CITY OF NEWBERG COUNCIL MINUTES
NOVEMBER 5, 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	Mike Boyes	Roger Currier
	Bob Larson	Jeff Palmer	Bart Rierson
	Robert Soppe		

Staff Present:
Robert I. Tardiff, City Manager Pro Tem
Terrence Mahr, City Attorney
Dan Danicic, Public Works Director
Barton Brierley, Planning and Building Director
Leah Griffith, Library Director
Norma I. Alley, City Recorder
Jennifer L. Nelson, Recording Secretary

Others Present: Virginia Jungwirth, Charles Zickefoose, Deb Galardi, Jerry Dale, Nancy Boyer

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Robert I. Tardiff, City Manager Pro Tem, expressed thanks for the opportunity to return to help out. He said he met with department heads already and offered to meet with any council members that wanted to share their thoughts with him.

V. COUNCIL APPOINTMENTS

None.

VI. PUBLIC COMMENTS

Ms. Leah Griffith, Library Director, invited all to a commemoration of library's centennial year celebration on Saturday.

Ms. Virginia Jungwirth brought forth concerns for returning lost dogs after hours and on weekends. She recommended connecting McMinnville computers with the Newberg Police Dispatch. She also suggested purchasing a chip locator to identify animals with chips. Chief Brian Casey was asked to follow up with the issue.

VII. CONSENT CALENDAR

1. Consider a motion approving the City Council Regular Session Minutes for October 1, 2007.

2. Consider a motion approving a Proclamation declaring November 10, 2007, as Newberg Library Association Day.

3. Consider a motion approving **Resolution No. 2007-2742** appointing Mariann Schluter as Engineering Division Secretary.

4. Consider a motion approving **Resolution No. 2007-2743** appointing Lisa Barry as Court Administrator and Mary Shroll as part-time Receptionist.

5. Consider a motion approving **Resolution No. 2007-2744** appointing Tami Bergeron as Office Manager in the Planning and Building Department.

MOTION: **Currier/Soppe** to approve the Consent Calendar including the City Council Regular Session Minutes for October 1, 2007, a Proclamation declaring November 10, 2007, as Newberg Library Association Day, **Resolution No. 2007-2742**, **Resolution No. 2007-2743**, and **Resolution No. 2007-2744** . (7 Yes/0 No) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2007-2683** establishing procedures following failed annexation elections. **(Legislative Hearing)**

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

Mr. Barton Brierley, Planning and Building Director, presented the staff report (see official record for full report).

Councilor Bart Rierson spoke of the reapplication fees costing $750 and asked what the fee is to apply the first time. Staff replied the original application fee is $1,500 plus $170 per acre. He also asked about timing for reapplications after an annexation does not pass.

Mr. Brierley replied the annexation could not be on the ballot more than once in a single calendar year; and if it fails, it must wait until the following calendar year to be placed on the ballot again.

Councilor Roger Currier suggested a language change to "a twelve month period" rather than a "calendar year" in order to prevent repetitive action. Staff recommended an eleven month period.

Public Testimony was opened. No proponents or opponents appeared. Public testimony was closed. Staff recommended approval.

MOTION: **Larson/Palmer** to approve **Ordinance No. 2007-2683** establishing procedures following failed annexation elections.

MOTION: **Soppe/Currier** to amend **Ordinance No. 2007-2683** at 1(J)(2) changing "calendar year" to "twelve month period" and 1(J)(4)(a), changing "calendar year" to "any eleven month period".

Discussions followed concerning the timing between petitioning for failed annexations to be added to the ballot and when they would go to election.

VOTE: To amend **Ordinance No. 2007-2683** language for "calendar year" at 1(J)(2) and 1(J)(4)(a). (5 Yes/2 No [Andrews, Palmer]) Motion carried.

Councilor Soppe expressed concern there may be confusion as to whether the initial application for annexation is considered a petition and felt the need for it to be clear.

MOTION: **Soppe/Andrews** to amend **Ordinance No. 2007-2683** at 1(J)(2) clarifying the applicant may only petition the City Council once [for re-submittal] in any eleven month period.

VOTE: To amend **Ordinance No. 2007-2683** language 1(J)(2) to clarify the petition as a re-submittal. (Unanimous) Motion carried.

MOTION: **Andrews/Currier** to amend **Ordinance No. 2007-2683** at 1(J)(6) where an annexation has been initiated by the City Council, the Council may refer the annexation to a subsequent election upon its own motion [subject to foregoing requirements or to this subsection].

VOTE: To amend **Ordinance No. 2007-2683** language at 1(J)(6). (Unanimous) Motion carried.

MOTION: **Andrews/Palmer** to amend **Ordinance No. 2007-2683** by adding a subsection 3; which states, "This ordinance shall apply to any annexation election not referred to the voters as of the effective date of this ordinance."

VOTE: To amend **Ordinance No. 2007-2683** adding a subsection 3. (Unanimous) Motion carried.

Councilor Soppe stated he did not support taking away the authority of the City Council by restricting them from putting annexations on the ballot.

Mayor Andrews argued this ordinance does not limit the role of the Council; it just holds them accountable to what the public can expect. The Council can still deny the petition.

VOTE: To approve **Ordinance No. 2007-2683**, as amended. (6Yes/1 No [Soppe]) Motion carried.

2. Consider a motion approving **Resolution No. 2007-2740** increasing the water and wastewater system development charges. **(Legislative Hearing)**

TIME: 8:00 PM

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

Mr. Dan Danicic, Public Works Director, presented the staff report with the assistance of **Ms. Deb Galardi, Galardi Consulting,** and distributed a handout (see official record for full report).

Mayor Andrews asked about capacity requirement per equivalent dwelling unit (EDU) and how it applies to commercial and industrial buildings.

Ms. Galardi replied the cost per unit capacity (usually a volume of water) is determined for a typical dwelling unit and scaled up for larger ones.

Councilor Soppe asked staff to explain the Springbrook Water Reuse Project and the $11 million needed just for the plumbing.

Mr. Danicic replied that a part of Springbrook Road needed expansion and they are including reuse in that project at the same time; costs include a twenty-four inch water line from the treatment plant.

Discussion followed concerning half of the funds being tied up in the Springbrook Project and how expenses are allocated. It was determined that nothing would be paid for more than once.

Mayor Andrews asked if there is an automatic inflation escalator to help with construction cost increases or were they adjusted as needed. Staff replied the current provision is to come back for an annual increase, since the law specifies this cannot occur automatically for SDC purposes without a Council decision.

Public Testimony was opened. No proponents or opponents appeared. Public testimony was closed. Staff recommended approval.

Councilor Mike Boyes asked what the total SDC burden is for an average house. Staff replied it was currently $9,100 for a single family residence, with the increase it will be $14,000.

MOTION: Currier/Rierson to approve **Resolution No. 2007-2740** increasing the water and wastewater system development charges.

MOTION: Andrews/Currier to amend **Resolution No. 2007-2740** adding a resolve number four to the resolution: "From this point forward water and waste water SDC charges shall automatically increase annually according to the engineering news record cost index as an administrative action on each successive year starting January 1, 2009."

VOTE: To approve the amendment to **Resolution No. 2007-2740**. (Unanimous) Motion carried.

VOTE: To approve **Resolution No. 2007-2740** as amended. (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

MOTION: Currier/ to reconsider the decision on **Ordinance No. 2007-2683.** Motion failed for lack of second.

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2007-2737** authorizing Redflex to install two photo red light camera systems at Portland Road and Villa Road.

TIME - 9:06 PM

Mr. Brian Casey, Police Chief, presented the staff report with the assistance of **Mr. Glen Post, Regional Operations representative from REDFLEX Traffic Systems,** (see official record for full report).

Discussion followed concerning the figures, processing fees, and how the numbers were derived.

Mayor Andrews asked what the anticipated operational date is. Staff said the end of the year.

Councilor Rierson expressed disappointment that the proposal did not show figures for comparison of leasing the equipment vs. purchasing.

Councilor Currier expressed his concerns that there would be more money going into purchasing the system than would be made.

Discussion continued concerning the estimating annual costs for a light at Villa Road, citations expected to collect, servicing for malfunctions, and the need to hire REDFLEX to work on the system because they will not allow the City to use their software.

Councilor Palmer felt there would be the same level of safety either way and would much rather see $125,000 additional revenue if there is a way to minimize risk. He was not positive he could make that decision without the hard numbers.

Discussions followed concerning the number of officers on staff for the City and comparing those numbers to other surrounding cities.

Mayor Andrews asked if the cost estimates were just to purchase photo red light equipment for Villa Road or for the Portland Road intersection as well and if this would require two separate contracts.

Mr. Post replied the figures were based on one intersection; two will result in roughly twice as many citations. He did not believe two separate contracts would be an option; the City would either have to purchase both or lease both. He said REDFLEX has never sold a red light camera, they have always leased them.

Mayor Andrews recommended possibly investing the money in bringing police staff up to standards of other cities in the State.

Councilor Soppe argued there was no profit for investing the money for hiring other officers and it would not change the level of safety. He felt the revenue could either go to REDFLEX or to the City of Newberg and he would prefer the City to see that money. He asked if REDFLEX will refuse the City's proposal to purchase the equipment.

Mr. Post stated REDFLEX is in business to make a profit, but he cannot speak for them.

Mr. Mahr suggested authorizing the City Manager Pro Tem to act as a delegate for the City to push for the numbers needed and enter into a contract with REDFLEX. If the difference is over $50,000, the City Manager will have to return to the Council to figure out how to fund.

MOTION: Currier/Palmer to table **Resolution No. 2007-2737** until December 17, 2007 and authorize the City Manager Pro Tem or designee to submit a letter to REDFLEX or alternate corporation to receive total cost comparisons for purchasing and/or leasing of photo red light equipment and installation.

VOTE: To table **Resolution No. 2007-2737** until December 17, 2007. (5Yes/2 No [Andrews, Boyes]) Motion carried.

Councilor Soppe suggested having the City Manger Pro Tem include maintenance and upgrade costs as well. He also suggested giving the numbers to the finance department to create a chart based on the number of citations for how many years it would take to pay for itself.

2. Consider a motion approving **Resolution No. 2007-2741** increasing the transportation and stormwater system development charges.

TIME - 9:48 PM

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

Councilor Soppe asked about the increase in construction costs and the effects on the concrete costs for transportation.

Mr. Danicic explained the estimates look at the average for the year and there is not so much concrete in infrastructure as there is pipe, oil and asphalt. Labor is the higher cost and the index is based on a twenty city average.

MOTION: Rierson/Currier to approve **Resolution No. 2007-2741** increasing the transportation and stormwater system development charges; including an annual inflation index starting in 2009.

VOTE: To approve **Resolution No. 2007-2741**. (Unanimous) Motion carried.

3. Consider a motion approving **Resolution No. 2007-2745** authorizing the City to be a co-applicant on a grant application to the State's Connect Oregon II program for funding to extend Sportsman Airpark runway.

TIME - 9:53 PM

Mr. Brierley presented the staff report and recommended approval (see official record for full report).

Councilor Rierson asked if the City owned property at the end of the runway is of any real use since there is limited access to those parcels. Staff replied there was no use, other than some economic value. He offered a possibility to explore a partial property exchange for the Newberg Animal Shelter as another alternative.

Councilor Soppe asked if the airpark could apply for the grant without City assistance. Staff replied they could, but it appears more attractive if a government agency supports them. He also asked who will own the $1.2 million dollar improvement if the grant is awarded.

Mr. Jerry Dale, Owner of the Sportsman Airpark, replied ownership lies with whoever owns the land. He also spoke of ODOT lottery funds and requirement of a lien on the property for a twenty year period.

Councilor Soppe expressed concern for setting a precedence of assisting private industries to receive grant funding with City resources.

Mr. Dale replied the piece of property is zoned for quasi-public use and would function the same way as a City street would that they maintain. He argued this would be beneficial to the City as well and they will make the application regardless, but the City partnership does enhance their chances. They also need a place to put the runway once it is funded, and the City owns that property.

Discussion followed concerning the current value of the land and the 20% match proposed. The estimated original cost of the land was approximately $10,000.

Councilor Currier asked about the large natural gas line running through the property and the other property within the bypass corridor.

Mr. Dale admitted there would be an encroachment in the proposed right of way and it will be a challenge to have ODOT agree to where that is to be.

Councilor Rierson asked how much staff time would be involved. Staff replied twenty hours. He felt there would be a lot of benefit to the City for a very little amount of staff time.

Councilor Larson stated his favor for the application because the runway needs the extension.

Mayor Andrews clarified the City was under no obligation other than to assist with the paperwork for the grant application and other details would be decided later if the grant is awarded.

MOTION: Rierson/Larson to approve **Resolution No. 2007-2745** authorizing the City to be a co-applicant on a grant application to the State's Connect Oregon II program for funding to extend Sportsman Airpark runway.

VOTE: To approve **Resolution No. 2007-2745**. (5 Yes/2 No [Boyes, Currier]) Motion carried.

XI. COUNCIL BUSINESS

1. Consider a motion to support the Public Safety Building Training Room A/V Subcommittee recommendation.

This item was tabled until the November 19, 2007, meeting.

2. Consider a motion to support the City Manager Recruitment Subcommittee recommendation that the City Council authorize the Mayor to have contractual discussions with the COG.

TIME - 10:18 PM

Councilor Rierson presented the subcommittee's findings and recommendations.

MOTION: Palmer/Larson to approve the City Manager Recruitment Subcommittee recommendation that the City Council authorize the Mayor to have contractual discussions with the COG. (Unanimous) Motion carried.

Mayor Andrews announced the need for Council representation on the Rural Strategies Board, the Yamhill County Water Task Force, and a staff member to sit on a Board for Low Income Housing through the Yamhill County Housing Authority.

XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

MOTION: Palmer/Soppe to adjourn at 10:31 PM (Unanimous) Motion carried.

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

Norma I. Alley

Norma I. Alley, City Recorder

ATTEST by the Mayor this 20th day of December, 2007.

Bob Andrews

Bob Andrews, Mayor