

City of Newberg
City Council Minutes
April 3, 2023
Hybrid meeting format

WORK SESSION – Meeting called to order at **6:00 p.m.**

Councilors Present: Mayor Bill Rosacker, Councilors Elise Yarnell Hollamon, Mike McBride, Molly Olson, Robyn Wheatley, Derek Carmon, and Peggy Kilburg.

Staff Present: City Manager Will Worthey, City Attorney James Walker, City Recorder Sue Ryan, Police Chief Jeff Kosmicki, Finance Director Kady Strode, Community Development Director Doug Rux, Library Director Korie Buerkle, City Engineer Kaaren Hofmann.

DENISE BACON COMMUNITY ROOM NAMING CEREMONY AND PLAQUE UNVEILING:

City Manager (CM) Worthey and Police Chief Kosmicki unveiled a plaque honoring former Councilor Denise Bacon who had passed away October 21, 2022. Those in attendance spoke in commemoration of Councilor Bacon’s achievements and her impact on the City and personal lives.

PRESENTATIONS:

Traffic Safety Commission:

[RCA_TSCPresentation.docx](#)

[TSC Presentation.pptx](#)

City Engineer (CE) Hofmann gave a slideshow presentation on the Traffic Safety Commission (TSC) which included the mission of the TSC, a link and an email address to contact the TSC, a list of the Commissioners serving on the TSC, and the dates they planned to meet. She noted the appointment of a Student Commissioner to the TSC on the agenda for this meeting. Councilor McBride would serve as Council Liaison to the TSC.

There was discussion on the function of the TSC and its role in advising on project priority and where traffic signals could be placed, and the role of Oregon Department of Transportation (ODOT) in making decisions regarding State roads. The Council discussed the possibilities of evaluating and mitigating several intersections with known safety concerns including Illinois, Main Street, and OR-240, Sheridan and College Street, College Street and First Street, OR-219 at Everest which would be impacted by the new bypass project, and OR-219 near the airport where a traffic signal would interfere with runway operations.

Councilor McBride discussed the traffic issues that prevented holding the Old-Fashioned Festival parade downtown which would support downtown businesses. CE Hofmann clarified that ODOT would be the authority to make traffic decisions regarding downtown events which

would be further complicated by insurance requirements and liability issues, where to detour traffic, and where to park trucks.

There was discussion about freight trucks causing parking issues downtown as follows:

- OR-99w was designated by the State as a freight route and the City did not have authority to direct freight trucks to take the bypass but was considering measures to make downtown more pedestrian-friendly.
- The process to get the freight route designation removed by ODOT would be difficult.
- Federal law regarding freight trucks as commerce made it difficult to limit or enforce where trucks could or could not go unless there were significant safety issues.
- When the bypass was nearing completion, the bypass would be closed for a time which would direct traffic through town.
- Councilor Wheatley was on the Parkway Committee and she heard that trucks would not be allowed downtown when the next phase of the bypass was complete.

There was discussion about the condition of roads in Newberg and when the streets in poor condition would be repaved, such as River Street. A list was kept to prioritize the order of repaving projects, and the transportation utility fee used to fund the projects was split between maintaining roads in good condition and repaving roads in bad condition. River Street was high on the priority list but there were considerations such as whether to widen the road now or pave the road and then redo it later and much of the decision had to do with when Urban Renewal District funds would be available to complete the project. A waterline would be replaced soon on River Street and the trench would be patched soon afterward. Overlaying a bumpy road with pavement may not be cost-effective as it would show through within a few years.

Councilor Kilburg mentioned North College Street had been full of potholes that were paved over, which was nice for a while, but now it had potholes again. He had asked if ODOT could be contacted or engaged with regarding the issue. A list of recommended projects was sent to ODOT every month or two. Speaking with ODOT through the Parkway Committee may gain more traction. North College Street was not likely to be repaved soon.

Councilor McBride noted there was not much activity at the ODOT yard, and wondered what the plan was for that lot and whether it could be turned into an asset. Community Development Director (CDD) Rux explained that ODOT had previously been contacted about possibly liquidating that real estate asset to be repurposed, and they have refused as it was part of their planned maintenance system and it was being used more during the winter.

BUSINESS SESSION – Meeting called to order at 7:00 p.m.

Councilors Present: Mayor Bill Rosacker, Councilors Elise Yarnell Hollamon, Mike McBride, Molly Olson, Robyn Wheatley, Derek Carmon, and Peggy Kilburg.

Staff Present: City Manager Will Worthey, City Attorney James Walker, City Recorder Sue Ryan, Police Chief Jeff Kosmicki, Finance Director Kady Strode, Community Development Director Doug Rux, Library Director Korie Buerkle, City Engineer Kaaren Hofmann,

PRESENTATIONS:

Proclamation – Child Abuse Prevention Month

[Child Abuse Prevention Month 2023-April.docx](#)

Mayor Hill proclaimed April 2023 Child Abuse Prevention Month and encouraged residents to wear blue in support. More information could be found at www.julietteshouse.org.

CITY MANAGER’S REPORT:

[City Manager narrative of March events.pptx](#)

CM Worthey reported on the monthly events for March 2023.

COUNCIL APPOINTMENTS

Rate Review Committee and Traffic Safety Commission Appointments:

[RCA Appointment 2023-0403 Rate Review Traffic Safety.docx](#)

Action: To consent to the Mayor’s appointment of Tom Rinke to Rate Review Commission for a term of April 3, 2023 to December 31, 2025, and Student Toby Linhart to the Traffic Safety Commission for a term of April 3, 2023 to December 31, 2023.

Motion: Councilor Olson
Second: Councilor Wheatley
Vote: 7 Yes o No o Abstain o Absent

NUAMC interview – Dean Storm:

[NUAMC interview Storm 2023-0403.docx](#)

[Attachment 1 NUAMC Bylaws](#)

Dean Storm was not present. No motion was made.

PUBLIC COMMENTS:

Jim Talt explained his comments were not criticism but were applicable to the revised Housing Production Strategy (HPS) which would be coming out in May. The Housing Needs Analysis (HNA) had concluded Newberg had a 78-acre land shortfall tied to public and semipublic land needs. Mr. Talt felt that was incorrect on two accounts, the first being a 28-acre semi-public land need for church expansion and growth which did not account for current church capacity to accommodate growth through providing more than one church service per week, or by using vacant church-owned land for growth. Mr. Talt also disagreed with the calculations used to determine the 60-acre need for public parks and stated that there was already sufficient land available within city limits. Mr. Talt claimed that between the land use requirement miscalculations and the apartment buildings recently constructed, the City’s land capacity

deficits would be eliminated. Mr. Talt encouraged Councilors to update and document the data in the new HPS in preparation to answer to the State law which required HNAs to address any land shortfalls. Mr. Talt also noted available park land was not always located where it was needed, and he suggested small parcels of commercial or industrial land being considered for conversion to residential land could be purchased and used for City parks, and he encouraged working with the Chehalem Parks and Recreation District (CPRD) regarding areas where a park could ideally be located.

Pat Haight, 80-year resident of Newberg, spoke about the Butler property which had been contaminated by chemicals used to work on cars and would require \$1,000,000 to restore. The property was sold for \$1 to the City 30 years ago and the property has remained empty since the sale. Ms. Haight suggested installing a “Coming Events” sign on the property to advertise upcoming events such as the Old-Fashioned Festival, Tunes on Tuesdays, and art shows at the Cultural Center. This would create interest in those driving through Newberg who saw the sign. Ms. Haight suggested getting bids for installing the sign, and potentially selling advertising space to businesses.

Mayor Rosacker encouraged Ms. Haight to gather public support for the sign and come up with ideas for funding the sign installation. With funding and public interest in place, the City Council would consider supporting the project.

PUBLIC HEARINGS:

[Ordinance 2023-2914: An ordinance amending the 2017 Water Master Plan and incorporating the addendum Water Supply Plan 2023 into the Newberg Comprehensive Plan RCA ORD 2914 w Exhibits-Attachments.pdf](#)

Mayor Rosacker opened the public hearing. He called for abstentions or declarations of conflicts of interest. There was none.

CDD Rux and CE Hofmann gave a slideshow presentation on the Water Master Plan update, which was part of the Newberg Comprehensive Plan. The Water Master Plan had to be updated to include the new groundwater treatment plant in order to seek funding for the groundwater treatment plant. The Addendum was focused on Redundant Water Supply and the groundwater treatment plant. CDD Rux pointed out updated corrections in the materials provided to Councilors regarding Table 2 in Appendix F which contained the percent applicable to system development charges (SDCs). CDD Rux also confirmed the current plan which had a 20-year window did not include building a surface water treatment plant with the exception of allotting \$5,000,000 to the pre-planning phase, and the construction would take place after the 20-year horizon of the current plan.

CE Hofmann stated the construction of the surface water treatment plant was mentioned in the plan to ensure eligibility to apply SDCs and to facilitate seeking grants or other funding.

Staff recommended adoption of Ordinance No. 2023-2914 including the amendments to Appendix F Table 2.

CE Hofmann explained the surface water treatment plant was planned for reasons of anticipated growth and providing redundant water supply. Water rights to the Willamette River have already been purchased from the mill property for the surface water treatment plant to set the City up to proceed with the plan in the future. He clarified that groundwater and surface water were required by law to undergo different treatment processes, and the groundwater treatment plant would not be able to treat surface water taken from the Willamette River without making upgrades to the facility. Groundwater was mainly treated by removing iron and adding chlorine. Surface water contains different contaminants, and there were more requirements for treatment of surface water. The design for the surface water treatment plant was still being developed.

Mayor Rosacker asked why growth had not been listed in the document as a reason for building the surface water treatment plant. CE Hofmann explained while going over the Redundant Water Supply with the previous Council, they decided that they wanted to be able to provide an additional 8,000,000 gallons per day to accommodate both the current population and future growth as a secondary supply.

Councilor Olson requested a work session in the future to discuss the water supply plans.

Mayor Rosacker did not see the cost benefit in building a more expensive surface water treatment plant on top of the groundwater treatment plant which was already difficult to fund and should provide sufficient water for over 100 years with further development of the well field and using Otis Springs as a secondary water supply.

CE Hofmann stated the water used by the Golf Course was effluent water from the Wastewater Treatment Plan, and the re-used water was cheaper than City water. She clarified that Otis Springs water was an option but was a surface water source which would require upgrades to water treatment facilities to process. No money was planned to be spent on the surface water treatment plant in the near future other than the purchase of the Water Rights.

Councilor Yarnell Hollamon was in favor of a work session to discuss the matter.

Mayor Rosacker stated no other City had two water treatment plants, and that the decision should be which of the treatment plants to build.

CM Worthey stated that the point of moving the plans beyond the 20-year horizon was to ensure SDCs were not immediately impacted, and to give time to review and edit the document without holding up the plans to build the groundwater treatment plant.

Public Testimony: None

Mayor Rosacker closed the public hearing.

Staff recommended adopting Ordinance 2023-2914 with the amendment of substituting Table 2 in Appendix F based on the meeting handout.

Action: To waive the second reading of Ordinance 2023-2914, An Ordinance amending the 2017 Water Plan and incorporating the addendum Water Supply Plan 2023 into the Newberg Comprehensive Plan.

Motion: Councilor Olson
Second: Councilor Kilburg [inaudible 1:34:40, used video for reference]
Vote: 7 Yes 0 No 0 Abstain 0 Absent

Action: To adopt Ordinance 2023-2914, An Ordinance amending the 2017 Water Master Plan and incorporating the addendum Water Supply Plan 2023 into the Newberg Comprehensive Plan, including the amendment to Table 2 in Appendix F, with Ordinance to be read by title only.

Motion: Councilor Olson
Second: Councilor McBride

Discussion: The Council discussed that the plans for the surface water treatment plant were moved outside of the 20-year period to ensure SDCs would not be affected. Mayor Rosacker favored either amending to adopt the Ordinance without the plans for the surface water treatment plant or voting No on the Ordinance.

CM Worthey pledged to bring back the matter with more information for the Council to review and encouraged passing the motion to keep from holding up progress on the groundwater treatment plant.

Councilor Olson felt the Council deserved a presentation and a work session to discuss amending the Water Supply Plans.

Mayor Rosacker requested to remove the \$5,000,000 for study for the surface water treatment plant and the \$15,000,000 for the surface water intake from the plan. He felt it was a better situation to pump raw water and issue a boil order in the case of an emergency and amend the plan later as needed.

CM Worthey explained the development of the plan for the well field loan had many interlinked elements with the well field water, and the process was already in motion for the designed package. By removing the problematic elements beyond the 20-year horizon they could proceed with the design, including a rate increase cap of 4.5% or less, and have more time to revise the plan later. The complexity of the document would make current removal of unwanted elements very difficult.

Mayor Rosacker maintained his request to remove the \$5,000,000 for surface water treatment plant study and \$15,000,000 for a surface water intake from the Ordinance.

Councilor McBride agreed with Mayor Rosacker on the removal of the funds related to the surface water treatment plant.

CDD Rux stated that removal of the requested items would change other numbers and require revision of the entire Ordinance before it could be brought back to Council for a decision.

City Attorney Walker stated if there were substantive changes to the Ordinance they must be read. He also recommended since there was already a motion and second to adopt the Ordinance that Council vote on the motion, and then if not adopted the Ordinance could be tabled until a future meeting.

CE Hofmann said the \$5,000,000 and \$15,000,000 expenditures could be pushed beyond the 20-year window, but she was unsure whether that constituted a substantive change, but noted several other numbers would be changed.

City Attorney Walker confirmed the changes mentioned would be substantive, and he was concerned about reading out the updates to the table with sufficient clarity without the tables being fully revised.

Councilor McBride asked how much the fee would be to have the Ordinance revised by consultants. CE Hofmann explained it would take a couple hours of work and would not cost much.

Councilor Olson discussed the paths forward between downvoting the motion and having Staff revise the Ordinance or adopting the Ordinance and moving forward with a work session to develop plans to revise the Ordinance while allowing work on the groundwater treatment plant to move forward.

Councilor Carmon was in favor of holding a work session to discuss the matter.

There was discussion on the ramifications of delaying the vote on the Ordinance.

Finance Director Kady Strode was not concerned about a two-week delay, and informed the Council she was working on getting a credit rating for a Water Infrastructure Finance and Innovation Act (WIFIA) loan, and the decision made would affect which route she would take, and she would need to know the plan within a few weeks.

Councilor Olson withdrew the motion. Councilor McBride withdrew his second of the motion.

Staff discussed the urgency of the timeline for revising the document, and that with the workload placed on Staff completing the revision within the timeline may not be possible.

The Council discussed the possibility of passing the motion and amending the Ordinance after a work session to avoid placing a massive workload burden on Staff.

Mayor Rosacker noted the inclusion of plans for the surface water treatment plant had been a decision made by Staff and he was unsure whether the public would approve.

The motion was tabled, and the second reading was scheduled for the meeting on April 17th.

Ordinance 2023-2913, Multifamily design standards:

[RCA ORD 2913 w Attachments.pdf](#)

[Ord2913 Hallyburton testimony.pdf](#)

Mayor Rosacker opened the public hearing. He called for abstentions or declarations of conflicts of interest. There was none.

CDD Rux and Heather Austin, 3J Consulting, gave a slideshow presentation on multifamily housing standards which had been audited and amended to comply with Oregon's Needed Housing statues that required cities to provide a clear and objective review pathway for residential development. An optional discretionary pathway was being added to this revision. There would be no changes made to what types of housing would be permitted in each zone. The Planning Commission recommended approval of the amendments as proposed. Staff findings indicated the proposal complied with Statewide planning Goals, the Newberg Comprehensive Plan, and the Newberg Municipal Code.

Public Testimony: Rob Hallyburton submitted written testimony supporting adoption of the Ordinance.

Mayor Rosacker closed the public hearing.

Staff recommended adoption of Ordinance No. 2023-2913

There was discussion on Type I review in C-3 zones not allowing public input, vague requirements in the clear objective standards, removing barriers to residential development through using the clear and objective pathway as a fast track, State funding provided to update Code, and basic standards providing quality housing developments and pedestrian safety.

CDD Rux stated the clear objective standards informed builders on what they could build but provided a discretionary pathway for unique situations. Oregon Department of Land Conservation and Development (DLCD) had not commented, which indicated acceptance of the proposed standards.

Ms. Austin clarified that the amendments would only allow multifamily housing to be built in zones where it was already allowed, and that parking would not be limited in size, but that parking could only take 50% of the frontage space.

Councilor Olson supported allowing Type I land use review for zone C-3 as multifamily buildings were already present, and the allowances by law precluded public opinion in those areas. She supported moving those reviews to Type II if needed to pass the Ordinance but noted it would waste Staff time to require more intensive reviews in those cases.

Mayor Rosacker noted the drawback of a Type I land use review was that only the Applicant was able to appeal the decision in the case of Staff error.

Councilor Kilburg stated if Jim Talt was 80% correct about how much multifamily housing was going up, there was no real need to develop more housing that was not already met. She also stated she could not see where the State law required development of clear and objective standards.

CDD Rux clarified that clear and objective standards were required through the wording “local governments may adopt *only* clear and objective standards.” CDD Rux stated that these amendments did not indicate the number of housing units required, and only determined physical site and building design.

Councilor McBride proposed keeping the land use review Types as they currently existed in the Code and adopting the rest of the amendments as proposed.

CDD Rux clarified that multifamily housing was allowed to count on-street parking spaces toward the parking requirements for the building. He recommended that Staff make the changes requested to the Staff Report and the Code language and bring it back to the next meeting for a second reading.

Action: To request Staff to come back at the next meeting with the revisions that reflect that the review type would be as per the existing Code as represented by Slide 11.

Motion: Councilor Yarnell Hollamon

Second: Councilor Olson

Vote: 7 Yes 0 No 0 Abstain 0 Absent

NEW BUSINESS:

The Council addressed the RCA Motion to Transfer Opioid Funds at this time.

Resolution 2023-3891 Council Goals:

[RCA Res 3891 Repealing and Replacing Prior Council Goals rev 2.27.23 4890-4802-8499 v.1 jwcarryover.docx](#)
[Res 3891 Appendix A.docx](#)

This item was addressed immediately following discussion of Resolution 2023-3888.

CM Worthey said Staff offered no recommendation as this was a strategic matter for Council alone to decide. After deliberation, the City Council may choose to repeal Resolution 2023-3891 and replace it with a new list of goals. He presented a draft of goals as previously discussed for Council deliberation.

Councilor Yarnell Hollamon did not feel it was the right time to discuss Council Goals as there was no public audience present.

Finance Director Kady Strode stated it would be helpful to have the Council Goals before the Budget Training as some of the budget narrative and choice of budget items would be based on Council Goals.

City Recorder Ryan discussed and adjusted the items on the agenda for the next meeting, and the Council chose to continue with the Council Goals discussion as the public had been made aware since the item was on the agenda.

CM Worthey presented the potential Council Goals as they had been discussed previously:

GOAL 1: Create and maintain a high level of customer service.

No discussion.

Objective 1: Improve customer service in the planning/building department.

The Council favored broadening this goal to include the language “in all Departments.”

Objective 2: Streamline the process for issuing building permits.

No discussion.

Objective 3: Create a team to involve engineering and planning in regular simultaneous review work.

No discussion.

Objective 4: Publish a customer service standard with a measurement system.

No discussion.

GOAL 2: Identify industrial land and attract employers to encourage family wage jobs.

No discussion.

Objective 1: Identify land other than the Mill site to zone for Light Manufacturing.

The Council decided against adding the language “within City limits.”

Objective 2: Work to bring land into the urban growth boundary to zone for light manufacturing within 5 years.

CM Worthey acknowledged this would be a very challenging goal.

Objective 3: Attract family wage jobs to Newberg using the urban renewal district and Construction Excise Tax (CET) savings to be competitive.

No discussion.

Objective 4: Remove barriers/deterrents to new, clean light industrial employers that will provide family wage jobs.

The Council discussed removing the words “barriers” and “clean.” The Council was in favor of removing “barriers” but favored leaving in the word “clean.”

GOAL 3: Ensure Newberg infrastructure roads, water, and City employees are in good repair and supply.

No discussion.

Objective 1: Regularly review the capital improvement projects.

The Council was in favor of replacing “regularly” with “annually.”

Objective 2: Focus on road and sidewalk improvements in Districts 1 & 3.

No discussion.

Objective 3: Examine feasibility of increasing downtown parking.

No discussion.

GOAL 4: Enhance community safety.

No discussion.

Objective 1: Work with NSD to provide an additional SRO.

No discussion.

Objective 2: Install red light and speed cameras and other speed reduction measures.

The Council favored adding the condition “within two years.”

Objective 3: Continue with community policing partnerships.

No discussion.

GOAL 5: Create and maintain a high level of transparency with our residents in order to build trust.

No discussion.

Objective 1: Expand communication outreach in regard to regular city events and additional involvement with city businesses.

No discussion.

Objective 2: Ensure that information shared on agendas and in council meetings shall be clear and have context for the residents.

No discussion.

Objective 3: Legislative policy decisions shall require a work session before a vote.

After deliberation on wording, Council was in favor of this additional objective suggested by Councilor Olson.

GOAL 6: Implement a careful and prudent fiscal policy.

No discussion.

Objective 1: Begin reducing and eventually eliminate the City's debt in a steady, prudent way without compromising the City's ability to provide basic, essential services and functions.

The Council was in favor of removing the word "basic."

Objective 2: Reduce elements of the municipal billing statement.

No discussion.

Objective 3: The city will rationally lower SDC fees.

The Council favored replacing "rationally" with the word "prudently", as well as adding the phrase "in compliance with State law."

Objective 4: Ensure that the city has a long-term financial plan that supports its goals and objectives.

No discussion.

GOAL 7: Increase land availability for housing.

No discussion.

Objective 1: Seek to re-zone small pieces of land inside the city limits from light industrial to residential.

Councilor Olson proposed using the word "explore" rather than "seek." The Council discussed that this objective was not contrary to following objectives as the small pieces of land are too small to develop as industrial operations. The Council favored leaving the word "seek."

Objective 2: Work to bring land into the urban growth boundary to zone for residential purposes within 5 years.

No discussion.

Objective 3: Look at annexation opportunities.

No discussion.

Action: To adopt Resolution 2023-3891 with the amendments discussed to repeal Resolution 2020-3641.

Motion: Councilor McBride

Second: Councilor Olson

Vote: 7 Yes 0 No

Resolution 2023-3888, A Resolution authorizing the City Manager to enter into a City Manager GC contract with Slayden Constructors Inc. for Pre-Construction services of the Groundwater Treatment Plant:

[Res3888 Award City Manager GC groundwater treatment plant.docx](#)
[20230403_City ManagerGCAward.pptx](#)

This item was addressed immediately following discussion of the RCA Motion to Transfer Opioid Funds.

CE Hofmann introduced Tom Paul, Slayden Construction, who would be the project executive for construction of the groundwater treatment plant. Slayden Construction was the unanimous choice of all six evaluators for the City.

Action: To adopt Resolution 2023-3888, A Resolution authorizing the City Manager to enter into a City Manager GC contract with Slayden Constructors Inc. for Pre-Construction services of the Groundwater Treatment Plant.

Motion: Councilor Kilburg

Second: Councilor McBride

Vote: 7 Yes 0 No

The Council addressed Resolution 2023-3891 at this time.

RCA Motion to Transfer Opioid Funds to Newberg School District to Combat Opioid Epidemic:
[RCA MOTION TO TRANSFER OPIOID FUNDS TO THE NEWBERG SCHOOL DISTRICT TO HELP COMBAT THE OPIOID EPIDEMICrev1.docx](#)

This item was addressed immediately following discussion of Ordinance 2023-2913.

CM Worthey and Dr. Phillips discussed how the funds may be used, including:

- Supplying Narcan and Narcan training
- Teacher training connected to spotting opioid warning signs for kids and impacted caregivers
- Assisting School Resource Officers (SRO) and school administration teams with the revenue to facilitate opioid response training

- Paying for training materials and trainers to help dissuade kids from using illegal opioids and to persuade them to protect their health and mental wellbeing
- Possibly providing school medical staff with resources to help kids or caregivers in crisis who may be personally struggling with opioid addiction, have family members with addiction, or need treatment assistance to thrive in school
- Additional SROs
- Bringing back the Drug Abuse Resistance Education (DARE) program or other anti-drug programs to elementary schools

CM Worthey clarified the amount of the money was \$152,257.

Action: To approve the pass-through money from the National Opioid Settlement to Newberg School District to help combat the opioid epidemic

Motion: Councilor Yarnell Hollamon
 Second: Councilors Olson
 Vote: 7 Yes 0 No

The Council returned Resolution 2023-3888 at this time.

COUNCIL BUSINESS: None.

ADJOURNMENT:

Meeting adjourned at 9:20 p.m. [3:20:00]

Will Worthey, Interim City Recorder

ATTEST:

Bill Rosacker, Mayor