

**MINUTES OF THE NEWBERG CITY COUNCIL
JUNE 2, 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

Roger Currier	Bob Larson
Doug Pugsley	Robert Soppe

Absent: **Bob Andrews**
 Mike McBride

Others Present:

James H. Bennett, City Manager
Terrence D. Mahr, City Attorney
Michael Soderquist, Community Development Director
Barton Brierley, City Planner
Dan Danicic, City Engineer
Robert Tardiff, Police Chief

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was administered.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Darlyn Adams, Newberg Animal Friends, 131, Johanna Court, Newberg, Oregon, presented the animal shelter report. Ms. Adams reviewed the recent silent auction and dinner which netted approximately \$8,140.00. The yard sale netted \$3,015.00. The animal shelter fund is now at \$87,789.00. Ms. Adams reviewed the upcoming bingo and spaghetti feed scheduled possibly in September, 2003. They will also have an Old Fashioned Festival booth which will hopefully bring in additional funds.

1. Presentation by Yamhill County Commissioner Leslie Lewis regarding Small Business Finance Work Session June 18, 2003 - 2:30 p.m. at the County Courthouse.

Yamhill County Commissioner Leslie Lewis asked for the City's assistance in inviting the Newberg business community to a small business finance workshop at the Yamhill County

Courthouse on June 18. John Safstrom from MWVCOG will talk about government financing for small businesses and how the COG can assist with loan packaging. A representative from Cascade West Financial Services will explain the micro-loan program for start-up businesses and the SBA 504 loan program for more mature companies.

V. CONSENT CALENDAR

None.

VI. PUBLIC HEARING

1. Public hearing on **Ordinance No. 2003-2580** to allow drive-up service windows as a conditional use in the C-3 zone. Consider **Resolution No. 2003-2447** initiating an amendment to City Code Section 113.07(A).

Councilor Soppe said that he has a potential conflict because he has done work for Mr. Roberts, the owner of the subject property.

Mr. Barton Brierley presented the text amendment for the Newberg Development Code to allow drive-up service windows as a conditional use in the C-3 zone (Harrison to River Street and both sides of First, Second and Hancock Streets). The present ordinance was adopted a year ago as part of an effort to revitalize the downtown and make it less auto-oriented. Since that time, the Planning Commission heard a request to revisit this ordinance and recommended approval of the text amendment with the stipulation that drive-up service windows could be conditional uses, provided they are accessory to an existing business site with walk-in customer service, i.e. drive up bank window.

The Planning Commission also looked at prohibiting long term temporary merchants from having drive-up windows. Currently, a temporary merchant can have drive-up service. The Planning Commission saw a difference between brick and mortar buildings that have restrictions where temporary buildings do not. The Planning Commission recommended initiating an amendment to prohibit drive up service windows for long term temporary merchants in the C-3 zone.

Mr. Brierley said there was a discussion at the preliminary hearing when the Ordinance was originally adopted. Was it a conscious decision to allow drive-up windows for temporary merchants and not for the permanent ones? Mr. Brierley said yes it was. Councilor Soppe asked about the property across from the Coffee Cottage which is still in the C-3 zone. Discussion was held concerning whether this would be accessory to the main use if its is not part of the same property.

Councilor Currier said if the applicant uses the City's alleys will it become obtrusive and a maintenance issue? Mr. Brierley said that, with a conditional use permit, we can restrict alley use or make the applicant modify the alley. Discussion was held concerning the matter being referred to the Planning Commission for the conditional use permit process. Councilor Soppe addressed the stand-alone language. Mr. Brierley said it would be removed. Discussion was held concerning temporary coffee businesses. If they operated as a permanent merchant, they would still be governed by the rules.

Mr. David Mehler said he was available for discussion.

City Attorney Mahr said the ordinance requires 4 affirmative votes to adopt. He discussed possible postponement until there is a full quorum of the Council available. Mr. Brierley said it is staff's recommendation to approve the Ordinance and Resolution.

MOTION: Currier/Pugsley to approve **Ordinance No. 2003-2580** to allow drive-up service windows as a conditional use in the C-3 zone. (4 Yes/2 Absent [Andrews/McBride]. Motion carried.

Discussion was held concerning having temporary merchants in the C-3 zone and how some existing businesses would be grandfathered in to be legal, but non-conforming. A new business would have to comply.

MOTION: Currier/Pugsley to approve **Resolution No. 2003-2447** initiating an amendment to City Code Section 113.07(A) concerning temporary merchants. (4 Yes/2 Absent [Andrews/McBride]. Motion carried.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

None.

VIII. NEW BUSINESS

1. Approve **Resolution No. 2003-2446** supporting the Newberg Landfill vision statement proposed by Yamhill County's Newberg Landfill Steering Committee.

Mr. Barton Brierley reviewed the location of the abandoned landfill near the riverfront. It is owned by Yamhill. Yamhill County appointed a task force (David Beam is a member of the task force) to develop a vision statement. The statement emphasizes the pedestrian use of the site with interpretive displays. In looking at the proposed vision statement, it is consistent with the City's Riverfront Master Plan. They are asking for the Council's support and then it will go to the County for adoption. There are funding sources for rehabilitation of the landfill.

MOTION: Larson/Pugsley to Approve **Resolution No. 2003-2446** supporting the Newberg Landfill vision statement proposed by Yamhill County's Newberg Landfill Steering Committee. (4Yes/2 Absent [Andrews/McBride]. Motion carried.

2. Approve motion authorizing the Chief of Police and City Engineer to move forward with implementation of the Photo Red Light Enforcement program as presented.

Police Chief Robert Tardiff said the Traffic Safety Commission requested the Council's recommendation to proceed with the red light enforcement program. They met with ODOT and other cities that use similar technology. They are recommending preparation of a safety and operations report to analyze crash history and to certify that signals are being operated properly. The contract award for the report would be around the spring of 2004.

Mayor Stewart asked if the report would take a specific type of engineer to do this? Mr. Dan Danicic said it requires a traffic engineer.

Chief Tardiff said it would be limited to 4 intersections on 99W. They want a 4 year traffic history. They are looking at 1-2 cameras which could be moved. The engineer's study would come up with the top 4 intersections (crash history) and the potential for improving the intersections. They will need an approval from the State of Oregon. The report will only relate to the operation of the red light photo equipment. Then the City would figure out the equipment and installation costs and go through a separate RFP process.

Councilor Currier suggested First and Main, College and First, and Main and Hancock. He questioned the need to spend \$13,000 to study anything else. Chief Tardiff said they would be more than willing to include the Springbrook Road intersection.

Councilor Larson inquired about the cost of the installation and the City's share of the fines. Discussion was held concerning refunds if the equipment is faulty or installed incorrectly. Chief Tardiff said this matter would be reviewed by the Council at the time of the RFP process.

Tape 1 - Side 2:

Councilor Soppe addressed the vendor getting a percentage or being paid a flat rate. He would like to see a flat rate option rather than a portion based on the estimated revenue. The photo red light has caused dramatic drops in violations and the City may very well end up paying the vendor more in the future. Discussion was held concerning certifying the equipment is operating at the highest standards. Who reviews the tickets?

MOTION: Soppe/Pugsley to approve motion authorizing the Chief of Police and City Engineer to move forward with implementation of the Photo Red Light Enforcement program as presented. (4Yes/2 Absent [Andrews/McBride]. Motion carried.

IX. EXECUTIVE SESSION

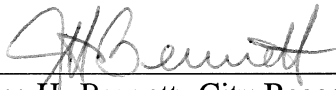
None.

X.

ADJOURNMENT

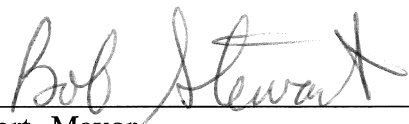
MOTION: Currier/Soppe to adjourn at 7:50 p.m. (4 Yes/2 Absent [Andrews/McBride]).
Motion carried.

ADOPTED by the Newberg City Council this 21st day of July, 2003.



James H. Bennett, City Recorder

ATTEST by the Mayor this 30 day of July, 2003.



Bob Stewart, Mayor