

November 7, 2011  
6:00 P.M.  
Newport, Oregon

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

Staff present was City Manager Voetberg, Executive Assistant Clark, Community Development Director Tokos, Finance Director Marshall, Public Works Director Gross, Parks and Recreation Director Protiva, Police Chief Miranda.

### **PLEDGE OF ALLEGIANCE**

Council and audience participated in the Pledge of Allegiance.

### **PUBLIC COMMENT**

McConnell noted that a three minute time limit for public comment will be observed.

Catherine Pavlish requested that she be put on the next council agenda for a letter issued from Officer Kittel. She stated that 8.10.150 of the Municipal Code provides that written protest to extend the time period has been sent to the Council and City Manager. She asked that the history be reviewed, and that the problem be resolved. McConnell stated that it will be put on the agenda.

Greg Carpenter requested a determination on where the hedges lie on his property.

Rennie Ferris addressed the issue regarding the hedges on Rhododendron. He stated that the hedges were in the right-of-way. He asked the city to enforce the ordinance. McConnell stated that staff will look into it.

### **PROCLAMATIONS AND RECOGNITIONS**

Allen raised concerns regarding the proclamation. He asked that the wording "politics of division, isolation, and hate" be deleted to keep the proclamation positive.

McConnell read the proclamation with the requested change and recognized International Day of Peace in the City of Newport. McConnell presented the proclamation to Donald Searcy.

### **CONSENT CALENDAR**

Allen raised concerns regarding the executive session of October 28, 2011 regarding the city attorney not being present at that meeting. Allen read an email sent by the city recorder.

Staff was asked to revise the portion of the executive session minutes regarding litigation to be a regular meeting, and to retain the portion regarding the property as an executive session.

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session of October 17, 2011, the regular meeting of October 17, 2011, and executive session of October 28, 2011.

MOTION was made by Allen, seconded by Bertuleit, to adopt the consent calendar with amendments. The motion carried unanimously in a voice vote.

## OFFICER'S REPORTS

**Mayor's Report.** McConnell reported on the tour at the water treatment plant. McConnell reported on the meetings he attended in the past two weeks. He reminded the audience that the Urban Renewal Town Hall meeting will be on Wednesday, November 16 at 6 P.M. McConnell shared an invitation to the November 19 Siletz Restoration Pow-Wow. He reminded councilors about the joint meeting with the Port of Newport on November 21 at 5 P.M.

**City Manager's Report.** Voetberg reported that the departmental monthly reports are included in the packet. Allen raised concerns regarding the ConnectOregon IV grant submission dates and times. Voetberg stated the airport was looking at two grants; one is a 20% match for airport improvements and can easily be matched. The ConnectOregon grant is a 5% match for runway renovations. Voetberg attended a meeting with the Celtic Heritage Alliance, and added that the Alliance has an ongoing request for city funding. He noted that the city has inventory from this year's Celtic Festival that has no value. He stated that he will declare this surplus and donate it to the Alliance. Voetberg stated that there is no money to be given to them as the event was a loss for the city. He noted that there are city grant opportunities that the Alliance could pursue. Voetberg included a plastic bag ordinance timeline in his report. He reported that the Broadstripe cable television was sold to Wave Broadband and a request has been made to assign the franchise. He added that he is working with the attorney on this matter.

Gross reviewed the report that was included in the packet. He described some of the issues the department is facing with the intake system for the new water treatment plant. He reported that assessments are being conducted on both dams so that the overall condition of the dams can be determined. A geo-tech report was conducted and it was determined that it is not possible to build the new intake system as planned. HDR is investigating alternatives. Gross will bring additional information to future Council meetings. McConnell asked about the timeframe for this, and Gross said that it hinges on the design. McConnell asked about the change orders for this project, and Gross said they should be available in the next month.

Voetberg shared a flyer for a meeting on oil spill response.

Voetberg stated he will be gone next week and will have no way of answering emails or phone calls.

Allen asked who was selected as the communications HR consultant and when. Voetberg stated John Baker was selected about three weeks ago.

Allen asked about the lawsuit that was settled for \$180,000 and how it would affect the city's premium costs. He requested the CIS policy on assessing premiums upon payouts.

## ACTION ITEMS

**Consideration of Herbicide Use Policy.** Protiva addressed the Council on the consideration of the herbicide use policy. He stated that this policy was drafted by the City Attorney. He added that there have been two public hearings, and committee discussion. He noted that citizens have requested that there be a voluntary e-mail list for notification when herbicides will be used. McConnell asked whether this policy could apply to all city departments.

Lisa Gray thanked the Council and staff for creating the herbicide policy. She requested changes including the addition of ball fields and playgrounds to herbicide free zones; and asked that the definition of the word perimeter be analyzed. She asked that an e-mail notification system be included in the policy. She stated that it is an easy, effective, and free method to contact people.

Allen noted that he would like to add language to the policy regarding emergency application, warning, and notification. He requested a better definition of the word "perimeter."

Tom Kerns stated that e-mail notifications are essential. He noted that state law prohibits pesticide use in schools, and that parks should be more protected than schools because younger children are more vulnerable.

MOTION was made by Allen, seconded by Beemer, to adopt the Herbicide Use Policy dated November 2011 with the following changes delete redundant language, make playground and ball fields equally, adjust perimeter language, under notifications add e-mail notification list for those who opt in, under emergency application also reference e-mail notification list. The motion carried unanimously in a voice vote.

### **Consideration of Approval of Tourism Facilities Fund Grant Policy and Application.**

Voetberg noted that the issue before Council is consideration of the Tourism Facilities Fund Grant Policy and application. He stated that the both are straightforward and a timeline is included. McConnell noted that there was public at each of the task force meetings. Allen will be the liaison for this task force due to conflicts of interest with McConnell and Bertuleit.

MOTION was made by Roumagoux, seconded by Allen, to approve the Tourism Facilities Fund Grant Policy and application as prepared by the Tourism Facilities Task Force and modified by the city attorney, and authorize staff to advertise the grant application. The motion carried unanimously in a voice vote.

**Consideration of Adoption of Resolution No. 3561, Adopting Immunity from Personal Injury or Property Damage Claims.** The issue before Council is the adoption of Resolution No. 3561, adopting immunity from personal injury or property damage claims. Voetberg noted this was issue was raised by the city attorney and her recommendation is to adopt this policy. Allen spoke about the Supreme Court decision for the need for a resolution of this nature.

MOTION was made by Beemer, seconded by Sawyer, to adopt Resolution No. 3561, establishing immunity from certain personal injury or property damage claims. The motion carried unanimously in a voice vote.

**Consideration of GP Franchise Fee for Stormwater System Mapping.** Gross noted this was discussed at a previous work session. He met with Civil West to develop a scope of work for the mapping on this project. Civil West has been responsible for the base mapping for the city which will help keep costs down.

Charlie Plybon, representing the Surfrider's Foundation, reinforced Gross's philosophy for proactive planning. He stated that master planning will help attract funding so that the city can stop making band-aid fixes and make permanent changes.

MOTION was made by Roumagoux, seconded by Brusselback, to authorize the use of GP Franchise Agreement fees from 2011 and 2012 to conduct infrastructure mapping for the purpose of indentifying and mitigating environmental impacts associated with storm water discharge. The motion carried unanimously in a voice vote.

**Consideration of Updating of Resolution No. 3535, Communication with the City Attorney.** The issue before the Council is the updating of Resolution No. 3535 regarding communication with the city attorney. Voetberg noted that this will change verbiage from interim city attorney to city attorney.

MOTION was made by Brusselback, seconded by Beemer, to adopt Resolution No. 3562, establishing a model for communication with the city attorney. The motion carried unanimously in a voice vote.

**Consideration of Adopt-A-Street/Building Grounds Program.** The issue before Council is the consideration of an Adopt-A-Street/Building Grounds program. Voetberg stated that this program mirrors the Adopt-A-Park program.

MOTION was made by Bertuleit, seconded by Allen, to adopt Resolution No. 3563, enacting an Adopt-A-Street/Building Grounds Program for the City of Newport. The motion carried unanimously in a voice vote.

**Reconsideration of Motion Made at the City Council Meeting of October 17, 2011 Regarding the Plastic Bag Community Plan.** Voetberg noted that Council Rules allow Councilors on the prevailing side of a motion to have a reconsideration of a vote made at a previous Council meeting. Sawyer requested reconsideration of the vote regarding the Plastic Bag Community Plan.

Sawyer stated that the last meeting, regarding this topic, was to gather facts and not take action. He asked Council to go back to the original course of action that was set in place. He stated that the Council needs to remain credible and transparent on issues, and needs to honor the original actions.

MOTION was made by Sawyer, seconded by Bertuleit, to reconsider the motion made on October 17, 2011 regarding the plastic bag community plan. The motion carried in a voice vote with Sawyer, Bertuleit, Beemer, and Allen voting yes, and Roumagoux, Brusselback, and McConnell voting no.

Allen suggested that there be an advisory vote to gauge public input. He felt that the initial decision to move in one direction was made without waiting for all of the input. He asked that there to be future meetings with input before moving forward. McConnell stated that the original motion was just to have the staff bring an ordinance back for discussion. He stated that he feels it would be easier for discussion purposes if there was an ordinance to discuss. When asked why he made the motion, Brusselback stated

it was because a motion makes a direction to staff more definitive and clear. A discussion ensued regarding an advisory vote.

McConnell asked for public comment.

The following people spoke in favor of a single use plastic bag ban:

Charlie Plybon representing Surfrider's Foundation  
Matt Hawkyard local chair of Surfrider's Foundation  
Rolla Cleaver  
Joanne Barton  
Mark Saelens  
Danielle Emrick  
Vince Pablardo  
Matthew Grey  
Kelly Barker  
Zach Park  
James Holtsgraff  
Jaqueline Brant  
Steve Snow

No one spoke in opposition.

Sawyer said that people have been showing up through writing even though they are physically not here. McConnell stated that he had received over 40 e-mails just during that day in favor of the ban.

MOTION as considered by Council at a previous meeting to move forward with using the Surfrider's Foundation Option 1, with the fee concept, rather than a deposit and to direct staff to bring an ordinance to Council at the earliest opportunity. The motion failed in a voice vote with Roumagoux, Brusselback, and McConnell voting yes, and Sawyer, Bertuleit, Beemer, and Allen voting no.

A discussion ensued regarding how to move forward with this issue. McConnell charged Allen with preparing information on plastic bag options.

**Consideration of Resolution 3564, GASB 54: Reporting of Fund Balances (Modified).**

The issue before Council is consideration of Resolution No. 3564 regarding GASB 54. Marshall stated this is a general housekeeping issue.

MOTION was made by Roumagoux, seconded by Bertuleit, to adopt Resolution No. 3564, providing for the designation of ending fund balances by categories in compliance with GASB 54 for the fiscal year ending June 30, 2011 and subsequent fiscal years. The motion carried unanimously in a voice vote.

**Consideration of Resolution Nos. 3565 and 3566, Amending Resolution Nos. 3502 and 3504.** The issue before the Council is the consideration of Resolution Nos. 3565 and 3566 amending Resolutions Nos. 3502 and 3504. Voetberg stated that these are housekeeping items. The first resolution clarifies that the monies for the Technical Advisory Task Force for the years 2008, 2009, 2010 can be used for either a grant or an

RFP process. The second resolution extends the appointment of the task force to January 2013.

MOTION was made by Allen, seconded by Brusselback, to adopt Resolution No. 3565, amending Sections 2 and 4 of Resolution No. 3502 relative to the use of funds received from Georgia-Pacific Toledo, LLC, under the agreement dated April 5, 2010, between the City of Newport and Georgia-Pacific Toledo, LLC. The motion carried unanimously in a voice vote.

MOTION was made by Allen, seconded by Beemer, to adopt Resolution No 3566, amending Sections 2, 3, and 4 of Resolution No. 3504 relative to the creation and tasks of the Technical Advisory Task Force. The motion carried unanimously in a voice vote.

## **COUNCIL REPORTS AND COMMENTS**

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

Beemer reported that he had attended a Tsunami Preparation Task Force meeting, and the next meeting will be held in December.

Allen reported that he had attended the Coastal Oregon Marines Experiment Station meeting, and updated the Council on topics discussed. He reported that he had attended the Fisherman Involved in Natural Energy meeting and briefed the Council on the discussion. He stated that he plans to attend the upcoming OPAC meeting.

Sawyer updated the Council on the success of the Volunteer Fire Department's Fill-the-Truck event. Sawyer visited a local aviation business, and met with the owners, the city manager, and airport director.

Roumagoux reported on a recent meeting of the Public Arts Task Force, and noted that the group is prepared to make a presentation to Council at its next meeting. She also attended the Recreation Facilities Management Review Task Force meeting.

Brusselback reported on a recent Port of Newport meeting, at which the Commission received an update on NOAA progress. He noted that Don Matthews will be the Port's liaison to City Council.

## **PUBLIC COMMENT**

Mark Saelens, Lincoln County Solid Waste Coordinator, offered his services regarding the single use plastic bag community plan.

Greg Stanton thanked Gross for addressing his drainage problem.

Wendy Engler urged Council to move forward with a plastic bag ordinance.

## **ADJOURNMENT**

Having no further business, the meeting adjourned at 9:40 P.M.

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Nicole Clark, Executive Assistant

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Mark McConnell, Mayor

