

# MINUTES FOR THE NEWBERG CITY COUNCIL

**MONDAY, APRIL 3, 2000**

**7:00 P.M. MEETING**

**PUBLIC SAFETY BUILDING - TRAINING ROOM**

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## **I. CALL MEETING TO ORDER**

Mayor Cox called the meeting to order.

## **II. ROLL CALL**

**Roger Currier (RC)**

**Noelle Wilson (NW)**

**F. Robert Weaver (RW)**

**Lisa Helikson (LH)**

**Brett Veatch (BV)**

**Absent: Donna McCain (DM)**

### **Staff**

**Present:** Duane R. Cole, City Manager (DRC)  
Terrence D. Mahr, City Attorney (TDM)  
Mike Soderquist, Community Development Director  
Barton Brierley, Planning Director  
Kathy Tri, Finance Director  
Bob Tardiff, Chief of Police  
Norma Alley, Recording Secretary

### **Others**

**Present:** Kelli Highley, Darlyn Adams, Mike McBride, John Bridges, Ron Fulham,

## **III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

## **IV. COMMUNICATIONS FROM THE FLOOR**

**Ms. Darlyn Adams, 131 Johanna Ct., Newberg,** announced that the next Animal Shelter Friends meeting is April 26, 2000, at 7:00 p.m., in the Public Safety Building. Ms. Adams reviewed what they discussed at the last meeting. Ms. Adams inquired about the location of the Asphalt plant. Mayor Cox said that the plans have not been decided but it is his impression that it is going to be on the back end of the Waste Water Treatment Plant. DRC said the asphalt plant issue is scheduled for a Public Hearing on April 17<sup>th</sup>.

**Mrs. Kathy Tri, Finance Director,** reported about current bonds the City holds. Mrs. Tri said Friday the City made their last payment on one of the bonds. Mrs. Tri said in 2004 the Wastewater Treatment Plant bonds will be paid in full.

Mayor Cox announced that an ad-hoc committee for the Animal Shelter Friends has been

formed. The Council would like to leave the membership open for appointment. The Council appreciates every ones time.

**V. CONSENT CALENDAR**

1. Approve Council meeting minutes from Regular Meeting held on January 18, 2000; Regular Meeting held on February 7, 2000; and Council Retreat held on March 13, 2000.
2. Proclamation declaring April 15, 2000 as MS Walk Day in the City of Newberg.

<b>MOTION:</b>	RC/LH - to approve Council meeting minutes from the Regular Meeting held on January 18, 2000; Regular Meeting held on February 7, 2000; and Council Retreat held on March 13, 2000 and declare April 15, 2000 as MS Walk Day in the City of Newberg. (5 yes/1 absent [DM]). Motion Carried.
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**VI. PUBLIC HEARING**

1. Public hearing on a zone change for property located at 1538 E. First Street for Mike McBride. **Ordinance 2000-2525** approving the zone change from R-2 Medium Density Residential to R-P Residential Professional for said property located at 1538 E. First Street tax lot 3220BA-2000.

Mayor Cox called for Declaration of Conflict of Interest or Abstentions.

Councilor Veatch said he has a Potential Conflict of Interest because he was involved with the transaction of this property.

Mayor Cox called for Ex-parte contact or objections. None Stated.

Barton Brierley discussed the staff report. This concerns the property located on St. Paul Highway near the intersection of Villa Road. This property is 14 thousand square feet and contains a single family home. The request is to change the zone from R-2 to R-P. If this zone change is approved the applicants intended use is for an insurance office. In reviewing the NDC 10.40.332 and Urban Design Policy 1(t) the City finds the application suits the area quite well. You have intense commercial use in the North and residential in the South. This application would create a buffer for this area. This is a high traffic area and high exposure area and is not appropriate for residential or high commercial use. The Residential Professional zone is going to be a perfect fit. Staff recommends adoption.

Councilor RC expressed concerns because the R-P near this property has been a continuous problem in the area. He was concerned with the over flow parking and use of the property in the future. Barton Brierley said all the parking is in the front, but the actual use of the property could change since there are a number of different uses allowed in R-P.

**Proponent:**

**Mr. John Bridges, applicant Attorney, 515 E. 1<sup>st</sup> St., Newberg,** said the parking we are providing is up to design standards and we are providing one more parking space than required. To touch on the overflow parking, the gravel in the back is not for over flow but is going to be used for deliveries. He said he would be available to answer any questions which might arise.

**Opponent:**

None

**Deliberation:**

DRC said the R-P zoning allows nursing homes as a conditional use but if the applicant wants high density he will have to come bring it back to the Council for a zone change.

Applicant waived his rights.

<b>MOTION:</b>	RC/BV - to read <b>Ordinance No. 2000-2525</b> by title only. (5 yes/1 absent [DM]).  TDM read by title only.
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<b>ROLL CALL VOTE:</b>	(5 yes/1 absent [DM]). Motion Carried.
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**VII. CONTINUED BUSINESS**

1. **Resolution No. 2000-2228** approving the adoption of revisions to the City Council Meeting expectations and City Council guidelines.

**Ms. Kelli Highley, 619 S. River St., Newberg,** expressed her concern that the public may not have ample time to participate. Ms. Highley suggested that all the Council members have more interaction during deliberation and everyone expresses their opinions.

**Mr. Ron Fulham, 3504 Vittoria Way, Newberg,** said his concern with these new procedures is the time limitation for public speaking. Mr. Fulham suggested rewording item seven of the proposal for grammar changes.

DRC went through the changes to Resolution No. 2000-2228.

Councilor RC said I disagree with this entirely. We work for the people and to shut them off is not justifiable.

Mayor Cox said we are trying to restructure the meeting. This is not an attempt to cut people off.

Councilor RW said the intention of the Council is honorable. I would like to give this a try and then evaluate it openly. If it needs to be changed then we take action.

Councilor LH agreed with that. I suggest we state on item eight of the Public Testimony

Procedures those who cannot behave appropriately be escorted from the premises (page 67 of packet).

Councilor RC said then you might need to define appropriate.

Councilor NW suggested using the word disruptive instead of appropriately.

Councilor RW asked does this apply to Council Members? TDM said it could very well.

<b>MOTION:</b>	RC/LH - to approve <b>Resolution No. 2000-2228</b> with amendments to item eight to say Offensive, Confrontational, belligerent or unfriendly communication or behavior is not acceptable. A Police Officer is usually present at Council Meetings and will escort those who are disruptive and to reevaluated the policy in six months. (5 yes/1 absent [DM]). Motion Carried.
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2. **Resolution No. 2000-2230** establishing the City's policy direction regarding the final preparation of the Brutscher to Main Project.

**Ms. Kelli Highley, 619 S. River, Newberg**, expressed her concern of the City paying 1.1 million dollars. Ms. Highley asked if the trees on the North side of the creek were going to be left or cut down?

DRC said the discussion item is whether to postpone the start date of the project from August to March. The move of the utilities will start this summer. Second, financial consideration of the project is that we work with ODOT to bring the price down. Third, the vegetation at the Hess Creek fill should be preserved as much as possible. The City is committed to keep as many trees as possible. I am understanding that there will be more clearing for a bio-swell to drain into Hess Creek.

Councilor RW asked what is ODOT not going to do that the City will need to do? If the City is paying then why should they say it's a cost? DRC said when the roads connect then the issue comes up of who pays.

Councilor RW said they are saying it is a timing thing. DRC said if you do it now the cost will be less then if it was done down the road.

Mayor Cox asked for further clarification on the water line. DRC said the water line is the City's project and not starting the water line would delay ODOT. This is not included in the \$1.1 million figure.

Councilor RC asked did we not do major improvements already? DRC said to his knowledge the City won't redo anything. The City has installed the T's at the intersections and now we need to connect them up.

Councilor RC said I don't believe ODOT is going to make up for the loss of parking spaces in the parking lot. We should have pushed ODOT to improve what we already have.

Councilor LH asked for clarification on the overlay program and what are we taking out of our availability at this time? DRC said in our budget we set aside \$35-40 thousand a year for roads.

Councilor RW said I feel the opportunity only knocks once or twice and we should take the opportunity when it is available. I believe we can enhance the entrance to Newberg by lighting and railing over Hess Creek.

Councilor NW asked is this the same list that ODOT has? DRC said yes.

**Mr. Dave Bishop, ODOT Area Manager**, said the project to be completed can be done in 2-3 seasons not 3-4 construction seasons. Also, the bid-let date we are targeting now is the middle of January. We moved it back about four months because the construction will begin about the same time. Mr. Bishop said some of the work that we are doing now is being done to expedite the project. On the right of way purchase this would become City property. We will work hard with you to maintain the current vegetation on the fill. We are adding the lane so maintaining all of it is just not possible. It is an opportunity to preserve the sense of entrance and over time to enhance it.

#### **Deliberation:**

Councilor LH asked if the City is agreeing to any amount? DRC said no. Staff will develop with ODOT a project agreement. Then the Council must approve it.

<b>MOTION:</b>	RW/BV - to approve <b>Resolution No. 2000-2230</b> . (4 yes/1 no [RC]/1 absent [DM]). Motion Carried.
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### **VIII. NEW BUSINESS**

1. **Resolution No. 2000-2227** recommending that Yamhill County approved with conditions an application for a partition for property within the Urban Reserve Area off Chehalem Drive, Tax Lot 3218BA-300.

Barton Brierley gave the staff report. This property is outside the City limits and is in the City Urban Reserve Area. Per the agreement with the county the applicant must come to Council for a recommendation before it goes to the county. The applicant would like to take this parcel (1) and divide it in half and create two one-acre parcels. This would include a future street. The staff recommends that the Council recommends approval of the application to the County.

Councilor RC asked for an explanation on the City criteria on access areas served to a dead end. Barton Brierley said for the current configuration being proposed it is more than we would allow today. In the future there would be an access around the parcel and it would meet the plans.

Councilor RC said it wouldn't now? Barton Brierley said it couldn't be developed until it was brought into the City and then we would require them to create the street.

Councilor RC said wouldn't it then be right of us to recommend it on our standards? Barton Brierley said the County doesn't have the same road standards. I don't recommend that

you approve this unless they show they are going to follow these standards in future dates.

<b>MOTION:</b>	RW/NW - to approve <b>Resolution No. 2000-2227</b> . (5 yes/1 absent [DM]). Motion Carried.
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2. **Resolution No. 2000-2229** authorizing a lease/purchase agreement whereby First Security Leasing Company provides the lease/purchase financing needed by the City of Newberg to fund the acquisition of four cars for use by the City of Newberg Police Department; and authorizing the Execution and delivery of the lease/purchase agreement and other matters pertaining thereto.

Bob Tardiff, said the proposal would allow us to lease purchase three to four cars. Kathy Tri has found that First Security would do the four-year lease.

Councilor RC asked what is the reason for four? Bob Tardiff said right now we have five detectives sharing four cars. This would replace the four that the five people are sharing. We are including the youth's crime position (work with schools), truancy officer, and detectives.

Mayor Cox asked what will happen with the existing four cars? Bob Tardiff said we were able to get them to extend for one month to allow time for the City to process the lease.

Councilor RW said how much business is this going to give the car company? Bob Tardiff said staff hasn't decided where the cars are going to come from. We are looking to purchase two locally and then two from the state somewhere.

Councilor RC said I would like to see hard tops.

Councilor LH asked if there a financial advantage to purchasing all at one time? Bob Tardiff said we are in need of two cars now and later would be looking at two more.

Councilor RW said I am concerned for our own businesses. It bothers me to take the business out of our community. Bob Tardiff said as long as we don't exceed \$25 thousand we are able to stay local.

Councilor RC said isn't it detrimental for an agency to have a car for five years for a detective? Bob Tardiff said the City will have a couple of different cars for them to use.

<b>MOTION:</b>	LH/RC - to approve <b>Resolution No. 2000-2229</b> . (5 yes/1 absent [DM]). Motion Carried.
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## IX. EXECUTIVE SESSION

Held during the Work Session as notified.

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

2. Executive Session pursuant to ORS 192.660(1)(h) relating to Pending Litigation.

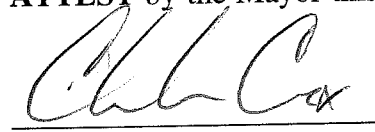
**X. ADJOURNMENT**

<b>MOTION:</b>	RC/RW - to adjourn at 8:23 p.m. (5 yes/1 absent [DM]). Motion Carried.
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**ADOPTED** by the Newberg City Council this 5<sup>th</sup> day of June, 2000.

  
Duane R. Cole, City Recorder

**ATTEST** by the Mayor this 16 day of June, 2000.

  
Charles B. Cox, Mayor