

**CITY OF NEWBERG CITY COUNCIL MINUTES
JUNE 1, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. Executive Session was held. No decisions were made.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members

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

Members

Absent: Bart Rierson (excused)

Staff

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

Others

Present: Darlyn Adams

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, spoke of the certificate of appreciation given by the Newberg Early Bird and Noon Club for the new park; updated on the negotiations with Baker Rock property purchase, the ODOT project on Hwy 219 included in the stimulus package, the Hearts of Gold lunch at George Fox University; and gave information for those planning to attend the Land Use Board of Appeals hearing this Friday, June 5, 2009 at 8:30 AM in Salem.

V. PUBLIC COMMENTS

Ms. Darlyn Adams, Newberg Animal Shelter Friends, spoke of her excitement for the proposed site for the new animal shelter and thanked everyone for their support. She reported an estimated \$2,000.00 profit from the Annual Mega Yard and Plant Sale bringing the building fund to \$448,530.00. She spoke of plans for activities during the Old Fashioned Festival this year, a proposed motorcycle event in the works, and a Casino Night in September. The next meeting will be held on June 18th.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2009-2848** authorizing the city manager to enter into a contract with Alpine Construction, Inc. for the construction of the Springs Improvement Project in the amount of \$441,615.00.
2. Consider a motion approving **Resolution No. 2009-2849** authorizing the city manager to prepare the design, obtain permits for and solicit proposals to construct a new animal shelter on the property on Sandoz Road.

This item was removed from the Consent Calendar and heard under New Business.

3. Consider a motion approving City Council Minutes for May 4, 2009.

MOTION: Larson/McKinney to approve **Resolution No. 2009-2848** and the Council Minutes for May 4, 2009 as amended. (6 Yes/0 No/1 Absent [Rierson]) Motion carried.

VII. PUBLIC HEARING

Consider a motion approving **Resolution No. 2009-2847** adopting the 2009/2010 City of Newberg Budget.

TIME – 7:09 PM

Mayor Andrews called for any conflicts of interest or abstentions. None were stated.

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

Mayor Andrews opened and closed the public testimony. No citizens appeared to testify. Staff recommended approval.

MOTION: Larson/Shelton to approve **Resolution No. 2009-2847** adopting the 2009/2010 City of Newberg Budget, read by title only.

Mayor Andrews asked if there needed to be specific language within the resolves to distribute the revenue sharing funds to police and fire. Staff stated the resolves refer to the budget document which includes this designation.

VOTE: To approve Resolution No. 2009-2847. (6 Yes/0 No/1 Absent [Rierson]) Motion carried.

VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2009-2846** ratifying the Collective Bargaining Agreement between the City and IAFF Local 1660.

TIME – 7:21 PM

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

MOTION: Larson/Witherspoon to approve **Resolution No. 2009-2846** ratifying the Collective Bargaining Agreement between the City and IAFF Local 1660 and authorizing the City Manager to make any final grammatical corrections if needed. (6 Yes/0 No/1 Absent [Rierson]) Motion carried.

2. Consider a motion approving **Resolution No. 2009-2849** authorizing the city manager to prepare the design, obtain permits for and solicit proposals to construct a new animal shelter on the property on Sandoz Road.

TIME – 7:27 PM

This item was heard out of agenda order.

Mr. Howard Hamilton, Public Works Director, presented the staff report (see official meeting packet for full report).

Mr. Terrence Mahr, City Attorney, offered proposed changes to be put in resolution as recommended by an email from Councilor Bart Rierson. First, to officially designate the proposed site as intended for the new animal shelter and to direct staff to conduct an outreach program to the surrounding neighborhood in advance of the Request for Proposals (RFP). He also spoke of the annual \$27K placed in the budget to go towards the purchase of land for the animal shelter being targeted towards a different site originally and needing to come up with a different use of that money.

Mr. Danicic suggested the money may need to be allocated to the waste water funds since they are using waste water System Development Charges (SDCs) to fund the purchase of the entire parcel of property of which a portion is intended for the animal shelter.

Councilor Stephen McKinney said he would be more comfortable if it were clear what the costs will be for the portion of land being used for the animal shelter since the public is under the assumption that annual \$27 will be attributed to the debt retirement on property the City is no longer interested in. He would like to know the exact cost for the purchase of that portion and the costs for utility access.

Mr. Hamilton replied the full cost for the 19.6 acres is \$1.9 million which is approximately \$100K per acre. The animal shelter parcel is almost one acre.

Mr. Danicic clarified the original intent for the annual \$27K was to raise \$300K for the costs of land purchase, which was not specified to a particular piece of property. He stated staff will have to come back to Council with a full plan for the value, costs, and how to fund the project.

Councilor Marc Shelton asked about needing to obtain permits from Yamhill County before anything can take place on that property. Staff replied this would be the next step after closing is completed and there are plans for annexation.

MOTION: Shelton/Larson to approve **Resolution No. 2009-2849** authorizing the city manager to prepare the design, obtain permits for and solicit proposals to construct a new animal shelter on the property on Sandoz Road. (6 Yes/0 No/1 Absent [Rierson]) Motion carried.

MOTION: McKinney/Larson to amend **Resolution No. 2009-2849** adding a resolves #3 for staff to conduct an outreach to the surrounding neighborhood. (6 Yes/0 No/1 Absent [Rierson]) Motion carried.

IX. COUNCIL BUSINESS

TIME – 7:54 PM

Mayor Andrews asked about attendance for the LUBA appeal and those interested in participating in the Old Fashioned Festival parade.

Mr. Danicic spoke of writing a seven signature letter in support of the bypass construction. City website links to the ODOT site and maps of proposed bypass were discussed.

Councilor Bob Larson spoke of conversations he has had with people since the approval of the alcohol policy allowing wine to be served in the Newberg Public Library for fundraising events. There have been several complaints to him about alcohol being served in a building where children have frequent access.

Mayor Andrews stated that a member of the prevailing side would have to ask to reconsider the vote if that was desired.

Mr. Danicic added the intended fundraising event this was initiated for has decided to hold the function without wine at this time. He clarified that the intent of the policy was never to serve alcohol during regular hours of operation.

Discussions followed concerning the possible reasons for reconsideration such as revising the application form to state alcohol will never be served during operations hours and if language should be changed requiring insurance information should be submitted with the application rather than one week before the proposed event.

Mr. Mahr stated the library director and city manger have been given the authority to approval applications and therefore can be directed to develop conditions of approval as a written policy.

MOTION: Shelton/Bacon to authorize the library director and city manager to develop and implement a procedure for approving alcohol use applications which includes a restriction to any function where alcoholic beverages would be served during the regular hours of operation. (5 Yes/1 No [Larson]/1 Absent [Rierson]) Motion carried.

Mr. Mahr discussed the McClure annexation and the actions the Council could take in regards to sending the annexation to the September 2009 ballot while it is currently under appeal. He will bring more information back to the council at the July meeting as to whether or not actions should be taken to rescind the decision to send it to the county for election.

Mr. Barton Brierley, Planning and Building Director, discussed current issues with shed placement on properties and setbacks required within the current building code not being met. He recommended pushing action to the Planning Commission to review and make recommendations to Council if there was a desire to change the codes.

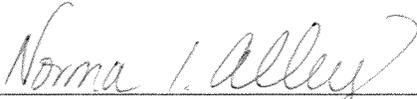
Discussions followed as to the background on the current problem and the number of reported violations annually. It was discussed that a member of the Planning Commission is involved in a current dispute, which has triggered this request to evaluate the codes for shed placement and setbacks. Several Councilors stated they were not pleased with the need for City Council to respond to a feud between

neighbors or with an individual serving in an official capacity to the City using their position as leverage against a citizen. It was decided to leave the codes as they are for now.

X. ADJOURNMENT

The meeting adjourned at 9:42 PM.

ADOPTED by the Newberg City Council this 6th day of July, 2009.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 9th day of July, 2009.


Bob Andrews, Mayor