

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
July 18, 2016, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Denise Bacon, Mike Corey, Scott Essin, Patrick Johnson and Stephen McKinney. Also present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Community Development Director Doug Rux, Public Works Director Jay Harris, City Engineer Kaaren Hofmann and Police Chief Brian Casey.

Mayor Andrews called the meeting to order. He brought up items for Council business including the Poysdorf delegation visit and the Newberg Old Fashioned Festival parade. Councilor Essin wanted to cover the Special Olympics. Councilor Bacon wanted to discuss a smoking ban on City property.

Presentation of promoted officers:

Police Chief Casey presented several officers to the Council who had recently received promotions including Del Linck, promoted to Corporal; Jay Stearns, promoted to Detective; and Cameron Ferguson, promoted to Sergeant. He administered the Oath of Office for these officers.

Pavement maintenance project update:

Public Works Director Harris gave the background on the Pavement Master Plan update project. He explained the Council wanted to maintain the existing Pavement Condition Index. To fund the program it would be \$1.9 million per year and the Council gave direction to look at a Street Utility Fee and Street Lighting fee. A Capital Improvement Plan would be created for use of the funds for the next 10 years for Phase 1 and 2.

City Engineer Hofmann introduced the consultants and committee members who had worked on this project. The committee had discussed the Pavement Condition Index and types of maintenance and street rehabilitation. Consultant Tony Roos, Kittelson and Associates, said the next advisory committee meeting would cover maintenance prioritization. Future meetings would look at funding allocation, and a compilation of the plan in order to recommend to the Council. Work is to be completed by November. PWD Harris said the committee gave a lot of recommendations including doing a mix of projects around the City. One of the funding options was a gas tax and after doing some research, he found out that a \$.03 tax could generate about \$600,000 per year in revenue.

There was discussion on how the gas tax was calculated and collected, other funding options, the extent of the current paving issues and how best to solve the problem, and the committee makeup. There was concern that the project needed to get moving as soon as possible as the Council did not want the streets to continue to deteriorate.

Councilor Essin discussed the Special Olympics he attended. The Mayor won a gold medal for his work on the Special Olympics. He thought it was an outstanding event. Mayor Andrews discussed the law enforcement torch run.

CALL MEETING TO ORDER

The Mayor called the business session to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Lesley Woodruff	Mike Corey	Denise Bacon
	Patrick Johnson		

Staff Present:	Joe Hannan, City Manager	Matt Zook, Finance Director
	Sue Ryan, City Recorder	Truman Stone, City Attorney
	Kaaren Hofmann, City Engineer	Jay Harris, Public Works Director
	Brian Casey, Police Chief	Doug Rux, Community Development Director
	Mary Newell, Police Support Services Manager	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PRESENTATIONS:

Mayor Andrews read the proclamation and presented it to members of the Newberg Old Fashioned Festival Court.

MOTION: Bacon/Woodruff moved to proclaim July 28-31, 2016, as Newberg Old Fashioned Festival week. Motion carried (7 Yes/ 0 No).

CITY MANAGER'S REPORT: City Manager Hannan discussed the differences between the City newsletter, Mayor's news, Council update from the City Manager, and Council update that would be available to the public. There would be training on the new Granicus system on Wednesday. There had been a discussion regarding the options for the dispatch center and the future of the Newberg 9-1-1 Dispatch center. He met with the Yamhill County Administrator regarding issues including communication and partnerships. He reported on the volunteer committee who was working on the visit Poysdorf, Austria Sister City delegation. He explained future Work Session items, such as the five-year financial plan and affordable housing issues.

PUBLIC COMMENTS:

Dave Adams, KYLC Radio, said started a company called CLM Online, which included four internet radio stations. One was Operation Eagles Wings, which supported veterans. The Wall of Honor with the names of service men and women who were killed in Iraq and Afghanistan would be coming to Newberg after a location was found. KYLC Radio was looking to increase their operating power to 10,000 watts in order to provide better coverage.

Kirby Faircloth, VFW, presented certificates to Police Chief Casey and Mayor Andrews for their support during the Memorial Day Service. Mayor Andrews explained the reason he had been involved in recognizing veterans because of the service they had given to their communities including Newberg.

CONSENT CALENDAR:

MOTION: Bacon/Corey moved to approve the Consent Calendar, including minutes from June 20, 2016 as amended; Resolution 2016-3314, A Resolution to authorize the City Manager to enter into an agreement with the State of Oregon to exchange federal funds for state funds for the City's Villa Road Improvement Project; OLCC license for Brewery Public House dba: Newberg Growler House; and a Resolution 2016-3319, a Resolution accepting the donation of an ATV from the Newberg Dundee Reserves for City use. Motion carried (7 Yes/ 0 No).

PUBLIC HEARING - LEGISLATIVE:

Ordinance 2016-2807:

Mayor Andrews opened the hearing and called for any abstentions or conflicts of interest on the part of the Council or any objections to the Council's jurisdiction. There was none.

City Attorney Stone said under the Consent Calendar the Council just approved a resolution accepting a donation of an ATV to be used for events. The Code had to be changed to authorize City employees and Fire personnel to use the ATV while performing duties for the City. The emergency clause would enable the ordinance to be in effect for the Old Fashioned Festival. He recommended approval of the ordinance.

There was no public testimony.
Mayor Andrews closed the hearing.

MOTIONS: Bacon/McKinney moved to approve waive the second reading of Ordinance 2016-2807. Motion carried (7 Yes/0 No). **Bacon/Corey** moved to adopt Ordinance 2016-2807, An Ordinance authorizing City personnel or Fire/EMS personnel to operate ATVs within the City of Newberg while performing duties; and declaring an emergency to be read by title only. Motion carried (7 Yes/ 0 No).

NEW BUSINESS:

Resolution 2016-3315:

City Engineer Hofmann said in preparation for the construction of the South Springbrook Road improvements, the City entered into an IGA with ODOT for right-of-way acquisition for the Bypass. The agreement expired June 30, 2016, and

needed to be extended to August 31, 2019, to acquire the rest of the needed right-of-way. Language was added on new federal procurement codes.

MOTION: Corey/Bacon moved to approve Resolution 2016-3315, A Resolution authorizing the City Manager to execute Amendment No. 1 to an Intergovernmental Agreement with the State of Oregon to provide right-of-way services for the Newberg-Dundee Bypass project (Agreement No. 29496). Motion carried (7 Yes/0 No).

Resolution 2016-3316:

CE Hofmann explained advanced financing for public improvements. Providence Health System connected a sanitary sewer main line from the Newberg Medical Center to the Fernwood sanitary sewer pump station. The line was built to be able to serve undeveloped adjacent properties. In 2006, the Council authorized the City Manager to execute the advanced financing agreement for this improvement, which expired on July 21, 2016 and Providence was requesting a ten-year extension. This request did not come in during the 6-12 month timeframe and it was up to Council to decide whether or not to approve it. The improvement had been inspected and was in good condition. A letter in objection had been received from WP-99, LLC because the request was not made in a timely manner.

CA Stone had received the letter very late in the afternoon via e-mail. He clarified the timing issue. The letter requesting the extension was not submitted within the 6-12 month timeframe, however the timeframe was a Code change that happened in 2007 after the agreement had been made. He thought this agreement fell under the prior Code, which did not have this requirement. There was specific language in the agreement itself. In this case he thought that was the controlling language and that it was a timely request.

Mayor Andrews said this was agreed to prior to the Code change and the Code could not be retroactive.

CA Stone clarified the procedure changed and he thought changes to the Code should not affect the contract. The contract had the controlling language. There was discussion regarding how the Bypass development might affect the sewer line.

Councilor McKinney asked if the action they took tonight would further impair the development of the property.

CDD Rux said staff had been in discussions with a possible developer. They were informed about the sewer line and advanced financing agreement. There was a high pressure gas line as well and they would have to work that out with the construction of the Bypass and the potential for a medical clinic to go on the undeveloped site.

Councilor Woodruff asked for clarification on the advanced finance agreement. CE Hofmann explained when the benefitting property hooked up to the sewer line, they would pay the dollar amount in the agreement to the City plus the interest rate, and the City would pay it back to Providence. It was a reimbursement to Providence for the new development's share. Councilor Woodruff said if the agreement expired, Providence would not be reimbursed. CE Hoffman said that was correct.

Councilor Johnson asked about the 9% interest rate and if it could be lowered to today's interest rates. CA Stone explained the 9% was a default interest rate if no other was specified. The agreement did not have an adjustable interest rate and the criterion for renewing of the contract was if it would be contrary to the public's interest. He thought a finding would have to be made to say it wasn't in the public's interest, otherwise the contract was an automatic renewal.

Attorney Stephen Palmer, representing Providence Health Systems, pointed out all of the things Providence had done for the community with a low expectation that costs would be recouped. He thought 9% was the right interest rate. The line was already in existence and the pipe was in good condition. He did not think there would be harm to the public and the extension would possibly give Providence back some of the money they had expended. He asked for approval.

Councilor McKinney asked if this was a housekeeping issue and if there was any language in the contract that would present issues. CE Hofmann explained it was mainly housekeeping at this point. CA Stone said the City was acting as a conduit between two private parties and the agreement did not have an effect on the City. The only thing was if there was a concern about public interest.

Councilor Woodruff said the 6-12 month timeframe was not in the agreement and was not applicable. CA Stone responded that requirement was not adopted until a year after this agreement was entered into.

There was a motion made, withdrawn, and some amending language was suggested by CA Stone to strike Paragraph 5 of the recitals.

MOTION: Bacon/Johnson moved to approve Resolution 2016-3316, A Resolution authorizing an extension to the Advanced Finance Agreement with Providence Medical Center and the deletion of Item #5 in the Recitals. Motion carried (7 Yes/0 No).

Resolution 2016-3320:

Finance Director Zook said the cost of living adjustments were built into the budget. A compensation and classification study was done in the fall and it recommended a 2% COLA. It was not called out during the budget process, and he recommended approval.

MOTION: Corey/Johnson moved to approve Resolution 2016-3320, A Resolution authorizing the City Manager to implement a 2% cost-of-living-adjustment to non-represented employees effective July 1, 2016 in accordance with the FY 2016-17 adopted budget. Motion carried (7 Yes/0 No).

Resolution 2016-3323:

Police Support Services Manager Newell said this was a request to replace the existing 9-1-1 phone system. The system was seven years old, and should typically be replaced every five years. The funding came from the State tax on the phone bills.

MOTION: McKinney/Essin moved to approve Resolution 2016-3323, A Resolution authorizing the City Manager to approve the purchase of an AirBus Vesta 9-1-1 system for \$243,156.48. Motion carried (7 Yes/0 No).

COUNCIL BUSINESS:

Discussion on LOC Legislative Priorities:

Mayor Andrews said LOC wanted four legislative priorities from Newberg, and he suggested those four be property tax reform, mental health investments, transportation funding, and housing assistance programs. There was discussion on other ideas such as the Oregon Energy Code, disaster mapping, 9-1-1 Communications, PERS, and the Handy issue.

MOTION: Johnson/McKinney moved to have the following LOC Priorities for cities. 1) Property Tax reform 2) Transportation Funding and Policy 3) 9-1-1 Communications 4) Mental Health and 5) the Handy issue. Motion carried (7 Yes/0 No).

Councilor Johnson suggested sending a secondary priorities list to include disaster mapping, housing, and Energy Code.

Discussion on suggestion boxes:

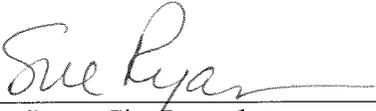
CM Hannan said in the past there had been suggestion boxes, but they had not received a tremendous response. It was important to get suggestions from the public, but there might be a better way, such as through electronic methods. Mayor Andrews explained the issues that had come up with the suggestion boxes in the past. There was a discussion on how the City should handle suggestions and complaints. City Recorder Ryan explained the system used by the City of Canby. There was further discussion regarding a complaint about tree trimming. There was consensus to continue to have people send complaints to the City by phone or electronically and staff's response was sent to the Council. There were certain issues and projects where the public was asked for their opinions and during the Council's goal setting the issue of creating a benchmark could be discussed.

Mayor Andrews discussed the Council's and Poysdorf Sister City delegation's participation in the Old Fashioned Festival Parade. He explained the delegation's schedule of activities while they were in Oregon. He showed them a medal from the Special Olympics given to him from Ken Austin who wanted the City to have it on display. There was a Sister City display in City Hall and he encouraged the Council to check it out.

Councilor Bacon said she had been approached by a few city employees about banning smoking on City property like the School District did. She asked if that was a possibility. CA Stone said there were areas outside of City Hall where people smoked, and most of those people were not City employees. He would look to see if there was a smoking prohibition passed by a previous Council.

ADJOURNMENT: The meeting was adjourned at 9:05 p.m.

ADOPTED by the Newberg City Council this 15th day of August, 2016.



Sue Ryan, City Recorder

ATTESTED by the Mayor this 15th day of August, 2016.



Bob Andrews, Mayor