

**CITY OF NEWBERG CITY COUNCIL MINUTES  
AUGUST 15, 2011  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A general discussion on agenda items was held; no action was taken and no decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Members

Present:	Mayor Bob Andrews	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon

Members

Absent: Denise Bacon (excused)

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Jessica Nunley, Assistant Planner
	Dain Eichel, Interim Public Works Director	Norma I. Alley, City Recorder
		Jennifer Nelson, Minutes Recorder

Others

Present: Philip Martinson, Keith Hay, Bob Youngman, Gary Linhart, Lesley Woodruff, Marilyn Godfrey, Heather Denton, Elizabeth Rogers, Bryan Rupp, Elizabeth Muerth, Janell Almquist, Teresa Heesacker, Aaron Braun, and Travis L. Orback

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, reported the local government dinner will be held this Thursday; spoke of working with the Oregon Department of Transportation (ODOT) on the installation of the flashing school zone signs at Open Bible and the next step of placing the Intergovernmental Agreement (IGA) on the next agenda for approval; he gave updates on the ambulance accident and spoke of steps needing to be taken to start the process of replacing the damaged ambulance, beginning with the item for consideration under New Business tonight.

**V. PUBLIC COMMENTS**

Mr. Philip Martinson presented a plan for a privately funded coastal parkway system to address the traffic problem on 99W. He spoke of charging tolls for this project and other secondary projects, the benefits to the community, coordination with bicycle and pedestrian paths, and making the communities more livable. He passed out a map for the Council to review (see official meeting packet for full report).

Mr. Keith Hay as a resident and experienced biologist addressed the environmental impacts of the proposed Newberg-Dundee Bypass and the devastating effects it will have on the quality of life in the Willamette Valley

corridor. He mostly concentrated on the impacts to fish and wildlife habitats, destruction of vineyards and other resources the proposed bypass would cross over. He stated his belief the environmental impacts of the bypass project far exceeds the long term benefits.

Mr. Bob Youngman shared his concerns regarding the Newberg-Dundee Bypass and said it was easier to do nothing and allow this to be constructed than it would be to do something against it. He spoke of their efforts to bring this project to other cities and counties affected by the proposed bypass; the financial funding estimations for the coastal parkway plan; the nonexistence of State and Federal funding for infrastructure; and population increases. He felt private funding was the solution to this and compared other places with toll roads compared to Oregon, which has none. He requested a follow-up discussion during a work session with the Council to go into more detail.

Councilor Marc Shelton asked what their estimates are for the amount of tolls to be built and costs; and if collaborations have been made with the Chehalem Park and Recreation District (CPRD) for their River Front Plan. Mr. Martinson said he has the preliminary figures projected and lenders interested in working with them to complete this at about a third of the cost of the bypass; they have not specifically considered any secondary community projects.

## VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2962** designating authorized signatures for City of Newberg financial matters.
2. Consider a motion approving **Resolution No. 2011-2966** authorizing the city manager to enter into a contract amendment with Mortenson Construction for the construction of urgent repairs at the Wastewater Treatment Plant.

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

3. Consider a motion approving July 18, 2011, City Council minutes.

<p><b>MOTION: Rierson/Howard</b> approving the Consent Calendar including <b>Resolution No. 2011-2962</b> and City Council minutes from July 18, 2011, as corrected. (6 Yes/0 No/1 Absent [Bacon]) Motion carried.</p>
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## VII. PUBLIC HEARINGS

Consider a motion approving **Ordinance No. 2011-2746** amending the Development Code pertaining to lot coverage standards.

TIME – 7:22 PM

Mr. Barton Brierley, Planning and Building Director, presented the staff report including a PowerPoint slideshow and recommended approval (see official meeting packet for full report).

Councilor Stephen McKinney stated there are still concerns regarding how close outbuildings can be placed to a fence.

Mr. Brierley replied the current code requires those standards to be met; but, there are a number of violations as typical homeowners will buy a shed and put it right up on the property line. The Planning Commission did not have discussions to modify or change that; this proposal still requires the setbacks to be met, but the lot coverage standards change.

Councilor McKinney asked would requiring a permit settle the shed issue. Staff replied if a permit was required, setback standards would be met through inspection; but, the issue would still be with those buildings without permits and it is likely that sort of violation would still occur.

Mayor Andrews called for any conflicts of interest or abstentions; none appeared. He opened and closed public testimony as no one appeared to testify.

Ms. Norma Alley, City Recorder, spoke of written testimony to be considered and accepted into the record. The item was received by the deadline, but not in time to be included in supplemental material.

**MOTION: Shelton/Rierson** accepting the written testimony into the record. (6 Yes/0 No/1 Absent [Bacon])  
Motion carried.

Staff recommended approval of the ordinance.

**MOTION: Rierson/Witherspoon** to accept **Ordinance No. 2011-2746** for final adoption in the first reading. (6 Yes/0 No/1 Absent [Bacon]) Motion carried.

Councilor McKinney said he was reluctant to approve this based on the exception of outbuildings on the properties; he believes there would be more control over this issue with permitting to prevent violations of having buildings up against fences.

Councilor Wade Witherspoon asked staff if most of the violations are done without permits any way. Staff replied this was correct.

Councilor Rierson said he supports this and sees things differently, while he agrees backyard issues are important, lot coverage and setbacks are two separate issues. He agreed this issue should be handled, but he did not think this was the appropriate venue.

Councilor Ryan Howard agreed he too would be willing to discuss this, but he did not think it was necessary in this matter.

Councilor Shelton said currently the way to mitigate issues is by neighbor complaint and code enforcement; he asked staff what other ways are available. Staff replied there is also the component of education and other communications for proactive code enforcement.

**MOTION: Rierson/Shelton** approving **Ordinance No. 2011-2746** amending the Development Code pertaining to lot coverage standards, read by title only. (5 Yes/1 No/1 Absent [Bacon]) Motion carried.

## VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2011-2965** directing staff to establish a bicycle program.

TIME – 7:48 PM

Ms. Jessica Nunley, Assistant Planner, presented the staff report including a PowerPoint slideshow (see official meeting packet for full report).

Councilor Witherspoon spoke of benefits and incentives for kids riding bicycles or walking to school; he asked staff how this promotes cycling and walking. Staff said there are already Americans with Disabilities Act

(ADA) improvements and funding being received; doing this at the same time could coordinate with those projects.

Councilor Witherspoon asked about uses of contingency funds on this and if the city manager was comfortable using monies from those funds. Mr. Danicic explained the contingency is established for use on unanticipated sign rule changes, upgrades or unforeseen repairs; it does not get used very often and he is comfortable with using that fund for this.

Councilor Rierson asked how this plan makes pedestrians safe. Staff replied by having bicycle infrastructure, drivers are encouraged to travel more slowly, lowering traffic speeds and volume, which improves pedestrian safety as well.

Councilor Shelton spoke of budget details regarding bicycle racks and suggested working with the high school or community college to have students build them rather than spending \$300.00 per rack. Staff replied this was a possibility and can look into less expensive alternatives.

Councilor McKinney asked about anticipated costs for merchants to install and maintain the signs and costs to the City to purchase them. Staff was unsure of the labor costs involved suggesting public works be involved.

Councilor Howard added he spoke with Mr. Mike Ragsdale of the Newberg Downtown Coalition about seeking grants to fund the rack installation at no cost to the business owners; but, that would be in addition to this.

Councilor McKinney expressed concerns for anticipated goals for contiguous sidewalks in Newberg and committing monies to this bicycle plan instead; he also wondered about introducing the sharrows and if they would be able to encourage people to find alternate routes.

Discussions followed with staff about how the plan was developed and finding continuing funding.

Mayor Andrews opened public testimony.

Ms. Lesley Woodruff spoke of this being a new way for citizens to get around town and how sharrows can be empowering to bicyclists in a visible way. She said this was a way for the city to encourage bicyclists in Newberg and road safety.

Mr. Gary Lynnhart said the big conversation for this will be future funding and creating vision for bicyclists in Newberg. He promised to be a safe biker, acting as a vehicle as well. He spoke of empowering the police chief to fine reckless cyclists. He supports this plan and states he will do his part as well to make sure he is being a safe cyclist.

Councilor McKinney mentioned his experience with being hit by a bicyclist and agreed with the importance of others in the bicycling community to speak up when they see something that is not right.

Ms. Marilyn Godfrey said she rides around downtown but does not like to cross College Street. She felt the route is a good one and she is glad to see Newberg encouraging bicycles and bicycle safety. She mentioned the Chehalem Heritage Trail and the desire to see the bridge built from Champoeg so she can ride to work. She said she has never used sharrows and is interested if there have been any safety studies completed about them. Councilor Howard replied sharrows are fairly new, so there are no studies currently, but he is interested to see them as they come out as well.

Ms. Heather Denton said she was glad to see this program and the presentation made. She also bikes around town and is happy to see more families out there riding with their children. She said some places are good to ride and others are scary around town; she would like her young daughter to feel safe riding around town as

well because she has had to ride on the sidewalks before because of discomfort riding so close to traffic. She spoke of bike riding being healthy and good for the environment as well as local businesses and tourism. She encouraged the Council to vote towards strengthening this program.

Ms. Elizabeth Rogers said as an avid cyclist for three years she has spent a lot of time encouraging people to ride and then teaching the safer routes around town. She sees kids riding the wrong way and on sidewalks as well as pedestrians being unsafe all the time. The more that is done to promote bikes and sharrows slows traffic down and makes drivers aware of people. She spoke of her family-owned business downtown and concerns with the costs to install a bicycle rack; she also noted the bike rack used in the demonstration block downtown is not very practical, preferring the staple kind. She has ridden through the entire west coast and agreed sharrows can be empowering and safe-feeling, allowing bicyclists to be respectful of motorists and avoiding parked cars and people opening their doors. She added having a map would be a bonus for her to hand out.

Mr. Brian Rupp said he bicycles ten to thirty miles per week although he works at home and is not a commuter. He has lived in several major cities and believes Newberg is a great city to bike through; it only takes him eleven minutes from downtown to Fred Meyer, which is the same in a car. He tries to encourage people to cycle and hears a lot, even from his wife and child that it is very scary to ride on some streets in Newberg because there is not a good cycling system set up. He noted he also sees bikers on sidewalks and going the wrong way on 99W, which is not safe; he feels there is potential with this plan and is excited about it.

Ms. Elizabeth Merck is using bicycling as physical therapy for recent knee surgery and she would like to see a bike plan introduced to Newberg because she wants to ride more and feel comfortable doing so. She rides to do her part for the damage she has done to the environment over the years and encouraged this plan to make Newberg more inviting and to discourage people from getting in their cars and going to other cities.

Ms. Janell Almquist said as a cyclist and teacher at Edwards Elementary she likes the idea of being able to travel safely from the north side of 99W to the south side and is a big supporter. She said with more biking there are also more reports of accidents involving cyclists and provisions need to be made to the roadways or more will happen. She said many drivers are not aware of bicycles and many cyclists do not follow the rules giving others a bad name; she said cyclists need to view themselves as vehicles. She spoke of many cycling events that come through Newberg and felt it would be a bonus to the city to be viewed as bike friendly. Posting signs brings awareness to the bikers and she thanked those who brought this forward tonight.

Ms. Teresa Heesacker said she has been bicycling in Yamhill County for over twenty years. She supports anything to make riding safer for families and children, especially on Main Street, where bike lanes would be nice. She is not familiar with sharrows but she is sensitive to angering motorists and also agrees there is a lot of inappropriate bike use out there. She saw Newberg as being able to be a hub for cycling and would support a long range plan in addition to this one to help get kids off their video games and out into the community. She encouraged partnering with the county and transportation plan.

Councilor McKinney said he did not wish to appear anti-bicycles, but he did believe there should be certain roads where it is posted to not allow bikes. He was encouraged that this plan addressed caution and safety for both cyclists and pedestrians.

Staff recommended approval.

**MOTION: Howard/Rierson approving Resolution No. 2011-2965 directing staff to implement a bicycle program.**

Councilor Witherspoon asked how definite the bike route is and wondered if there should not be more research completed to find the absolute best place for these sharrows. Staff said they looked at the plan and identified

the primary routes to essentially get the best “bang for the buck”. Other routes could be explored, but this is the best route they could come up with.

A brief discussion followed regarding the bicycle racks and researching alternatives for cost and usability.

**VOTE:** To approve **Resolution No. 2011-2965**. (6 Yes/0 No/1 Absent [Bacon]) Motion carried.

Mayor Andrews recessed at 8:51 PM and reconvened at 8:58 PM.

2. Consider a motion approving **Resolution No. 2011-2966** authorizing the city manager to enter into a contract amendment with Mortenson Construction for the construction of urgent repairs at the Wastewater Treatment Plant.

TIME – 8:58 PM

Mr. Dain Eichel, Interim Public Works Director, provided a staff report (see official meeting packet for full report).

Mayor Andrews asked about costs for Construction Manager/General Contractor (CM/GC) general conditions.

Mr. Aaron Braun, Mortenson Construction Project Manager, replied these were for costs of overseeing the work including project manager fees and renting sanitation units for example. They discussed low bids and small bid packages.

Councilor Shelton asked what the ramifications are if the repairs are not completed. Staff replied the ditches will be undermined by rain. They wish to keep them operational for another twenty years by preventing water from seeping down behind. The other thing needed is the repair of rotors for aerating the ditches to cultivate the required aerobic atmosphere. The gear boxes are twenty-five years old and when an oil sample was sent out the results showed it was compromised. They cannot do without this piece of equipment to keep things running full time and prevent an aeration permit violation. Councilor Shelton confirmed this has gone beyond preventative maintenance; staff agreed.

Mayor Andrews asked about the life expectancy on these repairs. Staff replied the normal cycle is twenty years.

Councilor McKinney asked if the estimated costs of repairs were being received from the current amount present in the rate review budget. Staff replied this was correct, they are just allocating monies, not raising rates.

Staff further explained some of the methodology of the oxidation ditches and what causes the samples to show metal filings were present in the drained oil.

Councilor Shelton asked what issues they could be facing if this was not addressed. Staff replied the bacteria needed in this process needs oxygen to stay alive; if they are not kept alive then solids would not be broken down and would be going into the river which violates the permit requirements; fines would begin at that point. Councilor Shelton wished for it to be on the record there could be potential liability if these repairs are not addressed; the costs associated with this are needed to take care of a critical issue so the city does not face the payment of fines on a system that does not work the way it is designed to.

Staff added they are willing to give tours anytime to show what is going on and noted a lot of wastewater plants are ignoring these issues, which gets expensive over time and costs to repair go higher the longer they wait. As long as the city is showing due diligence to the Department of Environmental Quality (DEQ) by making efforts to meet regulations it is better than waiting for the system to break and being given a short time to come in and

fix it right away regardless of costs. It is unfortunate a loan is required to do some of the work, but the ramifications are far greater than not doing this.

Mayor Andrews opened public testimony.

Mr. Travis L. Orabeck, representing McMinnville Citizens for Safe Drinking Water, gave a presentation on safe drinking water and the overuse of fluoride in water sources. He submitted material to support his argument for the record and asked the Council to consider the material (see official meeting packet for full report).

**MOTION: Rierson/Shelton** to accept the written material into the record and have it distributed to the Council by the City Recorder. (6 Yes/0 No/1 Absent [Bacon]) Motion carried.

Councilor Shelton noted it does not address the request for council action, but looking at it would be helpful.

**MOTION: Shelton/McKinney** adopting **Resolution No. 2011-2966** authorizing the city manager to enter into a contract amendment with Mortenson Construction for the construction of urgent repairs at the Wastewater Treatment Plant. (6 Yes/0 No/1 Absent [Bacon]) Motion carried.

Consider a motion approving **Resolution No. 2011-2970** authorizing the city manager to sign a contract with Hughes Fire Equipment, Inc., for the purchase of one ambulance to replace a 2009 Chevrolet Life Line Superliner that was destroyed in a crash.

TIME – 9:27 PM

Mr. Danicic passed out written material to the council for the record and presented the staff report (see official meeting packet for full report).

Councilor Shelton asked if payment could be received before the contract is negotiated. Mr. Danicic replied it is possible as they are working with our insurance company and such a high level of coverage is not always covered by other driver's insurance. Once settled those funds will be received quickly and the city does not want to be at risk of not being able to purchase the other ambulance.

Councilor Howard asked if the value of the ambulance would be lost and if it is less than the cost to purchase one new. Mr. Danicic said they have not heard if it will be for the original purchase price or the replacement cost and they have not heard if the other driver had insurance yet or not.

Councilor McKinney asked about the other ambulance already approved for refurbishing. Staff has already made attempts to work with the vendor to move that item up the line to receive before the new one.

**MOTION: Rierson/McKinney** approving **Resolution No. 2011-2970** authorizing the city manager to sign a contract with Hughes Fire Equipment, Inc., for the purchase of one ambulance to replace a 2009 Chevrolet Life Line Superliner that was destroyed in a crash for an amount not to exceed \$220,000.00. (6 Yes/0 No/1 Absent [Bacon]) Motion carried.

## IX. COUNCIL BUSINESS

TIME – 9:37 PM

Councilor Rierson gave an update on the Chehalem Paddle Launch program.

Mayor Andrews gave an update on the "If I Were Mayor..." contest and the local winner that went on to receive placement at the State level. He spoke of emergency preparedness topics from the mayor's association conference.

Councilor Witherspoon would like an update to items discussed previously during Executive Session. It was suggested this update could be given through the Legal Bulletin.

**X. ADJOURNMENT**

The meeting adjourned at 9:47 PM.

**ADOPTED** by the Newberg City Council this 19<sup>th</sup> day of September, 2011.

  
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Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 22<sup>nd</sup> day of September, 2011.

  
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Bob Andrews, Mayor