

# MINUTES FOR THE NEWBERG CITY COUNCIL

**MONDAY, MAY 15, 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)**

**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)

Mike Soderquist, Community Development Director

Barton Brierley, Planning Director

Larry Anderson, Division Manager

Kathy Tri, Finance Director

Norma Alley, Recording Secretary

### **Others**

#### **Present:**

Kelli Highley, Pat Haight,

## **III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

## **PUBLIC MEETING SECTION**

## **IV. PUBLIC COMMENTS**

**Ms. Pat Haight, 501 E. Illinois #12, Newberg,** read from ORS 294.336 - Budget Committee. Ms. Haight stated that she felt the Council did not follow this procedure while appointing the committee members. Ms. Haight is planning on going to the Board of Ethics and the Attorney General because she felt discriminated against.

TDM assured the Council that they appointed the Budget Committee appropriately and accurately.

**Ms. Kelli Highley, 619 S. River, Newberg,** requested the Council to speak into the microphones. Ms. Highley reported that on the public hearing regarding George Fox University there were not any Potential Conflicts of Interests stated. Yet, one of the homes moved off of the University's property went to a Council member. Ms. Highley said she read in the Graphic that

the Chamber of Commerce is a proponent of the asphalt plant. Ms. Highley asked if the City Manager had a vote in that since he is a member of the Chamber.

DRC said he is an ex-official member and does not vote on any issues of the chamber. He attends the meetings to provide information.

**Ms. Delores Payton, Advocate of Making Every Day Earth Day, 1200 E. Fourth, Newberg,** said she is looking for individuals to adopt a tree or community in Newberg. The person would take care of the tree or community once a month to beautify the downtown area. There has been 150 Blue Spruces donated and she is looking for volunteers to help in the group planting. Ms. Payton asked the Council to consider forming a committee to advocate Making Every Day Earth Day.

Councilor DM recommended for Ms. Payton to contact the downtown redevelopment committee.

**Ms. Darlyn Adams, 131 Johanna Ct., Newberg,** reported on the upcoming meeting for the Newberg Animal Shelter Friends on Wednesday, May 24, at 7:00 in the Public Safety Building Training Room. Ms. Adams said at the meeting they are going to be voting on the plans submitted to Planning. Ms. Adams announced that they are going to be in the parade and have a booth at the Old Fashioned Festival.

Councilor RC said about two meetings past he declared a conflict of interest voting on the Resolution for SP Newsprint. He mailed a letter to the Ethics Committee asking if he would be in violation if he voted. The response from the committee was no. This was for informational purposes for the Council.

## **V. CONSENT CALENDAR**

1. Appointment of Planning Commission Member:  
Louis Larson

**Mr. Louis Larson, 3220 Juniper Dr., Newberg,** said he has served on the Beaverton Planning Commission during the beginning of the light rail system. The reason he is interested in public service is because he has time on his hands and a desire to serve.

**Nomination:** RW/RC - Louis Larson (Unanimous).

## **VI. PUBLIC HEARING**

1. Continued public hearing regarding Baker Rock - Request for Council consideration of a potential zone change and Design Review application for an asphalt plant on Wynooski Street.

### **Proponent:**

**Mr. Jim Records, 21880 SW Farmington Rd., Beaverton,** addressed a few issues presented from April 17 hearing. Mr. Records reported statistics on the asphalt they are proposing to build (see statement in packet).

<b>MOTION:</b>	NW/BV - to show a video provided by Baker Rock. (5 yes/1 no [RC]). Motion Passed.
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Councilor LH asked if the equipment from the Beaverton plant is going to be moved here.

Mr. Records said that is correct.

Councilor DM asked if the Beaverton plant is going to move into another location.

Mr. Records said no.

**Mr. George Lewis, 1013 James, Newberg,** requested a favorable recommendation to the County Commissioners. Mr. Lewis submitted some facts regarding an asphalt plant (see statement in packet).

**Mr. Richard Meyer, 200 W. Second, Newberg,** said he is in favor of the Wynooski site because the trucks would not be running next to the City park.

**Mr. Keith Hay, 15775 Ribbon Ridge Road, Newberg,** said Baker Rock has made reasonable efforts to move their plant even though they have the green light to build on the river. The River Front is not mobile or economical like Wynooski. Mr. Hay urged the Council to approve the request.

Mr. Bart Rierson declined to speak.

**Mr. Jerry Dale, 501 Airpark Way, Newberg,** recommended for the Council to approve the zone change because a business builds tax base that homes do not.

**Mr. Grey Amsinger, 2212 Jody Ct., Newberg,** said anything the Council could do to help pave the way for future public use of the Willamette River would be valuable.

#### **Opponent:**

**Ms. Kelli Highley, 619 S. River, Newberg,** said the video presented at the meeting was misleading and asked staff to provide information from past Public Hearings to the new Council members. Ms. Highley shared her concerns about the street traffic on Fourteenth St., DEQ not monitoring Newberg air quality, the Southerly winds transporting the smell of the plant toward the homes and Hess Creek being located so close to the back of the plant. Ms. Highley suggested letting them build on the River Front because they would have to comply with Federal Environmental Regulations.

**Ms. Pat Haight, 501 E. Illinois #12, Newberg,** read from the Graphic dated Saturday, May 13, 2000. Ms. Haight expressed her concern for the noise, truck loads on the road and the safety of the children.

**Ms. Karen Jenks, 1500 Sandoz Rd. #1, Newberg,** said she was concerned for the property value of the homes in that location.

Ms. Rosella Heuer declined to speak

**Ms. Sharon Caldwell, 201 Bina Dr., Newberg,** passed out pictures of an asphalt plant in Dayton and Baker Rock's quarry. Ms. Caldwell said she opposes any asphalt plant in Newberg. Newberg already has a paper plant and a treatment plant. Trucks ruin quiet neighborhoods and endanger children. Newberg's future is wineries and beauty.

**Ms. Lynda Spaugh, 1500 Sandoz Rd., Newberg,** said she did not believe the Council was representing all of the citizens of Newberg. Ms. Spaugh said that her family has put money in their property and with an asphalt plant they are not going to be able to sell it. Ms. Spaugh encouraged the Council to say no to Baker Rock.

**Ms. Pauline Ogden, 1113 James Street, Newberg,** said the citizens of Newberg do not want an asphalt plant anywhere in Newberg. No matter where the plant is put it is affecting residential areas. Ms. Ogden said her husband has emphysema and heart failure and cannot breathe the air from a plant. Ms. Ogden reported that OSHA stated that asphalt fumes will cause headaches, skin rash, throat and eye irritation and a two-fold increase of getting Cancer and Leukemia.

**Mr. Bob Lauinger, 2213 Willow Drive, Newberg,** said he opposes the plant in Newberg and Yamhill County and urged the Council to oppose the plant in Newberg and Yamhill County.

**Ms. Marie Bellasario, 500 Wynooski, Newberg,** represented the Fingeruts and herself. Ms. Bellasario read a letter from the Fingeruts (see the letter in packet). Ms. Bellasario said she opposes the location of the asphalt plant and urged the Council to oppose any asphalt plant in Newberg.

**Mr. Bob Botts, 8640 NE Dog Ridge Rd., Newberg,** said there is no way to make an asphalt plant look or smell nice. Mr. Botts said he opposes this because he does not want to leave his home.

**Ms. Virginia Jungwirth, 410 S. School, Newberg,** said she opposes this. Ms. Jungwirth expressed her concern about the plant on Wynooski being larger than the one proposed on River. Ms. Jungwirth asked can Baker Rock really give Newberg a cheaper price on asphalt. She was concerned that the employees for Baker Rock would be transit and not local citizens. She asked if this plant is worth 35 jobs for a few months.

**Ms. Nadine Windsor, Newberg,** suggested that the Council put this issue to the vote of the people. She asked for help to write notes to the Governor.

**Mr. Lon Wall, 625 N. Martin, Newberg,** said he does not have a problem with an asphalt plant in the county or by the river. He asked why have the plant should be located so close to city limits. Mr. Wall suggested working with Baker Rock to move further from the city limits.

Mayor Cox called a break at 9:46 p.m. The meeting reconvened at 9:53

DRC gave the staff report. The Council's mission is to make a recommendation to the County. The Council may make a Resolution stating the City's position or wait for the County Commissioners to decide a position.

TDM said with the zoning on the riverfront they can build this asphalt plant as a permitted use. The County will have a design review process with objective standards and conditions of

approval. In response to the design review they will have to address road issues. Ms. Kelli Highley testified that they would have trouble with rules. TDM does not estimate they would have those troubles. A legal analysis says they would be able to build an asphalt plant there.

DRC said staff supports moving Baker Rock to Wyooski for the following reasons:

1. The company will provide buffering from the neighbors
2. The move will protect the Riverfront property from having industrial use.
3. The property will be annexed and be eligible to receive all utilities.

Staff will need some time to do a mini design review.

Mayor Cox asked Baker Rock if they are willing to give up hauling rock.

Mr. Records said yes.

Mayor Cox asked where will the other rock come from.

Mr. Records said the intention of Baker Rock is to bring it in from South of St. Paul. This does not limit us to there though.

Councilor RC asked are you looking at a barging site.

Mr. Records said yes we want to preserve a barge site.

**Mayor Cox closed the hearing.**

**Deliberation:**

Councilor LH said the River Road site is not an option for her. She reported that she visited the site in Beaverton and it set her mind at ease. This was relevant because Baker Rock is going to move the equipment from Beaverton to Newberg. Being a property rights advocate, the Council must not over look the applicants' rights. It is a reasonable request based on what they are currently proposing.

Councilor RW said he spoke with Jim Records and asked him to assure him that whatever happens to the River front property it will compliment Newberg's long range vision of a family driven river front. Councilor RW said Mr. Records replied yes we want to be a part of that. Councilor RW said he would still feel more comfortable if he knew what would be placed on that property.

Councilor RC asked Councilor LH did you know if the plant was operational while driving around.

Councilor LH said she did not know but she did go during business hours.

Councilor RC said he did not think an asphalt plant helps the community. He expressed his concern for the zoning being accepted up to the road of the site and how the comments regarding the hauling of the rock have reversed. He compared the emissions from the plant

proposed to the emissions of the County. He suggested letting the people vote on the issue or have the City not provide water and sewer. He recommended for Council to send a letter of denial.

Mayor asked for clarification on the emissions.

Mr. Records said the measured industry is 1,366 tons a year and Baker Rocks is seven (7).

Mayor Cox recommended moving to the Wynyoski Road site.

Councilor NW said a couple issues that lead her to support the move was to protect the water front and to take the traffic off the river area. She also recognized the most important asset is the people. She did not think she had enough information to make a decision. She would like to go to Beaverton to see and smell the plant in operation.

Councilor DM said she would like the opportunity to visit the area and see the effect it has had. She would like to see this tabled to June 5, 2000.

Councilor BV said he was in favor of the Wynyoski site rather than the river site because it is more compatibly zoned. The neighbors do have valid concerns. He also, would like the opportunity to look at the Beaverton site when it is operational.

<b>Motion:</b>	BV/RW - for staff to prepare a Resolution in support pending a visit and further information to the site and to prepare a list of conditions and act on it June 5, 2000.
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Councilor RC said every plant is different and at any given time you do not know what you are dealing with.

Councilor RW called for the Question.

Councilor NW asked for further discussion.

Mayor Cox asked what the difference will be from the Beaverton plant and the one proposed.

Gary Baker, President of Baker Rock, said the actual batch plant in Beaverton will be coming here.

Councilor NW said what times are you operational.

Mr. Baker said that varies according to the weather.

Councilor RC asked why move the plant from Beaverton to Newberg.

Mr. Baker said we are putting a new type of plant in Beaverton. The current plant has continuously been updated and is very young.

Councilor RC said the batch plant would not fit at the river site.

<b>VOTE ON MOTION:</b>	(4 yes/2 no [NW/RC]). The Motion Carried.
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Mayor called a break at 9:36 p.m. Meeting reconvened at 9:41 p.m.

2. Public Hearing on a protest of a Nuisance Abatement Notice for Signs on Springbrook Road. (*Pulled from the Agenda.*)
3. Public Hearing on **Resolution No. 2000-2237** creating the Northwest Newberg Specific Plan Detention System Advanced financing district and the reimbursement schedule for the properties within the district.

Larry Anderson gave the staff report. He said this is a cooperative agreement to build a facility to benefit multiple properties. This allows the developer to apply and then the City will recover costs in the future. The analysis the staff did shows it would prevent flooding to down stream neighborhoods. Each future development will be assessed by the proportions. As each property owner develops we will get reimbursed. Staff recommends approval.

**Ms. Kelli Highley, 619 S. River, Newberg**, asked did the City foresee how this would impact future developments. Ms. Highley said she would prefer if the City, in the future, would not pay for projects. The money could be used somewhere else.

**Mr. Curtis Walker, 2900 NE Benjamin Rd., Newberg**, said if you look on the reimbursement schedule all of the residential homes being built are not a part of this lean. Starting with Fenway Park and down to the lot, we have made an agreement with those properties. Mr. Walker urged the Council to pass the Resolution.

Councilor DM asked how much of the development includes the Hanks property.

Larry Anderson said probably 2/3 of the property.

Councilor DM asked if the Northern part is all that is left to be developed.

Larry Anderson said yes.

TDM said Councilor NW represents a property owner in this location. So, she would appear to have an actual conflict of interest. Let the Record show that she has not been a part of the decision.

**Mayor Cox closed the Public Hearing.**

**Deliberation:**

<b>MOTION:</b>	RW/DM - to approve <b>Resolution No. 2000-2237</b> . (5 yes/1 abstain [NW]). Motion Carried.
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4. Public Hearing on **Resolution No. 2000-2238** adopting Supplemental Budget #2 for the 1999-2000 fiscal year.

Kathy Tri gave the staff report. The city would like to establish a fund for the animal shelter. It was included in the General Fund and would need to transfer \$3,370. There are street funds that have gone over budget. After the finance committee met, we got a bill on the court appointed attorney's cost for \$14 thousand. This is five (5) thousand more then budgeted.

Councilor RW said he is pleased to see the animal shelter committee is in the budget. He asked how he could get money in the account.

Kathy Tri said you can go to the counter at the Public Safety Building and it will be receipted in. They will be doing a promotion in the future.

TDM said Councilor NW is a court appointed attorney for the City of Newberg and has a conflict of interest.

Councilor NW declared her conflict of interest. The record shows that she has not made any contribution to the discussion.

**Mayor Cox closed the Public Hearing.**

**Deliberation:**

<b>MOTION:</b>	LH/BV - to approve <b>Resolution No. 2000-2238.</b> (5 yes/1 abstain [NW]). Motion Carried.
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#### **BUSINESS MEETING SECTION**

#### **VII. CONTINUED BUSINESS**

None.

#### **VIII. NEW BUSINESS**

1. **Resolution No. 2000-2235** authorizing the City Manager to sign a contract for sewage pump station improvement projects.

Mike Soderquist gave the staff report.

Mayor Cox asked was it advantages to wait for the bids.

Mike Soderquist said he could not respond to that because they were not bidding on the same thing.

<b>MOTION:</b>	RC/DM - to approve <b>Resolution No. 2000-2235.</b> (Unanimous). Motion Carried.
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2. Approve submission of grant application to the State of Oregon's Local Street Network fund program for Mountainview Drive.



Barton Brierley gave the staff report. Traffic is the number one problem in Newberg and tonight staff found a way to pay for help.

Councilor DM asked will this effect the new church.

Barton Brierley said no. The grant fund would be used to build an interim road. This would be a two-lane road without curbs. We would install a signal at College and Mountainview. This project has a high likelihood of being approved. It is on two major highways, an alternate route for the citizens and promotes the market downtown. Staff would do preliminary grading this Fall and final work in Spring. Staff recommends approval

Councilor RC recommended talking with ODOT about a light signal.

Barton Brierley said staff has had discussions with ODOT about the signal. They want to make sure the traffic and warrants are met. Five (5) of the warrants are met.

Councilor DM said she was concerned with the road only being two lanes. Some time there is going to be development in the North and South. Putting a two-lane road and not having a way to make a four lane or turn lanes would be expensive.

Barton Brierley said the end result will be a three-lane road.

Councilor DM said what would happen if they never developed.

DRC said when we adopted the Transportation Systems Plan, we did it with the money available. This will be better because the city will have future development opportunities. If the property owner wants to pay for the expansion then staff can do that. This is a way to get the project in place ahead of development.

Councilor DM asked if there would be parking.

Barton Brierley said no.

Councilor RC said he supports this and asked since the developments happened on the North when is the City going develop the sidewalks along College Street.

DRC said there is still some property in the County.

<b>MOTION:</b>	RW/LH - to approve a submission of grant application to the State of Oregon's Local Street Network fund program for Mountainview Drive. (Unanimous). Motion Carried.
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## **IX. EXECUTIVE SESSION**

None.

## **X. ADJOURNMENT**


**MOTION:**

RW/BV - to adjourn at 10:24 p.m. (Unanimous). Motion Carried.

**ADOPTED** by the Newberg City Council this 19<sup>th</sup> day of June, 2000.

  
Duane R. Cole, City Recorder

**ATTEST** by the Mayor this 30 day of June, 2000.

  
Charles B. Cox, Mayor