AGENDA & Notice of Work Session,
& Regular Meeting of Newport City Council (CC)
Including Acting in the Capacity as the
Local Contract Review Board (LCRB)
And Urban Renewal Agency (URA)

The City Council of the City of Newport, also acting in the capacity as the LCRB and URA, will hold a work session beginning at **5:00 P.M., on Monday, November 15, 2010,** in Conference Room A, with their regular Council meeting beginning at **6:00 P.M., on Monday, November 15, 2010**. The regular meeting will be held in the Council Chamber, 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the meeting agenda follows.

The work session and meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder (541)574-0613.

The City Council, also acting in the capacity as the LCRB and URA, reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting. Action items that do not require a public hearing may be moved up earlier in the meeting.

WORK SESSION
5:00 P.M.
CC - LCRB - URA

I. Discuss funding requests received from Oregon Coast Aquarium & History/Maritime Center.....**pgs. 1-12**

REGULAR MEETING AGENDA
6:00 P.M.
CC - LCRB - URA

Any person wishing to speak on any agenda item should complete a Public Comment Form and hand it to the City Recorder, Peggy Hawker. Public Comment Forms are located on a table at the entrance door to the City Council Chamber. If you wish to comment on a subject not on the agenda, the Mayor will call on you under "Public Comments". If you wish to comment on a specific agenda item, the Mayor will call on you when the City Council gets to that item.

I. **Call to Order and Roll Call**

II. **Public Comments**

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items.. Speakers may not yield their time to others.

III. **Proclamations & Recognitions**

A. Proclamation – Appreciation of Lieutenant David Teem Jr…….**pg. 1**

IV. **Consent Calendar**

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

A. Approval of minutes from work sessions of October 28, and November 1st, and regular meeting of November 1, 2010,…….....**pgs. 1-16**
(Hawker/Atkinson)

B. Report of Accts. Paid, Oct. 2010……**pgs. 1-11**
(Marshall)

C. Fire & Police Monthly Stats, Oct. 2010……**pgs. 1-5**
(Crook/Miranda)

V. **Council Members' Reports and Comments**

VI. **Officers' Reports**

A. Mayor's Report
B. City Manager's Report……..…..……....**pgs. 1-34**
C. City Attorney's Report

VII. **Discussion Items and Presentations**

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

<u>7:00 P.M.</u>

VIII. **Public Hearings**

A. Continued Council deliberation on amendments to the Newport Comprehensive Plan, Zoning Ordinance and Municipal Code relating to Geologic Hazards……**pgs. 1-22**
(Tokos/McCarthy)

IX. **Action Items**

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances)

A. Resolution No. 3528 Creating a Public Art Task Force……..…..**pgs. 1-3**
(Hawker/McCarthy)

X. **Public Comment**

(Additional time for public comment – 5 minutes per speaker)

XI. **Adjournment**

NEWPORT URBAN RENEWAL AGENCY
Follows Regular Council Meeting
URBAN RENEWAL AGENCY MEETING AGENDA

I. **Call to Order and Roll Call**

II. **Public Comments**

This is an opportunity for members of the audience to bring to the Agency's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

III. **Consent Calendar**

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

A. Approval of minutes from regular URA meeting of November 1, 2010…….....…...…..…**pgs. 1-2**
(Hawker)

B. Report of Accts. Paid for Oct. 2010……..**pg. 1**
(Marshall)

IV. **Discussion Items and Presentations**

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

V. **Public Hearings**

VI. **Action Items**

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances)

A. Intergovernmental Agreement (IGA) between
The Newport Urban Renewal Agency and
Port of Newport for roadway related
Improvements along SE Marine Science Drive……**pgs. 1-30**
(Tokos/McCarthy)

B.. Agreement between Urban Renewal Agency and City
Council on expenditure of remaining North Side UR
Funds……..…**pgs.**
(McCarthy)

VII. **Adjournment**

The Oregon Coast Aquarium Pinniped Exhibit Renovation
Funding Request Proposal

The Oregon Coast Aquarium respectfully requests funding from the City of Newport's Tourism Facility Fund to renovate our Pinniped Exhibit. Pinnipeds, (seals and sea lions), are mainstays of Oregon's marine mammal community. Sea lions can often be heard barking in our Yaquina Bay, and harbor seals are a common sight in the waters off the jetty. Both species are exhibited in the Aquarium's largest outdoor exhibit. This proposed renovation will construct a visitor viewing area inside the exhibit, enhancing the visitor experience and educational value.

The exhibit, now 18 years old, has been viewed by over 10 million visitors since the Aquarium opened in 1992.

Why the Renovation is Needed: Direct Impact on Our Local Economy

- **Current Limited viewing:** Presently, the viewing areas are narrow and allow limited viewing of the exhibit during feeding times, when people are crowded around the windows to watch the trainers feeding and working with the animals. During a feeding on any given day, squeals of delight can be heard from children lucky enough to be in front of the viewing windows to watch the excitement of seals and sea lions leaping and playing.

- **Interaction:** Visitors are amazed to find that the animals are eager to interact with them through the underwater viewing windows. Increasingly, interaction is what visitors to zoos and aquariums seek; a chance to connect with the animals and the marine environment. A renovation of the Pinniped Exhibit, making a viewing area inside the exhibit itself, will enable us to offer visitors an interactive experience.

- **Visitors will stay longer:** Visitors spend an average of two and a half hours during a typical visit to the Aquarium and we would like to encourage them to say longer and visit more often. The most effective way to do that is to offer visitors an opportunity to get up close to the animals.

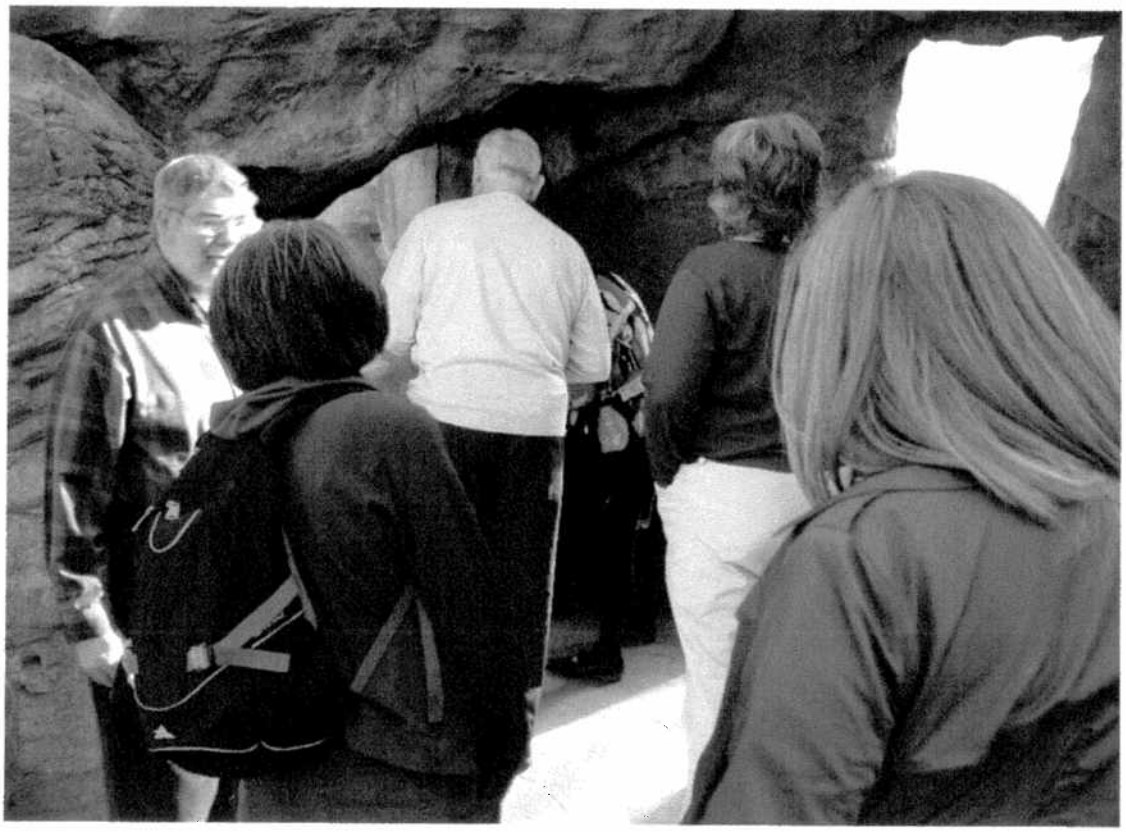
- **Increased Attendance:** The recent downturn in tourism and subsequent drop in Aquarium attendance makes this a crucial time for us to make an effort to remain a top ten Aquarium as well as a coastal destination; offering one of the best visitor experiences in the nation. Visitors today want to connect with nature. The Aquarium will advertise and market the pinniped renovation extensively with a statewide advertising campaign to create excitement and drive increased attendance.

- **Where our visitors come from:** Depending upon the season, 65 to 80 percent of our visitors come from outside Lincoln County. Visitors often plan their trip around a visit to the Aquarium. Increased attendance will translate to a more robust local economy. Visitors will stay in local lodging establishments, eat in local restaurants and buy from local merchants.

What We Offer Visitors Now:

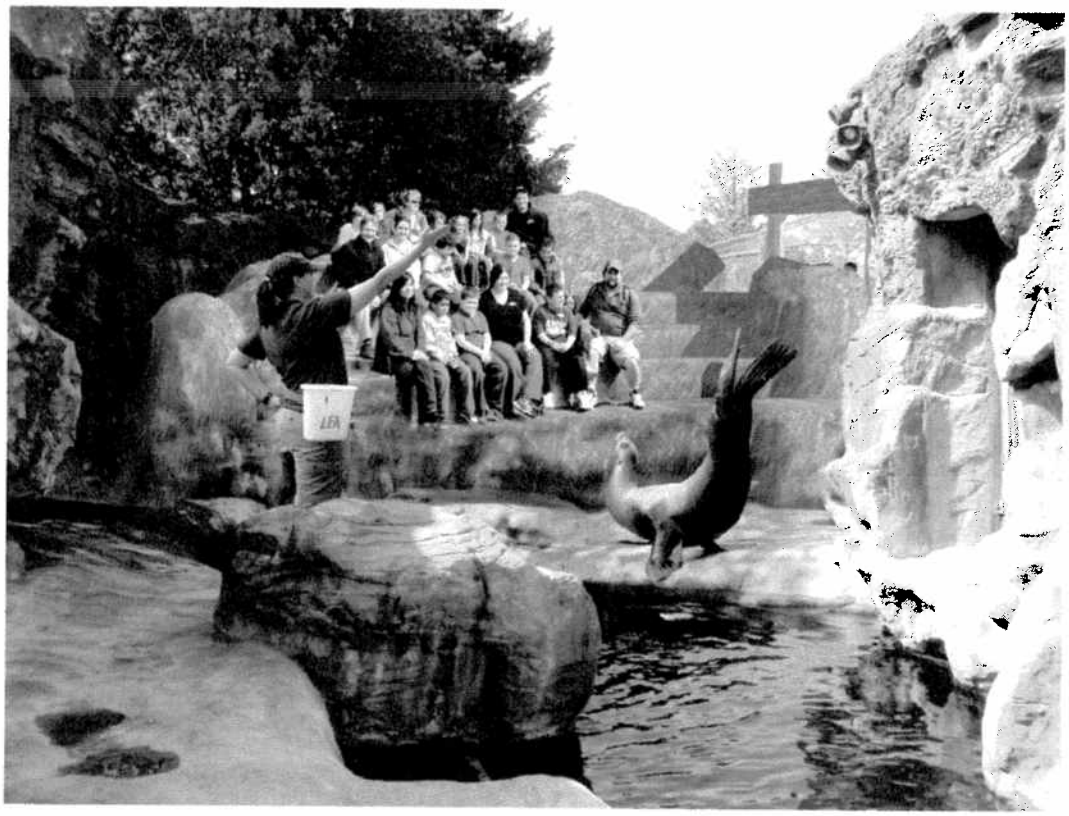
Only those in front get a good view of the Pinniped Exhibit during the most active time, feeding.

The side viewing area is also limited.

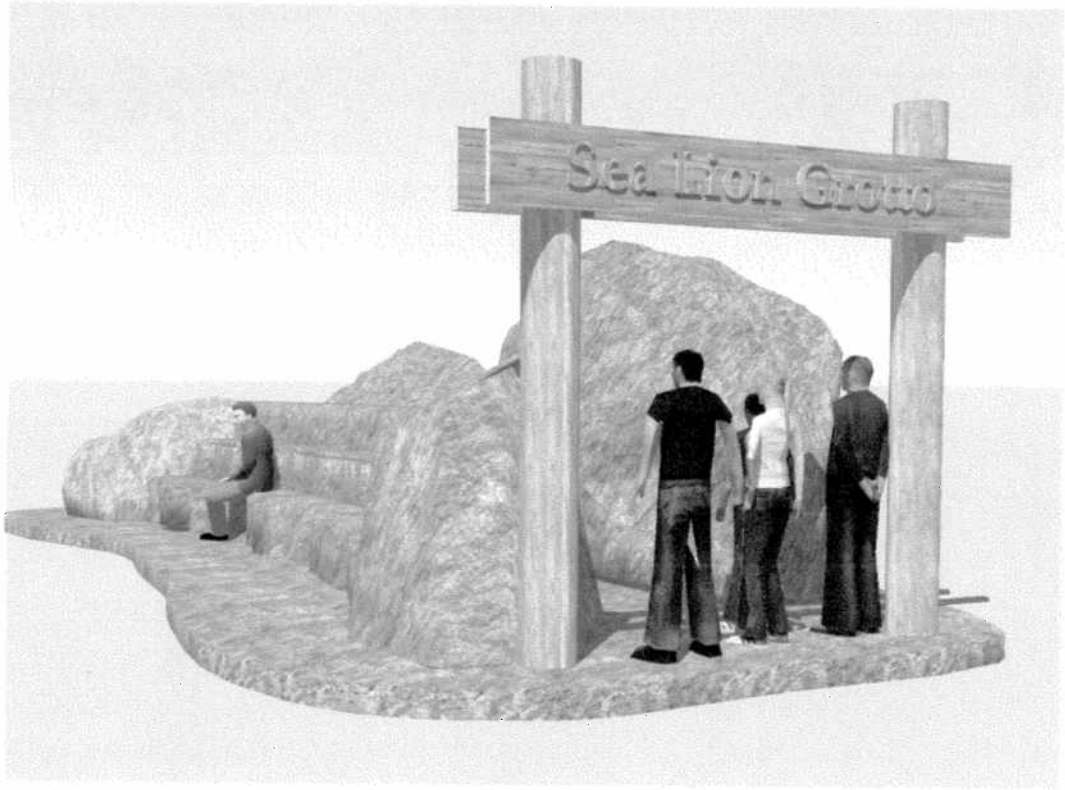


What We Would Like to Offer Visitors:

Seating inside the enclosure that would allow visitors a close view of the pinnipeds



The new "Sea Lion Grotto" would have a safe entryway and be ADA compliant



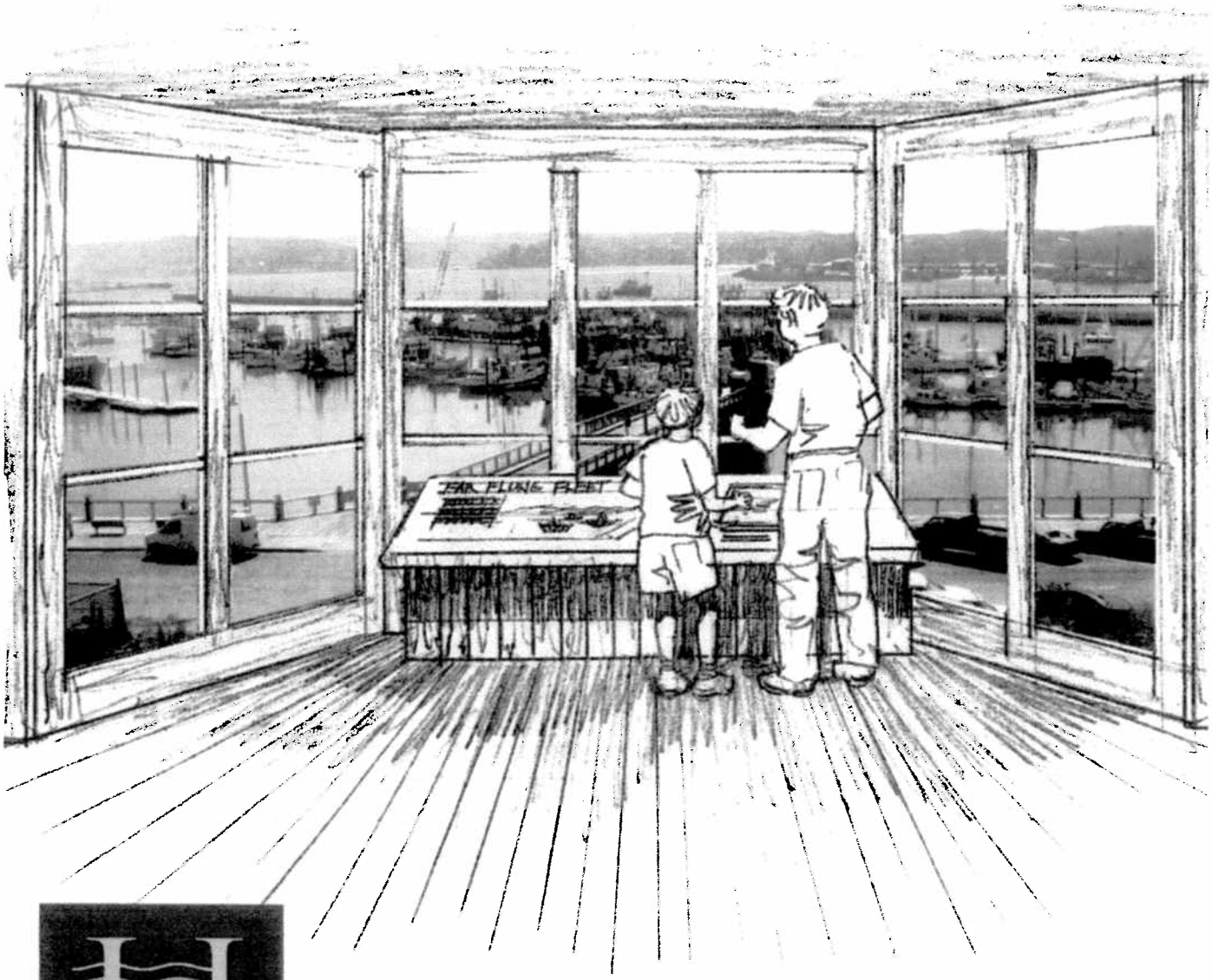
The cost of the renovation will be approximately $750,000. If we had half of this amount, we are confident that the remaining amount can be secured from various donors and foundations.

The direct impact this renovation will have on the local economy cannot be over stated:

- The current limited viewing area limits our visitors and their experience. This renovation will enable us to offer visitors an interactive experience
- Visitors today want to connect with nature. Visitors will stay longer when they have an opportunity to get up close to the animals
- The Aquarium will market the pinniped renovation extensively to drive increased attendance
- Increased attendance will translate to a more robust local economy
- Visitors will stay in local lodging establishments, eat in local restaurants and buy from local merchants

Therefore, we are requesting funding in the amount of $375,000 from the City of Newport's Tourism Facility Fund to help us accomplish this goal.

Pacific Maritime & Heritage Center
Newport, Oregon
Funding Request by Lincoln County Historical Society



The Pacific Maritime & Heritage Center:
Sharing our coastal story with residents and visitors

Abundant natural resources have allowed development of a rich coastal culture. This has fostered independent and self-reliant individuals who are determined to make their living from the land and the sea. Among others these include fishermen, Native Americans, loggers and farmers. Celebrating the region's fishing industry and cultural heritage, the new Center will show visitors how waterways--rivers, estuaries and ocean link all who live here on the Oregon Coast. the Pacific Maritime & Heritage Center will connect this network of experiences that bring coastal history to life.

The Oregon Coast has a rich past, present and future in fisheries and maritime enterprise, it is that story we want to tell. It is a celebration of our coastal story, legacy and people in partnership with the Oregon Coast Aquarium, Hatfield Marine Science Center, NOAA and the United States Coast Guard. The partnership between the Oregon Coast Aquarium and the Lincoln County Historical Society has developed over several years with crossover promotion and programs that increase visitors and local residents interest and participation in maritime related subjects.

Lincoln County Historical Society is requesting $200,000 from the City of Newport's Event Center Fund to support improvements to the Pacific Maritime & Heritage Center on Newport's historic Bayfront. The improvements will allow the Society to renovate the Maritime Center's main floor and grounds. When renovation of the main floor is complete, the site will be capable of hosting community groups, cultural events, programs, workshops and temporary exhibits within the next year. We want this Maritime Center to be a community center that is well-used for history and a multitude of other program opportunities.

The Pacific Maritime & Heritage Center will be designed to attract, educate and entertain all ages, instilling a sense of place as well as honoring community roots, explaining milestones and presenting dreams for the future. We believe that this legacy project will contribute to the economic stability of Newport and Lincoln County by attracting and educating visitors.

Accomplishments to date:

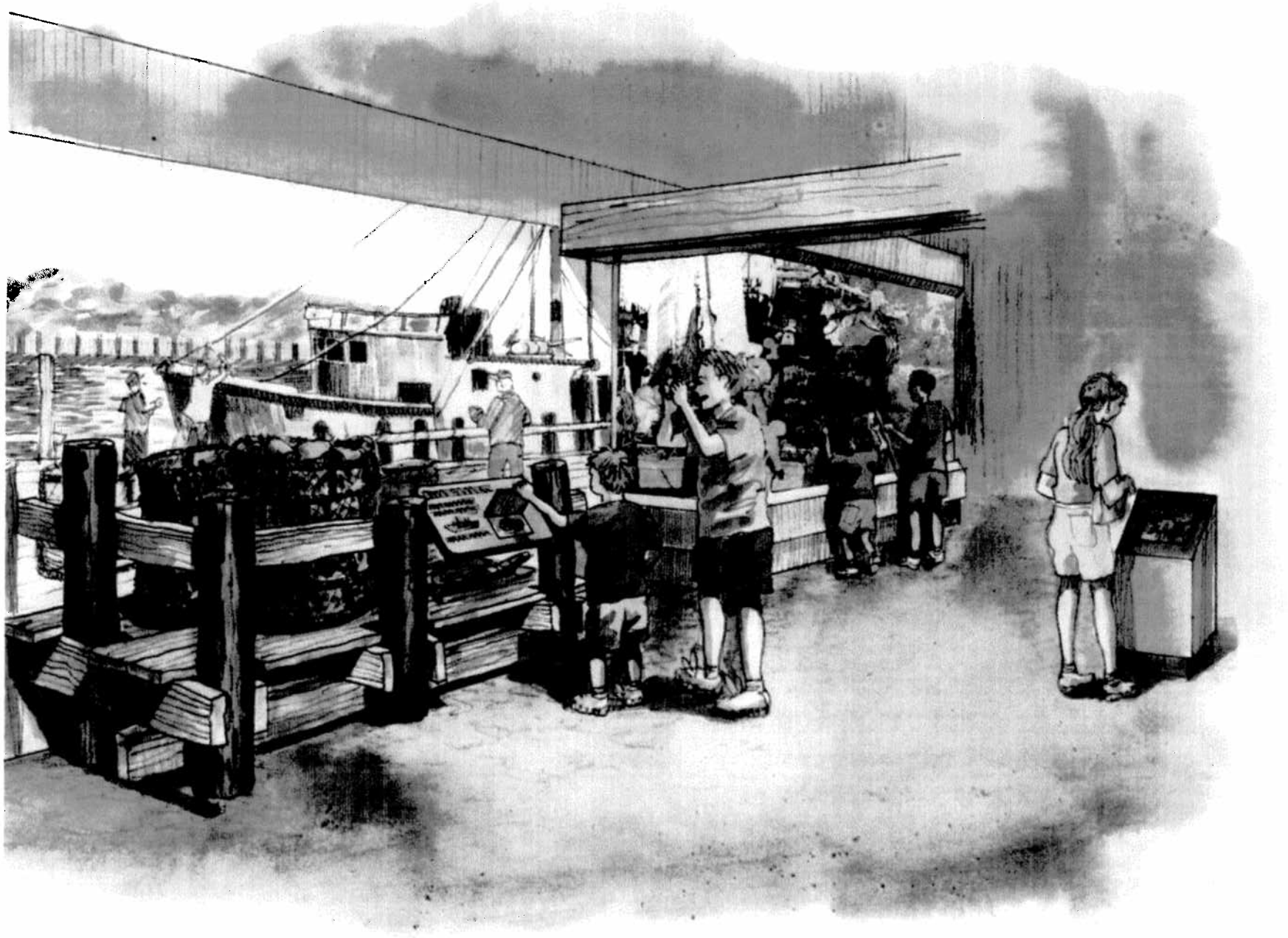
- Over 2 million raised through contributions, grants and in-kind donations.
- Building and land are free and clear of debt.
- Feasibility study of building completed, structure found to be sound.
- Building renovation is underway to make it usable on a regular basis:
  - Repaired structural damage on south side of building
  - Upgraded significant number of windows on south side of building
  - Replaced extensive areas of siding and several exterior doors
  - Removed damaged drywall and carpeting

What needs to be done now to improve the the Maritime Center's main floor and grounds :

- Install retaining wall in upper parking area
- Upgrade Heating, plumbing and electrical systems
- Complete window replacement and siding
- Implement exterior cosmetic improvements including painting and landscaping

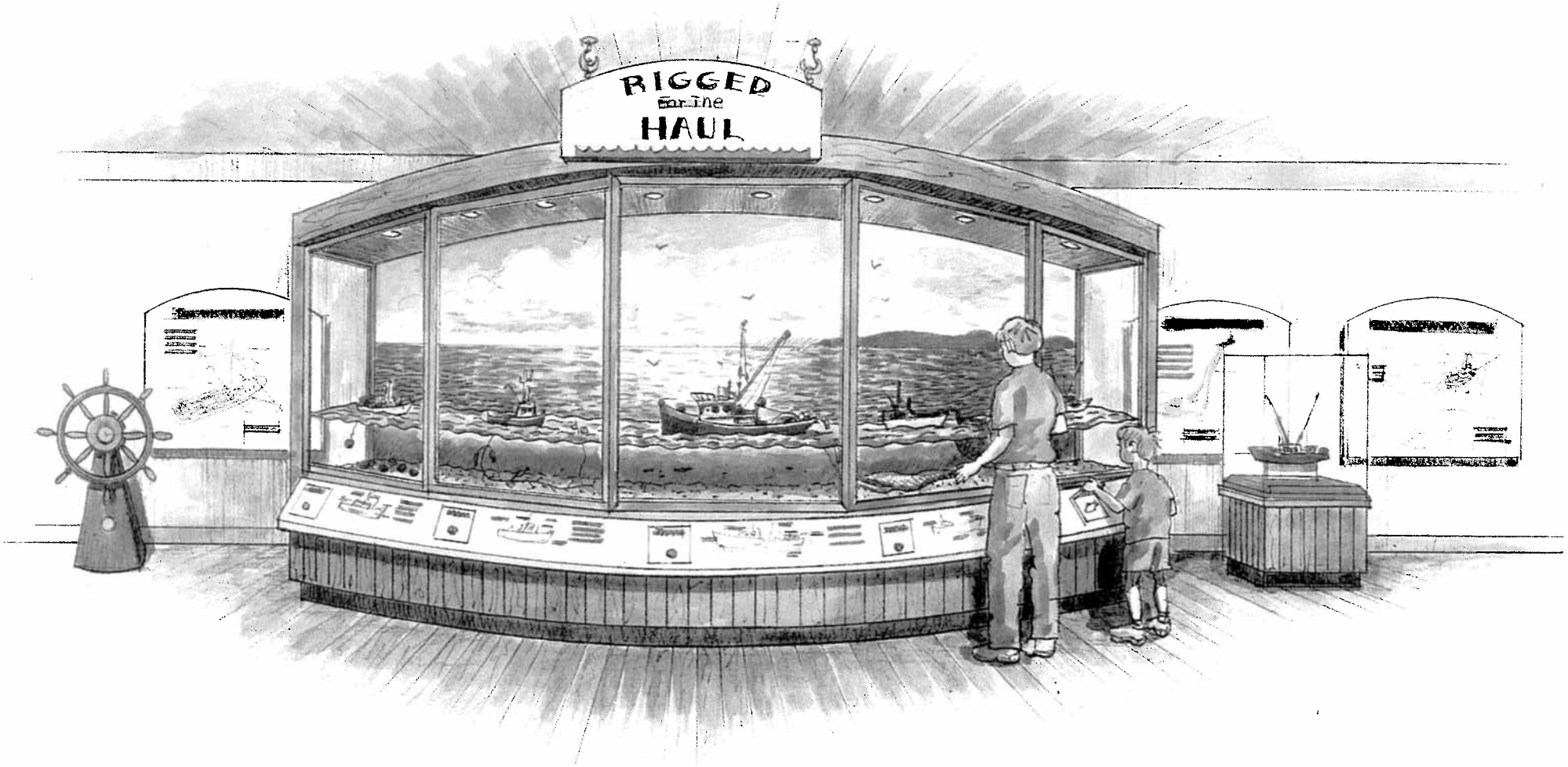
We want to make these improvements for:

- Cultural Events i.e., music concerts, lectures, readings with community groups like Jazz Fridays, Writers on the Edge and others
- Community gatherings such as weddings, receptions, dinners, reunions sponsored by groups like the Fishermen's Wives, Newport High School Alumni Association and Oregon Coastal Quilters Guild
- Programs, workshops, meetings, for example, like the "Saviors of the Sea" event celebrating the U.S. Lifesaving Service and the United States Coast Guard, held in partnership with the Friends of Yaquina Lighthouses and the United States Coast Guard
- Temporary exhibits such as the "Fisheries Project," a partnership with a University of Oregon Masters Degree candidate, a photo essay on Newport fishing boats by two local photographers, Roger Hart and James Haron and "Morning Comes Early: Maritime Folklife in Lincoln County"



Pacific Maritime & Heritage Center

Newport
Oregon



Pacific Maritime & Heritage Center

Newport
Oregon

Pacific Maritime
& Heritage Center

FUTURE HOME OF THE
PACIFIC MARITIME
& HERITAGE CENTER

Proclamation
Appreciation to Lieutenant David A. Teem, Jr.

WHEREAS, Lt. David A. Teem, Jr. has been employed by the Newport Police Department for more than twenty-nine years; and

WHEREAS, Lt. Teem has been dedicated to the City and the Newport Police Department over the years, to the benefit of the citizens of Newport; and

WHEREAS, Lt. Teem has held assignments in the administration division, patrol division, detective division, and the Lincoln County Interagency SWAT team; and

WHEREAS, Lt. Teem has assisted with such valuable programs in the Newport Police Department as the Field Training Evaluation Program, Hostage Negotiator, Bicycle Patrol Team, Vehicle Readiness Team, Crime Analysis, K-9 Program, Community Service Program, and Police Volunteers, and;

WHEREAS, Lt. Teem has used his expertise as a police instructor to help the Department maintain a high level of effectiveness, efficiency, and credibility.

NOW THEREFORE, I, William D. Bain, by virtue of the authority vested in me as Mayor of the City of Newport in the State of Oregon, do hereby proclaim the City's gratitude and appreciation to Lt. David A. Teem, Jr., upon his retirement from the Newport Police Department.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Newport to be affixed this 15th day of November 2010.

Mayor William D. Bain

October 28, 2010
6:00 P.M.
Newport, Oregon

CITY COUNCIL WORK SESSION

Councilors present: Bain, Obteshka, Bertuleit, Brusselback, McConnell, Patrick, and Kilbride.

Staff present: Voetberg, McCarthy, Marshall, Ritzman, Stewart, and Atkinson

Update on Water Treatment Plant:

Mayor Bain explained this work session had been called for staff, the engineers, and contractor for the new Water Treatment Plant to update the Council on the project and costs associated. He asked that Council members hold their questions till after the presentation.

Voetberg introduced Brian Black and Verena Winter from HDR; and Bob Montgomery, Erik Brahmer and Alison Helms from Slayden Construction. He further noted that City Attorney, Penelope McCarthy; Finance Director, David Marshall; Public Works Director, Lee Ritzman; and Plant Superintendent, Steve Stewart assisted with the upcoming presentation.

Voetberg explained that the presentation will address the timeline on decision making for completing the water plant project. He indicated two independent reviews of the project had been completed; one by CH2M Hill and the other by Day CPM. Voetberg commented both were useful and some suggestions have already been incorporated. He stated the goal for this evening is to present to Council sufficient information, so they can give direction on how best to proceed with the project. Voetberg then turned the presentation over to Brian Black from HDR.

Black reviewed the agenda: 1) introductions, which had already taken place, 2) the role of the Water Task Force throughout the project, 3) master plan concept/budgeting, 4) current design, 5) cost/budget status, 6) financing strategies, 7) contract approvals to complete project, and 8) questions and answers.

Black shared the role of the Water Task Force, which was comprised of Newport citizens and Council liaison. Their role was:

- Master plan development
- Budgeting/bond issuance
- Engineer/contractor selection
- Focus on plant/water quality
- Input on preliminary layout and site
- Cost understanding

Black explained the Master Plan Approach, as well as the Master Plan budget, which was a total of $15.88 million. He noted the budget has been based on the plan. However, there were fundamental flaws in this plan, and they were as follows:

- Insufficient space for treatment equipment
- Backwash ponds – poor soils, flood plain, interrupt water supply
- No provisions for pre-treatment, chemical addition
- Clearwell size not sufficient
- No provisions for taste/odor control
- Code issues: Seismic/structural; ADA; OSHA; Energy
- Chemical truck congestion

Black described the current plant design in detail, and noted it was quite different than the original plan. He further reported on the conditions identified during site investigations:

- Poor soils needing stabilization
- Need for through road/wetlands/flood way
- Retaining wall & two story building
- Taste & odor + manganese in upper reservoir
- Rotten supports in existing intake
- Structural concerns with existing bridge
- Raw water pipe material – need for replacement (cost $200K)

Black further explained why the cost of the new plant exceeds the original budgeted amount. He indicated that some of the Master Plan concepts were not feasible and were under budgeted. There were also conditions that were identified during the site investigation.

Black reported on the current saving measures. Out of 49 items considered, 38 were deemed feasible at a cost savings of $1.09M. He noted the current cost of the project with cost savings equals $16.58M. The City's available budget through the bond measure is $15.84M, which leaves a shortfall of $740,000. Black commented this is with the assumption that the Agate Beach reservoir will be budgeted in phase 2.

Finance Director, David Marshall, shared the financing strategies and recommendations that would allow the Water Treatment Plant project to go forward. He explained it was fairly simple and straight forward – we would use the $15.84M bond proceeds, plus $750K from internal funding. Marshall recommended borrowing $1.4M from the Wastewater Fund. He shared other financing alternatives for the Water Treatment Plant from the least to the most desirable for Council's consideration.

Marshall also shared financing alternatives for the water storage tank that would encompass Phase II of the project at an estimated cost of $2.01M. Listed below is from the least to most desirable alternatives:

5. Finance through G.O. Bonds
4. Borrow from outside lenders
3. Move lower priority capital water projects to FY 2013
2. Borrow internally
1. Use a combination of 2, 3, and 4
    - Finalize options in FY 2012 budget
    - Will identify $600K of lesser priority capital water projects

- May recommend "re-direction" of $200K to $400K of infrastructure surcharge funds
- May recommend $500K to $1.0M borrowing by Water Fund from Wastewater Fund
- May recommend borrowing from lenders

Marshall explained these alternatives would be finalized and given as options in the budget that will be presented to the budget committee for FY 2011-12. He stated it would definitely be better not to have to borrow from an outside source, but it would be a stretch to try and fund internally. Marshall summarized the financial recommendations as such: 1) use the bond proceeds $15.84M plus internal funding $750K to complete the Water Treatment Plant; 2) budget water storage tank in FY 2013; and 3) finance the water tank through a combination of internal borrowing, capital transfers, re-direction of revenue streams, and borrow the balance, but only if necessary.

City Attorney, Penelope McCarthy, reviewed the current contracts and approvals that will be needed to complete the Water Treatment Plant. She explained Council will be considering amendments to the contract at their Monday night meeting.

Mayor thanked HDR for their work to date, and indicated this was the time for Council questions.

Patrick asked if other engineering firms had been contacted with regards to this matter, and if so, what they had concluded. Voetberg reported staff had contacted representatives from both CH2M Hill and Day CPM. Voetberg said both firms had made suggestions and some are being implemented. Day CPM agreed with phasing in the water tank and trying to fund internally.

Bain asked if there are subcontractors within the Slayden Contract, and if so, were the bids firm. Black responded that Slayden did have subcontractors and all the work had been bid out. He said that does not prevent the City from determining they do not want certain work completed.

Kilbride inquired when and who had developed the Master Plan. He was informed the plan was developed in November 2008, and was completed by the firm, Civil West Engineering. He stated he could not understand how they had missed the mark by so far. McCarthy responded that the Water Master Plan is an overview of all the systems and water needs and capital improvements for the city. It may have not gone into great depth on the water plant.

Kilbride further commented he could not understand why all the testing could not have occurred prior to going out to the voters for a bond. It was his opinion the city would need to attain outside funds, and he is totally opposed to using any room tax dollars. He would like to maintain funds coming into the Water Fund, and cut back on some of our other spending. He stated if these overruns were known last spring, why did this information not come to the Council until right before the election. Voetberg stated the task force knew about some of the higher costs in August of 2009. When the city received the 50% drawings in March 2010 this was the first indication that costs could go higher than anticipated. The Public Works staff had hoped through value engineering, costs could be reduced, but clearly that did not occur. When all the bids came through in September it was confirmed the cost of the new water plant would be higher than the bonded amount, and Council was informed immediately of the issue.

Obteshka commented if this matter was known in March of 2010, there were five budget meetings taking place at this time, and this should have been part of the discussion.

Brusselback referred to the taste and odor problem that had been in existence for years. He asked if Civil West Engineering addressed this issue. Black said they did address the issue by recommending a new intake be built at the upper reservoir. However, the high cost made it prohibitive. It was also discovered that the upper reservoir has more manganese than originally thought, so it was determined to include the taste and odor treatment process into the new plant.

McConnell spoke to the task forces role in this matter, and whether Councilor Patrick, who was the Council liaison could update the Council on their perspective. Patrick said she was the liaison only at the beginning, and then Peggy Sabanskas took over. McConnell said it is important to get their perspective. A joint meeting was suggested.

Brusselback asked for the dimensions of the retaining wall, and was provided such. Twenty-four feet tall, 260 feet long, 160 cubic yards of concrete, and it includes piling, and tieback anchors.

Bain inquired if the city currently has a generator should we lose power for an extended period of time. The answer was no. Discussion followed on the length of time the city could provide water to their citizens should there be a major power outage. Also discussed was what insurance ramifications for low fire protection could occur for those citizens in Agate Beach without having the new water tank. McConnell said attaining this tank is something that should not be delayed for long.

Patrick said she was curious why it is being recommended not to utilize South Beach UR funds. McCarthy explained that Tokos, Marshall and she had reviewed the administrative guidelines, and they discourage use of funds outside of the particular district. It failed the proportionality issue. Patrick commented that a portion of the South Beach UR District funds were used for the Wastewater Plant, so why could it not be done for the Water Plant as well. McCarthy stated that perhaps Tokos could explain in more detail the problems associated with using these funds, which he could do on Monday night.

McConnell asked what revenues were feeding the Wastewater Fund, and how did it get so high. Marshall responded on the day he arrived a refinancing had occurred, but the fund has been healthy for some time. McConnell asked if there were any projects being planned that would require Wastewater Funds. It was noted there were no pressing capital needs evident in this year's budget. Ritzman spoke to the $5 million dollar grant the city is seeking from the Department of Agriculture that could assist in capital needs.

Brusselback asked if everyone had confidence in the $260,000 contingency amount. Voetberg explained HDR is working closely with the contractor to help diminish more cost overruns, and most of the unknowns had been in the site work. All agreed a 3% contingency for this size of project is fairly lean. Helms from Slayden commented that contingency is often utilized when the client wishes to add items to the project.

Ritzman said he was okay with the 3% contingency, as the contractor is no longer doing groundwork, and most costs have been laid out on the table. Marshall said he

would be more comfortable with a higher contingency. Brusselback asked that this figure be looked at further. Marshall said he would report back on Monday to the Council.

Obteshka inquired if the $5M grant with the Dept. of Agriculture could be increased to $7M. Ritzman explained some of the particulars of the grant, and it did not appear that was something that could occur.

McConnell asked which Wastewater capital projects would be postponed, and not budgeted until 2013. A list of those capital projects was provided to Councilor McConnell.

Patrick asked what the refinancing executed in July was to be used for, and if it could not be used as a financing alternative. Marshall explained that a portion of it was $1M allocated for a new water meter reading program, and he was recommending that this $1M be used as the internal funding. Patrick and Bertuleit both suggested going out for grants to help in the funding.

Bertuleit asked if the $8 million budgeted for the building includes more than just the structure. Black explained it includes pumping and treatment equipment, as well as the carbon facilities will be located in this facility. He stated it also includes site piping as well. Bertuleit further inquired if there would be a place for the generator to be installed in the future. Black responded yes.

Discussion occurred on whether the Wastewater Fund would have to be repaid in the future. Marshall said he did not think so, but would investigate and hopefully have an answer available by Monday.

It was determined the 4:30 P.M. work session scheduled for Monday, Nov. 1st, could now return to the original work session time of 5:00 P.M.

Having no further business, the work session adjourned at 7:32 P.M.

November 1, 2010
5:00 P.M.
Newport, Oregon

CITY COUNCIL WORK SESSION

Councilors present: Bain, Brusselback, Obteshka, Patrick, McConnell, Kilbride, and Bertuleit.

Staff present: Voetberg, Hawker, McCarthy, Marshall, Ritzman, and Tokos.

Council discussed the following items:

1. It was noted that there were no staff or Council initiated items for discussion.
2. Brusselback suggested that Council consider directing staff to review, and suggest revisions to, the Council Rules.
3. Brusselback suggested that staff begin planning an orientation for new City Councilors and also committee members. He noted that this could include duties, responsibilities, and Council liaison responsibilities.
4. A discussion ensued regarding the water treatment plant. McConnell asked members of the Water Treatment Task Force how they felt about the information they had when they made the recommendation to move forward with the bond issue. Richard Beemer stated that the recommendation was made with the best information available at the time. Janet Webster stated that the highest priority item was the water treatment plant, and the second highest priority was the Agate Beach reservoir that was needed due to low water flow. Webster noted that the Task Force based the cost of the plant on $2,000,000 per million gallons produced daily, and concluded that $12,000,000 would be sufficient for the water treatment plant, as it was believed that part of the existing plant could be used. Webster noted that the Task Force felt it was making a solid recommendation based on available information. She added that there was a certain public tolerance about what could be passed, and that $15,000,000 seemed right. Reuben Johnsen stated that the Task Force was as frugal as possible in asking for support of the bond measure. He said that the Task Force thought it was important that there be no net increase in taxes to the community. Webster stated that the final task of the Task Force was to develop a water conservation program, which was completed last spring. She noted that City Council participation at Task Force meetings was sparse. Bertuleit asked what the Task Force recommendation would be now, and Webster stated that it would be to find the money to build the water treatment plant. Beemer stated that the error that the Task Force made was using Civil West's figures because he believes that the Task Force could have successfully sold what was needed. McConnell asked whether there was discussion about a completely new site. Johnsen noted that there were three engineering companies involved in the process. Bertuleit asked

Task Force members for suggestions on how to pay for the plant. Johnsen suggested using event center monies. Patrick suggested using a portion of transient room taxes. Kilbride suggested a loan, noting that there is 1.4 million dollars in the wastewater fund that could be borrowed or transferred. He noted that expenses exceed revenues in the wastewater fund and he urged caution on use of these monies. McConnell asked for staff recommendations from the peer reviews. Voetberg noted that the flocculation tank and water softener could be eliminated. This would be a net savings of approximately $140,000. It was noted that the Day CPM review suggested staff look at costs for accuracy. McConnell asked whether work on GMP #1 was finalized. It was noted that this work should be complete soon. A discussion ensued regarding the 7% administration fee in the Slayden contract. McConnell asked whether the 7% fee applies on everything, and Ritzman will check with HDR on this issue. McCarthy reported that the appropriate public procurement process was used except with the intake structure. Bertuleit asked whether certain items are rebiddable. Ritzman is checking to determine whether there is double bonding on the project. It was asked whether there was detailed auditing done to this point, and Ritzman responded that there had been detailed auditing. McCarthy noted that she has asked HDR to provide more detailed invoices. Kilbride asked whether there is any reason not to ask for another bid on GMP #2. Patrick asked who the project manager is, noting that the Port gets regular updates from its project manager. It was noted that work has not stopped on the project. Ritzman noted that HDR is managing the contracts. Patrick stated that Council should be getting updates at every Council meeting. McCarthy stated that the plan is to have an employee on site. Bertuleit asked whether HDR designers were being asked to check themselves. It was reported that work will be finished on GMP #1 in two or three weeks. Ritzman noted that the city is projecting leftover contingency monies from GMP #1 which will roll into GMP #2. Brusselback asked why the contingency was not used immediately. Ritzman stated that the plan was to leave the contingency until the end of the project, and he recommended rolling the remaining contingency over to the tank project. Bain noted that 2% of the 7% fee is profit.

Having no further business, the meeting adjourned at 5:53 P.M.

November 1, 2010
6:00 P.M.
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Bain, McConnell, Bertuleit, Patrick, Brusselback, Kilbride, and Obteshka were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Public Works Director Ritzman, Library Director Smith, Parks and Recreation Director Protiva, and Police Chief Miranda.

PUBLIC COMMENT

Bain explained the public comment procedure.

Bain reported that folks interested in speaking on the trash hauling issue may speak after the city attorney's report on this matter.

Mark Fisher reported that the Aquarium had agreed to not ask the city for additional financial support, and he stated that the city should adhere to this agreement.

CONSENT CALENDAR

The consent calendar consisted of the following items:

A. Approval of City Council minutes from the work session and regular meeting of October 18, 2010.

Hawker reported that there was a change to the minutes. A discussion ensued regarding recommended changes to the minutes that were sent via the contact us form on the website. MOTION was made by McConnell, seconded by Patrick, to approve the consent calendar as amended. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Patrick reported that she attended a Port of Newport meeting, at which the Commissioners received an update on the NOAA and terminal projects, and the South Beach Urban Renewal District and LED lighting. She noted that the Port's project manager gives an update at the beginning of each meeting and responds to questions.

Kilbride reported that he attended the recent sustainability workshop. He added that it was well done, and it is in the city's best interest to follow-up with the program.

Kilbride reported that he had reviewed the airline reports, and ridership and ticket revenues are down. He added that SeaPort's unbilled portion is approaching $200,000.

McConnell reported on a recent meeting of the Airport Committee. The Committee received an update on the AIP project and inspections, and asked that a volunteer sign-up system be placed on the website.

McConnell reported that the sustainability workshop attracted many representatives from community institutions. He added that there were positive feelings at the conclusion of the workshop.

McConnell reported that he attended an economic development workshop designed to prepare businesses for working with NOAA.

McConnell reported that he had attended the ribbon cutting for Pelican Place.

McConnell reported that he had attended an LOC workshop on economic development. He noted that there was valuable information on available monies and visioning.

Bain noted that the contracting workshop was designed for businesses interested in working with all government agencies.

Brusselback reported that the sustainability workshop was well received, and that it is critical to maintain enthusiasm.

Brusselback congratulated the Public Works Department for its partnership on the new sidewalk on Elizabeth Street.

Brusselback congratulated the Nye Beach Merchants Association on its Halloween extravaganza.

Brusselback requested an excuse from the November 15, 2010 Council meeting. MOTION was made by McConnell, seconded by Patrick, to excuse Brusselback from the November 15, 2010 City Council meeting. The motion carried unanimously in a voice vote.

Obteshka reported that the Library Foundation has a solid financial status. He reported on library activities including: second grade library cards; Newport Reads; statistics; and Literary Flicks.

Obteshka reported that the senior health fair was a successful event.

Obteshka displayed a copy of the Travel Newport Magazine which is published twice annually by the News Times.

Obteshka reported that the Nye Beach Banner Auction will be held at 4:00 P.M., on November 7, at the VAC.

McConnell reported that he helped with the rain garden plantings. He thanked the Surfrider Foundation and the Lincoln County Soil Conservation District.

McConnell reported on the City Center Newport Association Halloween festivities. He noted that Voetberg and his wife distributed candy at city hall.

Bain reported that Tony Molina, and the local Vietnam Veterans, worked with inmates on various projects including the cleaning of Don Davis Park.

Bain thanked the members of the Water Treatment Task Force.

OFFICER'S REPORTS

City Manager's Report. Voetberg reported that staff plans to utilize the remaining Northside URA monies for deferred maintenance on city buildings that were constructed with Northside Urban Renewal funds. Bertuleit suggested that there may be unknown issues as all URA properties were transferred to the city. Obteshka requested a list of projects that were repaired with this money.

Voetberg reported that the packet contains the grant report on the recent half-marathon.

Voetberg reported that the packet includes the Household Hazardous Waste Management Plan adopted by Lincoln County.

Voetberg reported that the packet contains a copy of a letter from Miranda to ODOT requesting a speed limit change on Highway 20.

Voetberg reported that the packet contains an update on public works projects

Voetberg reported that the packet contains the suggestion/concern/complaint update.

Obteshka asked when the wayfinding signs would be installed, and Voetberg reported that this will occur shortly.

Kilbride stated that the letter from the chief to ODOT is long overdue, as this is the most dangerous intersection in the community.

Bertuleit stated that he appreciated the public works project update, and expressed concern with the status of the Naterlin sidewalk project.

City Attorney's Report. McCarthy stated that she had been working with Thompson's Sanitary Service on the contractor debris removal issue. She distributed Thompson's newsletter that contains information regarding the matter. She reported that staff is working on a "doing business in Newport" section for the website.

McCarthy reported that Protiva and Brusselback are a part of the public art committee. She recommended that this group become an official task force of the city, and will present a resolution for consideration at an upcoming meeting.

McCarthy reported that an agreement has been signed for the SW 30th Street property, and it is at the title company. She asked how Council would like the easement to be described, and it was agreed to discuss the issue during tonight's Urban Renewal Agency meeting.

McCarthy reported that the plastic bag mitigation issue would be discussed at the December 6 meeting.

McCarthy reported that the agreement between the city and Bill Barton has been signed.

McCarthy reported that the Technical Task Force has been notified and provided with information for its first meeting which should occur after the beginning of the year.

Bernie Stoll, a local general contractor, addressed Council regarding the construction debris issue and Thompson's Sanitary Service. He proposed that a group of city staff, Thompson's, and local contractors meet to discuss this issue. He volunteered to participate.

Paul LaMont, general contractor, addressed Council regarding the construction debris issue and Thompson's Sanitary Service. He reported several problems with the requirement for Thompson's to remove construction debris.

Keith Johnson, general contractor, addressed Council regarding the construction debris issue and Thompson's Sanitary Service. He stated that the ordinance is poorly written; asked that it be changed, and that enforcement be stopped; and citations be dismissed.

John Vale, West Coast Drywall, addressed Council regarding the construction debris issue and Thompson's Sanitary Service. He asked for suspension of the enforcement of the ordinance until it can be further reviewed.

Joe Hayward, local contractor, addressed Council regarding the construction debris issue and Thompson's Sanitary Service. He noted that there are many problems associated with this matter, and recommended that Council address the issue to benefit the city, rather than Thompson's.

Steve Boyd, Maier Roofing Company, addressed Council regarding the construction debris issue and Thompson's Sanitary Service. He suggested amending the ordinance to include waiver provisions.

John Anderson, West Coast Drywall, addressed Council regarding the construction debris issue and Thompson's Sanitary Service. He specifically spoke to the cleanliness of the local dumpsite.

It was noted that the contract with Thompson's expires in 2014. Bertuleit suggested forming a group to develop a revision to bring back to Council. McConnell asked whether the franchise is revisable.

DISCUSSION ITEMS AND PRESENTATIONS

Presentation by the Newport Police Department. Miranda distributed scrapbooks containing memories of Police Department activities over the past few years. He reviewed the history of the department; displayed a PowerPoint presentation; and updated Council on City Council goals related to the Police Department.

Presentation by the Oregon Coast Aquarium and History Center/Maritime Museum regarding a request for tourism facilities funds. Mark Collson addressed Council regarding the Oregon Coast Aquarium. He dispelled rumors that arrangements were made between the city and Aquarium to divert money from the transient room tax fund to the Aquarium. He stated that both projects (Oregon Coast Aquarium and History Center/Maritime Museum) would use approximately one-half of the transient room tax monies that were originally to be used for an event center. Collson reported that Lincoln County contributes approximately $165,000 annually from its transient room tax fund, and this was done by an election. Collson reported that Tony Pope, general manager of Salishan, had written a letter indicating that he could identify 700 room nights annually that are attributable to the Aquarium. He stated that the Aquarium brings approximately 500,000 visitors annually; has a payroll of 2.5 million dollars to the local economy, and serves more than 27,000 children through outreach activities. Collson reviewed the history of the Aquarium, noting that there is no ongoing significant financial support from the city. He stated that the Aquarium wants to have something in place by 2012 that will help drive attendance. He noted the commonalities between the Maritime Museum and Aquarium.

Carrie Lewis, president of the Oregon Coast Aquarium, reported that funding is needed to renovate the pinniped exhibit. She noted that the current limited pinniped viewing area limits visitors and their experiences, and the renovation will offer visitors an interactive experience. She added that visitors stay longer when they are able to get up close to the animals. She reported that the Aquarium plans to market the pinniped renovation extensively to drive increased attendance that will contribute to a more robust local economy. She reported that the cost of renovation is approximately $750,000, and requested $375,000 from the city. She expressed confidence that the remainder would be secured.

John Baker stated that he views Newport as a "can do" community, and is trying to make a few other things happen. He noted that this dual request is a natural partnership because both organizations are seeking visitors and trying to enhance the community through celebrating fisheries and the fishing community. On behalf of the Lincoln Country Historical Society, he requested $200,000 from the city's event center fund to support improvements to the Pacific Maritime and Heritage Center. He noted that the improvements will allow the Society to renovate the Maritime Center's main floor and grounds. He added that when the main floor renovation is complete, the site will be capable of hosting community groups, cultural events, programs, workshops, and temporary exhibits.

Bain stated that the requests would be handled through the normal process. He recognized the many supporters attending in support of both organizations. He noted that the issues could be discussed at the upcoming budget and goal setting sessions. Brusselback suggested discussing the matter at the next work session to establish target timeframes.

PUBLIC HEARINGS

Public hearing on manufactured dwelling changes. Bain opened the public hearing at 8:03 P.M. He asked whether there were any conflicts of interest. There were none. Tokos explained that the issue before Council is whether it is in the public interest to amend the Newport Zoning Ordinance and Municipal Code relating to manufactured dwellings and recreational vehicles to resolve discrepancies with state law, consolidate language, eliminate redundant provisions, improve the enforceability of the code, and address land divisions within manufactured dwelling parks. He added that some of the RV provisions should be in the municipal code. He reviewed the proposed changes, and reported that the Planning Commission unanimously recommended adoption of the changes.

A discussion ensued regarding provisions for temporary RV parking, and specifically the parking of RV's for use during special events or activities and home building, and associated time limits. Tokos reported that the manufactured home criteria are largely driven by statute, and that the criteria were vetted with the manufactured housing industry. A discussion ensued regarding the accessibility of dumpsters in mobile home parks. Tokos reported that Larry Henson and Doug Fitts addressed the Planning Commission, and their concerns were addressed.

Bain called for public comment. There was none.

Bain closed the public hearing for Council deliberation at 8:25 P.M.

Patrick addressed the issue of parking RV's between the hours of 11:00 P.M. and 5:00 A.M., outside of a manufactured dwelling or RV park. She asked whether someone parking in a private lot during those hours would be subject to a violation, and particularly if this was their main source of transportation. Tokos noted that this meant a vehicle that was parked and occupied, and is intended to ensure that occupied RV's are in appropriate places. He added that this is an effort to get the ordinance in compliance with state statutes. Bertuleit suggested amending the timeline to accommodate a temporary period of time. Tokos noted that this code does not prohibit a relative visiting on private property. Kilbride noted that this was passed unanimously by the Planning

Commission and the Citizens Advisory Committee, and it meets Henson's criteria for Longview Hills. He recommended moving forward with the ordinance as presented.

MOTION was made by Kilbride, seconded by McConnell, to read Ordinance No. 2008, an ordinance amending sections of the Newport Zoning Ordinance and Municipal Code, relating to manufactured dwellings and recreational vehicles, by title only, and place for final adoption. The motion carried in a voice vote with Bertuleit voting no. Voetberg read the title of Ordinance No. 2008. Voting aye on the adoption of Ordinance No. 2008 were Obteshka, Brusselback, McConnell, Bain, Patrick, and Kilbride. Bertuleit voted no.

ACTION ITEMS

Water treatment plant and related matters - contract amendments. Verena Winter, HDR project engineer for the water treatment plant was in attendance, and Brian Black, project manager for water treatment plant participated via telephone. McCarthy explained that Council had met in a special session on October 28, 2010, for an update on the new water treatment plant. It was noted that a number of conditions arose at the site facilitating changes to the design, resulting in the project being in a different budget category than previously thought. The water master plan did not include some of the components now in the plan. It was reported that HDR has reached the end of its agreement, and to move forward would require a $417,357 amendment.

Bertuleit addressed Amendment No. 1 to the owner-engineer agreement, noting that the retaining wall is complete. Black noted that the remaining work is ground stabilization. Kilbride addressed Amendment No. 3 to the owner-engineer agreement, and asked who was going to provide services during construction and start-up before this amendment from HDR Engineering. McCarthy stated that 1.9 million dollars was anticipated to be the total cost of HDR's services, but that had changed because unknown conditions required HDR to do other work that used up time and money. This included the relocation of the plant on the site, and design work that was not anticipated. At this time, HDR will need $320,000 to finish its work on the project. Bertuleit asked why this much additional work is required. Black stated that the size and complexity of the building and treatment processes, and additional chemical systems, require this amount of work. Black stated that HDR had concerns about the master plan concepts, including the reuse of the existing building and the building size, and that there were unforeseen conditions along the way. Bertuleit suggested a ramp for ADA access to the second story, rather than an elevator, and Black reported that the ramp was more expensive than the elevator. McConnell asked why the city needs to pay HDR any additional money on a contract they signed that said they would start and end project. He asked how the city absorbs cost overruns. Bertuleit expressed concern about the 7% fee to Slayden Construction. Black stated that proposals were based on the scope of work, and at the time, the city was asking for a scope of work related to the master plan concept. He noted that this plan had a certain number of drawings associated with completing the work, and at the time the proposal was made, it was planned to carry out the master plan concept. He stated that flaws were found that increased the size of the building and added treatment processes, so the design increased in size and complexity, and that generated additional drawings that were necessary to convey the plan to contractors and complete the design. Bain asked whether this would generally

require a change order to change the scope of work. Black stated that the city was notified some time ago that HDR was running over budget, and the issue was never reconciled at the time. Obteshka asked whether the city could get an exemption from the ADA elevator requirement. Black stated that he had looked into getting an exemption. Winter stated that there is no room for an exemption. Ritzman stated that he was told by building officials the ADA rules apply without regard to who is going to be working in a facility. Black suggested that perhaps HDR could broach this subject again, and if an elevator is not required, there is the potential that it could be deleted. Winter stated that an elevator costs approximately $40,000-$50,000. Kilbride asked whether the city would have to pay Pall $100,000 if the city opts not to go forward with the project. Bain noted that there will likely be termination charges at a number of levels. Brusselback asked whether staff would be preempted from using the information in the peer reviews if Council moves forward with staff recommendations. McCarthy reported that the greatest impact will be to the Slayden contract. She added that it is difficult to include all the possibilities, and does not want one set of possibilities to be preempted by something here. Patrick asked whether there is any reason a decision has to be made tonight, as this is a complex issue, and she is not satisfied with the answers, and does not feel comfortable making a decision tonight. McCarthy stated that it is her understanding that this is a critical time, and Pall is waiting for a notice to proceed from the city. She asked whether Council intends to move ahead with the water treatment plant. She stated that if Council wants to move ahead with the current contractors, the city would want to issue a notice to proceed soon. She added that Slayden is about to wrap up GMP #1, and if the city does not execute GMP #2, the contractor may begin demobilizing and there may be an interruption in the process. She stated that there is not a lot of time left under the existing HDR contract. Bain asked whether Council can indicate that it wants to continue with the water treatment plant, but have an interruption in at least one of the contract areas, but indicate to Pall that the city wants to continue. McCarthy stated that her recommendation is to look at it as a package. She recommended not giving Pall a notice to proceed until the city is ready to proceed with GMP #2. She stated that there are two peer reports, and that there are several good questions in the reports. She stated that one option would be to approve the motions, and direct staff and HDR to follow up on the CH2MHill and Mike Day reports and report back to Council. Obteshka stated that he had researched the bond measure, and that if the plant is not built pursuant to the vote, the city would be violating the promise. He added that if the Agate Beach reservoir is omitted, the residents would be quite upset, as in some cases, this is probably a major reason for voting for the issue. He asked whether the city had any legal liability, and McCarthy reported that she had spoken with bond counsel and was advised that the city is not bound to the language of the measure in terms of being limited to specific amounts on specific items. She noted that the city can spend more legally, and the city does not have to spend the bond proceeds for all of the items. Kilbride stated that the city has to build the water plant, and will have to find additional monies to get the project built. He stated that he has no confidence in the additional $750,000, and that the city needs to find out what the whole thing is going to cost, and include a better contingency number. He stated that this will put a big dent in the capital projects budget for the next three or four years, but the project is so far along that it can't be stopped.

Patrick agreed with Kilbride but stated that she wants a project manager who will tell Council what is going on, noting that she does not like to be caught off guard.

Obteshka asked why South Beach URA monies cannot be used. He stated that he has a request into the USDA regarding borrowing some of the grant money destined for the wastewater treatment plant.

Bertuleit encouraged HDR to develop more solutions.

McConnell suggested attaching parameters to the $320,000 in Amendment #3. Black stated that HDR worked on a simple time and materials budget for the $320,000, and plan to work closely with the city's project manager to determine what services are needed. McCarthy suggested adding "up to and not to exceed $320,000." She stated that the second proposed motion refers to contract change order agreement #2.

MOTION was made by Brusselback, seconded by McConnell, to approve Amendments 1, 2, and 3 for a total amount up to and not to exceed $417,357, to the agreement between the city and HDR Engineering for work on the water treatment plant, and to instruct staff and HDR to follow recommendations of the two peer reviews by CH2MHill and Day to the best of their abilities. The motion carried unanimously in a voice vote with Obteshka, Bertuleit, and Patrick voting no.

MOTION was made by Brusselback, seconded by McConnell, to approve the contract change order agreement #2 for a deduction in the amount of $197,100 in the agreement between Pall Corporation and the city related to the water treatment plant. The motion carried unanimously in a voice vote.

MOTION was made by Brusselback, seconded by McConnell, to approve GMP #2 in an amount up to and not to exceed $9.048 million, to the agreement between the Slayden Construction and the city related to the water treatment plant. Bertuleit stated that he hopes that Slayden will still look for savings, as there is no incentive to get to a number less than this. He requested feedback on this number at the next meeting. McConnell asked whether Slayden could be tied to the peer reviews. McCarthy stated that she agrees with incentives, and that staff will begin working with HDR and Slayden to go through the peer review comments and see how much can be reduced before execution of the agreement. Kilbride stated that the GMP #2 base bid higher, and asked what had been removed from 9.677 million dollars to get it down to 9.048 million dollars. Ritzman reported that this is due to the deductive alternates. Kilbride stated that he would like a second opinion on the flocculation tank. The motion carried in a voice vote with Patrick, Obteshka, and Bertuleit voting no.

MOTION was made by Brusselback, seconded by McConnell, to direct staff, HDR Engineering, Pall Corporation, and Slayden to continue to value engineer to further reduce project costs on the water treatment plant, and to use peer review information from CH2mHill and Day to further this effort. The motion carried unanimously in a voice vote.

It was requested that staff look into the water tank at Agate Beach with the possibility of constructing the tank if funding could be found. MOTION was made by Obteshka, seconded by Patrick, to construct the Agate Beach reservoir by the fall of 2011. Voetberg reported that it is its own construction project and will be being designed by another engineer, but that it has not been designed or bid. He added that it will be in next year's budget as the number one capital project. Kilbride suggested trying to figure out funding now. Bain noted that Agate Beach residents will benefit from this, but he does not want to strap the city into a position where the water tank has to be constructed immediately. He suggested that it is shortsighted to find funds by cutting projects, and that the only downside is waiting to get the reservoir project completed. Bertuleit

suggested that the motion be amended to direct staff to look for funding up to FY2013 for funding the Agate Beach reservoir. Brusselback stated that he feels it is irresponsible to choose to do a project that is unplanned and unfunded. Marshall stated that funding has been tentatively identified for both of these projects. He added that four capital projects have been identified that could be used in part for the tank, and there are other possibilities. Obteshka stated that he is willing to accept Bertuleit's modification to the motion. Kilbride noted that if the city gets started soon, money could be saved on construction costs. Obteshka asked how many companies build these tanks, and Black stated that there are at least two. McConnell asked whether this would impact this year's budget, and Ritzman reported that it would not. The motion carried unanimously in a voice vote.

Patrick asked about the cost of the peer reviews, and Ritzman reported that the CH2MHill cost approximately $6,500.

Resolution No. 3527 supporting an ODOT Flexible Funds Grant application to design and construct bicycle and pedestrian improvements along Ocean View Drive, Coast Street, and Elizabeth Street. Tokos reported that the issue before Council is whether the Community Development Department should prepare and submit an application for an ODOT Flexible Funds Grant to construct bicycle and pedestrian improvements along Oceanview Drive, Coast Street, and Elizabeth Street between Highway 101 and the Yaquina Bay State Park. A discussion ensued regarding the required match, and the structuring of the grant in three phases to provide options. MOTION was made by McConnell, seconded by Brusselback, to adopt Resolution No. 3527, supporting an Oregon Department of Transportation Grant application for bike and pedestrian improvements along Oceanview Drive, Coast Street, and Elizabeth Street. The motion carried unanimously in a voice vote.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:04 P.M.

Margaret M. Hawker, City Recorder

William D. Bain, Mayor

CITY OF NEWPORT

Monthly Disbursements

October 2010

Vendor Name	Check Date	Check Number	Dept	Amount
Abby's Pizza	10/22/2010	9991	1090	27.45
ABECO	10/22/2010	9992	7005	6.25
ABECO	10/29/2010	10054	4830	27.24
Aboveboard Electric, Inc	10/1/2010	9781	4510	441.77
Aboveboard Electric, Inc	10/1/2010	9781	4520	78.00
Aboveboard Electric, Inc	10/15/2010	9942	4510	333.44
Ace Alarms	10/8/2010	9829	1200	70.00
Action Networks, Inc	10/8/2010	9834	1025	118.75
Action Networks, Inc	10/22/2010	9993	1100	25.00
AFLAC	10/1/2010	9782	various	1,497.21
AFLAC	10/29/2010	10055	various	1,453.91
Agate Beach Supply Co.	10/1/2010	9787	1090	30.33
Agate Beach Supply Co.	10/15/2010	9943	4810	111.00
ALL- STAR ENGRAVING	10/29/2010	10056	1070	46.95
Allstart Auto Electric, Inc	10/1/2010	9788	3850	80.00
Allstart Auto Electric, Inc	10/22/2010	9995	3850	663.60
Allstart Auto Electric, Inc	10/29/2010	10057	4520	40.00
Analytical Laboratory & Consul	10/29/2010	10058	4010	620.00
Anderson, Tim	10/8/2010	9835	4870	427.50
Archuleta, Janice	10/1/2010	9789	1070	34.99
Associated Cleaning Serv., Inc	10/29/2010	10059	various	6,843.00
AT&T	10/22/2010	9996	7005	60.95
Auto Additions,Inc	10/22/2010	9997	1070	88.00
AVIATION LABORATORIES	10/22/2010	9998	7110	95.98
Barrelhead Supply, Inc	10/8/2010	9836	1090	53.84
Barrelhead Supply, Inc	10/8/2010	9836	1200	15.19
Barrelhead Supply, Inc	10/8/2010	9836	3805	27.06
Barrelhead Supply, Inc	10/8/2010	9836	4020	136.10
Barrelhead Supply, Inc	10/8/2010	9836	4520	14.88
Barrett Business Srvices, Inc	10/1/2010	9790	7005	400.00
Barrett Business Srvices, Inc	10/15/2010	9944	1050	617.60
Barrett Business Srvices, Inc	10/15/2010	9944	7005	400.00
Barrett Business Srvices, Inc	10/15/2010	9944	7005	425.00
Barrett Business Srvices, Inc	10/22/2010	9999	1050	617.60
Barrett Business Srvices, Inc	10/22/2010	9999	7005	400.00
Barrett Business Srvices, Inc	10/29/2010	10060	1050	623.39
Barrett Business Srvices, Inc	10/29/2010	10060	7005	400.00
Barten, Peter Home Inspections	10/22/2010	10000	4010	1,400.00
Beery & Elsner LLP	10/15/2010	9945	1040	290.50
Big Bend Community College	10/8/2010	9837	1090	1,533.00

CITY OF NEWPORT

Monthly Disbursements

October 2010

Vendor Name	Check Date	Check Number	Dept	Amount
BLACKWOOD, LEE ROBERT	10/8/2010	9838	4870	20.00
BLACKWOOD, LEE ROBERT	10/22/2010	10001	4870	20.00
BLANCHARD, SHEILA	10/8/2010	9839	4830	133.00
Blumenthal Uniforms & Equipmnt	10/1/2010	9792	1070	119.95
Blumenthal Uniforms & Equipmnt	10/15/2010	9946	1070	146.30
Blumenthal Uniforms & Equipmnt	10/15/2010	9946	1090	269.70
Blumenthal Uniforms & Equipmnt	10/29/2010	10061	1070	131.40
Blumenthal Uniforms & Equipmnt	10/29/2010	10061	1090	21.00
BOSTWICK, MEGAN	10/8/2010	9840	4830	46.00
BRENNTAG PACIFIC, INC	10/8/2010	9841	4010	11,688.04
BRENNTAG PACIFIC, INC	10/8/2010	9841	4510	2,626.84
BRENNTAG PACIFIC, INC	10/29/2010	10062	4010	5,248.75
Brown & Caldwell	10/22/2010	10002	4510	2,328.31
Brown, Alan Tire Center	10/8/2010	9842	3850	30.25
Brown, Alan Tire Center	10/8/2010	9842	4020	397.18
Brown, Alan Tire Center	10/22/2010	10003	3805	180.00
Brusselback, Lon	10/8/2010	9843	1010	361.50
Building Department, Llc , The	10/8/2010	9830	4610	3,860.03
Building Department, Llc , The	10/15/2010	9947	4610	7,485.90
Bureau of Labor & Industries	10/8/2010	9844	8510	506.70
CAREY, GENEVIEVE	10/8/2010	9846	4010	64.69
Carquest Auto Parts	10/8/2010	9847	3850	9.16
Carquest Auto Parts	10/8/2010	9847	4020	53.46
Carquest Auto Parts	10/8/2010	9847	4510	31.95
Carson Oil Co	10/8/2010	9848	1070	343.95
Castle Group	10/29/2010	10063	1010	2,128.00
Central Lincoln P.U.D	10/1/2010	9793	4010	264.26
Central Lincoln P.U.D	10/15/2010	9948	various	13,216.07
Central Lincoln P.U.D	10/22/2010	10004	various	30,661.45
Central Lincoln P.U.D	10/29/2010	10064	various	12,381.03
CHANDLER, TOM	10/8/2010	9849	1030	20.00
Charter Communications	10/29/2010	10065	4830	31.60
Charlesbridge Publishing	10/22/2010	10005	1100	35.69
Charter Communications	10/8/2010	9850	4010	59.99
Cheek, Rebecca	10/8/2010	9851	4870	206.85
Civil West Engineering Service	10/8/2010	9852	4020	968.75
Civil West Engineering Service	10/22/2010	10006	8510	15,172.63
Clemons, Julia E.R	10/8/2010	9853	4870	325.50
Coast Range Equipment and Repa	10/29/2010	10066	4520	3,748.80
Coast Telecomm	10/22/2010	10007	1095	1,490.00
Coastal Arts Guild	10/1/2010	9794	4040	80.00

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Coastal Arts Guild	10/1/2010		9794		4540		80.00
Coastal Paper & Supply	10/8/2010		9854		4810		243.57
Coastal Refrigeration	10/1/2010		9795		1200		95.00
Coastal Resource Sharing Netwk	10/1/2010		9796		1100		16,578.63
COASTCOM, INC	10/8/2010		9855		4805		550.00
COASTCOM, INC	10/8/2010		9855		7430		1,053.08
Cohen, Rebecca	10/22/2010		10008		1100		179.50
Consolidated Supply Co	10/29/2010		10067		4020		100.52
Cossey, David	10/15/2010		9949		7005		198.00
Curtis, L.N. & Sons	10/29/2010		10068		1095		2,203.77
Day Wireless Systems	10/15/2010		9950		1070		937.00
DCBS-Fiscal Services	10/29/2010		10069		4610		125.00
Dell Marketing L.P	10/1/2010		9797		1025		99.75
Dell Marketing L.P	10/1/2010		9797		1070		68.06
Dell Marketing L.P	10/8/2010		9856		1025		22,923.34
Dell Marketing L.P	10/15/2010		9951		1025		279.22
Dell Marketing L.P	10/22/2010		10009		1025		6,054.61
Delle, JANE	10/29/2010		10070		4870		33.75
DENNY, TIFFINY	10/22/2010		10010		4803		290.52
DEQ	10/22/2010		10011		7005		788.00
DMV Driver & Motor Vehicle Ser	10/15/2010		9952		1070		57.50
Doug's Electric	10/8/2010		9857		4803		104.31
DRIESEL INC. DBA SEARS #3429	10/15/2010		9953		4010		15.66
E2 Electric, Inc	10/22/2010		10012		7110		1,120.00
Eagle Painting	10/8/2010		9831		1200		4,750.00
Eagle Painting	10/29/2010		10071		1200		4,750.00
Emerald Springs	10/15/2010		9954		4510		36.00
Engineering News-Record	10/22/2010		10013		1610		69.00
Englund Marine Supply	10/8/2010		9858		1090		89.65
Englund Marine Supply	10/8/2010		9858		4020		28.96
Englund Marine Supply	10/8/2010		9858		4520		113.33
Englund Marine Supply	10/22/2010		10014		1090		84.40
Evans, David & Assoc, Inc	10/22/2010		10015		8510		101,413.85
Evans, David & Assoc, Inc	10/29/2010		10072		8510		145,256.79
Evans, Richard	10/1/2010		9798		1100		125.00
Evans, Richard	10/1/2010		9798		1200		400.00
Evans, Richard	10/1/2010		9798		7430		150.00
Evans, Richard	10/8/2010		9859		4830		150.00
Fastenal Company	10/8/2010		9860		1200		3.46
Fastenal Company	10/8/2010		9860		4510		55.04
Fastenal Company	10/15/2010		9955		4020		14.79

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Fastenal Company	10/22/2010	10016	1090	164.40
Fastenal Company	10/29/2010	10073	4020	10.43
FedEx	10/8/2010	9861	1070	62.41
FedEx	10/8/2010	9861	4010	19.57
Feed Corral	10/1/2010	9799	4010	30.69
FERGUSON ENTERPRISES, INC NW	10/8/2010	9862	4020	1,293.90
GAMACHE, JULIE	10/8/2010	9863	4870	182.00
GARDNER, KERRI	10/8/2010	9864	4830	110.25
GE CAPITAL	10/8/2010	9865	4830	110.00
Gorge GIS	10/22/2010	10017	1400	422.50
Grady Britton	10/1/2010	9800	7430	7,817.89
Graymont Capital Inc.	10/1/2010	9801	4510	3,148.25
Graymont Capital Inc.	10/22/2010	10018	4510	3,239.25
Gray's, R Bargain Yard	10/15/2010	9956	3805	57.40
Greater Newport Chamber of Crc	10/1/2010	9802	1610	425.00
Greater Newport Chamber of Crc	10/8/2010	9866	7430	37,500.00
GROSS, TIMOTHY	10/1/2010	9783	1900	463.75
Groth-Gates Heating & Sheet Me	10/29/2010	10075	4510	164.00
H.G.E. Inc., Architects, Engrs	10/29/2010	10076	8510	1,340.49
Hach Company	10/22/2010	10019	4510	248.90
Hach Company	10/29/2010	10077	4510	456.95
Halco Welding, Inc	10/8/2010	9867	3805	243.75
Halco Welding, Inc	10/29/2010	10078	4510	26.75
HAMBLIN, D MAX	10/22/2010	10020	1000	65.51
Harper, Houf, Peterson,	10/1/2010	9803	3805	1,576.30
Harper, Houf, Peterson,	10/1/2010	9803	3850	350.28
Harper, Houf, Peterson,	10/1/2010	9803	4020	642.20
Harper, Houf, Peterson,	10/1/2010	9803	4520	758.96
Harper, Houf, Peterson,	10/1/2010	9803	5810	2,510.40
HART, DEREK AND	10/8/2010	9868	4010	67.36
HD Supply Waterworks, LTD	10/1/2010	9784	4020	108.20
HD Supply Waterworks, LTD	10/29/2010	10079	4020	128.18
HDR Engineering, Inc.	10/22/2010	10021	4010	75,219.38
HERSELIUS, JESSICA	10/8/2010	9869	4870	33.75
Home Video Services	10/22/2010	10022	1100	55.00
Hughes, Liam	10/8/2010	9870	4830	78.70
ICOP	10/15/2010	9958	1070	515.00
Idea Print Works	10/8/2010	9871	4801	168.00
Idea Print Works	10/8/2010	9871	4803	168.00
Idea Print Works	10/8/2010	9871	4870	168.00
Idea Print Works	10/15/2010	9959	4870	153.00

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Industrial Welding Supply, Inc	10/1/2010		9804		4520		22.86
Ingram Library Services	10/8/2010		9872		1100		217.91
Ingram Library Services	10/22/2010		10023		1100		1,344.20
Ingram Library Services	10/29/2010		10080		1100		247.18
Integra	10/8/2010		9873		1020		15.44
Integra	10/8/2010		9873		1090		6.40
Integra	10/8/2010		9873		4510		26.60
Itron, Inc	10/8/2010		9874		4040		375.55
Itron, Inc	10/8/2010		9874		4540		375.55
Javelina Trading Company	10/29/2010		10081		4020		76.85
Jet Reports, US	10/22/2010		10024		1050		718.40
K&L|Gates LLP	10/15/2010		9961		4510		6,540.10
King Office Equipment & Design	10/1/2010		9805		1050		36.00
Kittel, Dustin	10/14/2010		9941		1900		60.00
KPPT-AM/KPPT FM	10/15/2010		9962		4870		200.00
Krueger Medical Services	10/8/2010		9876		1090		293.81
KSHL Radio	10/8/2010		9877		4870		150.00
KYTOLA, APRIL	10/15/2010		9963		4810		20.00
LARKIN, CHARLES	10/8/2010		9878		4010		118.94
Lazerquick	10/8/2010		9879		1070		33.75
LEAF	10/1/2010		9806		7005		119.48
LEAF	10/29/2010		10082		7005		119.48
League of Oregon Cities	10/8/2010		9880		1010		1,795.00
League of Oregon Cities	10/8/2010		9880		1020		375.00
League of Oregon Cities	10/8/2010		9880		1040		340.00
Lincoln City Community Center	10/29/2010		10083		4870		330.00
Lincoln County Clerk	10/29/2010		10084		1610		4.50
Lincoln County Comm Agency	10/8/2010		9883		1080		35,967.40
Lincoln County Consortium	10/1/2010		9808		7910		1,585.92
Lincoln County Consortium	10/22/2010		10025		7910		1,131.88
LINCOLN COUNTY JUVENILE DEPT.	10/29/2010		10085		4020		560.00
Lincoln County Print Shop	10/22/2010		10026		1600		65.00
Lincoln County Public Works	10/8/2010		9881		4803		61.15
Lincoln County Public Works	10/15/2010		9964		1200		120.27
Lincoln County Public Works	10/15/2010		9964		1610		93.06
Lincoln County Public Works	10/15/2010		9964		7005		362.58
Lincoln County Public Works	10/22/2010		10027		1070		3,238.32
Lincoln County Public Works	10/22/2010		10027		3850		1,209.10
Lincoln County Public Works	10/22/2010		10027		4520		901.30
Lincoln County Public Works	10/22/2010		10027		4803		786.46
Lincoln County Public Works	10/29/2010		10086		1090		988.33

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Lincoln County Public Works	10/29/2010		10086		1100		37.45
Lincoln County Public Works	10/29/2010		10086		1400		76.39
Lincoln County Public Works	10/29/2010		10086		4010		190.67
Lincoln County Public Works	10/29/2010		10086		4020		793.57
Lincoln County Public Works	10/29/2010		10086		4610		25.09
Lincoln County School District	10/8/2010		9882		1010		951.76
Lincoln County Surveyor's Offi	10/29/2010		10087		1610		40.00
Linn-Benton Tractor, Co	10/22/2010		10028		7005		34.66
Lumbermens/ProBuild	10/8/2010		9884		various		444.91
M & E Septic Service	10/8/2010		9885		4010		200.00
M & E Septic Service	10/29/2010		10088		4010		200.00
M & K Bark & Flowers by Moo	10/15/2010		9965		4803		84.00
Martinson, Jamie	10/29/2010		10089		4810		20.00
MAXIMUM LIFT, INC	10/29/2010		10090		4520		125.00
Mayer/Reed	10/22/2010		10029		7430		1,387.50
McCoy, Ed	10/8/2010		9886		4510		142.95
Meadow Outdoor Advertising	10/18/2010		9989		7430		15,000.00
Miranda, Mark	10/8/2010		9887		1070		34.99
MORAN, PHILLIP	10/19/2010		9990		4803		221.40
MORRIS, MEADOW A	10/8/2010		9888		4010		88.18
MORTON, SARA	10/8/2010		9889		4010		8.89
Movie Licensing USA	10/8/2010		9937		1100		290.00
Nationwide Retirement Solution	10/1/2010		9809		various		11,475.32
Nationwide Retirement Solution	10/29/2010		10091		various		9,641.73
NEWPORT AUTO PARTS, INC	10/8/2010		9890		various		200.11
Newport Fire Fighters Assn	10/1/2010		9810		1090		546.36
Newport Fire Fighters Assn	10/29/2010		10092		1090		546.36
Newport Police Association	10/1/2010		9811		1070		1,365.25
Newport Police Association	10/29/2010		10093		1070		1,365.25
Newport Public Library	10/22/2010		10030		1100		52.50
Newport Public Library	10/29/2010		10094		1100		43.32
Newport Rental Service, Inc	10/8/2010		9891		1200		462.50
Newport Volunteer Fire Deparmt	10/8/2010		9892		1090		1,875.00
News-Times	10/1/2010		9812		1400		76.00
News-Times	10/8/2010		9893		1020		76.00
News-Times	10/15/2010		9966		1400		183.15
News-Times	10/15/2010		9966		4870		325.82
Nextel Communications	10/15/2010		9967		1070		47.40
Nickerson Construction	10/8/2010		9894		7430		4,995.00
Nickerson Construction	10/29/2010		10095		1090		2,357.00
NORMED	10/22/2010		10031		4510		50.85

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Northwest Vending Co	10/8/2010		9895		7110		51.70
Northwest Vending Co	10/22/2010		10032		7110		35.82
NW Natural	10/1/2010		9813		various		1,079.62
NW Natural	10/8/2010		9896		various		1,140.17
NW Natural	10/29/2010		10096		various		2,661.39
Nye Beach Market	10/15/2010		9968		7005		364.00
NYE COTTAGE ARTS & CRAFT FAIRE	10/8/2010		9832		1900		300.00
OCCA	10/8/2010		9897		7430		27,500.00
Ocean Tire Factory	10/8/2010		9898		1070		1,066.35
Ocean Tire Factory	10/15/2010		9969		1070		40.95
Ocean Tire Factory	10/29/2010		10097		1070		910.70
Office Master	10/8/2010		9899		1070		819.84
OGDEN, PATRICIA	10/29/2010		10098		1100		18.99
Optimistic Club of Yaquina Bay	10/29/2010		10099		1100		163.60
OREGON AFSCME	10/1/2010		9815		various		781.69
OREGON AFSCME	10/29/2010		10101		various		781.69
Oregon Apparatus Repair	10/8/2010		9900		1090		1,828.28
Oregon Department of Justice	10/1/2010		9814		4020		400.00
Oregon Department of Justice	10/1/2010		9816		1090		458.00
Oregon Department of Justice	10/1/2010		9817		1070		442.00
Oregon Department of Justice	10/29/2010		10103		1070		442.00
Oregon Department of Justice	10/29/2010		10102		1090		458.00
Oregon Department of Justice	10/29/2010		10100		4020		400.00
Oregon Department of Transport	10/15/2010		9970		1900		61.33
Oregon DEQ-Western Region	10/28/2010		10053		8510		1,555.00
Oregon Quality Lighting	10/22/2010		10033		7430		199.00
Orsborn Power Saw Co	10/1/2010		9818		3805		787.69
Orsborn Power Saw Co	10/15/2010		9971		4010		11.55
OSA, ABBY	10/1/2010		9819		4000		40.80
P&G Roofing Inc.	10/8/2010		9901		4010		675.00
P.S. Jobs LLC	10/15/2010		9972		1900		119.00
Pacific Coast Plumbing, Inc	10/15/2010		9973		4803		28.60
Pacific Coast Plumbing, Inc	10/15/2010		9973		4805		262.91
Pacific Office Automation	10/29/2010		10104		1100		97.97
Pauly, Rogers & Co., P.C.	10/8/2010		9902		1050		9,700.00
PAYNE, NANCY	10/8/2010		9903		4830		249.74
Peak Internet	10/15/2010		9974		7110		70.75
Peak Internet	10/22/2010		10035		1090		30.70
Pepsi-Cola Bottling Co. Eugene	10/22/2010		10036		4830		87.35
Pioneer Telephone Cooperative	10/8/2010		9904		1090		111.56
Pioneer Telephone Cooperative	10/15/2010		9975		4510		191.03

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Pioneer Telephone Cooperative	10/15/2010		9975		7005		337.27
Pioneer Telephone Cooperative	10/15/2010		9975		7110		49.80
Pitney Bowes, Inc	10/1/2010		9785		1050		223.90
Pitney Bowes, Inc	10/1/2010		9785		4040		223.90
Pitney Bowes, Inc	10/1/2010		9785		4540		223.89
Pitney Bowes, Inc	10/29/2010		10106		1050		69.00
Pitney Bowes, Inc	10/29/2010		10106		4040		69.00
Pitney Bowes, Inc	10/29/2010		10106		4540		69.00
Precision Approach Engineering	10/29/2010		10107		7005		48,416.67
Premier Title of Oregon LLC	10/8/2010		9905		1610		200.00
Pridgeon, Jeff	10/8/2010		9906		1030		1,200.00
Public Works Supply, Inc	10/22/2010		10037		4010		552.80
Public Works Supply, Inc	10/29/2010		10108		various		475.00
Quality Concrete, Inc	10/22/2010		10038		4020		800.00
Qwest	10/1/2010		9820		7430		50.00
Qwest	10/1/2010		9821		various		214.94
Qwest	10/8/2010		9907		various		3,294.60
Qwest	10/15/2010		9976		7430		39.11
Qwest	10/29/2010		10109		various		202.35
Random House, Inc	10/8/2010		9908		1100		6.00
Recorded Books, Llc	10/1/2010		9822		1100		118.90
Regal Forms Inc.	10/29/2010		10110		1070		2,550.00
RENIKER, JOHN V	10/8/2010		9909		4010		88.91
Reserve Account	10/8/2010		9910		various		3,020.82
ROE, RACHAEL	10/8/2010		9911		4010		26.59
Rose City Awning, Co.	10/1/2010		9786		1090		139.50
Rotary Club of Newport, Or	10/29/2010		10111		1070		145.00
Rotary Club of Newport, Or	10/29/2010		10111		1100		185.00
Rowley's Towing	10/1/2010		9823		1070		74.50
Samaritan Occupational Med	10/8/2010		9912		1070		108.00
Satcom Global FZE	10/8/2010		9913		1070		33.95
Seal Rock Water District	10/8/2010		9914		4090		710.32
Seal Rock Water District	10/8/2010		9938		2450		5,000.00
SEILER INSTRUMENT AND MFG CO	10/29/2010		10113		1610		321.75
Setere & Sons LTD	10/1/2010		9824		4510		741.00
Setere & Sons LTD	10/29/2010		10114		4510		747.50
Shelton Turnbull Solutions	10/8/2010		9915		4040		845.17
Shelton Turnbull Solutions	10/8/2010		9915		4540		845.17
Shelton Turnbull Solutions	10/29/2010		10115		4040		464.70
Shelton Turnbull Solutions	10/29/2010		10115		4540		464.70
Sherwin-Williams	10/15/2010		9977		3805		32.49

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Sherwin-Williams	10/29/2010		10116		7005		170.99
Shipping Solutions	10/15/2010		9978		1070		50.65
Shipping Solutions	10/15/2010		9978		4520		31.42
Siemens Water Technologies	10/22/2010		10039		4510		1,099.00
Slayden Construction Group Inc	10/22/2010		10040		8510		648,305.54
SMITH, TED J	10/8/2010		9916		1100		25.00
SMITH, TED J	10/22/2010		10041		1100		181.00
Solomonson, Mary	10/8/2010		9917		4870		221.25
SPARKS, JONATHAN	10/8/2010		9918		4870		52.50
STANGLAND, RICHARD & CATHY	10/8/2010		9919		4010		52.72
Staples	10/1/2010		9825		1030		31.58
Staples	10/1/2010		9825		1050		54.76
Staples	10/1/2010		9825		1070		44.93
Staples Advantage	10/8/2010		9920		1070		128.91
Staples Advantage	10/15/2010		9979		1070		77.88
Staples Advantage	10/29/2010		10117		1070		242.38
Statewide Environmental Svcs	10/15/2010		9980		7005		2,400.00
Stitchin Post, The	10/15/2010		9982		1070		78.00
Studebaker, Tim	10/22/2010		10043		4020		109.99
Swanson's Pest Mangt., Inc	10/8/2010		9922		7005		65.00
T&L Septic & Chemical Toilet	10/8/2010		9923		1090		63.50
T&L Septic & Chemical Toilet	10/22/2010		10044		1090		63.50
T&L Septic & Chemical Toilet	10/22/2010		10044		7005		122.00
T&L Septic & Chemical Toilet	10/29/2010		10118		4803		365.14
TCB SECURITY SERVICES, INC.	10/22/2010		10045		1070		3,640.00
Thompson's Sanitary Serv., Inc	10/8/2010		9925		various		1,798.59
Thompson's Sanitary Serv., Inc	10/15/2010		9983		various		478.05
Thompson's Sanitary Serv., Inc	10/22/2010		10046		1090		113.00
Thompson's Sanitary Serv., Inc	10/22/2010		10046		1100		113.00
Thompson's Transfer & Disposal	10/8/2010		9926		4510		250.20
Thompson's Transfer & Disposal	10/8/2010		9926		7005		22.20
Thompson's Transfer & Disposal	10/15/2010		9984		4803		117.00
Thompson's Transfer & Disposal	10/29/2010		10119		4870		49.95
Thyssenkrupp Elevator Corp	10/8/2010		9927		1200		636.70
Thyssenkrupp Elevator Corp	10/8/2010		9927		7430		588.19
Thyssenkrupp Elevator Corp	10/8/2010		9939		4805		634.31
Thyssenkrupp Elevator Corp	10/8/2010		9939		4830		636.70
Thyssenkrupp Elevator Corp	10/22/2010		10047		1100		566.68
TLC Credit Union	10/1/2010		9826		various		1,112.00
TLC Credit Union	10/29/2010		10120		various		1,112.00
Tokos, Derrick	10/29/2010		10121		1400		100.00

CITY OF NEWPORT

Monthly Disbursements

October 2010

Vendor Name	Check Date		Check Number		Dept		Amount
TORRES, PEDRO	10/8/2010		9833		4010		83.88
Tough Construction	10/1/2010		9827		8510		10,130.00
Tradenet	10/29/2010		10122		3805		4,513.00
Tri Agg, Inc	10/29/2010		10123		8510		125.00
Troyer's Marine Supply	10/22/2010		10048		4510		72.68
Uline	10/22/2010		10049		1070		63.91
United Grocers	10/8/2010		9928		various		104.91
United Pipe & Supply	10/15/2010		9985		4520		295.21
US Identification Manual	10/8/2010		9929		1070		82.50
USAMOBILITY	10/15/2010		9986		4803		24.33
USAMOBILITY	10/15/2010		9986		7005		7.60
Vaisala, Inc	10/8/2010		9930		7005		100.00
Vaisala, Inc	10/29/2010		10124		7005		1,150.00
Valley Fire Control, Inc	10/8/2010		9931		4010		55.00
Valley Fire Control, Inc	10/8/2010		9931		4830		101.00
Valley Fire Control, Inc	10/15/2010		9987		7005		380.00
VALLEY RETRIEVER BUSLINES	10/8/2010		9932		4870		550.00
VerizonWireless	10/15/2010		9988		various		1,919.36
Vermont Systems, Inc	10/8/2010		9933		4810		219.99
West Coast Linen	10/8/2010		9934		1090		12.50
West Coast Linen	10/8/2010		9934		7005		20.48
West Coast Linen	10/8/2010		9934		7110		20.48
West Coast Linen	10/22/2010		10051		1090		12.50
West Coast Technology	10/29/2010		10125		1025		10,100.00
WHITE, DAX	10/8/2010		9935		4010		34.30
WMS AQUATICS	10/8/2010		9936		4810		267.06
WW Construction	10/22/2010		10052		4520		3,157.00
Xerox Corporation	10/29/2010		10127		1010		2,539.42
TOTALS:							1,538,534.36

CITY OF NEWPORT

Monthly Disbursements

Check Amounts Over $25,000

October 2010

Vendor Name	Check Date	Check #	Dept.	Description	Amount
Evans, David & Assoc, Inc	10/22/2010	10015	8510	Ash St Design & const	11,386.52
Evans, David & Assoc, Inc	10/22/2010	10015	8510	South Beach Transportation Improvements	65,994.33
Evans, David & Assoc, Inc	10/22/2010	10015	8510	Sidewalk const	24,033.00
Evans, David & Assoc, Inc	10/29/2010	10072	8510	Ash St Design & Const	24,361.00
Evans, David & Assoc, Inc	10/29/2010	10072	8510	South Beach Transportation Improvements	71,849.09
Evans, David & Assoc, Inc	10/29/2010	10072	8510	Naterlin Sidewalk Project	49,046.70
Greater Newport Chamber of Crc	10/8/2010	9866	7430	Qtrly pymts per contract	37,500.00
HDR Engineering, Inc.	10/22/2010	10021	4010	Water Treatment Plant Project	75,219.38
Lincoln County Comm Agency	10/8/2010	9883	1080	Lincoln Co 911 Services OCT 2010	35,967.40
OCCA	10/8/2010	9897	7430	OR. COAST CNCL FOR ARTS 2nd Qtr FY 2011	27,500.00
Precision Approach Engineering	10/29/2010	10107	7005	Rotating beacon and tower plans, specs	48,416.67
Slayden Construction Group Inc	10/22/2010	10040	8510	GMP #1 WORK RETAINING WALL GROUND PRE	648,305.54
				TOTALS:	1,119,579.63

PURCHASES OVER $25,000 REPORTED PURSUANT TO 2.30.060 OF THE NEWPORT MUNICIPAL CODE "PUBLIC CONTRACTING - DELEGATION OF AUTHORITY"

NEWPORT FIRE DEPARTMENT
CITY REPORT OCTORBER 2010

	CITY	RURAL
FIRE CALLS:	13	2
AUTOMATIC ALARMS:	8	1
MEDICAL CALLS:	37	6
MOTOR VEHICLE COLLISION	5	0
HAZMAT STANDBY:	0	0
MUTUAL AID RENDERED:	10	0
MUTUAL AID RECEIVED:	0	0
AVIATION STANDBY:		
PUBLIC SERVICE	7	1
HAZARDOUS CONDITION	1	0
OVERPRESSURE/RUPTURE:	0	0

	CITY	RURAL
PERMITS ISSUED:		
BURN PERMITS:	53	145
FIREWORKS PERMIT:	0	0
FIREWORKS DISPLAY:	0	0
PERSON INSERVICES TOURS:	879	
TOTAL INSPECTIONS:	134	
VIOLATIONS:	53	
ABATEMENTS:	55	
PLAN REVIEWS:	3	
CONSTRUCTION INSPECTIONS:	2	
VOLUNTEER HOURS	160	

OCCUPANCIES

AIRCRAFT:	0	0
BOATS:	0	0
HOSPITAL/CARE CENTER:	2	0
HOTEL/MOTEL:	3	0
LABORATORIES:	1	0
LAUNDRAMATS:	0	0
LAUNDRIES:	0	0
MANUFACTURING:	0	0
MARINA:	0	0
MISCELLANEOUS:	1	0
MOTOR VEHICLES:	0	0
NATURAL COVER:	2	1
OFFICES:	0	0

PROCESSING PLANTS:	0	0
PUBLIC BUILDINGS:	2	0
REPAIR SHOPS:	0	1
RESIDENTIAL:	7	3
RESTAURANT:	0	0
SCHOOLS:	0	0
SERVICE STATION:	0	0
STORAGE:	0	0
STORES:	0	0
TAVERNS:	0	0
TRAILERS:	1	0
UTILITIES:	0	0
VACANT BUILDINGS:	0	0

NEWPORT FIRE DEPARTMENT
CITY REPORT OCTORBER 2010

FIRE CAUSES

	CITY	RURAL		CITY	RURAL
ALARM MALFUNCTION:	0	0	HEATING APPLICANCE:	1	0
CARELESS SMOKING:	0	0	INCENDIARY:	1	0
CHILDREN W/HEAT SOUR	0	0	MISCELLANEOUS:	3	0
CLEARANCE:	0	0	MISTAKEN ALARM:	4	0
ELECTRICAL:	1	0	OPEN FIRES:	4	2
ENGINE BACKFIRE:	0	0	REKINDLE:	0	0
EXPOSURE FIRE:	0	0	SCORCHED FOOD:	1	0
FALSE ALARM:	0	0	SPARKS:	0	0
FIREWORKS:	0	0	UNDETERMINED:	5	1
FLAMMABLE LIQUID:	0	0	WELDING/CUTTING:	0	0
FLUES:	1	0			
FRICTION:	0	0			
GAS LEAK:	0	0			

LOSS OF LIFE

CIVILIAN: 0 FIREFIGHTER: 0

INJURY

CIVILIAN: 0 FIREFIGHTER: 0

Cheryl Atkinson

From: Toby Cole
Sent: Tuesday, November 09, 2010 9:29 AM
To: Cheryl Atkinson
Subject: October City Report
Attachments: rptReportPart3.pdf; tblActivities.docx

Cheryl,

The word document is an explanation for the high count on both in-services and inspections. This was due to Fire Prevention Week activities in the schools and smoke alarm inspections in selected neighborhoods in the community.

Toby Cole
Assistant Chief / Fire Marshal
Newport Fire Department
t.cole@NewportOregon.gov
541 574 2658 FAX 541 265 9463

Notes applying to inspections and Inservices

tblActivities							
EntryDate	Notes	PersonsatInservicesTours	CityInspections	CityViolations	CityAbatements	CityPlans	CityConstruction
10/31/2010	CodePal Inspections	0	12	16	18	3	0
10/31/2010		0	0	0	0	0	2
10/31/2010		0	0	0	0	0	0
10/30/2010		0	0	0	0	0	0
10/29/2010		0	0	0	0	0	0
10/28/2010		0	0	0	0	0	0
10/27/2010		0	0	0	0	0	0
10/26/2010		0	0	0	0	0	0
10/25/2010		0	0	0	0	0	0
10/24/2010		0	0	0	0	0	0
10/23/2010		0	0	0	0	0	0
10/22/2010		0	0	0	0	0	0
10/21/2010		0	0	0	0	0	0
10/20/2010	Bruns Preschooler's (Richard Giles)	10	0	0	0	0	0
10/20/2010		0	0	0	0	0	0
10/19/2010		0	0	0	0	0	0
10/18/2010		0	0	0	0	0	0
10/16/2010		0	0	0	0	0	0
10/15/2010		0	0	0	0	0	0
10/14/2010		0	0	0	0	0	0
10/13/2010		0	0	0	0	0	0
10/12/2010		0	0	0	0	0	0
10/11/2010		0	0	0	0	0	0
10/10/2010		0	0	0	0	0	0
10/09/2010		0	0	0	0	0	0

Notes applying to inspections and Inservices

tblActivities							
EntryDate	Notes	PersonsatInservicesTours	CityInspections	CityViolations	CityAbatements	CityPlans	CityConstruction
10/08/2010		0	0	0	0	0	0
10/07/2010	Newport Intermediate School 4th,5th, 6th magnet	360	0	0	0	0	0
10/07/2010		0	0	0	0	0	0
10/06/2010	Pacific Homes Beach Club smoke detectors	0	122	37	37	0	0
10/06/2010		0	0	0	0	0	0
10/05/2010		0	0	0	0	0	0
10/04/2010	Sam Case School K-3rd(All available staff & volunteers)	509	0	0	0	0	0
10/04/2010		0	0	0	0	0	0
10/02/2010		0	0	0	0	0	0
10/01/2010		0	0	0	0	0	0

Newport Police Department
Monthly Statistical Review

SELECTED CALLS FOR SERVICE (CFS)	OCTOBER 2010				Total CFS To Date	
	THIS MONTH	LAST MONTH	SAME TIME LAST YEAR	ARRESTS	This Year	Last Year
RAPE	0	0	2	0	9	10
ROBBERY	0	1	0	0	7	4
AGGRAVATED ASSAULT	0	1	3	0	15	18
BURGLARY (Residential)	1	1	3	1	25	29
BURGLARY (Business)	1	1	3	1	14	20
BURGLARY (Other)	1	0	1	1	13	3
THEFT	36	18	29	14	292	334
MOTOR VEHICLE THEFT	2	2	3	2	22	37
FRAUD	5	2	5	1	73	64
SIMPLE ASSAULT	9	3	6	7	64	50
VANDALISM	9	5	8	1	98	88
SEX OFFENSE	3	3	5	3	35	39
NARCOTIC/DRUGS	12	6	8	8	90	92
DOMESTIC DISPUTES	14	20	13	x	153	152
LIQUOR LAWS	1	9	20	1	54	65
DUII	6	8	8	6	98	119
DISORDERLY CONDUCT	11	21	7	10	145	126
TRESPASS/PROWLER	7	6	6	5	132	84
TRAFFIC CRASH/INJURY/FATAL	1	5	3	x	24	33
TRAFFIC CRASH/PROPERTY	6	5	12	x	67	98
HIT & RUN	8	10	11	1	82	112
ANIMAL PROBLEMS	23	24	27	x	239	241
SUSPICIOUS PERS/CIRCUM	47	72	75	1	730	705
VEHICLE IMPOUNDS	13	9	13	x	107	127
ALARMS	30	47	37	x	430	396
				105		
TOTAL CALLS FOR SERVICE	610	668	629		7,567	6,393

October Overtime Hours

Shift Coverage	71
Court	15
Investigations	36
Administration	10
Training	10
Other	1
TOTAL HOURS	**142**

Top 5 Traffic Citation Charges

Driving Uninsured	9
Driving While Suspended	6
Speeding	6
No Operator License	3
Fail to Use Seatbelt	2
TOTAL CITATIONS	**45**

PARKING CITATIONS	**151**
WARNING CITATION	**179**
Volunteer Hours	**343**

Jim Voetberg
City Manager
CITY OF NEWPORT
169 S.W. Coast Hwy.
Newport, OR 97365
j.voetberg@thecityofnewport.net

Manager's Report
Meeting of November 15, 2010

Following is the Manager's Report for the City Council meeting of November 15, 2010:

Cascade West Area Commission on Transportation: Attached for Council review is the notes from the October 28, 2010, Cascade West Area Commission on Transportation meeting.

County Jail Sewer Line: As reported several months ago, the City's sewer system experienced a backup problem due to inmate clothing entering the sewer system. The Jail has been working with the City on this issue and has agreed to pay for the design of two options to eliminate this from occurring in the future; a separate sewer line from the Jail to the North Side pump station or the installation of a shredder/grinder. The Jail will also pay for the installation of any improvements. A potential problem that has been on-going since the Jail has been in existence, both Public Works and the County Jail should be recognized for getting the issue resolved.

FBO Building Water Intrusion Analysis: Attached for Council review is a water intrusion analysis for the Airport FBO building that was prepared by Charles McConnell on October 26, 2010. Gene Cossey and Jerry Sabanskas plan to make repairs in the $2,000 range that will address immediate concerns. However, Council should be prepared to address long term repairs as a part of next year's budget.

Rocky Creek Water Supply Project: Attached for Council review is a technical memorandum prepared by David Evans and Associates (DEA) updating and making recommendations on the Rocky Creek Water Supply project. Should the decision be made to proceed as recommended by DEA, the estimated cost is as follows:

Phase I, Feasibility Analysis:	$80,000
Phase II, Submittal Preparation:	$110,000

Phase III, Agency/Permit Coordination: $25,000

The report has been shared with Lincoln City, who is Newport's key partner in this project and who would be essentially splitting the costs if the project proceeds. In the event that either Lincoln City or Newport elects not to proceed, there would not be a benefit to either city in proceeding by itself. Staff will be seeking Council direction on whether to proceed, or not, at its second meeting in January.

Month Ending Financial Report, October 31, 2010. Attached for Council review are fiscal year-to-date expenditure reports through the month of October 2010 for key funds of the City.

Cascades West Area Commission on Transportation

Staffed by Oregon Cascades West Council of Governments

Notes from October 28, 2010 CWACT Meeting

1. 2012-2015 State Transportation Improvement Program (STIP)

With a projected reduction in fuel tax revenue for ODOT and nearly $1 billion in projects earmarked in the state Jobs and Transportation Act, ODOT is taking a conservative approach to the 2012-2015 STIP funding allocation and, for now, is not budgeting any modernization funds for 2014 and 2015.

ODOT asked ACTs to re-evaluate the modernization priorities, developed for the 2010-2013 STIP update but not included in the STIP due to a lack of funding, against the new eligibility criteria and priority factors and produce a modernization list for the 2012-2015 STIP update. The intent of this effort is to be prepared with candidate projects should modernization funding become available in the future.

Most of the previously identified projects have evolved in the past few years, with continuing review and participation by ODOT, local/regional partners, state and federal agencies and other transportation stakeholders. Following an update on the projects by CWACT staff and ODOT Area Manager Vivian Payne at the September 23 meeting, the CWACT forwarded proposed updated projects to the CWACT Technical Advisory Committee (TAC) for review.

The TAC reviewed the projects and, by consensus, made the following recommendations to the CWACT:

US-101 Lincoln City 12th Street-High School Drive

- #1 Construction STIP (C-STIP) priority. Additional $3 million to complete initial phase of construction

I-5 Albany area project

- #1 Development STIP (D-STIP) priority. Additional $2 million to complete environmental work for the section of I-5 between the South Jefferson interchange and the Santiam Highway interchange.

OR-99W in Corvallis (Circle Drive to railroad overpass)

- # 2 C-STIP priority. $4 million for design and construction. This estimate is expected to be substantially reduced if the median is reduced in size or eliminated.

Van Buren Bridge (re-scoped as OR-34/US-20 South Bypass-Peoria Road project)

- #2 D-STIP priority. $2-3 million for design, hydraulics and right of way acquisition for the entire interchange project, including the northside frontage road.

- #3 C-STIP priority. $20-25 million for construction of the interchange project, including the northside frontage road.

US-20/OR-34 Philomath Applegate to Main

- Request that ODOT move this $9 million project to pavement preservation program list.

US-20/OR-34 Philomath to Corvallis

- Support the development of a facility plan for the "Newton to Neer" section of US-20/OR-34 that would, among other items, assist local communities in protecting the future right of way from development. Support the inclusion of this project in the Region 2 planning program for 2011-2013.

US-20/OR-34 and 53rd Street (Corvallis area)

- Request that ODOT allocate $275,000 from its operations budget to update the current traffic signals at this location to accommodate additional turn lanes.

The CWACT members present at the October 28 meeting, by consensus, approved the TAC recommendations. Since a quorum was not present, absent members were provided an opportunity to provide comments by e-mail. Several responses were received and every respondent agreed with the recommendations of the TAC.

2. Presentation by ODOT Project Team I-5 Albany Area Project

ODOT, in partnership with Linn County, Albany, Millersburg, the Federal Highway Administration and other stakeholders, is evaluating ways to improve a six-mile section of I-5 and the associated interchanges in the Albany area. ODOT project staff provided an update on the effort which includes a National Environmental Protection Act environmental assessment. The next project open house will be held on November 17 at the Holiday Inn Express in Albany from 11:30am-1:30pm and from 6:00pm-8:00pm. This open house will gather public input on alternatives designs that have been developed.

The project staff also discussed the design process used by ODOT for most major projects. The design process is goal oriented and builds on work completed in previous local, regional and state planning documents. It is an iterative process, involving multiple disciplines working on multiple options. Options are reviewed and revised many times, with input from the project development team, the steering committee, the stakeholder advisory committee and public meetings/comments.

3. Transportation Demand Management Update

Phil Warnock, the OCWCOG Transportation Program Manager, shared information on the TDM program. The Valley VanPool program continues to expand with 21 current vanpools serving the CWACT-Lane County-Marion County area. A Sweet Home to Salem van was formed a few weeks ago. There is renewed interest in establishing a vanpool from Corvallis to Newport and, perhaps, from Newport to Corvallis.

Warnock is working with TDM partners throughout the state to launch the long-discussed statewide online carpool match program. It will place all interested carpoolers in a single data base, easily accessible on a dynamic basis. In addition to commuter carpool matches, the new program (which is currently operating in Washington) will enable people to be matched for single trips; and help college students and others find carpool matches for short periods of time.

4. ODOT Road User Fee Task Force

Lincoln County Commissioner Don Lindly is a member of the Road User Fee Task Force and provided an update.

The Task Force was initially established, by the Legislative Assembly, in 2001 to develop a revenue collection program, funded through road user pay methods, that ensures a flow of money sufficient to maintain, preserve and improve Oregon's state, county and city highway and road system.

The current fuel tax based revenue stream has been impacted by vehicles with greater fuel efficiency. Many federal and state legislators and transportation officials consider the current fuel tax based system to be inadequate to address the needs of the highway and road system. Additionally, the emergence of plug-in electric vehicles calls into question the equity of the current fuel tax based system.

The Governor, the Senate and the House have re-established the Task Force and asked it to review the growing road revenue challenge.

This is a complex and difficult assignment. The Task Force met for the first time on the morning of October 28 and plans to meet on a weekly basis in order to develop recommendations to the Legislative Assembly for the 2011 session.

For additional information or to provide comments and suggestions please contact:
Mark Volmert (541) 924-8430 mvolmert@ocwcog.org
CWACT website: ocwcog.org/ccbindex.asp?ccbid=101

WATER INTRUSION ANALYSIS

At the

FBO Building
located
The Newport Airport

For

Jerry Sabanskas
City of Newport

Date of Evaluation October 26, 2010

Field Work and Report by:
Charles McConnell, MS, CTS, IH
Senior Environmental Specialist
Master of Science
Certified Testing Specialist
Industrial Hygienist
Construction defect specialist
Licensed General Contractor #163342

American Management Associates, LL

BACKGROUND

The FBO building was constructed approximately 15 years ago according to Jerry Sabanskas. Over the last few years, since the City of Newport has taken ownership of the building, areas water incursion have been noted especially in the lobby and hangar areas. The source of the leakage has been an enigma.

AMA's FINDINGS

The metal used on the building is a 11/4" high rib panel, probably Valley rolling Mill'26 ga VRP panel on the roof and 29 ga Tuff Rib on the sidewalls:

1. All laps on the roof and sidewalls were incorrect. The small lap needs to cover the large one to prevent siphoning
2. Screws were used on the ridges wherein it is intended that neoprene screws be applied in the valleys.
3. The upper ends of the metal were bent-up but there were no outside closure strips used.
4. Gable trims were screwed to the roof with no water prevention membrane between the roof and gable trim. Typically this would be a butyl tape with minimal screws. There is evidence of leakage around screws in the gable/roof metal interface that is causing microbial growth and dry rot in the OSB sheathing.
5. Skylight flashings had gaps that would allow for blow-in water.
6. Windows and doors were installed in the sidewalls using U channel for trim. No flashings and/or sealants were used which has allowed moisture to penetrate the building envelope around all doors and windows. The moisture has caused water staining of the wood and sheetrock. It is unknown if bio-deterioration is underway that would include microbial growth and dry rot.
7. Large areas of microbial staining were noted on the North hangar wall. Dry rot is well underway and there is liquid water running down several areas beginning at the top and running to the bottom. The heavily stained and

deteriorated OSB areas are adjacent to downspouts and gutter spikes. It is unknown if the gutters are clean or clogged as there was no lift or ladder available for inspection.

8. There were 4 downspout drops approximately 11/2"x3" going into approximately 3"x4" downspouts. There are not enough drops of adequate size to drain the roof during heavy rains.
9. Historic leakage around and below the skylights have caused tape joints to fail and paint to sag. There have been no active leaks in the lobby ceiling this year. Using Infrared thermography, AMA detected several areas on the East side of the lower skylight that appear to be wet.
10. Trim around exterior windows and doors are caulked-in and many areas are either missing or are failing.

RECOMMENDATIONS

1. Evaluate the gutter system on the North side of the building to determine if the leakage is from gutter spikes, overflow during heavy rains or roofing not long enough for water to fall into the gutter. Determine how water is getting behind the siding at the roof/siding interface.
2. Increase the number or size of downspout drops that correspond to the size of the downspouts.
3. Place an eave trim on the top of the roofing that directs water into the gutter.
4. Remove gable trim screws and apply butyl tape before re-setting the screws.
5. Walk the roof and re-set screws that have backed-out or were never set correctly.
6. Using Vulcam or similar seal around the skylight. Any screw misses must be sealed.
7. It may or not be necessary to provide outside closure strips. If it can be shown that water that is showing on the OSB in the hangar is from blow-in, then outside closure strips will be warranted. The test for this will be to visit the site following a large wind/rainstorm and using either Infrared thermography or

even just visual evaluation determine that the "new" water is from blow-in around the flashings at the top of the metal runs.

8. Vulcam or similar should be applied around all windows and doors and especially the area between the window weep holes and wood trim. This applies both to the wood and metal sided sections of the building.
9. There is bird damage and former sign attachment damage to the siding that can be caulked-in using Vulcam or similar.
10. Re-paint interior window sheetrock that is water stained.
11. Treat the water stained OSB in the hangar with a mixture of Chorine bleach and Jomax tm. or similar to stop the progression of the dry rot, kill the mold growth and clean-up the OSB sheathing. The mold was not tested but is probably *Cladosporium sp*, a common outdoor mold known to be a leaf and bark degrader. It is a known allergen.
12. There were no health complaints having to do with the building and there was no visible mold in the public portion of the building, only in the hangar. Air testing was not performed.
13. After further evaluation and corrective work, AMA would like to visit the site again and conduct air testing to affirm that the building has normal microbial ecology and does not present health risk to its occupants.

CONCLUSION

While there is massive construction defect with the FBO building, it is not feasible or even necessary to re-do the building. Resolution of the leaks in the building will require some sleuthing and investigation as the winter weather sets in. Most of the recommendations are short term maintenance related and must be done to preserve the City's investment in the building. AMA recommends using a local general craftsman to help with the evaluations as well as repair. A regular maintenance schedule for application of caulk and general smaller repairs should be undertaken during the better weather periods. Occupants of the building should be advised to inform Mr. Sabasnskas as soon as possible so that origins of the leaks can be understood and corrective actions undertaken.

Respectfully,

Charles McConnell, MS
American Management Associates, LLC

DAVID EVANS
AND ASSOCIATES INC.

TECHNICAL MEMORANDUM

DATE:	September 30, 2010
TO:	Lee Ritzman, City of Newport
FROM:	Jennifer Miller
SUBJECT:	**Project Update and Recommended Next Steps**
PROJECT:	NWPT0000-0023 – Rocky Creek Water Supply Project
COPIES:	file

INTRODUCTION

Faced with growing populations, economic growth and the need to protect coastal salmon, Central Oregon Coast communities are evaluating options to meet future water supply needs. The Rocky Creek Regional Water Supply Project (Rocky Creek Project) has been identified to provide Central Oregon Coast communities with greater flexibility in their water supply options while maintaining and restoring instream flows. In fact, the use of Rocky Creek Project as a long-term regional water supply remains one of the most feasible and environmentally preferable alternatives for a regional water supply on Oregon's central coast.

A water rights application was prepared and submitted jointly by the cities of Newport and Lincoln City – representing the Central Coast Water Council (CCWC) – to the Oregon Water Resources Department (OWRD) but has been placed on administrated hold at the request of the CCWC. Recently, an additional and final administrative hold through February 1, 2012 was granted by OWRD. On behalf of the City of Newport, DEA met with OWRD on September 22, 2010 to confirm the requirements to complete the water rights applications. As part of this meeting OWRD indicated that they are interested in issuing a Proposed Final Order (PFO) on the applications soon after the hold ends. Should the water rights application not be completed by February 2012, OWRD will remove the project from review. This could substantively impact not only the potential development of Rocky Creek but also the central coast's long term water supply options.

The purpose of this memo is to provide the City of Newport with a brief history of the Rocky Creek Project (Background Overview), review relevant new information and regulations (Project Updates), and provide a strategy for developing the necessary technical, regulatory, political, and financial requirements to secure a water-use permit (Recommended Work Plan).

BACKGROUND OVERVIEW

Based on the documents reviewed (see References), the following provides a brief chronological overview of project efforts to date:

1997 – Fuller and Morris report (1997) identifies the need for additional future water supplies. Rocky Creek identified as a potential source.

1998 – The City of Newport and the City of Lincoln City submit water rights application to OWRD for a permit to construct a reservoir on Rocky Creek – R-83810 and S-83809. Priority date of April 15, 1998.

1998 – Oregon Trout submits a letter to OWRD commenting on the Rocky Creek water rights applications. Request a transfer of surface water rights to instream rights as a part of the project and more aggressive water conservation measures among the participating communities (letter from Oregon Trout to OWRD, September 3, 1998).

2000 – First administrative hold requested to OWRD (Davis Wright Tremaine LLC [DWT] 2000a). OWRD approves administrative hold until July 31, 2000 (OWRD 2000a). Second administrative hold requested to OWRD (DWT 2000b). OWRD requests the applicants submit additional information by September 15, 2000 to justify the additional administrative hold (OWRD 2000b). Third administrative hold requested to OWRD on December 11, 2000 (DWT 2000c).

2001 – The Cities of Newport, Lincoln City, Siletz, Toledo, Waldport and Yachats, the Seal Rock Water District, the Kernville, Gleneden Beach, Lincoln Beach Water District and the Southwest Lincoln County Water District form the Central Coast Water Council (CCWC) to investigate the Rocky Creek Regional Water Supply Project as a means of meeting future water needs for the central coast region.

2001 – Second request for a third administrative hold to OWRD on February 14, 2001 (DWT 2001). OWRD approves administrative hold with conditions on June 5, 2001 (OWRD 2001). Conditions were to be satisfied by December 27, 2002.

2002 –The Rocky Creek Regional Water Supply Project - Preliminary Water Management Plan (CH2M Hill, et al 2002) and the CCWC Intergovernmental Agreement (IGA) (CCWC 2001) were submitted to OWRD on February 1, 2002.

As part of the development of this submittal, the following efforts were also conducted:

- Collected and summarize water rights data from OWRD - Summarized permitted vs. certificated water rights for each of the CCWC partners
- Conducted several site visits to evaluate watershed conditions and threats/opportunities
- Worked with Oregon Department of Fish and Wildlife (ODFW) to evaluate potential impacts to fisheries resources in Rocky Creek Basin

- Evaluated potential over-appropriation and Endangered Species Act (ESA)/water quality constraints on mid-coast streams
- Met with CCWC members to define their water supply needs
- Met with environmental organizations (WaterWatch and Oregon Trout) to understand their concerns with the Project and to negotiate win-win solutions
- Presented the project to the Siletz Tribal Council on August 17, 2002

2002 – Refinements to the Preliminary Water Management Plan were submitted to OWRD on December 30, 2002. Refinements included:

- Expansion of the conservation element requirements
- Updated population and demands assessment, supply-side and demand-side conservation included, addresses overlapping demands between utilities
- Updated operational plan
- Sections describing an Alternatives Analysis, Reservoir Development in the Rocky Creek Watershed and the Potential for Anadromous Fish Restoration

2003 – Lincoln City began pursuing surface water rights on Drift Creek and was financially unable to pursue both water rights efforts. As a result, the Rocky Creek Project lost momentum and other members of the CCWC began exploring alternative water supply alternatives.

2005 – As a result of House Bill 3038, OWRD requests the City of Newport and City of Lincoln City submit a statement indicating the number of years they will need to commence and complete construction of the Rocky Creek Project – not to exceed 20 years.

2008 – City of Newport Water System Master Plan developed to meet Oregon Department of Human Services Drinking Water Program regulations (Civil West 2008). The Master Plan includes the following elements: description of the existing water system, water demands analysis (for the 20-year planning period), supply alternatives and recommendations, Capital Improvement Plan, conservation planning, and financing and rate analysis. The Master Plan also confirmed the City's need to explore future water supply options as soon as possible.

2010 – OWRD inquires about project status (February 1, 2010). Additional administrative hold requested on March 29, 2010 (DWT 2010) and, on the same day, OWRD approves a final administrative hold through February 1, 2012 (OWRD 2010a)

PROJECT UPDATES

This section summarizes relevant changes and new information that have arisen since 2002, when the project was last evaluated, and describes how these changes potentially affect the Rocky Creek Project.

Water Right Applications – OWRD has extended the administrative hold on the applications until February 2012 and would like to issue a PFO soon after the hold ends. An initial review and public comment period have been completed and OWRD will not conduct another public review until the PFO is issued. Previous work needs to be reviewed and updated as needed. OWRD application requirements are summarized as follows (OWRD 2010b):

- Land use planning approvals from all participating entities
- Completed Form M from all participating entities
- Point-of-use map
- ODFW documentation that project is consistent with Division 33 Rules

Other information that is considered by OWRD to support the PFO, but is not part of OWRD's criteria, includes an updated alternatives analysis, a mitigation strategy, an agreement between the project partners, and updated project costs and preliminary design.

Water Supply Need –Analyses of water supplies along the Oregon coast still agree that summer availability of surface flows is extremely limited and that filling reservoirs in winter provides a critical back-up supply for coastal communities to tap during the summer months (CH2M Hill, et al. 2002, Civil West 2008, Bob Buckman, ODFW pers. comm. 2010).

The City of Newport's 2008 Water Management Plan (Civil West, 2008) confirmed the City's need to explore future water supply options as soon as possible. Existing supply is adequate for the current maximum daily demand (MDD = 4.1 million gallons per day). The 2008 Plan provided a preliminary supply deficit analysis, but further analysis is required to determine the MDD for 2030 and beyond. The City of Newport and other municipalities have conservation programs; however, it's not anticipated these programs will substantively alter the overall need for future water. As stated in the 2008 Water Management Plan, "Perhaps the most critical long-term issue facing the City of Newport is that of raw water supply."

With the understanding that the issue of water supply is paramount along the Oregon coast, especially given the need to restore instream flows to restore coastal salmon runs and meet water quality standards, the Institute for Natural Resources (INR) prepared the "Oregon Coastal Community Water Supply Assessment" (INR 2005). The purpose of this study was to better understand the challenges and opportunities facing coastal community water suppliers as a whole and to ultimately improve the prospects for meeting future water needs. The study found that despite popular beliefs, it may be difficult for state economic development officials to match businesses and industries interested in relocating to the Oregon coast with community water supply availability and reliability (INR 2005).

Potential Project Competition – Since 2002, members of the CCWC have been evaluating a variety of water supply options but it is unclear how these evaluations may affect water supply alternatives or the future demands scenarios presented in the Rocky Creek Preliminary Water Management Plan (CH2M Hill et.al. 2002). For example, a potential study may be underway to evaluate the feasibility of the Valsetz Water Supply Project (Valsetz Project), which has the potential to serve the needs of both Polk and Lincoln Counties. Central coast municipalities could likely not afford to develop both Valsetz and the Rocky Creek Project; therefore, municipalities and other stakeholders may view these projects as competing efforts. To date OWRD has not received a permit application for the Valsetz Project; however, resolution of the Valsetz Project may be required for the Rocky Creek Project to progress through the permitting process.

Developing Water Rights – Based on the analysis of water rights and existing fish habitat and water quality conditions, it appears that many of the undeveloped water rights presently held by many central coast municipalities will still be difficult to fully develop. Even though these municipalities may hold water right permits, the actual ability to develop those rights is not certain. Virtually all of the surface water bodies for which there are outstanding (undeveloped) water right permits still have substantive constraints because of federal Endangered Species Act listings, critical fish habitat and water quality limitations. Several rivers, such as the Siletz and the Yaquina, have been designated as core areas for salmon habitat and restoration. Successful development of water rights in these subbasins has only become more difficult in the last decade.

Project Design and Costs – Preliminary design and geotechnical investigations were performed to support the initial dam and reservoir design. From a geologic, geotechnical and seismic perspective, the dam site and reservoir areas were deemed suitable. The preliminary designs and geotechnical investigations should be evaluated in light of current seismic standards and OWRD requirements. Preliminary transmission and treatment alternatives should be reviewed and re-evaluated if necessary. In addition, cost estimates for the Rocky Creek Project are no longer valid and will need to be updated.

Regulatory Environment – The regulatory environment has experienced some changes since the original work was conducted on the Rocky Creek Project; however, much of the findings described in the 2002 Preliminary Water Management Plan remain the same. Resource agencies see the value in developing the Rocky Creek Project because of the large amount of storage available and the subsequent flexibility it can provide. Entities concerned with fish populations on the central coast understand the Rocky Creek Project can alleviate late summer, low flow pressures currently experienced by those rivers and streams designated as core areas for salmon restoration (Bob Buckman, ODFW pers. comm. 2010).

Rocky Creek itself has been considered for anadromous fish restoration, though existing fish barriers and ongoing watershed logging practices presented substantive limitations to successful restoration. While restoration of anadromy to Rocky Creek is not off the table (Bob Buckman, ODFW pers. comm. 2010), it is expected to be a very expensive endeavor and the region will still be faced with meeting future water supply needs. The Oregon Coast Coho Conservation Plan (ODFW 2007), which was

prepared to improve the status of coastal coho, does not mention the potential to restore anadromy on Rocky Creek.

Project impacts and the potential for mitigation are consistent with descriptions in the 2002 Preliminary Water Management Plan. Though there will be impacts to forested, wetland and riparian areas, the impacts will not eliminate resources unique within the central coast ecoregion and there will be no impact to anadromous fish species.

An alternatives analysis was prepared as part of the original submittal; however, an updated alternatives analysis will be required as part of the permitting process but will also be important in terms of developing support for the project and communicating with all stakeholders.

Mitigation – OWRD is required to coordinate with Oregon Department of Fish and Wildlife (ODFW) as part of the permit process. Through this coordination, ODFW will clarify their mitigation requirements, which will include a response to their Division 33 Habitat Mitigation Policy. Mitigation opportunities are available to compensate for the impacts. Mitigation for the impacts to the on-site resident fisheries and habitats will most likely be off-site with the intent of improving fisheries habitat and/or passage along a core salmon-bearing stream along the central coast.

In addition, similar to prior discussions, the resource agencies and other environmental stakeholders continue to indicate they will expect mitigation in the form of decreased pressure on core salmon-bearing streams during low flow periods. These specific mitigation measures were not provided in the prior submittals to OWRD. Mitigation beyond ODFW's requirements is optional according to OWRD and the state water rights permitting process; however, the Rocky Creek Project partners may elect to coordinate with other environmental stakeholders to minimize the potential for future legal action. As part of the September 22, 2010 meeting, OWRD suggested that a mitigation strategy be developed and submitted to support the PFO. A preliminary operating plan for the Rocky Creek Project, which demonstrates how the Project will decrease late season pressures on core streams, may be an essential component of a mitigation strategy that can be supported by the environmental stakeholders.

CCWC – The CCWC has not met in approximately eight years and the participating municipalities have likely seen leadership and staffing changes during this period. For this analysis, it is assumed that the Rocky Creek Project is only financially viable through the partnership of the CCWC – particularly the cities of Newport and Lincoln City It is likely the CCWC partners are still interested in the Rocky Creek Project as a future regional water supply but this should be confirmed.

The Siletz Tribe has expressed an interest in participating in the Rocky Creek Project. The Tribe is not a unit of local government and it may not be possible under ORS Chapter 190 for it to be a member of the CCWC; however, there may be other ways in which the Tribe can participate.

Moving forward, a communications plan may help facilitate the re-establishment of the CCWC by ensuring a consistent message among the partners and the public. In addition, OWRD would like to see

some documentation of a partnership, such as an updated Intergovernmental Agreement (IGA), to support the PFO.

Water Management and Conservation – In 2002, the Oregon Water Resources Commission adopted new administrative rules governing municipal water use permit extensions. Particularly relevant to the Rocky Creek Project is the rule pertaining to water management and conservation plans (OAR Chapter 690, Division 86). Division 86 was reorganized to clarify the tie between municipal permit extensions and development of water management and conservation plans. The revised rule also set forth detailed and specific requirements for the contents and approval of the plans. As a condition of approval of the Rocky Creek water right applications, water management and conservation plans may need to be developed and implemented in each of the municipalities benefiting from the Rocky Creek Project within three years of permit issuance. It's recommended the cost associated with this effort be included in the overall project costs.

It's predicted that environmental stakeholders will scrutinize the needs assessments for the partners by evaluating the status of water management and conservation plans. While plans that meet the Division 86 requirements are only required as a condition of the permit, it may benefit the partners to summarize the status of their water management and conservation plans in support of their needs assessments.

Project Financing – A strategy to finance the project has yet to be established. The current IGA states that CCWC members will pay their portion of project costs based on proportionate water use. Member financing strategies should be explored. Moreover, state and federal sources of funding should be explored to help minimize CCWC member project costs. For the PFO, OWRD needs to understand that the project is financially feasible based on general project cost and funding sources.

RECOMMENDED WORK PLAN

The objective of the following work plan is two-fold. First is to determine if the project is still feasible and supported by the project partners. Second is to obtain the PFO for the Rocky Creek Water Supply Project. To provide flexibility, the work plan has been structured in three phases.

Phase 1 – Project Feasibility

Phase 1 of the work plan is primarily intended to confirm that the Rocky Creek remains a financially viable and technically sound project. Phase 1 is intended to answer the following questions:

- Is there still a need for a regional water supply project like Rocky Creek?
- Are the project partners still interested in developing Rocky Creek?
- What will the Rocky Creek Project look like and what will it cost?
- What is the anticipated mitigation?
- How will Rocky Creek be paid for?

The following is an outline of the tasks required to complete Phase 1:

Task 1 – Re-Establish Partnerships

- **Communications Plan** – Develop communications plan to foster project support
- **Partnerships** – Confirm Lincoln City and others as partners
- **CCWC** – Re-establish the CCWC and update the IGA

Task 2 – Update Project

- **Project Design** – Review conceptual project design and alternatives evaluation (e.g. dam, treatment, transmission, operations). Should updates be required, develop scope of work (SOW) to be completed in Phase 2.
- **Form M Needs Assessment** – Review needs assessments to prepare Form M. Should updates be required, develop SOW to be completed in Phase 2.
- **Water Management and Conservation** – Evaluate status of water management and conservation strategies for project partners (will include rough cost estimate for Division 86 compliance)
- **Land Use** – Review land use approval requirements for each partner (will include SOW for Phase 2 deliverables)
- **Operations** – Develop SOW for conceptual operating plan in support of optimization and mitigation
- **Project Costs** – Update overall project costs

Task 3 – Develop Mitigation Strategy

- **Coordination** – Coordinate with the partners and environmental stakeholders to evaluate expectations and opportunities
- **Strategy** – Prepare preliminary mitigation strategy (will include SOW for Phase 2 deliverables)

Task 4 – Establish Funding Strategy

- **Funding Opportunities** – Evaluate partners' funding strategies and explore state and federal funding sources to minimize partner costs
- **Funding Strategy** – Identify potential funding actions for Phase 2

The deliverables from Phase 1 are expected to include the following:

- Communications plan
- Updated IGA
- Updated conceptual project design, operating plan and project costs
- Evaluation of needs assessment, water management and conservation plans and land use approval process

- Preliminary mitigation strategy
- Preliminary funding strategy

Phase 2 – Update Application

Should it be determined through Phase 1 that Rocky Creek is still feasible, the goal of Phase 2 will be to prepare the remaining materials required to satisfy OWRD's requirements. Based on recent conversations with OWRD and resource agencies we expect the following submittals to be required for the February 1, 2012 OWRD deadline:

- Land Use Approvals
- Form M (requires current needs assessment for each partner)
- Map(s) of Service Area

The following deliverables are not required as part of OWRD's criteria but have been suggested by OWRD to support the applications and the PFO:

- Preliminary Project Design
- Agreement between project partners
- Mitigation strategy
- Updated alternatives analysis

Phase 3 – Application Submission and Review

The application review process will involve the following steps:

- Submit application material
- Application completeness review (30 days)
- Issuance of Proposed Final Order
- Protest Period (45 days)
- Issuance of Final Order and Permit

REFERENCES

Literature

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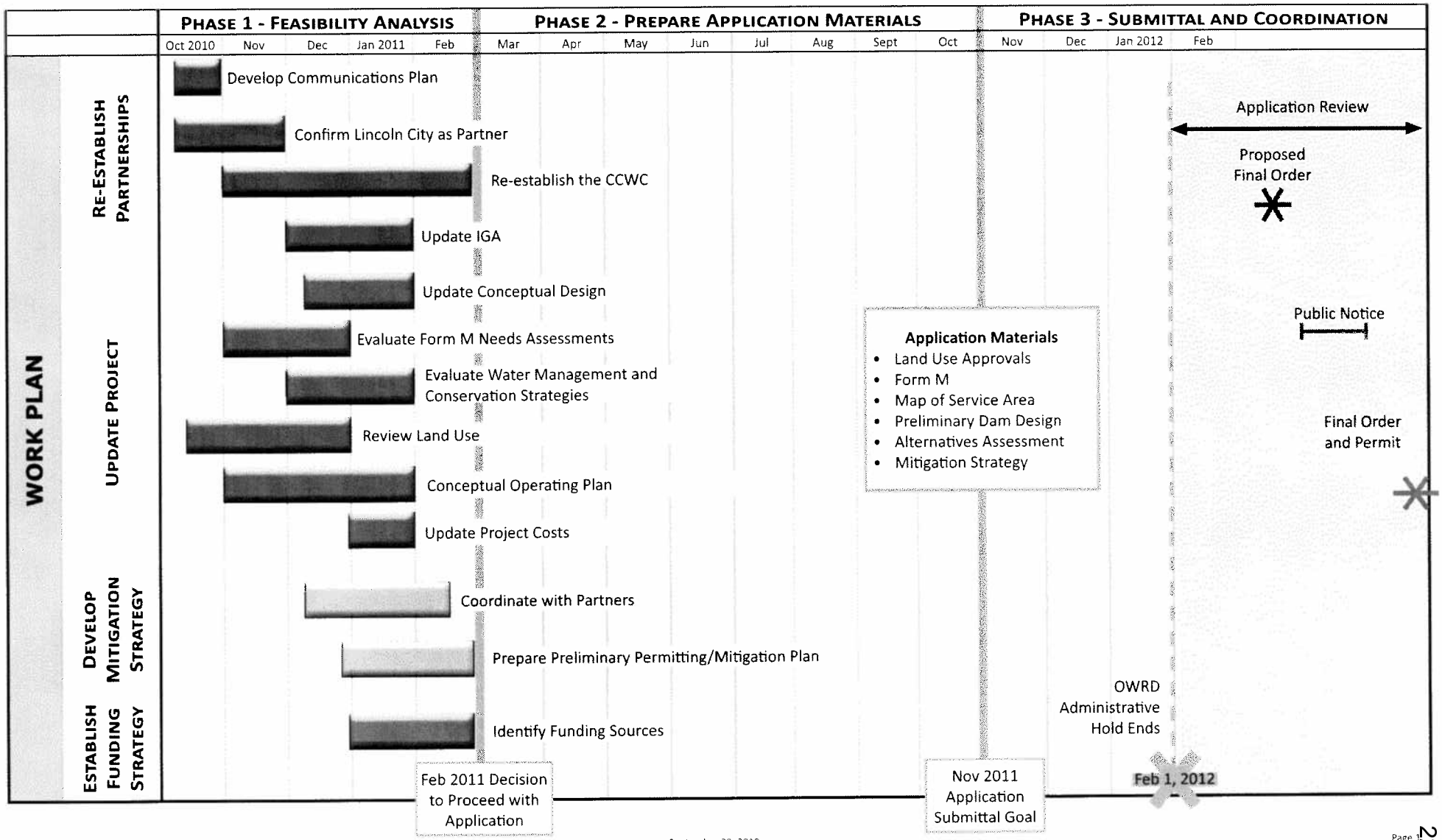
City of Newport - Rocky Creek Water Supply Project

Water Rights Application Schedule (Preliminary)



City of Newport

Financial Report as of 31 October 2010

For Certain Funds, Departments, and Cost Centers

15 November 2010

FINANCE

SUMMARY OF YTD REVENUES AND EXPENSES FOR CERTAIN SELECT FUNDS, DEPARTMENTS, AND COST CENTERS

	Revenue	Expenses	Revenue > (<) Expenses
General Fund	481,638	2,465,122	(1,983,484)
Water Fund	34,485	437,829	(403,344)
Wastewater Fund	19,119	470,142	(451,023)
Streets	200,689	135,711	64,978
Parks and Recreation (Total)	**181,829**	**407,351**	**(225,521)**
Administration	1,463	37,497	(36,033)
Parks (Maint)	512	67,656	(67,144)
Senior Center	2,647	30,563	(27,916)
Swimming Pool	33,482	86,465	(52,983)
Recreation Ctr	78,028	115,020	(36,992)
Programs	65,697	70,150	(4,453)
Airport Fund (Total)	**655,344**	**789,945**	**(134,601)**
Airport Ops	590,040	767,205	(177,165)
FBO	65,304	22,740	42,564
Room Tax Fund	1,016,652	263,454	753,197
TOTALS	**2,589,756**	**4,969,554**	**(2,379,799)**

FISCAL YEAR 2011, BUDGET TO ACTUAL ***EXPENDITURE*** REPORT AS OF 31 OCTOBER 2010, FOR CERTAIN SELECT FUNDS

PERCENT OF THE YEAR THAT HAS ELAPSED → 33.33%

FUND	ANNUAL BUDGET	YTD BUDGET	YTD ACTUALS	VARIANCE	PCT SPENT
101 - GENERAL FUND	10,723,853	3,574,618	2,465,122	1,109,495	23.0%
105 - STREETS FUND	1,490,639	496,880	135,711	361,169	9.1%
106 - WATER FUND	15,897,580	5,299,193	437,829	4,861,364	2.8%
107 - WASTEWATER FUND	4,545,649	1,515,216	470,142	1,045,075	10.3%
111 - PARKS & RECREATION FUND	2,746,212	915,404	407,351	508,053	14.8%
112 - AIRPORT FUND	2,226,012	944,477	789,945	- 154,532	35.5%
120 - ROOM TAX FUND	3,952,687	985,242	263,454	721,787	6.7%
TOTALS	**41,582,632**	**13,731,029**	**4,969,554**	**8,761,475**	**12.0%**

FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE **GENERAL FUND,** AS OF 31 OCTOBER 2010

33.33%

	Current Month Budget	1st Quarter Cumulative Expenses	Oct '10 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
CITY ADMINISTRATION									
1010 - Council and Mayor									
Materials and Services	3,167	3,787	4,555	(1,388)	12,667	8,342	4,325	38,000	22.0%
1020 - City Manager		-					-		
Personal Services	30,301	90,375	29,913	388	121,205	120,288	917	363,616	33.1%
Materials and Services	2,588	6,891	1,740	847	10,350	8,631	1,719	31,050	27.8%
1025 - Information Technology		-					-		
Personal Services	10,127	32,451	11,072	(946)	40,506	43,523	(3,017)	121,518	35.8%
Materials and Services	10,954	40,929	16,433	(5,479)	43,817	57,362	(13,546)	131,450	43.6%
1030 - Municipal Court		-			-		-		
Personal Services	1,026	-	-	1,026	4,104	-	4,104	12,313	0.0%
Materials and Services	1,608	4,222	1,253	356	6,433	5,475	959	19,300	28.4%
1040 - City Attorney		-			-		-		
Personal Services	13,470	34,280	11,882	1,588	53,880	46,162	7,718	161,639	28.6%
Materials and Services	2,975	625	698	2,277	11,900	1,323	10,577	35,700	3.7%
1050 - Finance		-	-				-		
Personal Services	29,319	82,594	27,409	1,910	117,276	110,003	7,273	351,828	31.3%
Materials and Services	6,492	30,488	4,117	2,375	25,967	34,605	(8,638)	77,900	44.4%
							-		
							-		
TOTAL CITY ADMINISTRATION	**112,026**	**326,642**	**109,072**	**4,028**	**448,105**	**435,714**	**12,391**	**1,344,314**	**32.4%**

FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE **GENERAL FUND,** AS OF 31 OCTOBER 2010

PERCENT OF THE FISCAL YEAR THAT HAS ELAPSED → 33.33%

	Current Month Budget	July '10 Actuals	Aug '10 Actuals	Sep '10 Actuals	1st Quarter Cumulative Expenses	Oct '10 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
PUBLIC SAFETY												
1070 - Police												
Personal Services	198,390	194,799	187,715	192,201	574,715	185,155	13,235	793,559	759,870	33,689	2,380,678	31.9%
Materials and Services	20,542	12,703	20,428	21,838	54,969	19,045	1,497	82,167	74,014	8,153	246,500	30.0%
Capital Expenditures	833		-	-	-	-	833	3,333	-	3,333	10,000	0.0%
1080 - Central Dispatch							-					
Materials and Services	46,048	107,903	35,967	-	143,870	-	46,048	184,193	143,870	40,323	552,578	26.0%
1090 - Fire							-					
Personal Services	76,930	76,480	74,590	76,231	227,301	74,666	2,263	307,718	301,967	5,751	923,154	32.7%
Materials and Services	14,846	3,470	18,718	12,675	34,863	11,405	3,440	59,383	46,268	13,115	178,150	26.0%
1095 - Fire Reserve							-					
Personal Services	4,792	(36)	36	-	-	-	4,792	19,167	-	19,167	57,500	0.0%
Materials and Services	2,083			-	-	7,699	(5,615)	8,333	7,699	635	25,000	30.8%
										-		
TOTAL PUBLIC SAFETY	**364,463**	**395,319**	**337,454**	**302,945**	**1,035,718**	**297,970**	**61,518**	**1,457,853**	**1,333,688**	**124,166**	**4,373,560**	**30.5%**

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FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE **GENERAL FUND,** AS OF 31 OCTOBER 2010

PERCENT OF THE FISCAL YEAR THAT HAS ELAPSED → 33.33%

	Current Month Budget	July '10 Actuals	Aug '10 Actuals	Sep '10 Actuals	1st Quarter Cumulative Expenses	Oct '10 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
COMMUNITY DEVELOPMENT												
1400 - Community Development												
Personal Services	27,137	26,122	26,092	26,091	78,305	26,092	1,045	108,547	104,397	4,150	325,640	32.1%
Materials and Services	4,283	851	3,024	16,658	20,533	1,252	3,031	17,133	21,785	(4,652)	51,400	42.4%
TOTAL COMMUNITY DEVELOPMENT	**31,420**	**26,973**	**29,116**	**42,749**	**98,838**	**27,344**	**4,076**	**125,680**	**126,182**	(502)	**377,040**	33.5%
LIBRARY												
1100 - Library												
Personal Services	57,069	56,310	55,807	55,781	167,898	55,473	1,596	228,275	223,371	4,904	684,825	32.6%
Materials and Services	23,625	23,758	11,077	23,494	58,329	8,770	14,855	94,500	67,099	27,401	283,500	23.7%
TOTAL COMMUNITY DEVELOPMENT	**80,694**	**80,068**	**66,884**	**79,275**	**226,227**	**64,243**	**16,450**	**322,775**	**290,470**	**32,305**	**968,325**	30.0%
PUBLIC WORKS												
1200 - City Building Maintenance												
Personal Services	6,185	5,684	6,125	5,906	17,715	5,684	501	24,740	23,399	1,340	74,219	31.5%
Materials and Services	8,257	4,557	5,788	7,142	17,487	14,199	(5,942)	33,027	31,686	1,341	99,080	32.0%
Capital Expenditures	2,667	-	2,300	-	2,300	-	2,667	10,667	2,300	8,367	32,000	7.2%
1600 - Administration							-					
Personal Services	23,473	15,372	15,370	15,370	46,112	15,371	8,102	93,892	61,483	32,409	281,675	21.8%
Materials and Services	425	551	181	118	850	178	247	1,700	1,028	672	5,100	20.1%
1610- Engineering							-	-				
Personal Services	20,709	20,778	20,791	19,381	60,950	19,028	1,681	82,836	79,978	2,858	248,509	32.2%
Materials and Services	1,344	532	1,749	1,293	3,574	1,021	323	5,377	4,595	782	16,130	28.5%
1900 - Non-Departmental			-				-	-				
Materials and Services	35,290	48,540	26,060	-	74,600	-	35,290	141,162	74,600	66,562	423,485	17.6%
Transfer to Parks & Rec	67,128	-	-	-	-	-	67,128	268,513		268,513	805,538	
Transfer to Airport	7,919	-	-	-	-	-	7,919	31,677		31,677	95,032	
Transfer to Streets	5,555	-	-	-	-	-	5,555	22,220		22,220	66,659	
Transfer to Capital Proj	70,500	-	-	-	-	-	70,500	282,000		282,000	846,000	
Transfer to Debt Svc	13,798	-	-	-	-	-	13,798	55,192		55,192	165,577	
Contingency	41,801	-	-	-	-	-	41,801	167,203		167,203	501,610	
TOTAL PUBLIC WORKS	**305,051**	**96,014**	**78,364**	**49,210**	**223,588**	**55,481**	**249,570**	**1,220,205**	**279,069**	**941,136**	**3,660,614**	**7.6%**
TOTAL GENERAL FUND	**893,654**	**706,372**	**601,375**	**603,265**	**1,911,013**	**554,110**	**335,642**	**3,574,618**	**2,465,122**	**1,109,495**	**10,723,853**	**23.0%**

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FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE **STREET FUND** AS OF: 31 OCTOBER 2011

PERCENT OF THE YEAR THAT HAS ELAPSED → 33.33%

STREETS FUND(105)	Current Month Budget	1st Quarter Cumulative Expenses	Oct '10 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
3805 - Street Maintenance									
Personal Services	15,830	34,477	8,120	7,710	63,321	42,597	20,724	189,963	22.42%
Materials and Services	14,765	11,979	7,112	7,653	59,061	19,091	39,970	177,182	10.77%
Capital Expenditures	-	7,034	0		-	7,034	(7,034)		
Transfer to Capital Projects	56,428	-	-	56,428	225,710		225,710	677,130	
Transfer to Debt Service Fund	2,151	-	-	2,151	8,605		8,605	25,815	
Contingency	2,301	-	-	2,301	9,205		9,205	27,615	
Reserve for Future Projects	7,917	-	-	7,917	31,667		31,667	**95,000**	
3850 - Storm Drain Maintenance							-		
Personal Services	11,185	43,384	16,117	(4,932)	44,740	59,501	(14,761)	134,220	44.33%
Materials and Services	10,680	4,013	2,151	8,528	42,718	6,164	36,554	128,154	4.81%
Capital Expenditures		1,324	(0)	0	-	1,324			
Transfer to Debt Service Fund	2,963	-	-	2,963	11,853		11,853	35,560	
TOTAL STREETS FUND	**124,220**	**102,211**	**33,500**	**84,154**	**496,880**	**135,711**	**361,169**	**1,490,639**	**9.10%**

FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE **WATER FUND,** AS OF 31 OCTOBER 2010

33.33%

	Current Month Budget	1st Quarter Cumulative Expenses	Oct '10 Actuals	Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
WATER FUND (107)									
4010 - Water Treatment Plant									
Personal Services	27,213	83,033	25,029	2,184	108,853	108,062	791	326,559	33.09%
Materials and Services	27,273	110,323	18,932	8,341	109,092	129,255	(20,163)	327,275	39.49%
Transfer to Capital Projects	3,750	-	-	3,750	15,000		15,000	45,000	
Transfers	1,052,650	-	-	1,052,650	4,210,599		4,210,599	12,631,796	
4020 - Water Distribution									
Personal Services	34,465	89,097	25,840	8,625	137,859	114,937	22,922	413,576	27.79%
Materials and Services	16,533	46,767	18,658	(2,124)	66,133	65,425	709	198,400	32.98%
Capital Expenditures	-	2,578	(0)	0	-	2,578	(2,578)	-	
Transfer to Capital Projects	50,592	-	-	50,592	202,368		202,368	607,104	
4040 - Water Customer Service									
Materials and Services	1,613	6,375	1,069	543	6,450	7,444	(994)	19,350	38.47%
4045 - Water General Debt				-					
General Debt Service	-	5,000	-	-	-	5,000	(5,000)		
4090 - Non-Departmental									
Materials and Services	42,296	5,129	(0)	42,296	169,184	5,129	164,055	507,551	1.01%
Transfer to Debt Service Fund	5,391	-	-	5,391	21,564		21,564	64,693	
Contingency	63,023	-	-	63,023	252,092		252,092	756,276	
TOTAL WATER FUND	**1,324,798**	**348,302**	**89,527**	**1,226,827**	**5,299,193**	**437,829**	**4,861,364**	**15,897,580**	**2.75%**

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1st Quarter Cumulative Expenses

FOR THE **WASTEWATER FUND** AS OF: 31 OCTOBER 2011

PERCENT OF THE YEAR THAT HAS ELAPSED → 33.33%

WASTEWATER FUND	Current Month Budget	1st Qtr	Oct '10 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
4510 - WasteWater Treatment Plant									
Personal Services	25,469	71,447	23,533	1,936	101,876	94,980	6,896	305,628	31.08%
Materials and Services	42,733	116,862	39,331	3,403	170,933	156,193	14,741	512,800	30.46%
4520 - Water Distribution		-	-		-				
Personal Services	16,009	47,824	17,329	(1,320)	64,036	65,153	(1,117)	192,107	33.91%
Materials and Services	17,833	32,283	5,646	12,187	71,333	37,929	33,404	214,000	17.72%
Capital Expenditures		104,621	3,157	(3,157)	-	107,778	(107,778)		∞
Transfer to Capital Projects	50,000	-	-	50,000	200,000		200,000	600,000	
4540 - Water Customer Service			-		-				
Materials and Services	1,613	6,868	1,241	371	6,450	8,109	(1,659)	19,350	41.91%
4590 - Non-Departmental		-	-		-		-		
Materials and Services	69,266	-	-	69,266	277,065	-	277,065	831,194	0.00%
Transfer to Debt Service Fund	40,077	-	-	40,077	160,309	-	160,309	480,927	0.00%
Contingency	115,804	-	-	115,804	463,214	-	463,214	1,389,643	0.00%
TOTAL WASTEWATER FUND	**263,001**	**379,905**	**90,237**	**132,096**	**1,515,216**	**470,142**	**1,045,075**	**4,545,649**	**10.34%**

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FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE **PARKS & RECREATION FUND,** AS OF 31 OCTOBER 2010

PERCENT OF THE YEAR THAT HAS ELAPSED → 33.33%

	Current Month Budget	1st Quarter Cumulative Expenses	Oct '10 Actuals	Monthly Variance	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
PARKS & RECREATION FUND (111)									
4801 - Administration									
Personal Services	8,061	23,590	7,863	198	32,243	31,453	790	96,730	32.52%
Materials and Services	3,625	5,873	171	3,133	14,500	6,044	8,456	43,500	13.89%
4803 - Maintenance									
Personal Services	12,454	39,561	13,019	(1,155)	49,817	52,580	(2,763)	149,451	35.18%
Materials and Services	4,854	11,383	3,693	802	19,417	15,076	4,341	58,250	25.88%
4805 - Senior Center									
Personal Services	5,489	16,130	5,377	113	21,955	21,507	448	65,865	32.65%
Materials and Services	8,058	6,199	2,857	5,470	32,233	9,056	23,177	96,700	9.37%
4810 - Swimming Pool							-		
Personal Services	17,186	52,876	17,350	2,243	68,743	70,226	(1,482)	206,230	34.05%
Materials and Services	9,125	10,779	5,460	6,645	36,500	16,239	20,261	109,500	14.83%
4830 - Recreation Center									
Personal Services	24,724	73,289	22,982	785	98,896	96,271	2,625	296,687	32.45%
Materials and Services	13,175	15,178	3,572	8,973	52,700	18,750	33,950	158,100	11.86%
4870 - Programs							-		
Personal Services	15,121	47,031	7,152	4,283	60,482	54,183	6,299	181,447	29.86%
Materials and Services	5,958	13,023	2,943	2,338	23,833	15,966	7,867	71,500	22.33%
4880 - Parks Reserve									
Materials and Services	417	-	-	417	1,667	-	1,667	5,000	0.00%
Transfer to Capital Projects	28,333	-	-	28,333	113,333	-	113,333	340,000	0.00%
Reserve for Future Capital	2,729	-	-	2,729	10,917	-	10,917	32,752	0.00%
4885 - Senior Center Reserve		-		-	-	-	-		
Transfer to General Fund	5,000	-	-	5,000	20,000	-	20,000	60,000	0.00%
Transfer to Capital Projects	64,542	-	-	64,542	258,167	-	258,167	774,500	0.00%
TOTAL PARKS & RECREATION FUND	**228,851**	**314,912**	**92,439**	**134,848**	**915,404**	**407,351**	**508,053**	**2,746,212**	**14.83%**

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FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE **AIRPORT FUND,** AS OF 31 OCTOBER 2010

PERCENT OF THE YEAR THAT HAS ELAPSED → 33.33%

AIRPORT FUND (112)	Current Month Budget	1st Quarter Cumulative Expenses	Oct '10 Actuals	Variance	Year to Date Budget	Year to Date Actuals	Variance	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
7005 - Aviation									
Personal Services	15,534	44,678	15,144	390	62,135	59,822	2,313	186,404	32.09%
Materials and Services	173,548	491,664	215,719	(42,171)	694,192	707,383	(13,190)	1,475,159	47.95%
Transfer to Capital Projects	12,500	-	-	12,500	50,000	-	50,000	150,000	0.00%
Contingency	1,931	-	-	1,931	7,722	-	7,722	23,167	0.00%
7110 - Fixed Base Operations		-	-	-					
Personal Services	8,088	15,206	2,904	5,184	32,350	18,110	14,240	97,050	18.66%
Materials and Services	20,252	8,463	(3,833)	24,085	81,010	4,630	76,379	243,029	1.91%
Transfer to Debt Service Fund	4,267	-	-	4,267	17,068		17,068	51,203	
TOTAL AIRPORT FUND	**236,119**	**560,011**	**229,934**	**52,579**	**944,477**	**789,945**	**154,532**	**2,226,012**	35.49%

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FISCAL YEAR 2011, BUDGET TO ACTUALS REPORT

FOR THE ROOM TAX FUND: **REVENUES AS OF 30 SEPT ... EXPENSES AS OF 31 OCTOBER**

PERCENT OF THE FISCAL YEAR THAT HAS ELAPSED (FOR EXPENSES) IS: → 33.33%

	Current Month Budget	July '10 Actuals	Aug '10 Actuals	Sep '10 Actuals	1st Quarter Cumulative Expenses	Oct '10 Actuals	Variance	Year to Date Budget	Year to Date Actuals	Variance	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Rcvd, Spent to Date
ROOM TAX FUND (120)												
7430 - Room Tax Fund												
4002 (Estimated) Beginning Fund Balance				1,384,671								
4140 Transient Room Tax	292,325	359,068	383,167	274,417	1,016,652		(17,908)	1,117,131	1,016,652	(100,479)	2,524,000	40.28%
Materials and Services	90,937	104,847	35,023	19,438	159,308	95,472	71,499	363,748	254,779	108,969	1,091,245	23.35%
Capital Expenditures	2,083	130	3,742	4,803	8,675	-	(2,720)	8,333	8,675	(342)	25,000	34.70%
Transfer to General Fund	63,878			-		-	63,878	255,513	-	255,513	766,539	0.00%
Transfer to Airport Fund	28,311			-		-	28,311	113,243	-	113,243	339,730	0.00%
Transfer to Capital Projects	22,083			-		-	22,083	88,333	-	88,333	265,000	0.00%
Transfer to Debt Service Fund	21,412			-		-	21,412	85,648	-	85,648	256,943	0.00%
Transfer to Parks & Rec Fund	17,353			-		-	17,353	69,410	-	69,410	208,230	0.00%
Unappropriated Ending Fund Balance	83,333			-		-	83,333	333,333	-	333,333	1,000,000	0.00%
TOTAL ROOM TAX FUND	**329,391**	**104,977**	**38,765**	**24,241**	**167,983**	**95,472**	**224,414**	**985,242**	**263,454**	**1,054,108**	**3,952,687**	**6.67%**

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Agenda Item # VIII.A.
Meeting Date November 15, 2010

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Continued Council deliberation on amendments to the Newport Comprehensive Plan, Zoning Ordinance, and Municipal Code Relating to Geologic Hazards (File No. 12-Z-09)

Prepared By: Derrick Tokos/Penelope McCarthy Dept Head Approval: DT/PM City Mgr Approval:

ISSUE BEFORE THE COUNCIL: Consideration of whether or not it is in the public interest to amend the Natural Features Chapter of the Newport Comprehensive Plan, the Geologic Hazards Section of the Newport Zoning Ordinance (Section 2-4-7), and land division criteria related to geologic hazards in Title XIII of the Municipal Code.

At their July 12, 2010 meeting, the Planning Commission voted unanimously to recommend adoption of the changes.

The Council held work sessions on August 9, 2010 and September 27, 2010 and public hearings on September 7, 2010 and October 18, 2010. Changes discussed at the work sessions and hearings have been incorporated into the proposed ordinance.

STAFF RECOMMENDATION: Staff recommends the Council accept the Planning Commission's recommendation to adopt the code updates, with the additional changes made following the Council work sessions and hearings.

MOTIONS:

Motion #1 - Adoption of Geologic Hazards Update: I move for reading by title only of an ordinance amending the Newport Comprehensive Plan, Zoning Ordinance and Municipal Code as it relates to development within geologically hazardous areas, **[with/without]** the optional language under NZO 2-4-7.075, and for adoption by roll call vote.

Motion #2 - Display of Geologic Hazards Maps: I move that the Council direct staff to utilize grayscale hatching or similar techniques that do not require the use of color when producing maps that display the bluff and dune backed hazards zones and landslide risk areas referenced in this ordinance.

KEY FACTS AND INFORMATION SUMMARY: The City of Newport Zoning Ordinance (No. 1308, as amended) requires that persons interested in developing property within geologically hazardous areas retain a certified engineering geologist to evaluate the site and building plans prior to city approval of a proposed development. Such evaluations are reviewed and approved by the City under a Geologic Permit.

As part of the City project to comprehensively update and streamline its Zoning Ordinance, the City of Newport Planning Commission and its Citizens Advisory Committee have completed a comprehensive review of Zoning Ordinance Section 2-4-7 ("Geologic Hazard Areas"). Changes include updates to the maps used to identify when site specific geologic evaluations are needed; replacement of certain provisions that are vague or overly strict with respect to when Geologic Permits are required; new standards for erosion control during construction; a requirement that

engineering geologists perform a post-construction certification that development was undertaken in accordance with their recommendations; and a requirement that undeveloped lots in land divisions must include buildable sites outside of active or high risk areas. The Natural Features Chapter of the Newport Comprehensive Plan is being amended to update the Plan's description of landslide areas and coastal erosion areas in Newport to correspond with new mapping.

The Planning Commission and Citizens Advisory Committee reviewed the proposed changes at eight separate work sessions from October of 2009 through May of 2010. A public workshop was held by staff on February 17, 2010 and public hearings before the Planning Commission were conducted on March 8, 2010, April 26, 2010, June 14, 2010, and July 12, 2010. Affected property owners received direct mail notice of the workshop and initial hearing. At the July 12, 2010 public hearing, the Planning Commission voted to recommend adoption of the proposed amendments.

Over 120 written comments were received from affected property owners and interested parties. Most opposed provisions in earlier drafts of the ordinance that would have imposed specific construction limitations for development in high risk areas and required property owners developing in such areas to record a statement in the deed records acknowledging risk and disclosure requirements. The construction limitations and deed recording requirement have since been dropped.

The City Council held a joint work session with the Planning Commission on August 9, 2010. An initial hearing by the Council was held September 7, 2010. Following the hearing, the Council held another work session, on September 27, 2010, to consider the testimony it received. Staff prepared changes to the ordinance in response to public testimony. The changes, outlined in a memo, were presented to the Council and public at the work session and subsequent hearing on October 18, 2010. At the conclusion of the October hearing, the Council closed the public record to additional testimony but kept their deliberations open. This meeting on November 15, 2010 is an opportunity for the Council to complete its deliberations and take action on the proposed amendments.

Staff has prepared two (2) minor changes to the proposed ordinance in response to issues raised at the October 18, 2010 hearing. Section 2-4-7.010(D) of the Zoning Ordinance has been revised such that state agencies will receive 15 days to comment on geologic reports that differ substantially from the DOGAMI Open File Report. The prior language gave agencies "at least" 15 days. The second change is to the optional add-in language under Section 2-4-7.075 where the reference to replacement in the same footprint has been eliminated in favor of a clause that allows the replacement building or structure to be up to the same size as the original building or structure.

Council members have discussed whether or not the City should display bluff and dune backed erosion and landslide hazard areas in color, consistent with how they are described in the DOGAMI report, or if more muted "neutral" shading should be used. Unless directed otherwise, staff intends to continue to depict hazard areas in a manner that is consistent with the DOGAMI report. If the Council wants to take a different approach, then a grayscale hatching would seem most appropriate and a motion to that effect is included.

As this is a legislative item, there are no approval criteria.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: The proposed changes are part of the comprehensive update to the Zoning Ordinance, which the Council set as a goal to complete.

ATTACHMENT LIST:

Proposed Ordinance
Minutes from the October 18, 2010 Council Meeting

FISCAL NOTES: A permit fee is established to partially offset the City's cost of reviewing the permit applications. The fee is subject to adjustment pursuant to Resolution #3486, with the objective of recovering 50% of the direct costs. Changes contained in this ordinance should not impact City resources to such a degree that the fee will need to be revisited.

CITY OF NEWPORT

ORDINANCE NO. _____

ORDINANCE AMENDING THE MUNICIPAL CODE, ORDINANCE NO. 1621 (AS AMENDED), AND ORDINANCE NO. 1308 (AS AMENDED) OF THE CITY OF NEWPORT, OREGON, TO AMEND GEOLOGIC HAZARD AREAS PROVISIONS OF THE COMPREHENSIVE PLAN, SUBDIVISION AND ZONING ORDINANCE

Findings:

1. The City of Newport Zoning Ordinance (No. 1308, as amended) requires that persons interested in developing property within geologically hazardous areas retain a certified engineering geologist to evaluate the site and building plans prior to city review and approval of a proposed development. Such evaluations are reviewed and approved by the City under a Geologic Permit.

2. The City of Newport Planning Commission and its Citizens Advisory Committee completed a comprehensive review of the Geologic Hazard Areas Section of the Zoning Ordinance (Section 2-4-7) and determined that changes are needed. The changes include updates to the maps used to identify when site specific geologic evaluations are needed; replacement of certain provisions that are vague or overly strict with respect to when Geologic Permits are required; new standards for erosion control during construction; a requirement that engineering geologists perform post-construction certification that development was undertaken in accordance with their recommendations; and a requirement that undeveloped lots in land divisions must include buildable sites outside of active or high risk areas.

3. The Newport Planning Commission and Planning Commission Citizens Advisory Committee evaluated the Shoreland Hazards Section of the Natural Features Chapter of the Newport Comprehensive Plan and determined that the Plan's description of landslide and coastal erosion areas in Newport needs to be updated to correspond with new mapping.

4. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed the above referenced changes to the Comprehensive Plan and Zoning Ordinance, including related land division provisions in the Municipal Code, at eight separate work sessions from October of 2009 through May of 2010. A public workshop was held by staff on February 17, 2010 and public hearings before the Planning Commission were conducted on March 8, April 26, June 14, and July 12, 2010. Affected property owners received direct mail notice of the workshop and initial hearing. At the July 12, 2010 public hearing, the Planning Commission voted to recommend adoption of the proposed amendments (Newport File No. 12-Z-09).

5. The City Council held public hearings on September 7, October 18, and November 15, 2010 regarding the question of the proposed revisions, and voted in favor of their adoption after considering the recommendation of the Planning Commission, hearing testimony, and evidence in the record.

6. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The following definition is added to Section 2-1-1.101 of Ordinance No. 1308 (as amended),

Geologic Hazards. A geologic condition that is a potential danger to life and property which includes but is not limited to earthquakes, landslides, erosion, expansive soils, fault displacement, and subsidence.

Section 2. Section 2-4-7 of Ordinance No. 1308 (as amended), Geologic Hazards Areas, is repealed in its entirety and replaced with a new Section as shown in Exhibit "A".

Section 3. Section 13.05.030 of the Newport Municipal Code is amended to include the following:

Lots and Parcels within Geologic Hazard Areas. Each new undeveloped lot or parcel shall include a minimum 1000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See Section 2-4-7 of the Zoning Ordinance for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.

Section 4. Section 13.05.070(A)(10) of the Newport Municipal Code is repealed in its entirety and replaced with the following:

Where geologic hazards are known to exist on part or all of the property in question based on adopted maps of the City of Newport, a geologic hazard report shall be required (See Section 2-4-7 of the Zoning Ordinance for report requirements.) The report must clearly state what measures will be taken to safeguard against existing hazards.

Section 5. The Shoreland Hazards Section of the Natural Features Chapter of Ordinance No. 1621 (as amended), is repealed in its entirety and replaced with a new Section as shown in Exhibit "B".

Section 6. This ordinance shall take effect 30 days after passage.

Date adopted: _____.

Signed by the Mayor on _____.

_____

William D. Bain, Mayor

ATTEST:

_____

Margaret M. Hawker, City Recorder

Section 2-4-7. GEOLOGIC HAZARDS OVERLAY

2-4-7.005. Purpose. The purpose of this section is to promote the public health, safety, and general welfare by minimizing public and private losses due to earth movement hazards and limiting erosion and related environmental damage, consistent with Statewide Planning Goals 7 and 18, and the Natural Features Section of the Newport Comprehensive Plan.

2-4-7.010. Applicability of Geologic Hazards Regulations.

A. The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of Section 2-4-7:

(1) Bluff or dune backed shoreline areas within medium, high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report O-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004.

(2) Active or potential landslide areas, prehistoric landslides, or other landslide areas identified in the DOGAMI Open File Report O-04-09.

(3) Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department.

A "documented geologic hazard area" means a unit of land, which is shown by reasonable written evidence to contain geological characteristics/conditions which are hazardous or potentially hazardous for the improvement thereof.

B. The DOGAMI Open File Report O-04-09 is not intended as a site specific analysis tool. The City will use DOGAMI Open File Report O-04-09 to identify when a Geologic Report is needed on property prior to development. Geologic Reports required in this section shall control over DOGAMI Open File Report O-04-09 and shall establish the bluff or dune backed shoreline hazard zone or landslide risk area that applies to any given property.

C. In circumstances where a Geologic Report identifies that proposed development will not occur within a bluff or dune backed shoreline hazard zone or landslide risk area, as defined above, no further review is required under this Section 2-4-7.

D. If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report O-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 15 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit.

2-4-7.015. Geologic Permit Required. All persons proposing development, construction, or site clearing (including tree removal) on property within a geologic hazard area as defined in 2-4-7.010, shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the City.

Unless otherwise provided by City ordinance or other provision of law, any Geologic Permit so issued shall be valid for the same period of time as a building permit issued under the Uniform Building Code then in effect.

2-4-7.020. Exemptions. The following activities are exempt from the provisions of this chapter:

A. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation;

B. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;

C. Fill which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;

D. Exploratory excavations under the direction of a registered engineering geologist or geotechnical engineer;

E. Structural alterations less than 500 square feet in size that are outside of active and high hazard zones and active landslide areas;

F. Detached accessory buildings less than 500 square feet in size that are outside of active and high hazard zones and active landslide areas;

G. Construction of structures for which a building permit is not required;

H. Removal of trees smaller than 8-inches dbh (diameter breast height);

I. Removal of trees larger than 8-inches dbh (diameter breast height) provided the canopy area of the trees that are removed in any one year period is less than twenty-five percent of the lot or parcel area;

J. Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry;

K. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the previously disturbed area;

L. Installation of utility lines not including electric substations; and

M. Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard.

2-4-7.025. Application Submittal Requirements. In addition to a land use application form with the information required in Section 2-6-1.020, an application for a Geologic Permit shall include the following:

A. A site plan that illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8-inches dbh (diameter breast height) proposed for removal; and

B. An estimate of depths and the extent of all proposed excavation and fill work; and

C. Identification of the bluff or dune backed hazard zone (active, high, medium, or low) or landslide hazard zone (active, potential, prehistoric, etc.) within which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist shall identify the hazard zone(s) within which development is proposed; and

D. A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development; and

E. An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.

2-4-7.030. Geologic Report Guidelines. Geologic Reports shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles and shall, at a minimum, contain the items outlined in the Oregon State Board of Geologist Examiners "Guidelines for Preparing Engineering Geologic Reports in Oregon," in use on the effective date of this section . Such reports shall address sub-sections 2-4-7.035 to 2-4-7.045, as applicable. For oceanfront property, reports shall also address the "Geological Report Guidelines for New Development on Oceanfront Properties," prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development, in use as of the effective date of this section. All Geologic Reports are valid as prima facie evidence of the information therein contained for a period of five (5) years. They are only valid for the development plan addressed in the report. The city assumes no responsibility for the quality or accuracy of such reports.

2-4-7.035. Construction Limitations within Geologic Hazard Areas.

A. For bluff or dune backed shoreline areas that are within active or high hazard zones, or areas impacted by active landslides, new construction shall be limited to the recommendations, if any, contained in the Geologic Report; and

(1) Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and

(2) Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.

2-4-7.040. Prohibited Development on Beaches and Foredunes. Construction of residential, commercial, or industrial buildings is prohibited on beaches, active foredunes, other foredunes that are conditionally stable and subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) that are subject to ocean flooding. Other development in these areas shall be permitted only if a certified engineering geologist determines that the development is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves and is designed to minimize adverse environmental effects. Such a determination shall consider:

A. The type of use proposed and the adverse effects it might have on the site and adjacent areas;

B. Temporary and permanent stabilization programs and the planned maintenance of new and existing

vegetation;

C. Methods for protecting the surrounding area from any adverse effects of the development; and

D. Hazards to life, public and private property, and the natural environment that may be caused by the proposed use.

2-4-7.045. <u>Erosion Control Measures</u>. In addition to completing a Geologic Report, a certified engineering geologist shall address the following standards.

A. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

B. Development plans shall minimize cut or fill operations so as to prevent offsite impacts;

C. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

D. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

E. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

F. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;

G. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure.

H. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;

I. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

(1) Energy absorbing devices to reduce runoff water velocity;

(2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

(3) Dispersal of water runoff from developed areas over large undisturbed areas;

J. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and

K. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

2-4-7.050. Storm water Retention Facilities Required. For structures, driveways, parking areas, or other impervious surfaces in areas of 12% slope or greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the City Engineer. The retention facilities shall be designed for storms having a 20 year recurrence frequency. Storm waters shall be directed into a drainage with adequate capacity so as not to flood adjacent or downstream property.

2-4-7.055. Approval Authority. An application shall be processed and authorized using a Type I decision making procedure.

2-4-7.060. Appeals of Geologic Permits. Any appeal from the issuance or denial of a Geologic Permit shall be filed within 15 calendar days of the date the City issues a final order as provided by Section 2-6-1.050. Appellants challenging substantive elements of a Geologic Report shall submit their own analysis prepared by a certified engineering geologist. Such report shall be provided within 30 days of the date the appeal is filed. A failure to submit a report within this timeframe is grounds for dismissal of the appeal.

2-4-7.065. Certification of Compliance. No development requiring a Geologic Report shall receive final approval (e.g. certificate of occupancy, final inspection, etc.) until the City receives a written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the City must also receive an additional written statement of compliance by the design engineer.

2-4-7.070. Removal of Sedimentation. Whenever sedimentation is caused by stripping vegetation, grading, or other development, it shall be the responsibility of the person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems and to return the affected areas to their original or equal condition prior to final approval of the project.

2-4-7.075. Applicability of Nonconforming Use Provisions. A building or structure that is nonconforming under section 2-5-1 of the Zoning Ordinance that is destroyed by fire, other casualty or natural disaster shall be subject to the casualty loss provisions contained in section 2-5-1 of the Zoning Ordinance. Application of the provisions of this section to a property shall not have the effect of rendering it nonconforming.

[OPTIONAL ADD-IN LANGUAGE (to identify as subsections A and B if added)]

A building or structure that conforms to the Zoning Ordinance that is destroyed by fire, other casualty or natural disaster may be replaced with a building or structure of up to the same size provided a Geologic Report is prepared by a certified engineering geologist. A Geologic Report prepared pursuant to this subsection shall adhere to the Geologic Report Guidelines outlined in subsection 2-4-7.030. All recommendations contained in the report shall be followed, however the report need not establish that the site is suitable for development as required in subsection 2-4-7.025(D). An application filed under this subsection shall be processed and authorized as a ministerial action by the Community Development Department.

Updated language in the Shoreland Hazards Section of the Natural Features Chapter of the Newport Comprehensive Plan is shown with a double underline.

Shoreland Hazards

Ocean Flooding

Ocean flooding is the inundation of lowland areas along the coast by salt water due to tidal action, storm surge, or tsunamis (seismic sea waves). Landforms in Newport subject to ocean flooding include beaches, the bases of sea cliffs, marshes and low-lying interdune areas. All areas shown on the Flood Insurance Rate Map in Zone V and areas below the 10 foot elevation south of and adjacent to the south jetty are considered to be areas subject to ocean flooding.

The National Flood Insurance Program (FIA) requires that all living areas or residences built or rebuilt within the floodplain be built so that the lowest habitable floor is at least one foot above the base flood level. In addition, buildings, foundations, and other structures must be built so that flood problems are not worsened in other areas. The City of Newport flood plain management regulations for coastal high hazard zones have been recognized as appropriate by FEMA.[21]

Shoreline Protection Measures

Ocean wave undercutting and consequent sea cliff erosion has been identified as a major source of beach sand. The following description of landslide areas also notes the role of ocean wave action. In an effort to protect property from cliff retreat, sand movement, and ocean flooding, several shoreline protection features have been built.

RNKR Associates mapped riprap armor along the shoreline in order to inventory these features. These are shown on the Ocean Shorelands map beginning on page 50. Control of shoreline protection features by local authorities is needed to prevent unexpected changes in beach equilibrium or aggravated erosion of adjacent lands. RNKR suggested several questions to be answered in the review of new shoreline protection structures which have been incorporated into ordinances controlling development along the shoreland.

In addition to city policies and regulations, beach areas within the vegetation line established by ORS 390 are under the jurisdiction of the Oregon State Parks and the Division of State Lands. A permit is required from those agencies prior to the construction of any beach front protective structures.

Landslide and Coastal Erosion Areas

Landslide and Coastal Erosion areas were mapped within the Newport urban growth boundary in the 2004 document titled Evaluation of Coastal Erosion Hazard Zones Along Dune and Bluff Backed Shorelines In Lincoln County, Oregon: Cascade Head to Seal

Rock, by the Oregon Department of Geology and Mineral Industries (OFR O-04-09). The document and maps is included here by reference. The report describes several types of mass movement (mud flow, slump, soil creep, and debris avalanche) and defines the mapped landslide areas:

Prehistoric Mass Movements: Generally speaking, these are very large landslide and slide blocks that predate historical observations on the Oregon coast (about 150 years) and are deeply eroded with no evidence of recent slide activity.

Potentially Active Mass Movements: These are areas of mass movements that are currently stable (no bowed trees or cracked soil and pavement) but with evidence of recurrent movement in the last 150 years. Unlike the prehistoric slides, these features are generally not extensively eroded and have well preserved topography indicative of recent movement. Many show no evidence of movement since 1939 or 1967 aerial photography but are probably more likely to have movements than the prehistoric slide areas.

Active Mass Movements: These areas have evidence such as bowed trees and cracked soil or pavement that indicate ongoing down slope movement of large masses of soil or rock.

Quaternary Landslides: Quaternary landslides were mapped by Snavely and others (1976 and 1996). These landslides are shown in inland portions of the City and were not investigated in the 2004 DOGAMI report.

Landslide Terrain: Areas identified as landslide terrain were interpreted by Schlicker and others (1973) from aerial photos and reconnaissance-level fieldwork. The terrain may be landslide or just rolling topography similar to that produced by landslide processes and needs to be field checked.

Bluff and Dune Backed Shoreline Hazard Areas: Coastal bluff and dune backed shoreline areas characterized by existing, active erosion processes and three zones of potential future erosion (high, moderate, and low) that respectively depict decreasing risk of becoming active in the future as modeled in the DOGAMI report. The respective hazard zones are more particularly described as follows:

> *Active Erosion Hazard Zones* – For dune backed shorelines, the active hazard zone encompasses the active beach to the top of the first vegetated foredune, and includes those areas subject to large morphological changes adjacent to the mouths of bays due to inlet migration. On bluff backed shorelines the active hazard zone includes actively eroding coastal bluff escarpments and active or potentially active coastal landslides.
>
> *High Risk Erosion Hazard Zones* – For dune backed shorelines, the high risk scenario is based on a large storm wave event (wave heights 47.6 ft high) occurring over the cycle of an above average high tide, coincident with a 3.3 ft storm surge.

For bluff backed shoreline areas, the high risk zone portrays bluff retreat that would occur if only gradual erosion at a relatively low mean rate were to occur over a 60 year period after the slope reaches and maintains its ideal angle of repose(for talus of the bluff material).

Moderate Risk Erosion Hazard Zones – For dune backed shorelines, the moderate risk scenario is based on an extremely severe storm event (waves 52.5 ft high) coupled with a long term rise in sea level of 1.31 ft. For bluff backed shoreline areas, the moderate risk zone portrays an average amount of bluff retreat that would occur from the combined processes of block failures, retreat to an angle of repose, and erosion for 60 to 100 years.

Low Risk Erosion Hazard Zones – For dune backed shorelines, the low risk scenario is similar to the moderate risk approach but incorporates a 3.3 ft vertical lowering of the coast as a result of a Cascadia subduction zone earthquake. For bluff backed shoreline areas, the low risk zone illustrates a worst case for bluff retreat in 60-100 years considering maximum bluff slope failure, erosion back to an ideal angle of repose, and gradual bluff retreat for 100 years.

Shoreland Resources

Significant Habitats

Significant material regarding shoreland and wetland biological habitats and riparian vegetation along the ocean shoreline in Lincoln County were compiled by Dr. D.W. Thomas in September 1981.[22] Recent aerial photographs and additional information from the Nature Conservancy, Oregon Department of Fish and Wildlife (ODFW), the U.S. Army Corps of Engineers, OCC&DC, and the U.S. Fish and Wildlife Service National Wetlands Inventory were obtained during that study. In July 1983, the City of Newport, in coordination with Lincoln County and the Oregon Department of Fish and Wildlife, reexamined the Thomas Study in the South Beach dune complex. The Ocean Shorelands Map (beginning on page 50) was amended to include only those areas considered by ODFW to be significant shoreland and wetland biological habitat (see the description of South Beach's significant habitat areas on the next page).

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[22] D.W. Thomas, Significant Shoreland and Wetland Biological Habitat and Riparian Vegetation, 1981.

October 18, 2010
6:43 P.M.
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Bain, McConnell, Bertuleit, Patrick, Brusselback, Kilbride, and Obteshka were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Public Works Director Ritzman, and Police Chief Miranda.

PUBLIC COMMENT

JoAnn Barton, speaking as a citizen and Port of Newport Commissioner, reported that an issue has arisen regarding fishermen parking on the Bayfront. She encouraged Council and staff to talk with the Port and fishing community regarding this issue. She displayed a banner commemorating the centennial of the Port of Newport, and asked that staff let the Port know when someone is available to hang the banners on Bay Boulevard. Patrick requested a banner to hang in the City Hall.

Ginny Golbrisch asked that Council remember that we have a working waterfront and to be vigilant not to erode the services that keep it a working waterfront. She noted that the Port issues parking stickers to fisherman for parking on the east end of the Bayfront, so the city and Port could get together to find a simple solution to the problem. It was noted that signage is part of the issue. It was suggested that Bain, Voetberg, and several commercial fisherman, and other Bayfront stakeholders meet on this matter.

Mark Watkins, business owner and Airport Committee member, stated that a letter had been received complimenting Terry Durham on his good work at the airport. He stated that he would like access to some of the surveys commissioned by the city. He asked that the City Council demand an interline agreement from SeaPort Airlines.

Ken Dennis, citizen and bicyclist, spoke about the Naterlin Drive sidewalk project. He asked whether there would be cost overruns since the estimate is more than two years old.

Walter Sherman expressed concern regarding the cost overruns of capital projects. He asked what steps were being taken to address these issues.

CONSENT CALENDAR

The consent calendar consisted of the following items:

A. Approval of minutes from the regular City Council meeting of October 4, 2010, and the work sessions of October 4 and 11, 2010;
B. Fire and Police Department monthly reports for September 2010;
C. Report of accounts paid for September 2010.

Hawker reported making a minor amendment to the minutes. Obteshka asked whether the supplemental DEQ project is complete. Ritzman reported that some planting still needs to take place during the rainy season, but otherwise, the project is ready to go. MOTION was made by McConnell, seconded by Patrick, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Obteshka reported on a meeting and activities of the Senior Center Advisory Committee, including fees, the Senior Health Fair, financial assistance program, and Generations magazine.

Obteshka reported that the recent Nye Beach Murder Mystery was a success.

Obteshka reported that a sustainability workshop will be presented by Duke Castle on October 22.

Obteshka reported that the Lincoln County Extension Office is presenting natural resource classes at OCCC.

Brusselback reported that he had volunteered at the recent Homeless Connect program which was well attended.

Brusselback complimented staff on the new public restrooms at 9th and Hurbert Streets.

McConnell reported that he also helped at Homeless Connect project.

McConnell reported on a work session about the employee's retirement program, noting that another work session is needed to discuss the issue.

McConnell reported that Council had attended a workshop on business licensing last Monday.

McConnell reported that he attended the Destination Newport Committee meeting last Thursday.

Kilbride reported that he had attended a workshop on how to make up the shortfall in one of the city's pension plans. He reported that other fringe benefit programs have to be addressed quickly for budgeting purposes.

Bertuleit reported on a recent meeting of the Bicycle/Pedestrian Committee. Issues addressed were the need for a progress report on the Naterlin Drive project, priorities that would work well for a striping machine, a bike boulevard from Elizabeth Street to the Bayfront, the grant application for design work on Oceanview Drive, the police volunteer vacancy for a bike patrol person, the bike maps, and the vacancies on the committee.

Patrick reported that she had met with McConnell, Kilbride, Voetberg, and Marshall regarding the defined benefit plan, and that it is a serious matter.

Patrick reported that a discussion on room tax would be held on October 11, and that the continued discussion of the business license ordinance would occur on November 15, at 4:15 P.M.

Patrick reported that she, McConnell, and Brusselback had attended a recent meeting of the Water Treatment Task Force. She stated that it was revealed that staff knew about the overage in March. She asked why the matter was not brought to Council sooner.

Bain reported that he attended the work session on business licensing. He stated that work continues on airline sustainability.

OFFICER'S REPORTS

City Manager's Report. Voetberg reported on the status of the new aerial equipment for the Fire Department.

Voetberg reported that the packet contains notes from the September CWACT meeting.

Voetberg reviewed the history of the Bay Boulevard project, and noted that a project chronology, based on Council minutes, is included in the packet.

Voetberg reported that HDR Engineering and Slayden Construction met with the Water Task Force to review the water treatment plant project. He reported that costs for the water treatment plant were based on the city's water master plan. He noted that the project will go over budget, but he intends to present Council with finalized numbers on November 1.

Voetberg reported on the proposed pool costs, explaining the difference between the development of the pool costs and those of the water treatment plant. He added that he is very confident that the $6.6 million estimate is accurate for the pool.

Voetberg requested Council input on the use of utility poles to hang FLYONP banners. There was no objection from Council.

Voetberg reported that the August 31 financial report had been distributed, and that questions could be directed to him or Marshall. Kilbride asked who had developed the water treatment plant budget, and whether the Agate Beach reservoir item was the million dollar water tank. He asked whether the city is still about $1.4 million short, and whether the plant will be adequate with cuts of that amount. Voetberg reported that it is his intent to provide information on this topic on November 1. He asked that Council e-mail questions on the water treatment plant so that staff can respond on November 1. Patrick stated that based on discussion at the Water Task Force meeting, it looks like it is going to get bigger. Obteshka suggested looking at other cities that have installed this technology. McConnell asked about the minutes from the Water Task Force, noting that a lot of issues were discussed, and consensus was reached. Brusselback agreed that most questions were answered at that meeting.

City Attorney's Report. McCarthy reported that the plastic bag ordinance would be on the November 1 Council agenda. She noted that a continued work session on business licenses would be held at 4:15 P.M., on November 15. McCarthy noted that a sustainability work shop would be held on October 22.

McCarthy reported that an issue has been brought to her attention regarding contractors wishing to haul their own waste, and being unaware that the city has an exclusive franchise agreement with Thompson's Sanitary for this work. She noted that in many cases, contractors have entered into agreements with property owners that include the cost of the contractor hauling waste, to find that the franchise with Thompson's prohibits this activity. She reported that she has talked with the Finance Department and IT staff regarding placing information on the city's website regarding this requirement. It was suggested that an insert be placed in water bills to get the information to people who would be entering into contracts that might require hauling of construction debris. A discussion ensued regarding whether this provision is equitable. It was suggested that the definitions of debris and demolition debris may need revision. It

was reported that approximately one-half of other communities excludes construction debris hauling from the franchise. McCarthy reported that she had met with Rob Thompson, Ken Riley, and Voetberg to discuss the matter. Thompson's will be including information in an upcoming newsletter. McCarthy reported that the city's Community Services Officer is citing contractors hauling their own debris. Obteshka suggested notifying contractors of this provision at the time the business license is obtained, and possibly include the provision in the licensing ordinance. Thompson reported that the industry trend is toward more management of solid waste. He reported that the demolition permit from Lincoln City contains pretty good language. He reviewed the programs and services offered by Thompson's. It was noted that communication and education is the solution to this problem.

Steve Boyd, representing Maier Roofing Company of Albany, stated that he has never seen a law like this. He reported that his company is trying to provide higher levels of service and give people the freedom to decide how they want to dispose of materials. He stated that his company was fined $1,000 for doing work at the Catholic Church, and the church did not want a drop box on the premises. He added that as a consumer, people would be upset to spend an additional $500 - $1000 because of the requirement to use a container, and that there should be options to the consumer. He distributed a handout to Council.

Wayne DeMoray stated that he does not understand why the city does not have a packet containing this information so that folks are aware of the issue prior to entering into a contract.

DISCUSSION ITEMS AND PRESENTATIONS

Presentation by My Sister's Place. Tracey Cummings, from My Sister's Place, and Melanie Kebler, from the DA's office, distributed packets to Council containing statistics and programming information regarding My Sister's Place. They reviewed statistics and programming, and Council thanked them for their services to the community.

Presentation by Bill Barton related to new municipal swimming pool. Patrick recused herself from this discussion. Bill Barton related a story about an elderly person who planned to vote in favor of the swimming pool bond issue as a gift to her grandchildren.

Agreement between property owner and city relating to new swimming pool. A discussion ensued regarding the potential sale of the property that Barton is willing to donate, and its allowable uses. Barton reported that he is interested in congruency with the South Beach Peninsula planning. MOTION was made by Brusselback, seconded by Obteshka, to approve the agreement between William Barton and the City of Newport related to the donation of South Beach property, and to authorize the Mayor to execute the agreement on behalf of the city. Bertuleit stated that he is okay with donating the money, but that he does not like contingency of use on property. The motion carried in a voice vote with Bertuleit voting no and Patrick recused.

PUBLIC HEARINGS

Continued public hearing on amendments to the Newport Comprehensive Plan, Zoning Ordinance, and Municipal Code relating to geologic hazards (File No. 12-Z-09). Bain reported that this is a continued legislative hearing to discuss new changes made to the proposed geological hazards ordinance since the last hearing. He read the hearing procedure and opened the public hearing at 8:42 P.M.

Tokos presented the staff report noting that the packet contains a draft ordinance that has incorporated the changes to the ordinance that were developed at the September 27, 2010 work session. He reviewed the changes. He reported that three letters that were not in previous packets have been forwarded to Council. One is from Waffenschmidt and Schneller, one from Penelope Larsen, and one is from the Oregon State Board of Geologist Examiners. He stated that two significant changes have been made to the ordinance. One is the elimination of the geologic reconnaissance form. The other is a clarification that amendments to the geologic hazards code will not render a conforming property non-conforming in the event of casualty. He reported that there is optional language in the packet that would allow for an abbreviated geologic review and not be appealable on an existing conforming use. He noted that another issue is the map colors, and that the colors are consistent with DOGAMI maps. He added that the city can use other map treatments, but cautioned Council there is risk that city could be construed to be misleading people if inconsistent with DOGAMI reports. Kilbride noted that it was suggested that the geological report needs to be prepared on a moderate area. Tokos noted that the reconnaissance report was an option to a full report. Patrick asked whether insurance might cover the cost of a report in the event of casualty. She asked how long a geologic report stays on file with the city. She added that there is the potential of city interference with a real estate transaction, and stated that she does not want to put the city in constant litigation. Tokos noted that people currently come in and look at geologic reports all the time. McConnell asked whether the insurance company would have to pay if person has a loss and goes to the insurance company to recoup the loss, and the geologic report indicates that you cannot build there. Obteshka asked whether 2-4-7.025 was consistent with the franchise ordinance, and Tokos noted that only utility lines would be exempt.

Bob Ward suggested additional wording regarding casualty loss, noting that casualty loss should be the same as new development. He suggested the inclusion wording that would address the issue of having to replace a house, lost to casualty, in the same footprint if it was better to move it to a different location on a lot. He questioned whether a full geological report should be required in a medium hazard zone.

Bill Kaniho stated that there is undeveloped property at South Shore, and his concern is the adverse effect this ordinance might have on this undeveloped property. He requested written assurance that this property will not be affected adversely by this ordinance. Tokos reported that the language at issue is required by state law and was in effect in 1995 in the Comprehensive Plan, but not in the zoning code. Tokos added that if someone is interested in developing a lot, staff would pull the records and examine the issue on a case-by-case basis.

Mary Stupp-Greer stated that the red zone will carry a stigma, and she suggested creating a neutral graphic that will not stigmatize the city

Dennis Bartoldus, representing the Central Coast Home and Business Owners Association, stated that it is imperative to include the optional language. He suggested as much flexibility as possible when dealing with catastrophic event.

John Waffenschmidt recommended that moderate risk properties not be required to have a geologic report.

Bob Berman suggested that the words, "at least," be removed from 2-4-7.010(D), and that a specific number of days be added.

Tokos noted that the Planning Commission had recommended that moderate risk properties be required to have a full geologic report.

Kilbride asked why the removal of the reconnaissance report is recommended. Tokos stated that there were too many liability concerns.

Bain noted that the DOGAMI map is not site specific. It was noted that a site specific evaluation would be necessary to clearly identify lines, and that a geologic report will trump the maps. Tokos noted that the maps are a tool used to identify when a site specific report is required.

Bain closed the public hearing at 9:30 P.M. for Council deliberation.

Patrick stated that she appreciates the new insights but believes that this is such an important issue that she would like to reread the proposal.

Bain asked that additional input be provided to the staff.

Kilbride stated that he agrees with Bob Ward and suggested staff address the issues raised by Ward. He expressed concern regarding liability if the red zone is removed from the maps.

Brusselback agreed that agency comment time should be to a date certain. He agreed with the casualty loss language recommended by Tokos. He also recommended hash marks or a neutral shade to replace the red zones on the map. He suggested that an explanatory statement could be included with the maps to eliminate misunderstandings.

Obteshka suggesting adding language in 2-4-7.015 that would make a geologic report good for five years or as long as the building permit is active, or whichever is greater

Bertuleit agreed with date certain for agency comment. He agreed with the casualty loss wording, and stated that he did not want red on the maps. He suggested that a geologic report not be a requirement in a moderate zone if the property owner signs a release.

McConnell agreed with the comments of other Councilors.

Public hearing on proposed formation of a City Center area parking district. Bain asked for conflicts of interest. Patrick stated that she is in the district. Bain opened the public hearing at 9:45 P.M. Tokos noted that this is the first of two public hearings that Council would hold on the formation of a City Center parking district. He reported that the proposal was formulated by City Center businesses, and includes a $35 flat surcharge on business license fees. He noted that this should generate $2,500 - $3,500 annually to enhance the functionality of the existing parking. He added that it would also relieve the obligation to provide off-street parking to a point, and remove the payment-in-lieu of providing parking when development occurs. It was noted that this could be an incentive for businesses to redevelop in district. It was noted that the Planning Commission provided a favorable recommendation on this matter. Tokos noted that a

zoning code amendment would be required, and that would appear on an upcoming meeting agenda. He noted that the next public hearing on this issue would be December 6. Tokos added that if one-third of the business owners object, the plan stops, but to date, he has received 12% in opposition.

Pete McKeeman, owner of the Digital Diner, spoke in favor of the formation of the district.

Priscilla Klein, representing the Bank of the West, spoke in favor of the formation of the district.

Michelle Harris, speaking on behalf of Jim Weir and herself, spoke in favor of the formation of the district.

Rebecca Glenn, owner of the Kite Shop, spoke in favor of the formation of the district.

Wayne DeMoray, business owner at 333 SW Coast Highway, spoke in favor of the formation of the district.

Mike Larson, owner of 324 and 328 SW Coast Highway, spoke in favor of the formation of the district.

David Miller, owner of Yaquina Bay Communications, spoke in opposition to the formation of the district.

Twila Olson, business owner at 306 SW Coast Highway, spoke in favor of the formation of the district.

Wayne DeMoray stated that his business has off-street parking, and he supports the formation of the district.

Bain closed the public hearing at 10:03 P.M. for Council deliberation.

Patrick asked how the potential removal of parking on Highway 101, by ODOT, would affect this district. Tokos noted that the conversation with ODOT is a separate issue.

Obteshka asked whether City Center has a plan for the use of such a small amount of money. It was noted that the money would be used for parking management, such as signage and striping.

MOTION was made by Brusselback, seconded by Bertuleit, to continue with the process of forming an economic improvement district in the City Center area for parking system improvements, as proposed in the Proposed Improvement Plan, and direct staff to prepare an ordinance to establish the district for consideration at a public hearing on December 6, 2010. A discussion ensued regarding the exclusion of businesses providing off-street parking.

Rebecca Glenn stated that the parking district is only formed for a period of five years. She noted that the fees were intentionally kept low to attract new businesses to the area.

John Sullivan, whose wife owns New for You, stated that her business has off-street parking, but they are in support of formation of the district.

The motion carried in a voice vote with Obteshka voting no.

ACTION ITEMS

Appointment of Technical Advisory Task Force members. McCarthy explained that the Technical Advisory Task Force was formed for the purpose of advising and working with the city on activities related to the testing of ocean waters, habitat, beaches, and

animals near the G-P outfall. Bain appointed the following people to the Technical Advisory Task Force: Anne Sigleo, Peter Lawson, Roger Hart, Jim Fuller, Charlie Plybon, Frank DiFilippis, and Joe Hayward to this Task Force. MOTION was made by McConnell, seconded by Patrick, to ratify the Mayor's appointments. The motion carried unanimously in a voice vote.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:27 P.M.

Margaret M. Hawker, City Recorder	William D. Bain, Mayor

Agenda Item # IX.A.
Meeting Date 11/15/10

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Resolution No. 3528 Creating a Public Arts Task Force

Prepared By: Penelope McCarthy Dept Head Approval: ____ City Mgr Approval: _____

Issue Before the Council: The issue before Council is whether to create a Public Arts Task Force.

Staff Recommendation: This item appears on the agenda at Council request, and is therefore a Council decision.

Proposed Motion: I move to create a Public Arts Task Force that will be comprised of five to seven members.

Key Facts and Information Summary:

An informal group of individuals involved in the community arts environment formed in November 2009 to address issues related to the acquisition, purchase, placement, ownership and maintenance of public art in the city of Newport. The Executive Director of the Oregon Coast Council for the Arts organized and provided support for this informal group. Councilor Brusselback acted as the Council liaison to this informal group. Jim Protiva, Director of Parks and Recreation, provided support and information from City staff. This group has been meeting on a monthly basis since November 2009 to review public arts issues, particularly the drafting of public art policies and procedures for the City.

At the request of the group, the City Manager and City Attorney met with this informal group to review the group's draft policies and procedures. It was suggested at that time that the informal group be recognized as a formal City task force of the City of Newport. The attached resolution will formalize that arrangement.

Other Alternatives Considered: The informal group could continue to work on public art issues and make recommendations.

City Council Goals: This issue does not address a specific City Council goal, although it does address the livability aspect of the City Council Mission Statement.

Attachment List: Resolution No. 3528.

Fiscal Notes: None.

RESOLUTION NO. 3528

A RESOLUTION ESTABLISHING A PUBLIC ARTS TASK FORCE FOR THE CITY OF NEWPORT

FINDINGS:

1. The City of Newport recognizes the significant role of art in the cultural enhancement of residents, the aesthetic value of its physical environment, and the community personality and uniqueness of the City; and

2. Public art improves publicly-owned places, and varies from outdoor sculpture to purposeful components that are an element of public amenities; and

3. Public art gives a sense of ownership and civic pride in community facilities and places for residents and contributes to the quality of life of residents and tourists in the community; and

4. Public art is imaginative visual creations sited in an accessible and visible manner for public enjoyment; and

5. Public art encourages and is a positive aspect of cultural tourism and contributes to economic development; and

6. Establishing a Public Arts Task Force to develop and recommend policy to the City Council, and to incorporate art into planning, will expand access to and appreciation of and for the arts to residents and visitors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT, OREGON, RESOLVES:

Section 1. The City Council creates a Public Arts Task Force that will be comprised of five to seven members. The Task Force will be comprised of individuals from the community who have an interest and awareness of art and reflect a diverse background of the community's art environment. The Task Force will be supported City staff. The Council will appoint a Council liaison to the Task Force.

Section 2. The Task Force will be responsible for encouraging the development of programs for the cultural enrichment of the City, including, but not limited to, visual and performing arts activities, arts education, and public art policy.

Section 3. The Task Force will develop recommendations to present to the City Council relating to Public Art, including but not limited draft Public Art policies and procedures and advice regarding the acquisition, purchase, placement and maintenance of Public Art. The

Task Force will be responsible for forwarding recommendations on Public Art to the City Council for approval.

Section 4. The Task Force will alert the Council to issues relating to Public Art.

Section 5. The Task Force shall be in effect until the Council determines a Public Art Task Force is no longer necessary.

Section 6. This resolution shall be effective immediately upon passage.

Adopted by a _____ vote of the Newport City Council on _____, 2010.

Signed on _____, 2010.

_____
William D. Bain, Mayor

ATTEST:

_____
Margaret M. Hawker, City Recorder

NEWPORT URBAN RENEWAL AGENCY
Follows Regular Council Meeting
URBAN RENEWAL AGENCY MEETING AGENDA

I. **Call to Order and Roll Call**

II. **Public Comments**

This is an opportunity for members of the audience to bring to the Agency's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

III. **Consent Calendar**

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

A. Approval of minutes from regular URA meeting of November 1, 2010…….....…...…..…..…**pgs. 1-2** (Hawker)

B. Report of Accts. Paid for Oct. 2010……..**pg. 1** (Marshall)

IV. **Discussion Items and Presentations**

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

V. **Public Hearings**

VI. **Action Items**

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances)

A. Intergovernmental Agreement (IGA) between The Newport Urban Renewal Agency and Port of Newport for roadway related Improvements along SE Marine Science Drive……**pgs. 1-30** (Tokos/McCarthy)

B. Resolution No. 2010-7 – A Resolution Transferring Funds from the North Side Urban Renewal District to The City to Repair and Maintain Properties Constructed With North Side Urban Renewal District Funds……**pgs. 1-3** (McCarthy)

VII. **Adjournment**

November 1, 2010
10:04 P.M.
Newport, Oregon

The Urban Renewal Agency of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Bain, McConnell, Bertuleit, Patrick, Brusselback, Kilbride, and Obteshka were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Public Works Director Ritzman, and Police Chief Miranda.

CONSENT CALENDAR

The consent calendar consisted of the following items:

A. Approval of minutes from the regular Urban Renewal Agency meeting of October 18, 2010.

MOTION was made by Bain, seconded by Bertuleit, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

ACTION ITEMS

Consideration of the Seventh Amendment to the South Beach Urban Renewal Plan and Report. Tokos reported that the issue before the URA is the consideration of Resolution No. 2010-6, adopting Minor Amendment Seven to the South Beach Urban Renewal Plan to identify a natural coastal gully and foredune area adjacent to South Beach State Park, which is roughly 2.5 acres in size, as a priority acquisition site so that Urban Renewal Agency funds can be used to purchase the property.

Joyce Gaffin stated that she believes the URA made a fine and wonderful decision to buy this property with a conservation easement in perpetuity. She added that it would be nice to have the entire project enumerated at this point, and reminded the URA that, as proposed, the proposal included two treed lots that are not contiguous to the 2.5 acre parcel. She reported that there are numerous huge trees on this property that might be saved with tax incentives or viewshed easements. She added that it is not just this site that is important, but properties on the north and south areas of the city that could be considered for purchase.

MOTION was made by McConnell, seconded by Bertuleit, to adopt Resolution No. 2010-6, adopting Minor Amendment Seven to the South Beach Urban Renewal Plan. The motion carried unanimously in a voice vote.

McCarthy updated the URA on the purchase of the South Beach property. She reported that an agreement has been prepared between the URA and the property owner. It has been signed and is at Western Title. She noted that she is working with Wayne Belmont on the conservation easement, and asked how the URA would like the

easement described. Tokos noted that the type of improvements could be trails, benches, and interpretive signs. McCarthy noted that the conservation easement would allow for, but not require, the types of improvements that Tokos described.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:19 P.M.

_____ _____

Margaret M. Hawker, City Recorder Patricia Patrick-Joling, Chair

CITY OF NEWPORT

Monthly Disbursements

Urban Renewal

October 2010

	Check		Check				
Vendor Name	Date		Number		Dept		Amount
Seattle NW Securities Corp	10/29/2010		10112		9600		12,000.00
TOTALS:							12,000.00

Agenda Item # UR/VI.A.
Meeting Date November 15, 2010

URBAN RENEWAL AGENCY
AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Intergovernmental Agreement between the Newport Urban Renewal Agency and Port of Newport for roadway and related improvements along SE Marine Science Drive

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: SV

ISSUE BEFORE THE COUNCIL: Consideration of an intergovernmental agreement with the Port of Newport that identifies the Port's contribution toward roadway and related improvements being made by the Newport Urban Renewal Agency on or adjacent to SE Marine Science Drive, and describes the parties respective responsibilities related to installation and maintenance of said improvements.

STAFF RECOMMENDATION: Staff recommends the Newport Urban Renewal Agency approve the Intergovernmental Agreement.

PROPOSED MOTION: I move to approve this Intergovernmental Agreement between the Newport Urban Renewal Agency and Port of Newport, and authorize the City Manager to execute the agreement on behalf of the Agency, including negotiation of any final amendments prior to the Port Commission's November 23, 2010 meeting.

KEY FACTS AND INFORMATION SUMMARY: The Newport Urban Renewal Agency is undertaking approximately $3.32 million dollars worth of roadway and related work along SE Marine Science Drive, to improve traffic flow and safety. Construction is being timed to coincide with the opening of the NOAA Marine Operations Center in June of next year and includes the realignment of intersections, construction of a roundabout, a pavement overlay, undergrounding of the utilities, curbed gravel parking areas to either side of the roadway, new multi-use paths and street/pedestrian scale lighting. Details about the project are outlined in the South Beach Peninsula Transportation Refinement Plan, completed in February of this year. The design and engineering work has been completed and the project is set for bid opening on November 18, 2010. Project funding includes $2.154 million from the Newport Urban Agency, a $1 million dollar Immediate Opportunity Fund grant from the State, $100,000 from the Oregon Department of Transportation, $50,000 from the Port of Newport (excluding donated right-of-way) and $16,000 from the Hatfield Marine Science Center.

In order to construct the improvements, the Newport Urban Renewal Agency will need to obtain road right-of-way, temporary construction easements, and rights-of-access from the Port of Newport. The Port is interested in donating the necessary right-of-way and temporary construction easements. It is also prepared to provide $50,000, and would like all of its contributions to the project to be captured in the agreement. The Newport Urban Renewal Agency will be making improvements inside the road right-of-way and outside of it, on Port property. The intergovernmental agreement spells out the responsibilities of each agency as they relate to installation and maintenance of the improvements.

The Port Commission for the Port of Newport is planning to consider the intergovernmental agreement at its November 23, 2010 meeting. A draft of the agreement is being reviewed by their legal counsel and minor changes may be needed before the document can be finalized. Given the tight schedule for this project it is important that the Newport Urban Renewal Agency act at this time. Staff anticipates bringing a notice of intent to award a contract for the work to the Agency at its December 6, 2010 meeting and the intergovernmental agreement will need to be completed and right-of-way conveyed before that occurs.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: This work is consistent with Council objectives to facilitate the successful relocation of the NOAA Marine Operations Center, leverage limited urban renewal funds through collaboration with partner agencies, and to foster livable communities.

ATTACHMENT LIST:

Draft Intergovernmental Agreement with attachments

FISCAL NOTES: The project is fully funded as noted above.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE NEWPORT URBAN RENEWAL AGENCY AND PORT OF NEWPORT

Pursuant to authority granted in Chapter 190 of the Oregon Revised Statutes (ORS), this agreement is entered into by and between Port of Newport, a port district organized and existing under ORS Chapter 777 (hereinafter referred to as "Port"), and the Newport Urban Renewal Agency, an urban renewal agency organized and existing under ORS Chapter 457 (hereinafter referred to as "Agency"), collectively referred to as "Parties."

Purpose: To set forth the nature of Port's contribution toward roadway and related improvements being made by Agency on or adjacent to Port property along SE Marine Science Drive, and to describe the parties respective responsibilities related to installation and maintenance of said improvements.

The parties agree as follows:

A. **Effective Date.** This agreement shall be effective upon execution by the last party signing below.

B. **Recitals.**

1. Parties desire Agency to construct roadway and related improvements along SE Marine Science Drive between Highway 101 and the new National Oceanic Atmospheric Administration (NOAA) Marine Operations Center.

2. In order to construct the improvements Agency will need to obtain road right-of-way, temporary construction easements, and rights-of-access from the Port.

3. Port is interested in donating the necessary right-of-way and temporary construction easements as a contribution to Agency's improvement project. Port also desires to establish its maximum contribution to Agency's project.

4. Parties also desire to describe their respective responsibilities as they relate to installation and maintenance of said improvements.

C. **Agency Obligations.**

1. Agency agrees to construct the following improvements:

a. Realignment of SE Pacific Way and SE Marine Science Drive intersection to improve vehicular and pedestrian safety;

b. Installation of a separated multi-use path along SE Marine Science Drive to provide multi-modal opportunities and reduce vehicular trips to and from the South Beach peninsula area;

c. Installation of vehicle and pedestrian scale lighting;

d. Landscape improvements to increase pedestrian and bicycle safety;

e. Installation of wayfinding signs to improve operations;

f. Installation of gravel shoulders for safety and overflow parking;

g. Installation of drainage swales for stormwater filtration and detention;

h. Realignment of Rogue Ale Brewery access with SE Ferry Slip Road to improve safety and operations;

i. Realignment of SE 25th Street to create a ninety degree (90) intersection with SE Marine Science Drive;

j. Installation of a traffic roundabout on SE Marine Science Drive to improve safety and operations of traffic accessing the Port of Newport public boat ramp and marina, Hatfield Marine Science Center, and the NOAA Marine Operations Center;

k. Pavement overlay from Highway 101 to the terminus of SE Marine Science Drive to improve traffic flow and safety; and

l. Undergrounding of overhead utility lines along SE Pacific Way and SE Marine Science Drive to reduce pole clutter.

2. Agency agrees that said improvements are to be installed in accordance with plans and specifications prepared by David Evans and Associates, Inc., dated November 8, 2010 and provided to the Port. Should Agency determine that amendments are needed to the plans and specifications, Agency shall provide Port with copies of the amended documents.

D. **Port Obligations.**

1. Port agrees to donate to Agency real property (for road purposes) and temporary construction easements as depicted on legal descriptions prepared by Gary Hutcheson, PLS, dated October 11, 2010 and October 14, 2010 (summarized below), the appraised value of which is _____.

   a. Real property within Tax Lot 104, of Section 17, Township 11 South, Range 11 West of the Willamette Meridian, consisting of approximately 34,263 square feet of land (Attachment A);

   b. Temporary construction easement within Tax Lot 104, of Section 17, Township 11 South, Range 11 West of the Willamette Meridian, consisting of approximately 15,333 square feet of land (Attachment A);

   c. Temporary construction easement within Tax Lot 111, of Section 17, Township 11 South, Range 11 West of the Willamette Meridian, consisting of approximately 32,836 square feet of land (Attachment B);

   d. Temporary construction easement within Tax Lots 100 and 200 of Section 17AC, Township 11 South, Range 11 West of the Willamette Meridian, consisting of approximately 2,436 square feet of land (Attachment C);

   e. Temporary construction easement within Tax Lot 1500, of Section 17, Township 11 South, Range 11 West of the Willamette Meridian, consisting of approximately 1,971 square feet of land (Attachment D); and

   f. Temporary construction easement within Tax Lot 1600, of Section 17, Township 11 South, Range 11 West of the Willamette Meridian, consisting of approximately 2,663 square feet of land (Attachment E).

2. Port shall, at no cost, provide Agency with temporary rights-of-access onto Port property to allow the removal of landscape islands, restriping of the parking lot in front of the business currently identified as Rogue Ale Brewery, and the installation of a landscape island and restriping of parking at the access to the marina (Attachment F).

3. Port recognizes Agency is making frontage improvements adjacent to the NOAA Marine Operations Center that Port would otherwise have expended as part of the construction of that facility. Port also desires Agency construct the Improvements

described herein. With this in mind, Port agrees to pay Agency a sum of $50,000 as a contribution to Agency's Improvement project.

4. Upon completion, Port agrees to maintain and operate, at its own expense, all Improvements made by Agency on Port property at a minimum level that is consistent with normal depreciation and/or service demand. Port shall also pay all utility costs to illuminate parking areas on Port property for any light fixtures installed by Agency for that purpose.

E. **Indemnification.**

1. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, Agency shall save, hold harmless, indemnify, and defend Port, its officers, agents, and employees from all claims, suits or actions of whatsoever nature resulting from or arising out of the activities of Agency, or its officers, agents and employees pursuant to this Agreement.

2. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, Port shall save, hold harmless, indemnify, and defend Agency, its officers, agents and employees from all claims, suits or actions of whatsoever nature resulting from or arising out of the activities of Port or its officers, agents and employees pursuant to this Agreement.

F. **Term.**

1. The Attachments to this agreement shall terminate, or not, according to the terms set forth in each Attachment. Sections C. and E.1. of this Agreement shall terminate upon Agency's completion of the improvements.

G. **Amendments.** This agreement may be amended by mutual agreement of the parties.

H. **Integration.** This agreement contains the entire agreement between Agency and the Port and supersedes all prior written or oral agreements.

IN WITNESS WHEREOF, the parties, by the duly authorized signatures below, hereby agree to be bound by the provisions of this agreement.

Newport Urban Renewal Agency

_____ _____

James Voetberg, Executive Director Date

PORT OF NEWPORT

_____ _____

Don Mann, Port Manager Date

Approved as to form:

_____

Counsel for Port of Newport

_____

City Attorney

Attachment A

After Recording please return to:
CITY of NEWPORT
169 Coast Highway
Newport, OR 97365

WARRANTY DEED
(DONATION)

KNOW ALL PERSONS BY THESE PRESENTS, that **Port of Newport**, hereinafter referred to as Grantor, grants to **Newport Urban Renewal Agency, an urban renewal agency organized and existing under ORS Chapter 457**, hereinafter referred to as Grantee, on behalf of the public, for the use of the public, does convey that certain real property situated in the county of Lincoln and State of Oregon, and more particularly described in Exhibits A and B, by this reference made a part hereof.

The true consideration for this conveyance is ZERO AND NO/100 DOLLARS ($0.00)

Grantors hereby covenant to and with Grantee that they are the owners of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the rights herein granted from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages arising from any use or activity by Grantee beyond or outside of those expressed herein, in any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THE INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINES IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, the above named Grantors have caused this instrument to be signed on this _____ day of _____ 20____.

_____
Authorized Official for Port of Newport

STATE OF OREGON)
) ss.
County of _____)

This instrument was signed and attested before me this _____day of _____ 20____,

By _____.

_____
Notary Public for State of Oregon

My Commission Expires: _____

EXHIBIT "A"

South Beach Transportation Improvements
October 1, 2010
Revised October 11, 2010
Revised October 14, 2010

Project No. NWPT0000-0021
Tax Map 11 11 17
Tax Lot 104

Parcel 1 Fee Simple

A parcel of land situated in Northeast one-quarter of Section 17 and the Southeast one-quarter of Section 8 in Township 11 South, Range 11West of the Willamette Meridian, City of Newport, Lincoln County, Oregon and being a portion of that property described in Lease Agreement recorded November 5th 1962 in book 231 page 471, Lincoln County Deed Records; said parcel being that portion of said property lying on the Easterly side of the centerline of S.E. OSU Drive:

Beginning at point located North 61° 37' 03" East, a distance of 593.13 feet from the northwest corner of Parcel 2, Partition Plat No. 33-1991, Lincoln County Survey Records a found 5/8" iron rod with a yellow plastic cap (unreadable); to the TRUE POINT of BEGINNING said point lying on the existing easterly right-of-way of S.E. OSU Drive; thence commencing along said easterly right-of-way North 14° 32' 57" East, a distance of 1454.69 feet; thence South 75° 33' 26" East, a distance of 4.00 feet; thence South 14° 26' 34" West, a distance of 66.34 feet to the beginning of a non-tangent 250.00 foot radius curve to the left (the radius point which bears South 77° 14' 52" East); thence on said curve through a central angle of 47° 31' 50" (the long chord of which bears South 11° 00' 47" East, a distance of 201.50 feet) an arc distance of 207.39 feet; thence South 11° 00' 47" East, a distance of 106.96 feet; thence South 57° 06' 02" West, a distance of 89.33 feet to the beginning of a tangent 270.00 foot curve to the left; thence on said curve through a central angle of 42° 34' 15" (the long chord of which bears South 35° 48' 55" West, a distance of 196.03 feet) an arc distance of 200.61 feet; thence South 14° 31' 47" West, a distance of 861.61 feet; thence North 75° 27' 03" West, a distance of 6.00 feet and the TRUE POINT of BEGINNING.

Containing 34,263 square feet, more or less.

The bearings of this description are based on the Oregon Coordinate System of 1983, North Zone, 1998 adjustment, as established in Record of Survey CS 18732, Lincoln County Survey Records.

Parcel 2 Temporary Construction Easement (Until December 31, 2011)

A parcel of land situated in Northeast one-quarter of Section 17 and the Southeast one-quarter of Section 8 in Township 11 South, Range 11West of the Willamette Meridian, City of Newport, Lincoln County, Oregon and being a portion of that property described in Lease Agreement

recorded November 5th 1962 in book 231 page 471, Lincoln County Deed Records; said parcel being that portion of said property lying on the Easterly side of the centerline of S.E. OSU Drive:

Beginning at point located North 35° 13' 41" East, a distance of 1618.35 feet from the Northwest corner of Parcel 2, Partition Plat No. 31-1991, Lincoln County Survey Records a found 5/8" iron rod with a yellow plastic cap (unreadable); to the TRUE POINT of BEGINNING thence North 11° 00' 47" West, a distance of 107.23 feet; thence South 81° 52' 11" East, a distance of 27.73 feet; thence South 02° 28' 23" West, a distance of 11.92 feet; thence North 80° 51' 44" East, a distance of 188.50 feet; thence South 11° 00' 47" East, a distance of 45.08 feet; thence South 70° 14' 07" West, a distance of 178.27 feet; thence South 22° 29' 09" East, a distance of 30.70 feet; thence South 61° 46' 01" West, a distance of 33.05 feet; thence North 34° 00' 20" West, a distance of 26.03 feet; thence North 11° 00' 47" West, a distance of 7.73 feet to the TRUE POINT of BEGINNING.

Containing 15,333 square feet, more or less.

The bearings of this description are based on the Oregon Coordinate System of 1983, North Zone, 1998 adjustment, as established in Record of Survey CS 18732, Lincoln County Survey Records.

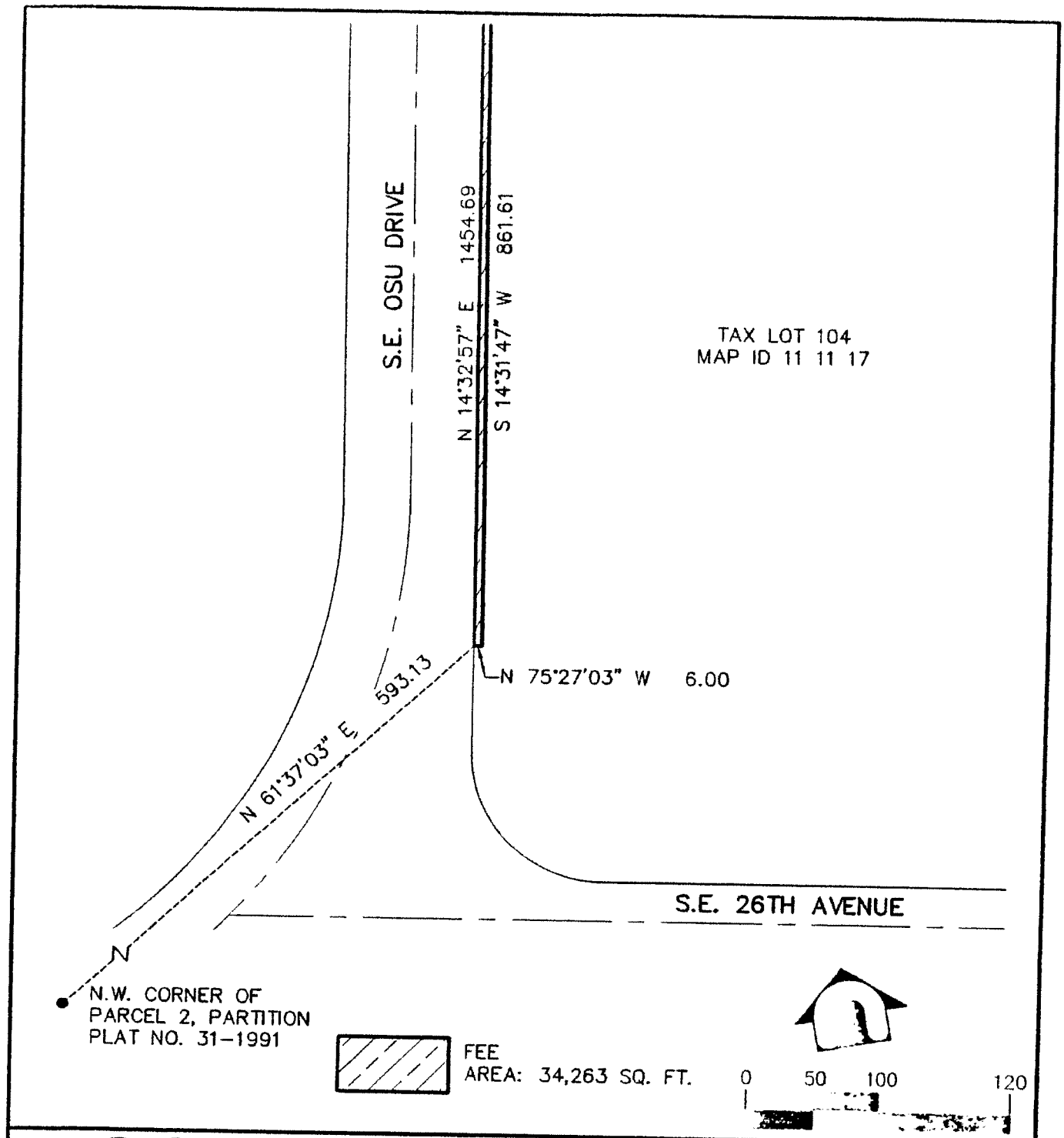
REGISTERED
PROFESSIONAL
LAND SURVEYOR

D. Gary Hutcheson

OREGON 10-14-10
DECEMBER 2, 1983
D. GARY HUTCHESON
2072

RENEWS 6/30/11

P:\N\NWPT00000021\0600INFO\SV\Legal Descriptions and Easements\TL 11-11-17-104 revised-2 .doc



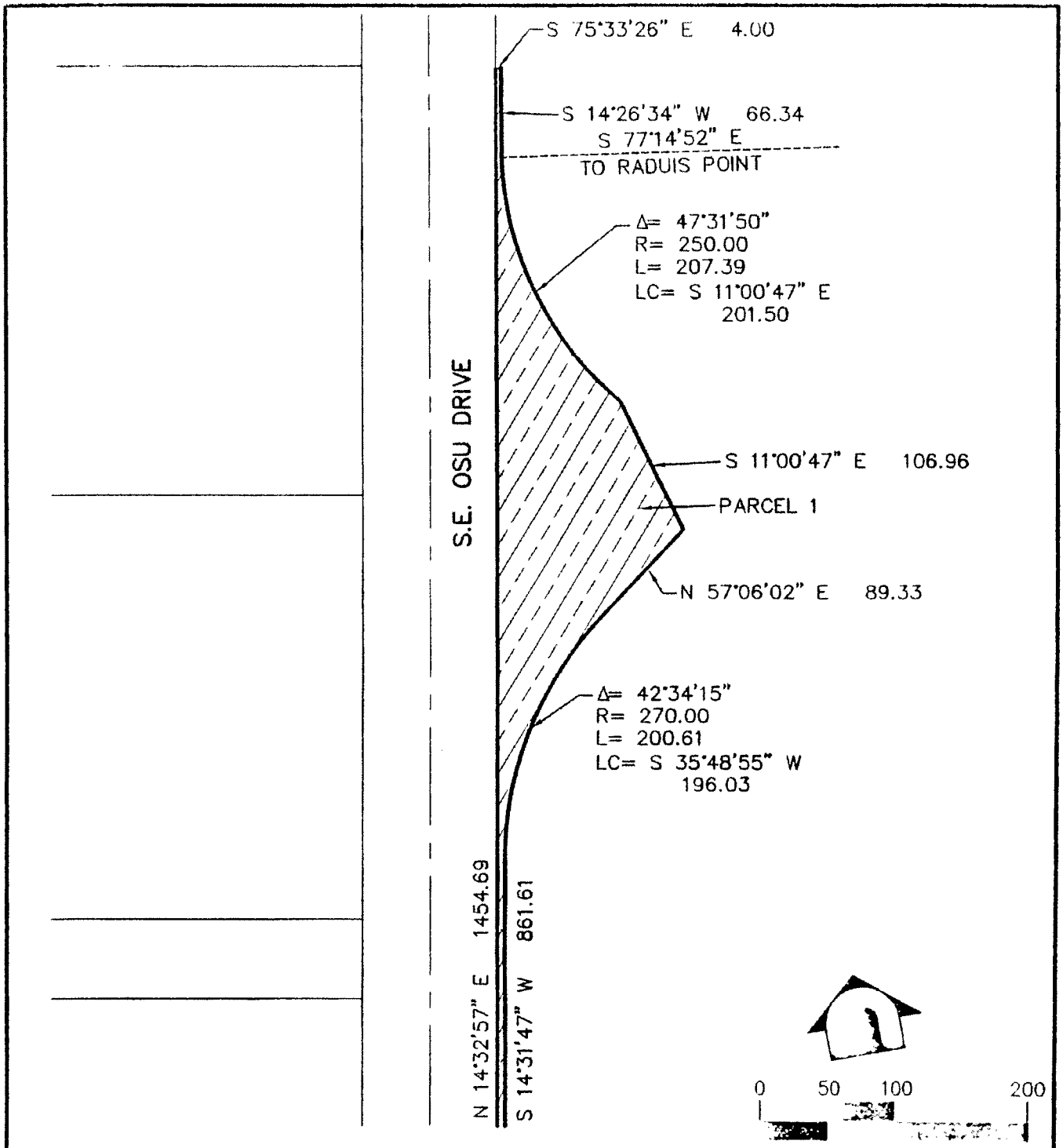
DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT: EXHIBIT "B"

TITLE: SOUTH BEACH TRANSPORTATION IMPROVEMENTS
CITY OF NEWPORT

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm05Nwpt0021	NWPT0000-0021	1" = 100'	0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
TAS	JKB	DGH	10/01/10

SHEET 1 OF 2



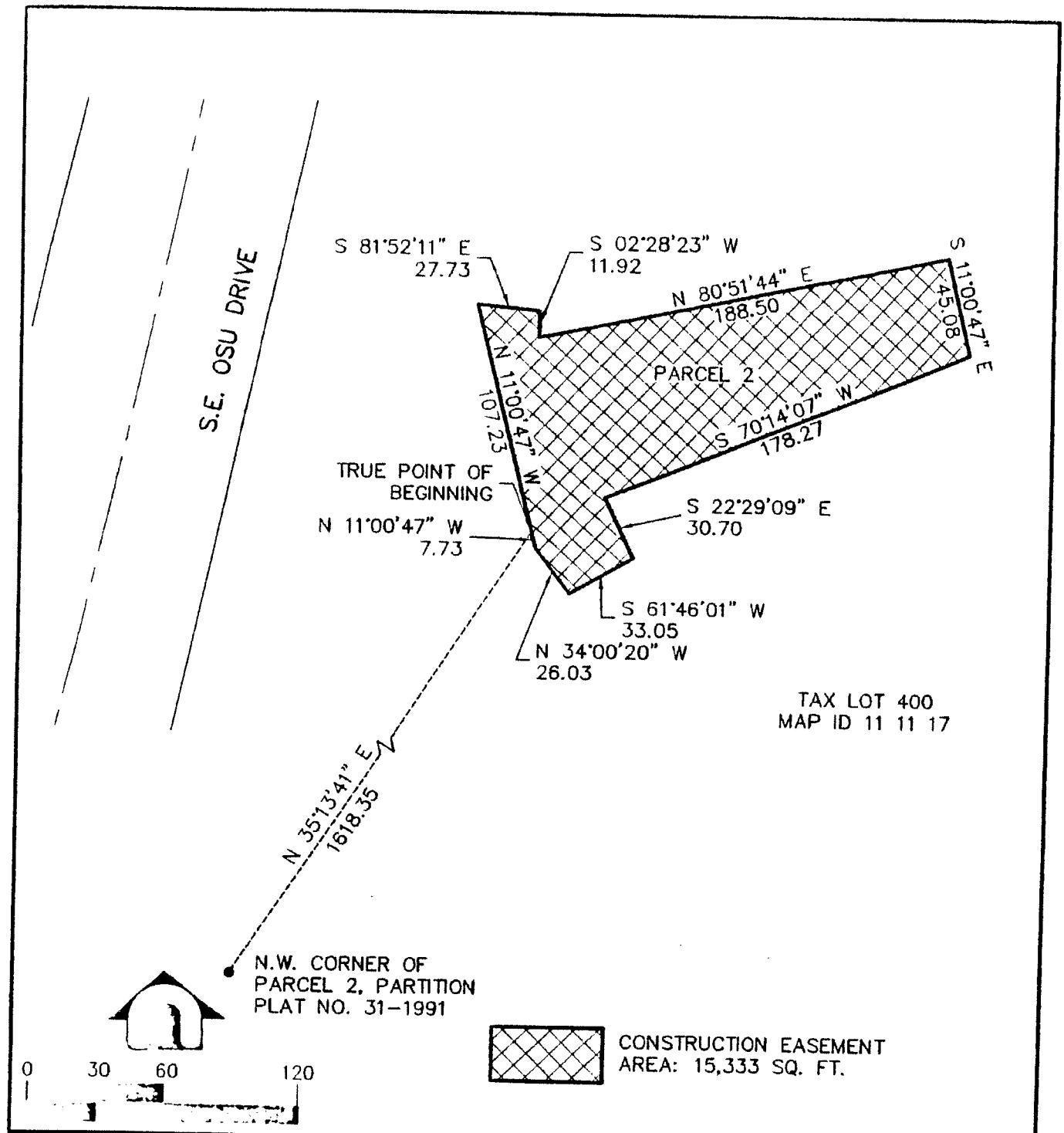
DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT: EXHIBIT "B"

TITLE: SOUTH BEACH TRANSPORTATION IMPROVEMENTS
CITY OF NEWPORT

SHEET 2 OF 2

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm05Nwpt0021	NWPT0000-0021	1" = 100'	0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
TAS	JKB	DGH	10/01/10



DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT: EXHIBIT "B"

TITLE: SOUTH BEACH TRANSPORTATION IMPROVEMENTS
CITY OF NEWPORT

SHEET 1 OF 1

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm04Nwpt0021	NWPT0000-0021	1" = 60'	0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
TAS	JKB	DGH	10/01/10

Attachment B

TEMPORARY CONSTRUCTION EASEMENT
(DONATION)

KNOW ALL PERSONS BY THESE PRESENTS, that, **Port of Newport,** hereinafter referred to as Grantor, in consideration of the sum of **Zero and No/100 Dollars ($0.00)** and other good and valuable consideration, paid by **Newport Urban Renewal Agency, an urban renewal agency organized and existing under ORS Chapter 457**, hereinafter referred to as Grantee, does hereby grant, bargain, sell and convey to the Grantee, its successors and assigns, a temporary construction easement for the purposes of constructing improvements as part of the **South Beach Transportation Improvements Project.** This work will be performed on Grantor's real property located in County of Lincoln, State of Oregon, and more particularly described in Exhibits A and B, by this reference made a part hereof.

Grantor covenants that it is the owner of the above-described property.

This easement shall become effective on the date Grantee issues notice to proceed to the contractor and shall continue until December 31, 2011, or when construction on the property is completed, whichever is earlier.

The Grantee shall have the right at any time during the easement period to enter upon the above described real property for the purposes herein above described. In connection therewith, Grantee may remove any trees, shrubs, brush, paving or other material necessary or convenient to accomplish such purposes. Grantee shall repair any damage to the property caused by Grantee's use for the purpose above described.

IN WITNESS WHEREOF, the Grantor(s) have hereunto set their hands and seals this _____ day of _____, 2010.

_____
Authorized Official for Port of Newport

I, Jim Voetberg, Executive Director to the Newport Urban Renewal Agency, do hereby accept on behalf of the Newport Urban Renewal Agency, the above instrument pursuant to the terms thereof this _____ day of _____, 2010.

_____
Authorized Official

EXHIBIT "A"

South Beach Transportation Improvements
October 1, 2010
Revised October 11, 2010

Project No. NWPT0000-0021
Tax Map 11 11 17
Tax Lot 111

Parcel 1 Temporary Construction Easement (Until December 31, 2011)

A parcel of land situated in the Northeast one-quarter of Section 17 and the Southeast one-quarter of Section 8 in Township 11 South, Range 11West of the Willamette Meridian, City of Newport, Lincoln County, Oregon and being a portion of that property described in Warranty Deed recorded March 14th 1934 in book 67 page 433, Lincoln County Deed Records; said parcel being that portion of said property included in a strip of land lying on the Westerly side of the centerline of S.E. OSU Drive, which centerline is described as follows:

Beginning at point (Station 0+00) located North 82° 06' 09" West from the northwest corner of Parcel 2, Partition Plat No. 33-1991, Lincoln County Survey Records a found 5/8" iron rod with a yellow plastic cap (unreadable); thence running South 87° 21' 03" East a distance of 551.13 feet to the beginning of a tangent 477.46 foot radius curve to the left (Station 5+51.13); thence on said curve through a central angle of 78° 06' 00" (the long chord of which bears North 53° 35' 56" East a distance of 601.60 feet) an arc distance of 650.83 feet to the end thereof (Station 12+01.96); thence North 14° 32' 57" East, a distance of 1728.04 feet to the terminus of this centerline description (Station 29+30.00).

The bearings of this description are based on the Oregon Coordinate System of 1983, North Zone, 1998 adjustment, as established in Record of Survey CS 18732, Lincoln County Survey Records.

The width in feet of said strip of land is as follows:

Station	to Station	Width on Southerly side of Center Line
4+20	5+52	90.00
5+52	7+65	60.00
7+65	10+65	70.00
10+65	21+14	60.00
21+14	21+52	60.00 in a straight line to 125.00
21+52	22+22.45	125.00
22+22.45	25+45	60.00

Containing 32,836 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON 10-13-10
DECEMBER 2, 1983
D. GARY HUTCHESON
2072
RENEWS 6/30/11

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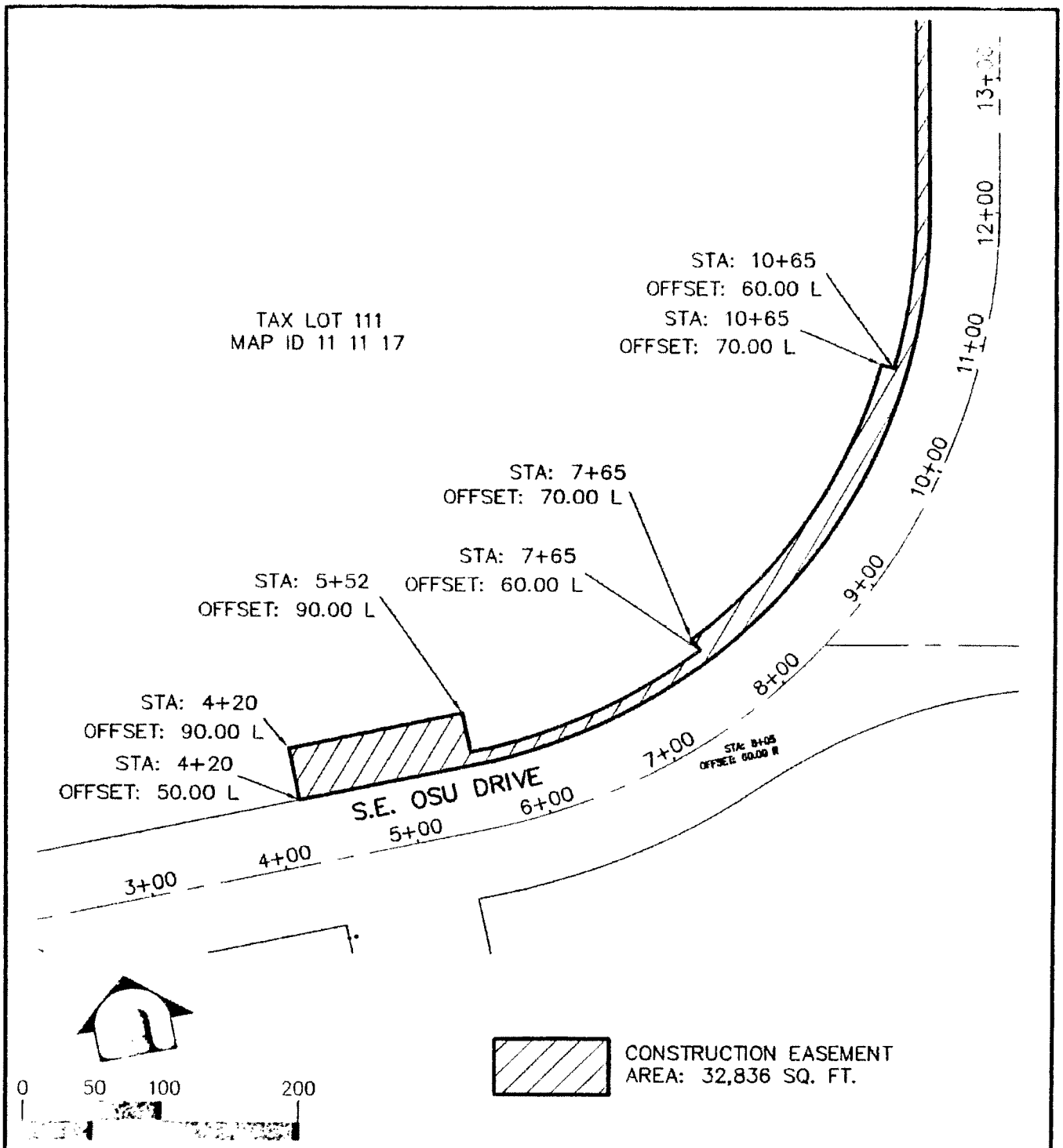


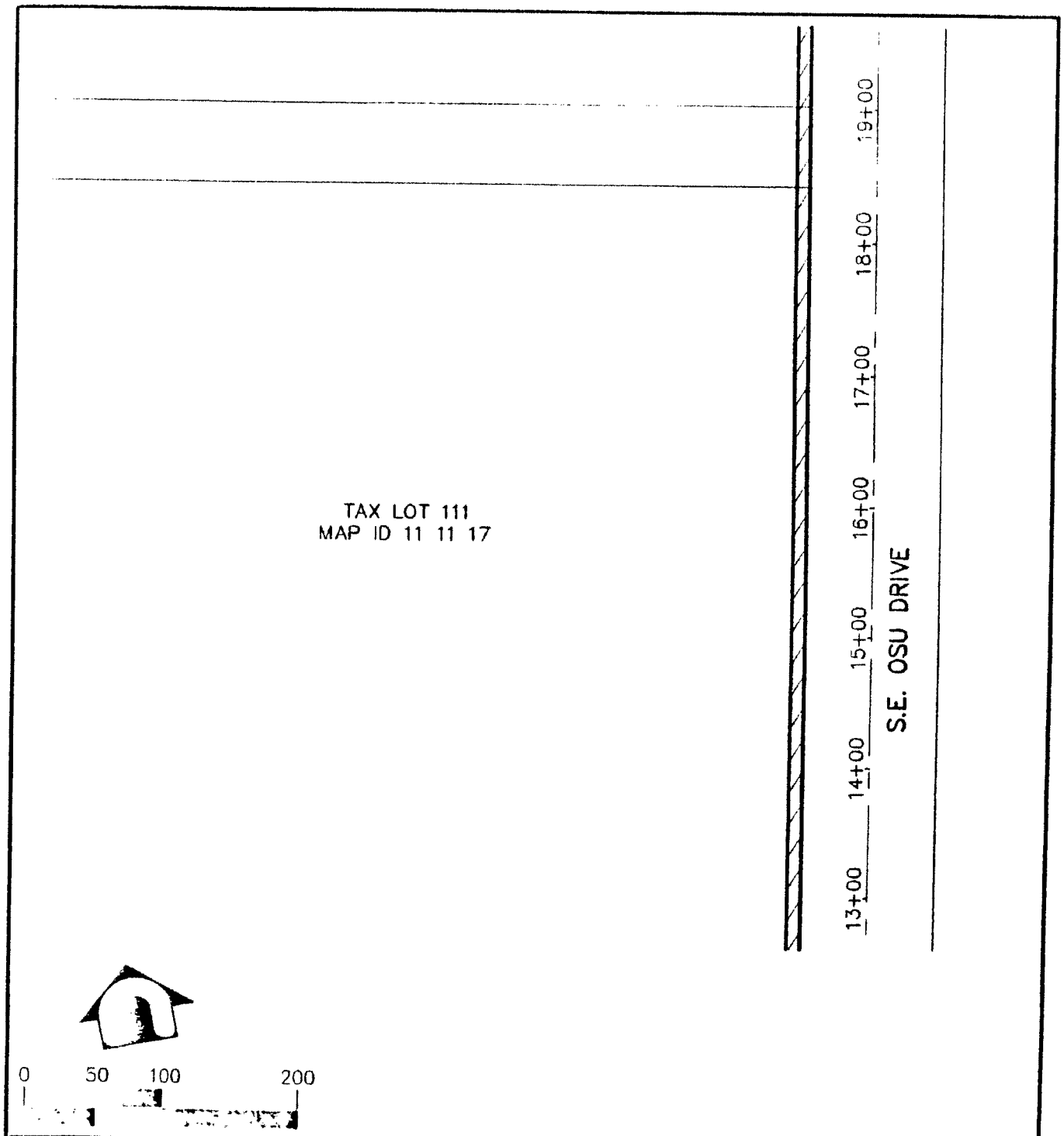
DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT: EXHIBIT "B"

TITLE: SOUTH BEACH TRANSPORTATION IMPROVEMENTS
CITY OF NEWPORT

SHEET 1 OF 4

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm07Nwpt0021	NWPT0000-0021	1" = 100'	0
DRAWN BY	**DESIGN BY**	**APPROVED BY**	**DATE**
TAS	JKB	DGH	10/01/10



DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

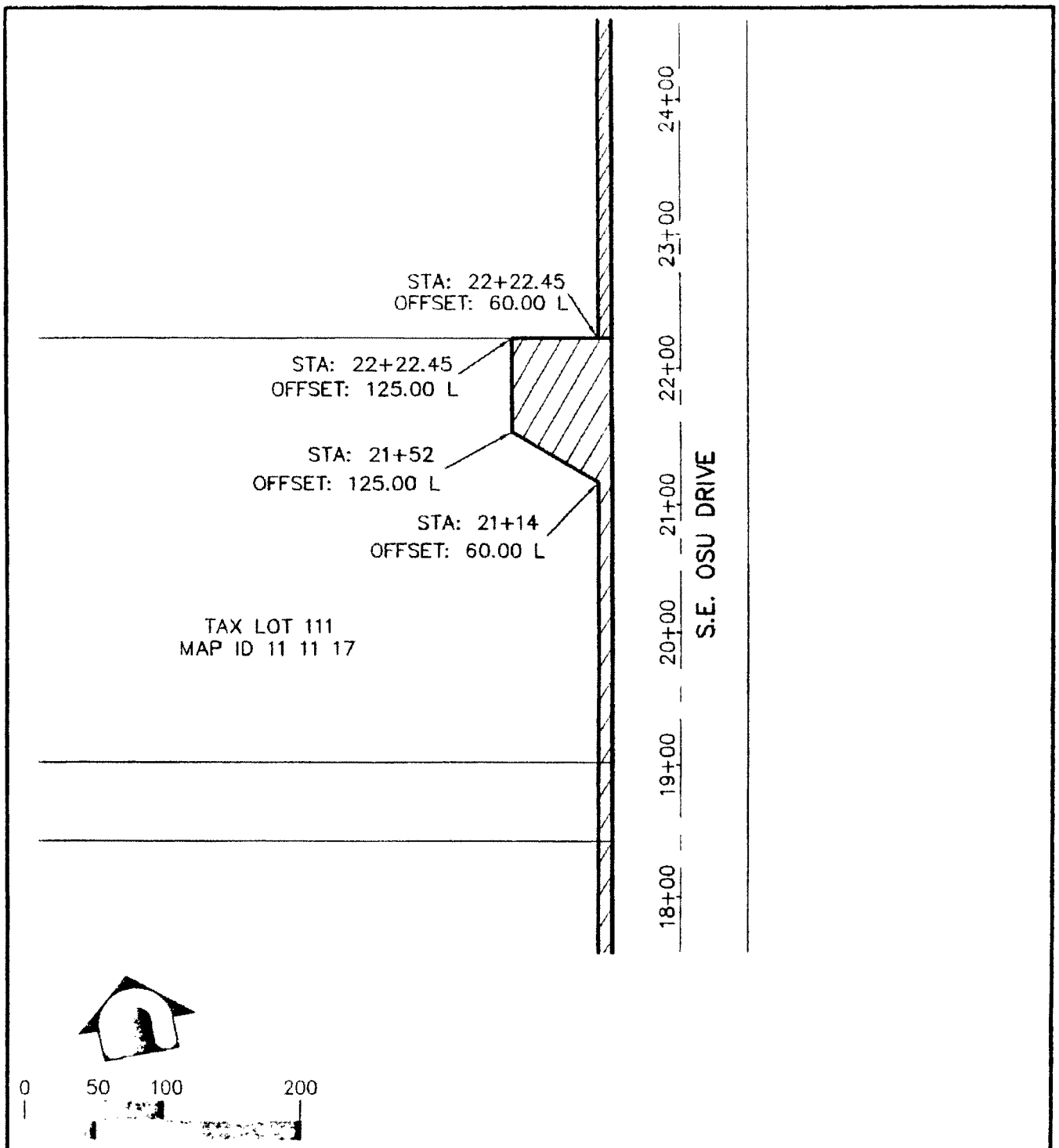
PROJECT EXHIBIT "B"

TITLE SOUTH BEACH TRANSPORTATION IMPROVEMENTS

CITY OF NEWPORT

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm07Nwpt0021	NWPT0000-0021	1" = 100'	0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
TAS	JKB	DGH	10/01/10

SHEET 2 OF 4



DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

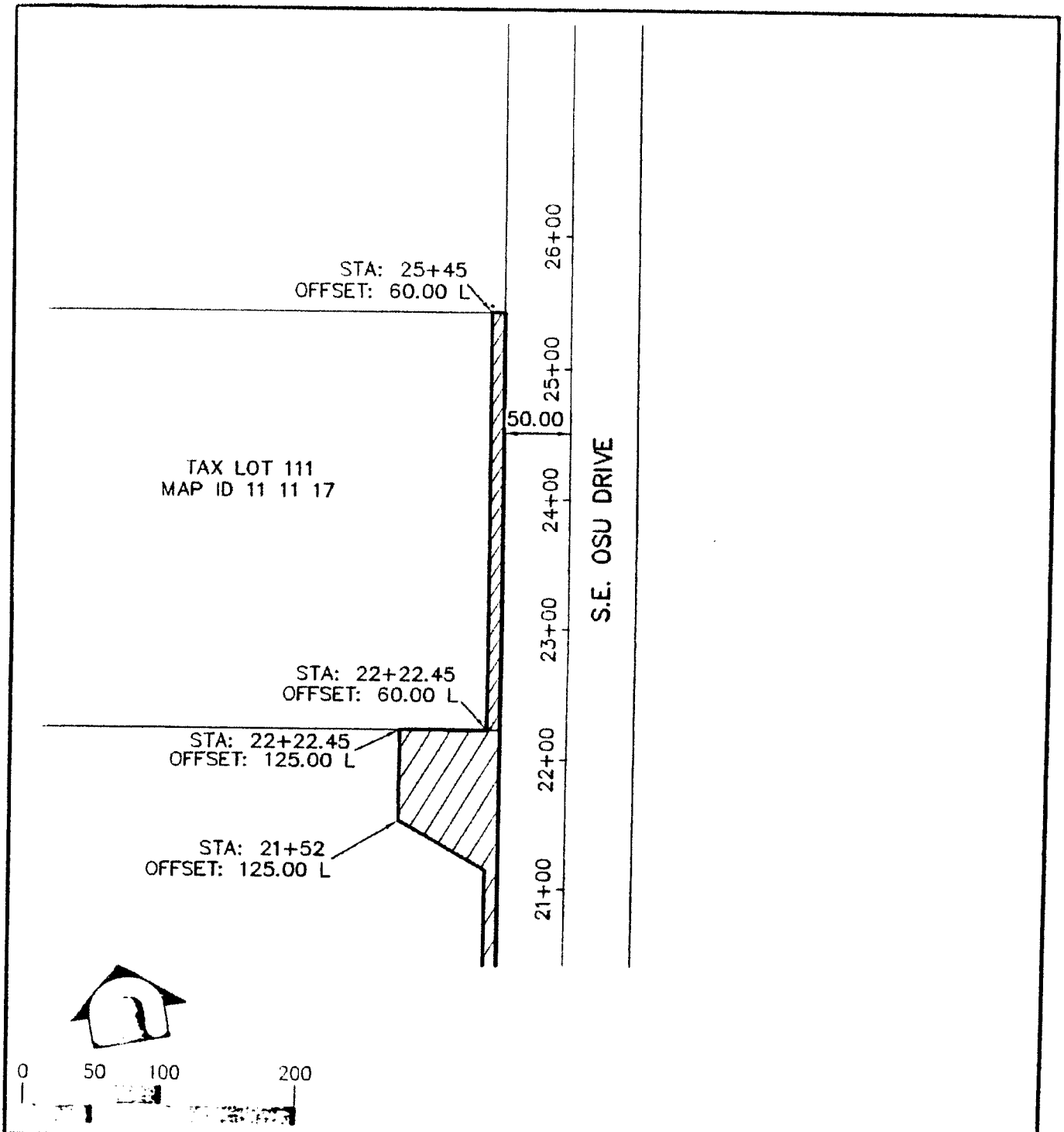
PROJECT: EXHIBIT "B"

TITLE: SOUTH BEACH TRANSPORTATION IMPROVEMENTS

CITY OF NEWPORT

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm07Nwpt0021	NWPT0000-0021	1" = 100'	0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
TAS	JKB	DGH	10/01/10

SHEET 3 OF 4



DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT: EXHIBIT "B"

TITLE: SOUTH BEACH TRANSPORTATION IMPROVEMENTS
CITY OF NEWPORT

SHEET 4 OF 4

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm06Nwpt0021	NWPT0000-0021	1" = 100'	0
DRAWN BY	**DESIGN BY**	**APPROVED BY**	**DATE**
TAS	JKB	DGH	10/01/10

Attachment C

TEMPORARY CONSTRUCTION EASEMENT
(DONATION)

KNOW ALL PERSONS BY THESE PRESENTS, that, **Port of Newport,** hereinafter referred to as Grantor, in consideration of the sum of **Zero and No/100 Dollars ($0.00)** and other good and valuable consideration, paid by **Newport Urban Renewal Agency, an urban renewal agency organized and existing under ORS Chapter 457**, hereinafter referred to as Grantee, does hereby grant, bargain, sell and convey to the Grantee, its successors and assigns, a temporary construction easement for the purposes of constructing improvements as part of the **South Beach Transportation Improvements Project.** This work will be performed on Grantor's real property located in County of Lincoln, State of Oregon, and more particularly described in Exhibits A and B, by this reference made a part hereof.

Grantor covenants that it is the owner of the above-described property.

This easement shall become effective on the date Grantee issues notice to proceed to the contractor and shall continue until December 31, 2011, or when construction on the property is completed, whichever is earlier.

The Grantee shall have the right at any time during the easement period to enter upon the above described real property for the purposes herein above described. In connection therewith, Grantee may remove any trees, shrubs, brush, paving or other material necessary or convenient to accomplish such purposes. Grantee shall repair any damage to the property caused by Grantee's use for the purpose above described.

IN WITNESS WHEREOF, the Grantor(s) have hereunto set their hands and seals this _____ day of _____, 2010.

_____
Authorized Official for Port of Newport

I, Jim Voetberg, Executive Director to the Newport Urban Renewal Agency, do hereby accept on behalf of the Newport Urban Renewal Agency, the above instrument pursuant to the terms thereof this _____ day of _____, 2010.

_____
Authorized Official

EXHIBIT "A"

South Beach Transportation Improvements
October 1, 2010
Revised October 11, 2010

Project No. NWPT0000-0021
Tax Map 11 11 17AC
Tax Lot 100 & 200

Parcel 1 Temporary Construction Easement (Until December 31, 2011)

A parcel of land situated in the northeast one-quarter of Section 17 in Township 11 South, Range 11 West of the Willamette Meridian, City of Newport, Lincoln County, Oregon and being a portion of that property described in Warranty Deed recorded June 4th 1990 in book 217 page 2320, Lincoln County Deed Records; said parcel being that portion of said property included in a strip of land lying on the Southerly side of the centerline of S.E. OSU Drive, which centerline is described as follows:

Beginning at point (Station 0+00) located North 82° 06' 09" West from the northwest corner of Parcel 2, Partition Plat No. 33-1991, Lincoln County Survey Records a found 5/8" iron rod with a yellow plastic cap (unreadable); thence running South 87° 21' 03" East a distance of 551.13 feet to the beginning of a tangent 477.46 foot radius curve to the left (Station 5+51.13); thence on said curve through a central angle of 78° 06' 00" (the long chord of which bears North 53° 35' 56" East a distance of 601.60 feet) an arc distance of 650.83 feet to the end thereof (Station 12+01.96); thence North 14° 32' 57" East, a distance of 1728.04 feet to the terminus of this centerline description (Station 29+30.00).

The bearings of this description are based on the Oregon Coordinate System of 1983, North Zone, 1998 adjustment, as established in Record of Survey CS 18732, Lincoln County Survey Records.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly side of Center Line
-0+05		2+50	60.00

Containing 2,436 square feet, more or less.

Except there from that tract designated as Parcel 1 Partition Plat 31-1991.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON 1947-10
DECEMBER 2, 1983
D. GARY HUTCHESON
2072
RENEWS 6/30/11

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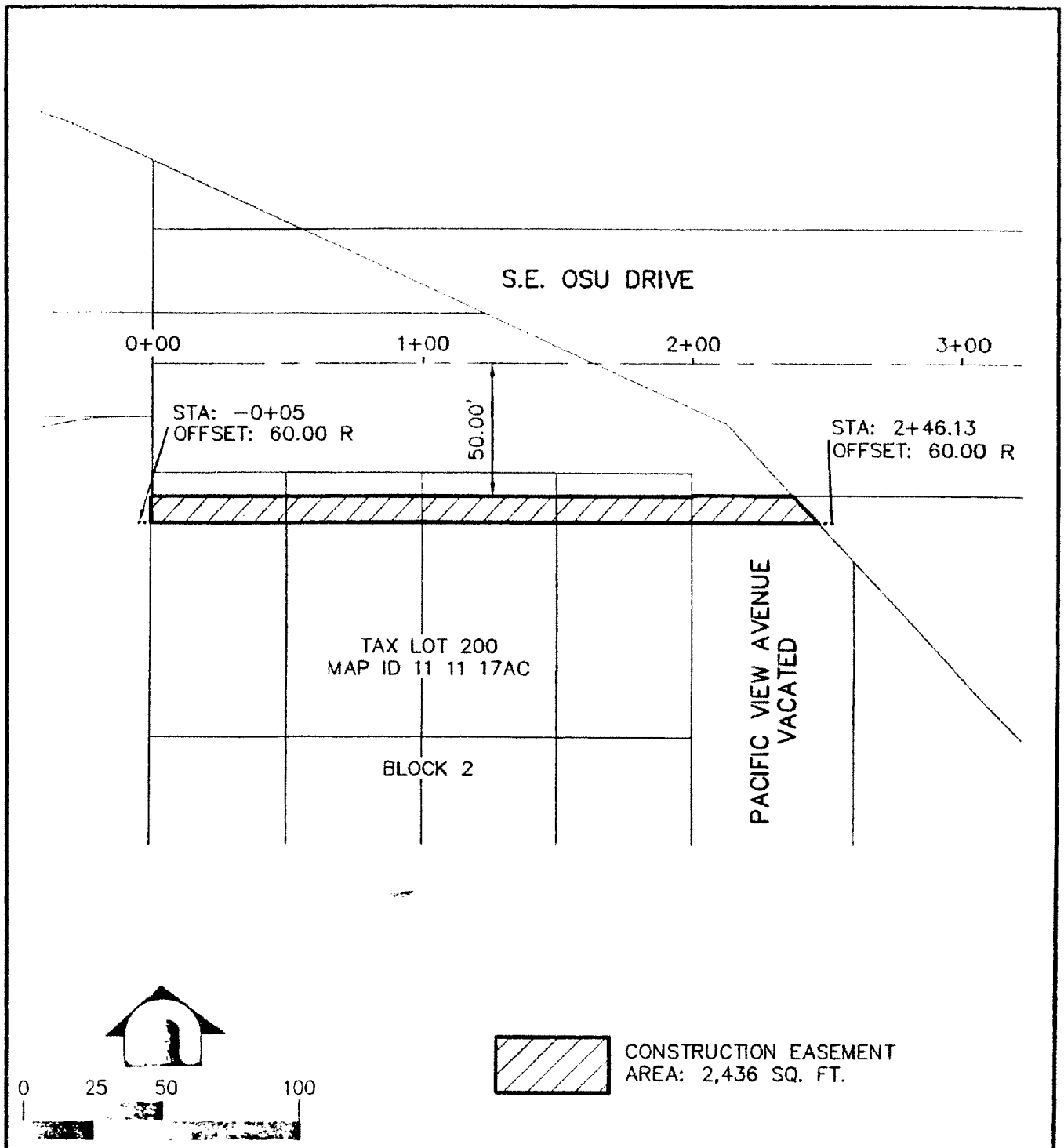

DAVID EVANS
AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT EXHIBIT "B"

TITLE SOUTH BEACH TRANSPORTATION IMPROVEMENTS

CITY OF NEWPORT

SHEET 1 OF 1

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm01Nwpt0021	NWPT0000-0021	1" = 50'	0
DRAWN BY	**DESIGN BY**	**APPROVED BY**	**DATE**
TAS	JKB	DGH	10/01/10

Attachment D

TEMPORARY CONSTRUCTION EASEMENT
(DONATION)

KNOW ALL PERSONS BY THESE PRESENTS, that, **Port of Newport,** hereinafter referred to as Grantor, in consideration of the sum of **Zero and No/100 Dollars ($0.00)** and other good and valuable consideration, paid by **Newport Urban Renewal Agency, an urban renewal agency organized and existing under ORS Chapter 457**, hereinafter referred to as Grantee, does hereby grant, bargain, sell and convey to the Grantee, its successors and assigns, a temporary construction easement for the purposes of constructing improvements as part of the **South Beach Transportation Improvements Project.** This work will be performed on Grantor's real property located in County of Lincoln, State of Oregon, and more particularly described in Exhibits A and B, by this reference made a part hereof.

Grantor covenants that it is the owner of the above-described property.

This easement shall become effective on the date Grantee issues notice to proceed to the contractor and shall continue until December 31, 2011, or when construction on the property is completed, whichever is earlier.

The Grantee shall have the right at any time during the easement period to enter upon the above described real property for the purposes herein above described. In connection therewith, Grantee may remove any trees, shrubs, brush, paving or other material necessary or convenient to accomplish such purposes. Grantee shall repair any damage to the property caused by Grantee's use for the purpose above described.

IN WITNESS WHEREOF, the Grantor(s) have hereunto set their hands and seals this _____ day of _____, 2010.

_____
Authorized Official for Port of Newport

I, Jim Voetberg, Executive Director to the Newport Urban Renewal Agency, do hereby accept on behalf of the Newport Urban Renewal Agency, the above instrument pursuant to the terms thereof this _____ day of _____, 2010.

_____
Authorized Official

EXHIBIT "A"

South Beach Transportation Improvements
October 1, 2010
Revised October 11, 2010

Project No. NWPT0000-0021
Tax Map 11 11 17
Tax Lot 1500

Parcel 1 Temporary Construction Easement (Until December 31, 2011)

A parcel of land situated in the northeast one-quarter of Section 17 in Township 11 South, Range 11West of the Willamette Meridian, City of Newport, Lincoln County, Oregon and being a portion of that property described in Parcel 1 of Partition Plat 31-1991 recorded February 14th 1991 at the Lincoln County Surveyors Office; said parcel being that portion of said property included in a strip of land lying on the Southerly side of the centerline of S.E. OSU Drive, which centerline is described as follows:

Beginning at point (Station 0+00) located North 82° 06' 09" West from the northwest corner of Parcel 2, Partition Plat No. 33-1991, Lincoln County Survey Records a found 5/8" iron rod with a yellow plastic cap (unreadable); thence running South 87° 21' 03" East a distance of 551.13 feet to the beginning of a tangent 477.46 foot radius curve to the left (Station 5+51.13); thence on said curve through a central angle of 78° 06' 00" (the long chord of which bears North 53° 35' 56" East a distance of 601.60 feet) an arc distance of 650.83 feet to the end thereof (Station 12+01.96); thence North 14° 32' 57" East, a distance of 1728.04 feet to the terminus of this centerline description (Station 29+30.00).

The bearings of this description are based on the Oregon Coordinate System of 1983, North Zone, 1998 adjustment, as established in Record of Survey CS 18732, Lincoln County Survey Records.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly side of Center Line
2+40		4+40	60.00

Containing 1,971 square feet, more or less.

Except there from that portion of land dedicated as public right of way for roadway use.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON 10-13-10
DECEMBER 2, 1983
D. GARY HUTCHESON
2072
RENEWS 6/30/11

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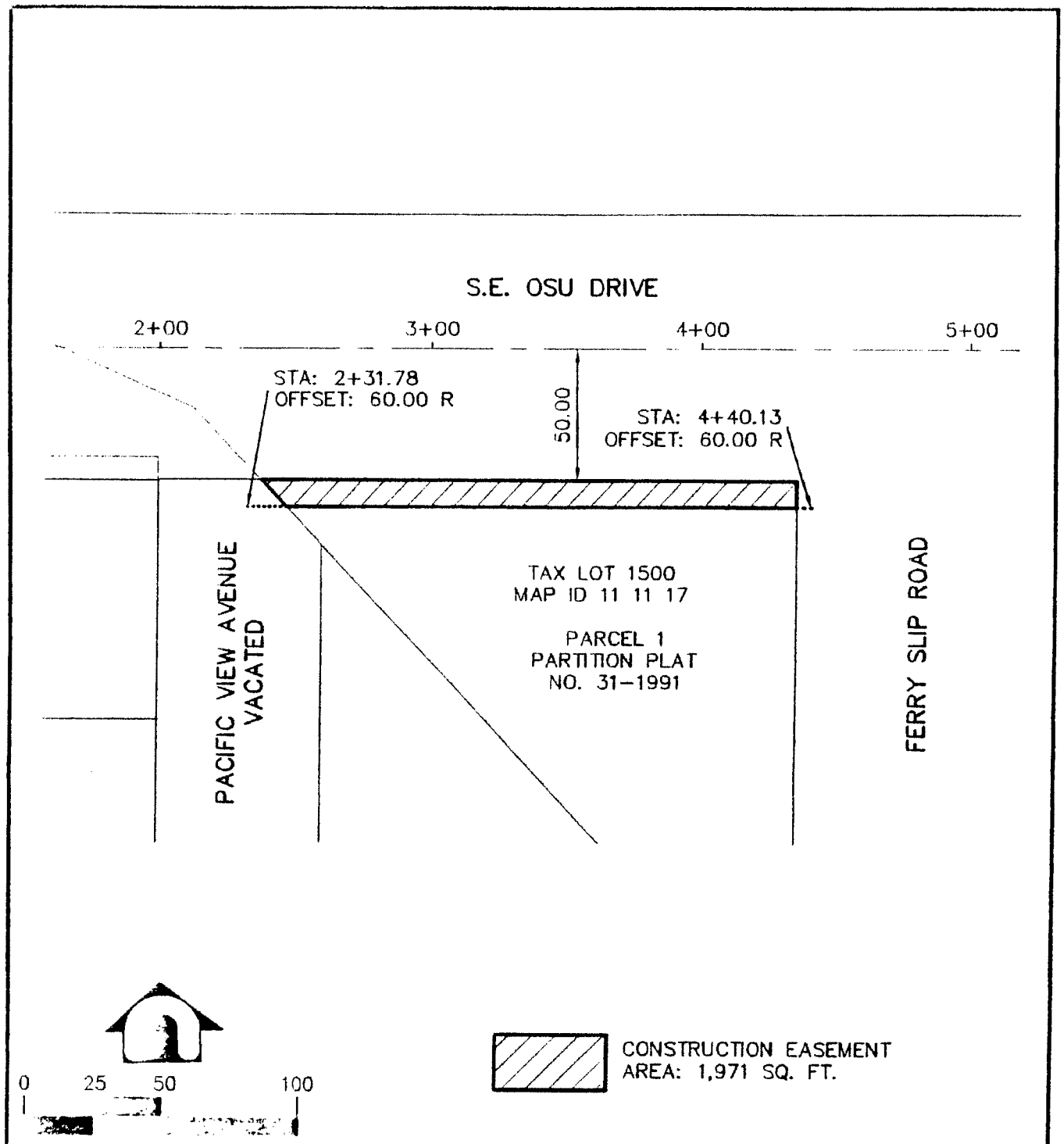

DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT: EXHIBIT "B"

TITLE: SOUTH BEACH TRANSPORTATION IMPROVEMENTS

CITY OF CIT OF NEWPORT

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm02Nwpt0021	NWPT0000-0021	1" = 50'	0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
TAS	JKB	DGH	10/01/10

SHEET 1 OF 1

Attachment E

TEMPORARY CONSTRUCTION EASEMENT
(DONATION)

KNOW ALL PERSONS BY THESE PRESENTS, that, **Port of Newport,** hereinafter referred to as Grantor, in consideration of the sum of **Zero and No/100 Dollars ($0.00)** and other good and valuable consideration, paid by **Newport Urban Renewal Agency, an urban renewal agency organized and existing under ORS Chapter 457**, hereinafter referred to as Grantee, does hereby grant, bargain, sell and convey to the Grantee, its successors and assigns, a temporary construction easement for the purposes of constructing improvements as part of the **South Beach Transportation Improvements Project.** This work will be performed on Grantor's real property located in County of Lincoln, State of Oregon, and more particularly described in Exhibits A and B, by this reference made a part hereof.

Grantor covenants that it is the owner of the above-described property.

This easement shall become effective on the date Grantee issues notice to proceed to the contractor and shall continue until December 31, 2011, or when construction on the property is completed, whichever is earlier.

The Grantee shall have the right at any time during the easement period to enter upon the above described real property for the purposes herein above described. In connection therewith, Grantee may remove any trees, shrubs, brush, paving or other material necessary or convenient to accomplish such purposes. Grantee shall repair any damage to the property caused by Grantee's use for the purpose above described.

IN WITNESS WHEREOF, the Grantor(s) have hereunto set their hands and seals this _____ day of _____, 2010.

_____
Authorized Official for Port of Newport

I, Jim Voetberg, Executive Director to the Newport Urban Renewal Agency, do hereby accept on behalf of the Newport Urban Renewal Agency, the above instrument pursuant to the terms thereof this _____ day of _____, 2010.

_____
Authorized Official

EXHIBIT "A"

South Beach Transportation Improvements
October 1, 2010
Revised October 11, 2010

Project No. NWPT0000-0021
Tax Map 11 11 17
Tax Lot 1600

Parcel 1 Temporary Construction Easement (Until December 31, 2011)

A parcel of land situated in the northeast one-quarter of Section 17 in Township 11 South, Range 11 West of the Willamette Meridian, City of Newport, Lincoln County, Oregon and being a portion of that property described in Parcel 2 Partition Plat 31-1991 recorded February 14th 1991 at the Lincoln County Surveyors Office; said parcel being that portion of said property included in a strip of land lying on the Southerly side of the centerline of S.E. OSU Drive, which centerline is described as follows:

Beginning at point (Station 0+00) located North 82° 06' 09" West from the northwest corner of Parcel 2, Partition Plat No. 33-1991, Lincoln County Survey Records a found 5/8" iron rod with a yellow plastic cap (unreadable); thence running South 87° 21' 03" East a distance of 551.13 feet to the beginning of a tangent 477.46 foot radius curve to the left (Station 5+51.13); thence on said curve through a central angle of 78° 06' 00" (the long chord of which bears North 53° 35' 56" East a distance of 601.60 feet) an arc distance of 650.83 feet to the end thereof (Station 12+01.96); thence North 14° 32' 57" East, a distance of 1728.04 feet to the terminus of this centerline description (Station 29+30.00).

The bearings of this description are based on the Oregon Coordinate System of 1983, North Zone, 1998 adjustment, as established in Record of Survey CS 18732, Lincoln County Survey Records.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly side of Center Line
5+30		8+05	60.00

Containing 2,663 square feet, more or less.

Except there from that portion of land dedicated as public right of way for roadway use.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON 10-13-10
DECEMBER 2, 1983
D. GARY HUTCHESON
2072
RENEWS 6/30/11

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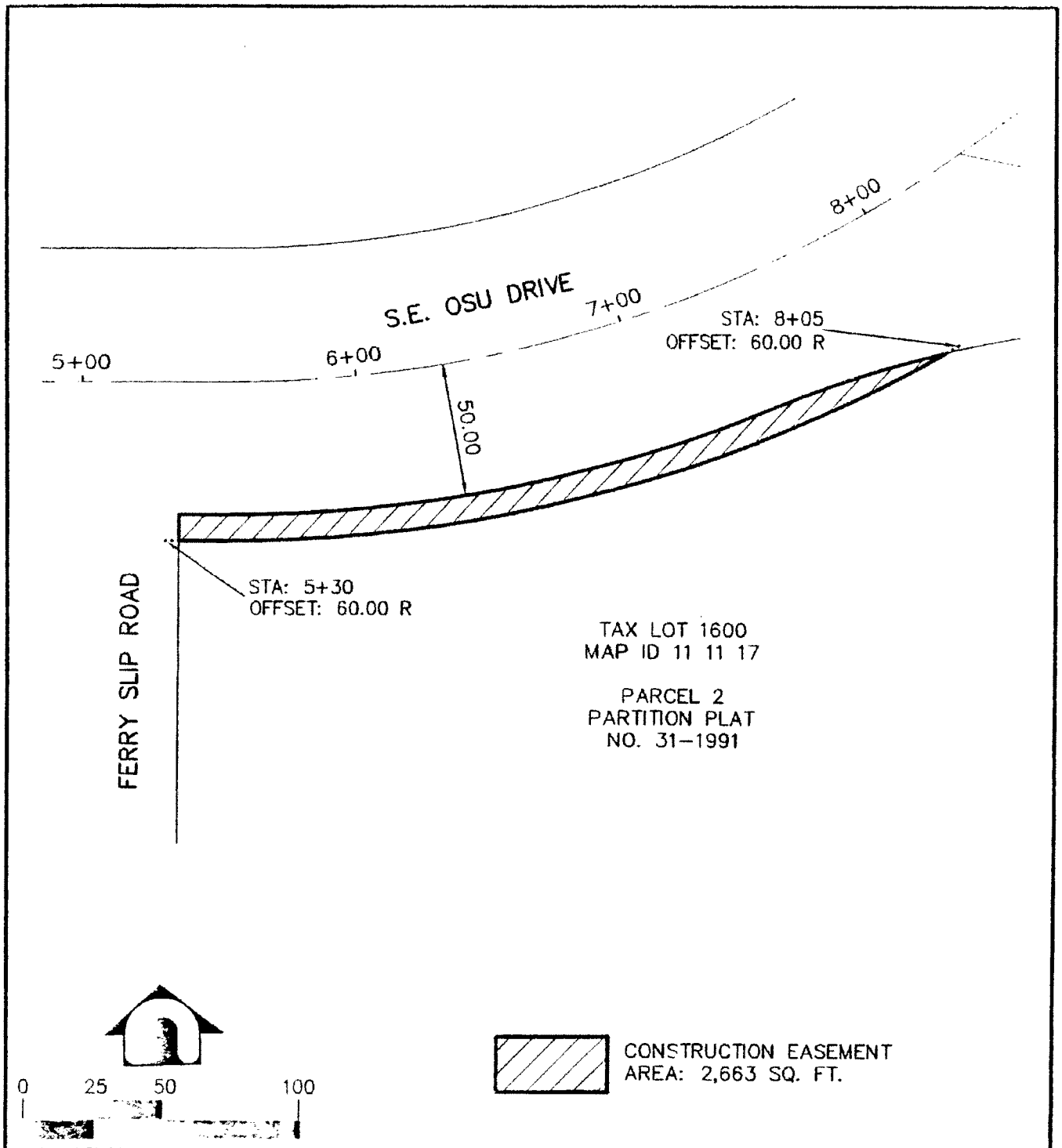

DAVID EVANS AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT: EXHIBIT "B"

TITLE: SOUTH BEACH TRANSPORTATION IMPROVEMENTS
CITY OF NEWPORT

SHEET 1 OF 1

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
SvEm03Nwpt0021	NWPT0000-0021	1" = 50'	0

DRAWN BY	DESIGN BY	APPROVED BY	DATE
TAS	JKB	DGH	10/01/10

Attachment F

PERMIT OF ENTRY

In order to proceed with the South Beach Transportation Improvement Project, the undersigned grant(s) to the Newport Urban Renewal Agency, an urban renewal agency organized and existing under ORS Chapter 457, its employees, agents, or contractors, the right to enter upon real property situated in the County of Lincoln and State of Oregon more particularly described as:

> A parcel of land situated in the Northeast one-quarter of Section 17 and the Southeast one-quarter of Section 8 in Township 11 South, Range 11West of the Willamette Meridian, City of Newport, Lincoln County, Oregon and being a portion of that property described in Warranty Deed recorded March 14th 1934 in book 67 page 433, Lincoln County Deed Records.

The express purpose of this Permit of Entry is to allow the removal of landscape islands and the restriping of the parking lot in front of the business currently identified as Rogue Ale Brewery, and to allow the installation of a landscape island and restriping of the parking lot at the access to the marina.

This permit of entry shall become effective on the date the Newport Urban Renewal Agency issues notice to proceed to the contractor and shall continue until December 31, 2011, or when construction on the property is completed, whichever is earlier.

The Grantee shall have the right at any time during the Permit of Entry period to enter upon the above described real property for the purposes herein above described.

_____ day of _____, 2010.

_____

Authorized Official for Port of Newport

DRAFT

Agenda Item # _____
Meeting Date November 15, 2010

NEWPORT URBAN RENEWAL AGENCY
AGENDA ITEM SUMMARY

Issue/Agenda Title: A Resolution Transferring Funds from the North Side Urban Renewal District to the City to Repair and Maintain Properties Constructed with North Side Urban Renewal District Funds

Prepared By: McCarthy Dept Head Approval: _____ City Mgr Approval: _____

Staff Recommendation:

Staff recommend that that the Agency approve a transfer to the City of all funds remaining in the North Side Urban Renewal District after the retirement of all debt, for the purpose of performing repair and maintenance on properties constructed with North Side Urban Renewal funds.

Proposed Motion:

I move the Newport Urban Renewal Agency approve Resolution No. 2010-7 which allows for the transfer of funds from the North Side Urban Renewal District to the City of Newport to repair and maintain City-owned properties that were constructed with North Side Urban Renewal funds.

Key Facts and Information Summary:

Staff estimates that approximately $_____ will remain in the North Side Urban Renewal District fund after all indebtedness of the District is retired in mid-December, 2010.

Because of a lack of funds, the City has deferred maintenance on properties that were originally constructed with North Side Urban Renewal Funds. Properties particularly in need of repair include the Performing Art Center, the Public Library and City Hall.

The North Side Urban Renewal Plan allows for the use of North Side Urban Renewal funds for the purpose of repair, renovation, refurbishment and maintenance of properties originally constructed with such funds.

Other Alternatives Considered: The properties will continue to fall into disrepair if funds are not secured to provide for appropriate maintenance.

Goals: City Council Goals: "Community Livability" – "Maintain and develop parks and city-owned properties within available resources."

Attachment List: Resolution No. 2010-7

Fiscal Notes: At the Agency's meeting on Monday, November 15, 2010, staff will provide an estimate of funds remaining in the North Side Urban Renewal District funds after the retirement of debt.

NEWPORT URBAN RENEWAL AGENCY

RESOLUTION NO. 2010-7

A Resolution Transferring funds from the North Side Urban Renewal District to the City of Newport to Repair and Maintain Properties Constructed with North Side Urban Renewal District Funds

Findings

A. The Newport Urban Renewal Agency (Agency) intends to close the North Side Urban Renewal District (URD) in mid-December of 2010. City staff estimate that approximately $_____ will remain in the North Side URD fund after all indebtedness on the North Side URD is retired; and

B. Because of a lack of funds, the City has deferred maintenance on City-owned properties that were originally constructed with North Side Urban Renewal Funds. Properties particularly in need of repair, renovation, refurbishment and maintenance include the Performing Art Center, the Public Library (roof and air handling system), and City Hall (air handling system). Upgrades to City Hall are also required for increased energy efficiency; and

C. By way of example, the Performing Arts Center (PAC) has several areas of concern. The roof has numerous leaks which are causing damage to the building itself. Attempts to repair the roof have not been successful. Staff recommends that the roof be replaced, the cost of which is estimated to be $100,000. The smoke doors located on the roof of the PAC also need to be replaced as they are badly corroded. Finally, some beams in the covered parking structure are rotting and need to be replaced. The cost of replacement is estimated to be $10,000; and

D. The North Side Urban Renewal Plan allows for the use of North Side Urban Renewal Funds for the purpose of repair, renovation, refurbishment and maintenance of properties originally constructed with such funds.

NOW THEREFORE, based on these findings:

THE NEWPORT URBAN RENEWAL AGENCY RESOLVES AS FOLLOWS:

Section 1. The Agency directs that after all indebtedness of the North Side Urban Renewal District is calculated so that all such debt may be retired, all funds remaining in the North Side Urban Renewal District shall be transferred to the City of Newport.

Section 2. The Agency directs that the City shall use the funds to repair, renovate, refurbish and maintain City-owned properties that were originally constructed with North Side Urban Renewal Funds. The City Manager and appropriate City staff shall determine the manner in which the funds shall be used for this purpose.

Section 3. The Executive Director and other staff shall take all necessary steps to effectuate this resolution.

Section 4. This resolution takes effect immediately upon passage.

Adopted by a _____ vote of the Newport Urban Renewal Agency on _____, 2010.

Signed on _____, 2010.

_____
Patricia Patrick-Joling, Chairperson

ATTEST:

_____
Jim Voetberg, Executive Director