

**CITY OF NEWBERG CITY COUNCIL MINUTES
OCTOBER 17, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. General discussions were held regarding business meeting agenda items.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma I. Alley, City Recorder
	Jan Wolf, GIS Analyst	Jennifer Nelson, Minutes Recorder

Others

Present: Pat Haight, Hank Grum, and Robert Soppe

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reported city hall hours reduction will begin on October 24, 2011, with staff monitoring and reporting back after a six month trial; the deadline for committee vacancies is being extended for the Traffic Safety Commission (TSC) and the Citizens' Rate Review Committee (CRRC); a neighborhood meeting was held to discuss the cultural district zone with residents and they believe they can address most of the concerns brought up; another drug take-back event will be held on October 29, 2011; the Portland Community College (PCC) grand opening will be held this Saturday, October 22, 2011; and the Newberg Downtown Coalition (NDC) will be holding Halloween events and trick-or-treating downtown on Monday, October 31, 2011.

V. PUBLIC COMMENTS

Ms. Pat Haight expressed concerns about the conditions of the railroad crossing on River Street by SP Newsprint; she said a large gap there is dangerous for cars to drive over and a bad representation of our community. She spoke of her favor for the bike path in Newberg, but she is uncertain this is the time to be borrowing money for bike paths when there are other things needing to be fixed around town, like sidewalks and congestion downtown. She felt the city should change their "borrowing" mindset and work down a list of things needing to be fixed around town.

Mr. Hank Grum referred to statements issued in the voters' pamphlet regarding the initiative petition not being the whole truth and misleading. He requested to have the resolution regarding flex funds moved from the consent calendar to the business agenda for an explanation of the approval of System Development Charges

(SDCs) being used on Oxberg Estates improvements rather than College Street since that area is out of the city limits. He also said SDCs are taxpayers money because any revenues collected by the City is public money and any monies spend outside the City leaves a funding gap the citizens have to make up for.

Councilor Marc Shelton asked to clarify his concern by asking if he would rather see the money spent on other projects similar to what Ms. Haight discussed in her testimony. Mr. Grum said regarding the spending of money taxpayers want to know how and why money is being spent and if it is a good idea and wondered why the City would apply for a grant rather than using staff resources; he would like to see a discussion on the matter. Councilor Shelton asked staff what fund the approximate one hundred thousand dollars would come out of and what is the purpose. Mr. Danicic said the money comes from SDC funds for capacity increases and enhancement since transportation system money cannot be used for maintenance or improvements to existing capacity.

Mr. Robert Soppe raised a concern he had about George Fox University (GFU) issuing citations as a violation of a previously passed ordinance. He also mentioned a prior issue he raised regarding waivers of remonstrance for properties along College Street and if these would be contributing to the costs; he had not seen any discussions and wondered if Council was comfortable implementing a Local Improvement District (LID) if the waivers have not been exercised. He also mentioned past concerns for the city's policy on destroying audio recordings and asked what has been done since then to take steps to have a more complete record. He added the city manager's review of the cultural district meeting was different than his on accommodating the citizens' concerns about parking. He also pointed out the revised resolution the monetary contribution for the flex fund is closer to one hundred and eighty thousand dollars and not the one hundred thousand previously mentioned.

Councilor Shelton asked if non-student citizens' vehicles are being ticketed. Mr. Soppe said he did not know if others were but there was one in front of his house and when he discussed this with GFU security he was told they do regularly cite vehicles without knowing if they belong to students.

Councilor Bart Rierson asked what ordinance number he was referring to. Mr. Soppe said it violates the ordinance regarding handbills.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2976** supporting the submission of a grant application to the State of Oregon's Flexible Funds Program for N. College Street bike/pedestrian improvements.

This item was removed from the Consent Calendar and discussed under New Business on the agenda.

2. Consider a motion approving September 6, 2011, City Council minutes.

MOTION: Rierson/Shelton approving the Consent Calendar including the City Council minutes from September 6, 2011, as amended. Motion carried (7 Yes/0 No).
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VII. PUBLIC HEARINGS

Consider a motion approving **Ordinance No. 2011-2735** establishing provisions pertaining to second-hand dealers and pawn shops.

TIME – 7:28 PM

Mr. Mahr presented the staff report and follow-up on questions raised last time during public testimony. Sergeant Eric Ronning met with Ms. Edie Salmon, owner of Ken & Daughter Jewelers, and she said she was in

favor of the ordinance as she would probably be considered an occasional second-hand dealer and should be exempt from the reporting requirements (see official meeting packet for full report).

Mayor Andrews asked for clarification of the definition for occasional dealer. Discussions followed with reference to page seventeen.

Mr. Mahr also followed up on the costs to the merchant; there are to be no costs to the access system other than the cost of a computer with internet access which most businesses already have and the purchase of a thumbprint reader (\$150.00) and webcam (\$50.00). Councilor Rierson commented Sergeant Ronning did not contact anyone at his business for follow-up as a second-hand dealer.

Councilor Shelton stated when this originally was brought before Council staff was not sure of a definitive number of businesses affected by this. Police Chief Brian Casey said only two stores would fall into this: the Pawn Store and Game Stop.

Mayor Andrews asked if there was any amending language. Staff replied there was none.

MOTION: Shelton/Rierson approving **Ordinance No. 2011-2735** establishing provisions pertaining to second-hand dealers and pawn shops, read by title only. Motion carried (7 Yes/0 No).

VIII. NEW BUSINESS

1. Consider a motion choosing one or more City Council District scenarios to move forward to the Public Hearing process.

TIME – 7:38 PM

Mr. Brierley presented the staff report assisted by PowerPoint slideshow showing the different scenarios already included in the packet and Mr. Jan Wolf, GIS Analyst, assisted (see official meeting packet for full report.)

Councilor Stephen McKinney spoke of scenario #5 being the least disruptive to the present seats while still accounting for the growth in District 4.

Councilor Ryan Howard said he felt the two scenarios that were most aligned are #1 and #6 based on the analysis.

Councilor Shelton said he liked #1 and #4 better for the northeast part of the City's districts because the geographic boundaries make it the cleanest; he had issues with scenario #5 and #6.

Mayor Andrews asked if the political boundaries were of any consequence. Mr. Brierley said the State uses the districts as guidelines in the case that State districts may split the City and the only applicable boundaries would be Council district boundaries. Mayor Andrews discussed scenario #4 in further detail with staff.

Councilor Wade Witherspoon said he would vote for scenario #6 because according to the research in the report the only criterion it was not meeting was the political boundaries and it was the only scenario that would allow for growth until the next census.

Councilor Howard said it is hard to assess how the scenarios affect the other districts as he is primarily looking at his own; but, he could support scenarios #1, #4, or #6.

Councilor Rierson said he is not opposed to #1, #4, or #5, but he agrees #6 is the most appropriate scenario with only one exception and because the new boundaries more sense than the existing and it is the least important of all criteria.

Councilor Shelton wondered if there were any historical concerns with the changing of the districts. Staff stated the charter was amended in 1996 creating the current districts that we did not have before.

Councilor Denise Bacon said she does not like scenario #1 because it is breaking up District 3 down the middle; she prefers scenario #6 if the numbers are changed.

Councilor McKinney spoke of the geographical boundaries disturbing major entities that are on both sides of the creek like GFU and Friendsview and he would have some trouble with this; this is why he is championing #5 to allow the best future for District 4 and equalization of population better without putting a dividing line between major segments.

Discussions followed with staff regarding the issues of dividing areas like GFU and Friendsview and the discussion showing that scenarios #2 and #3 have been ruled out and the idea of #5 being better than #6 contradicts the staff report about accommodating future growth for part of the Springbrook district into two districts. Councilor Witherspoon mentioned he is colorblind and the use of bold black lines rather than color coded sections would make it easier for him to see the different boundaries in the future.

Councilor Shelton said he could be comfortable with #6 whereas Councilor McKinney was still concerned with #6 dividing entities. Mayor Andrews pointed out that those areas could actually benefit from having more than one representative on the Council by the division. Councilor Rierson agreed #6 makes the most sense.

Staff offered some historical background on the transition periods with the number of Council members and the creation of the districts and the need to review the boundaries based on growth every ten years when the census is completed. Council discussed bringing two options to public hearing and narrowed it down to #5 and #6.

MOTION: Rierson/Bacon approving City Council District scenarios #5 and #6 to move forward to the Public Hearing process. Motion carried (7 Yes/0 No).
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Mayor Andrews recessed at 8:24 PM and reconvened at 8:36 PM.

2. Consider a motion approving **Resolution No. 2011-2976** supporting the submission of a grant application to the State of Oregon's Flexible Funds Program for N. College Street bike/pedestrian improvements.

TIME – 8:36 PM

Mr. Brierley presented the staff report explaining the grant and reasoning behind bringing it forward, deciding on the area they did, the decision for additional matching funds to receive more to make this as competitive as possible and leveraging the use of the funds by using one dollar to get five dollars worth of benefit (see official meeting packet for full report).

Councilor Rierson spoke about American Disabilities Act (ADA) required improvements being the City's obligation with staff and that part of the plan funding was always intended to go for grants when they were available to be consistent with goals and plans.

Mayor Andrews opened the public testimony.

Mr. Robert Soppe said he was generally in favor of this because the sidewalks are well used and important for pedestrian safety; he also liked the leverage. He continued with the importance of investigating other obligations to help pay for this through the waivers of remonstrance and asked what the plan is to investigate and enforce any existing waivers.

Shelton asked about the normal process for this and if it is the same for the City to place liens on the property. Staff said an inventory map has been created for that area and depending on the funding source Council can choose if they want to create an LID and initiate that process.

Councilor Rierson spoke of the details of waivers of remonstrance is vague to many homeowners when they purchase their property and suggested it is not an appropriate mechanism to use, especially when an LID relies on this and 50% of the homeowners can contest the whole project. He understands property owners are responsible because they signed these waivers, but he felt it creates distrust and anger.

Mr. Grum said his concerns were more for the general nature of the total sum of projects, like the expenditure of \$800,000.00 on Oxberg Estates in transportation SDCs and now more on College Street. He wondered why a project outside of the City was completed before one inside of the City. He was concerned about the 10% match and it not being such a great deal because in the end they are picking up the tab for the whole thing eventually.

Mayor Andrews spoke with staff about possibly removing the authorization to the city manager to execute the contract to receive the funds before knowing if they will be successful in getting the funding. He suggested coming back to Council after the funds are awarded to then authorize the contract to receive the funds.

Councilor Howard asked if approving this and using funds from SDCs precludes the City from establishing an LID to recuperate funds. Staff said it does not preclude them from doing a LID, but they would not recoup State funds, only local funds to go further. Councilor Howard added he is interested in considering Mr. Soppe's proposition but not necessarily at this time and it would not stop him from approving the grant application.

Councilor Rierson agreed and said the map or list of properties would be a helpful tool for Council to have.

MOTION: Rierson/Shelton approving **Resolution No. 2011-2976** supporting the submission of a grant application to the State of Oregon's Flexible Funds Program for N. College Street bike/pedestrian improvements.

MOTION: Andrews/Shelton amending **Resolution No. 2011-2976** to strike item two under the resolves and have staff return to Council if the grant is awarded to complete the process. Motion carried (7 Yes/0 No).

Councilor Rierson supported this and said he liked this kind of return on the money along with the improvements to ADA access that has already been done to address safety and connectivity, especially for disabled and children. He said this has been a part of the plan for a long time.

Councilor Shelton also supported the motion for the same reasons saying it is directly related to their mission to promote safety and it can alleviate this issue with benefits to the City and citizens.

Councilor McKinney said he has supported this since 2009 and this will be the first sidewalk that he has seen.

Mayor Andrews agreed and added this will facilitate connectivity in City they have not had in this area and it is important for citizens on both ends of town; he will support it.

VOTE: Approving Resolution No. 2011-2976 as amended. Motion carried (7 Yes/0 NO).

IX. COUNCIL BUSINESS

TIME – 9:03 PM

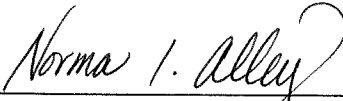
Councilor Howard passed out the new bicycle map funded by a previous grant.

Mayor Andrews spoke about information needed by the Mid-Willamette Valley Council of Governments (MVCOG) for their directory of public officials.

X. ADJOURNMENT

The meeting adjourned at 9:07 PM.

ADOPTED by the Newberg City Council this 21st day of November, 2011.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of November, 2011.



Bob Andrews, Mayor