



**AGENDA & Notice of Work Session,  
& Regular Meeting of Newport City Council (CC)  
Including Acting in the Capacity as the  
Local Contract Review Board (LCRB)  
And Urban Renewal Agency (URA)**

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The City Council of the City of Newport, also acting in the capacity as the LCRB and URA, will hold a work session at **12:00 noon**, on **Monday, February 1, 2010** in Conference Room “A” at City Hall. The regular Council meeting begins at **6:00 P.M.**, on **Monday, February 1, 2010**. The meeting will be held in the Council Chamber, 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 City Council, also acting in the capacity as the LCRB and URA, reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting. Action Items that do not require a public hearing may be moved up earlier in the meeting.

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**WORK SESSION AGENDA**

**12:00 Noon**  
**CC – LCRB – URA**

- I. Questions regarding evening agenda items
  - II. Interview potential Budget Committee applicants .....pgs. 1-5
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**REGULAR MEETING AGENDA**

**6:00 P.M.**  
**CC – LCRB -- URA**

*Any person wishing to speak on any agenda item should complete a Public Comment Form and hand it to the City Recorder, Peggy Hawker. Public Comment Forms are located on a table at the entrance door to the City Council Chamber. If you wish to comment on a subject not on the agenda, the Mayor will call on you under “Public Comments”. If you wish to comment on a specific agenda item, the Mayor will call on you when the City Council gets to that item.*

- I. **Call to Order and Roll Call**

**II. Public Comments**

*This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items.. Speakers may not yield their time to others.*

**III. Proclamations & Recognitions**

- A. Introduce new Airport Director, Gene Cossey  
(Voetberg)

**IV. Consent Calendar**

*The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.*

- A. Approval of minutes from the work session,  
executive session, and regular meeting of  
January 19, 2010, .....**pgs. 1-12**  
(Atkinson)

**V. Council Members' Reports and Comments**

**VI. Officers' Reports**

- A. Mayor's Report
  - 1. Committee appointments.....**pgs. 1-4**
  - 2. Cascades West Area on Transportation-  
Nominate Members.....**pgs. 1-2**
- B. City Manager's Report
  - 1. Manager's Written Report.....**pgs. 1-17**
- C. City Attorney's Report

**VII. Discussion Items and Presentations**

*Items that do not require immediate Council action, such as presentations, discussion of potential future action items*

- A. Power point presentation by youth group  
Representing Oregon Coast Aquarium &  
Newport Chapter of Surfrider Foundation  
on their Winter Projects Team.....**pgs. 1-5**
- B. Presentation on Sustainability by Susan  
Millhauser from City of Lake Oswego.....**pgs. 1-2**  
(Brusselback/McCarthy)

- C. Presentation on Sustainability by Mark Saelens  
from Lincoln County.....**pgs. 1-5**  
(Brusselback/McCarthy)

**VIII. Public Hearings**

**IX. Action Items**

*Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances)*

- A. Updates to Chapter 11.05 of the Municipal Code  
and Ordinance regarding imposition of fines  
for building code violations.....**pgs. 1-8**  
(Tokos/McCarthy)

- B. Resolution No. 3490, adding annual household  
pass to pool fee schedule.....**pgs. 1-9**  
(Protiva/Voetberg/McCarthy)

**X. Public Comment**

(Additional time for public comment – 5 minutes per speaker)

**XI. Adjournment**

Date: 1-5-10

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

List Commission/Committee of interest: BUDGET

Name: STAN ROWE

Address: NEWPORT, OR 97365

Telephone Number: Work: — Home: —

Occupation: Retired

Employer: —

(1) Why do you think you are qualified to be a Committee member? *While I have only lived in Newport a few years, I have been visiting my sister here for over 30 years. I also have educational background and work experience.*

(2) State your educational background. *BBA & MA  
University of Iowa  
Iowa City, Iowa*

(3) Have you ever served on a community committee? If so, what kind? *Yes  
Wayfinding (signage)  
member of CERT  
City Center Newport Assoc.*

- (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? *No*
- (8) List all other pertinent information/background for this position.

*Any questions, please contact me.  
Thank you for your time and the  
consideration.*

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



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City Council

Committees

Committee/Commission Application

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**City of Newport**

Application for Commission/Committee Appointment

Please complete the form below and click the "Submit" button at the bottom of the page.

Date	
List the Commission/ Committee of interest:	Budget
Name:	Joan Stanton
Address:	Newport
Work Telephone Number:	NA
Home Telephone Number:	
Email Address:	
Occupation:	retired teacher
Employer:	NA
(1) Why do you think you are qualified to be a Committee member?:	attended Budget Comm/ City Council meetings last year; served as treasurer for teachers' assn 4 yrs; served as bookkeeper for family business
(2) State your educational background:	B.A. English Calif. Sta-Elem. Life teaching credential M.S. Educ.
(3) Have you ever served on a community committee? If so, what kind?	yes. SOLU; FOCAP; church & school (Sam Case E1); helped write application for Natl Distinguished Schools (my school won it 4 times)
(4) Do you agree with consensus decision making?	yes <b>HMSC's Sea Fest</b>
(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?	no
(8) List all other pertinent information/background for this position.	
Thank you in advance for your community spirit in offering to serve!	
	<del>02092G</del>
	<input type="button" value="Change Image"/>
Write the characters in the image above	

**Cheryl Atkinson**

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**From:** CommitteeApp@thecityofnewport.net  
**Sent:** Thursday, January 21, 2010 10:00 PM  
**To:** Cheryl Atkinson  
**Cc:** Chuck Norman  
**Subject:** Committee Application

Application for City Council - Email Application  
 Date: January 21, 2010  
 Commission/Committee of Interest: Budget Committee  
 Name: Chip (Chuck) Norman  
 Address:  
 Workphone:  
 Homephone:  
 Email:  
 Occupation: Materials Manager  
 Employer: Unemployed

Why do you think you are qualified to be a committee member? I'll bring to the committee the knowledge obtained through many years experience as a manager in various business. Including years of budgeting and other general financial experience. In addition, my ability to listen to both sides of an issue before making a decision. Also my ability to ask probing questions that at times are out-of-the-box type of questions.

Educational Background: BS Operations Management, Oregon State AS Supervisory Management, Lane Community

Have you ever served on a community committee? If so what kind? Yes. Currently I serve on the:

Newport Library Board of Trustees  
 Newport Library Foundation  
 Newport Symphony Board

Do you agree with consensus decision making? Yes. I believe it is the best way to make a decision. I may not personally agree with the group's decision, however, I know what is often good for the organization is more important than my personal belief. I can always live with the group consensus.

Are you willing to attend regularly schedule meetings for your terms of office? Yes. Once i make a commitment to a group I stick to it.

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes. This goes with consensus decision making. I may not personally agree, however, I know that what is often good for the organization may not be what I want.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? Not at this time. I serve on other boards and committees and none would be in conflict.

List all other pertinent information/background for this position: I am committed to devoting the appropriate time to this committee. I believe that giving of my time is important in a community. I am active in my church. And finally, I want to make a difference in my community.

**Cheryl Atkinson**

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**From:** CommitteeApp@thecityofnewport.net  
**Sent:** Tuesday, January 26, 2010 7:31 AM  
**To:** Cheryl Atkinson  
**Cc:** janet.webster@charter.net  
**Subject:** Committee Application

Application for City Council - Email Application  
Date: 1/26/10  
Commission/Committee of Interest: Budget  
Name: Janet Webster  
Address:  
Workphone:  
Homephone:  
Email:  
Occupation: Librarian  
Employer: Oregon StaTe university

Why do you think you are qualified to be a committee member? I have experience with city affairs through my eight years on the Library Board, my current membership on the Water Task Force and my ongoing participation in planning in South Beach and the Bay Front. Throughout these efforts, I have learned about urban renewal funding, city budgeting and the varying demand on city services and resources.

Educational Background: BA - University of Chicago MLA - Columbia University MS - Oregon State University

Have you ever served on a community committee? If so what kind? See above.  
I served on the Oregon Community Foundation for eight years.  
I served on the Oregon Library Association board in various capacities since 1990 and currently chair the OLA Legislation Committee.

Do you agree with consensus decision making? True consensus is difficult to achieve. I believe in participatory government, listening to all opinions and ideas, and then making decisions within the group.

Are you willing to attend regularly schedule meetings for your terms of office? Yes. I have some travel commitments for work that may make it difficult for me to attend some meetings.

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes. In city government, we operate within a landscape of code, ordinances and regulations.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No. I am part owner of a business that owns property on the Bay Front and a business that occasionally does work for the Port of Newport and the PUD.

List all other pertinent information/background for this position: I was asked to apply for this position on the Budget Committee.

January 19, 2010  
Noon  
Newport, Oregon

### **CITY COUNCIL WORK SESSION**

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

Staff present: Voetberg, McCarthy, Atkinson, Tokos, Ritzman, Smith, Crook, Schultz, Protiva, and Miranda.

Council discussed the following items:

1. Mayor reported he would be adding an agenda item to the consent calendar – an OLCC license application for the Champagne Patio Restaurant.
2. Patrick asked about the status of the Grady Britton contract. She was informed it ends on June 30, 2010, and the Destination Newport Committee is aware of this and working on it. They will make a recommendation to Council on this matter.
3. Obtshka inquired about the payment to RDO Trust on page 10 of the claims.
4. Patrick inquired about the current budget committee opening. Mayor reported two applications have been received, and they will come before the Council to answer questions at the Council's February 1<sup>st</sup> noon work session. He further noted we have not received any applications for the Bike and Pedestrian Advisory Committee. It was determined applications will continue to be received for committee openings until filled.
5. Bertuleit will report this evening on the recent Airport Advisory Committee meeting of last week, and the Bike & Pedestrian Advisory Committee meeting he attended, as well as the Fisher Poets event he attended over the weekend.
6. Patrick will report on Port activities this evening.
7. Brusselback will report this evening on the Blue Ribbon Task Force, and a League of Oregon Cities class (Strategic Planning) that he recently attended.
8. Kilbride indicated he would have comments this evening with regards to room taxes collected, and the current air service information he had received this morning.
9. Obtshka will report on the OCZMA quarterly meeting he attended last week
10. Voetberg reported he had received a call from the "News-Times" editor asking about placing "Shop Local" signs below the Newport entrance signs. The consensus of Council was to reserve those locations for community events.
11. Obtshka requested the City look at what other communities are doing with regards to using non-toxic chemicals for weed control and fertilization. He suggested asking specifically what Lincoln City does. Brusselback requested Council be informed on what staff finds out in their research on this matter.
12. Brusselback said he would like to share a hand-out he received at the LOC session on goal setting, since the Council will be holding their goal setting session soon.

13. The date of February 22<sup>nd</sup> was discussed for scheduling the Council's goal setting session. Council indicated they would like to schedule only one day for the session. Voetberg explained he would suggest Feb. 22<sup>nd</sup> as Councilor McConnell should be back from his vacation by that date. He asked Council to confirm with Atkinson later in the week if this date will work for all.
14. Schultz gave an update on the Airport's response to an FAA investigation following a plane crash that occurred Sunday after the plane's departure from the Newport Airport. FAA complimented our staff on the excellent job they did. They gave the okay to begin selling fuel again at the self-serve site. The self-serve gasoline was unavailable approximately 24 hours because of the accident.
15. Bertuleit asked where we were with Georgia Pacific, and McCarthy responded the ball is in their court, and has been since December 23<sup>rd</sup>.
16. Ritzman briefly explained the public hearing being held this evening. He reported it is to obtain a loan/grant from the USDA Rural Development to be used for improvements to the City's wastewater/collections system.
17. Tokos distributed a letter received from Attorney Dennis Bartoldus with regards to the request for a Council initiated street vacation for a portion of SW 12<sup>th</sup> Street and S.W. Case Street. Tokos shared the policy Council had established in October 2008 with regards to requests for Council initiated street vacations. He noted the only portion of the Council policy not met by the applicant was the demonstration of a good faith effort to obtain written consent from neighboring property owners.
18. Tokos explained the process for legalizing SW Harbor Drive, and how this particular street relates to the requested street vacation of SW 12<sup>th</sup>.
19. McCarthy reported on the proposed amendment to the taxi cab ordinance that Council had directed her to prepare at their January 4<sup>th</sup> meeting. Further language changes were suggested in Section 1 of the ordinance. Adding verbiage in Section 1, line two, "or any form of consideration" was one suggestion. McCarthy stated she would be also be adding that the drivers must be 21 years of age. The \$1,000,000 insurance coverage required, and the need to have that lowered was discussed. McCarthy said she would contact our insurance agent, Mark Collson, as he was the one who provided that figure.
20. The most recent "draft" Airport Business Plan was distributed and discussed. Voetberg indicted the Council would not need to take action this evening, as the draft plan should have been placed under the presentation section of the agenda, rather than action.
21. Kilbride said he had received an e-mail from Sheldon Hunt, who had concerns with the draft plan, and had asked his name be removed from the plan. Kilbride indicated he might agree with some of Mr. Hunt's concerns. Brusselback indicated he had some concerns with the plan also.
22. Bertuleit explained this was definitely a draft Airport Business Plan, and Council could make further changes to the plan if they so wished.
23. Voetberg stated the Parks & Recreation Business Plan was ready for adoption this evening, and staff had made the adjustments as requested at the last Council meeting. The family pool pass as suggested by Bertuleit was discussed. Kilbride indicated that page 26 needed to have the same information at the bottom of the page as page 27. Protiva agreed, and stated he would have a corrected page 26 for the evening meeting.

24. Brusselback noted there was no substantial changes made to the marketing plan, and that had been requested by both he and Councilor McConnell. He wants to see that occur.
25. Obtshka inquired if fill from the Bay Front project could be used for the NOAA project, as the Port had inquired. Ritzman said he would not advise doing this swap, as the Bay Front soils have to be treated. Ritzman indicated there would be fill available in a couple of months when the Water Treatment Plant project begins, and he will contact Don Mann.
26. Discussed the pharmaceutical return program being presented this evening.
27. Brusselback reminded Council of the two sustainability presentations for their February 1<sup>st</sup> meeting. It was suggested staff invite the Port to attend to hear these presentations.
28. It was determined to postpone the executive session scheduled for January 25<sup>th</sup> because three councilors will not be able to attend. The Urban Renewal meeting will still be held on January 25<sup>th</sup>.
29. Ritzman gave an update on the Nye Beach storm drainage system, and progress made. Voetberg reported that all departments are working together to prevent further flooding in the city.
30. Voetberg reported the monthly financials would continue to be sent out as last week. Kilbride asked for a report comparing property taxes received over the last three years.
31. MOTION was made by Patrick, seconded by Bertuleit, to enter executive session pursuant to 192.660(2.(h.) to consult with legal counsel. The motion carried unanimously in a voice vote, and Council entered executive session at 2:00 P.M.
32. MOTION was made by Kilbride, seconded by Bertuleit, to leave executive session. The motion carried unanimously in a voice vote, and Council returned to its work session at 2:33 P.M.

Having no further business, the work session adjourned at 2:35 P.M.

January 19, 2010  
(TUESDAY)  
6:00 P.M.  
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Bain, Bertuleit, Brusselback, Kilbride, Obtshka, and Patrick were present. McConnell was excused.

Staff present was City Manager Voetberg, City Attorney McCarthy, Community Development Director Tokos, Public Works Director Ritzman, Interim Finance Director Schultz, Parks and Recreation Director Protiva, Police Chief Miranda, Lieutenant Teem, and Executive Assistant Atkinson.

### **CONSENT CALENDAR**

The consent calendar consisted of the following items:

- (A) Approval of minutes from work session and regular meeting of January 4, 2010
- (B) Account of claims paid for December 2009,
- (C) Fire & Police monthly reports, December 2009
- (D) Ratification of amendment to City Attorney's contract.
- (E) OLCC license approval for Champagne Patio Restaurant and Fine Wine.

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

### **COUNCILOR'S REPORTS AND COMMENTS**

Obtshka reported on the OCZMA quarterly meeting he had attended last week, and shared many of the agenda items from the meeting, i.e. tsunami update, marketing campaign for the Southern Oregon Coast, and oil and gas exploration rights that have expired.

Brusselback reported on the League of Oregon City's Strategic Planning Session he attended last Friday, January 15<sup>th</sup>. He said it was interesting and he had gleaned some useful information from the session. He indicated he would be sharing one of the handouts on goal setting with Council members as their goal setting session was soon.

Brusselback further reported on the Blue Ribbon Committee. They are honing in on a fair grounds and what all that entails. There will be two public meetings on January 26<sup>th</sup> in Newport, and then again on January 27<sup>th</sup> in Lincoln City, both beginning at 7:00 p.m.

Kilbride reported on the most recent numbers provided on the City room tax collections. He stated they are a little higher than this time last year, but based on the current year's budget and collection schedule, we are behind by \$75,000. For the previous three years we are behind by \$51,000, per Kilbride. He indicated that his figures agree with the Interim Finance Director's current year's transient room tax collection, but they are a little different on the past three years. He said he would meet with Mr. Schultz on these numbers.

Kilbride reported the Seaport airline ridership had decreased this past week, and this was the first time our ridership had dropped below Astoria's. He commented that we are using up the subsidy fairly quickly, and we lost approximately \$5,000 last week with the low ridership.

Kilbride reported that he had requested at the noon work session a property tax comparison for the past three years, and Schultz had provided the information for the evening meeting. He said if the numbers are accurate, we have collected 89.4% this year, which indicates our collections are up over the past two years.

Bertuleit reported on the Airport Advisory Committee meeting he had attended last week. They had reviewed information being gathered for fees and leases, and indicated these fees would be further reviewed when the new airport manager arrives. He also reported the committee had reviewed the draft Airport Business Plan prior to it being presented to the Council this evening.

Bertuleit reported on the recent Bicycle & Pedestrian Committee meeting he attended. The go ahead for new bike signage was given; they are interested in purchasing new stainless steel bike racks; they are pleased to see new curb cuts occurring in different areas of the city; and are still interested in a better bike route along Ocean View Drive. He reported he had met with Lee Ritzman and they reviewed the bike route to try and find where the route could be expanded.

Bertuleit reported he had attended the Fisher Poets event over the weekend, and it had been well attended. He noted the City had given tourism grant funds towards this event. He further reported that Councilor Brusselback had participated in the event by reading some of his poetry.

Bertuleit reported that work has begun on creating the bike route map.

Patrick reported that NOAA has arrived and construction has begun on their site. Two local contractors were awarded the job – Road & Driveway and Western States Electrical Construction. She reported that the Port is meeting with NOAA personnel every two weeks.

Patrick reported she had attended Gene Bateman's celebration of life on Friday. Our sister city of Mombets had sent many condolences to be shared, as Gene was very active with our sister city program over the years. Patrick indicated when Councilor McConnell returns from vacation the Council can determine what they would like to do with regards to a memorial in Gene's name.

Mayor Bain reported on the annual meeting of the Airline Consortium. He indicated the Port of Portland had rejected the request from Seaport to exclude the passenger facility charges (PFC) from their fares. The consortium received a good marketing report. The Mayor further reported on survey cards, the progress of e-ticketing, and inter-line ticketing agreement, and possible schedule changes.

A brief discussion ensued on why the Newport passenger count may have dropped last week.

## OFFICER'S REPORTS

**Report of the City Manager.** Voetberg reported he had included a 6-month review in the Council's packet. He commented many major personnel changes have occurred over the past six months, but staff was still able to accomplish many tasks. He praised City employees for helping that to occur.

Voetberg stated he was recommending the \$250 donation received recently be given to “Meals on Wheels”, and unless Council had any objections that is where the city would send the \$250 donation.

Voetberg requested Lieutenant Teem come forward to speak on the “Pharmaceutical Take Back Program” that our Police Department is initiating. Teem and Barb Dougherty, Director of the Lincoln County Commission on Children & Families, spoke briefly about the program and explained how it will work. Dougherty demonstrated how easy it is to dispose of expired pharmaceuticals through this program. Dougherty reported that Newport is the first city in Oregon to offer this program, and we should be proud. Teem commented they will be doing a soft rollout at the City and County offices with regards to this program, and will be spreading the word more heavily to our community in about a month.

Patrick asked if this program had been communicated to Hospice, as they recommend flushing medications once the patient has passed. Dougherty said they had. Teem indicated the Police will also be changing their procedures with regards to disposal of pharmaceuticals following a death.

Bertuleit asked if the Rx container could be placed at Fred Meyer or Wal-Mart. Teem explained that it has to be where the Police can monitor it and have surveillance.

Bain asked if this program would be taken to the schools, and Dougherty said yes. She also indicated they will get the word out to as many places as possible.

Obtreshka stated we should encourage other communities near us to participate. Teem noted that Toledo has already checked with Newport about the program.

The Council took a break and recessed at 6:43 p.m. They resumed their meeting at 7:00 p.m.

## PUBLIC HEARINGS

**Public hearing on obtaining a USDA Rural Development Loan/Grant to be used for Improvements to the City’s Wastewater Collection System.** Bain opened the public hearing at 7:00 p.m. He called for abstentions and declarations of ex parte contact. He asked whether there were objections to any of the Councilors, or the Council as a whole, hearing this matter. There were none. Ritzman explained the USDA Rural Development Loan/Grant and how it will benefit the City’s wastewater collection system. He stated the city has a series of pump stations that need to be increased, as well as new force mains. USDA Rural Development requires a public hearing on the application process. He further explained because of the income of our general population, the loan/grant may not have to be paid back. He indicated we will not need to sign the agreement, until we know all the details.

Brusselback asked if these “fixes” would help to stop the sewer spills. Ritzman responded that it should.

Kilbride asked if the City has to pay back any money on this project, be it a loan or grant, where would we take it from in our budget. Ritzman said it would have to come out of our sewer rates, and the payback would not begin until after the last project is completed.

Hearing no further comments or questions, Bain closed the public hearing at 7:04 p.m.

MOTION was made by Obtreshka, seconded by Bertuleit, that City Council give authorization for the Public Works Department staff to continue with the process of

obtaining \$5.24 million of USDA Rural Development Funds through a loan/grant process, with these funds to be used to upgrade the City's wastewater collection's system in the Agate Beach area. The motion carried unanimously in a voice vote.

Bain reported that he resides in one of the areas being proposed for this project.

## ACTION ITEMS

### Council initiation of street vacation for S.W. 12<sup>th</sup> Street & S.W. Case

**Street:** Tokos explained the issue before the Council is whether or not they wish to initiate the street vacation process for SW 12<sup>th</sup> Street and SW Case Street. He described the area. He indicated Council had adopted a new policy on Council initiated street vacations in October of 2008. He read the seven considerations within the policy. He indicated at this time, the request does not satisfy the Council policy for a City initiated right of way vacation, as the owner has not demonstrated a good faith effort to obtain written consent from neighboring land owners, nor have they proven the attempts to obtain consent would be futile. Tokos stated the property owner's Attorney, Dennis Bartoldus, had provided Council with a letter at their noon work session responding to the staff's recommendation.

Tokos explained there could be a trade off on SW Harbor Drive for property the City could acquire for a sidewalk from the property owners who are requesting the SW 12<sup>th</sup> street vacation. He noted the legalization of SW Harbor Drive was the next item on the Council's agenda.

Tokos stated this is the first time Council has had the opportunity to apply the City initiated street vacation policy, since it was adopted in 2008. He said the question before the Council is whether they think the applicant being required to notify 70 property owners would be futile. Tokos said if the Council thinks this vacation meets their policy for being a Council initiated street vacation, and gives approval, he would like to see the legalization of Harbor Drive be approved and have it occur first. Tokos stated he would also recommend the applicant pay the filing fees.

Councilors discussed the policy and both Brusselback and Obteshka indicated the applicant should contact the 70 property owners. It was noted that the owners of 2/3rds of the affected property within the notice area would need to respond affirmatively for the applicant to attain the street vacation. The applicant would still have to go through all the public hearings and the neighboring property owners would have opportunity to speak either for or against the street vacation.

Kilbride stated he had read Bartoldus letter from the noon work session and agreed that contacting a large number of property owners could prove difficult.

Attorney Dennis Bartoldus and applicant, Mike Ruckus, came forward. Bartoldus stated this street vacation request is very much tied in with the legalization of Harbor Drive. He does not see this as an ordinary street vacation. Bartoldus commented that the City needs a portion of the Rickus property along Harbor Drive to complete the legalization of Harbor Drive. Bartoldus spoke about the topography of S.W. 12<sup>th</sup> and Case Streets, and Harbor Drive. He addressed the property owner notification, and how difficult that could be with this type of street vacation, and the numbers of property owners involved. He indicated from past experiences that attaining signatures from many property owners is very difficult, and can drag on for a very long time. He stated it is a heavy burden placed on the applicant. Neighboring property owners will be contacted, and will have the opportunity to speak at more than one public hearing. He

stated Council would not be setting a bad precedent. He also commented that paying the filing fees had never been an issue.

The applicant, Mike Rickus, reported he had purchased his property in September of 2009 with the intent to build townhouses. He had contracted with a geologist and a surveyor for the property, and through that process discovered Harbor Drive had never been legally accepted by the City. He had contacted the City early on about the problem with Harbor Drive, and expressed his willingness to work with the City, since a portion of his property will be needed when legalizing Harbor Drive. Rickus shared a power point depicting his property and the surrounding area.

Bartoldus said it would be a substantial benefit for the City to clear up the problem with Harbor Drive.

Brusselback stated it would definitely be more expeditious for the applicant if the City initiated the street vacation.

Bertuleit inquired which tax lots the City owned.

Kilbride explained if the City does initiate the vacation, there will still be public hearings, and it would follow the same process of going before Planning Commission before coming to the Council. He commended Mr. Rickus for obtaining the needed information before proceeding with his project.

Obtshka asked if the property was zoned correctly for townhouses. Tokos stated the property was zoned R-3 or R-4, which is the correct zoning.

Bain inquired if the alleyway will be retained for access. The answer was yes.

Brusselback stated one burden on persons seeking to vacate property is that they must notify the owners of neighboring properties. Brusselback said he did not want to see this democratic process sidestepped when Council initiates the street vacation process.

Tokos stated that if the owners of 2/3<sup>rds</sup> of the property within the notification area agree to the vacation through the applicant initiated process, you know it is a go. However, they get the same hearing notice at their homes with either an applicant initiated or Council initiated process.

Obtshka commented there are no utilities in 12<sup>th</sup> street, but there is a water line. He also asked if there would be space left for a 5 foot sidewalk, and Rickus responded there would be.

Kilbride stated if you look at the basic policy with regards to Council initiated street vacations, one factor may outweigh all others. Kilbride indicated the public benefit outweighed the other factors, and further commented how the applicant had met most all other factors in the policy.

MOTION was made by Kilbride, seconded by Patrick to initiate the request to vacate portions of SW 12<sup>th</sup> Street and SW Case Street with the property owner paying the application fee.

Bertuleit said he appreciated the applicant doing his homework before bringing it before the Council. Obtshka indicated he would be voting against the Council initiated street vacation as he wants the property owners notified by the applicant. Brusselback said he was fine with Council initiating the vacation, as he had been assured the democratic process would still occur. The motion carried in a voice vote, with Obtshka voting nay.

**Initiation of a Process to Legalize S.W. Harbor Drive:** Tokos indicated this topic was discussed during the Council initiated request for a street vacation of SW 12<sup>th</sup>.

He further explained how the City had received a request from Julia and Mike Rickus to vacate a portion of the undeveloped SW 12<sup>th</sup> Street right-of-way, where the right-of-way intersects with SW Harbor Drive. When the Rickus' were doing research for this request, they discovered the right-of-way for SW Harbor Drive was never dedicated. Tokos indicated the Rickus' would like to work with the City to resolve the location of SW Harbor Drive, as it pertains to their property. In the meantime, State law provides a process for legalizing roads. If the City proceeds with this process, it will help to resolve the location of SW Harbor Drive along its entire alignment rather than just where it is adjacent to the Rickus property. Tokos listed the compelling reasons the City would want to have Harbor Drive become legal.

Tokos stated if the City does decide to go forward with road legalization, the City would: (1) survey the property, (2) prepare a report, and (3) provide notice of a public hearing to abutting property owners. He also reported the County Surveyor would provide a free survey as long as the process goes forward and Harbor Drive becomes a legalized street.

The standard size for a public right of way was discussed. Ritzman said it varies, but is usually 50 to 60 feet. Public Works has looked at this property and they have no concerns with the legalization of Harbor Drive. Ritzman further reported the right of way for Harbor Drive will be 50 feet.

MOTION was made by Patrick, seconded by Kilbride to direct staff to initiate the statutory process to legalize SW Harbor Drive. On call for vote, all members present voted aye, motion carried.

**An Ordinance Amending Newport Municipal Code, Chapter 4.15 Governing Taxicabs.** Attorney McCarthy explained this amendment is being proposed to address the issue of persons who solicit riders attending the Seafood & Wine Festival, and other related partygoers for donations or tips. She mentioned Council had given her direction from their last meeting to bring an amendment to the taxicab ordinance back for consideration to address prohibiting the solicitation of riders for tips. Subsequently she was contacted by a local night club owner who was very concerned about prohibiting the solicitation of riders – from a public safety and liability perspective. McCarthy explained that she and Chief Miranda met with the Chamber and a representative of the Seafood and Wine Festival and came up with the idea of a temporarily permitting process to address this issue. McCarthy said that the Council could adopt the entire amendment to the taxicab code to address both issues or just Section 1 or Section 2. McCarthy said she is recommending Council adopt the amendment of the Newport Municipal Code, Chapter 4.15 to address this issue. She also noted the verbiage changes recommended from the noon work session had been incorporated into the ordinance. McCarthy said she spoke with Mark Collson, the City's Insurance Agent of Record, regarding the \$1,000,000 coverage, and he was comfortable lowering it to \$500,000.

Obtshka stated he did not want to discourage designated drivers, especially during this event. Mayor Bain commented that the paramount concern is the safety of the citizens and the liability for the City.

Patrick asked if the temporary permit is good only for the Seafood & Wine Festival, and McCarthy responded it was.

Marie McQuaw read a statement with regards to the proposed ordinance. She stated she had been hired by Apollo's Restaurant to provide customers with a safe ride

home after they leave the restaurant, and in her opinion this tactic works to keep people safe. They use the local taxi cab, when it is available. She thanked the City for dealing with this issue. The only deterrent she could see was the requirement that drivers having to be 21 years or older.

MOTION was made by Brusselback, seconded by Patricia to adopt Ordinance No. 1997 -- an Ordinance amending Newport Municipal Code, Chapter 4.15 Governing Taxicabs. Voting aye on the adoption of Ordinance No.1997 was Brusselback, Bain, Bertuleit, Kilbride, and Patrick. Obtshka voted nay. Ordinance No. 1997 was duly adopted.

**Presentation of the Airport Business Plan by the Airport Committee.**

Voetberg explained the Airport Business Plan had been deferred to this meeting, but no action will be required this evening. Voetberg explained the plan had been developed by an airport working group over the past couple of months for presentation to the Airport Advisory Committee. The advisory committee had received a draft copy of the business plan at their January 12, 2010, meeting. The committee had suggested a few changes and those had been incorporated into the plan.

Mark Watkins and Richard Larson, Airport Advisory Committee members, came forward to speak. Watkins reviewed highlights of the plan. He stated it is a good idea to have a business plan in place to help the Airport run more efficiently and to be more fiscally responsible.

Watkins indicated that page 2 lists specific goals for the Airport. Watkins stated he has lived in Newport since 1981 and in his opinion it has never been marketed properly. It is a beautiful facility, and we need to work with the Chamber of Commerce and all other agencies that can assist in helping to market the Airport.

Watkins reported that he and Larson had worked on the fuel marketing plan. It was not their plan to necessarily make money, but to at least keep the doors open and the airport operating. He indicated the plan before the Council is not the final copy and it is open for editing.

Kilbride thanked the group for all the time they had put in pulling this plan together. He further commented that he had received an e-mail from Sheldon Hunt. He stated that Mr. Hunt had gone through the plan and had indicated some of the areas are misleading. Watkins stated he had not received a copy of Mr. Hunt's e-mail. Kilbride said Hunt raises several issues in his e-mail that concern him. Watkins said Mr. Hunt had more than a week to respond to the plan prior to it coming to the Council. He said he would like to look at this e-mail and respond to it. Kilbride said Mr. Hunt was concerned enough with the accuracy of the plan, that he requested his name be removed from the document. Watkins said he would like to respond to his concerns.

Obtshka asked if we could have a third party review the plan once we have a final draft.

Watkins stated that City Manager Voetberg had provided the city's budget figures with regards to the airport.

Brusselback asked what is the time crunch, and how long will it take for input. Watkins stated he thought the time was this evening.

Bain stated in all likelihood the new airport director that comes on board February 1<sup>st</sup> will want to be involved with the business plan. Watkins concurred. Bain asked how a major golf course, which has not been built as yet, could provide revenue to

the Airport. Watkins said if and when the golf course was built, it would be on Airport property and it would be a land lease. It is something that could happen.

Brusselback asked how speculative do you want to be in a business plan. Watkins said the idea of the golf course could be moved and included as an additional potential resource. Discussion of when the draft business plan should come back before Council was discussed. Patrick stated she would like to have it before the Council's goal setting session.

Watkins said if Council has any input or questions to please contact him as soon as possible. It was noted that City staff will provide the contact information for Gene Cossey to Mr. Watkins.

MOTION was made by Bertuleit to pay Mr. Cossey an hourly wage to begin working on the business plan right away. Motion died for lack of second.

Patrick thanked Watkins for all the work done to date on the plan, and reminded him that this is a working document. Watkins thanked city staff for instituting some of the new ideas that the group came up with, as it has helped.

**Consideration of the Parks & Recreation Business Plan.** Voetberg stated the proposed Parks & Recreation Plan is back before the Council for adoption. He reminded Council they had adopted a resolution setting the fees for Parks & Recreation at an earlier meeting, and adopting the business plan was a separate issue. He indicated that he and staff have attempted to meet the Council's objectives as laid out at the Council's December 19<sup>th</sup> meeting. He explained that staff levels have been reduced; revenue has been adjusted to reflect the projected increase in user fees collected, and that the hours of operation at the Parks & Recreation facilities have not been adjusted.

Obtshka stated it was a great improvement over what they had received earlier. He indicated he would still like staff to institute an electronic card check-in system to save on staffing levels. Obtshka said it would be good to try and have some Parks & Recreation events be shown on Channel 4.

Bertuleit indicated we need a better marketing plan for the center, and the sooner the better. He said if you don't promote your business, it does not promote itself. He further stated if we need to budget more for marketing to let him know.

Bertuleit requested the 30% savings to families for the swimming pool be included in the business plan. He said you could include it in the plan, and then add it to the resolution. Another suggestion was to indicate it is a goal in the pool section of the plan.

MOTION was made by Bertuleit, seconded by Patrick, directing staff to bring back a resolution including the 30% discount for families for our swimming pool. The motion carried in a voice vote, with Bain voting nay.

Brusselback stated most troubling to him in the Business Plan was the lack of a good marketing plan. He could not see that any substantial changes had been made, and marketing is the key element to this whole process. It was his opinion that marketing had not been addressed.

Protiva responded his staff has met, and are coming up with new and inventive ideas, using electronic, newspaper, and all forms of media. He said they are looking at new ways to access new markets. Brusselback requested that this marketing information be included in the plan.

Patrick said she also had concerns about marketing in the plan, and that Councilor McConnell had also expressed his concerns.

Bain suggested approving the plan this evening, but to request that the marketing information be updated. Bain asked if more personnel would need to be cut in the Parks & Recreation Department. Protiva stated at this date, no, but if the revenues do not come in, we will have to cut more personnel.

Bertuleit suggested cutting hours at the Recreation Center by opening an hour later and closing an hour earlier. Protiva responded that would change the service level for our patrons, and it was his understanding the Council did not want that to occur.

Kilbride asked if the Recreation Center would be within budget at the end of the fiscal year, and Protiva said it would. Kilbride stated if it looks otherwise near the end of the fiscal year that more action will need to be taken to bring it within budget totals.

MOTION was made by Brusselback, second by Bertuleit to direct staff to analyze the existing marketing plan within the business plan and rewrite it to the satisfaction of Council. Under discussion once the revised marketing plan is accepted by Council it will be added to the adopted business plan. The motion carried in a voice vote, with Bain voting nay.

MOTION was made by Brusselback, seconded by Obteshka to adopt the 2010 Parks & Recreation Plan. On call for vote, all members present voted, motion carried.

### **PUBLIC COMMENT**

Walter Sherman, representing “The Depoe Bay Beacon” stated that he had turned in a public records request last Thursday to our City Recorder. He understood she was going to be out of the office for a couple of weeks. Sherman indicated the request had asked for any e-mails and/or written correspondence between Council members, the Mayor and or staff relating to performance reviews for the City Attorney and City Manager. Sherman asked where the completed forms were. Bain said he has not received any.

Sherman then spoke on the ratification to delay the evaluation of the City Attorney. He asked if it would be delayed and to when. He also asked when the Council met to delay the contract evaluation of the City Attorney. Bain responded that issue was dealt with in the consent calendar at tonight’s meeting. McCarthy indicated the ratification of the change in her contract was needed, or the City would have been in breach of her contract.

Sherman asked the entire Council where the completed evaluation forms were. Bain once again indicated none had been returned to him. Brusselback stated the documents do not exist. Obteshka said he had done nothing on the forms. Larry Coonrod, from the “News-Times” spoke up and stated that a couple of Councilors had those forms at their last meeting, and said they were filling them out. Sherman asked if anyone had finished those forms. Patrick said she had completed hers, and Obteshka said he had not completed his.

### **ADJOURNMENT**

Hearing no further public comment, and having no further business, the meeting adjourned at approximately 9:29 P.M.

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Cheryl Atkinson, Executive Assistant

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William D. Bain, Mayor

NEWPORT PUBLIC LIBRARY  
35 NW NYE STREET  
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



541.265.2153  
www.newportlibrary.org

MOMBETSU, JAPAN, SISTER CITY

## MEMO

To: Bill Bain, Mayor

From: Ted Smith, Library Director *TS*

Subject: Library Board Appointment Recommendation

Date: January 21, 2010

Mayor Bain, after interviewing four candidates, the Newport Library Board is recommending Carol Ruggeri for appointment to fill the vacant board position.

If you concur, I would like to see this accomplished at the February 1, Council meeting.

Carol will make a great addition to our strong board. She is already a very hard-working member of the Library Foundation and will bring a lot of energy and ideas to this work.

The Library Board looks for applicants who represent different parts of the community and bring unique talents to the Board.



## Cheryl Atkinson

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**From:** CommitteeApp@thecityofnewport.net  
**Sent:** Sunday, November 22, 2009 5:49 PM  
**To:** Cheryl Atkinson  
**Cc:** rotarycarol@gmail.com  
**Subject:** Committee Application

Application for City Council - Email Application  
 Date: 11/22/09  
 Commission/Committee of Interest: Library Board  
 Name: Carol Ruggeri  
 Address:  
 Workphone:  
 Homephone:  
 Email:  
 Occupation: NA  
 Employer: NA

Why do you think you are qualified to be a committee member? I served on the Library Board previously and was "termed out". I am also currently the Pres. of the Newport Library Foundation. I thoroughly enjoyed my years on the Board, and gained an understanding of the issues that effect the library and its staff.

Educational Background: Graduate of Tillamook High School Bachelor of Arts in Journalism from San Diego State University

Have you ever served on a community committee? If so what kind? Yes, The Library Board. I also served on the City Manager selection committee for the city. Other organizations that I am involved in are Rotary and Friends of Yaquina Lighthouses

Do you agree with consensus decision making? Yes, certainly

Are you willing to attend regularly schedule meetings for your terms of office? Yes, I am aware that the Board meets on the third Wednesday every other month, as well as the Foundation meeting

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes, after a full debate of all positions and and understanding of the facts.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No, I did not have any conflicts previously.

List all other pertinent information/background for this position: I am currently on the State Library Scholarship selection committee and served on the state LSTA committee for 3 years

**Cheryl Atkinson**

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**From:** CommitteeApp@thecityofnewport.net  
**Sent:** Tuesday, January 19, 2010 1:16 PM  
**To:** Cheryl Atkinson  
**Cc:** cgwillett@charter.net  
**Subject:** Committee Application

Application for City Council - Email Application

Date: 1/19/2010

Commission/Committee of Interest: Bicycle & Pedestrian Committee

Name: Conrad J. Willett

Address:

Workphone:

Homephone:

Email:

Occupation: Retired Teacher

Employer: n/a

Why do you think you are qualified to be a committee member? Avid cyclist; local bike club member (YWBC) I have a keen interest in bicycle & pedestrian safety and accessibility, etc.

Educational Background: Degree in History, Geography and Reading Specialist including post graduate work.

Have you ever served on a community committee? If so what kind? Non profit Creative Life Drug Foundation in N. Cal.  
School Board Com. in N. Cal, etc

Do you agree with consensus decision making? Yes

Are you willing to attend regularly schedule meetings for your terms of office? Yes' but I do travel on occasion for a month or so!

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? Not really, but I have an interest in safety on the road.

List all other pertinent information/background for this position: None, other than being strongly interested in safe road use for all.

**Cheryl Atkinson**

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**From:** CommitteeApp@thecityofnewport.net  
**Sent:** Thursday, January 21, 2010 10:04 PM  
**To:** Cheryl Atkinson  
**Cc:** Chuck Norman  
**Subject:** Committee Application

Application for City Council - Email Application

Date: January 21, 2010

Commission/Committee of Interest: Pedestrian / Bicycle Committee

Name: Chip (Chuck) Norman

Address:

Workphone:

Homephone:

Email: c

Occupation: Materials Manager

Employer: Unemployed

Why do you think you are qualified to be a committee member? I'll bring to the committee the knowledge obtained through many years experience as a manager in various business. In addition, my ability to listen to both sides of an issue before making a decision. Also my ability to ask probing questions that at times are out-of-the-box type of questions.

Educational Background: BS Operations Management, Oregon State AS Supervisory Management, Lane Community

Have you ever served on a community committee? If so what kind? Yes. Currently I serve on the:

Newport Library Board of Trustees

Newport Library Foundation

Newport Symphony Board

Do you agree with consensus decision making? Yes. I believe it is the best way to make a decision. I may not personally agree with the group's decision, however, I know what is often good for the organization is more important than my personal belief. I can always live with the group consensus.

Are you willing to attend regularly schedule meetings for your terms of office? Yes. Once I make a commitment I stick to it. I give plenty of notice if there is scheduling conflict.

Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? Yes. This goes with consensus decision making. I may not personally agree, however, I know that what is often good for the organization may not be what I want.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? Not at this time. I serve on other boards and committees and none would be in conflict.

List all other pertinent information/background for this position: I am committed to devoting the appropriate time to this committee. I believe that giving of my time is important in a community. I am active in my church. And finally, I want to make a difference in my community.



## Cascades West Area Commission on Transportation

1400 Queen Ave. SE , Suite 205A, Albany, OR 97322  
(541)967-8551 • FAX (541)967-4651

DATE: January 12, 2010

TO: Mayors  
County Commission, Chairs  
Port District, Chairs  
Confederated Tribes of Siletz Indians, Chair

FROM: Linda Modrell, CWACT Chair

RE: Nomination of members to the Cascades West Area Commission on Transportation

I have attached a sheet that has the names of all representatives, and their alternates, on the Cascades West Area Commission on Transportation (CWACT) and the date that their terms expire. The term of 23 members expired on December 31, 2009. Please review the list to see when the term of the representative from your jurisdiction expires. If their term expired, I request that you renominate the current representatives or nominate new representatives. We would like to have a full membership as soon as possible so please submit your nominations by February 19, 2010.

Also in reference to the terms which will expire on December 31, 2010, if your jurisdiction's CWACT representative and/or alternate has left office, if you wish to make a change or if you wish to designate an alternate (for agencies that currently do not have an alternate), please forward your nomination.

All cities, port districts and tribes in Linn, Benton and Lincoln Counties are eligible for CWACT membership, regardless of whether or not the entity is a member of the Oregon Cascades West Council of Governments. If your jurisdiction is not a CWACT member at this time, you may join simply by nominating a representative.

The primary representative for each jurisdiction must be an elected official. Alternates do not have to be elected officials. It is important to nominate people that will make a commitment to attend the meetings.

The CWACT is a standing committee of the Oregon Cascades West Council of Governments (OCWCOG) and the OCWCOG Board will formally appoint nominees. A nomination form is attached.

If you have any questions about the CWACT, please contact Mark Volmert at 541-924-8430.

Attachment

C: City/County Managers and Administrators  
CWACT representatives

## 2010 Nomination Form Cascades West Area Commission on Transportation

The following individuals have been nominated to represent  
(City/County/Port/Tribe) \_\_\_\_\_ on the Cascades West Area  
Commission on Transportation. The nominations were made during a legally convened public  
meeting of the (City Council/Commission/Tribal Council)  
\_\_\_\_\_ on (date) \_\_\_\_\_.

The nomination for the **primary** representative (must be elected official) to the CWACT is  
(name and title) \_\_\_\_\_.

The nomination for **alternate** representative to the CWACT is (name and title)  
\_\_\_\_\_.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Please include the following information:

### **Primary Representative**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

### **Alternate Representative**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please return this form no later  
than February 19, 2010 to:

Mark Volmert  
Cascades West COG  
1400 Queen Ave. SE, Suite 205A  
Albany, OR 97322  
Fax 541-967-4651



Jim Voetberg  
City Manager  
CITY OF NEWPORT  
169 S.W. Coast Hwy.  
Newport, OR 97365  
[j.voetberg@thecityofnewport.net](mailto:j.voetberg@thecityofnewport.net)

## Manager's Report Meeting of February 1, 2010

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Following is the Manager's Report for the City Council meeting of February 1, 2010:

Chief Miranda selected to the International Association of Chief of Police (IACP) Mentoring Project Team: As seen in the attached letter from the IACP, Chief Miranda has been selected to be a part of the new police chief mentoring program team. Congratulations to Chief Miranda.

Recreation Marketing Efforts: At a recent Council meeting, staff was asked about marketing efforts of the Recreation Department. Attached for Council review is a response by Parks and Recreation director Jim Protiva.

2009 Community Development Block Grant report by Microenterprise Director Guy Faust: Attached for Council review is the 2009/10 CDBG report prepared by Microenterprise Director Guy Faust. The City received a copy of the report due to our contribution to the grant project.

Out of Office: I will be out of the Office beginning February 3<sup>rd</sup> through the 5<sup>th</sup> to attend CIS conference in Portland. During this time I may be reached by phone. Beginning February 6<sup>th</sup> through the 13<sup>th</sup>, I will be on vacation and out of cell phone range. During my time on vacation, Public Works Director Lee Ritzman will act on my behalf.

FY10/11 Goal Setting: In preparation of the goal setting workshop on February 22, 2010, attached is a goal setting preparation packet developed by the League of Oregon Cities (this was sent out earlier as Councilor Brusselback shared his copy he received at a League workshop). This packet is intended to get Councilors thinking of how the workshop will be conducted and outcomes desired.



International Association of  
Chiefs of Police

515 North Washington Street  
Alexandria, Virginia 22314-2357  
Phone: 703-836-6767; 1-800-THE IACP  
Fax: 703-836-4543  
Web: [www.theiacp.org](http://www.theiacp.org)

President  
Michael J. Carroll  
Chief of Police  
West Goshen Township Police  
West Chester, PA

Immediate Past President  
Russell B. Laine  
Chief of Police  
Algonquin Police Department  
Algonquin, IL

First Vice President  
Mark A. Marshall  
Chief of Police  
Smithfield Police Department  
Smithfield, VA

Second Vice President  
Walter A. McNeil  
Secretary, Department of  
Corrections  
Tallahassee, FL

Third Vice President  
Craig T. Steckler  
Chief of Police  
Fremont Police Department  
Fremont, CA

Fourth Vice President  
Yousry "Yost" Zakhary, Director  
Woodway Department of Public Safety  
Woodway, TX

Vice President at Large  
Edmund H. Mosca  
Chief of Police  
Old Saybrook Police Department  
Old Saybrook, CT

Vice President at Large  
Chief Patrick Foley  
Douglas Police Department  
Douglas, MA

International Vice President  
D.C. (David) Beer  
Pearson Peacekeeping Centre  
Ottawa, Ontario, Canada

Vice President-Treasurer  
Carl R. Wolf  
Chief of Police  
Hazelwood Police Department  
Hazelwood, MO

General Chair Division of State  
Associations of  
Chiefs of Police  
Terry Milam  
Chief of Police  
St. John Police Department  
St. John, MO

General Chair Division of State  
and  
Provincial Police  
Colonel Mark A. Dunaski  
Chief Minnesota State Patrol  
Saint Paul, MN

Parliamentarian<sup>2</sup>  
Chief Stephen White  
Doylestown Township Police Department  
Doylestown, PA

Executive Director  
Daniel N. Rosenblatt  
Alexandria, VA

Deputy Executive Director  
Chief of Staff  
James W. McMahon  
Alexandria, VA

PERSONNEL FILE

January 13, 2010

Mark J. Miranda  
Chief of Police  
Newport Police Department  
169 SW Coast Highway  
Newport, OR 97365

Dear Chief Miranda,

Welcome to the IACP New Police Chief Mentoring Project Team! Your application process is complete and we are pleased to have you join us in our effort to provide transition support to newer chiefs through mentoring. Please accept this certificate in recognition of your status as a mentor.

Enclosed you will find Leaders Helping Leaders, which is a step-by-step guide for mentoring newer chiefs, a Smaller Department Technical Assistance brochure, and several additional resources available from IACP. As part of your preparation for mentoring a newer chief, please review the Leaders Helping Leaders guidebook and complete the Mentoring Orientation Checklist as a self-study/review. This guide will provide details about the project, valuable resources, and information to assist mentors working with newer chiefs. You will also find a complimentary copy of the Police Chiefs Desk Reference, Second Edition. All newer chiefs in the Mentoring Project also receive this publication as a baseline resource that you can both refer to.

The Mentoring Project Team matches mentors with corresponding skills and experience to support newer chiefs. Because each newer chief is matched individually according to their needs, not all mentors will be matched right away. We also encourage our network of mentors to provide collaborative support to newer chiefs through our electronic distribution list (details enclosed) and serve as ambassadors for the Mentoring Project to their local networks.

The Mentoring Project Team, and leadership of IACP, value the contributions of our mentors. With your help, we strive to support the unique needs of chiefs in smaller and tribal departments across the country. Your insight, guidance, and leadership will be greatly valued by the newer chiefs we work with. Thank you for volunteering to serve as a mentor. If you have any questions about your role as a mentor, please contact a member of the Mentoring Project Team.

Sincerely,

**Dianne Beer-Maxwell**  
Program Manager  
New Police Chief Mentoring Project  
Smaller Law Enforcement Agency Technical  
Assistance Program  
1-800-THE-IACP, ext. 844  
[Maxwell@theiacp.org](mailto:Maxwell@theiacp.org)

**Tamika Scott**  
Technical Assistant Coordinator  
New Police Chief Mentoring Project  
Smaller Law Enforcement Agency Technical  
Assistance Program  
1-800-THE-IACP, ext. 816  
[ScottT@theiacp.org](mailto:ScottT@theiacp.org)

MM  
1-15-10

To: Jim Voetberg  
From: Jim Protiva  
Date: 10/27/10  
Subject: Marketing Efforts at the P&R

The Parks and Recreation staff have identified and acted on several new marketing campaigns this year. We have also identified which of the current media outlets have been successful and eliminated or reduced those that are ineffective. I will outline all of our current and future efforts, but would enjoy discussing them further as appropriate. Additionally we are always receptive new ideas and willing to try new things as staff and budget allow.

**Current:**

Newspaper Ads  
Radio Spots- updates  
Radio Ads  
Press Releases  
Activity Guides  
Mailings in City Water Bill  
Facebook  
Direct flyers at schools  
Web Page  
Web-Log or Blog  
Booster Updates  
Know your Newport  
Loose to Win

**Future Projects:**

Develop a 501c3 foundation  
Open houses  
Direct Marketing to Hotels  
Movie Theater Ads  
Hotel TV Ads  
Way finding signs to Rec Center & Pool  
On Line registration  
e-mail direct contacts from staff (to data base)  
Require "sponsored by Parks and Rec" on all fee waivers  
Emerging Social Networks like Twitter

January 13, 2010

Ms. Beverly Kuppermen  
Program Coordinator  
Oregon Business Development Department  
775 Summer Street NE  
Salem, OR 97301-1280

Enclosed is our first narrative report for the 2009 Community Development Block Grant project. The contract for this grant began on August 6, 2009 with the execution of Project # M09006 for \$100,000.

This report is through the first five months of the project-year from August 6 through December 31, 2009. During this period we enrolled twenty-seven (27) clients; all have completed an intake session and have a written individualized Work Plan. This represents over 67% of our client goal for this project year. Those enrolled during the first five months are now underway working toward their personal work plans.

If you have any questions please feel free to contact me.

Sincerely,

Guy Faust  
Microenterprise Director

cc Ron Tierney  
Rebecca Flaming  
Greg Holmes  
Valerie Plummer

## 2009-10 CDBG Project Year / First Microenterprise Report

(August 6, 2009 through December 31, 2009)

### Preface

Our 2009 Community Development Block Grant (CDBG), Project # M09006, was fully executed by OBDD on August 6, 2009; this report covers the first five months of the project period. The funding for this project came from a coalition of local sources. The Government of Lincoln County (\$15,500), the City of Lincoln City (\$5,000), the City of Newport (\$5,000) and the City of Waldport (\$500) combined to contribute \$26,000 of local matching funds. OBDD granted a total \$100,000 of CDBG funds. The combined amounts of local and state funding totaled \$126,000 to help microenterprise development in Lincoln County. (Oregon Coast Community College added an additional \$7,800 in in-kind support.)

### Contract Requirements

The 2009 CDBG contract calls for the OCCC/SBDC to serve 40 micro-entrepreneurs throughout Lincoln County within a 12-month period. At least fifty-one percent (51%) need to qualify as low or moderate income. These individuals can be at any stage of development from pre-venture to established. Of the 40 total clients, our Center's goal is to serve 34 new clients and provide 6 with improved access to services. Also, of the 40 total, it was our goal to serve 5 young entrepreneurs and 4 minority clients. The CDBG contract does not require any specific number of service hours per client. The only stipulation is that for every \$2,500 of CDBG funding received, we "serve" one client.

### Client Profiles

After completing five (5) months of the contract period, we have screened **111** clients through our Small Business Development Center. (A counseling session usually lasted 1-hour.) During that time we answered questions and gave general business advice. At the initial meeting we determined whether the participant was a regular *SBDC client* or a potential *Microenterprise client*. During the five months of this grant period we have enrolled **27 Microenterprise clients**, this represents over 67% of our 2009-10 total client-served goal. The 27 micro-clients served represents the following areas of the county: Six (6) were from the North region, nine (9) from the Central region, seven (7) from the South and five (5) were from East Lincoln County. Twenty-five (25) clients were adults; two (2) were youth. Five (5) businesses were at the pre-venture stage and four (4) were in their start-up phase. Eighteen (18) were established businesses. Seventeen (17) clients were "low" income and seven (7) were "moderate" income; combined they represent nearly 89%. This figure is well over the 51% of low and moderate income clients required in our contract. Twelve (12) were females and fifteen (15) were males; four (4) were minorities. Of the total 27 clients served, twenty-four (24) received "new" services

and three (3) received “expanded” services. Please see the following breakdown of specific characteristics:

Lincoln County Micro-Entrepreneur Characteristics

Total Clients	27
Adults	25
Youth	2
Females	12
Males	15
Minorities	4
Pre-venture	5
Start-up Businesses	4
Established Businesses	18
Low-income Status	17
Moderate-income Status	7
Above Mod.-income Status	3

In the first five months clients averaged 9.3 hours of training. The most a client received was 31 hours and the least received was 1 hour from a client that enrolled in late December.

Business Types

We have a wide variety of types of enterprises. Eight (8) are restaurants (a special SBM program started this year), two (2) computer consultants, two (2) are retail sales shops, and two (2) hair salons. The other businesses represent an array of enterprises. Some clients have full-time businesses while others have started, or plan to start, “part-time” enterprises. Below, shows the variety of existing businesses and/or pre-venture business ideas.

Farmer	Restaurant (8)	Specialty Food Store
Computer Consulting (2)	Landscaper	Motorcycle Dealer
Limo Service	Sign-making Shop	Retail Shop (2)
Bookkeeping Service	Hair Salon (2)	Nursing Home Care Facility (P)
Manufacturer (Shoe Product)	Paintball Game Center (P)	Building Contractor
Inventor (Rodent Trap) (P)	Artist (Blown Glass)	

(P) = Pre-venture

Training

Various training programs are set-up to serve the needs of our clients. Since each client is different, individualized *Work Plans* were developed to accommodate different individual needs. Our clients completed a total of 252 hours of training, an average of **9.3** hours per client. This figure does not take into account the hours spent on individual

study via the SBA Free Online Training website. Three main options for training were offered:

- 1) OCCC Classes - Our clients have enrolled in various OCCC classes such as the Small Business Management program, Business Health Check-up, Business Start-ups and Tune-ups, Shoebox Bookkeeping, and others.
- 2) Ed2Go Courses - On-line classes through Ed2Go are offered every month. Courses such as Accounting Fundamentals, Creating a Successful Business Plan, Start Your Own Small Business, and many others are available 24/7.
- 3) SBA's Free Online Training - Through the SBA's website, over 30 free classes are available. Visually and audio-friendly courses such as Small Business Primer, Starting Your Small Business, and Identify Your Target Market are all great learning options for microentrepreneurs.

### Youth Entrepreneurship

Two Taft High School youth enrolled as micro-entrepreneurs. One student, along with her mom, have started a mini-manufacturing business for a new footwear accessory product. Another high school student is doing a feasibility study to determine whether or not a paintball game center could become a future THS school-based enterprise. We are on the out-look for youth interested in entrepreneurship. For interested and qualified candidates we plan to provide partial scholarships to attend the Young Entrepreneur Business Week, July 25-31, 2010 on the Oregon State University campus.

### Summary

After the first five months of the project year we are off to a good start. More than 2/3's of our contract goals have been completed. We have a good geographic spread with clients represented from across Lincoln County; nine (9) separate communities are involved. This project represents the sixth year we have been involved with a CDBG Microenterprise project; this is also the largest project we have undertaken to date. We are please at the progress we have made thus far.

# GOAL SETTING

## **A Preparation Packet**



League of Oregon Cities  
P.O. Box 928  
Salem, OR 97308  
588-6466

"Any fool can lay out a five-year plan, but it takes a person of rare ability to hop from crisis to crisis."

Anonymous

## Notes to Readers

### INTRODUCTION

This packet has been developed to help you prepare for the upcoming goal-setting session your council has scheduled. In the firm belief that the more time you spend "ahead of time, the less you will spend at the time," this packet encourages you to complete several quick exercises in the way of "homework." Much of the material in the packet is to stimulate your best thinking about the condition of the city and its future. Read through each of the pages and complete the suggested exercises. Return them to the city manager or designated collection point as soon as they are finished and well ahead of the scheduled session. The facilitator will use the information to prepare him or herself for the session and to prepare various posters and displays to be used during the session.

### WHAT CAN YOU EXPECT IN A GOAL-SETTING SESSION?

The technique and processes used in this goal-setting approach are simple, straightforward, and to the point. Provided the homework packets are completed and returned to the collection point on time, when you enter the goal-setting session, you will find already posted and ready for processing, the summarized results of the collective homework packets of each of the council members. There are several steps involved in the goal-setting process.

#### STEP 1: DISCUSS LONG-RANGE ISSUES

Participants will review and discuss the long-range issues the city will be facing (see page 5).

#### STEP 2: DISCUSS POSSIBLE GOALS

Participation will consist of a review of the posted goals to insure that each participant understands clearly what is meant by the statement.

#### STEP 3 GROUP GOALS BY TOPIC

The group begins the process of clustering various goal statements into logical groupings under appropriate headings (e.g., Economic Development, Downtown Redevelopment, Tourism, etc.). This step is the most lengthy portion of the goal-setting process, because as the clustering process is taking place, the individual goals are edited, analyzed, and often rewritten to meet the needs of the group.

#### STEP 4: PRIORITIZE GOALS

During this step, resource points are distributed among the various goals and objectives to represent the collective sense of priority of the council as a whole. Without this step, the goal-setting process is useless to those who are responsible for carrying out the policies of the council.

### WHAT CAN YOU EXPECT OF THE FACILITATOR?

The facilitator of a goal-setting session has two primary responsibilities. First, the facilitator must keep the discussion on track and directed toward the process of setting goals. Second, the facilitator must keep the communication process open, accurate, and positive. To do so, he or she may ask you to clarify certain statements, or show how your comments are related to the goals and activities at hand. The most frequent question you will hear asked by the facilitator during the session will most likely be, "How will you know when you have accomplished that goal?" or, "What will it look like when you have accomplished the objective?" By doing this, the facilitator assures that the goals you end up with are goals that are practical and can actually be attained. Remember, the facilitator is not an expert on your city. You must supply the relevant information. The facilitator is an expert on helping councils pull the various views and needs of the individual members into a workable set of goals that represent the direction for the city for the next year(s).

### HOW CAN YOU HELP MAKE THE GOAL-SETTING SESSION MOST EFFECTIVE?

There are several things you can do to help make the session a productive one. First, complete the homework packet and turn it in well ahead of time. Second, come to the session prepared to listen, discuss, and make commitments and decisions for the city. And third, come to the session with the understanding that probably not all of your goals will be the same or of the same priority as those of others on the council, and that to be effective, the final goals must represent the needs of the city and of the whole council. Therefore, be prepared to negotiate, compromise, and work for solutions and goals that are the best for all parties involved. Finally, be prepared for some hard work, some fun, and, when it is all over, the satisfaction of knowing you've done something productive and really important for your city.

## Looking Back

1. Review the goals you set last year. Using a scale from 1 - 10, assign a rating of how successful you believe you as a council were in accomplishing each of the goals.

1 ----- 10  
 Totally Unsuccessful Totally Successful

2. When you have finished rating each of last year's goals, analyze the reason for the varying degrees of success and failure that your ratings represent.

For those goals receiving a high rating, try to determine what events, circumstances and conditions helped in the achievement of these good results.

For those with low ratings, identify the events, circumstances and conditions that prevented the council and city from successfully accomplishing the goal.

Are any patterns apparent in your analysis?

Were your goals too unrealistic?

Did you set goals that were high enough?

Are you able to accurately assess how well you really did with respect to goal accomplishment?

Did you have too many goals for the resources and time? Too Few?

3. Based upon this analysis and upon your experience with goal-setting, both as a specific activity and as a management tool for the city over the last year, what suggestions and recommendations do you have that will help make the goal-setting process more effective for this next year? Include your suggestions with those on page 9.

## Gathering Information

Before going any further in preparing for the goal-setting session, gather some information. Talk to people. Talk to...

Business People	Homemakers	Students
Lawyers	Doctors	Plumbers
Teachers	Retirees	Kids
People on the Street	Waiters	Cooks
Mechanics	Laborers	City Employees
Department Heads	Truck Drivers	Special Interest Groups
Church Officials	Grocers	Newcomers
People Who Haven't Voted in Five Years		

Ask about their concerns, their ideas, their solutions and goals. Talk to people you don't normally talk to. Talk to people about their city and what they think you, as an individual councilor, and you as a city council together should be doing.

Review the events of last year, the goals established and the achievements actually attained. Develop a feel for the relative expenditures necessary for goal achievement. Consider:

The time involved.

The personnel resources required.

The money required.

The projects that didn't get done because of higher priority projects.

The time, resources, and money necessary to maintain the advances of last year.

The unforeseen events that transpired which caused you to be less effective than you would have liked.

Look to the future. What events or circumstances are likely to come along during this next goal cycle to upset the best of intentions? What must you be prepared for?

## Down the Road

Using your knowledge of the city and your feelings for its long-range future, speculate as to the major issues the city will have to address during the next 5, 10, 20 years. Identify several of them. List them below, and tell how you think the city should begin preparing to deal with them.

1.

2.

3.

4.

5.

6.

"ONE SHOULD NOT PLAN VAST PROJECTS WITH HALF-VAST IDEAS."

Anonymous

## Criteria for Effective Goals

"THE BEST CRITERIA OF A GOAL IS THIS: IS IT USEFUL?"

- SPECIFICITY: General goals are less useful than specific ones because specific ones imply next steps.
- PERFORMANCE: Performance or action-oriented goals are more effective in guiding staff in what to do than are non-performance goals. Do not confuse statements of belief or council views and positions as goal-statements. Goal-statements lead to action, whereas statements of positions or beliefs may only describe a condition.
- INVOLVEMENT: Goal statements should identify who is to be involved in goal accomplishment and to what extent.
- REALISM: Each goal must be realistically attainable.
- OBSERVABILITY: Goal statements must be written so that an observer will be able to tell when and whether or not the goal is being accomplished. The more observable the goal, the easier it is to judge effectiveness.

## **The 10 Most Important Goals**

### **I Think We Should Pursue This Next Year**

Based upon your experiences last year, your beliefs and perceptions about the future of the city, and the ideas and concerns you have generated in working through this booklet, list the ten top goals you would like to see addressed this next year. You do not need to prioritize them. Write your goal statements with the "criteria for effective goals in mind."

## **The Effective City Council**

- maintains a clear and cooperatively established set of goals;
- encourages open, two-way communication between one another;
- respects the knowledges, skills, and special interests of each other;
- handles dissent, conflict, and controversy in a positive, constructive, and professional manner;
- recognizes and acts upon the importance of presenting a solid unity after decisions have been made, even though individuals might have voted and lobbied for a different decision prior to a vote;
- understands that the council is only effective as a single unit;
- recognizes that councilors have different constituencies and beliefs, and that each represents a legitimate part of the community - no more and no less than any other councilor;
- recognizes the differences between arguing and problem-solving;
- does not personalize issues and decisions; and
- understands that one is seldom going to have all decisions go the way one wants, and accepts and works positively within that framework.

**"OFTEN, WHEN DEMOCRACY IS WORKING AT ITS BEST,  
EVERYONE IS JUST A LITTLE DISSATISFIED."**

## Working Together

What ideas do you have about becoming a more effective council? What are some goals you think the council as a group should set for itself in order to become a more effective body? Use your past experience, your perceptions of council functioning, and the information generated by working through this booklet to develop your ideas. List them on this sheet.

## Oregon Coast Aquarium Youth Volunteer and Newport, Oregon chapter of the Surfrider Foundation project proposal

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We are the Water Quality Team at the Oregon Coast Aquarium. As youth volunteers we are passionate about the marine environment and concerned about the quality of our local beaches, bay and ocean. In collaboration with the Surfrider Foundation, the Oregon Coast Aquarium has a water quality testing lab. Aquarium staff and volunteers test local beach samples that are brought in by Surfrider volunteers. Each week the results are posted for the public to read on the Surfrider website.

In 2008 a group of youth volunteers called the Nye A.R.M.S (Awareness, Research, Monitoring, and Stewardship) was passionate about making the public aware of the water issues at Nye Beach outfall and other locations. They did constant water quality testing and monitoring, a clean up behind the Newport Public library, encouraged the city to do smoke testing, and talked about getting ordinances put into affect. This year the Water Quality Team is asking for permission to do stormdrain art to help educate the public about their impact on water quality. In our proposal we have outlined exactly what we would like to do, why we want to do it, possible locations for the project and how we plan on putting our plan into action.

Many people don't draw the relationship between their everyday activities and their impact on the environment. The Oregon Coast Aquarium and Surfrider Foundation feel it is important for the public to be aware that what is tossed in or allowed to run into drains can be harmful to animals and the environment. With education and encouragement we believe people will make positive changes that benefit the environment we all depend on.

Stormdrain art is a great way to educate the public. By incorporating a stormdrain into a painting of a local aquatic species the public will associate what goes down the drain, goes in the ocean, and affects the wildlife. The grate of the stormdrain will be used as the mouth or stomach of the animal to illustrate that what goes in the ocean is ingested by various animals. The stormdrain art will be in high visitation areas; this way more people will see our message. We believe the art work will attract the public's attention and bring awareness of an ongoing issue to our tourists in a positive way. Using stormdrain art allows the public to easily understand their impact on water quality and stormdrain pollution.

In addition to the stormdrain art, we would like to post a sign briefly explaining the purpose of the art (see appendix I). On the sign there will be the Oregon Coast Aquarium and Surfrider Foundation logos. We would also like to add the City of Newport logo to acknowledge your support of the project and the educational message we are trying to send.

This project will be fully funded by the Newport Chapter Surfrider Foundation. Michael Cole, a local artist who paints for the Aquarium, has agreed to be the artist for this project. The Aquarium and Surfrider will be responsible for touching up the paint as needed. However, we ask that the city be responsible for making this request and let us know when the best time to do this as we do not want to conflict with city projects and events. We ask that the Newport city council, allow the Oregon Coast Aquarium Youth Volunteers and Surfrider, to partake in this educational water quality project and appoint a city staff member as a contact.

We have three different locations that we would like to propose. Each site has an area nearby where a sign could easily be posted. Our preference would be location #1; however we have provided two other options (see appendix II, III & IV)

Location #1: Nye beach, across the street from the Visual Art Center, Yaquina Art Gallery and public restrooms. It is on a slanted side walk and has a lot of walking space. Due to the popularity of the beach there is a lot of foot traffic and many people would see it.

Location #2: To the right of the entrance to the Undersea Gardens.

Location #3: On the Bay Front, at the entrance of Pier 1. We found that the drain comes out right into the bay. This location allows people to see the flow from the drain to the bay. It is a direct connection to our educational message.

Along with Surfrider, we will prepare the site ahead of time, getting rid of the moss, rust, and sand; anything that may conflict with the painting. Upon your approval and appointing a city staff member as a contact, we would like to complete this project by the end of March. In preparation we have made a complete list of materials and resources needed. Our target date to paint is March 28, 2010. However, we are prepared to be flexible if the weather requires us to be so. While Michael Cole is painting, we will educate the public passing by about the project and storm water pollution. We will then need to have signs and caution tape around the art for at least 12 hours allowing the paint to dry without disturbance. We will clear the site and take all brushes, paint cans etc. back to the Aquarium to be cleaned. Michael Cole will need to plug in an extension cord for a blow dryer in order to dry the paint between coats. We ask permission to plug an extension cord nearby, perhaps at the public restroom.

We understand all the proposals that you as City Council have to make decisions on, and we greatly appreciate the time and effort that you are spending on our project. We are thankful for your consideration and allowing us to present and share our goals and ideas. We hope that you will join us in future projects as well.

Appendix I: Educational sign

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Sign dimensions: 8.5" X 11"

**From SOURCE to SEA,  
To YOU and ME**

**Stop pollution at its source.**

**Don't dump waste near drains.**



## Appendix II: Location One

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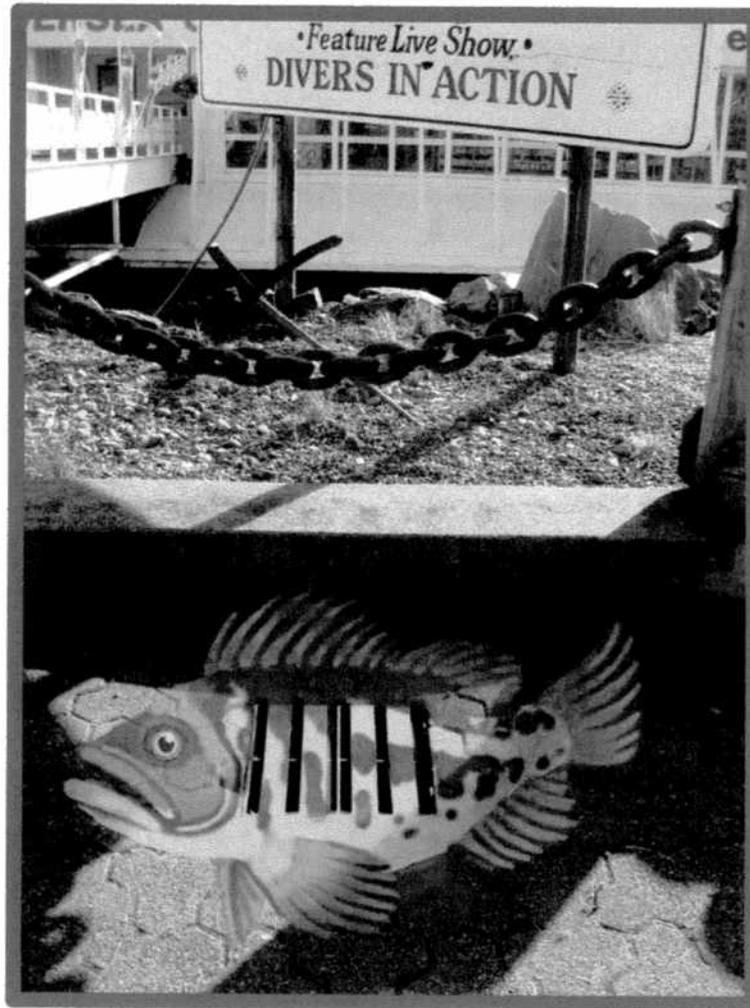
Description: Left hand side of the parking lot at Nye beach, across the street from the public restrooms, Visual Art Center, and the Yaquina Art Gallery. It is in an area with heavy foot traffic and a wide space.



## Appendix III: Location Two

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Description: In front of the Undersea Gardens and to the left of Pier 1. This option would match the rockfish mural that is to the left of the Undersea Gardens on the side of a building. This would be in an area that receives a lot of tourist traffic.



## Appendix IV: Location Three

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Description: Bayfront entrance to Pier 1, and to the left is the Undersea Gardens.





**Procurement (Purchasing and Contracting)** — Many purchasers at the City consider sustainability objectives when making purchasing decisions. A goal for 2008 was to develop a sustainable purchasing policy to formalize these practices, with the development of tools to make the purchase of “green” or sustainable products more efficient. Some tools were evaluated and implemented during 2008, however this project is still a work in progress.

Current City practices include:

- Specifying “green” cleaning products, such as Green Seal certified products, for use by janitors.
- Leasing and purchasing Energy Star compliant computer equipment and copiers.
- Using local restaurants and caterers to provide food for City meetings, and requesting family-style service to reduce waste and the need for disposable packaging.
- Specifying the use of deconstruction and construction debris recycling and use of diesel emission reduction technology in contracts for building removal from City property.

### What’s Next – Community Sustainability Advisory Board

The City’s Sustainability Advisory Board (SAB) began meeting in the summer of 2008. The mission of the SAB is to promote the sustainability of the community as whole, considering public and private actions and their effects on ecological, economic, and community systems. The SAB’s responsibilities include:

- Advise and assist the City Council in efforts to make City operations more sustainable.
- Assist in the development of plans and policies to enhance the sustainability of the city as a whole.
- Educate and support other Lake Oswego organizations to become more sustainable.
- Educate and engage the public in efforts to make the community of Lake Oswego, including residents, businesses, and institutions, more sustainable.

The SAB’s goals for 2009 include:

1. Educate and assist the City Council, Boards, and Commissions in sustainability.
2. Provide strategic oversight for the City Sustainability Plan.
3. Support sustainability-related initiatives by the City.
4. Implement community outreach and engagement programs, such as Sustainability Action Month.

**Want to Learn More?** The City web site includes a set of sustainability pages with links to City programs and projects, SAB meeting materials, and a variety of resources to help us live, work, and play in a more sustainable way. Visit the City’s web site at [www.ci.oswego.or.us](http://www.ci.oswego.or.us) and click on Sustainability to learn more.



March 2009

For more information on City sustainability efforts, contact Susan Millhauser, Sustainability Planner, at 503.635.0291 or [smillhauser@ci.oswego.or.us](mailto:smillhauser@ci.oswego.or.us).



P.O. Box 369  
Lake Oswego, OR 97034



# City of Lake Oswego Sustainability

## What is a Sustainable Community?

A sustainable Lake Oswego is a community that meets the vital human needs of the present without compromising our ability to meet future needs. This requires consideration of both long-term and short-term effects on ecological, economic, and community systems. Operating sustainably means that we are leaving a legacy for the community of Lake Oswego and the planet.

A sustainable Lake Oswego is a place recognized nationally as a model of livability—a unified city with a vital downtown, a strong sense of neighborhoods, and a harmonious relationship with the natural environment. The lives of everyone who lives, works, and conducts business in Lake Oswego are enriched by a wide range of choices in transportation, housing, recreation, and culture. Our infrastructure is sound, our finances are stable, and our citizens and employees healthy and engaged.



Sustainability is a journey rather than a destination, and requires systems-based decision-making for understanding economic, ecological, and community impacts as a whole.

## Why in Lake Oswego?

Sustainability requires that local governments ensure municipal services can be sustained and equitably distributed today and for future generations. Achieving this objective requires a strategic approach that equally factors long-term ecological, economic, and social equity concerns into the planning, development, and provision of municipal services. The City of Lake Oswego recognizes that local government plays a vital role in fostering sustainability and is committed to adopting, implementing, and maintaining sustainable practices. The City is part of a worldwide movement to create a more sustainable future. Closer to home, the State of Oregon, many Oregon cities and counties, business leaders, and non-profits are incorporating sustainability into how they do business, with the concept gaining widespread support among many sectors. The City Council has included sustainability in its adopted goals since 2002.

## Program Approach

The City began its coordinated sustainability efforts by first focusing on City operations. A staff sustainability steering committee was established in 2006 to evaluate the current level of sustainability in City policies, programs, and practices, and make recommendations. The committee’s efforts culminated in the City of Lake Oswego Sustainability Plan, adopted by the City Council in November 2007. In 2008, the City Council established a community sustainability advisory board to lead the City’s sustainability efforts within the community.



## Programs and Projects

Due to the multifaceted nature of sustainability, the City's sustainability accomplishments are woven throughout many City programs and projects. The information included below highlights actions that have been taken to realize milestones outlined in the Sustainability Plan, and is not a complete description of the City's sustainability efforts.

The Sustainability Plan, available on the City web site (go to [www.ci.oswego.or.us](http://www.ci.oswego.or.us) and click on [Sustainability](#)), is intended to guide City sustainability efforts by providing a common understanding of sustainability and a vision for the future. It is hoped that the Sustainability Plan serves as a guide for business decisions to ensure wise use of public funds while promoting the conservation and efficient use of energy, water, native habitats, and other natural resources, and considering the social and community implications of actions. For a better understanding of what actions might be taken to move toward a sustainable future, the Sustainability Plan includes goals, milestones, and performance measures. These were developed with consideration of four sustainability framework objectives based on The Natural Step.



Action areas identified in the Sustainability Plan for 2008 include: energy and transportation, water conservation, waste reduction and recycling, and procurement (purchasing/contracting). Future action areas will focus on employee involvement and education, water management (stormwater and sanitary sewer), and pollution prevention/toxics reduction.



**Energy and Transportation** — The focus in 2008 was on examining and inventorying the City's greenhouse gas (GHG) emissions and finding opportunities to minimize energy use and reduce the City's carbon footprint.

In 2008, the City:

- Completed a GHG emissions and criterion air pollutants inventory for City facilities and operations.
- Supported increased employee participation in the City's transit reimbursement and employee vanpool programs as well as the regional Bike Commute and Carefree Commuter Challenges, helping to reduce single-occupancy vehicle commute trips to and from City facilities. For the City Hall site, employees reduced drive alone auto trips by more than 10 percent over the previous year's State Employee Commute Options survey, for a 77% auto trip rate.
- Conducted an employee commute options survey for employees at all City facilities, providing baseline data for employee commute trips.
- Completed a carsharing feasibility study for downtown.
- Installed an electric vehicle charging station on the corner of A Ave. and 2nd St. The City joined forces with PGE to install the station to help develop and test the transportation infrastructure needed to support plug-in electric vehicles.



In addition, on-going activities are helping to reduce energy use and GHG emissions from City operations, including:

- Replacing street signal bulbs with light emitting diode (LEDs), reducing energy consumption by 80 to 90 percent and saving approximately \$32,000 in electricity costs per year.
- Including seven hybrid electric/gas vehicles in the City fleet.

- Using 5% biodiesel (B5) for all City diesel vehicles.
- Purchasing clean, renewable wind power through PGE equal to half of the City Water Treatment Plant's annual electricity use, with lighting and pump upgrades to increase energy efficiency.
- Making upgrades to the heating and cooling system controls at City Hall to increase the building's energy efficiency.
- Automating payroll functions, e.g. electronic timecards and online pay stub option, to reduce paper, energy, and associated costs.



**Water Conservation** — Water conservation measures are critical to meet state mandates related to water rights and the best use of water resources for all, including endangered and threatened salmon species in the Clackamas River. The City is working to better manage water usage, not only for the health of the river system, but to ensure a continued supply of high quality water for its citizens. An added benefit of conserving water is the reduction of GHG emissions as a large amount of energy is required to pump, treat, and deliver the City's water.

The City's Water Conservation Specialist conducts outreach in the community, offers free water audits for homes and businesses, and is working to install water efficient plumbing fixtures in City facilities. The City has a new tiered water rate structure, effective July 1, 2009, that is intended to meet several goals: reward conservation, reduce waste, assure regulatory compliance, and replace aging infrastructure. To schedule a presentation or water audit contact Kevin McCaleb, Water Conservation Specialist, at 503-675-3747 or [kmccaleb@ci.oswego.or.us](mailto:kmccaleb@ci.oswego.or.us).



**Waste Reduction and Recycling** — While recycling is common-place in City facilities, the City works with partners at Clackamas County Recycle at Work, Metro, and Allied Waste Services of Lake Oswego, to keep staff and the public informed about waste reduction and recycling best practices and opportunities.

In 2008, the City:

- Library media services collected and recycled close to 100 boxes of damaged, not playable, or unable to be used plastic media, such as DVDs, CDs, cassettes, and their cases.
- Streamlined the collection and recycling of printer/copier toner cartridges, ink jet cartridges, batteries, and fluorescent light tubes from City facilities.
- Started using 100% post-consumer waste recycled content printer/copier paper for most City documents.
- Began participation in OfficeMax's reusable tote program for office supplies. The Reusable Tote Program consolidates orders into plastic totes delivered on a weekly basis.
- Worked with Allied Waste Services of Lake Oswego to conduct waste audits of 10 City facilities to establish baseline data for tracking waste reduction and recycling efforts.
- Participated in several community education and outreach events to promote sustainability, including the Shorenstein Properties Green Fair, a community document shredding and recycling day, and a block foam collection and recycling day.
- Set up recycling containers in City parks and for special events.

In addition, on-going activities are helping to reduce waste, such as:

- Prohibiting sale of bottled water at the Farmers' Market and providing water stations instead.
- Collecting vegetative waste for composting from the Farmers' Market and the Adult Community Center.



Lincoln County Solid Waste District  
 Activities Update Outline  
 Newport City Council  
 Monday, February 1, 2010

**SUSTAINABILTY**

Joint Statement for a Sustainable Lincoln County – all cities signed

Lincoln County Sustainability Action Committee

- SWD chairs the 15 member committee
- Active projects/initiatives
  - Composting
  - Coordination of video-conferencing
  - Education/Awareness
  - Lighting Efficiency/Dark Skies – Lincoln County facilities provide leadership
  - Local Food Security
  - Master Composting Class – encourage OSU Extension
  - No-spray school zones
  - No-idling school zones
  - Renewable Energy
  - Transportation
  - Water Conservation (new for 2010, partner with Soil & Water Conservation)
  - Weatherization

Green Challenges

- √ Accepted challenges from National Association of Counties (NACo) Fall 2008
  - Drive Smarter
  - Energy Star
- earned 2<sup>nd</sup> place for the entire county
- ☺ Renewable energy education grant
  - install operational wind and solar power lab with inverter, battery storage, weather station and a computer to capture data (Newport Middle School? – other schools take field trips or another location)

**EDUCATION and PROMOTION**

Event Booth

- Home and Garden Show (2)
- Earth Day/Earth Week – Oregon Coast Aquarium (2)
- World Ocean Day – Oregon Coast Aquarium (1)
- Oregon Coast Gardening and Landscape Expo (2)
- SeaFest (1)
- Nye Beach Calm Bake (1)
- Town and County Fair (1)

### Newspaper Ads and Articles

- Backyard Composting
- Recycled Latex Paint
- Reduce and Reuse
- Hazardous Household Waste
- Green Store (reusable building materials)
- Green Business Certification
- Electric Car

### Presentations

- Presbyterian Church – lighting efficiency
- Green Drinks (2) – lighting efficiency & E-Waste
- Siletz Housing Group
- CTSI Summer Meeting/Picnic
- Leadership Lincoln
- Newport Chamber of Commerce
- Newport, Lincoln City and Waldport City Councils

### Radio Ads and Talk Shows

- BOSS/KCUP
  - Business of the Day (2)
  - Recycled Latex Paint and Backyard Composters
  - Nike Reuse-a-Shoe (currently running)
  - Reusable Coffee Mug and Water Bottle give-away (start 2/1)
  - Soles4Souls (shoes drive for those in need) currently running
  - Special talk show (5)
- KBCH, KCRF, KNPT, KYTE and U92
  - Free For All
  - Nike Reuse-a-Shoe (running soon)
  - Recycled Latex Paint and Backyard Composters
  - Reusable Coffee Mug and Water Bottle give-away (currently running)
  - Soles4Souls - shoes drive for those in need (currently running)
  - Special Collection Events

### Schools

- National Teach-In (2)
- Newport Middle School (3 classes – 135 kids)
- Toledo Elementary
- Taft High School (3)
- Waldport High School

☺ continue to expand school presentation capability

- build library of ready-to-go presentations
- voluntary presenter's bureau

## RECYCLING

- Coordinate Recycling Activities with County Haulers and SWAC
  - Portable recycling stations for –
    - Newport Storm AAU Basketball Tournament (3)
    - Newport Majors Baseball Tournament (1)
    - CTSI Summer Staff Meeting/Picnic (2)
    - Newport Baseball and Softball Association (2)
    - Nye Beach Clam Bake
    - Town and County Fair
    - Toledo Summerfest
  - Portable recycling stations and training –
    - Siletz Pow-Wow (2)
    - Newport Middle School
  - We now have 25 portable recycling stations available for events
- ☺ current budget includes program to fund additional recycling stations via, grants, donations, sponsorship

## REDUCE and REUSE

### Free-For-All

√ Have held 4 very successful events, most recent were -

- Oct 17 2009 – Lincoln City
- Oct 24 2009 – Newport

☺ We are currently planning events for Waldport and Toledo in addition to Newport and Lincoln City

### Nike Reuse-a-Shoe

- worn out athletic shoes are recycled into Nike Grind which is used to create various sport surfaces such as tracks and basketball courts
- shoe drop off locations
  - Lincoln City Community Center
  - Newport Recreation Center

### Reuseable Building Supplies Store

- Habitat for Humanity building supplies reuse store in partnership with Samaritan House
- ☺ applying for a DEQ grant to assist with or build a location (July 2010)

Soles4Souls

√ Shoe collection event to provide for those in need. We will continue to collect shoes (because of the recent earthquake in Haiti) until February 15th

Computer Reuse

? Install Linux operating system and free software on useable old computers

- the idea is to give computers to students that need them

**COMPOSTING**Backyard Composting - Earth Machine

√ we continue to sell this very popular home composter at cost  
 √ we focused some extra effort to promote their use – sales more than doubled in 2008  
 140 composters (and accessories) sold compared to the previous average of 55-65  
 √ Community Garden and School Composting Projects

Small Scale Commercial Composting and/or Educational or Pilot Project

☺ Earth Tub at Oregon Coast Aquarium (DEQ grant in process)

**RECYCLED LATEX PAINT**Paint Mixing Events and Sales

√ mixed recycled paint October 2007, August 2008, November 2008 and September 2009

- a total of 85 colors (4,500 gallons) mixed
- additional advertising continues to yield increased sales
- word-of-mouth reputation continued to increase sales
- increased price to \$30/5-gallon bucket in August 2008 to cover break even costs  
 – paint continues to sell well

**HAZARDOUS HOUSEHOLD WASTE (HHW)**Collection Events

√ Toledo, March 15, 2008 successful event

- 94 participants, 15,152 lbs 27 mercury thermometers exchanged

√ Lincoln City, July 25, successful event, 24,000 lbs (including Toledo public works)  
 √ events have now been held in Waldport, Newport, Lincoln City and Toledo

☺ The next event is scheduled for Summer, 2010 in Newport

Longer-term Solutions

☺ HHW Cabinets (grant or accruing fund)

## WOOD AND YARD WASTE

### Skelton Road

- √ free wood and yard waste program with Georgia Pacific, State Forestry and the District
- open first Fri-Sat combination of every month Mid-September-June
- open every Fri-Sat July to Mid-September
- 25-75 trips per day open depending on month and Fri or Sat
- transfer stations now accept wood and yard waste. We advertise this service with Skelton Rd

## EMERGENCY DEBRIS MANAGEMENT

√ completed a FEMA approved Debris Management Plan in December 2008. This plan guides all of the activities related to debris management (including hazardous materials) before, during and after an emergency. The plan allows higher and more direct reimbursement from FEMA.

☺ continue development of contracts with county haulers to remove and temporarily store storm or emergency event debris.

## FOREST ENFORCEMENT

### Sheriff Patrol for Dump Sites

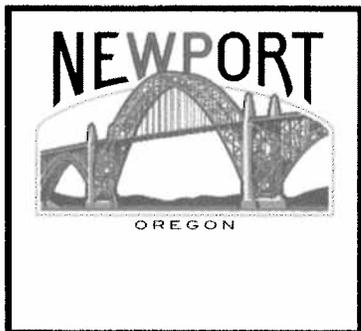
√ Very active – Deputy Gary Davey

- Example: April – June 2009
- |                        |    |
|------------------------|----|
| Investigation/Reports  | 59 |
| Arrests                | 9  |
| Site Cleanup           | 12 |
| Abandon Vehicles Towed | 2  |

### Investigation of Reported Sites

√ Coordination of complaints/reports between County Health, County Sheriff and Oregon Department of Environmental Quality (DEQ)

- ☺ continue to expand inter-agency cooperation (State Police, City Police)
- ☺ county-wide demolition permits
- ☺ improve operation of “forest dump buster” camera system



Agenda Item #

IX.A.

Meeting Date

February 1, 2010

## CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Updates to the Newport Municipal Code regarding imposition of fines for building code violations

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: [Signature]

**ISSUE BEFORE THE COUNCIL:** An ordinance amending Chapter 11.05 of the Newport Municipal Code to create a process for appealing civil penalties imposed for building code violations, as required by Senate Bill 915.

**STAFF RECOMMENDATION:** Staff recommends the Council adopt the ordinance.

**PROPOSED MOTION:** I move for reading by title only of an ordinance amending Chapter 11.05 of the Newport Municipal Code, relating to the imposition of civil penalties for building code violations, and for adoption by roll call vote.

**KEY FACTS AND INFORMATION SUMMARY:** At its last session, the Oregon Legislature adopted Senate Bill 915 which prohibits municipalities that administer building inspection programs from imposing civil penalties for violations of building codes unless they have a process in place to ensure that the alleged violator receives advance notice and an opportunity to protest the penalty. Further, the process a municipality uses to adjudicate a protest must provide for a decision maker other than the building official. The new law went into effect on January 1, 2010.

Current Municipal Code language for imposing a civil penalty is not consistent with the new law in that it does not provide for notice and an opportunity to appeal. The ordinance addresses this deficiency by creating a process by which the alleged violator receives a notice of the fine and can appeal the fine to the City Manager if they believe they have been aggrieved. The ordinance also clarifies that it is the City's option to declare unsafe buildings to be a public nuisance, whereas existing language declares all such buildings to be a nuisance.

**OTHER ALTERNATIVES CONSIDERED:** An alternative is to not impose civil penalties for building code violations. This would also require a code amendment since a maximum civil penalty of \$1000 per violation per day is currently authorized (but rendered inoperable without the process required by SB 915). Civil penalties are a tool for achieving compliance with building codes, and are typically used as a last resort. Given that it is the City's interest that codes be followed, this alternative was rejected.

**CITY COUNCIL GOALS:** The changes are consistent with the City's objective of providing services in a manner that protects the well being and ensures the safety of its residents and visitors.

### ATTACHMENT LIST:

Copy of Senate Bill 915

**FISCAL NOTES:** The ordinance requires that a fee be paid by appellants to partially offset the cost of adjudicating appeals. Appeals are rare, so creating an appeals process should not result in a significant financial impact to the City.

**CITY OF NEWPORT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMNDING CHAPTER 11.05 OF THE NEWPORT  
MUNICIPAL CODE REGARDING THE IMPOSITION OF FINES FOR  
BUILDING CODE VIOLATIONS**

**Findings:**

1. City of Newport administers a building inspection program, pursuant to Oregon Revised Statutes (ORS) Chapter 455, that provides for the regulation of building construction and administration of standards, including enforcement of the state building codes.
2. Oregon Legislature, at its last session, adopted Senate Bill 915 which prohibits municipalities that administer building inspection programs from imposing civil penalties for violations of building codes unless they have a process to ensure that the alleged violator receives advance notice and an opportunity to protest the penalty. Further, the process a municipality uses to adjudicate a protest must provide for a decision maker other than the building official. The new law went into effect on January 1, 2010.
3. The current process in the Newport Municipal Code for imposing a civil penalty is not consistent with the new law in that it does not provide for notice and an opportunity to appeal.
4. Proposed amendments address this deficiency by creating a process by which the alleged violator receives a notice of the civil penalty and can appeal the penalty to the City Manager if they believe they have been aggrieved.
5. The amendments also clarify that it is the City's option to declare building code violations to be a public nuisance, whereas existing language declares all such unsafe buildings to be a nuisance.
6. The City Council of the City of Newport held a public hearing on February 1, 2010, regarding the question of the proposed revisions, and voted in favor of their adoption.
7. Given that violations of building codes if not addressed can compromise the health and safety of the citizens of the City of Newport and its visitors, and that imposition of fines is a necessary tool for achieving compliance with Senate Bill 915, it is imperative that these amendments be put into effect immediately.

Based on these findings,

**THE CITY OF NEWPORT ORDAINS AS FOLLOWS:**

**Section 1.** Section 11.05.090 of the Newport Municipal Code is amended to read as follows: (Language ~~stricken~~ is deleted; double underlined language is new.)

### 11.05.090 Dangerous or Unsafe Buildings

- A. All buildings or structures that are structurally unsafe, that are not provided with adequate egress, that constitute a fire hazard, or that are otherwise dangerous to human life are “unsafe buildings.” Any use of unsafe buildings or buildings or structures that are hazards to health by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the appropriate Oregon Specialty Code or appendices are unsafe.
- B. All unsafe buildings, structures or appendages ~~are~~ may be declared a public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or any alternate procedures adopted by the City building official ~~and may be abated as nuisances under the applicable provisions of this code.~~

**Section 2.** Section 11.05.150 of the Newport Municipal Code is amended to read as follows: (Language ~~stricken~~ is deleted; double underlined language is new.)

### 11.05.150 Appeal Procedure

- A. Any person aggrieved by a decision of the building official shall first ~~appeal~~ obtain the decision in writing to from the building official. Upon receipt of a request, the Building Official shall and request prepare a written determination.
- ~~B. An appeal shall be solely on the basis of an interpretation of the code and shall not be used as a request for a waiver or modification.~~
- C.B. Any person aggrieved by a written decision under Subsection A may appeal that decision to the following:
1. Electrical Specialty Code. Appeals may be made to the state of Oregon, Building Codes Division, Chief Electrical Inspector.
  2. Structural Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.
  3. Mechanical Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.
  4. Plumbing Specialty Code. Appeals may be made to the state of Oregon, Building Codes Division.

5. Residential Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.
6. Manufactured Dwelling Code. Appeals may be made to the state of Oregon, Manufactured Structures and Parks Advisory Board as per ORS 455.690.
7. Recreational Park and Organizational Camp Regulations. Appeals may be made to the state of Oregon, Manufactured Structures and Parks Advisory Board as per ORS 455.690.
8. ~~All~~Other appeals may be made to the appropriate board or agency.
9. For civil penalties, appeals shall be to the City Manager as provided in Section 11.05.160.

C. For Subsections 1-8, an appeal shall be solely on the basis of an interpretation of the building code. Such appeals are not subject to the provisions of Section 11.05.160 unless the appellant is protesting a civil penalty, in which case the appropriateness of the penalty is the only issue to be determined by the City.

**Section 3.** Section 11.05.160 of the Newport Municipal Code is amended to read as follows: (Double underlined language is new.)

**11.05.160     Violation, Penalties, and Remedies**

- A. A violation of any provision of this chapter or any code administered under this chapter is a civil infraction with a maximum civil penalty of \$1,000 per violation. Each day that a violation exists is a separate infraction.
- B. Prior to the imposition of a civil penalty under Subsection A, and upon a determination by the building official that any party has violated a provision of this chapter, the building official may issue a notice of civil penalty to the violator and/or property owner. The notice shall include the following:
  1. A description of the alleged violation, including any relevant code provision numbers, ordinance numbers or other identifying references.
  2. A statement that the City intends to assess a civil penalty for the violation, its effective date, and the amount of the civil penalty.
  3. The date and time by which the violation must be corrected.
  4. A statement that a party receiving the notice may protest the alleged violation and assessment of the civil penalty within 15 days of the date the notice was issued, along with a description of the appeals process.

- C. When imposing a civil penalty, the building official shall consider:
1. The party's past history in taking all feasible steps to correct the violation.
  2. Any prior violations of statutes, rules, orders and permits.
  3. The gravity and magnitude of the violation.
  4. Whether the cause of the violation was an unavoidable accident, negligence, or intentional act.
  5. The party's cooperativeness.
  6. Any other relevant factors.
- D. Notice of civil penalty shall be served by personal service or shall be sent by registered or certified mail.
- E. A party interested in filing an appeal shall do so in writing within 15 days of the date the notice was issued. The appeal shall be accompanied by a fee equivalent to that which is required for an appeal of a land use action, and shall include:
1. The name and address of the appellant.
  2. An explanation of the circumstances that led to the issuance of a civil penalty.
  3. The reason(s) the civil penalty is inappropriate, and what the alternative remedy should be.
- F. A civil penalty imposed hereunder shall become final upon expiration of the appeal date, unless an appeal is filed. In the event an appeal is filed, accrual of the civil penalty will stop until a final decision is rendered on the appeal.
- G. Unless the appellant and City agree to a longer period, an appeal shall be heard by the City Manager within 30 days of the date the appeal was filed.
- H. City Manager shall determine the appeal on the basis of the appellant's written statement and any additional evidence that the City Manager deems appropriate. The City Manager's decision shall be issued in writing, and serves as the City's final decision on the appeal.
- I. Notwithstanding the above, the building official may seek to obtain compliance through voluntary means.
- J. A violation of any provision of this chapter or any code administered under this chapter may be declared a public nuisance pursuant to Chapter 8.10.

**Section 3.** This ordinance shall take effect immediately after passage.

Date adopted on initial vote and read by title only: \_\_\_\_\_

Date adopted on final roll call vote: \_\_\_\_\_

Signed by the Mayor on \_\_\_\_\_, 2010.

\_\_\_\_\_  
William D. Bain, Mayor

ATTEST:

\_\_\_\_\_  
Margaret M. Hawker, City Recorder

**Enrolled**  
**Senate Bill 915**

Sponsored by Senator MORSE

CHAPTER .....

AN ACT

Relating to the regulation of structures.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2 of this 2009 Act is added to and made a part of ORS chapter 455.

**SECTION 2.** (1) The Legislative Assembly finds and declares that enforcement of the state building code in a fair, equitable and uniform manner throughout this state is a matter of state concern.

(2) If a municipality administers a building inspection program under ORS 455.148 or 455.150, a monetary penalty assessed under the program for a violation must be assessed as a civil penalty. This subsection does not prohibit a municipality from charging a violator an increased permit fee or investigative fee, seeking injunctive relief from a violation or taking any enforcement action that does not include a monetary penalty. This subsection does not limit the terms or conditions of any voluntary agreement for the resolution of a violation.

(3) A municipality may not assess a civil penalty for a violation under a building inspection program unless the municipality provides to the party that is subject to the civil penalty:

(a) Notice that:

(A) Describes the alleged violation, including any relevant code provision numbers, ordinance numbers or other identifying references;

(B) States that the municipality intends to assess a civil penalty for the violation and states the amount of the civil penalty;

(C) States that the party may challenge the assessment of a civil penalty; and

(D) Describes the means and the deadline for informing the municipality that the party is challenging the assessment of the civil penalty; and

(b) A municipal administrative process other than a judicial proceeding in a court of law, that affords the party an opportunity to challenge the civil penalty assessment before an individual, department or body that is other than the municipality's building inspector or building official.

(4) If the municipality assesses a civil penalty for a violation under a building inspection program, the amount of the civil penalty assessed for the violation may not exceed the maximum civil penalty amount authorized for an equivalent specialty code violation under ORS 455.895.

(5) The costs incurred by a municipality in providing notice and administrative process under this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

**SECTION 3. Section 2 of this 2009 Act applies to a civil penalty assessed on or after the effective date of this 2009 Act for a violation occurring before, on or after the effective date of this 2009 Act.**

\_\_\_\_\_

**Passed by Senate May 4, 2009**

.....  
Secretary of Senate

.....  
President of Senate

**Passed by House June 2, 2009**

.....  
Speaker of House

**Received by Governor:**

.....M.,....., 2009

**Approved:**

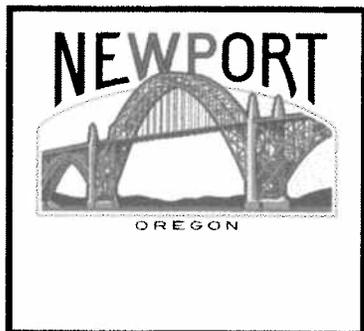
.....M.,....., 2009

.....  
Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2009

.....  
Secretary of State



Agenda Item # IX.B.  
 Meeting Date February 1, 2010

**CITY COUNCIL AGENDA ITEM SUMMARY**  
 City Of Newport, Oregon

Issue/Agenda Title Resolution No. 3490, adding annual household pass to pool fee schedule

Prepared By: Protiva Dept Head Approval: Protiva City Mgr Approval: \_\_\_\_\_

**ISSUE BEFORE THE COUNCIL**

Consideration of establishing an annual Household Pool Pass for use of the Newport Pool.

**STAFF RECOMMENDATION**

Staff recommends Council adopt Resolution 3490 which adds a Household Pool pass to the previously adopted recreation fee schedule.

**PROPOSED MOTION**

I move to adopt Resolution 3490, rescinding Resolutions No. 3487 and 3489, which established fees for use of the Recreation Center and Pool, and consolidating the fees set forth in Resolutions 3487 and 3489 in this resolution and including an annual household pass for use of the pool.

**KEY FACTS AND INFORMATION SUMMARY**

At its meeting of January 19, 2010, the Council adopted a motion directing staff to develop and bring back to Council for consideration, the addition of an annual Household Pool Pass that allows for a 30% discount off the regular annual pool pass fee. The proposed Resolution No. 3490 accomplishes Council direction as seen in Attachment A, which provides a Household Pool Pass equal to 70% of a two adult, two youth family. A "household" is defined as a related family living in the same dwelling unit.

**OTHER ALTERNATIVES CONSIDERED**

None

**CITY COUNCIL GOALS**

NOT APPLICABLE

**ATTACHMENT LIST**

Resolution 3490 and Attached fee schedules.

**FISCAL NOTES**

The proposed revised fee schedule will reduce revenues collected at the pool by approximately \$2,000.

**CITY OF NEWPORT  
RESOLUTION 3490**

**A RESOLUTION RESCINDING RESOLUTIONS NO. 3487 AND 3489 WHICH  
ESTABLISHED FEES FOR USE OF THE RECREATION CENTER AND POOL, AND  
CONSOLIDATING THE FEES SET FORTH IN RESOLUTIONS NO. 3487 AND 3489 IN  
THIS RESOLUTION AND  
INCLUDING AN ANNUAL HOUSEHOLD PASS FOR USE OF THE POOL**

Findings:

1. On December 21, 2009, the City Council of the City of Newport adopted Resolution No. 3487 which established new fees for use of the swimming pool and recreation center. The Council had intended that the implementation of the new fees would occur upon adoption.
2. On December 23, 2009 the City Council adopted Resolution No. 3489 which amended Resolution No. 3487 in order to make the new recreation fee schedule effective immediately.
3. The Council desires to include in the Pool fee schedule an annual household pool pass that is based on a 30% reduction in the cost of an average family of four (two adults and two children).
4. To make certain the most current adopted recreation fee schedule, it is desired to rescind Resolutions No. 3487 and No. 3489 in their entirety and replace by them with this resolution, which combines the fee schedule adopted through Resolution No. 3487, the amendment through Resolution No. 3489, and an annual household pool pass.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Resolutions No. 3487 and No. 3489 are rescinded in their entirety.

Section 2. The recreation fee schedule for use of the Newport Pool and Recreation Center are hereby adopted as shown in Attachments A, B, and C., which includes the fee schedule adopted through Resolution No. 3487, the amendment through Resolution No. 3489, and an annual household pass.

Section 3. Effective Date. The effective date of this resolution is February 1, 2010.

Adopted by a \_\_\_\_\_ vote of the Newport City Council on \_\_\_\_\_, 2010.

Approved by the Mayor on \_\_\_\_\_, 2010.

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William D. Bain  
Mayor

ATTEST:

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Margaret M. Hawker  
City Recorder

**ATTACHMENT A  
POOL ONLY FEES -- NEWPORT RESIDENTS**

	2010	2011	2012
<b>Drop-In:</b>			
Youth	\$2.50	\$3.00	\$3.50
Adult	\$4.00	\$4.50	\$5.00
Senior	\$2.75	\$3.25	\$3.50
<b>10 Punch:</b>			
Youth	\$20.00	\$22.50	\$25.00
Adult	\$33.00	\$36.00	\$39.00
Senior	\$25.00	\$28.00	\$31.00
<b>1-Month:</b>			
Youth	\$30.00	\$33.00	\$36.30
Adult	\$60.00	\$66.00	\$72.60
Senior	\$40.00	\$44.00	\$48.40
<b>3-Month:</b>			
Youth	\$50.00	\$55.00	\$60.50
Adult	\$80.00	\$88.00	\$96.80
Senior	\$60.00	\$66.00	\$72.60
<b>Annual:</b>			
Youth	\$134.00	\$147.00	\$162.00
Adult	\$150.00	\$165.00	\$181.50
Senior	\$140.00	\$154.00	\$169.00
<b>Rentals</b>			
1-20	\$68.75	\$75.63	\$83.19
21-40	\$82.50	\$90.75	\$99.83
41-60	\$96.25	\$105.88	\$116.47
61-80	\$110.00	\$121.00	\$133.10
81-100	\$123.75	\$136.13	\$149.74

Swim meet fees = \$5 per participant per day

Annual Household Pool Pass = 70% X (2 Annual Adult Pass + 2 Annual Youth Pass). Household shall be defined as members of a related family living in the same dwelling.

**ATTCHMENT A, CONT.  
POOL ONLY FEES -- NON NEWPORT RESIDENTS**

	2010	2011	2012
<b>Drop-in:</b>			
Youth	\$3.00	\$3.50	\$4.00
Adult	\$5.00	\$5.50	\$6.00
Senior	\$4.00	\$4.50	\$5.00
<b>10 Punch:</b>			
Youth	\$25.00	\$28.25	\$31.35
Adult	\$40.00	\$44.50	\$48.11
Senior	\$32.00	\$35.84	\$39.78
<b>1-Month:</b>			
Youth	\$40.00	\$44.00	\$48.40
Adult	\$76.50	\$84.15	\$92.57
Senior	\$50.00	\$55.00	\$60.50
<b>3-Month:</b>			
Youth	\$60.00	\$66.00	\$72.60
Adult	\$100.00	\$110.00	\$121.00
Senior	\$74.00	\$81.40	\$89.54
<b>Annual:</b>			
Youth	\$150.00	\$165.00	\$181.50
Adult	\$180.00	\$198.00	\$218.00
Senior	\$160.00	\$176.00	\$194.00
<b>Rentals</b>			
1-20	\$86.25	\$94.88	\$104.36
21-40	\$103.75	\$114.13	\$125.54
41-60	\$120.00	\$132.00	\$145.20
61-80	\$137.50	\$151.25	\$166.38
81-100	\$150.00	\$165.00	\$181.50

Swim meet fees = \$5 per participant per day

Annual Household Pool Pass = 70% X (2 Annual Adult Pass + 2 Annual Youth Pass). Household shall be defined as members of a related family living in the same dwelling.

**ATTACHMENT B**

**NEWPORT RECREATION CENTER FEES -- NEWPORT RESIDENTS**

	2010	2011	2012
<b>Drop-In:</b>			
Youth	\$2.50	\$3.00	\$3.50
Adult	\$4.00	\$4.50	\$5.00
Senior	\$3.50	\$4.00	\$4.50
<b>10 Punch:</b>			
Youth	\$20.00	\$22.50	\$25.00
Adult	\$33.00	\$36.00	\$39.00
Senior	\$26.00	\$28.00	\$31.00
<b>1 Month:</b>			
Youth	\$30.00	\$33.00	\$36.30
Adult	\$75.00	\$82.50	\$90.75
Senior	\$40.00	\$44.00	\$48.40
<b>3 Month:</b>			
Youth	\$50.00	\$55.00	\$60.50
Adult	\$125.00	\$137.50	\$151.25
Senior	\$82.50	\$90.75	\$99.80
<b>Annual:</b>			
Youth	\$156.00	\$171.90	\$189.10
Adult	\$340.00	\$374.00	\$411.50
Senior	\$250.00	\$275.00	\$302.50

Annual Pass Discount

Any 2 = 10%

Any 3 = 15%

Any 4 = 30%

Any additional youth above 2 children = \$50

3 month discount

Any 2 = 5%

Any 3 = 10%

Any 4 = 15%

Any 5 = 20%

**ATTACHMENT B, CONT.  
NEWPORT RECREATION CENTER FEES -- NON NEWPORT RESIDENTS**

	2010	2011	2012
<b>Drop In:</b>			
Youth	\$4.00	\$4.50	\$5.00
Adult	\$5.00	\$5.50	\$6.00
Senior	\$4.50	\$5.00	\$5.50
<b>10 Punch:</b>			
Youth	\$25.00	\$28.25	\$31.35
Adult	\$40.50	\$44.55	\$48.10
Senior	\$32.00	\$35.85	\$39.80
<b>1 Month:</b>			
Youth	\$40.00	\$44.00	\$48.40
Adult	\$90.00	\$99.00	\$108.90
Senior	\$60.00	\$66.00	\$72.60
<b>3 Month:</b>			
Youth	\$60.00	\$66.00	\$72.60
Adult	\$150.00	\$165.00	\$181.50
Senior	\$90.75	\$99.80	\$109.80
<b>Annual:</b>			
Youth	\$172.00	\$189.00	\$208.00
Adult	\$425.00	\$467.50	\$514.25
Senior	\$280.00	\$308.00	\$339.00

Annual Pass Discount

Any 2 = 10%

Any 3 = 15%

Any 4 = 30%

Any additional youth above 2 children = \$50

3 month discount

Any 2 = 5%

Any 3 = 10%

Any 4 = 15%

Any 5 = 20%

## Attachment C. Rec. Center Rental Schedule

<i>Facility/Room</i>	<i>Proposed Rate</i>
<b>½ Multi-Purpose Room (124A or B)</b>	<b>\$28.75</b>
<b>Full Multi-Purpose Room (124)</b>	<b>\$57.50</b>
<b>½ Aerobics Room (129 A or B)</b>	<b>\$11.50</b>
<b>Full Aerobics Room (105)</b>	<b>\$17.50</b>
<b>Meeting Room (105)</b>	<b>\$17.50</b>
<b>½ Classroom (117 A or B)</b>	<b>\$11.50</b>
<b>Full Classroom (117)</b>	<b>\$17.50</b>
<b>½ Main Gym</b>	<b>\$28.75</b>
<b>Full gym</b>	<b>\$57.50</b>
<b>Small Gym</b>	<b>\$28.75</b>
<b>Full Facility</b>	<b>\$345.00</b>
<b>Kitchen</b>	<b>\$5.75</b>
<b>Kitchen (refundable cleaning/damage deposit)</b>	<b>\$57.50</b>
<b>User prep/setup/cleanup time</b>	<b>\$5.75/half hour</b>
<b>Big Creek Park- 4 hrs or less</b>	<b>\$23.00</b>
<b>Big Creek Park-over 4 hours</b>	<b>\$46.00</b>
<b>Equipment rental (refundable \$10 damage dep)</b>	<b>\$5.75</b>
<b>TV/VCR, portable sound system and overhead projector</b>	<b>\$17.25</b>
<b>Disco Ball or coffeemaker</b>	<b>\$11.50</b>
<b>BBQ (stainless steel, includes utensils)</b>	<b>\$23.00</b>
<b>Indoor park equipment (trikes, slides, mats, etc.)</b>	<b>\$5.75</b>

If a patron rents an average of 20 hours or more per week, there is a 10% discount.

**Program Recovery:** Recreation Programs/Classes offerings held within the Recreation Center that are run by contracted instructors will split all proceeds with 30% going to the Parks and Rec and 70% going to the instructor.

Recreation Programs/Classes/ offerings held within the Recreation Center that are run by City staff (excluding youth) will set fees to cover 100% of total direct and indirect costs.

Recreation Programs/Classes/offerings held at the Recreation Center run by instructors who rent facility space will compensate the Parks and Recreation by the hour, for the space required.