MINUTES OF THE NEWBERG CITY COUNCIL

Monday, 7:30 p.m. **August 1, 1994**

Newberg Public Library

I. CALL MEETING TO ORDER

Mayor Proctor called the meeting to order at 7:30 p.m.

II. ROLL CALL

PRESENT:
Roger Gano (RG)
Roger Currier (RC)
Dave McMullen (DMc)
Robert Weaver (RW)
Donna McCain (DM)
Don Wright (DW)
T. Dan Wollam (TDW)

VACANT: **(1) Corinne Adams**

STAFF PRESENT: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Peggy R. Hall, Assistant City Recorder
Bob Tardiff, Police Chief
Greg Scoles, Community Development Director
Katherine Tri, Finance Director
Michael Sherman, Fire Chief
Stan Newland, Police Department

OTHERS PRESENT: Curtis Walker, Gary Warrington, Ann Pesola, Mary Post, Glen Post, Kenneth Andrews

III. CONSENT CALENDAR

1. Approve minutes from Regular Council meetings held on April 4, 1994, April 19, 1994, May 2, 1994, May 17, 1994 and June 6, 1994 and Work Sessions held on June 21, 1994 and July 21, 1994.

2. Motion to approve contract with Mid-Willamette Valley Council of Governments/City of Newberg to provide grant administration services for the Oregon Community Development Block Grant for the Senior Center.

MOTION: RG/DW to approve the consent calendar with the changes in the minutes as noted in the work session. (7 Yes/1 Vacant). Motion carried.

IV. PUBLIC HEARING

1. **Ordinance No. 94-2384** changing the City of Newberg Comprehensive Plan and adopting the Transportation System Plan.

   Resolution no. 94-1853 making recommendations to Yamhill County regarding street connections outside the city of Newberg jurisdiction.

   This public hearing is on the record as provided for in the City Ordinances regarding changes to the Comprehensive Plan.

TDM noted that after extensive hearings before the Planning Commission, this public hearing would be in the legislative format which is separate from the quasi-judicial format. Declarations of conflicts of interest, ex parte contacts or objections to jurisdiction should be made at this time. This matter is a comprehensive plan amendment and zone change. The record was established at the Planning Commission level and is before the Council. The Council does not anticipate to take in oral testimony. There were no objections to jurisdiction, conflicts of interest nor ex parte contacts.

DRC reviewed the staff report advising that this matter involves the transportation plan changing the comprehensive plan of the City. There are 14 goals (guidelines), one of which is the transportation plan. DRC provided a background on the technical report that was prepared for the transportation system plan. This was enacted due to the Federal and State regulations. The US does not have a clear transportation policy. Newberg must adopt policies and change the comprehensive plan. When a developer comes in to develop the property, he must comply with the regulations and keep in mind the potential bypass project. The City still must review the subdivision ordinance and the zoning ordinance to comply with requirements in the comprehensive plan. The transportation system plan was labeled "from foot to flight" by former Council member Scott E. Reinhardt. DRC reviewed the two processes (informal and formal). The information process started in January, 1992 with the enactment of an ad hod advisory committee arriving from Chehalem Future Focus. The transportation vision produced a survey and found that the number one concern was transportation. The formal process is made through the Newberg Urban Area Management Committee (NUAMC) and the Planning Commission. DRC reviewed the process in which the NUAMC and the Planning Commission arrived at their conclusions by June, 1994 with the Planning Commission recommending approval of the transportation system plan to the City Council.

Greg Scoles, Community Development Director, stated that the City went through a reorganization process combining departments (engineering, building, planning and public works). The Planning Commission, with the help of the Community Development

Department, began the study and review and revision of the comprehensive plan in the latter part of 1993. The first hearing before the Planning Commission was in January, 1994. ODOT stated that the bypass project was no longer part of the state's process for improvements. Prior to that, we all thought the bypass would be a "go", but was told that it was not likely a part of the planning period for the state for about 20 years. The Planning Commission sent the plan back to the consultant for consideration due to the indefinite delay of the bypass. The Addendum that is before the Council is the study that was made on what would happen without the bypass (need for signals, realignment of streets, Hwy. 99W would be widened to six lanes, redevelopment of 11th and Wynooski Streets and a signal at Wynooski and Hwy. 219, etc.) Billions of dollars would have been spent on the bypass - $45.9 million. The City went through and redesigned the project with a projected expenditure of approximately $3.5 million. The potential of $12 million in system development charges would help the cost of widening the roads. The Planning Commission was to produce an ordinance adopting the addendum and the transportation system plan as a technical supplement to the comprehensive plan. In addition, the Council would need to adopt a resolution addressed to the County requesting that property outside the urban growth boundary be part of the County's jurisdiction and work with the City in developing a coordinated system.

DRC reviewed the policy and goals:

1. Goal 1 - Establish cooperative agreements to address transportation based planning, development, operation and maintenance.

2. Goal 2 - Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

3. Goal 3 - Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

4. Goal 4 - Minimize the impact of regional traffic on the local transportation system.

5. Goal 5 - Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

6. Goal 6 - Provide effective level of non-auto oriented support facilities (e.g., bus shelters, bicycle racks, etc.)

7. Goal 7 - Minimize the capital improvement and community costs to implement the transportation plan.

8. Goal 8 - Maintain and enhance the City's image, character and quality of life.

9. Goal 9 - Create effective circulation and access for the local transportation system.

10. Goal 10 - Promote a safe transportation system for all users including vehicle operators, pedestrians, passengers and property owners by defining effective safety criteria for all transportation system improvements.

11. Goal 11 - Maintain the viability of existing rail, water and air transportation systems.

12. Goal 12 - Establish fair and equitable distribution of transportation improvement costs.

It is staff's recommendation that the Council adopt the Ordinance and Resolution. Councilor DW asked what if there were changes later on (year from now), how would they be handled. DRC stated that either a new Resolution could be done or revised the present one. Councilor RC discussed his concerns for the historic district and how the proposed changes would affect that district.

Mayor Proctor asked for any further input from the audience that was not already said or placed in the record. TDM stated that the City Council has heard and reviewed all the testimony before it and before the Planning Commission and NUAMC Committee as noted in the record. By vote, the Council could reopen the hearing to allow for further public input. TDM also added that if anyone requested to have the Council re-open the public hearing, they should say so now. Mayor Proctor asked Mr. Kenneth Andrews, Mary Post and Glen Post if they had any questions. They reported none.

Gary Warrington, 4307 Bird Haven Loop, Newberg, Oregon, stated that he had a problem with the timing in that the planners that were present during the beginning of the process are no longer here and believe that this should be reconsidered.

Mayor Proctor closed the hearing. Discussion was held on rescheduling. Councilor Dmc stated that there was a substantial amount of information that needed to be reviewed and he was not able to review prior to the meeting. He stated that he would abstain from voting because he was without sufficient knowledge to make a decision.

MOTION: RG/DW to read **Ordinance No. 94-2384** by title only. TDM read **Ordinance No. 94-2384** by title only. (6 yes/1 Abstain(Dmc)/1 Vacant). Motion carried.

MOTION: RG/DW to approve **Resolution No. 94-1853.** (6 Yes/1 Abstain (Dmc)/1 Vacant). Motion carried.

2. **Ordinance No. 94-2385** declaring an annexation of one parcel totalling 12.6 acres with the N.W. Newberg Specific Plan withdrawing from the Newberg Rural Fire Protection District together with a zone change

from a County AF-10 (Agricultural/Forestry - 10 Acre minimum) zoning designation to a City R-1/SP (Low Density Residential/Specific Plan) zoning designation. The site is located north of Henry Road; east of North College Street.

Mayor Proctor called for any conflicts of interest, abstentions, ex parte contacts or objections to jurisdiction. Councilor DW stated that he has a casual relationship with the developer but felt he could vote on the matter.

DRC added that this is a 12.68 acre parcel. On July 18, 1994, the Planning Commission decided to recommended the rezoning of this property to R-1. Councilor RC stated his opposition to the project because of the overcrowding in the area, primarily at the new school project. Councilor RC stated that there is a convenience store at the corner of Foothills Drive intersection. 600 homes are anticipated to be added. An estimated 2,000 cars per day will be added to the already crowded streets and roads.

Mayor Proctor noted for the record a copy of the letter Mrs. Darla Baxter received from ODOT concerning Hwy. 219 and Foothills Drive intersection. ODOT stated that they had no plans for installation of a traffic light at Hwy. 219 at this time. Mayor Proctor stated that the City needs to get clarification from the State on these types of issues before it proceeds.

Curtis Walker, 29500 NE Benjamin Road, Newberg, Oregon, stated the he requested that the Council approve the annexation and was present to answer any questions that the Council may have. Councilor DW asked about the tree removal plan. Mr. Walker stated that he is working on the bids.

Mayor Proctor closed the public hearing. DRC stated that it was staff's recommendation to approve the annexation.

MOTION: RW/DM to approve **Ordinance No. 94-2385** and read the Ordinance by title only. TDM read **Ordinance No. 94-2385** by title only. (6 yes/1 No(RC)/1 Vacant). Motion carried.

3. Continue public hearing on Horizon Construction project.

Mayor Proctor called for any objections to jurisdictions, abstentions, conflicts of interest or ex parte contacts. Councilors RC and Dmc stated that they continued their abstention due to conflicts of interest. DRC stated that the record would remain open to allow 14 days for further written testimony (applicant has 7 days to respond to testimony received and others have an additional 7 days to provide written testimony to the applicant's written testimony). DRC stated that it is staff's recommendation to have the Council:

1. Give staff direction to approve the conditional use permit; or

2. Determine that the conditional use permit is not acceptable or appropriate at that location and deny the conditional use permit; or

3. Refer the application for the conditional use permit to the Planning Commission for further review for conditions for approval.

DRC stated that staff requests that the matter be referred to the September 6, 1994 City Council meeting. Greg Scoles stated that conditions for approval would be difficult to prepare in the time frame.

MOTION: RG/DM to close the public hearing. (5 Yes/2 Abstain(RD/DMc)/1 Vacant). Motion carried.

MOTION: DW/RW to leave the testimony open for two weeks as previous noted and return the matter for the September 6, 1994 City Council meeting to deliberate on the record and testimony presented. (5 Yes/2 Abstain(RC/DMc)/1 Vacant). Motion carried.

DRC stated that Wallace Lien, attorney for the applicant was not in attendance and he will notice Mr. Lien and advise him of the opportunity to respond. Discussion was held concerning further continuances due to receipt of any additional testimony after the 14 days. The additional testimony received for the Council meeting was a letter from George Alexander in opposition, a letter from Sam Whitney (Sportsman Airpark) in opposition and a packet of information from Wallace Lien.

V. CONTINUED BUSINESS

None.

VI. NEW BUSINESS

1. **Resolution No. 94-1854** adopting a policy regarding use of excessive force by the City of Newberg.

MOTION: RG/DW to adopt **Resolution No. 94-1858**. (7 Yes/1 Vacant). Motion carried.

2. Motion initiating a vacation of the existing alley right-of-way in Block 4 Central Addition and the Franklin Street right-of-way between Garfield and the railroad tracks and setting a public hearing for September 6, 1994.

MOTION: RG/DW to initiate a vacation of the existing alley right-of-way. (7 Yes/1 Vacant). Motion carried.

3. Motion to appoint Alan Larking and Marie Hansen to an Economic Development Loan Review Committee. One City Council member is needed to complete the committee and shall be appointed at the meeting.

MOTION: DW/RG to appoint Alan Larking, Marie Hansen and Councilor Dave McMullen to the Economic Development Loan Review Committee. In addition, after the November, 1994 election, that an alternate Council representative be chosen in the event Councilor Dmc would not be able to attend any one of the Committee meetings. (7 Yes/1 Vacant). Motion carried.

4. **Resolution No. 94-1855** authorizing the City Manager to enter into a professional services agreement with Crane and Merseth Engineering, Inc. to provide consulting engineering services to develop a sewerage plan for the area east of the Wastewater Treatment Plant.

MOTION: RG/DM to adopt **Resolution No.94-1855**. (7 Yes/1 Vacant). Motion carried.

5. **Resolution No. 94-1856** authorizing the City Manager to award the bid for the 1994 asphalt slurry seal contract to the lowest qualified bidder.

MOTION: RG/DW to adopt **Resolution No. 94-1856**. (7 Yes/1 Vacant). Motion carried.

6. **Resolution No. 94-1857** establishing the Firemed Subscription program for ambulance service and setting the rates.

MOTION: RG/DW to adopt **Resolution No.94-1857.** (7 Yes/1 Vacant). Motion carried.

VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

DRC shared with the Council how impressed he was with City staff working through the night to clean-up First Street after the parade for the Old Fashioned Festival. Mayor Proctor and Councilor RW further reiterated how well City staff handled the Festival. Mayor Proctor additionally thank the Fire Department and the Police Department for their help. Councilor RW wanted to thank the Al Kader Shriners for bringing color and music to the Festival. Councilor RW stated that the Newberg Free Methodist Church provided lunches for the group. Mayor Proctor asked that Stan Newland thank the motor officers from around the area for their participation.

1. Report from Newberg Area Chamber of Commerce regarding Newberg Visitor Information Center.

Ann Pesola, Executive Director of the Newberg Area Chamber of Commerce, provided information on the visitor information center:

	This Year	**Last year**
Mail requests - first six months	159	133
Telephone inquiries - first six months	4982	4576
Visitor inquiries - first six months	4483	3865

Ms. Pesola reviewed the brochure with the Council. There were 10,000 printed and copies are available at Chamber offices. Ms. Pesola reviewed the activities coming up: Jazzed About Art (August 6th), Herbert Hoover's 120th Birthday celebration (August 13th), and the Vintage Festival (September 10th).

Councilor RG asked Ms. Pesola if there was any way of reporting the economic impact generated due to the various events which would include the Old Fashioned Festival. Ms. Pesola stated that there is no record that she is aware of, but that she could contact the State and see if they have any statistical information. She would report to the Council at its next meeting.

Councilor RW reviewed with the Council and audience the positive feedback he received while assisting in the "City in the Park" booth at the Old Fashioned Festival. The booth was furnished as a courtesy by Smurfit. Mayor Proctor thanked Smurfit for their donation.

MOTION: RG/DW to adjourn into executive session at 9:00 p.m. (7 Yes/1 Vacant). Motion carried.

X. EXECUTIVE SESSION

1. Executive session pursuant to ORS 192.660(1)(e) relating to a real property transaction and ORS 192.660(1)(a) relating to employment of the City Manager or City Attorney.

Duane R. Cole
Duane R. Cole
City Recorder

Donna Proctor
Donna Proctor, Mayor