



**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, September 21, 2009**, in Conference Room “A” at City Hall. The regular Council meeting begins at **6:00 P.M.**, on **Monday, September 21, 2009**. 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. Interview applicants for Planning Commission
& Airport Committee.....**Pages 5-11**

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. 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 the work session, and regular meeting of September 8, 2009, and executive session of September 16, 2009..... **Pages 12-18**
(Hawker)
- B. Listing of Claims Paid, August 2009.....**Pages 19-28**
(Schultz)
- C. Police & Fire Monthly Statistical Reports August, 2009.....**Pages 29-31**
(Miranda/Crook)
- D. OLCC License Approval for Bier One for a change in ownership.....**Pages 32-34**
(Miranda)

IV. Council Members’ Reports and Comments

V. Officers’ Reports

- A. Mayor’s Report
 - 1. Committee appointments
- B. City Manager’s Report
 - 1. Manager’s Written Report.....**Pages 35-44**
- C. City Attorney’s Report

VI. Discussion Items and Presentations

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

- A. Presentation by Kent Craford of Seaport Airlines
- B. Consideration of creating an Airline Sustainability Task Force (McCarthy)

VII. Acting in capacity as the Local Contract Review Board

- A. Consider a bid protest received from Henderson Land Services, LLC on the Notice of Intent to Award the Nye Creek Bio-filtration Supplemental Environmental Project.....**Pages 45-56**
(Voetberg)

7:00 P.M. – Public Hearings

VIII. 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. Award of contract for the Nye Creek Bio-filtration Supplemental Environmental Project.....**Pages 57-59**
(Ritzman)
- B. Consideration of bid proposals for restrooms at 9th & Hurbert Street & Bayfront.....**Pages 60-71**
(Protiva)
- C. Consideration of Amendment No 1 to the 2009 Statewide Airport Pavement Maintenance Program IGA between the City and the Oregon Dept. of Aviation for additional taxi-way painting.....**Pages 72-82**
(Reno)

- D. Consideration of recommendation from Destination Newport Committee to expend room tax contingency funds for a PDXposed winter episode and bonus commercials.....**Pages 83-84**
(Voetberg)
- E. Designation of voting delegate for the 84th Annual LOC Conference.....**Page 85**
(Voetberg)
- F. Modifications to the Revenue Guarantee Agreement for Coastal Airline Service
(McCarthy)
- IX. **Public Comment**
(Additional time for public comment – 5 minutes per speaker)
- X. **Adjournment**

Cheryl Atkinson

From: CommitteeApp@thecityofnewport.net
Sent: Wednesday, September 09, 2009 9:27 AM
To: Cheryl Atkinson
Cc: garyeast@charter.net
Subject: Committee Application

Application for City Council - Email Application
Date: 9/9/2009
Commission/Committee of Interest: Planning Commission
Name: Gary R. East
Address:
Workphone: 541-265-2221

Email:
Occupation: Outside Sales
Employer: ProBuild Newport

Why do you think you are qualified to be a committee member? Over 20 years experience in the building industry.

Educational Background: Chaffey Collage in Alta Loma, Ca.
Theater Arts and Music/Small Bueiness Mgmt.

Have you ever served on a community committee? If so what kind? Yes. Lincoln County HBA
Currently President

Do you agree with consensus decision making? Yes

Are you willing to attend regularly schedule meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No

List all other pertinent information/background for this position:

Cheryl Atkinson

From: CommitteeApp@thecityofnewport.net
Sent: Wednesday, August 26, 2009 12:27 PM
To: Cheryl Atkinson
Subject: Committee Application

Application for City Council - Email Application
Date: August 26th, 2009
Commission/Committee of Interest: Planning Commission
Name: Melanie Sarazin
Address:
Workphone: 541-265-8670
Homephone:
Occupation: Legal Assistant/Office Manager
Employer: Litchfield & Carstens LLC

Why do you think you are qualified to be a committee member? My work experience through title companies (10+ years) and in the legal field which covers land use issue (approx. 8 years) has given me knowledge in the areas which may be helpful to the committee.

Educational Background: Toledo High School graduate Vocational training in management, title work, and legal area

Have you ever served on a community committee? If so what kind? Yes, the Board of Directors for Township 13, Waldport, Oregon

Do you agree with consensus decision making? Yes, in some instances

Are you willing to attend regularly schedule meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? Yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? There could be some instances wherein I would have to sustain from discussion as the item before the committee may have some involvement of my firm's clients

List all other pertinent information/background for this position: I am a long time resident of the City of Newport. I consider myself to be a fair person who is able to decide issues in an unbiased manner. I believe I could be an asset to any committee and have been wanting to become more involved in my community.

Cheryl Atkinson

From: CommitteeApp@thecityofnewport.net
Sent: Friday, August 28, 2009 9:41 AM
To: Cheryl Atkinson
Subject: Committee Application

Application for City Council - Email Application
Date: 8/28/09
Commission/Committee of Interest: Planning Commission
Name: Lori Mackey
Address:
Workphone: 541-265-8991
Homephone:
Occupation: Industrial Engineer
Employer: Hewlett-Packard

Why do you think you are qualified to be a committee member? I feel that my education and experience, together with my concern about Newport and my desire to be an active citizen make me well-qualified for this position.

Educational Background: BS, Human Factors Engineering - US Air Force Academy MEd,
Elementary Education - Arizona State Univ.
MS, Industrial Engineering - Arizona State Univ.
Post-baccalaureate Certificate in Accounting - Oregon State Univ.

Have you ever served on a community committee? If so what kind? I have not served on any government committees, but I have served on committees in scouting organizations, church and other groups to which I belonged.

Do you agree with consensus decision making? Yes.

Are you willing to attend regularly schedule meetings for your terms of office? Yes.

Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? Yes.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No.

List all other pertinent information/background for this position: Industrial Engineer - 13 years: work as project manager and business process analyst Teacher - 5 years: 2 years in junior high, 3 years in preschool US Air Force Communications Officer - 5 years: served at the Pentagon leading project to install new communication system; served at Tinker AFB as systems analyst

Cheryl Atkinson

From: CommitteeApp@thecityofnewport.net
Sent: Tuesday, September 15, 2009 11:29 AM
To: Cheryl Atkinson
Cc: iflyhyr@yahoo.com
Subject: Committee Application

Application for City Council - Email Application
Date: 9-15-2009
Commission/Committee of Interest: Airport Commission
Name: Walter M. Sherman
Address: [REDACTED]
Workphone: (503) 407-3677
Homephone: Same
Email: iflyhyr@yahoo.com
Occupation: Pilot
Employer: Self

Why do you think you are qualified to be a committee member? I have extensive experience in aviation as a commercial pilot, aircraft mechanic with Inspection authorization, and flight instructor

Educational Background: Commercial pilot, flight instructor, helicopter, airplane single and multi engine land.

Have you ever served on a community committee? If so what kind? No

Do you agree with consensus decision making? Yes

Are you willing to attend regularly scheduled meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? Yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No

List all other pertinent information/background for this position: Life long Oregon resident.

Cheryl Atkinson

From: CommitteeApp@thecityofnewport.net
Sent: Monday, October 27, 2008 3:44 PM
To: Cheryl Atkinson
Cc: Richard Dutton
Subject: Committee Application

Application for City Council - Email Application
 Date: October 27, 2008
 Commission/Committee of Interest: Airport Commission
 Name: Stephen Salisbury
 Address:
 Workphone: 541-270-5261
 Homephone:
 Occupation: Real Estate Broker
 Employer: Self/Oregon Coast Properties

Why do you think you are qualified to be a committee member? My business, governmental relations, and Marine Corps Avionics experience.

Educational Background: Electrical Engineering Law (2yrs) Linguistics (Vietnamese) 3yrs

Have you ever served on a community committee? If so what kind? Newport Water Task Force Boys & Girls Club Board of Director Rotary Club Board of Directors

Do you agree with consensus decision making? Absolutely

Are you willing to attend regularly schedule meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? Yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No

List all other pertinent information/background for this position: Six years Marine Air Wing Avionics Some flight time although unlicensed.
 I am committed to commuter flights for Newport.

Date: _____

**Application
For
City Council Commission/Committee
Appointment**

List Commission/Committee of interest: NEWPORT Airport Committee

Name: MARK Watkins

Address: _____

Telephone Number: Work: 265-4209 Home: _____

Occupation: Subway of Newport owner

Employer: Watkins Enterprises, Inc.

- (1) Why do you think you are qualified to be a Committee member?
I understand the importance of a healthy and growing airport in our community for economic growth and Northwest security through the U.S. Coast Guard and emergency logistical support. I understand the long term vision of the airport manager and city council.
- (2) State your educational background.
Completed High School
 1 1/2 years college
 2 years marine engineering study
- (3) Have you ever served on a community committee? If so, what kind?
local chairman of Oregon Restaurant Association regional area.
 local High School Athletic Boosters organization

- (4) Do you agree with consensus decision making? *Yes I do. However it takes a willingness to practice open and honest communication and hard work at times*
- (5) Are you willing to attend regularly scheduled meetings for your term of office? *Yes; unless of a business or family emergency.*
- (6) Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? *Yes. I do have an open mind and like to understand both sides of an argument to achieve a knowledgeable and intelligent decision.*
- (7) Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? *No. Even though I do own a plane and a hangar at the airport, this will not be an issue*
- (8) List all other pertinent information/background for this position.
*member of U.S. Coast Guard Auxiliary local flotilla 54
member of Oregon Pilots Association
member of Aircraft Owners and Pilots Association
member of Lincoln County Search and Rescue,
I share the vision and understand the importance and value of a strong and safe airport for the continued growth of our community.*

Thank you in advance for your community spirit in offering to serve! Please return to

City of Newport
City Manager's Office
169 S.W. Coast Highway
Newport, OR 97365
or Send for E-mail

September 8, 2009
Noon
Newport, Oregon

CITY COUNCIL WORK SESSION

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

Staff present: Voetberg, Hawker, McCarthy, Atkinson, Tokos, Ritzman, Schultz, Smith, Protiva, Reno, and Miranda.

Council discussed the following items:

1. Bain will issue two proclamations this evening. One is for Alcohol and Drug Addiction Recovery/Wellbreity Month – September 2009, and the other is celebrating SOLV's 25th year of sponsoring the annual beach cleanup.
2. Bertuleit suggested a change in wording on page six of the packet to clarify Patrick's question regarding the size of the proposed pool and the size of the existing pool. It was noted that Obteshka had found a typo in the minutes where "He" should read "She."
3. Kilbride will report on a recent Library Foundation meeting this evening.
4. Patrick will report on Port of Newport activities this evening.
5. McConnell asked that the use of Destination Newport Committee discretionary monies be clarified.
6. McConnell requested an excused absence from this evening's meeting. MOTION was made by Bertuleit, seconded by Patrick, to excuse McConnell from this evening's meeting. The motion carried unanimously in a voice vote.
7. Patrick mentioned funding Port activities for NOAA. Voetberg noted that it was his plan, unless Council objected, to contribute \$2,500 to the Port for the upcoming NOAA family event. There were no objections.
8. Voetberg reported that the financials from Thompson's Sanitary Service had been distributed. He noted Thompson's representatives will not be making a presentation this evening. Kilbride reported that this is a six month financial statement.
9. A discussion ensued regarding the League of Oregon Cities and the city's hosting of a hospitality room. It was agreed to host the hospitality room for two nights.
10. Obteshka noted that the fire training tower open house conflicts with the Urban Renewal work session.
11. Bain suggested postponing the committee appointments to allow time to set up interviews with interested candidates. It was suggested the interviews occur at the next Council work session.
12. McCarthy reported that she has been working on the water treatment plant RFP and on the Georgia-Pacific license agreement matter. She will be meeting next week with George Ragsdale, and the senior vice-president of mill operations, and Brusselback.

- She suggested that Brusselback be the spokesperson on this matter. She noted that she will be out of the office on Wednesday and Thursday attending the LGPI Conference.
13. Tokos distributed colored maps for use with the portable sign ordinance amendment.
 14. It was reported that the indirect cost allocation plan was on the agenda for adoption.
 15. It was reported that a one-year extension of time was recommended for establishing parking districts. Patrick asked for an update on delinquent payment in lieu of parking fees, and it was suggested that business licenses be included with this report. Bertuleit suggested progress reports in six months.
 16. Ritzman reported on the intent to award the Nye Creek bio-filtration supplemental environmental project. He noted that this project will replace a portion of the DEQ fine for the backwash spill on Anderson Creek. Ritzman reported the funding will come from the contingency fund and a supplemental budget will be required.
 17. Ritzman updated Council on the contract for the Bay Boulevard sewer and water line replacement and utility undergrounding. He explained that the sub-surface portion of the project had to be separated from the above ground portion of the project. Kilbride asked about the funding for the Highway 101 utility undergrounding. Ritzman explained that a portion of this funding came from an addition to the PUD franchise fees.
 18. Ritzman reported that a water main had broken in front of the swimming pool resulting in the loss of approximately 1.5 million gallons of water.
 19. A discussion ensued regarding questions to include in a survey regarding the aquatic park. Questions included: funding and the acceptable subsidy level; who the pool is for; location (north or south side of bridge); amount of public contribution; whether an aquatic park could be supported with pool components; support of risk; tourist destination or resident swimming pool. Protiva will fine tune the questions and they will be resubmitted to Council for further review and discussion.
 20. A discussion ensued regarding the upcoming Air Consortium meeting.

Having no further business, the meeting adjourned at 2:19 P.M.

September 8, 2009
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, Bertuleit, Patrick, Brusselback, Kilbride, and Obteshka. McConnell was excused.

Staff present were City Manager Voetberg; City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Public Works Director Ritzman, Interim Finance Director Schultz, and Police Chief Miranda.

PUBLIC COMMENT

Greg Stanton distributed a letter and asked Council to read it and decide what action they will take.

PROCLAMATIONS AND RECOGNITIONS

Proclamation – Alcohol and Drug Addiction Recovery/Wellbreity Month – September 2009. Bain proclaimed the month of September as Alcohol and Drug Addiction Recovery/Wellbreity Month in the City of Newport. Karianne Aaron spoke about an upcoming event to be held September 19. Posters were distributed.

Proclamation – Celebrating the 25th Year of SOLV's Annual Oregon Beach Cleanup. Bain recognized the 25th anniversary of SOLV's Oregon beach cleanup, and urged residents to join in the observance on September 19, 2009.

CONSENT CALENDAR

The consent calendar consisted of the following items:

A. Approval of City Council minutes from the special meeting of August 10, 2009, and the work session, executive session and regular meeting of August 17, 2009, and the executive session of September 3, 2009.

B. OLCC application for the Oregon Coast Aquarium Gift Shop, 2820 SE Ferry Slip Road, off premise sales license.

MOTION was made by Obteshka, seconded by Patrick, to approve the consent calendar with the minutes of the regular meeting of August 17, 2009 amended as noted at the noon work session. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Kilbride reported on a recent meeting of the Newport Library Foundation Board. He reported revenues of \$13,000 over expenditures for the year, but a loss of invested funds

of nearly \$79,000. He noted that book sale revenue was \$9,000, and that general donations of nearly \$12,000 had been received. He added that the biggest expenditure was for DVD cases. He reported that the Newport Reads program is planned for the first of the year. He noted that the painting is complete and the carpet is budgeted.

Bertuleit reminded the audience that the half-marathon to benefit the Friends of the Aquatic Park will be held on September 19.

Patrick reported that the Port had been very busy in August. She reviewed a recent Port meeting where NOAA was discussed. She added that complete removal of the Pasley and Hennebeque is planned. She reported that there have been a series of “Team NOAA” meetings, and that a family weekend is planned for the second weekend in October. There are different teams tackling different components of this weekend. Patrick noted that the city manager has agreed to contribute \$2,500 toward the NOAA welcome reception. MOTION was made by Obteshka, seconded by Patrick, to donate \$2,500 to welcome the NOAA families to Newport. The motion carried unanimously in a voice vote. Patrick thanked Tokos for preparing information on planned projects, and the Fire Department for their assistance with a video for the NOAA presentation

Bain reported that one of the groups that have formed to welcome NOAA is a technology and business oriented that is compiling the names of businesses and individuals interested in contracting with NOAA.

OFFICER'S REPORTS

Report of the Mayor. Bain reported that he would seek additional applicants for the vacancy on the Airport Committee, and the two vacancies on the Planning Commission. He noted that interviews with applicants would occur at the next Council work session.

Report of the City Manager. Voetberg recognized the Fire Department for the successful completion of the fire training facility. Crook invited Council to an open house at the facility on September 23, from 4:00 – 9:00 P.M.

Voetberg asked Council to clarify the intent for the use of the \$75,000 in discretionary monies for advertising and marketing. He asked whether Council wants to discuss uses of these monies, or whether the Destination Newport Committee should discuss the issues and make decisions. Voetberg noted that proper procurement policies would be followed. Council agreed that all expenditures in excess of \$10,000 should come to Council for approval.

Voetberg reported that the local fuel tax referendum petitions did not produce sufficient valid signatures to hold an election.

ACTION ITEMS

Extension of timeframe for Nye Beach, Bayfront, and City Center districts to form parking districts as an alternative to the recommendations of the Payment in Lieu of Parking Task Force. Tokos explained that Council needs to decide whether to extend the period for the Nye Beach, Bayfront, and City Center districts to develop parking districts. Bertuleit noted that he would like to see a progress report. MOTION was made by Kilbride, seconded by Brusselback, to defer implementation of the Payment

in Lieu of Parking Task Force recommendations for an additional 12 months to allow the Nye Beach, Bayfront, and City Center areas more time to form parking districts. Bertuleit noted that if there is not actual progress in six to nine months, he would vote against further extensions. The motion carried unanimously in a voice vote.

Bain called for a seven minute break, and Council reconvened at 7:00 P.M.

Public hearing on Ordinance No. 1986 amending Section 10.10.040 of the Newport Municipal Code relating to the placement of portable signs within public rights-of-way (File No. 3-Z-09). Bain opened the public hearing at 7:00 P.M. He called for abstentions, ex parte contacts, and objections from any participants or members of Council to Council hearing this matter. There were none.

Tokos delivered the staff report. He reported that the Port of Newport has requested the city amend its Municipal Code to expand the geographic area where permits may be obtained for placement of portable signs within public rights-of-way. He noted that the Port is interested in expanding the permissible locations to include rights-of-way adjacent to more of their properties along the Bayfront and to their properties in South Beach, so that commercial fishermen can advertise the sale of fresh fish. He noted that the Planning Commission has recommended approval of this amendment, but had removed a small area on Bay Street. He added that the Hatfield Marine Science Center did not object.

Bain called for the applicant testimony. Don Mann, General Manager of the Port of Newport, thanked Council for moving this matter forward, and urged Council's approval of the amendment. A discussion ensued regarding the five and ten day time limits on the signs.

Bain called for proponent testimony. Eileen Obtshka spoke of the Explore Nye Beach signs, and how this amendment would impact them.

Bain called for opponent testimony. Dan Bradley stated that he doesn't believe any changes need to be made to the ordinance as it functions as currently written.

Bain closed the public hearing at 7:20 P.M. for Council deliberation.

Bertuleit noted that he thinks the ordinance may need additional amendments, but that this is a step in the right direction. Obtshka noted that it needs to be clarified that this ordinance applies to signs that are in the right-of-way. Bain noted that there is sufficient interest to look at the allowed number of days as a separate issue. MOTION was made by Brusselback, seconded by Patrick, to read Ordinance No. 1986 by title only, and place for final passage. The motion carried unanimously in a voice vote, and Voetberg read the title of Ordinance No. 1986. Voting aye on the adoption of Ordinance No. 1986 were Patrick, Kilbride, Obtshka, Bertuleit, Brusselback, and Bain.

Approval of the Indirect Cost Allocation Plan as proposed by FCS Group. Schultz introduced himself as the interim finance director, and explained that this plan contains a cost allocation model for use in distributing administrative costs to all departments based on use; a comprehensive fee schedule; and a methodology to update the schedules annually. Patrick asked which fees are discretionary and which are set by state statute. Kilbride noted that this document is a guide, and although he has not had the opportunity to read it entirely, he understands the concept. It was noted that fee and cost increases will not necessarily be tied to this. Patrick asked whether Council will have

flexibility, or whether it will all be turned over to the city manager. Voetberg noted that the study determines the true costs of operating departments. Kilbride noted that costs will change, but the methodology will not, and this study establishes the format.

Steve Salisbury asked Schultz and Kilbride whether the study addresses the operating statement that he had requested. Schultz reported that it does not, but that this document is required to provide the operating statement. Salisbury reported that he had volunteered to draft a business plan for the airport. He stated that he had completed the plan and submitted it to the city, and was told that it could not be used. He reported that the airport manager had prepared a business plan, and nothing had been done, to date, with the business plans. Voetberg noted that the indirect cost allocation plan was necessary to complete the plan, and a draft should be presented to Council within 30 days.

Walter Sherman asked why Council has not had the opportunity to see the business plans that were submitted 45 days ago.

MOTION was made by Kilbride, seconded by Brusselback, to adopt Resolution No. 3480 approving the FCS “full cost” Indirect Cost Allocation Plan for the City of Newport. Kilbride noted that no one should expect that this will be fully applied to any particular department to the full extent that it could be, as in many areas, it would not be realistic to change rates to the extent necessary to fully cover a service. The motion carried unanimously in a voice vote.

Notice of intent to award the Nye Creek bio-filtration supplemental environmental project. Ritzman explained that the city agreed to construct a supplemental environmental project in lieu of paying a part of a fine for discharging backwash water, from the water treatment plant, into Anderson Creek. He noted that the selected project is to construct a bio-filtration area in Nye Creek west of Nye Street. He reported that the low bidder, Henderson Land Services, LLC, may file a protest. He reported that project funding will come from the water fund contingency. MOTION was made by Obteshka, seconded by Patrick, to authorize the Public Works Department to issue a Notice of Intent to Award the Nye Creek Bio-filtration Supplemental Environmental Project to Anderson Earth, Inc., of Portland, Oregon, in the amount of \$44,260, and if no appeals are filed, to authorize the City Manager to execute all necessary contract documents. The motion carried unanimously in a voice vote.

Award of contract for Bay Boulevard sewer and water line replacement and utility undergrounding. Ritzman explained that this component of the Bay Boulevard project was to be administered by ODOT, but due to certain contractual problems, the project had to be separated into below and above ground components. The city will administer the below ground components, but Council will need to award a contract to C&M Construction to build the below grade portions of the Bay Boulevard project. MOTION was made by Bertuleit, seconded by Patrick, to award a contract to C&M Construction, in the amount of \$1,293,998.15, to construct the below grade portions of the Bay Boulevard project, including replacement of the sewer line, water line, and storm drains, and undergrounding of overhead utilities, and to authorize the City Manager to sign a contract with C&M Construction for this work. The motion carried unanimously in a voice vote.

PUBLIC COMMENT

Steve Schuster stated that timelines should be taken seriously, and if they are not fulfilled, staff should be reprimanded or fired.

Steve Schuster stated that he could get volunteer pilots to show the NOAA people around the area.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:05 P.M.

Margaret M. Hawker, City Recorder

William D. Bain, Mayor

CITY OF NEWPORT
Monthly Disbursements
August 2009

Vendor Name	Check Date	Check Number	Dept	Amount
A & E Imaging	8/7/2009	5024	1610	133.71
A-1 Coupling & Hose Inc.	8/14/2009	5139	4520	1,310.86
Aboveboard Electric, Inc	8/7/2009	5025	4520	694.36
Aboveboard Electric, Inc	8/20/2009	5203	4520	337.50
Ace Alarms	8/7/2009	5026	1200	70.00
Action Networks, Inc	8/7/2009	5094	1025	130.00
Action Networks, Inc	8/14/2009	5141	1025	550.00
AFLAC	8/31/2009	5350	various	1,660.84
Agate Beach Golf Course	8/28/2009	5270	1900	360.00
ALL- STAR ENGRAVING	8/7/2009	5095	5500	30.75
ALL- STAR ENGRAVING	8/14/2009	5142	4830	189.00
ALL- STAR ENGRAVING	8/20/2009	5204	1070	56.95
ALL- STAR ENGRAVING	8/20/2009	5204	1400	12.00
ALL- STAR ENGRAVING	8/28/2009	5271	1070	46.95
Allen and Sons, Inc	8/7/2009	5027	4020	1,592.10
Allen and Sons, Inc	8/14/2009	5143	3805	1,595.30
Allstart Auto Electric, Inc	8/7/2009	5028	1090	23.20
Alsea Bay Power Products	8/28/2009	5272	4510	450.45
Analytical Laboratory & Consul	8/28/2009	5273	4010	770.00
Anderson, John D	8/7/2009	5029	4870	28.00
Appliance Service Station	8/28/2009	5274	1100	145.00
Associated Cleaning Serv., Inc	8/7/2009	5030	7110	35.00
Associated Cleaning Serv., Inc	8/28/2009	5275	various	6,143.00
AT Conference	8/28/2009	5276	1010	88.11
ATS Public Safety	8/14/2009	5144	1070	59.98
Audio Adventures, LLC	8/20/2009	5205	1100	33.30
Audio Adventures, LLC	8/28/2009	5277	1100	326.62
AUTO SALES INC	8/7/2009	5096	4000	30.80
Avaya, Inc	8/7/2009	5031	1090	55.00
AVIALL	8/7/2009	5097	7110	138.89
Baker & Taylor Entertainment	8/7/2009	5032	1100	56.90
Baker & Taylor Entertainment	8/14/2009	5145	1100	51.71
Baker & Taylor Entertainment	8/20/2009	5206	1100	51.74
Bank of America	8/14/2009	5146	1400	125.00
Bank of America, NA	8/20/2009	5269	2200	130,725.00
Barrelhead Supply, Inc	8/7/2009	5098	1090	9.23
Barrelhead Supply, Inc	8/7/2009	5033	4020	248.02
Barrelhead Supply, Inc	8/7/2009	5033	4510	24.64
Barrelhead Supply, Inc	8/7/2009	5098	4510	0.24
Barrelhead Supply, Inc	8/7/2009	5033	4520	34.06
Barrelhead Supply, Inc	8/14/2009	5147	4010	39.11
Barrett Business Svices, Inc	8/7/2009	5099	4510	913.29
Barrett Business Svices, Inc	8/7/2009	5034	7110	1,054.03
Barrett Business Svices, Inc	8/28/2009	5278	4510	3,989.61
Bidowski, Andrea	8/20/2009	5207	4870	15.29
Blumenthal Uniforms & Equipmnt	8/14/2009	5148	1090	517.50
Blumenthal Uniforms & Equipmnt	8/20/2009	5208	1090	184.35
Blumenthal Uniforms & Equipmnt	8/28/2009	5280	1070	128.90

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Braxling & Braxling, Inc	8/28/2009	5281	3805	511.88
BRENNTAG PACIFIC, INC	8/7/2009	5035	4010	7,597.00
BRENNTAG PACIFIC, INC	8/14/2009	5140	4010	5,002.50
BRENNTAG PACIFIC, INC	8/20/2009	5209	4010	2,851.80
BRENNTAG PACIFIC, INC	8/28/2009	5282	4510	2,863.40
Brodart Co.	8/20/2009	5210	1100	144.52
Brown, Alan Tire Center	8/7/2009	5100	4510	88.21
Brown, Jeff A/V Productions	8/7/2009	5101	1010	450.00
Brown, Jeff A/V Productions	8/20/2009	5211	1010	540.00
Building Department, Llc , The	8/20/2009	5212	4610	6,220.85
Caldwell Upholstery	8/28/2009	5283	4830	347.64
Calhoun and DeJong, Inc.	8/7/2009	5036	7110	1,623.21
Carquest Auto Parts	8/7/2009	5037	4010	2.38
Carquest Auto Parts	8/7/2009	5037	4510	31.98
Carson Oil Co	8/7/2009	5038	7005	200.62
Carson Oil Co	8/7/2009	5038	7110	200.63
Carson Oil Co	8/14/2009	5149	1070	91.37
Carson Oil Co	8/20/2009	5213	1090	237.70
Cascade Fire Equipment Company	8/20/2009	5214	1090	108.31
Cedar Creek Quarries, Inv	8/20/2009	5215	4020	138.36
CEMEX	8/7/2009	5103	3805	290.55
Central Coast Electrical	8/20/2009	5216	1200	355.00
Central Coast Excavating, Inc	8/7/2009	5039	7110	1,787.50
Central Coast Excavating, Inc	8/14/2009	5150	3850	330.00
Central Coast Excavating, Inc	8/28/2009	5284	4010	6,264.50
Central Lincoln P.U.D	8/7/2009	5040	various	1,356.88
Central Lincoln P.U.D	8/7/2009	5104	1900	69.57
Central Lincoln P.U.D	8/14/2009	5151	various	8,466.99
Central Lincoln P.U.D	8/20/2009	5217	various	28,472.07
Central Lincoln P.U.D	8/28/2009	5285	various	15,429.18
Central Lincoln P.U.D	8/31/2009	5351	various	3,089.33
Charter Communications	8/7/2009	5041	4010	63.20
Cheek, Rebecca	8/7/2009	5042	4870	377.30
Chief Supply	8/28/2009	5286	1070	82.75
Chuckie D's	8/7/2009	5044	1070	25.00
Clemons, Julia E.R	8/4/2009	5021	4870	206.50
Coast Range Equipment and Repa	8/7/2009	5045	4520	280.00
Coast Range Equipment and Repa	8/14/2009	5152	4520	2,295.42
Coast Range Equipment and Repa	8/28/2009	5287	4520	1,195.28
Coast Telecomm	8/20/2009	5218	1090	369.00
Coast Telecomm	8/20/2009	5218	5210	326.25
Coastal Arts Guild	8/7/2009	5105	4040	80.00
Coastal Arts Guild	8/7/2009	5105	4540	80.00
Coastal Refrigeration	8/20/2009	5219	1200	1,077.62
COASTCOM, INC	8/7/2009	5106	1025	385.46
COASTCOM, INC	8/28/2009	5288	7430	6,188.26
Coastwide Laboratories	8/7/2009	5107	various	4,944.94
Collegiate Pacific	8/20/2009	5220	4870	217.81

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Columbia Cascade Company	8/7/2009	5046	5500	1,450.00
Control Contractors, Inc	8/28/2009	5289	7430	48.00
Crocker, Frank	8/7/2009	5108	7005	109.99
Crocker, Frank	8/14/2009	5153	7005	6.60
Curry Marine	8/20/2009	5221	1090	93.20
Curtis, L.N. & Sons	8/14/2009	5154	1090	980.00
Daily Journal of Commerce	8/14/2009	5155	5810	128.06
Dell Financial Services	8/20/2009	5222	1040	302.38
Dell Financial Services	8/28/2009	5290	4830	367.37
Demaris, Jenny	8/28/2009	5291	4810	14.00
Denison Surveying, Inc	8/14/2009	5156	7430	2,000.00
DEQ	8/28/2009	5292	4510	3,488.00
Dickinson, Steve	8/14/2009	5157	1510	699.00
Dickinson, Steve	8/20/2009	5223	1510	2,306.70
DMV Driver & Motor Vehicle Ser	8/14/2009	5158	1070	17.50
Dutton, Richard	8/20/2009	5224	1025	29.15
Ebsco Subscription Services	8/28/2009	5293	1100	3.85
Energy Loan Program	8/7/2009	5109	2660	4,140.00
Englund Marine Supply	8/7/2009	5047	1070	1,125.50
Englund Marine Supply	8/7/2009	5047	4510	43.68
Englund Marine Supply	8/7/2009	5047	4520	67.97
Englund Marine Supply	8/28/2009	5294	4020	71.84
Englund Marine Supply	8/28/2009	5294	4510	324.74
Englund Marine Supply	8/28/2009	5294	4520	604.00
Enterprise Rent-A-Car	8/20/2009	5225	1525	74.00
Fastenal Company	8/7/2009	5048	4520	201.60
Fastenal Company	8/20/2009	5226	4520	39.44
Fastenal Company	8/28/2009	5295	4010	7.19
Fastenal Company	8/28/2009	5295	4520	1.32
FCS Group	8/20/2009	5227	1900	16,332.50
FCS Group	8/20/2009	5227	4090	900.00
FCS Group	8/20/2009	5227	4590	900.00
FERGUSON ENTERPRISES, INC NW	8/7/2009	5049	4020	300.00
Frontage Tractor, Inc	8/20/2009	5228	7005	362.00
GARRINGER, SEAIRA	8/14/2009	5159	4800	45.00
Gaylord Bros., Inc	8/7/2009	5051	1100	14.95
Gempler's, Inc	8/28/2009	5296	1510	600.90
Globalstar USA	8/7/2009	5052	1070	26.99
Grainger, WW, Inc	8/14/2009	5160	4010	118.26
Greater Newport Chamber of Crc	8/28/2009	5297	1100	425.00
Hach Company	8/14/2009	5161	4010	4,191.25
Halco Welding, Inc	8/14/2009	5162	3805	166.25
Halco Welding, Inc	8/20/2009	5229	7005	20.00
Halco Welding, Inc	8/28/2009	5298	3850	215.00
Halton Company, The	8/7/2009	5053	4520	1,730.40
Harper, Houf, Peterson,	8/7/2009	5110	3805	27,232.45
Harris Office	8/7/2009	5055	1070	42.99
Harris Office	8/20/2009	5230	4830	113.97

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Vendor Name	Check Date	Check Number	Dept	Amount
Harris Office	8/28/2009	5299	1020	3.00
Harris Office	8/28/2009	5299	1070	117.48
Harvey's Lock & Key service	8/7/2009	5056	7110	65.00
Harvey's Lock & Key service	8/20/2009	5231	1070	77.85
Harvey's Lock & Key service	8/28/2009	5300	4830	35.00
Hasty Awards	8/20/2009	5232	4870	71.65
Helms, Brandon & Mindy	8/7/2009	5111	4000	35.35
Hicks Striping & Curbing, Inc	8/14/2009	5163	3805	7,246.32
Hillsboro Police Dept	8/7/2009	5057	1070	195.00
Hinzman, Terry	8/20/2009	5233	4510	33.99
Huser Integrated Technologies	8/7/2009	5058	4830	2,120.77
HUTCHISON, MATT	8/14/2009	5164	4800	25.00
Industrial Welding Supply, Inc	8/28/2009	5301	4510	19.00
Ingram Library Services	8/7/2009	5059	1100	219.05
Ingram Library Services	8/14/2009	5165	1100	1,716.48
Ingram Library Services	8/20/2009	5234	1100	96.51
Ingram Library Services	8/28/2009	5302	1100	215.89
Integra	8/7/2009	5112	various	2,462.16
InterCoastal Delivery Services	8/28/2009	5303	4520	40.00
Interior Technology	8/20/2009	5235	4830	5,330.00
J.C. Market	8/7/2009	5060	4870	8.69
J.C. Market	8/7/2009	5113	5810	5.99
Javelina Trading Company	8/28/2009	5304	4020	71.85
King Office Equipment & Design	8/20/2009	5236	1050	1,690.00
KPPT-AM/KPPT FM	8/28/2009	5305	4870	200.00
KSHL Radio	8/7/2009	5114	4870	150.00
Landmark Audiobooks	8/7/2009	5061	1100	54.10
Landmark Audiobooks	8/28/2009	5306	1100	10.00
Lawson Products, Inc	8/20/2009	5237	4510	207.33
Leadership Lincoln	8/20/2009	5238	1020	425.00
LEAF	8/7/2009	5062	7005	108.08
Lincoln County Clerk	8/28/2009	5307	1020	201.00
Lincoln County Comm Agency	8/7/2009	5116	1080	51,715.90
Lincoln County Comm Agency	8/28/2009	5309	1080	38,481.83
Lincoln County Consortium	8/20/2009	5239	7910	2,804.93
LINCOLN COUNTY JUVENILE DEPT.	8/20/2009	5240	3850	1,920.00
Lincoln County Print Shop	8/14/2009	5166	1400	25.00
Lincoln County Print Shop	8/14/2009	5166	1525	25.00
Lincoln County Print Shop	8/14/2009	5166	4610	25.00
Lincoln County Public Works	8/7/2009	5063	1090	607.53
Lincoln County Public Works	8/20/2009	5241	various	8,817.61
Lincoln County Sheriff's Office	8/28/2009	5308	1900	14,861.25
Lincoln County Surveyor's Offi	8/14/2009	5167	1610	40.00
Lincoln Equipment, Inc	8/7/2009	5064	4810	133.04
Lumbermens/ProBuild	8/7/2009	5065	1090	24.88
Lumbermens/ProBuild	8/7/2009	5065	1510	3.13
Lumbermens/ProBuild	8/7/2009	5065	3805	6.58
Lumbermens/ProBuild	8/7/2009	5065	4020	4.29

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Vendor Name	Check Date	Check Number	Dept	Amount
Lumbermens/ProBuild	8/7/2009	5065	4510	62.98
Lumbermens/ProBuild	8/7/2009	5065	4520	11.01
Lumbermens/ProBuild	8/20/2009	5242	4810	19.94
M & E Septic Service	8/7/2009	5066	4010	175.00
M & E Septic Service	8/14/2009	5168	4010	175.00
M & N Construction	8/20/2009	5243	7430	27,439.37
M & N Construction	8/28/2009	5310	7430	5,289.01
Maier Roofing Company	8/14/2009	5169	1525	7,000.00
Maier Roofing Company	8/28/2009	5311	1525	7,350.00
MATHENEY, DEBORAH	8/7/2009	5117	4000	76.10
MAY, JAMES T	8/7/2009	5118	4000	70.98
Mayer/Reed	8/28/2009	5312	7430	5,251.80
McClure, Carmen	8/28/2009	5313	4810	84.00
Microflex Corporation	8/7/2009	5067	4510	193.00
MOTOROLA	8/20/2009	5244	1070	12,959.48
MUHLSTEIN, INGRID G	8/7/2009	5120	4000	28.92
Mulder Sheet Metal, Inc	8/14/2009	5170	1090	97.25
Mulder Sheet Metal, Inc	8/14/2009	5170	4010	1,648.00
MWH Laboratories	8/14/2009	5171	4010	1,815.00
MWH Laboratories	8/20/2009	5245	4010	2,420.00
MYRICK, TIM	8/20/2009	5246	4810	130.00
Nationwide Retirement Solution	8/31/2009	5352	various	9,668.56
NCL of Wisconsin, Inc	8/20/2009	5247	4510	78.89
NEWPORT AUTO PARTS, INC	8/7/2009	5121	1090	202.11
NEWPORT AUTO PARTS, INC	8/7/2009	5069	4510	71.54
Newport Fire Fighters Assn	8/31/2009	5353	1090	527.91
Newport Glass Compny, Inc	8/7/2009	5070	7430	476.35
Newport Plumbing, Inc	8/14/2009	5172	1090	188.95
Newport Police Association	8/31/2009	5354	1070	1,256.25
Newport Public Library	8/7/2009	5122	1100	23.99
Newport Volunteer Fire Departmt	8/20/2009	5248	1090	2,320.00
News-Times	8/14/2009	5173	4010	21.45
News-Times	8/14/2009	5173	4870	51.26
News-Times	8/14/2009	5173	5810	138.60
News-Times	8/20/2009	5249	1400	326.70
News-Times	8/20/2009	5249	3850	29.70
Nextel Communications	8/14/2009	5174	1070	253.45
Nickerson Construction	8/20/2009	5250	7430	6,558.25
Nickerson Construction	8/28/2009	5314	7430	5,543.80
Northern Tool & Equipment Co.	8/7/2009	5071	4510	542.00
Northwest Management	8/7/2009	5072	4830	125.00
Northwest Radiator	8/14/2009	5175	1510	278.90
Northwest Vending Co	8/7/2009	5073	7110	80.88
Northwest Vending Co	8/14/2009	5176	7110	31.00
NW Natural	8/7/2009	5123	1525	193.17
NW Natural	8/7/2009	5074	4020	166.54
NW Natural	8/7/2009	5123	4830	1,710.36
NW Natural	8/7/2009	5123	4810	1,438.83

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NW Natural	8/7/2009	5074	7430	7.68
NW Natural	8/14/2009	5177	4520	49.68
NW Natural	8/28/2009	5315	various	445.75
OAMA	8/6/2009	5023	7005	100.00
OAMA	8/14/2009	5178	7005	40.00
Ocean Tire Factory	8/7/2009	5124	1070	3,027.30
Office Depot	8/7/2009	5075	1100	563.40
Office Depot	8/14/2009	5179	1100	137.12
Office of the State Treasurer	8/28/2009	5316	1050	230.00
Olympic Foundry, Inc	8/28/2009	5317	3850	3,038.00
Olympic Foundry, Inc	8/28/2009	5317	4520	2,500.00
One Call Concepts, Inc	8/28/2009	5318	4020	58.80
OREGON AFSCME	8/31/2009	5356	various	906.34
Oregon Department of Justice	8/31/2009	5358	1070	442.00
Oregon Department of Justice	8/31/2009	5357	1090	458.00
Oregon Department of Justice	8/31/2009	5355	4020	400.00
Oregon Department of Justice	8/31/2009	5359	7005	468.00
Oregon Department of Transport	8/28/2009	5319	1900	44.25
Oregon State Police/LEDS	8/14/2009	5180	1030	66.00
ORPA	8/28/2009	5320	1525	225.00
Orsborn Power Saw Co	8/14/2009	5181	1510	37.98
Overby, Arte	8/28/2009	5321	4810	126.00
Pacific Coast Plumbing, Inc	8/14/2009	5182	4830	112.50
Pacific Coast Plumbing, Inc	8/20/2009	5251	1200	102.60
Pacific Coast Plumbing, Inc	8/28/2009	5322	1100	49.96
Paramount Supply	8/14/2009	5183	4520	331.16
Peak Internet	8/20/2009	5252	1090	59.90
Pepsi-Cola Bottling Co. Eugene	8/7/2009	5076	4830	252.50
Pepsi-Cola Bottling Co. Eugene	8/28/2009	5323	4830	182.50
Pickle-Ball, Inc.	8/7/2009	5077	4870	26.65
Pinto & Company	8/28/2009	5324	4870	266.00
Pioneer Printing, Inc	8/7/2009	5126	1050	917.27
Pioneer Printing, Inc	8/28/2009	5325	1600	45.00
Pioneer Telephone Cooperative	8/14/2009	5184	1090	112.72
Pioneer Telephone Cooperative	8/14/2009	5184	4510	159.38
Platt Electric Supply	8/7/2009	5078	1090	7.44
Platt Electric Supply	8/7/2009	5078	4510	89.00
Point Monitor Corp.	8/20/2009	5253	4830	288.00
Power Ford Lincoln Mercury	8/20/2009	5254	4020	581.06
Premier Title of Oregon LLC	8/28/2009	5326	4010	100.00
Pridgeon, Jeff	8/7/2009	5127	1030	1,200.00
Protean Technologies, Inc	8/14/2009	5185	1050	750.00
Public Works Supply, Inc	8/7/2009	5079	4010	502.00
Public Works Supply, Inc	8/7/2009	5128	4520	167.00
Public Works Supply, Inc	8/20/2009	5255	4520	834.00
Qwest	8/7/2009	5129	7430	40.19
Qwest	8/14/2009	5186	various	1,307.09
REBECCA ROBINSON COFFEE CO LL	8/7/2009	5130	4000	63.78

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Recorded Books, Llc	8/7/2009	5080	1100	264.70
Reserve Account	8/7/2009	5131	various	3,734.53
Road & Driveway Company, Inc	8/28/2009	5328	3850	1,272.62
Robbins, Kathleen & Neil	8/7/2009	5132	4000	10.40
Rock, Maria	8/28/2009	5329	4810	20.00
Rowley's Towing	8/28/2009	5330	4510	94.00
Seal Rock Water District	8/7/2009	5081	4090	731.85
Seal Rock Water District	8/28/2009	5331	4045	5,000.00
Setere & Sons LTD	8/7/2009	5082	4510	708.50
Shelton Turnbull Solutions	8/14/2009	5187	4040	10.01
Shelton Turnbull Solutions	8/14/2009	5187	4540	10.01
Sherman, Walter M.	8/20/2009	5256	7005	3,043.10
Sherwin-Williams	8/7/2009	5083	3805	136.66
Shipping Solutions	8/7/2009	5084	4010	506.37
SMITH, TED J	8/14/2009	5188	1100	148.50
SMITH, TED J	8/28/2009	5332	1100	27.34
SOFFAST	8/20/2009	5257	1070	150.00
Solomonson, Mary	8/7/2009	5085	4870	160.31
SPECIALTY AUTO BODY	8/28/2009	5333	1070	883.80
Sports Supply Group, Inc	8/14/2009	5189	4870	55.01
Staples	8/7/2009	5086	1090	18.48
Staples	8/28/2009	5334	1070	26.97
Staples	8/31/2009	5360	4830	107.99
Staples Link/Business Advantag	8/7/2009	5087	1070	54.08
Staples Link/Business Advantag	8/28/2009	5335	1070	87.72
Stitchin Post, The	8/20/2009	5259	1090	21.00
STOP TECH, LTD	8/14/2009	5191	1070	621.00
Swanson's Pest Mangt., Inc	8/14/2009	5192	7110	65.00
T&L Septic & Chemical Toilet	8/20/2009	5261	1090	62.00
T&L Septic & Chemical Toilet	8/28/2009	5336	1510	360.64
T&L Septic & Chemical Toilet	8/31/2009	5361	7430	360.64
Terex Utilities	8/14/2009	5193	7005	450.00
Thompson's Sanitary Serv., Inc	8/7/2009	5134	1200	346.50
Thompson's Sanitary Serv., Inc	8/14/2009	5194	1100	120.25
Thompson's Sanitary Serv., Inc	8/14/2009	5194	1510	828.55
Thompson's Sanitary Serv., Inc	8/14/2009	5194	1525	110.75
Thompson's Sanitary Serv., Inc	8/14/2009	5194	3805	312.30
Thompson's Sanitary Serv., Inc	8/14/2009	5194	4010	110.75
Thompson's Sanitary Serv., Inc	8/14/2009	5194	4830	285.20
Thompson's Sanitary Serv., Inc	8/14/2009	5194	7430	75.75
Thompson's Sanitary Serv., Inc	8/20/2009	5262	1090	151.20
Thompson's Sanitary Serv., Inc	8/28/2009	5337	4510	156.15
Thompson's Transfer & Disposal	8/7/2009	5089	1510	116.10
Thompson's Transfer & Disposal	8/7/2009	5089	4510	168.30
Thompson's Transfer & Disposal	8/20/2009	5263	1510	44.10
Thompson's Transfer & Disposal	8/28/2009	5338	3805	19.80
Thyssenkrupp Elevator Corp	8/7/2009	5135	1525	154.20
Tim Green Electric, Inc	8/14/2009	5195	1100	652.25

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Tim Green Electric, Inc	8/28/2009	5339	1200	406.78
TINDALL, LINDA	8/14/2009	5196	4800	18.45
TLC Credit Union	8/31/2009	5362	1100	425.00
TLC Credit Union	8/31/2009	5362	1510	30.00
TLC Credit Union	8/31/2009	5362	4010	25.00
TLC Credit Union	8/31/2009	5362	4830	632.00
Toby Murry Motors	8/14/2009	5197	4520	3,986.51
Toby Murry Motors	8/28/2009	5340	4510	843.37
Toledo Motor Supply	8/28/2009	5341	7005	260.04
Traffic Safety Supply Co., Inc	8/14/2009	5198	3805	819.59
Traffic Safety Supply Co., Inc	8/28/2009	5342	3805	1,416.38
Troyer's Marine Supply	8/28/2009	5343	4020	14.90
Troyer's Marine Supply	8/28/2009	5343	4520	215.24
Uline	8/7/2009	5090	1070	80.36
United Grocers	8/7/2009	5136	1100	74.37
United Grocers	8/7/2009	5091	4510	118.04
United Grocers	8/7/2009	5136	4510	104.69
United Grocers	8/7/2009	5091	4830	131.69
United Grocers	8/7/2009	5136	4830	164.54
United Grocers	8/7/2009	5136	4870	17.41
United Grocers	8/20/2009	5264	1090	103.26
United Pipe & Supply	8/7/2009	5137	4020	98.35
United Pipe & Supply	8/7/2009	5092	4520	703.34
United Pipe & Supply	8/14/2009	5199	4020	1,434.00
United Pipe & Supply	8/28/2009	5344	1510	85.15
United Way of Lincoln County	8/31/2009	5363	1050	50.00
United Way of Lincoln County	8/31/2009	5363	4830	25.00
USA Blue Book	8/14/2009	5200	4520	2,116.42
USA Blue Book	8/28/2009	5345	4520	461.43
USA Blue Book	8/31/2009	5364	4520	793.54
USAMOBILITY	8/20/2009	5265	various	68.89
Vadim Municipal Software, Inc	8/28/2009	5346	1050	320.00
VALLEY RETRIEVER BUSLINES	8/20/2009	5266	4870	660.00
VerizonWireless	8/14/2009	5201	1070	871.54
VerizonWireless	8/14/2009	5201	1070	585.13
VerizonWireless	8/14/2009	5201	4870	15.37
VerizonWireless	8/28/2009	5347	various	247.66
West Coast Linen	8/7/2009	5138	1090	25.00
West Coast Linen	8/7/2009	5138	7110	47.26
Western Title & Escrow Co	8/20/2009	5267	1900	200.00
Xerox Corporation	8/7/2009	5093	various	990.32
Xerox Corporation	8/14/2009	5202	1070	534.85
Xerox Corporation	8/14/2009	5202	1100	714.37
Xerox Corporation	8/14/2009	5202	1525	71.72
Xerox Corporation	8/14/2009	5202	4810	40.04
Xerox Corporation	8/28/2009	5349	1050	97.18
Xerox Corporation	8/31/2009	5365	various	499.29
Zep Manufacturing Co	8/20/2009	5268	3805	124.45

CITY OF NEWPORT
Monthly Disbursements
August 2009

	Check		Check			
Vendor Name	Date		Number		Dept	Amount
TOTALS:						655,005.09

CITY OF NEWPORT
Monthly Disbursements
Check Amounts Over \$25,000
August 2009

Vendor Name	Check Date	Check #	Dept.	Description	Amount
Bank of America, NA	8/20/2009	5269	2200	2008 GO WASTE WATER REFUNDING BONDS	130,725.00
Harper, Houf, Peterson,	8/7/2009	5110	3805	Street overlays consultant	12,100.00
Harper, Houf, Peterson,	8/7/2009	5110	3805	Bay Blvd consultant	15,132.45
Lincoln County Comm Agency	8/7/2009	5116	1080	Lincoln Co 911 Services August 2009	38,481.83
Lincoln County Comm Agency	8/7/2009	5116	1080	911 Telephone Tax Pass Through period 6/09	13,234.07
Lincoln County Comm Agency	8/28/2009	5309	1080	Lincoln Co 911 Services September 2009	38,481.83
M & N Construction	8/20/2009	5243	7430	VAC ROOF	27,439.37
				TOTALS:	275,594.55

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

Newport Police Department Monthly Statistical Review



SELECTED CALLS FOR SERVICE (CFS)

	AUGUST 2009			ARRESTS
	THIS MONTH	LAST MONTH	SAME TIME LAST YEAR	
RAPE	0	2	0	0
ROBBERY	0	1	0	0
AGGRAVATED ASSAULT	1	0	0	1
BURGLARY (Residential)	0	0	4	0
BURGLARY (Business)	3	2	4	2
BURGLARY (Other)	0	0	1	0
THEFT	34	31	51	14
MOTOR VEHICLE THEFT	6	6	3	2
FRAUD	9	4	2	2
SIMPLE ASSAULT	6	1	6	4
VANDALISM	10	14	17	10
SEX OFFENSE	2	3	1	0
NARCOTIC/DRUGS	10	6	8	5
DOMESTIC DISPUTES	25	21	18	2
LIQUOR LAWS	9	7	5	7
DUII	13	8	26	13
DISORDERLY CONDUCT	10	10	22	3
TRESPASS/PROWLER	6	9	19	11
TRAFFIC CRASH/INJURY/FATAL	3	2	8	x
TRAFFIC CRASH/PROPERTY	7	11	11	x
HIT & RUN	12	23	19	5
ANIMAL PROBLEMS	36	18	38	x
SUSPICIOUS PERS/CIRCUM	86	54	81	0
VEHICLE IMPOUNDS	13	12	27	x
ALARMS	41	31	52	x

TOTAL CALLS FOR SERVICE

732	738	781
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97

Total CFS To Date

This Year	Last Year
9	9
4	5
14	11
22	32
17	10
1	14
266	333
30	25
55	27
45	59
75	101
31	13
72	65
127	124
42	54
89	120
115	131
70	134
30	29
74	64
91	86
170	201
568	488
105	156
311	370

5,059	5,477
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August Overtime Hours

Shift Coverage	202
Court	39
Investigations	69
Administration	6
Training	102
Other	17
TOTAL HOURS	434

Top 5 Traffic Citation Charges

Speeding	20
Driving While Suspended	9
Fail to Obey Trf Dev	9
Oper w/o Req Lights	6
Following Too Closely	5
TOTAL CITATIONS	301

PARKING CITATIONS 270

WARNING CITATIONS 60

Volunteer Hours 373

NEWPORT FIRE DEPARTMENT CITY REPORT AUGUST 2009

	CITY	RURAL		CITY	RURAL
FIRE CALLS:	9	3	PERMITS ISSUED:		
AUTOMATIC ALARMS:	8	1	BURN PERMITS:	0	0
MEDICAL CALLS:	59	7	FIREWORKS PERMIT:	0	0
MVC'S:	10	2	FIREWORKS DISPLAY:	0	0
HAZMAT STANDBY:	1	0			
MUTUAL AID RENDERED:	4	1			
MUTUAL AID RECEIVED:	0	0	TOTAL INSPECTIONS:	15	
HELICOPTER STANDBY:	1	0	VIOLATIONS:	8	
PUBLIC SERVICE	11	0	ABATEMENTS:	2	
HAZARDOUS CONDITION	0	0	PLAN REVIEWS:	9	
OVERPRESSURE/RUPTURE:	0	0	CONSTRUCTION INSPECTIONS:	2	
			VOLUNTEER HOURS	357	

OCCUPANCIES

AIRCRAFT:	0	0	PROCESSING PLANTS:	0	0
BOATS:	0	0	PUBLIC BUILDINGS:	4	0
HOSPITAL/CARE CENTER:	1	0	REPAIR SHOPS:	0	0
HOTEL/MOTEL:	1	0	RESIDENTIAL:	5	4
LABORATORIES:	0	0	RESTAURANT:	0	0
LAUNDRAMATS:	1	0	SCHOOLS:	1	0
LAUNDRIES:	0	0	SERVICE STATION:	0	0
MANUFACTURING:	0	0	STORAGE:	0	0
MARINA:	0	0	STORES:	1	0
MISCELLANEOUS:	1	0	TAVERNS:	0	0
MOTOR VEHICLES:	0	0	TRAILERS:	0	0
NATURAL COVER:	0	1	UTILITIES:	0	0
OFFICES:	1	0	VACANT BUILDINGS:	0	0

FIRE CAUSES

	CITY	RURAL		CITY	RURAL
ALARM MALFUNCTION:	3	0	HEATING APPLIANCE:	0	0
CARELESS SMOKING:	0	1	INCENDIARY:	0	1
CHILDREN W/HEAT	0	1	MISCELLANEOUS:	1	0
CLEARANCE:	0	0	MISTAKEN ALARM:	3	0

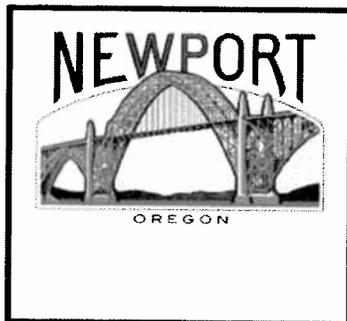
NEWPORT FIRE DEPARTMENT CITY REPORT AUGUST 2009

ELECTRICAL:	3	0	OPEN FIRES:	0	1
ENGINE BACKFIRE:	0	0	REKINDLE:	0	0
EXPOSURE FIRE:	0	0	SCORCHED FOOD:	1	0
FALSE ALARM:	2	0	SPARKS:	0	0
FIREWORKS:	0	0	UNDETERMINED:	3	1
FLAMMABLE LIQUID:	0	0	WELDING/CUTTING:	0	0
FLUES:	0	0			
FRICTION:	0	0			
GAS LEAK:	0	0			

LOSS OF LIFE

INJURY

CIVILIAN:	0	FIREFIGHTER:	0	CIVILIAN:	0	FIREFIGHTER:	0
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Agenda Item #
Meeting Date

III.D.
September 21, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title OLCC License Approval

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 Bier One.

Staff Recommendation:

The Police Department recommends favorable action by the City Council

Proposed Motion:

Handled as a consent calendar item

Key Facts and Information Summary:

Bier One, 242 SW Coast Hwy, has made application to the Oregon Liquor Control Commission for a "Limited On-Premises Sales" and "Off-Premises Sales" license due to a change in ownership. Such a license allows for the applicant to sell wine, malt beverages and cider 'by the drink.' These beverages must be consumed on the premises. Partially consumed bottles of wine that had been served with a meal may also be taken from the premises. In addition, Such a license allows for the applicant to sell factory sealed containers of wine, malt beverages and cider. Containers of malt beverages sold under the license may not hold more than two and one-quarter gallons.

A background check of the applicant revealed no disqualifying information. Bier One is located on the west side of SW Coast Hwy, in the City Center Deco District. There have been two police calls to this address within the last year. One was an alarm call and the other a door was found open.

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



September 14, 2009



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

Manager's Report Meeting of September 21, 2009

Following is the Manager's Report for the City Council meeting of September 21, 2009:

Building Maintenance Update: The City is winding down its summer season building maintenance projects which have included roof repairs to the VAC and Senior Center, siding work on the Don Davis Gazebo and miscellaneous repairs to City Hall. I have asked Jerry Sabanskas, who oversees our building maintenance program, to provide a brief update on how the projects went and what to expect next year.

User Fee Study: FCS Group has completed a draft User Fee Study, a copy of which will be provided to Council. It is staff's intent to have the various City Boards/Committees (Planning Commission, SDC Committee, Airport Committee, Parks and Rec Committee, etc) review and comment on the draft User Fee Study prior to bringing it to the Council for adoption. Presently it is anticipated to have a final report ready for Council consideration on November 2, 2009.

Meeting with Regional Coordinator of the US Interagency on Homeless: I recently meet with County Commissioner Bill Hall, who among other things, is championing homeless issues within the County. Commissioner Hall has indicated that Paul Carlson, the Regional Coordinator of the US Interagency on Homeless will be in town on October 7th and 8th, and has invited the City to participate in a meeting. I will be attending, but ask that one or two Council members attend as well. The meeting with Mr. Carlson has tentatively been scheduled on October 8th, prior to 10:00 am. I will be asking if any of the Council would be interested in attending.

Airport FAA Inspection: Attached is the FAA inspection report for the Airport. As indicated in the e-mail from Airport Manager, Dennis Reno, corrections to the deficiencies are being taken care of.

Bay Boulevard and Water Treatment Plant Project Progress Report: Attached is a brief update on two of the City's major Public Works projects prepared by Public Works Director Lee Ritzman. Public Works should be recognized for keeping these critical and complex projects moving forward. Of particular note on the Bay Boulevard Project, the City wants to recognize the businesses along Bay Boulevard for their understanding as the work impacts their business. It should also be noted to the public and Newport residents that the businesses along Bay Boulevard are open and there is parking.



U.S. Department of Transportation **Northwest Mountain Region**
Federal Aviation Administration Colorado, Idaho, Montana, Oregon,
 Utah, Washington, Wyoming

1601 Lind Avenue, S.W.
 Renton, Washington
 98057-3356

August 25, 2009

File Number: 2009NM800078

Mr. Dennis Reno
 Airport Manager
 Newport Municipal Airport
 169 SW Coast Hwy
 Newport, Oregon 97365

Dear Dennis Reno:

Newport Municipal Airport
 Newport, Oregon
 Letter of Correction

The annual airport certification inspection of Newport Municipal Airport was concluded on 8/19/2009. The inspection was conducted to determine compliance with Title 14 CFR Part 139, the Airport Certification Manual, and the Airport Operating Certificate. The inspection revealed that the airport was not in compliance with all of the requirements of Part 139. The following discrepancies to Part 139 were noted during the inspection and those which are unresolved should be corrected by the dates indicated:

139.201B1 - Airport Certification Manual: General Requirements.

The ACM was not current. For example, Section 315, 317, and 319 had not been updated since acquisition of the ARFF truck.

Correction Date: 10/2/2009

139.303C - Operations: Personnel.

Recurrent training was not documented for 12 ccm.

Correction Date: 9/15/2009

139.311D - Operations: Marking, Signs, and Lighting.

Enhanced taxiway centerlines (ETC) were done but paint was chipping off at certain hold positions. Many of the ETC did not meet standards with 150' and the required number of dashes. Measurements showed some ETC were 134'-149' and the length of the dashes varied from 3-8'.

Correction Date: 11/2/2009



139.311D - Operations: Marking, Signs, and Lighting.

Several signs were delaminating and peeling away from back of panel reducing visibility of sign at night.

Correction Date: 10/2/2009



139.321B4 - Operations: Handling and Storing of Hazardous Substances and Materials.

Several 50 gallon barrels were located in fuel farm and unmarked. Barrels were from removing fuel from tank due to water in tank.

Correction Date: 9/11/2009



139.321D - Operations: Handling and Storing of Hazardous Substances and Materials.

Fuel inspections were not conducted the month of December 2008. The last fuel inspection conducted was June 2008 and then again March 31, 2009.

Correction Date: 10/2/2009

139.325G4 - Operations: Airport Emergency Plan.

Annual table top exercise of the airport emergency plan had not been conducted in the last 12 ccm.

Correction Date: 10/16/2009

139.327A1 - Operations: Self-Inspection Program.

Inspections are conducted weekly as stated in the ACM. During 2/19-23/09 and 2/25-32/09 did not have self inspections done during that time. The only employee trained to do self inspections was on vacation or out of town on official business.

Correction Date: 10/15/2009

We have given consideration to all available facts and conclude that this matter does not warrant legal enforcement. In lieu of such action we are issuing this letter which will be made a matter of record. We will expect your future compliance with the regulations. Please advise in writing when the unresolved discrepancies are corrected, within 15 days of the correction date.

Sincerely,

Lynn Deardorff
Airport Certification Safety Inspector

Cc: SEA-ADO

RECOMMENDATIONS / COMMENTS
AIRPORT CERTIFICATION INSPECTION
Newport Muni
8/19/2009

1. Due to staffing resources, any recurrent training and documenting of recurrent training was overlooked. As noted in the letter of correction all areas of training listed in Part 139 was not implemented and therefore the airport is out of compliance with this requirement under Part 139 to provide sufficient and qualified personnel.
2. Although the airport is not receiving scheduled air carrier service with more than 9 passengers, ARFF personnel need to be qualified if on duty. The airport certification manual (ACM) states that ARFF personnel will meet the training requirements under Part 139. (Refer to ACM Section 319, page 4)
3. Only one person does the weekly self-inspections. The ACM states "inspections shall be conducted at least once per week". AC 150/5200-18C recommends inspection frequency at least daily during minimal aircraft activity and part should be done during the hours of darkness that serve air carriers after dark." The point of this remark is that the one trained person goes on vacation or sick leave there is no other qualified personnel to conduct the daily self inspections. One individual cannot effectively maintain safe operations at an airport of this size which includes daily service of a scheduled Part 135 certificate.
4. Surface painted hold signs are required for airports with more 2 or more runways. Refer to AC 150/5340-1J, Standards for Airport Markings and also DRAFT AC 150/5340-1K is being used. The deadline for installation of these markings is December 31, 2010. If the airport is requesting funding for these markings they need to speak with their Project Manager at the SEA-ADO.
5. Coyote were spotted on the airfield during the inspection. One person who does the weekly inspections and maintains the airfield on a day to day basis is also responsible for wildlife hazard management. The wildlife control log also had documented sightings of deer numbering 2-9 but mostly outside the fence. There are a couple of deer inside the fence that have become illusive to hazing and removal. These deer are believed to have come through an open gate, specifically the gate used to enter the firing range below the airfield. When the users of the firing range enter through the gate they do not stop and ensure that the gate closes properly. If the gate does not close or becomes inoperable this presents an opportune time for the deer to gain entrance onto the airfield. This is a safety concern, especially in the evening when there is no one on duty in airport operations. The Part 135 air service has a flight scheduled in the evening. The airport is working with USDA/APHIS on this issue but due to budget constraints the deer have not been flushed out or compliance with the proper use of the gate to the firing range.



Jim Voetberg

From: Dennis Reno
Sent: Wednesday, September 16, 2009 3:42 PM
To: 'Lynn.Deardorff@faa.gov'
Cc: Jim Voetberg
Subject: File No. 2009NM800078

Lynn Deardorff,

This is a follow up status report on our Part 139 inspection of 08/19/09. **139.303C – Operations: Personnel**, recurrent training for all operations personnel has been completed.

139.321D - Operations: Handling and

Storing of Hazardous Substances and Materials, this is complete

We are requesting an extension of time on the ACM update.

Assistant Chief Toby Cole has scheduled the table top AEP exercise for October 1st.

Marking and painting work begins on September 21.

Thank you in advance,

Dennis Reno
Newport Airport

Water Treatment Plant Progress Report

Membrane Filters – The agreement with Pall Corporation has been signed. They have installed their pilot plant. After a few days of operating, it needed attention from a technician, but is back operating again. The information received from the pilot plant should give a comfort level that the full-scale plant will give us the water quality we are expecting.

Based on preliminary data received, we have issued a notice for Pall to begin preparation of shop drawings.

Plant Design – Site surveying has been completed. Our consultants working on the basic plant layout.

CM/GC – The Request for Proposals (RFP) for Construction Manager/General Contractor are posted on the City's web site and are being advertised in the Daily Journal of Commerce. The City Attorney has been editing language in the RFP and the accompanying contract documents. It is anticipated that the CM/GC will be selected in December.

Siting/Property Acquisition – The adjacent property owners have been contacted about the possibility of acquiring approximately 5 acres. They have been asked to help select an appraiser. The Community Development Director is working with the County to outline tasks necessary to construct a public facility within the zoning.

Bay Boulevard Project Progress Report

Contract – ODOT awarded a contract to C&M Construction for the Bay Boulevard project. We have been able to remove all of the underground portions of the work from ODOT's contract and place that work under a separate contract between the City and C&M. The final documents should be signed this week. We have issued an extra work order for about 50 feet of sewer pipe that was shown on the plans, but was not included in the bid tabulation tables.

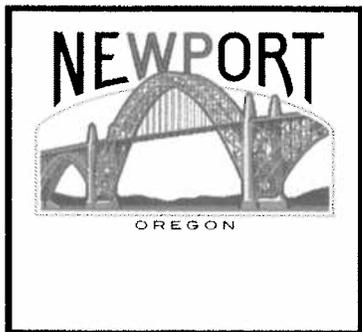
Contaminated Soil – The contractor has engaged the services of Statewide Environmental, a local firm, to assist with handling of contaminated soils. With the help of Councilor Obtshka and cooperation from DEQ, we have been able to develop a plan that will allow excavated soils to be temporarily stored off-site until samples are tested and it can be determined which portions need to be hauled to an approved facility.

- It should be noted that "contaminated" soil is suspected to have measurable levels of pollutants. The levels are not to the "hazardous" level. The soil could legally be replaced in the trench. But if the pollutants exceed certain levels, it cannot be used for fill or spread at another unpermitted site.

Work Accomplished – Preliminary work has begun preparatory to replacing the sewer line and service laterals. The contractor has removed the pavement over the sewer line, and has re-compacted the soil so that traffic can use the street. The sewer line and manholes at the intersection of Bay Boulevard and Fall Street are currently being replaced.

Work Scheduled – The contractor will be replacing the main line sewer and sewer laterals throughout October. This work will start at Fall Street and continue toward Bay Street. A schedule is attached.

Public Relations – Staff has been attending Bayfront Association meetings for over a year. We have compiled a list contacts along with e-mail addresses. Periodic newsletters have been sent out, and repeated personal visits have been made to every business and property owner along the project area. A weekly meeting has been scheduled with the business owners – the first being held September 17. The contractor's project manager was introduced. Several positive suggestions were given to ameliorate traffic and construction impacts.



Agenda Item #
Meeting Date

VII.A.
9/21/09

CITY OF NEWPORT
LOCAL CONTRACT REVIEW BOARD
AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Consideration of bid protest by Henderson Land Services, LLC on the Nye Creek Bio-filtration Supplemental Environmental Project.

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

Issue Before the Council: Consideration of bid protest by Henderson Land Services, LLC on the Nye Creek Bio-filtration Supplemental Environmental Project. A written opinion by the City Manager has been prepared pursuant to Section 30.135 E. of the City of Newport Local Contract Review Board Rules.

Staff Recommendation: It is recommended the Council approve the bid protest and determine Henderson Land Services, LLC to be a responsive bidder for the Nye Creek Bio-filtration Supplemental Environmental Project.

Proposed Motion:

Motion approving protest: I move the Council approve the bid protest submitted by Henderson Land Services, LLC for the Nye Creek Bio-filtration Supplemental Environmental Project and determine Henderson Land Services, LLC to be a responsive bidder.

Motion denying protest: I move the Council deny the bid protest submitted by Henderson Land Services, LLC for the Nye Creek Bio-filtration Supplemental Environmental Project and determine Henderson Land Services, LLC to be a non-responsive bidder.

Key Facts and Information Summary: See attached written opinion.

Other Alternatives Considered: None

City Council Goals: Not applicable

Attachment List: City Manager's written opinion with attachments.

Fiscal Notes: None



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

September 16, 2009

Henderson Land Services, LLC
200 North State Street, Suite 103
Lake Oswego, Oregon 97034

Anderson Earth, Inc.
3924 SE Rex Street
Portland, Oregon 97202

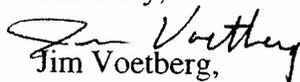
Re: Opinion of bid protest by Henderson Land Services LLC on the Nye Creek Bio-filtration Supplemental Environmental Project

Dear Sirs,

The City of Newport received a timely bid protest from Henderson Land Services LLC on the Nye Creek Bio-filtration Supplemental Environmental Project. Attached is the written opinion of the City Manager pursuant to Section 30.135 E. of the City of Newport Local Contract Review Board Rules.

The City Council, acting as the City of Newport Local Contract Review Board will consider the City Manager's written opinion at the City Council meeting of September 21, 2009, beginning at 6:00 pm in the City Council Chambers. As provided for in Section 30.135 E. of the City of Newport Local Contract Review Board Rules, both the protestor and the person to whom the contract was awarded have the right to present arguments to the Board. You are encouraged to attend the meeting and provide such arguments.

Sincerely,


Jim Voetberg,
City Manager

Cc: Lee Ritzman, Public Works Director
Penelope McCarthy, City Attorney



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

MEMO

DATE: September 16, 2009

TO: Contract File – Nye Creek Bio-filtration Supplemental Environmental Project

FROM: Jim Voetberg, City Manager

SUBJECT: Protest of Award – Henderson Land Services LLC

Pursuant to Section 30.135 E. of the City of Newport Local Contract Review Board Rules, I make the following written opinion:

Written Opinion:

It is my opinion there is good cause for the protest as submitted by Henderson Land Services LLC, and forward the matter to the Board (City Council) for further action at the City Council meeting of September 21, 2009, beginning at 6:00 pm in the City Council Chambers.

Facts:

The City advertised formal bids for work identified as the Nye Creek Bio-filtration Supplemental Environmental Project.

Bids were opened on Thursday August 27, 2009 at 2:00 pm.

Three bids were received; Henderson Land Services LLC in the amount of \$42,900, Anderson Earth Inc in the amount of \$44,260 and W.W. Construction LLC in the amount of \$64,920.

Henderson Land Services LLC was determined to be a non-responsive bidder for failing to submit the bid as required the Instruction To Bidders, Section 17.1 which states "Bids must be submitted intact with the Contract Documents", attached hereto.

Notice of Intent to Award the Nye Creek Bio-filtration Supplemental Environmental Project was approved by motion by the City Council at its regular meeting of September 8, 2009.

Henderson Land Services LLC submitted a timely protest of award on September 9, 2009, attached hereto.

Rules for bid protests are provided for in Section 30.135 of the City of Newport Local Contract Review Board Rules, attached hereto.

Rules for responsive and non-responsive bids; acceptance and rejection are provided for in Section 30.115 of the City of Newport Local Contract Review Board Rules, attached hereto.

Section 22.2 in the Instructions To Bidders for the Nye Creek Bio-filtration Supplemental Environmental Project Contract Documents in part states, "The City also reserves the right to waive all informalities not involving price, time, or change in work".

Analysis:

Henderson Land Services LLC did not submit its bid as required in the Instructions To Bidders, Section 17.1, however, this omission did not involve, change, alter, or make unclear the price, time and scope of work.

In determining whether a bid is non-responsive, the City of Newport Local Contract Review Board Rules, Section 30.115 B. lists six tests. The following is observed:

1. Henderson Land Services LLC submitted a bid that did not omit and is clear as to the price and the price can be determined in the bid as submitted.
2. Henderson Land Services LLC offers goods or services of a quality and quantity as requested in the solicitation documents.
3. Henderson Land Services LLC meets the delivery date requirements specified in the solicitation documents.
4. Henderson Land Services LLC does not take exception to the terms and conditions of the solicitation documents.
5. Henderson Land Services LLC's bid is not conditional upon the City's acceptance of terms and conditions different from those contained in the solicitation documents.

6. Henderson Land Services LLC's bid does not contain a deviation which if accepted would give them a substantial advantage or benefit not shared by other bidders to the solicitation documents.

Pursuant to Section 30.115 A. of the City of Newport Local Contract Review Board Rules, it is my opinion that the bid submitted by Henderson Land Services LLC complies in all material aspects with the solicitation documents and prescribed public bidding procedures and requirements. Further, it is my opinion that noncompliance with Section 17.1 of the Instructions to Bidders, "Bids must be submitted intact with the Contract Document", is an informality that may be waived pursuant to Section 22.2 of the Instruction to Bidders.

It is my opinion there is good cause for the protest as submitted by Henderson Land Services LLC, and forward the matter to the Board (City Council) for further action at its regular scheduled meeting of September 21, 2009.



200 North State Street, Suite 103
Lake Oswego, Oregon 97034
telephone 503.699.8999
facsimile 503.699.8777
www.hendersonlandservices.com

September 9, 2009

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

RE: Protest of Award; Nye Beach Biofiltration Project

Mr. Voetberg:

Our firm, Henderson Land Services, submitted a responsive, responsible, and lowest cost proposal for the City's Nye Creek Biofiltration Project. We were aware that our proposal was the lowest bid. Unfortunately, in following through and contacting the City yesterday, we were made aware that the City has surprisingly rejected our bid.

What was surprising is that the City's rejection of an otherwise responsible, qualified, and low-cost bid was based upon the lack of return of the City's 70-page non-binding Contract Documents. While we understand that our clerical error missed this single line (17.1) in these documents, we feel strongly that our bid intent was clearly evident, our experience in the required work substantial, and our legal willingness to be bound to the contract was more than substantiated in our otherwise complete submittal including Bid Security, Bidder's Qualifications, and First Tier Subcontractor Disclosure forms.

Typically, the return of the entire bid package is not required by the jurisdictions that we work with in Oregon and Washington, only the 'actionable' portions of the bid are returned. Further it is difficult to understand how the submittal of Contract Documents or lack thereof affects the Contractor's bid in any manner fiscally or qualitatively. Usually, there is a simple 'acceptance' line on the bid documents which requires signature by the Contractor as acknowledging the receipt and understanding of the terms, conditions, and special provisions/qualifications of the Contract Documents and all Addenda. Without this formal acceptance specific to the City's RFP documents, return of these unacknowledged documents to the City does not in any manner guarantee, warrant, or legally bind the Contractor to these Contract Documents nor the terms or conditions as there is no requirement to sign, initial, or otherwise indicate the Contractor's intent. We do understand that the City infers the return of these documents as willingness of the Contractor to be bound by them, yet without a legally-binding means of formally acknowledging these documents isn't that the clearer purpose of the Contractor's Bid submittal and Bid Security which do have legal standing? It is our strong belief that submittal of a fully-performed Bid Security is the City's surety of the intent of the Contractor's bid in good faith, while signature of actual contract documents is the binding contract between City and Contractor.



Jim Voetberg, City Manager
City of Newport
Protest of Award; Nye Beach Biofiltration Project
September 9, 2009
Page 2

Per the City of Newport's contracting rules (PCR 30.115), the City has the right to dismiss minor informalities and clerical errors in a bid which otherwise "complies in all material aspects with the solicitation documents and with all prescribed public bidding procedures and requirements". In the City's Contract Documents, Section 22.2, it again clearly states that "The City also reserves the right to waive all informalities not involving price, time, or changes in Work". HLS' clerical error in not returning these non-binding Contract Documents to the City along with our otherwise complete and responsive bid documents has no impact to either our bid price or time of performance, nor does it suggest or request any changes in the Work.

Further, failure to return the non-binding Contract Documents to the City, which again require no formal acknowledgement, signature, or initials that would indicate acceptance of the terms and conditions within, does not in our opinion justify the City's determination of our bid as 'non-responsive' under PCR 30.115 B. 1-6.

HLS' bid is the lowest-cost responsible bid received by the City and our submitted references and qualifications will substantiate the quality and timeliness of our work. We ask the City to consider our clerical error in return of the full Contract Documents along with our complete bid documents as a minor informality which does not in any way affect our bid intent, lowest cost, timeliness, qualifications, or willingness to perform the requested professional services.

We hope that in reviewing our submission herein, you would agree that this clerical error is not substantive nor should it invalidate our responsible, qualified, and lowest cost bid for the Nye Beach Biofiltration Project.

Respectfully,

A handwritten signature in black ink, appearing to read "Bruce Henderson", written in a cursive style.

Bruce Henderson
President

C: Construction Contractor's Board

rule, shall be eligible for contract award. Bid or proposals from non-responsible bidders or proposers shall be rejected as provided in PCR 30.115.

30.115 Responsive and Non-responsive Bids or Proposals; Acceptance and Rejection

- A. A "responsive bid or proposal" is one that complies in all material aspects with the solicitation documents and with all prescribed public bidding procedures and requirements.
- B. A "non-responsive bid or proposal" is one which:
1. Omits, or is unclear as to the price and the price cannot be determined in the bid or proposal documents;
 2. Offers goods or services of a quality or quantity inferior to that requested in the solicitation documents;
 3. Does not meet the delivery date requirements specified in the solicitation documents;
 4. Takes exception to the terms and conditions of the solicitation documents other than as allowed by these rules or the solicitation documents;
 5. Is conditional upon the City's acceptance of terms and conditions different from those contained in solicitation documents, except as allowed by these rules or the solicitation documents; or
 6. Contains a deviation which, if the bid or proposal were accepted, would give the bidder or proposer a substantial advantage or benefit not shared by other bidders or proposers to the solicitation documents.
- C. The City shall accept, and consider for award, only those bids or proposals, which are responsive as defined in this rule. Non-responsive bids or proposals shall be rejected, as provided in PCR 30.115.

30.120 Low Tie Bids

- A. Definition.

Low tie bids are low responsive bids from responsible bidders that are identical in price, fitness, availability and quality and which meet all the requirements and criteria set forth in the solicitation documents.

- B. Award.

30.130 Rejection of All Bids or Proposals

A. Bid Rejection.

All bids or proposals may be rejected for good cause upon a written finding by the City that it is in the public interest to do so. Notification of rejection of all bids or proposals, along with the good cause justification and finding of public interest shall be sent to all that submitted a bid or proposal.

B. Rejection Criteria.

Reasons for rejecting all bids or proposals include but are not limited to:

1. An error in the solicitation documents, including its terms, conditions, or specifications that unnecessarily restricted competition for the public contract;
2. The price, quality, or performance presented by the lowest or best responsible bidder or proposer is, in the City's opinion, too costly or of insufficient quality to justify acceptance of the bid or proposal. This criterion may be satisfied by evidence that the same goods or services can be obtained otherwise for less cost;
3. Misconduct, error, or ambiguous or misleading provisions in the solicitation documents or process threaten the fairness and integrity of the competitive process; or
4. Causes other than legitimate market forces threaten the integrity of the competitive procurement process. These causes include, but are not limited to, those that tend to limit competition such as restrictions on competition, collusion, corruption, unlawful anti-competitive conduct, and inadvertent or intentional errors in the solicitation documents.

30.135 Protests

A. Purpose.

Adversely affected or aggrieved bidders or proposers must exhaust all avenues of administrative review and relief before seeking judicial review of and decision by the City under the Public Contracting Code or these rules.

B. Notice of Award.

The written notice of award of the contract shall constitute a final decision by the City to award the contract if no written protest of the notice of award is filed with the City within

seven calendar days of the notice of award or such other period as provided in the City's solicitation. If a protest is timely filed, the notice of award is a final decision of the City upon issuance of a written decision denying the protest and affirming the award. The notice of award and any written decision on a protest shall be sent to every bidder or proposer who provided an address.

C. Right to Protest.

Any actual bidder or proposer who is adversely affected by the City's notice of award of the contract to another bidder or proposer on the same solicitation shall have seven calendar days after notice of award to submit to the City a written protest of the notice of award. A protest of an award that is consistent with a notice of intent to award may be submitted only if a protest of the intent to award has been filed. The written protest shall specify the grounds upon which the protest is based. In order to be adversely affected, a bidder or proposer must claim that it is eligible for award of the contract as the lowest responsible bidder or best proposer and must be next in line for award; i.e., the protester must claim that all lower bidders or better proposers are ineligible for award because they are non-responsive or non-responsible. The City shall not entertain a protest submitted after the time period established in this rule.

D. Authority to Resolve Protests.

The City Manager, or designee, shall have the authority to settle or resolve a written protest submitted under section E of this rule.

E. Decision.

If the protest is not settled or resolved by mutual agreement, the City Manager, or designee, shall promptly issue a written opinion on the protest. If the opinion denies the protest, judicial review of this decision will be available if provided for by statute. If the City Manager or designee determines that there is good cause for the protest, the matter shall be submitted to the Board for further action. The decision of the Board on a protest shall be final. Both the protestor and the person to whom the contract was awarded shall have a right to present arguments to the Board.

30.140 Protests Other Than Notice of Award

A. A protest may be filed to contest the adoption or amendment of these rules, adoption of a class or contract specific exemption, solicitation documents (including specifications and contract terms), a notice of intent to award, or the process used in the solicitation. The protest must be filed with the City within 7 days of the adoption or amendment of rules or exemptions, the publication of solicitation documents, or other action being protested. Grounds for protest are limited to:

1. That the City acted contrary to law;

16.3 Corporation Bids

Bids by Corporations must be executed in the corporation name by the president or a vice-president (or other corporate officer accompanied by evidence of authority to sign) and the corporate seal must be affixed and attested by the secretary or an assistant secretary. The corporate address and the state of incorporation must be shown above the signature.

16.4 Partnership Bids

Bids by partnerships must be executed in the partnership name and signed by a partner whose title must appear on the line below the signature.

16.5 Names

All names must be typed or printed on the line with the signature.

16.6 Addenda

The Bid shall contain an acknowledgment of receipt of all Addenda (the numbers of which must be filled in on the Bid Form).

16.7 Address and Telephone Number

The address and telephone number for communications regarding the Bid must be shown.

17. SUBMISSION OF BIDS**17.1 General**

Bids must be submitted intact with the Contract Documents.

17.2 Bid Submission

Submit Bids no later than the time prescribed, at the place, and in the manner set forth in the Advertisement for Bids. Enclose Bids in an opaque sealed envelope, marked with the Project title and name and address of the Bidder and accompanied by the Bid security and other required documents. If the Bid is sent through the mail or other delivery system, the sealed envelope shall be enclosed in a separate envelope with a notation "BID ENCLOSED" on the face of it. Bids must be made on the prescribed Bid Form provided and submitted with the attachments listed below.

17.3 Attachments

Bidders shall complete and submit the following attachments with its Bid:

- 1.) Bid Security
- 2.) Bidder's Qualification Form
- 3.) Disclosure of First-Tier Subcontractor Disclosure Form (submitted either separately with the Bid Form or separately within the two (2) hour period following the bid closing as prescribed in Section 14 Wages Rates of these Instructions to Bidders.

17.4 Submit Only One Bid Per Bidder

Only one Bid from any individual, firm, partnership, or corporation, under the same or different names, will be considered. Should it appear to the City that any Bidder is

22.2 Bid Rejection

The City reserves its right to reject any or all Bids, including without limitation the rights to reject any or all nonconforming, nonresponsive, unbalanced or conditional Bids, and to reject the Bid of any Bidder if the City believes that it would not be in the best interest of the Project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the City. The City also reserves the right to waive all informalities not involving price, time, or changes in Work. Discrepancies in the quantity multiplied by unit price and extended total amount will be resolved in favor of the quantity multiplied by unit price. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between words and figures will be resolved in favor of the words.

22.3 Bid Evaluation

In evaluating Bids, the City will consider the qualifications of Bidders, whether or not the Bids comply with the prescribed requirements, and such alternates, unit prices, and other data, as may be requested in the Bid Form or prior to the Notice of Award. The City shall have the right to accept alternates in any order or combination unless otherwise provided in the Solicitation Documents.

22.4 Consideration by the City

The City may consider the qualifications and experience of subcontractors, suppliers, and other persons and organizations proposed for those portions of the Work for which the identity was required. The City may consider the operating costs, maintenance requirements, performance data, and guarantees of major items of materials and equipment proposed for incorporation in the Work when such data are required to be submitted prior to the Notice of Award.

22.5 Investigation by the City

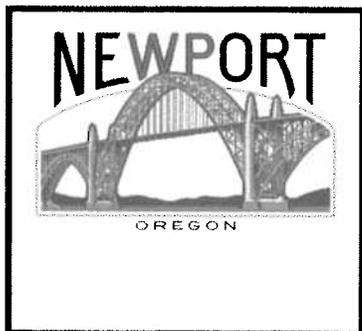
The City may conduct such investigations as the City deems necessary to assist in Bid evaluation and to establish responsibility, qualifications, and financial ability of Bidders, proposed subcontractors, suppliers, and other persons and organizations to execute Work in accordance with the Solicitation Documents to the City's satisfaction within the prescribed time.

22.6 Bid Amount Exceeds City's Funds

If, at the time this Contract is to be awarded, the total of the lowest acceptable Bid exceeds the funds then estimated by the City as available, the City may reject all Bids or take such other action as best serves the City's interests.

22.7 Award Made in the City's Best Interest

If the Contract is to be awarded, it will be awarded to the lowest Bidder whose evaluation by the City indicates to the City that the Award will be in the best interests of the City.



Agenda Item #
Meeting Date

VIII.A.
September 21, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Notice of Award for the Nye Creek Bio-filtration Supplemental Environmental Project

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

Issue Before the Council:

Notice of Award for the Nye Creek Bio-filtration Supplemental Environmental Project.

Staff Recommendation:

It is recommended to issue the Notice of Award for the Nye Creek Bio-filtration Supplemental Environmental Project to the low bidder, Henderson Land Services LLC of Lake Oswego, Oregon, in the amount of \$42,900.00. This recommendation is contingent upon approval by the Council, serving as the Local Contractor Review Board, of Henderson Land Services LLC's bid protest.

OR

It is recommended to issue the Notice of Award for the Nye Creek Bio-filtration Supplemental Environmental Project to Anderson Earth, Inc. of Portland, Oregon, in the amount of \$44,260.00. This recommendation is contingent upon denial by the Council, serving as the Local Contractor Review Board, of Henderson Land Services LLC's bid protest.

Proposed Motion:

I move to authorize the Public Works Department to issue a Notice of Award for the Nye Creek Bio-filtration Supplemental Environmental Project to the low bidder, Henderson Land Services LLC of Lake Oswego, Oregon, in the amount of \$42,900.00, and authorize the City Manager to execute all necessary contract documents.

OR

I move to authorize the Public Works Department to issue a Notice of Award for the Nye Creek Bio-filtration Supplemental Environmental Project to Anderson Earth, Inc. of Portland, Oregon, in the amount of \$44,260.00, and authorize the City Manager to execute all necessary contract documents.

Key Facts and Information Summary:

The City opened three bids on August 27, 2009, for the Project. The low bidder, Henderson Land Services LLC of Lake Oswego was determined to be non-responsive as they did not submit all of the contract documents as directed by the Instructions to Bidders. At the September 8, 2009, City Council meeting, a Notice of Intent to Award the Nye Creek Bio-filtration Supplemental Environmental Project was approved to the second low bidder, Anderson Earth, Inc. of Portland, Oregon, as per staff recommendation. This Notice was faxed to the three bidders the following day. On September 10th, the Public Works Department received a letter of protest by the low bidder, Henderson Land Services LLC., by fax, which was well within the 7 day protest period.

According to the City's Local Contract Review Board Rules, Chapter 30 – Formal Competitive Processes – Section 30.135 Protest of Award, the City Manager is to review the protest and submit a written opinion to the Local Contracting Review Board (Council). The City Manager has submitted his written opinion to the Council, serving as the Local Contractor Review Board, under a previous agenda item.

Funding is to be provided from the Water Fund contingency.

Other Alternatives Considered:

None.

City Council Goals:

This is not specifically noted in the Council Goals. However, This Project is required by Oregon DEQ.

Attachment List:

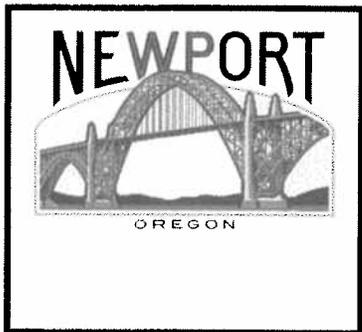
Bid Results

Fiscal Notes:

The funding for the project will come from the Water Fund. It was included in the original budget request in the "Services" line item. During the budget approval process, this project was cut to allow an increase in the "contingency" line; however this project is being mandated by DEQ. A supplemental budget will be recommended at a later date.

Nye Creek Biofiltration
Newport, Oregon

	Anderson Earth Inc.	Henderson Land Services Inc.	W.W. Construction LLC
1 Mobilization	\$8,000	\$4,000	\$5,800
2 Access Road	\$750	\$1,500	\$4,800
3 Clearing & Grubbing	\$6,350	\$2,900	\$5,200
4 General Excavation	\$9,500	\$9,500	\$12,160
5 Erosion Control	\$3,000	\$4,000	\$6,200
6 Temporary Creek Bypass	\$6,440	\$4,000	\$7,200
7 Rock Weirs	\$1,200	\$3,000	\$2,800
8 Outlet Protection	\$520	\$3,000	\$1,860
9 Landscaping	\$6,500	\$10,000	\$14,800
10 Cleanup	\$2,000	\$1,000	\$4,100
	\$44,260	\$42,900	\$64,920



Agenda Item # VIII.B.
 Meeting Date Sept. 21, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
 City Of Newport, Oregon

Issue/Agenda Title: Consideration of bid proposals for restrooms at 9th & Hurbert Street & Bay Blvd.

Prepared By: Protiva Dept Head Approval: Protiva City Mgr Approval: JK

Issue Before the Council:

Consider bid proposals and eventual award of a contract to construct prefabricated restrooms at 9th and Hurbert and on the Bayfront across from Port Dock 1.

Staff Recommendation:

It is staff's recommendation to accept the low bid by Public Restroom Company to provide a Nautical themed facility on the Bayfront across from Port Dock 1, and the low bid by North Bank Excavation to provide a Deco themed restroom at 9th and Hurbert. Work includes the design and construction of the restroom at each location

Proposed Motion:

I move to award the bid proposal by Public Restroom Company to provide a Nautical themed facility on the Bayfront across from Port Dock 1 in the amount of \$111,602, and award the bid proposal by North Bank Excavation to provide a Deco themed restroom at 9th and Hurbert in the amount of \$99,500, and authorize the City Manager to execute all necessary contractual documents on behalf of the City Council.

Key Facts and Information Summary:

The City of Newport received three proposals for design, build and installation of restrooms at 9th and Hurbert and on the Bayfront across from Port Dock 1. The bids proposals were developed such that bidders were to submit a cost for each restroom, but that the City was allowed to selected separate proposals by restroom location. After carefully considering the designs, material and cost, it is recommended that the lowest bids for each restroom location will meet the needs of this project. Staff recommends the City to accept the low bid by Public Restroom Company in the amount of \$111,602 to provide a Nautical themed facility on the Bayfront across from Port Dock 1, and the low bid by North Bank Excavation in the amount of \$99,500 to provide a Deco themed restroom at 9th and Hurbert.

As a part of the FY2009/10 budget, the Department budgeted \$95,000 each for the two restroom facilities for a total of \$190,000. The total cost of the two low bids is \$211,102. Since the Highway 101 Interpretive Walkway project that was budgeted at \$125,000 will not be done this year due to issues with ODOT, staff recommends utilize funding from this project to fund the two restrooms.

Other Alternatives Considered:

- (A) Construct one of the two facilities.
- (B) Not proceed and utilize portable restrooms as is currently being done.

City Council Goals:

Beautification and providing adequate facilities for our residents and guests

Attachment List:

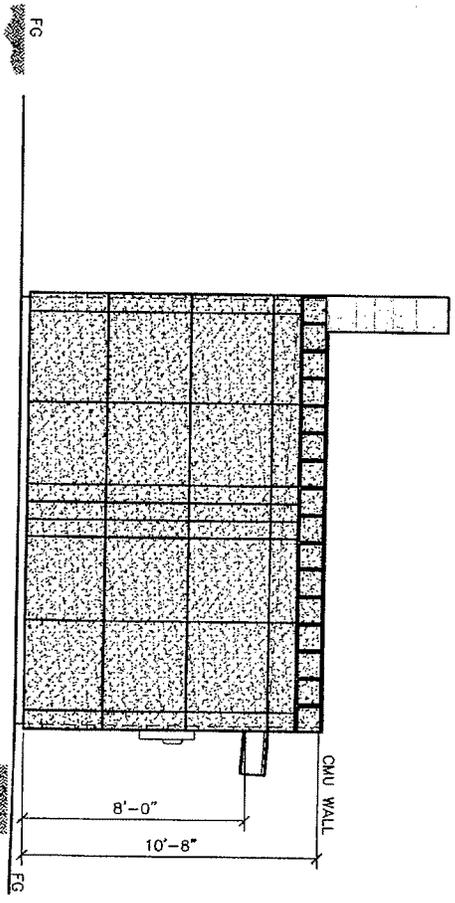
Designs of two recommended facilities
Designs of two facilities that are not recommended

Fiscal Notes:

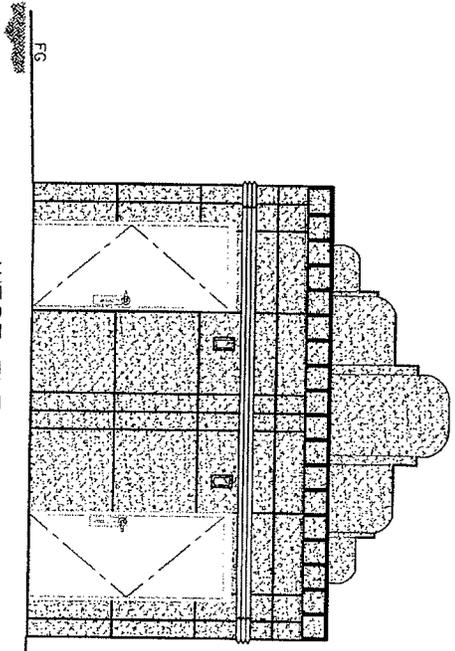
The Bayfront facility provided by the Public Restroom Company will cost \$111,602. The Deco facility at 9th and Hurbert provided by North Bank Excavation will cost \$99,500. Cost of the two restrooms is \$211,102. Additional costs associated with SDC fees, building permits and miscellaneous finish work is estimated at \$23,000 at each site for a total project cost of \$257,102.

As a part of the FY2009/10 budget, the Department budgeted \$95,000 each for the two restroom facilities for a total of \$190,000. The total project cost for the two restrooms is \$257,102 resulting in a shortfall of \$67,102. Since the Highway 101 Interpretive Walkway project, which is budgeted at \$125,000, will not be done this year due to issues with ODOT, staff recommends utilize funding from this project to fund the \$67,102 shortfall.

Yesco Low Bid \$ 99,500.00



SOUTH ELEVATION



WEST ELEVATION

2

SCALE: 1/4" = 1'-0"

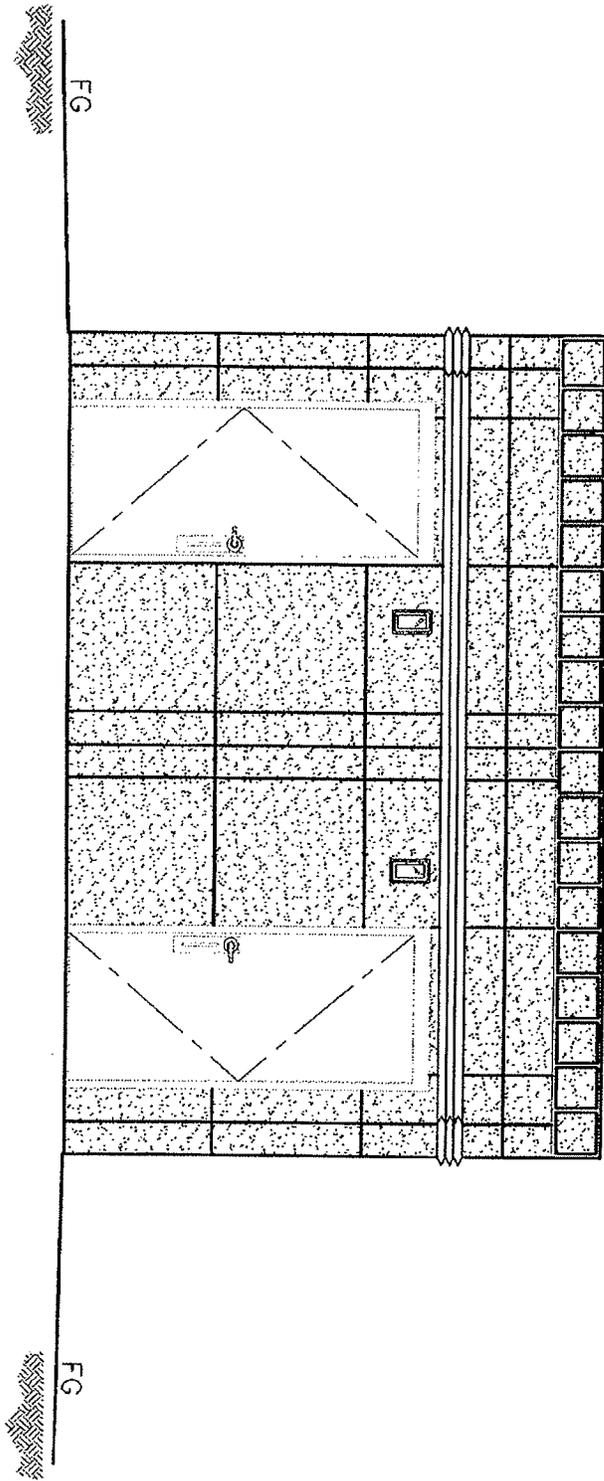
PRELIMINARY

DRAFT
NOT FOR
CONSTRUCTION

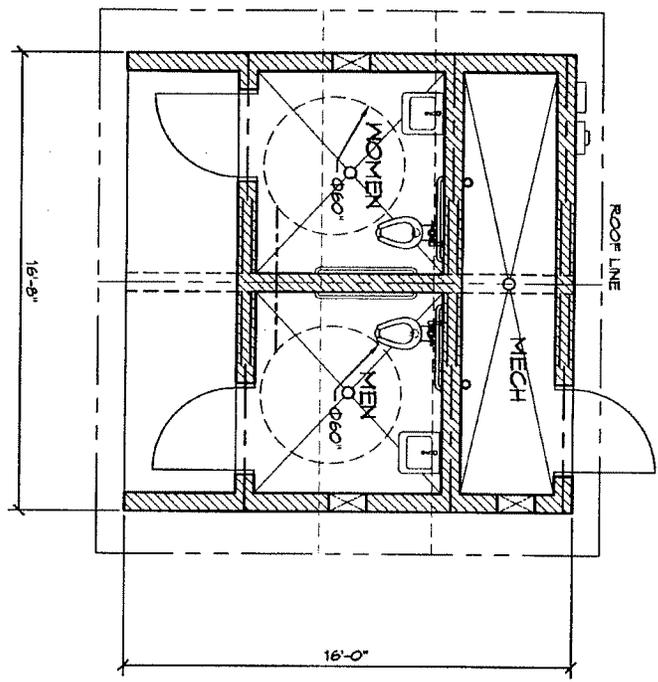
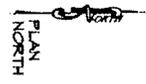
REVISION NO. A.3.1

NO.	DATE	REVISIONS

PROJECT: _____
 SHEET TITLE: EXTERIOR ELEVATIONS
 ROMTEC 10210 NORTH HANCOCK RD., ROSELAND, OR 97130
 (503) 638-1177 FAX (503) 638-6900



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"



WALL TYPE SCHEDULE

8" DRY STACK CMU WALL
REINFORCED & GROUT FILLED

PRELIMINARY

SHEET NO.
A2.1

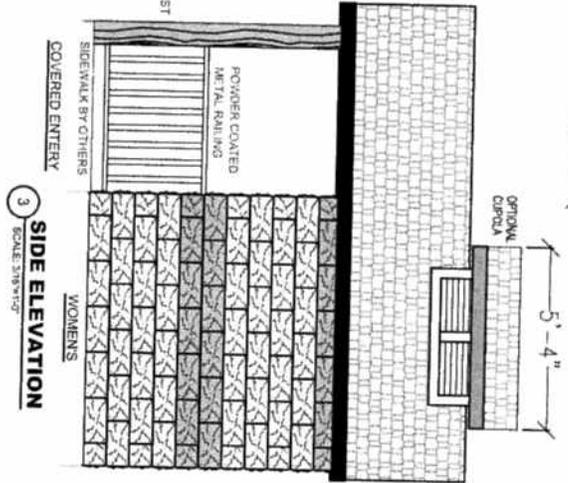
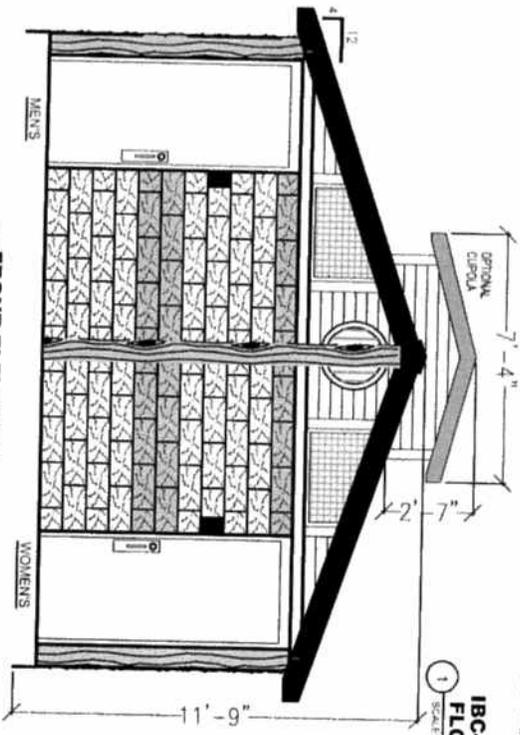
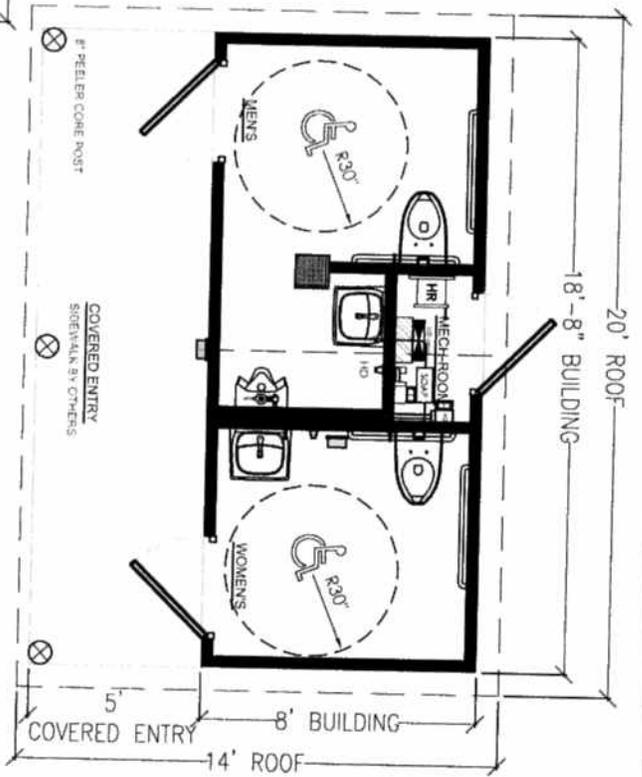
NO.	DATE	REVISIONS

PROJECT: XXX
XXX
XXX
SHEET TITLE: FLOOR PLAN
TITLE2

ROMTEC
15840 NORTH BANK ROAD - INDEPENDENCE, OR 97351
TEL: 503-536-1242 FAX: 503-536-2820

DRAFT
NOT FOR
CONSTRUCTION

Bay Low Bid \$115,600.



Designing And Building Restrooms - Better
MODEL #: _____
PROJECT: _____

RESTROOM BUILDING
BAY FRONT
NEWPORT, OR

DATE: 09-11-09
PROJECT #: 7636
MAXIMUM PERSON AN HOUR: 90

DRAWN BY: TOMMY
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Designing And Building Restrooms... Better

MODEL #:
PROJECT:

RESTROOM BUILDING

**BAY FRONT
NEWPORT, OR**

DATE: 09-11-09 DRAWN BY: TOMMY

PROJECT #: 7636

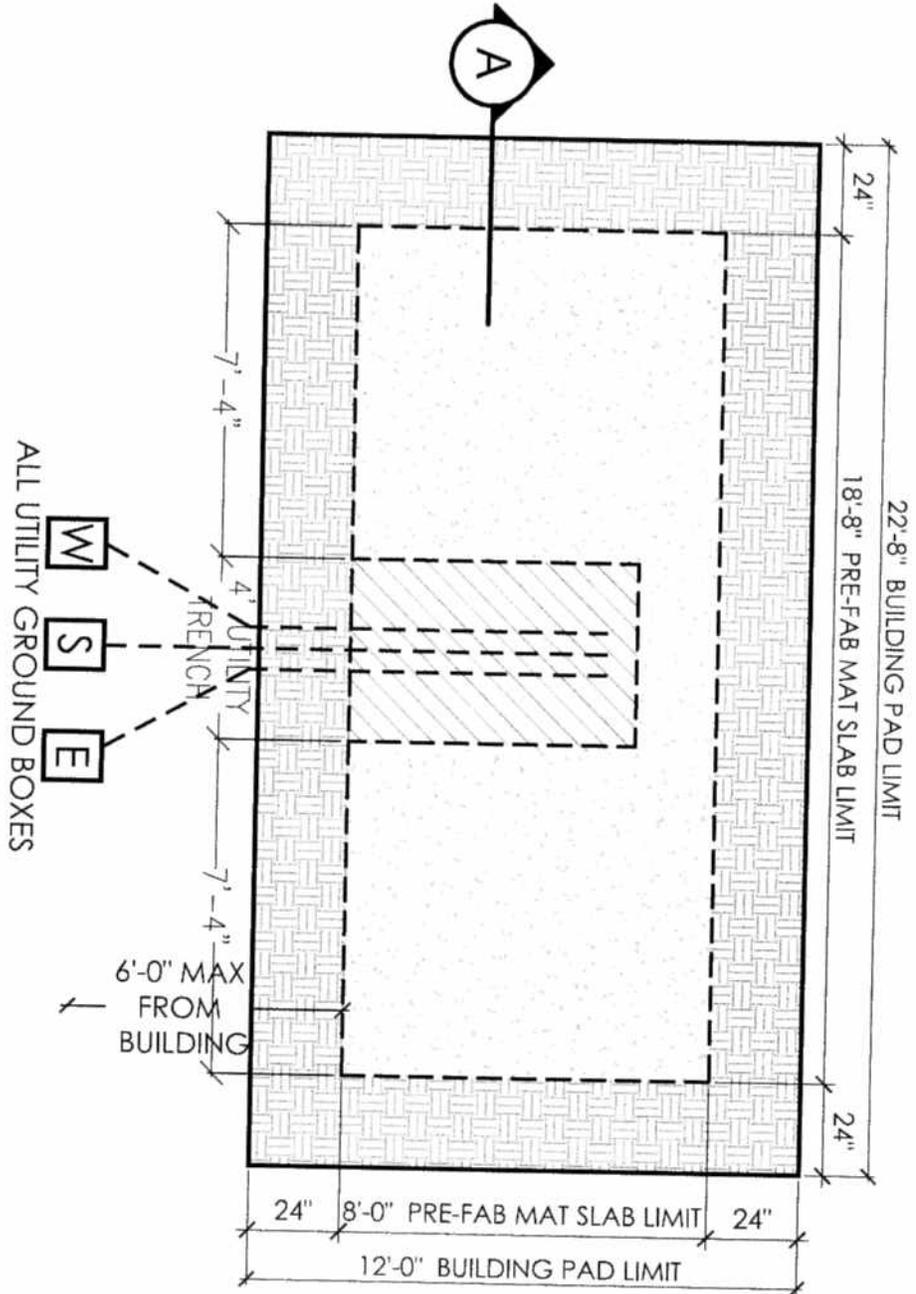
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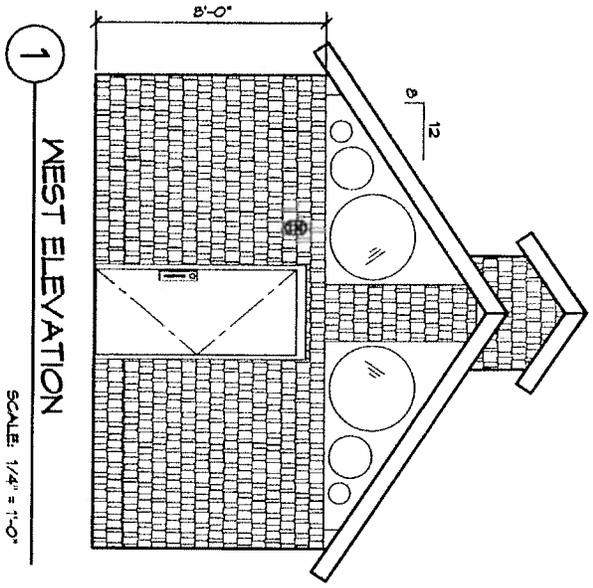
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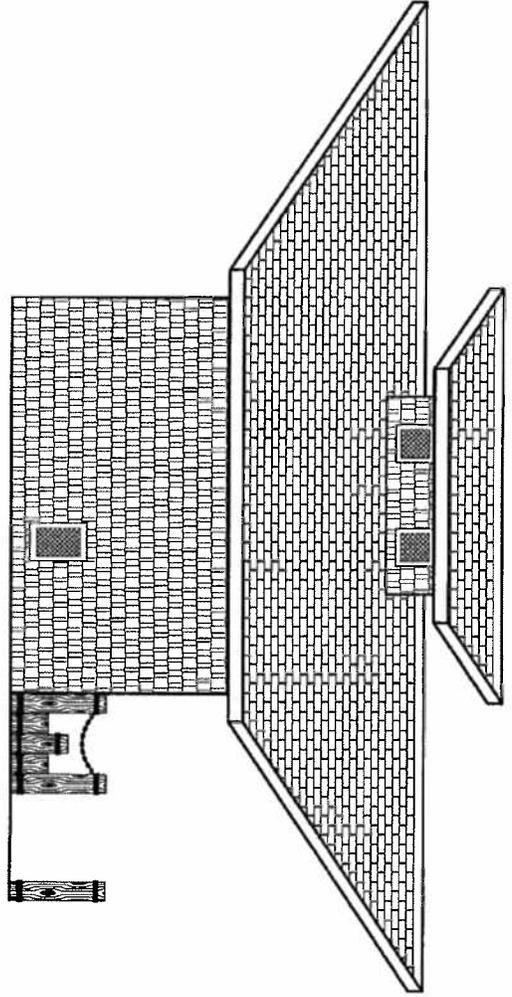
SITE PAD PREPARATION PLAN

1/4" = 1'-0"





1 WEST ELEVATION
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

NOT REC

Bay High Bid \$121,500.00

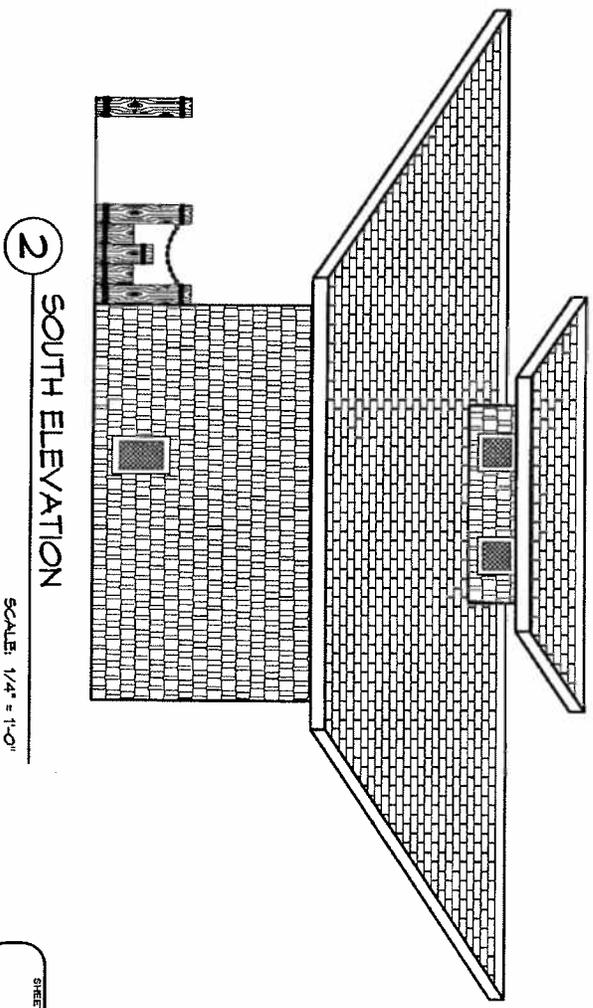
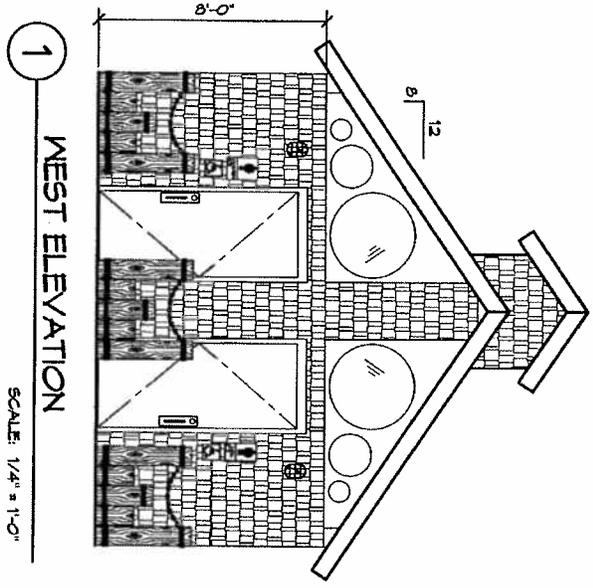
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NOT FOR
CONSTRUCTION

SHEET NO.
A3.2

NO.	DATE	REVISIONS

PROJECT: BUILDING
SHEET TITLE: FLOOR PLAN

ROMTEC 1250 NORTH BUNK ROAD - ROCKSPRING, GA 30153
(770) 886-2541 FAX (770) 886-0023



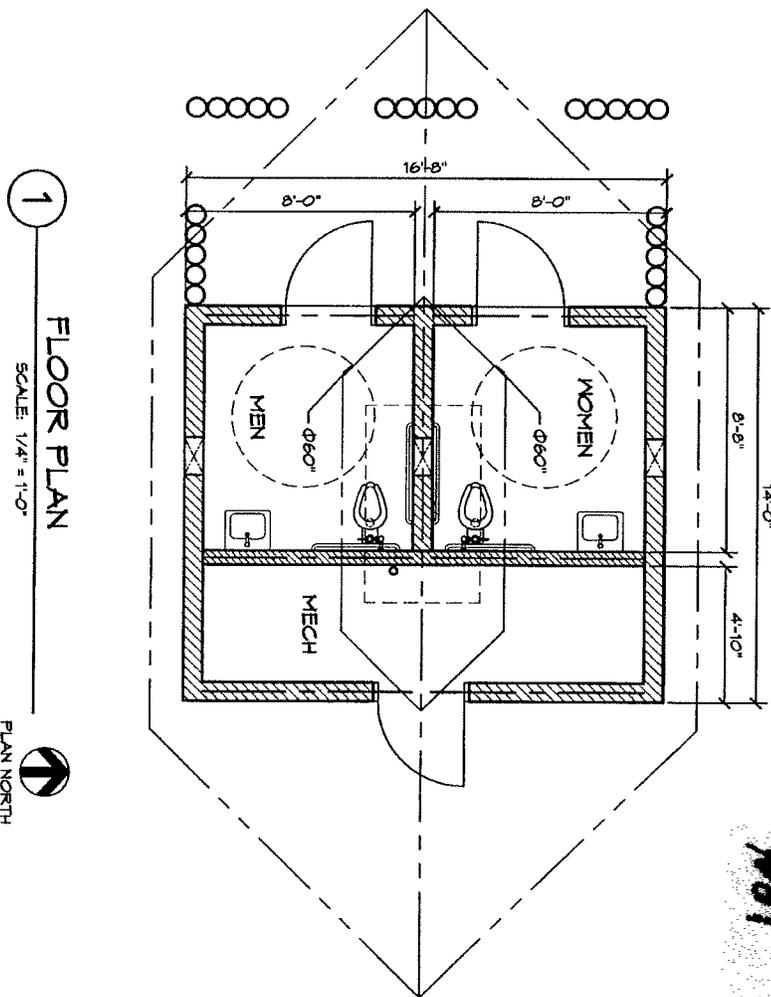
not Rev.

FINAL DRAFT
NOT FOR
CONSTRUCTION

SHEET NO.
A3.1

NO.	DATE	REVISIONS

PROJECT: BUILDING
MODEL:
DATE:
SHEET TITLE: FLOOR PLAN
ROMTEC 8046 MIDTBY BANK ROAD - ROSELAND, OR 97131
(503) 486-5641 FAX (503) 486-0363



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"



PRELIMINARY

WALL TYPE SCHEDULE

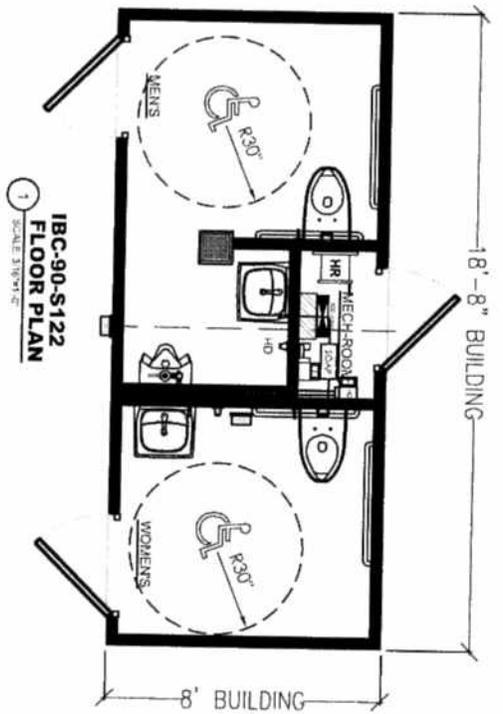
- 8" DRY STACK CMU WALL REINFORCED & GROUT FILLED
- 6" DRY STACK CMU WALL REINFORCED & GROUT FILLED

NOT ROOM

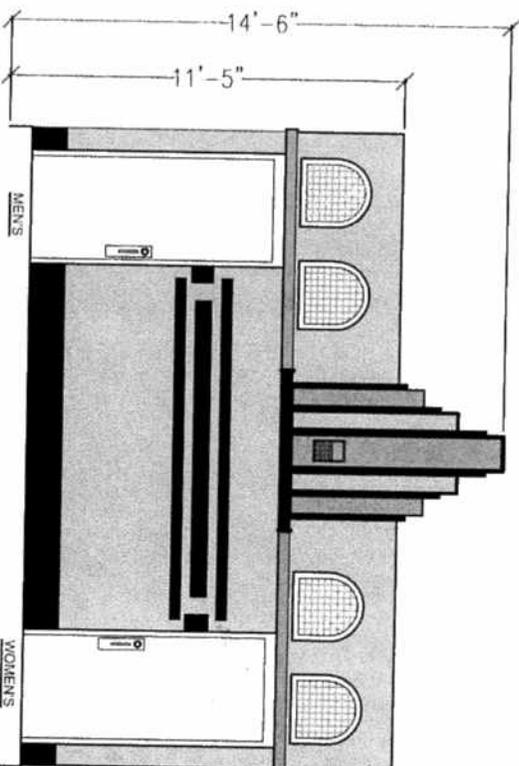
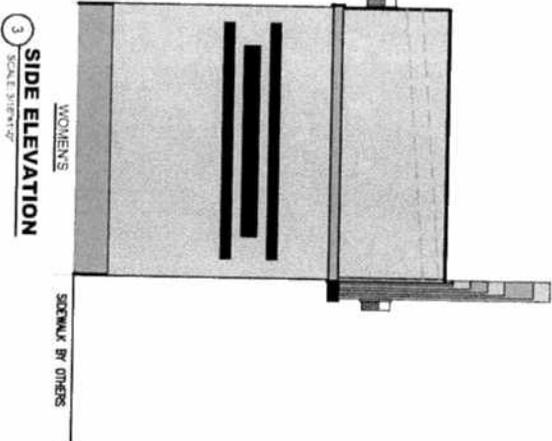
FINAL DRAFT
NOT FOR
CONSTRUCTION

SHEET NO. A2.1	PROJECT: BUILDING	ROMTEC 1240 NORTH BAY ROAD - ROSEBURG, OR 97130 (503) 466-3611 FAX (503) 466-3602
	MODEL: 2022	
DATE: 09/21/04	PROJECT: NAUTICAL BUILDING NEWPORT, OREGON	SHEET TITLE: FLOOR PLAN
REVISIONS:		
BY: []		
CHECKED BY: []		
APPROVED BY: []		

beco High Bid \$121,654.



NOT REC.



Designing And Building Restrooms - Better

MODEL #:
PROJECT:

**HURBERT STREET PARK
NEWPORT, OR**

RESTROOM BUILDING

DATE: 08-11-09
PROJECT #: 7636
MAXIMUM PERSON AN HOUR:
DRAWN BY: TOMMY

90

- COPYRIGHT © 2008 - DO NOT REPRODUCE - NOT FOR CONSTRUCTION - PRELIMINARY DESIGN DRAWING ONLY -



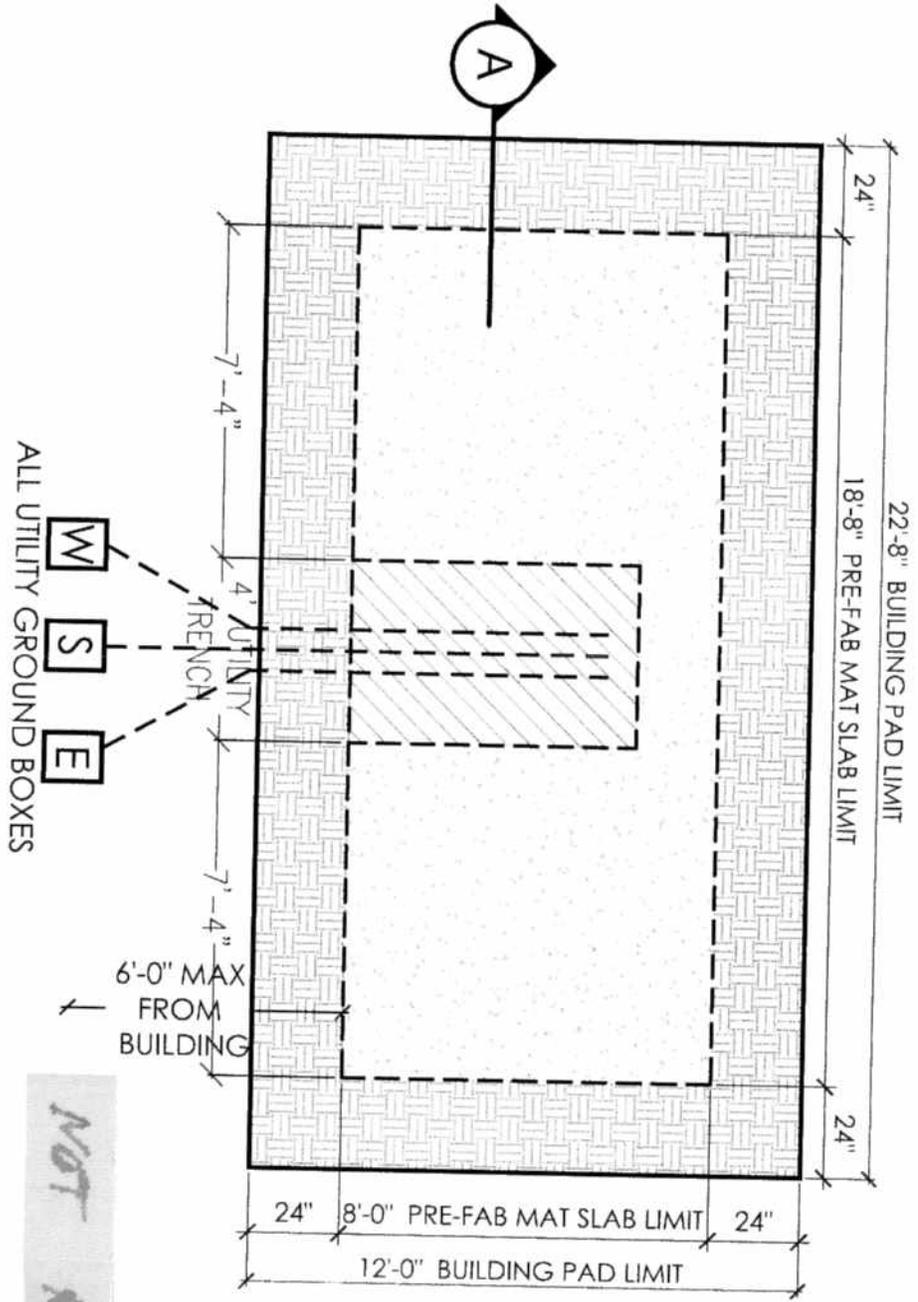
THE PUBLIC RESTROOM COMPANY
 P.O. BOX 488-2000 Fax 866-488-1448

MODEL #
 PROJECT:
RESTROOM BUILDING
HURBERT STREET PARK
NEWPORT, OR

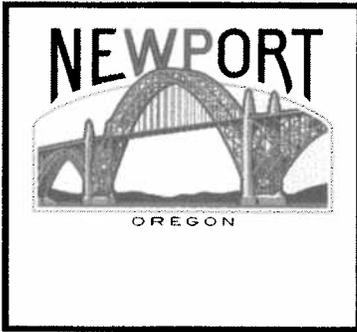
DATE: 09-11-09
 PROJECT #: 758
 MAXIMUM PERSON AN HOUR:
90
 DRAWN BY:
 TOMMY

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SITE PAD PREPARATION PLAN
 1/4" = 1'-0"



NOT REC



Agenda Item #

VIII.C.

Meeting Date

Sept. 21, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Consideration of Amendment No. 1 to the 2009 Statewide Airport Pavement Maintenance Program Intergovernmental Agreement between the City and Oregon Department of Aviation for additional taxi-way sign painting.

Prepared By DLR Dept Head Approval: _____

City Mgr Approval: _____

ISSUE BEFORE THE COUNCIL

Consideration of Amendment No. 1 to the 2009 Statewide Airport pavement Maintenance Program Intergovernmental Agreement (IGA) between the City of Newport and the Oregon Department of Aviation for additional taxi-way sign painting. Cost of Amendment No. 1 is \$18,571.57 and with Council approval would be paid utilizing FAA entitlement money.

STAFF RECOMMENDATION

It is staff's recommendation to approve Amendment No. 1 to the 2009 Statewide Airport Pavement Maintenance Program Intergovernmental Agreement in the amount of \$18,571.57 and to authorize staff to apply for FAA Entitlement money to pay for this Amendment.

PROPOSED MOTION

I move to approve Amendment No 1 to the Intergovernmental Agreement between the City of Newport and the Oregon Department of Aviation, in the amount of \$18,571.57 for additional taxi-way sign painting, authorize the City Manager to execute all necessary documents relating to the Amendment on behalf of the City, and authorize the City Manager to apply for FAA Entitlement money for this work which requires a 5% local match equaling \$928.58.

KEY FACTS AND INFORMATION SUMMARY

In April of 2009, the City entered into an Intergovernmental Agreement (IGA) with the Oregon Department of Aviation for the 2009 Statewide Airport Pavement Maintenance Program. Work under the IGA consisted of crack sealing and a little bit of pavement marking as shown as items J1, J2 and J3 on the attached Base Bid-Schedule J of Exhibit A. Cost of the initial IGA work was \$54,268.48 of which the City was responsible for 25% equaling \$13,567.12.

In March of 2009, Airport Manager Dennis Reno became aware of an FAA Advisory Circular requiring specific taxi-way painting requirements. Instead of putting this work out to bid, Dennis determined that it would be less expensive to have the work provided by the contractor doing work at the airport under the 2009 Statewide Airport Pavement Maintenance Program IGA. Dennis received a quote from the contractor to provide the taxi-way sign painting in the amount of \$18,571.57. Because this work was not a part of the initial scope of work, the City is responsible for 100% of the cost. The amendment is shown as item J4 on the attached Base Bid-Schedule J of Exhibit A.

Funding for this amendment is recommended to come from FAA entitlement money which requires a 5% local match equaling \$928.58. Included in the motion is authorization to apply for the FAA entitlement money.

OTHER ALTERNATIVES CONSIDERED

None

CITY COUNCIL GOALS

“Plan and fund infrastructure inspection, maintenance, repair and improvements to maximize provisions of service and minimize facility failures or inadequacies.”

ATTACHMENT LIST

Intergovernmental Agreement, Amendment No.1 and Exhibit “A”

FISCAL NOTES

\$18,571.57 from FAA Entitlement money which requires a 5% local match equaling \$928.58.

**AMENDMENT No. 1 TO
INTERGOVERNMENTAL AGREEMENT
City of Newport – Newport Municipal Airport
2009 Statewide Airport Pavement Maintenance Program**

1. This is Amendment No. 1 to that Intergovernmental Agreement between the City of Newport, and the Oregon Department of Aviation (as amended from time to time, herein the "IGA") dated April 11, 2009.
2. Exhibit A to the IGA is hereby amended by substituting the Exhibit A attached hereto and dated August 13, 2009, for the Exhibit A originally attached to the IGA.
3. Except as expressly amended above, all other terms and conditions of the original IGA are still in full force and effect.

State of Oregon, by and through its Department of Aviation

By: _____ Date: _____

Daniel E. Clem, Director
Oregon Department of Aviation

City of Newport

By: _____ Date: _____

GENP6157

Exhibit A
Pavement Maintenance Program - 2009
Oregon Department of Aviation

Base Bid - Schedule J: Newport Municipal

No.	Bid Item	Quantity	Unit	Unit Price	Extended Price
J1	Mobilization	1	LS	\$ 1,000.00	\$ 1,000.00
J2	Crack Sealing	68,615	LF	\$ 0.55	\$ 37,738.25
J3	Pavement Marking	1,320	SF	\$ 0.41	\$ 541.20
	Subtotal				\$ 39,279.45
	Contingency - allow 10%	1	LS	\$ 3,927.95	\$ 3,927.95
	Engineering	1	LS	\$ 11,061.08	\$ 11,061.08
	Total				\$ 54,268.48

25% Match

\$13,567.12

Airport Sponsor Funded Work (100% Local Funds)

J4	Surface Painted Hold Line Sign Mar	2,897	SF	\$ 4.64	\$ 13,442.08
	Subtotal				\$ 13,442.08
	Contingency - allow 10%	1	LS	\$ 1,344.21	\$ 1,344.21
	Engineering	1	LS	\$ 3,785.29	\$ 3,785.29
	Total				\$ 18,571.57

100% Match

\$18,571.57

Qualifier: This Exhibit is the preliminary opinion of probable cost for the subject project. It will be updated at the following milestones: Bid Results (post bid), and Contract completion (post-construction). Until contract completion, it is only an estimate.

Prepared by WHPacific / Date: _____

Reviewed by ODA / Date: _____

Approved by Airport Sponsor / Date: _____

INTERGOVERNMENTAL AGREEMENT
City of Newport – Newport Municipal Airport
2009 Statewide Airport Pavement Maintenance Program

The parties to this Agreement are THE STATE OF OREGON, acting by and through its Department of Aviation, hereinafter referred to as "ODA", and the City of Newport, acting by and through its City Council, hereinafter referred to as "City".

- I. **PURPOSE:** The Statewide airport Pavement Maintenance Program (PMP) is a state-funded program to assist airports in undertaking pavement maintenance. This program will protect Oregon's airport investments by preserving airport pavement consistent with the goals of the 2007 Oregon Aviation Plan.
- II. **RECITALS:**
 - A. Newport Municipal Airport is a public use airport owned and operated by the City of Newport.
 - B. By the authority granted in ORS 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
 - C. ORS 836.072 provides ODA the authority to establish and fund a program to maintain and preserve the pavements used for runways, taxiways, and aircraft parking areas at public use airports in this state.
 - D. City desires pavement maintenance work for the airport, hereinafter the "Project", the cost of which is estimated in the attached Exhibit A,. The Project cost may be amended after final contract documents are prepared.
 - E. The Newport Municipal Airport is identified by the 2007 Oregon Aviation Plan as a Category 2 airport.
 - F. The City and/or controlling jurisdiction has established airport overlay zoning and is implementing OAR 660-013, Airport Planning. If OAR 660-013 has not yet been implemented, the City and/or controlling jurisdiction must provide an action plan to establish compliance within the next 3 years to remain eligible for the PMP.

III. TERMS OF AGREEMENT:

A. ODA Obligations

1. ODA shall develop all contract specifications and bid documents for the Project through the Department of Administrative Services. When the cost of the Project is confirmed with contract specifications, ODA will send a copy of the contract specifications to the City and the parties will execute an amendment to the Agreement to confirm the cost.
2. ODA shall negotiate with a selected engineer for a contract with ODA that includes the required price and services necessary to complete the Project.
3. ODA shall advertise for construction bids and intends to award a construction contract with ODA based on the lowest responsible bid received.
4. ODA's contracted engineer shall inspect Project to ensure conformity with specifications and to verify quantities for contract payments.
5. ODA shall invoice the City of Newport for matching funds based on initial and final construction and engineering costs. ODA shall pay the remainder of the construction and engineering costs required under the contract.

B. City of Newport Obligations:

1. City execution of an amendment to the Agreement when the final project costs are received will confirm its acceptance of the Project and the Project cost.
2. City shall contribute twenty-five percent (25%) in local matching funds toward the total Project cost. Prior to the start date of the Project upon request from ODA, City shall deliver fifty percent (50%) of the estimated local match to ODA. At the termination of the project, City shall deliver the remaining fifty percent (50%) of local matching funds to ODA immediately after receiving an invoice from ODA.
3. City has established and shall maintain a documented airport pavement maintenance program on a 3-year inspection cycle in accordance with the ODA pavement inspection cycle.
4. In consideration for receipt of program funds, City agrees to keep the airport open for public use for a minimum of 20 years from the

date of this Agreement. If this condition is not met, City shall immediately reimburse a pro-rata amount of all State funds used on Project to ODA. The amount reimbursed shall be the total amount of State funds divided by 20, times the difference between 20 and the number of years that the Airport remained open to the public after the funds were distributed.

5. The Project shall not provide pavement maintenance for any areas of airport that are private or exclusive use areas.
6. City shall communicate through ODA with the contractor regarding contract administration and scope of the Project.
7. City agrees that, if problems with the contractor arise during construction, it shall communicate these concerns to ODA, which shall be responsible for resolving these concerns.
8. City shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, hold ODA harmless from liability for any costs, fees or expenses that may be incurred in the performance of this agreement.
9. City representative shall be available on arrival of contractor work crews to meet with project inspector to review work to be completed and to ensure appropriate NOTAMs (Notice to Airmen) have been issued prior to commencement of work.

C. General Provisions:

1. This Agreement shall become effective on the date signed by all of the parties, and shall continue in effect until the Project is completed and ODA has delivered the required matching funds, or two years from the date of this Agreement whichever occurs first. Covenants of City made herein shall survive the termination or expiration of this Agreement.
2. The Project will be completed in accordance with applicable FAA and state design standards and regulations.
3. In performing or completing the Project, ODA shall assure compliance with all the regulations of the United States Department of Transportation relative to nondiscrimination in federally assisted programs. Further, ODA will not allow discrimination on the grounds of race, color, national origin or sex in the performance and completion of the Project. City shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530, and 279B.270 which hereby are incorporated by

reference. Without limiting the generality of the foregoing, City expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

4. All employers, including City, that employ subject workers who work under this Contract in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. City shall ensure that each of its subcontractors complies with these requirements.
5. This agreement may be terminated by mutual written consent of both parties.

ODA may, at its sole discretion, terminate this agreement, in whole or in part, upon thirty days written notice to City. ODA may terminate, in whole or in part, immediately upon notice to City, or at such later date as ODA may establish in such notice, upon the occurrence of any of the following events:

- a. If City fails to provide services or funds called for by this agreement within the time specified herein or any extension thereof;
- b. If City fails to perform any of the other provisions of this agreement, or endangers the performance of this agreement in accordance with its terms, and after receipt of written notice from ODA fails to correct such failures within 10 days or such longer period as ODA may authorize;
- c. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that the work under this agreement is prohibited;

Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination;

6. **THIS AGREEMENT** constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been

obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODA to enforce any provision of this agreement shall not constitute a waiver by ODA of that or any other provision.

The City, with the approval of its City Council, has authorized the approval and execution of this agreement on behalf of Newport Municipal Airport.

The Director of the Department of Aviation is authorized to act on behalf of the Department of Aviation in approving and executing this agreement.

State of Oregon, by and through its Department of Aviation

By: *Daniel E. Clem* Date: *April 11, 2009*
Daniel E. Clem, Director
Oregon Department of Aviation

City of Newport

By: *DALE SHADDOX* Date: *4/8/09*
DALE SHADDOX
CITY MANAGER PRO TEM

*Authorized by
Newport City Council
at its REGULAR MEETING
of 4/10/09.*

EXHIBIT A
Newport Municipal Airport

Technical Specifications of Project:

Maintenance and repair of pavement areas – See attached specifications

Estimated Total cost: \$ 75,590.37. Twenty-five percent (25%) match to be provided by the city is \$ 18,897.59

This Exhibit is the apparent low bid cost for the subject Project. It will be updated, and a contract amendment signed, after the cost of the project is finally determined.

GENP6157

Exhibit A
Pavement Maintenance Program - 2008
Oregon Department of Aviation

Base Bid - Schedule J: Newport Municipal

No.	Bid Item	Quantity	Unit	Unit Price	Extended Price
J1	Mobilization	1	LS	\$ 6,333.75	\$ 6,333.75
J2	Crack Sealing	68,615	LF	\$ 0.75	\$ 51,461.25
J3	Pavement Marking	1,320	SF	\$ 1.00	\$ 1,320.00
Subtotal					\$ 59,115.00
	Contingency - allow 10%	1	LS	\$ 5,911.50	\$ 5,911.50
	Engineering	1	LS	\$ 10,563.87	\$ 10,563.87
	Total				\$ 75,590.37

25% Match

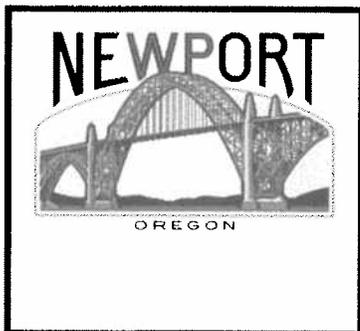
\$18,897.59

Qualifier: This Exhibit is the preliminary opinion of probable cost for the subject project. It will be updated at the following milestones: Bid Results (post bid), and Contract completion (post-construction). Until contract completion, it is only an estimate.

Prepared by WHPacific / Date: _____

Reviewed by ODA / Date: _____

Approved by Airport Sponsor / Date: _____

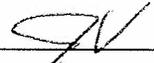


Agenda Item #
Meeting Date

VIII.D.
September 21, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Consideration of recommendation from Destination Newport Committee to expend room tax contingency funds for a PDXposed winter episode and bonus commercials.

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

Issue Before the Council: Should the Council consider the recommendation from Destination Newport Committee to expend \$20,000 out of room tax contingency funds for PDXposed to air a winter episode focusing on wintertime activities in Newport? The winter episode would cost \$15,000, and PDXposed is also offering for \$5,000 a 30 second TV commercial that will run in every episode of PDXposed for six months (48 times).

Staff Recommendation: Staff would concur with the recommendation received from the Destination Newport Committee. PDXposed previously produced two episodes for the City, and provided a good product that was well received.

Proposed Motion: I move to accept the recommendation from Destination Newport Committee to expend \$20,000 from room tax contingency funds for a PDXposed winter episode plus bonus commercials, and authorize the City Manager to execute all necessary contractual documents on behalf of the City Council.

Key Facts and Information Summary: PDXposed will be moving to FOX this month, and they are guaranteed double the broadcast TV exposure than what they were receiving at KGW. They would be airing on KPDX/PDXTV on Saturdays at 8 p.m. and on KPTV Sundays at 6 p.m. PDXposed considers Newport a great travel partner, and in addition to the winter episode, they will be providing great value for the 30-second commercial. Normally FOX charges \$300 for a commercial during the PDXposed episodes. Under the proposed arrangement, the City will be receiving 48 commercials valued at \$14,400 for \$5,000.

Other Alternatives Considered: None considered

City Council Goals: Economic Development and reviewing where marketing dollars are spent.

Attachment List:

N/A

Fiscal Notes:

\$20,000 from the Room Tax Fund, Advertising & Marketing-DNC Discretionary-Council approved line item

Cheryl Atkinson

From: Lorna Davis [lorna@newportchamber.org]
Sent: Wednesday, September 09, 2009 7:36 PM
To: Jim Voetberg; Cheryl Atkinson; ric@hallmarkinns.com; 'Carrie Lewis'; jclark@actionnet.net; villagebistro@preferredld.com; gabemac@hotmail.com; Lil Patrick; Mark McConnell
Subject: Agenda item for Council

Hi Jim and Cheryl and Mark,

The Destination Newport Committee corresponded, and all have concurred that we would like to recommend using \$20,000 in contingency funding to move forward with the PDXposed project for airing this winter. The focus would be on winter time activities in Newport. You can see (printed below) what is included for the \$20,000. The Committee would of course oversee content of the show.

Please let me know if you need something more formal than this.
I can get it to you Friday or Monday when I am back at a computer!

Thank you,

Lorna Davis
Executive Director
Greater Newport Chamber of Commerce
555 Sw Coast Hwy.
Newport Oregon 97365
541-265-8801
www.newportchamber.org

Jon Olson writes...

With our move to Fox in September, we are **guaranteed double the broadcast TV exposure**, airing on KPDX/PDXTV on Saturdays at 8pm and on KPTV, Sundays at 6pm!! Both are great airtimes.

We'd like to propose that we film a "storm watch" episode, promoting that you really can and should come to Newport during the winter months. You know we can do it in our fun and positive way and based on our great ratings, many thousands of people will see this new and interesting spin on Newport!

The cost for our show will *not increase*, so \$15,000 is still the price; however, we would also like to propose another opportunity, for only an additional \$5,000! *For a total of \$20,000, you'll get a full show and you'll also get a 30-second TV commercial produced that will run in every episode of PDXposed for six months (48 times)!!* For only \$5,000, you'll get the production of a 30-second commercial AND it will air within PDXposed for six months! Just so you know the tremendous value of this offering, Fox charges \$300 for a commercial during our airtime, so to purchase the time would cost \$14,400 just to run the commercial, production not included.

The City of Newport has been a great travel partner for us, which is why we are offering you this great value. As always, you would have total input into both the show and the commercial. You know we do good work and we'd be honored to partner with you all again. Please let me know if you need any additional information and we'll look forward to hearing your thoughts about this proposal.

Thanks for your time and I wish you a wonderful rest of your day!

9/16/2009



84th ANNUAL LOC CONFERENCE

October 1-3, 2009 ▪ Doubletree Lloyd Center, Portland

Designation of Voting Delegate at Annual Membership Meeting

The annual membership meeting will be held Saturday, October 3, at 8:00 a.m. Each city is entitled to cast one vote at the business meeting; however, all city officials are encouraged to attend the meeting.

Use this form to indicate those persons who will represent your city as a voting delegate and alternate delegate. The voting delegate or alternate should pick up a voting card at the Conference Registration Desk on Saturday morning prior to entering the business meeting.

NOTE: Delegates may not vote without a voting card, and voting cards will be issued only to a person indicated on this form. Voting by proxy will not be permitted.

FOR THE CITY OF _____

VOTING DELEGATE:

Name _____

Title _____

ALTERNATE:

Name _____

Title _____

Return by September 21 to:

League of Oregon Cities
Attn. Wendy Denney
P.O. Box 928
Salem, OR 97308
Fax: (503) 399-4863

Submitted by _____
(Signature)

Name _____

Title _____

Telephone _____