



**CITY COUNCIL AGENDA  
MARCH 17, 2014  
7:00 PM MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

**Mission Statement**

*The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.*

**Vision Statement**

*Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.*

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. CITY MANAGER'S REPORT**

**V. PUBLIC COMMENTS**

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

**VI. CONSENT CALENDAR**

1. Consider a motion adopting **Resolution No. 2014-3118** initiating annexation proceedings for four "islands" of unincorporated land surrounded by city limits along Springbrook Road and city owned property at 2716 Wynooski Road. (Pgs. 3-12)
2. Consider a motion adopting **Resolution No. 2014-3119** authorizing the city manager pro tem to enter into a construction contract with Nutter Corporation for the Wynooski-Riverfront Utilities Project in the amount of \$910,400.22, and to negotiate and approve any construction change orders not to exceed 15 percent of the original contract. (Pgs. 13-16)
3. Consider a motion adopting **Resolution No. 2014-3120** authorizing the city manager pro tem to execute Amendment No. 2 to the professional services agreement with Parametrix, Inc., to complete additional utilities relocation design and project management for the Wynooski-Riverfront Utilities Project in the amount of \$160,080.00. (Pgs. 17-30)

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

4. Consider a motion approving the city council minutes from November 18, December 2, and December 16, 2013. (Pgs. 31-48)

## **VII. NEW BUSINESS**

1. Consider a motion accepting the Chehalem Valley Chamber of Commerce's second quarter report for the Visitor Information Center. (Pgs. 49-52)
2. Presentation of the Newberg Cultural District 2014 Annual Report. (Pgs. 53-57)

## **IX. COUNCIL BUSINESS**

Discussion regarding Phase 2 of the Newberg-Dundee Bypass in relation to the Transportation System Plan (TSP).

## **X. ADJOURNMENT**

*ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.*

**Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 4:30 p.m. on the preceding Wednesday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.**

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: March 17, 2013

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2014-3118	Motion ___	Information ___
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**SUBJECT: Initiate annexation proceedings for four “islands” along Springbrook Road and for City of Newberg owned property on Wynooski Road**

Contact Person (Preparer) for this  
Motion: Barton Brierley, AICP  
Dept.: Planning and Building  
File No.: ANX 14-001

## RECOMMENDATION:

Adopt Resolution No. 2014-3118, initiating annexation proceedings for four “islands” of unincorporated land surrounded by city limits along Springbrook Road and for the city owned property at 2716 Wynooski Road.

## EXECUTIVE SUMMARY:

The resolution would initiate legislative annexation proceedings for four “islands” of unincorporated land surrounded by city limits along Springbrook Road, and one city owned property at 2716 Wynooski Road. If the council adopts the resolution, city staff would contact the property owners within those islands and hold a public meeting to discuss the proposal. Following that, staff would schedule a city council hearing on the annexation. After the hearing, the city council could decide whether or not to approve the annexation and send it to the ballot for a public vote.

At times the city has annexed property to the extent that other properties end up being completely surrounded by the city limits. These areas are commonly known as “islands.” State law allows cities to annex such islands with its own authority. Consent of the property owners is not required; however the residents in the territory to be annexed do have the opportunity to vote on the annexation measure at the general election with the city voters. State law provides that, “for property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved.”

There are four such islands along Springbrook Road. See Exhibit A. There are a total of 13 parcels with a combined 11 acres within these four islands. See Attachment 2. There is nominal development potential on these properties. Most of the properties are less than one acre in size and have existing houses or other development on them. Several have a stream corridor on a portion of the land. Some of the property owners have signed annexation consents.

If the process can move forward expeditiously, the annexation may be able to be placed on the November 2014 ballot.

**FISCAL IMPACT:** The main cost in initiating the proceedings will be in the staff time needed to prepare the needed documents, to meet with neighbors, and to hold the hearings and election. Some of the work may need to be contracted out, such as preparation of the legal descriptions. Total cost through the election is estimated at about \$10,000.00.

On the other hand the properties represent about one million dollars of assessed value in their current state. At the city's current tax rate, the properties collectively would pay about \$4600 annually in property taxes once the annexation is effective. Therefore, the costs of processing the annexation would be paid back within about two years. Additional property tax revenues beyond that time, property taxes due to any development of the properties, and utility, franchise fees, shared revenues and other revenues would be available to fund city services.

Bringing the properties into the city would require some additional services, such as police, fire, library, and utility services. Because these properties already are surrounded by city limits and in many cases already developed, the additional cost of providing these services is modest.

**STRATEGIC ASSESSMENT:** This island annexation is timely because Springbrook Road will be improved as part of construction of the bypass. Newberg ordinances typically require properties to have city utility services and to have streets improved at time of annexation or within a specified time after annexation. With Springbrook Road being improved and some utilities being installed, it would be the right time to install sewer and water services to each of the properties. In fact, some of the properties already have connected to sewer service or water service under special provisions, and have signed consent to annex agreements.

In addition, bringing the properties into the city will help fund city services. In reality, the properties currently receive many of the benefits the city provides without participating in the funding of those services. Annexing the properties will put the properties in the same status as other city residents.

While the city traditionally has waited for the property owners to initiate the annexation requests, in these cases since the properties have only modest development potential it is likely many of the owners won't make any such request soon.

Annexing the city owned property will provide the city additional options as to the future use of that land.

#### **ATTACHMENTS**

1. ORS 222.750
2. Property List

Resolution 2014-3118 with

- Exhibit A Potential Annexations Overview Map
- Exhibit B Potential Island Annexation Map
- Exhibit C Potential Island Annexation Map
- Exhibit D 2716 Wynooski Annexation Map

## Oregon Statute on Island Annexations

**222.750 Annexation of unincorporated territory surrounded by city.** (1) As used in this section:

(a) “Creek” means a natural course of water that is smaller than, and often tributary to, a river, but is not shallow or intermittent.

(b) “River” means a large, continuous and natural stream of water that is fed along its course by converging tributaries and empties into an ocean, lake or other body of water.

(2) When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

(3) This section does not apply when the territory not within a city:

(a) Is surrounded entirely by water; or

(b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory.

(4) Unless otherwise required by its charter, annexation by a city under this section must be by ordinance or resolution subject to referendum, with or without the consent of any owner of real property within the territory or resident in the territory.

(5) For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder or other officer performing the duties of the city recorder shall:

(a) Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; and

(b) Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

(6) Notwithstanding subsection (5) of this section, property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

(7) This section does not limit provisions of a city charter, ordinance or resolution that are more restrictive than the provisions of this section for creating or annexing territory that is surrounded as described in subsection (2) of this section.

(8) If a city charter, ordinance or resolution requires the city to conduct an election in the city, the city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the governing body of the city finds that a majority of the votes cast in the city and the territory combined favor annexation, the governing body, by ordinance or resolution, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed. [Amended by 1963 c.444 §1; 1985 c.702 §16; 2007 c.654 §1; 2007 c.706 §1]

## Property List

## Potential Annexations 2014

Owner	Tax Lot	Address	Acres	Plan Designation	Current Use
<b>Island #1</b>					
The Allison Inn & Spa LLC	3209-5800 (part)	2525 Allison Lane	0.51	Springbrook Dist.	Grass Yard
<b>Island #2</b>					
Fernwood Grange No. 770	3221BB-100	216 N. Springbrook Road	1.22	Industrial Medium	Grange Hall
Tammy L Landis	3221BB-200	212 N. Springbrook Road	2.11	Density Res. Medium	1 Single-Family Res.
Mary S. Mueller	3221BB-400	N. Springbrook Road	0.77	Density Res. Medium	Garage/Shop
Mary S. Mueller	3221BB-500	204 N. Springbrook Road	0.80	Density Res. Medium	1 Single-Family
Linda M. Stout	3221BB-600	116 N. Springbrook Road	0.67	Density Res. Medium	1 Single-Family
Janelle L. Spencer	3221BB-1000	N. Springbrook Road	0.94	Density Res.	Vacant
<b>Island #3</b>					
Roy & Patricia C. Sam	3221BB-800	100 N. Springbrook Road	1.17	Medium Density Res.	1 Single-Family
<b>Island #4</b>					
Darlene M. Swonger Trust	3221-1800	832 S. Springbrook Road	2.10	Industrial	1 Single-Family
Monte Bowlin	3221-1901	901 Wilsonville Road	0.65	Industrial	1 Single-Family
Donald Brooks	3221-2000	905 Wilsonville Road	0.66	Industrial	1 Single-Family
<b>City Owned Property</b>					
City of Newberg	3229-300	2716 Wynooski Road	3.34	Industrial	1 Single-Family



## RESOLUTION No. 2014-3118

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**A RESOLUTION INITIATING ANNEXATION PROCEEDINGS FOR FOUR ISLANDS OF UNINCORPORATED LAND ALONG SPRINGBROOK ROAD AND FOR THE CITY OWNED PROPERTY AT 2716 WYNOOSKI ROAD**

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### RECITALS:

1. There are currently four islands of unincorporated land surrounded by city limits along Springbrook Road.
2. Oregon law allows a city to annex such islands of unincorporated land after holding a public hearing and other provisions. The Newberg charter requires that annexations be submitted to a public vote. Residents in the island are permitted to vote in said election.
3. Newberg owns property at 2716 Wynooski Road, which is currently outside city limits.

### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The city council hereby initiates annexation proceedings for the four islands of islands of unincorporated land along Springbrook Road and the city owned property at 2716 Wynooski Road. The properties are generally depicted on Exhibits A, B, C, and D, which is hereby adopted and by this reference incorporated.
2. The city council authorizes staff to make proposals to adjust the boundaries shown in these exhibits to include more or less land or to make related changes to the comprehensive plan related to this annexation.
3. By so doing, the council does not commit to taking any particular action on the annexation. It only desires that the proposal be given due consideration at a public hearing.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: March 18, 2014.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 17<sup>th</sup> day of March, 2014.

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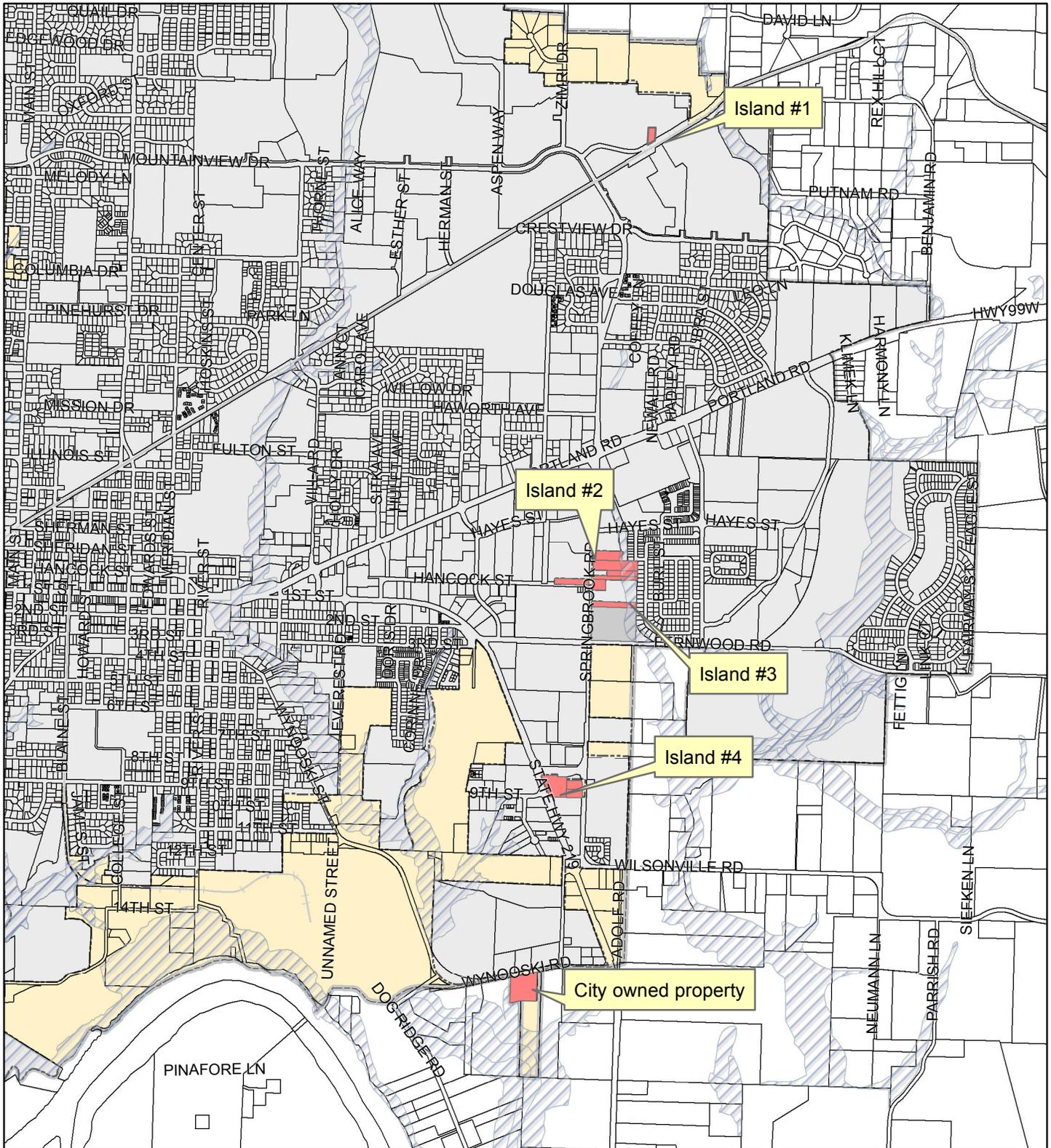
Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 20<sup>th</sup> day of March, 2014.

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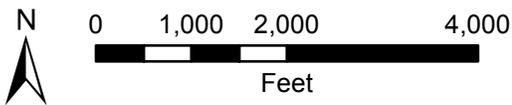
Bob Andrews, Mayor

# Exhibit A for Resolution No. 2014-1118 Potential Annexations

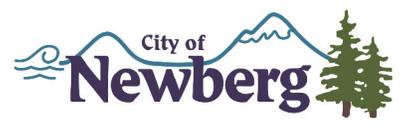
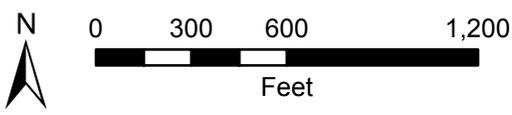
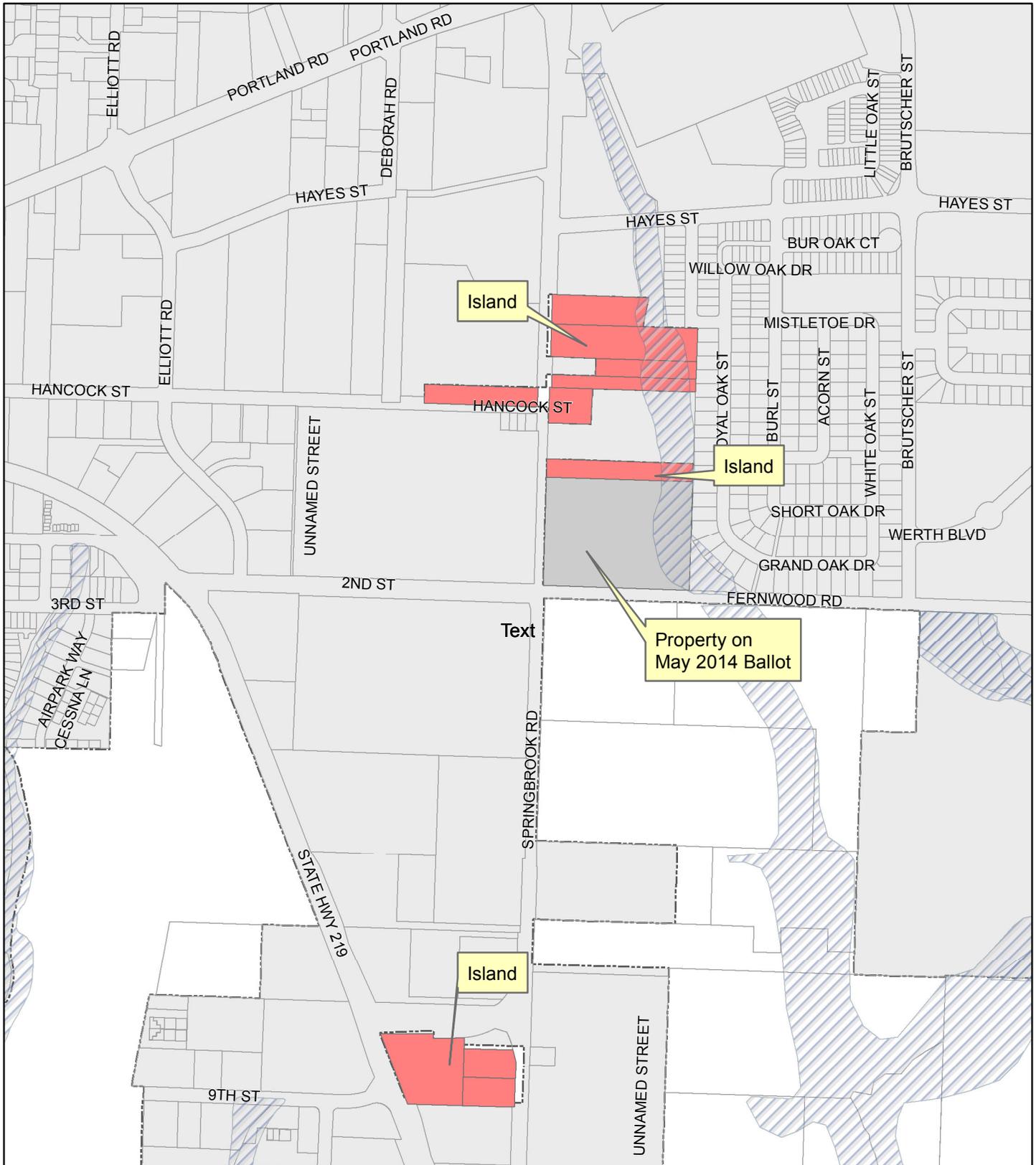


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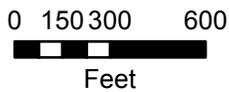
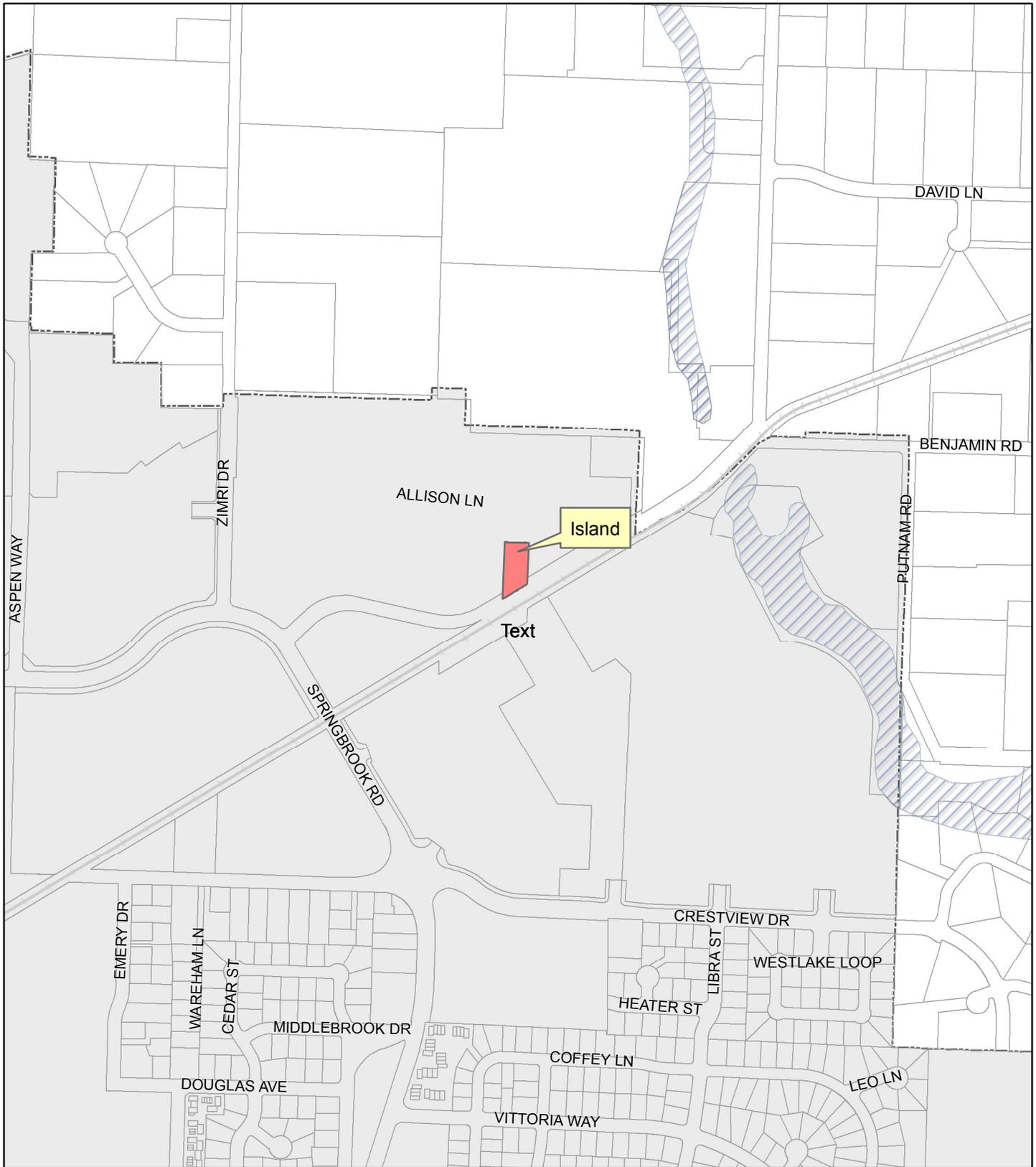
- Potential Areas of Annexation
- City Limits
- UGB



**Exhibit B**  
**for Resolution No. 2014-1118**  
**Potential Island Annexations**



# Potential Island Annexations

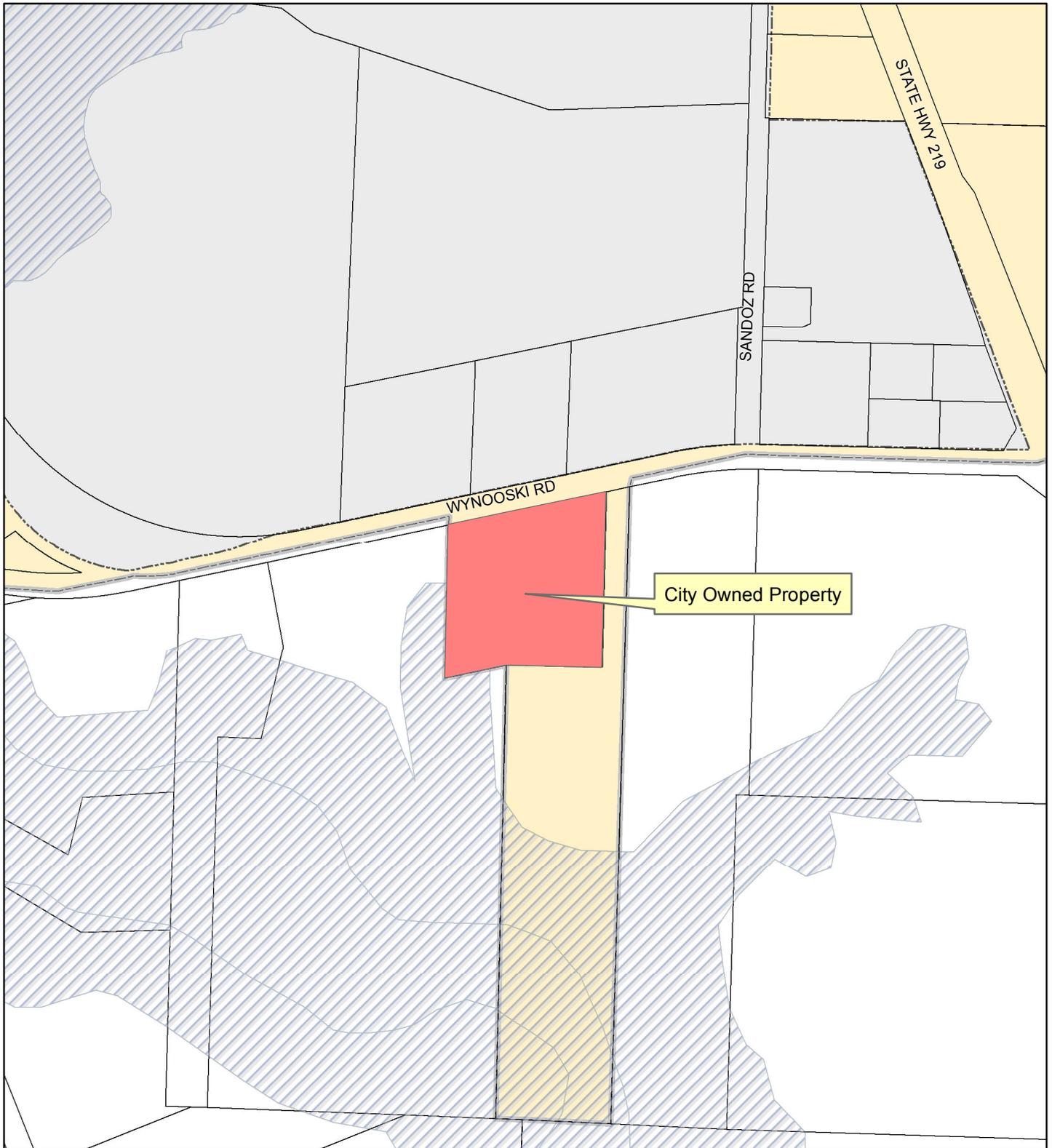


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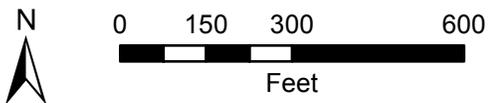
-  Springbrook Islands
-  City Limits



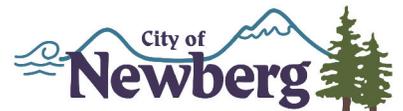
**Exhibit D**  
**for Resolution No. 2014-1118**  
**2716 Wynooki Annexation**



**Legend**



-  2716 Wynooki
-  City Limits
-  UGB



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# REQUEST FOR COUNCIL ACTION

**DATE ACTION REQUESTED: March 17, 2014**

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2014-3119	Motion ___	Information ___
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**SUBJECT: Authorize the City Manager Pro Tem to enter into a construction contract with Nutter Corporation for the Wynooski to Riverfront Utilities Project in the amount of \$910,400.22, and to negotiate and approve any construction change orders not to exceed 15 percent of the original contract.**

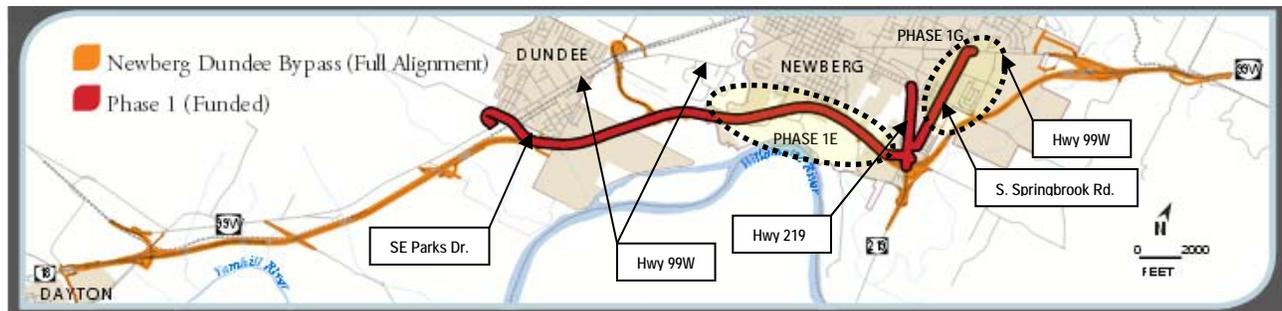
Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer  
Dept.: Engineering Services Department  
File No.:

**RECOMMENDATION:**

Adopt Resolution No. 2014-3119 authorizing the City Manager Pro Tem to enter into a construction contract with Nutter Corporation to relocate the city’s water, reuse water, and wastewater conveyance systems in the amount of \$910,400.22, and to negotiate and approve any construction change orders not to exceed 15 percent of the original contract.

**EXECUTIVE SUMMARY:**

The Oregon Department of Transportation (ODOT) is working to complete Phase 1 of the Newberg-Dundee Bypass Project, bypassing Highway 99W from S. Springbrook Road in the City of Newberg (city) to a point west of SE Parks Drive in the City of Dundee as illustrated in the map below. Phase 1E is that portion of the Phase 1 ODOT bypass project from approximately Waterfront Street to the west and Sandoz Road to the east in Newberg. Phase 1G is another portion of the bypass that extends east of Highway 219 on S. Springbrook Road to Highway 99W.



The city’s consultant, Parametrix, Inc., completed the design of the Wynooski-Riverfront Utilities Project to resolve the city’s utility conflicts caused by the proposed Phase 1E of the bypass project. The utilities project was advertised for bid in the Daily Journal of Commerce on February 10, 2014.

Four qualified bids were received on February 25, 2014, and their results are listed below:

Nutter Corporation .....	\$ 910,400.22
C&M Excavation & Utilities, LLC .....	\$1,277,780.00
K & E Excavating, Inc. ....	\$1,360,901.00
Pacific Excavation, Inc. ....	\$1,649,720.00

The lowest qualified bidder was Nutter Corporation. Construction of this project is scheduled to commence in March, 2014. The project is scheduled to be completed by August, 2014.

**FISCAL IMPACT:**

This relocation project will receive two assigned material procurement contracts, as authorized by Resolution No. 2014-3111 passed by Council on February 18, 2014, that meet the ODOT “Buy America” requirements for:

- (a) The proposed pipe and fittings from Ferguson Enterprises, in the amount of \$310,230.03; and
- (b) The proposed butterfly valves from H.D. Supply Waterworks, in the amount of \$88,878.18.

Approximately 75% of the project cost to relocate the utilities will be reimbursed by ODOT.

Because of the compressed construction time schedule, staff is requesting the Council to authorize the City Manager Pro Tem to negotiate and approve any needed construction change orders not to exceed 15 percent of the original contract. The project is funded by account numbers 04-5150-707614 (water) and 04-5150-706414 (wastewater), and any remaining budgets will be carried over to the next fiscal year until the construction is fully completed in August, 2014.

**STRATEGIC ASSESSMENT:**

This project is required to resolve various city owned utility conflicts created by the construction of the ODOT bypass project in the southern portions of the City. Construction for the utility relocation in this project is scheduled for completion this August. Following city’s completion of the utility relocation work, ODOT’s contractor will mobilize for the construction of the full bypass improvements for Phase 1E this summer.



## **RESOLUTION No. 2014-3119**

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**A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER INTO A CONSTRUCTION CONTRACT WITH NUTTER CORPORATION FOR THE WYNOOSKI TO RIVERFRONT UTILITIES PROJECT IN THE AMOUNT OF \$910,400.22, AND TO NEGOTIATE AND APPROVE ANY NEEDED CONSTRUCTION CHANGE ORDERS NOT TO EXCEED 15 PERCENT OF THE ORIGINAL CONTRACT AMOUNT**

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### **RECITALS:**

1. The Oregon Department of Transportation (ODOT) is finalizing their design to complete Phase 1 of the Newberg-Dundee Bypass Project in the cities of Newberg and Dundee. Phase 1E of the Newberg-Dundee Bypass Project is located between Waterfront Street to the west and Sandoz Road to the east in Newberg.
2. The construction project was advertised for bid in the Daily Journal of Commerce on February 10, 2014. The scope of work includes the installation of approximately 3,000 linear feet of ductile iron pipe from 6 to 24 inch diameter, and approximately 500 linear feet of 36 inch diameter sewer pipe, and related tasks.
3. Four qualified bids were received on February 25, 2014. Nutter Corporation submitted in the lowest responsive bid for \$910,400.22. The engineer's estimate for this construction project is the range of 1.2 to 1.7 million dollars. The successful contractor for this project will receive two assigned material procurement contracts, as authorized by Resolution No. 2014-3111 passed by Council on February 18, 2014.
4. Construction of this utility relocation project will begin in March and end in August, 2014.
5. Due to the compressed construction time schedule, staff is requesting the Council to authorize the City Manager Pro Tem to negotiate and approve any needed construction change orders not to exceed 15 percent of the original contract.

### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

1. The city council, acting as contract review board for the city, does hereby authorize the city manager pro tem to enter into a contract with Nutter Corporation for an amount of \$910,400.22.

2. The city council authorizes the city manager pro tem to negotiate and approve any needed construction change orders up to 15 percent of the original contract amount.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: March 18, 2014.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 17<sup>th</sup> day of March, 2014.

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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 20<sup>th</sup> day of March, 2014.

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Bob Andrews, Mayor

# REQUEST FOR COUNCIL ACTION

**DATE ACTION REQUESTED: March 17, 2014**

<b>Order</b> ___	<b>Ordinance</b> ___	<b>Resolution</b> <u>XX</u>	<b>Motion</b> ___	<b>Information</b> ___
<b>No.</b>	<b>No.</b>	<b>No. 2014-3120</b>		

**SUBJECT: Authorize the City Manager Pro Tem to execute Amendment No. 2 to the Professional Services Agreement with Parametrix, Inc. to complete additional utilities relocation design and project management for the Wynooski to Riverfront Utilities Project in the amount of \$160,080.00**

**Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer  
Dept.: Engineering Services Department  
File No.:**

**RECOMMENDATION:**

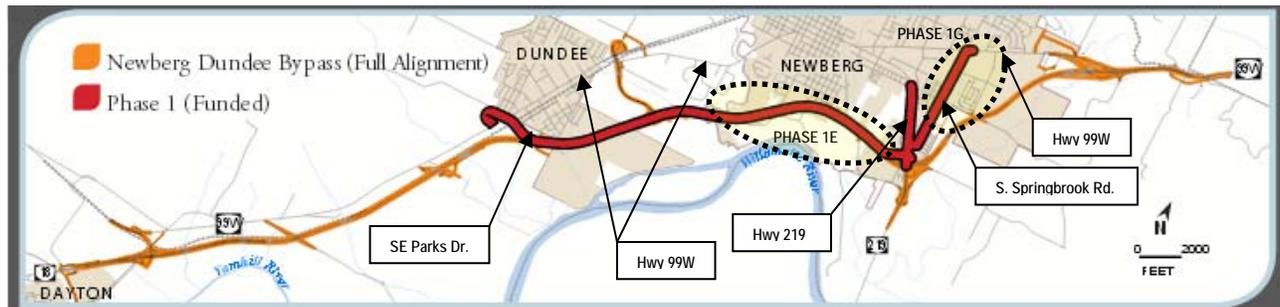
Adopt Resolution No. 2014-3120 authorizing the City Manager Pro Tem to execute Amendment No. 2 for the professional services agreement with Parametrix, Inc. to complete additional utilities relocation design and project management requested by the Oregon Department of Transportation (ODOT) for the Wynooski to Riverfront Utilities Project in the amount of \$160,080.00.

**EXECUTIVE SUMMARY:**

On October 24, 2013, the city executed a professional services agreement with Parametrix, Inc., as authorized by Resolution No. 2013-3083, passed by Council on October 7, 2013, to complete the city’s utilities design on S. Springbrook Road (known as Phase 1G of the ODOT Newberg-Dundee Bypass Project), and the utilities relocation design for the Wynooski to Riverfront Utilities Project (known as Phase 1E of the ODOT Newberg-Dundee Bypass Project).

On January 24, 2014, ODOT authorized the city to perform additional work (design and construction) to resolve the Avalon Mobile Home Park wastewater force main conflicts in Sandoz Road, and agreed that this additional work is fully reimbursable by ODOT.

On February 20, 2014, ODOT identified new utility conflicts for the city’s existing wastewater conveyance system due to the proposed bridge shoring for the bypass structure over River Street, and other related issues created by the bypass project. These additional conflicts for Phase 1E of the Newberg-Dundee Bypass Project created the need for a second contract amendment with Parametrix, Inc.



This proposed second contract amendment will exceed 10 percent of the original contract amount. Therefore, staff is requesting the Council to authorize the City Manager Pro Tem to execute Amendment

No. 2 for the professional services agreement with Parametrix, Inc.

**FISCAL IMPACT:**

Parametrix, Inc. submitted a detailed amendment outlining the scope of work for the proposed Amendment No. 2 with a reasonable phase-by-phase cost breakdown, which is attached as Exhibit “A” and by this reference incorporated.

The original contract (\$678,394.00) and the executed Amendment No. 1 (\$52,296.00) totaled \$730,690.00. The proposed Amendment No. 2 (\$160,080.00) will increase the consultant contract to a total of \$890,770.00, which exceeds 10 percent of the original contract amount. The additional work for the Sandoz Road wastewater force main relocation, the Pacific Street wastewater conveyance system’s structural evaluation, and the River Street wastewater relocation is fully reimbursable by ODOT. Contract Amendment No. 2 is funded by account numbers 04-5150-707614 (water) and 04-5150-706414 (wastewater).

**STRATEGIC ASSESSMENT:**

Amendment No. 2 for the professional services agreement with Parametrix, Inc. is needed by the city to meet ODOT’s request to resolve additional utility conflicts created by the bypass project in the southern portions of the city.



## ***RESOLUTION No. 2014-3120***

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**A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO EXECUTE AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARAMETRIX, INC. TO COMPLETE ADDITIONAL UTILITIES RELOCATION DESIGN AND PROJECT MANAGEMENT FOR THE WYNOOSKI TO RIVERFRONT UTILITIES PROJECT IN THE AMOUNT OF \$160,080.00**

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### **RECITALS:**

1. On October 24, 2013, the city executed a professional services agreement with Parametrix, Inc., as authorized by Resolution No. 2013-3083 passed by council on October 7, 2013, to complete the city's utilities design on S. Springbrook Road (known as Phase 1G of the Oregon Department of Transportation (ODOT) Newberg-Dundee Bypass Project) and the utilities relocation design for the Wynooski to Riverfront Utilities Project (known as Phase 1E of the ODOT Newberg-Dundee Bypass Project).
2. On January 24, 2014, ODOT authorized the city to perform additional work (design and construction) to resolve the Avalon Mobile Home Park sewer force main conflicts on Sandoz Road.
3. On February 20, 2014, ODOT identified new utility conflicts for the city's existing wastewater conveyance system due to the proposed bridge shoring for the bypass structure over River Street, and required the city to also evaluate the structural integrity for the city's Pacific Street wastewater conveyance system that will be impacted by the bypass project.
4. The above additional wastewater system conflicts create the need for additional consultant design and project management increasing the total contract over 10 percent of the original contract amount. Therefore, staff is requesting the council to authorize the city manager pro tem to execute Amendment No. 2 for the professional services agreement with Parametrix, Inc.
5. Parametrix, Inc. submitted a detailed amendment outlining the scope of work for the proposed Amendment No. 2 with a reasonable phase-by-phase cost breakdown, which is attached as Exhibit A, and hereby adopted and by this reference incorporated.
6. ODOT will reimburse the city for all eligible costs for the additional work requested by ODOT. The reimbursements are subject to ODOT's final review and approval.

**THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

The city council, acting as contract review board for the city, does hereby authorize the city manager pro tem to execute Amendment No. 2 for the professional services agreement with Parametrix, Inc. to complete additional utilities relocation design and project management requested by ODOT for the Wynooski to Riverfront Utilities Project in the amount of \$160,080.00.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: March 18, 2014.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 17<sup>th</sup> day of March, 2014.

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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 20<sup>th</sup> day of March, 2014.

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Bob Andrews, Mayor

**SCOPE OF WORK**

**City of Newberg  
The Springbrook Road Utility Design Project  
Amendment 2**

**OVERVIEW**

The following is a summary of work items that have been added that are beyond the original scope of work for the Professional Services Agreement between the City of Newberg and Parametrix.

- Prepare a second procurement specification and supporting work to allow the City to purchase butterfly valves for the utility relocation construction.
- Redesign the water pipelines at College, 14<sup>th</sup>, and Waterfront Streets.
- Redesign the water and reuse pipelines at Highway 219.
- Address additional conflicts with Frontier Communications and revise water relocations.
- Assess methods to mitigate conflicts of future bypass bridge footings and embankment fill with City sewers in the vicinity of 11<sup>th</sup> and 12<sup>th</sup> Streets. Includes geotechnical support .
- Additional bidding phase services.
- Prepare the final sewer design for the Avalon Mobile Home Park and “conformed” construction documents incorporating the original design, changes from addenda, and the sewer.
- Provide support to the City with allocation of project costs for ODOT reimbursement.
- Additional project management.

The task numbering below is not in sequence because the numbers correspond to tasks in the original scope of work or are tasks for new work.

**Task V002. Butterfly Valve Procurement**

The original procurement documents were for pipe, fittings, gate valves, and butterfly valves. The bid received was not-responsive for the butterfly valves. So a second bidding document was prepared for procurement of butterfly valves.

The activities include contacting vendors to confirm conformance with “Buy America” requirements and ability to deliver within schedule constraints, preparation of technical specifications for butterfly valves, and preparation of documents for bidding. Additional support includes: answer bidder’s questions and prepare addenda, assist City with review of bids, prepare bid tabulation, and provide written recommendation for award. After contract award, this task includes coordinating with supplier, conducting review of technical submittals on valves, and maintaining a submittal log.

**Assumptions:**

- The procurement document will consist of the following sections: invitation to bid, instructions to bidders, bidder’s checklist, bid form, bid performance bond, agreement, general conditions, supplementary conditions, administrative provisions, submittals, quality control, installation/testing, and reference forms.
- Technical specifications will consist of AWWA butterfly valve section.
- The EJCDC procurement documents will be used as base for documents.

## EXHIBIT A for Resolution No. 2014-3120

- To expedite schedule, the Parametrix internal quality control review will be conducted concurrently with City review of draft documents.
- Procurement documents will be provided via email to vendors for bidding. The documents will not be advertised publically.
- The agreement will have a provision for contract assignment to the construction contractor that installs the valves.
- The City will coordinate with winning bidder on obtaining insurance documents, bonds, signatures, and other contract-related items.
- Field or factory observation of materials is not included.
- Up to two submittal reviews will be conducted for each item; the following are anticipated: butterfly valve and actuator for a total of two submittals. Submittals will be processed electronically by emails.

### ***Deliverables:***

- Final bid-ready set of procurement documents in PDF format.
- Bid tabulation in spreadsheet format delivered electronically. Email with recommendation on bid award.
- Submittal responses in electronic format.

### **Task V005. Redesign Water Pipelines at College, 14<sup>th</sup>, and Waterfront Streets**

The City originally directed that the relocation of these 1 and 2 inch polyethylene pipelines be upsized to 12 inch pipelines and added an 8 inch spur to a new hydrant and blowoff. Parametrix also designed a new 330 foot 12 inch waterline crossing from future alignments of Frontage Road to Waterfront Road. Because ODOT would not reimburse the upsizing, the City directed Parametrix on January 14, 2014 that the Frontage/Waterfront crossing be deleted and the waterlines along College/14<sup>th</sup>/Waterfront be redesigned using 1 and 2 inch polyethylene pipelines. The design plans and profiles were revised accordingly.

### **Task V006. Redesign Water Crossing at Highway 219**

Highway 219 is crossed by 24 inch water and a 10 inch reuse pipelines. The original design had these crossings made using horizontal borings. As a construction cost saving measure, the City requested of ODOT if open cut trench construction would be allowed. On January 22, 2014, ODOT approved this alternative. In addition, new field data from Murray Smith & Associates (MSA) was provided of existing pipeline locations and depths, which changed the points of connection between the new and existing water and reuse pipelines. The alignments and profiles were redesigned. An ODOT permit was also prepared to address night work, traffic control, and lane width restrictions. Added details were added to comply with ODOT required trench and pavement designs.

### **Task V007. Resolve Frontier Communication Conflicts**

The consultant for Frontier Communications notified the City that the proposed relocation of City waterlines was in conflict with their communication conduits and a vault at two locations, west of Highway 219 and on Wynooski Street east of E. 11<sup>th</sup>. The following work will be conducted to resolve the conflicts:

## EXHIBIT A for Resolution No. 2014-3120

- Meet with or participate in conference call with Frontier's consultant to discuss options for resolution.
- Prepare draft and final revisions to two design drawings to accommodate needed changes.
- Advise City's utility-relocation construction contractor of changes. Prepare a request for proposal for costs, if needed, and review contractor's cost.
- Follow-up coordination with Frontier's consultant and construction contractor.

### **Assumptions:**

- Pipe sizes and points of connection will remain the same for revised pipeline locations.
- One site visit by a Parametrix engineer.
- Participate in one conference call and one site visit.

### **Deliverables:**

- Hand markup of proposed design changes for review by City and Frontier's consultant.
- Two revised engineer-stamped drawings for City's construction contractor to implement.

### **Task V008. Resolve 11<sup>th</sup> and 12<sup>th</sup> Street Sewer Conflicts**

#### **Overview**

There are utility conflicts with the Newberg Dundee Bypass Phase 1E and the City's sanitary sewer system at River Street and 12<sup>th</sup> Street with the proposed bridge foundations and increased overburden and new retaining walls at Pacific Street and 11<sup>th</sup> Street. There will also be utility conflicts with the future phase of the Newberg Dundee Bypass in the same areas including the future bridge foundation at 12<sup>th</sup> Street and River Street and the existing (1985) 30 inch reinforced concrete pipe (RCP) and an existing (1986) 15 inch RCP. The existing 30 inch RCP in Pacific Street will have similar increased overburden as a result of the future phase. The areas below have conflicts with the ODOT bypass project and the future phase of the bypass:

- Increased overburden on an existing (1985) 30 inch RCP under Pacific Street.
- Retaining wall loading on an existing (1985) 30 inch RCP on a parallel alignment.
- Impacts from proposed driven pile bridge foundations on 8 inch concrete and 8 inch clay sanitary lines.
- Future increased overburden on the 30 inch RCP under Pacific Street.
- Future bridge foundation impacts to the existing 30 inch and 15 inch RCP lines on the south side of 12th Street.

The work will consist of four elements: (1) data gathering and development of mitigation strategies, (2) geotechnical support, (3) preparation of design, and (4) coordination with construction contractor to obtain costs and support City in processing a change order.

#### **Subtask V0081 Data Gathering and Development of Mitigation Strategies**

This subtask consists of the following elements:

- Collect existing data to assess the sewers and determine the structural integrity of the sewers. The following information is needed from the City and/or ODOT:
  - Sewer record drawings.
  - Sewer manhole invert and rim elevation data.
  - Existing sewer services.

**EXHIBIT A**  
**for Resolution No. 2014-3120**

- ODOT geotechnical data and reports.
- ODOT plans for the Phase 1E bypass design.
- Class of pipe or pipe properties at impact locations.
- Condition assessment of the pipe. TV inspection logs if available.
- Soil characteristics of the bedding, backfill and in situ soil layers.
- Anticipated soil reaction from pile driving and the zone of influence.
- Temporary and permanent loading applied to the overburden and estimated pipe cover depth.
- Review the ODOT survey for areas of concern. Conduct a site visit to observe existing conditions and confirm that relevant surface features are included in the survey (curbs, sidewalks, landscaping, type of pavement, intersecting storm drains, for example).
- Confirm which lots and sewer services will be removed/abandoned in advance of the ODOT bypass construction and which will remain after bypass construction.
- Prepare schematic of existing sewers showing sewer services to be abandoned and those to remain.
- Coordinate with ODOT to obtain temporary construction and future permanent loads, anticipated pile driving equipment, and anticipated construction methods for roadway, bridge, and retaining walls.
- Evaluate mitigation alternatives utilizing the provided information and pipe horizontal and vertical location in relation to temporary and permanent loading. For each alternative, conduct the following:
  - Assess the type of loading (temporary or permanent) in relation to the pipe condition.
  - Prepare scaled figures for each alternative showing the spatial relationship and impact of temporary, permanent and future loading on the utility.
  - Calculate the impacts of the applied loading on the structural integrity of the pipe.
  - Develop relative costs for each mitigation alternative.
  - Estimate the expected duration and impact on construction schedule developed in consultation with the construction contractor.
  - Review constructability with the construction contractor.
  - Consider future maintenance or replacement impacts.
- Develop a preliminary strategy, supporting schematics, and relative costs for mitigating the conflicts. Anticipated mitigation strategies include the following:
  - Do nothing. The projected load on the existing sewers are within acceptable design parameters.
  - Implement measures to protect the sewer from the added load such as removal and replacement of pipe bedding and fill, replacement of fill with geofoam or CLSM, or providing concrete encasement for sewer, for example.
  - Relocate the sewer.
  - Abandon portions of the sewer and provide sewer service through an alternative route not impacted by bypass construction.
- Facilitate a meeting with staff from the City, the construction contractor, and MSA to review options and develop recommended courses of action at each conflict area.
- Prepare a draft technical memorandum documenting recommended course of action for each area. Prepare an opinion of probable construction cost. Finalize technical memorandum after concurrence from the City, contractor, and MSA.

***Assumptions:***

- The City will provide the pipe class/properties and all available inspection reports, video logs and repair and maintenance logs for the utilities listed above.
- The City will provide record drawings and documents indicating sewer services to remain and to be abandoned.
- ODOT survey contains rim and invert of sewer manholes up- and downstream of affected areas.
- ODOT will provide estimated temporary construction and future permanent loads.
- ODOT will provide anticipated pile driver equipment data sheets.
- ODOT will provide anticipated construction methods for the roadway, bridges, and retaining walls.
- One site visit will be conducted. Three Parametrix staff will participate in a half-day meeting in Newberg.

***Deliverables:***

- A concise draft and final technical memorandum in electronic format describing the problem, reviewing mitigation strategies, assessment of pipe structural integrity, and recommended course of action for each area.

**Subtask V0082 Geotechnical Support**

This scope involves reviewing existing geotechnical report issued by ODOT for the Newberg Dundee Bypass Project, conducting a site visit, assessing potential pipeline settlement, evaluating mitigation approach, and participating design meetings. This subtask consists of the following elements:

- ODOT Geotechnical Report Review and Site Visit. Review existing ODOT geotechnical report for subsurface condition at the potential sewer pipeline settlement areas. A senior geotechnical engineer and a Parametrix senior engineer will conduct a site visit to assess the site condition and attend an onsite meeting with the City, Engineer, and contractor.
- Settlement Assessment and Mitigation Options. Review and assess the potential settlement magnitudes and influence zone for the sewer pipelines caused by the new highway loads. Discuss settlement assessment results with engineer and evaluate potential mitigation alternatives. Attend one meeting with designer to discuss the settlement issue and mitigation alternatives.
- Geotechnical Memorandum. We will summarize existing information review, subsurface condition and settlement assessment, and mitigation approach evaluation in a geotechnical memorandum.

***Assumptions:***

- ODOT will provide their geotechnical report and supporting boring logs.
- The ODOT geotechnical engineer will be available for discussions of existing subsurface conditions and design criteria.
- No additional subsurface borings, test pits, or testing are needed. The existing subsurface data are available from ODOT and those will be satisfactory to complete the designs described in Amendment 2.
- One site visit and one meeting in Newberg by geotechnical subconsultant.
- Parametrix senior engineer to visit site with geotechnical subconsultant.

***Deliverables:***

- A concise draft and final geotechnical memorandum in electronic format.

**Subtask V0083 Design**

This subtask consists of the following elements:

- Prepare design drawings and details to implement the following mitigation measures:
  - Relocate the manhole to the west on 12<sup>th</sup> Street west of S. River.
  - Abandon the 8 inch clay sewer in 12<sup>th</sup> Street. The houses and services to it are being removed for the bypass construction.
  - Relocate sewer service from S.P. Fiber to the existing 30 inch sewer at easternmost manhole at 12<sup>th</sup> Street and Pacific Street.
  - Design protection measures or relocation for the 30 inch sewer in Pacific Street south of 11<sup>th</sup> Street where it is under the new bypass embankment.
  - Design protection measures or relocation, if required, for the 30 inch sewer in 11<sup>th</sup> Street east of Pacific Street where it is parallel to a retaining wall.
- Address temporary pumping, dewatering, and shoring for proposed construction.
- Prepare revisions to the contract Special Provisions to incorporate needed technical specifications for protective measures for design.
- Prepare construction cost estimate.

***Assumptions:***

- The drawings will be prepared in draft form (90%) for City and MSA review, then finalized and stamped based on City and MSA comments.
- The feasibility of sewer relocations is dependent on existing manhole inverts.
- Existing sewer services to be retained is fixed.
- City standard details will be used for sewer services and manholes.
- The design will be based on ODOT's proposed design for near-term and the future lanes for Phase 1E.

***Deliverables:***

- Two plan and profile design drawings and two drawings of details will be prepared.
- Special Provisions addressing protective measures, dewatering, and shoring.
- Construction cost estimate.

**Subtask V0084 Construction Phase Support**

This subtask consists of the following elements:

- Develop a request for proposal for construction contractor to obtain cost for added work.
- Evaluate contractor's proposal and negotiate final cost for change order.
- Support City staff in preparation of formal change order.
- Review construction submittals.

***Assumptions:***

- One telephone conference with construction contractor.
- Six construction submittals on mitigation measures will be reviewed: dewatering, shoring, mitigation measures (2), backfill, and other.

- Submittals on manholes, sewer pipe, laterals, and sewer services will not require separate review as they will be the same as done under the general contract.

***Deliverables:***

- Request for proposal in electronic format.
- Six submittal responses in electronic format.

**Phase 4 Bid and Construction Phase Assistance**

**Tasks 4120/4130. Bidding Assistance for Phase 1E and College Waterfront Designs**

Additional level of effort was required during bidding assistance.

- The ODOT-provided survey did not identify all the trees, fences, lighting, curbs, landscaping, and the entrance sign to S.P. Fiber that were along the pipeline alignments. These features will need to either be removed or removed and replaced by the contractor. To avoid construction change order claims, an addendum was issued. To locate these features required review of aerial photographs followed by a site visit to confirm the stations where the features were located along each alignment. Based on field notes, the information was consolidated into text for the addenda affecting six drawings.
- The quantities of owner-purchased materials changed from when the procurement bids were received to when the general construction design was completed. The listing of materials was updated in the bid documents.
- ODOT dictated a sequence of work two days after the documents were advertised.
- Three days prior to the bid opening, ODOT approved an extension of the contract completion date. This required an addendum changing the contract and Special Provisions.

**Phase 5 Additional Support**

**Task 5200. Added Design**

This work covers two elements: completing the sewer design for the Avalon Mobile Home Park to conform to recent survey data and updating drawings and Special Provisions that conform to the addenda during bidding.

- Conform Avalon Park Sewer Design to Survey. ODOT's consultant notified the City a week before the construction contract was advertised that they approved the design of a new gravity sewer to address the conflict with a 3 inch force main serving the Avalon Mobile Home Park. Parametrix prepared a draft design utilizing previous site plans in order to allow that new sewer to be bid along with the remainder of the project. The original contract had an allowance for relocating the force main and an allowance for potential added design, and these were used to complete this last-minute design. Concurrently, utility locates and topographic surveying were conducted. The survey topographic map was recently received, and the design plans need to be updated for the contractor to construct it. Work consists of the following:
  - Conduct field surveying and prepare a base map for design.
  - Incorporate the survey file into the base map of the bid set design file.
  - Modify the previous preliminary design to incorporate surveyed field conditions to create a construction-ready design drawing.

## EXHIBIT A for Resolution No. 2014-3120

- Update Drawings to Conform to Addenda. The design plans and specifications that were advertised for bidding evolved due to recent changes by ODOT, as well as relevant items indicated by bidders and revisions typical of any design. The plans and specifications need to be updated to consolidate the addenda to enable clear communication and minimize misinterpretation by the contractor, inspectors, the City, and Engineer. This should avoid more costly and time-consuming construction issues. The following items will be updated:
  - The ODOT-provided survey did not identify trees, fences, lighting, curbs, landscaping, and the entrance sign to S.P. Fiber. These features need to either be removed or removed and replaced by the contractor. These were identified by addenda but need to be consolidated onto the six affected drawings.
  - Locations for cathodic protection need to be clarified on five drawings.
  - ODOT dictated a sequence of work two days after the documents were advertised. Also the length of the contract has been extended. These and other miscellaneous items should be updated in a revised Special Provisions section.
  - ODOT's extension of the length of the construction requires that selected provisions in the contract be updated.
  - Miscellaneous addenda items will be added to drawings and Special Provisions.

### ***Assumptions:***

- To update the sewer design for Avalon Mobile Home Park will require half a day of engineering and two days of drafting.
- Updating the drawings and Special Provisions to conform to addenda will require one day of engineering and three days of drafting.

### ***Deliverables:***

- Updated drawings, Special Provisions, and contract conforming to addenda.

### **Task V004. ODOT Reimbursement Support**

This task includes time to support the City with allocation of projects costs for reimbursement from ODOT. This subtask consists of the following elements:

- Coordinate with City and MSA.
- Meetings with City and MSA to define what qualifies as a reimbursable cost.
- Prepare revised construction cost estimates to conform to areas reimbursed or not reimbursed.
- Quantify construction and procurement cost opinions with regards to reimbursable costs.
- Prepare breakdown of professional services fees to itemize costs to conform to areas reimbursed or not reimbursed.

### **Task 31. Project Management**

The original contract anticipated a project duration of seven months with concurrent design of utility relocations for Phases 1E and 1G. Because utility relocation design for Phase 1G is to be done separately, the duration of project management increased. The completion of the Phase 1G design is expected to go through November 2014, or an additional seven months. The administrative and budget management will be performed by Derik Vowels and the technical design management will be by Tom Nielsen.

**EXHIBIT A  
for Resolution No. 2014-3120**

The project management task includes monthly meetings with the City staff, coordinating efforts of team members, preparing the amendment scope of work and fee, reviewing project billings, preparing subconsultant contracts and processing their invoices, preparing monthly progress reports, preparing project correspondence (letters, memos, email, etc.), maintaining written and electronic files, and other administrative tasks.

Monthly progress reports will address work progress, significant findings and unresolved issues, action needed from the City and Parametrix, items and meetings scheduled for the next period(s), and list potential out-of-scope work/issues.

***Assumptions:***

- The duration for this scope of work through contractor award of Phase 1G is 7 months – April 25, 2014 to November 30, 2014.
- Two Parametrix staff will participate in four progress meetings with City staff in Newberg; the other three progress meetings will be at Parametrix's Portland office.

***Deliverables:***

- Monthly progress reports and invoices.



# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: March 17, 2014

Order \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion XX Information \_\_\_  
No. No. No.

**SUBJECT:** Approve the November 18, December 2, and December 16, 2013, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Jennifer Nelson, Deputy City Recorder  
Dept.: Administration

## RECOMMENDATION:

Approve City Council minutes for preservation and permanent retention in the City's historical records.

## EXECUTIVE SUMMARY:

The City of Newberg City Council held public meetings and minutes were recorded in text. In accordance to Oregon State Records Management law, the City of Newberg must preserve these minutes in hard copy form for permanent retention.

## FISCAL IMPACT:

None.

## STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG COUNCIL MINUTES  
NOVEMBER 18, 2013  
7:00 PM MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. Mr. Brad Allen, code enforcement officer, introduced himself and gave a brief description of his background. Discussion was held on council goals lead by MWVCOG Executive Director Nancy Boyer. 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 7:03 PM.

**II. ROLL CALL**

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

Staff Present:	Lee Elliott, City Manager Pro Tem	Terrance Mahr, Acting City Attorney
	Barton Brierley, Planning & Building Director	Truman Stone, City Attorney
	Jessica Pelz, Associate Planner	Jenn Nelson, Deputy City Recorder
	DawnKaren Bevill, Minutes Recorder	

Others Present: Marc Willcuts, Douglas Cushing, Jane Greller, Jason Mullaney, Brandi Mullaney, Nina Boe, Chris Strange, Mark Darula, Gene L. Fournier, Mike Hanks, Fritz Graff, Saiko Mair, David Reitz and Russell Parlee.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Lee Elliott, city manager pro tem, reported he met with the Chamber of Commerce to discuss the possibility of the chamber hiring economic development staff. Mr. Elliott and Mayor Andrews are pursuing holding a regional economic development summit, and the springs divestiture will be discussed at the citizens' rate review committee meeting on Thursday, November 21, 2013.

**V. PUBLIC COMMENTS**

Mayor Andrews opened and closed the public testimony as no one appeared to testify.

**VI. PUBLIC HEARINGS**

1. Consider a motion adopting **Resolution No. 2013-3095** approving Supplemental Budget #1 for fiscal year 2013/2014.

Mayor Andrews introduced the administrative hearing and called for any conflicts of interest or abstentions; none appeared.

Ms. Janelle Nordyke, finance director, noted a correction to pages 5 and 15 of the meeting packet. The paragraph stating this “supplemental budget recognizes the grant revenue to be received in the 2013-2014 fiscal year in the amount of \$387,500.00” should read” \$387,840.00”. Staff recommends the adoption of the resolution.

Mayor Andrews closed the administrative hearing.

**MOTION:** **McKinney/Corey** moved to adopt **Resolution No. 2013-3095** approving Supplemental Budget #1 for fiscal year 2013-2014 as described in Exhibit A. Motion carried (7Yes/0 No).

2. Consider a motion adopting **Order No. 2013-0032** affirming the planning commission’s approval of the Terra Estates Subdivision located at 3805 Terrace Drive.

Mayor Andrews opened the quasi-judicial hearing and asked for any abstentions, bias, ex-parte contact, or objections to jurisdiction. The mayor sits as an ex-officio member on the traffic safety commission and in anticipation of potential inquiries regarding the Terra Estates, he did attend when the traffic study was given. Mayor Andrews asked Mr. Barton Brierley, planning & building director, to distribute copies of the study to the council. Any decisions he will make will be based exclusive of that ex-parte contact. No other conflicts were brought forward. Mr. Terrance Mahr read all legal announcements.

Ms. Jessica Pelz, associate planner, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report). Mrs. Pelz reviewed the tentative subdivision plat, applicable criteria, and traffic safety concerns. Based on the findings, the application meets the goals and policies of the Newberg Comprehensive Plan and the required criteria within the Newberg Development Code for a subdivision, subject to completion of the conditions. Staff recommends adoption of Order No. 2013-0032 affirming the planning commission’s approval of the Terra Estates Subdivision with the findings shown in Exhibit A and the conditions of approval in Exhibit B.

Mayor Andrews opened the public testimony and announced a final decision will be made at the December 16, 2013, city council meeting.

**Proponents:**

Mr. Marc Willcuts, Willcuts Company Realtors, believes the criteria had been met and even exceeded. Mayor Andrews asked if the smallest lot was not developed, how much of an impact would that make to the overall development. Mr. Willcuts replied the numbers are very tight and they are already developing fewer lots than the code allows.

Mr. Douglas Cushing, attorney representing the personal estate of Linda Hutchinson, said when Ms. Hutchinson passed away in 2006, the property was coming into the Urban Growth Boundary (UGB) and in November, 2008, the property was annexed into the city by vote. In 2012, the property was agreed to be sold and in the interim the city changed the minimum lot size in an R-1 zone. He asked council to approve the application.

**Opponents:**

Ms. Jane Greller, stated the PowerPoint slide shown during the staff report is not the same seen at the planning commission meeting. She asked the city council to protect the integrity of the process as she believes the process has been compromised. All of her testimony entered into the record to date was based on an unacknowledged comprehensive plan she was not aware of. She fully expected any information on the city website would be accurate, legal, and truthful. Ms. Greller would like to see the findings when their

subdivision was developed, because in the annexation document it states “a traffic safety issue exists and upon development of this subdivision, may need to be reviewed.” She does not believe she should have to make a public records request for this, but rather staff should supply those asking with the information. She wants to see this subdivision conforms to the legal and governing density of the city’s comprehensive plan. Regarding the process, the density table in the PowerPoint is different and she wants to see the medium density in the comprehensive plan. Two pages of stapled, written testimony went missing after she submitted it, thus she had to resubmit it. The PowerPoint was not submitted in the record for the hearing tonight and staff told her that was because it was used previously and it is already considered part of the record. She disagrees it is considered record tonight if it was seen by the planning commission at their meeting. Staff and the city have a responsibility to include all of the information in the record. She objects to reading on the website for the hearing tonight the city council may vote to accept testimony into the record or not. Ms. Greller believes that misrepresents the rights of citizens and they need to take the testimony. It is not flexible and should be removed from the website and the back of the agenda. She referred to the staff report stating there is a glaring mistake identifying the subdivision on the zoning map as R-1 low-density residential and on the plan map identified as medium-density residential. The law requires the two maps be the same and she was told by staff it was a typographical error. Staff has a responsibility to correct errors. The acknowledged comprehensive plan will state the target density is up to 4.4 units per acre and up to 8.8 for medium density and “up to” sounds like a limit. The word “target” does not allow averaging. The criterion for this development is not restricted to ones shown and the number one purpose of the development code is to implement the comprehensive plan. She came to a planning commission meeting and asked about the language in the plan that states “to 2010” and “through 2010”. Once she received the acknowledged comprehensive plan she saw it is good “until 2010” because there was a remand from Land Use Board of Appeals (LUBA) that sent back the lands inventory and housing supply data to the city and nothing has been done to it during the intermittent three years. Approving an ordinance to reduce minimum lot size was done under an unacknowledged comprehensive plan. The city council is entrusted with the responsibility of being sure land use decisions are made appropriately. The comprehensive plan questions raised in a hearing need to be addressed in the city council’s decision and if that does not happen, the city council will be getting this back again. She referred to page 460, a memorandum from the engineer that did a traffic study addressing the left hand turn question that has been asked since June 6, 2013, with pictures; emailed to the city engineer asking the city to have the traffic safety commission study the area. After the record has been closed and planning commission has approved it, and after she paid money to come and testify again before the city council; she still does not see an answer five months later. Ms. Greller asked the traffic issue be corrected and that the application conforms to the R-1 standards in the comprehensive plan. She entered into the record the unacknowledged plan she worked with all summer.

Mr. Jason Mullaney stated information was presented at this meeting by staff he has never seen before. Most of the 30–40 letters sent for this proposal were in regards to multiple traffic issues, the most critical is the left hand turn off Highway 219 onto Terrace Drive has never been addressed. Traffic studies have been requested multiple times, including the request for a four-way stop or traffic reduction at the intersection of Natalie Drive and Morris Street brought before the planning commission on August 8, 2013. The planning commission recommended taking concerns to the traffic safety commission. The following traffic safety commission meeting was cancelled because there were no agenda items, although a planning commission member suggested the director take the citizens’ concerns to the traffic safety commission; but that did not occur. Mr. Mullaney stated the many letters and oral and visual testimonies have not been addressed. Mr. Mullaney met with the developer and discussed the many issues, but the bottom line is not what drives these decisions. He expressed the difficulty interacting with the city as a citizen. If the documentation on the website and the ability to obtain accurate information from the planning staff was any other business, they would be out of business. Every step to gain information has been met with one problem after another and at times seems deliberate. Another example is the Natalie Drive and Morris Street intersection; the planning director stated it should be the financial responsibility of the current neighborhood, not the developer, who is now going to add a 44 lot subdivision and create more traffic. Four stop signs may not be much money, but it should not be the citizens’

responsibility regarding safety. The original annexation proposal for Terra Heights shows a traffic safety issue was identified at the Terrace Drive/College Street intersection; however, on October 25, 2013, five months after the initial concern, after the planning commission approved the subdivision, and after a citizen filed an appeal, a letter mentioning this intersection from the senior transportation engineer was added to the record by the planning director. If there was an issue before, then 44 more houses will make this worse and it needs to be addressed. Citizens have tried to follow the process even though it has been incredibly expensive. Ms. Greller has had to pay \$795.00 for an appeal, costing much more than any other local city charges, just in the hopes to make traffic accountable. She should be reimbursed for the expense.

**MOTION: Howard/Rierson** moved to accept the written testimony from Mr. Jason Mullaney. Motion carried (7 Yes/0 No).

Mr. Chris Strange stated he believes staff has been passive regarding the intersection at Highway 219. He is frustrated over the affordable housing issue and now the city wants to fit in low-cost housing so people with issues have a place to live. He has owned his land for 15 years and owned a home there for 13 years. He was encouraged by the annexation and thought he could build another home, as he enjoys building; but, he will move out if affordable housing goes in.

Mr. Mark Darula asked the council to reject the proposal because the process is flawed. It meets the code, but not the comprehensive plan. The comprehensive plan and code are one document and should work together and the process has been extremely difficult for citizens to follow and even find. He does not understand why it is so difficult to receive information from staff. He wants to know why information was withheld regarding the planning process in the study done. It was voted in with the intention of 7,500 square foot size lots and now the change is 5,000 square feet. Mr. Brierley was asked why and an answer has never been received. The city council has an obligation to the voters, especially after \$795.00 has been paid. He asked why the voters' decision has been changed. In regard to the traffic on Highway 219 to Terrace Drive, the proposal stated there was a traffic issue, yet staff continued forward when there was previous information a problem was there. City engineers have been contacted with more run-arounds. Why the traffic safety commission cancelled a meeting because there was nothing on the agenda is beyond him. A member of that traffic safety commission was at the planning commission meeting when this was heard. At the very minimum, removal of the tree and covering the pipe in the culvert should be done. This is a safety issue with \$3,000.00 of damage to his wife's car.

Mr. Gene L. Fournier read a letter from Mr. Melvin Pallor who owns the property to the west of the proposed subdivision.

**MOTION: Rierson/McKinney** moved to accept the written testimony from Mr. Melvin Pallor. Motion carried (7 Yes/0 No).

Mayor Andrews closed the public testimony.

Rebuttal:

Mr. Terrance Mahr stated this closes the public testimony both written and oral. The applicant has seven days for written argument and will ask the applicant whether he wants to take advantage of that or not. In discussion with the applicant, staff talked about anticipating closing the record portion tonight and returning, deliberating and making a final decision on December 16, 2013.

Mr. Mike Hanks, applicant, wants the additional seven days to summarize the information heard and agreed to the final decision being made on December 16, 2013. Mr. Mahr stated the applicant will need to submit final

argument by Monday, November 25, 2013. Mr. Hanks has developed here for 20 years and has always found staff to be helpful and very nice.

Mr. Brierley reminded the council this is a quasi-judicial land use decision and all decisions must be based on the criteria standards and development code. The development code is part of the comprehensive plan and is acknowledged as complying with state-wide planning goals and is the rules that govern this particular subdivision. The statements in the comprehensive plan contain aspirational goals but are not criteria for approval or denial of a particular subdivision. The planning commission decision did include a requirement the applicant install stop signs at his expense if found warranted. It is also a condition that the applicant make improvements at Highway 219/Terrace Drive intersection.

Mayor Andrews recessed the hearing for 10 minutes.

## **VII. COUNCIL BUSINESS**

Councilor Lesley Woodruff asked for council input regarding Mr. Truman Stone, city attorney, continuing to serve on the Board of Trustees for George Fox that meets once in March and once in October, during city work hours. The consensus of the council was to allow Mr. Stone to continue to serve on the board.

## **VIII. ADJOURNMENT**

The meeting adjourned at 9:45 PM.

**ADOPTED** by the Newberg City Council this \_\_\_ day of \_\_\_\_\_, 2014.

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

**ATTEST** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

**CITY OF NEWBERG COUNCIL MINUTES  
DECEMBER 2, 2013  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. Fiscal policies were discussed and the department heads gave updates. 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 7:02 PM.

**II. ROLL CALL**

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

Staff Present:	Lee Elliott, City Manager Pro Tem	Truman Stone, City Attorney
	Jay Harris, Civil Engineer	Barton Brierley, Planning & Building Director
	Norma Alley, City Recorder	Nicole Tannler, Minutes Recorder

Others Present: Robert Soppe, John Freeman, Merle Smith, Cheryl McCaffrey, Mary Starrett, Bill Ciz, and Kelly Amador

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGERS REPORT**

Mr. Lee Elliott, City Manager Pro Tem, reported on Friday from 5:00-7:30 PM the Christmas tree lighting is at the library with Santa Claus lighting the tree. He said fiscal policies will be discussed soon and he is currently meeting with each individual councilor to discuss the fiscal year. In the first quarter the city is hoping to hire an economic development consultant and host a summit to further understand economic development.

**V. PUBLIC COMMENTS**

Mayor Andrews opened public comments.

Mr. Robert Soppe, resident, stated prior to a council meeting two and a half months ago he provided written comments to the Council. Six weeks ago he addressed council because he had not addressed them directly with the questions before he told staff he had not received a response and still has not. Mr. Soppe presented three questions to the council and staff: did he follow the proper procedure for submitting questions to the city council; is it unreasonable to expect a reply within two and a half months; and, if two and a half months is too short of a time, what is reasonable? The second issue he raised six weeks ago refers to the poor job done compiling and publishing the results of the citizens' satisfaction survey. This report sits on the city website for all to see. He stated he is disappointed; but, not surprised.

## VI. COUNCIL APPOINTMENTS

1. Consider reappointing Allyn Edwards, Matthew Fortner, and Art Smith, to the Newberg Planning Commission serving terms expiring December 31, 2016.

**MOTION: Bacon/Howard** approving the reappointment of Allyn Edwards, Matthew Fortner, and Art Smith to the Newberg Planning Commission serving terms expiring December 31, 2016. Motion carried (7 Yes/0 No).

2. Consider reappointing Karl Birky and Dianna Cotter and appointing David Hostetler to the Traffic Safety Commission serving terms expiring December 31, 2016; and, appointing Chris Kelley to the Traffic Safety Commission serving a term expiring December 31, 2015.

**MOTION: Rierson/Corey** approving the reappointment of Karl Birky and Dianna Cotter and appointment of David Hostetler to the Traffic Safety Commission serving terms expiring December 31, 2016; and, the appointment of Chris Kelley to the Traffic Safety Commission serving a term expiring December 31, 2015. Motion carried (7 Yes/0 No).

## VII. CONSENT CALENDAR

1. Consider approving a Proclamation honoring fallen Police Reserve Officer Robert Libke and supporting the City of Oregon City as it heals from this terrible tragedy.
2. Consider a motion approving the city council minutes from October 7, October 21, and November 4, 2013.

**MOTION: Rierson/Woodruff** approving Proclamation honoring fallen Police Reserve Officer Robert Libke and supporting the City of Oregon City as it heals from this terrible tragedy and a motion approving the city council minutes from October 7, October 21, and November 4, 2013 as amended. Motion carried (1 Yes/0 No).

## VIII. PUBLIC HEARINGS

Consider a motion adopting **Ordinance No. 2013-2766** amending the transportation system plan to reflect the Phase I alignment of the Newberg-Dundee Bypass.

TIME – 7:12 PM

Mayor Andrews stated at the last council meeting public comments were closed on Ordinance No. 2013-2766 and asked the council if they would like to reopen it due to the amount of the public wanting to speak on the topic today.

**MOTION: Rierson/Bacon** opening the record to allow additional public comments for **Ordinance No. 2013-2766** a second time. Motion carried (7 Yes/0 No).

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, planning and building director, presented the staff report including a PowerPoint slideshow (see official meeting packet for full report).

Ms. Cheryl McCaffrey, member of the Ladd Hill Association, commented on the economic interest statement (EIS) in 2002 with concern of traffic on Wilsonville Road. The response was there will not be an impact on Wilsonville Road. She said she believes the problem will move from Dundee to Wilsonville Road and Newberg. The neighborhood association observed the Oregon Department of Transportation (ODOT) had not studied the impact on Wilsonville Road. The association gave a proposal to have Springbrook meet at the bypass and not change the intersection because Wilsonville Road is a dangerous road.

Ms. Mary Starett, member of the Ladd Hill Association, stated those of us who use that road have the tragedy that can occur on Wilsonville Road. They are concerned the accidents would increase and from what ODOT has projected.

Mr. Meryl Smith, resident, has seen the changes in both Wilsonville and Sherwood and looks forward to the Newberg-Dundee Bypass, but realizes what is generating discussion now is safety. She asked council to please consider the suggestions for change in regards to safety.

Mr. John Freeman, member of the Ladd Hill Association, said he has given written testimonies to the council (see official meeting packet for full report). ODOT continues to ignore the problems with traffic on Wilsonville Road and their study does not include current configurations. The association hired a company to examine ODOT's study and the report informed us ODOT never conducted a traffic study. He stated ODOT intentionally misled the public in regards to Wilsonville Road. The bid and contract will not be done until 2015, and he does not believe it will delay this project as they have told you. The association asks the council to give approval only if ODOT makes these two changes. They do not want to stop ODOT and they want this bypass to be successful. Council has the opportunity to fix this problem created by ODOT and he encouraged them to make these two changes.

Councilor McKinney asked how the bypass would be signed for north and south and what is the suggested signage from ODOT. Mr. Freeman said they never committed to any particular signage until November 4, 2013, and any amount of signage will not be adequate because people will use their navigation systems. Councilor McKinney said he empathized and understands that road and navigation systems give multiple choices. He said there is no simple solution to fix this with ODOT and he believes the greatest hope is in how the interchange is signed. He does not envision a simple change and thinks it would be very difficult.

Mr. Freeman said he had a conversation with Clackamas county and was told it is out of their hands and ODOT has a very bureaucratic system for changes. He still believes it is possible and if the city can convince ODOT to make these changes it will work without delays.

Mayor Andrews asked if there will be some aggressive and additional signage. He has also heard discussions of going further back on the bypass to include signage. He said this is an ODOT project, not a city or county project. Ms. Kelly Amador, ODOT, said she believes that is going to happen.

Councilor Woodruff said she does not understand the statewide modeling. Mr. Bill Ciz, ODOT, said there is a statewide modeling before any large project. ODOT models a couple different land use models and examines traffic, road use, and land use. The bypass would only address traffic coming through Dundee and Newberg. There is a comparison of land uses in Newberg and ODOT divides that up into smaller zones and runs it under external influences. This generates future traffic zones based on land use plans.

Councilor Howard asked if there is a response to not taking Wilsonville Road into consideration. Mr. Ciz responded ODOT took the modeling done in 2005 and updated it to 2011 traffic counts. They did some cut-lines and found about 75% of traffic is destined for Newberg, 20% for St. Paul, and 5% for the coast. They do not believe anyone will take Wilsonville Road.

Councilor Rierson said there have been some compelling arguments from the public. He would be inclined to use Wilsonville Road to go north and thinks bad information can come from GPS units. He asked if there is a way the council could approve the ordinance without ruling out the suggestions of the Ladd Hill Association.

**MOTION:** **Rierson/Bacon** allowing acceptance of engineer report from ODOT. Motion carried (7 Yes/0 No).

Mr. Brierley said there is more traffic going through Highway 99W than through the gorge on I-84. It is a privilege to have ODOT build this bypass in our community. The council is being asked to incorporate phase 1 and recognize it. There are requests from residents and ODOT has committed to the signage and traffic reports. They are major changes and could cost anywhere from \$4,000,000.00-\$4,500,000.00 and delay the bypass up to 18 months. Springbrook Road is a city street and would be an expense to the city of Newberg as well. The long-range plan is still to have Wilsonville Road the old way once funding is available.

Councilor Howard said he recognizes the changes will cost money and add time, but time is not a deterrent to him. He is not firmly convinced Springbrook Road being used in phase 1 is a good idea and he is not supportive of the idea in its current form. He feels this is a forced solution without much thought because it is temporary. He believes if council takes more time and makes sure they are doing it the right way, they will end up with a better infrastructure in the end.

Councilor Bacon asked staff if council has the power to change the plan. Staff replied they do not.

Councilor Rierson asked what the effect would be if council did not pass this ordinance tonight. Staff did not have an answer but said not adopting it does not officially change it. Ms. Amador stated it would delay construction at least a year, if not longer.

Councilor Howard asked if this is approved and intersections are done by ODOT in phase 2, will it remain that way. Staff replied with the full bypass, there will not be changes; and it will remain a city street for Springbrook Road traffic.

Councilor McKinney thanked the public for their comments and said this is the best alternative to what they have for the continuation of the bypass.

Councilor Bacon said she will unhappily vote yes on this. She agrees what is going to happen is dangerous and there will not be another phase to this bypass. She will vote yes to equalize the paperwork.

Councilor Corey said he is also concerned and the project is not a perfect plan, but signage will help. He thinks the project will be stalled after phase 1, but the alternative of spending more dollars is not an option. There are no funds to do this, so he will be voting yes.

Councilor Rierson said he will be voting in favor with difficulty. He understands the requests are not simple, but would like to see an amendment and continue to work with ODOT for some way to incorporate this.

Mayor Andrews said he will also vote yes and spoke of the city's forum in the Parkway Committee to discuss this problem. He does not believe there will not be a full build out said they need to keep a fire under ODOT and legislation. He agrees with the concerns and thanked them for giving council some insights to pursue modifications in the future.

Councilor McKinney said this council is devoted to the completion of the bypass and he thinks all are best served by keeping on track. He thanked Mayor Andrews for reminding everyone of the full completion of the bypass.

**MOTION: McKinney/Woodruff** adopting **Ordinance No. 2013-2766** amending the transportation system plan to reflect the Phase I alignment of the Newberg-Dundee Bypass. Motion carried (6 Yes/1 No [Howard]).

## IX. NEW BUSINESS

Consider a motion adopting **Ordinance No. 2013-2767** amending the code provisions for the Citizens' Rate Review Committee effective December 3, 2013.

TIME – 8:36 PM

Mr. Truman A. Stone, city attorney, presented the staff report (see official meeting packet for full report).

**MOTION: Rierson/Bacon** waiving second reading of **Ordinance No. 2013-2767** amending the code provisions for the Citizens' Rate Review Committee effective December 3, 2013. Motion carried (7 Yes/0 No).

**MOTION: Bacon/Rierson** adopting **Ordinance No. 2013-2767** amending the code provisions for the Citizens' Rate Review Committee effective December 3, 2013. Motion carried (7 Yes/0 No).

## X. COUNCIL BUSINESS

Discussion on the Villa Road Sidewalk Improvements with Interim Public Works Director/City Engineer Jay Harris and City Attorney Truman Stone.

TIME – 8:42 PM

Mayor Andrews pulled this item from the agenda.

## XI. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(2)(e) relating to a real property transaction.

Mayor Andrews opened the executive session at 8:45 PM and closed the executive session at 9:28 PM.

**MOTION: Rierson/Bacon** to authorize staff to negotiate a lease for the area adjacent to and above the Oliver Springs. Motion carried (7 Yes/0 No).

2. Executive Session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Andrews opened the executive session at 9:29 PM and closed the executive session at 10:03 PM.

**MOTION: Howard/Rierson** directs staff to negotiate with property owners to purchase right of way for the construction of side walk. Motion carried (7 Yes/0 No).

**XII. ADJOURNMENT**

The meeting adjourned at 10:12 PM.

**ADOPTED** by the Newberg City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

**ATTEST** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

**CITY OF NEWBERG COUNCIL MINUTES  
DECEMBER 16, 2013  
7:00 PM MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A presentation was given on the sidewalk connectivity by the Interim Public Works Director/City Engineer Jay Harris. No action was taken and no decisions were made. Councilors and the Mayor were present with Stephen McKinney being absent (excused).

**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	Mike Corey
	Ryan Howard	Bart Rierson	Lesley Woodruff

Members Absent: Stephen McKinney (excused)

Staff Present:	Lee Elliott, City Manager Pro Tem	Truman Stone, City Attorney
	Janelle Nordyke, Finance Director	Terrance Mahr, Acting City Attorney
	Jay Harris, Interim Public Works Director	Brian Casey, Police Chief
	Barton Brierley, Planning & Building Director	Jessica Pelz, Associate Planner
	Leah Griffith, Library Director	Norma Alley, City Recorder
	DawnKaren Bevill, Minutes Recorder	Dave Brooks, IT Director

Others Present: Marlena Bertram, Sheryl Kelsh and Nancy Boyer.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. SPECIAL PRESENTATION**

Mayor Andrews called forward Mr. Terrance Mahr, acting city attorney, read a letter signed by the city council thanking him for his service as city attorney, and presented him with a three-panel photograph.

**V. CITY MANAGER'S REPORT**

Mr. Lee Elliott, city manager pro tem, stated Brooks Bateman, building inspector, was named as the December employee of the month. On Thursday, December 19, 2013, there will be a public work potluck from 12:00 – 1:00 PM; all councilors are invited. City staff will be implementing a new, priority-based budget approach for the upcoming fiscal cycle. The citizens' rate review committee met last Wednesday, December 11, 2013, and Resolution No. 2008-2776, regarding the springs divestiture was discussed. Mr. Elliott thanked the council on behalf of the staff for the holiday hams given to city employees.

**VI. PUBLIC COMMENTS**

Mayor Andrews opened public testimony at 7:08 PM.

Ms. Marlena Bertram, your community mediators of Yamhill county, expressed her appreciation to the city of Newberg for their contribution providing funds for matching grants toward their operation income. They have had several mediations requested this past year and parenting plan updates are provided for a fee of \$25.00 and \$50.00 per session thereafter. School truancy cases have been heard with mediation between parents and children regarding attendance plans. In the first nine months, 52 cases have been heard and the total service value is just over \$18,000.00.

Ms. Sheryl Kelsh, executive director chehalem valley chamber of commerce, stated the chamber recently had their 2014 planning retreat; and during the process, the board reviewed the details of the four core competencies of the chamber. She explained the importance of building a strong local economy and workforce, promoting the chehalem valley area through recruitment of new small business, and promotion of current business. The chamber serves the business community by providing opportunities for them to interact with other business professionals, public officials and the general public as well as representing government and the political issues of business. The overwhelming direction and theme from the retreat was to increase the chamber's role as a leader in economic development, thus establishing a task force focusing on job expansion in Newberg and Dundee, and to create a great reputation for the community and business environment. The chamber taskforce will appear for regular updates with city council.

## VII. COUNCIL APPOINTMENTS

Consider a motion appointing Megan Morris and Anthony Pete serving terms expiring December 31, 2016; and appointing Beth Koschmann serving a term expiring December 31, 2015, to the budget committee. (Pg. 3)

**MOTION:** **Howard/Rierson** moved to appoint Megan Morris and Anthony Pete serving terms expiring December 31, 2016; and appointing Beth Koschmann serving a term expiring December 31, 2015, to the budget committee. Motion carried (6 Yes/0 No/1 Absent [McKinney]).

## VIII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2013-3082** adopting utility billing policies.
2. Consider a motion adopting **Resolution No. 2013-3099** accepting the 2012-2013 Budget comprehensive annual financial report (audit).
3. Consider a motion adopting **Resolution No. 2013-3101** authorizing a one-time amendment to the employee manual for vacation buybacks for non-represented employees.
4. Consider a motion adopting **Resolution No. 2013-3103** approving the appointment of Ernie Strahm as a part-time wastewater treatment plant manager in the public works operations department.
5. Consider a motion adopting **Resolution No. 2013-3104** approving the appointment of Jeff Crowther as a part-time wastewater treatment plant manager in the public works operations department.
6. Consider a motion adopting **Resolution No. 2013-3105** approving the appointment of Scott Foss as plant mechanic in the public works operations department.
7. Consider a motion approving the city council minutes from October 28, 2013.

**MOTION:** Woodruff/Bacon moved to adopt **Resolution No. 2013-3082** adopting utility billing policies, **Resolution No. 2013-3099** accepting the 2012-2013 Budget comprehensive annual financial report (audit); **Resolution No. 2013-3101** authorizing a one-time amendment to the employee manual for vacation buybacks for non-represented employees, **Resolution 2013-3103** approving the appointment of Ernie Strahm as a part-time wastewater treatment plant manager in the public works operations department, **Resolution No. 2013-3104** approving the appointment of Jeff Crowther as a part-time wastewater treatment plant manager in the public works operations department, **Resolution No. 2013-3105** approving the appointment of Scott Foss as plant mechanic in the public works operations department, and approving the city council minutes from October 28, 2013 Motion carried (6 Yes/0 No/1 Absent [McKinney]).

## IX. PUBLIC HEARINGS

1. Consider a motion adopting **Order No. 2013-0032** affirming planning commission approval of the Terra Estates Subdivision located at 3805 Terrace Drive.

Mayor Andrews reconvened the quasi-judicial hearing at 7:21 PM and asked for closing comments from staff. Ms. Jessica Pelz, associate planner, gave a short PowerPoint presentation (see official meeting packet for full details). The final staff recommendation is to adopt Order No. 2013-0032, affirming the planning commission's approval of the Terra Estates Subdivision with the findings shown in Exhibit "A" and the conditions of approval shown in Exhibit "B".

**MOTION:** Rierson/Bacon moved to adopt **Order No. 2013-0032** affirming planning commission approval of the Terra Estates Subdivision located at 3805 Terrace Drive including the findings shown in Exhibit "A" and the conditions of approval shown in Exhibit "B". Motion carried (6 Yes/0 No/1 Absent [McKinney]).

2. Consider a motion adopting **Resolution No. 2013-3100** establishing procedures, standards, criteria, and policy directives to be used in hiring the city manager.

Mayor Andrews opened the administrative hearing at 7:39 PM.

Mr. Elliott and Councilor Denise Bacon recused themselves from the discussion.

Councilor Lesley Woodruff reported the position profile has been finalized and if approved this evening, advertising for the position is scheduled for Wednesday, December 18, 2013. The estimated timeline regarding the final decision for a new city manager is scheduled for June, 2014. A hiring range was discussed at length at the last subcommittee meeting rather than a salary range.

Ms. Nancy Boyer, mid-willamette valley council of governments, explained a salary range encompasses an entire range anticipated for an individual within a position; a longer range of anticipated growth of an individual within the job. A hiring range is considering hiring an individual depending upon their background experience and qualifications for the position. Councilor Woodruff stated the subcommittee discussed having not only executive session interviews, but also public interviews with department heads and/or community leaders in order for the community to have input on the city manager; most appropriately at the last stage of the timeline. Ms. Boyer explained to the council Oregon law requires public employers to interview candidates meeting minimum qualifications that qualify for veteran's preference. This can be difficult, as it can be costly in bringing them before the community for interviews. A telephone interview system with veteran candidates can be set up. In regards to including staff and the community in the hiring process, she suggested having two or three addition interview panels ask questions on how they will interact with the potential city manager. Following the interviews, ask the panels to come back to the council during the executive session to discuss the

interview and the council can use the information in any way they desire to make the decision on who they wish to hire. Ms. Boyer suggested placing it after the second interview of the top candidates in executive session on the timeline.

Ms. Sheryl Kelsh stated the chamber is very interested in the process to help formulate questions. She suggested adding the application deadline of January, 27, 2014, is contingent on the quality of applications received. Ms. Boyer stated the application date can be extended if needed.

**MOTION: Woodruff/Rierson** made a motion to amend **Resolution No. 2013-3100** to include an opportunity for input and comments from groups and the general public; placing it between candidate interviews in executive session and possible second interview of top candidates in executive session on the timeline. Motion carried (5 Yes/0 No/1 Absent [McKinney]).

**MOTION: Woodruff/Boyer** moved to adopt **Resolution No. 2013-3100** establishing procedures, standards, criteria, and policy directives to be used in hiring the city manager. Motion carried (5 Yes/0 No/1 Absent [McKinney]).

## **X. NEW BUSINESS**

1. Consider a motion accepting the Chehalem Valley Chamber of Commerce's first quarter report for the visitor information center.

Ms. Sheryl Kelsh reported Oregon had three of the top 100 restaurants in America; two in Newberg. The McMinnville city council approved the hotel transient tax; 75% of the amount collected will be dedicated to tourism.

**MOTION: Rierson/Corey** moved to accept the Chehalem Valley Chamber of Commerce's first quarter report for the visitor information center. Motion carried (6 Yes/0 No/1 Absent [McKinney]).

2. Consider a motion adopting **Resolution No. 2013-3102** adopting the city of Newberg's emergency operation plan.

Mr. Lee Elliott stated emergency operations have taken an impact with the reduction of services. The current emergency operations plan approved in 2009 is currently not compliant and effects eligibility for receiving grants. The process began in developing a committee along with Sue Lamb, Yamhill county emergency management manager, who has served as a consultant working to develop a plan bringing the city into compliance with statewide consolidation and emergency operations. The plan will be evaluated annually, every December, as the document will be continuously updated.

**MOTION: Woodruff/Bacon** to adopt **Resolution No. 2013-3102** adopting the city of Newberg's emergency operation plan. Motion carried (6 Yes/0 No/1 Absent [McKinney]).

**XI. EXECUTIVE SESSION**

Mayor Andrews opened the executive session at 8:56 PM.

1. Executive session pursuant to [ORS 192.660\(2\)\(e\)](#) relating to a real property transaction.  
TIME – 8:56 PM

Executive session was held with councilors, the mayor, city manager, and city attorney present; Councilor McKinney was absent (excused); no action was taken and no decisions were made.

Mayor Andrews closed the executive session at 9:38 PM.

2. Executive session pursuant to [ORS 192.660\(2\)\(i\)](#) relating to the performance review of the city manager.  
TIME – 9:38 PM

Executive session was held with councilors, the mayor, city manager, and city attorney present; Councilor McKinney was absent (excused); no action was taken and no decisions were made.

Mayor Andrews closed the Executive Session at 9:44 PM.

Councilor Bacon reported the shelter was open ten days and had a total of 22 people.

Mr. Elliott updated council he had contacted Mr. Robert Soppe and will be meeting with him at 10:00 AM on Wednesday, December 18, 2013.

**XII. ADJOURNMENT**

The meeting adjourned at 9:51 PM.

**ADOPTED** by the Newberg City Council this \_\_\_\_ day of\_\_\_\_, 2014.

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

**ATTEST** by the Mayor this \_\_\_\_ day of\_\_\_\_, 2014.

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

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: Marcy 17, 2014

Order \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion XX Information \_\_\_  
No. No. No.

**SUBJECT: Accepting the Chamber of Commerce quarterly report for the Chehalem Valley Visitor Information Center.**

Contact Person (Preparer) for this Motion: Jennifer Nelson, Deputy City Recorder  
Dept.: Administration  
File No.:

## RECOMMENDATION:

Accept the Chamber of Commerce 2013-2014 second quarter report for the Chehalem Valley Visitor Information Center.

## EXECUTIVE SUMMARY:

The City of Newberg helps financially support the Chehalem Valley Visitor Information Center. As part of that support, the City Council has requested the Visitor Information Center provide quarterly budget reports.

## FISCAL IMPACT:

The City of Newberg is currently funding the Visitor Information Center with a contribution of 25% of the Transient Lodging Tax revenue.

## STRATEGIC ASSESSMENT:

The City Council has determined that the operation of a Visitor Information Center is in the best interests of the city's business community and promotes tourism and economic development in the Newberg area.

The Gateway to Oregon Wine Country



# Chehalem Valley Chamber VISITOR'S REPORT

January 1, 2014

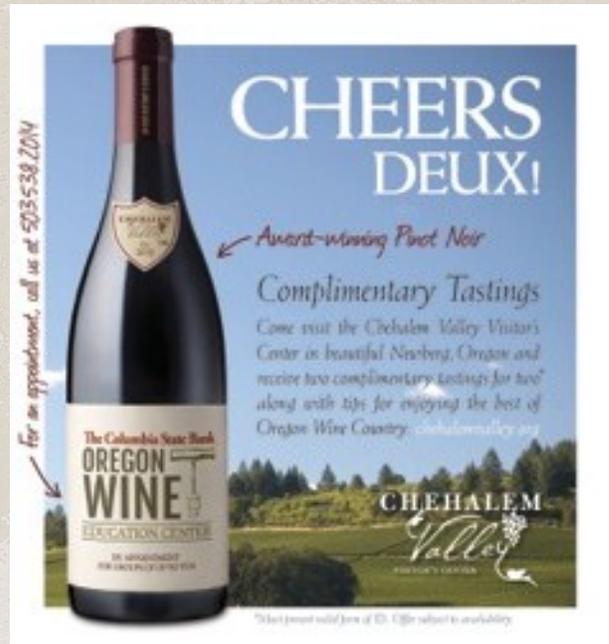
## FAM Tours Influence Media

The Chehalem Valley Chamber and Visitor Center is spending an increased amount of energy following up with writers and scheduling familiarization tours (fam tours) as a strategy to increase the visibility of our community in the press.

A fam tour involves creating a specific itinerary for each journalist that is visiting our community. It frequently involves contact with our tourism stakeholders to host tours of their facilities, meals and interviews. Every effort is made to pre-qualify the journalist to identify in advance the publication they are writing for and the angle of the article they are working on. Although you can never guarantee what will be included in the content, guided fam tours do heavily influence the end product.

As an example, The Chehalem Valley Chamber and Visitor Center hosted the editor of NW Travel in late 2012. The tour resulted in two features for Newberg. One featured an article on Le Puy Inn and the most recent article featured The Painted Lady Restaurant, both in 2013.

In October, we hosted freelance writer Michael McRae who was working for AAA's VIA publication. Newberg was to be part of a small 1,000 word article on stops along Highway 99W. We gave McRae an escorted tour of Newberg and the surrounding area which resulted in our very own two page feature story that just published in the March/April edition of VIA.



## 2014 Print Campaign

The Chehalem Valley Chamber and Visitor's Center will be featured in NW Travel Magazine in all six of their 2014 editions. NW Travel Magazine is distributed throughout the Pacific NW and British Columbia and has a circulation of 300,000 per edition. The reader demographics closely fit the profile of our average visitor.

In addition to NW Travel the print ad will be included in Travel Oregon's Annual Vacation Planner. Named the "Best Print Visitor Guide in the Country" by the U.S. Travel Association, this indispensable guide is a trusted travel planning resource for discovering Oregon for the first time, over and over again. Covering the state's seven regions, this official state publication is the leading planning tool for lodging, dining, attractions, shopping and adventure.

## County Lodging Statistics Report

December 2013	Occ %		ADR		RevPAR		Supply	
	2013	2012	2013	2012	2013	2012	2013	2012
United States	50.2	48.9	108.77	104.70	54.66	51.22	151,009,897	149,797,053
Pacific	57.9	55.9	128.91	122.39	74.58	68.39	22,449,890	22,348,799
Oregon	44.7		88.73		39.70		1,925,162	
Willamette Valley	43.7		76.70		33.54		306,590	
Yamhill County, OR	41.9	38.3	109.98	103.35	46.07	39.55	20,956	20,956

2013 YTD	Occ %		ADR		RevPAR		Supply	
	2013	2012	2013	2012	2013	2012	2013	2012
United States	62.3	61.3	110.35	106.25	68.69	65.15	1,782,721,996	1,770,313,306
Pacific	69.5	67.8	133.73	126.30	92.94	85.65	264,532,731	263,820,867
Oregon	61.3		98.41		60.32		22,732,243	
Willamette Valley	58.8		86.61		50.96		3,611,543	
Yamhill County, OR	57.4	55.1	118.73	112.65	68.12	62.05	246,740	246,740

## Truffle Hunting with Jack Czarnecki

Another goal of the Chehalem Valley Chamber & Visitor Center is to increase group travel to Newberg . Through our relationship with the Oregon Truffle Festival we were able to host a group tour from the Mycological Society for a day and a half. The tour group was made up of visitors from the East Coast, Texas, Washington and California. The tour guide has already reserved another tour for next year.



**Newberg Visitor Information Center  
2013-2014 Fiscal Year  
Second Quarter Report  
(October - December 2013)**

	Q2	YTD 13-14	Budget
<b>REVENUE:</b>			
City of Newberg	\$25,500.00	\$72,988.01	\$110,000.00
Newberg Chamber contribution	\$13,625.00	\$27,250.00	\$54,500.00
<b>TOTAL REVENUES:</b>	<b>\$39,125.00</b>	<b>\$100,238.01</b>	<b>\$164,500.00</b>
 <b>EXPENSES:</b>			
Personnel	\$9,790.18	\$24,294.18	\$67,000.00
Marketing	\$4,519.79	\$13,819.65	\$44,521.00
Overhead/Utilities, etc.	\$10,244.90	\$27,710.15	\$52,979.00
<b>TOTAL EXPENSES:</b>	<b>\$24,554.87</b>	<b>\$65,823.98</b>	<b>\$164,500.00</b>
 <b>NET INCOME</b>		<b>\$34,414.03</b>	

Note: First quarter the CVCC receives an additional check from the City of Newberg that reflects a "true-up amount from the prior fiscal year"  
Net Income reflects the monies received but not spent. The balance of the funds are restricted to future destination marketing projects and will balance out the remainder of the fiscal year or result in reserves.

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: March 17, 2014

Order \_\_\_      Ordinance \_\_\_      Resolution \_\_\_      Motion \_\_\_      Information XX  
No.              No.                      No.                      No.

**SUBJECT: Newberg Cultural District 2014 Annual Report**

Contact Person (Preparer) for this  
Item: Leah Griffith, Library Director/Newberg  
Cultural District Executive Board Chair  
Dept.: Library  
File No.:

## EXECUTIVE SUMMARY:

The Intergovernmental Agreement between the City and the Chehalem Park and Recreation District for the Newberg Cultural District requires an annual report to the City Council and CPRD Board. This is that annual report to the City Council and the same report will be given to the CPRD Board on March 27, 2014.

**FISCAL IMPACT:** The report itself does not request or outline any financial impact.

**STRATEGIC ASSESSMENT:** The report discusses actions that may be needed to further define the Newberg Cultural District and have consistent policies for its operation.

## Newberg Cultural District




## Newberg Cultural District




## Newberg Cultural District

- An Intergovernmental Agreement (IGA) between the City of Newberg and the Chehalem Park & Recreation District was signed in 2013 establishing the Newberg Cultural District and delegating to the NCD Executive Board the management of the Newberg Cultural District.



## Newberg Cultural District

- **The NCD Board**
  - City of Newberg Representative: Ryan Howard
  - Chehalem Park & Rec. Rep: Don Clements
  - Chehalem Cultural Center Rep: Rob Dailey
  - Neighborhood Representative: Robert Soppe
  - Newberg Public Library Rep: Leah Griffith, chair

*Meets regularly on the 1<sup>st</sup> Tuesday of each month, 6:30 pm, at the Chehalem Cultural Center.*



### Newberg Cultural District



- The NCD Board is charged with managing the public outside areas of the Newberg Cultural District. It does not regulate any uses of the Library or Cultural Center, however activities within those establishments may impact the Parking Management Plan.

### Newberg Cultural District



- The NCD Board is charged with administering the Parking Management Plan to help mitigate parking issues for neighborhood residents.

### Newberg Cultural District



- The NCD Board is charged with developing rules of operation, reservation systems, and coordinating with the City and CPRD for maintenance and construction activities.

### Newberg Cultural District



- What has the NCD Board been doing since its formation on October 28, 2013?

**Newberg Cultural District** 

- Held Monthly Meetings: **Public and Noticed**
  - October
  - November
  - December
  - January
  - February
  - March (meeting cancelled due to conflicts by Bd Members)

*Held Annual Meeting in conjunction with February monthly meeting*

**Newberg Cultural District** 

- The NCD Board has agreed the Chehalem Cultural Center staff will manage the reservation process.
- The NCD Board is working on rules of operation which include requirement of fees for rental and return of the areas to pre-use condition.

**Newberg Cultural District** 

- Using the Parking Management Plan, the NCD Board has worked out the processes for when a Parking Action Plan will be put in action.

**Newberg Cultural District** 

- The NCD Board has developed methods for communication with the community.
  - [www.newbergculturaldistrict.org](http://www.newbergculturaldistrict.org)
  - Monthly e-newsletter announcing board meetings and notifying interested parties about events in the District. May be subscribed to from the web site.

**Newberg Cultural District**

- Things to do...
  - Request the City Council to designate Sheridan and Howard Streets within the NCD as Festival Streets to facilitate their use for events and activities, particularly regarding closure and sound permits.
  - Request the City Council, CPRD and CCC to review and revise existing alcohol use policies resulting in consistent policies throughout the NCD.

**Newberg Cultural District**

- Things to do...
  - Formalize the reservation process
  - Finalize the fee schedule for rentals
  - Finalize Rules and Procedures
  - Continue to develop the web site

**Newberg Cultural District**

- Things to do...
  - Finalize a name for the heart of the Newberg Cultural District. The NCD is the entire 4 block area. There are individual areas in the District: Carnegie Court, the Plaza at the Cultural Center, Sheridan Street and Howard Street.
  - What do we call the entire central area when it is operating as one? Ideas?

**Newberg Cultural District**

- Things to do...

ENJOY