

MINUTES FOR THE NEWBERG CITY COUNCIL MEETING

MONDAY, JUNE 5, 2000

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)
Donna McCain (DM)
Lisa Helikson (LH)

Noelle Wilson (NW)
F. Robert Weaver (RW)
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
Kathy Tri, Finance Director
Norma Alley, Recording Secretary

Others

Present: Kelli Highley, Pat Haight, James Gigandet, Bob Hutchinson, Richard Meyer, Delores Payton, Sharon Caldwell, Karen Jenks, Bart Rierison, Jim Morrison, Tracy Andrews, Virginia Jungwirth, L. Wintefield, Jim Records,

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Mr. James Gigandet, 611 E. First St., Newberg, said he was available for any questions about the kids hanging out at Francis Square.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, said a few months ago she came to the Council regarding the "R" rated movies available to children. At that time she asked for the movies to be placed somewhere in the Library where the kids could not have had access to them. Ms. Haight explained that she recently took a six (6) year old to the Library who was exposed to an "R" rated movie. Ms. Haight expressed her concern that the Council did not act on her concern she presented the first time.

Mayor Cox said staff is in process of handling this concern.

Mr. Bob Hutchinson, 1112 Evergreen, Newberg, asked for assistance from the Council with advertising and locating farmers for the Newberg Area Farmers Market.

Councilor RW referred Mr. Hutchinson to the Chamber of Commerce.

Mayor Cox suggested Mr. Hutchinson set up a meeting with him, the Council President and Chamber of Commerce.

Mr. Richard Meyer, 200 W. Second Street, Newberg, expressed his concern about the flags in Newberg not being flown or displayed properly on Memorial Day.

Councilor RW suggested for staff to reeducate themselves about flag etiquette.

Mayor Cox suggested formal training for those who take care of the flag.

Ms. Delores Payton, 1200 E. Fourth Street, #1, Newberg, discussed with the Council her progress with Making Everyday Earth Day. Ms. Payton presented the idea of a caffeine and toxin free day. Ms. Payton recommended the Council set standards of recycling for the City. Ms. Payton asked for procedures to get hazard waste pickup at a home and distribute information. Ms. Payton handed out a booklet to the Council regarding hazardous waste and toxins.

DRC said she could contact Sherry Matheson, Hazardous Waste Coordinator, who is looking for volunteers. The City does have a recycling program.

Councilor RW suggested Ms. Payton talk with the School Superintendent.

Ms Payton said she has left messages with the Superintendent and has not received a reply.

Councilor DM said that the booklets could be placed at the Public Safety Building, Library and the City Hall.

Councilor RC discussed the conflicts that have arose with citizens with the temporary vendor license. He recommended to staff and Council to review the temporary permit license regulations.

Councilor RW asked for clarification of temporary.

Barton Brierley said the temporary permits are for three months and they can reapply an indefinite number of times.

Mayor Cox said the City is under no obligation to renew a license if there are problems.

Councilor RC said the concerns he was getting was the appearance of the vendors as you entered into the City, this being an unfair trade for other businesses and the time span of the license. He asked the Council to review this procedure.

DRC said the next step is to request Ordinances from other cities regarding temporary licenses.

V.

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. **Resolution No. 2000-2245** recommending that the Yamhill County Commissioners approve with conditions a zone change for property on Sandoz Road for Baker Rock Resources.

Opponent:

Ms. Kelli Highley, 619 S. River, Newberg, discussed with Council her concerns regarding the Resolution. Ms. Highley said she would not like to see the City provide utilities before the annexation is on the ballot.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, shared her concerns regarding the middle of the City having industrial zoning, not having a written agreement with Baker Rock, barging of material off the Willamette River, the authority given to the City Manager and the safety of the intersection on Wynooski Road.

Ms. Sharon Caldwell, 201 Bina Dr., Newberg, recommended to the Council to say no to this Resolution and to the County Commissioners.

Ms. Karen Jenks, 1500 Sandoz Rd., Newberg, said she would like the Council to consider the effect an asphalt plant would have on kids in the area.

Mr. Bart Rierson, 719 S. Chehalem St., Newberg, said he opposes an asphalt plant inside City limits.

Mr. Jim Morrison, 717 E. Sheridan, Newberg, mentioned that the Resolution does not touch on air quality, aesthetics for tourists discussed in the Comprehensive Plan and it is calling for a pro-metro area community. Mr. Morrison said he went out collecting signatures from voters that he intends to give to the County Commissioners repealing an asphalt plant.

Ms. Tracy Andrews, 1500 S. Sandoz, Newberg, said she is willing to fight for this issue and encouraged the Council to vote against this Resolution.

Ms. Virginia Jungwirth, 410 S. School, Newberg, said she is in opposition to this Resolution and would not like to see utility access before the annexation.

Ms. L. Wintefield, 1500 Sandoz Rd. #16, Newberg, suggested to Council to think about this Resolution before recommending it to the County.

Proponent:

Mr. Jim Records, 21880 SW Farmington Rd., Beaverton, said Baker Rock has no intentions of barging off the river. In the past they have put plants on smaller pieces of property than the property located off River Street. He said he was available for any questions the Council might have.

Deliberation:

DRC gave the staff report. Staff recommends approval for reasons of:

1. There are zoning and property rights laws that the City has to follow.
2. The route on River Street is not designed for trucks and it is dangerous for trucks to be traveling near parks.
3. The staff report recommends that they do not get hooked up till annexed.
4. Under River Road Recommended Conditions: the wording should be changed to reflect that the intent for use of the Riverfront area for storage of rock not be used.
5. The property needed for the Waste Water Treatment Plant expansion is not needed at this time. Staff visions this to be done in 15-20 years.

Councilor NW asked for clarification on the conditions for Baker Rock to cooperate on the master plan.

DRC said they would be included on a committee to determine what can be done for the property.

Councilor RC said he was amazed at the staffs' vision for the sewer plant when it is drawn on the map.

DRC asked the Council if they recommend putting the City as a first right of purchase.

Councilor RC said he thought the City already had first right of purchase in the conditional use. He mentioned the zoning may contradict the Comprehensive Plan. If it does not go with the Comprehensive Plan then why fast track it. He said that the Wynooski site is better fitted for traffic and safety than the river. But that is not to say that the City needs it to be in the community at all. It should be away from the City. He encouraged no utilities approved until annexation takes place. He mentioned the possibility of legal issues with placing the infrastructure on the site. He recommended indicating in the wording that the Council has authority on bargaining.

Councilor NW said what would have to happen to give the City Manager the authority to decide.

DRC said it would have to be a natural disaster.

Councilor RW said it would be contrary to provide utility services to Baker Rock until they are annexed into City limits. He said he would rather act on a Resolution that is crystal clear.

Mayor Cox repeated the changes in the Resolution that under an emergency clause bargaining of rock or material shall not be permitted without the approval of City Council.

TDM said the changes are to add a statement that the City enters into agreement with Baker Rock making these conditions clear, objective and legally binding and the City Manager has the right to enter into agreement with Baker Rock. Amendments to the conditions shall state that docking and storage shall not be permitted except in emergency situations and must be accepted by City Council.

Councilor RC asked for clarification on the statement of connection of utilities before annexation.

DRC said Baker Rock will not be provided City utilities before annexation.

Councilor LH said one of the arguments she has heard continuously is protecting the Riverfront. The Wynooski site would be more appropriate because they have similar businesses in that area.

Councilor RC said no matter what happens an asphalt plant does not belong in the City.

Councilor NW said she visited the plant and visited neighbors to the plant. She has found that the only issue left is the traffic.

Councilor RW said he went on a complete tour of the plant and the surrounding area. There were new homes in the price range of \$400,000 built next to the plant, the nursery was doing well and there was not a dust problem. For a brief moment there was a smell. His impression of the plant in Beaverton was clean and during the tour it was in operation.

MOTION:	BV/LH - to approve Resolution No. 2000-2245 with amendments including: no utilities provided until after annexation, no bargaining except in an emergency and with City Council approval and all agreements in force are to be put in contractual and legal form. (Unanimous). Motion Carried.
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TDM reviewed the amendments to be included in the Resolution.

Mayor Cox called break at 8:45 p.m. The meeting reconvened at 8:54 p.m.

BUSINESS MEETING SECTION

VI. CONTINUED BUSINESS

1. Accept Annual Report from Sisters of Providence Newberg as per Definitive Agreement dated June 15, 1994.

MOTION:	RW/DM - to accept the Annual Report from Sisters of Providence Newberg as per Definitive Agreement dated June 15, 1994. (Unanimous). Motion Carried.
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VII. NEW BUSINESS

1. Resolution No. 2000-2242 setting a hearing date for the annexation of certain islands of unincorporated property within the Newberg City Limits.

Barton Brierley gave the staff report. This Resolution allows the Council to initiate an annexation of slivers of City land that would be annexed at one time.

Councilor RW asked how many have been discovered.

Barton Brierley said there have been around 20.

Councilor RW asked who owns those properties.

Barton Brierley said they are public right of way with one owned by Yamhill County Housing Authority. The properties that have development potential must go through the annexation process. Staff recommends adopting Resolution No. 2000-2242 initiating the hearing process.

Councilor DM asked if Alice Way was included in this process.

Mike Soderquist said residences from Alice Way spoke with staff and got an estimate on costs. When staff told them the cost, they were not interested in annexing.

MOTION:	RC/RW - to approve Resolution No. 2000-2242 . (Unanimous). Motion Carried.
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2. **Resolution No. 2000-2244** authorizing the City Manager to complete the sale of property at the south east corner of Villa Road and Highway 99W for the State Highway Improvements.

Councilor DM said she was concerned that the driveway would not be assessable for the property owner.

TDM said Arctic Circle stated to the City that they are not going to keep their business at that location.

MOTION:	RW/BV - to approve Resolution No. 2000-2244 . (Unanimous). Motion Carried.
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3. **Resolution No. 2000-2246** ratifying NSP Lawsuit Settlement.

TDM addressed corrections on page 4 line 17 for the remainder of the sentence to state "same apologizing to the City employee for any allegation of racial remarks." He discussed the agreement with the Council.

Councilor RW suggested for a letter be written to Larry Anderson for all his hard work.

MOTION:	RC/BV - to approve Resolution No. 2000-2246 . (Unanimous). Motion Carried.
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VIII. CONSENT CALENDAR

1. Approve minutes from February 28, 2000 Joint meeting of the City

Council and Newberg Planning Commission; Regular meetings held on March 6, 2000, March 20, 2000, April 3, 2000, and April 17, 2000.

2. **Resolution No. 2000-2239** approving the correction for the deficiency disclosed in the 1998-99 Comprehensive Annual Financial Report.
3. Accept Third Quarter Visitor Information Center Report from Newberg Area Chamber of Commerce.
4. **Resolution No. 2000-2240** authorizing the City Manager to approve the purchase of one (1) New Holland TS100 tractor with Numac Boom Mower model 20.5 HD from Deschutes Valley Equipment Inc., in the amount of \$63,000.
5. **Resolution No. 2000-2241** authorizing the Mayor to sign an amendment to the Newberg Urban Area Growth Management Agreement.

Councilor LH asked the Council if they would review the terms for the members of the committee.

DRC said Council could recommend to the committee to make an agreement stating terms that Council would approve.

Councilor DM said there is going to have to be some consideration in reactivating this committee.

Councilor RC recommended pulling Resolution No. 2000-2240. Where would staff be mowing that the City could not use a flail mower.

Mike Soderquist said staff needs to be able to reach beyond the paths.

Councilor RC said what he sees to be mowed was County property.

DRC said he thought the same thing the first time he saw this come across his desk. Then he thought of the potential uses and the value of the purchase.

MOTION:	RW/BV - to approve minutes from February 28, 2000 Joint meeting of the City Council and Newberg Planning Commission; Regular meetings held on March 6, 2000, March 20, 2000, April 3, 2000, and April 17, 2000; accept Third Quarter Visitor Information Center Report from Newberg Area Chamber of Commerce; Resolution No. 2000-2239, Resolution No. 2000-2240; Resolution No. 2000-2241. (Unanimous). Motion Carried.
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IX. EXECUTIVE SESSION

Executive Session was held during work session as noticed.

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.
3. Executive Session pursuant to ORS 192.660(1)(h) relating to pending litigation.


X. ADJOURNMENT

The Mayor declared the meeting adjourned with the consent of the Council at approximately 10:00 p.m.

ADOPTED by the Newberg City Council this 12 day of July, 2000.


Duane R. Cole, City Recorder

ATTEST by the Mayor this 31 day of July, 2000.


Charles B. Cox, Mayor