

**MINUTES FOR THE NEWBERG CITY COUNCIL  
OCTOBER 18, 2004  
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**

**Councilors**

**Present:** Mayor Bob Stewart                      Mike McBride  
              Bob Larson                                      Mike Boyes  
              Roger Currier                                  Robert Soppe

**Absent:** Bob Andrews (excused)

**Staff**

**Present:** Terrence Mahr, City Attorney  
              Dan Danicic, Public Works Director  
              Frank Dounglas, Division Chief/EMS Coordinator  
              Norma Alley, Recording Secretary

**Others**

**Present:** Frank Engle, Eric Johnson, Doung Hattersley, as well as others.

**III. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was performed.

**PUBLIC MEETING SECTION**

**IV. PUBLIC COMMENTS**

**Mr. Frank Engle, 2330 N. Main Street, Newberg,** presented his written testimony on the Mountainview LID.

Councilor Soppe asked Mr. Engle if he knew if the Church was offering to pay for half or three quarters of the costs for the road improvements.

Mr. Engle said he did not know.

Councilor Soppe asked Mr. Engle if he was aware that the City can not impose a LID where non-remonstrance waivers are not done.

Mr. Engle said, yes, we are aware.

Councilor Soppe asked Mr. Engle if he saw a waiver when he bought his house.

Mr. Engle replied, yes, we are aware of this and we did sign it.

Councilor Soppe asked Mr. Engle what he thought remonstrance meant.

Mr. Engle replied, simply it would not be objected to.

Councilor Soppe suggested to Mr. Engle he look up the definition according to the City's Code.

Councilor Currier asked Mr. Engle if he knew the new rules for what the City is doing now in ways of remonstrances. If the City does not build, we put the money in the bank and use it once we do begin building the improvements.

Council President Larson stated that the Council is listening to the citizens and is concerned with the final outcome. At this time, Council is waiting for the Engineer's Report and assessments.

Mayor Stewart asked if he could contact Mr. Engle when the figures are in to sit down and discuss them with the group.

Mr. Engle said he was sure the group would be willing to sit down.

**Mr. Eric Johnson, 202 Melody Ct., Newberg,** presented his written testimony on the Mountainview LID.

Councilor Soppe asked if Mr. Johnson had or knew of someone who had documentation of the conversations he had with City staff two years ago before signing papers on his house.

Mr. Johnson replied, no, I do not know of anyone.

Councilor Soppe stated that Mr. Johnson made a comment about the City bowing to developers. He encouraged Mr. Johnson to look into what the Planning Commission and Council are doing and bring evidence of that to the Council's attention. Councilor Soppe stated that Mr. Johnson commented that other cities have abandoned LIDs and asked what cities he was referring to.

Mr. Johnson said he works for the City of Salem and they do not use LIDs. Salem does not allow developers to defer improvements for new developments.

Councilor Soppe asked what does Salem do when a road is put in and one side is undeveloped.

Mr. Johnson said the developer is responsible to develop it at time of construction of the development. They don't leave a road unimproved.

## **V. CONSENT CALENDAR**

1. Consider approval of City Council Minutes for September 20, 2004.

**MOTION:** **Larson/McBride** to approve City Council Minutes for September 20, 2004.  
(5 Yes/1 Absent [Andrews]). Motion carried.

## VI. PUBLIC HEARING

1. Continued Public Hearing to consider approving **Resolution No. 2004-2534** adopting changes to the Water System Development Charge for single family residences equipped with sprinkler systems.

### **Legislative Hearing**

#### **Council Deliberation:**

Councilor Soppe asked if the meter size recommendations were for piping as well.

Dan Danicic said we are talking just meter size. The plumbing is installed by the developer with a set standard.

Councilor Soppe asked if the number of fixtures dictates what size meter is needed and what that number would be.

Dan Danicic said 17 and under.

Councilor Soppe asked what happens when a house is built with 17 fixtures and then later a couple more are added.

Dan Danicic said an additional System Development Charge (SDC) is charged.

Mayor Stewart asked if it is required to put in a bigger meter.

Dan Danicic answered no, because the  $\frac{3}{4}$  inch will serve more than 18 units. You don't need to add a larger pipe or meter.

Councilor Soppe asked can someone get around a SDC.

Dan Danicic said no.

Councilor Soppe asked if the City was still going to charge different meter fees.

Dan Danicic said that was correct.

Councilor Soppe inquired what the logic was behind that.

Dan Danicic said the meter fee goes to potential replacement of the meter.

Mayor Stewart asked what the life expectancy of the meter was.

Dan Danicic answered 25 years.

Councilor Soppe suggested to amend the resolution as follows:

1. Delete paragraph one under "The City of Newberg resolves as follows:".

2. Amend paragraph two under "The City of Newberg resolves as follows:" by deleting the text "with more than 18 fixture units, and".

Dan Danicic did not think there was a problem with that.

**MOTION:** Soppe/Currier to amend **Resolution No. 2004-2534** as proposed by Councilor Soppe and to renumber the affected paragraphs of the resolution accordingly. (5 Yes/1 Absent [Andrews]). Motion carried.

Council President Larson called for the question on the original motion to approve Resolution No. 2004-2534.

**VOTE ON MOTION:** (5 Yes/1 Absent [Andrews]). Motion Carried.

*\*NOTE: Actual motion to postpone: MOTION: Andrews/Currier To postpone Resolution No. 2004-2534 adopting changes to the Water System Development Charge for single family residences equipped with sprinkler systems to the next meeting October 18, 2004 (4Yes/2 No[Larson, Soppe]). Motion carried. Excerpt from October 4th Minutes. Therefore, no motion actually on the floor. Resolution will be placed on the Consent Calendar for the November 15th meeting.*

2. Public Hearing to consider approval of **Resolution No. 2004-2542** adopting monthly Storm Water Rates, effective November 18, 2004.

#### **Legislative Hearing**

Mayor Stewart called for declarations of interest, abstentions, and conflict of interest.

Councilor Currier said he would abstain.

Dan Danicic presented the staff report.

Councilor Larson asked if the fees were good for two years.

Dan Danicic said that was correct.

Councilor McBride asked if the rates were going to change again July 1 of next year.

Dan Danicic said that is correct.

Councilor McBride asked if staff had taken into consideration holding off and seeing what revenue will be generated from new development.

Dan Danicic said staff has projected a three percent growth factor rate and the second year rate we assume three percent more. Even with the projections the City is in need of additional revenue.

Councilor Soppe stated that the fees stay in effect even after two years.

Dan Danicic said that is true.

Councilor McBride stated that it will be two years until they have a rate review, and the fees will still remain in effect even after the review.

Mayor Stewart closed the Public Hearing.

Staff recommended to approve the Resolution.

**Council Deliberation:**

Councilor Currier said he was going to abstain due to not receiving requested material from the City Manager.

Councilor Boyes asked if this was enough money to do what is really needing done for the storm sewers.

Dan Danicic said this was a beginning of catching up and no, it is not sufficient.

Councilor Currier mentioned it seemed derogatory to raise the rates this rapid from what was originally discussed and is abrasive to the public if passed.

Councilor Soppe suggested Council to review where the funding will go to if it is a concern of how high the fees are.

**MOTION:** Larson/Soppe to adopt **Resolution No. 2004-2542** adopting monthly Storm Water Rates, effective November 18, 2004. (4 Yes/1 Abstain [Currier]/1 Absent [Andrews]). Motion Carried.

**BUSINESS MEETING SECTION**

**VII. CONTINUED BUSINESS**

None.

**VIII. NEW BUSINESS**

1. Consider approval of **Ordinance No. 2004-2609** amending the Newberg Municipal Code Chapter 53 to increase the maximum amount of credit from 10% to 20%.

Mayor Stewart asked for declarations of interest, abstentions, and conflicts of interests.

None stated.

Dan Danicic presented the staff report.

Councilor Soppe stated he was concerned for how objective this resolution was in number five and six.

Dan Danicic said staff is looking for an effort as opposed to an entire descriptive manual.

Councilor Soppe asked for staff to consider multiple single-family residences.

Dan Danicic said staff is planning on bring that back to Council in three months.

Councilor Boyes asked how the word is to get out to the public.

Dan Danicic answered through the utility bill encouraging people to submit an application.

Councilor Currier commented he was concerned that this resolution allows for too much interpretation by the director at the time, potentially putting the City staff in a tough spot.

Councilor Soppe said he would love to see more definitions, but the City is looking for creative solutions for this and he did not think the City has the expertise or time to define all of these. He stated he expects the department manager to keep an eye on his staff and to have good judgment.

Terry Mahr, City Attorney, corrected page 51 in the packet, under credits, to say non-single family residential instead of non-residential.

Staff recommended to pass Ordinance No. 2004-26009

**MOTION:** **Soppe/Larson** to approve **Ordinance No. 2004-2609** amending the Newberg Municipal Code Chapter 53 to increase the maximum amount of credit from 10% to 20% and read by title only. (5 Yes/1 Absent [Andrews]). Motion Carried.

Terrence Mahr read Ordinance No. 2004-2609 by title only.

2. Consider approval of **Resolution No. 2004-2540** authorizing the City Manager to enter into a Professional Services Agreement with MWH Americas, Inc. to provide services for the Parallel Pipeline River Crossing Project in the amount of \$509,072.

Dan Danicic and **Doug Hattersley, MWH Americas, Inc.**, presented the staff report.

Councilor Boyes asked why the two different ideas (pg. 61 of packet).

Mr. Hattersley explained one procedure uses a steel pipe and is completed in HDP piping (poly ethylene).

Mayor Stewart asked does the City get charged by how many feet is drilled.

Mr. Hattersley stated it is more expensive the longer you go.

Councilor Soppe asked if dredging was a possibility.

Mr. Hattersley answered permits would be required to dredge, which are unlikely to be obtained.

Councilor Soppe asked if there would be any other support with the wires.

Dan Danicic said conduits will be included for telemetry and power.

Councilor Larson expressed concern to authorize the contract when the funds are not available in the budget for this year.

Dan Danicic said the contract is written as "payment for services" and we only pay the contractor for the services they provide to the City. Staff will not authorize any work that is not budgeted and if the City needs to go beyond that then staff will come back to Council.

Councilor Soppe asked for clarification of what services will be provided to the City for the \$31 Thousand.

Dan Danicic replied an analysis of the bridge, so staff will have a better understanding of the current condition and any type of service we may need to do to keep it in service.

Councilor Currier asked why the lowest bidder was not chosen.

Dan Danicic said staff looked at their statement of qualifications and for the lowest proposed fee they in fact had no professional experience in drilling and micro tunnelling.

Staff recommends adopting Resolution No. 2004-2540.

**MOTION:** Larson/McBride to adopt **Resolution No. 2004-2540** authorizing the City Manager to enter into a Professional Services Agreement with MWH Americas, Inc. to provide services for the Parallel Pipeline River Crossing Project in the amount of \$509,072. (5 Yes/1 Absent [Andrews]). Motion Carried.

Mayor Stewart called a five minute break at 9:11 p.m.

3. Consider approval of **Resolution No. 2004-2541** approving the purchase of an ambulance from Hughes Fire Equipment, Inc.

Frank Douglas, Division Chief/EMS Coordinator, gave the staff report and recommended to approve Resolution No. 2004-2541.

Councilor Boyes asked where the ambulance was built.

Frank Douglas said in Iowa and the department will have a couple firemen go back to get it.

Councilor Boyes asked how long does it take to get it.

Frank Douglas replied 120 days.

Councilor Boyes asked which budget the funds would be pulled from.

Frank Douglas said the General Fund Capital Outlet.

Councilor McBride asked what the remainder of the funds will be spent on.

Frank Douglas answered for further needed equipment.

Councilor Soppe asked about the process to retrieve the vehicle.

Frank Douglas said City personnel go back, do a check over with the specifications in hand, and if it meets our specifications we hand them the payment.

Councilor Soppe asked has the City gotten the last two vehicles from them.

Frank Douglas answered yes, and we are very happy with them.

Councilor Soppe asked if staff had done a cost analysis to see of different ways of getting it here.

Frank Douglas replied yes, it is cheaper to drive it then to ship it.

**MOTION:** Larson/Boyes to approve **Resolution No. 2004-2541** approving the purchase of an ambulance from Hughes Fire Equipment, Inc. (5 Yes/1 Absent [Andrews]).  
Motion Carried.

**IX. EXECUTIVE SESSION**


1. Executive Session Pursuant to ORS 192.660(1)(i) relating to the Performance Review of the City Attorney.

Executive Session was held during work session.

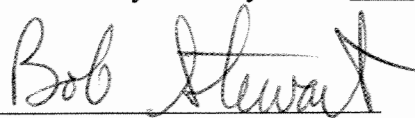
**X. ADJOURNMENT**

**MOTION:** Currier/Soppe adjourn meeting at 9:28 p.m. (5 Yes/1 Absent [Andrews]).  
Motion Carried.

**ADOPTED** by the Newberg City Council this 15<sup>th</sup> day of November, 2004.

  
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James H. Bennett, City Recorder

**ATTEST** by the Mayor this 18<sup>th</sup> day of November, 2004.

  
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Bob Stewart, Mayor