

MINUTES OF THE NEWBERG CITY COUNCIL
TUESDAY, JANUARY 21, 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

Bob Andrews (BA)
Bob Larson (BL)
Robert Soppe (RS)

Roger Currier (RC)
Doug Pugsley (DP)

Absent: Mike McBride (MM)

Others Present:

James H. Bennett, City Manager
Terrence D. Mahr, City Attorney
Michael Soderquist, Community Development Director
Barton Brierley, Planning Manager
Katherine Tri, Finance Director

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance as administered.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

City Manager James Bennett presented a Distinguished Budget Award from the Government Financial Officers Association to Katherine Tri, City Finance Director. Mayor Stewart thanked Ms. Tri for her dedication.

V. CONSENT CALENDAR

1. Approve minutes from Regular Council meeting held on December 2, 2002.

MOTION: Currier/Pugsley to approve the minutes from Council meeting held on December 2, 2002. (5 Yes/1 Absent [McBride]. Motion carried.

VI. PUBLIC HEARING

1. Public hearing on adoption of **Ordinance No. 2003-2574** amending the City of Newberg Urban Growth Boundary together with a Comprehensive Plan Change from an un-designated Yamhill County right-of-way to a City of Newberg MDR/SP and MIX/SP Comprehensive Plan Designation. The site includes the Fernwood Road right-of-way from 660 feet each of Springbrook to the eastern City limits boundary.

City Attorney Terrence D. Mahr reviewed the procedures for the quasi-judicial hearing and the criteria contained in the staff report. Testimony must be directed toward the criteria and failure to raise an issue at this Council meeting will bar persons from appealing the matter to LUBA.

Mr. Barton Brierley presented the staff report. He said this was a request to move the urban growth boundary to include the Fernwood Road right-of-way from 660 ft. east of Springbrook Rd. to the eastern city limits boundary. The City could then annex the property and make a request to the County to transfer the road jurisdiction to the City of Newberg. The road would later be developed to City standards. NUAMC previously recommended approval of the application. Discussion was held concerning future curb and sidewalk improvements to the road and how they would be paid by the adjoining property owners.

Councilor Andrews noted that the future development of the Springbrook Oaks property located east of Brutscher would pay for some of the improvements to Fernwood Rd. What are the properties west of Brutscher? Mr. Brierley said that these properties would also participate in the improvements dependent upon the actual development schedule.

Grace Schaad, 31525 NE Dodd Road, Newberg, Oregon, asked if the property owners would be the ones to pay for curbs, etc. How much of the property south of Fernwood Road belongs to the City? Mr. Brierley said none of the property is owned by the City of Newberg. CPRD owns a couple of pieces of property that are outside the UGB. The current plan is to place sidewalks/curbs on the north side and development of the south side improvements would occur later.

Larry Anderson, 3700 E. Fernwood Road, Newberg, Oregon, said the property description is in error because some of the road is already in the UGB. He is a principal owner of the land and is not clear on the ownership of the road right-of-way. Mr. Brierley said the plan would be that the north side of the road would be developed to City standards. The south side would be according to County standards until, and if, there was a decision to urbanize the south side of the road. Mr. Brierley said the property description on the Anderson property says "except the right-of-way to the County road". Mr. Brierley said the roadway is public right-of-way.

Councilor Soppe asked about the portion of the road which is already in the UGB. Discussion was held concerning the legal description of the property in dispute and Mr. Anderson's specific concerns on the property. Mr. Anderson said that he was concerned about the costs associated with development before he is ready to develop his property.

Mike Gougler, MJG Development, 901 N. Brutscher Street, Newberg, Oregon, asked how wide does the City think the Fernwood Road right-of-way is - 40 or 60 feet? Mr. Bennett addressed the

current right-of-way. As improvements occur, the road will be developed as a collector street with a 60 foot right of way. The County mandated that all County roads had 60 foot right-of-ways in 1987. How would Mr. Anderson's property be impacted due to the County's decision for all county roads to be 60 foot right-of-ways ? Mr. Brierley said it will have to be developed to the 60 foot right-of-way. Effectively there could be 5-10 feet of additional right-of-way needed from Mr. Anderson.

Mr. Anderson addressed the 1987 rule change and noted that he did not believe that he was given notice of the change by the County. Mr. Mahr said he will check with the County to address the noticing issues raised by Mr. Anderson.

Mr. Brierley said staff's recommendation was to adopt the Ordinance subject to the legal description being further reviewed and clarified (if needed) to exclude the portion already in the UGB and that the over-view and authorization be delegated to the City Manager.

MOTION: Currier/Soppe moved to table the matter due to the dispute over the right-of-way width (40 feet vs.60 feet), the authority to annex without the owners' approval, and the correctness of the legal description.

Councilor Andrews reviewed the extension of the urban growth boundary and the definition of the boundary to include Fernwood Road and the entire right-of-way? Discussion was held concerning the request to proceed with the first stage of the process.

City Manager Bennett agreed the legal description can be addressed through further clarification. As to the right-of-way, the proposal is to include a 40 foot right-of-way within the City's UGB. Regardless of the County's 60 foot requirement, some of the needed road right-of-way will be outside the UGB. The City will have to cross that bridge at the point of development. The 40 foot right of way is what is being requested. As to the right-of-way, it is owned by the public body to which it is dedicated - not an issue of the land being put in the UGB without the consent of the owner.

Councilor Currier said the UGB amendment is a shadow of the annexation. He is not sure in this case due to the location of the property s to who would actually vote on the annexation.

Councilor Soppe said there was plenty of time to resolve the annexation/ownership issue and suggested proceeding with the UGB amendment as he was comfortable with the clarifications that have been discussed.

Councilor Currier called for the question on the motion.

VOTE ON MOTION: (5 No/1 Absent [McBride]. Motion failed.

MOTION: Soppe/Larson to approve, subject to City Attorney Mahr's clarification of the actual legal description of the property in question, **Ordinance No. 2003-2574** amending the City of Newberg Urban Growth Boundary together with a Comprehensive Plan Change from an un-

designated Yamhill County right-of-way to a City of Newberg MDR/SP and MIX/SP Comprehensive Plan Designation. The site includes the Fernwood Road right-of-way from 660 feet each of Springbrook to the eastern City limits boundary. (5 Yes/1 Absent [McBride]. Motion carried.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

1. Update on the Storm Water Management Fee.

Ms. Katherine Tri, Finance Director, and Mike Soderquist, Community Development Director, presented the staff report. The proceeds of the funds received would be used for storm water system repairs and maintenance throughout the city. The Drainage Master Plan includes existing problems, such as problem flooding areas. Public meetings have been held on the proposed fee. The Chamber has initiated a task force to review the fee. There is an additional public forum on February 11th inviting all the rate payers that receive the notice. Staff will report to the Council on the 18th for further direction. Discussion was held concerning the residences surveyed (81 residences).

Councilor Currier reviewed the income that would be raised from the fee of \$536,000. The Council also adopted storm drain system development charges. Discussion was held concerning a "sunset clause" and how the Rate Review Committee will review the revenue requirements. Further discussion was held concerning the proposal to raise storm water fees and the average a single-family home would pay.

Tape 1- Side 2:

VIII. NEW BUSINESS

1. Appointment of Budget Committee Members (4 needed)

Ernie Amundson	Sally Dallas
Donna McCain	Bart Rierison
Ronald Staples	Lon Wall

Ms. Katherine Tri reviewed the vacancies on the Budget Committee. Discussion was held concerning the nomination procedure, term limits and expiration dates.

Ernie Amundson, resident of Newberg for 38 years, member of Citizens Rate Review Committee.

Donna McCain, former Council and Budget Committee member, said she has experience in the areas of finance and budgeting and she would like to see continuity. She would be pleased to serve.

Ronald Staples, 1100 N. Meridian Street, Newberg, resident of Newberg since 1955 served on Chehalem Park and Recreation Board. He is available and has time to devote to the tasks required.

Sally Dallas, has owned and lived here for the past 6 years. She would like to give back to the community.

Bart Rierson, former Planning Commission and Newberg Urban Area Management Committee (NUAMC) member, feels the budget committee position is important to the citizens. He is a finance officer for a tool company.

Lon Wall, said that he has run a successful business for 29 years. He has also been a Planning Commission member and would like to continue to serve the community.

2-3 year spots

2 - one year spots

Position 1 - 3 Year Term:

Puglsey/Larson to nominate Donna McCain (2 votes)

Currier/Soppe to nominate Lon Wall (3 votes)

Mayor Stewart declared that Lon Wall was appointed to Position 1 for a 3 year term.

Position 2 of 3 Year Term:

Soppe/Puglsey to nominated Donna McCain

Currier/ nominated Bart Rierson (nomination failed for lack of second)

Andrews/ nominated Sally Dallas (nomination failed for lack of second)

Mayor Stewart declared that Donna McCain was appointed to Position 2 for a 3 year term.

Position 1 - 2 Year Term:

Andrews/Pugsley nominated Sally Dallas (2 votes)

Soppe/Currier nominated Bart Rierson (3 votes)

Mayor Stewart declared that Bart Rierson was appointed to Position 1 for a 2 year term.

Position 2 - 2 Year Term:

Larson/Andrews nominated Sally Dallas (4 votes)

Currier/Soppe nominated to Ernie Amundson (1 vote)

Mayor Stewart declared that Sally Dallas was appointed to Position 2 for a 2 year term.

Ms. Tri said there were positions still available on the Rate Review Committee.

2. Appointment of Finance Committee Members

Council members: Bob Larson Doug Pugsley

Citizen members: Donna McCain Rebecka Ratcliffe

Ms. Tri said Donna McCain would like to continue as a citizen member. Discussion was held concerning the attendance by the Chair/Vice Chair at the quarterly budget meetings and at other various meetings throughout the year. Discussion was held concerning a Council member being a chair or vice chair previous appointment procedures. Discussion was held concerning citizen involvement.

Councilor Soppe inquired about posting the vacancy. The vacancies were not posted because the Finance Committee is a standing committee of the Council.

MOTION: Currier/Soppe moved to appoint Bob Larson, Doug Pugsley, Donna McCain and Rebecka Ratcliffe to the Finance Committee, to invite Ernie Amundson and Ronald Staples to serve on the Finance Committee, to increase the membership of the Finance Committee from 4 to 7 and to require the Chair or Vic-Chair to attend the meetings of the Budget Committee. (5 Yes/1 Absent [McBride]). Motion carried.

3. **Resolution No. 2003-2418** authorizing 1201, 1203 and 1303 North Main Street to connect to the City's water system.

Ms. Tri reviewed the staff report and the North Main Water District. The district water line which serves the subject properties on N. Main St. is leaking. This line parallels the city's water line. The district has asked that the properties be allowed to connect on to the City line (some properties are in the city and some are not inside the city). In November their usage was 30,000 cubic feet. This is a problem water line. They would like to have the matter resolved by the end of January (installing meters and making connections - with a 5-year financing program). Discussion was held concerning the leakage and that the properties would have to apply for annexation upon receiving City water.

Councilor Soppe asked how many properties in the water district are outside the City limits. Ms. Tri said there were three with a cost of \$2400 per connection to the City.

Councilor Andrews discussed the applying for annexation requirement and asked for clarification as to which parcels were already on city sewer (1303 N. Main).

Councilor Currier urged the passage of this resolution which would lead to eventual annexation of the properties and the ability to include them within an LID for curb, gutter, sidewalk improvements.

MOTION: Currier/Pugsley to adopt **Resolution No. 2003-2418** granting a hardship exception to 1201, 1203 and 1303 North Main Street for connection to the City's water system. (5 Yes/1 Absent [McBride]). Motion carried.

4. **Resolution No. 2003-2420** authorizing the City Manager to enter into a contract agreement with Accela, Inc. for Automated Permit Center Software Licensing, Implementation and Training.

Mr. Barton Brierley reviewed the staff report for permit center software system. The City set aside money in the permit fees to purchase a system. The recommendation is to go with Accela, Inc. which will provide planning, building, engineering and code enforcement software. The price is \$69,243 and fits into the budget of \$70,000.00. They did quite a bit of negotiation to get the package. They cut out extras in the program which were not needed. There is an annual maintenance fee of \$8,600. There are additional software modules that can be purchased separately. Discussion was held concerning whether a contractor can get a progress report on a project without having to contact the City directly. Mr. Brierley said that was an extra that was not included in the project. Councilor Currier appreciated the analysis of the proposals received. The cities of McMinnville, Forest Grove and Beaverton are using the software.

Councilor Soppe addressed the ability to have outside access to the system after the initial installation. This option would cost \$20-25,000. Discussion was held concerning the Microsoft Sequel database that can handle large quantities of information.

Councilor Currier addressed the RFP for the software. Mr. Brierley said the RFP outlined the total costs of the software, installation and maintenance. He reviewed the \$12,100 cost and the estimated 4 trips for installation and training on site for the implementation, design review, document systems, setting up forms, etc. Discussion was held concerning justifying costs. Mr. Bennett reviewed the cost and travel expenses referenced in the standard contract. The exceptions in the contract do not include travel expenses or any add-on expenses. Discussion was held concerning consultant hourly charges.

City Attorney Mahr reviewed the contract and license agreement and said he would recommend delegating the authority to the City Manager to negotiate the contract and to break off negotiations if warranted

Councilor Andrews referenced the maintenance charges and asked if they are annual (yes). Discussion was held concerning the charges for maintenance.

Tape 2- Side 1:

Councilor Soppe reviewed the costs for installation and maintenance and asked that these be looked at during the negotiations to see if there are any cost savings that can be found. Mr. Bennett said the contract is based upon a "not to exceed" amount.

Councilor Larson addressed the Council's prior comments concerning additional work done that is not covered by the quoted charges. Discussion was held concerning City staff working more closely with the contracts involving "not to exceed" amounts. It is contractor's responsibility to monitor and tell us if we are about to exceed or not exceed a certain amount. Mr. Mahr reviewed the public contracting laws not allowing the City to go over a certain amount. Mr. Brierley said there were not set amounts and would recommend the City Manager to tie down the costs. Discussion was held concerning the history of the implementation/installation/maintenance, etc. in other cities: Forest Grove (2 years); McMinnville (7-8 years). They were all happy with the software. Mr. Brierley said it will be about 4 months to get running and about a year to be fully functional.

MOTION: Pugsley/Soppe to approve **Resolution No. 2003-2420** authorizing the City Manager to negotiate and enter into a contract agreement with Accela, Inc. for Automated Permit Center Software Licensing, Implementation and Training, with review by the City Attorney. (5 Yes/1 Absent [McBride]). Motion carried.

Councilor Andrews said as a practical matter was there any type of incentive for being under budget or sanctions for being over-budget? Mr. Bennett said there are sanctions and standard contract language (liquidated damages) pertaining to such issues. Mr. Mahr said, if it costs the City and they do not meet their schedule, there could be damages.

Councilor Soppe said that software training should not be cut short and staff should acquire extensive training.

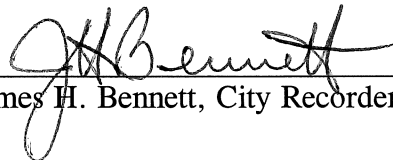
Mayor Stewart asked if we are going to continue with the other program until the new one is up and functioning. Mr. Brierley agreed that they would maintain the existing system. Mr. Mahr said this is a contract for \$69,000. Formal bids are required under the city's public contracting ordinance for all contracts over \$35,000. The City may want to raise this amount in considering future contracts.

IX. EXECUTIVE SESSION

1. *Executive Session Pursuant to ORS 192.660(1)(h) relating to Pending Litigation.*

X. ADJOURNMENT

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



James H. Bennett, City Recorder

ATTEST by the Mayor this 25 day of March, 2003.



Bob Stewart, Mayor