

March 6, 2017
6:00 P.M.
Newport, Oregon

CITY COUNCIL MEETING

ROLL CALL

The Newport City Council met on the above date in the Council Chambers of the Newport City Hall. On roll call, Goebel, Swanson, Saelens, Allen, Engler, Sawyer, and Roumagoux were present.

Staff in attendance was Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Steve Rich, City Attorney; Derrick Tokos, Community Development Director; Tim Gross, Public Works Director; Mike Murzynsky, Finance Director; Jim Protiva, Parks and Recreation Director; and Jason Malloy, Interim Police Chief.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes of the regular meeting of February 6, 2017;
- B. Approval of minutes of the work session of February 6, 2017;
- C. Approval of minutes of the executive session of February 6, 2017;
- D. Approval of minutes of the regular meeting of February 21, 2017;
- E. Confirmation of the Mayor's appointment of CM Hall to the Budget Committee for a term expiring on December 31, 2019.

Hawker noted that there was a typographical error in the term for the Budget Committee appointee, CM Hall, and that the term actually expires on December 31, 2019. Roumagoux explained her appointment of Hall. She read the minutes from the work session at which the four Budget Committee applicants were interviewed. She noted that Glenda Rhodes was unable to attend the first Budget Committee meeting in person, and would have had to participate by telephone. Roumagoux added that attendance, by telephone, would be difficult for everyone, and put too much strain on an important meeting. She noted that Hall fills a missing demographic on the Budget Committee, and that is the youth demographic. She stated that at the work session, Council agreed that it could support any of the applicants, and that her choice was CM Hall.

Allen stated that Roumagoux' explanation was fine, but noted that from a procedural standpoint, things would have worked better if Council had been notified of the third vacancy, and that the candidate should not be notified until after the formal appointment. He stated that Rhodes had good auditing strengths, and suggested that she be

encouraged to apply as the alternate public member of the Audit Committee once the ordinance becomes effective.

Allen reviewed changes to the minutes.

Goebel reiterated that formal appointments should be made prior to notification of an applicant.

MOTION was made by Engler, seconded by Swanson, to approve the consent calendar as amended.

AMEND AGENDA

Roumagoux requested that Council consider providing a letter regarding SB202, and that this be considered under agenda item 7.E.

PUBLIC HEARING

Public Hearing on the Proposed City Council Goals for the 2017/2018 Fiscal Year.
Hawker introduced the agenda item. Nebel reported that on February 13, 2017, Council held its annual goal setting session, at which they reviewed the previous Council goals, the mission statement, heard presentations from each of the city departments, reviewed requests for new positions, reviewed the goals from the various advisory committees for the 2017/2018 Fiscal Year, and reviewed other current plans and projects that have been done in recent years to determine if any specific projects should move forward in the next fiscal year.

Nebel reported that throughout the day, Council members were asked to write various ideas for consideration as part of the 2017/2018 goals from the City Council, and at the end of the day, Council prioritized those goals for the 2017/2018 Fiscal Year.

Nebel reported that Council also participated in a trial version of “the visioning meeting in a box,” which is a visioning exercise that can be done with groups of people (employee groups, civic organizations, social organizations, religious institutions, and other small groups of individuals throughout the community).

Nebel reported that for the 2017/2018 Fiscal Year, the goals were preliminarily accepted by the City Council, and a public hearing scheduled on these goals for this meeting. He stated that the goals were also reviewed on February 28, 2017 at the preliminary Budget Committee meeting. He added that he plans to specifically address each of the Council goals in the upcoming budget, and indicate how the budget addresses those items. He noted that the Budget Committee can modify any of the proposed budgetary items.

Nebel reported that he expects the Vision 2040 to provide the long term values and aspirations for the community that annual goals can be built around. He stated that this will affect future goal setting sessions.

Roumagoux opened the public hearing on the proposed 2017/2018 City Council goals at 6:16 P.M. She called for public comment. There was none. She closed the public hearing at 6:17 P.M.

It was suggested that next year, a process should be developed to fine tune the mix of Council and departmental goals. Nebel reiterated that the entire process would be structured as a result of the visioning effort that is currently underway.

Goebel asked what kind of weight is placed on Council priorities in the budget, and Nebel noted that he will provide explanations if a Council priority is unable to be funded.

Allen asked how many of the modular houses (involved in the December 2015 landslide) can be repurposed, and Tokos noted that there are currently two, and it is unclear, at this time, whether a third may be salvaged.

Allen stated that he supports the concept of a Library security guard on a contractual basis, but recommended that there be written policies for the guard to utilize to avoid subjectivity and reduce liability.

Engler noted as once the Vision 2040 plan is developed, all goals should be tied to a strategic plan and a vision statement.

MOTION was made by Sawyer, seconded by Goebel, to adopt the City Council goals for the 2017-18 Fiscal Year. The motion carried unanimously in a voice vote.

Public Hearing and Possible Adoption of Resolution No. 3767 Providing for a Supplemental Budget in Making Appropriations/Total Department Changes for the 2016/2017 Fiscal Year. Hawker introduced the agenda item. Nebel reported that with the completion of the 2015/2016 audit, the beginning fund balances for the major operating funds are being adjusted from estimated amounts - at the time the budget was adopted - to actual amounts based on the audited financial statements. He stated that in addition to these fund balance adjustments, there are other adjustments that are part of this budget amendment, including an adjustment to the General Fund in the amount of \$5,300.00 for property tax and other prorated costs related to the purchase of property located southwest of City Hall. He noted that there is also an adjustment from the Room Tax Fund to transfer funds to the Capital Projects Fund related to the bid that was awarded by the Council for the construction of restroom and other facilities at that location, as well as an adjustment in the Wastewater Fund to address costs related to the December landslide off of 4th between Fogarty Streets near Yaquina View School.

Nebel reported that adjustments have been made to each of the funds from the contingency fund for payroll costs related to the new Newport Employees Association contract. He stated that these changes were guided by the salary study recently completed for these positions. He added that there are several adjustments to close out capital projects, including Safe Haven Hill, SE 35th Street and Highway 101 signal improvements, Abalone/Brant street improvements, Ferry Slip Road street improvements, as well as funding for the fire station seismic rehabilitation.

Nebel reported that the budget adjustment increased the total resources available to the city by \$1,869,252.00 for a total of \$77,022,697.00 with appropriations being adjusted by the same amount. He noted that the majority of the adjustments were based on fund balances adjustments reflecting actual costs with those funds being reflected either in contingency or ending fund balance for each of the operating funds.

Roumagoux opened the public hearing at 6:29 P.M. She called for public comment. There was none. She closed the public hearing at 6:30 P.M.

MOTION was made by Engler, seconded by Swanson, to adopt Resolution No. 3767 (with Attachment A), a resolution adopting a supplemental budget for the fiscal year 2016/2017 and making appropriation increases and changes for that fiscal year. The motion carried unanimously in a voice vote.

COMMUNICATIONS

From Nancy Steinberg and Tomas Follett Regarding Creation of a Mountain Bike Trail System on the Big Creek Reservoir Property. Hawker introduced the agenda item. Nebel reported that Nancy Steinberg and Tomas Follett will make a presentation on a preliminary concept for building and maintaining a system of multi-use trails on city property surrounding the Big Creek Reservoir. He stated that the concept proposes a partnership with the Corvallis Chapter of the National Mountain Bicycling Association. He added that the proposal is that the trail be built by volunteers, and maintained by users, which is a model that has worked well on Wilder property in South Beach.

Nancy Steinberg and Tomas Follett appeared before Council and talked about the proposal to improve the system of trails around the Big Creek Reservoirs. Steinberg reported that the group hopes to formalize an agreement that would allow the building and maintenance of the trails with the city's blessing. She added that the would further goal four of the Parks and Recreation Advisory Committee.

Steinberg reported that she and Follett met with Gross and Protiva and the Parks and Recreation Advisory Committee, all of whom were supportive of the proposal. She noted that the trails could be a significant attraction and bring significant economic opportunities. She cited the economic impact from mountain biking to the City of Oakridge. She displayed a slide of the proposed trail system. She added that the Corvallis Chapter of the IMBA is willing to allow Newport to become a sub-chapter which would enhance volunteer assistance, and the building activities would be covered by their liability insurance. She noted that she is aware of the city's plans to replace the dams, and would comply with necessary closures.

Follett reported that the property is beautiful and that the trails would be constructed in concentric loops approximately 12 miles in length. He responded to Council questions.

MOTION was made by Engler, seconded by Sawyer, to refer this matter back to city administration for a future report and recommendation on proceeding with a more detailed proposal regarding the creation of a trail system on city reservoir property. The motion carried unanimously in a voice vote.

From the Destination Newport Committee Regarding a Recommendation to Fund a Tourism Marketing Grant for HELP. Hawker introduced the agenda item. Nebel reported that the Destination Newport Committee is recommending that Council approve a grant in the amount of \$1,000.00 to offset advertising costs for this event, which will take place at the Oregon Coast Aquarium. He stated that the 2016 program had 300 kids participating and they are hoping to double the attendance to 600 kids and promote out-of-county attendance for this event.

MOTION was made by Engler, seconded by Sawyer, to approve a tourism marketing grant, in the amount of \$1,000.00, to offset marketing costs for the Homeless Education and Literacy Program (Easter Egg Event), to be held on April 15, at the Oregon Coast Aquarium. The motion carried unanimously in a voice vote.

From the Destination Newport Committee Regarding a Recommendation to Fund a Tourism Marketing Grant to the Oregon Coast Aquarium. Hawker introduced the agenda item. Nebel reported that the Oregon Coast Aquarium is hosting a 5K run with the routes starting and ending at the Aquarium. He stated that this event has grown to 350

participants in 2016. He added that the funds will be used to market this event in Portland, Salem, Corvallis, Eugene, and Bend on Facebook, along with an ad with the Portland Running Company to promote this event.

MOTION was made by Sawyer, seconded by Saelens, to approve the Tourism Marketing Grant application as recommended by the Destination Newport Committee to the Oregon Coast Aquarium in the amount \$3,500.00 for their annual 5K race. The motion carried unanimously in a voice vote.

CITY MANAGER'S REPORT

Authorization of the First Amendment to the Agreement Between the City of Newport and Georgia-Pacific Toledo, LLC. Hawker introduced the agenda item. Nebel reported that in 2010, the city entered into an agreement with Georgia-Pacific that allows the continuation of operation of the north and south pipelines that are located in the city's rights-of-way. He stated Georgia-Pacific compensates the city for the use of the rights-of-way in an amount that was initially \$55,000, but increases by 3% annually. He noted that the last check received from Georgia-Pacific was for \$71,760. He added that in the past, the city has utilized some of these funds for environmental studies to determine whether the Georgia-Pacific outfall is impacting marine life, but that otherwise, the funds are deposited in the city's General Fund for general operations, and to offset impacts to the city's rights-of-way. He stated that the original agreement was for seven years beginning April 5, 2010. He noted that the first amendment to the agreement would extend the agreement for an additional seven years.

MOTION was made by Engler, seconded by Goebel, to authorize the City Manager to execute Amendment No. 1 to the agreement between the City of Newport and Georgia-Pacific Toledo LLC extending the rights-of-way agreement for an additional seven years. The motion carried unanimously in a voice vote.

Termination of a Limited Emergency. Hawker introduced the agenda item. Nebel reported that the 2016/2017 winter has had a number of very significant rain events resulting in a series of slides and flooding events. He stated that the most recent event began during the weekend, beginning Saturday, February 4, 2017, when the city experienced record high rainfall for February. He added that these heavy rains caused several landslides, one on Bay Boulevard, near the Pacific Maritime Heritage Center, and several slides on the road abutting the city reservoirs, which blocked ingress and egress to several homes on the slide area. He noted that a cable broke causing the outlet from the reservoirs to be closed which caused additional flooding that created several small slides along the roadway. He stated that the most significant slide was the result of the work that was done to perform the borings for the proposed new dam location when a temporary road up the side of the canyon was constructed with material and boulders being left on top.

Nebel reported that Section 1.70.030 of the Newport Municipal Code provides that the City Manager can declare a temporary emergency when faced with a sudden event that results in an emergency situation for the health, safety, and welfare, if the city, or a portion of the city is threatened. He stated that Section 1.70.030 also provides for emergencies limited in effect for localized issues. He noted that Council is required to act on a limited emergency declaration, and on February 21, 2017, the Council affirmed the limited

emergency, and extended the emergency through the March 6, 2017, Council meeting. He stated that there have been no recurring issues since the original events early last month, and he recommended termination of the limited emergency.

Gross distributed a memo and photographs of the damages that occurred due to the weather events that began on the weekend of February 4. He reviewed the photographs and responded to Council questions.

MOTION was made by Engler, seconded by Swanson, to terminate the limited emergency, affirmed by the City Council on February 21, 2017, relating to the weather conditions that occurred beginning on Saturday, February 4, 2017, which created landslides and flooding situations in various locations throughout the community, with that emergency terminating with this Council meeting. The motion carried unanimously in a voice vote.

Authorization for a Letter of Support for the Department of Land Conservation and Development for a NOAA Coastal Resiliency Grant to Pay for Tsunami Times/Distance and Related Resiliency Planning. Hawker introduced the agenda item. Nebel reported that the DLCD has approached the city to see if it would be willing to partner in a grant application, which if successful, would fund the preparation of “Beat the Wave” analysis for times/distance maps for tsunami inundation areas with partner jurisdictions. He stated that he and Roumagoux attended the tsunami conference in Florence, where the presentation on a demonstration-project was consistent with what is proposed for Newport. He added that in this particular case there would be a socio-economic vulnerability evaluation in neighborhoods subjected to tsunamis to determine the ability and time it would take for individuals to reach Safe Haven Hill. He noted that DOGAMI will perform more detailed modeling of the impact a tsunami would have on land and structures in the inundation areas.

Nebel reported that the later phase of the project will include the development and adoption of comprehensive plan policies to take into account the information developed by DOGAMI, as well as developing the zoning overlay which would factor in tsunami risk to include standards for tsunami evacuation. He stated that this project would take about 18 months to complete, after obtaining the grants, and the city would be requested to dedicate staff time and materials to the project, and DLCD will request funding for reimbursement to jurisdictions to offset a portion of those local costs.

Meg Reed, from DLCD, responded to Council and staff questions.

MOTION was made by Swanson, seconded by Saelens, to authorize a letter of support to the Department of Land and Conservation Development to obtain a NOAA Coastal Resiliency grant to pay for Tsunami Time/Distance Mapping and Related Resiliency Planning and ask that the Mayor sign a support letter to that effect. The motion carried unanimously in a voice vote.

Consideration of Funding the Lincoln Community Land Trust - Final Year of Funding Under the Current Memorandum of Understanding. Hawker introduced the agenda item. Nebel reported that on February 21, 2017, Council met in a work session with representatives from the Lincoln Community Land Trust to discuss the status of the final payment that was identified as part of a Memorandum of Understanding between the City of Newport, City of Lincoln City, and Lincoln County. He stated that during the presentation, it was indicated that the LCLT is shifting gears in developing affordable

housing through the purchase and renovation of existing homes, and that this will be accomplished through down-payment assistance with a cap on what the house could be sold for in the future based on a percentage increase over the subsidized purchase price after the down-payment assistance has been applied to that property. He added that this would keep this property affordable in the long term.

Nebel reported that the LCLT is requesting the city make the final \$30,000 payment that was anticipated under the MOU between the County, Lincoln City, and the City of Newport. He stated that Diane Linn indicates that after including this payment, this would provide a \$90,000 balance at the end of the calendar year. He added that the LCLT is proposing to divide the funds between Lincoln City and Newport to be reserved for the development of three homes in both of those cities. He noted that, in Newport, these funds would be used for down-payment assistance. Nebel stated that the funding of \$30,000 per year was intended to provide administrative support to develop sustainable workforce housing availability in Lincoln County, but because Proud Ground did not require as much financial support as hiring internal staff, these funds are available to fund housing.

Nebel reported that the LCLT is requesting that for each affordable home developed in Newport, \$27,000 be allocated from the city's Housing Fund to be matched with \$15,000 from the LCLT to provide the down-payment assistance that will permanently reduce the price of that home. He stated that this was a component of the program that he was unclear about following the work session. He noted that Proud Ground, itself, would commit an additional \$2,000 per home. He stated that the use of the city's Housing Fund would replace the need for the city to contribute property to gain affordable housing in the city.

Nebel reported that Allen suggested as an alternative to providing \$30,000 up front to the LCLT, that the city make this commitment based on a one-for-one match for any new funding that is obtained by the LCLT. He stated that this would serve as an incentive to raise funds to support this endeavor. He noted that this is, in part, to help meet the originally stated goal of the LCLT to move toward self-sustainability in the future, with the initial governmental funds being used to create the staffing and administrative capabilities to create these types of programs, and develop a sustainable funding stream.

Nebel reported that because of his misunderstanding of the proposal discussed at the work session, he is still evaluating what recommendation he plans to make to the City Council on this matter. He stated that he thinks there are several ways to dissect the options Council has going forward. He noted that the MOU, as amended, was intended to establish base funding for administrative services provided by the LCLT. He added that the MOU anticipated the cities giving a high priority to providing surplus or foreclosed land to the LCLT for housing development, and the value of the gift of land would underwrite the cost of newly-constructed homes in the local jurisdictions.

Nebel reported that the \$30,000 annual payment would represent the city's final payment under the MOU to provide professional staffing support to create an environment where property could be developed for permanently affordable homes. He stated that the issue of whether the final payment of \$30,000 would be made upfront, or used as a challenge grant, would be for Council to determine. He added that the final option would be not to make any additional payments to the LCLT.

Nebel reported that in lieu of providing property to underwrite the cost of workforce housing in the city, the new proposed plan would use \$90,000 of the funds that have been collected for administrative purposes in underwriting the cost of workforce housing in

Newport and Lincoln City. He stated that in accordance with the proposed plan submitted to Council by the LCLT, dated February 28, 2017, instead of contributing land for these properties, the cities would contribute an amount of \$27,000 for each house that would be established in the community, and in the case of Newport, these funds could come from the city's Housing Fund. He noted that the investment of the city funding along with the LCLT funding, and a contribution from Proud Ground, would create the affordable workforce housing units in the two communities. He stated that the decision on proceeding with the houses could be done at the time a commitment is made to participate in the final payment to the LCLT, or at a separate time.

Nebel reported that the packet contains information from Proud Ground along with a copy of an e-mail from Allen.

Tokos, speaking as a private citizen and member of the LCLT Board of Directors, and Bill Hall, Lincoln County Commissioner, and Chair of the LCLT Board of Directors, appeared before Council on behalf of the LCLT.

Tokos reported that Diane Linn, from Proud Ground, was unable to attend this meeting. He stated that affordable housing is an issue, and with limited resources in Lincoln County, Lincoln City, and Newport, the LCLT is trying to tackle the problem.

Tokos reported that there is a place for a lot of different actions, including potential rental assistance, tax exemptions, and SDC reductions. He added that there are a number of avenues that can be pursued, and the partnership with the LCLT is one avenue. He stated that the buyer-initiated grant approach is a viable option which would allow three families to get into homes when they otherwise might not be able to do that. He added that a buyer-initiated grant is a simple proposition, in that the additional funds allow for a down payment, and for that, the homeowner gives up the land. He noted that Proud Ground manages the land on a long-term lease to ensure long-term affordability on resale. He stated that this is a tool, and the approach with Lincoln City is different, as Lincoln City has property to donate. He noted that the MOU always envisioned additional resources being brought to bear. He added that Council will have an opportunity to look at a construction excise tax which could play a part in program sustainability. He stated that he believes Council should follow through with the MOU and provide the third year of funding to the LCLT.

Hall reported that the buyer-initiated grant approach is a new direction, but not a shift away from new development. He stated that the City of Lincoln City City Council will consider donating a property at its meeting next week. He added that the land trust concept is not a new concept, as it began in 1969, and there are more than 240 in the U.S. He noted that Proud Ground manages more than 240 properties.

Goebel asked about the division of funds between the Cities of Newport and Lincoln City. Tokos explained that the LCLT believes there is approximately \$90,000 of uncommitted funds which would be split between Lincoln City and Newport. He stated that this would be used for one home in Lincoln City and three homes in Newport with Newport using the buyer-initiated grant approach. He added that the proposal calls for using \$81,000 from the city's Housing Fund, and \$6,000 from Proud Ground.

Allen reported that after the recent work session, it became clear to him that Diane Linn, from Proud Ground, was putting lot of work into this project, and things have changed, and new ideas have been brought to the table. He stated that the original idea, and that which is expressed in the MOU, was to fund an internal staff person to develop a self-sustaining affordable housing program. He asked what has been done to solicit

funding in other parts of Lincoln County, adding that it seems like most of the focus is on Newport, Lincoln City, and Lincoln County working together. He noted that it appears that the work session has prompted the LCLT to do more outreach, adding that it would have been nice had the outreach occurred without a public records request. He stated that the match proposal, contained in the e-mail to Nebel, and included in the packet, would allow the LCLT to fulfill its commitment and objectives. He added that this proposal would require the LCLT to provide dollar-for-dollar matching funds in order to receive up to the final \$30,000 of the MOU. He noted that he is unwilling to give the LCLT any further funding without some type of match because it has not lived up to its responsibility to find additional funds.

Engler asked whether the buyer-initiated grant approach can be combined with other down payment assistance programs. Hall stated that this can be looked into, but more information would be needed about the other programs. Engler asked how much money is in the revolving loan fund, and it was noted that there is currently around \$135,000. She stated that the proposal is a lot of money for very few people.

A discussion ensued regarding the city's previous contributions to the LCLT, and the associated MOU, and the potential use of the city's Housing Fund.

Allen noted that this is a three-party MOU with the LCLT, and that each party will have contributed \$90,000 over a three-year period. He asked what Lincoln City and Lincoln County are contributing that is comparable to the requested \$81,000 from Newport's Housing Fund. Tokos reported that for Lincoln City, it would be the value of the real property that is donated.

Saelens noted that the difference is the consideration of options on how the money should be used.

Allen stated that he would like to include the matching fund requirement in an amended MOU as an additional incentive.

Roumagoux asked whether this is something that the LCLT board can accept and work with. Tokos stated that the LCLT board thinks the final payment should be made, and that Council place a match on the use of Housing Fund monies. Hall added that he is willing to ask his colleagues for an additional investment in the LCLT.

Nebel reported that options going forward include: do nothing; make the third payment; amend the MOU to allow the funds, originally to be used for administrative purposes to be used for down payment assistance; and authorize commitment of \$81,000 from the city's Housing fund.

Goebel agreed with Allen that there should be provisions attached to the final \$30,000 payment, if it is ultimately authorized.

Nebel stated that he is comfortable crafting a more detailed report and recommendation with the options discussed to bring this matter to a timely conclusion. He added that he believes the proposal to utilize the buyer-initiated grant process makes sense as land is limited in the city, and there are a lot of houses that could be used for workforce housing. He noted that he thinks he could lay out specific alternatives based on Council comments. He stated that he will target having something back to Council at the first meeting in April.

Swanson stated that she thinks the \$30,000 should be given without strings, but that the monies used from the Housing Fund should be matched. Roumagoux agreed with Swanson.

Allen requested that Hall let Nebel know when a response to the matter of Lincoln County providing additional funds was received from the Board of Commissioners.

Authorization of a Letter Conveying the Newport City Council's Opposition to House Bill 2470 and Senate Bill 202. Hawker introduced the agenda item. Nebel reported that the packet contains a report from Tokos which provides information regarding HB 2470, a bill under consideration by the Oregon Legislature that would dramatically impact the city's ability to create and amend urban renewal plans. He stated that urban renewal has been a very powerful tool in reshaping cities across the state. He added that in Newport, everything from the Oregon Coast Aquarium, Nye Beach business district, the Performing Arts Center, the Visual Arts Center, infrastructure to support NOAA and OMSI's Coastal Discovery Center are a few projects accomplished with urban renewal funding. He recommended that Council express its strong opposition to HB 2470. He stated that it would give other taxing entities veto power in future amendments, or the creation of new districts, and reformat the Urban Renewal Agency with representatives from each taxing district, and there are nine taxing districts impacting the city's Urban Renewal Districts.

Nebel reported that the second issue is SB 202 which would require utilities operating in the city to demonstrate their financial need and use of franchise fees collected from those entities. He stated that this is a bad bill that would complicate utility districts through the state. Allen asked whether staff had communicated with Central Lincoln PUD to get a sense of their opinion of this.

MOTION was made by Allen, seconded by Engler, to authorize the Mayor to send a letter expressing the Newport City Council's opposition to House Bill 2470, with that letter being directed to State Representative David Gomberg, State Senator Arnie Roblan, and the League of Oregon Cities. Allen suggested that the motion be amended to include the letter be signed by the Mayor and Sawyer as Chair of the Urban Renewal Agency. The motion carried unanimously, as amended, in a voice vote.

MOTION was made by Allen, seconded by Goebel, to authorize the Mayor to send a letter expressing the Newport City Council's opposition to Senate Bill 202, with that letter being directed to State Representative David Gomberg, State Senator Arnie Roblan, and the League of Oregon Cities. The motion carried unanimously in a voice vote.

Executive Order "Enhancing Public Safety in the Interior of the U.S." for the City of Newport. Hawker introduced the agenda item. Nebel reported that at the February 21, 2017, Council meeting, Allen provided information regarding the impact that President Trump's executive order entitled "Enhancing Public Safety in the Interior of the United States" may have on cities in Oregon. He stated that the League of Oregon Cities has reviewed the impact that this order would have on Oregon. He noted that a couple of key factors regarding the executive order are: Section 8 of the order provides that local law enforcement agencies are empowered to "provide the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law." He added that the LOC indicated there are two criteria to be met, and the first is whether such action is deemed lawful, and the second would require the governing body employing the law enforcement officers to enter into an agreement with the federal government. He stated that these agreements can only be entered into if the agreement is consistent with both state and local law.

Nebel reported that in ORS 181A.820, cities are prohibited from spending public resources or using personnel “for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.” He added that ORS 181A.820 does allow for local law enforcement agencies to exchange information with federal agencies to verify the immigration status of any person arrested for criminal activity, or request criminal investigation information from federal agencies on any person. He noted that local law enforcement agencies are allowed to arrest any person charged with a criminal violation of federal immigration laws if the person is subject of an arrest warrant issued by a federal magistrate.

Nebel reported that it is the intent of staff to continue following the law as set forth by ORS 181A.820 and the United States Constitution as interpreted by federal courts. He stated that staff will continue to monitor this issue and will advise Council of any further developments. He noted that as with Lincoln County, the City of Newport is also a “welcoming community” to all who work, reside in, or visit the city. He added that the city is open and respectful to diverse ideas and viewpoints, and celebrates diversity. He stated that he does not see any change of practices that will be required because of the executive order issued by the President.

Nebel reported that the packet contains the background materials forwarded by Allen. Allen suggested placing a link to this information on the city website.

Report on Vision 2040 Process. Hawker introduced the agenda item. Nebel reported that the packet contains a report from the Community Development office regarding the kick-off activities for Vision 2040 efforts. He stated that approximately 300 people have participated in the initial events including city employees, advisory committee members, family night at the Recreation Center, and the Vision 2040 Kick-off Celebration at the Samaritan Health Education Center.

Nebel reported that volunteers manned a table at the Seafood and Wine Festival on Thursday evening, Friday, and Sunday, and more than 287 comment cards were collected either through interviews or by individuals submitting their thoughts on strengths, weaknesses, and goals for the city. He stated that more than 134 comments were placed via sticky notes on maps. He stated that staff is very pleased with the initial response to the visioning effort.

Nebel reported that it is important to spread the word that staff are willing to facilitate visioning sessions with various groups over the next two months. He stated that on Wednesday evening, he facilitated a visioning session at the Yaquina Bay Economic Foundation meeting which was well received by the participants. He added that staff wants to hold visioning events with many small groups, groups of employees, service clubs, and other organizations to continue collecting information over the next two months. He noted that Associate Planner, Rachel Cotton, is coordinating this calendar.

Nebel reported that while this is a great beginning, it is only the beginning of the visioning process, and there is a lot of work to do to create ideas, values, and aspirations for the community to strive for in the future.

LOCAL CONTRACT REVIEW BOARD

The City Council, meeting as the Local Contract Review Board, began its meeting at 8:56 P.M.

Notice of Intent to Award a Bid for the NE 7th Street Water Pump Station. Hawker introduced the agenda item. Nebel reported that on February 14, six bids were received for the reconstruction of the NE 7th Street pump station. He stated that this project will replace an existing pump station, which is functionally obsolete and unable to meet the required flows for this neighborhood. He added that the project includes temporary bypass pumping, demolition of the existing station, miscellaneous site work, piping, and electrical.

MOTION was made by Swanson, seconded by Saelens, that the City of Newport issue a Notice of Intent to Award the NE 7th Street Pump Station Replacement Contract to Clackamas Construction, Inc., in the amount of \$491,556.00 and contingent upon no protests, authorize award and direct the city manager, after seven days, to execute the contract on behalf of the City of Newport. The motion carried unanimously in a voice vote.

RETURN TO CITY COUNCIL MEETING

Having no further business for Local Contract Review Board consideration, Council returned to its regular meeting at 8:59 P.M.

REPORTS FROM MAYOR AND COUNCIL

Roumagoux reported that she attended the joint work session with the Lincoln County Board of Commissioners on February 22.

Roumagoux reported that she attended a meeting with the NOAA Officer Corps on February 25.

Roumagoux reported that she worked in the Rotary booth at the Seafood and Wine Festival on February 26.

Roumagoux reported that she attended the preliminary Budget Committee meeting on February 28.

Roumagoux reported that she attended the YBEF meeting on March 1, at which the visioning activity occurred.

Allen reported that YBEF will be holding a meeting regarding the ballot measure related to aerial spraying.

Allen reported that he attended the joint work session with the Lincoln County Commissioners on February 22.

Allen reported that he attended the preliminary Budget Committee meeting on February 28.

Allen suggested that a discussion be added to the next work session regarding tightening the City Council Rules regarding the interview process for committee applicants. He stated that he would provide proposed language.

Engler reported that she attended many of the Vision 2040 events, and that there were very well done.

Engler reported that she attended the joint work session with the Lincoln County Commissioners on February 22.

Engler reported that she attended the joint work session with the Port of Newport on February 17.

Engler reported that she has additional places where the visioning “meeting in a box” could be presented.

Goebel reported that he attended the joint work session with the Lincoln County Commissioners on February 22.

Goebel reported that he attended various Vision 2040 kick-off events, and they were interesting and well organized.

Goebel reported that he attended the recent meeting of the Public Arts Committee.

Goebel reported that he learned a lot from the budgeting workshop that he recently attended.

Swanson reported that she attended the employee and committee visioning events.

Swanson reported that there was not a quorum at the last 60+ Advisory Committee meeting.

Swanson reported that she attended a recent meeting of the city’s Emergency Planning Committee at which the upcoming solar eclipse was discussed.

Swanson reported that she attended the recent special meeting of the Public Arts Committee at which the sculpture dedication was discussed. She noted that the dedication is scheduled for March 24, 2017, at 5:30 P.M.

Swanson reported that she worked at the Chamber’s beer booth during the recent Seafood and Wine Festival.

Saelens reported that he also attended the joint work session with the Lincoln County Commissioners on February 22.

Saelens reported that he attended the joint work session with the Port of Newport on February 17.

Saelens reported that he attended the preliminary Budget Committee meeting on February 28.

Saelens reported that the Parks and Recreation Advisory Committee will be holding a joint meeting with the Bicycle/Pedestrian Advisory Committee at which they will participate in the visioning process.

Sawyer reported that he attended the joint work session with the Lincoln County Commissioners on February 22.

Sawyer reported that he attended the joint work session with the Port of Newport on February 17.

Sawyer reported that he attended an SDC meeting at which there were ideas on options to balance SDCs. He stated that he will be unable to attend the next meeting on March 21, and Roumagoux reported that she would attend in his stead.

Sawyer reported that he worked at the Chamber’s beer booth during the Seafood and Wine Festival.

Sawyer reported that CERT classes begin tomorrow.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:17 P.M.

Margaret M. Hawker, City Recorder

Sandra N. Roumagoux, Mayor

