

November 21, 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, Brusselback, Beemer, Allen, Sawyer, Bertuleit, Roumagoux, and McConnell were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, Public Works Director Gross, Airport Director Cossey, and Police Chief Miranda.

PLEDGE OF ALLEGIANCE

Council and audience participated in the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF AGENDA

It was agreed to move the presentation to the beginning of the agenda, and to place Item 8.C., regarding the hedges on Rhododendron and NE 58th Streets, on the December 5 meeting.

PRESENTATIONS

Police Department presentation - Nathaniel Ryma. Miranda recognized Nathaniel Ryma with a Certificate of Merit for live saving services he performed on September 23.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session and regular meeting of November 7, 2011;
- B. Report of accounts paid for October 2011;
- C. Fire and Police Department monthly reports for October 2011;
- D. OLCC license application for Western Beverage (Anheuser Busch).

The following corrections were made to the regular meeting minutes: page five, paragraph seven, the last sentence should be amended to read, "When asked why he made the motion, Brusselback stated it was because a motion makes direction to staff more definitive and clear." On page six, after the list of individuals speaking in support of a plastic bag ban, add "No one spoke in opposition." The next paragraph should be amended to read "Sawyer said that people have been showing up through writing even though they are physically not here. McConnell stated that he had received over 40 e-

mails just during that day in favor of the ban.” The next paragraph, last sentence, should be amended to read “The motion failed in a voice vote with Roumagoux, Brusselback, and McConnell voting yes, and Sawyer, Bertuleit, Beemer, and Allen voting no.” The next paragraph should have an additional sentence to read “McConnell charged Allen with preparing information on plastic bag options.” MOTION was made by Bertuleit, seconded by Beemer, to approve the consent calendar as amended. The motion carried unanimously in a voice vote.

OFFICER’S REPORTS

Mayor’s Report. McConnell distributed a list of folks who had e-mailed either for or against the plastic bag ban issue. He noted that the list is up-to-date as of today. He noted that he had received three letters from youth who volunteer at the Aquarium, supporting a plastic bag ban. He added that he had also received a letter regarding the hedge at Rhododendron and 58th Streets.

McConnell reported that he had attended a recent meeting of the Airport Committee at which the proposed hangar lease was discussed.

McConnell reported that the business license drafting committee is nearing completion of the draft, and the matter should come to Council in early January.

McConnell reported that the Audit Committee has met, and that Marshall will present the audit at the December 5 meeting.

McConnell reported that he had attended a Greater Newport Lodging Association meeting; the Urban Renewal Agency Town Hall meeting; and that he and Beemer had cut the ribbon for the new food pantry.

City Manager’s Report. Voetberg reported that the updated suggestion/concern/complaint list is included in the packet. He noted that the packet contains an update on key city projects. Gross updated Council on the status of the water treatment plant project. He distributed a current cost analysis and a list of project costs to date, and cost to completion. He reported that he is working hard to keep the costs down. Allen asked whether there is an anticipated shortfall of approximately \$500,000 that will come out of the water fund contingency. Gross confirmed the projected shortfall and funding source. Allen asked whether this amount includes the storage tank at Agate Beach which was a big component of the bond issue. Gross reported that in the fall of 2010, the water plant project was \$750,000 over budget, adding that \$250,000 has been reduced from the original projection, and that the water fund is much healthier than expected. He added that there will also be dam investigation costs in the low \$300,000 range that can be covered with the contingency. He noted that this amount does not include construction; it is for an analysis to let the city know what can be done. He added that there is money in contingency to deal with both the dam analysis and the design of the Agate Beach, and that some portion of the dam assessment might be reimbursable through grants. He added that Ted Jones, the newly hired project manager, will begin work on December 1.

Voetberg reported that a big rain is expected tomorrow. Gross noted that new catch basins have been installed in Nye Beach, and that work is ongoing on a catch basin by Oceana Foods. He noted that sandbags are ready, and that patrol officers will watch for problems.

Gross reported that a number of cross connections had been identified within the past few weeks. He noted that the 9th Street cross connections will be repaired after the rain stops, and that the sewer division is working diligently to track down other cross connections.

Cossey reported that the airport hangar leases were not conforming to FAA regulations and grant assurances, and that there is little consistency among the leases. He stated that he has been working with legal counsel to develop a new lease, and that the new lease will apply to future noncommercial aircraft storage hangars, and will eventually be offered to current lease holders on renewal of leases. McConnell reported that there were many good issues discussed at the Airport Committee meeting regarding the proposed lease, and it is still very much in draft form. Allen noted that committees are subject to the same rules as Council, and suggested input from the legal team regarding conflict of interest issues. Cossey noted that the draft lease provides more protection and longevity, and that the city is not going to strong arm anyone into this, rather the preference is that everyone use the same lease. McConnell added that this is an administrative process that may not come back to Council.

ACTION ITEMS

Memorandum of Understanding for Lincoln Regional Rehabilitation Program.

Voetberg reported that the issue before Council is consideration of a memorandum of understanding that would allow the city to participate in the Lincoln Regional Rehabilitation Program. He noted that the purpose of the MOU is to define the terms and conditions under which the participants agree to plan, operate, manage, administer, and take the lead in submitting a Community Development Block Grant application for housing rehabilitation. MOTION was made by Bertuleit, seconded by Beemer, to authorize the Mayor to sign the Memorandum of Understanding for the city to participate in the Lincoln Regional Rehabilitation Program. The motion carried unanimously in a voice vote.

Upgrades and Remodel of the Performing Arts Center. Voetberg reported that the issue before Council is the consideration of a request from the OCCA to submit a tourism facilities grant application for upgrades and remodeling of the Performing Arts Center. McConnell will abstain since involved in other side. MOTION was made by Beemer, seconded by Roumagoux, that the Oregon Coast Council for the Arts (OCCA) be authorized to submit a proposal for upgrades and remodeling of the Performing Arts Center, with the understanding that any upgrades and/or remodeling will be approved by the city. It should be understood that authorization does not automatically mean the city endorses any proposal OCCA submits in response to the tourism facilities grant which will be evaluated according to the grant evaluation process. The motion carried in a voice vote with McConnell abstaining. Gross reported that the PAC reroofing project did not include reroofing of the walkways in the parking lot. He noted that there may still be North Side Urban Renewal District money to perform this work. Voetberg reported that this matter will be discussed at another meeting. McConnell suggested that the money could be used for lighting the parking lot, as the walkways are scheduled to be removed

during the PAC renovation. Voetberg noted that this item will be discussed at the next meeting. Allen asked for Urban Renewal information and timelines.

Hedges at Rhododendron and NE 58th Streets. Voetberg reported that Miranda had reviewed the process for moving forward on this matter. He added that the Municipal Code allows for consideration by Council at either of the next two meetings. He noted that the December 5 meeting will still meet the requisite timelines. Miranda stated that he tried to contact all parties and had left a message for the Carpenter's. He added that when Council proceeds with this issue, the Carpenter's will relay their story, and the Council will need to decide whether a nuisance exists. McConnell requested that information be included in the packet that highlights the background information. Allen stated that the Municipal Code speaks to the Council hearing this, so it is a "hearing." He added that it is a hearing as far as people presenting testimony and speaking to the issue and Council deciding how to proceed. He noted that with respect to nuisance hearings, there is nothing delineated in the code; and suggested that the attorney could advise Council on what procedure should be utilized.

Gregory Carpenter and Kathryn Pavlish, 5806 NW Rhododendron Street, appeared before Council noting that this is the second meeting, and that they were prepared to move forward this evening. Voetberg stated that he will talk with the attorney to make sure that everything was done properly, and if a step was missed, the process will start over. Pavlish stated that she would like the opportunity to present information. She added that Council needs to be aware that they are receiving notices and being threatened with fines. She reported that they had a decision on May 23 regarding a stop sign installation, which they believe is a good solution and is what they are requesting. McConnell affirmed that no citations will be issued in the interim. Allen noted that the Newport Municipal Code, Section 8.10.150(A) contains certain notice requirements for posting and mailing, and references to Section 140 which contains other requirements, and references public hearings. He suggested the city attorney weigh in on these provisions. Voetberg reported that a letter was sent indicating that there was an issue and that the city wanted to have a conversation. Allen asked that Voetberg speak to the notice given, if there is a dispute regarding notice, and advise whether there is something more the city needs to do to proceed under the ordinance.

COUNCIL REPORTS AND COMMENTS

Brusselback reported that he had attended a meeting of the Bicycle/Pedestrian Committee. The Committee received a report from Gross regarding the 3rd and 6th Streets sidewalk project. He added that a mountain bike race is been scheduled for May 6, 2012.

Brusselback reported that he attended a meeting of the business license working group; a Port of Newport meeting; and the URA Town Hall meeting.

Bertuleit reported on an Airport Committee meeting at which hangar leases and grants were discussed.

Bertuleit reported on the recent URA Town Hall meeting, noting that there would be a follow-up to this meeting on December 5, at 5:30 P.M. Tokos suggested that in addition to a debrief of the Town Hall meeting, that the URA may wish to discuss how to approach the upcoming budget and project identification.

Beemer reported that he had attended the URA Town Hall meeting. He noted that he and Sawyer will be meeting with others regarding tsunami preparedness, and he will update Council after the first of the year.

Allen reported on a meeting of the Retirement Trustees Board. He noted that the defined benefit portion of the pension is now funded in the mid to upper sixtieth percentile due, in part, to the city's annual allocation and an increase of some investments.

Allen reported on a recent FINE meeting regarding the ocean planning process. He noted that the meeting included updates from ODF&W and fishermen. He added that the OPAC meeting is scheduled for December 15-16 in Astoria, noting that there may be test buoys next summer.

Allen noted that after the vote on the single use plastic bag ban, he was tasked with providing information to Council at the meeting of December 5. He reported that he will be meeting informally with different stakeholders.

Sawyer reported on a meeting of the Destination Newport Committee at which several marketing agencies made presentations. He noted that the billboard campaign is successful, and that the emphasis is on Eugene, Springfield, and Albany. He noted that Shop Small Business Day will be held on November 26.

Sawyer reported that he had attended a Coast Guard Town Hall meeting on hazardous materials spills.

Sawyer asked whether city departments were able to apply for tourism marketing funds, and it was noted that this is acceptable.

Roumagoux reported that the OCCC Board had appointed an interim president. She noted that two new members, Ginger Tibbles and Joan Hartung, had joined the Senior Advisory Committee. She reported that the Friends of the Newport Activity Center were raising funds for a van; a fundraiser/auction will be held on December 9; and a grand piano and a huge television had been donated to the Center.

Roumagoux reported that a Recreation Facilities Management Review Task Force will meet on November 29. McConnell noted that he would ask Swim Essentials to attend that meeting.

McConnell asked that appointments to the Senior Advisory Committee be added to the December 5 agenda.

ADJOURNMENT

Having no further business, the meeting adjourned at 7:32 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor