

**CITY COUNCIL MINUTES
TUESDAY, SEPTEMBER 4, 2012**

7:00 P.M. MEETING

PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held prior to the meeting. The Visitor Information Center Annual Report from the Chamber of Commerce was given by Director Sheryl Kelsh, accompanied by Terry Emery and Teri Council. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:10 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard
	Bart Rierson	Marc Shelton	Wade Witherspoon
	Stephen McKinney (arrived at 6:11 PM)		

Staff Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Norma Alley, City Recorder	Barton Brierley, Planning and Building Director
	Paul Chui, Senior Engineer	Mandy Dillman, Minutes Recorder

Others Present: Leon Blanchard, Mike Ragsdale, and Robert Soppe.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reported the numbers received from the Special Olympics wrap up meeting. Participation was above average this year with 1,005 athletes, up from 1,300 last year, and ranging in ages 8-79 years old. There were 1,300 volunteers, 500 coaches/chaperones, 1,100 observers, and 2,000 medals and ribbons. The Chamber of Commerce is hosting the county commissioner forum on September 10th at noon at the Friendsview Manor. Darlene Adams contributed a flag pole, benches, plaque, and a flag for the new animal shelter. The flag was flown over the USS Arizona in honor of her husband, who was serving in Pearl Harbor when the Japanese attacked. She will be hosting a flag pole hoisting at 4 p.m. on September 16th. George Fox will be conducting their annual Serve Day tomorrow, September 5th, and all are invited to help the students clean up downtown. The Chehalem Cultural Center (CCC) is hosting an event on African Art for the First Friday Art Walk. A campaign was mounted to have volunteers draw African symbols in sidewalk chalk around downtown to represent community and environment. Several City Hall employees volunteered to do a square outside city hall. More drawings will be done throughout downtown by other volunteers.

V. PUBLIC COMMENTS

Mayor Andrews opened public testimony.

Mr. Leon Blanchard said he read in the Newberg graphic the City is doing a lot of street repairs. He admitted the City has done a good job on a lot of them, but was concerned about the north part of town and West 5th Street in particular, both of which are gravel areas. He inquired as to when the city will do something for that

particular part of the community. Mr. Blanchard explained he has resided on a gravel road in Newberg for 43 years. During this time he has dealt with people kicking rocks into his yard as well as having a car crash through his fence due to the gravel road. He is concerned it is a problem and has witnessed City officers evaluate the road, but no changes have been made. He is also concerned about the amount of gravel that gets moved onto Harrison Street from the gravel road and the size of potholes formed during the winter. Mayor Andrews requested Mr. Danicic speak with Mr. Blanchard on the process of street improvements.

Mr. Mike Ragsdale, Newberg Downtown Coalition (NDC) Director, stated the city is really cooperating to make downtown a very nice place to visit with our Halloween, Christmas, Truffle, and Camellia Festivals. Their organization is starting an annual Oktoberfest fundraiser in conjunction with Early Bird Rotary. With the money raised, they intend to provide playgrounds and safe drinking water to South African communities. Research has shown that around the country over thirty other Rotary clubs put on Oktoberfests sometimes raising over \$80,000.00. Arrangements are underway to hold the first annual Oktoberfest October 27-28 at the CCC and on the Library's lawn. Mr. Ragsdale inquired if the council would consider allowing the festival to serve beer in an area only currently permitting the serving of wine. The festival has been arranged so the beer would be served; however the bocce ball tournament area would have to be excluded if the city does not approve an exception. The NDC is submitting an application to request the one time allowance of beer on this piece of city property next week.

Mr. Robert Soppe stated he had previously raised issues with the parking code and received a response that his request would be deferred until later. He would like the City to make significant improvements on two of the items he raised; particularly, Newberg Municipal Code (NMC) 15.440.050(B) allowing the joint use of parking spaces that are non-overlapping. These areas could be improved by inserting a statement into (B)(1) similar to "an agreement shall be made with the city insuring their continues to be no substantial conflict in the principal operating hours". Similarly, Mr. Soppe reported, NMC 15.440.050(C) regarding a reduction of 50% of parking requirements based on a nearby parking lot, could be improved substantially by including "or by the numbers of spaces in nearby commercial parking lot, whichever is less". This will not resolve everything, but will make enormous improvements over these two issues and will help to solve irreversible problems. Mr. Soppe asked the Planning and Building Director about outdoor sales and how they fit with institutional zoning laws. He was told the Newberg Farmers Market is considered a temporary merchant and Mr. Soppe assumes this would also include Tunes on Tuesdays and other such events. His question is in NMC 5.15.090(A) stating "temporary merchants are authorized to set up only on properties in the C2, Community Commercial, or C3, Central Business, Zoning Districts"; however, Tunes on Tuesday and the Farmers Market are neither in such locations. Furthermore, Mr. Soppe addressed concern for errors in the approved minutes from the April City Council Meeting and the associated resolution. Changes were made to the wording of a motion in the April minutes in regards to redundancy of wording. Mr. Soppe is under the impression the spoken words of a motion are to be captured exactly in writing. He also believes if changes are to be made, that decision should be made by Council, not staff. Additionally, he is concerned the difference will cause confusion in the future for those looking back at city history. Mr. Soppe's final item was in regards to the April 2nd City Council discussion on parking in the Cultural District during events such as Tunes on Tuesday. He remembers Councilor Howard indicating he was part of a Tunes Committee working toward goals to reduce the impact on the neighbors. Mr Soppe is interested in feedback on what transpired as a result of Councilor Howard's research. In particular he would like to know what was measured, what was attempted, what succeeded, and how change progressed throughout the summer at the events (see official meeting packet for full testimony).

Councilor Howard said he would be happy to come before the neighborhood subgroup and discuss the results of the committee.

Mayor Andrews asked if Tunes on Tuesday was the event where parking was evaluated. Councilor Howard confirmed it was.

VI. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2012-3015** authorizing the city manager to enter into a contract with N. Santiam Paving Company for road pavement restoration in the amount of \$355,950.00.

This agenda item was pulled from the consent calendar and discussed under new business.

2. Consider a motion adopting **Resolution No. 2012-3016** authorizing the city manager to approve the lease-purchase of two vehicles from Hubbard Chevrolet in the amount of \$80,957.80 for the Newberg-Dundee Police Department.
3. Consider a motion authorizing a refund of \$17,423.61 in Building Permit Fees and System Development Charges paid by Terrence and EvaKay Mahr for construction of a new home, which did not take place.

This agenda item was pulled from the consent calendar and discussed under new business.

4. Consider a motion approving the August 6, 2012, City Council meeting minutes.

MOTION: Howard/Rierson approving the Consent Calendar including **Resolution No. 2012-3016** authorizing the city manager to approve the lease-purchase of two vehicles from Hubbard Chevrolet in the amount of \$80,957.80 for the Newberg-Dundee Police Department and City Council minutes from August 6, 2012, as amended. Motion carried (7 Yes/0 No).

VII. NEW BUSINESS

1. Consider a motion adopting **Resolution No. 2012-3015** authorizing the city manager to enter into a contract with N. Santiam Paving Company for road pavement restoration in the amount of \$355,950.00.

TIME – 7:35 PM

Councilor Shelton said he desired to discuss the strategic assessment of using revenue from licenses and registration by House Bill 2001 (HB2001). Councilor Shelton asked what portion of that could be used for Newberg's local Bypass construction match, since it can be a funding mechanism in some ways. Dan Danicic responded a year ago they started to set aside money from HB2001 to be used for street improvement in the future. He mentioned they are expecting \$300,000.00 from the bill and 50% will go to this purpose; however, it will be three to four years before these bonds are prepared. Typically the money is not used until after completion of the development and the bond funding will not pay out until the project is completed. Ideally the first payment would be made sometime in 2016-2017; however, he is optimistic in thinking the first payment could possibly take place in 2016 or even a year earlier.

Councilor Shelton stated he wants the community to understand HB2001 money is for road improvements. He is concerned people will misunderstand that we need to find a mechanism for these funds; these funds already have a mechanism and are available specifically for road improvement. Additionally, he would like the community to understand the money from HB2001 is also committed to the Newberg-Dundee Bypass and there will not be a need for additional funds to complete the project. Councilor Shelton asked Dan if it should be explained in the staff report that in the future we will need to find new funding mechanisms for improvements; however, we currently have the funds to complete current projects. Dan Danicic said he is convinced the wording does not need to be changed, but when the Council meets to plan next year's budget, it should be clarified that the HB 2001 monies will not be used for staff; rather, will go towards road improvements.

Mayor Andrews asked staff to clarify cost estimates of engineering for the Newberg-Dundee Bypass project. He stated the estimate was \$125,000.00 more than originally proposed. He asked if between the time of the estimate and the return of the bid if materials increased in cost that much. Mr. Paul Chiu, Senior Engineer, replied materials cost about the same, but they needed more quantity than first realized.

MOTION: Shelton/McKinney adopting Resolution No. 2012-3015 authorizing the city manager to enter into a contract with N. Santiam Paving Company for road pavement restoration in the amount of \$355,950.00. Motion carried (7 Yes/0 No).

3. Consider a motion authorizing a refund of \$17,423.61 in Building Permit Fees and System Development Charges paid by Terrence and EvaKay Mahr for construction of a new home, which did not take place.

TIME – 7:45 PM

Mr. Terrence Mahr, City Attorney, declared a conflict of interest and removed himself from discussion.

Councilor Shelton addressed concern for Terry Mahr's conflict of interest and wanted to make sure this process is consistent with any other individual in the same situation for Mr. Mahr's protection. Mr. Barton Brierley, Planning and Building Director, replied the process is the same for any applicant and is eligible to receive a refund.

Councilor Shelton asked for clarification as to what fees were being refunded. Councilor Rierson stated revenue and processing fees, building plan checks, and other fees are not being refunded and assumed Terry Mahr is being refunded only the System Development Charges, which do not need to be collected because the residence will not be built. Barton Brierley replied that that is correct.

Councilor Howard asked for clarification on the difference between Water Development and Water Tap Fees. Barton Brierley clarified the Water Tap Fee is a charge to install the water line and meter to the property and system development is a charge to upgrade the system.

MOTION: Shelton/McKinney authorizing a refund of \$17,423.61 in Building Permit Fees and System Development Charges paid by Terrence and EvaKay Mahr for construction of a new home, which did not take place. Motion carried (7 Yes/0 No).

VIII. COUNCIL BUSINESS

TIME – 7:54 PM

Dan Danicic reported he has received concerns there are too many garage sale signs being displayed and not being removed after the sale is over and asked the Council if they are satisfied with where signs are being put up and if a greater level of action should be taken in regards to sign posting enforcement.

General discussion commenced and consensus was met to hold a work session to discuss possible revisions to the ordinance and enforcement on this matter in more detail.

Mayor Andrews asked for an update on the status of filling the groundskeeper position.

Mr. Danicic replied they have found a temporary replacement until the end of the year who worked with Mr. Bryan Stewart. He received a letter from AFSCME union addressing concern that if it is a mandatory position it should not be contracted out. Staff will look into this determination.

Councilor McKinney asked what the process is for neighborhoods whose streets are gravel to get paved and who pays for that to happen. Dan Danicic replied residences usually pay for improvement; however, there are some exceptions where it is paid with System Development Charges money.

IX. ADJOURNMENT

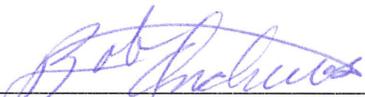
The meeting adjourned at 8:15 PM.

ADOPTED by the Newberg City Council this 15th day of October, 2012.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 18th day of October, 2012.



Bob Andrews, Mayor