

**CITY OF NEWBERG CITY COUNCIL MINUTES**  
**NOVEMBER 5, 2012**  
**7:00 P.M. MEETING**  
**PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A presentation was given by Maggie Finnerty and Derrick Olsen with the Greater Portland Inc. on their recent economic development activities. All Councilors and the Mayor were present; 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 | Denise Bacon | Ryan Howard      | Stephen McKinney |
|          | Bart Rierson      | Marc Shelton | Wade Witherspoon |                  |

Staff

|          |                                |                                  |
|----------|--------------------------------|----------------------------------|
| Present: | Daniel Danicic, City Manager   | Terrence Mahr, City Attorney     |
|          | Jason Wuertz, Project Engineer | Norma Alley, City Recorder       |
|          | Paul Chiu, Senior Engineer     | Nicole Tannler, Minutes Recorder |

Others

Present: Mary Starrett, Robert Soppe, Peter Siderius, and Casey McWilliams

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, reported he has started the recruitment process for the human resources manager by advertising on websites and recruitment closes December 3, 2012. The leaf drop-off program gives residents the opportunity to deal with excess leaves on November 18, 2012, from 8:00am-12:00pm and December 1, 2012, from 8:00am-5:00pm for free. American Water alerted Mr. Danicic they will be sending out mailers to Newberg residents of their program to insure private water and sewer lines and to direct questions to the city although this is not a city related program. Groundskeeper position received four responses, but Mr. Danicic will come to council before any decision is made.

**V. PUBLIC COMMENTS**

Ms. Mary Starrett, Newberg resident, testified the sign outside the Public Safety Building stating all weapons are prohibited in this building violates state law and signs like this have been removed from many city buildings. Councilor Howard responded he thought police stations and courtrooms were an exception. Ms. Starrett responded a municipal judge can ban handguns from court, but this building is used for other things in addition to court. No county, city, or other municipal authority can make these kinds of rules and regulations. Mr. Terry Mahr, city attorney, said the sign was put up by the municipal judge who holds court during the day.

Mr. Peter Siderius acknowledged the city is still moving forward to possibly privatize the groundskeeping job. Mr. Siderius would like to continue the relationship the city currently has with the high school, and reminded

Council from an economic stand-point the city has a changed face from four years ago. He urged decision makers to take these things into consideration.

Mr. Siderius said it is not about the job, the city has probably benefited \$10,000.00 from using the greenhouse program because everything is done at cost or through donations. The students are very important and the program is something I am very proud of.

Mr. Casey McWilliams testified he donated a lot of personal time and product to the city through the greenhouse program. With privatizing the job I will no longer be able to do that.

## VI. CONSENT CALENDAR

Consider a motion approving the September 17, 2012, City Council meeting minutes.

**MOTION: Shelton/Bacon** approving the September 17, 2012, City Council meeting minutes. Motion Carried (7 Yes/0 No).

## VII. NEW BUSINESS

1. Consider a motion adopting **Resolution No. 2012-3019** authorizing the city manager to issue a task order in the amount of \$321,964.00 to the existing CM/GC contract with M.A. Mortenson Company for pre-construction services related to the design of the WWTP Headworks, Influent Pump Station, and Dewatering System.

TIME – 7:25 PM

Mr. Jason Wuertz, Project Engineer, presented the staff report including a PowerPoint slideshow (see official meeting packet for full report).

Councilor Shelton asked if the costs fall within debt already authorized. Mr. Wuertz responded it will draw from the loan we recently acquired, so the funding is there.

Councilor Howard asked with the approval of this resolution are these all up to the cost parameters. Mr. Wuertz said the pace used for budgeting was conservative so the budgets would be available for construction. Councilor Howard inquired if this is work that was contemplated in the master plan. Mr. Danicic responded yes.

**MOTION: Shelton/Rierson** adopting **Resolution No. 2012-3019** authorizing the city manager to issue a task order in the amount of \$321,964.00 to the existing CM/GC contract with M.A. Mortenson Company for pre-construction services related to the design of the WWTP Headworks, Influent Pump Station, and Dewatering System. Motion Carried (7 Yes/0 No).

2. Consider a motion adopting **Resolution No. 2012-3020** considering the formation of the College Street Local Improvement District (LID).

TIME – 7:51 PM

Mr. Paul Chiu, Senior Engineer, presented the staff report. (see official meeting packet for full report).

Councilor Shelton inquired whether the council has sole discretion and a choice of how we want to assess the residents. Mr. Chiu replied the council has the choice to assess residents according to code, and the opportunity to assess cost.

Councilor Shelton said option one is the only one that runs the risk of being challenged by the public. Mr. Chiu stated staff would like advice and guidance about using the money. Councilor Shelton asked if we have estimated costs for using option one, are there staff costs involved in that, and are there any costs that would be incurred by the city for going with option one. Mr. Danicic responded it is all construction cost, and the \$194,000.00 is just for construction.

Councilor Shelton asked about the fiscal impact if the council directs staff to use all or a portion. Terry Mahr, city attorney, replied options one and three do not recover cost, but option two does recover cost.

Mr. Robert Soppe stated in evaluating the different scenarios I look at this as the resolution of three questions: how much should be paid by the property owners who agreed to Waivers of Remonstrance, how much should be paid by the other property owners within the LID, and who should be paying the remainder, if any. Property owners effectively agreed to pay the appropriate allocation to their property of the full LID cost by accepting the Waiver when they purchased their property. While scenario 2 is not as financially attractive to the residents, it is still a 29% discount from the full cost. Their properties will increase in value with the sidewalks. If system development charges (SDCs) are allocated to this project to pay the city's share, is it fair to make future developers pay when they receive no benefit (See official meeting packet for full testimony).

Councilor Shelton asked what the terms of the amount are that we are getting in a grant if we are delayed in a challenge by 60% of the property owners. He asked if we need to finish this in a certain amount of time. Mr. Danicic replied we have funds budgeted of \$194,000.00 and with an LID the city pays that amount up front. The residents can pay their share right away or have a 10 year loan through the city. Councilor Howard wanted clarification on the billing for getting money from residents. Mr. Danicic replied the City is acting as the bank and at end of the project the city will go to each property owner with a bill. The property owners will have a period of time to tell the city whether they want to pay it or finance it.

Mayor Andrews stated he is a parishioner at Presbyterian Church which may be a conflict of interest, as it is in the LID area.

Councilor Shelton said he would like to know what staff recommends. Mr. Chiu responded he would like direction on how much of the \$194,000.00 the city should recoup. He feels scenario one would be the most reasonable and logical scenario. Mayor Andrews asked if having the construction start is contingent on the LID. Mr. Terry Mahr replied we have to establish the LID prior to construction or during the construction. Mr. Danicic stated he would suggest getting it done before construction begins on the next phase.

Councilor Shelton stated with other options the property owners are paying 25% of what they would have had to pay with option one. This is a state highway that has been efficient for the city. This is a benefit to the city much larger than just adding a curb and gutter and it is not fair for just the residents with the waivers of remonstrance to pay, all those affected should pay.

Councilor McKinney said as a councilor to give one neighborhood a perk or benefit that other neighborhoods do not have does not seem fair.

|   |
|---|
| <p><b>MOTION: Shelton/Howard</b> to postpone <b>Resolution No. 2012-3020</b> to the December 17, 2012 meeting. Motion carried (7 Yes/0 No).</p> |
|---|

## VIII. COUNCIL BUSINESS

TIME – 9:38 PM

Mr. Terry Mahr reminded the Council of the joint meeting on the November 26, 2012. Mr. Mike Brandt, Yamhill County Planning Director, is envisioning a mutual agreement and a joint decision.

**IX. EXECUTIVE SESSION**

Executive Session pursuant to ORS 192.660(2)(d) relating to labor negotiations and ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

Council went into Executive Session at 9:45 PM. All Council members were present; no action was taken and no decisions were made. Executive Session was closed at 10:20 PM.

**X. ADJOURNMENT**

The meeting adjourned at 10:20 PM.

**ADOPTED** by the Newberg City Council this 17<sup>th</sup> day of December, 2012.

  
\_\_\_\_\_  
Norma I. Alley, MMC City Recorder

**ATTEST** by the Mayor this 20th day of December, 2012.

  
\_\_\_\_\_  
Bob Andrews, Mayor