



AGENDA & Notice of Work Session & Regular Meeting of City Council and Urban Renewal Agency

The City Council and Urban Renewal Agency of the City of Newport will hold a work session at **12:00 noon**, on **Monday, February 2, 2009**, in Conference Room “A” at City Hall. The Council’s regular meeting will begin at **6:00 P.M.**, on **Monday, February 2, 2009**, with the Urban Renewal Agency meeting to begin at **7:00 P.M.** If there are still Council agenda items remaining at the conclusion of the Urban Renewal Agency meeting, the Council meeting will continue to its conclusion. These meeting are to be held in the Newport City Hall Council Chambers, 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the meeting agenda follows.

The work session and meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder (541)574-0613.

The Council and Urban Renewal Agency reserves the right to add or delete items as needed, to change the order of the agenda, and to discuss any other business deemed necessary at the time of the work session and meeting. Any agenda item from “Action Items” that does not require a public hearing may be moved up in the agenda order.

WORK SESSION AGENDA

12:00 Noon

City Council and Urban Renewal Agency

- I. Review regular agenda items
- II. Special Event/Activity Grant Fund Application—Event for Food Share.....**Pages 5-17**
(Shaddox)

REGULAR COUNCIL AGENDA

6:00 P.M.

City Council

Any person wishing to speak on any item should complete the sign-in form and hand it to the City Recorder.

- I. Roll Call
- II. Consent Calendar
 - A. Approval of minutes from the work session, executive session and regular meeting of January 20, 2009, and special meeting of January 23, 2009.....**Pages 18-34**
(Atkinson)
 - B. OLCC Application received for SKW Brewing, 56 SW Cottage Street, Brewery Public House.....**Pages 35-36**
(Miranda)
 - C. OLCC Application received for SKW Brewing, 1658 N. Coast Hwy, New Outlet (second application).....**Pages 37-38**
(Miranda)
 - D. OLCC Application received for Western Beverage, 130 SE 32nd Street, South Beach, Wholesale Malt Beverage.....**Pages 39-40**
(Miranda)
 - E. OLCC Application received for Bay 839, located at 839 SW Bay Blvd, New Outlet.....**Pages 41-42**
(Miranda)
- III. Council Members' Reports and Comments
- IV. Officers' Reports
 - A. Mayor's Report
 - 1. Committee appointments.....**Pages 43-46**
 - B. City Manager Report
 - C. City Attorney Report
- V. Discussion items and presentations to Council (Items that do not require immediate council action, such as presentations, discussion of potential future action items)
 - A. Presentation of audit for fiscal year 2007-08 by Pauly, Rogers & Company.....**Page 47**
(Riessbeck)
 - B. Update from Friends of the Aquatic Center.....**Pages 48-50**
(Shaddox)
 - C. Reverse 911 presentation by Rich Glasgow, 911 LinCom Director**Page 51**

- D. Presentation from David Richcreek & Dylan McEntee with regards to next year's Newport Storm Basketball Tournament.....**Pages 52-59**
(Shaddox)

 - VI. Public Comment (Normal maximum per person 3 minutes, but may be adjusted based on number of persons wishing to comment. Any person who does not get an opportunity to comment will be allowed to comment during Agenda Item VIII.) NOTE: If the public comment portion of the meeting has not started by 6:45 p.m., the Council will end discussion of other items and proceed to public comment at that time.
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7:00 P.M.

**NEWPORT URBAN RENEWAL AGENCY
Follows Regular Council Meeting
REGULAR URBAN RENEWAL AGENCY MEETING AGENDA
Page 60**

- I. Call to order & roll call

 - II. Consent Calendar
 - A. Approval of minutes from the last regular meeting of January 20, 2008.....**Pages 61-62**
(Atkinson)

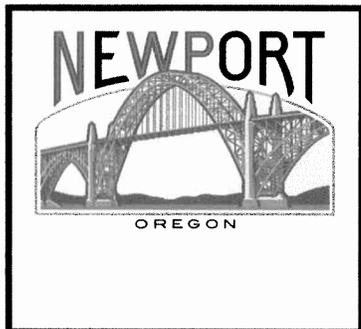
 - III. Public Comment (Comments from anyone wishing to address the Agency on a matter that is not on the agenda. Please limit comments to three minutes)

 - IV. Action items (Items expected to result in motions, resolutions, orders or ordinances)
 - A. Resolution regarding substantial No. 5 Amendment to the South Beach Urban Renewal Plan & Report.....**Pages 63-65**
(Bassingthwaite)

 - V. Adjournment
-

(Following Urban Renewal Agenda items, return to regularly scheduled Council Agenda).....**Page 66**

- VII. Action items (Items expected to result in motions, resolutions, orders or ordinances)
 - A. Ordinance adopting substantial No. 5 Amendment to the South Beach Urban Renewal Plan & Report.....**Pages 67-114**
(Bassingthwaite)
 - B. Consideration of ordinance adopting new code provision to limit the number of garage sales.....**Pages 115-117**
(Firestone)
 - C. Special Event/Activity Grant Fund Application Eastern Oregon University-Northwest Poets' Conference.....**Pages 118-122**
(Hawker)
 - D. Consideration of Order Concurring in Vacation of Way of Necessity by the Lincoln County Board of Commissioners.....**Pages 123-129**
(Firestone)
 - E. Resolution authorizing the sale of general obligation bonds for Water Treatment Plant and other water system improvements.....**Pages 130-134**
(Riessbeck)
- VIII. Public Comment (Additional time for public comment – 5 minutes per speaker)
- IX. Unfinished Items
- X. Adjournment



Agenda Item #
Meeting Date

Noon WS-Item II
February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Request for Special Grant Funding – “Be Jeweled”, a Food Share Fundraising Event

Prepared By: Dale Shaddox

Dept Head Approval: DS

City Mgr Approval: _____

Issue Before the Council:

Whether to approve the attached request for grant funding from the Food Share of Lincoln County.

Staff Recommendation:

Consider the request as submitted. There is no staff recommendation because this application does not strictly comply with the Council adopted guidelines as a first time event.

However, staff understands that the Council soon expects to review the guidelines with possible changes. It is therefore appropriate to consider this and other requests in the meantime.

Proposed Motion:

If the Council wishes to approve the request then a recommended motion could be:

I move to approve the request of Food Share of Lincoln County for funding in the amount of \$575.00 in support of its “Be Jeweled” fundraising event to be held February 7, 2009, with funds to be appropriated from the budgeted city Special Grant Funding program

Key Facts and Information Summary:

See the attached application and related materials.

Other Alternatives Considered:

None

City Council Goals:

City Council Goal A.15: Continue to work with other agencies on economic development opportunities.

Attachment List:

Application and related materials.

Fiscal Notes:

\$575 from the Special Grant Funding program.

January 21, 2009

To: City of Newport Grant Fund

From: Rennie Maguire
Marketing Coordinator
Food Share of Lincoln County

Attached is our application for a Special Event Grant for \$575.00 for Be Jeweled, a Food Share fundraiser. We are submitting it for your Feb. 2nd Meeting. We are aware of the late nature of this application, however, we tried to get on the January 20th agenda (making a request on January 12th before 10:00 am.). We were told then the agenda was full and our first available opportunity would be February 2nd.

Thank you in advance for your consideration.

Special Event Grant Fund Application from City of Newport

General Information:

Name of Applicant Organization: Food Share of Lincoln County

Mailing Address:

City, State, Zip: 534 N.E. 1st Street, Newport, Or 97365

Telephone: 541-265-8578 Fax: 541-265-2948

E-Mail Address: lcfs@charterinternet.net

Principal Contact (If different from Applicant): Nancy Smith, Director

Mailing Address (If different from Applicant): same

City, State, Zip: _____

* Telephone: my cell: 541-961-5169 *514-0460*

* E-Mail Address: (mine) maquirewade@q.com

Date(s) and Time(s) of Event: 2/7/09, 9am to 2pm.

Description of Event or Activity*:

Be Jeweled is a collectible and costume jewelry sale to benefit Food Share. It will be held at the Newport Senior Activity Center. This is the second year of *Be Jeweled*. All jewelry offered for sale has been donated by the community. Last year we collected 1100 pieces of jewelry and raised \$2,500 for Food Share. This year jewelry donations increased by 50% and we hope to double our profits.

Nature of Event or Activity:

Tourism based capital project Multi-night local lodging event

Special media promotion Education and/or training project

Amount of Funding Requested: \$ \$575

Total Event/Activity Budget: \$ We do not have a budget. All expenses will be deducted from profits.

*Use additional sheets as necessary. 1

What specific expenditures will the granted funds be used for?*

Specific expenditures will be used for :

\$200 - to secure services of Andre' Hagestedt, Beach Connection Editor, to run press releases out of the area, in places to which we don't have access.

\$50 to print coupon sheets.

\$100 for signage to publicize event on date of *Be Jeweled*.

\$100 to run classified garage sale ads in local newspapers: Newport, Lincoln City and South County.

\$75 for supplies for event- display trays plastic bowls for customers to collect jewelry, velvet for tables.

\$50 for food (pizza) for volunteers.

Total: \$575

List event/activity supporters or partners*:

Community partners are listed on attached Coupon Sheet. This is a coupon sheet that will be given to all buyers at the *Be Jeweled* event. We have determined the amount of these in-kind discounts to be worth roughly \$250-\$300. We have 17 community partners listed on this sheet.

Nye Cottage Beads has served as a collection and sorting site for *Be Jeweled*. The Senior Activity Center has again donated the room to hold the event. Both the Senior Center and the Chamber of Commerce have been collection sites. Additionally the Chamber has promoted the event in Biz Blurbs. The local media, (radio and newspapers) have run numerous PSA's and press releases to publicize our jewelry collection and the event itself. The City of Newport has waived the permit fee for displaying signage for non-profits. We estimate volunteer hours for collecting and sorting jewelry, and for working the event to be over 300 hours. We are also seeking several businesses and churches to donate use of their reader boards for publicizing *Be Jeweled*. These include Lumberman's, Atonement Lutheran Church and Newport Rental.

Is applicant/organization a non-profit corporation? Yes.

Has applicant received funding from the city for this event/activity? If yes, when: No

Projected Event/Activity Impact:

Describe how the event/activity will affect the Newport economy (e.g., room nights, number of visitors/attendees, restaurant sales, retail sales, etc.):*

This event has gained quite a reputation - even after just one year. Starting at 9:00 am, it encourages out-of-towners to come on Friday, and make a weekend of it. Everyone who makes a purchase at the event will receive a sheet of coupons - see attached - for 18 local establishments. These include lodgers, food, retail, and non-profits to encourage a future visit or to use during *Be Jeweled* weekend. Local shoppers will use these coupons and boost trade during the month of February. We feel that part of *Be Jeweled's* appeal is that it's a one of kind event during a slow time of year. It's not being done by any other organization in the community.

Financial Reporting Requirements:

PROPOSED REVENUES

TOTAL REVENUES \$ 5,575

PROPOSED EXPENDITURES:

\$200 - to secure services of Andre' Hagestedt, Beach Connection Editor, to run press releases out of the area, in places to which we don't have access.

\$50 to print coupon sheets.

\$100 for signage to publicize event on date of *Be Jeweled*.

\$100 to run classified garage sale ads in local newspapers: Newport, Lincoln City and South County.

\$75 for supplies for event- display trays plastic bowls for customer collect jewelry, velvet for tables.

\$50 for food (pizza) for volunteers.

TOTAL EXPENDITURES \$575.00

REVENUES MINUS EXPENDITURES \$5,000

As a final condition to accepting granted funds, the applicant agrees to provide the City of Newport with a final report summarizing result of the event/activity (e.g., attendance, local and regional publicity, lodging occupancy, closing revenue and expenditure report, etc.), with a detailed and verified accounting.

12/1/09 
Date Applicant Signature

Rennie Maguire (Marketing Coordinator for Food Share of Lincoln County)
Applicant Printed Name

Attachment: Coupon Sheet

Be Jeweled Coupons *Expire on 3/1/09*

Village Market & Deli
741B NW 3rd St., Newport
541-574-9393 Nye Beach
Buy one meal, 2nd one half off

Rags to Riches
724 S.W. Hurbert St., Newport
541-265-5541 Deco District
20% off purchase of \$10 or more

Edenview Catering & Bistro
715 S.W. Hurbert, Suite B, Newport
541-574-6436 Deco District
Free Dessert with meal over \$10

Facets Gem & Mineral Gallery
1240 N.W. Grove St.
265-2514 (one street west of McDonald's)
20% off Agate Guide to Oregon Coast

Aloha Sun/Tanning
145 N. Coast Highway, Newport
541-265-5388
Buy 100 minutes, get 100 free

Sophia's Gift of the Spirit
1622 N. Coast Highway
541-574-1098 Sea Towne
15% off all horse sculptures

Champagne Patio
1630 N. Coast Highway, Newport
541-265-3044 Sea Towne
Buy one lunch (Tues/Fri); get one free

Oceana Natural Foods Co-op
159 S.E. 2nd Street, Newport
541-265-8285
One Free 12 oz. Soup with lunch purchase

Shilo Restaurant Coupons (Attached)
have an expiration of 12/30/09

Nye Cottage Beads
208 N.W. Coast St., Newport
541 265-6262 Nye Beach
20% off purchase (except consignments)

Green Gables Italian Cafe
156 S.W. Coast St., Newport
541-574-0986 Nye Beach
20% off purchase

The Red Door Cafe
34 South Coast Highway, Newport
541-265-9808
Buy one meal; second half off

*****Nye Cottage Vacation Rental**
208 N.W. Coast St., Newport
541-265-6262 Nye Beach
Stay one night; get one free

Nana's Irish Pub
613 N.W. 3rd St., Newport Nye Beach
547-8787 www.nanasirishpub.com
\$5.00 off purchase of \$20 or more.

*****Embarcadero Resort Hotel & Marina**
1000 S.E. Bay Blvd., Newport
541-265-2499 Bay Front
20% off your next dining experience with us

Canyon Way Bookstore & Restaurant
1216 SW Canyon Way, Newport
541-265-8319 Bay Front
Free dessert with meal over \$10.00

L.C. Historical Society/Oregon Coast History Center
549 S.W. 9th Street, Newport
541-265-9211
10% off museum purchase (except consignments)

Jerilyn and Company Hair Color and Design
145 N. Coast Highway, #F
541-265-7792
Buy one haircut; get one free

**To Redeem Coupons, Present This Sheet to Merchant.
Merchant Will Cross-Off Offer When They Honor It.**

*****These Offers are not valid during Seafood and Wine Festival Weekend, 2/20, 2/21 & 2/22/09**

Lincoln County Food Share
Balance Sheet Prev Year Comparison
As of November 30, 2008

	Nov 30, 08	Nov 30, 07	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
Certificates of Deposit & MM				
LCFS MM #....3305	20,010.93	0.00	20,010.93	100.0%
Npt Edward Jones Money Market	290.00	0.00	290.00	100.0%
Npt Oregon Coast Bank CD #.3295	14,546.53	14,000.00	546.53	3.9%
Npt Prime Vest Mutual Fund	37.38	24.51	12.87	52.5%
Npt Umpqua CD #1066	13,362.83	13,008.24	354.59	2.7%
Npt US Bank Money Market ..5968	5,002.65	0.00	5,002.65	100.0%
Npt WCB Bus.Cert. #....1090	13,828.88	13,659.49	169.39	1.2%
Npt WCB CD Account #....1139	10,000.00	0.00	10,000.00	100.0%
Wald WCB Bus. Cert. #...6692	6,046.11	6,000.00	46.11	0.8%
Total Certificates of Deposit & MM	83,125.31	46,692.24	36,433.07	78.0%
Checking Accounts				
Lincoln City-BofA #....2526	1,566.92	8,986.38	-7,419.46	-82.6%
Newport Operating WCB #....0010				
Diaper Funds (Restricted)	0.00	224.98	-224.98	-100.0%
Project Homeless Connect	0.00	536.57	-536.57	-100.0%
Newport Operating WCB #....0010 - Other	5,026.00	12,146.46	-7,120.46	-58.6%
Total Newport Operating WCB #....0010	5,026.00	12,908.01	-7,882.01	-61.1%
OCB Summer Outreach Lunch Progr	3,487.79	18,067.89	-14,580.10	-80.7%
Waldport Pantry WCB #....0723	8,126.09	4,305.44	3,820.65	88.7%
Total Checking Accounts	18,206.80	44,267.72	-26,060.92	-58.9%
Petty Cash Fund				
Lincoln City Pantry	100.00	0.00	100.00	100.0%
Lincoln County Food Share	200.00	200.00	0.00	0.0%
Total Petty Cash Fund	300.00	200.00	100.00	50.0%
Total Checking/Savings	101,632.11	91,159.96	10,472.15	11.5%
Accounts Receivable				
Accounts Receivable	14,022.68	0.00	14,022.68	100.0%
Total Accounts Receivable	14,022.68	0.00	14,022.68	100.0%
Other Current Assets				
Due From Calvary Baptist Church	-17.91	0.00	-17.91	-100.0%
Inventory				
Inventory - Non-USDA	49,583.33	83,268.37	-33,685.04	-40.5%
Inventory - USDA	7,237.88	6,068.40	1,169.48	19.3%
Total Inventory	56,821.21	89,336.77	-32,515.56	-36.4%
Prepaid Expenses				
Dues & Subscriptions	130.84	59.84	71.00	118.7%
Insurance	5,114.13	2,941.58	2,172.55	73.9%
Internet/Hosting Fees	46.68	0.00	46.68	100.0%
Memberships	134.20	0.00	134.20	100.0%
P.O. Box Rental Fees	74.02	0.00	74.02	100.0%
Presort and Bulk Mailing Fees	14.62	0.00	14.62	100.0%
Workers' Compensation Policy	26.12	0.00	26.12	100.0%
Total Prepaid Expenses	5,540.61	3,001.42	2,539.19	84.6%
Total Other Current Assets	62,343.91	92,338.19	-29,994.28	-32.5%
Total Current Assets	177,998.70	183,498.15	-5,499.45	-3.0%
Fixed Assets				
Fixed Assets				
Accumulated Amortization	-85.60	0.00	-85.60	-100.0%
Accumulated Depreciation	-104,756.04	-93,839.00	-10,917.04	-11.6%
Building	181,346.00	181,346.00	0.00	0.0%
Equipment - Computer	5,138.96	5,138.96	0.00	0.0%
Equipment - Office	12,403.00	12,403.00	0.00	0.0%
Equipment - Warehouse	27,017.99	27,017.99	0.00	0.0%
Leasehold Improvements	730.00	730.00	0.00	0.0%

11

Lincoln County Food Share
Proposed 2008/2009 Budget

July 1, 2008 - June 30, 2009

Revised 6/13/08)

Ordinary Income/Expense

Income

Campaign Income

Summer Outreach Lunch Program

Summer Outreach Lunch Pr Grants

Summer Outreach Lunch Program

Total Summer Outreach Lunch Program

	Proposed Budget 2008/2009	Approved Budget 2007/2008	Proforma Estimate July '07 - June '08	Actual Jul '06 - Jun '07
	34,250.00		39,117.20	33,797.20
	<u>34,250.00</u>	<u>0.00</u>	<u>39,117.20</u>	<u>45,797.20</u>

Total Campaign Income

34,250.00 0.00 39,117.20 45,797.20

Contributions Income

Business

Central Lincoln PUD Program

Diapers

Donation Jars

Faith

Individual

Stock

Individual - Other

Total Individual

Organization

Project Homeless Connect

United Way Campaign

Total Contributions Income

	14,250.00	1,500.00	16,731.27	990.33
	2,500.00		2,640.00	
			101.87	
	75.00		67.50	
	15,750.00	8,500.00	16,459.50	9,701.81
			19,685.00	
	<u>43,250.00</u>	<u>23,000.00</u>	<u>52,276.10</u>	<u>21,743.30</u>
	43,250.00	23,000.00	71,961.10	21,743.30
	8,000.00	16,000.00	8,277.50	16,120.42
			100.00	
			2,348.97	
	<u>83,825.00</u>	<u>49,000.00</u>	<u>118,687.71</u>	<u>48,555.86</u>

Food Distribution- Agency Share

St. Stephens -Stone Soup Supper

Food Distribution- Agency Share - Other

Total Food Distribution- Agency Share

	450.00		114.84	24.18
	<u>10,775.00</u>	<u>14,000.00</u>	<u>9,250.34</u>	<u>10,866.90</u>
	11,225.00	14,000.00	9,365.18	10,891.08

Fundraiser

Be-Jeweled Fundraiser

Chef's Against Hunger

County Employees Food Drive

Golf Tournament

High School

Mo's 50/50 Day

PUD Insert

State Employees Food Drive

Thanksgiving Cards

VFW Trap Shoot

Total Fundraiser

	2,500.00		2,469.50	
	3,700.00	4,500.00	3,269.00	3,119.00
	750.00		640.00	
	6,000.00	6,000.00	6,150.50	6,495.00
		400.00		
	200.00	200.00		
	2,950.00	5,000.00	3,016.50	4,943.00
	3,500.00	3,500.00	2,587.50	4,361.60
	7,250.00	8,000.00	7,947.00	9,183.34
	1,000.00	1,000.00		1,000.00
	<u>27,850.00</u>	<u>28,600.00</u>	<u>26,080.00</u>	<u>29,101.94</u>

Grants

Community Services Consortium

County Grant Lincoln County

FEMA

GFFP Capacity Building

Linkage Grant

	5,000.00	5,000.00	4,000.00	4,000.00
	10,000.00	11,500.00	5,800.00	5,937.50
	5,500.00	5,904.00	4,428.00	2,952.00
	39,422.04		20,025.96	
	3,400.00	3,400.00	1,712.00	3,422.00

Lincoln County Food Share
Proposed 2008/2009 Budget

July 1, 2008 - June 30, 2009

	Proposed Budget 2008/2009	Approved Budget 2007/2008	Proforma Estimate July '07 - June '08	Actual Jul '06 - Jun '07
Revised 6/13/08)				
Volunteer Expenses				
Volunteer Appreciation	625.00	500.00	501.54	366.14
Total Volunteer Expenses	<u>625.00</u>	<u>500.00</u>	<u>501.54</u>	<u>366.14</u>
Total Expense	<u>248,843.22</u>	<u>144,520.00</u>	<u>194,237.00</u>	<u>163,508.90</u>
Net Ordinary Income	-4,221.18	2,484.00	48,735.33	20,364.51
Other Income/Expense				
Other Income				
Interest Income	1,325.00		1,652.13	434.79
Rental House	4,800.00	1,200.00	1,200.00	8,479.55
Unrealized Gain/Loss on Investm			-572.50	
Total Other Income	6,125.00	1,200.00	2,279.63	8,914.34
Other Expense				
Rental Property Repairs	1,000.00	1,000.00	408.41	
Total Other Expense	1,000.00	1,000.00	408.41	0.00
Net Other Income	5,125.00	200.00	1,871.22	8,914.34
Net Income (Before Mortgage Principal Deduction)	<u>903.82</u>	<u>2,684.00</u>	<u>50,606.55</u>	<u>29,278.85</u>
Less Mortgage Principal Payment	7,915.00			
Net Income (After Mortgage Principal Deduction)	<u>-7,011.18</u>			

Budget Notes:

- 1) Added 10% for Liability Insurance Cost Increase
- 2) Added 10% for Property Insurance Cost Increase
- 3) Interest Expense for the Mortgage Budgeted But Not the Principal
- 4) Added 10% Additional for Medical Insurance Expense Increase
- 5) Added 5% Payroll Increase for Employee
- 6) Added 5% Payroll Increase for Employee
- 7) Warehouse Employee @ \$10.00 per Hour, 20 Hours Per Week
- 8) Calculated at 8% of the Gross Payroll Expenses
- 9) Includes Reimbursement for 1/2 Nancy Smith's Monthly Cell Phone Expense (Currently Would Be \$20.00 per Month)

(* Notes New Additions, or Changed Amounts Since Original Budget Was Created

Lincoln County Food Share
Proposed 2008/2009 Budget

July 1, 2008 - June 30, 2009

Revised 6/13/08)

	Proposed Budget 2008/2009	Approved Budget 2007/2008	Proforma Estimate July '07 - June '08	Actual Jul '06 - Jun '07
Siletz Tribe				
Project Homeless Connect			3,500.00	
Siletz Tribe - Other	12,000.00	15,000.00		12,000.00
Total Siletz Tribe	12,000.00	15,000.00	3,500.00	12,000.00
United Way	5,000.00	9,000.00		7,456.13
Wal*Mart (*)	2,000.00			
Grants - Other			250.00	500.00
Total Grants	82,322.04	49,804.00	39,715.96	36,267.63
Miscellaneous Income	50.00		17.64	8,641.13
Oregon Food Bank Reimbursements				
USDA Reimbursements	3,600.00	3,600.00	8,548.62	3,610.33
Oregon Food Bank Reimbursements - Other	1,500.00	1,500.00	1,025.00	350.20
Total Oregon Food Bank Reimbursements	5,100.00	5,100.00	9,573.62	3,960.53
Prime Vest Income		500.00	415.02	658.04
Total Income	244,622.04	147,004.00	242,972.33	183,873.41
Gross Profit		147,004.00	242,972.33	183,873.41
Expense				
Advertising	300.00	300.00	219.24	186.00
Amortization Expense	102.72		42.80	
Automobile Expense	1,000.00	1,000.00	531.99	832.87
Bank Service Charges	10.00			
Cash Short/Over			-27.39	-0.60
Computer				
Internet	900.00	700.00	883.58	824.15
Computer - Other	300.00	300.00		
Total Computer	1,200.00	1,000.00	883.58	824.15
Copier Supplies	1,275.00	1,200.00	1,201.46	1,207.17
Credit Card Discount Fees	375.00		354.14	
Credit Card Finance Charges		100.00	1.60	103.23
Depreciation Expense	7,800.00		7,800.00	7,470.00
Donations			50.00	50.00
Dues and Subscriptions	500.00	300.00	270.81	346.80
Education & Training	1,000.00	1,000.00		
Energy Assistance			61.00	
Food Program Expense				
Diaper Program			101.87	
Food Box Distribution (*)	3,000.00	3,000.00	820.08	1,111.15
Food Box Program Food				1,426.53
Holiday Assistance Program	2,250.00	2,000.00	2,865.90	1,747.00
Master Gardener	300.00	300.00		300.00
On-Site Meals	350.00	350.00		349.99
Oregon Food Bank Shared Mainten	31,500.00	35,000.00	24,377.69	30,096.75
Senior Food Boxes	350.00		325.14	
Summer Outreach Lunch Program	34,250.00		31,386.00	27,727.80
Total Food Program Expense	72,000.00	40,650.00	59,876.68	62,759.22

Lincoln County Food Share
Proposed 2008/2009 Budget

July 1, 2008 - June 30, 2009

Revised 6/13/08)

	Proposed Budget 2008/2009	Approved Budget 2007/2008	Proforma Estimate July '07 - June '08	Actual Jul '06 - Jun '07
Fundraiser Expense				
Be-Jeweled Benefit Expenses	100.00		20.35	
Chef's Against Hunger	700.00		645.40	
Golf Tournament	200.00		150.00	1,022.00
PUD Insert	300.00		416.43	275.42
Thanksgiving Program	1,450.00		1,178.03	1,085.58
Fundraiser Expense - Other		3,000.00		426.94
Total Fundraiser Expense	2,750.00	3,000.00	2,410.21	2,809.94
Grant Expense				
GFFP				
Payroll Hourly				
Payroll Taxes	1,610.46		671.02	
Payroll Hourly - Other	20,130.72		8,387.80	
Total Payroll Hourly	21,741.18	0.00	9,058.82	0.00
GFFP - Other	10,262.34		8,337.66	
Total GFFP	32,003.52	0.00	17,396.48	0.00
Project Homeless Connect			3,003.43	
Total Grant Expense	32,003.52	0.00	20,399.91	0.00
Insurance				
Dishonesty Bond	120.00	120.00	114.82	114.82
1) Liability Insurance	2,640.00	2,400.00	1,856.35	2,548.87
2) Property Insurance	2,640.00	2,400.00	1,984.25	1,984.25
Workers' Compensation Insurance (*)	525.00	350.00	350.00	333.05
Total Insurance	5,925.00	5,270.00	4,305.42	4,980.99
Interest Expense				
Finance Charge				83.08
Mortgage Interest	4,085.00		5,091.80	5,607.70
Total Interest Expense	4,085.00	0.00	5,091.80	5,690.78
Licenses and Permits		50.00		
Miscellaneous	50.00		82.20	2,393.75
3) Mortgage		12,000.00		
Office Supplies	1,375.00	1,200.00	1,224.69	1,062.15
Postage and Delivery	1,000.00	1,000.00	569.04	819.75
Printing and Reproduction	1,750.00	1,000.00	1,263.17	956.85
Professional Fees				
Accounting				
Bookkeeping	10,200.00		4,317.75	
Accounting - Other	2,750.00	2,600.00	2,750.00	
Total Accounting	12,950.00	2,600.00	7,067.75	0.00
Legal and Audit			360.00	360.00
Total Professional Fees	12,950.00	2,600.00	7,427.75	360.00

Lincoln County Food Share
Proposed 2008/2009 Budget

July 1, 2008 - June 30, 2009

16

Revised 6/13/08)

	Proposed Budget 2008/2009	Approved Budget 2007/2008	Proforma Estimate July '07 - June '08	Actual Jul '06 - Jun '07
Program Administration				
Employee Benefits				
403 (b)	920.00	720.00	840.00	840.00
Medical Benefits				
Dental Allowance	1,500.00	1,500.00	1,984.00	875.00
4) Employee Medical Benefits	10,147.50	8,000.00	9,219.60	7,067.20
Total Medical Benefits	<u>11,647.50</u>	<u>9,500.00</u>	<u>11,203.60</u>	<u>7,942.20</u>
Total Employee Benefits	12,567.50	10,220.00	12,043.60	8,782.20
Program/Payroll Expenses				
5) Executive Director Salary	39,312.00	33,600.00	34,080.00	31,200.00
6) Office Assistant Salary	18,719.93	14,400.00	14,828.58	14,040.00
7) Warehouse Staff Employee (*)	10,500.00			
8) Payroll Taxes (*)	5,482.55	2,800.00	4,986.06	4,548.76
Total Program/Payroll Expenses	<u>74,014.48</u>	<u>50,800.00</u>	<u>53,894.64</u>	<u>49,788.76</u>
Total Program Administration	86,581.98	61,020.00	65,938.24	58,570.96
Repairs and Maintenance				
Building Repairs	700.00	700.00	442.04	799.44
Building Supplies	300.00	300.00	79.49	240.60
Computer Repairs	250.00	200.00		190.00
Equipment Repairs	500.00	500.00	418.50	106.00
Vehicle	500.00		475.00	
Total Repairs and Maintenance	<u>2,250.00</u>	<u>1,700.00</u>	<u>1,415.03</u>	<u>1,336.04</u>
State-Federal Fees	275.00	230.00	257.00	257.00
Supplies				
Safety & Prevention	100.00			
Warehouse	500.00	500.00	445.22	161.80
Total Supplies	<u>600.00</u>	<u>500.00</u>	<u>445.22</u>	<u>161.80</u>
9) Telephone	2,140.00	1,400.00	1,874.70	1,640.18
Travel				
Lodging	675.00		425.70	720.54
Meals	400.00	300.00	516.68	347.60
Mileage	750.00	600.00	725.55	679.20
Oregon Food Bank Quarterly Meet	800.00	800.00	1,774.38	530.12
Total Travel	<u>2,625.00</u>	<u>1,700.00</u>	<u>3,442.31</u>	<u>2,277.46</u>
Utilities				
Garbage	1,620.00	1,400.00	1,583.40	1,577.10
Gas and Electric	4,175.00	4,000.00	4,240.11	3,848.62
Water	500.00	400.00	499.35	620.55
Total Utilities	<u>6,295.00</u>	<u>5,800.00</u>	<u>6,322.86</u>	<u>6,046.27</u>

Be Jeweled

Costume & Collectible
Jewelry Sale

Sat-February 7, 2009

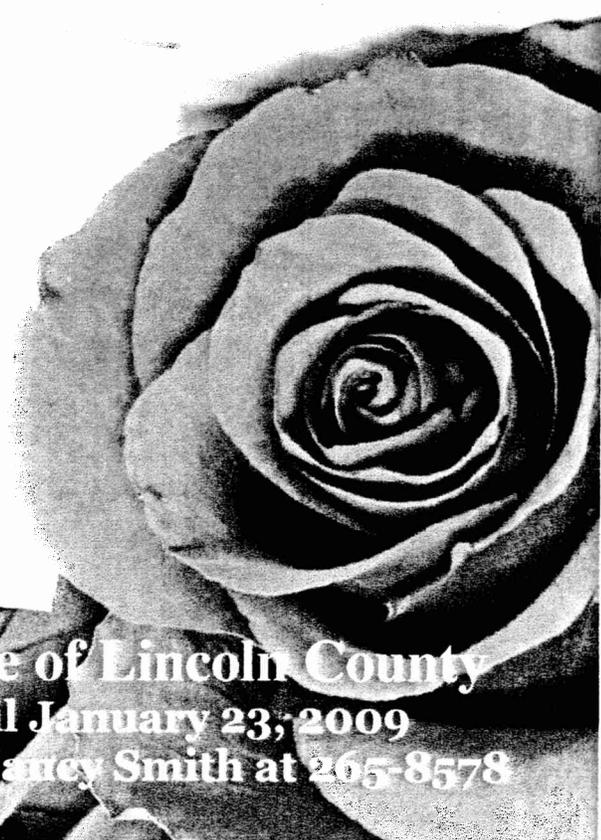
9:00 - 2:00

Senior Activity Center

20 SE 2nd Street, Newport

Across from Rec Center

*One of a kind
Jewelry from
25¢ - \$25.00*



All proceeds benefit Food Share of Lincoln County
Jewelry donations accepted until January 23, 2009
call Rennie Maguire at 961-5169 or Nancy Smith at 265-8578

January 20, 2009
Noon
Newport, Oregon

CITY COUNCIL WORK SESSION

Councilors present: Bain, Bertuleit, Brusselback, Kilbride, McConnell, Patrick and Obtshka.

Staff present: Shaddox, Firestone, Bassingthwaite, Protiva, Smith, Wilson, Ritzman, Riessbeck, Teem, and Atkinson.

Council discussed the following items:

1. It was noted that an executive session would be held at the end of this work session.
2. CERT Certificates of Appreciation would be distributed this evening.
3. Presentation for former Councilor's Peggy Sabanskas and Larry Henson.
4. The consent calendar for this evening's meeting. Mayor Bain noted in the January 5th minutes, for both the noon work session and the regular evening minutes, under the Chamber of Commerce request for a fee waiver for wastewater removal, the term "removal" should actually read "disposal."
5. A few questions with regards to accounts paid.
6. The status of the proposed surveillance cameras to be purchased by the Police Department.
7. Obtshka will give an update on the Nye Beach Parking District meeting.
8. Kilbride will report on the most recent COG meeting he attended in Albany.
9. Bertuleit will report on last week's Airport Committee meeting.
10. Discussed the Airport grant request for the Airport Beacon Tower replacement, and reprogramming of funds included in the 2008/09 budget intended for new/additional aircraft hangars.
11. Brusselback reported he would be attending his first Parks & Recreation Committee meeting tomorrow as liaison from the Council, so his report would occur at the Council's next meeting.
12. Brusselback indicated he had a few procedural items he would like discussed:
 - (a) Length of evening meeting presentations – limit to 15 minutes.
 - (b) Current presentation podium not very workable, requested a standing podium for presenters
 - (c) Microphones have too much feedback
 - (d) Providing lunch for Council work sessions be reinstated
13. Patrick reported on the presentation before Lincoln County Board of Commissioners on Amendment 5 of the South Beach Urban Renewal Plan. She said Bassingthwaite did an excellent job presenting before the commission. A discussion ensued on the process that will ensue to have the Amendment move forward and become adopted.

14. McConnell said he would be reporting this evening on three different committee meetings he attended: Lincoln Community Land Trust, Oregon Coast Council for the Arts, and Destination Newport Committee.
15. Bain reported on child care being provided by the Lincoln County Housing Authority at their Ocean Spray facility on Nye Street. He said there could be an opportunity of having the Housing Authority work with the group from the Association of Family and Community Education that plans to open a child care facility in Toledo.
16. Bain indicated he missed a committee reappointment at the last Council meeting, and would be reappointing Chuck Forinash to continue serving on the Bike and Pedestrian Committee. It was also noted that there is a vacancy on this committee, as well as the Airport, and the vacancies need to be advertised. Bain also noted the Planning Commission position is open until this Friday, January 23rd, and he will plan on filling that vacancy at the Council's February 2nd meeting.
17. Shaddox asked the Council to consider two upcoming meetings. The first would be a mid-year budget review, and he proposed holding it on Friday, January 30th at 1:00 p.m. He indicated members of the Budget Committee would also be invited to attend. David Allen, Chair of the Budget Committee, would be attending the evening meeting to make a brief presentation on the proposed budget schedule and committee involvement. Shaddox also proposed a Council goal setting session be scheduled for Friday, February 13th from 9 a.m. to 4 p.m. Council requested that Shaddox be the facilitator for this goal session.
18. Shaddox gave an update on scheduling the water bond sale, and had Finance Director Riessbeck explain the process the City is taking.
19. Ritzman gave an update on the Bay Front Project, and a proposed timeline. Ritzman explained with the addition of undergrounding utilities, the project has become more involved.
20. Firestone reported on a meeting he attended last Friday with SeaPort Airlines, and representatives from Astoria and the State. He indicated there could be a need for a special Council meeting next week to consider a revised agreement with SeaPort. Once the draft agreement has been prepared, Firestone will make sure a copy is forwarded to Council.
21. Items to be discussed at the evening meeting will include: (1) the special events/activity grant application form; grant funds for the repair of the Airport beacon tower; the Nye Beach Holiday event report; as well as the child care request through the OSU Extension Service.
22. Discussed Amendment 5 to the South Beach Urban Renewal Plan. Bassingthwaite will give a brief update on the process at tonight's meeting.
23. Chamber request for funding an extension of the shuttle service offered on Saturday following the Seafood and Wine Festival.
24. Scheduling of annual reports from the Chamber and OCCA at an upcoming Council meeting in February.
25. Adoption of a new Municipal Code Chapter 6.60 regulating the release of towed and impounded vehicles.
26. Proposed ordinance to change the allocation of room tax proceeds that must be expended on tourism promotion or tourism facilities.
27. Special Event Application received for the Newport Marathon.

28. An amendment to the Retirement Plan, and adopting the proposed 2009 restatement of the plan.
29. City to provide consent to vacate way of necessity to allow a South Beach property access to their property.
30. The need to amend Section 3 of Resolution 3431 dealing with annual SDC increases. Bassingthwaite also informed the Council they may want to take a more in-depth look at SDC fees at a later date.
31. The status of the research taking place with regards to the plastic bag ban. Obteshka indicated he did not want to see this matter go by the wayside. It was noted that Hawker and Firestone have been working on this subject, and do plan to make a recommendation to Council.

MOTION was made by Patrick, seconded by Bertuleit, to enter executive session pursuant to ORS 192.660(2.)(b.)(h) and (i.), to discuss personnel issues and potential litigation with regards to real property. The motion carried unanimously in a voice vote, and Council entered executive session at 2:20 P.M.

MOTION was made by Patrick, seconded by Brusselback, to return to the work session. The motion carried unanimously in a voice vote, and Council returned to its work session at 3:16 P.M.

Shaddox noted the Council had met in executive session today to discuss the correct procedures to follow for due process for a current employee on administrative leave.

Bertuleit inquired on the status of the communication session that had been scheduled for the Council and then cancelled. McConnell suggested this be one of the first issues addressed at the Council's February 13th goal setting session.

Having no further business, the meeting adjourned at 3:20 P.M.

January 20, 2009
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.

ROLL CALL

On roll call, Bain, Bertuleit, Brusselback, Kilbride, McConnell, Obteshka and Patrick were present.

Staff attending was as follows: City Manager Shaddox, City Attorney Firestone, Finance Director Riessbeck, Community Development Director Bassingthwaite, Public Works Director Ritzman, Lieutenant Teem, Parks & Recreation Director Protiva, Interim Airport Director Wilson, Library Director Smith, and Executive Assistant Atkinson.

PROCLAMATIONS & RECOGNITIONS

Dean Sawyer, former Newport City Police Sergeant and one of the current Newport CERT organizers, gave a brief power point presentation. The following citizens received a Certificate of Appreciation for their participation and completing the Community Emergency Response Team Program (CERT): Shaun Barclay, Lillie Chirrick, Kristin Cooper, David Daus, Edward Doench, Russ Engle, Keith Harcourt, Larry L. Johnson, Ruth Kassebaum, Corey, Mabey, Ivan Magnum, Mark Miranda, Gary Weeber, and Brook Young. Mayor Bain thanked all of the CERT members, past and present who have participated in this great program.

Former City Councilor Peggy Sabanskas was presented a plaque of appreciation for her 16 years of service to the citizens of Newport. Councilor Larry Henson could not be present at the evening meeting, but he also will be receiving a plaque of appreciation for his service to the citizens of Newport while serving on Council.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session and regular meeting of January 5, 2009
- B. Report of Accounts Paid, December 2008.
- C. Fire & Police Reports, December 2008
- D. Proposed 2009-10 Budget Schedule

MOTION was made by Patrick, seconded by McConnell, to approve the consent calendar as amended during the noon meeting. The motion carried unanimously in a voice vote.

COUNCIL MEMBER REPORTS & COMMENTS

Councilor Bertuleit reported on the January 14th Airport Committee meeting. He indicated one item presented at the Airport Committee meeting would also be discussed at this evening's meeting. That item was the grant request for the beacon tower replacement

Bertuleit also reported on the most recent Bicycle & Pedestrian Committee meeting he had attended. He commented on the State bicycle route, a trail near Ocean View, and sidewalk improvements in front of the Coast Guard Station.

Councilor Kilbride reported he had attended his first Council of Government's (COG) meeting last week in Albany. He described the structure of the committee, and explained their main focus is senior services and programs.

Councilor Obtshka reported he attended a Nye Beach Parking District meeting. He stated that Bassingthwaite has been working on a parking matrix for all the proposed parking districts. He would recommend this matter be included in the Council's upcoming 2009-10 budget.

Councilor Brusselback reported he will be attending his first Parks & Recreation Committee meeting tomorrow morning serving in his capacity as Council liaison.

Councilor McConnell reported on three meetings he had attended; the Oregon Coast Council for the Arts; the Lincoln Community Land Trust, and Destination Newport Committee. McConnell said he would like to invite a representative from the Land Trust to make a presentation before the Council on low income housing.

McConnell reported the Destination Newport Committee approved a Portland Company, PDXposed, shooting a second 30 minute episode of Newport in February. It will air in the spring on KGW and its affiliates. Also discussed was the Special Events/Activity Grant Fund application form, which the Council will discuss later this evening.

Mayor Bain reported on attending a Housing Authority meeting last week. He commented that the Authority operates a child care facility in the Ocean Spray Community Center, and they will be looking for someone to take that activity over. Bain said he had indicated during the noon work session that this group might want to get in contact with the individuals who had requested child care assistance at the Council's last meeting. He stated this is a community based program, and could be an opportunity for a good match.

OFFICER'S REPORT'S

Report of the Mayor. Bain noted that he would like to reappoint Chuck Forinash to serve another three year term on the Bike and Pedestrian Committee. There is also a vacancy on this same committee, as well as the Airport Committee. He will request that press go out on these two vacancies. He also reported he hopes to make an appointment to the Planning Commission at the Council's next meeting.

MOTION: Patrick moved, seconded by McConnell, to approve the reappointment of Chuck Forinash for another three year term to the Bike and Pedestrian Committee. On call for vote, all members present voted aye, motion carried.

Bain reported that Kate Rowland had contacted him, and had indicated she would no longer be with the “News-Times” after the end of January.

Report of the City Manager. Shaddox suggested the Council hold a mid-year budget review on January 30th at 1:00 P.M., and invite the entire Budget Committee to attend. Finance Director Riessbeck will disperse the budget information soon.

Shaddox reported the annual Council goals setting session is scheduled for Friday, February 13th from 9:00 A.M. to 4:00 P.M. He indicated he would be the facilitator for this session at Council’s request, rather than hiring an outside facilitator. Shaddox requested that Public Works Director Ritzman give a status report on the Bay Blvd project because of necessary changes in the timeline. Ritzman reported bids will still go out this spring, allowing for the contractor to secure prices on materials. Some work, such as potholing, will occur before Memorial Day, but the main excavation and construction would not begin until after Labor Day. This will include a storm drain system, conduit for utilities, sewer and water lines, fiber optic conduit, curbs and gutters, sidewalks, and street overlay. Ritzman explained this particular project became a very complicated project with the addition of the undergrounding of utilities.

Shaddox informed Council that we need an updated Council photo for both our website and photo gallery here at City Hall. February 2nd will be scheduled for the photo shoot.

Report of the City Attorney.

Firestone reported that Council may need to hold a special meeting on the proposed Airport Service Agreement with SeaPort as early as next week. He hopes to have the finalized written agreement completed soon, and sent to the Council prior to their special meeting.

DISCUSSION ITEMS

Presentation by Budget Chair, David Allen, on Budget Process. David Allen, Chair of the City’s Budget Committee, and Don Huster, also a member of the City’s Budget Committee came forward. Allen explained he had sent an e-mail to City Manager Shaddox requesting there be more budget committee involvement earlier in the process. Allen said it would be beneficial to meet earlier to be able to weigh in with recommendations before the formal process is set. He stated he had also met with Shaddox, and was informed there would be a mid-year budget status review and budget committee members would be invited. Allen requested another meeting be scheduled with the budget committee after the City Manager and Finance Director have received all budget requests from department heads, and prior to final numbers being crunched. Allen also indicated he would like to see a priority list created for Public Works capital projects

Don Huster stated he supports Allen’s budget suggestions. He commented this would allow the committee the opportunity to assist in steering the process, rather than dealing with it after it was fairly complete. He pointed out that infrastructure is a major priority for him. Huster requested an update on how the water and sewer fees that were approved during the last budget process were being collected and utilized.

Shaddox commented that he agrees with this approach for budget preparation. He stated the City would like to work as a team with the budget committee to bring these ideas forward. He stated staff could assemble three to five year projections for our

revenues, and he also could have Public Works prioritize their capital projects. He indicated a second meeting with the budget committee could occur in March after department proposals have been turned into his office and Finance.

Bain said he appreciated the budget committee members requesting the opportunity to understand where the budget requests come from, and how they will be budgeted for the future.

Patrick thanked both Allen and Huster for their work on the City's budget.

Obtshka suggested a timeline be created on the prioritized Public Works' projects, and then posted on our website.

It was noted the added budget committee meetings would adhere to the public meeting statutes. Bain also indicated the Budget Committee would want to hold elections for the chair and secretary positions as they do each budget cycle.

Allen commented he would like to see the ongoing revenue stream do a better job of helping to pay for upcoming public works projects. He said he would like to discuss this idea in the upcoming work sessions.

PUBLIC COMMENT

Joyce Gaffin, a South Beach resident, read a letter which will be entered into the record. The letter spoke to preserving a segment of the western view shed in the neighborhood between the South Jetty Road and the northeastern boundary of the South Beach State Park. The letter shared a list of requests for preserving this area, as well as programs that could assist to accomplish the preservation.

Bain commented this request had been presented to Council at a prior meeting, and thanked Gaffin for her bringing it back before them.

McConnell asked if State Parks had offered any assistance with her request. Gaffin responded there is a small possibility they may assist. McConnell also suggested Gaffin contact the Lincoln Land Legacy group to see if they can help with transaction fees. Gaffin said she would contact them.

Bertuleit recommend staff look into this and make sure none of the land has been vacated. Searching for potential grants was also suggested.

Parks & Recreation Director Protiva stated this property is contiguous with State Parks, and would be more beneficial for their purposes. Gaffin responded that State Parks is cutting back in funding. Patrick said she did not think State Parks would include this project in their budget. Gaffin said she wants the City to be instrumental in preserving this property.

Kilbride inquired which properties were owned by Investors 12. Gaffin described those properties, as well as nearby property owners.

Bain asked staff to review this request and report back.

ACTION ITEMS

Public Hearing on the proposed substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report and adopting ordinance. Bain opened the hearing at 7:25 P.M. Bassingthwaite provided an overview of the process and the proposed amendment. He indicated the proposed amendment was developed through an

extensive public involvement process that included public meetings held by an appointed ad hoc advisory committee, a public open house and public input. The public open house was held December 4, 2008, to present and answer questions on the proposed amendment. The Planning Commission reviewed the proposed amendment following a public hearing on December 8, 2008, and voted unanimously to recommend approval, and now the public hearing is before the Council this evening for their consideration. Bassingthwaite explained the proposed amendment would extend the sunset date of the current South Beach Urban Renewal Plan from 2010 to 2020, and would allow the establishment of a revised list of projects. He explained the difference between the closeout date and sunset date for the plan. Bassingthwaite reported on the presentation made January 14th before the Lincoln County Board of Commissioners. The City has received only one written letter of objection, which he distributed to Council prior to their evening meeting. Also there were no citizen objections at the Planning Commission hearing.

McConnell asked if projects listed in the plan are actually the proposed projects. Bassingthwaite said yes. Some are eligible for 100% urban renewal funding and some only a portion is eligible. Bassingthwaite explained that combining funds with urban renewal funds is very beneficial and partnering with private investors is also good. McConnell inquired if the projects listed were by priority. Bassingthwaite explained they are in phases, but can be changed if needed.

McConnell asked if green spaces and parks were included in the plan, and Bassingthwaite responded yes.

Patrick said there was plenty of input through the public process, and infrastructure was definitely a top priority.

Bassingthwaite also spoke to working with ODOT on development of an alternative mobility transportation standard for Hwy. 101 in South Beach, and the importance of local funding such as that in the proposed amendment.

Obtshka asked when we would hear from Lincoln County on their decision with regards to the 5th amendment. Bassingthwaite explained the process that would need to be followed. Both Bain and McConnell said it was a very positive meeting with the county.

Patrick suggested the Urban Renewal Agency also adopt the 5th Amendment to the South Beach Urban Renewal Plan prior to the Council's adoption. She further requested this action occur prior to the Council's action to adopt at their next meeting.

Bain called for proponents. Janet Webster, a resident of Newport, and an employee at the Hatfield Marine Science Center spoke. Webster said she had been involved with the ad hoc advisory committee process on the 5th Amendment to the South Beach Urban Renewal Plan. She said it was a good process with lots of public involvement. Webster said she supports the plan, and commented that it is very flexible. She suggested Council consider more specific goals with regards to South Beach in their upcoming goal setting session.

Don Huster, proponent, reported he had served on the ad hoc committee, and the process had been very well organized and thought out. He stated that Bassingthwaite did a very good job of structuring the framework for the phases.

Bain called for opponents. Bassingthwaite noted there was only one opponent, and that opposition was received by letter from Gregory A. Carpenter, 5806 N.W. Rhododendron Street, Newport.

McConnell thanked Bassingthwaite for all his work on this project.

Bain closed the public hearing at 7:53 P.M.

MOTION: Bertuleit moved, seconded by McConnell, to approve the proposed amendment and direct staff to bring the ordinance back to the next City Council meeting. The motion carried unanimously in a voice vote.

Request for extended bus service for the Seafood & Wine Festival from the Chamber of Commerce and to utilize transient room taxes. Lorna Davis, Director, Newport Chamber of Commerce, spoke on their extended bus service request. She stated they would like to extend the shuttle bus service hours on Saturday, February 21, 2009, during the Seafood & Wine Festival to 10:00 p.m., and to utilize transient room tax funds to accomplish this. This request was based on a previous Council recommendation. The extension of hours on that particular date could help to mitigate potential driving under the influence issues and provide a benefit to our visitors during the festival. It was noted the fiscal impact would not exceed \$1,000 from transient room tax monies.

Obtshka said he was really interested in getting as many people as possible to know about these added hours. Bain said there would be reporting on this.

MOTION: McConnell moved, seconded by Obtshka to approve the request from the Greater Newport Chamber of Commerce to fund an extension of the shuttle service on Saturday, February 21, 2009 during the Seafood and Wine Festival, at a cost not to exceed \$1,000, and that the funding come from transient room tax monies. The motion carried unanimously in a voice vote.

Special Event Application received for the Newport Marathon. Tom Swinford, Newport Marathon event organizer, was present to answer questions about the marathon, and their application. Swinford shared the history of the event, and a couple of stories from past marathons.

Swinford indicated the marathon organizers are requesting a fee waiver for the services provided by the City. Those services include traffic control during the event and barriers. This will be the event's 11th year. It would be held on May 30, 2009, between the hours of 7:00 A.M. and 3:00 P.M. It is a well received event in the community, and brings approximately 2000 visitors to our area each year. The estimated fiscal cost to the city should be no more than \$1,000.

MOTION: Bertuleit moved, seconded by Patrick to approve the fee waiver requested by the Newport Marathon to be held on May 30, 2009. The motion carried unanimously in a voice vote.

Adoption of new Municipal Code Chapter 6.60, regulating release of towed and impounded vehicles. City Attorney Firestone explained this issue was requested by our Police Department. He explained the Council would need to decide whether or not to adopt an ordinance adding a new code chapter to require payment, proof of ownership and insurance before releasing a vehicle that has been impounded for abandoning or for parking violations. Firestone explained the city currently requires payment of costs and

compliance with certain requirements before a vehicle being impounded during a traffic stop can be released, but does not have the same requirements for vehicles impounded for abandonment or for parking violations. He stated if the ordinance is adopted by Council, the fiscal impact would be positive, as it would allow the city to recover costs not currently being recovered.

MOTION: Motion was made by McConnell, seconded by Brusselback, to read Ordinance No 1970 by title only and for adoption by roll call vote. Shaddox read Ordinance No. 1970 by title only and placed for final passage. Voting aye on the adoption of Ordinance No. 1970 were: Bain, Bertuleit, Brusselback, Kilbride, McConnell, Obteshka, and Patrick.

Proposed ordinance to change the allocation of room tax proceeds that must be expended on tourism promotion or tourism facilities. Firestone reported the issue before the Council is whether or not to amend the current code provision allocating the percentage of room tax proceeds to be used for tourism promotion and facilities by increasing the percentage from 40% to 46%. Firestone explained this would make the city compliant with state law, and recommended the ordinance be adopted.

MOTION: Brusselback moved, seconded by McConnell to read Ordinance No. 1971 by title only and for adoption by roll call vote. Shaddox read Ordinance No. 1971 by title only and placed for final passage. Voting aye on the adoption of Ordinance No. 1971 were Bain, Bertuleit, Brusselback, Kilbride, McConnell, Obteshka and Patrick.

Consideration of adoption of amendment to employee retirement plan. Firestone explained the matter before the Council is whether or not to adopt the proposed 2009 restatement of the City of Newport Employee's Retirement Plan. He explained in detail the changes being recommended. He explained the difference between the Trustee and the Board. He indicated if the Council wished to consider additional changes to the plan, he would recommend going forward with adoption of the 2009 restatement, and a process be established to consider the additional changes. Any decisions made by the administrator, which would be the Finance Director could be appealed to the 5 member Trustee. Firestone also stated if the Council does not wish to make all the recommended changes, they at least make the changes required by Federal law.

Obtshka asked can a domestic partner be a beneficiary. Firestone said there are three basic options on how the benefit can be dispersed, and anyone can be designated to receive those benefits by the beneficiary.

MOTION: McConnell moved, seconded by Bertuleit for adoption of the 2009 restatement of the City of Newport Employees' Retirement Plan as presented. Motion carried unanimously in a voice vote.

Consent to Vacation of Way of Necessity. Firestone reported the Council needs to consider whether to consent to the vacation of a way of necessity that currently affects property owned by Landwaves in South Beach. Firestone recommended the Council consent to the vacation as requested, and authorize the City Manager to sign a written consent. He indicated no one has objected and no one will lose access.

MOTION: Bertuleit moved, seconded by Obteshka to consent to the vacation of the way of necessity as requested and authorize the City Manager to execute a written consent. On call for vote, all members present voted aye, motion carried.

Annual adjustment of System Development Charges and proposed amendment to Section 3 of Resolution No. 3431. Bassingthwaite explained the proposed amendment to Section 3 of Resolution No. 3431 would change the automatic adjustment to require Council approval by resolution for the adjustments in system development charges. The proposed revision would also change the date of the construction cost index for SDC adjustment purposes from January 1 to November 1. This would allow staff to calculate the rate earlier so that there is more time between the calculation and the effective date of January 1st. He also noted there was a typo in the table on the staff memo, the figures \$0.025/sq.ft., and \$0.027/sq/ft. should actually appear as \$0.25 and \$0.27.

MOTION: Patrick moved, seconded by McConnell to adopt Resolution No. 3454, amending Section 3 of Resolution No. 3431. On call for vote, all members present voted aye, motion carried.

DISCUSSION

Report on potential funding for child care through OSU Extension Service.

Kilbride asked to have this matter tabled until it can be determined if the Association of Family and Community Education child services can be incorporated into the Housing Authority child care services, as mentioned earlier in the meeting by Mayor Bain. He said it might be better to wait and consider it during the next fiscal budget.

McConnell and Bertuleit both expressed that the need is now. Brusselback said he had a problem with this request being funded out of the general fund contingency. He commented that Finance Director Riessbeck had indicated this was where this request would need to be funded. He agreed with Kilbride's recommendation to table the matter, and look at it during the upcoming budget session.

Following a brief discussion, McConnell said it appeared the general consensus of the group was to table this matter until further information can be attained.

MOTION: Kilbride moved, seconded by Patrick, to table the request from the Association of Family and Community Education through the OSU Extension Services, until further information has been gathered. On call for vote, all members present vote aye, motion carried.

Further discussion with regards to the Special Event/Activity Grant Fund Application process (\$75,000).

Linda Neigebauer, business owner in Nye Beach, and Catherine Rickbone, Director of Oregon Coast Council for the Arts spoke with regards to the Special Event/Activity Grant Fund Application process. Their main request was to change that portion of the application that excluded events already established. Neigebauer referred to the very popular Nye Beach Mystery Weekend coming up in March, and Rickbone spoke to the Fall Jazz Festival. They explained there are already established events in their

infancy that bring many people to our community, and would bring more with expanded marketing. Rickbone also commented that if you get local support for an event this assists as leverage for attaining grants.

Bertuleit said the original idea when providing these funds was to establish more events during the shoulder seasons. Bain commented we need to make sure we are using the transient room dollars wisely. Kilbride asked about the funds that currently go to advertising and marketing.

It was determined the application form needs some reworking by staff. It was noted there will be at least two more requests coming before the Council at their next meeting on this same form.

A discussion ensued on the grant funding and whether it will be carried over to the next budget year. Shaddox said that will be up to the Council on whether they want to fund this again next year.

Patrick said we need to look at what the current advertising agency is providing, and what these other grant requests will be asking for and make sure they are not crossing paths.

It was the general consensus of the Council to continue this matter to a later date.

Shaddox introduced new Library Director, Ted Smith to the Council.

Submit FAA grant funding request for Airport Beacon Tower replacement.

John Wilson, Airport Interim Director, distributed copies of photos of the beacon tower, which depicted its deterioration. He recommended Council approve a funding request to FAA for a replacement beacon tower at the Airport. He explained the tower is a necessary component of the Airport operations, and has become a safety hazard because of corrosion, age-related stress and climatic issues. Wilson also is recommending there be some reprogramming of funds included in the current budget that is intended for new additional aircraft hangars, and put it towards supporting this beacon tower project.

Wilson explained the FAA will not support the hangars, as we have five open hangars now, and no waiting list. Patrick said what happens if in the summer we get more requests for hangars, can we then go out for the FAA monies. Wilson said yes we could, and that would be the better time to make the request.

Kilbride asked if this request had been approved by the Airport Committee, and Wilson responded it had. He also spoke to the Committee approving a water suppression project, and having design work done for this project.

MOTION: Kilbride moved, seconded by McConnell to authorize city staff to submit a funding request to the FAA to replace the Airport rotating beacon tower.

Under discussion, Obteshka asked how long the original tower lasted. Wilson said he thinks this is the original tower, so we got our money's worth. The motion carried unanimously in a voice vote.

Summary Report – Nye Beach Holiday Celebration. As required by the current Special Event/Activity Grant Fund Application process, a final report summarizing the results of the event/activity with a detailed and verified accounting is required. Thus, the participants in the Nye Beach Holiday Celebration provided the required report.

ADJOURNMENT

Having no further business, the meeting adjourned at approximately 9:24 p.m.

Cheryl Atkinson, Executive Assistant

William D. "Bill" Bain

January 23, 2009
2:00 P.M.
Newport, Oregon

The City Council of the City of Newport held a special meeting on the above date in the Council Chambers of the Newport City Hall.

ROLL CALL

On roll call, Bain, Bertuleit, Brusselback, Kilbride, McConnell, Obteshka and Patrick were present.

Staff attending was as follows: City Manager Shaddox, City Attorney Firestone, and Executive Assistant Atkinson.

Further Consideration of Air Service Agreement: Firestone explained that Mike Schulz apologized for not being able to attend today's meeting, but he has continued to participate in the discussions and had input on this most recent agreement.

Firestone shared the basic terms of the revised agreement that had been recently negotiated:

- SeaPort will operate three round trips per day between Astoria and Portland, and two round trips per day between Newport and Portland. One of the planes will overnight in Newport
- SeaPort will receive all revenues from the flights. The Consortium will reimburse SeaPort to the extent that the revenues do not cover SeaPorts costs of \$918.88 between Newport and Portland and \$781.74 between Astoria and Portland.
- The payments from the Consortium to SeaPort are subject to the following maximum monthly amounts:
 - First 6 months \$200,000
 - Second 6 months \$195,000
 - Third 6 months \$170,000
 - Fourth 6 months \$155,000

If the payment in any month is less than the maximum, the difference is carried over.

- SeaPort establishes the fares
- Start-up date would be March 15, 2009
- The Consortium agreed to pay specified start-up costs
- The Consortium can terminate after six months if passenger counts are low, but must provide SeaPort 90 days to try to cure
- The agreement may be terminated for lack of an interline ticketing agreement after 90 days, or for the lack of an interline baggage agreement after 180 days. SeaPort will have 30 days to cure the lack of an interline agreement of either type.

Firestone explained the major differences from the prior agreement. These included: SeaPort now establishing the fares, the March 15th startup date, the Consortium agreeing

to pay some start up costs; cancelling agreement if passenger count is low after 6 months; interline ticketing agreement must be in place after 90 days of signing the agreement; and interline baggage agreement must be in place after 180 days.

Firestone shared the key issues in the agreement: (1) the maximum payment amount intending to make the contract last a full two years; (2) passenger revenues not covering SeaPort's cost of operations; (3) the requirement for interline ticketing and baggage agreements to be in place in a specified time, and (4) the changes in the termination provisions.

Firestone said Council will need to consider the revised agreement and decide if it is worth going forward.

Bain indicated we made a requirement the contractor provide a set of financials in the RFP process, and we have yet to see them. He said he is not comfortable moving forward without that information. Firestone commented he has requested the financial information more than once from SeaPort.

A lengthy discussion ensued with regards to SeaPort's financial report; the need for auditing the marketing dollars, the importance of having interline ticketing and baggage agreements in place. Also discussed at length was the continuation of air service once the subsidy is spent.

Flight fares and whether or not fees would be charged for extra baggage was discussed.

Kilbride reported he had sent an e-mail earlier to Council members analyzing the finances of this endeavor. He stated he did not see how this agreement could work especially once the subsidy is spent, and would have problems supporting it.

Both Brusselback and McConnell indicated it was not their understanding that air service was a guarantee once the subsidy was spent.

Bertuleit inquired if the agreement with SeaPort could be transferred once approved. Firestone responded if SeaPort, the Consortium and the other airline involved all agreed on the transfer and signed on the dotted line, yes it could occur.

PUBLIC COMMENT

Doug Wills, Newport resident and "frequent flyer" came forward. Councilor Obtshka reported he had shared Mr. Wills' e-mail with other councilors. Wills explained he flies many miles for his business and would speak to the agreement from a consumer's perspective. He indicated having no interline ticketing or baggage agreement in place would stop him from using the new service. Also no guarantee of compensation should SeaPort's service delay and create a passenger from meeting their flight at PDX was a big concern. His last objection was the proposed fare. He said he agreed with Councilor Kilbride, and he would not use this airline the way it is currently set up.

Bain agreed with the importance of having interline ticketing and baggage agreements in place.

Patrick asked how Wills currently arrives at PDX. Wills said by vehicle and then spends the night at a hotel near the airport. Obtshka asked if the interline agreements were in place what would Wills be willing to pay for a ticket. The \$75 range, Wills answered.

Council thanked Mr. Wills for his input in this issue.

Steve Salisbury, Newport resident, stated he also is a frequent flyer, and agreed with Wills comments. He said this contract has more holes in it than Swiss cheese, and he would recommend no tax payer's money go towards this project. He suggested waiting until a project comes forward that will work. He has done the math and this one does not work.

Bain noted the funds for the subsidy were lottery backed funds, and the source was not general fund property tax funds.

Patrick inquired if Council determines not to go forward, what their exposure would be and what are their options.

Firestone said their options are to either grant the current agreement; say no to the current agreement; or if Council thinks there is a possibility to still negotiate an agreement, but would like it to be better than this one, they have to be specific about what is acceptable.

Firestone said if Council decides not to go forward, we would need to notify Astoria and SeaPort. It is clear that neither the federal or state grant will be awarded unless both Newport and Astoria are on board. Firestone said there is always the risk that SeaPort could sue.

Dan Clem, Director of Oregon State Department of Aviation, distributed a draft Sustainability Plan for Coastal Air Service from March 15, 2009 through March 14, 2011. Clem said he has been involved heavily over the last month in this process, and informed the Council that time is growing short for a decision with regards to these federal and state funds. He said a decision must be made by the end of next month. Clem reviewed the grant, where the agreement stands to date, and interline agreements. He explained that interline agreements are very difficult for small airlines to attain, and without a contract in place almost impossible. This has come about because of our economic times. Clem spoke about the need to build a passenger base for Newport and how that cannot occur without air service being established. He also commented that SeaPort will be sharing in the risk, right along with Newport and Astoria, and Newport will need to accept some risk in taking this contract. He said there is no way SeaPort will have interline agreements in place by March 15th, as it is a 3 to 6 month proposition for them to attain. He reviewed the numbers on his sustainability plan. He said once Council approves the original agreement with SeaPort, they still will have the opportunity to negotiate more conditions, i.e., interline agreements and marketing. If SeaPort fails here they are not going to find other agencies wanting to deal with them. Clem said in all likelihood, the financials being requested will not be provided until a contract is signed. He again reminded Council the clock is ticking, and at some point the State is going to begin looking at who is next on the list and available to receive these funds.

Language being added to the contract regarding interline agreements, marketing, and financials being provided once the contract is signed was suggested. Firestone said he can add that language.

Kilbride said the only thing that might change his mind on going forward with this agreement would be the fact that if we do not take the money, the state is going to award it to someone else. He said we get two years of air service, and maybe that is better than nothing. McConnell said this will also establish passenger history for our airport.

Brusselback asked if Astoria had approved this current agreement, and Firestone responded yes. Firestone said he did not think Astoria would object to stiffening up a couple of provisions if it was to the Consortium's benefit.

Bain stated we could direct our negotiators to characterize what we have been discussing with regards to the interline agreements, marketing and financials. We could accept the agreement as presented with the added language directions to Firestone.

MOTION: Kilbride moved to approve the airline service agreement with SeaPort in principal if the following provisions were made:

- Review financials, including leased equipment, before startup date, with right to terminate if not provided, or the financials show that SeaPort will not be able to comply with its commitments
- Consortium to participate in negotiations in the interline ticketing and baggage agreement process; and
- A provision added relating to marketing to specify cumulative amount spent on marketing and be subject to audit.

Patrick asked for City Manager Shaddox's opinion on the proposed airline service agreement.

Shaddox indicated if the Council reviews their basic goal from when this all began, which was to attain sustainable air service for Newport, all evidence points to that not occurring. He said he would recommend not continuing forward with the agreement. Council does not have original expectation of attaining the sustainable air service after the two year subsidy ends. He also commented that SeaPort has not proven they are honorable by providing the information requested in the RFP prior to the agreement, and in all likelihood they will not come through after the agreement has been approved. He stated it is not right to spend public money if you are not reaching your goal.

Following each councilor's response with regards to Shaddox's opinion on this potential agreement, and whether they should move forward, McConnell seconded the motion

On call for vote, all members present voted aye, with one abstention by Patrick. Motion carried in a voice vote.

Patrick brought up a request from the Port of Newport regarding a letter of support for the NOAA project. It was the general consensus of Council members to have a letter prepared in support of the Port of Newport/NOAA Project.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at approximately 4:43 p.m.

Cheryl Atkinson, Executive Assistant

William D. Bain, Mayor



Noble
Professional
Dedicated

Newport Police Department Memorandum

One Team - One Future

Date: January 16, 2009

To: Mayor and City Council

Thru: Dale Shaddox, City Manager

From: Mark J. Miranda, Chief of Police

Subject: LIQUOR LICENSE APPLICATION

ISSUE: Shall the City Council recommend approval of the liquor license application for SKW Brewing

BACKGROUND: SKW Brewing, 56 SW Cottage Street., has made application to the Oregon Liquor Control Commission for a "Brewery Public House" license due to a change from a "Brewing" license. Such a license allows for the applicant to manufacture, export, store, and transport, malt beverages. The licensee may also sell malt beverages manufactured on or off the licensed premises at retail for consumption on or off the premises. The licensee may sell malt beverages in brewery-sealed packages at retail directly to the consumer for consumption on or off the premises. Plus, the licensee may sell wine and cider at retail for consumption on or off the premises.

A background check of the applicant revealed no disqualifying information. SWK Brewing is located on the ground floor of a residence on the west side of SW Cottage Street, north of SW 2nd Street. There have been no police calls to the location since March 2007. The current license held by SWK Brewing was approved by the City Council in July 2008.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a "Favorable Recommendation" or an "Unfavorable Recommendation" to OLCC. The Commission will then decide if granting a license is appropriate.

FISCAL IMPACT: There is no fiscal impact on the City other than time to process the application.

The mission of the Newport Police Department is to consistently invest available resources toward our City's reputation as a safe place to live, work, play, learn and visit.

OLCC License Application
January 16, 2009
Page 2

RECOMMENDATION: The Police Department recommends favorable action by the City Council.





Noble
Professional
Dedicated

Newport Police Department Memorandum

One Team - One Future

Date: January 27, 2009

To: Mayor and City Council

Thru: Dale Shaddox, City Manager

From: Mark J. Miranda, Chief of Police

Subject: LIQUOR LICENSE APPLICATION

ISSUE: Shall the City Council recommend approval of the liquor license application for SKW Brewing.

BACKGROUND: The SKW Brewing, 1658 N. Coast Highway., has made application to the Oregon Liquor Control Commission for a “Limited On-Premises Sales” and “Off-Premises Sales” license as a new outlet. Such a license allows for the applicant to sell wine, malt beverages and cider ‘by the drink.’ These beverages must be consumed on the premises. Partially consumed bottles of wine that had been served with a meal may also be taken from the premises. Also, such a license allows for the applicant to sell factory sealed containers of wine, malt beverages and cider. Containers of malt beverages sold under the license may not hold more than two and one-quarter gallons

A background check of the applicant revealed no disqualifying information. SKW Brewing will be located in the Sea Towne Plaza in a unit previously occupied by a bookstore. SKW Brewing currently holds an OLCC license for a Brewery on SW Cottage Street.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a “Favorable Recommendation” or an “Unfavorable Recommendation” to OLCC. The Commission will then decide if granting a license is appropriate.

FISCAL IMPACT: There is no fiscal impact on the City other than time to process the application.

The mission of the Newport Police Department is to consistently invest available resources toward our City’s reputation as a safe place to live, work, play, learn and visit.

OLCC License Application

January 27, 2009

Page 2

RECOMMENDATION: The Police Department does not recommend favorable action by the City Council. SKW Brewing has failed to obtain a City Business license for the Sea Towne location. The owner was contacted on January 15, 2009, to which he replied the next day that he would obtain a license. As of the date of this memorandum, there has been no application for a business licenses submitted by SKW Brewing.





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Newport Police Department Memorandum

One Team - One Future

Date: January 16, 2009

To: Mayor and City Council

Thru: Dale Shaddox, City Manager

From: Mark J. Miranda, Chief of Police

Subject: LIQUOR LICENSE APPLICATION

ISSUE: Shall the City Council recommend approval of the liquor license application for Western Beverage.

BACKGROUND: Western Beverage, 130 SE 32nd Street, South Beach., has made application to the Oregon Liquor Control Commission for a “Wholesale Malt Beverage and Wine” license due to a change in ownership. Such a license allows for the applicant to import, export, store, and transport, wine and malt beverages to other licensees. No alcohol liquor may be sold for consumption on the licensed premises. However, a licensee may sell naturally fermented wine or cider in quantities of not less than four gallons nor more than 55 gallons at any one time to consumers for consumption not on the licensed premises. Malt beverages containing not more than eight percent alcohol by volume in quantities not less than five gallons may be sold to any unlicensed organization, lodge, picnic party or private gathering.

A background check of the applicant revealed no disqualifying information. Western Beverage is located on the south side of SE 32nd Street, just west of SE Ferry Slip Road. There as been one police call to the location since October 2007 and that dealt with a welfare check.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a “Favorable Recommendation” or an “Unfavorable Recommendation” to OLCC. The Commission will then decide if granting a license is appropriate.

FISCAL IMPACT: There is no fiscal impact on the City other than time to process the application.

The mission of the Newport Police Department is to consistently invest available resources toward our City’s reputation as a safe place to live, work, play, learn and visit.

RECOMMENDATION: The Police Department recommends favorable action by the City Council.





Noble
Professional
Dedicated

Newport Police Department Memorandum

One Team - One Future

Date: January 27, 2009

To: Mayor and City Council

Thru: Dale Shaddox, City Manager

From: Mark J. Miranda, Chief of Police

Subject: LIQUOR LICENSE APPLICATION

ISSUE: Shall the City Council recommend approval of the liquor license application for the Bay 839 Restaurant.

BACKGROUND: The Bay 839 Restaurant, 839 SW Bay Blvd, has made application to the Oregon Liquor Control Commission for a "Full On-Premises" license as a new outlet. Such a license allows for the applicant to sell wine, malt beverages, cider 'by the drink' and distilled liquor. These beverages must be consumed on the premises. The applicant may sell malt beverages in factory-sealed containers (kegs) for consumption off premises and wine in factory sealed containers under certain conditions. Partially consumed bottles of wine that had been served with a meal may also be taken from the premises.

A background check of the applicants revealed no disqualifying information. The Bay 839 Restaurant is located on the bay side of SW Bay Blvd. at the site previously occupied by Shirley's Restaurant. There have been five police calls for service at the address over the past year. Only one involved a dispute with a customer.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a "Favorable Recommendation" or an "Unfavorable Recommendation" to OLCC. The Commission will then decide if granting a license is appropriate.

FISCAL IMPACT: There is no fiscal impact on the City other than time to process the application.

RECOMMENDATION: The Police Department recommends favorable action by the City Council,

The mission of the Newport Police Department is to consistently invest available resources toward our City's reputation as a safe place to live, work, play, learn and visit.

OLCC License Application
January 27, 2009
Page 2



Date: 12-16-08

**Application
For
City Council Commission/Committee
Appointment**

List Commission/Committee of interest: PLANNING COMMISSION

Name: Dick Beemer

Address: _____

Telephone Number: Work: _____ Home: _____

Occupation: Medical Consultant / Dep. LC Medical Examiner

Employer: Self / Lincoln County

(1) Why do you think you are qualified to be a Committee member?

Have done developing Long time resident
of Newport (32 yrs)

(2) State your educational background.

BS. microbiology

M.D.

6 yrs of Surgery Training

Advanced Trauma Life
Support Instructor

(3) Have you ever served on a community committee? If so, what kind?

yrs ago (late mid 80) Citizen Advisory
Committee for Transportation

Presently Citizens Advisory Committee to
Planning Commission.

- (4) Do you agree with consensus decision making? *yes*
- (5) Are you willing to attend regularly scheduled meetings for your term of office? *yes*
- (6) Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? *yes*
- (7) Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? *some - Not a lot*
- (8) List all other pertinent information/background for this position.
see 1 + 3

Thank you in advance for your community spirit in offering to serve! Please return to

City of Newport
 City Manager's Office
 169 S.W. Coast Highway
 Newport, OR 97365
 or Send for E-mail

Cheryl Atkinson

From: CommitteeApp@thecityofnewport.net
Sent: Friday, January 16, 2009 3:29 PM
Subject: Committee Application

Application for City Council - Email Application
Date: 01/16/2009
Commission/Committee of Interest: Newport Planning Commission
Name: David T. Beal
Address:
Workphone
Homephone:
Occupation: Attorney
Employer: Pridgeon Bjornsen & McCrum

Why do you think you are qualified to be a committee member? As an attorney I can offer my legal insight to the commission. And as a father with young children growing up in Newport I am concerned with how Newport grows and develops to offer my kids the best quality of life and future opportunities.

Educational Background: Willamette University College of Law, JD 2006 Portland State University, BS 2004

Have you ever served on a community committee? If so what kind? No. This will be my first opportunity to serve on a community committee.

Do you agree with consensus decision making? Yes. We all need to be able to live, work, and grow together.

Are you willing to attend regularly schedule meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? Of course, the planning commission is not an outlet for my personal views.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No. While I do work for a local law firm my practice is mostly family law and criminal defense. I'm new to town so I have few business and personal relationships at this time.

List all other pertinent information/background for this position: I studied land use and environmental law in Law School. Studied political science as an undergrad. I have been fortunate to live in several communities as a young adult and may be able to offer insights into both the good and bad ways other towns have developed.

Cheryl Atkinson

From: CommitteeApp@thecityofnewport.net
Sent: Friday, January 23, 2009 4:46 PM
Subject: Committee Application

Application for City Council - Email Application
 Date: 1/23/09
 Commission/Committee of Interest: Newport Planning Commission
 Name: Diane Henkels
 Address:
 Workphone
 Homephone:
 Occupation: Attorney
 Employer: Diane Henkels, Attorney at Law, and seeking work

Why do you think you are qualified to be a committee member? I would like to serve on the City of Newport's Planning Commission. I have served well on several committees in Newport and Lincoln County/Oregon central coast, and expect I would do a great job on this commission, too. I am familiar with the economic, environmental, social, and educational needs of the community. Through my work and owning and renovating a residence within the city limits I am familiar with much state and municipal law that relates to the Newport Planning Commission activities. I promote the City of Newport when possible to others around Oregon and out of the state. And I have excellent knowledge base in sustainability that would serve the Planning Commission well, at the least for information purposes. Also, I have alot of experience in hearings, reviewing public documents, and similar law-related proceedings.

Educational Background: B.A. from Whitman College, Walla Walla, WA (1986) J.D. from Vermont Law School, South Royalton, VT (1997) Masters of Studies in Environmental Law (MSEL) from Vermont Law School, South Royalton, VT (1998)

Have you ever served on a community committee? If so what kind? yes, Bike and Pedestrian Committee, Mayor's Water Committee, Small Business Development Council Advisory Committee, MidCoast Watersheds Council, the Yaquina Bay Yacht Club Board of Directors. And I have served on numerous committees not in or related to Newport.

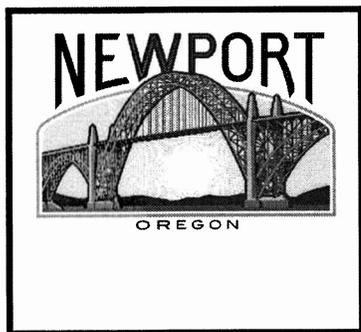
Do you agree with consensus decision making? yes, where it is required and appropriate.

Are you willing to attend regularly schedule meetings for your terms of office? Yes, I could attend regularly scheduled meetings by phone, and sometimes in person for my term in office.

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes, assuming that the standards are consistent with Newport Municipal Code and other applicable law.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? I do not anticipate any conflicts of interest, and if I did have any, I would declare them as required in the rules, or at least to the Planning Commission at the outset of consideration of the decision.

List all other pertinent information/background for this position: I have resided in Newport since 2000 and have paid and continue to pay property taxes on our house at 606 SE 2d Newport, OR 97365. I think of Newport as my permanent home, and the center of my personal, financial, and social life, and Newport is the place I intend to come back to when I am away, and I consider myself as being temporarily absent from Newport which I consider to be my home.



Agenda Item # V-A
 Meeting Date February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
 City Of Newport, Oregon

Issue/Agenda Title Presentation of audit for fiscal year 2007-08 by Pauly, Rogers & Co

Prepared By: [Signature] Dept Head Approval: [Signature] City Mgr Approval: [Signature]

Issue Before the Council: The annual audit for the year ending June 30, 2008 is now complete. The next step to complete the process is acceptance of the report by the ~~by the~~ governing body.

Staff Recommendation: Staff recommends the City Council accept the annual audit report by motion

Proposed Motion: I move to accept the annual audit report for the fiscal year ended June 30, 2008 as prepared and presented by the City's auditors.

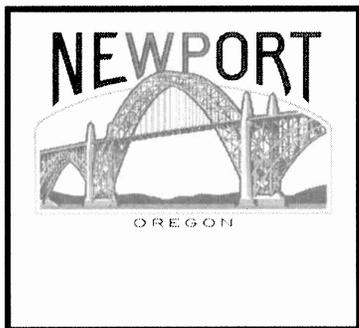
Key Facts and Information Summary: Roy Rogers, CPA and Eric Mireiter, CPA from the firm Pauly, Rogers and Company will be presenting their audit report for the year ended June 30, 2008. Council has received the annual financial report for the City and the Urban Renewal Agency separately from this agenda packet.

Other Alternatives Considered: None

City Council Goals: Goal B1 "Continue to plan for and implementing strategies to enhance fiscal well-being of the city." Goal D "Ongoing prioritization of expenditures consistent with available resources to achieve other city goals."

Attachment List: None

Fiscal Notes: None



Agenda Item #

V.B.

Meeting Date

February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY

City Of Newport, Oregon

Issue/Agenda Title Presentation/ Discussion with Friends of the Oregon Coast Aquatic Center

Prepared By: Dale Shaddox Dept Head Approval: DS City Mgr Approval: [Signature]

Issue Before the Council:

Representatives of the "Friends of the Oregon Coast Aquatic Center" wish to speak to the City Council about the status of their efforts to build an aquatic center. In addition, the group is requesting that the City Council consider purchasing the property adjacent to the La Quinta Inn (see attached letter).

Staff Recommendation:

Listen to the presentation and discuss the project at tonight's Council Meeting. Schedule a further meeting with the group in a study/work session format with the entire City Council or a subcommittee of the City Council.

Proposed Motion:

There is no action requested of the City Council at tonight's meeting. However, it may be desirable to appoint a subcommittee of the Council or schedule a full Council study/work session to further meet with the group on a date/time mutually agreed upon.

Key Facts and Information Summary:

See the attached letter from the "Friends of the Oregon Coast Aquatic Center".

Other Alternatives Considered:

During the course of discussion at tonight's meeting, or at subsequent meetings, there may be other alternatives discussed. The discussions will have some focus on the status of the existing city-owned swimming pool and the alternatives to remodeling, replacing or eliminating this facility if a suitable replacement can be identified.

City Council Goals:

This effort is consistent with Council Goal A.13 "Cooperate with Friends of the Aquatic Center and the aquatic district, if formed, to develop an aquatic center."

Attachment List:

See attached letter dated January 26, 2009.

Fiscal Notes:

There could be significant fiscal impacts depending on any decisions made in connection with this request. The city contribution towards the purchase of land is proposed to come from existing accumulated funds; the construction of the facility is proposed to be from grants; the future operating and maintenance is proposed to be partially paid by the city and operating fees, and possibly from the formation of a district if needed. There are many possibilities and details to discuss.



FRIENDS OF THE OREGON COAST AQUATIC CENTER

550 S.E. 123rd Street, South Beach, OR 97366

Let's Go Swimming!

Board of Directors
Katherine M. Pedersen, President
Jeff Bertuleit, Vice President
Marcia Williams, Secretary-Treasurer
Chan Christiansen
George Mpitsos
Dale Schmidt
Lynne E. Steffan
John Tharp
Robert Wienert
Carol Fisher, Ex-Officio
James A. Protiva, Ex-Officio
Peter Gintner, Ex-Officio

www.swimcac.org

January 26, 2009

Financial Request to the City of Newport's City Council and Mayor

Starting in October, 2008, The Friends of the Oregon Coast Aquatic Center have met with Council Members, Mayor Bill Bain, Gary Firestone, and Dale Shaddox to inform them of our progress and need for land acquisition that is suitable and large enough for us to build a new aquatic center. We have:

- Concluded our research on eleven potential properties within the City and South Beach areas.
- Professionally surveyed the area residents about opinions about financial support and participation (67% positive response).
- Completed a Conceptual Planning & Design Study.
- Conducted more than 15 community meetings to determine equipment elements and recreational wishes and needs of the community, in addition to ongoing monthly meetings for nearly four years.
- Visited and consulted with current aquatic programs throughout the States of Oregon and Washington to gather ideas, collect operational expense data and programs they offer.
- Developed an initial Marketing DVD for presentations to community and civic groups and leaders throughout the county.
- Concluded our Financial Summary for the construction of the new facility.
- The Friends Board of Directors is a strong, active, and dedicated volunteer board; and we have completed our due diligence to build a hybrid community pool with water-park amenities.

Today, we come before you to request your financial assistance in purchasing property as identified by the study. The Landry property north of the La Quinta Inn (Tax Lot 100, T11S, R11W, Section 17 DB, Lincoln County, OR) is large enough to site the building, with room to expand, and has sufficient space for a 150-car parking lot. Natural amenities on the site could maintain and connect to the South Beach trails program to be available for walkers, bikers, picnickers and visitors. A public work session and staff report with the City Council, Mayor, City Manager and City Attorney to solidify the details of a purchase or acquisition by other means, will keep this positive project on target.

Sincerely,

Katherine M. Pedersen, President

Our mission is to provide a quality aquatic facility for residents of and visitors to the central Oregon Coast.

Not to scale

to OSU Drive

W Willow
* Shore Pine

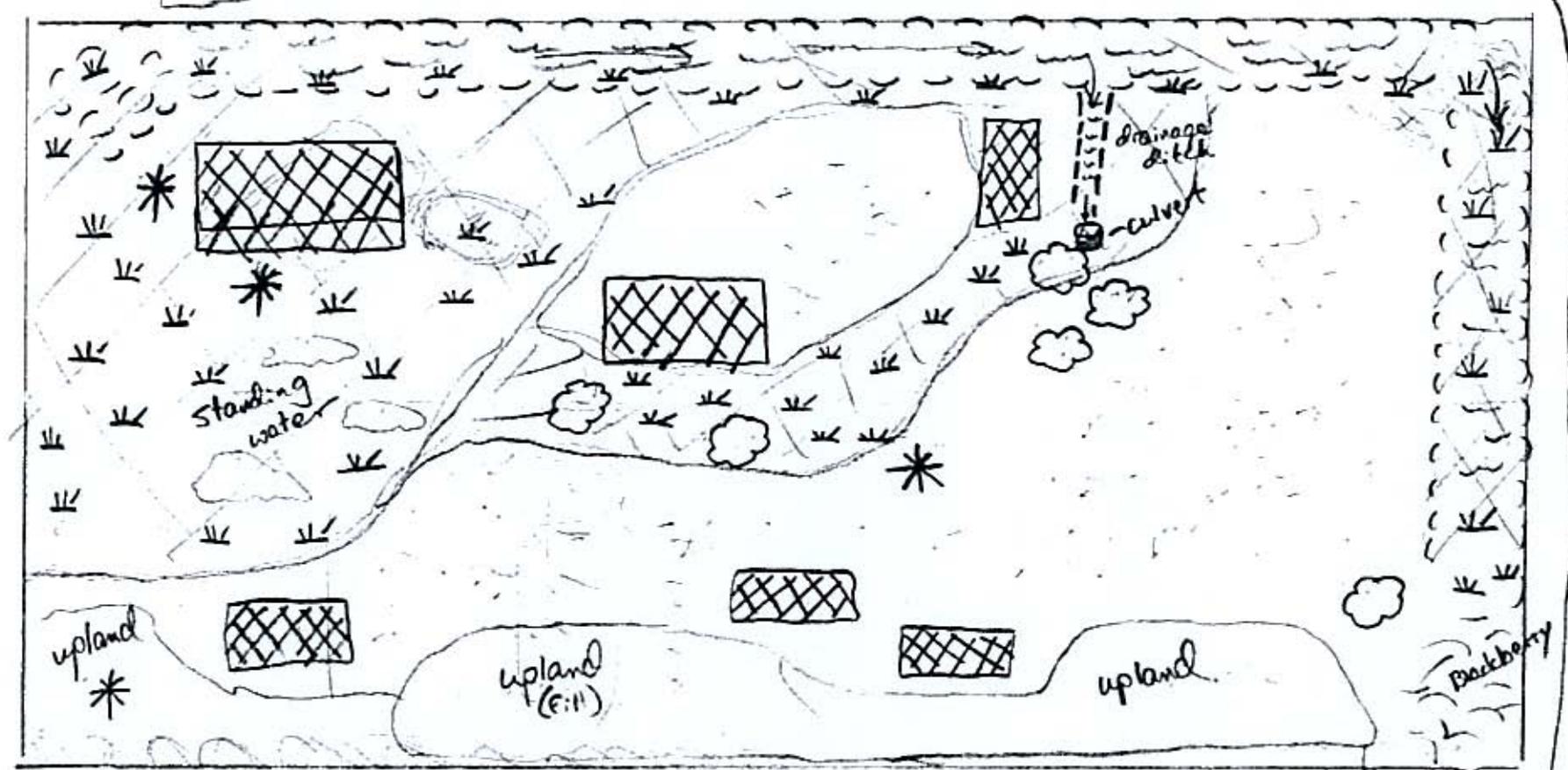
brush pile
50
wetland
water - canal or drainage ditch

Hwy 101

blue gate
parking

Ferry Slip Road

SE 29[±]



50% - wetland
15% - upland
35% - up/upland

La Quinta

- Species list
- Oenantha sarmentosa* - water parsley
 - Carex* spp - sedge species
 - Carex obnupta* - slough sedge
 - Juncus* spp - rush species
 - Juncus ensifolius* - dagger leaf rush
 - Juncus effusus* - soft rush
 - Juncus bertonius* - teal rush
 - Epilobium* spp. -

New Building

ditch driveway

Community Center

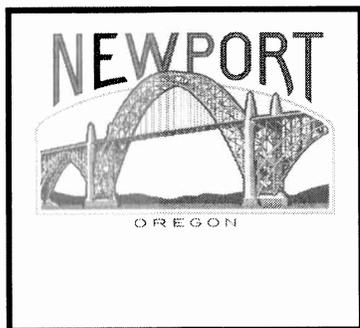
Preliminary walk through

1/27/09

Reverse 911

A Mass Calling System which will allow LinCom 911 to notify up to 2400 residents of an emergency.

- This was purchased at a cost of \$76,000 utilizing funds from LinCom's Capitalization Budget. As you well know, our funds are provided by our User Agencies through assessments to each based upon the amount of Events (Fire/EMS/Police) calls they respond to.
- The activation of Reverse 911 can be initiated by a municipality by calling LinCom and providing the information to our staff. From notification of a request for use (Emergency Only), we can normally generate calls within 7-10 minutes.
- We can call all numbers (listed and unlisted, FAX, and Cell numbers) in a particular geographic area, or on a specific block, or even down to a specific house.
- We can send voice or text messages via R-911.
- The shortfalls are:
 - Caller ID - Currently comes out as "Unknown" causing many people to hang up or screen their calls. We are working with the Telecoms in identifying the calls as "Emergency 911" or "Reverse 911."
 - Delay before the message starts - We have reduced the delay to less than two seconds, however there may be delays up to seven seconds. We are still working with the Telecoms on this.
 - Cell Phones have to be registered to receive notifications.
- Advantages:
 - Emergency Notifications
 - Amber Alerts
 - Natural Disasters
 - Emergency Closures
 - Police Emergencies
 - HazMat Spills
 - And many others.



Agenda Item #

V.D.

Meeting Date

February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY

City Of Newport, Oregon

Issue/Agenda Title Newport Storm Basketball Request for Funding Assistance for its Annual "Basketball at the Beach" Tournament

Prepared By: Dale Shaddox Dept Head Approval: DS

City Mgr Approval: _____

Issue Before the Council:

Whether to provide Special Event/Activity Grant funding assistance to the Newport Storm Basketball organization in connection with its annual "Basketball at the Beach" tournament at the Newport Recreation Center. The tournament for 2009 was conducted last weekend (January 24/25). This request was received by the staff after the January 20 Council meeting.

Staff Recommendation:

Funding assistance is a policy matter for the City Council to consider. From the perspective of the staff the City Council could consider approving the request because it is focused on a single annual event that clearly brings outside visitors to the city in January, as contrasted with being a part of the ongoing general operations of Newport Storm Basketball. However, this event does not appear to conform to the established guidelines for the Special Event/Activity Grant program.

Proposed Motion:

To Approve: I move to approve the Special Event/Activity grant fund application submitted by Newport Storm Basketball for its annual "Basketball at the Beach" tournament in the amount of \$600.

To Deny: I move to deny the Special Event/Activity grant fund application submitted by Newport Storm Basketball for its annual "Basketball at the Beach" tournament as it does not meet the grant fund guidelines

Key Facts and Information Summary:

See attached letter and supporting documents from Newport Storm Basketball.

Other Alternatives Considered:

The City Council could consider an outright fee waiver for use of the Newport Recreation Center for this event. However, the Recreation Center is already substantially subsidized by the General Fund. Also, the actual fees charged to Newport Storm Basketball this year were already discounted 25% by staff.

City Council Goals:

Consideration of this request is consistent with Council Goal A.15 Continue to work with other agencies on economic development opportunities.

Attachment List:

Letter and related materials from Newport Storm Basketball.

Fiscal Notes:

Approval of this request in the amount of \$600 would come from the Special Events/Activities grant funding program.



To: Newport City Council and Mayor Bill Bain,

On behalf of Newport Storm Basketball I would like to introduce to you our organization and purpose of our existence.

Our organization started when Lincoln County School District discontinued school sponsored sports programs. To offer middle school basketball opportunities Lincoln County YMCA took over for a brief time prior to the Newport Recreation Center taking over. During the years which competitive basketball was in limbo a small group of active citizens, including our founders, Dave and Angie Richcreek and Rod Losier, put together a team of 6th grade boys that would travel around the state to play in tournaments against teams from larger cities that fed into larger High Schools with more talent and more money. Three years later we now have six traveling teams, girls and boys, at the 6th, 7th and 8th grade levels. This year's high school freshman class is the first group to have gone through the program for all three years, they have yet to lose a game and winning games by more than 30 points is a common occurrence. Newport Storm Basketball is not in competition with the current Recreation Center league. All of our coaches also coach city recreation basketball teams at all levels and our teams participate in the recreation league and pay entry fees. Angie Richcreek, one of our co-founders, also runs the Newport Recreation Centers youth track program, which has produced a few state track records.

Each tournament we attend costs an average of \$200 per team, so with all six teams playing on any given weekend we are spending \$1,200 to play basketball against the best talent available in our region. Due to the expense of playing tournaments, purchasing uniforms and equipment the organizations founders decided to raise money by producing our own tournament, which we call the Newport Storm Tournament "Basketball at the Beach". In the beginning the tournaments purpose was simply to raise money to mitigate the costs of the players and their families. Our 2nd annual tournament, January 2008, brought on maturity within the program by taking a look at how our community could benefit from our tournament in the middle of the slowest tourist month of the year. We presented our plan to bring 30 teams with coaches, families and entourage to Newport for two days to play 60 games in 48 hours to private business owners; we received special packages for lodging with many local hotels, discounts at local restaurants and great incentives to shop at locally owned retail businesses. Bringing over one thousand visitors to town for a two day event put heads in beds and feet on the streets of our great town when we need it the most. This year we had over 30 advertisers in our program book which all believe this event could grow into a fantastic opportunity for our community to build on for the future.

To help us continue to provide opportunities for Newport youth to play basketball at a competitive level we are requesting help with the fees the Newport Recreation Center charges us for the use of their facilities for the weekend of our tournament. In 2008 our fee was \$300.00 and this year our fee was doubled to \$600.00. The Newport Baseball Association has fields to play on, the Youth Football league has access to fields throughout the community neither pays facility fees. Newport Storm Basketball has worked at building a lasting relationship with the Lincoln County School District to obtain access to schools basketball courts, however, the Newport Recreation Center, which has been very helpful with scheduling, is too expensive for us to use for future tournaments. Our other options are moving a portion of the tournament to Toledo and/or Waldport, which unfortunately takes our visitors and their money to other communities. With our expanded purpose of becoming a community event and bringing visitors to our town to use the recreation center for it's intended purpose, we are requesting \$600.00 from the City of Newport's room tax fund to pay for the Recreation Centers fees, so we can continue to build this tournament and this basketball program for the future.

Thank you for your time on our behalf,

A handwritten signature in black ink that reads "Dylan McEntee". The signature is written in a cursive style with a large, stylized "D" and "M".

Dylan McEntee
Newport Storm Basketball
Board Member



CITY OF NEWPORT
 169 SW Coast Highway
 Newport, Oregon 97365
 541-574-0603
 c.atkinson@thecityofnewport.net

SPECIAL EVENT/ACTIVITY GRANT FUND APPLICATION

Please read the rules instructions on page 4. prior to completion.

General Information:

Name of Applicant Organization: Newport Storm Basketball

Mailing Address: 2026 NW Oceanview Drive

City, State, Zip: Newport OR 97365

Telephone: 265 6970

Fax: _____

E-Mail Address: das17@Charter.net

Principal Contact (If different from Applicant): David Richcreek

Mailing Address (If different from Applicant): Same

City, State, Zip: _____

Telephone: Same

Fax: _____

E-Mail Address: Same

Date(s) and Time(s) of Event: SAT + Sun Jan. 24th + 25th 2009

Description of Event or Activity*:

Basketball tournament for Youth ages 10-14
(grade 6th/7th/8th) 25 or more teams
From outside of Newport travel to Newport to

Nature of Event or Activity:

- Tourism based capital project Multi-night local lodging event
 Special media promotion Education and/or training project

Amount of Funding Requested: \$

\$600

Total Event/Activity Budget: \$

\$ _____

What specific expenditures will the granted funds be used for?*

Gym Rental - Rec Center Gym

List event/activity supporters or partners*: LCSO, many Hotels and businesses in Community.

Is applicant/organization a non-profit corporation? yes
(Attach a copy of the IRS determination letter.)

Has applicant received funding from the city for this event/activity? If yes, when:

NO

Projected Event/Activity Impact:

Describe how the event/activity will affect the Newport economy (e.g., room nights, number of visitors/attendees, restaurant sales, retail sales, etc.):*

25 or more teams (consisting of 10 Youth Per team) travel to Newport. They stay the night, they eat at restaurants and shop in our retail stores. approx. 800-1000 people coming to Community - most stay the night at least one night - some 2 or more nights. We use local business in Newport to buy t-shirts, office supplies etc...

Financial Reporting Requirements:

For established groups, please provide two years of profit and loss statements, a current balance sheet, and a proposed budget for this event/activity. For newly formed groups, please provide a proposed budget of revenues and expenditures in a form similar to the following:

*Use additional sheets as necessary.

Comments from Visiting Coaches

58

Mon 26 Jan 2009 13:07

Subject: Fw: Basketball Thanks!

Date: Monday 26 January 2009 13:00

From: David & Angie Richcreek <dasl1@charter.net>

To: Dylan McEntee <dylanmcentee@msn.com>

Conversation: Basketball Thanks!

----- Original Message -----

From: Rick Bennett <mailto:rick@wowfit.net>

To: Rod Losier <mailto:Rod.Losier@lincoln.k12.or.us> ; David & Angie Richcreek <mailto:dasl1@charter.net>

Sent: Sunday, January 25, 2009 9:14 PM

Subject: Basketball Thanks!

Hi Guys

Thanks for a great time and experience for our Philomath Boys 6th Grade Basketball Tournament this weekend. All the kids truly had a wonderful time. We look forward to playing in your Tournament next year as 7th graders. Hope to see some Newport Teams at the Philomath Hoop Tourney Feb 14 - 15.

Sincerely

Thanks for all your energy for the kids.

Rick Bennett

Philomath Braves

PS The kids loved the medals for 2nd place!!

Subject: Fw: 2009 Newport Storm Tournament Schedule

Date: Monday 26 January 2009 13:00

From: David & Angie Richcreek <dasl1@charter.net>

To: Dylan McEntee <dylanmcentee@msn.com>

Conversation: 2009 Newport Storm Tournament Schedule

----- Original Message -----

From: Steve Roderick <mailto:steve@roderick.org>

To: David & Angie Richcreek <mailto:dasl1@charter.net>

Sent: Sunday, January 25, 2009 6:20 PM

Subject: Re: 2009 Newport Storm Tournament Schedule

I'm not sure who was responsible for the referees, but the two that we had for the 7th grade championship game did an outstanding job. It was the first game where both teams got some strong calls under the basket and players were not permitted to hack the posts at will. Although we weren't able to win in the end the phenomenal job by the referees made it a very pleasurable game.

Thank you for hosting a fun tournament, we had a wonderful time.

Hats off to all the organizers!

Steve Roderick

Santiam Christian 7th Grade Boys Basketball

Urban Renewal Agenda Items to Follow:

January 20, 2009
 9:25 P.M.
 Newport, Oregon

The Urban Renewal Agency of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Bain, Bertuleit, Brusselback, Kilbride, McConnell, Obteshka and Patrick were present.

Staff attending was as follows: City Manager Shaddox, City Attorney Firestone, Finance Director Riessbeck, Community Development Director Bassingthwaite, Public Works Director Ritzman, Lieutenant Team, Parks & Recreation Director Protiva, Interim Airport Director Wilson, Library Director Smith, and Executive Assistant Atkinson.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the meeting of December 1, 2008;
- B. Report of accounts paid for November and December 2008.

MOTION was made by Bain, seconded by Brusselback, to approve the consent calendar. The motion carried unanimously in a voice vote.

ACTION ITEMS

Designation of City Manager as Urban Renewal Executive Director.

Firestone explained the Urban Renewal Agency had designated the previous City Manager by name as its Executive Director. As a result, with the change in the City Manager position, there is a vacancy as Executive Director of the Urban Renewal Agency. Firestone recommended the Urban Renewal Agency make the position of City Manager the URA Executive Director, but without the need of a separate appointment each time there is a change of City Manager.

MOTION: Bain moved, seconded by McConnell to designate the City Manager position as the Urban Renewal Agency Executive Director on a permanent basis to avoid the need for a reappointment every time there is a change in City Manager. The motion carried unanimously in a voice vote.

Appointment of Robert Smith to serve on Urban Renewal Budget

Committee: It was explained that currently the only member not serving on both the City's Budget Committee and the Urban Renewal Budget Committee is Robert Smith. Staff has recommended Mr. Smith be appointed to serve on both the Urban Renewal Budget Committee and the City's Budget Committee to make the process more efficient and standardize the two committees.

MOTION: Bain moved, seconded by Kilbride to appoint Robert Smith to serve on the Urban Renewal Budget Committee with his term to run through December 31, 2010. The motion carried unanimously in a voice vote.

Bertuleit had questions with regards to Urban Renewal funds and projects. He said he would like to know more what is being done with these funds. Firestone reported that the North Side Urban Renewal District is now closed and we are only paying off debt in this district. We have not been doing many projects in the South Beach Urban Renewal District, as we have been waiting on the approval of the 5th amendment to the South Beach Plan before we move forward with projects in that district.

Bassingthwaite suggested that when the Council meets in February to plan and discuss their goals, that Urban Renewal goals be included in their plan.

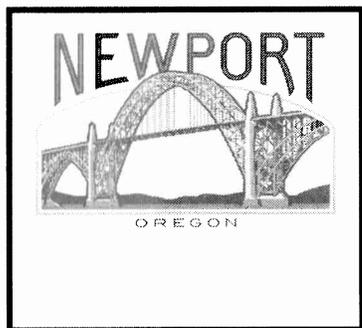
Ritzman reported staff is currently working on two projects in South Beach, new sidewalks and a water line. Patrick asked if our engineering staff could not do more in-house, rather than hiring outside engineering services. Ritzman responded they do not have enough staff to handle the current work load, and City Manager Shaddox agreed.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 9:34 p.m.

Cheryl Atkinson, Executive Assistant

Patricia Patrick, Chair



Agenda Item # UR-IV.B.
 Meeting Date February 2, 2009

NEWPORT URA AGENDA ITEM SUMMARY
 City Of Newport, Oregon

Issue/Agenda Title Resolution on Substantial Amendment No. 5 to South Beach Urban Renewal Plan and Report

Prepared By: James Bassingthwaite Dept Head Approval: [Signature] City Mgr Approval: [Signature]

Issue Before the URA: Consideration of resolution on Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report.

Staff Recommendation: Consideration and approval of the proposed resolution.

Proposed Motion: I move to approve the resolution on Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report.

Key Facts and Information Summary: In the last four amendments to the South Beach Urban Renewal Plan, it appears that a resolution by the URA was adopted following the approval ordinance adoption by the City Council and the approval resolution adoption by the Lincoln County Board of Commissioners. No requirement appears in state statute that would require the URA to adopt a resolution, either at the end of the process or prior to adoption by the City Council or the County Board of Commissioners. At the January 20, 2009, meeting, Council members expressed an interest in having a resolution adopted by the URA in support of the proposed Fifth Amendment prior to Council adoption of the Fifth Amendment by ordinance. Additionally, Council members expressed an interest in obtaining the approval of the Lincoln County Board of Commissioners even though County Counsel had indicated that the Board may not need to do so. The proposed resolution would express the continued support of the URA for the proposed amendment following the public hearing process and would request approval by both the City Council and the Lincoln County Board of Commissioners.

Other Alternatives Considered: No URA resolution adoption (as not required by state statute) or adoption of resolution following both City Council and Board of Commissioner approvals (as has been past practice with the previous amendments to the South Beach Urban Renewal Plan and Report).

City Council Goals: A.5 (Develop, review, and implement recommendations regarding the South Beach Urban Renewal District).

Attachment List: Resolution.

Fiscal Notes: Cost of recording the proposed Fifth Amendment with the Lincoln County Clerk will be incurred following receipt of both City Council and Lincoln County Board of Commissioner approvals (assuming both are obtained). Recording costs are \$26.00 for the first page and \$ 5.00 for subsequent pages.

For consideration at the URA February 2, 2009, meeting

NEWPORT URBAN RENEWAL AGENCY

RESOLUTION NO. _____

**A RESOLUTION REGARDING SUBSTANTIAL AMENDMENT NO. 5 TO THE
SOUTH BEACH URBAN RENEWAL PLAN AND REPORT**

SUMMARY OF FINDINGS:

1. The Newport Urban Renewal Agency determined that there was a potential need to amend the South Beach Urban Renewal Plan and Report and provided for the development of Substantial Amendment No. 5 (Fifth Amendment) to the South Beach Urban Renewal Plan and Report through a process that has provided for public involvement throughout the process.
2. The Newport Urban Renewal Agency finds that the requirements of ORS 457.085 (1) through (5) have been satisfied by the proposed Fifth Amendment. Copies of the proposed Fifth Amendment and letters dated December 1, 2008, signed by Mayor William Bain and Urban Renewal Agency Chair Patricia Patrick, were delivered to the governing bodies of the affected taxing entities requesting written comments be submitted on the proposed Fifth Amendment by 5:00 p.m. on January 20, 2009. The letters to the affected taxing districts included an offer for City representatives to attend a meeting of the taxing entity to discuss the proposed Fifth Amendment. Representatives of the City attended a meeting of the Lincoln County Board of Commissioners on January 14, 2009, to discuss the proposed Fifth Amendment. No written comments were received from any affected taxing entities by 5:00 p.m. on January 20, 2009.
3. The review of proposed Fifth Amendment by the Newport Planning Commission occurred following a public hearing on December 4, 2008. The Newport Planning Commission unanimously recommended approval of the proposed Fifth Amendment.
4. The Newport City Council held a public hearing on the proposed Fifth Amendment on January 20, 2009, and voted unanimously to approve the Fifth Amendment. The adoption of the ordinance for the Fifth Amendment is scheduled for the February 2, 2009, City Council meeting.
5. The South Beach Urban Renewal Plan Report and the first four amendments were adopted by both the City Council of the City of Newport and by the Lincoln County Board of Commissioners. The South Beach Urban Renewal Plan area includes property outside of the city limits of Newport. ORS 457.085 (6) states that: "No urban renewal plan shall be carried out until the plan has been approved by the governing body of each municipality pursuant to ORS 457.095 and 457.105." For the purposes of ORS 457.085 (6), Lincoln County can be considered a municipality by definition under ORS 457.010.

6. ORS 457.125 requires recording of the proposed Fifth Amendment after a copy of the Newport City Council ordinance approving the amendment and a copy of the Lincoln County Board of Commission resolution approving the amendment are both received by the Newport Urban Renewal Agency.

THE NEWPORT URBAN RENEWAL AGENCY RESOLVES AS FOLLOWS:

Section 1. As the Newport Urban Renewal Agency has caused the development and consideration of the proposed Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report with public involvement including public hearings held by both the Newport Planning Commission and the Newport City Council, the Newport Urban Renewal Agency recommends approval of the proposed amendment.

Section 2. The proposed Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report should be adopted by both the City Council of the City of Newport and by the Board of Commissioners of Lincoln County consistent with ORS 457.085 (6).

Section 3. The Executive Director of the Newport Urban Renewal Agency is hereby directed to record Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report with the Lincoln County Clerk following receipt of both the ordinance approving the amendment from the Newport City Council and the resolution approving the amendment from the Lincoln County Board of Commissioners.

Section 4. The effective date of this resolution is February 2, 2009.

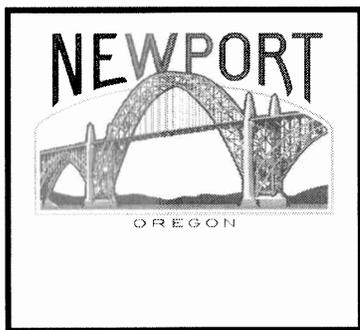
Adopted by a _____ vote of the Newport Urban Renewal Agency on _____, 2009

Signed on _____, 2009. ATTEST:

Patricia Patrick
Chair

Margaret Hawker
City Recorder

Returning to Regular Council Meeting Agenda Items:



Agenda Item #

VII.A.

Meeting Date

February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY

City Of Newport, Oregon

Issue/Agenda Title Ordinance Adopting Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report

Prepared By: James Bassingthwaite Dept Head Approval: _____

City Mgr Approval: _____

ISSUE BEFORE THE COUNCIL: Ordinance adopting Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report

STAFF RECOMMENDATION: Adoption of ordinance.

PROPOSED MOTION: I move to approve the ordinance adopting Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report.

KEY FACTS AND INFORMATION SUMMARY: The City Council held a public hearing on January 20, 2009, and voted to approve Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report.

OTHER ALTERNATIVES CONSIDERED

CITY COUNCIL GOALS: Council Goal A. 5 is to develop, review, and implement recommendations regarding the South Beach Urban Renewal District.

ATTACHMENT LIST: Ordinance adopting Substantial Amendment No. 5 to the South Beach Urban Renewal Plan and Report.

FISCAL NOTES: The proposed extension of the South Beach Urban Renewal Plan will impact the City of Newport General Fund and will affect other taxing entities. Urban renewal works utilizing a frozen tax base established at the time the urban renewal plan is adopted. Property taxes up to the frozen base are accumulated by the taxing entities. Increases in tax revenue above the frozen base are accumulated from all of the affected taxing entities for urban renewal purposes. The proposed extension and additional projects identified would result in an increase in the time that urban renewal collects taxes above the frozen base. A goal of urban renewal is to complete projects that will result in increases in property tax revenue that will benefit all of the taxing entities at the time the urban renewal plan completes projects and pays all debt and the frozen base can be released. The proposed amendment contains Table V-3 that identifies the projected property tax revenues foregone by the extension of the sunset date and the projected repayment of bonded debt in 2027 on the affected taxing districts within the South Beach Urban Renewal Plan boundaries. The City is on a schedule to pay off all the debt of the Northside Urban Renewal District sometime in FY 2010-2011. This will result in the release of the frozen tax base of the Northside Urban Renewal District significantly ahead of schedule. The taxing entities currently affected by the Northside Urban Renewal District and the revenue foregone in 2006-2007 was included in the material for the January 20, 2009, Council meeting.

ORDINANCE FOR ADOPTION AT 2-2-09 COUNCIL MEETING:

CITY OF NEWPORT

ORDINANCE NO. _____

AN ORDINANCE ADOPTING SUBSTANTIAL AMENDMENT 5 TO THE SOUTH BEACH URBAN RENEWAL PLAN AND REPORT

Summary of Findings:

1. The City of Newport adopted a South Beach Urban Renewal Plan and Report ("Plan"), dated September 12, 1983, by Ordinance No. 1341, and Lincoln County did subsequently approve the Plan by Resolution 83-26-9. Four amendments to the Plan have been previously adopted. Unless amended, the Plan will sunset in 2010 as the 3rd Amendment established December 31, 2010, as the date after which no bonded indebtedness shall be issued.
2. The Newport Urban Renewal Agency hired a consultant following a selection process that included members of the public on the selection interview team. Following a recommendation from the selection interview team, the Newport Urban Renewal Agency agreed to hire The Benkendorf Associates Corporation as the lead consultant on the project at a public meeting that allowed for the opportunity for public input on the matter.
3. The Newport Urban Renewal Agency appointed a South Beach Urban Renewal Plan Update Ad Hoc Advisory Committee consisting of a variety of interested parties and members of the public to review the existing plan and to make recommendations on possible amendment of the plan, including extending the sunset date and revising the project list. The South Beach Urban Renewal Plan Update Ad Hoc Advisory Committee held public meetings on April 7, 2008, May 19, 2008, June 2, 2008, August 25, 2008, and September 29, 2008, and allowed for public input at the meetings. The South Beach Urban Renewal Plan Update Ad Hoc Advisory Committee at the September 29, 2008, meeting recommended approval of a draft Substantial Amendment 5 to the South Beach Urban Renewal Plan ("Fifth Amendment") and accompanying draft Report on Substantial Amendment 5.
4. Public open houses on the amendment process were held on June 24, 2008, and December 4, 2008, at the Hatfield Marine Science Center that included presentations by the consultant and City staff and allowed for questions and comments from the public.
5. The Newport Planning Commission held a public hearing on December 8, 2008, and considered the proposed Fifth Amendment and voted unanimously to recommend approval to the Newport City Council.
6. The governing bodies of the taxing entities within the South Beach Urban Renewal District were provided copies of the proposed Fifth Amendment and were offered the opportunity to have a

presentation by City staff and to provide written comment on the proposed Fifth Amendment prior to the adoption of this ordinance.

7. The South Beach Urban Renewal Area includes a portion that lies outside of the Newport city limits and within the jurisdiction of Lincoln County. Approval by the Lincoln County Board of Commissioners for the portion of the Area outside of the city limits will be needed. Administration of the South Beach Urban Renewal Plan as renewed through the Fifth Amendment will be under the authority of the City of Newport pursuant to ORS 457.105 once the amendment is approved by Lincoln County.

8. The Newport City Council held a public hearing on January 20, 2009, that was duly noticed in accordance with ORS 457.120.

9. The Newport City Council finds that the Fifth Amendment provides additional detailed findings in regard to the need for the Fifth Amendment and provides the necessary documentation as required by applicable state statutes including ORS 457.085 and that support findings in accordance with ORS 457.095:

- A. The urban renewal area is still "blighted" as described by the plan.
- B. That rehabilitation and redevelopment is necessary to protect the public health safety and welfare of the City of Newport.
- C. The urban renewal plan conforms to the comprehensive plan and economic development plans of the city as a whole and provides an outline for accomplishing the urban renewal projects that are proposed in the plan.
- D. No displacement of persons are anticipated such that provision for the housing of displaced persons under ORS 457.095 (4) is required.
- D. Acquisition of real property identified within the plan is necessary such as that, for example, identified within the plan projects for public right-of-ways, utility easements, trail easements, park and open space acquisition, and strategic property acquisition.
- E. Adoption and carrying out the urban renewal plan is economically sound and feasible.
- F. The City of Newport will assume and complete any activities prescribed it by the urban renewal plan as funding allows.

10. The Newport City Council made a determination after considering the recommendation of the Planning Commission, allowing for input by members of the public and allowing for written comments from the affected taxing to be presented at the public hearing, by a unanimous vote to adopt the Fifth Amendment.

11. Pursuant to ORS 457.125, a copy of this adopted ordinance adopting the Fifth Amendment under ORS 457.095 will need to be sent to the Newport Urban Renewal Agency. A copy of the resolution approving the urban renewal plan will need to be sent from Lincoln County to the Newport Urban Renewal Agency. Upon receipt of the necessary approval of both the City of Newport City Council and the Lincoln County Board of Commissioners, the Fifth Amendment will need to be recorded with the Lincoln County Clerk.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Adoption of Substantial Amendment 5 to the South Beach Urban Renewal Plan.

Substantial Amendment 5 to the South Beach Urban Renewal Plan as attached in Exhibit "A" is hereby adopted.

Section 2. Adoption of Report as Additional Findings.

The Council adopts the Report attached as Exhibit "B" as additional findings in support of its decision to adopt Substantial Amendment 5 to the South Beach Urban Renewal Plan.

Date adopted on initial vote and read by title only: _____

Date adopted on final roll call vote: _____

Signed by the Mayor on _____, 2009.

William D. Bain, Mayor

ATTEST:

Margaret Hawker, City Recorder

EXHIBIT "A"

SUBSTANTIAL AMENDMENT FIVE TO THE SOUTH BEACH URBAN
RENEWAL PLAN

Prepared for:

City of Newport
169 SW Coast Highway
Newport, Oregon 97365

September, 2008

Adopted by Ordinance No. _____ by the Newport City Council on _____, 2008.

Prepared by:

The Benkendorf Associates Corp.
2701 NW Vaughn, Suite 461
Portland, Oregon 97210

Johnson Gardner, LLC
319 SW Washington, Suite 1020
Portland, Oregon 97204

URBAN RENEWAL PLAN - TABLE OF CONTENTS

I.	INTRODUCTION.....	2
	A. EXISTING SOUTH BEACH URBAN RENEWAL PLAN AND REPORT.....	2
	B. MINOR AND SUBSTANTIAL AMENDMENTS I-IV	3
	C. STATEMENT OF PURPOSE	5
	D. EFFECTIVE PERIOD OF THE PLAN AND AMENDMENT.....	5
II.	OUTLINE OF PROJECT AND REDVELOPMENT ACTIVITIES	6
	A. TYPES OF PROJECTS.....	6
	B. URBAN RENEWAL PROJECTS	6
	C. ACQUISITION AND DISPOSITION OF REAL PROPERTY.....	7
III.	METHODS OF FINANCING	12
	A. GENERAL DESCRIPTION OF FINANCING METHODS	12
	B. SELF LIQUIDATION OF COSTS OF PROJECTS	12
	C. PRIOR INDEBTNESS.....	12
	D. DEBT MANAGEMENT	13

The City of Newport has two urban renewal districts; one of each on the north and south sides of Yaquina Bay. Urban renewal has played a vital role in the improvement and redevelopment of the City north of the Bay and in the development of South Beach, especially the Aquarium and Wastewater Treatment Plant.

In 2004/05, the City prepared the Employment Lands and Conceptual Land Use Planning Project for the South Beach Neighborhood. The plan proposed major changes to the Comprehensive Plan including the addition of 223 acres to the Urban Growth Boundary, decreasing the amount of residential acres and increasing the land areas for new institutional, commercial and industrial uses. In addition, improvements to the automobile and pedestrian circulation system and utility systems were also proposed. This plan in addition to a Storm Water Master Plan and draft Transportation System Plan update provide the planning and implementation framework for South Beach. All of the projects identified in these plans will require substantial public dollars to accomplish. The urban renewal agency can best facilitate the design and construction of the urban projects proposed in this Fifth South Beach Urban Renewal Plan Amendment.

A. EXISTING SOUTH BEACH URBAN RENEWAL PLAN AND REPORT

The South Beach Urban Renewal Plan was adopted on September 12, 1983. The Plan was intended to serve as an implementation vehicle for the South Beach neighborhood. South Beach was included in the City's Urban Growth Boundary(UGB) as a part of the Newport Comprehensive Plan which was adopted in 1980. The UGB was drawn "to encompass those areas suitable for urban growth, where full urban services and facilities can be efficiently provided to facilitate orderly urban expansion."

The Plan included specific objectives relative to:

- Preserving forest, water, wildlife and other natural resources
- Identifying sites for public uses such as the OSU Marine Science Center
- Completing a Port facilitated marine recreation area
- Encouraging marine oriented activities on the northern Shorelands
- Assuring the development of complementary uses adjacent to the Airport
- Planning new sewer, water and transportation capacity and

- Allocating a major part of South Beach to heavy commercial and light industrial uses.

To qualify the area for urban renewal, the Plan specified the conditions of blight within the neighborhood such as: irregular parcels of land, inadequate access to properties, inadequate utility service, drainage problems and the stagnation and under utilization of land resources. See South Beach Urban Renewal District Map on the following page. Many of these conditions continue to exist in the South Beach area and are described in more detail in paragraph C. Statement of Purpose below.

B. MINOR AND SUBSTANTIAL AMENDMENTS I - IV

Since the completion of the Urban Renewal Plan in 1983, the Urban Renewal Agency has executed one minor (Amendment 3) and three substantial amendments (1,2, and 4). The purpose and date of adoption of each amendment is noted below.

Amendment I	Newport Urban Renewal Agency	April 8, 1987
	Lincoln County Commission	Feb 25, 1987

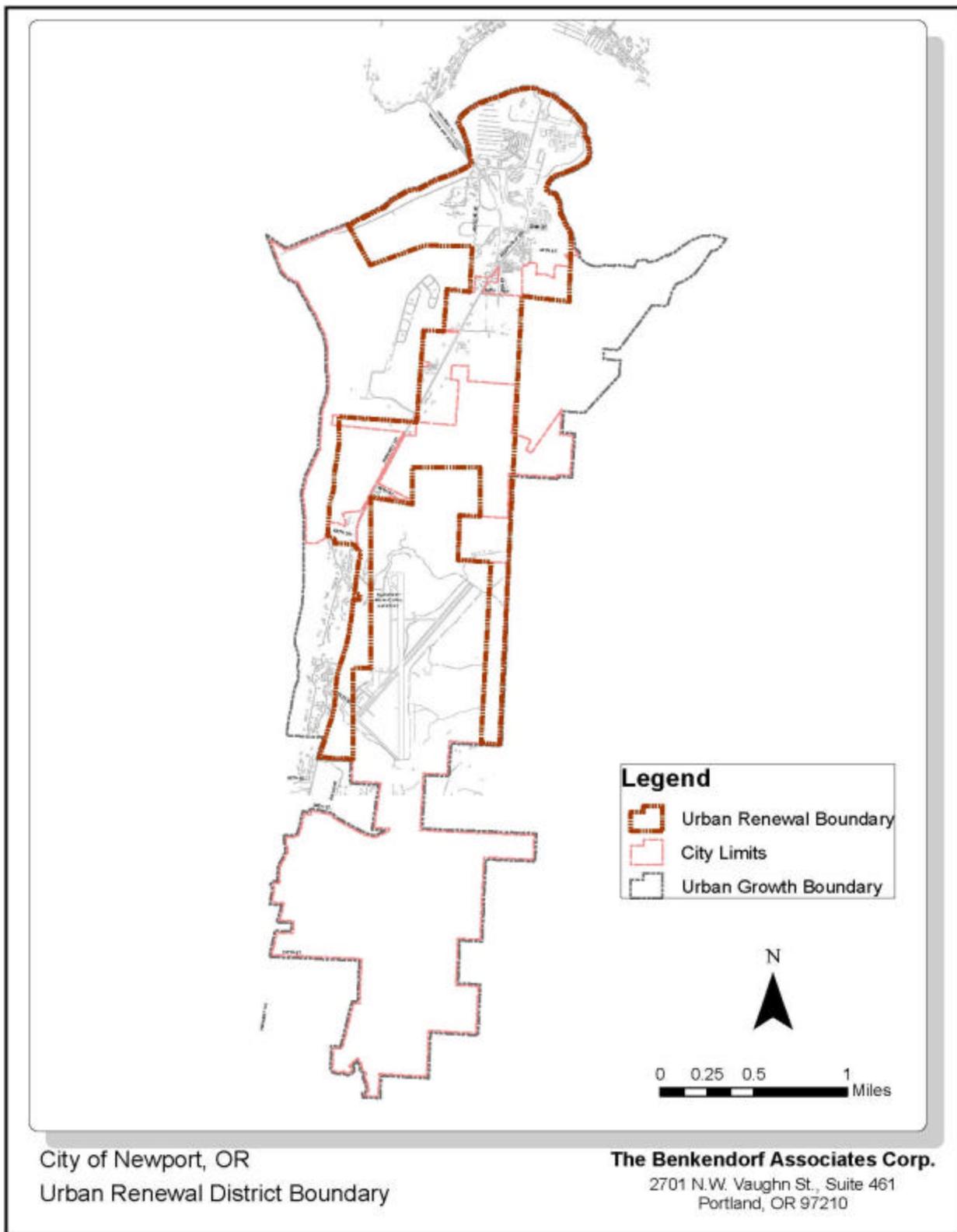
Provides a project outline for:

- Site acquisition of the public viewing aquarium,
- Land acquisition for Highway 101 access roads.
- Site acquisition and construction of the Wastewater Treatment Plant
- Airport frontage road improvements, and
- Site acquisition and construction of an Exhibition Building.

Amendment II	Newport Urban Renewal Agency	October 14, 1987
	Lincoln County Commission	September 16, 1987

Deletes two land areas from the District.

- South Beach State Park/South Jetty area (411.16 acres)
- Newport Airport and a portion of forested land north of the airport. (565.14 acres)
- Total area removed from the Urban Renewal District: 976.30 acres



Amendment III (Minor) Newport Urban Renewal Agency
September 11, 1991

Proposes to finance the Plan through tax increment financing and that no bonded indebtedness shall be issued after December 31 2010. Defines Substantial Amendment as equivalent to a Major Amendment and defines Minor Amendments.

Amendment 4 Newport Urban Renewal Agency May 13, 1998
Lincoln County Commission April 29, 1998

Established a maximum level of indebtedness in the amount of \$38,750,000 and selected Option "One" for the method to collect ad valorem property taxes.

C. STATEMENT OF PURPOSE

The purpose of the City of Newport's substantial amendment to the South Beach Urban Renewal Plan is to reduce or eliminate the blighted conditions in the district and extend the effective period of the plan from 2010 to 2020. The blighted conditions in the district include:

- Sub-Standard street improvements, rights of way and traffic signalization and management.
- Incomplete pedestrian/bicycle circulation systems and Tsunami evacuation routes.
- Inadequate water storage capacity and distribution lines.
- Under sized or absent sanitary sewer collection service lines.
- Incomplete winter storm water management systems
- Inadequate neighborhood recreation facilities and open space.

The proposed projects identified in Section II of the Plan have been specifically selected to eliminate or mitigate the blighting conditions noted.

D. EFFECTIVE PERIOD OF THE PLAN AND AMENDMENT

The third amendment to the Urban Renewal Plan established December 31, 2010 as the date after which no bonded indebtedness shall be issued.

If the projects identified in this amendment, and any additional projects which may be added to the Plan are completed earlier, and all indebtedness is paid, the Agency will take action to terminate the Plan.

II. OUTLINE OF PROJECT AND REDEVELOPMENT ACTIVITIES

A. TYPES OF PROJECTS

The projects proposed as a part of this Amendment are planned to encourage new and redevelopment of commercial, industrial and residential property. In order to achieve this objective, the following categories of projects have been identified through several detailed land use and transportation plans, utility master plans, and the public involvement process utilized to prepare this Amendment.

- Streets, bicycle facilities, sidewalks and rights of way acquisition
- Utilities including: water distribution and supply, sanitary sewer lines, storm water management and electric power lines.
- Acquisition of open space and development of recreational facilities, trails and tsunami evacuation routes.
- Specific programs to encourage private investment such as pedestrian oriented commercial streets, improvements to public rights of way such as landscaping, signage and interpretive markers and public rights of way improvements such as paving, sidewalks, landscaping and lighting on residential streets.

These improvements may occur within public rights of way, easements or on public property. The Newport Urban Renewal Agency will work with public and private utilities and property owners and developers to make the necessary modifications and adjustments to implement the objectives of this plan Amendment.

B. URBAN RENEWAL PROJECTS

The following is a summary of the projects which are listed in detail by phase in the Urban Renewal Report. The types of projects include:

- Public Rights of Way including streets, bicycle facilities, sidewalks and acquisition of public rights of way or easements. These projects have been designed to improve north/south vehicular and pedestrian circulation east and west of Highway 101 and to improve access and egress to the highway. Several projects are designed to improve the overall qualities of specific commercial and residential streets.
- Utility projects have been identified and coordinated with the proposed street improvements. Several projects are related to providing water and sanitary service to properties adjacent to or in close proximity to Highway 101. New sanitary sewer collection lines

are proposed for the Henderson Creek and Airport locations within the district.

Two improvements are proposed to facilitate water pressure and supply and include a new under-crossing of Yaquina Bay and construction of the King Ridge Water Reservoir.

- In order to improve the quality of the residential and commercial environment, new neighborhood park acquisition and development, open space acquisition, street trees, street furniture and landscaping are proposed. Additional trails and identification and improvements to tsunami evacuation routes will be constructed in association with the open space and natural amenities such as wetlands of South Beach. A gateway structure, interpretive signage and attendant pedestrian, bicycle circulation and landscaping at the south side of the bridge is also proposed.
- A wetland mitigation banking program is proposed to identify opportunities for the acquisition of wetland mitigation credits to facilitate future projects that may have adverse impacts on wetlands and that require mitigation. The program may be used to help acquire, conserve and enhance existing wetland systems that could be restored to a high quality in areas where the wetland system is degraded and conservation of those wetlands is important and the restoration or enhancement of those wetlands could generate wetland mitigation credits. .
- Strategic acquisition of specific properties to facilitate economic development, provide complimentary community facilities and incentives for developers to provide affordable housing is proposed. An example of a complimentary community facility is the proposed aquatic center that may be located in the South Beach Urban Renewal District. As noted below, a minor plan amendment will be required following the identification of the parcel to be acquired for these purposes.

C. ACQUISITION AND DISPOSITION OF REAL PROPERTY

1. ACQUISITION

The Urban Renewal Agency may acquire key parcels of land in the Renewal Area in order to develop and expand public rights of way, create parks and open space or to encourage the redevelopment or reuse of commercial or industrial properties. The first Amendment to the South Beach Urban Renewal Plan in April 1987, and adopted

by the agency, provided for the acquisition of property. “Plan requires amendment to permit acquisition of property other than roads and utilities or relocation of residences or businesses.”

Land Acquisition for Public Improvements and Facilities – The agency may acquire real property for public improvements and facilities authorized in the Plan by any legal means, including eminent domain, without amendment of the Plan.

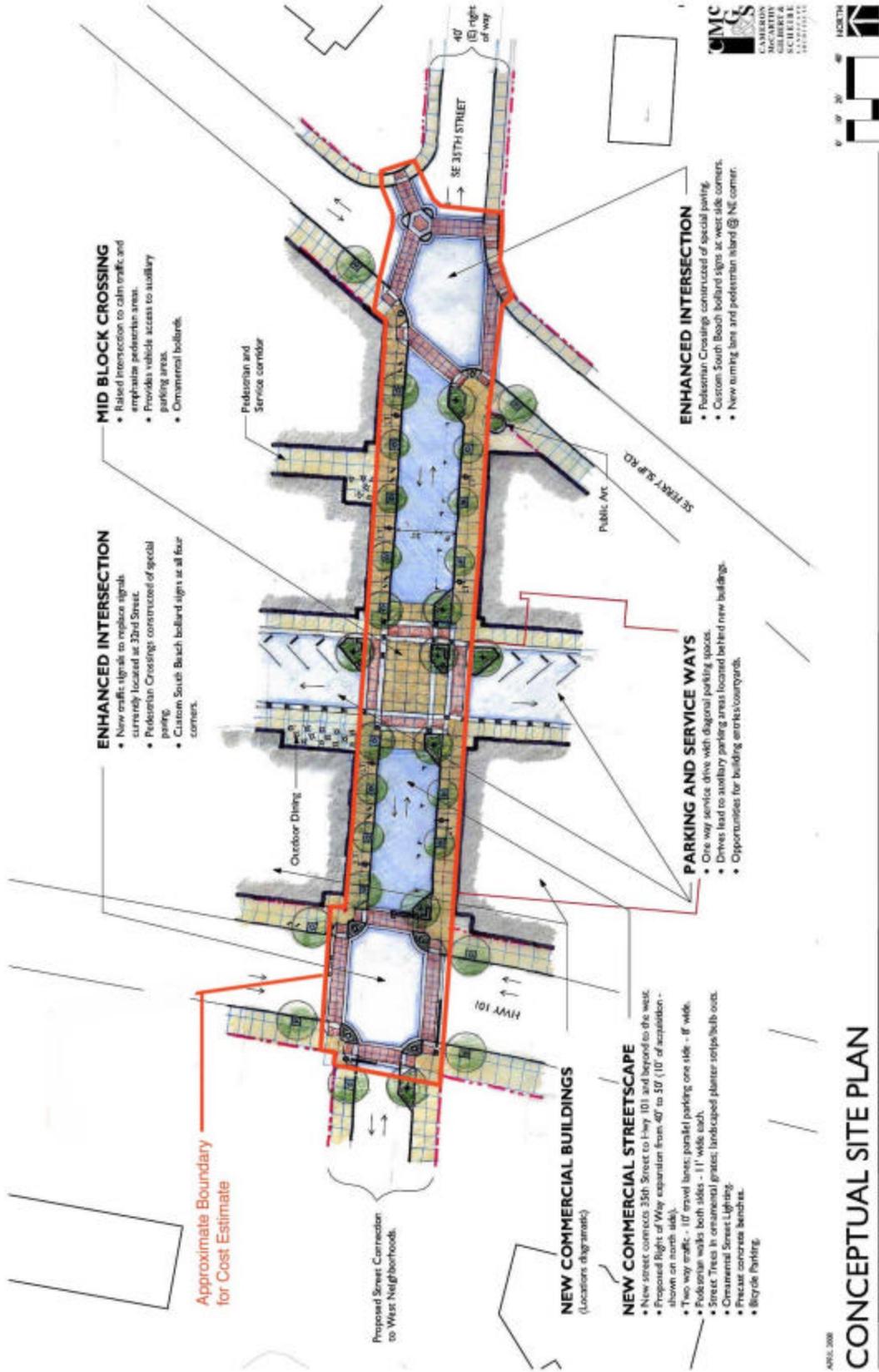
Land Acquisition for Private Redevelopment – The agency may acquire real property by willing conveyance or by any other means including eminent domain, for redevelopment by private parties only after adoption of a Minor Amendment of the Plan identifying the property. Such amendment shall include the anticipated disposition of the property, whether by retention or resale together with an estimated time schedule for such acquisition and disposition.

2. DISPOSITION

The Agency may make land in the redevelopment area available to private developers or to public bodies at a value determined by the Agency to be its fair reuse value in order that it may be developed for the purposes specified in the Newport Urban Renewal Plan Amendment Five, and in accordance with applicable City zoning and code requirements. Real property may be conveyed by the Agency to the City or other public bodies without charge.

The Agency shall reserve such powers and controls in the disposition and development documents, as may be necessary, to prevent transfer, retention, or use of the property for speculative purposes, and to ensure that development is carried out pursuant to the Newport Urban Renewal Plan.





MID BLOCK CROSSING

- Raised intersection to calm traffic and emphasize pedestrian areas.
- Provides vehicle access to auxiliary parking areas.
- Ornamental bollards.

ENHANCED INTERSECTION

- New traffic signals to replace signals currently located at 33rd Street.
- Pedestrian Crossings: construction of special paving.
- Custom South Beach bollard signs at all four corners.

ENHANCED INTERSECTION

- Pedestrian Crossings: construction of special paving.
- Custom South Beach bollard signs at west side corners.
- New curbing, lawn and pedestrian island @ NE corner.

PARKING AND SERVICE WAYS

- One-way service drive with diagonal parking spaces.
- Drives lead to auxiliary parking areas located behind new buildings.
- Opportunities for building entries/courtyards.

NEW COMMERCIAL STREETScape

- New street corners: 35th Street to Hwy 101 and beyond to the west.
- Proposed Right-of-Way expansion from 40' to 50' (10' of acquisition - shown on north side).
- Two-way traffic - 10' travel lanes; parallel parking one side - 8' wide.
- Pedestrian walks both sides - 11' wide each.
- Street Trees in ornamental grasses; landscaped planter strips/bollards.
- Ornamental Street Lighting.
- Precast concrete benches.
- Bicycle parking.

NEW COMMERCIAL BUILDINGS
(Locations diagramed)

Approximate Boundary for Cost Estimate

Proposed Street Connection to West Neighborhoods



CONCEPTUAL SITE PLAN

NEWPORT SOUTH BEACH - URBAN RENEWAL PLAN AMENDMENT



III.

METHODS OF FINANCING

A. GENERAL DESCRIPTION OF FINANCING METHODS

The Plan Amendment will be financed using tax increment revenues, state or federal grants, local improvement districts, reimbursement districts and systems development fees. Revenues obtained by the Agency will be used to pay or repay costs, expenses, advancements and indebtedness incurred in planning or undertaking project activities or otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan.

B. SELF LIQUIDATION OF COSTS OF PROJECTS

The Plan Amendment may be financed, in whole or in part, by tax increment revenues allocated to the Agency as provided in ORS 457.420 through ORS 457.450. The ad valorem taxes, if any, levied by a taxing district in which all or a portion of the Area is located, shall be divided as provided in section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the non segregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

The Agency will use such revenues for the repayment of indebtedness issued to finance urban renewal projects. The maximum amount of indebtedness that may be issued or incurred under the Plan Amendment is \$38,750,000, assuming a debt-coverage ratio of 1.35. This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness.

C. PRIOR INDEBTEDNESS

Any indebtedness already incurred by the Agency in connection with the existing Plan and prior planning efforts may be repaid from tax increment revenues from the Area when and if such funds are available. The debt service associated with the prior indebtedness has been accounted for in the financial analysis for this Plan Amendment.

D. DEBT MANAGEMENT

The Agency will not issue debt unless it reasonably projects that repayment of all outstanding debt will occur no later than June 30, 2027. The Agency therefore anticipates terminating the imposition of urban renewal taxes in FY 2026/2027.

EXHIBIT "B"

URBAN RENEWAL REPORT - TABLE OF CONTENTS

I.	INTRODUCTION.....	15
II.	CITIZEN PARTICIPATION	16
III.	RELATIONSHIP BETWEEN THE PROJECTS TO BE UNDERTAKEN WITH THE AMENDMENT AND THE EXISTING CONDITIONS IN THE AREA.....	17
IV.	PROJECT COSTS AND TIMING	18
	A. PROJECTS AND COST TIMING	18
	B. ESTIMATED COMPLETION DATE.....	21
V.	FINANCIAL ANALYSIS OF THE AMENDMENT.....	22
	A. ANTICIPATED TAX INCREMENT FUNDS	22
	B. ESTIMATED AMOUNT OF MONEY REQUIRED UNDER ORS 457	23
	C. ANTICIPATED YEAR IN WHICH INDEPTEDNESS WILL BE RETIRED.....	24
	D. PROJECT REVENUES AND EXPENDITURES	24
	E. STATEMENT OF FISCAL IMPACT ON OTHER JURISDICTIONS UNDER ORS 457.420-457.440.....	25
	F. IMPACTS ON TAXPAYERS.....	27
	 APPENDIX	 28
	A. PRELIMINARY COST ESTIMATES	
	1. GATEWAY	
	2. COMMERCIAL STREET	
	3. RESIDENTIAL STREET	
	B. CITY OF NEWPORT ORDINANCE NO. 1341 ADOPTING THE SOUTH BEACH URBAN RENEWAL PLAN	
	C. COUNTY OF LINCOLN RESOLUTION NO. 83-26-9 IN THE MATTER OF THE ADOPTION OF THE SOUTH BEACH URBAN RENEWAL PLAN	
	D. LEGAL DESCRIPTIONS WITHDRAWING THE AIRPORT AND THE STATE PARK FROM THE URBAN RENEWAL DISTRICT	

I.

INTRODUCTION

A Supplemental Report was prepared and included as a part of establishing the South Beach Urban Renewal District in 1983. The report included an Environmental Assessment and a documentation of the physical, social and economic environment. The five tables in the report included:

- Estimated Capital Improvement Costs
- Assessed Valuation (Roll 1981-1982)
- Tax Code Area Consolidated Tax Rates
- Tax Received by Individual Taxing Districts
- New Construction Estimates

As referenced in the South Beach Urban Renewal Plan Amendment, new projects and their costs and a new financial analysis, including the impact of this Amendment on individual taxing districts, are described in the following Sections IV and V.

II.

CITIZEN PARTICIPATION

The City of Newport appointed a South Beach Urban Renewal Plan Update Ad Hoc Advisory Committee to assist the agency with the preparation of Amendment Five to the Plan. The committee was convened in April, 2008 and conducted its last meeting in September, 2008. Residents and business owners in South Beach and other residents of the community also attended the committee meetings.

In addition, the City conducted a public meeting in June, 2008 to review the purpose of the Amendment, the types of projects planned to be implemented and the preliminary revenue forecasts. A questionnaire was distributed to those in attendance and 17 surveys were returned. Those surveys that identified a preference on the extension or sunset of the Plan, generally supported the extension of the plan. Of the projects receiving a level of support, the top three projects included Highway 101 improvements (including intersections), storm drainage improvements and neighborhood park/open space acquisition and development.

The committee members and the general public had additional opportunities to comment on the proposed Amendment at public hearings before the Planning Commission, Newport Urban Renewal Agency, Newport City Council and Lincoln County Board of Commissioners.

III. RELATIONSHIP BETWEEN THE PROJECTS TO BE UNDERTAKEN WITH THE AMENDMENT AND THE EXISTING CONDITIONS IN THE AREA

The physical and economic conditions described in the original Environmental Assessment and the Supplemental Report have improved within the past twenty five (25) years. However, as noted in the Plan section of this Amendment, many areas remain deficient relative to vehicular and pedestrian circulation, utility services especially storm water management, and public recreation and open space.

The importance of ameliorating these conditions was supported by the Ad Hoc Committee and the public comment received by the Urban Renewal Agency.

IV. PROJECT COSTS AND TIMING

A. PROJECTS AND COST ESTIMATES

1. Phase 1 – 2009/12

PUBLIC RIGHTS OF WAY	Cost Estimate	UR Portion
Streets		
▪ 40 th & 101 Intersection (Committed)	\$1,000,000*	\$500,000*
▪ Ash St. Design & Construct	500,000*	500,000*
▪ Coho/Brant Area – Plan and Design	100,000*	100,000*
▪ Coho/Brant Area – Construct	850,000	850,000
▪ SE 35 th & Ferry Slip Road	464,000	390,000
Sidewalks		
▪ OSU Dr. to Marine Science Center	100,000*	100,000*
Acquisition/Development		
▪ TSP Projects - right of way	500,000	500,000
UTILITIES		
Water		
▪ Hwy 101 – 40 th to 50 th	350,000*	350,000*
▪ Sanitary Sewer line-same ROW	300,000	300,000
PUBLIC AMENITIES		
▪ Neighborhood Park/Open Space Site Acquisition	500,000	500,000
ACQUISITION/DEVELOPMENT	0	0
COMMUNITY IMPROVEMENT PROGRAMS	0	0
SPECIAL PROJECT IDEAS		
▪ Wetland Mitigation Bank	200,000	200,000
▪ Trails – easement acquisitions	100,000	100,000
▪ Tsunami Evacuation Route Improvements	100,000	100,000
Total:	\$3,014,000	\$2,940,000
Revenue Estimate (7.1% growth)		\$2,940,000

Note: *Projects in 2008/09 Agency Budget not included in Total

2. Phase 2 – 2013/16

PUBLIC RIGHTS OF WAY	Cost Estimate	UR Portion
Streets		
▪ 35 th St. – 101 to Ferry Slip Road Commercial Street Prototype	\$750,000	\$750,000
▪ Anchor Way 35 th to 40 th	750,000	750,000
▪ 40 th & 101 Traffic Signal	506,000	506,000
Sidewalks		
▪ OSU Dr.(Abalone to Ferry Slip Rd)	67,500	67,500
▪ Ferry Slip Rd (29 th to SE OSU Dr.) Acquisition	91,000	91,000
Acquisition/Development		
* TSP Projects - right of way	250,000	250,000
Existing Street/ROW improvements including: paving, storm water, pedestrian/bicycle paths and landscaping		
	350,000	350,000
UTILITIES		
Sewer		
▪ 101 Gravity line south to Airport	1,000,000	1,000,000
Utility Lines		
▪ Bury existing/new lines underground	300,000	300,000
PUBLIC AMENITIES		
▪ Neighborhood Park Development	350,000	350,000
▪ Neighborhood Park/Open Space Acquisition	200,000	200,000
ACQUISITION/DEVELOPMENT		
▪ Strategic Site Acquisition for Re-Use	250,000	250,000
▪ Site Prep for Re-Use	100,000	100,000
▪ Strategic Site Acquisition for Economic Development, Community Facilities and Affordable Housing	500,000	500,000
SPECIAL PROJECT IDEAS		
▪ South Jetty Trail (\$150k State Parks)	300,000	150,000
▪ Tsunami Evacuation Route Improvements	100,000	100,000
▪ Wetland Mitigation Bank	100,000	100,000
Total:	\$5,964,500	\$5,814,500
Revenue Estimate (7.1% growth)		\$5,880,000

3. Phase 3 – 2017/20

PUBLIC RIGHTS OF WAY	Cost Estimate	UR Portion
Streets		
▪ 50 th & 101 Intersection Improvements	\$1,450,000	\$1,450,000
Sidewalks		
▪ Abalone St. (OSU Dr. to 101)	100,000	100,000
▪ 35 th St. (Ferry Slip to Estuary turn)	337,500	200,000
Acquisition/Development	250,000	250,000
TSP Projects right-of-way		
Existing Street/ROW improvements including: paving, storm water, pedestrian/bicycle paths and landscaping	3,000,000	3,000,000
UTILITIES		
Water		
▪ 12" Bay Under-crossing Pipeline	995,000	795,000
▪ King Ridge Reservoir (15% of Cost)	196,200	196,200
Sewer		
▪ Henderson Creek Piping	280,000	280,000
▪ Henderson Creek Lift Station	323,000	323,000
Storm		
▪ Project 5a – Redirect Drainage	1,480,000	1,480,000
Utility Lines		
▪ Bury existing/new lines underground	200,000	200,000
PUBLIC AMENITIES		
Landscape		
▪ Street Tree and Public Open Space Planting	100,000	100,000
▪ Street Furniture	50,000	50,000
Gateway to South Beach	700,000	100,000
Neighborhood Park/Open Space Acquisition	200,000	200,000
ACQUISITION/DEVELOPMENT	0	0
COMMUNITY IMPROVEMENT PROGRAMS		
▪ Fund Storefront Facade Loan/Grant Program	100,000	100,000
SPECIAL PROJECT IDEAS		
▪ Trails – Acquire and Develop	300,000	300,000
▪ Tsunami Evacuation Route Improvements	200,000	200,000
▪ Wetland Mitigation Bank	100,000	100,000
Total:	\$10,361,700	\$9,424,200
Revenue Estimate (7.1% growth)		\$9,500,000
Grand Total for Phases 1 through 3 Projects	\$19,340,200	\$18,178,700

B. ESTIMATED COMPLETION DATE

The projects planned to be accomplished within the next twelve years are expected to be awarded no later than December 31, 2020 and completed in a timely manner. The projects are divided in to three phases. The agency may adjust the design and construction of specific projects depending on the needs of the community and the urban renewal district as a whole.

- Phase 1 2009-2012
- Phase 2 2013-2016
- Phase 3 2017-2020

The three phases will enable the agency to plan and implement the financial plan in Section V.

V. FINANCIAL ANALYSIS OF THE AMENDMENT

A. ANTICIPATED TAX INCREMENT FUNDS

As stated in Oregon Revised Statutes Chapter 457 (ORS 457), tax increment funds are anticipated from growth in assessed value within the Area over the course of the Plan. Growth in assessed value is projected to occur through appreciation in property values (“appreciation percentage”), limited to no more than three percent annually, and through changes in property that add value that is “excepted” from the three percent limit. Such “exception value” results from factors such as subdivision or rezoning of land and from construction of improvements.

Table V-1 shows the projections of growth in tax increment funds. The table shows total expected tax increment revenue. The projections are based on reasonable expectations of near-term future development and have been prepared utilizing conservative assumptions about residential and commercial development that are likely to occur in the South Beach Urban Renewal District. The projections assume average annual growth of 7.1%, the average growth rate in the SB-URD from 1983 to 2008. The growth rate assumes a temporary 75% reduction due to the current residential development slowdown. The projections also assume a tax collection rate of 94.2%.

**Table V-1:
Urban Renewal Area Tax Increment Revenue Estimates**

Plan Year	URD Incremental Revenue
2009-10	\$1,760,676
2010-11	\$1,857,040
2011-12	\$1,988,139
2012-13	\$1,971,358
2013-14	\$2,110,528
2014-15	\$2,259,522
2015-16	\$2,419,034
2016-17	\$2,589,807
2017-18	\$2,772,636
2018-19	\$2,968,372
2019-20	\$2,963,119
2020-21	\$3,172,303
2021-22	\$3,396,253
2022-23	\$3,636,014
2023-24	\$3,892,701
2024-25	\$4,167,508
2025-26	\$4,461,716
2026-27	\$4,776,694

Source: Lincoln County Assessor's Office and Johnson Gardner.

Unlike many urban renewal districts in Oregon, the SB-URD geographically spans six distinct property tax codes rather than one. For instance, the vast majority of assessed value in the District is within City of Newport jurisdiction (85%), but that portion only represents two of the six tax codes and combinations of local public service providers. Therefore, there are six different Measure 50 SB-URD tax code rates and six different projected assessed values. The tax increment projections are based on the combined value of the property tax codes and applicable tax rates for each affected taxing jurisdiction.

B. ESTIMATED AMOUNT OF MONEY REQUIRED UNDER ORS 457

Extending the SB-URD Plan will expand the District's borrowing capacity. Total expected increment revenue that is not committed to previous incurred debt, through 2027, is \$41,647,319. This revenue will be used to repay indebtedness incurred to finance the projects in this Plan Amendment. Table V-2 below shows expected increment revenue and debt service schedule for the Plan Amendment.

**Table V-2:
Projected Revenues, Debt Service and Other Expenditures**

Plan Year	URD		Remaining Uncommitted Revenue		Remaining Uncommitted Revenue		Remaining Uncommitted Revenue		Remaining Uncommitted Revenue
	Incremental Revenue 1/	Existing Debt 2/	(Annual Revenue)	Phase I Debt Service	(Annual Rev. + Ending Balance)	Phase II Debt Service	(Annual Rev. + Ending Balance)	Phase III Debt Service	(Annual Rev. + Ending Balance)
2009-10	\$1,760,676	\$1,294,408	\$466,267		\$466,267		\$466,267		\$466,267
2010-11	\$1,857,040	\$1,272,642	\$584,398	\$400,000	\$650,665		\$650,665		\$650,665
2011-12	\$1,988,139	\$1,253,790	\$734,349	\$400,000	\$985,014		\$985,014		\$985,014
2012-13	\$1,971,358	\$1,249,608	\$721,750	\$400,000	\$1,306,764		\$1,306,764		\$1,306,764
2013-14	\$2,110,528	\$1,253,135	\$857,393	\$400,000	\$1,764,157	\$800,000	\$964,157		\$964,157
2014-15	\$2,259,522	\$1,251,869	\$1,007,653	\$400,000	\$2,371,809	\$800,000	\$771,809		\$771,809
2015-16	\$2,419,034	\$1,243,042	\$1,175,992	\$400,000	\$3,147,801	\$800,000	\$747,801		\$747,801
2016-17	\$2,589,807	\$976,587	\$1,613,220	\$400,000	\$4,361,021	\$800,000	\$1,161,021		\$1,161,021
2017-18	\$2,772,636	\$785,648	\$1,986,988	\$400,000	\$5,948,010	\$800,000	\$1,948,010	\$1,300,000	\$648,010
2018-19	\$2,968,372	\$467,685	\$2,500,687	\$400,000	\$8,048,697	\$800,000	\$3,248,697	\$1,300,000	\$648,697
2019-20	\$2,963,119	\$467,685	\$2,495,434	\$400,000	\$10,144,131	\$800,000	\$4,544,131	\$1,300,000	\$644,131
2020-21	\$3,172,303	\$0	\$3,172,303		\$13,316,434	\$800,000	\$6,916,434	\$1,300,000	\$1,716,434
2021-22	\$3,396,253	\$0	\$3,396,253		\$16,712,687	\$800,000	\$9,512,687	\$1,300,000	\$3,012,687
2022-23	\$3,636,014	\$0	\$3,636,014		\$20,348,701	\$800,000	\$12,348,701	\$1,300,000	\$4,548,701
2023-24	\$3,892,701	\$0	\$3,892,701		\$24,241,402		\$16,241,402	\$1,300,000	\$7,141,402
2024-25	\$4,167,508	\$0	\$4,167,508		\$28,408,910		\$20,408,910	\$1,300,000	\$10,008,910
2025-26	\$4,461,716	\$0	\$4,461,716		\$32,870,626		\$24,870,626	\$1,300,000	\$13,170,626
2026-27	\$4,776,694	\$0	\$4,776,694		\$37,647,319		\$29,647,319	\$1,300,000	\$16,647,319
Term of Loan (Years)				10		10		10	
Total Amount Borrowed				\$2,944,035		\$5,888,070		\$9,568,113	

Notes: 1/ Incremental revenue based on total projected tax revenue multiplied by 94.2% average collection rate.

2/ Existing debt provided by City of Newport.

Source: Lincoln County Assessor's Office, City of Newport, and Johnson Gardner.

C. ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table V-2 shows the anticipated schedule debt payment for existing debt and the Plan Amendment. All debts are scheduled to be retired by year 2027.

D. PROJECTED REVENUES AND EXPENDITURES

Table V-2 shows the annual anticipated revenues and expenditures for the Plan Amendment. The revenues result from tax increment revenue that is not already committed to financing existing debt. Total debt service for existing debt totals to \$11,516,100. Expenditures are based on potential debt schedules to finance the projects described in Section VII of this Plan Amendment. The total project costs and the Plan's share of those costs are also shown in Section VII. Revenues other than tax increment revenues have not been estimated for purposes of conservative plan revenue estimates.

E. STATEMENT OF FISCAL IMPACT ON OTHER JURISDICTIONS UNDER ORS 457.420-457.440

The use of tax increment financing creates a fiscal impact on the taxing districts (e.g. the City, the County, the Community College) that levy taxes within the Area. This impact consists of those districts foregoing the taxes that would have been levied on the increase in assessed value within the Area while tax increment financing is in effect.

In order to project these impacts, it is necessary to estimate the growth in assessed value that would have occurred without the Plan. The Plan's projects are anticipated to create assessed value growth that would not occur but for the Plan. Therefore the taxes that are foregone are those resulting from projected development without the public improvements developed under the Plan.

Table V-3 shows the revenues foregone by the affected taxing districts, through 2027. The revenues foregone by the taxing districts equal their permanent tax rates times the projected incremental assessed value, plus the tax rates associated with general obligation bonds approved by voters before October 2001 times the bonding district's incremental assessed value. Note that the property tax revenues foregone by the Lincoln County School District do not result in revenue losses to the School District because of the system of state funding of K-12 education. The impacts are shown to illustrate what they would be if the school funding system is materially changed and property tax revenues become directly relevant.

The tax increment revenues terminate after 2027, and the additional revenues that are available to these taxing districts are projected to repay the districts for revenues foregone during the Plan.

**Table V-3:
Projected Property Tax Revenues Foregone**

Plan Year	Foregone Revenue by Taxing District												Total Increment
	Oregon												
	City of Newport	Lincoln County School	Lincoln County	Newport RFPD	Pacific Communities Hospital	Lincoln County Library	Coast Community College	Lincoln County Transportation	Lincoln County Extension	Linn-Benton Lincoln ESD	Port of Newport	Water-Seal Rock	
2009-10	\$689,466	\$608,190	\$320,051	\$12,891	\$39,227	\$3,329	\$19,013	\$10,540	\$4,880	\$32,994	\$17,812	\$2,281	\$1,760,676
2010-11	\$738,139	\$651,126	\$326,727	\$13,801	\$41,997	\$3,564	\$20,355	\$11,284	\$5,225	\$35,323	\$7,055	\$2,442	\$1,857,040
2011-12	\$790,249	\$697,093	\$349,793	\$14,776	\$44,961	\$3,816	\$21,792	\$12,081	\$5,594	\$37,817	\$7,553	\$2,614	\$1,988,139
2012-13	\$783,328	\$651,879	\$374,487	\$15,819	\$48,135	\$4,085	\$23,331	\$12,933	\$5,989	\$40,487	\$8,087	\$2,799	\$1,971,358
2013-14	\$838,627	\$697,899	\$400,924	\$16,935	\$51,534	\$4,374	\$24,978	\$13,847	\$6,411	\$43,345	\$8,658	\$2,997	\$2,110,528
2014-15	\$897,831	\$747,168	\$429,227	\$18,131	\$55,172	\$4,683	\$26,741	\$14,824	\$6,864	\$46,405	\$9,269	\$3,208	\$2,259,522
2015-16	\$961,214	\$799,914	\$459,529	\$19,411	\$59,066	\$5,013	\$28,629	\$15,871	\$7,349	\$49,681	\$9,923	\$3,435	\$2,419,034
2016-17	\$1,029,071	\$856,385	\$491,969	\$20,781	\$63,236	\$5,367	\$30,650	\$16,991	\$7,867	\$53,188	\$10,624	\$3,677	\$2,589,807
2017-18	\$1,101,719	\$916,842	\$526,700	\$22,248	\$67,700	\$5,746	\$32,814	\$18,190	\$8,423	\$56,943	\$11,374	\$3,937	\$2,772,636
2018-19	\$1,179,496	\$981,567	\$563,883	\$23,819	\$72,480	\$6,152	\$35,130	\$19,475	\$9,017	\$60,963	\$12,177	\$4,215	\$2,968,372
2019-20	\$1,047,956	\$1,050,861	\$603,691	\$25,500	\$77,597	\$6,586	\$37,610	\$20,849	\$9,654	\$65,267	\$13,036	\$4,512	\$2,963,119
2020-21	\$1,121,937	\$1,125,047	\$646,309	\$27,301	\$83,075	\$7,051	\$40,265	\$22,321	\$10,336	\$69,874	\$13,957	\$4,831	\$3,172,303
2021-22	\$1,201,141	\$1,204,471	\$691,935	\$29,228	\$88,939	\$7,548	\$43,108	\$23,897	\$11,065	\$74,807	\$14,942	\$5,172	\$3,396,253
2022-23	\$1,285,936	\$1,289,501	\$740,783	\$31,291	\$95,218	\$8,081	\$46,151	\$25,584	\$11,846	\$80,088	\$15,997	\$5,537	\$3,636,014
2023-24	\$1,376,718	\$1,380,534	\$793,079	\$33,500	\$101,940	\$8,652	\$49,409	\$27,390	\$12,683	\$85,742	\$17,126	\$5,928	\$3,892,701
2024-25	\$1,473,908	\$1,477,994	\$849,067	\$35,865	\$109,136	\$9,263	\$52,897	\$29,324	\$13,578	\$91,795	\$18,335	\$6,346	\$4,167,508
2025-26	\$1,577,959	\$1,582,334	\$909,007	\$38,397	\$116,841	\$9,917	\$56,632	\$31,394	\$14,537	\$98,275	\$19,629	\$6,794	\$4,461,716
2026-27	\$1,689,356	\$1,694,040	\$973,179	\$41,108	\$125,089	\$10,617	\$60,630	\$33,610	\$15,563	\$105,213	\$21,015	\$7,274	\$4,776,694
Total Foregone Revenue Through 2027	\$19,784,051	\$18,412,844	\$10,450,340	\$440,803	\$1,341,344	\$113,843	\$650,136	\$360,405	\$166,882	\$1,128,209	\$236,567	\$77,996	\$53,163,419

Notes: Foregone revenue calculate assumes a 94.2% collection rate by all taxing districts.

Although school district property tax revenues are foregone with urban renewal, there is no net loss to school funding, as established by current State of Oregon K-12 funding system.

Source: Lincoln County Assessor's Office and Johnson Gardner.

F. IMPACTS ON TAXPAYERS

The extension of financing of the Plan will not change the SB-URD's impact on taxpayers. General obligation bonds approved by voters before October 2001 are subject to the division of tax. There are five such general obligation bonds in the SB-URD. They are all scheduled to retire by 2019, prior to the previously scheduled sunset of the SB-URD. These bonds will continue to be subject to the division of tax, regardless of any extension to the SB-URD plan.

Any general obligation bonds approved after October 2001 are not subject to the division of tax.

A. PRELIMINARY COST ESTIMATES

1. Gateway
2. Commercial Street
3. Residential Street

B. CITY OF NEWPORT ORDINANCE NO. 1341 ADOPTING THE SOUTH BEACH URBAN RENEWAL PLAN**C. COUNTY OF LINCOLN RESOLUTION NO. 83-26-9 IN THE MATTER OF THE ADOPTION OF THE SOUTH BEACH URBAN RENEWAL PLAN****D. LEGAL DESCRIPTIONS WITHDRAWING THE AIRPORT AND THE STATE PARK FROM THE URBAN RENEWAL DISTRICT**

PRELIMINARY COST ESTIMATE

Newport South Beach - Gateway

STATEMENT OF PROBABLE DIRECT CONSTRUCTION COSTS QUANTITIES FROM CONCEPTUAL DRAWINGS - APRIL 2008

ITEM	QUAN	UNIT	PRICE	COST	SUBTOTAL	TOTALS
BID ITEMS						
Temporary Traffic Control & Signs	1	allow	7500.00		\$7,500	
Tree Protection	1	allow	2000.00		\$2,000	
Erosion Control	1	allow	3000.00		\$3,000	
Grubbing, clearing & removal	1	allow	2500.00		\$2,500	
Excavate & Haul Material	2136	cy	14.00		\$29,908	
Pedestrian Lights	4	ea	4000.00		\$16,000	
Misc. Electrical Work (lighting)	1	allow	7500.00		\$7,500	
Crushed Aggregate Base Rock	720	cy	25.00		\$18,008	
Asphalt Pavement @ Wayside	75	ton	100.00		\$7,474	
Asphalt Pavement @ Parking Lot	125	ton	100.00		\$12,457	
Asphalt Pavement @ Paths	55	ton	125.00		\$6,872	
Concrete Curb (parking lot)	400	lf	18.00		\$7,200	
Concrete Curb (wayside barrier)	260	lf	20.00		\$5,200	
Pavement Markings & Signs	1	allow	5000.00		\$5,000	
Concrete Seat wall	120	ff	75.00		\$9,000	
Concrete Sidewalk	13200	sf	5.00		\$66,000	
Unit Paving (decorative)	1500	sf	14.00		\$21,000	
Block Wall (retaining)	275	ff	25.00		\$6,875	
Irrigation Supply and Control	1	allow	5000.00		\$5,000	
Irrigated Lawn (new and repaired)	34000	sf	1.50		\$51,000	
Irrigated Shrub Beds	5750	sf	6.00		\$34,500	
Trees	12	ea	350.00		\$4,200	
Bollards	22	ea	1400.00		\$30,800	
Bicycle Racks	16	ea	400.00		\$6,400	
Wayside Shelter/Information Kiosk	2	ea	20000.00		\$40,000	
Cast Concrete Gateway Columns	2	ea	25000.00		\$50,000	
Lighted Gateway Entry Signs	2	ea	5000.00		\$10,000	
Subtotal (Direct Construction Costs)					\$450,393	
Conceptual Design Contingency (25% of Direct)					\$112,598	
Subtotal						\$562,992
Indirect Construction Costs (25% of Direct)**						\$140,748
Total Construction Costs (Contractor's Bid Amount)						\$703,740

** Indirect Construction Costs include Contractor's general requirements, bonds & insurance, overhead & profit, inflation, etc.

Cost estimate does not include the following utilities: storm sewer, sanitary sewer, water, gas or communications.

Cost estimate does not include Owner's soft costs for surveys, administration of the project, A/E fees, contingencies, or inflation.

PRELIMINARY COST ESTIMATE

Newport South Beach - Commercial Street

STATEMENT OF PROBABLE DIRECT CONSTRUCTION COSTS
 QUANTITIES FROM CONCEPTUAL DRAWINGS - APRIL 2008

ITEM	QUAN	UNIT	PRICE	COST	SUBTOTAL	TOTALS
BID ITEMS						
Temporary Traffic Control & Signs	1	allow	15000.00		\$15,000	
Erosion Control	1	allow	2500.00		\$2,500	
Excavate & Haul Material	978	cy	14.00		\$13,692	
Pedestrian Lights	7	ea	4000.00		\$28,000	
Misc. Electrical Work (lighting)	1	allow	10000.00		\$10,000	
Relocate (4) Traffic Signals	1	allow	40000.00		\$40,000	
Crushed Aggregate Base Rock	1128	cy	25.00		\$28,198	
Asphalt Pavement @ Street	511	ton	85.00		\$43,422	
Standard Concrete curb & gutter	750	lf	22.00		\$16,500	
Pavement Markings & Signs	1	allow	7500.00		\$7,500	
Concrete Seat wall	60	ff	75.00		\$4,500	
Concrete Sidewalk	11300	sf	5.00		\$56,500	
Concrete Paving @ Street	2200	sf	8.00		\$17,600	
Concrete Paving @ Crosswalks	11325	sf	10.00		\$113,250	
ADA Unit Paving	300	sf	18.00		\$5,400	
Irrigation Supply and Control	1	allow	5000.00		\$5,000	
Irrigated Shrub Beds	2000	sf	8.00		\$16,000	
Street Trees	20	ea	350.00		\$7,000	
Tree Grate and Frame	16	ea	1200.00		\$19,200	
Bollards	12	ea	1400.00		\$16,800	
Litter Receptacles	6	ea	800.00		\$4,800	
Bicycle Racks	8	ea	400.00		\$3,200	
Custom Bollard/Signs w/sculpture	6	ea	4000.00		\$24,000	
Subtotal (Direct Construction Costs)					\$480,562	
Conceptual Design Contingency (25% of Direct)					\$120,141	
Subtotal						\$600,703
Indirect Construction Costs (25% of Direct)**						\$150,176
Total Construction Costs (Contractor's Bid Amount)						\$750,879

** Indirect Construction Costs include Contractor's general requirements, bonds & insurance, overhead & profit, inflation, etc.

Cost estimate does not include the following utilities: storm sewer, sanitary sewer, water, gas or communications.

Cost estimate does not include property acquisition to increase Right of Way width from 40' to 50' (shown) or 60' (preferred).

Cost estimate does not include Owner's soft costs for surveys, administration of the project, A/E fees, contingencies, etc.

PRELIMINARY COST ESTIMATE

Newport South Beach - Residential Street

STATEMENT OF PROBABLE DIRECT CONSTRUCTION COSTS QUANTITIES FROM CONCEPTUAL DRAWINGS - APRIL 2008

ITEM	QUAN	UNIT	PRICE	COST	SUBTOTAL	TOTALS
BID ITEMS						
Temporary Traffic Control & Signs	1	allow	10000.00		\$10,000	
Tree Protection	1	allow	5000.00		\$5,000	
Erosion Control	1	allow	5000.00		\$5,000	
Grubbing, clearing & removal	1	allow	2500.00		\$2,500	
Excavate & Haul Material	1258	cy	14.00		\$17,609	
Pedestrian Lights	10	ea	4000.00		\$40,000	
Misc. Electrical Work (lighting)	1	allow	15000.00		\$15,000	
Crushed Aggregate Base Rock	1152	cy	25.00		\$28,796	
Asphalt Pavement @ Street	669	ton	85.00		\$56,871	
Standard Concrete curb & gutter	900	lf	22.00		\$19,800	
Pavement Markings & Signs	1	allow	4000.00		\$4,000	
Concrete Sidewalk	7300	sf	5.00		\$36,500	
Block Wall (retaining)	750	ff	25.00		\$18,750	
ADA Unit Paving	100	sf	18.00		\$1,800	
Lawn (new and repaired)	3500	sf	1.50		\$5,250	
Shrub bed (new and repaired)	10000	sf	3.50		\$35,000	
Landscape @ Stormwater Planters	3200	sf	6.00		\$19,200	
Street Trees	36	ea	300.00		\$10,800	
Custom Bollard/Signs w/sculpture	6	ea	4000.00		\$24,000	
Subtotal (Direct Construction Costs)					\$333,376	
Conceptual Design Contingency (25% of Direct)					\$83,344	
Subtotal						\$416,720
Indirect Construction Costs (25% of Direct)**						\$104,180
Total Construction Costs (Contractor's Bid Amount)						\$520,900

** Indirect Construction Costs include Contractor's general requirements, bonds & insurance, overhead & profit, inflation, etc.

Cost estimate does not include the following utilities: storm sewer, sanitary sewer, water, gas or communications.

Cost estimate does not include Owner's soft costs for surveys, administration of the project, A/E fees, contingencies, etc.

CITY OF NEWPORT

ORDINANCE NO. 1341AN ORDINANCE ADOPTING THE SOUTH
BEACH URBAN RENEWAL PLAN

WHEREAS, the Newport Urban Renewal Agency, also known as the Newport Development Commission of the City of Newport, Oregon, hereinafter referred to as "Agency", has caused to be prepared and submitted to the Common Council of the City of Newport, Oregon, hereinafter referred to as "Council", for review and approval an Urban Renewal Plan, hereinafter referred to as "Plan", for the South Beach Urban Renewal Project, hereinafter referred to as "Project", for the Urban Renewal Area, hereinafter referred to as "Area", which is located within and without the City of Newport, Oregon, but entirely within the City's urban growth boundary, and such part of the area that is not within the city limits of the City of Newport is entirely within the County of Lincoln, Oregon, all of which area is more particularly bounded and described in Exhibit "A", attached hereto and by this reference made a part hereof; and

WHEREAS, said Plan is dated August 1982 and consists of text and exhibits, and

WHEREAS, the Planning Commission of the City of Newport, Oregon, has reviewed the Plan and has determined that the Plan for the Area does not conflict with any general plan for the development of the City of Newport, and more particularly the South Beach area, and has recommended that the Council approve said Plan; and

WHEREAS, the Council has duly considered the recommendations of the Planning Commission; and

WHEREAS, the Council has had the benefit of detailed studies and reports of the location, land use, environmental influences, and the social, cultural and economic conditions of the area and has determined that the area is blighted and deteriorated as defined by ORS 457.010(1) and that the conditions of the area are detrimental to the safety, health and welfare of the inhabitants and users thereof and of the City of Newport at large because of the existence of blighted and deteriorated conditions within said area as more fully identified in the report, and

WHEREAS, the Plan provides an outline for the development, redevelopment, clearance, rehabilitation and conservation of the Area and indicates and includes, among other

things, (a) proposals for land redevelopment, improvements and rehabilitation; and (b) the relationship with the Plan to definite local objectives as to appropriate land uses and improved public utilities, recreational and community facilities and other improvements,

NOW, THEREFORE, the City of Newport ordains as follows:

1. The City Council of the City of Newport makes the following findings of fact:

a. The Area has defective design due to faulty planning.

b. The Area suffers from deterioration and disuse of property because of the faulty planning and irregularity in the shape and use of parcels.

c. The division of the real property in the Area has resulted in lots of irregular form and shape which are inadequate in size or dimension for property usefulness and development as contemplated by the Newport Comprehensive Plan.

d. Unsightly and unsafe structures exist in the Area, for which redevelopment is not encouraged under the existing land use pattern and economic conditions.

e. Full and useful development of the Area has not been realized and cannot be achieved without the adoption of the Plan because of the deterioration and mixed uses resulting from past faulty planning.

f. The property and lots in the Area have been laid out in disregard to the contours, drainage and other physical characteristics of the land and surrounding conditions.

g. Inadequate utilities and streets currently exist in the Area, and development of the utilities and streets in the Area is not encouraged due to the faulty planning.

h. Much of the property located in the Area is subject to inundation by water, and there extends over much of the Area a drainage problem which can best be resolved through the Plan.

i. Depreciated values and impaired investments are present in the Area, to such an extent that the capacity to pay taxes is reduced. Tax receipts from the Area are inadequate for the cost of public services rendered or for improvement thereof.

2. ORDINANCE NO. _____

j. A total lack of proper utilization of areas exist in the Area, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare.

2. It is further found and determined that the Area is a blighted and deteriorated area as defined in ORS 457.010(1) by reason of the facts and conditions hereinabove set forth, including but not limited to the deleterious land uses, the lack of adequate draining facilities and public rights-of-way, inadequate access to properties, inadequate utility service, and the harmful effect these and other conditions and factors have on development, redevelopment, rehabilitation and conservation in the Area.

3. It is further found and determined that rehabilitation and redevelopment of the Project Area is necessary to protect the public health, safety and welfare of the municipalities on which the area is located.

4. It is further found and determined that the Plan conforms to the Newport Comprehensive Plan as a whole and provides an outline for accomplishing the urban renewal projects that the Plan proposes.

5. It is further found that the Plan does not presently anticipate the involuntary acquisition of real property that would displace existing residences or businesses.

6. It is further found that the Plan does not presently anticipate the need for land acquisition.

7. It is further found, as set forth in the Plan, that the carrying out of the Urban Renewal Plan for the Area is economically sound and feasible and will improve the Area to the betterment for the residents, users, land owners, the City of Newport, and Lincoln County.

8. The City of Newport shall assume and complete such activities as are prescribed for it in the Plan.

9. It is found that a portion of the Area lies within the jurisdiction of the County of Lincoln. Administration of the Plan for that portion outside of the city limits will be under the authority of the Newport Urban Renewal Agency, upon approval of the Plan by the County of Lincoln pursuant to ORS 457.105.

10. The Plan for the Area, dated August 1982, consisting of an Urban Renewal Plan and Supplemental Report, having been duly reviewed and considered, as adopted by the Newport Urban Renewal Agency, is hereby approved and adopted. The City Recorder shall file a copy of the said Plan with the minutes of this meeting.

11. The City Recorder is hereby directed to forward immediately to the Newport Urban Renewal Agency a true copy of this Ordinance, and the City Recorder shall cause notice of adoption of this Ordinance approving the Plan to be published in the Newport News Times, Newport, Oregon, no later than four (4) days following the adoption of this Ordinance, as required by ORS 457.095.

PASSED AND ADOPTED by the Common Council of the City of Newport this 12th day of September, 1983, by the following vote:

AYES:	<u>5</u>
NAYS:	<u>0</u>
ABSTAINED:	<u>0</u>
ABSENT:	<u>2</u>

APPROVED by the Mayor this _____ day of September, 1983.



Mayor

ATTEST:

Patricia P. Beards
City Recorder

Beginning at the intersection of the center line of Henderson Creek and the high tide line of the Pacific Ocean shoreline; thence northerly along said high tide line of the Pacific Ocean shoreline to the northerly line of the Yaquina Bay south jetty; thence generally easterly along the said northerly line of the south jetty and the southerly shoreline of Yaquina Bay to the most southerly intersection of the east line of Section 17, T 11 S, R 11 W, W.M.; thence southerly to the southeast corner of said Section 17; thence westerly along the southerly line of said Section 17 a distance of 1353.62 feet to the 1/16 corner common to Sections 17 and 20, T 11 S, R 11 W, W.M.; thence southerly along the easterly 1/16 lines of Sections 20, 29, and 32, T 11 S, R 11 W, W.M. to the most easterly southeast corner of the Newport Municipal Airport boundary; thence generally westerly along the southerly boundary of the said airport to the easterly right-of-way line of the Oregon Coast Highway; thence northerly along said easterly right-of-way line of the Oregon Coast Highway to the intersection point of said line with the center line of Henderson Creek; thence westerly along the center line of Henderson Creek to its intersection point with the high tide line of the Pacific Ocean shoreline and the point of beginning.

FILED¹⁰⁸

SEP 26 1983

COUNTY OF LINCOLN

GLORIA A. McEWEN, CLERK
BY Deb Kasper DEPUTY

RESOLUTION NO. 83-26-9

IN THE MATTER OF)
The Adoption of the)
South Beach Urban)
Renewal Plan)

WHEREAS, Lincoln County entered into a study of the area known as "South Beach" (more particularly described in Exhibit A), located partially within the City of Newport and partially within Lincoln County, to determine whether or not the area was "blighted", as defined by ORS 457.010, and whether or not the area would benefit from the placement of the area into an urban renewal project, and

WHEREAS, a report has been prepared and filed with Lincoln County entitled "An Urban Renewal Plan for the South Beach Urban Growth Area", finding, among other things, that the area is a blighted area and would benefit from the placement of the area into an urban renewal project, and

WHEREAS, the Newport Urban Renewal Agency, pursuant to ORS 457.035(2) has jurisdiction, upon consent of Lincoln County, to administer the entire area, and

WHEREAS, the City of Newport on September 12, 1983, made certain findings of fact and conclusions and approved an ordinance adopting the urban renewal plan for the South Beach Urban Growth Area, and

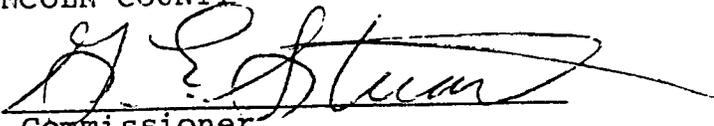
WHEREAS, the Board of Commissioners of Lincoln County concur in the findings of fact and conclusions reached by the City Council of the City of Newport that the South Beach Urban Growth Area is a "blighted" area, as defined by ORS 457.010, and would benefit from the provisions of ORS Chapter 457, and

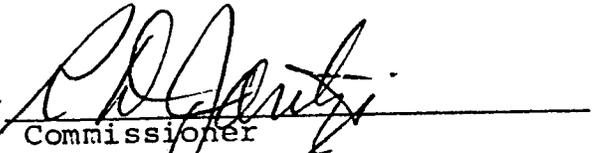
NOW, THEREFORE, BE IT HEREBY RESOLVED by Lincoln County, acting by and through its Board of Commissioners, that it does hereby approve the Urban Renewal Plan for the South Beach Urban Growth Area as previously adopted by the City Council of the City of Newport on September 12, 1983, and the clerk of the Board is directed to forward a true copy of this resolution approving the Urban Renewal Plan to the

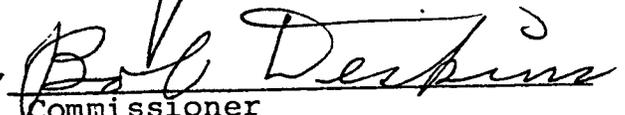
Newport Urban Renewal Agency, in care of Mr. Don Davis,
Executive Secretary, 810 S.W. Alder Street, Newport, Oregon
97365.

DATED this 26th day of September, 1983.

LINCOLN COUNTY

By 
Commissioner

By 
Commissioner

By 
Commissioner

APPENDIX A
(REVISED)

(Legal Boundary Description)

Beginning at the intersection of the centerline of Henderson Creek and the high tide line of the Pacific Ocean shoreline; thence northerly along said high tide line of the Pacific Ocean shoreline to the northerly line of the Yaquina Bay south jetty; thence generally easterly along the said northerly line of the south jetty and the southerly shoreline of Yaquina Bay to the most southerly intersection of the east line of Section 17, T11S, R11W, W.M.; thence southerly to the southeast corner of said Section 17; thence westerly along the southerly line of said Section 17 a distance of 1353.62 feet to the 1/16 corner common to Section 17 and 20, T11S, R11W, W.M.; thence southerly along the easterly 1/16 lines of Section 20, 29, and 32, T11S, R11W, W.M. to the most easterly southeast corner of the Newport Municipal Airport boundary; thence generally westerly along the southerly boundary of the said airport to the easterly right-of-way line of the Oregon Coast Highway; thence northerly along said easterly right-of-way line of the Oregon Coast Highway to the intersection point of said line with the centerline of Henderson Creek; thence westerly along the centerline of Henderson Creek to its intersection point with the high tide line of the Pacific Ocean shoreline and the point of beginning.

Excepting therefrom the following:

- Parcel 1: South Beach State Park and Lincoln County owned land in South Jetty area, as described in attached description.
- Parcel 2: Portions of Newport Municipal Airport, as described in attached description.

DESCRIPTION FOR PARCEL 1
URBAN RENEWAL DELETION IN SOUTH BEACH

Beginning at the intersection of the center line of Henderson Creek and the high tide line of the Pacific Ocean (being generally westerly of the northwest corner of Surfland Unit No. 1 in Section 30, T 11 S, R 11 W, W.M.); thence northerly along said high tide of the Pacific Ocean shoreline to the northerly line of the Yaquina Bay south jetty; thence generally easterly along said northerly line to the west line of Section 17, T 11 S, R 11 W, W.M.; thence south $0^{\circ}25'15''$ west along the said west line to the north line of Parcel 1 as depicted on County Survey No. 10,358 (and filed August 8, 1983, with the Lincoln County Surveyor), a distance of 60 feet, more or less; thence southwesterly along the arc of a 388.10 foot radius curve to the right, a distance of 180 feet, more or less, to the most northerly northwest corner of said Parcel 1; thence south $25^{\circ}07'23''$ east, 120.00 feet; thence south $64^{\circ}52'37''$ west, a distance of 594.52 feet to the most westerly northwest corner of said Parcel 1; thence south $30^{\circ}24'56''$ east, 991.78 feet; thence south $76^{\circ}22'03''$ east, 54.55 feet; thence north $71^{\circ}00'44''$ east, 1,373.52 feet; thence north $45^{\circ}00'00''$ east, 282.84 feet to the most easterly point of said Parcel 1 and the south line of WAGGONER'S ADDITION TO SOUTH BEACH (as shown on Lincoln County Survey No. 9893), a subdivision of record in Lincoln County, Oregon; thence east along said south line, a distance of 1,413.96 feet, more or less, to the west line of S.W. Abalone Street (formerly Davis Street); thence southerly along the said west line of S.W. Abalone Street, a distance of 1,307.73 feet, more or less, to the north quarter corner of Section 20, T 11 S, R 11 W, W.M.; thence west along the north line of the said Section 20, a distance of 775.5 feet, to the northwest corner of the John A. Diem Tract as described in Book 78, Page 74, Lincoln County Record of Deeds; thence south along the west line of said Diem Tract 1,192.5 feet to the southwest corner thereof; thence east along the south line of said Diem Tract, a distance 363.7 feet, to the westerly line of the Oregon Coast Highway; thence south $25^{\circ}09'$ west along the westerly line of said Highway, a distance of 22.04 feet; thence west, 894.98 feet, more or less, to the west 1/16th section line; thence southerly along the said 1/16th line, a distance of 2,200 feet, more or less, to the westerly line of the Oregon Coast Highway; thence southerly along said westerly line, a distance of 600 feet, more or less, to the south line of the plat of Pacific View in Section 20, T 11 S, R 11 W, W.M.; thence westerly along the south line and its westerly extension of the said Pacific View, a distance of 1,705 feet, more or less, to the G.L.O.

-2

meander line; thence south 8°30' west, along the said G.L.O. meander line, a distance of 3,580 feet, more or less, to the center line of said Henderson Creek; thence westerly, along said center line, a distance of 300 feet, more or less, to the point of beginning.

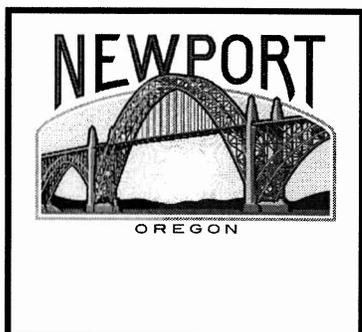
DESCRIPTION FOR PARCEL 2
URBAN RENEWAL DELETION IN SOUTH BEACH

Beginning at the northwest corner of the northeast corner of the northwest corner of Section 29, T 11 W, R 11 W, W.M.; thence south along the west 1/16th line of said Section 29, a distance of 700 feet, more or less, to a point that is 724.27 feet south and 1,411.15 feet east of the northwest corner of Section 29, T 11 S, R 11 W, W.M.; thence south 1°56'30" west, a distance of 433.25 feet, more or less, to the easterly extension of the southerly boundary of Surfland Unit No. 2, a subdivision of Lincoln County; thence north 64°51' west, a distance of 684 feet, more or less, to the east corner of Lot 8, Block 2, of said Surfland Unit No. 2; thence south 39°59' west along the easterly line and its southerly extension of said Lot 8, a distance of 50 feet, more or less, to the west 1/64th line of the west half of said Section 29; thence south along the said 1/64th line and the west 1/64th line of the west half of Section 32, T 11 S, R 11 W, W.M., a distance of 1,700 feet, more or less, to a point that is 600 feet south of the north line of said Section 32; thence west along a line that is parallel to and 600 feet south of said north line, a distance of 660 feet, more or less, to the west line of said Section 32; thence south along the said west line, a distance of 3,300 feet, more or less, to the northwest corner of the Pruner Tracts, a subdivision of Lincoln County and the southern boundary of the Newport Municipal Airport; thence generally easterly along said boundary, a distance of 4,000 feet, more or less, to the intersection of the south line of the northeast quarter of said Section 32 and the west 1/64th line of the said northeast quarter of Section 32; thence north along the said 1/64th line and the 1/64th line of the southeast quarter of Section 29, T 11 S, R 11 W, W.M., a distance of 5,280 feet, more or less, to the north line of the said southeast quarter of Section 29; thence west, a distance of 660 feet, more or less, to the southwest corner of the northeast quarter of said Section 29; thence north, a distance of 1,320, more or less, to the northwest corner of the southwest quarter of the said northeast quarter of Section 29; thence east along the north line of the said southwest quarter of the northeast quarter of Section 29, a distance of 660 feet, more or less, to the 1/64th line; thence north along the said 1/64th line, a distance of 1,320 feet, more or less, to the north line of the said Section 29; thence west along the said north line, a distance of 1,980 feet, more or less, to the point of beginning.

Appendix A

Legal Boundary Description

Beginning at the intersection of the center line of Henderson Creek and the high tide line of the Pacific Ocean shoreline; thence northerly along said high tide line of the Pacific Ocean shoreline to the northerly line of the Yaquina Bay south jetty; thence generally easterly along the said northerly line of the south jetty and the southerly shoreline of Yaquina Bay to the most southerly intersection of the east line of Section 17, T 11 S, R 11 W, W.M.; thence southerly to the southeast corner of said Section 17; thence westerly along the southerly line of said Section 17 a distance of 1353.62 feet to the 1/16 corner common to Sections 17 and 20, T 11 S, R 11 W, W.M.; thence southerly along the easterly 1/16 lines of Sections 20, 29, and 32, T 11 S, R 11 W, W.M. to the most easterly southeast corner of the Newport Municipal Airport boundary; thence generally westerly along the southerly boundary of the said airport to the easterly right-of-way line of the Oregon Coast Highway; thence northerly along said easterly right-of-way line of the Oregon Coast Highway to the intersection point of said line with the center line of Henderson Creek; thence westerly along the center line of Henderson Creek to its intersection point with the high tide line of the Pacific Ocean shoreline and the point of beginning.



Agenda Item #

VII.B.

Meeting Date

February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY

City Of Newport, Oregon

Issue/Agenda Title: Consideration of ordinance adopting new code provision to limit the number of garage sales

Prepared By: Firestone Dept Head Approval: Firestone City Mgr Approval:  _____

Issue Before the Council: Should the Council adopt an ordinance limiting the number of garage sales per year to make the limitation enforceable?

Staff Recommendation: Adopt an ordinance placing some limitations on garage sales to avoid the situation in which people operate businesses in the guise of garage sales.

Proposed Motion: I move for reading by title only of Ordinance No. _____, An Ordinance Amending Newport Municipal Code Chapter 8.10 Nuisances By Adding a New Section 8.10.125 Garage Sales To Limit Garage Sales and for adoption by roll call vote.

Key Facts and Information Summary: The City has an existing ordinance limiting the number of garage sales to two per year per property, but that ordinance was not codified and therefore is unenforceable. The Council previously considered an ordinance that would adopt the standards of the existing ordinance, but gave direction to staff to obtain more information and consider alternatives. The ordinance being presented to council would allow a maximum of four garage sales per year, with no more than two in a calendar month. This is consistent with some of the other jurisdictions in the area.

Other Alternatives Considered: (1) Limiting the number of garage sales to two per year, consistent with the existing ordinance. (2) Not restricting garage sales.

City Council Goals: A.4. Continue to identify and implement opportunities for city beautification.

Attachment List: Draft ordinance, memorandum.

Fiscal Notes: Should have limited fiscal impact – enforcement would be by existing personnel.

CITY OF NEWPORT

ORDINANCE NO. _____

**An Ordinance Amending Newport Municipal Code Chapter 8.10 Nuisances By
Adding a New Section 8.10.125 Garage Sales To Limit Garage Sales**

Findings

1. The city adopted Newport Municipal Code Chapter 8.10 to regulate nuisances in the City, consistent with previously existing ordinances.
2. Ordinance No. 981 placed a maximum of two garage sales per year at any property. While not originally characterized as a nuisance, the intent of the provision was to limit impact on surrounding properties.
3. It is in the public interest to limit the number and duration of garage sales at any property because of the impact on adjoining and nearby properties.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Newport Municipal Code Chapter 8.10 is amended by adding a new section 8.10.125 to read as follows:

8.10.125 Garage Sales

- A. "Garage sale" means a sale conducted by one or more persons, of primarily personal belongings, and which takes place on the residential premises of one of the owners.
- B. Garage sales have benefits for those holding the sales and their customers, but have a detrimental impact on neighboring property because of additional traffic and noise. Garage sales in excess of four per calendar year or in excess of 48 consecutive hours are a nuisance. Garage sales in excess of two per calendar month are a nuisance.

Section 2. All other portions of Chapter 8.10 remain unchanged.

Section 3. This ordinance shall take effect 30 days after adoption.

Read By Title and Adopted by Roll Call Vote: _____

ORDINANCE NO. _____

Signed by the Mayor on _____, 2008.

William D. Bain, Mayor

ATTEST:

Margaret M. Hawker, City Recorder



Agenda Item # VII.C.
 Meeting Date February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
 City Of Newport, Oregon

Issue/Agenda Title Northwest Poets Conference – Grant Fund Application

Prepared By: Peggy Hawker Dept Head Approval: Peggy Hawker City Mgr Approval: [Signature]

ISSUE BEFORE THE COUNCIL DR. SANDRA ELLSTON HAS REQUESTED \$712.50 IN SPECIAL EVENT/ACTIVITY GRANT FUNDING TO SUPPORT THE NORTHWEST POETS CONFERENCE. THIS EVENT WILL BE HELD ON APRIL 24 AND 25, 2009 IN NEWPORT. IT IS ANTICIPATED THAT APPROXIMATELY 40 PEOPLE WILL ATTEND THIS WEEKEND EVENT. AS HOUSING AND MEALS ARE NOT INCLUDED IN THE CONFERENCE REGISTRATION, ATTENDEES WILL BE STAYING IN OUR LODGING FACILITIES, EATING IN OUR RESTAURANTS, AND SHOPPING IN OUR SHOPS AND AT OUR GASOLINE STATIONS.

STAFF RECOMMENDATION THIS IS ENTIRELY A COUNCIL DECISION, AND COUNCIL MUST CONCLUDE WHETHER THE APPLICATION FITS THE SPECIAL EVENT/ACTIVITY GRANT FUND GUIDELINES.

PROPOSED MOTION To Approve: I MOVE THAT THE SPECIAL EVENT/ACTIVITY GRANT FUND APPLICATION FROM EASTERN OREGON UNIVERSITY, FOR THE NORTHWEST POETS CONFERENCE, TO BE HELD ON APRIL 24 AND 25, 2009, BE APPROVED, IN THE AMOUNT OF \$712.50.

To Deny: I MOVE THAT THE SPECIAL EVENT/ACTIVITY GRANT FUND APPLICATION FROM EASTERN OREGON UNIVERSITY BE DENIED AS IT DOES NOT FIT THE SPECIAL EVENT/ACTIVITY GRANT FUND GUIDELINES.

KEY FACTS AND INFORMATION SUMMARY THE NORTHWEST POETS CONFERENCE IS SCHEDULED FOR APRIL 24 AND 25, 2009, IN NEWPORT. PARTICIPANTS WILL NEED LODGING, FOOD, GASOLINE, AND OTHER SHOPPING. THE EVENT IS SPONSORED BY EASTERN OREGON UNIVERSITY, AND THE APPLICANT IS REQUESTING \$712.50 TO OFFSET SOME OF THE TOTAL EXPENSES OF \$1,612.50.

OTHER ALTERNATIVES CONSIDERED NONE

CITY COUNCIL GOALS THIS REQUEST COMPLIES WITH COUNCIL GOAL A. WHICH STATES "CONTINUE TO PROVIDE A FULL RANGE OF SERVICES INCLUDING: WATER, SEWER, STORM DRAINAGE, TRANSPORTATION, PLANNING, POLICE DEPARTMENT, FIRE DEPARTMENT, PARKS AND RECREATION, LIBRARY, AIRPORT, ECONOMIC

DEVELOPMENT, AND TOURISM DEVELOPMENT.” IT SPECIFICALLY FALLS INTO TOURISM DEVELOPMENT, AS THIS EVENT OCCURS IN THE SHOULDER SEASON AND PUTS HEADS IN BEDS.

ATTACHMENT LIST ATTACHED IS THE REQUEST FROM THE APPLICANT – EASTERN OREGON UNIVERSITY.

FISCAL NOTES APPLICANT PROJECTS THAT PARTICIPANTS WILL SPEND APPROXIMATELY \$12,025 IN NEWPORT ON LODGING, MEALS, AND GASOLINE, AND THERE WOULD LIKELY BE ADDITIONAL SHOPPING REVENUE.



CITY OF NEWPORT
 169 SW Coast Highway
 Newport, Oregon 97365
 541-574-0603
 c.atkinson@thecityofnewport.net

SPECIAL EVENT/ACTIVITY GRANT FUND APPLICATION

Please read the rules instructions on page 4. prior to completion.

General Information:

Name of Applicant Organization: Eastern Oregon University

Mailing Address: One University Blvd.

City, State, Zip: La Grande, OR 97850

Telephone: 541-962-3555 Fax: _____

E-Mail Address: ellstons@gmail.com

Principal Contact (if different from Applicant): Dr. Sandra Ellston

Mailing Address (if different from Applicant): 947 NW Lanai Loop

City, State, Zip: Seal Rock, OR 97376

Telephone: 541-563-6263 Fax: _____

E-Mail Address: ellstons@gmail.com

Date(s) and Time(s) of Event: April 24, 2009 (2-6 p.m.), April 25 (9-6)

Description of Event or Activity*: Northwest Poets' Concord. A conference on poetry, bringing in around 40 people to Newport. An EOU course will be connected to the Concord, bringing in students from throughout Oregon.

Nature of Event or Activity:

- | | |
|--|---|
| <input type="checkbox"/> Tourism based capital project | <input type="checkbox"/> Multi-night local lodging event |
| <input type="checkbox"/> Special media promotion | <input checked="" type="checkbox"/> Education and/or training project |

Amount of Funding Requested: \$ 712.50

Total Event/Activity Budget: \$ 1,612.50

What specific expenditures will the granted funds be used for? TOTAL BUDGET:
Keynote speaker \$350; Catering (snacks & coffee) \$662.50; badges, mailing,
paper, supplies \$100; provisional expense if 30 rooms are not rented by
participants - for meeting rooms \$500. TOTAL = \$1,612.50

List event/activity supporters or partners*: Grant request for \$500
submitted to Eastern Oregon Univ. Foundation.

Is applicant/organization a non-profit corporation? Yes - State educational institution.
 (Attach a copy of the IRS determination letter.)

Has applicant received funding from the city for this event/activity? If yes, when:

No. This is the first year. It may become an annual event.

Projected Event/Activity Impact:

Describe how the event/activity will affect the Newport economy (e.g., room nights, number of visitors/attendees, restaurant sales, retail sales, etc.):

About 40 presenters are signed up for the conference. Most live else-
where. There may be as many as 25 students enrolled in the Fall course
linked with the conference. Most live elsewhere. There is one overnight, perhaps
two if people do not want to leave after 6 p.m. No meals are included
with the conference. Thus there is the potential for 65-100 people staying
two nights in Newport. They will eat two dinners, a breakfast, and a lunch,
each. They will stroll through Nye Beach and shop. And they will buy gas
for the trip home. They will want to return next year if this becomes
an annual event.

Potential totals, \$12,025 (meals, rooms, gas) plus shopping

Financial Reporting Requirements:

For established groups, please provide two years of profit and loss statements, a current balance sheet, and a proposed budget for this event/activity. For newly formed groups, please provide a proposed budget of revenues and expenditures in a form similar to the following:

PROPOSED REVENUES

Source #1	<u>Eastern Oregon University Foundation</u>	Amount	\$ <u>500.00</u>
Source #2	<u>Conf. registration & non-presenter tickets</u>	Amount	\$ <u>400.00</u>
Source #3	_____	Amount	\$ _____
Source #4	_____	Amount	\$ _____
Source #5	_____	Amount	\$ _____
TOTAL REVENUES			\$ <u>900.00</u>

PROPOSED EXPENDITURES

Use #1	<u>Keynote speaker honorarium & room</u>	Amount	\$ <u>350.00</u>
Use #2	<u>Catering (snacks & coffee)</u>	Amount	\$ <u>662.50</u>
Use #3	<u>Supplies</u>	Amount	\$ <u>100.00</u>
Use #4	<u>Meeting rooms</u>	Amount	\$ <u>500.00</u>
Use #5	_____	Amount	\$ _____
Use #6	_____	Amount	\$ _____
Use #7	_____	Amount	\$ _____
Use #8	_____	Amount	\$ _____
Use #9	_____	Amount	\$ _____
Use #10	_____	Amount	\$ _____
TOTAL EXPENDITURES			\$ <u>1,612.50</u>

712.50
REVENUES MINUS EXPENDITURES \$ ~~1,612.50~~

As a final condition to accepting granted funds, the applicant agrees to provide the City of Newport with a final report summarizing result of the event/activity (e.g., attendance, local and regional publicity, lodging occupancy, closing revenue and expenditure report, etc.), with a detailed and verified accounting.

1-9-2009

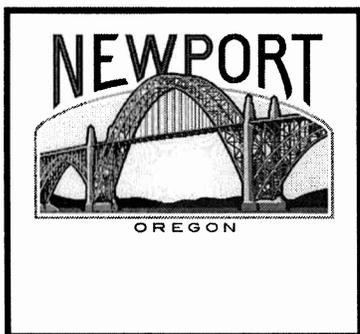
 Date

Sandra K. Ellston

 Applicant Signature
Sandra K. Ellston

 Applicant Printed Name

*Use additional sheets as necessary.



Agenda Item #
Meeting Date

VII.D.
February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Concurrence In County Vacation of Way of Necessity

Prepared By: Firestone Dept Head Approval: Firestone City Mgr Approval: 

ISSUE BEFORE THE COUNCIL: WHETHER TO CONCUR IN THE COUNTY'S VACATION OF A WAY OF NECESSITY IN THE SOUTH BEACH AREA.

STAFF RECOMMENDATION: ADOPT AN ORDER CONCURRING IN THE VACATION OF THE WAY OF NECESSITY.

PROPOSED MOTION: I MOVE TO ADOPT THE ORDER CONCURRING IN LINCOLN COUNTY'S VACATION OF A WAY OF NECESSITY

KEY FACTS AND INFORMATION SUMMARY: EMERY INVESTMENTS, INC. APPLIED TO LINCOLN COUNTY FOR APPROVAL OF A WAY OF NECESSITY. PART OF THE WAY OF NECESSITY IS WITHIN THE CITY OF NEWPORT. THE CITY LACKS THE AUTHORITY TO INDEPENDENTLY VACATE A WAY OF NECESSITY, BUT DOES HAVE THE AUTHORITY TO CONCUR IN A COUNTY VACATION OF PROPERTY WITHIN THE CITY. THIS SITUATION IS MADE COMPLICATED BY THE RELATIONSHIP BETWEEN TWO CHAPTERS OF THE OREGON REVISED STATUTES. ORS 376.190(2) GIVES THE COUNTY BOARD JURISDICTION OVER THE VACATION OF WAYS OF NECESSITY AND PROVIDES THAT THE VACATION PROCEDURES SHALL BE THOSE IN ORS CHAPTER 368. ORS 368.361(3) AUTHORIZES A COUNTY TO VACATE PROPERTY WITHIN A CITY OF THE CITY CONCURS IN THE COUNTY'S FINDINGS. THE COUNTY HAS VACATED THE PORTION OF THE WAY OF NECESSITY WITHIN THE CITY.

OTHER ALTERNATIVES CONSIDERED: NOT CONCURRING IN THE VACATION.

CITY COUNCIL GOALS: NONE DIRECTLY APPLICABLE. HOWEVER, VACATION OF THE WAY OF NECESSITY WOULD FACILITATE ECONOMIC DEVELOPMENT OF THE SOUTH BEACH AREA.

ATTACHMENT LIST: ORDER CONCURRING IN VACATION

FISCAL NOTES: APPROVAL OF THIS ORDER SHOULD NOT HAVE ANY ECONOMIC IMPACT ON THE CITY.

BEFORE THE CITY COUNCIL OF THE CITY OF NEWPORT

**In the Matter of A Request for Concurrence
In the Vacation of a Way of Necessity
By the Lincoln County Board of Commissioners**

Findings

A. The Lincoln County Circuit Court issued an Order Establishing Way of Necessity in Case No. 46125 (the Order). The Order was filed on June 28, 1982. A copy of the Order is attached as Exhibit A, which also includes a legal description of the Way of Necessity.

B. The Lincoln County Board of Commissioners, after a duly noticed public hearing, vacated the way of necessity established by the Order. The County's decision, including findings, as to the property within the Newport City limits is attached as Exhibit B.

C. Although the City lacks original jurisdiction to vacate a way of necessity, it has the authority under ORS 368.361(3) to concur in findings made by a county in vacation proceedings that are limited to property within city limits. The City's concurrence has the effect of making the vacation by the county valid and effective within the city limits.

D. The City Council has concluded that the vacation of the way of necessity is in the public interest.

Based on these findings,

THE CITY OF NEWPORT ORDERS AS FOLLOWS:

The City Council of the City of Newport concurs in the findings of the Lincoln Board of Commissions shown in Exhibit B.

Adopted by a _____ vote of the Newport City Council on _____, 2008.

Signed on _____, 2008.

William D. Bain
Mayor

ATTEST:

Margaret M. Hawker
City Recorder

FILED

JUN 28 1982

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LINCOLN

AT O'CLOCK M.

ALBERTA M. BRYANT CLERK

Katherine J. ...

In the Matter of the Petition)

of)

No. 46125

026

MARGARET M. McDAID and)
RUTH HORTON EDWARDS.)

ORDER ESTABLISHING WAY
OF NECESSITY

THIS MATTER having come before the above entitled court upon the Motion and Affidavit of petitioners, and the court having considered the Motion and Affidavit of petitioners, petitioners' Petition on file herein, the Surveyor's Report from Lincoln County Surveyor, J. W. Hanna, and the other information contained on file herein; and

The court finding specifically that:

1. Petitioners are the owners of the following described real property:

All that part of the northwest quarter of the southeast quarter of Section 21, T. 11 S., R. 11 W. W.M., in the County of Lincoln and State of Oregon, situated and being on the easterly side of King Slough, EXCEPTING therefrom approximately 10 acres as described in deed from John Bartow, and Jessie Bartow, husband and wife, to James M. Bradley recorded in Book 108, at page 567 of Deed Records for Lincoln County, Oregon, excepting timber.

2. There are no public or county roads that provide access to petitioners' property, nor do petitioners have an existing easement or other private rights that provide access to their property; and the roadway of necessity proposed by petitioners is the most reasonable means of providing access to petitioners' otherwise land-locked real property and there is no other reasonable access to such property; and

BRUNN & FARLOW
Attorneys at Law
P. O. Box 69 - 518 East First St.
Newberg, Oregon 97132
Telephone 538-3136

1 3. The proposed way of necessity follows a logging road
 2 already in existence and therefore does not interfere with the other
 3 landowners' use or enjoyment of their property to any appreciable
 4 degree and therefore such adjoining landowners have not sustained
 5 any damage to the use and enjoyment of their property and therefore
 6 are not entitled to compensation in these proceedings; and

7 4. Petitioners' proposed way of necessity needs no additional
 8 access to Highway 101 and therefore does not pose any greater traffic
 9 hazard than might already exist; now, therefore,

10 IT IS HEREBY ORDERED AS FOLLOWS:

11 1. Petitioners' Petition for Way of Necessity is granted.

12 2. Petitioners shall be and are hereby granted a way of
 13 necessity from the real property described above to U.S. Highway 101
 14 over and upon a roadway described as lying and running 15 feet on each
 15 side of the following roadway centerline description:

16 Commencing at a point on the easterly right of way of
 17 U.S. Highway #101, said point being 1084.55 feet South
 18 and 277.08 feet West of the 1/4 corner between Sections
 19 17 and 20, T. 11 S., R. 11 W., W.M., Lincoln County,
 Oregon, said point also being the True Point of
 Beginning of the following 30-foot road centerline:

20	thence South	77	degrees	25	minutes	35	seconds	East	163.44	feet;
21	"	North	88	"	17	"	15	"	East	674.74
22		South	86		29		04		East	171.02
23		North	77		23		03		East	190.28
24		South	83		13		38		East	360.99
25		South	81		39		48		East	190.91
26		South	64		06		56		East	211.86
		South	30		20		45		East	197.86
		South	54		46		50		East	322.28
		South	28		59		22		East	303.99
		South	45		18		49		East	405.84
		South	28		17		12		East	161.58
		South	47		14		54		East	169.02
		South	70		29		12		East	74.29

ATTORNEYS AT LAW
 P. O. Box 69 - 518 East First St.
 Newberg, Oregon 97132
 Telephone 538-3138

1	thence South 36 degrees 37 minutes 59 seconds East 182.87 feet;
	" South 69 " 28 " 13 " East 315.49 "
2	South 39 03 31 East 143.06
	South 38 52 32 East 271.24
3	South 03 31 43 West 475.79
	South 15 54 57 West 180.50
4	South 13 59 16 East 140.68
	South 03 49 41 West 154.55
5	South 36 55 14 East 229.71
	South 66 52 58 East 278.80
6	South 09 11 20 West 133.50
	South 36 16 53 East 269.41
7	South 01 48 19 East 214.57
	South 58 15 46 East 513.84
8	South 23 00 00 East 200.00
	South 48 00 00 East 101.94
9	South 35 30 00 East 186.14
	South 27 37 04 East 221.50
10	South 54 29 49 East 182.70
	North 77 53 17 East 162.59
11	North 79 53 28 East 243.57
	North 30 14 30 East 212.23
12	North 13 50 39 East 358.53
	North 30 43 58 West 161.85
13	North 52 52 08 West 253.65
	North 05 06 08 East 135.06
14	North 22 03 57 East 65.40
	North 16 31 18 West 379.44
15	North 18 33 10 East 227.48
	North 22 16 02 East 271.42
16	North 41 19 05 East 70.72

17 thence East 27.02 feet to a point on the West line of
 18 the Northwest one-quarter of the Southeast one-quarter
 of Section 21, T. 11 S., R. 11 W., W.M., said point
 19 being the termination of said road centerline.

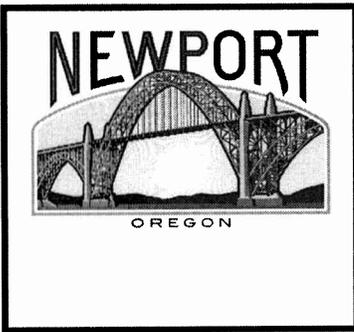
20 3. Said roadway described above should be appurtenant to
 and run with the land of petitioners and its use shall be for
 21 unrestricted vehicular traffic to and from petitioners' real property
 22 described above and Highway 101.

23 4. Petitioners shall share maintenance costs of the roadway
 24 in proportion to their use.

25 5. No compensation, damages, or attorney's fees are allowed
 26 to the adjoining and affected property owners.

Page

BROWN & IARLOW
 Attorneys at Law
 P. O. Box 69 - 518 East First St.
 Newberg, Oregon 97132
 Telephone 538-3138



Agenda Item # VII-E
 Meeting Date February 2, 2009

CITY COUNCIL AGENDA ITEM SUMMARY
 City Of Newport, Oregon

Issue/Agenda Title Resolution authorizing the sale of general obligation bonds for the Water Treatment Plant and other water system improvements

Prepared By: [Signature] Dept Head Approval: [Signature] City Mgr Approval: [Signature]

Issue Before the Council: To begin the process of selling bonds as authorized by City voters in November, for the construction of a Water Treatment Plant and other water system improvements, Council must adopt a resolution authorizing the bonds to be sold.

Staff Recommendation: Adoption of the attached resolution

Proposed Motion: I move for adoption of resolution number _____, a resolution of the City of Newport, Oregon, authorizing the sale of general obligation bonds to finance a new water treatment plant and water system improvements, in one or more series, in an aggregate principal amount not to exceed 15.9 million dollars

Key Facts and Information Summary: To put the financing mechanism in place for the construction of the water treatment plant, a schedule of events has been planned to finalize a bond sale in mid-March. This resolution is the catalyst to put the bond sale in motion. The resolution has been prepared by the City's Bond Counsel, K & L Gates, reviewed by the bond underwriters, Seattle Northwest Securities and City staff.

Other Alternatives Considered: None at this time

City Council Goals: Goal A "Continue to provide a full range of services including: water," etc...; Goal C "Plan and fund infrastructure inspection, maintenance, repair, and improvements to maximize provision of service and minimize facility failures or inadequacies."

Attachment List: Proposed Resolution, Schedule of Events for City of Newport GO Bonds, Series 2009

Fiscal Notes: The bond sale will result in bond proceeds of about \$15,900,000 to be repaid with interest over twenty years by a property tax levy

City of Newport General Obligation Bonds, Series 2009

Preliminary Schedule of Events; as of January 9, 2008

Financing Team		
Issuer:	City of Newport	City
Bond Counsel:	K&L Gates LLP	K&L
Paying Agent:	Wells Fargo	PA
Investment Banker:	Seattle-Northwest Securities Corporation	SNW

January						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Done	Due Date	Event	Parties
<input checked="" type="checkbox"/>	Fri., Jan. 9	Circulate preliminary schedule	SNW
	Wk. of Jan. 12	Circulate draft Authorizing Resolution	K&L
		Circulate information requirements list	SNW
	Fri., Jan. 23	Comments due on Authorizing Resolution	Fin. Team
		Finalize Authorizing Resolution for Council Packet	K&L
	Mon., Feb. 2	Council Adopts Authorizing Resolution	CITY Council
	Wed., Feb. 4	Information Requirements due to SNW	CITY
		File MDAC form 1 with Treasury	SNW
	Mon., Feb. 9	Circulate first draft POS	SNW
	Wed., Feb. 11	Circulate draft rating materials	SNW
	Fri., Feb. 13	Comments due on first draft POS	Fin. Team
	Wed., Feb. 18	Circulate second draft POS and draft Purchase Agreement	SNW
		Circulate clean copy of POS to City Council members	CITY
	Wk. of Feb.23	Conference call with rating agencies	CITY; SNW
	Wed., Feb. 25	Comments due on second draft POS and draft Purchase Agreement	Fin. Team
	Mon., Mar. 2	Circulate substantially complete draft POS and "Deemed Final" letter	SNW
	Wed., Mar. 4	End of two-week Council review of POS	CITY Council
	Fri., Mar. 6	"Deemed Final" letter due to SNW	CITY
		Final comments on POS due	Fin. Team
	Mon., Mar. 9	Receive rating	CITY
	Tue., Mar. 10	Print and mail of POS	SNW
	Mon., Mar. 16	Pre-pricing (time between 11 a.m. and 2 p.m. to be determined)	CITY; SNW
	Tue., Mar. 17	Pricing (client to be available throughout the day)	CITY; SNW
		Sign Purchase Agreement; File MDAC form 2	CITY; SNW
	Wk. of Mar. 23	Circulate draft closing documents	K&L
	Mon., Mar. 23	Post final Official Statement; Circulate Closing Memorandum	SNW
	Tue., Mar. 31	Closing	Fin. Team



CITY OF NEWPORT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF NEWPORT, OREGON, AUTHORIZING THE SALE OF GENERAL OBLIGATION BONDS TO FINANCE A NEW WATER TREATMENT PLANT AND WATER SYSTEM IMPROVEMENTS, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,900,000

Findings

A. The voters of the City of Newport, Oregon (the “City”) approved Measure 21-124 at the November 4, 2008 general election, authorizing the City to issue \$15,900,000 of general obligation bonds to finance capital construction and capital improvements for water system improvements, as described in the ballot title for Measure 21-124.

B. It is desirable to authorize the sale of the bonds that were approved by the voters at the November 4, 2008 election in multiple series.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Bonds authorized. The City authorizes the issuance of not more than \$15,900,000 in aggregate principal amount of general obligation bonds to finance the projects described in Measure 21-124, including paying costs of issuing the general obligation bonds (the “Projects”). The general obligation bonds authorized by this resolution are herein referred to as the “Bonds.”

Section 2. Delegation. The City Manager, the Finance Director, or the person designated by the City Council to act on behalf of the City under this resolution (each of whom is referred to herein as the “City Official”) is hereby authorized, on behalf of the City and without further action by the City Council, to:

- (1) Issue the Bonds in one or more series.
- (2) Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to each series of the Bonds.
- (3) Establish the form, final principal amounts, maturity schedules, interest rates, sale prices and discount, prepayment terms, administrative provisions, and other terms of each series of Bonds.
- (4) Execute and deliver a bond declaration for each series of Bonds, specifying the terms under which each series of Bonds are issued, and making covenants for the benefit of bondowners. The bond declarations may also contain covenants for the benefit of any insurers of the Bonds.

- (5) For each series, publish a notice of sale, receive bids and award the sale of that series of Bonds to the bidder complying with the notice and offering the most favorable terms to the City, or select one or more underwriters, commercial banks or other investors and negotiate the sale of the Bonds with those underwriters, commercial banks or investors.
- (6) Undertake to provide continuing disclosure for each series of Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.
- (7) Apply for ratings for each series of Bonds, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancements for each series of Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
- (8) Appoint paying agents for the Bonds and negotiate the terms of and execute an agreement with such paying agents.
- (9) Determine whether each series of Bonds will bear interest that is excludable from gross income under the Internal Revenue Code of 1986, as amended (the "Code"), or is includable in gross income under the Code. If a series bears interest that is excludable from gross income under the Code, the City Official may enter into covenants to maintain the excludability of interest on that series of the Bonds from gross income.
- (10) Designate each series of Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code, if applicable.
- (11) Execute and deliver each series of Bonds to their purchaser.
- (12) Execute and deliver any agreements or certificates and take any other action in connection with each series of Bonds which the City Official finds is desirable to permit the sale and issuance of that series of Bonds in accordance with this resolution.

Section 3. Security for Bonds. The Bonds shall be general obligations of the City. The City hereby pledges its full faith and credit to pay the Bonds, and the City covenants for the benefit of the Bondowners that the City shall levy annually, as provided by law, in addition to its other ad valorem property taxes and outside the limitations of Sections 11 and 11b of Article IX of the Oregon Constitution, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, after considering discounts taken and delinquencies that may occur in the payment of such taxes, to pay the Bonds promptly as they mature.

Section 4. Effective Date. This resolution is effective upon its adoption.

Adopted by a _____ vote of the Newport City Council on _____, 2009.

Signed on _____, 2009.

William D. Bain, Mayor

ATTEST:

Margaret M. Hawker, City Recorder