

January 17, 2012  
6:00 P.M.  
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Brusselback, Beemer, Allen, Sawyer, Bertuleit, Roumagoux, and McConnell were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, Library Director Smith, Public Works Director Gross, Public Works Senior Project Manager Jones, Finance Director Marshall, Fire Chief Paige, Parks and Recreation Director Protiva, and Police Lieutenant Malloy.

### PLEDGE OF ALLEGIANCE

Council and audience participated in the Pledge of Allegiance.

### PROCLAMATIONS

**Fire Service Appreciation Day.** McConnell proclaimed January 27, 2012, as Fire Service Appreciation Day in the City of Newport. Paige accepted the proclamation.

**No-Name Calling Week.** McConnell proclaimed the week of January 23 - 27, 2012, as No Name-Calling Week in the City of Newport. Appreciate proclamation. Several representatives of the PFLAG group accepted the proclamation.

### CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes of the January 3, 2012 regular meeting and work session;
- B. Report of accounts paid for November and December 2011;
- C. Fire and Police Department monthly reports for December 2011;
- D. 2011 Fire Department Annual Report;
- E. OLCC application - Ocean Bleu Seafood, LLC;
- F. OLCC application - Ch'Boogie Jazz and Wine Bar.

Allen asked about Lincom costs, and Marshall explained. MOTION was made by Bertuleit, seconded by Roumagoux, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

### OFFICER'S REPORTS

**Mayor's Report.** McConnell thanked Council for the thoughtful comments during the city manager's review. He noted that the city is accomplishing a lot.

McConnell reported that he and Ted Jones appeared on the KCUP radio and talked about Public Works Department projects.

McConnell reported that an economic development meeting had been held with the Chamber of Commerce, and the Chamber is continuing to work on the community livability survey.

McConnell reported that he attended town hall meetings with Senators Wyden and Merkley.

McConnell reported that six representatives from Newport will visit Mombetsu, Newport's Sister City. He noted that the group would also visit Sapporo and Sendai. He requested an excused absence from the February 6, 2012 meeting. MOTION was made by Bertuleit, seconded by Beemer, to approve McConnell's request. The motion carried unanimously in a voice vote. McConnell noted that a delegation from Mombetsu is planning a visit to Newport in May.

McConnell noted that the next Town Hall meeting will be held on January 30, at 6:00 P.M., at the Visual Arts Center, and on the fifth Monday of each month (when there is a fifth Monday) throughout this year.

**City Manager's Report.** Voetberg reported that the current suggestion/concern/complaint list is included in the packet.

Voetberg reported that the city had purchased a spreader to spread chemicals to knock down the frost.

Voetberg reported that the packet contains an update on Public Works projects. Gross gave a status report on the water treatment plant. He stated that there will be very little change to the building structure and pumps, but there will be changes under the intake station due to soils. He added that the additional costs exceed the contingency by approximately \$70,000. He reviewed the changes noting that a contingency transfer out of the water contingency will be necessary. He noted that he would prepare a summary for Council review.

Voetberg recognized the Finance Department staff for its work in the conversion to Caselle software.

Voetberg reported that the Parks and Recreation Department will be conducting a pilot program which will offer fitness classes to annual pass holders at no charge.

Voetberg reported that the portion of the ODOT Flex-Funding Grant for crosswalks on Highway 101 has been recommended for funding. A discussion ensued regarding funding for Safe Haven Hill. Tokos reported that there are other funding options, and that Oregon Emergency Management is reviewing the Safe Haven Hill project at this time.

Voetberg apprised Council of an emergency repair to a sewer line in the alley of NW High Street between NW 10<sup>th</sup> and NW 11<sup>th</sup> Streets.

Voetberg reported that the city is geared up for the storm expected this evening.

McConnell appointed Randy Getman to the Tourism Facility Task Force. MOTION was made by Roumagoux, seconded by Brusselback, to ratify the Mayor's appointment. The motion carried unanimously in a voice vote.

## DISCUSSION ITEMS AND PRESENTATIONS

**Financial Review.** Marshall presented a status report on the city's finances. He reviewed where the financial status as of December 31; made projections; discussed exceeding of appropriations and possible corrective actions; reviewed the seven funds that determine the financial health of the city; and reviewed the fund balances.

**Business License Ordinance.** It was reported that Christy Monson will attend an upcoming meeting to participate in the business license ordinance discussion. McConnell noted that the objective this evening is to discuss and make decisions on any options that Council is comfortable with, and defer the options in which input from the legal team is desired.

A discussion ensued regarding whether residential unit owners should be required to obtain a business license. Brusselback, Sawyer, and Beemer disclosed that they have at least one rental unit. Further discussion ensued regarding whether to establish an exemption based on the number of rental units owned. Council concurred that the owner of one long-term (greater than 30 days) rental unit should be exempted from obtaining a business license, and owners of more than one residential unit would be required to obtain a business license. It was also suggested that the word "offering" replace "holding out" in the third line in the definition of "Business."

A discussion ensued regarding business license fees. It was noted that there is still an opportunity for public input if the fees are enacted by resolution. Council selected Option Two which states, "A rate to be determined by resolution of the City Council, such rate being either a flat rate for all business types or a progressive rate based on number of employees."

A discussion ensued regarding exemptions to the ordinance. Council agreed with (2).(d.) of the proposal which reads, "Persons engaged in delivery of goods from points outside the city, providing the sales contacts and actual sales take place outside the city."

A discussion ensued regarding the requirement for license of multiple locations or businesses. Council concurred with Option One, but asked that the city attorney clarify the second sentence of Option One regarding entity.

A discussion ensued regarding Administration. It was noted that Option Two mandates administrative Rules. Council endorsed Option Two.

Patricia Patrick-Joling suggested including wording that recognizes state or federal licenses and the different things that can be done under one license. She stated that it is simpler to enact a one-time fee.

Lee Hardy stated that what she submitted yesterday contained a lot of policy decisions, and asked why Council is avoiding the policy discussions tonight. McConnell noted that Council wants to be able to discuss the issues with the city attorney.

Marshall stated that he believes the city attorney should be present at the meeting rather than participate by telephone.

**Plastic Bag Task Force Resolution.** Allen reviewed the draft resolution creating a task force to review the plastic bag community plan. He noted that rather than focus on a ban, the findings are appropriate as history. A discussion ensued regarding the petition submitted by the Surfrider's Foundation at the December 6, 2010 City Council

meeting. McConnell stated that he wants to recognize the effort and time spent by using the numbers from the petition. He added that there are 75 people who support a ban, 12 against a ban, and 10 neutral. McConnell agreed to send Allen the language he would like to include in Finding 3. McConnell asked that the five cent deposit be included in Finding 3. It was noted that if representatives from the fishing community want to apply, they can do so through the public-at-large category. Allen noted that he would ask Staples to apply as a non-grocery large retailer. It was noted that the trash haulers will have one person representing all the haulers. It was suggested that Section 3. Refer to reducing or eliminating the use of single-use plastic checkout bags, and that the word “studying” in the first line be changed to “identifying.” It was noted that the Chamber of Commerce is used as an example of a potential resource in Section 4. It was noted that at the organizational meeting, a discussion can be held regarding available city resources.

## **ACTION ITEMS**

**Consideration of Initiation of a Street Legalization Proceeding for a Portion of NE 56<sup>th</sup> Street.** Tokos reported that the issue before Council is whether the city wants to initiate proceedings to legalize a portion of NE 56<sup>th</sup> Street, in the vicinity of the intersection of NE 56<sup>th</sup> Street and NE Lucky Gap Road. He noted that the property owners recently installed boulders and landscaping in the front yard of their property. He added that the landscaping and boulders slightly encroach onto the as-traveled roadway, and the city received a complaint that the roadway had been narrowed such that it was creating an unsafe condition. He noted that staff discovered that there are discrepancies between deeds and surveys as to the location of NE 56<sup>th</sup> Street adjacent to these properties; that the as-traveled roadway does not conform to the location of the road as described in official records; and that there is no right-of-way of record for a small portion of the road. He reviewed the street legalization process. He reported that the survey cost is approximately \$2,000, plus the cost of relocating the boulders. Allen noted that there is a statute that speaks to determining compensation, and he asked that the city have a cap. Gross stated that the exact amount will be known before the legalization. MOTION was made by Roumagoux, seconded by Brusselback, to direct staff to initiate the statutory process to legalize this portion of NE 56<sup>th</sup> Street. The motion carried unanimously in a voice vote.

**Consideration of Ordinance No. 2028 Regulating Conduct in City Parks.** Protiva reported that the issue before Council is consideration of Ordinance No. 2028 regulating conduct in city parks. A discussion ensued regarding the penalty, and Council agreed that the penalty should be “up to \$50.” MOTION was made by Beemer, seconded by Allen, to read Ordinance No. 2028, as amended, by title only, and place for final passage. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2028. Voting aye on the adoption of Ordinance no. 2028, as amended, were Allen, Beemer, Bertuleit, Brusselback, McConnell, Roumagoux, and Sawyer.

## COUNCIL REPORTS AND COMMENTS

Sawyer reported that airport staff has indicated that the military has been buying more fuel at the airport. He commended airport staff.

Brusselback reported that he attended a recent meeting of the Bicycle/Pedestrian Committee.

Beemer reported that the Library Board will be meeting tomorrow.

Allen reported that the OPAC working group on territorial sea plan will meet Friday. He added that the goal is to develop a draft product to take to public work sessions, and have something adopted by September.

McConnell noted that the Airport Committee will be meeting this week, and that an Air Consortium meeting may be scheduled on Friday.

It was noted that a storm water meeting with stakeholders will be held next week.

## ADJOURNMENT

Having no further business, the meeting adjourned at 8:50 P.M.

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Margaret M. Hawker, City Recorder

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Mark McConnell, Mayor