MINUTES OF THE NEWBERG CITY COUNCIL
JUNE 21, 2004
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Bob Stewart called the meeting to order.

II. ROLL CALL

Bob Andrews
Mike McBride
Doug Pugsley
Roger Currier
Robert Soppe

Absent: Bob Larson

Others Present:
James Bennett, City Manager
Terrance Mahr, City Attorney
Robert Tardiff, Police Chief
Kathy Tri, Finance Director
Barton Brierley, Planning Manager
Dan Danicic, City Engineer
Jadene Stensland - Utility Engineer
Michael Sherman - Fire Chief
Mike Soderquist - Community Development Director
Dawn Nelson, Recording Secretary

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Darlyn Adams - 131 Johanna Ct, Newberg, Representative of Wags N Whiskers for Newberg Animal Shelter - Presented final report on sale held to benefit animal shelter. They had net sales of $7839.00 with 5% of the gross going out for expenses. She was very pleased with the results. They also sold over 45 dozen cookies for proceeds of over $100.00. They are working very hard on the booth plans for Old Fashioned Festival and plans for the float are moving along. The decorating committee for the benefit dinner/auction to be held on September 26 meets every Thursday. They now have $113,024 in account and currently share a 501-c-3 designation with another group from Portland but are in the process of applying for their own designation.

Mayor Stewart expressed his appreciation for her continued efforts to raise money for the animal shelter.

Mayor Stewart presented Doug Pugsley with certificate of appreciation for his service and donation of countless hours of service to the City. Mayor Stewart also presented Mr. Pugsley with a lapel pin in the shape of the Newberg sign and a medallion naming him and honorary citizen of Newberg.

Councilor Pugsley expressed his heart felt appreciation for the recognition and expressed his gratitude for how dedicated and professional the staff is at all times.

V. CONSENT CALENDAR

None

VI. PUBLIC HEARING

1. Consider **Resolution No. 2004-2508** adopting the 2004-05 fiscal year budget for the City of Newberg.
(Legislative Hearing)

Mayor Stewart - asked council members if they had any conflicts or wished to abstain. None noted.

Kathy Tri, Finance Director - presented staff report for the 2004/05 Budget that will begin July 1, 2004 and reviewed information provided in the Request for Council Action. She expressed appreciation for the hard work that the budget committee and council members put into working on the new budget.

Ms Tri brought to the councils attention that a change needed to be made to the resolution due to the fact that the new fire hazard house ordered by the Fire Department would not be delivered on time. The following changes were noted to Section 4 of Resolution #2004-2508, in the General Fund the Fire Department budget would increase from $2,037,089 to $2,053,209 increasing the total of the General Fund from $8,868,024 to $8,884,144.

Questions from council members of staff.

Councilor Currier - is the 2% wage increase across the board for all staff?
Ms Tri response - yes.

Councilor Soppe - is the 2 months privilege tax that was knocked off reflected in this budget?
Ms Tri response - yes.

Councilor Andrews - does it reflect sunseting in September?
Ms Tri response - yes.

Mayor Stewart noted that there was no public testimony.

Ms Tri - requested that the council approve resolution 2004-2508.

Councilor Pugsley asked if the motion included the amended numbers.

MOTION: Currier/McBride to adopt amended **Resolution No. 2004-2508 including revisions to Fire Department budget as presented by staff** adopting the 2004-05 fiscal year budget for the City of Newberg. (5Yes /1 absent - Larson). Motion carried.

2. Consider **Ordinance No. 2004-2601** annexing property at 1819 N. Main Street (Yamhill County Tax Lot 3218AB-2300) subject to a public vote

Mayor Stewart called for abstentions, bias, ex parte contact.

Barton Brierley, Planning Manager presented the staff report for annexation of .22 acres on N. Main St. The property is adjacent to the existing city limits and when annexed will include a single family house Planning and staff recommend the approval of annexation of this property as it would complete the neighborhood and bring all properties on N. Main St into the city limits.

Questions from council members of staff.

Councilor Soppe inquired as to the meaning of waiver of remonstrance and asked if it was not the practice to get the funds up front. Why are we doing it differently in this case?
Mr. Brierley's response - the Council did pass a resolution for obtaining up front fees for development. This is an annexation and not a development. With an annexation improvements need to be done within 3 years.

Councilor Soppe wanted to note in section D of the staff report that the reference to TCI should have read Comcast the current cable provider.

Councilor Andrews wanted to know what the issues would be for getting the road going into Yamhill County improved.
Mr. Brierley's response - it would require getting a permit from Yamhill County.

Councilor Soppe inquired if the waiver was written so that everyone will understand that they will have to pay fees to avoid any misunderstandings.
Mr. Brierley's response - yes.

Mayor Stewart noted no public testimony and closed the hearing.

Terry Mahr asked if the applicant was present. The- applicant not present. He then asked if there was any opposition - none noted. It was then asked if the applicant had signed a waiver. The waiver had not been signed.

Councilor Currior proposed acceptance of the ordinance pending receiving a signed waiver from the property owner and to read by title only - failed for lack of a second.

Councilor Soppe had concerns with passing the ordinance on the condition that the waiver would be signed. He would prefer to have an actual signed waiver. He didn't feel it would set a good president.

Councilor Soppe wanted to know if the applicant would be given 7 days to respond. Mr. Mahr stated he would be given a minimum of 7 days. It was discussed that the matter should be set over to the next meeting pending receiving the waiver

MOTION: Currier/McBride to table the approval of **Ordinance No. 2004-2601** annexing property at 1819 N. Main Street (Yamhill County Tax Lot 3218AB-2300) subject to a public vote to the July 6, 2004 meeting (5Yes /1 absent - Larson). Motion carried.

3. Consider **Resolution No. 2004-2506** setting annexation hearing for 1819 N. Main for the November 2, 2004 General Election. **(Quasi-Judicial Hearing)**

Resolution tabled until June 6, 2004 pending approval of **Ordinance No. 2004-2601**.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

1. Consider adoption of **Resolution No. 2004-2496** authorizing the City Manager to enter into a professional services agreement in the amount of $759,665.00, with CH2M Hill to provide design and construction phase services for the Water Treatment Plant Expansion Project.

Dan Danicic, City Engineer introduced Jadene Stensland, Utility Engineer, staff project manager for this project and Dan Phelps, project consultant from CH2M Hill. Mr. Danicic stated that the Council last saw this item at the May 17, 2004 Council meeting. At that meeting the Council asked to review information from 2002 when Resolution Number 2002-2365 was adopted, so that they could have a better understanding of why we were spending money to upgrade the current system instead of focusing on building a new plant. Mr. Danicic reviewed the alternatives outlined in Section 8 of the City of Newberg Water Treatment Facilities Plan dated June 2002 and discussed why at that time the committee chose Scenario 3. Basically it would mean less up front costs.

Mr. Danicic requested that the Council consider continuing with Scenario 3 and going ahead with CH2M Hill to provide design and construction phase services for the Water Treatment Plant Expansion Project.

Council Discussion

Councilor Soppe commented that he had pushed to have this resolution tabled so that he could read over the material and get a better understanding of why Scenario 3 was chosen at that time because he was not convinced that it was the right choice. He expressed his gratitude to the staff for going out of their way to help him understand this situation. He is still not entirely convinced that decision made 2 years ago was the right one. He might have favored Scenario 4 over 3, but it doesn't fit today. He also stated that we are looking at building a new plant in 2017 at a cost of $22.7 million. We need to make sure that we are planning for that and he doesn't feel comfortable changing the process now from what was decided 2 years ago.

MOTION: Currier/McBride to approve **Resolution No. 2004-2496** authorizing the City Manager to enter into a professional services agreement in the amount of $759,665.00, with CH2M Hill to provide design and construction phase services for the Water Treatment Plant Expansion Project.. (5Yes /1 absent - Larson) Motion carried.

VIII. NEW BUSINESS

1. Consider **Resolution No. 2004-2509** establishing a new Fire Fee for the purpose of replacing existing Fire Department apparatus.

Kathy Tri, Finance Director presented information for the resolution. On June 30, 2004 the current fee for fire apparatus will expire. This fee has been in place since 1996. It is a unique funding mechanism in Oregon and it raises approximately $115,000 dollars a year to help fund the purchase of new equipment, saving the General Fund thousands of dollars a year. Staff recommends that council adopt Resolution #2004-2509.

Questions of Staff

Councilor Andrews - asked, on Page 84 where the meter charges were listed, were there any changes to the rates? Ms. Tri's response - no.

Councilor Soppe asked if these rates could be raised anytime the Council wished.
Ms Tri's response - yes

Ms Tri also stated this new resolution would not have a sunset.

MOTION: Andrews/Pugsley to approve **Resolution No. 2004-2509** establishing a new Fire Fee for the purpose of replacing existing Fire Department apparatus.
(5Yes /1 absent - Larson) Motion carried.

2. *Consider extending the deadline for consideration of applications for the nomination and appointment of a qualified candidate to fill the vacant District 3 City Council position created by the resignation of Doug Pugsley for the unexpired term ending December 31, 2004.*

Mayor Stewart pulled this item from the agenda before the meeting.

3. Consider appointment to fill vacancy created by the resignation of Councilor Doug Pugsley.

Mayor Stewart moved this item to end of meeting.

4. *Consider staff recommendation that the City Council move to authorize the City Manager to file an appeal of DLCD's remand of Golf Course Urban Growth Boundary Amendment, or to schedule hearing to address the issues in the remand.*

Barton Brierley, Planning Manager, explained that the City Council approved a UGB amendment for the CPRD golf course and now DLCD has remanded that approval. DLCD listed several items where they found the City's decision deficient. At this point the City has several options, among them being to appeal the decision or to hold hearings and amend and adopt new findings. The deadline for appeal is June 30, 2004. The staff requests that the Council authorize the City Manager to file the appeal if that is determined to be in the best interests of the project. We will know more after Thursday when CPRD has their meeting on how to proceed.

Questions of Staff

Councilor Andrews inquired as to the fiscal impact.
Mr Brierley stated there is no cost to appeal and CPRD would be picking up all other costs.

Councilor Currier stated he was not in favor because of the goal exceptions.

MOTION: Pugsley/Andrews approve *staff recommendation that the City Council move to authorize the City Manager to file an appeal of DLCD's remand of Golf Course Urban Growth Boundary Amendment, or to schedule hearing to address the issues in the remand.*. (4Yes /1 No - Currier/ 1 absent - Larson). Motion carried.

5. *Consider* ***Resolution No. 2004-2514*** *authorizing the agreement with the Newberg Rural Fire Protection District, which commits the City to provide Fire Protection services as outlined in the agreement.*

Terry Mahr, City Attorney, and the Fire Chief talked to the Rural Fire Board and they are all in agreement that the current documents work for everyone.

Questions of Staff

Councilor Andrews does the current contract have an expiration date?
Mr Mahr's response - no it automatically renews.

Councilor Andrews when does it renew
Mr Mahr's response - it renews yearly unless we give written notice.

MOTION: Currier/Andrews to approve ***Resolution No. 2004-2514*** *authorizing the agreement with the Newberg Rural Fire Protection District, which commits the City to provide Fire Protection services as outlined in the agreement.* (5 Yes /1 absent - Larson). Motion carried.

6. *Consider* ***Resolution No. 2004-2494*** *authorizing the acceptance of the canvass of votes for the May 18, 2004 Primary Election.*

Terry Mahr, City Attorney, stated that we have already received the tentative counts for the 2 ballots regarding annexation from the May 18, 2004 election. This resolution accepts the final results from those ballots.

MOTION: Currier/Andrews to approve ***Resolution No. 2004-2494*** *authorizing the acceptance of the canvass of votes for the May 18, 2004 Primary Election.* (5Yes /1 absent - Larson). Motion carried.

Councilor Pugsley tendered his resignation as Council member.

3. Consider appointment to fill vacancy created by the resignation of Councilor Doug Pugsley.

MOTION: Currier/McBride to approve appointment of Mike Boyes to fill the vacancy created by the resignation of Councilor Doug Pugsley. (4 Yes /1 absent - Larson). Motion carried.

X. ADJOURNMENT

MOTION: Currier/McBride to adjourn at 8:00 p.m. (4 Yes /1 absent - Larson). Motion carried.

ADOPTED by the Newberg City Council this 19th day of July, 2004

JHBennett

James H. Bennett, City Recorder

ATTEST by the Mayor this 21st day of July, 2004.

Bob Stewart

Bob Stewart, Mayor