

**CITY OF NEWBERG COUNCIL MINUTES  
DECEMBER 18, 2006  
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**

**Members**

Present:	Mayor Bob Stewart	Bob Andrews	Roger Currier
	Dawn Nelson	Bart Rierson	Robert Soppe
	Mike Boyes		

**Staff**

Present:	Jim Bennett, City Manager
	Terrence Mahr, City Attorney
	Dan Danicic, Public Works Director
	Elizabeth Carlson, Finance Director
	Barton Brierly, Planning and Building Director
	Elaina Canutt, Financial Analyst
	Mary Newell, Support Services Manager
	Jennifer Nelson, Recording Secretary

**Others**

Present:	Tim Codiga, Julie Codiga, Brad Bingenheimer, Jeff Eshen, Dr. Brenda Bateman
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**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

**Jim Bennett, City Manager**, informed the council there would be a press release going out to the public letting everyone know we are resuming the water main flushing program which helps to improve the water clarity and taste. This means from time to time people will see a lot of water and discoloration while we are doing that. In the end we will have better overall clarity and taste in the water. The Mid-Willamette Valley Council of Government boards met last week. Council President Andrews was there. One of the more important issues they took up was that we are going to see an increase in dues for the first time in ten years. 1996 was the last time they increased. Other than the cost of living increase of about 3.2% per consumer index adjustment, there will be adjustments for the new populations and new per capita rates. The total impact to the City of Newberg is about \$1,700... a \$922 increase. Economic development match is going to increase from \$747 to \$1497, for a total of \$1692 increase per year. This is something we do not normally use, however.

Tomorrow night is council orientation, dinner will be provided. The COG Annual dinner will be held on January 31<sup>st</sup> at Spirit Mountain. We usually try to have a nice group from council attend if possible. If you are interested in going, let us know, and maybe we can set up a car pool.

## **PUBLIC MEETING SECTION**

### **V. PUBLIC COMMENTS**

**Tim and Julie Codiga**, 128 Nicholas Way, of Codiga Construction, Inc., requested to speak during the public comments portion of the council meeting.

**Ms. Codiga** informed council she had recently contacted Councilor Roger Currier, since he was the councilor for their district. We built a new duplex about two years ago at 665A & 665B W. 1<sup>st</sup> Street. It is a shared driveway/easement and there is another property that started construction in the last six months. On another property they own built in the late 90's, there is also a shared driveway/easement and we have always been told by the City of Newberg that you have to have a 20 foot setback in front of the driveway. The duplex next to us has an 11 foot set back, which even if you park a Honda Civic there will hang out and cause problems for tenants wanting to enter and exit the driveway from our duplex. We did meet with Barton Brierley and the other property owner tonight and believe we came up with something that will satisfy us. But, we are being told the city allows as little as a 5 foot setback on a shared driveway/easement. We are asking council to clarify with city staff if you have shared driveway access and are allowing a garage, you need to have a 20 foot setback. We would like the council to address this issue so there are not any questions in the future because it is really causing some problems and fire/life safety issues.

**Councilor Soppe** asked if the Codiga's had any documentation where city has said there is a 20 foot setback requirement.

**Ms. Codiga** replied she did not. They had just been told verbally they had to change previous plans in order to have a 20 foot setback.

**Councilor Soppe** also inquired what was wrong with a 5 foot setback. He stated that, with a 5 foot setback, he would expect no one to park there, and if they do, that is an enforcement issue.

**Ms. Codiga** responded they would have to enforce that.

**Mr. Codiga** explained that the issue gets to be who has to enforce it and how long it gets to be there before we can have the vehicle towed. In our case, the tenants would call us and we would have to have the car posted for 72 hours before we can tow it, unless it is a fire lane.

**Ms. Codiga** said the enforcement is a burden on us.

**Councilor Andrews** questioned whether we can enforce this when it is not a designated fire lane?

**Terrence Mahr, City Attorney**, answered no.

## VI. CONSENT CALENDAR

Consider a motion approving the City Council Regular Session Minutes for November 6, 2006, & November 20, 2006.

**MOTION: Soppe/Andrews** to approve the City Council Regular Session Minutes for November 6, 2006, & November 20, 2006 as corrected. (Unanimous) Motion carried.

## VII. PUBLIC HEARING

None.

## BUSINESS MEETING SECTION

## VIII. CONTINUED BUSINESS

None.

## IX. NEW BUSINESS

The order of the original agenda was changed. The following item was taken out of order from the 3<sup>rd</sup> new business item to the 1<sup>st</sup>.

1. Consider a motion approving the Annual Comprehensive Financial Statements for the year ended June 30, 2006.

**Elaina Canutt, Financial Analyst for the City of Newberg**, introduced the auditors from the certified public accounting partnership of Boldt, Carlisle, & Smith, LLC. Brad Bingenheimer, the City's independent auditor, and Jeff Eshen presented the 2005-06 Comprehensive Annual Financial Report (see full report in the official record).

Various discussions and questions were fielded as the report progressed. Topics ranged from titles of ending fund lines, differences in reports, expenses vs. expenditures, changes to budget documents for on-going grants, tracking accidents caused by out of town residents, and adding liquor revenues, as well as lottery and franchise fees, in addition to highway funds.

**MOTION: Andrews/Nelson** to accept the Annual Comprehensive Financial Statements for the year ended June 30, 2006. (Unanimous) Motion carried.

The following item was taken out of the original agenda order, from 4<sup>th</sup> to 2<sup>nd</sup>.

2. Consider a motion filling one vacant position expiring 12/31/2007 and three positions expiring 12/31/2006 on the Traffic Safety Commission with the most qualified candidates.

Richard Meyer	Tamera Wimmer
Lesley Woodruff	Bryce Jones
Jennifer Dawson	

**Tamera Wimmer** was not in attendance.

**Lesley Woodruff**, 320 Dayton Avenue, stated she applied for the position on the Traffic Safety Commission because she does a lot of walking around town and she sometimes finds this is difficult. She would like to affect change in that respect. She recently moved here and likes to participate more in the community to make this a more walkable city and safer for vehicles (motor and non-motor) as well as pedestrians.

**Councilor Andrews** asked if she could see any problems or concerns in her life that would conflict with the regularly scheduled and special meetings of the Traffic Safety Commission.

**Ms. Woodruff** replied she did not see any conflict.

**Councilor Andrews** queried what she thought was the number one traffic safety issue in Newberg.

**Ms. Woodruff** said she believed speeding through town was the number one issue.

**Councilor Currier** asked if she had any special skills that would especially aide this organization.

**Ms. Woodruff** replied she was bilingual in Spanish and English.

**Jennifer Dawson**, 3701 Oak Grove Street, has lived there since April. She has two young boys and a husband, and she would like to be on the Commission because she cares. She and her husband looked for another place to live for about a year and Newberg is where they wanted to be. So far, she has been attending the meetings as an advocate for her community to get things like "Children at Play" signs posted. She has already built a relationship with the board. Her number one traffic issue with Newberg is Rex Hill, coming down the hill is dangerous with the big trucks since the left lane is a passing lane and semi-trucks come up right behind her when she is slowing down to make the left at the light after the hospital. She explained she did feel she would have a conflict with attendance with the three year term because of her two small children, which is why she would prefer the one year term, but she has made other arrangements for back-up plans in order for her to attend the meetings.

**Councilor Currier** asked if she had any special skills to bring to the Commission and wanted to know how she felt we could better deal with ODOT and the Rex Hill situation since none of that highway is ours.

**Ms. Dawson** stated she has been very proactive in her community so far, participating on the homeowners association. She would love to display a car that has been in an accident at the bottom of the hill as a reminder to slow down. She is also concerned about the intersection by the airport where 2<sup>nd</sup> goes onto 219. She would like to put a four way traffic signal there.

**Bryce Jones**, 606 N. Grant Street, stated he was born here in Newberg and he would like to contribute and give back a little bit. He is a retired commercial driver and was looking for something that would fit into the things he knows about. The only conflicts he foresees is he will be serving on jury duty shortly, and he still drives a couple days a week, but nothing he would not be able to arrange to attend meetings. He sees 99W as the biggest traffic issue in Newberg and would like to see the bypass built in his lifetime. Parking is also an issue.

**Richard Meyer** said he has lived 40 years in Newberg and has served on Traffic Commission since it was still considered the Traffic Committee, close to 30 years. He has had some experience and contributed in the past. He would also like to see the bypass built in his lifetime, but he believes he may not live that long. He is available all the time, unless something happens to his sister, which would call him to NJ. He believes there are a lot of traffic issues in Newberg, enforcement of people making illegal turns being number one, especially from North Main Street to 1<sup>st</sup> Street where drivers are only supposed to go into left lane, not the center lane. Even if we get some publicity in the newspaper to remind what the law says, it would help. The Newberg Graphic used to have information in the upper left hand corner to remind people of the rules, but not anymore.

Discussion commenced regarding the fact that Ms. Dawson was the only applicant specifying interest in the one year vacant position. Council also asked for clarification as to the incumbent who was not present and whether or not the expectation to attend the city council meeting was clearly expressed to her. Suggestions were made about trying to get down to one application for all city positions, specifying that applicants needed to attend the council meeting and to make a copy of the notice that is sent to incumbents available to the council members, so they were aware of the expectations when deciding who should fill the vacancies.

**MOTION: Andrews/Rierson** to nominate Jennifer Dawson to the one single year vacant position to the Traffic Safety Commission expiring 12/31/2007.

**VOTE:** to appoint Jennifer Dawson to the single vacant position to the Traffic Safety Commission expiring 12/31/2007. (Unanimous)

**MOTION: Soppe/Rierson** to nominate Richard Meyer to one of the three positions on the Traffic Safety Commission expiring 12/31/2009.

**MOTION: Andrews/Rierson** to nominate Lesley Woodruff to one of the three positions on the Traffic Safety Commission expiring 12/31/2009.

**MOTION: Rierson/Andrews** to nominate Bryce Jones to one of the three positions on the Traffic Safety Commission expiring 12/31/2009.

**MOTION: Soppe/Currier** to nominate Tameria Wimmer to one of the three positions on the Traffic Safety Commission expiring 12/31/2009.

**VOTE:** To appoint the most qualified three vacant positions to the Traffic Safety Commission expiring 12/31/2006:

Richard Meyer	7 Yes
Lesley Woodruff	6 Yes/1 No [Boyes]
Bryce Jones	6 Yes/1 No [Soppe]
Tameria Wimmer	1 Yes [Soppe]/6 No

Richard Meyer, Lesley Woodruff, and Bryce Jones were appointed to the three vacant positions.

The following item was taken out of the original agenda order, from 1<sup>st</sup> to 3<sup>rd</sup>.

3. Consider a motion approving **Resolution No. 2006-2682** approving the Engineer's Report for the Chehalem Drive Advance Financing of Public Improvements and setting the reimbursement amounts onto the intervening properties.

**Dan Danicic, Public Works Director**, presented the staff report and concluded that staff believes the cost estimates were fair and reasonable (see full report in the official record).

**Councilor Andrews** verified the term of this agreement was 10 years, but at council's discretion if we want to extend it. He also asked for further explanation of the last sentence in the second paragraph on page 25, stating "the term of the Advance Finance Agreement would then be limited to the period of time remaining of the original 10-year-term at the time of Annexation".

**Mr. Danicic** replied it refers to the timeline between enacting the Advance Financing Agreement this evening and the time in which the property annexes and then they develop. The payment is triggered by the development. From tonight to the time they annex does not mean they start over again. If they develop in those 10 years, then the payment would have to be made.

**Councilor Andrews** asked if the extension or 10-year-period was specified in the code.

**Mr. Danicic** replied both were in the code, the initial 10-year-period and the council's discretion for a 10 year extension.

**Councilor Soppe** also referred to the term ending at 10 years, stating his interpretation of page 25 was that we lose the option to extend it another ten years if they annex within the first 10. He asked staff if that was the intent of that statement.

**Mr. Danicic** replied it was not the intent and the ten year period does not restart.

**Councilor Soppe** suggested staff needs to add the phrase "unless extended by the council" in parentheses in order to maintain the authority.

**Councilor Andrews** asked if the developer, Callista Estates, may come to council at the end of the 10-year-period if the property is not annexed or if it is annexed and not developed.

**Mr. Danicic** replied yes.

**Councilor Soppe** asked about hook up and connection costs, inquiring about what both are exactly expected to cover.

**Mr. Danicic** responded a hook up refers to sewer and a connection to water.

**Councilor Rierson** asked when they develop if they are going to share in the cost of the sewer pump station.

**Mr. Danicic** stated they would need to increase the capacity of the pump station and the construction costs do not include pump station costs.

**Councilor Soppe** asked if the charge for increasing the capacity of the pump station would be levied on those properties.

**Mr. Danicic** replied it would.

**MOTION: Currier/Andrews** to approve **Resolution No. 2006-2682** approving the Engineer's Report for the Chehalem Drive Advance Financing of Public Improvements and setting the reimbursement amounts onto the intervening properties. (Unanimous) Motion carried.

The following item was taken out of the original agenda order, from 2<sup>nd</sup> to 4<sup>th</sup>.

4. Consider a motion approving **Resolution 2006-2690** authorizing the acceptance of the canvass of votes for the November 7, 2006, General Election.

**MOTION: Currier/Nelson** to approve **Resolution 2006-2690** authorizing the acceptance of the canvass of votes for the November 7, 2006, General Election. (Unanimous) Motion carried.

5. Consider a motion approving an increase in the System Development Charges for Water, Wastewater, Storm and Transportation.

**Mr. Danicic** presented the staff report (see full report in official record).

**Councilor Soppe** asked if Mr. Danicic could clarify why the transportation charges increased so much in the table on page 241 and asked if he could give him the titles of the different things that changed.

**Mr. Danicic** replied that, on page 243, the buildable acres column will drive the number of trips based on usage.

**Councilor Soppe** expressed concern about whether the SDC's we collected were adequate then.

**Mr. Danicic** responded he could not quantify that for him.

**Councilor Soppe** stated this is a significant change which concerns him and we need to look at our methodology... if the land developed under the old SDC, we would not have collected enough money. If all fees were paid in 2006, we would have collected less money in 2007, with only a 7% difference. Something is not right and we need to look at where these numbers are coming from.

**MOTION: Andrews/Soppe** to approve an increase in the System Development Charges for Water, Wastewater, Storm and Transportation with amendments. (Unanimous) Motion carried.

6. Consider a motion directing staff to proceed with the development and implementation of a Pharmaceutical Take-Back Program.

**Mr. Danicic** presented the staff report (see full report in official record).

**Councilor Currier** questioned the costs relating to having police staff paid to take care of the controlled substances. He wonders why nurses can not be responsible for this job and does not believe this should be done on staff time.

**Mr. Danicic** explained we are getting into DEA territory and a nurse cannot be responsible for carrying that amount of controlled substances.

**Mary Newell** clarified controlled and non-controlled drugs cannot be mixed and the non-controlled substances are more difficult to get rid of.

**Dr. Brenda Bateman, TWD representative**, explained one of the reasons we are having difficulty with separation is because it requires a very specific technology for certain chemical compounds to be broken down.

**Councilor Boyes** asked how we are to separate them.

**Dr. Bateman** replied the professional presence of nurses with the ability to separate is required. Things get more complex with public education. There are several options... a large, one-time collection over a 48 hour period in a parking lot, or the police department allows drop offs at a small window during certain time periods. Recommends we want to avoid people stockpiling before a large event, something on a more on-going basis would be better.

**Councilor Andrews** asked what the adult facilities are doing to help with the fees.

**Mr. Danicic** replied they are providing lock boxes and helping us put this program together. They have estimated the lock boxes to be large enough to handle a 3 month supply.

**Councilor Currier** mentioned a medical provider in town that has been collecting unused medications on their own and only filled one 5 gallon water jug in 10 years. He does not see where there is really that much accumulation. He believes the care homes and hospitals should be designated as collectors, not the City.

**Dr. Bateman** responded that nursing homes are sharing the burden, but this is not part of their business. This is a service to the residents, not the homes themselves. They have costs of staff collecting the medications for disposal already.

Some discussion followed as to waste water verses the fund budget and policies about waste water fees going towards waste water treatment. Also, clarifications were made about the additional trips needed in phase two of the Take-Back Program.

**Councilor Soppe** brought up the point that there is nothing legally stopping anyone from flushing the medications down the toilets and, if we charge facilities for proper disposal and incineration, there is no reason why they will not just flush them which is what we are trying to avoid. He questioned if there were not any grants available since this is a new environmental concern project.

**Dr. Bateman** agreed there were some but the requirements are prohibitive as far as documentation and eventually a permanent funding source would need to be found.



Further discussion continued about the added costs for a reserve police officer to transport the controlled substances, since we currently are doing this. It was explained these cost estimates were intended to characterize the overall cost of the entire program and may not be additional costs.

**Councilor Currier** stated Newberg is not profiting or benefiting from this program and organizations and businesses which are making a profit off of prescription drugs should be responsible.

**Councilor Boyes** said he believes people should take them back to the drug stores and the drug stores should do something with them in order to dispose of them properly.

**Councilor Soppe** agreed somewhat, but questioned how we get people to do this.

**Mr. Danicic** responded these types of conversations are happening and all these issues are there. Any council members are welcome to attend those meetings. He said quite a bit of work has gone into this. He asked the council to just allow them to go to phase one of the program.

Council determined they would like staff to return with more information on the development of the Take-Back Program and to refine the plans in more detail.

**MOTION: Soppe/Rierson** to direct staff to proceed with the development of a Pharmaceutical Take-Back Program, not the implementation, but to refine the plans. (6 Yes/ 1 No [Currier]) Motion carried.

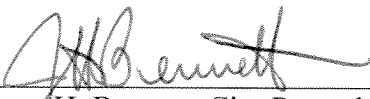
## **X. EXECUTIVE SESSION**

None.

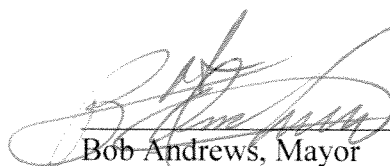
## **XI. ADJOURNMENT**

**MOTION: Nelson/Soppe** to adjourn at 9:55 pm (Unanimous) Motion carried.

**ADOPTED** by the Newberg City Council this 16<sup>th</sup> day of January, 2007.

  
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James H. Bennett, City Recorder

**ATTEST** by the Mayor this 23<sup>rd</sup> day of January, 2007.

  
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Bob Andrews, Mayor