



**AGENDA and Notice of  
Executive Session,  
Urban Renewal Agency Meeting,  
Local Contract Review Board Meeting,  
and City Council Meeting**

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The City Council of the City of Newport will hold an executive session on Monday, December 17, 2012, at Noon, in Conference Room A, followed by a Local Contract Review Board Meeting and City Council meeting at 6:00 P.M. in the Council Chambers, City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meeting locations are accessible to persons with disabilities. A request for 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 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.

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**City Council Executive Session  
Monday, December 17, 2012 - 12:00 P.M.  
Conference Room A**

- I. Executive Session Pursuant to ORS 192.660(2)(e) - Real Property Transactions
- II. Executive Session Pursuant to ORS 192.660(2)(i) - Performance Evaluation of the City Manager

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**URBAN RENEWAL AGENCY MEETING  
Monday, December 17, 2012-- 5:30 P.M.  
City Council Chambers**

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

- I. Call to Order and Roll Call
  - II. Public Comment  
*This is an opportunity for members of the audience to bring to the Council's attention any item not listed on the Agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.*
  - III. Consent Calendar  
*The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request*
    - A. Urban Renewal Agency Minutes from the Meeting of November 19, 2012 (Hawker)
  - IV. Action Items
    - A. Authorization for Modification of Restrictive Covenant/Deed Restriction and Release of Sewer Easement for Property Owned by the Whaler Motel (Tokos)
  - V. Public Comment
  - VI. Adjournment
- 

**LOCAL CONTRACT REVIEW BOARD MEETING AGENDA**  
**Monday, December 17, 2012**  
**City Council Chambers**

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chambers.*

- I. Call to Order
  - II. Action Items
    - A. Declaring Fire Engine as Surplus
  - III. Adjournment
- 

**CITY COUNCIL MEETING AGENDA**  
**Monday, December 17, 2012**  
**City Council Chambers**

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to*

*the City Council Chambers. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda.*

**I. Pledge of Allegiance**

**II. Call to Order and Roll Call**

**III. Additions/Deletions and Approval of Agenda**

**IV. Public Comment**

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

**V. Consent Calendar**

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

- A. Approval of Minutes from the Work Session and Regular City Council Meeting of November 19, 2012 (Hawker)
- B. Report of Accts. Paid for November 2012 (Marshall)

**VI. Officer's Reports**

- A. Mayor's Report
- B. City Manager's Report
  - 1. Department Head Reports
  - 2. Suggestion, Concern, Complaint Form
  - 3. Project Manager's Report

**VII. Discussions and Presentations**

- A. Tree City USA presentation
- B. Yaquina Bay Ocean Observation Initiative- Lavarkas
- C. Community Microenterprise Program- Faust
- D. Ad Hoc Wayfinding Committee Report
- E. Audit Report Presentation- Marshall
- F. Requests by Councilors Sawyer and Allen regarding Reno lawsuit

**VIII. Proclamations**

- A. Arbor Day Proclamation

**7:00**

**IX. Action Items**

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

- A. Consideration of Automatic Aid Agreement with Seal Rock Fire District (Paige)
- B. Consideration of Resolution No. 3619 Regarding Annual SDC Fee Adjustment (Tokos)
- C. Discussion and Potential Action on a Recommendation from the Planning Commission Regarding the Territorial Sea Planning Process (Tokos/Allen)
- D. Consideration of Support of Community Microenterprise Program (Voetberg)
- E. Consideration of Canvas of Ballots of November 6, 2012 Municipal Election (Voetberg)

**X. Council Reports and Comments**

**XI. Public Comment**

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

**XII. Adjournment**

November 19, 2012  
6:23 P.M.  
Newport, Oregon

The Urban Renewal Agency of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Beemer, Allen, Bertuleit, Brusselback, McConnell, Roumagoux, and Sawyer were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, and Police Chief Miranda.

### **PRESENTATION OF COLORS**

Members of the American Legion Post 116, from Newport, presented the colors. The Urban Renewal Agency and audience members participated in the Pledge of Allegiance.

### **CONSENT CALENDAR**

The consent calendar consisted of the following item:

- A. Urban Renewal Agency minutes from the November 5, 2012 meeting.

It was noted that since these were joint minutes of the URA and City Council; they could be discussed during the City Council meeting.

### **ACTION ITEMS**

**Potential Response to a Letter from The Whaler Motel Regarding a 1992 Urban Renewal Agency Land Sale/Development Agreement.** Tokos reported that the issue before the URA is consideration of whether relinquishing a covenant/deed restriction authorizing the URA to repurchase property that it sold to The Whaler if they failed to complete a second phase of the motel expansion by July 23, 2014 is consistent with the URA's objectives in offering the property for sale.

John Clark appeared before the URA regarding this request. He reported that when he received the 2007 extension, it was not to construct a pool and exercise facility, but to improve the western side of the building, which was completed in 2008 at a cost of \$750,000. He noted that he completed a pool building in Phase One. He added that the request to relinquish the deed restriction is being made for the reasons outlined in his letter including the difficulty of financing, the recently revised geologic hazard ordinance, the sewer easement, and the demand for units. He noted that if the URA does not grant the request, he will have to make a decision regarding constructing something or not doing something that is not feasible.

Beemer asked if Clark could sell the property for a greater amount than he paid if the deed restriction was released. It was noted that the sewer easement is moot because the sewer has been abandoned.

Roumagoux asked Clark about the impact of the revised geological hazard ordinance on his property. Tokos noted that it is unlikely to have a significant impact.

Bertuleit suggested that Clark meet with Voetberg and Tokos to work out particular details, and to clarify Clark's goals and objectives.

McConnell asked what a reasonable extension would be, and Clark noted that another seven years from 2014, but that it may make the property more difficult to sell.

Beemer noted that since this agreement was executed, the Elizabeth Inn had been built; the Hallmark enlarged; and three South Beach hotels built, and this has had an impact on potential development of this property.

### ADJOURNMENT

Having no further business, the meeting adjourned at 6:31 P.M.

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Margaret M. Hawker, City Recorder

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Jeff Bertuleit, Chair



Agenda Item # URA-IV-A  
Meeting Date December 17, 2012

**CITY COUNCIL/URBAN RENEWAL AGENCY**  
**AGENDA ITEM SUMMARY**  
City of Newport, Oregon

Issue/Agenda Title Modification of restrictive covenant/deed restriction and release of sewer easement for property owned by the Whaler Motel

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

**ISSUE BEFORE THE COUNCIL:** Modification of a covenant/deed restriction that authorizes the Urban Renewal Agency to repurchase property that it sold to The Whaler if they fail to complete a second phase of the motel expansion by July 23, 2014. The proposal would provide The Whaler with an additional five (5) years to construct the improvements, with a new buyback date of July 23, 2019. Additionally, the covenant/deed restriction will be modified to indicate that the City has the authority to repurchase the property, as opposed to the Agency, since Newport Urban Renewal district will likely close within the next year. The subject property is identified as TL 15902, Section 8BB, T11S, R11W W.M.

In addition to modifying the deed restriction, the City will release a sewer easement affecting the property with the caveat that the property owner will be responsible for decommissioning the abandoned sewer line at such time as the property is developed.

**STAFF RECOMMENDATION:** The Council, acting as the Newport Urban Renewal Agency, should determine if the proposed actions are consistent with the Agency's objectives in offering the property for sale, which were to "permit the property to be developed in a beneficial and attractive manner."

**PROPOSED MOTION:** I move that the City Council and Urban Renewal Agency authorize the City Manager to modify the covenant/deed restriction and release the sewer easement, as discussed, subject to review by the City Attorney.

**KEY FACTS AND INFORMATION SUMMARY:** The original sale ties back to a May 22, 1992, Newport Urban Renewal Agency solicitation for proposals to purchase and develop property owned by the Agency and identified as the "Elizabeth Street Property." The property included all or a portion of 10 contiguous lots totaling 30,800 in size. The solicitation stated "The property is being sold in order to permit it to be developed in a beneficial and attractive manner." It goes on to impose specific use limitations and development requirements intended to ensure that the selected proposer would construct the envisioned improvements. This is consistent with the Newport Urban Renewal Agency's objective of buying and reselling land for the purpose of reducing blight by facilitating the redevelopment of property in a manner that improves the economic, social, and physical health of the area. A minimum sales price for the property was set at \$220,000.

A proposal was accepted from The Whaler to purchase the property for \$301,000. The concept for development was a two phased hotel expansion that was to take place over a 15 year period. As noted in a letter from The Whaler, dated January 29, 2007, the first development phase consisted of a 12-unit expansion that was completed in 1994. Phase II involves the construction of additional units on the northern portion of the property. In 2007, the Newport Urban Renewal Agency extended the deadline for Phase II construction by seven years, to July 23, 2014. This was done at The Whaler's request. In an October 31, 2012 letter, The Whaler asked that the Agency

release the buyback option altogether. They further requested that the City vacate a sewer easement that encumbers the north portion of the property, if it is no longer needed.

At its November 19, 2012 meeting, the Council considered The Whaler's request and asked that staff meet with them to come up with an alternative to releasing the covenant/deed restriction. This led to the development of a proposal to extend the buyback clause by five (5) years, coupled with the release of the sanitary sewer easement. It is reasonable for the Council to find this proposal to be consistent with the Agency's objective of seeing the property developed with a motel use, as it provides additional time for market conditions and related factors to improve to the point where such a project is viable. Eliminating the sewer easement removes an obstacle to the expansion of the motel, which is also consistent with the Agency's objective of seeing the property developed. The sewer easement is no longer needed because the sewer line that extends into the property was abandoned when the SW Elizabeth Street sanitary sewer reconstruction project was completed in 2010.

It may be that construction of additional motel units is not the best complimentary economic use of the property. If that is the case, then the extension affords The Whaler additional time to plan for, and coordinate with the City on, an alternative concept.

**OTHER ALTERNATIVES CONSIDERED:** None.

**CITY COUNCIL GOALS:** None.

**ATTACHMENT LIST:**

- October 31, 2012 letter from The Whaler Motel
- Map of the property
- Deed documents listing the covenants and restrictions
- Map showing the alignment of the abandoned sewer line

**FISCAL NOTES:** There are no immediate fiscal impacts. If the buyback option is extended then a future Council may be faced with a decision regarding whether or not the property should be purchased. That decision would need to be made within 12 months of the July 23, 2019 deadline, assuming The Whaler does not construct the Phase II expansion. The cost would be 9.77 per square foot, or approximately \$217,328.50.

155 S.W. Elizabeth Street  
Newport, Oregon 97365



(541) 265-9261  
FAX: (541) 265-9515  
[www.whalernewport.com](http://www.whalernewport.com)

October 31, 2012

Newport Urban Renewal Agency/Newport Mayor and City Council  
169 SW Coast Hwy.  
Newport, Oregon 97365

Dear Mayor and Councilors,

The attached letter to the Newport Development Commission dated January 29, 2007 summarizes a property purchase by the Whaler Motel from the Newport Urban Renewal Agency in 1992 and the development requirements of our agreement.

The Development Commission or Urban Renewal Agency, I will use those terms interchangeably, granted us a 7 year extension as requested to complete phase II of our original agreement.

We fulfilled our plans stated in the letter to use the time extension to substantially upgrade our building by adding new siding, windows and balconies to the west side our building and constructed an elevator addition to the east side of our structure.

The amended covenant required that we complete the build out of the remaining land (Phase II) by July 23, 2014. After much thought and analysis, we are asking that this covenant be removed from our property for the following reasons.

First and foremost, a portion of this parcel is now identified to be within a moderate geological hazard zone. We feel that this would make the property more expensive and more difficult to develop than either party to the 1992 agreement ever contemplated. Without a full geological analysis it is difficult to determine if development would be able to occur at all or with what restrictions.

Secondly, current economic conditions have changed dramatically from what we foresaw at the time of the earlier agreements. The difficulty to obtain financing for a project in this

environment (economically & geologically) is a true unknown and would be a challenge at best, if not impossible.

Thirdly, there is a 1955 sewer easement that covers a portion of the property which may limit development if the city would not modify or eliminate the easement entirely. As part of your action on this matter, we would ask that this easement be vacated if no longer needed by the city.

Lastly, the large number of lodging inventory already available in Newport coupled with slower demand in this economic climate leads us to question the viability of adding additional units for us and the community as well.

We have operated our business for 33 years and would like to retire sometime and allow someone else to follow in our footsteps. We feel that to retain the covenant requiring building on the property within a certain time frame would unrealistically burden us and/or any new owner.

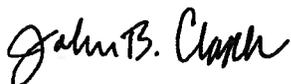
We have paid thousands of dollars of property taxes on the purchased parcel on the phase that we developed and on the undeveloped land as well. As you know, this amount is increased each year, so we feel that the sale by the Development Commission to add this property to the tax rolls was a correct choice for both parties. The parcel we purchased (both the developed piece and the undeveloped piece) will pay \$16,951 in property taxes for 2012-2013. Interestingly, in 1992 The Whaler paid approximately \$22,000 in property taxes, this year's tax bill for the Whaler is \$74,000.

This parcel is an important part of our business and we want to safeguard our investment. As we stated in our 2007 letter, we feel it would be foolish to construct some type of lodging units to comply with phase II, but it would not be what we would want nor would it add enhanced value the development commission would probably desire. We have always prided ourselves on providing a quality lodging experience and sincerely want to continue that tradition.

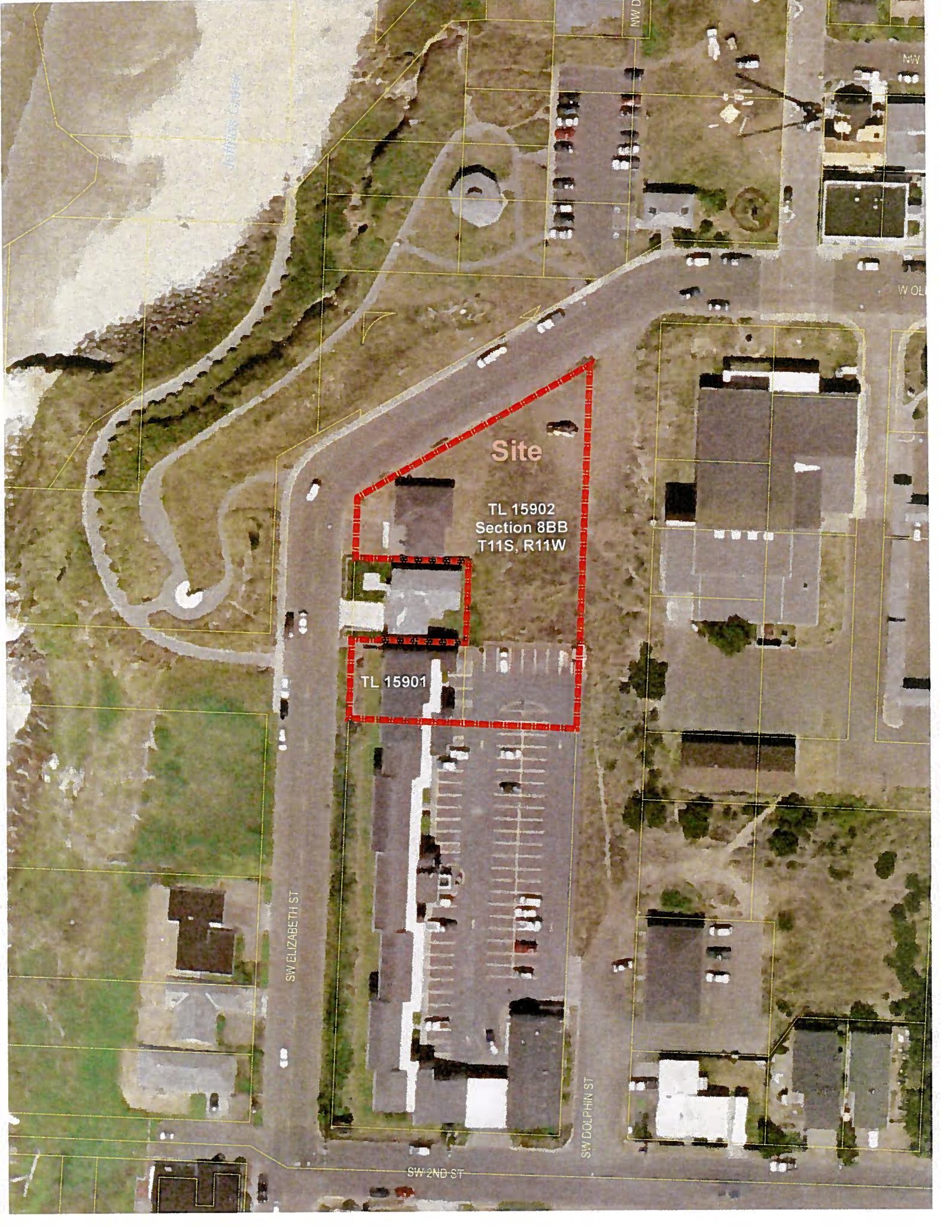
If our request is approved, we will pay the legal fees to have any necessary documents prepared and recorded.

Thank you for your consideration.

Respectfully,



John B. Clark  
President & General Manager



Site

TL 15902  
Section 8BB  
T11S, R11W

TL 15901

SW ELIZABETH ST

SW DOLPHIN ST

SW 2ND ST

Jeffress Creek

NW D

NW

W O L

247 NOV 1920

11-11-8-88 TL 15900, 15901, 15902

LCT 203215-6

WARRANTY DEED

AFTER RECORDING RETURN TO:

UNLESS A CHANGE IS REQUESTED  
SEND TAX STATEMENTS TO:

Grantor:

MINOR & BOONE, P.C.

NEWPORT URBAN REVENUE AGENCY

P.O. BOX 510

Grantee:

NEWPORT, OR 97365

CLARK, CLAY, EDSON

NO CHANGE REQUESTED

WARRANTY DEED

The NEWPORT URBAN REVENUE AGENCY, an urban renewal agency organized and existing pursuant to Chapter 457, ORS, a governmental body and political subdivision of the State of Oregon, Grantor, conveys and warrants to MARK CLAY and JANET E. CLAY, husband and wife, as to an undivided 1/3 interest; JOHN E. CLARK and JORNEE M. CLARK, husband and wife, as to an undivided 1/3 interest; and BRUCE EDSON and JANE M. EDSON, husband and wife, as to an undivided 1/3 interest, Grantees, the following described real property free of encumbrances except as specifically set forth herein, situated in Lincoln County, Oregon, to-wit:

Lots 7, 8, 9, 10 and 28; also the south 10 feet of Lot 17, the north 30 feet of Lot 16 and those portions of Lots 11, 12, 14 and 15 lying southwesterly of that tract described in Deed to the City of Newport, recorded April 21, 1971 in Book 25, page 87, File Records for Lincoln County, Oregon, in Block B, BARKERS BROOKS in Bye and Thompson's Addition to Newport, in the City of Newport, County of Lincoln and State of Oregon.

The said property is free from encumbrances except:

1. 1992-93 taxes, a lien in an amount to be determined but not yet payable.
2. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
3. An easement created by instrument, including the taxes and provisions thereof, dated August 10, 1955 and recorded March 14, 1963 in Book 232, page 500, File Records of Lincoln County, Oregon, in favor of the City of Newport for sewer purposes.
4. Rights of the tenants in the existing residential structures. Grantor hereby assigns and transfers unto the Grantees all of the Grantor's interest, as landlord, in and to any lease or rental agreements affecting the subject property.
5. Covenants, conditions and restrictions as set forth in Exhibit A attached hereto, and made a part hereof.
6. Any right, title, interest, claim or encumbrance as might be disclosed by an inspection or survey of the premises, or reasonable inquiry of persons in possession thereof.

W-247-1921

The true consideration for this conveyance is \$301,000.00.

Dated this 23 day of July, 1992.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

NEWPORT URBAN REDEMPTION AGENCY

By: William J. McDevitt  
Chairman

Attest:

San I. Sasaki, Jr.  
Secretary

STATE OF OREGON, County of Lincoln ) ss.

July 23, 1992.

Personally appeared the above named William J. McDevitt and San I. Sasaki, Jr. who, being duly sworn, did say that they are, respectively, the Chairman and Secretary of the Newport Urban Redevelopment Agency, a municipal corporation and political subdivision of the State of Oregon, and acknowledged the foregoing instrument to be its voluntary act and deed.

Before me:

Ernest R. Johnson  
Notary Public for Oregon  
My commission expires: 5-9-94



247ma1922

EXHIBIT A

COVENANTS, CONDITIONS AND RESTRICTIONS

The conveyance of the aforesaid property is subject to the following covenants, conditions and restrictions, which are hereby imposed:

1. The subject property shall be developed in accordance with the proposal requirements established by the Newport Urban Renewal Agency, as contained in the Proposal Information Packet provided to the Grantee, and in accordance with the proposal submitted by the Grantee, which are on file with the Newport Urban Renewal Agency.
2. The first phase of the development shall commence, be completed and placed in service within eight years following the date of this conveyance and the second phase of the project shall be completed and placed in service not later than fifteen years following the date of this conveyance. The property thereafter shall be used for no other purpose for a period of 20 years following completion of the development.
3. In the event the Grantee shall fail to comply with the above requirements for completion and placement of Phase I of the development in service within eight years, as above provided, the Grantor shall have the right and option to repurchase the property for the same amount as the consideration herein stated, upon written notice from Grantor to Grantee within twelve months following the expiration of the said eight year period. If the Grantee shall complete development of Phase I, but shall not complete Phase II within fifteen years as above provided, the Agency may repurchase such part of the property as is not utilized for Phase I of the development based on a price of \$9.77 per square foot, upon notice to the Grantee not later than twelve months following the expiration of the fifteen year period.
4. Any other obligation under these covenants may be enforced by a suit for specific performance, injunction or similar equitable relief.
5. These requirements shall be in the nature of covenants running with the land, and shall be binding upon the Grantee and the heirs, successors and assigns of the Grantee, and the benefits shall inure to the Grantor and to the heirs, successors and assigns of the Grantor. These covenants may be amended from time to time by mutual agreement of the Grantor and the Grantee, or their successors.



STATE OF OREGON ) ss.  
 County of Clatsop )  
 I, David W. Austin, County Clerk, do hereby certify that the within instrument was recorded for record, and returned to the office of Records of said county of Clatsop, Oregon.  
 Book 247 Page 1935  
 WITNESS my hand and seal of said office at Astoria, Oregon, this 24th day of July, 1992.  
 By [Signature] County Clerk  
 Doc : 5082333  
 Rec : 30674 45.00  
 07/24/1992 11:47:18AM LGT

OR 11-11-88 TLA 15900, 15901, 15902  
BARGAIN AND SALE DEED-STATUTORY FORM  
MARK CLAY and JANET E. CLAY, husband and wife, as to an undivided 1/3 interest; JOHN B. CLARK and JOHANE M. CLARK, husband and wife, as to an undivided 1/3 interest; Grantor, conveys to WHEELER HOTEL, INC.

Granted, the following real property situated in \_\_\_\_\_ County, Oregon, to-wit:

Lots 7, 8, 9, 10 and 18; also the South 10 feet of Lot 17, the North 30 feet of Lot 16 and those portions of Lots 11, 12, 14 and 15 lying southeasterly of that tract described in Deed to the City of Newport, recorded April 21, 1971, in Book 23, page 87, Film Records for Lincoln County, Oregon, in Block B, HARLONS BLOCKS in Eye and Thompson's Addition to Newport, in the City of Newport, County of Lincoln and State of Oregon.

EXCEPTING THEREFROM any portions lying within roads, streets and highways.  
John B. Clark, JoAnne M. Clark, Mark Clay

and BRUCE BOHMAN and JANE K. BOHMAN, husband and wife, as to an undivided 1/3 interest

The true consideration for this conveyance is \$... (Here comply with the requirements of ORS 93.030) to transfer title into a corporate entity.

Dated this 23 day of JULY 1992

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEED TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of LINCOLN  
This instrument was acknowledged before me on JULY 23 1992 by JOHN B. CLARK, JOHANE M. CLARK, MARK CLAY, JANET E. CLAY, BRUCE BOHMAN, JANE K. BOHMAN  
Notary Public for Oregon  
My commission expires 5-9-94

BARGAIN AND SALE DEED  
STATE OF OREGON, County of \_\_\_\_\_  
I, Dana W. Jackson, County Clerk, in and for said county, do hereby certify that the above instrument was recorded for record, and recorded in the Book of Records of said county of Lincoln, Oregon, for Book 247 Page 1252  
Doc : 6082334  
Rect : 30674  
07/24/1992 11:47:19AM  
35.00  
LC7

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon. WITNESS my hand and seal of said office affixed.

*Dana W. Jenkins*  
DANA W. JENKINS, Lincoln County Clerk



Doc : 200704725  
Rect: 703039 36.00  
04/02/2007 09:30:30am

After Recording Return To: Waarvick & Waarvick. P.O. Box 1144  
Newport OR 97365

Until a change is requested, all tax statements  
shall be mailed to the following address:  
NO CHANGE

THIS COVER SHEET HAS BEEN PREPARED FOR ATTACHMENT TO THE ACCOMPANYING  
DOCUMENT AS PROVIDED BY ORS 205.234. ANY ERRORS IN THIS COVER SHEET DO NOT  
AFFECT THE TRANSACTION(S) CONTAINED IN THE DOCUMENT ITSELF.

- Deed    Trust Deed    Contract or Memorandum    Satisfaction
- Assignment of Contract    Reconveyance of Trust Deed
- Other (specify)   Amendment to Covenants, Conditions & Restrictions

From: Newport Urban Renewal Agency  
To: Whaler Motel, Inc.

After Recording Return to:  
Waarvick & Waarvick  
P.O. Box 1144  
Newport OR 97365

**AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS**

WHEREAS certain Covenants, Conditions and Restrictions were recorded on July 24, 1992, in the Lincoln County Book of Records as "Exhibit A" in Book 247, at page 1922 as part of Document 6082333; and

WHEREAS paragraphs 2 and 3 on said page 1922 contained requirements that certain phases of development be completed within certain specified periods of time; and

WHEREAS the current parties affected by said Covenants, Conditions and Restrictions have agreed that the time period for the completion of the second phase of development should be extended by seven (7) years;

THEREFORE, IT IS HEREBY AGREED that said paragraphs 2 and 3 are amended in their entirety and are hereby replaced by the following amended paragraphs "2." and "3.":

"2. The first phase of development shall commence, be completed and placed in service within eight (8) years following the date of this conveyance and the second phase of the project shall be completed and placed in service not later than July 23, 2014. The property thereafter shall be used for no other purpose for a period of twenty (20) years following completion of the development."

"3. In the event the Grantee shall fail to comply with the above requirements for completion and placement of Phase I of the development and service within eight (8) years, as above provided, the Grantor shall have the right and option to repurchase the property for the same amount as the consideration herein stated, upon written notice from Grantor to Grantee within twelve (12) months following the expiration of said eight (8) year period. If the Grantee shall complete development of Phase I, but shall not complete Phase II by July 23, 2014, as above provided, the Agency may repurchase such part of the property as

is not utilized for Phase I of the development based on a price of \$9.70 per square foot, upon notice to the Grantee not later than twelve (12) months following July 23, 2014."

Dated: March 30, 2007

NEWPORT URBAN RENEWAL AGENCY, by:

Mary Lou Yeck  
MARY LOU YECK, Vice Chairman

WHALER MOTEL, INC., by:

John B. Clark  
JOHN B. CLARK, President

STATE OF OREGON )  
                          ) ss.  
County of Lincoln )

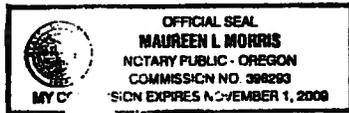
On the 30 day of March, 2007, Mary Lou Yeck as Vice Chairman of the Newport Urban Renewal Agency appeared before me and declared the foregoing instrument to be their voluntary act and deed.



Maureen L. Morris  
NOTARY PUBLIC FOR OREGON

STATE OF OREGON )  
                          ) ss.  
County of Lincoln )

On the 30 day of March, 2007, John B. Clark as President of Whaler Motel, Inc. appeared before me and declared the foregoing instrument to be his voluntary act and deed.



Maureen L. Morris  
NOTARY PUBLIC FOR OREGON

Surf St

Sanitary Sewer Lat  
in  
Barlow Block B

May 1963

EXISTING SEWER

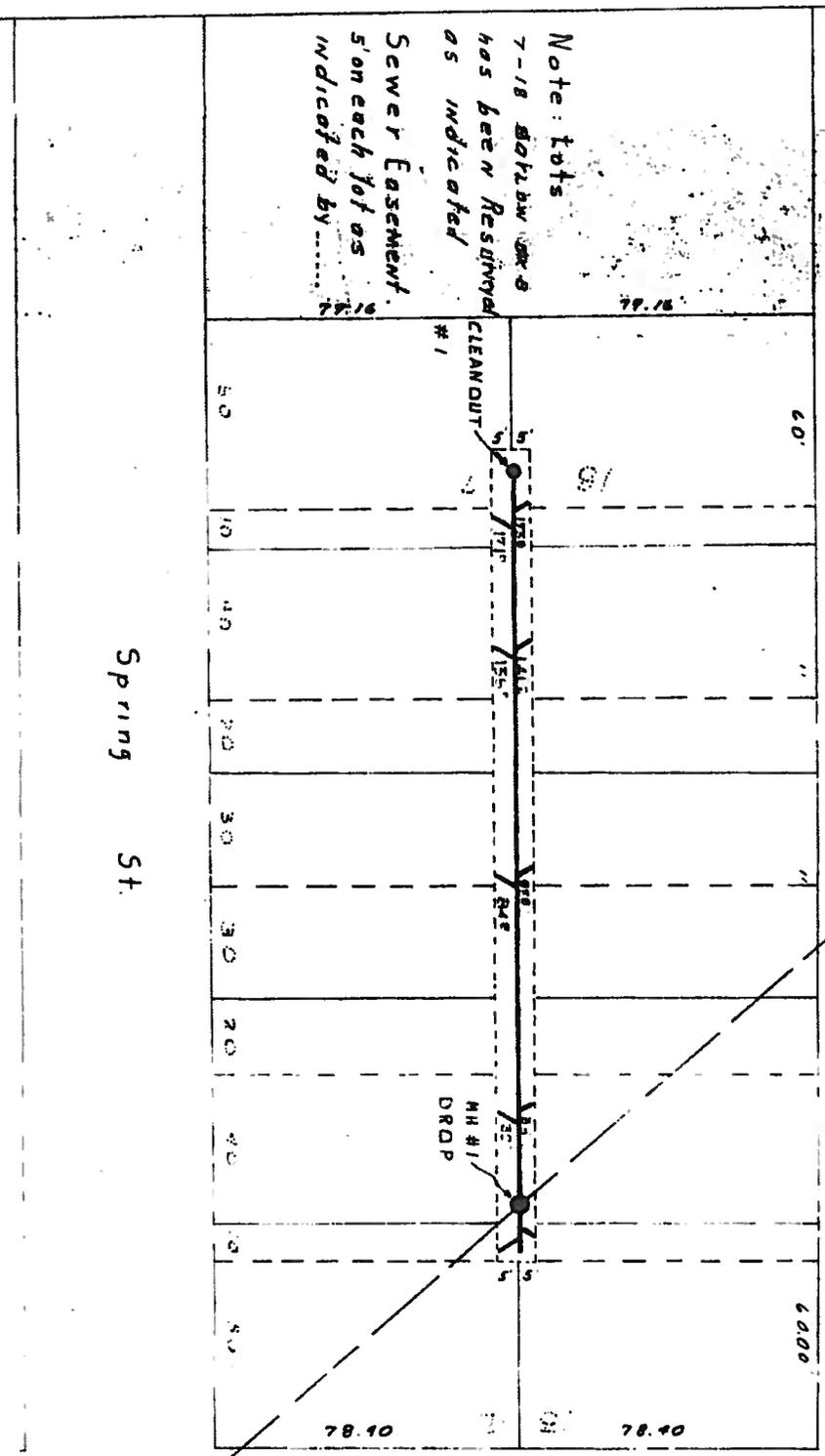
4 TBM  
N. RIM MH 73.30

Elizabeth St

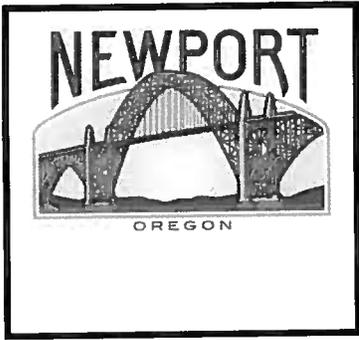
Olive St

Spring St

Note: lots  
7-18 Barlow Block  
has been Resurveyed  
as indicated  
Sewer Easement  
on each lot as  
indicated by.....







Agenda Item # LCR-II-A  
Meeting Date December 17, 2012

**LOCAL CONTRACT REVIEW BOARD  
AGENDA ITEM SUMMARY  
City Of Newport, Oregon**

Issue/Agenda Title: Declaration of Surplus Fire Engine

Prepared By: Phil Paige, Fire Chief Dept Head Approval: PLP City Manager Approval: [Signature]

**Issue Before the Council:** Should the Local Contract Review Board declare a 1996 International/ KME Fire Engine surplus property?

**Staff Recommendation:**

Staff recommends that the Local Contract Review Board declare a 1996 International/ KME Fire Engine surplus property, and authorize City staff to dispose of the vehicle according to Public Contracting Rules.

**Proposed Motion:**

I move that the Local Contract Review Board declare a 1996 International/ KME Fire Engine, apparatus No. 0961, surplus property; and hereby authorize City staff to dispose of the vehicle according to Public Contracting Rules.

**Key Facts and Information Summary:**

The Public Contracting Rules, Division 46 Class Exemptions outlines guidelines for the declaration and disposition of surplus property. Section E-16 and sub-section (3) provide that the Local Contract Review Board must approve the disposition of surplus personal property that may have a value of more than \$10,000.

The Fire Department recently purchased two used fire engines to replace one engine that was previously disposed of, and a 1996 International/ KME Fire Engine, which until recently, was in service. Staff estimates the value of the International/ KME engine to be between \$10,000 and \$20,000 and therefore, requests that the Local Contract Review Board declare the engine surplus and authorize City staff to dispose of the vehicle according to Public Contracting Rules. The engine will then be offered for sale through public auction or other appropriate means.

**Other Alternatives Considered:**

The City could offer the vehicle to other governmental entities for a reduced price or as a donation.

**Attachment List:** City of Newport Surplus Property Declaration Form

**Fiscal Notes:** It is requested that any funds received as a result of this sale be considered for re-appropriation into the apparatus replacement fund.





November 19, 2012  
Noon  
Newport, Oregon

## CITY COUNCIL WORK SESSION

Councilors present: McConnell, Brusselback, Beemer, Roumagoux, Allen, Sawyer, and Bertuleit.

Councilor-elect Swanson was also present.

Staff present: Voetberg, Hawker, and Paige.

Council discussed the following item:

1. **City Council Transition**. McConnell noted that it is time to develop a list of what Council wants to do in January and February, and how it wishes to go about filling the vacancy of Roumagoux when she becomes Mayor in January.

In filling Roumagoux's vacancy, Council agreed to:

- A. Advertise the potential opening as soon as possible, noting that this term will expire in 2015;
- B. Establish a deadline of December 28, 2012 for receipt of applications from interested applicants;
- C. Interview and appoint an applicant to fill the vacancy at the evening meeting of January 7, 2013.

Councilor-elect Laura Swanson arrived and made a few remarks.

It was noted that a City Council orientation needs to be scheduled, and Council agreed to schedule it on January 22, 2013 at the noon work session. It was requested that Christy Monson attend and review Council Rules and other related issues.

It was agreed to have a financial update/budget process review at the February 4, 2013 work session.

It was agreed to hold the Council goal setting session on February 19, 2013 in place of a work session.

It was noted that a tour of city property would be scheduled at a later date.

A joint meeting with the Lincoln County Commissioners will be scheduled after the beginning of the year.

It was asked that a joint meeting with the Port of Newport be scheduled at the March 4, 2013 work session.

It was also noted that a tour of the Maritime Museum needs to be scheduled.

Committee liaison assignments will be made at the February 4, 2013 work session.

Voetberg reported that he would introduce Councilors-elect Swanson and Busby to staff.

It was agreed that Councilors-elect could attend executive sessions.

Having no further business, the meeting adjourned at 12:24 P.M.

November 19, 2012  
6:45 P.M.  
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Beemer, Allen, Bertuleit, Brusselback, McConnell, Roumagoux, and Sawyer were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, Public Works Director Gross, Police Chief Miranda, Fire Chief Paige, and Assistant Finance Director Brown.

### **PUBLIC COMMENT**

Mike Becker suggested another Bayfront Town Hall meeting approximately six weeks after the start of crab season. He requested permission to work with staff on a proactive approach to communicating with the fishing industry.

### **CONSENT CALENDAR**

The consent calendar consisted of the following items:

- A. Approval of City Council and Urban Renewal Agency joint meeting minutes from November 5, 2012;
- B. Report of accounts paid for October 2012;
- C. OLCC license approval for Bridges Restaurant.

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

### **OFFICER'S REPORTS**

**Mayor's Report.** McConnell appointed Lori Mackey to the Parks and Recreation Committee. MOTION was made by Bertuleit, seconded by Beemer, to ratify the Mayor's appointment. The motion carried unanimously in a voice vote.

McConnell stated that he hoped everyone could see "The Producers" which is currently playing at the PAC.

**City Manager's Report.** Voetberg reported that the updated suggestion/concern/complaint report is included in the packet as are the departmental monthly reports.

Sawyer asked about the outside patio at Bier One, and Tokos explained that the business is in compliance with city code and pays a fee to use a portion of the right-of-

Bertuleit asked for an update on the Ash Street Improvement Project, and Gross noted that the city is waiting for one easement after which the project will be advertised.

Tokos explained the permitting process and fees for the placement of portable signs in rights-of-way. He added that the fees can be changed by resolution.

Sawyer questioned the water hook-up fee, and staff agreed to follow-up.

Bertuleit noted that the 3<sup>rd</sup> and Avery Streets realignment had turned out well.

McConnell asked whether there had been any issues with the heavy rains, and Gross updated Council regarding the workings of the various pumps.

Voetberg noted that the Fire Department report indicates a temporary employee will be hired as a regular full-time firefighter effective December 1 to fill in for a firefighter on light duty, and a firefighter who will soon be on FMLA. He noted that the position is not permanent and can be terminated at any time. Voetberg added that the packet contains a proposed organizational chart for the consolidation of administrative work for various fire departments.

Voetberg reported that Jerry Sabanskas had retired after 30 years of service.

Voetberg noted that he will be out of town from Thursday to December 2, and during his absence, Miranda will act as manager.

Voetberg reviewed the chronology of decision points during the NPA collective bargaining process. Allen stated that he was not expecting a fiscal impact of nearly \$120,000 to the General Fund, over a three-year period, because the NPA is not moving to the high deductible health plan. He noted that a decision has been made and the city must move forward. He added that his expectation, as a City Council member, is that when Council has a position, he would like to know in advance if it appears things are deviating from the Council position.

Sawyer asked whether there is a way to track the fiscal impact and usage of the Recreation Center by employees receiving membership as a benefit.

## PRESENTATIONS

**CERT Graduation.** Sawyer made a PowerPoint presentation that reviewed the CERT program and its training. The following individuals graduated from CERT training: Susan Sturm, LeOra Johnson, Russell Johnson, Larry Anthony, Frank Bice, Maggie Bice, Linda Carskadon, Robert Carskadon, Mellisa Chown, Dayna Douglas, Kyle Folies, Joe Folies, Dean Gissel, Pattyrose Nakashima, Robert O'Brien, Veronica O'Brien, Lurlyn Patrick, McKenzie Reeves, Julia Romero, and Susan Townsend.

**American Legion Presentation Regarding 2013 Oregon Convention - David Bowman.** David Bowman reported that Newport will host the 2013 Department of Oregon American Legion Convention. He added that this event will bring lots of Legionnaires to the community during the week of June 25 - 29, 2013. He thanked local businesses for supporting this conference, and added that he will seek a Mayoral proclamation for this event at a later date.

## ACTION ITEMS

**Consideration of Special Event Permit Fee Waiver for the 2013 Seafood and Wine Festival.** It was reported that the issue before Council is whether to approve a special

event permit fee waiver request for the Greater Newport Chamber of Commerce for the 2013 Seafood and Wine Festival to be held on February 21, 22, 23, 24, 2013. Lorna Davis, executive director of the Chamber of Commerce, responded to Council questions. MOTION was made by Beemer, seconded by Bertuleit, to approve the special event permit request for the Greater Newport Chamber of Commerce for its 36<sup>th</sup> annual Seafood and Wine Festival to occur on February 21, 22, 23, 24, 2013, as the event complies with special event permit criteria and guidelines, and to transfer \$5,850 from the Transient Room Tax Fund to the General Fund representing a contribution by the city of 35% of the estimated total city costs, the balance of which will be invoiced to the Chamber. A condition of approval is that the Community Development Department authorizes the temporary structure permit, and the temporary signage request, and that signs not be placed to create a hazard to pedestrian or vehicular traffic such as obstructing sight distance or other views. A further condition is that where public or emergency access could be blocked or impeded, event organizers are required to consult with the Fire and Police Departments prior to the event. The motion carried unanimously in a voice vote.

**Authorization to Submit Projects for the 2015-2018 STIP Enhance Program (State Transportation Improvement Program).** Tokos reported that the issue before Council is consideration of whether the Community Development Department should prepare and submit applications to the Oregon Department of Transportation for the “Enhancement” element of the 2015-2018 update to the State Transportation Improvement Plan (STIP). He reviewed the project priorities, and required grant matches. Tokos responded to Council questions. MOTION was made by Roumagoux, seconded by Beemer, that the Council authorize staff to submit STIP applications for these projects and to identify the SE 35<sup>th</sup> and US 101 intersection project as the city’s top priority for funding. The motion carried unanimously in a voice vote.

**Authorization to Apply for Lincoln County Matching Grant for Disaster Supplies.** Sawyer reported a possible conflict of interest as he is submitting the same grant for his employer, and he recused himself. Paige reported that the issue before Council is whether the city should apply for Lincoln County Disaster Preparedness Grants and provide matching funds in the amount of \$5,000 for cooperative establishment of disaster caches with the Lincoln County School District and other local agencies. Voetberg reported that in the packet is the list of other agencies that are on board. MOTION was made by Brusselback, seconded by Allen, that the City Manager be authorized to submit two Lincoln County Disaster Preparedness Grant applications on behalf of the City of Newport and the Newport Fire Department for the purchase of unified caches of emergency shelter supplies, with the understanding that the grants require a 50% match equaling a total of \$5,000. The motion carried unanimously in a voice vote with Sawyer abstaining.

## **COUNCIL REPORTS AND COMMENTS**

McConnell noted that Council had held a work session earlier in the day and made plans for the transition to a new City Council and Mayor. He added that when the new Mayor is sworn in, a Council vacancy will exist. He stated that staff will send an

announcement about the vacancy and how the position will be filled. He reported that applications are due by December 28, and that Council will interview applicants at its January 7 meeting, and make a decision that evening. It was noted that applicants can use the volunteer application form on the city website.

McConnell reported that he attended an Audit Committee meeting, and that a report will be made to Council at its December 17 meeting. Allen asked that the three page summary of the audit be sent to Council before the next meeting. He added that Audit Committee minutes will be posted on the city website under the Audit Committee link. McConnell noted that one of the recommendations from the Audit Committee report is that Council spend more time looking at financial reports, and that this be included in the City Council minutes on a regular basis.

Allen reported that he had attended a FINE meeting was held on November 6 regarding the territorial sea planning process. He added that also on November 6, DLCD held a coastal public workshop at the Hallmark. He stated that on November 8, he had attended another public workshop sponsored by the Tillamook Futures Council where he made a presentation on OPAC's perspective of territorial sea planning. Allen noted that on November 14, the Port and City Task Force on Pedestrian Safety came up with short-term recommendations which will be presented to the new City Council in January. He stated that on November 16, there was a full day meeting of the Territorial Sea Plan Advisory Committee, and that a subsequent meeting is planned for December 6. He added that an OPAC meeting will be held on December 4 and January 4, after which recommendations may be sent to DLCD.

Allen noted that the PMEC siting team will be meeting on November 27, and a final decision will be made by the end of December.

McConnell noted that the quarterly meeting with ODOT should include a discussion of issues identified by the Port and City Task Force on Pedestrian Safety.

Beemer reported that he and Sawyer attended the last meeting of the Port and City Pedestrian Safety Task Force. He noted that he is the unofficial conduit between this Task Force and Oregon Coast Bank regarding this issue.

Beemer reported that there is an upcoming meeting regarding potential collaboration of central coast fire departments at which potential recommendations may be developed.

Bertuleit reported that the Turkey Trot Run was held at the South Beach Marina.

Brusselback reported on a recent meeting of the Bicycle/Pedestrian Committee. The Committee discussed an alternate bike route that would bypass Oceanview Drive; drainage of the pedestrian underpass at the Big Creek Trail; and the development of a project list to bring to Council at its second meeting in January.

Roumagoux reported on a recent meeting of the Parks and Recreation Committee. She noted that several international gymnastic meets are scheduled at the Recreation Center. She added that a wellness fair is being planned for the spring. She noted that the Committee is working on a five year plan; only one foundation member is yet to be appointed; and an Adopt-A-Park form was provided to the Oregon Community Forest Association.

Sawyer reported that he had attended the recent Port and City Task Force on Pedestrian Safety. He noted that one of the audience members suggested a pedestrian activated walk sign at Bay Boulevard and Moore Drive. McConnell asked whether Mr. Peterson, who had attended the last Council meeting to address this issue, had

attended the Task Force meeting. Sawyer confirmed that Peterson was in attendance, and that he was urged to continue to attend as a long-term alternate route discussion will occur after the beginning of the year.

Sawyer thanked Gross and Miranda for their efforts in conducting a traffic study on Oceanview Drive.

Sawyer proposed a quarterly evaluation of the City Manager before the end of the year so that the new City Council has data from this Council. It was agreed to use the existing evaluation form, and conduct an executive session for the review of the City Manager at the work session on December 17.

### **PUBLIC COMMENT**

Bill Bain thanked the Public Works Department for its great effort in clearing debris from catch basins during the recent storm.

### **ADJOURNMENT**

Having no further business, the meeting adjourned at 7:55 P.M.

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Margaret M. Hawker, City Recorder

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Mark McConnell, Mayor



**City of Newport**  
**Monthly Distribution**  
**Nov-12**

| Name                           | Check Issue Date | Check # | GL ACCT       | Amount      |
|--------------------------------|------------------|---------|---------------|-------------|
| Abby's Pizza                   | 11/2/2012        | 18184   | 101-1090-6216 | \$ 362.05   |
| ABECO                          | 11/2/2012        | 18185   | 401-4150-6207 | \$ 119.57   |
| Action Networks, Inc           | 11/2/2012        | 18186   | 101-1025-6307 | \$ 25.00    |
| Anderson, Tim                  | 11/2/2012        | 18187   | 401-4160-6026 | \$ 315.00   |
| Avery, Tara                    | 11/2/2012        | 18188   | 401-4160-6026 | \$ 24.50    |
| Barrelhead Supply, Inc         | 11/2/2012        | 18189   | 101-1090-6410 | \$ 12.29    |
| Barrett Business Svcs, Inc     | 11/2/2012        | 18190   | 402-4220-6009 | \$ 452.20   |
| Bendel, Amy                    | 11/2/2012        | 18191   | 401-4160-6026 | \$ 379.40   |
| Blumenthal Uniforms & Equipmnt | 11/2/2012        | 18192   | 101-1070-6407 | \$ 33.00    |
| Booth, Richard W.              | 11/2/2012        | 18193   | 401-4160-6026 | \$ 397.00   |
| Caldwell Upholstery            | 11/2/2012        | 18194   | 401-4150-6114 | \$ 184.00   |
| Century West Engineering       | 11/2/2012        | 18195   | 402-4210-6025 | \$ 2,340.00 |
| Charter Communications         | 11/2/2012        | 18197   | 401-4150-6206 | \$ 31.69    |
| Cheek, Rebecca                 | 11/2/2012        | 18198   | 401-4160-6026 | \$ 118.30   |
| Clemons, Julia E.R             | 11/2/2012        | 18199   | 401-4160-6026 | \$ 158.20   |
| Coast Range Equipment and Repa | 11/2/2012        | 18200   | 304-3420-6115 | \$ 675.00   |
| Coastal Paper & Supply         | 11/2/2012        | 18201   | 401-4130-6111 | \$ 1,314.27 |
| Copeland Lumber                | 11/2/2012        | 18202   | 101-1090-6216 | \$ 16.22    |
| Dell Financial Services        | 11/2/2012        | 18203   | 101-1025-6308 | \$ 4,006.64 |
| Detroit Industrial Tool        | 11/2/2012        | 18204   | 303-3320-6508 | \$ 472.21   |
| Dutton, Richard                | 11/2/2012        | 18205   | 101-1025-6201 | \$ 102.12   |
| E2 Electric, Inc               | 11/2/2012        | 18206   | 101-1090-6113 | \$ 492.00   |
| EASTMAN, JAN                   | 11/2/2012        | 18207   | 101-1100-6219 | \$ 36.00    |
| EDI Service & Repair           | 11/2/2012        | 18208   | 403-4310-6113 | \$ 150.93   |
| Englund Marine Supply          | 11/2/2012        | 18209   | 101-1090-6112 | \$ 65.72    |
| Fastenal Company               | 11/2/2012        | 18210   | 402-4220-6402 | \$ 11.00    |
| FRANCE, MITCH                  | 11/2/2012        | 18211   | 101-1070-6216 | \$ 31.45    |
| Fred Pryor Seminars            | 11/2/2012        | 18212   | 101-1070-6216 | \$ 79.00    |
| GE CAPITAL                     | 11/2/2012        | 18213   | 401-4150-6209 | \$ 110.00   |
| Halco Welding, Inc             | 11/2/2012        | 18214   | 401-4130-7013 | \$ 3,180.00 |
| Idea Print Works               | 11/2/2012        | 18215   | 101-1070-6219 | \$ 309.00   |
| J.C. Market                    | 11/2/2012        | 18216   | 101-1090-6216 | \$ 59.04    |
| Jimco Fence Inc                | 11/2/2012        | 18217   | 402-4220-6113 | \$ 21.14    |
| Law-Tech Consultants           | 11/2/2012        | 18218   | 101-1070-6216 | \$ 295.00   |
| Lincoln County Clerk           | 11/2/2012        | 18219   | 601-6110-6017 | \$ 773.00   |
| Lincoln County School District | 11/2/2012        | 18220   | 101-1010-6409 | \$ 938.32   |
| Lincoln County Tax Collector   | 11/2/2012        | 18221   | 101-1900-6228 | \$ 6,612.02 |
| Manufacturer's News Inc        | 11/2/2012        | 18222   | 402-4220-6042 | \$ 337.12   |
| McKay Marine Repair            | 11/2/2012        | 18223   | 304-3420-6115 | \$ 370.16   |
| My Techware, Inc.              | 11/2/2012        | 18224   | 101-1025-6305 | \$ 4,782.50 |
| NEWPORT AUTO PARTS, INC        | 11/2/2012        | 18225   | 101-1090-6503 | \$ 66.95    |
| Newport Electronics            | 11/2/2012        | 18226   | 101-1090-6114 | \$ 14.37    |

|                                    |           |       |               |             |
|------------------------------------|-----------|-------|---------------|-------------|
| Newport Lions Club                 | 11/2/2012 | 18227 | 101-1900-6402 | \$ 81.50    |
| Newport Public Library             | 11/2/2012 | 18228 | 101-1100-6215 | \$ 65.43    |
| Newport Wireless Center            | 11/2/2012 | 18229 | 304-3410-6204 | \$ 79.95    |
| News Lincoln County                | 11/2/2012 | 18230 | 401-4150-6008 | \$ 75.00    |
| News-Times                         | 11/2/2012 | 18231 | 101-1070-6207 | \$ 10.00    |
| Northwest Management               | 11/2/2012 | 18232 | 101-1052-6030 | \$ 406.25   |
| NW Natural                         | 11/2/2012 | 18233 | 303-3310-6109 | \$ 2,615.72 |
| OREGON COAST CATERING COMPAN       | 11/2/2012 | 18234 | 401-4130-6401 | \$ 400.00   |
| Oregon Peace Officer's Association | 11/2/2012 | 18235 | 101-1070-6216 | \$ 65.00    |
| Pepsi-Cola Bottling Co. Eugene     | 11/2/2012 | 18236 | 401-4150-6406 | \$ 206.30   |
| Platt Electric Supply              | 11/2/2012 | 18237 | 401-4150-6113 | \$ 54.45    |
| Proactive Health Resources LLC     | 11/2/2012 | 18238 | 101-1900-6227 | \$ 270.00   |
| ProBuild Newport #609              | 11/2/2012 | 18239 | 101-1090-6113 | \$ 151.45   |
| RAIN                               | 11/2/2012 | 18240 | 101-1070-6213 | \$ 2,033.42 |
| Reeves Company, Inc.               | 11/2/2012 | 18241 | 101-1070-6407 | \$ 24.97    |
| SCHEMBRI, LAURIE                   | 11/2/2012 | 18242 | 401-4160-6026 | \$ 1,059.10 |
| Seal Rock Water District           | 11/2/2012 | 18243 | 402-4210-6411 | \$ 1,111.40 |
| Sirchie                            | 11/2/2012 | 18244 | 101-1070-6402 | \$ 54.03    |
| SMITH, TED J                       | 11/2/2012 | 18245 | 101-1100-6202 | \$ 92.40    |
| Solomonson, Mary                   | 11/2/2012 | 18246 | 401-4160-6026 | \$ 86.25    |
| Staples                            | 11/2/2012 | 18247 | 101-1090-6402 | \$ 328.78   |
| T&L Septic & Chemical Toilet       | 11/2/2012 | 18248 | 101-1090-6102 | \$ 185.50   |
| The Shopper                        | 11/2/2012 | 18249 | 101-1100-6402 | \$ 87.99    |
| Tokos, Derrick                     | 11/2/2012 | 18250 | 101-1400-6201 | \$ 26.07    |
| True-Cut Engraving, LLC            | 11/2/2012 | 18251 | 101-1900-6227 | \$ 27.00    |
| United Grocers                     | 11/2/2012 | 18252 | 101-1090-6216 | \$ 36.32    |
| Valley Fire Control, Inc           | 11/2/2012 | 18253 | 401-4130-6114 | \$ 205.00   |
| VerizonWireless                    | 11/2/2012 | 18254 | 101-1070-6205 | \$ 520.23   |
| Visitor's Choice                   | 11/2/2012 | 18255 | 403-4310-6207 | \$ 4,000.00 |
| West Coast Linen                   | 11/2/2012 | 18256 | 101-1090-6101 | \$ 14.06    |
| Western States Elect Const.        | 11/2/2012 | 18257 | 101-1090-6113 | \$ 121.50   |
| Daniel N. Gordon, PC               | 11/2/2012 | 18258 | 304-02744     | \$ 518.16   |
| Allinger, Angie N.                 | 11/2/2012 | 18259 | 101-01243     | \$ 153.45   |
| Aboveboard Electric, Inc           | 11/9/2012 | 18261 | 304-3420-6115 | \$ 1,365.34 |
| Ace Alarms                         | 11/9/2012 | 18262 | 401-4130-6212 | \$ 225.00   |
| Allstart Auto Electric, Inc        | 11/9/2012 | 18263 | 304-3420-6115 | \$ 95.00    |
| American Water Works Associati     | 11/9/2012 | 18264 | 303-3310-6213 | \$ 339.00   |
| Associated Cleaning Serv., Inc     | 11/9/2012 | 18265 | 403-4310-6101 | \$ 7,028.00 |
| Automation Group Inc.              | 11/9/2012 | 18266 | 303-3350-7005 | \$ 660.00   |
| Barrelhead Supply, Inc             | 11/9/2012 | 18267 | 303-3320-6523 | \$ 116.96   |
| Barrett Business Svrces, Inc       | 11/9/2012 | 18268 | 101-1035-6009 | \$ 4,007.80 |
| Benfield, Kathryn A.               | 11/9/2012 | 18269 | 101-1030-6004 | \$ 787.50   |
| Berryhill, Sandra                  | 11/9/2012 | 18270 | 101-1030-4409 | \$ 120.00   |
| Bigfoot Beverages                  | 11/9/2012 | 18271 | 402-4220-6406 | \$ 42.30    |
| BRENNTAG PACIFIC, INC              | 11/9/2012 | 18272 | 303-3310-6408 | \$ 3,545.10 |
| Brown & Caldwell                   | 11/9/2012 | 18273 | 304-3430-6025 | \$ 4,616.76 |
| Calhoun and DeJong, Inc.           | 11/9/2012 | 18274 | 402-4220-6111 | \$ 676.03   |

|                                |           |       |               |              |
|--------------------------------|-----------|-------|---------------|--------------|
| Carquest Auto Parts Stores     | 11/9/2012 | 18275 | 302-3220-6508 | \$ 104.16    |
| Carson Oil Co                  | 11/9/2012 | 18276 | 402-4210-6403 | \$ 712.27    |
| CASELLE                        | 11/9/2012 | 18277 | 101-1050-6302 | \$ 1,398.00  |
| Central Lincoln P.U.D          | 11/9/2012 | 18278 | 101-1900-6103 | \$ 13,320.30 |
| Century Link                   | 11/9/2012 | 18279 | 403-4310-6204 | \$ 3,332.68  |
| Chamber Comm Corp              | 11/9/2012 | 18280 | 403-4310-6207 | \$ 5,000.00  |
| Chase Park Grants              | 11/9/2012 | 18281 | 601-6110-6034 | \$ 5,280.00  |
| Civil West Engineering Service | 11/9/2012 | 18283 | 601-6110-6030 | \$ 17,599.23 |
| Coastal Refrigeration          | 11/9/2012 | 18284 | 101-1035-6109 | \$ 1,153.28  |
| COASTCOM, INC                  | 11/9/2012 | 18285 | 304-3410-6113 | \$ 1,000.00  |
| Complete Wireless Solutions    | 11/9/2012 | 18286 | 101-1070-6030 | \$ 780.35    |
| Copeland Lumber                | 11/9/2012 | 18287 | 101-1035-6113 | \$ 5.75      |
| Cottage Chimney Cleaning       | 11/9/2012 | 18288 | 101-1100-6113 | \$ 85.00     |
| Doug's Electric                | 11/9/2012 | 18290 | 101-1035-6113 | \$ 2,506.02  |
| Emerald Springs                | 11/9/2012 | 18291 | 304-3410-6401 | \$ 60.00     |
| Englund Marine Supply          | 11/9/2012 | 18292 | 303-3320-6419 | \$ 258.75    |
| FedEx                          | 11/9/2012 | 18293 | 402-4220-6215 | \$ 13.45     |
| Foundation Engineering, Inc    | 11/9/2012 | 18294 | 601-6110-6025 | \$ 2,728.36  |
| Grainger, WW, Inc              | 11/9/2012 | 18295 | 303-3310-6501 | \$ 1,238.13  |
| Graymont Capital Inc.          | 11/9/2012 | 18296 | 304-3410-6408 | \$ 3,981.57  |
| Harvey's Lock & Key service    | 11/9/2012 | 18297 | 101-1035-6113 | \$ 416.10    |
| HD Supply Waterworks, LTD      | 11/9/2012 | 18298 | 303-3320-6523 | \$ 28.80     |
| J.C. Market                    | 11/9/2012 | 18299 | 101-1035-6405 | \$ 28.31     |
| Javelina Trading Company       | 11/9/2012 | 18300 | 303-3320-6508 | \$ 223.22    |
| King Office Equipment & Design | 11/9/2012 | 18301 | 304-3410-6502 | \$ 177.00    |
| Kromer, Paul                   | 11/9/2012 | 18302 | 303-01114     | \$ 120.43    |
| League of Oregon Cities        | 11/9/2012 | 18304 | 101-1052-6207 | \$ 20.00     |
| Lieder, Ted Construction       | 11/9/2012 | 18305 | 101-1035-6113 | \$ 618.00    |
| Lincoln Co Parole & Probation  | 11/9/2012 | 18306 | 302-3210-6113 | \$ 550.00    |
| Lincoln County Print Shop      | 11/9/2012 | 18307 | 101-1100-6208 | \$ 518.00    |
| Lincoln Glass Company          | 11/9/2012 | 18308 | 101-1035-6113 | \$ 531.00    |
| Miller, Lori Ann               | 11/9/2012 | 18309 | 401-4160-6026 | \$ 64.00     |
| NEWPORT AUTO PARTS, INC        | 11/9/2012 | 18310 | 304-3420-6115 | \$ 186.99    |
| Newport Electronics            | 11/9/2012 | 18311 | 101-1090-6503 | \$ 120.96    |
| Newport Public Library         | 11/9/2012 | 18312 | 101-1100-6235 | \$ 58.80     |
| Newport Rental Service, Inc    | 11/9/2012 | 18313 | 303-3310-6403 | \$ 15.68     |
| O'Callaghan, Peggy             | 11/9/2012 | 18314 | 401-4130-6202 | \$ 291.00    |
| Ocean Tire Factory             | 11/9/2012 | 18315 | 101-1070-6112 | \$ 2,734.90  |
| Oregon Corrections Enterprises | 11/9/2012 | 18316 | 101-1035-6113 | \$ 84.00     |
| Oregon Quality Lighting        | 11/9/2012 | 18317 | 403-4310-6752 | \$ 42.00     |
| Oregon State University        | 11/9/2012 | 18318 | 101-1900-6030 | \$ 3,337.84  |
| Ottmar, Michele                | 11/9/2012 | 18319 | 303-01114     | \$ 32.14     |
| Pacific Coast Plumbing, Inc    | 11/9/2012 | 18320 | 101-1035-6113 | \$ 69.95     |
| Parts Master                   | 11/9/2012 | 18321 | 303-3320-6523 | \$ 332.29    |
| Pauly, Rogers & Co., P.C.      | 11/9/2012 | 18322 | 101-1050-6003 | \$ 9,470.00  |
| Pioneer Telephone Cooperative  | 11/9/2012 | 18323 | 402-4220-6204 | \$ 59.16     |
| Platt Electric Supply          | 11/9/2012 | 18324 | 101-1100-6103 | \$ 2,252.91  |

|                                     |            |       |               |              |
|-------------------------------------|------------|-------|---------------|--------------|
| Proactive Health Resources LLC      | 11/9/2012  | 18325 | 101-1900-6227 | \$ 30.00     |
| ProBuild Newport #609               | 11/9/2012  | 18326 | 303-3310-6508 | \$ 335.18    |
| Quill.com                           | 11/9/2012  | 18327 | 101-1400-6402 | \$ 453.58    |
| Reserve Account                     | 11/9/2012  | 18329 | 402-4210-6215 | \$ 20,004.97 |
| Road & Driveway Company, Inc        | 11/9/2012  | 18330 | 601-6110-7024 | \$ 2,591.83  |
| Rogers, Rachel                      | 11/9/2012  | 18331 | 401-4160-6026 | \$ 24.00     |
| Santiam Escrow, Inc                 | 11/9/2012  | 18332 | 101-1090-6228 | \$ 2,062.05  |
| Seal Rock Water District            | 11/9/2012  | 18333 | 202-2220-8022 | \$ 5,000.00  |
| SecureCom, Inc                      | 11/9/2012  | 18334 | 101-1035-6212 | \$ 338.00    |
| Setere & Sons LTD                   | 11/9/2012  | 18335 | 304-3410-6408 | \$ 812.50    |
| Silke Communications                | 11/9/2012  | 18336 | 101-1090-6506 | \$ 2,295.00  |
| Staples                             | 11/9/2012  | 18337 | 101-1030-6402 | \$ 721.87    |
| Staples Advantage                   | 11/9/2012  | 18338 | 101-1070-6402 | \$ 52.20     |
| T&L Septic & Chemical Toilet        | 11/9/2012  | 18339 | 101-1035-6113 | \$ 789.46    |
| Thompson's Sanitary Serv., Inc      | 11/9/2012  | 18340 | 101-1090-6106 | \$ 2,369.54  |
| United Grocers                      | 11/9/2012  | 18341 | 101-1090-6413 | \$ 91.91     |
| United Laboratories                 | 11/9/2012  | 18342 | 101-1070-6402 | \$ 198.19    |
| University of Oregon Libraries, ILL | 11/9/2012  | 18343 | 101-1100-6510 | \$ 40.00     |
| VerizonWireless                     | 11/9/2012  | 18344 | 303-3320-6205 | \$ 1,053.64  |
| Western Systems                     | 11/9/2012  | 18345 | 304-3420-6115 | \$ 515.50    |
| Xerox Corporation                   | 11/9/2012  | 18347 | 101-1055-6402 | \$ 1,743.00  |
| DMV Driver & Motor Vehicle Ser      | 11/14/2012 | 18348 | 101-1070-6030 | \$ 11.50     |
| Rau Plumbing                        | 11/14/2012 | 18349 | 304-3410-6114 | \$ 6,250.00  |
| A Work Safe Service, Inc            | 11/16/2012 | 18350 | 304-3420-6032 | \$ 190.00    |
| Adams, Bonnie                       | 11/16/2012 | 18351 | 401-4150-4302 | \$ 111.08    |
| Agate Beach Supply Co.              | 11/16/2012 | 18352 | 101-1035-6401 | \$ 34.18     |
| American Planning Association       | 11/16/2012 | 18353 | 101-1400-6213 | \$ 460.00    |
| Analytical Laboratory & Consul      | 11/16/2012 | 18354 | 304-3410-6408 | \$ 395.00    |
| Barrett Business Svcs, Inc          | 11/16/2012 | 18355 | 402-4220-6009 | \$ 1,314.76  |
| Big Bend Community College          | 11/16/2012 | 18356 | 101-1090-6216 | \$ 3,177.00  |
| BLACKWOOD, LEE ROBERT               | 11/16/2012 | 18357 | 401-4160-6026 | \$ 100.00    |
| Building Department, LLC , The      | 11/16/2012 | 18358 | 404-4410-6012 | \$ 3,279.50  |
| Carson Oil Co                       | 11/16/2012 | 18359 | 302-3210-6403 | \$ 324.34    |
| Cedar Creek Quarries, Inv           | 11/16/2012 | 18360 | 303-3320-6420 | \$ 473.69    |
| Central Lincoln P.U.D               | 11/16/2012 | 18361 | 101-1035-6103 | \$ 16,728.58 |
| Century Link                        | 11/16/2012 | 18362 | 403-4310-6204 | \$ 122.91    |
| Coastal Arts Guild                  | 11/16/2012 | 18363 | 101-1055-6030 | \$ 160.00    |
| COASTCOM, INC                       | 11/16/2012 | 18364 | 403-4310-6207 | \$ 1,066.38  |
| COBBLESTONE PIZZA                   | 11/16/2012 | 18365 | 101-1090-6405 | \$ 236.25    |
| Consolidated Supply Co              | 11/16/2012 | 18366 | 303-3320-6523 | \$ 349.00    |
| Copeland Lumber                     | 11/16/2012 | 18367 | 303-3310-6401 | \$ 9.99      |
| CPAO                                | 11/16/2012 | 18368 | 101-1070-6213 | \$ 80.00     |
| Englund Marine Supply               | 11/16/2012 | 18369 | 101-1090-6503 | \$ 42.11     |
| Fastenal Company                    | 11/16/2012 | 18370 | 303-3320-6508 | \$ 227.90    |
| Greater Newport Chamber of Crc      | 11/16/2012 | 18371 | 403-4310-6207 | \$ 400.00    |
| HD Fowler                           | 11/16/2012 | 18372 | 303-3320-6523 | \$ 836.92    |
| J.C. Market                         | 11/16/2012 | 18373 | 101-1035-6405 | \$ 5.99      |

|                                |            |       |               |              |
|--------------------------------|------------|-------|---------------|--------------|
| Javelina Trading Company       | 11/16/2012 | 18374 | 303-3320-6508 | \$ 238.07    |
| KPPT-AM/KPPT FM                | 11/16/2012 | 18375 | 401-4150-6207 | \$ 200.00    |
| KSHL Radio                     | 11/16/2012 | 18376 | 401-4150-6207 | \$ 150.00    |
| Lazerquick                     | 11/16/2012 | 18377 | 601-6110-6208 | \$ 49.00     |
| Lincoln County Clerk           | 11/16/2012 | 18378 | 601-6110-6017 | \$ 163.50    |
| Lincoln County Fleet Services  | 11/16/2012 | 18379 | 101-1090-6112 | \$ 36.19     |
| Linn-Benton Community College  | 11/16/2012 | 18380 | 101-1090-6219 | \$ 55.00     |
| McCrum, Sharon                 | 11/16/2012 | 18381 | 401-4160-4302 | \$ 45.00     |
| Miller, Lori Ann               | 11/16/2012 | 18382 | 401-4160-6026 | \$ 64.00     |
| NEWPORT AUTO PARTS, INC        | 11/16/2012 | 18383 | 101-1035-6215 | \$ 247.38    |
| News-Times                     | 11/16/2012 | 18384 | 101-1100-6207 | \$ 62.00     |
| NO-D-LAY SHOE SHOP             | 11/16/2012 | 18385 | 303-3320-6407 | \$ 300.00    |
| OREGON COAST TODAY             | 11/16/2012 | 18386 | 403-4310-6207 | \$ 920.00    |
| OREGON HEALTH AUTHORITY-Cashie | 11/16/2012 | 18387 | 303-3320-6213 | \$ 40.00     |
| OREGON HEALTH AUTHORITY-Cashie | 11/16/2012 | 18388 | 303-3320-6213 | \$ 160.00    |
| Pacific Office Solutions       | 11/16/2012 | 18389 | 401-4150-6207 | \$ 25.00     |
| Pioneer Telephone Cooperative  | 11/16/2012 | 18390 | 101-1090-6204 | \$ 697.98    |
| Platt Electric Supply          | 11/16/2012 | 18391 | 302-3210-6401 | \$ 132.66    |
| Polydyne, Inc                  | 11/16/2012 | 18392 | 304-3410-6408 | \$ -         |
| Power Ford Lincoln Mercury     | 11/16/2012 | 18393 | 101-1100-6112 | \$ 523.91    |
| ProBuild Newport #609          | 11/16/2012 | 18394 | 101-1090-6113 | \$ 118.85    |
| Quill.com                      | 11/16/2012 | 18395 | 301-3120-6402 | \$ 439.56    |
| Richard's Carpet, Floor & Upho | 11/16/2012 | 18396 | 101-1090-6331 | \$ 282.40    |
| Rowley's Towing                | 11/16/2012 | 18397 | 101-1070-6030 | \$ 135.00    |
| Samaritan Occupational Med     | 11/16/2012 | 18398 | 101-1090-6216 | \$ 118.00    |
| Sax, Mark                      | 11/16/2012 | 18399 | 303-3320-6407 | \$ 50.00     |
| Schaefers, John                | 11/16/2012 | 18400 | 303-3310-6226 | \$ 703.20    |
| Shilo Inn Restau rant          | 11/16/2012 | 18401 | 101-1900-6227 | \$ 250.00    |
| SPEER HOYT LLC                 | 11/16/2012 | 18402 | 301-3110-6004 | \$ 10,025.50 |
| Stitchin Post, The             | 11/16/2012 | 18403 | 101-1090-6219 | \$ 17.00     |
| TCB SECURITY SERVICES, INC.    | 11/16/2012 | 18404 | 101-1070-6218 | \$ 3,750.00  |
| Thompson's Transfer & Disposal | 11/16/2012 | 18405 | 101-1035-6106 | \$ 71.10     |
| USA Blue Book                  | 11/16/2012 | 18406 | 303-3310-6415 | \$ 120.28    |
| Valley Fire Control, Inc       | 11/16/2012 | 18407 | 101-1090-6114 | \$ 260.00    |
| Watershed, Inc                 | 11/16/2012 | 18408 | 101-1070-6219 | \$ 54.60     |
| West Coast Linen               | 11/16/2012 | 18409 | 101-1090-6101 | \$ 33.43     |
| WFCA: The Daily Dispatch       | 11/16/2012 | 18410 | 101-1090-6216 | \$ 217.62    |
| Xerox Corporation              | 11/16/2012 | 18411 | 101-1090-6305 | \$ 604.08    |
| Utility Refunds                | 11/16/2012 | 18412 | 303-01114     | \$ 140.96    |
| Utility Refunds                | 11/16/2012 | 18413 | 303-01114     | \$ 103.19    |
| Utility Refunds                | 11/16/2012 | 18414 | 303-01114     | \$ 61.69     |
| Utility Refunds                | 11/16/2012 | 18415 | 303-01114     | \$ 64.06     |
| Utility Refunds                | 11/16/2012 | 18416 | 303-01114     | \$ 64.91     |
| Utility Refunds                | 11/16/2012 | 18417 | 303-01114     | \$ 86.59     |
| Utility Refunds                | 11/16/2012 | 18418 | 303-01114     | \$ 27.85     |
| Utility Refunds                | 11/16/2012 | 18419 | 303-01114     | \$ 106.64    |
| Utility Refunds                | 11/16/2012 | 18420 | 303-01114     | \$ 60.77     |

|                                   |            |       |               |              |
|-----------------------------------|------------|-------|---------------|--------------|
| Utility Refunds                   | 11/16/2012 | 18421 | 303-01114     | \$ 44.74     |
| Utility Refunds                   | 11/16/2012 | 18422 | 303-01114     | \$ 28.21     |
| Bureau of Labor & Industries      | 11/16/2012 | 18423 | 601-6110-6222 | \$ 250.00    |
| Bureau of Labor & Industries      | 11/16/2012 | 18424 | 601-6110-6222 | \$ 250.00    |
| Bureau of Labor & Industries      | 11/16/2012 | 18425 | 601-6110-6222 | \$ 851.37    |
| Bureau of Labor & Industries      | 11/16/2012 | 18426 | 601-6110-6222 | \$ 250.00    |
| Bureau of Labor & Industries      | 11/16/2012 | 18427 | 601-6110-6222 | \$ 250.00    |
| Bureau of Labor & Industries      | 11/16/2012 | 18428 | 601-6110-6222 | \$ 335.18    |
| Bureau of Labor & Industries      | 11/16/2012 | 18429 | 601-6110-6222 | \$ 250.00    |
| ABECO                             | 11/21/2012 | 18430 | 402-4220-6402 | \$ 17.41     |
| Aboveboard Electric, Inc          | 11/21/2012 | 18431 | 304-3410-6113 | \$ 1,556.90  |
| Analytical Laboratory & Consul    | 11/21/2012 | 18432 | 303-3310-6029 | \$ 930.00    |
| AT&T                              | 11/21/2012 | 18433 | 402-4210-6204 | \$ 82.57     |
| Barrelhead Supply, Inc            | 11/21/2012 | 18434 | 303-3320-6523 | \$ 8.38      |
| Barrett Business Svcs, Inc        | 11/21/2012 | 18435 | 101-1035-6009 | \$ 3,523.22  |
| Bigfoot Beverages                 | 11/21/2012 | 18436 | 402-4220-6406 | \$ 41.84     |
| Blumenthal Uniforms & Equipmnt    | 11/21/2012 | 18437 | 101-1070-6407 | \$ 494.80    |
| Braxling & Braxling, Inc          | 11/21/2012 | 18438 | 302-3220-6420 | \$ 228.33    |
| Brown & Caldwell                  | 11/21/2012 | 18439 | 304-3450-6025 | \$ 10,297.50 |
| Brown, Alan Tire Center           | 11/21/2012 | 18440 | 302-3210-6114 | \$ 38.75     |
| Carquest Auto Parts Stores        | 11/21/2012 | 18441 | 302-3220-6114 | \$ 50.49     |
| CENTRAL SERVICE INC               | 11/21/2012 | 18443 | 402-4220-6112 | \$ 434.00    |
| Coast Range Equipment and Repa    | 11/21/2012 | 18444 | 304-3420-6115 | \$ 341.57    |
| Coastal Marine and Hydraulics LLC | 11/21/2012 | 18445 | 304-3410-6112 | \$ 162.50    |
| Coastal Refrigeration             | 11/21/2012 | 18446 | 101-1035-6016 | \$ 140.00    |
| Consolidated Supply Co            | 11/21/2012 | 18447 | 303-3320-6523 | \$ 553.52    |
| Dell Marketing L.P                | 11/21/2012 | 18448 | 101-1050-6303 | \$ 471.63    |
| Dish Network                      | 11/21/2012 | 18449 | 402-4220-6234 | \$ 17.00     |
| Doug's Electric                   | 11/21/2012 | 18450 | 101-1035-6113 | \$ 1,373.15  |
| Emerald Springs                   | 11/21/2012 | 18451 | 101-1050-6402 | \$ 24.00     |
| Emergency Services Consulting     | 11/21/2012 | 18452 | 101-1090-6030 | \$ 568.83    |
| Englund Marine Supply             | 11/21/2012 | 18453 | 101-1090-6503 | \$ 46.01     |
| Enviro-Clean Equipment, Inc       | 11/21/2012 | 18454 | 302-3220-6114 | \$ 3,787.09  |
| FOX Central Oregon                | 11/21/2012 | 18455 | 403-4310-6207 | \$ 150.00    |
| H.G. Schlicker & Associates       | 11/21/2012 | 18457 | 101-1090-6017 | \$ 3,505.37  |
| Hach Company                      | 11/21/2012 | 18458 | 303-3310-6408 | \$ 1,884.55  |
| Henderson Turf and Wear Inc       | 11/21/2012 | 18459 | 101-1035-6215 | \$ 428.44    |
| Idea Print Works                  | 11/21/2012 | 18460 | 402-4210-6008 | \$ 379.50    |
| Itron, Inc                        | 11/21/2012 | 18461 | 101-1055-6102 | \$ 350.00    |
| J.C. Market                       | 11/21/2012 | 18462 | 301-3110-6405 | \$ 11.98     |
| Krueger Medical Services          | 11/21/2012 | 18463 | 101-1090-6416 | \$ 673.08    |
| kTVZ News Channel 21              | 11/21/2012 | 18464 | 403-4310-6207 | \$ 1,785.00  |
| Lazerquick                        | 11/21/2012 | 18465 | 101-1090-6208 | \$ 92.48     |
| Lincoln Co Parole & Probation     | 11/21/2012 | 18466 | 101-1035-6113 | \$ 1,650.00  |
| LINCOLN COMMUNITY LAND TRUST      | 11/21/2012 | 18467 | 101-1400-6030 | \$ 2,000.00  |
| Lincoln County Public Works       | 11/21/2012 | 18468 | 301-3120-6403 | \$ 7,805.81  |
| Maddock Industries, Inc           | 11/21/2012 | 18469 | 302-3210-6508 | \$ 1,242.97  |

|                                  |            |       |               |              |
|----------------------------------|------------|-------|---------------|--------------|
| McLaughlin,Jim                   | 11/21/2012 | 18470 | 304-3410-6216 | \$ 40.00     |
| MES                              | 11/21/2012 | 18471 | 101-1090-6503 | \$ 1,010.06  |
| Michael J. Edenfield             | 11/21/2012 | 18472 | 304-3420-6115 | \$ 4,770.00  |
| NCL of Wisconsin, Inc            | 11/21/2012 | 18473 | 304-3410-6408 | \$ 679.08    |
| Newport - Coast Hearing Services | 11/21/2012 | 18474 | 303-3320-6032 | \$ 35.00     |
| NEWPORT AUTO PARTS, INC          | 11/21/2012 | 18475 | 101-1035-6112 | \$ 472.02    |
| Newport Electronics              | 11/21/2012 | 18476 | 101-1090-6503 | \$ 10.95     |
| Newport Rental Service, Inc      | 11/21/2012 | 18477 | 101-1090-6114 | \$ 20.00     |
| News-Times                       | 11/21/2012 | 18478 | 304-3430-6008 | \$ 590.70    |
| Northwest Management             | 11/21/2012 | 18479 | 101-1052-6030 | \$ 290.00    |
| ODOT                             | 11/21/2012 | 18480 | 303-3320-6225 | \$ 430.83    |
| Oregon Coast Appraisal Service   | 11/21/2012 | 18481 | 101-1090-6017 | \$ 1,200.00  |
| Oregon Live                      | 11/21/2012 | 18482 | 403-4310-6207 | \$ 2,500.00  |
| Pacific County Fire District 1   | 11/21/2012 | 18483 | 101-1090-6216 | \$ 25.00     |
| Peak Internet                    | 11/21/2012 | 18484 | 101-1090-6206 | \$ 126.93    |
| Platt Electric Supply            | 11/21/2012 | 18485 | 101-1035-6113 | \$ 309.11    |
| ProBuild Newport #609            | 11/21/2012 | 18486 | 101-1090-6216 | \$ 249.88    |
| Rowley's Towing                  | 11/21/2012 | 18487 | 304-3410-6112 | \$ 88.00     |
| Salisbury, Jim                   | 11/21/2012 | 18488 | 301-3110-6405 | \$ 12.95     |
| Sears                            | 11/21/2012 | 18489 | 101-1090-6507 | \$ 895.98    |
| SimplexGrinnell                  | 11/21/2012 | 18490 | 101-1035-6016 | \$ 431.10    |
| SMITH, TED J                     | 11/21/2012 | 18491 | 101-1100-6202 | \$ 51.70     |
| Staples                          | 11/21/2012 | 18492 | 101-1090-6402 | \$ 274.95    |
| T&L Septic & Chemical Toilet     | 11/21/2012 | 18494 | 101-1035-6113 | \$ 403.00    |
| Thompson's Transfer & Disposal   | 11/21/2012 | 18495 | 101-1070-6023 | \$ 22.50     |
| Timber Supply Co., Inc           | 11/21/2012 | 18496 | 304-3420-6115 | \$ 204.06    |
| True-Cut Engraving, LLC          | 11/21/2012 | 18497 | 101-1900-6227 | \$ 45.00     |
| United Grocers                   | 11/21/2012 | 18498 | 303-3310-6401 | \$ 77.49     |
| Voetberg, Jim                    | 11/21/2012 | 18499 | 101-1020-6235 | \$ 48.00     |
| West Coast Linen                 | 11/21/2012 | 18500 | 402-4220-6101 | \$ 19.53     |
| State of Oregon                  | 11/21/2012 | 18501 | 304-3450-6222 | \$ 156.00    |
| Brown, Melissa                   | 11/26/2012 | 18502 | 401-4150-4302 | \$ 11.91     |
| A Work Safe Service, Inc         | 11/30/2012 | 18503 | 301-3110-6030 | \$ 150.00    |
| ABECO                            | 11/30/2012 | 18504 | 401-4150-6402 | \$ 82.78     |
| Aboveboard Electric, Inc         | 11/30/2012 | 18505 | 101-1900-6014 | \$ 424.40    |
| Allen, David                     | 11/30/2012 | 18506 | 101-1010-6481 | \$ 94.35     |
| Associated Cleaning Serv., Inc   | 11/30/2012 | 18507 | 403-4310-6101 | \$ 7,028.00  |
| Barrelhead Supply, Inc           | 11/30/2012 | 18508 | 101-1090-6416 | \$ 266.33    |
| Barrett Business Svcs, Inc       | 11/30/2012 | 18509 | 402-4220-6009 | \$ 212.80    |
| Blumenthal Uniforms & Equipmnt   | 11/30/2012 | 18510 | 101-1070-6407 | \$ 170.95    |
| Cascade Fire Equipment Company   | 11/30/2012 | 18511 | 101-1090-6219 | \$ 83.81     |
| Cascade Sound, Inc               | 11/30/2012 | 18512 | 401-4150-6507 | \$ 100.00    |
| Central Lincoln P.U.D            | 11/30/2012 | 18513 | 101-1900-6103 | \$ 21,973.76 |
| CENTURY LINK                     | 11/30/2012 | 18514 | 403-4310-6204 | \$ 247.87    |
| Charter Communications           | 11/30/2012 | 18515 | 401-4150-6206 | \$ 31.69     |
| Coastal Paper & Supply           | 11/30/2012 | 18516 | 401-4140-6401 | \$ 166.04    |
| COASTCOM, INC                    | 11/30/2012 | 18517 | 101-1025-6206 | \$ 550.00    |

|                                |            |       |               |             |
|--------------------------------|------------|-------|---------------|-------------|
| Copeland Lumber                | 11/30/2012 | 18518 | 101-1090-6416 | \$ 43.09    |
| Daniel N. Gordon, PC           | 11/30/2012 | 18519 | 304-02744     | \$ 570.96   |
| Doug's Electric                | 11/30/2012 | 18520 | 101-1100-6113 | \$ 751.11   |
| Eldridge, Sheryl               | 11/30/2012 | 18521 | 101-1100-6202 | \$ 94.00    |
| Englund Marine Supply          | 11/30/2012 | 18522 | 101-1090-6416 | \$ 8.36     |
| Feed Corral                    | 11/30/2012 | 18523 | 304-3410-6331 | \$ 218.99   |
| GE CAPITAL                     | 11/30/2012 | 18524 | 401-4150-6209 | \$ 110.00   |
| IACP Net/IOGiN                 | 11/30/2012 | 18525 | 101-1070-6213 | \$ 800.00   |
| Idea Print Works               | 11/30/2012 | 18526 | 401-4160-6413 | \$ 258.75   |
| Johnson, Keith Construction    | 11/30/2012 | 18527 | 402-4210-6113 | \$ 825.00   |
| LEAF                           | 11/30/2012 | 18528 | 402-4210-6209 | \$ 119.48   |
| LGPI                           | 11/30/2012 | 18529 | 101-1010-6006 | \$ 1,792.00 |
| Lincoln County                 | 11/30/2012 | 18530 | 402-4210-6120 | \$ 65.00    |
| Lincoln County Public Works    | 11/30/2012 | 18531 | 101-1070-6403 | \$ 4,596.04 |
| Mulder Sheet Metal, Inc        | 11/30/2012 | 18532 | 101-1090-6506 | \$ 45.00    |
| NEWPORT AUTO PARTS, INC        | 11/30/2012 | 18533 | 101-1090-6503 | \$ 58.71    |
| Newport Public Library         | 11/30/2012 | 18534 | 101-1100-6402 | \$ 47.84    |
| NW Natural                     | 11/30/2012 | 18535 | 303-3310-6109 | \$ 171.59   |
| OAMR                           | 11/30/2012 | 18536 | 101-1020-6213 | \$ 50.00    |
| O'Carra, Kathryn               | 11/30/2012 | 18537 | 101-1070-6502 | \$ 10.00    |
| Ocean Tire Factory             | 11/30/2012 | 18538 | 101-1070-6112 | \$ 1,336.10 |
| Oregon ASA Softball            | 11/30/2012 | 18539 | 401-4160-6413 | \$ 156.00   |
| Oregon Department of Revenue   | 11/30/2012 | 18540 | 101-1090-6222 | \$ 246.00   |
| Peak Internet                  | 11/30/2012 | 18541 | 402-4210-6206 | \$ 70.99    |
| Pepsi-Cola Bottling Co. Eugene | 11/30/2012 | 18542 | 401-4150-6406 | \$ 367.50   |
| Pioneer Telephone Cooperative  | 11/30/2012 | 18543 | 304-3410-6204 | \$ 29.58    |
| ProBuild Newport #609          | 11/30/2012 | 18544 | 101-1090-6416 | \$ 89.98    |
| Rose City Awning Company       | 11/30/2012 | 18545 | 101-1090-6401 | \$ 112.46   |
| Samaritan Occupational Med     | 11/30/2012 | 18547 | 303-3320-6032 | \$ 83.00    |
| SARAZIN, TODD                  | 11/30/2012 | 18548 | 101-1070-6407 | \$ 119.99   |
| Satcom Global FZE              | 11/30/2012 | 18549 | 101-1070-6204 | \$ 36.15    |
| Seal Rock Water District       | 11/30/2012 | 18550 | 202-2220-8023 | \$ 5,469.15 |
| Silke Communications           | 11/30/2012 | 18551 | 101-1090-6508 | \$ 215.00   |
| T&L Septic & Chemical Toilet   | 11/30/2012 | 18552 | 101-1090-6102 | \$ 63.50    |
| True-Cut Engraving, LLC        | 11/30/2012 | 18553 | 101-1090-6502 | \$ 50.00    |
| Vermont Systems, Inc           | 11/30/2012 | 18554 | 401-4150-6402 | \$ 222.12   |
| West Coast Linen               | 11/30/2012 | 18555 | 101-1090-6101 | \$ 14.06    |
| Xerox Corporation              | 11/30/2012 | 18556 | 101-1100-6211 | \$ 37.37    |
| Fred Pryor Seminars            | 11/30/2012 | 18557 | 101-1070-6216 | \$ 49.00    |

## City of Newport

### Monthly Distribution

Nov-12

| <u>Name</u>           | <u>Date</u> | <u>Check #</u> | <u>GL Account</u> | <u>Amount</u> |
|-----------------------|-------------|----------------|-------------------|---------------|
| Central Lincoln P.U.D | 11/21/2012  | 18442          | 403-4310-6103     | \$ 34,358.35  |
| WW Construction       | 11/9/2012   | 18346          | 304-3450-7024     | \$ 65,800.27  |
| CG Contractors LLC    | 11/2/2012   | 18196          | 601-6110-7024     | \$ 77,805.00  |
| City of Salem         | 11/9/2012   | 18282          | 101-1090-6225     | \$ 100,181.25 |
| Laskey-Clifton Corp   | 11/9/2012   | 18303          | 601-6110-7024     | \$ 111,146.82 |

**City of Newport - Urban Renewal Agency**

**Monthly Distribution**

**Nov-12**

| <u>Name</u>                  | <u>Date</u> | <u>Check #</u> | <u>GL Account</u> | <u>Amount</u> |
|------------------------------|-------------|----------------|-------------------|---------------|
| Government Ethics Commission | 11/21/2012  | 18456          | 901-9120-6225     | \$ 390.23     |



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

## Manager's Report Meeting of December 17, 2012

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Following is the Manager's Report for the City Council meeting of December 17, 2012:

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

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

Information from the Community College: Attached is interesting information from OCCC Interim President Bruce Koike. A vital element in the economic development and livability aspects of Newport, the Community College faces financial challenges and needs continued community and city's support.

Gregory Carpenter hedge Update: Attached is an update from Chief Miranda on the violations reported by Gregory Carpenter.

Cascades West Area Commission on Transportation – Nomination of Members: Attached is correspondence from Cascades West Area Commission on Transportation (CWACT) relating to representatives and their alternates. As Council will note, Newport's primary representative is Mayor McConnell and the alternate is Councilor Sawyer. Any changes to Newport's representations will need to be submitted to CWACT by early January.

Central Coast Fire Authority: Progress continues on the development of the Central Coast Fire Authority. Representatives of the participating fire departments have agreed on the structure and general responsibilities of the proposed Authority. Staff has

requested LGLG develop an ORS190 agreement formalizing the creation and responsibilities of the Authority (LGLG has a template for this since they prepared a similar agreement for two fire districts in Lane County).

Purchase of Brush Engine: The Fire Department has purchased a surplus Brush Engine for \$175 that will replace the current Brush Engine which is nearing the end of its useful life (some may argue its past its useful life). Chief Paige believes that other than requiring new tires and a bit of equipment totaling less than \$2,000, the Department will have a fully operational Brush Engine that should last 15 years.

Hiring of Wastewater Plant Employee: Due to the need to extend the operating hours of the wastewater treatment plant from one shift to two shifts, Public Works will be hiring one additional wastewater plant employee. This will be a long term hire as the current plant simply cannot keep up by running one shift. At this time, Tim Gross and David Marshall believe there are sufficient funds in the Wastewater Fund to absorb this additional cost, however should the need arise, a transfer from contingency to the operating fund will be brought to Council for consideration.

Oregon City Manager's Association Board of Directors: I am happy to announce that I have been appointed to be on the Board of Directors for the Oregon City Manager's Association. I, along with Florence City Manager Jacque Betz, will represent coastal communities on the Board.

Manager's Weekly Report: Between holidays and time off for vacation, I have not prepared weekly manager's reports for the past few weeks. I intend to resume these reports for the week of December 10<sup>th</sup>, which Council will receive on December 17<sup>th</sup>.



**OREGON COAST  
COMMUNITY COLLEGE**

400 S.E. College Way  
NEWPORT, OREGON 97366  
(541) 265-2283 FAX (541) 265-3820

Dear Jim,

As the end of 2012 approaches, I want to share some insights about Oregon Coast Community College. As an institution that was created by Lincoln County residents in 1987, the College now teaches out of facilities that truly enhance the educational environment. Students recognize how nice these facilities are and many have taken full advantage of the opportunity presented to them.

In the early years, the College offered only non-credit, community education classes. Now, the College has available Career and Technical Education (CTE) programs, lower division credit courses, and Basic Skills programs for county residents. Graduates of CTE programs such as nursing, medical assistant, aquarium science and criminal justice now contribute to the community as skilled and knowledgeable professionals. Likewise, Oregon Coast CC students/graduates who transfer to the university level are well prepared for those rigors.

The College offers a viable option to the first two years of a college education. The cost is a fraction of the expenses that would be incurred by students. *The media has recently reported that student debt exceeds the debt of credit cards!* Students can take on less debt by first attending a community college, while earning credits that fulfill university level course requirements. Other benefits found at OCCC include smaller classes that are interactive, a sense of community amongst students, and greater access to instructors. Each of these features contributes to student success and the achievement of their educational goals and aspirations.

I have enclosed several documents of interest. The first sheet reflects that Lincoln County lags behind the state average for high school students going directly to college. Only 7 other counties send a smaller percentage of their high school graduates to college.

The next sheet titled "Community College Funding" displays how property tax revenue to community colleges was severely decreased by Measure 5. This resulted in shifting the revenue burden to the state and to students. The contribution by students jumped from 20% of the general fund operating revenue in 1990 to 36% by the year 2008-09.

NORTH COUNTY CAMPUS  
3788 S.E. High School Drive  
LINCOLN CITY, OREGON 97367  
(541) 996-6222 FAX (541) 996-4958

SMALL BUSINESS DEVELOPMENT CENTER  
3788 S.E. High School Drive  
LINCOLN CITY, OREGON 97367  
(541) 994-4166 FAX (541) 996-4958

SOUTH COUNTY CAMPUS  
3120 Crestline Drive  
WALDPORT, OREGON 97394  
MAILING ADDRESS: 400 S.E. College Way  
NEWPORT, OREGON 97366

The College's revenue stream consists primarily of funds from tuition/fees, property tax and state support, known as *community college support fund* or CCSF. The CCSF represents a partial reimbursement for the cost of instruction. The CCSF is currently based on the number of student-hours in the classroom. I've included two pie charts from our budget document that reflect our revenue sources and how these funds are spent (70% to faculty and other personnel). Since 2006, funding from the CCSF for each biennium has decreased. The level of decrease resulted in lay-offs, furlough, and reduced services to students and community. Our revenue stream is similar to that of the other community colleges in that students contribute the largest proportion. This fall the college hosted over 900 individuals, including approximately 200 full time students, 300 part-time and 400 non-credit students.

Finally, the property tax designated to support "local education" is capped at \$5 per \$1,000 of assessed value of the property. This \$5 is shared by three entities, Lincoln County School District, Linn-Benton-Lincoln Education Service District (ESD) and Oregon Coast CC. The chart on the last sheet indicates how this fund is divided up. The Lincoln County School District and the Linn-Benton-Lincoln ESD receive 96.5% of the revenue generated by this tax. This millage rate of 17.5 cents per \$1,000 for OCCC is well below the average rate of 46 cents per \$1,000 for the 17 Oregon community colleges.

The importance of this letter is to present the fiscal reality that all of Oregon's community college exists in. What is the remedy? How is this framework fixed to respond better to student needs, state mandates or as opportunities become evident? I appreciate your support of the college and for what we do. I hope community support will be ever expanding. I believe we have an awfully nice educational program and educational opportunity for residents. I hope that you will encourage community members and friends to consider Oregon Coast CC as part of their life's plan.

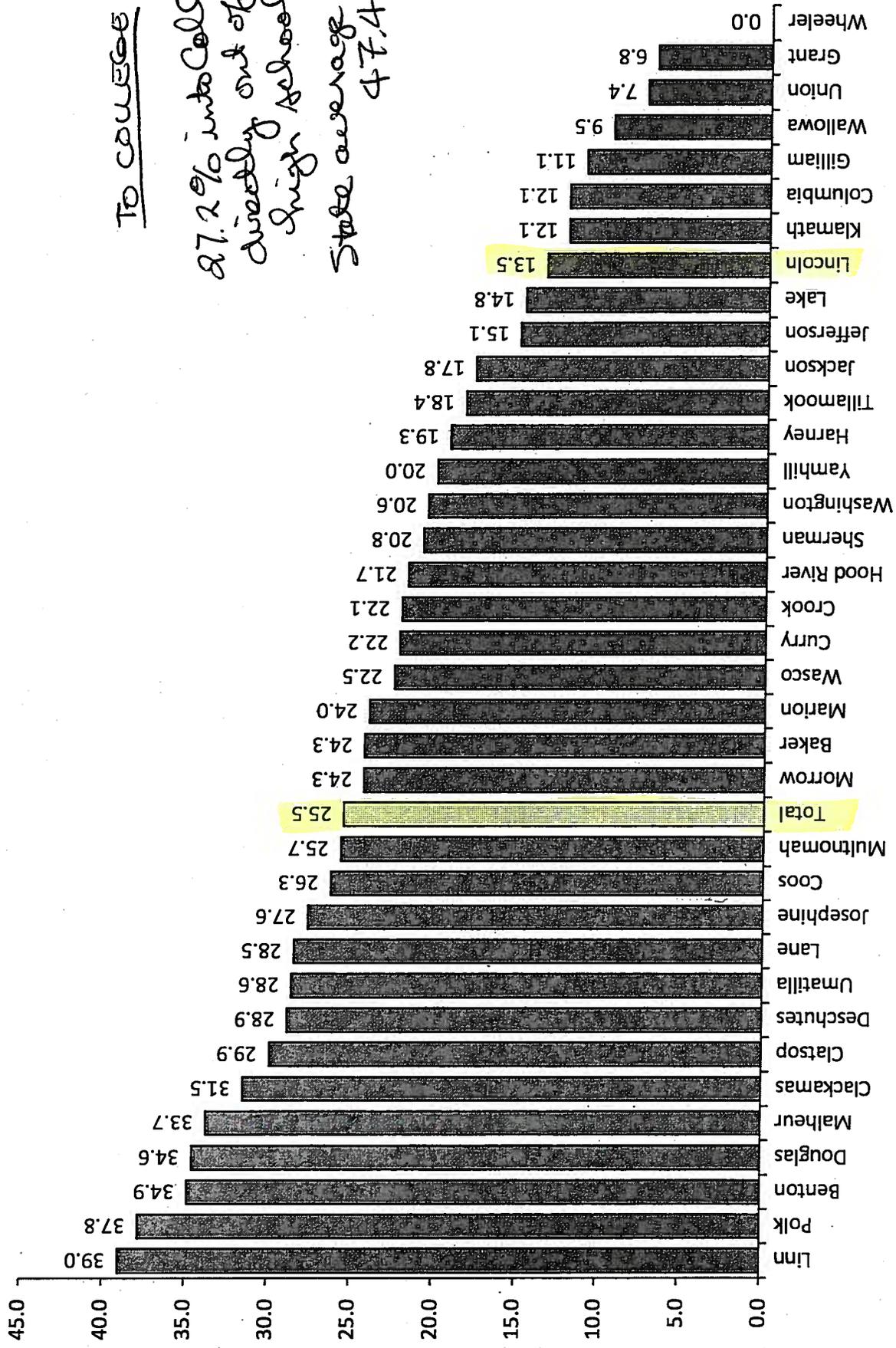
If you have any questions about the information presented here, do not hesitate to contact me.

Sincerely,



Bruce Koike  
Interim President  
Oregon Coast Community College  
400 SE College Way  
Newport, OR 97366

# Community College Going Rate: Percent of Students Attending Community Colleges Directly Out of High School (2008)

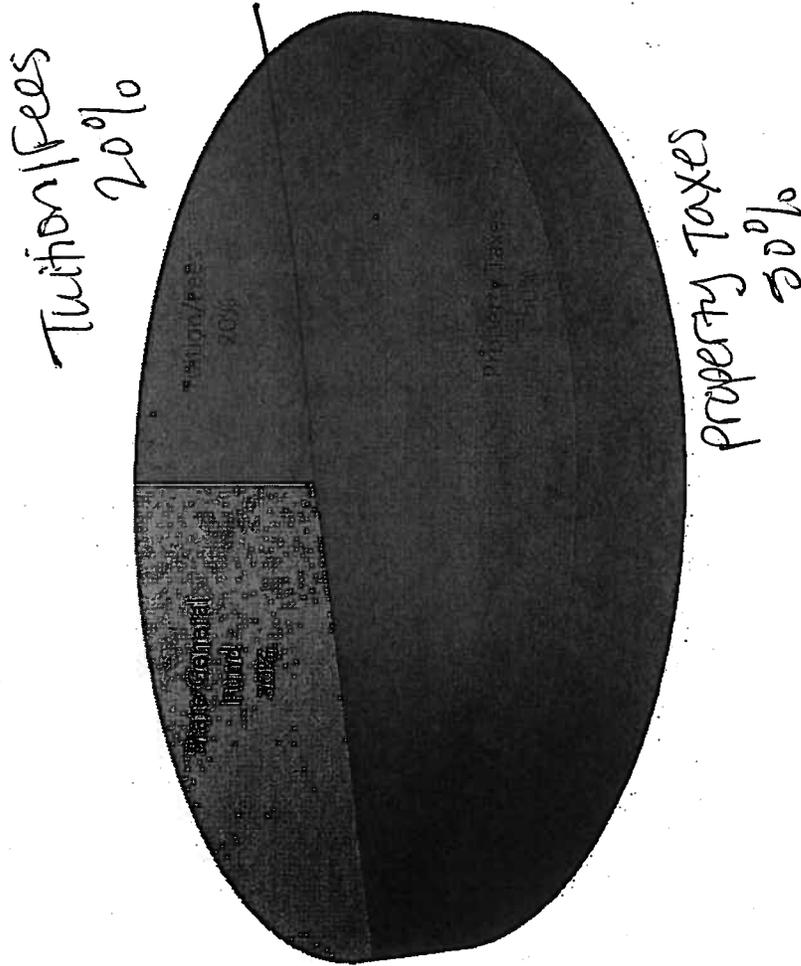


To COLLEGE  
 27.2% into College  
 directly out of  
 High School  
 State average is  
 13.5%

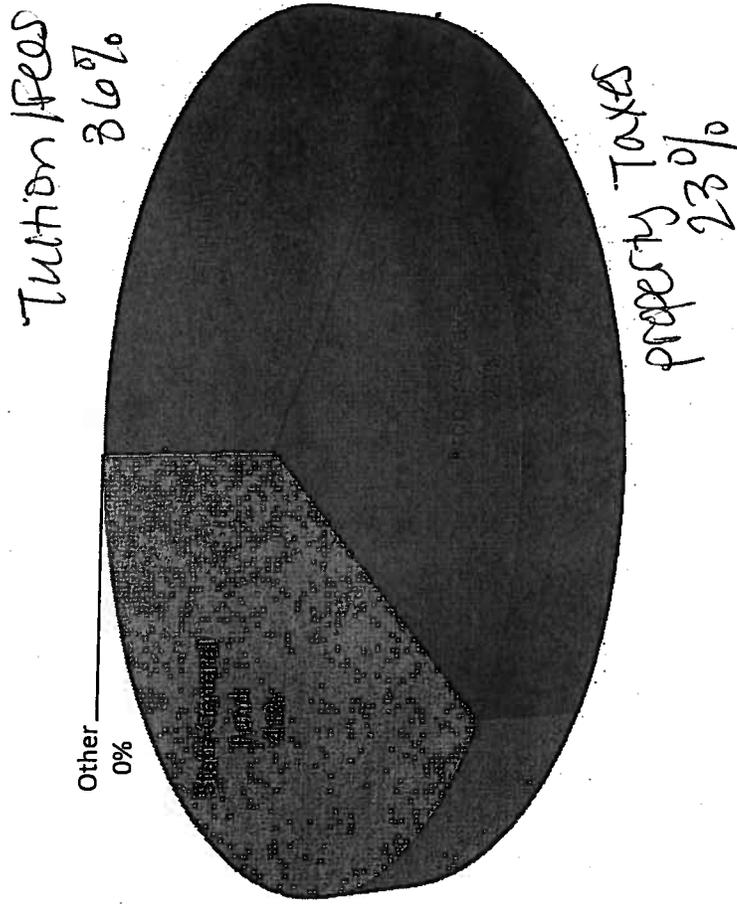
Source: OCCA

# Community College Funding

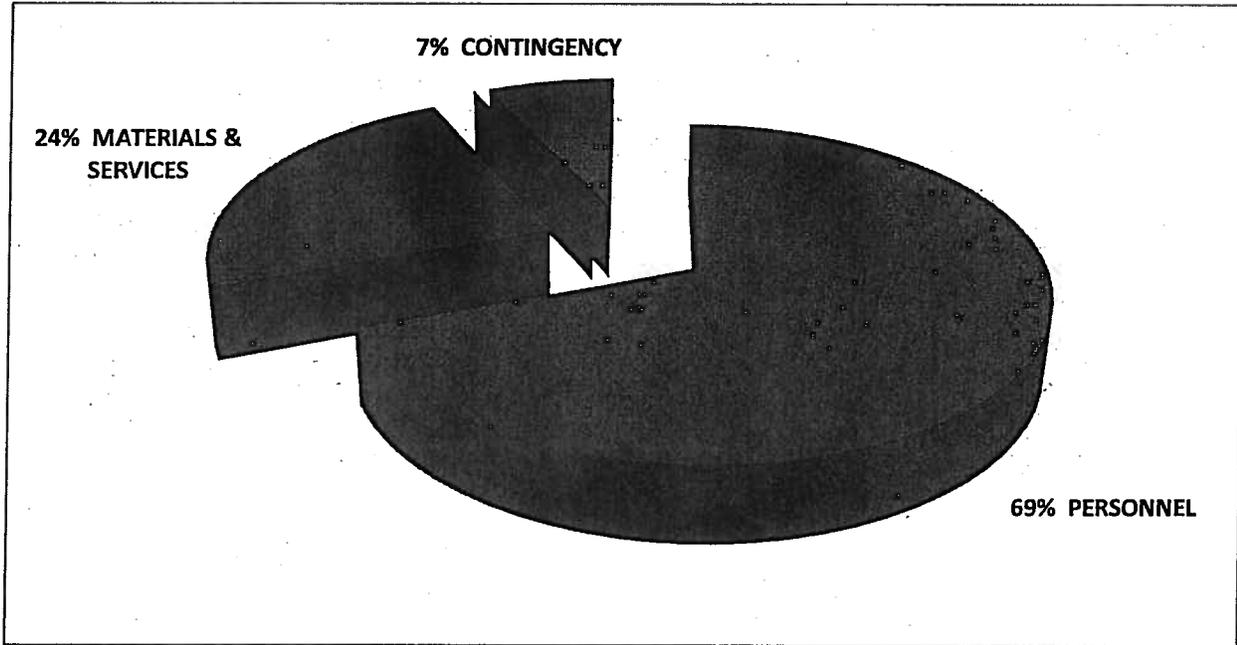
1989-90 General Fund  
(Pre-Measure 5) Operating Revenue



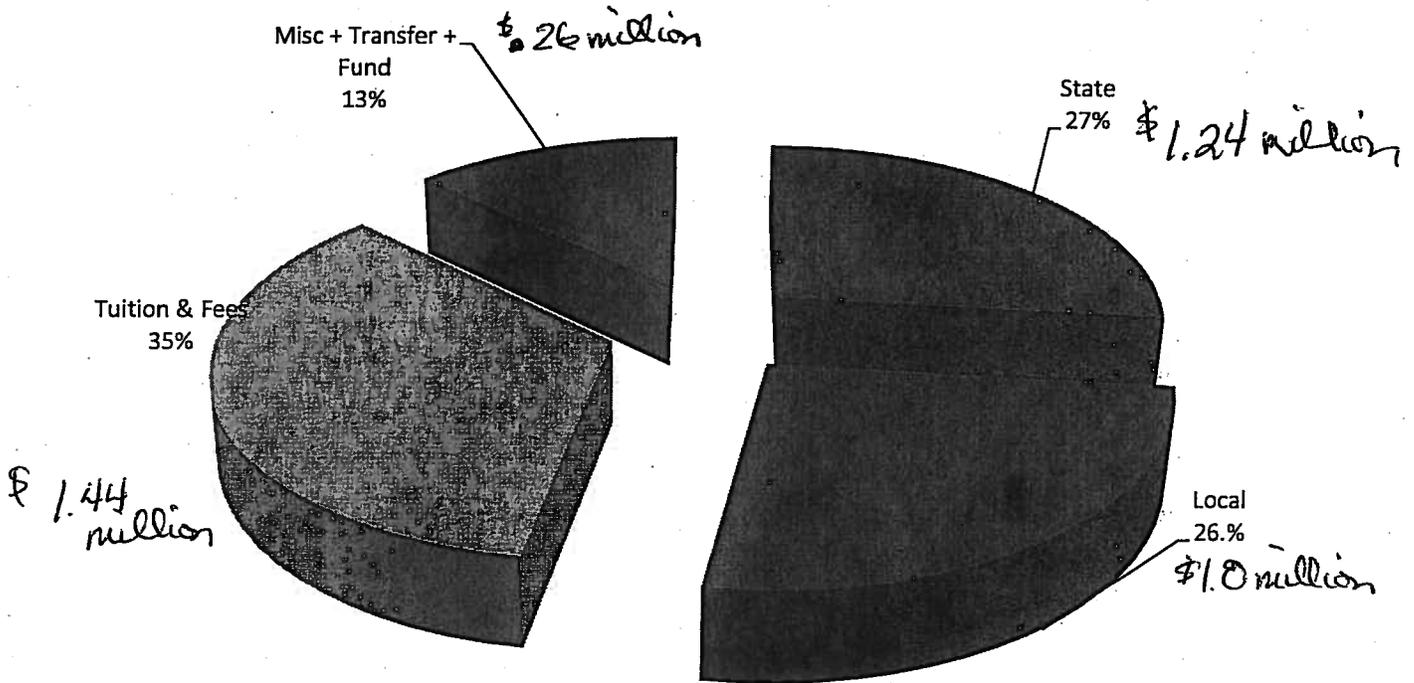
2008-09 General Fund  
Operating Revenue



Source: OCCA



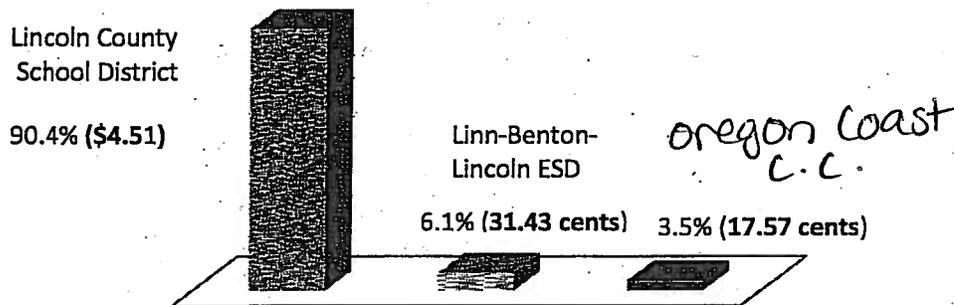
### General Fund Resources by Source



Source: OCCC budget-2012

specialized courses.

3. Lincoln County property tax allocated to the community college is the lowest in the state. OCCC receives 17.57 cents per thousand of assessed value of property. The statewide average of community college support from property tax is 46 cents per thousand. When examined in terms of percent of property tax proceeds, OCCC receives 3.5%, Linn-Benton-Lincoln ESD 6.1% and Lincoln County School District nets 90.4%.



POLICE DEPARTMENT  
169 SW COAST HWY  
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



 COPY

541.574.3348  
[www.newportpolice.net](http://www.newportpolice.net)

MOMBETSU, JAPAN, SISTER CITY

December 4, 2012

Gregory Carpenter  
5806 NW Rhododendron Street  
Newport, Oregon 97365

Dear Mr. Carpenter,

As promised, enclosed is the log of the violations you reported. It shows the progress, to date, of action taken. I will send you another updated log at the end of December.

Sincerely,

Mark J. Miranda  
Chief of Police  
(FBINA 198)

Cc: Jim Voetberg, City Manager

EST.  
1882

Newport Police Department  
 NUISANCE COMPLAINT LOG

| No. | Date Rcd. | Complt.   | Address               | Problem            | Priority | Case      | Status   | Closed Date |
|-----|-----------|-----------|-----------------------|--------------------|----------|-----------|----------|-------------|
| 1   | 9/17/2012 | Carpenter | 558 NE 3rd St.        | Fence              | 3        | 1211-4009 | No Viol. | 11/27/2012  |
| 2   | 9/17/2012 | Carpenter | 508 NE 3rd St         | Fence              | 3        | 1211-4010 | No Viol. | 11/27/2012  |
| 3   | 9/17/2012 | Carpenter | 509 NE 3rd St.        | Fence              | 3        | 1211-4011 | UTL      | 11/27/2012  |
| 4   | 9/17/2012 | Carpenter | 204 NE Benton St.     | Vegetation         | 3        | 1211-4012 | Pending  |             |
| 5   | 9/17/2012 | Carpenter | 710 NE Jeffries St.   | Vegetation         | 3        |           |          | 11/27/2012  |
| 6   | 9/17/2012 | Carpenter | 705 NE Jeffries St.   | Vegetation         | 3        | 1211-4013 | No Viol. |             |
| 7   | 9/17/2012 | Carpenter | 1098 NE 7th St.       | Vegetation         | 3        | 1211-4014 | Pending  |             |
| 8   | 9/17/2012 | Carpenter | 1110 NE 7th St.       | Vegetation         | 3        |           |          |             |
| 9   | 9/17/2012 | Carpenter | 311 NE 2nd St.        | Vegetation         | 3        | 1211-4015 | Variance | 11/27/2012  |
| 10  | 9/17/2012 | Carpenter | 132 NE Coos St.       | Fence              | 3        | 1211-4016 | No Viol. | 11/27/2012  |
| 11  | 9/17/2012 | Carpenter | 404 NE 2nd St.        | Vegetation         | 3        |           |          |             |
| 12  | 9/18/2012 | Carpenter | 457 NW 56th St.       | Vegetation         | 3        |           |          |             |
| 13  | 9/18/2012 | Carpenter | 5608 NW Meander St.   | Vegetation         | 3        |           |          |             |
| 14  | 9/18/2012 | Carpenter | 5511 NW Meander St.   | Vegetation         | 3        |           |          |             |
| 15  | 9/18/2012 | Carpenter | 5423 NW Meander St.   | Vegetation         | 3        |           |          |             |
| 16  | 9/18/2012 | Carpenter | 521 NW 54th St.       | Vegetation         | 3        |           |          |             |
| 17  | 9/18/2012 | Carpenter | 412 NW 54th St.       | Fence              | 3        |           |          |             |
| 18  | 9/18/2012 | Carpenter | 551 NW 54th St.       | Vegetation         | 3        |           |          |             |
| 19  | 9/18/2012 | Carpenter | 5508 NW Pinery St.    | Vegetation         | 3        |           |          |             |
| 20  | 9/20/2012 | Carpenter | 535 NW 7th St.        | Trees              | 3        |           |          |             |
| 21  | 9/20/2012 | Carpenter | 613 NE 7th St.        | Vegetation         | 3        | 1210-4627 | Pending  |             |
| 22  | 9/20/2012 | Carpenter | 409 NE 7th St.        | Fence & Vegetation | 3        | 1210-4628 | Pending  |             |
| 23  | 9/20/2012 | Carpenter | 707 NE Eads St.       | Vegetation         | 2        | 1210-4629 | UTL      | 10/30/2012  |
| 24  | 9/20/2012 | Carpenter | 305 NE 7th St.        | Vegetation         | 3        | 1210-4630 | No Viol. | 10/30/2012  |
| 25  | 9/20/2012 | Carpenter | 306 NE 7th St.        | Vegetation         | 3        | 1210-4631 | UTL      | 10/30/2012  |
| 26  | 9/20/2012 | Carpenter | 431 NE Benton St.     | Fence & Vegetation | 3        | 1210-4632 | No Viol. | 10/30/2012  |
| 27  | 9/20/2012 | Carpenter | 620 NE Benton St.     | Vegetation         | 3        | 1210-4633 | No Viol. | 10/30/2012  |
| 28  | 9/20/2012 | Carpenter | 428 NE Benton St.     | Vegetation         | 3        | 1210-4634 | Pending  |             |
| 29  | 9/20/2012 | Carpenter | 303 NE Benton St.     | Vegetation         | 3        | 1210-4635 | UTL      | 10/30/2012  |
| 30  | 9/20/2012 | Carpenter | 305 NE Benton St.     | Vegetation         | 3        | 1210-4636 | No Viol. | 10/30/2012  |
| 31  | 9/20/2012 | Carpenter | 304 NE Benton St.     | Vegetation         | 3        |           |          |             |
| 32  | 9/21/2012 | Carpenter | 1921 NE Crestview Dr. | Vegetation         | 3        |           |          |             |
| 33  | 9/21/2012 | Carpenter | 1930 NE Crestview Dr. | Vegetation         | 3        |           |          |             |

Newport Police Department  
 NUISANCE COMPLAINT LOG

|    |            |           |                          |                             |   |
|----|------------|-----------|--------------------------|-----------------------------|---|
| 34 | 9/21/2012  | Carpenter | 2014 NE Crestview Dr.    | Vegetation                  | 3 |
| 35 | 9/21/2012  | Carpenter | 2597 NE Crestview Dr.    | Vegetation                  | 3 |
| 36 | 9/21/2012  | Carpenter | 5707 NW Gladys St.       | Vegetation                  | 3 |
| 37 | 9/21/2012  | Carpenter | 87 NW 56th St.           | Fence & Vegetation          | 3 |
| 38 | 9/21/2012  | Carpenter | 519 NE 20th Place        | Vegetation                  | 3 |
| 39 | 9/21/2012  | Carpenter | 437 NE 20th Place        | Vegetation                  | 3 |
| 40 | 9/21/2012  | Carpenter | 2511 NE Crestview Dr.    | Vegetation                  | 3 |
| 41 | 9/21/2012  | Carpenter | 405 NW 55th St.          | Cars & Junk                 | 3 |
| 42 | 9/21/2012  | Carpenter | 658 NW 7th St.           | Fence                       | 3 |
| 43 | 9/24/2012  | Carpenter | 415 NW 58th St           | Fence & Vegetation          | 3 |
| 44 | 9/24/2012  | Carpenter | 416 NW 58th St.          | Vegetation                  | 3 |
| 45 | 9/24/2012  | Carpenter | 5715 NW Rhododendron St. | Vegetation                  | 3 |
| 46 | 9/24/2012  | Carpenter | 5805 NW Rhododendron St. | Vegetation                  | 3 |
| 47 | 9/24/2012  | Carpenter | 125 NW 55th St.          | Junk                        | 3 |
| 48 | 9/24/2012  | Carpenter | 5909 NW Rhododendron St. | Vegetation                  | 3 |
| 49 | 9/24/2012  | Carpenter | 125 NW Gladys St.        | Vegetation                  | 3 |
| 50 | 9/24/2012  | Carpenter | 424 NW 59th St.          | Blighted                    | 3 |
| 51 | 9/24/2012  | Carpenter | 5814 NW Rhododendron St. | Vegetation                  | 3 |
| 52 | 9/24/2012  | Carpenter | 5818 NW Rhododendron St. | Vegetation                  | 3 |
| 53 | 9/24/2012  | Carpenter | 5815 NW Rhododendron St. | Trees                       | 3 |
| 54 | 9/24/2012  | Carpenter | 428 NW 56th St.          | Fence, vegetation & trailer | 3 |
| 55 | 11/24/2012 | Carpenter | 19 SW Herbert St         | Over 36" hedge              | 3 |
| 56 | 11/24/2012 | Carpenter | 244 SW 12th St           | Over 36" hedge              | 3 |
| 57 | 11/24/2012 | Carpenter | 345 SE 2nd St            | Over 36" hedge              | 3 |
| 58 | 11/24/2012 | Carpenter | 462 NE 5th St            | Over 36" hedge              | 2 |
| 59 | 11/24/2012 | Carpenter | 13 SW Brook St           | Hazardous hedges            | 3 |
| 60 | 11/24/2012 | Carpenter | 219 NW Cottage           | Hazardous hedges            | 3 |

Priority 1 : Main Thoroughfare  
 Priority 2: Residential Feeder Streets  
 Priority 3: Residential Streets

UTL: Not a valid address

Updated: 11/26/12



## Cascades West Area Commission on Transportation

1400 Queen Ave. SE , Suite 205A, Albany, OR 97322  
(541)967-8551 • FAX (541)967-4651

DATE: December 3, 2012

TO: Mayors  
County Commission, Chairs  
Port District, Chairs  
Confederated Tribes of Siletz Indians, Chair

FROM: Roger Nyquist, CWACT Chair

RE: Nomination of members to the Cascades West Area Commission on Transportation

I have attached a sheet that has the names of all representatives and their alternates on the Cascades West Area Commission on Transportation (CWACT) and the date that their terms expire. The term of 30 members will expire on December 31, 2012. Please review the list to see when the term of the representatives from your jurisdiction expires. If their term expires, I request that you re-nominate the current representatives or nominate new representatives. We would like to have a full membership as soon as possible so please submit you nominations by early January.

Also, in reference to the terms which will expire on December 31, 2013, if your jurisdiction's CWACT representative and/or alternate has left office, if you wish to make a change or if you wish to designate an alternate (for agencies that currently do not have an alternate), please forward your nomination. The nomination form is attached.

The primary representative for each jurisdiction must be an elected official. Alternates do not have to be elected officials. It is important to nominate people that will make a commitment to attend the meetings.

The CWACT is also a standing committee of the Oregon Cascades West Council of Governments and the OCWCOG Board will formally appoint nominees.

If you have any questions about the CWACT, please contact Mark Volmert at 541-924-8430.

#### Attachment

C: City/County Managers and Administrators  
CWACT representatives

**2013 Nomination Form**  
**Cascades West Area Commission on Transportation**

The following individuals have been nominated to represent  
(City/County/Port/Tribe) \_\_\_\_\_ on the Cascades West Area  
Commission on Transportation. The nominations were made during a legally convened public  
meeting of the (City Council/Commission/Tribal Council)  
\_\_\_\_\_ on (date) \_\_\_\_\_.

The nomination for the **primary** representative (must be elected official) to the CWACT is  
(name and title) \_\_\_\_\_.

The nomination for **alternate** representative to the CWACT is (name and title)  
\_\_\_\_\_.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Please include the following information:

**Primary Representative**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Alternate Representative**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please return this form by early  
January 2013 to:

Mark Volmert  
Cascades West COG  
1400 Queen Ave. SE, Suite 205A  
Albany, OR 97322  
Fax 541-967-4651  
mvolmert@ocwcog.org

If your community's representatives are listed on this page, you do not need to take any action at this time, unless the representative left office or you wish to make a change. If you wish to make a change please submit your nominates by early January.

## CWACT Members with Terms Expiring 12/31/2013

| Last Name   | First Name | Representing                   | Category  | Term Expires |
|-------------|------------|--------------------------------|-----------|--------------|
| Modrell     | Linda      | Benton County                  | Primary   | 12/31/2013   |
| Dixon       | Jay        | Benton County                  | Alternate | 12/31/2013   |
| Olsen       | Dick       | City of Albany                 | Primary   | 12/31/2013   |
| Irish       | Ron        | City of Albany                 | Alternate | 12/31/2013   |
| Brauner     | Hal        | City of Corvallis              | Primary   | 12/31/2013   |
| Steckel     | Mary       | City of Corvallis              | Alternate | 12/31/2013   |
| Shiple      | Donald     | City of Harrisburg             | Primary   | 12/31/2013   |
| Staehlin    | Ronald     | City of Harrisburg             | Alternate | 12/31/2013   |
| Cowan       | Scott      | City of Millersburg            | Primary   | 12/31/2013   |
| Canter      | Paul       | City of Monroe                 | Primary   | 12/31/2013   |
| Minard      | Jim        | City of Monroe                 | Alternate | 12/31/2013   |
| McConnell   | Mark       | City of Newport                | Primary   | 12/31/2013   |
| Sawyer      | Dean       | City of Newport                | Alternate | 12/31/2013   |
| Dunaway     | Jack       | City of Toledo                 | Primary   | 12/31/2013   |
| Denlinger   | Adam       | City of Toledo                 | Alternate | 12/31/2013   |
| Mann        | Tim        | City of Siletz                 | Primary   | 12/31/2013   |
| Fisher      | Terry      | City of Siletz                 | Alternate | 12/31/2013   |
| Kentta      | Robert     | Conf. Tribes of Siletz Indians | Primary   | 12/31/2013   |
| Barlow-Lind | Pam        | Conf. Tribes of Siletz Indians | Alternate | 12/31/2013   |
| Nyquist     | Roger      | Linn County                    | Primary   | 12/31/2013   |
| Lindsey     | John       | Linn County                    | Alternate | 12/31/2013   |
| Friedt      | Stephan    | Benton County – Private Sector | Primary   | 12/31/2013   |
| Johnston    | Doris      | Linn County – Private Sector   | Primary   | 12/31/2013   |
| Steele      | Janet      | Linn County – Private Sector   | Primary   | 12/31/2013   |

If your community's representatives are listed on this page, please re-nominate the primary and alternate representatives or nominate new people to the positions. Please submit your nominates by early January.

## CWACTION Members with Terms Expiring 12/31/2012

| Last Name | First Name | Representing                    | Category  | Term Expires |
|-----------|------------|---------------------------------|-----------|--------------|
| Jincks    | David      | Port of Newport                 | Primary   | 12/31/2012   |
| Keeler    | Maureen    | Port of Newport                 | Alternate | 12/31/2012   |
| Currier   | Bill       | City of Adair Village           | Primary   | 12/31/2012   |
| Mercer    | Ron        | City of Adair Village           | Alternate | 12/31/2012   |
| Kriz      | Michael    | Port of Toledo                  | Primary   | 12/31/2012   |
| Shoemake  | Bud        | Port of Toledo                  | Alternate | 12/31/2012   |
| Hunt      | Doug       | Lincoln County                  | Primary   | 12/31/2012   |
| Thompson  | Terry      | Lincoln County                  | Alternate | 12/31/2012   |
| Rieseck   | David      | City of Yachats                 | Primary   | 12/31/2012   |
| Scott     | Dustin     | City of Waterloo                | Primary   | 12/31/2012   |
| Cutter    | Dann       | City of Waldport                | Alternate | 12/31/2012   |
| Holland   | Greg       | City of Waldport                | Primary   | 12/31/2012   |
| McLennan  | Seaton     | City of Tangent                 | Primary   | 12/31/2012   |
| Wagner    | Jim        | City of Tangent                 | Alternate | 12/31/2012   |
| Fentiman  | Craig      | City of Sweet Home              | Primary   | 12/31/2012   |
| Gourley   | Jim        | City of Sweet Home              | Alternate | 12/31/2012   |
| Nuber     | John       | City of Scio                    | Primary   | 12/31/2012   |
| Wilson    | Earl       | City of Scio                    | Alternate | 12/31/2012   |
| Schaudt   | Ken        | City of Philomath               | Alternate | 12/31/2012   |
| Sloan     | Rocky      | City of Philomath               | Primary   | 12/31/2012   |
| Eggleton  | Gordy      | City of Lincoln City            | Primary   | 12/31/2012   |
| Bradley   | Lila       | City of Lincoln City            | Alternate | 12/31/2012   |
| Elliott   | Bob        | City of Lebanon                 | Primary   | 12/31/2012   |
| Grassick  | Dan        | City of Lebanon                 | Alternate | 12/31/2012   |
| Doerfler  | Wade       | City of Halsey                  | Alternate | 12/31/2012   |
| Parker    | Kathy      | City of Halsey                  | Primary   | 12/31/2012   |
| Connors   | Carol      | City of Depoe Bay               | Primary   | 12/31/2012   |
| Laverty   | Mike       | City of Depoe Bay               | Alternate | 12/31/2012   |
| Gray      | Cody       | Lincoln County – Private Sector | Primary   | 12/31/2012   |
| Bain      | Bill       | Lincoln County – Private Sector | Primary   | 12/31/2012   |





# Memo

To: Jim Voetberg, City Manager and City Council  
From: Derrick Tokos, Community Development Director  
Date: December 11, 2012  
Re: Department Update

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## **MONTHLY PERMIT FIGURES**

The following is a summary of November 2012 building and land use activity.

|      | Building Permits      | Electrical Permits   | Plumbing Permits    | Construction Value | Land Use Actions    |
|------|-----------------------|----------------------|---------------------|--------------------|---------------------|
| Nov. | 9<br>(\$4,746.68)     | 18<br>(\$1,750.56)   | 5<br>(\$654.36)     | \$558,600          | 2<br>(\$620.00)     |
| YTD  | 136<br>(\$120,786.42) | 242<br>(\$29,851.11) | 56<br>(\$14,052.98) | \$14,598,805       | 46<br>(\$23,557.00) |

Building activity included two new single-family dwellings, two residential remodels, a commercial remodel, three wall signs, and two temporary signs. The land use actions consist of a right-of-way encroachment permit and a minor replat.

## **STATUS OF MAJOR CONSTRUCTION PROJECTS**

Port Terminal Project: In-water work on pilings and related structures is ongoing. City to final when all construction is completed.

Lincoln County School District: Finish work is underway on new classrooms at the Prep Academy, Sam Case Elementary, and High School. Finish work is also being performed on the new elementary school gym.

O'Reilly Auto Parts: Building plans have been submitted and reviewed. Architect is working on corrections.

Umpqua Bank: Architect is working on a design for the new bank and anticipates submitting for a building permit by 2/1/13.

Nazarene Church Outreach/Community Center: Perimeter foundation in place for footings and the structure is enclosed. Concrete slab has been poured.

Walgreens: The development agreement, easement, and street vacation ordinance have been recorded. The portion of SE 1<sup>st</sup> Street between US 101 and Avery is now officially vacated. Permits have been issued for construction of the store.

Fred Meyer: Certificate of occupancy to be issued once the owner installs bus shelter and completes additional safety striping in the parking lot.

Teevin Bros. Log Yard: Preparing a traffic impact analysis. Anticipate receiving the application within the next couple of weeks.

## **SIGNIFICANT PLANNING PROJECTS**

Safe Haven Hill Tsunami Evacuation Improvements: Oregon Emergency Management and FEMA have indicated that they anticipate action on our grant application to fully improve access to the hill site shortly after the first of the year. In the meantime, ODOT issued a permit to the city to perform interim improvements, including brush clearing, minor leveling of the top of the hill, and installation of a gravel path along the existing site access. Work is to be scheduled by the Public Works Department.

Creation of Land Bank for Work Force Housing: Top implementation priority of Housing Study adopted by the City Council on 6/20/11. Staff is working with stakeholders to develop an ordinance to provide a framework for how the "Land Bank" and "Housing Fund" should function.

Vacation Rental Code Update: At this time 82 applications for VRD or B&B endorsements have been submitted to the City. The City has conducted 48 inspections, 27 of which have passed. For those applications that have yet to pass, fire egress out of bedroom windows, lack of GFCI outlets, inadequate hand railing or guard rails on staircases (primarily on decks), and strapping on water heaters were the primary issues.

Transportation System Plan Update: City Council adopted the Transportation System Plan amendments on 11/5/12. New zoning code chapters for Transportation Impact Analysis studies and Improvements for infill development were effective 12/5/12. Informational materials have been prepared for applicants. The trip budget program will become effective once the County and State adopt the proposal. The County adoption phase was kicked off at a 11/26/12 joint City/County Planning Commission meeting.

Agate Beach Street and Recreation Enhancements: FHWA announced that the project will be grant funded on 8/2/12 in the amount of \$557,696. City is awaiting grant agreement paperwork from ODOT, who administers the program for our state.

Territorial Sea Planning Process: DLCD is close to completing its work on identifying where commercial wave energy projects can be located within the territorial sea and in developing standards against which the projects will be evaluated. The Planning Commission is recommending the Council support the County in its effort to limit deployments off of Lincoln County to research sites only. The Commission also recommends that the Council advise DLCD that it is comfortable with the scenic resource inventories that will be used to evaluate the visual impacts of offshore development and that the City should be kept informed as those standards are developed. This topic is scheduled for Council discussion and potential action on 12/17/12.

Reservoir UGB Amendment and Annexation: On 12/10/12 the Planning Commission met in work session to consider draft amendments to the Comprehensive Plan, updating the criteria for evaluating UGB amendments and policies related to the reservoir properties. They elected to initiate the amendments at their evening session and a hearing before the Commission will occur on 1/28/13. This sets the stage for an application to expand the UGB to bring in the reservoir properties. A draft of that proposal should be ready for Commission consideration at a work session on 1/14/13 and could be initiated concurrent with the plan amendments.

US 101 Utility Undergrounding: Staff is to provide Central Lincoln PUD with a formal written request that they initiate work on preparing an estimate for undergrounding utilities along US 101. The letter is being prepared. This may lead into a broader conversation about how the franchise agreement might be adjusted moving forward. That agreement expires in December of 2018.

Newport Economic Opportunity Analysis: Technical Advisory Committee will meet on 12/17 to prepare a work plan, position description, and funding recommendations for a business recruitment/coordinator function. This will be timed to inform upcoming budget discussions.

Pacific Marine Energy Center (PMEC): Committee is meeting on 12/12 and 12/17 to put together a proposal to OSU for locating a grid connected wave energy test facility in Newport. It may involve the lease of city property, which would require Council action at a future date.

## **COMMITTEE WORK**

Planning Commission: A joint work session was held on 11/26/12 with the County Planning Commission to discuss the reservoir annexation, Territorial Sea Plan amendments, and the Transportation Plan updates.

Parking Districts: The Nye Beach, Bay Front, and City Center Parking Districts did not meet in November.

October 2012

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## **FINANCE DEPARTMENT STATUS FOR NOVEMBER, 2012**

"Libraries will get you through times of no money better than money will get you through times of no libraries."

### **EXECUTIVE SUMMARY**

- A. A SINGULAR EVENT OCCURRED ON NOVEMBER 26<sup>TH</sup>: THE FINANCE DIRECTOR SHOWED UP FOR WORK (?), THOUGH INITIALLY HE WANDERED THE HALLS AIMLESSLY AT FIRST, EVENTUALLY, A SYMPATHETIC BYSTANDER DIRECTED HIM TO HIS OFFICE, THOUGH FEW RECOGNIZED HIM, DUE TO HIS CADAVEROUS BODY AND SKELETAL MIEN.
- B. AND HE APOLOGIZES FOR THIS ABBREVIATED STATUS REPORT; AS ALWAYS, THERE IS MUCH GOING ON IN FINANCE, BUT FOR NOW, NOT ENOUGH TIME TO WRITE ABOUT IT FULLY.

### **II. SOFTWARE CONVERSION**

- A. NOVEMBER SAW THE FIRST REAL "BUMP IN THE ROAD" IN OUR JOURNEY TO AN INTEGRATED FINANCIAL SYSTEM: IT PROVED TO BE FAR MORE DIFFICULT THAN WE IMAGINED IT WOULD TO CONVERT OUR UTILITY SOFTWARE, CALLED VAPID, er, *VADIM* TO OUR NEW SOFTWARE, *CLARITY*.
- B. IN EFFECT, WE (AND OUR VENDOR, CASELLE), SPENT MANY HUNDREDS OF HOURS CONVERTING THE UTILITY BILLING FOR WATER AND WASTEWATER FOR ABOUT 4,500 CUSTOMERS, A CONVERSION THAT WAS RESISTED MIGHTILY BY THE GODS AND DEMONS WHO INHABIT THE NETHERWORLD OF SOFTWARE.
- C. AS A RESULT, BILLINGS TO OUR CUSTOMERS WILL BE TWO WEEKS LATE, AND, BY THE TIME YOU READ THIS, SHOULD HAVE BEEN MAILED ON DECEMBER 14<sup>TH</sup>. WE HAVE A "GET WELL" PLAN FOR THE JANUARY AND FEBRUARY BILLING, WHICH SHOULD GET US BACK ON SCHEDULE.
- D. UNFORTUNATELY, THIS DELAY MAY AFFECT THE DOWNSTREAM CONVERSIONS OF OTHER MODULES, INCLUDING ACCOUNTS RECEIVABLE AND PURCHASE ORDERS.
- E. THERE ARE A PLETHORA OF OTHER CHALLENGES BUT, EVENTUALLY, THIS TOO SHALL PASS, AND THE CITY WILL, FINALLY, HAVE A SOFTWARE SYSTEM THAT MAKES SENSE.

### **III. HUMAN RESOURCES**

- A. WHILE I WAS OUT, WE ADVERTISED AGAIN FOR THE HUMAN RESOURCES POSITION.
- B. ON DECEMBER 12<sup>TH</sup>, JJ SCOFIELD ACCEPTED THE CITY'S OFFER AND WILL START ON JANUARY 7<sup>TH</sup>. HE COMES TO US FROM HIS PRESENT POSITION AS THE HR DIRECTOR AT TRINITY MISSION HEALTH AND REHAB OF PORTLAND (WHERE HE ALSO PROCESSES THE PAYROLL); HE HAS A BACHELOR'S DEGREE FROM WESTERN OREGON UNIVERSITY AND BRINGS WITH HIM CONSIDERABLE EXPERIENCE, ALSO, IN FINANCIAL AND BUDGET ANALYSIS.

### **IV. FOR THE OUTGOING MEMBERS OF THE COUNCIL: I ENJOYED WORKING WITH YOU FOR THE PAST TWO YEARS, AND I'M ONLY SORRY THAT I CAN'T GIVE YOU A MORE COMPLETE REPORT.**



# Memo

To: Jim Voetberg, City Manager and City Council  
From: Ted Smith, Library Director  
Date: December 15, 2012  
Re: Library Department Update

## **Professional Involvement:**

The Library Director has been busy working on various state library committees. The following applies:

November 16, Oregon Public Library Standards. This committee was assembled with the encouragement and support of the Oregon State Library and the Oregon Library Association to completely rewrite the Oregon Public Library Standards. The anticipated completion date of this project is June 2013.

December 10, Governance Subcommittee. The Library Director led a meeting of librarians who are responsible for writing standards guiding the governance of public libraries.

December 11, Salem, Oregon Digital Library Consortium (ODLC) Board Meeting. The Library Director represents the Oceanbooks Library Network (Newport, Lincoln City and Tillamook County) in this consortium. The ODLC Board is negotiating a new contract with the company that provides audio and e-books to member libraries. The ODLC Board continues to develop the FY 13-14 budget for member libraries.

December 13, The Library Director met with Brent Gainer, from the Newport Police Department to discuss new state laws that expand the mandate to report suspected child abuse incidents to employees working in public libraries. The Library will be closing for an in-service training in January to cover our new responsibilities in this area. This will be new ground for all library staff.

## **Other Library News**

The annual Foundation Fundraising letters started going out in late November. Less than five have been returned as undeliverable, so the mailing list is pretty clean. Donations have started coming in; Richard will be reporting on those.

The Library Director has written the first of three grant applications for consultants to study future library needs. The first draft is being reviewed and will be submitted to the Oregon Community Foundation in January.



# Memo

To: Jim Voetberg, City Manager and City Council  
From: Jim Protiva, Parks and Recreation Director  
Date: December 10, 2012  
Re: Department Update-November 2012

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## **Municipal Pool**

- High School Swim Team pool usage began November 12<sup>th</sup> with new evening hours
- Job Corp Water safety training – Thursday mornings (rental) we conduct water training, 50 students
- Aqua Circuit class is ongoing Tuesdays and Thursdays at 1:30

## **Recreation Center**

- Hosted Santa (Chamber of Commerce) in foyer and amazing decorations (Shannon)
- Schools Out program had 46 kids over 3 days during Thanksgiving week
- Thorough evaluation and repair of HVAC system will help save on heating costs
- Staff prepared annual passes for all City Employees

## **Sports Programs**

- Held the Lincoln County Middle School Volleyball Tournament- 10 teams
- Newport Middle School girls basketball had over 30 girls participate
- Newport 1<sup>st</sup> – 6<sup>th</sup> grade basketball assessments had over 150 youth/16 coaches
- 20 local business team sponsors secured for this season
- Men's competitive indoor soccer league started with 5 teams participating

## **Senior Activity Center**

- Hosted ABATE Thanksgiving meal with 190 people in attendance
- Held a Craft Fair with 21 tables of goods being displayed
- AARP Driving Class for 50 years and older, driving safety/defensive course
- Memory Screening Day with tests provided for cognitive ability (Nov. 13)
- Friends took delivery of a new Ford 12 passenger van for Senior Center

| <b>Parks &amp; Rec Data<br/>November 2012</b> | <b>Facility usage<br/>counts</b>   | <b># Programs<br/>offered</b> | <b>New<br/>annual<br/>passes</b> | <b>Total<br/>annual<br/>passes</b> | <b>New<br/>other<br/>passes</b> | <b>Total other<br/>passes</b> | <b>Drop in<br/>users</b> |
|---|------------------------------------|-------------------------------|----------------------------------|------------------------------------|---------------------------------|-------------------------------|--------------------------|
| Senior Center                                 | 1139 visits                        | 34                            | N/A                              | N/A                                | N/A                             | N/A                           | 332                      |
| Sports  | 2317 est. vists<br>mult. Locations | 22                            | N/A                              | N/A                                | N/A                             | N/A                           | 376                      |
| Recreation Center                             | 14992 visits                       | 25                            | 86                               | 750                                | 85                              | 575                           | 1374                     |
| Municipal Pool                                | 3083 visits                        | 12                            | 11                               | 146                                | 37                              | 116                           | 295                      |
| <b>Totals</b>                                 | <b>22,531</b>                      | <b>93</b>                     | <b>97</b>                        | <b>896</b>                         | <b>122</b>                      | <b>691</b>                    | <b>2,377</b>             |

\*spectators are not required to have a pass

\*Rec Center pass allows Pool use



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

December 12, 2012

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

Here is a brief summary of Fire Department activities in November:

The newly purchased engines and the new rescue unit are now in service. We have also purchased a surplus Suburban SUV and two ladders to outfit one of the new engines from Depoe Bay Fire.

This week we were also able to purchase a wild land engine through state surplus for \$175. It is a 2004 F550 type 6 brush engine (6.0 L diesel, 300 gallon tank, with 58,972 miles). It looks to be in good shape and just needs tires and a radio. It will replace our 1988 Chevy Type 6 engine (3211), which will be surplus and sold. Here is a photo:



**Building Improvements** – Computer and phone are installed at the Agate Beach Fire Station, and the improvements at the Newport Fire Station 3200 are complete.

**Regional Collaboration Opportunities** – The planning group continues to meet monthly, and progress is positive and productive.

It was the consensus of the group, that we should proceed with developing an agreement to share administrative services between the City of Newport, Newport RFPD, Depoe Bay RFPD, and Central Coast RFPD. They asked the fire chiefs to provide some possible organization charts, including roles and responsibilities, so the group could get a better feel for what this might entail. Those organizational charts were included with last month's report. At this month's meeting a new chart was approved (see attachment). The representatives from the fire district boards and city council, also met to discuss cost-sharing formulae and representation (voting) of a "fire authority" board.

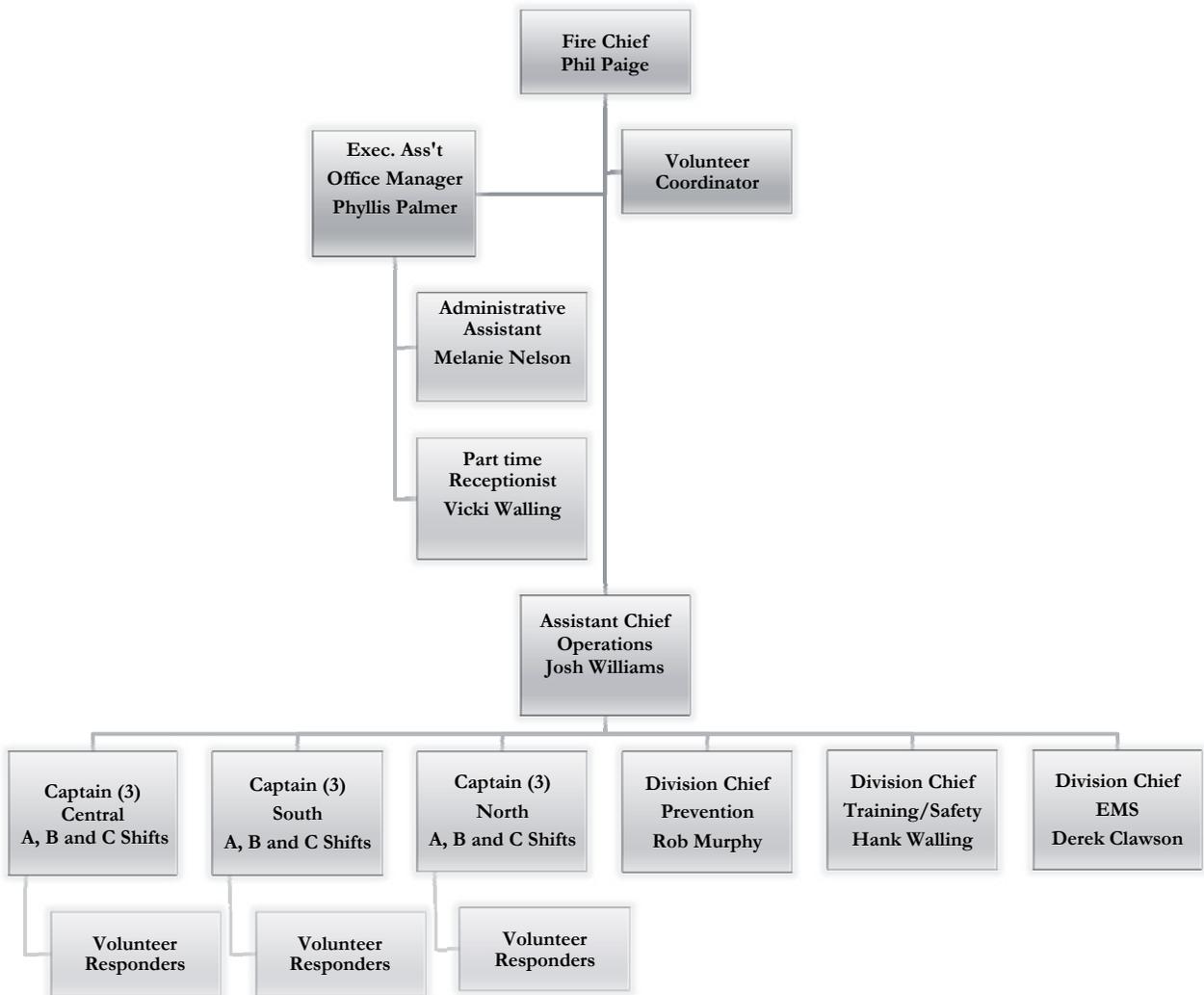
## Operations

- We had 134 calls for service in November, and the increase in calls for service continues, with 1,564 calls in the first eleven months of 2012.
- Captain promotional interviews were completed, and we will be promoting Tracy Cole, Richard Giles and Doyle Helmricks to Captain from the career personnel and Brian Haggerty to volunteer Captain in charge of the new Agate Beach Station effective January 2, 2013. Payroll is making the changes necessary to begin assigning “acting captains” in December.
- Tom Jackson has been hired as a probationary firefighter effective December 1<sup>st</sup>. I anticipate enough savings in our overtime and temporary employee budgets, that we will save enough money to pay for this added position for the remainder of the budget year. I am confident that with the lower cost of the new firefighter rank, we can generate enough savings in overtime to almost cover the cost in future years.
- The vast majority of incidents continue to occur in the downtown area (Station 3200 response area). We are monitoring the calls and response times, so we will be moving the staffing from the south station to the main station at the first of the year. This will provide three on duty in the daytime (unless one is on vacation or sick) and four or five on duty at night (with volunteers).
- We hope to have a crew assigned to the Agate Beach station as of August. We still have a few logistics to work out, such as overhead door openers, quick access door locks, etc. Nobody will actually staff the station but volunteers will respond to the station and then respond to the incidents with apparatus from the station.

Respectfully submitted,  
Phil Paige, Fire Chief

# CENTRAL COAST FIRE AUTHORITY

## Recommended Administrative Structure



# **CENTRAL COAST FIRE AUTHORITY**

## **Chief Officers - Administrative Duties**

### **Fire Chief – Phil Paige**

- Oversight of contractual services
- Provides leadership and direction to organization
- Sets fire department policy
- Budget development and management
- Collaborates and maintains partnerships with and supports other fire districts and city departments
- Implements the goals, strategies, programs and policies of the Central Coast Fire Authority Board
- Oversees development and implementation of the strategic plan
- Attends City Council and Board meetings
- Interacts with various community groups
- Supervise Assistant Chief, Executive Assistant/Office Manager and Volunteer Coordinator
- Monitors community fire protection risks

### **Assistant Chief / Operations – Josh Williams**

- Operations (Fire, EMS, Hazardous Materials, Rescue)
- Personnel matters
- Employee relations
- Report management system coordinator
- Strategic plan implementation
- Operation Manual, SOG's
- Pre-Employment testing and evaluation
- Willamette Valley Dispatch Liaison
- Supervise Shift Captains and the Chiefs of Training, EMS and Prevention Divisions
- ISO Coordination

### **Division Chief / Fire Prevention - Rob Murphy**

- Fire code administration
- Fire investigations
- Hazardous materials management
- Fire code review & adoption
- Inspection programs
- New development and construction plan review
- Public education and information programs
- Supervise: Senior Inspector & 2 Inspectors
- Strike Team Leader
- Attend District Meetings & Prepare Staff reports
- Disaster Preparedness and Emergency Management Programs
- CERT Team management and coordination

### **Division Chief / Training & Safety – Hank Walling**

- In-service and specialized training coordination for career and volunteer personnel
- Training schedule and calendar
- Recruit testing
- DPSST certification coordination and recordkeeping
- Development and maintenance of training facilities
- Cadet Program
- Training records and report management
- Representative to Safety Committees
- Safety operations and procedures
- Promotional exam design and preparation
- COCTOA representative
- Wellness program coordinator
- Respiratory protection program coordinator
- Probationary education, training, testing, academy
- Training requests & reimbursement

### **Division Chief / EMS – Derek Clawson**

- EMS Training Coordinator
- Quality Assurance Program
- Recruit EMS Evaluations
- Medical Supply, Equipment Specification and Purchase
- Ambulance Billing Coordinator
- EMS Report Management System, Records Custodian
- Hospital, County and State EMS Liaison
- EMS Public Education
- Privacy Officer (HIPAA)
- Designated Officer (Blood Borne Pathogens)
- Pre-employment Testing & Evaluation
- ASA coordination, management and budget
- Certification / recertification management
- Controlled substance manager
- Protocol & documentation compliance
- EMS system structure & oversight
- AED/CPR Programs

# NEWPORT FIRE DEPARTMENT

## City Report November 2012

|                         | CITY | RURAL |                           | CITY | RURAL |
|-------------------------|------|-------|---------------------------|------|-------|
| FIRE CALLS:             | 6    | 1     | PERMITS ISSUED:           |      |       |
| AUTOMATIC ALARMS:       | 3    | 1     | BURN PERMITS:             | 30   | 26    |
| MEDICAL CALLS:          | 77   | 13    | FIREWORKS PERMIT:         | 0    | 0     |
| MOTOR VEHICLE COLLISION | 1    | 1     | FIREWORKS DISPLAY:        | 0    | 0     |
| RESCUE                  | 0    | 0     | PERSON INSERVICES TOURS:  | 20   |       |
| MUTUAL AID RENDERED:    | 3    | 4     | TOTAL INSPECTIONS:        | 3    |       |
| MUTUAL AID RECEIVED:    | 0    | 0     | VIOLATIONS:               | 30   |       |
| AVIATION STANDBY:       | 0    |       | ABATEMENTS:               | 13   |       |
| PUBLIC SERVICE          | 17   | 5     | PLAN REVIEWS:             | 5    |       |
| HAZARDOUS CONDITION     | 3    | 0     | CONSTRUCTION INSPECTIONS: | 2    |       |
| OVERPRESSURE/RUPTURE:   | 0    | 0     | VOLUNTEER HOURS           | 206  |       |

### OCCUPANCIES of Fires and Automatic Alarms

|                       |   |   |                    |   |   |
|-----------------------|---|---|--------------------|---|---|
| AIRCRAFT:             | 0 | 0 | PROCESSING PLANTS: | 0 | 0 |
| BOATS:                | 0 | 1 | PUBLIC BUILDINGS:  | 0 | 0 |
| HOSPITAL/CARE CENTER: | 0 | 0 | REPAIR SHOPS:      | 0 | 0 |
| HOTEL/MOTEL:          | 0 | 0 | RESIDENTIAL:       | 1 | 0 |
| LABORATORIES:         | 0 | 0 | RESTAURANT:        | 3 | 0 |
| LAUNDRAMATS:          | 0 | 0 | SCHOOLS:           | 0 | 0 |
| LAUNDRIES:            | 0 | 0 | SERVICE STATION:   | 0 | 0 |
| MANUFACTURING:        | 0 | 0 | STORAGE:           | 0 | 0 |
| MARINA:               | 0 | 0 | STORES:            | 1 | 0 |
| MISCELLANEOUS:        | 4 | 0 | TAVERNS:           | 0 | 0 |
| MOTOR VEHICLES:       | 0 | 0 | TRAILERS:          | 0 | 0 |
| NATURAL COVER:        | 0 | 0 | UTILITIES:         | 0 | 1 |
| OFFICES:              | 0 | 0 | VACANT BUILDINGS:  | 0 | 0 |

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# NEWPORT FIRE DEPARTMENT

## City Report November 2012

### CAUSES of Fires and Automatic Alarms

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

#### **LOSS OF LIFE**

CIVILIAN: 0    FIREFIGHTER: 0

#### **INJURY**

CIVILIAN: 0    FIREFIGHTER: 0



Noble  
Professional  
Dedicated

Newport Police Department  
**Memorandum**

*One Team - One Future*

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**Date:** December 10, 2012  
**To:** Jim Voetberg, City Manager  
**From:** Mark J. Miranda, Chief of Police  
**Subject:** **Monthly Department Report**

1. Officer Steve Hallmark, our newest officer, graduated from the Police Academy. He has started his field training. This training provides him with advanced and practical law enforcement training and lasts for 17 weeks. This field training also allows training officers to closely evaluate Ofcr. Hallmark's performance. He is expected to complete the field training in February, at which time he will be assigned to a patrol shift in a solo status.
2. The administrative side of the Police Department keeps me fairly busy. Community Policing is a core value of law enforcement and an integral part of the Newport Police Department. My role is to maintain contacts with various organizations and groups. It is important to maintain communications as they are our constituents. It also allows me to hear, first hand, concerns of the community. It allows the group members to have a conduit to the Police Department and I have the ability to clear-up any misconceptions they may have on police activity. I also take opportunities to promote the Police Department and provide public safety information in various venues. The following are some of my activities in November:
  - Attended the Nye Beach Merchants meeting
  - Attended the Pedestrian/vehicle Task Force meeting
  - Attended Chamber After Hours
  - Was a guest on the Sheriff's Radio Show on KCUP
  - Attended the Partnership Against Alcohol and Drug Abuse Board Meeting
  - Attended the Central Lincoln County Cert Board Meeting
  - Attended the Interfaith Coordination Organization Meeting
  - Guest hosted a radio show on KNPT
3. Meth is still a large commodity in our area. But the good news is that Meth Labs have virtually disappeared in Oregon. In the first half of the year only seven (7) clandestine labs were seized by Law Enforcement. Washington State had even less at four (4). The ecological and health risks for innocent victims is no longer a major concern. We still face the existence of the

The mission of the Newport Police Department is to consistently invest available resources toward our City's reputation as a safe place to live, work, play, learn and visit.

products of "Super Labs". These labs located in California and Mexico ship a lot of Meth to Oregon. We are returning a detective to LINT to help combat this problem. Taking the position from our Patrol force is not optimum, but at least we are in our slow season now.

4. Child Abuse is a major concern of almost everyone. Protecting our children is important, but getting them help and treatment after an incident is equally critical. Identifying victims and reporting the incidents, or suspected incidents is extremely important for the victims. The sooner they can be rescued out of that abusive cycle, the better they will be. The Children's Advocacy Center of Lincoln County (CAC) obtained a grant to promote training in a program called "Darkness to Light." I recently attended the training and found it to be very powerful. Several people, including one of our detectives, have been trained as instructors. CAC's goal is to have five percent of the adults in Lincoln County attend the training. There are plans for within the next several months, the training will be offered to Newport schools teachers, Newport Recreation Department employees and Police Department employees.
5. We continue to look at the complaints forwarded to us by Mr. Carpenter. Attached is the latest update.

Newport Police Department  
 NUISANCE COMPLAINT LOG

| No. | Date Rcd. | Complt.   | Address               | Problem            | Priority | Case      | Status   | Closed Date |
|-----|-----------|-----------|-----------------------|--------------------|----------|-----------|----------|-------------|
| 1   | 9/17/2012 | Carpenter | 558 NE 3rd St.        | Fence              | 3        | 1211-4009 | No Viol. | 11/27/2012  |
| 2   | 9/17/2012 | Carpenter | 508 NE 3rd St         | Fence              | 3        | 1211-4010 | No Viol. | 11/27/2012  |
| 3   | 9/17/2012 | Carpenter | 509 NE 3rd St.        | Fence              | 3        | 1211-4011 | UTL      | 11/27/2012  |
| 4   | 9/17/2012 | Carpenter | 204 NE Benton St.     | Vegetation         | 3        | 1211-4012 | Pending  |             |
| 5   | 9/17/2012 | Carpenter | 710 NE Jeffries St.   | Vegetation         | 3        |           |          |             |
| 6   | 9/17/2012 | Carpenter | 705 NE Jeffries St.   | Vegetation         | 3        | 1211-4013 | No Viol. | 11/27/2012  |
| 7   | 9/17/2012 | Carpenter | 1098 NE 7th St.       | Vegetation         | 3        | 1211-4014 | Pending  |             |
| 8   | 9/17/2012 | Carpenter | 1110 NE 7th St.       | Vegetation         | 3        |           |          |             |
| 9   | 9/17/2012 | Carpenter | 311 NE 2nd St.        | Vegetation         | 3        | 1211-4015 | Variance | 11/27/2012  |
| 10  | 9/17/2012 | Carpenter | 132 NE Coos St.       | Fence              | 3        | 1211-4016 | No Viol. | 11/27/2012  |
| 11  | 9/17/2012 | Carpenter | 404 NE 2nd St.        | Vegetation         | 3        |           |          |             |
| 12  | 9/18/2012 | Carpenter | 457 NW 56th St.       | Vegetation         | 3        |           |          |             |
| 13  | 9/18/2012 | Carpenter | 5608 NW Meander St.   | Vegetation         | 3        |           |          |             |
| 14  | 9/18/2012 | Carpenter | 5511 NW Meander St.   | Vegetation         | 3        |           |          |             |
| 15  | 9/18/2012 | Carpenter | 5423 NW Meander St.   | Vegetation         | 3        |           |          |             |
| 16  | 9/18/2012 | Carpenter | 521 NW 54th St.       | Vegetation         | 3        |           |          |             |
| 17  | 9/18/2012 | Carpenter | 412 NW 54th St.       | Fence              | 3        |           |          |             |
| 18  | 9/18/2012 | Carpenter | 551 NW 54th St.       | Vegetation         | 3        |           |          |             |
| 19  | 9/18/2012 | Carpenter | 5508 NW Pinery St.    | Vegetation         | 3        |           |          |             |
| 20  | 9/20/2012 | Carpenter | 535 NW 7th St.        | Trees              | 3        |           |          |             |
| 21  | 9/20/2012 | Carpenter | 613 NE 7th St.        | Vegetation         | 3        | 1210-4627 | Pending  |             |
| 22  | 9/20/2012 | Carpenter | 409 NE 7th St.        | Fence & Vegetation | 3        | 1210-4628 | Pending  |             |
| 23  | 9/20/2012 | Carpenter | 707 NE Eads St.       | Vegetation         | 2        | 1210-4629 | UTL      | 10/30/2012  |
| 24  | 9/20/2012 | Carpenter | 305 NE 7th St.        | Vegetation         | 3        | 1210-4630 | No Viol. | 10/30/2012  |
| 25  | 9/20/2012 | Carpenter | 306 NE 7th St.        | Vegetation         | 3        | 1210-4631 | UTL      | 10/30/2012  |
| 26  | 9/20/2012 | Carpenter | 431 NE Benton St.     | Fence & Vegetation | 3        | 1210-4632 | No Viol. | 10/30/2012  |
| 27  | 9/20/2012 | Carpenter | 620 NE Benton St.     | Vegetation         | 3        | 1210-4633 | No Viol. | 10/30/2012  |
| 28  | 9/20/2012 | Carpenter | 428 NE Benton St.     | Vegetation         | 3        | 1210-4634 | Pending  |             |
| 29  | 9/20/2012 | Carpenter | 303 NE Benton St.     | Vegetation         | 3        | 1210-4635 | UTL      | 10/30/2012  |
| 30  | 9/20/2012 | Carpenter | 305 NE Benton St.     | Vegetation         | 3        | 1210-4636 | No Viol. | 10/30/2012  |
| 31  | 9/20/2012 | Carpenter | 304 NE Benton St.     | Vegetation         | 3        |           |          |             |
| 32  | 9/21/2012 | Carpenter | 1921 NE Crestview Dr. | Vegetation         | 3        |           |          |             |
| 33  | 9/21/2012 | Carpenter | 1930 NE Crestview Dr. | Vegetation         | 3        |           |          |             |

Newport Police Department  
 NUISANCE COMPLAINT LOG

|    |            |           |                          |                             |   |
|----|------------|-----------|--------------------------|-----------------------------|---|
| 34 | 9/21/2012  | Carpenter | 2014 NE Crestview Dr.    | Vegetation                  | 3 |
| 35 | 9/21/2012  | Carpenter | 2597 NE Crestview Dr.    | Vegetation                  | 3 |
| 36 | 9/21/2012  | Carpenter | 5707 NW Gladys St.       | Vegetation                  | 3 |
| 37 | 9/21/2012  | Carpenter | 87 NW 56th St.           | Fence & Vegetation          | 3 |
| 38 | 9/21/2012  | Carpenter | 519 NE 20th Place        | Vegetation                  | 3 |
| 39 | 9/21/2012  | Carpenter | 437 NE 20th Place        | Vegetation                  | 3 |
| 40 | 9/21/2012  | Carpenter | 2511 NE Crestview Dr.    | Vegetation                  | 3 |
| 41 | 9/21/2012  | Carpenter | 405 NW 55th St.          | Cars & Junk                 | 3 |
| 42 | 9/21/2012  | Carpenter | 658 NW 7th St.           | Fence                       | 3 |
| 43 | 9/24/2012  | Carpenter | 415 NW 58th St           | Fence & Vegetation          | 3 |
| 44 | 9/24/2012  | Carpenter | 416 NW 58th St.          | Vegetation                  | 3 |
| 45 | 9/24/2012  | Carpenter | 5715 NW Rhododendron St. | Vegetation                  | 3 |
| 46 | 9/24/2012  | Carpenter | 5805 NW Rhododendron St. | Vegetation                  | 3 |
| 47 | 9/24/2012  | Carpenter | 125 NW 55th St.          | Junk                        | 3 |
| 48 | 9/24/2012  | Carpenter | 5909 NW Rhododendron St. | Vegetation                  | 3 |
| 49 | 9/24/2012  | Carpenter | 125 NW Gladys St.        | Vegetation                  | 3 |
| 50 | 9/24/2012  | Carpenter | 424 NW 59th St.          | Blighted                    | 3 |
| 51 | 9/24/2012  | Carpenter | 5814 NW Rhododendron St. | Vegetation                  | 3 |
| 52 | 9/24/2012  | Carpenter | 5818 NW Rhododendron St. | Vegetation                  | 3 |
| 53 | 9/24/2012  | Carpenter | 5815 NW Rhododendron St. | Trees                       | 3 |
| 54 | 9/24/2012  | Carpenter | 428 NW 56th St.          | Fence, vegetation & trailer | 3 |
| 55 | 11/24/2012 | Carpenter | 19 SW Herbert St         | Over 36" hedge              | 3 |
| 56 | 11/24/2012 | Carpenter | 244 SW 12th St           | Over 36" hedge              | 3 |
| 57 | 11/24/2012 | Carpenter | 345 SE 2nd St            | Over 36" hedge              | 3 |
| 58 | 11/24/2012 | Carpenter | 462 NE 5th St            | Over 36" hedge              | 2 |
| 59 | 11/24/2012 | Carpenter | 13 SW Brook St           | Hazardous hedges            | 3 |
| 60 | 11/24/2012 | Carpenter | 219 NW Cottage           | Hazardous hedges            | 3 |

Priority 1 : Main Thoroughfare

Priority 2: Residential Feeder Streets

Priority 3: Residential Streets

UTL: Not a valid address

Updated: 11/26/12

# Newport Police Department Monthly Statistical Review



| SELECTED CALLS<br>FOR SERVICE (CFS) | NOVEMBER 2012 |               |                        | ARRESTS |
|-------------------------------------|---------------|---------------|------------------------|---------|
|                                     | THIS<br>MONTH | LAST<br>MONTH | SAME TIME<br>LAST YEAR |         |
| RAPE                                | 2             | 1             | 1                      | 0       |
| ROBBERY                             | 0             | 1             | 1                      | 0       |
| AGGRAVATED ASSAULT                  | 1             | 1             | 0                      | 1       |
| BURGLARY (Residential)              | 3             | 5             | 2                      | 1       |
| BURGLARY (Business)                 | 1             | 1             | 3                      | 0       |
| BURGLARY (Other)                    | 1             | 1             | 1                      | 0       |
| THEFT                               | 34            | 37            | 25                     | 10      |
| MOTOR VEHICLE THEFT                 | 2             | 1             | 1                      | 0       |
| FRAUD                               | 4             | 10            | 9                      | 0       |
| SIMPLE ASSAULT                      | 15            | 4             | 13                     | 6       |
| VANDALISM                           | 7             | 8             | 16                     | 1       |
| SEX OFFENSE                         | 1             | 1             | 2                      | 0       |
| NARCOTIC/DRUGS                      | 9             | 19            | 12                     | 3       |
| DOMESTIC DISPUTES                   | 20            | 13            | 18                     | x       |
| LIQUOR LAWS                         | 1             | 4             | 2                      | 1       |
| DUII                                | 5             | 7             | 2                      | 4       |
| DISORDERLY CONDUCT                  | 13            | 13            | 12                     | 3       |
| TRESPASS/PROWLER                    | 4             | 10            | 4                      | 1       |
| TRAFFIC CRASH/INJURY/FATAL          | 1             | 10            | 2                      | x       |
| TRAFFIC CRASH/PROPERTY              | 12            | 5             | 3                      | x       |
| HIT & RUN                           | 9             | 13            | 11                     | 0       |
| ANIMAL PROBLEMS                     | 12            | 16            | 9                      | x       |
| SUSPICIOUS PERS/CIRCUM              | 67            | 72            | 78                     | 0       |
| VEHICLE IMPOUNDS                    | 8             | 10            | 8                      | x       |
| ALARMS                              | 28            | 31            | 58                     | x       |

**TOTAL CALLS FOR SERVICE**      **696**      **690**      **547**

**83**

| Total CFS To Date |              |
|-------------------|--------------|
| This<br>Year      | Last<br>Year |
| 11                | 9            |
| 4                 | 4            |
| 15                | 13           |
| 26                | 15           |
| 13                | 9            |
| 10                | 8            |
| 386               | 315          |
| 37                | 31           |
| 65                | 49           |
| 119               | 113          |
| 72                | 60           |
| 23                | 27           |
| 106               | 90           |
| 210               | 183          |
| 38                | 31           |
| 78                | 83           |
| 148               | 125          |
| 83                | 72           |
| 51                | 41           |
| 99                | 82           |
| 102               | 83           |
| 234               | 211          |
| 1,006             | 996          |
| 82                | 81           |
| 437               | 394          |

**8,958**      **8,165**

### November Overtime Hours

|                    |            |
|--------------------|------------|
| Shift Coverage     | 141        |
| Court              | 9          |
| Investigations     | 10         |
| Administration     | 30         |
| Training           | 58         |
| Other              | 11         |
| <b>TOTAL HOURS</b> | <b>258</b> |

### Top 5 Traffic Citation Charges

|                        |           |
|------------------------|-----------|
| Speeding               | 17        |
| Driving Susp/Revoked   | 13        |
| Driving Uninsured      | 5         |
| No Operator License    | 5         |
| Fail Obey TC Device    | 5         |
| <b>TOTAL CITATIONS</b> | <b>59</b> |

|                              |            |
|------------------------------|------------|
| <b>PARKING CITATIONS</b>     | <b>5</b>   |
| <b>WARNING CITATIONS</b>     | <b>112</b> |
| <b>TCB PRKNG CITES/WRNGS</b> | <b>59</b>  |

**Volunteer Hours**      **122**

1



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

| <b>Date City Notified</b> | <b>No. Assigned</b> | <b>Claimant</b> | <b>Suggestion/Concern/Complaint</b>  | <b>Status</b>  |
|---------------------------|---------------------|-----------------|--|--|
| 11/19/2012                | 190-PW-11-19-12     | Rich Keller     | Request for a street light mid-block on SE 2nd St between Coos and Douglas. Chronic issues with graffiti.  | OPENED 11/14/12: Visited site that night. Found street light at SE 2nd & Douglas intersection off. Called PUD to repair light. Suggested home owner install sentry light. CLOSED |
| 12/12/2012                | 191-PW-12-12-12     | Liz Olsen       | Concerns over construction near OSU Extension Services. Causing business disruption, parking lot flooding, clogged parking lot drains, excavation causing disruptive shaking of building, and constant earth moving. | OPENED 12/12/12: forwarded to public works.  |





# Memo

To: Jim Voetberg, City Manager and City Council  
From: Ted Jones, PE, Sr Proj Mgr  
Date: December 19<sup>th</sup>, 2012  
Re: Capital Projects Status Update

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- Project: NW 3rd Sidewalks**  
Project Number: 2011-013  
Status: Landscaping and pavement/curb markings require completion.  
Next Task: Complete punch list by year's end.  
Budget: \$165,000  
Description: This project will extend sidewalks on NW 3rd Street from Hwy 101 to Hurbert Street in Nye Beach.
- Project: NE 3rd & Avery Sewer Re-alignment**  
Project Number: 2010-012  
Status: All buried utilities are in place.  
Next Task: Complete surface restoration and related concrete work, work should be completed by year's end.  
Budget: \$335,183.66  
Description: This project is to relocate a failing sanitary sewer line that is currently located under a house on NE 3rd Street. The sanitary sewer and an adjacent storm sewer line will be relocated to the west within the street right-of-way.
- Project: Big Creek Sewer Rehabilitation**  
Project Number: 2010-001  
Status: All manhole lid elevations have been raised and six (6) manholes have been relined.  
Next Task: Site restoration and sewer pipe point repairs, work should be complete by year's end.  
Budget: \$234,985  
Description: This project will address infiltration and inflow issues that are contributing to sanitary sewer backups at the Big Creek Lift Station. In addition, the backwash water from the new water treatment plant will be discharged to this system. For these reasons, the Big Creek sanitary sewer system between Hwy 101 and Big Creek Road will be replaced and the pipe size increased through pipe bursting.
- Project: Big Creek Road Landslide Repairs**  
Project Number: 2011-003  
Status: FEMA is re-deploying resources back to the West Coast and will review the project scope/schedule adjustment submitted to OEM.  
Next Task: Review FEMA comments.  
Budget: \$750,000

Description: This project will restore Big Creek Road. Heavy rainfall in January of 2011 caused portions of the road to slide away, making the road unsafe for vehicles and jeopardizing a buried water main and electrical and telecommunications overhead transmission lines. This project is 75% funded through FEMA.

**Project: Hwy 101 Sewer & Water Improvements**  
Project Number: 2011-008  
Status: Installed approximately 1,000 linear feet of 12 waterline including crossing beneath US-101 at SE/SW 62<sup>nd</sup> St.  
Next Task: Continue with waterline installation.  
Budget: \$1.3MM  
Description: This project replaces undersized and aging water pipes in the South Beach area, improving water capacity and pressure. In addition, sanitary sewer pipes are being extended allowing adjacent properties to connect to City services, thereby abandoning aging septic systems. The extension of water and sewer services in this area allows future residential and commercial growth in South Beach. This project is primarily funded through South Beach Urban Renewal.

**Project: Street Overlays and Improvements**  
Project Number: 2012-017  
Status: Scope has been completed and mobilization preparations are underway.  
Next Task: Start the grinding on NE 20<sup>th</sup> and NE 2<sup>nd</sup> Streets.  
Budget: \$144,146.30  
Description: Repair and overlay NE 20<sup>th</sup>, NE 2<sup>nd</sup>, and NE 3<sup>rd</sup> Streets

### **Projects in Design or Analysis Phase**

#### Water Treatment and Distribution

- 2011-018 Agate Beach Tank, Salmon Run Pump Station and Waterlines – Tank design complete and pump station/waterline at 75%.
- 2012-012 Big Creek Dam Outlet Rehab Project – construction plan preparation started and permits required from DSL and COE. Approximately 60% design completion.
- 2012-014 South Beach SCADA Improvements – project alternative under City Staff review.
- 2012-013 Lakewood Hills Pump Station Upgrades – Field investigation underway and design is initiated – work on going and nearing 30% design.
- 2012-010 Yaquina Heights Tank Rehab - Scope of Work under development - NTR
- 2011-025 Big Creek Dam 1 and 2 – Finalizing the report. - NTR

#### Streets and Storm Drainage

- 2012-015 Bayfront/John Moore Drainage Upgrade – Scope of Work under development - NTR
- 2011-027 Infrastructure Mapping – received draft maps for 75% review.
- 2011-024 US-101 Crosswalks – Scope of work under development to facilitate consultant selection. - NTR

#### Wastewater Collection and Treatment

- 2012-008 WWTP Biosolids Evaluation – Technical memo has been reviewed and operational changes are being implemented to optimize solids treatment.
- 2011-005 Bayside Sewer Rehab – Preliminary report has been presented to Engineering Staff and the preferred design option is being refined.
- 2012-025 Big Creek Pump Station – Design is underway.
- 2012-024 Big Creek Force Main – engineering Scope of Work under development. – NTR
- 2012-027 Sanitary Sewer Flow Monitoring – an engineering/data collection scope of work has been reviewed for collecting flow data and targeting I/I solutions.





**PAULY, ROGERS AND CO., P.C.**

**CERTIFIED PUBLIC ACCOUNTANTS**

• 12700 SW 72ND AVENUE • TIGARD, OREGON 97223  
• (503) 620-2632 • FAX (503) 684-7523

**CITY OF NEWPORT  
2011-2012 EXIT CONFERENCE SUMMARY**

We'd like to thank you and your staff for the time and effort put into getting this year's audit process started. This summary provides a timeline for the audit, and a list of our preliminary findings, and a summary of items that you can send to us as they become available to help make the remainder of the audit run efficiently.

**AUDIT COMPLETION TIMELINE**

| <u>Audit Agenda Item</u>              | <u>Date</u>                 |
|---------------------------------------|-----------------------------|
| Completion of interim audit fieldwork | Friday, April 20, 2012      |
| Completion of final audit fieldwork   | Friday, October 12, 2012    |
| Target date for first draft           | Wednesday, October 31, 2012 |
| Target date for issuance              | Monday, December 31, 2012   |

**INTERIM AUDIT FINDINGS**

**TYPE OF FINDING**

|   |  |              |
|---|--|--------------|
| 1 | We noted one instance where the February check register was not signed off on as reviewed. This was the first month with the new Caselle software. Both the register copies retained with Gwyn and Linda have reasonable report run dates relative to the payroll run, and the March check register had the correct sign off.  | Exit Comment |
| 2 | We noted stale dated checks as outstanding checks on the General Umpqua Bank Account dating back to 2008, on the Payroll Umpqua Bank Account dating back to 2000, and on the Main Bank of America Account dating back to 2000. We recommend that the City turn over stale dated checks to the Oregon Department of Lands Unclaimed Property in accordance with their guidelines. | Exit Comment |
| 3 | There are no procedures in place to collect TRT revenue when businesses are delinquent. We recommend implementing procedures to determine when delinquent tax payments should be sent to collections.  | Exit Comment |
| 4 | No procedures in place to detect whether a customer is in good standing and eligible for deposit refund. We recommend that the City implements procedures that address when deposits should be returned.   | Exit Comment |
| 5 | We found two instances where NW Natural did not provide documentation of the gross revenue received and the calculation of the franchise fee submitted to the City. We recommend that the City request supporting documentation to provide assurance that the correct amounts of franchise fees are being received from franchisees.   | Exit Comment |
| 6 | We noted two instances where an employee's I-9 (Stacy Johns and Tom Simpson) were not filled out correctly. On Stacy's, the identification section was not filled out nor were there any copies of any forms of identification attached. On John's, it was one of the older I-9 forms and only two ID boxes were checked without the ID info written down.                       | Exit Comment |

|    |   |   |
|----|---|---|
| 7  | The Utility Clerk Receives Utility Cash payments, enters the cash receipt into the accounting system and can also make adjustments to utility accounts; however, adjustments are subsequently reviewed.   | Exit Comment                              |
| 8  | Client was unable to locate any backup documentation for one check. (Check # 13100 to Road & Driveway Company). Auditor viewed original approved contract. May have been misfiled from prior year's audit.  | Exit Comment                              |
| 9  | Check #14674, payable to Gale Group, was not included in check listing given to Council at January meeting.   | Exit Comment                              |
| 10 | We noted three instances where the journal entry was not properly approved by the Finance Director.   | Exit Comment                              |
| 11 | We noted one instance where the building permit fee was miscalculated and resulted in being billed for \$100 less than it should have been.   | Exit Comment                              |
| 12 | The Cash receipt Clerk Receives court cash payments, enters the cash receipt into the accounting system and can also make adjustments to court accounts. However, there is no formal review procedure of adjustments to accounts. We recommend that the City implement a mitigating control of reviewing to ensure that no unauthorized adjustments were made by the Court Clerk.   | Significant Deficiency                    |
| 13 | Bank reconciliations were not always completed or reviewed in a timely manner. Review is not always dated. We noted one instance where a bank reconciliation was not signed/dated by the preparer, and a couple instances where there was no reviewer approval signature/date.  | Significant Deficiency                    |
| 14 | We noted that the Assistant Finance Director has full access to the payroll function within the system. She can create employees, process payroll and print checks which provides access to all phases of the payroll cycle and creates a lack of segregation of duties. We recommend that the City consider implementing a mitigating control to address this risk.  | Significant Deficiency                    |
| 15 | Fidelity Coverage amount is lower than the cash and investment balances on hand. This creates a possibility of an exposure loss if a major defalcation were to occur.   | Other Matters, Not Significant Deficiency |
| 16 | An integral part of internal controls is the monitoring of financial activities by those charged with the governance (elected officials). This can be accomplished by asking specifically designed questions to senior staff, by reviewing financial statements and projections and by comparing financial results to pre-established benchmarks. While elected officials participate in the budget adoption process and receive staff prepared financial statements, these only partially fulfill the monitoring function.<br><br>We recommend that the governing body articulate their monitoring practices and record in the minutes when those activities occur.<br><br>Since monitoring activities, including benchmarking, are unique to each entity we are available to assist the governing body in establishing checklists, questions and benchmarks that are customized for your use. | Other Matters, Not Significant Deficiency |
| 17 | The Internal Revenue Service (IRS) has published 403(b) regulations providing guidance on several administrative compliance requirements. The City has contracted with a third party to outsource compliance with these requirements. Non compliance subjects the City to potential penalties and fines. Since the third party provider does not provide the City with a SAS 70 service provider report or internal control report covering their operations, we recommend that the City monitor current practices to determine compliance with accountability requirements for Section 403(b) and Section 457 plans and consider the sufficiency of documentation received from the third party vendor to reduce the City's risks in this area. The City might also consider being named as an additional insured on the vendor's insurance policies.  | Other Matters, Not Significant Deficiency |
| 18 | We noted that the City has more than the legally required number of funds. According to NCGA Statement 1, Paragraph 4, "Governmental units should establish and maintain those funds required by law and sound financial administration. Only the minimum number of funds consistent with legal and operating requirements should be established, however, since unnecessary funds result in inflexibility, undue complexity, and inefficient financial administration." We recommend that the City consider closing funds that are not required to be in a separate fund. Both GFOA (Government Finance Officers Association) and GASB (Governmental Accounting Standards Board) encourage governments to use the minimum number of funds.   | Other Matters, Not Significant Deficiency |

## FINDINGS KEY

**Material Weakness** - a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented, or detected and corrected on a timely basis.

**Significant Deficiency** - a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

**Single Audit Finding** - An internal control finding or compliance finding regarding a federal program that was tested as a major program which could also contain Questioned Costs. These findings may be reported within the Federal Awards section of the 'Schedule of Findings and Questioned Costs. OMS - Oregon Minimum Standards comment which will be included within the 'Independent Auditors' Report Required by Oregon State Regulations' letter in the back of the financial report.

**Other Matters** - A non deficiency in controls finding that is more of a 'Reminder' to the Board of Governance about a certain issue which will be contained within the auditors SAS 115 (internal control letter) or SAS 114 letter to the Board.

**Exit Comment** - a finding or deficiency less severe than a significant deficiency yet still important enough to merit attention by management.

## OUTSTANDING ITEMS FROM FIELDWORK

- 1 2012 Employees' Retirement Plan report when received
- 2 Staff Fraud Questionnaires from David
- 3 Questionnaire from Mayor
- 4 Payroll Liability AJE
- 5 Fixed Asset Beginning balance corrections
- 6 October & November Council minutes when available

Please send to us after you have reviewed the draft of the financial statements.

- 1 The Management's Discussion and Analysis updated for the current year, signed and printed on letterhead.
- 2 The representation letter (we will provide with the draft of the report) signed by two people and printed on letterhead.

November 8, 2012  
9:00 A.M.  
Newport, Oregon

## ROLL CALL

In attendance: Oly Olsen, David Allen, and, after about five minutes, Mayor Mark McConnell, all members of the Audit Committee, Ass't Finance Director Linda Brown, and Brett Rohde, lead auditor for the City from Pauly, Rogers, and Co.

## TIMELINE

### Summary

- Interim audit normally scheduled in April; Final in October
- LB sent financials on November 7; Still pending: Notes to Financials; Board letters; Opinion letters
- Will send draft to Linda and looking to issue in mid-December
- 31 Oct 12 target date for financials was not met but financials were received on Nov. 7th.
- Starting to work on final financial draft, and expect to have final draft "within 2-3 weeks"

## FINDINGS

Did not review *Exit Comments*

## SIGNIFICANT DEFICIENCIES

Interim Audit Finding #12 – Adjustments to court accounts: The City is presently converting software systems which, when completed, will block Cash Receipts employee from making adjustments. Current software requires that she be able to. In *Clarity*, Court Clerk will be making adjustments.

LB – Court software module expected to be operational by the end of December; LB will approve adjustments, Kathy doesn't receive the cash, so "not much of a risk."

### Interim Audit Finding #13 – Bank Reconciliations:

Auditor recommends that reconciliations be done within "A Reasonable Amount of Time" and are "Not always dated." "Reviewed within a couple of weeks of ???"

Reasons – a lot of change within the department; staffing problem.

### Interim Audit Finding #14

LB has full access to the payroll system; though she has full access, she doesn't access everything she could. Example of what can happen: Financial Director and HR person left within two weeks of each other. LB needed to have access to process P/R.

If HR position is filled, LB won't be entering new employees in database, but if new HR person was missing ...again LB would need access.

Emergency (temporary) access code: DJM or City Mgr could provide it? Second password for LB ... record fact that LB had access and entered a new employee (for example).

## OTHER MATTERS

**Finding 15 – Fidelity Coverage:** Coverage is \$350,000, and cash on hand is \$2.3 million (Umpqua Bank, Bank of America, West Coast Bank) What is the cost of getting adequate coverage? DJM and LB can budget this cost for FY14. Make this change, if done at all, Sooner than FY14? Make this part of financial report at the start of the year? And, again, what is the cost of increase? Current amount “at risk” is less, though, because water treatment plant cash has decreased significantly.

### Finding 16 – Monitoring of financial activities by the governing body:

Council's responsibilities are greater than just the budget; Is the council doing a good job? If so, we can take this item off?

DJM recommend a checklist for the ... make sure the Council is asking correct questions and understands the baselines that ought to be reviewed.

After new council is seated, have DJM discuss benchmarks and questions that would be useful for the council. Flowchart of monitoring process.

Discuss at first meeting with new Council in January, 2013.

### Finding 17 – Third party compliance with 403(b) plan administered by third party.

LB – We have a 457 (B) plan and that plan is audited. No one in city has 403 (b) plan.

### Finding 18 – The City has more than the required number of funds. Can any funds be eliminated?

LB – We did combine the URA and SDC funds ... we did split out Debt Service but required by GASB to do that. The configuration of funds “ ... was improved this year.”

## WRAP UP.

- No material weaknesses in this audit report
- Include the Exit Conference Summary and the draft minutes in the audit report, to be presented to the new council in January ((which must still be completed by December 31<sup>st</sup>.)
- Also, include the Exit Conference Summary and the draft minutes in the December 17<sup>th</sup> meeting of the council
- We plan to submit an RFP for audit services next week.



## Jim Voetberg

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**From:** Mark McConnell  
**Sent:** Thursday, December 13, 2012 10:22 AM  
**To:** Dean Sawyer; Jim Voetberg  
**Cc:** Mayor City of Newport; City Council; Peggy Hawker  
**Subject:** RE: Agenda

Dean

Per your request: We should have the discussion and decision whether or not to pursue the Resolution. As you know this will take some time and funds to draft the Resolution, and the Council as a whole should decide whether or not this is needed.

Jim – Please add the item to the agenda.

Mark

---

**From:** Dean Sawyer  
**Sent:** Thursday, December 13, 2012 9:56 AM  
**To:** Jim Voetberg  
**Cc:** Mayor City of Newport; City Council; Peggy Hawker  
**Subject:** Agenda

After reading the emails from the city attorney I would like to request that the Reno lawsuit issue be put on the agenda for Monday December 17th. I believe that using the city attorney's option 2:

2) Draft a resolution in which the Council "ratifies" your decision. The resolution would be carefully drafted and could state the entire amount of the settlement. I'd caution against providing information about the cost break out, since that could lead potential litigants to calculate how much insurance may pay for a claim.

is the best way to handle this matter.

Thank you

Dean Sawyer  
Newport City Councilor  
169 SW Coast Hwy  
Newport, OR 97365  
[d.sawyer@newportoregon.gov](mailto:d.sawyer@newportoregon.gov)

## Jim Voetberg

---

**From:** David Allen  
**Sent:** Wednesday, December 12, 2012 12:33 PM  
**To:** City Council  
**Cc:** Peggy Hawker; Jim Voetberg  
**Subject:** FW: Reno lawsuit

FYI below, and an article in today's paper indicates the city attorney has been asked "for an opinion on whether the city council needs to approve Newport's \$60,000 share of the agreement." --David

---

From: David Allen  
Sent: Tuesday, December 11, 2012 5:27 PM  
To: Rick Beasley; [larry@newportnewstimes.com](mailto:larry@newportnewstimes.com)  
Cc: Peggy Hawker; Mark McConnell  
Subject: FW: Reno lawsuit

FYI, the news release just sent out indicates, "The terms of the settlement include payments to Reno and his attorneys totaling \$210,000 to settle claims against the city. CCIS will pay \$150,000, and the city will pay \$60,000 to settle this suit."

Please refer to items 2 and 3 below, including the quoted language from section II.E.2. of the 2010 AG's manual:

[http://www.doj.state.or.us/public\\_records/manual/pages/contents.aspx](http://www.doj.state.or.us/public_records/manual/pages/contents.aspx)

I had recused myself and left the room during executive session discussion on this matter. --David

---

From: David Allen  
Sent: Tuesday, December 11, 2012 11:47 AM  
To: Jim Voetberg  
Cc: Peggy Hawker; City Council  
Subject: RE: Reno lawsuit

Generally speaking, and perhaps the news release will cover the following items:

1) Does the total settlement amount include the expenditure of funds from the city budget (separate from the payment of any insurance proceeds)?

2) If so, was a decision authorizing the expenditure of such funds already made?

(I don't recall such a decision and, as noted in the AG's public records/meetings manual, "it is highly unlikely that any decision authorizing expenditure of funds could be made in executive session.")

3) If not yet authorized, do you anticipate such a decision to be made within the ten-day period for payment indicated in paragraph 2 of the settlement agreement?

Thanks. --David

---

From: Jim Voetberg  
Sent: Tuesday, December 11, 2012 9:13 AM  
To: Mayor City of Newport; City Council  
Cc: Peggy Hawker  
Subject: Reno lawsuit

Mayor and Council,

Attached are two documents relating to closure of the Reno lawsuit. Peggy is preparing a news release that should be ready and sent out within the next several hours (with the attached documents), and while this information is public information, I'm respectfully requesting that you not distribute anything until Peggy has sent her news release out.

Thank you,

Jim Voetberg,  
City Manager

## Jim Voetberg

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**From:** Christy Monson [christy@speerhoyt.com]  
**Sent:** Tuesday, December 11, 2012 6:51 PM  
**To:** Jim Voetberg  
**Cc:** cindy@speerhoyt.com  
**Subject:** Authority to Settle Reno Matter

Jim,  
Thanks for forwarding Councilor Allen's concerns. I believe you have the authority to settle the Reno matter all along, without Council approval or direction, as long as the funds used to settle are budgeted by the Council. I explain why below.

First, per the City Charter, you already have managerial authority on personnel matters. Secondly, you also have expenditure authority-- within in the budget limits set by the Council. This means that as long as there was money in the budget for settling the matter, you had the authority to expend it.

We originally went to the Council in executive session because there had been concerns earlier that they were not being timely informed of certain matters. As I recall, we asked only for budgetary parameters on settling the dispute—so that you would not get too crosswise with the councilor's intent and so that you could keep them informed. Because you asked for these recommendations does not mean that you did not have the authority to settle. You did. You were being a good manager and a good CEO to check in and "take the temperature" of your Council.

This leaves you two good choices:

- 1) Do nothing, explain the above reasoning to Councilor Allen, and offer to let him view the Settlement Agreement if he has any questions; or
- 2) Draft a resolution in which the Council "ratifies" your decision. The resolution would be carefully drafted and could state the entire amount of the settlement. I'd caution against providing information about the cost break out, since that could lead potential litigants to calculate how much insurance may pay for a claim.

Lastly, no matter what option you choose, you could also call an Executive Session if you would like. I could place some information in a memo to Council explaining the above and summarizing the Settlement Agreement. Keep in mind that the Settlement Agreement, if requested, is a public document and subject to disclosure anyway.

Hope this information has helped. I have a feeling I'll be talking with you tomorrow. --Christy

Thank you,  
Christy K. Monson  
Local Government Law Group P.C.  
A member of Speer Hoyt LLC  
975 Oak Street, Suite 700  
Eugene, OR 97401  
Telephone: (541) 485-5151  
Fax: (541) 485-5168  
E-Mail: [christy@speerhoyt.com](mailto:christy@speerhoyt.com)

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## Jim Voetberg

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**From:** David Allen  
**Sent:** Wednesday, December 12, 2012 10:45 PM  
**To:** Christy Monson  
**Cc:** Jim Voetberg; Peggy Hawker; City Council; David Marshall  
**Subject:** Re: City attorney response to inquiry from council member

Christy,

FYI, the city manager forwarded to council and the finance director the e-mail re: "Inquiry from Council member" that you had sent earlier today. Thanks for responding in a timely manner, even though it appears the request for legal advice was made after the fact (i.e., after the settlement agreement had been signed obligating the city to make payment within 10 days from the date of signature).

With that said, your response raises other issues beyond those listed in my e-mail below. And I'm asking the following in the context of "other individual issues" as noted in resolution no. 3562 (councilor communication with city attorney):

1) You indicate the city manager, per the city charter, has "managerial authority over personnel matters." And, as a result, you indicate the city manager has "expenditure authority-- within the budget limits set by the Council" to settle this matter.

a) Please clarify why, in your view, litigation (state or federal court) alleging employment, contract, or other related claims is a "personnel matter" as that term is typically used.

b) Please clarify why, in your view, there isn't a real or even perceived issue for a city manager to settle this matter and expend funds from the city budget, without first obtaining council approval, in light of the named-defendants and allegations in this lawsuit.

2) You indicate, based on your reasoning in item 1 above, that "this leaves the City with two good choices." One is to offer to let any council member "view the Settlement Agreement" and the second is to draft a resolution in which the council "ratifies" the city manager's decision. You also indicate the resolution "could state the entire amount of the settlement," but caution against "providing information about the cost break out" for certain reasons. You also mention that you could summarize the settlement agreement in a memo for an executive session, but note "the Settlement Agreement, if requested, is very likely a public document and subject to disclosure anyway."

a) Please explain your concern over disclosing the terms of the settlement agreement to the public when, in fact, the news release sent out late Tuesday afternoon included the settlement agreement as an attachment. Did the city manager not provide you with the news release or mention that the settlement agreement was an attachment? Please see link below to the news release posted on the city website:

[http://www.thecityofnewport.net/dept/adm/media/Press\\_Release\\_-\\_Reno\\_Lawsuit\\_Settlement\\_With\\_Attachments.pdf](http://www.thecityofnewport.net/dept/adm/media/Press_Release_-_Reno_Lawsuit_Settlement_With_Attachments.pdf)

3) The city manager indicated to council that, based on your response, "we will not be preparing an agenda item on this issue."

a) Please explain if you believe this determination by the city manager precludes the council from requesting an agenda item for a resolution along the lines of your second "good choice" noted above.

In that regard, please note the rule for setting the "Agenda" on page 3 of the council rules, which provides in section A. that, "A Councilor who wishes an item to be placed on the written Council agenda shall advise the City Manager and/or the Mayor. The City Manager and/or the Mayor shall determine whether the item is to be placed on the agenda as an action item or as a discussion item."

As you know, I had recused myself and left the room during executive session discussion on this matter. So, any such request for an agenda item would have to come from another council member, which I would then abstain from voting on.

And, as a final note, the reason for raising these procedural issues is in line with ensuring that they get addressed now instead of later on or perhaps not at all. Thanks. --David

---

From: David Allen  
Sent: Tuesday, December 11, 2012 11:47 AM  
To: Jim Voetberg  
Cc: Peggy Hawker; City Council  
Subject: RE: Reno lawsuit

Generally speaking, and perhaps the news release will cover the following items:

1) Does the total settlement amount include the expenditure of funds from the city budget (separate from the payment of any insurance proceeds)?

2) If so, was a decision authorizing the expenditure of such funds already made?

(I don't recall such a decision and, as noted in the AG's public records/meetings manual, "it is highly unlikely that any decision authorizing expenditure of funds could be made in executive session.")

3) If not yet authorized, do you anticipate such a decision to be made within the ten-day period for payment indicated in paragraph 2 of the settlement agreement?

Thanks. --David

---

From: Jim Voetberg  
Sent: Tuesday, December 11, 2012 9:13 AM  
To: Mayor City of Newport; City Council  
Cc: Peggy Hawker  
Subject: Reno lawsuit

Mayor and Council,

Attached are two documents relating to closure of the Reno lawsuit. Peggy is preparing a news release that should be ready and sent out within the next several hours (with the attached documents), and while this information is public information, I'm respectfully requesting that you not distribute anything until Peggy has sent her news release out.

Thank you,

Jim Voetberg,  
City Manager



# *City of Newport*

## *Arbor Day Proclamation*

**Whereas**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**Whereas**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

**Whereas**, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**Whereas**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**Whereas**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

**Whereas**, trees, wherever they are planted, are a source of joy and spiritual renewal; and

**Whereas**, the City of Newport has submitted an application to be designated as a Tree City USA to the National Arbor Day Foundation and desires to continue its tree-planting practices;

**NOW, THEREFORE**, I, Mark McConnell, Mayor of the City of Newport, do hereby proclaim January 14, 2013, as

### *Arbor Day*

in the City of Newport, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

**Further**, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

---

Mark McConnell, Mayor





**Attachment List:**

Automatic aid agreement

**Fiscal Notes:**

No significant impacts are anticipated.

## **AUTOMATIC AID AGREEMENT**

This is an agreement between the **Seal Rock Rural Fire Protection District**, and the **City of Newport** for the purpose of providing and securing to each other the benefits of automatic assistance or aid in performing functions of a Fire Protection District or Fire Department in the protection of life and property, including but not limited to fire suppression, fire prevention, training, emergency medical services, heavy rescue or extrication.

Whereas, Oregon Revised Statutes Chapter 190 provides that a unit of local government may enter a written agreement with any other unit of local government for the performance of any or all functions and activities that a party to the agreement has the authority to perform;

Whereas Oregon Revised Statutes Chapters 453, 476, and 478 extend governmental powers and authorities beyond the parties' regular jurisdictions when operating under this Agreement; and

Whereas, this agreement is in conformance with the provisions of the Oregon State Fire Service Plan and both parties take this action in the best interest of public safety;

Now, therefore,

1. **Automatic Aid.** The parties agree to cooperate in providing a coordinated system for a quick and adequate response to an emergency, as the situation warrants. Such system includes the dispatch and provision of equipment and personnel to within each party's boundaries. The parties each agree to furnish the Requesting Agency such assistance necessary to control, suppress or defuse an emergency threat to life and property as deemed appropriate by the Incident Commander.
  - a. The Responding Agency shall dispatch only such personnel and equipment which, in the sole discretion of the Responding Fire Chief or his or her designee, may be spared without unreasonably reducing the level of fire protection within the Responding Agency's jurisdiction.
  - b. No liability shall be imposed upon or attached to a party for not responding or furnishing resources. The parties agree that if reduced or partial resources are dispatched, the Responding Agency shall notify the both the Incident Commander and the Requesting Agency of the reduced or partial response.
  
2. **Conflagration.** The parties agree that assistance or aid provided under order of the State of Oregon in the event of an emergency proclamation by the Governor, or under the "Emergency Conflagration Act", shall not be governed by this agreement.

3. **No Compensation to Responding Parties.** The Requesting Party shall not be responsible for compensating a Responding Party for responses under this Agreement. However, compensation for a response benefitting a third party occurring under this Agreement, the cost of which is collected from a third party, shall be used to reimburse all parties' reasonable response costs. Such costs shall be determined by recordkeeping of the Responding and Requesting parties.

4. **Personnel and Equipment.** The parties hereby agree that personnel responding to a request for assistance under this agreement shall have a sufficient level of training, certification, and necessary equipment for the anticipated task or assignment. Specifically, fire fighting personnel shall have an appropriate level of fire suppression training and protective equipment; and emergency medical/rescue personnel shall have an appropriate level of training and protective equipment. Such levels shall be determined by the employing Fire District or Department and the laws, regulations, or bulletins of the State of Oregon, as amended.

- a. The parties acknowledge the importance of equipment compatibility interoperability, including communications equipment, and agree to provide notice to all parties if they substantially change their equipment so that it renders the equipment incompatible with any other party's equipment.

5. **Protocols.** The parties hereby agree to operate, respond and conduct operations under the National Interagency Incident Management System (NIIMS) format. Furthermore, the parties agree to operate and dispatch apparatus and personnel under the "NEAREST RESOURCE" doctrine. Each party agrees that the first agency on scene shall assume incident command and shall exercise all lawful authority of the Fire District/Department having jurisdiction until relieved of incident command.

6. **Supervision.** General supervisory authority over responding personnel, such as job performance evaluation or conduct issues (for example: failure to perform work as directed by the party having incident command responsibility) will remain with the agency with whom the individual is employed.

7. **Joint Access.** The parties agree, permit and allow access to each agency's radio frequencies; including, operation of common communications equipment on frequencies licensed to each party for coordination, activities, and operations in support of this agreement.

8. **Joint Waiver and Insurance.** The parties hereby agree to waive, release and discharge each other from any and all claims, suits, actions or judgments for any loss, damage, personal injury or death to personnel or equipment which occurs related to this agreement. Additionally, each party agrees to provide, obtain and maintain adequate insurance coverage for obligations assumed under

this agreement as defined by the Oregon Revised Statutes, Chapter 30, as amended.

9. **Workers' Compensation.** The parties agree that for purposes of workers' compensation coverage and benefits, each party shall provide their personnel benefits for workers' compensation injuries. As provided by Oregon Law, any Party which responds to an Incident in the State of Oregon at the time of the response is either an employer that complies with ORS 656.017 or is an employer that is exempt under ORS 656.126. Where applicable, such workers' compensation coverage shall be extended to volunteers. This Agreement does not create any "special employer" relationships.

10. **Term, Termination, Amendment.** This Agreement shall remain in effect unless until terminated by the Participating Agencies. This Agreement may be terminated by either party by providing a thirty (30) day written notice. This Agreement may be amended from time to time as needed. Amendments must be signed by both parties.

This agreement is entered into by both parties, acting in good faith and in the best interest of public safety on this

\_\_\_\_\_ day of \_\_\_\_\_, and year of \_\_\_\_\_.

\_\_\_\_\_  
**Fire Chief, Seal Rock Rural Fire  
Protection District**

\_\_\_\_\_  
**Fire Chief, Newport Fire Department**

\_\_\_\_\_  
**President, Board of Directors  
Seal Rock Rural Fire Protection  
District**

\_\_\_\_\_  
**City Manager  
City of Newport**

## **DISPATCH GUIDELINES**

### **CALL TYPE: STRUCTURE FIRE**

**LOCATION:** SEAL ROCK RFPD. From North District boundary to NW Curtis St.

**RESPONSE:** On all confirmed structure fires, Newport Fire Department will respond with One Type - 1 Engine, staffed with minimum 3 personnel (operator, officer and firefighters).

**LOCATION:** NEWPORT, from South boundary to SW 82<sup>nd</sup> St.

**RESPONSE:** SEAL RPCK RFPD; Will respond to all confirmed structure fires with One Tender, staffed with minimum 2 personnel (operator, officer and/or firefighters)

### **CALL TYPE: MOTOR VEHICLE ACCIDENT**

**LOCATION:** HIGHWAY 101 from NW Curtis St. in Seal Rock to SW 82<sup>nd</sup> St in South Beach.

**RESPONSE:** Seal Rock RFD and Newport FD will respond to MVA's in this area as though it were in their respective district.



Agenda Item # IX-B  
 Meeting Date December 17, 2012

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

Issue/Agenda Title Annual adjustment to City of Newport System Development Charge Rates

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

**ISSUE BEFORE THE COUNCIL:** A resolution adjusting System Development Charge (SDC) rates based on the difference in construction costs included in the Construction Cost Index published in the Engineering News Record. Consistent with Council Resolution No. 3579, adjustments are calculated using the most recent Cost Index available as of November 1, 2012 and will become effective January 1, 2013.

**STAFF RECOMMENDATION:** Staff recommends the Council adopt the resolution.

**PROPOSED MOTION:** I move to adopt Resolution #3618, amending the City of Newport SDC rates to reflect annual changes in construction costs.

**KEY FACTS AND INFORMATION SUMMARY:** Section 3(A) of City Council Resolution No. 3579, provides that SDC rates shall be adjusted annually on or about January 1<sup>st</sup> of each calendar year based upon inflation as evidenced by the Construction Cost Index (CCI) published in the Engineering News Record (ENR). It further provides that a resolution identifying the adjusted SDCs shall be placed as an action item on the Council agenda prior to January 1<sup>st</sup> of each calendar year, which shall be subject to public comment as required by ORS 294.160(1).

In December of 2007, the City adopted an SDC methodology that utilizes cost estimates of projects listed in the City's Capital Improvement Plans, assumed population growth rates, and related factors to establish SDC rates that are based upon equivalent dwelling units (EDUs). The CCI in effect last November is the "base case" or denominator used in calculating SDC fee adjustments. The numerator is the CCI available November of 2012, and the result from the calculation is a multiplier that can be applied against the existing SDC charges to tabulate the new rates. The multiplier was derived as follows:

$$9398.41 \div 9173.21 = 1.025$$

Proposed 2013 SDC rates are listed in the table below. Rates from 2009 through 2012 are also listed for comparison purposes.

| System Development Charge per Equivalent Dwelling Unit (EDU) |                            |                            |                            |                            |                            |
|--|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| SDC  | 2009                       | 2010                       | 2011                       | 2012                       | 2013                       |
| Water  | \$1,632*                   | \$1,643                    | \$1,714                    | \$1,755                    | \$2,290***                 |
| Wastewater   | \$3,425                    | \$3,442                    | \$3,587                    | \$3,675                    | \$3,767                    |
| Stormwater   | \$739 or<br>\$0.27/sq. ft. | \$743 or<br>\$0.27/sq. ft. | \$774 or<br>\$0.28/sq. ft. | \$793 or<br>\$0.29/sq. ft. | \$813 or<br>\$0.30/sq. ft. |
| Transportation   | \$959                      | \$964                      | \$1,004                    | \$1,029                    | \$1,055                    |
| Parks  | \$2,516                    | \$2,357**                  | \$2,388                    | \$2,447                    | \$2,508                    |
| Total  | \$9,271                    | \$9,149                    | \$9,467                    | \$9,699                    | \$10,433                   |

\* SDC rates reduced April of 2009 with removal of the Water Treatment Plant and related projects from the CIP list (Res #3464).

\*\*SDC rates reduced August of 2010 with construction of SE 40<sup>th</sup> Street area park (Res #3523)

\*\*\* SDC rates increased June of 2012 when projects complimentary to the Water Treatment Plant development were added back because GO bonds were inadequate to cover their costs (Res #3597)

Section 3(B) of Resolution No. 3579 provides that the city shall review its CIP project lists to see if they need to be amended prior to scheduling the annual adjustments. No changes are needed at this time; however, there are Public Works Department projects that are planned or are under construction that may warrant changes next year.

In July of 2012 the Newport City Council adopted Resolution No. 3597, which increased Water SDC rates from \$1,755 per EDU to \$2,234 per EDU. Three projects that had been removed from the Water System Capital Improvement Plan list were added back because the alternative funding sources envisioned to construct them were not adequate to the task. That is what necessitated the increase, and is the reason why the difference between the 2012 and 2013 SDC rates is greater than prior years.

**OTHER ALTERNATIVES CONSIDERED:** None. The method of calculating SDC rates and the timing for when they are to be adjusted is set by Council resolution.

**CITY COUNCIL GOALS:** Adjusting SDCs is consistent with the City's objective of maintaining fiscal responsibility and encouraging sustainable development.

**ATTACHMENT LIST:**

Proposed Resolution  
Resolution No. 3579  
Resolution No. 3597  
November 2012 Construction Cost Index

**FISCAL NOTES:** System Development Charges are based upon cost estimates to construct public infrastructure that will be needed to support new development. As construction costs increase, fees should be adjusted to ensure that, over time, the revenue generated from SDCs is adequate to finance these "public projects" when they are needed.

**CITY OF NEWPORT  
RESOLUTION No. 3618**

**A RESOLUTION AMENDING CITY OF NEWPORT  
SYSTEM DEVELOPMENT CHARGE RATES**

Findings:

1. The City of Newport adopted Resolution No. 3579 (as amended by Resolution No. 3597) adopting a System Development Charge methodology and rates.
2. Section 3 of Resolution No. 3579 provides that System Development Charge rates shall be adjusted annually based upon the most recent Construction Cost Index published in the Engineering News Record as of November 1<sup>st</sup> of each year.
3. Adjustments to System Development Charge rates are needed to account for changes in construction costs so that, over time, the revenue generated is adequate to finance eligible public infrastructure projects that will be needed to support new development.
4. By making rate adjustments annually to account for inflationary impacts, future increases in System Development Charge rates should be modest in size.

Based on these findings,

**THE CITY OF NEWPORT RESOLVES AS FOLLOWS:**

Section 1. The Water System Development Charge eligibility identified in Section 2 of Resolution No. 3579, as amended with Resolution No. 3597, shall be amended to be \$2,290 per Equivalent Dwelling Unit.

Section 2. The Wastewater System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be \$3,767 per Equivalent Dwelling Unit.

Section 3. The Stormwater System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be \$813 per Equivalent Dwelling Unit or \$0.30 per square foot of new impervious surface.

Section 4. The Transportation System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be \$1,055 per Equivalent Dwelling Unit.

Section 5. The Parks Development Charge eligibility identified in Section 2 of Resolution No. 3597 shall be amended to be \$2,508 per Equivalent Dwelling Unit.

Section 6. All previously adopted resolutions or enactments establishing System Development Charges, are hereby repealed to the extent that their provisions conflict with the System Development Charges set by this Resolution

Section 7: The effective date of this resolution is January 1, 2013.

Adopted by a \_\_\_\_\_ vote of the Newport City Council on \_\_\_\_\_, 2012.

Signed on \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mark McConnell  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

CITY OF NEWPORT

RESOLUTION NO. 3597

A RESOLUTION AMENDING THE WATER SYSTEM DEVELOPMENT  
CHARGE PROJECT PLAN AND RATES

Findings

- A. The City of Newport has adopted Resolution No. 3579, consolidating prior System Development Charge (SDC) resolutions and readopting City SDC methodologies, rates and adjustment procedures.
- B. Section 1.A of Resolution No. 3579 identifies SDC eligible Capital Improvement Plan (CIP) projects as being those listed in Table 8.4.1 of the 2008 Water System Master Plan (SDC Eligibility for CIP Projects).
- C. Table 8.4.1 amended the SDC Project Plan for Water SDCs adopted in Resolution 3431, eliminating the Big Creek Water Treatment Plant Improvements, Upper Lake Syphon Intake, Dam to Plant Raw Water Transmission Pipe, Agate Beach Lower Storage Tank, and Highway 101 SE 40<sup>th</sup> to 50<sup>th</sup> Waterline projects from being SDC eligible.
- D. Section 8.4.1 of the 2008 Water System Master Plan explains that these five projects were eliminated because they were to be paid completely through a general obligation bond, or in the case of the 40<sup>th</sup> to 50<sup>th</sup> Street waterline project, urban renewal funding. This had the effect at the time of reducing the Water SDC rates from \$3,694 per Equivalent Dwelling Unit (EDU) to \$1,632 per EDU.
- E. General obligation bond and urban renewal funding has proven inadequate to fully fund the Upper Lake Syphon Intake, Agate Beach Lower Storage Tank, and Highway 101 SE 40<sup>th</sup> to 50<sup>th</sup> Waterline projects.
- F. In order to generate sufficient funds to construct these projects it is necessary to make them SDC Eligible at the percentages originally established with Resolution 3431. This will have the effect of increasing Water SDC rates from \$1,755 per EDU to \$2,234 per EDU.
- G. This potential change to the Water System CIP project list was discussed at a joint meeting of the Newport Urban Renewal Agency and Newport City Council on March 19, 2012.
- H. All state and city procedural requirements have been followed in the preparation of this Water System SDC rate adjustment.

Based on these findings,

THE NEWPORT CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. Water System CIP Project List. Section 1.A of Resolution No. 3579 is hereby amended to replace Exhibit B, setting forth Table 8.4.1 (SDC Eligibility for CIP Projects) with a new Table 8.4.1, as depicted in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. Establishment of City Water System SDCs. Based upon the SDC Methodology adopted in Resolution No. 3579, and the SDC Eligibility for CIP Projects adopted as Exhibit A in Section 1, above, the Water System Development Charge set by Section 2.A of Resolution No. 3579 is hereby amended to be \$2,234 per Equivalent Dwelling Unit (EDU).

Section 3. Effective Date. This Resolution shall go into full force and effect on July 1, 2012.

Adopted by the Newport City Council on June 4, 2012.

Signed on July 5, 2012.

  
\_\_\_\_\_  
Mark McConnell, Mayor

ATTEST:

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

Table 8.4.1 - SDC Eligibility for CIP Projects

| Project No.               | Project Description  | Adjusted Cost Estimate (current) | Reimbursement SDC Eligible (Y/N) | Improvement SDC Eligible (Y/N) | % SDC Eligible | SDC Eligible Cost      |
|---------------------------|--|----------------------------------|----------------------------------|--------------------------------|----------------|------------------------|
| T1                        | Big Creek Water Treatment Plant Improvements                       | 17,083,068.96                    | N                                | N                              | 0.00%          | \$0.00                 |
| T3                        | Upper Lake Syphon Intake   | \$703,000.00                     | N                                | N                              | 23.50%         | \$165,205.00           |
| T4                        | Raw Water Transmission Pipe, Dam to Plant (rolled into Project T1) | \$0.00                           | N                                | N                              | 0.00%          | \$0.00                 |
| S1                        | Agate Beach Lower Storage Tank - 1.0 MG GFS                        | \$2,200,000.00                   | N                                | N                              | 75.00%         | \$1,650,000.00         |
| D1                        | Highway 101 SE 40th to 50th Waterline; Hwy Bore Crossing           | \$600,000.00                     | N                                | N                              | 100.00%        | \$600,000.00           |
| T2                        | Siletz River Pump Station - Pump Replacement                       | \$642,060.00                     | N                                | Y                              | 43.00%         | \$276,085.80           |
| D2                        | 12" Redundant Bay Crossing, East Option                            | \$2,333,560.00                   | N                                | Y                              | 25.00%         | \$583,390.00           |
| D3                        | Highway 101 NE 36th to NE 40th Waterline                           | \$228,780.00                     | N                                | Y                              | 50.00%         | \$114,390.00           |
| D5                        | NE 40th and Golf Course Drive Water Line Replacement               | \$389,670.00                     | N                                | Y                              | 25.00%         | \$97,417.50            |
| D6                        | NE Crestview Pl to 17th Ct Waterline Loop                          | \$132,840.00                     | N                                | N                              | 0.00%          | \$0.00                 |
| D7                        | NE Avery Street Loop Closure                                       | \$112,770.40                     | N                                | N                              | 0.00%          | \$0.00                 |
| D8                        | NW 19th (Nye St to 101) and Nye St (18th to 20th) Waterline        | \$153,510.00                     | N                                | N                              | 0.00%          | \$0.00                 |
| D9                        | Oceanview (12th to 14th) Waterline Replacement, Loop 13th to 12th  | \$196,160.40                     | N                                | N                              | 0.00%          | \$0.00                 |
| D11                       | SW Coho St (27th to 29th) Waterline Replacement                    | \$106,270.00                     | N                                | N                              | 0.00%          | \$0.00                 |
| D12                       | Idaho Point Waterline Replacement and Looping                      | \$574,314.60                     | N                                | Y                              | 25.00%         | \$143,578.65           |
| P1                        | Candletree Pump Station Rehabilitation                             | \$206,640.00                     | N                                | N                              | 0.00%          | \$0.00                 |
| P2                        | Lakewood Pump Station Rehabilitation                               | \$187,450.00                     | N                                | N                              | 0.00%          | \$0.00                 |
| D15                       | NE 5th St, Benton to eads  | \$107,600.40                     | N                                | N                              | 0.00%          | \$0.00                 |
| D13                       | East Newport Waterline Extensions                                  | \$2,096,510.40                   | N                                | Y                              | 100.00%        | \$2,096,510.40         |
| D4                        | Hwy 101 NE 40th to Circle Way Waterline Replacement                | \$509,220.00                     | N                                | Y                              | 50.00%         | \$254,610.00           |
| S2                        | Agate Beach Upper Storage Tank - 1.0 MG GFS                        | \$1,740,469.60                   | N                                | Y                              | 50.00%         | \$870,234.80           |
| S3                        | City Shops Tank Replacement - 1.0 MG GFS                           | \$1,657,090.00                   | N                                | N                              | 0.00%          | \$414,272.50           |
| S4                        | King Ridge Storage Tank - 1.0 MG GFS                               | \$2,533,740.00                   | N                                | Y                              | 100.00%        | \$2,533,740.00         |
| D14                       | Water Meter Replacement - Conversion to Touch Read Meters          | \$1,461,240.00                   | N                                | Y                              | 25.00%         | \$365,310.00           |
|                           |  |                                  |                                  | Subtotal                       |                | \$10,164,744.65        |
| <b>Completed Projects</b> |  |                                  |                                  |                                |                |                        |
| S4                        | Siletz River Water Intake  | complete                         | N                                |                                |                | \$0.00                 |
| 15                        | Siletz River Raw Waterline   | complete                         | N                                |                                |                | \$0.00                 |
| 16                        | South Beach 1 MG Reservoir   | complete                         | N                                |                                |                | \$0.00                 |
| 17                        | Yaquina Heights 1 MG Reservoir                                     | complete                         | N                                |                                |                | \$0.00                 |
| 18                        | Yaquina Heights 4th Level Pump Station Upgrade                     | complete                         | Y                                |                                |                | \$25,000.00            |
| 19                        | East Newport Water Project   | complete                         | Y                                |                                |                | \$161,040.00           |
| 20                        | 12-inch HDPE - SW 35th & Hwy 101 to Southshore (8" to 12")         | complete                         | Y                                |                                |                | \$150,000.00           |
|                           | <b>Totals</b>  | <b>\$35,955,964.76</b>           |                                  | <b>Subtotal</b>                |                | <b>\$10,500,784.65</b> |

\*Total Growth EDU's: 4,700  
 Max Reimbursement SDC (\$336,040.00 / 4700): \$71.50  
 Max Improvement SDC (\$10,164,744.65 / 4700): \$2,162.71

New Water SDC Fee (per EDU): \$2,234  
 Current Water SDC Fee: \$1,755  
 Water SDC Prior to GO Bond Offer: \$3,694

\* Growth in EDUs reflects 20yr Planning Horizon  
 Figure taken from 2008 Water System Master Plan

**CITY OF NEWPORT**

**RESOLUTION NO. 3579**

**A RESOLUTION CONSOLIDATING SDC RESOLUTIONS AND READOPTING CITY  
SYSTEM DEVELOPMENT CHARGE METHODOLOGIES, RATES AND  
ADJUSTMENT PROCEDURES**

**Findings**

- A. HBH Consulting Engineers prepared a document entitled "Public Infrastructure System Development Charge Methodology" (Methodology), dated September 2007 that includes the City's methodologies and rates, as modified herein, for all City SDCs. This Methodology is attached as Exhibit A.
- B. The Methodology and associated rates remain consistent with the standards imposed by ORS 223.304 and Newport Municipal Code (NMC) Chapter 12.15 System Development Charges.
- C. The city followed all state and city procedural requirements for its prior adoption of the Methodology and associated SDC fees.
- D. On December 18, 2007, the City Council for the City of Newport adopted Resolution No. 3431, adopting the Methodology and associated SDC fees.
- E. On March 16, 2009, after public hearing, the Newport City Council adopted a 2008 Water System Master Plan prepared by Civil West Engineering Services, Inc. Section 8 of the 2008 Master Plan, attached and incorporated herein as Exhibit B, identified and removed four projects from the SDC Eligible Projects list, reflecting newly authorized GO bond funding.
- F. By Resolution No. 3464, dated April 20, 2009, the City Council amended its SDC Projects Plan to replace the previously adopted water SDC Project Plan. The Council also lowered its Water SDC to \$1,632 per EDU.
- G. In June of 2010, Landwaves, Inc. dedicated a new park on SE 43<sup>rd</sup> Street within Phase 1 of the Wilder development. The Parks SDC Projects Plan identified development of a park site in the SE 40<sup>th</sup> Street area as eligible for SDC funds. The new park satisfied the development need and lowered acquisition needs in this area. Therefore, by Resolution No. 3523, on August 16, 2010, the Council reduced its Parks SDC eligible costs for the SE 40<sup>th</sup> Street Area Park Acquisition to \$181,044.42, eliminated SE 40<sup>th</sup> Street Area Park Development from SDC eligible costs, and lowered its Parks Development Charge to \$2,357 per EDU.

- H. Since Council adoption of Resolution No. 3431, six amendments to Resolution No. 3431 have been adopted by the Council without repeal or replacement in full of Resolution No. 3431 or its ensuing resolutions.
- I. The Council recognizes that incorporation of all SDC provisions into one resolution is a helpful housekeeping step which should provide clarity to city officials, staff and residents.
- J. The City of Newport City Council has determined to modify the process by which it adopts annual SDC fee index adjustments and reviews Capital Improvement Plan (CIP) adjustments.
- K. The city recognizes that it may adjust SDC fees periodically by inflation, based upon one or more specific cost indexes, per ORS 223.304(8).

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Methodology and CIP. The City of Newport hereby adopts the Methodology and associated CIPs, attached and incorporated herein as Exhibit A, as a basis for the City's desired SDC fees, per ORS 223.304, as modified as follows:

- A. The SDC Project Plan for the Water SDC set forth in Table 3.4.1 of Exhibit A is hereby replaced with Table 8.4.1 (SDC Eligibility for CIP Projects) of the 2008 Water System Master Plan, attached as Exhibit B.
- B. Table 7.5.1 - entitled "Stormwater Project SDC Eligibility Summary" is hereby renamed "Parks Project SDC Eligibility Summary" and replaced with Exhibit C, attached and incorporated by this reference.

Section 2. Establishment of City SDCs. Based upon the Methodology adopted above, and accounting for inflation since Methodology development (relying upon the November 1, 2012 ENR CCI), the following SDC fees are hereby imposed pursuant to NMC Chapter 12.15:

- A. The Water System Development Charge eligibility identified in Section 2 of Resolution No. 3431, as amended with Resolution No. 3464, shall be amended to be \$1,755 per Equivalent Dwelling Unit (EDU).
- B. The Wastewater System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be \$3,675 per EDU.
- C. The Stormwater System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be \$793 per EDU or \$0.29 per square foot of new impervious surface.

- D. The Transportation System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be \$1,029 per EDU.
- E. The Parks Development Charge eligibility identified in Section 2 of Resolution No. 3431, as amended with Resolution No. 3523, shall be amended to be \$2,447 per EDU.

**Section 3. Annual Adjustments.**

- A. The SDC rates adopted herein for each SDC shall be adjusted annually on or about January 1<sup>st</sup> of each calendar year, based upon inflation as evidenced by the Construction Cost Index published in the Engineering News Record. The adjustment shall be based on the most recent Construction Cost Index available as of November 1<sup>st</sup>. A resolution identifying the adjusted SDCs shall be placed as an action item on the Council agenda prior to January 1<sup>st</sup> of each calendar year, which shall be subject to public comment as required by ORS 294.160(1).
- B. Prior to placing the annual indexed adjustment resolution on the Council agenda, staff shall review city improvement and planning needs for new improvement projects and projects which have either been completed or are no longer needed. Staff shall analyze the impact of updating adopted CIPs and fees and shall present such differentials, if any, to the Council for a determination of whether such adjustments should be incorporate into the city's CIP and fees. Any such adjustments directed by Council shall be included within the annual index adjustment resolution, as described in Section 3(A), above.

**Section 4. Repeal.** Resolution Nos. 3574, 3530, 3523, 3488, 3464, 3454 and 3431 are hereby repealed.

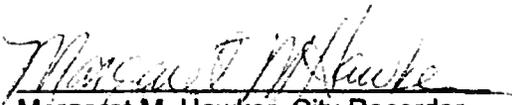
**Section 5. Effective Date.** The effective date of this Resolution is February 21, 2012.

Adopted by the Newport City Council on February 21, 2012.

Signed on May 1, 2012.

  
\_\_\_\_\_  
Mark McConnell, Mayor

ATTEST:

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

## Cost Indexes

**Construction Cost Index**  
Annual inflation measured by the CCI held at 2.5%, despite a 0.2% increase in the index's monthly value.

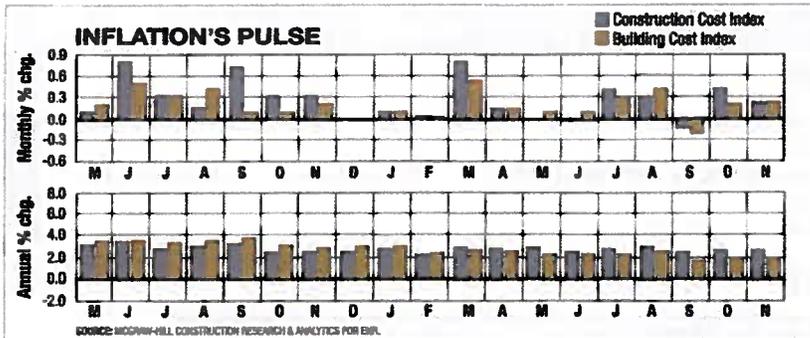
| 20-CITY: 1913=100 | NOV. 2012 INDEX VALUE | % CHG. MONTH | % CHG. YEAR |
|-------------------|-----------------------|--------------|-------------|
| CONSTRUCTION COST | 9398.41               | +0.2         | +2.5        |
| COMMON LABOR      | 19999.87              | +0.3         | +2.7        |
| WAGE \$/HR.       | 38.00                 | +0.3         | +2.7        |

**Building Cost Index**  
A 0.2% monthly increase in the BCI did not budge the index's annual rate of escalation, which held at 2.0%.

| 20-CITY: 1913=100 | NOV. 2012 INDEX VALUE | % CHG. MONTH | % CHG. YEAR |
|-------------------|-----------------------|--------------|-------------|
| BUILDING COST     | 5213.06               | +0.2         | +2.0        |
| SKILLED LABOR     | 8997.42               | +0.3         | +2.3        |
| WAGE \$/HR.       | 49.94                 | +0.3         | +2.3        |

**Materials Cost Index**  
The MCI stayed steady as increases in cement and lumber prices were offset by lower steel prices.

| 20-CITY: 1913=100 | NOV. 2012 INDEX VALUE | % CHG. MONTH | % CHG. YEAR |
|-------------------|-----------------------|--------------|-------------|
| MATERIALS         | 2900.75               | 0.0          | +1.3        |
| CEMENT \$/TON     | 108.84                | +0.1         | +3.6        |
| STEEL \$/CWT      | 49.28                 | -0.1         | +0.1        |
| LUMBER \$/MBF     | 407.81                | +0.2         | +3.8        |



## Index Review

| Base Year           | CONSTRUCTION COST |               | BUILDING COST  |               | SKILLED WAGES  |               | COMMON WAGES    |               |
|---------------------|-------------------|---------------|----------------|---------------|----------------|---------------|-----------------|---------------|
|                     | 1913              | 1967          | 1913           | 1967          | 1913           | 1967          | 1913            | 1967          |
| <b>2011</b>         |                   |               |                |               |                |               |                 |               |
| July                | 9080.15           | 845.32        | 5074.01        | 751.04        | 8725.11        | 874.56        | 19256.32        | 944.18        |
| August              | 9088.24           | 846.08        | 5090.60        | 753.50        | 8747.51        | 876.80        | 19256.32        | 944.18        |
| September           | 9115.95           | 848.88        | 5097.80        | 754.57        | 8762.76        | 878.33        | 19325.53        | 947.57        |
| October             | 9146.95           | 851.54        | 5104.41        | 755.55        | 8772.94        | 879.35        | 19399.87        | 951.22        |
| November            | 9173.21           | 853.99        | 5113.37        | 756.87        | 8793.21        | 881.39        | 19465.88        | 954.45        |
| December            | 9171.73           | 853.85        | 5114.50        | 757.04        | 8800.09        | 882.08        | 19465.88        | 954.45        |
| <b>2011 AVERAGE</b> | <b>9069.82</b>    | <b>844.36</b> | <b>5058.48</b> | <b>748.75</b> | <b>8712.27</b> | <b>873.27</b> | <b>19257.18</b> | <b>944.22</b> |
| <b>2012</b>         |                   |               |                |               |                |               |                 |               |
| January             | 9171.73           | 853.85        | 5114.50        | 757.04        | 8800.09        | 882.08        | 19465.88        | 954.45        |
| February            | 9198.29           | 856.32        | 5121.52        | 758.08        | 8819.64        | 884.03        | 19536.58        | 957.92        |
| March               | 9287.57           | 862.77        | 5144.49        | 761.48        | 8847.88        | 886.84        | 19688.45        | 965.27        |
| April               | 9272.95           | 863.27        | 5149.92        | 762.28        | 8847.81        | 886.88        | 19688.45        | 965.27        |
| May                 | 9289.65           | 864.83        | 5168.83        | 764.75        | 8847.81        | 886.88        | 19688.45        | 965.27        |
| June                | 9291.40           | 864.99        | 5169.50        | 765.18        | 8860.78        | 887.16        | 19688.45        | 965.27        |
| July                | 9323.58           | 867.98        | 5183.85        | 767.30        | 8879.16        | 890.00        | 19761.71        | 968.98        |
| August              | 9350.99           | 870.54        | 5203.60        | 770.23        | 8863.45        | 890.45        | 19806.06        | 974.08        |
| September           | 9341.03           | 869.81        | 5194.70        | 768.91        | 8868.25        | 890.73        | 19806.06        | 974.08        |
| October             | 9375.52           | 872.62        | 5203.72        | 770.24        | 8872.79        | 890.39        | 19839.81        | 977.68        |
| November            | 9398.41           | 874.95        | 5213.06        | 771.83        | 8897.42        | 901.85        | 19899.87        | 980.84        |

## Asphalt, Cement, Aggregate, Concrete, Brick, Block, Lime

| ITEM                          | UNIT | ATLANTA | BALTIMORE | BIRMINGHAM | BOSTON  | CHICAGO | CINCINNATI | CLEVELAND | DALLAS  | DENVER  | DETROIT | KANSAS CITY |
|-------------------------------|------|---------|-----------|------------|---------|---------|------------|-----------|---------|---------|---------|-------------|
| <b>ASPHALT</b>                |      |         |           |            |         |         |            |           |         |         |         |             |
| Paving, PG 58                 | ton  | 368.52  | -668.75   | 390.00     | +372.25 | 390.00  | -652.50    | 411.50    | 387.55  | +355.60 | 393.50  | 374.00      |
| Curback, MC800                | ton  | 370.95  | —         | 300.00     | 393.35  | 358.20  | —          | 401.00    | 354.83  | +348.93 | 390.00  | 378.00      |
| Emission, RAPID SET           | ton  | 339.05  | —         | 300.00     | 388.50  | 347.00  | —          | 395.00    | 340.30  | +340.85 | 401.00  | 361.00      |
| SLOW SET                      | ton  | 335.90  | —         | 300.00     | 397.00  | 363.85  | —          | 388.00    | 350.95  | +338.99 | 415.00  | 364.00      |
| <b>PORTLAND CEMENT</b>        |      |         |           |            |         |         |            |           |         |         |         |             |
| Type one                      | ton  | 108.10  | 154.00    | 109.00     | +110.00 | 108.43  | 104.40     | 108.25    | 107.89  | 104.29  | 102.00  | 103.50      |
| <b>MASONRY CEMENT</b>         |      |         |           |            |         |         |            |           |         |         |         |             |
| 70-lb bag                     | bag  | 9.00    | 8.25      | 5.60       | +8.98   | 8.56    | 9.10       | 7.15      | 8.70    | 9.90    | 6.90    | 8.09        |
| <b>GRAVEL</b>                 |      |         |           |            |         |         |            |           |         |         |         |             |
| 1 1/2" down to 3/4"           | ton  | 10.10   | —         | —          | 12.80   | +9.85   | 17.50      | 10.80     | 11.95   | 10.85   | 6.80    | —           |
| 3/4" down to 3/8"             | ton  | 9.82    | —         | 13.80      | 12.63   | +10.05  | 11.90      | 10.50     | 11.88   | 11.05   | 9.28    | —           |
| <b>CRUSHED STONE</b>          |      |         |           |            |         |         |            |           |         |         |         |             |
| Base course                   | ton  | 10.05   | 15.75     | 9.50       | +10.30  | +10.17  | 13.80      | 8.75      | 11.50   | 10.90   | 5.20    | 10.35       |
| Concrete course               | ton  | 9.95    | 16.14     | 9.50       | +10.85  | +9.00   | —          | 9.50      | 11.65   | 9.35    | 6.28    | 16.40       |
| Asphalt course                | ton  | 9.80    | 17.86     | 9.50       | +11.00  | +9.98   | —          | 9.60      | 12.43   | 10.70   | 6.50    | 16.40       |
| <b>SAND</b>                   |      |         |           |            |         |         |            |           |         |         |         |             |
| Concrete                      | ton  | 8.95    | 14.40     | 9.50       | 10.00   | +9.05   | 9.80       | 10.35     | 9.88    | 8.89    | 5.20    | 8.90        |
| Masonry                       | ton  | 9.65    | 16.30     | 9.50       | 12.90   | +10.22  | 11.90      | 10.35     | 11.59   | 9.80    | 7.00    | 9.85        |
| <b>CONCRETE READY-MIX</b>     |      |         |           |            |         |         |            |           |         |         |         |             |
| 3,000 psi                     | cy   | 102.25  | 108.00    | 105.00     | 107.12  | 107.90  | 85.00      | 111.00    | 105.12  | 97.30   | +104.50 | 82.00       |
| 4,000 psi                     | cy   | 105.00  | 112.00    | 110.00     | 111.87  | 115.58  | 88.00      | 115.50    | 109.30  | 107.00  | +114.50 | 85.00       |
| 5,000 psi                     | cy   | 120.10  | 118.00    | 116.00     | 115.60  | 125.36  | 94.00      | 130.00    | 113.98  | 113.58  | +131.00 | 89.00       |
| <b>STANDARD MODULAR BRICK</b> |      |         |           |            |         |         |            |           |         |         |         |             |
| CONCRETE BLOCK                | M    | +335.65 | +420.00   | 330.00     | 408.94  | 338.83  | 318.00     | 400.00    | +341.00 | +338.19 | 325.00  | 440.00      |
| <b>CONCRETE BLOCK</b>         |      |         |           |            |         |         |            |           |         |         |         |             |
| Normal-weight: 8" x 8" x 16"  | C    | 130.82  | 185.00    | 90.00      | 150.56  | 140.55  | 128.00     | 128.00    | +148.19 | 131.54  | 129.00  | 160.00      |
| Lightweight: 8" x 8" x 16"    | C    | 158.95  | 181.00    | 99.00      | 167.06  | 150.62  | 182.00     | 195.00    | +159.55 | 133.77  | 130.00  | 190.00      |
| 12" x 8" x 16"                | C    | 170.52  | 259.00    | 145.00     | 190.89  | 184.30  | 235.00     | 179.00    | +172.42 | 155.40  | 171.00  | 140.00      |
| <b>MASON'S LIME</b>           |      |         |           |            |         |         |            |           |         |         |         |             |
|                               | ton  | 195.79  | 293.50    | —          | +221.45 | 207.78  | 283.88     | 175.71    | 216.67  | 210.33  | 165.00  | —           |

A plus (+) or minus (-) sign denotes if the price has risen or fallen since the previous report; a dash (—) means data was not available. Monthly market quotations by ENR field reporters as of Oct. 26, 2012. All prices are spot prices quoted from a single source. Quotes are delivered prices for portland and masonry cement, concrete block and ready-mix concrete. Prices for gravel, crushed stone and sand are FOB plant. Other prices are quoted FOB city unless noted. Some prices may include taxes or discounts for prompt payment, etc. Further product (continued on p. 46)





Agenda Item #  
Meeting Date

IX-C  
December 17, 2012

## CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Discussion and potential action in support of locating P MEC off the coast of Newport and limiting future off-shore wave energy development to non-commercial, research related deployments

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

**ISSUE BEFORE THE COUNCIL:** Consideration of whether or not the City Council should support the location of the proposed Pacific Marine Energy Center (PMEC) grid-connected wave energy test facility off of the coast of Newport and encourage the State of Oregon to limit future deployments off the County's coastline to non-commercial wave-energy operations. Such action would be consistent with, and support, a November 26, 2012 letter authored by the Lincoln County Board of Commissioners on behalf of the Fisherman Interested in Renewable Energy (FINE) Committee.

At its December 10, 2012 meeting, the Newport Planning Commission recommended the City Council go on record in support of the positions outlined in the County letter.

**STAFF RECOMMENDATION:** Staff recommends the Council support the Commission's recommendation.

**PROPOSED MOTION:** I move to authorize the Mayor to sign a letter on behalf of the City Council, supporting the siting of the PMEC facility off the coast of Newport and to express the City's desire that future wave energy deployments off the coast of the County be limited to research related endeavors of this nature.

(Note: A draft of the letter will be prepared and circulated in advance of the Council meeting)

**KEY FACTS AND INFORMATION SUMMARY:** Oregon State University's Northwest National Marine Renewable Energy Center (NNMREC) has identified Newport and Reedsport as finalists for the PMEC facility. They are soliciting proposals from each community, the deadline for which is December 24, 2012. A team has been formed to develop the Newport proposal, and a favorable letter from the City Council would show NNMREC that there is community support for the project.

On a related note, the State of Oregon has been working for several years to update the Territorial Sea Plan to identify suitable locations and siting criteria for wave energy development. Key decisions will likely be made at the state level in the coming months. The County has expressed its support for the recommendation from the FINE Committee that any future deployments off the County's coastline be limited to non-commercial, research related wave energy projects. A decision by NNMREC to locate the PMEC facility in Newport might also influence decisions the State will make regarding where commercial scale wave energy development could potentially occur.

**OTHER ALTERNATIVES CONSIDERED:** None.

**CITY COUNCIL GOALS:** Support for the PMEC project and the position outlined by the FINE Committee is consistent with the Council's goal to implement economic development strategies that promote marine related research and a strong commercial fishery within the community.

**ATTACHMENT LIST:**

- Letter from Lincoln County, dated November 26, 2012
- Minutes from the December 10, 2012 Planning Commission meeting
- List of the Newport P MEC site selection team members
- Preliminary map showing where P MEC could be located

**FISCAL NOTES:** There are no immediate fiscal impacts to the City associated with this action.



November 26, 2012

## Board of Commissioners

Courthouse, Room 110  
225 W. Olive Street  
Newport, Oregon 97365  
(541) 265-4100  
FAX (541) 265-4176

Governor John Kitzhaber, MD  
900 Court St., NE  
Salem, OR 97310

Dear Governor Kitzhaber:

On November 20, 2012 the Fishermen Interested in Renewable Energy (FINE) Committee unanimously voted to recommend to the Lincoln County Board of Commissioners that a 6 to 7 mile square mile area of ocean, west of Newport, become the site of the Pacific Marine Energy Center (PMEC). PMEC would be a grid-connected offshore energy research facility. The Oregon Wave Energy Trust (OWET) has identified development of PMEC as their highest priority. Laying the groundwork for PMEC has now also become a high priority for the Lincoln County fishing community and other key community stakeholders.

The area of ocean off Lincoln County selected by FINE poses fewer conflicts with recreational/commercial fishing activities and other existing uses of the ocean than other sites off the Central Coast. Dr. Belinda Batten, Director of Oregon State University's (OSU) Northwest National Marine Renewable Energy Center (NNMREC), attended the FINE meeting. Dr. Batten, working collaboratively with fishing industry representatives, provided valuable input that enabled FINE to delineate a site for PMEC that meets the key logistical features OSU needs to optimize their research program.

The membership of FINE has always been supportive of ocean energy *technology and environmental impacts* research. Since 2006, FINE has worked closely with OSU Sea Grant Extension and the faculty of NNMREC. For example, FINE worked with OSU to identify the existing one-square mile NNMREC wave energy research site off Yaquina Head. In addition, on an ongoing basis, FINE provides technical and practical advice to OSU and wave energy technology companies utilizing NNMREC on the logistics of marine operations at NNMREC. NNMREC and the wave energy companies will tell you that leveraging the collective experience of local fishermen, who understand the realities of working in a harsh marine environment, is a key ingredient of success.

Not surprisingly, with the growing cluster of world-class oceanographic research activities taking place in Newport, the members of FINE and other leaders in Lincoln County believe that *research* on ocean energy is a natural fit for our community.

However, the members of FINE also strongly oppose the identification of ocean areas adjacent to and near the Central Coast (*especially* within Oregon's Territorial Sea) for future utility-scale/commercial ocean energy projects.

The members of FINE are deeply concerned about the potential future loss of ocean space. The State of Oregon's marine reserve designation process and the siting of NNMREC consumed approximately 19% of Lincoln County's Territorial Sea. No other sub-region of the Oregon Coast was asked to absorb that level of reduced fishing effort.

Over the last few years the members of FINE developed a good understanding of the status of the wave energy industry. In a larger sense, they *don't* believe it is necessary, at this time, especially *in Oregon's Territorial Sea*, to establish very many sites for commercial-scale wave energy operations. Wave energy is a nascent industry. They are nowhere close to producing electricity at price points that are competitive with other renewable energy technologies (in particular, the terrestrial wind industry). The exception to that rule may be in niche markets, in particular, remote island communities where energy costs are prohibitive.

More than anything, the members of FINE believe a focus on research makes sense for both industries. Together, those industries can develop the most efficient and effective technologies for energy production. We all have a stake in the development of efficient wave energy technologies. That will help us concentrate and pinpoint the appropriate locations of commercial scale sites based on proven technologies. It follows, then, with highly efficient/effective ocean energy devices, ocean energy projects can have minimal impacts on the marine environment and the other sustainable/beneficial uses of the ocean.

In closing, please know the members of FINE believe that the vote they took on November 20, 2012 (*to identify an optimal site for P MEC*) may rank among the most important/pragmatic steps ever taken to keep Oregon in forefront of the development of these emerging technologies.

Sincerely,

LINCOLN COUNTY BOARD OF COMMISSIONERS



BILL HALL, Chair



TERRY N. THOMPSON, Commissioner



DOUG HUNT, Commissioner

CC:

Bob Jacobson, Chair FINE  
FINE Members  
Belinda Batten, NMREC and P MEC  
P MEC Siting Committee  
The Coastal Caucus  
Ocean Policy Advisory Council  
The Oregon Congressional Delegation  
Julie Kiel, Oregon Wave Energy Trust President  
Stephen Chu, Secretary, U.S. Department of Energy  
Ken Salazar, Secretary, U.S. Department of Interior  
Jane Lubchenco, Administrator, NOAA

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room 'A'**  
**Monday, December 10, 2012**

**Planning Commissioners Present:** Jim Patrick, Mark Fisher, Rod Croteau, Bill Branigan, Gary East, and Glen Small.

**Planning Commissioners Absent:** Jim McIntyre.

**Citizens Advisory Committee Members Present:** Bob Berman, Lee Hardy, and Suzanne Dalton.

**Citizens Advisory Committee Members Absent:** Lisa Mulcahy (excused).

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

**Audience Members:** David Allen (public-at-large member of OPAC) and Walter Chuck (member of FINE).

Chair Patrick called the Planning Commission work session to order at 6:01 p.m. He noted that the order of the agenda would be flipped and turned the meeting over to CDD Tokos.

**A. Unfinished Business.**

1. Further discussion of the proposed amendments to the Territorial Sea Plan (TSP) for potential action in regular session. Tokos said that he would break the discussion into two parts. He noted that the packets included a copy of the FINE letter supporting sites for research only; not where commercial deployment could occur. On the overhead screen, Tokos presented slides to give the Commissioners a context of what the proposed sites are that are under consideration. Tokos explained that there are eight sites that have been considered for commercial deployment at different depths; but it is still very much under discussion. He showed maps and explained that the dark green areas are where commercial deployment could occur; the other colors have to do with resources relative to the review. He noted that over time the area off Newport has been modified somewhat. Allen noted that a lot of people are focusing on these sites and that there has become more focus than should be. He said there are a lot of other things going on that will put it in perspective. He said that the focus is on what are called the "suitability study areas", which have the least amount of standards that a developer would have to meet as far as requirements. There will be a regulatory piece if someone applies. This is to guide the developer. The areas we are talking about now are what the State determined had the least Goal 19 resources. Developers may choose these if they don't want to go through other hurdles. Tokos said that with that in mind, Oregon State has one non-grid-connected area where they had the test buoy. We are also looking at a grid-connected location for P MEC; and the two locations being considered are Reedsport and Newport. That is a grid-connected site for testing commercial devices where developers can sign up to test their equipment. It is outside the territorial sea, but the grid connection would go through the territorial sea to upland connections. A local group is putting together a proposal for what the option for that deployment would be. OSU would compare Newport to Reedsport to determine which community is chosen. Tokos said that on the maps we will have the green areas and the purple test areas.

Chuck gave the history of the committee. He noted that County Commissioner Terry Thompson thought it was best to have fishermen involved. He said that FINE is mandated by the County to advise the County Commission on territorial sea issues. They helped select the 1 square mile NNMREC site where the test buoy was this summer. He said their goal is mainly to use their expertise to assist with advice to some of these companies for things like what would be the best way to mark the devices so boats wouldn't hit them and to alleviate as much conflict as possible. Chuck said that FINE was pretty well represented with regional charter boats, recreational fishermen, and commercial fishermen. He said the reason they are supporting the P MEC site is that they believe this is a very experimental type of technology, and it would be best to test them and make sure they work. They think having the research out there to make sure they work and show that they work would be the best way to go instead of having blocks set off for possible commercial sites. Chuck noted that the P MEC site is going to be about 5-6 miles out from 32 to about 38 fathoms south of the fishing lane coming in and between that and the tow boat lane. The group picked out an area about 4 miles long and 2 miles wide. P MEC needs about 2 square miles. Chuck is on the site selection committee. The group decided they would focus on the FINE-proposed site as their basis for a recommendation coming out of the site selection team. He said that the FINE option was a compilation by the stakeholders, and it was good to get input from the fishermen in the community first. Branigan asked why that site? Chuck said that the fish affected the most are salmon and crab. These are some of the less valuable fishing grounds. There is still some crabbing that will be displaced from there. In the name of research, hopefully we can get on the forefront of collaborating. They thought that if there is any spot, that would be the best. Branigan asked if boats can be around the devices. Chuck said they can still fish around it. The Coast Guard's determination was that these are things that are not going to be there year-round, and the Coast Guard's process for no-transit is

18 months; so they have said nothing about this. Chuck said the device will be well-marked. He said it is 5 miles out and is missing the tug boat lane and the shipping lane. He said it is also said to be a plus if it is closer to port because ship captains are more likely to be paying attention. Croteau wondered if NOAA would give Newport an advantage for the P MEC site. Fisher noted that Reedsport is in such sad economic situation, that they might like to have something and probably see this as a plus.

Tokos said that the siting process is moving rapidly, and the State will be looking for recommendations in the early part of the year. Allen said probably at the end of this month. There will probably be two or three more meetings. Tokos noted that the City Council hasn't weighed in on this yet. He wondered if the Planning Commission wanted to recommend to the City Council that they speak to this with respect to the FINE letter. The City's recently-adopted policies in the economic section of the Comprehensive Plan states that the City will support marine-related industries and working waterfronts. That would be consistent with the direction the FINE letter goes. The Commission might suggest that the Council look at the FINE letter and determine whether the City should weigh in. Tokos said that if the Commission has specific recommendations; now would be the time to suggest them. He said that the letter will be presented at the City Council meeting on December 17<sup>th</sup>. Allen noted that if a recommendation goes to the City Council, because he is an OPAC member, he will be abstaining from any vote. He said a recommendation will probably go to OPAC in early January. His goal is to be here tonight as an OPAC member with the understanding that he will be abstaining at the City Council level. Allen said that OPAC has been looking at the research on this siting process. We still have to open it up for the potential for commercial development, but you want to go slowly and incrementally. The FINE letter can be placed in the record at the State level.

Patrick wondered if the Commissioners had any objection to supporting the FINE letter. Berman said that he supports the research portion 100%; but the statement that they strongly oppose identifying ocean areas adjacent to the coast for utility-scale projects, he doesn't believe is appropriate. He believes that the assessment going on to select areas that could potentially be used for commercial development in the future is an appropriate exercise. He said that he can't see saying we don't want any sites designated off the coast of Newport for future commercial development. He thinks that is inappropriate at this time. Fisher said that he might agree if in fact the letter was written by a group representing the whole Oregon coast; but because the fact is that this is a specified area (Lincoln County only) that these people are talking about, he is in favor of it. Berman said that, without knowing anything about the nature of these devices, what might be the potential impacts, and what the economic benefits might be; he doesn't think it is the right thing to say no. He said that the whole process is underway. It has the potential for being horrible for fishermen, but also a tremendous economic benefit. At this point there is no way of evaluating that. Patrick said that FINE's point is that they don't know that. They are interested in research, but not in setting sites apart until we have data. We don't know what types we will get or where they will be. Berman said that without sites designated to accommodate it, this type of development will not happen. Patrick noted that this is only talking about within the 3 miles. The City has no jurisdiction outside those 3 miles. It means they can do anything they want; it is a federal issue. We do have a say about the first 3 miles. Patrick said that he likes what the County said; do research, but keep commercial development out of the 3-mile area until we have enough information.

Allen said that the reason why P MEC selection is going to be important, even though it is outside the territorial sea, is that it could influence the final recommendation as far as the distribution area in the territorial sea. How the federal waters are used could actually affect the State's decision. Those two are actually going hand in hand. Fisher said that he is not willing to risk industries we have had for generations. He said that in some way, setting the site locations is getting the cart before the horse. If these developers do a small project and convince people it can be done safely, will be good for the community, and will bring money and jobs; then the rules can always be changed. To give them that latitude before they have proven themselves, might not be good. Allen noted that these areas are what are being called facility suitability study areas with the lowest thresholds; but there are other areas called management areas with higher thresholds. Development is not precluded if the device meets the requirements. Patrick said that he is not opposed to supporting the letter. All the Commission can do is state their opinion and make a recommendation to the City Council. He said that he would just as soon be on the same page as the County. Tokos said that the Planning Commission can recommend that the City Council support the letter and weigh in with their support in a timely manner so it can be considered. He said the Commission could say that they support the research element specifically. Patrick added that we could put a footnote that there was some sentiment to not oppose any area at all and make sure that is part of the record. He said the Commission could recommend that the letter be approved as written but that we are not opposed if the Council makes more prescriptive language about other sites. Fisher thought that if the Commission suggests that the Council sign on to the County's letter, if the City does anything else, we will be reducing the impact of the letter and might as well do our own letter. Patrick thought the City being on the same side as the County will make more sense and have more impact. He said that also we are trying to get the P MEC site here instead of Reedsport. Allen said that this letter will address both the P MEC siting and the State's efforts in the territorial sea. Chuck said that just because FINE said they are not in favor now, once these devices are proven at the P MEC site, we may need more buy-in. He said the feeling from the group is that the area just west of that test site would be where most commercial development would be because the area beyond that is very favorable. He said these areas up and down the coast are small footprint compared to once the cable comes to shore. The concern is about what is west of these areas also. He said it doesn't mean that the group would be adverse to near-shore technology. There is no technology that would work out there right now. The wave technology

industry just tried to pick up areas with the least resistance. There will be sites out there whether they use it or not. Allen said that even if they apply in areas with the lower standards, there are inventory requirements and other thresholds; and there is the joint review process. The fact that they can apply is only the beginning; there is the regulatory process where the local governments can weigh in. He said that there are a lot of hoops along the way. Patrick said that he feels that he would rather go with that site and keep away from the others. He thought for the immediate future, that is the best site. Allen said that at the last OPAC meeting, there was discussion about a periodic review process. In roughly 7 years or when 1% of the territorial sea is developed, the sites and process and thresholds will be reviewed. He said this is not the final document.

Dalton wondered what questions the Commission should be asking, and noted that we would like to be involved in the answers. Allen said this also requires State approval, but it's been approved at the Federal level at NOAA. Then it becomes an enforcement policy that the State can enforce. There will be further data and interior revising. Patrick said that he doesn't have questions because he doesn't know what to ask. To adopt the Part 5 document, DSL at the State level will go through rule making to implement this. Dalton asked what other things Allen could share about this. Allen noted that the final recommendation on this list is going to LCDC in January. OPAC will have its own recommendation going to LCDC. They will try to put those together. There will be an OPAC meeting in early January on the visual assessment up and down the coast. Tokos noted that at previous work sessions, the Commission went over the view sheds and assessments done in Lincoln County. Branigan said his concern is that there are non-state lands, but so much is state lands where they did their own assessment that it became a State process. Tokos wondered if the Commissioners felt we had enough discussion so that at regular session they can pick up deliberation on whether to make a recommendation on the FINE letter. He wondered also if there is a desire to make a recommendation on the visual or just let it go at this point. Allen said that as an OPAC member, he has had a lot of input. He said if it's not even a recommendation, from the comments made on the record, the City Council can always look at the minutes. That is part of the public process. He said that OPAC has had a lot of input on that issue. Allen said the FINE letter is probably the more essential piece. Because of time, Patrick said that the site selection between Newport and Reedsport can be taken up at regular session.

## **B. New Business.**

1. Discussion of text amendments to the Comprehensive Plan by updating the criteria for making UGB amendments to conform to State Goal 14 and updating the water system plan policies regarding the reservoir structure deficiencies. Tokos noted that the packet included the actual draft code changes. He said that if the Commission agrees with the changes to the Urbanization and the Public Facilities elements, the earliest a public hearing would be held is January 28<sup>th</sup>, the second meeting in January. He noted that the Commission had a work session talking about the reservoir UGB expansion and the various reasons why the City is interested in that. He said that this is the cleanup of the Comprehensive Plan so that process can move forward as smoothly as possible. A change he made to the Comp Plan is basically to update the population forecast. References to 2010 should be changed to 2030. There were some confusing references to future growth areas that he clarified. And then, he modified the criteria against which we evaluate UGB map amendments so we are using the most current State's Goal 14 standards. We had a whole set of criteria predating the changes the State made in 2006. What he is proposing is changing the findings so they match up with State rules so that when we submit the map amendments, we can use current standards. He said that the findings are the meat of this, and are things we have talked about already; a demonstrated need, boundary analysis, and the goal exception piece. If this gets adopted into the Comp Plan, then there is the map amendment that would follow this. Fisher wondered if any rights have changed under this for people who own land that may be taken into the boundary. Tokos said not at all by this. He explained that the map amendment is a separate thing and would come at a later date (January 14<sup>th</sup> work session). Tokos said that this part has no impact whatsoever. He continued that the Public Facilities element changes are correction of a bad reference in Policy 6 that referred to the 1990's maps, which are outdated. There are new Policies 4 and 5 that would go in. Policy 4 talks about acquiring land to protect water quality and makes it a matter of City policy; which is obvious. Policy 5 deals with the deficiencies of the dams, which is not in there right now. We didn't have the benefit of the seismic studies. Then it goes into implementation measures. Tokos said that if the Commission agrees with these changes, they would initiate the process; and he would schedule it for the next available hearing (January 28<sup>th</sup>). Then it would go to the City Council. Then if the State doesn't object, it becomes effective. This text amendment does not go to the County. The map amendment requires both City and County adoption. Berman asked if Tokos foresees any objections. Tokos said Policy 4 might be the only one. Some folks might be cautious about that. The amendment to the Urbanization section is basically for cleanup. The Public Facilities changes are practical given what we now know about the condition of the dams. Tokos said that this is an important step for setting out a road map for addressing questions coming up.

**C. Adjournment.** Having no further discussion, the work session meeting adjourned at 6:54 p.m.

Respectfully submitted,

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Wanda Haney, Executive Assistant

**Draft Minutes**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, December 10, 2012**

**Commissioners Present:** Jim Patrick, Rod Croteau, Mark Fisher, Bill Branigan, Glen Small, and Gary East.

**Commissioners Absent:** Jim McIntyre.

**City Staff Present:** Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

**Audience Member Present:** David Allen (public-at-large member of OPAC).

**A. Roll Call.** Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m. On roll call, Small, Croteau, Patrick, Fisher, East, and Branigan were present. McIntyre was absent.

**B. Approval of Minutes.**

1. Approval of the Planning Commission work session and regular session meeting minutes of October 8, 2012, the work session minutes of October 22, 2012, and the joint City/County Planning Commissions work session on November 26, 2012.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner Croteau, to commend Haney on her note-taking and approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

**C. Citizen/Public Comment.** No comments on non-agenda items.

**D. Consent Calendar.** Nothing on the consent calendar.

**E. Action Items.** Patrick reversed the order of the action items from what the agenda indicated.

1. Initiation of text amendments to the Urbanization and the Public Facilities elements of the Newport Comprehensive Plan.

Having discussed this matter in the prior work session, there was no discussion. **MOTION** was made by Commissioner Fisher, seconded by Commissioner Croteau, to initiate text amendments to the Urbanization and the Public Facilities elements of the Newport Comprehensive Plan. The motion carried unanimously in a voice vote.

2. Consideration of amendments to the Territorial Sea Plan (TSP) and recommendation to the City Council on proposed wave energy sites and criteria for evaluation of wave energy proposals. Patrick noted that one part of this item is consideration of recommending the FINE letter, and the second part is whether to do anything about the visual piece. Tokos had a slide presentation to show how the visual fits into everything else and what was done with the visual. He noted that there are a lot of different resources and issues that have to be considered as part of the siting process. He presented a slide showing what those are. He noted that the visual is only a piece of that. Allen, in his public-at-large member of OPAC role, came forward to provide further information on the process. He noted that, as discussed in the prior work session, the area that we are focusing on for proposed sites is called the suitability study area. He said it is important for everyone to be aware that, even though there may be a lower threshold, Sections B and C of the Part 5 document have a great amount of regulatory standards that an applicant would have to comply with before putting anything in the water and are just as important. Allen noted on the slide that the light green description covers the study area (REFSSA – Renewable Energy Facility Suitability Study Area). Those are the areas with the lower standards that we are trying to guide developers into because there are not as many thresholds. He noted that even though there are lower planning thresholds, there are still a lot of regulatory requirements. Allen noted that the dark green description to the far right of the screen is the REPA (Renewable Energy Permit Area); those that already have some permit or authorization. Tokos confirmed that the dark green areas on the maps he showed in work session match up to the light green description, and the purple areas on the maps are the dark green in the descriptions. The visual assessment was set up in different classes. Most of Lincoln County territorial sea was put in Class 1, which adds another threshold. In the foreground and mid-ground, developers will have to pay attention to how high and how visual their devices are. The slides explained what the different acronyms mean. Tokos reminded the Commissioners that they had looked at a draft of the Part 5 document, the maps that were generated of the vision area, the detailed summary for scoring of each particular site. State Parks did Yaquina Head, and the local group did the others. A joint review team will have to review project applications. The Part 5 document contains the type of analysis that would have to be done. An applicant will have to do modeling and proposals. Tokos wondered if the Commissioners thought that the work done by DLCD to assign visual quality to these locations was appropriate and if it is being worked into the overall process in a manner that makes sense.

Allen noted that when they did classification levels and numeric scoring, 69% of the territorial sea came out Class 1; 30% Class 2, so it is pretty highly valuable. He said that for any development that occurs in Class 1, the level of change to the seascape should be very low and not attract attention of the casual observer. In Class 2, with the criteria there, there may be some change and it may attract minimal attention. He said that there are high thresholds. When someone applies for space in Class 1 or 2, they have to do visual assessments. The JART is made up with locals and is part of that review process. He said that this is just a planning document, a general guideline. There are many other thresholds to deal with even on the visual.

Patrick said that as far as whether what they did was proper, he thinks they did a fairly good job. But about how they are implementing it, he doesn't know. He hasn't seen it yet. Tokos said that the Planning Commission doesn't need to provide a recommendation to the City Council at all. If they want to make a recommendation on the visual, they can limit it to how they made the scoring and not looking at the actual views. On page 5 of the Part 5 document where it talks about the JART process, number 3 says that it will include local representatives. There will be local representation, and that is important. Tokos thinks they did a very fine job in establishing the scoring. But, he thinks they are missing an opportunity when it comes to Class 1 and 2 by saying minimal, but not dominate the view of the casual observer. They could have said within ¼ mile or ½ mile there is nothing you can do on the water that won't stand out to the casual observer. They would rather that defining what it means to attract minimal attention gets sorted out later.

Allen said that a lot of thought went into this document. He said there was a lot of discussion about how prescriptive this document was going to be, or if it was just more guidelines and parameters; and have that more prescriptive at the regulatory level. The thought was not to make it too vague, but not too prescriptive so it becomes more regulatory. They chose to keep it a little bit open in case a developer has something even in close waters.

Croteau thought the scoring was okay, but said what troubles him a little is some of the scoring was done by the State and some by locals. Allen said that for state parks, there was a team from Parks and Recreation, DLCD, and a consultant. They were also part of the team for the local government process, which provided consistency. He felt that they came up with a generally consistent methodology and thought that generally everyone involved seemed comfortable.

[At 7:20 p.m., Commissioner Fisher had to leave the meeting due to another engagement.]

Croteau felt that the importance of the view shed needs to be emphasized. Also, fishermen losing 20% of the fishing grounds is important.

Allen said that the goal of this document and JART is how they anticipate this will be implemented. At the State level, this will be flushed out more with the regulatory rule making. Those agencies are waiting for this document to be implemented before starting that process. When they put the rule making together, they will know what it is they need to address.

Patrick said that the overall process looks okay, but the devil is in the details. When we finally get to doing this stuff is when we will find out. Branigan said that on the visual piece, most of Newport is scored a Class 1; but wondered if the scores are really locked in. Allen said they are not being reviewed; maybe in the periodic review in 7 years. Allen explained that the numerical scores reflect A, B, or C categories; and 19 or greater is an A.

Patrick said it is hard to write standards right now. Some of the Planning Commissioners or City Councilors may have to be on JART. He said that he likes the overall plan but can't make a comment on the actual implementation. He said he can't think of anything he wants to throw in there. Allen said local jurisdictions will have notification for public input once they start doing the rule making. Tokos said that the Commission could say they are comfortable with the methodology for establishing the view scores, but have an interest in seeing additional detail on how it will be applied. The City would like to be kept in the loop. Allen said the process requires rule making hearings. After OPAC's recommendation, LCDC will hold hearings before they consider adopting the plan; which is scheduled January 24<sup>th</sup> in Salem. On January 22<sup>nd</sup>, there will be a hearings officer at the Newport Public Library from 5:00-7:00 p.m. to conduct a rule-making hearing to put public comment on the record for consideration.

As far as a recommendation, on the first issue, the consensus was that the Planning Commission was happy with the methodology for the visual assessment but is interested in additional detail on how it will be applied and wants to be kept in the loop. On the second part of the recommendation regarding the FINE letter, MOTION was made by Commissioner Small, seconded by Commissioner East, to forward to the City Council that the Planning Commission supports and encourages the Council to support the FINE letter as an addition to and support of the Part 5 document. Small added comments that this issue is moving ahead rather quickly; and the more that local jurisdictions weigh in, the better to help make sure it is still good for our community. He said that the more we speak with one voice and add to what the County did, the greater the benefit. Croteau thought that the context is appropriate. He likes the research emphasis. He noted that the fishermen already lost 20% of the fishing grounds to research, and that is an important economic issue. He said that he would rather send a strong recommendation than a weak one. He feels a strong approach is appropriate. Patrick said that looking further down the road, he thinks that the test area will turn into a production area eventually; there is nothing saying that it can't be turned into a commercial application; and it is further out at 5 miles. Branigan noted that we really don't know what the size and scope of the commercial wave energy devices

are. We have no detail to understand what they are planning on putting up. East said it sounds like there are plenty of safe guards initially. Patrick said that if we have a research area, we can also experiment in treating it as a fish farm and work on harvesting those fish that gather there. Croteau thought that we need to be forward looking for new technology; but be sensitive to industries we have that are successful.

The motion carried unanimously in a voice vote.

F. **New Business.** No new business.

G. **Unfinished Business.** No unfinished business.

H. **Director's Comments.** Tokos noted that he did submit an application for the 2016-2018 STEP grants. The one project was for South Beach involving the reconstruction of the intersection at 101 and 35<sup>th</sup>, including sidewalks, multi-use paths, Ferry Slip improvements, tying into Ash, and shutting off the Ferry Slip access to 101. He said it was a \$2.6 million package. The City's match would be \$1.5 million coming from urban renewal, which should be attractive to the State. They are saying there will be \$5 million for each of the planning years; \$15 million total. This is the window we wanted. 2016 would sync up with OMSI. The urban renewal district will phase out in 2020, and it would be less likely that we could come in with the funding match. The applications are now going through ODOT's regional commission to be prioritized. Tokos will keep the Commission informed as this moves along.

Tokos said that on the economic development front, the Comp Plan amendments were adopted by the City Council. The next step is to reform the EOA TAC to start work on the job description for the business recruitment coordination position. That first meeting will be on December 17<sup>th</sup> from 10:00-12:00.

Tokos noted that the DOGAMI maps for a major tsunami event will be released shortly. They just had the final meeting to go over the details. The maps will show significant areas at risk because they are factoring in the worst case scenario. Tokos said that once the maps are released, we can put them on the City's web site and link to the State. We will also coordinate with the Police Department and the Fire Department to get them distributed.

Tokos reminded the Commissioners that there will not be a meeting on December 26<sup>th</sup> because of the holiday. The next meeting will be after the first of the year, and the Commissioners will be electing a Chair and Vice Chair. Tokos noted that Commissioners East and Branigan are set for re-appointment, and they both indicated that they were interested. The City Council will take action on that.

Croteau asked Tokos if he has heard from OMSI with a realistic timeline. Tokos said that they met today. The timeline is somewhat fluid because of fundraising. They are getting a handle on what their obligation is for frontage improvements. He said OMSI is looking at getting something open in 2016. They are calling it Phase 1, but they haven't pinned that down. He expects a youth camp at least open seasonally with dorms and teachers. OMSI is engaging in the community about the program. They are starting to develop the relationships needed.

Patrick asked if there is anything on the horizon for developments. Tokos noted that there is the O'Reilly Auto Parts going where the old Big Guys Diner was. They are in plan review and doing corrections. Walgreens finally picked up their permit today. The Umpqua Bank replacement will probably be submitted in February. The other is the Teevin log exporting. They will have to do a TIA under the new standards. He said they were a little upset about it because they hadn't anticipated having to do that. But Tokos said that in the end, it provides hard numbers behind something that really needs those numbers. He anticipates receiving that after the first of the year. They are applying for Phase 1 grading plan, which is grading and rough-in storm drainage. The final phase should come in the spring. Tokos said that he understands that Teevin is pretty close to having an agreement with the Port.

I. **Adjournment.** Having no further business to discuss, the meeting adjourned at 7:42 p.m.

Respectfully submitted,

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Wanda Haney  
Executive Assistant

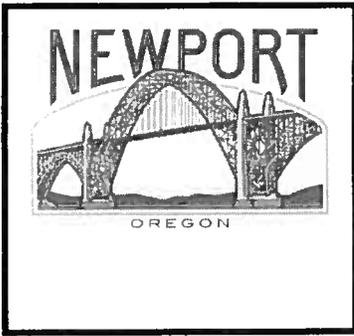
**Pacific Marine Energy Center  
Newport Community Site Selection Team Members**

|  |  |  |                       |
|--|--|--|-----------------------|
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| <b>Oregon Sea Grant</b><br>Kaety Hildenbrand | <a href="mailto:Kaety.Hildenbrand@oregonstate.edu">Kaety.Hildenbrand@oregonstate.edu</a> | Office: 541-574-6534<br>Cell: 541-270-5796 |                       |

**Northwest National Marine Renewable Energy Center**

Belinda Batten, Director [Belinda.Batten@oregonstate.edu](mailto:Belinda.Batten@oregonstate.edu) Office: 541-737-9492 Cell: 541-231-3981



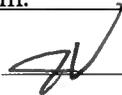


Agenda Item #  
Meeting Date

IX-D  
December 17, 2012

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

Issue/Agenda Title Consideration of Support of Community Microenterprise Program.

Prepared By: \_\_\_\_\_ Dept Head Approval: \_\_\_\_\_ City Mgr Approval: 

**Issue Before the Council:** Consideration of continued support for the Microenterprise Program, including financial support in the amount of \$7,500.

**Staff Recommendation:** Staff recommends that Council adopt a motion supporting the Microenterprise Program. The support includes being a co-sponsor to the Regional Microenterprise Assistance Program with a financial commitment of \$7,500.

**Proposed Motion:** I move the City Council continue support for the Regional Microenterprise Program by authorizing the City Manager sign an agreement for the City to participate in the formation of a Regional Microenterprise Assistance Program, and direct staff to include \$7,500 in the FY13/14 budget document for Budget Committee and Council consideration.

**Key Facts and Information Summary:** Starting over 10 years ago the City began supporting and contributing to the Small Business Management (SBM) program. About eight years ago the Community Development Block Grant (CDBG) – Microenterprise Program came into being. This grant required matching funds of which the City, along with other communities in Lincoln County, annually budgeted.

Small Business Development Director Guy Faust has requested the City's continued support for the upcoming grant cycle. Similar to last year, the support is in the form of being a partner with other Lincoln County communities and financial support in the amount of \$7,500. Because of the grant timing, actual expenditures of any funds approved will be from the FY13/14 Budget.

**Other Alternatives Considered:** None

**City Council Goals:** None specific to this request.

**Attachment List:** 2011-12 CDBG Project Year Report (August 23 through November 19, 2012) and agreement.

**Fiscal Notes:** \$7,500 in the proposed FY13/14 Budget.

# AGREEMENT

Lincoln County, the City of Lincoln City, the City of Newport, and the City of Waldport (hereafter "the Parties") hereby agree to the formation of an alliance between the Parties to sponsor a Regional Microenterprise Assistance Program. The Parties also agree that Lincoln County will act as the lead agency in submitting an application for a 2012 Microenterprise Grant from the Infrastructure Financial Authority/Oregon Business Development Department (IFA/OBDD). The grant will provide qualified microentrepreneurs with services provided by the Oregon Coast Community College Small Business Development Center (OCCC/SBDC).

This Agreement may be signed in counterparts, and each counterpart will be deemed an original. Copies of all signatures will be provided to IFA/OBDD and to each of the Parties.

SO AGREED:

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**Guy Faust, Director**  
Small Business Development Center  
Oregon Coast Community College  
3788 SE High School Dr.  
Lincoln City OR 97367  
Date: \_\_\_\_\_

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**David Hawker, City Manager**  
City of Lincoln City  
PO Box 510  
Lincoln City OR 97367  
Date: \_\_\_\_\_

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**Jim Voetberg, City Manager**  
City of Newport  
169 SW Coast Highway  
Newport OR 97365  
Date: \_\_\_\_\_

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**Nancy Leonard, City Manager**  
City of Waldport  
PO Box 1120  
Waldport OR 97394  
Date: \_\_\_\_\_

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**Wayne Belmont, County Counsel**  
Lincoln County  
225 West Olive Street, #110  
Newport OR 97365  
Date: \_\_\_\_\_

## Nicole Morris

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**From:** Jim Voetberg  
**Sent:** Monday, December 03, 2012 9:34 AM  
**To:** Peggy Hawker; Nicole Morris  
**Subject:** FW: CDBG 2011 Microenterprise Report / 2012 Continued Assistance Request  
**Attachments:** 2011Narrative#3.doc

Peggy/Nicole,

We need to put this as an agenda item for the meeting of December 17<sup>th</sup>.

Jim

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**From:** Guy Faust [<mailto:gfaust@occc.cc.or.us>]  
**Sent:** Tuesday, November 27, 2012 11:18 AM  
**To:** David Hawker; Jim Voetberg; Nancy Leonard  
**Cc:** Wayne Belmont; Julie Kay  
**Subject:** CDBG 2011 Microenterprise Report / 2012 Continued Assistance Request

To: David Hawker, Nancy Leonard & Jim Voetberg

From: Guy Faust

Re: 2011 Microenterprise CDBG Final Report

2012 Microenterprise CDBG Application & Requested Support

We are in the final weeks of closing out our 2011 Microenterprise (CDBG) grant and at the same time we are just now starting to apply for our 2012 Microenterprise (CDBG) grant. Allow me to explain.

### 2011 Grant

Although the 2011 grant was approved late that year, the contract was not executed until January 31, 2012. So, our fulfillment of the grant took place during this year and is about to be wrapped up. Our project goal was to serve 25 participants; we ended up serving 54. (See the attached Final Narrative Report for more specific's on the participants we served.)

### 2012 Grant

To be able to continue this program, we need to complete our 2012 CDBG application before the end of this year. To do that, I am asking for your continued support. The Lincoln County government will once again take the lead role in this grant, but we will need your City to agree to be a co-sponsor of the grant once again. This year we will be applying for \$50,000 and the first Public Hearing will take place on December 5<sup>th</sup>.

I will follow-up this email with a phone call sometime in the near future. We look forward working with you in the coming year.

--

Guy Faust  
SBDC Director  
Oregon Coast Community College  
3788 SE High School Drive  
Lincoln City, OR 97367  
(541) 994-4166 / L.C.  
(541) 867-8522 / Npt.

November 19, 2012

Ms. Louise Birk  
Regional Coordinator  
Oregon Business Development Department  
775 Summer Street NE  
Salem, OR 97301-1280

This is our third and final narrative report for the 2011 Community Development Block Grant project. The contract for Project #M11015 was executed on January 31, 2012 for \$51,000.

This report is from August 23, through November 19, 2012. During this period we enrolled two (2) new Low/Mod participants for a total of fifty-four (54) participants for the project year.

Of the 54 total participants, they fall into the following categories:

- 23 - Male
- 31 - Female
- 44 - Adults
- 10 - Youth
- 53 - Low/Mod Income
  - 1 - Above Moderate Income
- 20 - North
  - 7 - South
  - 7 - East
- 20 - Central
- 46 - White
  - 6 - Hispanic
  - 2 - Minority
- 42 - New
- 12 - Improved (Returned to the Program)

On the second page you will find a listing of the classes offered during Fall Term to our CDBG Micro-entrepreneurs. It lists the total number of participants in each class, and of those, how many were either a Low or Moderate CDBG participant.

Also attached is a spreadsheet with a breakdown of all fifty-four (54) participants. This breakdown includes categories of New or Improved status, Intake date, Ethnicity, Gender, Income Level, City, Business category, type, and name.

Fall Term Training Summary

| <u>Class Title</u>                  | <u>Total # Students</u> | <u>#CDBG Students</u> | <u>Form of Payment</u> |
|-------------------------------------|-------------------------|-----------------------|------------------------|
| 1) Small Business Mgt. I            | 13                      | 13                    | \$300 - Scholarship    |
| 2) Small Business Mgt. I (partner)  | 4                       | 4                     | \$50 - Scholarship     |
| 3) Small Business Mgt. II           | 9                       | 9                     | \$300 – Scholarship    |
| 4) Small Business Mgt. II (partner) | 2                       | 2                     | \$50 – Scholarship     |
| 5) Youth Entrepreneurship cont.     | 10                      | 10                    | Contract with NFK      |
| 7) Profit Mastery (*)               | 12                      | 11                    | \$395 – Scholarship    |

The Neighbors for Kids (NFK) contract for training will continued through the end of fall. (See Attached reports)

The Profit Mastery Class started on October 24, and ended November 14, 2012.

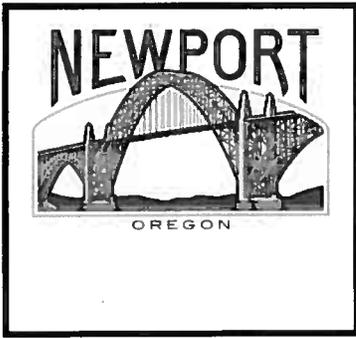
The Small Business Management courses (I & II) for Fall Term began September 25. The SBM I course will end December 19, and the SBM II course will end December 11, 2012.

If you have any questions please feel free to contact me.

Sincerely,

Guy Faust  
Microenterprise Director

cc Wayne Belmont  
Julie Kay  
Greg Holmes



Agenda Item # IX-E

Meeting Date: December 17, 2012

CITY COUNCIL AGENDA ITEM SUMMARY  
City Of Newport, Oregon

Issue/Agenda Title Canvass of Ballots - November 6, 2012 Municipal Election

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

Issue Before the Council: The issue before Council is post-election housekeeping, and includes the approval of the canvass of the ballots of the November 6, 2012 election. Once this approval is confirmed by motion, the Mayor will issue a proclamation declaring the election of a Mayor and three Councilors.

Staff Recommendation: Staff recommends approval of the canvass of the ballots.

Proposed Motion: I move to approve the canvass of the ballots of the November 6, 2012, election at which a Mayor and three Councilors were elected.

Key Facts and Information Summary: Post-election responsibilities of the city include the preparation of a canvass of the votes; a proclamation declaring the nomination or election of candidates; and certificates of election for the four individuals elected.

Other Alternatives Considered: None.

City Council Goals: None.

Attachment List: Canvass of Election Votes for Mayor and three Councilors  
Official Abstract of Votes - November 6, 2012  
Mayoral Proclamation declaring the election of a Mayor and three Councilors

Fiscal Notes: None.

CANVASS OF ELECTION VOTES FOR MAYOR AND CITY COUNCIL  
OF THE CITY OF NEWPORT, OREGON  
HELD ON THE NOVEMBER 6, 2012

An election was held in the City of Newport, on November 6, 2012, for the purpose of voting for three Councilors and a Mayor. The tabulation of the votes cast at this election was filed with the City's Elections Officer on November 21, 2012 and the undersigned, having canvassed the votes for this election, finds that they were as follows:

| MAYOR                   | TOTAL VOTES CAST |
|-------------------------|------------------|
| Jeff Bertuleit          | 1,986            |
| Sandra Roumagoux        | 2,050            |
| Miscellaneous Write-Ins | 53               |

| COUNCIL                 | TOTAL VOTES CAST |
|-------------------------|------------------|
| Laura Swanson           | 2,332            |
| Dean Sawyer             | 2,558            |
| Randy Holman            | 1,372            |
| Bill Bain               | 1,619            |
| Ralph Busby             | 1,855            |
| Miscellaneous Write-Ins | 111              |

The abstract of votes from the Lincoln County Clerk is attached.

Dated: November 21, 2012.

  
Margaret M. Hawker  
Elections Officer  
City of Newport







**PROCLAMATION  
DECLARING THE ELECTION  
OF A MAYOR AND THREE COUNCILORS  
AT THE NOVEMBER 6, 2012 MUNICIPAL ELECTION**

WHEREAS, at a General Election held in the State of Oregon on November 6, 2012 in the City of Newport, Oregon, candidates for office of Mayor and City Councilors were submitted to the voters, and

WHEREAS, the City Council of the City of Newport has canvassed the results of said election and has found as follows:

| <b>MAYOR</b>            | <b>TOTAL VOTES CAST</b> |
|-------------------------|-------------------------|
| Jeff Bertuleit          | 1,986                   |
| Sandra Roumagoux        | 2,050                   |
| Miscellaneous Write-Ins | 53                      |

| <b>COUNCIL</b>          | <b>TOTAL VOTES CAST</b> |
|-------------------------|-------------------------|
| Laura Swanson           | 2,332                   |
| Dean Sawyer             | 2,558                   |
| Randy Holman            | 1,372                   |
| Bill Bain               | 1,619                   |
| Ralph Busby             | 1,855                   |
| Miscellaneous Write-Ins | 111                     |

NOW, THEREFORE, I, Mark McConnell, Mayor of the City of Newport, do hereby proclaim at the General Election held November 6, 2012, the following:

1. Sandra Roumagoux was elected Mayor for a two-year term beginning January 7, 2013.

2. Laura Swanson was elected to the City Council for a four-year term beginning January 7, 2013.
3. Dean Sawyer was elected to the City Council for a four-year term beginning January 7, 2013.
4. Ralph Busby was elected to the City Council for a four-year term beginning January 7, 2013.

SIGNED AND DATED this seventeenth day of December, 2012.

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Mark McConnell, Mayor