



**CITY OF NEWBERG COUNCIL AGENDA
DECEMBER 5, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPOINTMENTS

1. Consider a motion appointing Doris Brandt, Neal Klien, and Kari Lawson to the Traffic Safety Commission for terms expiring December, 2014, and Hannah Kinney to the Student Planning Commissioner position for a term expiring May, 2012. (Pgs. 3-4)
2. Consider a motion appointing Ernie Amundson, Jr., Helen Brown, and Blair Didway to the Citizens' Rate Review Committee for terms expiring December, 2014. (Pgs. 5-6)

V. CITY MANAGER'S REPORT

VI. PUBLIC COMMENTS

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VII. CONSENT CALENDAR

Consider a motion approving October 17, 2011, City Council minutes. (Pgs. 7-13)

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2011-2982** authorizing the city manager to execute a Contract Change Order #1 with M.A. Mortenson Construction for the secondary clarifier design pre-construction services. (Pgs. 15-19)
2. Consider a motion approving **Resolution No. 2011-2981** accepting the canvass of votes for the November 8, 2011, election. (Pgs. 21-24)

IX. COUNCIL BUSINESS

X. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 5, 2011

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Appoint Doris Brandt, Neal Klein, Kari Lawson, and Hannah Kinney to the City of Newberg Traffic Safety Commission.

Contact Person (Preparer) for this Motion: **Bob Andrews, Mayor**

Dept.: **Administration**
File No.:

RECOMMENDATION:

To consent to the appointment by the Mayor of Doris Brandt, Neal Klien, and Kari Lawson for three positions with terms expiring December 31, 2014, and appoint Hannah Kinney to fill a vacant student commissioner position with a term expiring May 31, 2012.

EXECUTIVE SUMMARY:

The Newberg Traffic Safety Commission is a nine member committee that has three positions with terms expiring December 31, 2011, and one student commissioner position with a term that expired August 31, 2011. Public notice of this vacancy was posted in City buildings, advertised in the local *Newberg Graphic*, and posted on the City's website. Seven applications (one is for the student position) were received prior to the final deadline of 4:30 p.m., Friday, October 28, 2011. All applications were considered and the Mayor has selected Doris Brandt, Neal Klein, Kari Lawson, and Hannah Kinney to fill the positions.

For privacy purposes, the original applications are retained in the City Recorder's Office. Please call (503) 537-1283 to request a copy.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

The Traffic Safety Commission provides a valuable service to the City of Newberg by promoting traffic safety through investigation, study and analysis of traffic safety programs; conducting educational efforts among the public in the matters of public safety; considering all traffic safety programs which are referred to them for recommendation by the City Council and making reports to the City Council on matters of traffic safety and traffic safety programs. The Traffic Safety Commission makes decisions regarding parking, crosswalks, safety zones, traffic lanes, truck routes and all manner of traffic control devices within the community.

Traffic Safety Committee

| Council District | Member/Contact Info | Term Appointments |
|------------------|--------------------------------|--|
| 5 | Doris Brandt | Appointed: 1996 Re-Appointed: 1/21/97, 2/22/00, 1/17/06, 12/15/08 Term Expires: 12/31/2011 |
| 4 | Karl Birky | Appointed: Re-appointed: Term Expires: 12/31/2013 |
| 6 | Dianna Cotter | Appointed: 12/7/09 Re-appointed: 12/6/2010 Term Expires: 12/31/2013 |
| 1 | Shannon Eoff | Appointed: 12/6/2010 Re-appointed: Term to expire: 12/31/2013 |
| 4 | Ronald Johns | Appointed: 12/7/2009 Re-Appointed: Term to expire: 12/31/2012 |
| 5 | Neal S. Klein | Appointed: 1/05/2009 Re-appointed: Term Expires: 12/31/2011 |
| 6 | James Oravetz | Appointed: 12/7/2009 Re-appointed: Term Expires: 12/31/2012 |
| 3 | Ronald Sult | Appointed: 01/05/2004 Re-appointed: 01/17/2006, 12/15/2008 Term expires: 12/31/2011 |
| 3 | Lesley Woodruff | Appointed: 01/01/2007 Re-appointed: 12/7/09 Term Expires: 12/31/2012 |
| | VACANT Student Commissioner | Appointed: Re-appointed: Term Expires: |

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 5, 2011

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Appoint Ernie Amundson, Jr., Blair Didway, and Helen Brown to the City of Newberg Citizen Rate Review Committee.

Contact Person (Preparer) for this Motion: **Bob Andrews, Mayor**

Dept.: **Administration**
File No.:

RECOMMENDATION:

To consent to the appointment by the Mayor to the Newberg Citizens' Rate Review Committee of Ernie Amundson, Jr., Helen Brown, and Blair Didway with terms expiring December 31, 2014.

EXECUTIVE SUMMARY:

The Newberg Citizen Rate Review Committee is a seven member committee that has three positions with terms expiring December 31, 2011 and one vacant position with a term expiring December 31, 2012. Public notice of this vacancy was posted in City buildings, advertised in the local *Newberg Graphic*, and posted on the City's website. Four applications were received prior to the final deadline of 4:30 p.m., Friday, October 28, 2011. One applicant has since requested for the application to be pulled from consideration. The remaining applications were considered and the Mayor has selected Ernie Amundson, Jr., Helen Brown, and Blair Didway to fill the positions.

For privacy purposes, the original applications are retained in the City Recorder's Office. Please call (503) 537-1283 to request a copy.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

The Citizens' Rate Review Committee provides a valuable service to the City of Newberg.

CITIZENS RATE REVIEW COMMITTEE LIST

| District No. | Member/Contact Info | Term Appointments |
|--------------|---------------------|--|
| 6 | Ernie Amundson, Jr. | Appointed: 2/20/2001 Re-Appointed: 2/2003, 11/2005, 1/5/2009 Expires: 12/31/2011 |
| 6 | Mike Gougler | Appointed: 2/6/2006 Re-Appointed: 12/17/2007, 12/20/2010 Expires: 12/31/2013 |
| 5 | Beth Keyser | Appointed: 1/5/2009 Re-Appointed: Expires: 12/31/2011 |
| | VACANT | Appointed: Re-Appointed: Expires: 12/31/2012 |
| 4 | Tony Rourke | Appointed: 3/17/2008 Re-Appointed: Expires: 12/31/2012 |
| | VACANT | Appointed: Re-Appointed: Expires: 12/31/2011 |
| 5 | Charles Zickefoose | Appointed: 11/7/2005 Re-Appointed: 12/17/2007, 12/20/2010 Expires: 12/31/2013 |

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 5, 2011

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the October 17, 2011, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder
Dept.: Administration

RECOMMENDATION:

Approve City Council minutes for preservation and permanent retention in the City's historical records.

EXECUTIVE SUMMARY:

The City of Newberg City Council held a public meeting and minutes were recorded in text. In accordance to Oregon State Records Management law, the City of Newberg must preserve these minutes in hard copy form for permanent retention.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
OCTOBER 17, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. General discussions were held regarding business meeting agenda items.

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 Ryan Howard Stephen McKinney
 Bart Rierson Marc Shelton Wade Witherspoon

Staff

Present: Daniel Danicic, City Manager Terrence Mahr, City Attorney
 Barton Brierley, Planning and Building Director Norma I. Alley, City Recorder
 Jan Wolf, GIS Analyst Jennifer Nelson, Minutes Recorder

Others

Present: Pat Haight, Hank Grum, and Robert Soppe

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reported city hall hours reduction will begin on October 24, 2011, with staff monitoring and reporting back after a six month trial; the deadline for committee vacancies is being extended for the Traffic Safety Commission (TSC) and the Citizens' Rate Review Committee (CRRC); a neighborhood meeting was held to discuss the cultural district zone with residents and they believe they can address most of the concerns brought up; another drug take-back event will be held on October 29, 2011; the Portland Community College (PCC) grand opening will be held this Saturday, October 22, 2011; and the Newberg Downtown Coalition (NDC) will be holding Halloween events and trick-or-treating downtown on Monday, October 31, 2011.

V. PUBLIC COMMENTS

Ms. Pat Haight expressed concerns about the conditions of the railroad crossing on River Street by SP Newsprint; she said a large gap there is dangerous for cars to drive over and a bad representation of our community. She spoke of her favor for the bike path in Newberg, but she is uncertain this is the time to be borrowing money for bike paths when there are other things needing to be fixed around town, like sidewalks and congestion downtown. She felt the city should change their "borrowing" mindset and work down a list of things needing to be fixed around town.

Mr. Hank Grum referred to statements issued in the voters' pamphlet regarding the initiative petition not being the whole truth and misleading. He requested to have the resolution regarding flex funds moved from the consent calendar to the business agenda for an explanation of the approval of System Development Charges

(SDCs) being used on Oxberg Estates improvements rather than College Street since that area is out of the city limits. He also said SDCs are taxpayers money because any revenues collected by the City is public money and any monies spend outside the City leaves a funding gap the citizens have to make up for.

Councilor Marc Shelton asked to clarify his concern by asking if he would rather see the money spent on other projects similar to what Ms. Haight discussed in her testimony. Mr. Grum said regarding the spending of money taxpayers want to know how and why money is being spent and if it is a good idea and wondered why the City would apply for a grant rather than using staff resources; he would like to see a discussion on the matter. Councilor Shelton asked staff what fund the approximate one hundred thousand dollars would come out of and what is the purpose. Mr. Danicic said the money comes from SDC funds for capacity increases and enhancement since transportation system money cannot be used for maintenance or improvements to existing capacity.

Mr. Robert Soppe raised a concern he had about George Fox University (GFU) issuing citations as a violation of a previously passed ordinance. He also mentioned a prior issue he raised regarding waivers of remonstrance for properties along College Street and if these would be contributing to the costs; he had not seen any discussions and wondered if Council was comfortable implementing a Local Improvement District (LID) if the waivers have not been exercised. He also mentioned past concerns for the city's policy on destroying audio recordings and asked what has been done since then to take steps to have a more complete record. He added the city manager's review of the cultural district meeting was different than his on accommodating the citizens' concerns about parking. He also pointed out the revised resolution the monetary contribution for the flex fund is closer to one hundred and eighty thousand dollars and not the one hundred thousand previously mentioned.

Councilor Shelton asked if non-student citizens' vehicles are being ticketed. Mr. Sopped said he did not know if others were but there was one in front of his house and when he discussed this with GFU security he was told they do regularly cite vehicles without knowing if they belong to students.

Councilor Bart Rierson asked what ordinance number he was referring to. Mr. Soppe said it violate the ordinance regarding handbills.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2976** supporting the submission of a grant application to the State of Oregon's Flexible Funds Program for N. College Street bike/pedestrian improvements.

This item was removed from the Consent Calendar and discussed under New Business on the agenda.

2. Consider a motion approving September 6, 2011, City Council minutes.

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| MOTION: Rierson/Shelton approving the Consent Calendar including the City Council minutes from September 6, 2011, as amended. Motion carried (7 Yes/0 No). |
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VII. PUBLIC HEARINGS

Consider a motion approving **Ordinance No. 2011-2735** establishing provisions pertaining to second-hand dealers and pawn shops.

TIME – 7:28 PM

Mr. Mahr presented the staff report and follow-up on questions raised last time during public testimony. Sergeant Eric Ronning met with Ms. Edie Salmon, owner of Ken & Daughter Jewelers, and she said she was in

favor of the ordinance as she would probably be considered an occasional second-hand dealer and should be exempt from the reporting requirements (see official meeting packet for full report).

Mayor Andrews asked for clarification of the definition for occasional dealer. Discussions followed with reference to page seventeen.

Mr. Mahr also followed up on the costs to the merchant; there are to be no costs to the access system other than the cost of a computer with internet access which most businesses already have and the purchase of a thumbprint reader (\$150.00) and webcam (\$50.00). Councilor Rierson commented Sergeant Ronning did not contact anyone at his business for follow-up as a second-hand dealer.

Councilor Shelton stated when this originally was brought before Council staff was not sure of a definitive number of businesses affected by this. Police Chief Brian Casey said only two stores would fall into this: the Pawn Store and Game Stop.

Mayor Andrews asked if there was any amending language. Staff replied there was none.

MOTION: Shelton/Rierson approving **Ordinance No. 2011-2735** establishing provisions pertaining to second-hand dealers and pawn shops, read by title only. Motion carried (7 Yes/0 No).

VIII. NEW BUSINESS

1. Consider a motion choosing one or more City Council District scenarios to move forward to the Public Hearing process.

TIME – 7:38 PM

Mr. Brierley presented the staff report assisted by PowerPoint slideshow showing the different scenarios already included in the packet and Mr. Jan Wolf, GIS Analyst, assisted (see official meeting packet for full report.)

Councilor Stephen McKinney spoke of scenario #5 being the least disruptive to the present seats while still accounting for the growth in District 4.

Councilor Ryan Howard said he felt the two scenarios that were most aligned are #1 and #6 based on the analysis.

Councilor Shelton said he liked #1 and #4 better for the northeast part of the City's districts because the geographic boundaries make it the cleanest; he had issues with scenario #5 and #6.

Mayor Andrews asked by the political boundaries were of any consequence. Mr. Brierley said the State uses the districts as guidelines in the case that State districts may split the City and the only applicable boundaries would be Council district boundaries. Mayor Andrews discussed scenario #4 in further detail with staff.

Councilor Wade Witherspoon said he would vote for scenario #6 because according to the research in the report the only criterion it was not meeting was the political boundaries and it was the only scenario that would allow for growth until the next census.

Councilor Howard said it is hard to assess how the scenarios affect the other districts as he is primarily looking at his own; but, he could support scenarios #1, #4, or #6.

Councilor Rierson said he is not opposed to #1, #4, or #5, but he agrees #6 is the most appropriate scenario with only one exception and because the new boundaries more sense than the existing and it is the least important of all criteria.

Councilor Shelton wondered if there were any historical concerns with the changing of the districts. Staff stated the charter was amended in 1996 creating the current districts that we did not have before.

Councilor Denise Bacon said she does not like scenario #1 because it is breaking up District 3 down the middle; she prefers scenario #6 if the numbers are changed.

Councilor McKinney spoke of the geographical boundaries disturbing major entities that are on both sides of the creek like GFU and Friendsview and he would have some trouble with this; this is why he is championing #5 to allow the best future for District 4 and equalization of population better without putting a dividing line between major segments.

Discussions followed with staff regarding the issues of dividing areas like GFU and Friendsview and the discussion showing that scenarios #2 and #3 have been ruled out and the idea of #5 being better than #6 contradicts the staff report about accommodating future growth for part of the Springbrook district into two districts. Councilor Witherspoon mentioned he is colorblind and the use of bold black lines rather than color coded sections would make it easier for him to see the different boundaries in the future.

Councilor Shelton said he could be comfortable with #6 whereas Councilor McKinney was still concerned with #6 dividing entities. Mayor Andrews pointed out that those areas could actually benefit from having more than one representative on the Council by the division. Councilor Rierson agreed #6 makes the most sense.

Staff offered some historical background on the transition periods with the number of Council members and the creation of the districts and the need to review the boundaries based on growth every ten years when the census is completed. Council discussed bringing two options to public hearing and narrowed it down to #5 and #6.

MOTION: Rierson/Bacon approving City Council District scenarios #5 and #6 to move forward to the Public Hearing process. Motion carried (7 Yes/0 No).

Mayor Andrews recessed at 8:24 PM and reconvened at 8:36 PM.

2. Consider a motion approving **Resolution No. 2011-2976** supporting the submission of a grant application to the State of Oregon's Flexible Funds Program for N. College Street bike/pedestrian improvements.

TIME – 8:36 PM

Mr. Brierley presented the staff report explaining the grant and reasoning behind bringing it forward, deciding on the area they did, the decision for additional matching funds to receive more to make this as competitive as possible and leveraging the use of the funds by using one dollar to get five dollars worth of benefit (see official meeting packet for full report).

Councilor Rierson spoke about American Disabilities Act (ADA) required improvements being the City's obligation with staff and that part of the plan funding was always intended to go for grants when they were available to be consistent with goals and plans.

Mayor Andrews opened the public testimony.

Mr. Robert Soppe said he was generally in favor of this because the sidewalks are well used and important for pedestrian safety; he also liked the leverage. He continued with the importance of investigating other obligations to help pay for this through the waivers of remonstrance and asked what the plan is to investigate and enforce any existing waivers.

Shelton asked about the normal process for this and if it is the same for the City to place liens on the property. Staff said an inventory map has been created for that area and depending on the funding source Council can choose if they want to create an LID and initiate that process.

Councilor Rierson spoke of the details of waivers of remonstrance is vague to many homeowners when they purchase their property and suggested it is not an appropriate mechanism to use, especially when an LID relies on this and 50% of the homeowners can contest the whole project. He understands property owners are responsible because they signed these waivers, but he felt it creates distrust and anger.

Mr. Grum said his concerns were more for the general nature of the total sum of projects, like the expenditure of \$800,000.00 on Oxberg Estates in transportation SDCs and now more on College Street. He wondered why a project outside of the City was completed before one inside of the City. He was concerned about the 10% match and it not being such a great deal because in the end they are picking up the tab for the whole thing eventually.

Mayor Andrews spoke with staff about possibly removing the authorization to the city manager to execute the contract to receive the funds before knowing if they will be successful in getting the funding. He suggested coming back to Council after the funds are awarded to then authorize the contract to receive the funds.

Councilor Howard asked if approving this and using funds from SDCs precludes the City from establishing an LID to recuperate funds. Staff said it does not preclude them from doing a LID, but they would not recoup State funds, only local funds to go further. Councilor Howard added he is interested in considering Mr. Soppe's proposition but not necessarily at this time and it would not stop him from approving the grant application.

Councilor Rierson agreed and said the map or list of properties would be a helpful tool for Council to have.

MOTION: Rierson/Shelton approving **Resolution No. 2011-2976** supporting the submission of a grant application to the State of Oregon's Flexible Funds Program for N. College Street bike/pedestrian improvements.

MOTION: Andrews/Shelton amending **Resolution No. 2011-2976** to strike item two under the resolves and have staff return to Council if the grant is awarded to complete the process. Motion carried (7 Yes/0 No).

Councilor Rierson supported this and said he liked this kind of return on the money along with the improvements to ADA access that has already been done to address safety and connectivity, especially for disabled and children. He said this has been a part of the plan for a long time.

Councilor Shelton also supported the motion for the same reasons saying it is directly related to their mission to promote safety and it can alleviate this issue with benefits to the City and citizens.

Councilor McKinney said he has supported this since 2009 and this will be the first sidewalk that he has seen.

Mayor Andrews agreed and added this will facilitate connectivity in City they have not had in this area and it is important for citizens on both ends of town; he will support it.

VOTE: Approving Resolution No. 2011-2976 as amended. Motion carried (7 Yes/0 No).

IX. COUNCIL BUSINESS

TIME – 9:03 PM

Councilor Howard passed out the new bicycle map funded by a previous grant.

Mayor Andrews spoke about information needed by the Mid-Willamette Valley Council of Governments (MVCOG) for their directory of public officials.

X. ADJOURNMENT

The meeting adjourned at 9:07 PM.

ADOPTED by the Newberg City Council this 21st day of November, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of November, 2011.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 5, 2011

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2011-2982

SUBJECT: A resolution authorizing the City Manager to execute contract change order #1 with M.A. Mortenson Construction Co. to increase the total contract price for the Secondary Clarifier Design Pre-Construction Services from the approved amount of \$118,292.00 to \$131,432.00.

Contact Person (Preparer) for this Motion: Jason Wuertz, Project Manager and Dain Eichel, Interim Public Works Director
Dept.: Public Works Department - Engineering
File No.:
(if applicable)

RECOMMENDATION: Adopt Resolution No. 2011-2982.

EXECUTIVE SUMMARY:

On April 5, 2011, the City of Newberg issued a Task Order (AKA Amendment #4) in the amount of \$118,292.00 to the existing CM/GC contract with M.A. Mortenson Construction for the pre-construction services involved with the design of the fourth wastewater treatment plant (WWTP) clarifier. Part of that task order included miscellaneous urgent repairs necessary at the plant.

The timeline for the overall project is to begin construction towards the end of February. The gear boxes at the oxidation ditches are in very poor condition and could fail at any time. Also the pavement surrounding the oxidation ditches has significant cracking. It is imperative that these repairs be corrected as soon as possible.

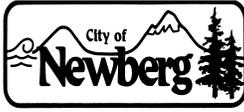
The Interim Public Works Director recommends the City Council authorize the City Manager to execute a contract change order with M.A. Mortenson Construction that will separate the construction phase of the original project into two phases. The first phase will begin immediately to address the failing gear boxes and related pavement repairs. The remainder of the project will construct the secondary clarifier and complete the remainder of the urgent repairs beginning about February, 2012. The scope of the construction is not changing; however additional efforts on the pre-construction contract are necessary to prepare separate construction packages.

FISCAL IMPACT:

This preconstruction services portion of the project is budgeted in the 2011/12 Capital Improvement Program Budget under account number 36.5150.706400 and funds are available through the original \$11.4 million Clean Water State Revolving Loan Fund as approved by the Oregon Department of Environmental Quality (DEQ). Furthermore, this is part of the budgeted \$7.795 million that is included within the Fiscal Year 2010/2011 and 2011/2012 Wastewater Rates.

STRATEGIC ASSESSMENT:

This contract change order will ensure the urgent repairs can be completed to prevent failure of the oxidation ditches fail.



RESOLUTION No. 2011-2982

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER #1 WITH M.A. MORTENSON CONSTRUCTION CO. TO INCREASE THE TOTAL CONTRACT PRICE FOR THE SECONDARY CLARIFIER DESIGN PRE-CONSTRUCTION SERVICES FROM THE APPROVED AMOUNT OF \$118,292.00 TO \$131,432.00

RECITALS:

1. The City of Newberg awarded a Construction Manager/General Contractor (CM/GC) contract to M.A. Mortenson Construction Co. for preconstruction and construction services for the Wastewater Treatment Plant (WWTP) Repair, Renovation and Expansion (RRE) Project. City Council authorized that contract by Resolution 2009-2876 on December 7, 2009.
2. April 5, 2011, the City of Newberg issued a Task Order in the amount of \$118,292.00 to the existing CM/GC contract with M.A. Mortenson Construction Co. for the pre-construction services involved with the design of the fourth WWTP secondary clarifier and necessary urgent repairs.
3. The timeline of the design of the clarifier will not allow the construction to be completed before the winter's heavy rains. It is necessary to separate the construction into two phases to complete the very urgent repairs at the oxidation ditches before the seasonal high flows are seen at the WWTP.
4. City staff has negotiated the cost of these additional pre-construction services to be \$13,140.00.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council, acting as the Local Contract Review Board, does hereby authorize the City Manager to execute change order #1 with M.A. Mortenson Construction in the amount of \$13,140.00 as outlined in Exhibit "A", which is attached and by this reference adopted.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 6, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of December 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of December 2011.

Bob Andrews, Mayor

PRE-CONSTRUCTION WORK PLAN

CITY OF NEWBERG
 NEWBERG WWTP IMPROVEMENTS
 MISC. REPAIRS EARLY PACKAGE OXIDATION DITCHES



July 22, 2011

Description of Work: Mortenson Construction will provide the following Preconstruction Phase Services in support of the Newberg WWTP Improvements, Misc. Oxidation Ditch Repairs.

- Participate in a construction value analysis.
- Provide constructability recommendations to the Owner and Engineer.
- Schedule and attend meetings with the Engineer and Owner.
- Review and provide input to in-progress design documents or on as need basis.
- Prepare and periodically update a Project Schedule.
- Prepare a GMP estimate.
- Develop Subcontractor and supplier interest in the project.
- Provide input to the Owner and Engineer regarding the current construction market.
- Oversee the bidding process.
- Develop a procurement plan including;
 - Respond to bidder questions and work with the Engineer in issuing Addendums.
- Identify critical and long-lead elements of the Work.
- Develop safety, quality and disruption avoidance plans.
- Work with the Engineer in developing documents.
- Plan site logistics with operation staff so construction activities minimize disturbance to ongoing operations.

| RESPONSIBILITY | HOURS | RATE | EXTENSION |
|----------------|-------|------|-----------|
|----------------|-------|------|-----------|

| Task 1: PROJECT SET-UP | | | |
|--|----|-----------|-----------------|
| Task 1.1 Construction Plan (safety, quality, disruption avoidance plans, startup/commx, site logistics and document management) | | | |
| Construction Executive | 4 | \$ 140 | \$ 560 |
| Project Manager | 8 | \$ 112 | \$ 896 |
| Subtotal | 12 | | \$ 1,456 |
| Task 1.2 Construction Contract Packaging | | | |
| Project Manager | 16 | \$ 112 | \$ 1,792 |
| Superintendent | 8 | \$ 98 | \$ 784 |
| Subtotal | 24 | | \$ 2,576 |
| Subtotal Task 1 Project Set-Up | | 36 | \$ 4,032 |

| Task 2: MEETINGS | | Assume a 1.5 Month Duration | |
|--|---|------------------------------------|-------------|
| 2.1 Project Kick-off /Partnering Meeting (NA) | | | |
| Subtotal | 0 | | \$ - |
| 2.2.1 Regular Meetings - Owner / Design Team (NA) | | Assume Monthly | |
| Subtotal | 0 | | \$ - |
| Subtotal Task 2 Meetings | | 0 | \$ - |
| Subtotal | 0 | | \$ - |
| Subtotal Baseline Estimate | | 0 | \$ - |

| | | | |
|---|----|------------------|-----------------|
| Task 3.2: Construction Cost Estimate Updates - GMP | | NO CHARGE | |
| 3.3 GMP Estimate | | | |
| Construction Executive | 4 | \$ 140 | \$ 560 |
| Project Manager | 56 | \$ 112 | \$ 6,272 |
| MEP Systems Engineer | 4 | \$ 97 | \$ 388 |
| Support Staff | 8 | \$ 36 | \$ 288 |
| Subtotal | 72 | | \$ 7,508 |
| Subtotal GMP Estimate | | 72 | \$ 7,508 |
| 3.4 GMP Negotiation | | NO CHARGE | |
| | | | \$ - |
| Subtotal GMP Estimate | | | |
| Subtotal Task 3 Estimates | | 72 | \$ 7,508 |

| | | | |
|---|----|--------|----------|
| Task 4: CONSTRUCTION SCHEDULES | | | |
| 4.1 Draft Construction Baseline Schedule | | | |
| Project Manager | 4 | \$ 112 | \$ 448 |
| Superintendent | 4 | \$ 98 | \$ 392 |
| Scheduling Engineer | 8 | \$ 95 | \$ 760 |
| Subtotal | 16 | | \$ 1,600 |

| | | | | |
|---|----------|------------|-----------|---------------|
| Subtotal Task 4 Construction Schedules | | 16 | \$ | 1,600 |
| Task 5.2: MISCELLANEOUS | | | | |
| 5.2.1 BIM & VDC - Precon Phase only (NA) | | | | |
| | Subtotal | 0 | \$ | - |
| 5.2.2 Permit Coordination (NA) | | | | |
| | Subtotal | 0 | \$ | - |
| Subtotal Task 5 Subject Specific Review Meetings | | 0 | \$ | - |
| Misc Materials/Expenses for the Above (NA) | | | \$ | - |
| Allowance for Additional Services Authorized by Owner (NA) | | | \$ | - |
| Subtotal Additional Services Allowance | | | \$ | - |
| DIRECT COST - PRE-CONSTRUCTION | | 124 | \$ | 13,140 |
| GRAND TOTAL PRE-CONSTRUCTION | | | \$ | 13,140 |

Notes

- 1) Travel/parking costs are included in above rates
- 2) Document production and plan costs are reimbursable expenses to be paid by Owner and are not included in the above

Personnel Hour Summary

| | <u>Total Hours</u> | <u>FTE</u> |
|------------------------|--------------------|------------|
| Construction Executive | 8 | 0.01 |
| Project Manager | 84 | 0.09 |
| Superintendent | 12 | 0.01 |
| Scheduling Engineer | 8 | 0.01 |
| MEP Systems Engineer | 4 | 0.00 |
| Support Staff | 8 | 0.01 |

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 5, 2011

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2011-2981

SUBJECT: Canvass of Votes for the November 8, 2011, Special Primary Election.

Contact Person (Preparer) for this
Resolution: Dawn Wilson

Dept.: Legal
File No.: 30020-02295

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

RECOMMENDATION:

Adopt **Resolution No. 2011-2981** authorizing the acceptance of the canvass of votes for the November 8, 2011, Special Primary Election.

EXECUTIVE SUMMARY:

At the November 8, 2011, Special Primary Election, the City had placed on the ballot before the voters of the City the following item:

MEASURE

Initiative Petition:

- Charter Amendment Concerning Taxes, Fees or Any Other Charges – (Measure No. 36-149) – **FAILED**

On November 29, 2011, the City received from Rebekah Stern Doll, County Clerk of Yamhill County, a Certificate certifying the true, actual, and final results (Canvass Report) of the November 8, 2011, Special Primary Election.

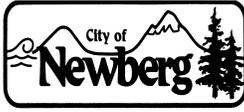
In accordance with the City Code and State law, the City should accept the results as presented by the County Clerk.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

There were no election violations. All deadlines and requirements were met in a timely manner by the City's elections officer (Dawn Wilson).



RESOLUTION No. 2011-2981

A RESOLUTION ADOPTING THE CANVASS OF VOTES (CANVASS REPORT) FOR THE NOVEMBER 8, 2011, SPECIAL PRIMARY ELECTION AS PROVIDED BY YAMHILL COUNTY CLERK REBEKAH STERN DOLL FOR THE FOLLOWING: ONE MEASURE (INITIATIVE PETITION BY CHIEF PETITIONER HENRY GRUM TO AMEND THE CITY CHARTER CONCERNING TAXES, FEES OR ANY OTHER CHARGES) – MEASURE 36-149

RECITALS:

1. At the November 8, 2011, Special Primary Election, the City had placed on the ballot before the voters of the City the following item.

MEASURE

Initiative Petition:

- Charter Amendment Concerning Taxes, Fees or Any Other Charges – (Measure No. 36-149)
2. On November 29, 2011, the City received from Rebekah Stern Doll, County Clerk of Yamhill County, a Certificate certifying the true, actual, and final results (Canvass Report) of the November 8, 2011, Special Primary General Election.
 3. In accordance with the City Code and State law, the City should accept the results as presented by the county clerk.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City accepts the Canvass Report of the Yamhill County Clerk Certifying the true, actual, and final results (canvass of votes) for the November 8, 2011, Special Primary Election. A copy of the Certificate of Posting and Canvass Report showing the final results are attached as Exhibit “A” is hereby adopted and by this reference incorporated.
2. Based upon these results, the City declares the following persons elected to City Council Offices and the following measure to have passed.

MEASURE

Initiative Petition:

- Charter Amendment Concerning Taxes, Fees or Any Other Charges – (Measure No. 36-149) – **FAILED**

3. The unofficial Yamhill County election results were obtained from the Internet and posted on November 8, 2011. A Certificate of Posting is hereby attached as Exhibit "B" is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 6, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of December, 2011.

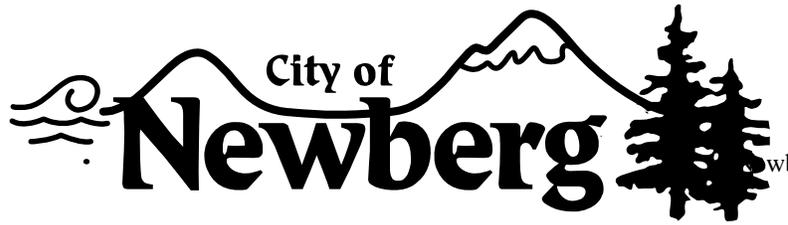
Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of December, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____ / ____ / ____ meeting. Or, N/A None.
(committee name) (date) (check if applicable)



PROCLAMATION
by
Mayor Bob Andrews

CITY OF NEWBERG ELECTION RESULTS
Special Primary Election: November 8, 2011

WHEREAS, a Special Primary Election for the State of Oregon was held November 8, 2011, in which one measure (initiative petition) was presented to the voters.

WHEREAS, on November 29, 2011, the City received from Rebekah Stern Doll, County Clerk of Yamhill County, a Cumulative Report certifying the true, actual, and final results (canvass of votes) in the November 8, 2011, Special Primary Election; a copy of which is attached to this Proclamation;

NOW, THEREFORE, I, BOB ANDREWS, Mayor of the City of Newberg, do hereby proclaim the results of the November 8, 2011, Special Primary Election, as Certified to the City by Rebekah Stern Doll, County Clerk of Yamhill County. A certified true copy of the results (canvass of votes) for the November 8, 2011, Special Primary Election is attached as Exhibit "A."

DATED this 5th day of December, 2011.

Bob Andrews, Mayor

● CITY ATTORNEY'S OFFICE: <mailto:nlegal@newbergoregon.gov> - Fax: 503-537-5013 ●
Admin: 537-1261 ● Building: 537-1240 ● Public Works: 537-1273 ● Finance: 538-9421 ● Fire: 537-1230
Library: 538-7323 ● Municipal Court: 537-1203 ● Police: 538-8321 ● Maintenance: 537-1234 ● Utilities: 537-1205
Municipal Court Fax: 538-5393 ● Public Works Fax: 537-1277 ● Library Fax: 538-9720

"Working Together For A Better Community-Serious About Service"