

March 7, 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, McConnell, Brusselback, Allen, Beemer, Roumagoux, and Sawyer were present. Bertuleit was excused.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, Public Works Director Ritzman, Airport Director Cossey, Finance Director Marshall, Acting Fire Chief Cole, Senior Planner Savage, and Police Chief Miranda.

### **PLEDGE OF ALLEGIANCE**

Council and audience participated in the Pledge of Allegiance.

### **ADDITIONS/DELETIONS AND APPROVAL OF THE AGENDA**

McConnell requested a discussion regarding Thursday's planned executive session.

### **PUBLIC COMMENT**

Patricia Odell addressed Council regarding the need for storm sewers in Agate Beach. She reported that George Priest had previously indicated that stormwater going into the ground is causing slippage, and the only way to slow that down is to add storm sewers. She noted that she was told that a neighborhood improvement district would need to be formed to deal with the issue. She added that this would be difficult based on the neighborhood. She displayed photographs of the area. McConnell reported that a public hearing on stormwater fees was scheduled for March 21. Ritzman reported that there is a semi-circular fault at this location that moves gradually and experiences greater movement in wet years. Brusselback asked whether the city has plans to remedy the problem, and Ritzman noted that there will be a time when nothing can be done. Allen asked if there is anything that can be done to let Odell know that the city is listening. Ritzman stated that a storm drainage system would be expensive to install, and would need to be included in a master plan, but a stormwater master plan has yet to be adopted. Voetberg stated that a comprehensive plan is needed to get water out of the area. He suggested the city hold a community workshop to discuss drainage as a whole. Council concurred.

### **CONSENT CALENDAR**

The consent calendar consisted of the following items:

A. Approval of City Council minutes from the work session and regular meeting of February 22, 2011, and the special meeting of March 1, 2011.

Allen made some corrections to the minutes of the regular meeting and the March 1 work session. MOTION was made by Allen, seconded by Beemer, to approve the consent calendar with the changes to the minutes suggested by Allen. The motion carried unanimously in a voice vote.

## **OFFICER'S REPORTS**

**Mayor's Report.** McConnell reported that he met with the Lincoln County mayors, and the group talked about several local issues.

McConnell noted that a pre-budget meeting was held on March 23, and David Marshall did a great job at that meeting.

McConnell reported that Mayor's Day was held at the capitol last week, and he met with legislators on redistricting, the maintenance of shared revenues, the proposed ban on single-use bags, and other legislation. He also attended a workshop on media relations.

McConnell reported that the new SeaPort schedule will include two daily flights, with the aircraft overnighing in Newport. There will be an extra flight out of Newport on Friday evening; no flights on Saturday; and one in-bound flight on Sunday. He reported that SeaPort is selling ticket vouchers that are transferable, and will expire on September 1.

McConnell reported that Roger Hart, a member of the Technical Advisory Task Force had passed away. The city will seek a replacement on this Task Force.

McConnell reported that Pam Parmelee is concerned with the color of the visual arts center.

McConnell reported that he had received a letter from the Lincoln Community Land Trust which can be discussed during the budget process.

McConnell read a letter from Kathy Cleary, a member of the Nye Beach Parking District Committee, complimenting Meredith Savage for her input and work.

**City Manager's Report.** Voetberg reported that the departmental monthly reports are included in the packet. Sawyer noted that they are very helpful.

Voetberg reported that the RFPs for tourism promotion and advertising/marketing are included in the packet and scheduled for release this week. He noted that the current tourism promotion contract is handled by the Chamber of Commerce, and the advertising and marketing is handled by Grady Britton. He added that one change to the advertising/marketing RFP is that the web page maintenance has been moved to the tourism promotion RFP. Another change is that press releases will be handled locally and included in the tourism promotion RFP. Voetberg declared a potential conflict of interest because his wife works at the Chamber of Commerce. He reported that the selection committee would include someone from the DNC, City Council, and staff.

Voetberg reported that he has been asked about the fire chief recruitment. He added that Chief Crook's last day is March 15, and that Cole has agreed to be the interim chief until the end of the fiscal year. He noted that next month, he will look at where the Fire Department is in terms of the changes that Cole is trying to implement. He added that he wants to make sure that the new chief is not in the middle of, or will not have to make, a number of changes. He stated that advertising for the position probably will not begin until closer to July. He added that another alternative would be to hire an interim for another

three months to bridge the gap. Beemer stated that he has had a number of people asking about the filling of the vacancy. He added that waiting and not advertising the chief's position is a mistake. He stated that there are a number of problems in the department, and many will not be solved until we have a new chief. He added that it is unrealistic to expect Cole to solve the problems.

Voetberg reported that there were comments regarding the water billing process at the last meeting. Specifically, the comments focused on deposits, whether in the event of non-payment, the account should revert back to the property owner, and the turn on/off policy. He stated that he has talked with Marshall and has some ideas relative to the deposit. He will bring this issue back to Council soon. He noted that the initial thinking on the turn on/off policy is to leave it as it is now because it has been successful. A discussion ensued regarding water shut-off at the meter.

Voetberg reported that he had sent the City Council an e-mail regarding HB3056. Tokos explained that the change would require a double majority if the involved property was greater than 20 acres. Allen asked what the basis for the 20 acre determination is, and noted that he would like additional information on the history behind the bill. It was reported that the LOC would hold a teleconference on Wednesday, and that Council was welcome to listen to that meeting.

Allen requested an update on the status of the city's lien on the South Beach property that was associated with the pool bond measure. He reported that the Municipal Code requires payment unless an installment plan had been developed. Voetberg will have an update at the next meeting.

## **DISCUSSION ITEMS AND PRESENTATIONS**

**Volunteer Fire Department agreement with the City.** Cole reviewed the major differences between the draft agreement and Ordinance No. 21. Savage, president of the Volunteer Firefighters Association, appeared with Cole. Cole noted that the agreement clearly states that the chief will be hiring and making sure that firefighters are trained. He added that the department will present trained firefighters back to the association, at which time; the firefighter can become a member of the association. He added that presently, an investigation committee decides whether a recruit can be trained. He noted that other features clearly defined include how a firefighter will be protected by the city. Allen noted that on the last page (Indemnification – 9.b.), the last sentence may be in conflict with the city's insurance policy, in that it suggests that firefighters are not covered if actions are a result of malfeasance or negligence. He noted that another concern is paragraph a. He noted that this section needs to be looked at very carefully as it contains a lot of loaded language. He noted that Section 6. paragraph b. states that volunteer firefighters are eligible for workers compensation when providing emergency response services and engaged in department training, drills, and authorized department events, provided such workers compensation program is available to the city through its insurer for volunteers. He noted that he would like to see a commitment to cover volunteers. Allen noted that he would like the new chief to weigh in on standard operating procedures and chain of command, noting that this is really about moving forward. Savage noted that it is important for Council to know that the volunteers are in the process of reviewing this agreement, and that no decisions have been made. Brusselback asked whether the draft agreement is a

result of, or an attempt to, solve the problems that have occurred in the department over the past few months. Cole noted that this is a long-term agreement with the city. He added that SOP's on the operation side in the field are adequate, and that the administrative side is well-defined with the volunteers constitution and bylaws, but this agreement addresses issues that need to be managed by the Fire Department. Beemer agreed that the new chief needs to buy into the agreement. Beemer thanked Savage and Brian Haggerty on their efforts toward developing this agreement.

**PowerPoint presentation on recycling by Thompson Sanitary Service.** Rob Thompson and Ken Riley make a PowerPoint presentation on the 2010 recycling report. The presentation included communication, automation of collection routes, battery recycling program, woody debris recycling, fish net recycling, and statistics on amounts of different products recycled during 2010. They reported that Thompson's will sponsor a shred day on April 22 and 23 to coincide with Earth Day events.

**Discussion regarding Thursday's scheduled executive session.** McConnell recommended that no executive session be held on Thursday, and suggested that Councilors could talk with McCarthy on a one-to-one basis. He suggested meeting on Thursday at 10 A.M., to interview proposers for interim legal services. McConnell noted that Voetberg indicated that he would participate in an executive session with the City Council, but that no evaluation document is in place. He suggested that a decision be made on an evaluation tool by the beginning of April, at which time the City Council could conduct a quarterly evaluation of the city manager prior to the annual evaluation at the beginning of June. Allen noted that it looks like another alternative request for an executive session would be to consider records exempt from public inspection. It was agreed to let this matter go since McCarthy was not present to respond. It was the consensus of Council to cancel the executive session and schedule a special meeting for 10 A.M., on Thursday for the purpose of interviewing proposers of interim legal services.

## **ACTION ITEMS**

**Termination of revenue guarantee agreement with Coastal Air Service Consortium.** It was reported that the issue before Council is the termination of the revenue guarantee agreement between the City of Newport, Port of Astoria, and SeaPort Airlines. Cossey noted that both governments need the authorization of the two governing bodies. Allen asked whether everything was taken care of pursuant to the revenue guarantee agreement, and Cossey noted that it was. MOTION was made by Brusselback, seconded by Roumagoux, to authorize the city manager to execute a letter to SeaPort Airlines terminating the revenue guarantee agreement between the City of Newport, the Port of Astoria, and SeaPort Airlines with an effective date anticipated to be March 12, 2011. The motion carried unanimously in a voice vote.

**Agreement between the City of Newport and SeaPort Airlines.** Brusselback asked about the requirement for SeaPort to provide a turbine powered aircraft, and Cossey noted that this would allow a smaller plane, but not a larger plane. A discussion ensued regarding the drafting of this agreement, and it was noted that the city attorney had helped

draft the agreement and SeaPort had reviewed it and suggested changes that were agreeable to both parties. Allen asked about SeaPort's obligation to provide the city with confidential written notice of cessation of service 30 days prior to the ending date. A discussion ensued regarding this requirement, and Cossey noted that it is what SeaPort wanted. He added that some airlines give no notice when they stop serving a community. He reported that SeaPort was not going to give notice at all unless it was confidential. Allen asked whether the city would have the ability to let the public know if it was informed of SeaPort's decision to cease serving Newport. Allen stated that Article III. 1. L. needs to be clarified to comply with the provisions established in Exhibit B. regarding indemnity and insurance. Cossey stated that he would make sure that the final draft was congruent before it was signed. MOTION was made by Beemer, seconded by Brusselback, to authorize the city manager to execute the agreement between SeaPort Airlines and the City of Newport that supports the provision of regularly scheduled airline service to the Newport Municipal Airport. The motion carried unanimously in a voice vote.

**Recommendation from the Destination Newport Committee regarding a tourism marketing grant application for the Friends of the Oregon Coast Aquatic Park's Half Marathon Walk/Run and 10 Mile Fun Run.** Brusselback asked whether this is a start-up event, and it was noted that this is the third year for this particular event. Roumagoux stated that she finds it unfortunate that this group is not in communication with the other group of pool supporters. She noted that she wished the groups could work together to pool resources. Sawyer noted that the Destination Newport Committee has reviewed the application and recommended Council approve the request. It was the consensus of Council that someone representing this group appear at the next meeting to respond to Council questions. Roumagoux asked for information regarding this group's budget, architectural plans, and location for the proposed aquatic park. It was the consensus of Council to table the matter until the next meeting.

### **PUBLIC COMMENT**

McConnell reported that the Planning Commission will meet Monday and discuss the change of the street name at the airport to honor Norm Winningstad.

### **ADJOURNMENT**

Having no further business, the meeting adjourned at 8:03 P.M.

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Margaret M. Hawker, City Recorder

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Mark McConnell, Mayor