

MINUTES OF THE NEWBERG CITY COUNCIL
MONDAY, NOVEMBER 15, 1999
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Cox called the meeting to order

II. ROLL CALL

Roger Currier (RC)	Noelle Wilson (NW)
Donna McCain (DM)	Lisa Helikson (LH)
Brett Veatch (BV)	

Absent: **F. Robert Weaver (RW)**

Staff

Present: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Mike Soderquist, Community Development Director
Kathy Tri, Finance Director
Barton Brierley, Planning Director
Norma Alley, Recording Secretary

Others

Present: Kelli Highley, Pat Haight, Dennis Buckley

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed

IV. CONSENT CALENDAR:

1. Approve minutes from July 19, 1999 Regular City Council meeting.
2. Recognition of Newberg Police Department award for 1999 Community Policing from International Association of Chiefs of Police and ITT Industries Night Vision.

Mayor Cox passed around an award given to the Newberg Police Department. Bob Tardiff discussed the criteria for the award.

MOTION: RC/DM - to approve July 19,1999 minutes as amended. (Unanimous). Motion Carried.

V. COMMUNICATIONS FROM THE FLOOR

Kelli Highley, 619 S. River, Newberg, Oregon, asked if there was a way to contact

someone in public works over the weekend? Ms. Highley asked what happened over the weekend to have so much chlorine in the water? Ms. Highley wanted to remind the Council that an asphalt plant anywhere in the community would be detrimental to everyone's health. DRC said if you want to contact someone at the Public Works you call the police department and they then send someone out.

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, read a letter she received from Baker Rock. She said it is disappointing to know the City said they are going to buy the Baker Rock property but not tell the community of the condemnation of the property. Ms. Haight discussed her concerns with the Ranney system. Ms. Haight said if the City proceeds with this then the citizens will be drinking from the river water. She said she is going to attempt to put a measure on the ballot in Newberg. This ballot would be against the citizens drinking the water from the river. The people of Newberg will have the opportunity to vote on whether they would like to drink from the river. Mayor Cox explained the condemnation of the Baker Rock property. Mayor Cox explained the intention of the City is not to drink water out of the river on the Ranney system. The City is proceeding with a study on the Ranney system. The City sees the same dangers but it does need to be studied.

Mr. Dennis Buckley, 2418 N. Crater Lane, Newberg, Oregon, said he has an emergency water problem. His property is bordered by the City limits. He wants approval from the Council to use the Ordinance that states he could hook up to the City pipes. He is concerned the district is going to shut his water off. The pipe runs under Crater Lane and his water pressure is low. This line is leaking very badly. Mr. Buckley would like the Council to consider letting his family hookup to the 10-inch pipe.

DRC said under the Ordinance in order to be eligible you need findings. The City could do some findings and bring it back to the council on December 6, 1999. The Buckley's would take on the financial responsibility to hook up. While it is hooked up it is to be used for personal use and not agricultural use.

Councilor RC asked if he was aware of the decision regarding the Manning property. DRC said yes.

Councilor LH asked if this is an emergency and should the Council bypass the City process? Mr. Buckley said he is aware of two major water leaks. For two weeks there has been water gushing out on Crater Lane. There is low water pressure and his family can barely take a shower.

Councilor RC asked if staff has looked at the water leakage. Mike Soderquist said he is sure they have. Councilor RC said would the Council entertain a motion to declare this an emergency.

TDM said section 11.b of the City Ordinance said it has to be granted by the City Council and can not be assigned to the staff. The Manager could start connecting knowing if the applicant does not fit the criteria they would disconnect. The applicant would pay for all costs. The manager would operate under his discretionary executive authority.

Mayor Cox asked if the Council wanted to proceed. TDM said there isn't anything that is needed to be done.

Mr. Dennis Buckley said his concern is that the district can turn off his water at any time and he is willing to comply with the procedures of the City.

Councilor RC asked if the Council is taking the right steps of the process. TDM said he must file his application before you can start the process.

Councilor LH said she would like to see the process get started. She wants to give the discretion to the City Manager but if the water is not hooked up in the next two weeks then declare it an emergency. Mr. Buckley said the line from the district does not have any easements.

VI. PUBLIC HEARING:

VII. CONTINUED BUSINESS

1. Report on City Hall Remodel and Addition

DRC said things are getting exciting in the project. When a wall was exposed, we found there was no footing. There is just a wall located there. We started looking for options. One is to underpin this wall that costs \$100,000. The second option is to install chance columns. They are two inches in diameter. They have a screw in the bottom of them that screws into the dirt. They are made of steel come in 5 foot length and will be 30 feet long. They could be placed by machine or hand turned into the dirt. The contractor said they will hold about 40,000 pounds and would have to be set in place around the building to stabilize the wall. The benefits are that the building will be more stable. The downside is that it is going to cost us money. In order to underpin the walls is \$400,000. To install the chance anchors is about \$122,500. We could cut the project and find the money. The third option is to tear down the walls and start all over. We would need a complete redesign. That could be expensive. We would still need to stabilize one wall. If you only stabilize one wall then you would have problems in the event of an earthquake. Our cost of the project to date is \$706,000. DRC recommended continuing on with the project. DRC does not have any other suggestions than installing the chance columns. If you tear down the walls, it would cost much more than putting in the columns. The project would be extended about a month.

Councilor RC said it still bothers him that the building is not going to be a seismic three. This should be the contractors financial responsibility not the City's. Have they considered using hydraulic cement? DRC said he has not heard of that being discussed. He will ask them about it. Mike Soderquist said that is applicable for light loads but not for such things like this.

Councilor RC asked why are we applying the cost when we set a maximum price? DRC said there are unforeseen conditions. TDM said it is standard in the language to have unknown conditions and we then assume responsibility for it.

VIII. NEW BUSINESS

1. Resolution No. 99-2210 modifying the Permit Center Fee Schedule for Building, Plumbing, Mechanical, Driveways/Sidewalk and Planning Permits.

TDM said there might be potential conflict of interests. Councilor BV and he himself

might have a potential conflict of interest. Councilor BV said he is in partnership with his brother to build in our community. Since there is an active permit going on he might have a potential conflict of interest. TDM is finalizing to build soon. If you separate the building fees and planning fee then there might not be a potential conflict of interest. You could make a motion to separate the planning fees.

MOTION: LH/DM - to separate the planning fees. (Unanimous). Motion Carried.

Ms. Kelli Highley, 619 S. River St., Newberg, Oregon, asked why cost is so low and why are we paying out money to cover costs? Ms. Highley asked if building picks up in Newberg where is the overage going to go?

Barton Brierley, Planning Director gave the staff report. Mr. Brierley said the goals for the City's Permit Center is to fund the service through the permit fees and give excellent customer service. We now see there are not enough funds to support this center. Building has gone down and therefore the revenue has gone down. We looked to cut staff when we first saw the concern. We did not refill an inspector position when it came open. A building inspector is half time and we have a part time secretary. Through the years when we did have higher building activity the City did not cover the cost. We are concerned that if we cut any deeper we will cut our goal for customer service. Looking at why the situation came about we found the building permit fee schedule has not been updated. In the last legislative session the state raised their fees by 30%. We propose to raise our fees by 30%. Looking at the mechanical permit they have not been updated since 1979 and we propose to double them. We are covering the costs in the plumbing permit fees. In engineering the sidewalk and driveway permits we want to set a minimum fee of \$20 for sidewalk permits. Then set a fee according to the size of the walk or way. An annual inflation adjustment is proposed. We want to prevent getting twenty years behind again. The City wants to use the money to cover the current costs and establish a reserve fund. There is a lag when the applicant pays for the permit and when the inspection is done. If there are excess funds then it can be put in the reserve and used to fill this lag. As the City does raise additional funds they want to add a support staff, add the part time inspector to full time and replace software. This is not proposed at this time but will be as the revenue comes in. In summary we feel this is necessary to provide excellent service.

Staff recommends adoption.

Councilor RC asked if there is \$6,000 available the Council does not know about? Barton Brierley said \$44,000 was for the 98-99 fiscal year. Last year we hit 86% and this fiscal year budget was intended to be 100%. In order to hit that we would increase our revenue source by \$25,000. To get \$25,000 we would have to raise fees. For a home there can be more than one inspection for the mechanical permits. For example one for the underfloor before they put on the floor. When they install heating and air conditioning you just pay one fee.

Councilor RC asked where the sprinkler back flow testing is it in the Resolution? Barton Brierley said it is on page 28.

Councilor RC said there is a \$5 fee for sidewalks in the Resolution, but later it states \$10. Barton Brierley said it is \$5 for the sidewalk and \$5 for the driveway.

Motion: LH/NW - to approve Resolution No. 99-2210 excluding the section on planning. (3 yes/ 1 no [RC]/1 abstain [BV]). Motion Carried.

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Motion: LH/NW - to approve Resolution No. 99-2210 excluding the section on planning. (3 yes/ 1 no [RC]/1 abstain [BV]). Motion Carried.

Councilor BV and TDM abstained due to potential conflict of interest.

Barton Brierley discussed the staff report on the planning fees. The City has to have an outside appeals officer to hear the appeals rather than the Council. From the City's standpoint this process was set up to make sure there was thorough public review of applications. The citizens have adequate review and input of the process. We want to discourage the applicant to take this process. We want to make sure all of our costs are picked up. For priority applications we would put their application on top and rush it through. This can really drive up the cost. We propose a \$4,000 cost plus \$50 per lot if they choose a rushed process. The other area is a charge for a City recommendation on the Yamhill County Urban Reserve Area. The application will come to the City before they go to the County. The applicant must submit the plan and then we review this and give it to the county. \$250 is the proposed fee at a discounted rate for that kind of process.

Staff recommends approval.

Mayor Cox asked if the \$4,000 was an estimate and could it run more than that? Barton Brierley said yes it could run more and it is an estimate. TDM said they have only experienced one expedited applicant. Unless we had a volume of them, we couldn't get a hearing officer at a reasonable rate. The expediting process has not been as popular as thought. If it is a zone change they must go to planning.

Mayor Cox said it would be a good thing to have them come to the City. Barton Brierley said our agreement states the County will not approve the application unless they have the recommendation from us. If they process this without our recommendation then it is in violation of the agreement.

Councilor BV asked what the cost is per lot? Barton Brierley said \$50 per lot.

Councilor BV asked if the applicant is required to come to the City, pay a fee, go to the County and pay a fee to them also? Barton Brierley said yes. They must have it reviewed by the City and then get the recommendation. They would pay a fee to the City and to Yamhill County. We are providing a service to the people. This will help enhance the value of the property with the advanced planning and input.

Councilor BV asked if it is an option to the applicant? Barton Brierley said we want to establish a good community. It is a service we are providing.

Mayor Cox said he would like to see the second part of it pulled.

MOTION: RC/NW - to table the planning fees to December 6, 1999. (3 yes/1 no [LH]/1 abstain [BV]). Motion Carried.

2. **Ordinance No. 99-2521** allowing six to eight members on the City Building Code Board of Appeals, adopting the 1999 Mechanical Speciality Code, and deleting a Waiver of Fees for historic structures

Barton Brierley said the first is to change the members from six to eight. The City does not use this very often but we want to offer this option to the community. We want to have a broad representation. We need different expertise on the board. We talked with eight different people that have greater expertise. The second change is adopting a new specialty code. The third is to delete the waiver of fees for historic structures.

Councilor LH asked what does historic mean? Barton Brierley said it is Newberg Historic. This could create future problems. Looking at the building staff being cut back we are not able to meet our revenue goals. This could impact the City strongly. We propose leaving a waiver of fees for review.

Staff recommends adopting Ordinance No. 99-2521.

Councilor DM said in the past there has been the requirement of the board to be residence in Newberg. Is this something we want to include in the ordinance? Also, the ordinance states for length of a term but what is it? Should we be more specific in the qualifications on the length of a term? Barton Brierley said looking at the municipal code the City Manager will appoint the members of the board. It is not a requirement they be residents of the City. You do want people who do the work in the City. You may find difficulty finding these expertise. The municipal code does not provide specifically on the terms of office.

TDM said before we used to go by the specialty codes. The aim of this is to get expertise to review these technical disagreements. We envision them being available during the day.

Councilor RC agrees with Councilor DM that the Council should be doing the appointment. When someone is appealing something to the City having City employees pick out the people could cause conflict. We should advertise and let the people in the community step out. DRC said it is typical to appoint them and he has done it in the past.

Councilor NW asked about the credentials of the appointed people. Barton Brierley said Dan Schutter, Structural Engineer at George Fox University, Keith Gouger, Plumber at Century Plumbing, Jeff Kizer, owns his own company that does commercial and residential construction and excavation, Terry Girt, Parr Lumber employee that specialized in construction and building materials, Larry Sause, Mechanical Contractor, Dwayne Brittell, worked on many projects in town as an architect, Karl Wagner, General Contractor for residential construction and John Stalcup, Building Official, was a contractor and worked for the City of Newberg at one time.

Barton Brierley said the Ordinance changes the number from six to eight and this is what is being voted on.

Councilor LH said she loves to see it moved from six to eight members, but would like to see the position advertised also.

Councilor DM said there maybe should be a qualification that the people who apply should have some expertise in this area. This limits the applicant to someone who has worked in the field. They should also be residence of Newberg. If they don't show up then you could fall back on these people.

Councilor RC asked if the County Inspector is coming to facilitate and what is going to happen with the people we asked? DRC said it is better to have a larger pool of people and then work from there.

MOTION: RC/NW - to approve Ordinance No. 99-2521 as amended by staff to read by title only. TDM read Ordinance No. 99-2521 by title only. (Unanimous). Motion Carried.

3. **Resolution No. 99-2211** adopting Supplemental Budget #1 for the fiscal year 1999-00.

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, discussed the funding for the land slide. Ms. Haight said she has a hard time dealing with moving the budget around after it has been approved.

Kathy Tri, Finance Director said this is hopefully the first and only supplemental budget. Some of the things that happened were some outstanding purchases. This resolution is taking care of purchases that were left from June, the contracts were being discussed over the summer and the dispatch system. We have now entered into the contracts and didn't put that into the budget as to what McMinnville was going to pay for, There have been several projects in the City that have been higher than expected, the numbers did not come over correctly on the debt service fund, the GMC dump trucks did not come by June 30 like projected, the Fire Bond Fund was to close this past fiscal year but did not, and with the City Hall Bond Fund we were dealing with estimated numbers. The fiscal impact will be additional revenue in seven funds and transfers in six funds.

Councilor RC asked if the \$26,000 that McMinnville is paying us is it getting to our funds? Kathy Tri said we pay for his salary as our employee and McMinnville pays half of everything.

Councilor RC asked what is the longevity issue? Kathy Tri said we do have different retirement plans, but by keeping him as our employee then we will have the opportunity to have him back if the building picks up. DRC said the building official is very pleased to have him. It has been good for the employee because he maintains full time employment.

MOTION: DM/LH - to approve. (Unanimous). Motion Carried.

IX. EXECUTIVE SESSIONS

Executive Session Held during Work Session as notified.

1. Executive Session pursuant to ORS 192.660(1)(e) relating to a Real Property Transaction.
2. Executive Session Pursuant to ORS 192.660(1)(h) relating to Pending Litigation.


X. ADJOURNMENT

MOTION: RC/BV to adjourn at 9:07 p.m. (Unanimous). Motion Carried.

ADOPTED by the Newberg City Council this 7th day of February, 2000.


Duane R. Cole, City Recorder

ATTEST by the Mayor this 22 day of February, 2000.


Charles B. Cox, Mayor