

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

A work session was held prior to the meeting. A presentation on the Engineering Storm Water and Erosion Sedimentation Control Manuals was given by Interim Public Work Director/City Engineer Jay Harris and a presentation on the Mayor's visit to Sister City Poysdorf, Austria was given by Mayor Bob Andrews. No action was taken and no decisions were made. Councilors and the Mayor were present except for Lesley Woodruff who had an excused absence.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL**

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

Members Absent: Lesley Woodruff (excused absence)

Staff Present: Lee Elliott, City Manager Pro Tem Truman Stone, City Attorney  
Janelle Nordyke, Finance Director Jay Harris, Civil Engineer  
Steve Olson, Associate Planner Jessica Pelz, Assistant Planner  
Jason Wuertz, Civil Engineer Norma Alley, City Recorder  
Nicole Tannler, Minutes Recorder

Others Present: Jolana Sively, Andy Becker, William Ciz, Kelly Amador, John Freeman, and Stan Halle

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGERS REPORT**

Mr. Lee Elliott, city manager pro tem, reported there are two items that have been added to agenda under new business. The trick or treat activity downtown was very positive and many city employees helped out. Unfortunately we have received our property tax information from County and have come in under 2%. Our growth is under inflation and I am going to get a document together to hand out to the council about this.

**V. PUBLIC COMMENTS**

Mayor Andrews opened and closed public comments. None appeared

**VI. CONSENT CALENDAR**

1. Consider a motion adopting **Resolution No. 2013-3092** authorizing the city manager pro tem to purchase a 2013 Cues Hi Cube Televised Inspection Truck and sell the current 1993 Cues Televised Inspection Truck to Chelan, Washington.

2. Consider a motion adopting **Resolution No. 2013-3093** authorizing the city manager pro tem to enter into a professional services agreement with Keller Associates, Inc., to complete an Inflow and Infiltration Study for the wastewater conveyance system.

TIME – 7.00 PM

**MOTION: Rierson/Bacon** approving **Resolution No. 2013-3092** authorizing the city manager pro tem to purchase a 2013 Cues Hi Cube Televised Inspection Truck and sell the current 1993 Cues Televised Inspection Truck to Chelan, Washington and **Resolution No. 2013-3093** authorizing the city manager pro tem to enter into a professional services agreement with Keller Associates, Inc., to complete an Inflow and Infiltration Study for the wastewater conveyance system. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

## VII. PUBLIC HEARING

1. Consider a motion adopting **Resolution No. 2013-3096** approving a water hardship request for property located at 2709 NE Chehalem Drive.

TIME – 7:05 PM

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

Mr. Jay Harris, City Engineer, presented the staff report (see official meeting packet for full report). Staff recommends approval

Ms. Jolana Sivley requested to be part of our city water because her water smells of sulfur and has gotten worse throughout the years. The failing septic system is a problem as well.

Mayor Andrews stated he had a problem with the wording of spring instead of city system. He said cannot adopt the findings as they are presented to us.

Mr. Jay Harris stated there are minor flaws in report and on page 19 the word springs is going to be removed from whole report and replaced with water system. Mayor Andrews asked if he and the resident could make those corrections and get back to the Council this evening.

**MOTION: Howard** table **Resolution No. 2013-3096** approving a water hardship request for property located at 2709 NE Chehalem Drive to allow the applicant the chance to revise the findings.. Motion failed for lack of second.

The motion was put on hold until paperwork was fixed with applicant, and moved motion after discussion public hearing #3.

Staff met with applicant and made some minor changes as handed out. (see meeting packet for full report)

**MOTION: Bacon /Rierson** approving **Resolution No. 2013-3096** approving a water hardship request for property located at 2709 NE Chehalem Drive as amended. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

2. Consider a motion adopting **Ordinance No. 2013-2765** amending the Newberg development code pertaining to murals.

Mayor Andrews called for any conflicts of interest or abstentions; Councilor Rierson works for Climax Machine Tools and declared a partial conflict.

Mr. Steve Olson, Associate Planner, presented the report including a PowerPoint slideshow (see official meeting packet for full report).

Councilor Bacon asked what the plan for upkeep is. Mr. Steve Olson said there is no requirement to maintain as of now.

Councilor Rierson asked about the community comment section that says the local residents can make comments but cannot change the content and wanted to know why the comments would be allowed with no consequence. Mr. Olson said it is not a set of criteria and the intent would help provide context from the neighbors and have them see what is going to be proposed. We are hoping to moderate impulses and given good feedback that may provide some helpful advice. It has to be advertised as not a public vote but just comments and suggestions.

Councilor McKinney asked about the condition and state of repairs. He said the electronic signs have a provision that they have to be in good repair. He feels like there needs to be something in there about repair. Mr. Olson said it was brought up briefly and he thinks it is a valid point and something that can be discussed.

Councilor Corey asked what the costs are to permit a mural. Mr. Olson is not a commercial sign and could easily be a community group or school that is turning in the permit. We don't want the cost so high they are not able to do it. Councilor Rierson said an offensive or political sign may be higher a possibility if the permit cost is too low.

Mr. Andy Becker, Climax Tool Machine, said he appreciates the fact you have been working with us and the students at George Fox University. The mural we want to install on our building shows a long history of Newberg.

Staff recommends approval.

Mayor Andrews asked if permits are going to be part of the administrative rule. Mr. Olson said that will come before council on a regular basis.

Councilor Howard stated he likes the mural designed but is wary of opening up possibility of people displaying murals of whatever they like and could lead to a slippery slope. Mayor Andrews said as far as content is concerned we don't have any control. Mr. Olson replied we do have size control not content.

Councilor Rierson said he is inclined to look at history of Newberg with Murals which has not limited the content in the past. He wouldn't want us to make the assumption that it is more likely to be offensive and feels like there is more good that can come of it than bad. Councilor Bacon agreed with Councilor Rierson and said cost is quite large and people tend to use them for more good than evil. Councilor Corey said creativity is great and think we should promote murals. We haven't had a problem so far, I tend to like the idea of going ahead.

**MOTION: Bacon/Rierson** to waive the second reading on **Ordinance No. 2013-2765** amending the Newberg development code pertaining to murals read by title only. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

**MOTION: Rierson/Bacon** adopting **Ordinance No. 2013-2765** amending the Newberg development code pertaining to murals read by title only. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

Councilor McKinney said he is concerned about repair. Mayor Andrews asked if he needed staff to come back with an amendment. Mr. Olson said it could be added in right now.

Councilor Howard asked if amendment would cover graffiti and would be repaired immediately. Councilor McKinney stated it should be from any damage so that they do not fall into a state of disrepair and are a distraction. Councilor Rierson said there is a lot of investment of time and money that goes into these and I agree with adding the language McKinney advised.

**MOTION: McKinney/Rierson** adopting **Ordinance No. 2013-2765** amending the language in Exhibit A adding E.5 stating permitted murals must be kept in good state of repair and good condition Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

**MOTION: Rierson/Bacon** adopting **Ordinance No. 2013-2765** amending the Newberg development code pertaining to murals read by title only. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

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

TIME – 8:20 PM

Ms. Jessica Pelz, Assistant Planner, Kelly Amador, ODOT and William Ciz, Parametrix presented the staff report including a PowerPoint slideshow (see official meeting packet for full report).

Mayor Andrews said it is pretty much going back to the way it was before.

Mr. John Freeman, Ladd Hill Neighborhood Association. The CPO (community planning organization) has seen the plan and are concerned about the traffic that will accumulate on Wilsonville Road. A good part of traffic will go onto Wilsonville Road with this design. We have requested to discuss the potential of aligning the west end of Wilsonville road with the current location of Wynoski Road. The City of Wilsonville is also concerned with traffic coming into an already congested area in Wilsonville. We are hoping for your support on this change.

**MOTION: Bacon/Rierson** accepting John Freemans written testimony as part of the record. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

Mr. Stan Howley, Co-President with Ladd Hill Neighborhood Association (Yamhill). Wants to reinforce what John said and wanted to remind Council they would have to live with this interim solution for up to 25 years. The notion of modern technology leading people down that road could be a problem and add traffic.

Mayor Andrews asked if we have addressed anything with the full build out of the bypass. Staff replied No. Mayor Andrews asked what costs would we be looking at and would there be savings on North most traffic light on 219. Ms. Kelly Amador said yes there would be a cost associated with these changes.

Councilor Rierson asked if this is the first time you have heard this request by the neighborhood group. Ms. Amador said the proposal for changing roads was brought up tonight but we have known about problem since mid-summer. Councilor Rierson said it seems like a reasonable request at first glance. Councilor Howard said I know there has been a lot of design going into this and it does seem reasonable at first glance. Is there a reason this was overlooked.

Ms. Ciz stated there are business access issues, and neighborhood access problems but I am not saying it would be impossible to do. Councilor Bacon said the neighborhood concerns are valid.

Councilor McKinney acknowledged the concern is people will drive Wilsonville Road rather than 99W to I-5. The ODOT presentation seems to be more logical and the City of Wilsonville will have to come up with a correction for the Road traffic problems going on there.

Councilor Howard said I'm fond of the idea of having the intersection for the benefit of phase one of the Bypass. Ms. Amador said taking the time to look at a change would cause a delay and we are on a tight timeline.

Mayor Andrews asked what signage has been proposed. Ms. Amador said the sign to 99W and Saint Paul, and I-5 signage to McKay.

Council moves to have a second reading.

## VIII. NEW BUSINESS

Consider a motion adopting **Resolution No. 2013-3094** authorizing the city manager pro tem to enter into a contract with Mortenson Construction for the wastewater treatment plant Dewatering, Headworks, and Influent Pump Station Improvements.

Mr. Jason Wuertz, Civil Engineer, presented the staff report. (see official meeting packet for full report).

Councilor McKinney asked if this is funded through a loan. Ms. Janelle Nordyke said it is a special public works revolving loan fund through the DEQ at 2.8%, plus ½% maintenance fee.

Councilor Howard asked if anything we spend this money on have a life span of more than 20 years. Mr. Lee Elliott said it will not outlast the useful life.

**MOTION: Howard/Bacon** adopting **Resolution No. 2013-3094** authorizing the city manager pro tem to enter into a contract with Mortenson Construction for the wastewater treatment plant Dewatering, Headworks, and Influent Pump Station Improvements. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

**MOTION: McKinney/Corey** adopting **Resolution No. 2013-3097** approving the appointment of Jason Wofford as an Operator 1 in the Public Works/Operations Department. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

**MOTION: Bacon/Rierson** adopting **Resolution No. 2013-3098** approving the appointment of Sean Surcamp as a Senior Mechanic in the Public Works/Operations Department Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

## IX. COUNCIL BUSINESS

TIME – 9:30 PM

Councilor Howard stated Ms. Jessica Pelz went to a program on bicycle design and while there are a lot of highway and roadway design standards there are not standards for bicycle and pedestrian. We would like to ask the council to direct staff to look at these designs for the city and bring it back to the council.

Councilor McKinney said I would that take into account fiscal impact to adopt these. Councilor Howard replied the design guide does not contemplate enforcement and with proper design it helps people to comply with the rules of the road. Mayor Andrews said he does not think it would do any harm to look into. Can staff add on another project. Mr. Elliott said it would be something we could definitely look into and he agrees it would enhance safety. Mayor Andrews stated it fits in with the safe street concept we are working on. Councilor Howard said it goes along with our goal to complete streets and it looks at both bicycle and pedestrian safety.

Consensus met directing staff to look into the feasibility to adopt an urban street design guide standard.

**X. EXECUTIVE SESSION**

Executive Session pursuant to ORS 192.660(2)(i) relating to the performance review of the city manager pro tem.

Mayor Andrews called the executive session into order at 9:45 PM and adjourned executive session at 10:22 PM.

**MOTION: Rierson/Bacon** stating Lee Elliott successfully completed his probation period and is a full time employee, adjust his salary with a 5% increase, and continue the 5% out of class adjusted salary. Motion carried (6 Yes/0 No/1 Absent [Woodruff]).

**XI. ADJOURNMENT**

The meeting adjourned at 10:33 PM.

**ADOPTED** by the Newberg City Council this 2<sup>nd</sup> day of December, 2013.

  
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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 5<sup>th</sup> day of December, 2013.

  
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Bob Andrews, Mayor