MINUTES OF THE NEWBERG CITY COUNCIL
DECEMBER 15, 2003
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Stewart called the meeting to order.

II. ROLL CALL

Roger Currier
Mike McBride
Robert Soppe
Bob Andrews
Doug Pugsley

Absent: Bob Larson

Others Present:

James H. Bennett, City Manager
Terrence D. Mahr, City Attorney
Robert Tardiff, Police Chief
Dan Danicic, City Engineer

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. Last weekend's open house had a projected goal of $1,200 but actually netted $1,353 and more is anticipated. Ms. Adams thanked Bob Stewart, Terry Mahr, Kathy Tri Mike McBride and Robert Soppe for attending the event. 86 people attended the open house. At the open house, 5 additional bricks were sold. They have a membership base of 30. The fund total is now $97,657.31 which does not include November expenses or November interest. They need approximately $2,340 to reach the goal of $100,000. The next general meeting is Thursday, December 18, 2003 at 7:00 p.m. They will be raffling off goodies and a large teddy bear. Ms. Adams showed the final plans for the animal shelter. Discussion was held concerning barbed wire not allowed within City limits. The staff will check into what is appropriate. The 16 individual stations will serve future needs. They presently have 6 kennels. The mechanical/electrical engineers are working on the final costs. Ms. Adams said that she is looking at a total cost of $200,000 and has received in-kind donations of labor and materials. They are looking at grants to help fund the shelter. The City has agreed to allow David Beam to help write grants.

Leslie Lewis, County Commissioner, 535 E. Fifth Street, McMinnville, Oregon, congratulated Mayor Stewart on his birthday and wished the Mayor and Council a Merry Christmas.

V. CONSENT CALENDAR

1. Motion to fill vacancies on the Citizen Rate Review Committee with the most qualified candidate:
   Lou Larson
   David Maben

MOTION: Currier/Pugsley (Unanimous). (Motion carried.)

Ms. Katherine Tri, Finance Director, said she needed to fill a vacancy on the Citizens Rate Review Committee. She is asking the Council to talk with people in the community to see if they are interested in serving on the committee..

VI. PUBLIC HEARING

None.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

None.

VIII. NEW BUSINESS

1. **Resolution No. 2003-2484** amending the Professional Services Agreement with Kleinfelder, Inc. for the Newberg Site Demolition and Environmental Cleanup Project in the amount of $32,518.00.

Mr. Dan Danicic, City Engineer, provided a history of the project. The City acquired the property for $1 from Mr. Butler. DEQ determined the clean-up and the City received OEDD funds. They found 4 other tanks that were not discovered in the initial DEQ site inspection. They are looking at an additional risk based site assessment and not eliminating all the contamination on the site and being able to develop the site in the future. There are conditions that can be placed on future development (possibly a passive air flow system) and limiting residential development to the 2nd floor and above. Page 8 shows the original grant and how much money was budgeted for construction, street improvements, contingencies and permitting fees (to DEQ). The current contract with Kleinfelder is for $23,400. The project cost will not rise because the increase in the contract will be offset by reducing the construction contingency. They are seeking an additional $19,000 from OEDD. DEQ is also looking at providing additional funds. There are no guarantees. Contract amendment authorizes the CM to amend the agreement with Kleinfelder.

Mr. Peter Stroud, Kleinfelder, Inc., was available for questions.

Mayor Stewart said the resolution should be "up to" $32,518 rather than "in the amount of" $32,518. The final amount may not be that much.

Councilor Currier was concerned about the growing scope of the project and how much more was to be discovered on the site. Mr. Danicic said they uncovered everything that is out there and the unknowns have been reduced. It does not mean that they will have enough money to finish the project. There is site remediation to be done. The funds are coming out of the grants funds and not the general fund.

Councilor Soppe asked for a plan to solve the contamination problem. What is left to be paid for is the clean-up and this has been accounted for in the original costs. This is an analysis of what actually needs to be done. Before we agreed to take building, was it reasonable that these things were not caught? Does the City have to keep it in the City's hands for any length of time? The City would make the property available for development. There are ways to mitigate unresolved issues.

Councilor Currier addressed methods of dealing with contaminated soils. Any possibility of using bio-remediation to eat up contaminants in the soil? Mr. Danicic said that they would consider that at the time of development.

Mr. Stroud said that bio-remediation can be more expensive. A risk based assessment might recommend no additional hauling and to leave it in place if it does not pose a risk to others.

Mayor Stewart said the dirt is mostly clay and it is more difficult to penetrate. Mr. Stroud said that clay tends to mobilize the migration of the water table. With more rain, it can push contaminants further into the soil.

Councilor Currier asked about the Wells Fargo/Brown & Tarlow buildings. Has the contamination seeped out into the street? Is there some cross-contamination from the site? Mr. Stroud said that they did an assessment on the property to the north (heating oil tank) and, other than that, it was in pretty good shape.

It was suggested that the resolution language be amended to reflect that the amount of the Professional Services Agreement shall not exceed $32,518 and a total contract amount of $55,918.00.

MOTION: Currier/McBride to approve **Resolution No. 2003-2484** amending the Professional Services Agreement with Kleinfelder, Inc. for the Newberg Site Demolition and Environmental Cleanup Project in the amount of $32,518.00 as amended. (Unanimous). Motion carried.

IX. EXECUTIVE SESSION

1. *Executive Session Pursuant to ORS 192.660(1)(H) Relating to Pending Litigation:*

   Mitchell
   BOLI

This item was discussed during the Council work session prior to the meeting. No action was taken.

X. ADJOURNMENT

MOTION: Currier/Soppe to adjourn at 7:30 p.m. (Unanimous). Motion carried.

ADOPTED by the Newberg City Council this 20th day of January, 2004.

J H Bennett

James H. Bennett, City Recorder

ATTEST by the Mayor this 22 day of January, 2004.

Bob Stewart

Bob Stewart, Mayor