



## AGENDA & Notice of Executive Session, Work Session & Regular City Council Meeting

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The City Council of the City of Newport will hold an executive session and work session on Monday, May 20, 2013, at 12:00 P.M., regular City Council meeting at 6:00 P.M. The work session will be held in Conference Room A at City Hall, and the City Council meeting will be held in the Council Chambers, City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meeting locations are 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.

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### CITY COUNCIL WORK SESSION AND EXECUTIVE SESSION Monday, May 20, 2013 - 12:00 P.M. Conference Room A

- I. Executive Session Pursuant to ORS192.660(2)(e) to discuss Real Property Transactions
  - II. Additional Work Session Items Not Listed on the Agenda (for this and future work sessions)
  - III. City Manager's Evaluation Process Sub-Committee Update
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### COUNCIL MEETING AGENDA Monday, May 20, 2013

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chamber. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.*

- I. Pledge of Allegiance
- II. Call to Order and Roll Call
- III. Additions/Deletions and Approval of Agenda

**IV. Public Comment**

*This is an opportunity for members of the audience to bring to the Council's attention any item not 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.*

**V. Proclamations, Recognitions & Special Presentations**

- A. EMS Week (Darcy Wilson)

**VI. Consent Calendar**

*The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.*

- A. Approval of City Council minutes from the Work Session and Regular City Meeting of May 6, 2013.
- B. Acknowledgment of Accounts Paid-April (Marshall)
- C. OLCC Renewal Recommendations (Miranda)

**VII. Officer's Reports**

- A. Mayor's Report
- B. City Manager's Report
  - i. Department Head Reports
  - ii. Suggestion/Concern/Complaint Update
  - iii. Project Management Report

**VIII. Discussion Items and Presentations**

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

- A. Work Force Housing Agreement with Community Services Consortium and Lincoln Community Trust (Bill Hall)
- B. Ocean Observing Conference Update (John Lavrakas)
- C. Possible Creation of Task Force to Review and Recommend a Combination of Long-Term Options to Fund Infrastructure
- D. Consideration of Resolution No. 3628 to Increase Water Rates (Gross)
- E. Consideration of Resolution No. 3627 to Increase Wastewater Rates (Gross)
- F. Consideration of Resolution No. 3627 to Increase Infrastructure Rates (Gross)
- G. Consideration of Resolution No. 3627 to Increase Stormwater Rates (Gross)

**IX. Action Items**

*Citizens will be provided an 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. Appeal of SDC Assessment of Coffee House at 156 SW Bay Boulevard (Tokos)
  - B. Consideration of Resolution No. 3626 - City Manager's Authority to Settle Lawsuits (Voetberg)
  - C. Extension of Agreement for Fulfillment Services with the Greater Newport Chamber of Commerce for FY13-14 (Voetberg)
  - D. Consideration of Notice of Intent to Award: Big Creek Reservoir-Culvert Rehabilitation (Gross)
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- X. **Council Reports and Comments**
  - XI. **Public Comment** (Additional time for public comment - 5 minutes per speaker)
  - XII. **Adjournment**



## CITY MANAGER PERFORMANCE EVALUATION OVERVIEW

The following information, inclusive of an evaluation form, supports the System Integration™ (SI) City Manager Evaluation Process which reviews progress and results in three areas: (1) Adherence to Council policy; (2) Annual Performance Plan achievements; and (3) Leadership Competency Assessment results.

Each City Council will have its own specific challenges and may suggest modifications to this document that improve its value to their own unique circumstances.

1. What is a City Manager evaluation?
  - a. The process of planning, reviewing, and providing feedback on the performance of the City Manager.
  - b. A means of demonstrating organizational accountability to citizens, employees, and key regional partners.
  - c. A means of maintaining alignment between goals set and achievements reached.
  - d. An element of decision about compensation.
  - e. A means of determining the need for further professional development, education, or training.
  
2. What is the role of the City Council?
  - a. Be familiar with all policy established by Council that describes how authority is delegated to the City Manager and its proper use monitored; the City Manager's role and his/her authority and accountability; constraints on the City Manager's authority which establish the practical, ethical, and legal boundaries within which all staff activity and decision-making will take place and be monitored; and what the Council intends for the city to achieve.
  - b. Schedule agenda time quarterly for the Personnel Committee report.
  - c. Provide annual review of City Manager performance and results achievement.
  - d. Maintain a balance of support and trust with a relationship of accountability with the City Manager.
  
3. What is the process?
  - a. Council appoints a Personnel Committee responsible for monitoring progress and measuring results of City Manager performance.
  - b. Personnel Committee meets each quarter with the City Manager to review adherence to the governance policies and the city's progress on the Annual Performance Plan.
  - c. Personnel Committee is responsible for providing quarterly updates to the full Council on City Manager progress and achievements.
  - d. Personnel Committee facilitates a full Council review annually of City Manager performance.
  - e. Council arranges for an annual assessment of City Manager Leadership Competencies.

This draft was assembled from different City Manager evaluation forms provided as a part of the process.

- f. Based on the results of the comprehensive annual review, Council determines the need for further professional development, education, or training for the City Manager and adjusts compensation accordingly.

#### 4. Opportunities

In a relationship of trust and support, Council members and the City Manager can have an honest dialogue about what is being accomplished, where the gaps may be, and how to maintain progress. Good relationships promote candor and constructive planning.

Evaluate the WHAT and the HOW - Results that should be accomplished and leadership skills that should be demonstrated.

Examples of WHAT include: Fulfillment of the City Mission, achievement of the objectives on the Annual Performance Plan, operational effectiveness, fiscal and staff management, public relations and advocacy.

Examples of HOW include: Personal qualities such as integrity and commitment, interpersonal skills such as effective communication and influence, and leadership skills such as vision, staff development, innovation, and process efficiency.

#### 5. Pitfalls to Avoid

- a. Council members represent a diverse group of voices that may not be unified in their expectations of the City Manager.
- b. Relationships are too close, supportive, and friendly, there can be a reluctance to bring up areas of performance that need improvement and a tendency to avoid conflict.
- c. Compensation adjustments do not reflect the results of the annual review.
- d. Members of the Personnel Committee have no experience in performance management.

Rating Period: \_\_\_\_\_

### Performance Standard Rating

Exceeds Expectations	=	EE
Fully Effective	=	FE
Developing	=	DEV
Needs Improvement	=	NI
No Opinion/Not Observed	=	NO

The standard evaluation form rates the City Manager performance at four levels defined as follows:

**Exceeds Expectations:** Employee performance exceeds normal expectations of the position.

**Fully Effective:** Employee has achieved full competence in all critical measures of performance and overall contribution is entirely satisfactory.

**Developing:** Employee has not yet achieved full effectiveness but is in a training or development mode AND the rate of growth is proceeding at a satisfactory rate.

**Needs Improvement:** Employee has had adequate time, training, and the opportunity to achieve the fully effective level but performance in one or more areas is below the level of full competence and effectiveness.

**No Opinion/Not Observed:** Evaluator has no opinion and/or knowledge in this area.

**Element A: Department Operations**

Overall Rating \_\_\_\_\_

Indicators	Rating
1. Does the Manager facilitate an on-going leadership partnership between elected officials and Department Heads?	
2. Does the Manager inform and consult Council about anticipated changes?	
3. Does the Manager take a long-term view and initiate and manage organizational change for the future; build the vision with others; spot opportunities to move the organization toward the vision?	
4. Does the Manager evaluate City organization, operations and programs, and explore new methods for conducting city business and enhancing city effectiveness?	
5. Does the Manager actively promote, support, and champion efforts to Involve mid-level managers in city management issues?	
6. Does the Manager foster an environment that promotes an expectation of high performance standards throughout the organization?	

**Comments including examples of performance to support your appraisal.**

**Element B: Department Operations**

Overall Rating \_\_\_\_\_

Indicators	Rating
1. Is the Finance Department effective and meeting community needs? (Finance, Human Resources, and Municipal Court)	
2. Is the Community Development Department effective and meeting community needs? (Planning and Building)	
3. Is the Fire Department effective and meeting community needs?	
4. Is the City Manager’s Office effective and meeting community needs? (City Manager, City Recorder)	
5. Is the Parks and Recreation Department effective and meeting community needs?	
6. Is the Library effective and meeting community needs?	
7. Is the Public Works Department effective and meeting community needs? (Building Maintenance, Streets, Storm Drainage, Wastewater, Water, Grounds Maintenance)	
8. Is the Police Department effective and meeting community needs?	
9. Is the Airport effective and meeting community needs?	

**Comments including examples of performance to support your appraisal.**

**Element C: Financial Management**

Overall Rating \_\_\_\_\_

Indicators	Rating
1. Does the Manager develop financial Plans that allow City Council to Anticipate and respond to changes In the city's finances?	
2. Do the budgets developed by the Manager reflect Council priorities?	
3. Does the Manager ensure that the City budget is based on a sustainable Service and funding strategy so that Ongoing expenses are supported by Ongoing revenue?	
4. Does the Manager control Expenditures in accordance with Approved budgets?	
5. Does the Manager ensure that city Financial matters are clear and Available to the public?	

**Comments including examples of performance to support your appraisal.**

**Element D: Personal Traits**

Overall Rating \_\_\_\_\_

Indicators	Rating
1. Communication: Ensures both oral and written communication is clear, concise, and articulate.	
2. Initiative: Proposes, when appropriate, ideas that could Represent new or different ways To advance Council, department, Staff, or management goals.	
3. Judgment: Exercises good judgment in fiscal, personnel, and other matters of public concern.	
4. Fairness and Impartiality: Deals with the Council, Department Heads, and staff in a fair and impartial manner.	
5. Creativity: Demonstrates a willingness to explore new ways to leverage existing and potential assets.	
6. Professional Development: Seeks and undertakes professional development opportunities that could enhance efficiency, effectiveness, and creativity in areas that would benefit the city.	
7. Professional Leadership: Seeks roles in local and regional organizations.	
8. Ethics and Morals: Exhibits high standards of personal moral and ethical behavior.	

**Comments including examples of performance to support your appraisal.**

**Element E: External Stakeholder Relations**

Overall Rating: \_\_\_\_\_

Indicators	Rating
1. Builds and maintains active partnerships with local, regional, state, and federal government jurisdictions and agencies.	
2. Builds and maintains active partnerships with non-profit and non-governmental organizations.	
3. Builds and maintains active partnerships with private enterprise.	
4. Builds and maintains relationships with members of boards and commissions.	
5. Ensures strategic pursuit of financial resources (grants) from other agencies, including proactive notice to Council of opportunities that may require re-prioritization of goals.	
6. Contributes to good government through regular participation in local, regional, and state committees and organizations.	
7. Lobbies effectively with legislators and state agencies regarding city programs and projects.	

**Comments including examples of performance to support your appraisal.**

**Element F: Foresight/Vision**

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**Overall**

**Rating**

<b>Indicators</b>	<b>Rating</b>
1. Maintains the long-term view for the city in national, state, county, and local affairs.	
2. Communicates and interacts productively with governmental entities at local, state, and national levels.	

**Comments including examples of performance to support your appraisal.**

## CITY MANAGER'S SELF-EVALUATION

1. Employee's overall self-evaluation of performance:
2. Development plans and areas targeted for improved performance:
3. Recommended major goals and objectives for next year:
4. How can your Mayor and/or City Council assist in your job success and enjoyment?
5. Additional Comments:

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

**Rater's comments on employment input form:**

Rater's Signature \_\_\_\_\_ Date \_\_\_\_\_

This draft was assembled from different City Manager evaluation forms provided as a part of the process.

# City Manager Evaluation Form for Newport Mayor/Councilors

<u>Rating</u>	<u>Description</u>	
1	Unacceptable	Unsatisfactory performance
2	Conditional	Requires improvement
3	Satisfactory	Meets expectations
4	Good	Generally exceeds expectations
5	Excellent	Substantially exceeds expectations
N/O	No Observations	Unable to evaluate in the area

Supervision	Rating	Comments
*Respects and encourages employee opinions about work-related matters.		
*Encourages teamwork and collaboration between management and staff.		
*Shares ideas and information with workforce.		
*Effectively communicates work priorities with management and staff.		
*Ensures a safe and professional work environment.		
*Ensures a well-trained and competent workforce.		
*Maintains a standard of respect for department head abilities and encourages initiative.		

Execution of Policy	Rating	Comments
*Ensures City ordinances are fairly enforced.		
*Reviews City ordinances to ensure in compliance with state statute or other applicable law.		

Governmental Relations	Rating	Comments
*Establishes good working relationship with community /public entity partners and effectively communicates with them on regular basis.		
*Establishes good working relationship with City committees, boards, and task forces.		

Leadership	Rating	Comments
*Demonstrates good listening skills.		
*Articulates and executes strategies to achieve the City's mission, values and goals.		
*Prioritizes and establishes effective policies.		

*Demonstrates a high regard for ethics.
*Demonstrates in command of critical issues.
*Evaluates and identifies potential problems and executes solutions.
*Employs proactive approach to problem solving.
*Assumes responsibility for actions and results.
*Actively promotes efficiency in operations.
*Makes and defends tough decisions.

Community Relations	Rating	Comments
*Properly handles citizen complaints.		
*Responds to citizen concerns in respectful manner.		
*Engages citizens and citizen groups in discussion of critical issues.		
*Attends community meetings and events to better understand citizen concerns.		
*Maintains professional relationship with news media and provides timely communication on City activities.		

Administrative Duties	Rating	Comments
*Properly handles administrative duties.		
*Understands job duties and responsibilities.		
*Sets and enforces timelines for projects and grants.		
*Demonstrates effective written and verbal skills.		
*Shares information in a timely and accurate manner.		

Economic Development	Rating	Comments
*Works effectively with developers while protecting the City’s interest.		
*Works to increase the City’s tax base through economic development.		
*Seeks funding for critical infrastructure projects.		
*Develops vision for short and long term beautification and other initiatives to enhance new development.		

Planning	Rating	Comments
*Involved in planning process and reviews process to look for better ways to handle development issues.		

Union /Labor Relations	Rating	Comments
*Effectively communicates with union members prior to and during budget process.		

City Council Relations	Rating	Comments
*Effective written and verbal communication.		
*Open and transparent with business at the City.		
*Keeps Council timely informed on issues that require Council oversight.		
*Identifies and timely shares potential issues at the City.		
*Offers Council more than one option on critical issues.		
*Responds to Council questions and requests for information in a timely and accurate manner.		
*Maintains open and transparent dialogue with Council.		

Financial Management	Rating	Comments
*Ensures budget is prepared and executed in open and transparent manner and that City funds are managed properly.		
*Collaborates with Council and budget committee in developing the budget.		
*Sets realistic budget priorities and projects based on available resources.		
*Incorporates cost savings /sustainability into budget process.		
*Advises Council on expenditures and project status on monthly basis and upon request.		
*Requests Council guidance on budgetary issues.		
*Employs standard and acceptable budgetary practices.		
*Conducts annual financial audit and shares results with Council and general public.		
*Responsible for making sound business decisions.		

**Additional Comments**

Supervision:

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Execution of Policy:

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Governmental Relations:

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Leadership:

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Community Relations:

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Administrative Duties:

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Economic Development:

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Planning:

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Union /Labor Relations:

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City Council Relations:

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Financial Management:

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Other:

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## **PROCLAMATION - EMERGENCY MEDICAL SERVICES WEEK**

**MAY 12-18, 2013**

**WHEREAS**, emergency medical services is a vital public service; and

**WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

**WHEREAS**, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

**THEREFORE**, I Sandra Roumagoux in recognition of this event do hereby proclaim the week of May 19-25, 2013, as **EMERGENCY MEDICAL SERVICES WEEK**, With the theme, EMS: One Mission One Team, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

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**Sandra Roumagoux, Mayor**



May 6, 2013  
Noon  
Newport, Oregon

## CITY COUNCIL WORK SESSION

Councilors present: Beemer, Sawyer, Busby, Saelens, Allen, Swanson and Roumagoux.

Staff present: Voetberg, Hawker, Marshall, Tokos, Breves and City Attorney Christy Monson by phone.

Others present: John Baker; Cynda Bruce, Director Lincoln County Transit; Linda Neigebauer, Julie Kay, Lincoln County, Dave Morgan from News Lincoln County, and Larry Coonrod from the Newport News-Times.

Roumagoux called the meeting to order and the roll was taken.

1. Roumagoux asked for additional work session items that are not listed on the agenda, for this or future work sessions.

Roumagoux asked to be excused at 1 P.M. to address the National Association of Retired Federal Employees.

Busby requested a discussion about way in which the Finance Department could be assisted to help alleviate recent mistakes made on public documents. Voetberg reported that there have been several personnel changes in the Finance Department in an effort to rectify the issues. There was a discussion as to whether the Council needs a detailed financial report of smaller ticket items. Council agreed that it is important that financial information is accurate.

Roumagoux asked Busby what type of assistance he was thinking of. Busby reported that he is thinking of an outside firm to look at the management of the Finance Department. Sawyer asked Marshall if software updates would fix the problem. Marshall commented that the Finance Department has been understaffed for years. He believes that by the fall of this year, the issues should be resolved.. Marshall added that he needs time to train the new staff, and that he is uncomfortable with the idea of having an outside agency coming in at this time. Swanson suggested that Marshall be given until fall to resolve the issues before considering further action. Allen commented that he feels that Marshall has made progress and that the Audit Committee has discussed taking a more active role. Allen suggested that the Audit Committee members update the Council on accounts payable issues, and Council concurred.

Sawyer asked if the city was scheduling a Mayor's clean-up day, and suggested that it be an annual event. Voetberg stated that these are unofficial clean-ups and are not free. Saelens agreed that an annual clean-up day would be good, and that he and Allen will discuss the possibilities with Thompson's Sanitary Service.

Roumagoux reported that Astoria was recently made a Coast Guard USA City and added a cement sign in front of city hall. She suggested that Newport do the same.

Saelens suggested having the Council as a whole be a part of the Loyalty Days Parade as a possibility.

2. John Baker, of Northwest Management Specialists, appeared before Council to deliver a status report on his contract with the city. Voetberg explained that Baker was contracted to help with human resource issues on an as needed basis. Baker reviewed the results of the employee survey conducted several years ago. Baker reported that the majority of employees felt good about the work they were doing. He added that communication issues were a key component in the survey, and based on that, he recommended the creation of a City Employee Committee. Baker reported that the City Employee Committee has been established, and further, Coffee with the Manager has been reinstated. Baker added that as he is out and about in the city, he is not hearing negative comments about the city. He noted that he has offered management training to individual department.. Baker stated that he has billed the city approximately \$11,000 for his services. Allen asked whether Baker felt he that the work would be complete when the contract ends in October 2013, and Baker indicated that he would be. A discussion ensued regarding the recommended frequency of the employee survey, and Baker noted that surveys should be minimally two years apart. Saelens suggested Councilors attend the City Employee Committee meetings, and Council developed the following schedule: Saelens in May; Busby in June; no July, Swanson in August; and Sawyer in September. Roumagoux asked Voetberg for his opinion Baker's services. Voetberg stated that Baker's work has been useful and productive for the city. He added that as the city transfers many of Bakers tasks to JJ Scofield, the in-house human resources staff, it will be useful to have Baker available to assist when requested. Allen suggested that Baker review the new City Manager's evaluation too when it is completed.
3. Roumagoux asked Voetberg for an overview of the city loop transit bus subsidy. Voetberg reported that on May 15, 2006, Bruce announced that Lincoln County Transit had received a grant for a free city loop shuttle from October 2006 to October 2007. He noted that on October 16, 2006; Linda Neigebauer requested funding for signage and advertising in the amount of \$3,800. Voetberg stated that in 2007, the Budget Committee recommended that \$25,000 be allocated, and Council approved \$12,500 from the Payment in Lieu of Parking Fund. He added that the FY2008/2009 budget included \$84,000 for the shuttle from the Room Tax Fund. He added that \$90,000 was budgeted in the two following years, and that

funding was reduced to \$85,000 in the current budget. Voetberg reported that he had spoken to two hoteliers who indicated that their customers do not really use the shuttle, although it is used primarily by hotel employees. He added that a decision needs to be made regarding whether this a Room Tax budget item or a General Fund budget item. A discussion ensued regarding shuttle users, appropriate funding, and appropriate funding. Voetberg stated that the shuttle is not funded in the proposed budget. He added that the Room Tax Fund does not have funds to continue supporting the city loop system. Neigebauer reviewed the history of the public transit system in Lincoln County and the city loop. Neigebauer and Bruce explained the transit system funding sources. Bruce stated that tourists do not know about the loop and that Lincoln County Transit does not have advertising monies. Further discussion ensued regarding funding. Allen suggested that this item be discussed at the Budget Committee meeting scheduled for May 7. Allen asked Voetberg to ask the City Attorney if it is appropriate to use room tax money for people other than tourists to ride the shuttle that is funded with room tax monies. Allen requested that copies of the information from Neigebauer could be providing for the Budget Committee.

4. An article regarding economic development in the Gresham was discussed. Sawyer asked Tokos and Lorna Davis, executive director of the Greater Newport Chamber of Commerce, for an opinion on the article. Tokos reported that the obstacles in Newport are very old buildings and parcelized lots. He added that opening a Northside Urban Renewal District is one way to address the situation. Voetberg suggested a design overlay, but noted that it takes the support of businesses. After a brief discussion, it was noted that Davis plans to provide additional information regarding the proposed business development position at the evening meeting.
5. A discussion ensued regarding the potential public disclosure of the audio file and exempt public document from the April 15, 2013 executive session. City Attorney, Christy Monson, participated in this discussion via telephone. Allen asked Hawker why this item is on the agenda. Hawker explained that there was a public records request from Larry Coonrod for two different exempt public records and the audio file from the April 15, 2013 executive session. Allen asked whether the letter addressed to Jim Voetberg regarding an increase in attorney's fees had been addressed. Hawker explained that since the letter was addressed to Voetberg, he had decided to disclose it.. Allen asked why it was necessary to have this discussion when the engagement letter was a part of public record and discussed publicly. Monson explained that as a matter of policy her materials are stamped as confidential, and only a majority of Council can waive the confidentiality. Allen asked for clarification on why some letters have been stamped confidential and others have not. Monson explained the client should treat all information from the City Attorney as confidential. Allen asked why Monson treats a memo from February 13 differently than a memo from April 15. Monson explained that Council training materials are not considered confidential. Monson addressed the materials she had provided regarding serial meetings. Monson asked that Council redact her comments if it chooses to disclose the

draft resolution. Allen expressed concern regarding consistency in whether documents are discussed publicly or privately. Monson suggested that if something is stamped as "Attorney Client Privilege," Council should probably have a conversation with her so that she can provide the pros and cons of disclosing the document. Allen addressed the document discussed during the April 15 executive session on which Monson had written comments on the side. Monson explained that this document was a working document and that the Council has the right not to release it under two different statutes. She added that Council has a basis to deny release of that document, but that Council can decide if it wants to disclose those documents. She again recommended that if Council chooses to disclose the document that her comments be redacted. Monson recommend against releasing the minutes from executive session. Allen and Monson had a discussion regarding inconsistencies in dealing with documents. Monson clarified that the issue before Council is whether to disclose the document and the audio file from executive session of April 15. She reiterated that she does not recommend release of the audio file. Monson clarified her recommendation on the document disclosure. Allen stated that he believes Council should lean on the side of openness even with executive sessions. Hawker recommended that the public requestor appeal to the district attorney regarding the denial.ave a staff recommendation not to release the documents and let it go to the DA for a decision. Council concurred with Hawker's decision to deny release of the requested documents.

Having no further business, the meeting adjourned at 2:25 P.M.

May 6, 2013  
6:23 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, Beemer, Allen, Roumagoux, Sawyer, Saelens, Swanson and Busby were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Executive Assistant Breves, Public Works Director Gross, Community Development Director Tokos, Finance Director Marshall, Library Director Smith, Senior Project Manager Ted Jones, and Police Chief Miranda.

### **PLEDGE OF ALLEGIANCE**

Council and the audience recited the Pledge of Allegiance.

### **PUBLIC COMMENT**

Steve Mason requested consideration of a music event on the Bayfront on July Fourth. The concert will take place in the city parking lot at the corner of Fall Street and Bay Boulevard.. Mason added that the event could become a standard for the Fourth of July celebration. He reported that he has spoken with the fish company to work out logistics. Mason noted that he has insurance for the event. Council recommended that he communicate with other Bayfront businesses, the Police Chief, and City Recorder. Patti Littlehales and Kirstin Yuille appeared on behalf of the Children's Trust of Lincoln County. Yuille noted that a levy measure supporting the Children's Trust is on the May 21, 2013 ballot. Both Littlehales and Yuille urged support of the measure.

Rennie Ferris addressed the timeline that on the Carpenter hedge issue that was included in the packet. He distributed photos of the property and noted that the hedge height constitutes a safety issue. He asked Council to direct the City Manager to enforce the code, change the code, or drop the code. It was noted that this item will appear on the next Council agenda with recommended code changes.

### **PROCLAMATIONS, RECOGNITIONS, AND SPECIAL PRESENTATIONS**

Roumagoux proclaimed the week of May 12-18, 2013 as Police Week in the City of Newport. Miranda received the proclamation.

Roumagoux proclaimed May 17 - 19, 2013 as Brewer's Memorial Ale Fest Days in the City of Newport.

### **CONSENT CALENDAR**

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session, executive session, and regular meeting of April 15, 2013, and the Town Hall meeting on April 29, 2013;
- B. Authorization for administrative approval of OLCC license renewals;
- C. OLCC application for Inn at Nye Beach.

Busby and Sawyer recommended changes to the minutes. MOTION was made by Beemer, seconded by Busby, to approve the consent calendar with the changes to the minutes as noted by Busby and Sawyer. The motion carried unanimously in a voice vote.

## OFFICER'S REPORTS

**Mayor's Report.** Roumagoux appointed Ken Spencer, Chuck Forinash, Wendy Engler, and Linda Neigebauer to the Wayfinding Committee. MOTION was made by Beemer, seconded by Saelens, to ratify the Mayor's appointment. The motion carried unanimously in a voice vote.

Saelens noted that he is looking forward to working with the Wayfinding Committee as the Council liaison.

Roumagoux thanked Tim Gross for being on the KCUP radio program on May 1, 2013.

Roumagoux reported that on April 17, she attended the Oregon Coast Community College Budget Committee meeting.

Roumagoux report that she attended the Newport Reads event where the author of Mink River made a presentation.

Roumagoux reported that she attended the monthly Lincoln County Mayor's meeting, at which the Mayors of Lincoln City, Depoe Bay, and Waldport were present.

Roumagoux reported that she attended a lunch meeting at the Hatfield Marine Institute to discuss the increase in students and curriculum planned by OSU at the HMSC.

Roumagoux reported that she attended the volunteer appreciation dinner at the Aquarium.

Roumagoux reported that she attended a recent YBEF meeting.

Roumagoux reported that she attended the first YBOOI conference where she delivered the opening address.

Roumagoux reported that she rode in the Loyalty Days Parade in the K-9 unit with Officer Garrett and EYan, the city's canine officer..

Roumagoux reported that she gave the welcome address to the National Association of Retired Federal Employees.

**City Manager's Report.** Voetberg reported that YBOOI sponsored the first annual ocean observation conference in Newport on April 30 and May 1. was held on April 30 and May 1 and was a great success. He noted that this is something that this could be a growing industry for the city. the city. Allen asked whether YBOOI could be asked to make a presentation to Council on its next steps.

Voetberg reported that he received a call from Butler Aircraft regarding the FBO. He noted that representatives from Butler plan to visit the airport in the near future. He added that the city needs to develop standards for anyone doing business at the Airport.

Voetberg reported that the 500 flag display on Highway 101 was coordinated by Tony Molina.

Voetberg reported that Paige has communicated with the county fair organizers to ensure that there is a plan for handling medical emergencies.

Voetberg reported that stakeholders and users of the pool met with a pool designer to begin updating the conceptual plan for a new pool. The intent of the meeting was to reevaluate program needs before developing alternatives. Saelens reported that it was suggested that a second plan with an option for growth be developed and contrasted with the original plan.

Voetberg reported that the capital projects report was included in the packet. Gross reviewed the timeline for the repair of Big Creek Road, noting that the engineers are in the final process of completing the bids. He added that the project should bid later this month, and construction is expected to begin in the summer. Sawyer expressed concerns of residents about the timeline., and Gross noted that he has spoken with FEMA, and there should be no other delays.

## DISCUSSION ITEMS AND PRESENTATIONS

**Funding for Business Recruitment and Retention Activities.** Tokos reported that the city went through an extensive process to look at economic development and put together a Technical Advisory Task Force made up of a broad range of interests from the business community, economic partners such as the Port and the Chamber of Commerce, and others to discuss business recruitment and retention. He noted that Council adopted a revised set of economic development policies as part of the Comprehensive Plan. One recommendation that came out of that committee was to establish a business growth and recruitment position. Tokos reported that when this position existed previously, it was administered by the Chamber, and the city provided some financial support. He noted that Council had asked that the Technical Advisory Task Force to develop a job description for the position, and the job description and preliminary are included in the packet. The proposal provides that the city fund \$50,000 for the position, and this amount is included in the proposed budget. Tokos noted that the balance of the funding would be provided by the Chamber and other economic partners. He added that the Chamber would provide office space and day-to-day supervision for the position. Tokos noted that the primary purpose of the position would be to work with local businesses to understand their needs and work with them on expansion. He added that the recruitment component of the position would focus on four growth industries marine research, tourism, working water fronts, and international commerce. Lorna Davis, executive director of the Chamber reported that benchmarks would be established. Davis added that the Chamber would be taking on part of the financial responsibility of the position and the Chamber board fully supports the position. Allen asked Voetberg about the revenue source for the city's contribution. It was noted that it is budgeted to come from a rate increase in the business license fees from \$95 to \$105 which is expected to generate \$15,000 of the \$50,000 needed for the city's contribution. Voetberg reported that approximately \$140,000 is collected from business license fees.. Allen asked whether the use of these monies in this way fits the

purpose and scope of the business license ordinance. Busby expressed reservations about spending money on a position when there are citizens worried about their water bill. He added that this money be better spent. Busby asked whether this position is a priority now. Davis reported that the previous Council had this as a priority for this year. Davis noted that the benefit of the position is that it brings expertise to assist local businesses to continue in business. Allen asked what would make this position successful when the previous position was not successful. Davis reported that she believed that the accountability and report regulation would make the position successful. Allen asked Davis how she sees the role of Lincoln County in this position since the county already has an economic development position. Davis reported that the position will work with the county so as to not duplicate efforts. Allen suggested a half-time position. Davis reported that this needs to be a full-time position in order to find the right person with the right skills. Tokos stated that the committee agreed that a full-time position was important to get the right candidates.

Patricia Patrick-Joling read the business license ordinance.

Will Emery, president of Landwaves and a member of the TATF, agreed that the Council should be concerned about what money is spent out of the General Fund. He added that the more clearly defined this position is; the more successful it will be. Emery discussed the different skill sets need for promoting local business as opposed to recruiting outside business. He expressed the need for the Council to be focused on outcomes and local successes.

## PUBLIC HEARINGS

**Recommendations for Utility Fee Increase.** Roumagoux opened the public hearing on the recommendation for utility fee increases at 7:10 P.M., and asked Gross for the staff report. Gross made a PowerPoint presentation regarding the need for an adjustment to utility rates to comply with a five-year rate adjustment scenario for the purpose of generating sufficient revenue to implement a systematic program of improvements and replacement of the water, wastewater, and stormwater systems. He noted that last year, Council agreed to raise rates 20% in wastewater, 15% in water, and implement a stormwater fee of \$6.08 per user, and increased the infrastructure fee by five percent last year. He stated that this year, the proposal is to raise both water and wastewater fees by 15%, utility infrastructure fee by five percent, and stormwater fees by five percent. Gross explained the need for investment in utility infrastructure, and the state of the infrastructure. He added that current funding would only the increase would be if no capital projects are done. Gross stated that it would be three percent to five percent to maintain current operations. Gross reviewed a comparison of the city's rates with other similar communities. A discussion ensued regarding how the rates would compare in three to five years; rate increases from other cities; funding of capital projects; the use of the infrastructure fee; debt service; and low interest loans. Busby asked whether it is possible to get too much money and not enough resources to use the money. Allen asked whether the proposed budget included the 15% increase, and Gross noted that it did.. Allen suggested that this issue be addressed at the Budget Committee along with other potential funding options..

Roumagoux asked for public comment.

Rich Richmond thanked the Council and Gross for addressing this unpopular issue. He asked Council to consider a tier adjustment for commercial property, and the possibility of a reconnect fee rather than an a \$600 annual fee.

Lida Lee Prchal asked why the city does not pay for improvements with a bond.

Dave Wright, representing Pacific Shrimp, noted that he is not opposed to rate increases, but that 15% in successive years is extreme. He suggested a balanced approach. Miss Murphy expressed concern with the proposed utility fee increases.

Matt Hawkyard of Surfrider Foundation, spoke in support of the infrastructure replacement and stormwater master plan. Herb Goblirsch stated that he has had to pay tenants water bills, and that he believes that is unfair.

Terry Obteshka suggested that the city look for other options to fund infrastructure projects. Lou Limbrunner stated that he disagrees with the city's methods for funding projects. He recommended a City payroll tax of 1% to generate income.

Roumagoux read a letter from Christy Peterson. Expressing opposition to the utility fee increase.

John Guenther spoke of the impact of the utility fee increases on people on fixed incomes. Paul Fasciano expressed dismay with the utility fee increases. He suggested a flat tax..

Having no further comment, the public hearing was closed at 8:49 P.M.

## ACTION ITEMS

**Appeal of SDC Assessment of Coffee House at 156 SW Bay Boulevard.** Tokos reported that the issue before Council is to determine whether the City Manager's decision to assess system development charges to The Coffee House is in accordance with the city's system development charge ordinance and state law. SDC are assessed when there is an increase use of a capital improvement. Tokos explained capital improvements. As Dennis noticed in his appeal the Coffee House was approved as a conditional use in 1987. It was a single family residence that was converted to the restaurant use. Conditional use permit was used to construct the deck and use as part of the restaurant on a seasonal bases. At the time no SDC were paid because the SCD ordinance at the time was based on addition of new fixtures or if frontage of the street needed to be proved. In 2007 the city change it SDC ordinance to a square footed based. The enclosure of the deck and square footage therefore trips the formula and we have to assess the SDC's. Tokos explained the appeal option as laid out in the ordinance. Tokos discussed possible changes to the ordinance and what issue the Council would need to consider.

Dennis Bartoldus appeared representing the owner of the Coffee House, Judy Lingham. This matter is about the amount of fee charge for Lingham to put a glass enclosure over the deck of her coffee house restaurant. He disagrees with staff with the interpretation of placing a roof over the extension triggers SDC fees. Bartoldus wishes the Council consider this carefully because he agrees that some of what Tokos said has merit and this maybe a springboard to how staff interprets SDC charges. He points out that what he is talking about is 12.15.060 subsection 2 Exemptions which he read to

Council. He gave an example of Nana's walling in a courtyard area and placing tables does not create a SDC charge. He gave some other example in the community. If you put a roof over it you would triggers SCD charges. Bartoldus discussed the conditional use permit fees. He stated that a \$24,000 project is being charge almost \$9,000 in permit fees by the City. His issue is with the interpretation by staff as to structure, he referred to section 12.15.015(B) were he argued that under the section the Seafood and Wine Festival should be charge SDC fees because that meets the definition of structure. Bartoldus discussed that the City should be keeping the businesses that are here in business and happy. The real issues is what the real criteria was used to trigger SDC fees. Allen clarified that what has been interpreted as an enclosure is adding a roof that constructing walls around a deck or patio is not. Tokos directed the Council to 12.15.020 (B) our formula is based on floor area. He further explained that if you fully enclose an area that adds floor space to your restaurant or structure, this triggers the formula. A discussion ensued regarding an enclosed verse fully enclosed. Busby stated that in this case the city staff wrongly interpreted the ordinance. A discussion continued regarding enclosure and adding square footage. Allen sees some wide open interpretation in at least two of the sections of this ordinance. Busby agreed that revision is needed in this ordinance. Tokos had Council give attention to the exemptions sections, there are very few exemptions. There are every few instants where the SDC are not applicable. He went back to section 12.15.060 section (2) he asked how can you say that enclosing the deck does not increase the parcel's or structure's use of a public improvements system? A discussion ensued on whether there is an increase in usage. Tokos stated that because the deck is enclosed it is useable 12 months out of the year instead of seasonal. There was some different interpretation by some of Council. Tokos is not arguing that the ordinance could not be clearer but we are working with the ordinance we have. Tokos shared that building code also interprets fully enclosed as being a structure adding square footage to a structure. Council discussed whether or not to make a decision tonight. Bartoldus has concerns about equally protection issues. Bartoldus asked the Council for the refund of the fee if they win at the Planning Commission.

MOTION was made by Allen, seconded by Sawyer, to table this action item to next City Council meeting on May 20, 2013. Voting aye on the tabling of the appeal were Allen, Beemer, Roumagoux, Swanson, Saelens and Sawyer.

**Consideration of the Adoption of Ordinance No. 2052 Urban Growth Boundary Expansion for Reservoir Property**

Tokos reported that the issue before Council is to determine whether or not it is in the public's interest to expand the Urban Growth Boundary to include Big Creek Reservoir #1 and Big Creek Reservoir #2, which are the City's primary storage facilities for its domestic water supply. Lands immediately adjacent to these facilities that might be impacted by future water system improvements are also included in the proposal. Tokos commented that the issues that were addressed in public hearing have been addressed in the new ordinance. Shelli Johnston addressed the Council regarding her concerned with access to her property. She wanted to make sure that her letter was in the packet. Norm Ferber addressed the council with concern about the use of the word "may". He would like to see that the city has an obligation. Allen discussed that over the course of time we will address the issue

with the City Attorney. Ferber also expressed concern over the maintenance of the road. Discussion ensued about the maintenance of the road.

MOTION was made by Saelens, seconded by Beemer, to read, by title only, of Ordinance No. 2050 as presented, an ordinance that expands the Newport Urban Growth Boundary to incorporate lands surrounding the City's domestic water storage reservoirs and for adoption by roll call vote. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2050. Voting aye on the adoption of Ordinance No. 2050 were.

**Amendment to Employment Agreement with City Manager, Jim Voetberg.** Voetberg reported the issue before Council is consideration of an amendment to the employment agreement of the city Manager to change to date of the annual performance evaluation.

MOTION was made by Allen, seconded by Saelens, approve the amendment to the City Manager's employment agreement changing the date of the annual performance evaluation form "before June 1 of each calendar year," to "during September of each calendar year." The motion carried unanimously in a voice vote.

**Authorization to Apply for an AIP Grant (AIP22) to Complete the Rehabilitation of Runway 16/34.** Voetberg reported the issue before Council is the authorization to submit an application for an Airport Improvement Program grant to complete the rehabilitation of Runway 16/34 and purchase a new ARFF truck

MOTION was made by Sawyer, seconded by Busby, to authorize staff to apply for the AIP22, in the amount of \$3,303,649.00 for completion of runway 16/34 rehabilitation project and the purchase of a new ARFF truck; recognizing that the city's match, in the amount of \$367,073.00, is programmed into the proposed FY2013/2014 City of Newport budget.. The motion carried unanimously in a voice vote.

**Approval of Modification A to FAA Grant for the Rehabilitation of Runway 16 at the Newport Municipal.** Voetberg report that the issue before Council is the approval of Modification A to the FFA grant for the rehabilitation of Runway 16 at the Newport Municipal Airport.

MOTION was made by Sawyer , seconded by Beemer, to approve Modification A to the U.S. Department of Transportation (FFA) grant (agreement number: AJW-FN-WSA-12-S059-A) to include the relocation and rebuilding of navigational aids on Runway 16.The motion carried unanimously in a voice vote.

**Consideration of Resolution No. 3626 Regarding the City Manager's Authority to Settle Lawsuits.** Voetberg report that the issue before Council is consideration of the adoption of Resolution No. 3626 regarding the City Manager's authority to settle lawsuits. Allen informed and reviewed the major change to this resolution with the Council. This resolution will be brought back to the Council on a future City Council meeting.

## COUNCIL REPORTS AND COMMENTS

Sawyer attended the Town Hall on April 29, 2013 for Roumagoux  
Sawyer attended the opening of the Sea Loin exhibit at the Aquarium.  
Voetberg shared the painting by a sea lion presented to the City at the exhibit opening.  
Sawyer attended the Volunteer Dinner April 23, 2013.

Saelens moving towards an evaluation form to bring to the Council they are going with a letter. The committee is looking into Council training in using the new evaluation form. Believes they will need one more meeting. Allen shared the next meeting is May 16, 2013 and Jim has been involved the whole time.

Swanson 60 plus center used the calendar guys for serving at their May Day event. They are hosting a panel of experts in estate planning training. Newport Reads event with the book by Brain Doyle was very well received. They had over a 100 people.

Beemer attended the Port meeting on April 23, 2013. The port is very close to finishing the international terminal project. The most interesting figure to come out of the budget was selling the rebar etc. for just a hair under a million dollars.

Allen attended City Manager's Evaluation Process Sub-Group meeting on May 2.  
Allen attended on April 16<sup>th</sup> the FINE (Fishermen Involved in Natural Energy) meeting. They had some updates of which he provided one on territory sea plants and what is happening with some legislation that is in process.  
Audit committee is schedule another meeting in July to get the Council more involved in the auditing. Auditors are going to give the Councilor benchmarks and activities to assist them in getting involved in the audit process. After some discussion Council set a August 5<sup>th</sup> work session for audit and finance department concerns.

## ADJOURNMENT

Having no further business, the meeting adjourned at 10:20 P.M.

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Cynthia A. Breves, Executive Assistant

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Sandra Roumagoux, Mayor

# City of Newport

Accounts Payable Report:  
April 2013

**CITY OF NEWPORT - ACCOUNTS PAYABLE FOR APRIL 2013**

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
ABECO	4/5/2013	20064	40141506402	Excess Copies - on lease	39.56
Allen, Josephine G	4/5/2013	20065	40141606026	TKO INSTRUCTOR - ADULT	126.00
Allen, Josephine G	4/5/2013	20065	40141606026	TKO INSTRUCTOR - YOUTH	207.38
Barrett Business Svcs, Inc	4/5/2013	20066	40242106009	W. Rowe / Jonathan Kosydar--FBO	425.60
Bendel, Amy	4/5/2013	20067	40141606026	Zumba Instructor - March 2013	347.20
Bigfoot Beverages	4/5/2013	20068	40242206406	Coffee for FBO	68.32
Calhoun and DeJong, Inc.	4/5/2013	20069	40242206112	parts for AV truck	130.48
CASELLE	4/5/2013	20070	10110506305	CONTRACT FOR GOODS & SERVICES	1,398.00
Gale Group	4/5/2013	20088	10111006510	new Large Print books	233.51
Gale Group	4/5/2013	20088	10111006510	new Large Print books	50.38
Gale Group	4/5/2013	20088	10111006510	new Large Print books	24.79
Gale Group	4/5/2013	20088	10111006510	new Large Print books	25.59
Gale Group	4/5/2013	20088	10111006510	new Large Print books	69.57
Central Lincoln P.U.D	4/5/2013	20071	40343106103	SW ABBEY ST & BAY BLVD RR	137.31
Central Lincoln P.U.D	4/5/2013	20071	40343106103	669 SW BAY BLVD #C	86.15
Central Lincoln P.U.D	4/5/2013	20071	40141306103	60+ Electric bill	571.39
Central Lincoln P.U.D	4/5/2013	20071	10110356103	225 NE 73RD	29.13
Central Lincoln P.U.D	4/5/2013	20071	10119006104	SIGNAL LIGHT HWY 101 & NE 25TH	33.29
Central Lincoln P.U.D	4/5/2013	20071	10110356103	FRANK WADE FIELD P2R	95.59
Central Lincoln P.U.D	4/5/2013	20071	10110356103	FRANK WADE FIELD PITCHING	89.68
Central Lincoln P.U.D	4/5/2013	20071	10110356103	BIG CREED RD P & R	57.64
Central Lincoln P.U.D	4/5/2013	20071	10119006103	245 NW 10th St	936.99
Central Lincoln P.U.D	4/5/2013	20071	10110356103	betty wheeler field lights	68.65
Central Lincoln P.U.D	4/5/2013	20071	10119006104	SE Running Springs NPT Bay Est	260.03
Central Lincoln P.U.D	4/5/2013	20071	40343106104	SIGN HWY 20 NEWPORT	23.35
Central Lincoln P.U.D	4/5/2013	20071	10110356103	845 NE 3RD ST	175.32
Central Lincoln P.U.D	4/5/2013	20071	40242106103	meter 129427	17.28
Central Lincoln P.U.D	4/5/2013	20071	10110706103	NPD 1/2 share north end of runway	17.27
Central Lincoln P.U.D	4/5/2013	20071	10119006103	5101 N COAST HWY	52.92
Central Lincoln P.U.D	4/5/2013	20071	10119006104	SIGNAL LIGHT HWY 101 & NE 20TH	41.09
Central Lincoln P.U.D	4/5/2013	20071	10119006104	HWY 101 & NE 11TH ST	37.88
Central Lincoln P.U.D	4/5/2013	20071	10119006104	UNMETERED FIXED LOAD	27.12
Central Lincoln P.U.D	4/5/2013	20071	10110356103	UNMETERED FIXED LOAD	27.12
Central Lincoln P.U.D	4/5/2013	20071	10110356103	LIGHTING	79.73
Central Lincoln P.U.D	4/5/2013	20071	10119006104	Unmetered Fixed Load	50.53
Central Lincoln P.U.D	4/5/2013	20071	30232106103	845 NE 3RD ST	175.32
Central Lincoln P.U.D	4/5/2013	20071	30333206103	845 NE 3RD ST	175.32
<b>Subtotal - CLPUD</b>					<b>\$ 3,266.10</b>
Century Link	4/5/2013	20072	40343106204	VAC- 911	40.71
Century Link	4/5/2013	20072	40343106204	VAC- 911	40.72
Cheek, Rebecca	4/5/2013	20073	40141606026	Pilates Instructor - March 2013	281.40
Chuckie D's	4/5/2013	20074	10110706112	#87 detailing	100.00
City of Salem	4/5/2013	20075	10110706225	police	83,887.75
City of Salem	4/5/2013	20075	10110704105	police	(10,894.63)
City of Salem	4/5/2013	20075	10110906225	fire	16,293.50
City of Salem	4/5/2013	20075	10110904105	fire	(1,210.51)
Clemons, Julia E.R	4/5/2013	20076	40141606026	power Sculpt Instructor - March 2013	286.65
Coastal Arts Guild	4/5/2013	20077	10110556030	STUFFING AND SORTING WATER/SEWER BILLS	160.00
Complete Wireless Solutions	4/5/2013	20078	10110706432	Reprogramming six HT1000 radios	50.00
Complete Wireless Solutions	4/5/2013	20078	10110706432	Reprogramming one HT1000 radio	50.00
Complete Wireless Solutions	4/5/2013	20078	10110706432	Reprograming one HT1250 radio	50.00
Covanta Marion, Inc.	4/5/2013	20079	10110706030	Destruction of purged property/evidence material	30.00
Department of Administrative Services	4/5/2013	20080	10110706225	FY 2012-2013 participation in 1033/1122 police programs	500.00
DMV Driver & Motor Vehicle Ser	4/5/2013	20081	10110706213	Tititle and undercover plates for #32 Lt. Malloy	104.50
EC Company	4/5/2013	20083	40242107011	Payment Request 1	7,451.83
Englund Marine Supply	4/5/2013	20085	10110706503	2 fast eye snaps	4.20
First American Title Company of Oregon	4/5/2013	20086	10114006017	Lot Book Report California Seafoods Lease	275.00
Fosmire, George	4/5/2013	20087	40141606026	Tango Instructor	31.50
Garage Door Sales	4/5/2013	20089	10110906113		95.00
Groth-Gates Heating & Sheet Me	4/5/2013	20090	40343106211	maintenance agreement	571.00
Groth-Gates Heating & Sheet Me	4/5/2013	20090	40343106211	maintenance agreement	571.00
Groth-Gates Heating & Sheet Me	4/5/2013	20090	40343106237	FINANCE CHARGES FOR 12-4879, 4880	15.76
Hughes, Liam	4/5/2013	20092	40141606202	travel to/from bike expo for race promo	198.65
Idea Print Works	4/5/2013	20093	40141606413	Mens basketball t-shirts	115.50
J.C. Market	4/5/2013	20094	10110706216	Refershmnts for Neighborhood Watch Training	13.27
Lazerquick	4/5/2013	20095	10111006512	Newport Reads posters	34.20
Lazerquick	4/5/2013	20095	10110706208	Printing of 100 NPD 2012 annual report	795.75
Lincoln Co Solid Waste Consort	4/5/2013	20097	40646106217	Bill DATED 03/08/13	4,491.09
Lincoln County Clerk	4/5/2013	20098	10119006228	Recording Fees - March 2013	189.00
Lincoln County School District	4/5/2013	20099	10110106225	City Council Videography - March 2013	832.54
MEDIAmerica	4/5/2013	20101	40343106207	2013 travel oregon guide	3,200.00
Newport Public Library	4/5/2013	20102	10111006215	mail ILLs	13.29

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
Newport Public Library	4/5/2013	20102	10111006402	colored copy paper	18.58
Newport Public Library	4/5/2013	20102	10111006513	craft supplies for kids	5.99
Newport Public Library	4/5/2013	20102	10111006405	milk and coffee	5.78
Newport Public Library	4/5/2013	20102	10111006402	name tag for Alice	7.50
News-Times	4/5/2013	20103	10114006207	Public Hearing Notice	67.65
News-Times	4/5/2013	20103	10114006207	Public Hearing Notice	87.45
News-Times	4/5/2013	20103	10114006207	Sealed Bid Advertisement (Plng Van)	58.69
North Lincoln Fire & Rescue District #1	4/5/2013	20104	10110906242	our portion share we must contribute (10%)	4,802.00
NW Natural	4/5/2013	20105	10119006109	City Hall	1,463.41
NW Natural	4/5/2013	20105	40343106109	Visual Arts Center	219.73
NW Natural	4/5/2013	20105	10111006109	gas heat for Library	614.21
OAMR	4/5/2013	20106	10110506216	OAMR - Mid-Year Academy Registration - Scofield	165.00
Ocean Tire Factory	4/5/2013	20107	10110706112	#12 cabin air filter replacement	32.95
Ocean Tire Factory	4/5/2013	20107	10110706112	#72 LOF	40.95
OREGON DEPT OF FORESTRY	4/5/2013	20108	10110906216	NFPA Instructor 1 class-Cole	30.00
Peter McKearnan's Signworks	4/5/2013	20110	40343106516	Newport Entry Signs - Payment 2	9,595.48
Pioneer Printing, Inc	4/5/2013	20111	10114006208	VRD Inspection Sheets	37.85
Pioneer Printing, Inc	4/5/2013	20111	10110706208	500 Property Receipt 2-part NCR	135.75
Pioneer Printing, Inc	4/5/2013	20111	10110906208	code instruction sheets	131.90
Platt Electric Supply	4/5/2013	20112	40141306113	60+ replacement light bulbs	69.75
Platt Electric Supply	4/5/2013	20112	40141306113	60+ replacement light bulbs	36.48
Progressive Medical International (PMI)	4/5/2013	20113	10110906508		84.87
SCHEMBRI, LAURIE	4/5/2013	20114	40141606026	Gymnastic Instructor - March 2013	1,231.30
Seal Rock Water District	4/5/2013	20115	20222208022	SEAL ROCK AGREEMENT PRINCIPLE	1,552.84
Seal Rock Water District	4/5/2013	20115	20222208023	SEAL ROCK AGREEMENT-INTEREST	3,447.16
Solomonson, Mary	4/5/2013	20118	40141606026	Dance aerobic instructor March 2013	3.75
Staples	4/5/2013	20119	10110906503	spls wht 6 outlet for 3231	13.49
Staples Advantage	4/5/2013	20120	10110706402	HP inkjet cartridges, 2, for Miranda's printer	68.48
Staples Advantage	4/5/2013	20120	10110706402	1 HP laserjet ink cartridge for forsecop printer	125.53
TCB SECURITY SERVICES, INC.	4/5/2013	20121	10110706218	Parking enforcement services for April 2013	3,750.00
Technical Furniture Systems	4/5/2013	20122	10111007013	shelf unit for CDs	4,595.54
Thompson's Sanitary Serv., Inc	4/5/2013	20123	40343106106	Visual Arts Center	177.20
Thompson's Sanitary Serv., Inc	4/5/2013	20123	40141306106	60+ Garbage service Mar 2013	118.73
Thurber-Blaser, Brenden	4/5/2013	20124	40141606026	B. Ball Referee 01/12-02/24/13	12.00
TLO LLC	4/5/2013	20125	10110706213	Background searches March 2013	9.75
Tokos, Derrick	4/5/2013	20126	10114006202	Day 1 Parking Fee for Working Waterfront Conf.	15.00
Traffic Safety Supply Co., Inc	4/5/2013	20127	30232106519	Sign hardware	2,548.73
True North Equipment	4/5/2013	20128	10110906112	window motor assy- 0126	445.82
True-Cut Engraving, LLC	4/5/2013	20129	10110106219	Volunteer gifts	675.00
Parmele, Gary	4/5/2013	20109	30301114	REFUND- PARMELE, GARY	100.12
Silva-Camarillo, Domingo	4/5/2013	20117	30301114	REFUND- SILVA-CAMARILLO, DOMINGO	14.29
Hodge, James & Ginger	4/5/2013	20091	30301114	REFUND- HODGE, JAMES & GINGER	18.59
Dyle, Carolyn	4/5/2013	20082	30301114	REFUND- DYLE, CAROLYN	93.97
Sherman, Eric	4/5/2013	20116	30301114	REFUND- SHERMAN, ERIC	61.77
Lee, Young	4/5/2013	20096	30301114	REFUND- LEE, YOUNG	21.42
Valley Fire Control, Inc	4/5/2013	20130	10110706030	Maintenance, charge two extinguishers	44.00
VerizonWireless	4/5/2013	20131	10110706205	13 air cards 02/22/2013 to 03/21/2013	520.19
West Coast Linen	4/5/2013	20132	10110906101	Cleaning of Shop Towels, Mats, Dust Mops	13.90
Wire Works LLC	4/5/2013	20133	10110707010	#32 emergency equipment upfitting	4,318.31
Xerox Corporation	4/5/2013	20134	10110706209	ScanFlowStore April 2013	56.73
Xerox Corporation	4/5/2013	20134	10110706209	Printer lease april 2013, billable prints	585.54
Xerox Corporation	4/5/2013	20134	10111006402	copies on Library Reference copier	118.25
Xerox Corporation	4/5/2013	20134	10111006402	Library staff room copier	269.57
Xerox Corporation	4/5/2013	20134	10110906211	lease on copier	32.25
<b>Subtotal - Xerox Corporation</b>					<b>\$ 1,062.34</b>
Yaquina Bay Ocean Observing Initiative	4/5/2013	20135	40343106241	Sponsorship Newport Ocean Observing Conference 2013	3,000.00
Mobil Satellite Technologies	4/8/2013	20138	10110906415	trailer 1 safety equipment	1,440.44
Mobil Satellite Technologies	4/8/2013	20138	10110906415	trailer 2 safety equipment	1,006.50
Mobil Satellite Technologies	4/8/2013	20138	10110906415	trailer 1 safety equipment	1,440.45
Mobil Satellite Technologies	4/8/2013	20138	10110906415	trailer 2 safety equipment	1,006.50
Oregon Peace Officer's Association	4/8/2013	20136	10110706213	2013 agency membership fees for 18 officers	180.00
Rackowski, Shannon	4/8/2013	20137	40141606213	August - November Reimbursement Course Fees	120.00
A.E. Nelson Leather Co	4/12/2013	20139	10110706407	9 radio carriers, black straight weave, 5 Kenwood4 Motorola	303.44
Aboveboard Electric, Inc	4/12/2013	20140	30434206115	Repair nye beach ps	1,380.84
Aboveboard Electric, Inc	4/12/2013	20140	30434206115	Reair osu pump sta	80.00
Aboveboard Electric, Inc	4/12/2013	20140	10110356113	Replace conductors to pump motors	746.60
Aboveboard Electric, Inc	4/12/2013	20140	30434106113	Repair lights solid bldg	323.90
Aboveboard Electric, Inc	4/12/2013	20140	10110356113	install conduit for lighting at shops	352.29
Airgas USA, LLC	4/12/2013	20141	10110906415	Oxygen cylinders	33.89
Alan Brown Tire Center	4/12/2013	20142	30232206114	Flat tire repair	44.75
Analytical Laboratory & Consul	4/12/2013	20143	30434106408	bio solids test	395.00
AW Direct	4/12/2013	20144	30333206508	SEAT ORGANIZERS	295.65
AW Direct	4/12/2013	20144	30333206508	PLIERS	36.98
B & F MARINE ELECTONICS INC.	4/12/2013	20145	40242106112	work on operations truck radio	190.14

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
Barrelhead Supply, Inc	4/12/2013	20146	10110356401	Silicone spray, threaded rods	19.47
Barrelhead Supply, Inc	4/12/2013	20146	30434206115	gaskets	21.48
Barrelhead Supply, Inc	4/12/2013	20146	30434206115	pipe wrench	46.15
Barrelhead Supply, Inc	4/12/2013	20146	10110356508	24' ladder	279.99
Barrelhead Supply, Inc	4/12/2013	20146	30333206508	UTILITY KNIFE & WIRE BRUSH	41.26
Barrelhead Supply, Inc	4/12/2013	20146	30434106111	glue	6.44
Barrelhead Supply, Inc	4/12/2013	20146	30333106114	Pvc parts for syphon air release	10.53
Barrelhead Supply, Inc	4/12/2013	20146	30333206523	11/2 90 DEGREE BENDS"	31.33
Barrelhead Supply, Inc	4/12/2013	20146	30333206523	11/2 CONCUIT"	7.58
Barrelhead Supply, Inc	4/12/2013	20146	30333206523	1 CONDUIT & TIRE GUAGE"	10.11
Barrelhead Supply, Inc	4/12/2013	20146	30333206508	SAW BLADE	54.88
Barrelhead Supply, Inc	4/12/2013	20146	30232206501	fittings-fire hall catchbasin	49.76
<b>Subtotal Barrelhead Supply</b>					<b>\$ 578.98</b>
Barrett Business Svrces, Inc	4/12/2013	20147	10110356009	A. Erickson	204.45
Barrett Business Svrces, Inc	4/12/2013	20147	40242206009	W. Rowe / Jonathan Kosydar--FBO	505.40
Batteries Northwest	4/12/2013	20148	30232106430	gloves- shop	10.95
Bigfoot Beverages	4/12/2013	20149	40242206406	Coffee for FBO	50.04
Blumenthal Uniforms & Equipmnt	4/12/2013	20150	10110906504	1 shirt, logo, decal Helmricks	73.95
BRENTAG PACIFIC, INC	4/12/2013	20151	30333106408	Citric Acid 2 totes	5,126.00
Building Department, LLC , The	4/12/2013	20152	40444106012	VRD Inspections	176.00
Building Department, LLC , The	4/12/2013	20152	40444106014	3/13 Electrical Inspections	1,074.75
Building Department, LLC , The	4/12/2013	20152	40444106015	3/13 Plumbing Inspections	616.39
Building Department, LLC , The	4/12/2013	20152	40444106012	2/13 Plan Reviews	2,176.90
Carquest Auto Parts Stores	4/12/2013	20153	10110356114	air filter	(9.58)
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	Car parts and materials	110.61
Carquest Auto Parts Stores	4/12/2013	20153	30232106410	elec.connectors	28.98
Carquest Auto Parts Stores	4/12/2013	20153	30131206112	4 spark plugs, fuel filter Ford Escape	15.22
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	BRAKE controls	83.59
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	remanufactured alternator	155.99
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	Returned Remanufactured Alternator	(51.00)
Carquest Auto Parts Stores	4/12/2013	20153	10110356114	Battery, spark plugs, oil, oil filter	88.95
Carquest Auto Parts Stores	4/12/2013	20153	10110356114	ignition switch	16.64
Carquest Auto Parts Stores	4/12/2013	20153	10110356114	Solenoid	11.32
Carquest Auto Parts Stores	4/12/2013	20153	30232106430	start fluid	2.93
Carquest Auto Parts Stores	4/12/2013	20153	30232106114	filter	2.30
Carquest Auto Parts Stores	4/12/2013	20153	10110356114	filters	11.75
Carquest Auto Parts Stores	4/12/2013	20153	30232106114	vac.t	17.84
Carquest Auto Parts Stores	4/12/2013	20153	30232106403	oil	14.68
Carquest Auto Parts Stores	4/12/2013	20153	30232106403	oil	34.98
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	grease, oil, oil filter	35.15
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	turn rotors	31.50
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	BRAKE controls harness	14.99
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	BRAKE controls harness	14.99
Carquest Auto Parts Stores	4/12/2013	20153	30232206503	steps	143.93
Carquest Auto Parts Stores	4/12/2013	20153	30232206503	steps	(143.93)
Carquest Auto Parts Stores	4/12/2013	20153	30232106508	otc code detect.	436.05
Carquest Auto Parts Stores	4/12/2013	20153	30232106430	supercede	5.24
Carquest Auto Parts Stores	4/12/2013	20153	30232106114	carb	774.56
Carquest Auto Parts Stores	4/12/2013	20153	10110356112	BRAKE controls	83.59
<b>Subtotal Carquest Auto Parts Stores</b>					<b>\$ 1,931.27</b>
Carson Oil Co	4/12/2013	20154	30232206403	fuel-dave	96.72
Carson Oil Co	4/12/2013	20154	10110706403	Out of town gasoline purchases Mar 2013	204.46
Carson Oil Co	4/12/2013	20154	10110906403	fuel	46.23
Gale Group	4/12/2013	20172	10111006510	Death of Yesterday	20.79
Central Lincoln P.U.D	4/12/2013	20155	40141306103	60+ march 2013 Electric bill	590.56
Central Lincoln P.U.D	4/12/2013	20155	30333206103	ELECTRICITY	224.46
Central Lincoln P.U.D	4/12/2013	20155	30333206103	ELECTRICITY	435.67
Central Lincoln P.U.D	4/12/2013	20155	30333206103	CONTROL VALVE	23.35
Central Lincoln P.U.D	4/12/2013	20155	30434106103	pwer bill for48th st ps	278.91
Central Lincoln P.U.D	4/12/2013	20155	30333206103	PUMP STATION ELECTRICITY	23.47
Central Lincoln P.U.D	4/12/2013	20155	30333206103	TANK ELECTRICITY	34.87
Central Lincoln P.U.D	4/12/2013	20155	30333206103	CONTROL VALVE STATION	23.35
Central Lincoln P.U.D	4/12/2013	20155	10110356103	ELECTRICITY NE 3RD	8.18
Central Lincoln P.U.D	4/12/2013	20155	10110356103	ELECTRICITY NE 3RD B	42.52
Central Lincoln P.U.D	4/12/2013	20155	40141506103	electric - Rec. Center	1,711.05
Central Lincoln P.U.D	4/12/2013	20155	30434106103	power bill for 70th st ps	23.60
Central Lincoln P.U.D	4/12/2013	20155	30333106103	Electricity wtp	8,114.25
Central Lincoln P.U.D	4/12/2013	20155	30434106103	electric bill feb 2013 ferry slip ps	80.42
Central Lincoln P.U.D	4/12/2013	20155	30434106103	power bill for 56th st ps	108.18
Central Lincoln P.U.D	4/12/2013	20155	30232106103	ELECTRICITY NE 3RD	8.18
Central Lincoln P.U.D	4/12/2013	20155	30232106103	ELECTRICITY NE 3RD B	42.52
Central Lincoln P.U.D	4/12/2013	20155	30333206103	ELECTRICITY NE 3RD	8.18
Central Lincoln P.U.D	4/12/2013	20155	30333206103	ELECTRICITY NE 3RD B	42.52

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
<b>Subtotal CLPUD</b>					<b>\$ 12,192.44</b>
Centro de Ayuda	4/12/2013	20156	10110306010	COURT-APPTD INTERPRETERS	532.50
Century Link	4/12/2013	20157	40343106204	VAC Alarm	41.44
City of Newport	4/12/2013	20158	40101011	cash for cash bag	100.00
Consolidated Supply Co	4/12/2013	20159	30333206523	BLUE TRACE WIRE	255.26
Consolidated Supply Co	4/12/2013	20159	30333206523	1 & 1/2" conduit"	304.73
DMV Driver & Motor Vehicle Ser	4/12/2013	20161	10110706213	ODL feedback Brent Gainer CDL	3.00
Dutton, Richard	4/12/2013	20162	10110256201	Training class mileage	154.80
ECONorthwest	4/12/2013	20163	10114006030	Reservoir UGB Expansion	450.00
Emerald Springs	4/12/2013	20164	10110506411	DRINKING WATER	40.80
Englund Marine Supply	4/12/2013	20165	10110356401	Lag screws	6.20
Englund Marine Supply	4/12/2013	20165	30333206523	1/4 BRASS FITTINGS"	24.26
Englund Marine Supply	4/12/2013	20165	40343106111	Welcome Signs - Postings	9.88
Englund Marine Supply	4/12/2013	20165	30434206115	knives for cuttng bags	52.08
Englund Marine Supply	4/12/2013	20165	30333106508	Replacement flashlight	266.30
Englund Marine Supply	4/12/2013	20165	30232106401	sling	60.92
<b>Subtotal Englund Marine Supply</b>					<b>\$ 2,302.17</b>
Enviro-Clean Equipment, Inc	4/12/2013	20166	30232206114	belt	498.22
Environmental Resource Assn	4/12/2013	20167	30434106408	dmr qa test kit	882.53
EON GDI	4/12/2013	20168	40141606207	Poster Illustration	300.00
Fastenal Company	4/12/2013	20169	30232106430	nut	3.01
Fastenal Company	4/12/2013	20169	30434106111	bolt for operations	7.82
Fastenal Company	4/12/2013	20169	30333206114	COTRPIN PLAIN	6.18
Fastenal Company	4/12/2013	20169	30434206115	earmuffs	24.14
Feed Corral	4/12/2013	20170	30434206115	rat bait	46.99
GALCO Industrial Electronics	4/12/2013	20171	30434206115	fans for vfd ips	4,184.50
Global Equipment Company	4/12/2013	20173	30333106501	Work bench with drawers	1,118.00
Goettel & Associates, Inc	4/12/2013	20174	60161106030	Benefit-Cost Analysis - Safe Haven Hill	9,024.09
Graymont Capital Inc.	4/12/2013	20175	30434106408	lime	3,928.36
Greater Newport Chamber of Cr	4/12/2013	20176	40343106233	Contract Qtr 4, FY 13	43,125.00
Groth-Gates Heating & Sheet Me	4/12/2013	20177	10110356113	zone sensor	272.25
Halco Welding, Inc	4/12/2013	20178	30434206115	metal plate for vfd nye beach ps	60.00
Halco Welding, Inc	4/12/2013	20178	30434206115	flange for pump	935.00
Halco Welding, Inc	4/12/2013	20178	40343106111	Welcome Signs	300.00
Hawker, Margaret	4/12/2013	20179	10110206216	oamr conference reimbursment	117.05
HD Supply Waterworks, LTD	4/12/2013	20180	30333206523	3/4 METER VALVES"	32.51
Idea Print Works	4/12/2013	20181	10110706407	3/4 sleeve white blouse Palmer;cap 620 Miller; twill shirt w/embroid	87.50
Idea Print Works	4/12/2013	20181	40141606523	REFEREE SHIRTS	96.80
Idea Print Works	4/12/2013	20181	40141606413	youth basketball t-shirts	702.50
King Office Equipment & Design	4/12/2013	20183	10110506402	COPY COUNT FOR COPIER SCX-5935FN	34.00
KPPT-AM/KPPT FM	4/12/2013	20184	40141606207	Radio Ads - MARCH 2013	200.00
KSHL Radio	4/12/2013	20185	40141506207	H&G SHOW RADIO ADS	200.00
KSHL Radio	4/12/2013	20185	40141506207	Radio Ads - March 2013	150.00
League of Oregon Cities	4/12/2013	20186	10110206216	Training Customer Service on the Front Line for Cindy Breves	175.00
Lieder, Ted Construction	4/12/2013	20187	10110356113	Materials and labor per attached	4,130.49
Lincoln Co Parole & Probation	4/12/2013	20188	10111006113	grounds maintenance for Library	550.00
Lincoln Co Parole & Probation	4/12/2013	20188	40242106113	Fence clearing at airport	2,200.00
Lincoln County Clerk	4/12/2013	20189	10119006228	memorandum of contract	158.00
McCoy, Ed	4/12/2013	20190	30434106216	short school sunriver for ed mcoy	794.16
Midwest Tape	4/12/2013	20191	10111006515	new DVDs for grownups	47.23
NEWPORT AUTO PARTS, INC	4/12/2013	20192	30434106403	oil	24.58
NEWPORT AUTO PARTS, INC	4/12/2013	20192	30434106403	filter,oil	47.97
NEWPORT AUTO PARTS, INC	4/12/2013	20192	10110906508	gauge and gapper	5.43
NEWPORT AUTO PARTS, INC	4/12/2013	20192	10110906112	wiper blades for 3162	25.76
NEWPORT AUTO PARTS, INC	4/12/2013	20192	10110906508	Str cord	4.18
NEWPORT AUTO PARTS, INC	4/12/2013	20192	10110906112	lamp light for engine	10.90
<b>Subtotal Newport Auto Parts</b>					<b>\$ 118.82</b>
Newport Diesel & Marine Co Inc	4/12/2013	20193	10110906112	wiper switch	136.34
Newport Public Library	4/12/2013	20194	10111006405	coffee	15.46
Newport Public Library	4/12/2013	20194	10111006513	supplies for children's program	5.00
Newport Public Library	4/12/2013	20194	10111006213	Chamber lunch	12.00
Newport Public Library	4/12/2013	20194	10111006402	mending supplies	13.75
Newport Public Library	4/12/2013	20194	10111006513	Teen program T-shirts	5.00
Newport Rental Service, Inc	4/12/2013	20195	10110356113	Hilti fastener, red strip load re pool	13.50
Newport Rental Service, Inc	4/12/2013	20195	30333106108	Propane for forklift WTP	15.95
NW Natural	4/12/2013	20196	30434206109	WD	175.31
NW Natural	4/12/2013	20196	10110356109	PARKS Shop heater	375.93
NW Natural	4/12/2013	20196	30333106109	gas bill - WTP	1,064.20
NW Natural	4/12/2013	20196	40141306109	gas bill 60+ March 2013	275.25
OCCA	4/12/2013	20197	40343106238	4TH QUARTER FY 13	28,125.00
Ocean Tire Factory	4/12/2013	20198	40242206013	E240046 idler arm 2 tires and alignment	526.15

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Ocean Tire Factory	4/12/2013	20198	40242206013	E214372 2 new tires and alignment	310.85
Ocean Tire Factory	4/12/2013	20198	10110706112	#74 LOF	53.90
Ocean Tire Factory	4/12/2013	20198	10110706112	#15 LOF	40.95
Ocean Tire Factory	4/12/2013	20198	10110706112	#72 rear differential service with fluids, spot light repair	265.30
Ocean Tire Factory	4/12/2013	20198	10110706112	#74 driver side weather strip molding, driver seat., arm rest, floor mat	212.65
Ocean Tire Factory	4/12/2013	20198	10110706112	#61 LOF, front brake pads, rotors, new tires from #95	454.25
Ocean Tire Factory	4/12/2013	20198	10110706503	#31 tire chains	89.95
Olsen, Cody	4/12/2013	20199	30333106216	Short school Mileage reimbursement	101.36
OREGON COAST TODAY	4/12/2013	20200	40343106207	Service Chanrge Adjustment visit Newport	280.00
Oregon Department of Consumer	4/12/2013	20201	40141306222	Newport Senior Center Permit Renewal	197.12
Oregon Fire Chief's Association	4/12/2013	20202	10110906213	2013 spring conference	275.00
Oregon Health Authority - Cashier	4/12/2013	20203	30333506222	Agate Beach Water Tank	600.00
Oregon Lakes Association	4/12/2013	20204	30333106213	Oregon Lakes Asso membership	35.00
Oregon Water Resources Depart.	4/12/2013	20205	30333106030	dam safety inspection fee	1,000.00
Pacific Coast Plumbing, Inc	4/12/2013	20206	10110356113	Pool-test inlet pipes	240.00
Pacific Coast Plumbing, Inc	4/12/2013	20206	10110356501	Bayfront RR - Plumbing materials	398.78
Pape Machinery, Inc	4/12/2013	20207	30232107003	2005 leboy grader	117,900.00
Pape Machinery, Inc	4/12/2013	20207	30232106114	cutting edges-blade	20.64
Pape Machinery, Inc	4/12/2013	20207	30333206114	FUEL FILTERS	25.42
Pioneer Telephone Cooperative	4/12/2013	20208	10110906204	south beach station 3300	123.91
Pioneer Telephone Cooperative	4/12/2013	20208	40242206204	Airport long distance at 120 SE 84	(62.57)
Pioneer Telephone Cooperative	4/12/2013	20208	40242206204	Airport long distance at 120 SE 84	223.30
Pioneer Telephone Cooperative	4/12/2013	20208	40242206204	Airport long distance at 120 SE 84	58.80
Platt Electric Supply	4/12/2013	20209	30434206115	vfd for nye beach ps	3,561.00
Platt Electric Supply	4/12/2013	20209	10110356508	flex cutter and screws	48.09
Platt Electric Supply	4/12/2013	20209	10110356401	class G fuse	52.03
Platt Electric Supply	4/12/2013	20209	10110356401	miscellaneous supplies	238.69
Polydyne, Inc	4/12/2013	20210	30434106408	polymer	5,428.00
Precision Approach Engineering	4/12/2013	20211	40242106025	Runway 2 W apron signage	3,363.20
Precision Approach Engineering	4/12/2013	20211	40242106025	Runway 2 W apron signage	2,898.22
Precision Approach Engineering	4/12/2013	20211	40242106025	Runway 2 W apron signage	599.35
Precision Approach Engineering	4/12/2013	20211	40242106025	Runway 2 W apron signage	1,128.68
Precision Approach Engineering	4/12/2013	20211	40242106025	Runway 16-34 Rehab Pre design	73,500.01
Precision Approach Engineering	4/12/2013	20211	40242107011	Credit for payment made in error	(7,451.83)
ProBuild Newport #609	4/12/2013	20212	60161106401	Zmax Hangers/hindge fastners	277.87
ProBuild Newport #609	4/12/2013	20212	30333106501	bolts for WTP	1.35
ProBuild Newport #609	4/12/2013	20212	60161106401	Concrete Mix	30.03
ProBuild Newport #609	4/12/2013	20212	10110906501	wire brad	1.61
Rackowski, Shannon	4/12/2013	20213	40141606213	REIMBURSE FOR DEC 2013 FEES	30.00
Rackowski, Shannon	4/12/2013	20213	40141506213	Zumba Instructor Membership - jan. 2013	30.00
Rackowski, Shannon	4/12/2013	20213	40141606213	Zumba Instructor Membership - MARCH. 2013	30.00
Salgado, Veronica	4/12/2013	20214	40141604304	Cancellation refund Women's Soccer League	150.00
Scofield, Jonian	4/12/2013	20216	10110526202	North Bend Conference	90.40
Sherwin-Williams	4/12/2013	20217	40242206419	PAINT for upstairs FBO	918.50
Staples	4/12/2013	20218	10110906502	laminating sheets	34.98
Staples	4/12/2013	20218	10110506402	Office Supplies	37.77
Staples	4/12/2013	20218	10110506402	Office Supplies	137.63
Staples	4/12/2013	20218	10110506402	Office Supplies	111.43
Staples	4/12/2013	20218	10110506402	toner	502.43
Staples	4/12/2013	20218	10110506402	toner, office supplies	195.22
Staples Advantage	4/12/2013	20219	10110706402	3 pkgs address labels Avery 8161, 1 box 400 i.d. badge holders, 1 six-p	54.40
Dept of Geology & Mineral Ind.	4/12/2013	20160	10114006208	tsunami evacuation maps	200.00
Dept of Geology & Mineral Ind.	4/12/2013	20160	10110706208	tsunami evacuation maps	600.00
Dept of Geology & Mineral Ind.	4/12/2013	20160	10110906208	tsunami evacuation maps	200.00
Statewide Environmental Svcs	4/12/2013	20220	40242106030	Quarterly strom water sampling	931.23
Stitchin Post, The	4/12/2013	20221	10110706030	Uniform alterations three shirts Gainer plus sgt. chevrons, service st	38.00
Thompson's Sanitary Serv., Inc	4/12/2013	20222	10110356106	GARBAGE PICP UP FOR MARCH	218.38
Thompson's Sanitary Serv., Inc	4/12/2013	20222	40141506106	Garbage service REC CENTER	330.05
Thompson's Sanitary Serv., Inc	4/12/2013	20222	10110906106	Fire Dept-245 NW 10th	115.25
Thompson's Sanitary Serv., Inc	4/12/2013	20222	10111006106	Garbage service for Library	115.25
Thompson's Sanitary Serv., Inc	4/12/2013	20222	40343106106	visual arts center	112.76
Thompson's Sanitary Serv., Inc	4/12/2013	20222	30333106106	Garbage service-wtp	115.25
Thompson's Sanitary Serv., Inc	4/12/2013	20222	40242106106	AIRPORT Garbage	275.40
Thompson's Sanitary Serv., Inc	4/12/2013	20222	30232106106	GARBAGE PICP UP FOR MARCH	218.38
Thompson's Sanitary Serv., Inc	4/12/2013	20222	30333206106	GARBAGE PICP UP FOR MARCH	218.39
Thompson's Transfer & Disposal	4/12/2013	20223	30434106107	grit	191.70
Thompson's Transfer & Disposal	4/12/2013	20223	10110356107		21.60
<b>Subtotal - Thompson's</b>					<b>\$ 1,932.41</b>
Thyssenkrupp Elevator Corp	4/12/2013	20224	40141506305	ELEVATOR MAINT. AGREEMENT - Rec. Center	731.30
Thyssenkrupp Elevator Corp	4/12/2013	20224	40141306211	ELEVATOR MAINT. AGREEMENT 60+ 4/1/13-6/30/13	728.57
Valley Fire Control, Inc	4/12/2013	20225	10110706503	2 fire extinguishers, vehicle mounting brackets for new admin vehicle	166.00
VerizonWireless	4/12/2013	20226	40242106205	airport Cell phone 541-270-1390	33.16
West Coast Linen	4/12/2013	20227	40242206101	Airport rug Servcie	19.53
William E. Adams, MAI	4/12/2013	20228	30333506017	2011-018	3,800.00
William E. Adams, MAI	4/12/2013	20228	30333506017	appraisal Report 130201c	4,200.00

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
William E. Adams, MAI	4/12/2013	20228	30333506017	project 2011-018	3,200.00
Xerox Corporation	4/12/2013	20229	10110106209	Base Charge March and Meter read 12/12 to 3/13	219.91
Xerox Corporation	4/12/2013	20229	10110506209	lease on copier	486.30
Xerox Corporation	4/12/2013	20229	10110906211	Base Charge March and Meter read 12/20 to 3/21	164.54
Xerox Corporation	4/12/2013	20229	30333106211	Printer lease - WTP	134.71
Xerox Corporation	4/12/2013	20229	10110206209	Base Charge March and Meter read 12/12 to 3/13	164.92
Xerox Corporation	4/12/2013	20229	10114006209	Base Charge March and Meter read 12/12 to 3/13	82.47
Xerox Corporation	4/12/2013	20229	30131206209	Base Charge March and Meter read 12/12 to 3/13	82.47
<b>Subtotal Xerox</b>					<b>\$ 1,335.32</b>
Zero Waste USA	4/12/2013	20230	10110356401	Bags	231.98
Precision Approach Engineering	4/15/2013	20231	40242106025	Runway 16-34 Rehab Pre design	74,310.87
1859 - Oregon's Magazine	4/19/2013	20232	40343106207	Half Page Ad 6X Frequency	1,450.00
ABECO	4/19/2013	20233	40242206211	Copier agreement	6.25
Aboveboard Electric, Inc	4/19/2013	20234	30434106113	Repair lights solid bldg	1,165.56
Aboveboard Electric, Inc	4/19/2013	20234	30434106114	Repair vfd wwtp	80.00
Aboveboard Electric, Inc	4/19/2013	20234	30333106114	Troubleshoot pond pump replaced fuse	98.94
Alan Brown Tire Center	4/19/2013	20235	30232206114	Flat tire repair	15.75
American Security Alarms	4/19/2013	20236	30333106212	Fire alarm monitoring for 3 months-WTP	89.85
Analytical Laboratory & Consul	4/19/2013	20237	30333106029	Coliform/Alkalinity/TOC/DBP testing	717.00
APWA	4/19/2013	20238	30131206213	Greg Schaecher	169.00
Associated Cleaning Serv., Inc	4/19/2013	20239	10111006101	library cleaning	1,300.50
Associated Cleaning Serv., Inc	4/19/2013	20239	40343106101	Abbey St RR - Cleaning Service	437.75
Associated Cleaning Serv., Inc	4/19/2013	20239	40343106101	Nye St RR Cleaning	365.50
Associated Cleaning Serv., Inc	4/19/2013	20239	40343106101	Bay Front RR - Cleaning Service	365.50
Associated Cleaning Serv., Inc	4/19/2013	20239	40343106101	PAC/VAC Cleaning	395.25
Associated Cleaning Serv., Inc	4/19/2013	20239	40141306101	Senior Center Cleaning	682.25
Associated Cleaning Serv., Inc	4/19/2013	20239	30232106101	Streets Cleaning	57.80
Associated Cleaning Serv., Inc	4/19/2013	20239	30232206101	Storm Drain cleaning	57.80
Associated Cleaning Serv., Inc	4/19/2013	20239	30333206101	Water Dist Cleaning	173.40
Associated Cleaning Serv., Inc	4/19/2013	20239	30333106101	Water Plant Cleaning	174.25
Associated Cleaning Serv., Inc	4/19/2013	20239	30434106101	WW Cleaning	327.25
Associated Cleaning Serv., Inc	4/19/2013	20239	40343106101	Agate Beach Cleaning	123.25
Associated Cleaning Serv., Inc	4/19/2013	20239	10110356101	Frank Wade Cleaning	123.25
Associated Cleaning Serv., Inc	4/19/2013	20239	10110906101	Fire Station Cleaning	42.50
Associated Cleaning Serv., Inc	4/19/2013	20239	40242206101	Airport Cleaning	187.00
Associated Cleaning Serv., Inc	4/19/2013	20239	40343106101	Port Dock Cleaning	395.00
Associated Cleaning Serv., Inc	4/19/2013	20239	40343106101	Hubert St. Cleaning	430.00
Associated Cleaning Serv., Inc	4/19/2013	20239	40343106101	Cleaning	365.50
Associated Cleaning Serv., Inc	4/19/2013	20239	10119006101	City Hall-common	143.40
Associated Cleaning Serv., Inc	4/19/2013	20239	10114006101	City Hall-Planning	51.19
Associated Cleaning Serv., Inc	4/19/2013	20239	30131106101	City Hall - PW Admin	71.70
Associated Cleaning Serv., Inc	4/19/2013	20239	30131206101	City Hall - Engineering	71.70
Associated Cleaning Serv., Inc	4/19/2013	20239	10110256101	City Hall - IT	20.49
Associated Cleaning Serv., Inc	4/19/2013	20239	10110206101	City Hall -CMO	61.46
Associated Cleaning Serv., Inc	4/19/2013	20239	10110526101	City Hall -HR	10.24
Associated Cleaning Serv., Inc	4/19/2013	20239	10110306101	City Hall -Court	30.73
Associated Cleaning Serv., Inc	4/19/2013	20239	10110106101	City Hall -Council	81.94
Associated Cleaning Serv., Inc	4/19/2013	20239	10110506101	City Hall -Finance	71.70
Associated Cleaning Serv., Inc	4/19/2013	20239	10110706101	City Hall Cleaning - Police	409.70
<b>Subtotal Associated Cleaning</b>					<b>\$ 7,028.00</b>
AT&T	4/19/2013	20240	10110706205	22 cell phones 03/07/2013 to 04/06/2013	684.82
Barrelhead Supply, Inc	4/19/2013	20241	10110356401	Keyless entry	19.84
Barrelhead Supply, Inc	4/19/2013	20241	30434206115	propane torch	16.05
Barrelhead Supply, Inc	4/19/2013	20241	30434106113	sprayer	67.21
Barrett Business Svrces, Inc	4/19/2013	20242	10110356009	Aaron Erickson	528.75
Barrett Business Svrces, Inc	4/19/2013	20242	40242206009	W. Rowe / Jonathan Kosydar--FBO	425.60
Braxling & Braxling, Inc	4/19/2013	20244	30333206420	1 Crushed Rock"	555.24
Braxling & Braxling, Inc	4/19/2013	20244	30232106420	rock	1,244.37
Braxling & Braxling, Inc	4/19/2013	20244	10110356420	17.8 T 3 rock"	137.24
Carpet One Floor and Home	4/19/2013	20245	40242206113	new carpet for upstairs FBO Office.	409.60
Carquest Auto Parts Stores	4/19/2013	20246	10110356114	FILTER	13.66
Carquest Auto Parts Stores	4/19/2013	20246	30232106114	belts	88.88
Carquest Auto Parts Stores	4/19/2013	20246	10110356114	BLADE	53.52
Carquest Auto Parts Stores	4/19/2013	20246	30434206115	tape,ties	33.74
Carquest Auto Parts Stores	4/19/2013	20246	30434106114	belts for blower at wwtp	25.92
Carquest Auto Parts Stores	4/19/2013	20246	30232106401	shop supplys	11.43
Carquest Auto Parts Stores	4/19/2013	20246	30333206112	BRAKE PADS	25.40
Carquest Auto Parts Stores	4/19/2013	20246	30232106401	shop supplys-bulbs	4.18
Carquest Auto Parts Stores	4/19/2013	20246	30434106112	wiper blade for loader	2.79
Carquest Auto Parts Stores	4/19/2013	20246	30434206403	car soap	10.10
Carquest Auto Parts Stores	4/19/2013	20246	30232106112	shop truck-brakes	25.40

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
<b>Subtotal Carquest Auto Parts</b>					<b>\$ 295.02</b>
Carson Oil Co	4/19/2013	20247	30232206403	hydraulic fluid	70.62
Carson Oil Co	4/19/2013	20247	30232106403	fuel-justin	104.08
Celtic Heritage Alliance	4/19/2013	20248	40343106241	Reimbursment for Ads using DN Grant Money	115.00
Gale Group	4/19/2013	20271	10111006509	electronic reference books	400.00
Central Coast Soccer League	4/19/2013	20249	40141606026	Referee Soccer	160.00
Central Lincoln P.U.D	4/19/2013	20250	10119006104	101 & SW Hurbert	47.57
Central Lincoln P.U.D	4/19/2013	20250	10119006104	Hwy 20 & John Moore Rd	50.97
Central Lincoln P.U.D	4/19/2013	20250	10111006103	electric heating for the Library	1,027.71
Central Lincoln P.U.D	4/19/2013	20250	40242206103	Airport FBO	290.17
Central Lincoln P.U.D	4/19/2013	20250	40242106103	120 SE 84th st	143.35
Central Lincoln P.U.D	4/19/2013	20250	40242206103	Airport Jet ramp	61.61
Central Lincoln P.U.D	4/19/2013	20250	40242106103	Airport Localizer BLDG	55.75
Central Lincoln P.U.D	4/19/2013	20250	40242106103	Airport Quonset hut	81.24
Central Lincoln P.U.D	4/19/2013	20250	40242106103	Airport storage facility	32.91
Central Lincoln P.U.D	4/19/2013	20250	10110906103	Fire Dept- 145 SE 72nd	134.10
Central Lincoln P.U.D	4/19/2013	20250	40242106103	airport treminal AWOS	53.55
Central Lincoln P.U.D	4/19/2013	20250	40242106103	Airport Landing Lights	134.19
Central Lincoln P.U.D	4/19/2013	20250	30434106103	power bill for schooner ps	440.45
Central Lincoln P.U.D	4/19/2013	20250	30434106103	power bill for ps	27.12
Central Lincoln P.U.D	4/19/2013	20250	30434106103	power bill for ps	1,405.34
Central Lincoln P.U.D	4/19/2013	20250	30333156103	electrical expense old wtp	189.72
Central Lincoln P.U.D	4/19/2013	20250	30434106103	10th st ps power bill for 3-13	25.74
Central Lincoln P.U.D	4/19/2013	20250	30434106103	power bill for ps	27.18
Central Lincoln P.U.D	4/19/2013	20250	10110356103	Frank Wade Tennis courts	33.04
Central Lincoln P.U.D	4/19/2013	20250	30434106103	power bill for ps	49.46
Central Lincoln P.U.D	4/19/2013	20250	30333206103	SENTRY LIGHT	83.97
Central Lincoln P.U.D	4/19/2013	20250	30333206103	ELECTRICITY PUMPSTATION	85.42
Central Lincoln P.U.D	4/19/2013	20250	40242106103	120 SE 84th st	29.01
Central Lincoln P.U.D	4/19/2013	20250	10119006103	101 & NE 6th	52.86
Central Lincoln P.U.D	4/19/2013	20250	10119006103	City Hall Electric	425.17
Central Lincoln P.U.D	4/19/2013	20250	40242106103	North Gate Police	11.70
Central Lincoln P.U.D	4/19/2013	20250	10110706014	NPD half share of electricity at airport gate north end	11.71
Central Lincoln P.U.D	4/19/2013	20250	40242106103	north end runway	53.43
Central Lincoln P.U.D	4/19/2013	20250	10110906103	Fire Station NE 73rd Agate Beach 3400	130.13
Central Lincoln P.U.D	4/19/2013	20250	40242106103	120 SE 84th st #D	48.64
Central Lincoln P.U.D	4/19/2013	20250	10119006104	550 SE 40th St	45.00
Central Lincoln P.U.D	4/19/2013	20250	10119006104	550 SE 40th St	66.45
Central Lincoln P.U.D	4/19/2013	20250	10119006104	550 SE 40th St	45.94
Central Lincoln P.U.D	4/19/2013	20250	10119006104	550 SE 40th St	21.97
Central Lincoln P.U.D	4/19/2013	20250	10119006103	550 SE 40th	47.20
Central Lincoln P.U.D	4/19/2013	20250	10119006104	4366 SE Ellis	42.98
Central Lincoln P.U.D	4/19/2013	20250	10119006103	Corner Of Pacific Way & OSU	102.38
Central Lincoln P.U.D	4/19/2013	20250	10119006104	City Hall St Lights	108.74
Central Lincoln P.U.D	4/19/2013	20250	10119006103	196 SW Coast Hwy	116.05
Central Lincoln P.U.D	4/19/2013	20250	10119006104	Unmetered Fixed Load	15,391.97
Central Lincoln P.U.D	4/19/2013	20250	10119006104	lighting	487.71
Central Lincoln P.U.D	4/19/2013	20250	10119006104	Lighting	75.76
Central Lincoln P.U.D	4/19/2013	20250	10119006103	Unmetered Fixed Load	53.44
Central Lincoln P.U.D	4/19/2013	20250	10114006103	City Hall Electric	151.85
Central Lincoln P.U.D	4/19/2013	20250	40343106104	Unmetered Fixed Load	3,226.60
Central Lincoln P.U.D	4/19/2013	20250	40343106104	lighting	42.74
Central Lincoln P.U.D	4/19/2013	20250	30131106103	City Hall Electric	212.59
Central Lincoln P.U.D	4/19/2013	20250	30131206103	City Hall Electric	212.59
Central Lincoln P.U.D	4/19/2013	20250	10110256103	City Hall Electric	60.74
Central Lincoln P.U.D	4/19/2013	20250	10110206103	City Hall Electric	182.22
Central Lincoln P.U.D	4/19/2013	20250	10110526103	City Hall Electric	30.37
Central Lincoln P.U.D	4/19/2013	20250	10110306103	City Hall Electric	91.10
Central Lincoln P.U.D	4/19/2013	20250	10110106103	City Hall Electric	242.96
Central Lincoln P.U.D	4/19/2013	20250	10110506103	City Hall Electric	212.59
Central Lincoln P.U.D	4/19/2013	20250	10110706103	City Hall Electric	1,214.78
<b>Subtotal CLPUD</b>					<b>\$ 27,729.93</b>
Century Link	4/19/2013	20251	10110206204	CMO	20.22
Century Link	4/19/2013	20251	10110206204	CMO	790.51
Century Link	4/19/2013	20251	10110306204	COURT	3.04
Century Link	4/19/2013	20251	10110256204	INFO TECH	23.32
Century Link	4/19/2013	20251	10110506204	FINANCE	17.39
Century Link	4/19/2013	20251	10110306204	COURT	23.32
Century Link	4/19/2013	20251	10110706204	POLICE	35.72
Century Link	4/19/2013	20251	10110506204	FINANCE	70.07
Century Link	4/19/2013	20251	10110906204	FIRE	17.05
Century Link	4/19/2013	20251	10110706204	POLICE	315.17
Century Link	4/19/2013	20251	10111006204	LIBRARY	2.90

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
Century Link	4/19/2013	20251	10110906204	FIRE	147.19
Century Link	4/19/2013	20251	10114006204	PLANNING	13.49
Century Link	4/19/2013	20251	10111006204	LIBRARY	530.89
Century Link	4/19/2013	20251	30131106204	PW ADMIN	0.16
Century Link	4/19/2013	20251	10114006204	PLANNING	46.64
Century Link	4/19/2013	20251	30131206204	ENGINEERING	34.95
Century Link	4/19/2013	20251	30131106204	PUBLIC WORKS	135.10
Century Link	4/19/2013	20251	30232106204	STREETS	0.36
Century Link	4/19/2013	20251	30131206204	ENGINEERING	70.07
Century Link	4/19/2013	20251	30333106204	wtp	3.09
Century Link	4/19/2013	20251	30232106204	STREETS	34.98
Century Link	4/19/2013	20251	30333206204	WA DIST.	8.67
Century Link	4/19/2013	20251	30232206204	STORM DRAIN	34.98
Century Link	4/19/2013	20251	30434206204	WW	10.43
Century Link	4/19/2013	20251	30333106204	WATER PLANT	178.36
Century Link	4/19/2013	20251	40141106204	PARKS ADMIN	11.22
Century Link	4/19/2013	20251	30333206204	WATER DISTRIB	106.20
Century Link	4/19/2013	20251	40141506204	REC CENTER	1.86
Century Link	4/19/2013	20251	30434106204	SEWER PLANT	303.32
Century Link	4/19/2013	20251	40141306204	SENIOR CENTER	0.58
Century Link	4/19/2013	20251	40141306204	SENIOR CENTER	106.78
Century Link	4/19/2013	20251	40141406204	POOL	0.47
Century Link	4/19/2013	20251	40141506204	REC CENTER	322.48
Century Link	4/19/2013	20251	40242106204	AIRPORT	3.51
Century Link	4/19/2013	20251	40343106204	VAC	105.06
Century Link	4/19/2013	20251	40343106204	VAC	30.91
<b>Subtotal Century Link</b>					<b>\$ 3,560.46</b>
Chase Park Grants LLC	4/19/2013	20252	30434506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30333506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30434506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30333506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30333506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30333506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30333506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30333506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	60161106034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	60161106034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30434506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30434506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30434506034	Grant consulting services agreement	116.42
Chase Park Grants LLC	4/19/2013	20252	30333506034	Grant consulting services agreement	116.54
<b>Subtotal Chase Parks Grants</b>					<b>\$ 1,630.00</b>
Civil West Engineering Service	4/19/2013	20253	30131206025	Misc Services, General	4,607.75
Civil West Engineering Service	4/19/2013	20253	30333506025	Agate Beach Storage Tank	2,259.14
Civil West Engineering Service	4/19/2013	20253	60161106025	South Beach Water and Sewer	2,222.77
Civil West Engineering Service	4/19/2013	20253	60161106025	Ash St Improvements	3,626.25
Civil West Engineering Service	4/19/2013	20253	60161106025	GIS Mapping Phase 1	3,560.00
Civil West Engineering Service	4/19/2013	20253	60161106025	Big Cr Road Slide Repair	3,575.00
Civil West Engineering Service	4/19/2013	20253	30333506025	Salmon Run PS	1,765.80
Civil West Engineering Service	4/19/2013	20253	30333506025	Big Cr Dam Outlet Rehab	1,798.00
Civil West Engineering Service	4/19/2013	20253	30333506025	South Beach SCADA Improvements	2,707.00
Civil West Engineering Service	4/19/2013	20253	30333506025	Lakewood Hills PS	5,359.75
Civil West Engineering Service	4/19/2013	20253	60161106025	Bay/Moore Drainage study	14,302.86
<b>Subtotal Civil West Engineering</b>					<b>\$ 45,784</b>
Complete Wireless Solutions	4/19/2013	20254	10110706432	Narrow banding service and mic replacement #32	154.00
Consolidated Supply Co	4/19/2013	20255	30434506419	Marking paint	179.64
Copeland Lumber	4/19/2013	20256	10110356401	Rubber Stamp	12.31
DAS STATE	4/19/2013	20258	30131206216	Training, Melissa Rom��in: Contract Oversight	75.00
DAS STATE	4/19/2013	20258	30131206216	Training, Melissa Rom��in: Procurement	125.00
Dell Financial Services	4/19/2013	20259	10110256308	LEASE CONTRACT	1,570.36
Dell Financial Services	4/19/2013	20259	30333506303	Water Dist SCADA servers	4,080.06
DEQ	4/19/2013	20260	30434106222	NPDES permit fee	9,287.00
Dish Network	4/19/2013	20261	40242206234	Dish Network, FBO	43.00
DMV Driver & Motor Vehicle Ser	4/19/2013	20262	10110706222	VIN inspection fee for #32	7.00
DSU Peterbilt & GMC	4/19/2013	20263	30232106114	sensor-front wheel	76.51
Eiseman-Ludmar Co., Inc	4/19/2013	20264	10110706504	3 strips 5 stars; 2 strips 4 stars; 1 strip 2 stars	48.99
Elkins, Linda	4/19/2013	20265	40141504302	Refund- Canc. Pass	12.74
Englund Marine Supply	4/19/2013	20266	30434206115	gloves fo4r collections crew	120.90
Englund Marine Supply	4/19/2013	20266	30434106114	swaging tool,sleeves for wwtp	353.35
Englund Marine Supply	4/19/2013	20266	30434106114	swaging tool,sleeves for wwtp	(56.00)
Englund Marine Supply	4/19/2013	20266	30434106114	swaging tool,sleeves for wwtp	(136.99)
Englund Marine Supply	4/19/2013	20266	40141506401	really expensive bolts for backboards	360.68

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
Enviro-Clean Equipment, Inc	4/19/2013	20267	30434206115	hose for jetter-collections	1,650.00
Fastenal Company	4/19/2013	20268	30232106401	bolts	12.92
Fastenal Company	4/19/2013	20268	30232106430	towels shop	43.44
Fastenal Company	4/19/2013	20268	30434106111	shackle for cable-wwtp	67.92
Fastenal Company	4/19/2013	20268	30333206508	SPLINE	71.33
Garsite/Progress LLC	4/19/2013	20272	40242206112	Deadman for the jet truck	306.00
GOULET, RONALD R PLUMBING	4/19/2013	20273	40242206114	Fixed Av-tank hose and piping seals	344.62
Graymont Capital Inc.	4/19/2013	20274	30434106408	lime 18 ton	4,052.62
HDR Engineering, Inc.	4/19/2013	20277	30333506025	Eng. Services WTP	1,597.85
HEINZ MECHANICAL SERVICE, LLC	4/19/2013	20278	10110356016	Boiler repair, PAC	2,877.23
IDEXX LABORATORIES, INC.	4/19/2013	20280	30434106408	ecoli test equipment	316.07
Industrial Welding Supply, Inc	4/19/2013	20281	30434106111	cylinder rental wwtp	5.00
Johnston, John	4/19/2013	20283	10110356202	Salem trip	103.23
Kenneth P. Buell	4/19/2013	20285	30434106408	calibrate flow meters at plant	1,041.70
Lasky-Clifton Corp	4/19/2013	20286	10110356113	Swimming Pool Emergency Repairs	23,862.31
LEAF	4/19/2013	20288	40242106209	AIRPORT COPIER LEASE	11.40
Lectorum Publications, Inc	4/19/2013	20289	10111006511	Spanish books for kids	193.68
LGPI	4/19/2013	20290	10110526030	HR/LR Specialist JobReview Finance	180.00
M & K Bark & Flowers by Moo	4/19/2013	20291	10110356113	1 yd 3/4,25.00"	
NEWPORT AUTO PARTS, INC	4/19/2013	20292	30434206115	muffler for pump	(39.58)
NEWPORT AUTO PARTS, INC	4/19/2013	20292	10110906401	motor cleaner, lubricant	22.95
NEWPORT AUTO PARTS, INC	4/19/2013	20292	10110906114	small engine repair and maintenance	7.75
NEWPORT AUTO PARTS, INC	4/19/2013	20292	10110906114	small engine cleaning solution	12.09
Newport Electronics	4/19/2013	20293	10110906114	SCBA batteries	249.50
Newport Glass Company, Inc	4/19/2013	20294	10110706112	#74 repair of rock chip in windshield	60.00
Newport Public Library	4/19/2013	20295	10111006405	milk	3.79
Newport Public Library	4/19/2013	20295	10111006513	supplies for children's program	3.75
Newport Public Library	4/19/2013	20295	10111006402	display supplies	19.46
Newport Rental Service, Inc	4/19/2013	20296	10110356102	Tow Chain , Come Along	16.00
Newport Rental Service, Inc	4/19/2013	20296	30232106501	compres.hose	7.00
Newport Rental Service, Inc	4/19/2013	20296	10110356114	2 gal mix oil	3.50
Newport Rental Service, Inc	4/19/2013	20296	10110906114	filters for small engines	65.53
News-Times	4/19/2013	20297	10110526207	Finace Position Ad	2.00
News-Times	4/19/2013	20297	10110526207	Finacial Specialist Ad	71.89
News-Times	4/19/2013	20297	10110526207	Finacial Specialist Ad	2.00
News-Times	4/19/2013	20297	10110526207	Finacial Specialist Ad	71.89
News-Times	4/19/2013	20297	10110526207	Finacial Specialist Ad	2.50
News-Times	4/19/2013	20297	10110526207	Finacial Specialist Ad	2.50
News-Times	4/19/2013	20297	10110506207	Prelim-Budget Comm. Meeting Notice	11.55
News-Times	4/19/2013	20297	10110526207	Finacial Specialist Ad	71.89
News-Times	4/19/2013	20297	10110526207	Finacial Specialist Ad	2.00
News-Times	4/19/2013	20297	10110526207	Finacial Specialist Ad	71.89
News-Times	4/19/2013	20297	10119006011	Publication of Ballot Title - Plastic Bag Election	168.30
<b>Subtotal Newport News-Times</b>					<b>\$ 478.41</b>
NW Natural	4/19/2013	20298	30434206113	gas bill for nye shop	108.76
NW Natural	4/19/2013	20298	30434206115	gas bill 56 th st ps	58.44
OLCC	4/19/2013	20299	40141606213	Temporary Sales Licence - Bike Race	50.00
One Call Concepts, Inc	4/19/2013	20300	30333206204	LOCATE TICKETS	93.44
Oregon Coast Aquarium	4/19/2013	20339	10110106219	VOLUNTEER DINNER-April 23, 2013	1,000.00
Oregon State University	4/19/2013	20301	10119006030	Ocean Bioaccumulation Survey - #9	4,055.50
Orsborn Power Saw Co	4/19/2013	20302	10110356401	saw repair	105.79
Pape Machinery, Inc	4/19/2013	20303	30232106114	leboy grader-cut edge	463.17
Pioneer Telephone Cooperative	4/19/2013	20306	30434106204	ph bill south shore ps	29.40
Pioneer Telephone Cooperative	4/19/2013	20306	30434106204	26th st. p.s. phone bill	29.40
Pioneer Telephone Cooperative	4/19/2013	20306	30434106204	ph bill 32nd st ps	37.97
Pioneer Telephone Cooperative	4/19/2013	20306	30434106204	ph bill wwtp	126.38
Pitney Bowes, Inc	4/19/2013	20307	10110506209	Postage Meter rental 01/13-03/13	69.00
Pitney Bowes, Inc	4/19/2013	20307	10110556209	Postage Meter rental 01/13-03/13	138.00
Platt Electric Supply	4/19/2013	20308	30232106111	Street light replacement	88.44
Platt Electric Supply	4/19/2013	20308	30232106401	lights wilder addi.	63.06
Polydyne, Inc	4/19/2013	20309	30434106408	polymer	5,428.00
ProBuild Newport #609	4/19/2013	20310	30434106408	denatured alcohol	15.18
ProBuild Newport #609	4/19/2013	20310	10110356508	Gloves, tools	106.34
ProBuild Newport #609	4/19/2013	20310	10111007013	plywood for back of shelving unit	150.27
ProBuild Newport #609	4/19/2013	20310	10110906114	barrel fill for ladder testing	12.09
Radar Plumbing Operations, Inc	4/19/2013	20311	30434106015	replace hot water heater	833.92
RDO TRUST - #80-5800	4/19/2013	20312	30232206114	Jetter-vac	55.85
SAMARITAN HEALTH SERVICES	4/19/2013	20314	10110706032	Two blood uring draws Dunmire 13N-00311; one draw Williams-Mot	156.00
Santiam Escrow, Inc	4/19/2013	20315	10110907002	PRINCIPLE	993.15
Santiam Escrow, Inc	4/19/2013	20315	10110907002	INTEREST	1,062.90
Santiam Escrow, Inc	4/19/2013	20315	10110906228	SERVICE CHARGE	6.00
Satcom Global FZE	4/19/2013	20316	10110706204	Satellite telephone 03/01/2013 to 03/31/2013	36.15
Schneidecker Heating and Air	4/19/2013	20317	30434106114	repair ac unit at wwtp	78.00
Schneidecker Heating and Air	4/19/2013	20317	30434106113	repair ac unit wwtp	58.50
Sears	4/19/2013	20318	10110356508	hand tools	96.98

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
SPEER HOYT LLC	4/19/2013	20319	10110206004	Legal serv. 03/13	5,890.70
SPEER HOYT LLC	4/19/2013	20319	40242106004	Legal serv. 03/13	1,120.00
SPEER HOYT LLC	4/19/2013	20319	10110906004	Legal serv. 03/13	437.50
SPEER HOYT LLC	4/19/2013	20319	10114006004	Legal serv. 03/13	3,045.00
SPEER HOYT LLC	4/19/2013	20319	10110506004	Legal serv. 03/13	770.00
SPEER HOYT LLC	4/19/2013	20319	10110206004	Legal serv. 03/13 (Human Res.)	2,325.00
SPEER HOYT LLC	4/19/2013	20319	10110706004	Legal serv. 03/13	332.50
SPEER HOYT LLC	4/19/2013	20319	30131106004	Legal serv. 03/13	3,107.75
<b>Subtotal Speer Holt</b>					<b>\$ 17,028.45</b>
Staples	4/19/2013	20320	10110506402	Refund - adjustment	(20.99)
Staples	4/19/2013	20320	10110506402	Calc Tape	22.47
Staples	4/19/2013	20320	30434206502	cd's	15.00
Staples	4/19/2013	20320	30131206402	File supplies	21.18
Staples	4/19/2013	20320	10110106402	copy paper	173.50
Staples	4/19/2013	20320	10110206402	copy paper	173.50
Staples	4/19/2013	20320	10110506402	copy paper	48.58
Staples	4/19/2013	20320	10114006402	copy paper	194.32
Staples	4/19/2013	20320	30131106402	copy paper	27.76
Staples	4/19/2013	20320	30131206402	copy paper	55.52
Staples	4/19/2013	20320	10110306402	copy paper	20.82
Staples	4/19/2013	20320	10110506402	File folders	64.95
Staples Advantage	4/19/2013	20321	10110706402	50 plastic i.d. card holders #890376	11.29
Staples Advantage	4/19/2013	20321	10110706402	5 pkgs jumbo markers, HP 78A toner for Sarazin	78.29
<b>Subtotal Staples</b>					<b>\$ 886.19</b>
T&L Septic & Chemical Toilet	4/19/2013	20323	10110356113	Chemical Toilet service	52.52
T&L Septic & Chemical Toilet	4/19/2013	20323	10110356113	Sam Moore Skatepark	52.52
T&L Septic & Chemical Toilet	4/19/2013	20323	10110356113	handicap rental	78.00
TCB SECURITY SERVICES, INC.	4/19/2013	20324	10110706030	POH at SPCH 6.5 hour POH at SPCH ER Michael Burk 2013-04-05-t	162.50
Theurer, David	4/19/2013	20325	30434206216	short school for dave theurer	153.28
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110506106	finance shred cart	36.30
Thompson's Sanitary Serv., Inc	4/19/2013	20326	30434106107	GARBAGE- WWTP	162.55
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110356106	Betty Wheeler Ballpark	86.44
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10119006106	Garbage	50.48
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10114006106	Garbage	18.03
Thompson's Sanitary Serv., Inc	4/19/2013	20326	30131106106	Garbage	25.24
Thompson's Sanitary Serv., Inc	4/19/2013	20326	30131206106	Garbage	25.24
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110256106	Garbage	7.21
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110206106	Garbage	21.64
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110526106	Garbage	3.61
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110306106	Garbage	10.82
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110106106	Garbage	28.85
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110506106	Garbage	25.24
Thompson's Sanitary Serv., Inc	4/19/2013	20326	10110706106	Garbage	144.24
Thompson's Transfer & Disposal	4/19/2013	20327	10110356107	dump fee	20.70
Thompson's Transfer & Disposal	4/19/2013	20327	10110356107	dump fee	35.10
Thompson's Transfer & Disposal	4/19/2013	20327	10110356107	dump fee	14.40
<b>Subtotal Thompson's</b>					<b>\$ 716.09</b>
Thyssenkrupp Elevator Corp	4/19/2013	20328	10111006211	ELEVATOR MAINTENANCE for LIBRARY	650.88
Thyssenkrupp Elevator Corp	4/19/2013	20328	30333106211	ELEVATOR MAINT. AGREEMENT WTP	444.00
Toledo Feed & Seed, Inc	4/19/2013	20329	30434106113	moss killer	55.53
Stevenson, John	4/19/2013	20322	30301114	REFUND- STEVENSON	135.00
Yaquina Bay Property Mgmt	4/19/2013	20336	30301114	REFUND-YBPM	32.00
Yaquina Bay Property Mgmt	4/19/2013	20336	30301114	REFUND-YBPM	31.35
Yaquina Bay Property Mgmt	4/19/2013	20336	30301114	REFUND-YBPM	32.30
Furay, Deborah	4/19/2013	20270	30301114	REFUND-FURAY	91.17
Karlik, Theresa	4/19/2013	20284	30301114	REFUND-KARLIK	40.65
Phillips, Sean	4/19/2013	20304	30301114	REFUND-PHILLIPS	96.75
Jackson, Jan	4/19/2013	20282	30301114	REFUND-JACKSON	125.75
Williams, Dawn	4/19/2013	20334	30301114	REFUND-WILLIAMS	44.65
Wickham, Wessel	4/19/2013	20333	30301114	REFUND-WICKHAM	55.27
Zhen, Yan Yi	4/19/2013	20337	30301114	REFUND- ZHEN	84.88
Battershell, John & Linda	4/19/2013	20243	30301114	REFUND-BATTERSHELL	57.70
Gurwell, Robin	4/19/2013	20276	30301114	REFUND-GURWELL	27.23
Reniker, John	4/19/2013	20313	30301114	REFUND-RENIKER	110.07
Danley, Courtney	4/19/2013	20257	30301114	REFUND-DANLEY	75.37
Washburn, Jaret	4/19/2013	20331	30301114	REFUND-WASHBURN	108.57
Grimm, Gary	4/19/2013	20275	30301114	REFUND-GRIMM	20.97
Lazerus, Tim	4/19/2013	20287	30301114	REFUND-LAZERUS	47.21
Hernandez-Mora, Ana	4/19/2013	20279	30301114	REFUND-HERNANDEZ-MORA	11.42
Fisher, Gary & Cheryl	4/19/2013	20269	30301114	REFUND- FISHER	179.25

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
VerizonWireless	4/19/2013	20330	30232206205	Cell Phone-Streets/Storm	39.15
VerizonWireless	4/19/2013	20330	10110506205	Cell Phone-Finance	62.03
VerizonWireless	4/19/2013	20330	30434206205	Cell Phone-WW Collection	51.49
VerizonWireless	4/19/2013	20330	30333206205	Cell Phone-WA Distribution	163.51
VerizonWireless	4/19/2013	20330	10110906205	Cell Phone-Fire	70.34
VerizonWireless	4/19/2013	20330	30232106205	Cell Phone-Streets Maint	80.86
VerizonWireless	4/19/2013	20330	30131106205	Cell Phone-PW Admin	21.78
VerizonWireless	4/19/2013	20330	30434106205	Cell Phone-WWTP	109.33
VerizonWireless	4/19/2013	20330	30333106205	Cell Phone-WTP	58.72
VerizonWireless	4/19/2013	20330	10110356205	Cell Phone-F&G Maint	128.63
VerizonWireless	4/19/2013	20330	40444106205	Cell Phone-Bldg Inspect	29.36
VerizonWireless	4/19/2013	20330	30131206205	Cell Phone-Engineering	83.45
VerizonWireless	4/19/2013	20330	10110206205	Cell Phone-City Manager	49.96
<b>Subtotal Verizon</b>					<b>\$ 948.61</b>
West Coast Linen	4/19/2013	20332	10110906101	Cleaning of Shop Towels, Mats, Dust Mops	13.90
Xerox Corporation	4/19/2013	20335	30333206402	lease on copier	92.67
ZOLL Medical Corporation	4/19/2013	20338	10110706032	5 overlay plates for AED Plus	78.89
DMV Driver & Motor Vehicle Ser	4/22/2013	20340	40242206013	Check for ferry permit for av truck	30.00
Aboveboard Electric, Inc	4/26/2013	20342	30434106113	Repair lights solid bldg	469.60
Aboveboard Electric, Inc	4/26/2013	20342	10110356113	Wiring for lights, basement pump	813.30
Axis Crane	4/26/2013	20344	40343106239	Transport Tsunami Dock	5,508.00
Barrelhead Supply, Inc	4/26/2013	20345	30434206115	flanges,gaskets for pump	23.07
Barrelhead Supply, Inc	4/26/2013	20345	30434106114	Pvc pipe parts for blower drain	51.13
Barrelhead Supply, Inc	4/26/2013	20345	30232206401	FERCO	44.19
Barrelhead Supply, Inc	4/26/2013	20345	30333206523	SONOTUBE	139.99
Barrett Business Srvices, Inc	4/26/2013	20346	10110356009	Aaron Erickson	564.00
BRENNTAG PACIFIC, INC	4/26/2013	20348	30333106408	Container deposit credit	(1,500.00)
BRENNTAG PACIFIC, INC	4/26/2013	20348	30333106408	Balance on Invoice	36.00
BRENNTAG PACIFIC, INC	4/26/2013	20348	30333106408	Citric Acid 2 totes	5,159.50
Brown & Caldwell	4/26/2013	20349	30434306025	Agate Beach WW Improvement	14,829.75
Brown & Caldwell	4/26/2013	20349	30434306025	Big Cr Force Main	45,822.59
Cafe Stephanie	4/26/2013	20350	30333106405	coffee for OSHA confined space training	35.00
Carquest Auto Parts Stores	4/26/2013	20351	30232106112	calipers-shop truck	168.76
Carquest Auto Parts Stores	4/26/2013	20351	30232106112	shop truck-brakes	68.24
Carquest Auto Parts Stores	4/26/2013	20351	30434106113	Caulking	5.14
Carquest Auto Parts Stores	4/26/2013	20351	30232106112	BRAKES-shop truck	303.85
Carquest Auto Parts Stores	4/26/2013	20351	30232106112	retun-calipers-shop truck	(114.00)
Carquest Auto Parts Stores	4/26/2013	20351	30232106112	shop truck-trans	28.37
Carquest Auto Parts Stores	4/26/2013	20351	30232106430	gaskrt seal-shop	5.51
Carquest Auto Parts Stores	4/26/2013	20351	30232206114	wipers	6.98
Carquest Auto Parts Stores	4/26/2013	20351	30333106112	oil, oil filter change - WTP	29.61
Carquest Auto Parts Stores	4/26/2013	20351	30333106112	Air filter return	(9.41)
Carquest Auto Parts Stores	4/26/2013	20351	30232106403	2cycle oil	22.02
Carquest Auto Parts Stores	4/26/2013	20351	30232106112	HUBS-SHOP TRUCK	200.00
Carquest Auto Parts Stores	4/26/2013	20351	30232106403	BRAKE FLUID-SHOP	18.39
Carquest Auto Parts Stores	4/26/2013	20351	30333206112	Spark Plugs	8.26
Carquest Auto Parts Stores	4/26/2013	20351	30232206403	HYD OIL	14.68
Carquest Auto Parts Stores	4/26/2013	20351	30434206115	wd 40 lube	15.71
Carquest Auto Parts Stores	4/26/2013	20351	30434206115	beam extraclear	21.68
<b>Subtotal Carquest Auto Parts</b>					<b>\$ 828.79</b>
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for se 3rd st ps	45.49
Central Lincoln P.U.D	4/26/2013	20352	30333206103	ELECTRICAL SERVICE NE 7TH	878.20
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power for nye st shop	118.68
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for sw 26th st ps	31.47
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for southshore ps	23.35
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for southshore ps	386.16
Central Lincoln P.U.D	4/26/2013	20352	40242106103	84th st gate	26.04
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for 32nd st ps	95.73
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for spring st ps	41.03
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for park st ps	63.81
Central Lincoln P.U.D	4/26/2013	20352	40343106103	839 NW Beach Dr	355.09
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill fornye beach ps	725.29
Central Lincoln P.U.D	4/26/2013	20352	40343106103	W Olive St	57.33
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for neff st ps	23.97
Central Lincoln P.U.D	4/26/2013	20352	40141406103	utility-electric-pool	753.69
Central Lincoln P.U.D	4/26/2013	20352	40141606103	Frank Wade Club House	58.15
Central Lincoln P.U.D	4/26/2013	20352	30333106103	Electricity - camp 12 rectifier station wtp	25.91
Central Lincoln P.U.D	4/26/2013	20352	30333106103	Electricity Siletz pump station- wtp	163.12
Central Lincoln P.U.D	4/26/2013	20352	40343106104	Welcome Sign	23.00
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for ips	3,684.88
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for minnie st ps	29.76
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for ns ps	2,018.07

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for bayfront ps	1,145.43
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for wwtp	8,533.62
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for booster ps	328.79
Central Lincoln P.U.D	4/26/2013	20352	40343106103	NW Coast & Beach Dr	28.00
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill neola point ps	25.80
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for nye st shop	24.41
Central Lincoln P.U.D	4/26/2013	20352	30333206103	ELECTRICAL SEVRVICE SE 40TH	213.29
Central Lincoln P.U.D	4/26/2013	20352	40343106103	925 SW Hurbert	31.02
Central Lincoln P.U.D	4/26/2013	20352	40343106104	Bay St at Bay Blvd Light	72.68
Central Lincoln P.U.D	4/26/2013	20352	40343106104	Case St parking Light	70.42
Central Lincoln P.U.D	4/26/2013	20352	40343106104	Abbey St Parking Light	66.08
Central Lincoln P.U.D	4/26/2013	20352	40343106103	290 SW Bay Blvd	29.83
Central Lincoln P.U.D	4/26/2013	20352	30434106103	power bill for emarc ps	27.12
Central Lincoln P.U.D	4/26/2013	20352	40343106103	Unmetered Fixed Load	42.22
<b>Subtotal CLPUD</b>					<b>\$ 20,266.93</b>
Century Link	4/26/2013	20353	30333206204	TELEMETRY	40.71
Chase Park Grants LLC	4/26/2013	20354	30333506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30434506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30434506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30333506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30333506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30333506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30333506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	60161106034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	60161106034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30434506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30434506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30434506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30333506034	Tasks 2, 3.01, 3.02	271.50
Chase Park Grants LLC	4/26/2013	20354	30434506034	Task 3.01 Agate Beach WW system	3,320.00
Chase Park Grants LLC	4/26/2013	20354	60161106034	Task 3.02 Application for Bay Road	2,120.00
<b>Subtotal Chase Park Grants</b>					<b>\$ 9,281.71</b>
Coast Range Equipment and Repa	4/26/2013	20355	10110356401	Chem pump and seal	139.70
Coast Range Equipment and Repa	4/26/2013	20355	10110356401	pump sensor test and install	863.34
Coast Range Equipment and Repa	4/26/2013	20355	10110356113	Meet Tim Gross, re pool pump safety device	112.50
Copeland Lumber	4/26/2013	20356	10110356401	Submersible pump and seals	186.10
Copeland Lumber	4/26/2013	20356	30232106401	elec.plug	9.48
Copeland Lumber	4/26/2013	20356	10110356508	Grinder, cut wheel, blades	167.01
Daily Journal of Commerce	4/26/2013	20357	40343106111	Newport Sign Renovation ad for bids	131.10
DAS STATE	4/26/2013	20358	30434106111	diaphragm pump,rope for wwtp	400.00
Dell Financial Services	4/26/2013	20359	10110256308	LEASE CONTRACT	4,006.64
Dell Financial Services	4/26/2013	20359	10110256308	LEASE CONTRACT	2,187.39
DSU Peterbilt & GMC	4/26/2013	20360	30232206114	seSOR-SWEEPER	76.51
Emerald Springs	4/26/2013	20361	10110506402	DRINKING WATER	32.85
Englund Marine Supply	4/26/2013	20362	30333106114	2 brass fitting for siphon pump air relief-wtp"	21.82
Englund Marine Supply	4/26/2013	20362	10110356113	Drill bits, screws	34.04
Englund Marine Supply	4/26/2013	20362	30333206407	RAINGEAR JASON MAXON	259.99
Englund Marine Supply	4/26/2013	20362	30434206115	hose for suction on pump	22.00
Englund Marine Supply	4/26/2013	20362	30434106111	hose coupling,hose,clamps for pump	109.18
Enviro-Clean Equipment, Inc	4/26/2013	20363	30232206114	BROOMS	1,410.00
Fastenal Company	4/26/2013	20364	40242206112	bolt for operations av truck	23.77
Fastenal Company	4/26/2013	20364	10110356401	Strapping, Pool Rpr	12.09
Fastenal Company	4/26/2013	20364	30434206115	ties,wipers	29.70
Fastenal Company	4/26/2013	20364	30434106111	nuts,bolts for stock	107.20
Federal Aviation Administration	4/26/2013	20412	40242106030	Reimburse FAA for project costs	734,685.80
FERGUSON ENTERPRISES, INC NW	4/26/2013	20365	30333206523	HYD. EXT. KIT	821.48
Groth-Gates Heating & Sheet Me	4/26/2013	20366	10110356401	Raypack pool htr repair	2,299.80
Hughes, Liam	4/26/2013	20368	40141606202	MILEAGE REIMBURSEMENT -Conference	160.46
Idea Print Works	4/26/2013	20369	10110706219	24 baseball caps for Volunteers	180.00
Industrial Welding Supply, Inc	4/26/2013	20370	30434106111	stainless welding rod for wwtp	18.19
League of Oregon Cities	4/26/2013	20373	10110506216	Elements of Supervision, L. Brown	325.00
League of Oregon Cities	4/26/2013	20373	30131206216	Elements of Supervision,G. Schaecher	325.00
Lieder, Ted Construction	4/26/2013	20374	10110356113	Roof patch, PAC	330.00
Lincoln County Clerk	4/26/2013	20375	10114006208	Street Vacation Research	48.00
Lincoln County Public Works	4/26/2013	20376	10114006403	Fuel for 2013 Fusion	39.37
Lincoln County Public Works	4/26/2013	20376	30131206403	Fuel for 2010 Escape	62.76
Lincoln County Public Works	4/26/2013	20376	30434106403	Fuel bill for 03-13	1,494.96
Lincoln County Public Works	4/26/2013	20376	10110706403	NPD gasoline, vacuum, car washes 03/01/2013 to 03/31/2013	5,050.76
Lincoln County Public Works	4/26/2013	20376	40444106403	Fuel for 2010 Escape	36.56
Lincoln County Public Works	4/26/2013	20376	30131206403	Fuel Chev Colorado pu	51.32
Lincoln County Public Works	4/26/2013	20376	30131206403	Fuel 1994 Ford pu	82.67
Lincoln County Public Works	4/26/2013	20376	30131206403	Fuel 1999 Windstar	60.58

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
<b>Subtotal Lincoln County Public Works</b>					<b>\$ 6,878.98</b>
Lincoln County School District	4/26/2013	20377	10110706530	Disaster Supply Cache Partnership	5,000.00
Mackey, Lori	4/26/2013	20378	40141606213	Reimburse walking fees	72.00
Midwest Tape	4/26/2013	20379	10111006515	new DVDs for grownups	75.57
Newport Public Library	4/26/2013	20381	10111006215	mail ILLs	23.75
Newport Public Library	4/26/2013	20381	10111006405	milk	3.80
Newport Rental Service, Inc	4/26/2013	20382	30232106430	AIR HOSE	15.00
Newport Rental Service, Inc	4/26/2013	20382	30232106401	hammer bit	33.00
News-Times	4/26/2013	20383	40343106207	Newport Chamber Map	99.00
News-Times	4/26/2013	20383	60161106008	Invitation to Bid Ash St Improvements	158.40
News-Times	4/26/2013	20383	10114006207	Notice of Land Use Hearing	80.85
News-Times	4/26/2013	20383	10114006207	Ad for Sealed Bid Sale of Plng Van	54.69
News-Times	4/26/2013	20383	10114006207	Notice of Land Use Hearing	72.60
Northern Safety Co., Inc.	4/26/2013	20384	30434206416	first iad kits for sewer div	212.66
Northwest Management	4/26/2013	20385	10110206030	CEC prep and Meeting 3/28 & 3/31	197.50
NW Natural	4/26/2013	20386	10119006109	City Hall- Gas Bill	60.81
NW Natural	4/26/2013	20386	10111006109	gas heat for Library	401.54
NW Natural	4/26/2013	20386	40141406109	Pool Gas bill	1,438.97
NW Natural	4/26/2013	20386	30333106109	WTP	905.99
NW Natural	4/26/2013	20386	40141506109	gas bill - REC. CENTER	475.35
NW Natural	4/26/2013	20386	10114006109	City Hall- Gas Bill	21.72
NW Natural	4/26/2013	20386	30131106109	City Hall- Gas Bill	30.41
NW Natural	4/26/2013	20386	30131206109	City Hall- Gas Bill	30.41
NW Natural	4/26/2013	20386	10110256109	City Hall- Gas Bill	8.69
NW Natural	4/26/2013	20386	10110206109	City Hall- Gas Bill	26.06
NW Natural	4/26/2013	20386	10110526109	City Hall- Gas Bill	4.34
NW Natural	4/26/2013	20386	10110306109	City Hall- Gas Bill	13.03
NW Natural	4/26/2013	20386	10110106109	City Hall- Gas Bill	34.75
NW Natural	4/26/2013	20386	10110506109	City Hall- Gas Bill	30.41
NW Natural	4/26/2013	20386	10110706109	City Hall- Gas Bill	173.74
<b>Subtotal NW Natural</b>					<b>\$ 3,656.22</b>
OAWU	4/26/2013	20387	30434106216	short school for ed mcoy	10.00
Ocean Tire Factory	4/26/2013	20388	30333206112	TIRES CHEVY COLORADO	520.00
Orsborn Power Saw Co	4/26/2013	20389	30232106401	weed eat heads	49.90
Pacific Office Automation	4/26/2013	20390	10111006305	public photocopier at Library	102.00
Pauly, Rogers & Co., P.C.	4/26/2013	20391	90191206003	June 30, 2012 Audit/ Statement Prep	4,290.00
Pauly, Rogers & Co., P.C.	4/26/2013	20391	10110106003	June 30, 2012 Audit/ Statement Prep	8,250.00
Pioneer Printing, Inc	4/26/2013	20392	30333106208	2012 water quality report-CCR-WTP	407.55
Platt Electric Supply	4/26/2013	20393	30434106113	led lights for lab	540.80
Platt Electric Supply	4/26/2013	20393	10110356508	Batteries and elec parts	170.70
Power Ford Lincoln Mercury	4/26/2013	20394	30131106112	Air hose, Ford Escape	36.13
ProBuild Newport #609	4/26/2013	20395	10110356401	Tri-Pac Asst	6.35
ProBuild Newport #609	4/26/2013	20395	10110356401	Hose, PVC glue, bucket	33.29
ProBuild Newport #609	4/26/2013	20395	10110356401	Brush	7.92
ProBuild Newport #609	4/26/2013	20395	10110356508	Bench grinder, clamp	113.97
ProBuild Newport #609	4/26/2013	20395	30333206508	EXT. CORD & ELEC.TAPE	45.87
ProBuild Newport #609	4/26/2013	20395	30333206419	SPRAY PAINT	21.96
ProBuild Newport #609	4/26/2013	20395	10110906415	keysafe slim lock box	69.05
<b>Subtotal ProBuild Newport</b>					<b>\$ 298.41</b>
Public Works Supply, Inc	4/26/2013	20396	40242106415	Eye wash	12.00
Public Works Supply, Inc	4/26/2013	20396	40141406415	Water additive for emergency eye wash shower	12.00
Public Works Supply, Inc	4/26/2013	20396	30232206416	Water additive for emergency eye wash shower	12.00
Public Works Supply, Inc	4/26/2013	20396	10110356415	Water additive for emergency eye wash shower	12.00
Public Works Supply, Inc	4/26/2013	20396	30333206508	SAFETY supplies	491.12
<b>Subtotal Public Works Supply</b>					<b>\$ 539.12</b>
Steinhagen-Schmidt, Carmen	4/26/2013	20406	40141504302	refund debit mistake	44.58
Bowker, Rita	4/26/2013	20347	40141404301	refund for Pool Pass	82.65
Rotary Club of Newport, Or	4/26/2013	20397	10110706213	Quarterly dues for Chief Miranda	145.00
Sears	4/26/2013	20398	30434206115	Torque wrench	96.98
SeaWestern	4/26/2013	20399	10110906503	field service kit pumper	67.37
Secretary of State	4/26/2013	20400	10110106222	Audit Summary FY 12	350.00
Secretary of State	4/26/2013	20400	90191206222	URA Audit Summary FY12	250.00
Setere & Sons LTD	4/26/2013	20401	30434106408	lime hauler	806.00
Shilo Inn Restaurant	4/26/2013	20402	10110106219	Food for volunteer Dinner	2,880.00
SONSRAY Machinery	4/26/2013	20403	30232106114	knives	376.21
Staples	4/26/2013	20404	10110906402	hanging folders and sticky paper for nametags	42.10
Staples	4/26/2013	20404	30434206502	File folders	72.75
Staples Advantage	4/26/2013	20405	10110706402	2 boxes legal sized accordian files	65.14

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
Staples Advantage	4/26/2013	20405	10110706502	Brother PT2030 label maker	55.97
Staples Advantage	4/26/2013	20405	10110706402	2 boxes letter sized accordian files	35.18
Toledo Feed & Seed, Inc	4/26/2013	20407	30434106113	moss killer	55.53
Toyota Lift Northwest	4/26/2013	20408	30232106114	repair kit-labor	713.19
Traffic Safety Supply Co., Inc	4/26/2013	20409	30232106518	BARRICADES-POST	1,072.54
Harner, Travis	4/26/2013	20367	30301114	REFUND-HARNER	11.14
Johnson, Thomas & Sara	4/26/2013	20371	30301114	REFUND-JOHNSON	74.39
Adams, Alvin	4/26/2013	20343	30301114	REFUND-ADAMS	51.17
Nava, Brenda	4/26/2013	20380	30301114	REFUND-NAVA	6.51
Kidd, John	4/26/2013	20372	30301114	REFUND- KIDD	71.01
Abbitt, Rosemary	4/26/2013	20341	30301114	REFUND-ABBITT	72.56
Voetberg, Jim	4/26/2013	20410	10110206202	MILEAGE to COG meeting & Chamber lunches	74.58
Voetberg, Jim	4/26/2013	20410	10110206201	MILEAGE to COG meeting & Chamber lunches	36.00
Xerox Corporation	4/26/2013	20411	10111006402	Credit Taken & Refunded	359.66
Xerox Corporation	4/26/2013	20411	10114006211	Xerox Base charge, Planning Dept	109.18
Xerox Corporation	4/26/2013	20411	30131206211	Xerox Base charge, Engineering	109.18
Xerox Corporation	4/26/2013	20411	10110206211	Xerox Base charge, City Mgr office	109.18
Xerox Corporation	4/26/2013	20411	10110106211	Xerox Base charge, City Council	109.18
Xerox Corporation	4/26/2013	20411	10110556211	Xerox Base charge, Finance Cust Svc	109.17
Xerox Corporation	4/26/2013	20411	10114006211	Billable prints 12-30-12 to 4-8-13	65.99
Xerox Corporation	4/26/2013	20411	30131206211	Billable prints 12-30-12 to 4-8-13	65.99
Xerox Corporation	4/26/2013	20411	10110206211	Billable prints 12-30-12 to 4-8-13	65.99
Xerox Corporation	4/26/2013	20411	10110106211	Billable prints 12-30-12 to 4-8-13	65.99
Xerox Corporation	4/26/2013	20411	10110556211	Billable prints 12-30-12 to 4-8-13	65.98
<b>Subtotal Xerox</b>					<b>\$ 1,235.49</b>
Copeland Lumber	Multiple	19612	10110356501	PVC cap	0.94
Copeland Lumber	Multiple	19612	10110356501	6' post, chain link Coast Park	20.95
Copeland Lumber	Multiple	19612	10110356401	Pier maintenance parts	40.19
Emerald Springs	Multiple	Multiple	30434106111	DRINKING WATER	53.25
J.C. Market	Multiple	Multiple	10110706405	2 dozen cookies for WSIN meeting 03/28/2013	10.23
Lincoln County Clerk	Multiple	Multiple	10110506228	Dobson Lien	31.00
Lincoln Glass Company	Multiple	Multiple	10110356113	Repair glass door, Don Davis gazebo	371.57
Lincoln Glass Company	Multiple	Multiple	10110356113	City shops window repair	484.00
Pioneer Printing, Inc	Multiple	20305	1011006402	letterhead & envelopes for Library	182.80
R. Gray's Bargain Yard	Multiple	19658	10110906235	1x12	6.40
<b>TOTAL PAYABLES.....</b>					<b>\$1,684,888</b>

# City of Newport

Accounts Payable Report:  
Transactions > \$10,000  
April 2013

**CITY OF NEWPORT - ACCOUNTS PAYABLE FOR APRIL 2013  
TRANSACTIONS > \$10,000**

Payee Name	Check Issue Date	Check Number	GL Account	Description	Invoice Amount
Federal Aviation Administration	4/26/2013	20412	40242106030	Reimburse FAA for project costs	\$ 734,686
Pape Machinery, Inc	4/12/2013	20207	30232107003	2005 leboy grader	\$ 117,900
City of Salem	4/5/2013	20075	10110706225	police	\$ 83,888
Precision Approach Engineering	4/15/2013	20231	40242106025	Runway 16-34 Rehab Pre design	\$ 74,311
Precision Approach Engineering	4/12/2013	20211	40242106025	Runway 16-34 Rehab Pre design	\$ 73,500
Brown & Caldwell	4/26/2013	20349	30434306025	Big Cr Force Main	\$ 45,823
Greater Newport Chamber of Crc	4/12/2013	20176	40343106233	Contract Qtr 4, FY 13	\$ 43,125
OCCA	4/12/2013	20197	40343106238	4TH QUARTER FY 13	\$ 28,125
Laskey-Clifton Corp	4/19/2013	20286	10110356113	Swimming Pool Emergency Repairs	\$ 23,862
City of Salem	4/5/2013	20075	10110906225	fire	\$ 16,294
Central Lincoln P.U.D	4/19/2013	20250	10119006104	Unmetered Fixed Load	\$ 15,392
Brown & Caldwell	4/26/2013	20349	30434306025	Agate Beach WW Improvement	\$ 14,830
Civil West Engineering Service	4/19/2013	20253	60161106025	Bay/Moore Drainage study	\$ 14,303

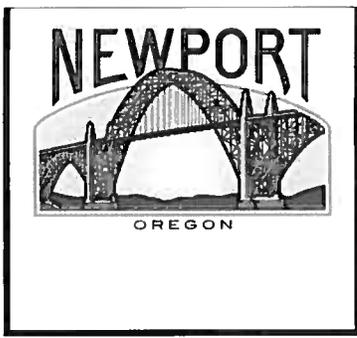
This was an "advance" to the FAA for preliminary work on Runway 16-34 Design and Construction. The general fund loaned this money to the Airport Fund, which was repaid when the FAA reimbursed the City ≈ \$660,000, the difference being the City's "match." These are the old "9-1-1" costs.

Some of these costs were offset by the reduced payroll spent on part-time help, which averages about \$6,200 per month.

For March and April, the total part-time payroll was

These are the old "9-1-1" costs.





Agenda Item # \_\_\_\_\_  
Meeting Date \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City Of Newport, Oregon

Issue/Agenda Title OLCC Renewal Recommendations

Prepared By: Newport Police Dept Head Approval: Chief Mark J. Miranda City Mgr ~~Approval~~ <sup>Forward to Council</sup> ✓

**Issue Before the Council:**

Shall the City Council recommend to Oregon Liquor Control Commission (OLCC) that stipulations be placed on licenses held by Apollo's Nightclub, Sandbar and Grill, and Moby Dick's Seafood and Spirits.

**Staff Recommendation:**

The Police Department recommends that the following stipulations be sent to OLCC for their consideration when renewing the licenses of these establishments:

1. Reduce hours of operation so that closing is at midnight each day of the week.
2. Allow for Police Department inspection of video monitoring systems upon request. At a minimum, all entrances/exits, points where cash is received, parking lots, and back hallway will be monitored. Video files shall be maintained for fourteen (14) days, and copies made available to the Police Department when requested.
3. Employ security guards certified by the Oregon Department of Public Safety Standards and Training (DPSST). The number of security guards will be based on occupancy levels of the establishments. There will be one security guard for every 25 patrons.

**Proposed Motion:**

1. I move to recommend to OLCC the above stipulations listed by the Police Department.  
or
2. I move to recommend to OLCC those stipulations as discussed in this evening's Council Meeting.  
or
3. Take no action.

**Key Facts and Information Summary:**

Every year the Oregon Liquor Control Commission (OLCC) sends notification to the City regarding licensed establishments within the City. The City has three options: 1) Provide a written renewal recommendation; 2) Ask for an extension to investigate a specific renewal or renewals; or 3) Take no action. The Police Department has reviewed the OLCC list and determined that there are three establishments in the City that are of a concern.

Calls for Service statistics for the year 2012 have been reviewed for Apollo's Nightclub, the Sandbar and Grill, and Moby Dick's Lounge. The OLCC annual DUII information report was also reviewed. The following is an overview of the statistics:

Apollo's Nightclub

In 2012 there were 72 calls for service at Apollo's. Seventy-four percent (74%) of these calls involved incidents of disorder that include, but are not limited to, assaults, disturbances, unwanted persons, and noise complaints. Most of the calls for service occurred between 11:00 p.m. and 3:00 a.m. Five arrests were made at the establishment, and five additional people who were arrested for DUII reported coming directly from Apollo's. The Police Department conducted 106 Patrol Checks. These checks are self-initiated by patrol officers with the intent of being visible at the establishment to prevent disorderly incidents.

Sandbar and Grill

In 2012 there were 39 calls for service at the Sandbar. Fifty-one percent (51%) of the calls involved incidents of disorder. Most of the calls for service occurred between 1:00 a.m. and 3:00 a.m. Ten arrests were made at the establishment; seven additional people who were arrested for DUII reported coming directly from the Sandbar. The Police Department conducted 88 Patrol Checks.

Moby Dick's Seafood and Spirits

In 2012 there were 52 calls for service at Moby Dick's. Sixty-five percent (65%) of the calls involved incidents of disorder. Most of the calls for service occurred between 10:00 p.m. and 2:00 a.m. Six arrests were made at the establishment; two additional people who were arrested for DUII reported coming directly from Moby Dick's. The Police Department conducted 127 Patrol Checks.

Establishments such as these operate to serve the public. However, it is vital that their patrons are provided with a safe environment. In addition, Police Officers should not have to confront those patrons who are violent. I believe that adjustments need to be made in the operations of these establishments to reduce the violent behavior we experience. Once calls for service for disorderly persons have been reduced, the owners will experience an increase in patrons because their establishments will be safer.

A copy of this report and attachments is being mailed to each establishment owner or manager. They are being advised of the date that this issue will be brought before the Council.

Other Alternatives Considered:

Not applicable.

**City Council Goals:**

Public Safety related.

**Attachment List:**

1. Calls for service for Apollo's Nightclub
2. Calls for service for Sandbar and Grill
3. Calls for service for Moby Dick's Lounge
4. OLCC DUII Report
5. OLCC License Renewals

**Fiscal Notes:**

The cost for Police Officers' time on all calls for service mentioned above, is conservatively estimated at \$28,000.00. Costs that are not calculated are Police Officers' time for court, injury leave, or medical bills for officers or citizens.

# Newport Police Department

# Moby Dick's Seafood and Spirits

2012 Calls for Service

Type of Call		Time of Day		Arrests
Abandoned 911	1	6am	3	6
Alarm	6	7am	1	
Assist other agency	1	Noon	3	Patrol Checks
Disturbance	14	1pm	0	<u>127</u>
Drug Activity	2	2pm	2	
DUII	2	3pm	1	
Fight	5	6pm	1	
Harassment	1	7pm	0	
Intoxicated person(s)	6	8pm	3	
Medical	2	9pm	3	
Overserving	1	10pm	6	
Probation Violation	2	11pm	7	
Suspicious Person(s)	3	Midnight	8	
Theft	3	1am	8	
Unwanted person(s)	2	2am	3	
Vandalism	1	3am	2	
Warrant arrest	1	4am	1	
<b>Total Calls for Service</b>			<b>52</b>	

# Newport Police Department

# Sandbar and Grill

## 2012 Calls for Service

Type of Call		Time of Day		Arrests
Alarm	5	8am	2	10
Assault	2	9am	2	
Disturbance	6	1pm	1	Patrol Checks
DUII	1	4pm	1	<u>88</u>
Found Property	2	5pm	3	
Harassment	2	7pm	3	
Intoxicated person(s)	3	8pm	2	
Lost property	1	9pm	1	
OLCC Violation	1	10pm	0	
Parole Violation	2	11pm	3	
Suspicious person(s)	1	Midnight	2	
Theft	7	1am	6	
Trespass	1	2am	12	
Unwanted person(s)	5	5am	1	
Warrant Arrest	2			
<hr/>				
Total Calls for Service			39	

# Newport Police Department

Apollo's Nightclub

2012 Calls for Service  
Arrests

Type of Call		Time of Day		
Assault	9	4pm	1	5
Bomb Threat	1	5pm	0	
Courtesy Transport	6	6pm	1	Patrol Checks
Disturbance	9	7pm	0	<u>106</u>
Domestic	1	8pm	1	
DUII	2	9pm	2	
False Call	2	10pm	2	
Fight	1	11pm	18	
Found Property	1	Midnight	15	
Harassment	2	1am	18	
Intoxicated person(s)	8	2am	13	
Lost property	2	3am	1	
Medical	3			
Misc. Contact	1			
Noise	13			
Open Door	1			
Parking	2			
Parole Violation	1			
Stalking	1			
Standby	1			
Taxi Request	4			
Theft	7			
Trespass	2			
Unwanted person(s)	7			
Vandalism	1			

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Total Calls for Service

72

**OREGON LIQUOR CONTROL COMMISSION**  
**DUII INFORMATION PROGRAM FINAL MONTHLY REPORT**  
 December 2012  
 (2012 - Fourth Quarter)

Premises	Date	Time	Day	(* see below)	Report/Dept	Notification and Action	Month To Date	Fourth Quarter	Year To Date	2011 Total
<b>LINCOLN COUNTY</b>										
** ABBY'S PIZZA INN OF NEWPORT							0	1	1	0
** APOLLOS RESTAURANT & NIGHTCLUB	* 4/21/2012	2:28 AM	Saturday	0.15 (C)	12-650/NPP	Crash Letter Y	1	1	5	8
** BARGE INN							0	0	0	2
** BAY 839	* 2/16/2012	8:27 PM	Thursday	0.23 (C)	12-272/NPP	Crash Letter	0	0	2	0
** BAY HAVEN INN							0	0	3	2
** BIER ONE							0	1	1	0
** CECIL'S DIRTY APRON							1	1	1	0
** CHINOOK WINDS CASINO RESORT	12/25/2012	9:50 PM	Tuesday	0.14	12-2402/NPP		0	1	4	4
** EAGLES LODGE #2817 NEWPORT							0	0	0	1
** FLOUNDER INN							0	0	2	1
** HALLMARK RESORT NEWPORT							0	0	1	0
** HOOVERS PUB & GRILL							0	0	2	1
** MAXWELL'S AT THE COAST REST/LOUNGE							0	0	1	1
** MOBY DICK'S SEAFOOD & SPIRITS							0	1	3	3
** MOOSE LODGE #396 WALDPOR	* 1/27/2012	12:16 AM	Friday	0.13 (C)	12-140/NPP	Crash Letter	0	0	2	2
** NANA'S IRISH PUB							0	0	0	1
** NEW UPTOWN PUB							0	0	0	1
** OLD OREGON SALOON							0	0	1	1
** ROCA MAR							0	0	0	1
** ROGUE ALES PUBLIC HOUSE							0	0	1	3
** RUSTY TRUCK BREWING COMPANY / ROADHOUSE 101							0	1	2	1
** SALISHACK TAVERN	* 7/6/2012	4:00 PM	Friday	0.24 (C)	12-222302/NPO	Crash Letter	0	0	1	0
** SANDBAR & GRILL							0	0	7	3
** SAVORY CAFE & PIZZERIA							0	0	1	1
** SHILO RESTAURANT & LOUNGE							0	0	2	0
** SILETZ ROADHOUSE							0	0	0	3

\* BAC/"(C)" = Breath Sample Refused / "B.S." = Blood Sample Taken

## OLCC LICENSE RENEWALS

City of Newport, Attn: Finance Dept  
NEWPORT  
169 SW Coast Hwy  
Newport OR 97365

Attached is the list of OLCC liquor licenses in NEWPORT that are eligible for license renewal. These licenses will expire on 6/30/2013.

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendations to the OLCC. It also requires the OLCC to notify licensees of the license renewal application or processing fees charged by their local governments. According to our records, you charge:

License Renewal Fee: 35.00

Off Premises Fee: 35.00

We will direct renewal applicants to mail the renewal fees to the address on this letter. Please notify us immediately if the fees or address are incorrect.

Approximately 40 days after the licenses expire, the OLCC will send you a list of the licensees who filed a renewal application. You can use this list to verify that applicants have paid your fees.

### Recommendation Process:

**You have until 6/5/2013 to exercise one or more of the following options:**

1. Provide a written renewal recommendation to the OLCC for any or all of the licenses on this list.
2. Make a written request for additional time to investigate a specific renewal or renewals. The request must set forth the reason additional time is needed, state that the local government is considering making an unfavorable recommendation, and state the specific grounds being considered toward an unfavorable recommendation.
3. Take no action. After 6/5/2013, the OLCC will process the renewal application as if you made a favorable recommendation.

Please send correspondence to OLCC License Renewals at P.O. Box 22297, Portland OR 97269 or email [olcc.renewals@state.or.us](mailto:olcc.renewals@state.or.us). You can also contact the license renewal section at 1 (800) 452.6522 ext 5138 or at 503.872.5138.

Dist. #	License #	Tradename	Participant	License	Premises Address
<b>Local Government: NEWPORT</b>					
3	169915	ABBY'S PIZZA INN OF NEWPORT	ABBY'S INC	L	932 N COAST HWY, NEWPORT, OR
	172503	AGATE BEACH GOLF COURSE	AGATE BEACH GOLF COURSE INC	L	4100 N COAST HWY, NEWPORT, OR
	171933	AMERICAN LEGION POST #116 NEWPORT	AMERICAN LEGION POST#116,NEWPORT	F-CLU	424 W OLIVE ST, NEWPORT, OR
	171083	APOLLOS RESTAURANT & NIGHTCLUB	D & B ENTERTAINMENT INC	F-COM	836 SW BAY BLVD, NEWPORT, OR
	169942	APRIL'S AT NYE BEACH	A & K INC	L	749 NW 3RD ST, NEWPORT, OR
	172599	ARR PLACE	ROMINES, AYMEE ROMINES, ROBERT	F-COM	143 SW CLIFF ST, NEWPORT, OR
	172656	ARR PLACE	ROMINES, AYMEE ROMINES, ROBERT	O	143 SW CLIFF ST, NEWPORT, OR
	171130	BARGE INN	PATRICK E WITHAM LLC	O	358 SW BAY BLVD, NEWPORT, OR
	171139	BARGE INN	PATRICK E WITHAM LLC	L	358 SW BAY BLVD, NEWPORT, OR
	173055	BAY 839	BAY 839 LLC	F-COM	839 SW BAY BLVD, NEWPORT, OR
	170781	BAY HAVEN INN	LEWTON, LINDA P	F-COM	608 SW BAY BLVD, NEWPORT, OR
	170784	BAY HAVEN INN	LEWTON, LINDA P	O	608 SW BAY BLVD, NEWPORT, OR
	169995	BAYFRONT MARKET LLC	BAYFRONT MARKET LLC	O	644 SW BAY BLVD, NEWPORT, OR
	171417	BEVEN'S MARKET & DELI	SHAMROCK ENTERPRISES INC	O	960 SW COAST HWY, NEWPORT, OR
	172303	BIER ONE	SHUNK'S LLC	O	418 & 424 SW COAST HWY, NEWPORT, OR
	172413	BIER ONE	SHUNK'S LLC	L	418 & 424 SW COAST HWY, NEWPORT, OR
	170988	BREWER'S ON THE BAY	OREGON BREWING COMPANY	F-COM	2301 OSU DR, NEWPORT, OR
	184878	BRIDGES RESTAURANT AND LOUNGE	EMBARCADERO RESORT SERVICE PROVIDER LLC	O	1000 SE BAY BLVD, NEWPORT, OR
	184879	BRIDGES RESTAURANT AND LOUNGE	EMBARCADERO RESORT SERVICE PROVIDER LLC	F-COM	1000 SE BAY BLVD, NEWPORT, OR
	172600	CAFE MUNDO	CARD, LAURIE A CARD, GREGORY C	F-COM	711 NW 2ND CT, NEWPORT, OR
	172160	CANYON WAY RESTAURANT	CANYON WAY FOOD SERVICE INC	F-COM	1216 SW CANYON WY, NEWPORT, OR
	169868	CECIL'S DIRTY APRON	POLK ENTERPRISES LLC	F-COM	912 N COAST HWY, NEWPORT, OR
	172091	CHALET RESTAURANT & BAKERY	CHALET RESTAURANT OF NEWPORT INC	L	2026 N COAST HWY N, NEWPORT, OR
	172637	CHAMPAGNE PATIO RESTAURANT & FINE WINE	SWAFFORD, JOSEPH H SWAFFORD, ANN CHRISTINE E	L	1630 N COAST HWY, NEWPORT, OR
	172670	CHAMPAGNE PATIO RESTAURANT & FINE WINE	SWAFFORD, JOSEPH H SWAFFORD, ANN CHRISTINE E	O	1630 N COAST HWY, NEWPORT, OR

Dist. License #	Tradename	Participant	License	Premises Address
<b>Local Government: NEWPORT</b>				
3	170127	CHOWDER BOWL AT NYE BEACH	CHOWDER BOWL AT NYE BEACH INC	L 728 NW BEACH DR, NEWPORT, OR
	178497	COBBLESTONE PIZZA CO	COBBLESTONE PIZZA CO LLC	L 130 NW 19TH SUITE B, NEWPORT, OR
	172515	EAGLES LODGE #2817 NEWPORT	EAGLES LODGE #2817, NEWPORT	F-CLU 106 E OLIVE ST, NEWPORT, OR
	173788	ELKS LODGE #2105 NEWPORT	ELKS LODGE #2105, NEWPORT	F-CLU 45 SE JOHN MOORE RD, NEWPORT, OR
	173194	FISH PEDDLERS MARKET	PACIFIC CHOICE SEAFOOD COMPANY	L 617 SW BAY BLVD, NEWPORT, OR
	173108	FISHTAILS CAFE	FISHTAILS LLC	L 3101 FERRY SLIP RD, SOUTH BEACH, OR
	172662	FORINASH GALLERY	FORINASH, CHARLES A	O 856 SW BAY BLVD, NEWPORT, OR
	170430	FRED MEYER #227	FRED MEYER STORES INC	O 150 NE 20TH ST, NEWPORT, OR
	176555	FULL CIRCLE NYE	JOHNSON, BRUCE W	O 715 NW BEACH DR, NEWPORT, OR
	172412	GREEN GABLES B & B / ITALIAN CAFE	GREEN GABLES B & B LLC	L 156 SW COAST ST, NEWPORT, OR
	170552	HALLMARK GIFT SHOP	HALLMARK INNS & RESORTS INC	O 744 ELIZABETH ST, NEWPORT, OR
	170536	HALLMARK RESORT NEWPORT	HALLMARK INNS & RESORTS INC	F-COM 744 ELIZABETH ST, NEWPORT, OR
	169705	HOOVERS PUB & GRILL	HOOVER'S PUB AND GRILL LLC	F-COM 3539 S COAST HWY, NEWPORT, OR
	172505	IZZY'S PIZZA	CHILAC INC	L 5251 N COAST HWY, NEWPORT, OR
	180780	JC MARKET	J C MARKET INC	O 107 N COAST HWY, NEWPORT, OR
	171989	KAM MENG CHINESE RESTAURANT	KAM MENG CHINESE RESTAURANT INC	L 4424 N COAST HWY 101, NEWPORT, OR
	172077	KUM YON'S RESTAURANT	BRIDGEVIEW KUM YON LLC	L 1008 SW COAST HWY, NEWPORT, OR
	173573	LA ROCA MEXICAN RESTAURANT	HUESCA, JUSTINO HUESCA, HELADIO G	F-COM 352 SW 9TH ST, NEWPORT, OR
	170742	LEE'S WOK	ZHU, MEI YUE LEE, SHINONG	F-COM 306 N COAST HWY, NEWPORT, OR
	176653	LOCAL OCEAN SEAFOODS	LOCAL OCEAN SEAFOODS INC	L 213 SE BAY BLVD, NEWPORT, OR
	176654	LOCAL OCEAN SEAFOODS	LOCAL OCEAN SEAFOODS INC	O 213 SE BAY BLVD, NEWPORT, OR
	173148	LUCKY THAI ELEPHANT RESTAURANT	LUCKY THAI ELEPHANT LLC	L 807 SW COAST HWY, NEWPORT, OR
	170948	MADE IN OREGON	NAITO CORP	O 342 SW BAY BLVD, NEWPORT, OR
	171377	MAI'S ASIAN MARKET	SHEARER SR, DANNY D SHEARER, MAI H	O 256-A E OLIVE ST, NEWPORT, OR
	177128	MAIN SAIL	JOHNSON, BRUCE W	O 338 SW BAY BLVD, NEWPORT, OR
	172508	MARINE DISCOVERY TOURS	MARINE DISCOVERY TOURS INC	L 345 SW BAY BLVD, NEWPORT, OR
	170526	MAZATLAN MEXICAN RESTAURANT	GALVAN & FUENTES INC	F-COM 404 SW COAST HWY, NEWPORT, OR

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<b>Local Government: NEWPORT</b>				
3	171772	MO'S ANNEX	MO'S ENTERPRISES INC	O 657 SW BAY BLVD, NEWPORT, OR
	171795	MO'S ANNEX	MO'S ENTERPRISES INC	L 657 SW BAY BLVD, NEWPORT, OR
	171797	MO'S RESTAURANT	MO'S ENTERPRISES INC	L 622 SW BAY BLVD, NEWPORT, OR
	173405	MOBY DICK'S SEAFOOD & SPIRITS	MOBY DICKS AT NEWPORT LLC	F-COM 448 SW COAST HWY, NEWPORT, OR
	170116	NANA'S IRISH PUB	CUCHULAINN INC	F-COM 613 NW 3RD ST, NEWPORT, OR
	170933	NEW UPTOWN PUB	NEWPORT BLUES INC	F-COM 636 SW HURBERT ST, NEWPORT, OR
	171423	NEWPORT CAFE	SEE NASH LLC	L 534 N COAST HWY, NEWPORT, OR
	170112	NEWPORT CHEVRON	C & O INC	O 1517 N COAST HWY, NEWPORT, OR
	170929	NEWPORT MARINA STORE	NEWPORT MARINA STORE & CHARTERS INC	O 2128 SE MARINE SCIENCE DR, NEWPORT, OR
	176524	NEWPORT STEAK & SEAFOOD	NEWPORT STEAK & SEAFOOD INC	F-COM 1019 SW COAST HWY, NEWPORT, OR
	171782	NOODLE CAFE	CHENG H LLC	L 837 SW BAY BLVD, NEWPORT, OR
	172730	NYE BEACH MARKET	BUCHKO, GERALD A BUCHKO, JUDY A	L 526 NW COAST ST #B, NEWPORT, OR
	172886	NYE BEACH MARKET	BUCHKO, GERALD A BUCHKO, JUDY A	O 526 NW COAST ST #B, NEWPORT, OR
	172305	NYE BEACH WINE CELLAR	GRAPENUTS LLC	O 715 NW THIRD ST, NEWPORT, OR
	174139	OCEAN BLEU @ GINO'S FISH MARKET & CAFE	OCEAN BLEU SEAFOODS LLC	O 808 SW BAY BLVD, NEWPORT, OR
	174140	OCEAN BLEU @ GINO'S FISH MARKET & CAFE	OCEAN BLEU SEAFOODS LLC	F-COM 808 SW BAY BLVD, NEWPORT, OR
	170998	OCEANA NATURAL FOOD COOPERATIVE	OCEANA NATURAL FOOD COOPERATIVE	O 159 SE 2ND ST, NEWPORT, OR
	172809	OREGON COAST AQUARIUM GIFT SHOP	WILDLIFE TRADING COMPANY OF NEW MEXICO INC	O 2820 SE FERRY SLIP RD, NEWPORT, OR
	173543	OZONE FINE ARTS	JOHNSON, BRUCE W	O 669 SW BAY BLVD, NEWPORT, OR
	176631	PANACHE	IDALICEMARUDY INC	F-COM 614 W OLIVE ST, NEWPORT, OR
	171084	PORT DOCK ONE	PORT DOCK ONE INC	F-COM 325 SW BAY BLVD, NEWPORT, OR
	171701	RAINDANCE AT NYE BEACH	RAINDANCE AT NYE BEACH LLC	O 316 NW COAST ST, NEWPORT, OR
	171486	RITE AID #5370	THRIFTY PAYLESS INC	O 2336 N COAST HWY, NEWPORT, OR
	170975	ROGUE ALES BREWERY	OREGON BREWING COMPANY	BP 2301 OSU DR, NEWPORT, OR
	170989	ROGUE ALES PUBLIC HOUSE	OREGON BREWING COMPANY	F-COM 748 SW BAY BLVD, NEWPORT, OR
	170976	ROGUE HOUSE OF SPIRITS	OREGON BREWING COMPANY	BP 2122 SE MARINE SCIENCE DR, NEWPORT, OR
	170987	ROGUE HOUSE OF SPIRITS	OREGON BREWING COMPANY	F-COM 2122 SE MARINE SCIENCE DR, NEWPORT, OR

Dist. License #	Tradename	Participant	License	Premises Address
<b>Local Government: NEWPORT</b>				
3	177425	SABAI THAI KITCHEN	SAEPANG, JINTANA	L 836 SW BAY BLVD, NEWPORT, OR
	172322	SADA'S SUSHI BAR	ASIATICO SUSHI BAR INC	O 250 SW BAY BLVD, NEWPORT, OR
	172426	SADA'S SUSHI BAR	ASIATICO SUSHI BAR INC	L 250 SW BAY BLVD, NEWPORT, OR
	171746	SAFEWAY STORE #378	SAFEWAY INC	O 2220 N COAST HWY, NEWPORT, OR
	172509	SAFFRON SALMON	SAFFRON SALMON LLC	L 859 SW BAY BLVD, NEWPORT, OR
		DENNIS, STEVEN G		
	171338	SAIL INN CAFE	SAIL INN CAFE LLC	F-COM 134 SW BAY BLVD, NEWPORT, OR
	171356	SANDBAR & GRILL	SANDBAR & GRILL INC	F-COM 722 NW BEACH DR, NEWPORT, OR
	169963	SAVORY CAFE & PIZZERIA	BOWERS, MICHAEL	F-COM 526 NW COAST ST, NEWPORT, OR
		BOWERS, NANCY K		
	169969	SAVORY CAFE & PIZZERIA	BOWERS, MICHAEL	O 526 NW COAST ST, NEWPORT, OR
		BOWERS, NANCY K		
	172240	SHARK'S SEAFOOD BAR & STEAMER CO	KUHWIL INC	F-COM 852 SW BAY BLVD, NEWPORT, OR
	172767	SHELL 503	ARS FRESNO LLC	O 22 N COAST HWY, NEWPORT, OR
	173150	SHILO CAFE	NEWPORT RESTAURANT CORP	F-COM 614 SW ELIZABETH, NEWPORT, OR
	173151	SHILO RESTAURANT & LOUNGE	NEWPORT RESTAURANT CORP	F-COM 538 SW ELIZABETH ST, NEWPORT, OR
	170302	SIZZLER #518	DOUBLE S FOODS LLC	L 2426 N COAST HWY, NEWPORT, OR
	169234	SOUTH BEACH GROCERY	SOUTH BEACH GROCERY INC	O 3660 SW COAST HWY, SOUTH BEACH, OR
	170785	STARFISH GRILL/ROOKIE'S SPORTS BAR	LINCOLN PROPERTIES LLC	F-COM 3019 N COAST HWY, NEWPORT, OR
	174061	STONE CREST CELLARS CATERING	STONE CREST CELLARS BED & BREAKFAST LLC	O 715 SW HURBERT ST #4, NEWPORT, OR
	174062	STONE CREST CELLARS CATERING	STONE CREST CELLARS BED & BREAKFAST LLC	F-COM 715 SW HURBERT ST #4, NEWPORT, OR
	173051	SYLVIA BEACH HOTEL	SYLVIA BEACH HOTEL INC	L 267 NW CLIFF ST, NEWPORT, OR
	171334	SZABO'S STEAKHOUSE & SEAFOOD	SZABO INC	F-COM 5188 NE LUCKY GAP RD, NEWPORT, OR
	172644	THE COFFEE HOUSE	LINGHAM, JUDITH M	L 156 SW BAY BLVD, NEWPORT, OR
	172655	THE MAIN SAIL	LIGGETT, STACEY D	O 338 SW BAY BLVD, NEWPORT, OR
		HILLS, DENNIS E		
	171526	US MARKET #104	US MARKET #104 LLC	O 1445 N COAST HWY 101, NEWPORT, OR
	171613	WAL-MART STORE #1925	WAL-MART STORES INC	O 160 NW 25TH ST, NEWPORT, OR
	170194	YUMMY BOWL	CHAN & ZHEN INC	L 554 SW COAST HWY, NEWPORT, OR



Jim Voetberg  
City Manager  
CITY OF NEWPORT  
169 S.W. Coast Hwy.  
Newport, OR 97365  
[j.voetberg@thecityofnewport.net](mailto:j.voetberg@thecityofnewport.net)

## Manager's Report Meeting of May 20, 2013

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Following is the Manager's Report for the City Council meeting of May 20, 2013:

Suggestion/Concern/Complaint update: Attached for Council review is the current Suggestion/Concern/Complaint update. The update covers citizen comments to staff, citizen comments brought to staff's attention by Councilors, and citizen comments voiced at Council meetings. Closed items over 30 days old have been dropped off the list.

Department Monthly Reports: Attached are monthly reports prepared by each department head briefly listing various activities that have occurred in their department over the past month. The reports are not intended to be overly detailed, but provides general activities that have recently occurred.

# Certificate of Appreciation



VETERANS  
OF  
OREGON

HONORABLE  
SERVICE  
MEDAL

*City of Newport*

*With heartfelt gratitude and appreciation for all you have done to help honor the service and sacrifices of veterans in our Armed forces in preserving freedom and liberty in the world: We the citizens and members of the community in the great state of Oregon honor your generous contribution that makes honoring our veterans possible. Your actions epitomize patriotism in the highest tradition. We had a need and you answered the call to serve.*

05/04/2013

Date Issued

*Synda Newman*

Issuing Officer

# Certificate of Appreciation



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*With heartfelt gratitude and appreciation for all you have done to help honor the service and sacrifices of veterans in our Armed forces in preserving freedom and liberty in the world; We the citizens and members of the community in the great state of Oregon honor your generous contribution that makes honoring our veterans possible. Your actions epitomize patriotism in the highest tradition. We had a need and you answered the call to serve.*

05/04/2013

Date Issued

*Lynnda Newman*

Issuing Officer



## **FINANCE DEPARTMENT STATUS**

### **I. A “RAUCOUS” MONTH**

- A. I BEGAN LAST MONTH’S REPORT BY SAYING THAT MARCH WAS “QUIET.” APRIL WASN’T. IT MARKED WHAT IS PROBABLY THE MOST INTENSE PERIOD YOUR FINANCE DEPARTMENT EXPERIENCES: A ONE-WEEK VISIT BY OUR AUDITORS AND THE FINAL, FRENZIED PREPARATIONS FOR THE BUDGET COMMITTEE MEETINGS IN MAY.
- B. IN ADDITION, WE INTERVIEWED SIX INDIVIDUALS FOR TWO (OR THREE) POSITIONS. (IT TURNED OUT TO BE THREE). IN THE END WE HIRED **RENEE MCCASLIN** AND **RANDI SILLER** FOR THE TWO PART-TIME (.7 FTE) FINANCIAL SPECIALIST ONE POSITIONS; THE THIRD POSITION, THAT OF FINANCIAL SPECIALIST III, HAS BEEN FILLED BY **JOHN DUBOIS**, WHO BEGINS ON JUNE 3<sup>RD</sup>. BOTH RENEE AND RANDI ARE LEARNING THEIR NEW POSITIONS RAPIDLY AND HAVE ALREADY MADE A MARKED DIFFERENCE IN THE FUNCTIONING OF THE FINANCE DEPARTMENT. RENEE, INCIDENTALLY, WAS A SARGEANT IN AFGHANISTAN AND HAD INTERVIEWED EARLIER FOR THE FIRE DEPARTMENT ADMINISTRATIVE ASSISTANT POSITION AND, ALSO, FOR THE ORIGINAL HUMAN RESOURCES POSITION. SHE FINISHED SECOND BOTH TIMES, AND WE ARE DELIGHTED THAT SHE TRIED A THIRD TIME. RANDI HAS BEEN WORKING AS A TEMP FOR US SINCE LAST JULY AND HAS IMPRESSED US WITH HER RAW INTELLIGENCE, INTUITIVE GRASP OF ALL THINGS FINANCIAL, AND HER ORGANIZATIONAL ABILITIES. A FOURTH PERSON, PRESENT EMPLOYEE **JIM SALISBURY** MOVED TO FINANCE FROM PUBLIC WORKS, WORKING FOR JJ. HE WILL CONTINUE TO PERFORM PUBLIC WORKS INSPECTIONS, TRAIN EMPLOYEES IN SAFETY PROCEDURES AND PRACTICES, AND AUGMENT JJ’S ACTIVITIES IN RISK MANAGEMENT.
- C. ALONG WITH THE ADDITIONAL PERSONNEL, WE ARE MAKING PHYSICAL CHANGES WITHIN THE DEPARTMENT. LINDA BROWN MOVES TO THE OPEN OFFICE NOW SERVING AS OUR

CONFERENCE ROOM; THE CONFERENCE ROOM WILL RETURN TO ITS ORIGINAL POSITION (LINDA'S PRESENT OFFICE). WE WILL ALSO RE-DESIGN THE CUSTOMER SERVICE AREA WHERE RENEE WILL JOIN KAY AT THE FRONT COUNTER, ENABLING US TO HAVE A SECOND LOCATION TO RECEIVE PAYMENTS AND ANSWER QUESTIONS FOR OUR CUSTOMERS.

- D. IN APRIL, THE NEWPORT POLICE DEPARTMENT, LINCOLN COUNTY SHERIFF'S DEPARTMENT, AND THE OREGON STATE POLICE HIGHLIGHTED "DISTRACTIVE DRIVING." CLOSE TO 100 TICKETS WERE ISSUED. THE VIOLATORS WERE ELIGIBLE TO ENTER A DIVERSION PROGRAM IN LIEU OF A FULL FINE, BY CONTACTING KATHY, OUR COURT CLERK. SHE SCHEDULED THEM INTO ONE OF TWO "DISTRACTION DRIVING COURSES" IN MAY.

## **II. THE BUDGET FOR NEXT YEAR**

- A. THE PROPOSED BUDGET WAS FINISHED. IT TOPPED OUT AT ABOUT \$54 MILLION, \$11 MILLION DOLLARS LARGER THAN THIS YEAR'S BUDGET (PRIMARILY BECAUSE OF THE \$9.0 MILLION IN GRANTS FOR THE AIRPORT FUND).
- B. BUDGET COMMITTEE HEARINGS BEGAN ON MAY 7<sup>TH</sup>, AND THOUGH THE PROCESS IS NOT FINISHED, THERE IS LITTLE DOUBT THAT THE ADOPTED BUDGET WILL LOOK A BIT DIFFERENT FROM THE BUDGET SUBMITTED TO THE COMMITTEE FOR APPROVAL.

## **III. HUMAN RESOURCES**

- A. FINISHED BACKGROUND CHECK POLICY
- B. HIRED FINANCIAL SPECIALIST III
- C. HIRED 2 FINANCIAL SPECIALIST I
- D. WORKED WITH CIS TO FORM BACK TO WORK PLAN FOR A PARKS AND REC EMPLOYEE
- E. CREATED AND HELD COMMUNICATION CLASS FOR AIRPORT STAFF



# Memo

To: Jim Voetberg, City Manager and City Council  
From: Derrick Tokos, Community Development Director  
Date: May 13, 2013  
Re: Department Update

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## **MONTHLY PERMIT FIGURES**

The following is a summary of April 2013 building and land use activity.

	Building Permits	Electrical Permits	Plumbing Permits	Construction Value	Land Use Actions
Apr.	16 (\$27,979.15)	24 (\$3,982.72)	8 (\$2,779.72)	\$4,158,400	5 (\$942.00)
YTD	41 (\$35,494.25)	65 (\$11,714.24)	23 (\$6,998.02)	\$4,908,722	11 (\$4,885.00)

Building permit activity included the Safeway renovation, construction of the new Umpqua Bank Building, a new ice house at Bornstein Seafoods, three new single family dwellings, a church remodel, a hotel remodel, a carport, 4 new freestanding signs, 12 wall signs, a temporary signs. The land use actions include zoning text amendments to allow Accessory Dwelling Units citywide, adoption of the Port of Newport's capital facilities element into the Newport Comprehensive Plan, land use compatibility and an estuary review of renovation plans for the Port of Newport Hoist Dock and a partition of the Curry Marine parcel.

## **STATUS OF MAJOR CONSTRUCTION PROJECTS**

Port Terminal Project: Port is paving in front of the docks. City is still awaiting a final write-up from the project engineer regarding deferred structural improvements. Once that report is received, final inspections can be performed and an occupancy permit issued.

Bornstein Seafood: Piling repair and construction of a new ice house. Permits issued. No inspections to date.

Lincoln County School District: Work on classrooms and storage building at High School is ongoing. Footings poured for playground building at the Intermediate School.

O'Reilly Auto Parts: Building plans have been submitted and reviewed. Anticipate issuing permit after the ravine fill project is completed.

Umpqua Bank: Permit issued and work is underway on the foundation. No inspections yet.

Safeway: Permit issued and work is underway. Footing inspection performed on support columns for the building façade. Partial framing inspection to be performed 5/14/13.

Nazarene Church Outreach/Community Center: Continuing to install windows. Permit for fire sprinkler system reviewed and approved. It appears that work is being performed by volunteers and is progressing slowly.

Walgreens: Paving and landscaping has been installed and interior finish work is being completed. Anticipate that final inspections will be performed and temporary occupancy permit issued within the next couple of weeks.

Teevin Bros. Log Yard: Staff decision approving the Traffic Impact Analysis (TIA) was appealed. Evidentiary hearing before the Planning Commission was held on 4/22/13. Planning Commission approved the TIA (i.e. denied the appeal) at its 5/13/13 meeting. Deadline for appealing the Commission's decision to the Council is 5/28/13.

### **SIGNIFICANT PLANNING PROJECTS**

Safe Haven Hill Tsunami Evacuation Improvements: FEMA authorized and funded the Phase 1 scope of work, including supplemental geotechnical and benefit-cost analysis. Kickoff meeting with the consultants and Oregon Emergency Management (OEM) was held 3/8/13. Supplemental geotechnical work to be completed towards the end of May, with benefit-cost analysis to follow. All Phase 1 work must be completed by 1/26/14.

Creation of Land Bank for Work Force Housing: Planning Commission reviewed an agreement between the City, Lincoln Community Land Trust (LCLT), and Community Service Consortium (CSC) on 3/11/13 and recommend that it be adopted. Agreement calls for LCLT, with CSC staff support, to construct six workforce housing units over the next five years. City would make property available out of its land inventory as a "land bank." Council considered the agreement at its 4/15/13 work session, and the matter is scheduled as a discussion item on 5/20/13.

Vacation Rental Code Update: At this time 90 applications for VRD or B&B endorsements have been submitted. The City has conducted 82 inspections, 62 of which have passed. Many of those that have yet to pass have significant repairs that need to be undertaken. Fire egress out of bedroom windows, lack of GFCI outlets, inadequate hand railing or guard rails on staircases (primarily on decks), and strapping on water heaters were the primary issues identified through the inspection process.

Transportation System Plan (TSP) Update: Council adopted the TSP amendments on 11/5/12. Zoning code chapters for transportation impact analysis studies and street improvements for infill development were effective the first of the year. The trip budget program will be effective once the County and State adopt the proposal. The Board of County Commissioner's met on 5/1/13 to initiate the County adoption process and referred the amendments to the County Planning Commission. A hearing before the Commission has yet to be scheduled.

Agate Beach Street and Recreation Enhancements: On 8/2/12 FHWA announced that the project will be funded in the amount of \$557,696. City provided ODOT with technical information they need for the grant agreement. ODOT is working on the documents but has not provided a date for when they will be completed.

Reservoir UGB Amendment and Annexation: The expansion proposal was approved by the City Council on 5/6/13 and has been forwarded to the County for their review and approval. A meeting date for the Board of Commissioners to initiate the process has not been set.

Port of Newport/City of Newport Task Force on Access to the International Terminal: Issue paper drafted and supplemented by analysis from ODOT outlining challenges the City, Port, and community face in pursuing a refinement plan to identify alternative freight routes. This information was presented to the taskforce on 3/12/13.

Planning for Replacement of the Yaquina Bay Bridge: City and County staff and elected officials met with ODOT regional planning staff on 2/25/13 to discuss the need to begin advance planning for future replacement of the bridge. ODOT has budgeted \$150,000 for data and modeling work. The funds will be available 7/1/13, and the City and County will meet with ODOT on 5/16/13 to develop a scope of services for the consultants.

### **COMMITTEE WORK**

Planning Commission: Held work session on 4/8/13 to review zoning code changes related to Accessory Dwelling Units, the Port's recently adopted Strategic Business and Capital Facilities Plans, and procedures for the Teevin Bros. TIA appeal hearing. The Commission held a public hearing on the appeal on 4/22/13, and received additional written evidence and final argument during the subsequent open record period.

CWACT Technical Advisory Committee: Met 5/9/13 to discuss rating criteria for STIP grant proposals. Newport is seeking \$1,075,000 of state funding (\$2.6 million total project cost) for construction of the SE 35<sup>th</sup> Street intersection and related improvements along Ferry Slip Road. Staff to present project to Area Commission on Transportation (ACT) on 5/23/13. ACT will meet in July to prioritize regions grant proposals.

Parking Districts: The Bay Front committee met to walk the district and discuss project priorities.



Noble  
Professional  
Dedicated

Newport Police Department  
**Memorandum**

*One Team - One Future*

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**Date:** May 14, 2013  
**To:** Jim Voetberg, City Manager  
**From:** Mark J. Miranda, Chief of Police   
**Subject:** April 2013 Department Report

1. The most important item for this month was that the Department received it's accreditation through the Oregon Accreditation Alliance. A separate memo covers this topic. The City Council will receive a briefing on accreditation at the June 3<sup>rd</sup> meeting.
2. Our Newport Police Volunteers were recognized at the City Volunteer Recognition dinner for the amount of hours they have contributed through volunteering. This group of Newport area citizens have saved the City more than \$70,000.00. More importantly, the projects that our Volunteers have been involved with would not have been accomplished without them.
3. I have been frustrated with the change to the new Computer Aided Dispatch (CAD) system through Willamette Valley Communications Center (WVCC). I am not able to obtain statistics on our calls for service. In the past we have been able to provide City Council with highlights of what has happened in the City, compared with previous years. I spoke with Chief Killian from Lincoln City Police Department. His agency uses the same CAD system, and he has not been able to obtain statistics for his City. The statistics provide a snapshot as to the health of the City. I have been attempting to seek a solution and will continue to work towards obtaining that solution.

4. Department members participated in the Children's Advocacy Center's Family Fun Day. Police Volunteers and officers presented a bicycle safety program where children demonstrated their ability to maneuver through a mock town scape. Officers from Newport Police and Lincoln City Police were on hand to inspect child car safety seats. They also helped parents learn to properly install safety seats.



Noble  
Professional  
Dedicated

## Newport Police Department Memorandum

*One Team - One Future*

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**Date:** May 15, 2013  
**To:** Jim Voetberg, City Manager  
**From:** Mark J. Miranda, Chief of Police *MJM*  
**Subject:** **Parking Enforcement Complaint**

City Councilor Sawyer provided me with a copy of the letter from Mr. Cochran. I took the opportunity to check out the situation. On Thursday, May 9<sup>th</sup> at 3:34 p.m., Mr. Cochran's truck was issued a citation by the Parking Enforcement Officer for parking in a zone reserved for owners of moorages in South Beach.

The TCB Parking Enforcement Officer, who is acting under contract as our agent, is authorized to issue parking citations on Port of Newport property, pursuant to Municipal Code section 6.20.010. This ordinance was adopted by the City Council in 2008. It is meant to assist the Port with parking enforcement since they do not have the ability to issue citations, nor do they have a court system.

I checked the parking lots in South Beach that are reserved for moorage owners. I found them to be plainly marked with large signs. In speaking with the Parking Enforcement Officer, I learned that recently the Port expressed the desired to have the parking enforced on the lots. After a 30 day warning period, citations started to be issued on May 1<sup>st</sup>, 2013.

I found out that the parking signs have been posted for quite some time, but there has not been any enforcement action taken until now. I spoke with Port Manager Don Mann and he confirmed that the Port did want the parking regulation enforced in the moorage parking areas. I recommended to him that since the parking signs have been posted for a long time, without enforcement, that additional temporary signs be posted to give notice that enforcement action is being taken. I suggested that barricades with an enforcement message be placed at the entrances to the parking lots, and orange traffic flags be posted on the existing signs to help bring attention to the signs.

Because this area is frequented by many visitors during the various fishing seasons, I recommended that the temporary signs remain in place until, at least, after July 1<sup>st</sup>. Quite a few warning have been issued in this area as well as citations. It is unfortunate that Mr. Cochran was caught unaware of

the parking regulations on Port property. His disabled license plates or disabled parking permit do not absolve him from the duty to park in appropriate areas.

Cc: Don Mann, Port of Newport  
Mike Goff, TCB Security  
Lt. Jason Malloy

5/11/13

Terry Cochran  
35085 Northernwood Dr  
Brownsville, Or 97327  
541-729-5675

Judge  
Newport Municipal Court  
169 SW Coast Hwy  
Newport, OR 97365-3806

Re: Parking Citation NP 10651 License # D05694 OR

Your Honor,

I plead guilty to the above citation and my check for \$40 is enclosed. I would like to respectfully make a few comments about the Marina Parking situation.

My vehicle has a disabled veteran license plate with a wheelchair stamped into it. I also clearly displayed my handicapped placard in the windshield. I searched for an available handicapped space and could not find one. I took a space where I could walk to gate G. I was unaware that I was in a space reserved for Moorage customers.

Evidently I was not the only one who made that mistake. I looked around and saw the red tickets on windshields everywhere. The parking area is very poorly marked. I assume the city of Newport is aware of this problem due to the number of tickets I saw on cars. However, at forty dollars a ticket there is very little incentive to fix this problem.

I cannot drive back to Newport to contest a forty dollar ticket and neither can most of the other cars. This is a tidy little tax for the City of Newport. Perhaps the City might consider some of the consequences:

1. There are plenty of ports along the Oregon Coast that are not hostile to tourists. I like Newport but may go someplace else in the future. In a depressed economy I dropped a lot of money in town and helped the residents prosper.
2. The signs are not very visible at 5 A.M. when they are facing at odd angles and headlights don't even hit them.
3. Entryways to moorage parking could be a clearly marked line and a warning painted on the pavement with very little expense to the City.

10/11  
5-14-13

- 4 The City could post a large board mapping marina parking at the entrance to the marina. They could also provide maps of parking at the Marina Store and various other places around the marina.
- 5 There are not enough handicapped spaces available around the marina or the Marina Store. There are none available at the store near where a handicapped person could reasonably be expected to walk. This is an issue that should be considered under the Americans With Disabilities Act.
- 6 When I tell all my friends what a great time I had charter fishing at Newport and I add that I got a \$40 ticket, how many of them do you think are going to want to come down and enjoy the services?
- 7 My opinion is that the parking situation is doing a disservice to your citizens by discouraging tourism. The city should ask itself if it would rather have \$40 for its treasury or the \$250 I spent in town helping put food on the tables of local residents.

Thank you for listening to my rant. I sincerely hope this problem can be rectified and we can all enjoy your fine city again.

Respectfully,  
Terry Cochrane

cc: Sandra Roumagoux  
Dean Sawyer  
David Allen  
Richard Beemer  
Laura Swanson  
Ralph Busby  
Mark Saelens  
Jim Voetberg  
Steve Card (editor Newport Times)  
Rebecca B. Bond (Americans with Disabilities)  
Sen. Ron Wyden  
Sen. Jeff Merkley  
Rep. Peter DeFazio  
Or. St. Rep. Phil Barnhart  
Or. St. Sen. Lee Beyer



Noble  
Professional  
Dedicated

## Newport Police Department Memorandum

*One Team - One Future*

---

**Date:** May 14, 2013  
**To:** Jim Voetberg, City Manager  
**From:** Mark J. Miranda, Chief of Police *MJM*  
**Subject:** Department Accreditation

I am pleased to report that, effective April 30, 2013, the Newport Police Department has been granted accreditation by the Oregon Accreditation Alliance (OAA). The Department joined OAA a few years ago. In order to receive accreditation, we had to comply with 102 standards, and provide proof that we were, in fact, doing what we said we did. We had to present to assessors, who visited the Department, the documentation that we met the standards.

The law enforcement accreditation system establishes a uniform set of "Best Practices" for police agencies. The Best Practices are consistent on an international scale, measurable, and verified by an independent body as to compliance. Accreditation demonstrates the Newport Police Department's accountability to the community, elected policy makers, and line officers that conduct the day-to-day work. Compliance requirements dealing with life, health, safety, and high liability exposures are embedded in the law enforcement standards of best practices. Every standard is intended to make an agency more professional, while at the same time improve its services to the community.

For years, law enforcement administrators and elected policy makers have been seeking a bona fide method of measuring the performance and accountability of police agencies. Most of the methods entailed some formula with percentages for crime rates or field activities. Those techniques were routinely challenged because the results were so easily manipulated, and lacked universal standards for comparing one agency to another. The methods failed to address the accountability of an organization to its constituents for the manner in which a public agency was administered.

Our community, the Department as a whole, and officers individually, stand to gain by being accredited. The following are some of the benefits:

Integrity – Excellence – Community – Employees – Teamwork – Commitment
--

### **For the Community**

- Increases the law enforcement agency's ability to prevent and control crime through more efficient and effective delivery of services.
- Enhances community understanding of the law enforcement agency, its role in the community, and its goals and objectives.
- Creates a forum in which police and citizens work together to prevent and control crime through greater understanding of the challenges and impacts on law enforcement, and the desires of the community.
- Enhances public confidence in the law enforcement agency.

### **For the Chief Executive Officer**

- Increases cooperation and coordination with other law enforcement and criminal justice agencies.
- Provides independent confirmation that policies comply with professional standards.
- Provides greater administrative and operational effectiveness.
- Ensures a continuous, systemized self-assessment of policies, procedures, and operational practices.
- Decreases exposure to civil liability and costly settlements, which leads to potential reductions in premiums for liability insurance.
- Provides state and local acknowledgement of professional competence.

### **For Law Enforcement Personnel**

- Enhances understanding of agency policies and procedures.
- Assures consistent recruitment, selection, and promotion processes.
- Assures that employment practices are fair, equitable, and non-discriminatory.
- Increases morale within the agency.
- Increases pride and confidence in the agency and its operations.
- Ensures that agency policies and procedures are documented and available to all personnel.



# Memo

To: Jim Voetberg, City Manager and City Council  
From: Jim Protiva, Parks and Recreation Director  
Date: May 13, 2013  
Re: Department Update - April 2013

## **Municipal Pool**

- Re-opened pool to the public on April 15<sup>th</sup> after 60 days of being closed
- Regular programming picked back up, we didn't offer any special events or activity
- Pool passes are extended for the equivalent amount of time that each pass-holder lost due to shut down, a large registration undertaking
- Started registration for May lessons and preparations for Fiesta Swim (May 5<sup>th</sup>)

## **Recreation Center**

- Hired and began training of 1 PT Building Attendant and 2 Rec. Leaders
- 2 staff members attended the "Matter of Balance" training presented by OHSU which certifies them as instructors.
- Judy attended the "Customer Service on the Frontline" presented by City Hall.
- Stretch and Flex class continues to grow, with 50 people attending
- T'ai Chi is increasing as well, with up to 16 people attending at once.

## **Sports Programs**

- Record numbers for our middle school track team
- Started a new program: 1<sup>st</sup>-5<sup>th</sup> grade track. Seems well received so far.
- Held a middle school track meet with around 140 competitors from all over Lincoln County.

## **Newport 60 plus Activity Center**

- AARP Tax aide helped 619 persons file paperwork this season
- Trips this month were to Hood River and Chinook Winds
- Attorney Stacey Mealer held law program "Legal Days" with 12 appointments
- Matter of Balance training held by OHSU with 26 attending

<b>Parks &amp; Rec Data April 2013</b>	<b>Facility usage counts</b>	<b># Programs offered</b>	<b>New annual passes</b>	<b>Total annual passes</b>	<b>New other passes</b>	<b>Total other passes</b>	<b>Drop in users</b>
Senior Center	1,382	30	N/A	N/A	N/A	N/A	48
Sports	1,840 est. vists mult. Locations	7	N/A	N/A	N/A	N/A	624
Recreation Center	13,090	28	77	728	72	559	1029
Municipal Pool	1376	6	12	140	20	88	599
<b>Totals</b>	<b>17,688</b>	<b>71</b>	<b>89</b>	<b>868</b>	<b>92</b>	<b>647</b>	<b>2,300</b>

\*spectators are not required to have a pass

\*Rec Center pass allows Pool use

\*213 City employee/FD Volunteer active passes not inc



*Phil Paige, Fire Chief  
Newport Fire Department  
245 NW 10<sup>TH</sup> ST  
Newport, Oregon 97365*

May 13, 2013

To: Jim Voetberg, City Manager  
Re: April Monthly Activities

Here is a brief summary of Fire Department activities in April.

The budget draft was completed and presented to the budget committee.

Last month, our administrative people were stretched thin. Melanie broke her ankle (at home) and has been off for a couple weeks. Hopefully she will be released for at least partial duty by next week. Chris Rampley was recovering from surgery, and was helping out a lot while on light duty. Rob took a week of well-deserved vacation, and last week I attended the Oregon Fire Chiefs Conference in Redmond, OR.

During April, we received two more applications for volunteer firefighter and one more application for the cadet program.

#### **Operations –**

There were no major incidents during April, however, the first weekend in May we had an explosion and power outage at the substation at 7<sup>th</sup> and Harney. We also had two simultaneous fires on that Sunday. First, we were dispatched to a fire in a commercial building that was contained to a dryer and laundry area. While that fire was in progress, we were dispatched to a fire at the Embarcadero. This was a wall fire that began in smoking materials, travelled up a concealed wall space to the attic. When it got into the attic, it was held in check by the building's fire sprinklers, while the crews extinguished the fire.

Operations on these fires went well, nobody was injured, and we received mutual aid from our neighboring departments which helped us greatly.

During April, the department has responded to 139 calls for service. So far, we have responded to a total of 543 calls this year (as of 4/30).

The new "Resident Volunteer" program has been working out well. We were able to keep staffing at three personnel during Chris Rampley's medical leave, by scheduling Brandon Webber's time as a resident volunteer. Chris has now been released for full duty.

We hope to hire the two seasonal firefighter positions for the summer, by June (hopefully before Memorial Day Weekend).

**Central Coast Fire Authority –** The Fire Chiefs will be meeting this month to develop more specific details regarding the Administrative "Fire Authority" proposal, and the Collaboration Committee will meet again on May 28. The process was outlined for the Council in a short update presentation for the Council at the April 15 meeting.

Respectfully submitted,  
Phil Paige, Fire Chief



**SUGGESTION/CONCERN/COMPLAINT FORM--CITY OF NEWPORT**

<b>Date City Notified</b>	<b>No. Assigned</b>	<b>Claimant</b>	<b>Suggestion/Concern/Complaint</b>	<b>Status</b>
1/18/2013	195-PW-1-18-13	Hovey Grosvenor 408 SE Elm Street South Beach	Wants contact regarding drainage issues on Elm Street. It is affecting his residence. Also maintenance of gravel street.	OPENED: 1/22/13 -- Contacted Hovey at site. Cut drain ditch in with grader, and rocked and graded street. CLOSED
1/24/2013	196-PW-1-24-13	Rich Gogl	Requested NE 56th & 57th Streets be graded	OPENED: 1-25-13 -- Street was graded. CLOSED
1/25/2013	197-Fin-1-25-13	Pat Maguire	Was not notified of higher than normal water usage, so bill increased dramatically. He has repaired leak, but cannot afford the increased charges from the leak, and especially with the most recent fee increases imposed by the City.	OPENED: 1-25-13 -- This matter was referred to Finance Director
1/25/2013	198-PW-1-25-13	Nye Beach Merchants Association	Requested cleaning the Nye Beach Visual Arts Stairway	OPENED: 1-25-13 - Litter was picked up on 1-25 and 1-28. Cleaning from top down. Will complete on 1-30-13. Stairway will be checked on a monthly basis and cleaned as necessary CLOSED - 1-30-13
1/28/2013	199-PW-1-28-13	Alicia 528 NE 1st	Sewer slower draining contacted City said it was at City main.	OPENED: 1-12-2013-Checked main, opened and flowing. Spoke with Newport Plumbing jetted also. CLOSED
1/30/2013	200-PW-1-30-13	Citizen visiting City Hall	Shared concern handicap ramp has bump handicap person could fall.	OPENED 1-30-2013- Referred to Public Works. Inspected ramp could not locate any bumps. Expansion spaces--3/8" between panels. No action taken. CLOSED

2/11/2013	201-PW-2-11-13	Randy Holman	Agate Heights Apts: Holman and other tenants complaining of numerous small particles in tap water. Please contact and advise.	OPENED 2-11-13-Referred to Jason in Public Works. Mark made contact with Randy and talked about the problem. Mark checked water and could not see any problems or particles. Believe the problem is with the water heater. CLOSED
2/12/2013	202-PW-2-12-13	Sylvia Beach Hotel-Charlet Dinolt	She asked that a crew check a wastewater main and/or lateral line that is beneath the side walk on NW 3rd street. The line runs beside the North wall of the Hotel. It occasionally backs-up.	OPENED 2-12-13 Referred to PW. Checked main open & flowing, found wier in downstream mh. Talked to Charlet, she was going to talk to plumber said it has been going on for 2 months. Talked to Tim G. said wier has only been in place for about 30 days. Talk with John Newport Plumbing 2-19-13. They were still working on problem. 3-5-13 talked with Newport Plumbing they fixed pressure line everything is ok. CLOSED
2/15/2013	203-PW-2-15-13	Brett Hulet	Has a office in a building @ location in pictures. There are no handicap ramps & some of his patients have issue. Is it building owners responsibility to install ramps?	OPENED 2-15-13 Referred to Tim. Per PW Director, this is responsibility of the building owner. Called and let Mr. Hulet know the information 3-4-13. CLOSED
2/19/2013	204-PW-2-19-13	Dave Gesik	Requests gravel/blade work on short section of Dolphin between his residence and Whaler Motel.	OPENED 2-19-13-Referred to Dave Public Works. Rocked and graded on 2/22/13. CLOSED

2/26/2013	205-NPD-2-26-13	Vicki Jo Stephens	Upset with Tom Simpson. On Sat. 2/23/13 she was hit by (Bag of Beans) on his bicycle in front of the Shell Station. She was thrown into a power utility box. Officer Simpson told her "I don't have time to file a complaint because of the Seafood and Wine Festival" Ms. Stephens believes that it is because she is homeless that Simpson did not have time for her. Officer Steve Hallmark was there and asked if she was ok. At that time she thought she was but later she went to the ER. She suffered a head and neck injury. Officer Mitchell was called by her and he talked with Bag of Beans and told him to stay away from Vicki. He told her that he will be going out for a neck injury and was turning the case back over the Simpson. She is not happy with Simpson having the case and would like someone else to handle it. She would like to have something done about Bag of Beans	OPENED 2-26-13 Referred to NPD Chief. Chief Miranda conducted an investigation and determined that Sgt. Simpson conduct an investigation into the incident and found that Ms. Stephens was not truthful in her state, that she was participated in the disorderly conduct. Sgt Simpson contacted non-involved third parties and found that no assault occurred and the Ms. Stephens was the verbal aggressor in the incident. Chief Miranda sent a letter to Ms. Stephens with the results of the investigation. Chief Miranda determined that Stg. Simpson acted appropriately. CLOSED 4-22-13
3/4/2013	206-PW-3-4-13	Fisher	Sewer Line Plugged, plumber has checked to city connection.	OPENED 3-4-13 Referred to Greg. He contacted resident checked our sewer main it was open & flowing well, Contacted the other neighbors no problems . Jetted our main to make sure. Notifited Fisher 3-5-13 CLOSED.
unknown	207-PW-3-4-13	Button Plumbing	Apparent plugged line.	OPENED 3-4-13 Referred to PW His draines were plugged we jetted our main, he thanked us. Problem solved 3-4-13 CLOSED

3/6/2013	208-NPD-3-6-13	Barrett Business Services	There are numerous homeless persons using our office building as a base camp. We regularly encounter bedding,litter, urine, and feces left behind by these vagrants. They intimidate our employees, discourage our walk-in clients and prevent us from projecting a professional image at our location.	OPENED 3-6-13 Referred to NPD Chief.Area cleaned by complainant. Problem has not reoccured. Night Staff Advised for Patrol. Caller advised to call dispatch if problem returns. Extra Patrol. 3-19-13 CLOSED.
3/6/2013	209-PW-3-6-13	Dan Haden	Sewer Backing up	OPENED 3-6-13 Referred to Collections. Jetted main, had been there before a couple years age. Didn't find much/ Left message on his phone. 3-6-13 CLOSED
3/7/2013	210-PW-3-7-13	Jean Rawley	Request road grade work on SW Lake between 11th & 12th. Seriuos pot holes.	OPENED 3-7-13 Referred to Dave. Rock and Bladed. 3-8-13 CLOSED
3/9/2013	211-PW-3-9-13		The Resident Called Lincom that sewer was backing up in her house Lincom called Chuck Cooper (Street Dept) He called me. @ 3:25 P.M. I responed, saw that our main was plugged got Jetter truck.	OPENED 3-9-13 Referred to Greg Evens. Jetted the downstream Manhole unplugged the line & relieved the surcharged manhole. Claimant was contacted. CLOSED 3/9/13
3/13/2013	212-PW-3-13-13	Cheryl Atkinson	Drive by, many empty beer containers littering the Betty Wheeler Field.	OPENED 3-13-13 Referred to Jim Guenther. Sent Larry down to clean-up. 3-13-13 CLOSED
3/20/2013	213-PW-3-20-13	Frances Whited	In front of her residence school buses have caused the road to depress. Is there anyway to fix?	OPENED 3-20-13 Referred Dave. Looked at problem area and explained to her that we could not repair until asphalt plant runs again later this spring. Claiment was fine with that. Follow-up is needed Grind out and replace asphalt and base.

3/27/2013	214-PW-3-27-13	John Gesik	Lateral backed up	OPENED 3-27-13 Referred Collections. Checked Main, He wanted to Know where his lateral tied in. Have been there several times over the years. Jetted Main. Camered main. Marked his lateral out on ground. Showed him. Plumber showed up when we left. CLOSED 3-27-13
4/17/2013	215_PW-4-17-13	Carol N. Ely	Unable to get out of the drive way due to street parking. Street is too narrow. I have to Park in Street because I cannot pullout of driveway.	OPENED 4-17-13 Referred to City Manager Forwarded to PW for review & Recommendation. PW & City Manager found the condition does not warrant removal of parking. Letter sent. 4-22-13 CLOSED
4/24/2013	216-PW-4-24-13	Kathy Wyman	Turning left off of HWY 101 (in South Beach heading south) onto SE 40th street are "potholes" or the asphalt drops away and gives vechiles a jolt. Could that be fixed please?	OPENED 4-24-13 Referred to Streets. Laskey-Clifton will fill & dress pipe trench area on 4-23-13. Re-moblizing to site will maintain until asphalt placed. Claimant was notified. CLOSED 4-24-13
4/26/2013	217-PW-4-26-13	Jenny Thomas	Would like someone to stop by & assess dead tree in right-of-way, it's threatening a shore pine. Caller is elderly & has done most of the storm clean-up but not sure what to do with this. Please call 1st.	OPENED 4-26-13 Referred to Dave. Looked at tree noticed one laying on another really not a hazard at this time waiting for call back, Left message to call to verify this is the tree in question. Follow-up may need to remove tree. CLOSED 4-26-13.
4/26/2013	218-PW-4-26-13	Plumber @ Starbucks	Plumber wants help w/sewer line issue - backed up into restrooms & can't jet to connection.	OPENED 4-26-13 Referred to Greg Evens. Went To Talk with Plumber, we determined through maps & dye his lateral came out on West side of HWY 101 our line was clear, we confirmed with Tim gave him the plumbers card. CLOSED 4-26-13.

4/30/2013	219-PW-4-30-13	Jodi Worrad	Claims that adjacent lot is "owned by the city" and has lots of scotch broom, says city usually comes & clears it. Has an early bloom due to better weather.	OPENED 4-30-13 Referred to Dave. The city has never cleared this area and these are private lots in private area. Called and left message for call back did not receive. 4-30-13 CLOSED
5/14/2013	220-PW-5-14-13	Ken Cook	While in sidewalk crossin gfrom Towne Pump to Pioneer Printing, could not use his power wheel (Hover Craft) because there's a gap from the Pioneer Printing wheel chair ramp side to the sidewalk. Probably need to call ODOT.	OPENED 5-14-2013 Referred to Streets. Refured to Melissa. Pleased to know asphalt ramp will poured on 5/15 am. CLOSED 5-14-13



# Memo

To: Jim Voetberg, City Manager and City Council  
From: Ted Jones, PE, Sr Proj Mgr  
Date: May 20<sup>th</sup>, 2013  
Re: Capital Projects Status Update

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**Project: Ash Street Design and Construction**  
Project Number: 2010-003  
Status: NW Natural is starting the gas line relocation.  
Next Task: Finalize construction contract and conduct Pre-Construction meeting.  
Budget: \$557,000  
Description: Design and construct Ash Street between SE 40<sup>th</sup> St. and SE Ferry Slip Road.

**Project: Hwy 101 Crosswalk Improvements**  
Project Number: 2012-001  
Status: Survey data collection is underway and public outreach summary has been accepted by ODOT.  
Next Task: Continue with preliminary design.  
Budget: \$502,000  
Description: This project will improve the visibility and safety of multiple crosswalks on Highway 101 between 15th Street and the bridge. Proposed improvements include curb extensions and/or pedestrian safety islands, improved signage and pavement markings, and in one location pedestrian activated warning lights.

**Project: Big Creek Road Landslide Repairs**  
Project Number: 2011-003  
Status: Staff is reviewing final plans.  
Next Task: Advertise for bid with a late June 2013 bid date.  
Budget: \$750,000  
Description: This project will restore Big Creek Road. A January of 2011 storm caused portions of the road to slide away, making the road unsafe for vehicles and jeopardizing a buried water main and electrical and telecommunications overhead transmission lines. This project is 75% funded through FEMA.

**Project:** Lower Big Creek Reservoir Drawdown Pipe Repair  
**Project Number:** 2012-012  
**Status:** Bid opening on May 9<sup>th</sup>, 2013. Clackamas Construction was low bidder at \$118,220.  
**Next Task:** Issue a Notice of Intent to Award.  
**Budget:** \$160,000  
**Description:** Repair a structurally deficient and functionally obsolete 30-inch corrugated metal outfall pipe with a 24-inch HDPE Liner and structural grout.



Agenda Item #  
Meeting Date

May 20, 2013

## CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Presentation by the Lincoln Community Land Trust

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: \_\_\_\_\_

**ISSUE BEFORE THE COUNCIL:** Bill Hall and Ben Baggett, representing the Lincoln Community Land Trust, will be present to provide an overview of the work that the Trust is doing to provide affordable housing in Lincoln County. The City Council is considering entering into a partnership with the Trust to facilitate the construction of workforce housing in Newport, consistent with the City's Comprehensive Plan and recommendations of its 2011 Housing Needs Analysis.

**STAFF RECOMMENDATION:** This is an opportunity for the Council to ask questions, now that it has had an opportunity to review a draft workforce housing agreement with the Trust. The agreement would be scheduled for Council consideration and possible adoption at a future meeting.

**PROPOSED MOTION:** None. This is a discussion item only.

**KEY FACTS AND INFORMATION SUMMARY:** In 2010 and 2011, in partnership with the State of Oregon and local stakeholders, the City of Newport undertook a comprehensive update to the Housing element of its Comprehensive Plan. That analysis demonstrated that the City lacks an adequate supply of affordable workforce housing units, making it difficult for workers to find housing within the city limits, which negatively influences long term growth of the economy; the ability of area business's to attract and retain employees; emergency response times by emergency personnel living outside the city; and reinvestment in the economy by community members who spend more money on housing.

The City adopted recommendations in the study for how it could help facilitate the creation of workforce housing. In 2012 it established a revolving loan fund for construction of affordable housing units using one-time funds from the sale of City owned property. It is also pursuing amendments to its zoning ordinance to allow accessory dwelling units in all of its residential areas. Another recommendation of the study calls for the City to establish a "land bank," offering property out of its inventory for the construction of workforce housing. An agreement between the Lincoln Community Land Trust, Community Services Consortium and City to construct at least six owner occupied units, on properties the City would release from its inventory on a case-by-case basis, was reviewed and recommended for adoption by the Newport Planning Commission at its March 11, 2013 meeting. The agreement was also reviewed by the Council at an April 15, 2013 work session.

**OTHER ALTERNATIVES CONSIDERED:** None.

**CITY COUNCIL GOALS:** Facilitating the creation of workforce housing and implementing the land bank program is a Council goal.

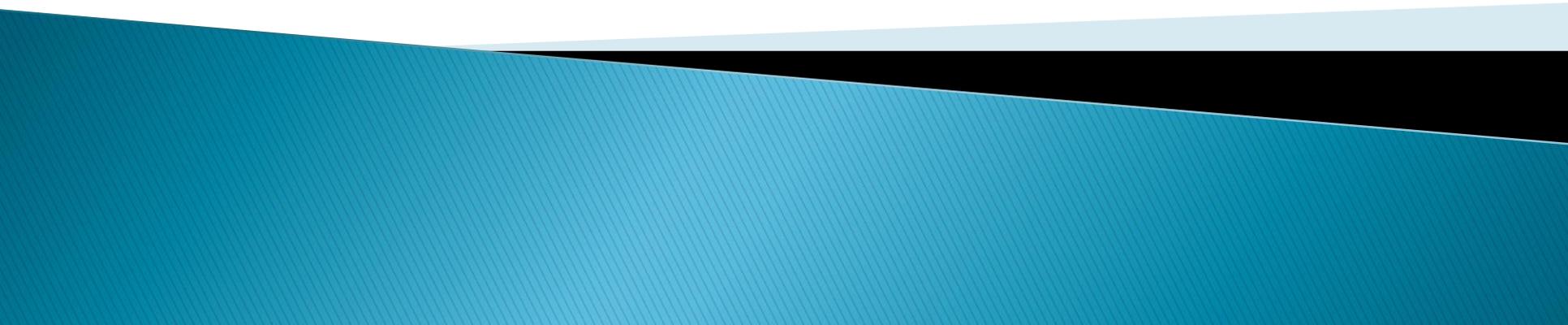
### ATTACHMENT LIST:

- LCLT PowerPoint presentation
- Draft LCLT and CSC Workforce Housing Agreement

**FISCAL NOTES:** Funding needed to implement the agreement is included in the draft budget. It draws from the previously established revolving loan fund and the Community Development Department's professional services budget and does not require an increase over what is budgeted in those respective accounts this fiscal year.

# Putting Homeownership Within Your Reach

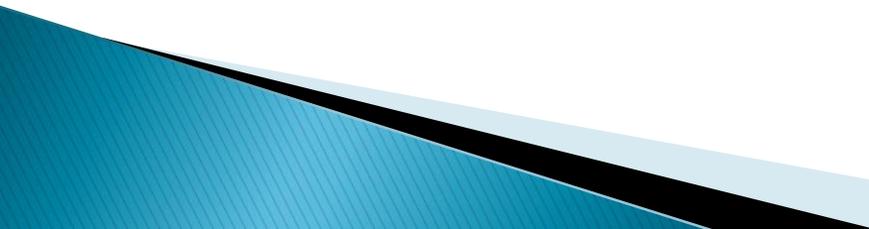
The Lincoln Community Land Trust



# What is a Land Trust?

- ▶ A non-profit housing developer
  - ▶ Creates permanently affordable housing for Lincoln County's low and moderate income earners.
  - ▶ The Trust provides the land, buyers pay for the home.
  - ▶ Homeowner has leased rights to the land. Buyers agree that when they are ready to sell, they will sell to another qualifying buyer
  - ▶ This keeps the housing PERMANENTLY affordable
- 

# The Land Lease

- ▶ 99-year inheritable lease gives homeowner use of the property
  - ▶ Inheritability is standard in land trust leases, and follows Oregon inheritance law.
  - ▶ Buyer does not have to meet income qualification post-purchase; same is true for heir
  - ▶ A surviving spouse doesn't have to leave in the event of a spouse's death
  - ▶ Income restriction is only if home is sold.
- 

# Who is Served?

- ▶ Individuals and families working in Lincoln County who earn 60 to 120 percent of area median income (AMI)
  - ▶ For a family of four, that means \$33,600 to \$67,200 per year
- 

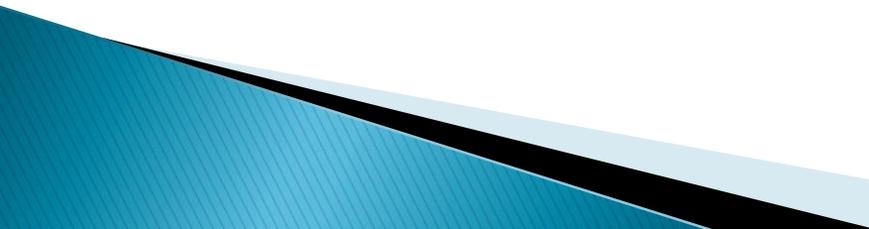
# How is Affordability Achieved?

- ▶ Donation of land or sale at below market price
  - ▶ Government or private funding
  - ▶ Donated or reduced price materials and labor
  - ▶ Reduction, waiver, or extended payout of city or county development fees
  - ▶ Energy Efficient Homes reduce Utility Bills
- 

# What's the Process Like?

- ▶ Homebuyer works with Realtor and Land Trust
  - ▶ Must secure financing through a conventional lender
  - ▶ Also goes through Homebuyer Education and Financial Counseling Classes
- 

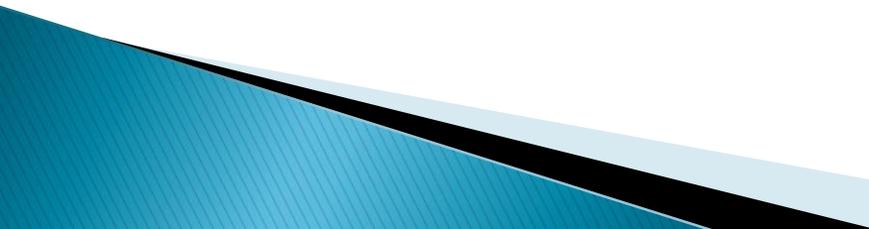
# How The Buyer Benefits

- ▶ Security and stability that comes with home ownership
  - ▶ More house for less money
  - ▶ Restore and maintain good credit
  - ▶ Tax benefits of home ownership
  - ▶ Build equity (what the buyer has put into the home, plus 2 percent appreciation per year)
  - ▶ Prepare for Full Market Homeownership
- 

# Why Is This Needed?

- ▶ From 1990 to 2010, housing prices grew twice as fast as wages in Lincoln County
  - ▶ Most new construction has been for the second home, retirement home and vacation rental market
  - ▶ Large number of homes that are not owner-occupied increases scarcity, further driving up prices
  - ▶ Lower income levels relative to house prices
- 

# Why Should This Be a Priority?

- ▶ Businesses report growing problems with attracting and retaining workers due to housing costs
  - ▶ More essential workers (medical, police, fire, public works are commuting long distances)
  - ▶ Community diversity suffers
  - ▶ State Land Use Goal 10 obliges cities and counties to identify and catalog housing resources and available lands for projected housing needs
- 

# Land Trust History

- ▶ First Land Trust established in Georgia in 1969
  - ▶ Steady growth since the 1980s
  - ▶ Over 250 now in operation from coast to coast
  - ▶ Model has been replicated overseas in at least six other countries
  - ▶ Flexible model can be used for Housing, Retail, Green spaces, etc.
- 

# LCLT History

- ▶ Launched in 2007 as a project of “At Home in Lincoln County,” homelessness and housing plan
- ▶ County-wide volunteer Board of Directors



***At Home***

***in Lincoln County***



Home #1, Lincoln City >>

Sold for \$135,000



## Home #2, Neotsu >>

On the market for \$149,359



## Home #3, Lincoln City >>

Completed and on the market for \$144,000!

# Newport Partnership

- ▶ Providing adequate and affordable work force housing is a City goal
  - ▶ Creating a residential “land bank” is one of several City strategies for facilitating construction of workforce housing
  - ▶ LCLT is an ideal land bank partner as its lease structure ensures that properties will be affordable over the long term
  - ▶ LCLT possesses technical expertise and a track record of bringing units online through a competitive bid process
- 

# What Else is Happening

- ▶ Increasing our understanding of workforce housing needs by surveying potential homebuyers in Newport
  - ▶ Engaging member organizations, contractors, landowners, and other supporters to increase organizational capacity
  - ▶ Expanding property portfolio and pursuing grant funds to support operations
  - ▶ Continuing public education and outreach
- 



**WORKFORCE HOUSING DEVELOPMENT  
AGREEMENT BETWEEN THE CITY OF NEWPORT,  
LINCOLN COMMUNITY LAND TRUST AND  
COMMUNITY SERVICES CONSORTIUM**

This Agreement between the City of Newport (City), the Lincoln Community Land Trust, a public benefit corporation under ORS 65.001(37) (LCLT), and the Community Services Consortium (CSC) defines the roles and responsibilities of each entity related to the development of permanently affordable workforce housing in Newport.

**RECITALS:**

WHEREAS, City lacks an adequate supply of affordable workforce housing, as documented in the 2011 Newport Housing Needs Analysis; and

WHEREAS, as a consequence, it is difficult for workers to find housing within the city limits, which negatively influences long term growth of the economy; the City's ability to attract and retain employees and employers; emergency response times by emergency personnel living outside the city; and reinvestment in the economy by community members who spend more on housing; and

WHEREAS, consistent with Goals 1 and 2 of the Housing Element of the Newport Comprehensive Plan, City is committed to actively participating in the development of workforce housing; and

WHEREAS, to this end, as authorized by ORS 271.330, City intends to relinquish title to City-owned real property at no cost to LCLT in order to eliminate the cost of real property from the sales price of affordable workforce housing units; and

WHEREAS, City wishes to also grant to LCLT City revolving loan funds for the purpose of constructing workforce housing units on said properties; and

WHEREAS, LCLT and CSC, as qualified non-profit organizations under ORS 271.330(2)(b)(A), are ideal partners for City in this endeavor as LCLT places properties upon which workforce housing units are constructed into 99-year inheritable and renewable land leases that LCLT or its successor, CSC, will manage to ensure long term affordability; and

WHEREAS, LCLT further possesses the organizational capacity to perform all necessary due diligence and project management services, including but not limited to property selection; unit design, construction and sale; provision of Housing and Urban Development (HUD) approved homebuyer education; and ensuring ongoing affordability for future buyers through enforcement of lease terms and associated restrictions; and

WHEREAS, LCLT will afford private contractors the opportunity to construct workforce housing units according to a competitive bid process, such process being independent of city or state public contracting procedures; and

WHEREAS, the construction of workforce housing places otherwise vacant land on the property tax rolls, which allows City to recover the value of the donated property through tax receipts over time; and

WHEREAS, LCLT would be subject to all standard terms of a City revolving loan fund, ensuring loaned funds are recouped by City with interest; and

WHEREAS, the parties' goal is to construct at least six (6) owner-occupied units over the five (5) year term of this contract; and

WHEREAS, CSC provides staff support to the LCLT so that it may carry out its organizational responsibilities and is similarly interested in promoting workforce housing in Newport; and

WHEREAS, the parties desire to establish the extent to which CSC will support LCLT in its effort to develop workforce housing in Newport and serve in LCLT's stead should LCLT no longer be able to uphold its obligations under this Agreement.

IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES above mentioned, for and in consideration of the mutual promise hereafter stated, as follows:

1. RECITALS. The Recitals to this Agreement set forth above are hereby incorporated herein as if fully set out, shall constitute contractual provisions, and are not mere recitals.
2. PURPOSE: This Agreement describes the respective responsibilities of each party in providing for the development and management of permanently affordable workforce housing units within the City of Newport.
3. TERMS OF THIS AGREEMENT: This Agreement shall be effective on the date that it is signed by all parties. Unless extended as provided in this Section 3 or terminated earlier pursuant to Section 10, with the exception of LCLT's continuing obligations, the term of this Agreement shall be for a period of one year. This Agreement may be extended up to four (4) times, each for a period of up to one (1) year upon written mutual consent of all parties. Upon expiration or termination, this Agreement shall automatically be extended to govern LCLT's completion of any work previously initiated hereunder.
4. WORKFORCE HOUSING DEFINED: For the purpose of this Agreement, the term "workforce housing" means housing constructed by or for LCLT, which is marketed and sold to an individual or family making between 60 and 120 percent of median family income and employed, or, for families, with at least one household member employed, in Lincoln County.
5. LINCOLN COMMUNITY LAND TRUST RESPONSIBILITIES: LCLT will assign staff with knowledge and training in the community land trust model and the development of workforce housing units to perform the following general duties:

A. Administrative Services

- i. Coordinate projects;
- ii. Develop and manage project budgets;
- iii. Coordinate with other contracts (e.g. accounting, legal);
- iv. Coordinate with local banks for lending resources to potential homebuyers;
- v. Conduct marketing efforts for the sale of each unit;
- vi. Provide or coordinate homebuyer training courses and manage the application process for prospective buyers; and
- vii. Maintain ongoing affordability of the units by updating and/or enforcing the land leases for each unit and by ensuring the resale restriction formula is applied to each subsequent sale.

B. Real Estate Development Services

- i. Identify property suitable for construction of workforce housing units;
- ii. Prepare concept plans and preliminary cost estimates sufficient to demonstrate to City policy making bodies that the sales price achieves the affordability provisions;
- iii. Provide all necessary contracting documents (RFP, contract, notices, etc.);
- iv. Oversee the contractor selection and award process;
- v. Collect necessary documentation from selected contractor per contract terms;
- vi. Manage construction from design, site preparation to occupancy of the units;
- vii. Evaluate deliverables against project scope, cost, and schedule;
- viii. Perform routine progress meetings on site as required;
- ix. Track progress payments using percentage completion method;
- x. Maintain submittals and project documents;
- xi. Serve as single point of contact to the City, contractor, key stakeholders;
- xii. Ensure that contract terms with contractor and City are satisfied;
- xiii. Provide regular project updates to the City and general public; and
- xiv. Coordinate activities for sale of homes with a real estate agent.

C. Additional duties will be performed as mutually agreed upon by the LCLT Board of Directors and City to carry out the objectives of this Agreement.

6. CITY OF NEWPORT RESPONSIBILITIES: City agrees to provide the following resources to LCLT to facilitate construction of workforce housing on that parcel within City's corporate limits:

A. City shall identify City-owned real property appropriate for the location of workforce housing units. Upon a determination by the Newport City Council that such City-owned real property is not needed for public use and should be utilized for low income (workforce) housing for a period of at least 20 years, consistent with Oregon Revised Statute 271.330, City shall transfer such identified property for construction of workforce

housing units. Additional deed and sale terms beyond those required by this Agreement may be negotiated by the parties prior to transfer of an individual City parcel to LCLT.

- B. Upon transfer of a particular City parcel subject to the terms of this Agreement, City shall also pay LCLT \$10,000 for professional services associated with LCLT's performance of this Agreement's terms regarding the transferred parcel, which parties agree is sufficient to construct at least one single family dwelling or duplex each year.
  - C. Reserve up to \$30,000 to be applied in whole or in part on an as-needed basis towards site improvements on transferred parcels, upon City's receipt of LCLT's reasonable written request. Such requests shall be made by LCLT concurrent with presentation of development plans to the City Planning Commission and Council. Once depleted, this \$30,000 amount will not be replenished.
  - D. Make available a minimum of \$150,000 of City revolving loan funds for construction of units on the transferred parcel, subject to a separate loan agreement between the parties containing standard City loan terms.
  - E. Allocate staff time to assist LCLT in identifying suitable properties and bringing forward appropriate sites and plans to the City Planning Commission and Council.
7. TIMING OF DEVELOPMENT: LCLT shall obtain certificates of occupancy for each workforce housing unit constructed on transferred property within eighteen (18) months of the transfer date, unless an alternative timeline is authorized in writing by City.
8. DISPOSITION OF TRANSFERRED PROPERTY: Each City parcel conveyed to LCLT shall be subject to a deed restriction requiring that such property be used expressly for workforce housing purposes for a period of at least 20 years from the date a certificate of occupancy is issued. The deed restriction shall further include a reversionary interest in City, ensuring that ownership of the transferred property will return to City in the event that the use limitation is violated.
9. AFFORDABILITY ASSURANCE: Once a certificate of occupancy is obtained for a unit, LCLT agrees to place the property into a 99 year inheritable and renewable land lease, impose contractual limitations on the sale of the unit, and manage the lease and contract to ensure that the unit is used for workforce housing purposes.
10. TERMINATION: The City and LCLT agree to review this agreement not less than every 12 months. This agreement may be terminated upon written mutual consent of all parties specifying the termination date, or by any party upon 30 days' prior written notice.
11. DISPUTE RESOLUTION: If any disputes, disagreements, or controversies arise between the parties pertaining to the interpretation, validity, or enforcement of this Agreement, the parties shall, upon the request of City, submit such dispute to binding arbitration under the Oregon Uniform Arbitration Act, ORS 36.600 et seq. Arbitration shall be requested by delivering to the other party a written request for arbitration. Within five (5) days of receipt of such request, the parties shall select a mutually agreeable arbitrator and designate mutually

agreeable rules of arbitration. If the parties cannot agree upon an arbitrator within five (5) days, an arbitrator may be appointed by the presiding judge of the Lincoln County Circuit Court, upon the request of either party. If the parties have not designated mutually agreeable rules of arbitration at such time as the arbitrator is appointed, the arbitrator shall adopt rules for the arbitration. The arbitrator's decision shall be binding upon the parties.

12. WORKER'S COMPENSATION: The LCLT and its subcontractors, if any, are subject employers under the Oregon Workers' Compensation laws and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers.

13. INDEMNITY:

A. LCLT shall hold harmless, indemnify, and defend City from any and all liability, actions, claims, losses, damages, or other costs including attorney fees and witness costs (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity arising from, during, or in connection with the performance of its duties described in this Agreement, except liability arising out of the sole negligence of the other. If any aspect of this indemnification shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the indemnification provision.

B. City shall hold harmless, indemnify, and defend LCLT up to the limits of the Oregon Tort Claims Act, from any and all liability, actions, claims, losses, damages, or other costs including attorney fees and witness costs (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity arising from, during, or in connection with the performance of its duties described in this Agreement, except liability arising out of the sole negligence of the other. If any aspect of this indemnification shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the indemnification provision.

14. COMPLIANCE WITH NON-DISCRIMINATION REQUIREMENTS: The LCLT will not unlawfully discriminate against any employee or person served on account of race, color, sex, sexual orientation, gender identity, religion, ancestry, sexual orientation or national origin in its performance of this agreement. Further, the LCLT agrees to:

A. Comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) in regard to persons served; and

B. Adhere to Title VII of the Civil Rights Act of 1964 (42 USC 2000e) in regard to employees or applicants for employment; and

C. Conform to the requirements of the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973; and

D. Satisfy the requirements of the Americans with Disabilities Act; and

- E. Prevent any funds from this agreement from being used to sponsor, promote, or otherwise to engage in political activities.
15. ASSIGNMENT: LCLT may assign any of its responsibilities under this Contract upon receipt of City's prior written consent, which consent shall not be unreasonably withheld.
16. GUARANTY. CSC unconditionally and irrevocably guarantees the performance by LCLT of each and every obligation of LCLT under this Agreement. This guaranty shall be continuing and shall terminate only upon the satisfaction by LCLT of each and every one of LCLT's obligations under this Agreement.
17. GUARANTOR'S CONSENT. CSC consents that it will not be necessary for the City, in order to enforce this guaranty, to initiate an action or exhaust any remedies against LCLT. CSC consents that this guaranty may be immediately enforced upon LCLT's failure to perform any obligation under this Agreement. Guarantor consents that the parties may, from time-to-time modify, alter, or change this Agreement without in any way releasing or discharging CSC from its obligations under this Agreement. This guaranty shall not be released, extinguished, modified, or any way affected by failure on the part of City to enforce all the rights and remedies available to it under this Agreement.
18. AMENDMENTS: No amendments to this Agreement shall be effective unless made in writing and signed by all parties. There are no understandings, agreements or representations, oral or written regarding this Agreement except as specified or referenced herein.
19. SEVERABILITY: If any court of competent jurisdiction shall hold any provisions of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision hereof.
20. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.
21. EXECUTION: This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and all of which shall constitute but one and the same agreement. City shall provide each party with a set of all executed counterparts. By signature of their authorized representatives below, the parties to this agreement acknowledge that they have read this Agreement, understand it, and agree to be bound.
22. NOTICE: All notices required by this agreement must be in writing and delivered to the parties at the addresses set forth below.

Lincoln Community Land Trust  
Benjamin Baggett, Executive Director  
545 SW 2<sup>nd</sup> Street, Suite A  
Corvallis, OR 97333

Community Services Consortium  
Martha Lyon, Executive Director  
545 SW 2<sup>nd</sup> Street, Suite A  
Corvallis, OR 97333

City of Newport  
Derrick Tokos, Community Development Director  
169 SW Coast Highway  
Newport, OR 97365

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum on the dates show hereunder,

Dated at Newport, Oregon this \_\_\_\_\_ day of \_\_\_\_\_, 2013

CITY OF NEWPORT

LINCOLN COMMUNITY LAND TRUST

By: \_\_\_\_\_  
Printed Name: Jim Voetberg  
Title: City Manager  
Address: 169 SW Coast Highway  
Newport, OR 97365  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: Bill Hall  
Title: Chair, Board of Directors  
Address: 545 SW 2<sup>nd</sup> Street, Suite A  
Corvallis, OR 97333  
Date: \_\_\_\_\_

COMMUNITY SERVICES CONSORTIUM

By: \_\_\_\_\_  
Printed Name: Martha Lyon  
Title: Executive Director  
Address: 545 SW 2<sup>nd</sup> Street, Suite A  
Corvallis, OR 97333  
Date: \_\_\_\_\_





Meeting Date May 20, 2013

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City Of Newport, Oregon

Issue/Agenda Title: Consideration of an Adjustment to Utility Rates

Prepared By: Tim Gross, PW Dir/CE Dept Head Approval: \_\_\_\_\_ City Manager Approval: \_\_\_\_\_

**Issue Before the Council:**

Consideration of an adjustment to Utility rates to comply with a 5 year rate adjustment scenario for the purpose of generating sufficient revenue to implement a systematic program of improvements and replacement of the water, wastewater and storm water systems.

**Staff Recommendation:**

Adopt the following resolutions:

- Resolution 3628: A Resolution Setting Rates for Water Utility Charges, Fees, Deposits and Penalties, and Repealing Resolution No. 3592
- Resolution 3627: A Resolution Setting Wastewater Utility Rates and Repealing Resolution No. 3593
- Resolution 3629: A Resolution Setting Stormwater Utility Fees and Repealing Resolution No. 3594
- Resolution 3630: A Resolution Setting Utility Infrastructure Improvement Fees and Repealing Resolution No. 3595

**Proposed Motions:**

As discussed in the May 14<sup>th</sup>, 2013 Budget Committee Meeting, these resolutions are being forwarded for Council consideration and discussion only. Staff recommends delaying action on these resolutions until the June 3<sup>rd</sup>, 2013 Council Meeting, which allows further discussion and consideration following the Budget Committee meeting scheduled for May 30<sup>th</sup>, 2013.

**Key Facts and Information Summary:**

Attached for the Council's consideration are resolutions adjusting the billing rates for water and wastewater, and adjustments to the Utility Infrastructure and Stormwater Utility Fees. The rate adjustments and fees proposed in these resolutions conform to the 5 year rate adjustment strategy identified and discussed in the FY13 and FY14 Budgeting Process, Council Meetings, and Public Hearings. The rates within the resolutions have been adjusted from 2012-13 rates as follows:

<b>Water</b>	Increase 15%
<b>Wastewater</b>	Increase 15%
<b>Utility Infrastructure Fee</b>	Increase 5%
<b>Stormwater</b>	Increase 5%

The details of the proposed resolutions adjusting utility rates are as follows:

***Resolution 3628: A Resolution Setting Rates for Water Utility Charges, Fees, Deposits and Penalties, and Repealing Resolution No. 3592***

The following changes to the FY13 water rate structure are proposed:

1. Section 1.A: Connection fees for the installation of new services have been adjusted to reflect actual costs.
2. Section 1.B: Wording has been revised to clarify when street cutting and asphalt restoration costs will be added to a new connection fee.
3. Section 2: The deposit for a new utility account has been modified. In the FY13 rate structure and before, the deposit for a new utility account was \$146 regardless of meter size. This deposit was discovered to be insufficient to cover losses the City incurred due to delinquent water bills. Utility customers can accrue up to 2 full months of utility billings before water is shut off for nonpayment. Consequently the deposit has been adjusted to cover 2 months of average usage. Likewise, larger meters have larger average monthly use, and the deposit has been set accordingly.
4. The base rate and cost per 1000 gallons over the 1<sup>st</sup> 1000 gallons have been increased 15%.

***Resolution 3627: A Resolution Setting Wastewater Utility Rates and Repealing Resolution No. 3593***

The following changes to the FY13 wastewater rate structure are proposed:

1. The base rate and cost per 1000 gallons have been increased 15%.
2. In previous rate structures residential properties outside the City limits but still served by City sewer have paid the same rates as City residents. The rate per 1000 gallons of water usage for services outside of City limits has been changed to be the same as commercial rates. This rate is \$0.85 per 1000 gallons higher than rates within the City which is equivalent to 14%. The base rate remains the same as services within the City.

***Resolution 3629: A Resolution Setting Stormwater Utility Fees and Repealing Resolution No. 3594***

The following changes to the FY13 Stormwater Utility Fee rate structure are proposed:

1. The Storm Water Utility Fee shall be increased by 5% from \$6.80 to \$7.14.

***Resolution 3630: A Resolution Setting Utility Infrastructure Improvement Fees and Repealing Resolution No. 3595***

The following changes to the FY13 Utility Infrastructure Improvement Fee rate structure are proposed:

1. The Utility Infrastructure Improvement Fee shall be increased by 5%. This fee varies depending upon meter size.

## ***Proposed 2013-14 Capital Improvement Projects***

Attached to this memo is a summary of the water, wastewater and stormwater projects proposed for the next fiscal year. The purpose of this summary is to give Council an overview of what the proposed rate increases will be funding in the next fiscal year. Please note, no projects are shown to be funded by the storm water utility fee because the current fee only covers operational costs.

### **City Council Goals:**

Not Applicable

### **Fiscal Notes:**

- The financial impact of increasing water rates by 15% is a projected increase in revenue of \$385,000.
- The financial impact of increasing wastewater rates by 15% is a projected increase in revenue of \$575,000.
- The financial impact of increasing the Stormwater Utility Fee is a projected increase in revenue of \$25,040.
- The financial impact of increasing the Utility Infrastructure Improvement Fee by 5% is a projected increase in revenue of \$27,500.

Increases from water, wastewater, and Utility Infrastructure Improvement Fee revenue will be used to fund capital improvement projects. Additional fees collected from the Stormwater Utility Fee will be used to fund storm sewer maintenance and operations.

### **Attachment List:**

- Resolution 3628: A Resolution Setting Rates for Water Utility Charges, Fees, Deposits and Penalties, and Repealing Resolution No. 3592
- Resolution 3627: A Resolution Setting Wastewater Utility Rates and Repealing Resolution No. 3593
- Resolution 3629: A Resolution Setting Stormwater Utility Fees and Repealing Resolution No. 3594
- Resolution 3630: A Resolution Setting Utility Infrastructure Improvement Fees and Repealing Resolution No. 3595
- Proposed 2013-14 Capital Improvement Projects Summary



CITY OF NEWPORT

RESOLUTION NO. 3627

**A Resolution Setting Wastewater Utility Rates  
And Repealing Resolution No. 3593**

Findings

- A. The City of Newport operates a wastewater utility that collects and treats wastewater from properties within the City and to some properties outside of the City limits but within the City's urban growth area.
- B. Newport Municipal Code Chapter 5.15 governs the operation and use of the wastewater utility. NMC Section 5.15.070 authorizes the City Council to set rates for wastewater service by resolution.
- C. The rates established by this resolution are calculated to cover the costs of sewer service, including amounts to pay for the operation, maintenance, repair, necessary replacement, and improvement of the system, but do not generate revenue above what is needed for sound operation and management of the sewer system.

Based on these findings, the City of Newport resolves as follows:

Section 1. Metered Rates

The charges imposed in this Section 1 apply to properties that have sanitary sewer service.

A. Single-Family Residences and Duplexes within City Limits

The charge for sewer service for single-family dwellings and duplexes within City limits shall be \$21.20 per month, plus \$6.10 per 1,000 gallons of water usage. Sewer user charges for the months of June, July, August, and September shall not exceed the highest monthly sewer user charge for the first four months of the calendar year.

B. Multi-Family Residences, Commercial Properties, and Single-Family Residences and Duplexes outside of City Limits

The basic charge for service for residential properties with three or more dwelling units, for all commercial properties, and for single-family residences and duplexes outside of City limits shall be \$21.20 per month plus \$6.95 per 1,000 gallons of water usage.

An "Extra Strength Charge" of \$1.20 per thousand gallons applies to commercial properties users when the combined biochemical oxygen demand and suspended solids strength of wastewater is greater than 600 milligrams per liter.

The charges for monitoring sewage discharge shall be \$15.15 per sample and \$7.90 per test.

Section 2. Individually Determined Rate

Commercial customers that are legally disposing of all or part of their processing wastewater to an acceptable waterway in conformance with applicable federal, state and City laws, regulations and permits shall have a sewer user charge established by the City Manager based on an individual determination of the impact of the property on the sewer system. The City Manager shall take into account, when establishing the sewer rate, the estimated quantity in gallons, as well as, any adverse treatment or maintenance costs that may be incurred by the City handling extra strength wastewater that is being returned to the City sanitary sewers.

Section 3. Septage

The rate for disposal of septage at the City's wastewater treatment plant shall be \$0.35 per gallon.

Section 4. Class A Sludge Sales

Class A sludge manufactured at the City's wastewater treatment plant may be purchased for \$1.45 per cubic yard.

Section 5. This Resolution repeals in entirety Resolution No. 3593.

Section 6. Effective Date

The effective date of this resolution is July 1, 2013. As applied to monthly bills, the change shall be based on the date of billing, not the date of service.

Adopted by the Newport City Council on May 20, 2013.

CITY OF NEWPORT

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Sandra Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder

CITY OF NEWPORT

RESOLUTION NO. 3628

A Resolution Setting Rates for  
Water Utility Charges, Fees, Deposits and Penalties,  
And Repealing Resolution No. 3592

Findings

- A. The City of Newport operates a water utility that diverts, stores, treats, and delivers water to customers within the City and to its customers outside the City.
- B. The Newport Municipal Code Chapter 5.10 governs the operation and use of the City’s water utility. NMC Section 5.10.200 specifically authorizes the City Council to set charges, fees, deposits, and penalties for water utility users.
- C. The rates established by this resolution are calculated to cover the costs of water service, including amounts to pay for the operation, maintenance, repair, necessary replacement, and improvement, but do not generate revenue above what is needed for sound operation and management of the water system.

Based on these findings, the City of Newport resolves as follows:

Section 1. Connection Fee and Street Opening Fee

- A. The fee for a new connection to the water system is based on the size of service. The fees for new connections are:

Service Size	Connection Fee
5/8" x 3/4"	\$1,605.00
1 inch	\$1,865.00
Larger than 1 inch	Actual cost plus 10%

- B. An additional fee of \$1,715.00 will be added to the above costs if cutting and restoration of asphalt streets is necessary.

Section 2. Deposit

The amount of deposit required under NMC 5.10.020 is based upon meter size and is generally equal to 2 months of average usage. Deposits will not be refunded prior to discontinuation of service except in extenuating circumstances and then only by authorization by the City Finance Director. Deposits for new utility accounts are:

<b>Service Size</b>	<b>Deposit</b>
5/8" x 3/4"	\$230.00
1 inch	\$280.00
1 1/4" x 1 1/2"	\$1,090.00
2 inch	\$1,430.00
3 inch and larger	\$2,110.00

**Section 3. Miscellaneous Charges**

- A. The charge for a normal reconnection or additional connection is \$18.00, in addition to any connection fee established under Section 1.
- B. The reconnection fee following a for-cause (delinquent payment or other cause) disconnect is \$40.00.
- C. The charge for opening a connection in violation of NMC Chapter 5.10 is \$90.00.
- D. The fee for late payment is \$18.00.
- E. The fee for a non-payment notice is \$18.00.

**Section 4. Rates for Water Service Within the City Service Area**

The rates in this Section 4 apply to all service areas.

The minimum monthly charge shall be based on the size of each meter except as otherwise defined within this section.

The minimum charge for unmetered fire suppression systems shall be based upon the size of the service line entering the property.

- A. The charges in this Section 4.A apply within the City of Newport.

<b>Meter Size</b>	<b>Usage included with minimum charge</b>	<b>Minimum Charge</b>	<b>Cost per 1,000 Gallons in excess of included amount</b>
5/8" x 3/4"	1,000 gallons	\$ 18.90	\$3.45
1 inch	1,000 gallons	\$ 26.00	
1 1/4" x 1 1/2"	1,000 gallons	\$ 38.25	
2 inch	1,000 gallons	\$ 65.50	
3 inch	1,000 gallons	\$ 97.80	
4 inch and over	1,000 gallons	\$ 162.55	

B. The charges in this Section 4.B apply outside the City of Newport

Meter Size	Usage included with minimum charge	Minimum Charge	Cost per 1,000 Gallons in excess of included amount
5/8" x 3/4"	1,000 gallons	\$ 36.10	\$5.70
1 inch	1,000 gallons	\$ 49.15	
1 1/4" x 1 1/2"	1,000 gallons	\$ 68.35	
2 inch	1,000 gallons	\$ 120.45	
3 inch	1,000 gallons	\$179.30	
4 inch and over	1,000 gallons	\$ 294.55	

Section 6. Temporary Service through Fire Hydrant

Fire Hydrant Installation	\$250.00
Monthly charge (no usage included)	\$129.00
Usage per 1,000 gallons	\$ 5.70

Section 7. Water purchased and privately transported

The amount charged for water purchased and transported by the purchaser directly from any authorized City facility is \$5.70 per 1,000 gallons.

Section 8. This Resolution repeals in entirety Resolution No. 3592.

Section 9. Effective Date of Rates, Fees, Charges and Penalties

The effective date of this resolution is July 1, 2013. As applied to monthly bills, the change shall be based on the date of billing, not the date of service.

Adopted by the Newport City Council on May 20, 2013.

CITY OF NEWPORT

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Sandra Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder



CITY OF NEWPORT

RESOLUTION NO. 33629

**A Resolution Setting Stormwater Utility Fees  
And Repealing Resolution No. 3594**

Findings

- A. The City of Newport operates stormwater utilities that provide services to right of ways and properties within the City and to some right of ways and properties within the City's urban growth area.
- B. Newport Municipal Code Chapter 5.20 governs the operation and use of the stormwater utility. NMC Section 5.20.040 authorizes the City Council to set charges for stormwater service by resolution.
- C. The rates established by this resolution are calculated to cover the costs of stormwater service, including amounts to pay for the operation, maintenance, repair, necessary replacement, and improvement of the system, but do not generate revenue above what is needed for sound operation and management of the stormwater system.

Based on these findings, the City of Newport resolves as follows:

Section 1. Stormwater Utility Fee

- A. The charges imposed in this Section 1 apply to properties that have metered City water service.

Each customer shall pay a stormwater utility fee. The fees are set as follows:

<u>Water Meter Size</u>	<u>Monthly Stormwater Utility Fee</u>
All meter sizes	\$7.15

Irrigation-only meters will be exempt from the stormwater utility fee.

Section 2. This Resolution repeals in entirety Resolution No. 3594.

Section 3. Effective Date

The effective date of this resolution is July 1, 2013. As applied to monthly bills, the change shall be based on the date of billing, not the date of service.

Adopted by the Newport City Council on May 20, 2013.

CITY OF NEWPORT

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Sandra Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder

CITY OF NEWPORT

RESOLUTION NO. 3630

**A Resolution Setting Utility Infrastructure Improvement Fees  
And Repealing Resolution No. 3595**

Findings

- A. The City of Newport operates water, wastewater, and stormwater utilities that provide services to properties within the City and to some properties within the City's urban growth area.
- B. Newport Municipal Code Chapter 5.10 governs the operation and use of the water utility. NMC Section 5.10.200 authorizes the City Council to set charges for water service by resolution.
- C. Newport Municipal Code Chapter 5.15 governs the operation and use of the wastewater utility. NMC Section 5.15.070 authorizes the City Council to set charges for wastewater service by resolution.
- D. Newport Municipal Code Chapter 5.20 governs the operation and use of the stormwater utility. NMC Section 5.20.040 authorizes the City Council to set charges for stormwater service by resolution.
- E. The rates established by this resolution are calculated to cover the costs of water, wastewater, and stormwater maintenance, repair, necessary replacement, and improvement of the system, but do not generate revenue above what is needed for these improvements.

Based on these findings, the City of Newport resolves as follows:

Section 1. Utility Infrastructure Improvement Fee

- A. The charges imposed in this Section 1 apply to properties that have metered City water service.

Each customer shall pay a monthly infrastructure improvement fee. The fees are set as follows:

Water Meter Size	Monthly Infrastructure Improvement Fee
3/4"	\$ 6.25
1"	\$ 12.50
1 1/2"	\$ 25.10
2"	\$ 43.85
3"	\$112.65
4"	\$175.25
5" and larger	\$400.60

Irrigation-only meters will be exempt from the Monthly Infrastructure Improvement Fee.

Section 2. This Resolution repeals in entirety Resolution No. 3595.

Section 3. Effective Date

The effective date of this resolution is July 1, 2013. As applied to monthly bills, the change shall be based on the date of billing, not the date of service.

Adopted by the Newport City Council on May 20, 2013.

CITY OF NEWPORT

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Sandra Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder

FY14 CAPITAL IMPROVEMENT PLAN (5-06-13)

Funding/Coding Percentage

Project No.	Project Name	D	C	Estimated Project Cost	Expended to Date Prior to FY14	FY13 Beginning Fund Balance	FY14 Proposed Project Budget	Funding/Coding Percentage			WATER CAPITAL PROJECTS 3350	WW CAPITAL PROJECTS 3450	CAPITAL PROJECTS 6110	WATER CAPITAL PROJECTS 3350	WW CAPITAL PROJECTS 3450	GENERAL FUND - MISC. ACCOUNTS PAYABLE	INFRASTRUCTURE FEE	STREETS SDC 3610	WATER SDC 3620	WASTEWATER SDC 3630	STORM DRAIN SDC 3650	ROOM TAX 4310	LID (OMSI)
								WATER CAPITAL PROJECTS	WW CAPITAL PROJECTS	CAPITAL PROJECTS													
<b>STREETS AND SIDEWALK PROJECTS</b>																							
2013-005	2013 Street Overlays and Improvements	X	X				\$279,943	0%	0%	100%													
2013-006	2013 Sidewalk and Bicycle Improvements	X	X				\$15,000	0%	0%	100%													
2013-007	Ksenyia Ridge Sidewalks	X	X	\$35,300			\$35,300	0%	0%	100%				\$17,233		\$18,067							
	SW Abalone Street Improvements	X		\$1,773,000			\$607,894	0%	0%	100%												\$335,000	
	SW 30th Street Improvements	X		\$311,000			\$311,000	0%	0%	100%												\$161,000	
2011-024	Hwy 101 Pedestrian Crossing Improvements	X	X	\$502,000	\$5,242	\$46,758	\$496,758	0%	0%	100%													
2011-003	Big Creek Rd Landslide Repairs	X	X	\$720,024	\$57,428	\$130,072	\$692,572	0%	0%	100%													
2010-003	Ash Street Design & Construction	X		\$557,000	\$129,354	\$427,646	\$427,646	0%	0%	100%													
2011-014	South Beach Tsunami Improvements (Phase I)	X		\$557,000		\$175,702	\$632,184	0%	0%	100%													
2012-018	Wayfinding Sign Project - Phase III	X		\$10,000			\$10,000	0%	0%	100%												\$10,000	
<b>WASTEWATER PROJECTS</b>																							
2013-008	Wastewater System Master Plan	X		\$150,000		\$28,293	\$150,000	0%	80%	20%			\$120,000		\$1,707								
2013-009	Sanitary Sewer Televising Program (50,000 ft)	X		\$147,710			\$147,710	0%	100%	0%			\$147,710										
	Smoke Testing Program	X		\$114,564			\$0																
2011-002	Agate Beach Sanitary Sewer	X		\$20,000			\$20,000	0%	100%	0%			\$20,000										
2012-024	Big Creek Wastewater Lift Station Force Main Replacement	X		\$1,316,250	\$10,164	\$169,992	\$1,316,250	0%	0%	100%									\$62,325				
2012-025	Big Creek Wastewater Lift Station Replacement	X		\$500,000			\$500,000	0%	36%	64%			\$179,697										
2013-010	Agate Beach Recreation and Wayside Improvements	X		\$697,120		\$93,000	\$697,120	0%	0%	100%												\$46,424	
2013-011	Strategic Grant Consulting Services - Chase Park Grants	X		\$68,000			\$68,000	0%	32%	68%			\$22,000		\$46,000								
<b>STORMWATER PROJECTS</b>																							
2013-012	Storm Sewer System Master Plan	X		\$120,000			\$120,000	0%	0%	100%						\$120,000							
2012-031	7th & Iler Storm Drain Repair	X	X	\$220,000			\$220,000	0%	0%	100%						\$55,000							
2013-002	NW 6th Street Storm Sewer	X	X	\$380,000	\$10,002	\$52,707	\$325,000	0%	0%	100%						\$272,293							
2011-027	Infrastructure Mapping Program	X		\$121,002	\$79,646	\$41,356	\$41,356	0%	0%	100%													
2012-015	SE Fogarty to John Moore Drive Outfall (Embarcadero)	X	X	?		\$0	\$1,210,485	0%	0%	100%							\$30,485			\$180,000			
<b>SCADA PROJECTS</b>																							
2012-014	OSU Drive and South Beach Storage Tank (Water System SCADA)	X	X	\$0	\$11,162		\$51,775	100%	0%	0%	\$51,775												
2012-022	Fiber Build to ONP and South Beach Fire Station (SCADA)	X		\$62,937			\$32,000	0%	100%	0%			\$32,000										
2012-023	Fiber build from NFD to WTP (SCADA)	X		\$84,000			\$84,000	0%	100%	0%			\$84,000										
<b>WATER PROJECTS</b>																							
2012-032	NW 3rd Street Water System Improvement	X	X	\$120,000		\$20,253	\$27,556	27%	0%	73%	\$7,303												
2011-025	Big Creek Dam Assessment (Phase II)	X		\$350,000		\$51,775	\$350,000	85%	0%	15%	\$298,225												
2011-018	Lower Agate Beach Tank & Salmon Run PS Reloc. (Phase 1)	X		\$2,574,948		\$661,000	\$750,000	0%	0%	100%								\$89,000					
2012-012	Lower Big Creek Reservoir Drawdown Pipe Repair	X		\$135,492			\$135,492	100%	0%	0%			\$135,492										
2012-013	Lakewood Hills Pump Station Replacement	X		\$489,029			\$489,029	100%	0%	0%			\$489,029										
	Old WTF Demolition/Construction of Storage Garage	X		\$110,000			\$0																
						\$1,898,554	\$10,244,070						\$981,824	\$605,407	\$17,233	\$495,000	\$48,552	\$89,000	\$62,325	\$180,000	\$56,424	\$496,000	

FY14 CAPITAL IMPROVEMENT PLAN (5-06-13)

Project No.	Project Name	SOUTH BEACH URBAN RENEWAL 9120	STATE GAS TAX PRORATION	NEWPORT GAS TAX	2013 STEA FUND EX	CWSRF LOAN	FEMA GRANT	OREGON FLEXIBLE FUNDS GRANT	OREGON SCENIC BYWAYS GRANT	Project Description
<b>STREETS AND SIDEWALK PROJECTS</b>										
2013-005	2013 Street Overlays and Improvements			\$161,965	\$117,978					
2013-006	2013 Sidewalk and Bicycle Improvements		\$15,000							
2013-007	Ksenyia Ridge Sidewalks									
	SW Abalone Street Improvements	\$272,894								
	SW 30th Street Improvements	\$150,000								
2011-024	Hwy 101 Pedestrian Crossing Improvements							\$450,000		\$5,611 from State Gas Tax in FY13/\$46,389 from Newport Gas Tax in FY13
2011-003	Big Creek Rd Landslide Repairs						\$562,500			\$180,006 from Newport Gas Tax in FY12
2010-003	Ash Street Design & Construction									\$25,000 from SBUR in FY12/\$532,000 from SBUR in FY11
2011-014	South Beach Tsunami Improvements (Phase I)						\$456,482			\$200,000 from SBUR in FY12
2012-018	Wayfinding Sign Project - Phase III									
<b>WASTEWATER PROJECTS</b>										
2013-008	Wastewater System Master Plan									\$28,293 from infrastructure fee from project 2012-015
2013-009	Sanitary Sewer Televising Program (50,000 ft)									
	Smoke Testing Program									
2011-002	Agate Beach Sanitary Sewer									
2012-024	Big Creek Wastewater Lift Station Force Main Replacement				\$1,083,933					\$151,562 in WW SDC's in FY13/\$18,430 in WW SDC's in FY13
2012-025	Big Creek Wastewater Lift Station Replacement				\$320,303					
2013-010	Agate Beach Recreation and Wayside Improvements								\$557,696	Combination of projects 2011-011 and 2011-016
2013-011	Strategic Grant Consulting Services - Chase Park Grants									
<b>STORMWATER PROJECTS</b>										
2013-012	Storm Sewer System Master Plan									
2012-031	7th & Iler Storm Drain Repair						\$165,000			
2013-002	NW 6th Street Storm Sewer									\$62,709 from Infra Utility Fee in FY13
2011-027	Infrastructure Mapping Program									\$121,002 from GP Franchise Fee in FY13
2012-015	SE Fogarty to John Moore Drive Outfall (Embarcadero)				\$1,000,000					
<b>SCADA PROJECTS</b>										
2012-014	OSU Drive and South Beach Storage Tank (Water System SCADA)									
2012-022	Fiber Build to ONP and South Beach Fire Station (SCADA)									
2012-023	Fiber build from NFD to WTP (SCADA)									
<b>WATER PROJECTS</b>										
2012-032	NW 3rd Street Water System Improvement									\$20,253 from infrastructure fee from project 2012-015
2011-025	Big Creek Dam Assessment (Phase II)									\$51,775 from infrastructure fee from project 2012-015
2011-018	Lower Agate Beach Tank & Salmon Run PS Reloc. (Phase 1)									\$481,000 of Infrastructure Fee from project 2012-015, FY12 \$180,000 water SDC's
2012-012	Lower Big Creek Reservoir Drawdown Pipe Repair									\$125,492 engineers estimate + \$10,000 add. Eng. & misc.
2012-013	Lakewood Hills Pump Station Replacement									\$469,029 engineers estimate + \$25,000 add. Eng. & misc.
	Old WTF Demolition/Construction of Storage Garage									
		\$422,894	\$15,000	\$161,965	\$117,978	\$2,404,236	\$1,183,982	\$450,000	\$557,696	



Agenda Item # IX.A.  
Meeting Date May 20, 2013

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City of Newport, Oregon

Issue/Agenda Title Continuation of Coffee House Appeal of System Development Charge Assessment

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: \_\_\_\_\_

**ISSUE BEFORE THE COUNCIL:** Determination of whether or not the City Manager’s decision to assess system development charges to The Coffee House (156 SW Bay Blvd) for a proposal to enclose a 200 square foot deck is in accordance with the City’s System Development Charge (SDC) Ordinance and state law.

This appeal was considered by the Council on May 6, 2013 and continued to its May 20, 2013 meeting

**STAFF RECOMMENDATION:** Staff recommends the Council affirm the City Manager’s decision.

**PROPOSED MOTION:**

MOTION TO AFFIRM: I move to affirm the City Manager’s decision as consistent with state law and the City’s SDC Ordinance, which require that assessments be imposed for alterations that increase a parcel or structures use of a public improvement system. Enclosing a deck that was constructed for seasonal use provides additional year round seating, which is an expansion of the restaurant use that increases impacts to City water, sewer, and street services.

MOTION TO REVERSE: I Move to reverse the City Manager’s decision to assess system development charges in that enclosing a deck in the manner proposed will not increase the parcel or structures use of a public improvement system because \_\_\_\_ (state reasoning) \_\_\_\_\_. Therefore, the City Manager’s decision was inconsistent with the City SDC Ordinance, which requires assessments only when there is an impact to the public improvement system.

**KEY FACTS AND INFORMATION SUMMARY:** A summary of the key facts and information related to the appeal was provided with the May 6<sup>th</sup> Council packet. Since that time, the City Attorney has reviewed the materials and prepared a memo advising the City Council of its options in deciding the appeal. City staff has also prepared a memo outlining potential amendments to the SDC Ordinance that the Council may want to consider to address fairness issues raised in this appeal, and previously, with respect to how SDCs are assessed.

**OTHER ALTERNATIVES CONSIDERED:** None. The City SDC ordinance and associated resolutions provide a specific formula for calculating SDC assessments.

**CITY COUNCIL GOALS:** Issues raised in this appeal are not related to any adopted Council goals.

**ATTACHMENT LIST:**

- Letter from Carrie Connelly, City of Newport Attorney, dated May 16, 2013
- Memo from Derrick Tokos, Newport Community Development, dated May 16, 2013
- May 6, 2013 Council packet materials

**FISCAL NOTES:** System Development Charges are a component of the City's strategy for generating funds to pay for capital improvements to streets, water, sewer, storm drainage, and parks infrastructure. Any reduction in the amount collected below what is called for in the System Development Charge ordinance will compromise the City's ability to generate the funding needed to make these improvements or will shift the cost of those capital improvements onto the City's utility rate payers.

# Memorandum

To: Newport City Council

From: Derrick Tokos, Community Development Director 

Date: May 16, 2013

Re: Potential Revisions to the City of Newport's System Development Charge Ordinance

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This memo outlines potential options for revising the System Development Charge (SDC) Ordinance to address issues of fairness that have come up in relation to how those charges are assessed to new development. Staff has vetted these options with legal counsel to confirm that they are conceptually within the bounds of what can be done considering statutes that govern the structure of SDC programs.

At the May 6<sup>th</sup> Council meeting, Dennis Bartoldus, attorney for the owner of the Coffee House, pointed out that the City does not collect SDCs for certain restaurant patio expansions. Nana's Irish Pub was cited as an example. He further noted the inequity in this considering that his client is being required to pay SDCs to enclose a restaurant deck area.

NMC 12.15.050(A) of the City's SDC Ordinance sets out when SDC charges are to be collected. It reads as follows:

### ***12.15.050 Collection of Charge***

#### ***A. The SDC is payable on:***

- 1. Issuance of a building permit or any construction activity for which a building permit is required but not obtained.***
- 2. Issuance of a development permit or approval for development not requiring the issuance of a building permit. A permit or approval to connect to the water and/or sewer system;***
- 3. Issuance of a permit to connect to the water system or actual connection to the water system if a permit is not obtained.***
- 4. Issuance of a permit to connect to the sewer system or actual connection to the sewer system if a permit is not obtained.***

In the case of Nana's Irish Pub, no permit was required in order for the business to use the patio area. The business is not in an area where the City's Zoning Ordinance requires a condition use permit or other form of land use approval, no construction was done that would require a building permit, and there were no new connections to the water or sewer system. Therefore, while the use was clearly intensified, the Ordinance does not provide for the collection of SDC charges.

The City's SDC ordinance is very similar to the model ordinance put out by the League of Oregon Cities <http://www.orcities.org/portals/17/A-Z/finadm273c.pdf>. In fact, it appears that most jurisdictions in Oregon use the League's model language in some fashion. The City of Newport's SDC Ordinance does not include language from the model ordinance that would allow SDCs to be collected for development that does not otherwise require a permit. That language reads as follows:

*If no building, development, or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased based on changes in the use of the property unrelated to seasonal or ordinary fluctuations in usage.*

A number of jurisdictions have elected not to use this language. I suspect that is because of the difficulty in implementing such a provision. While this approach would allow SDCs to be collected for uses such as Nana's restaurant patio expansion or say the pavement of privately owned gravel parking areas or driveways (which in most cases also does not require City permits) the City would be forced to collect those SDC after the development is initiated. In some cases, such as paving, it would be difficult to even identify when or where work was done. Further, those who conducted the development would be assessed fees that they would not have anticipated after they have committed to or completed the development. For these reasons, I would not recommend adding this type of language to the SDC Ordinance at this point in time.

With regards to SDC credits, the Council may want to take a fresh look at language in its Ordinance that applies to circumstances where an existing use on a property never paid SDCs. This would apply to development that occurred prior to the 1980's. In such cases, where SDCs were never paid, a credit is nonetheless given for any use of the property within the last 30 years. A number of jurisdictions allow credits for uses or structures that are present on a property but being replaced; however, none that I have observed allow a credit for uses or structures that cease to exist on a property for such a long period of time. The City's capital improvement system changes too much over a 30 year period for this type of credit to be effective. Alternative language that aligns with the League of Oregon Cities model ordinance is listed below. This same language is used by a number of jurisdictions and can be supplemented to ensure that circumstances such as replacement due to fire or similar casualty loss also receive a credit (Umpqua Bank would be an example). Adjustments to the language would also be needed to fit it into the structure of the existing ordinance. Had the 30 year credit not existed, then a project like Teevin Bros. log yard would have been required to pay SDCs for the impact of its project on the City's transportation system.

Another option would be to eliminate the credit for existing development where SDCs have never been paid. A number of jurisdictions take this approach, reasoning that the impact of the original development on the capital system (i.e. the need for the City to expand the system moving forward) was never captured so therefore a credit is not warranted. It would, however, mean that redevelopment in areas such as the City Center District would be subject to SDCs. For example, the new Walgreens, which took advantage of this credit, would have been subject to the charges.

## **12.15.065 Credits**

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~~2. If no SDCs have been previously paid for the property, a credit in the amount of the SDC charges under the current fee schedule for any structure and use of the property in the previous 30 years shall be provided. No credit shall be provided if there has been no use of the property for 30 years, regardless of any structures that may exist on the property. No refund or credit shall be given if the redevelopment results in a lower SDC.~~

*When development occurs that is subject to a SDC, the SDC for the existing use, if applicable, shall be calculated and if it is less than the SDC for the use that will result from the development, the difference between the SDC for the existing use and SDC for the proposed use shall be the SDC. Current rates for SDC fees shall be used when calculating the SDC charge for the existing use. If the change in use results in the SDC for the proposed use being less than the SDC for the existing use, no SDC shall be required. No refund or credit shall be given if the proposed use results in a lowered SDC.*

Another change to the SDC Ordinance that the Council may want to consider gets at the proportion of SDC fees in relation to the overall cost of a project, a concern raised in The Coffee House appeal. The City could, for example, cap its assessments at 20% of construction value. Such a cap could be included in the credit section of the ordinance or a separate section that speaks specifically to limitations on SDC assessments. This approach is similar to that taken by the Oregon legislature with respect to compliance with ADA requirements, where out of pocket expenses for a developer are capped at 25% of project cost. Sample language is listed below. I am not aware of any other jurisdictions that have taken this approach.

*Notwithstanding the other provisions of this chapter, under no circumstance shall the SDC exceed 20% of the construction value of a proposed use. The value of proposed construction shall include labor and materials costs and the City may require that it be established by a detailed estimate from a licensed contractor. In the event an SDC exceeds the 20% limit, it shall be reduced proportionally for each capital improvement category so that the total SDC is 20% of the construction value of the proposed use.*

When considering these or other changes to the City's SDC Ordinance, the Council should keep in mind the purpose of assessing the charges. That is, that new development contributes to the need to expand/enlarge the City's water, sewer, and storm drainage systems; its street network; and parks program. Adjusting SDC credits influences how much of that burden is placed on the developer as opposed to the rate payers. Several of the capital projects driving the rate increases that the Council is currently considering are not simply needed to meet the demand of the City's existing businesses and residents, but are required to provide capacity to accommodate future growth.

If, after reviewing these options, the Council wants to see revisions made to the SDC Ordinance than it should specify the nature of those changes so that staff can prepare the necessary amendments for consideration at a future Council meeting.



# Local Government Law Group <sup>PC</sup>

a member of SPEER HOYT LLC

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Carolyn H. Connelly  
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J. Kenneth Jones, *Of Counsel*\*  
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John A. Wolf, *Of Counsel*  
\*Admitted in Washington

May 16, 2013

**Via Email Only To: [d.tokos@newportoreon.gov](mailto:d.tokos@newportoreon.gov)**

City Council  
City of Newport  
169 SW Coast Hwy.  
Newport, OR 97365

Re: Coffee House SDC Appeal

Dear Council Members:

This letter addresses the above-referenced appeal first heard by the Council on May 6, 2013, and carried over to May 20, 2013. My letter is written for public consumption, with the goal to highlight the limited options available to the Council under the City's current System Development Charge (SDC) Ordinance, implementing Resolution and associated SDC Methodology—all of which were adopted under and are in accord with state law.

In his letter dated April 22, 2013, Attorney Dennis Bartoldus appeals two City requirements (SDC fees and a required conditional use permit) on behalf of his client the Coffee House. Only the first of these appeals is addressed herein. The following reviews the existing authority for the Council to waive all Coffee House SDC charges, or, in the alternative, to grant the Coffee House a trial period in which to track its water usage and later compare that use against the City's average EDU water usage.

1. Full Waiver. As outlined in the Council's Agenda Item Summary (AIS) for May 6, 2013, City SDCs are imposed on all development within or outside the City, "which increases the usage of the water and/or sewer system or that contributes to the need for additional or enlarged capital improvements."<sup>1</sup> NMC 12.15.020.B.

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<sup>1</sup>NMC 12.15.015.D defines the term "Development" broadly as, "any construction of improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and water and sewer fixtures. Development includes redevelopment of property requiring a

This includes not only new construction, but also the alteration, expansion or replacement of a building or development if such work results in, "a change in any of the components of the formula for determining the amount of SDCs to be paid."

Here, the Coffee House proposes to enclose a 200 square-foot deck by placing glass around each side and over the top of that deck. Based upon NMC 12.15.020.B, this work requires payment of SDCs if it will ultimately: 1) increase the usage of the City's water and/or sewer system; 2) contribute to the need for additional or enlarged capital improvements; or 3) result in a change in any of the components of the formula for determining the amount of SDCs to be paid.

Per NMC 12.05.025.C, the methodology (or "formula") used to establish City SDC fees must be adopted by Council resolution. Accordingly, the current methodology supporting the City's fees was adopted by Resolution No. 3579. For restaurants, this adopted methodology calculates the number of EDUs, thus SDCs to be paid, on a square footage basis.

These requirements are consistent with the only exemption potentially available to the Coffee House to support a full waiver of the imposed SDC fee. NMC 12.15.060.A.2 exempts from the payment of SDCs:

"An alteration, addition, replacement, change in use or permit or connection that does not increase the parcel's or structure's use of a public improvement system."

Applying the facts to this legal framework, Mr. Bartoldus argues that his client's enclosure will not add any additional square footage to the existing restaurant in question. This addresses the "formula component" prong of the test, above, but does not address whether enclosing the deck will increase the restaurant's use of City systems. Staff has found that enclosing the deck area will expand the porch from its current seasonal usage to make it available year-round.

To waive SDCs in this case, the Council must find that the proposed deck enclosure will neither increase the restaurant's square footage, nor increase the restaurant's use of the City's public improvement systems at all. I believe the enclosure was proposed to make the deck available for year-round usage—which logically would lead to increasing the restaurant's capacity. Further, the owner ostensibly has a business justification for expending funds on this improvement, and expects a return on that investment. However, the appellant may be able to show these conclusions are not true.

If the Council finds that the enclosure will not increase the restaurant's capacity and will thereby not serve additional customers, a finding of no increased usage of the City's infrastructure is possible. Otherwise, if the Council finds the work will allow the restaurant to serve more customers, complete waiver is not available under the City's SDC ordinance.<sup>2</sup>

2. Alternate Appeal Procedure. As outlined in the Council's AIS, this appeal was timely filed under NMC 12.15.085.B and C. NMC 12.15.085.C authorizes the City Council to determine whether staff's decision "is in accordance with this ordinance and state law . . ." This section further authorizes the Council to "affirm, modify, or overrule the decision." As a basis for modifying staff's decision, Attorney Bartoldus urges the Council to look beyond this Code authority and utilize an alternative appeal process set forth within the City's adopted methodology. For a number of reasons, this alternative appeal approach is not available to the City Council.

First of all, Resolution No. 3579 did not adopt the underlying methodology wholesale. Rather, Section 1 adopted the methodology and associated CIPs solely "as a basis for the City's desired SDC fee . . ." Therefore, text beyond the strict methodology calculating the fee per EDU was not adopted as part of the City's SDC legislation.

Even if the Council intended to adopt the full report as support for the City's SDC fees, the language within the methodology, itself, undermines a conclusion that the alternative appeal route is available to the City Council at this time. Rather, on page 35 of the Public Infrastructure SDC Methodology, the engineer proposed an alternative the City "can allow for" if it so chose. This text specifically states that the "alternative appeal process" is a "sample" that could be utilized in Newport if deemed appropriate by the City. Similarly, the wastewater SDC language on page 52 of the Methodology sets forth the engineer's "recommendation" for an alternative appeal process. By not incorporating the suggested appeal process into the City's SDC Ordinance by amendment, the Council chose not to allow it.

The Methodology points out that any inclusion of such an appeal process will "necessitate additional administration of individual customer SDC issues, and may increase the costs associated with SDC compliance and administration." (Methodology, p. 35.) Therefore, a comprehensive policy review of the City's SDC program should occur prior to any adoption of such an alternate appeal process into the City's SDC ordinance.

For all of the reasons above, the City is limited in this appeal to the language within NMC 12.15.085.C. Allowing an alternative appeal approach on an ad hoc basis could

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<sup>2</sup> While not requested in the appeal, it is worth noting that there are no provisions within the City's SDC code on which to base a partial waiver.

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result in undesirable, unintended consequences. For example, proceeding other than as outlined above would undermine staff's certainty in applying the code and confuse the development community. An increased number of appeals of this nature would be expected. Ultimately, deciding in the appellant's favor without reliance on the current Code's provisions could result in a loss of anticipated revenue needed to address growth.

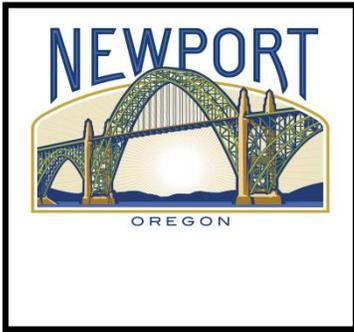
Of course, this does not foreclose the Council's opportunity, in the future, to consider an appeal process similar to that offered by the SDC engineer within the water and wastewater methodologies. While changing the appeal procedures in the manner suggested by the Methodology is not recommended by City staff or our office, staff has prepared alternative approaches to address possible inequities in the current program for the Council's consideration. The Council may choose to pursue any such suggested amendment, or formulate other alternatives, after deciding this appeal on the basis of the City's existing SDC legislation. Once council direction is given, I will work with City staff to finalize any desired amendment language.

Sincerely yours,



Carolyn H. Connelly  
[chc@speerhoyt.com](mailto:chc@speerhoyt.com)

CHC:cc



Agenda Item #

Meeting Date

May 6, 2013

### CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Consideration of Coffee House Appeal of System Development Charge Assessment

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: \_\_\_\_\_

**ISSUE BEFORE THE COUNCIL:** Determination of whether or not the City Manager’s decision to assess system development charges to The Coffee House (156 SW Bay Blvd) for a proposal to enclose a 200 square foot deck is in accordance with the City’s System Development Charge (SDC) Ordinance and state law.

**STAFF RECOMMENDATION:** Staff recommends the Council affirm the City Manager’s decision.

**PROPOSED MOTION:**

MOTION TO AFFIRM: I move to affirm the City Manager’s decision as consistent with state law and the City’s SDC Ordinance, which require that assessments be imposed for alterations that increase a parcel or structures use of a public improvement system. Enclosing a deck that was constructed for seasonal use provides additional year round seating, which is an expansion of the restaurant use that increases impacts to City water, sewer, and street services.

MOTION TO REVERSE: I Move to reverse the City Manager’s decision to assess system development charges in that enclosing a deck in the manner proposed will not increase the parcel or structures use of a public improvement system because \_\_\_\_ (state reasoning) \_\_\_\_\_. Therefore, the City Manager’s decision was inconsistent with the City SDC Ordinance, which requires assessments only when there is an impact to the public improvement system.

**KEY FACTS AND INFORMATION SUMMARY:** In a letter dated April 22, 2013, attorney Dennis Bartoldus, representing the owner of The Coffee House, Judy Lingham, appealed the City Manager’s determination that SDC fees must be paid for a development project involving the enclosure of approximately 200 square feet of deck area on the structure. The appeal is filed pursuant to Newport Municipal Code (NMC) section 12.15.085, which allows persons aggrieved by a City Manager decision to file a written appeal to the City Council within 10 days of the decision. The decision was issued on April 12, 2013 by Community Development Director Derrick Tokos on behalf of the City Manager; therefore, the appeal was timely filed. In considering an appeal, the City Council must determine whether or not the City Manager’s decision is in accordance with the City’s SDC Ordinance and state law (NMC 12.15.085(C)).

As a bit of background, System Development Charges are fees assessed when there is increased usage of a capital improvement associated with an activity that is occurring on a property (ref: ORS 223.299(4)(a)). As Mr. Bartoldus notes in his April 22<sup>nd</sup> letter, a Conditional Use Permit was applied for and issued by the City in 1987 to allow a deck to be built onto an existing residence and to allow both the residence and deck to be used as a restaurant. The application for the permit and staff report noted that the deck would only be used seasonally as weather permits. While the City had an SDC Ordinance at the time, fees were not paid because the methodology upon which it was based was triggered by the addition of new fixtures or need for upgrading the immediate street frontage and did not account for increased demands placed upon City services as a result of a change in use.

City of Newport adopted its current SDC Ordinance on October 15, 2007 (Ord. #1940). It is codified in NMC Chapter 12.15. The Ordinance defines capital improvements as including its water system, sewer system, storm drainage system, streets, and parks (NMC 12.15.015(C)). SDC fees are imposed on all development within the City, and development outside the City that connects to water and sewer facilities. This includes new construction or the alteration, expansion, or replacement of a building or development if such alteration, expansion, or replacement results in a change in any of the components of the formula for determining the amount of SDCs to be paid (NMC 12.15.020(B)). Alterations, additions, or changes in use that do not increase a parcel or structures use of a public improvement system is exempt from payment for the SDC applicable to that type of improvement (NMC 12.15.060(A)(2)).

The formula used to calculate SDCs is contained in the City's SDC Methodology. State law and the City's SDC Ordinance require that SDC charges be based upon a methodology that considers the cost of then-existing facilities including without limitation, design, financing and construction costs; prior contributions by then-existing users; gifts or grants; the value of unused capacity available to future system users, rate-making principles employed to finance publicly owned capital improvements; and other relevant factors identified by the City Council. The methodology shall promote the objective that future systems users shall contribute an equitable share of the cost of then-existing facilities. Further, the methodology shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related and other relevant factors identified by the Council. (ORS223.304, NMC 12.15.025). The City SDC Ordinance states that the methodology used to establish or modify improvement fees shall be adopted and may be amended by Council resolution (NMC 12.15.025(C)). The City's current methodology was prepared by HBH Consulting Engineers in September of 2007, and was adopted by resolution on December 17, 2007 (Resolution #3431). The methodology was later readopted on February 21, 2012 (Resolution #3579).

The formula in the adopted in the HBH Methodology establishes the impact of a single family dwelling on the capital improvement system and provides equivalent ratios for all other uses on a square footage basis. The Equivalent Dwelling Unit (EDU) ratio for restaurant uses is 4 EDUs for every 1,000 square feet of restaurant space (relevant sheets from methodology attached). Enclosing the deck takes 200 square feet of restaurant area that is limited to seasonal use and makes it available year round. This constitutes a 200 square foot addition, and an April 12<sup>th</sup> letter to Mr. Bartoldus includes the breakdown of the water, sewer and transportation SDCs based upon current rates. While Mr. Bartoldus argues that the fact that the enclosed area will not be heated and may be noisy due to the rain, the only reason the deck is proposed to be enclosed is so that it is available for use year round. Therefore, it is not possible to find that this type of alteration will not increase the parcel or structures use of the public improvement system (i.e. water, sewer, streets), which is required in order for a development to be exempt from SDC charges.

If the City Council upholds the City Manager's determination, than Mr. Bartoldus is requesting that the Council authorize his client to utilize a potential appeals process for calculating water and wastewater SDC assessments that is discussed in the HBH Methodology. The process involves the customer tracking actual water usage post-construction and comparing the usage to pre-construction records. If the difference is less than what the formula requires then the assessment would be reduced. If consumption is greater than what the formula calls for than the SDC assessment would be increased to account for the difference.

The SDC Ordinance authorizes adoption of a methodology by resolution, and establishes that the adopted methodology is to serve as the basis for the fees the City assesses consistent with state law (NMC 12.15.025). The adopted methodology cannot be relied upon to set out procedures the City will follow for assessing SDCs. That is a function of the SDC Ordinance. The appeals procedure contained in the Ordinance does not allow applicant's to pursue the potential appeals process referenced by Mr. Bartoldus nor does it afford the Council the option of applying it since it limits the Council's review authority to a determination of where or not the City Manager's decision was consistent with the Ordinance and state law. Therefore, use of the potential appeals process is not something that can

be authorized in the context of this appeal. If the Council wants to make this type of appeals process available to developers then it should direct staff to prepare an amendment to the SDC Ordinance.

Such an amendment would need to address the amount of time water usage would need to be tracked. This would likely need to be several years given fluctuations in usage. It would also need to address whether or not the City should collect a deposit. The methodology suggests that a 50% deposit would be reasonable and considering the length of time the monitoring would likely need to take place it would be advisable that some form of deposit be collected. There is also the matter of administrative costs. The methodology notes that this appeals option was not considered in the section of the HBH Methodology that justified the 4.18% SDC surcharge to cover the costs of administering the program. This could mean that the surcharge would need to be increased. Lastly, it is relevant to note that this potential appeals process is limited to water and wastewater assessments. It does not apply to transportation, parks, or storm drainage assessments. The Council would need to think about whether or not adopting an appeals process that applies to only a couple of types of assessments will unduly complicate the SDC assessment and collection process.

Mr. Bartoldus seeks to appeal a determination by the Community Development Director that a Conditional Use Permit is required to enclose the deck. An April 12<sup>th</sup> letter to Mr. Bartoldus explains the reasons why a conditional use permit is required. It further notes that a determination by the Director cannot be appealed directly to the City Council. NMC 14.52.030(B) establishes the Planning Commission as the decision making body for questions arising as to the interpretation of the Zoning Ordinance or Comprehensive Plan. Mr. Bartoldus has not submitted such a request to the Planning Commission.

**OTHER ALTERNATIVES CONSIDERED:** None. The City SDC ordinance and associated resolutions provide a specific formula for calculating SDC assessments.

**CITY COUNCIL GOALS:** Issues raised in this appeal are not related to any adopted Council goals.

**ATTACHMENT LIST:**

- ORS 223.297 et. seq.
- System Development Charge Ordinance (NMC Chapter 12.15)
- Pages 33 through 35 of the HBH Consulting Engineer's SDC Methodology, dated September 2007
- Letter from Dennis Bartoldus, attorney, dated April 1, 2013
- Letter from Derrick Tokos, Community Development Director, dated April 12, 2013
- Letter from Dennis Bartoldus, attorney, dated April 22, 2013

**FISCAL NOTES:** System Development Charges are a component of the City's strategy for generating funds to pay for capital improvements to streets, water, sewer, storm drainage, and parks infrastructure. Any reduction in the amount collected below what is called for in the System Development Charge ordinance will compromise the City's ability to generate the funding needed to make these improvements.



## SYSTEM DEVELOPMENT CHARGES

**223.297 Policy.** The purpose of ORS 223.297 to 223.314 is to provide a uniform framework for the imposition of system development charges by local governments, to provide equitable funding for orderly growth and development in Oregon's communities and to establish that the charges may be used only for capital improvements. [1989 c.449 §1; 1991 c.902 §25; 2003 c.765 §1; 2003 c.802 §17]

**Note:** 223.297 to 223.314 were added to and made a part of 223.205 to 223.295 by legislative action, but were not added to and made a part of the Bancroft Bonding Act. See section 10, chapter 449, Oregon Laws 1989.

**223.299 Definitions for ORS 223.297 to 223.314.** As used in ORS 223.297 to 223.314:

(1)(a) "Capital improvement" means facilities or assets used for the following:

- (A) Water supply, treatment and distribution;
- (B) Waste water collection, transmission, treatment and disposal;
- (C) Drainage and flood control;
- (D) Transportation; or
- (E) Parks and recreation.

(b) "Capital improvement" does not include costs of the operation or routine maintenance of capital improvements.

(2) "Improvement fee" means a fee for costs associated with capital improvements to be constructed.

(3) "Reimbursement fee" means a fee for costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists.

(4)(a) "System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities.

(b) "System development charge" does not include any fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed upon a land use decision, expedited land division or limited land use decision. [1989 c.449 §2; 1991 c.817 §29; 1991 c.902 §26; 1995 c.595 §28; 2003 c.765 §2a; 2003 c.802 §18]

**Note:** See note under 223.297.

**223.300** [Repealed by 1975 c.642 §26]

**223.301 Certain system development charges and methodologies prohibited.** (1) As used in this section, "employer" means any person who contracts to pay remuneration for, and secures the right to direct and control the services of, any person.

(2) A local government may not establish or impose a system development charge that requires an employer to pay a reimbursement fee or an improvement fee based on:

(a) The number of individuals hired by the employer after a specified date; or

(b) A methodology that assumes that costs are necessarily incurred for capital improvements when an employer hires an additional employee.

(3) A methodology set forth in an ordinance or resolution that establishes an improvement fee or a reimbursement fee shall not include or incorporate any method or system under which the payment of the fee or the amount of the fee is determined by the number of employees of an employer without

regard to new construction, new development or new use of an existing structure by the employer. [1999 c.1098 §2; 2003 c.802 §19]

**Note:** See note under 223.297.

**223.302 System development charges; use of revenues; review procedures.** (1) Local governments are authorized to establish system development charges, but the revenues produced therefrom must be expended only in accordance with ORS 223.297 to 223.314. If a local government expends revenues from system development charges in violation of the limitations described in ORS 223.307, the local government shall replace the misspent amount with moneys derived from sources other than system development charges. Replacement moneys must be deposited in a fund designated for the system development charge revenues not later than one year following a determination that the funds were misspent.

(2) Local governments shall adopt administrative review procedures by which any citizen or other interested person may challenge an expenditure of system development charge revenues. Such procedures shall provide that such a challenge must be filed within two years of the expenditure of the system development charge revenues. The decision of the local government shall be judicially reviewed only as provided in ORS 34.010 to 34.100.

(3)(a) A local government must advise a person who makes a written objection to the calculation of a system development charge of the right to petition for review pursuant to ORS 34.010 to 34.100.

(b) If a local government has adopted an administrative review procedure for objections to the calculation of a system development charge, the local government shall provide adequate notice regarding the procedure for review to a person who makes a written objection to the calculation of a system development charge. [1989 c.449 §3; 1991 c.902 §27; 2001 c.662 §2; 2003 c.765 §3; 2003 c.802 §20]

**Note:** See note under 223.297.

**223.304 Determination of amount of system development charges; methodology; credit allowed against charge; limitation of action contesting methodology for imposing charge; notification request.** (1)(a) Reimbursement fees must be established or modified by ordinance or resolution setting forth a methodology that is, when applicable, based on:

(A) Ratemaking principles employed to finance publicly owned capital improvements;

(B) Prior contributions by existing users;

(C) Gifts or grants from federal or state government or private persons;

(D) The value of unused capacity available to future system users or the cost of the existing facilities; and

(E) Other relevant factors identified by the local government imposing the fee.

(b) The methodology for establishing or modifying a reimbursement fee must:

(A) Promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities.

(B) Be available for public inspection.

(2) Improvement fees must:

(a) Be established or modified by ordinance or resolution setting forth a methodology that is available for public inspection and demonstrates consideration of:

(A) The projected cost of the capital improvements identified in the plan and list adopted pursuant to ORS 223.309 that are needed to increase the capacity of the systems to which the fee is related; and

(B) The need for increased capacity in the system to which the fee is related that will be required to serve the demands placed on the system by future users.

(b) Be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users.

(3) A local government may establish and impose a system development charge that is a combination of a reimbursement fee and an improvement fee, if the methodology demonstrates that the charge is not based on providing the same system capacity.

(4) The ordinance or resolution that establishes or modifies an improvement fee shall also provide for a credit against such fee for the construction of a qualified public improvement. A "qualified public improvement" means a capital improvement that is required as a condition of development approval, identified in the plan and list adopted pursuant to ORS 223.309 and either:

(a) Not located on or contiguous to property that is the subject of development approval; or

(b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(5)(a) The credit provided for in subsection (4) of this section is only for the improvement fee charged for the type of improvement being constructed, and credit for qualified public improvements under subsection (4)(b) of this section may be granted only for the cost of that portion of such improvement that exceeds the local government's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under subsection (4)(b) of this section.

(b) A local government may deny the credit provided for in subsection (4) of this section if the local government demonstrates:

(A) That the application does not meet the requirements of subsection (4) of this section; or

(B) By reference to the list adopted pursuant to ORS 223.309, that the improvement for which credit is sought was not included in the plan and list adopted pursuant to ORS 223.309.

(c) When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. This subsection does not prohibit a local government from providing a greater credit, or from establishing a system providing for the transferability of credits, or from providing a credit for a capital improvement not identified in the plan and list adopted pursuant to ORS 223.309, or from providing a share of the cost of such improvement by other means, if a local government so chooses.

(d) Credits must be used in the time specified in the ordinance but not later than 10 years from the date the credit is given.

(6) Any local government that proposes to establish or modify a system development charge shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge.

(7)(a) Written notice must be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a system development charge, and the methodology supporting the system development charge must be available at least 60 days prior to the first hearing. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the local government. The local government may periodically delete names from the list, but at least 30 days prior to removing a name from the list shall notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

(b) Legal action intended to contest the methodology used for calculating a system development charge may not be filed after 60 days following adoption or modification of the system development charge ordinance or resolution by the local government. A person shall request judicial review of the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100.

(8) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge methodology if the change in amount is based on:

(a) A change in the cost of materials, labor or real property applied to projects or project capacity as set forth on the list adopted pursuant to ORS 223.309; or

(b) The periodic application of one or more specific cost indexes or other periodic data sources. A specific cost index or periodic data source must be:

(A) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property or a combination of the three;

(B) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and

(C) Incorporated as part of the established methodology or identified and adopted in a separate ordinance, resolution or order. [1989 c.449 §4; 1991 c.902 §28; 1993 c.804 §20; 2001 c.662 §3; 2003 c.765 §§4a,5a; 2003 c.802 §21]

**Note:** See note under 223.297.

**223.305** [Repealed by 1971 c.325 §1]

**223.307 Authorized expenditure of system development charges.** (1) Reimbursement fees may be spent only on capital improvements associated with the systems for which the fees are assessed including expenditures relating to repayment of indebtedness.

(2) Improvement fees may be spent only on capacity increasing capital improvements, including expenditures relating to repayment of debt for such improvements. An increase in system capacity may be established if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the improvements funded by improvement fees must be related to the need for increased capacity to provide service for future users.

(3) System development charges may not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements or for the expenses of the operation or maintenance of the facilities constructed with system development charge revenues.

(4) Any capital improvement being funded wholly or in part with system development charge revenues must be included in the plan and list adopted by a local government pursuant to ORS 223.309.

(5) Notwithstanding subsections (1) and (2) of this section, system development charge revenues may be expended on the costs of complying with the provisions of ORS 223.297 to 223.314, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures. [1989 c.449 §5; 1991 c.902 §29; 2003 c.765 §6; 2003 c.802 §22]

**Note:** See note under 223.297.

**223.309 Preparation of plan for capital improvements financed by system development charges; modification.** (1) Prior to the establishment of a system development charge by ordinance or resolution, a local government shall prepare a capital improvement plan, public facilities plan, master plan or comparable plan that includes a list of the capital improvements that the local government intends to fund, in whole or in part, with revenues from an improvement fee and the estimated cost, timing and percentage of costs eligible to be funded with revenues from the improvement fee for each improvement.

(2) A local government that has prepared a plan and the list described in subsection (1) of this section may modify the plan and list at any time. If a system development charge will be increased by a proposed modification of the list to include a capacity increasing capital improvement, as described in ORS 223.307 (2):

(a) The local government shall provide, at least 30 days prior to the adoption of the modification, notice of the proposed modification to the persons who have requested written notice under ORS 223.304 (6).

(b) The local government shall hold a public hearing if the local government receives a written

request for a hearing on the proposed modification within seven days of the date the proposed modification is scheduled for adoption.

(c) Notwithstanding ORS 294.160, a public hearing is not required if the local government does not receive a written request for a hearing.

(d) The decision of a local government to increase the system development charge by modifying the list may be judicially reviewed only as provided in ORS 34.010 to 34.100. [1989 c.449 §6; 1991 c.902 §30; 2001 c.662 §4; 2003 c.765 §7a; 2003 c.802 §23]

**Note:** See note under 223.297.

**223.310** [Amended by 1957 c.397 §3; repealed by 1971 c.325 §1]

**223.311 Deposit of system development charge revenues; annual accounting.** (1) System development charge revenues must be deposited in accounts designated for such moneys. The local government shall provide an annual accounting, to be completed by January 1 of each year, for system development charges showing the total amount of system development charge revenues collected for each system and the projects that were funded in the previous fiscal year.

(2) The local government shall include in the annual accounting:

(a) A list of the amount spent on each project funded, in whole or in part, with system development charge revenues; and

(b) The amount of revenue collected by the local government from system development charges and attributed to the costs of complying with the provisions of ORS 223.297 to 223.314, as described in ORS 223.307. [1989 c.449 §7; 1991 c.902 §31; 2001 c.662 §5; 2003 c.765 §8a; 2003 c.802 §24]

**Note:** See note under 223.297.

**223.312** [1957 c.95 §4; repealed by 1971 c.325 §1]

**223.313 Application of ORS 223.297 to 223.314.** (1) ORS 223.297 to 223.314 shall apply only to system development charges in effect on or after July 1, 1991.

(2) The provisions of ORS 223.297 to 223.314 shall not be applicable if they are construed to impair bond obligations for which system development charges have been pledged or to impair the ability of local governments to issue new bonds or other financing as provided by law for improvements allowed under ORS 223.297 to 223.314. [1989 c.449 §8; 1991 c.902 §32; 2003 c.802 §25]

**Note:** See note under 223.297.

**223.314 Establishment or modification of system development charge not a land use decision.** The establishment, modification or implementation of a system development charge, or a plan or list adopted pursuant to ORS 223.309, or any modification of a plan or list, is not a land use decision pursuant to ORS chapters 195 and 197. [1989 c.449 §9; 2001 c.662 §6; 2003 c.765 §9]

**Note:** See note under 223.297.

**223.315** [Repealed by 1971 c.325 §1]

## APPORTIONMENT OF GOVERNMENT ASSESSMENTS UPON PARTITION

**223.317 Apportionment of special assessment among parcels in subsequent partition of tract.**

(1) Notwithstanding any other law, a local government may apportion a final assessment levied by it against a single tract or parcel of real property among all the parcels formed from a subsequent partition

or other division of that tract or parcel, if the subsequent partition or division is in accordance with ORS 92.010 to 92.192 and is consistent with all applicable comprehensive plans as acknowledged by the Land Conservation and Development Commission under ORS 197.251. The proportionate distribution of a final assessment authorized under this subsection may be made whenever the final assessment remains wholly or partially unpaid, and full payment or an installment payment is not due.

(2) A local government shall apportion a final assessment under this section when requested to do so by any owner, mortgagee or lienholder of a parcel of real property that was formed from the partition or other division of the larger tract of real property against which the final assessment was originally levied. When the deed, mortgage or other instrument evidencing the applicant's ownership or other interest in the parcel has not been recorded by the county clerk of the county in which the parcel is situated, the local government shall not apportion the final assessment unless the applicant files a true copy of that deed, mortgage or instrument with the local government.

(3) Apportionment of a final assessment under this section shall be done in accordance with an order or resolution of the governing body of the local government. The order or resolution shall describe each parcel of real property affected by the apportionment, the amount of the final assessment levied against each parcel, the owner of each parcel and such additional information as is required to keep a permanent and complete record of the final assessments and the payments thereon. A copy of the order or resolution shall be filed with the recorder required to maintain the lien docket for the local government, who shall make any necessary changes or entries in the lien docket for the local government. [Formerly 308.140; 1991 c.902 §33; 2003 c.802 §26]

**Note:** 223.317 to 223.327 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 223 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**223.320** [Amended by 1957 c.397 §4; repealed by 1971 c.325 §1]

**223.322 Prorate of unpaid installments.** When a final assessment is being paid in installments under the Bancroft Bonding Act or ORS 450.897, if the final assessment is apportioned among smaller parcels of real property under ORS 223.317 to 223.327, the installments remaining unpaid shall be prorated among those smaller parcels so that each parcel shall be charged with that percentage of the remaining installment payments equal to the percentage of the unpaid final assessment charged to the parcel upon apportionment. [Formerly 308.145; 1991 c.902 §34; 1995 c.333 §22; 1997 c.833 §21]

**Note:** See note under 223.317.

**223.325** [Repealed by 1971 c.325 §1]

**223.327 Procedure for equitable apportionment by ordinance or regulation.** A local government that imposes final assessments shall adopt an ordinance or other regulations establishing procedures for the equitable apportionment of final assessments under ORS 223.317 to 223.327. The ordinance or regulations shall authorize the local government to establish fees reasonably calculated to reimburse it for its actual costs in apportioning final assessments under ORS 223.317 to 223.327. The provisions of ORS 223.317 to 223.327 relating to apportionment of final assessments shall apply to estimated assessments with respect to any tract or parcel divided into smaller parcels prior to the levy of the final assessment. [Formerly 308.150; 1991 c.902 §35; 2003 c.802 §27]

### 3.10 SDC Assessment Schedule for Residential and Non-Residential Customers

The SDC established in Section 3.9 above is based on a cost per EDU or cost per single residential dwelling. For most non-residential developments, a plan review must be performed to determine the equivalent number of EDU's the development will require.

#### 3.10.1 Residential and Nonresidential Assessment Table

The following tables should be used to assess water system SDC's for both residential and non-residential customers that wish to connect to the Newport water system:

**Table 3.10.1 – Residential and Non-Residential Customers  
Assessment Schedule for Water and Wastewater System SDC's**

Enterprise	Number of EDU's	Units
Apartments	0.75	per dwelling unit (EDU)
Apparel Store	0.2	per 1,000 ft <sup>2</sup>
Athletic Club	0.3	per 1,000 ft <sup>2</sup>
Auto Care	0.1	per service bay
Auto Parts Sales	0.2	per 1,000 ft <sup>2</sup>
Auto Sales	0.2	per 1,000 ft <sup>2</sup>
Bank, Drive-in	0.3	per 1,000 ft <sup>2</sup>
Bank, Walk-in	0.3	per 1,000 ft <sup>2</sup>
Building Material and Lumber Store	0.2	per 1,000 ft <sup>2</sup>
Cab Company	0.2	per 1,000 ft <sup>2</sup>
Car Wash, Automated	na	See meter sizing assessment in Table 3.10.2
Car Wash, Self Service	0.7	per stall
Cemetery	0.2	per 1,000 ft <sup>2</sup>
Church	0.2	per 1,000 ft <sup>2</sup>
Community/Junior College	1.0	Per 250 gross square ft <sup>2</sup>
Convenience Market (Open 24 Hours)	0.2	per 1,000 ft <sup>2</sup>
Convenience Market (Open 15-16 Hours)	0.2	per 1,000 ft <sup>2</sup>
Convenience Market with Gasoline Pumps	0.2	per 1,000 ft <sup>2</sup>
	0.1	per pump
Day Care	0.2	per student
Drinking Establishment	0.7	per 1,000 ft <sup>2</sup>
Furniture Store	0.2	per 1,000 ft <sup>2</sup>
Hardware/Paint	0.2	per 1,000 ft <sup>2</sup>
Health/Fitness Club	0.3	per 1,000 ft <sup>2</sup>
Hospital	1.0	See meter sizing assessment in Table 3.10.2
Industrial	1.0	See meter sizing assessment in Table 3.10.2
Library	0.2	per 1,000 ft <sup>2</sup>
Lodge/Fraternal	0.3	per 1,000 ft <sup>2</sup>
Manufacturing	0.2	per 1,000 ft <sup>2</sup>
Medical/Dental Office	0.4	per 1,000 ft <sup>2</sup>
Mini-warehouse Storage and warehouses	0.1	per 1,000 ft <sup>2</sup>
Mobil Home Park	0.75	Per dwelling unit

Enterprise	Number of EDU's	Units
Motel (not including laundry facilities or pools)	0.3	per room
Nursery Garden Center	0.2	per 1,000 ft <sup>2</sup>
Nursing Home	0.3	per bed
Office Building	0.2	per 1,000 ft <sup>2</sup>
Retail establishment, shopping center, grocery, etc.	0.2	per 1,000 ft <sup>2</sup>
Post Office	0.2	per 1,000 ft <sup>2</sup>
Quick Lubrication Vehicle Stop	0.1	per bay
Recreational Facility, Multipurpose	0.3	per 1,000 ft <sup>2</sup>
Restaurant, any type	4	per 1,000 ft <sup>2</sup>
Schools	1.4	Per 250 gross square ft <sup>2</sup>
Service Station	0.1	per bay
Service Station w/Convenience Market	0.1	per pump
	0.2	per 1,000 ft <sup>2</sup>
Single Family Detached Housing	1	per house
Fish Processing Facility	na	See meter sizing assessment in Table 3.10.2
Pools and aquatic facilities	na	See meter sizing assessment in Table 3.10.2
Brewery	na	See meter sizing assessment in Table 3.10.2
Movie Theatre	0.3	per 100 seats
Commercial/Coin-Op Laundry	na	See meter sizing assessment in Table 3.10.2

**Table 3.10.2 – Equivalency Table to Convert Meter Size To Equivalent Dwelling Units for Customers not Included in Table 3.10.1**

Meter Size	Hydraulic Capacity Factor	No. of EDU's
3/4"	1	1.0
1"	1.67	1.7
1-1/2"	3.33	3.3
2"	5.33	5.3
3"	10.67	10.7
4"	16.67	16.7
6"	33.33	33.3
8"	53.33	53.3
10"	76.67	76.7

When a specific land use is not included in Table 3.10.1 or if the table does not fit the application well, Table 3.10.2 should be used to convert the meter size of a new customer into an equivalent EDU amount. Staff should review the new customer's land use plans carefully to ensure that the proper meter size is being utilized by the new property.

**3.11 Potential Appeal Process for Calculation of Water System EDU's:**

While Tables 3.10.1 and 3.10.2 include a wide assortment of residential and non-residential customer types and meter size estimates along with an estimate of the number of EDU's that should be associated with a new customer, you cannot address all potential customers through simple tables. Furthermore, in some cases, the assessment system may not fairly represent a new customer's actual impact on the water system. This is often the case in the commercial or industrial developments where water use varies

greatly from one business to another. In these cases, the City can allow for an appeal process so that new customers are assessed at a fair and reasonable rate.

The following provides a sample appeal process that could be utilized in Newport when it is deemed appropriate by the City:

A single EDU in Newport is assumed to be a water demand of around 3,850 gallons per month on average. This value is significantly lower than the public standard of around 7,000 gallons per month. This could be due to the fact that there are many part-time residents in Newport, many older customers who use less water, and many homes with only one or two persons in the home. For the purposes of this appeal, we will assume that the average EDU in Newport utilizes around 3,850 gallons of water per month.

If a new customer disagrees with the assessment that is calculated using Table 3.10, they may be allowed to appeal the assessment and request a trial period to track water use and compare their own water consumption (and therefore their equivalent water demand) to the average City water usage per EDU. In these cases, water use should be monitored between the months of November to April through the new customer's water bills. The average monthly water consumption of the new customer should be compared against the City's typical average. If this results in a lower EDU rating, an adjustment to the assessment could be made.

The City may wish to hold an SDC deposit during the appeal period. The amount of the deposit should be established by the City. A reasonable deposit amount equal to one-half (1/2) the amount estimated using Table 3.10 may be appropriate. Depending on the results of the winter water use, the new user may either receive a refund of some of the SDC payment or be required to pay additional SDC costs.

A specific example of the above appeal process follows:

A new restaurant wishes to open in Newport. Through a plan review, it is determined that the restaurant has 2,000 square feet of floor space. Based on Table 3.10.1 the assessment to the restaurant would be for 8 EDU's.

The restaurant owner protests and appeals this calculation. They are charged for 4 EDU's as a deposit and are allowed to track the water use during the winter months of their first year in operation. At the end of this period, they produce water bills showing that they used an average of 20,000 gallons per month. This equates to around 5 EDU's of water use.

The restaurant is charged for an additional 1 EDU's worth of water system SDC's. Through the appeal process, the restaurant reduced the SDC assessment for water by a full 3 EDU's.

The inclusion of an appeal process will necessitate additional administration of individual customer SDC issues, and may increase the costs associated with SDC compliance and administration. Appeals should only be considered for non-residential customers. Residential customers should be assessed based on the recommendations in Table 3.10.1.

## CHAPTER 12.15 SYSTEM DEVELOPMENT CHARGES

### 12.15.005 Purpose

This chapter is intended to authorize system development charges ("SDCs") to impose a portion of the cost of capital improvements for water, wastewater, storm drainage, transportation, and parks on developments and redevelopments that create the need for or increase the demands on capital improvements, consistent with state law. The provisions of this chapter are to be interpreted consistent with state law.

### 12.15.010 Scope and Interpretation

The SDCs authorized by this ordinance are separate from and in addition to any applicable tax, assessment, charge, or fee. SDCs are not taxes on property or on a property owner as a direct consequence of ownership of property within the meaning of Article XI Section 11B, of the Oregon Constitution or the legislation implementing that section and are not subject to the limitations imposed by that section.

### 12.15.015 Definitions

The following definitions apply in this chapter.

- A. **Applicant** means the person who applies for a residential, commercial, industrial, or other connection to the city's water supply system or sanitary sewer system and/or who develops property within the city or within the city's Urban Growth Boundary.
- B. **Building** means any structure, either temporary or permanent, built for the support, shelter, or enclosure of persons or property of any kind and for any public, commercial, industrial, or other use. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintenance during the term of a building permit.
- C. **Capital Improvements** means public facilities or assets used for:
  - 1. Wastewater collection, transmission, treatment and disposal, or any combination.

2. Water supply, treatment, distribution, storage, metering, fire protection, or any combination.
  3. Drainage and flood control.
  4. Transportation facilities including vehicle and pedestrian.
  5. Parks and recreation.
- D. **Development** means any construction of improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and water and sewer fixtures. Development includes redevelopment of property requiring a building permit. Development includes improved open areas such as plazas and walkways.
- E. **Equivalent Dwelling Unit** or **EDU** means the base element of the formula by which systems development charge rates are determined for various buildings or developments.
- F. **Owner** means the owner or owners of record title or the purchaser(s) under a recorded land sales agreement, and other persons having an interest of record in the described real property.
- G. **Permittee** means the person to whom a building permit, development permit, a permit or plan approval to connect to the sewer system, or right-of-way access permit is issued.
- H. **Qualified Public Improvement** means a capital improvement that is:
1. Required as a condition of development approval;
  2. Included in an adopted SDC project list and:
    - a. Not located on or contiguous to a parcel of land this is the subject of the development approval; or
    - b. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular

development project to which the improvement fee is related.

For the purposes of this definition, "contiguous" includes improvements within a right of way that abuts the parcel.

**12.15.020 System Development Charged Imposed;  
Method for Establishment**

- A. The amount of system development charges may be set and revised by resolution of the City Council. Any resolutions setting or amending the amount of any SDC shall state the amount of the charge and the methodology used to set the amount of the charge.
- B. Unless otherwise exempted, SDCs for water, wastewater, storm water, transportation and parks are imposed on all development within the city, on all development outside the city that connects to the water and/or sewer facilities of the city, and on all other development which increases the usage of the water and/or sewer system or that contributes to the need for additional or enlarged capital improvements. This shall include new construction and the alteration, expansion or replacement of a building or development if such alteration, expansion or replacement results in a change in any of the components of the formula for determining the amount of SDCs to be paid. For redevelopment, the amount of the SDC to be paid shall be the difference between the rate for the proposed redevelopment and the rate that would be applicable to the existing development.

**12.05.025 Methodology**

- A. The methodology used to establish or modify a reimbursement fee shall be based on the cost of then-existing facilities including without limitation, design, financing and construction costs; prior contributions by then-existing users; gifts or grants; the value of unused capacity available to future system users, rate-making principles employed to finance publicly owned capital improvements; and other relevant factors identified by the City Council. The methodology shall promote the objective that future systems users shall contribute an equitable share of the cost of then-existing facilities.
- B. The methodology used to establish or modify the

improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related and other relevant factors identified by the Council. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users.

- C. The methodology used to establish or modify improvement fees or reimbursement fees, or both, shall be adopted and may be amended by Council resolution.

#### **12.15.030 Authorized Expenditures**

- A. Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of debt for such improvements.
- B. Improvement fees shall be spent only on capacity increasing capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or providing new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development.
- C. SDC proceeds may be expended only on projects identified in the SDC capital improvement project list or on the direct costs of complying with the provisions of this chapter, including the costs of developing SDC methodologies, system planning, providing an annual accounting of SDC expenditures and other costs directly related to or required for the administration and operation of this SDC program.

#### **12.15.035 Expenditure Restrictions**

- A. SDCs shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.
- B. SDCs shall not be expended for costs of the operation or routine maintenance of capital improvements.

#### **12.15.040 SDC Projects Plan**

- A. The Council shall adopt and may amend by resolution an SDC Projects Plan for each type of SDC that lists:
  - 1. The capital improvements that the city intends to fund in whole or in part with the improvement fee revenues; and
  - 2. The estimated cost of each improvement and the percentage of that cost eligible to be funded with improvement fee revenues.
- B. In adopting the SDC Projects Plan, the city may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.
- C. If the amount of SDC charges will be increased by a proposed modification to the SDC Projects Plan, the city shall:
  - 1. Provide at least 30 days' notice prior to adopting the modification to those who have requested notice; and
  - 2. Hold a public hearing if a written request for a hearing is received at least seven days prior to the date scheduled for adoption of the proposed modification.

#### **12.15.045 Adoption or Amendment of Methodology**

- A. The Council shall hold a public hearing prior to adopting or amending the methodology on which any SDC is based.
- B. The Council shall provide written notice to persons who have requested notice of any adoption or modification of SDC methodology at least 90 days before the hearing. If no one has requested notice, the city shall publish notice in a newspaper of general circulation in the city at least 90 days before the hearing.
- C. The revised methodology shall be available to the public at least 60 days before the first public hearing of the adoption or amendment of the methodology. The failure of

a person on the list to receive a notice that was mailed does not invalidate the action of the city. If the city fails to provide sufficient notice, it can cure the defect by issuing a new notice and holding a new hearing. The city may consider comments submitted at improperly noticed hearings.

- D. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the SDC methodology if the change is based on a change in project costs, including cost of materials, labor and real property, or on a provision for a periodic adjustment included in the methodology or adopted by separate ordinance or resolution, consistent with state law.
- E. A change in the amount of an improvement fee is not a modification of the SDC methodology if the change is the result of a change in the SDC Projects List adopted in accord with this chapter.

#### **12.15.050 Collection of Charge**

- A. The SDC is payable on:
  - 1. Issuance of a building permit or any construction activity for which a building permit is required but not obtained.
  - 2. Issuance of a development permit or approval for development not requiring the issuance of a building permit. A permit or approval to connect to the water and/or sewer system;
  - 3. Issuance of a permit to connect to the water system or actual connection to the water system if a permit is not obtained.
  - 4. Issuance of a permit to connect to the sewer system or actual connection to the sewer system if a permit is not obtained.
- B. SDCs are payable only for those types of improvements affected by the development, permit or connection. For example, a permit to connect an existing structure to the sewer system does not necessarily trigger an obligation to pay Parks, Transportation, Water or Stormwater SDCs.

- C. The amount of SDC payable shall be established by resolution relying on an approved methodology and SDC project plan. The SDC project plan, methodology and amount of charge may be adopted in a single resolution, and more than one type of SDC (water, sewer, storm, transportation and park) can be included in a single resolution.
- D. No permit listed in Subsection A. may be issued unless applicable SDCs have been paid or an agreement entered to pay over time as allowed by this chapter.

#### **12.15.055 Installment Payments**

- A. The owner of the parcel of land subject to a systems development charge may apply for payment in twenty 20 semi-annual installments, to include interest on the unpaid balance, in accordance with state law. A shorter payment plan is acceptable if approved by the city. The parcel of land shall be subject to a lien for the unpaid balance.
- B. The city manager shall provide application forms for installment payments which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.
- C. An applicant for installment payment shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the property interest of the applicant is adequate to secure payment of the lien.
- D. The city manager shall docket the lien in the city's lien docket. From that time the city shall have a lien upon the described parcel for the unpaid balance, together with interest on the unpaid balance. The lien shall be enforceable in any manner authorized or permitted by state law.

#### **12.15.060 Exemptions**

- A. The following actions are exempt from payment of SDCs:
  - 1. Additions to single-family dwelling that do not constitute the addition of a dwelling unit.

2. An alteration, addition, replacement, change in use or permit or connection that does not increase the parcel's or structure's use of a public improvement system is exempt from payment for the SDC payment applicable to that type of improvement. Some redevelopment may be subject to some types of SDCs and not to others.
3. The issuance of a permit for a manufactured housing unit on which applicable systems development charges have previously been paid.
4. Temporary Vending Carts that are permitted in accordance with the Newport Zoning Code and Ordinance section 2-2-29.030.

*(Chapter 12.15.060(A)(4.) was added by the adoption of Ordinance No. 2001 on March 16, 2010; effective April 15, 2010.)*

- B. If all SDCs were paid at the time of the first action that triggered the obligation to pay, no additional payment is required at the time of other actions that would trigger the obligation to pay, even if the amount payable has increased, unless there has been a change in the design or use that would affect the amount payable.

#### **12.15.065 Credits**

- A. When redevelopment occurs, the amount of SDCs payable shall be determined by the following rules:
  1. If SDCs had been previously paid for the property, a credit in the amount of the SDCs that would be payable for the existing structure and use under the current fee schedule shall be provided. For purpose of this section, "existing structure and use" means the structure and use for which SDCs have been paid. At the time of redevelopment, if the SDCs payable for the new structure and/or use exceed the amount of the credit, the difference shall be paid to the city. This rule applies regardless of the length of time between the end of the prior use and the redevelopment. Redevelopment to a use that results in a lower SDC amount does not reduce the amount of credit to be provided at the time of any future redevelopments.

**Examples:**

*SDCs had been paid for three dwelling units on a property and the property is redeveloped with five dwelling units. A credit for three dwelling units' worth of SDCs will be provided, so the amount payable would be the amount for two dwelling units.*

*SDCs had been paid for two dwelling units and the property is redeveloped with a large retail use, with both residential units eliminated. The SDCs would be the difference between the SDCs payable for the new commercial structure and use and the SDCs that would be charged for two dwelling units.*

*SDCs were paid based on restaurant use, but then the property was converted to another retail use with lower SDCs. The property is then reconverted back to restaurant use, using exactly the same configuration as the original restaurant. At the time of the conversion to retail use, no SDCs are payable, because the amount payable is less than the credit. The credit for restaurant use remains with the property, so at the time of reconversion to restaurant use, no additional SDCs are payable, because the credit remained in effect and the credit for the original use is exactly the same as the amount that is owed, so no payment is required, even if the SDC rates have increased in the interim.*

2. If no SDCs have been previously paid for the property, a credit in the amount of the SDC charges under the current fee schedule for any structure and use of the property in the previous 30 years shall be provided. No credit shall be provided if there has been no use of the property for 30 years, regardless of any structures that may exist on the property. No refund or credit shall be given if the redevelopment results in a lower SDC.
- B. On termination of a use for which SDCs have been paid, a credit certificate shall be issued on written request of the property owner.
1. The credit shall be for water, sewer and transportation SDC improvement fees only.
  2. The credit shall be based on a "unit" basis, not on a "dollar" basis. The credit shall be for a specific number

of EDUs, trips, or other units on which the SDC amount is calculated.

3. The amount of the credit issued in the certificate shall be deducted from the credit authorized by Subsection A.1 of this section for the property where the use was terminated.
  4. If all structures are removed from the property, the amount of the credit may equal the full amount of the credit the property is entitled to under Subsection A.1 of this section. If structures remain on the property, the issuance of the certificate may not cause the amount of credit remaining on the property to be less than the amount of SDCs to allow use of the property without payment of additional SDCs, assuming the structure is used for the type of use with the lowest SDC rates consistent with the type of structure.
  5. The credit certificate may be transferred and used anywhere in the city within five years of the date of issuance. If the credit is not used within five years, it shall be automatically applied to the property where the use was terminated.
- C. A credit of the improvement fee portion of the SDC only shall be given to the permittee against the cost of the SDC charged, for the cost of a qualified public improvement incurred by the permittee, upon acceptance by the city of the public improvement. The credit shall not exceed the amount of the improvement fee even if the cost of the capital improvement exceeds the improvement fee.
1. If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of the development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this subsection. The request shall be filed in writing no later than 60 days after acceptance of the improvement by the city. The city may deny the credit

provided for in this section if the city demonstrates that the application does not meet the requirements of this section or if the improvement for which credit is sought is not included in the SDC Project List.

2. When construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project or otherwise imposed on the same property.
  3. Credits for qualified public improvements shall not be transferable from one property to another but may be used for future phases of development, redevelopment or change in use of the property.
  4. Credit for qualified public improvements shall not be transferable from one type of capital improvement to another.
  5. Credits for qualified public improvements shall be used within 10 years from the date the credit was given.
  6. If the public improvement for which a credit is sought is not on the SDC Project List, the applicant may submit an application for both the credit and for the placement of the improvement on the SDC project list. If the city manager determines that the project is of a type and location that is appropriate for inclusion, the project shall be added to the SDC Project List and a credit may be given, but the additional of the project shall not change the SDC amount payable by others.
- D. The extent of the property to be considered in computing and allocating credits shall be stated by the applicant, and the applicant must have written authorization from the property owner(s). If properties under different ownership are developed together, the city may require the applicants to specify where any credits for the provision of capital improvements may be used and under which circumstances. Two or more contiguous properties may

pool existing SDC credit rights as part of a common scheme for redevelopment of the contiguous properties.

- E. For all credits under any portion of this section, the property owner is responsible for providing the facts justifying a credit.

#### **12.15.070 Notice**

- A. The city shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a methodology for any SDC. Written notice shall be mailed to persons as provided in this chapter. The failure of a person on the list to receive notice that was mailed does not invalidate the action of the city.
- B. The city may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

#### **12.15.075 Segregation and Use of Revenue**

- A. All funds derived from an SDC are to be segregated by accounting practices from all other funds of the city. That portion of the SDC calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth allowed in this chapter.
- B. The city manager shall provide the City Council with an annual accounting, based on the city's fiscal year, for SDCs showing the total amount of SDC revenues collected for each type of facility and the projects funded from each account in the previous fiscal year. A list of the amounts spent on each project funded in whole or in part with SDC revenues shall be included in the annual accounting.
- C. The moneys deposited into the SDC account shall be used solely as allowed by this chapter and state law, including, but not limited to:
  - 1. Design and construction plan preparation;
  - 2. Permitting and fees;

3. Land and materials acquisition, including any cost of acquisition or condemnation, including financing, legal and other costs;
4. Construction of capital improvements;
5. Design and construction of new water facilities required by the construction of capital improvements and structures;
6. Relocating utilities required by the construction of improvements;
7. Landscaping;
8. Construction management and inspection;
9. Surveys, soils, and material testing;
10. Acquisition of capital equipment;
11. Repayment of moneys transferred or borrowed from any budgetary fund of the city which were used to fund any of the capital improvements as herein provided;
12. Payment of principal and interest, necessary reserves and cost of issuance under bonds or other indebtedness issued by the city to fund capital improvements.

#### **12.15.080 Refunds**

- A. Refunds may be given by the city upon finding that there was a clerical error in the calculation of the SDC.
- B. Refunds shall not be allowed if the applicant fails to timely claim a credit or fails to timely seek an alternative SDC rate calculation.
- C. Refunds may be given on application of a permittee if the development did not occur and the all permits for the development have been withdrawn.

#### **12.15.085 Appeal Procedure**

- A. A person challenging the propriety of an expenditure of SDC revenues may appeal the decision of the

expenditure to the City Council by filing a written request with the city manager describing with particularity the decision and the expenditure from which the person appeals. An appeal of the expenditure must be filed within two years of the date of the alleged improper expenditure.

- B. Appeals of any other decision required or permitted to be made by the city manager under this ordinance must be filed in writing with the city manager within 10 days of the decision.
- C. After providing notice to the appellant, the City Council shall determine whether the city manager's decision or the expenditure is in accordance with this ordinance and state law. The Council may affirm, modify, or overrule the decision. If the Council determines that there has been an improper expenditure of SDC revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the Council shall be reviewed only by writ or review.
- D. A legal action challenging the methodology adopted by the City Council shall not be filed later than 60 days after adoption and shall use the writ of review process.

#### **12.15.090 Prohibited Connection**

No person may connect to the water or sewer system of the city or obtain a building permit unless the appropriate SDCs have been paid, or the installment payment method has been applied for and approved.

#### **12.15.095 Severability**

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section, or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this ordinance shall be in full force and effect and be valid as is such invalid portion thereof had not been included. It is the City Council's intent that this chapter would have been adopted if the unconstitutional provision not been included.

**12.15.100 Penalty**

Violation of this chapter is a civil infraction.

*(Chapter 12.15 was adopted by Ordinance No. 1940, on October 15, 2007;  
effective November 14, 2007)*

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April 1, 2013

Newport City Council  
169 SW Coast Hwy.  
Newport, OR 97365

RE: Judy Lingham/Systems Development Charges

Dear Councilors:

This letter is submitted to you on behalf of Judy Lingham, the owner of The Coffee House on the Newport Bayfront. The Coffee House is located just east of Hatfield Drive at 156 SW Bay Blvd.

Judy had approached City staff with the idea of placing a glass enclosure on the existing deck at the front of her building. In essence, the deck would be covered with a metal awning with glass siding. (Pictures of Judy's building and of the general type of covering she is proposing are attached.) The flooring would consist of the planking that is already in place on the deck. There would be no utilities. There would be no electrical outlets, no heat, no lights and no plumbing; just simply the metal awning with the glass siding. The reason for the covering would simply be to allow some protection from the elements if people chose to eat on the deck. The outside door to the restaurant would not be moved. Presently, in good weather, people choose to eat on the deck. The existing deck has tables and chairs.

When Judy approached the City staff about this idea, she was advised that not only would she need a building permit, but she would also need a conditional use permit and would be charged systems development charges for the "expansion" of her restaurant. In sum, the total amount the City was seeking in permit fees and SDC charges was approximately \$8,000. This for wanting to put a metal awning and a glass enclosure around approximately 200 feet of an existing deck.

The staff's position on this matter is based upon its interpretation of Section 12.15060(2) of the SDC ordinance. That subsection says, "An alteration, addition, replacement, change in use or permit or connection that does not increase the parcel's or structure's use of a public improvement system is exempt from payment for the SDC payment applicable to that type of improvement. Some redevelopment may be subject to some types of SDCs and not to others."

Apparently the staff's interpretation of this provision is that if any type of covering is added to an area, it becomes an enclosure and therefore subject to not only a conditional use permit, but also SDC charges. If there was just a deck or patio that provided seating, even though it was surrounded by a wall or fence, there would be no permits required or SDCs charged. This is not a written interpretation or based upon an administrative rule; it is a verbal interpretation.

The City's position is that since a coffee house (restaurant) is a conditional use in the W-2 (water-related) zone that the improvements being proposed constitute a significant change that triggers the need for a conditional use permit.

It appears that unless the council directs staff as to a different interpretation regarding this provision, the staff will not change its position.

While we could agree that it may be reasonable to obtain a building permit to make sure the improvement is done to meet safety standards, it seems rather incredible that the City wants to require a conditional use permit and charge approximately \$8,000 (which would total about a third of the total cost of the project) in permit fees and SDCs. The interpretation of this ordinance really does raise the issue of whether Newport wants to be friendly to responsible businesses that are trying to make a go of it in this town.

The purpose of this letter is to bring this matter to the City Council's attention and ask the Council to review this matter and determine whether it does feel that the staff's interpretation of this section is correct. The answer will go a long way in determining what type of message the City Council wants to send to the business community in determining how friendly Newport wants to be to the business community.

We understand that the Council will not be in a position to give us an immediate answer and may need to schedule a hearing, but wanted to bring this matter to the City Council's attention so it can address this matter in a reasonable fashion.

Thank you for your attention to this request.

Very truly yours,

  
DENNIS L. BARTOLDUS

DLB/pkh  
cc: Client

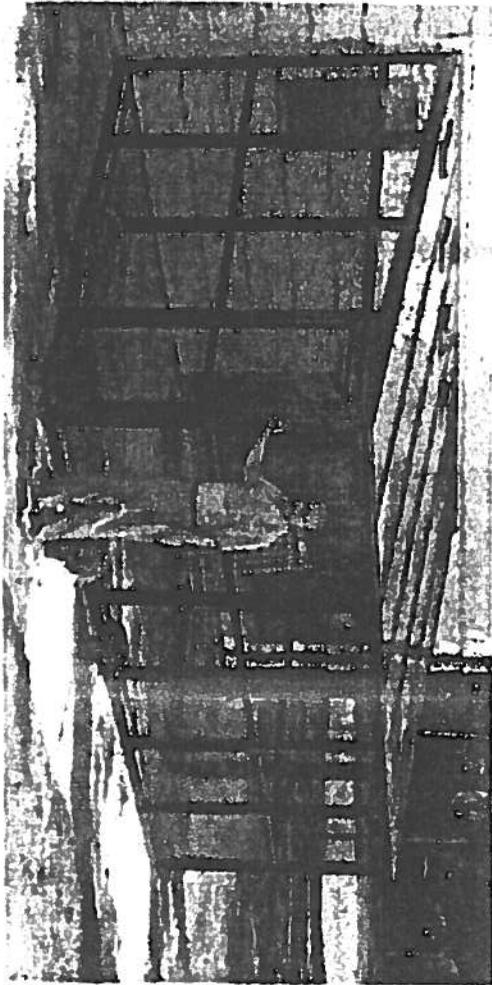


# The Coffee House\*

NEWPORT • OREGON



**After**



CITY OF NEWPORT  
169 SW COAST HWY  
NEWPORT, OREGON 97365



phone: 541.574.0629  
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<http://newportoregon.gov>

COAST GUARD CITY, USA

mombetsu, japan, sister city

April 12, 2013

Dennis Bartoldus, Attorney  
380 SW 2<sup>nd</sup> Street  
P.O. Box 1510  
Newport, OR 97365

**RE: Coffee House at 156 SW Bay Blvd**

Dear Mr. Bartoldus,

I have had an opportunity to review the April 1, 2013 letter that you provided the City Council regarding your client's concerns about permitting costs associated with constructing a deck enclosure at the above address, and would like to take a moment to point out the specific reasons why the permits and associated fees are required, and what your options are should you disagree that they are justified under the City's ordinances.

The subject property is located in the City's Bay Front business district, within an area that the Newport Zoning Map shows as a W-2/"Water-Related" zone. Tourist oriented retail uses, such as the Coffee House, are permitted as conditional uses (NMC 14.03.080(18)). The reason they are allowed conditionally, as opposed to outright, are discussed in the Bay Front Neighborhood Plan and the Yaquina Bay and Estuary Section of the Newport Comprehensive Plan. Those reasons include a desire to preserve the historic character of the Bay Front district and to ensure that retail uses are designed and conducted in a manner that does not interfere with commercial fishing, fish processing, and other water dependent industrial uses. Availability of parking is perhaps the single biggest issue that can be a point of tension between retail and industrial uses on the waterfront, and additional parking demands associated with an expanded use must be addressed as part of the conditional use process and implemented prior to occupancy (NMC 14.14.030). A conditional use permit is required when a listed uses is originally established and, as is the case here, when it is later proposed to be enlarged or altered (NMC 14.34.010). The filing fee for a conditional use permit is \$600. If you disagree that your client is required to obtain this permit, you may seek an interpretation from the Planning Commission. This involves a public hearing, and the cost is \$414.

A building permit is required to enclose a deck area in this manner on a commercial building (Section 105.1, 2010 Oregon Structural Specialty Code). This is understandable, considering that the space is to be occupied by the general public and these codes are in place to ensure that the construction is of a type and manner that will not pose any safety risks to the public. If you disagree with our Building Official's determination that a permit is required, you may appeal the matter to the State of Oregon Building Codes Structures Board (NMC 11.05.150). You might want to check with the Board to determine if there are costs for such appeals. Building permit fees are calculated using a State approved formula that is keyed off of the construction value of a project (includes labor and materials). I don't recall what that number is in this case; however, if you can provide a figure I would be happy to calculate that for you. In addition to the building permit, the City collects a construction excise tax on behalf of the Lincoln County School District. For additions to non-residential buildings, the tax is \$0.50 per square foot.

Lastly, with respect to System Development Charges (SDCs), the Newport Municipal Code requires that they be paid for an alteration, addition, replacement, change in use or permit or connection that increases the parcel or structures use of a public improvement system (NMC 12.15.060(A)(2)). The public improvement system includes water, wastewater, stormwater, transportation, and parks services provided by the City. As noted in your letter, your client is interested in enclosing the deck area so that it is no longer limited to seasonal use, providing table space for customers year round. This is understandably an effort by the owner to increase the business's customer base. It also increases the parcel and structures use of the public improvement system. Therefore, the City must collect SDC fees, which are payable at the time a building permit is issued.

SDC rates are based upon an adopted methodology and fee schedule. The City's methodology found that restaurant uses, such as the Coffee House, are a heavy user of the public improvement system. For impacts to water and wastewater systems, every 1,000 square feet of restaurant space is considered to be the equivalent of four (4) single family dwellings. That ratio is even higher for impacts to the transportation system, with every 1,000 square feet of restaurant space being the equivalent of 10.75 dwelling units. In this case, since no new impervious surfaces are being constructed and the use is retail in nature, the methodology does not require that stormwater or parks fees be paid. Considering the above, the SDC fees for a 200 square foot restaurant addition are as follows (EDU = Equivalent Dwelling Unit):

Water (200/1000 x 4) = .80 EDU x \$3,767 per EDU:	\$3,013.60
Wastewater (200/1000 x 4) = .80 EDU x \$2,290 per EDU:	\$1,832.00
Transportation (200/1000 x 10.75) = 2.15 EDU x \$1,055 per EDU:	\$2,268.25
4.18% Administrative Fee:	\$297.36
<b>Total</b>	<b>\$7,411.21</b>

From your letter, I understand the 200 square feet to be the approximate area that is to be enclosed. These costs would increase or decrease based upon the actual square footage of the project. The Newport Municipal Code provides that appeals of any decision required or permitted to be made by the City Manager under the SDC Ordinance must be filed in writing with the City Manager within 10 days of the decision. Please treat this letter as such a decision. Should an appeal be filed, it would be presented to the Newport City Council, who is charged with determining whether or not the decision is in accordance with the SDC ordinance and state law (NMC 12.15.085(B)).

I appreciate your concern that these types of fees can convey a negative message to the business community; however, with respect to SDCs, they are also a very important source of funding to pay for upgrades to the public improvement system that business and residents alike benefit from. As we have discussed, it may be that this particular case is one where the scope of the expansion doesn't pencil out, and that your client may want to explore other options for further developing the business.

Let me know if you have questions or want to discuss this further.

Sincerely,



Derrick I. Tokos, AICP  
Community Development Director  
City of Newport  
ph: 541-574-0626

xc: Newport City Council (via email)  
Jim Voetberg, City Manager (via email)  
Elwin Hargis, Building Official (via email)

LAW OFFICE OF DENNIS L. BARTOLDUS

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dennis@bartolduslaw.com

Clifford G. Collard  
of Counsel  
cliff@bartolduslaw.com

April 22, 2013

Newport City Council  
169 SW Coast Hwy.  
Newport, OR 97365

RE: Appeal of City Manager's Decision Regarding The Coffee House at 156 SW Bay Blvd.  
Decision Issued April 12, 2013  
by Letter from Derrick Tokos, Community Planning Director

Dear Councilors:

This letter is submitted as an appeal of the decision of Derrick Tokos dated April 12, 2013 regarding The Coffee House at 156 SW Bay Blvd. In the letter Mr. Tokos sent, a copy of which is attached, he indicated that the Newport Municipal Code provides that appeals of any decision required or permitted to be made by the City Manager under the SDC ordinance must be filed in writing with the City Manager within 10 days of the decision. His letter indicates that the letter of April 12 is such a decision. Once an appeal is filed, the appeal is presented to the Newport City Council.

There are two portions of the letter that Judy Lingham, the property owner, appeals. She appeals the requirement to apply again for a Conditional Use Permit and the application of Systems Development Charges for the work being done. In the alternative, she believes the Systems Development Charges can be recalculated or a test period implemented under the terms of the engineer's report that created the SDC calculations.

First of all, I will recite a bit of history. The building that is now The Coffee House was originally built in 1918 as a house. It has an area of 1,026 square feet according to the assessor's records.

In 1987, Wayne Kigerl and Katherine Larrabee applied for and received approval for a Conditional Use Permit. According to the request in the City's records, the request was for approval of a Conditional Use Permit to allow a deck to be built onto an existing residence in a marine zone and then to allow both the existing residence and the new porch to be used as a

restaurant. The property is zoned W-2. The staff report indicated that staff had no objections to the Conditional Use Permit being granted. The request was approved unanimously by the Planning Commission. The case number for approval was 7-C-87. As part of the approval, four off-street parking spaces were provided.

Judy Lingham's proposal is to place glass around the sides and over the top of each side of the porch. The total area that would be glassed would be approximately 200 square feet. There would be no addition to the porch. It is very important to note that there would be no utilities extended to the porch. There will be no heat, no lights, no water, and the remaining deck floor, which is made of 2x4's and allows air to come up between the wood, would not be changed. In other words, the environment on the porch will still be very different than it is inside because it will be heavily influenced by the weather outside.

With this appeal, we are submitting various photos that show the building. We are also showing several photos that show the porch. The porch will remain as it is with a few wooden tables and a bench and, as I indicated previously, decking material that allows the air to come in from outside under the whole porch.

It is my understanding from speaking with Mr. Tokos that it is staff's opinion that what triggers the Systems Development Charges is by placing the glass over the top. That is considered "development" or an alteration that triggers Systems Development Charges.

The City needs to consider what actually triggers a heavier use of a property if it is in fact the enhanced use that concerns the City regarding Systems Development Charges. There are many restaurants in town that have built very elaborate seating areas outside or have a deck. Certainly, those areas provide increased seating to the restaurant for at least a significant period of the year. If the restaurant is already somewhat of a larger restaurant, and such significant eating areas are established, that would impact the infrastructure much more than 200 square feet of a glassed deck. Likewise, some restaurants may have a very small restaurant area, but do a tremendous takeout business, which means that there is more demand placed on the system by the smaller area restaurant than one with more square footage.

It is very important to note that there will be no utilities provided on the porch. The area will fluctuate with the temperature and when it is raining, there will be noise from the rain beating on the roof.

While we believe that the City should waive all SDC charges in this instance, if the City does not, there is an alternative way to proceed as discussed in the engineer's report. That example is found on page 35 of the engineer's report used to justify the SDCs. A copy of that page is enclosed with this appeal. Essentially that provides that if a customer disagrees with the calculations using the table, they may be allowed to appeal the assessment and request a trial period to track water use and compare with their own water consumption the average city water usage per EDU. We would request that the alternative be applied to Judy Lingham's case in the event the City insists on charging some SDCs. We believe that the SDCs will be substantially lower than what is shown by the City's charts. It should also be noted from the engineer's report that an EDU in Newport consists of approximately 3,800 gallons of water, where in most cities,

it is substantially more than that, generally about 5,000 gallons. Therefore, the amount charged is higher because you are using lower EDUs.

The second basis on which Judy Lingham is appealing the decision of the City is on the requirement for another Conditional Use Permit. Her property has already obtained a Conditional Use Permit. It is not a significant change to install the glass on the porch. As indicated previously, there are no utilities being extended to the porch. The building footprint is not being increased. The property was already granted a Conditional Use Permit when the original restaurant use was established. There were no objections from staff and the request to establish a Conditional Use Permit passed unanimously at the Planning Commission. The City now wants to charge a \$600 fee just to apply for the Conditional Use Permit.

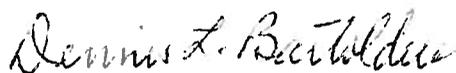
Ms. Lingham has already indicated that she is willing to apply for a building permit because we understand that the City may have safety concerns regarding the installation of the glass. However, the City should understand that the approximate cost of what Judy Lingham is proposing to do is approximately \$24,000. The estimate of fees I gave to you of approximately \$7,500 when I appeared before you on April 1 was obviously low. The amount the City is requesting is well over \$8,000.

We truly do believe that the fees charged such as this really do place a damper on business, especially small businesses. Mr. Tokos indicates that the City needs to raise money to construct improvements. However, Ms. Lingham already pays her real property taxes on the property to the City of Newport and she pays the increased assessments for sewer and water on the property, which, according to the Public Works Department, are going to continue increasing over the next few years.

Enclosed with this appeal are photos as noted above. Also enclosed are excerpts from the engineers report and a copy of the letter sent by Mr. Tokos.

We respectfully request that you carefully consider this appeal and grant Judy Lingham relief.

Very truly yours,



DENNIS L. BARTOLDUS

DLB/pkh  
Enclosures  
cc: Client

CITY OF NEWPORT  
169 SW COAST HWY  
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



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<http://newportoregon.gov>

APR 16 2013  
mombetsu, Japan, sister city

APR 16 2013

April 12, 2013

Dennis Bartoldus, Attorney  
380 SW 2<sup>nd</sup> Street  
P.O. Box 1510  
Newport, OR 97365

**RE: Coffee House at 156 SW Bay Blvd**

Dear Mr. Bartoldus,

I have had an opportunity to review the April 1, 2013 letter that you provided the City Council regarding your client's concerns about permitting costs associated with constructing a deck enclosure at the above address, and would like to take a moment to point out the specific reasons why the permits and associated fees are required, and what your options are should you disagree that they are justified under the City's ordinances.

The subject property is located in the City's Bay Front business district, within an area that the Newport Zoning Map shows as a W-2/"Water-Related" zone. Tourist oriented retail uses, such as the Coffee House, are permitted as conditional uses (NMC 14.03.080(18)). The reason they are allowed conditionally, as opposed to outright, are discussed in the Bay Front Neighborhood Plan and the Yaquina Bay and Estuary Section of the Newport Comprehensive Plan. Those reasons include a desire to preserve the historic character of the Bay Front district and to ensure that retail uses are designed and conducted in a manner that does not interfere with commercial fishing, fish processing, and other water dependent industrial uses. Availability of parking is perhaps the single biggest issue that can be a point of tension between retail and industrial uses on the waterfront, and additional parking demands associated with an expanded use must be addressed as part of the conditional use process and implemented prior to occupancy (NMC 14.14.030). A conditional use permit is required when a listed uses is originally established and, as is the case here, when it is later proposed to be enlarged or altered (NMC 14.34.010). The filing fee for a conditional use permit is \$600. If you disagree that your client is required to obtain this permit, you may seek an interpretation from the Planning Commission. This involves a public hearing, and the cost is \$414.

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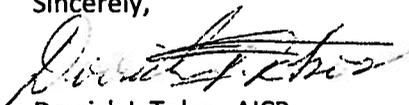
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I appreciate your concern that these types of fees can convey a negative message to the business community; however, with respect to SDCs, they are also a very important source of funding to pay for upgrades to the public improvement system that business and residents alike benefit from. As we have discussed, it may be that this particular case is one where the scope of the expansion doesn't pencil out, and that your client may want to explore other options for further developing the business.

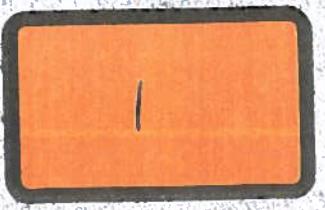
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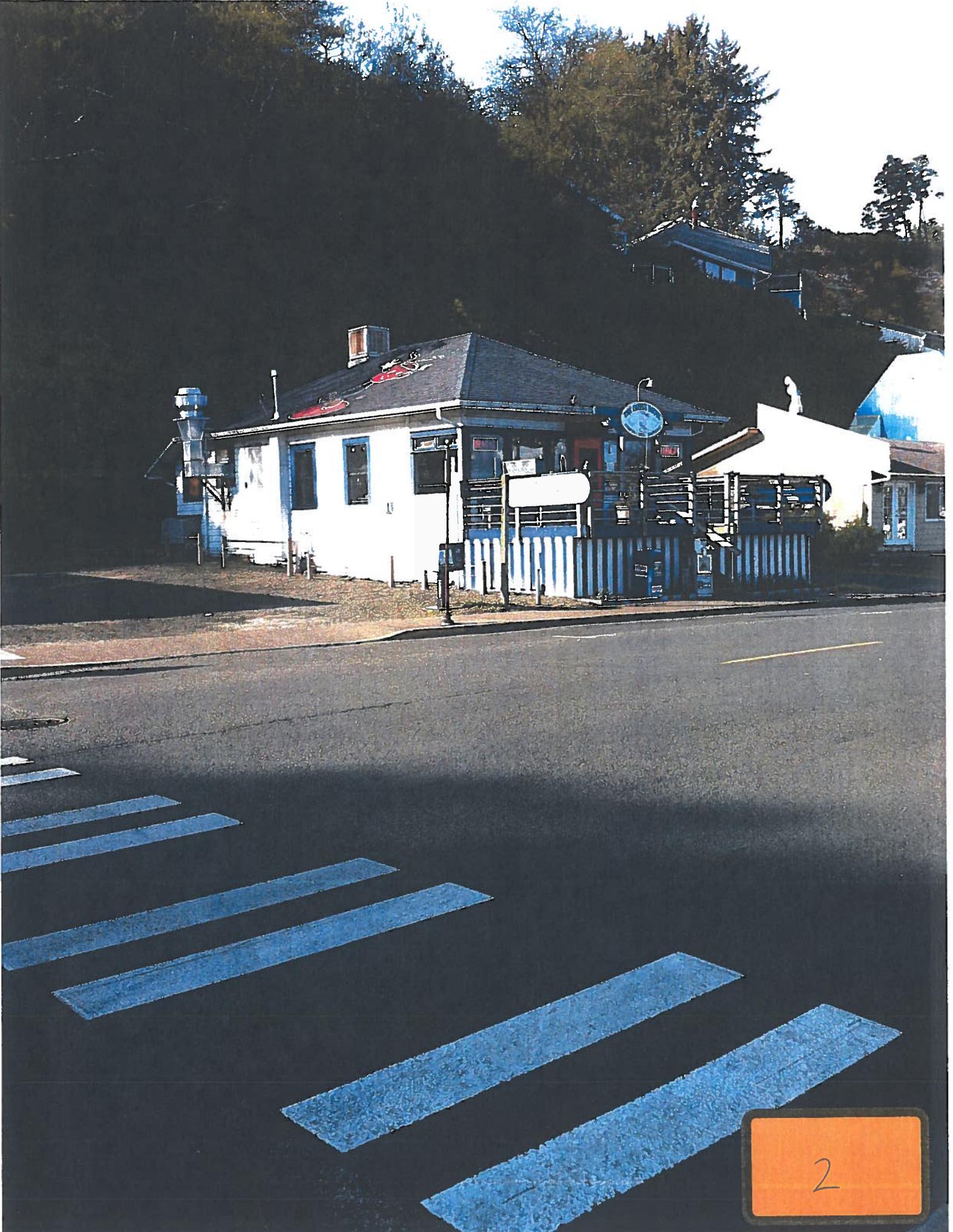
Sincerely,

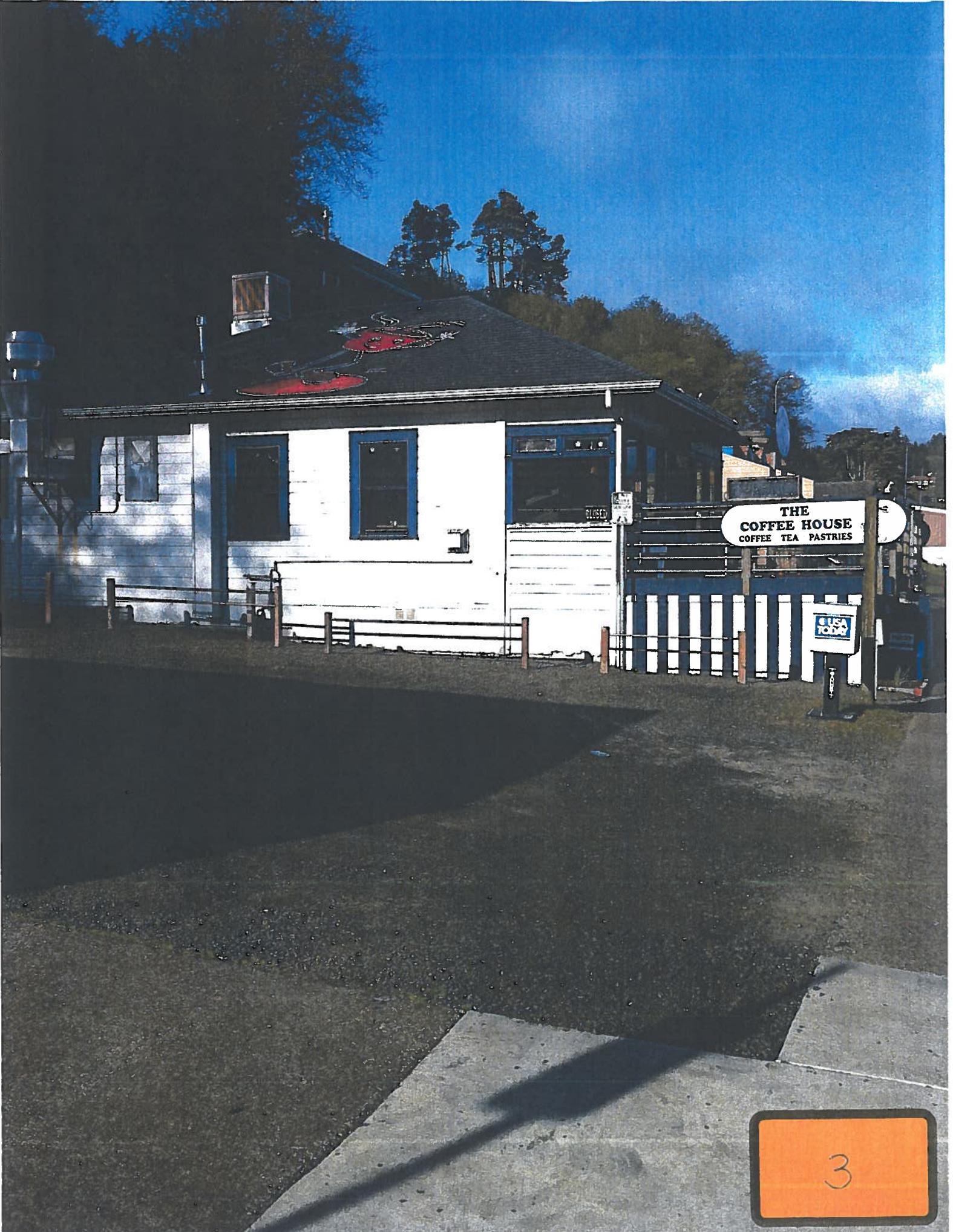


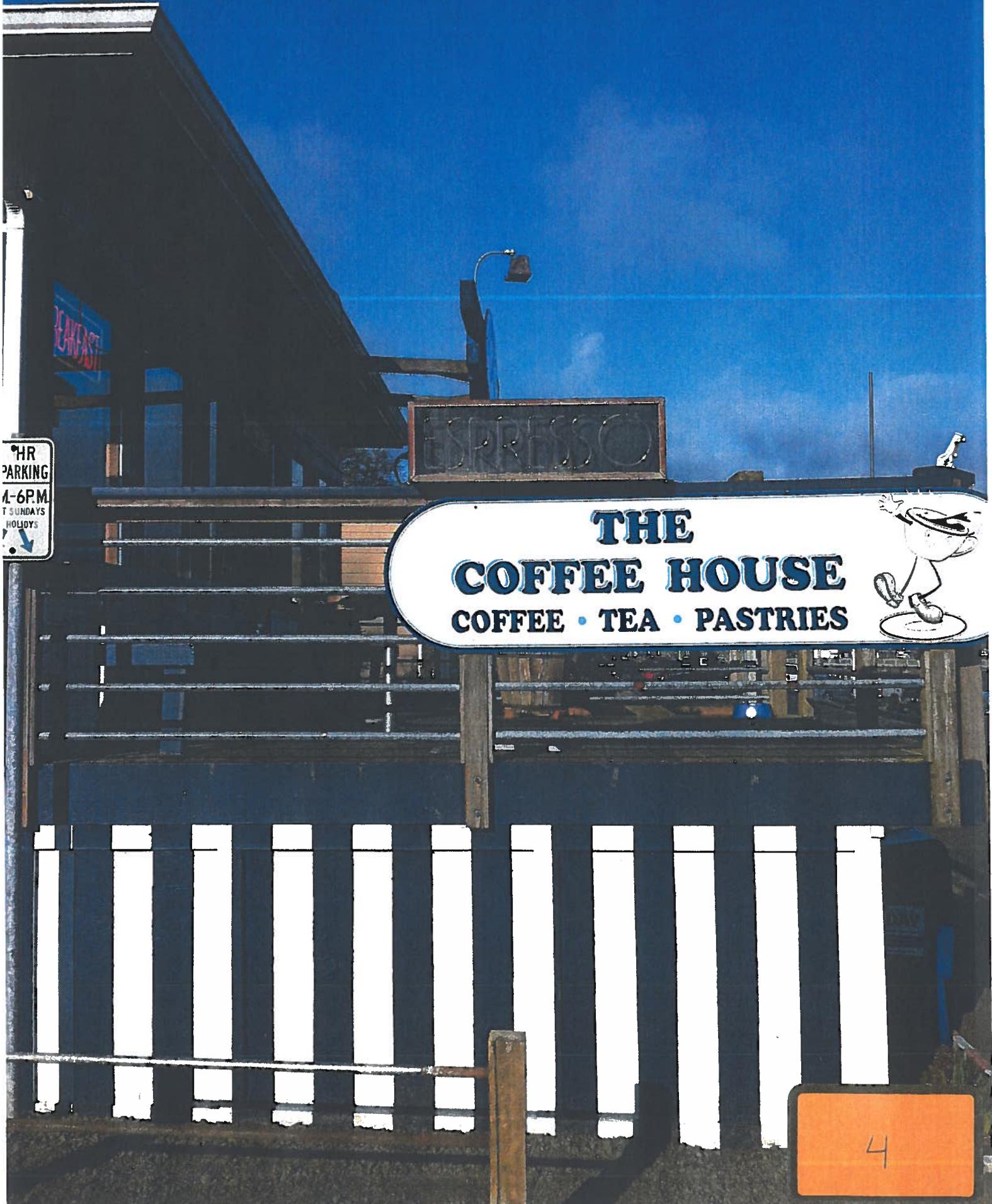
Derrick I. Tokos, AICP  
Community Development Director  
City of Newport  
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ESPRESSO

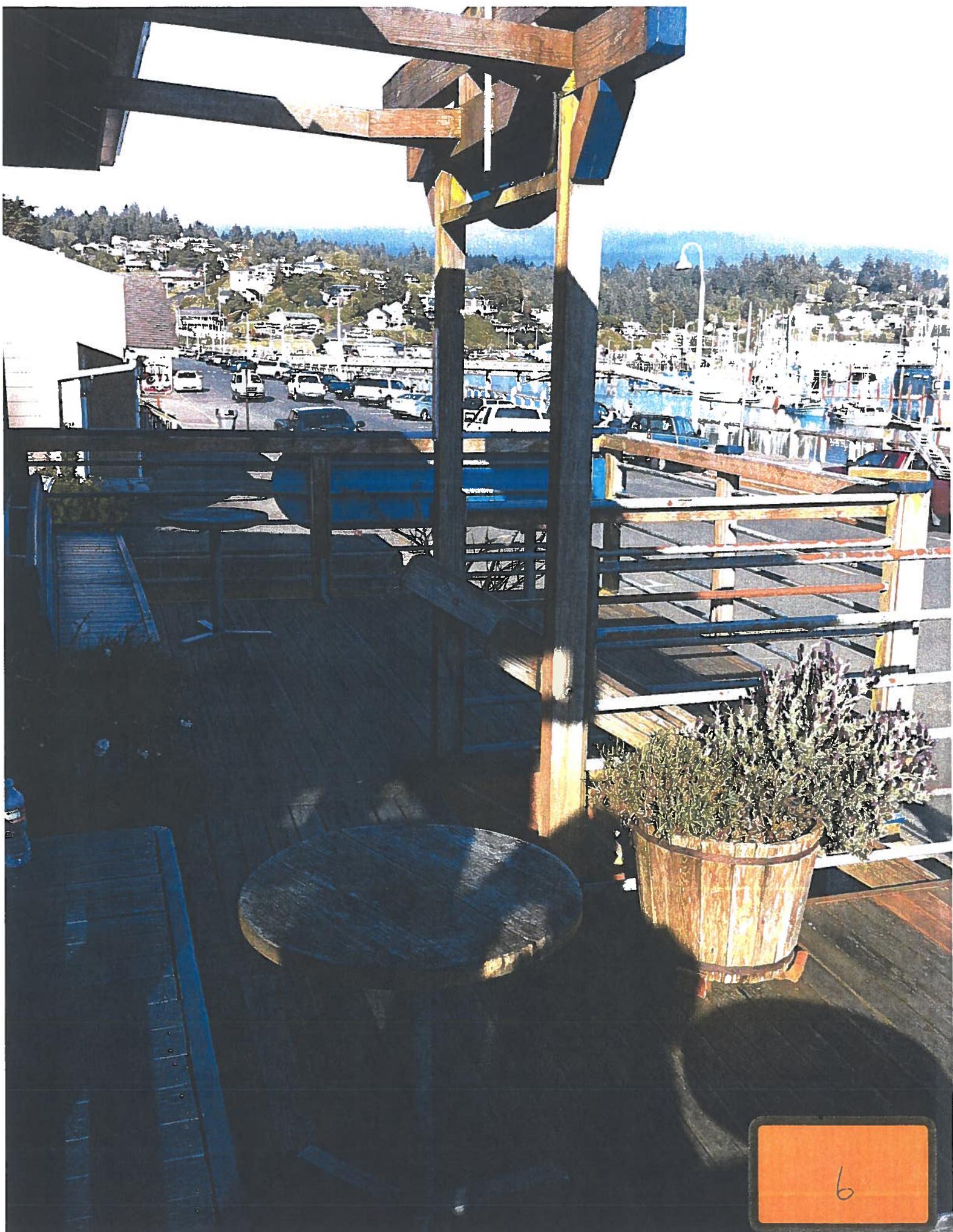
**THE  
COFFEE HOUSE**  
COFFEE • TEA • PASTRIES



1 HR  
PARKING  
1-6 P.M.  
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HOLIDAYS

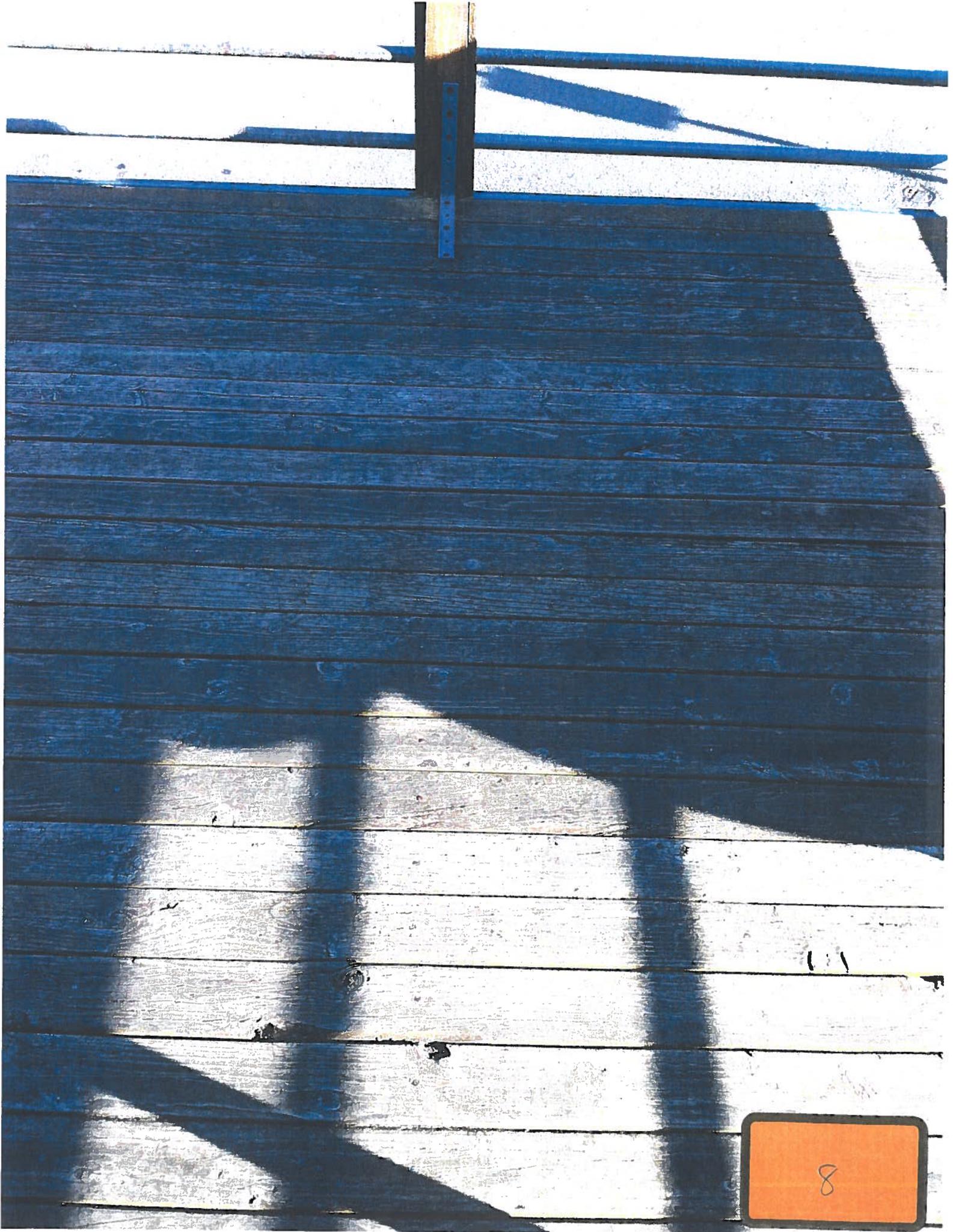
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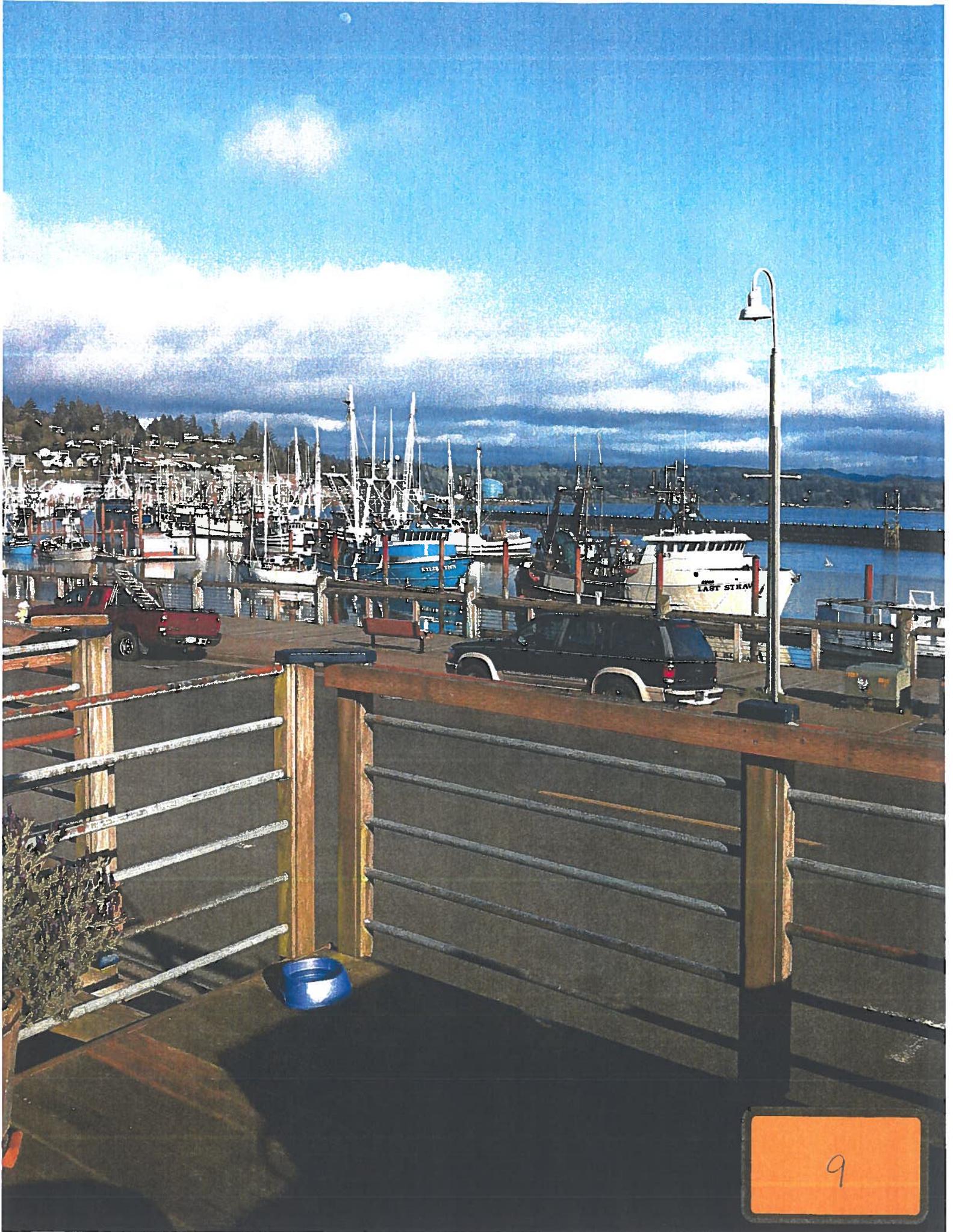




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### 3.10 SDC Assessment Schedule for Residential and Non-Residential Customers

The SDC established in Section 3.9 above is based on a cost per EDU or cost per single residential dwelling. For most non-residential developments, a plan review must be performed to determine the equivalent number of EDU's the development will require.

#### 3.10.1 Residential and Nonresidential Assessment Table

The following tables should be used to assess water system SDC's for both residential and non-residential customers that wish to connect to the Newport water system:

**Table 3.10.1 – Residential and Non-Residential Customers  
Assessment Schedule for Water and Wastewater System SDC's**

Enterprise	Number of EDU's	Units
Apartments	0.75	per dwelling unit (EDU)
Apparel Store	0.2	per 1,000 ft <sup>2</sup>
Athletic Club	0.3	per 1,000 ft <sup>2</sup>
Auto Care	0.1	per service bay
Auto Parts Sales	0.2	per 1,000 ft <sup>2</sup>
Auto Sales	0.2	per 1,000 ft <sup>2</sup>
Bank, Drive-in	0.3	per 1,000 ft <sup>2</sup>
Bank, Walk-in	0.3	per 1,000 ft <sup>2</sup>
Building Material and Lumber Store	0.2	per 1,000 ft <sup>2</sup>
Cab Company	0.2	per 1,000 ft <sup>2</sup>
Car Wash, Automated	na	See meter sizing assessment in Table 3.10.2
Car Wash, Self Service	0.7	per stall
Cemetery	0.2	per 1,000 ft <sup>2</sup>
Church	0.2	per 1,000 ft <sup>2</sup>
Community/Junior College	1.0	Per 250 gross square ft <sup>2</sup>
Convenience Market (Open 24 Hours)	0.2	per 1,000 ft <sup>2</sup>
Convenience Market (Open 15-16 Hours)	0.2	per 1,000 ft <sup>2</sup>
Convenience Market with Gasoline Pumps	0.2	per 1,000 ft <sup>2</sup>
	0.1	per pump
Day Care	0.2	per student
Drinking Establishment	0.7	per 1,000 ft <sup>2</sup>
Furniture Store	0.2	per 1,000 ft <sup>2</sup>
Hardware/Paint	0.2	per 1,000 ft <sup>2</sup>
Health/Fitness Club	0.3	per 1,000 ft <sup>2</sup>
Hospital	1.0	See meter sizing assessment in Table 3.10.2
Industrial	1.0	See meter sizing assessment in Table 3.10.2
Library	0.2	per 1,000 ft <sup>2</sup>
Lodge/Fraternal	0.3	per 1,000 ft <sup>2</sup>
Manufacturing	0.2	per 1,000 ft <sup>2</sup>
Medical/Dental Office	0.4	per 1,000 ft <sup>2</sup>
Mini-warehouse Storage and warehouses	0.1	per 1,000 ft <sup>2</sup>
Mobil Home Park	0.75	Per dwelling unit

Enterprise	Number of EDU's	Units
Motel (not including laundry facilities or pools)	0.3	per room
Nursery Garden Center	0.2	per 1,000 ft <sup>2</sup>
Nursing Home	0.3	per bed
Office Building	0.2	per 1,000 ft <sup>2</sup>
Retail establishment, shopping center, grocery, etc.	0.2	per 1,000 ft <sup>2</sup>
Post Office	0.2	per 1,000 ft <sup>2</sup>
Quick Lubrication Vehicle Stop	0.1	per bay
Recreational Facility, Multipurpose	0.3	per 1,000 ft <sup>2</sup>
Restaurant, any type	4	per 1,000 ft <sup>2</sup>
Schools	1.4	Per 250 gross square ft <sup>2</sup>
Service Station	0.1	per bay
Service Station w/Convenience Market	0.1	per pump
	0.2	per 1,000 ft <sup>2</sup>
Single Family Detached Housing	1	per house
Fish Processing Facility	na	See meter sizing assessment in Table 3.10.2
Pools and aquatic facilities	na	See meter sizing assessment in Table 3.10.2
Brewery	na	See meter sizing assessment in Table 3.10.2
Movie Theatre	0.3	per 100 seats
Commercial/Coin-Op Laundry	na	See meter sizing assessment in Table 3.10.2

**Table 3.10.2 – Equivalency Table to Convert Meter Size  
To Equivalent Dwelling Units for Customers not Included in Table 3.10.1**

Meter Size	Hydraulic Capacity Factor	No. of EDU's
3/4"	1	1.0
1"	1.67	1.7
1-1/2"	3.33	3.3
2"	5.33	5.3
3"	10.67	10.7
4"	16.67	16.7
6"	33.33	33.3
8"	53.33	53.3
10"	76.67	76.7

When a specific land use is not included in Table 3.10.1 or if the table does not fit the application well, Table 3.10.2 should be used to convert the meter size of a new customer into an equivalent EDU amount. Staff should review the new customer's land use plans carefully to ensure that the proper meter size is being utilized by the new property.

### **3.11 Potential Appeal Process for Calculation of Water System EDU's:**

While Tables 3.10.1 and 3.10.2 include a wide assortment of residential and non-residential customer types and meter size estimates along with an estimate of the number of EDU's that should be associated with a new customer, you cannot address all potential customers through simple tables. Furthermore, in some cases, the assessment system may not fairly represent a new customer's actual impact on the water system. This is often the case in the commercial or industrial developments where water use varies

greatly from one business to another. In these cases, the City can allow for an appeal process so that new customers are assessed at a fair and reasonable rate.

The following provides a sample appeal process that could be utilized in Newport when it is deemed appropriate by the City:

A single EDU in Newport is assumed to be a water demand of around 3,850 gallons per month on average. This value is significantly lower than the public standard of around 7,000 gallons per month. This could be due to the fact that there are many part-time residents in Newport, many older customers who use less water, and many homes with only one or two persons in the home. For the purposes of this appeal, we will assume that the average EDU in Newport utilizes around 3,850 gallons of water per month.

If a new customer disagrees with the assessment that is calculated using Table 3.10, they may be allowed to appeal the assessment and request a trial period to track water use and compare their own water consumption (and therefore their equivalent water demand) to the average City water usage per EDU. In these cases, water use should be monitored between the months of November to April through the new customer's water bills. The average monthly water consumption of the new customer should be compared against the City's typical average. If this results in a lower EDU rating, an adjustment to the assessment could be made.

The City may wish to hold an SDC deposit during the appeal period. The amount of the deposit should be established by the City. A reasonable deposit amount equal to one-half (1/2) the amount estimated using Table 3.10 may be appropriate. Depending on the results of the winter water use, the new user may either receive a refund of some of the SDC payment or be required to pay additional SDC costs.

A specific example of the above appeal process follows:

A new restaurant wishes to open in Newport. Through a plan review, it is determined that the restaurant has 2,000 square feet of floor space. Based on Table 3.10.1 the assessment to the restaurant would be for 8 EDU's.

The restaurant owner protests and appeals this calculation. They are charged for 4 EDU's as a deposit and are allowed to track the water use during the winter months of their first year in operation. At the end of this period, they produce water bills showing that they used an average of 20,000 gallons per month. This equates to around 5 EDU's of water use.

The restaurant is charged for an additional 1 EDU's worth of water system SDC's. Through the appeal process, the restaurant reduced the SDC assessment for water by a full 3 EDU's.

The inclusion of an appeal process will necessitate additional administration of individual customer SDC issues, and may increase the costs associated with SDC compliance and administration. Appeals should only be considered for non-residential customers. Residential customers should be assessed based on the recommendations in Table 3.10.1.

**Table 4.8.1 – Wastewater System SDC  
Summary per EDU (not including compliance costs)**

<b>SDC Component</b>	<b>SDC Amount</b>
<b>Improvement Fee</b> Per Section 4.6	\$2,038.80
<b>Reimbursement Fee</b> Per Section 4.5	\$1,169.12
<b>Subtotal of Wastewater SDC Fees per EDU</b>	<b>\$3,207.91</b>
<b>Credit Summary</b>	
Upper Range Credit (100% Financing Credit)	\$731
Mid Range Credit (75% Financing Credit)	\$548
Mid Range Credit (50% Financing Credit)	\$365
Low Range Credit (25% Financing Credit)	\$183

The maximum defensible SDC for the wastewater system is around \$3,200 per EDU without the application of an SDC credit or compliance costs. It should be reiterated that this calculation represents the maximum SDC's that can be assessed and defended with proper methodology. The City has the autonomy to adjust this charge in any way they feel is appropriate. However, if adequate SDC fees are not collected and projects must be undertaken to satisfy growth requirements, funds will have to be obtained from other sources.

If the City elects to charge the maximum defensible wastewater SDC of \$3,208 and allow the maximum recommended credit of \$731, the total recommended wastewater system SDC would be \$2,477 per EDU, not including SDC compliance costs.

#### **4.9 SDC Schedule for Residential and Non-Residential Customers**

The wastewater system SDC established in Section 4.8 above is based on a cost per EDU or cost per single residential dwelling. For non-residential developments, a plan review must be performed to determine the equivalent number of EDU's of the development.

Tables 3.10.1 and 3.10.2, in the water system SDC methodology, should also be used to assess wastewater system SDC's for both residential and non-residential customers.

As discussed in Section 3.10, the water/sewer values indicated in Table 3.10.1 represent a wide assortment of residential and non-residential customer types along with estimates of the number of EDU's that should be associated with each. However, the table does not address all potential customers. In some cases, the assessment system may not fairly represent a new customer's actual impact on the water and wastewater systems. In these cases, it is recommended that the City allow for an appeal process as described in Section 3.11. The appeal process includes the assessment of at least a partial SDC based on the development EDU's calculated using the table, and collection of additional fees at a later time following review of the facility's actual water usage.



Agenda Item # IX. B.  
Meeting Date 5/20/13

CITY COUNCIL AGENDA ITEM SUMMARY  
City Of Newport, Oregon

Issue/Agenda Title: Consideration of the Adoption of Resolution No. 3626 Regarding the City Manager's Authority to Settle Lawsuits

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: \_\_\_\_\_

**Issue Before the Council:** The issue before Council is consideration of the adoption of Resolution No. 3626 regarding the City Manager's authority to settle lawsuits.

**Staff Recommendation:** This is a Council decision.

**Proposed Motion:** I move to adopt Resolution No. 3626 (as presented or as amended) regarding the City Manager's authority to settle lawsuits.

**Key Facts and Information Summary:** The City Council discussed this matter at several previous meetings. The attached resolution incorporates the suggestions that were made at the April 15, 2013 meeting.

**Other Alternatives Considered:** None.

**City Council Goals:** None.

**Attachment List:** Resolution No. 3626

**Fiscal Notes:** None.

Resolution No. 3626

CITY OF NEWPORT RESOLUTION ESTABLISHING A PROCESS FOR CITY COUNCIL AFFIRMATION OF CITY MANAGER'S SETTLEMENT AUTHORITY

**WHEREAS**, the settlement of litigation matters may at times call for the expenditure of City funds; and

**WHEREAS**, the Newport Charter, Chapter VIII, Section 34, expressly reserves to the City Manager or designee the sole authority to appoint, supervise, and remove City employees and further expressly prohibits individual Council members from attempting to coerce the Manager regarding such authority; and

**WHEREAS**, the Newport Charter, Chapter VIII, Section 34, unambiguously and expressly reserves to the City Manager or designee the sole authority to prepare and administer the annual City budget and to administer City property; and

**WHEREAS**, the City Council deems it necessary and proper and in the public interest to provide further direction to the City Manager regarding the City's process for the settlement of litigation matters, including the establishment of a City Council affirmation procedure for litigation settlement agreements;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEWPORT, OREGON,**

Section 1. Supervisory Authority.

- 1.1 The City Manager retains the sole authority to administer and settle all employee matters involving the appointment, supervision or removal of employees, specifically including but not limited to the resolution or settlement of employment disputes, claims, litigation, or severance agreements, subject only to the conditions in this Resolution. Nothing in this Resolution is intended to alter the City Manager's sole authority to appoint, supervise, or remove City employees.

Section 2. Settlement Authority

- 2.1 For any litigation settlement agreements involving the expenditure of City funds under \$25,000, including agreements related to former employees, the City Manager shall provide an oral report in an executive session meeting of the City Council. No City Council pre-approval or affirmation is required prior to signing or negotiating such agreements.

2.2 **EXECUTIVE SESSION OPTION:** For any litigation settlement agreements involving the estimated expenditure of City funds over \$25,000, including agreements related to former employees, the City Manager shall provide an oral report to the City Council in an executive session called under ORS 192.660(2)(h). The City Manager shall first obtain City Council affirmation of the material terms of the agreement prior to signing. An attorney representing the City in the litigation settlement shall be present. The City Manager's report shall include a "not to exceed" City expenditure limit. The City Council affirmation is not a final decision and shall require a recorded, informal consensus. The City Council shall publicly confirm its affirmation after the contract is signed.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED BY THE CITY OF NEWPORT ON \_\_\_\_\_, 2013.

Approved by the Mayor of the City of Newport, Oregon on \_\_\_\_\_,  
2013.

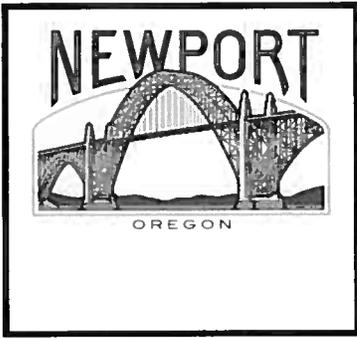
**CITY OF NEWPORT**

\_\_\_\_\_  
Sandra Roumagoux, Mayor

ATTEST:

\_\_\_\_\_  
Margaret M. Hawker, City Recorder





Agenda Item # IX.C.  
Meeting Date 5/20/13

CITY COUNCIL AGENDA ITEM SUMMARY  
City Of Newport, Oregon

Issue/Agenda Title: Consideration of Extension of the Tourism Promotion Services Contract with the Greater Newport Chamber of Commerce

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: [Signature]

Issue Before the Council: The issue before Council is consideration of a one-year extension to the personal services contract the city has with the Greater Newport Chamber of Commerce for tourism promotion, fulfillment, and development services.

Staff Recommendation: This is a Council decision.

Proposed Motion: I recommend approval of a one-year extension to the personal services contract for tourism promotion services with the Greater Newport Chamber of Commerce, which would extend the term of the contract until June 30, 2014.

Key Facts and Information Summary: Since 2008, the city has had a contract with the Greater Newport Chamber of Commerce to provide tourism fulfillment services for the city. These services include tourism promotion, fulfillment, and development services. The most recent contract became effective on July 1, 2011, and contained a provision for two one-year extensions. This request is for the second of the one-year extensions.

The Chamber has requested \$172,500 for the 2013/2014 fiscal year. This is the same level of funding that was requested last year. The contract provides an option for an annual two percent escalator, but the Chamber has opted not to ask for the increase this year. The Chamber's own financial investment toward tourism promotion will remain in place at the same or greater levels in the upcoming fiscal year.

Other Alternatives Considered: None.

City Council Goals: None.

Attachment List: Letter of Request from the Greater Newport Chamber of Commerce  
Personal Services Contract for Tourism Promotion Services

Fiscal Notes: \$172,500 from the Transient Room Tax Fund is included in the proposed FY 2013/2014 budget



## GREATER NEWPORT CHAMBER OF COMMERCE

555 SW Coast Highway • Newport, Oregon 97365-4934  
(541) 265-8801 • FAX: (541) 265-5589 • 1-800-262-7844  
[www.newportchamber.org](http://www.newportchamber.org)  
E-mail: [lorna@newportchamber.org](mailto:lorna@newportchamber.org)

May 6<sup>th</sup> 2013

City Manager Jim Voetberg  
City of Newport  
169 SW Coast Hwy  
Newport, Oregon 97365

Dear Jim,

The Greater Newport Chamber of Commerce is pleased to have provided Tourism Promotion, Fulfillment and Development Services through our contract with the City of Newport for the past two fiscal years.

The contract, as you are aware, is an extendable contract for the period of three years. The 2013-2014 fiscal year will be the third year of the contract. At this time we would like to respectfully ask for the same level of funding set at \$172,500 for the 2013-2014 fiscal year. The contract provides an option for a 2% escalator of cost each year however we are opting again not to ask for the increase this year. The Chamber's own financial investment toward Tourism Promotion will remain in place at the same or greater levels in the upcoming fiscal year, which enables the investment of the City of Newport and the Newport Chamber to have a much greater economic impact.

The Greater Newport Chamber of Commerce has served the City in this manner for many years, and we appreciate the opportunity we are given and the confidence the City has in our ability to provide these services.

Please do not hesitate to contact me if you have any further questions.

Sincerely,

*Lorna Davis*

Lorna Davis  
Executive Director  
Greater Newport Chamber of Commerce  
[lorna@newportchamber.org](mailto:lorna@newportchamber.org)

**CITY OF NEWPORT, OREGON  
PERSONAL SERVICES CONTRACT  
TOURISM PROMOTION SERVICES**

THIS AGREEMENT is between the City of Newport, an Oregon municipal corporation (City), and the Greater Newport Chamber of Commerce (Chamber).

**RECITALS**

- A. Chamber has the training, ability, knowledge, and experience to provide services desired by the City.
- B. City solicited Request For Proposals and through a formal review process selected Chamber to provide services, consistent with its public contracting rules.

**TERMS OF AGREEMENT**

1. **SERVICES TO BE PROVIDED**

Chamber shall provide the services described in Exhibit A.

2. **TERM**

This agreement shall be effective July 1, 2011 and shall expire on June 30, 2012. This agreement shall be extended for an additional one-year term unless either party provides notice of termination to the other party on or before May 31, 2012, and shall be extended for a second additional one year term unless either party provides notice of termination to the other party on or before May 31, 2013.

3. **COMPENSATION**

City shall pay Chamber \$172,500 per year for the services provided under this Agreement, and if extended, payment shall increased 2% for each yearly extension. Payments shall be made quarterly.

4. **ASSIGNMENT/DELEGATION**

Neither party shall assign or transfer any interest in or duty under this Agreement without the written consent of the other.

5. **CHAMBER CERTIFICATIONS**

Chamber certifies that:

- A. Chamber represents that no employee of the City, or any partnership or corporation in which a City employee has an interest, has or will receive any remuneration of any description from Chamber, either directly or indirectly, in connection this Agreement, except as specifically declared in writing.
- B. Chamber certifies that Chamber currently has a City business license or will obtain one prior to delivering services under this Agreement.
- C. Chamber is not an officer, employee, or agent of the City as those terms are used in ORS 30.265. The service or services to be rendered under this contract are those of an independent contractor. The City has no control over the acts of Chamber, but is merely purchasing its services.

6. **INDEMNIFICATION**

City has relied upon the professional ability and training of Chamber as a material inducement to enter into this Agreement. Chamber warrants that all its work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws. Acceptance of Chamber's work by City shall not operate as a waiver or release. Chamber agrees to indemnify and defend the City, its officers, agents, employees and volunteers and hold them harmless from any and all liability, claims, damages, or other costs or expenses including attorney's fees and witness costs and (at both trial and appeal levels) that may be asserted by any person or entity which in any way arise from the work described in this contract, except to the extent that the liability arises out of the negligence of the City and its employees. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, the illegality or invalidity shall not affect the validity of the remainder of this indemnification.

7. **INSURANCE**

Chamber shall maintain insurance acceptable to City in full force and effect throughout the term of this contract covering all activities of the Chamber arising directly or indirectly out of Chamber's work performed under this agreement.

A. **Commercial General Liability Insurance**

Chamber shall obtain, at Chamber's expense, and keep in effect during the term of this contract, Comprehensive General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form (1996 ISO or equivalent), with policy limits of at least \$1,000,000.

B. Workers' Compensation Insurance

The Chamber shall obtain workers compensation insurance (Employer's Liability Insurance) with coverage limits of not less than \$500,000 each accident.

C. Notice of Cancellation

There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 30 days written notice to the City

D. Certificates of Insurance

As evidence of the insurance coverage required by the contract, the Chamber shall furnish a Certificate of Insurance to the City. No contract shall be effected until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this contract. A renewal certificate will be sent to the above address 10 days prior to coverage expiration.

E. Primary Coverage Clarification

The parties agree that Chamber's coverage shall be primary to the extent permitted by law. The parties further agree that other insurance maintained by the City is excess and not contributory insurance with the insurance required in this section.

Certificates of insurance shall be provided to:

Office of City Recorder  
City of Newport  
169 SW Coast Highway  
Newport, Oregon 97365  
Business Phone: 541-574-0613  
Email: p.hawker@thecityofnewport.net

The procuring of the required insurance shall not be construed to limit Chamber's liability under this agreement. Chamber shall be obligated for the

total amount of any damage, injury, or loss caused by negligence or neglect connected with this contract.

8. **METHOD & PLACE OF SUBMITTING NOTICE, BILLS AND PAYMENTS**

All notices, bills and payments shall be made in writing and may be given by personal delivery or mail. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices and other information:

**City:**

Peggy Hawker  
City Recorder  
City of Newport  
169 SW Coast Highway  
Newport, Oregon 97365  
Business Phone: 541-574-0613

**Chamber:**

Lorna Davis  
Greater Newport Chamber of Commerce  
555 SW Coast Highway  
Newport, Or 97365  
541-265-8801

Payments and bills shall be sent to:

<u>City</u>	<u>Chamber</u>
City of Newport	Greater Newport Chamber of Commerce
Attn: Accounts Payable	Attn: Lorna Davis
169 SW Coast Highway	555 SW Coast Highway
Newport, Oregon 97365	Newport, OR 97365
Phone: 541-574-0613	Phone: 541-265-8801
Email Address:	Email Address: chamber@newportnet.com

Notices mailed to the address provided for notice in this section shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses

of the person to who notices, bills and payments are to be given by giving written notice pursuant to this paragraph.

9. **TERMINATION WITHOUT CAUSE**

At any time and without cause, City shall have the right in its sole discretion, to terminate this Agreement by giving 30 days' notice to Chamber. If City terminates the contract pursuant to this paragraph, it shall pay Chamber for services rendered to the date of termination.

10. **TERMINATION WITH CAUSE**

A. City may terminate this Agreement effective upon delivery of written notice to Chamber, or at such later date as may be established by City, under any of the following conditions:

- 1) If City funding from federal, state, local, or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services. This Agreement may be modified to accommodate a reduction in funds.
- 2) If any license or certificate required by law or regulation to be held by Chamber is for any reason denied, revoked, or not renewed.

B. City, by written notice of default (including breach of contract) to Chamber, may terminate the whole or any part of this Agreement if Chamber fails to satisfactorily provide services under this agreement or if Chamber fails to comply with any other provision of this Agreement.

The rights and remedies of City list in this section and are in addition to any other rights and remedies provided by law.

11. **REPORTING**

The Chamber shall provide a written annual report to the City describing the services it has provided under this Agreement.

12. **NON-DISCRIMINATION**

Chamber agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statues, rules, and regulations. Chamber also shall comply with the Americans with Disabilities Act of 1990, ORS

659.425, and all regulations and administrative rules established pursuant to those laws.

13. **ATTORNEY'S FEES**

In case suit or action is instituted to enforce the provisions of this contract, the parties agree that the losing party shall pay such sum as the court may adjudge reasonable attorney fees and court costs, including attorney's fees and court costs on appeal.

14. **GOVERNING LAW**

The provisions of this Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon. Any action or suits involving any question arising under this Agreement must be brought in the appropriate court of the State of Oregon.

15. **COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES**

Chamber shall comply with all applicable federal, state and local laws, rules and regulations, including, but not limited to, the requirements concerning working hours, overtime, medical care, workers compensation insurance, health care payments, payments to employees and subcontractors and income tax withholding contained in ORS Chapter 279B, the provisions of which are made a part of this agreement. (Exhibit B).

16. **SEVERABILITY**

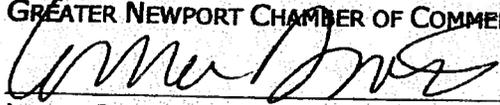
In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected to the extent that it did not materially affect the intent of the parties when they entered into the agreement.

CITY OF NEWPORT

  
\_\_\_\_\_  
Jim Voetberg, City Manager

6-27-11  
Date

GREATER NEWPORT CHAMBER OF COMMERCE

  
\_\_\_\_\_  
Lorna Davis, Executive Director

6-27-11  
Date

## **Exhibit A Scope of Services**

Contractor shall provide the following promotion and marketing services:

### **Visitor Information;**

- Visitor Guide
- Calendar of Events
- Map Exploring Newport A-Z
- Laminated Local Information *(2x yearly)*
- Oregon Calendar of Events
- Community Tourism DVD
- Facility Guide
- Respond to requests for information generated by the City's advertising efforts, including the staffing phones and visitor center during regular business hours, preparing and mailing requested information, responding to all email and other information requests.

### **Support the Goals of the City's Destination Newport Committee:**

- Support all Destination Newport Committee Programs
- Forward marketing opportunities to the City's advertising service provider
- Participate on the Destination Newport Committee
- Fulfill Destination Newport Committee Requests related to Tourism or Relocation Marketing
- Demonstrate intimate knowledge of Newport
- Exclusive promotion of Newport only

### **Visitor Kiosk:**

- Maintain 24 hour Information Kiosk
- Provide information about Newport to other regional kiosk centers.

### **Visitor Web Page, Social Media:**

- Calendar of Events
- Photographs
- Press Release Page
- Group Tour Information
- Facility Information
- Shuttle Maps and Business Information
- Attraction Information
- Business Information
- Responses to e-mail and social networking
- Content development as necessary to keep website up to date

**Media Information:**

- Up to date Media Kit
- Digital Photo Library
- Newspaper /Journalist Article Support
- Support/Host Domestic and International Travel Writers
- Produce Regular Seasonal Press Releases
- Develop and Maintain Relationships with Media
- Work with Travel Oregon and other Tourism entities on Familiarization Tours for Journalists

**Support of Group and Research Tours:**

- Provide material and information to tour groups referred by Travel Oregon or similar organizations

**Hospitality Training:**

- Develop and implement training for Hospitality Industry within the corporate limits of Newport

**Value Season Promotion:**

- Develop programming to enhance and support Tourism during the off and shoulder seasons

**Cooperative Involvement with Local, Regional, and State Visitor Organizations:**

- Represent Newport at domestic and international trade shows
- Work cooperatively with other agencies to attract tourists during shoulder and off seasons

**Statistical Reporting:**

- Conduct Occupancy Surveys with the lodging community and provide quarterly data
- Collect data regarding visitor's residences and how they learned about our area
- Collect other information as requested by the City

**EXHIBIT B**  
**Relevant Provisions Of ORS Chapter 279B**

**279B.220 Conditions concerning payment, contributions, liens, withholding. Every public contract shall contain a condition that the Chamber shall:**

- (1) Make payment promptly, as due, to all persons supplying to the Chamber labor or material for the performance of the work provided for in the contract.
- (2) Pay all contributions or amounts due the Industrial Accident Fund from the Chamber or subChamber incurred in the performance of the contract.
- (3) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.
- (4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167.

**279B.230 Condition concerning payment for medical care and providing workers' compensation.**

- (1) Every public contract shall contain a condition that the Chamber shall promptly, as due, make payment to any person, copartnership, association or corporation furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of the Chamber, of all sums that the Chamber agrees to pay for the services and all moneys and sums that the Chamber collected or deducted from the wages of employees under any law, contract or agreement for the purpose of providing or paying for the services.
- (2) Every public contract shall contain a clause or condition that all subject employers working under the contract are either employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126. [2003 c.794 §76c]

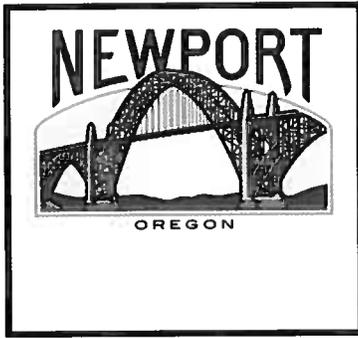
**279B.235 Condition concerning hours of labor.**

- (2) An employer must give notice in writing to employees who work on a public contract, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

(3) In the case of contracts for personal services as described in ORS 279A.055, the contract shall contain a provision that the employee shall be paid at least time and a half for all overtime worked in excess of 40 hours in any one week, except for individuals under personal services contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

(5) (a) Except as provided in subsection (4) of this section, contracts for services must contain a provision that requires that persons employed under the contracts shall receive at least time and a half pay for work performed on the legal holidays specified in a collective bargaining agreement or in ORS 279B.020 (1)(b)(B) to (G) and for all time worked in excess of 10 hours in any one day or in excess of 40 hours in any one week, whichever is greater.

(b) An employer shall give notice in writing to employees who work on a contract for services, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.



Agenda Item # IX.D.  
Meeting Date 20 May 2013

**CITY OF NEWPORT**  
**AGENDA ITEM SUMMARY**  
City of Newport, Oregon

**Issue/Agenda Title:** Notice of Intent to Award: Big Creek Reservoir – Culvert Rehabilitation

**Prepared By:** Ted Jones **Dept Head Approval:**  **City Mgr Approval:** \_\_\_\_\_

**Issue Before the Council:**

Notice of Intent to Award the Big Creek Reservoir – Culvert Rehabilitation, Project 2012-012

**Staff Recommendation:**

Staff recommends awarding Project No. 2012-012 Big Creek Reservoir – Culvert Rehabilitation to **Clackamas Construction**.

**Proposed Motions:**

I move that the City of Newport Public Works Department issue a Notice of Intent to Award the Big Creek Reservoir – Culvert Rehabilitation to **Clackamas Construction** in the amount of **\$118,220.00** and contingent upon no protest, authorize award and direct the City Manager to execute the contract after 7 days on behalf of the City of Newport.

**Key Facts and Information Summary:**

The 30-inch diameter draw down pipeline for the Lower Big Creek Reservoir is badly corroded. The arrangement of the upstream valve makes it difficult to perform repair work on the drain piping without emptying the reservoir.

The project includes trenchless installation of a new drain pipe through the existing 30-inch diameter pipeline to provide structural integrity and hydraulic efficiency. It will also include installing a valve on the downstream end of the piping, improving reservoir drawdown control.

Bids were opened Thursday, May 9<sup>th</sup>, 2013, at 2:00 p.m. Please see the attached bid tabulation for details.

*Engineers Estimate (base bid)* **\$127,334**

<b><u>Contractor</u></b>	<b><u>Base Bid</u></b>
Clackamas Construction	\$118,220.00
CG Contractors	\$118,325.00
Devils Lake Rock Co.	\$124,612.00
Jal Construction	\$144,598.00
Legacy Construction	\$147,797.50
Ray Wells, Inc.	\$182,214.00

The apparent low responsive bidder is **Clackamas Construction** with a base bid amount of **\$118,220.00**.

**Other Alternatives Considered:**

Not applicable.

**City Council Goals:**

**Water**

- Plan for remediation or replacement of upper and lower Big Creek dams.

**Attachment List:**

None

**Fiscal Notes:**

This project is funded by Water Capital Projects