MINUTES OF THE NEWBERG CITY COUNCIL
FEBRUARY 22, 2005
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Stewart called the meeting to order at 7:00p.m.

II. ROLL CALL

Councilors Present:	Mike Boyes	Mike McBride
	Bob Larson	Robert Soppe
	Roger Currier	

Councilors Absent: Bob Andrews

Others Present:
James Bennett, City Manager
Terrence Mahr, City Attorney
Barton Brierley, Planning & Building Director
Elaine Taylor, Assistant Planner
David Beam, Economic Development Coordinator
Dawn Nelson, Recording Secretary

III. *PLEDGE OF ALLEGIANCE*

The pledge of allegiance was administered.

Mayor Stewart – thanked Dawn Nelson for her service as recording secretary.

IV. CITY MANAGER'S REPORT

James Bennett – spoke on Sen. Wyden's town hall meeting held February 21, 2005. Rep. Kim Thatcher and Sen. Charles Starr are holding a town hall meeting February 23, 2005 @ Senior Center. He reported on the City County insurance program. There will be some insurance changes coming in the next year, but only slight increases for inflation. Reinsurance markets are recovering.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Lon Wall, 625 N. Morton, Newberg – annoyed by ballet received today. Concerned about why measures are on the ballot. Wonder how many of the people that went out to get signatures told people it was a way for a small group of residents to blackmail the city.

Councilor Currier – we were required by law to put them on ballot because a certain number of people took the time to get the signatures; when they realized they did not want it on the ballot any longer, they couldn't get it removed.

VI. CONSENT CALENDAR

1. Consider approval of City Council Regular Session Minutes for January 18, 2005.

2. Approve and authorize the City Manager to sign the Statement of Support for the Guard and Reserve.

MOTION: LARSON/MCBRIDE To approve consent calendar.
(5 Y / 0 N / 1 ABSENT [ANDREWS]) Motion carried.

VII. PUBLIC HEARING

None.

BUSINESS MEETING SECTION

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

1. Second Interim Report from the Ad-hoc Committee on Newberg's Future.

Cathy Stuhr – Vice Chair, Ad Hoc Committee on Newberg's Future – presented information on recent activities. The first drafts of maps have been completed. Phase 1 completed and reported on last August; in phase 2 committee is looking at specific areas for inclusion and comprehensive plan changes. The committee is very pleased with increased community attention. Ms. Stuhr then went on and presented the draft maps.

Mayor Stewart – would like to request copies of maps for packet this week and commends committee on their progress and hard work.

Councilor Soppe – some of the maps referred to rezoning within the city limits to accommodate future growth; are there any Measure 37 issues with this rezoning?

Cathy Stuhr – haven't decided anything specific so we have not looked at the Measure 37 implications specifically.

Councilor Soppe – would any of the zone changes devalue any property?

Elaine Taylor – the changes would increase density of the property and value.

Councilor Larson – is the committee going to present to the school district and park and rec?

Cathy Stuhr – they have already been involved and presented their own scenarios.

2. Report on the Newberg Downtown Revitalization Activities.

John Bridges, 515 E First St, Newberg, Chair NDRC – current work of the committee is focusing on the civic corridor streetscape. The committee engaged landscape architect from OSU to help draw up a plan. We are taking a nuts and bolts approach looking at what the specific areas look like and interviewing a number of groups for their opinions. We hope to bring a recommendation to Council from these interviews probably by summertime. We were also asked to find out what the citizens would like to see go on the Butler property. We are going to have an event similar to the block parties. We will distribute survey material to different civic groups also. Past work – we worked on an urban renewal district and it was voted down, group evaluated ways to fund capital improvements in downtown area. No support for EID or BID, which brings us to future work. The committee can see some ends to some of the projects they have started, so now we are engaging in a discussion of committee's future role. One possibility could place committee on hiatus to be utilized when something is needed such as grant opportunities, fund raising.

Councilor Soppe – on questionnaire, who was surveyed?

John Bridges – all property owners and business owners in C-3 zone.

Councilor Soppe – on the Butler property because of restrictions are you looking for ideas for now or beyond the 5 years?

John Bridges – any of the above.

Councilor McBride – with better communication, do you think a URD would work?

John Bridges – could be success in the future; we were concerned when EID or BID didn't float that we had exhausted all options. If you had someone who could dedicate half of their time and the right personality, maybe they could get it passed. It is a difficult concept to explain.

Councilor Currier – given budget constraints there have been talks about selling the property.

John Bridges – sure, that option will ultimately be on the list. One of the main things we are looking at is to promote mixed use business on the bottom and housing on top. The idea is that the City would sell to a developer.

Discussion of how the property might be developed if sold and what kind of restrictions the City could require as part of the sale.

Councilor Soppe – back to the URD, what area would have been covered by it and how successful would it have been if it had been kept downtown?

John Bridges – if you only had C-3 zone downtown only 15-20% of revenue would be realized compared to including the whole area.

Discussion that there is not enough money generated by the C-3 downtown zone to fund projects.

Councilor Larson – reading questionnaire – committee must have been disappointed by responses.

3. Consider approval of **Resolution No. 2005-2563** approving an agreement between the City and Pacific Broadcasting Corporation.

Terrence Mahr – Resolution 2004-2552 gave manager authority to negotiate agreement for PBC, This is that agreement. Comcast only had one suggestion. This would be an agreement where PBC stepped into City's shoes and operated community access channel.

Councilor Soppe – do you have Comcast report back?

James Bennett – Bob Schroeter from Comcast said they are prepared as soon as Council accepts contract to move forward with what they have to do next.

Discussion of how long it would take to get going.

Councilor Soppe – only issue I have is on page 3 of contract, Item V. B. Equipment, will PBC be the only ones to have use of equipment?

Terrence Mahr – understood that PBC would be located in H & R Studio and, as a part of that benefit, PBC will use H&R's equipment. I think it might be right to let them use city equipment.

Councilor Soppe – which interpretation do we want to enforce? not comfortable with equipment city purchases being used by anyone other than PBC.

Councilor McBride – how can you differentiate the equipment used in the H&R studio?

Councilor Boyes – on page 2, Item II. A. d., is it channel or channels?

Terrence Mahr – it is singular right now; in the franchise we have capability of running more than one.

Councilor Boyes – looked up equipment listed on internet and couldn't find one piece of equipment.

Harry Morter – just in this last week we got new information on a new Sony high definition camera that we would like to purchase instead of the JVC's.

Councilor Boyes – if they are $3500 each, who would pay the difference? the limit is $10000.

Harry Mortar – contract was for $38.100 total; we could shift a little from hookup costs to the purchase of cameras if that is acceptable.

Councilor Soppe – if it is acceptable we need to change the wording of this document.

Mayor Stewart – feeling that $38,100 is the working budget and, if they are shuffling things inside of that, it will be OK.

Terrence Mahr – the way contract is written with a can't exceed amount in each category, you could delegate authority to change to city manager.

Councilor McBride – think they should be allowed to move money around within the $38,100. What is the nominal lease cost going to be?

Terrence Mahr - $1.

Councilor Larson – what if some other item comes in higher and he runs out of money within the budget?

Councilor Soppe – sensible to pass as is and have Harry come back with real quotes and maybe the City could get better pricing. Terry, is there anything to prevent them from coming back and moving some numbers around?

Terrence Mahr – have to amend contract and bring back to council on a following agenda.

James Bennett – there is a budget of $38,100; there needs to be some flexibility to accommodate getting the studio up and running; let's put some language in here to allow for changes.

Discussion of letting City Manager handle the budget adjustments.

Councilor Currier – comments about purchasing equipment from Frye's electronics.

Councilor Soppe moved to adopt **Resolution No. 2005-2563** approving an agreement between the City and Pacific Broadcasting Corporation; **Councilor Larson** seconded.

James Bennett – by adopting resolution it still doesn't provide any language to allow for flexibility.

Councilor Soppe moved to amend the language on the usage of equipment by PBC; **Councilor Larson** seconded.

MOTION: SOPPE/LARSON To amend Item V. B. of the contract to specify that the equipment purchased by the City for the studio may only be used by PBC.
(3 Y / 2 N[MCBRIDE/CURRIER] / 1 ABSENT [ANDREWS]) Motion carried.

Terrence Mahr – stated language that would be appropriate regarding usage.

Terrence Mahr – should ask Harry if that would be a problem for operation of his business.

Harry Morter – no.

Councilor Currier – think we need leeway on usage of equipment, need to be able to have give and take.

Councilor Boyes - concerned that they not cut other equipment; if the adjustments are to other than equipment, that will be fine.

Councilor Currier moved to amend Item V. D. of contract to provide that, as long as the type and quantity of equipment specified are purchased and the total budget is not exceeded, the City Manager can make adjustments to the budget; **Councilor Boyes** seconded.

MOTION: CURRIER/BOYES To amend Item V. D. of the contract so that, as long as the type and quantity of equipment specified are purchased and the total budget is not exceeded, the City Manager can make adjustments to the budget.
(3 Y / 2 N[MCBRIDE/SOPPE] / 1 ABSENT [ANDREWS]) Motion carried.

Councilor Soppe – so you would put no restrictions on training budget?

Terrence Mahr – read language changes that would be appropriate.

MOTION: SOPPE/LARSON To approve **Resolution No. 2005-2563** approving an agreement between the City and Pacific Broadcasting Corporation as amended.
(4 Y / 1 N[MCBRIDE] / 1 ABSENT [ANDREWS])Motion carried.

4. Consider approval of **Resolution No. 2005-2557** revising designation of Manager Pro Tem in the absence of the City Manager.

Terrence Mahr – explained the purpose of resolution.

Councilor Soppe – we aren't changing the charter at this point?

Terrence Mahr – no, that can only be done by a vote of the people.

Councilor Currier moved to approve **Resolution No. 2005-2557** revising designation of Manager Pro Tem in the absence of the City Manager; **Councilor Larson** seconded.

MOTION: CURRIER/LARSON To approve **Resolution No. 2005-2557** revising designation of Manager Pro Tem in the absence of the City Manager.
(5 Y / 0 N / 1 ABSENT [ANDREWS])Motion carried.

5. Consider approval of **Resolution No. 2005-2558** approving a compensation adjustment and adopting amendments to the employment contract for the City Attorney.

Councilor Larson moved to approve **Resolution No. 2005-2558** approving a compensation adjustment and adopting amendments to the employment contract for the City Attorney; **Councilor Currier** seconded.

Councilor McBride – said he will vote no, not because I have anything against Terry, but because it is an issue of principle with me that you stick with the contract you have until it comes up for renewal.

Councilor Soppe – removed the time limit; this contract will not come up again for renewal.

Councilor McBride – would rather have looked at it at the time it was supposed to come up.

Councilor Boyes – in the Graphic, it stated that the attorney will get the same as the City Manager, but didn't put the dollar amount of what that would be.

MOTION: LARSON/CURRIER To approve **Resolution No. 2005-2558** approving a compensation adjustment and adopting amendments to the employment contract for the City Attorney.
(4 Y / 1 N [MCBRIDE] / 1 ABSENT [ANDREWS])Motion carried.

6. Consider approval of **Resolution No. 2005-2559** approving the 2004 Water Distribution System Plan.

Dan Danicic – we update this every 10 years or so. 1992 was last update. It is part of a master plan that has had other components updated lately. Meeting all current regulations for distribution system. Doing good job in operations and maintenance. We are behind the curve in employees for operations and maintenance. Should be spending more time flushing pipes and exercising the valves throughout the system to keep them operational. Distribution system itself is efficient but future requirements for getting reservoirs filled will need large pipe network to accomplish. Have dead-end lines and need to loop them. Need to start looking at routine replacement of pipes; some pipes are as old as 1920's. This plan proposes 5 year increments for capital improvements to the year 2025. Dan then covered some of those improvements.

Councilor Boyes – the $64,600,000, does that include new treatment plant?

Dan Danicic – no, just distribution system.

Councilor Boyes – can springs in the north be captured for reservoir?

Dan Danicic – yes, but there would then be treatment requirements.

Councilor Boyes – what is the cost to build new water treatment plant?

Dan Danicic – 12-17 million in today's dollars.

Councilor Currier – for copper level, what impact does raising the PH have?

Dan Danicic – we are changing the PH to meet both copper and lead levels.

Mayor Stewart – any side effects with PH that high?

Dan Danicic – no, 7 is neutral.

Councilor Currier – doing average of 300 door hangers @ $15/each generating $4500 a month; I wonder would it behoove us to contract out at $3/hanger?

Mayor Stewart – hold till discussion.

Councilor Currier – this data would suggest astronomical increase in rates in the future.

Dan Danicic – have not done study; it will be up to rate review committee to adjust rates to accommodate future expenditures.

Discussion of Table ES-8 and how it should be read.

Councilor Soppe – would like to thank Dan; he answered questions earlier today. The springs upgrade will be dependent on what we decide to do with the springs, correct?

Dan Danicic – yes.

Councilor Soppe – zones 2 & 3 added expense because they are at higher elevation. There is implication that they will be paid for by SDCs. Do we want to have special SDC or will they be paid for using general SDCs? I want to flag this item to think about. Would like to know how existing customer expenses versus new customers expenditures were divided up. Can staff come back to us with that?

Dan Danicic – yes.

Councilor Soppe – the looping of water lines talked about, is it safe to assume that future development will eliminate dead ends.

Dan Danicic – yes.

Councilor Soppe – very impressed with the report, but executive summary lacking in many ways.

Discussion of other duties that water employees are performing and if they should be doing them.

Councilor Larson - moved to approve **Resolution No. 2005-2559** approving the 2004 Water Distribution System Plan; **Councilor McBride** seconded.

Councilor Currier – would not a developer in zone 2 or 3 be justified in coming back to city about how SDCs were handled for the Springbrook Oaks project?

Councilor Soppe – no, I see a difference when we put a reservoir or pump station in because they are at a higher elevation and we want those people to pay for it.

Discussion of contract person to hang door hangers for water shut off.

MOTION: LARSON/MCBRIDE To approve **Resolution No. 2005-2559** approving the 2004 Water Distribution System Plan.
(5 Y / 0 N / 1 ABSENT[ANDREWS])Motion carried.

7. Consider approval of **Resolution No. 2005-2560** authorizing the City Manager to award the contract for the Mountainview Local Improvement District Project to the Sanders Company, Inc.

Councilor Soppe – declared potential conflict; has worked for Saunders Co.

Councilor McBride – declare potential conflict due to service on park and rec board.

Terrence Mahr – that is exempt because it is a volunteer position.

Dan Danicic – gave report on bids received. $309,000 estimate with 50% cont. $190,000 estimate after design. Bid under estimates may result in some refunds to residents.

Terrence Mahr – really behoove city to sign contract before March 8th.

Councilor Larson - moved to approve **Resolution No. 2005-2560** authorizing the City Manager to award the contract for the Mountainview Local Improvement District Project to the Sanders Company, Inc; **Councilor Currier** seconded.

Councilor Soppe – understand since we already have assessments in place we were in good position in regards to March 8.

Terrence Mahr – this will be the last piece to the process.

MOTION: LARSON/CURRIER To approve **Resolution No. 2005-2560** authorizing the City Manager to award the contract for the Mountainview Local Improvement District Project to the Sanders Company, Inc.
(4 Y / 1 N[SOPPE] / 1 ABSENT [ANDREWS])Motion carried.

8. Consider approval of **Resolution No. 2005-2562** setting a hearing to consider the Newberg Transportation System Plan Update.

Barton Brierley – explained purpose of resolution, asked council to set hearing for April 4th.

Councilor Soppe – the point of this is to get planning commission to come to some kind of conclusion. Please explain problem with lack of minutes.

Barton Brierley – January 26 meeting minutes weren't in their February 10th packet. They wanted to be able to review minutes from own meeting before deliberating.

Councilor Soppe – what is schedule now?

Barton Brierley – meetings set for February 24 and March 10.

Councilor Soppe – they will be deliberating this Thursday; how long do you think it will take?

Barton Brierley – as long as you give them; those 2 meeting should be enough time.

Councilor McBride moved to approve **Resolution No. 2005-2562** setting a hearing to consider the Newberg Transportation System Plan Update; **Councilor Soppe** seconded.

Councilor Currier – torn; understand what staff wants, but understand where Planning Commission is at also; there is a lot going on with the issues. Not to say they can't resolve something in that amount of time.

Councilor Soppe –what makes you think that they won't deliberate?

Councilor Currier – thoughts that they might reopen testimony.

Councilor Soppe – are you optimistic that the battle with the intersection won't get revisited again here at council?

MOTION: MCBRIDE/SOPPE To approve **Resolution No. 2005-2562** setting a hearing to consider the Newberg Transportation System Plan Update.
(5 Y / 0 N / 1 ABSENT [ANDREWS])Motion carried.

X. EXECUTIVE SESSION

None.

XI. ADJOURNMENT

Councilor Soppe motioned to adjourn meeting at 9:30pm; **Councilor McBride** seconded.

MOTION: SOPPE/MCBRIDE To adjourn meeting at 9:30pm.
(5 Y / 0 N / 1 ABSENT [ANDREWS]). Motion carried.

ADOPTED by the Newberg City Council this 21st day of March, 2005.

James H. Bennett, City Recorder

ATTEST by the Council President this 24th day of March, 2005.

Bob Andrews, Council President