

**NEWBERG CITY COUNCIL MINUTES  
JANUARY 17, 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                      Mike Boyes  
Roger Currier                                      Mike McBride                      Dawn Nelson  
Robert Soppe

**Staff**

**Present:** James Bennett, City Manager  
Terrence Mahr, City Attorney  
Kathy Tri, Finance Director  
Robert Tardiff, Police Chief  
Leah Griffith, Library Director  
Barton Brierley, Planning and Building Director  
Michael Sherman, Fire Chief  
Dave Brooks, IT Manager  
Dan Danicic, Public Works Director  
Kathleen Bochart, Recording Secretary

**Others**

**Present:** Darlyn Adams, Leland Parks, Jeff Caines, Mimi Doukas, Charles Harrell,  
Michael Roos, and J.A. Rekow.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

James Bennett, City Manager presented the staff report.

**PUBLIC MEETING SECTION**

**V. PUBLIC COMMENTS**

**Darlyn Adams, Newberg Animal Shelter Friends**, presented. 2005 brought in close to \$50,000. This brings the building fund close to \$191,000. Newberg Animal Shelter Friends is still waiting for the contractor bids and hope to have them next month. The Newberg Animal Shelter Friends raised \$2,020 at the recent Open House. The next Newberg Animal Shelter Friends meeting will be held on January 26, 2006.

## VI. CONSENT CALENDAR

1. Motion to consider approving City Council Regular Session Minutes for December 19, 2005.

**Councilor Soppe** offered amendments to the regular session minutes of December 19, 2005.

**MOTION: Currier/Andrews** to approve City Council Regular Session Minutes for December 19, 2005, as amended. (Unanimous) Motion carried.

2. Motion to consider appointing three citizens to the Traffic Safety Commission.

Doris Brandt	Robert F. Hurford
Leland R. Parks	Michael Richter
Ron Sult	

**Councilor Soppe** excused himself from consideration of this matter citing a potential conflict and left the room at this time.

**Leland Parks** told the council about himself. Mr. Parks has worked over 20 years in fleet management and accident investigation and root cause analysis.

**Councilor McBride** asked how large the fleet was.

**Mr. Parks** stated that it was a 3600 vehicle fleet.

**Councilor Nelson** asked if Mr. Parks has attended any of the Traffic Safety Commission meetings.

**Mr. Parks** replied that he had not. Mr. Parks stated that while he was working he was not able to attend meetings as he was on the road the majority of the time.

**Councilor Currier** asked if Mr. Parks would be available to make the meetings.

**Mr. Parks** stated that he now owns his own business and would be able to make himself available when needed.

**Councilor Andrews** asked what he sees as the primary traffic concerns in Newberg.

**Mr. Parks** stated that he sees speeding as a problem, but with the installation of the red light cameras things could improve. Mr. Parks also stated that school zones are a problem as many people are still speeding in those areas.

**MOTION: Currier/McBride** to appoint Doris Brandt, Leland Parks and Ron Sult to the Traffic Safety Commission. (Unanimous) Motion carried.

**Councilor Soppe** returned to the room and took his seat on the Council at this time.

## VII. PUBLIC HEARING

1. Public Hearing to consider approving **Ordinance No. 2006-2636** amending the Comprehensive Plan and declaring that territories located on Lynn Drive be included in the Urban Growth Boundary.  
**Quasi-Judicial Hearing**

**Councilor Soppe** indicated that he had participated in the NUAMC hearing on this matter, but would base his decision upon the facts presented tonight.

**Barton Brierley presented the staff report** on amending the Comprehensive Plan and bringing approximately 8.82 acres of land located on Lynn Drive into the Urban Growth Boundary.

**Councilor Andrews** asked if the property east of Crater Lane would become a County island if the requested property was brought into the UGB.

It was noted that the reference to Chehalem Drive as a minor arterial on page 36 of the agenda was incorrect and should be changed to a major collector.

**Mr. Brierley** said that was correct.

**Mayor Stewart** opened Public Testimony.

**Jeff Caines, representing Coyote Homes,** stated that there is one property that is being included in the UGB that will opt out of the annexation process at that time and that is tax lot number 1101.

**Mayor Stewart** closed Public Testimony.

Applicant waived the right to an extra seven-day public testimony period.

**Barton Brierley** recommended adoption of **Ordinance No. 2006-2636** amending the Comprehensive Plan and declaring that territories located on Lynn Drive be included in the Urban Growth Boundary.

<p><b>MOTION: Andrews/Soppe</b> to read by title only and approve <b>Ordinance No. 2006-2636</b> amending the Comprehensive Plan and declaring that territories located on Lynn Drive be included in the Urban Growth Boundary, as corrected. (Unanimous) Motion carried.</p>
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2. Public Hearing to consider approving **Ordinance No. 2006-2637** amending the Comprehensive Plan and declaring that territory located at 2908 North Aspen Way be included in the Urban Growth Boundary.  
**Quasi-Judicial Hearing**

**Councilor Soppe** indicated that he had participated in the NUAMC hearing on this matter, but would base his decision upon the facts presented tonight.

**Barton Brierley** presented the staff report on amending the Comprehensive Plan and bringing approximately 18.883 acres of land located on North Aspen Drive into the Urban Growth Boundary.

**Councilor Soppe** stated that he was concerned about the timing of development and the cost for the reservoir that will be needed. Mr. Soppe stated that he realizes that it is in the water system plan and asked if it is correct that 3 years after annexation there has to be water extended to the land.

**Mr. Brierley** stated that he was correct. Mr. Brierley stated that one part of the criteria of being annexed is whether or not water will be available within three years of annexation.

**Councilor Andrews** asked how the reservoir will be funded.

**Mr. Brierley** stated that funding for the reservoir has not been established but expect it to come to the Council when it comes time. One option could be an SDC district.

**Councilor Currier** asked how Mr. Brierley can justify recommending approval when there is no way to get services.

**Mr. Brierley** clarified what was being asked in the Ordinance. This is just asking to bring the land into the Urban Growth Boundary. Annexation of this land will come back to the Council at a later time.

**James Bennett** asked if the applicant has figured out how to get water and sewer to the land after annexation.

**Mr. Brierley** stated that he anticipates a zoning that will not allow subdivision of the property until sewer and water and available.

**Mr. Danicic** stated that it has not been determined how far the SDC's would have to be spread, if they would be citywide or if they would be specific to the area. The Rate Review Committee will be reviewing the SDC's in the next few months.

It was noted that the date in Item 2 of the recitals on page 219 of the agenda needs to be changed to November 16, 2005, instead of 2006.

**Mayor Stewart** opened public testimony.

**Mimi Doukas, WRG Design** stated that she sees the primary issue to be urban services. This land is part of a master plan that Ken and Joan Austin have begun and they do understand the cost and the time frame to complete these requirements. Ms. Doukas stated that a portion of the land will need a reservoir but the lower part can be served with the existing reservoir.

**Councilor Currier** asked if they would be pumping water to the upper part of the land at their expense.

**Ms. Doukas** stated that they anticipate there would be a holding zone until the reservoir was constructed; until then it would be pumped.

**Councilor Currier** asked if there was documentation of the reservoir.

**Ms. Doukas** stated that there would be as part of the annexation.

**Mayor Stewart** closed public testimony.

Applicant waived the right to an extra seven-day public testimony period.

**Barton Brierley** recommended adoption of **Ordinance No. 2006-2637** amending the Comprehensive Plan and declaring that territory located at 2908 North Aspen Way be included in the Urban Growth Boundary.

**MOTION: Andrews/McBride** to read by title only and approve **Ordinance No. 2006-2637** amending the Comprehensive Plan and declaring that territory located at 2908 North Aspen Way be included in the Urban Growth Boundary, as corrected. (Unanimous) Motion carried.

## **BUSINESS MEETING SECTION**

### **VIII. NEW BUSINESS**

1. Consider adopting **Resolution No. 2006-2614** initiating annexation proceedings for property on Waterfront Street.

**Barton Brierley** presented the staff report on initiating annexation proceedings for property on Waterfront Street. Three of the properties have submitted Measure 37 claims, but have put them on hold. They have decided that it was in their best interests to annex to the city. A major issue is the Riverfront Master Plan. Development of the properties under a Measure 37 claim do not fit in with the plan. Another issue is the bypass. This is an area that the bypass will go through and will affect all three of the properties. The applicants have requested that the City bear all costs to prepare the annexation.

**Councilor McBride** asked if this included Ewing Young Park.

**Mr. Brierley** stated that it did.

**Councilor Nelson** asked if there was an updated number for the cost of annexing all three of the properties.

**Mr. Brierley** stated that it was \$19,972.00

**Charlie Harrell**, representing Larry & Lois Christenson, stated that his clients are asking the city to be the applicant for the annexation.

**Terrence Mahr** stated that the property owners will waive their Measure 37 claims and they will accept the city zoning requirements that will be placed on their property. They will also be required to complete utilities within three years of the annexation.

**Councilor McBride** asked if they can develop what they want if they get the Measure 37 claims.

**Mr. Brierley** stated they could develop under county zoning and what they build would conflict with the Riverfront Master Plan and the bypass.

**Councilor McBride** asked how the applicant would pay for the services needed on the property.

**Mr. Brierley** stated that it would be either through SDC's or a local improvement district.

**Councilor Andrews** asked for clarification. If this is passed it does not annex the property or make a commitment to annexing the property. It is just initiating the annexation process.

**Mr. Brierley** stated that was correct.

**Councilor Soppe** asked if it is allowed to do an annexation outside of the Urban Growth Boundary.

**Mr. Brierley** stated that by city ordinance, land annexed has to be within the Urban Growth Boundary or within the city limits.

**Councilor Soppe** stated that this annexation request is in violation of the current city ordinance.

**Mr. Brierley** stated that was correct.

**Councilor Soppe** stated that he was concerned about the request and the violation of the city code. Councilor Soppe asked if this should be addressed now or wait for the approval of the annexation.

**Mr. Brierley** stated that an amendment could be made to the resolution.

**Councilor Andrews** asked if the city were to start the process but not continue at some point what would be the cost.

**Mr. Brierley** stated that would depend on what phase it was stopped at. If it was stopped before the first hearing it would cost about \$3,800. If the whole process would be completed then it would be the full \$19,000+.

**Councilor Andrews** stated that the land owners have asked to waive the processing fees and asked if this was true of CPRD.

**Mr. Brierley** stated that they have not formally requested it. CPRD was asked if they minded being included and said that it would be ok as long as it doesn't cost them any money.

**Councilor Currier** asked for clarification. Will it cost \$3,000 more to add the other properties?

**Mr. Brierley** stated that for all four properties it would cost \$19,972.

**Councilor Andrews** asked if the fiscal impact is that there would be no costs to the city, but rather a loss in revenue to the city.

**Mr. Brierley** stated that there would be some additional costs.

**Mayor Stewart** asked what the costs would be.

**Mr. Brierley** stated that it would be approximately \$1,000.

**Mr. Brierley** recommended the approval of **Resolution No. 2006-2614** initiating annexation proceedings for property on Waterfront Street. Mr. Brierley also recommended that, based on discussion, the annexation be limited to the land within the Urban Growth Boundary.

It was noted that the resolution requires corrections so as to reflect only those portions of the properties that are within the City's Urban Growth Boundary and the correct property tax identification numbers.

**MOTION: Soppe/Nelson** to approve **Resolution No. 2006-2614** initiating annexation proceedings for property on Waterfront Street within the Newberg Urban Growth Boundary, as corrected. (5 Yes/1 No [Currier]) Motion carried.

**Mayor Stewart** called for a 5 minute break.

2. Consider adopting **Resolution No. 2006-2615** authorizing the position of Emergency Manager.

**James Bennett, City Manager** presented the staff report. The City of Newberg has adopted an Emergency Operations Plan that governs the actions of the City during emergency situations and the purpose of this plan is to ensure that City resources and personnel are allocated properly to address emergencies and protect life and property within the city. The Emergency Manager would also manage the Community Emergency Response Teams (CERT). The position would be 30 hours per week with no benefits. The estimated fiscal impact on the 2005/2006 budget would be \$25,000, which would include initial set up costs for the position. In 2006/2007 the position would cost approximately \$50,000.

**Councilor Boyes** asked if other communities in the area have this position also.

**Mr. Bennett** stated that a number of them do.

**Councilor Boyes** asked if this was a city or a county thing.

**Mr. Bennett** stated that both cities and counties have this responsibility

**Councilor Boyes** asked why this was not in the budget for last year.

**Mr. Bennett** stated that there were competing priorities and it will be presented in next year's budget.

**Councilor Boyes** asked where the Emergency Manager's office would be.

**Mr. Bennett** stated that it would most likely be in City Hall.

**Councilor Boyes** asked if they would be spending a lot of time writing grants.

**Mr. Bennett** stated that writing grants would be a part of the job description.

**Councilor McBride** asked if the city had anyone in mind for the job at this time.

**Mr. Bennett** stated that the City will fill the position in accordance with personnel rules.

**Councilor McBride** stated that \$32,000 seems like a lot of money for not a whole lot of time to involved. Councilor McBride asked what their day might look like.

**Mr. Bennett** stated that they would spend time doing grant searches and grant writing, table top exercises, working with departments on actual procedures. The Emergency Manager would also be in charge of training the CERT teams. The CERT teams are citizens who are trained to go into certain areas of the city and to act as eyes and ears and report back to officials at the emergency operations center.

**Councilor Boyes** asked if this person would figure out how much water and food would be needed if there were an emergency.

**Mr. Bennett** stated that this is something they would do perhaps as public education.

**Councilor Andrews** asked how many other communities have a position like this.

**Mr. Bennett** stated that he does not know exactly. Mr. Bennett stated that the City of McMinnville has one along with Yamhill County.

**Councilor Andrews** asked for clarification on the cost of the position.

**Mr. Bennett** stated that you are looking at approximately \$32,000 to \$34,000 annual cost.

**Councilor Andrews** stated that he spoke with Yamhill County and they have a full time and a part time position. Councilor Andrews asked if the city was over budgeting for this position.

**Mr. Bennett** stated that it appears to be a good fit for the salary.

**Councilor Andrews** asked if there was any way that through grants they could increase their hours and pay.

**Mr. Bennett** stated that he thinks that grants could help to pay for increased hours for the position.

**Councilor Andrews** asked if there was a position description.

**Mr. Bennett** stated that there is a draft.

**Councilor Currier** stated that he believes this is an overstatement for a city of just over 20,000 citizens.

**Councilor McBride** stated that he is still not sure of this position. Councilor McBride stated that he does not see why the city departments can't coordinate on emergency issues if they need to. Councilor McBride asked for comments from the Police and Fire Departments.

**Bob Tardiff, Police Chief** stated that he was not involved in this proposal and does not have the necessary information to be able to comment.

**Michael Sherman, Fire Chief** stated that \$28,000 alone was spent to write the Emergency Operations Plan and that if you want to be fully prepared then you need to spend the money to train on the activities in the plan.

**Councilor Soppe** asked what department this would be under.

**Mr. Bennett** stated that it would be under central services. The position would report directly to the City Manager.

**Councilor Soppe** asked when this could have been used in the past.

**Mr. Bennett** stated that it could have been used when the emergency operations center was activated during the burn to learn at ADEC. It could have also been used during the ice storm in 2005.

**Councilor Soppe** asked what would be their role during the emergency.

**Mr. Bennett** stated that they would be located at the emergency operations center. They would be finding resources and making sure that they were directed to the right people. They would contact organizations that could be helpful in the situation and also prepare press releases.

**Councilor McBride** asked what the requirements were for the position.

**Mr. Bennett** stated that they would need organization skills and also have some experience in emergency or disaster planning. They would most likely have worked in some other public safety field like a Fire Department or Police Department.

**Councilor Andrews** stated that he was supportive of the position but was unsure of the 30 hours a week at the start. Councilor Andrews stated that it could be a half time position and then work up to more hours from there as it becomes an asset to the city.

**Councilor Soppe** asked if cutting the hours to 20 a week limits the available employment pool.

**Mr. Bennett** stated that he did not know. Mr. Bennett stated that the more hours available for the position the more interest there is going to be.

**MOTION: Andrews/McBride** to amend **Resolution No. 2006-2615** reducing the part time position to 20 hours a week and all documents to reflect this. (Unanimous) Motion carried.

**MOTION: Andrews/Soppe** to approve **Resolution No. 2006-2615** authorizing the position of Emergency Manager, as amended. (5 Yes/ 1 No [Currier]) Motion carried.

3. Consider adopting **Resolution No. 2006-2616** authorizing the purchase of the CodeRED Emergency Notification System.

**James Bennett, City Manager** presented the staff report. CodeRED is a fast and simple program. The set up cost is \$7000 to install the system and for training and annual costs are \$7000 a year. Mr. Bennett stated that the City of Dundee and Newberg Rural Fire District can also be included in using this system.

**Councilor Andrews** asked if the city was look at spending \$21,000 for set up fees and 2 years of service.

**Mr. Bennett** stated that that was correct.

**Councilor Nelson** asked what the policy on use was.

**Mr. Bennett** stated that it was a use it or lose it service. There are 40,000 minutes per year to use. For Newberg you could use it 8 times a year to contact the entire city or more often to contact only specific areas of the city.

**Bob Tardiff, Police Chief** stated that he feels really strongly about this. If a child was missing, this system could easily notify neighbors. It can also be used to notify in the case of a hazardous waste spill.

**Mr. Bennett** stated that it can also be used if a water main breaks, for localized flooding, power lines down in the area. It can target a specific area for the system to call.

**Councilor Boyes** asked who would be here to run the system if something happened on a weekend.

**Mr. Bennett** stated that it is a web-based system and they will be training dispatch and other city departments on how to run the system. Mr. Bennett stated that if something happened they can go to any computer and set it up.

**Councilor Boyes** asked where they were going to draw a line for an emergency.

**Mr. Bennett** stated that there would be guidelines for emergencies.

**Councilor Currier** asked how to deal with restricted callers.

**Mr. Bennett** stated that one feature is that you can leave a number with the system and then the system will know to call that number.

**MOTION: Andrews/Soppe** to approve **Resolution No. 2006-2616** authorizing the purchase of the CodeRED Emergency Notification System. (5 Yes/ 1 No [Currier]) Motion carried.

4. Consider adopting **Resolution No. 2006-2613** authorizing the purchase of a rescue ambulance vehicle from Hughes Fire Equipment.

**Frank Douglas, Division Chief** presented the staff report. Newberg Fire Department has received 2 bids for a new rescue ambulance: one from Brawn NW Inc. for \$186,175 and one from Hughes Fire Equipment, Inc. for \$197,143. Hughes Fire Equipment has agreed to the following deductions: \$2,500.00 for NFD to transport the unit from Sumner, Iowa to Newberg, \$1,792.00 for full payment upon completion and \$1,585.00 of the performance bond is waived. With those deductions it brings the total cost to \$191,266.

**Councilor Soppe** asked what the cost would be to bring the unit from Iowa to Newberg.

**Mr. Douglas** stated that it would be considerably less than it would be for them to transport it for us.

**Councilor Soppe** asked what the performance bond was.

**Mr. Douglas** stated that it allows us to not have to pay until the NFD inspects the unit and approves it.

**Councilor Boyes** asked if the City has purchased vehicles from this company before.

**Mr. Douglas** stated that they have and that they have been pleased with the service in the past.

**Councilor Boyes** asked how long it would take to get the unit.

**Mr. Douglas** stated that it would take approximately 180 days from the time of order.

**MOTION: McBride/Soppe** to approve **Resolution No. 2006-2613** authorizing the purchase of a rescue ambulance vehicle from Hughes Fire Equipment. (Unanimous) Motion carried.

## **IX. CONTINUED BUSINESS**

1. Consider adopting **Resolution No. 2006-2611** adopting the 2005 Springs System Improvement Study.

*This item was presented after Item 1 of New Business - **Resolution No. 2006-2614**.*

**Dan Danicic, Public Works Director**, presented the staff report. Mr. Danicic stated that this was originally brought to Council in December and was tabled. There were some legal issues that needed to be researched and were discussed during executive session. Mr. Danicic stated that the key issue is that there is a need for this project to meet State clean water requirements. Mr. Danicic recommended adopting the 2005 Spring Systems Improvement Study.

**Councilor Currier** asked if it would be cheaper for them to put in separate wells.

**Mr. Danicic** stated that he did not know if it would be cheaper, but there is a question as to whether that many good wells could actually be drilled. He expects the impact of the costs of the system on rates will be reviewed by the rate review committee.

**Councilor Soppe** asked about the O&M costs. Councilor Soppe stated that at one point he saw \$50,000 and at another time he saw \$45,000 for the O&M costs. Councilor Soppe asked which was correct.

**Mr. Danicic** stated that the cost of \$50,000 would be the most recent estimate.

**Councilor Soppe** asked if the cost for this in the report covers all three spring systems or just each one individually.

**Mr. Danicic** stated that it covered the entire spring system.

**Councilor Soppe** asked what would happen if the Council adopted this recommendation.

**Mr. Danicic** stated that the council would be adopting the springs study along with the recommended alternative.

**Councilor Soppe** asked if that meant that the city would be responsible for the \$472,500 or if it left it up in the air at this time.

**Mr. Danicic** stated that it doesn't directly say that the city will pay for it.

**Councilor Currier** stated that, if this is approved, then the rate review committee would look at the options for creating a class and review the costs. Then upon review and public hearings it will come back to the council for a vote. Councilor Currier asked if advanced financing was an option in this situation.

**Mr. Danicic** stated that he was not sure if it would. Advanced financing is normally used when the area is expected to develop within ten years.

**Michael Roos** stated that there have been times when people on the system have drilled wells and have not gotten water. Mr. Roos stated that the city has a legal obligation to maintain the system because of the lawsuit that was settled in 1921-1922. The document says that the city will maintain the spring system at the cost of Newberg.

**Councilor Soppe** asked if the springs customers had been notified of the increase in the cost of Alternative 2 to \$472,000. Mr. Roos said that some of them had.

**Councilor Currier** asked if properties have benefited from being able to subdivide over the years.

Mr. Roos did not know, but said that the city had added people to the system.

**John Rekow** stated that he feels that Newberg has an obligation to take care of the system. The city had financial gain from putting a right of way through his property. Mr. Rekow stated that when the city put in the right of way on his property, they had made a deal on the water.

**Councilor Boyes** asked Mr. Danicic how much water from the springs go to the City water system daily.

**Mr. Danicic** stated that approximately 200,000 gallons a day go to Newberg in the winter, very little during the summer. The springs were originally Newberg's only water system.

**Councilor Currier** noted that Otis Springs had also been a part of the City's original water system.

**Councilor Soppe** asked Mr. Rekow what kind of compensation the city gave him for putting in the right of way.

**Mr. Rekow** stated that on the deed for the land it says that the city is required to give me so many gallons a month free.

**Councilor Soppe** stated that if the city is committed to giving you the water then that is what the city needs to do.

**Dan Danicic** recommended adoption of **Resolution No. 2006-2611**, adopting the 2005 Springs System Improvement Study.

**MOTION: McBride/Currier** to amend **Resolution No. 2006-2611** to require that the Citizens Rate Review Committee establish a customer class for users of the spring system and design a fair and reasonable rate system to pay for present and future costs of the spring system.

**MOTION: Soppe/Currier** to approve **Resolution No. 2006-2611** adopting the 2005 Springs System Improvement Study as amended. (5 Yes/1 No [Boyes]) Motion carried.

## **X. EXECUTIVE SESSION**

1. Executive Session pursuant to ORS 192.660(2)(h) relating to current litigation or litigation likely to happen.

Executive session was held during work session. No action was taken.

## **XI. ADJOURNMENT**

**MOTION Andrews/Nelson** to adjourn at 11:20 pm. (Unanimous) Motion carried.

**ADOPTED** by the Newberg City Council this 21<sup>st</sup> day of February, 2006.

  
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James H. Bennett, City Recorder

**ATTEST** by the Mayor this 23<sup>rd</sup> day of February, 2006.

  
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Bob Stewart, Mayor