



**CITY COUNCIL AGENDA
AUGUST 4, 2014, 8:00 PM
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. SPECIAL PRESENTATION

Farewell to City Recorder Norma Alley.

VI. 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)

VII. CONSENT CALENDAR

Consider a motion approving the June 16 & July 7, 2014, city council meeting minutes. (Pgs. 3-11)

VIII. NEW BUSINESS

1. Consider a motion approving a noise variance request from ODOT allowing nighttime work from August 7 to October 31, 2014. (Pgs. 13-19)
2. Consider a motion approving a public policy statement about outreach to businesses owned by women, Section 3 residents, and minorities in order to fulfill a federal grant requirement. (Pgs. 21-22)

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.

IX. COUNCIL BUSINESS

X. ADJOURNMENT

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

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

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

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 7, 2014

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the June 16 and July 7, 2014,
City Council Meeting minutes.

Contact Person (Preparer) for this
Motion: Norma Alley, City Recorder
Dept.: Administration

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

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

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
JUNE 16, 2014, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

A work session was held at 6:00 PM preceding the meeting. A review of the council agenda and meeting was done with a welcome party for the new city manager afterward. All councilors, the mayor, city manager, city attorney, city recorder, minutes recorder, and department heads were present. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

III. ROLL CALL

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

Staff Present:	Jacque Betz, city manager	Truman Stone, city attorney
	Lee Elliott, city manager pro tem	Norma Alley, city recorder
	Janelle Nordyke, finance director	Nicole Tannler, minute recorder

Others Present: Robert Soppe, Sheryl Kelsh, and Vipul Patel

IV. SPECIAL PRESENTATIONS

City Attorney Truman Stone administered an Oath of Office for Ms. Jacque M. Betz appointing her as the city manager.

V. CITY MANAGER'S REPORT

Mr. Lee Elliott, city manager pro tem, reported they are trying to close the books on the budget and get the department heads ready for the changeover.

VI. PUBLIC COMMENTS

Mayor Andrews opened and closed the public testimony; no citizens appeared.

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3143** adding the Oregon Savings Growth Plan to the employees' choices for deferred compensation investments.
2. Consider a motion adopting **Resolution No. 2014-3147** affirming the bids received by the Oregon Department of Transportation for the N. College Street Sidewalk and Bike Lanes Improvement Project.

3. Consider a motion adopting **Resolution No. 2014-3148** authorizing the city manager to execute amendment three to the professional services agreement with Parametrix, Inc. for the Wynooski to Riverfront Utilities Project in the amount of \$80,627.00.
4. Consider a motion adopting **Resolution No. 2014-3150** revising existing alcohol usage policies on city of Newberg owned property within the Newberg Cultural District.
5. Consider a motion adopting **Resolution No. 2014-3152** approving the purchase of a replacement 280 HP wastewater influent pump from Xylem Water Solutions for \$79,029.03.
6. Consider a motion adopting **Resolution No. 2014-3153** accepting the canvass of votes for the May 20, 2014, Primary Election.

Item number 2 was pulled from the consent calendar and moved to the July 21, 2014 City Council Business meeting.

MOTION: Rierson/Corey adopting **Resolution No. 2014-3143** adding the Oregon Savings Growth Plan to the employees' choices for deferred compensation investments, **Resolution No. 2014-3148** authorizing the city manager to execute amendment three to the professional services agreement with Parametrix, Inc. for the Wynooski to Riverfront Utilities Project in the amount of \$80,627.00, **Resolution No. 2014-3150** revising existing alcohol usage policies on city of Newberg owned property within the Newberg Cultural District, **Resolution No. 2014-3152** approving the purchase of a replacement 280 HP wastewater influent pump from Xylem Water Solutions for \$79,029.03, and **Resolution No. 2014-3153** accepting the canvass of votes for the May 20, 2014, Primary Election as amended. Motion carried (7 Yes/0 No).

VIII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2014-2771** approving an increase in the Transient Lodging Tax.

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

Ms. Janelle Nordyke, finance director, presented the staff report (see official meeting packet for full report).

MOTION: Howard/Bacon to open the public record on oral and written testimony for Ordinance No. 2014-2771. Motion carried (7 Yes/ 0 No).

Ms. Sheryl Kelsh, Chamber of Commerce president/CEO, testified she was in support of the ordinance and urged the Councilors to support the amendment giving the hotel partners the chance to prepare.

Mr. Vipul Patel stated he has been part of the community for almost 20 years now and has three hotels in Newberg. We have pre-bookings so it would be helpful if we had a little more time to gradually implement the increase.

Councilor Ryan Howard stated we do recognize this is a hardship on the businesses and I appreciate you coming today. I want to note the original increase was to 3% in July and we are trying to lessen that for you with this ordinance. Councilor Bart Rierson said hopefully another way we can help is that 70% of this goes back toward tourism that can help you in the long run.

Mr. Robert Soppe testified he felt that the Council is not clear enough about the 30/70 split in the first increase. Strictly following State law, we would increase tourism spending by about \$80,000 instead of the \$47,000 that we are increasing it. It may fit within State law, but we need to be clearer about it. In fact, we are cutting what we are presently spending on tourism before the increase. With regard to the lack of notice, at least two Budget Committee agendas as far back as January 2013 mentioned this increase. If anyone really cared to keep up with this, the Council made the information readily available. Council has apparently accepted the Travel Oregon study about the amount of revenue that this should generate. According to their study, the first increase should result in \$9.3 million of new spending by tourists and the second increase should result in \$16 million of new spending. A local establishment affected by the TLT increase should not have to capture much of this new spending to recover all of the increase. Councilor Howard disagreed with the first issue and pointed out the city is presently spending more than legally required on tourism and that the city will, in fact, be spending 70% of the increase. Mr. Soppe responded that this is correct but that some of this 70% is already being spent. He felt it was disingenuous to claim that we are spending 70% of the increase when \$34,000.00 of it comes from what is already being spent on tourism. The second increase does directly fit with the 70% standard.

Councilor Mike Corey replied I understand there is a hardship on the business owners but I will not be in support of this.

Mayor Andrews said I do not think there has been any direct outreach to the hospitality industry from staff or the councilors and I think we should have a bit of criticism for this.

Councilor Lesley Woodruff stated I understand the city needs money, but I also understand that the tourist are not here and will not know the increase. It is hard that this particular tax increase will be paid by people who are not here in Newberg and I am still on the fence.

Councilor Bart Rierson said I will be supporting the ordinance and I was the one that wanted staff to do some outreach. I think we would not be good business partners if we did not increase this in phases.

Councilor Denise Bacon said I am also going to support this motion. I think it is a fair tax and the way we do it is fair by putting a percentage back into tourism because we know it is well spent. I am glad to see the change.

Councilor Woodruff asked Ms. Betz what she thought. Ms. Betz replied we put a plan together before the increase was brought to council and were in touch with the businesses and the chamber prior. I think the amendment you have tonight is a good compromise.

Councilor Stephen McKinney said I have been torn on this issue and I think there are some facts that should not be overlooked. We currently are on the low end of the spectrum and the discussion probably will not end here tonight with comparisons to other cities. I think sometimes staff was reluctant to have this conversation on the TLT increase. I am reluctant to support this tonight because we did not do a good job of reaching out to our business partners, but probably will support it.

MOTION: Howard/Rierson amending Ordinance No. 2014-2771 to increase the Transient Lodging Tax to 7.5% on October 1, 2014 and then to 9% on July 1, 2015. Motion carried (6 Yes/ 1 No [Corey]).

MOTION: Rierson/Howard approving Ordinance No. 2014-2771 to increase the Transient Lodging Tax as amended and read by title only. Motion carried (6 Yes/ 1 No [Corey]).

2. Consider a motion adopting **Resolution No. 2014-3145** adopting the city of Newberg, Oregon budget for the 2014-2015 fiscal year, making appropriations, levying a property tax, and approving the city of Newberg's participation in the state revenue sharing program.

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

Ms. Janelle Nordyke, finance director and Lee Elliott, city manager pro tem, presented the staff report (see official meeting packet for full report).

MOTION: Howard/Woodruff adopting **Resolution No. 2014-3145** adopting the city of Newberg, Oregon budget for the 2014-2015 fiscal year, making appropriations, levying a property tax, and approving the city of Newberg's participation in the state revenue sharing program. Motion carried (6 Yes/1 No [McKinney]).

IX. NEW BUSINESS

MOTION: Howard/Bacon adopting **Resolution No. 2014-3154** to amend the Collection Bargaining Agreement between the City and the Newberg-Dundee Public Safety Association that extends the contract for 90 days, until September 30, 2014. Motion carried (7 Yes/0 No).

X. COUNCIL BUSINESS

Mayor Andrews said I am looking for council concurrence to direct staff to develop a request for council action to get a TLT steering committee started for outreach of the business community. It will be an on-going advisory body to the council.

X. ADJOURNMENT

The meeting adjourned at 8:43PM.

ADOPTED by the Newberg City Council this ____ day of _____, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this _____ day of _____, 2014.

Bob Andrews, Mayor

**CITY OF NEWBERG CITY COUNCIL MINUTES
JULY 7, 2014, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

A work session was held at 6:00 PM preceding the meeting. A Presentation from engineering and consultants on the 2014 Pavement Condition Evaluation and Street Maintenance Prioritization Plan. All councilors, the mayor, city manager, city recorder, and minutes recorder were present with Councilor McKinney arriving at 6:05PM. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Andrews called the meeting to order at 7:04 PM.

II. ROLL CALL

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

Staff Present:	Jacque Betz, city manager	Truman Stone, city attorney
	Jay Harris, interim public work dir.	Norma Alley, city recorder
	Nicole Tannler, minute recorder	Steve Olsen, interim planning & building director

Others Present: Chuck Lee, Marilyn Godfrey, Faith Gerstel, and Wayne Miller

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. SPECIAL PRESENTATIONS

1. Consider a motion approving a proclamation declaring July 24-27, 2014, as Newberg Old Fashioned Festival Week. (Pgs. 3-4)

MOTION: Bacon/Howard approving a proclamation declaring July 24-27, 2014, as Newberg Old Fashioned Festival Week. Motion carried (7 Yes/0 No).

2. Presentation from American Legion Adjutant Faith Gerstel and Veterans of Foreign Wars Commander Wayne Miller giving certificates of appreciation to the Newberg-Dundee Police Department Honor Guard for their participation in the Memorial Day Services.

V. CITY MANAGER'S REPORT

Ms. Jacque Betz, city manager reported signed an executive order to adopt state methodology for our building division forms and fees. We are currently looking into a program that places experienced workers that are retired seniors and puts them in different departments as we access different needs in the city office.

VI. PUBLIC COMMENTS

Mayor Andrews opened public testimony.

Ms. Marilyn Godfrey with the Newberg community band invited all to the summer concerts. They will be at Newberg Old Fashion Festival, and an outdoor concert at George Fox University.

Mr. Chuck Lee running for state representative for house district 25 introduced himself. He is running as an independent.

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3155** approving the updated city's 2014 Stormwater Master Plan. (Pgs. 5-19)
2. Consider a motion adopting **Resolution No. 2014-3156** approving the city's 2014 Citywide Pavement Condition Evaluation and Street Maintenance Prioritization Plan. (Pgs. 21-45)
3. Consider a motion adopting **Resolution No. 2014-3157** authorizing Yamhill county Sheriff's office to perform dog control services within the city of Newberg.
4. Consider a motion approving April 21, May 5, & May 19, 2014, city council meeting minutes. (Pgs. 47-66)

MOTION: Rierson/Bacon adopting **Resolution No. 2014-3155** approving the updated city's 2014 Stormwater Master Plan. (Pgs. 5-19), **Resolution No. 2014-3156** approving the city's 2014 Citywide Pavement Condition Evaluation and Street Maintenance Prioritization Plan (Pgs. 21-45), **Resolution No. 2014-3157** authorizing Yamhill county Sheriff's office to perform dog control services within the city of Newberg, and approving April 21, May 5, & May 19, 2014, city council meeting minutes as amended. Motion carried (7 Yes/0 No).

VIII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2014-2773** amending the Newberg Municipal Code § 8.15.150 (C) pertaining to noise. (Pgs. 67-70)

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

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

Councilor Ryan Howard stated we are not approving any particular variance request this is just for the future. Mr. Truman Stone replied yes that is correct just want to have it in place.

MOTION: Rierson/Bacon adopting **Ordinance No. 2014-2773** amending the Newberg Municipal Code § 8.15.150 (C) pertaining to noise and waive the second reading read by title only. Motion carried (7 Yes/0 No).

Councilor Ryan Howard stated I do not like the six day request time because operating at night for that length of time does not seem like something neighbors would appreciate. Mayor Andrews said they will be informed and able to come to the meeting when it comes to council. Councilor Denise Bacon said construction sometimes goes much faster at night, and doing it during the day may take construction much longer.

Mr. Jay Harris said this is getting set up for the bypass as well. Ms. Jacque Betz said administratively when an application comes into us we will be diligent and look into all the problems and notify the residents before it gets brought to Council.

Mayor Andrews said I will be supportive of this ordinance which I believe will get rid of a gray area. Councilor Howard replied I will agree with this as long as the residences whom are effected will be notified.

2. Consider a motion adopting **Ordinance No. 2014-2774** declaring property located at 2525 Allison Lane meets development code criteria and is to go before the electorate on November 4, 2014 for consideration to be annexed into the city. (Pgs. 71-97)
3. Consider a motion adopting **Ordinance No. 2014-2775** declaring property located at 2716 Wynooski Road meets development code criteria and is to go before the electorate on November 4, 2014 for consideration to be annexed into the city. (Pgs. 71-97)

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

Mr. Steve Olsen, interim planning & building director, presented the staff report including a PowerPoint slideshow for Ordinance (see official meeting packet for full report).

Councilor Stephen McKinney asked if this will complicate the process of that road development and if they will they be reimbursed for the property they are giving up. Mr. Dave Olsen said ODOT is buying up property for the bypass and they would have to be consenting to it under the annexation proposal.

MOTION: Rierson/Howard adopting **Ordinance No. 2014-2774** declaring property located at 2525 Allison Lane meets development code criteria and is to go before the electorate on November 4, 2014 for consideration to be annexed into the city and waive the second reading and read by title only. Motion carried (7 Yes/0 No).

MOTION: Rierson/Bacon adopting **Ordinance No. 2014-2775** declaring property located at 2716 Wynooski Road meets development code criteria and is to go before the electorate on November 4, 2014 for consideration to be annexed into the city and waive the second reading read by title only. Motion carried (7 Yes/0 No).

IX. COUNCIL BUSINESS

Mayor Andrews stated he would like to start the roving gavel again. I will start in the next coming meetings with Councilor McKinney.

Councilor Ryan Howard said he is happy to announce that tunes on Tuesday starts tomorrow night with Patrick William in front of the cultural center.

Mayor Andrews stated I would hope that all of you would be available for the parade at the Newberg Old Fashion Festival and the Special Olympics are this weekend.

Councilor Stephen McKinney said the mayor and I attended the League of Oregon cities conference dealing with cities and the marijuana issues.

X. ADJOURNMENT

The meeting adjourned at 8:12PM.

ADOPTED by the Newberg City Council this ____ day of _____, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this _____ day of _____, 2014.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 4, 2014

Ordinance ___ No.	Resolution ___ No.	Motion <u>XX</u>	Information
SUBJECT: A motion to approve a noise variance request from ODOT for the OR99W: OR240 (Newberg) – OR18 (McDougal Jct.) project from August 7, 2014 to October 31, 2014 that would allow for nighttime work as needed during the hours of 6 PM and 6 AM.		Contact Person (Preparer) for this Motion: Jacque M. Betz	
		Dept.: City Manager's Office File No.: <i>(if applicable)</i>	

RECOMMENDATION:

Approve the City Manager's recommendation to approve a noise variance request from the Oregon Department of Transportation (ODOT) for the OR99W:OR240 (Newberg) – OR18 (McDougal Jct.) project from August 7, 2014 to October 31, 2014 that would allow for some nighttime work outside of the exempted hours to reduce conflicts with daytime traffic congestion as needed during the hours of 6 PM and 6 AM.

BACKGROUND:

At the July 7, 2014 Council Meeting, Council approved Ordinance No. 2014-2773, an ordinance amending City Code 8.15.150(c) by adding section four (4) to create a council approved variance from the noise ordinance for specific events or activities of limited duration. The amendment proposal went before Council because ODOT had come to the City requesting a noise permit for nighttime paving and at that time the current version of Newberg Municipal Code was not explicit in how such a request shall be handled for a request outside of three days. The approval of Ordinance No.2014-2773 allows the City Council to address specific events or activities that were not anticipated when the noise ordinance was adopted, without having to make frequent amendments to the Newberg Municipal Code. The amendment becomes effective August 7th.

On July 17th City Manager Betz received a Newberg Noise Variance Application from ODOT for the OR99W: OR240 (Newberg) - OR18 (McDougal Jct.) project from August 7, 2014 to October 31, 2014. Specifically ODOT will repave Oregon 99W from OR 240 in Newberg (M.P. 23.71) to just beyond the Oregon 18 Junction (M.P. 30). The area effected within the city limits is from Main Street at that mile post to the city limits bridge leaving Newberg, which is minimal, however since it is on the west side where there is a lot of commercial development the variance is a necessity. The work will include removing and replacing old pavement, removing and installing guardrails, installing drainage features, construction and upgrades of ADA ramps and sidewalks in Newberg and to update some signage to improve overall safety and driving conditions on OR 99W.

Attached to this RCA is a letter from Project Manager Ronald Larson, PE, PLS (Attachment 1) that has detailed information on the length of the variance, the purpose of the creation of the noise, the nature of the noise, affected populations within the geographic area, the duration and times of noise, potential impacts of noise on affected populations and the extent of scope of noise mitigation measures taken by the applicant.

Outreach to the public was a concern by Council when the new process was approved and it should be noted that ODOT sent a Paving Project Mailer (Attachment 2) to all residents in the 97132 zip code area in June. They are also preparing periodic press releases, keeping stakeholders informed, and they have inspectors and contractor personnel on-site during all construction activities. In addition they have a 24-hour emergency hotline and a project specific e-mail address and web-page that is included in the outreach.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

The new code states that the City Manager will place the application on the City Council's agenda for the next regular meeting after the date the City Manager receives the application. The City Council may grant a variance of limited duration for a specific event or activity if the City Council so chooses and it can impose further conditions or limitations if reasonable. A variance granted may be revoked by the City Manager or designee in the case of an emergency or safety hazard or if the conditions of the variance granted are violated.

Please note: Ron Larson the project manager with ODOT will attend the Council meeting to address any questions you may have.



Oregon

John Kitzhaber, MD, Governor

Department of Transportation
Beaverton Construction Office
5681 SW Arctic Drive
Beaverton, OR 97005
Telephone (503) 641-8723
Fax (503) 646-5938

July 17, 2014

Jacque Betz
Newberg City Manager
414 E. First Street
Newberg, OR 97132

Subject: OR99W: OR240 (Newberg) – OR18 (McDougal Jct.)
ODOT Contract No. 14656
Newberg Noise Variance Application
ORDINANCE NO. 2014-2773

Jacque Betz:

The Oregon Department of Transportation is requesting a noise variance for the OR99W: OR240 (Newberg) – OR18 (McDougal Jct.) project. An overview of the project is below.

Project Description

This project will repave Oregon OR99W from OR 240 in Newberg (M.P. 23.71) to just beyond the Oregon 18 Junction (M.P. 30). The work will include the following: remove and replace old pavement, remove and install guardrails, install drainage features, construct and upgrade ADA ramps and sidewalks in Newberg, and update some signage to improve overall safety and driving conditions on OR99W. This project does not include paving work in Dundee (M.P. 25.43 to M.P. 26.47), as that section of OR99W is scheduled to be repaved in 2015.

Length of Time for the Variance

Construction work for this project has already started and is expected to proceed until September 30, 2014 with punch list and final cleanup work extending to October 31, 2014.

Our understanding is that a new Noise Variance process is in place starting on August 7, 2014. ODOT is respectfully requesting a noise variance from August 7, 2014 to October 31, 2014. Noise Variance request prior to August 7, 2014 will be submitted through Captain Chris Bullock with the Newberg Police.

Analysis of Proposal

Purpose of the Creation of the Noise

The purpose for the creation of the noise is for the OR99W: OR240 (Newberg) – OR18 (McDougal Jct.) paving project. The work will include the following: remove and replace old pavement, remove and install guardrails, install drainage features, construct and upgrade ADA ramps and sidewalks in Newberg, and update some signage to improve overall safety and driving conditions on OR99W.

OR99W: OR240 (Newberg) – OR18 (McDougal Jct.)
ODOT Contract No. 14656
Newberg Noise Variance Application
July 17, 2014
Page 2 of 3

The traffic volumes on OR99W require that all lanes be open without restrictions during peak daytime hours. Closing the lanes for long durations during the day would create traffic backups and serious safety concerns. Nighttime construction activities during the project are necessary in order to minimize traffic impacts on OR99W and to minimize impacts to adjacent businesses and improve motorist safety.

The Nature of the Noise

The nature of the noise is the construction work associated with the project. The work activities and associated noise levels are anticipated to include, but are not limited to, the following:

- | | |
|--|---------------------------------------|
| • Cold Plane Pavement Removal | 88 dBA at a distance of 50 feet |
| • Pavement Overlay | 89 dBA at a distance of 50 feet |
| • Asphalt Saw Cutting | 76 dBA at a distance of 50 feet |
| • Excavation Work (hoe ramming) | 90 dBA at a distance of 50 feet |
| • Guardrail Installation (guardrail punch) | up to 93 dBA at a distance of 50 feet |
| • Concrete Demolition (jackhammer) | 87 dBA at a distance of 50 feet |
| • Material Removal (backhoe) | 86 dBA at a distance of 50 feet |

Affected Population within the Geographical Area

The OR99W project area includes a mix of commercial, industrial, and residential noise receptors, including single family homes.

Duration and Times of Noise

The work may potentially occur at any time of the day/night for the duration of the requested noise variance period. Asphalt grinding, paving and associated work is anticipated to be primarily completed at night between the hours of 6 P.M. and 6 A.M.

Potential Impacts of Noise on Affected Population

Noise associated with the grinding and paving operation is typically a result of a moving operation. The noise will come and go as the equipment moves along the road. Very little of the noise will be generated from stationary work locations. As such, the potential impacts of the noise on the affected population will be for a relatively short duration basis at any given location.

Extent and Scope of Noise Mitigation Measures Taken by Applicant

The measures that ODOT and/or ODOT's contractor will take to mitigate the noise during the proposed construction activities are:

- Use equipment with sound control devices no less effective than those provided on the original equipment. Equipment with un-muffled exhausts is prohibited.
- Use equipment complying with pertinent equipment noise standards of the EPA.

If a specific noise impact complaint occurs during the construction of the Project, the following noise mitigation measures may be taken by ODOT which include, but are not limited to, the following:

OR99W: OR240 (Newberg) – OR18 (McDougal Jct.)
ODOT Contract No. 14656
Newberg Noise Variance Application
July 17, 2014
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- Locate stationary construction equipment as far from nearby noise sensitive properties as feasible.
- Shut off idling equipment.
- Reschedule construction operations to avoid periods of noise annoyance identified in the complaint.
- Install temporary or portable acoustic barriers around stationary construction noise sources.
- Operate electric-powered equipment using line voltage power or solar power.
- Notify nearby residents whenever extremely noisy work will be occurring.

As an outreach to the public, ODOT has distributed a mailer to the zip codes in this area, providing notification of the upcoming work. ODOT will also provide frequent press releases and other notices to local news sources in the vicinity of the project work.

Additionally, ODOT inspectors and ODOT's contractor personnel will be on-site during all construction activities. A 24-hour emergency hotline (tel. 503-646-0231) and a project specific e-mail address (2014Paving99W@odot.state.or.us) are already established to receive and respond promptly to project related questions or issues. A project web-page is available for on-line information at the following link:

<http://www.oregon.gov/ODOT/HWY/REGION2/Pages/OR-99W-Paving-Project-from-OR-240-in-Newberg-to-OR-18-at-McDougal-Junction.aspx>

Finally, the ODOT Project Manager will insure compliance with the noise abatement requirements and mediate any infractions of those requirements should they occur. Complaints will be investigated to determine if there is a violation, and if so determined, the contractor will be directed to commence mitigation. If such sound level infractions cannot be mitigated within one week, the local jurisdiction will be contacted and a plan of action outlined.

Please let me know if there are any questions or need for additional information related to the noise variance request for this project. Thank you for your consideration of this request and we look forward to working with you toward the successful completion of this project.

Sincerely,



Ronald G. Larson, PE, PLS
Project Manager

CC: File CON 5-13
JLA Public Involvement
Lou Torres, ODOT R2 PIO

OR99W Paving Project

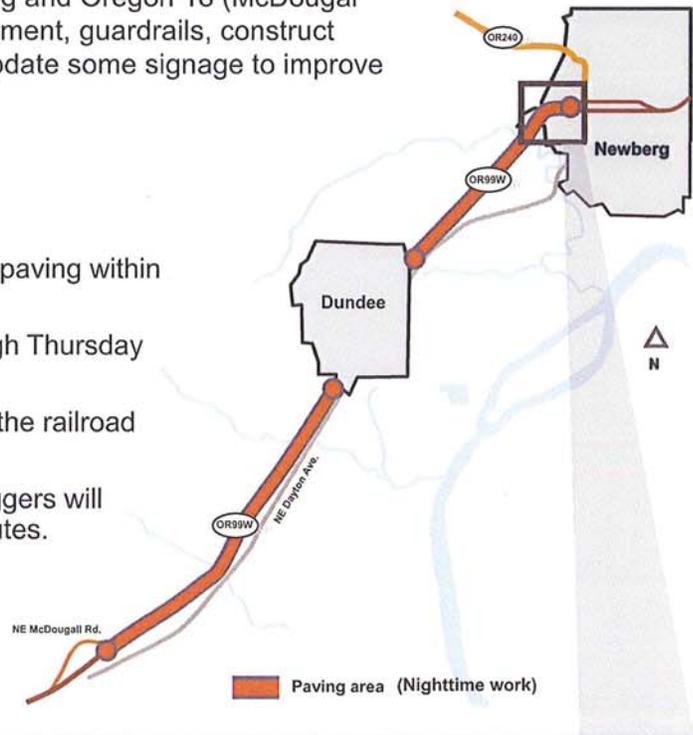
OR240 - OR18

OR99W Repaving Begins This Summer

Between June and October, the Oregon Department of Transportation will repave five miles of Oregon 99W between OR 240 in Newberg and Oregon 18 (McDougal Junction). This work will remove and replace old pavement, guardrails, construct updated ADA ramps and sidewalk in Newberg, and update some signage to improve overall safety and driving conditions.

Project Details:

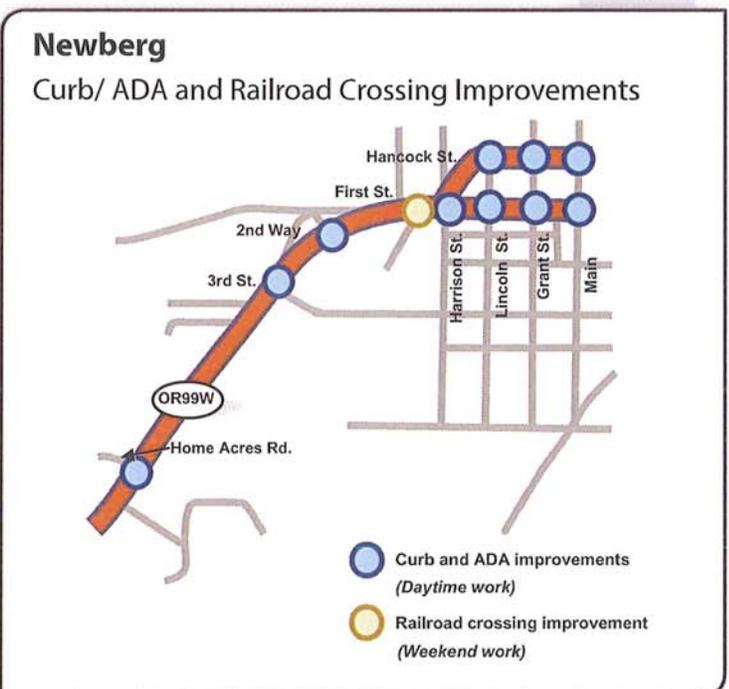
- Construction June through October 2014.
- Five miles of pavement restoration (does not include paving within Dundee city limits, which will occur in 2015).
- Night work – Repaving work will occur Sunday through Thursday nights from 6:00 p.m. to 6:00 a.m.
- Several weekends of work in Newberg for rebuilding the railroad crossing near SW 1st St.
- One lane in each direction closed during paving. Flaggers will control one lane of traffic with delays of up to 20 minutes.
- Nighttime delays expected; allow extra travel time.
- Driveway accesses maintained.
- Sidewalk curbs at intersections will be retrofitted in Newberg to comply with Americans with Disability Act; daytime work will be allowed on sidewalk improvements.



Is this related to the Newberg-Dundee Bypass?

No. The pavement preservation project being completed this summer is not related to the Newberg-Dundee Bypass, which is also currently under construction. The Oregon 99W paving project maintains the existing highway. The Newberg-Dundee Bypass will be a new road. The first phase of the bypass being constructed is a four mile two lane roadway between Oregon 219 in Newberg and Oregon 99W, just south of Dundee. For more information on that project, visit:

www.newbergdundee.org



OR99W Paving Project

OR240 - OR18



Night Work Planned on OR99W

The Oregon Department of Transportation will repave five miles of Oregon 99W between Oregon 240 in Newberg and Oregon 18 (McDougal Junction) between now and October. This is a pavement preservation project – crews will remove and replace old pavement, guardrails, and update some signage to improve overall safety and driving conditions.

The project does not include repaving through the City of Dundee. The City of Dundee and Oregon Department of Transportation are currently developing a separate transportation improvement project along Oregon 99W through the City of Dundee; that project will include stormwater, landscaping, and pedestrian improvements as well as new pavement. The work within the City of Dundee will begin in 2015. The current paving to the south and north of Dundee will be complete in October.



Oregon Department of Transportation
Region 1
123 NW Flanders
Portland, OR 97209



- *Repaving on Oregon 99W*
- *June - October 2014*
- *Night work - Expect Delays*

For more information:

Aaron Myton, ODOT
Assistant Project Manager
Project Hotline: (503) 646-0231
2014Paving99W@odot.state.or.us

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 4, 2014

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve a public policy statement about outreach to businesses owned by women, Section 3 residents, and minorities in order to fulfill a federal grant requirement

Contact Person (Preparer) for this Motion: Steve Olson, Interim Director
Dept.: Planning & Building Dept.
File No.: GR-11-003

RECOMMENDATION: Approve by motion the attached public policy statement about outreach to businesses owned by women, Section 3 residents, and minorities.

EXECUTIVE SUMMARY: The city was awarded a \$400,000.00 Housing Rehabilitation grant in 2012. These are federal CDBG (community development block grant) funds, which are administered by the Infrastructure Finance Authority at the state Business Oregon department. One of the grant requirements is outreach to businesses owned by women, Section 3 residents (public housing), and minorities. The state business classifications are Women Business Enterprise, Disadvantaged Business Enterprise, Minority Business Enterprise, and Emerging Small Business. Adopting this public policy statement will fulfill the city's outreach requirement.

FISCAL IMPACT: None.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Approving this public policy statement will enable the city to fulfill federal and state grant requirements, and also show support for local businesses and the housing rehabilitation grant program.

Public Policy Statement for businesses owned by women, Section 3 Residents, and minorities

The City of Newberg publicly supports and encourages entrepreneurship. The city also encourages businesses owned by women, Section 3 residents, and minorities to bid on local projects and contracts when available. Businesses that may be eligible to be registered under the above classifications are also encouraged to do so online through www.oregon4biz.com, the website of Business Oregon.

Approved this 4th day of August, 2014

Bob Andrews, Mayor