

MINUTES OF THE NEWBERG CITY COUNCIL
MONDAY, MAY 3, 1999
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Cox called the meeting to order.

II. ROLL CALL

Roger Currier (RC)	Alfred Howe (FH)
Donna McCain (DM)	F. Robert Weaver (RW)
Lisa Helikson (LH)	Brett Veatch (BV)

Staff Present: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Larry Anderson, Engineering Manager
Barton Brierley, Planning Manager
Peggy Nicholas, Recording Secretary

OTHERS

PRESENT: Kelli Highley, David A. Galati, Loretta Hubbell

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. COMMUNICATIONS FROM THE FLOOR

Ms. Loretta Hubbell, 210 S. Church Street, Newberg, reviewed her situation with the vehicles on her property. She said that she did not relicense her truck when it expired. She further discussed there are issues going on in the City that people have concerns and that the Council should listen:

1. Traffic on Villa Road.
2. Getting into neighborhood parking restrictions (St. Paul Highway near care home due to construction of bike lane). The people who live in the area cannot park there. There are problems with mail delivery, etc.
3. Speed limit coming from airport (posted 55 mph signs after the airport road sign). The speed limit is too fast there.

Councilor DM said that the portion of the highway near the airport is controlled by the State. Discussion was held concerning where people go to inquire about issues similar to her concerns. DRC said that he would work with the Traffic Safety Committee, the various departments and the State concerning the highways. DRC said that if any citizen has a problem, they should contact him, or the Mayor or members of the City Council. If they are not satisfied with the response from staff he asked that they contact the City Manager.

Councilor RC said that a comment or suggestion box located around City departments could be used on a meeting night and reviewed through the Friday update.

Councilor RC discussed the BMX bike track being built in the area and whether or not the neighbors had been contacted prior to the building of the track.

Mr. Brierley said CPRD will be filing an application and the neighbors will be notified shortly. Discussion was held concerning the adjacent County property.

Mr. David Galati, Council of Governments (COG), presented an update of some of the activities of the COG over the past few years (fact sheet). He said that the COG focuses on issues, and not on political platforms. He reviewed the COG's major purpose (item number 4 of the fact sheet). He discussed "summits" on large regional subjects. He addressed how the COG assists local governments to handle land use issues. Mr. Galati noted that the COG provided assistance with a \$40,000 grant on wetlands issues. They facilitate regional planning by using lottery funds. They have closed 25 loans which created \$6M. There are 21 loans in the Newberg area to provide funding for local areas. They are providing CDBG grants facilitation and administration along with Council team building and goal setting. The COG appreciates the membership in the organization and they will continue to do more in the future.

Councilor RW said he is pleased with Mayor Cox getting involved and they are seeing the payoff from that. Discussion was held concerning the area of West Salem is part of the City of Salem (Polk County).

Mr. Galatti said that Mayor Cox has attended all the meetings.

V. CONSENT CALENDAR

1. **Resolution No. 99-2178** authorizing the replacement purchase of Public Works backhoes.
2. Annual Report Newberg Sisters of Providence from Definitive Agreement

MOTION: RW/FH to approve the consent calendar. (Unanimous). Motion carried.

DRC said an audit report will follow and reviewed by the City Council at a later time.

VI. PUBLIC HEARING

1. Public hearing on Development Code Text Amendment requiring a Type 3 review for subdivisions. File No. G-42-99

Ordinance No. 99-2511 amending the Development Code test requiring a Type III review for subdivisions, together with exceptions for certain small subdivisions and for subdivisions covered under a Specific Area Plan.

Mr. Barton Brierley reviewed the staff report. The changes were initiated on behalf of the Planning Commission. Staff and the Commission recommend adoption. Mr. Brierley provided the background on the request. Type II applications are reviewed by staff. Appeals are taken to the Planning Commission. Type III applications are reviewed by Planning Commission with appeals to the City Council. The Commission is asking that all Type III (except 10 or fewer lots and without stream corridors), would be reviewed by the Commission. The Commission would be a policy recommending body and the other would be the quasi-judicial role (listen to the public, take the comments into account and review design standards).

Discussion was held concerning the reason for changing the process and the logic behind it. Mr. Brierley said the Commission believed that they should see how the rules work, what were the issues and the necessary changes to avoid certain situations, etc. The Commission felt that there were changes in the rules that could be made. Discussion was held concerning the additional load of the Commission and if additional projects were added, it may cause some strain on their already busy schedule. Mr. Brierley said it would not be an extreme strain to their workload.

Councilor RW said he thought that the Commission's major concern appeared to be a lack of public involvement with the process that is being used right now. Mr. Brierley said that people are notified and written comments would be provided (as well as oral comments). Mr. Brierley said there is not now a forum to comment on a subdivision in a written format. The process now allows for an oral format. There is no cost to request a hearing at the Planning Commission. If they wait until a decision is made, an appeal must be filed with a cost of \$500.

Discussion was held concerning the fee schedule for appeals and Type II processes. Mr. Brierley said the fee schedule does not take into account the public hearing process (about \$500 per subdivision) for developments over 10 units.

Mayor Cox said he is not sure if the Commission is wanting the Council to "roll back" the decision. Discussion was held concerning backtracking and having unnecessary steps.

Councilor RC said he supports public involvement and accountability in the system and he questioned the appeal fee of \$500, but he would support the ordinance.

Mayor Cox closed the public hearing. Mayor Cox asked for declarations of conflicts of interest. TDM said that it is a legislative hearing and no ex parte contacts need to be declared.

Councilor RW said the public should be involved and as often as they should, why is there a need to do so.

Councilor FH noted the reason for choosing subdivisions of less than 10 dwelling units for Commission review. Mr. Brierley said that smaller subdivisions have much less discretion, and with larger subdivisions, there were more options. Discussion was held concerning land divisions containing 11 or more lots (limited to Type III process). Mr. Brierley said the way the Code is set up, all subdivisions are Type III unless they meet certain exceptions. The change is tightening up the exemptions. Further discussion was held concerning public noticing and post of the property (14 days prior to decision by staff). Any person could call up and request a hearing (in writing) - "anyone" which could include a person who does not reside in the City. He said he feels that the City currently has ample opportunities in allowing people to make comments, either in response to a notice or at a hearing. He said he feels the City goes above and beyond the requirement. The Commission is a policy making body in terms of development. He does not see a need to expand what the City is now doing.

MOTION: RW/BV to not adopt the proposal because it does appear there is plenty of allowance for public involvement and there is not a significant reason for change. They can evaluation how the policy works in a case study format for approval. (5 Yes/1 No (RC). Motion carried.

TDM said that the Council should make findings of fact. TDM reviewed the findings as noted by the Council.

2. Public hearing on annexation request of a 7.9 acre Waterbury Annexation parcel. Applicant is Westlake Consultants, Inc. located in the 700 block of S. Springbrook Road. Tax Lot No. 3221-1700

Ordinance No. 99-2506 declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from an AF-10 to an M-2 zoning designation. The site is located in the 700 Block of S. Springbrook Road.
Resolution No. 99-2164 authorizing and directing the City Elections Officer to certify to the Yamhill County Clerk a ballot title for a measure to be submitted to the electorate of the City of Newberg for their approval of an annexation request. (Continued from 4/5/99)

MOTION: RC/BV to postpone the public hearing to June 7th. (Unanimous). Motion carried.

2. Public hearing to update the Transportation System Development Charge
Resolution No. 99-2169 updating the Transportation System Development Charges methodology report. (Continued from 4/5/99)

Ms. Kelli Highley, 619 S. River Street, Newberg, discussed the Renaissance Development SDC issue (Hwy 219 and Second Street). The Council denied the request. She said that she would like to state for the record that any further action she would appeal. The SDC portion

should not include the signal. DRC said the property has to be annexed first, but that notice would be provided.

Mr. Larry Anderson, Engineering Supervisor, said there was a meeting with the Homebuilder's Association and that staff would review the projects to insure that they met the rules of the law. Staff is reviewing bicycle pedestrian funding (splitting the costs with bond proceeds and SDC's); some signals at intersections (which were adopted through SDC's in 1994) and that we should not be using already "at capacity" intersections. They are taking the neighborhood traffic management program out (\$20,000 every five years to fund neighborhood traffic management out); Discussion was held concerning meeting with the Homebuilder's Association. Mr. Anderson said that notice would be given to everyone who participated.

Councilor FH asked for information that the staff received which changed the methodology of specific projects. Councilor RC asked if it would be beneficial to have everyone meet again to define issues. Mr. Andersen said the methodology would be the same.

Councilor LH said that the Council will receive the information as others (30 days time period).

Councilor FH asked how much would be expended to change the process. Mr. Anderson said they would not be using much of a consultant's time. He requested that the update include all expenses.

MOTION: RC/BV to postpone the matter to the June 21st meeting. (Unanimous). Motion carried.

VII. CONTINUED BUSINESS

1. Status Report on City Hall Project (Information to be given out at meeting.)

DRC reviewed schematic designs (value engineering for costs). The project is in the design development stage. He reviewed the changes as noted in the staff report.

Councilor RC said he feels that the number of outlets proposed are never enough and that putting in duplex outlets would be more efficient. DRC reviewed Design Development Phase:

- **Changed temperature controls.**
- **Provide hollow metal doors and relight frames, not stained wood frames**
- **Modify wood window design**
- **Delete ramp at south side entrance - replace with landscaping**
- **Eliminate 2HVAC zones per floor**
- **Delete toilet partitions and provide lockable doors**
- **Reduce carpet budget from \$3 to \$2.5 sq. ft.**

- **Total of deleted items - \$80,278.**
- **Bid alternate #1 - fabric wrap panels in conference room (fabric cork board)**
- **Bid Alternate #2 - Leave infill at historic west wall (Bunn property)**
TOTAL alternate items \$6,087.
- **Items not considered:**
- **New windows in second floor offices**
- **Provide drywall at elevator walls in lieu of wood paneling**
Fire sprinkler system
TOTAL items not considered \$65,816.00

Councilor RC asked about the atrium proposal. DRC said the atrium would provide light and that the original building did have an atrium. DRC further reviewed the changes:

Construction: \$2,455,530 \$130.96 sq. Ft.
Up from \$2,445,712 in late December.
Total project cost \$3,230,162

DRC provided an update of the radio condition with the County and the City of Dundee. He will send a letter on the City's position and intended to host a public forum for the plan. The County plans to upgrade their radio system from low band to a 450mhz system. Newberg is currently on an 800mhz system. DRC reviewed the following:

1. No taxation for the Newberg area (should not be taxed to pay for their system).
2. Balance of County system to provide linkage to City's system
3. Newberg would consider consolidation system with Newberg as hub (look as alternative).
4. A City staff does not have a position on their levy since the Newberg area is not included in the levy.
5. Agreement that they need to do something to improve their radio system

He would like to communicate to the County the need for a special meeting or a forum to answer questions which would take place after the budget process. Discussion was held concerning the purchase of additional equipment.

VIII. NEW BUSINESS

1. Presentation by Melissa Leoni, from the Yamhill County Basin Council.

Ms. Leoni is a Coordinator for YCBC, a 24 member local advisory board formed in 1995

who assisted in adopting a 1996 water action plan. Ms. Leoni discussed the endangered species (Steel head) Act. She reviewed the storm drain projects. She asked for community groups who were looking for projects to do. They want to put on watershed workshops; water quality, water source, water management. Discussion was held concerning water source issues.

Councilor FH asked about YCBC's "silence" position on the asphalt plant project. Ms. Leoni said they tend to focus on the tributaries, (Chehalem, Hess and Springbrook Creeks), and because of the diverse membership, it is hard to take a stand on some of the issues. It may be something to address before the Council what the City's position is.

Councilor RC asked if the Council could get involved in the Brutscher to Main Street project. One of the main parts of the project is to put a bridge over Hess Creek. Discussion was held concerning stream restoration and the creation of a bridge across Hess Creek.

Ms. Leoni said the meetings are held on the second Thursday of each month from March through October (7:00 p.m.) in Room 32 of the Yamhill County Courthouse. The agenda goes out one week before the meeting, or for those that are interested she can send them out electronically.

Resolution No. 99-2174 entering into and accepting Lease Agreement between City of Newberg and Yamhill County concerning the expansion of Roger's Landing Marine Park.

TDM reviewed the property lease on Roger's Landing. The Marine Board will expand the area, provide more parking and make Roger's Landing a better facility.

MOTION: FH/BV to approve **Resolution No. 99-2174**. (Unanimous). Motion carried.

MOTION: RW/LH to adjourn at 8:33 p.m. (Unanimous). Motion carried.

IX. EXECUTIVE SESSION

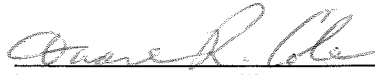
1. Executive Session pursuant to ORS 192.660(1)(d) relating to Labor Negotiations.
2. Executive Session pursuant to ORS 192.660(1)(e) relating to a Real Property Transaction.

The executive session was held prior to the regular meeting of the Council.

X.

ADJOURNMENT

ADOPTED by the Newberg City Council this 4th day of October, 1999.



Duane R. Cole, City Recorder

ATTEST by the Mayor this 8 day of October, 1999.



Charles B. Cox, Mayor