

**City of Newberg**  
**City Council Minutes**  
**October 2, 2023**  
**Hybrid meeting format**

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**BUSINESS SESSION-** Meeting called to order at 5:59 p.m.  
**Councilors Present:** Mayor Bill Rosacker, Councilors Mike McBride, Robyn Wheatley, Elise Yarnell Hollamon, Peggy Kilburg, Molly Olson, Derek Carmon.

**Councilors Absent:** None

**Staff Present:** City Manager Will Worthey, City Attorney James Walker, Police Chief Jeff Kosmicki, Finance Director Kady Strode, IT Manager Ian Rodriguez, Planning Manager Clay Downing, City Recorder Rachel Thomas, Library Director Korie Buerkle, Gabriella McMahan.

**CITY MANAGER'S REPORT:**  
[CM narrative SEP 2023.pdf](#)

Shelly Reimer, CM Intern, reported monthly statistics through the end of September.

City Manager Worthey noted that for the last couple of years, the City had expected the cost for the new water plant to be \$21 million, which accounted for the price escalation due to inflation since the original estimate was \$13 million. Recently, the new City Engineer, Lance Calvert, was concerned that the estimate was too low. After meeting with Consor, the engineering firm doing the design work, he determined the \$21 million was not remotely sufficient to cover the original water plant plan as envisaged. A report showing an updated median estimate, now \$43,752,000, was provided to Council. By reducing the footprint of the plant, reducing the amount of soil liquification, reducing the number of filters by over 30 percent, and removing two of four of the main primary pumps, the median cost was still \$24,946,000. The changes would make the new plant more vulnerable to obsolescence because of the lessened capacity. Staff recommended postponing construction of the water plant for several years in order to allow the City to clear out other debt, devise a new plan for the plant, collect additional SDC dollars, and collect additional Water Fund dollars to take account of the cost structure. City Manager Worthey recommended pausing the project and coming back to Council in November with a fuller presentation, looking at options, and probably taking more time to build the plant to allow the City's finances to be in a stronger position.

Council discussed:

- Work on the current water treatment plant would continue in order to meet the new State mandates for basins and filters. The cost would be more expensive than previously thought, but it would buy more time to develop a better model for the new plant, perhaps at a different location.
- The cost for the current work could be about \$1.5 to \$2 million. The City would re-bid the project to get the best quote and not make it too fancy, knowing it must be replaced in the next decade.

- The State mandated residue testing, and the City’s score was 0.004 percent. Because the result was not zero percent, the City was required to remedy that by 2027.
- With the pause, Staff would look at all possible funding sources, including issuing a general obligation bond.
- The new City Engineer had recent experience building a water plant, so he was able to question some of the design aspects that led to doubling the construction price.

Action: To pause the engineering on the new water plant until November to consider new options.

Motion: Councilor Olson

Second: Councilor Wheatley

Vote: 7 Yes   0 No   0 Abstain   0 Absent

**PUBLIC COMMENTS:** None.

**REPORTS AND PRESENTATIONS:** Un-Housed Camping Ordinance 2023-2919  
[Ord 2023-2919 Presentation.pdf](#)

CM Worthey gave the Staff report, highlighting the current case law leading to the State’s time, place, and manner mandate and the effects of the mandate on the City.

**PUBLIC HEARINGS:**

**7A.** Ordinance 2023-2919 An Ordinance updating the City of Newberg’s public camping rules to align with the recent case law and Oregon statutes.

[Ord 2023-2919 RCA with Exhibits A and B.pdf](#)

Councilor McBride called the Legislative Hearing to order.

Councilor Yarnell Hollamon declared a conflict of interest, as she was the President of a non-profit that serves homelessness, but she did not receive any monetary compensation.

Mayor Rosacker asked City Attorney Walker if any of those who had been peripherally involved in the homelessness issue before being elected to office needed to declare a conflict of interest. CA Walker explained that if there was a financial benefit or detriment resulting from the legislative action being taken or not taken, a conflict of interest should be declared. If the participation was active dialogue, input, or advocacy, a declaration was not necessary.

Public comment was provided by the following individuals:

1. Shannon Bernard, Newberg, spoke in favor of the Ordinance, citing personal experience in serving the houseless community as well as providing foster care for children. She believed having a designated camping area was important to the houseless community to provide safety and structure. She asked for the following changes to the Ordinance:
  - Page 6, Section C, Restrictions on Camping, should include City-owned Public Lands.
  - Section 3f, should say “all animals must be restrained by a leash or crated and physically restrained at all times.”

- Page 9, Section 2b, Notice exceptions, change “or other immediate danger to human life or safety” to “or danger to human life or safety as determined by law enforcement.”

CM Worthey noted that if the Council wished to make any of the changes proposed by Ms. Bernard, Staff would need time to come back with the alternative wording. He addressed her concerns as follows:

- The limitation against general public land could make it very hard to identify a site, given the Charter regulation that such a location needed to be far away from schools.
- The leashing suggestion could be problematic. The intent was that animal control be paramount.
- The insertion of the police part to Section 2b would need to be discussed with the Police Chief, requiring time to regroup.

The Council discussed:

- Any designated camping site would serve as overflow for nights the shelter was full.
- Staff had looked at a few sites that would not violate the Charter, considering budgetary limitations within the Charter. Campsites could be set up very rapidly if the shelter was nearing capacity.
- The campsite would not have a property manager because it would violate the financial limitations in the Charter. The site would include hand washing facilities and a port-a-potty, be enclosed, and require lawn mowing and trash collection services.
- Outreach services and police check-ins could be provided once the designated camping area was determined.
- This Ordinance was not connected to car camping and addressed only overnight tent camping. Car camping would take longer and require more analysis because there were other State laws that would need to be taken into consideration. Depending on which vehicles were being used, they could inadvertently trigger ORS 90, the Landlord-Tenant Act, by allowing car camping on City property.

Several Councilors expressed a desire to prohibit car camping. CA Walker advised that for clarity, more explicit wording would need to be included to identify or address car camping and that the intent for this Ordinance was to address outdoor camping.

Council continued discussing:

- This was a good first step, but an ad hoc Committee should be created to work through other issues such as a designated area limited to women and children or car camping.
- Lawsuits could be brought against the City if it enacted camping restrictions. The contents of the claims in the suit against Portland would not necessarily loop in Newberg.

CA Walker advised that he was not sure if the City could legally prohibit car camping, but certain restrictions could be developed and brought back to the Council for consideration. CM Worthey added that an ad hoc committee could be formed to address concerns brought up by the Council as long as no money was spent on the Committee due to Charter restrictions.

CA Walker advised that if the Council decided to waive the second reading and adopt the Ordinance, it would be effective in 30 days. The Council could subsequently come back and adopt an amendment to change the Ordinance.

CM Worthey noted the Charter’s budgetary restrictions could prevent the City from designating a second camping area if the first filled up, as the annual cost for the site would be about \$5,500. CA Walker added that in drafting the Ordinance, they identified that the City Council would establish the designated areas. The City Manager did have broadened authority under an emergency to set up temporary designated areas, but Council could have to make a decision about having more than one designated area. The 9<sup>th</sup> Circuit case law was applicable to other jurisdictions, so Newberg did not carry the burden of providing other space alone.

[inaudible 1:22:31 - 1:22:45]

Action: To waive the second reading of Ordinance 2023-2919.  
Motion: Councilor Kilburg  
Second: Councilor Olson  
Vote: 7 Yes   0 No   0 Abstain   0 Absent

Action: To adopt Ordinance 2023-2919, as written by title only, updating the City of Newberg’s public camping rules to align with recent case law and Oregon statutes.  
Motion: Mayor Rosacker  
Second: Councilor Olson  
Vote: 7 Yes   0 No   0 Abstain   0 Absent

CA Walker read the Ordinance by title only.

Council President McBride closed the public hearing.


### **COUNCIL BUSINESS**


Councilor Olson noted she had sent out a PDF on childcare in Newberg. Several major businesses had identified this as a problem, and County funds could be available to help solve the problem. She was recommending an ad hoc committee to work on it.

Mayor Rosacker added the School District was offering space in unused classrooms to help with the childcare issue.

Meeting adjourned at 7:26 p.m.

### **ATTEST:**

  
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Bill Rosacker, Mayor

  
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Rachel Thomas, City Recorder