



**CITY COUNCIL WORK SESSION
MONDAY, APRIL 21, 2014
6:00 PM
NEWBERG PUBLIC SAFETY BUILDING
401 EAST THIRD STREET**

WORK SESSIONS ARE INTENDED FOR DISCUSSION. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS AND NO DECISIONS WILL BE MADE. NO ORAL OR WRITTEN TESTIMONY WILL BE HEARD OR RECEIVED FROM THE PUBLIC.

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. REVIEW OF COUNCIL AGENDA AND MEETING**
- IV. COUNCIL ITEMS**

A presentation by Code Enforcement Officer Brad Allen on code compliance updates.

- V. ADJOURNMENT**

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical 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 service please dial 711.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 21, 2014

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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SUBJECT: An update to the Council on code compliance activity

**Contact Person (Preparer) for this
Item: Brad Allen, Code Compliance Officer
Dept.: Legal
File No.:**

EXECUTIVE SUMMARY:

The City's approach to code enforcement was varied during 2013 while former Code Enforcement Officer, Cody Gardner, transitioned into a separate role and enforcement was handled by several city departments. Brad Allen has been the Code Compliance Officer since November 2013, serving in the Legal Department under City Attorney Truman Stone. During this time, a range of code enforcement issues have been addressed in response to citizen complaints and requests from various city departments.

Guidance from the city council is requested to help formulate a strategic approach to code enforcement consistent with the desires and intent of the council.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

Fair, consistent, and appropriate enforcement of the requirements of the Newberg Municipal Code promotes a safe and healthy community. Voluntary compliance is the goal, so conveying a clear and consistent message to the community regarding expectations is invaluable.

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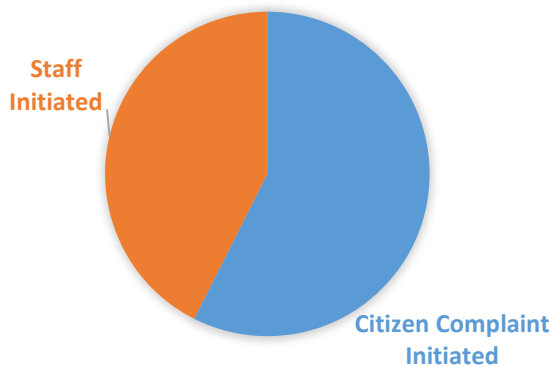
Code Compliance Update

City Council Work Session - April 21, 2014

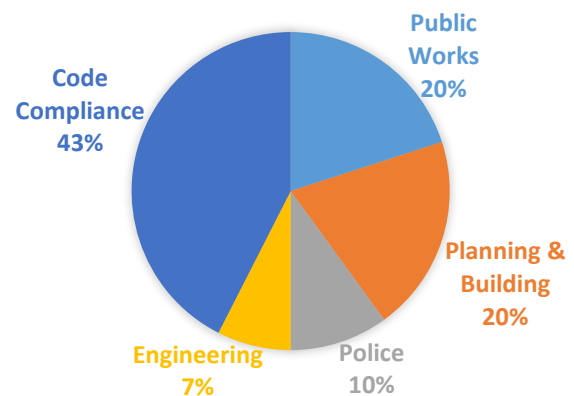
Code Compliance Cases – November 2013 – March 2014

• Total Code Compliance Cases:	94
○ Citizen complaint initiated:	54
○ Staff initiated:	40
▪ Public Works:	8
▪ Planning and Building:	8
▪ Police:	4
▪ Engineering:	3
▪ Code Compliance:	17

TOTAL CODE COMPLIANCE CASES



STAFF INITIATED CASES



Code Violations (Primary Issues)

• Sign(s):	12
• Junk Accumulation:	11
• Sidewalk (Tripping Hazard):	10
• Sight Obstruction:	7
• No Business License/Failure to Renew:	7
• Vacant Property (weeds, junk, debris, etc.):	6
• Discarded Vehicle(s):	5
• Trees:	5
• Construction w/out Permit:	4
• Garbage Accumulation:	4
• Recreational Vehicles:	3
• Scattering Debris:	3
• Attractive Nuisance:	2
• Other:	15





Code Compliance Update

City Council Work Session - April 21, 2014

Questions for Consideration by Council

How aggressive should we be? Which codes/issues should we be proactively enforcing vs. reactive, complaint-based enforcement only?

- Sidewalk tripping hazards
- Junk
- Signs
 - Portable and temporary signs
 - Election signs
- Discarded vehicles
- Recreational vehicle parking
- Vacant properties



**CITY COUNCIL AGENDA
APRIL 21, 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. COUNCIL APPOINTMENTS

Consider a motion appointing Ms. Helen Brown to the Budget Committee serving a term expiring December 31, 2015. (Pgs. 3-4)

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3121** granting an easement to NW Natural Gas and extinguishing an existing easement near the west end of the Sportsman Airpark Runway extending to Wyooski Road. (Pgs. 5-14)
2. Consider a motion adopting **Resolution No. 2014-3124** appointing Boldt Carlisle + Smith, LLC, as the city's auditors for the fiscal year ending June 30, 2014. (Pgs. 15-42)
3. Consider a motion adopting **Resolution No. 2014-3125** approving the annual evaluation of the municipal judge. (Pgs. 43-46)

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.

VIII. PUBLIC HEARING

Consider a motion adopting **Order No. 2014-0034** requiring the removal of an unauthorized driveway at the property located at 3220 E. Hancock Street. (Pgs. 47-54)
(Quasi-Judicial Hearing)

IX. NEW BUSINESS

1. Presentation updating council on the status of the city's stormwater master plan. (Pgs. 55-72)
2. Discussion on revenue enhancement.

X. CONTINUED BUSINESS

Consider a motion adopting **Resolution No. 2014-3115** adopting a revised engineering fee schedule. (Pgs. 73-77) **(Postponed from the March 7, 2014, city council meeting)**

XI. EXECUTIVE SESSION

1. 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. – Springs customer class
2. Executive Session pursuant to [ORS 192.660\(2\)\(i\)](#) relating to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. – city attorney evaluation

XII. COUNCIL BUSINESS

XIII. 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: April 21, 2014

Order ____	Ordinance ____	Resolution ____	Motion <u>XX</u>	Information ____
No.	No.	No.		

SUBJECT: Appoint Helen Brown to the City of Newberg Budget Committee.

**Contact Person (Preparer) for this Motion: Mayor Bob Andrews
Dept.: Administration**

RECOMMENDATION:

To consent to the Mayor's appointment of Helen Brown to the city of Newberg Budget Committee for a term expiring December 31, 2015.

EXECUTIVE SUMMARY:

The Newberg Budget Committee is a seven member committee which currently has one vacant position because of the resignation of citizen member Salvatore Bianco, effective February 24, 2014. The term expires on December 31, 2015. Public notice of the previous two vacancies was posted in city buildings, advertised in the local paper, and posted on the city's website and facebook page on October 4, 2013. During that advertisement period, Ms. Helen Brown submitted an application to continue serving her term on the Budget Committee expiring on December 31, 2013. She was not reappointed to the Budget Committee at that time; however, her application was retained with the understanding she would be notified if any vacancies came up within one year of her application submission. With the agreement of the Mayor and the Budget Committee Chair Lon Wall, Ms. Brown was contacted regarding the vacancy due to the resignation of Mr. Bianco. Ms. Brown's interest to serve on the Budget Committee once again was confirmed and her reappointment permitted by the Mayor to be brought forth to city council for consent.

For privacy purposes, the original applications are retained in the City Recorder's Office. Please call (503) 537-1283 to request a copy.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The Budget Committee provides a valuable service to the City of Newberg by ensuring a balanced budget, which makes our City government viable.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 21, 2014

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2014-3121	Motion ____	Information ____
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SUBJECT: A resolution authorizing the City Recorder to execute a 20' wide easement to NW Natural Gas Company, and to execute the extinguishment documents of the existing NW Natural Gas Company 20 foot wide easement.

**Contact Person (Preparer) for this Motion: Jay Harris, City Engineer
Dept.: Engineering Services Department
File No.:**

RECOMMENDATION:

Adopt Resolution No. 2014-3121

EXECUTIVE SUMMARY:

Construction of the Newberg-Dundee bypass is underway. The location and elevation of the bypass crossing over Hess Creek will require the relocation of an existing gas pipeline owned by Northwest Natural Gas that provides service to the industrial area, including their largest user in the area, SP Fiber Technologies. The proposed gas line will extend across City owned property in a 20 foot wide easement, from approximately the west end of the Sportsman Airpark runway in a southwesterly direction, to Wynooski Road. Refer to Exhibit A for the easement location map.

NW Natural's existing gas line easement was approved in 2002 by Council Resolution #02-2412. The existing line will be abandoned upon completion of the new facility and the existing easement will be extinguished, as shown in attached Exhibit B.

FISCAL IMPACT:

Granting a 20' by 100' (approximate) easement to NW Natural Gas Company will have an insignificant fiscal impact to property values as the new easement will replace the existing easement authorized by Council resolution 02-2412. The easement is located on unbuildable City property that is located within the Hess Creek stream corridor.

STRATEGIC ASSESSMENT:

Granting the easement to NW Natural Gas will allow the completion of the Newberg Dundee bypass improvements, which in-turn will improve the travel times and reduce traffic congestion in the region.



RESOLUTION No. 2014-3121

**A RESOLUTION AUTHORIZING THE CITY RECORDER TO EXECUTE A
20 FOOT WIDE EASEMENT TO NORTHWEST NATURAL GAS COMPANY
AND TO EXECUTE THE EXTINGUISHMENT OF THE EXISTING NW
NATURAL GAS COMPANY 20 FOOT WIDE EASEMENT**

RECITALS:

1. NW Natural Gas Company currently has an existing gas line crossing city property near the west end of the Sportsman Airpark runway, extending to Wynooski Road, as shown on the attached Exhibit A.
2. The location and elevation of the Newberg-Dundee Bypass Hess Creek crossing requires the relocation of the existing Northwest Natural Gas Company line.
3. NW Natural Gas Company plans to relocate its gas line, abandon its existing gas line, and extinguish the existing easement approved by Resolution No. 2002-2412 as shown in Exhibit B for the quit claim deed depicting the easement extinguishment.
4. NW Natural Gas Company is requesting a new 20 foot wide easement from the city for the proposed gas line, as shown on attached Exhibit A.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The city council hereby authorizes the city recorder to execute the proposed easement conveyance to NW Natural Gas Company, and execute the extinguishment of the existing easement to Northwest Natural Gas Company, after review, modification, and approval, of the conveyance documents by the city attorney, as shown in Exhibit A and Exhibit B, which are hereby attached and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 22, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21th day of April, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 24th day of April, 2014.

Bob Andrews, Mayor

**EXHIBIT A to
Resolution No. 2014-3121**

After recording return to:
Northwest Natural Gas Co.
Risk and Land Department
220 NW Second Avenue
Portland OR 97209

GAS PIPELINE EASEMENT IN GROSS

Grantor(s): CITY OF NEWBERG, OREGON

**Grantee: NORTHWEST NATURAL GAS COMPANY,
an OREGON CORPORATION**

For the sum of one dollar and other valuable consideration, Grantor(s), **CITY OF NEWBERG, OREGON** hereby grant(s) and convey(s) to Grantee, **NORTHWEST NATURAL GAS CORPORATION**, and its successors and assigns, an easement to install, operate, maintain, replace and change the size of a gas pipeline or pipelines and related equipment in and upon the following described property:

A strip of land twenty 20.00 feet in width, situated in the Southeast 1/4 of Section 20, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon; being portions of those properties conveyed in Yamhill County Deed Records Vol. 77, Pg. 706 (3/2/1920) and Vol. 83, Pg. 093 (3/2/1920) to the City of Newberg; and being more particularly described as that portion of said properties which lays 10.00 feet each side of pipe centerline described as follows:

Beginning at a point on the North line of the Samuel D. Snowden DLC #68, which bears South 87°38'12" East 1,460.09 feet from the Northwest Corner of said DLC #68 (said point also bears South 87°38'12" East 125.65 feet from a found 5/8 inch iron rod at the Northwest corner of that property conveyed in said Vol. 77, Pg. 706);

Thence South 29°24'32" West 112.28 feet, more or less, to the South line of said property conveyed in Vol. 77, Pg. 706 and the terminus of said centerline description.

Subject to the lengthening and/or shortening of sidelines so that they terminate on the proper boundaries of said 20.00 foot strip and the City of Newberg's ownerships.

Contains 0.051 acres or 2,246 square feet, more or less.

Grantee will install the pipeline with the least amount of disturbance to Grantor(s)'s property as possible and will, to the extent practical, restore Grantor(s)'s property to the condition existing prior to Grantee's construction. Grantee will reimburse Grantor(s) for any damage to Grantor(s)'s property caused by Grantee during its use of the easement.

EXHIBIT A to
Resolution No. 2014-3121

Grantor(s) agree(s) that no buildings or other structures or potentially large growing trees will be placed upon the easement and that no actions will be allowed that would jeopardize or interfere with the safe operation of the pipeline.

Signed this ____ day of _____, 2014

CITY OF NEWBERG:

Norma I. Alley, City Recorder

STATE OF OREGON

COUNTY OF YAMHILL

This instrument was acknowledged before me on _____, 2014 by
_____ as _____.

Notary Public

Print Name: _____

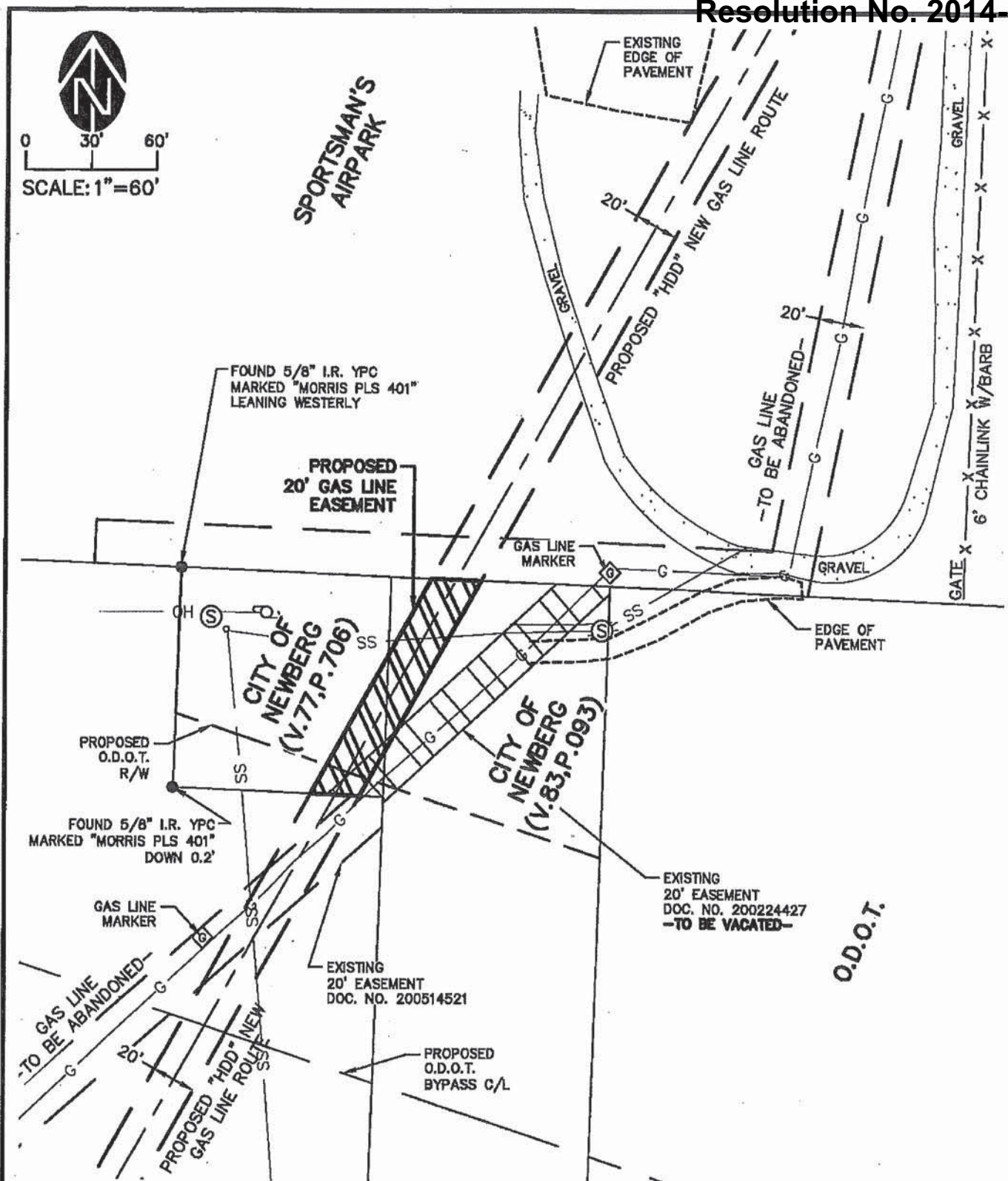
My Commission Expires:

ACCEPTED AS TO FORM:

Truman A. Stone, City Attorney

EXHIBIT A to Resolution No. 2014-3121

Drawing Name: J:\1266-090.13\Survey\CAD\DWG\1266090X.dwg Jan 31, 2014 - 8:56am - gra



EXHIBIT

LOCATED IN THE SE 1/4 OF SECTION 20
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
CITY OF NEWBERG, YAMHILL COUNTY,
OREGON

DATE	1/28/14
DRAWN BY	GRA
CHECKED BY	DDL
REVISION	
JOB NO.	1266-90



WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
16115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0167

**EXHIBIT B to
Resolution No. 2014-3121**

Return to:
Northwest Natural Gas Company
RISK & LAND MANAGEMENT
220 N.W. Second Avenue
Portland, Oregon 97209

QUIT CLAIM DEED

NORTHWEST NATURAL GAS COMPANY, an Oregon Corporation, hereafter called "Grantor", does hereby release and quitclaim to **CITY OF NEWBERG** and its successors and assigns, all rights, title and interest in and to the following described real property, situated in Yamhill County, Oregon, to-wit:

A strip of land twenty (20') feet in width, situated in the Southeast 1/4 of Section 20, T 3 S., R 2 W., W.M. Yamhill County, Oregon; being portions of those properties conveyed in Yamhill County Deed Records Vol. 77, Pg. 706 (3/2/20) and Vol. 83, Pg. 093 (3/2/20) to the City of Newberg; and being more particularly described as those portions of said properties being subject to a Gas Pipeline Easement described as "Parcel 1 and Parcel 2" in Yamhill County Deed Records as Doc. No. 200224427, recorded December 10, 2002.

The area of release equals 0.065 acres or 2,827 square feet, more or less.

Signed this ____ day of _____, 2014

NORTHWEST NATURAL GAS COMPANY

By _____

Title _____

STATE OF: _____

COUNTY OF: _____

This instrument was acknowledged before me on _____, 2014 by

_____ as _____ of
NORTHWEST NATURAL GAS COMPANY

Notary

AFTER RECORDING RETURN TO:
City of Newberg - Community Development
PO Box 970 - 414 E. First Street
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS to
CHARLES STERN, COUNTY CLERK

Resolution No. 2014-3121



00108406200200244270030030

200224427

9:57:09 AM 12/10/2002

DMR-EDMR Cnt=1 SIn=3 SUSAN
\$15.00 \$10.00 \$11.00

\$36.00

THIS IS AN ACCOMMODATION RECORDING ONLY
HAS NOT BEEN EXAMINED AS TO ITS CONTENT
NORTHWEST TITLE COMPANY

GAS PIPELINE EASEMENT

In consideration of the sum of \$0 and other valuable consideration, the City of Newberg, a municipal corporation, herein called Grantor, does hereby convey to Northwest Natural Gas Company, hereinafter called Grantee, a perpetual and permanent easement, for the purposes of constructing, installing, using, repairing, and maintaining a gas pipeline or pipelines and appurtenances across the following described real property:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD said easement to said Grantee, for the use and purpose herein above described.

It is further understood that:

1. The Grantor(s) hereby release(s) the City of Newberg, its agents and employees, assigns and successors of any and all liability for damage to the remaining lands resulting from this conveyance and further absolves the Grantee from any damage not controlled by their actions.
2. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of property improvements along and adjacent to the premises herein described, so long as the same are so constructed as to not impair or interfere with the use and maintenance of access of utilities herein above authorized, except for that Grantor will not place any buildings or other structures upon the easement.
3. The Grantee hereby agrees to restore the easement to its original condition, as close as is practical to do so, upon completion of the construction.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

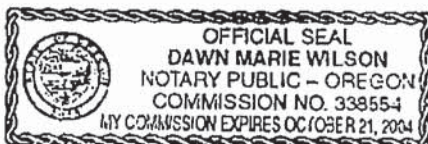
IN WITNESS WHEREOF, the parties have executed this document on this 5th day of December, 2002.

James H. Bennett
City Recorder
City of Newberg

STATE OF OREGON)
County of Yamhill) s.s.

This instrument was acknowledged before me this 5th day of December, 2002, by James H. Bennett.

Notary Public for Oregon
My Commission expires: 10/31/04



APPROVED AS TO FORM

Terrence D. Mahr, City Attorney
Dated: 12/5/02

AFTER RECORDING RETURN TO:
City of Newberg - Community Development
PO Box 970 - 414 E. First Street
Newberg, OR 97132

EXHIBIT B 4768
to
Resolution No. 2014-3121

EXHIBIT "A"

Parcel 1

A 20.00 (twenty) foot wide gas pipeline easement, located in the east one-half of Section 20, Township 3 South, Range 2 West of the Willamette Meridian and also lying in the S. Snowden Donation Land Claim No. 68, City of Newberg, Yamhill County, Oregon, described as follows:

Beginning at a point on the north line of said donation land claim No. 68 from which the northeast corner bears S 88°34' 35" E 1750.08 feet, also being a point on the north line of that property described in Film Volume 83 Page 93, Yamhill County Deed Records; thence along said line N 88° 34' 35" W 28.28 feet; thence leaving said line S 46° 25' 25" W 68.26 feet to a point on the west line of said property; thence along said line S 1° 07' 25" W 28.14 feet; thence leaving said line N 46° 25' 25" E 108.05 feet to the point of beginning.

Containing 1763 square feet.

Parcel 2

A variable width gas pipeline easement located in the east one-half of Section 20, Township 3 South, Range 2 West of the Willamette Meridian and also lying in the S. Snowden Donation Land Claim No. 68, City of Newberg, Yamhill County, Oregon, described as follows:

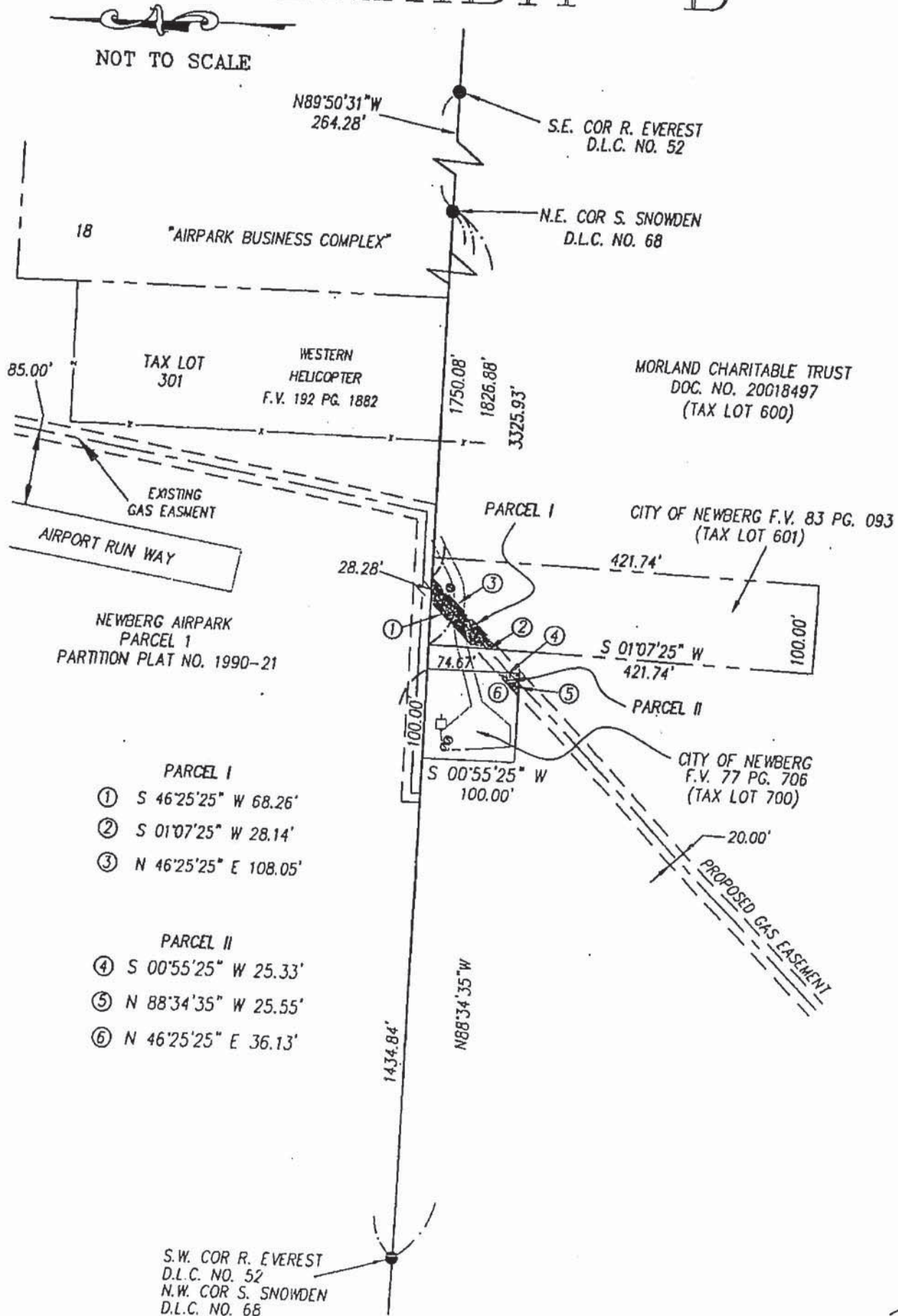
Beginning at a point on the east line of the property described in Film Volume 77 Page 706, Yamhill County Deed Records from which the northwest corner of said donation land claim No. 68 bears north 0° 55' 25" E 74.67 feet and N 88° 34' 35" W 1434.84 feet; thence along said east line S 0° 55' 25" W 25.33 feet to the southeast corner; thence along the south line N 88° 34' 35" W 25.55 feet; thence leaving said line N 46° 25' 25" E 36.13 feet to the point of beginning.

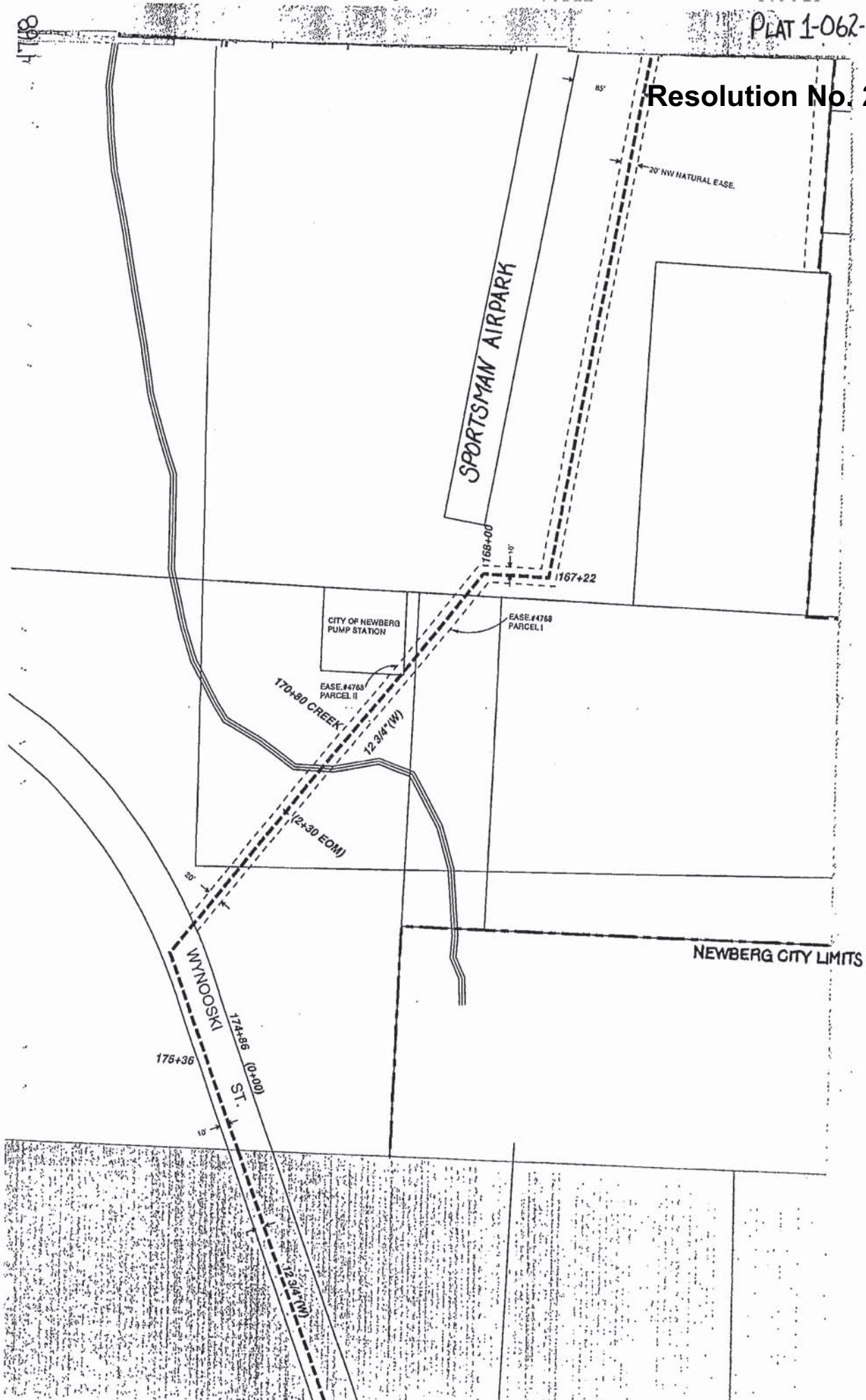
Containing 324 square feet.

Basis of bearings for this description is Yamhill County Partition Plat 97-52.

EXHIBIT "B"

EXHIBIT B to Resolution No. 2014-3121 47





REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 21, 2014

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2014-3124	Motion ____	Information ____
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SUBJECT: Authorize the city manager pro tem to enter into a Professional Services Contract with Boldt Carlisle + Smith, LLC, to perform year end audits for fiscal years 2013-2014, 2014-2015, and 2015-2016, with an additional two years contract extension provision.

**Contact Person (Preparer) for this Motion: Janelle Nordyke
Dept.: Finance
File No.:**

RECOMMENDATION:

Adopt **Resolution No. 2014-3124** appointing Boldt Carlisle + Smith, LLC, as the city's auditors for the fiscal year ending June 30, 2014 and for a period of three (3) fiscal periods, with a possible two year extension.

EXECUTIVE SUMMARY:

The current contract with Boldt Carlisle + Smith, LLC, has expired. The city had a three year contract with a two year extension. ORS Chapter 297 requires the city to go out for bids when the service is over a certain dollar amount.

During January of 2014, the city solicited bids for audit services on the city's website and in the Daily Journal of Commerce. The proposed contract would cover the next three fiscal years with the possibility of a two year extension. The city manager will have authority to grant the extension based upon a review of the audit firm's performance and input from the Finance Department. The city received nine responses to the bid request:

Boldt Carlisle + Smith	\$ 27,160 + Single Audit
Dickey & Tremper, LLP	\$ 26,760 + Single Audit
Grove, Mueller & Swank	\$ 26,500 + Single Audit
Jarrad, Seibert, Pollard & Co.	\$ 22,250 + Single Audit
Merina & Company LLP	\$ 27,500 + Single Audit
Pauly Rogers	\$ 25,000 + Single Audit
Talbot, Korvola	\$ 46,775 + Single Audit
Wall & Wall	\$ 24,965 + Single Audit
Clark Nuber P.S.	\$ 26,000 + Single Audit

The requests for proposal were reviewed by a committee consisting of the city's Finance Director, Financial Analyst, and City Councilor Lesley Woodruff. The four highest ranking firms were invited to formal interviews. The finalists were Boldt Carlisle + Smith, Dickey & Tremper, LLP, Grove, Mueller & Swank, and Merina & Company LLP. Boldt Carlisle + Smith, LLC was deemed to be the best fit for the city's financial statement audit process.

FISCAL IMPACT:

The cost relating to auditing services will be included in the Finance Department's budget.

2013-2014	\$ 27,160 + Single Audit
2014-2015	\$ 28,250 + Single Audit (if necessary)
2015-2016	\$ 29,385 + Single Audit (if necessary)

Possible Extension

2016-2017	\$ 30,560 + Single Audit (if necessary)
2017-2018	\$ 31,780 + Single Audit (if necessary)

STRATEGIC ASSESSMENT:

Governmental financial best practices recommend issuing audit services requests for proposals every 5 – 10 years. The city Finance Department has been through the bid process and is recommending that Boldt Carlisle + Smith, LLC, be awarded a contract to provide auditing services for fiscal years 2014 – 2016 with the possibility of a two year extension.



RESOLUTION No. 2014-3124

A RESOLUTION AWARDING BOLDT CARLISLE + SMITH, LLC, THE CITY'S AUDITOR CONTRACT FOR THE THREE (3) FISCAL YEARS 2013-2014, 2014-2015, AND 2015-2016, WITH A POSSIBLE TWO YEAR EXTENSION

RECITALS:

1. Staff solicited bids from qualified accounting firms and received nine bids. An audit selection committee reviewed the proposals as well as conducted interviews of the four finalists.
2. The audit selection committee selected Boldt Carlisle + Smith, LLC, as the most qualified firm to provide auditing services to the city for the next three fiscal years.

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 Professional Services Contract with Boldt Carlisle + Smith, LLC, to complete annual audits for fiscal years 2013-2014 in the amount of \$27,160.00 (plus Single Audit), 2014-2015 in the amount of \$28,250.00 (plus Single Audit, if necessary), and 2015-2016 in the amount of \$29,385.00 (plus Single Audit, if necessary) as attached in Exhibit A, which is hereby adopted and by this reference incorporated.
2. The city manager pro tem is authorized to approve a possible two (2) year contract extension based upon review of auditor performance.

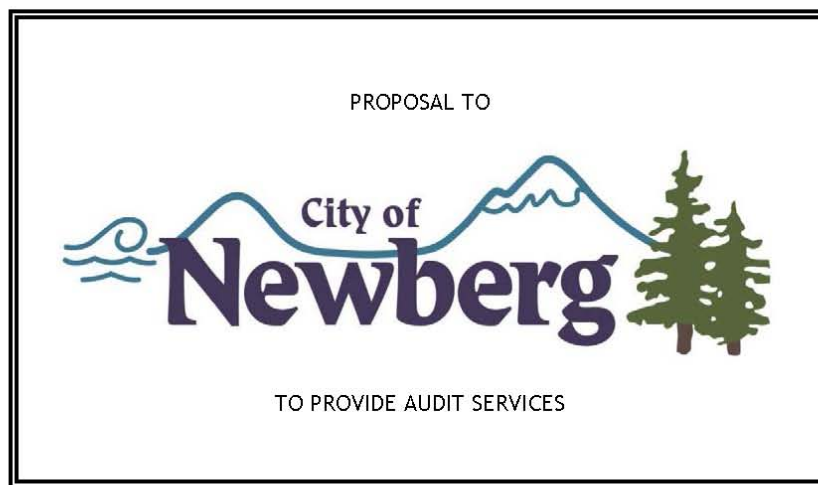
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 22, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of April, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 24th day of April, 2014.

Bob Andrews, Mayor



BOLDT CARLISLE + SMITH, CPA's

Douglas C. Parham, Member
480 Church Street SE
Salem, OR 97301
Telephone: 503-585-7751
FAX: 503-370-3781

Firm ID# 93-0570615
January 29, 2014

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Exhibit A to Resolution No. 2014-3124



Boldt Carlisle + Smith
CERTIFIED PUBLIC ACCOUNTANTS

The right people. The right answers.

480 Church Street SE Salem Oregon 97301 | P 503.585.7751 | F 503.370.3781
408 N Third Avenue Stayton Oregon 97383 | P 503.769.2186 | F 503.769.4312
200 Calapooia Street SW Albany Oregon 97321 | P 541.928.3354 | F 541.967.7668

www.bcsllc.com

January 29, 2014

Janelle Nordyke, Finance Director
CITY OF NEWBERG
414 East First Street
Newberg, OR 97132

Boldt Carlisle + Smith is pleased to submit this proposal for auditing services as described in your Request for Proposal. Our proposal is based on information provided in your Request for Proposal and our other experiences in performing auditing services.

We are pleased to be considered for this engagement. Our firm is *qualified* to perform audits of Oregon municipal corporations and, more specifically, *capable* of providing *quality auditing services* at a competitive price in a *timely, efficient* manner for the City as follows:

Understanding of the Work to be Done

- **Audit performed in accordance with:**
 - Generally accepted auditing standards
 - Minimum Standards for Audits of Oregon Municipal Corporations
 - Governmental auditing standards
 - OMB Circular A-133, Single Audit
- **Report requirements:**
 - Appropriate auditor opinions and reports including:
 - Independent Auditor's Report
 - Opinions and reports required by the Government Auditing Standards and Single Audit Act
 - Independent Auditor's Report Required by the Minimum Standards for Audits of Oregon Municipal Corporations
 - Required communications under AU-C 260 to those charged with governance
 - Management letter

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Exhibit A to Resolution No. 2014-3124

Janelle Nordyke, Finance Director
CITY OF NEWBERG

January 29, 2014

Commitment to Perform the Work Within the Time Period

We will complete the audit and deliver the required reports within the specified time frame for the year ended June 30, 2014 as follows:

- Complete fieldwork by October 24, 2014.
- Deliver drafts of independent auditor's report, opinions and reports required by the Government Auditing Standards and Single Audit Act, independent auditor's report required by the Minimum Standards for Audits of Oregon Municipal Corporations, and recommendations to management for review by the City by November 14, 2014.
- Deliver the final copy of all auditor's reports to management by November 25, 2014.

Why Boldt Carlisle + Smith is the Best Qualified

Boldt Carlisle + Smith has over 40 years of experience auditing Oregon Municipal Corporations, including many local governments similar in size to Newberg and several entities which participate in the Governmental Finance Officer's Association Certificate of Achievement for Excellence in Financial Reporting program. Our audit approach emphasizes working with the client to achieve the greatest efficiency, utilizes the latest technology, and provides for appropriate review performed by supervisory staff. Our staff includes 23 CPA's, including 10 licensed to perform audits of Oregon Municipal Corporations. We maintain an extensive library of resource material (electronic and paper) specifically related to governmental accounting and auditing, and we are a member of the AICPA Governmental Audit Quality Center. We also provide on-going training for our staff, including instruction on implementation of GASB pronouncements as they are issued. We feel certain that our experience, audit approach, and depth of staff will enable us to successfully complete the requested services in a professional manner within the suggested time period and make us the best qualified firm to provide your auditing services.

Firm Offer

Our proposal is for the year ended June 30, 2014, and the next two subsequent years. We understand that the City reserves the right to review the audit contract annually during the period covered by this proposal.

If you have any questions after you have had an opportunity to review our proposal, we would be pleased to answer them. Please contact either Brad Bingenheimer or myself at (503) 585-7751.

Very truly yours,

BOLDT CARLISLE + SMITH



Douglas C. Parham, CPA

**PROPOSAL TO
CITY OF NEWBERG
TO PROVIDE AUDITING SERVICES**

TECHNICAL PROPOSAL

INDEPENDENCE

Boldt Carlisle + Smith is independent of the City of Newberg as defined by generally accepted auditing standards and the U.S. General Accounting Office's Government Auditing Standards. Those standards require that, in all matters relating to the audit work, the firm and the individual auditors should be free from personal and external impairments to independence, should be organizationally independent, and should maintain an independent attitude and appearance. Based upon our policy of documenting firm and employee independence with respect to continuing clients and prospective clients, we believe we are independent with respect to the City of Newberg.

LICENSE TO PRACTICE IN OREGON

Boldt Carlisle + Smith and all assigned key professional staff are properly registered/licensed to practice in Oregon. All assigned key professional staff are licensed by the Oregon State Board of Accountancy to practice public accounting in Oregon *and* are registered by the same licensing body to perform audits of Oregon municipal corporations.

FIRM QUALIFICATIONS AND EXPERIENCE

SIZE OF THE FIRM

Boldt Carlisle + Smith is a local certified public accounting firm which began business in 1968 and was founded by the following individuals:

Robert L. Boldt
George E. Carlisle
Larry A. Smith

The firm's steady growth since inception in 1968 has been derived almost entirely from internal expansion. Our dedication to providing quality service and personalized attention to each client has resulted in this growth and enabled the admission of other individuals as members (owners). Between 1994 and 2013, the firm has successfully retired eight members including the three founders. In 2013, the firm merged with Johnson McGowan & Associates, LLP, expanding our Albany office from a staff of six with one partner, to a staff of fourteen with three partners. Today the firm owners include Douglas C. Parham, Clinton J. Bentz, Brad Bingenheimer, Kevin Gienger, Ronald "Skip" Neill, Forrest "Rick" Johnson, and Heather McGowan.

The firm serves over 3,000 clients in the Willamette Valley, from border to border along the Oregon Coast, and throughout the state.

OFFICE ADDRESSES

Salem
480 Church Street SE
Salem, OR 97301

Albany
200 Calapooia St. SW
Albany, OR 97321

Stayton
408 North Third Ave.
Stayton, OR 97383

The firm's home office is located in Salem, Oregon. However, we utilize staff from all offices in providing audit services.

FIRM QUALIFICATIONS AND EXPERIENCE (continued)

EMPLOYMENT ROSTER

Boldt Carlisle + Smith current personnel roster of **forty-five** includes **six members** (owners) who are certified public accountants (three of whom are licensed Oregon municipal auditors), **seventeen** other certified public accountants (seven of whom are licensed Oregon municipal auditors), **five** CPA candidates, **seven** paraprofessionals, **two** information technology staff (including one owner), and **eight** secretarial/clerical staff.

NATURE AND NUMBER OF ENGAGEMENT STAFF

The significant factors which dictate assignment of personnel for professional service engagements include proper measurement of the scope of services to be performed, planning and control of the engagement, and careful matching of the skills and experience levels of professional personnel with the requirements of the engagement. Accordingly, we would anticipate the following staff to be employed in this engagement:

- (1) Independent report reviewer
- (1) Engagement Partner
- (1) Audit Manager
- (2-3) Audit Team Members
- (1) Clerical

GFOA CERTIFICATE OF ACHIEVEMENT PROGRAM

Boldt Carlisle + Smith has the experience, resources and technical abilities to assist governmental entities with successful participation in the GFOA certificate program. The GFOA award signifies an easily readable and efficiently organized CAFR whose content conforms to the GFOA program standards and satisfies both GAAP and applicable legal requirements. If a governmental entity desires to participate in this program and has sufficient internal resources we encourage that participation and offer the necessary assistance. Our experiences have included assisting clients in the initial attainment of the award: (City of Salem, Marion ESD, and City of Albany) as well as assisting clients with continued participation (City of Albany, Tillamook County, Lincoln County and City of Newberg).

We will assist the City of Newberg as it continues successful participation in the GFOA award program by providing the City with new requirements as they are issued, reviewing the CAFR prepared by city staff and providing timely recommendations.

FIRM QUALIFICATIONS AND EXPERIENCE (continued)

PEER REVIEW

Boldt Carlisle + Smith has successfully completed an independent peer review of its accounting and auditing practice. The reviewers concluded, in their report dated July 26, 2011, that the firm complies with the stringent quality control standards set by the American Institute of Certified Public Accountants, the national professional organization of CPAs. The reviewers made an independent assessment of the firm's quality control policies and procedures and inspected the working papers and reports on a representative sample of accounting and auditing engagements. They also inspected the firm's administrative files and records and interviewed professional personnel. The reviewers' report has been accepted by the AICPA and is included as Appendix B.

In evaluating a firm's quality controls, a peer reviewer considers, among other things, what the firm has done to ensure that it hires only quality people, that it properly supervises them and provides them with professional training, that it advances them to responsibilities they are capable of handling, and that it provides them with necessary technical resources.

Our next peer review will occur in the summer of 2014 and will be conducted by Read & Bose, PC.

FEDERAL AND STATE REVIEWS

Annually, audits we perform are subject to review by the Secretary of State's office and each year a selection of our audits are reviewed in either desk or field review. We have received recommendations for minor changes and improvements in the presentation of financial statements, but none of the comments received as a result of a review have resulted in a report requiring reissuance.

We have not received any notices of any Federal or State reviews indicating any significant deficiencies in audits performed.

Boldt Carlisle + Smith has not been subject to, and has no pending disciplinary action by state regulatory bodies or professional organizations.

Exhibit A to Resolution No. 2014-3124

PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE

Boldt Carlisle + Smith maintains a staff which is capable of performing quality professional audit services for municipal corporations. This is demonstrated by the fact that **ten** of our certified public accountants are licensed municipal auditors. We are ready, willing and able to commit these resources to the City of Newberg. Staff from any of our three offices (Salem, Stayton, and Albany) may be utilized to fulfill your professional auditing needs.

PROFESSIONAL DEVELOPMENT PROGRAM

In order to maintain the quality of our audit services, Boldt Carlisle + Smith is dedicated to the continual professional development of its entire staff. All certified public accountants attend courses covering accounting, auditing, tax and other pertinent topics. Other accounting staff also attend professionally sponsored courses. Our **ten** municipal auditors attend courses consistent with the state and federal requirements for licensing and performing governmental audits, including the CPE requirements under Government Auditing Standards.

Boldt Carlisle + Smith has a long-standing, firm-wide commitment to governmental accounting and auditing. Toward this commitment, the firm has dedicated resources to professionally develop and educate its entire accounting staff as evidenced by:

- Annual attendance at the OSCPA's Governmental Accounting and Auditing Conference
- Participation on the OSCPA's Governmental Accounting and Auditing Strategic Interest Team
- Annual Firm-sponsored education day devoted to municipal auditing concepts and procedures
- Maintenance of a comprehensive professional library including:

Oregon Revised Statutes
Single Audit Information Service (Thompson Publishing Group)
Catalog of Federal Domestic Assistance (OMB)
Compliance Supplement for Single Audits of State and Local Governments (OMB)
*Guide to Audits of Local Governments (Practitioners Publishing Company)
Audits of State and Local Governments (AICPA)
Governmental Auditing Standards (GAO)
Codification of GASB
GASB Pronouncements
Governmental Accounting, Auditing, and Financial Reporting (GAAFR) - Blue Book
GAAFR, Appendix D

*Includes checklists for compliance with GFOA certificate program.

PERSONNEL ASSIGNED TO ENGAGEMENT

Key personnel chosen specifically for the requirements/scope of this engagement will include the following:

Independent report reviewer:	Douglas C. Parham, CPA, Licensed Municipal Auditor
Partner in-charge:	Brad Bingenheimer, CPA, Licensed Municipal Auditor
Audit Manager:	Oren Hampton, CPA, Licensed Municipal Auditor
Staff assistants (2-3):	To be selected from CPAs and staff accountants

PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE (Continued)

RÉSUMÉS OF ASSIGNED CPA's

Douglas C. Parham, CPA: Mr. Parham joined Boldt Carlisle + Smith in 1977 and became a CPA (#3511) in 1979 and a licensed municipal auditor (#780) in 1979. He has significant government audit experience including cities, counties, school districts, and other governmental entities.

As independent report reviewer Mr. Parham is responsible for engagement administration and performing final report review of municipal audit reports and CAFRs. He is the firm's Quality Control partner.

Education: B.S. in Business Administration, Oregon State University

Government Audit Experience

Mr. Parham serves as the firm's quality control partner. Mr. Parham has over 35 years of experience auditing Oregon municipal corporations, business and non-profit organizations. His municipal audit experience includes cities, counties, school districts and a variety of special districts throughout Oregon.

Understanding of Local Budget Law

Mr. Parham has over 35 years' experience working with local governments and auditing their compliance with Local Budget Law. Our governmental clients regularly consult him on budgetary issues.

Continuing Professional Education

Mr. Parham has attended the following pertinent continuing professional education classes during the past two years:

- OSCPA Governmental Accounting and Auditing Conference
- OSCPA Winter Governmental Auditors Conference
- I See It! Bringing Into Focus the New Clarified Auditing
- Government Accounting & Reporting: Putting it All Together
- OSCPA Disclosure - The Key to Financial Statements

Memberships in Professional Organizations

- American Institute of Certified Public Accountants (AICPA)
- Oregon Society of Certified Public Accountants (OSCPA)
- OSCPA Legislative Action Committee

PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE (Continued)

RÉSUMÉS OF ASSIGNED CPA's (Continued)

Bradley G. Bingenheimer, CPA: Mr. Bingenheimer joined Boldt Carlisle + Smith in 1986, and has been a CPA (#6134) since 1989, and he has been a licensed municipal auditor (#1081) since 1992. His governmental audit experience includes cities, counties, school districts, housing authorities and other governmental entities.

Education: B.S. in Business Administration, Portland State University

Governmental Audit Experience

Mr. Bingenheimer serves as the firm's engagement partner for all municipal audit engagements. Brad has been invited to speak on several occasions at the Oregon Municipal Finance Officers Association conference. Mr. Bingenheimer also serves as the audit manager or senior on the following municipal engagements:

- City of Albany
- Tillamook County
- Yamhill County
- City of Silverton

Understanding of Local Budget Law

Mr. Bingenheimer has over 25 years' experience working with local governments and auditing their compliance with Local Budget Law.

Continuing Professional Education

Mr. Bingenheimer has attended the following pertinent continuing professional education classes during the past three years:

- OSCPA Governmental Accounting and Auditing Conference
- OSCPA Winter Governmental Auditors Conference
- GAAP and OCBOAs and Review for Small and Medium Sized Entities
- Governmental & Nonprofit Annual Update
- PPC & AuditWatch Conference on Key Accounting and Auditing Developments
- PPC & AuditWatch Conference on Audit Quality and Efficiency
- OSCPA Auditing Standards Update and Review

Memberships in Professional Organizations

- American Institute of Certified Public Accountants (AICPA)
- Oregon Society of Certified Public Accountants (OSCPA)
- OSCPA Governmental Accounting and Auditing Strategic Interest Team

PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE (Continued)

RÉSUMÉS OF ASSIGNED CPA's (Continued)

Oren Hampton, CPA: Mr. Hampton rejoined Boldt Carlisle + Smith in September 2007 after several years of self-employment as a CPA. He also contracted with other CPA firms to perform a variety of professional services. Previously, Mr. Hampton had been employed by Boldt Carlisle + Smith immediately after he graduated from Oregon State University. Mr. Hampton is also a licensed municipal auditor.

Education: B.S. in Business Administration, Oregon State University

Governmental Audit Experience

As Audit Manager, Mr. Hampton would be responsible for scheduling and planning the audit as well as supervising the field audit staff, review of the City's CAFR and drafting of the auditor's reports. Mr. Hampton has supervised or participated in several governmental audit engagements, as follows:

City of Albany
City of Forest Grove
Clatsop County
Tillamook County

Continuing Professional Education

Mr. Hampton has attended the following governmental continuing professional education classes during the past three years:

OSCPA Governmental Accounting and Auditing Conference
OSCPA Winter Governmental Auditors Conference
OSCPA Substantive Analytical Procedures Workshop
OSCPA A Complete Guide to the New 2011 YellowBook
OSCPA Advanced OMB A-133 Issues

Memberships in Professional Organizations

American Institute of Certified Public Accountants (AICPA)
Oregon Society of Certified Public Accountants (OSCPA)

Additional résumé information of these individuals and our other CPA's may be found in Appendix A.

CHANGES IN KEY PERSONNEL /ROTATION OF STAFF

We expect that the staff assigned to the initial audit will be available for the following year's audits. We would rotate staff in or out of the engagement if it would promote efficiency. We do not anticipate that there will be turnover in our senior audit personnel, but if a change in staffing is required, we would notify the City and expect a smooth transition because of the number of CPAs on our staff with substantial governmental audit experience.

Exhibit A to Resolution No. 2014-3124

SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT ENTITIES

Auditing Oregon municipalities has been an important part of our business since our inception in 1968. We have significant experience auditing governmental entities comparable in size of the City of Newberg.

Please contact any of the following individuals as a reference to the quality of our accounting and auditing services:

Organization Principal Contact Telephone	Date of Engagement	Scope of Work	Engagement Partner and Manager	Total Hours
City of Albany Stewart Taylor (541) 917-7521	June 30, 2013	<ul style="list-style-type: none"> • Audit in accordance with Generally Accepted Auditing Standards • Comprehensive Annual Financial Report submitted to GFOA for certificate • Audit in accordance with Governmental Auditing Standards (Yellow Book) • Audit in accordance with Single Audit Act and OMB Circular A-133 	Partner Brad Bingenheimer Fieldwork Senior Oren Hampton	375
Tillamook County Debbie Clark (503) 842-3425	June 30, 2013	<ul style="list-style-type: none"> • Audit in accordance with Generally Accepted Auditing Standards • Comprehensive Annual Financial Report submitted to GFOA for certificate • Audit in accordance with Governmental Auditing Standards (Yellow Book) • Audit in accordance with Single Audit Act and OMB Circular A-133 	Partner Brad Bingenheimer Fieldwork Senior Brad Bingenheimer	480
Polk County Linda Fox (503) 623-9264	June 30, 2013	<ul style="list-style-type: none"> • Audit in accordance with Generally Accepted Auditing Standards • Audit in accordance with Governmental Auditing Standards (Yellow Book) • Audit in accordance with Single Audit Act and OMB Circular A-133 	Partner Brad Bingenheimer Fieldwork Senior Shadron Lehman	310
City of Forest Grove Paul Downey (503) 992-3200	June 30, 2013	<ul style="list-style-type: none"> • Audit in accordance with Generally Accepted Auditing Standards 	Partner Brad Bingenheimer Fieldwork Senior Oren Hampton Jessica Luther	280
City of Silverton Kathleen Zaragoza (503) 874-2203	June 30, 2013	<ul style="list-style-type: none"> • Audit in accordance with Generally Accepted Auditing Standards • Audit in accordance with Governmental Auditing Standards (Yellow Book) 	Partner Brad Bingenheimer Fieldwork Senior Brad Bingenheimer	240

Exhibit A to Resolution No. 2014-3124

SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT ENTITIES (Continued)

A complete list of governmental entities currently audited by our firm is as follows:

Counties and Cities	
City of Albany	City of Gold Beach
Albany Revitalization Agency	City of Mill City
City of Brookings	City of Newberg
Brookings Urban Renewal	Polk County
City of Brownsville	Polk County Extension Service District
City of Carlton	City of Silverton
Carlton Urban Renewal Agency	Silverton Urban Renewal Agency
Clatsop County	City of Sublimity
Westport Sewer Service District	Tillamook County
Clatsop County Rural Law Enforcement District	Solid Waste Service District
Clatsop County Road District #1	Tillamook County 4-H and Extension Service District
Clatsop County 4-H and Extension Service District	City of Willamina
City of Detroit	Yamhill County
City of Forest Grove	Yamhill County Extension Service District
	Cove Orchard Sewer Service District
Other municipal entities	
Albany RFPD	Mt. Angel School District No. 91
Brownsville RFPD	Netarts Water District
Cascade School District No. 5	Neah-Kah-Nie School District No. 56
Central School District No. 13J	North Lincoln Health District
Dallas Cemetery District (review)	Northwest Senior and Disability Services
Dayton School District No. 8	Oregon Municipal Electric Utilities Association (12/31 year end)
Drakes Crossing RFPD (review)	Rainier School District No. 13
Halsey-Shedd RFPD	North Columbia Academy
Idanha-Detroit RFPD	Santiam Water Control District (12/31 year end)
League of Oregon Cities	Scio School District No. 95C
Lincoln County Communications Agency (review)	St. Paul School District No. 45
Local Government Personnel Institute	Sunset Empire Transportation District
Lyons-Mehema Water District	Tillamook County Transportation District
Marion County Fire District # 1	Tualatin Valley Irrigation District (12/31 year-end)
Mill City RFPD	West Valley Housing Authority (9/30 year-end)
Monitor RFPD	Yamhill Communications Agency

APPROACH TO THE AUDIT

With a staff that includes 23 CPAs, including 10 licensed to perform audits of Oregon Municipal Corporations Boldt Carlisle + Smith has sufficient resources to meet the City's needs for professional audit services.

At Boldt Carlisle + Smith, our audit work plan has been developed over *forty* years of municipal and commercial auditing. Our audit strategies and work programs give proper attention to authoritative pronouncements which govern the conduct of all audits and focus specifically on authoritative pronouncements that guide the conduct of governmental engagements.

Also, requirements from Federal granting agencies, the State of Oregon, Secretary of State, Audits Division; and the Department of Revenue have helped to shape our audit programs, which enable us to efficiently complete the requirements of the Single Audit Act and the Minimum Standards for Audits of Oregon Municipal Corporations.

Our audit approach emphasizes a team approach between us, as your auditors, and City management, who is responsible for the financial statements. Accordingly, we welcome the opportunity to work with City personnel as we conduct the audit and as you draft the City's comprehensive annual financial report.

We contemplate periodic meetings during the engagement involving key personnel from the City to promote efficiency and provide progress reports. Proposed audit adjustments, including documentation and written justification, and audit findings will be reviewed with appropriate City personnel to develop an accurate interpretation of the facts and circumstances by all parties.

Our work plan for the audit of the City of Newberg is predicated on the expectation that fiscal services staff shall provide adjusted trial balances of all funds as well as draft financial statements. We also understand that fiscal services staff will provide assistance in locating supporting documents for transactions we select for sampling during our test of controls and substantive tests of transactions or balances.

We understand that City staff must continue with their regular responsibilities during our audit and we will make every effort to minimize the amount of time that we require their assistance.

**Exhibit A to
Resolution No. 2014-3124**

APPROACH TO THE AUDIT (Continued)

PROPOSED SEGMENTS OF THE AUDIT

SEGMENT	OBJECTIVES	TIME FRAME	STAFF LEVEL	HOURS
PLANNING AND INTERIM	<ul style="list-style-type: none"> • Pre-audit conference • Written work plan and schedule • Engagement letter, contract and PBC list prepared • Gain an understanding of the nature of operations and internal controls • Formulate audit strategy • Preliminary analytical procedures • Perform risk assessments • Test internal control structure • Determine major funds to be presented • Determine applicability of single audit requirements 	June / July	Partner Manager Assistants	2 32 32
POST YEAR-END FIELDWORK	<ul style="list-style-type: none"> • Entrance conference with city officials • Substantive tests of transactions and accounts • Test compliance with laws and regulations • Test controls over major programs if city is subject to the single audit requirements • Review of work papers 	October	Partner Manager Assistants	2 40 80
DRAFT AND REVIEW REPORTS	<ul style="list-style-type: none"> • Draft auditor's report on basic financial statements single audit reports and auditor's comments • Review Management Discussion and Analysis • Review city prepared basic financial statements and footnotes • Review information included in statistical section of the CAFR • Prepare letter of management comments • Review complete draft of CAFR with city officials 	October / November	Partner Manager Assistants	5 9 4
PRESENTATION	<ul style="list-style-type: none"> • Highlight results of the audit with City officials 	November / December	Partner Manager	1 1

APPROACH TO THE AUDIT (Continued)

USE OF SPECIALIZED GOVERNMENTAL AUDIT PROGRAMS

Boldt Carlisle + Smith is committed to provide quality professional services. Our audits are performed using programs developed by Practitioners Publishing Company (PPC) in their electronic service titled Guide to Audits of Local Governments. The PPC programs have passed stringent tests of peer review and serve our needs in audit areas common to all government audits. We have developed audit programs to comply with the requirements of the Minimum Standards for Audits of Oregon Municipal Corporations. Also, by reference to the Compliance Supplement, we have developed programs to comply with federal financial assistance audit requirements (internal controls and compliance) for grant programs.

USE OF COMPUTER-ASSISTED AUDITING PROCEDURES

Boldt Carlisle + Smith has experience auditing computerized accounting systems. Specifically, the staff assigned to the audit will have experience auditing in a computerized environment, including municipal and commercial entities with computerized accounting systems. Our audit planning and the audit approach we apply will give consideration to the electronic data processing system and capabilities of the City.

Many of the audits we conduct are in highly computerized environments, including financial institutions, counties, school districts and cities. Our approach to auditing computerized systems includes consideration of how the computer systems affect internal controls, assessment of risks related to computerized systems, testing of computer system controls, and tests of computerized information which drives the financial statement presentation.

Our audits are conducted using a paperless process facilitated by CCH ProSystem fx Engagement software. This software, integrated with Microsoft Word and Excel, allows us to import client trial balance information, create appropriate lead schedules, perform various analyses on account balances, scan supporting documentation and, if needed, prepare the financial statements and schedules.

Additionally, Boldt Carlisle + Smith uses the data extraction software IDEA in conducting audits. We will request electronic files containing all transactions for the year which we will use to perform extensive analytic procedures directly on the underlying financial data and provides a basis for statistical sampling of transactions.

Our experience and approach to auditing computerized information will provide increased efficiency in the audit process, allow for extensive analysis of financial information, and provide a basis for suggesting improvements to the city's accounting system and financial reporting.

SAMPLING

An audit involves examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements and testing compliance with laws and regulations; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. Audit sampling will be used to the extent deemed appropriate in applying a given procedure to less than 100 percent of the items within an account balance or class of transactions for the purpose of evaluating some characteristic of the balance or class or for testing compliance. The IDEA software, discussed above, will be used to assist us in selecting samples and analyzing the results of tests applied to the sample. Based upon professional judgment, there may be situations where procedures other than sampling are more efficient.

APPROACH TO THE AUDIT (Continued)

ANALYTICAL PROCEDURES

We will utilize a variety of analytical procedures in conducting our audits. These will include comparison of current, prior and budget amounts, ratio analysis, predictability tests and consideration of relationships between financial and non-financial information. The IDEA software will also be used for analytical purposes to scan transactions for anomalies, gaps in sequences and review of significant accounts. These procedures will be used in planning the audit, as tests to support amounts in the financial statements and in final review of the financial statements.

UNDERSTANDING THE CITY, INTERNAL CONTROLS AND RISK ASSESSMENTS

At Boldt Carlisle + Smith, we consider various risk factors in planning and performing an audit. This approach provides for a more efficient audit by focusing our efforts to those areas where there is the greatest risk for a misstatement, an instance of non-compliance with laws and regulations, or a breakdown in internal controls. In order to perform proper risk assessments, we will gain an understanding of the operations of the city, its personnel and internal controls. This understanding will be obtained through interviews with appropriate personnel, review of the city's written documentation of internal control, review of the city's written policies and procedures and performance of a walk-through of transactions as processed by the city's systems.

Based on the understanding of the City and its internal controls we will make risk assessments for each audit area and consider the financial statement assertions for each audit area. The financial statement assertions that pose the greatest risk will vary among the various audit areas. These assessments by assertion will assist us in planning the audit process and in the determination of testing internal controls in order to rely upon them to reduce other audit procedures. This decision considers the level of control risk needed to be achieved, the financial statement assertion related to the control and whether it is efficient to test controls.

If we determine that internal controls are sufficient and that testing controls is the most efficient approach we will design and perform tests of controls that relate to the financial statement assertion being audited. These tests of controls may include observation, inquiry, reperformance or inspection of documents, and may involve the selection of a representative number of items or transactions from the population being tested. The results of these tests will enable us to determine whether we may rely upon the city's internal controls and may provide a basis for suggestions to the city for improvements in internal controls.

CONSIDERATION OF FRAUD

The purpose of an audit in accordance with auditing standards generally accepted in the United States of America is the expression of an opinion on the fair presentation of financial statements. Accordingly, our audit will be designed to detect material misstatements, including those that would be caused by fraud, either through fraudulent financial reporting or misappropriation of assets. Our audit may not be relied upon to detect occurrences of fraud that are not material, however, should any fraud come to our attention, we would communicate that finding to the appropriate level of management.

APPROACH TO THE AUDIT (Continued)

SAMPLES AND TESTS OF COMPLIANCE

When testing compliance we determine the specific compliance requirements that are applicable, test controls over those compliance requirements and test compliance with the rules, regulations and contractual provisions of the programs. These tests may take on a variety of forms including selection of a representative number of expenditures under the program, inquiry into City policies and procedures that are followed, comparison of amounts reported to granting agencies with the City's general ledger or any other test that is appropriate for the applicable compliance requirement.

LAWS AND REGULATIONS

The laws and regulations, compliance with which will be subjected to testing during the audit, are determined based upon the following:

- Minimum Standards for Audits of Oregon Municipal Corporations - These require us to test for compliance and comment on compliance with specific Oregon laws and regulations including:
 - Collateralization of deposits
 - Local budget law
 - Debt limitations
 - Investment of public funds
 - Public contracting
 - Use of highway fuel tax
 - Insurance and fidelity bonding
 - Programs funded from outside sources
- Specific laws and regulations in connection with grants audited as "major" programs under OMB Circular A-133, if applicable.
- Our knowledge of other laws and regulations, where non-compliance with would result in a direct and material effect on the financial statements including the Internal revenue code and Oregon Municipal Finance Law.

SINGLE AUDIT EXPERIENCE AND APPROACH

To improve the approach to audits of federal award programs, Congress passed the Single Audit Act of 1984. In July 1996, the Single Audit Act Amendments of 1996 was signed into law superseding the 1984 Act and required significant changes to the performance of and reporting on Single Audits. Among these changes, the most significant was the adoption of a risk-based approach to the selection of programs to be audited as "major programs".

Since our inception in 1968, we have provided audit services to local governments and nonprofit organizations throughout Oregon. Providing those services led us to develop the skills and understanding needed to comply with the Single Audit Act. Since 1984, we have performed 20 to 30 Single Audits annually.

Our audit approach is guided by the requirements of the Single Audit Act and Circular A-133, as well as efficiency in performing governmental audits. We are required to obtain an understanding of the controls over compliance for federal programs sufficient to plan and perform tests in order to support a low assessment of control risk. We will use our professional judgment in determining the extent and nature of these tests based upon the nature of and the applicable controls over the compliance requirement.

APPROACH TO THE AUDIT (Continued)

SINGLE AUDIT EXPERIENCE AND APPROACH (Continued)

To support this service area, we have obtained various technical resources and made use of various websites pertinent to the Single Audit Act, OMB, and the Data Collection Form. All of our CPA's involved in government audits regularly attend continuing professional education (CPE) courses sufficient to satisfy the CPE requirements of the GAO Yellow Book (Government Auditing Standards).

During 2013 we completed 20 Single Audits for local governments and nonprofit organizations including:

- 7 School Districts
- 4 Counties
- 2 Cities
- 4 Other Governments
- 3 Non-profit Organizations

These Single Audits were performed for entities with 3 - 50 federal programs and with federal expenditures ranging from \$560,000 to over \$5,000,000. Our experience with Single Audits includes award programs provided by a variety of federal agencies including the following:

- Department of Agriculture
- Department of Commerce
- Department of Defense
- Department of Education
- Department of Energy
- Department of Health and Human Services
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of the Interior
- Department of Justice
- Department of Transportation
- U.S. Election Assistance Commission
- General Services Administration
- Environmental Protection Agency
- Corporation for National and Community Service
- Social Security Administration

At the conclusion of Single Audit engagements, we assist our clients by completing the "reporting package" required by OMB. We complete the Data Collection Form using the electronic template available through the website of the Federal Audit Clearinghouse. Additionally, we upload a copy of the financial report and coordinate the electronic certification and submission process.

We have reviewed your Schedule of Expenditures of Federal Awards for the year ended June 30, 2013. We are confident that our past experiences and our commitment to continued training make us well qualified to perform the Single Audit requirements included in your annual audit.

APPROACH TO THE AUDIT (Continued)

TECHNICAL ASSISTANCE

As part of our audit services we are available for consultation on audit related issues including financial reporting, budgeting, accounting and internal controls throughout the year.

CONSTRUCTIVE SUGGESTIONS FOR IMPROVEMENT

Our audit experience enables us to provide constructive suggestions for improving the City's internal accounting controls and administrative procedures. Appropriate notes will be made during the audit and later summarized for presentation to the appropriate level of City management.

PRE-AUDIT PLANNING SEMINAR

Annually, we provide a four to eight hour seminar as a no-charge service to our local government audit clients. The seminar is designed for individuals who hold positions of fiscal and administrative responsibility. Attendants have told us that this seminar is useful because it provides information on issues of current interest and a forum to exchange ideas with others who are actively involved in fiscal operations.

ANTICIPATED POTENTIAL AUDIT PROBLEMS

Based upon our experience conducting audits of Oregon municipal corporations, our knowledge of the City of Newberg and its accounting staff, and planned audit approach, we do not foresee any potential audit problems. Should any problems arise in the conduct of our audit, we would immediately communicate that to City management and arrive at an appropriate response to any problems which might occur.

NEW ACCOUNTING AND AUDITING PRONOUNCEMENTS

ACCOUNTING

For the year ended June 30, 2015, the City of Newberg will be required to implement the provisions of GASB 68, *Accounting and Financial Reporting for Pensions*. This accounting standard requires the City to report in its government-wide and proprietary fund financial statements a net pension liability for its unfunded accrued liability based on an actuarial valuation. We will be available to assist with this implementation by reviewing the footnote disclosures and the resulting accounting data.

We have evaluated other recently issued accounting standards and do not expect that they would require any significant changes in the City's accounting or financial reporting.

AUDITING

We have evaluated auditing standards and revisions to the requirements under OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* and believe that none of them should have a significant effect on the scope of the audit such that additional audit fees will be assessed. However, if other significant revisions are made, and if an adjustment in audit fee is justified, we would discuss the revised requirement with City management to arrive at a mutually satisfactory fee arrangement.

Exhibit A to Resolution No. 2014-3124

PROPOSED FEES FOR PROFESSIONAL SERVICES

ALL-INCLUSIVE MAXIMUM FEE

The significant factors which influence the cost of professional services include proper measurement of the scope of services to be performed, planning and control of the engagements, and careful matching of the skills and experience levels of professional personnel with the requirements of these engagements.

Therefore, our fee is based upon the number of hours estimated to complete the requested services combined with the various staff positions required to fulfill the specific needs of the city. Our proposed fees are as follows:

	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>
City of Newberg	\$ 27,160	\$ 28,250	\$ 29,385
Single Audit (if applicable)	.20 - .50 percent of total expenditures of federal awards [\$750,000 of expenditures would result in a fee of \$1,500 - \$3,750]		

Additionally, should the City extend the audit contract for an additionally two years, we would estimate those fees to be:

2016-17	\$ 30,560
2017-18	31,780

The proposed fees are based on the estimate of time requirements and the hourly rates of professionals assigned to the audit as follows:

<u>Staff</u>	<u>Current hourly rate</u>	<u>Estimated hours</u>	<u>2013-14 Totals</u>	<u>2014-15 Totals</u>	<u>2015-16 Totals</u>
Partner	\$ 210	10	\$ 2,100	\$ 2,185	\$ 2,275
Manager	150	82	12,300	12,795	13,310
Staff	110	116	<u>12,760</u>	<u>13,270</u>	<u>13,800</u>
			<u>\$ 27,160</u>	<u>\$ 28,250</u>	<u>\$ 29,385</u>

**Exhibit A to
Resolution No. 2014-3124**

PROPOSED FEES FOR PROFESSIONAL SERVICES (Continued)

CHARGES FOR SPECIAL REQUESTS

Should it become necessary for the city to request Boldt Carlisle + Smith to render additional services to either supplement the services requested herein or to perform additional work as a result of the specific recommendations included in any report issued on this engagement, then such additional work shall be performed at the current rates commensurate with the level of staff required as follows:

<u>Staff Classification</u>	<u>Hourly Rates</u>
Partner	\$200 - \$250
Manager	\$130 - \$170
Staff accountants	\$90 - \$130
Clerical	\$80

SCHEDULE OF BILLINGS

Boldt Carlisle + Smith will provide progress billings on a monthly basis (26th to 25th) based upon the hours of work completed during the course of the engagement in accordance with our price quote.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 21, 2014

Order ____	Ordinance ____	Resolution <u>XX</u>	Motion ____	Information ____
No.	No.	No. 2014-3125		

SUBJECT: Resolution approving the annual evaluation of the municipal judge.

**Contact Person (Preparer) for this
Motion: Bob Andrews, Mayor
Dept.: Administration
File No.:**

RECOMMENDATION:

Adopt **Resolution No. 2014-3125** approving the annual evaluation of the municipal judge.

EXECUTIVE SUMMARY:

The city council performed an annual evaluation of the municipal judge. That evaluation was held during executive session on April 7, 2014, in which no decisions were made. This resolution is to solidify that evaluation and to provide a formal guidance of his performance.

FISCAL IMPACT:

There is no increase in compensation at this time.

STRATEGIC ASSESSMENT:

The evaluation of the municipal judge is necessary in order to increase communication between the city council and the municipal judge concerning the performance of the municipal judge in accomplishing his assigned duties and responsibilities.



RESOLUTION No. 2014-3125

**A RESOLUTION APPROVING THE ANNUAL EVALUATION OF THE
MUNICIPAL JUDGE COMPLETED IN APRIL, 2014**

RECITALS:

1. In accordance with the Newberg City Charter, the municipal judge is appointed by the city council, which reports directly to the mayor and city council and is supervised by the governing body. The city council appointed Larry Blake, Jr. as the municipal judge for the city in February, 2010.
2. The city has a contract with the municipal judge and pursuant to that contract; the city council will evaluate the municipal judge in executive session.
3. The Open Meetings Law of the state of Oregon allows the evaluation of the job performance of the municipal judge to be conducted in executive session by the city council and pursuant to such Standards, Criteria, and Policy Directives adopted by Resolution No. 2010-2923 on December 6, 2010.
4. The mayor, city councilors, and the municipal judge met in executive session on April 7, 2014, to discuss the municipal judge's annual evaluation.
5. The mayor has submitted the written evaluation which will be placed in the municipal judge's personnel file after being adopted by the city council.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The written evaluation of the municipal judge, which is attached as Exhibit A and by this reference, is hereby adopted.
2. The municipal judge shall be given a copy of the evaluation to sign and may make any written comments after which the written evaluation shall be placed in the municipal judge's personnel file.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 22, 2014.

ADOPTED by the city council of the city of Newberg, Oregon, this 21st day of April, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the mayor this 24th day of April, 2014.

Bob Andrews, Mayor

**Municipal Judge (Larry Blake, Jr.)
Annual Written Evaluation – 2014
By Newberg City Council**

The city council has received a written report from the municipal judge concerning his performance during his evaluation period. The respective mayor and councilors have met with the municipal judge in executive session on April 7, 2014, to discuss their evaluation of his performance from April, 2012, to April, 2014.

The city council has evaluated the performance of Larry Blake, Jr. as the municipal judge of the city of Newberg. As part of the evaluation, council reviewed the report given to them by the municipal judge indicating his self-evaluation during the evaluation period. The city council assessed the municipal judge's performance in four major categories:

1. Case Management, Impartiality and Judicial Conduct
2. Knowledge of Law, Legal Practices and Court Management
3. Inter-departmental Relations
4. Fiscal Planning & Goals

Overall the city council found the municipal judge's performance fell between excellent and exceeds expectations. The city council felt the working relationship with the municipal judge is excellent. The council expressed satisfaction with the initial goal setting and looks forward to further long-range strategic planning in partnership with the municipal judge.

DATED this 21st day of April, 2014.

Mayor Bob Andrews

Council President Ryan Howard

Councilor Mike Corey

Councilor Denise Bacon

Councilor Stephen McKinney

Councilor Bart Rierson

Councilor Lesley Woodruff

Comments by Larry Blake, Jr.:

No comments to add.

Acknowledged this _____ day of _____, 2014.

Municipal Judge Larry Blake, Jr.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 21, 2014

Order XX Ordinance Resolution Motion Information
No. 2014 -0034 No. No. No. No.

**SUBJECT: Hearing of Protest of Nuisance
Abatement Action at 3220 E. Hancock Street.**

Contact Person (Preparer) for this
Motion: Brad Allen, Code Compliance Officer
Dept.: Legal
File No.: CC14-00015

HEARING TYPE: ☐ LEGISLATIVE ☒ QUASI-JUDICIAL ☐ NOT APPLICABLE

RECOMMENDATION:

Deny the property owners' protest and adopt **Order No. 2014-0034** requiring the nuisance to be abated.

EXECUTIVE SUMMARY:

Pursuant to the Uniform Nuisance Abatement Procedure outlined in the Newberg Municipal Code, the city sent a notice instructing the owners of the property located at 3220 E Hancock St. to abate a nuisance on the property. The owners filed a written statement protesting that no nuisance exists. The statement is referred to the city council to determine whether or not a nuisance in fact exists.

The allegation of nuisance is that the property owners have removed the landscaping from the planter strip and filled the area with concrete blocks and curb ramps. The result is the creation of an illegal driveway at the property.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

This supports the city's desire to ensure that properties within the city comply with requirements of the Newberg Municipal Code. Failure to fairly and consistently enforce the code will make future compliance more difficult to obtain.

MEMORANDUM

to: Newberg City Council

CC: Truman Stone, City Attorney

from: Brad Allen, Code Compliance Officer

re: Citizen protest of nuisance abatement action at 3220 E Hancock St;
Order 2014-0034; April 21, 2014; CC14-00015

date: 4/2/2014

Case Summary:

1. The Bradley Townhomes subdivision was built in 1998 consisting of four attached one-family dwellings at the southwest corner of E Hancock St and N Springbrook Rd. All four dwellings are served by one shared driveway located on the western end of this dead-end street (in front of 3202 E Hancock St). The applicant's property is at the eastern end of the shared driveway. A landscaped planter strip separates the driveway from the sidewalk.
2. On January 23, 2014, it was discovered that the portion of the planter strip directly in front of 3220 E Hancock St had been dug up in preparation for filling it with concrete. There were also ramps placed in the gutter in front of the home. The owner and the contractor were instructed to not fill the planter strip with concrete, but to replace the landscaping and remove the ramps from the gutter pursuant to the following sections of Newberg Municipal Code (NMC) and Newberg Development Code (NDC):

NMC 10.10.070 Damaging sidewalks and curbs.

A. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

B. No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C. No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond as required. A person who causes damage shall be held responsible for the cost of repair.

NMC 12.05.250 Required maintenance of planter strips.

A. "Planter strip" is defined as the area between the curb and sidewalk, between the sidewalk and property line, or between the edge of the street and property line that contains or is designed to contain landscaping or plant materials. Roadside ditches are generally not considered planter strips.

B. It shall be the duty of the owners of land adjoining any street or highway within the city to maintain planter strips adjoining their properties. Maintenance shall include, but not be limited to, removing or cutting weeds so the area is not overgrown, mowing grasses (except ornamental grasses) to a height of no more than nine inches, irrigating as necessary to establish new plantings, removing dead plants, pruning trees and shrubs to keep them healthy and to keep sidewalks and streets clear from obstruction, and removing litter.

NDC 15.420.020 Landscaping and amenities in public rights-of-way.

B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

NDC 15.505.200 Vehicular access standards.

A. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials, and collectors serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

B. Access Spacing Standards. Public street intersection and driveway spacing shall follow the table below:

Access Spacing Standards						
Roadway Functional Classification	Area ¹	Minimum Public Street Intersection Spacing (Feet) ²	Frontage Required per Additional Driveway ³	Driveway Setback from Intersecting Street ⁴	Typical Median Treatment	Minimum Spacing of Median Openings
Expressway	All	As shown in the Newberg transportation system plan	NA	NA	Recessed swale and/or crash barrier	NA
Major arterial	Urban	600	300	150	Raised median or center left-turn lane	600
	CBD	200	300	100		NA
Minor arterial	Urban	300	200	100	Raised median or center left-turn lane	300
	CBD	100	200	100		NA
Major collector	All	200	150	100	Center left-turn lane	NA
Minor collector	All	150	75	75	None	NA
Local streets	All	100	75	50	None	NA

¹ "Urban" refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).
 "CBD" refers to intersections within the central business district (C-3 zone).
 "All" refers to all intersections within the Newberg urban growth boundary.

² Measured centerline to centerline.

³ Requirement is the minimum frontage required per additional driveway beyond the first. Where two driveways are constructed, at least one curb parking space shall separate each driveway approach.

⁴ The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

- The owners filled the approximately 16 feet of the planter strip with concrete blocks beginning approximately 35 feet from Springbrook Rd (a minor arterial road). They submitted a letter to the City of Newberg Engineering Dept. requesting approval for the construction of a driveway in front of their home. The request was reviewed by the Engineering and Planning Departments.
- The Planning Department responded to the owners' request informing them that a second driveway could be approved but it must be in front of 3214 E Hancock St, approximately 70 feet from the intersection, and not in front of 3220 E Hancock St.
- NMC Sections 12.05.180 and 12.05.190 require that driveways, curbs, and approaches conform to adopted standards or be removed.

12.05.180 Construction.

All driveways, curbs and approaches within the city shall be constructed in compliance with the city standard specifications and drawings adopted by resolution or resolutions of the city council.

12.05.190 Maintenance and removal.

A. Every driveway approach or entrance to abutting property shall be maintained and kept in safe condition by the owner of the abutting property; and any such driveway approach shall not be so maintained and kept, or which shall interfere with or obstruct the drainage carried by such street or the use of said street for the purpose of travel, shall be repaired to conform with the specifications of this article and the city inspector, or be removed. Upon the termination of any driveway, whether by revocation of permit or expiration of term, or abandonment or otherwise, the authority, rights and privileges granted shall cease. The owner of the property to which said driveway leads shall, within six months after receiving notice by registered mail from the city, remove or modify the driveway improvements; and the sidewalks, parkway, curb and other areas where said improvements were located shall be restored or reconstructed to the end that the portion of said sidewalk space, parkway and curb areas which were used for said driveway shall be made safe for public travel and be placed in the same condition as the adjacent sidewalk space, parkway and curb areas. Said restoration work shall be done by said property owner at the property owner's own expense.

6. The owners were subsequently instructed again, via letter, to remove the concrete blocks, replace the landscaping, and remove the ramps from the gutter. They submitted a timely response protesting this requirement, with a request for the issue to be considered by the city council.
7. Staff recommends that the owners be required to comply with Newberg Municipal Code by removing the improperly placed and constructed driveway by removing the concrete blocks from the planter strip, replace the landscaping, and removing the ramps from the gutter.

Brad Allen
Code Compliance Officer
City of Newberg
414 East 1st Street, PO Box 970
Newberg, OR 97132
brad.allen@nebwegoregon.gov
503-554-7709
Fax: 503-537-5013



ORDER No. 2014-0034

AN ORDER REQUIRING THE REMOVAL OF AN UNAUTHORIZED DRIVEWAY AT THE PROPERTY LOCATED AT 3220 E. HANCOCK STREET

RECITALS:

1. The planter strip in front of the property located at 3220 E. Hancock Street has been filled with concrete blocks and ramps have been placed in the gutter, resulting in an unauthorized driveway at the property.
2. Such unauthorized driveway violates Newberg Municipal Code (NMC) §10.10.070, §12.05.160, §12.05.180, §12.05.190, §12.05.250, §15.420.020, and §15.505.200.
3. On February 4, 2014, after receiving proper notice of the code violations, the property owners requested approval for the construction of a driveway in front of the property. The city of Newberg engineering and planning and building departments denied the request via letter, proposing an alternative driveway configuration for the development.
4. A notice to abate the nuisance was timely and properly given as required by the NMC.
5. In response, the owners filed a timely written statement protesting that no nuisance exists.
6. On April 21, 2014, the Newberg city council held a hearing to determine whether or not the construction of the unauthorized driveway violates NMC and constitutes a nuisance.
7. The Newberg city council finds the unauthorized driveway violates the NMC requirements and constitutes a nuisance.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. Pursuant to the Uniform Nuisance Abatement Procedure set forth in Newberg Municipal Code Section 8, Article IV, the owners of the property located at 3220 E. Hancock Street shall, within 10 days of this determination abate the nuisance at the property by removing the unauthorized driveway.

2. Abatement must include, at a minimum, the following actions:
 - A. Removal of the concrete blocks from the planter strip;
 - B. Removal of the ramps from the gutter; and
 - C. Landscaping of the planter strip consistent with the Newberg Development Code.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: April 22, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of April, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 24th day of April, 2014.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 21, 2014

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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SUBJECT: An update to Council regarding the status of the City's Stormwater Master Plan Update

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

RECOMMENDATION:

Review the executive summary and progress of the city's stormwater master plan update.

EXECUTIVE SUMMARY:

The Drainage (Stormwater) Master Plan for Newberg was last updated in September, 2001, by Thomas/Wright, Inc. The city recognizes changes in land use, zoning, urban growth, and new environmental requirements that have occurred since the completion of the 2001 Drainage Master Plan, and the need for an update to guide the city's growth for the next 20 years.

The city hired Brown and Caldwell, Inc. (B&C) to perform the master plan update (by Resolution No. 2013-3038) in March, 2013. This work is still in progress, and will be fully completed by the end of this fiscal year. B&C is providing a report on the progress of the city's stormwater master plan update, and also will brief Council on the evaluation of the city's stormwater program and future needs. Their presentation includes the executive summary of the master plan and a powerpoint slide show that is attached as Exhibit "A", and by this reference incorporated.

FISCAL IMPACT:

The stormwater master plan provides recommendations for improving the current stormwater program, and produces an updated list of capital improvement projects. Implementation of the recommendations and projects that meet the future needs requires funding by stormwater system development charges (SDC) and rates and the review of these fundings. Future stable funding is a council priority.

STRATEGIC ASSESSMENT:

The drainage master plan requires periodic updates to ensure adequate system capacity for future growth, allows for the review of priorities for stormwater capital improvement projects, and the compliance with existing environmental regulations. A well maintained stormwater program and infrastructure is an asset to the Newberg community that increases livability and may attract new business investments and increase the overall property values in the city.

DRAFT
City of Newberg
Stormwater Master Plan

Prepared for
City of Newberg, Oregon

EXECUTIVE SUMMARY

March 31, 2014



Executive Summary

In 2013, the City of Newberg (City) initiated development of a multi-objective Stormwater Master Plan (Master Plan) to provide a clear understanding of the existing stormwater system and provide capital improvement program (CIP) to address deficiencies in the system. The main objectives of this plan are as follows:

- update the City's stormwater system hydrologic and hydraulic models to evaluate system capacity.
- develop an integrated stormwater system capital improvement program to address storm system capacity needs and water quality
- evaluate stream channel conditions with respect to erosion and impacts from future development
- continue compliance with water quality regulations
- review the City's stormwater management program and make recommendations on activities and staffing where applicable
- identify implementation priorities and impacts to the program budget
- develop a Master Plan document that is useful and easy to read, reference, and update

Master Plan Technical Analyses

Development of the Master Plan involved four primary technical analyses to evaluate the stormwater infrastructure and programs.

Stormwater System Capacity Evaluation – Chapter 3 documents the development of a hydrologic and hydraulic model to simulate rainfall and runoff characteristics across the City. The model simulates stormwater flows through pipe networks, drainage ditches, and culverts to identify areas that are over capacity. The model considered both current conditions and the impacts of future development on stormwater flows. Stormwater infrastructure capacity concerns are presented in Table 3.9.

Problem Areas Survey – Surveys of City staff, compilation of public complaints, and review of past reports were used to identify additional problem areas within the stormwater infrastructure. The aim was to identify problem areas that would not be identified through hydraulic modeling, such as deteriorating pipes, frequent maintenance concerns, inadequate maintenance access, or underserved areas resulting in flooding. Problem areas are documented in Table 3.10.

Stream Channel Vulnerability Assessment – Field walks were conducted between October 15 and 17, 2013 to evaluate and assess existing and potential future channel conditions in the streams within Newberg. The City's existing stream channels are already well protected through development restrictions in the zoning code. Section 4.3 includes recommendations for small projects to address minor areas of erosion and adjustments to the City's stormwater design standards to reduce potential future channel impacts.

Maintenance and Program Evaluation – The City's stormwater management program was formed around addressing drainage capacity and flooding problems. In the last decade, the program has shifted to include addressing increased water quality regulations, such the Total Maximum Daily Load (TMDL) program. Section 5 documents the current maintenance practices and programmatic activities within the City's stormwater management program and provides recommendations for maintenance and program enhancements.



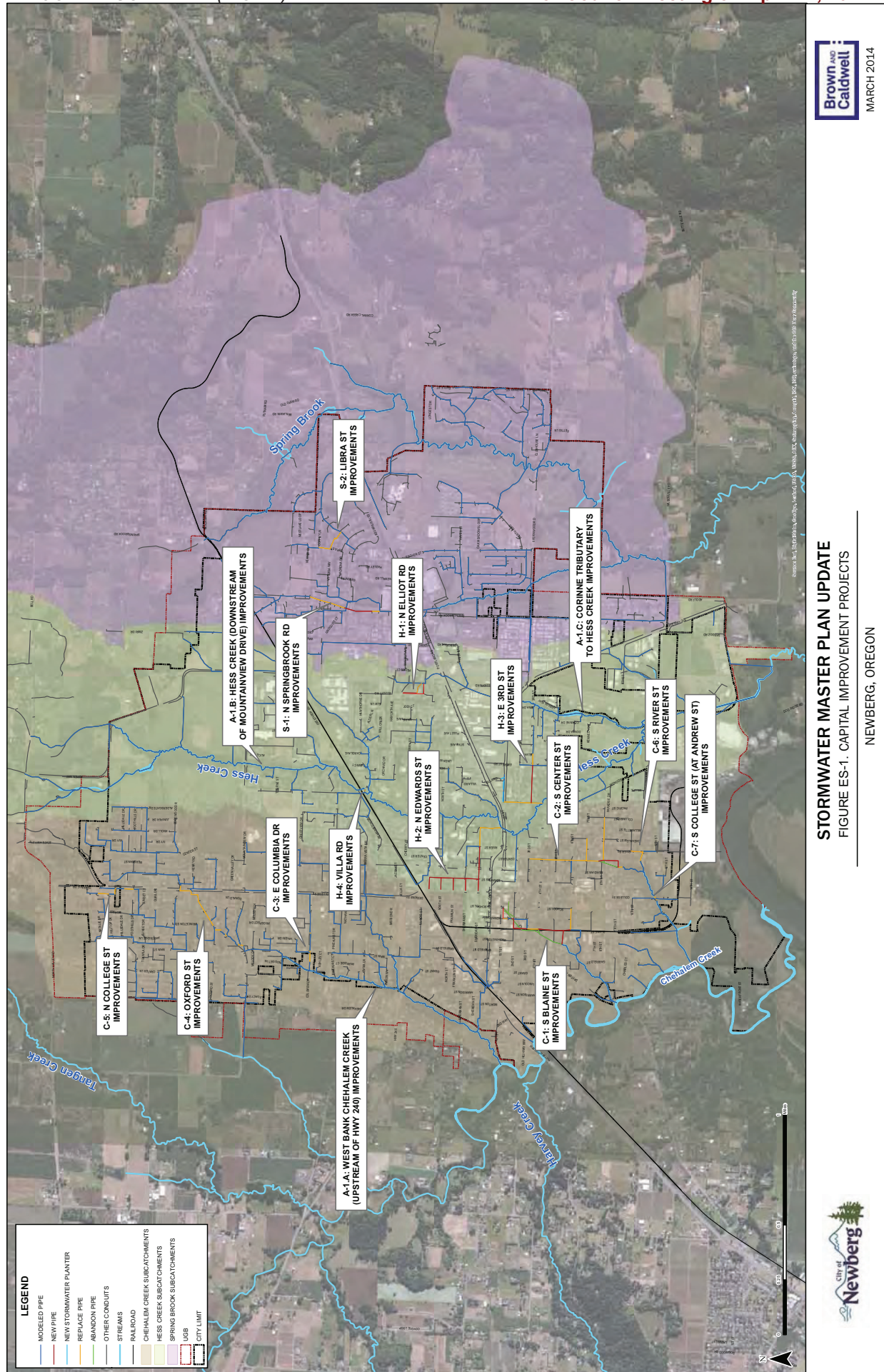
Integrated Management Strategy

The recommendations in Chapter 6 present an integrated strategy of programs, projects, and maintenance activities to address stormwater management concerns. Recommendations include increasing staff to support a preventative maintenance and adding resources to fully implement new elements of the City's stormwater ordinance.

Capital Improvement Projects (CIPs) have been developed to address existing and predicted future conditions flooding problems, integrate water quality elements, and replace deteriorating pipe segments. Highest priority has been given to projects that address safety and liability concerns, as described in Chapter 7.

Table ES-1 summarizes the identified CIPs, estimated cost and priority ranking and Figure ES-1- shows the location of the proposed projects. Detailed fact sheets for each project can be found in Appendix D.

Table ES-1. CIP Prioritization and Implementation Timeline					
Basin	CIP number	Project name	Cost, \$	Prioritization score	Estimated timeline
Chehalem Creek	C-1	Blaine Street Improvements: Design	180,000		
	C-1A	Highway 99W to 2nd Street Parking Lot Pipe Replacement	131,000		
	C-1B	S Blaine Street Pipe Replacement	384,000		
	C-1C	E 2nd Street to E 5th Street Pipe Decommissioning/Replacement	291,000		
	C-1D	E 6th and S Blaine Streets Pipe Replacement	176,000		
	C-2	S Center Street Improvements: Design	180,000		
	C-2A	E 9th Street to S Center Street Pipe Decommissioning	294,000		
	C-2B	S Center, E 8th, and E 7th Streets Pipe Replacement	930,000		
	C-3	E Columbia Drive Improvements near Main Street	79,000		
	C-4	Oxford Street Improvements	1,092,000		
	C-5	N College Street Improvements, north of Foothills Drive	260,000		
	C-6	S River Street Improvements at E 11 th Street	160,000		
	C-7	S College Street at Andrew Street Improvements	196,000		
	C-8	Dayton Avenue Green Streets	125,000		
Hess Creek	H-1	N Elliot Road Improvements	239,000		
	H-2	N Edwards Street Improvements from Vermillion to Sheridan	1,217,000		
	H-3	E 3rd Street Improvements: Design	142,000		
	H-3A	S Church and E 1st Street Improvements	404,000		
	H-3B	E 3rd Street between S Everest Road and S Church Street	341,000		
	H-4	Villa Road Culvert Improvements	104,000		
Spring Brook	S-1	N Springbrook Road Improvements from Middlebrook to Haworth	777,000		
	S-2	Libra Street Improvements at Vittoria Way	246,000		
City-wide	A-1	Stream Bank Protection Projects	190,000		
		Total	8,137,000		



STORMWATER MASTER PLAN UPDATE
FIGURE ES-1. CAPITAL IMPROVEMENT PROJECTS

NEWBERG, OREGON



City of Newberg

Stormwater Master Plan City Council Presentation

April 21 | 2014







Agenda

- Background
- Master Plan Evaluation and Findings
- Proposed Projects and Programs
- Deliverables
- Next Steps

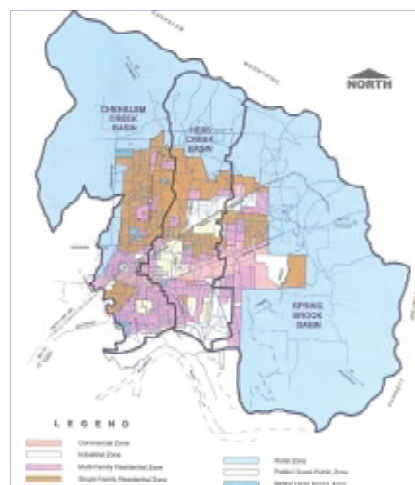
Background

Brown and Caldwell

3

2014 Stormwater Master Plan Update

- Update to 2001 Master Plan
- Focus on capacity, water quality, environmental regulations
- City hired Brown and Caldwell in May 2013
- Approximate one-year timeline



2001 Drainage Master Plan Land Use Map

Brown and Caldwell

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2014 Stormwater Master Plan Update

• Objectives

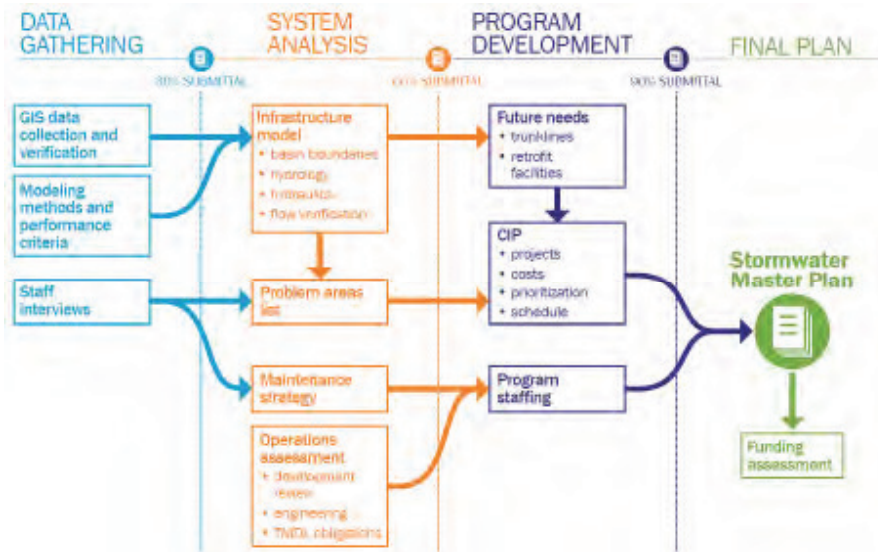
- Develop hydrologic and hydraulic models to evaluate stormwater system capacity.
- Evaluate stream channel conditions for erosion and future development impacts
- Develop an integrated stormwater system capital improvement program
- Continue compliance with water quality regulations
- Review the City's stormwater management activities and staffing
- Identify implementation priorities and impacts to the program budget
- Develop a Master Plan document that is easy to read, reference, and update



Brown and Caldwell

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Approach Overview



Brown and Caldwell

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Stormwater Program Activities

- Capital Projects
 - Crestview Drive Stormwater Improvements
 - New Springbrook Road drainage system with Hwy 99 Bypass
 - Drainage improvements on N College Street
- Recent Accomplishments
 - 2012 Stormwater Ordinance
 - CRRC Rate review
 - Stormwater Design Standards Revisions
- Ongoing Activities
 - Engineering plan review
 - Construction site inspections
 - Erosion Control program
 - Maintenance and Operations
 - Stormwater system mapping



Brown and Caldwell

Stormwater Program Funding Structure

- Stormwater Utility Fees
 - City-wide capital projects
 - Maintenance of existing infrastructure
 - Engineering, and administrative activities
 - 5.38 FTE in 2013/2014
 - Rates set by CRRC
- System Development charges
 - Growth-related capital projects
 - SDC rate review proposed for 2014/2015

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Water Quality Regulations

- Total Maximum Daily Load (TMDL) Program
 - Bacteria, Mercury, Temperature
 - Requirements for maintenance and programs
 - City's program meets current TMDL program requirements
 - Annual reports to DEQ on TMDL Compliance
- NPDES Program
 - Compliance with construction permits for erosion and sediment control (1200-C)

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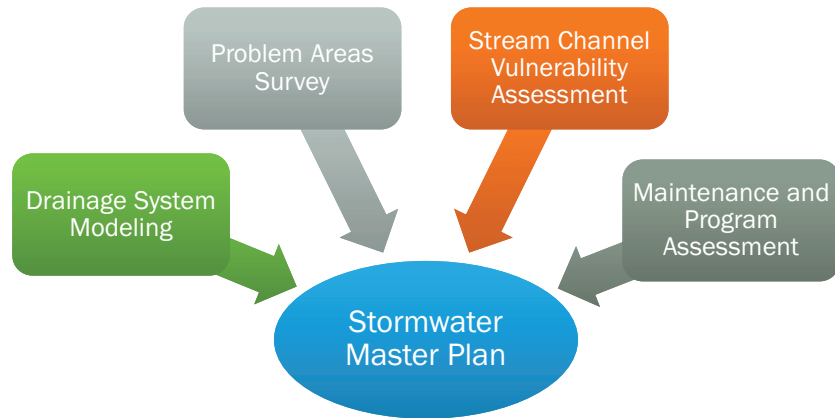
9

Master Plan Evaluation and Findings

Brown and Caldwell

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Technical Analyses

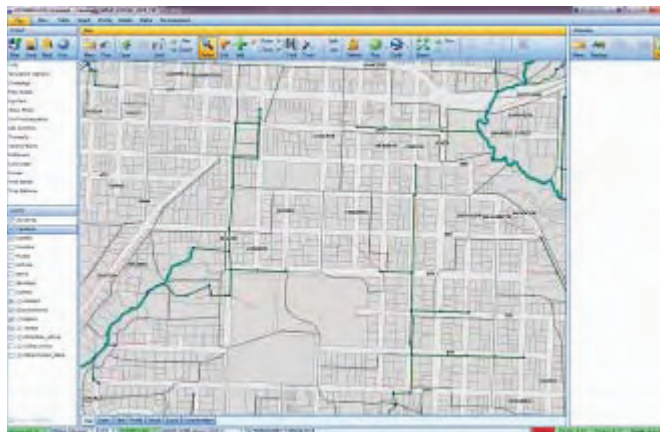


Brown and Caldwell

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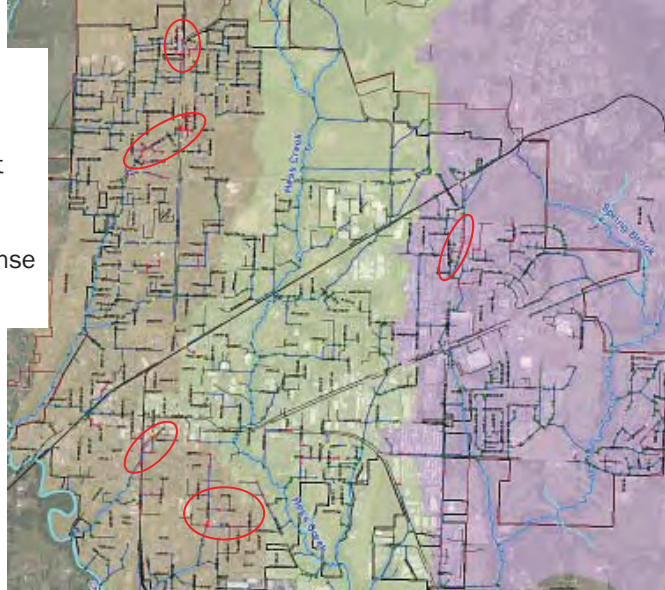
Drainage System Modeling

- PC SWMM modeling software
- Hydrology and hydraulics
- Models existing conditions and future development



Brown and Caldwell

- Model shows minor flooding in known areas
- Future development increases existing problems
- Maintenance response addresses some potential concerns



Brown and Caldwell

Date	Address	Contact Info
01/19/2012	9th & Chehalum	
01/19/2012	W 1st St & 2nd Way	
01/19/2012	6th-Sth & Chehalum	Habitat For Powell
01/19/2012	1903 N. College	
01/19/2012	2821 Winchester Drive	Deena
01/19/2012	508 Molly Lane	
01/19/2012	N. Springbrook Rd by Fire Station 21	
01/19/2012	College & Edgewood	
01/19/2012	6th-Sth & Columbia	
01/19/2012	2001 N. Springbrook Rd	Larry Erb
01/19/2012	205 S. Main St	Don Fair
01/19/2012	E 4th & College St	
01/19/2012	Sherman & College St	Russo's Ho
01/19/2012	Kumler Crest	
01/19/2012	11th & River St	
01/19/2012	2702 Grater Ln	
01/19/2012	Sherridan & Main	
01/19/2012	301 W. W. Street	Extreme C
01/19/2012	N. Meridian Culvert	Denny Mac
01/19/2012	1514 E 7th	Fred Labe
01/19/2012	408 NE Canyon Lane	LaVenna
01/19/2012	Buckley Park	
01/19/2012	Rt 401 between Wash. & College	
01/19/2012	5th & Dayton	
01/19/2012	6th-Sth & Blaine	
01/19/2012	Sunneweyev W/ 1st	Wind Rose
01/19/2012	Crestview @ gravel park	
02/03/2012	7th-Sth & Central	
02/03/2012	Hawthorn @ Springbrook	Dispart

City of Newberg

Stormwater Master Plan Staff Questionnaire

City of Newberg

Stormwater Master Plan Staff Questionnaire Flooding and Problem Areas

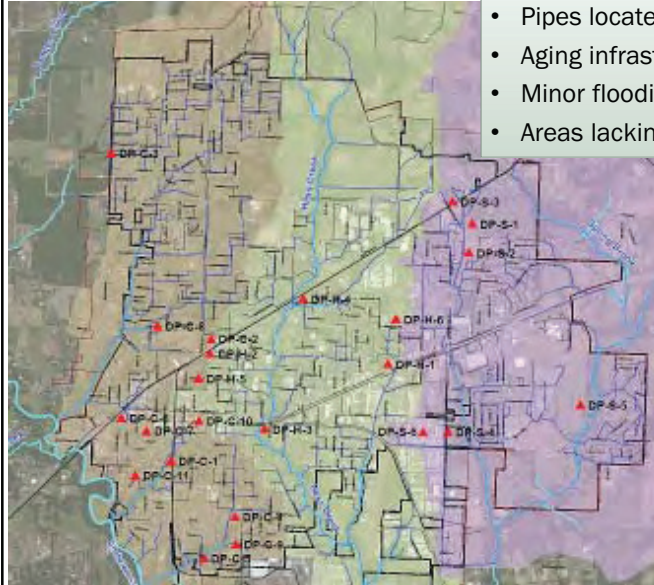
Complaint Log
Staff Surveys
Citizen Reports
Field Visits
2001 Master Plan

Stormwater Master Plan

Location	Description	Problem Areas
1. 1st Street	1st Street	1st Street
2. 2nd Street	2nd Street	2nd Street
3. 3rd Street	3rd Street	3rd Street
4. 4th Street	4th Street	4th Street
5. 5th Street	5th Street	5th Street
6. 6th Street	6th Street	6th Street
7. 7th Street	7th Street	7th Street
8. 8th Street	8th Street	8th Street
9. 9th Street	9th Street	9th Street
10. 10th Street	10th Street	10th Street

Brown and Caldwell

Problem Areas



Commonly Reported Problems

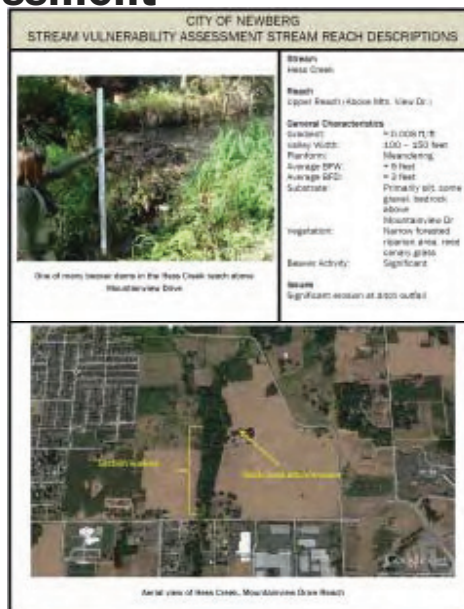
- Pipes located under private property
- Aging infrastructure
- Minor flooding during storm events
- Areas lacking drainage infrastructure

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Stream Channel Assessment

- Three days of field work
- Evaluated channels throughout the City:
 - Channel Size and Shape
 - Riparian Conditions
 - Vegetative Cover
 - Outfall Locations
 - Beaver Dams
 - Erosion Problems
 - Other Problem Areas

Brown and Caldwell



Stream Channel Assessment

- General Observations
 - Streams are in good condition for urbanized system
 - Zoning code (stream protection corridors) has created good buffers along stream channels
 - Areas of invasive vegetation is typical of developed areas
 - Minor erosion concerns around outfalls
 - Observation needed to monitor beaver dams and outfalls
- Design standard recommendations (new projects):
 - Encourage use of green infrastructure to maximize infiltration where soil conditions allow
 - Require peak flow matching for a wide range of flow events, including 1/2 of the 2-year flow

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Maintenance and Program Assessment

- Reactive maintenance due to staffing levels
- Engineering programs support multiple infrastructure needs
- Programs are meeting TMDL obligations
- Pipe condition indicates need for preventative maintenance program
- Increase program staffing from 5.4 to 6.6 FTE

	Infrastructure costs				Staffing costs			
	Fees per year	Fees per year	Actual per year	Salts	Production rate (units per year)	Overhead	Annual hours	Total FTE*
Stormwater Maintenance Activities								
Inspection, structures	25	1	761	year	50	2	250	0.14
Inspection, structures, 12 inches and greater	25	1	14,500	year	1000	2	710	0.44
Inspection, facilities	1.00	2	28	year	2	2	390	0.09
Cleaning, structures	1.0	1	960	year	6	2	190	0.11
Cleaning, facilities	2	1	4,800	year	200	2	990	0.22
Cleaning, facilities	1.00	1	48	year	1	2	140	0.06
2013 Maintenance	-	-	1,000	Year	200	2	90	0.05
Minor repairs, structures	-	-	28	year	1	2	140	0.14
Minor repairs, structures	-	-	28	year	1	2	140	0.14
System replacement, structures	-	-	8	year	0.2	2	280	0.11
System replacement, structures	-	-	1000	year	100	2	340	0.14
Minor repairs, structures	-	-	48	year	2	2	280	0.08
Small repairs	-	-	-	-	0.1	2	1700	1.00
Small replacement structures	-	-	-	-	8 hours/year	2	410	0.28
Maintenance management and monitoring	-	-	-	-	8 hours/year	2	410	0.28
Stormwater program activities								
TMDL implementation plan	-	-	-	-	0.1	1700	1.00	
Development review and inspection	-	-	-	-	0.1	880	0.50	
OSP program management	-	-	-	-	0.1	880	0.50	
Stormwater response	-	-	28	year	8 hours/year	1	40	0.05
Staff mapping and GIS work	-	-	1	year	8 hours/year	1	40	0.06
Staff mapping, field work and office	-	-	-	-	2 hours/month	2	244	0.12
Stormwater demonstration	-	-	-	-	1.00 hours/month	2	96	0.05
Stormwater demonstration	-	-	-	-	22 hours/month	2	244	0.08
Stormwater demonstration and enforcement	-	-	8	Events	24 hours/year	1	40	0.04
Stormwater demonstration	-	-	-	-	-	-	101	0.41
Stormwater demonstration	-	-	-	-	-	-	101	0.41
Total	-	-	-	-	-	-	11,828	6.60

* Calculated as FTE are based on 1700 working hours per year, based on full-time standard, holidays, training, and breaks are directly related to this work.

* Includes salaries and benefits (as shown) for direct budget. The value in this table reflects an annual replacement budget of \$1,000,000.

* Includes salaries and benefits of the stormwater utility fee, and general administration of the stormwater program such as the portion of the public works director paid to the stormwater program.

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Capital Project Development



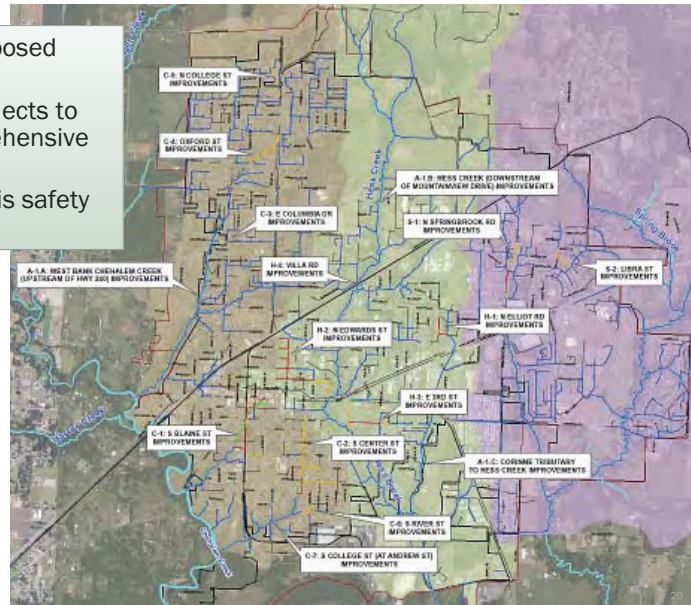
- Group problem areas identified through technical evaluations
 - Modeling, staff surveys, site visits, complaint logs, infrastructure need
- Develop potential solutions and costs
 - Address flooding, water quality, deteriorating infrastructure, system expansion
 - Preliminary sizing/design accounts for 25-year design storm during build-out conditions.
- Strategy meetings to prioritize projects based on local priorities

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Proposed Capital Projects

- Twenty-two proposed projects
- Multi-phase projects to address comprehensive issues
- Highest priority is safety and liability



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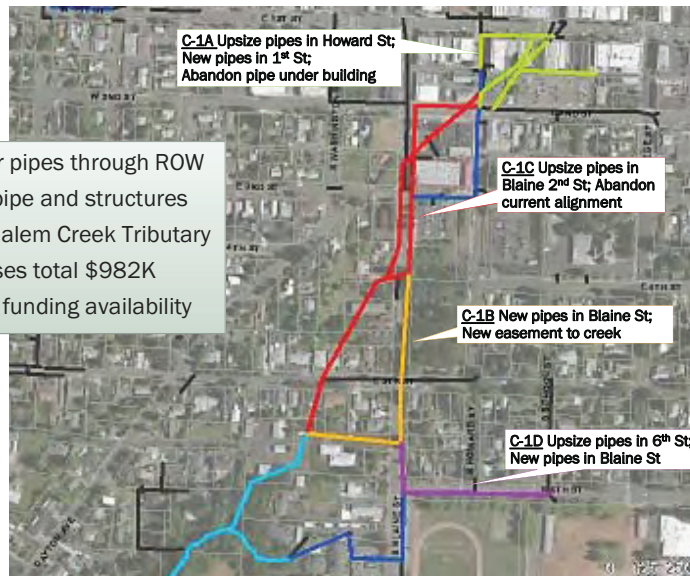
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Proposed Capital Projects

CIP Number	Name	Project Cost
C-1	Blaine St Improvements: Design	\$ 180,000
C-1A	99W to 2nd St Parking Lot Pipe Decommissioning/Replacement	\$ 131,000
C-1B	Blaine St Pipe Replacement	\$ 384,000
C-1C	2nd St to 5th St Pipe Decommissioning/Replacement	\$ 291,000
C-1D	6th St and Blaine St Pipe Replacement	\$ 176,000
C-2	Center St Improvements: Design	\$ 180,000
C-2A	9th St to Center St Pipe Decommissioning	\$ 294,000
C-2B	Center St, 8th St, and 7th St Pipe Replacement	\$ 930,000
C-3	Columbia Drive Improvements near Main Street	\$ 79,000
C-4	Oxford St Improvements	\$ 1,092,000
C-5	College St Improvements, north of Foothills Drive	\$ 260,000
C-6	River St Improvements at 11 th Street	\$ 160,000
C-7	South College St at Andrew St Improvements	\$ 196,000
H-1	Elliot Road Improvements	\$ 239,000
H-2	Edwards St Improvements from Vermillion to Sheridan	\$ 1,217,000
H-3	3rd St Improvements: Design	\$ 142,000
H-3A	Church St and 1st St Improvements	\$ 404,000
H-3B	3rd St between Everest Road and Church Street	\$ 341,000
H-4	Villa Road Culvert Improvements	\$ 104,000
S-1	Springbrook Road Improvements from Middlebrook to Haworth	\$ 777,000
S-2	Libra Street Improvements at Vittoria Way	\$ 246,000
A-1	Stream Bank Protection Projects	\$ 190,000
TOTAL		\$ 8,013,000

Project C-1: Blaine Street Improvements

- Reroute stormwater pipes through ROW
- 2,900 LF of storm pipe and structures
- New outfall to Chehalem Creek Tributary
- 4 construction phases total \$982K
- Schedule based on funding availability



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Programmatic Capital

- Recommended programs that include construction element
- One-time expenditures, beyond standard operating budget

CIP Number	Name	Cost
P-1	Pipe Replacement Program (annual)	\$ 100,000
P-2	Water Quality Retrofit Program (annual)	\$ 50,000
P-3	Water Quality Sensitive O&M Manual (2015)	\$ 25,000
P-4	SDC Rate Study Revision (2014/2015)	\$ 15,000
P-5	Master Plan Update (2025)	\$ 250,000
TOTAL		\$ 440,000

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Deliverables

Newberg Stormwater Master Plan

Table of Contents

Executive Summary

Section 1 – Introduction

Section 2 – Study Area Characteristics

Section 3 – Stormwater System Capacity Evaluation

Section 4 – Stream Channel Vulnerability Assessment

Section 5 – Maintenance and Programmatic Evaluation

Section 6 – Integrated Management Strategy

Section 7 – Implementation Plan

Appendices A through E provide supporting information

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Next Steps

- Finalize and adopt plan.
- Planning for preventative maintenance inspections.
- Planning and design for CIP C-1: Blaine Street Improvements
- Approve stormwater design standards
- SDC rate study based on modified capital plan.
- Staff training on stormwater system model.

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Questions?



Villa Road Culvert Installation



Sandoz Road, Water Quality Swale (animal shelter)

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 7, 2014

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2014-3115	Motion ____	Information ____
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SUBJECT: A resolution to adopt the revised Engineering Fee Schedule.

Contact Person (Preparer) for this Motion: Jay Harris, City Engineer
Dept.: Engineering Services Department
File No.:

RECOMMENDATION:

Adopt Resolution No. 2014-3115 adopting a revised engineering fee schedule.

EXECUTIVE SUMMARY:

With the review and revision of the Engineering Standard Design Manual and the creation of the city Erosion and Sedimentation Control Manual, it is necessary to update the Engineering Fee Schedule.

The revised fee schedule includes fees for private development related efforts which have previously not been accounted for. Currently, the time and costs incurred for these additional efforts have been funded by city rate payers instead of private development.

At the March 3, 2014, city council meeting, council requested staff to provide a building permit fee schedule at the April 7, 2014, meeting to serve as a comparison for the reformatting of the engineering fee schedule. The building permit fee schedule is included as Attachment 1 to this request for council action.

FISCAL IMPACT:

The revised engineering fee schedule will enable the engineering services department to recover the cost of staff time required to review and inspect public and private development projects. The update to the fee schedule minimizes the impact to city rate payers by providing additional compensation to the engineering department for resources allocated to private development projects.

STRATEGIC ASSESSMENT:

The fees collected for private development projects do not currently cover the costs incurred by the engineering services department, including staff time. City rate payers have subsidized the engineering department review and inspection tasks for private development projects. This revised fee schedule more accurately accounts for various services the engineering services department services provided for private development projects. The fee schedule also includes the additional fees needed for to the additional review and inspection tasks added in the adoption of storm water Ordinance No. 2012-2274.

**SINGLE FAMILY HOME CONSTRUCTION
BUILDING PERMIT FEE COMPARISON**

March 2014

Building Permit Fees:												
	Newberg	Forest Grove	Happy Valley	Hillsboro	Lake Oswego	McMinnville	Milwaukie	Sherwood	Tigard	Washington Co.	Wilsonville	
New Single-Family	Value 2000 sq. ft. house											
	w/ 500 sq. ft. garage											
	Building Permit	\$1,594.65	\$1,429.60	\$1,060.80	\$1,101.00	\$1,061.45	\$1,489.32	\$1,087.75	\$1,463.64	\$1,144.25	\$1,187.74	
	Plan Check	\$1,036.52	\$929.24	\$689.52	\$715.65	\$689.94	\$968.06	\$924.59	\$951.37	\$743.76	\$722.03	
	State Surcharge	\$191.36	\$171.55	\$127.30	\$132.12	\$127.37	\$178.72	\$130.53	\$175.64	\$137.31	\$142.53	
	Plumbing (3 bath)	\$386.25	\$790.00	\$472.00	\$402.50	\$325.00	\$462.00	\$375.00	\$500.32	\$577.75	\$348.80	
	Plan Check	\$106.55										
	State Surcharge	\$36.53	\$94.80	\$56.64	\$48.30	\$39.00	\$55.44	\$45.00	\$60.04	\$69.33	\$41.86	
	Mechanical*	\$145.03	\$88.60	\$126.56	\$126.26	\$168.00	\$74.25	\$93.50	\$99.15	\$197.64	\$107.00	
	Plan Check	\$50.76										
	State Surcharge	\$17.40	\$10.63	\$15.19	\$15.15	\$20.16	\$8.91	\$11.22	\$11.90	\$23.72	\$12.84	
	Electrical**	\$164.00	\$0.00	\$487.20	\$228.92	\$251.10	\$164.00	\$435.00	\$0.00	\$270.30	\$308.00	
	State Surcharge	\$19.68	\$0.00	\$58.46	\$27.47	\$30.13	\$19.68	\$52.20	\$0.00	\$32.44	\$36.96	
	Total Building Permit	\$2,767.94	\$3,354.36	\$4,102.60	\$2,804.06	\$2,868.96	\$2,509.60	\$3,745.46	\$2,673.92	\$3,675.09	\$3,137.20	\$2,577.01
*Kitchen Hood, 3 - Bath Fans, 100k Furnace, Clothes Dryer, Gas Piping												
** 200 Amp Service, 20 - Circuits												
Building Permit SDC/Taxes												
New Single-Family	Value 2000 sq ft house											
	w/ 500 sq ft garage											
	Valuation \$234,470											
	Storm SDC Fee	\$311.00	\$275.00	\$216.00	\$500.00	\$139.00	\$0.00	\$765.00	\$621.44	\$500.00	\$1,068.00	
	Sanitary Sewer SDC	\$7,556.00	\$4,800.00	\$6,860.00	\$4,800.00	\$2,544.00	\$2,870.00	\$893.00	\$4,994.74	\$4,800.00	\$4,685.00	
	Park SDC	\$2,017.00	\$3,000.00	\$6,075.00	\$4,072.00	\$12,034.00	\$2,118.00	\$3,985.00	\$7,668.78	\$5,996.87	\$5,247.00	
	Traffic Impact Fee	\$6,665.00	\$6,665.00	\$7,682.00	\$6,665.00	\$4,195.00	\$1,425.93	\$1,741.00	\$9,676.94	\$6,665.00	\$6,860.00	
	Water SDC/Meter	\$6,242.00	\$4,707.00	\$8,522.00	\$8,208.00	\$6,986.00	\$0.00	\$2,700.00	\$412.00	\$7,394.00	\$4,618.00	
	School Excise Tax	\$2,000.00	\$2,000.00	\$2,280.00	\$2,000.00	\$2,850.00	\$2,166.00	\$2,280.00	\$2,080.00	\$2,280.00	\$2,220.00	
	METRO Excise Tax	\$0.00	\$281.36	\$281.36	\$281.36	\$281.36		\$281.36	\$281.36	\$281.36	\$281.36	
	City Facility Fee	\$586.18										
	Community Development Fee	\$1,758.53										
	Total SDC/Taxes	\$23,379.98	\$21,728.36	\$31,916.36	\$26,526.36	\$29,029.36	\$8,579.93	\$12,645.36	\$25,735.26	\$27,917.23	\$25,410.36	\$24,161.36
	Engineering Review/Inspection Fees											
	Engr/Planning Site Plan Review	\$150.00	\$320.00	\$105.00	\$150.00	\$0.00	\$20.00	\$200.00	\$105.00	\$100.00	\$422.00	\$160.00
Sidewalk/Driveway Appr. Permit	\$118.75	\$30.20	\$150.00	\$10.00	\$350.00	\$5.00	\$150.00			\$450.00	\$100.00	
EC Permit	\$150.00	\$250.00	\$400.00	\$300.00	\$300.00	\$0.00	\$380.00	\$330.00	\$300.00	\$250.00	\$128.25	
Total Engr/Inspection Fees	\$418.75	\$600.20	\$655.00	\$460.00	\$650.00	\$25.00	\$730.00	\$435.00	\$400.00	\$1,122.00	\$388.25	
TOTAL FEES	\$26,566.67	\$25,682.92	\$36,673.97	\$29,790.42	\$32,548.33	\$11,114.53	\$17,120.82	\$28,844.18	\$31,992.32	\$29,669.56	\$27,126.62	

A RESOLUTION ADOPTING THE REVISED ENGINEERING FEE SCHEDULE

RECITALS:

1. The Oregon department of environmental quality (DEQ) required the city of Newberg on October 17, 2006, to create a Willamette River Total Maximum Daily Load (TMDL) Implementation Plan, which was subsequently approved by the Oregon DEQ on October 17, 2008, and adopted by the city council on December 1, 2008, through Resolution No. 2008-2820.
2. On June 18, 2012 the Newberg city council adopted Ordinance No. 2012-2754, which included measures to control construction site runoff, illicit discharges into the stormwater system, and post-construction stormwater runoff. This ordinance was a requirement of the city's TMDL Implementation Plan.
3. As a result of the adopted stormwater ordinance, additional services are required to be provided by the engineering department for private development projects. This updated fee schedule accounts for those additional tasks, as well as updates and adds fees for engineering services currently being provided to private development projects.
4. Minor changes to the fee schedule may occur when deemed necessary by the city engineer and will be approved using the city's executive order process. Major changes, as identified by the city manager or designee, will be adopted by the city council.
5. Permit fees should be adjusted annually to reflect changes in the costs of services. Staff will return to the city council in March, 2015, to discuss the revenue generated from the proposed fee schedule and potential adjustments to the fee schedule, if needed.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The city council adopts the engineering fee schedule as attached in Exhibit A, which by this reference incorporated, and replaces all previous adopted versions of this schedule.
2. The city manager is authorized to amend the engineering fee schedule by executive order annually to reflect changes in the consumer price index.

➤ **EFFECTIVE DATE** of this resolution is the first day of fiscal year 2014/2015, which is: July 1, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of April, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 24th day of April, 2014.

Bob Andrews, Mayor

**Exhibit A to
Resolution No. 2014-3115**

ENGINEERING SERVICES DEPARTMENT FEE SCHEDULE				
Keyword	Description	Base	Additional	Per
Land Use Review Fees				
	Planning Review, Partition & Subdivision (Type II/III applications)	\$250.00 (2-19 lots)	\$10.00	lot (after 20 lots)
	Final Plat Review, Partition & Subdivision	\$250.00	\$5.00	each lot or parcel
	Development Review for Public Improvements on Commercial, Industrial & Multifamily Developments	\$350.00 (first acre)	200.00	additional developed acre
Construction/Site Development Plan Review & Inspection Fees				
Erosion Control	Erosion Control Plan Review and Inspection (500 to 5000 sq. ft. disturbed)	\$150.00		each permit
	Erosion Control Plan Review and Inspection (5001 sq. ft. to less than 1 acre disturbed)	\$350.00		each permit
	Erosion Control Plan Review and Inspection for 1 acre and larger disturbed	BY DEQ (1200C Permit)		
Sidewalk/Driveway Approach (not part of a Public Site Dev. Permit)	Sidewalk or Driveway Approach Permit and Inspection (corner lot s/w @ \$0.125/sf)¹	\$25.00	\$0.25	square foot
ADA Ramp (not part of a Public Site Dev. Permit)	Public Street ADA Ramp Review and Inspection	\$30.00		each ramp
Site Development	Public Improvement Site Development Permit (refer to application form)¹	5%		public construction cost estimate
	Single Family Home Site Plan Review, Stormwater Review, and Engineering Building Permit Final	\$150.00		each permit
Stormwater	Commercial/Industrial/Multifamily Private Facility Storm Drainage Plan Review and Final Inspection for Water Quality/ Quantity facilities	\$300.00 (first acre)	\$75.00	additional developed acre

**Exhibit A to
Resolution No. 2014-3115**

ENGINEERING SERVICES DEPARTMENT FEE SCHEDULE				
Keyword	Description	Base	Additional	Per
Miscellaneous Fees				
Re-Inspection	Re-Inspection, After 2 Failed Inspections	\$50		each inspection
Franchise	Franchise Utility Agreement¹	\$1200.00		each agreement
GIS	As-Built Research, GIS Mapping, Data Transmission, Conversion to CAD, Custom Web Map Development and Printing¹	\$60.00 (1 hr. min.)	\$60.00	hour
Hardship	Water or Sanitary Sewer Service Hardship Application Requests	\$200.00		each request
Outside Consultant	Outside Consultant Review or Inspection Services as required for Structural, Traffic, Geotechnical, or Biological	Actual Cost of Services		
ROW/Easement	Right of Way, Easement Dedication Review, or Encroachment Permit (not associated with a final plat)	\$250.00		each document or permit
ROW Permit	Right of Way/ Subsurface Permit, Franchise and Non Franchise Utility Providers¹	\$150.00		each permit
Stormwater Fee In-lieu (Private)	Stormwater Fee in Lieu of Construction for Private Net New Impervious Surfaces	\$1.00		square foot
Stormwater Fee In-lieu (Public)	Stormwater Fee in Lieu of Construction for Public Street Net New Impervious Surfaces	\$1.50		square foot

¹**Bold font represent that the described is an existing fee.**

FOR PUBLIC RECORDS RESEARCH FEES CONTACT THE CITY RECORDER'S
OFFICE AT (503) 537-1283 OR BY EMAIL AT
CITYRECORDER@NEWBERGOREGON.GOV.

**Attached is supplemental material
for the April 21, 2014,
City Council Meeting**

Please include this in your packet:

**New Business – IX.2.
Revenue Enhancement Discussion
(Add)**

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 21, 2014

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information XX
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SUBJECT: Revenue Enhancement Options

Contact Person (Preparer) for this
Item: Lee Elliott, city manager pro tem
Dept.: Administration

EXECUTIVE SUMMARY:

Please accept this memorandum for our discussion regarding General Fund (GF) revenue enhancement options on Monday, April 21st. Currently, we are facing challenges with our GF fiscal health. We are currently spending more money than we are taking in. Our 3 year financial forecast shows our reserve fund significantly declining over the next 3 year period.

Before FY 2013/2014, we had been increasing our GF reserve fund due to cutting back each year. We have been conservatively budgeting our expenditures to address fiscal pressures. To perform these actions, we had to defer a lot of projects. Unfortunately, like your home or car, you can only defer maintenance for so long. These deferments are no longer being able to be postponed. For example, the necessary software and computer infrastructure upgrades are a significant cost.

We have also restructured the last 3 years. We have laid-off employees and have reached a point where any more lay-offs will affect our service quality and quantity. The GF is service based which means it is comprised primarily of personnel costs. There are no large projects to defer like you have in Public Works budgets, i.e. water lines or backhoes. Approximately 76% of the GF budget is comprised of personnel expenses.

The challenge with the reductions in recent budgets, which have increased our reserves, is that there are fewer areas to “safely” reduce costs. Also, our GF fixed costs are due to personnel, i.e. CPI adjustments, insurance, merit increases and retirement are generating major stress on the budget. However, with personnel costs comprising 76% of the budget, GF employee reductions will dramatically affect our GF service quality and quantity. We also need to attempt to remain competitive with personnel retention and attraction. To do this, we need to remain competitive with wages and benefits. However, currently, we are falling behind in this area. Reduction in number of employees, without compensation staying competitive, just perpetuates our challenge of retaining and attracting highly qualified employees.

An option to assist with not having to reduce employee numbers is to enhance revenue which will provide more money. Revenue enhancements will enable us to take a moderate budget approach, help slow down the use of our reserve fund, smooth out the next few years’ revenue shortfalls and keep us from reducing more employees and therefore services.

I am proposing the following immediate revenue enhancements:

- **Transient Lodging Tax (TLT):** need to increase the rate from 6% to 9%. This 3% adjustment will currently generate approximately \$115,000 per year. This action is already scheduled to come before the Council on May 19th.
- **Planning Fees:** to assist in reducing the planning deficit, I propose an adjustment to these fees of 7.5%. 2.31% of the proposed increase is the current CPI, and 5.19% is to mitigate some of the

current deficit of providing short-term planning services. Short term planning services, which should be fee-based, should be covered by the direct-benefit applicant with zero to little tax subsidization. Long term planning benefits everyone, i.e. working on Future Land Use Plan, so taxes should subsidize this service. Currently, the short-term planning is generating the deficit in planning.

- **Stormwater Franchise Fee:** all utilities operated in Newberg pay a franchise fee except for our stormwater utility. Proposed in the rate increases by our Citizen Rate Review Committee is a 5% Stormwater Franchise Fee. If adopted, this new revenue source will commence 01/01/2015. It can also be adopted sooner which would provide a quicker stream of revenue. The 5% fee will generate approximately \$56,000 per year.
- **EMS Fee:** we need to adjust our EMS fee to the CPI's of 2012 (2.9%) and 2013 (2.31%). This should be performed as quickly as possible since it is an inflation index. We should also look to adjust our EMS fees to our surrounding municipal EMS providers (McMinnville). Also, to help take stress off of the GF in FY 14/15 only, we will move 1 firefighter position into the EMS Fund. The EMS reserve is proportionally healthier than the GF reserve this upcoming FY.
- **Public Safety Fee (PSF):** currently, our public safety fee is set at \$3 to provide for 3 police officers. Public safety is provided for all citizens and businesses in our community. Non-profits and public entities do not pay property taxes which are the primary revenue source for public safety. The public safety fee is charged by water meter size, which ensures a broader base pays for the public safety service. I recommend increasing this fee by \$2.67. Our dispatchers are short staffed. Currently, we are paying enough over-time for 1 new full time employee (FTE) in dispatch. This is a concern; however, a bigger concern is the stress being created by long hours and fatigue of the dispatch staff. In an effort to relieve some of the fiscal stress on the GF, I propose moving an existing 1 dispatch position into the PSF (increase fee \$1 to pay for this action). I am also proposing 1 new FTE in dispatch. Since the GF taxes are unable to sustain this action, I propose we move 1-dispatch position into the Public Safety Fee (paid for by \$1 fee increase). The rest of the proposed fee increase of .67 cents will be to adjust to the increased costs related to the existing 3 police officer positions.
- **Waste Management Franchise Fee:** currently this fee is 3%. It can be adjusted to 5% as all of our other franchise fees are. If we adjust the rate 2%, it will generate approximately \$55,000 a year.

Other options-longer term to consider; if fiscal stress continues:

- Public Safety Levy
- Library Levy
- Food and Beverage Tax

We would like to discuss these options Monday with you all. *Staff would like to receive direction whether or not the council would like to pursue all, or some of these revenue adjustments.* The sooner we adopt any of these changes we will lessen our shortfall in the 3 year forecast. Also, we will be able to strategically address more deferrals before they become more expensive. Since we have chosen to take a moderate approach to our shortfall, which entails strategic reductions, revenue enhancements and a moderate usage of our reserves to smooth over the shortfalls, these proposed actions also provide us time. Time enables our high-quality services to support our local economy's recovery, and therefore our tax base. After direction is provided, staff will immediately generate the RCA's and resolutions to provide legislative action to the items agreed upon by Council.

If you have any questions, comments or other options from this proposal, please contact me directly at (971) 732-6664.

NEWBERG CITY COUNCIL MEETING INFORMATION

Meeting Date: April 21, 2014

Prepared by: Jennifer Nelson

Councilors	Roll Call	MOTION Topic: Appointment – Budget Committee	MOTION Topic: Consent Calendar – Res. 3121, Res. 3124, and Res. 3125	ORDER NO. 2014-0034 Topic: Removal of unauthorized driveway at 3220 E. Hancock St. ACCEPT WRITTEN TESTIMONY	ORDER NO. 2014-0034 Topic: Removal of unauthorized driveway at 3220 E. Hancock St. RE-OPEN RECORD	ORDER NO. 2014-0034 Topic: Removal of unauthorized driveway at 3220 E. Hancock St. ADOPT FAILED FOR LACK OF MAJORITY	ORDER NO. 2014-0034 Topic: Removal of unauthorized driveway at 3220 E. Hancock St. TABLE UNTIL THE 6/2/2014 MEETING FAILED FOR LACK OF MAJORITY	ORDER NO. 2014-0034 Topic: Removal of unauthorized driveway at 3220 E. Hancock St. ADOPT WITH EXCEPTION TO STRIKE VIOLATION TO \$15,420.020 AND TO ONLY REMOVE RAMPS FROM THE GUTTER FOR NUISANCE ABATEMENT
ANDREWS, Bob, Mayor	X	YES	YES	YES	YES	NO	YES	YES
BACON, Denise	X	YES	YES	YES	YES	NO	YES	YES
COREY, Mike	X	YES	YES	YES	YES	YES	NO	YES
HOWARD, Ryan	X	YES	YES	YES	YES	YES	NO	YES
McKINNEY, Stephen	X	YES	YES	YES	YES	YES	NO	YES
RIERSON, Bart	X	YES	YES	YES	YES	NO	YES	NO
WOODRUFF, Lesley		ABSENT	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT
ROLL CALL VOTES		YES: 6 NO: 0 Absent: 1 Abstain: 0	YES: 6 NO: 0 Absent: 1 Abstain: 0	YES: 6 NO: 0 Absent: 1 Abstain: 0	YES: 6 NO: 0 Absent: 1 Abstain: 0	YES: 3 NO: 3 Absent: 1 Abstain: 0	YES: 3 NO: 3 Absent: 1 Abstain: 0	YES: 5 NO: 1 Absent: 1 Abstain: 0
Department Prepared Action Item:		Administration		Legal	Legal	Legal	Legal	Legal
MOTION (1 st /2 nd):		Rierson/ McKinney	Corey/Rierson	Rierson/Bacon	Rierson/Corey	Howard/Corey	Rierson/Bacon	Howard/Corey

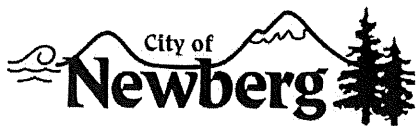
NEWBERG CITY COUNCIL MEETING INFORMATION

Meeting Date: April 21, 2014

Prepared by: Jennifer Nelson

Councilors	Roll Call	RESOLUTION NO. 2014-3115 Topic: Revised Engineering Fee Schedule ADOPT	MOTION Topic: Springs Divestiture APPROVE DIVESTITURE & AUTHORIZE CITY ATTORNEY, MANAGER PRO TEM, & ENGINEER TO NEGOTIATE WITH SPRINGS CUSTOMERS	MOTION Topic: City Attorney Evaluation DIRECT STAFF TO PREPARE AN RCA FOR THE WRITTEN APPROVAL OF EVALUATION	RES/ORD/ORDER # _____ Topic:	RES/ORD/ORDER # _____ Topic:	RES/ORD/ORDER # _____ Topic:	RES/ORD/ORDER # _____ Topic:
ANDREWS, Bob, Mayor	X	YES	YES	YES				
BACON, Denise	X	YES	YES	YES				
COREY, Mike	X	YES	YES	YES				
HOWARD, Ryan	X	YES	YES	YES				
McKINNEY, Stephen	X	YES	YES	YES				
RIERSON, Bart	X	YES	YES	YES				
WOODRUFF, Lesley		ABSENT	ABSENT	ABSENT				
ROLL CALL VOTES		YES: 6 NO: 0 Absent: 1 Abstain: 0	YES: 6 NO: 0 Absent: 1 Abstain: 0	YES: 6 NO: 0 Absent: 1 Abstain: 0	YES: NO: Absent: Abstain:	YES: NO: Absent: Abstain:	YES: NO: Absent: Abstain:	YES: NO: Absent: Abstain:
Department Prepared Action Item:		Engineering	Legal	Administration				
MOTION (1 st /2 nd):		Rierson/ McKinney	Rierson/ McKinney	Howard/Rierson				

Meeting adjourned at 11:25 PM.



Committee/Commission: City Council

Meeting Date: 4/21/2014

PUBLIC COMMENT/TESTIMONY SIGN-UP

Thank you for attending this public meeting – we value and appreciate your input. Please fill out this form so that we may better serve you and record your participation.

INSTRUCTIONS:

1. Complete all of the information on this form and present it to the recorder prior to the start of the call of agenda item.
2. If you wish to testify on multiple agenda items, please fill out a separate form for each item.
3. Tips and guidelines for submitting oral/written comments are provided on the "How To Testify" brochure.
4. Please state your name prior to speaking (you do not need to state your address).

PUBLIC COMMENT:

If you wish to comment on an item that is NOT specifically on the meeting agenda: Please check the box ☒ and indicate the subject you wish to speak about:

Subject: Judge's Evaluation - Consent Calendar

PUBLIC TESTIMONY:

If you wish to testify/comment on an item that is specifically listed on the meeting agenda: Please identify the subject you wish to speak about by completing the following:

- ☐ Ordinance No. _____ ☐ Order No. _____ ☐ Work Session: _____
☒ Resolution No. 2014-3125 ☐ Agenda Item No. _____
☒ Subject: Judge's Evaluation

If this is a PUBLIC HEARING, please check one of the following:

- ☐ PROPONENT (For) ☐ OPPONENT (Against)
☐ WRITTEN COMMENT ☐ UNDECIDED
(Attach written comments on separate sheet of paper)

Note: There are time limits for oral comments and testimony.

By filling out this form, you may be entitled to written notification of any decision.

Please PRINT legibly:

Name TERENCE MAHR (required) Phone Number 503.538.9004 (optional)

Representing (if speaking on behalf of a third party) SELF (optional)

Mailing Address (including Zip Code) 1720 COASTVIEW CIRCLE
NEWBERG, OR 97132 (optional)

Email Address TERRYMAHR@COMCAST.NET (optional)

☐ Please do not release my contact information in a public records request

City of Newberg
414 E. First Street
P.O. Box 970
Newberg, OR 97132



City Council Meeting
Date: April 21, 2014
Re: Order No 2014-0034
Topic: Written Correspondence from staff
City Manager
(503) 537-1261
(503) 537-5013 Fax

Code Compliance Division

P.O. Box 970 - 414 E. First Street - Newberg, Oregon 97132 - (503) 554-7709 - Fax (503) 537-1272

Notice of Municipal Code Violation

January 29, 2014

JOHN P & ERICKA L READ
3220 E HANCOCK ST
NEWBERG, OR 97132

RE: Planter Strip at
3220 E Hancock St
3221BB 00903
CC14-00015

Dear Mr. and Mrs. Read:

This letter is to serve as a follow up to the conversations we had on January 23, 2014 regarding the paving of the planter strip in front of your home. As we discussed, filling the planter strip with concrete for the purpose of driving across or parking on it would be a violation of **Newberg Municipal Code (NMC) Sections 10.10.070, 12.05.250, 15.420.020(B), and 15.505.200**. The applicable sections of the Code are enclosed.

You have expressed the desire and intention to use this area, rather than the existing shared driveway, for ingress and egress of vehicles for reasons of convenience and safety. **NMC §12.05.160** and **§12.05.180** require a permit and adherence to design standards to construct a driveway. **NMC §12.05.200** outlines the criteria for a variance from the standards. Also, for your information, the recorded Covenants and Restrictions attached to your property describe various easements and other development requirements and can be found at the Yamhill County Recorder's Office or at http://premiertools.firstam.com/ccrs/oregon/Yamhill/B/Bradley_Subdiv.pdf.

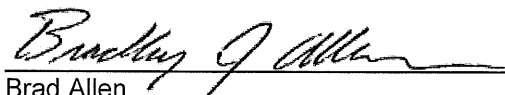
To comply with Newberg Municipal Code, please do one of the following by **February 10, 2014**:

1. Refill the planter strip with landscaping and remove the ramps from the gutter. See NMC §15.420.020(B) or contact the Newberg City Planning Department for landscaping requirements.
2. Submit a written application to the Newberg City Engineering Department requesting approval for the construction of a driveway or the filling in of the planter strip with concrete.

The intent of the City is to gain your voluntary compliance with the Municipal Code. Failure to comply may result in an Oregon Uniform Citation and Complaint which may impose a civil fine of up to \$500 per violation, per day. This remedy is not the desire of the City and with your cooperation in resolving this issue, it can be avoided.

Thank you for your consideration and cooperation in this matter. For questions or concerns, I can be reached at (503) 554-7709 or via email at brad.allen@newbergoregon.gov. City offices are open Monday through Friday, 8:30 a.m. to 4:30 p.m.

Sincerely,



Brad Allen
Code Compliance Officer

Enclosure: NMC Excerpts
cc: file

February 4, 2014

City of Newberg
Attn: Brian Kershaw
Engineering Technician 3
414 E. First Street
PO BOX 970
Newberg, OR 97132

John & Ericka Read
3220 E. Hancock St.
Newberg, OR 97132

Re: Driveway at
3220 E. Hancock St.
Newberg, OR 97132

Dear Brian Kershaw:

We are submitting a written application to the City of Newberg Engineering Department requesting approval for the construction of a driveway or for the continued use of our temporary driveway. In order to alleviate the safety hazards and parking congestion in our neighborhood we added rubber ramps in front of our home to create a temporary driveway for ingress and egress. Which is allowed in code 10.10.070 section A. The shared 19 to 25 foot driveway that now exists is shared by four homes and over 10 drivers with cars. This posed a safety issue not only for vehicles but residents children and caused multiple accidents along our driveway. This 19 to 25 foot driveway would not allow us to park both our vehicles in front of our house without blocking in one or more drivers. The other driveway pads barely allows even one vehicle to park in front of their home without impeding access to the shared driveway. Our declaration page for our development, which describes easements, doesn't preclude individual driveways for each unit only states that as things are now we must share access to the driveway and allow utilities easement. A driveway for our individual home would still allow utilities easement. We would even concede to have one driveway per two units that we share. This would still increase our parking and allow better safety.

We have been using our temporary driveway for years now without any incidents. We care for the area around the ramps by removing debris and it has never caused any blockage in the drainage system. The advantage of our temporary driveway is the cost effectiveness, the ability for ease of access for utility work, and the safe easy ingress and egress to our home. The use of the pavers in the green space does not detract from the pedestrian usage of the area and only goes to enhance the beauty of our neighborhood. The green space was always filled with rock and didn't allow plants to grow except for the two trees that now exist in the space. We are not asking to remove any trees. We would like to leave some green space to help add to the attractiveness of our neighborhood.

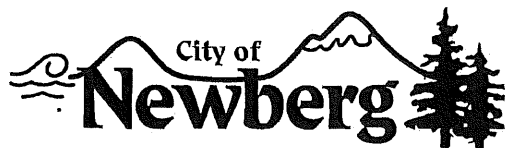
There are multiple examples around Newberg of similar neighborhoods with town-homes that have individual driveways. Chehalem Meadows on Arlighton drive is a deadend/no outlet street. They are attached homes. All homes have their own individual driveway. The home on the corner is less than 50 feet from the cross street of College St. A home on 100 Melody St. intersects with Main Street and is only 29 feet from the driveway to Main St. Melody Street is a through street so is subject to more traffic congestion than our street on Hancock. Duplex homes south of Arlington Dr. back onto a dead end street that intersects with college and they have their own driveway. Homes right off of Hayes St. leading into the Oaks neighborhood have homes with individual driveways with ones on the corner that are 30 feet from the arterial main road. There are three new homes on Main St. across from Jaquith Park that are being built right now. All homes have individual driveways that back straight onto Main St. The homes across the street from us off of Springbrook have their own driveways. Some are larger than others, but some can only back straight onto Springbrook Rd. The newer housing development, Mckern Corner, has homes with individual driveways that intersects with Wilsonville Rd. We can find many examples where the Access spacing standards for Newberg are in contradiction to existing homes and driveways. We can't even number the times we have been asked why we don't have our own driveway. It just doesn't make logical sense to us or to anyone we know.

Again we want to reiterate that the safety and livability of our neighborhood would be enhanced by a driveway for our unit home at 3220 E. Hancock St. This would help to eliminate the accident ratio of having to back down a long, low visibility driveway especially when it is dark and rainy. Our own driveway would also help the parking availability increase and decreases the congestion of cars in our neighborhood. In all the time we have been using our temporary driveway we have had no problems with safety or damage to the sidewalk or curb.

Thank you for your time and consideration in this matter. We hope that you will help us to find a resolution that will work for the best needs of our neighborhood and our safety concerns.

Sincerely,

John & Ericka Read
Homeowners at 3220 E. Hancock St.



Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

February 27, 2014

John & Ericka Read
3220 E. Hancock St.
Newberg, OR 97132

Re: Driveway at 3220 E. Hancock Street

Dear John & Ericka,

We have reviewed your request for a driveway in front of 3220 E. Hancock Street, and have had discussions between the Planning Division and the Engineering Department. Based on the Newberg Development Code and access spacing standards, we have determined that you may install a second driveway to serve the development, but it must be located in front of 3214 Hancock Street.

The Newberg Development Code section 15.505.200(H) gives the Planning Director the authority to grant an exception to the access spacing standard where the proposed access would result in "safer access, less congestion, a better level of service, and more functional circulation, both on the street and on site...". We have analyzed the site and find that we could permit a second driveway in accordance with this standard due to the existing safety and circulation issues on the site from the current shared driveway situation. However, the driveway must be as far back as possible in order to maintain the optimal safety, circulation, and service of the area. Therefore, we are willing to approve a driveway configuration where a new driveway would be approximately 70 feet back from the intersection and would be located in front of 3214 Hancock Street. In this configuration, the existing driveway would continue to serve 3202 & 3208 Hancock Street, and the new driveway would serve 3214 & 3220 Hancock Street. You can proceed with this plan by applying for a driveway/sidewalk permit with the Engineering Department.

If you are unhappy with this decision, you may apply for a variance to the access spacing standards to request a driveway in front of 3220 Hancock Street. We would process this application as a Type III application that would go to the Planning Commission for a decision. The fee for a variance application is \$715.00, and there is no guarantee that the Planning Commission would approve the request.

These are the two options we see to resolve the driveway issue. Please let us know if you have questions and how you would like to proceed.

Thank you,

Jessica Pelz, AICP
Associate Planner

City of Newberg
414 E. First Street
P.O. Box 970
Newberg, OR 97132



City Manager
(503) 537-1261
(503) 537-5013 Fax

Code Compliance Division

P.O. Box 970 - 414 E. First Street - Newberg, Oregon 97132 - (503) 554-7709 - Fax (503) 537-1272

Notice of Nuisance Abatement Action

March 18, 2014

JOHN P & ERICKA L READ
3220 E HANCOCK ST
NEWBERG, OR 97132

RE: Planter Strip at
3220 E Hancock St
3221BB 00903
CC14-00015

Dear Mr. and Mrs. Read:

A letter was sent to you on February 27, 2014 from the Planning & Building Department regarding your request for a driveway in front of your home. The letter notified you that a driveway is not permitted in front of 3220 E Hancock. As we have discussed, the current situation in which the planter strip in front of your home has been paved with concrete for the purpose of driving across or parking on it is a violation of **Newberg Municipal Code (NMC) Sections 10.10.070, 12.05.250, 15.420.020(B), and 15.505.200**. These violations constitute a nuisance.

To comply with Newberg Municipal Code, the nuisance must be abated by doing the following by **March 28, 2014**:

1. Remove the concrete from the planter strip and re-establish it as a landscaped space. Many combinations of landscaping materials are possible. See NMC §15.420.020(B) or contact the Planning & Building Department for landscaping requirements.
2. Remove the ramps from the gutter.

The intent of the City is to gain your voluntary compliance with the Newberg Municipal Code. Failure to comply may result in an Oregon Uniform Citation and Complaint which may impose a civil fine of up to \$500 per violation, per day. Additionally, if the violations are not corrected, the City may abate the nuisance(s). The cost of abatement, including administrative costs, will be charged to the responsible party or placed as a lien against the property, or both. These remedies are not the desire of the City and with your cooperation in resolving this issue, they can be avoided.

If you believe no violation of NMC exists, you may file with me a written statement specifying the basis for protesting by **March 28, 2014**. The statement will be referred to the city council for consideration at its next succeeding meeting.

Thank you for your consideration and cooperation in this matter. For questions or concerns, I can be reached at (503) 554-7709 or via email at brad.allen@newbergoregon.gov. City offices are open Monday through Friday, 8:30 a.m. to 4:30 p.m.

Sincerely,

Brad Allen
Code Compliance Officer

cc: file

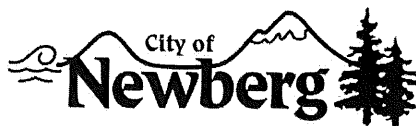
Brad Allen

From: john@greenbugman.com
Sent: Friday, March 28, 2014 7:20 AM
To: Brad Allen
Subject: Revised letter for requested hearing

To Brad Allen and the code compliance division:

This letter is to inform the code division and the city of Newberg of mine and our neighbors desire to discuss in front of the City Council, alleged code violations (NMC) sections 10.10.070, 12.05.250, 15.420.020(B) and 15.505.200 and to defend actions deemed a nuisance. Our objective is to maintain a safe street by creating a functional driveway system. With minimal impact on either party. I believe an opening is available on April 21, 2014. Thank you!

John and Ericka Read
3220 E. Hancock st.
Newberg, OR 97132
503-484-7394
john@greenbugman.com



Committee/Commission: City Council

Meeting Date: 4/21/2014

PUBLIC COMMENT/TESTIMONY SIGN-UP

Thank you for attending this public meeting – we value and appreciate your input. Please fill out this form so that we may better serve you and record your participation.

INSTRUCTIONS:

1. Complete all of the information on this form and present it to the recorder prior to the start of the call of agenda item.
2. If you wish to testify on multiple agenda items, please fill out a separate form for each item.
3. Tips and guidelines for submitting oral/written comments are provided on the "How To Testify" brochure.
4. Please state your name prior to speaking (you do not need to state your address).

PUBLIC COMMENT:

If you wish to comment on an item that is NOT specifically on the meeting agenda: Please check the box ☐ and indicate the subject you wish to speak about:

Subject: _____

PUBLIC TESTIMONY:

If you wish to testify/comment on an item that is specifically listed on the meeting agenda: Please identify the subject you wish to speak about by completing the following:

- ☐ Ordinance No. _____ ☒ Order No. 20140034 ☐ Work Session: _____
☐ Resolution No. _____ ☒ Agenda Item No. VIII
☒ Subject: Appealing driveway decision

If this is a PUBLIC HEARING, please check one of the following:

- ☐ PROPONENT (For) ☒ OPPONENT (Against)
☐ WRITTEN COMMENT ☐ UNDECIDED
(Attach written comments on separate sheet of paper)

Note: There are time limits for oral comments and testimony.

By filling out this form, you may be entitled to written notification of any decision.

Please PRINT legibly:

Name John Read (required) Phone Number 503 484 7394 (optional)

Representing (if speaking on behalf of a third party) _____ (optional)

Mailing Address (including Zip Code) 3220 E. Hancock st (optional)
Newberg OR (optional)

Email Address _____ (optional)

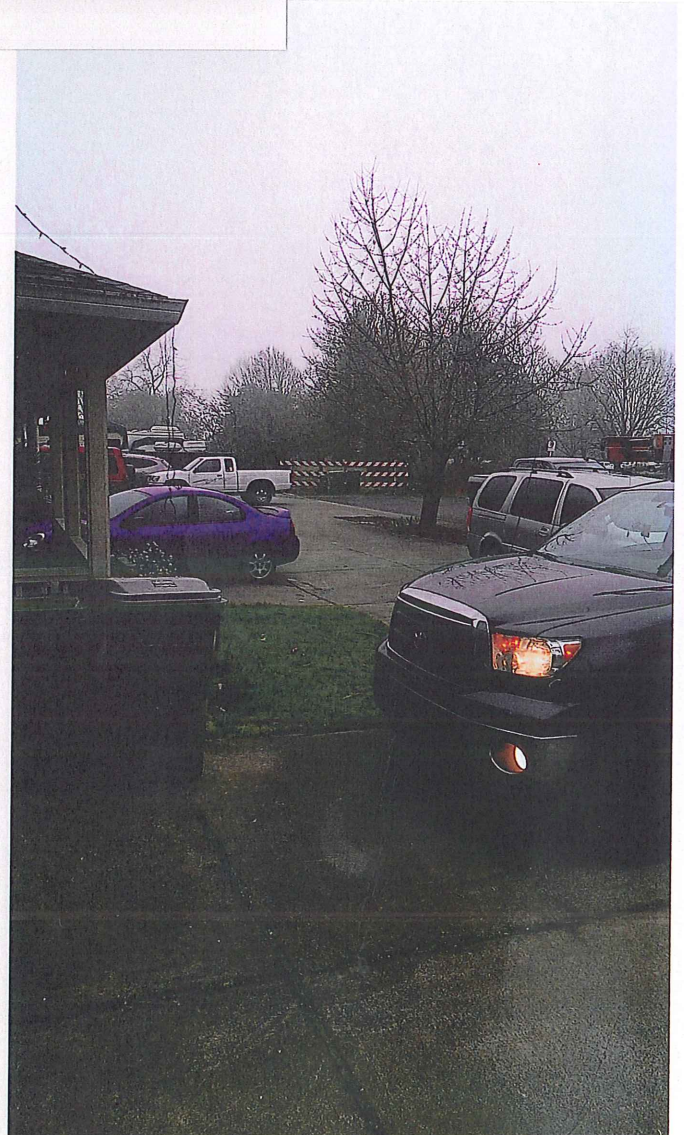
☐ Please do not release my contact information in a public records request

City Council Meeting
Date: April 21, 2014
Re: Order No. 2014-0034
Topic: Driveway Nuisance Abatement -
Pictures submitted by John Reed





City Council Meeting
Date: April 21, 2014
Re: Order No. 2014-0034
Topic: Abatement - Pictures from
John Reed



City Council Meeting

Date: April 21, 2014

Re: Order No. 2014-0034

Topic: Abate Rent - Pictures from
John Reed



City Council Meeting

Date: April 21, 2014

Re: Order No. 2014-0034

Topic: Nuisance Abatement

Pictures submitted by John Reed



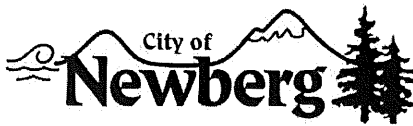
City Council Meeting

Date: April 21, 2014

Re: Order No 2014-0034

Topic: Driveway Nuisance Abatement
Pictures submitted by John Reed





Committee/Commission: **City Council**

Meeting Date: 4/21/14

PUBLIC COMMENT/TESTIMONY SIGN-UP

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2. If you wish to testify on multiple agenda items, please fill out a separate form for each item.
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4. Please state your name prior to speaking (you do not need to state your address).

PUBLIC COMMENT:

If you wish to comment on an item that is **NOT** specifically on the meeting agenda: Please check the box ☐ and indicate the subject you wish to speak about:

Subject: _____

PUBLIC TESTIMONY:

If you wish to testify/comment on an item that is **specifically** listed on the meeting agenda: Please identify the subject you wish to speak about by completing the following:

☐ Ordinance No. _____ ☐ Order No. _____ ☐ Work Session: _____
☐ Resolution No. _____ ☒ Agenda Item No. 1X.1

☒ Subject: Stormwater master Plan

If this is a **PUBLIC HEARING**, please check one of the following:

☐ PROPONENT (For) ☐ OPPONENT (Against)
☐ WRITTEN COMMENT ☐ UNDECIDED
(Attach written comments on separate sheet of paper)

Note: There are time limits for oral comments and testimony.

By filling out this form, you may be entitled to written notification of any decision.

Please PRINT legibly:

Name Alissa Maxwell / Tim Harper Phone Number _____
(required)

Representing (if speaking on behalf of a third party) _____
(opti

Mailing Address (including Zip Code) _____
(opti

Email Address amaxwell@brwnald.com

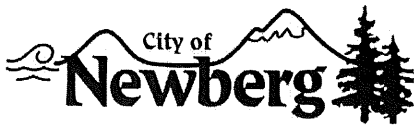
☐ Please do not release my contact information in a public records request

Alissa Maxwell, P.E.
Water Resources Engineer

**Brown AND
Caldwell**

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Professional Registration in Specific States



Committee/Commission: **City Council**

Meeting Date: 4/21/2014

PUBLIC COMMENT/TESTIMONY SIGN-UP

Thank you for attending this public meeting – we value and appreciate your input. Please fill out this form so that we may better serve you and record your participation.

INSTRUCTIONS:

1. Complete all of the information on this form and present it to the recorder prior to the start of the call of agenda item.
2. If you wish to testify on multiple agenda items, please fill out a separate form for each item.
3. Tips and guidelines for submitting oral/written comments are provided on the "How To Testify" brochure.
4. Please state your name prior to speaking (you do not need to state your address).

PUBLIC COMMENT:

If you wish to comment on an item that is **NOT** specifically on the meeting agenda: Please check the box ☐ and indicate the subject you wish to speak about:

Subject: _____

PUBLIC TESTIMONY:

If you wish to testify/comment on an item that is specifically listed on the meeting agenda: Please identify the subject you wish to speak about by completing the following:

☐ Ordinance No. _____ ☐ Order No. _____ ☐ Work Session: _____
☐ Resolution No. _____ ☒ Agenda Item No. IX.1

☒ Subject: Stormwater Master Plan

If this is a **PUBLIC HEARING**, please check one of the following:

☐ PROPONENT (For) ☐ OPPONENT (Against)
☐ WRITTEN COMMENT ☐ UNDECIDED
(Attach written comments on separate sheet of paper)

Note: There are time limits for oral comments and testimony.

By filling out this form, you may be entitled to written notification of any decision.

Please PRINT legibly:

Name _____
(required)

Representing (if speaking on behalf of a third party) _____

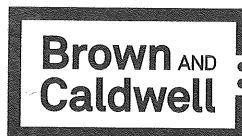
Mailing Address (including Zip Code) _____

Email Address _____

☐ Please do not release my contact information in a public format

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Increasing TLT

- 1 Raising the TLT will add \$103,040 to the general fund of unrestricted revenue :)
- 2 Raising the TLT will mean we will need to be giving the Chamber another \$57,500 per year in revenue per the current contract.
- 3 Raising the TLT will mean we will have \$69,460 of tourism restricted revenue that we will need to figure out something to do with.

Budgeted Revenues

Transient Lodging Tax Potential Revenue Analysis

	Current	Addition	Total	Difference
Rate	6%	3%	9%	
Annual Revenue	\$ 460,000	\$ 230,000	\$ 690,000	\$ 230,000
% Restricted to Tourism	17.60%	70.00%		
\$ Restricted to Tourism	\$ 80,960	\$ 161,000	\$ 241,960	\$ 161,000
25% to Visitors Center	\$ 115,000	\$ 57,500	\$ 172,500	\$ 57,500
Remaining for Tourism			\$ 69,460	\$ 69,460
Remaining for General Fund	\$ 345,000	\$ 103,040	\$ 448,040	\$ 103,040
			\$ -	

Estimated Actuals Revenues

Transient Lodging Tax Potential Revenue Analysis

	Current	Addition	Total	Difference
Rate	6%	3%	9%	
Annual Revenue	\$ 520,896	\$ 260,448	\$ 781,344	\$ 230,000
% Restricted to Tourism	17.60%	70.00%		
\$ Restricted to Tourism	\$ 91,678	\$ 182,314	\$ 273,991	\$ 182,314
25% to Visitors Center	\$ 130,224	\$ 65,112	\$ 195,336	\$ 65,112
Remaining for Tourism			\$ 78,655	\$ 78,655
Remaining for General Fund	\$ 390,672	\$ 116,681	\$ 507,353	\$ 116,681
			\$ -	