

**ATTACHED IS A ADDITIONAL
INFORMATION FOR THE
DECEMBER 7, 2009
CITY COUNCIL MEETING**

**PLEASE INCLUDE THIS IN
YOUR PACKET:**

**VII-1
Resolution No. 2009-2877
Add**

THIS PAGE INTENTIONALLY LEFT BLANK



November 25, 2009

Newberg City Council
City of Newberg
P.O. Box 970
Newberg, OR 97132

**Regarding: New Animal Shelter
Contractor Selection**

Dear Council Members:

We noticed today in the Dailey Journal of Commerce that the City of Newberg is requesting an exemption from a competitive bidding process for your new Animal Shelter.

We strongly object!

We are a local contractor. We have been in business since 1964. We employ several Newberg and Yamhill County residents. We are well qualified to provide design input, value engineering, and construction services to the City of Newberg for this new facility.

Unfortunately, using a subjective selection process, as do most CM/GC projects, we probably won't even qualify to offer a bid. A small contractor who only has experience with 10-20 CM/GC projects can't possibly hope to compete with a larger firm who has completed 100s of projects in many states. Using the point system so often employed on these proposal requests – often the local, well qualified contractor doesn't stand a chance.

We're quickly putting our local businesses out of work. In a community such as Newberg, it would seem to us that you would welcome the opportunity to support your home businesses.

Eliminating competitive bidding effectively gives the selected, favored contractor the opportunity to write their own contract – whatever the price. The loss of competition makes it easy to "pad" the bottom line. You already have the job – go ahead and charge whatever you want. We believe this costs the public 10% to 20% more than traditional bid selections. Most of your constituents don't squander their money this way – and they expect their city officials to use care when spending their hard earned taxes.



In requesting the exemption, the law states that eliminating the traditional competitive bidding process "will result in substantial cost saving to the public contracting agency." How can you ever confirm this? There is no possible way.

We are suggesting that a format using a qualification proposal and also a competitive bidding process be used. This insures that you contract with a qualified contractor and it also keeps the contractor honest.

We know the City of Newberg wants a high quality facility. **Your constituents demand it at a fair price.**

Very truly yours,

A handwritten signature in black ink that reads 'Bob Gray' in a cursive script.

Bob Gray

Building on Integrity

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
DECEMBER 7, 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 [Resolution No. 2009-2876](#) authorizing the city manager to enter into an agreement with Mortenson Construction for preconstruction services for the wastewater treatment plant repair, renovation and expansion. (Pgs. 3-4)
2. Consider a motion [appointing Lon Wall and Matson Haug to the Newberg Planning Commission](#) for terms expiring December 31, 2012. (Pgs. 5-8)
3. Consider a motion [appointing Rob Felton and Corey Zielsdorf to the Newberg Downtown Revitalization Committee](#) for terms expiring December 31, 2012. (Pgs. 9-12)
4. Consider a motion [appointing Lesley Woodruff, Ronald Johns and James Oravetz to the Newberg Traffic Safety Commission](#) for terms expiring December 31, 2012, and [appointing Dianna Cotter to the Newberg Traffic Safety Commission](#) for a term expiring December 31, 2010. (Pgs. 13-16)
5. Consider a motion approving [City Council Minutes](#) for November 2, 2009. (Pgs. 17-23)

VII. PUBLIC HEARING

1. Consider a motion approving [Resolution No. 2009-2877](#) adopting finding of facts for the construction of the Newberg Animal Shelter. (Pgs. 25-29)
(Legislative Hearing)
2. Consider a motion to continue the Public Hearing on [Order No. 2009-0023](#) to January 4, 2010.
(Quasi-Judicial Hearing)

*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. 2009-2878** establishing a hiring process for a municipal judge. (Pgs. 33-42)
2. Consider a motion approving **Resolution No. 2009-2879** supporting the Oregon Main Street “Exploring Downtown” program. (Pgs. 43-50)

IX. COUNCIL BUSINESS

X. ADJOURNMENT

INDEX OF ORDERS, ORDINANCES AND RESOLUTIONS:

ORDERS:

Order No. 2009-0023 denying an appeal for an existing non-conforming billboard sign, owned by CBS Outdoor, Inc., to remain at the Newberg Auto Electric site at 616 W. First Street.

ORDINANCES:

None

RESOLUTIONS:

Resolution No. 2009-2876 authorizing the city manager to negotiate and enter into a Construction Manager/General Contractor Services Agreement with Mortenson Construction to provide preconstruction services for the wastewater treatment plant repair, renovation and expansion project.

Resolution No. 2009-2877 adopting the findings for exemption from the Local Contract Review Board Rules for the construction of the Newberg Animal Shelter.

Resolution No. 2009-2878 establishing and confirming the process for hiring a municipal judge of the City.

Resolution No. 2009-2879 declaring the city of Newberg’s interest and commitment to participate in the Oregon Main Street “Exploring Downtown” Program.

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.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2009-2876

SUBJECT: A resolution authorizing the City Manager to finalize negotiations and enter into a Construction Manager/General Contractor services agreement with Mortenson Construction, to provide preconstruction services for the wastewater treatment plant repair, renovation and expansion project.

Contact Person (Preparer) for this
Resolution: **Larry Fain, Senior Engineer**

Dept.: **Public Works Engineering**

File No.:
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2009-2876.**

EXECUTIVE SUMMARY:

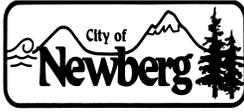
The City of Newberg has been pursuing the Construction Manager/General Contractor (CM/GC) alternative procurement for the preconstruction and construction services for the Wastewater Treatment Plant (WWTP) Repair, Renovation and Expansion (RRE) Project. The City Council approved the alternative procurement method in Resolution 2009-2870 on September 21, 2009.

Four construction firms submitted proposals on October 15, 2009: Mortenson Construction, Slayden Construction Group, Inc., Stellar J and Walsh Construction. The selection team reviewed and ranked the proposals and selected three of the firms (Mortenson, Slayden & Walsh) for interviews on November 17, 2009. Points were assigned to the firms based on their proposal document, interview performance and price proposal. Based upon that process a final candidate was selected.

The Public Works Director recommends that the City Council authorize the City Manager to finalize negotiations and to enter into a CM/GC contract with Mortenson Construction. The initial award will be for pre-construction services during the design phase of the WWTP RRE Project. These pre-construction services were estimated to cost approximately \$250,000.00. However, in a surprising, but not unknown move, Mortenson Construction proposed to accomplish these pre-construction services at no charge. Note that the second low proposal was for \$127,100.00. Mortenson also proposed the lowest construction fee of 4.9% versus 6.5% from the other two firms. Public Works staff has verified that Mortenson Construction made no errors in their pricing proposal. It is believed that current market conditions and other business strategies are behind Mortenson's unique price proposal. City Staff is confident that an agreement can be crafted that will ensure that Mortenson will provide pre-construction services that meet or exceed the City's expectations. The construction of the WWTP RRE project elements will be accomplished via negotiated Guaranteed Maximum Price (GMP) proposals, each of which will be presented to City Council for authorization to award.

FISCAL IMPACT: The FY 09/10 budget supports this contract.

STRATEGIC ASSESSMENT: This RRE Project will ensure that Newberg is prepared to meet Department of Environmental Quality (DEQ) regulatory requirements for the WWTP through the 2030 population projection.



RESOLUTION No. 2009-2876

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES AGREEMENT WITH MORTENSON CONSTRUCTION TO PROVIDE PRECONSTRUCTION SERVICES FOR THE WASTEWATER TREATMENT PLANT REPAIR, RENOVATION AND EXPANSION PROJECT

RECITALS:

1. The City of Newberg has been pursuing the Construction Manager/General Contractor (CM/GC) alternative procurement for the preconstruction and construction services for the Wastewater Treatment Plant (WWTP) Repair, Renovation and Expansion (RRE) Project. The City Council approved the alternative procurement in Resolution 2009-2870 on September 21, 2009.
2. Four construction firms submitted proposals on October 15, 2009: Mortenson Construction, Slayden Construction Group, Inc., Stellar J and Walsh Construction. The selection team reviewed the proposals, interviewed firms and evaluated price proposals. The Public Works Director recommends that City Council authorize the City Manager to enter into a CM/GC contract with Mortenson Construction. They demonstrated a clear understanding of Newberg's WWTP challenges, have an innovative ability to deal with those challenges and have excellent CM/GC experience.
3. The initial scope of work for the CM/GC pre-construction services will be negotiated and awarded in accordance with the City Procurement Manual. The construction of the WWTP RRE project elements will be accomplished via negotiated Guaranteed Maximum Price (GMP) proposals, each of which will be presented to City Council for authorization to award

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council, acting as the Local Contract Review Board, does hereby authorize the City Manager to negotiate and enter into a CM/GC services agreement with Mortenson Construction in an initial amount not-to-exceed \$50,000.00.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 8, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of December 2009.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of December 2009.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

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

SUBJECT: Appoint Lon Wall and Matson Haug to the City of Newberg Planning Commission.

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

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

RECOMMENDATION:

To consent to the appointment, by the Mayor, of Lon Wall and Matson Haug for two positions with terms expiring December 31, 2009, on the Newberg Planning Commission for new terms expiring December 31, 2012.

EXECUTIVE SUMMARY:

The Newberg Planning Commission is a seven member committee that has two positions with expiring terms effective December 31, 2009. Public notice of this vacancy was posted in City buildings, advertised in the local *Newberg Graphic*, and posted on the City's website. Three applications were received prior to the final deadline of 5:00 p.m., Friday, November 6, 2009. All applications were considered and the Mayor has selected Lon Wall and Matson Haug to fill the vacant position.

Staff and the Mayor are currently working with the school district to fill the open Student Planning Commissioner position, which will remain open until filled.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

The Newberg Planning Commission serves a very important role in the betterment of our community and downtown.

PLANNING COMMISSION - CITY OF NEWBERG

APPROVED: December 3, 2007

Revised: January 5, 2009

**Newberg
City Limits**

Occupation

Yes Army Dist. 6	Thomas Barnes	Term: 3 years Appointed: 12/3/07 Term Expires: 12/31/10	Retired US
Yes Dist. 4	Matson Haug	Term: 3 years Appointed: 01/18/94 Re-appointed: 6 times starting 1/94 Term Expires: 12/31/09	Engineer
Yes Dist. 4	Derek Duff	Term: 3 years Appointed: 4/21/2008 Term Expires: 12/31/10	
Yes Dist. 2	Philip Smith	Term: 3 years Appointed: 12/2/02 Re-Appointed: 12/5/05, 12/15/08 Term Expires: 12/31/11	GFU Professor
No County	Cathy Stuhr	Term: 3 years Appointed: 7/5/05 Re-Appointed: 12/5/05, 12/15/08 Term Expires: 12/31/11	Business Owner
Yes Dist. 4	Nick Tri	Term: 3 years Appointed: 10/15/01 Re-Appointed: 12/6/04, 12/3/07 Term Expires: 12/31/10	Semi-Retired Antique Dealer
Yes Dist. 2	Lon Wall	Term: 3 years Appointed: 11/6/06 Term Expires: 12/31/09	Business Man
Yes Dist. 6	VACANT	Student Planning Commissioner Term: School year Appointed: Term Expires: 08/31/2010	H.S. Student

NEWS RELEASE

DATE: October 2, 2009

CONTACT: Barton Brierley (503-537-1212)

SUBJECT: Vacancies on Newberg Planning Commission, Urban Area Management Commission & Downtown Revitalization Committee

RELEASE DATE: Immediate

The City of Newberg is seeking applications from citizens to serve on the Planning Commission, Newberg Urban Area Management Commission (NUAMC), and the Downtown Revitalization Committee (NDRC). This is an opportunity to serve your community and be part of the decision-making team that governs your community. These positions will be open as of December 31st, 2009. Members may also participate on other City-wide committees.

Planning Commission

There will be three positions available. The Planning Commission hears requests for annexations, comprehensive plan changes, zone changes, conditional use permits, appeals, and other land use applications. Its duties are to hold hearings, make findings, and typically present its recommendation to the Newberg City Council. For some types of applications the Planning Commission makes the final decision.

Two of the appointments would be for three year terms. Applicants must reside within the city limits of Newberg. Applicants for the third position must be high school students who live in Newberg. The student Planning Commissioner position is a great educational opportunity for a motivated student, and has a one year term. The student commissioner can fully participate in the hearings and discussions, although they are not a voting member. The Planning Commission meets at 7 p.m. on the second Thursday of every month. Additional meetings, usually on the fourth Thursday of each month, are occasionally required.

If you would like to participate on the Planning Commission, NUAMC, or NDRC, please stop by the Planning and Building Office at 414 E. First Street, or call 503-537-1240 and we will be happy to provide you with an application. An application also is available at the City's website www.newbergoregon.gov/citycouncil/council-forms.gov (or look under the Departments/City Council/Committee Applications heading). Applications are due by 5 p.m. on **Friday, November 6, 2009**. The City reserves the right to accept applications after this due date at the Mayor's discretion.

The Mayor of Newberg appoints Planning Commission, NUAMC and NDRC members with the consent of the City Council. Applicants will be notified of the date the City Council will consider the appointment and should plan on attending.

Information detailing the NDRC and NUAMC have been removed from this advertisement to conserve space.

Original applications are retained in the City
Recorder's Office.

Please call (503) 537-1283 to request a copy.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

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

SUBJECT: Appoint Rob Felton and Corey Zielsdorf to the City of Newberg Downtown Revitalization Committee.

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

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

RECOMMENDATION:

To consent to the appointment, by the Mayor, of Rob Felton and Corey Zielsdorf for two positions with terms expiring December 31, 2009, on the Newberg Downtown Revitalization Committee for new terms expiring December 31, 2012.

EXECUTIVE SUMMARY:

The Newberg Downtown Revitalization Committee is a seven member committee that has two positions with expiring terms effective December 31, 2009. 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 5:00 p.m., Friday, November 6, 2009. All applications were considered and the Mayor has selected Rob Felton and Corey Zielsdorf to fill the vacant position.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

The Newberg Downtown Revitalization Committee serves a very important role in the betterment of our community and downtown.

NEWBERG DOWNTOWN REVITALIZATION COMMITTEE MEMBERS

District No.	Member/Contact Info	Term Appointments
N/A	John T. Bridges	Appointed: 3/17/03 Re-Appointed: 12/2005, 2/15/08 Term Expires: 12/31/11
3	Matt Johnson	Appointed: 9/8/09 Re-Appointed: Term Expires: 12/31/11
5	Steven Clay	Appointed: 12/15/08 Re-Appointed: Term Expires: 12/31/11
6	Rob Felton, Chair	Appointed: 12/4/06 Re-Appointed: Term Expires: 12/31/09
6	Corey Zielsdorf, Vice-Chair	Appointed: 12/4/06 Re-Appointed: Term Expires: 12/31/09
3	Allen Herriges	Appointed: 5/19/08 Re-Appointed: Term Expires: 12/31/10
2	Gail Watson	Appointed: 5/19/08 Re-Appointed: Term Expires: 12/31/10

NEWS RELEASE

DATE: October 2, 2009

CONTACT: Barton Brierley (503-537-1212)

SUBJECT: Vacancies on Newberg Planning Commission, Urban Area Management Commission & Downtown Revitalization Committee

RELEASE DATE: Immediate

The City of Newberg is seeking applications from citizens to serve on the Planning Commission, Newberg Urban Area Management Commission (NUAMC), and the Downtown Revitalization Committee (NDRC). This is an opportunity to serve your community and be part of the decision-making team that governs your community. These positions will be open as of December 31st, 2009. Members may also participate on other City-wide committees.

Newberg Downtown Revitalization Committee (NDRC)

There will be two positions available. The Committee advises the Newberg City Council on matters pertaining to the revitalization of Newberg's downtown area.

The committee meets at 7 p.m. on the third Wednesday of every month. Committee members are appointed for three-year terms. Applicants must be residents of Newberg.

If you would like to participate on the Planning Commission, NUAMC, or NDRC, please stop by the Planning and Building Office at 414 E. First Street, or call 503-537-1240 and we will be happy to provide you with an application. An application also is available at the City's website www.newbergoregon.gov/citycouncil/council-forms.gov (or look under the Departments/City Council/Committee Applications heading). Applications are due by 5 p.m. on **Friday, November 6, 2009**. The City reserves the right to accept applications after this due date at the Mayor's discretion.

The Mayor of Newberg appoints Planning Commission, NUAMC and NDRC members with the consent of the City Council. Applicants will be notified of the date the City Council will consider the appointment and should plan on attending.

Information detailing Planning Commission and NUAMC have been removed from this advertisement to conserve space.

Original applications are retained in the City
Recorder's Office.

Please call (503) 537-1283 to request a copy.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

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

SUBJECT: Appoint Lesley Woodruff, Ronald Johns, James Oravetz, and Dianna Cotter 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 Lesley Woodruff, Ronald Johns, and James Oravetz for three positions with terms expiring December 31, 2009, on the Newberg Planning Commission for new terms expiring December 31, 2012, and appoint Dianna Cotter for one vacant position due to the resignation of Andrew Cookson with the term expiring December 31, 2010.

EXECUTIVE SUMMARY:

The Newberg Traffic Safety Commission is a seven member committee that has three positions with expiring terms effective December 31, 2009, along with one position that has become vacant with the resignation of Andrew Cookson with the term expiring December 31, 2010. Public notice of this vacancy was posted in City buildings, advertised in the local *Newberg Graphic*, and posted on the City's website. Nine applications were received prior to the final deadline of 4:00 p.m., Tuesday, November 10, 2009. All applications were considered and the Mayor has selected Lesley Woodruff, Ronald Johns, James Oravetz, and Dianna Cotter to fill the vacant position.

Staff and the Mayor are currently working with the school district to fill the open Student Commissioner position, which will remain open until filled.

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

(Updated 1/09/2009)

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
	VACANT (Resignation of Andrew Cookson)	Appointed: 7/16/2007 Re-appointed: 12/17/2007 Term Expires: 12/31/2010
4	Jennifer Dawson	Appointed: 12/18/2006 Re-appointed: 12/17/2007 Term Expires: 12/31/2010
2	Bryce Jones	Appointed: 1/1/2007 Re-appointed: Term to expire: 12/31/2009
5	Neal S. Klein	Appointed: 1/05/2009 Re-appointed: Term Expires: 12/31/2011
1	Richard (Dick) Meyer	Appointed: 5/13/1980 Re-Appointed: 1998, 1/17/2001, 12/18/2006 Term to expire: 12/31/2009
6	Michael Simpson	Appointed: 2/3/2003 Re-appointed: 12/17/2007 Term Expires: 12/31/2010
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: Term Expires: 12/31/2009

Posted: October 6, 2009

Traffic Safety Commission Volunteer Members Wanted Deadline Extended

The City of Newberg is accepting applications for volunteers to serve on the Traffic Safety Commission. One term will expire December 31, 2010, and three appointments will expire December 31, 2012. The Traffic Safety Commission meets on the second Monday of each month, whenever business warrants, but not less than quarterly.

The purpose of the Traffic Safety Commission is to promote traffic safety through investigation, study and analysis of traffic patterns. The Commission makes decisions on the location of parking, crosswalks, safety zones, traffic lanes, truck routes, and all manner of traffic control devices within the community. In addition, they conduct and promote traffic safety programs.

One prospective candidate may live outside the Newberg city limits, providing the residence is within the urban growth boundary of the City of Newberg.

Applications are available on the City of Newberg website at www.newbergoregon.gov or you may pick up an application at the Public Safety Building, 401 E. Third Street. **The deadline for submitting an application is 4:00 p.m., November 10, 2009** in order for the appointments to be put on the December 7th City Council meeting agenda. Applicants are **required** to be present at the Council meeting at which their application is to be considered.

Contact: Mary Newell
Support Services Manager
Newberg-Dundee Police Department
401 E. Third Street
Newberg, OR 97132
(503) 537-1221
Mary.newell@newbergoregon.gov

Original applications are retained in the City
Recorder's Office.

Please call (503) 537-1283 to request a copy.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

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

SUBJECT: Approve the November 2, 2009, City Council Meeting minutes.

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

Dept.: Administration

File No.:
(if applicable)

RECOMMENDATION:

Approve the November 2, 2009, City Council minutes for preservation and permanent retention in the City's official records.

EXECUTIVE SUMMARY:

On November 2, 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
NOVEMBER 2, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. An update was given by the City Code Enforcement Officer. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:02 PM.

II. ROLL CALL

Members

Present: Mayor Bob Andrews Denise Bacon Bob Larson
 Stephen McKinney Bart Rierson Marc Shelton (arrived at 6:09 PM)
 Wade Witherspoon

Staff

Present: Daniel Danicic, City Manager Terrence Mahr, City Attorney
 Frank Douglas, Division Chief/EMS Coordinator Les Hallman, Fire Chief
 Howard Hamilton, Public Works Director Janelle Nordyke, Finance Director
 Jessica Nunley, Assistant Planner Norma Alley, City Recorder
 Jennifer Nelson, Recording Secretary

Others

Present: Darlyn Adams, Louis Martinez, Mike Gougler, Charles Cox, Curtis Walker,
 Dennis W. Gaibler, Michael Sherwood, Scott Simmons, Mike Willcuts, Robert Migllori,
 George Duvendack, and Jackie Lang

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, spoke of the Fire Department's Turkey Carnival on November 13 and 14, 2009, at Station 20 starting at 6:00 PM. He mentioned an executive order he circulated in regards to the flu outbreaks and reinforcing the City's policy and procedures for handling staff that become ill. He said Chehalem Youth and Family Services (CYFS) will be having a Light the Night lunch coming up and he will also be attending a conference in Salem this Wednesday afternoon to discuss government agencies using social media like Facebook.

V. PUBLIC COMMENTS

Ms. Darlyn Adams, Newberg Animal Shelter Friends (NASF), spoke of her founding the NASF ten years ago to raise funds to build a new animal shelter and the recent groundbreaking. She spoke of her plans to do more traveling in future which will make her unavailable to actively participate on the board; her official resignation from NASF will be January 1, 2010. She said she will remain on the Budget Committee but she will also be resigning from the City Club and the Old Fashioned Festival Committee (see official meeting packet for full report).

Mayor Andrews offered thanks and appreciation to her on behalf of himself and the City Council for her service to the City.

VI. CONSENT CALENDAR

1. Presentation honoring Louis Martinez for his life saving efforts of another citizen.
2. Consider a motion approving City Council Minutes for October 5, 2009.

MOTION: Larson/Rierson to approve the Consent Calendar including a presentation honoring Louis Martinez for his life saving efforts of another citizen and the City Council Minutes for October 5, 2009 as amended. (7 Yes/0 No) Motion carried.

Mayor Andrews presented an award to Mr. Louis Martinez for his life saving efforts of a fellow citizen. Mr. Les Hallman, Fire Chief and Mr. Frank Douglas, Division Chief/EMS Coordinator, also congratulated Mr. Martinez and made comments on his efforts.

VII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2009-2720** amending the Newberg Development Code creating and implementing a new M-4 Industrial Zoning District and a new II Interim Industrial Overlay Zoning District; and approving **Resolution No. 2009-2872** accepting the South Industrial Area Master Plan.

TIME – 7:13 PM

Mayor Andrews introduced the hearing and called for an conflicts of interest or abstentions; none stated.

Ms. Jessica Nunley, Assistant Planner, presented the staff report and recommended adoption of the ordinance and the resolution (see official meting packet for full report).

Mayor Andrews referred to page 22, section 14 and asked for further explanation of exceptions for Planned Utility Development (PUD) in the body of the code changes. Staff replied there are no exceptions to doing a PUD unless you want to have a twenty (20) acre sized parcel; if you want to create an all metal manufacturing park by dividing the 20 acres into a ten (10) acre parcel and 10 one-acre parcels it would be determined through a PUD process. Mayor Andrews also asked for further explanation of section 15 concerning no allowance for private streets to be created to provide frontage or access. Staff replied the code does not allow private streets in any residential, commercial, or industrial areas; this would be the only exception if a street was needed to provide synergy between parcels for equipment transport within the parcel.

A brief explanation of the total number of industrial acres (114) needed and the proposed acreage (158) to be included in the Urban Growth Boundary (UGB) for the next 20 years was also given.

Councilor Marc Shelton stated that Newberg currently has housing developments on Springbrook Road with private roads. Staff stated they are public streets there, although there are a number of private roads in the community that were created before the decision was made ten years ago to no longer allow them; one exception was in the airport area because of planes and cars sometimes being on the same road.

Councilor Wade Witherspoon asked staff for more of an explanation of the neighborhood center. Staff explained the main concept was for this center to support the commercial areas so employees do not

have to go downtown for lunch; it is not intended for as a destination. Councilor Witherspoon also wished to know what entity would be responsible for creating and maintaining the walkway. Staff said they were still having discussions with Chehalem Park and Recreation District (CPRD) about trails and easement dedication, but CPRD would most likely be responsible.

Mayor Andrews opened the public hearing and public testimony by calling forth the first proponent.

Mr. Mike Gougler stated he was a proponent of the South Industrial Area Master Plan as proposed and recommended by staff. He spoke of UGB concerns and land use laws controlling Newberg's actions. He emphasized that everything must be balanced by requiring cities to maintain inventory of developable properties for economic viability and livability.

Mr. Charles Cox spoke from the perspective of a business owner that outgrew his space two years ago and had great difficulty finding a two-acre lot of suitable land in Newberg to relocate his expanding business. He is very much in favor of this industrial plan as he is ready to expand his business again and he would like to have space for himself and other businesses to stay and grow in Newberg; he strongly recommended Council to move forward with this.

Mr. Curtis Walker also strongly recommended adopting this plan as he is a partial owner on the land Mr. Cox was talking about and he agrees that surveys have proven again and again that citizens' are looking for a place where they can live and work. He felt there was a lot of good communication and hard work on this plan. He said in order for Newberg to be competitive and encourage good jobs in our community, it is important to have parcels ready to go so businesses have a place to relocate and expand.

Mr. Dennis W. Gaibler spoke on behalf of himself and his father, who is the owner of property that is a substantial portion of the first part of the plan. He asked his dad why he wanted to do this and was told it was because he had an undying gratitude to Newberg for a good life in a good community and he wants to see that others have the same opportunity to live and grow here as well. For himself, his decisions on where to live are always based on the location of his employment and it is important to listen to what citizens want: to live, work, and shop in one community. He commends the work done and supports the plan.

Mr. Michael Sherwood offered thanks for all the hard work so far and spoke of growing up in a small community. He believed businesses are the necessary components for any small town to survive because they provide jobs so people can work, live, socialize, and give back to the community. He endorses this plan and thanked the Planning Commission (PC) and all involved for their time and efforts.

Mr. Scott Simmons, Vice-President of Operations for Climax Portable Machine Tools, stated his company enjoys being a manufacturer in the community and strives for high job satisfaction and security for their employees. They intend to grow in this community and need solid infrastructure to do this; this plan takes the steps towards supporting Climax's goals and their workers.

Mr. Mike Willcuts stated the City has an amazing planning staff; he agrees with and supports this plan.

Mr. Robert Migllori, Vice-President of Voltair Wind & Power, Inc., spoke of his company and their goals to build a small manufacturing facility in Newberg for production of wind turbines like the test one they have on Chehalem Mountain. He spoke of his experiences trying to locate suitable property for their needs and the tremendous shortage of available land of this type in Newberg for businesses to locate or stay here. He said he was not extremely familiar with the entire plan but did suggest that the City consider allocation of at least one of the twenty acre parcels for smaller development so businesses

with smaller land needs do not have to go through a cumbersome PUD process. He supports the plan and hopes the Council moves forward with it.

Mayor Andrews closed the public testimony. Staff recommended adopting both the ordinance and the resolution.

Councilor Stephen McKinney commended the staff on the work done.

Councilor Bob Larson referred to pages 23-25 of the master plan and the smaller acreage concept alternatives as suggested during testimonies. Staff said they anticipated smaller lots to accommodate those types of situations and some zoning for smaller businesses would be created during the development process.

Discussions followed about creating M4 classifications, which phase will run into the land owned by CPRD, and areas located within the hundred year flood plane.

Mayor Andrews closed the public hearing.

MOTION: Larson/Shelton to approve **Ordinance No. 2009-2720** amending the Newberg Development Code creating and implementing a new M-4 Industrial Zoning District and a new II Interim Industrial Overlay Zoning District, read by title only.

Councilor Bart Rierson stated he found the plan refreshing, well-thought, and thoroughly planned. He spoke of some negative responses in the local newspaper being contrasted to the overwhelming support present at the public hearing. He liked that this would provide an opportunity for businesses to expand here as well as for new businesses to come. He supports both the ordinance and the resolution.

Councilor Shelton spoke of being on the advisory group for the Portland Community College (PCC) project and the difficulty finding a ten acre parcel which pushed back planning until 2011. He felt it was smart for the City to look at this now so the same problem does not occur twenty years from now. He fully supports the plan.

Councilor Denise Bacon supports the plan because of the need to bring jobs to Newberg by having a ready labor force, opportunities for further education with colleges, and to have shovel-ready ground.

VOTE: To approve **Ordinance No. 2009-2720**. (7 Yes/0 No) Motion carried.

MOTION: Rierson/Larson to approve **Resolution No. 2009-2872** accepting the South Industrial Area Master Plan. (7 Yes/0 No) Motion carried.

Mayor Andrews recessed at 8:19 PM.

2. Consider a motion approving **Ordinance No. 2009-2721** amending the Transportation System Plan, modifying the cost of Highway 219/2nd Street Improvement Project, and modifying the Transportation System Development Charge.

TIME – 8:22 PM

Mayor Andrews introduced the hearing and called for conflicts of interest or abstentions.

Councilor Rierson stated he is employed by Climax, which is part of the project to do improvements to Hwy 219. He did not think it would be an issue, but he wanted to declare this just in case.

Mr. Howard Hamilton, Public Works Director, clarified this item is not tied together with Climax at this time and presented staff report (see official meeting packet for full report).

Councilor Shelton asked for more detail about the modification of the angle at Hwy 219. Staff stated they would be fixing the orientation of the intersection so lights and crosswalks would work which was put into plan with the adoption of the Transportation System Plan (TSP) from May 2005 and needed to be completed within a certain window of time, negotiations have occurred with the Oregon Department of Transportation (ODOT) and some things came back that were not anticipated. It is anticipated that orientation issues have brought the costs up which will be paid for by System Development Charges (SDCs) and staff will return with those costs.

Councilor Rierson spoke of the developer being eligible for credits and if it is paid for by the City of Newberg and if Everest Street was included in these improvements. Staff said it was involved with the Orchards Lair and Hess Creek projects and the City is a part of it with staff time and with some of the sidewalk. Everest Street is not currently a part of this project.

Councilor Witherspoon spoke of the funds for the new signal not being a part of the original TSP and where the funding is coming from. Staff stated the developers are responsible for 30% and the rest is to be covered by the City at large with continued SDC involvement.

Councilor Larson asked about the timing on 2nd Street improvements and the Hwy 219 barrier. Staff said it is to be completed by June 30, 2010 while the Climax/2nd Street/Hwy 219 project to Springbrook will be within the same window of completion. Everest Street is a longer term project.

Councilor McKinney said he was glad some attention was being brought to the Everest Street project because of the number of near misses occurring weekly, plus the recent big accident there.

Mayor Andrews told staff to keep Council updated on their communications with ODOT about this project so they can assist in encouraging cooperation to get this project completed and make this area safer.

Mayor Andrews opened and closed public testimony as no citizens appeared to comment. Staff recommend approval and the public hearing was closed.

MOTION: McKinney/Shelton to approve **Ordinance No. 2009-2721** amending the Transportation System Plan, modifying the cost of Highway 219/2nd Street Improvement Project, and modifying the Transportation System Development Charge, read by title only. (7 Yes/0 No) Motion carried.

3. Consider a motion to postpone the Public Hearing for CBS sign appeal to December 7, 2009.

TIME – 8:40 PM

MOTION: Larson/Rierson to postpone the Public Hearing for CBS sign appeal to December 7, 2009. (7 Yes/0 No) Motion carried.

VIII. NEW BUSINESS

Consider a motion approving **Resolution No. 2009-2873** authorizing a water service connection to 1409 Sandoz Road for the Newberg Animal Shelter.

TIME – 8:41 PM

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

MOTION: Rierson/Shelton to approve **Resolution No. 2009-2873** authorizing a water service connection to 1409 Sandoz Road for the Newberg Animal Shelter. (7 Yes/0 No) Motion carried.

IX. COUNCIL BUSINESS

Presentation from Jackie Lang regarding the Riverbend Landfill.

TIME – 8:45 PM

Mr. George Duvendack, District Manager Riverbend Landfill, presented a report including a handout (see official meeting packet for full report).

Discussion commenced on the Library Director’s request to close the Public Library on March 26, 2009, for staff training and a national library conference. There was discussion around the concern of students needing to be use the Library during spring break to finish projects before returning to school and ways to mitigate the concern.

MOTION: Rierson/Larson to approve the closure of the Newberg Public Library for staff to attend a conference and for the Council to receive a report from the Library Director after the conference. (7 Yes/0 No) Motion carried.

X. ADJOURNMENT

The meeting adjourned at 9:00 PM.

ADOPTED by the Newberg City Council this 7th day of December, 2009.

Norma I. Alley, City Recorder

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

Bob Andrews, Mayor

THIS PAGE INTENTIONALLY LEFT BLANK

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

Order _____ Ordinance _____ Resolution XX Motion _____ Information _____
No. No. No. 2009-2877

SUBJECT: Resolution to Adopt the Findings For Exemption From Local Contract Review Board Rules For The Construction Of The Newberg Animal Shelter.

Contact Person (Preparer) for this Resolution: **Larry Fain, Senior Engineer**

Dept.: **Public Works Engineering**

File No.:
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2009-2877.**

EXECUTIVE SUMMARY:

The City of Newberg Public Works Department is requesting an exemption from the Public Contracting Rules to allow the use of an alternative contracting process for a public improvement contract for services to construct a new Animal Shelter.

Over the last several years the City has recognized the need to replace the City operated Newberg Animal Shelter located at 921 S. Blaine Street. This facility does not properly meet today's standards for the care of animals and is greatly undersized. The City has worked closely with the Newberg Animal Shelter Friends to develop a project scope and a site for a new Animal Shelter. Earlier this year, the City Council approved a one acre site for the new facility at the newly acquired property located at 1409 Sandoz Road. The project will need to be executed in a phased manner that will accommodate the volunteers that wish to participate in the construction activities. As such, the project progress may be delayed in order to coordinate the availability of revenue and volunteer effort.

To facilitate project development and construction and coordinate volunteer efforts throughout the project, Public Works is recommending to the City Council the use of an alternative contracting process for the development, design and the construction of the new Animal Shelter.

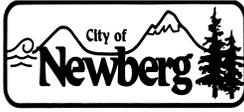
The Newberg City Council acts as the Local Contract Review Board (LCRB). ORS 279C.335 and City Code Title 3: Chapter 34 provide guidance to the LCRB regarding the use of alternative contracting methods for public improvement projects. The City rules in Chapter 34 and the ORS allow the LCRB to enter into public improvement contracts without competitive bidding if the contracts involve design or construction management or expertise beyond normal construction work. This allows flexibility in both proposal evaluation and contract negotiation. The City may select a person or firm to act as a Construction Manager/General Contractor (CM/GC) to construct public improvements by means of a competitive proposal process. A CM/GC performs specified construction manager services in addition to traditional general contractor services.

In order to select a CM/GC using the Request for Proposal method, the LCRB must direct its use by exception to the traditional public contracting practices by approving findings submitted by the department seeking the exemption. The rules require that the City give public notice and hold a public hearing to receive comments on the findings before taking action on granting an exemption from the requirement of the

competitive bidding procedures. The resulting contract will be treated as a public improvement contract and will be subject to all requirements of public improvement contracts, including but not limited to hours of labor, retainage and payment, subcontractors, bonds, and prevailing wage requirements.

FISCAL IMPACT: This action does not have any direct fiscal impact; it only deals with the Council acting as the LCRB to allow the staff the use of an alternative procurement method. Once a CM/GC contractor has been selected, another Request for Council Action (RCA) will be brought before the Council to award pre-construction services. A subsequent RCA will be brought before the Council to award the construction services contract.

STRATEGIC ASSESSMENT: This action to allow the alternative procurement method of CM/GC contracting will facilitate an accelerated project schedule, achieve a design that integrates volunteer effort and will help to make the best use of limited funding.



RESOLUTION No. 2009-2877

**A RESOLUTION ADOPTING THE FINDINGS FOR EXEMPTION FROM
LOCAL CONTRACT REVIEW BOARD RULES FOR THE CONSTRUCTION
OF THE NEWBERG ANIMAL SHELTER**

RECITALS:

1. The Newberg City Council acts as the Local Contract Review Board (LCRB). ORS 279C.335 and City Code Title 3: Chapter 34 provide guidance to the LCRB regarding the use of alternative contracting methods for public improvement projects.
2. City Staff have prepared Findings for Exemption from Local Contract Review Board Rules for services to construct a new Animal Shelter which are shown in Exhibit "A". Exhibit "A" is hereby attached and by this reference incorporated. Those findings support the use of the Construction Manager/General Contractor process for the development, design and construction of the Newberg Animal Shelter. Notices of those Findings have also been published in the Daily Journal of Commerce (11/16/09), the Oregonian (11/17/09), and the Newberg Graphic (11/18/09).
3. On December 7, 2009, the City Council held a Public Hearing as part of its regular Council Meeting to receive any and all oral testimony and written comments on the findings.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. To officially adopt the Findings for Exemption from Local Contract Review Board Rules for the construction of the Newberg Animal Shelter as shown in Exhibit "A", which is attached. Exhibit "A" is hereby adopted and by this reference incorporated.
2. The City Council acting in its role as the Local Contract Review Board grant a special procurement exemption to allow the use of the Construction Manager/General Contractor process for the construction of the Newberg Animal Shelter.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 8, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of December 2009.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of December 2009.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ___ / ___ /200x meeting. Or, None.

Exhibit "A" to Resolution 2009-2877

CITY OF NEWBERG PUBLIC WORKS DEPARTMENT FINDINGS FOR EXEMPTION FROM LOCAL CONTRACT REVIEW BOARD RULES FOR THE CONSTRUCTION OF NEWBERG ANIMAL SHELTER

The City of Newberg Public Works Department is requesting an exemption to allow the use of an alternative contracting process for a public improvement contract for services to construct a new Animal Shelter.

Background

Over the last several years the City has recognized the need to replace the City operated Newberg Animal Shelter located at 921 S. Blaine Street. This facility does not properly meet today's standards for the care of animals and is greatly undersized. The City has worked closely with the Newberg Animal Shelter Friends to develop the project scope and site for a new Animal Shelter. Earlier this year, the City Council approved a one acre site at the newly acquired property located at 1409 Sandoz Road for the new facility. The project will need to be executed in a phased manner that will accommodate the volunteers that wish to participate in the construction. As such, the project progress may be delayed in order to coordinate the availability of revenue and volunteer effort.

To facilitate project development and construction and coordinate volunteer efforts throughout the project, the Public Works Department is recommending to the City Council the use of an alternative contracting process for the development, design, and the construction of the new Animal Shelter.

Alternative Contracting Process

The Newberg City Council acts as the Local Contract Review Board (LCRB). ORS 279C.335 and City Code Title 3: Chapter 34 provide guidance to the LCRB regarding the use of alternative contracting methods for public improvement projects. The City rules in Chapter 34 and the ORS allow the LCRB to enter into public improvement contracts without competitive bidding if the contracts involve design or construction management or expertise beyond normal construction work. This allows flexibility in both proposal evaluation and contract negotiation. The City may select a person or firm to act as a Construction Manager/General Contractor (CM/GC) to construct public improvements by means of a competitive proposal process. A CM/GC performs specified construction manager services in addition to traditional general contractor services.

In order to select a CM/GC using the Request for Proposal method, the LCRB must direct its use by exception to the traditional public contracting practices, by approving findings submitted by the department seeking the exemption. The rules require that the City give public notice and hold a public hearing to receive comments on the findings before taking action on granting an exemption to the competitive bidding procedures. The resulting contract will be treated as a public improvement contract and will be subject to all requirements of public improvement contracts, including but not limited to hours of labor, retainage and payment, subcontractors, bonds, and prevailing wage requirements.

Findings

After review of the recommendations from City staff and after receiving public comment, the Local Contract Review Board finds that:

The development, design and construction of an Animal Shelter at the new site requires a contractor experienced in similar projects that understands the unique requirements of an animal shelter and working with volunteers. The project is also a high priority project to address existing animal health and service requirements.

The phasing and staging of this project combined with the funding and use of volunteer efforts make this a unique project that requires a contractor that can come in early and help the City develop, design and phase the work. The complexity of the project and the need for close coordination during the project will be best addressed through the use of the CM/GC process. Optimal value for the City is to have the CM/GC participate early in the design process so that the design team can integrate ideas and methods into the design process.

Use of the CM/GC process is expected to accelerate the project schedule compared to a traditional procurement approach.

The Request for Proposals (RFP) process will promote fair and unbiased competition among CM/GC firms. The RFP process allows the City to select the firm and its team members that are best-suited for the project based on factors such as experience, ability to respond to the technical complexity or unique character of the project, value engineering ideas, schedule enhancement, past performance, price and other factors specific to the project. Selection of the best proposal received via the RFP process will be based on a team review of weighted evaluation criteria.

The RFP will be publicly advertised to ensure an open and competitive process. Because all major components of the project will be competitively solicited, the suggested process will not encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.

Participation of the contractor in the design of the plant improvements, as provided in the CM/GC process, will more easily allow the incorporation of quality materials and equipment, selected on performance and life-cycle cost rather than the lowest initial price.

The CM/GC will make value engineering recommendations during the design process that will save costs in the overall construction of the facility.

By selecting a qualified CM/GC through the RFP process, the City will benefit by proper construction of the new facility and successfully incorporating volunteer efforts. This will improve the quality of the construction and foster a sense of community “ownership” of the new facility.

Recommendation

The Public Works Department recommends that the Newberg City Council, acting as the Local Contract Review Board, grant a special procurement exemption to allow the use of the Construction Manager/General Contractor process for the construction of a new Animal Shelter at 1409 Sandoz Road.

THIS PAGE INTENTIONALLY LEFT BLANK

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

Order XX Ordinance ___ Resolution ___ Motion ___ Information ___
No. 2009-0023 No. No.

SUBJECT: Request for continuance - appeal of the hearings officer's decision to deny a request for an existing non-conforming billboard sign to remain at Newberg Auto Electric located at 616 W. First Street

Contact Person (Preparer) for this Order: Barton Brierley, AICP

Dept.: Planning & Building

File No.: NCSIGN-09-005
(if applicable)

RECOMMENDATION:

Continue the hearing to January 4, 2010.

EXECUTIVE SUMMARY: On September 8, 2009, the City Council held a hearing on a non-conforming billboard sign at 616 W. First Street. This hearing was continued to December 7, 2009.

Staff and the applicant have met to discuss the issue. The continuance would allow additional time for additional discussions to take place.

THIS PAGE INTENTIONALLY LEFT BLANK

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2009-2878

SUBJECT: Establishing the process for hiring a municipal judge of the City.

Contact Person (Preparer) for this
Resolution: Dawn Wilson

Dept.: City Attorney's Office

File No.:
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2009-2878** establishing the hiring procedure for the municipal judge. Establishment of this procedure is necessary in order to conduct interviews and have deliberations in executive session in accordance with ORS 192.660(2)(a) and (7).

EXECUTIVE SUMMARY:

The Council has determined that they would like to solicit proposals for municipal judge services. The City has published the Request for Proposals (RFP) and set November 23, 2009, as the deadline for submittal of proposals. The mayor has appointed a subcommittee of the Council in order to review the proposals and conduct the interviews. The committee will make a recommendation to the Council who can then also conduct the interviews and do further background investigation if necessary.

The interviews and deliberation is allowed to take place in executive session as long as certain criteria are met. Those criteria include establishment of a regular hiring procedure, advertisement of the position, and giving the public an opportunity to comment on the employment of the municipal judge.

The Judge Recruitment Subcommittee, at its first meeting on November 10, 2009, recommended the adoption of this resolution. The public will have a chance to comment upon the procedure at the December 7th Council meeting. The final decision will take place in an open public meeting.

FISCAL IMPACT: Unknown at this time whether or not there will be any additional costs beyond the present compensation.

STRATEGIC ASSESSMENT: Evaluating municipal judge services that are available.

Oregon Revised Statute relating to Executive Session to consider the employment of a Municipal Judge:

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

(a) To consider the employment of a public officer, employee, staff member or individual agent.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

(a) The filling of a vacancy in an elective office.

(b) The filling of a vacancy on any public committee, commission or other advisory group.

(c) The consideration of general employment policies.

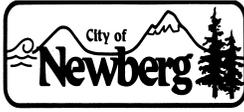
(d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:

(A) The public body has advertised the vacancy;

(B) The public body has adopted regular hiring procedures;

(C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and

(D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.



RESOLUTION No. 2009-2878

A RESOLUTION ESTABLISHING AND CONFIRMING THE PROCESS FOR HIRING A MUNICIPAL JUDGE OF THE CITY

RECITALS:

1. The City Council has approved a Request for Proposal (RFP), which is hereby attached as Exhibit “A” and by this reference incorporated.
2. The City has advertised the RFP by sending it to all members of the local bar, the Municipal Judges Association, the Oregon City Attorneys Association, and posting it on the City’s Website.
3. The mayor has appointed a subcommittee of the Council to review the responses to the RFP and interview candidates. The Charge of the subcommittee is hereby attached as Exhibit “B” and by this reference incorporated.
4. The City wishes to establish the procedure for processing the responses to the RFP and give the public a chance to comment on the employment of the municipal judge.
5. This procedure, which is established by this resolution, meets the requirements of the ORS in order to allow consideration of employment of the municipal judge in executive session. ORS 192.660(2)(a) and (7).

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City has published the RFP and has set a deadline for submittal of proposals, which was November 23, 2009.
2. A subcommittee (Judge Recruitment Subcommittee) of the Council has been established for the purpose of reviewing the proposals, interviewing candidates, and making recommendations to the City Council.
3. The Council will receive the recommendations of the subcommittee, meet in executive session to deliberate concerning the candidates, and conduct further interviews if necessary.
4. At the direction of the Council, the city attorney and mayor may meet with the top candidate to negotiate terms and conditions of employment prior to official appointment.

5. The Council will, in open public session, appoint the top candidate to be the municipal judge for a term of years to be determined by the Council.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 8, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of December, 2009.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of December, 2009.

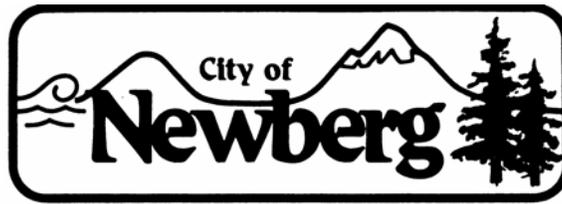
Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____/____/2009 meeting. Or, X None.
(committee name) *(date)* *(check if applicable)*

Exhibit "A"

to Resolution No. 2009-2878
Request for Proposal
for Judicial Services
Total pages: 5



City Attorney's Office

NOTICE For Judicial Services

The City is Requesting Proposals
for Municipal Court Judge Services



The RFP is on the City's Website at:

<http://www.newbergoregon.gov/legal/municipal-judge>



For questions pertaining to obtaining the RFP,
please contact:

Senior Paralegal Dawn Wilson @ (503) 537-1206 or
<mailto:dawn.wilson@newbergoregon.gov>

Issued: October 20, 2009

Proposals Due: November 23, 2009

Request for Proposals for Judicial Services

Purpose:

Requesting proposals from qualified members of the Oregon State Bar to serve as a Municipal Court Judge for the City of Newberg. The City presently has a presiding judge and a permanent judge pro tem. The Council has decided that after a decade or more of service that it would be prudent and an exercise of due diligence on the part of the City to solicit proposals for judicial services.

Municipal Court:

The Municipal Court is established by the City Charter. The City has had a Municipal Court for many years. The court has handled ordinance violations, traffic violations, traffic and non-traffic crimes (misdemeanors). The court strives to exercise all jurisdiction possible for a Municipal Court. Court sessions are held once per week, now scheduled for Thursday during normal business hours. The court could be flexible on which day it meets.

The court has an active traffic school program, a violations bureau, an equipment correction program, utilizes the "55-Alive" program, and refers people to seatbelt classes. The court would welcome other programs.

Judges:

The City Charter provides for a municipal judge and sets out the municipal judge's duties. The council appoints and removes the municipal judge. Presently, the presiding judge conducts court on all court days (currently Thursday) with the exception that the permanent judge pro tem conduct court one day per month.

Legal Staff:

There is also a full-time city attorney with additional staff that includes a city prosecutor and an accompanying paralegal.

Court Staff:

The court has a court administrator and a court clerk. The court staff is assigned to the finance department. The finance director is responsible for their evaluation, budgeting, and other day to day supervision. The municipal judges are responsible for directing the court staff as to their legal court responsibility.

Police Department:

The city has its own Police Department. The police chief is appointed by the city manager. The City Charter provides for a city manager/mayor/council form of government. The City has a police force consisting of 32 sworn officers and operates an active traffic safety program.

Total Compensation:

The current, budgeted compensation for the presiding judge is \$2,263 per month. The current, budgeted compensation for the permanent pro tem judge is \$594 month.

Judicial Duties:

The duties include all normal duties of municipal judge acting in that capacity for municipal court. These duties include having weekly arraignments, accepting pleas, and conducting sentencing. The judges conduct court trials on court day. The court conducts jury trials, although infrequently. At present, most DUII cases are cited into Circuit Court, although the Municipal Court maintains the concurrent jurisdiction with Circuit Court. It may be necessary to conduct a jury trial on a separate day from regular court day. The judges also issue warrants, such as bench warrant for criminal non-appearances, review probation reports, and have probation violation hearings.

There are judicial conferences which the judge may attend. The court administrator and court clerk assist the judge with paperwork and necessary orders. The judges may review court programs, court fines, court charges, and court procedures. The presiding judge may issue court orders establishing the procedure and amounts of fees. The judge is expected to participate in regular staff meetings with court personnel. The judge will help keep the court staff apprised of changes in laws and procedures.

Part of the judge's duties may also require the judge to go to Yamhill County jail located in McMinnville to arraign defendants that may be lodged pursuant to a warrant issued by the Newberg Municipal Court. When possible, in-custody arrangements are conducted via video from the jail on regular court day.

Content of Proposal:

Respondent's proposal should include the following items in the following sequence and any additional information you deem relevant:

A. Information to be included:

1. Provide a brief description of your professional experience and qualifications, including:
 - a) education
 - b) employment
 - c) offices held
 - d) professional organizations
 - e) Oregon State Bar number

Note: a résumé may be attached.

2. Identify any experience with municipal law.
3. Describe your capability in providing services as Municipal Court Judge.
4. Provide a brief description of your judicial philosophy.
5. Provide a brief description of various projects that you would anticipate initiating for the court.
6. Provide a brief description of your philosophy as to the administration of fines for first and repeat offenders.
7. Provide any other information or comments, which you believe are relevant and will assist the City in making its selection.

Note: Additional questions concerning judicial philosophy, programs, and duties may be asked at the interview. Additional information may be requested in order to conduct a background check.

B. Letters:

Provide three current letters of recommendation made in specific reference to this position.

C. Compensation:

State the necessary compensation you would expect to perform these services. The City reserves the right to negotiate compensation.

Employment Relationship:

It is anticipated that the municipal judge will be a part-time employee of the City of Newberg. The municipal judge will not be eligible to receive any benefits, vacation, or sick-leave. The applicant will be subject to a criminal background check as well as other background checks. Employment with the City in this position requires a pre-employment initial drug screen testing and fingerprinting.

Questions:

1. City of Newberg: More information concerning the departments and the City can be obtained from the Newberg Website at: <http://www.newbergoregon.gov/>.
2. Questions concerning the Court: Any additional questions can be asked to the following persons:
 - Court administrator (Lisa Barry) who can be contacted at: (503) 537-1203 or <mailto:lisa.barry@newbergoregon.gov>.
 - The prosecution paralegal (Robin Steele) who can be contacted at (503) 537-1200 or <mailto:robin.steele@newbergoregon.gov>.

Note: These questions may be shared with other respondents if City deems appropriate.

Information concerning City:

More information concerning the departments in the City can be obtained at www.newbergoregon.gov.

Evaluation Criteria:

- A. Overall Experience, Background, Qualifications.
- B. The ability to understand the legal requirements (ordinances) of the City of Newberg and State traffic laws.
- C. The approach in the proposal and extent to which it is thorough, original, comprehensive, and tailored to the needs of the City.
- D. The nature and extent of prior experience in performing legal services for general purpose local governments.
- E. Relevant expertise outside traditional municipal legal functions.
- F. Demonstrated skill in establishing and maintaining effective working relationships with subordinate, public and private officials, and the general public.
- G. Cost, although a factor, may not be the dominant factor. Cost is particularly important when all of the other evaluation criteria are substantially equal.
- H. Minimum of 5 (five) years of legal experience.
- I. A member in good standing with the Oregon State Bar.
- J. Innovative approaches recommended.

Process:

The mayor has appointed a subcommittee of the Council to review proposals and conduct initial interviews. That subcommittee will make a recommendation to the Council concerning applicants for appointment by the full Council. It is anticipated that additional interviews may be conducted by the full Council.

Proposal Submission Deadline:

November 23, 2009 – Proposals must be received by the City of Newberg no later than 5:00 p.m.

It is anticipated that subcommittee will make its recommendation to the Council, and the Council will make the appointment no later than January 18, 2010. If there are any further questions, please feel free to contact us.

Proposals may be submitted via the following:

- USPS mail: City of Newberg
 Attn: Dawn Wilson, Senior Paralegal
 PO Box 970
 Newberg, OR 97132
- Email (with signature pages scanned in and submitted as a pdf file):
<mailto:dawn.wilson@newbergoregon.gov>
- Facsimile: (503) 537-5013; Attn: Dawn Wilson, Senior Paralegal
- Hand-delivery: City Hall – Attn: Dawn Wilson, Senior Paralegal
 414 East 1st Street
 Newberg, OR 97132

Schedule:

Proposal and Award Schedule:

- October 20, 2009 – Request for proposals issued.
- November 23, 2009 – Proposals Due by 5:00 p.m.
- Week of November 30, 2009 – Evaluation of Proposals by Selection Committee
- December 21, 2009 – Council receives recommendation; set interviews if necessary.
- January 4, 2010 – City Council affirms successful proposal.
- January 18, 2010 – Appointment made by City Council

Authority of City:

The selection committee may recommend to the City Council all, some, or none of the respondents. The selection committee may recommend respondents for further interviews by the City. If the City Council elects to conduct interviews, respondents may be interviewed and rescored based upon the same criteria or other criteria to be determined by the selection committee and/or City Council.

The City may also request additional information from respondents at any time prior to final approval of a selected response. The City reserves the right to select one, or more, or none of the respondents to provide to provide the judicial services. Final approval of the selected respondent is subject to the action of the City of Newberg City Council.

The City reserves the right to accept proposals that are submitted late and further reserves the right to extend the deadline. Furthermore, the City reserves the right to reject all proposals and cease the selection process at any time.

Thank you for your interest in the City of Newberg,

THE CHARGE OF THE JUDICIAL RECRUITMENT SUBCOMMITTEE

Exhibit "B"
to Resolution No. 2009-2878
Charge of Subcommittee
Total pages: 1

SUBCOMMITTEE MEMBERS

- Councilor Bacon, Chairperson
- Councilor Larson
- Councilor Witherspoon
- Mayor Andrews, Ex-officio (non-voting)

Announcement of subcommittee formation: October 19, 2009

The Subcommittee will be staffed by the Legal Dept.

CHARGE

“To review the history and function of Newberg’s Municipal Court in preparation to:

- Review responses from the RFP for the position of Municipal Judge.
- Set up and function as the initial interview panel.
- Interview the top finalists
- Make a recommendation to the Council for its final review.
- Recommend the candidate(s) for Council consideration and appointment of Municipal Judge.”

“It is recommended that the interview panel include an ex-officio, non-voting, representative from the Police Dept. and from Municipal Court staff.”

“The initial meeting of the subcommittee will be to:

- 1) review the role of the municipal judge;
- 2) review the charge to the subcommittee;
- 3) recommend to the Council the establishment of the review and appointment process in order to conduct deliberation in executive session if desired; and
- 4) establish a schedule to accomplish the subcommittee’s tasks.”

TIMELINE

The timeline for the RFP and review process is as follows:

- a) The RFP was completed and distributed by October 20, 2009.
- b) The submission deadline for RFPs is November 23, 2009.
- c) Review of the applications begins the week of November 30th.
- d) Submission of interview panel’s recommendation(s) at Council Business Meeting December 21, 2009.
- e) Special Council meeting to interview finalist(s) TBA.
- f) Council deliberation and selection of preferred candidate on January 4, 2010.
- g) Notification of offer to candidate NLT January 6th.
- h) Candidate’s acceptance or rejection NLT January 13th.
- i) The appointment should occur at the January 18, 2010, Council meeting.

Bob Andrews,
Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: December 7, 2009

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2009-2879

**SUBJECT: Support for Oregon Main Street
“Exploring Downtown” program in Newberg**

Contact Person (Preparer) for this
Resolution: **David Beam, AICP**

Dept.: **Planning and Building**

File No.: **Gen file 09-016**
(if applicable)

RECOMMENDATION: Adopt **Resolution No. 2009-2879** that states the City of Newberg’s interest and commitment to participate in the Oregon Main Street “Exploring Downtown” program.

EXECUTIVE SUMMARY: In 2008, the State of Oregon established the Oregon Main Street Program. The program “provides assistance, training, technical services, and grants to communities who want to preserve, revitalize and establish their downtown commercial districts.” Attachment 1 provides a brief description of the program.

Earlier this year, the Chehalem Valley Chamber of Commerce initiated an ad hoc committee to explore the Main Street Program. The committee recently separated from the Chamber and may establish itself as a legal entity in the future if they feel that would benefit their efforts to revitalize the downtown. Committee members involved in this effort include:

Don Clements, CPRD
Leah Griffith, Library
John Bridges, Attorney and Chamber Board President
Lonnie Austin Parrish, business owner
Kris Horn, Realtor
Corey Zielsdorf, Realtor
Gail Watson, business owner
Al Herriges, Newberg Graphic publisher
Sheryl Kelsh, Chamber Director
Sam Farmer, Former George Fox administrator

City planning staff has also provided historical background information to the committee regarding the downtown area.

That committee has determined that our historic downtown area could potentially benefit from this effort and would like to start participation in the program. The first step in this program is called Exploring Downtown, where communities learn more about the Main Street Approach. Attachment 2 provides a more detailed description of the Exploring Downtown phase of this program.

The Chamber of Commerce downtown ad hoc committee has been led by Rob Felton, the current Chair of the City’s Newberg Downtown Revitalization Committee (NDRC). It is proposed that Mike Ragsdale be the local contact to coordinate with the Main Street Program. Mr. Ragsdale has participated in some of our downtown revitalization efforts in the past (including the current work to renovate the Chehalem Cultural

Center) and is currently on the CPRD Board of Directors.

To participate in the Main Street's Exploring Downtown program, the City must sign a letter of intent (Attachment 3) that says the City has an interest in and will commit to participating in the program. In addition, the City is asked to:

- Identify a local contact to be designated (Mike Ragsdale is proposed);
- Complete a community assessment survey; and,
- Prepare a brief report to be completed at the end of the one-year Exploring Downtown phase.

(NOTE: The local contact could provide the community survey and year-end report.)

FISCAL IMPACT: Some City staff time will be needed to work with the Mr. Ragsdale during the Exploring Downtown phase. Identification of which city staff and/or City Councilor(s) to work with the committee will be determined at a later date. If the City Council agrees to this request, it should be made clear that the commitment being made by the City is only for this first phase of the Main Street Program. If, when the Exploring Downtown phase is completed, the ad hoc committee recommends that the community should move forward into the more advanced phases of the program, then requests for more resources from the City may be made. Participation in the advanced phase would also provide opportunities to apply for small grant funds from the State to assist with the revitalization effort. Such funds might be applied for and administered either through the City or through another legal entity that may arise from the current committee.

STRATEGIC ASSESSMENT: While the downtown area has seen some improvements over the last decade, the potential for more improvements is great. The State's Main Street Program is based on a national program that has been used by many communities throughout the country and has achieved considerable success. The Exploring Downtown step allows the community to examine how we could benefit from the Main Street Program through a minimal investment of resources.



Where Place and Time meet

OREGON
ECONOMIC & COMMUNITY
DEVELOPMENT DEPARTMENT

CONTACT INFORMATION

Gary Van Huffel
Main Street Coordinator

Oregon Main Street
Economic and Community
Development Department
775 Summer St. NE, 200
Salem, OR 97301

PH: 503.986-0134
gary.vanhuffel@state.or.us

www.oregon.gov/ECDD/mainstreet

Main Street Principles

- ① Comprehensive
- ② Incremental
- ③ Self Help
- ④ Public/Private Partnerships
- ⑤ Identifying and Capitalizing on Existing Assets
- ⑥ Quality
- ⑦ Change
- ⑧ Action Oriented

Oregon Main Street Program

The Oregon Main Street Program provides assistance, training, technical services, and grants to communities who want to preserve, revitalize, and establish their downtown commercial districts. The program is a locally driven process following the proven Main Street Approach™ which is a practical and comprehensive model that capitalizes on the unique assets of their downtown. The goal is to build a high quality, livable, and sustainable communities that will grow Oregon's economy.

The Oregon Main Street Program was started in 2008 to rebuild and grow the successful Main Street Program that operated from 1986 through 2002. The program is coordinated with the National Main Street Center, a division of the National Trust for Historic Preservation, state agencies, and state organizations. The Oregon Main Street Program will have a competitive process for Main Street designation, and will provide designed services to communities learning about the Main Street Approach™ to those advancing their downtown program.

The Main Street Approach™

Main Street
NATIONAL TRUST FOR
HISTORIC PRESERVATION

The Main Street Approach™ is a proven comprehensive approach to downtown commercial district revitalization. This approach has been implemented in over 1,800 cities and towns in 45 states across the nation with the help of the National Main Street Center and statewide downtown revitalization programs. The success of the Main Street Approach™ is based on its comprehensive nature. By fully integrating four points into a practical downtown management strategy, a local program will produce fundamental changes in a community's economic base:

Organization involves building a Main Street™ framework that is well represented by business and property owners, bankers, citizens, public officials, chambers of commerce, and other local economic development organizations. Everyone must work together to renew downtown. A strong organization provides the stability to build and maintain a long-term effort.

Promotion creates excitement downtown. Street festivals, parades, retail events, and image development campaigns are some of the ways Main Street™ encourages customer traffic. Promotion involves marketing an enticing image to shoppers, investors, and visitors.

Design enhances the attractiveness of the business district. Historic building rehabilitation, street and alley clean-up, colorful banners, landscaping, and lighting all improve the physical image of the downtown as a quality place to shop, work, walk, invest in, and live. Design improvements result in a reinvestment of public and private dollars to downtown.

Economic Restructuring involves analyzing current market forces to develop long-term solutions. Recruiting new businesses, creatively converting unused space for new uses, and sharpening the competitiveness of Main Street's traditional merchants are examples of economic restructuring activities.

Meeting the Needs of Oregon Communities

The Oregon Main Street Program will provide assistance to all communities in Oregon whether they are just beginning to explore options for their downtown or seeking national recognition as a Main Street™ City. This will be accomplished with three levels of requirements, services, and community commitments. The services of the Oregon Main Street program will be tailored to meet the specific or typical needs of communities at their particular stage of downtown revitalization. These levels include:

Exploring Downtown is for those communities that demonstrate an interest in revitalizing their downtowns and want to learn more about the Main Street Approach™.

Transforming Downtown is for communities who are committed to downtown revitalization using the Main Street Approach™ but need technical assistance to take them to the next level.

Performing Main Street is for those communities who were previously certified Nation Main Street cities and those communities with advanced downtown programs following the Main Street Approach.



Where Place and Time meet

OREGON
ECONOMIC & COMMUNITY
DEVELOPMENT DEPARTMENT

PARTNERS

Retail & Service Sector
Business Owners
Property Owners
Chambers of Commerce
Financial Institutions
Consumers
City and County
Government
Media
Planning Commissions
Councils of Government
Schools and Universities
Urban Renewal Boards
Hospitals
Arts Councils
Cultural Councils
Bicycle and Pedestrian
Advocacy Groups
Tree City Committee
Garden Clubs
Local Historical Societies
Local Internet Providers
Public Utilities

Benefits of Oregon Main Street

The Main Street Approach is a comprehensive approach to economic development of downtown commercial districts. It requires commitment and collaboration from the community to build a successful program. This process follows eight common sense principals that have proven to achieve results in over 1800 cities with an average of \$28 return on every dollar invested. The Main Street Approach can provide;

- Improved image and community pride
- Historical education and preservation of valuable local assets
- Increased occupancy rates
- Business retention, recruitment, expansion, and jobs
- Reduced vandalism and crime
- Technical assistance, funding opportunities, finance assistance, and training
- New business and job opportunities
- Promotion and marketing of community
- Increased variety of services
- Increased investment

Following this model, communities will see positive incremental changes in their downtown; however, real reinvestment and improvement in the local economy typically does not occur until after three years. To be successful, this is a long-term commitment.

Partners and the Main Street Approach™ City and County Government

Without the support and involvement of local government, it is doubtful that a downtown revitalization program will achieve long-lasting success. Local government can help provide the financial and information resources, technical skills and leadership to the revitalization effort. Because local government plays a major role in directing the community's economic growth, it must be an active participant in restructuring the downtown's economic base and developing innovative solutions to downtown issues. Direct benefits to the Local Government include;

- increased tax base
- more tourism
- increased property values
- increased number of jobs
- better goals and vision
- healthy economy
- Improved local services
- positive perception of downtown and community
- better relations between city hall and private sector
- takes political heat, develop consensus for political requests (avoid "victimization")
- industrial recruitment
- impetus for public improvements and CDBG grant funding
- increased volunteer base for city
- education resources for city leaders on planning and economic development

Indirect benefits to the City will be developed from the efforts of the downtown committees for organization, design, promotion, and economic restructuring. The Oregon Main Street Program can also provide technical assistance through consultants, trainers, and response teams, many of which may be open to other local organizations and businesses. Long term benefits that may come from the design efforts could include;

- building façade improvements
- improved business signage and directional signs
- development of ordinances that preserve identity
- improved lighting, streetscape improvements
- community cleanliness and safety

Oregon Main Street — Exploring Downtown

The Exploring Downtown participation level is for those communities demonstrating a strong interest in revitalizing their downtowns, that may or may not wish to become a Main Street community, or desire to implement some of the Main Street Approach™ in their community.

Requirements	Services Provided	Community Commitment
<input type="checkbox"/> Does not have a dedicated Downtown Development Manager <input type="checkbox"/> Interested in revitalizing the downtown including preserving historic buildings and other unique assets of the community <input type="checkbox"/> Definable downtown or study area	<input type="checkbox"/> Regional Main Street Workshops and conferences <input type="checkbox"/> Targeted assistance; <ul style="list-style-type: none"> • Two community assessments per region • One design project per region <input type="checkbox"/> Unlimited phone support <input type="checkbox"/> Access to reference library and on-line resources <input type="checkbox"/> Assist community with promotion of the program and local press releases <input type="checkbox"/> Eligible for annual project recognition awards	<input type="checkbox"/> Submits a Letter of Intent committing to explore the Main Street Approach <input type="checkbox"/> Completes a brief community assessment survey <input type="checkbox"/> Community designates staff or volunteer to coordinate with Oregon Main Street staff and contractors, <input type="checkbox"/> Submits brief annual report on accomplishments, planning, work plans, and interest

March 26, 2008

OREGON
ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

NOTE: These are highlights from the program. Details will be provided in the workshops & applications.

Letter of Intent

(Name and Title) _____

City of _____

Address _____

Date: _____

Re: Intent to Participate in Oregon Main Street - Exploring Downtown

As the authorized executive for the City of _____, Oregon and with support of the local governing body, I hereby state our interest and commitment to participate in the Oregon Main Street “Exploring Downtown” program. We acknowledge that we value our downtown and are committed to exploring the Main Street Approach™ to preserve and revitalize this important asset. Furthermore, in order to explore this program we commit to:

1. Consider the Main Street Approach™ in the twelve (12) month period from the date of acceptance; and
2. Include (estimated to require less than one hour) the Community Assessment Survey with this letter; and
3. Designate a primary local contact for the duration of this commitment, who will attend a minimum of one Application Workshop, Regional Workshop, or Annual Conference; and
4. Within one (1) month of the termination of twelve (12) month period, the local contact will submit a brief report to the Oregon Main Street Coordinator outlining downtown accomplishments, planning progress, work plans, and interest to continue or advance in Oregon Main Street programs.

Furthermore, with this commitment we understand that:

1. A letter from the Oregon Main Street Coordinator will confirm acceptance into the program following the receipt of this letter and the Community Assessment Survey; and
2. There will be no charge for the local contact or other community representatives to attend Oregon Main Street workshops; and
3. This commitment will acknowledge participation in the Oregon Main Street Program for eligible agency grant programs (where stated); and
4. The “Exploring Downtown” participation does not prohibit the community from the annual application to the “Transforming Downtown” or “Performing Main Street “ programs; and

LETTER OF INTENT

5. Access to Oregon Main Street library, web resources, and phone support from the Oregon Main Street Coordinator; and
6. Failure to meet the commitments may result in notification for removal from the “Exploring Downtown” program; and
7. The use of Oregon Main Street and National Trust Main Street logos, signage, and names are trademarked and regulated under policies administered by the Oregon Main Street Program.

I hereby commit to and accept the conditions of our participation in the Oregon Main Street – Exploring Downtown program.

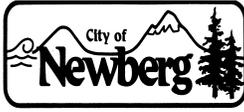
(Title and Name)

Date: _____

ATTEST:

(Title and Name)

Date: _____



RESOLUTION No. 2009-2879

**A RESOLUTION DECLARING THE CITY OF NEWBERG’S INTEREST AND
COMMITTMENT TO PARTICIPATE IN THE OREGON MAIN STREET
“EXPLORING DOWNTOWN” PROGRAM**

RECITALS:

1. The State of Oregon’s Main Street Program “provides assistance, training, technical services, and grants to communities who want to preserve, revitalize and establish their downtown commercial districts.”
2. The Chehalem Valley Chamber of Commerce recently established an ad hoc committee to explore the Main Street Program. That committee has determined that our historic downtown area could potentially benefit from this program. Therefore, the committee would like to start participation in the program. The first step in this program is called Exploring Downtown, where communities learn more about the Main Street Approach.
3. Mike Ragsdale has volunteered to be the local contact to coordinate with Oregon Main Street’s Exploring Downtown Program.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City of Newberg declares its interest in and commitment to participating in the Oregon Main Street’s Explore Downtown program. It also authorizes the City Manager to sign the required letter of intent to participate in this program.
2. The City of Newberg designates Mike Ragsdale as the local contact to coordinate with Oregon Main Street’s Exploring Downtown Program.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is December 8, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of December, 2009.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of December, 2009.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ___ / ___ /200x meeting. Or, X None.

NEWBERG CITY COUNCIL MEETING INFORMATION

DATE of Meeting: December 7, 2009

Prepared by: Norma Alley

Councilors	Roll Call	MOTION Topic: Consent Calendar – Resolution No. 2876, PC, NDRC, TSC Appointments, CC Minutes	RESOLUTION NO. 2009-2877 Topic: Findings of Fact for Animal Shelter	ORDER NO. 2009-0023 Topic: Sign Appeal POSTPONE TO JANUARY 4, 2010	RESOLUTION NO. 2009-2878 Topic: Municipal Judge Recruitment	RESOLUTION NO. 2009-2879 Topic: Exploring Downtown Program	Res/Ord/Order # _____ Topic:	Res/Ord/Order # _____ Topic:
ANDREWS, Bob, Mayor	X	YES	YES	YES	YES	YES		
BACON, Denise	X	YES	YES	YES	YES	YES		
LARSON, Bob	X	YES	YES	YES	YES	YES		
McKINNEY, Stephen	X	YES	YES	YES	YES	YES		
RIERSON, Bart	X	YES	YES	YES	YES	YES		
SHELTON, Marc	X	YES	YES	YES	YES	YES		
WITHERSPOON, Wade	X	YES	YES	YES	YES	YES		
ROLL CALL VOTES		YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: NO: Absent: Abstain:	YES: NO: Absent: Abstain:
Department:			Engineering	Planning	Legal	Planning		
MOTION (1st/2nd):		Rierson/ Larson	Larson/ Rierson	Larson/ Shelton	Shelton/ Larson	Rierson/ Bacon		