

Council accepts comments on agenda items during the meeting. Please fill out a form identifying the item(s) you wish to speak on prior to the meeting starting, if possible, or prior to the agenda item beginning and turn it into the City Recorder. (The exception is formal land use hearings, which requires a specific public hearing process.)

**CITY OF NEWBERG
CITY COUNCIL AGENDA
OCTOBER 5, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

I. CALL MEETING TO ORDER*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CITY MANAGER'S REPORT

V. PUBLIC COMMENTS

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

VI. CONSENT CALENDAR

1. Consider a motion approving a [Resolution No. 2009-2871](#) adopting the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan. (Pgs. 3-8)
2. Consider a motion approving a [proclamation declaring October 8, 2009, Oregon's Day of Culture](#). (Pgs. 9-10)
3. Consider a motion approving [City Council Minutes](#) for September 8, 2009. (Pgs. 11-15)

VI. NEW BUSINESS

VII. COUNCIL BUSINESS

VIII. ADJOURNMENT

INDEX OF ORDERS, ORDINANCES AND RESOLUTIONS:

ORDERS: None

ORDINANCES: None

RESOLUTIONS:

Resolution No. 2009-2871 adopting the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager'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 Norma Alley, City Recorder, at (503) 537-1283.

*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.

THIS PAGE INTENTIONALLY LEFT BLANK

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 5, 2009

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2009-2871

SUBJECT: Adopting the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan and reinforcing Newberg's support.

Contact Person (Preparer) for this
Resolution: Daniel Danicic, City Manager

Dept.: Administration
File No.: N/A

RECOMMENDATION:

Adopt **Resolution No. 2009-2871** adopting the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan.

EXECUTIVE SUMMARY:

Over the last few years, the County has worked closely with the Cities to create a Yamhill County Hazard Mitigation Plan. In order for FEMA to consider approval of the plan all Cities in Yamhill County must formally adopt the Plan. In addition, FEMA must adopt the Plan in order to award Cities mitigation project grants.

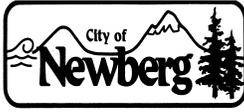
The Yamhill County Hazard Mitigation Plan can be found on the Yamhill County website at http://www.co.yamhill.or.us/emerg_mgmt/index.asp?sel=hm_docs or a hard copy is available to view at the City Manager's Office.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

Adopting the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan goes with the City Council's goal to be an active participant in countywide programs that support and make Newberg a stronger community.



RESOLUTION No. 2009-2871

A RESOLUTION ADOPTING THE YAMHILL COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

RECITALS:

1. Over the years Newberg, Oregon has experienced repetitive disasters that have damaged commercial, residential and public properties, displaced citizens and businesses, and presented general public health and safety concerns.
2. Yamhill County has prepared a *Hazard Mitigation Plan* that outlines the City of Newberg's options to reduce overall damage and impact from natural hazards
3. The *Hazard Mitigation Plan* has been reviewed by community residents, business owners, and federal, state and local agencies, and has been revised to reflect their concerns

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The *Hazard Mitigation Plan* is hereby adopted as an official plan of the City of Newberg.
2. A hazard mitigation planning group is hereby established as a permanent advisory body. The Hazard Mitigation Planning Team Leader shall designate its members, subject to the approval of the County and the participating jurisdictions. They shall serve one-year terms. The group's duties shall be as designated in the *Hazard Mitigation Plan*.
3. The Hazard Mitigation Planning Team Leader is charged with supervising the implementation of the Plan's recommendations within the funding limitations as provided by the City of Newberg or other sources.
4. The Hazard Mitigation Planning Team Leader shall give priority attention to the goals identified in Table 13 of the City of Newberg Appendix, and the actions listed in Table 14 of the City of Newberg Appendix to the *Hazard Mitigation Plan* attached as Exhibit "A" and by this reference incorporated.
5. The Hazard Mitigation Planning Team Leader shall convene the hazard mitigation planning group annually. The planning group shall monitor implementation of the plan and shall submit a written progress report to the City of Newberg in accordance with the following format:
 - a. A review of the original plan.
 - b. A review of any disasters or emergencies that occurred during the previous calendar year.
 - c. A review of the actions taken, including what was accomplished during the previous year.
 - d. A discussion of any implementation problems.
6. Recommendations for new projects or revised action items. Such recommendations shall be subject

to approval by the City of Newberg.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: October 6, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of October, 2009.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of October, 2009.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____ / ____ /200x meeting. Or, None.
(committee name) (date) (check if applicable)

MITIGATION GOALS AND ACTIONS PRIORITIZED & ASSIGNED

The City of Newberg reviewed the Yamhill County goals and determined they meet the City’s needs and subsequently implemented the Goals in Table G-13 for the current planning period.

| Table G-13. City of Newberg Mitigation Goals | |
|---|--|
| Goal Number | Goal Description |
| 1 | EMERGENCY OPERATIONS <i>Goal Statement:</i> Coordinate natural hazard mitigation activities, where appropriate, with emergency operations plans and procedures and with various other agencies, as appropriate. |
| 2 | EDUCATION AND OUTREACH <i>Goal Statement:</i> Develop and implement education and outreach programs to increase public awareness of the risks associated with natural hazards. |
| 3 | PARTNERSHIPS <i>Goal Statement:</i> Develop effective partnerships with public and private sector organizations and significant agencies and businesses for future natural hazard mitigation efforts. |
| 4 | PREVENTIVE <i>Goal Statements:</i> - Develop and implement activities to protect human life, commerce, and property from natural hazards. - Reduce losses and repetitive damage for chronic hazard events while promoting insurance coverage for catastrophic hazards. |
| 5 | NATURAL RESOURCES UTILIZATION <i>Goal Statement:</i> Link natural resources management, land use planning, and watershed planning with natural hazard mitigation activities to protect natural systems and allow them to serve natural hazard mitigation functions. |
| 6 | IMPLEMENTATION <i>Goal Statement:</i> Implement strategies to mitigate the effects of natural hazards. |

IMPLEMENTING A MITIGATION ACTION PLAN

The following section defines the mitigation action identification process for each participating jurisdiction as stipulated in DMA 2000 and its implementing regulations.

| |
|---|
| <p>DMA 2000 Requirements: Mitigation Strategy-Identification of Multi-Jurisdictional Mitigation Actions</p> <p>Identification of Multi-Jurisdictional Mitigation Actions</p> <p>Requirement §201.6(c)(3)(iv): For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.</p> <p>Element</p> <ul style="list-style-type: none"> ■ Does the new or updated plan include identifiable action items for each jurisdiction requesting FEMA approval of the plan? ■ Does the updated plan identify the completed, deleted or deferred mitigation actions as a benchmark for progress, and if activities are unchanged (i.e., deferred), does the updated plan describe why no changes occurred? <p>Source: FEMA, July 2008.</p> |
|---|

**Appendix G
City of Newberg**

Table G-14 displays the City of Newberg’s Mitigation Action Plan matrix that lists mitigation actions by hazard and are only prioritized within each hazard, not in total. Each mitigation action will be implemented and administered by the applicable managing department, agency, or responsible entity.

***Whenever TBD is used, it means that a benefit/cost analysis will be completed as a project is developed to validate the most appropriate mitigation action.*

| Table G-14. City of Newberg Mitigation Action Plan Matrix | | | | | | |
|--|--|--|------------------|------------------------------------|--|-----------------|
| Hazard | Description | Managing Department / Agency | Timeframe | Potential Funding Source(s) | Benefit-Costs / Technical Feasibility | Comments |
| Multi Hazard (MH) (Hazard Priority 4) | | | | | | |
| MH | Cross reference and incorporate mitigation planning provisions into all community planning processes such as comprehensive, capital improvement, land use, transportation plans, etc to demonstrate multi-benefit considerations and facilitate using multiple funding source consideration. | Emergency Management office to work with various departments and agencies within the City of Newberg | 0-3 years | General Fund | BC: TBD TF: Yes | |
| MH | Complete critical facility data collection to allow a more thorough vulnerability analysis for the City’s infrastructure. | Administration | 1-5 years | General Fund | BC: TBD TF: Yes | |
| Winter Storm (Hazard Priority 2) | | | | | | |
| Winter Storm | Develop critical facility list needing emergency back-up power systems, prioritize, seek funding and implement mitigation actions. | Emergency Management office to work with various departments and agencies within the City of Newberg | 0-2 years | General Fund, HMGP, HMA, HSGP | BC: TBD TF: Yes | |
| Wildland Fire (Hazard Priority 3) | | | | | | |
| Wildland Fire | Identify critical facilities and vulnerable populations based on mapped high hazard areas. | Emergency Management office to work with various departments and agencies within the City of Newberg | 0-2 years | General Fund | BC: TBD TF: Yes | |

Table G-14. City of Newberg Mitigation Action Plan Matrix

| Hazard | Description | Managing Department / Agency | Timeframe | Potential Funding Source(s) | Benefit-Costs / Technical Feasibility | Comments |
|---------------------------------------|--|--|-----------|--------------------------------------|---------------------------------------|--|
| <i>Earthquake (Hazard Priority 1)</i> | | | | | | |
| Earthquake | Supplement State Seismic Needs Analysis data (schools, fire, law enforcement). Complete inventory of public and commercial buildings that may be particularly vulnerable to earthquake damage. | Emergency Management office to work with various departments and agencies within the City of Newberg | 0-2 years | General Fund, HMGP | BC: TBD TF: Yes | |
| Earthquake | Retrofit important public facilities with significant seismic vulnerabilities, such as unreinforced masonry construction. | Emergency Management office to work with various departments and agencies within the City of Newberg | 0-5 years | General Fund, HMGP, HMA, HSGP, NEHRP | BC: Yes TF: Yes | This action item will only be accomplished with federal funding! |

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 5, 2009

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

SUBJECT: Approve a Proclamation declaring October 8, 2009, as Oregon's statewide Day of Culture.

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

Dept.: **Administration**

RECOMMENDATION:

Approve a proclamation declaring October 8, 2009, as a Day of Culture.

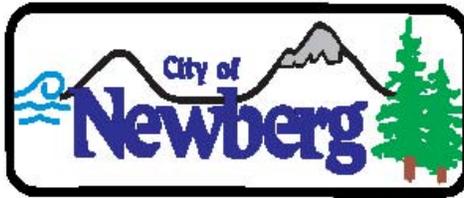
EXECUTIVE SUMMARY:

On September 14, 2008, Kirk Mouser from the Oregon Cultural Trust contacted the City and inquired if the City would support a proclamation declaring October 8th as a Day of Culture. It has been noted the Oregon Cultural Trust has supported the Chehalem Cultural Center with a \$15,000 grant for 2009. The Coalition estimates the total investment from the Coalition into Newberg's cultural community is near \$25,000 since 2004. With great appreciation and gratitude to the Coalition, staff brings forward this proclamation for your consideration.

FISCAL IMPACT: None

STRATEGIC ASSESSMENT:

This supports the Council's desire to be an active participant in the community by reaching out and recognizing the importance of the Chehalem Valley Cultural Center and the partnership with the Oregon Cultural Trust.



PROCLAMATION

A PROCLAMATION OF THE CITY OF NEWBERG, OREGON, DECLARING OCTOBER 8, 2009, AS “DAY OF CULTURE” DAY.

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades;

WHEREAS, the Oregon Cultural Trust celebrates October 8, the anniversary of Oregon’s unique culture tax credit, as Oregon Day of Culture;

WHEREAS, humanities, heritage, and arts embody much of the accumulated wisdom, intellect, and imagination of humankind;

WHEREAS, heritage, humanities and arts enhance and enrich the lives of every American;

WHEREAS, arts, humanities and heritage play a unique role in the lives of our families, our communities, and our country;

WHEREAS, the nonprofit cultural industry also strengthens the U.S. economy by generating more than \$166.2 billion in total economic activity annually and by supporting the full-time equivalent of over 5.7 million jobs;

WHEREAS, events celebrating all these positive attributes will take place in Oregon from October 1 through October 8, 2009;

NOW, THEREFORE, IT IS PROCLAIMED by Mayor Bob Andrews and the City Council of the City of Newberg, Oregon, that October 8, 2009, is Oregon’s statewide “**Day of Culture**” in the Newberg and call upon our citizens to celebrate and promote the arts, humanities and heritage organizations in our state. We also encourage greater participation by our citizens in Oregon’s culture and recommend taking action for arts, humanities, and heritage in Newberg.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 5th day of October, 2009.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 5, 2009

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

SUBJECT: Approve the September 8, 2009, City Council Meeting minutes.

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

Dept.: Administration

File No.:
(if applicable)

RECOMMENDATION:

Approve the September 8, 2009, City Council minutes for preservation and permanent retention in the City's official records.

EXECUTIVE SUMMARY:

On September 8, 2009, the City of Newberg City Council held a public meeting. At that meeting, minutes were recorded in text.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
TUESDAY, SEPTEMBER 8, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

A work Session was held prior to the meeting. A presentation was made by the engineering department on the CM\GC Process. An update from the planning department on the URA appeal process was provided. No decisions were made.

I. CALL MEETING TO ORDER

Council President Bob Larson called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present: Bob Larson Denise Bacon Marc Shelton (arrived 6:30)
Stephen McKinney Bart Rierson Wade Witherspoon

Members

Absent: Mayor Bob Andrews (excused)

Staff

Present: Daniel Danicic, City Manager Terrence Mahr, City Attorney
Barton Brierley, Planning and Building Director Norma Alley, City Recorder
Howard Hamilton, Public Works Director Jennifer Nelson, Recording Secretary
Crystal Kelley, Recording Secretary

Public

Present: Darlyn Adams, Jamie Nibler, Richard Gaston, Betsy Fettig, and Joe Fettig

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

V. PUBLIC COMMENTS

Mrs. Darlyn Adams, Newberg Animal Shelter Friends, reported they have \$450,551.80 currently in the building fund. They have raised \$50,550.00 in less than five months. The ground breaking will take place on September 19, 2009, at 2 pm. on Wynoski Street.

VI. CONSENT CALENDAR

1. Consider a motion approving the appointment of Matt Johnson to the Newberg Downtown Revitalization Committee.
2. Consider a motion approving City Council Minutes for August 3, 2009, and August 17, 2009.

MOTION: Rierson/Shelton to approve the Consent Calendar including the appointment of Matt Johnson to the Newberg Downtown Revitalization Committee and the City Council Minutes for August 3, 2009. (6 Yes/0 No/1 Absent [Andrews]) Motion carried.

VII. PUBLIC HEARING

Consider a motion approving **Order No. 2009-0023** affirming the hearings officer's decision and denying an appeal request for an existing non-conforming billboard sign, owned by CBS Outdoor Inc., to remain at the Newberg Auto Electric site at 616 West First Street.

President Larson called for conflicts of interest. None were stated.

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

Councilor Bart Rierson asked if the property is inside city limits. Mr. Brierley confirmed it was.

Jamie Nibler, owner, addressed the landscaping concerns stated by the hearings officer and listed all the improvements she has made. She stated the sign is a significant source of income for her and does not want to lose this income.

Richard Gaston, CBS Outdoor owner of the sign, clarified the size of the sign was misrepresented in the staff report and gave the correct size. He said they did not know about the issues of the sign until June, not as stated in the staff report of 1999. I recommend further investigation by the Council and not move forward. We would like to have a collaborative approach to resolve this issue.

Councilor McKinney asked Mr. Gaston how many signs they own and if the sign is the only one of its kinds. Mr. Gaston answered yes it is the only sign they own and it is the only one of its kind.

Councilor McKinney asked staff if the sign is the only one of its kind in the city. Mr. Brierley stated it was. Councilor McKinney went on to ask if the city has a procedure to grandfather in signs. Mr. Brierley stated nonconforming signs can be grandfathered in but that will change March 9th 2010.

MOTION: Shelton/Bacon to table **Order No. 2009-0023** until the November 2, 2009 meeting. (6 Yes/0 No/1 absent [Andrews]) Motion carried.

MOTION: Shelton/Larson to set the deadline to accept written testimony on **Order No. 2009-0023** for October 13th. (6 Yes/0 No/1 absent [Andrews]) Motion carried.

VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2009-2867** approving a County zone change for property known as Tax Lot 3229-300 located outside city limits but within the Urban Reserve Area.

TIME – 7:40 PM

Mr. Breirley presented the staff report (see official meeting packet for full report).

Betsy and Joe Fettig, property owners spoke of their desire to have the two side-by-side parcels zones match in order to make the property usable.

MOTION: McKinney/Rierson to approve **Resolution No. 2009-2867** approving a County zone change for property known as Tax Lot 3229-300 located outside city limits but within the Urban Reserve Area. (6 Yes/0 No/1 absent [Andrews]) Motion carried.

2. Consider a motion approving a **Resolution No. 2009-2865** approving the design and location of a downtown welcome sign.

TIME – 7: 57 PM

This item was heard out of agenda order.

Mr. Brierley presented the staff report (see official meeting packet for full report).

Councilor Rierson asked what the plan is for maintenance of the property. He asked if they can give them guidance as to how the property is maintained. He went on to ask if there are plans for the sign to be illuminated. Mr. Brierley stated they could enter into an agreement to maintain the property but they would have to commit city resources in order to do that.

MOTION: Rierson/ Larson to approve **Resolution No. 2009-2865** approving the design and location of a downtown welcome sign. (6 Yes/0 No/1 absent [Andrews]) Motion carried.

MOTION: Rierson/ Larson directing the City Manager to enter into an agreement with the property owner for the city to maintain landscaping on the property or enter into negotiations to acquire the property. (6 Yes/0 No/1 absent [Andrews]) Motion carried.

3. Consider a motion approving **Resolution No. 2009-2868** authorizing the city manager to negotiate and enter into contract with a solar energy provider to purchase power from their facility constructed on City property.

TIME – 8:09 PM

Howard Hamilton, Public Works Director, assisted by Martin Shane presented the staff report (see official meeting packet for full report).

Councilor President Larson asked how they know what the savings will be if they do not know what buildings it would be on. Mr. Shane stated they have worked closely with the public works staff. Mr. Hamilton added the area is designated for future processes that would not be put into place for several years.

MOTION: Rierson/Shelton to approve **Resolution No. 2009-2868** authorizing the city manager to negotiate and enter into contract with a solar energy provider to purchase power from their facility constructed on City property. (6 Yes/0 No/1 absent [Andrews]) Motion carried.

IV. CITY MANAGER'S REPORT

TIME – 8:09 PM

Mr. Daniel Danicic, City Manager, reported the new web site is up and running. He reminded the council it is a work in progress and looking for feedback and concerns. The 9-11 ceremonies will be this Friday at 9:45 a.m. at Station 20. There will be a ringing of the bell and a few words of remembrance. The Kiwanis spaghetti feed is on September 18th September 20th is the Fire Department Toy and Joy

Golf Tournament. City staff is following the H1N1 virus and does not anticipate any significant issues. A plan is in place to send people home if they come to work sick.

IX. COUNCIL BUSINESS

None.

X. ADJOURNMENT

The meeting adjourned at 8:37 PM.

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

Norma I. Alley, City Recorder

ATTEST by the Mayor this ____ day of October, 2009.

Bob Andrews, Mayor

NEWBERG CITY COUNCIL MEETING INFORMATION

DATE of Meeting: October 5, 2009

Prepared by: Norma Alley

| Councilors | Roll Call | MOTION Topic: Consent Calendar – Res. 2871, Oregon Day of Culture Proclamation, and 9/8/09 CC Minutes | Res/Ord/Order # _____ Topic: |
|--|-----------|--|--|--|--|--|--|--|
| ANDREWS, Bob, Mayor | X | YES | | | | | | |
| BACON, Denise | X | YES | | | | | | |
| LARSON, Bob | X | YES | | | | | | |
| McKINNEY, Stephen | X | YES | | | | | | |
| RIERSON, Bart | X | YES | | | | | | |
| SHELTON, Marc | X | YES | | | | | | |
| WITHERSPOON, Wade | X | YES | | | | | | |
| ROLL CALL VOTES | | YES: 7 NO: 0 Absent: 0 Abstain: 0 | YES: NO: Absent: Abstain: | YES: NO: Absent: Abstain: | YES: NO: Absent: Abstain: | YES: NO: Absent: Abstain: | YES: NO: Absent: Abstain: | YES: NO: Absent: Abstain: |
| Department: | | Administration | | | | | | |
| CHANGES: (Yes/No) | | | | | | | | |
| MOTION (1st/2nd): | | Rierson/ Larson | | | | | | |