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## MEMO

DATE: November 16, 2018

TO: Mayor and City Council

FROM: Spencer Nebel, City Manager

SUBJECT: Status Report for the Three-Week period ending Friday, November 16, 2018

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As we are completing another election cycle, I would like to offer my congratulations to Mayor-elect, Dean Sawyer; Councilor Allen on his re-election, and Ryan Parker and CM Hall on their election to City Council. I want to express my appreciation for a very positive campaign that focused on outcomes and qualifications, and not on trying to destroy the other candidates. Civility in local elections is critical to garner the faith and trust of the public served. I also want to thank Councilor Goebel and Jason Nehmer for a commitment to run for local office.

The City Council will also be appointing two additional positions to the Council on January 7. The current Council members, along with the newly-elected Council members, will interview the candidates for City Council at noon on January 7. The newly sworn-in Council will vote to add two members to the Council at the Orientation meeting.

We will be conducting orientation with the two newly-elected Council members and Mayor-elect, Dean Sawyer, on Friday, November 30. We will conduct a second orientation for the additional two members appointed to Council on January 7, on a date to be scheduled following their appointment. We will be setting up a tour to visit various City facilities for all members of the Council at some point in late January or early February, once we have all the new members appointed to Council.

Again, my congratulations to those elected to serve the citizens of Newport during the next two and four-year periods.

### Highlights of activities over the last three weeks include the following:

- Met with Peggy O'Callaghan to continue reviewing the possibility for applying for Medicare reimbursements for certain activities offered by the 60+ Center.

- Various staff members met to review the process for addressing business licenses. We continue to have a manual system that can cause delays in licenses being issued. We are looking at ways to automate this system, and to provide a current database for the Police Department who enforce business license issues.
- Tim Gross and I met with Doug Fitts at Surfside Mobile Home Park regarding sanitary sewer problems Mr. Fitts was experiencing with the addition of the tiny homes he's added to the park. He connected the new homes to an existing sanitary sewer lateral, and after several months, he was experiencing backups with this line. Upon further investigation, it was discovered that a water main had been constructed through the lateral line with a City project which occurred a number of years ago. Mr. Fitts has submitted a claim to the City's insurance company for repairs to this lateral line. I have indicated to Mr. Fitts that in the event our insurance does not pay for this, the City will reimburse him for his expenses in repairing this line.
- Met with Barb James and Jim Salisbury regarding various safety issues, including, the use of seatbelts by City employees. This has apparently been an issue with a number of employees driving City vehicles. We will remind the employees of the importance of wearing seatbelts when operating City vehicles.
- Met with Andrew Grant regarding the biosolids presentation that he subsequently gave to the Council at a work session. One suggestion following the work session, was to add to this presentation the disposition of the grit and debris that is produced in the wastewater treatment process. This material is not biosolids and is disposed of in a landfill.
- Derrick Tokos, Mike Murzynsky, Steve Rich and I met regarding room tax collections. We have been working through various issues with Airbnb. Airbnb continues to resist our efforts to provide specific data on specific rentals where room taxes are collected. We have agreed informally to accept this practice. The City of Portland is placing a lot of pressure on Airbnb on the same issue, and we will not commit to any agreement until after those negotiations have been completed.
- Derrick Tokos and I met to discuss the current status of the VRD regulation discussions. The process with the Planning Commission will be taking longer than initially projected for them to work through the various issues. This will likely limit the information that the current Council will be receiving before the end of their term. The decision-making process on VRDs will likely fall with the new City Council.
- Derrick Tokos, Steve Rich, and I met with Councilor Engler to discuss Wendy's concerns about the impact that some of the options being considered by the Planning Commission could have on Nye Beach. This could particularly be a concern if VRDs are specifically banned from certain zoning districts in the City. We discussed with Wendy several options, including, spacing limitations, provisions relating to the Nye Beach overlay geographic boundaries, and other potential alternatives that could be considered. We suggested to Wendy to identify solutions that fall within the framework currently being considered by the Planning Commission. This would likely be better understood than entirely new or different concepts.
- Lance Vanderbeck, Tim Gross, Andrew Grant and I met regarding storm water sampling at the airport. As you know, the DEQ cited the airport for not following

- the storm water management plan that was submitted on behalf of the airport to DEQ, following a recent inspection. The plan that was submitted by our consultants last year, had a number of inconsistencies that needed to be corrected. Our consultants came to the table to address a number of issues without any additional charges to the City, to amend the originally submitted plan. Andrew Grant will be working with Airport personnel to work through these various issues to establish the proper protocols that will meet DEQ requirements.
- Along with various members of staff, participated in the Trick or Treating event on Halloween. City Hall had a robust crowd of kids despite marginal weather. This event brings a lot of people to City Hall to help familiarize families and kids with this important community facility.
  - Participated in productivity training we offered at City Hall for department heads and staff. We also invited members of Council to participate, with Mayor Roumagoux and Councilor Engler taking us up on the offer. Overall, the training provided a number of tips and suggestions that, if implemented, will save time for staff at City Hall. Following the training, I took part of the long Veteran's Day weekend to "clean up" my work space. We want to have some organizational discussions regarding how we may be able to implement some of the suggestions and best practices provided in the training.
  - Worked on agenda materials for the November 5 City Council meeting.
  - Held bi-weekly meetings with Richard Dutton and Jim Protiva.
  - Met with Ed Backus regarding the development of the Rondy's property adjacent to the Port's International Terminal. One of the big issues we will be working through will be the timing of URA funding for sanitary sewer extension. This will rely on the creation of a sufficient tax base on the property to support the debt to finance those improvements. This project is an exciting opportunity to add additional value to fish production at the Port of Newport.
  - Held a routine Department Head meeting.
  - Participated in a Council work session that included a presentation of biosolids, as well as, informal evaluations for both the City Attorney and myself. I appreciate the feedback from the Council during the evaluation session.
  - I met with Kathy Cline to gain additional feedback regarding the concerns addressed by the high school swim team on the proposed practice schedule. The parents of the swim team members made a presentation to the Council at the November 5 meeting.
  - I participated in the November 5 City Council meeting.
  - Met with fire Chief, Rob Murphy, Barb James, and Steve Rich to discuss a minimum staffing grievance filed by the Fire Department. Rob has indicated that the fire union wants to make a pitch for additional staffing to meet increasing calls. The call volume is an issue that Council will hear more about at the work session on November 19. It is my opinion that it is not necessary for the Fire Department to respond to every call which the ambulance service receives. This could reduce call volumes to a more sustainable level. I have offered to meet with the union to discuss their longer-term staffing concerns.
  - Steve Rich and I met with Wayne Belmont and Catherine Rickbone to continue discussions on a new contract between OCCA and the City for operating the PAC and VAC. One of the goals I have in these negotiations, is to treat the PAC and VAC on an equal basis with our contract with OCCA. There are some significant differences that complicate the overall operation of these facilities where the City

pays for the utilities for the VAC, but not the PAC. The City provides janitorial services to the VAC but not the PAC. It would be my preference that OCCA provides the janitorial services to both facilities, and the City handle the utilities for both facilities. This would allow us to better track the expense of these operations going forward. Because of the challenges of completing these negotiations, we are recommending that both OCCA and Council authorize an extension of the agreement until June 30, 2019. This should give sufficient time to negotiate a new agreement by the new fiscal year.

- Held bi-weekly meetings with Derrick Tokos, Tim Gross and Barb James.
- Met with Sharon Biddinger over her ongoing issues with Ed Biggar regarding his activities at the intersection of 15<sup>th</sup> Street and Highway 101. Sharon Biddinger has obtained a restraining order, preventing Mr. Biggar from actively harassing her, or her business across the street. Ed Biggar has indicated that Sharon Biddinger has interfered with his contract to market marijuana sales for one of the retail marijuana distributors located near this intersection. Overall, there has been quite a bit of unhappiness with Mr. Biggar's activities from businesses surrounding this intersection. I have asked Police Chief, Jason Malloy, to contact OLCC regarding any regulations relating to the marketing of recreational marijuana sales.
- Participated in The Boss Radio show with Cheryl Harle.
- Attended the Oregon City/County Management Association Board of Director's retreat at Oregon Garden. This began the afternoon of November 7 and through November 9. This time period included the OCCMA Host Committee activities relating to Oregon's responsibility to host the 2021 ICMA Annual Conference in Portland, Oregon. Overall, both the Host Committee meeting and the Board Retreat helped set the priorities for 2019 activities for the association.
- City Hall was closed on Monday, November 12 in observation of Veteran's Day. Veteran's Day is a great day to acknowledge and thank Veteran's for their service and sacrifices on behalf of our country. Thank you veterans for your sacrifices.
- Held bi-weekly meetings with Jason Malloy, Rob Murphy and Lance Vanderbeck.
- Met with Jim Protiva and Kathy Cline to prepare for the meeting with the school officials, parents and other stakeholders regarding the scheduling of the Newport High School Swim Team practice schedule. Jim Protiva was unable to attend the November 5 City Council meeting, since he was attending the Oregon Parks Conference in Bend, Oregon.
- I attended the monthly meeting of the Lincoln County Managers in Lincoln City. We heard a presentation from Oregon Rain regarding the possibility of a joint application and financial support on a county-wide basis to sustain an entrepreneurial network in Lincoln County. The managers were generally supportive of this concept. Furthermore, the Siletz Tribe expressed an interest in participating financially in this effort, which could reduce the cost to local units of government.
- Met with Councilor Allen regarding memorializing the practice that Mayor Roumagoux and I established in 2015 of having the Mayor sign off on time cards and expense reimbursements for both the City Attorney and myself. Councilor Allen believes that as we are going through a transition of leadership on Council, it would be appropriate to formalize this practice in the Council Rules of Order. This item will be considered by Council at the November 19 Council meeting.

- Held a meeting with Parks staff, school district staff, parents of Newport High Swim Team, and representatives the recreational users of the pool over the swim team schedule. Each side had an opportunity to express their thoughts and opinions as to how this matter should be resolved. The most significant issue in resolving this matter, is that the joint agreement between the City and LCSD has a provision in which schedules should be set six months in advance of the activity. Therefore, I believe it is reasonable to maintain the same practice schedule for the swim team as we had last year, since earlier notice of a potential change had not been provided to the district in a timely fashion. In the future, LCSD indicated they are willing to rent time in the Aquatics Center to keep sufficient blocks of time to maximize the efficiency of coaching. They were comfortable with using the same schedule this year, with having adequate lead time to discuss any changes to the schedule in the future. Overall, it was a constructive discussion that will hopefully lead to better understanding of all parties on the challenges of scheduling and options for maximizing the use of the Aquatic Center for all users of this important community facility.
- Held a bi-weekly meeting with Ted Smith to discuss Library issues.
- Participated in a joint meeting of Council and Port of Newport Commission to discuss issues of mutual concern. Overall, I believe that the Port Commission seems to be coming together as a working entity. I believe that Teri Dressler has been a good fit for Interim General Manager with her lengthy experience in working in Public Administration. That, and the changes on the Commission, seem to be moving the Port in the right direction. They have significant challenges ahead. Perhaps the biggest challenge is sorting out the future of the International Terminal. The Port made major capital improvements that were bonded based on an economical model that would provide revenue from shipping from that facility. While the facility plays a critical role with our local commercial fleet, revenues generated from that are not sufficient to support the debt that was incurred for the construction of the terminal. Furthermore, the Port has substantial needs to reinvest in its dock infrastructure to continue the vital role of supporting the commercial fishing fleet. As a follow-up to the work session, Port Commission President, Stewart Lamerdin, will be providing a presentation to Council on the process for updating the current business plan for the Port at the Council meeting on November 19.
- Mike Murzynsky, Steve Baugher and I met in developing a draft report for consideration by the Finance Work Group which is scheduled to meet on Tuesday, November 27 from 4-6 PM. It is our goal to have a draft report sent out to the group on Wednesday, November 21 for their review of this meeting. We have a significant amount of work to do to produce this report.
- Participated in an onsite tour with Megan George and Lisa Trevino of the League of Oregon Cities, in preparation for hosting the OCCMA summer conference in Newport in July, 2019. This will be the first time in years that the summer conference has been held at a location other than Bend, Oregon. I am hopeful the event will be enjoyable and garner significant attendance so Newport is placed on a regular rotation for this meeting in future years.
- Prepared items for the November 19 work session, URA meeting and regular Council meeting.
- I was out of the office for a portion of Thursday, November 15 for a doctor's appointment for both Angela and myself in Eugene, Oregon.

- Participated in a conference call with Robert Franz, the attorney representing the City, regarding litigation with Sunwest Motors relating to storm sewer issues.
- Mike Murzynsky, Steve Baugher and I continue working through various issues relating to the report for the Finance Work Group.
- Had a follow-up meeting with Heather Mann regarding the economic study that the Midcoast Trawlers Cooperative have commissioned regarding the economic impact of commercial fishing occurring out of the Port of Newport. She is asking that the City consider being a party (with or without financing) to the economic impact study being conducted by the Midwater Trawlers Cooperative. We will review the proposal and will let Heather know what role we want to play with this study.
- Peggy Hawker and I met with the Farmers Market representatives to recap the 2018 season, and to discuss plans for 2019. Overall, the location for Farmers Market continues to work well. I have not received any complaints from surrounding businesses regarding this particular location. This year we relaxed requirements when multiple events occur at the Recreation Center and Farmers Market. This does not appear to create any significant issues. Overall, I think the Angle Street parking lot has been a great place to house this important community function.
- Met with Steve Rich, Lance Vanderbeck and Melissa Román regarding development of a response for property owners who have concerns regarding access easements to conduct the environmental evaluation for the airspace encroachment issues at the Airport. We want to respond back to the property owners expressing concerns about the original agreement. Most property owners have signed the agreement, however, a number of property owners requested added definition be included in the access agreement before they would be willing to sign it. A number of those requests are reasonable, and I think we would be able to accommodate those concerns for most of the property owners.

#### **Upcoming Events:**

- City Hall will be closed Thursday and Friday, November 22-23 in observation of the Thanksgiving holiday.
- November 27 a meeting of the Finance Work Group will be held from 4-6 PM.
- November 30, 2018 - Notice of request for applications to fill two vacancies on the City Council will be issued.
- Please note that the only regular Council meeting scheduled for December will be held on December 3, 2018. The City Council may hold a special meeting on December 10, 2018, to consider changes to vacation rental code provisions.
- On December 3-4, the second Oregon Tsunami conference will be held in Newport at the Samaritan Center for Education. Based on the last conference, I would encourage Council and staff to attend this event. This is a Council meeting date, so it will be our intent not to schedule a work session at Noon, so we can attend Monday afternoon's session. Council members registered for this event include David Allen, Dean Sawyer, Dietmar Goebel, Sandy Roumagoux CM Hall and Ryan Parker.
- The LOC will be holding "Elected Essentials 2018-2019" at a number of locations in the state, including Manzanita on December 5 and Waldport December 6 from

7:30 AM to 4:30 PM. We will contact the newly elected Council members to let them know of these training opportunities.

- On December 7, the Employees Award Banquet will be held at the Agate Beach Best Western. Let Melanie know if you will be able to attend.
- December 13 from noon to 2 PM there will be a joint Council/ Planning Commission meeting on the Parks Master Plan process.
- City Hall will be closed on December 24-25, 2018, in observation of the Christmas Holiday, and January 1 for the New Year's holiday.
- December 28, 2018, at 5:00 PM is the deadline for applications to fill two vacancies on the City Council.
- January 7, 2019, a work session will be held at noon to interview candidates to fill two vacancies on the City Council. The interviews will be conducted by the existing Council members, and the newly elected Council members.
- January 7, 2019, at 6:00 PM is the Organizational Meeting of the new City Council. The newly elected Mayor and Council members will take the oath of office. The new Council is scheduled to appoint two members to fill vacancies on the Council.
- I will be on vacation from Friday, January 11 through Friday, January 25. Council has previously excused my attendance from the second meeting in January which would occur on Tuesday, January 22, due to the Martin Luther King Holiday.
- The League of Oregon Cities will be holding a one-day Spring Conference on April 12, 2019 in Ashland, Oregon. This is a new conference with details to follow.

**Attachments:**

- Attached are photos of the new Forest Park signs installed as part of the agreement for the schools to renovate and reuse the former pool facility.

I hope everyone has a great Thanksgiving!

Respectfully Submitted,



Spencer Nebel  
City Manager

**Spencer Nebel**

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**From:** Rich Belloni <rich.belloni@lincoln.k12.or.us>  
**Sent:** Wednesday, November 07, 2018 4:58 PM  
**To:** jayandann@newportnet.com; burrs.c@me.com; Darla Zagel; Jim Protiva; Spencer Nebel  
**Subject:** Signs

Signs are done and look great  
We'll take braces off big creek park one Thurs or Fri







Sent from my iPhone