motion 4 passed.

30 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila, Gambino

31
32 C. Authorize Staff to Prepare Request for Proposals (RFP) – Municipality Accounting Software

33 Murray requested authorization to put out an RFP for software, to include Utility Billing, Payroll,
34 Accounts Payable, Business Licenses, and General Ledger. She said some investigation had been done
35 to determine good companies to send the RFPs to. There were expressions of approval from around the
36 table. Olsen expressed interest in having the ability to add "plug-ins" at a later date; Murray explained
37 that the software comes in selectable "modules" some of which we have no need for today, but which
38 can perhaps be added in the future. She confirmed it would be OK to put out the RFP and thanked the
39 Council. Mayor Mattila asked for a motion.

40
41 Motion 5: Leff so moved. Olsen seconded the motion.

42
43 Mayor Mattila called for the question.

44
45 Vote: Motion 5 passed.

46 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila, Gambino

47
48 D. Canvass of Votes – November 4, 2014 Election

1 Motion 6: Leff moved to accept the canvass of votes from the November 4, 2014 election, as handed to
2 us by the County Clerk (copy attached to original of these minutes). Goddard seconded the
3 motion. Olsen asked what an overvote is; Murray explained it's when a person votes twice, for example
4 yes and no on a measure, it counts as non-vote.

5
6 Murray asked Mayor Mattila if she should call for the vote; he asked her to please do so.

7
8 Vote: Motion 6 passed.

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

10
11 E. Cancel December 16, 2014 City Council Regular Meeting and Pre-Approve Accounts Payable
12 Mayor Mattila said he would like to cancel the December 16 regular meeting because of the holidays,
13 and to pre-approve Accounts Payable; he asked for a motion.

14
15 Motion 7: Leff so moved. Goddard seconded the motion.

16
17 Mayor Mattila called for the question.

18
19 Vote: Motion 7 passed.

20 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila, Gambino

21
22 F. Building Permit #2012-79420 – 125 SE Bay Street

23 Harry and Colleen Schmidt, 125 Bay Street, came to the podium. Mr. Schmidt said he didn't understand
24 why the issue was on the format; Weidner explained there were questions that need to be answered. Mr.
25 Schmidt provided a history of the Schmidt's presence in Depoe Bay, and how many old dog homes they
26 have purchased and refurbished for rentals. He said they recently bought 47 Williams and are renovating
27 that building for rentals. He said when they purchased the Bay Street house he removed hundreds of feet
28 of decking on the second and first levels. He designed and built a new deck in front of everybody, but he
29 might have come out too far. He built a fence on top of the City's wall for safety reasons. He asked for a
30 pardon, or permission to maintain and leave the deck. Olsen asked if the deck can be changed so it
31 doesn't encroach; Mr. Schmidt replied that it can, explaining that it is supposed to be eight feet, which is
32 half of what it is now. Planning Commission Chair Roy Hageman was in the audience and was asked to
33 provide Planning Commission input. He said the deck was constructed in early 2012. A complaint was
34 received about the size of the deck and its proximity to the street. A building permit application was then
35 submitted, but was denied because the deck was too big. A variance was applied for in February of this
36 year. The deck should legally be between six and seven feet, but the original deck was eight feet, and
37 that was what the Planning Commission allowed as a grandfathered-in size. Leff was surprised when
38 Mr. Schmidt said he didn't think a building permit was needed, because the Schmidts own and refurbish
39 so many properties. Mayor Mattila said we have to stick by the Planning Commission and the decision
40 they came up with. Mr. Schmidt said he would tear it down tomorrow; Olsen suggested they keep their
41 appointment with the City Planner, Weidner, and the Mayor tomorrow. to see if a creative solution could
42 be found. (Copies of email dated 11/27/14 from Colleen Schmidt and memo dated 11/26/14 from City
43 Planner Larry Lewis attached to original of these minutes.)

44
45 G. Proposed Ord. #301 – An Ordinance Granting to Central Lincoln PUD (“Grantee”) an Exclusive
46 Franchise for Ten Years to Erect, Construct, Maintain, Repair, Update, and Operate an Electric
47 Light and Power System within the city of Depoe Bay (“City”); Setting the Terms and
48 Conditions of this Franchise, Providing an Effective Date; Repealing Ord. #205; and Declaring
49 an Emergency

1 Murray reviewed the ordinance adoption process. She noted the franchise is a renewal, and the biggest
2 item of interest to customers is the franchise fee will increase from 3.5% to 5%. She also noted the new
3 ordinance addresses a lot of new things the old ordinance did not address. (Copy of proposed Ord. #301
4 attached to original of these minutes.)

5
6 Motion 8: Leff moved to accept the reading of proposed Ord. #301 by title only. Goddard seconded the
7 motion.

8
9 Mayor Mattila asked for further discussion and then called for the question.

10
11 Vote: Motion 8 passed.

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

13
14 Murray read proposed Ord. #301 by title only, and called for questions or comments from the audience.
15 There was one question from Mr. Schmidt; Murray explained about franchises. Murray asked if the
16 Council had any questions; there were none.

17
18 Motion 9: Olsen moved to adopt Ord. 301 at the first reading. Leff seconded the motion.

19
20 Mayor Mattila called for the question.

21
22 Vote: Motion 9 passed.

23 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila, Gambino

24
25 Murray explained because the vote was unanimous the Council could proceed with the second reading
26 of the proposed ordinance tonight, otherwise it would go to the next meeting. Mayor Mattila said to do
27 it. Murray read proposed Ord. #301 for the second time, by title only, and called for questions or
28 comments; there were none. She asked for a motion to adopt at the second reading.

29
30 Motion 10: Goddard so moved. Leff seconded the motion.

31
32 Mayor Mattila called for the question.

33
34 Vote: Motion 10 passed.

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

36
37 X. CORRESPONDENCE

38 There were two items of correspondence (copies attached to original of these minutes): 1) An email
39 from Katharine Groth in response to the City's inquiry related to Harbor Commission concerns about the
40 harbor sea wall. Leff felt that Ms. Groth's response to concern over parking lot settlement, specifically
41 "*While settlement measurements have not been collected, visual monitoring indicates that settlement in*
42 *the parking lot has been limited since the shear pile wall construction.*" is an insufficient response,
43 considering the parking lot has been observed to have dropped three inches since 2006. Olsen suggested
44 having Ms. Groth set up a study to study the measurements of the wall's fall. Leff said they come out
45 and measure once or twice a year, but she thought they measure the wall's stability, not whether the
46 parking lot is dropping. Olsen said they should come out and take a look at it. Mayor Mattila explained
47 how sheet piling works, and that a key function is to drive it deep enough into the hard pan so that it
48 can't move. Staff was directed to pass the Council's concerns on to Ms. Groth. 2) An email from Kim
49 Herring at the County regarding the grant that was applied for redoing the electrical shed in the harbor.

1 Because the City has an outstanding grant (the Harbor Master Plan Study), the County isn't accepting
2 our application this year. Weidner said that in anticipation of possibly getting the grant, City Crew had
3 prepared the building, and he may move forward with putting new siding on and a coating on the roof,
4 and look at doing some internal repairs later on.

5
6 Mayor Mattila addressed a piece of correspondence he alone had, regarding a property at the end of
7 Indian Trail. He asked Weidner to set up a meeting between himself, City Planner Lewis, and Weidner,
8 to discuss whether the property is non-conforming, and to review pertinent info dating back to 1976.

9
10 **XI. CITY STAFF REPORT**

11 Weidner reported 1) There was a significant problem through the holidays on Derrick Street. On
12 November 21, a main feeder sewer line clogged at the manhole and backed up a resident's lateral into
13 their toilet and bathtub. He showed pictures of the inside of the home, and said there was a lot of
14 hazardous waste cleanup done by the tenants, who did a wonderful job cleaning up. He's doing sewer
15 camera work in the lateral line, and has found that the line was originally installed with not a lot of fall.
16 There was a recurrence on Thanksgiving morning, but it bypassed into the yard because City Crew had
17 opened up the cleanout to prevent any sewage from getting into the house, just in case there was another
18 problem before the situation was fully identified and fixed. City Crew got the line unclogged. He has
19 spoken to the landlord, and will be moving the lateral in the public right of way to the manhole first
20 thing tomorrow morning. This will prevent any future recurrence. The residents supplied a receipt for
21 \$36.91 for replacement of their bathroom rugs. The residents, one of whom is a disabled gentleman,
22 spent a total of nine hours cleaning up the hazardous matter. Weidner asked the Council to compensate
23 the residents \$400 for washing, cleaning, and sanitizing; and \$36.91 for the rugs, for a total of
24 \$436.91. Leff commented that was a small price to pay. Mayor Mattila asked for a motion.

25
26 Motion 11: Leff so moved. Goddard seconded the motion.

27
28 Mayor Mattila called for the question.

29
30 Vote: Motion 11 passed.
31 Ayes: Goddard, Leff, Wyatt, Olsen, Mattila, Gambino

32
33 Leff asked about the condition of the yard. Weidner said Crew put down lime and did everything to
34 abide by DEQ protocol for cleanup.

35
36 2) Crew and Staff has been busy setting up Christmas decorations.

37
38 **XII. COUNCIL COMMENTS**
39 There were no council comments.

40
41 **XIII. ADJOURN**
42 There being no further business, the meeting was adjourned at 7:55 PM.

43
44
45
46 _____
47 A.J. Mattila, Mayor

48
49 _____
Emma LuMaye, Recording Secretary