

**CITY OF NEWBERG CITY COUNCIL MINUTES
SEPTEMBER 21, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

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

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:01 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Larry Fain, Senior Engineer
	Howard Hamilton, Public Works Director	Norma Alley, City Recorder
	Janelle Nordyke, Finance Director	Jennifer Nelson, Recording Secretary

Others

Present: Darlyn Adams and Lynn Iaquinta

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reminded the Council of the Elected Official Focus Group on September 28, 2009, to review the Chehalem Valley Strategic Plan. He thanked the public works department for their efforts to make the Animal Shelter groundbreaking ceremony successful and discussed upcoming frontage improvements. He reminded everyone of the presentation this Wednesday from the River Bend Land Fill about methane gas collection from 5:00-7:00 PM and the League of Oregon Cities (LOC) conference on Thursday, October 1st through Saturday, October 3rd.

V. PUBLIC COMMENTS

Ms. Darlyn Adams, Newberg Animal Shelter Friends, thanked all those that attended the groundbreaking ceremony on Saturday and spoke briefly on its success. She spoke of the Casino Night fundraiser on Saturday, September 26, 2009 (see official meeting packet for full report).

VI. CONSENT CALENDAR

None.

VII. PUBLIC HEARING

Consider a motion approving **Resolution No. 2009-2870** adopting the findings for exemption from Local Contract Review Board rules for the repairs and improvements to the Wastewater Treatment Plant.

TIME – 7:12 PM

Mayor Andrews asked for any conflict of interests or abstentions. None appeared.

Mr. Larry Fain, Senior Engineer, presented the staff report assisted by Ms. Lynn Iaquina, Professional Associate with HDR Engineering, Inc. (see official meeting packet for full report).

Councilor Wade Witherspoon asked if the proposals and cost factors will come to City Council. Staff indicated they would because none of them are under \$50,000.00.

Councilor Marc Shelton asked staff to talk about the alternative delivery model being used to build this project.

Staff spoke of the basic methods recognized by the state and our City codes to design, bid, and then build and the exemption alternative to give one firm both the design and construction responsibilities based on a concept. The Construction Manager/General Contractor (CM/GC) process blends these methods bringing in a team including the firm, city staff, managers, operators, and mechanics to be a part of the design process; then the work is negotiated and smaller elements subcontracted to stay within a Guaranteed Maximum Price (GMP). Because everyone is involved in the design process it serves the complexity of the project best and eliminates the need for change orders since contingencies can be established up front in anticipation of possible increased costs; this helps mitigate the risks to the owner and uses the funds efficiently.

Mayor Andrews opened public testimony; no citizens appeared to give testimony. Staff recommended approval. The public hearing was closed.

MOTION: Larson/Rierson to approve **Resolution No. 2009-2870** adopting the findings for exemption from Local Contract Review Board rules for the repairs and improvements to the Wastewater Treatment Plant. (7 Yes/0 No) Motion carried.

VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2009-2866** appropriating current year debt payments to US National Bank for the Baker Rock Property purchase.

TIME – 7:37 PM

Ms. Janelle Nordyke, Finance Director, presented the staff report (see official meeting packet for full report).

Mayor Andrews asked if pre-payment was allowed. Staff stated this was not an option.

MOTION: Larson/Shelton to approve **Resolution No. 2009-2866** appropriating current year debt payments to US National Bank for the Baker Rock Property purchase. (7 Yes/0 No) Motion carried.

2. Consider a motion approving **Resolution No. 2009-2869** approving a fee refund to St. Peter Catholic Church for property located at 2315 North Main Street.

TIME – 7:42 PM

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

Councilor Larson asked staff if he recalled waiving fees for any other non-profit organizations. Staff only recalled once for the school district to build a greenhouse and another time when \$50.00 was waived for an eagle scout to build a bus shelter.

Councilor Witherspoon asked what the primary reason for the request was. Staff cited the letter received arguing this was an interim step and they felt they could put the money to better use for the community.

Councilor Shelton wondered if there was avenue other than Council to review these types of requests, noting that many other non-profit entities also do excellent work and go above and beyond for the community; however, there is no mechanism to determine doing this for one and not another. He asked if staff calculated the actual time spent. Staff replied they calculate the average cost for this type of project and set that as the minimum fee and added it would not be appropriate to be reviewed by any other body, such as the Planning Commission, because it is a financial issue. Any fee waivers are granted by the City Council, but a different process can be set for future applications. Councilor Shelton stated he preferred the flat rate.

Mayor Andrews said he was not supportive of total waiver of the fee and would like to hear discussion of partial waiver not to exceed actual costs.

Councilor Larson stated he was not in favor of waiving any fees.

Councilor Stephen McKinney spoke of the difference of the fee paid and the actual costs being \$133.00 above. He does not want the City to be in the position to reconfigure the fees each time a waiver is requested. He said he was in favor of whatever the Type I percentage is because everyone needs to be good stewards for the community.

MOTION: Shelton/McKinney to approve Resolution No. 2009-2869 approving a partial fee refund of \$133 to St. Peter Catholic Church for property located at 2315 North Main Street. (4 Yes/3 No [Andrews, Larson, Witherspoon]) Motion carried.

Councilor Bart Rierson added if it starts becoming a problem to revisit every application asking for a reduction in fees then the methodology should be reviewed.

IX. COUNCIL BUSINESS

TIME – 7:57 PM

Mr. Terrence Mahr, City Attorney, discussed the controversy over the billboard in town and the non-conforming sign code and the desire of the owners to negotiate a compromise for the billboard to stay.

Councilor McKinney expressed concerns for the desires to avoid having billboard signs all over in Newberg. He has empathy for the income received by the business owner, but also feels Newberg needs to be aggressive towards preventing this kind of signage in Newberg.

Councilor Shelton stated he had a hard time with legal threats being made and noted appropriate notice was given to the business owner in 1999, with an additional year reminder to get it changed. He also felt they should have contacted the company responsible for the sign since that was not the City's responsibility. He said they had eleven years of notice to take care of the situation and if the City feels this is not the type of sign wanted in Newberg, then it should be pursued.

Councilor Rierson stated the sign is non-conforming and is not the desired vision for the City. He felt they were properly notified and have been fortunate to be receiving income for the last eleven years; but, it is appropriate to ask them to remove it now.

Councilor Witherspoon argued he did not feel the sign needed to come down as it has not been a problem for the last twenty-five years until now. He felt it was unreasonable to ask a citizen to give up their income for conformity and added there was some value in the antiquity of the sign. There will not be any others like it because the sign code is in place.

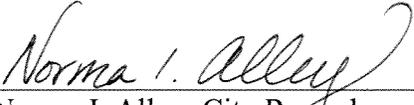
Mayor Andrews recessed the Regular Business Session at 8:13 PM and entered into Executive Session at 8:14 PM, which was continued from the Work Session. After Executive Session was closed, he re-opened the Regular Session.

MOTION: McKinney/Larson to approve pursuing a Request for Proposal (RFP) concerning a municipal judge and a plan of action to secure a match. (7 Yes/0 No) Motion carried.

X. ADJOURNMENT

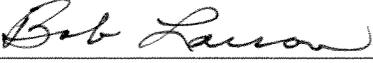
The meeting adjourned at 9:10 PM.

ADOPTED by the Newberg City Council this 19th day of October, 2009.



Norma I. Alley, City Recorder

ATTEST by the Council President this 22nd day of October, 2009.



Bob Larson, Council President