MINUTES CITY OF NEWBERG
AUGUST 18, 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 **Bob Larson**
Doug Pugsley **Robert Soppe**

Absent: Mike McBride

Others Present:

James H. Bennett, City Manager
Terrence D. Mahr, City Attorney
Katherine Tri, Finance Director
Dan Danicic, City Engineer
John Lindstrom, Building Official

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Darlyn Adams, 131 Johanna Court, Newberg, Oregon. The parade entry won honorable mention. Fund balance is $91,734.00. The bricks have raised $3,900 and donation containers $6,140.00. She thanked the public for helping. There is a spaghetti feed next month to support the animal shelter building fund.

Virginia Jungwirth, 410 S. School Street, Newberg, Oregon , presented photographs to the Council. She read a statement. About 6 years ago, Tricia Day and her three children moved into a house with dogs that bark. The dogs bark at any movement on the street. She called the police late at night - the owner was outside. The owners allow the dog to go outside every morning at 5:30 a.m. She is in the process of selling a house near there. The dog is getting out of the property a couple of times a day. She said she asked the owner to get a barking collar. The dog control officer was called and the owner was confronted. She said the dog's house has lots of visitors (day, night and into the morning). Some people come and go within minutes. She questioned what is going to happen with these dog complaints. She is asking what the Council can do to step in. She addressed problems with insurance cancellation on adjacent properties. Four families were in attendance to provide support.

1. Marketing Strategy Report from Chamber of Commerce

Ms. Ann Dolan, Newberg Area Chamber of Commerce, announced that the Harvest Festival was scheduled for next month - Saturday, September 13, 2003 and will feature an upscale wine and food pavilion with exhibits.

Ms. Dolan also presented the marketing strategy report. They are looking at an idea that is more inclusive of a larger area than the Newberg area to strengthen their economic base and have more businesses work together.

Ms. Dolan introduced **Jeff Palmer**, Chamber Board member and Chair of the Marketing Committee, and **Cindy Roberson**, Dundee City Councilor and Chamber Board member. **Mr. Palmer** reviewed the marketing presentation made to the Chamber Board:

- Research and develop a comprehensive marketing plan
- Work with local government
- Tell a positive story about the area's past
- Change the name of the Chamber to Chehalem Valley Chamber of Commerce
- Relocate the Chamber offices
- Plan marketing activities for the next 6-12 months:
    - Develop a logo and collateral materials
    - Develop a promotional piece
    - Erect markets at key points in the Chehalem Valley
    - Develop their website
- Research marker locations at:
    - N99W - Rex Hill
    - S99W - SW Dundee
    - E-219 St. Paul Hwy.

Mr. Palmer said it is the Chamber's intent to adopt the new marketing plan. **Ms. Dolan** said it was a 53% to 47% in favor. The final tabulations have not been completed.

Councilor Pugsley addressed the future planning of outlying areas and that it is a natural progression to expand the base.

Mr. Palmer said that a more centered district involving a greater number of communities will promote the features of the general area rather than compete with outlying areas.

Councilor Soppe asked about the percentage of Newberg based businesses **Ms. Dolan** said that probably 2/3 are Newberg proper and the remainder would be outside Newberg. **Ms. Roberson** said there were about 15 outside, but this is comparable to the constituency of the Chamber as a whole.

Mr. Palmer said that identifying the area as the "Valley of the Flowers (Chehalem)" is a great way to enhance the area.

V. **CONSENT CALENDAR**

1. Approve minutes from Regular Council meeting held on July 7, 2001.

2. Approve sound permit application for Underground Coffee House for the George Fox Freshman Orientation Concert, August 29, 2003.

MOTION: Councilor Larson//Pugsleyto approve the consent calendar. Motion carried. (5 Yes/1 Absent [McBride]. Motion carried.

VI. **PUBLIC HEARING**

1. Adopt **Ordinance No. 2003-2588** authorizing a parking time limit modification for the Blaine Street parking lot in order to limit parking to a 12-hour maximum.

There were no conflicts of interest, abstentions or objections to jurisdiction.

Dan Danicic, City Engineer, presented the staff report. Discussion was held concerning parking enforcement and the 12-hour rule.

Councilor Larson asked about the enforcement procedure. Is there a ticket/fine of some kind? **Mr. Danicic** said there is a fine already set by the City Code. **City Attorney Mahr** said they would chalk the tires to see if the vehicle was moved and appropriate citing would occur. Enforcement is complaint driven. The vehicle can be towed if it is not removed after being cited.

Councilor Andrews said in relation to the core area, what is the parking limit today? **Mr. Danicic** said some parts are 2 hours and some have a 15-minute time limit. There are some areas that are not regulated. If the intent is for shopping customers, why 12 hour parking and not a 2 hour parking? Discussion was held concerning the hours of operation of the library not exceeding 12 hours. Discussion was also held concerning enforcement and that there is not a dedicated person to enforce parking. Hancock Street parking had a 2-hour limit but with no enforcement. People parked in the spaces all day. The parking lot can be for local area workers.

Councilor Currier said the idea was to replace the Hancock Street parking that was eliminated. Then signage could not be placed until the lot was owned by the city. Discussion was held concerning cars and RV's parked there. With the 12-hour limit, there is a lot of leniency to allow for parking during work hours, but not for permanent parking or for "sale" vehicles. It is not just intended for customers but a mix.

Councilor Soppe addressed vehicles being parked there going over 24 hours. **Mr. Danicic** said that they just received ownership of the lot and no enforcement has been made yet. Discussion was held concerning just changing the original ordinance to allow for 12 hours rather than 24 hours. Discussion was held concerning people parking their vehicles there for a long time.

Councilor Currier addressed the parking lot being accessible for residents of the upstairs rental properties. It was to be restriped and redesignated.

Councilor Soppe asked if there was any way to determine that the vehicles have been moved within the 12-hour time frame. **Mr. Danicic** said they could chalk the tires with the date/time.

Discussion was held concerning recommendations. What are we doing with the current situation and posting requirements? Discussion was held concerning derelict vehicles an abuse of parking in the Second Street lot.

City Manager Bennett said there are always cars in the lot (24 hours a day) (some resident and some business vehicles). Is there a difference between the problems with the 2 nd Street lot and the new Blaine Street lot? **Mr. Danicic** said they have observed the issues with the 2nd Street lot and dealt with the apartments on Second Street. There have been numerous complaints from the Blaine and Hancock Street lot and not at the 2nd Street lot.

Councilor Soppe addressed the number of hours and not necessarily the enforcement. He does not have an objection to 12 hours and feels that 12 hours is reasonable enough.

Councilor Andrews said the current ordinance allows the Council to specify the time limits for a parking stall providing it does not exceed 24 hours. He would vote no on the proposed ordinance and then move the Council to adopt time limits for the parking stalls. **Mr. Mahr** said that it can be done by resolution.

Councilor Currier called for the question. **Mr. Mahr** read the ordinance by title only.

MOTION: Larson/Currier to read by title only **Ordinance No. 2003-2588** authorizing a parking time limit modification for the Blaine Street parking lot in order to limit parking to a 12-hour maximum. (3 Yes/2 No/1 Absent [McBride]). Motion failed due to lack of majority of the Council being in favor of the motion.

Discussion was held concerning posting new parking lot signs.

MOTION: Andrews/Currier moved that a time limit of 12 hours be placed on the parking stalls in the Blaine and Hancock parking lot and that appropriate signage be placed on the parking lot (5 Yes/1 Absent [McBride]). Motion carried.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

1. Discussion on **Resolution No. 2003-2460** approving the Police Union Contract.

Mayor Stewart said that this item has been pulled from the agenda.

VIII. NEW BUSINESS

1. Discussion on Council President appointment.

MOTION: Andrews/Pugsley to make the next Council President term expire on December 31, 2004. (4 Yes/1 No [Soppe]/1 Absent [McBride]). Motion carried.

MOTION: Soppe/Andrews to appoint Bob Larson to the position of Council President. (5 Yes/1Absent [McBride]). Motion carried.

2. Discussion of HB 2356 relating to the condemnation over electric utility property - request from Portland General Electric Company.

Discussion was held concerning a people's utility district (PUD) in Yamhill County to be placed on the ballot next year. It is important that the Council become aware of it.

Councilor Larson said that if the PUD is formed, it could cause some PGE property to be publicly owned or condemned by the district.

City Manager Bennett said the petition is a process being repeated in other counties presently served by PGE. The idea being that the whole area currently served would at some point become a publicly owned utility by the people's utility district. The City of Portland is considering whether condemnation is something that they want to pursue in their own interests to ensure the solvency of PGE. The bill before them is a house bill which would prevent the City of Portland from condemning PGE. It passed the house and is now before the Senate.

City Attorney Mahr reviewed the condemnation process. He said they would have to pay just compensation for the property. Where is the money coming from to pay for the PUD? Discussion said it would come through revenue bonds backed by the utility rates. The utility district would do the bonding and do the revenue sourcing. The district would own the property similar to the park district and the school district. Discussion was held concerning future work sessions to discuss the issue. It would be a council work session and not necessarily a public forum. **Mr. Bennett** said they have information which they can provide copies of for the Council to be better informed. **Mayor Stewart** said the City Club had received a similar presentation . **Mr. Bennett** said it would be a county wide vote.

3. Adopt **Resolution No. 2003-2461** authorizing the City Manager to award the contract for the Wastewater Treatment Plant Headworks Retrofit and Composter Odor Control Project to Slayden Construction, Inc. in the amount of $2,258,000.00.

Dan Danicic, City Engineer, presented the staff report. **Paul Chiu, Senior Engineer,** was in attendance to answer questions. The City received 8 bids. The low bid was submitted by Slayden Construction which has other projects that have come in on time and within budget. The overall project cost is $2.7 million.

Councilor Andrews reviewed the bids for the projects. Exhibit B is the indication of the overall budget of the entire project. It appears that the City is saving about $446,000 in expenses. **Mr. Danicic** said they are getting pretty close in breaking even on the projects.

Councilor Currier said that he has a rough time with $35,000 for consultant services to make sure the building is constructed properly. DEQ has oversight and requires certification by the design engineer. The amendment will be presented at a later time, but the amount is already included in the total cost presented. The actual construction phase is about $18,000. Does the $2,258,000 does not include anything but the construction costs?

Councilor Soppe said he realized the two projects were bid together, but he was concerned that two of the bids were $160,000 to $190,000 less for the Headworks project than the successful bidder. He asked, if we had split it up, would it save money? **Mr. Danicic** said there would be two mobilization costs and the conflict of two contractors working on the same site. Discussion was held concerning mobilization costs. **Mr. Danicic** said he was not sure how much. Some contractors will add a little up front to get the cash flow going. It does figure in the overall bid.

MOTION: Larson/Pugsley to adopt **Resolution No. 2003-2461** authorizing the City Manager to award the contract for the Wastewater Treatment Plant Headworks Retrofit and Composter Odor Control Project to Slayden Construction, Inc. in the amount of $2,258,000.00. (5 Yes/1 Absent [McBride]. Motion carried.

Councilor Currier stated he would have appreciated a full cost answer. With possible amendments coming up, it seems that we go through rhetoric and chase down numbers strewn out over a long period of time. Discussion was held concerning project estimates.

4. Adopt **Resolution No. 2003-2462** authorizing the City Manager to award the contract for the College Street Sanitary Sewer Improvement Project to K&R Plumbing Construction Co., Inc. in the amount of $797,795.00.

Dan Danicic, City Engineer, presented the staff report. The River Street Sewer continuation on to College Street is the issue. The design was done by Paul Chiu. He solicited bids and received 4 ranging from $798,000 to $986,000. K & R Plumbing Construction Co. was the lowest qualified bidder. The overall project cost will be funded through OECD bonds bundled with the composter in one issuance.

Councilor Soppe asked if the City had previously worked with K & R Plumbing. **Mr. Danicic** said the City has not worked with them, but have reviewed their qualifications and checked with other municipalities that have used them.

MOTION: Pugsley/Andrews to adopt **Resolution No. 2003-2462** authorizing the City Manager to award the contract for the College Street Sanitary Sewer Improvement Project to K&R Plumbing Construction Co., Inc. in the amount of $797,795.00. (5 Yes/1 Absent [McBride]. Motion carried.

5. Motion to authorize staff to begin the process of establishing an electrical inspection program in the Building Department.

John Lindstrom, Building Official, provided the staff report indicating that the Building Department would like to take on the electrical inspection program.

Discussion was held concerning the City having contracted with Yamhill County for inspection services and now wanting to place the program under the City's program where the City would then get the revenue. The advantage is that the City would have control over its own projects and would not have to go to Yamhill County for outside administrative authority.

Mayor Stewart said asked if there is enough work for an electrical inspector. Would the inspector have just one certification? **Mr. Lindstrom** said the plan was to hire an inspector who could do multiple inspections and have additional certifications.

Councilor Larson addressed the projected revenue. The department is self funded through permit fees. What if revenues are lower than expected? **Mr. Lindstrom** said the City could hire a part time inspector and /or reallocate funds from another funding source.

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Tape 2 - Side 1:

Councilor Soppe inquired about obtaining a part time inspector and their availability and how it can be fit into the budget proposed. He was concerned with a potential financial hit **. City Manager Bennett** said that the electrical program is not a money making program, but the trade-off is the one-stop shop opportunity for the City and its building businesses. Discussion was held concerning cross-training. **Katherine Tri, Finance Director,** said that there is a building reserve fund with dedicated funds for building expenses only that has in excess of $200,000 in it. **Mr. Lindstrom** said another added bonus is that there would be coverage for vacations, etc.

There are several developers and contractors happy to see a one-stop shop program. Once approved by the City, it would have to go to the County and then the State. There are a number of steps to proceed before it happened in final. **Mr. Bennett** said they did a similar process while he was in Central Point. In the same situation, the County argued their economic impairment which was not successful. How can they argue with the City of Newberg having control over its own building programs? He does not see a problem.

Councilor Currier said he was not completely sold on the idea. There was another division that had a similar situation and some employees had to be let go. It is helpful to the locals, but there are additional costs: salaries, taxes and COLA's to enlarge the division and keep it growing. The City is receiving the service now. There is some inconvenience, but there are some problems with taking on an additional process. Discussion was held contracting the position out and not making him/her an employee.

Mayor Stewart said that everyone doing building inspections have been in the building trades and understand more than employees because they have worked out there. The program has to be self sustaining.

Councilor Soppe agreed with the concept of better customer service. It is a management decision to hire a contractor if that is decided to be more economical than a permanent employee. He would like to see more financial information on the expenses.

Councilor Pugsley asked about when the Building Division last hired someone. It was the plumbing inspector position. The concern is that we are just filling up the department with people year after year. **Mr. Lindstrom** said he is cross-training. **Mayor Stewart** said, if the money is coming in and the work is there, we need the people.

MOTION: Larson/Pugsley to authorize staff to initiate the process. (4 Yes/1 No [Currier]/1 Absent [McBride]). **Mr. Bennett** said the matter would be coming back to the Council in the form of a resolution to be submitted with the application to the State.

IX. EXECUTIVE SESSION

1. Executive Session Pursuant to ORS 192.660(1)(i) relating to review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the governing body in meetings open to the public in which there has been opportunity for public comment. An executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member shall not include a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

This executive session was held following the Council work session prior to the Council meeting.

X. ADJOURNMENT

MOTION: Currier/Pugsley to adjourn at 8:50 p.m. (Unanimous). Motion carried.

ADOPTED by the Newberg City Council this 20th day of October, 2003.

JH Bennett

James H. Bennett, City Recorder

ATTEST by the Mayor this 30 day of October, 2003.

Bob Stewart

Bob Stewart, Mayor