MINUTES OF THE NEWBERG CITY COUNCIL
MARCH 17, 2003
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Stewart called the meeting to order.

II. ROLL CALL

Bob Andrews	**Roger Currier**
Bob Larson	**Mike McBride**
Doug Pugsley	**Robert Soppe**

Others Present:

James H. Bennett, City Manager
Terrence D. Mahr, City Attorney
Barton Brierley, City Planner
Dan Danicic, City Engineer

III. *PLEDGE OF ALLEGIANCE*

The pledge of allegiance was administered.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Darlyn Adams, 131 Johanna Court, Newberg, Newberg Animal Shelter Friends Foundation, said there is $72,064.68 in the fund. They are looking for additional funds from First Federal's ballot/voting program. She discussed the success of the brick purchase at Francis Square and the upcoming auction scheduled for April 26, 2003.

Louis Larson, 3220 Juniper Drive, Newberg, addressed business license fees and promoting the City's business availability for Portland area businesses who are looking to relocate.

V. CONSENT CALENDAR

1. Approve minutes from Regular Council meetings held on January 21, 2003, February 3, 2003, February 18, 2003 and March 3, 2003.

2. Approve assignment of City Council responsibilities to serve as issue area resources.

3. Adopt **Resolution No. 2003-2434** authorizing the League of Oregon Cities to coordinate the filing of an appeal on the City's behalf, through outside counsel, from the employer rate increased received by the City from PERS.

MOTION: Currier/Pugsley to approve the Consent Calendar (Unanimous) Motion carried.

VIII. NEW BUSINESS

1. Appointment of seven members to the Newberg Downtown Revitalization Committee.

Two for remainder of calendar year 2003
Two until end of 2004
Three until end of 2005

Candidates:	Luana Berens	John T. Bridges
	Dave Daniels	Sally Dallas
	Joan Drabkin	Kristen Horn
	Louis Larson	David Mehler
	Mike Sturdevant	Lon Wall

Mr. Barton Brierley, City Planner, presented the staff report. The Commission is to consist of 7 members (4 city residents, 3 downtown business or property owners) and one member will be liaison to the Downtown Business Association.

Councilor Soppe said that he was interested in increasing the size of the committee. Mr. Barton Brierley said it would not cause difficulty in doing so. There is a significance to increasing the membership to allow more input. Mr. Bennett said the original enabling language was established by Resolution 2003-2419. The resolution would have to be amended to increase the number of members . Discussion was held concerning the amendment to the Resolution. Discussion was held concerning the qualifications for office and staggering terms for each of the nine candidates. Mike Sturdevant was not qualified to serve because of the location of his residence.

Three for calendar year 2005:

Nominations: Pugsley/Larson to appoint John Bridges, Kristen Horn and Lon Wall for the calendar year of 2005. **(Unanimous) Motion carried.**

Three for calendar year 2004:

Nominations: Larson/McBride to appoint Louis Larson, Sally Dallas and Joan Drabkin for the calendar year of 2004. **(Unanimous) Motion carried.**

Three for remaining calendar year 2003:

Nominations: Soppe/Andrews to appoint David Mehler, Dave Daniels and Luana Berens for the remaining calendar year of 2003. **(Unanimous) Motion carried.**

MOTION: Soppe/Andrews to direct staff to prepare the necessary amendment to Resolution No. 2003-2419 concerning the number of members, qualifications for office and terms of office and place on the next available agenda for consideration by the Council. (Unanimous) Motion carried.

VI. PUBLIC HEARING

1. Appeal of Russ and Sandy Mitchell against decision of the Traffic Safety Commission to place stop signs at the intersection of North Main and Edgewood, creating a four-way stop.

Councilor McBride said he had a potential conflict of interest as Mr. and Mrs. Mitchell are clients of his insurance business.

Councilor Andrews said that he had prior knowledge of this matter due to his membership on the Traffic Safety Commission. However, he was not committed to vote one way or another until he had heard the testimony.

MOTION: Soppe/Pugsley moved to hear public testimony. (Unanimous) Motion carried.

Mary Newell, secretary to Traffic Safety Commission, reviewed the background and staff report. A group petitioned for two sets of stop signs at Oxford and Edgewood Streets on N. Main. A traffic study was conducted by staff and the matter was heard in December, 2002. The Traffic Safety Commission decided to install stop signs at N. Main at Edgewood and not at N. Main and Oxford. The Mitchells requested that the Commission reconsider its decision. The Commission reconsidered the matter in February, 2003, and upheld its earlier decision. The Mitchells subsequently appealed this decision to the City Council. The Council's decision will be final.

Mayor Stewart asked if there was an overwhelming majority of the Traffic Safety Commission that voted in favor of placing the stop signs? Mary Newell said it was pretty much a majority.

Councilor Andrews said there was a voice vote. Mary Newell said it passed. Mr. Dan Danicic said the traffic study was done by the engineering department. Mr. Danicic reviewed the traffic counts and recorded speeds. The primary interest of the applicants is to protect the children. The stop signs are to control vehicles and not necessarily speed. The analysis on page 68/69 reflects that there was a concern for speed (posted 25 mph) control. Most people reach cruising speed after about 45 feet from the stop sign. The recommendation was not to remove the stop signs.

Councilor Pugsley said the study was done during the Thanksgiving holiday and they took into consideration the holiday. The speed zone is 25 mph. Discussion was held that the purpose of stop signs is not to reduce accidents but to slow traffic.

Councilor Currier discussed alleviating traffic accidents and how 4-way stops are effective. Discussion was held concerning decreasing property values for property near intersections. Mr. Danicic reviewed potential noise issues. Mayor Stewart said there were a number of applicants that wanted stop signs which speaks for itself. Councilor Currier discussed vehicle radios contributing to noise pollution. Ms. Newell said there is a sound ordinance.

Councilor Soppe addressed the warrant criteria (from traffic engineering manuals) and street crossing safety. Mr. Danicic said the stop sign would increase pedestrian safety. He was concerned about pedestrian safety not just at the intersection.

Councilor Andrews said that, by the use of cross-walks and/or stop signs, a person could drop their safety guards raises safety expectations. Mr. Danicic said there may be some small case of insecurity if the area was not signed properly.

Councilor McBride addressed signage around schools (posting slower speed limit). The manual on traffic control devices speaks about minimum speed limits (25 mph) (usually around 300 feet). Discussion was held concerning increased school liability. Ms. Newell said she did not hear anything from the school district about students and parents needing to use caution as pedestrians or drivers.

Mayor Stewart suggested that proper signage be provided. Do not use "Slow Children" signs which he feels is demeaning.

Mr. Danicic said the difference between this situation and Haworth is that Haworth runs parallel to the school (Deborah, Elliott and Sitka). Because of the high volume, that helps to meet the warrant for the stop sign.

Councilor Andrews said that Sitka, Elliott and Deborah are feeder streets such as Edgewood.

City Manager James Bennett discussed crossings at stop signs and pedestrians reasonable expectation to safely cross by use of traffic control devices.

Discussion was held concerning frequency of doing warrants (stop signs) within the City. Mr. Danicic said about 2 a year - but he has seen 4. In other areas, how does the street meet the walk test and other factors in determining whether to place a stop sign. The Commission said it was warranted.

Tape 1 - Side 2:

Sandy Mitchell asked why the Commission is allowed to set a precedent approving stop signs that do not meet criteria, are not recommended, and could place the city at risk for a potential lawsuit for an accident. The school was taken into consideration for the warrant study and the points necessary to have the stop signs placed. It does decrease property values with stop signs. Traffic stops and the noise levels are an issue. When the police officer put up the signs after the first meeting, the officer commented that they would have accidents at the intersection. They have talked with people who spoke for it and some have changed their mind. Discussion was held concerning the number of people in attendance at the prior meetings. Ms. Mitchell said that most people were doing 31.5 mph. Ms. Mitchell said the majority of the streets have sidewalks. Some properties have not been developed and the majority of the children need to be taught to stay on the sidewalk. She felt the decision should be based on the whether it meets the criteria and is warranted, not the motion by the Traffic Safety Commission.

Mayor Stewart said the tools are only as good as the people using them. The Commission is in charge of using the tools. He asked for clarification of which intersections were approved for the stop signs. Ms. Mitchell said the stop sign was not to be located at her intersection, only at Edgewood.

City Attorney Terrence D. Mahr addressed the issue of liability. As long as the proper process has been observed to reach a decision, there is no liability. Warrants and the engineering study are tools for consideration by the decision makers. There are no ordinances requiring placement of stop signs.

Councilor Pugsley addressed the location of Edgewood and the traffic cross-walks (they go with N. Main). Discussion was held concerning the number of kids crossing the road at the various intersections.

Ms. Mitchell said the stop signs would have a negative impact at Edgewood and also set a precedent for putting a stop sign at Oxford.

Bart Rierson, 110 Hazelnut Drive, Newberg, disputed any decreased property value and stated that the three property owners on Edgewater have agreed and want to have the 4-way stop. As a parent, he is concerned for his kids. If the average speed is 31.5 mph, what are the high speeds to get to that figure? There are some that drive 40-50 mph and he felt a stop sign would slow down the traffic. He said there were a number of people that signed the petition for the stop sign. He agreed with parental control and teaching kids to be safe. Discussion was held concerning traffic calming measures to be applied to mitigate safety problems.

Councilor Soppe said there is a score sheet to warrant a stop sign. Discussion was held concerning definition of a warrant and unique situations that also justify a traffic control device. Mr. Rierson said it is a unique situation because of the huge number of children playing in and using the neighborhood. Discussion was held concerning volunteer crossing guards.

Mr. Danicic provided a street map location of the proposed location of the stop signs in location to the schools.

Ms. Debbie Irsik, 2926 N Main Street, Newberg, said the stop sign is for the 1200+ kids, senior center and sports complex toward the school. Ms. Irsik said they have had quite a large involvement from parents. With so many kids to and from school, there is not one crosswalk on Main - only on Foothills Drive. The cars would have gone over the speed limit of 25 mph in the area. The people on Edgewater have consented.

Councilor Soppe asked if she was aware of any crossing guards. Ms. Irsik said she would be willing to go out there with kids crossing while people get used to the stop signs. Discussion was held concerning kids in the street rather than using crosswalks.

Mayor Stewart said that every intersection is pretty much a cross-walk and do they all need to have crossing guards. Discussion was held concerning providing a visual cue to watch out for pedestrians.

Councilor Pugsley addressed parked cars providing visual barriers for children crossing the streets and painted cross-walks.

Councilor Currier asked about other traffic calming devices being used and discussed the pros and cons. Speed bumps cannot be used because it is an arterial street. When they did the traffic study (with no school for 3 days), 1200 cars per day is not a good estimate because school was out for Thanksgiving holiday. Ms. Irsik provided pictures of the location. Mr. Danicic said staff recommends confirmation of the 4-way stop.

Councilor Currier asked about other stops whether or not they were based on criteria with numerical value or for specific circumstances. Mr. Danicic said he used the same methodology for all instances. Have all stop signs requests met the warrant study done? Mr. Danicic said that, of the 4 requests, none met the methodology.

Ms. Newell said the request on Mountainview Drive had an issue with traffic cutting through Mountainview Drive and going down N. Main to bypass construction. It did not meet the warrants because eventually Mountainview will be punched through all the way to Chehalem Drive. If the criteria was followed all the time, in light of accidents etc., there would be one at Haworth and Crestview. Discussion was held concerning safety concerns.

Councilor Soppe asked about the amount of pedestrian traffic and can it be measured? Mr. Danicic said it may take some time to figure out.

Mayor Stewart closed the public hearing.

Councilor Currier addressed his observations of children veering off the bike paths and that kids are kids. Parents need to train and correct them. Discussion was held concerning designation of marked and unmarked crosswalks and evaluation of the areas within the vicinity of the school for potential crosswalk designations (4-5 block radius). We need to figure out a way to ensure the safety of the children and that drivers are accountable for safety. He said he would oppose the motion presented.

Councilor McBride said studies should be used as tools, but not a hard and fast rule. He has driven through there and put himself in that situation. He will be opposed to the motion because he would not like to see a stop sign at every intersection, but there is a need to slow down the traffic because of the children involved.

Robert Soppe reviewed crossing the street and the speed of traffic. He has also been down the street many times. He does not think speed is the issue, but that the crossing is the issue. Kids should not be in the street and he does not feel a stop-sign will prevent the kids from being in the street. We need to designate crosswalks and the real solution is for the neighborhood to help kids cross the streets and make safer intersections.

Mayor Stewart addressed kids being kids and will not always adhere to rules. If there is anything we can do to help prevent safety hazards, 4-way stops are more obvious for traffic calming and issues.

Councilor Pugsley said he is going to oppose the appeal. Discussion was held concerning traffic enforcement not always being available.

Tape 2- Side 2:

MOTION: Soppe/Larson to grant the appeal of the decision of the Traffic Safety Commission to place stop signs at the intersection of North Main and Edgewood, creating a four-way stop. (3 Yes/3 No [Currier, Pugsley, McBride]. Mayor Stewart voted No.) Motion failed.

MOTION: Currier/Pugsley to deny the appeal and recommend striping be placed for crosswalk markings. (3 Yes/3 No [Soppe, Larson, Andrews]. Mayor Stewart voted Yes). Motion carried.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

1. Authorize formation of the Newberg-Dundee Library District Planning Committee and to advertise for members with their appointment slated for the April 7, 2003 Council meeting.

Ms. Leah Griffith, Library Director, said the purpose of the committee is to decide whether a library district formation should go to the voters for approval. Ms. Griffith said the request for the committee membership would be 5 to 7 and that a majority be residents of Newberg.

Councilor McBride addressed library patrons from Dundee and the need for good representation of the entire service area. Ms. Griffith said the assessed valuation is about 10% from the City of Dundee area, about 20% from the rural areas and the remainder from within the City limits.

Councilor Currier reviewed other committees that had worked on this issue and the proposed tax base of $.60 per $1,000. It will be up to the Council to reduce the City's tax levy if a district is formed.

Councilor Soppe reviewed the area being approximately the same as the CPRD district, not the Chemeketa district or the School District. Ms. Griffith said there have been a number of people who have shown interest in being kept informed and would like to be a part of the discussion.

MOTION: Pugsley/McBride to authorize formation of the Newberg-Dundee Library District Planning Committee with a membership of 7 members with a majority living in the Newberg City limits and to advertise for members with their appointment slated for the April 7, 2003 Council meeting.

MOTION TO AMEND: Soppe/Pugsley to specify membership of 3 from Newberg, 1 from Dundee, 1 from the rural areas and 2 at large from within the service area. (Unanimous) Motion carried.

MOTION: Pugsley/McBride to authorize formation of the Newberg-Dundee Library District Planning Committee with a membership of 7 members as amended and to advertise for members with their appointment slated for the April 7, 2003 Council meeting. (Unanimous) Motion carried.

2. Adopt **Resolution No. 2003-2431** authorizing the City Manager to enter into a Professional Services Agreement with CH2M Hill for the Water Distribution System Plan Project, in the amount not-to-exceed $155,419.00.

Mr. Dan Danicic presented the staff report and introduced the representatives from CH2MHill. He used the statement of qualifications process for selection of the consultants. The goal was to create a list to expedite the process to get a consultant on board to provide the services. The Water Master Plan is used for the water distribution system. This is the 3rd piece of the puzzle to be completed. The last plan was created by CH2M Hill years ago. In August 2002, the City put together a request for proposal and invited the firms of the short list. Of the firms, CH2M Hill submitted proposals. Other firms said they were too busy and did not want to over-commit themselves. The proposals were reviewed by a committee and City staff and Mike McKillip from the City of Tualatin (engineering). One of the key issues was the scope of work. Mr. Danicic said both firms were qualified, but felt the CH2MHill modeling team was much more experienced than the MWH Americas team.

Councilor Soppe addressed the 9 firms on the approved list. (Exhibit A of staff report)

Jadene Stensland, Engineering Department, said that each firm was evaluated and broken down by experience and expertise involving water plants.

MOTION: Larson/McBride to adopt **Resolution No. 2003-2431** authorizing the City Manager to enter into a Professional Services Agreement with CH2M Hill for the Water Distribution System Plan Project, in the amount not-to-exceed $155,419.00. (Unanimous) Motion carried.

Councilor Pugsley addressed the project budget and the four additional items added to the scope of work.

Councilor Andrews clarified that the contract was not to exceed $155,419 but what about the additional cost of $20,000 (for hydraulic computer software)? Is it part of the capital improvement budget? Does approving the resolution approve both expenditures? Mr. Mahr said that the City would purchase the hydraulic model under a separate contract at a later date.

City Manager James Bennett said the $20,000 expenditure will not come back to the Council as the City Manager has the authority to enter into an agreement for contracts under $35,000.

3. Adopt **Resolution No. 2003-2433** authorizing the City Manager to enter into a development agreement with North Valley Friends Church.

Mr. Barton Brierley, City Planner, presented the staff report. The Council previously recommended denial of the conditional use permit application that was submitted to Yamhill County. The Yamhill County Planning Commission was unable to make a decision and referred it to the Yamhill County Commissioners. There have been many meetings with the applicant. Discussion was held concerning annexation and the cost of putting in sidewalks and sewer and water improvements. They talked about ways to possibly meet both the City's and the applicant's needs. They worked out the development agreement and would allow the development of the first phase outside the City prior to annexation and would require the applicant to file for annexation prior to construction. Future phases would be done after the annexation. It is feasible to extend sewer now; water would be included in a later phase. They would agree to pay their share of the water service costs. They would propose a walkway around the facility as a recreational pathway for members of the public to use. Staff recommends approval of the resolution authorizing the City Manager to enter into the Development Agreement.

Councilor McBride thanked the staff for working with the applicant to come up with a resolution of the problem and allow them to start getting their dream going.

Colin Saxton, 511 E. Third Street, Newberg, said he appreciates the City staff working with the Friends Church. The subject property is not that far outside the City limits. Their vision is for a school, social services center, possible amphitheater and walking paths. Discussion was held concerning the various governmental agencies who reviewed the plan.

Councilor Soppe discussed the sidewalk solution and alternative for a pedestrian walkway. He asked what SDCs the development would be required to pay and added that non-payment of SDCs would place a burden on city services.

Mr. Jim Fischer, 23225 NE Worden Hill Road, Newberg, said he believed that they would not be paying the SDC charges. Mr. Barton Brierley said that the sewer SDC and water SDC will be paid upon connection to the city systems . The transportation SDC and storm water SDC will not be charged for the1st phase.

Councilor Soppe asked what was the argument for them not paying the SDC charges.

Councilor Pugsley said the regulation and phasing in of fees is similar for other developments. If the project is developed in the County, none of the services would be extended and the city would receive nothing. That is where the compromise comes in.

Mr. Bill Roarke, 4016 N. College Street, Newberg, spoke in favor of the agreement as a neighbor. The south side of his property is on the city limits and shares a driveway with the church. He is concerned that, if the church's property is annexed and his property becomes an island, then he will receive some pressure to annex into the City. He does not see any problems and he supports the agreement.

Councilor Soppe said he questions the burden upon the City's systems from the non-payment of SDC charges. He understands the timing issues, and the concerns for development, but has concerns with the cost issues and the degree of commitment by the church. The sidewalk, however, is a great example of satisfying some of the infrastructure needs.

Mr. Fischer reviewed a proposed drainage pond (detention pond) and said that any excess drainage would go into the pond and drizzle down into the drainage ditch.

Councilor Andrews said that, in successive phases, there would be more need for infrastructure and the church would participate in that.

Councilor Currier said that we are allowing a development to be built without all the requirements which are normally necessary and this opens the door for others to come in and ask for the same thing.. The sidewalk solution is not to City standards and the upkeep is at question. Mr. Brierley said they would not be City standard sidewalks but would be required to comply with handicapped access requirements.

Mr. Bennett said the agreement requires the North Valley Friends to apply for annexation before any permits are issued by the City or the County. Mr. Brierley said it depends on the building schedule and whether or not the project is built.

Councilor Currier addressed building sidewalks to City standards using concrete construction. Mr. Fisher said it is an 8 foot wide walking pathway (asphalt).

Councilor Pugsley said, as a runner, he avoids concrete and likes asphalt.

Councilor Soppe addressed the agreement stating which projects are included in which phase.

Mr. Bennett compared the agreement to the one approved for the First Baptist Church. It allows the project to go forward and limits infrastructure costs up front. These can be collected during later phases and infrastructure extended. Discussion was held concerning the County Planning Commission forwarding the application with no recommendation to the Yamhill County Commissioners. The County would likely approve the development. It is a conditional use within the County's land use laws and if it meets their criteria, there would be nothing to tie the City into the project.

Councilor Currier said that First Baptist could not do what they wanted to do with their water line connection. The builder addressed the water issue but not the waste water issue. They were dealing with a 10,000 gallon per day rate. The septic system may or may not handle the 10,000 gallons per day of effluent and it would fall to the City to fix the problem.

MOTION: Larson/Pugsley to adopt **Resolution No. 2003-2433** authorizing the City Manager to enter into a development agreement with North Valley Friends Church. (4 Yes/ 2 No [Currier/Soppe]) Motion carried.

4. **Adopt Resolution No. 2003-2432** authorizing the City Manager to enter into a Professional Services Agreement with Brown & Caldwell to provide design, bid and construction phase services for the Wastewater Treatment Plant Headworks Retrofit Project in the amount of $95,584.00.

Mr. Dan Danicic presented the staff report. Paul Chiu and Howard Hamilton and Jim Hensen were in attendance. It is a screening process to prevent things going through the Wastewater Treatment Plant. The headworks is a single stream system. They need to do upgrades with a newer and secondary screen to operate as a back-up. There was only one proposal received. They were the firm that did the original study in the original phase. They have spent 6-7 months in determining the details. They reviewed the proposal with an evaluation committee. They wanted them to be involved in the start-up of the project and trouble-shoot the process. Provide an operations and facility manual.

Councilor Andrews asked if the old screen was going to continue to be used. It could be used for the bypass channel. Discussion was held concerning the need for a bypass channel and passage through to the treatment plant.

Councilor Pugsley asked about only receiving one proposal. Mr. Danicic said he thought that Brown and Caldwell was best qualified to do the work. Discussion was held concerning the construction to be done by this fall.

MOTION: Currier/Andrews to approve **Resolution No. 2003-2432** authorizing the City Manager to enter into a Professional Services Agreement with Brown & Caldwell to provide design, bid and construction phase services for the Wastewater Treatment Plant Headworks Retrofit Project in the amount of $95,584.00. (Unanimous) Motion carried.

5. Adopt **Resolution No. 2003-2435** initiating an amendment to the Newberg Development Code to consider allowing drive-up service windows as a Conditional Use in the C-3 Zone.

Mr. Barton Brierley, City Planner, said it was a request from Mr. Mehler, owner of Coffee Cottage, which would allow drive-up service windows in C-3 as a conditional use. He is asking the Council to initiate the process with the City being the applicant. The history is that about one year ago the Council went through the development standards in the downtown area to help in the revitalization of the downtown area (pedestrian friendly for businesses to locate and people to shop) . This amendment was done after considerable debate. It is not the purpose to re-create the debate. The Council felt it would be a positive improvement to not allow drive-up service. Mr. Mehler said he would like to have the Council reconsider the proposal. He would be purchasing the building next to him to allow for a drive-thru. If the Council approves the request, a public hearing would be held at the Planning Commission and they would make a recommendation to the City Council.

Councilor Currier said that when they addressed it originally, it was that all C-2 within the given boundaries would be changed to C-3. Mr. Brierley said it covered the area from River to Harrison. Discussion was held concerning the Coffee Cottage location and the adjacent zoning.

Ms. Kristen Horn, 619 Sheridan Street, President of the Downtown Association and Committee that reviewed the C-2 and C-3 zoning issues. She had some hesitation in zoning out drive-thru windows and coffee service. They believe the plan that Mr. Mehler has come up with will not deter walk-ability in the downtown area and it does not create any more congestion and she would like to see it revisited. As a neighbor, she does not feel this will cause a major issue.

Councilor Larson said he was concerned about the traffic off Hancock.

Mr. Lon Wall, 625 N. Morton, Newberg, discussed the Planning Commission review of the C2-C-3 revisions and noted that there is a certain anti-automobile mentality some of which is warranted. We know the experience with the City of Eugene in shutting down part of their downtown. It was not good for business and now they are allowing cars to go downtown again. People get to the downtown area with automobiles. A good part of the year people will have to use their vehicles to access downtown. When the original discussion was held prohibiting no drive-thru's downtown, the only exception was drive-thru banks. If it is a conditional use, we are going to be called on to grant variances. Discussion was held concerning any number of businesses having a big drive-up business. Mr. Wall said the Council has to decide what kind of criteria and be willing to enforce the criteria. Mr. Wall said he is in favor of it and he won't have to make the decision.

Tape 3- Side 2:

Councilor Soppe said he would have a potential conflict of interest because he has done work for Steve Roberts (adjacent property owner) and has known him for some time. He said we need to focus and determine whether the Council should initiate the amendment. His first concern is about the $1,700 application fee that is used to pay for the cost of staff processing the application. **Councilor Andrews** addressed the City taking the initiative and the cost to the City. Mr. Brierley said the Development Code states that either the Planning Commission or the City Council can initiate an amendment to the Development Code whether they agree with it or not.

City Attorney Mahr said the establishment of the conditional use does not give the applicant permission for a drive-up window. He would have to apply for a conditional use permit - about an $1,100 application fee.

Councilor Soppe asked for clarification of when the City Council and/or an applicant should initiate the process.

Councilor Currier addressed the original action on the downtown and how it was going to run businesses out of the downtown corridor. There was some discussion about the drive-thru cigarette place and that type of business creating potential problems. The point is what do we spend in staff time promoting business into the community and making businesses bigger and better, etc. He said that he would like to give Mr. Mehler the opportunity to have a hearing.

Councilor Soppe addressed not charging people to initiate the process. Councilor Currier said one of the goals is to re-generate the downtown area. Why shouldn't the Council help promote the downtown area at a small cost.

City Manager Bennett said both the Council and the Planning Commission have the authority to initiate it. The Council has the discretion to determine what is a serious request. There are zoning text and zoning map amendments. The fee is approximately the same for each.

Councilor Andrews discussed parking problems that could occur as a result of the drive-up window. Mr. Brierley said there are bus stop signs and a 2-hour parking restriction on streets in this area.

MOTION: Currier/McBride to adopt **Resolution No. 2003-2435** initiating an amendment to the Newberg Development Code to consider allowing drive-up service windows as a Conditional Use in the C-3 Zone. (4 Yes/2 No [Soppe/Larson]) Motion carried.

IX. EXECUTIVE SESSION

None.

X. ADJOURNMENT

MOTION: Currier/McBride to adjourn at 10:15 p.m. (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 19th day of May, 2003.

JHBennett

James H. Bennett, City Recorder

ATTEST by the Council President this 20th day of May, 2003.

Bob Larson

Bob Larson, Council President