CITY OF NEWBERG COUNCIL MINUTES
AUGUST 20, 2007
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Robert Soppe	Roger Currier
	Mike Boyes	Jeff Palmer	Bob Larson
	Bart Rierson		
Staff Present:	James Bennett, City Manager		
	Terrence Mahr, City Attorney		
	Barton Brierley, Planning and Building Director		
	Leah Griffith, Library Director		
	Lori Moore, Assistant Library Director		
	Larry Fain, Senior Engineer		
	Jennifer Nelson, Recording Secretary		
Others Present:	Dr. Scott Ashdown, Dan Schutter, Harry Morter		

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

James Bennett, City Manager, mentioned the Climax Portable Machine Tools, Inc. groundbreaking ceremony last Tuesday; noting those who attended. He also informed the council there were now three different, less expensive alternatives to consider for timer options and asked them to give feedback.

V. COUNCIL APPOINTMENTS

None.

VI. PUBLIC COMMENTS

Leah Griffith, Library Director, introduced the new Assistant Library Director, Lori Moore.

Dr. Scott Ashdown, Psy.D., Director of Chehalem Youth and Family Services, approached the council to address some items that were brought up at the last council meeting concerning the Chehalem House located at 216 E. 3rd Street. He mentioned inviting the neighborhood to some public events, such as a picnic, open house, or block party, in order to restore the damaged relationships with the neighbors. He has offered some of the kids to complete community services within the neighborhood as well. He noted comments that the house takes in kids from out of state is incorrect and their contracts were with the State of Oregon only. The overgrown trees are being pruned. The eggs are being locked up so kids do not have access to them. Concerning the age of their staff, they do have a policy requiring college degrees that is occasionally broken when interested applicants are scarce. There are a few staff members within the age range of 20-22 years, but many are older than that. There are also no sex offenders amongst the 20 kids currently in the house. Some have sex issues, but not severe enough to be considered offenders. They do not take predatory sexual offenders at all. He is aware of the burdens placed on the city and they work hard to minimize them. Those who are working with the kids believe they are worth it. Lastly, the property at 201 4th Street does not belong to them.

Councilor Roger Currier stated the abandoned bus was not part of the issue and the primary complaint was about the fruit being thrown at vehicles, windows, and animals. He expressed concern for the fruit that will still drop off even if the trees are pruned.

Dr. Ashdown said it was a valid concern. The kids are to be supervised by sight and sound, 24 hours a day. Sometimes they do act out, usually several at a time, and at times that happened before staff could intervene.

Councilor Currier returned that it did not appear to him that there was a person supervising when he visited the area.

Dr. Ashdown described their "no staff" policy, which prohibits more than one kid being together without staff present. If the kids find themselves in that type of situation, they are also required to run out of the room yelling "no staff". It may not be 100% effective all the time, but they do strive to do their best.

Councilor Robert Soppe added the audio recording of the meeting has been available and he did not need to get his information second hand. He said there were other items brought up that he has not addressed, and a few issues were quite disturbing and very serious. He encouraged him to listen to the recording for himself.

Councilor Jeff Palmer mentioned he met with the executive director and volunteer coordinator last week and suggested they listen to those audio recordings.

Dr. Ashdown replied that a staff member, Deborah, did listen to it and met with him briefly to inform him of the issues raised.

VII. CONSENT CALENDAR

Consider a motion to approve a proclamation recognizing Paul Cooley for actions taken saving the life of another and awarding him the Life Saving Award.

MOTION: Currier/Larson to approve a proclamation recognizing Paul Cooley for actions taken saving the life of another and awarding him the Life Saving Award. (Unanimous) Motion carried.

Mayor Andrews called forth Officer Paul Cooley to recognize and present him with his award.

VIII. PUBLIC HEARING

Consider a motion approving **Ordinance No. 2007-2677** vacating the Sherman Street right of way between Hess Creek and Villa Road.

Mayor Andrews called for any conflicts of interest, ex parte contact, and/or abstentions.

Councilor Currier mentioned possible conflict of interest because he is employed by the medical center across the street from this location and they have a Planned Unit Development (PUD) in there that has nothing to do with this, but it is in the vicinity. He stated it will have no bearing on his actions here tonight.

Barton Brierley, Planning and Building Director, presented the staff report and recommended approval with the condition to retain a utility easement (see official record for full report).

Councilor Currier brought up a concern for the traffic from Attrell's Funeral Home and an unwritten agreement for occasional funeral traffic to use two driveways there.

Councilor Soppe asked if Attrell's was notified of the vacation. Staff believed they were.

Mayor Andrews asked if staff could demonstrate Attrell's was notified to the council's satisfaction. Staff replied they would have to research the matter. He also asked for clarification on the maintenance of the right of way easement and the impact on fire and police with the vacating of the street, not closing it.

Mr. Brierley replied the entire right of way would be maintained for utilities and the street would stay as a driveway into the complex. If they were to cut that street off or change it, it will have to be reviewed with fire and police to make sure it maintains acceptable access.

Discussion followed concerning a request for tree planting to be ten feet back and no buildings to be built on the easement. Staff replied the buildings would be covered, but the request for trees to be back ten feet would not be honored.

Proponents:

Dan Schutter, representing George Fox University, briefly discussed the inclusion of utility easements. He stated since the hospital was sold to George Fox University (GFU) they have been in possession of North Street, which they vacated years ago; utilities were maintained as well as access for police and fire. He said Sherman Street will be the same case. In the future the master plan for the old hospital will make significant changes to that area and at that time they will have to make sure accessibility meets fire code. He said Newberg Community Hospital dedicated 34 feet of right of way for public for use in 1950 and another property owner dedicated six feet. That other property owner is concerned because the right of way will be given back and the doctor was thinking he would maybe be getting half along his property and GFU would get the other. Within the 34 feet originally dedicated, GFU would not want to be in a position to have joint ownership with the property owner who could tear that section out. GFU needs to maintain that to service other properties and this took a while in discussing this to come to an understanding and agreement.

Councilor Currier addressed his concerns with Attrell's and asked for his response.

Mr. Schutter replied Attrell's Funeral Home was spoken to and the relationship will not be affected by the vacation in any way. They can continue to access Villa Road. There were also other issues like the clinic using seven spaces and a few other issues to work through.

Councilor Soppe asked what the advantages for this organization were and what they were looking for with this vacation.

Mr. Schutter spoke about the conditions requiring street frontage improvements when remodeling, even though the hospital had done work before and never did anything. If the street is vacated, the city cannot impose the frontage improvement requirements.

Councilor Currier asked about the agreement with the hospital and the university that the building would be used for a medical facility and the fact it will now not be used for any training whatsoever. He was concerned this was a breach of contract.

Mr. Schutter replied it would not be used for training, but argued this is the same for other nursing programs.

Councilor Bob Larson asked if Sherman would still be referred to as Sherman Street even though it would essentially be a driveway now.

Mr. Schutter suspected it would be referred to as Sherman Street, just as Carlton Way is.

Councilor Mike Boyes inquired about discrepancies between the drawings on pages 16 and 27.

Mr. Schutter replied one is a submittal from Northwest Natural and the tax lot at one time did look like that.

Councilor Soppe brought up the issue of the 34 foot and 6 foot dedicated property and the standard requiring the property to be given back to the deed owner on the property when vacation occurs.

Mr. Schutter replied this was the state standard.

Councilor Soppe asked staff to strike the word "remonstrances" on recital number three. Staff replied that change would be fine and it was not caught previously.

Opponents: None appeared.

Public testimony closed.

MOTION: Larson/Soppe to approve **Ordinance No. 2007-2677** vacating the Sherman Street right of way between Hess Creek and Villa Road, read by title only including the correction to the recitals to remove the word "remonstrances". (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

Consider a motion approving **Resolution No. 2007-2729** authorizing the City Manager to sign the Cooperative Improvement Agreement for the OR 219: Springbrook Road to Wynooski Road Project with the State of Oregon.

Dan Danicic, Public Works Director, presented the staff report (see official record for full report).

Alan Fox, representing the Oregon Department of Transportation, assisted with the staff report presentation. He said the project was to improve the safety of the intersection, was complete and ready for bidding, intended for spring construction, and the agreement is between the city, state, and county.

Discussion occurred concerning the electrical costs for the intersection and the obligation of the city to pay the power costs once it is installed. It was estimated to be approximately $1,000 per year in electrical costs. There would be a new right of way from the extension easterly on Springbrook to OR 219 and to 9th Street, which would all be turned over to the city. ODOT is to retain access control. Detours and construction postponement for median at 2nd Street until the ODOT project is complete.

Councilor Currier referred to page 45 and asked about the landscape maintenance responsibilities of the city. Staff replied the city would maintain landscaping in the right of way.

Councilor Bart Rierson asked how this will affect the street improvements required for part of the Climax Tools expansion and if they need to wait as well. Staff replied the agreement is that the ODOT project comes first.

Councilor Boyes noted the maps did not show anything about the 2nd Street "right in, right out only". Staff replied this project will make no changes to 2nd Street. He also was concerned for access to the coffee stand at the corner of Wilsonville Road and OR 219. Staff replied customers would need to travel to the new intersection and come back to access that business. He also wondered about the affect on the properties coming in and out on Wilsonville Road in this area. Staff replied the subdivision accounts for its access to Springbrook Road and Wilsonville Road and the sight distance will be taken into account with construction of the subdivision.

Councilor Soppe asked if the report was different from what was seen at the last meeting. Staff replied the Yamhill County signature was not included. He said it would have been easier to have noted there were no changes so the councilors did not have to read it again. He pointed out a typo error on page 39 and need to modify OR 210 to OR 219. He also added the county gets $50 for each address change, but the city does not receive any compensation.

Councilor Palmer replied he did spend a lot of time comparing the two documents and stated there are several variances: ODOT is referred to as the state; numbering and other items were done differently as well. Staff replied the main concerns were with the obligations of the city. He argued it would have been more accurate to note there were changes, but nothing substantial.

Mayor Andrews spoke of a modification on page 44 of county vs. the city and questioned the turning lanes added at Wynooski Road and OR 219

Mr. Fox stated the original plan did not have turning lanes, but they changed this because they would be safer and help traffic flow in that area.

Councilor Currier raised concerns for the abandoned roadway that would result at the corner of OR 219 and the Wilsonville triangle, questioning who would be responsible for the maintenance of that unused area.

Mr. Fox stated ODOT will provide a barrier there and whatever right of way ODOT had will remain with the highway and whatever the county had will remain with the county. They did not require any more of the right of way in the transfer.

Councilor Currier stated he was not willing to accept this agreement until someone's signature indicated responsibility for maintenance of this abandoned portion of road. He said it should be part of the project as to what will be done there.

Mr. Fox stated he would send a copy of the plans and help follow up with the county.

Councilor Larson asked if a date was set for construction to begin and how long it would take to complete.

Mr. Fox replied they will start May 1^{st}, 2008 and hope to be completed by the end of October. He will not know exactly how long until they have contractor. They will go to bid now for a six month lead time required to order the signal, so it will be on hand to install at the end.

Discussion followed concerning the intersection at Springbrook Road and the new road and how turning there will be addressed. There is to be a median and drivers must go to the signal, coming north on Springbrook there will be a stop sign, a free right coming south on Springbrook and a yield sign north on what will be Wilsonville Road. There will be a turning lane.

MOTION: Soppe/Larson to approve **Resolution No. 2007-2729** authorizing the City Manager to sign the Cooperative Improvement Agreement for the OR 219: Springbrook Road to Wynooski Road Project with the State of Oregon. (6 Yes/0 No/1 Abstention [Currier]) Motion carried.

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2007-2724** accepting the Wastewater pretreatment Program for the Newberg Wastewater Collection and Treatment System.

Larry Fain, Senior Engineer, presented the staff report (see official record for full report).

Mayor Andrews asked if this is something the industries do or if it is a burden imposed on the city and if the cost of the pretreatment was funded through the wastewater rate structure.

Mr. Fain replied it is the city's role to identify potential significant industrial users of wastewater pretreatment, to see what they are putting in and decide what we would allow them to put in. He added it was correct the funds come out of wastewater.

Mayor Andrews asked why the city is paying for this if they are looking for the industries to be paying.

Councilor Soppe responded he believed he understood that the organization of the program will be borne by the rate payers, but an industry requiring pretreatment would bear the cost of the construction and maintenance for their particular industry.

Mr. Fain replied that was correct and this is what the city needs to do in order to allow industry into the city. The desire is for potential industry coming in and this is a way to sit and negotiate for that to happen.

Mayor Andrew asked if he could anticipate the cost of developing a program.

Mr. Fain said he could not address that off the top of his head. The existing staff unit will bear that burden until significant industrial users are identified and staff numbers will have to increase to accommodate this, but that is not anticipated to happen in the near future.

Councilor Currier asked about the possible reuse issue of pumps.

Mr. Fain explained the purpose of this is to enter into a pretreatment agreement with significant industrial users and lay that all out. This gives the authority to do that eventually.

Councilor Currier also asked when they are no longer used, who is responsible for doing something with the tanks and equipment left. It may be viable for something else like putting a valve on it, fill it with water, and use it for fire prevention in rural areas.

Mr. Fain stated again this is not an issue being addressed today, but he agrees the city should negotiate that with the user so it is not the city's responsibility to maintain.

Mayor Andrews asked if an item like this would be handled in the code revisions.

Mr. Fain replied they can and will be sure to do that.

MOTION: Soppe/Palmer to approve **Resolution No. 2007-2724** accepting the Wastewater pretreatment Program for the Newberg Wastewater Collection and Treatment System. (Unanimous) Motion carried.

2. Consider a motion approving **Resolution No. 2007-2728** authorizing the City Manager to enter into a contract with Mountain States Networking for the Converged Communications/Voice Over IP Project in the amount of $336,563.21.

Dave Brooks, IT Manager, presented the staff report (see official record for full report).

Councilor Currier asked about the differences between all the bids.

Mr. Brooks replied the others did not meet the requirements of the RFP.

Councilor Currier wondered why we accepted a bid if they did not meet the RFP, how long the system is good for, if it is expansion capable, and how many phones can be added to the system.

Mr. Brooks replied the system does not have a shelf life, the equipment is replaced as needed, and there are unlimited expansion possibilities.

Councilor Currier asked what can be anticipated on an annual basis for equipment replacement.

Mr. Brooks replied only networking equipment would be needed, but does not anticipate any for the duration of the contract unless the city expands. No server hardware is to be replaced as a part of this.

Councilor Soppe wondered if this equipment is fairly generic. He asked if the phones are tied to a central unit as well.

Mr. Brooks replied the equipment is fairly generic and the phones are all tied to each other through a call processor.

Discussion continued concerning the only bid that met the RFP and the unwillingness of vendors to address the City's particular situation with several outlying buildings. The various vendors were discussed and the one chosen demonstrated superior understanding and technology capabilities. Staff noted the City will own the system at the end of the contract period and it will be maintained internally.

Councilor Rierson asked if staff anticipated potential savings to have competition on long distance carriers now.

Mr. Brooks replied there would be and this is one reason why they wanted to own the system and discussed current toll charges. He said there would be approximately $18K annual savings from removing these charges for calls between buildings.

Councilor Soppe asked about the amount currently spent on replacements in a year.

Mr. Brooks spoke of the $51 per hour charge for Verizon to come out plus the wages for the IT technician walking around with them. He also mentioned waiting two months for non-critical parts currently. It is a matter of time as well, preventing phone lines being down for days.

Brief discussion on the fiscal impact: $633 per month and $380K over five years, $76K this first year.

MOTION: **Larson/Palmer** to approve **Resolution No. 2007-2728** authorizing the City Manager to enter into a contract with Mountain States Networking for the Converged Communications/Voice Over IP Project in the amount of $336,563.21. (Unanimous) Motion carried.

3. Consider a motion to ratify the four way stop at the intersection of Fernwood Road, Second Street, and Springbrook Road.

Mr. Bennett offered a brief historical background on the motion.

Discussions followed concerning the previous actions taken by the City Council and the Traffic Safety Commission (TSC), as well as the procedure for closing this issue tonight.

Terrence Mahr, City Attorney, recommended the council make a motion to dismiss the reconsideration of the rumble strips decision because the TSC already completed the decision to make a four way stop, thus leaving the TSC decision in place.

MOTION: Currier/Larson to support the decision of the Traffic Safety Commission to ratify the Police Chief's decision to install a four way stop at the intersection at Fernwood Road, Second Street, and Springbrook Road and dismiss reconsideration of the prior council decision to install rumble strips. (6 Yes/1 No [Soppe]) Motion carried.

Mayor Andrews recessed the meeting at 8:55 PM and reconvened at 9:08 PM.

XI. COUNCIL BUSINESS

Consider a motion to support the Public Access Cable TV Subcommittee recommendation.

Councilor Larson presented the staff report and offered the recommendations of the committee that there is not enough interest and all city owned equipment should come back and be held on city property.

Discussion commenced concerning the Comcast franchise fees and the remaining funds available; whether or not the funds were spent according to the conditions of the letter from Comcast and if a lump sum payment can be pursued. It was determined that discussions must occur with Comcast to resolve matters concerning the cable TV funds.

Harry Morter spoke of the survey results determining the interest for public access cable was not there. He also spoke of the current location of city equipment: Matt Simek using a camera for purposes of the tourist train and Jim Morrison for water-front beautification.

Councilor Currier expressed concerns for equipment on loan not being used for projects of value to the city.

Councilor Soppe spoke of the stipulation that videos must be prepared for public access. He thought it there was no channel, it should not continue to be used, and should be returned to the city.

Mayor Andrews asked since nothing was being produced to be transmitted with Channel 21 being inoperative, what is the justification for the other people using the equipment.

Mr. Morter replied it was all documentary type projects for the city's good and the topics were of interest to the city, such as water front beautification.

Mr. Bennett added there were number of discussion meetings held with representatives of the Oregon State Department of Parks and other interested parties working to create a trail network. The material is being taped in order to be brought to those meetings.

Mayor Andrews asked if the final product would be considered property of the owner of the tape or on behalf of the city.

Mr. Bennett replied if they are using city equipment, then the final product belongs to the city.

Discussion continued concerning uses and possible abuse of equipment and the need to have it returned to the city, so staff can decide the validity of uses and monitor who has the equipment, and potential damages during possession.

MOTION: **Palmer/Boyes** to support the Public Access Cable TV Subcommittee recommendation.

Councilor Rierson stated if he was going to support this then the equipment would need to be brought back and a policy developed for use and liability.

Discussion occurred about serial numbers, equipment to be returned, and the need to place it on inventory so it is covered by insurance if stolen or broken.

Mr. Morter agreed to return all the equipment in his possession by the end of the month.

VOTE: To approve supporting the Public Access Cable TV Subcommittee recommendation. (7 Yes/0 No) Motion carried.

Councilor Currier spoke about the sign presentation at the last meeting and mentioned the sign at Lewis Audio changes every 10 seconds. He also requested a follow-up on the Soderquist contract.

Mr. Bennett replied the contract expired and was replaced with another for engineering services at a certain dollar amount per hour. Engineering felt they could still make use of his services for special projects on an as needed basis. When he retires, that contract will no longer be available.

Councilor Currier expressed disapproval at what he considered a failure to communicate a follow-up from six months prior. He also spoke on the 9th Street sound permit where he had requested a large gathering format from the County for purposes of patterning the city's policy. He requested staff to look into the state number for requirement of portable toilets.

Mr. Bennett mentioned they also acquired language from several other cities for comparison.

Councilor Palmer followed up on the Local Improvement District (LID) for Villa Road, noting a sense of urgency to get it done this summer, and asked for a progress report since nothing is going on out there yet.

Mr. Bennett replied he would check with Public Works, they are mobilizing but have concerns for not interfering with work on the Mountainview Drive project. He will email the council.

Councilor Soppe on Villa Road LID he was curious about any discussion with the church there. He also asked about the Main Street LID. He also reported on the City/County Dinner and recall efforts in other towns.

Mr. Bennett replied there was nothing new concerning the church and the Main Street LID is on the agenda for September 4th.

Councilor Soppe asked for a follow-up on Redflex for numbers on the cost to buy the system. Staff will check up on that.

Councilor Boyes discussed article in Oregonian and revenue from business licenses to be used for funding police investigations. He also discussed thefts at his business and others and asked about Lo-jack on city computers.

Mr. Bennett replied he would ask Dave Brooks to look into it. He also asked if anyone wanted to attend the League of Oregon Cities (LOC) conference in Bend this year. It is the last weekend in September during the same time the city will be entertaining guests from Poysdorf, Austria. If anyone is interested, please let him know this week so accommodations can be arranged.

XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

MOTION: Larson/Palmer to adjourn at 9:56 PM (7 Yes/0 No) Motion carried.

ADOPTED by the Newberg City Council this 17th day of September, 2007.

Norma I. Alley

Norma I. Alley, City Recorder

ATTEST by the Mayor this 18th day of September, 2007.

Bob Andrews

Bob Andrews, Mayor