CITY COUNCIL MINUTES
SEPTEMBER 15, 2014, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Department head reports were presented.

Dawn Wilson, Human Resources Director said an ad-hoc committee was working on revising the Employee Handbook and several recruitments were underway in many departments.

Police Chief Brian Casey said the department had a busy summer with many events, thanked the reserve department for all of their contributions in supplementing the Police Department with their work including the recent George Fox football games, they had been working on crosswalk violations and warnings and a community outreach program.

Steve Olson, Interim Director of Planning and Building spoke about his department's activities. He said this included a grant for downtown revitalization, the temporary signs development code amendment, planning for a new apartment building, the grand opening of Deskins Commons and a tour by the Planning Commission of the facility, housing rehabilitation grant work, that the Historic Preservation Committee was underway with its meetings and Newberg had been designated officially as a Certified Local Government.

Dave Brooks, IT director said security replacements were underway for the Police Department followed by the Fire Department, the website upgrade was in the design concept stage, the Planning Department was moving their Building Permit software to the state version, software bug work was underway and security upgrade work was underway, water and sewer operations software was being upgraded including monitoring software, a global wireless network upgrade was being done and a new spam filter was going online to block spam emails.

Fire Chief Les Hallman said the Estacada fire was pulling in Newberg Fire, fire calls were up, Fire Prevention week was coming up in October, George Fox activities.

Library Director Leah Griffith said money was received for Books for Newborn program, strategic planning had begun, December Open House session, integration work underway to regional library system, studying an RFID system for the future, building remodel work both interior and exterior, increase in check-outs and use of the self checkout system, programs and attendance.

Public Works Director Jay Harris said summer help had helped with lots of work including pavement sealing and cleaning up around the Archives Building, smoke testing had just finished, planning for winter storms road work and snowplow routes, pump testing, well work and needed improvements, new staff, utility relocation work for the Newberg-Dundee Bypass project, work on College Street half street improvements and the Springs divestiture update.

Jessica Pelz presented information on the Newberg Industrial Urban Growth Boundary Economic Opportunities Analysis.

All Councilors, the Mayor, City Manager, City Attorney, Department Heads and the Interim City Recorder were present. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Andrews called the meeting to order at 7:00 p.m.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Denise Bacon	Mike Corey
	Bart Rierson	Stephen McKinney	Lesley Woodruff
	Ryan Howard		
Staff Present:	Jacque Betz, City Manager	Truman Stone, City Attorney	
	Sue Ryan, Interim City Recorder		

Also Present: Scott Essin, Sarah Grider, Robert Soppe, and Karen Engstrom,

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Ms. Jacque Betz, City Manager, said her report had been sent to the Council yesterday and there was nothing else to report.

V. PUBLIC COMMENTS

Karen Engstrom said she was here to complain about the Chehalem Valley Youth Services treatment houses and vandalism of her home and behavior of their residences.

Councilor McKinney wanted to know about the city's response to this issue.

City Manager Jacque Betz said the issue is planned for a discussion during the October 20 City Council meeting executive session.

Councilor Bacon suggested Ms. Engstrom approach the Chehalem board. Ms. Engstrom said the issues had been going on for 7 years. Councilor Corey said this is a concern the City is taking the issue seriously. Councilor McKinney asked if their board had been involved in the issue. City Attorney Truman Stone said during the last month that they had met with the executive director about ongoing issues.

Robert Soppe said he had concerns over the amount of parking being inadequate at George Fox University football games. His concern related to the calculation of parking spaces and the definitions in the City's Municipal Code. He was concerned about the availability of the agenda. He said on there was inaccurate information about submitting written testimony.

There was a brief discussion on the parking issues raised by Mr. Soppe.

VII. CONSENT CALENDAR

1. Consider a motion approving the September 2, 2014 City Council meeting minutes.
2. Consider a motion approving a sound permit application for Newberg Downtown Coalition and Newberg Early Bird Rotary for the 2014 Newberg Oktoberfest Event.
3. Consider a motion approving Resolution No. 2014-3166, A Resolution adopting the amendment to the Collective Bargaining Agreement Between the City and The Newberg-Dundee Public Safety Association, and authorizing the City Manager to extend the current contract an additional 60-days, through November 30, 2014, as well as delegating the authority to make such amendment on behalf of the City.

MOTION: **Woodruff/Bacon** moved to approve the September 2nd, 2014 City Council meeting minutes , approving the sound permit application for Newberg Downtown Coalition and Newberg Early Bird Rotary for the 2014 Newberg Oktoberfest Event, approving Resolution No. 2014-3166, a resolution adopting the amendment to the Collective Bargaining Agreement Between the City and the Newberg-Dundee Public Safety Association, and authorizing the City Manager to extend the current contract an additional 60-days, through November 30, 2014, as well as delegating the authority to make such amendment on behalf of the City.
Motion carried (7 Yes/0 No)

VIII. PUBLIC HEARING

None.

IX. NEW BUSINESS

1. Resolution No. 2014-3158: PWS Director Harris said this resolution was part of the first phase of the Bypass project. He said that ODOT's engineering design showed that the construction work could impact the pipe. He said this resolution approves replacing the pipe with a larger diameter pipe. He said the cost share would be 95 % ODOT and the City would pay 5%.

There was a discussion on the size of the pipe. Councilor McKinney asked about 15 % for the contingency on the contract. PWS Director Harris explained why they had budgeted that percentage. There was a discussion on whether ODOT would pay any overages or whether the City would. PWS Director Harris said the City was only responsible for the pipe diameter increase and the fill back for the difference in the pipe size.

There was additional discussion about the size of the pipe and who would pay for what on any change orders. PWS Director Harris said it would be 5% of the whole contract not individual change orders. He said the cost of Parametrix's design was also 5%. There was discussion on why the pipe was a larger diameter, its location and how that could provide for additional development and growth in the area.

MOTION: Rierson/Bacon moved to adopt Resolution No. 2014-3158, a resolution to authorize the City Manager to enter into a construction contract with K&E Excavating, Inc. for the 11th and 12th Street Sewer Project in the amount of $1,292.729.25 and to also negotiate and approve any needed construction change order not to exceed 15 percent of the proposed contract amount.
Motion carried (7 Yes/0 No)

2. Resolution No. 2014-3159: City Manager Jacque Betz said this resolution is a housekeeping item to ensure someone is in charge when she is not in town and on vacation. She said the suggestion was for the City Attorney to be the City Manager Pro-Tem in her absence. She suggested in the City Attorney's absence the Police Chief or Fire Chief could be in charge.

There was discussion on the lineal succession and the wording of the resolution. There was discussion on the succession could work in the case of an emergency.

Councilor Howard said he was uncomfortable with this to delegate the selection of the Pro Tem to anyone but the City Council. He said was not comfortable with saying the city attorney can select the city manager pro tem. He said he was not comfortable with the City Manager appointing a Pro Tem of their own choosing. He said the City Council needs to be the authority on the matter.

Councilor McKinney said his concern is in the event of an emergency how difficult procedurally it would be for the City Council to convene and make such a decision. There was discussion on previous lines of succession and how the procedure could be simplified. Mayor Andrews said under double ii after the comma instead of City Attorney you substitute the wording "City Manager."

Mayor Andrews moved to adopt the resolution with the following amended language. He said to create a new paragraph 1. He said to renumber 1 to 2, 2 to 3, 3 to 4. He said under Item 2 double ii that "If the city attorney cannot act as manager pro tem, the Council will designate a manager pro tem." instead of the original language of the City Attorney designating a manager pro tem.

Councilor Rierson accepted the second amendment.

There was discussion on previous resolutions that established a line of command during past years. There was discussion about the reasons behind why the succession was being updated and the reasons for those previous successions.

CA Stone restated the resolution amendments as adding a new paragraph 1 under the section The City of Newberg resolves as follows: "The City Council repeals Resolution 2013-3053 and all other resolutions designating a manager pro-tem."

There was a discussion on the renumbering of the paragraphs.

CA Stone said under Paragraph 3, subsection ii, the change would read "If the city attorney cannot act as manager pro tem, the city manager will designate a manager pro tem."

MOTION: Andrews/Rierson adopting Resolution No. 2014-3159 as amended repealing Resolution No. 2013-3053; authorize the City Manager Pro Tem designation for short-term absence of City Manager as well as a subsequent chain of command. Motion carried (6 Yes/1 No [Howard])

X. COUNCIL BUSINESS

Mayor Andrews said he had received an anonymous phone call complimenting the display of flags on 9-11.

Councilor Woodruff asked the Council to support the FISH food bank remodel. There was a discussion on the fundraising for the project. CM Betz asked for a written request from the Ford Family Foundation project to research it further. There was discussion on the request and how it could be funded.

Councilor Rierson said the landscaping at the Springbrook Fire Station # 21 looked very poor was handled by Public Works. He asked City Manager Betz to follow up on it. She said Mr. Harris was working on the issue.

Councilor Howard said he was running for elected office. He was concerned about the quantity of campaign signs and the City was following a non-enforcement policy on the signs. He said it was giving an unfair advantage to those candidates who were not following the City Municipal Code on the issue.

There was discussion on the issue of temporary and portable signs and prior action by the Council on the issue.

Interim Planning and Building Director Olson said it would go before the Planning Commission in November. There was further discussion on the issue and the moratorium being in place for business signs but not being applicable to the current discussion on election signs. There was discussion about this not being an agenda item to give the public notice of the potential change in enforcement.

There was further discussion on the size and type of signs. There was discussion on the moratorium on enforcement having gone into effect in June of 2013. Councilor Woodruff clarified that the Ad-Hoc Temporary and Portable Sign committee did intentionally not make any changes to the category of election signs. Mayor Andrews asked the Council if they wished to lift the moratorium and for a motion to take action. There was discussion on who had election signs up as several members of the Council are currently running for re-election. Councilor McKinney said the moratorium was put into place because of business needs.

MOTION: Rierson/ directing staff bring the issue of political signs to the Council for discussion at their next meeting. Motion rescinded

CA Stone said political signs are a type of sign not political due to content. He said they are within the temporary sign provision but enforcement cannot be based on content only on size and location. Rierson rescinded his motion.

IPBD Olson said election sign posting was in effect from 60 days before to 60 days after the election. He said the only way to identify them was based on content, which they can't do. CA Stone said if the Council wanted us to lift the moratorium then direct staff to bring it back on a future agenda.

There was discussion on intent and time for staff to do the research for the item. CM Betz said it would be put on the October 6 agenda and it would be a joint effort by CA Stone and IDBP Olson.

MOTION: Bacon/Howard directing staff to bring back a request for action to their October 6, 2014 Council meeting so the City could lift the moratorium on enforcing the temporary and portable signs section of the Newberg Municipal Code. (7 Yes/0 No)

Mayor Andrews brought up taxing marijuana distribution within the city limits. He asked if the City wanted to take action before the November 4 election.

There was a discussion on the uncertainty of the issue and that taxation could not be allowed under Ballot Measure 91.

CA Stone summarized the ballot measure. He said the idea to pass a local ordinance on a marijuana product tax is to be pre-emptive. He said it could be grandfathered in as the local ordinance would be passed before the general election and the potential passage of Ballot Measure 91. He said there had been additional discussion on the issue of uniformity throughout the state.

There was further discussion on what the potential response could be from the state to local ordinances on product taxation, what action the Council should pursue, potential impacts to Public Safety, possible revenue, black market competition and the city's revenue needs.

There was discussion on the procedure of passing an ordinance with one reading and an emergency clause.

MOTION: **Andrews/Rierson** directing staff to bring an Request for Council Action to Council to assess a tax on the sale of marijuana (6 Yes/0 No/1 Abstain [McKinney])

XI. **EXECUTIVE SESSION** Executive session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed – Urban Growth Boundary Mediation. The Council entered executive session at 9:20 p.m. The Council re-entered open session at 10:10 p.m.

XI. ADJOURNMENT

The meeting adjourned at 10:11 p.m.

ADOPTED by the Newberg City Council this 6th day of October, 2014.

Sue Ryan

Sue Ryan, Interim City Recorder

ATTEST by the Mayor this 22nd day of October, 2014.

Bob Andrews

Bob Andrews, Mayor

NEWBERG INDUSTRIAL UGB/EOA OVERVIEW

City Council Work Session
September 15, 2014

Council Minutes 2014-0915 Exhibit A

BASIC PROCESS

- **Update the EOA**: demographic, employment, population, economic data; strategies; identified target industries; employment land needs & supply; needed site sizes; employment site suitability requirements.
- **Use data in EOA**: how much employment land do we need, which site sizes & characteristics.
- **Determine need to expand UGB**: how much employment land need can be met within the existing UGB?
- **Determine location of UGB expansion**: inventory land meeting suitability requirements, apply location analysis factors.
- **Make findings**
- **Hold public process**

SUMMARY OF APPLICABLE RULES

- Goal 9: Economic Development
- Goal 14: Urbanization
- ORS 197.298 – Priority of land to be included within urban growth boundary
- OAR Division 9 Economic Development (requires economic opportunities analysis and details how to complete)
- OAR Division 24 Urban Growth Boundaries (requirements for how to amend an urban growth boundary)

SUMMARY OF NEWBERG SPECIFIC DATA – TARGETED INDUSTRIES

- Manufacturing and Industry
  - High tech manufacturing
  - General manufacturing
  - Aviation related
  - Agriculture
  - Services
- Health Care
- Higher Education
- Wine/Tourism

SUMMARY OF NEWBERG SPECIFIC DATA – SITE SIZE DISTRIBUTION BY FIRM EMPLOYMENT

Emps. per Firm	Percent of Emp.	Number of New Emps.	Number of Firms	Sites Needed	Size Range (Acres)	Ave. Site Size (Acres)	Ave. ROW Need (Acres)	Gross Buildable Acres Needed
0-9	15%	273	46	23	<2	1	0.15	26
				23	infill & redevelopment			0
10 to 74	40%	729	21	14	2 - 10	5	0.75	81
				7	infill & redevelopment			0
75 +	45%	820	2	2	10 - 30	20	1.00	42
			1	1	30 - 50	40	2.00	42
			1	1	infill & redevelopment			0
Total	100%	1,822	71	71				191

SUMMARY OF NEWBERG SPECIFIC DATA – SITE SUITABILITY CHARACTERISTICS

- Site Size
  - Sufficient number of sites within size categories to meet identified needs; Parcel or group of parcels that contain at least 20 buildable or industrially developed acres
- Topography
  - Exclude steep slopes; Exclude areas within protected stream corridors and wetlands
- Proximity
  - Include areas within or adjacent to existing UGB; adjoining an existing industrial or commercial area; Sites with suitable truck access to a highway or arterial within ¼ mile
- Compatibility
  - Exclude when abutting residential areas on more than 25% of perimeter unless significant buffers present; exclude sites requiring truck traffic through residential neighborhoods

SUMMARY OF NEWBERG SPECIFIC DATA – INDUSTRIAL LAND SUPPLY AND NEED

Size Range (Acres)	Number of Sites - 2012 UGB	Buildable Acres - 2012 UGB	2032 Needed Buildable Sites	2032 Needed Gross Buildable Acres	2032 Deficit # of Sites	2032 Deficit Buildable Acres
<2	5	6	23	26	(18)	(20)
2 to 10	7	30	14	81	(7)	(51)
10 to 30	1	24	2	42	(1)	(18)
30 to 50	0	0	1	42	(1)	(42)
Total	13	60	40	191	(27)	(131)

ANALYSIS OF ISSUES

- "Adequate Proof" – of identified industrial site suitability characteristics being typical and meaningfully connected to industrial operations
- "Adequate Justification" – of why certain sites are not suitable for industrial uses. Also has to do with order of analysis – should suitability factors be applied first or should land priorities be applied first?

NEXT STEPS

- UGB strategy team will meet with Mediator (Sam Imperati) – Sept or Oct
- Mediation sessions begin – Oct through Nov/Dec

Questions?