



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

The City Council of the City of Newport, also acting in the capacity as the LCRB and URA, will hold a work session at **12:00 noon**, on **Monday, March 15, 2010** in Conference Room "A" at City Hall. The regular Council meeting begins at **6:00 P.M.**, on **Monday, March 15, 2010**. The meeting will be held in the Council Chamber, 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the meeting agenda follows.

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

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

WORK SESSION AGENDA

12:00 Noon

CC – LCRB – URA

- I. Questions regarding evening agenda items
 - II. Public Records Training – Power Point
(Hawker/McCarthy)
 - III. Discussion regarding shredding of Public Records
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REGULAR MEETING AGENDA

6:00 P.M.

CC – LCRB -- URA

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

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

II. Public Comments

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

III. Proclamations & Recognitions

IV. Consent Calendar

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

- A. Approval of minutes from work session and regular meeting of March 1, 2010,.....**pgs. 1-7**
(Hawker)
- B. Report of Accts. Paid for Feb. 2010.....**pgs. 1-14**
(Schultz)
- C. Fire & Police Monthly Reports.....**pgs. 1-3**
(Crook/Miranda)
- D. OLCC Application – Donya Maries Beyond Chocolate.....**pgs. 1-3**
(Miranda)

V. Council Members' Reports and Comments

VI. Officers' Reports

- A. Mayor's Report
- B. City Manager's Report.....**pgs. 1-20**
- C. City Attorney's Report

VII. Discussion Items and Presentations

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

7:00 P.M.

VIII. Public Hearings

- A. Public hearing on an ordinance amending the Newport Zoning Ordinance and Municipal Code relating to temporary vending carts not associated with special events and temporary portable signs within public rights-of-way.....**pgs. 1-20**
(Tokos/McCarthy)

IX. Action Items

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

- A. Consideration of a supplemental budget for FY '09-10.....**pgs. 1-3**
(Schultz)
- B. Consideration of a resolution appointing a Budget Officer.....**pgs. 1-2**
(Schultz)
- C. Quitclaim and Termination of Water Line Easement to Landwaves.....**pgs. 1-5**
(McCarthy/Tokos)
- D. Award for the SW Elizabeth Street Sanitary Sewer Reconstruction and Repair, Phases IB, II and III Project.....**pgs. 1-3**
(Ritzman)
- E. Consideration of 2010 Farmer's Market Agreement.....**pgs. 1-4**
(Hawker/Miranda/Protiva/Ritzman)
- F. Support of Community Microenterprise Program.....**pgs. 1-6**
(Voetberg)
- G. Consideration of adopting an updated Senior Center Fee Schedule.....**pgs. 1-4**
(Voetberg)
- H. Consideration of Ordinance No. 2000, Amending Chapter 9.80 of the Newport Municipal Code Relating to Special Event Permits.....**pgs. 1-9**
(McCarthy/Tokos/Hawker)
- I. Consideration of Resolution to Establish Direction on Replacement of the Newport Swimming Pool.....**pgs. 1-4**
(Voetberg/Protiva)
- J. Consideration of Agreement between the City.....**pgs. 1-25**
of Newport and Georgia-Pacific, Toledo, LLC
(McCarthy)

X. Public Comment

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

XI. Adjournment

March 1, 2010
Noon
Newport, Oregon

CITY COUNCIL WORK SESSION

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

Staff present: Voetberg, Hawker, McCarthy, Tokos, Ritzman, Crook, Cossey, Schulz, Protiva, Schaecher, and Teem.

Also in attendance were Kathy Cline and Stephanie Simpson.

Council discussed the following items:

1. Bain read a statement apologizing for any embarrassment or problem that he may have caused relative to disposing of a public document. A discussion ensued. Patrick asked whether the matter has been reported. McCarthy noted that she is certain that the district attorney is aware of it. She added that the city would not be involved in action taken by the district attorney or attorney general, but that the Council Rules allow for discipline of its members. She reported that Council can discuss the matter in executive session, but that the Mayor has the opportunity for notice, which was given this morning, and he has the opportunity to have the matter heard in an open session. Patrick, Obteshka, Brusselback agreed to convene and discuss the matter. Kilbride stated that he does not believe the document was a public record. McCarthy noted that there are conflicting opinions as to whether the performance evaluations are disclosable. She reported that a training session on public records and meetings would be held on March 15.
2. Voetberg reported that the swimming pool is inadequate and decisions need to be made regarding its future. Bill Barton addressed Council regarding donating property that he owns in South Beach to the city, and suggested that the city consider locating a new pool next to the recreation center. It was noted that a bond levy would have to be passed to fund construction of the facility. It was suggested that the question be placed on the November 2010 ballot. Staff will provide additional information and responses to Council questions at the next work session. McConnell noted that this would be a good opportunity to look at a nonprofit organization operating the facilities. Patrick reported that she owns property across the street from the recreation center, and that because of potential financial impacts, she would recuse herself from discussions.
3. Patrick asked whether the CIS claims are contained in the consent calendar.
4. Patrick reported that she wants the complaint regarding the sidewalk near the library to remain open.
5. Bertuleit reported on a recent meeting of the Oregon Pilots Association.

6. Obteshka will report this evening on a recent Library Foundation meeting, the recent Business after Hours, and suggested that a report be given on the recent Seafood and Wine Festival.
7. Kilbride will also report on the Library Foundation meeting this evening.
8. McConnell noted that the deadline for tourism promotion grant funding is today, and that the Destination Newport Committee will review the applications and make a recommendation to the City Council next month. Voetberg will update Council on the recent DNC meeting this evening.
9. Brusselback will report on activities of the Blue Ribbon Task Force and Georgia-Pacific this evening.
10. Bain reported that he had spoken at a Census 2010 event last week. He noted that he had volunteered at the recent Seafood and Wine Festival.
11. Obteshka reported that he is interested in a revised sustainability resolution. A discussion ensued regarding the composition of the proposed sustainability committee, and it was agreed that various community constituencies should be represented. Bain asked that Brusselback and Obteshka draft ideas for the resolution and committee.
12. Bertuleit suggested recognizing Sheldon and Laura Hunt for their work at the Northwest Aviation Conference.
13. McCarthy reported that she had filed a timely protest regarding the ConnectOregon III grant rejection.
14. McCarthy reported that a revision to the special event ordinance would appear on the March 15, 2010 agenda.
15. McCarthy reported that there could be public comment this evening regarding the practices of the Loyalty Days Committee scholarship program. Bain reported that the issue in question was a fifty dollar savings bond that had been privately donated, but was not a part of the scholarship program.
16. McCarthy reported that a training session on public records and meetings would be held on March 15, 2010, immediately following the work session.
17. McCarthy reported that six taxicab permits were issued during the recent Seafood and Wine Festival. Teem noted that there were no problems.
18. Kilbride asked why information had not been supplied regarding the cost to operate the PC12 versus the Cessna Caravan for the Portland route. McCarthy reported that the information has not yet been provided by SeaPort.
19. Patrick asked for an update on the interline agreement. McCarthy reported that the e-ticketing program had a setback, but that SeaPort still insists they will make the March 15 deadline.
20. McConnell noted that the last Air Service Consortium meeting had been very positive.
21. Council discussed approving the contract for a consultant to conduct the local wetland inventory.
22. Council discussed the purchase of a water tender for the fire department.
23. Council discussed the resolution regarding rental rates for the Visual Arts Center.
24. Obteshka asked about the senior center rates, and Protiva noted that this matter would be before Council in two weeks.

25. A discussion ensued regarding the City Council goals for 2010-11. Brusselback asked that another goal be added under public safety regarding the evaluation of sirens for warning of tsunamis and other emergencies. A discussion also ensued regarding the mission statement, and it was agreed to amend it slightly. A discussion ensued regarding a method for tracking goals, and Voetberg stated that he could include a status report in his written manager's report every few months.
26. Obtshka asked about the status of the finance director hiring, and Voetberg noted that Schultz will be here through the end of the fiscal year, and a new recruitment would begin this month.
27. Obtshka asked whether anyone flew in for the Seafood and Wine Festival.

Having no further business, the meeting adjourned at 1:31 P.M.

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

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

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Assistant City Engineer Schaecher, Interim Finance Director Schultz, and Police Chief Miranda.

Bain apologized for the recent statement he made regarding the receipt of two performance evaluations. Obteshka stated that he does not condone shredding public records. Patrick and Bertuleit agreed with Obteshka, and Patrick asked when Council would convene to discuss this matter. Bertuleit suggested that it occur at the next work session.

PUBLIC COMMENT

Alice Vachss asked the city to investigate what happened with the finances of the Loyalty Days Parade last year regarding scholarship awards.

Rennie Ferris also asked the city to investigate the Loyalty Days scholarship awards to determine whether anything unconstitutional had occurred. He referred to an edition of the Harbor Lights, the Newport High School newspaper, and McCarthy noted that she would forward that document to the City Council

Patty Louisiana, co-chair of Loyalty Days Committee, reported that the Loyalty Days princesses had received scholarships. She noted that a community donor had read the high school newspaper, and rescinded a treasury bond for Miss Congeniality.

Mark Watkins, an Airport Committee member, distributed copies of articles on general aviation. He asked about the status of the airport business plan. Voetberg reported that Gene Cossey is reviewing the business plan, and would like to fully understand Newport's operation prior to comment. Voetberg agreed to report to Council when Cossey's comments are available.

Bain reported that the Siletz Tribe will be holding an open house regarding the tribal transportation plan.

Bain asked that a Census 2010 proclamation be prepared for the next Council meeting.

Bain reported that he plans to announce, for the record, all correspondence when it is received.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the City Council work session and regular meeting of February 16, 2010, the executive session of February 19, 2010, and the goal setting session of February 22, 2010;
- B. Adoption of the evaluation process for the city attorney and city manager.

MOTION was made by Obteshka, seconded by Brusselback, to adopt the consent calendar as presented. Kilbride noted that he is listed as being present and absent at the work session, and that he was absent. The motion carried in a voice vote with Kilbride abstaining from voting on the minutes of the work session.

COUNCILOR'S REPORTS AND COMMENTS

Obteshka reported on a recent meeting of the Library Foundation. He noted that West Coast Bank had donated an aquarium for the kick-off of the Newport Reads event, a by-laws revision is underway; library needs; and grant opportunities for expansion.

Obteshka reported on the recent Business after Hours event that featured the police department. He noted that there were many demonstrations, and that the event was well-attended.

Brusselback reported that the Blue Ribbon Task Force has completed its recommendations, which will be presented to the County Commissioners on March 10.

Brusselback reported that an informational meeting with the former Georgia-Pacific Task Force members would be held on March 4.

McConnell reported that the recent meeting of the Air Service Consortium was very positive.

McConnell complimented staff on the suggestion/concern/complaint form.

Bain reported that the recent Seafood and Wine Festival was well-attended.

Patrick reported that she had received an e-mail from Don Huster regarding involving the Budget Committee early in the budget process. Schulz noted that a pre-budget informational meeting is planned for March 22. At this meeting, he plans to discuss the budget process, the role of the committee, what the budget document will look like, and fund structure.

Bertuleit reported on a recent meeting of the Oregon Pilots Association.

Bertuleit reported that a long-term pool planning discussion occurred at the work session, and that additional information will be available in two weeks.

Kilbride reported that the Library Foundation had collected \$20,000 to date this fiscal year, and is in good financial condition.

Kilbride reported that he had read last weeks airline flight statistics and Newport had many more flights than Astoria. He added that if the Cessna Caravan is used, the service could become sustainable. Bain noted that SeaPort suggested the Cessna Caravan, but its use would require a contract amendment. He noted that the Pilatus would be used as a back-up during inclement weather.

OFFICER'S REPORTS

Report of the City Manager. Voetberg noted that his written report is included in the packet. He complimented the airport working group.

Voetberg noted that the previously adopted sustainability resolution had been included in the packet. He suggested Council appoint a task force at the next meeting, and staff will provide information for the task force to review.

Voetberg noted that the recent Seafood and Wine Festival went well, and he commended the police department for their work during the event.

Voetberg reported that the Destination Newport Committee had met last week and are considering what to do with the Grady Britton contract. He noted that the DNC is talking about reducing Grady Britton's scope of work to creative development and media buys. He added that the website development and maintenance and public relations could be handled locally. He reported that a recommendation will be made to the City Council.

Bertuleit suggested designing events that bring visitors on a continual basis.

Bain thanked Sheldon and Laura Hunt, and Chamber of Commerce staff, for their work at the Northwest Aviation Conference.

Patrick noted that there is merit to having courtesy cars available at the airport.

Report of the City Attorney. McCarthy reported that SeaPort Airlines has preliminarily proposed to use the Cessna Caravan at Newport. McConnell noted that it is now up to SeaPort to develop an official proposal for using the Caravan. A discussion ensued regarding the number of daily flights at Newport and Astoria. Bain noted that SeaPort is interested in having three daily flights from Newport and two from Astoria. MOTION was made by Bertuleit, seconded by McConnell, to support the potential of another aircraft, perhaps a Cessna Caravan, to make the air service more sustainable, and to direct Seaport to come back with numbers, including a proposed modification of its schedule. The motion carried unanimously in a voice vote.

McCarthy reported that the ConnectOregon III protest was timely filed.

McCarthy reported that six temporary taxi permits were issued for the recent Seafood and Wine Festival, and that it was a successful process.

McCarthy noted that a workshop on public meetings and records would occur during the work session of March 15.

McCarthy reported that the revised special event permit ordinance is scheduled for Council review on March 15.

ACTION ITEMS

Environmental consultant for the city's local wetlands inventory. Tokos explained the issue before Council is the authorization for staff to enter into a contract with PBS Engineering and Environmental to assist the city in completing a local wetlands inventory. Tokos responded to Council questions. McConnell reported that he has dealt with PBS Engineering on Habitat for Humanity projects in Toledo, but that this contact should have no impact on his decision. MOTION was made by Brusselback, seconded by Obtshka, to authorize the community development director to negotiate a contract with PBS Engineering and Environmental in an amount not to exceed \$30,000 and to

authorize the city manager to sign the contract subject to approval of the city attorney. The motion carried unanimously in a voice vote.

Consideration of a contract with H&W Emergency Vehicles to purchase a 3,000 gallon water tender. Crook and Ron Beck explained that the issue before Council is the consideration of awarding a contract to H&W Emergency Vehicles for the purchase of a water tender for the fire department. MOTION was made by McConnell, seconded by Bertuleit, to enter into a contract with H & W Emergency Vehicles, in an amount not to exceed \$325,000, for the purchase of a 3,000 gallon water tender, and authorize the city manager to execute the agreement on behalf of the city. The motion carried unanimously in a voice vote.

Newport Visual Arts Center rental rate adjustment. Voetberg explained that the issue before Council was the consideration of adjustments to the rental rates at the Visual Arts Center. Catherine Rickbone and Sally Houck briefed Council on the information included in the packet. MOTION was made by Obteshka, seconded by McConnell, to adopt Resolution No. 3491 establishing a rental rate schedule for use of the Newport Visual Arts Center. The motion carried unanimously in a voice vote.

Resolution No. 3492 relating to the Agate Beach landfill site closure. McCarthy reported that the city is obligated to dedicate and reserve funds related to the closure of the Agate Beach landfill. MOTION was made by Obteshka, seconded by Brusselback, to adopt Resolution No. 3492 reauthorizing the Agate Beach Disposal Site Closure Fund. The motion carried unanimously in a voice vote.

Adoption of City Council's 2010-11 goals. Voetberg reported that the mission statement and goals had been revised at the noon meeting, and the revised edition had been distributed to Council. Obteshka distributed a copy of the evaluation process used for monitoring goals at the City of Tillamook, suggesting that this progress report could be posted on the city's website. MOTION was made by Bertuleit, seconded by McConnell, to adopt the FY 10-11 City Council goals as revised at March 1, 2010 noon work session and attached to report. Obteshka suggested providing a copy of the goals to the Budget Committee members. The motion carried unanimously in a voice vote.

ADJOURNMENT

Having no further business, the meeting adjourned at 7:38 P.M.

Margaret M. Hawker, City Recorder

William D. Bain, Mayor

CITY OF NEWPORT
Monthly Disbursements
 February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
23rd St Auto Wrecking & Towing	2/19/2010	7355	1070	100.00
A & E Imaging	2/19/2010	7361	1610	83.36
A Work Safe Service, Inc	2/12/2010	7347	4010	60.00
A Work Safe Service, Inc	2/12/2010	7347	4510	120.00
A Work Safe Service, Inc	2/12/2010	7347	7005	95.00
AAMCO TRANSMISSIONS	2/5/2010	7182	1090	268.24
Abby's Pizza	2/26/2010	7447	1090	48.40
ABECO	2/19/2010	7362	4830	99.00
ABECO	2/19/2010	7362	7005	6.25
Aboveboard Electric, Inc	2/12/2010	7265	1200	172.50
Aboveboard Electric, Inc	2/12/2010	7265	4510	106.60
Aboveboard Electric, Inc	2/12/2010	7265	4520	259.09
Aboveboard Electric, Inc	2/19/2010	7356	4010	235.24
Aboveboard Electric, Inc	2/19/2010	7356	4510	1,212.49
Aboveboard Electric, Inc	2/19/2010	7356	4520	645.55
Action Networks, Inc	2/5/2010	7183	1025	680.00
Action Networks, Inc	2/5/2010	7183	1100	25.00
AFLAC	2/26/2010	7448	various	1,613.51
ALL- STAR ENGRAVING	2/12/2010	7348	1900	7.00
ALL- STAR ENGRAVING	2/19/2010	7363	1070	7.00
Allstart Auto Electric, Inc	2/5/2010	7184	1510	123.50
Alsea Bay Power Products	2/5/2010	7185	4520	159.55
Analytical Laboratory & Consul	2/19/2010	7364	4510	395.00
Analytical Laboratory & Consul	2/26/2010	7449	4010	620.00
Anderson, John D	2/12/2010	7349	4870	12.25
Anderson, Tim	2/12/2010	7350	4870	213.75
Anthony, Emily R	2/12/2010	7351	4000	11.34
Anthony, John	2/5/2010	7186	4000	87.30
APPLE BOOKS	2/12/2010	7352	1100	868.59
Archuleta, Janice	2/12/2010	7264	1070	53.69
Associated Business Systems	2/5/2010	7187	1610	158.99
Associated Business Systems	2/26/2010	7450	1610	157.99
Associated Cleaning Serv., Inc	2/26/2010	7451	various	6,343.00
ATS Public Safety	2/19/2010	7365	1070	59.98
Avaya, Inc	2/5/2010	7188	1090	55.00
AWWA Short School	2/5/2010	7189	4020	390.00
Baker & Taylor Entertainment	2/19/2010	7366	1100	18.46
Barrelhead Supply, Inc	2/5/2010	7190	4020	354.79
Barrelhead Supply, Inc	2/5/2010	7190	4510	14.99
Barrelhead Supply, Inc	2/5/2010	7190	4520	23.98

CITY OF NEWPORT
Monthly Disbursements
February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
Barrett Business Svices, Inc	2/5/2010	7191	1030	370.56
Barrett Business Svices, Inc	2/12/2010	7353	7110	269.33
Barrett Business Svices, Inc	2/19/2010	7367	1030	308.80
Barrett Business Svices, Inc	2/19/2010	7367	7110	212.80
Barrett Business Svices, Inc	2/26/2010	7452	7110	212.80
Batteries Northwest	2/19/2010	7368	3850	77.95
Baumgart, Kevin & Stephania	2/26/2010	7453	4000	1.95
Beery & Elsner LLP	2/26/2010	7454	1040	133.00
Blumenthal Uniforms & Equipmnt	2/12/2010	7275	1070	177.95
Blumenthal Uniforms & Equipmnt	2/19/2010	7369	1070	62.50
Braxling & Braxling, Inc	2/19/2010	7370	3805	1,374.42
Braxling & Braxling, Inc	2/19/2010	7370	3850	132.27
BRENNTAG PACIFIC, INC	2/5/2010	7192	4010	5,988.85
BRENNTAG PACIFIC, INC	2/12/2010	7276	4010	2,510.42
BRENNTAG PACIFIC, INC	2/12/2010	7276	4510	2,634.42
Bringetto, John	2/12/2010	7277	4000	102.77
Brown, Alan Tire Center	2/26/2010	7455	4510	767.64
Brown, Alan Tire Center	2/26/2010	7455	4520	153.34
Burrows, Gabriel	2/26/2010	7456	4000	41.47
Bushnell Stationers LLC	2/26/2010	7457	4000	51.72
C&M Construction, Inc	2/19/2010	7371	3805	14,949.36
C&M Construction, Inc	2/19/2010	7371	3850	2,493.25
C&M Construction, Inc	2/19/2010	7371	4020	35,396.87
C&M Construction, Inc	2/19/2010	7371	4520	30,696.06
C&M Construction, Inc	2/19/2010	7371	5810	111,346.18
Calhoun and DeJong, Inc.	2/19/2010	7372	7110	415.94
Calhoun and DeJong, Inc.	2/26/2010	7458	7110	678.64
Carpet Etc./ Carpet One	2/26/2010	7459	1100	4,844.00
Carquest Auto Parts	2/5/2010	7193	3805	74.53
Carquest Auto Parts	2/5/2010	7193	3850	257.91
Carquest Auto Parts	2/5/2010	7193	4020	7.00
Carson Oil Co	2/19/2010	7373	1070	350.44
Cedar Creek Quarries, Inv	2/19/2010	7357	4020	497.38
Cedar Creek Quarries, Inv	2/19/2010	7357	4520	122.97
Central Coast Excavating, Inc	2/5/2010	7194	3850	1,105.00
Central Coast Excavating, Inc	2/12/2010	7263	3850	2,214.97
Central Coast Excavating, Inc	2/12/2010	7263	4520	4,000.70
Central Coast Excavating, Inc	2/12/2010	7263	7430	2,214.97
Central Coast Excavating, Inc	2/19/2010	7374	4520	2,645.50
Central Lincoln P.U.D	2/5/2010	7195	various	561.43

CITY OF NEWPORT
Monthly Disbursements
 February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
Central Lincoln P.U.D	2/12/2010	7279	various	186,585.75
Central Lincoln P.U.D	2/19/2010	7375	various	33,723.94
Central Lincoln P.U.D	2/26/2010	7460	various	17,004.92
Centro de Ayuda	2/12/2010	7280	1030	177.50
Chamberlin, Stephanie	2/12/2010	7281	4800	61.12
Charter Communications	2/5/2010	7196	4010	59.99
Charter Communications	2/26/2010	7461	4830	31.60
Cheek, Rebecca	2/12/2010	7282	4870	197.75
Chief Supply	2/26/2010	7462	1070	132.93
City of Hillsboro	2/26/2010	7463	1070	195.00
Clemons, Julia E.R	2/5/2010	7197	4870	619.50
Coast Range Equipment and Repa	2/5/2010	7198	4520	766.81
Coast Range Equipment and Repa	2/19/2010	7376	4520	4,870.44
Coast Telecomm	2/19/2010	7377	1070	305.00
Coastal Arts Guild	2/5/2010	7199	4040	80.00
Coastal Arts Guild	2/5/2010	7199	4540	80.00
Coastal Paper & Supply	2/26/2010	7464	4830	256.97
Coastal Refrigeration	2/12/2010	7283	1200	207.11
Coastal Refrigeration	2/12/2010	7283	4810	987.89
Coastal Refrigeration	2/19/2010	7378	1100	170.00
Coastal Refrigeration	2/19/2010	7378	1200	914.50
Coastal Refrigeration	2/19/2010	7378	1525	75.00
Coastal Refrigeration	2/19/2010	7378	4810	522.89
Coastwide Laboratories	2/26/2010	7465	1510	486.24
Connor, Joshua	2/12/2010	7284	4000	58.49
Conser, Mary	2/12/2010	7285	1100	20.00
Consolidated Supply Co	2/19/2010	7379	4020	789.68
Copeland Lumber	2/5/2010	7200	3850	378.84
Curry Marine	2/5/2010	7201	1090	360.15
Curry Marine	2/5/2010	7201	4520	14,695.00
Curtis, L.N. & Sons	2/12/2010	7286	5210	295.00
Day Wireless Systems	2/26/2010	7466	1070	402.78
Day-Timers, Inc	2/12/2010	7287	4610	32.99
Dell Marketing L.P	2/5/2010	7202	1025	59.99
Dickinson, Steve	2/5/2010	7203	1510	830.06
Dickinson, Steve	2/19/2010	7380	1510	716.48
Dish Network	2/19/2010	7382	7005	42.98
Dutton, Richard	2/19/2010	7383	1025	130.00
E2 Electric, Inc	2/12/2010	7262	5810	6,226.30
Eckstein, Dianne	2/12/2010	7288	4800	11.90

CITY OF NEWPORT
Monthly Disbursements
 February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
Electronic Superstore	2/12/2010	7289	1070	47.98
Emerald Springs	2/19/2010	7384	4510	36.00
Energy Loan Program	2/5/2010	7204	2660	4,140.00
Englund Marine Supply	2/5/2010	7205	1090	1.40
Englund Marine Supply	2/5/2010	7205	4020	129.11
Englund Marine Supply	2/5/2010	7205	4520	188.17
Entenmann-Rovin Co.	2/26/2010	7467	1070	28.36
Enviro-Clean Equipment, Inc	2/12/2010	7290	4520	49.47
Enviro-Clean Equipment, Inc	2/19/2010	7385	3850	212.04
ESRI, Inc.	2/19/2010	7386	1610	400.00
Facets Gem & Mineral Gallery	2/12/2010	7291	1070	147.24
Factory Matress Outlet	2/5/2010	7206	5210	349.00
Farm Plan	2/19/2010	7387	1510	12.97
Fastenal Company	2/19/2010	7388	3805	84.99
Fastenal Company	2/26/2010	7468	4020	6.89
Fastenal Company	2/26/2010	7468	4520	13.43
FedEx	2/5/2010	7207	4040	17.22
FedEx	2/5/2010	7207	4540	17.23
Feed Corral	2/19/2010	7389	4510	11.39
Ferrellgas	2/26/2010	7469	4520	599.78
GAMACHE, JULIE	2/12/2010	7292	4870	126.00
Gorge GIS	2/12/2010	7293	1400	3,217.50
Grady Britton	2/5/2010	7208	7430	6,962.55
Graymont Capital Inc.	2/5/2010	7209	4510	2,475.00
Graymont Capital Inc.	2/26/2010	7471	4510	3,248.00
Gray's, R Bargain Yard	2/26/2010	7470	4520	65.85
Greater Newport Chamber of Crc	2/19/2010	7390	7430	550.00
Halco Welding, Inc	2/12/2010	7294	4520	21.50
Halco Welding, Inc	2/26/2010	7472	4520	45.00
Hanley, Clare	2/12/2010	7295	4000	1.73
Hanus, William	2/12/2010	7296	4000	9.80
Harlan, Don	2/26/2010	7473	4520	318.00
Harper, Houf, Peterson,	2/19/2010	7391	3805	3,152.44
Harper, Houf, Peterson,	2/19/2010	7391	4520	14,984.06
Harper, Houf, Peterson,	2/26/2010	7474	3805	1,457.21
Harper, Houf, Peterson,	2/26/2010	7474	4520	12,771.05
Harris Office	2/5/2010	7210	4510	131.40
Harris Office	2/5/2010	7210	5210	225.00
Hart, Roger	2/19/2010	7358	4870	12.25
HD Supply Waterworks, LTD	2/12/2010	7297	4020	2,991.06

CITY OF NEWPORT
Monthly Disbursements
 February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
HD Supply Waterworks, LTD	2/26/2010	7475	4020	36.66
HDR Engineering, Inc.	2/5/2010	7211	4010	157,943.27
HDR Engineering, Inc.	2/26/2010	7476	4010	280,363.21
Hernandez, Tanya	2/12/2010	7298	4800	45.00
Hudson, Brian & Pamela	2/26/2010	7477	4000	37.38
Hughes, Liam	2/19/2010	7393	1510	88.00
IAAI - Chapter 31	2/12/2010	7299	1090	20.00
Idea Print Works	2/5/2010	7212	1090	89.00
Idea Print Works	2/5/2010	7212	4870	1,244.00
Idea Print Works	2/19/2010	7359	1070	52.70
Idea Print Works	2/19/2010	7359	4870	404.00
Industrial Welding Supply, Inc	2/19/2010	7394	3805	146.00
Industrial Welding Supply, Inc	2/19/2010	7394	4510	5.00
Industrial Welding Supply, Inc	2/19/2010	7394	4520	49.00
Industrial Welding Supply, Inc	2/26/2010	7478	3805	8.10
Ingram Library Services	2/12/2010	7300	1100	1,923.48
Ingram Library Services	2/19/2010	7395	1100	1,805.17
Integra	2/5/2010	7213	various	3,100.54
Interior Technology	2/19/2010	7396	1200	1,225.50
J.C. Market	2/5/2010	7214	1070	11.14
J.C. Market	2/5/2010	7214	1610	4.95
James, Andrew & Teressa	2/19/2010	7397	4000	82.32
Jelen, Marie	2/26/2010	7479	4000	36.15
JOHNSON, ANGELA	2/12/2010	7301	4000	84.10
Kemp, Eric	2/12/2010	7302	4000	56.51
King Office Equipment & Design	2/5/2010	7215	1050	42.39
King Office Equipment & Design	2/26/2010	7480	1050	62.08
Kittel, Dustin	2/12/2010	7303	1900	60.00
Kopp, Kristina	2/19/2010	7398	4000	185.90
KPPT-AM/KPPT FM	2/19/2010	7399	4870	200.00
Krueger Medical Services	2/12/2010	7305	1090	298.99
KSHL Radio	2/12/2010	7306	4870	150.00
Kurz, Clay	2/12/2010	7307	4000	46.16
Landmark Audiobooks	2/5/2010	7216	1100	10.00
Lazerquick	2/5/2010	7217	4520	332.00
Lazerquick	2/12/2010	7308	1400	60.79
Lazerquick	2/19/2010	7400	4870	120.00
LEAF	2/19/2010	7401	7005	216.16
League of Oregon Cities	2/12/2010	7309	1020	150.00
League of Oregon Cities	2/12/2010	7309	1025	150.00

CITY OF NEWPORT
Monthly Disbursements
 February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
League of Oregon Cities	2/12/2010	7309	1070	300.00
Lincoln County Comm Agency	2/5/2010	7220	1080	38,481.83
Lincoln County Consortium	2/5/2010	7218	7910	1,867.54
Lincoln County Consortium	2/19/2010	7402	7910	1,761.05
LINCOLN COUNTY DEPARTMENT OF	2/8/2010	7260	4010	605.00
LINCOLN COUNTY DEPARTMENT OF	2/12/2010	7267	4010	150.00
LINCOLN COUNTY JUVENILE DEPT.	2/5/2010	7231	3850	880.00
Lincoln County Print Shop	2/12/2010	7310	1070	200.00
Lincoln County Print Shop	2/12/2010	7310	1610	9.00
Lincoln County Public Works	2/12/2010	7311	1070	2,937.13
Lincoln County Public Works	2/12/2010	7311	1500	48.41
Lincoln County Public Works	2/12/2010	7311	1510	556.20
Lincoln County Public Works	2/12/2010	7311	3850	1,396.14
Lincoln County Public Works	2/12/2010	7311	4020	555.35
Lincoln County Public Works	2/12/2010	7311	4830	33.58
Lincoln County Public Works	2/19/2010	7403	1400	25.32
Lincoln County Public Works	2/19/2010	7403	1610	115.27
Lincoln County Public Works	2/19/2010	7403	4010	173.78
Lincoln County Public Works	2/19/2010	7403	4520	558.14
Lincoln County Public Works	2/19/2010	7403	4610	46.39
Lincoln County Public Works	2/26/2010	7481	1090	697.56
Lincoln County Public Works	2/26/2010	7481	1200	103.85
Lincoln County School District	2/12/2010	7312	1010	1,217.48
Lincoln County Sheriff's Offic	2/5/2010	7219	1900	14,861.25
Lincoln County Surveyor's Offi	2/12/2010	7313	1400	40.00
Lincoln Utility Coord. Council	2/19/2010	7404	4020	100.00
Lumbermens/ProBuild	2/5/2010	7232	1070	1.49
Lumbermens/ProBuild	2/5/2010	7232	1090	94.06
Lumbermens/ProBuild	2/5/2010	7232	4020	17.57
Lumbermens/ProBuild	2/5/2010	7232	4510	13.29
Lumbermens/ProBuild	2/5/2010	7232	4520	29.18
Lumbermens/ProBuild	2/5/2010	7221	7110	20.00
Lumbermens/ProBuild	2/5/2010	7232	5210	161.45
Lyle Signs, Inc.	2/5/2010	7233	3805	810.78
Lyle Signs, Inc.	2/19/2010	7405	3805	1,705.00
M & E Septic Service	2/5/2010	7234	4010	175.00
MacGregor, Robert	2/12/2010	7314	4000	16.73
Madison, Amy V	2/12/2010	7315	4000	136.32
Mathis, Stacy	2/12/2010	7316	4800	105.60
Miller, Michael A	2/19/2010	7406	4000	39.12

CITY OF NEWPORT
Monthly Disbursements
 February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
MWH Laboratories	2/26/2010	7482	4010	915.00
Nationwide Retirement Solution	2/26/2010	7483	various	11,558.01
NEWPORT AUTO PARTS, INC	2/5/2010	7235	1090	21.09
NEWPORT AUTO PARTS, INC	2/5/2010	7235	4020	69.31
NEWPORT AUTO PARTS, INC	2/5/2010	7235	4510	25.58
NEWPORT AUTO PARTS, INC	2/5/2010	7235	4520	25.13
Newport Fire Fighters Assn	2/26/2010	7484	1090	527.91
Newport Marine & R V Service	2/26/2010	7485	4520	16.53
Newport Police Association	2/26/2010	7486	1070	1,236.25
Newport Public Library	2/12/2010	7317	1100	37.28
Newport Rental Service, Inc	2/19/2010	7407	1090	15.00
Newport Volunteer Fire Departmt	2/5/2010	7236	1090	2,200.00
News-Times	2/19/2010	7408	1400	108.90
News-Times	2/19/2010	7408	4520	26.40
Nextel Communications	2/12/2010	7318	1070	273.67
Northside Trucks & Equipment	2/12/2010	7319	1090	255.46
Northwest Vending Co	2/12/2010	7320	7110	32.06
Northwest Vending Co	2/26/2010	7487	7110	42.09
NW Natural	2/5/2010	7237	4520	54.08
NW Natural	2/26/2010	7488	1200	957.53
NW Natural	2/26/2010	7488	7430	229.89
OACP	2/19/2010	7409	1070	395.00
OAMA	2/12/2010	7321	7005	400.00
OAWU	2/12/2010	7322	4020	880.00
OCCMA	2/5/2010	7238	1020	285.00
Ocean Tire Factory	2/5/2010	7239	1070	168.35
Ocean Tire Factory	2/19/2010	7410	1070	1,004.50
OFMA	2/10/2010	7261	1090	280.00
OFMA	2/12/2010	7323	1090	50.00
Oldcastle Precast Inc.	2/19/2010	7411	4020	3,160.00
Olympic Foundry, Inc	2/19/2010	7412	4520	537.00
OMFOA	2/12/2010	7324	1050	295.00
One Call Concepts, Inc	2/26/2010	7489	4020	59.85
OREGON AFSCME	2/26/2010	7491	various	848.83
Oregon Department of Justice	2/26/2010	7493	1070	442.00
Oregon Department of Justice	2/26/2010	7492	1090	458.00
Oregon Department of Justice	2/26/2010	7490	4020	400.00
Oregon Department of Transport	2/19/2010	7413	1900	49.05
OREGON TACTICAL OFFICERS ASSN	2/15/2010	7354	1070	150.00
Oregon Water Environment Fnd	2/12/2010	7325	4510	165.00

CITY OF NEWPORT
Monthly Disbursements
 February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
Orsborn Power Saw Co	2/19/2010	7414	1510	156.35
Pacific Coast Plumbing, Inc	2/12/2010	7326	1510	38.60
Pacific Coast Plumbing, Inc	2/12/2010	7326	4810	52.77
Pacific Coast Plumbing, Inc	2/12/2010	7326	7430	99.04
Pacific Coast Plumbing, Inc	2/19/2010	7415	1200	38.70
Pacific Office Automation	2/26/2010	7494	1100	94.33
Palmer, Kathleen	2/12/2010	7327	1070	36.45
Peak Internet	2/19/2010	7416	7110	70.75
Peak Internet	2/26/2010	7495	1090	30.70
Pepsi-Cola Bottling Co. Eugene	2/5/2010	7240	4830	128.85
Pepsi-Cola Bottling Co. Eugene	2/12/2010	7328	4830	268.80
Pepsi-Cola Bottling Co. Eugene	2/19/2010	7417	4830	171.85
Pepsi-Cola Bottling Co. Eugene	2/26/2010	7496	4830	255.95
Perpetua Technologies LLC	2/5/2010	7241	1070	498.00
Pioneer Printing, Inc	2/5/2010	7222	various	1,880.88
Pioneer Telephone Cooperative	2/12/2010	7329	4510	193.44
Pioneer Telephone Cooperative	2/12/2010	7329	7005	317.71
Pioneer Telephone Cooperative	2/12/2010	7329	7110	50.42
Pioneer Telephone Cooperative	2/19/2010	7360	1090	227.87
Pitney Bowes, Inc	2/19/2010	7418	1050	87.54
Pitney Bowes, Inc	2/19/2010	7418	4040	87.54
Pitney Bowes, Inc	2/19/2010	7418	4540	87.54
Platt Electric Supply	2/19/2010	7419	4510	260.80
Platt Electric Supply	2/26/2010	7497	4520	6,045.61
Polydyne, Inc	2/5/2010	7242	4510	4,738.00
Polydyne, Inc	2/26/2010	7498	4510	4,738.00
Power Ford Lincoln Mercury	2/19/2010	7420	7005	2,070.00
Pridgeon, Jeff	2/5/2010	7223	1030	1,200.00
Protean Technologies, Inc	2/5/2010	7224	1050	270.00
Public Works Supply, Inc	2/12/2010	7330	4520	44.00
Public Works Supply, Inc	2/19/2010	7422	3850	34.00
Public Works Supply, Inc	2/19/2010	7422	4010	383.25
Pumptech, Inc	2/5/2010	7243	4520	92.52
Pumptech, Inc	2/12/2010	7331	4520	1,369.72
Qwest	2/5/2010	7225	various	1,358.60
Qwest	2/19/2010	7423	7430	39.70
Rainbow Printing	2/19/2010	7424	1100	1,110.00
Rau Plumbing	2/26/2010	7499	4020	361.00
Recorded Books, Llc	2/19/2010	7425	1100	6.95
Reserve Account	2/5/2010	7226	various	3,012.68

CITY OF NEWPORT
Monthly Disbursements
February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
Rock, Maria	2/12/2010	7332	4800	45.00
Rodgers, Larry A	2/19/2010	7426	4000	109.27
Rotary Club of Newport, Or	2/5/2010	7244	1070	145.00
Rotary Club of Newport, Or	2/5/2010	7244	1100	155.00
Rowley's Towing	2/26/2010	7500	1500	70.00
Samaritan Occupational Med	2/19/2010	7427	4520	152.00
San Diego Police Equipment Co.	2/12/2010	7333	1070	504.42
San Diego Police Equipment Co.	2/26/2010	7501	1070	2,291.10
Satcom Global FZE	2/5/2010	7245	1070	63.52
Seal Rock Water District	2/5/2010	7246	4045	5,000.00
Seal Rock Water District	2/5/2010	7246	4090	1,888.85
SeaWestern	2/5/2010	7247	5210	316.12
Serpentix Corporation	2/19/2010	7428	4510	386.19
Serpentix Corporation	2/26/2010	7502	4510	141.00
Setere & Sons LTD	2/5/2010	7248	4510	728.00
Shelton Turnbull Solutions	2/19/2010	7429	4040	30.84
Shelton Turnbull Solutions	2/19/2010	7429	4540	30.84
Sherwin-Williams	2/5/2010	7249	3805	35.24
Shipping Solutions	2/26/2010	7503	1610	104.77
Shipping Solutions	2/26/2010	7503	4520	98.05
Silva-Reyes, Eduardo	2/12/2010	7266	4000	106.74
SMITH, TED J	2/19/2010	7430	1100	52.00
Solomonson, Mary	2/12/2010	7334	4870	303.75
SOUTHSHORE OWNER'S ASSOCIATION	2/12/2010	7335	4000	347.15
SPARKS, JONATHAN	2/12/2010	7336	4870	42.00
SPECIALTY AUTO BODY	2/12/2010	7337	1070	500.00
SPECIALTY AUTO BODY	2/19/2010	7431	1070	300.45
Standard Insurance Company	2/5/2010	7227	1900	5,770.00
Staples	2/5/2010	7250	4510	173.20
Staples	2/26/2010	7504	1070	69.24
Staples Link/Business Advantag	2/12/2010	7338	1070	165.30
Staples Link/Business Advantag	2/26/2010	7505	1070	39.07
Steen's Master Lube	2/5/2010	7251	1610	15.00
Steen's Master Lube	2/5/2010	7251	4020	32.95
Steen's Master Lube	2/19/2010	7432	1610	68.40
Stitchin Post, The	2/12/2010	7340	1070	46.00
Stitchin Post, The	2/12/2010	7340	1090	8.00
Sure Clean N.W.	2/26/2010	7507	4520	2,850.00
Swanson's Pest Mangt., Inc	2/5/2010	7228	7005	65.00
Systemax Northwest, Inc	2/12/2010	7341	1025	285.00

CITY OF NEWPORT
Monthly Disbursements
 February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
T&L Septic & Chemical Toilet	2/19/2010	7434	1090	62.00
T&L Septic & Chemical Toilet	2/19/2010	7434	7005	120.00
T&L Septic & Chemical Toilet	2/26/2010	7508	1510	103.04
T&L Septic & Chemical Toilet	2/26/2010	7508	7430	257.60
TELEDYNE ISCO, INC	2/26/2010	7509	4510	731.00
TESTAMERICA	2/5/2010	7252	4520	651.00
TESTAMERICA	2/5/2010	7229	7005	173.25
Thompson's Sanitary Serv., Inc	2/5/2010	7253	1090	110.75
Thompson's Sanitary Serv., Inc	2/5/2010	7253	1510	326.55
Thompson's Sanitary Serv., Inc	2/5/2010	7253	4830	317.05
Thompson's Sanitary Serv., Inc	2/12/2010	7342	various	1,424.65
Thompson's Transfer & Disposal	2/5/2010	7254	1510	36.90
Thompson's Transfer & Disposal	2/5/2010	7254	4510	323.55
Thompson's Transfer & Disposal	2/19/2010	7435	4510	167.40
Thyssenkrupp Elevator Corp	2/5/2010	7255	1525	157.45
TLC Credit Union	2/26/2010	7510	1100	425.00
TLC Credit Union	2/26/2010	7510	1510	30.00
TLC Credit Union	2/26/2010	7510	4010	25.00
TLC Credit Union	2/26/2010	7510	4830	632.00
Toby Murry Motors	2/5/2010	7256	4510	91.83
Traffic Safety Supply Co., Inc	2/12/2010	7343	3805	2,264.56
Traffic Safety Supply Co., Inc	2/19/2010	7436	3805	105.00
Trapala-Saavedra, Moy	2/12/2010	7344	4000	39.62
Tri Agg, Inc	2/19/2010	7437	3850	400.00
United Grocers	2/5/2010	7257	1090	85.78
United Grocers	2/5/2010	7257	4510	27.21
United Grocers	2/5/2010	7257	4830	-26.13
United Grocers	2/19/2010	7438	1100	13.36
United Grocers	2/26/2010	7511	1510	11.69
USAMOBILITY	2/19/2010	7439	1070	31.94
USAMOBILITY	2/19/2010	7439	1510	21.85
USAMOBILITY	2/19/2010	7439	1610	3.04
USAMOBILITY	2/19/2010	7439	7005	6.59
Vaisala, Inc	2/5/2010	7230	7005	100.00
Vaisala, Inc	2/19/2010	7440	7005	4,100.00
Vaisala, Inc	2/26/2010	7512	7005	100.00
Valley Fire Control, Inc	2/19/2010	7441	1200	32.00
VerizonWireless	2/12/2010	7345	various	3,217.57
Volk, Sally	2/26/2010	7513	4000	36.15
Watershed, Inc	2/26/2010	7514	1070	436.67

CITY OF NEWPORT
Monthly Disbursements
February 2010

Vendor Name	Check Date	Check Number	Dept	Amount
Welker, Dick Construction, Inc	2/19/2010	7443	4520	460.00
West Coast Linen	2/5/2010	7259	1090	25.00
West Coast Linen	2/19/2010	7444	7005	40.96
West Coast Linen	2/19/2010	7444	7110	20.48
Whaler, The	2/19/2010	7445	1010	74.04
Xerox Corporation	2/19/2010	7446	various	1,387.93
Xerox Corporation	2/26/2010	7515	various	1,331.75
YAQUINA BAY PROPERTY MGMT	2/12/2010	7346	4000	21.74
TOTALS:				1,205,970.45

CITY OF NEWPORT
Monthly Disbursements
Check Amounts Over \$25,000
February 2010

Vendor Name	Check Date	Dept.	Description	Amount
C&M Construction, Inc	2/19/2010	3805	Bay Blvd Utilities Upgrade PP#5	14,949.36
C&M Construction, Inc	2/19/2010	3850	Bay Blvd Utilities Upgrade PP#5	2,493.25
C&M Construction, Inc	2/19/2010	4020	Bay Blvd Utilities Upgrade PP#5	35,396.87
C&M Construction, Inc	2/19/2010	4520	Bay Blvd Utilities Upgrade PP#5	30,696.06
C&M Construction, Inc	2/19/2010	5810	Bay Blvd Utilities Upgrade PP#5	111,346.18
Central Lincoln P.U.D	2/12/2010	5810	Bay Blvd Power Conv., Ph 2	173,899.17
HDR Engineering, Inc.	2/5/2010	4010	Consultant fees period ending Dec 26, 2009	157,943.27
HDR Engineering, Inc.	2/26/2010	4010	Consultant fees period ending Jan 30, 2009	280,363.21
Lincoln County Comm Agency	2/5/2010	1080	Monthly 9-1-1 Dispatch Services	38,481.83
			TOTALS:	845,569.20

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

NEWPORT FIRE DEPARTMENT CITY REPORT FEBRUARY 2010

DATE			CITY	RURAL			CITY	RURAL
1-31-2010								
FIRE CALLS:	5	1			PERMITS ISSUED:			
AUTOMATIC ALARMS:	5	0			BURN PERMITS:	43	81	
MEDICAL CALLS:	36	6			FIREWORKS PERMIT:	0	0	
MOTOR VEHICLE COLLISION	2	2			FIREWORKS DISPLAY:	0	0	
HAZMAT STANDBY:	0	0						
MUTUAL AID RENDERED:	2	0			TOTAL INSPECTIONS:	47		
MUTUAL AID RECEIVED:	0	0			VIOLATIONS:	25		
HELICOPTER STANDBY:	0	0			ABATEMENTS:	18		
PUBLIC SERVICE	1	0			PLAN REVIEWS:	8		
HAZARDOUS CONDITION	4	0	CONSTRUCTION INSPECTIONS:		1			
OVERPRESSURE/RUPTURE:	0	0			VOLUNTEER HOURS	244		

OCCUPANCIES

AIRCRAFT:	0	0	PROCESSING PLANTS:	0	0
BOATS:	0	0	PUBLIC BUILDINGS:	0	0
HOSPITAL/CARE CENTER:	0	0	REPAIR SHOPS:	0	0
HOTEL/MOTEL:	1	0	RESIDENTIAL:	0	0
LABORATORIES:	0	0	RESTAURANT:	0	0
LAUNDRAMATS:	0	0	SCHOOLS:	3	0
LAUNDRIES:	0	0	SERVICE STATION:	0	0
MANUFACTURING:	0	0	STORAGE:	0	0
MARINA:	2	0	STORES:	2	0
MISCELLANEOUS:	0	0	TAVERNS:	0	0
MOTOR VEHICLES:	0	0	TRAILERS:	0	0
NATURAL COVER:	2	1	UTILITIES:	0	0
OFFICES:	0	0	VACANT BUILDINGS:	0	0

NEWPORT FIRE DEPARTMENT CITY REPORT FEBRUARY 2010

FIRE CAUSES

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

LOSS OF LIFE

CIVILIAN: 0 FIREFIGHTER: 0

INJURY

CIVILIAN: 0 FIREFIGHTER: 0

Newport Police Department Monthly Statistical Review



SELECTED CALLS FOR SERVICE (CFS)

	FEBRUARY 2010			Total CFS To Date	
	THIS MONTH	LAST MONTH	SAME TIME LAST YEAR	This Year	Last Year
RAPE	0	1	1	1	2
ROBBERY	0	0	0	0	0
AGGRAVATED ASSAULT	1	0	3	1	4
BURGLARY (Residential)	1	3	1	4	9
BURGLARY (Business)	2	1	1	3	3
BURGLARY (Other)	0	1	0	1	1
THEFT	28	24	19	52	74
MOTOR VEHICLE THEFT	2	3	1	5	7
FRAUD	9	8	5	17	12
SIMPLE ASSAULT	6	9	10	15	16
VANDALISM	8	13	12	21	19
SEX OFFENSE	4	0	3	4	8
NARCOTIC/DRUGS	14	6	11	20	17
DOMESTIC DISPUTES	20	14	21	34	32
LIQUOR LAWS	5	3	3	8	7
DUI	6	5	7	11	23
DISORDERLY CONDUCT	13	13	22	26	45
TRESPASS/PROWLER	20	12	6	32	22
TRAFFIC CRASH/INJURY/FATAL	3	4	2	7	8
TRAFFIC CRASH/PROPERTY	4	13	7	17	17
HIT & RUN	7	8	10	15	16
ANIMAL PROBLEMS	27	17	19	44	28
SUSPICIOUS PERS/CIRCUM	71	61	70	132	133
VEHICLE IMPOUNDS	11	13	13	24	29
ALARMS	35	49	29	84	72

TOTAL CALLS FOR SERVICE **636** **630** **578**

ARRESTS **93**

Total CFS To Date **1,266** **1,170**

February Overtime Hours
 Shift Coverage 60
 Court 52
 Investigations 127
 Administration 57
 Training 8
 Other 36
TOTAL HOURS 343

Top 5 Traffic Citation Charges
 Speeding 10
 Driving While Suspenc 6
 No Insurance 4
 Fail to Obey Trf Dev 3
 Fail Carry Proof of Ins. 3
TOTAL CITATIONS 50

PARKING CITATIONS 47

WARNING CITATIONS: 195

Volunteer Hours 506



Agenda Item # IV.D.
Meeting Date: 3/15/10

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title OLCC Application – Donya Maries Beyond Chocolate

Prepared By: Newport Police Dept Head Approval: Chief Mark J. Miranda City Mgr Approval: [Signature]

Issue Before the Council:

Shall the City Council recommend approval of the liquor license application for Donya Maries Beyond Chocolate?

Staff Recommendation:

The Police Department recommends favorable action by the City Council

Proposed Motion: Move to recommend approval of the liquor license application for Donya Maries Beyond Chocolate, located at 716 NW Beach Street, Newport, Oregon.

Key Facts and Information Summary:

Donya Maries Beyond Chocolate, 716 NW Beach Street, has made application to the Oregon Liquor Control Commission for a “Full On-Premises Sales” and a “Off-Premises Sales” license due to a change in ownership. Such a license allows for the applicant to sell wine, malt beverages, cider ‘by the drink’ and distilled liquor. These beverages must be consumed on the premises. The applicant may sell malt beverages in factory-sealed containers (kegs) for consumption off premises and wine in factory sealed containers under certain conditions. Containers of malt beverages sold under the license may not hold more than two and one-quarter gallons. Partially consumed bottles of wine that had been served with a meal may also be taken from the premises.

A background check of the applicants revealed no disqualifying information. Donya Maries Beyond Chocolate located in the Nye Beach area, in the Turn-around. The previous occupant was the Tea Party. There have been no police calls to this address within the last year.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a “Favorable Recommendation” or an “Unfavorable Recommendation” to OLCC. The Commission will then decide if granting a license is appropriate.

Other Alternatives Considered:

Not applicable.

City Council Goals: Public Safety related.

Attachment List:
License Application

Fiscal Notes:
There is no fiscal impact on the City other than time to process the application



Ke RECEIVED 2/10/10 10:08 AM

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

FEB 17 2010



NEWPORT POLICE

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES	ACTIONS
<input checked="" type="checkbox"/> Full On-Premises Sales (\$402.60/yr)	<input checked="" type="checkbox"/> Change Ownership
<input type="checkbox"/> Commercial Establishment	<input type="checkbox"/> New Outlet
<input type="checkbox"/> Caterer	<input type="checkbox"/> Greater Privilege
<input type="checkbox"/> Passenger Carrier	<input type="checkbox"/> Additional Privilege
<input type="checkbox"/> Other Public Location	<input type="checkbox"/> Other _____
<input type="checkbox"/> Private Club	
<input type="checkbox"/> Limited On-Premises Sales (\$202.60/yr)	
<input checked="" type="checkbox"/> Off-Premises Sales (\$100/yr)	
<input type="checkbox"/> with Fuel Pumps	
<input type="checkbox"/> Brewery Public House (\$252.60)	
<input type="checkbox"/> Winery (\$250/yr)	
<input type="checkbox"/> Other: _____	

Applying as:

Individuals Limited Partnership Corporation Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

_____ (name of city or county)

recommends that this license be:

Granted Denied

By: _____ (signature) _____ (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: OLC

Date: 2-16-10

90-day authority: Yes No

1. Applicant(s): [See SECTION 1 of the Guide]

① Donya Maries Beyond Chocolate LLC ③ NA

② _____ ④ NA

2. Trade Name (dba): Donya Maries Beyond Chocolate

3. Business Location: 716 NW Beach Dr Newport Lincoln Oregon 97365
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 716 NW Beach Dr Newport Oregon 97365
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 602 513-0248 None
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Lucinda Chapman The Tea Company Type of License: Brewery Public House

8. Former Business Name: The Tea Company

9. Will you have a manager? Yes No Name: NA
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? City of Newport
(name of city or county)

11. Contact person for this application: Donya Schweizer 602.513.0248
(name) (phone number(s))

422 SW Coast Ave None
(address) (fax number)

Sepe Bay, OR 97341 _____
(address) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 2/10/10 ③ NA Date NA

② [Signature] Date 2/10/10 ④ NA Date NA

1-800-452-OLCC (6522)
www.olcc.state.or.us



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

Manager's Report Meeting of March 15, 2010

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

Room Tax Code Change: As the Council may recall, last year the City received a recommendation from our auditors to consider changing the Room Tax Code to better clarify how credit card fees are handled, and to address cleaning fees as it relates to the overall rental fee cost. After discussing these concerns with rental managers, property managers and hoteliers, it was determined that the auditor's concern could more easily be addressed by modifying our Room Tax Worksheets. At this time, staff will not be pursuing changes to the Room Tax Code.

Business License Code Change: During discussion of the Room Tax Code Change mentioned above, some comments brought up related to our Business License Code. Last week, City staff including Interim Finance Director Ross Schultz, Attorney Penelope McCarthy and I, met with several rental-related business owners who voiced concerns with the existing Business License Code. The group pointed out that the code was difficult to interpret, needed clarification in the definitions, and that the City could do a better job enforcing the code.

The group had valid comments and concerns. For example, the original ordinance establishing the code has been amended on two separate occasions so business owners, as well as City staff, have three separate ordinances to review in order to interpret the code. Based on some of the group's questions, clarifications to the definitions are warranted. And, staff needs to explore means to better enforce the Code.

While staff acknowledges that improvements to the code would be beneficial, given we are in the middle of the current budget process, it will likely be June before any substantial work can be presented to the Council for consideration. This timeline has been forwarded to the group of interested business owners.

Month ending February 28th financial report. Attached for Council review are year-to-date revenue/expenditure reports through the month of February. Interim Finance Director Ross Schultz will be attending the meeting to address questions of Council.

Bicycle Route Map. In response to the City Council's interest in developing a bicycle route map, the bicycle and pedestrian advisory committee has identified six routes within the city and surrounding area. The routes vary in distance from 3 miles to 20 miles, provide a cross section of easy to challenging rides, and were selected with local riders and visitors in mind.

The advisory committee has developed a couple of concepts for designing the maps and has obtained cost estimates from two in-town printing agencies. The design work would entail between 6 to 10 hours at a cost of \$40.00 to \$60.00 an hour. Printing costs range from \$2.00-\$3.00 per map (for 500 or less) to \$.80-\$1.15 per map (for greater than 2500). Staff intends to proceed with producing 2500 maps and anticipates a total cost of less than \$3,500. Funds are available as part of the City's Wayfinding project for producing these maps.

Meredith Savage and Ken Dennis are planning to attend the Council meeting to present the map they have developed.

City of Newport

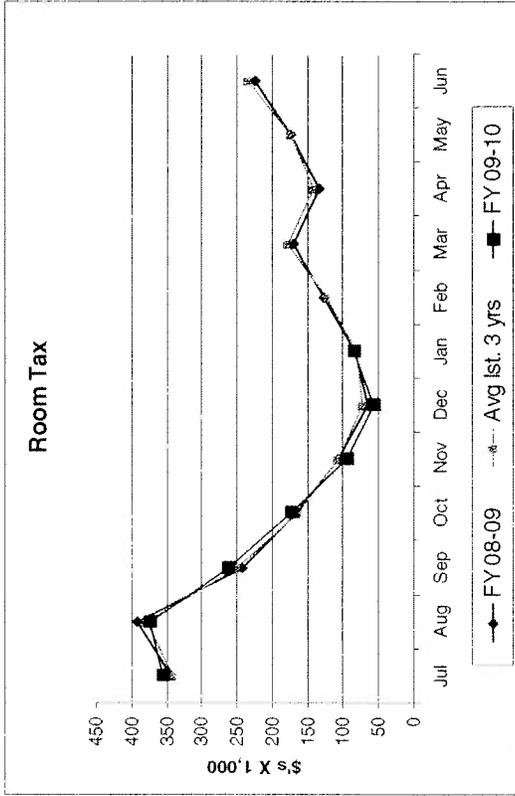
Highlights of February 2010 Monthly Financials

Room Tax numbers are on track and they do not reflect an uncollected balance of near \$10k.

Tax collections are on track to meet or exceed budget.

Both Airport and Recreation funds continue to run worse than budget, but both have forecast improvement over the next 4 months.

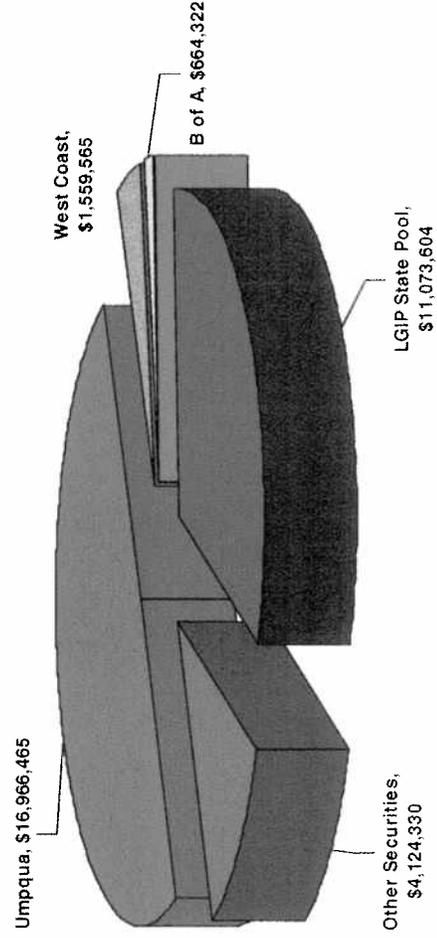
Water and Wastewater Fees are behind schedule for collection, but should improve with spring increase in usage.



City of Newport – All Cash Balances

As of February 28th, 2010

March, 15th, 2010



	FY 08-09	Avg lst. 3 yrs	FY 09-10
JUL	344	342	356
AUG	392	377	374
SEP	243	250	262
OCT	165	164	173
NOV	107	106	95
DEC	65	73	57
JAN	82	80	85
FEB	128	124	
MAR	169	177	
APR	134	142	
MAY	174	173	
JUN	224	235	

CITY OF NEWPORT
Revenue & Expenditure Report - MIS1

as of
February 28, 2010

Fund	Dept	Description	Current Month		Year to Date		Fiscal Year		% Un Used
			Actual	Bet (Worse)	Budget	Bet (Worse)	Budget	Un Used	
101	GENERAL FUND								
	1010	MAYOR & COUNCIL							
		MATERIAL & SERVICES	1,672	3,338	1,665	10,655	40,050	23,872	59.61%
		TOTAL MAYOR & COUNCIL	1,672	3,338	1,665	10,655	40,050	23,872	59.61%
	1020	CITY MANAGER							
		PERSONAL SERVICES	33,224	33,935	712	14,873	407,220	149,256	36.65%
		MATERIAL & SERVICES	814	2,683	1,869	10,898	32,200	21,524	66.85%
		TOTAL CITY MANAGER	34,037	36,618	2,581	25,771	439,420	170,780	38.86%
	1025	INFORMATION TECHNOLOGY							
		PERSONAL SERVICES	10,228	10,202	(26)	4,225	122,428	44,626	36.45%
		MATERIAL & SERVICES	1,995	8,202	6,207	701	98,420	33,179	33.71%
		CAPITAL IMPROVEMENTS	0	6,667	6,667	53,600	80,000	80,000	100.00%
		TOTAL INFORMATION TECHNOLOGY	12,223	25,071	12,848	58,526	300,848	157,806	52.45%
	1030	COURT							
		PERSONAL SERVICES	763	1,209	446	3,606	14,510	8,394	57.85%
		MATERIAL & SERVICES	1,795	1,813	17	(4,241)	21,750	2,937	13.50%
		TOTAL COURT	2,558	3,022	464	(635)	36,260	11,331	31.25%
	1040	CITY ATTORNEY							
		PERSONAL SERVICES	11,781	13,864	2,083	19,850	166,372	74,753	44.93%
		MATERIAL & SERVICES	133	1,142	1,008	(619)	13,700	3,902	28.48%
		TOTAL CITY ATTORNEY	11,915	15,006	3,091	19,231	180,072	78,655	43.68%
	1050	FINANCE							
		PERSONAL SERVICES	30,584	32,915	2,330	2,865	394,977	133,207	33.73%
		MATERIAL & SERVICES	1,005	6,788	5,783	(450)	81,450	26,428	32.45%
		TOTAL FINANCE	31,589	39,702	8,113	2,414	476,427	159,635	33.51%

Fund	Dept	Description	Current Month			Year to Date			Fiscal Year			% Un Used
			Actual	Budget	Bet (Worse)	Actual	Budget	Bet (Worse)	Budget	Un Used	Budget	
1070	POLICE											
		PERSONAL SERVICES	190,048	216,180	26,133	1,564,928	1,738,090	173,162	2,594,164	1,029,236	39.68%	
		MATERIAL & SERVICES	14,024	25,125	11,101	267,383	202,005	(65,378)	301,500	34,117	11.32%	
		CAPITAL IMPROVEMENTS	0	7,562	7,562	45,086	60,800	15,714	90,747	45,661	50.32%	
		TOTAL POLICE	204,071	248,868	44,796	1,877,397	2,000,895	123,498	2,986,411	1,109,014	37.14%	
1080	CENTRAL DISPATCH											
		MATERIAL & SERVICES	38,482	42,912	4,430	320,939	345,011	24,072	514,942	194,003	37.67%	
		TOTAL CENTRAL DISPATCH	38,482	42,912	4,430	320,939	345,011	24,072	514,942	194,003	37.67%	
1090	FIRE											
		PERSONAL SERVICES	71,820	74,775	2,955	603,966	601,194	(2,772)	897,304	293,338	32.69%	
		MATERIAL & SERVICES	2,054	15,013	12,958	111,801	120,701	8,899	180,150	68,349	37.94%	
		CAPITAL IMPROVEMENTS	0	13,125	13,125	0	105,525	105,525	157,500	157,500	100.00%	
		TOTAL FIRE	73,875	102,913	29,038	715,767	827,419	111,652	1,234,954	519,187	42.04%	
1100	LIBRARY											
		PERSONAL SERVICES	54,505	55,288	783	435,907	387,016	(48,891)	663,456	227,549	34.30%	
		MATERIAL & SERVICES	10,947	28,608	17,661	171,333	200,258	28,926	343,300	171,967	50.09%	
		TOTAL LIBRARY	65,452	83,896	18,444	607,239	587,274	(19,965)	1,006,756	399,517	39.68%	
1200	CITY BUILDING MAINTENANCE											
		PERSONAL SERVICES	5,604	6,188	584	51,207	49,752	(1,455)	74,257	23,050	31.04%	
		MATERIAL & SERVICES	5,828	8,340	2,512	69,413	67,054	(2,359)	100,080	30,667	30.64%	
		TOTAL CITY BUILDING MAINTENANCE	11,432	14,528	3,096	120,620	116,806	(3,814)	174,337	53,717	30.81%	
1400	COMMUNITY DEVELOPMENT											
		PERSONAL SERVICES	25,608	26,413	805	204,175	212,362	8,187	316,958	112,783	35.58%	
		MATERIAL & SERVICES	1,566	3,950	2,384	16,122	31,758	15,636	47,400	31,278	65.99%	
		TOTAL COMMUNITY DEVELOPMENT	27,174	30,363	3,189	220,297	244,120	23,823	364,358	144,061	39.54%	
1500	PARKS ADMINISTRATION											
		PERSONAL SERVICES	7,842	12,377	4,536	92,961	99,514	6,552	148,528	55,567	37.41%	
		MATERIAL & SERVICES	171	3,167	2,995	11,400	25,460	14,060	38,000	26,600	70.00%	
		TOTAL PARKS ADMINISTRATION	8,013	15,544	7,531	104,361	124,974	20,613	186,528	82,167	44.05%	
1510	PARK DIVISION											
		PERSONAL SERVICES	12,426	12,220	(206)	104,962	98,249	(6,713)	146,640	41,678	28.42%	
		MATERIAL & SERVICES	2,514	12,508	9,994	73,407	100,567	27,160	150,100	76,693	51.09%	
		TOTAL PARK DIVISION	14,940	24,728	9,789	178,369	198,816	20,447	296,740	118,371	39.89%	

Fund	Dept	Description	Current Month			Year to Date			Fiscal Year			% Un Used
			Actual	Budget	Bet (Worse)	Actual	Budget	Bet (Worse)	Budget	Un Used	Budget	
1525	SENIOR CENTER											
		PERSONAL SERVICES	5,254	5,344	89	42,460	42,963	503	64,124	21,664	33.78%	
		MATERIAL & SERVICES	2,242	7,880	5,638	37,276	63,352	26,075	94,555	57,279	60.58%	
		TOTAL SENIOR CENTER	7,496	13,223	5,727	79,736	106,315	26,579	158,679	78,943	49.75%	
1600	PUBLIC WORKS ADMINISTRATION											
		PERSONAL SERVICES	15,068	14,766	(302)	117,645	118,719	1,075	177,193	59,548	33.61%	
		MATERIAL & SERVICES	264	250	(14)	2,919	2,010	(909)	3,000	81	2.69%	
		TOTAL PUBLIC WORKS ADMINISTRATION	15,332	15,016	(316)	120,564	120,729	165	180,193	59,629	33.09%	
1610	ENGINEERING											
		PERSONAL SERVICES	23,221	20,278	(2,943)	163,907	163,035	(872)	243,336	79,429	32.64%	
		MATERIAL & SERVICES	310	1,144	834	7,930	9,200	1,270	13,732	5,802	42.25%	
		TOTAL ENGINEERING	23,531	21,422	(2,109)	171,837	172,236	398	257,068	85,231	33.15%	
1900	NON-DEPARTMENTAL											
		MATERIAL & SERVICES	11,704	33,196	21,492	287,534	266,896	(20,638)	398,352	110,818	27.82%	
		TRANSFERS	45,732	75,356	29,624	365,857	605,862	240,006	904,272	538,415	59.54%	
		TOTAL NONDEPARTMENTAL	57,436	108,552	51,116	653,391	872,758	219,367	1,302,624	649,233	49.84%	
		TOTAL GENERAL FUND EXPENDITURES	641,228	844,722	203,494	6,041,516	5,913,052	(128,464)	10,136,667	4,095,151	40.40%	
106	WATER FUND											
4010	WATER TREATMENT PLANT											
		PERSONAL SERVICES	23,013	25,471	2,458	205,080	204,785	(295)	305,649	100,569	32.90%	
		MATERIAL & SERVICES	15,415	28,309	12,893	196,914	227,602	30,688	339,705	142,791	42.03%	
		CAPITAL IMPROVEMENTS	1,670	1,249,733	1,248,063	1,033,382	10,047,853	9,014,471	14,996,796	13,963,414	93.11%	
		TOTAL WATER TREATMENT PLANT	40,098	1,303,513	1,263,414	1,435,376	10,480,241	9,044,864	15,642,150	14,206,774	90.82%	
4020	WATER DISTRIBUTION											
		PERSONAL SERVICES	33,182	32,987	(195)	256,613	265,215	8,602	395,844	139,231	35.17%	
		MATERIAL & SERVICES	15,662	15,249	(413)	150,464	122,605	(27,859)	182,992	32,528	17.78%	
		CAPITAL IMPROVEMENTS	35,884	24,333	(11,551)	321,364	195,640	(125,724)	292,000	(29,364)	-10.06%	
		TOTAL WATER DISTRIBUTION	84,729	72,570	(12,159)	728,440	583,460	(144,980)	870,836	142,396	16.35%	
4040	WATER CUSTOMER SERVICE											
		MATERIAL & SERVICES	1,283	1,029	(254)	12,881	8,275	(4,607)	12,350	(531)	-4.30%	
		TOTAL CUSTOMER SERVICE	1,283	1,029	(254)	12,881	8,275	(4,607)	12,350	(531)	-4.30%	

Fund	Dept	Description	Current Month			Year to Date			Fiscal Year		% Un Used
			Actual	Budget	Bet (Worse)	Actual	Budget	Bet (Worse)	Budget	Un Used	
4045		WATER GENERAL DEBT									
		DEBT SERVICE	5,000	5,000	0	40,000	40,200	200	60,000	20,000	33.33%
		TOTAL WATER GENERAL DEBT	5,000	5,000	0	40,000	40,200	200	60,000	20,000	33.33%
4090		WATER NON DEPARTMENTAL									
		MATERIAL & SERVICES	33,239	46,793	13,553	293,247	376,212	82,964	561,510	268,263	47.78%
		TRANSFERS	0	17,190	17,190	0	138,208	138,208	206,281	206,281	100.00%
		TOTAL WATER NON DEPARTMENTAL	33,239	63,983	30,743	293,247	514,420	221,173	767,791	474,544	61.81%
		TOTAL WATER FUND EXPENDITURES	164,349	1,446,094	1,281,745	2,509,945	11,626,595	9,116,650	17,353,127	14,843,182	85.54%
107		WASTEWATER FUND									
4510		WASTEWATER TREATMENT PLANT									
		PERSONAL SERVICES	24,086	25,273	1,187	184,581	203,194	18,612	303,274	118,693	39.14%
		MATERIAL & SERVICES	34,346	38,704	4,358	333,198	311,177	(22,021)	464,444	131,246	28.26%
		CAPITAL IMPROVEMENTS	0	4,167	4,167	8,493	33,500	25,007	50,000	41,507	83.01%
		TOTAL WASTEWATER TREATMENT PLANT	58,432	68,143	9,711	526,273	547,871	21,598	817,718	291,445	35.64%
4520		WASTEWATER COLLECTION									
		PERSONAL SERVICES	14,138	15,536	1,398	119,102	124,909	5,807	186,431	67,329	36.11%
		MATERIAL & SERVICES	26,024	13,731	(12,294)	155,162	110,395	(44,768)	164,768	9,606	5.83%
		CAPITAL IMPROVEMENTS	55,048	127,303	72,255	935,244	1,023,519	88,275	1,527,641	592,397	38.78%
		TOTAL WASTEWATER COLLECTION	95,210	156,570	61,360	1,209,508	1,258,823	49,314	1,878,840	669,332	35.62%
4540		WASTEWATER CUSTOMER SERVICE									
		MATERIAL & SERVICES	1,323	1,029	(294)	13,210	8,275	(4,935)	12,350	(860)	-6.96%
		TOTAL WASTEWATER CUSTOMER SERVICE	1,323	1,029	(294)	13,210	8,275	(4,935)	12,350	(860)	-6.96%
4545		WASTEWATER GENERAL DEBT									
		DEBT SERVICE	0	161,909	161,909	904,768	1,301,748	396,980	1,942,908	1,038,140	53.43%
		TOTAL WASTEWATER GENERAL DEBT	0	161,909	161,909	904,768	1,301,748	396,980	1,942,908	1,038,140	53.43%
4590		WASTEWATER NON DEPARTMENTAL									
		MATERIAL & SERVICES	35,656	52,614	16,958	325,817	423,020	97,203	631,373	305,556	48.40%
		TRANSFERS	0	132,526	132,526	0	1,065,507	1,065,507	1,590,309	1,590,309	100.00%
		TOTAL WASTEWATER NON DEPARTMENTAL	35,656	185,140	149,484	325,817	1,488,527	1,162,710	2,221,682	1,895,865	85.33%
		TOTAL WASTEWATER FUND EXPENDITURES	190,621	572,792	382,170	2,979,576	4,605,244	1,625,668	6,873,498	3,893,922	56.65%

Fund	Dept	Description	Current Month			Year to Date			Fiscal Year		% Un Used
			Actual	Budget	Bet (Worse)	Actual	Budget	Bet (Worse)	Budget	Un Used	
105	STREETS FUND										
3805	STREET MAINTENANCE										
		PERSONAL SERVICES	13,211	22,827	9,617	169,649	183,532	13,883	273,929	104,280	38.07%
		MATERIAL & SERVICES	9,785	14,706	4,921	157,520	118,240	(39,280)	176,477	18,957	10.74%
		CAPITAL IMPROVEMENTS	14,949	120,379	105,429	138,955	967,844	828,889	1,444,544	1,305,589	90.38%
		TOTAL STREET MAINTENANCE	37,945	157,913	119,968	466,124	1,269,617	803,492	1,894,950	1,428,826	75.40%
3850	STORM DRAIN MAINTENANCE										
		PERSONAL SERVICES	16,227	14,384	(1,843)	127,656	115,648	(12,008)	172,609	44,953	26.04%
		MATERIAL & SERVICES	2,784	10,506	7,723	81,988	84,471	2,483	126,076	44,088	34.97%
		CAPITAL IMPROVEMENTS	6,118	14,667	8,548	216,063	117,920	(98,143)	176,000	(40,063)	-22.76%
		TOTAL STORM DRAIN MAINTENANCE	25,129	39,557	14,428	425,707	318,039	(107,668)	474,685	48,978	10.32%
		TOTAL STREETS FUND EXPENDITURES	63,074	197,470	134,395	891,832	1,587,655	695,824	2,369,635	1,477,803	62.36%
111	RECREATION FUND										
4810	SWIMMING POOL										
		PERSONAL SERVICES	18,030	14,787	(3,243)	148,744	118,890	(29,854)	177,448	28,704	16.18%
		MATERIAL & SERVICES	2,074	8,750	6,676	59,732	70,350	10,618	105,000	45,268	43.11%
		TOTAL SWIMMING POOL	20,105	23,537	3,433	208,477	189,240	(19,237)	282,448	73,971	26.19%
4830	RECREATION CENTER										
		PERSONAL SERVICES	25,514	24,093	(1,421)	219,045	193,710	(25,335)	289,120	70,075	24.24%
		MATERIAL & SERVICES	4,827	12,592	7,764	88,339	101,237	12,898	151,100	62,761	41.54%
		TOTAL RECREATION CENTER	30,342	36,685	6,343	307,384	294,947	(12,437)	440,220	132,836	30.17%
4870	RECREATION PROGRAMS										
		PERSONAL SERVICES	12,887	9,770	(3,117)	136,625	78,550	(58,074)	117,239	(19,386)	-16.54%
		MATERIAL & SERVICES	75	8,167	8,092	30,621	65,660	35,039	98,000	67,379	68.75%
		TOTAL RECREATION PROGRAMS	12,962	17,937	4,974	167,245	144,210	(23,035)	215,239	47,994	22.30%
		TOTAL RECREATION FUND EXPENDITURES	63,409	78,159	14,750	683,106	628,398	(54,709)	937,907	254,801	27.17%

Fund	Dept	Description	Current Month			Year to Date			Fiscal Year			% Un Used
			Actual	Budget	Bet (Worse)	Actual	Budget	Bet (Worse)	Budget	Un Used	Budget	
112	AIRPORT FUND											
		PERSONAL SERVICES	20,024	18,555	(1,469)	160,864	149,184	(11,680)	222,663	61,799	27.75%	
		MATERIAL & SERVICES	186,658	111,550	(75,108)	1,396,868	896,862	(500,006)	1,338,600	(58,268)	-4.35%	
		CAPITAL IMPROVEMENTS	0	16,104	16,104	0	129,478	129,478	193,250	193,250	100.00%	
		TOTAL AIRPORT FUND EXPENDITURES	207,446	148,367	(59,079)	1,557,421	1,192,868	(364,553)	1,780,400	222,979	12.52%	
114	AIRPORT FBO FUND											
		PERSONAL SERVICES	4,710	7,925	3,215	37,841	63,716	25,875	95,099	57,258	60.21%	
		MATERIAL & SERVICES	24,614	18,861	(5,753)	196,814	151,641	(45,173)	226,330	29,516	13.04%	
		TRANSFERS	4,496	5,231	735	35,970	42,057	5,562	62,771	26,276	42.70%	
		TOTAL AIRPORT FBO FUND EXPENDITURES	33,819	32,017	(1,803)	270,626	257,414	(13,737)	384,200	113,049	29.56%	
120	ROOM TAX FUND											
		MATERIAL & SERVICES	16,084	96,083	80,000	573,013	772,510	199,497	1,153,000	579,987	50.30%	
		CAPITAL IMPROVEMENTS	15,000	51,250	36,250	140,764	412,050	271,286	615,000	474,236	77.11%	
		TRANSFERS	47,959	232,843	184,884	873,540	1,872,054	998,514	2,794,111	1,920,571	68.74%	
		TOTAL ROOM TAX FUND	79,043	380,176	301,133	1,587,316	3,056,614	1,469,298	4,562,111	2,974,795	65.21%	
119	BUILDING INSPECTION FUND											
		PERSONAL SERVICES	3,283	3,374	91	28,166	27,126	(1,040)	40,487	12,321	30.43%	
		MATERIAL & SERVICES	7,967	13,802	5,835	93,835	110,965	17,130	165,620	71,785	43.34%	
		CAPITAL IMPROVEMENTS	0	2,500	2,500	30,756	20,100	(10,656)	30,000	(756)	-2.52%	
		TRANSFERS	0	46,150	46,150	0	371,049	371,049	553,805	553,805	100.00%	
		TOTAL BUILDING INSPECTION FUND	11,250	65,826	54,576	152,757	529,241	376,484	789,912	637,155	80.66%	
118	AGATE BEACH DISPOSAL SITE CLOSURE FUND											
		MATERIAL & SERVICES	1,868	8,333	6,466	24,969	67,000	42,031	100,000	75,031	75.03%	
		TRANSFERS	0	122,482	122,482	0	984,751	984,751	1,469,778	1,469,778	100.00%	
		TOTAL AGATE BEACH DISPOSAL EXPENDITURE	1,868	130,815	128,947	24,969	1,051,751	1,026,782	1,569,778	1,544,809	98.41%	

Fund	Dept	Description	Current Month		Year to Date		Fiscal Year		% Un Used
			Actual	Budget	Actual	Budget	Budget	Un Used	
122	FIRE RESERVE FUND								
		MATERIAL & SERVICES	79	2,417	19,430	(16,128)	29,000	(6,558)	-22.61%
		CAPITAL IMPROVEMENTS	0	11,083	89,110	55,034	133,000	98,924	74.38%
		TRANSFERS	2,409	15,504	124,655	105,385	186,052	166,782	89.64%
		TOTAL FIRE RESERVE FUND EXPENDITURES	2,487	29,004	233,195	144,291	348,052	259,148	74.46%
123	PARKS & RECREATION CAPITAL IMPROVEMENT FUND								
	5510	PARKS & RECREATION RESERVE							
		MATERIAL & SERVICES	0	417	3,350	2,565	5,000	4,215	84.30%
		CAPITAL IMPROVEMENTS	0	25,000	201,000	201,000	300,000	300,000	100.00%
		TOTAL PARKS & RECREATION RESERVE	0	25,417	204,350	203,565	305,000	304,215	99.74%
	5560	SENIOR CENTER RESERVE							
		CAPITAL IMPROVEMENTS	0	40,494	325,573	325,444	485,930	485,801	99.97%
		TOTAL SENIOR CENTER RESERVE	0	40,494	325,573	325,444	485,930	485,801	99.97%
	5590	NON DEPARTMENTAL							
		TRANSFERS	2,500	0	0	(20,000)	0	(20,000)	#DIV/0!
		TOTAL NON DEPARTMENTAL	2,500	0	0	(20,000)	0	(20,000)	#DIV/0!
		TOTAL PARKS CAPITAL IMP EXPENDITURES	2,500	65,911	529,923	509,009	790,930	770,016	97.36%
124	PUBLIC PARKING FUND								
		MATERIAL & SERVICES	0	1,250	10,050	9,377	15,000	14,327	95.51%
		CAPITAL IMPROVEMENTS	0	16,667	134,000	134,000	200,000	200,000	100.00%
		TRANSFERS	0	9,518	76,525	76,525	114,216	114,216	100.00%
		TOTAL PUBLIC PARKING FUND EXPENDITURES	0	27,435	220,575	219,902	329,216	328,543	99.80%
117	LINE UNDERGROUNDING FUND								
		MATERIAL & SERVICES	0	0	0	(9,828)	0	(9,828)	#DIV/0!
		CAPITAL IMPROVEMENTS	285,245	42,250	339,690	(144,223)	507,000	23,087	4.55%
		TRANSFERS	0	17,064	137,191	137,191	204,762	204,762	100.00%
		TOTAL LINE UNDERGROUNDING EXPENDITURE	285,245	59,314	476,881	(16,860)	711,762	218,021	30.63%

Fund	Dept	Description	Current Month			Year to Date			Fiscal Year			% Un Used
			Actual	Budget	Bet (Worse)	Actual	Budget	Bet (Worse)	Budget	Un Used	Budget	
125	STREETS	SDC FUND										
		CAPITAL IMPROVEMENTS	0	2,981	2,981	0	23,969	23,969	35,775	35,775	35,775	100.00%
		TRANSFERS	0	20,810	20,810	0	167,316	167,316	249,725	249,725	249,725	100.00%
		TOTAL STREETS SDC FUND EXPENDITURE	0	23,792	23,792	0	191,285	191,285	285,500	285,500	285,500	100.00%
126	WATER	SDC FUND										
		TRANSFERS	0	31,042	31,042	0	249,575	249,575	372,500	372,500	372,500	100.00%
		TOTAL WATER SDC FUND EXPENDITURE	0	31,042	31,042	0	249,575	249,575	372,500	372,500	372,500	100.00%
127	WASTEWATER	SDC FUND										
		CAPITAL IMPROVEMENTS	0	11,605	11,605	0	93,304	93,304	139,260	139,260	139,260	100.00%
		TRANSFERS	625	625	0	5,000	5,025	25	7,500	2,500	2,500	33.33%
		TOTAL WASTEWATER SDC FUND EXPENDITURE	625	12,230	11,605	5,000	98,329	93,329	146,760	141,760	141,760	96.59%
129	STORM DRAIN	SDC FUND										
		MATERIAL & SERVICES	0	2,528	2,528	0	20,321	20,321	30,330	30,330	30,330	100.00%
		TRANSFERS	0	823	823	0	6,613	6,613	9,870	9,870	9,870	100.00%
		TOTAL STORM DRAIN SDC FUND EXPENDITURE	0	3,350	3,350	0	26,934	26,934	40,200	40,200	40,200	100.00%
128	PARKS	SDC FUND										
		MATERIAL & SERVICES	0	4,167	4,167	0	33,500	33,500	50,000	50,000	50,000	100.00%
		CAPITAL IMPROVEMENTS	0	8,333	8,333	0	67,000	67,000	100,000	100,000	100,000	100.00%
		TRANSFERS	0	327	327	0	2,627	2,627	3,921	3,921	3,921	100.00%
		TOTAL PARKS SDC FUND EXPENDITURE	0	12,827	12,827	0	103,127	103,127	153,921	153,921	153,921	100.00%
230	SOUTH BEACH URA	CONSTRUCTION FUND										
		MATERIAL & SERVICES	11,354	12,604	1,250	93,213	101,338	8,124	151,250	58,037	58,037	38.37%
		CAPITAL IMPROVEMENTS	0	73,750	73,750	0	592,950	592,950	885,000	885,000	885,000	100.00%
		TRANSFERS	0	396	396	0	3,183	3,183	4,750	4,750	4,750	100.00%
		TOTAL SO BEACH URA CONSTR EXPENDITURE	11,354	86,750	75,396	93,213	697,470	604,257	1,041,000	947,787	947,787	91.05%

Fund	Dept	Description	Current Month			Year to Date		Fiscal Year		% Un Used
			Actual	Budget	Bet (Worse)	Actual	Budget	Budget	Un Used	
231	SOUTH BEACH URA DEBT FUND									
		MATERIAL & SERVICES	0	208	208	667	1,675	2,500	1,833	73.32%
		DEBT SERVICE	0	39,811	39,811	69,304	320,079	477,730	408,426	85.49%
		TRANSFERS	113,434	229,719	116,285	907,472	1,846,943	2,756,632	1,849,160	67.08%
		TOTAL SO BEACH URA DEBT EXPENDITURES	113,434	269,739	156,305	977,443	2,168,698	3,236,862	2,259,419	69.80%
229	NORTH SIDE URA DEBT FUND									
		MATERIAL & SERVICES	0	208	208	667	1,675	2,500	1,833	73.32%
		DEBT SERVICE	0	90,291	90,291	901,086	725,938	1,083,490	182,404	16.83%
		TRANSFERS	124,344	418,813	294,469	994,748	3,367,253	5,025,751	4,031,003	80.21%
		TOTAL NO SIDE URA DEBT EXPENDITURES	124,344	509,312	384,968	1,896,501	4,094,866	6,111,741	4,215,240	68.97%

CITY OF NEWPORT
 Revenue & Expenditure Report - MIS2

as of
 February 28, 2010

GL No.	GL Description	Current Month		Year to Date		Fiscal Year		% Un Used
		Actual	Budget	Actual	Budget	Budget	Un Used	
1000	GENERAL FUND SUMMARY							
REVENUES								
4002	BEGINNING FUND BALANCE			775,168	957,208	(182,040)	957,208	19.02%
4110	CURRENT PROPERTY TAXES	30,565	358,333	3,883,919	2,881,000	1,002,919	4,300,000	9.68%
4120	DELINQUENT PROPERTY TAXES	6,435	10,417	135,615	83,750	51,865	125,000	-8.49%
4149	FEES IN LIEU OF FRANCHISE	0	19,903	0	160,023	(160,023)	238,840	100.00%
4150	911 STATE EXCISE TAX	13,418	4,667	26,503	37,520	(11,017)	56,000	52.67%
4151	FRANCHISE TAXES	103,829	58,333	416,189	469,000	(52,811)	700,000	40.54%
4152	STATE CIGARETTE TAX	0	1,250	17,153	10,050	7,103	15,000	-14.35%
4156	STATE LIQUOR PRORATION	23,932	10,417	63,185	83,750	(20,565)	125,000	49.45%
4158	STATE REVENUE SHARING	26,767	6,250	48,839	50,250	(1,411)	75,000	34.88%
4201	COUNTY LIBRARY CONTRIBUTION	26,209	25,000	211,335	201,000	10,335	300,000	29.56%
4205	NRFPD IGA PAYMENT	0	12,833	64,439	103,180	(38,741)	154,000	58.16%
4220	D L C D PLANNING GRANT	5,000	833	5,000	6,700	(1,700)	10,000	50.00%
4230	FEDERAL GRANTS	0	35,187	0	282,905	(282,905)	422,247	100.00%
4232	LAW ENFORCEMENT GRANTS	0	1,500	719	12,060	(11,341)	18,000	96.00%
4233	K-9 PROGRAM REVENUE	0	833	16,503	6,700	9,803	10,000	-65.03%
4240	STATE LIBRARY GRANT	0	117	1,269	938	331	1,400	9.36%
4272	MISC GRANT	0	4,279	1,425	34,405	(32,980)	51,350	97.22%
4360	BUSINESS LICENSES	1,088	12,917	123,963	103,850	20,113	155,000	20.02%
4450	MUNICIPAL COURT FINES	17,287	13,333	102,876	107,200	(4,324)	160,000	35.70%
4455	ABATEMENT RECOVERY INCOME	0	0	18,705	0	18,705	0	#DIV/0!
4460	LIBRARY FINES	738	750	6,157	6,030	127	9,000	31.59%
4550	MISC. SALES & SERVICES	8,248	4,167	32,720	33,500	(780)	50,000	34.56%
4555	RENTS & LEASES	8,193	11,250	82,235	90,450	(8,215)	135,000	39.09%
4561	GIFTS & DONATIONS	0	42	0	335	(335)	500	100.00%
4580	SENIOR CENTER REVENUE	564	1,500	9,050	12,060	(3,010)	18,000	49.72%
4581	VISUAL ARTS CENTER REVENUE	550	417	4,773	3,350	1,423	5,000	4.55%
4601	INTEREST ON INVESTMENTS	0	2,083	0	16,750	(16,750)	25,000	100.00%
4663	SERVICE PROVIDED FOR STR FUND	6,734	6,734	53,869	54,138	(269)	80,803	33.33%
4664	SERVICE PROVIDED FOR WATER FND	31,293	25,263	250,347	303,115	47,232	303,156	17.42%
4665	SERVICE PROVIDED FOR SEWER FND	26,573	21,304	212,582	171,287	41,295	255,652	16.85%
4668	SERVICE PROVIDED FOR BLDG INSP	7,952	7,952	63,613	63,931	(318)	95,420	33.33%
4682	SERVICE PROVIDED FOR SB URA	11,354	11,354	90,833	91,288	(454)	136,250	33.33%
4943	TRANSFER FR ROOM TAX FUND	19,543	67,549	323,188	543,096	(219,908)	810,591	60.13%
4944	TRANSFER FR ROOM TAX - ADMIN	3,852	0	102,919	0	102,919	0	#DIV/0!
4971	TRANSFER EQUITY	0	28,188	0	226,628	(226,628)	338,250	100.00%
	TOTAL REVENUES	380,122	764,955	6,369,922	6,150,238	219,684	10,136,667	37.16%
							2,809,537	

GL No.	GL Description	Current Month			Year to Date			Fiscal Year		
		Actual	Budget	Bet (Worse)	Actual	Budget	Bet (Worse)	Budget	Un Used	% Un Used
EXPENDITURES										
1010	MAYOR & COUNCIL	1,672	3,338	1,665	16,178	26,834	10,655	40,050	23,872	59.61%
1020	CITY MANAGER	34,037	36,618	2,581	268,640	294,411	25,771	439,420	170,780	38.86%
1025	INFORMATION TECHNOLOGY	12,223	25,071	12,848	143,042	201,568	58,526	300,848	157,806	52.45%
1030	COURT	2,558	3,022	464	24,929	24,294	(635)	36,260	11,331	31.25%
1040	CITY ATTORNEY	11,915	15,006	3,091	101,417	120,648	19,231	180,072	78,655	43.68%
1050	FINANCE	31,589	39,702	8,113	316,792	319,206	2,414	476,427	159,635	33.51%
1070	POLICE	204,071	248,868	44,796	1,877,397	2,000,895	123,498	2,986,411	1,109,014	37.14%
1080	CENTRAL DISPATCH	38,482	42,912	4,430	320,939	345,011	24,072	514,942	194,003	37.67%
1090	FIRE	73,875	102,913	29,038	715,767	827,419	111,652	1,234,954	519,187	42.04%
1100	LIBRARY	65,452	83,896	18,444	607,239	674,527	67,287	1,006,756	399,517	39.68%
1200	CITY BUILDING MAINTENANCE	11,432	14,528	3,096	120,620	116,806	(3,814)	174,337	53,717	30.81%
1400	COMMUNITY DEVELOPMENT	27,174	30,363	3,189	220,297	244,120	23,823	364,358	144,061	39.54%
1500	PARKS & RECREATION ADMIN	8,013	15,544	7,531	104,361	124,974	20,613	186,528	82,167	44.05%
1510	PARKS DIVISION	14,940	24,728	9,789	178,369	198,816	20,447	296,740	118,371	39.89%
1525	SENIOR CENTER	7,496	13,223	5,727	79,736	106,315	26,579	158,679	78,943	49.75%
1600	PUBLIC WORKS ADMIN	15,332	15,016	(316)	120,564	120,729	165	180,193	59,629	33.09%
1610	ENGINEERING	23,531	21,422	(2,109)	171,837	172,236	398	257,068	85,231	33.15%
1900	NON DEPARTMENTAL'	11,704	33,196	21,492	287,534	266,896	(20,638)	398,352	110,818	27.82%
	Transfers	45,732	75,356	29,624	365,857	605,862	240,006	548,785	182,928	33.33%
	Contingency							355,487	355,487	100.00%
TOTAL EXPENDITURES		641,228	844,722	203,494	6,041,516	6,791,567	750,051	10,136,667	4,095,151	40.40%
TOTAL REVENUES OVER EXPENDITURES		(261,107)	(79,767)	(588,328)	328,406	(641,329)	(530,366)	0	(1,285,614)	

CITY OF NEWPORT
Revenue & Expenditure Report - MIS3

as of
February 28, 2010

GL No.	GL Description	Current Month			Year to Date			Fiscal Year		% Un Used
		Actual	Budget	Bet (Worse)	Actual	Budget	Bet (Worse)	Budget	Un Used	
106	WATER FUND									
REVENUES										
4000	WATER REVENUE									
4002	BEGINNING FUND BALANCE				2,000	0	2,000	15,124,327	15,124,327	100.00%
4262	WATER/WASTEWATER GRANT			0	1,302,917	1,380,200	(77,283)	0	(2,000)	#DIV/0!
4520	WATER USER CHARGES	122,249	171,667	(49,418)	34,916	41,406	(6,490)	2,060,000	757,083	36.75%
4522	WATER USER CHARGES-SEAL ROCK	4,528	5,150	(622)	26,932	16,750	10,182	61,800	26,884	43.50%
4523	NEW SERVICES & METERS	2,926	2,083	843	25,054	20,100	4,954	25,000	(1,932)	-7.73%
4550	MISC. SALES & SERVICES	3,398	2,500	898	0	4,690	(4,690)	30,000	4,946	16.49%
4601	INTEREST ON INVESTMENTS	0	583	(583)	30,000	30,150	(150)	7,000	7,000	100.00%
4665	SERVICE PROVIDED FOR SEWER FND	3,750	3,750	0	39,183	0	39,183	45,000	15,000	33.33%
4821	LOAN PROCEEDS	0	0	0	1,461,003	1,493,296	(32,293)	0	(39,183)	#DIV/0!
	TOTAL REVENUES	136,850	185,733	(48,883)	1,461,003	1,493,296	(32,293)	17,353,127	15,892,124	91.58%
EXPENDITURES										
	Personal Services	56,195	58,458	2,263	461,693	470,000	8,307	701,493	239,800	34.18%
	Material & Services	65,600	91,380	25,780	653,507	734,693	81,187	1,096,557	443,050	40.40%
	Debt Service	5,000	5,000	0	40,000	40,200	200	60,000	20,000	33.33%
	Contingency							206,281	206,281	100.00%
	TOTAL WATER FUND EXPENDITURES	126,795	154,838	28,042	1,155,200	1,244,894	89,694	2,064,331	909,131	44.04%
	TOTAL REVENUES OVER EXPENDITURES	10,055	30,896	(76,926)	305,803	248,403	(121,987)	15,288,796	14,982,993	
	Capital Improvements	37,554	1,274,066	1,236,512	1,354,746	10,243,493	8,888,748	15,288,796	13,934,050	91.14%

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GL No.	GL Description	Current Month		Year to Date		Fiscal Year		% Un Used
		Actual	Bet (Worse)	Actual	Bet (Worse)	Budget	Un Used	
107	WASTEWATER FUND							
REVENUES								
4500	WASTEWATER REVENUE							
4002	BEGINNING FUND BALANCE							
4524	CAPITAL IMPROVEMENT SURCHARGE	34,545	378	273,316	(1,384)	1,549,167	100.00%	
4530	SEWER USER CHARGES	174,623	(39,960)	1,680,669	(44,581)	410,000	33.34%	
4535	SEPTAGE REVENUE	859	(1,225)	34,187	17,437	2,575,000	34.73%	
4550	MISC. SALES & SERVICES	0	0	211	211	25,000	-36.75%	
4601	INTEREST ON INVESTMENTS	0	(2,500)	0	(20,100)	0	#DIV/0!	
4685	SPEC PAYMT FR NS URD DEBT SERV	86,078	0	688,627	(3,443)	30,000	100.00%	
4686	SVC PROVIDED FOR TRANSP SDC	92,601	0	740,805	(3,704)	1,032,941	33.33%	
4821	LOAN PROCEEDS	0	0	269,698	269,698	1,111,208	33.33%	
4937	TRANSFER FROM SDC FUND	625	(10,224)	5,000	(82,222)	0	#DIV/0!	
4943	TRANSFER FR ROOM TAX FUND	4,237	3,403	77,168	70,468	130,182	96.16%	
	TOTAL REVENUES	393,567	(50,127)	3,769,682	202,380	6,873,498	3,103,816	45.16%
EXPENDITURES								
	Personal Services							
	Material & Services							
	Debt Service							
	Transfers & Special Payments							
	Contingency							
	DEQ Required Loan Reserve							
	TOTAL WASTEWATER FUND EXPENDITURES	135,573	173,222	2,035,838	446,879	5,295,857	3,260,019	61.56%
	TOTAL REVENUES OVER EXPENDITURES	257,994	(223,350)	1,733,844	(244,499)	1,577,641	(156,203)	
	Capital Improvements	55,048	76,422	943,738	113,282	1,577,641	633,903	40.18%

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GL No.	GL Description	Current Month		Year to Date		Fiscal Year		% Un Used
		Actual	Bet (Worse)	Actual	Bet (Worse)	Budget	Un Used	
112	AIRPORT OPERATIONS							
REVENUES								
4225	AVIATION GRANT	0	(100,000)	0	(804,000)	1,200,000	1,200,000	100.00%
4226	CONNECT OREGON GRANT	0	0	998,790	998,790	0	(998,790)	#DIV/0!
4283	FAA ENTITLEMENT GRANT	0	(15,408)	0	(123,883)	184,900	184,900	100.00%
4550	MISC. SALES & SERVICES	200	(217)	2,657	(693)	5,000	2,343	46.87%
4555	RENTS & LEASES	2,964	(370)	21,681	(5,119)	40,000	18,319	45.80%
4665	SERVICE PROVIDED FOR SEWER FND	2,667	0	21,333	(107)	32,000	10,667	33.33%
4943	TRANSFER FR ROOM TAX FUND	10,368	(16,173)	188,851	(24,544)	318,500	129,649	40.71%
	TOTAL REVENUES	16,198	(132,168)	1,233,311	1,192,868	1,780,400	547,089	30.73%
EXPENDITURES								
	Personal Services							
	Material & Services							
	Transfers & Special Payments							
	Contingency							
	TOTAL AIRPORT FUND EXPENDITURES	20,024	(1,469)	160,864	(11,680)	222,663	61,799	27.75%
		186,558	(75,108)	1,396,868	(500,006)	1,338,600	(58,268)	-4.35%
		764	1,393	(312)	17,656	0	312	#DIV/0!
						25,887	25,887	100.00%
	TOTAL AIRPORT FUND EXPENDITURES	207,446	(75,184)	1,557,421	(494,030)	1,587,150	29,729	1.87%
	TOTAL REVENUES OVER EXPENDITURES	(191,248)	(56,985)	(324,109)	534,473	193,250	517,359	
	Capital Improvements	0	16,104	0	129,478	193,250	193,250	100.00%

GL No.	GL Description	Current Month		Year to Date		Fiscal Year		% Un Used
		Actual	Budget	Actual	Budget	Budget	Un Used	
114 AIRPORT FBO								
REVENUES								
4514	CONCESSIONS	100	267	1,207	2,144	3,200	1,993	62.28%
4540	JET FUEL	9,256	16,917	88,542	136,010	203,000	114,458	56.38%
4541	AVGAS	3,428	10,500	51,434	84,420	126,000	74,566	59.18%
4542	OIL	72	108	238	871	1,300	1,062	81.67%
4543	PILOT SUPPLIES	52	117	652	938	1,400	748	53.45%
4544	FOOD CATERING	0	250	611	2,010	3,000	2,389	79.64%
4550	MISC. SALES & SERVICES	0	25	1,076	201	300	(776)	-258.55%
4555	RENTS & LEASES	480	1,250	7,473	10,050	15,000	7,527	50.18%
4556	TIE DOWN	3	83	764	670	1,000	236	23.60%
4557	RENTAL CAR FEES	0	417	1,795	3,350	5,000	3,205	64.10%
4561	GIFTS & DONATIONS	0	0	24	0	0	(24)	#DIV/0!
4901	TRANS. FR. GENERAL FUND	2,083	2,083	16,667	16,750	25,000	8,333	33.33%
TOTAL REVENUES		15,474	32,017	170,482	257,414	384,200	213,718	55.63%
EXPENDITURES								
Personal Services		4,710	7,925	37,841	63,716	95,099	57,258	60.21%
Material & Services		24,614	18,861	196,814	151,641	226,330	29,516	13.04%
Transfers & Special Payments		4,496	5,231	35,970	42,057	53,955	17,985	33.33%
Contingency						8,816	8,816	100.00%
TOTAL AIRPORT FBO EXPENDITURES		33,819	32,017	270,626	257,414	384,200	113,574	29.56%
TOTAL REVENUES OVER EXPENDITURES		(18,346)	0	(100,144)	0	0	100,144	
Capital Improvements								
		0	0	0	0	0	0	#DIV/0!

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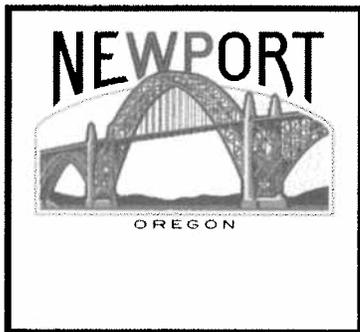
as of
February 28, 2010

GL No.	GL Description	Current Month		Year to Date		Fiscal Year		% Un Used
		Actual	Budget Bet (Worse)	Actual	Budget Bet (Worse)	Budget	Un Used	
111	RECREATION FUND							
REVENUES								
4800	RECREATION REVENUES							
4272	MISC GRANT	0	(2,292)	0	18,425	27,500	27,500	100.00%
4501	SWIMMING POOL REVENUES	9,031	3,197	49,097	46,900	70,000	20,903	29.86%
4503	RECREATION CENTER REVENUE	20,583	(1,084)	186,828	174,200	260,000	73,172	28.14%
4508	SPORTS PROGRAMS-ADULTS	1,035	1,035	12,481	0	0	(12,481)	#DIV/0!
4509	SPORTS PROGRAMS-YOUTH	35	35	5,179	0	0	(5,179)	#DIV/0!
4511	ACTIVITY PROGRAMS-YOUTH	6,960	(1,373)	73,051	67,000	100,000	26,949	26.95%
4512	ACTIVITY PROGRAMS-SENIORS	280	113	295	1,340	2,000	1,705	85.25%
4513	ACTIVITY PROGRAMS-ADULT	2,160	(1,007)	14,711	25,460	38,000	23,290	61.29%
4514	CONCESSIONS	1,477	144	10,514	10,720	16,000	5,486	34.29%
4515	MISC REC PROGRAM REVENUE	0	(83)	388	670	1,000	613	61.25%
4580	SENIOR CENTER REVENUE	0	0	35	0	0	(35)	#DIV/0!
4601	INTEREST ON INVESTMENTS	0	(125)	0	1,005	1,500	1,500	100.00%
4901	TRANS. FR. GENERAL FUND	12,475	0	99,796	100,295	149,694	49,898	33.33%
4943	TRANSFER FR ROOM TAX FUND	6,355	(9,918)	115,752	130,832	195,272	79,520	40.72%
	TOTAL REVENUES	60,390	(11,357)	568,125	576,847	937,907	369,782	39.43%
EXPENDITURES								
	Personal Services	56,432	(7,781)	504,414	391,151	583,807	79,393	13.60%
	Material & Services	6,977	22,532	178,692	237,247	354,100	175,408	49.54%
	Contingency					0	0	#DIV/0!
	TOTAL RECREATION FUND EXPENDITURES	63,409	14,750	683,106	628,398	937,907	254,801	27.17%
	TOTAL REVENUES OVER EXPENDITURES	(3,019)	(26,107)	(114,981)	(51,550)	0	114,981	

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GL No.	GL Description	Current Month		Year to Date		Fiscal Year		% Un Used	
		Actual	Budget Bet (Worse)	Actual	Budget Bet (Worse)	Budget	Un Used		
120	ROOM TAX FUND								
REVENUES									
4140	TRANSIENT ROOM TAX	77,030	197,245 (120,215)	1,403,052	1,585,850 (182,798)	2,366,940	963,888	40.72%	
4539	ONP	8	0 8	22	0 22	0	(22)	#DIV/0!	
4601	INTEREST ON INVESTMENTS	0	2,083 (2,083)	0	16,750 (16,750)	25,000	25,000	100.00%	
4721	TRANSFER FR P&R CAP IMP FUND	2,500	2,500 0	20,000	20,100 (100)	30,000	10,000	33.33%	
4741	INTERFUND LOAN REPAYMENT	0	6,883 (6,883)	0	55,342 (55,342)	82,600	82,600	100.00%	
	TOTAL REVENUES	79,538	208,712 (129,173)	1,423,074	1,678,042 (254,968)	4,562,111	3,139,037	68.81%	
EXPENDITURES									
	Material & Services	16,084	96,083 80,000	573,013	772,510 199,497	1,153,000	579,987	50.30%	
	Transfers & Special Payments	47,959	130,448 82,489	873,540	1,048,801 175,261	1,565,375	691,835	44.20%	
	Contingency					1,228,736	1,228,736	100.00%	
	TOTAL EXPENDITURES	64,043	226,531 162,489	1,446,553	1,821,311 374,759	3,947,111	2,500,558	63.35%	
	TOTAL REVENUES OVER EXPENDITURES	15,496	(17,820) (291,662)	(23,479)	(143,269) (629,727)	615,000	638,479		
	Capital Improvements	15,000	51,250 36,250	140,764	412,050 271,286	615,000	474,236		



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

CITY COUNCIL AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Public hearing on an ordinance amending the Newport Zoning Ordinance and Municipal Code relating to temporary vending carts not associated with special events and temporary portable signs within public rights-of-way (File No. 13-Z-09)

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: [Signature]

ISSUE BEFORE THE COUNCIL: Consideration of whether or not it is in the public interest to amend the Newport Zoning Ordinance and Municipal Code to allow temporary vending carts that are not associated with special events, and to exempt such carts from building code standards and system development charge fees. Proposed amendments to the sign code allow one temporary portable sign per business (rather than property) and expand the area where they can be placed within the right-of-way for more than 5 consecutive days and 10 calendar days to include the Wilder development.

STAFF RECOMMENDATION: Staff recommends the Council accept the Planning Commission's recommendation and adopt the ordinance.

PROPOSED MOTION: I move for reading by title only of an ordinance amending the Newport Zoning Ordinance and Municipal Code relating to temporary vending carts not associated with special events and temporary portable signs within the public right-of-way and for adoption by roll call vote.

KEY FACTS AND INFORMATION SUMMARY: An application for text amendments to the Newport Zoning Ordinance for the above referenced changes was submitted by Landwaves, Inc. (Bonnie Serkin, authorized representative) on December 30, 2009. The applicant would like to provide space for vending carts on their commercially zoned property, in the vicinity of SE 40th and College Way, to provide a food service option for faculty and students at the community college and residents in the area. This would be for an interim period until the site is ready for permanent commercial use. The City currently allows temporary vending carts on privately owned property only when they are in conjunction with a special event.

The proposal includes a legislative text amendment to the Newport Zoning Ordinance (NZO) Section 2-2-29 (Temporary Structures Permit) to allow temporary vending carts on commercially zoned property that is at least ½ mile from a permanent eating and drinking establishment. Chapter 10.10 of the Newport Municipal Code (Signs) is being amended to allow portable signs within public rights-of-way in portions of South Beach for more than 5 consecutive and 10 calendar days, and a sign will be allowed for each business instead of just one sign per property. Chapters 11.05 (Buildings) and Chapter 12.15 (System Development Charges) are amended to clarify that vending carts are exempt from building code standards and system development charges. In conjunction with this request, the City is proposing to delete standards for temporary structures in conjunction with special events from Section 2-2-29 of the Zoning Ordinance since those requirements are being consolidated into Chapter 9.80 of the Newport Municipal Code via separate ordinance.

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

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: This ordinance revision does not address a specific City Council goal.

ATTACHMENT LIST:

Proposed Ordinance

Planning Commission Minutes for February 22, 2010

Comment letters in support of the proposal

FISCAL NOTES: The applicant has paid the filing fee of \$325.00 set by the Council for consideration of this type of a request.

CITY OF NEWPORT

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE
(ORDINANCE NO. 1308, AS AMENDED) AND NEWPORT MUNICIPAL CODE
RELATING TO TEMPORARY VENDING CARTS NOT ASSOCIATED WITH
SPECIAL EVENTS AND TEMPORARY PORTABLE SIGNS
WITHIN PUBLIC RIGHTS-OF-WAY**

Findings:

1. Section 2-2-29 of the City of Newport Zoning Ordinance (No. 1308, as amended) contains criteria for allowing short-term uses that are temporary in nature, where no permanent improvements are made to a site. Such uses are subject to a temporary structures permit.
2. Bonnie Serkin, on behalf of Landwaves Inc., submitted an application proposing amendments to Section 2-2-29 to allow temporary vending carts in certain portions of the city. The request also includes amendments to Chapter 10.10 (Signs), Chapter 11.05 (Buildings), and Chapter 12.15 (System Development Charges) of the Newport Municipal Code. Changes to the sign code include an allowance for portable signs within rights-of-way in portions of South Beach for more than five consecutive days and more than 10 total calendar days and clarify that one portable sign is allowed per business rather than just one sign per property. Amendments to the building and system development charges section of the code add exemptions for vending carts, considering that they are not permanently affixed to a foundation and are temporary in nature.
3. In conjunction with this request, standards for the placement of temporary structures in conjunction with special events are being deleted from Section 2-2-29 of the Zoning Ordinance. This is being done because the standards have been incorporated into Chapter 9.80 of the Newport Municipal Code.
4. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed the proposed changes to the Newport Zoning Ordinance and Newport Municipal Code (Newport File No. 13-Z-09) at a work session on January 11, 2010. Following a public hearing on February 22, 2010, the Planning Commission voted unanimously to recommend the adoption of the proposed amendments.
5. The City Council held a public hearing on March 15, 2010 regarding the question of the proposed revisions (Newport File No. 13-Z-09), and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.
6. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Section 2-2-29 of Ordinance No. 1308 (as amended), Temporary Structures Permits, is repealed in its entirety and replaced with a new Section as shown in Exhibit "A".

Section 2. Section 10.10.040, Signs in Public Rights-of-Way, Section 10.10.070, Partially Exempt Signs, Chapter 11.05, Building Codes, and Section 12.15.060, Exemptions, of the Newport Municipal Code are amended as shown in Exhibit "B".

Section 3. This ordinance shall take effect 30 days after passage.

Date adopted on initial vote and read by title only: _____

Signed by the Mayor on _____, 2010.

William D. Bain, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Exhibit A to Ordinance No. _____, Amending the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) to provide criteria for temporary vending carts not associated with special events, and to delete standards for temporary structures in conjunction with special events.

2-1-1.101. Definitions. As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

* * *

Temporary Vending Carts. A trailer or other vehicle that does not exceed 16 feet in length, has functional wheels, an axle for towing, is not attached in a permanent manner to a permanent foundation and is self contained for sanitary sewer. A temporary vending cart may be mobile (i.e. does not remain stationary for longer than a few hours), or remain stationary, as permitted by Section 2-2-29.027.

* * *

Section 2-2-29. TEMPORARY STRUCTURES PERMITS *

2-2-29.005. Purpose. The purpose of this section is to provide some allowance for short-term uses that are truly temporary in nature, where no permanent improvements are made to the site, and the use can be terminated and removed immediately. Temporary activities include special events as defined in NMC 9.80.010, temporary living quarters, construction trailers, leasing offices, vending carts, kiosks, storage buildings, and similar structures.

2-2-29.010. Special Events Structures. Placement of special events structures is regulated under Chapter 9.80 of the Newport Municipal Code.

2-2-29.015. Temporary Living Quarters. Notwithstanding any other restrictions and prohibitions in this code, a recreational vehicle may be used as a temporary living quarters subject to the following conditions:

- A. The request for temporary living quarters must be in conjunction with a valid, active building permit.
- B. The time limit shall be no longer than one (1) year from issuance. After the expiration of the time limit, the recreational vehicle used for the temporary living quarters must no longer be used for on-site living purposes.
- C. The recreational vehicle used as the temporary living quarters must be self-contained for sanitary sewer.
- D. Temporary living situations for non-residential projects may use a job shack or other such structure instead of a recreational vehicle as the living quarters and may have a portable toilet instead of a self-contained unit.
- E. The location of the temporary living quarters on the site shall satisfy the vision clearance requirements as set forth in section 2-4-3 of the zoning code.
- F. Prior to the issuance of a temporary living quarters permit, the applicant shall sign an agreement that the applicant shall comply with the provisions of this subsection.

2-2-29.025. Temporary Structures for Other Than Special Events. Notwithstanding any other restrictions and prohibitions in this code, a temporary structure not associated with a special event may be erected subject to the following:

- A. The permit, if approved, shall be issued for a period not to exceed two (2) years. Upon like application and approval, the permit may be renewed for up to an additional one (1) year.
- B. Temporary structures are limited to commercially and industrially zoned properties.
- C. No permanent changes will be made to the site in order to accommodate the temporary structure.
- D. Permission is granted by the property owner.
- E. Sanitary facilities will be made available to the site.
- F. The structure does not interfere with the provision of parking for the permanent use on the site.
- G. The structure satisfies the vision clearance requirements of the zoning code.
- H. Approval is obtained from the City Building Official.
- I. A bond or cash deposit for the amount required to remove the temporary structure, if not removed in the required time frame, shall be placed in an interest bearing account in the name of the applicant and the City of Newport. Any bond or cash deposit must be in a form approved by the City Attorney.

2-2-29.030. Temporary Vending Carts. Notwithstanding any other restrictions and prohibitions in this code, a temporary vending cart, not associated with a special event, may be located within the City of Newport subject to the following:

- A. Temporary vending carts may be located on commercially zoned property that is at least ½ mile from a permanent eating and drinking establishment.
- B. Temporary vending carts and any accessory improvements (such as seating) are limited to privately owned properties, and may encroach onto public property or public right-of-way only if the City consents to the encroachment as provided in Chapter 4.10 of the Newport Municipal Code.
- C. The items available for sale from temporary vending carts are limited to food and beverages for immediate consumption. Requests to have a different item or service considered shall be submitted, in writing, to the City Manager, who shall determine if the item or service:
 - (1) Can be vended from a regulation size temporary vending cart;
 - (2) Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk;
 - (3) Involve a short transaction period to complete the sale or render the service;
 - (4) Not cause undue noise or offensive odors; and

- (5) Be easily carried by pedestrians.
- D. A permit for a temporary vending cart, if approved, shall be issued for a period not to exceed two (2) years. Upon expiration of a permit, a temporary vending cart must immediately cease operation, and must be permanently removed within seven (7) days.
- E. At least one trash and one recycling receptacle will be made available to the public.
- F. The City of Newport receives a signed statement that the permittee shall hold harmless the City of Newport, its officers and employees and shall indemnify the City of Newport, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activities of the permittee. Permittee shall furnish and maintain public liability, products liability, and property damage insurance as will protect permittee, property owners, and City from all claims for damage to property or bodily injury, including death, which may arise from operations of the permittee. Such insurance shall provide coverage of not less than \$1,000,000 per occurrence. Such insurance shall be without prejudice to coverage otherwise existing, and shall name as additional insured the City of Newport, their officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Recorder of the City of Newport.
- G. A bond or cash deposit for the amount required to remove the temporary vending cart, if not removed in the required time frame, shall be placed in an interest bearing account in the name of the applicant and the City of Newport. Any bond or cash deposit must be in a form approved by the City Attorney.

2-2-29.035. Permits Not Transferable Unless Approved. Permits authorized by this section are not transferable to another person or location unless approved by the Community Development Director.

2-2-29.040. Approval Authority. Unless otherwise provided, placement of temporary structures is subject to review and approval by the Community Development Director using a Type I decision making process.

2-2-29.045. Application Submittal Requirements. In addition to a land use application form with the information required in Section 2-6-1.020, applications for temporary structures shall include the following:

- A. A site plan, drawn to scale, showing:
- (1) The proposed location of the temporary structure, seating areas, and amenities, as applicable.
 - (2) Existing buildings.
 - (3) Existing parking.
 - (4) Access(es) to the parking areas.
 - (5) Any additional structures, seating areas, and amenities associated with the temporary structure.
 - (6) The location and size of trash receptacles.
 - (7) Utilities.

- (8) Existing signs and signs associated with the temporary structure.
 - (9) Temporary structure building elevations or photos.
 - (10) The location of drive-up windows (if applicable).
- B. A signed agreement stating that the applicant is aware of the limitations and conditions attached to the granting of the permit and agrees to abide by such limitations and conditions.
- C. A description of the types of items sold or services rendered, if applicable.
- D. A valid copy of all necessary permits required by State or local health authorities, and other required licenses or permits, such as business license or sign permit obtained by the applicant and maintained on site.

2-2-29.050. Fire Marshal Inspection. Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any temporary structure to assure conformance with the provisions of the Fire Code.

2-2-29.055. Construction Trailer Exemption. Construction trailers located on the site upon which construction is to occur that are used during the course of the construction project are exempt from the process outlined in this section and may be permitted at the time of building permit approval provided said structures comply with the building code and the vision clearance requirements of the zoning code.

Exhibit B to Ordinance No. _____, Amending the Newport Municipal Code to clarify criteria for portable signs within the public right-of-way and establishing exemptions to building code and system development charges for temporary vending carts not associated with special events.

CHAPTER 10.10 SIGNS

10.10.040 Signs in Public Rights-of-Way

* * *

B. Permits are required for temporary or portable signs within rights of way and may be issued only if authorized in this section.

* * *

2. Permits for portable signs within rights of way for more than five consecutive days and more than 10 total calendar days in a year may be granted if the portable sign is placed adjacent to a business location operated by the permittee, the sign is removed at all times when the business is not open, and the sign is within the following areas:

* * *

f. In that portion of the South Beach area of Newport, east of Highway 101, west of Kings Slough, south of the intersection of Highway 101 and 40th Street and north of the intersection of Highway 101 and 50th Street.

10.10.070 Partially Exempt Signs

* * *

E. One temporary portable sign per business placed on private property is permitted. Temporary portable signs shall be made of permanent, durable materials and shall be maintained in a good condition. Temporary signs (portable and attached) in the aggregate may not exceed 24 square feet for all display area surfaces on a single property. Temporary signs shall not be included in the calculation of total maximum display area. All portable signs shall be weighted, anchored or constructed so that they will not move or collapse in the event of wind, or otherwise create a hazard.

CHAPTER 11.05 BUILDING CODES

* * *

11.05.180 Exemptions

Temporary Vending Carts that are permitted in accordance with Newport Zoning Code and Ordinance section 2-2-29.027 are not permanently attached to a foundation, they are considered vehicles (not a building or structure), and the Oregon Structural Specialty Code does not apply.

CHAPTER 12.15 SYSTEM DEVELOPMENT CHARGES

* * *

12.15.060 Exemptions

A. The following actions are exempt from payment of SDCs:

* * *

4. Temporary Vending Carts that are permitted in accordance with Newport Zoning Code and Ordinance section 2-2-29.027

Minutes
City of Newport Planning Commission Regular Session
Monday, February 22, 2010

Commissioners Present: Jim Patrick, John Rehfluss, Mark Fisher, Gary East, Melanie Sarazin, and Glen Small.

Commissioners Absent: Dawn Newman.

City Staff Present: Community Development Director (CDD) Derrick Tokos and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m.

A. Approval of Minutes.

1. Approval of the work session and regular session Planning Commission meeting minutes of January 28, 2010.

MOTION was made by Commissioner Fisher, seconded by Commissioner East, to approve the minutes of the Planning Commission meetings of January 28, 2010, as presented. The motion carried unanimously in a voice vote.

B. Citizen/Public Comment. Because there were a lot of people present regarding the geologic hazards code update, Tokos noted that on February 17th he and State staff held a well-attended public workshop on the issue. He said there were roughly 95 people there. Staff took public feedback on the proposed amendments. At tonight's work session, Tokos had talked to the Planning Commission about how best to approach the March 8th hearing. Staff will be making changes to the proposed code to represent this public feedback and then present that modified code to the Planning Commission on March 8th. Tokos' recommendation is that the Planning Commission not take action on March 8th, but take testimony on the substance of that provision and continue the matter to a date certain that is two to four weeks out in order to give folks more time to take a look at the revised code. Tonight, the Commission will take testimony on the process only, not substantive testimony about the hearing.

Bonnie Saxton, 1081 SE 1st St., came forward with a question regarding the modified code and how people can give testimony on March 8th on something they haven't seen. Tokos noted that the modified code will be available on March 1st and will be published on the website, so folks will have it a week in advance of the meeting. He noted that the record will be left open longer than that date.

Dietmar Goebel, 147 NE Golf Course Dr, questioned why there is such a rush to have the hearing on March 8th. He asked why the public hasn't been invited at a much earlier stage than now. He personally thinks that the process has discouraged public input. He suggests backing up a little bit and starting with public input. He recommends not having the March 8th hearing because he would like the process opened up for public discussion before it goes to the Planning Commission. Tokos noted that the Planning Commission can cancel the meeting. We would have to re-notice and clearly post that the meeting has been canceled because this hearing has been noticed for some period of time. The Commission can open the hearing on March 8th and continue immediately or take testimony and then continue the hearing. Commissioner Fisher said that it is always in the best interest to hear what citizens have to say. Goebel said that the thing that bothers him is that there has been definite maps and an ordinance drawn up, and the City is asking the public to respond to that rather than have input on developing the proposed ordinance. The City is saying "here is what we have; and what is your input?" Fisher said that this initial document is also being given to him to be looked at; and the Commission may say lets throw the whole thing in the garbage. He thinks that everyone should be here and make an effort to get a copy of the proposed code. Fisher said that this is what this process is all about. The code is available on the website. Goebel said that he won't be able to be here on the 8th, and he would like to have an opportunity to present testimony. Chair Patrick said that it is pretty much guaranteed that there will be second hearing. Fisher added that written comments are especially good.

Roy Filby, 7381 N Coast Hwy, said that for many homeowners, this is catastrophic in terms of the economic impact. Existing structures will be grandfathered but will be nonconforming. If the home burns down or the owners want to sell, they won't be able to. There will be impact on property tax assessments. Filby said that the most logical thing for the Planning Commission to do with this ordinance is first to have a thorough economic analysis evaluation done. He said it seems the City should hire a consultant to do that. He proposes that this be a recommendation.

Georgia Dalon, 7407 N Coast Hwy, asked who is going to do an economic analysis of this situation and what impact it would have. She questioned that if no pressure is coming from the State, then who has the impetus to start this whole zoning change. Tokos explained that there are two primary reasons the City is moving this amendment at this point. The City is working on a comprehensive zoning code update, which was a City Council goal. The Planning Commission has been working on this for

seven years and are getting closer to wrapping it up. We are now to the geologic hazards section. The primary impetus is that for the upcoming periodic review we have to have this updated. In addition, the City Council set the goal for completing the zoning code update by the end of this fiscal year. Dalon asked if it would be possible to see the State's recommendation. Tokos said that he could provide the State's model code, which is what they ideally want to see, and can post it on the website.

Bob Berman, 180 NW 73rd Ct, was unable to attend the workshop, but he said that it seems that for a recommendation of this nature, a single information session is not enough. He said that he would very much like to know why this is being done when it has such a major impact. He wondered if it is only because of the potential mitigation of liability for the City if a house slides down a hill, and the owner walks away. In terms of the process, Berman would like to see another workshop where these questions can be asked before formal testimony can be taken.

Pat Parisi, 3947 NW Cherokee Ln, said that he came to the meeting the other night to observe; and what he observed was about 100 people, many of whom spoke against this process. He wanted to formally complain about the process. He agreed with an earlier speaker that the March 8th meeting be postponed until a committee that is representative of the citizens can be formed. Parisi said that it looks like the policy has already been decided. It seems that the City had some risk with people building in hazardous zones and the City having to clean it up. He doesn't know any other reason. He thought that some folks at the workshop proposed great ideas. He is protesting the fact that the March 8th hearing is a rush on a project that doesn't need to be rushed for at least two years. He respectfully asks the Commission to take a step back.

Janis Neigebauer, 4016 NW Cherokee Ln, said that she has a real concern about the time frame we are looking at. She has been contacted by clients that have property in the affected zones. Out of twenty-five, none were aware that this was going on. None were aware of the issues. A statement handed out at the last meeting was a question of what impact this has on existing homes, and the answer was that it is targeted to new development. She said that is not quite accurate. When you have a home in this zone, if it's changed so it has to be a manufactured home, that turns an existing site-built home to a nonconforming use. An appraiser she spoke with said that it will probably be difficult to get financing. There is concern about insuring homes built to current standards if it burns down and has to be replaced with a manufactured home. Neigebauer would like to see things slow down so we get more input from lenders, geologists, and insurance agents. She believes that there were a lot left out. A lot of people she talked with just found out how important this is, and they want to be here for all hearings. She said that there is no urgency and asked the Commission to slow down to give people time to come up to speed with it.

Patrick noted that notice of the March 8th hearing has already been published, and people may be planning on attending that hearing. His recommendation is to hold that hearing, but the Commission does not have to make a decision that night. He noted that we are doing a public process. He thinks we should hold the hearing and hear testimony as that is the proper place to hear both sides of the issue. Tokos added that he will make changes to the proposed draft based on feedback from the public open house. The revised draft will be available March 1st at the office and on the website. That is what he will be covering on March 8th. Tokos said that he has received a great deal of information from the work session, and he is compiling that. Again, his recommendation to the Planning Commission is not to take action on March 8th, but to take testimony and give additional time for the public to work through the revised draft before the continued hearing date. Fisher said that he thinks we are guaranteed at least a second evening of testimony. It was noted that we have to start somewhere. Commissioner Small said that perhaps a single information session is not enough and wondered if the March 8th meeting would be more of an informal session. Tokos said it will be the typical hearing format on March 8th. Testimony will be taken. The hearing could be continued four weeks, and in the two week interval we could hold a second open house to provide time to gather more input before the second public hearing. Small thought that would be appropriate.

Dietmar Goebel returned with a question whether it will be valid information they are getting. He noted that the only person doing any recording was a State man who took a few notes. He thought that a lot of testimony went into vapor space, and Tokos probably doesn't remember a lot of the conversation. It was explained that is typical for a workshop. Fisher added that a workshop is different than a regularly scheduled meeting. Tokos noted that what he is referring to is that he has seven pages of flipchart notes. Tokos said that a spreadsheet will be posted on the website listing these comments and addressing them.

Alan Butts, 210 NW 73rd Ct, said that he got in on the process a little late, but this reminds him of the hidden agenda on the health care plan. He just doesn't understand the emergency of this whole thing. He said that we are talking about millions of dollars of impact to homeowners on the coast. He wondered why Brookings, Coos Bay, Gold Beach, and Cannon Beach are not going through this process. He doesn't believe that the City is giving people who are involved in this time to prepare anything. The City is months ahead of the public.

John Stark, 1134 SW Mark St, said that to say this feels like a railroad job is an understatement. He came to the work session, and only one City employee was there, Tokos, who said that he is a staff person that assists the Planning Commission. The source of information for these drafts is supposed to be from the State's website. The State people said that it has been on the website for years, and no one has used it. At the workshop, Stark noted that Tokos gave a power point presentation and gave some testimony. The mapping is six years old. Stark said that there is no reason to do in two weeks what can be done in two years and give people a chance to go through and evaluate it.

Diego Mellerio, 2510 NW Pacific St, doesn't believe we can go through this whole thing in a single time. People that own homes here are in other states and need to have a chance to participate. He asked that however they decide to set the process now, to make sure that the notice is mailed to all houses so they are aware.

Fisher wanted the audience to know how valuable their comments are. The Planning Commission is updating a code book, which has been added to and deleted from year to year, in order to get it into a more usable format. He noted that these are very valid comments, and he is pleased to hear them. He said that the Commission is charged with doing this to the best of their ability. That is why the Commissioners have been appointed. Fisher added that he hopes all the folks will write letters in addition.

John Clark, 155 SW Elizabeth St, who was a former City Council member, said that the Planning Commission can do whatever they want. The meeting can be postponed and notice published again. Based on the testimony he has heard, he thinks we better have another workshop. The City needs to look at what can be built in these zones. The amount of dollars is incredible. Clark can't be here on the 8th, but will participate in any other hearing, meeting, or workshop. He said that Newport is not like every other city in Oregon. Each jurisdiction is a little bit different. It doesn't mean that we have the same requirements as Multnomah County or Salem. He said that the code doesn't have to be restrictive because the model ordinance says to do it. He told the Commissioners to think about what diminished property values will do to the county, the school district, and the city. He said that when the impact of this gets out and people realize what it is, the City will have a fire storm on their hands. If the City hurries it through, they will have no support from its citizens. He said it is a big deal. He warned the Commissioners to be cautious. He suggested that by not having the March 8th meeting and having another workshop, the City can still meet the guidelines with the State. Clark closed by saying "this is goofy".

Roger Wilson, 130 NW 73rd Ct, wondered what the public will get from the Planning office on March 1st. He thought that whatever has been suggested should be put together in a packet so that everyone can expect to get the same thing. Tokos noted that we will have the code with an explanation of the changes, a spreadsheet listing comments from the workshop and responses, minutes from this meeting, and the State's model code. Wilson wondered about a financial impact statement because he thought that financial impacts need to be considered before anything. Fisher asked if the Planning Commission would be considering financial impact; and if not, who would. Tokos said that it is a reasonable thing to consider. He said that reasonable testimony would be not to move forward unless that type of analysis is available. He said he would have to think about how to get this.

Bonnie Saxton returned noting that at the workshop, this was presented as a health and safety issue. She wondered about issues that have come up as safety and health in the past. She asked if the City had to clean up abandoned houses in the past. She said if those are issues and this is being based on that, then the public has a right to know if there are health and safety issues.

Bob Berman returned noting that there is a reference in the notice of the workshop that talks about an update of the boundary of the geologic hazard areas from the most recent maps of DOGAMI. He said that he didn't see updates on their website; there haven't been any maps available since 1994. Tokos said it is a 2004 study. He noted that a copy of the study is available in the office, and there is a study reference number. Tokos said that he can put the DOGAMI study on the website. He will talk to DOGAMI and see if they are comfortable with that.

Patrick closed the testimony at 7:45 p.m. His thought is that it is still better to have the hearing process. In that way, we have written record of testimony. He noted that if folks sign the log tonight, they will be included in the record of the hearing. He thanked everyone for their comments. Tokos reiterated that there will be a public hearing on March 8th, the Planning Commission will take testimony but will not take action and will continue the hearing to a date certain. There will be a second hearing date.

C. Consent Calendar. Nothing on tonight's consent calendar.

D. New Business. No new business to discuss.

E. Public Hearings.

At 7:50 p.m., Chair Patrick opened the public hearings portion of the meeting by reading a statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Fisher, Sarazin, Patrick, and Rehfuß declared site visits. Patrick asked for objections to any of the Commissioners or the Commission as a whole hearing this matter; and no objections were heard.

Legislative Land Use Action:

1. File No. 13-Z-09. A request submitted by Landwaves, Inc. (Bonnie Serkin, authorized representative) for the Planning Commission to review and provide a recommendation to the City Council on a proposed legislative text amendment to the

Newport Zoning Ordinance (NZO) Section 2-2-9 (Temporary Structures Permit) to allow temporary vending carts in certain portions of the city, and text amendments to the following Municipal Code sections: Chapter 10.10 (Signs) to allow portable signs within rights-of-way in portions of South Beach for more than 5 consecutive, and 10 calendar days and to clarify that the number of allowed portable signs corresponds to the businesses on the property rather than just one sign per property; Chapter 11.05 (Buildings) to clarify that as vehicles, temporary vending carts are exempt from the building code; and Chapter 12.15 (System Development Charges) to clarify that as vehicles that are not permanently affixed to a foundation, temporary vending carts are exempt from SDCs. In conjunction with this request, the City is proposing to clarify and consolidate the regulations for temporary structures contained in Section 2-2-29 of the Zoning Ordinance including moving the requirements for special events structures into the Newport Municipal Code.

Patrick opened the public hearing for File No. 13-Z-09 by reading the summary from the agenda. He asked for the staff report. Tokos noted that this request involves legislative amendments regarding vending carts that was proposed by Landwaves. The City Council recognizes that we need to work on the special events code; so the two were merged to move forward at the same time. Tokos noted that this item was presented to the Commission at their work session on January 11th. At that time, there was some concern about proposed vending carts being specific to the Wilder development. Tokos made some changes on Page 2 of Exhibit A under temporary vending carts by putting in two options for the Planning Commission to consider. He has shared these with Landwaves, and they are comfortable with either. The first option is the half mile from eating or drinking establishments. With this option, it may not be just limited in this location. The second option allows vending carts in certain geographic areas that includes Wilder area, but just South Beach area. Tokos noted that on the next page, after discussion with the city attorney, there's an addition that the recommendation from the Planning Commission should include that they have insurance coverage of not less than one million dollars. This is something we need to run past our own insurance people and may need to be adjusted before this is presented to the City Council. Tokos explained that the special events section of the municipal code is packaged with this because we are pulling out criteria for evaluating and issuing special event permits from the zoning code and putting into the municipal code where fee waivers and other things of that nature are already housed so that it's all in one location. The fee waiver is not something normally going before the Planning Commission. There may be some changes on that before going to the City Council. Tokos listed four letters of support of vending carts in the vicinity of the college that were included in the Commissioners' packets. Fisher said that he is not convinced that Section A, which talks about fee waiver, should be involved. He wondered if that is set by the City Manager, why the Commission should be involved. Fisher thought that Section A regarding special events is not clear enough, and he is not sure that the Commission should be doing it. Tokos said that the Commission could forward a recommendation to the City Council that the Planning Commission didn't consider that and assume it will be addressed by the City Council. Small also had concerns with the proposed language change for special events. He is not sure that is the language to include. He said that he couldn't forward a recommendation with that language included. He wanted to register his specific objection to that special events language.

Proponents: Bonnie Serkin of Landwaves, PO Box 12085, Portland, appeared as the proponent. Serkin noted that they are building a village up by the college, and are starting with homes. The village center is very important; but with what they are doing, it will be 2011 before the first commercial building exists. She noted that in the meantime, there is a college full of faculty, staff, and students that have to go quite a ways away to get anything to eat. That is why they are proposing changing the ordinance as far as food carts to be able to provide coffee and grab-and-go foods until the village center gets established. She noted that construction of the houses is slated to start in late spring, and the apartments right after that. Eventually when the commercial center develops, there may be restaurants that don't feel hospitable to food carts. She would not advocate that food carts exist side by side with restaurants. She said that either option for location would be fine. If the option chosen is to allow within Wilder without the half mile restriction, then they could exist side by side. As the master developer, they would not want to do anything to discourage a restaurant. Perhaps the cart vendor would be the first restaurant in a building. For the moment, they would like to have carts to feed the college population. In addition, they are proposing a change to the provision of the sign code to allow sandwich board signs as allowed in Nye Beach and on the Bay Front. Restaurants will probably like to put signs out as well. The other provision is that SDCs would essentially be waived for vehicles; and regarding the building code, that carts require no inspection because they are not a permanent building. In response to a question from Commissioner East as to what form these vending carts would take, Serkin explained that in Portland there is a lady bug pulled by a smart car, so it will look as good as she can require it to look. East asked if there were specific pads for it to set up on. Serkin said that it would be along College Way. There is a provision that it could encroach into the public right-of-way with permission. There is a little paved area off 40th Street that is a continuation of the multi-use path. They have talked about clearing trees where overflow parking would be. She said that they do have some flexibility. Some of it would depend on the cart owner, but she would prefer a pad. Fisher asked about placing it on the college parking lot if the college approved; and Serkin noted that it's probably physically possible, but she didn't believe the college is the proper zoning. It needs to be in a commercial or industrial zone. Small questioned who would have the right to lease, Serkin replied that any enterprising person who can prepare food and coffee. She noted that this originated back in the fall when someone wanted to put in a coffee cart. She has talked to about half a dozen interested people. Landwaves would lease or license the space, and it is then up to the owner of the business to apply for permit. There is a two-year lease provision, but Serkin said that she believes they may go less than two years. Reh fuss said that he objects to not allowing carts in other parts of town. Serkin said that she would be thrilled to have them elsewhere. They didn't want to be exclusory at all; it's just that they exist where no other restaurants are present. Tokos said that it depends on which option the Commission chooses. Option one is not specific to Wilder. Tokos noted the

options on page 2 of 6. The first option would not allow carts within one-half mile of permanent eating establishments. Existing carts would be fine. Serkin said that they would limit the duration of the cart, and then they could renew or bring the cart into a restaurant. They probably would not continue after a restaurant opens unless everyone was enthusiastic.

Pat O'Connor of OCCC, 400 SE College Way, said that they are very excited about this proposal. They do have a number of faculty, staff, and students. Enrollment is up over 25% over last year. He would like to encourage them to eat things other than vending machine food. He thinks this could jumpstart the commercial area and make this area grow. O'Connor said that he is often asked why the college doesn't build a cafeteria. One thing the college does is encourage the private sector to do what they do best. Regarding space in the college parking lot, O'Connor noted that an aquarium science building will be going in an area of it. The parking lot is already filling up. There is the green factor where this would encourage people to stay on site and not have to travel down the hill. This should encourage entrepreneurship. We won't know what kind of mix will be in the commercial area, and this is a good way of experimenting to see what will be the best fit for this area. The college is getting a better mix of part-time and full-time students. Houses will be built. This goes along with it. Vending carts will help minimize trips because the people can have nutritious food without having to drive away from the college. There will be more of a local feel.

Don Huster, PO Box 800, South Beach, disclosed that he is working with Landwaves on designing homes and apartments; and they are looking forward to getting started in the spring. He said that the Landwaves folks have put together a wonderful vision for a village. There is a process to go through, which takes time, work, and energy. People will be living there, working there, and going to school. There will be a demand for this type of food opportunity there in the long term; but there is a need now. He encouraged the Planning Commission to think of this as part of the process to accommodate people and realize the end vision, which can be two to three years down the road.

Fisher noted that in all of South Beach there is no service station and wondered if Landwaves had any plans to place one. Serkin said that the commercial area of Wilder is just where you turn to go into the college, and there is not one planned there. Maybe one could go closer to 101. Fisher said that he would like to see one in South Beach. Serkin said that there had been some discussion about locating a convenience store and gas station at 101 and 40th, and a big box retail store, a supermarket, and a strip shopping center have expressed interest in locating there. She thinks someday all of that will happen. In the Wilder village center, they are not counting on people coming up off the highway unless it is a destination. She sees the village center having the coffee shop, the pub, the wellness center, or the general store (more like gathering and eating places). She also would love to have an electric charging station.

There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify.

Chair Patrick closed the public hearing at 8:20 p.m. for deliberation. Small said that he likes the village concept, and it is going to be interesting to watch this develop and grow. He said that his hope is that there will be restaurants and shops that fit in there that will be unique and will be gathering places. In the meantime, he believes there is a real need for food and beverage vendors in that area; specifically for the college. He said that he is in favor of that concept and that part of the proposal, but as he mentioned before, he is concerned about the special events language that is tied to the whole thing. He is in favor of vending carts, which makes it a temporary solution. Rehfuss said that he is in favor of the proposal, but he does not favor limiting it to the Wilder area. He is in favor of the idea, but wants it citywide. Fisher and East agreed with Small and Rehfuss. Sarazin agreed and said she is in favor of using option one where it would be citywide. Patrick agreed saying that he also likes the half-mile rule, but he thought that maybe it should read within half a mile of an "operating" restaurant. Then if it folds, a food cart could be brought in. He added that if the permit is for two years and a restaurant starts, he would like them to have two years after that to be able to extend two years past the opening of the restaurant. Fisher agreed with that. He said that he is happy to have the food cart portion go through, but some of the other things like special events, he is not ready to sign off on. He wanted to know if these could be separate. Tokos said the recommendation could be worded that with respect to special events, the Commission signs off on moving the temporary use language only and would leave the balance to the City Council to address. He noted that the only reason this was brought up was because that language is being moved out of the zoning code. Patrick agreed that we would be moving this out of the Commission's jurisdiction. Tokos said whether it is a land use or not is a judgment call. Sarazin asked whether subsection F under signs should be less specific to area since they are choosing option one, but Tokos said that would be problematic.

First, **MOTION** was made by Commissioner Small, seconded by Commissioner Sarazin, to forward to the City Council a recommendation that with respect to special events, the Commission signs off on moving the special events language only and ask that certain provisions be carefully looked at and adjusted before final action is taken; specifically the definition of special event. The motion carried unanimously in a voice vote.

Secondly, **MOTION** was made by Commissioner East, seconded by Commissioner Fisher, to forward a recommendation to the City Council to allow temporary vending carts on commercially zoned property that is at least ½ mile from an operating

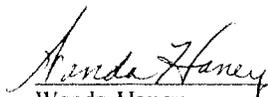
permanent eating and drinking establishment; and, should a permanent restaurant open within that area, that vending carts can continue to operate in their location two years after a restaurant opens. The motion carried unanimously in a voice vote.

And finally, **MOTION** was made by Commissioner Sarazin, seconded by Commissioner Fisher, to forward to the City Council a recommendation to accept the changes to the municipal code regarding signs, SDCs, and building requirements. The motion carried unanimously in a voice vote.

F. Unfinished Business. There was no unfinished business to discuss.

G. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 8:35 p.m.

Respectfully submitted,



Wanda Haney
Senior Administrative Assistant

Derrick Tokos

From: Green, Roberta [rgreen@occc.cc.or.us]
Sent: Tuesday, February 16, 2010 4:44 PM
To: Derrick Tokos
Subject: Support for Food Carts at Oregon Coast Community College

Hello,

I am writing to express my support for food carts at Oregon Coast Community College. I am an instructional assistant for seven OCCC classes, so I have a great deal of contact with students. Many students and colleagues have mentioned to me their desire for food service on campus. At present, OCCC has one snack vending machine. I am aware of the connection between food nourishment and learning success. Therefore I know not only students will benefit from having food carts available on campus but staff and faculty will benefit as well--not to mention potential students and visitors to the College.

The need for more substantial food offerings at OCCC is very important. Food carts would help fulfill this need. I appreciate your consideration to allow food carts on campus so that our students, potential students, faculty, staff, and visitors have access to more nutritious food while at OCCC.

Sincerely,

Roberta Green
Instructional Assistant
ABE/GED/College-Prep English
400 SE College Way
Newport, OR 97366
(541) 867-8510

Derrick Tokos

From: Capshaw, Linda [lcapshaw@occc.cc.or.us]
Sent: Thursday, February 11, 2010 7:21 PM
To: Derrick Tokos
Subject: OCCC area

As both an instructor and a student at OCCC I definitely want to have some options for food and beverage sales in the OCCC central county campus area. I do not want to wait 1 to 2 years or even months for a viable option to be made available. This will be an enhancement for the entire area as well as a convenience for all individuals in the area. We want this to be a livable, convenient, viable part of the city sooner rather than later.

Linda Capshaw
541-265-8562

Derrick Tokos

From: Holmes, Gregory [gholmes@occc.cc.or.us]
Sent: Thursday, February 11, 2010 9:16 AM
To: Derrick Tokos
Subject: Food Carts in the Wilder / OCCC

Dear Mr Tokos -

As you consider a variance for food/beverage cart in the Wilder subdivision near the campus of Oregon Coast Community College, please consider this email as support for this idea.

Until the new area gets established food/beverage carts would serve the immediate needs of the College's employees and patrons. There are times that schedules dont allow a trip down to hwy 101 and even less times to cross the bridge.

Respectfully,

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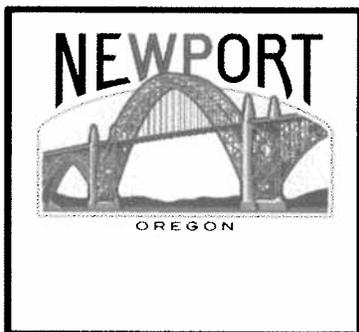
Greg Holmes
Director of Finance
Oregon Coast Community College
400 SE College Way, Newport OR 97366
(541) 867-8516
www.occc.cc.or.us

Derrick Tokos

From: LJackson [linda.jackson@occc.cc.or.us]
Sent: Thursday, February 11, 2010 10:01 AM
To: Derrick Tokos
Subject: Wilder Food Carts & College

I am a staff employee at Oregon Coast Community College and enjoying working at this beautiful, new, clean, healthy building. I am also addicted to coffee and it is a long walk to anywhere to get coffee. We are very busy in Student Services so I suffer with the cold stuff I bring from home in Seal Rock. It's cold before I even get here! We would all benefit by having carts closer to the college and so would the small businesses that would invest in the carts and later the restaurants. Some of the carts might stay and make colorful additions to the community developing up here. There are so many student, faculty, staff and construction workers up here every day that the businesses would do well. I am surprised Newport has such outdated standards with food carts since they are everywhere you go in other places. I like the personal treatment and camaraderie you get when dealing with the carts and their people. We left Denver 15 years ago in 1995 and food carts were our favorite places to eat, quick service, good food, people to people, colorful. Lines of people laughing at lunch time along the Mall waiting for their turn. Even in the snow. Go many places and they are parked all over. Salem, Portland, Eugene. Let's get Newport going as we're growing.

*Linda Jackson ljackson@occc.cc.or.us
Oregon Coast Community College
Student Services
400 SE College Way
Newport, OR 97366
541-867-8503, fax 541-867-8559*



Agenda Item #: IX.A.

Meeting Date: 03/15/10

CITY COUNCIL AGENDA ITEM SUMMARY

City Of Newport, Oregon

Issue/Agenda Title Consideration of a Supplemental Budget for the 09-10 budget year

Prepared By: Interim Fin. Director Dept Head Approval: _____ City Mgr Approval: [Signature]

Issue Before the Council: The need to adopt a resolution adopting a supplemental budget for FY 2009-10.

Staff Recommendation: Staff recommends approving the supplemental budget for FY 2009-10.

Proposed Motion: I move the Council adopt Resolution No. _____, approving the 2009-10 Supplemental Budget.

Key Facts and Information Summary:

1. As part of changing business conditions it is necessary to change appropriations for expenditures in the legal budget. The FY 09/10 budget was adopted and appropriations were approved in June of 09.
2. The major reason for the Supplemental Budget was the City's participation in the League of Oregon Cities – LOCAP borrowing program. By Council Action in August of 09 the City borrowed money to purchase a new Fire Truck and other apparatus and borrowed money to support the Bay Front Blvd. Rehab project. The equipment purchased impacted the Fire Reserve Fund, the Water Fund and the Wastewater Fund. The Bay Front project impacted the Street Fund and the Line Underground Fund.
3. Other changes include; 1) moving money from contingency in the General Fund to Finance for new report writing software and additional contract costs to cover the transition of the Finance Director. 2) Moving Money from Room Tax Contingency and Capital Outlay to the Airport Fund and the FBO Fund to cover past negative fund balances accumulated over the last 2 years.

Other Alternatives Considered: None

City Council Goals: N/A

Attachment List: Resolution w/attachment

Fiscal Notes: See key facts.

RESOLUTION NO. _____

A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET, MAKING AND
TRANSFERRING APPROPRIATIONS FOR THE 09/10 ADOPTED BUDGET

WHEREAS, certain needs have arisen during the fiscal year that were unforeseen at the time the 2009 – 2010 budget was prepared; and

WHEREAS, A loan has been received from the League of Oregon Cities Capital Improvement program; and

WHEREAS, City Council wishes to transfer money from the Room Tax Fund To the Airport Operations Fund and the FBO Fund in support of the critical piece those funds play in developing tourism for the City; and

WHEREAS, Proper Notice was given in accordance with ORS 294;and

WHEREAS, certain other expenditures need to be adjusted;

NOW, THEREFORE BE IT RESOLVED by the City of Newport City Council that appropriations as outlined on “Attachment 1” are hereby approved.

ADOPTED this 15th day of March, 2010.

City of Newport

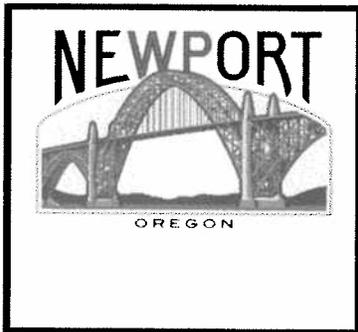
Mayor

ATTEST

City Recorder

Attachment 1
Fiscal Year 2009 – 10 Supplemental Budget and Appropriations

<u>Appropriation title</u>	Adopted Approp. July 1, 2010	Increase (Decrease)	New Approp. March 2010	<u>Reason for change</u>
General Fund				
Finance	\$ 476,427	\$ 25,000	\$ 501,427	\$10k for report writer, \$15k for additional services
Contingency	355,487	(25,000)	330,487	Fund Increased appropriation in Finances
Total General Fund Appropriation	\$ 10,136,667	\$ -	\$ 10,136,667	
Water Fund				
Water Distribution	\$ 870,836	\$ 60,349	\$ 931,185	\$34,000 Purchase Water Vac Trailer Res. 3477 LoCap
Contingency	206,281	(26,349)	179,932	\$26,349 From Contingency for Bay Front Revenue From LoCap Borrowing
Total Water Fund Appropriation	\$ 17,353,127	\$ 34,000	\$ 17,387,127	
Fire Reserve Fund				
Capital Outlay	\$ 133,000	\$ 325,000	\$ 458,000	Purchase Water Tender Res. 3477 Rev. from LoCap Funds
Total Fire Reserve Fund	\$ 240,905	\$ 325,000	\$ 565,905	
Line Undergrounding Fund				
Capital Outlay	\$ 507,000	\$ 807,088	\$ 1,314,088	Rev. \$502,326 from LoCap Res. 3477
Contingency	204,762	(204,762)	-	\$100,000 from Rm Tax Contingency
Total Line Undergrounding Apprp.	\$ 711,762	\$ 602,326	\$ 1,314,088	
Wastewater Fund				
Wastewater Collection	\$ 1,878,840	\$ 194,000	\$ 2,072,840	Purchase Jet Vac Truck LoCap Res 3477
Total Wastewater Fund Appropriation	\$ 6,873,498	\$ 194,000	\$ 7,067,498	
Street Fund				
Street Maintenance	\$ 1,894,950	\$ 221,188	\$ 2,116,138	LoCap for Bay Front Res. 3477
Storm Drain Maintenance	474,685	265,199	739,884	Purchase Street Sweeper and Jet Vac and Bay Front Res: LoCap 3477
Total Street Fund Appropriation	\$ 2,369,635	\$ 486,387	\$ 2,856,022	
Room Tax Fund				
Contingency	\$ 228,736	\$ (228,736)	\$ -	Bay Front project and Airport Transfers
Capital Outlay	615,000	(125,000)	490,000	Proj. 7328 not viable for \$125,000
Transfer to Line Underground	-	100,000	100,000	Bay Front project
Transfer to Airport Operations	318500	126,868	445,368	Partial Funding of 2 years Negative Balance
Transfer to FBO Fund	-	126,868	126,868	Partial Funding of 2 years Negative Balance
Total Room Tax Fund Appropriation	\$ 3,562,111	\$ -	\$ 3,562,111	
Total Appropriation 2009-10	\$ 51,285,656	\$ 1,316,713	\$ 52,602,369	



Agenda Item #: IX.B.

Meeting Date 03/15/10

CITY COUNCIL AGENDA ITEM SUMMARY

City Of Newport, Oregon

Issue/Agenda Title Consideration of a resolution appointing a Budget Officer

Prepared By: Interim Fin. Director Dept Head Approval: RS City Mgr Approval: [Signature]

Issue Before the Council: Appointment of 2010-11 Budget Officer.

Staff Recommendation: Staff recommends adopting the resolution appointing City Manager, Jim Voetberg, as the 2010-11 Budget Officer.

Proposed Motion: I move that the Council adopt Resolution No. _____, appointing City Manager, Jim Voetberg, as the 2010-11 Budget Officer.

Key Facts and Information Summary:

1. As the formal start to the budget process, the City Council is required by ORS 294 to appoint a Budget Officer to prepare and present the 2010 -11 Annual Budget.
2. The City Charter directs the City Manager to administer the City's finances but does not appoint him as the Budget Officer.

Other Alternatives Considered: None

City Council Goals: N/A

Attachment List: Resolution

Fiscal Notes: N/A

RESOLUTION NO. _____

A RESOLUTION APPOINTING THE CITY MANAGER AS THE BUDGET OFFICER
FOR THE CITY OF NEWPORT 2010 – 11 BUDGET PROCESS

WHEREAS, the City of Newport City Charter states the duty of the City Manager “(6) Prepare and administer the annual city budget”; and

WHEREAS, ORS 294 states that the Governing Body of the Municipality must appoint a Budget Officer; now, therefore,

BE IT RESOLVED by the City of Newport City Council that the City Manager is appointed as the Budget Officer for the 2010 – 11 City of Newport Budget Process.

This resolution was adopted by the Newport City Council on March 15, 2010, and became effective immediately.

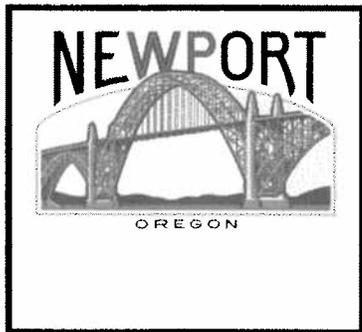
Approved by the Mayor of the City of Newport, Oregon, on March 15, 2010.

City of Newport

Mayor

ATTEST

City Recorder



Agenda Item #
Meeting Date

IX.C.
March 15, 2010

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Quitclaim and Termination of Water Line Easement to Landwaves

Prepared By: McCarthy/Tokos Dept Head Approval: _____ City Mgr Approval: [Signature]

Issue Before the Council: Does the Council desire for the City to relinquish to Landwaves all right, title and interest to a portion of a water line easement owned by the City that traverses the Landwaves property?

Staff Recommendation:

Staff recommends that the Council quitclaim to Landwaves a portion of the water line easement that traverses the Landwaves property.

Proposed Motion:

I move that the Council authorize the City Manager to execute the Quitclaim and Termination of Water Line Easement by which the City conveys to Landwaves its ownership in a portion of a water line easement that traverses the Landwaves property described as Parcel 2 of Partition Plat 2007-39.

Key Facts and Information Summary:

A water pipeline easement was conveyed by Georgia Pacific (GP) to the Seal Rock Water District (Water District) pursuant to an agreement executed on August 8, 1978. GP subsequently conveyed its interest to Emery Investments (a Landwaves affiliate), subject to the water line easement. The Water District and the City entered into an Intergovernmental Agreement on November 19, 2007 by which the City agreed to provide service for certain areas within the Water District. In that agreement, the Water District conveyed to the City "All interests in real property, water mains, service installations, structures, facilities, improvements and similar property of the District within the City Service Area is transferred to the City..."

The Seal Rock Water District executed a Quitclaim of Easement to the City for a portion of the easement that runs through the Landwaves property. That property is shown on Exhibit A of the attached Quitclaim and Termination of Easement as Parcel 2 of Partition Plat 2007-39. That portion of the water line has been abandoned in place by the City. Landwaves requests that the City quitclaim that portion of the easement. The City's Public Works Department determined that the public has no further need for that portion of the water line that is described in the attached Quitclaim and Termination of Easement. Additionally, termination of the water line easement for these purposes will allow for the continued development of this area, which is of benefit to the public.

Other Alternatives Considered:

None

City Council Goals:

None

Attachment List:

Quitclaim and Termination of Easement

Fiscal Notes:

None

AFTER RECORDING RETURN TO:
 Ball Janik LLP
 Attention: Denise R. Case
 101 SW Main Street, Suite 1100
 Portland, OR 97204

QUITCLAIM AND TERMINATION OF EASEMENT

THE CITY OF NEWPORT, a municipal corporation of the State of Oregon ("Grantor"), is the successor beneficiary of all right, title, and interest in and to the easement described in the following (the "Easement"):

Water Pipeline Right-of-Way Agreement conveyed to Seal Rock Water District, the predecessor-in-interest of Grantor, by Georgia Pacific Corporation, a Georgia corporation, the predecessor-in-interest of Grantee, and recorded on September 11, 1978, at Book 92, Page 508 et seq. of the Lincoln County, Oregon Official Records.

LANDWAVES, INC., an Oregon corporation ("Grantee") represents it owns the real property which is shown on the attached Exhibit A as Parcel 2 of PARTITION PLAT No. 2007-39.390 recorded in the Official Records of Lincoln County, Oregon on December 26, 2007, as Instrument No. 2007-17597.

Grantee desires for Grantor to terminate the portion of the Easement that lies North of SE College Way that is within Parcel 2 of PARTITION PLAT No. 2007-39.390 ("Proposed Quitclaim Portion"). A portion of the water pipeline described in the Easement has been relocated so that the Proposed Quitclaim Portion of the Easement is no longer used or needed by Grantor to serve the public. Accordingly, Grantor has determined that conveyance to Grantee of the Proposed Quitclaim Portion is not contrary to the public interest and Grantor is willing to terminate the Proposed Quitclaim Portion.

Therefore, Grantor hereby releases and quitclaims to Grantee, all of Grantor's right, title and interest in and to only that portion of the Easement that lies North of SE College Way that is within Parcel 2 of PARTITION PLAT No. 2007-39.390.

This Quitclaim and Termination of Easement relates solely to the Proposed Quitclaim Portion. Nothing contained herein terminates any other easements or provisions contained in the Easement.

The true consideration paid for this conveyance is value other than money.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO

VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

IN WITNESS WHEREOF, the undersigned, having proper authority, have executed this Quitclaim and Termination of Easement as of _____, 2010.

GRANTOR:

THE CITY OF NEWPORT,
a municipal corporation of the
State of Oregon

By: _____
Name: _____
Title: _____

Approved as to Form:

By: _____
Name: _____
Title: _____

STATE OF OREGON)
)ss.
County of _____)

The foregoing instrument was acknowledged before me on this ____ day of _____, 2010, by _____, the _____ of THE CITY OF NEWPORT, a municipal corporation of the State of Oregon, on behalf of the municipal corporation.

Notary Public for Oregon
My Commission Expires: _____

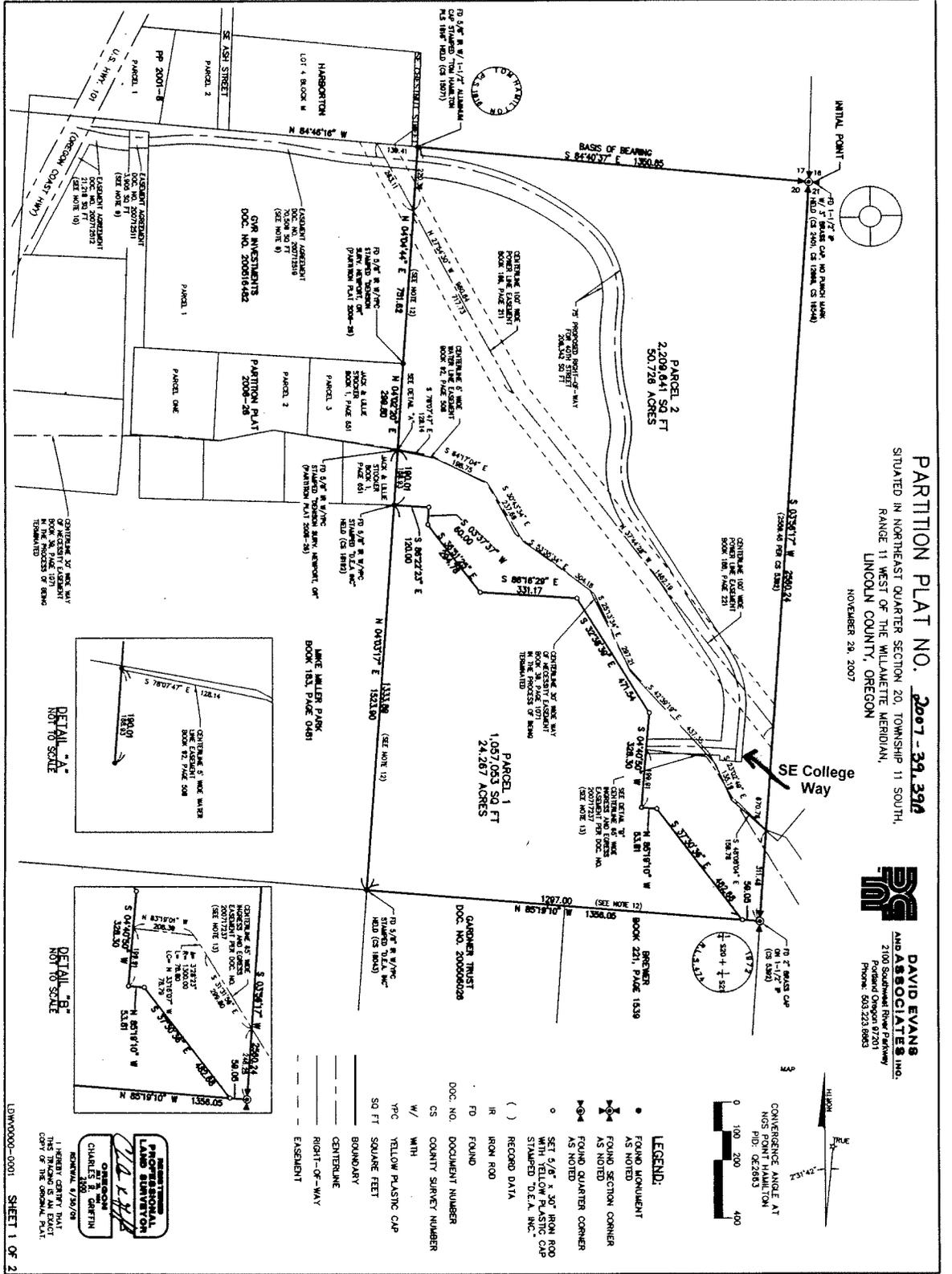
[Remainder of page intentionally left blank. Exhibit A follows.]

EXHIBIT "A"

PARTITION PLAT NO. 2007-39.39A
 SITUATED IN NORTHEAST QUARTER SECTION 20, TOWNSHIP 11 SOUTH,
 RANGE 11 WEST OF THE WILLAMETTE MERIDIAN,
 LINCOLN COUNTY, OREGON
 NOVEMBER 29, 2007

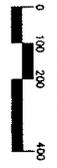
**DAVID EVANS
 AND ASSOCIATES, INC.**
 2100 Southmead River Parkway
 Portland Oregon 97201
 Phone: 503.223.8883

2007 - 39



LEGEND:

- FOUND MONUMENT AS NOTED
- ⊕ FOUND SECTION CORNER AS NOTED
- ⊕ FOUND QUARTER CORNER AS NOTED
- SET 5/8" x 3/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "D.E.A. INC."
- () RECORD DATA
- IR IRON ROD
- FD FOUND
- DOC. NO. DOCUMENT NUMBER
- CS COUNTY SURVEY NUMBER
- W/ WITH
- YPC YELLOW PLASTIC CAP
- SQ FT SQUARE FEET
- BOUNDARY
- CENTRELINE
- RIGHT-OF-WAY
- EASEMENT

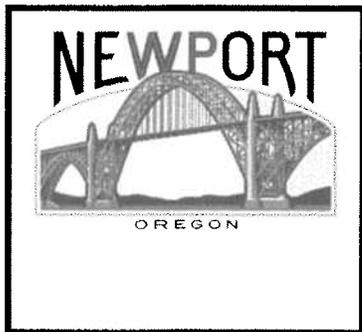


CONVERGENCE ANGLE AT
 NOS POINT HAMILTON
 P.D. 022883

DAVID EVANS
 AND ASSOCIATES, INC.
 REGISTERED PROFESSIONAL SURVEYOR
 OREGON LICENSE NO. 10000
 CHARTERED 3/30/78

1. HENRY CENTER THAT
 HAS BEEN SET IN AN EJECTA
 COPY OF THE ORIGINAL SURVEY

LDW0000-0001 SHEET 1 OF 2



Agenda Item # IX.D.
 Meeting Date March 15, 2010

CITY COUNCIL AGENDA ITEM SUMMARY
 City Of Newport, Oregon

Issue/Agenda Title Award of the SW Elizabeth Street Sanitary Sewer Reconstruction and Repair Phases IB, II, and III Project

Prepared By: Greg Schaecher Dept Head Approval: Lee Ritzman City Mgr Approval: [Signature]

Issue Before the Council:

Award of the SW Elizabeth Street Sanitary Sewer Reconstruction and Repair Phases IB, II, and III Project.

Staff Recommendation:

It is recommended to Award the SW Elizabeth Street Sanitary Sewer Reconstruction and Repair Phases IB, II, and III Project to W. W. Construction of Newport, Oregon in the amount of \$457,815.17.

Proposed Motion:

I move to authorize the Public Works Department to Award the SW Elizabeth Street Sanitary Sewer Reconstruction and Repair Phases IB, II, and III Project to W. W. Construction of Newport, Oregon, in the amount of \$457,815.17, and authorize the City Manager to sign an agreement on behalf of the City.

Key Facts and Information Summary:

In the fall of 2007 the Public Works Department put out a bid to replace the middle portion of the SW Elizabeth Street sanitary sewer main. This section was considered the worst condition of pipe. The bid was awarded to Emery & Sons of Stayton, OR. This was the first of three phases to replace all of the sewer line in SW Elizabeth Street. The bid required the method of replacing the pipe to be pipe bursting as it was cheaper, less time consuming, and less disruptive to the businesses along the area of construction as opposed to the conventional open cutting method. The pipe bursting method of replacing pipe is more cost effective when the pipe to be replaced is deeper and has fewer laterals than shallower buried pipe.

To finish up the replacement of the sewer main in SW Elizabeth Street, a new contract has been put out to bid in the form of three phases: Phase II, Phase IB, and Phase III, in that order of construction.

Phase II occurs at the north end of SW Elizabeth Street and will be constructed by pipe bursting approximately 1,600 feet of 10" concrete sewer pipe with 12" i.d. HDPE pipe and open cutting about 80 feet of trench and replace the existing 10" concrete sewer pipe with 12" PVC sewer pipe. Phase II construction requires the contractor to be completed by Memorial Day with a penalty of a \$5000 per day liquidated damages clause. The contractor will also be required to make the project area passable for the traffic that SW Elizabeth Street will encounter during the Loyalty Days Parade and will work very closely with the hotel owners to insure that they are inconvenienced as little as possible. The Engineering Staff has met with the hotel owners and they have requested that the contractor not begin work until 8:00 a.m. However, they have agreed that the contractor can work 10 hour days if he so chooses.

The next phase of construction, Phase IB, is actually a repair of the Phase I work done during the fall of 2007. Near the southerly end of the Phase I work, approximately 60 feet of the new pipe needs to be relaid because it

somehow was brought upwards out of alignment and has caused a backup of sewer in the rest of the new pipe causing solids to build up and odor problems. It is difficult for the sewer maintenance crew to clean the portion of line involved. This work will be performed by open cutting and replace the existing 12" i.d. HDPE pipe with 12" PVC sewer pipe.

The last phase of construction, Phase III, occurs at the southerly end of SW Elizabeth Street. It begins at the south end of the Phase I construction and ends at SW Government Street, approximately 1060 feet. It will also involve replacing approximately 150 feet of 10" concrete sewer main in SW Minnie Street with 8" PVC sewer pipe. Because the pipe is shallower at this end of SW Elizabeth Street, the contractor will be open cutting replacing the existing 10" concrete sewer pipe with 12" PVC sewer pipe and raising the entire line 6 inches to allow for better flow. The sewer main in SW Minnie Street will also be raised 6".

The contractor will be responsible for traffic control and the by-passing of the sewer flows in SW Elizabeth Street during his construction operations of all three phases of pipe replacement.

Bids were opened Tuesday, March 9, 2010, at 2:00 p.m. for the SW Elizabeth Street Sanitary Sewer Reconstruction and Repair Phases IB, II, and III Project. The results are shown below.

<u>Contractor</u>	<u>Location</u>	<u>Bid</u>
W. W. Construction, LLC	Newport, OR	\$457,815.17
Paul Lambson Contracting Co.	North Bonneville, WA	514,000.00
C & M Construction Inc.	Sherwood, OR	517,176.50
Emery & Sons	Salem, OR	524,224.00
Ray Wells, Inc.	Florence, OR	524,686.00
Kerr Contractors, Inc.	Woodburn, OR	580,884.75

The Public Works Department issued a Notice of Intent to Award this Project on Wednesday, March 10, 2010. If the council does award this project to W. W. Construction, the seven day appeal period will be up on Tuesday, March 16 and the Public Works Department will issue the Notice of Award to W. W. Construction the next day, Wednesday

Other Alternatives Considered:

Do nothing – Sewer system in SW Elizabeth will eventually fail causing a collapsed sewer line, backed up city sewers into private homes and businesses, and sink holes in SW Elizabeth Street, all of which will take an excessive amount of City funds to correct..

Open cut – That portion of Phase II designated to be pipe burst could be open trenched. It would be more expensive and would be very disruptive to the hotel owners in the area with the potential of shutting down SW Elizabeth Street for the duration of Phase II.

City Council Goals:

Essential Core Services/Wastewater – Identify and prioritize a project list of needed wastewater collection system pipe and lift station repairs, replacements and upsizing. Start design and/or construction of high priority projects, including Phase III of the Elizabeth Street project.

Attachment List:

None.

Fiscal Notes:

The funding for the project will come from the Sewer Fund and the SDC Sewer Fund. Together, both funds have a budget of \$899,301 to cover the construction cost.



Agenda #: IX.E.
 Meeting Date: 3/15/10

City Council Agenda Item Summary
 City Of Newport, Oregon

Issue/Agenda Title: Consideration of 2010 Farmer's Market Agreement

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

ISSUE BEFORE THE COUNCIL: The issue before Council is whether to approve an agreement with the Lincoln County Small Farmer's Association to use the city hall lawn, a portion of Angle Street, and the city hall restrooms for the 2010 Farmer's Market. The Farmer's Market will begin on Saturday, May 8, 2010, and run through Saturday, October 30, 2010.

STAFF RECOMMENDATION: Staff has reviewed the agreement, and recommends adoption of the 2010 Farmer's Market Agreement.

PROPOSED MOTION TO APPROVE: *I move to approve the 2010 Farmer's Market agreement allowing the Lincoln County Small Farmers Association to operate a farmers market on Saturdays, beginning on May 8, 2010, and ending on October 30, 2010, on the lawn of the city hall, adjacent to Angle Street, and on Angle Street, between Highway 101 and 9th Street.*

PROPOSED MOTION TO DENY: *I move to deny the request by the Lincoln County Small Farmers Association to operate a farmers market on Saturdays, beginning on May 8, 2010, and ending on October 30, 2010, on the lawn of the city hall, adjacent to Angle Street, and on Angle Street, between Highway 101 and 9th Street.*

KEY FACTS AND INFORMATION SUMMARY: The Lincoln County Small Farmers Association is entering its 32nd year of operating in Newport. The market has utilized several locations throughout the community, but most recently, the lawn of the city hall that abuts Angle Street, and the portion of Angle Street lying between Highway 101 and 9th Street. The market provides a venue for local farmers and craftspeople to sell fresh produce, food products, and arts and crafts.

OTHER ALTERNATIVES CONSIDERED: The Lincoln County Small Farmers Association evaluated alternate market sites, but was unsuccessful in securing an appropriate site.

CITY COUNCIL GOALS: While this request does not comply with a particular City Council goal, it does comply with the City Council Mission Statement by enhancing the livability of

Newport. This request also provides an opportunity for residents and visitors to support the members of the Lincoln County Small Farmer's Association by buying local, and its individual members' use of sustainable practices.

ATTACHMENT LIST: Attached is the proposed 2010 agreement between the City of Newport and the Lincoln County Small Farmer's Association.

FISCAL NOTES: There will be no specific fiscal impacts.

**AGREEMENT BETWEEN THE CITY OF NEWPORT AND
THE LINCOLN COUNTY SMALL FARMERS ASSOCIATION**

This agreement is between the City of Newport, an Oregon municipal corporation (City), and the Lincoln County Small Farmers Association (Association).

Recitals

- A. Association for years has operated a farmers market in Newport, on Saturdays, from May to October. The market is held on the lawn of the City Hall, adjacent to Angle Street, and on Angle Street between Highway 101 and 9th Street.
- B. The farmers market organized by the Association results in substantial benefit to the City of Newport by providing an attraction for local citizens and tourists and allowing produce, food products, and other items to be provided directly to the public by the producers of the products. Having a farmers market is in the best interest of the community.

Terms of Agreement

- 1. This agreement shall be effective when signed by authorized representatives of both parties, and will remain in effect until October 31, 2010.
- 2. City agrees to the closure of Angle Street between Highway 101 and 9th Street on Saturdays from 6:30 A.M. to 3:00 P.M., starting on May 8, 2010 and ending on October 30, 2010.
- 3. City agrees to provide "no parking" signs for Angle Street each Saturday prior to the opening of the farmers market.
- 4. City agrees to allow Association to operate a farmers market on the closed area of Angle Street, and on the lawn areas of City Hall adjacent to Angle Street, on Saturdays, from 6:30 A.M. until 3:00 P.M., beginning on May 8, 2010 and ending on October 30, 2010. This allows for set-up and clean-up of the farmer's market. Actual public market hours are 9:00 A.M. until 1:00 P.M.
- 5. City agrees that the City Hall restrooms may be used by the public in association with the farmers market on Saturdays, from 7:00 A.M. until 2:00 P.M., starting on May 8, 2010. Access will be allowed only in the hall leading from the southwest entrance to the restrooms and in the restrooms. Association shall station a person within City Hall whenever it is open for public restroom use in association with the farmers market to assure that no one enters other portions of City Hall.
- 6. City shall not charge Association for the street closure, the use of lawn areas outside City Hall, or for use of the City Hall restrooms. Association shall maintain a City business license in effect at all times, and shall obtain and comply with any required permits, including sign permits. Association shall be responsible for any

damage to City property resulting from its operation of the farmers market, other than normal wear and tear.

7. Association will be responsible for setting the "street closed" signs no later than 6:00 A.M. on each Saturday of the market. Association will remove the signs on Saturday after the market. Association will be responsible for storage of all signs, barricades, banners, etc. used to support the market. The City will provide a trailer for Association storage, and allow it to be parked in the City Hall parking lot.
8. Association shall not permit any person to use stakes to anchor tents, awnings, or displays, but shall use weights as necessary to anchor tents, awnings, and displays.
9. Prior to May 8, 2010, Association shall provide evidence that it maintains insurance and complies with the following provisions:
 - a. Insurance coverage limits - \$1 million combined single limit;
 - b. City listed as named insured on separate endorsement;
 - c. The Association's insurance is to be the primary insurance;
 - d. Ten days' notice to City of cancellation;
 - e. Certificate of insurance to be provided before market begins;
 - f. A new certificate will be required annually.
10. The agreement may be terminated by the City on 10 days notice if the City Council determines after a public hearing that the farmers market is no longer in the public interest or if the City determines that the Association is in violation of this agreement.
11. The City may terminate the right to use City Hall restrooms on 72 hours written notice, but shall designate an area where portable toilets may be placed by Association if it does so.
12. The Association will indemnify and hold the City harmless for any and all claims arising out of this agreement and any damages resulting therefrom, including but not limited to claims of personal or bodily injury or death, and property damage, whether arising from tort, contract, regulatory or other claim.

CITY OF NEWPORT

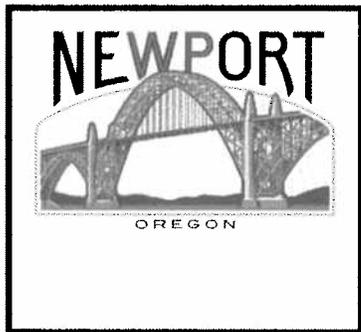
Jim Voetberg, City Manager

Date

LINCOLN COUNTY SMALL FARMERS ASSOCIATION

Randy Walker, President

Date



Agenda Item # IX.F.
Meeting Date March 15, 2010

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Support of Community Microenterprise Program.

Prepared By: J.Voetberg Dept Head Approval: _____ City Mgr Approval: [Signature]

Issue Before the Council: Consideration of continued support for the Communities Microenterprise Program, including support for a Community Development Block Grant application and financial support in the amount of \$7,500.

Staff Recommendation: Staff recommends that Council adopt a motion supporting the Communities Microenterprise Program. The support includes a support letter for a Community Development Block Grant application and programming \$7,500 (from the Room Tax Fund) to help support the Program.

Proposed Motion: I move the City Council continue to show support for the Communities Microenterprise Program by authorizing City Staff to submit a letter in support of a Community Development Block Grant application and programming \$7,500 of Room Tax Funds in the FY10/11 budget for this Program.

Key Facts and Information Summary: Starting about 10 years ago the City began supporting and contributing to the Small Business Management (SBM) program in the amount of \$7,500. At this time, the SBM Coordinator worked 1/2 time. Sometime thereafter, the County began contributing an additional \$25,000, allowing the SBM Coordinator to become a full-time position. This arrangement continued for several years and annually the City has received a report on how this program assisted Newport-area businesses through the SBM program.

About six years ago the Community Development Block Grant (CDBG) – Microenterprise Program came into being. This grant required matching funds and the City designated \$5,000 of their annual \$7,500 contribution towards the local match requirement with the remaining \$2,500 going directly to the Small Business Management program. By doing this, the City's \$5,000 contribution leveraged an additional \$20,000 from the State. In addition to Newport, Lincoln City, Waldport and Lincoln County are all partners in the CDBG - Microenterprise Program.

Small Business Development Director, Guy Faust, has requested to provide Council his annual update on the CDBG Microenterprise Program, and to request continued financial support for next year. Guy will be attending the meeting of March 15th to provide the update and will be presenting the attached 2009-10 CDBG Project Year/Second Microenterprise Report covering August 6, 2009, through January 31, 2010.

The City's participation in the Small Business Development Program exemplifies our partnership with Lincoln City, Waldport and Lincoln County in regional economic development. Staff recommends continued support by the City.

Other Alternatives Considered: None

City Council Goals: None specific to this request.

Attachment List: 2009-10 CDBG Project Year/Second Microenterprise Report (August 6, 2009, through January 31, 2010)

Fiscal Notes: \$7,500 in the proposed FY 10/11 Room Tax Fund Budget.

2009-10 CDBG Project Year / Second Microenterprise Report

(August 6, 2009 through January 31, 2010)

Preface

Our 2009 Community Development Block Grant (CDBG), Project # M09006, was fully executed by OBDD on August 6, 2009; this report covers the first six months of the project period. The funding for this project came from a coalition of local sources. The Government of Lincoln County (\$15,500), the City of Lincoln City (\$5,000), the City of Newport (\$5,000) and the City of Waldport (\$500) combined to contribute \$26,000 of local matching funds. OBDD granted a total \$100,000 of CDBG funds. The combined amounts of local and state funding totaled \$126,000 to help microenterprise development in Lincoln County. (Oregon Coast Community College added an additional \$7,800 of in-kind support.)

Contract Requirements

The 2009 CDBG contract calls for the OCCC/SBDC to serve 40 micro-entrepreneurs throughout Lincoln County within a 12-month period. At least fifty-one percent (51%) need to qualify as low or moderate income. These individuals can be at any stage of development from pre-venture to established. Of the 40 total clients, our Center's goal is to serve 34 new clients and provide 6 with improved access to services. Also, of the 40 total, it is our goal to serve 5 young entrepreneurs and 4 minority clients. The CDBG contract does not require any specific number of service hours per client. The only stipulation is that for every \$2,500 of CDBG funding received, we "serve" one client.

Client Profiles

After completing six (6) months of the contract period, we have screened **128** clients through our Small Business Development Center. (A counseling session usually lasted 1-hour.) During that time we answered questions and gave general business advice. At the initial meeting we determined whether the participant was a regular *SBDC client* or a potential *Microenterprise client*. During the six months of this grant period we have enrolled **33 Microenterprise clients**, this represents over 82% of our 2009-10 total client-served goal. The 33 micro-clients served represents the following areas of the county: Ten (10) were from the North region, eleven (11) from the Central region, seven (7) from the South and five (5) were from East Lincoln County. Thirty-one (31) clients were adults; two (2) were youth. Eleven (11) businesses were at the pre-venture stage and four (4) were in their start-up phase. Eighteen (18) were established businesses. Twenty-two (22) clients were "low" income and seven (7) were "moderate" income; combined they represent nearly 88%. This figure is well over the 51% of low and moderate income clients required in our contract. Seventeen (17) were females and sixteen (16) were males; six (6) were minorities. Of the total 33 clients served, thirty (30) received "new" services and

three (3) received “expanded” services. Please see the following breakdown of specific characteristics:

Lincoln County Micro-Entrepreneur Characteristics

Total Clients	33
Adults	31
Youth	2
Females	17
Males	16
Minorities	6
Pre-venture	11
Start-up Businesses	4
Established Businesses	18
Low-income Status	22
Moderate-income Status	7
Above Mod.-income Status	4

In the first six months clients averaged 12.4 hours of training. The most a client received was 31 hours and the least received was 2.5 hour from a client that enrolled in December.

Business Types

We have a wide variety of types of enterprises. Eight (8) are restaurants (a special SBM program started this year), two (2) computer consultants, two (2) are retail sales shops, and two (2) hair salons. The other businesses represent an array of enterprises. Some clients have full-time businesses while others have started, or plan to start, “part-time” enterprises. Below, shows the variety of existing businesses and/or pre-venture business ideas.

Farmer	Restaurant (8)	Specialty Food Store
Computer Consulting (2)	Landscaper	Motorcycle Dealer
Limo Service	Sign-making Shop	Retail Shop (2)
Bookkeeping Service	Hair Salon (2)	Nursing Home Care Facility (2-P)
Manufacturer (Shoe Product)	Paintball Game Center (P)	Building Contractor
Inventor (Rodent Trap) (P)	Artist (Blown Glass)	Green Energy
Music Media Marketing	Health Foods (2-P)	Home-based Preschool (P)

(P) = Pre-venture

Training

Various training programs are set-up to serve the needs of our clients. Since each client is different, individualized *Work Plans* were developed to accommodate different individual needs. Our clients completed a total of 423 hours of training, an average of **12.4** hours per client. This figure does not take into account the hours spent on individual

study via the SBA Free Online Training website. Three main options for training were offered:

- 1) OCCC Classes - Our clients have enrolled in various OCCC classes such as the Small Business Management program, Business Health Check-up, Business Start-ups and Tune-ups, Shoebox Bookkeeping, and others.
- 2) Ed2Go Courses - On-line classes through Ed2Go are offered every month. Courses such as Accounting Fundamentals, Creating a Successful Business Plan, Start Your Own Small Business, and many others are available 24/7.
- 3) SBA's Free Online Training - Through the SBA's website, over 30 free classes are available. Visually and audio-friendly courses such as Small Business Primer, Starting Your Small Business, and Identify Your Target Market are all great learning options for microentrepreneurs.

Youth Entrepreneurship

Two Taft High School youth enrolled as micro-entrepreneurs. One student, along with her mom, has started a mini-manufacturing business for a new footwear accessory product. Another high school student is doing a feasibility study to determine whether or not a paintball game center could become a future THS school-based enterprise. We are on the look-out for youth interested in entrepreneurship. For interested and qualified candidates we plan to provide partial scholarships to attend the Young Entrepreneur Business Week, July 25-31, 2010 on the Oregon State University campus.

Summary

After the first six months of the project year we are off to a good start. More than 80% of our contract goals have been completed. We have a good geographic spread with clients represented from across Lincoln County; ten (10) separate communities are involved. This project represents the sixth year we have been involved with a CDBG Microenterprise project; this is also the largest project we have undertaken to date. We are please at the progress we have made thus far, and expect to achieve and exceed our contract goals within the next four months.

**2009 HIGHLIGHT SUMMARY
OREGON COAST COMMUNITY COLLEGE
SMALL BUSINESS DEVELOPMENT CENTER**

Business Advising

233 total clients (109 men / 114 women)
74 Long-term clients (more than 5 hours of counseling)
1,248 total hours (prep, travel and advising)
5.62 average hours per client
4.9 evaluation rating (1=low / 5=high)

Business Training

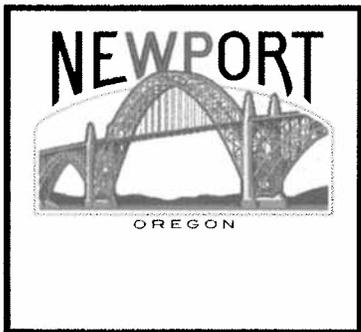
32 classes held
496 participants attended
15 average class size
3,338 training hours generated
4.5 evaluation rating (1=low / 5=high)

Economic Impact Data

35 jobs created
200 jobs retained
\$123,000 growth in sales
\$1,163,000 total capital formation

2008-09 CDBG Microenterprise Program

180 candidates screened
32 participants enrolled/graduated (13 males / 19 females)
32 adults
0 youth
5 minorities
12 pre-venture
8 start-up businesses
12 existing businesses
18 low-income status
8 moderate-income status
6 above moderate-income status
25 average training hours per client
county regions – 10 north / 12 Central / 6 South / 4 East



Agenda Item # IX.G.
Meeting Date March 15, 2010

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Consideration of adopting an updated Newport Senior Center fee schedule

Prepared By: Protiva _____ Dept Head Approval: _____ Protiva _____ City Mgr Approval: [Signature]

Issue Before the Council: Consideration of adjustment to fees charged at the Newport Senior Center

Staff Recommendation: Staff recommends approval of the resolution adopting an updated Senior Center fee schedule.

Proposed Motion: I move the Council adopt Resolution _____, establishing a fee schedule for use of the Newport Senior Center.

Key Facts and Information Summary: The attached fee schedule for use of the Newport Senior Center is the product of numerous hours of meetings with the Senior Advisory Committee and a special subcommittee. Comparable cities were reviewed and thoughtful analysis brought forth this schedule to adjust fees in a fair and timely manner. The advisory committee agreed unanimously to implement this new fee structure and recommends Council adoption.

Other Alternatives Considered: Leave current fees in place. There was committee consensus that the current fee schedule was incomplete and created disparity within senior user groups. The recommended fee schedule resolves these concerns.

City Council Goals: No FY09/10 goals relate to this agenda item.

Attachment List: Fee Schedule for Newport Senior Center & resolution.

Fiscal Notes: Additional revenue generated from the fee increase is estimated at approximately \$1,000 annually.

**CITY OF NEWPORT
RESOLUTION _____**

**RESOLUTION SETTING FEES FOR
THE NEWPORT SENIOR CENTER**

Findings:

1. The City of Newport owns and operates the Newport Senior Center.
2. Fees for use of the Senior Center have not been updated for several years and have not been adopted through a resolution approved by the City Council.
3. The Senior Advisory Committee and a special sub-committee to the Senior Advisory Committee have discussed updated fees for use of the Senior Center and recommend the attached Senior Center Fee Schedule for adoption by the City Council.
4. It is the desire of Council to adjust the current fee schedule and formally adopt them through a resolution utilizing the proposal submitted by the Senior Advisory Committee with adjustments beyond 2012 equal to the adjustment for inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).
5. It is desired that the new Senior Center fee schedule become effective on March 15, 2010 for all users who have not already made reservations to rent the facility through the City.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Senior Center Fee Schedule. The Newport Senior Center Fee Schedule as provided for in Attachment A is hereby implemented.

Section 2. Newport Senior Center fees beginning January 1, 2013, and every year thereafter, shall be increased by an amount equal to the adjustment for inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).

Section 3. Effective Date. The effective date of this resolution is March 15, 2010, however, users who have reserved rental space through the City prior to the adoption of this resolution shall pay the rental rate at the time of reservation.

William D. Bain, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Attachment A - Senior Center Facility Rental Rate Schedule

Level	Category Description	KITCHEN	MULTI-PURPOSE/ DINING AREA	LOUNGE/ BASEMENT	CONFERENCE ROOM
1	<p>Senior Programs, Clubs, Organizations: Such as those which have No Cost to participants, and no charge for use. In-City community civic groups open to the public and free to participants Examples include: AARP, Pool, Ping-Pong, Cards, Bunco, Book Club, French Group, Art Classes, Wii, Pinnocchio, Bridge, TOPS, Square Dance</p>	<p>\$35 per hour Current</p> <p>2010 - \$36 per hour 2011 - \$37 per hour 2012 - \$38 per hour</p>	<p>No charge, first 40 hours per month after which: \$10 per hour Current</p> <p>2010 - \$11 per hour 2011 - \$12 per hour 2012 - \$13 per hour</p>	<p>No charge, first 25 hours per month after which: \$5 per hour Current</p> <p>2010 - \$6 per hour 2011 - \$7 per hour 2012 - \$8 per hour</p>	<p>No After-hours usage</p> <p>\$5 per hour Current</p> <p>2010 - \$6 per hour 2011 - \$7 per hour 2012 - \$8 per hour</p>
2	<p>Renters: Such as those which have No Cost to Participate; Charge for Use may be groups from in or out of the City, are open to the public, typically having a 501c3 status Examples include: AA, OA, County, State, Non-Profit Agencies, Churches</p>	<p>\$35 per hour Current</p> <p>2010 - \$36 per hour 2011 - \$37 per hour 2012 - \$38 per hour</p>	<p>\$15 per hour Current</p> <p>2010 - \$16 per hour 2011 - \$17 per hour 2012 - \$18 per hour</p>	<p>\$10 per hour Current</p> <p>2010 - \$11 per hour 2011 - \$12 per hour 2012 - \$13 per hour</p>	<p>\$10 per hour Current</p> <p>2010 - \$11 per hour 2011 - \$12 per hour 2012 - \$13 per hour</p>
3	<p>Commercial/for Profit Groups: Such as those which Recover Full Cost The activity is private in nature, and not open to public. Weddings, Family Reunions, Political Meetings, Sales Meetings, Fund- Raisers.</p>	<p>\$45 per hour Current</p> <p>2010 - \$46 per hour 2011 - \$47 per hour 2012 - \$48 per hour</p>	<p>\$25 per hour Current</p> <p>2010 - \$26 per hour 2011 - \$27 per hour 2012 - \$28 per hour</p>	<p>\$15 per hour Current</p> <p>2010 - \$16 per hour 2011 - \$17 per hour 2012 - \$18 per hour</p>	<p>\$15 per hour Current</p> <p>2010 - \$16 per hour 2011 - \$17 per hour 2012 - \$18 per hour</p>

In all cases, after-hour rentals (after 5pm/weekends) will be charged an additional \$15 per hour for Building Attendant fees.

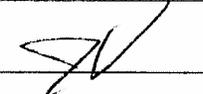
Fees beginning January 1, 2013, and every year thereafter, shall be increased by an amount equal to the adjustment for inflation using the Bureau of Labor Statistic Consumer Price Index for Urban Consumers (CPI-U).



Agenda #: IX.H.
 Meeting Date: 3/15/10

City Council Agenda Item Summary
 City Of Newport, Oregon

Issue/Agenda Title: Consideration of Ordinance No. 2000 Amending Chapter 9.80 of the Newport Municipal Code Relating to Special Event Permits

Prepared By: Peggy Hawker Dept. Head Approval: ph City Mgr. Approval: 

ISSUE BEFORE THE COUNCIL: The issue before Council is consideration of Ordinance No. 2000 that would amend Chapter 9.80 of the Newport Municipal Code (Code) regarding special event permits.

STAFF RECOMMENDATION: Staff recommends approval of this ordinance. It has been updated to include matters which were included in the application but should be included in the Code, resolves procedural problems with the existing Code, and provides for compliance with the Newport Zoning Code as it relates to the use of temporary structures for special events.

PROPOSED MOTION TO APPROVE: *I move to read Ordinance No. 2000, amending Chapter 9.80 of the Newport Municipal Code relating to special event permits, by title only, and place for final passage.*

KEY FACTS AND INFORMATION SUMMARY: Chapter 9.80 of the Newport Municipal Code defines the application and review procedure for special event permits. The code has procedural problems making it difficult to administer. And, the existing ordinance is in conflict with the Newport Zoning Ordinance regarding temporary structures. The ordinance also incorporates information previously included in the special event application which should be included in the code. This ordinance would clean up these issues and provide for compliance with the NZO. This amendment also provides for permit approval by the city manager when the requested fee waiver is less than \$2,000. Requests in excess of \$2,000 will still come to the City Council for review and approval or denial.

Standards for temporary structures in conjunction with special events are taken from Section 2-2-29 of the Newport Zoning Ordinance, and are being deleted from the NZO via a separate ordinance. There are three pending fee waiver requests will be handled under the existing ordinance, and are scheduled to appear on the agenda of April 5, 2010

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: This ordinance revision does not address a specific City Council goal.

ATTACHMENT LIST: Ordinance No. 2000.

FISCAL NOTES: There may be small fiscal impacts based on fees waived. However, in some cases, waived fees will be offset by increased transient room tax revenues.

ORDINANCE NO. 2000

An Ordinance Amending Newport Municipal Code Chapter 9.80 Regarding Special Event Permits

Findings:

1. Chapter 9.80 of the Newport Municipal Code governs the Special Event permit and Fee Waiver process.
2. Chapter 9.80 of the Newport Municipal Code was adopted by Ordinance No. 1948 on February 19, 2008.
3. City Council and staff have determined that the provisions of Ordinance No. 1948 are difficult, and in some cases costly, to apply; conflict with other ordinances; and fail to address certain requirements of the Newport Zoning Ordinance.
4. Ordinance No. 2000 is a housekeeping measure designed to address the identified deficiencies discovered in Ordinance No. 1948.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Chapter 9.80 of the Newport Municipal Code is hereby repealed and re-enacted in its entirety and replaced by Attachment A., Ordinance No. 2000.

Section 2. This ordinance shall take effect 30 days after passage.

Date adopted on initial vote and read by title only: _____

Date adopted on final roll call vote: _____

Signed by the Mayor on _____

William D. Bain, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:

Penelope W. McCarthy, City Attorney

Attachment A.

Chapter 9.80 SPECIAL EVENT PERMITS

9.80.010 Special Event Definitions

“Fee Waiver” is a waiver of city fees for providing a service or facility use.

“Special Event” is any private activity conducted wholly or partly on public property that requires the use of city services, such as closure of a street or park, or provision of traffic control, or other services. Special Event includes, but is not limited to, a parade, festival, exposition, show, sale, party, or other similar activity. Special Event also includes events on private or other public property for which the city provides additional services. Special Events does not include:

- A. Events held in the Performing Arts Center or the Visual Arts Center unless special services are requested of the city;
- B. Events conducted at city facilities including the swimming pool and recreation center unless a Fee Waiver is requested;
- C. The use of meeting rooms at any city facility unless a Fee Waiver is requested or the fee has otherwise been waived by city policy.

“Special Event Permit Fees” are based on the actual costs of the city providing the service requested, and may include personnel, benefit costs, equipment costs, and published room rental costs.

9.80.015 Special Event Fees and Waivers

- A. Applicants may request a full or partial Fee Waiver of Special Event Permit Fees. A request for a Fee Waiver must be submitted with a Special Event permit application. The city may, in its discretion, approve all, part, or none of a Fee Waiver request. The following will be considered in the city’s review of a request for a Fee Waiver:

1. Whether the event is a benefit to the community.
 2. Whether the event creates positive publicity for the city.
 3. The city's cost of providing services for/to the event.
 4. Whether there are revenues that can be used to offset the impact of a Fee Waiver on the general fund.
 5. Whether the event promotes education, public health, or public safety.
 6. Whether the event is operated by a non-profit organization.
 7. Whether the event has in the past or is likely in the future to take action that, if taken by a governmental entity, would be unconstitutional. The city will not provide a Fee Waiver for any Special Event or entity that takes action in regard to the Special Event that, if taken by the city, would be unconstitutional.
- B. Unless waived, all fees required for the Special Event must be paid prior to the issuance of a permit. In no event, will the Fee Waiver be more than the city's cost of providing service to the event.

9.80.020 Special Event Applications

- A. All persons who wish to conduct a Special Event must submit an application form to the city recorder. Special Event application forms are available on the city's website at www.thecityofnewport.net. Special Event permit applications shall be reviewed and approved or denied administratively by the city manager following the procedures and standards of this chapter, unless the amount of the requested Fee Waiver is in excess of \$2,000, in which case the application shall be forwarded to the City Council for action.

- B. Applications will be deemed incomplete and will be denied if details about the Special Event are insufficient for staff to properly analyze and determine the impacts on city services, or if submitted with insufficient time to allow for city staff to evaluate the impacts and coordinate any city services required to allow the event to proceed.
- C. Temporary structures may be erected in conjunction with a Special Event provided the following are met:
 - 1. The time limit for such structures is no longer than 30 days prior to and five (5) days after the Special Event.
 - 2. Permission for the structure is granted by the property owner.
 - 3. A city business license is obtained.
 - 4. The person or persons responsible for the temporary structure shall appropriately maintain the grounds and provide trash receptacles.
 - 5. Sanitary facilities are made available to the site during the Special Event.
 - 6. The structure does not interfere with the provision of parking for the permanent use on the site, or a traffic management plan is provided that is acceptable to the city.
 - 7. The structure satisfies the vision clearance requirements of the Zoning Code.
 - 8. Written approval for the temporary structure is obtained from the city's building official.
 - 9. The person or persons responsible for the temporary structure have signed the city agreement relating to the temporary structure.
- D. Applications must include evidence of compliance

with any required permits from other governmental agencies (e.g., health department, liquor license, etc.), as may be requested by the city.

- E. Special Event organizers may be required to maintain liability insurance for the event in an amount deemed acceptable by the city manager, with the city named as an additional insured.
- F. Recipients of tourism promotion grants are ineligible for Special Event Fee Waivers.
- G. The city manager is delegated the authority to establish rules, procedures, and policies to implement and supplement this chapter and to develop application forms and other standard materials to be used in the application process.

9.80.022 Approval/Denial of Special Event Permit

- A. The completed application will be reviewed by the department heads. The applicant may be required to provide additional information. Denied applications may be amended and resubmitted.
- B. Reasons for denial of a Special Event permit include, but are not limited to:
 - 1. The city lacks the resources to provide the services that are required for the event.
 - 2. A requested facility or site is not available at the time requested.
 - 3. The event requests use of city streets at a time, or for a duration, that would create too great an impact on the public transportation system.
 - 4. The applicant submitted false information in connection with the application.
 - 5. The applicant has failed to complete all aspects of the application.
- C. If the Special Event application is approved and no Fee Waiver has been approved, the city recorder will collect the appropriate fee and issue the

permit. If the Special Event application is approved and a Fee Waiver has been approved in full, the city recorder will issue the permit.

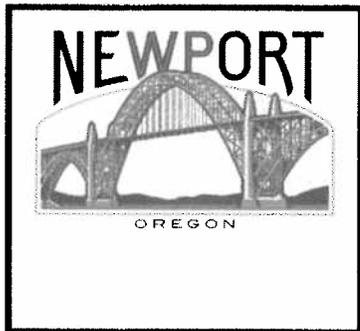
- D. If denied, the city recorder will notify the applicant in writing and give the reason for denial. If time permits, the applicant may correct the reasons for denial and resubmit the application for approval. If an applicant is again denied a permit, the applicant may appeal the denial, within 14 days of the date of the written denial by filing a written notice of appeal with the city recorder. The appeal shall be heard at a regular City Council meeting at least seven days after the date the appeal is filed. The appeal shall be decided by the City Council and is final.

9.80.032 Effectiveness of Special Event Permit

Special Events shall be approved for only the specified dates, times, and locations stated in the permit.

9.80.035 Violation of a Special Event Permit

- A. Any event subject to the provisions of this chapter that is staged without complying with all conditions of this chapter shall be subject to closure by the police department.
- B. The city may revoke a permit if it is determined by the city manager that the event is being operated in violation of the Newport Municipal Code.
- C. The city may revoke a permit and/or apply a fine of up to \$500 per day if it determines an applicant has violated this chapter.



Agenda Item # IX.I.
Meeting Date March 15, 2010

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Consideration of a resolution to establish direction on replacement of the Newport swimming pool.

Prepared By: Voetberg/Protiva Dept Head Approval: _____ City Mgr Approval: _____

Issue Before the Council: Consideration of a resolution, which if adopted, provides direction to staff on replacement of the Newport swimming pool. This direction contemplates a new pool facility adjacent to the Recreation Center and would only be constructed upon approval of construction financing by citizens of Newport.

Staff Recommendation: Staff recommends that Council adopt the proposed resolution which provides direction to staff on replacement of the Newport swimming pool.

Proposed Motion: I move the Council adopt Resolution _____, a resolution establishing direction on replacement of the existing Newport swimming pool.

Key Facts and Information Summary: Justification for adoption of this resolution is outlined in the resolution's background information and no further elaboration is necessary as a part of this agenda summary. Two points, however, should be highlighted. First, the preliminary concept of what would be included in a pool facility adjacent to the Recreation Center consists of a lap pool, diving well and warm water pool. As a visual, one could look to the Lincoln City pool as an example. Second, and very important, the ultimate decision on whether to proceed with replacing the existing Newport swimming pool with a pool facility adjacent to the Recreation Center will rest with citizens of Newport. As presented, this resolution authorizes staff to gather and present information on a new pool that will allow our citizens to make an informed decision on whether to finance its construction or not.

Recognition needs to be mention of the generous donation of property to the City, the future sale proceeds of which would go towards a pool facility located adjacent to the Recreation Center. This offer was the impetus in reviving the discussion of what the City needs to do with its aging swimming pool and has helped move this project forward.

Other Alternatives Considered: None

City Council Goals: Evaluate options for the replacement of the city swimming pool facility.

Attachment List: Resolution

Fiscal Notes: \$25,000 split equally between the System Development Fund and Recreation Reserve Fund.

**CITY OF NEWPORT
RESOLUTION _____**

**A RESOLUTION ESTABLISHING DIRECTION ON REPLACEMENT OF THE
EXISTING NEWPORT SWIMMING POOL**

Background/Findings:

1. The City's existing Newport swimming pool, constructed in 1964, is nearing the end of its useful life and keeping it operational is becoming more and more expensive.
2. Over the past several years, the City has intermittently discussed the long range plan for a swimming facility in Newport, from replacing the pool with another City-operated pool to having a private or no-profit organization construct and operate a pool independent of the City.
3. Friends of the Oregon Coast Aquatic Park, a non-profit organization, have worked on a concept to construct and operate an Aquatic Park independent of the City. In addition to a typical municipal pool facility, the Aquatic Park would include a Flow Rider, one to two water slides, a therapy pool, a zero water entrance pool, a Sauna, water play feature activities, a rope swing, community meeting rooms, snack bar or restaurant, a climbing wall, and retail area.
4. The Friends have completed a business plan for the Aquatic Park, however, they lack property to site the facility and lack necessary financing to pursue the project in the foreseeable future. In recognition of the need for a new municipal pool, the City has provided support for some of the efforts of the Friends.
5. A private citizen of Newport has offered to donate to the City approximately four acres of property he owns in the South Beach area with a stipulation that any proceeds would go towards a City-owned municipal pool preferably located adjacent to the Recreation Center. This donation is contingent on the City's development of an outline for the plan described in Section 11 of these findings. Completion of the outline for the plan must occur prior to the end of calendar year 2010. It is anticipated that this property would be held by the City until such time as local land values improve and economies indicate a beneficial time for the property to be sold. Monies from the sale of the property would be used for the municipal pool.
6. The original concept plans for the Newport Recreation Center allow for the expansion to include a municipal pool (lap pool, diving well and warm water pool), that would take advantage of existing amenities including locker rooms, control desk, security and parking.

7. A pool facility adjacent to the Recreation Center would create recreation opportunity synergies that would benefit both operations of the Recreation Center (Dry Side) and Pool Facility (Wet Side).
8. Staff has evaluated the site adjacent to the Recreation Center and believe there is adequate property to locate a municipal pool with the understanding that parking may be developed along 2nd avenue and on other contiguous City owned property.
9. Staff believes the net cost to operate a pool adjacent to the Recreation Center will be comparable to the net cost of operating the existing pool, recognizing that while gross operating costs of a new pool facility will increase, gross revenue will increase as well.
10. Staff recommends that capital costs required to construct a City-owned municipal pool be financed through a citizen approved municipal bond and associated levy.
11. Staff believes it will take approximately three years to plan, finance, design and construct a new pool facility with the following general timeline if given the authority to proceed on March 15, 2010:
 - Public Questionnaire for Conceptual Design parameters – April 2010.
 - Develop Conceptual Design through a series of workshops – May 2010.
 - Finalize Conceptual Design and engineers cost estimate – June 2010.
 - Adopt ballot title, develop ballot measure information – July 2010.
 - Present concept to the public – August 2010 to September 2010
 - Vote on Bond Measure to fund construction – November 2010
 - Develop RFP and select design firm – December 2010 to February 2011
 - Design pool – March 2011 to October 2011
 - Bid and award construction of pool – November 2011 to January 2012
 - Construct pool facility – February 2012 to July 2013.
12. Some up front costs, estimated at \$25,000, will be necessary to conduct a public questionnaire, hold a series of workshops, develop conceptual drawings and prepare an engineers cost estimate prior to a ballot vote on a bond and associated levy.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Municipal Pool adjacent to the Recreation Center. The City directs Staff to pursue replacement of the existing Newport swimming pool with a municipal pool located adjacent to the Recreation Center.

Section 2. Approval by Newport Citizens. The City desires that the ultimate decision to construct a municipal pool adjacent to the Recreation Center be by a vote of Newport

citizens through approval of a bond measure and associated levy to finance the construction, and direct Staff to pursue developing information and necessary language for a vote in November of 2010.

Section 3. Authorize up front funding. Funding in the amount of \$25,000 is authorized to conduct a public questionnaire, hold a series of workshops, develop conceptual drawings and prepare an engineers cost estimate prior to a ballot vote on a bond and associated levy. Funding is to come equally from the System Development Charge Fund and Recreation Reserve Fund.

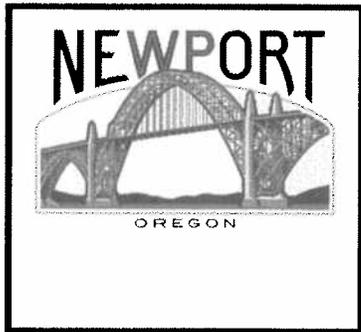
Section 4. Effective Date. This Resolution is effective upon adoption.

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William D. Bain, Mayor

ATTEST:

Margaret M. Hawker, City Recorder



Agenda Item # IX.J.
 Meeting Date March 15, 2010

City Council Agenda Item Summary
 City Of Newport, Oregon

Issue/Agenda Title Consideration of Agreement between the City of Newport and Georgia-Pacific Toledo, LLC.

Prepared By: McCarthy Dept Head Approval: _____ City Mgr Approval: [Signature]

Issue Before the Council:

Rescission of Council approval of an agreement with Georgia-Pacific Toledo, LLC which occurred on June 15, 2009, and approval of an Agreement (attached to the accompanying resolution) between the City of Newport and Georgia-Pacific Toledo, LLC. (GP) relating to use of public Rights-of-way for the North and South pipelines.

Staff Recommendation:

Staff recommends that the Council rescind their approval of the agreement with Georgia-Pacific Toledo, LLC which occurred on June 15, 2009 and, by resolution, approve the Agreement between the City of Newport and Georgia-Pacific Toledo, LLC. which is attached to that resolution.

Proposed Motion:

I move to rescind Council approval of the Agreement with Georgia-Pacific Toledo, LLC. which occurred on June 15, 2009 and adopt Resolution No. _____ which approves the Agreement between the City of Newport and Georgia-Pacific Toledo, LLC. attached to that Resolution.

Key Facts and Information Summary:

The City holds Rights-of-way in trust for the public and has the responsibility and right to manage the Rights-of-way and to secure fair and reasonable compensation for permitting the use of the Rights-of-way. Georgia-Pacific has utilized public Rights-of-way for its pipelines that run through the city of Newport, subject to franchises granted by the City. These franchises have expired.

In January, 2009, the Council appointed the Georgia-Pacific Task Force which was tasked with providing an agreement for Council approval relating to Georgia-Pacific's use of the North and South Pipelines. At the Council's regular June 15, 2009 meeting, the Task Force returned to the Council with a recommended agreement. The Council unanimously approved the agreement and authorized signature of an agreement in substantially the same form as presented. GP subsequently provided revisions to the agreement to the City. The City and GP have been working since that time to reach agreement on GP's use of the North and South Pipelines.

The City and GP have now agreed to use Newport Municipal Code Chapter 9.05 as a basis for agreement. This is consistent with the historical use of franchise agreements between the City and GP for the use of the public Rights-of-way. The agreement which has been reached by Georgia-Pacific and the City Attorney is presented for Council approval and is attached to the Resolution. The agreement reached by the City and GP differs substantially from that previously approved by the Council. Therefore, rescission of Council approval of the prior agreement is required.

A second motion was passed by the Council at the June 15, 2009 meeting relating to ocean monitoring, the relevant excerpt from the minutes of that meeting appears below:

“MOTION was made by McConnell, seconded by Obteshka, to approve the conceptual ocean monitoring plan for the GP effluent outfall and the appointment of a technical task force to assist the city in implementing the monitoring plan and disseminating information from the monitoring; and that all the payments under the GP license agreement be used to fund the monitoring program to be implemented under the monitoring plan; and that the cost of monitoring not exceed collected and available funds. The motion carried unanimously in a voice vote.”

The agreement for consideration by the Council at this time intentionally does not address ocean monitoring or the particular use of the fees paid by GP under the agreement. The purpose of the agreement before the Council is specifically to address the use of the public Rights-of-way.

Other Alternatives Considered:

Other alternatives have been considered but this appears to be an appropriate vehicle that both parties agree to use to address GP's use of the public Rights-of-way.

City Council Goals:

None

Attachment List:

Resolution

Agreement between the City of Newport and Georgia-Pacific Toledo, LLC.

Fiscal Notes:

As set forth in Section 3 of Agreement: As compensation for the right to use the public Rights-of-way, Georgia-Pacific shall pay to the City a fee. The fee for the year 2008 shall be \$55,000; the fee for the year 2009 shall be \$56,650; and the fee for the year 2010 shall be \$58,350. Fees for the years 2008, 2009 and 2010 will be paid by Georgia-Pacific within thirty (30) days of the Effective Date. The fee will be increased by three percent (3%) annually thereafter. Payment for years after 2010 will be made by January 31 of the year that the payment covers.

**CITY OF NEWPORT
RESOLUTION _____**

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NEWPORT AND
GEORGIA-PACIFIC TOLEDO, LLC.**

Findings:

1. The City of Newport holds Rights-of-way in trust for the public and has the responsibility and right to manage and conserve the capacity of such Rights-of way and to secure fair and reasonable compensation for permitting the use of Rights-of-way. The City is authorized by state statutes, its charter and ordinances to regulate Persons desiring to occupy Rights-of-way within the City.
2. In 1956, the City granted an easement to Georgia-Pacific Toledo, LLC (GP) for the installation and use of a pipeline to run through the City to the Pacific Ocean. Within the easement, GP constructed one pipeline in 1957 (“First Pipeline”; which was subsequently abandoned by GP) and a second pipeline in 1965 (“North Pipeline”). In 1983, a third pipeline was constructed by GP primarily outside the easement area (“South Pipeline”). GP desires to continue to operate the North Pipeline and the South Pipeline.
3. Historically, use of the public Rights-of-way by Georgia-Pacific occurred through ordinances passed by the Council which established franchises allowing for such use. All franchises between GP and the City have expired.
4. The City and GP have been working together for some time to establish an appropriate agreement to govern GP’s use of the North and South Pipelines within the public Rights-of-way. The City and GP have agreed to use Newport Municipal Code Chapter 9.05 as a basis for that agreement. The agreement is attached to this Resolution.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Agreement Adopted by City Council. The Agreement between the City of Newport and Georgia-Pacific Toledo, LLC. attached to this Resolution is hereby adopted by the City Council and approved for signature by the City Manager.

Section 2. Effective Date. The effective date of this resolution is March 15, 2010.

William D. Bain, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

AGREEMENT

THE CITY OF NEWPORT AND GEORGIA-PACIFIC TOLEDO, LLC.

This Agreement is between the City of Newport, Oregon, an Oregon municipal corporation (“City”) and Georgia-Pacific Toledo LLC, a Delaware limited liability company (“Georgia-Pacific”). The Effective Date of this Agreement shall be the date last signed by a party below.

RECITALS

1. The City of Newport holds Rights-of-way in trust for the public and has the responsibility and right to manage and conserve the capacity of such Rights-of-way and to secure fair and reasonable compensation for permitting the use of Rights-of-way. The City is authorized by state statutes, its charter and ordinances to regulate Persons desiring to occupy Rights-of-way within the City.
2. The purpose of this Agreement is to establish reasonable regulations applicable to the construction, operation and maintenance of Georgia-Pacific’s pipelines in, along, across, under and over public Rights-of-way in the city of Newport; protect the health, safety and welfare of the public; and secure fair and reasonable compensation to the City and residents for permitting private use of Rights-of-way.
3. Georgia-Pacific operates a paper and pulp mill in Toledo, Oregon, east of Newport. Georgia-Pacific has a permit from the Oregon Department of Environmental Quality to discharge treated effluent from the Toledo mill into the Pacific Ocean. Within Newport, the single pipeline from the Toledo mill splits into two pipelines, which rejoin before discharging into the ocean adjacent to Newport. One of the pipelines is primarily within the Third Street Rights-of-way (“North” pipeline); the other pipeline is primarily within the NE First Street and W. Olive Street Rights-of-way (“South” pipeline).
4. A third abandoned pipeline, constructed in 1957, enters the City from the east on Bay Road, travels up John Moore Road, crosses Highway 20 to Harney Street, joins Third Street and then parallels the North Pipeline out into the Pacific Ocean (“1957 Abandoned Pipeline”). That pipeline is not subject to this Agreement.
5. The North and South pipelines (“GP Pipelines”) reside primarily in Rights-of-way held by the City. The GP pipelines and the Rights-of-way covered under this Agreement are shown on Attachment A.
6. The City granted an easement to Georgia-Pacific for the installation and use of the North pipeline in 1956.

TERMS OF AGREEMENT

Section 1. Georgia-Pacific may construct, operate and maintain the North and South pipelines within public Rights-of-way, subject to Chapter 9.05 of the Newport Municipal Code, which is attached as Attachment B. The City has determined that this Agreement is consistent with the standards and requirements of Chapter 9.05 of the Newport Municipal Code. Georgia-Pacific disagrees that Chapter 9.05 of the Newport Municipal Code applies to the GP Pipelines, but has agreed to apply Chapter 9.05 to the GP Pipelines for the purposes of this Agreement. Georgia-Pacific reserves its right to assert that Chapter 9.05 does not apply to the GP Pipelines upon termination or expiration of this Agreement.

Section 2. Georgia-Pacific will use the Rights-of-way solely for the transport of treated effluent that is the byproduct of paper and pulp operations generated at the Toledo mill.

Section 3. As compensation for the right to use the public Rights-of-way, Georgia-Pacific shall pay to the City a fee. The fee for the year 2008 shall be \$55,000; the fee for the year 2009 shall be \$56,650; and the fee for the year 2010 shall be \$58,350. Fees for the years 2008, 2009 and 2010 will be paid by Georgia-Pacific within thirty (30) days of the Effective Date. The fee will be increased by three percent (3%) annually thereafter. Payment for years after 2010 will be made by January 31 of the year that the payment covers.

Section 4. This Agreement shall remain in effect for a period of seven (7) years, beginning on the Effective Date. The Agreement may be renewed by the parties for additional seven (7) year terms.

Section 5. The parties acknowledge and agree that this Agreement will not terminate or replace the easement granted to Georgia-Pacific by the City in 1956 nor diminish the rights of Georgia-Pacific related thereto. In the event the language of the easement and this Agreement conflict, the language of the easement will control.

Section 6. In the event the City modifies Chapter 9.05 of the Newport Municipal Code during the term of this Agreement, the City may notify Georgia-Pacific of any such modification in writing with a request for amendment of this Agreement to include the modification. Georgia-Pacific may elect to approve or deny any such modification to this Agreement. Georgia-Pacific will agree to modify this Agreement to include reasonable ministerial or other non-material modifications as such are requested by the City or in order for the City to comply with new or changing state or federal regulations.

Section 7. At such time as Georgia-Pacific discontinues use of the South pipeline or the North pipeline, the City and Georgia-Pacific will work together in good faith to discuss the manner in which to decommission the discontinued line (either by removal, partial removal or abandonment in place). The City will reasonably consider the costs to Georgia-Pacific of

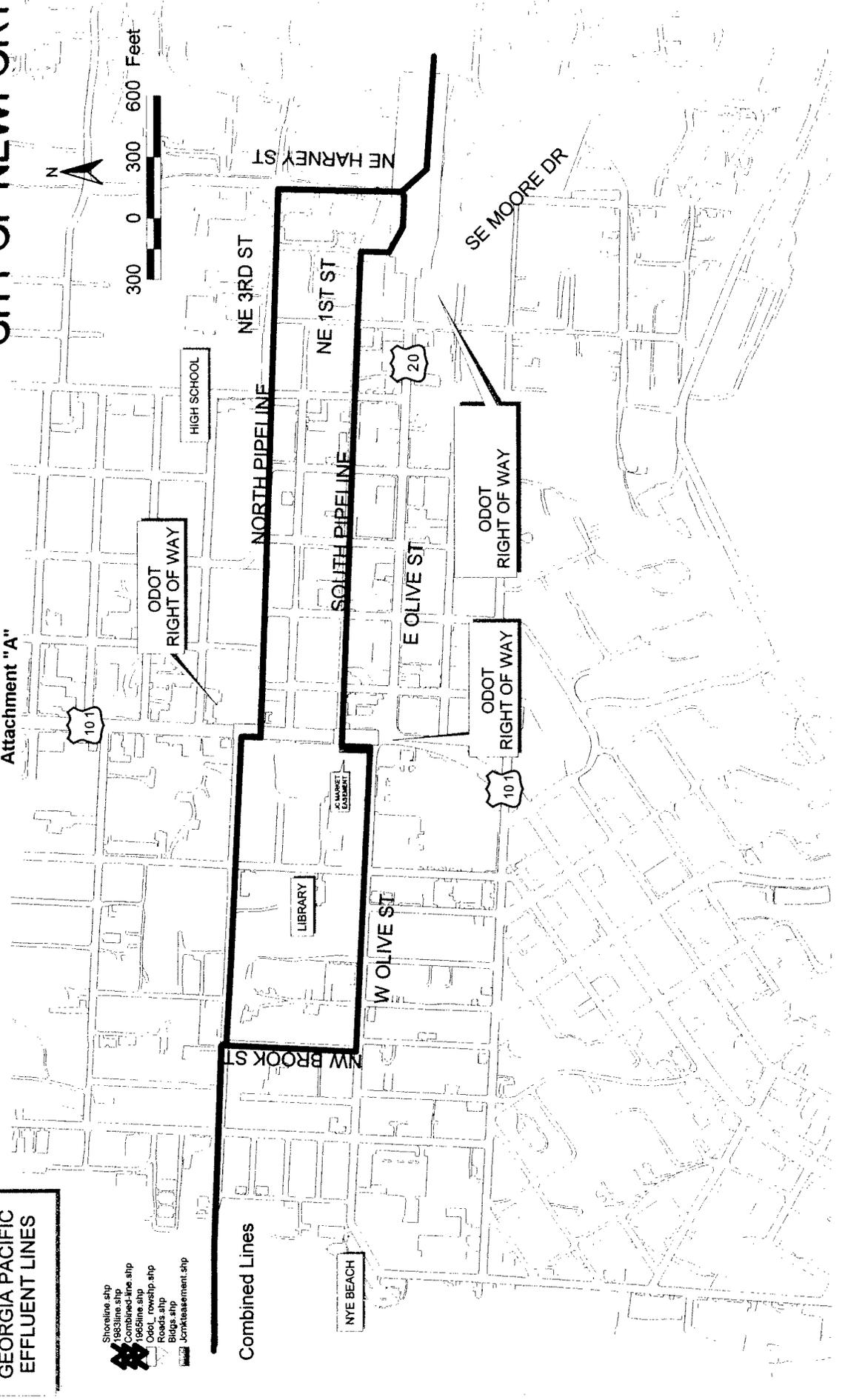
CITY OF NEWPORT

GEORGIA PACIFIC EFFLUENT LINES

- Shedline.shp
- Require.shp
- Combined_line.shp
- Propose.shp
- Odor_rowship.shp
- Roads.shp
- Bldgs.shp
- JointAssessment.shp

Combined Lines

Attachment "A"



Attachment "B"

CHAPTER	9.05 UTILITIES
9.05.020	Definitions
9.05.030	Purpose
9.05.040	Jurisdiction
9.05.050	Franchise Required
9.05.060	Grant of Franchise
9.05.070	Privilege Granted
9.05.080	Term
9.05.090	Franchise Fee
9.05.100	Right-of-Way Usage Fee
9.05.120	Application
9.05.130	Denials
9.05.140	Renewal
9.05.150	Assignment or Transfer of Franchise
9.05.160	Leased Capacity
9.05.170	Duty to Provide Information, Audit Responsibility
9.05.180	Insurance
9.05.190	Indemnification
9.05.200	Construction Permits
9.05.210	Facilities
9.05.220	Location of Facilities
9.05.230	Interference with Rights-of-Way
9.05.240	As Built Drawings
9.05.250	Coordination of Construction
9.05.260	Relocation or Removal of Facilities
9.05.270	Plan for Discontinuance or Removal
9.05.280	Removal of Abandoned Facilities
9.05.290	Removal by City
9.05.300	Appeals
9.05.310	Revocation or Termination
9.05.320	Standards for Revocation or Termination
9.05.330	Notice and Cure
9.05.340	Penalties
9.05.350	Other Remedies
9.05.360	Severability and Preemption
9.05.370	Application to Existing Agreements

9.05.020 Definitions.

The following definitions apply to this chapter.

- A. "**Emergency**" means a circumstance in which immediate repair to damaged or malfunctioning facilities is

necessary to restore lost service or prevent immediate harm to persons or property.

- B. **“Franchise”** means the privilege conferred on a person by the City to place and operate portions of a utility system in, over or under rights-of-way. Franchises shall be conferred by ordinance or resolution and confirmed by a franchise agreement.
- C. **“Gross Revenues”** means revenues earned within the City, less net uncollectibles, from the sale of electrical energy, gas, telecommunications, cable or other utility non-municipal service and for the use, rental, or lease of utility facilities in rights of way of the utility engaged in such business. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks. To the extent that the City’s authority to tax gross revenues of an entity is limited by ORS 221.410 through 221.655, the City shall apply the statutory limitations to the definition of “gross revenues.” To the extent that the City’s authority to tax or impose a fee on gross revenues of an entity is limited by any other provision of federal or state law, the City shall collect only the amounts authorized by law. “Gross revenues” does not include any revenues received as a result of the use, rental or lease of utility facilities to a third party if the lessee pays a franchise fee or right-of-way usage fee.
- D. **“Person”** means every individual, firm, partnership, association, corporation or entity.
- E. **“Right-of-Way”** includes all areas dedicated to the public and administered by the city for use for transportation purposes, including any city street, road, bridge, alley, sidewalk, trail, or path, and all other public ways and areas managed by the City.
- F. **“Right-of-Way”** also includes public utility easements to the extent that the easement allows use by the utility operator planning to use or using the public utility easement. “Right-of-way” includes the subsurface under and airspace over these areas. “Right-of-way” does not include the airwaves for purposes of CMRS, broadcast television, DBS and other wireless providers, or easements or other property interests owned by a single utility or entity.

- G. **“Utility Facility”** means any physical component of a utility system located within or attached to the rights-of-way.
- H. **“Utility Operator”** means any person that places or maintains any portion of a utility system within the rights-of-way.
- I. **“Utility System”** means a system owned and operated by a person to deliver or transmit electricity, natural gas, telecommunications, cable services, water, sewer, storm sewer or other goods or services by means of pipes, wires, transmitters, or other facilities permanently located within or attached to the rights-of-way to or from customers within the corporate boundaries of the City of Newport. “Utility system” also includes transmission of these products or services through the City of Newport whether or not customers within the city are served by those transmissions. “Utility system” does not include any agency of the federal government.

9.05.030 Purpose

The purpose and intent of this chapter is to:

- A. Permit and manage reasonable access to the rights-of-way of the city for utility purposes on a competitively neutral basis and conserve the limited physical capacity of those rights-of-way held in trust by the city.
- B. Assure that the city’s current and ongoing costs of granting and regulating private access to and the use of the rights-of-way are fully compensated by the persons seeking such access and causing such costs.
- C. Secure fair and reasonable compensation to the city and its residents for permitting private use of the rights-of-way.
- D. Comply with federal law applicable to local governments franchising and regulation of rights-of-way.

9.05.040 Jurisdiction

The requirements of this chapter shall apply to all rights-of-way under the jurisdiction of or controlled by the city of Newport, whether dedicated by plat or deed, created by user,

or by agreement with Lincoln County or the Oregon Department of Transportation.

9.05.050 Franchise Required.

- A. No person may place a utility facility or any portion of a utility facility in any right-of-way without a franchise issued by the city. Any person that places or maintains a utility system in any portion of the right-of-way without a franchise is subject to all other provisions of this chapter, including the payment of the right-of-way usage fee pursuant to Section 9.05.100.
- B. The city may grant a franchise allowing use of any right-of-way for any portion of a utility system.
- C. To the extent the terms of a franchise agreement are inconsistent with the provisions of this chapter, the terms of the franchise agreement shall prevail.

9.05.060 Grant of Franchise

- A. The City Council shall grant by resolution a utility franchise to any person operating or seeking to operate a utility system or portion of a utility in any right-of-way if the person has submitted an application that meets the requirements of this chapter the person agrees to sign the city's standard franchise agreement without modification. The franchise shall not be effective until the applicant signs the city's standard franchise agreement substantially in the form approved by the City Council. The City Council shall approve the form of the standard franchise agreement by resolution.
- B. The City Council may grant utility franchises in any other circumstance by ordinance. Any franchise ordinance shall not be effective until a franchise agreement is entered into by the city and the franchisee. The City Council shall grant the franchise if the application and proposed franchise agreement is consistent with the standards of this chapter or if granting the franchise is required by state or federal law, and may agree to grant a franchise even if the franchise agreement is not consistent with the standards of this chapter if the Council determines that any changes do not render the agreement inconsistent with the purposes of this chapter and that granting the

agreement would not result in a competitive advantage to the prospective franchisee.

C. All franchises shall be nonexclusive.

9.05.070 Privilege Granted

The franchise shall grant a privilege to use rights-of-way consistent with the requirements of this chapter. The franchise does not convey any right, title or interest in the right-of-way.

9.05.080 Term

Unless otherwise specified in the franchise agreement and resolution or ordinance, franchises shall be in effect for ten years but in no case shall exceed 15 years.

9.05.090 Franchise Fee

- A. Unless prohibited or pre-empted by federal or state law, any person applying for a franchise (including an application for renewal) shall pay an application fee to cover the cost of processing the application. The City Council shall establish the fee by resolution.
- B. The franchise agreement may provide for payment of a franchise fee as compensation for use of rights-of-way and reimbursement of the city's cost of administering the program created in this chapter. The franchise fee is separate and distinct from any other legally authorized federal, state or local taxes or fees, except to the extent that payment of a franchise fee shall count as a credit to the right-of-way usage fee.
- C. The franchise fee shall be payable semiannually on or before March 15 for the six month period ended December 31, and September 15 for the six month period ended June 30, unless otherwise stated in the resolution or ordinance authorizing the franchise. The franchisee shall pay interest at the rate of nine percent per year for any payment made after the due date.

9.05.100 Right-of-Way Usage Fee

- A. All persons operating or using a utility system or facility in the right-of-way to provide service to customers within the

City of Newport shall annually pay a right-of-way usage fee of 5% of gross revenues, subject to any applicable limitations imposed by federal and state statutes, including the privilege tax limitations set forth in ORS 221.410 through 221.655.

- B. Right-of-way usage fee payments shall be net of any franchise fee payments received by the city, but in no case will a refund be provided if the franchise fee exceeds the right-of-way usage fee. A franchise agreement may waive the right-of-way usage fee even if the franchise fee is less than 5% of gross revenues.
- C. Unless otherwise agreed to in a franchise agreement or otherwise stated in the resolution or ordinance granting the franchise, the right-of-way usage fee shall be payable semiannually on or before March 15 for the six month period ended December 31, and September 15 for the six month period ended June 30. The utility shall pay interest at the rate of nine percent per year for any payment made after the due date.

9.05.120 Application

Any person seeking an initial franchise shall submit an application to the city manager that includes the following:

- A. Information identifying the applicant and describing the utility system the applicant proposes to operate in the rights-of-way. The initial application shall include engineering plans, specifications and a network map showing the anticipated location and route of proposed facilities in the right-of-way, including both existing and proposed facilities. If any of the facilities are owned by others, that information should be provided. Nothing in this section shall require a utility operator to reveal proprietary information. A utility operator shall signify any property information as such, and the city will protect designated proprietary information from disclosure unless the district attorney or a court determines that the information is not exempt from disclosure under Oregon public records law.
- B. Information establishing that the applicant has obtained or is in the process of obtaining all other required governmental approvals to construct and operate the

system and to offer or provide the services proposed, including, if applicable, any PUC filings or approvals.

C. The application fee.

9.05.130 Denials

Any denial of a franchise application shall be in writing and state the reasons for the denial. Any denials shall be in compliance with applicable federal or state law. The city may deny an application for a franchise:

- A. If the applicant has not complied with all application requirements and standards; or
- B. If the applicant has a record of noncompliance.

9.05.140 Renewal

A franchisee that desires to renew a franchise shall submit a letter requesting renewal including the information set forth in Section 9.10.120 to the city manager no less than 180 days before expiration of the franchise. If applicable federal or state law provides for a different method of renewal, the franchisee may use the federally- or state-authorized renewal method.

9.05.150 Assignment or Transfer of Franchise

- A. A franchise may not be transferred or assigned to another person unless such person is authorized under all applicable laws to own or operate the utility system and the transfer or assignment is approved by all agencies or organizations required or authorized under federal or state laws to approve such transfer or assignment. The franchisee shall provide the city with written notice of any transfer or assignment within 20 days of requesting approval from any state or federal agency.
- B. If a franchise is assigned or transferred, the assignee or transferee shall become responsible for all facilities of the existing transferee at the time of transfer. A transfer or assignment of a franchise does not extend the term of the franchise.

9.05.160 Leased Capacity

A utility operator may lease capacity on or in its systems to others, provided that the utility operator provides the city with the name and business address of any lessee. A utility operator is not required to report leases to subsidiaries or affiliates of the utility operator if applicable gross revenues of the subsidiary or affiliate are included in the gross revenues reported to the city. All persons leasing capacity on or in a utility system, other than subsidiaries or affiliates of the owner of the system whose revenues are included in the gross revenue of the franchisee, are subject to the provisions of this chapter.

9.05.170 Duty to Provide Information, Audit Responsibility

Within 30 days of a written request from the city, a utility operator shall furnish the city:

- A. Information sufficient to demonstrate that the utility operator is in compliance with this chapter or its franchise agreement.
- B. Access to all books, records, maps, and other documents, maintained by the utility operator with respect to its facilities in rights-of-way that are reasonably necessary for the City to perform a financial review.

Access shall be provided within the city unless prior arrangement for access elsewhere has been made with the city. If the city desires a full audit, the utility operator shall have 45 days to make all needed information available.

- C. If the city's audit of the books, records and other documents maintained by the utility operator demonstrate that the utility operator has underpaid the franchise fee or right-of-way usage fee by five percent or more in any one year, the utility operator shall reimburse the city for the cost of the audit and shall pay interest as specified in sections 9.05.090 and 9.05.100 from the original due date.

9.05.180 Insurance

All utility operators shall maintain in full force and effect commercial general liability insurance covering bodily injury and property damage on an "occurrence" form

(1996 ISO or equivalent) acceptable to the city. Such insurance shall cover all risks arising directly or indirectly out of the utility operator's activities or work under this chapter, including all subcontractors to any tier. The policy or policies of insurance maintained by the utility operator shall provide at least a general aggregate limit of \$5 million with a per occurrence limit of \$3 million, insuring the utility operator and naming the city as an additional insured with respect to this chapter on the policy. The utility operator shall cause a certificate of insurance to be provided to the city recorder. As an alternative, a utility operator may provide and keep in force self-insurance, or self-insured retention plus insurance, in an equal amount to the insurance required to be obtained from a third-party insurer. The utility operator shall provide proof of self-insurance acceptable to the city if it chooses to self-insure. The procuring of required insurance or self-insurance shall not be construed to limit utility operator's liability. Notwithstanding said insurance or self-insurance, the utility operator shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this chapter. 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. Any failure to comply with this provision will not affect the insurance coverage provided to the city. A 30 days notice of cancellation provision shall be set forth on the certificate of insurance. The utility operator's coverage shall be primary to the extent permitted by law and insurance maintained by the city is excess and not contributory insurance as to the insurance required by this chapter.

9.05.190 Indemnification

Each utility operator shall defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including attorney fees and costs of suit or defense (at both the trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity in any way arising out of, resulting from, during or in connection with, or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failure to act, or other misconduct of the utility

operator or its affiliates, officers, employees, agents, contractors, subcontractors, or lessees in the construction, operation, maintenance, repair, or removal of its facilities, and in providing or offering services over the facilities, whether such acts or omissions are authorized, allowed, or prohibited by this chapter or by a franchise agreement. Upon notification of any such claim the city shall notify the utility operator and provide the utility operator with an opportunity to provide defense regarding any such claim.

9.05.200 Construction Permits.

Except in the event of an emergency, no person shall construct or install any utility facilities within a right-of-way without first obtaining a construction permit pursuant to Chapter 9.10.

In the event of an emergency, a utility operator may conduct work in the rights-of-way after providing notice to the city. The utility operator shall apply for a permit for such work as soon as reasonably practicable, but not more than 48 hours after commencing work, and shall furnish any required maps and materials within 30 days of commencing work.

9.05.210 Facilities

All utility facilities in the right-of-way shall be constructed, installed, and maintained in accordance with all applicable federal, state, and local statutes, codes, ordinances, rules and regulations. All facilities shall comply with applicable design standards imposed by regulation or construction permit. No facility may be placed on any city facility without the express written consent of the city. The city may require separate payment for rental of space on city facilities. For purpose of this section, a right-of-way, street or sidewalk is not a facility, but structures, including poles, conduit, boxes, and equipment, are facilities.

9.05.220 Location of Facilities

All facilities located within the right-of-way shall be constructed, installed and located in accordance with the following terms and conditions, unless otherwise specified in a franchise agreement.

- A. Whenever all existing utility facilities are located underground within a right-of-way of the city, the city may require a utility operator with permission to occupy the same right-of-way to locate its facilities underground. If funds are available from governmental sources other than the city to defray the cost of undergrounding, the city will apply for such funds at the request of a utility operator.
- B. Whenever all new or existing electric utilities, cable facilities and telecommunications facilities are located or relocated underground within a right-of-way of the city, the city may require a utility operator that currently occupies the same right-of-way to relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the right-of-way.

9.05.230 Interference with Rights-of-Way

No utility operator may locate or maintain its utility facilities so as to unreasonably interfere with the use of the rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the rights-of-way. All use of rights-of-way shall be consistent with city codes, ordinances and regulations.

9.05.240 As Built Drawings

The utility operator shall provide the city with two complete sets of engineered plans in a form acceptable to the city showing the location of all its utility facilities within rights-of-way after initial construction of its system and, to the extent available, shall provide the city two updated complete sets of as-built plans annually, upon request by the city. The city shall not unreasonably withhold acceptance of the utility operator's standard form of maintaining drawings. Nothing in this section requires a utility to reveal proprietary information. A utility shall identify all proprietary information provided to the city and the city will not disclose that information unless the district attorney or court determines that the information is not exempt from disclosure under Oregon public records law.

9.05.250 Coordination of Construction

All utility operators shall make a good faith effort to coordinate their construction schedules with those of the city and other users of the rights-of-way.

- A. Prior to January 1 of each year, utility operators shall provide the city with a schedule of known construction work for that year in the city's rights-of-way or that may affect the rights-of-way.
- B. Utility operators shall meet with the city at least once each calendar year, at the request of the city, to schedule and coordinate work in rights-of-way. The city shall share information on plans for other construction projects within rights-of-way.
- C. All construction projects within right-of-way shall be coordinated as ordered by the city engineer or designee, to minimize public inconvenience, disruption, or damages.

9.05.260 Relocation or Removal of Facilities

- A. The utility operator shall temporarily or permanently remove, relocate, change or alter the position of any utility facility within a right-of-way when requested to do so in writing by the city. The removal, relocation, change or alteration shall be at the utility operator's expense when the removal, relocation, change or alteration is needed because of construction, repair, maintenance, or installation of public improvements or other operations of the city within the right-of-way or is otherwise in the public interest. In the event that the removal, relocation, change or alteration is needed to accommodate private development or other private use of the right-of-way, the developer or other private party requiring the action shall be responsible for the cost of removal, relocation, change or alteration. The utility operator shall be under no obligation to remove, relocate, change or alter its facilities to benefit a private party unless and until the private party pays a deposit for costs to the utility operator. The city shall specify in the written notice the amount of time for removal, relocation, change or alteration. In the event of emergency, the utility operator shall take action as needed to resolve the emergency, and the city may use any form of communication to direct the utility operator to take actions in an emergency to protect the public safety, health and welfare.

- B. When the owner of a pole to which wires and utility facilities of other utility operators are attached installs a new pole, all utility operators shall move their wires and other facilities to the new pole, and the old pole shall be removed within a reasonable time after all wires and other facilities are moved to the new pole.

9.05.270 Plan for Discontinuance or Removal

Whenever a utility operator plans to discontinue any utility facility, the utility operator shall submit a plan for discontinuance to the city. The plan may provide for removal of discontinued facilities or for abandonment in place. The city engineer shall review the plan and issue an order to the utility operator specifying which facilities are to be removed and which may be abandoned in place. The order shall establish a schedule for removal. The utility operator shall remain responsible for all facilities until they are removed.

9.05.280 Removal of Abandoned Facilities

Unless otherwise agreed to in writing by the city engineer, within 30 days following written notice from the city, a utility operator and any other person that owns, controls, or maintains any unauthorized utility system or facility within a right-of-way shall, at its own expense, remove the system or facility and restore the right-of-way. A utility facility that is operating under a franchise or that the city engineer has approved to be abandoned in place is not an unauthorized utility facility. A utility system or facility is unauthorized under the following circumstances:

- A. The utility system or facility is outside the scope of authority granted by an existing franchise. This includes systems or facilities that were never franchised and systems or facilities that were once franchised but for which the franchise has expired or been terminated, unless the utility operator reinstates the franchise or pays the right-of-way usage fee and complies with the provisions of this chapter. This does not include any facility for which the city engineer has authorized abandonment in place.
- B. The utility facility has been abandoned and the city engineer has not authorized abandonment in place. A utility facility is abandoned if it is not in use and is not planned for further use. A utility facility will be presumed

abandoned if it is not used for a period of one year. A utility operator may overcome this presumption by presenting plans for future use of the utility facility, or demonstrating that the utility operator is capable of using the utility facility in the future.

- C. The utility facility is not constructed or installed in accordance with the applicable franchise agreement or this chapter or other applicable federal, state and local code, rules and regulations.

9.05.290 Removal by City

If the utility operator fails to remove any utility facility when required to do so under this chapter, the city may remove the utility facility and the utility operator shall be responsible for paying the full cost of the removal and any administrative costs incurred by the city in removing the facility and obtaining reimbursement.

9.05.300 Appeals

Unless another procedure is set forth in this chapter, any decision by the city engineer or city manager pursuant to this chapter may be appealed to the City Council by submitting to the city recorder, within 15 days after notice of the decision, a written statement setting forth the bases for appeal of the decision. The City Council's decision shall be subject to judicial review under the writ of review process.

9.05.310 Revocation or Termination

The City Council may terminate a franchise or revoke other authority to use the rights-of-way for any of the following reasons:

- A. Material violation of this chapter.
- B. Material violation of a franchise agreement.
- C. Wilful misrepresentation in a franchise application, including a renewal application.
- D. Abandonment of facilities without approval to abandon in place.

- E. Failure to pay taxes, compensation, fees or costs due the City after final determination of the taxes, compensation, fees or costs.
- F. Material failure to restore rights-of-way after construction as required by this chapter or chapter 9.10.
- G. Material failure to comply with technical, safety and engineering standards related to work in the rights-of-way.

9.05.320 Standards for Revocation or Termination

In determining whether termination, revocation or some other sanction is appropriate, the following factors shall be considered:

- A. The egregiousness of the misconduct;
- B. The harm that resulted;
- C. Whether the violation was intentional;
- D. The utility operator's history of compliance;
- E. The utility operator's cooperation in discovering, admitting and/or curing the violation.

Termination or revocation shall occur only if the franchisee has exhibited a repeated pattern of serious intentional violations of this chapter and/or franchise agreements demonstrating a flagrant continued disregard for applicable law.

9.05.330 Notice and Cure

The city shall give the utility operator written notice of any apparent violations before terminating a franchise or revoking authority to use the rights-of-way. The notice shall include a short and concise statement of the nature and general facts of the violation or noncompliance and provide a reasonable time (no less than 20 and no more than 40 days) for the utility operator to demonstrate that the utility operator has remained in compliance, that the utility operator has cured or is in the process of curing any violation or noncompliance, or that it would be in the public interest to impose a penalty or sanction less than termination or

revocation. If the utility operator is in the process of curing a violation or noncompliance, the utility operator must demonstrate that it acted promptly and continues to actively work on compliance. If the utility operator does not respond or if the city manager determines that the utility operator's response is inadequate, the city manager shall refer the matter to the City Council, which shall provide a duly noticed public hearing and determine whether the franchise or other authority to use the rights-of-way shall be terminated or revoked.

9.05.340 Penalties

Intentional failure to comply with a provision of this chapter is a civil infraction and a civil penalty may be imposed as provided in this code.

9.05.350 Other Remedies

Nothing in this chapter shall be construed as limiting any judicial or other remedies the city may have for enforcement of this chapter.

9.05.360 Severability and Preemption

- A. The provisions of this chapter shall be interpreted to be consistent with applicable federal and state law, and shall be interpreted, to the extent possible, to cover only matters not preempted by federal or state law. Specifically, the city does not seek to impose a franchise fee or right of way usage fee on any activity that is exempt from that type of fee or tax, and the provisions of this chapter shall be interpreted as not imposing any fee or tax that is preempted by state or federal law.
- B. If any provision of this chapter is for any reason declared or held to be invalid or unenforceable by any court of competent jurisdiction or superseded by state or federal legislation, rules, regulations or decision, the remainder of this chapter shall not be affected and all remaining portions shall be valid and enforceable to the fullest extent permitted by law. In the event any provision is preempted or limited by federal or state law, the provision shall be preempted or limited only to the extent required by law and any portion not preempted shall survive. If any federal or state law resulting in preemption is later repealed, rescinded or amended to end the preemption,

the preempted provision shall return to full force and effect without further action by the city.

- C. The provisions of this chapter shall not be applied or construed to unlawfully abridge contractual or property rights of a utility operator to occupy private property or the area of a private utility easement.

9.05.370 Application to Existing Agreements

This chapter shall be applied to all persons and activities, including existing franchisees, except that it shall not affect contract rights of existing franchisees. This chapter shall fully apply to existing franchisees on termination of existing franchises.