

January 3, 2011
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, McConnell, Bertuleit, Brusselback, Patrick, and Obteshka were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Executive Assistant Atkinson, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Library Director Smith, Fire Chief Crook, Airport Director Cossey, Public Works Director Ritzman, Public Works Senior Project Manager Gross, Parks and Recreation Director Protiva, and Police Chief Miranda.

Bain thanked the community for its support during his tenure as Mayor. He added that he appreciated the opportunity to serve the city and was proud of the accomplishments during his time in office. He urged everyone to support the new Mayor and City Council in its endeavors.

PUBLIC COMMENT

Bain reported that public comment would be deferred to the newly-seated Council.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the regular City Council meeting and executive session of December 6, 2010;
- B. Fire and Police Department monthly reports for November 2010;
- C. Report of Accounts paid for November 2010;
- D. OLCC application - Ozone Fine Art Gallery;
- E. OLCC application - South Beach Grill;
- F. OLCC application - US Market.

Patrick requested that the approval of the City Council Executive Session minutes be removed as she had not received them.

MOTION was made by Obteshka, seconded by McConnell, to approve the consent calendar as presented. The motion carried in a voice vote with Patrick voting no.

OATH OF OFFICE TO NEWLY-ELECTED MAYOR AND COUNCILORS

Hawker administered the oath of office to newly-elected City Councilors Allen, Beemer, and Roumagoux, and to newly-elected Mayor McConnell.

PROCLAMATIONS AND RECOGNITIONS

Council President Bertuleit issued proclamations, and presented plaques, thanking Bain, Kilbride, Obteshka, and Patrick for their service to the city.

A brief break was held to celebrate the new and outgoing City Councils.

CALL TO ORDER OF NEWLY-SEATED COUNCIL

The City Council of the City of Newport met at 6:30 P.M. in the Council Chambers of the Newport City Hall. On roll call, McConnell, Bertuleit, Brusselback, Allen, Beemer, and Roumagoux were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Library Director Smith, Fire Chief Crook, Airport Director Cossey, Public Works Director Ritzman, Public Works Senior Project Manager Gross, Parks and Recreation Director Protiva, and Police Chief Miranda.

McConnell stated that he is honored and humbled to serve as Mayor. He noted that he is proud of the community spirit that makes Newport unique, adding that he believes that this “can do” spirit will help solve issues. He asked for constructive support.

PUBLIC COMMENT

Philomena O’Brien, owner of Nana’s Irish Pub in Nye Beach, stated that she is concerned about the poor drainage in Nye Beach. She noted that she would like to purchase the building in which her business is located, and expressed reluctance until the drainage problems are resolved.

Tim Gross introduced himself to the newly-seated Council and public. He noted that he has met with different business owners and a consulting firm to look at the Nye Beach drainage issue. He noted that he will be meeting again with the consultant, and looking at plans and a model of the watershed in an effort to deal with the issue on a larger scale. He added that the city is moving forward in assisting business owners with short-term solutions. He noted that he hopes to update Council at its next meeting and over the course of the next few months.

Walter Sherman spoke about the purchase of laptops for the Council, and noted that he could not find a line item that covers the purchases or any mention in the minutes. He suggested Council review these circumstances.

ACTION ITEMS

Declare a City Council vacancy. It was announced that the City Council position held by Mayor McConnell, before he assumed the position of Mayor, was now vacant. The person filling this vacancy will serve until the first meeting in January of 2013. McConnell asked for Council discussion on filling the vacancy, and how it would like to vote on that vacancy. He added that Council will interview the two candidates who have put their names in so far, and a vote would occur. He noted that the Charter states that it is the

City Council's job to select someone to fill the vacancy. Allen suggested a voice vote to fill the vacancy, rather than a written ballot. McConnell noted that public comment would occur before the interviews.

Joan Stanton stated that when an elected official cannot fill a position, the person who came in second fills the position. She added that Dean Sawyer walked the precincts, learned positions, and that residents voted strongly for him. She stated that it makes sense to appoint the person who earned the vote of so many of the voters.

Melanie Sarazin congratulated the newly-seated City Council, and stated that she supports Dean Sawyer's appointment to the City Council. She noted that Sawyer has dedicated time and made financial and personal sacrifices in his quest for a City Council seat. She noted that the citizens have spoken, and it is clear who they want to represent them.

Council interviewed Dean Sawyer and Jimmy Rodriguez.

Dean Sawyer noted that he came to Newport in 1977 to apply for job with the city. He added that he worked here for 30 years and had a wonderful career, and he would like to return some of what the city has given him. He noted that he would do his best for the people of Newport. He stated that during his campaign for City Council, he had gone door-to-door and learned a lot.

Roumagoux asked Sawyer what the top three items would be on a City Council agenda that he could write for the next three years. Sawyer responded that it would include financial solvency including building reserves and getting the water plant on track; infrastructure issues such as identifying old pipes and repairing them before they break; and quality of life.

Allen stated that variety on the City Council is a healthy thing. He asked Sawyer what perspective he could bring to the City Council based on his experience in the community. Sawyer stated that he worked at the city level and understands how the city works on a daily basis, and this would allow him to have an insight into what would work. He added that he knows what staff needs, and sometimes that does not get to the City Council, and suggested restructuring to allow staff and Council to work more efficiently.

Bertuleit asked whether Sawyer had any substantial support from a particular constituency. Sawyer reported that he was counseled by sitting Councilors; that he did not accept campaign contributions; did not exceed the \$350 threshold; did not conduct phone banks; simply knocked on doors. He suggested Council consider holding community meetings in the neighborhoods. He added that people feel that government is out of control.

McConnell asked what other things Sawyer learned from the folks that he talked to. Sawyer stated that a lot of people feel they do not have any control over what happens at city hall, and they feel that their voices are not heard. He added that people attend City Council meetings and feel that Council had made a decision beforehand. Roumagoux asked how he would correct this thinking. Sawyer suggested community meetings, noting that Council needs to be open and make sure people are being heard.

McConnell asked Sawyer what he believes to be the biggest issue facing Council. Sawyer noted that it is likely the water treatment plant, noting that there is also concern about the pool, the Naterlin Drive project, and flooding. He added that he hopes that NOAA has a good impression of the City Council.

Allen asked Sawyer how many years he was on the police force, and Sawyer responded that he was an officer for 30 years, and in a management position for 28

years. Allen asked Sawyer whether he had to resolve disputes during his management years, and how often. Sawyer replied that he was often called upon to resolve disputes, noting that at the end of the day, you cannot make everyone happy. He reiterated that he would work hard to accomplish Council goals and make Newport a better community.

Jimmy Rodriguez stated that he had come to Newport from Arizona and recently started a business. He noted that the majority of his career has been with the military, serving 17.5 years as an MP, and 2.5 years with the Arizona Highway Patrol.

Brusselback asked why he would like to be on the City Council. Rodriguez noted that he is immersed in the city and is active in what is offered to visitors and residents. He added that he feels that his experience as a police officer, engineering advisor, and infantryman are strong attributes for the city.

Roumagoux asked about his work at the Newport airport. Rodriguez stated that he was a line service supervisor at the FBO, and that involved meeting pilot needs.

Allen asked what Rodriguez could bring to Council regarding working through issues as a group, finding resolution, and bringing a different perspective. Rodriguez summarized his background in evaluating street systems, supervising, facilitation, and training. He stated that the top three action items facing the city are a continuation of infrastructure upgrade or replacement; quality of life for residents; and transportation including the airport, SeaPort Airlines, and ground transportation. He reported that one of his skills is finding funding for projects, and he would utilize this skill if chosen for the position.

Brusselback asked if Rodriguez was aware of the time commitment of Councilors. Rodriguez noted that he is accustomed to long hours.

Allen commended Rodriguez for his military service and applying for the Council vacancy. He asked what kept him from running for the office during the last election. Rodriguez noted that he needed his wife's support first, and wanted to be sure that he could handle the commitment with his business, and finally, that he had no idea how to run for public office.

McConnell asked Rodriguez to clarify what consensus decision making means to him. Rodriguez noted that consensus decision making would be where all Council members converse and exchange ideas, and are comfortable with the final decision. He noted that he is comfortable with give and take in decision making. Bertuleit thanked Rodriguez for applying for the position.

Allen stated that both applicants should be commended for applying and/or running for Council, and for responding to Council questions. He added that vacancies that were filled several years after an election were made based on the merits of the applicants. He noted that with this vacancy occurring soon after an election, the dynamic is the electorate. He added that he hopes that Rodriguez will apply for another position if he is not appointed tonight. He noted that the voters have spoken and he wants to acknowledge the voters of this community in the past election.

Beemer stated that he believes the appointment is easier knowing that voters have supported Sawyer. He added that he has been independently approached by people who say that it is logical to appoint Sawyer, as the voters have spoken.

Brusselback commended both applicants, and noted that this is a small pool of applicants. He recommended leaving the seat open for another few weeks and directing staff to advertise again and accept applications.

Roumagoux thanked applicants noting that this is a big decision. She added that to make this a more open and transparent process, she would like to get the word out and allow time for other interested persons to submit applications.

Bertuleit noted that he has a different viewpoint. He added that since the announcement was made in November, it was apparent that applications were due. He stated that there is no evidence that Sawyer is not the appropriate choice.

Allen reiterated that this decision is about the election; noting that it is the right and fair thing to do to appoint Sawyer.

MOTION was made by Beemer, seconded by Allen, to appoint Dean Sawyer to fill the vacancy on City Council. McConnell referred to the canvass of ballots and noted that there is not clear indication regarding voter intent because a number of people withheld their vote. He added that he has not heard support for either of the candidates, and expressed concern about seating a person who does not have the support of the majority of Council.

Allen stated that the election occurred; the people voted; the results are in; and this process is occurring on the heels of the election. He noted that the issue is voter's preference and addressing the results of the election.

Bertuleit asked Sawyer whether he had OLCV support, noting that if he had had this support, the situation might not have been the same.

Roumagoux noted that if the situation had been reversed, she had a concession speech handy, and would have reapplied in two years.

Patricia Patrick-Joling stated that this is not your usual situation. She noted that the election has occurred and the voters have spoken. She urged Council to respect the voters, and appoint someone this evening.

Mark Fisher noted that Sawyer received the fourth highest number of votes. He stated that for Roumagoux, Brusselback, and possibly McConnell to ignore that fact is another example of Council thinking it knows more than the people.

Ron Beck, chair of the Lincoln County School District, stated that business cannot be conducted with an even number on the Council. He implored Council to appoint one of the applicants and move onto the next agenda item.

Terry Obteshka recommended that Council appoint Dean Sawyer.

Voting aye in a roll call vote, on the motion to appoint Dean Sawyer to fill the City Council vacancy, were Allen, Beemer, Bertuleit, Roumagoux, Brusselback, and McConnell. The motion carried unanimously.

The City Recorder administered the oath of office to Dean Sawyer who took his place on the City Council.

Elect Council President. McConnell noted that the City Charter requires the selection of a City Council President. MOTION was made by Roumagoux, seconded by Beemer, to appoint Brusselback as Council President. MOTION was made by Allen to appoint Bertuleit as Council President. This motion died for lack of a second. The motion appointing Brusselback as Council President carried unanimously in a voice vote.

Schedule Council Orientation. McConnell noted that orientation is an all day event. Council selected January 14, 2011 as the date for the orientation session,

PUBLIC COMMENT

Carla Perry noted that she has requested a permanent method of honoring Norm Winningstad at the December Council meeting. She suggested that the airport be renamed after Winningstad as he was a major contributor to the airport. She asked whether there was progress on this request. Bertuleit stated that he expects that the Airport Committee would like to discuss the matter. McConnell reported that the City of Mombetsu sent two nice letters, a plant, and a donation of \$400. He added that he will communicate with the Winningstad family to determine how to use the donation.

OFFICER'S REPORTS

Mayor's Report. McConnell distributed a list of people interested in reappointment to various committees. He noted that there are vacancies on the Parks and Recreation Committee, Bicycle/Pedestrian Committee, and Budget Committee. McConnell reported that his wife has requested reappointment to the Library Board. MOTION was made by Beemer, seconded by Bertuleit, to reappoint the following:

Jim Patrick	Planning Commission	Term Expires -	12/31/13
Glen Small	Planning Commission		12/31/13
Robert Smith	Budget Committee		12/31/13
James Churchwell	Airport Committee		12/31/12
Richard Larson	Airport Committee		12/31/12
Cindy McConnell	Library Board		12/31/14
Susan Boehlert	Parks and Recreation Committee		12/31/12
Roger Holstein	Parks and Recreation Committee		12/31/12
Ed Simon	Parks and Recreation Committee		12/31/12
Lill Patrick	Destination Newport Committee		12/31/11
Lorna Davis	Destination Newport Committee		12/31/11
Gabe McEntee	Destination Newport Committee		12/31/11
Ric Rabourn	Destination Newport Committee		12/31/11
Carrie Lewis	Destination Newport Committee		12/31/11
John Clark	Destination Newport Committee		12/31/11
Raquell Teague	Destination Newport Committee		12/31/11
John Paquette	Senior Advisory Committee		12/31/12
Betty Krause	Senior Advisory Committee		12/31/12
Eldon Miller	Senior Advisory Committee		12/31/12
Alisha Kern	Bicycle/Pedestrian Committee		12/31/13

The motion carried unanimously in a voice vote.

McConnell reported that two requests were received from the Greater Newport Restaurant and Lodging Association requesting involvement in a discussion for use of the expo center funds, and establishment of a task force to review and rewrite the transient room tax ordinance.

City Manager's Report. Voetberg reported that a fire occurred on December 20 at Longview Hills, and during this incident, two unauthorized individuals entered a

hazardous environment. He added that the incident commander and training officer have reviewed the occurrence along with practices and protocols so that this will not happen in the future. He reported that Crook believes things are in place so this will not occur in future. During the investigation, a couple of fire employees witnessed the entry and took no action which was of great concern to the volunteer firefighters. He recommended that an independent investigation occur.

Allen stated that sometimes OSHA gets involved in incidents, and asked whether external groups need to be notified. Voetberg reported that he had spoken with Crook and it is his belief that this is a violation of policies and procedures, rather than an OSHA violation. He added that if the independent investigation finds other issues, he will report those to Council. Voetberg noted that the investigation should occur within two weeks.

Ron Evans stated that due to the action/inaction of the paid fire staff, many of the volunteer members are very concerned about personal safety and the safety of other volunteers. He reported that he brought these concerns to the attention of the fire chief and city manager, and has full confidence that the issues will be dealt with appropriately. He added that the volunteers still have a desire to respond when called, but feel a new level of apprehension in doing so.

Voetberg reported that the public works project update is included in the packet along with a memo prepared by Gross that provides detail on key projects. He asked whether there were key projects that Council would like to have reported on a regular basis. McConnell asked about the Naterlin Drive project. Gross reported that he had talked with the Coast Guard today, and the easement is at the environmental review committee. He noted that he anticipates talking with the Coast Guard again tomorrow. Bertuleit stated that he is concerned the city is not receiving value from the engineer of record contract with David Evans and Associates, and further that the city is being overcharged.

Allen asked whether some of the water treatment plant decisions will affect the budget this fiscal year or next year. Voetberg reported that these decisions will affect the next fiscal year budget. Allen stated that he would like financial updates on the water treatment plant at every meeting.

McConnell asked for an update on the water treatment plant. It was reported that the site work is complete, and work has begun on the structure of the facility. Ritzman reported that the gross maximum price cannot be changed unless there is a change in design or efficiencies are discovered. He will keep Council apprised of any changes.

Gross updated Council on the sewer line collapse under Highway 101 between 12th and 13th Streets. He noted that it was discovered that a manhole was discharging water, so the city bypassed the manhole and began jetting the line. He noted that the line was corroded to a point that the pipe was approximately ½" thick. He reported that the city had contracted with Central Coast Excavating and they were on site the next morning. He added that the entire section of pipe between the manholes had to be replaced, and that the street will be overlaid to ODOT specifications in the spring. Roumagoux asked whether there is an overall plan to replace sewer lines. It was noted that replacement occurs as money allows, and that the city will analyze other similar situations to determine corrosion. Ritzman reviewed recent sewer line projects. Allen asked whether there is an accommodation in the capital projects fund for an inspection schedule and replacement of areas more prone to sewer line collapse. Ritzman reported that some main lines are not inspected as often as they should be due to impracticality. Allen

asked where the funding for this repair was from in the budget. Ritzman reported that there is a budgeted item for sewer repairs and replacement that is not specifically budgeted by street, but in a lump sum. A discussion ensued regarding the sewer fee and how long it would take to accumulate sufficient monies for an overall sewer line replacement project.

Voetberg reported that the updated suggestion/concern/complaint form is in the packet.

Voetberg apologized that staff got ahead of itself regarding city-issued laptops for Council use. He stated that Council should first consider whether it wants to go paperless, and if the decision is to go paperless, there are laptops that Council can use if they choose. He added that if Council opts not to use the laptops, the city has other uses for them, including the replacement of three outdated laptops, and five for the library. Bertuleit suggested asking the Planning Commission if they are interested in the laptops. He added that he is not averse to having one if it was more comfortable reading computer screens. Allen noted that the city manager's report was beneficial. He questioned the cost savings as noted in the report, noting that it did not pencil out. He added that he agrees with the Council goal of economic and social sustainability. He questioned whether FTE's could be reduced by a paperless packet. Voetberg reported that the savings of \$1,000 was labor and material on an annual basis, adding that Cheryl Atkinson spends about four hours on packet preparation before printing, and that paperless packets would save approximately eight hours monthly. He noted that when she is preparing packets, she drops all her other work, and if packets were completely electronic, the permanent copy could be made at her leisure. He reported that last year, efficiency was increased in the manager's office, and if eight hours monthly can be saved, we can look at the number of FTE's needed to operate the city manager's office. Allen questioned the protection of Council regarding public records. Voetberg reported that the laptops would provide more efficiency with public records requests. Allen reported that Councilors using the city's e-mail account are already in the system, and how the system is accessed does not make a difference. McCarthy noted that it might be easier to relinquish a city computer rather than personal computer in the event of a public records request. McConnell asked Voetberg to elaborate on the authorization and acquisition of the computers. Voetberg noted that his purchasing authority is up to \$50,000, and the city has more than 200 computers, and that the economics of the laptop purchase were such that they would pay for themselves in one year. He added that he authorized the purchase knowing that if Council opted not to use them, there were more than seven laptop needs within the city. Beemer noted that the Oregon Coast Bank director meetings were initially held via computer when it was determined that the monthly cost of copies would pay for the computer within nine months. He added that security issues arose, and since banking documents are not public records, it was determined to discontinue use of the laptops. He stated that the justification for saving money by going paperless is well documented. Beemer noted that he probably would not take the city-issued laptop. Sawyer stated that he agrees with paperless packets, and would be willing to use his personal laptop. Roumagoux agreed with Beemer and Sawyer. Allen noted that he could print the packet at his home, and declined the use of a city laptop. He stated that he would rather have any laptop, designated for his use, either returned for a refund or a credit, or the laptop put to some other use within the city. He asked whether the return policy is still in effect, and Voetberg noted that even if

it was in effect, the city has other uses for the computers. Bertuleit suggested that the Planning Commission also use paperless packets. MOTION was made by Roumagoux, seconded by Brusselback, to go paperless. The motion carried in a voice vote with Allen and Bertuleit voting no.

Voetberg reported that the financial report for the month ending November 30 is included in the packet, and that Marshall is available to answer questions. He noted that the December financial report will be available at the next meeting. Bertuleit suggested a staff report with the financial report.

Voetberg reported that the city had received a letter from CDBG regarding compliance issues with the senior center expansion project. He noted that the issues pertain to the contractor not using the correct labor report forms and a few smaller issues. He added that Marshall is correcting the issues.

Voetberg reported that the joint meeting with the Lincoln County Commissioners is scheduled for February 2, and that suggested discussion items should be submitted to Hawker.

Voetberg reported that Crook has announced that he will retire on March 15, 2011, but plans to use his accrued vacation prior to that date. He added that Toby Cole will be assigned the duties of fire chief, but will not seek the permanent position as he is also considering retirement. He noted that he will evaluate how to hire a successor. He congratulated Crook on 35 years of service to the city.

City Attorney's Report. McCarthy updated Council on the solid waste issue. She reported that the staff has been working internally with the Public Works and Community Development staff, Brusselback, Beemer, and Thompson's Sanitary on an amendment to the code that will address the contractor debris issue. Bertuleit noted that it is advisable to include contractors in this discussion. McCarthy reported that the termination date of the Thompson's agreement is rolling, and would be seven years from the date the city would provide notice of termination of the agreement.

McCarthy reported that the SW 30th Street property was purchased by the URA for open space. The sale and conservation easement have been closed and recorded.

COUNCIL REPORTS AND COMMENTS

Brusselback stated that the call from the rec center is loud and clear for New Year's resolutions; it is to get over there and start working out.

ADJOURNMENT

Having no further business, Council adjourned to a work session at 8:58 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor