

CITY OF NEWBERG CITY COUNCIL MINUTES
MARCH 3, 2014, 7:00 PM
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held at 6:00 PM preceding the meeting. A presentation was given by Planning and Building Director Barton Brierley regarding a review of long range planning. All Councilors, the Mayor, city manager, city attorney, city recorder, and department heads were present with Councilor McKinney arriving at 6:01 PM. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Denise Bacon	Mike Corey
	Ryan Howard	Bart Rierson	Lesley Woodruff
	Stephen McKinney		

Staff Present:	Lee Elliott, city manager pro tem	Truman Stone, city attorney
	Jay Harris, city engineer	Barton Brierley, planning and building director
	Norma Alley, city recorder	David Beam, economic development coordinator
	Nicole Tannler, minutes recorder	

Others Present: Jerrid Tompkins, Irene Dunlap, Beth Koschmann, Nathalie Hardy, Robert Soppe, Arthur Fish, Mitchell Gee, Mark Storm, and Anthony Weller

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGERS REPORT

Mr. Lee Elliott, city manager pro tem, reported a work session regarding the general fund forecasting and budget analysis will be held tomorrow. On February 20, 2014, Mayor Andrews and I met with the Chamber of Commerce to discuss economic development. The groups are beginning to communicate more and it was a very positive interaction.

V. PUBLIC COMMENTS

Mayor Andrews opened public testimony.

Mr. Jerrid Thompkins, Mortenson Construction, stated they would like to install a splash pad in the Cultural Center area. We met with Chehalem Park and Recreation (CPRD) to come up with a location and received approval from the CPRD Board. The pad would be approximately 20'x20' and Mortenson Construction wants to donate most of the equipment and materials for the project. Mayor Andrews asked if he had contacted the Cultural District. Mr. Thompkins answered not yet.

Ms. Irene Dunlap stated she is in support of the splash pad and has been in contact with Library Director Leah Griffith.

Ms. Beth Koschmann asked for support for the creation of the splash pad in Newberg. Mortenson Construction has been working on a petition for the splash pad and so far has 299 signatures. She brought a copy of the petition to be submitted into the record.

Ms. Nathalie Hardy thanked the council for the opportunity, and said there has been some informal contact with the Cultural District. She encouraged the council to approve a splash pad.

Mr. Robert Soppe stated he was going to start by citing the rules of addressing questions to the council, but the Mayor already recited them tonight. He commented on the lack of clarity and asked what it would take to get the council to follow these rules. On September 16 of last year he spoke during Public Comments before this council regarding issues with phasing of the Bypass and requested responses to some simple questions. He submitted some questions and information by email to the city recorder prior to the meeting. The morning following the meeting he submitted his testimony by email. Council is supposed to appoint someone to address these and a response should be sent. In five and a half months, he has not received a response. At the October 21 meeting of last year, he raised the issue again indicating he had received no response. Mr. Soppe requested, both verbally and in writing, responses to some additional questions about the process of getting a response as dictated by the Council Rules. Again, he does not know if the initial steps of the rules were followed but can attest to the fact that he has not received responses either by email or by postal mail. At the December 2 meeting of last year, he raised the issues for the third time. He requested responses both verbally and in the emailed copy of his testimony. Again, he does not know if the initial steps of the rules were followed but can attest to the fact that he has not received responses either by email or by postal mail. He is here before the council for the fourth time to get a response. The acting city manager did come to him in December and they had a productive meeting. Councilor Denise Bacon requested Mr. Soppe send the original questions directly to her. Mr. Soppe said I will send you the original questions via email.

VI. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3114** approving the appointment of Sharon Carson-Small from temporary assistant utility billing clerk to full-time utility billing clerk.
2. Consider a motion adopting **Resolution No. 2014-3115** adopting a revised Engineering Fee Schedule.

Item #2 was pulled from Consent Calendar and discussed under New Business item #4.

<p>MOTION: Rierson/Corey adopting Resolution No. 2014-3114 approving the appointment of Sharon Carson-Small from temporary assistant utility billing clerk to full-time utility billing clerk. Motion carried (7 Yes/0 No).</p>
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VII. PUBLIC HEARING

Consider a motion adopting **Ordinance No. 2014-2770** vacating a portion of the Ninth Street right-of-way dedicated to the city between Industrial Parkway and Highway 219, creating utility easements, and creating an access easement.

Mayor Andrews introduced the legislative hearing and called for any conflicts of interest or abstentions. Mr. Truman Stone, city attorney, stated he had prior involvement with these clients at his previous firm so he cannot give any advice on this ordinance.

Mr. Barton Brierley, planning and building director, presented the staff report including a PowerPoint slideshow (see official meeting packet for full report). Staff recommended adoption of **Ordinance No. 2014-2770**

vacating a portion of the Ninth Street right-of-way dedicated to the city between Industrial Parkway and Highway 219, creating utility easements, and creating an access easement.

MOTION: Woodruff/Bacon adopting **Ordinance No. 2014-2770** vacating a portion of the Ninth Street right-of-way dedicated to the city between Industrial Parkway and Highway 219, creating utility easements, and creating an access easement. Read by title only. Motion carried (7 Yes/0 No).

VIII. NEW BUSINESS

1. Consider a motion directing staff to develop an application to the state of Oregon for a designated enterprise zone.

Mr. David Beam, economic development coordinator, presented the staff report including a PowerPoint slideshow (see official meeting packet for full report). Staff recommends moving forward with developing this application.

Mr. Mitchell Gee, Oregon Business development officer, discussed how an enterprise zone will help grow and bring more businesses to the area. An example is the city of Donald where a business wanted to find the best possible place to expand and in order to help them expand Donald created the enterprise zone with tax abatement, which is used in recruitment to help businesses grow.

Councilor Ryan Howard asked if there is any guarantee of business expansion by creating the zone and what involvement the county has. Mr. Gee said there is no guarantee of expansion, but council has local control over adding or waiving requirements. Councilor Howard asked why it is better to give tax breaks to just a certain area and not all of Newberg. Mr. Gee stated it is a community's choice. Councilor Howard asked what are other examples of successful enterprise zones. Mr. Gee said Salem and Donald are going to say it is absolutely worth it.

Mayor Andrews asked if there are any suggested boundaries or limitations we are looking at. Mr. David Beam replied it will be geared toward trade and industrial areas right now. Mr. Gee said there is no specified limit of where to draw your zones or discontinue zones. If you make the zone only in city limits then you will not need county approval.

Mr. Arthur Fish, Oregon Business Development Department business incentive coordinator, said the counties role only has an effect on businesses outside your city limits. They can be a sponsor and be involved in voting.

Councilor Lesley Woodruff asked if there was any way it can go wrong or backfire. Mr. Fish stated they do not always succeed and they have to pay back the taxes but it is an unsure thing with most of the companies doing well.

Mayor Andrews asked what the time period was for the program. Mr. Fish said the program in Yamhill is at least three years. Mayor Andrews said it starts out at three years and can be moved to five years. Mr. Fish said the designation can go up to 11 years and we have had some go the 10 years and nothing has happened.

MOTION: Howard/Bacon direct staff to develop an application to the state of Oregon for a designated enterprise zone. Motion carried (7 Yes/0 No).

2. Consider a motion adopting **Resolution No. 2014-3116** adopting the Erosion and Sedimentation Control Manual and Standard Details.

Mr. Jay Harris, city engineer, presented the staff report including a PowerPoint slideshow (see official meeting packet for full report).

Mr. Mark Storm thanked the engineering department and said they have been very receptive to our comments and do not want this to reflect negatively on them. In regards to design, I take exception to treating a roof or a patio like a parking lot or street. We do not need to treat patio water and even in detention ponds it goes into the grass before it gets into the street. It is detained and treated that way and should be removed from the manual. Roofs should be detained, but we have a hard time treating it. My concern with treatment is putting holes in people's yards for treatment of the water and it seems there are ways to detain that underground. Another concern is withholding that water close to the house because we do not want it under or near the house. I feel comfortable we can overcome these problems.

Councilor Howard stated from your testimony it seems you are mostly involved with residential construction. I agree the patio does not go into the storm water system, but I can see roof water going into the streams. Councilor Howard asked is there any way to use a swale or make use of the water. Mr. Storm said detaining it slows down the outflow.

Mr. Anthony Weller, CES NW, said temperature, mercury, and bacteria is a regional issue and 50% of mercury is air born traveling a long way. Roofs are exposed to the sun and the roof collects dust, which contains mercury. We could not find any other ways to treat it. Standards have changed and we want to keep in it the ground. We are trying to mimic the natural hydraulic scale and as lots gets smaller that becomes a problem. The treatment is plants and trees to cool it off or a swale where the grass pulls pollutants out of the water. We want to slow it down and allow sediment to get trapped. With the patio, the drainage can go onto a neighboring lot.

MOTION: Woodruff/Corey adopting Resolution No. 2014-3116 adopting the Erosion and Sedimentation Control Manual and Standard Details. Motion carried (7 Yes/0 No).

3. Consider a motion adopting **Resolution No. 2014-3117** revising the Design Standards Manual and Standard Design Drawings.

Mayor Andrews asked staff to take Mr. Storm's testimony under advisement. Mr. Harris responded the staff will work with Mark Storm and look at reducing some of the sizing standards. In terms of revisions it allows the city manager to determine minor changes. Any major addition to the manual would come back to council. We can give an update in six months at a work session for things we are going to be fixing along the way.

Councilor Howard said sediments are one of the biggest pollutants and desire for the community to be involved in making it work.

MOTION: Howard/ Bacon adopting Resolution No. 2014-3117 revising the Design Standards Manual and Standard Design Drawings. Motion carried (7 Yes/0 No).

4. Consider a motion adopting **Resolution No. 2014-3115** adopting a revised Engineering Fee Schedule.

Mr. Jay Harris, city engineer, presented the staff report (see official meeting packet for full report).

Mr. Mark Storm testified did anyone imagine when this was adopted it would cost a 1,300 square foot lot \$5,000.00, which is added to the cost of the house. All the work with affordable housing is used up with these fees. He asked if the private facility final inspection fee of \$300.00 is for every house and that is for subdivisions that built a full storm drain facility. The 25 cent per foot of sidewalk is unnecessary as it has been 13 and 16 cents prior.

Mr. Harris said that item is primarily for industrial or commercial.

Councilor Stephen McKinney said we need to take care of problems up front and has heard from more than one builder that it is expensive to build in Newberg. I want to get a realistic idea of what it is to build in other communities and compare them. We need to consider incentives to build in Newberg.

Councilor Howard asked if there is a smaller per square foot fee. Mr. Harris answered no, there is one fee for all sizes with the intent the bulk are sidewalk repairs. The goal was to keep costs low but still recover some cost. We can add another line item in there but that may cause confusion. Mayor Andrews suggested corner lots be half price. Mr. Harris said ok.

Councilor Bart Rierson stated this could cause a large increase for developing property and I would like to have a better handle on it. It is difficult to say if it is fair and would like to know what some of the other local jurisdictions are doing.

Councilor Howard said he shares concerns with Councilor Rierson and it seems like fees do accumulate. I do feel uncomfortable passing this now without knowing the actual costs. Mr. Harris replied a majority of the costs are the System Development Charges (SDCs) and should be paid by the person making the impact, which are small when you look at the overall business process.

MOTION: McKinney/Rierson table Resolution No. 2014-3115 adopting a revised Engineering Fee Schedule to April 7, 2014. Motion carried (7 Yes/0 No).

IX. COUNCIL BUSINESS

Councilor Rierson stated the animal shelter property needs landscaping.

MOTION: Rierson/McKinney directed staff to work with Pete Siderius, Newberg High School greenhouse program coordinator, and Brian Stewart, CPRD landscaper, to develop and implement the NASF Plan for the animal shelter landscaping. Motion carried (7 Yes/0 No).

Councilor Rierson stated the splash pad has been talked about a long time and Mortenson Construction wants to donate labor and material. I am hoping we can waive SDCs.

Mr. Harris said if they could utilize the existing meter, they would only be subject to wastewater fees and permit fees. The meter was originally put in for a school so may be enough and we need to look at what is there right now. It appears permit fees can be waived by City Council but not SDC's, so in terms of waivers the staff needs to do some more research on that.

Mayor Andrews asked who is going to pay for the water. Mr. Harris said approximately 600 gallons of water per day will be used only in the summer and the re-use problem may be solved using it for irrigation or landscaping of the Cultural Center.

MOTION: Rierson/McKinney directed staff to work with CPRD and Mortenson Construction to come up with a plan for a Splash Pad at the Cultural Center. Motion carried (7 Yes/0 No).

X. EXECUTIVE SESSION

Executive session pursuant to ORS 192.660(2)(a) relating to employment of a public officer, employee, staff member or individual agent – City Manager Recruitment.

Mayor Andrews called the executive session to order at 10:06 PM. Executive session was held with all councilors, the mayor, city manager, and city recorder present; no action was taken and no decisions were made.

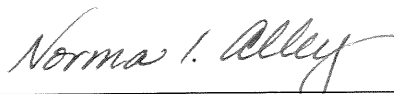
Mayor Andrews closed the executive session and opened the public meeting at 10:29 PM.

MOTION: Woodruff/Rierson directed Nancy Boyer from COG to do background checks on the top five candidates. Motion carried (6 Yes/0 No/ 1 Abstain [Bacon]).

XI. ADJOURNMENT

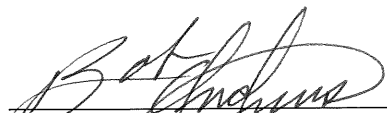
The meeting adjourned at 10:31 PM.

ADOPTED by the Newberg City Council this 5th day of May, 2014.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 8th day of May, 2014.


Bob Andrews, Mayor