

MINUTES OF THE NEWBERG CITY COUNCIL
TUESDAY, JULY 6, 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)
Donna McCain (DM)
Lisa Helikson (LH)

Alfred Howe (FH)
F. Robert Weaver (RW)
Brett Veatch (BV)

Staff Present:Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Mike Soderquist, Community Development Director
Larry Anderson, Engineering Manager
Peggy Nicholas, Recording Secretary

OTHERS

PRESENT: Matson Haug, Mike Wallace, Dorothy Adams,

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

Mayor Cox introduced the Old Fashioned Festival Court. Dedication to the Darnel Wright fields.

IV. COMMUNICATIONS FROM THE FLOOR

Matson Haug, 1524 Hess Creek Court, Newberg, presented a statement on Newberg's growth and the impact on the City's growth. He suggested that the Council be sensitive to growth: looking into potential ways to balance the growth in dealing with residential density increases. He also suggested that the Council provide for more public awareness of the Planning Commission (local access), and the Planning Commission's in depth review of the R-1 design standards. He also said he would like to express housing jobs in balance and growth unrelated to simple development. Mr. Haug reviewed commercial and industrial build-outs, long term impacts and personal gains for the future. Finally, he discussed the existing park standards being no longer adequate and a review of population vs. land is not consistent with the City's Comprehensive Plan.

Mike Wallace, 1532 E. Third Street, Newberg, expressed his concerns about re-enforcing the decisions of the ad hoc steering committee for the Springbrook Oaks project. The Committee investigated the residential, multi-family, parks, industrial and other open space requirements for

the City. City Attorney TDM stopped Mr. Wallace from providing further testimony due to the legislative/quasi-judicial hearing process in which the matter will be hearing the matter at a later time. Mr. Wallace said he wished that the Commission consider the ad hoc committee's findings. TDM said the information will be heard before the Planning Commission and any testimony must be heard at that time. Mr. Wallace wanted to stress the importance of the Council knowing how the Committee reviewed all the issues.

Dorothy Adams, 211 West Illinois Street, Newberg, said that on June 29th between 5:00 - 6:00 p.m. she called the police concerning speeding issues. She received no response (waiting for an accident to happen and why it happens more on one night than on other nights). She said the City needs more patrolling in that area (more tickets need to be issued). Ms. Adams also expressed her concerns over the increased development in the City in relation to the availability of the water. She has lived in Newberg for the past 50 years and has seen many changes. She would like to have the Council consider providing for adequate water before incurring any additional expenses (such as the City Hall remodeling project). Ms. Adams addressed obstructions to Fulton and Meridian intersection not being able to see oncoming traffic (cutting back vegetation).

Councilor LH asked staff to provide information on when the next Traffic Safety Committee meets (Monday, July 12, 1999 at the Public Safety Building - 7:00 p.m.) and Mrs. Adams can review her concerns to the Committee. DRC said he would contact the Police Chief to address the concerns of the speeding.

Councilor FH addressed the Newberg Garbage Service letter concerning an increase in the garbage rates. Councilor FH read the letter into the record. He asked DRC to provide an explanation of the letter and how the garbage company will stay with the rates approved in January, 1999.

V. CONSENT CALENDAR

1. Library Board Appointment of one new member to fill vacancy.
2. Proclamation declaring the Newberg Old Fashioned Festival for July 22-25, 1999.

MOTION: RW/FH to approve the Consent Calendar. (Unanimous). Motion carried.

VI. PUBLIC HEARING

None.

VII. CONTINUED BUSINESS

1. Presentation on Millennium Project for City Hall.

DRC reviewed the critical dates: construction documents done by mid-July, the permit application will be filed by the City and a bid process for the subcontractors - due August 12th; guaranteed maximum price type project. On September 8th and 9th to do a re-ground breaking

of City Hall. In July, 2000, open house for the Old Fashioned Festival. Discussion was held concerning a time capsule placed in City Hall. Mr. Stanaway said there is an opportunity to place a time capsule in the flooring with a City seal or find a location in the building to place the capsule.

Mr. Stanaway said the construction documents are due to be completed by the middle of this month. They reviewed the earlier drawings and the current drawings. The project is continuing on since the last details were adopted. The process has been laid out with some alternates depending upon what bids will come in and whether or not the project is over or under budget.

Discussion was held concerning the atrium and the skylights. Mr. Stanaway said the building is not that big and they want to maximize the floor space. The new building includes the circulation length and then the restrooms (stacked) and then some of the work areas and support space (mud room, resource room, file and print rooms, library, etc.); those spaces are more cost effective to place certain areas in the new addition such as restrooms, rather than try and incorporate them into the older building.

Councilor RC inquired about the roof and whether or not a new roof was to be installed to make the building complete. Mr. Stanaway said the City Hall roof has some life expectancy left (about 10 years). Councilor RC said that 35% of the roof was overstressed by 50%. Mr. Stanaway said the roof will be restructured, so that structurally, it will be up to code. The difference is the diaphragm that will be a seismic upgrade in two separate phases to get the value of the life of the roof. Discussion was held concerning the cost effectiveness of replacing the roof at the time of the remodel rather than wait until it is necessary.

Councilor FH asked if the consultants would be coming back to the Council (September 7th) when it will be discussed at more detail to come up with decisions.

Mr. Stanaway reviewed the advertising process for solicitation of bids (local participation) and make appropriate set of contractors for the scope of work (July 19 - August 12th), each trade will walk through the building, aware of the existing building problems, the guaranteed maximum price will be set. Mr. Stanaway noted the problems with budget forecasts involved in existing exposure issues.

Councilor RC inquired whether or not it would be more cost effective to demolish the building rather than try and remodel the existing structure. Mr. Stanaway said that it would not be faster to build a new building in its place. It will take about 1 to 1-1/2 months to lower the basement level to do some interior work. He said it is an eight month process. Discussion was held concerning not being able to replace the historic level of flavor with all the stone work.

Mr. Stanaway provided examples of interior and exterior color finishes that respond to the historic flavor of the building and style. In addition, it is also to provide good value, designed for intended use: carpet is not a residential grade carpet (commercial), the tile in the bathrooms, etc.; differentiate between the old and the new. Discussion was held concerning the proposed color coordinations (neutral), utilizing the existing furniture. Mr. Stanaway said they would show the Council other samples and variations later. Mr. Stanaway said that some of the materials are made from recyclable materials. Discussion was held concerning employee input.

DRC said no work will begin until after the Old Fashioned Festival. Councilor FH asked about the requirement of underground utilities and working with GTE and TCI.

VIII. NEW BUSINESS

1. Planning Commission Appointment of one new member to fill vacancy.

Candidates: Elizabeth Carlson - ~~WITHDREW~~
Dan McCracken
Michael Wallace
Robert Andrews

Mayor Cox said that Dan McCracken has also withdrawn his application. Mayor Cox called upon Mike Wallace and Mr. Bob Andrews to give a brief statement.

Mr. Mike Wallace reviewed his views on what the Planning Commission's role is in relation to the City's activities and the goals of the Council. He is hoping that he can do a good job, he knows he can if given the opportunity.

Mr. Bob Andrews, 1103 N. Sitka, Newberg, has been a member of the community for over 20 years. He has also served on the Traffic Safety Commission. The appointment to the Planning Commission would expand his experience of public service for the City of Newberg. He said that he is new to community planning with no personal agenda. He takes pride in what the Traffic Safety Commission has provided to the City. He was also appointed to the Springbrook Oaks ad hoc committee. He believes in managed growth, responsive efforts, not reactive.

Councilor RW said he has known Bob Andrews for many years and he knows him to be very bright and knowledgeable of some state level issues. He would recommend him.

Mike Wallace - -0-

Bob Andrews - 6

Mayor Cox announced that Bob Andrews was appointed to the Planning Commission.

2. **Resolution No. 99-2187** awarding the contract for the 1999 Asphalt overlay project to Oregon Asphaltic Paving Company in the amount of \$175,165.

DRC said the project covers Illinois and Main Street asphalt over-lay. Mr. Larry Anderson reviewed the contract and the project requirements (street reconstruction and overlay). Staff recommends that the bid be awarded to Oregon Asphaltic Paving Company. There were six bidders. The low bidder had not signed the place in the contract acknowledging the two addendums (minor clarifications and adjustment of manual details - one significant would not have affected the work). There was a protest from the second lowest bidder. The addendum not being signed was not a material problem and did not make a difference in the results of the bid. The lowest bidder's amount was slightly lower. The company is an Oregon company.

Councilor FH asked for clarification from the second lowest bidder's protest. The City is not declaring it an "official" protest by failing not to sign the addendum does not present a

material problem. By adoption of the Resolution, the Council, as the Contract Review Board, has the authority to look at the glitches in the system, to make their decision based upon the findings of fact. Based upon the protest argument, the City can consider the findings. Discussion was held concerning the possibility of potential litigation. TDM reviewed the procedure in the laws and how the addendum was constructed.

Councilor FH asked for a definition of "milling of the panels", (gutter draining properly), and the removal and repair of some curbs which were made earlier in the 1900's and preserve them for a different location.

Councilor LH discussed the annual pavement maintenance funds and how they will be used to fund this project.

MOTION: RW/LH to approve Resolution No. 99-2187. (Unanimous). Motion carried.

3. **Resolution No. 99-2188** awarding the contract for the Fog Seal project to Cascade Asphalt Sealing Company in the amount of \$27,200.

Mr. Larry Anderson reviewed the fog seal project maintenance in certain residential streets (surface decay). A sealer will be placed over the top. Councilor RC asked for the difference between a slurry seal and fog seal. Slurry seal is the second level of the pavement. The top asphalt is deteriorating and small aggregate is used to fill in where needed. Discussion was held concerning a slurry seal only lasting about 2 years before breaking down and showing some wear. Councilor RC said that in that type of scenario, he is concerned about using the money and having to re-do the streets again within a short period of time. Mr. Anderson said there are certain streets which only require the fog seal and not a slurry seal operation.

MOTION: LH/DM to approve Resolution No. 99-2188. (Unanimous). Motion carried.

3. Authorize request to use Francis Square for Commercial Activity.

DRC said the Council has discussed the use of the Square and whether or not to charge a fee for the use of the area. Discussion was held concerning damage reimbursement and the placement of a fee (temporary merchant's license), which does not guarantee exclusive use of the Square. DRC said he would recommend approval and use it as a model and proceed.

Councilor DM said she feels the City needs to set up a set of parameters and guidelines to use the Square (concert, vending uses, etc.). It was designed for a gathering location which could get out of hand. Councilor DM suggested that a procedure and an appointment of a committee (Kiwanis, Rotary, Terry Matheson and one City Council member) and bring back to the City Council their suggestions and then the Council can work on for adoption (public input).

Councilor LH said that decisions need to be made before Old Fashioned Festival (setting guidelines which can be modified at a later time).

Councilor RC said that parking is a concern and whether or not it will cause traffic/accident problems. Another concern was that a local business wants to use the facility, but there are merchants that set up in parking lots, and what would stop other temporary vendors using the facility. He feels that anyone using the park in a commercial venture, should absolutely have

a permit registered with the City. He agreed with the appointment of a committee. Mayor Cox suggested that the Downtown Redevelopment Committee could review the needs and policies for the use of the Square. Councilor RW said the Square received donations and volunteer time in creating the Square.

Councilor DM said that some action needs to be taken to make tentative parameters until the Committee can get together and make a more formal policy.

Councilor RC commented on making the use of the Square not setting a precedent for future use. Discussion was held concerning cleanup of the Square after use. DRC said that the Square would be used for commercial purposes (temporary merchant standards and other additional policies to be set out for immediate and future use). Councilor RC suggested that a time limit be set for the approval of the use of the Square. Discussion was held concerning the temporary merchant and street vendor regulations being established for the Square. Councilor FH suggested that temporarily during the Old Fashioned Festival, the Square would not be used for vendor/merchant use and that it remain a place for gathering. Councilor RC suggested that a placard be placed "vending prohibited".

MOTION: FH/LH to approve the findings of the Committee, if approved prior to the August 14th date, then it would be approved, without setting a precedent. (Unanimous). Motion carried.

MOTION: FH/LH to approve the approval as amended. (Unanimous). Motion carried.

Discussion was held concerning the appointment of a Committee by the Mayor.

4. **Resolution No. 99-2189** supporting House Bill 2082 including an increase in the gas tax and/or registration fees.

DRC said that the current legislature is reviewing the Bill. Councilor RC said that he strongly opposes the Bill. Councilor FH said that he approves Senator George's findings. He has serious reservations about the language in the Resolution. He said that pressuring Senator George on this issue would not be wise (partisan matter). The Council is a non-partisan body and the issue would place the Council in the middle of a partisan issue. He too would not support the tax increase. ODOT has not proved their efficiency and there is no reason to create more taxes when there are more funding mechanisms available. The City has been involved with the project over the past 10 years and no real progress has been made. He does not feel comfortable primarily for the purpose of a non-partisan involvement in a partisan debate. It puts some members of the Council who may not agree with the mechanism of the funding issues.

Councilor DM said she too has been debating the issue. Oregon has the next to the highest gasoline tax in the nation. Increasing the gasoline tax may help the community which will be collecting from tourists, but would like the funding for local highway projects (including the bypass), but she does not feel the increase would do the City any good. There is a bypass being slated for the Redmond area. She also said she is not sure whether or not she could support the Resolution.

DRC said the article in the paper concerning the Redmond bypass was the need for the bypass and not that they wanted one. DRC said that Oregon is the lowest in the 11 western states

for taxes. Funds are guaranteed for the bypass if the gas tax is approved. If the City does not take action in a positive way, the City has so much at stake, it will cost the City more (possibly as much as 25% more). Mayor Cox added that he represents the citizens of Newberg, the windows of opportunity and what it takes to move forward on a project. He sees a window of opportunity with the possibility of a bypass and local funding for roads.

Councilor RW reviewed the meeting that Senator George had concerning the gas tax Bill. He would support the Resolution and Senator George's findings. The City needs to do something about its transportation problems.

Councilor LH said she has had concerns about ODOT and has attended meetings concerning transportation issues and the quality of life issue. She feels the City should start moving forward on resolving transportation problems. She supports the Resolution.

Councilor RC said that he has supported a bypass over the past 6 years. He has personally made an attempt to promote a bypass. Discussion was held concerning Senator George feeling that the City is personally attacking him by actions approved by the Council. Councilor RC said that the City and the Council should speak how they feel. Mayor Cox said it is not a perfect situation, there are sacrifices to be made to get roads and bypasses built.

Councilor RC called for the question. Mayor Cox said that it is not intended as an insult toward Senator George.

Councilor FH said he appreciates the work done by the Mayor and City staff.

MOTION: RW/BV to approve Resolution No. 99-2189. (4 yes/2 No [FH/RC]). Motion carried.

DRC said that a letter would be sent to Senator George in appreciation for his efforts.

Mayor Cox moved the meeting into Executive Session at 9:03 p.m. Mayor Cox called for a break at 9:03 p.m.

IX. EXECUTIVE SESSION

1. Executive Session Pursuant to ORS 192.660(1)(d) Relating to Labor Negotiations.
2. Executive Session Pursuant to ORS 192.660(1)(A) Relating to the Employment Contract with the City Manager.
3. Executive Session Pursuant to ORS 192.660(1)(h) Relating to Pending Litigation.

X. ADJOURNMENT

MOTION: To adjourn at p.m.

ADOPTED by the Newberg City Council this 6th day of March, 2000.


Duane R. Cole, City Recorder

ATTEST by the Mayor this 4 day of March, 2000.


Charles B. Cox, Mayor