MINUTES OF THE NEWBERG CITY COUNCIL
OCTOBER 6, 2003
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Council President Bob Larson called the meeting to order. **Mayor Stewart** was absent.

II. ROLL CALL

Bob Andrews	**Mike McBride**
Roger Currier	**Bob Larson**
Doug Pugsley	**Robert Soppe**

Others Present:

James H. Bennett, City Manager
Mike Soderquist, Community Development Director
Dan Danicic, City Engineer
Barton Brierley, City Planner
Kathy Tri, Finance Director

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was administered.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Darlyn Adams, 131 Johanna Court, Newberg, Oregon, presented the Animal Shelter Friends report. Ms. Adams reviewed brick campaign fund-raising activities - engraved bricks for $50 each. The next general meeting is October 30, 2003. The fund total to-date is $94,456.19. There is a Christmas open house scheduled for December 13-14, 2003. Ms. Adams said their goal is to raise around $320,000 for the new animal shelter. They have already received funding/donations for the roof, painting, finished carpentry, etc.

V. CONSENT CALENDAR

1. Proclamation declaring November 19 as Geographic Information System Day.

MOTION: Currier/Andrews to approve the consent calendar. (Unanimous) Motion carried.

VI. PUBLIC HEARING

1. Public hearing on **Ordinance No. 2003-2593** approving an Urban Growth Boundary amendment for 4 parcels currently within Newberg's URA located at 4709 E. Fernwood Road (TAX LOT: 3221-04300, -04301, -04390 and -04400) and amending the Comprehensive Plan land use needs tables.

Council President Larson called for abstentions, conflicts of interest, objections to jurisdiction.

Councilor Soppe said that as a NUAMC member, he heard the matter but his decisions will be made upon the testimony presented and the record. **City Manager Bennett** addressed the "raise it or waive it" statutory language in that any appeals will be referred to LUBA.

Barton Brierley, City Planner, presented the staff report. He said NUAMC recommends approval of the urban growth boundary amendment. The property is within the URA. The property to the north is inside the City limits and within the Springbrook Oaks Specific Plan area. This area has a special relationship to the subject property. It has been planned and foreseen that the property would be placed in the UGB. The criteria is outlined in the staff report, specifically:

1. The inclusion of the property in the UGB helps fulfill the purpose of the Springbrook Oaks Specific Plan. It also brings in additional property to augment the decreasing supply of buildable lands.

2. The area can be served with utilities. Water is available and, with the new pump station, sewer can serve the area as well. There is a storm drainage plan to serve the area.

3. Transportation facilities would be improved and expanded as the area is developed, including Fernwood Road.

4. ESEE (energy, social, environmental and economic impacts). The development of the property would address these impacts. There is a stream corridor on the property. As part of the amendment, there would be a designation of that stream corridor.

Councilor Currier addressed street connectivity maps. Mr. Brierley said the newest map was provided by the applicant. Discussion was held concerning traffic congestion problems.

Councilor Soppe addressed the traffic that would be going down toward Fernwood Road. A connector road could be built because they received a conditional use permit from the County to provide access. **Mr. Bennett** said that it is not an automatic approval from the County for a conditional use permit. Because this property was part of the specific plan, the County had a more favorable approach to the conditional use permit.

Mike Gougler, MJG Development, 5241 Windsor Terrace, West Linn, Oregon said the property would be developed in compliance with a series of requirements given to them when they went through process for the Specific Plan. They were asked to make application to bring the property into the City. Fernwood Road is under construction for improvement. They have the utilities/water tested and approved. The road is waiting for final design from PGE and NW Natural and other utilities. Some of the property is to be contributed to CPRD for the purpose of a 9 hole golf course. They reached agreement with CPRD to trade property. They are working with ODOT on the impact of the golf course on the bypass route. Discussion was held concerning an interchange at Hwy 219. They are proposing that the emergency access go out to the east and connect with Corral Creek. The western edge will also be part of the park property. Most of the parcels will be in the park area. The property is not suited for much development because of the topography.

Mike Stuhr, 31100 NE Fernwood, Newberg, Oregon, said he is undecided/neutral on the project but is concerned about traffic problems. Most of the roads do not have edges. In the general area, there are four major projects that have come before NUAMC: the CPRD golf course, Springbrook Oaks, Springbrook golf course and the Lewis & Clark/Schaad property (although the application has been withdrawn). The intersection of Corral Creek and Fernwood Road is an issue. There are horses, people walking all the time. The cumulative impacts put quite a bit of traffic on the road. He has talked with NUAMC and County. He would like the Council to look at the traffic impacts for the area.

Councilor Currier said that last Thursday, Don Clements and he corralled 8 head of cattle on Corral Creek Road. **Mr. Gougler** said that he will address Mr. Stuhr's comments.. The transportation study indicates there will be a surplus of trips available. The assisted living generates about 2 trips per apartment per day with a regular house taking about 10. The light industrial property does 6925 trips per day. The remainder of the property will generate about 2300 trips per day. The density of the development has been significantly reduced.

Councilor Soppe said he had a concern with Fernwood Road to the east. Would there be an objection for the entrance on Fernwood to be west in/out only Mr. Gougler said he would have no objection personally, but that there would be difficulty with the transportation planners. He would like to see a long term road improvement program with improvements to the east. Discussion was held concerning removing restrictions. He is willing to work out solutions. He suggested the restrictions should be lifted once improvements to the east are completed.

Mr. Bennett said that we are assuming that there is a problem, without evidence or studies. We should hold off on finding solutions to problems that may or may not exist.

Council President Larson closed the public hearing. **Mr. Brierley** said that the state statutes allow the applicant to keep the record open for 7 days unless he waives it so the Council can make a decision. **Mr. Gougler** waived the 7 day rebuttal **.** **Mr. Brierley** said the County needs to take action as well.

MOTION: Andrews/McBride to read **Ordinance No. 2003-2593** approving an Urban Growth Boundary amendment for 4 parcels currently within Newberg's URA located at 4709 E. Fernwood Road (TAX LOT: 3221-04300, -04301, -04390 and -04400) and amending the Comprehensive Plan land use needs tables by title only.

Councilor Currier said he frequents the area and the amount of traffic has steadily increased with the back-up off Wilsonville Hwy. It is being re-routed to Corral Creek/Fernwood. He said that there is going to be an ever-increasing demand on the road. The traffic impact will be more than anticipated. He does not see the County spending money to improve Corral Creek more than what they are doing now. In expanding the improvements for the area, we need to consider what it is going to do.

Councilor McBride said that he tends to disagree to a certain point. If Fernwood is developed, most people would take the easiest route. Discussion was held concerning the County's obligations.

Councilor Soppe said he too was concerned about transportation issues. He would like to see a restriction on access as a good way to approach it. The traffic study does not address the Fernwood/Corral Creek intersection. **Mr. Bennett** said that traffic counts need to be taken at the intersection to augment the traffic.

Tape 1 - Side 2:

Councilor Andrews said that development has been going on outside the Council's jurisdiction. Discussion was held concerning a discussion with the County to bear some of the burden of the development in their charge. **Mr. Bennett** said that there is not a single development that appears to be causing existing problems. The traffic is not coming from Newberg.

Councilor Pugsley said the report indicates the property is needed some day. Transportation is not as much a concern later as it is now.

ROLL CALL ON MOTION: 5 Yes/1 No [Currier]. Motion carried.

2. Public hearing on **Ordinance No. 2003-2594** authorizing the annexation of 4 parcels totaling 3.3 acres to the City of Newberg (Hulse property). **Resolution No. 2003-2469** authorizing certification of a ballot title for the annexation measure to be placed before the voters at the next primary election in May, 2004.

Councilor Currier said it is his neighbor.

Barton Brierley, City Planner, said there are 4 properties totaling 3.3 acres to be annexed to the City of Newberg. The properties are in the UGB and outside the City limits. The properties are surrounded on 3 sides by the City limits. The properties were part of the North Main Water District. The water line had significant problems and maintenance issues. Many of the property owners wanted to connect to the City water. The City worked with the property owners and eventually came to the Council for hardship water connections. The Council approved the connections outside the city limits on condition that the property owners request annexation to the City. The Planning Commission has heard the request and recommends approval. None of the property owners have expressed a desire to develop the property. There is limited development potential. The criteria for annexation have been met.

Councilor Soppe noted that, in the findings on page 312, it talks about Well #8 being operational in 2004. **Dan Danicic, City Engineer**, said it is scheduled for development.

Councilor Soppe asked about waivers of remonstrance. **Mr. Brierley** said the recommendation is that we require property owners to do the remonstrance. The Council could choose to do something different. It is not the City's practice to do waivers of remonstrance, but rather to have the improvements done sooner by the applicants. He said the properties are not subject to any immediate development. It was a hardship case and the City requested annexation. There are other waivers on the street and they are looking at a near-term LID where the costs can be financed over time.

Councilor Currier said the Council previously voted to do away with waivers of remonstrance and the City would collect funds from the property owners at the time of annexation and put the money in the bank to pay for the improvements at the time of development. He said that he does not believe it to be less than a year ago that there was a resolution. Mr. Brierley said that the resolution refers to improvements required as conditions of development. It does not specifically talk about annexations. **Mr. Brierley** said he will provide a copy of the resolution to the Council.

Councilor Andrews addressed the Council requiring property owners to sign a waiver of remonstrance and that not being a part of the Ordinance. **Mr. Brierley** said the findings are incorporated by reference into the ordinance.

Council President Larson closed the public hearing. Discussion was held concerning amendments. The applicants have chosen not to appear.

MOTION: Soppe/Andrews to read **Ordinance No. 2003-2594** annexing property located at 1201 N. Main, 1203-B and 1203-C N. Main, and 1303 N. Main, Yamhill County Tax Lot 3218CA-100, 33218CA-101 3218CA-300, and withdrawing it from the Newberg Rural Fire Protection District by title only.

AMENDMENT TO MOTION: Soppe/Pugsley to add a paragraph 5(d) to the ordinance stating that the applicants will record a waiver of remonstrance for future collector street improvements to N. Main Street fronting the site. (Unanimous). Motion carried.

ROLL CALL ON MOTION AS AMENDED: (Unanimous). Motion carried.

MOTION: Soppe/McBride to approve **Resolution No. 2003-2469** setting a date for a vote to annex the property located at 1201 N. Main, 1203-B and 1203-C N. Main, and 1303 N. Main, Yamhill County Tax Lot 3218CA-100, 33218CA-101 3218CA-300. (Unanimous). Motion carried.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

None.

VIII. NEW BUSINESS

1. **Resolution No. 2003-2468** authorizing the City Manager to enter into a contract with Kizer Excavating, Inc. for the construction of the College and Meridian Streets Sanitary Sewer Replacement Project in the amount of $159,099.75.

Dan Danicic, City Engineer, presented the staff report which addressed the condition of the pipes. Some of them were built in the 1920's. They are starting to fall apart and fail. The original project was from Sixth Street to College Street, but they noticed a similar problem on Meridian Street. They received 4 bids from $159,000 to $249,000. They have worked with Kizer Excavating for a number of years.

Councilor McBride said there appears to be a wider margin than anticipated in the bids due to the slow market. Discussion was held concerning comparison of bids. Financially, the total project cost is estimated at $192,000 budget.

Councilor Soppe addressed the bid for the College Street project and that it is more than the amount budgeted for the project. **Mr. Danicic** said the cost of the project in the budget was an estimate. **City Manager Bennett** said that sewer projects are always estimates. The miscellaneous sewer fund is set up to allow for adjustments to project costs.

MOTION: Pugsley/Soppe to approve **Resolution No. 2003-2468** authorizing the City Manager to enter into a contract for the construction of the College and Meridian Streets Sanitary Sewer Replacement Project in the amount of $159,099.75. (Unanimous) Motion carried.

Tape 2 - Side 1:

2. **Resolution No. 2003-2470** authorizing the City Manager to enter into an intergovernmental agreement for the City of Newberg with Chehalem Park & Recreation District (CPRD) to implement $178,830.00 federal grant for the renovation of future Community Cultural Center (old Central School).

Barton Brierley, City Planner, presented the staff report. As with previous grants, the City would be acting as a pass-through agency and the actual work will be done by CPRD. CPRD will be required to meet the terms and conditions of the grant, etc. CPRD would hold the City harmless. Discussion was held concerning transferring the money to CPRD. They review and approve the bills and give CPRD a draw down. **Kathy Tri, Finance Director,** provided background information.

Councilor Soppe said the Budget Committee and the Council approved a budget that included recovering the City's administrative expenses from CPRD and this does not seem to be in the agreement. **City Manager Bennett** said the amount was$5500 and included both audit and administrative costs to the City. The agreement does address the audit.

Councilor Currier suggested that the intergovernmental agreement be amended to include the administrative costs. Discussion was held concerning CPRD's review and initial approval. **Mr.**

Bennett said that both the City and CPRD have to approve the agreement.

Councilor Soppe said we can add the text into the agreement and see if CPRD would find it acceptable. Discussion was held concerning the fact that CPRD has board members on the Budget Committee.

MOTION: Andrews/Currier to approve **Resolution No. 2003-2470** authorizing the City Manager to enter into an intergovernmental agreement for the City of Newberg with Chehalem Park & Recreation District for the implementation of federal grant funds ($178,830) for the partial renovation of the former Central School for a future Community Cultural Center. (Unanimous) Motion carried.

3. **Resolution No. 2003-2472** authorizing the Collective Bargaining Agreement between the City of Newberg and the Police Union.

City Manager Bennett reviewed the provisions of the Collective Bargaining Agreement between the City of Newberg and the Police Union. The contract is retroactive in some parts to July 1st and October 1st respectively. Finance Director Kathy Tri, Chief of Police Bob Tardiff and City Attorney Terry Mahr met with the Police Union representatives. **Kathy Tri, Finance Director,** said they agreed to go to a different health plan for significant savings to the City. They did adjust the salaries based on a market analysis. They added certification pay for the dispatchers. The detectives will receive a 5% increase. One of the major changes was a holiday bank. Discussion was held concerning the holiday bank and the savings to the City. In the long term, it benefits the City. They changed the sick leave incentive program. They started the program to try and discourage employees calling in sick when they ran out of vacation. It is easier to administer now. **Chief Tardiff** said they were pleased there were no management and operational changes. It was mostly financial. Kathy Tri took the lead on this and did a great job.

Councilor Pugsley asked about the impacts of the agreement on the budget. **Ms. Tri** said there were mainly changes to the health insurance plan, cost of living adjustments, and salaries base upon a market analysis. The impact is not all that much due to the health care savings applied. **Mr. Bennett** expressed his thanks to Chief Tardiff, Ms. Tri and the City Attorney for saving the City money in the negotiation process. The agreement has been approved and ratified by the Union. He said the resolution authorizes the City Manager to work out any language issues which may still be out there. This is the agreement and they cannot change it without taking it back to the union. However, he can negotiate non-substantive issues.

MOTION: Currier/McBride to approve **Resolution No. 2003-2472** authorizing the City Manager to sign the Collective Bargaining Agreement between the City of Newberg and the Office & Professional Employees International Union Local #11 covering the period from July 1, 2003, through June 30, 2007. (Unanimous). Motion carried.

IX. EXECUTIVE SESSION

None.

X. ADJOURNMENT

MOTION: Currier/Soppe to adjourn at 8:50 p.m. Motion carried.

ADOPTED by the Newberg City Council this 17th day of November, 2003.

James H. Bennett, City Recorder

ATTEST by the Council President this 21st day of November, 2003.

Bob Larson, Council President