

NEWBERG CITY COUNCIL MINUTES
FEBRUARY 21, 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
Al Blodgett, Fire Division Chief
Dave Brooks, IT Manager
Dan Danicic, Public Works Director
Kathleen Bochart, Recording Secretary

Others

Present: Darlyn Adams, John Bridges, Michele Tyson, Lorraine Hall, Brett Veatch, Warren Parrish

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

None.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Darlyn Adams, Newberg Animal Shelter Friends, reported that Newberg Animal Shelter Friends ended the year with a total of \$191,135. The next event is scheduled for April 28th and 29th which is the Mega Yard and Plant sale, which will be held at the Zion Lutheran Church at 3rd and River from 8AM to 4PM. The first fundraiser this year is the Cash for Critters. Donate \$500 and become a member of the exclusive Critter Club. You will receive a membership card to

the Critter Club, an appreciation brick on the path to success pathway, a NASF coffee mug and cap, recognition at all NASF fundraising events and a lifetime membership to the NASF. NASF's next meeting will be on Thursday, February 23, 2006 at 7:30 PM at the Public Safety Building.

VI. CONSENT CALENDAR

1. Motion to consider approving City Council Regular Session Minutes for January 17, 2006, and January 23, 2006.
2. Motion to consider approving a proclamation declaring March 7-13, 2006, as Girl Scout Week.

MOTION: Soppe/Nelson to approve the Consent Calendar approving the City Council Regular Session Minutes for January 17, 2006 and January 23, 2006 as amended and a proclamation declaring March 7 – 13, 2006 as Girl Scout Week. (Unanimous) Motion carried.

VII. PUBLIC HEARING

1. Public Hearing to consider approving **Resolution No. 2006-2627** placing the revision of the Newberg Home Rule Charter before the voters at the May 2006 Biennial Primary General Election.
Legislative Hearing

Terrance Mahr presented Resolution No. 2006-2627 which includes the specific wording to be included on the May 2006 ballot.

Councilor Andrews presented a proposal to separate the questions of the length of the mayor's term of office and the voting rights of the mayor from the rest of the revised charter and to present just those two questions to the voters at the May 2006 election.

Councilor McBride stated that he thought the entire revised charter should be submitted to the voters at the May election.

MOTION: Currier/Boyes to approve **Resolution No. 2006-2627** placing the revision of the Newberg Home Rule Charter before the voters at the May 2006, Biennial Primary General Election, per option number three as presented by Councilor Andrews. **Motion was withdrawn by the maker and the second.**

MOTION: Currier to insert Section 45 (Use of Public Parks) from the present charter into the revised charter with the provision that not more than 1% of public park property may be used for other than park purposes and place the amended revised charter on the November Ballot. **Motion failed for lack of a second.**

Councilor Soppe stated that he thinks the direction of the discussion is premature in going towards the November ballot and the council needs to think about what is going to be on the May ballot. Councilor Andrews stated that he has a great concern about putting everything on one ballot. The important things that should be on the ballot are the question of how long is the mayor's term and if the mayor can vote on council matters.

MOTION: Currier/Boyes to approve the two ballot questions that were presented by Councilor Andrews under option number three which address the mayor's term of office and the voting rights of the mayor and direct staff to return with a new resolution and ballot titles at the March 6, 2006 Council meeting. (Unanimous) Motion carried.

2. Public Hearing to consider approving **Resolution No. 2006-2624** adopting Supplemental Budget #2 for the 2005-2006 Fiscal Year.
Legislative Hearing

Kathy Tri, Finance Director presented the staff report.

Councilor McBride asked for clarification of the changed scope of work for Well No. 8.

Ms. Tri explained that this was due to the change in the tower that will house the instrumentation.

Councilor Soppe asked why CodeRED isn't in Central Services right now.

Ms. Tri stated that currently there is not enough money to cover the expense for CodeRED in Central Services so it will come out of the General Fund this year and be budgeted in Central Services for 2006-2007.

Councilor Andrews asked for clarification of the funding for the Emergency Manager position.

Ms. Tri stated that the funding for this position for the remainder of the fiscal year would be split between the beginning working capital and the contingency in Central Services.

MOTION: McBride/Soppe to approve **Resolution No. 2006-2624** adopting Supplemental Budget #2 for the 2005-2006 Fiscal Year. (Unanimous) Motion carried.

3. Public Hearing to consider approving **Ordinance No. 2006-2638** annexing property located at 4500 East Fernwood Road, subject to a public vote and **Resolution No. 2006-2622** directing the City Election Officer to certify a ballot title for the May 2006 election.
Quasi-Judicial Hearing

Councilor Soppe stated that he has been by the property but that will not affect his decision tonight.

Councilor McBride stated that he is on the board of directors for CPRD but that will not affect his decision tonight.

Barton Brierley presented the staff report. The land is within the UGB and is intended for the construction of the next 9 holes of the Chehalem Glenn golf course. Mr. Brierley stated the criteria for annexation and that all of the criteria have been met.

Councilor Andrews asked when the water from Otis Springs will be online.

Dan Danicic stated that they are currently in the design process and should have water by June 30, 2006.

Councilor Soppe stated that on page 80 of the Council Packet it states that CPRD does not pay any development fees and asked for clarification.

Mr. Brierley stated that CPRD pays SDC's, but not for the improvements themselves.

Councilor Currier asked why the property owner needed to sign a consent to annex form and Measure 37 waiver.

Mr. Brierley stated that is a requirement by the City of Newberg that applicants for annexation sign a Measure 37 waiver form.

Councilor Boyes stated that on page 56 it shows this as a public park and asked if there will be a park on the property.

Mr. Brierley stated that the golf course is considered a public park.

Councilor Soppe asked if development of the property will not cause traffic problems.

Mr. Brierley stated that he believes it will not impact most traffic using the road.

Mayor Bob Stewart opened public testimony.

John Bridges, representing CPRD, stated that there was some general concern from neighboring properties about the public coming onto their properties and to solve that CPRD will be putting fences up in those areas.

Mayor Bob Stewart asked for the correct story about the trees being cut down.

Mr. Bridge stated that there were trees on the property that needed to be removed to complete the golf course. There were also some trees being cut down on property adjacent to CPRD land and those were privately done by the same company but through the other property owners.

Councilor Soppe asked what tiling was.

Mr. Bridges stated that it was a concept that farmers use to prevent water collecting on their land. They would dig a trench in a low spot, tile it over and direct the water off of their land onto adjacent property.

Councilor Soppe asked if it was ok for him to presume that if someone wants a fence that it will be there.

Mr. Bridges stated that that was correct.

Councilor Boyes asked what the payback time on was for Otis Springs.

Mr. Danicic stated that it will be approximately three years.

Councilor Boyes asked if we had to give them water from Otis Springs.

Mr. Danicic stated that the City could provide them water from the city's drinking water supply, but using Otis Springs water will save thousands of gallons of drinking water daily from going to irrigation of the golf course.

Councilor Currier asked what would happen if Otis Springs dried up.

Mr. Danicic stated that the city would have to look to the water reuse system or put them back on the public water system. Mr. Danicic stated that the water reuse system will be proposed tonight.

Mayor Bob Stewart closed public testimony.

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

MOTION: Andrews/Soppe to approve approving **Ordinance No. 2006-2638** annexing property located at 4500 East Fernwood Road, subject to a public vote. (5 Yes/1 No [Currier]) Motion carried.

MOTION: Soppe/Nelson to approve **Resolution No. 2006-2622** directing the City Election Officer to certify a ballot title for the May 2006 election. (5 Yes/1 No [Currier]) Motion carried.

4. Public Hearing to consider approving **Ordinance No. 2006-2639** annexing property in the 2200 Block of E. Third Street, Yamhill County Tax Lot 3220-1300, subject to a public vote and **Resolution No. 2006-2625** directing the City Election Officer to certify a ballot title for the May 2006 election.

Quasi-Judicial Hearing

Barton Brierley presented the staff report on the annexation in the 2200 block of East Third Street. Mr. Brierley discussed the benefits of airport residential areas. Tonight the applicant is asking for this land to come into the city limits. Mr. Brierley presented the annexation criteria. Mr. Brierley stated that services are currently available and the improvements will be made at the applicant's expense.

Councilor Currier asked if this plan directed traffic across the runway.

Mr. Brierley stated that currently it does but the small amount of traffic would not cause problems.

Councilor Soppe stated he was concerned about the sewer availability and asked if the city is required to make this available in three years.

Mr. Brierley stated that it means that the services must be available in the area within three years of annexation.

Councilor Soppe asked if all of the lots will be in a gated private community.

Mr. Brierley stated that the gated area will only be on the east side of the stream corridor by the airport.

Councilor Andrews asked for comments from the Fire Department.

Al Blodgett, Fire Division Chief, stated that if there is a problem those issues will be dealt with at the time of construction. Mr. Blodgett stated that the Fire Department would have the code to the gate.

Councilor Andrews asked if the police would have the code also.

Robert Tardiff stated that the police would also have the code to the gate.

Councilor Currier asked if there will be a traffic study done.

Mr. Brierley stated that there will be a traffic study.

Councilor Boyes asked if Everest Rd is a city or a county road.

Mr. Brierley stated that it is a city road and has some sidewalks and curbs.

Councilor Soppe asked if the size of the development will come back to the Council at a later date for approval.

Mr. Brierley stated that it will go to the Planning Commission.

Mayor Bob Stewart opened public testimony.

Michele Tyson, representing Coyote Homes. Ms. Tyson stated that she believes that Coyote Homes should be able to adequately address any traffic concerns.

Councilor Soppe asked if they realize this may not be the final plan with the 78 lots included.

Ms. Tyson stated that they understand that.

Mayor Bob Stewart closed public testimony.

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

Mayor Bob Stewart called for a 7 minutes break.

Mayor Bob Stewart re-opened public testimony.

Rick Rogers, Newberg Habitat for Humanity, addressed the need for multi-family housing and that this area had been identified by the ad hoc committee as having potential for the development of multi-family housing.

Mayor Bob Stewart closed public testimony.

MOTION: McBride/Soppe to approve **Ordinance No. 2006-2639** annexing property in the 2200 Block of E. Third Street, Yamhill County Tax Lot 3220-1300, subject to a public vote.

MOTION: Soppe/Andrews to amend the ordinance by changing the conditions of annexation to replace the words “of remonstrance” with “to object or file a complaint” wherever they occur. (Unanimous) Motion carried.

VOTE ON ORDINANCE AS AMENDED: (Unanimous) Motion carried.

MOTION: McBride/Nelson to approve **Resolution No. 2006-2625** directing the City Election Officer to certify a ballot title for the May 2006 election. (Unanimous) Motion carried.

5. Public Hearing to consider approving **Ordinance No. 2006-2640** amending the Newberg Development Code to provide certain exceptions to annexation public service standards.

Barton Brierley presented the staff report and recommended adoption of **Ordinance No. 2006-2640**.

Councilor Andrews asked what RLUIPA was.

Mr. Brierley stated that it was an act passed by Congress that says a government body cannot propose a limit on a use of property for religious purposes that puts a substantial burden on that religious practice. An example would be if you allowed a Masonic temple but not a church on a property then the government body would be in violation of RLUIPA.

Discussion was held on interim zoning for properties where public facilities cannot be provided within the normal three year period.

Mayor Bob Stewart opened public testimony.

Warren Parrish stated that he is a strong opponent of this Ordinance. People who want an annexation should have to work to get it. Mr. Parrish stated that he is urging the council to not rush through this proposal.

Mayor Bob Stewart closed public testimony.

MOTION: McBride/Andrews to approve **Ordinance No. 2006-2640** amending the Newberg Development Code to provide certain exceptions to annexation public service standards.

Councilor Soppe asked if we should change “may apply” to “shall apply” in Section E after “In these cases, the Council...”

Councilor McBride stated that by leaving the word “may” it gives you the option of applying the interim zoning.

MOTION: Soppe/Andrews to amend the ordinance to change the language in 151.262 (E) as follows:

Line 1. The City Council may annex properties where urban services are not and cannot practically be made . . .

Line 5. . . . of adequate services in relation to development is or will be addressed through legislatively adopted specific area . . .

Line 6. . . . plans or similar plans, or to address similar situations. In these cases, the Council ~~may~~ shall apply an interim . . .
(Unanimous) Motion carried.

MOTION: Soppe/Currier to amend the ordinance to change the language in 151.262 (E) as follows:

Line 6. . . . plans or similar plans, to address similar situations. In these cases, the Council absent any specific legal or contractual constraint shall apply an interim . . .
(4 Yes, 2 No [McBride, Nelson]) Motion carried.

VOTE ON ORDINANCE AS AMENDED: (Unanimous) Motion carried.

BUSINESS MEETING SECTION

VIII. NEW BUSINESS

1. Consider adopting **Resolution No. 2006-2619** authorizing the City Manager to proceed with the development of a reuse water system.

Dan Danicic presented the staff report on the development of the water reuse system.

Chris Allen, CH2M Hill, stated that many options were looked at for the water reuse system. Water reuse is becoming a more common practice. Mr. Allen stated that they settled on a membrane technology for the filters. Water will come through the plant and get picked up by a side stream flow, which will bring it to the new facility, which would contain the membrane filters. Currently it is the most advanced. These membranes can produce level 4 water, which is the highest level of reclaimed water. It would come through the membranes as clean water and then go through a disinfection system and then it would be pumped through a new transmission line, which currently would only go to the golf course.

Councilor Soppe asked if the O&M cost of \$50,000 included the expected replacement costs for the system.

Mr. Allen stated that it does include the replacement costs for the membranes.

Councilor Soppe asked what is in the water that makes it non-potable water.

Mr. Allen stated that it is the current standards for reclaimed water. The water would have certain bacteria that could be harmful.

Councilor Boyes asked what other cities use this type of system.

Mr. Danicic stated that Washington County, Deschutes County, and Clackamas County are some of the ones in Oregon. Mr. Danicic stated that there are hundreds of them across the country.

Councilor Boyes asked where the money would come from for this.

Mr. Bennett stated that it would come from SDCs and water rates.

Don Clements, CPRD, stated that in 1992 they looked at the idea of water reuse. When the property was purchased it did come with water rights and CPRD chose not to pursue that option. When the golf course was built, the extra pipe for the water reuse was put in. The water reuse system is not only good for us but it is also good for the community, as it does not reduce the amount of water that is available to the city. Mr. Clements stated that he would like to encourage the Council to move forward with this project.

Councilor Soppe asked if CPRD would have any objection to an agreement to use a specific amount of water.

Mr. Clements stated that he didn't see any problems in taking a large amount of the reused water.

MOTION: McBride/Andrews to approve **Resolution No. 2006-2619** authorizing the City Manager to proceed with the development of a reuse water system.

MOTION: Soppe/McBride to amend **Resolution No. 2006-2619**, stating that construction will not begin until there is an agreement for long term water use. (Unanimous) Motion carried.

VOTE ON RESOLUTION AS AMENDED: (Unanimous) Motion carried.

2. Consider adopting **Resolution No. 2006-2620** authorizing the City Manager to amend the Water Treatment Plant Expansion Project Professional Services Agreement with CH2M Hill, Inc., from \$145,000 to \$999,665.

Dan Danicic presented the staff report. Mr. Danicic reported on the changes that are needed for the water treatment plan expansion project. The total cost for these changes will be \$145,000.

Councilor Andrews asked about the partnership with PGE.

Mr. Danicic stated that during high peak energy use such as during the summer we don't necessarily need the generator. PGE would be able to turn the generator on and take the plant offline to free up energy for other customers. When this happens, PGE will pay the City for the cost of operating the generator.

MOTION: Andrews/Soppe to approve **Resolution No. 2006-2620** authorizing the City Manager to amend the Water Treatment Plant Expansion Project Professional Services Agreement with CH2M Hill, Inc., from \$145,000 to \$999,665. (Unanimous) Motion carried.

3. Consider adopting **Resolution No. 2006-2621** authorizing the City Manager to sign a Release of Easement relating to a sewer easement.

Barton Brierley presented the staff report and recommended adoption of **Resolution No. 2006-2621**.

Discussion was held on the size and placement of the sewer easement.

MOTION: Andrews/Nelson to approve **Resolution No. 2006-2621** authorizing the City Manager to sign a Release of Easement relating to a sewer easement. (5 Yes/1 No [Currier]) Motion carried.

4. Consider adopting **Resolution No. 2006-2623** authorizing the City Manager to enter into a contract with HPS Pipe and Supply, Inc. for the construction of the Well No. 8 Project in the amount of \$87,018.

Dan Danicic presented the staff report. Mr. Danicic reported on the changes that are needed to proceed with the construction of Well No. 8. Mr. Danicic stated that this proposal also adds a backup generator.

Councilor Soppe asked if the city has dealt with HPS Pipe and Supply before.

Mr. Danicic stated that we have not but used a prequalification process and are confident in their ability to complete the project.

Councilor Boyes asked what would happen in the event of a flood.

Mr. Danicic stated that the wells are underground, but totally sealed. Also, as many as possible would be taken offline to protect against groundwater influence.

MOTION: Andrews/Nelson to approve **Resolution No. 2006-2623** authorizing the City Manager to enter into a contract with HPS Pipe and Supply, Inc. for the construction of the Well No. 8 Project in the amount of \$87,018. (Unanimous) Motion carried.

Mayor Stewart called for a 7 minute break.

IX. CONTINUED BUSINESS

1. Consider adopting **Resolution No. 2006-2617** authorizing the City Manager to develop and enter into an agreement for the purchase and sale of the “gateway” property.

Barton Brierley presented the staff report. Mr. Brierley stated that Coppergold would be paying \$135,000 for the property.

Lorraine Hall stated that she was at the Council meeting on behalf of Historical Downtown Newberg. Ms. Hall stated that she likes the building but not for the entrance to downtown Newberg, reason being that it is a three story building and there are none in town. Also there are no towers in Newberg. Most buildings in downtown Newberg are dark colored brick and the proposed color is a light brick. Also there are no metal roofs downtown other than the public library. There are elements that are appropriate for downtown Newberg such as the horizontal lines and the architectural details that are around the windows.

Councilor Soppe asked Brett Veatch if this design was final.

Brett Veatch stated that there are some things that he would like to change.

Councilor Soppe asked if he would consider using a dark brick.

Mr. Veatch said that he would.

Councilor Soppe stated that he feel the towers are out of place.

Mr. Veatch stated that he has no problems with changing that.

Councilor Andrews noted that the second sentence in Item 4 of the resolution needs to be removed because the buyer will be paying more than the purchase price from ODOT.

MOTION: McBride/Andrews to approve **Resolution No. 2006-2617** authorizing the City Manager to develop and enter into an agreement for the purchase and sale of the "gateway" property, as corrected. (5 Yes/1 No [Boyes]) Motion carried.


X. EXECUTIVE SESSION

None.

XI. ADJOURNMENT

MOTION: Soppe/McBride to adjourn at 11:25 pm. (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 3rd day of April, 2006.



James H. Bennett, City Recorder

ATTEST by the Mayor this 6th day of April, 2006.



Bob Stewart, Mayor