

CITY COUNCIL MINUTES
MARCH 4, 2013
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

An executive session was held prior to the meeting. A presentation was given by Mr. Barton Brierley and Mr. Terry Mahr regarding Urban Growth Boundary. No action was taken and no decisions were made. All Councilors and the Mayor were present.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:28 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard
	Bart Rierson	Lesley Woodruff	Mike Corey
	Stephen McKinney		

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

Others Present: Sheryl Kelsh, Steve Reutov, Mike Gougler, Dennis Gaibler, Curtis Walker, Scott Simmons, Sid Friedman, Lee Does, and Grace Schaad

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, city manager, reported the library project is underway and there will be a dance party this Friday to celebrate. The annual employee appreciation lunch will be held at the armory on March 20, 2013. On March 30, 2013, the annual Easter egg hunt will be held at Jaquith Park. The new animal shelter received their certificate of occupancy and will start moving in this week.

V. PUBLIC COMMENTS

Steve Reutov spoke about rising utility rates. He said he works for the city and his friends keep asking him if he knows why utility rates are so high. He asked the council why they are contracting engineering projects out when the city employs their own engineers. Mr. Reutov works at the wastewater plant and has learned the city is putting a pump station system into a natural drainage way to save money. His perspective is if they put the station in a deep hole like that, they will need an even bigger and more expensive pump to bring the water out, which will take more energy and will cause higher electric bills. The third item he brought up was the new screw press system for sludge. The amount it will inevitably cost keeps changing and after it was decided they would demolish the old one to save money, the price went up. In the end he feels all these costs will raise the utility rates even more. Mr. Reutov feels the city should not be borrowing money but instead keep jobs local and find ways to keep the utility rates from rising.

Mayor Bob Andrews asked Mr. Danicic to make note of Mr. Reutov's questions and give them to staff to answer. He told Mr. Reutov to read the Resolution for information about the new screw presses.

VI. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2013-3037** authorizing a contract with Huber Technology, Inc. for purchase of dewatering system screw press components.
2. Consider a motion approving the February 4, 2013, City Council meeting minutes.

MOTION: **Rierson/Bacon** adopting **Resolution No. 2013-3037** authorizing a contract with Huber Technology, Inc. for purchase of dewatering system screw press components and approving the February 4, 2013, City Council meeting minutes. Motion carried (7 Yes/0 No).

VII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2013-2758** amending the Newberg Municipal Code to add provisions for Peddlers, Solicitors, Street Vendors, and Temporary Merchants.
(Legislative Hearing)

Mr. Terry Mahr, city attorney, reported police have concerns of door to door salesmen approaching private homes. The city has had issues with people signing documents when registering with the city which say they have no criminal history, and when an incident comes up and their backgrounds are looked into it is being found that they do have histories of criminal offenses. The companies who employ the salesmen may not do extensive background checks before hiring them, so we should do background checks on salesmen when they register with the city. They are considering different repercussions if salespeople cause issues, such as disqualifying them on outstanding warrants. He mentioned if a citizen has a "no solicitations" sign the salesperson can be arrested for trespassing, so most of the issues are with citizens who do not have a sign on their home.

Councilor Stephen McKinney asked when the city would do a criminal background check and what it costs the city to perform one. Mr. Mahr replied it is a minimal cost.

Councilor Mike Corey asked if there is an application fee for peddlers or solicitors. Mr. Mahr said there is not. Councilor Corey wondered if there had been any discussion regarding fingerprinting each salesperson and having an application fee to cover the cost. Mr. Mahr explained they have discussed it; however, it is too onerous to fingerprint each individual and there are some legal issues regarding having a fee for applications.

Mayor Andrews asked for clarification on page nineteen which has new language and removed a section of text. Mr. Mahr replied they did not mean to delete the text and it should be replaced only under section "C".

Councilor McKinney asked what the process is if a salesperson receives a citation and if they are collectible. Mr. Mahr replied it depends on the nature of the citation and it is collectible. He also explained the individual receives the violation; however, they can go after the owner of the company itself as well.

Councilor Bart Rierson wondered if citizens can ask to see permits when a salesperson is being unprofessional. Mr. Mahr replied the city does not issue a permit. The citizen can ask if they are registered and can call the police department to check on them.

MOTION: Rierson/Corey adopting Ordinance No. 2013-2758 amending the Newberg Municipal Code to add provisions for Peddlers, Solicitors, Street Vendors, and Temporary Merchants, as amended. Motion carried (7 Yes/0 No).

2. Consider a motion adopting **Ordinance No. 2013-2760** amending the Newberg Municipal Code provisions regarding the Student Planning Commission position.
(Administrative Hearing)

Staff recommends adopting **Ordinance No. 2013-2760** amending the Newberg Municipal Code provisions regarding the Student Planning Commission position.

MOTION: Bacon/Howard adopting Ordinance No. 2013-2760 amending the Newberg Municipal Code provisions regarding the Student Planning Commission position. Motion carried (7 Yes/0 No).

VIII. CONTINUED BUSINESS

1. Reconsideration of the motion to endorse the Mayor sending a letter to Yamhill County requesting they adopt the South Industrial UGB amendment.

Barton Brierley, planning and building director, presented the staff report accompanied by a handout (see official meeting packet for full report).

Mike Gougler expressed his excitement that the Urban Growth Boundary (UGB) project is proceeding. He has been speaking and participating in the effort to expand the UGB for over seven years. They have invested a lot of time in critically analyzing the city's needs and looking at alternative methods to accomplish those needs. He feels the land is essential for creating opportunity and expanding Newberg's existing industrial space. Yesterday he was on an airplane with an individual who said Kendal Jackson, the largest supplier of wines in America, has acquired over 100 acres in Yamhill County to become the single largest supplier of pinot wines in the United States. To reach those goals they will need industrial sites near their areas of supply. Several years ago he heard A-dec received almost 90% of its industry support from companies within twenty-five miles of Newberg. Now none of their support companies are close, with many coming from the Midwest and east coast because the companies grew and there were no industrial sites large enough for them. Mr. Gougler expressed his support in sending the letter without dividing the application into two pieces.

Mr. Dennis Gaibler, a land owner near the UGB, said Newberg needs one large industrial area to support our industries that are land blocked and who will need bigger areas in the future if we want them to stay in the community. He feels if the land is broken into two sections there will be delay in getting the second area approved in the future. They should send the letter to the county with a strong message which says they need this area to be one contiguous space.

Mr. Curtis Walker said he has reviewed the mayor's letter and it is right on target. It is important the UGB is not split and they apply with one application. He hopes they move forward and supports the council sending the letter to the county commissioners.

Mr. Scott Simmons, vice president of quality engineering at Climax Portable Machine Tools, informed the council his company is in support of the mayor sending the letter to the county. It is a great time to be in manufacturing and an even better time to be in manufacturing in our community where we have grown and enjoyed being part of Newberg. The comments others have made about services not being local are very

accurate and Climax wants to do their business as close and local as they can. They are currently hiring and growing and have used every square inch on their property they are allowed to use. Mr. Simmons said he and Climax are in support of sending the letter and getting the UGB process started quickly so they can continue to grow and stay in Newberg.

Mr. Sid Friedman does not agree with sending the letter. He explained removing the large block of farm land from the UGB proposal is the best option for the community, and the letter says the opposite. Mr. Friedman also mentioned he understands the letter to say including the farm land concurs with state law, which is untrue. His interpretation is the letter mischaracterizes the 1000 Friends of Oregon compromise proposal, which does not reduce the land by two-thirds, but replaces it with other adjacent land. He closed by saying he is testifying on behalf of 1000 Friends of Oregon and appreciates the council reconsidering, but encouraged them not to send the letter and to postpone their decision. It is a short delay now, but it will give them more time down the road.

Mr. Lee Does asked the council not to send the letter. He does not see the benefit in taking farm land when there is low value land available closer to the city. Mr. Does is a farmer and is invested in Newberg's future and does not want to see businesses moving out; however, he feels they should split the land for now and add more when there is need. He asked them to not dilute the real-estate pool with a lot of available flat land which builders will take readily over the low value land. Mr. Does wants them to move on as they have already spent too much time and money when there are more important things to deliberate.

Ms. Grace Schaad urged the council not to send the letter. She asked them to reconsider the proposal from the commissioners for the UGB, and in doing so they would be accepting the compromise from 1000 Friends and Friends of Yamhill County. She is in support of what others have said and sees no justification for expanding the UGB to prime farmland when there are other lands available. Ms. Schaad feels the land west of Highway 219 is a good alternative with partial industrialized areas which already have available infrastructure. She wanted to remind council farming is also an industry.

MOTION: Rierson/Bacon to endorse the mayor sending the attached letter to the Yamhill County Commission requesting they adopt the south industrial urban growth boundary amendment, and to request the County Commissioners continue their hearing on the South Industrial UGB amendment to a future date to allow the city additional time to strengthen the findings.

Councilor Ryan Howard stated he has concluded the preservation of farm land has a higher value than the requirement to have one continuous industrial space. He thinks they could be more careful in determining where industry is located. He is concerned about the ambiguity in the law and future legal issues from this.

Councilor McKinney is very appreciative of how well all parties of been able to discuss differences in this decision. He said he will not oppose the letter because they need to start somewhere. Once things are approved, or not, they can continue from there and reach a goal.

Councilor Corey believes there has been an adequate amount of research done and 1000 Friends of Oregon's proposal does not include enough acreage for the UGB project. Tonight they heard about companies wanting to grow and the UGB would create jobs right here. Councilor Corey recommends the UGB as whole.

Councilor Rierson is concerned about splitting the UGB. The first section of the UGB passed every expectation and delaying the second half to be approved will just open up the battle with 1000 Friends and others who oppose the idea. This plan means they only have to develop infrastructure in one area, it is more reasonable to finance this way, it is connected to the bypass which makes for better access to I-5, it will lower the traffic of large trucks in downtown Newberg, and will keep industrial areas away from residential areas.

Councilor Lesley Woodruff has felt very ambivalent since she has started participating in this debate. She feels both arguments have value and agrees with good planning in advance, keeping trucks out of downtown, and having one industrial area removed from residential areas, but she also really values local food and farms. Councilor Woodruff feels sending the letter will be the best decision for Newberg.

VOTE: **Rierson/Bacon** to endorse the mayor sending the attached letter to the Yamhill County Commission requesting they adopt the south industrial urban growth boundary amendment. Motion carried (6 Yes/1 No).

2. Consider a motion to request the county commissioners continue their hearing on the South Industrial UGB amendment to a future date to allow the city additional time to strengthen the findings.

MOTION: **Rierson/Corey** to request the County Commissioners continue their hearing on the South Industrial UGB amendment to a future date to allow the city additional time to strengthen the findings. Motion carried (7 Yes/0 No).

IX. NEW BUSINESS

TIME – 8:48 PM

1. Consider the Chehalem Valley Chamber of Commerce's 2nd Quarter Report.

Ms. Sheryl Kelsh, CEO of Chehalem Valley Chamber, presented the staff report accompanied by a handout (see official meeting packet for full report).

Councilor McKinney asked if the membership is trending upward. Ms. Kelsh replied the chamber's membership is about 200, but they have renewals happening right now. Councilor McKinney mentioned membership was at 400 in years past. Ms. Kelsh replied it was around 300; however, it has diminished since the recession. Councilor McKinney asked how the visitor center was doing. Ms. Kelsh replied it has a separate budget, with the chamber's budget being on a calendar year which is approved in January, and a second budget which is set to subset the funds dedicated to the visitor center and tourism. Councilor McKinney asked if it is different from other cities. Ms. Kelsh answered some cities fund tourism 100%, whereas Newberg follows a model where the chamber raises part of the tourism budget.

Mr. Danicic asked about the second quarter report capital group and what part of their budget will cover capital overages. Ms. Kelsh informed the council they are done with capital improvements and the reductions will come out of their reserves. Mr. Danicic mentioned the idea of increasing hotel tax rates brought up during a budget meeting. Ms. Kelsh mentioned Portland hotels voluntarily increased their tax rate because they believe strongly in tourism.

Councilor Rierson asked about Paddle Oregon. Ms. Kelsh replied she has met with Ms. Kate Ross from Paddle Oregon and they have decided to bring it back to Newberg. They will be doing the same route, however paddlers will be encouraged to spend a couple of days in Newberg before starting to help bring business to the city. Councilor Rierson mentioned at least 200 paddlers will be coming through Newberg.

Discussion commenced on how the chamber of commerce and visitors center is funded and what happens if the city doesn't make enough to fund them.

MOTION: **McKinney/Howard** to accept the Chehalem Valley Chamber of Commerce's 2nd quarter report. Motion carried (7 Yes/0 No).

X. COUNCIL BUSINESS

TIME – 9:11 PM

1. Cancel the March 18th, 2013 City Council meeting.

Mr. Danicic explained they only have one item to discuss at this meeting. He proposes they cancel the meeting so the mayor's sub-committee can meet instead.

MOTION: **McKinney/Corey** to cancel the March 18, 2013, City Council meeting. Motion carried (7 Yes/0 No).

2. Cutting Edge City Symposium.

Council Howard spoke about the Cutting Edge Conference in Bend, Oregon he attended three weeks ago. The purpose of the conference was to discuss initiatives which help cities pursue efficiencies and green energy efforts. Some of the ideas discussed were changing street lights to LEDs, changing insulation types, making upgrades, and reducing operation costs.

Mayor Andrews asked if there was any discussion on capital outlays to make conversions and how long it would take to recoup costs. Councilor Howard agreed it is a problem. There are some state programs to help with costs, most projects save money over their life, and renewable energy projects help offset costs. He also mentioned ideas like biomass generation, energy exporting, efficiency economic development, geothermal and giving these projects to high schools to develop ideas. The city of Beaverton is pursuing certifying contractors for different efficiency projects such as insulation or solar panels. The city will ask for bids from contractors then certify certain ones to do energy efficient improvements which make it easy for homeowners to invest in these types of projects.

Councilor Howard talked about how the I-5 corridor is the west coast electric highway with lots of charging stations for electric vehicles, including Newberg, which has several charging stations. Electric cars are growing at a faster rate than hybrids did when they began. There are also tax incentives, grants, and loans available to help cities become more "green".

Mr. Mahr asked how cities are determining credentials of contractors they train for green developments. Councilor Howard explained the sustainability director of Beaverton was working on figuring out the details and they are expecting to get a large amount of people to invest in solar panels through this program. The city will also set the prices the contractor will charge so it is fair. Mayor Andrews asked if they will provide a clearinghouse for these people. Councilor Howard replied they would and would look into the programs in other cities and get more information back to the council. Councilor McKinney asked if they mentioned anything about firms like Solar World and others. Councilor Howard said they did not speak about specific companies; however it will be a challenge to compete with outsourced companies.

3. Pulse Pads.

Mr. Danicic mentioned League of Oregon Cities (LOC) has invested in pulse pads, which are electronic voting systems to disperse in groups of people such as at a town hall meeting to easily register and vote on issues. They are looking at acquiring a system for LOC members to use and how to recoup the cost. The Newberg school district currently uses a similar system. Mr. Danicic said he is not sure about purchasing them, but he can let the League of Oregon Cities know they are open to the idea, pending cost information.

4. City Day at the Capital.

Mayor Andrews spoke on his recent attendance at the Capital's City Day.

5. Citizen Complaint about Municipal Court.

Council discussed a recent complaint the city received and how to help prevent issues in the future.

XI. ADJOURNMENT

TIME – 9:35 PM

ADOPTED by the Newberg City Council this 1st day of April, 2013



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 4th day of April, 2013.



Bob Andrews, Mayor