CITY OF NEWBERG COUNCIL MINUTES
JANUARY 7, 2008
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

Work Session was held prior to this meeting. No decisions were made. A presentation from the Oregon Department of Transportation was given and an update on the bypass.

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	Marc Shelton	
Staff Present:	Robert I. Tardiff, City Manager Pro Tem		Terrence Mahr, City Attorney	
	Dan Danicic, Public Works Director		Jason Wuertz, Staff Engineer	
	Larry Fain, Senior Engineer		Norma I. Alley, City Recorder	
	Jennifer L. Nelson, Recording Secretary			
Others Present:	Darlyn Adams, Bill Elder, Jeff Citta, John W. Mahaffy, Diane Gardner, John Lester, Michael Roos			

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Robert I. Tardiff, City Manager Pro Tem, mentioned an article in *The Facilitator* that he read about strategic planning and community development tying into budget priorities, and he would be more than happy to make copies for council members. Thirty-seven applications have been received for the City Manager position.

V. COUNCIL APPOINTMENTS

Consider a motion to elect a Council President.

MOTION: Rierson/Palmer to elect **Councilor Bob Larson** for the position of Council President and cease nominations.

VOTE: To elect **Councilor Bob Larson** for the position of Council President. (Unanimous) Motion carried.

VI. PUBLIC COMMENTS

Ms. Darlyn Adams, representing the Newberg Animal Shelter Friends, announced the receipt of a check from Joan and Ken Austin for $10,000; bringing the building fund total to $305,930. The next meeting will be January 24, 2008, in the Public Safety Building at 7:30 PM (see record for full report).

VII. CONSENT CALENDAR

Consider a motion approving the City Council Minutes for December 3, 2007.

MOTION: Currier/Rierson to approve the Regular Session City Council Minutes for December 3, 2007 as amended. (Unanimous) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2008-2686** enacting the Columbia Drive Local Improvement District Group A.

TIME – 7:15 PM

Mr. Dan Danicic, Public Works Director, presented the staff report with assistance from **Mr. Jason Wuertz, Staff Engineer** (please see official record for full report).

Mayor Andrews pointed out language corrections concerning Group A being on the south side and west end of Columbia Drive. He also discussed cost mitigation differences between all three groups Local Improvement Districts (LID) being approved versus only one or two.

Councilor Jeff Palmer asked staff if the total of $258,000 was the appropriate number to divide by when determining property owners' portions of the total costs. Staff concurred.

Discussion followed concerning what the actual benefits were to the residents for Local Improvement District (LID) projects.

Mayor Andrews called for any biases, conflicts of interest, ex-parte contact, or abstentions; none stated.

Councilor Palmer asked staff to define the term "heavily traveled" used within the assessment. Staff replied there is no numerical value associated with the term, but it is used because it is characterized as a major collector within the transportation plan.

Councilor Marc Shelton asked for a time frame of completion for the intersection at Main Street and if it will take care of the two properties at the end of Columbia Drive. Staff replied no time frame has been established yet on the Main Street LID. The properties on the end would be included in the Main Street LID and the intention was to be inclusive, so the owners were not hit with two separate LID projects.

Councilor Bart Rierson asked if there was a program for homeowners who can not pay for the improvements.

Mr. Terrence Mahr, City Attorney, explained there were no programs available for an LID.

Public testimony opened.

Proponents:

Mr. Bill Elder, representative for the Trustees of Trinity Church, expressed the church's intentions and advised not waiting until a later date because the costs will be even higher.

Opponents:

Mr. Jeff Citta distributed a petition to the City Council from residents opposing the LID (see official record for petition).

MOTION: Palmer/Rierson to accept the letters into the public record. (Unanimous) Motion carried.

Mr. Citta stated 73% of the residents were in opposition, which is greater than 60% required. He also stated homeowners would not be opposed to the improvements if they were City funded and the burden was not placed on the homeowners; he suggested using SDC funds.

Councilor Rierson stated he did not believe the City could use money from the SDC fund because that is for capital improvement projects; state funds are not available either, so this would have to come from an already tight general fund budget.

Public testimony closed.

Mr. Mahr calculated the objections and even discounting the remonstrances there is still 65% of owners in opposition and City Code prevents Council from proceeding with the LID for six months unless they can declare it an emergency.

MOTION: Currier/Palmer to table **Ordinance No. 2008-2686** enacting the Columbia Drive Local Improvement District Group A until there is more interest, no sooner than six months according to City Ordinance.

VOTE: To table **Ordinance No. 2008-2686.** (Unanimous) Motion carried.

2. Consider a motion approving **Ordinance No. 2008-2687** enacting the Columbia Drive Local Improvement District Group B.

TIME – 8:10 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, or abstentions; none stated.

Public testimony opened.

Proponents:

Mr. John W. Mahaffy, Pastor for Trinity Church, stated his favor of the LID. He felt this would be good for the church and the neighbors.

Public testimony closed.

Discussions followed concerning language changes to the recital so Group A includes the lots on the south side and west end of Columbia Drive and Group B the lots on the east end of Columbia Drive.

MOTION: Rierson/Currier to approve **Ordinance No. 2008-2687** enacting the Columbia Drive Local Improvement District Group B as amended and read by title only.

VOTE: To approve **Ordinance No. 2008-2687.** (Unanimous) Motion carried.

3. Consider a motion approving **Ordinance No. 2008-2688** enacting the Columbia Drive Local Improvement District Group C.

TIME – 8:19 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, or abstentions; none stated.

Mr. Danicic presented the staff report, noting the language changes discussed in previous recitals (see official record for full report).

Councilor Boyes asked if the sidewalk will go all the way around Pinehurst. Staff replied it would go all the way to Main Street on the north side of Columbia Drive.

Councilor Rierson asked if the $70,000 figure included the 30% contingency and if the cost may be significantly less. He also asked if it was a ten year payoff with simple interest. Staff replied all statements were correct.

Public testimony opened.

Opponents:

Ms. Diane Gardner stated her opposition to the LID. She argued that she did not see a point in creating a sidewalk to walk around the block when she could not even walk into downtown on College Street.

Mayor Andrews asked if the City instead considered an LID extending sidewalks and curbing from Mountainview Drive into downtown; would she be willing to pay for that.

Ms. Gardner replied she would because then she could see the benefit.

Public testimony closed.

Mr. Danicic recommended approval with language changes.

Councilor Palmer asked staff if the proposed LID for College Street could be taken into consideration.

Mr. Danicic replied it was possible, but would not be possible for another five to ten years.

MOTION: Currier/ to table **Ordinance No. 2008-2688** enacting the Columbia Drive Local Improvement District Group C until which time the infrastructure appears to be more contiguous with the City. Motion failed for lack of a second.

MOTION: Larson/ to approve **Ordinance No. 2008-2688** enacting the Columbia Drive Local Improvement District Group C as amended. Motion failed for lack of a second.

Discussion continued concerning a twenty year payment option for those that cannot afford the ten year financing.

MOTION: Larson/Rierson to approve **Ordinance No. 2008-2688** enacting the Columbia Drive Local Improvement District Group C as amended and including an financing option of up to twenty years for those that request it. (3 Yes/4 No [Andrews, Boyes, Currier, Shelton]) Motion failed.

4. Consider a motion approving **Resolution No. 2008-2757** establishing new standards, criteria, and policy directives to hire a city manager.

TIME – 9:53 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, or abstentions; none stated.

Mr. Mahr presented the staff report (see official record for full report).

MOTION: Larson/Currier to approve **Resolution No. 2008-2757** establishing new standards, criteria, and policy directives to hire a city manager. (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

Consider a motion approving **Ordinance No. 2007-2685** amending City Code Section 32.72.

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, or abstentions; none stated.

Mr. Danicic presented the staff report with updates (see official record for full report).

Councilor Currier asked for the total number of water users within City and out of the City. Staff estimated there were 6,000 users in the City and 100-150 users outside of the City. He expressed his concern that a small group from outside of the City would be representing the 6,000 within the City.

Mr. Michael Roos stated he was a springs water user and felt there was a need for outside of the City water customers to be involved in this committee because they were directly affected. He encouraged the Council to consider this.

MOTION: Larson/Palmer to approve **Ordinance No. 2007-2685** amending City Code Section 32.72. (6 Yes/1 No [Currier]) Motion carried.

X. NEW BUSINESS

Consider a motion approving **Resolution No. 2007-2756** authorizing the city manager to continue negotiations with Baker Rock Resources, Inc. and SP Newsprint, Inc. regarding acquisition of lands.

Mr. Danicic presented the staff report (see official record for full report).

Councilor Currier suggested looking at the additional parcel for allowing for expansion to the whole area. Staff agreed the City could not go wrong acquiring both properties now.

Councilor Rierson expressed concern for the disparity between the two appraisals and stated interest in receiving another independent appraisal. He suggested using some of the property as a site for the Newberg Animal Shelter.

Discussion commenced on possible purchase of the vacant lot on the corner of Wynooski and Sandoz.

MOTION: Currier/Palmer to approve **Resolution No. 2007-2756** authorizing the city manager to continue negotiations with Baker Rock Resources, Inc. and SP Newsprint, Inc. regarding acquisition of lands, as amended and including the property at the corner of Wynooski Road and Sandoz Road. (Unanimous) Motion carried.

XI. COUNCIL BUSINESS

Councilor Currier spoke of the possibility of open areas between Newberg and Dundee to facilitate the Newberg Animal Shelter.

Councilor Rierson spoke of the need for guidelines for staff approving a waiver of remonstrance.

Councilor Boyes suggested staff look into options of picking up leaves.

XII. EXECUTIVE SESSION

Executive Session pursuant to ORS 192.660(2)(h) relating to current litigation or litigation likely to happen – Springs Customer Class.

TIME – 10:10 PM

Executive Session was held. No decisions were made.

XIII. ADJOURNMENT

MOTION: Larson/Palmer to adjourn at 10:50 PM (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 4th day of February, 2008.

Norma I. Alley

Norma I. Alley, City Recorder

ATTEST by the Mayor this 7th day of February, 2008.

Bob Andrews

Bob Andrews, Mayor