

**MINUTES OF THE NEWBERG CITY COUNCIL  
AUGUST 4, 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  
Roger Currier  
Doug Pugsley**

**Mike McBride  
Bob Larson  
Robert Soppe**

**Others Present:**

**James H. Bennett, City Manager  
Terrence D. Mahr, City Attorney  
Michael Soderquist, Community Development Director  
Dan Danicic, City Engineer**

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**PUBLIC MEETING SECTION**

**IV. PUBLIC COMMENTS**

**Roger Grahn, 23287 LaSalle, Sherwood, Oregon**, reviewed a request he made for council action concerning annexation procedures. He felt at the time it appeared to be an attack on the annexation policies of the city. He still has the same problem. He cannot submit a detailed conceptual plan because he does not know what will be developed on the property. After the property is annexed, the system works when the detailed plan is submitted for a design review. Anything submitted has to be permitted in an industrial zone and is subject to the same traffic, infrastructure requirements, etc. He thought staff did a good job of putting forth the detail stuff. No one is talking about changing the voter requirements, but he is challenging on how to get from here to there with the existing procedures. Unless the Council would consider some revisions, his only recourse is to submit a plan that states it is subject to change or to challenge the requirement through legal action. In residential and commercial designations, it is also redundant.

**Councilor Currier** asked: when the vote for annexation by the people was passed, didn't the ballot language include the conceptual plan requirement? Logically, any changes would be up to the voters.

**City Attorney Mahr** said the initiative process provided for an explanation of the voter annexation law. **Mr. Grahn** is talking about the policy that was developed administratively after the matter was approved by the voters. This policy was established as part of the implementation of the voter annexation law.

## V. CONSENT CALENDAR

None.

## VI. PUBLIC HEARING

1. Public Hearing on **Ordinance No. 2003-2587** establishing the final assessments for the west North Street LID.

**Dan Danicic, City Engineer**, presented the staff report. In April 2001, residents requested an LID to pave a portion of North Street and make related improvements. The Council established the LID in October 2001 by Resolution 2001-2555. The cost is less than the estimated preliminary engineer's report so the assessments are slightly lower. A table of the proposed assessments is included in the staff report. Notice was given to the property owners. As of this afternoon, no objections to the proposed assessments were received. The next step, if approved by the Council, will be to contact the property owners to arrange for payment or financing for their assessments.

**Councilor Pugsley** asked about one of the properties not having a sidewalk assessment. Staff responded that, prior to the LID assessment, they did have a sidewalk. Now they do not.

**Councilor Soppe** asked for clarification of the single contractor bidding process and award. **Mr. Danicic** said the construction costs are a major portion of the costs.

**Councilor Andrews** said that the notice requires payment within 30 days after notice of assessment is received or application to make installment payments within 10 days of the notice. It doesn't say whether the 10 days is from the date mailed or the date received. **City Manager Bennett** said the property owner has a choice. Discussion was held concerning proof of mailing (certified mailing - return receipt requested). Discussion was further held concerning the time limit being from the date mailed and not from the date received. **Mr. Bennett** said this is important because people may refuse to accept certified.

**Councilor McBride** asked what had changed to reduce the final assessments by \$13,000+?. **Mr. Danicic** said the estimated LID costs with contingency were a little on the high side. **Councilor McBride** continued by asking, when people set up a payment schedule, how binding is it? Is the assessment paid off when the property is sold at a later time? **City Attorney Mahr** said it is placed as a lien on the property, but this type of lien is not "due on sale". Most lenders need to be in first place and will generally pay off the assessment at the time of transfer, unless it is transferred through a private party.

**Councilor Currier** asked for consensus of the Council to revisit ordinance if the time frame for payment becomes an issue in the future. Discussion was held concerning allowing the property owners a little more time than normal.

**MOTION: Larson/Andrews to read Ordinance No. 2003-2587 by title only establishing the final assessments for the west North Street LID.**

**Mr. Mahr** said the notice identified the date of the hearing as “Tuesday,” August 4<sup>th</sup> when it should have read “Monday”. To approve the ordinance, Council would need to adopt an additional finding addressing this error .

**Linda Newton-Curtis 508 North Grant Street, Newberg, Oregon** said she phoned specifically to find out when the meeting was to take place. She wanted to find out about the flooding at the intersection of Main and North Streets,

**Mr. Dan Danicic** said the flooding at W. Main and North Street was cause by a drain that was in need of repair. Since it has been corrected, they have not seen any problems. However, they will be monitoring the area and correct any problems that arise. Mr. Danicic said it will be the City’s responsibility to correct the problem. The City engineered the system.

Discussion was held concerning the error in the notice.

**Mr. Bennett** suggested tabling the hearing to the first available meeting that meets noticing requirements.

**MOTION: Pugsley/Andrews to table the matter to the first available meeting that meets noticing requirements. (Unanimous). Motion carried.**

### **BUSINESS MEETING SECTION**

#### **VII. CONTINUED BUSINESS**

None.

#### **VIII. NEW BUSINESS**

1. Adopt **Resolution No. 2003-2459** authorizing the City Manager to enter into a construction contract with Brownfield Environmental Construction, LLC for the Newberg Site Demolition and Environmental Cleanup Project in the amount of \$160,759.58 - (Butler Building Contract Award).

**Dan Danicic, City Engineer**, presented the staff report. The City received two bids. The contractors were pre-qualified and they attended a review of the project. They recommend award to Brownfield Environmental Construction, LLC.

**Councilor Currier** asked some time ago when did the Council say to demolish the building. He remembers the clean-up of the environmental contamination. **Mr. Bennett** said the original resolution that approved the grant to do the work clearly stated that demolition of the building was part of the over-all project.

**Councilor Larson** asked, once the building is removed, what is the cost of the contamination removal and clean-up of the soil? **Mr. Danicic** said it would be remediated and removed. The bids were submitted on a unit basis. They will be getting the services of a consultant to see if anything else needs to be done.

**Councilor Andrews** said the amount they had to deal with was \$189,500 which is funded by a block grant and the City has other funds identified in page 8 of the staff report to pay for the additional expenditures. The total cost is more than just the bid. It is in the budget.

**Councilor Soppe** said the project includes removal of the building and any contaminated soil and these costs will be borne by the contractor. If it follows what we have expected there will be no additional costs to the City.

**Councilor Currier** said the speculative clean-up proposal was based on the condition of the ground and the estimate was a medium amount to do more clean-up if needed.

**Councilor McBride** asked how long is the time frame for clean-up. **Mr. Danicic** said it was 4 months. **Councilor McBride** said there are liquidated damages of \$250 per day beyond the contracted term. Discussion was held concerning standard sanctions

**Councilor Andrews** asked for clarification of the demolition costs and any additional costs.

**MOTION: Larson/McBride to adopt Resolution No. 2003-2459** authorizing the City Manager to enter into a construction contract with Brownfield Environmental Construction, LLC for the Newberg Site Demolition and Environmental Cleanup Project in the amount of \$160,759.58 - (Butler Building Contract Award).(Unanimous) Motion carried.

2. Adopt **Resolution No. 2003-2460** approving the Police Union Contract.

**Mayor Stewart** announced that the Council has pulled the matter from the agenda to be discussed at a later time.

## **IX. EXECUTIVE SESSION**

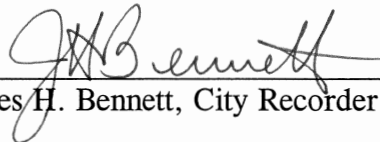
1. Executive Session Pursuant to ORS 192.660(1)(i) Relating to Review of Municipal Judges.

The executive session was held during the Council's work session.

X. ADJOURNMENT

**MOTION: Currier/Andrews to adjourn at 7:40 p.m. (Unanimous) Motion carried.**

ADOPTED by the Newberg City Council this 2<sup>nd</sup> day of September, 2003.

  
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James H. Bennett, City Recorder

ATTEST by the Council President this 15<sup>th</sup> day of September, 2003.

  
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Bob Larson, Council President