

**CITY OF NEWBERG COUNCIL MINUTES
NOVEMBER 19, 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	Bart Rierson
	Bob Larson		

Staff

Present: Robert I. Tardiff, City Manager Pro Tem
Terrence Mahr, City Attorney/City Manager Pro Tem
Larry Fain, Senior Engineer
Elizabeth Comfort, Finance Director
Barton Brierley, Planning and Building Director
Elaine Taylor, Associate Planner
Becky Green, Human Resources Manager
Dave Brooks, IT Director
Norma Alley, City Recorder
Jennifer Nelson, Recording Secretary

Others

Present: Darlyn Adams, Marc Butorac, Terry Cole, 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, updated the Council concerning accessing a chip reader for lost dogs and access to McMinnville and the County's databases. He also mentioned a volunteer from the Passenger Rail Committee inquired about purchasing one of the City's public access film cameras.

Discussions followed concerning whether or not to sell the cameras, keep them and loan them out. A consensus determined they could be lent for a specified use (preferably non-commercial) and length of time. There should also be conditions agreed upon in advance if damage occurs.

V. COUNCIL APPOINTMENTS

None.

VI. PUBLIC COMMENTS

Ms. Darlyn Adams, representing Newberg Animal Shelter Friends, reported the buccaneer bash grossed \$20,667.35, December 1st is the photo with Santa fundraiser, the bake sale is December 15th and 16th, and the next Board meeting is December 20th (see official record for full report).

VII. CONSENT CALENDAR

1. Consider a motion approving the City Council Regular Session Minutes for October 15, 2007.
2. Consider a motion approving a proclamation declaring November 19, 2007, OSU Beavers Baseball Day.
3. Consider a motion to indefinitely postpone **Order No. 2007-0006** finding no compensation is warranted under ORS 197.352 for a claim filed by Shilo Inn Newberg, LLC.
4. Consider a motion to approve **Resolution No. 2007-2747** adopting the Library Courtesy Policy.
5. Consider a motion to approve **Resolution No. 2007-2748** adopting the Library Fine and Fee Schedule.

MOTION: **Currier/Soppe** to approve the five items on the Consent Calendar including the City Council Regular Session Minutes for October 15, 2007, a Proclamation declaring November 19, 2007 as OSU Beavers Baseball Day, an indefinite postponement of **Order No. 2007-0006**, **Resolution No. 2007-2747**, and **Resolution No. 2007-2748**. (Unanimous) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2007-2685** amending City Code Section 32.72.
(Legislative Hearing)

Ms. Elizabeth Comfort, Finance Director, presented the staff report (see official record for full report).

Councilor Bart Rierson asked how many customers were in the Springs user class and if it would be difficult to find a representative. Staff replied there were sixty-two people in the Springs user class and they have already received one application.

Councilor Roger Currier expressed concerns for having one member representing such a small group of people when the other 21,000 people in town have the same representation.

Ms. Comfort replied the idea was to give the Springs group customer representation on the Citizens' Rate Review Committee (CRRC) and the recommendation was agreed upon unanimously by the CRRC.

Councilor Robert Soppe asked how many users outside of the City are not served by the Springs. Staff estimated there were probably two hundred between the water districts and hardships. He also agreed having one representative for sixty-two people gives that small group a lot more authority since all the other people outside the City do not also have potential representation.

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

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

Mayor Andrews suggested dropping the qualifier that the customer representative is from the Springs customer class; allowing the member to be any customer from outside of the City.

MOTION: Larson/Andrews to approve **Ordinance No. 2007-2685** amending City Code Section 32.72.

MOTION: Andrews/Rierson to amend **Ordinance No. 2007-2685** by deleting “and connected to spring fed water system” in reference to the requested eighth member of the Citizens’ Rate Review Committee to be a customer outside of the City.

Councilor Rierson said he could support the ordinance with this amendment because it seemed appropriate not to have a limited class of representation, since all members outside of the City are already paying an increased rate. He agreed there should be input without undue influence.

Mayor Andrews added this would be consistent with other Council subcommittees such as the Planning Commission and Traffic Safety Commission, which both allow participation of those outside the City.

VOTE: To amend **Ordinance No. 2007-2685** by deleting “and connected to spring fed water system” in reference to the requested eighth member of the Citizens’ Rate Review Committee to be a customer outside of the City. (Unanimous) Motion carried.

Councilor Soppe still expressed concerns for possible over-representation.

Councilor Mike Boyes pointed out that CRRC also accepts sewer rates. No one outside of the City receives sewer services from the City and should not have a say about the sewer rates paid by those living within the City.

Councilor Currier asked if there was a way of restricting the eighth member so they only vote on decisions that deal with the water rates.

MOTION: Currier/Boyes to table **Ordinance No. 2007-2685** until January 7, 2007 and direct staff to come back to Council with language to rectify this member dealing with water issues only. (5 Yes/2 No [Larson, Palmer]) Motion carried.

2. Consider a motion approving **Resolution No. 2007-2735** approving Supplemental Budget #1 for the 2007/2008 Budget.
(Legislative Hearing)

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

Councilor Rierson declared a potential conflict of interest because he works for Climax, which would contribute to the Project on 2nd Street.

Councilor Larson declared a potential conflict of interest because he lives on 2nd street.

Ms. Comfort presented the staff report (see official record for full report).

Mayor Andrews asked for some clarifications on amounts in the general fund and contingency and noted some corrections.

Councilor Currier commented about the contingency being extremely high.

Ms. Comfort replied the reserves have been extremely low for a number of years, the recommended practice is to have three months worth of operations costs reserved, which is close to \$800,000; the \$144,000 would not supply a sufficient safety net.

Councilor Soppe asked about the hotel/motel tax being 30% more and whether the increase was in use of hotels or that they are now paying what they should have been before, which was not collected.

Ms. Comfort stated the form used was adapted to be more “user friendly” and those spending over thirty days in a hotel are not taxed. She is not positive of the cause, but she is pleased with the revenue.

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

MOTION: **Larson/Palmer** to approve **Resolution No. 2007-2735** approving Supplemental Budget #1 for the 2007/2008 Budget as amended. (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

Consider a motion approving **Ordinance No. 2007-2682** adopting the Newberg Southeast Transportation Plan.

TIME – 8:15 PM

Mr. Barton Brierley, Planning and Building Director, presented staff report and recommended approval with two changes: to add the Brutscher Road/Fernwood Road intersection improvements and the Springbrook road/Fernwood Road intersection improvement to the list (see official record for full report).

Councilor Bob Larson expressed concern for the 2030 date and the high schools planning to be built before then because there were no plans for roads from the intended high school site and Fernwood Road. Staff pointed out the improvement areas affecting that.

Councilor Boyes asked where the bypass was going to go in relation to this plan. Staff said it appears the bypass will extend on the east side of the proposed road.

Mayor Andrews suggested reversing the phasing to take pressure off the northern areas and the high school going into the Urban Growth Boundary (UGB). He also asked how the east/west connector would be funded. Staff replied money would be borrowed in the early phases to construct, then later from another fund or existing System Development Charges (SDCs).

Discussion followed concerning the possibility of changing the phasing to the southern part first and how that will dictate build-out. Traffic models were consulted and discussed.

Councilor Soppe questioned how we can use a model that does not fit at the start because of uncertainty about future growth.

Mr. Marc Butorac, Principal Engineer with Kittelson and Associates, addressed the disconnect between the existing model and the growth over a twenty year horizon. He described the reasons for the inconsistencies and spoke of this being the best industry practice.

Councilor Soppe asked how a model of the Parrott Mountain/99W intersection could be used for comparison with the Corral Creek Road intersection.

Mr. Terry Cole, Region 2 Lead Manager for Oregon Department of Transportation (ODOT), explained how it was appropriate.

Councilor Soppe addressed concerns for figure six and seven, noting there was no change in the number of cars with or without the east/west connector.

Discussion followed regarding the model numbers with and without the east/west connector, plans for N. Frontage Road with or without the bypass, intersections currently failing operating standards, and what those intersections will look like in the year 2030 when they are in a saturated condition and drivers are looking for the "path of least resistance".

Mr. Cole summarized that the connector provides connectivity, without it pressure will be created elsewhere, without the bypass or with growth in the URA. Either way, the future will be experiencing significant problems on 99W without major improvements. The bypass cannot be considered within the planning horizon and the bottom line is that it is not good anywhere on the corridor and investments are in jeopardy.

MOTION: Larson/Rierson to approve **Ordinance No. 2007-2682** adopting the Newberg Southeast Transportation Plan read by title only.

MOTION: Soppe/Currier to amend **Ordinance No. 2007-2682** to specify that NS1 will remain entirely west of Corral Creek Road exclusive of the northern-most terminus at Hwy 99W. (Unanimous) Motion carried.

MOTION: Currier/Larson to adopt recommended staff amendments to exhibit C of **Ordinance No. 2007-2682**. (Unanimous) Motion carried.

Councilor Soppe referred to table one and spoke of coming up with some alternative to deal with the overloaded intersections until the bypass is closer to a reality.

Councilor Currier felt that any plan design would not accommodate the growth factor and spoke of denying growth as the only other option.

MOTION: Soppe/Currier to amend **Ordinance No. 2007-2682** requiring development in this area would not occur until the bypass is a planned facility or there is a suitable alternative plan. (2 Yes [Currier, Soppe], 5 No) Motion failed.

Councilor Soppe stated one reasonable option would be the connector to northern Frontage Road, although drivers would be required to cross 99W. But, if there were no bypass, it would be possible to have an intersection there.

VOTE: To amend **Ordinance No. 2007-2682** requiring development in this area would not occur until the bypass is a planned facility or there is a suitable alternative plan. (2 Yes [Currier, Soppe], 5 No) Motion failed.

MOTION: Andrews/Palmer to amend **Ordinance No. 2007-2682** changing the phasing priority from the northern to the southern area.

Councilor Rierson stated he did not support this amendment because the east/west connector is proposed at the north end and is a key factor in the whole plan; without it intersections would be failing in a number of places sooner rather than later.

Councilor Currier also disagreed with the proposed amendment because the original phasing is moving downward with the reservoir and sewer treatment plant in the north, meaning piping would go across the proposed bypass area. He did not feel it would work to put the entire infrastructure in the south and work up through farmland that would not be developed.

VOTE: To amend **Ordinance No. 2007-2682** changing the phasing priority from the northern to the southern area. (2 Yes [Andrews, Boyes], 5 No) Motion failed.

Councilor Jeff Palmer spoke of other improvement projects like Hwy 219 and Wilsonville Road being taken out of the equation and this one stretch of road accounting for 41% of the total. He stated the numbers do not include inflation or the land acquisition costs which would then account for 56% of the total. He noted the Kittelson analysis stated the increased impact could be mitigated without the connector and without spending that money.

MOTION: Palmer/Soppe to amend **Ordinance No. 2007-2682** to exclude the EW1 from the South East Transportation Plan.

Councilor Boyes asked if it could be added back in later. Staff replied the plan is dynamic and it could be added back in at a later date.

VOTE: To amend **Ordinance No. 2007-2682** to exclude the EW1 from the South East Transportation Plan. (4 Yes/3 No [Currier, Larson, Rierson]) Motion carried.

VOTE: To adopt **Ordinance No. 2007-2682** as amended. (6 Yes/1 No [Currier]) Motion carried.

X. NEW BUSINESS

Consider a motion approving **Resolution No. 2007-2738** authorizing the City manager to enter into and Intergovernmental Agreement with Chehalem Park and Recreation District for provision of non-potable water.

TIME – 9:55 PM

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

Councilor Boyes asked for an estimate of rates for potable water. Staff expected it to be about 60% to 70% of what the rates are now.

Councilor Larson asked who paid for the pipeline being used now and what the cost of the water line is. Staff replied the City paid for it and amortized it into the rate structure; the cost of the water line contract is just over \$300,000 and the design fee is \$40,000.

MOTION: Soppe/Currier to approve **Resolution No. 2007-2738** authorizing the City manager to enter into and Intergovernmental Agreement with Chehalem Park and Recreation District for provision of non-potable water. (Unanimous) Motion carried.

XI. COUNCIL BUSINESS

2. Report from the Council of Governments on the city manager recruitment.

TIME – 10:15 PM

Ms. Nancy Boyer, Executive Director for Mid-Willamette Valley Council of Governments, summarized the subcommittee's progress and distributed an updated brochure (see official record for full report). Recommended including salary range of \$110,000 to \$130,000.

MOTION: Soppe/Palmer to approve the updated brochure on the City Manager recruitment from the Council of Governments as amended. (Unanimous) Motion Carried.

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

Councilor Soppe presented a report on the Public Safety Building Training Room A/V Subcommittee's recommendations with the assistance of **Mr. Dave Brooks, IT Director** (see official record for full report).

Council asked staff to bring back a detailed report of what equipment they would install, costs of installation, and a plan for the use of the old equipment.

3. Update from the Budget Policy Subcommittee.

TIME – 11:15 PM

Councilor Larson presented an update and recommendation from the Budget Policy Subcommittee (see official record for full report).

Consensus was met to use the proposed policy.

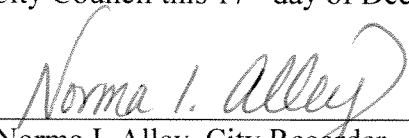
XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

MOTION: Larson/Palmer to adjourn at 11:35 PM (Unanimous) Motion carried.

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


Norma I. Alley, City Recorder

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


Bob Andrews, Mayor