

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
December 3rd, 2018, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Andrews, Councilors Mike Corey, Elise Yarnell Hollamon, Denise Bacon, Stephen McKinney, and Scott Essin. Councilor Johnson was absent. Staff present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Library Director Leah Griffith, Finance Director Matt Zook, Human Resources Director Anna Lee, Community Development Director Doug Rux, and Public Works Director Jay Harris

Mayor's Cabinet Committee Reports:

Kerrie Allen, Library Board Chair, gave a story about a library patron who used the computers at the library to find help for her financial circumstances. She reported on the Tree Lighting event, Cozy Winter Reading Program, Library Director recruitment, Library Board Retreat, and review of library policies.

Phil Smith, Planning Commission Chair, gave examples of the applications the Planning Commission had reviewed, and recommendations to City Council. He highlighted the decisions on affordable housing in the annexation process, multiple party agreement for the Crestview Crossing application, and issues surrounding the Newberg Dundee Bypass and Ladd Hill neighborhood. These examples showed the need to delay decisions so parties could work out their differences. There were discussions on the process for expanding the Urban Growth Boundary.

Beth Koschmann, Budget Committee Chair, said they met three times between April to May 2018 and approved the budget in the amount of \$93 million. This year most of the Committee would be new. They meet again in April.

E.C. Bell, Affordable Housing Commission Chair, said the Community Development Block Grant had been used to maintain manufactured homes mostly in Newberg. The work would be completed in April. It was a successful program. In conjunction with Habitat for Humanity, some smaller projects were done in manufactured home parks as well. In 2019 they would work on recommendations to safeguard existing manufactured home parks as they were a base of affordable housing in the City. Other 2019 priorities were surveying community engagement reporting, recommendations on duplexes and triplexes in R-1 zones, and the Construction Excise Tax. There was discussion on respite housing on church properties.

Karl Birky, Traffic Safety Commission Chair, said the Commission listened to the public on their concerns and ran interference for the Council. They also educated themselves about the traffic needs in the City. This year they reviewed traffic safety policies, worked with George Fox University on parking, and worked with the School District on drop-off areas. He thought they needed to work toward not allowing parking on Villa Road.

Rick Rogers, Citizens Rate Review Committee Chair, said they met in July to approve the allocation of utility assistance funds. The Committee approved a 4% increase in rates for water, 3.5% increase for wastewater, and 9% for stormwater. Altogether it was a \$5.14 increase per month in 2019, and \$5.46 increase per month in 2020.

Dennis Lewis, Transient Lodging Tax Committee, stated the Committee was wrapping up their first 2 years. The next phase was to transition funds from a grant program to a marketing organization called Visit Newberg. The new organization would include a paid director led by a community board to promote tourism in our region, and to connect community organizations with grants. The TLT Committee had awarded more than \$330,000 for community improvements and events.

The Work Session was adjourned at 6:45 p.m.

CALL MEETING TO ORDER

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

ROLL CALL

Members Present: Mayor Bob Andrews Mike Corey
Patrick Johnson Denise Bacon
Elise Yarnell Hollamon Scott Essin
Stephen McKinney

Staff Present: Joe Hannan, City Manager Truman Stone, City Attorney
Sue Ryan, City Recorder Jay Harris, Public Works Director
Doug Rux, Community Development Director
Anna Lee, Human Resources Director

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PROCLAMATION: Mayor Andrews presented the Boys' Water Polo Team with a proclamation honoring their state championship. There was a moment of silence in honor of the passing of President George HW Bush.

PRESENTATIONS: Assistant Chief Deric Weiss and Public Affairs Officer Stefan Myers, presented the Tualatin Valley Fire & Rescue District annual report. Chief Weiss discussed annexation of Newberg into the District. He shared incident counts for the stations in Newberg this year, explained how they handled false alarms, needed equipment replacement, and shared how lives were saved through the training and tools of the firefighters. They went through a new insurance rating to include Newberg, and received a re-rating of Class 2 in all areas within 5 miles of the City. Officer Myers promoted the Toy & Joy program in Newberg-Dundee. He thanked all those who had volunteered to help. Chief Weiss said voters would decide on renewing the 45 cents per 1,000 local option levy in May. The funds were used for staffing and personnel. He announced Chief Sherrard had retired and taken a job in California.

There was discussion on deployment to fires in other states, and reimbursement. Chief Weiss explained the funding for these deployments and how they varied between states. There was further discussion on the levy amount and how it would not be increased from the current amount.

CITY MANAGER'S REPORT: City Manager Hannan reported on his activities including attending the Oregon Police Officers Association Annual Recognition Dinner and awards received by Newberg officers, Public Works renovation of the City's entrance signs, meeting with potential developers for a new hotel, a feasibility study for converting the water line bridge to a pedestrian bridge, finalizing Historical Society agreement on historical markers, working with the Department Directors on a FirstNet emergency response system, working with the faith-based community to form emergency response partnerships, partnerships for the VA clinic, and working with Yamhill County to implement new transit routes through the entire City.

COUNCIL APPOINTMENTS:

Committee Re-appointments:

MOTION: Andrews/Bacon moved to approve the Mayor's re-appointment for three year terms of January 1, 2019 to December 31, 2021 of members E.C. Bell and Larry Hampton to the Affordable Housing Commission; Beth Koschmann to the Budget Committee; Ryan Howard and Geary Linhart to the Historic Preservation Commission; Jason Dale to the Planning Commission, Sarah Sand and Chris Kelley to the Traffic Safety Commission. Motion carried (7 Yes/0 No).

Committee Appointments:

MOTION: Andrews/Bacon moved to approve the Mayor's appointment of Carol Sherwood to the Affordable Housing Commission for a term from January 1, 2019 to December 31, 2021; Timothy Carpenter to the Budget Committee for a term effective immediately to December 31, 2019, Molly Olson and Solomon Allen to the Budget Committee for a three year term from January 1, 2019 to December 31, 2021; Ron Sinicki to the Citizens Rate Review Committee for a term effective immediately to June 30, 2021; Jeffrey Musall to the Planning Commission for a term from January 1, 2019 to December 31, 2021; Sharon Capri to the Planning Commission for a term from January 1, 2019 to December 31, 2020; and Gregory Tomkins to the Traffic Safety Commission for a term of January 1, 2019 to December 31, 2021. Motion carried (7 Yes/0 No).

CONSENT CALENDAR:

MOTION: Corey/Bacon moved to approve the Consent Calendar: Resolution 2018-3510, A Resolution approving the 2019 and 2020 cost of living adjustment (COLA) of 2.5% for the Collective Bargaining Agreement between the City and AFSCME Local 1569, effective January 1, 2019 and January 1, 2020. Authorizing the City Manager to Execute the 2019 and 2020 Cost of Living Adjustment (COLA) of 2.5%. Additionally, a one-time salary adjustment of 0.5% to be paid out on the January 2019 and January 2020 paycheck; Resolution 2018-3513, A Resolution ratifying a contract with Microwave Networks, Inc. for work undertaken on the emergency communications system upgrade project in conjunction with Washington County Consolidated Communications Agency (WCCCA) on behalf of the City of Newberg and authorizing payment ; Council Minutes for November 5, 2018; and Resolution 2018-3509, A Resolution accepting the canvass of votes for the November 6, 2018 General Election, as provided by the Yamhill County Clerk Brian Van Bergen for three City Councilor positions and one Mayor position. Motion carried (7 Yes/0 No).

NEW BUSINESS: Resolution 2018-3514 – Small Cell Sites: Community Development Director Rux said FCC had new rules on small cell sites. Currently the City did not have design regulations or a permitting process for these facilities. Staff was asking Council to initiate the process to amend the Development Code for small cell sites. Councilor Johnson asked what had initiated this. CDD Rux said the technology was coming with FCC approving the new rules. He explained the issue with putting these facilities on power poles and how without design standards to screen and shield them, they could be obtrusive and tacky.

MOTION: Corey/Bacon moved to approve Resolution 2018-3514, A Resolution initiating an amendment to the Newberg Municipal Code, Title 15 Development Code for design standards for small cell wireless facilities. Motion carried (7 Yes/0 No).

City Hall Fee Refund:

Finance Director Zook said in 1999 City Hall was remodeled and a fee tied to Community Development permits was established to retire the remodel debt. In addition to that fee there was a PGE privilege tax for 5 years. The fee should have terminated in 2014 but due to staff transition it was not. The fee had accumulated up to \$615,000. It was terminated in May 2018. Staff had been gathering the data for a refund. The debt would retire in 2019, and there were enough funds to pay it off. The Community Development Department had changed software a couple of times, and one of the difficulties was collecting information from databases the City no longer had. Staff had been working to find out who made the payments, and who needed to be refunded.

Mayor Andrews asked how much staff time this would take, and how many refunds. FD Zook thought it would be 200-300 checks. It had taken 50-60 hours, and there might be 20-30 more hours needed. He explained that after much research, there was no way the City could keep the money or re-appropriate it. They had to move forward with a refund. He explained the delay in not stopping the collection of the fee when it was first found, mainly due to the need for researching all of the documents and to see if the fee could be used for another purpose. Councilor Johnson asked about having a policy so this did not happen again. FD Zook said they had

implemented a master fee schedule to track the City's fees and the fees were in dedicated funds. Some of this was legacy work that was taking time to get to. Mayor Andrews asked if the fund could be used to pay for the administrative overhead. FD Zook said there was nowhere in the language that allowed it to be used for administration.

Councilor Johnson thought the suggested motion was too broad. He would like to understand why they could not recoup some of the costs for administering the fee. City Attorney Stone clarified that usually with a special revenue fund there would be a resolution that set out the collection of the fee, and use of the fund. Through their research staff found nothing like that. These types of funds were very limited as to how they could be used. Staff could see in the budget documents how the fund was set up and that was the best information they could find. The fund was done during a time when City Hall had burned, and it was an uncertain time.

MOTION: Bacon/Corey moved to ratify the refund of \$446,000 of City Hall fees collected in excess of the amount needed to satisfy the debt service payments for which it was originally intended and authorize the City Manager to take the steps necessary to accomplish this.

Discussion:

Councilor Corey said these were dedicated funds and if they didn't approve a motion such as this, what else could be done. FD Zook replied they could not do anything else with the funds. CA Stone said they could not spend those funds. It was the right thing to do to refund the money. Someone could also come and demand a refund and the City would have to respond to that.

Councilor Bacon asked what if they could not find all of the people that were to be refunded. FD Zook explained they had enough information to get the money to the right people. CA Stone said if there was a dispute or the potential that the refund could go to more than one party, the plan was to contact all parties and ask for instructions. If they were still at a loss as to who the money was entitled to, then there was a legal proceeding to deposit it with the court and the parties could go to court and the court could decide. If they could not locate a party, the money would go to the Department of State Lands.

Councilor Johnson said he could not find this fund in the budget document. He asked that staff flag these types of revolving fees so they could be tracked better. He also thought there needed to be more time with the budget document at the Budget Committee level. He thought staff had done great work to find solutions to this situation, but he wanted to make sure they followed best practices.

Mayor Andrews said one of the things that had already been implemented was a Master Fee Schedule. It was a start in the right direction. Councilor Yarnell Hollamon suggested getting information about the Master Fee schedule and revenue collection out to the public.

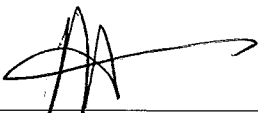
Motion carried (7 Yes/0 No).

COUNCIL BUSINESS: Councilor Essin discussed the request from CPRD to reduce their water reuse fee. He suggested the City look into allowing the Parks District to buy the reuse system. Mayor Andrews reminded Council about the emergency planning update meeting on Thursday morning for breakfast with the faith based communities.

ADJOURNMENT: The meeting was adjourned at 8:25 p.m.

ADOPTED by the Newberg City Council this day of January 22nd, 2019.

Attest:



Rick Rogers, Mayor


Sue Ryan, City Recorder