

**City of Newberg  
City Council Minutes  
April 17, 2023  
Hybrid meeting format**

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**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, City Recorder Intern Joshua Hren, Court and Council Administrative Specialist Zaira Robles Muñiz, and Water Treatment Plant Superintendent Dan Wilson

**PLEDGE OF ALLEGIANCE:**

[The Pledge of Allegiance was recited. \[0:33 Mayor called for pledge but no dialogue could be heard from 0:33 to 1:00\]](#)

**REVIEW OF THE COUNCIL AGENDA AND MEETING:**

Mayor Rosacker provided a brief overview of the agenda.

**COUNCIL BUSINESS ITEMS:**

There were no business items.

**PRESENTATIONS:**

[Miller Nash Presentation](#)

[2023.04.17 Legal Department Functions Newberg City Council \(Walker\).pdf](#)

City Attorney James Walker provided the Council with an overview of the Legal Department, which included an overview of the city attorney's role, the office's scope, and the work accomplished according to the charter and council rules. He also provided insight into the diverse legal work undertaken by the office across various areas of law. The presentation highlighted their involvement in transactional and advisory matters, leaving litigation for a separate meeting.

- Christine Taylor, Miller Nash LLP, continued the presentation, describing the Legal Department's role in procurement and public works. She highlighted her team's recent achievements, including a comprehensive revamp of the city's purchasing policy and

public contracting regulations, successfully contracting for the groundwater treatment plant, and reviewing agreements with contractors and consultants.

- Souvanny Miller, Miller Nash LLP, presented on the Legal Department's role in land use, which involved advising and working with Community Development and Engineering Staff, preparing and reviewing documents, agreements, and ballot titles and summaries. They also respond to appeals brought before the Oregon Land Use Board of Appeals (LUBA).
- Christine Slattery, Miller Nash LLP, continued the presentation, describing her team's role in employment, which included advising Staff, managing employee complaints, drafting and negotiating agreements, updating the employee handbook, and handling administrative charges from the Oregon Bureau of Labor and Industries. Labor relations work included collective bargaining, advising Staff, and providing representation at hearings.
- Jeff Chicoine, Miller Nash LLP, presented on labor relations work, which included collective bargaining, advising Staff on contract administration and responding to grievances, and providing representation at hearings.

City Attorney Walker concluded the presentation with a review of the Legal Department's role in employee benefits, government ethics, elections, real estate, and general contracting.

#### Newberg Water System

[20230417\\_Water Presentation.docx](#)

[20230417\\_Council Water Work Session.pdf](#)

City Engineer Hofmann gave a comprehensive presentation on the City's current water system, the City's water needs and capacity, a history of the groundwater treatment plant and water supply, the limitations of having just a single source of water, the process for a secure water supply recommended in the 2017 Water Master Plan, the benefits of implementing the recommended process, and a list of funding sources. During the presentation, she answered clarifying questions from Councilors about the City being built out, the definition of "regional water supply," and McMinnville's plans to expand its water supply.

After the presentation, Staff answered questions and responded to comments from Councilors as follows:

- Staff provided more details about McMinnville's recent purchase of water rights to the Willamette River and use of ARPA funds for water.
- The City was exploring technology available for surface and groundwater treatment.
- Most farmers utilize surface water from the Willamette River for irrigation, so farming would not exhaust the capacity of wells in the area. The aquifer providing the plant's water source is isolated from surface influences, making it a valuable and distinct resource. Separate treatment processes are required for surface water and groundwater due to state regulations. Groundwater treatment is more cost-effective and less restrictive due to lower regulatory demands. The differentiation between the

two water sources is substantial, with groundwater treatment proving more advantageous in terms of efficiency and consistency.

- Newberg's water is soft due to its calcium content. However, the water treatment plant's pivotal role is to eliminate iron from the water. Staff explained the process used to remove iron and manganese and prevent lead and copper from leaching into drinking water. Staff described the pH differences between surface water, rainwater and groundwater, noting that treating groundwater was straightforward. Staff also confirmed that the iron and manganese removed from drinking water was directed to the wastewater treatment plan, where the substances were used to enhance the treatment of wastewater.
- Extensive studies had been conducted on the aquifers in the vicinity of wells in the city. The availability of water diminished significantly to the south, where the use of wells is restricted. Additionally, there is high demand for wells on hillside properties in elevated areas of the city. Growth has rendered groundwater sources like springs inadequate and treating surface water with low output is not financially feasible. However, the City had the capacity to offer around 1 million gallons per day from the reuse system and 300 gallons per minute from Otis Springs. The recycled water capacity could be expanded to 2 million gallons per day if needed. However, achieving this expansion requires considering capital costs associated with extending pipelines to other entities, enabling them to tap into this resource.
- Staff explained that the utilization of non-potable water was complex and it was expensive to build the pipe system. However, non-potable water incurs lower monthly costs compared to potable water. The potential enactment of a municipal code amendment has been explored, which would mandate new users, such as campuses, to use non-potable water if it's accessible.
- Currently, Otis Springs provides water towards the golf course, but this would change due to the bypass and Crestview Crossing using the water. These developments would result in two distinct water sources serving separate parts of town.

#### Newberg Comprehensive Plan and Newberg Municipal Code

An Ordinance amending the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code, 15.100.020, 15.100.030, 15.100.050, 15.220.020, 15.220.030, 15.220.050, 15.220.060, 15.302.032, 15.346.070, 15.405.040, 15.410.020, 15.410.030

Community Development Director (CDD) Rux presented the proposed amendments and said that reclassification of the C3 and institutional zones from type one to type two review had been implemented. He confirmed for the Council that the Code called for the inclusion of storage spaces on the second or third floors of multi-family homes, which would indirectly result in the creation of decks, offering an alternative approach to ensuring the provision of private spaces and balconies for ground level homes. The Council could require decks on upper floors, but any additional changes to this set of Code amendments could delay adoption of the amendments to May 15<sup>th</sup> and the grant agreement required paperwork by the end of May. Alternatively, the existing proposal could be adopted, followed by a resolution amending the Code to include decks. However, such a resolution would take around six months.

#### **ADJOURNMENT**

There being no further business, the work session was adjourned at 7:21 p.m. [1:21:29] to convene the Business Session.

## **BUSINESS SESSION –**

Meeting called to order at 7:30 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, City Recorder Intern Joshua Hren, Court and Council Administrative Specialist Zaira Robles Muñiz,

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **CITY MANAGER'S REPORT**

CM statistics report for February  
[CM statistics – Feb. 2023 2023-0417.pdf](#)

City Manager (CM) Worthey presented the February 2023 statistics via PowerPoint.

Finance Director Strode confirmed that the three highest expenses for February were \$522,000 to the Saunders Company for Elliot Road improvements, \$101,000 to Visit Newberg for quarterly tourism fees, and \$164,000 for the monthly health insurance payment for the City's CIS trust.

[Unknown \[1:29:03\]](#) asked if there was a way to prevent manholes from filling with rain.

CDD Rux responded that the castings of the manholes were above the water flow lines and federal and state regulations require the covers to be vented to prevent the accumulation of sewer gases. In instances where the manholes are situated below the water grade, they are sealed tightly or plugged to minimize water accumulation.

## **PUBLIC COMMENTS**

Pat Haight talked about the Butler property, which was acquired by the City for a dollar due to the cleanup cost Howard Butler would have faced. She suggested the installation of an electronic bulletin board on the site to promote local events and businesses, encouraging people to stop instead of passing through town. When the businesses make more money, the City makes more taxes.

Aubrey Nicoles, Executive Director, Newberg Downtown Coalition, provided a brief overview of the coalition's purpose and activities. She invited the Council to participate in the downtown cleanup event on May 7th from 10:00 a.m. to 1:30 p.m. to clean the sidewalks along First Street and Hancock Street and hopefully areas around the library, cultural center, fire station, public safety, and Memorial Park. She thanked Public Works and Waste

Management for donating supplies. Drink tickets have been donated Chapters and Coffee Katt. The volunteer sign-up form could be found on the coalition's website and social media pages.

## **CONTINUED BUSINESS**

Ordinance 2023-2913, An Ordinance amending the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code, 15.100.020, 15.100.030, 15.100.050, 15.220.020, 15.220.030, 15.220.050, 15.220.060, 15.302.032, 15.346.070, 15.405.040, 15.410.020, 15.410.030

[RCA\\_ORD\\_2913.docx](#)

[Attachment 1 - Res3765.pdf](#)

[Attachment 2 - Public Comments.pdf](#)

[Attachment 3 - Staff-Agency Comments.pdf](#)

[Attachment 4 - Online Survey Results.pdf](#)

[Attachment 5 - Resolution 2023-386- Signed.pdf](#)

CDD Rux summarized the revisions that were made after completing the initial reading and hearing testimonies. He confirmed that the C3 and institutional zones had been changed from a type one to a type two review, as directed by the Council.

City Attorney James Walker suggested the Council conduct the hearing, vote to waive the second reading, and then vote on the ordinance and read by title only. He understood that the Council wanted to deliberate further and if the Council wanted to make any changes to the ordinance, he recommended the amendment process start over and the Council review the revisions in May.

[Mayor Rosacker opened the public hearing. \[1:43:50\]](#)

Public Testimony: None

Mayor Rosacker closed the public hearing.

Action:	To waive the second reading on Ordinance 2032-3888, An Ordinance amending the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code, 15.100.020, 15.100.030, 15.100.050, 15.220.020, 15.220.030, 15.220.050, 15.220.060, 15.302.032, 15.346.070, 15.405.040, 15.410.020, 15.410.030
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Motion:	Councilor Olson
Second:	Councilor Wheatly
Vote:	7 Yes 0 No

Action:	To approve Ordinance 2032-3888, An Ordinance amending the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code, 15.100.020, 15.100.030, 15.100.050, 15.220.020, 15.220.030, 15.220.050, 15.220.060, 15.302.032, 15.346.070, 15.405.040, 15.410.020, 15.410.030 and read by title only
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Motion: Councilor Kilburg  
Second: Councilor Carmon  
Vote: 7 Yes 0 No

City Attorney Walker read the ordinance by title only.

### **COUNCIL BUSINESS**

Councilor McBride requested an update on eliminating construction excise taxes (CETs). He understood a housing committee had been tasked with looking at CETs. He believed the CETs added extra costs to the houses sold in Newberg and the City should try to curtail costs.

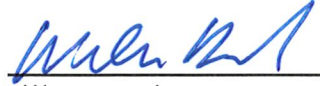
CM Worthey confirmed that the Council was interested in ending CETs and he would have Staff prepare an agenda item for the Council to review at a future meeting.

### **ADJOURNMENT**

Meeting adjourned at 7:45 p.m. [1:50:07]

  
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Will Worthey, Interim City Recorder

### **ATTEST:**

  
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Bill Rosacker, Mayor