

**City of Newberg**  
**City Council Minutes**  
**December 4, 2023**  
**Hybrid meeting format**

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**BUSINESS SESSION –**

Meeting called to order at 6:00 p.m.

Councilors Present: Mayor Bill Rosacker, Councilors Elise Yarnell Hollamon (via Zoom), Molly Olson, Mike McBride, Robyn Wheatley, and Derek Carmon

Councilors Absent: Councilor Peggy Kilburg

Staff Present: Sergeant Eric Roning, Assistant Planner James Dingwall, IT Manager Ian Rodriguez, Police Chief Jeff Kosmicki, Finance Director Kady Strode, Interim Community Development Director Clay Downing, Public Works Director Russ Thomas, City Recorder Rachel Thomas, City Manager Will Worthey, City Attorney James Walker, and Project Specialist Alison Seiler

**CITY MANAGER’S REPORT**

CM narrative report on November 2023 events.pptx

CM Worthey reported the statistics for the month of November 2023.

**PUBLIC COMMENTS**

Jim Talt, Newberg resident, spoke regarding the Newberg Affordable Housing Manufactured Homes Proposal, stating that manufactured homes were the top source of affordable housing in Newberg. During the October meeting of the Newberg Affordable Housing Commission (NAHC), all Commissioners requested that their support of the Manufactured Homes Proposal be sent to the City Council, and their statements of support could be heard in the meeting video at specific timestamps listed by Mr. Talt. The Housing Authority of Yamhill County (HAYC) had been managing Newberg’s Manufactured Home Grant Program for the last 18 months and the program was currently winding down after helping over 40 homeowners, but there were still 59 homeowners waitlisted, pending additional funding. (21:17) Newberg’s Construction Excise Tax (CET) Code paragraph 3.60.90 gave Council the discretion to use CET funds to continue funding the Manufactured Home Grant Program. Other Applicants were lining up for CET funding. Jim Talt had met with CM Worthey, and they discussed the advantages of asking the HAYC to draft a streamlined and cost efficient version of their current contract. Mr. Talt asked the Council to request that Staff reach out to the HAYC regarding possibly drafting a revised contract, while the City Council continues working on the CET funds application process to make it easy to evaluate the merits of the applications and whether a CET grant from the HAYC was a good value to Newberg. Mr. Talt hoped the topic could be brought up and possibly supported with a motion, and he provided some sample language for the motion. Mr. Talt stated this would be an easy first step for the City with advantages that could be confirmed by the City Manager.

Mayor Rosacker confirmed that the City Council had planned to discuss the matter at a joint work session with the NAHC on December 15, 2023 at the City Hall.

Pat Haight had lived in Newberg for 70 years. Ms. Haight stated that her son was a methamphetamine addict and she thanked Police Chief Kosmicki for saving her life and helping her son move to southern Oregon. Ms. Haight's son recently called her and yelled at her and Ms. Haight became short of breath and had to go to the hospital where she waited five hours for care. Ms. Haight and her doctor discussed the alarming prevalence of youths overdosing on methamphetamines. Ms. Haight stated the importance of the community involvement in the prevention of drug use in youths, and she warned that Fentanyl was being found in methamphetamines. Ms. Haight hoped other children could make better choices than her son had made. Ms. Haight asked the City Council to take responsibility for addressing the issue of drug overdose in youths.

## **REPORTS AND PRESENTATIONS**

### Safety Camera Presentation

#### Newberg Automated Enforcement Presentation.pptx

Scott Stewart, Senior Sales Executive, Conduent Transportation, gave a PowerPoint presentation on the red light and speed enforcement public safety initiative and covered the following points:

- Conduent, an independent company of Xerox, ran some of the largest photo-enforcement and tolling contracts across the country. Conduent had been working in Oregon for 20 years, were locally based in Portland, and had installed Intersection Safety Devices (ISD) in Portland, Beaverton and Tigard.
- The recently passed Oregon HB 2095 allowed additional Cities to implement automated speed enforcement. Previously only ten cities were authorized to use automated enforcement.
- ORS 810.433 authorized municipalities to operate cameras designed to photograph drivers who ran a red light or violated the speed limit by 11 miles per hour or greater. If a driver exceeded the speed limit by 11-20 miles per hour and failed to obey a traffic signal, they could only be given a citation for one violation or the other, but if the driver exceeded 21 miles per hour, they could be issued both citations.
- An ISD would be installed to enforce red light and speed compliance eastbound at OR-99 and Main St and another ISD will be placed at OR-99 and Villa Rd to enforce red light only. The ISDs would be installed on existing infrastructure if possible.
- The ISDs were manufactured in Texas and were believed to be the most technologically advanced automated enforcement system available. ISD systems were capable of performing multiple additional enforcement functions which could be implemented by the City in the future if desired, such as identification of over-height vehicles or license plate recognition for up to six lanes per intersection. Cameras used 4k video technology with crystal clear imaging to facilitate driver recognition.
- The violation processing platform CiteWeb would be used to make determinations on potential violation events through a double-blind review process and Police review. The platform could also be used for adjudication, payment processing, and providing a citizen portal for reviewing citation evidence.
- Montgomery County reported that in areas with automated enforcement excessive speeding was reduced by 59 percent.
- A speed study in Portland showed a 94 percent decrease in top end speeding in high crash corridors two years after speed cameras were installed.
- Automated enforcement created safer communities, maximized law enforcement resources, reduced red light running, increased speed compliance, and produced sustainable long-term

results. Less than ten percent of drivers cited by automated enforcement were cited a second time indicating that presence of automated enforcement changed driver behavior.

- Conduent provided services in violation processing, payment processing, printing and mailing, court scheduling, construction and installation, maintenance, program management, reporting, and customer service.

Mr. Stewart answered Councilor's questions as follows:

- In the rare case that the camera pole was hit by a driver, Conduent would repair or replace the pole and equipment.
- After the double-blind review process, the vehicle would be identified through the DMV and the citation would be sent to the registered owner of the vehicle. In the case that the registered owner of the vehicle was not driving the vehicle, they would be able to submit a driver liability affidavit to nominate another driver. Newberg Police would provide the final review to determine whether the potential violation met the guidelines for a citation.
- Conduent could be paid either an all-inclusive monthly fee, or a dramatically reduced monthly cost with a small fee per paid citation. CM Worthey stated the second option would be the most economical option for the City.
- Southbound traffic from Main to OR-99 would not be included in the automated enforcement because of Oregon Department of Transportation (ODOT) approval decisions.
- CM Worthey had spoken with traffic engineers at ODOT to ask if the automated enforcement installations could be varied and they answered that the installations could not be changed unless new crash data was provided for analysis. The City was required to provide all of their crash test data to ODOT for different types of crashes to be scored, and ODOT provided the final say on what constituted a safe intersection and where automated enforcement could be installed. Other towns reported a general decrease in traffic violations throughout town after automated enforcement was installed.

## **COUNCIL APPOINTMENTS**

None.

## **CONSENT CALENDAR**

None.

## **PUBLIC HEARINGS**

None.

## **CONTINUED BUSINESS**

Ordinance 2023-2920 – An ordinance amending and adding pretreatment definitions to NMC 13.10.040 and adding continuous pH monitoring to NMC 13.10.90

ORDINANCE RCA 2023-2920.docx

Mayor Rosacker opened the public hearing and called for declarations of conflict of interest or abstentions. There were none.

There was no public testimony. Mayor Rosacker closed the public hearing.

Staff recommended approval of Ordinance 2023-2920.

City Attorney Walker recommended that Councilors make a motion to waive the second reading of Ordinance 2023-2920 and approve the ordinance by title only.

Action: To adopt Ordinance 2023-2920 - An ordinance amending and adding pretreatment definitions to NMC 13.10.040 and adding continuous pH monitoring to NMC 13.10.90, as read by title only, and to waive the second reading of Ordinance 2023-2920

Motion: Councilor Olson

Second: Councilor McBride

Vote: 6 Yes 0 No 0 Abstain 1 Absent (Kilburg)

## **NEW BUSINESS**

### A Discussion on Council Compensation

[RCA discussion item council stipends - 1204 meeting.pdf](#)

CM Worthey stated that Staff offered no recommendation as the item was up to Council discretion. The Mayor had asked to see what Council stipends would be if they were calculated at Oregon minimum wage which would be \$14.20 per hour for 20 hours per week for Councilors and 30 hours per week for the Mayor. This calculation method set the Councilor's rate at \$1,136 and the Mayor's rate at \$1,704. As per the advice of Finance Director Strode and ORS 244.040 rules, there may be contractual steps triggered by altering the compensation. The fiscal impact would be around \$100,000 on the General Fund, which was equivalent to the salary of 1-1.5 full time employees (FTE).

The Council discussed:

- Voting no to avoid adding \$100,000 to the City budget as the goal was to reduce debt.
- Time and effort spent on City Council business was a service to the community.
- The appearance of public service could be changed by paying that rate to Councilors.
- Council compensation in Newberg was similar to compensation given in nearby cities.
- Offering higher compensation may open the doors for people to run for City Council who otherwise could not afford to be on the City Council, while not offering more compensation prevented several classes of people who may excel at the job from running for office.
- The compensation offered had been less than \$10 per meeting which was less than the meager compensation offered when doing jury duty.
- Nobody should be asked to do anything for free in a capitalist society.
- One of the best things about Newberg was the huge amount of volunteering.
- People who were prevented from running for City Council could be involved in committees with a lower time commitment.
- Council compensation may not even cover babysitting for people with children.

A Motion to Request that Council Allow Staff time and resources be used to extend the DCI emergency occupancy by up to three more years

[Attachment 1 City of Newberg.pdf](#)

[Attachment 2 DCI Letter of Support Springbrook Plaza.pdf](#)

[Attachment 3 DCI Letter of Support CVCC.pdf](#)

[Attachment 4 DCI Letter of Support SEDCOR.docx](#)

[Attachment 5 DCI Letter of Support Yamhill County Commissioners.pdf](#)

[Attachment 6 Council Packet 2022-0421.pdf](#)

[Attachment 7 Ord 2022-2898.pdf](#)

[A MOTION TO REQUEST THAT COUNCIL ALLOW STAFF TIME AND RESOURCES BE USED TO EXTEND THE DCI EMERGENCY OCCUPANCY BY UP TO THREE MORE YEARS \(4\).docx](#)

CM Worthey stated that the initial request from DCI International, LLC (DCI) asked for an emergency occupancy period of three years. DCI was now requesting the emergency occupancy period be extended for four more years. DCI was a dental manufacturing company and one of the largest employers in Newberg. On April 10, 2022, DCI lost their 33,000 sq ft parts assembly building to fire. The City and community had come together to ensure the jobs at DCI would not be lost. Ordinance 2022-2898 under the authority of ORS 41.309 permitted a temporary location to be occupied by DCI under an emergency declaration. DCI was still working through insurance issues and needed more time to be able to relocate.

Staff recommended that Council make a motion to approve the use of Staff time and other resources to extend the DCI emergency occupation of 1150 North Springbrook Rd for an additional four years.

Councilor McBride favored extending the emergency occupancy period and hoped the City had done enough to help DCI to recover.

Timothy Murphy, DCI, thanked the City and community for helping DCI employees keep their jobs after the fire and shared his hopes for continuing to rebuild in the future.

Action: To approve the use of Staff time and other resources to extend the DCI emergency occupation of 1150 North Springbrook Rd for an additional four years.

Motion: Councilor Olson

Second: Councilor Carmon

Vote: 6 Yes 0 No 0 Abstain 1 Absent (Kilburg)

[Update Regarding Sequential Urban Growth Boundary \(UGB\) Process and Initiation of the Sequential UGB Process](#)

[RCA Update for Sequential UGB.pdf](#)

[Attachment 1. Draft Work Program.pdf](#)

Interim Community Development Director Downing and Assistant Planner Dingwall gave a slideshow presentation on the Urban Growth Boundary (UGB) update. CDD Downing had coordinated with the Department of Land Conservation and Development (DLCD) and other entities since the previous discussion on UGBs in September 2023 and had prepared a synopsis of the available options.

Staff recommended that the Council receive the update from Staff, deliberate on using the sequential UGB process, and direct Staff on how to proceed regarding using the sequential UGB process.

CDD Downing stated that in order to use the Oregon Creating Helpful Incentives to Produce Semiconductors and Science (CHIPS) Act, the City would need to approach the state with a private partner in semiconductors, which the City did not have. Staff had reached out to the Strategic Economic Development Corporation (SEDCOR) and Business Oregon and made Newberg's intentions known and requested that the City be notified if a private entity was found who was interested in partnering with the City of Newberg to use the CHIPS Act.

Newberg had previously tried to use the simplified method of UGB expansion and was unsuccessful. Staff had been looking into using the sequential UGB process which was aligned with City Council Goals 2 and 7.

Assistant Planner Dingwall shared some of the background of the UGB in Newberg, which included the creation of the Housing Needs Analysis (HNA), Economic Opportunities Analysis (EOA), and the Public/Semi-Public Lands Analysis (PSP) documents which were accepted by resolution, but not adopted by ordinance. AP Dingwall shared a map of the current UGB and a map of the Urban Reserve Areas (URA) which were not yet part of the UGB but took priority when considering a UGB amendment.

AP Dingwall discussed the differences between the simplified, traditional, and sequential UGB processes. The sequential UGB process provided more opportunities for appeal, and once a step was approved it could not be challenged before investing the funding in the next step. AP Dingwall discussed the risks and rewards of using the new sequential UGB process to refine and approve documents, potentially address the need for industrial, medium-density and high-density residential land, and fulfill Council goals.

AP Dingwall stated that UGB expansion amendments were informed by population projection data supplied by the Portland State University's Population Research Center on a four-year cycle. The data currently being used for Newberg's 2021 HOA, EOA, and PSP had been issued in 2020. New data for the 2022-2026 cycle would be finalized on June 30, 2024. Entering the sequential UGB process before June 30, 2024 would lock in the 2020 data for use in potential UGB expansion amendments. Any UGB amendment undertaken after June 30, 2024 outside the sequential UGB process would require a new HNA, EOA, and PSP with updated data. The analysis work done to create the previous HNA, EOA, and PSP documents may have cost around \$80,000.

To initiate the sequential UGB process, the City of Newberg and Yamhill County would issue a joint election to use the sequential review process after determining a possible expansion was likely to exceed 50 acres. The City would then coordinate with DLCD to develop a work program which would require approval by the DLCD Director. Entering the sequential UGB process would not finalize any future UGB expansion but would set the framework for possible UGB amendments and maximize the possibility of using work already done by the City.

The City had already conducted the analysis portion with the existing HNA, EOA, and PSP which could be submitted together to the DLCD for approval. The City could then change the zoning map and Development Code to increase land efficiency within the existing UGB, establish a study area, evaluate the lands in the study area, and identify land to be added to the UGB.

CDD Downing stated that the next steps Staff could take to initiate the project would be to begin coordinating with the County and developing a work plan with the DLCD. The point of going

through the sequential process was to avoid putting a lot of work into a project that did not get approved in the end, as the sequential process provided opportunities to revise the plan for approval along the way. Newberg was not the first city to use the sequential UGB process. As the work plan was developed, the City could begin to determine the scope of the work to be achieved. Canby, Oregon had done a pre-scoping process where a lump sum was paid to get a more detailed contract with total cost estimates which could be weighed against the potential risk of having the project remanded or challenged by DLCD or other parties making an appeal to the Land Use Board of Appeals (LUBA).

The Council and Staff discussed the following points:

- CDD Downing clarified that other Cities had used a similar sequential process, but Newberg had different goals. Malala and Canby were working only with industrial land which was a smaller scope of work than Newberg potentially anticipated, although the Council had the option to work only with industrial land to expand the UGB. Conversations with DLCD indicated that everything did not have to be fixed at once, but preliminary analysis showed a deficiency in both residential and employment lands.
- Beginning the sequential UGB process did not make any further commitments and locked in the use of the data in the current HNA, EOA, and PSP.
- CDD Downing stated the DLCD had been great to work with and had helped the City to find examples of what other cities had done with their UGB expansion processes. The sequential UGB process seemed to be the right pathway for UGB expansion, and based on the analyses Newberg needed a new UGB amendment.
- AP Dingwall noted both Canby and Malala had not completed their analyses before beginning their UGB processes. Newberg already had analyses finished so they could complete the process in bite-size pieces.
- CDD Downing stated the sequential UGB process was a public process and any document submitted could be appealed to LUBA by any entity until the document was approved. Stakeholders had commented that an update of the analyses documents without creating a new project would be helpful.
- CDD Downing explained that the next step would be to adopt the HNA, EOA, and PSP by Ordinance. Newberg could use only the EOA to propose an amendment to add industrial land only. The HNA could not be adopted by Ordinance unless Newberg was prepared to move forward with a residential-oriented UGB amendment.
- AP Dingwall stated that with the sequential UGB process, once a task was approved it could be completed anytime within a four-year period with a possible one-year extension. In the process of developing the work program the Council could discuss possible types of land to consider pursuing for the UGB.
- Any piece of information submitted in the UGB process could be appealed, but once passed the information was not able to be challenged again.
- Using the sequential UGB process was more fiscally careful with the investments in the UGB.
- AP Dingwall stated the expected cost of the UGB work was substantial in comparison to the costs of other analysis work and it was worth the risk of paying for three possible appeals than to pay for all of the UGB work, submit everything at once, and be denied.
- CDD Downing noted that money for the UGB work had been adopted into the current fiscal year's budget.
- Feeling skeptical that the State had developed a UGB process that could not actually be challenged or appealed at the end of the process by an entity such as 1000 Friends of Oregon.

- CDD Downing stated although it may be difficult for someone to challenge the process challenges were always possible. The intent of the sequential UGB process was to proceed with approval of the project step by step.
- The possibility of claiming the “islands” of land within Newberg that were not City land. CDD Downing stated the City had the power to include those islands of land, but the land may have low value to the City.
  - The possibility of considering whether the islands of land could have a potential use for residential or commercial purposes.
  - CDD Downing noted the islands of land would be considered among the land being analyzed for possible UGB expansion because it was within the City limits. It was common for cities to have anomalies.
- AP Dingwall explained the state had regulations regarding the priority of types of land to consider for the Urban Reserve Area (URA) including urban reserve exception land, non-resource land, marginal land, farms and forests, and high value agricultural land. Consultants and Staff had performed an evaluation of land within a one-and-a-half-mile buffer. URAs were considered before other eligible land for UGB expansion.
- AP Dingwall stated that there were public and private processes to expand the URA. The Bellair’s current application requested to join the URA directly. Private landowners could petition to join the priority land being considered for urban expansion.
- CDD Downing did not have experience with URA expansion but could return with more information on potential URA expansion if requested to do so. The Council would be given a presentation soon on the current projects list and asked to provide feedback on prioritizing the workload.
- Possibly adding only industrial land on the south and east of the City borders to the UGB. Mayor Rosacker and CM Worthey had sent letters to landowners in that area and the response was very positive and all respondents were willing to participate in the UGB process.
- The process of residential UGB expansion was expensive and may be better left to private landowners to complete.
- CDD Downing confirmed that even with all of the undeveloped land owned by A-dec within City limits, the analyses still indicated a deficiency of residential land in Newberg.
- AP Dingwall stated that Newberg was deficient by 34 medium-density residential acres, 44 high-density residential acres, 152 industrial acres, and 120 public and semi-public land acres. There was a surplus of low-density residential and commercial acres. In addition to Code changes, rezoning the land use could make the land work better to serve City goals.
- Changes to the UGB were made keeping the next 20 years of growth in mind and the URA considered the next 50 years of growth.
- Adding residential land to the UGB along with industrial land could potentially reduce the cost of adding the residential land and reduce likelihood of being appealed by combining the requests into one public process.
- The 400–500-acre area in the URA to the northeast of Newberg was owned by A-dec and was intended for residential development which would more than cover the residential deficiency.
- Mayor Rosacker favored the 2006-2007 plan which included all the residential and industrial land the City needed for 50 more years, but he doubted the plan would be approved by DLCD.
- The URA could potentially be rezoned in the future.
- CDD Downing stated that Staff was looking for the go ahead to begin the sequential UGB process to claim a small piece of land initially, and Staff would then return to the Council for further direction.

Resolution 2023-3912 – A Resolution to approve the Intergovernmental Agreement between the City of Newberg and the Newberg Urban Renewal Agency for Provision of Staffing and Administrative Services for the Newberg Urban Renewal Plan  
RCA Res 2023-3912 IGA between NURA and the City of Newberg Staffing.docx  
Intergovernmental Agreement (IGA) - Staffing Urban Renewal Plan.docx

CM Worthey stated the City of Newberg and the Newberg Urban Renewal Agency (NURA) had previously adopted an Urban Renewal Plan (URP) with an administrative cap of \$10 million for expenses. The NURA was anticipated to provide personnel such as a planner or a financial support person to administer the plan once there was enough money in the Urban Renewal District (URD) which may be up to six years after the initial tax-increment. Until that time, the City would provide Staff through the Intergovernmental Agreement (IGA) such as Human Resources (HR) support, finance support, engineering support for waterlines or road services.

Staff recommended that the Council approve Resolution 2023-3912 regarding the IGA between the City of Newberg and NURA.

Action: To accept Resolution 2023-3912 – A Resolution to approve the Intergovernmental Agreement between the City of Newberg and the Newberg Urban Renewal Agency for Provision of Staffing and Administrative Services for the Newberg Urban Renewal Plan

Motion: Councilor McBride  
Second: Councilor Wheatley  
Vote: 6 Yes 0 No 0 Abstain 1 Absent (Kilburg)

**COUNCIL BUSINESS**

CM Worthey provided an update on the Newberg Affordable Housing Manufactured Home Grant proposal and stated that Jim Talt had suggested that the Council pass a motion to request a package in writing from the Housing Authority of Yamhill County (HAYC) which could be considered in the future during Affordable Housing Commission (AHC) and City Council work.

The Council discussed:

- The process could be started regardless of what the City and the AHC ultimately chose.
- Jim Talt stated at a previous meeting that there were still a lot of people that could be helped by working with the County and using the Construction Excise Tax (CET) to fund the grant program rather than winding it down.
- CM Worthey stated the motion would allow Staff to request a proposal from the HAYC.
- Possibly broadening the request to ask for other proposals for using the CET funds to avoid appearing to favor certain groups.
- CM Worthey stated that there were processes in place to submit proposals for using the CET funds. The Affordable Housing process would produce a Notice of Funding Availability which would not require a Council motion and could be done through the normal process. A Council motion was only required to request a proposal from the HAYC.
- The City Council had a process to use the CET funds, and Mayor Rosacker hoped the Council would consider all of the options before beginning any process. An upcoming work session would discuss the available options. Mayor Rosacker would like to use the funds for a legacy

project that would affect Newberg for future generations, although the other projects were also good ideas. The upcoming work session would allow the Council to consider the options and inform the AHC to take action in their January 2024 meeting to request the proposal. Many parties may express an interest when funds were made available.

- Community and Shelter Assistance (CASA), Habitat for Humanity, and others may be interested in receiving funding.
- It felt odd to take Council action based on a public comment.
- Mr. Talt had simply made the Council aware of something good that was happening that he hoped the Council would consider expanding as the County already had a list of people with approved projects but lacked the funding to issue the grants and he hoped they could help the people who had been approved.
- CM Worthey stated he could ask for proposals if directed to do so by the Council.
- HAYC was a separate entity from Yamhill County.
- Possibly waiting to discuss the matter at the joint work session and then allowing time for the HAYC to hear that the City of Newberg was interested in collaborating.
- Wondering why the HAYC had not applied for funding and wanting to see initiative taken by the agency before awarding funding to those who had applied.
- Mayor Rosacker noted that the city had been contacted by Avamere and several other projects that had requested funding and it would be good to review all the Applicants at once.

#### **ADJOURNMENT**

Meeting adjourned at 8:12 pm.

#### **ATTEST**



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Bill Rosacker, Mayor



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City Recorder