

**CITY OF NEWBERG COUNCIL MINUTES
FEBRUARY 19, 2008
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

Executive Session was held during Work Session prior to this meeting. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:07 PM.

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	Dan Danicic, Public Works Director
	Elizabeth Comfort, Finance Director	Becky Green, HR Director
	Barton Brierley, Planning and Building Director	Brian Casey, Police Chief
	Dawn Wilson, Senior Paralegal	Norma I. Alley, City Recorder
	Jennifer L. Nelson, Recording Secretary	

Others

Present: Darlyn Adams

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Robert I. Tardiff, City Manager Pro Tem, discussed updates on budget prioritization, questions on ethics laws from the League of Oregon Cities (LOC) to be reviewed later, a request from Yamhill County Water Task Force to support a grant application and contribute of funding, and noted there was no response to the request for voluntary clean-up of the property located at the entrance of town.

V. PUBLIC COMMENTS

Mayor Andrews noted the Boy Scout Troop 265 was present today for observation.

Ms. Daryln Adams, representing Newberg Animal Shelter Friends, reported 2007 ended with \$295,395 in building fund which is currently at \$309,842. A celebration will be held at the February 28th meeting for reaching the \$300K goal. The first fundraising event of the year is the Mega Yard and Plant Sale scheduled for May 2nd and 3rd at Zion Lutheran Church (see official record for full report).

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2008-2760** entering into an agreement with ServiceMaster First for janitorial services in the amount of \$65,808 per year.

This item was pulled from the Consent Calendar and moved to the second item under New Business.

2. Consider a motion approving **Resolution No. 2008-2768** appointing Craig Pack as Operator I in the Public Works Operations Division.
3. Consider a motion approving **Resolution No. 2008-2769** appointing Brandon Henry as a Firefighter/EMS in the Fire Department.
4. Consider a motion to dissolve the Finance Committee.
5. Consider a motion approving City Council Minutes for January 22, 2008.

MOTION: Palmer/Rierson to approve the Consent Calendar including the Regular Session City Council Minutes for January 22, 2008 as amended, **Resolution No. 2008-2768, Resolution No. 2008-2769**, and consider a motion to dissolve the Finance Committee. (Unanimous) Motion carried.

VII. PUBLIC HEARING

1. Consider a motion approving **Order No. 2008-0009** approving a Comprehensive Plan amendment and Zone Map amendment and **Ordinance No. 2008-2689** annexing six parcels located at 2216, 2304, 2305, 2313, and 2317 N. Alice Way and 2004 E. Mountainview Dr.

TIME – 7:15 PM

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

Ms. Dawn Wilson, Senior Paralegal, made the required legal statements concerning quasi-judicial process.

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

Councilor Bart Rierson questioned the topography of the area and if the sewer would need to run uphill or have a pump station. Staff discussed more economical alternative of having sewer lines on Mountainview Drive using gravity flow towards Alice Way. He also asked about the negotiations between a block of property owners and the Austin family; staff replied no deal was reached.

Councilor Marc Shelton referred to exhibit A on page 45 and asked if Mountainview is a County road. Staff replied it is a County road contiguous to this part and the entire stretch will be ultimately be improved with sewer and become a City street.

Councilor Mike Boyes asked about police and fire response to this area since it is County property. Staff replied rural fire takes care of this, but City police would respond to a disturbance and turn it over to County police when they arrived. The City will not be paid directly but as Newberg grows, so should the police and fire departments.

Mayor Andrews referred to the findings on page 33 and asked for an explanation of the difference in public safety levels for low density residential areas.

Discussion followed concerning the current levels of full-time employees (FTE) based on the amount of property tax and revenue and surmised this property would essentially not support itself based on the revenue brought in and the level of FTE generated; however, the overall the public safety service level would only decrease from 2.9 FTE to 2.89 FTE.

Public testimony opened. No citizens appeared to testify. Public testimony closed.

Staff recommended the approval of the order and adoption of the ordinance. The City waived the right to further testimony.

The Public Hearing was closed.

MOTION: Rierson/Currier to approve **Order No. 2008-0009** approving a Comprehensive Plan amendment and Zone Map amendment

VOTE: To approve **Order No. 2008-0009**. (Unanimous) Motion carried.

MOTION: Currier/Larson to approve **Ordinance No. 2008-2689** annexing six parcels located at 2216, 2304, 2305, 2313, and 2317 N. Alice Way and 2004 E. Mountainview Drive read by title only.

VOTE: To approve **Ordinance No. 2008-2689**. (Unanimous) Motion carried.

2. Consider a motion approving **Ordinance No. 2008-2691** amending the Development Code to require new hearings on certain appeals to the City Council.

TIME – 7:42 PM

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

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

Councilor Jeff Palmer asked staff if they supported the Development Code requiring new hearings on appeals back in 2003. Staff replied there were reservations because the public may not understand why they could not voice their opinions openly for an appeal.

Mayor Andrews inquired about language changes on page 121 concerning oral and written evidence raised. Staff discussed reasons for appeal applying to something raised in testimony at the Planning Commission hearing and start dates for appeal periods and notices.

Councilor Palmer spoke of historical impact only being one or two appeals per year and staff felt comfortable with that estimate.

A discussion on the background and the details of ex parte contact followed and examples were given by staff for definition.

Public testimony opened. No citizens appeared to testify. Public testimony closed. Staff recommended adoption. The Public Hearing was closed.

MOTION: Larson/Shelton to approve **Ordinance No. 2008-2691** amending the Development Code to require new hearings on certain appeals to the City Council read by title only.

Councilor Rierson stated his reasons for supporting the ordinance to prevent apathy amongst the public. He felt this offers a way to explore valuable public testimony and look at additional evidence. He also mentioned his support for the Planning Commission (PC) and felt they can only work with the information they are provided with. He felt if a citizen wanted to appeal a decision to the City Council they should be able to in order to make sure justice is served.

Councilor Palmer also stated his support and expressed concern for sending the wrong message to the Planning Commission that they are disempowered. He did not think this is the case and felt this just makes Council a part of the appeal process.

Mayor Andrews felt it creates a more open form of government to provide citizens with the opportunity to speak openly and freely.

VOTE: To approve **Ordinance No. 2008-2691** with language changes to item three. (Unanimous) Motion carried.

VIII. CONTINUED BUSINESS

Consider a motion approving **Resolution No. 2008-2737** denying installation of a photo red light camera system at the intersection of Villa Rd. and 99W.

TIME – 8:02 PM

Mr. Brian Casey, Police Chief, presented the staff report and recommend approval of the resolution to deny Redflex authority to install the cameras (see official record for full report).

MOTION: Currier/Boyes to approve **Resolution No. 2008-2737** denying installation of a photo red light camera system at the intersection of Villa Rd. and 99W.

VOTE: To approve **Resolution No. 2008-2737**. (Unanimous) Motion carried.

IX. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2008-2767** adopting a Utility Bill Assistance Program with implementation in the 2008-2009 Fiscal Year.

Mr. Dan Danicic, Public Works Director, presented the staff report with a revised resolution with reference to exhibit A for clarity (see official record for full report).

Councilor Palmer asked for clarification that the \$7,400 in fiscal impact is just funding for the assistance program and does not include staff time and website updates. Staff replied this was correct and in the first year about 80 hours of staff time would be needed to put it together, maybe \$2,800 and initial cost for material. It was discussed this should be added to the fiscal impact and the language changed to “should” be budgeted rather than “may”.

Councilor Bob Larson discussed advertisement for the assistance program with staff. Notices would be sent in the water bills and be available at the front counter at City Hall.

Councilor Roger Currier addressed the \$5,000 start up costs being 70% of what going to be and felt this may be an abuse of time and money to extend help to citizens. He suggested linking up with an organization or service group to work on the start up projects to reduce staff time. Staff discussed upfront investment costs compared to keeping the program going, accountability, and tracking efforts requiring some level of overhead to provide the service.

Discussion followed about not exceeding the budgeted costs and not adding staff time but prioritizing into other workloads where staff time is already being paid for.

MOTION: Palmer/Rierson to approve **Resolution No. 2008-2767** adopting a Utility Bill Assistance Program directing the City Manager Pro Tem to proceed with implementation in the 2008-2009 Fiscal Year.

VOTE: To approve **Resolution No. 2008-2767**. (Unanimous) Motion carried.

2. Consider a motion approving **Resolution No. 2008-2760** entering into an agreement with ServiceMaster First for janitorial services in the amount of \$65,808 per year.

This item was heard out of agenda order. It was moved from the Consent Calendar for further examination.

Russ Thomas, Maintenance Superintendent, presented the staff report (see official record for full report).

Councilor Boyes asked what is budgeted for janitorial services. Staff replied \$69,000 in administrative central services; \$76,000 was spent last year.

Councilor Currier discussed previous experiences with the chosen service provider.

MOTION: Larson/Palmer to approve **Resolution No. 2008-2760** entering into an agreement with ServiceMaster First for janitorial services in the amount of \$65,808 per year.

VOTE: To approve **Resolution No. 2008-2760.** (Unanimous) Motion carried.

X. COUNCIL BUSINESS

TIME – 8:29 PM

Mayor Andrews asked for an update on the audio/visual improvements for the training room. Staff replied the project was on a waiting list while emergency calls and the new phone system were currently at top priority. A more definitive report could be provided on March 3rd.

Mr. Danicic presented a report on the Yamhill County Water Task Force requests for a letter of support for a rural development grant for \$20,000 and a financial contribution from the cities involved covering the remaining costs. The funding would come from the water fund and staff suggested a \$20,000 contribution from the City of Newberg, 50% of the remaining \$40K after the \$20K anticipated from grants. The City of Yamhill has been the only contributing city thus far at \$4,000.

Councilor Currier disagreed with the contribution amount and felt a \$5,000 contribution from each city involved would be more appropriate, especially since Newberg has made such great efforts to ensure water needs were met according to the growth planned for.

Discussion continued concerning Newberg investing in the future where rights to water may need to be purchased, being a good neighbor and picking up their fair share, the benefits of negotiating as a larger group, \$20K being an inappropriate amount that would be passed onto citizens, and what amounts seemed more appropriate.

MOTION: Currier/Rierson to approve a letter of City support for the Water Task Force grant application. (Unanimous) Motion carried.

MOTION: Currier/Shelton to approve the donation of \$5,000 towards the \$40K projected remaining costs of Phase II of the Water Task Force program.

Councilor Palmer expressed hesitance to declare a dollar amount without knowing the possible contributions of the other cities. He felt it should be up to the group to determine a fair distribution of the remaining costs.

MOTION: Palmer/Larson to amend the motion to consider an amount not to exceed \$10,000.

Discussion followed over concerns for publicly announcing the possibility to spend \$10,000 allowing other cities to hold back their contributions.

VOTE: To amend the motion to consider an amount not to exceed \$10,000. (3 Yes [Boyes, Larson, Shelton]/4 No [Andrews, Currier, Palmer, Rierson]) Motion failed.

VOTE: to approve the donation of \$5,000 to Phase II of the Water Task Force program. (5 Yes/2 No [Andrews, Palmer]) Motion carried.

Councilor Currier noted the Council failed to write a letter of support in favor of the Children's Library expansion.

MOTION: Palmer/Shelton to direct the City Manager Pro Tem to write a letter of support for the "Making Room to Read" campaign for expansion of the Children's Library Program cosigned by all members of the City Council. (Unanimous) Motion carried.

Discussion concerning a previous motion to increase the Councilor compensation and a proposal to create a fixed amount paid monthly as opposed to payment per meeting followed.

MOTION: Larson/ to reimburse Council members \$50 dollars compensation per month effective July 1st, 2008. Motion failed for lack of a second.

Councilor Palmer discussed a short meeting of the Animal Shelter Sub-Committee to be held at 6:45 PM to meet with the Newberg Animal Shelter Friends board to give a chance for members to attend the workshop at the Library.

Mayor Andrews asked who would be attending the City/County Dinner on Thursday.

XI. EXECUTIVE SESSION

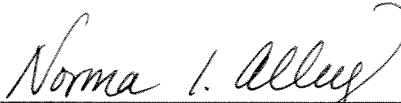
Executive Session Pursuant to ORS 192.660(2)(a) relating to employment of a public officer – City Manager Recruitment.

Executive Session was held during Work Session. No decisions were made.

XII. ADJOURNMENT

MOTION: Currier/Palmer to adjourn at 9:29 PM (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 17th day of March, 2008.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 20th day of March, 2008.


Bob Andrews, Mayor