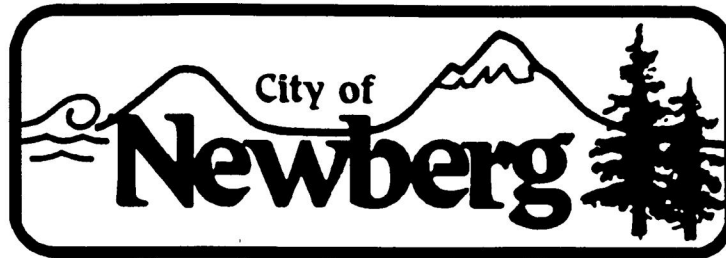


City Manager
(503) 538-9421

City Attorney
(503) 537-1206



414 East First Street
PO Box 970
Newberg, Oregon 97132

**CITY OF NEWBERG
CITY COUNCIL WORK SESSION**

MONDAY, MAY 3, 2004

6:00 P.M.

NEWBERG PUBLIC SAFETY BUILDING

THE CITY COUNCIL THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE MAY 3, 2004 COUNCIL AGENDA ITEMS. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS.

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING TO BE HELD IN THE NEWBERG PUBLIC SAFETY BUILDING BEGINNING AT 7:00 P.M.

DATED THIS 23RD DAY OF APRIL, 2004.

JAMES H. BENNETT
CITY MANAGER

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Rebecca Green at (503) 538-9421.

CCWSNOTE0532004 .WPD

CITY MANAGER'S OFFICE: e-mail: nctymgr@ci.newberg.or.us Fax: 537-5013

Building: 537-1240 • Community Development: 537-1240 • Finance: 537-1201 • Fire: 537-1230
Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1233 • Utilities: 537-1205
Municipal Court Fax: 538-5393 • Community Development Fax: 537-1272 • Library Fax: 538-9720

"Working Together For A Better Community - Serious About Service"

Council accepts comments on agenda items during the meeting. Please fill out a form and identify the items you wish to speak on and hand this to the Recording Secretary prior to the meeting, if possible. Otherwise, please fill out the form prior to the agenda item you wish to speak on and turn it in to the Recording Secretary. (The exception is formal land use hearings which require a specific public hearing process. The agenda items will be identified at the meeting.)

**CITY OF NEWBERG
COUNCIL AGENDA
MAY 3, 2004
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

- I. CALL MEETING TO ORDER***
- II. ROLL CALL**
- III. *PLEDGE OF ALLEGIANCE***

PUBLIC MEETING SECTION

- IV. PUBLIC COMMENTS**
(30 minutes maximum which may be extended at the Mayor's or President's discretion; an opportunity to speak for 3 minutes but no more than 5 minutes per speaker allowed)
- V. CONSENT CALENDAR**
 - 1.
- VI. PUBLIC HEARING**
 - 1.

BUSINESS MEETING SECTION

- VII. CONTINUED BUSINESS**
- VIII. NEW BUSINESS**
 - 1. Consider a motion to approve a one year pilot CARE Cards project to provide free library cards to Chehalem Valley non-resident youth age 14 and younger and reduce the annual fee for high school students from \$20 to \$10 annually.
 - 2. Re-consider **Resolution No. 2004-2492** authorizing Traffic School as an alternative for the first time municipal traffic violators.

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting.

3. Consider **Resolution No. 2004-2495** adopting a sewer rate adjustment for multi-family sewer customers.
4. Appointment of an additional Budget Committee member per change approved at the April 19, 2004 Council meeting.

IX. EXECUTIVE SESSION

X. ADJOURNMENT

INDEX OF RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

1. **Resolution No. 2004-2495** adopting a sewer rate adjustment for multi-family sewer customers.

ORDINANCES:

- 1.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Rebecca Green at (503) 538-9421.

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2004 May 3,

Ordinance ___ Resolution_ Motion XX Information ___
 No. No.

Date Submitted: April 16, 2004

SUBJECT:

Adopt a one year pilot CARE Cards project to provide free library cards to Chehalem Valley non-resident youth age 14 and younger and reduce the annual fee for high school students from \$20 to \$10 annually.

Contact Person (Preparer) for this Resolution:

Leah Griffith

Dept.: Library

File No.:

(if applicable)

RECOMMENDATION:

Approve a motion to implement a one year (May 15, 2004-May 15, 2005) pilot project to provide library CARE cards at no charge to youth (age 14 and younger) who live within the Newberg School District in Yamhill County, but not the city limits of Newberg and to provide a card at a fee of \$10 annually for high school students living in the same area. CARE cards limit checkout to youth materials only.

BACKGROUND:

1. As a department of the City of Newberg and supported by Newberg taxpayers, the Library has for a number of years charged those residents who live outside the city limits for a library card.
2. This fee has been based upon the tax rate for Newberg residents, however the fee for youth has been lower in recognition of efforts to encourage reading and support youth in their cognitive and educational endeavors.
3. Annually, approximately \$1,200 has been generated by the youth card fee and about \$19,000 for all other card fees.
4. Libraries in CCRLS also charge a fee for rural cards (\$60 annually), however they have implemented CARE (Create A Reader Everyday) cards to provide a free card to youth 14 and younger that only allows checkout of children's materials.
5. McMinnville Library developed this program and determined that they were able to sell more \$60 cards after the CARE card implementation than before. This was apparently due to a combination of "good will" and families coming to the library with the free card for their children and discovering the value to the rest of the family. The city councils in 14 other CCRLS cities also concurred. Newberg Council also adopted the CARE card for youth within CCRLS boundaries.

VIII-1

6. Newberg Library has the capacity to serve this increased youth population without a significant decline in service to Newberg residents.
7. It has long been a concern by many in the community that the fee for a library card limits use of the library by children. Providing a free card would allow the youth access to the library and help in their educational endeavors.
8. There are 2,300 children in the unserved area (29% are Dundee residents). If they would apply for cards at the same rate as Newberg children (54%), we would issue 1,250 cards (360 to Dundee residents). Currently there are less than 100 active youth cards for non-residents.
9. The Library Board at their April 13th meeting voted to recommend the Council implement the CARE Cards pilot project. The concept was presented to the Library Long Range Planning Citizens Committee and they also endorsed the project as a method to increase the support of the library by non-residents.

FISCAL IMPACT: The loss of revenue in fee cards for youth would be approximately \$1,200. There would be an increase in revenue from overdue fines of approximately \$600. The Library Foundation would provide the \$600 difference from their *Kindergarten Cards for All* project, mitigating the revenue loss.

The change of revenue from the teen card (\$20 annually to \$10 annually) would be minimal as many already purchase the 6 month card at \$10. Our computer system does not differentiate between teen and younger cards so an accurate breakdown cannot be provided, but they are part of the 100 youth cards mentioned in section 8.

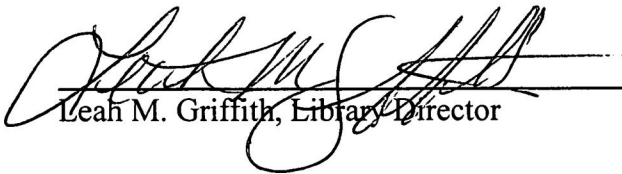
It is unknown what the increase in household card revenue could be.

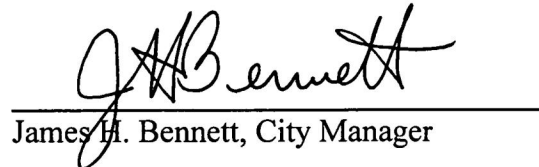
By implementing this as a pilot project, if loss of revenue was the result, the program could be ended by May, 2005. We would be able to determine the effect on revenue within 6-8 months of implementing the program.

STRATEGIC ASSESSMENT: The formation of a library district to provide support from all residents of the Chehalem Valley is part of the long range plan discussion currently being conducted by a citizens committee. The provision of a free card for youth could encourage use, demonstrate the value of the library to a larger constituency and gain support for this effort. The CCRLS CARE card was implemented with a similar long term goal as well.

SUBMITTED BY:

APPROVED BY:


Leah M. Griffith, Library Director


James H. Bennett, City Manager

* *UPDATED* *

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2004, May 3

Ordinance ____ No.	Resolution <u>XX</u> No. 2004-2492	Motion ____	Information ____
-----------------------	---------------------------------------	-------------	------------------

Date Submitted: April 23, 2004

SUBJECT: A Resolution authorizing the Newberg Municipal Court to administer an educational program for qualified traffic offenders known as "Traffic School."

Contact Person (Preparer) for this Resolution: **Dawn Wilson**

File No.: _____
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2004-2492** authorizing Traffic School as an alternative for qualified traffic offenders.

BACKGROUND:

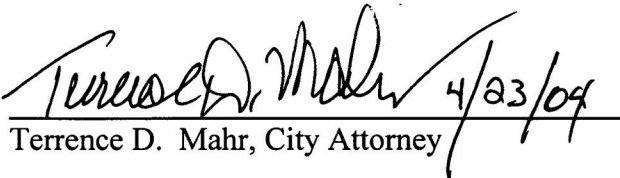
Update by City Attorney Terrence Mahr:

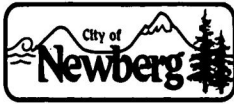
1. The resolution has been redrafted since the meeting on April 19th to address concerns that the Council expressed. Authority is delegated to the Municipal Judge to administer the program as well as establishing additional criterion and procedures. The concern expressed by Council Members about allowing all Class B violations to be eligible for Traffic School has been brought to the judge's attention, and the resolution directs them to consider individual Class B violations as to whether they qualify.
2. The resolution delegates the authority to the Municipal Judge to establish the diversion fee amount. The diversion fee amount may vary depending on the classification of the offense and the cost to process such an offense.
3. The resolution also provides the Municipal Court with the authority to allow Traffic School on a case-by-case basis. This may occur with multiple offense for the same incident. Furthermore, the City Prosecutor has the authority to allow Traffic School as part of a Diversion Agreement. This may occur when there are multiple offenses, and the offender pleads guilty to one violation but may be able to resolve other charges via Traffic School.

FISCAL IMPACT: The City would receive between \$75 to \$200 per ticket with no state assessments deducted. Through February the City had received \$12,473.49 or about \$1,560 per month.

STRATEGIC ASSESSMENT: To assist qualified offenders with driver's education.

SUBMITTED BY:

 4/23/09
Terrence D. Mahr, City Attorney



RESOLUTION No. 2004-2492

A RESOLUTION AUTHORIZING THE NEWBERG MUNICIPAL COURT TO ADMINISTER AN EDUCATIONAL PROGRAM FOR QUALIFIED TRAFFIC OFFENDERS KNOWN AS "TRAFFIC SCHOOL."

RECITALS:

1. The Newberg Municipal Court has been granted jurisdiction to adjudicate all State Motor Vehicle Code offenses, which include both traffic violations and crimes, which occur within the city limits of the city of Newberg.
2. The Court has established a program for cited violators, which allows them to partake in an educational opportunity that refreshes drivers' knowledge and awareness of traffic laws, defensive driving, and other traffic safety procedures through a process known as **Traffic School**.
3. This **Traffic School** program is used by many state and municipal courts throughout Oregon as well as the United States.
4. The Court staff and Police Department endorses the concept of **Traffic School** for qualified offenders as a method to educate drivers on current traffic laws and safe driving techniques.
5. The City Council as the legislative body for the City may adopt enactments that establishes authority for the Municipal Court.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council endorses the concept of **Traffic School** for qualified offenders.
2. The City Council authorizes the Municipal Court to establish a driver-education program for qualified offenders known as "**Traffic School**."
3. The Court established a program, which will include the following:
 - a. Qualifications - Qualifications for citizens to be eligible to participate in **Traffic School**. Such qualifications shall include:
 - Entry of plea of guilty or not contest
 - Payment of diversion fee
 - Report of compliance to the Court
 - Consideration of the individual's driving record
 - Consideration of any pass participation in **Traffic School**
 - Benefit to the individual

- b. Violations' Class - Traffic School shall be available for Class C and D violations and may be available for Class B violation as designated by the Court.
 - c. Procedure - The Court shall establish a procedure that includes the following:
 - Notification of the availability of **Traffic School** to alleged offenders.
 - Process whereby qualified offenders may select the option of **Traffic School** prior to the date of the first Court appearance or during the Court Session or for good cause shown after initial Court appearance.
 - Designate length of time allowed to complete **Traffic School**.
 - d. Authority of Municipal Judge - The municipal judge shall have authority to establish the criterion, delegation of administration of the program, and the discretion to allow offenders to select **Traffic School**.
 - e. City Prosecutor - The City Prosecutor has the authority to allow offenders to participate in **Traffic School** as part of a Diversion Agreement.
4. **Traffic School** has previously been established and administered by the Municipal Court. The City Council ratifies the use of **Traffic School** that may have taken place prior to the date of this resolution.
 5. The City Council encourages the Court investigate options that provide Spanish-speaking Traffic Schools for Spanish-speaking, qualified offenders who may be cited for traffic offenses.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date which is: May 4, 2004.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of May, 2004.

James H. Bennett, City Recorder

ATTEST by the Mayor this ____ day of May, 2004.

Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____ / ____ /2004 meeting. Or, X None.

8

VIII-2

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2004, May 3

Ordinance ___ Resolution XX Motion ___ Information ___
No. No. 2004-2495

Date Submitted: April 15, 2004

SUBJECT: Sewer Rate Adjustment

Contact Person (Preparer) for this
Resolution: Kathy Tri

File No.: _____
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2004-2495** adopting a sewer rate adjustment for multi-family customers.

BACKGROUND:

1. In 2002 the Citizens Rate Review Committee approved sewer rates for all customer classes. The rates included a separate inflow and infiltration (I & I) charge for multi-family customers. This charge was incorporated into the residential, commercial and industrial charges. The charge was included in all the review and hearings held at the time.
2. When the resolution was prepared which adopted the rates, Resolution No. 2002-2373, the I & I charge was not included. This became apparent when staff and the consultant reviewed current rate revenues for the current rate study. Because rate revenues have been less than projected, staff and the consultant began investigating why. The missing I & I charge came to light as one of the factors.
3. Staff is requesting that the I & I charge be added to the multi-family rates at this time, beginning with the May bills.

FISCAL IMPACT: \$11,260/month or \$135,120/year.

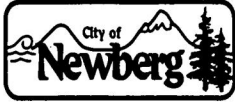
STRATEGIC ASSESSMENT: It is important to raise sufficient revenues to collect and treat wastewater and to maintain a system in compliance with NPDES permit requirements.

SUBMITTED BY:

APPROVED BY:


Katherine L. Tri, Finance Director


James H. Bennett, City Manager



RESOLUTION No. 2004-2495

A RESOLUTION ADOPTING A SEWER RATE ADJUSTMENT FOR MULTI-FAMILY SEWER CUSTOMERS

RECITALS:

1. The City Council approved Resolution No. 2002-2373 adopting current monthly sewer rates on November 18, 2002.
2. The City is currently undergoing a sewer rate review during which staff and the consultant noticed that a special rate for multi-family customers for inflow and infiltration was missed from Resolution No. 2002-2373.
3. This charge is included in the residential, commercial and industrial monthly sewer rates.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Effective May 4, 2004, the monthly sewer service rate for multi-family customers shall include a monthly inflow and infiltration charge of \$4.54 per unit.

➤ Effective Date of this resolution is the day after the adoption date which is: May 4, 2004, 2004.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of May , 2004.

James H. Bennett, City Recorder

ATTEST by the Mayor this ____ day of _____, 2004.

Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through Citizens Rate Review Committee in 2002. Or, ___ None.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 3, 2004

Ordinance ___ Resolution_ Motion XX Information ___
No.

Date Submitted: April 21, 2004

SUBJECT: Budget Committee Appointment

Contact Person (Preparer):
Kathy Tri

Dept.: Finance

File No.: council\bud cmte appoint

RECOMMENDATION:

1. Choose one member for the Budget Committee to fill a new position.

BACKGROUND:

1. State law requires the Budget Committee to be made up of the governing body and an equal number of citizens (electors). Citizens serve a three year term. The City has one opening on the Budget Committee:

As of April 23rd, one application has been received:

Bart Rierson 110 Hazelnut

Mr. Rierson has previously been on the Budget Committee. A copy of the announcement sent to the Graphic is attached.

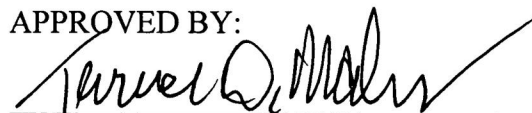
SUBMITTED BY:



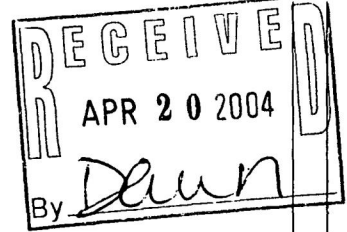
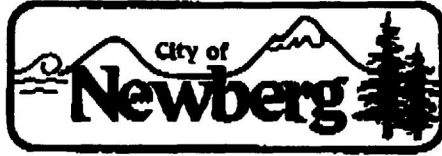
Katherine L. Tri, Finance Director

\\council\bud cmte appoint

APPROVED BY:



Terrence D. Mahr, Acting City Manager



APPLICATION FOR BUDGET COMMITTEE

NAME: Bart Rierson

HOME PHONE: (503) 538-0494

ADDRESS: 110 Hazelnut Dr

WORK PHONE: (503) 537-5260

Newberg, OR 97132

E-MAIL ADDRESS: brierson@cpmt.com and the.riersons@verizon.net

Are you a registered voter? Yes

Do you live within the City limits? Yes X No

How long have you lived at the above address? 2 yrs 9 months

Previous Address: 719 S Chehalem St How long? 10 years

Occupation: Sales Manager Employer: Climax Machine Tools

4/20/04
(Date)

Bart Rierson
Signature

Why do you want this position? (Continue on back or separate sheet, if necessary)

I think the way the city spends its limited funds is important. I want to participate in deciding how that money is spent. I love my community and want to volunteer my time because I feel fortunate to be a part of it.

**RETURN THIS FORM TO THE OFFICE OF THE CITY RECORDER
P.O. BOX 970
NEWBERG, OREGON 97132
(503) 538-9421**

VIII-4

12

NEWBERG CITY COUNCIL MEETING INFORMATION

DATE of Meeting: 05/03/04

Prepared by: Norma Alley
Peggy Hall

Councilors	Roll Call	Res/Ord # <u>Motion</u> Topic: <u>Cable Cards</u>	Res/Ord # <u>2492</u> Topic: <u>Traffic Sign.</u>	Res/Ord # <u>2495</u> Topic: <u>Sewer Rate</u>	Res/Ord # <u>Motion</u> Topic: <u>Budget Appointment</u>	Res/Ord # _____ Topic: _____	Res/Ord # _____ Topic: _____	Res/Ord # _____ Topic: _____	Res/Ord # _____ Topic: _____	Res/Ord # _____ Topic: _____
STEWART, Bob, Mayor	✓	yes	—	—	—					
ANDREWS, Bob	✓	yes	yes	yes	yes					
CURRIER, Roger	✓	yes	yes	yes	yes					
LARSON, BOB	✓	yes	yes	yes	yes					
McBRIDE, Mike	✓	yes	yes	yes	yes					
PUGSLEY, Doug	✓	yes	yes	yes	yes					
SOPPE, Robert	✓	yes	yes	yes	yes					
ROLL CALL VOTES		YES: <u>6</u> NO: <u>0</u> Absent: <u>0</u> Abstain: <u>0</u>	YES: <u>6</u> NO: <u>0</u> Absent: <u>0</u> Abstain: <u>0</u>	YES: <u>6</u> NO: <u>0</u> Absent: <u>0</u> Abstain: <u>0</u>	YES: <u>6</u> NO: <u>0</u> Absent: <u>0</u> Abstain: <u>0</u>	YES: _____ NO: _____ Absent: _____ Abstain: _____	YES: _____ NO: _____ Absent: _____ Abstain: _____	YES: _____ NO: _____ Absent: _____ Abstain: _____	YES: _____ NO: _____ Absent: _____ Abstain: _____	YES: _____ NO: _____ Absent: _____ Abstain: _____
Department:		<u>Library</u>	<u>Legal</u>	<u>Fin</u>	<u>Fin</u>					
CHANGES: (Yes/No)		<u>No</u>	<u>Yes</u>	<u>NO</u>	<u>NO</u>					

PEGGY:

- Route COPY of this completed sheet to applicable departments for processing of Res & Ord.
- Route COPIES of Public Comment Registration Sheets to respective Departments for noticing/their file.
- Route materials/overheads received at meeting: (1) Original(s) to City Recorder for packet; (2) Copy of applicable materials to Dept. for their file.
- Route labeled Audio tape(s) to Library (ATTN: Leah Griffith).

CITY DEPARTMENTS: WITHIN 48 HOURS - Route to City Mgr. for Signature (verify changes, if any):

- IF ANY CHANGES, CORRECTIONS TO BE MADE BY DEPARTMENT ORIGINATING DOCUMENT.
- Regardless of prior path/file name from your Department, **Rename Document:** (Sample: Ord2471.wpd) or (Res2039.wpd).
- E-mail FINAL Res & Ord to Norma Alley as an attachment (including RCA and Attachments).
- Print final Resolutions/Ordinances on bond paper (w/attachments - excluding RCA).
- PRINT IF NOT ADOPTED: Route paper copy to Legal w/the following notation PRINTED ON TOP - "FAILED TO PASS (DATE)" (also e-mail to Norma).
- Route to Jim/Mayor for signatures.

LEGAL DEPT. / NORMA: * Route signed copies of documents to CDD (Planning Technician); * Place originals of Res & Ord in City Vault & Index appropriately; * Transfer FINAL Res/Ord into appropriate City Recorder Computer Directory. (Only Legal Dept. Access).

CITY OF NEWBERG - PUBLIC COMMENT REGISTRATION FORM

**PLEASE COMPLETE AND PRESENT THIS FORM TO THE RECORDING
SECRETARY PRIOR TO THE MEETING
OR PRIOR TO THE ANNOUNCEMENT OF THE AGENDA ITEM
FOR WHICH YOU WISH TO SPEAK.**

AGENDAS ARE LOCATED AT THE ENTRANCE OF THE MEETING ROOM.

PLEASE STATE YOUR NAME AND ADDRESS PRIOR TO SPEAKING

In order to make ORAL COMMENTS and/or provide input at this meeting, you must provide all of the information requested below.

State the specific subject matter upon which you wish to comment or provide input. You will be limited to the subject that you indicate.

COMMUNICATIONS FROM THE FLOOR: (Non-agenda item): Persons speaking to the Council from the floor with an item not on the agenda will be given the opportunity to speak for five (5) minutes with no sharing of time. Speakers are encouraged to submit information in writing for the Council's review.

If you are attending the meeting to observe and do not intend to speak, you do not need to fill out a Registration Form.

DATE OF MEETING: 5/31/04

SUBJECT: Newberg Animal Shelter Friends Agenda Item No. _____

Proponent: (If applicable)

Opponent: (If applicable)

Name: Darlyn Adams

Please print legibly

Mailing Address: 131 Johanna Ct, Newberg Phone No. 554-0153

Have you talked with the City Manager about this subject? YES NO

Signature Darlyn Adams

THANKS! These sheets help us spell your name correctly for the permanent record and helps the Mayor determine time limits.

City Council 5-3-04

There's good news tonight. On 4-23+24 we held our 4th annual Wag-N-Whisker Mega yard sale.

Our goal was to net \$5,000.

Question? Did we reach our goal?

Answer: We not only reached our goal, but we far surpassed it.

We raised - drum roll, please,

\$8,351.30 gross - Our net was \$7,987.

and our expenses were only 4.4% of our gross. We had over \$3,200. in misc. items over \$100. in coffee & home-baked cookies & donations over \$160. Our plants were over \$4,436. Some of our shrubs are in Corvallis being sold, so when we are totally finished, our net will be well over \$8,000. We are so excited about this.

Our grand total now is in double digits. We went from \$103K to \$111,842. & will reach \$112,000. before May ends.

Our next event is our parade entry & booth at the Old Fashioned Festival. Come by & see us.

Our biggest event of the year is

2 of 2

our dinner & silent auction being held
Sept. 25 @ the Armory. Our goal is to
net \$10,000. More details to follow
in coming months.

Our next meeting is Thurs.
May 27, 7:15 PM here. Everyone
is welcome to attend.

Questions?

Thank you

Darlyn Adams

Newberg Animal Shelter Friends

Darlyn Adams
131 Johanna Court
Newberg, OR 97132



WAST 4-23, 24-04

merge yard & plant sale

Regular Sale
Monitions
Corkin
Plants

\$ 3,290.54
160.46
100.00
4,436.66

Gross

\$ 8,354.30

Expenses - \$ 288.00
Plant Parts
Graphic Art
Plants
Yield

22.00
3430
80.00
\$ 364.30

Total net

\$ 7,987.00

Expenses 4.4% of gross