

April 19, 2010
6:00 P.M.
Newport, Oregon

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

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

PUBLIC COMMENT

Bain reported that no budget decisions will be made this evening, and that the Budget Committee meetings will begin on Wednesday.

Cheryl Ewing submitted a written document. She stated that she is angry and frustrated and emotional. She reported that her position is fully funded in this budget, and that she was recently told that her hours would be cut. She noted that she believes this is not the right way to treat people, and stated that the City Council has the ability and responsibility to do what is right.

Wayde Dudley stated that he wants to address budget priorities as he knows them. He added that he understands that making cuts across the board is expedient, but not fiscally responsible. He stated that it takes eight months to one year and \$80,000 - \$100,000 to bring a new police officer on board. He added that it is easier and faster to hire a city manager, airport manager, and city attorney, than it is to hire a police officer. He asked that the public safety budget not be cut.

Ruth Kassebaum expressed concern about proposed layoffs of emergency services personnel. She stated that the Police Department is overburdened, and citizens can only do so much.

Cindy Hill stated that she is angered by the lack of concern for her, her family, and the community by the suggested public safety cuts. She added that tourists would not visit if the city is not safe. She added that she is proud to help the community and is privileged to work as Police Department volunteer.

Ken Real, president of Newport Police Association, stated that Council has to make hard decisions, and that he does not envy any them. He added that the city has been working in the black for the last three years, and that the city is not operating in the hole. He noted that there was a 285% increase in parks and recreation. He stated that using the model of Astoria for the Police Department is not the right thing to do. He distributed a handout which he noted is a sample of items that will be given to the Budget Committee. He reviewed the material.

Priscilla Klein, the city's court clerk stated that her position will be eliminated on June 1, 2010. She stated that there are options to balancing the budget other than on the backs of the staff. She reported that she had offered to take a pay cut to save jobs. She

stated that the court is making money, but doubts that trend will continue when her position is divided among the finance staff.

Henry Bryson reported that he had sent the City Council a letter on April 12. He stated that the police officers are stellar people. He added that they have to pass a lot before they can get to be a police officer, including a 16-week academy. He noted that the cost is \$85,000 before they even get on the road.

Bain reported that the city had received letters from: Peter Farris regarding the pool; Debbie Howard regarding police strength; Joan Owen regarding fire and police; Wayde and Barbara Dudley, Henry Bryson regarding public safety; and Ed Johnston. Patrick stated that she does not have the majority of those letters.

Bain stated that he appreciates the interest in the city process. McConnell asked whether a budget agenda could be created to let the public know when an issue of interest will be discussed. Schultz reported that a schedule has been sent to the Budget Committee.

Voetberg reported that he has been talking with the fire union about the potential decrease of one firefighter, and that the union had agreed to a 4% wage concession. He stated that he will be forwarding a change to the Budget Committee reversing the earlier recommendation of reducing the firefighters by one individual. He noted that a brief press release will be issued announcing this. He thanked the Fire Department for being part of the solution.

PROCLAMATIONS AND RECOGNITIONS

PowerPoint presentation by the youth group from the Oregon Coast Aquarium, and the Newport Chapter of the Surfrider Foundation on the completion of their winter project. Toni Vincent and Olivia Ponce made a PowerPoint presentation on the storm drain painting project. They noted that the project was inspired by the Port Orford Storm Drain project. They reported that the message is to stop pollution at the source by not dumping waste near the storm drain. They thanked Charlie Plybon, Michael Cole, the City Council, Tricia Ratliff, Ina Smith, and Cindy Hanson. They reported that they would like to work on another storm drain painting project, and that two sites have been identified.

CONSENT CALENDAR

The consent calendar contained the following items:

- A. Approval of City Council minutes from the work session and regular meeting of April 5, 2010;
- B. OLCC application for Café Mundo;
- C. Annual renewal of OLCC licenses;
- D. Police and Fire Department monthly reports for March 2010;
- E. Report of Accounts Paid – March 2010;
- F. OLCC application for the Bay Haven.

It was agreed to remove item C. from the consent calendar for consideration at the May 3 meeting. MOTION was made by McConnell, seconded by Bertuleit, to approve the consent calendar as amended. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Kilbride reported that the transient room tax receipts for January showed an increase of \$21,000 which brings the collections, for this year, to \$31,000 over last year. He added that based on what was budgeted, the total is still down approximately \$50,000.

Kilbride reported that the air service invoice for last week showed a subsidy of \$39,000. He noted that Newport had 108 passengers and Astoria had 42 riders. He added that the carryover is now at \$8,200.

Kilbride reported on the Newport Reads program last week. He noted that the author of the Highest Tide attended. He added that he highly recommends the book.

Bertuleit reported on a recent meeting of the Bicycle/Pedestrian Committee. He noted that the bid for the bike maps was too high, so other bids are being solicited. He added that most of the signs have been installed and people are noticing them. He reported that the committee reviewed goals and timelines, discussed the improvements on Naterlin Drive and in South Beach. He added that the City Council will be receiving copies of the committee minutes.

Patrick reported on activities of the Port of Newport noting that the NOAA project is moving forward. She reported that some NOAA employees have already relocated to Newport. She added that the Port is working on its budget.

Patrick reported that the world's most recycled product is asphalt. She noted that she attended an event at Road and Driveway last week where "green asphalt" was unveiled. She shared literature about the product.

McConnell asked whether the NOAA welcome weekend was being planned. Patrick reported that planning will begin after May 15.

Patrick suggested reconsidering the gasoline tax, as requested by a citizen at the last meeting. Bain noted that this could be on the agenda of the next meeting.

Patrick asked that a date be set to finish the evaluation of the city manager. Bain noted that the process needs to occur at a regular City Council meeting. It was noted that the agendas are often too busy during these meetings.

Obtshka reported that he attended a recent meeting of the Senior Center Advisory Committee. He noted that the center renovation will begin in late May or early June. He reported that a grant program is being implemented to assist low-income seniors in participation in center activities. He reported that 640 tax forms were prepared by AARP. He noted that May is Older American's Month, and that the center is holding a luncheon on May 4. Other programming includes a diabetes seminar, diabetes cooking classes, and a quarterly newsletter.

Obtshka reported on a recent meeting of the Lincoln County Sustainability Committee. He noted that there are 220 schools participating in sustainability programs statewide. He reported that the Lincoln County Solid Waste District is coordinating a county-wide green business project modeled after a successful program in Marion County. He added that DLCDC will be selecting a pilot community for a proposed goal on climate change.

Brusselback reported that the League of Oregon Cities is hosting an Urban and Community Forestry Conference on June 2, in Boring, and June 3, in Silverton. He suggested that someone from the city should attend.

McConnell reported on a recent meeting of the Air Sustainability Task Force. Issues discussed included the selection of Mead and Hunt as a consultant for the air service sustainability study; the ConnectOregon III grant process and the letter template for support letters for the grant. The letter template will be sent to Patrick and McConnell. It was noted that Bert Lippman had resigned and should be replaced with a Chamber of Commerce representative.

McConnell reported that the Sister City group met last week, and is organizing for the visit of ten middle school-aged students and four chaperones, at the end of July or early August. He read a letter that is being sent to the Mayor of Mombetsu. The next meeting of this group is scheduled for May 11.

McConnell reported on a recent meeting of the Destination Newport Committee. He noted that a lengthy visit occurred with one of the agency owners about what the DNC wants the agency to work on next year. He reported that the DNC had approved, with caveats, to fund the special event fee waivers. A meeting has been scheduled with the DNC chair, Voetberg, McCarthy, and McConnell to look at how the monies can be used and give the DNC a better delineation in the future.

McConnell reported that he had sent Voetberg some e-mail messages regarding contracting the operation of the recreation center and pool.

Bain reported that he will attend the Oregon Transportation Commission meeting in Florence regarding a \$1,000,000 grant opportunity.

Bain reported that he will attend a CWACT meeting in Albany at which the city will present a report on the South Beach project, and the ConnectOregon III applications will be ranked.

Bain appointed Chuck Norman to fill the vacancy on the Budget Committee created by the resignation of Roger Snelling. MOTION was made by Brusselback, seconded by Bertuleit, to ratify the Mayor's appointment. McConnell abstained because he was not present during the interviews. The motion carried in a voice vote.

OFFICER'S REPORTS

Mayor's Report. Bain reported that after the city manager and city attorney reports and the public hearings, Council would recess so that the Urban Renewal Agency can meet.

City Manager's Report. Voetberg reported that State Water Resources had extended the Rocky Creek permit to February 1, 2012, and that the Central Coast Water Council will need to meet.

Voetberg reported that the final report on the tourism grant received by Food Share was included in the packet.

Voetberg reported that DEQ is requiring the city to participate in the analysis for priority persistent pollutants.

Voetberg reported that the COG newsletter is included in the packet.

Voetberg reported that the County Commissioners, acting as the Board of Directors of the Lincoln County Transportation Service District will hold a public hearing at 9:30 A.M., on April 21, 2010, regarding public transportation in Lincoln County.

Voetberg reported that he will draft a proclamation recognizing May as Older Americans Month.

Voetberg reported that he, McCarthy, Brusselback, McConnell, and Obteshka had met regarding the sustainability resolution. It is anticipated that a resolution will be forthcoming at the next meeting.

Voetberg reported that a report on audit deficiencies had been distributed. He noted that questions should be directed to the finance department. He also reported that the monthly financial reports were distributed.

City Attorney's Report. McCarthy reported that the Mead and Hunt contract for air service consulting had been signed by the city.

McCarthy reported that she and Hawker had attended an ethics presentation by the Oregon Government Ethics Commission. She asked whether Council was interested in the training. A session will be organized and other committees and department heads will be invited to attend.

PUBLIC HEARINGS

Public hearing on legalization of Harbor Drive. Bain opened the public hearing at 7:13 P.M. He called for abstentions and declarations of ex parte contact. He asked whether there were any objections to any Councilor, or the City Council as a whole, in hearing this matter. There were none. Tokos reported that the issue before Council is whether the city should legalize SW Harbor Drive between SW 11th Street and SW Case Street. He noted that the city received a request from Julia and Mike Rickus to vacate a portion of the undeveloped SW 12th Street right-of-way where the right-of-way intersects with SW Harbor Drive. He added that it has been determined that the right-of-way for SW Harbor Drive was never dedicated. Kilbride asked is there any downside to this, and Tokos noted that he is unaware of any. McConnell noted that the engineers report indicates that 50 feet is wide enough for bike lanes.

Bain called for proponents. Dennis Bartoldus, representing Mike and Julia Rickus, expressed support for this proposal in conjunction with the following agenda item on a street vacation.

Bain called for additional proponents or opponents. There were none.

Bain closed the public hearing at 7:22 P.M. for Council deliberation.

MOTION was made by Kilbride, seconded by Patrick, to adopt the Final Order legalizing SW Harbor Drive between SW 11th Street and SW Case Street, as presented. The motion carried unanimously in a voice vote.

Public hearing on the vacation of a portion of SW 12th and Case Streets. Bain opened the public hearing at 7:23 P.M. He called for abstentions and declarations of ex parte contact. He asked whether there were any objections to any Councilor, or the City Council as a whole, in hearing this matter. There were none. Tokos reported that the issue before Council is whether it is in the public interest to vacate a portion of SW 12th Street

between SW Harbor Drive and SW Case Street and the northerly ten feet of SW Case Street between SW 12th Street and SW 11th Street. He noted that the Planning Commission recommended that Council vacate the right-of-way with the following conditions: (1.) that the street vacation be presented to City Council after Council has taken action to legalize SW Harbor Drive; (2.) providing room for sidewalks to be constructed in the future and for the city's existing utilities; and (3.) retention of vegetation, especially trees, in at least a portion of the vacated right-of-way (potentially through an easement).

Bain called for proponents. Dennis Bartoldus, representing Mike and Julia Rickus, noted that he is aware that the survey work will have to be coordinated. He reported that he has prepared proposed language that could be included in the final order. He noted that this is a win-win situation for everyone. Obtshka asked whether the geological report will be incorporated into design, and Bartoldus noted that it would be incorporated. Kilbride suggested that the condition requiring vegetation include that the city could plant vegetation in the area at the property owner's expense if the property owner fails to plant and maintain vegetation in that area. It was noted that during the Planning Commission meetings, Tom Picciano had recommended extending the asphalt.

Bain called for other proponents and opponents. There were none.

Bain closed the public hearing at 7:32 P.M. for Council deliberation.

MOTION was made by Patrick, seconded by Brusselback, to vacate a portion of SW 12th Street between SW Harbor Drive and SW Case Street and the northerly ten feet of SW Case Street between SW 12th Street and SW 11th Street with the condition that the Rickus' prepare legal descriptions for the vacated area and an easement for retaining vegetation along the slope. Once these materials have been prepared, staff is requested to bring back an ordinance for Council consideration. The motion carried unanimously in a voice vote.

The City Council recessed to the Urban Renewal Authority meeting at 7:35 P.M.

The City Council reconvened at 8:18 P.M.

ACTION ITEMS

Adoption of Emergency Operation Plan for the City of Newport. Miranda reported that the issue before Council is the approval and adoption of an Emergency Operations Plan for the city, and he distributed a draft letter of promulgation. He explained the proposed plan, and responded to Council questions. MOTION was made by McConnell, seconded by Brusselback, to adopt an Emergency Operations Plan for the City of Newport as presented. The motion carried unanimously in a voice vote.

Appointment of advisory committee for the Nye Beach Commercial Parking District. Tokos explained that the issue before Council is the consideration of Resolution No. 3501 appointing the Nye Beach Merchant's Association as the advisory committee for the Nye Beach Commercial Parking District. Obtshka reported that he is a member of the NBMA but will not have any economic benefit from this action. Tokos responded to Council questions. MOTION was made by McConnell, seconded by Brusselback, to

adopt Resolution No. 3501, a resolution appointing the Nye Beach Merchant's Association as the advisory committee for the Nye Beach Commercial Parking District, commencing on July 1, 2010, and ending July 1, 2015. The motion carried unanimously in a voice vote.

Consideration of Barrar Oceanview easement. McCarthy reported that the issue before Council is the consideration of an easement over private land located on NW Oceanview Drive to allow for the city's existing underground sanitary sewer main over the property, and the extinguishment of the easement over the property that was originally approved by the city. Bertuleit reported that a bike path is planned for this area. Tokos noted that the bike path will not be a right-of-way conflict. MOTION was made by Patrick, seconded by Kilbride, to approve an easement to properly allow for the city's existing underground sanitary sewer main as described in Exhibit A and shown on Exhibit B, and for the city manager's execution of the extinguishment of the easement that was originally adopted by the city, as shown in Exhibit C. Tokos reported that there is no pedestrian easement over the Barrar's property. The motion carried in a voice vote with Bertuleit voting no.

Authorization to lease Abbey Street Pier building. Tokos explained that the issue before Council is to decide whether it is in the public interest for the city to lease the Abbey Street Pier building for a new art gallery, fused glass studio, and expansion of the Bay Latte business. He noted that draft lease agreements are included in the packet, but the actual leases are still being refined. Tokos reported that based on a discussion at the noon work session, he communicated with Bruce Johnson, who is comfortable with the change to 6% of the gross and that is how the lease will be revised. A discussion ensued regarding parking for this building, and it was noted that there is no increased parking requirement required by the city code. Voetberg reported that the goal was to make sure businesses are compatible among themselves and with the area. A discussion ensued regarding the Division of State lands lease, and Tokos reported if this rate is increased, the increased amount will be the responsibility of the city. MOTION was made by Kilbride, seconded by Brusselback, that it is in the public interest for the city to lease the Abbey Street Pier building for a new art gallery, fused glass studio, and expansion of the Bay Latte business, and authorize the city manager, in consultation with the city attorney, to execute the necessary lease agreements. The motion carried unanimously in a voice vote.

Resolution No. 3502 establishing the use of funds received from Georgia-Pacific Toledo, LLC. McCarthy explained that the proposed Resolution No. 3502 would establish the use of funds received from Georgia-Pacific under the agreement allowing G-P to operate and maintain pipelines within city right-of-ways. Obteshka asked that the resolution be amended to include priority for testing of areas in and around the G-P outfall and lines. MOTION was made by Obteshka, seconded by Kilbride, to adopt Resolution No. 3502 establishing the use of funds received from the Georgia-Pacific Toledo, LLC under the agreement dated April 5, 2010, between the City of Newport and Georgia-Pacific, LLC. MOTION was amended by Obteshka, and the amendment

seconded by Kilbride, to include that testing priority be given to areas in and around the G-P lines and outfall. The motion carried unanimously in a voice vote.

Approval of extinguishment of city easement over a portion of Martin Street.

McCarthy explained that the issue before Council is whether to approve the extinguishment of a city easement utility lines over a portion of Martin Street. Obteshka asked if the old water lines have been removed. It was noted that the city has no future use for this easement. MOTION was made by Brusselback, seconded by Obteshka, to approve the extinguishment of a city easement over that portion of Martin Street extending from its intersection with the south line of Minnie Street to the intersection with the north line of Government Street, and authorize the city attorney to prepare a document extinguishing the easement and the city manager to execute same. The motion carried unanimously in a voice vote.

PUBLIC COMMENT

Greg Stanton reported that he has a copy of the proposed budget, and recommended concessions by non-represented employees if union employees agree to budget concessions.

Carla Perry reported that OPB was taping a session of “Think Out Loud” at Café Mundo this evening, and the topic was the economic future of rural Oregon.

McConnell reported that OPB’s program, “Oregon Art Beat” will contain a segment on Ernest Bloch. It will be aired in approximately two weeks.

Kilbride reported that the next Newport Reads program will be held Thursday at the Hatfield Marine Science Center, and a discussion will center on what the ocean is trying to tell us.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:03 P.M.

Margaret M. Hawker, City Recorder

William D. Bain, Mayor