

**MINUTES OF THE NEWBERG CITY COUNCIL
OCTOBER 4, 2004
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

I. CALL MEETING TO ORDER

Mayor Stewart called meeting to order 7:00 p.m.

II. ROLL CALL

Councilors

Present:	Mayor Bob Stewart	Mike McBride
	Bob Larson	Mike Boyes
	Roger Currier	Robert Soppe
	Bob Andrews	

Absent: None

Others

Present: James Bennett, City Manager
Terrence Mahr, City Attorney
Barton Brierley, Planning & Building Director
Dan Danicic, Public Works Director
Michael Sherman, Fire Chief
Dennis Larios, Building Official
Dawn Nelson, Recording Secretary

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was administered.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Daryln Adams - 131 Johanna Ct., Newberg, OR - Reported on Auction and Barbeque held 9/25/04, raised \$ 13275.18 for the shelter, expenses were 8.75% of gross receipts. New total is now \$131,030.38. She provided a report covering the expenses for auction.

Grace Schaad - 31525 NE Schaad Rd, Newberg, OR – I am here to give info and state a concern regarding the egress from The Greens on Fernwood Rd. There is a huge lake that forms on the property when it rains extensively. The lake is too big for vehicles to traverse and is formed from the excavation process . The developer pumps the water into the ditch on the north side of Fernwood through a culvert crossing street. The water then flows into East fork of Springbrook Creek. I am concerned about the habitat of the creek. I would like to know is there some way to mitigate this and has it been allowed by permit? Is there anything the City can do or is it under County jurisdiction?

Mayor Stewart - asked Dan Danicic what the City could do.

Dan Danicic – That area is in the county, but I will step in and talk to developer and send an inspector out to check on it.

Mayor Stewart – To Mr Danicic, could you please make sure Ms. Schaad gets a report?

Councilor Soppe – is this the property that will be annexed if passed in fall vote?

Dan Danicic - yes.

Councilor Boyes – To Mr. Danicic, why is the road closed out there?

Dan Danicic – they are working on the culvert where the creek crosses the road and some retaining walls.

Tabitha Renne - 2515 N. Main St., Newberg, OR – I am a homeowner in Trinity Meadows and parishioner of St Peters. I want to know is how is it possible that 6 months after the church went in for a permit and was told that there was no plan set for the extension of Mtn. View Dr. the LID for it is going into effect? She discussed how she and the other residents were not happy with results of meetings about the LID. She wanted to know how is it possible that 28 homeowners are responsible for paying for a major arterial which Mtn View is designated as in the 1994 transportation plan? I would like to know if there has there been any planning done for other funding. How is this road considered a benefit to homeowners? To let the Council know the homeowners have gone forth with petitions to abolish LIDs and special assessments. We appreciate Council directing staff to look for answers but homeowners have not yet received any answers from staff. The homeowners also appreciate Council taking the time to listen to them. She has tried to research the meaning of remonstrance and hasn't found a definite definition that pertains to this situation.

Mayor Stewart – Mr. Bennett could you please get some answers from staff back to homeowners.

James Bennett - Many of these questions have been answered and we should have everything completed in the next 4 weeks.

Councilor Soppe – have you looked up the definition of non remonstrance in our City code?

Tabitha Renne - I have and I think it is very vague.

Councilor Soppe - could you get us the questions from May 13th meeting that you feel have not been answered?

V. CONSENT CALENDAR

1. Consider approval of City Council Minutes for September 7, 2004.

MOTION: Andrews/Soppe to approve City Council Minutes for September 7, 2004.
(6Yes / 0 No). Motion carried.

VI. PUBLIC HEARING

1. Consider approving **Ordinance No. 2004-2607** establishing the final assessments of the cost for the Crater Lane Local Improvement District.

Legislative Hearing

Mayor Stewart - opened the hearing.
Called for abstentions or conflicts of interest

Staff report presented by - Dan Danicic

If you look at Exhibit B, the assessments cover the final costs for the LID. The \$15000 legal reserve pertains to the Russ Mitchell case. If we do not expend all those funds those monies will be prorated back to owners who paid assessments. If we go over that amount the costs will be absorbed by the City. He then reviewed the assessments outlined. All the proper notices for this have been issued.

Councilor Andrews – I'm confused on dates for when the payment is due.

Dan Danicic – The owners have until October 13th to make arrangements to pay and November 13 to pay assessment if they are paying it in full.

Questions of Staff

Councilor Soppe – what is the water line credit?

Dan Danicic- in order to get the water to the pump station a line had to be put in.

Councilor Soppe – a question on the adjustments - I see the individual breakdowns but what are they for?

Dan Danicic – On Exhibit B page 17 there is a summary of how some properties are paying for annexation costs through the LID.

Councilor Soppe – the Manning number shows a figure on one page and zero on the other.

Barton Brierley – that is because they have already paid in full.

Councilor Andrews - the project was funded by a loan from US National. Once these proceeds are available we are going to pay off that loan?

Dan Danicic – yes, we will take the up front payments to pay off part of the loan. The rest will have to be re-financed.

Councilor Andrews – on page 14 item 3 under the City of Newberg ordains, is there a standard for interest to pay?

James Bennett - there are 2 methods: the first uses State interest rate most recently 9%, the other is to charge interest 1% above prime. It would be consist with whatever we have done in the past.

Councilor Currier - isn't this one unique because the City did the up front funding for the citizens.

Dan Danicic - typically that is how a LID works.

Councilor Currier - in this particular case the residents turned the entire process over to the City.

Barton Brierley - yes the urban growth boundary and annexation was unique process, a way to get 15 or 16 property owners together instead of them having to file for annexation separately.

Councilor Boyes - where is CPRD property?

Dan Danicic - the ball fields to the north of the school.

Public Testimony

Bart Rierson - wrong item. He did not want to discuss this item. Had it confused with the Mtn View LID and should have spoken during public testimony.

MOTION: Larson/McBride to adopt **Ordinance No. 2004-2607** establishing the final assessments of the cost for the Crater Lane Local Improvement District.
(6Yes / 0 No). Motion carried.

Councilor Soppe – asked Mayor Stewart if he could reopen public comment so that Mr. Rierson could speak.

Mayor Stewart – reopened public comment

Bart Rierson - 110 Hazelnut Dr, Newberg, OR - I am here to speak on issue of fairness. When I purchased my property, I had to pay some costs that the developer had paid during development. I believe that the Mtn View extension is benefit to whole city. I believe that some of the costs should be borne by the residents but the cost to develop now seems to be 3 times what it started out to be. I think it would be better if the City could find some other alternate funding. I don't necessarily believe in the petitions to abolish LIDs. But it would be nice to share in the costs. Is there some way the City can work with the residents and the Church? Future developments like this have a payment in lieu for when the construction is done. I appreciate you taking the time to listen to me.

Councilor McBride - I would hope that people would not be listening to rumors. So whatever figures are out there are not correct. We need to wait until we get the info for estimates on costs.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

None

VIII. NEW BUSINESS

1. Consider approving **Ordinance No. 2004-2610** adopting a privilege tax which grants a franchise to Portland General Electric.

Staff report presented by - James Bennett

On October 31, 2004 the current privilege tax that paid for debt on city hall sunsets. Through a survey we have determined that there is support to extend privilege tax to cover public safety. Mr. Bennett covered the responses from the survey. Based on the results we received the Ordinance before you was drafted.

Questions of Staff

Councilor Soppe - in reading these comments they warrant responses. Did we get names and addresses?

James Bennett - we only got names and addresses for ones that wanted to be in drawing.

Councilor Soppe - could you get me the info for ones I want to respond to?

Councilor Andrews – I am concerned that this will go for public safety and not just in the general fund since public safety is in the general fund.

James Bennett - it says in the ordinance that it will go for public safety.

Councilor Soppe - what is the cost for self addressed envelopes?

James Bennett - we are looking at developing a city wide survey. Cost would be \$.97 to send out and get back.

Councilor Andrews - does that include return postage?

James Bennett - yes.

Mayor Stewart - how many customers do we have?

James Bennett – about 5400.

Councilor Soppe - Fire Chief, according to this survey you get 8.2 calls per day is that correct?

Chief Sherman - yes, every day.

Councilor Andrews – I want to follow up and see that this fee is dedicated to public safety. Is public safety not a general fund item? If we put money in general fund for public safety doesn't it just relieve something else in the general fund?

James Bennett – no, if we didn't get it, then the additional things we put in the budget for public safety would be cut.

Councilor Currier - not sure 15% is justified response. Prepaid envelopes may be throwing away a lot of dollars.

Councilor Soppe - not sure numbers are reflective of the public. If we charge 20 cents per \$1000 of valuation on single family residence, the privilege tax compared to the property tax is about 1/3. Where is the rest of the money coming from? How do the numbers add up?

Councilor Currier - large electric users.

James Bennett - the customers that run 24/7 operations that are using electricity.

Councilor Soppe - we got no significant feedback from these kind of users?

James Bennett - I can only speculate to that Part of it is they are already paying it and don't notice.

Councilor Boyes - did we have this budgeted for 04/05?

James Bennett – yes.

Councilor Boyes - so we have to come up with \$180,000 to keep the budget the way it is if we didn't pass this privilege tax? So by doing this we won't gain anything?

James Bennett - it was understood at the time the budget was passed that if this didn't pass we would cut the public safety budget.

Councilor Boyes - my concern is comments made in the Graphic this week about numbers of firefighters and police. Have we done anything about this?

James Bennett - this seems to be the most favored option.

Councilor Boyes - are we wanting to change to all paid firefighters? Because this wording doesn't give any credit to the volunteers. We need to be cautious of what everyone thinks. When the City grows we will grow farther behind in people in these positions.

Mayor Stewart – but as the City grows so does the tax base.

James Bennett - even with this it will be difficult to keep up with the demand on fire and police.

Councilor McBride - as the town grows we are going to have to add more paid people. We won't be able to rely on volunteers especially during the daytime hours. We talked at budget time about the survey. I think the return we got was great.

Councilor Soppe - are figures of fewer employees reflective of what is in the budget?

Chief Sherman - Those figures are based on national averages.

Councilor Soppe - how many people in service area.

Chief Sherman - ambulance service area 40000, city/rural fire service area 32000, city 19500.

Councilor Larson made motion to approve, motion seconded by Boyes.

Discussion of Councilors

Councilor Currier - Councilor Boyes implied that we are just maintaining status quo and we aren't really gaining anything. We probably aren't going to gain on the development that is going on. I would be very curious about a survey on the new development going on as to what they are putting in for heat.

Dennis Larios - 98% of the new homes are putting in gas for heating.

Councilor Andrews - you said, if this doesn't pass, we reduce the budget. Is that for just public safety?

James Bennett - that is correct.

Councilor Andrews - what do we do with the fire truck fee? Did we keep that?

James Bennett - yes

Councilor Soppe - I think it is unfortunate that we can't do privilege tax on natural gas. I want to commend staff on survey. I was not in favor of continuing privilege tax. This gives me confidence that voters say we should keep doing it. Thank you staff.

MOTION: Larson/Boyes to adopt **Ordinance No. 2004-2610** adopting a privilege tax which grants a franchise to Portland General Electric.
(6Yes / 0 No). Motion carried.

2. Consider approving **Resolution No. 2004-2529** establishing plumbing permit fees for medical gas, 1 & 2 family fire suppression systems and residential rain drain systems.

Staff report presented by - Dennis Larios
Would like to field questions. It is basically a housekeeping issue.

Councilor McBride - who is mandating this?

Dennis Larios – The State Building Codes Division.

Mayor Stewart – we have about 25 residential sprinkler systems already.

Dennis Larios – and more going in.

Councilor McBride - this is a special way of getting a fee for medical gas connections from hospital.

Discussion of what the fee is for and how it will be applied.

Councilor Andrews - this is in addition to SDC for sprinkler system?

Dennis Larios - this is for the fee for the permit for the sprinkler system.

Councilor Andrews - what in here involves a rain drain system?

Dennis Larios – they are required to have rain drains and we are required to inspect them, but have no fee to collect for this.

Councilor McBride - are covered RV Storage outbuildings required to have rain drains?

Dennis Larios – no

Councilor Soppe - the state legislation transferred this responsibility but the previous responsible party was not collecting a fee.

Mayor Stewart - it ended about a year ago.

Dennis Larios - I'm not sure it was collected under mechanical code.

Councilor Soppe – the total valuation on medical gas, is that the cost of the gas system?

Dennis Larios – there is one base fee and then so much per outlet. Small jobs would be charged base and per outlet where larger jobs would be value based.

Councilor Soppe - valuation is of gas system itself?

Dennis Larios – yes

Councilor Soppe - rain drain - gutters on houses, this is only for new additions ?

Dennis Larios - correct.

Councilor Soppe - every time we get permit we will go out on inspection?

Dennis Larios - yes.

Councilor Andrews - medical gas does it require special certification for you?

Dennis Larios – yes

Councilor Soppe - if someone replaces toilet they would have to get permit?

Dennis Larios - no, if they get into the floor or wall, then they have to get a permit.

MOTION: Soppe/Larson to adopt **Resolution No. 2004-2529** establishing plumbing permit fees for medical gas, 1 & 2 family fire suppression systems and residential rain drain systems. (6Yes / 0 No). Motion carried.

3. Consider approving **Resolution No. 2004-2534** adopting changes to the Water System Development Charge for single family residences equipped with sprinkler systems.

Mayor Stewart moved this item to new business item #1
No abstentions

Staff report presented - Dan Danicic

Mr. Danicic covered the report on SDC charge for meter as presented in the packet reviewing the cost differences between ¾ " meter at \$ 3330.87 and 1" at \$ 5662.48 with a difference of \$ 2331.61.

Councilor Andrews - in taking this action tonight are we amending an existing ordinance?

Dan Danicic - we do an annual SDC increase every year.

James Bennett - I believe the SDC charges are adopted by ordinance and can be amended annually by resolution.

Terrence Mahr - we adopt new rates every year by a resolution.

Councilor Andrews - we are adding a new rate correct?

Terrence Mahr - no, just allowing for a charge at the lower meter rate when putting in the bigger meter for the sprinkler systems.

Councilor Currier - fire truck fees are related to meter sizes. What meter fee will they be assessed?

Dan Danicic - that was not something that was considered.

Councilor Currier - is it a double up fee?

Dan Danicic - no, you are correct. It is not addressed with this action.

Chief Sherman - houses with sprinklers systems will not need the fire department as much, so I would support the fee reduction.

Councilor Currier - if we could amend this resolution for fire truck fee based on 3/4" instead on 1". I think that would be fair.

James Bennett - you certainly could do that. I don't know if you want to raise that question tonight. It may be something we should research and come back to and amend later.

Councilor Currier - I think it would be good to have the two tied together in one resolution.

Mayor Stewart - does it have to be tied together?

Councilor Currier - I think it does for simplicity.

Councilor Andrews - I tend to feel the same way.

MOTION: Andrews/Currier to postpone **Resolution No. 2004-2534** adopting changes to the Water System Development Charge for single family residences equipped with sprinkler systems to the next meeting October 18, 2004 (4Yes / 2No[Larson, Soppe]). Motion carried.

Councilor Soppe - I agree the fire fee should be reflected and we need to also look at the monthly fees because of the monthly service charges based on meter size. Has no problem discussing this and approving it tonight.

Councilor McBride – I think we should do it all at once.

James Bennett - when you refer to rates what rates are you questioning?

Councilor Soppe - meter size rates should not be penalized for 1" when they are not going to have additional usage.

Councilor Andrews – the concept I like, but I have many concerns and would like to see it done cleanly and clearly.

Councilor Soppe - if we do postpone this to the next meeting, are we getting requests for permits and are there people that would be left out?

Dan Danicic – no, the first homeowner in the area where we know they are putting in sprinkler systems hasn't come in for their meter yet.

Councilor Soppe - if they did come in and knew that there would be a savings, don't you think they would wait?

Councilor Soppe – I have a question of staff. Is it reasonable to get this information to us before next meeting?

James Bennett - we will do our best.

4. Consider approving **Resolution No. 2004-2535** approving a contract with Winterbrook Planning to conduct a future land use options study.

Staff report presented by - Barton Brierley

Mr Brierley presented report for hiring consulting firm on the basis that the Ad Hoc committee is ready to start the second phase of their project and need the consultant to help with the process. There is grant money to pay for part of the consultant fee. He noted that there were a couple of items not in the original RFP but were added to meet the requirements of the grant that was received to help with this project. Those two items were updating classifications of uses in industrial zones; the current ones are pretty antiquated. The second item was to have the consultant do a report showing the that end product would meet applicable goals of the State.

Questions of Staff

Councilor Currier - if I read this right, is there a 33% contingency?

Barton Brierley - no, we added the two additional tasks to the original RFP.

Councilor Currier – those two items increases it 33%?

Barton Brierley - yes.

Councilor Soppe - how do we know that this firm would still have been low bidder with the additions if a new RFP including them had been issued?

Barton Brierley – the bids were pretty close. The main deciding factor is the quality of what we would receive. We felt that it was more advantageous to continue with the same firm that helped with phase I since they were familiar with the project.

Councilor Soppe - why weren't the additional items in the original RFP?

Barton Brierley – because they relate to the grant and we didn't receive the grant until after the RFP went out. Basically we were going to fund with city funds, but then we got the grant.

Councilor Andrews – what do the in house costs consist of?

Barton Brierley – most of the associate planner's time has been devoted to this project.

Mayor Stewart - her position is paid for by fees collected by permits though, correct?

Councilor McBride - do we have anyone on staff that could do the consultant's job in house so we wouldn't have to use consultant?

Barton Brierley - no, we would have to hire a staff person.

Councilor Currier - it is still going to take associate planner time to assist on this?

Councilor McBride - in the RFP that went out was it stated how often the consultant would be checking in with staff? Are they required to be involved for a certain time frame?

Barton Brierley - we have fairly frequent meetings with the consultant and the consultant has tools, knowledge and ability, but they don't know Newberg. That is what we add to the process. We always have to provide them that local knowledge

Councilor Larson made motion to approve, seconded by Andrews.

Discussion

Councilor Currier - I still have a problem with spending money on consultant and still taking up a full time staff person. The only reason I would support is because the Council is requesting it.

Councilor Soppe – I don't think everyone knows what way the City is going to grow and I want to see real numbers and I think we are going to need it for legal backup in the future. I think we are using the right combination between consultants and staff.

Councilor Andrews - the associate planner we are talking about, is working with Ad Hoc committee also. Her time is not all in support of consultant. I agree that we need some basis of information to make judgments of where the City should go. I am in favor of the motion.

MOTION: Larson/Andrews to adopt **Resolution No. 2004-2535** approving a contract with Winterbrook Planning to conduct a future land use options study.
(6Yes / 0 No). Motion carried.

5. Consider approving **Resolution No. 2004-2538** initiating a zone change initiation for tax lots 3220AA-302 and 3320AA-702.

Staff report presented by - Barton Brierley

The City has been working hard to attract and retain industry to the community. It is always easier to keep someone than acquire someone new. Action Equipment needs a new location because business is growing. We have worked with them to find a new site in Newberg. That site is on Hayes St. next to Parr Lumber. The property meets a lot of their criteria but it is in C-2 zone and needs to be a M-2 zone. Would like to have Council initiate the zone change instead of Action Equipment having to.

Questions of Staff

Councilor Soppe - I have raised this issue before about Council initiating action to correct something. Who brought this issue up with Action?

Barton Brierley - we raised the question.

Councilor Soppe - could you give me an example of where you would not recommend this kind of action?

Barton Brierley - I think you want to look at the target business. Is it a business that we want to support?

Councilor Soppe - this has to be an expensive move for Action. Do you think that the \$1400 they would save by us initiating the zone change is that significant?

Barton Brierley - I don't think the financial benefit is the point.

Councilor Soppe - there is no advantage other than \$1400 if the Council initiates it over the business doing it?

Councilor Larson - if this is approved tonight, do they plan to sell property on Industrial Way?

Dan Lavene - owner of Action Equipment - we have not decided whether we are going to keep the other property. We would like to retain and rent it.

Councilor Larson - how soon will the purchase process and building take place?

Dan Lavene- probably next summer.

Mayor Stewart – you will surely have an increase in employees. Are you adding a graveyard shift?

Dan Lavene – no, we plan on adding just equipment and employees and keep our current shifts.

Mayor Stewart – are you going to have a larger facility so you don't have to store equipment inside?

Dan Lavene - yes.

Councilor McBride - we are still looking at same fees for all other things?

Barton Brierley – yes.

Councilor Currier - isn't the proposed property adjacent to mobile home park? I am concerned about late night shifts and the noise.

Dan Lavene – the quiet end of building will be close to the mobile home park. We don't have any noise complaints currently.

Councilor Currier - \$1400 isn't a big issue. The only thing that puts me off on this is Barton's comment on what is reasonable and what isn't. Can we be put in a legal position on this?

Mayor Stewart - Terry, do you have any legal input?

Terrence Mahr - legally I don't think it makes us biased. If these issues come up more frequently, we should work on criteria for Council initiations.

Councilor Boyes - if we say no to this, are they going to still build? There was a neighbor in that same area that did move out a few months ago. Did they come to us for any considerations?

Barton Brierley - we could not compete with what Portland offered them.

Councilor McBride made motion to approve, seconded by Andrews.

Discussion of Councilors

Councilor McBride - I think this is a good thing, a plus for Barton. I think staff should make these kinds of decisions along the way to attract business.

Mayor Stewart - the \$1400 is not the real issue here. It is the time it takes to do a zone change.

Councilor Soppe - there is nothing to stop them from going ahead, but I have a problem with changing policy on who is going to pay the fee until we are willing to set out a policy.

MOTION: McBride/Larson to adopt Resolution No. 2004-2538 initiating a zone change initiation for tax lots 3220AA-302 and 3320AA-702.
(6Yes /1 No [Soppe]). Motion carried.

6. Consider approving **Resolution No. 2004-2539** approving an Emergency Communications Agreement between the City of Newberg and the City of Dundee.

Staff report presented by - James Bennett

This will formalize relationship between Newberg and Dundee for dispatch services.

Questions of Staff

Councilor Currier - does Dundee include the enhanced system for caller ID?

Chief Sherman - yes.

Councilor Soppe -adoption date?

James Bennett - should be October 5th.

Councilor Soppe – on page 90 at the bottom items B & C, it is not clear to me if Newberg can unilaterally raise fees 5% .

James Bennett- item 6 on page 61 covers the answer to that question. It is logical that we are the ones to determine the cost.

Mayor Stewart – on page 87 the fiscal impact calls attention to this statement.

Terrence Mahr - we can adjust up to 5%. Anything over that will have to be negotiated.

Councilor Andrews - what was fee in previous informal agreement?

James Bennett - not sure of the actual formula used, but the amount collected in 03/04 was \$45,000. The rate for 04/05 is \$25,000.

Councilor Andrews - is this a more realistic view of costs or are we trying to mitigate some of Dundee's problem?

James Bennett - I think it is a little of both.

Councilor Boyes - with the working relationship between the two departments ,I think it is important to keep relationships in good working order.

Councilor Currier - made motion to approve, motion seconded by Larson.

MOTION: Currier/Larson to adopt **Resolution No. 2004-2539** approving an Emergency Communications Agreement between the City of Newberg and the City of Dundee.
(6Yes / 0 No). Motion carried.

7. Consider a motion to approve a sound permit for Newberg High School to have a fire works display.

Staff report presented by - James Bennett

This permit is for fireworks display for Newberg High School for the 3 remaining home football games. The ordinance isn't real clear on this subject. It is geared toward broadcast or amplification of music or speech. In the past we have issued a permit for Old Fashioned Festival fireworks. We issued original permit and directed police department to keep track of complaints and there were none. In addition to looking at sound permit we should perhaps look at amending ordinance for exceptions for certain kinds of noises.

Mayor Stewart - when will fireworks be fired?

Councilor McBride - 3 at national anthem, 3 when we score ,1 for extra point. If we win all remaining fireworks will be done. There are enough for 5 touchdowns.

Questions of Staff

Councilor Boyes - I didn't see the application in this information.

James Bennett - the application was filled out and turned in.

Councilor Currier - is there anything to be filed with DEQ?

James Bennett - they have to get permit from State Fire Marshal.

Councilor Currier - there are at least 3 low income areas that have elderly residents in the area.

James Bennett - we can't know if it is disturbing anyone unless we get complaints.

Councilor Andrews made motion to approve, seconded by Soppe.

Discussion of Councilors

Terrence Mahr – I would like to clarify Councilor McBride's conflict since he is one of the businesses that participates in this event. We can allow him to vote. It is only a potential conflict.

Councilor Boyes - this year I had a lot of complaints about Old Fashioned Festival fireworks, so I requested that there be no booms. I think if they can, they should do it before the 10:00pm hour. How did music sound permit turn out for the folks over Labor Day?

James Bennett - I did not receive any comments on it.

Councilor Boyes - I think it is a great idea for school. Someone else brought up idea that City Manager be able to approve these permits.

Councilor Larson - who pays if fireworks gets out of control and starts fire?

Councilor McBride – there is a million dollar liability policy and a security person on site during display to make sure no one gets into it.

Councilor Soppe - I think we should be eliminating whether it is broadcast. As far as the High School it would be easy for us to have an annual approval of such events. Think there should be a reasonable effort to notify neighbors though.

Mayor Stewart - does the school have to get a permit for PA system for the games?

Councilor Boyes – is it the same people as Old Fashioned Festival that run the fireworks display?

Councilor McBride –yes, and it is considerably smaller fireworks than Old Fashioned Festival.

Councilor Currier - anytime you have anything such as this the neighbors have to have due notification.

MOTION: Andrews/Soppe to approve sound permit for Newberg High School to have a fire works display.
(6Yes / 0 No). Motion carried.


IX. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(1)(H) Relating to Pending Litigation.

X. ADJOURNMENT

MOTION: Andrews/McBride to adjourn meeting at 9:41pm.
(6Yes / 0 No). Motion carried.

ADOPTED by the Newberg City Council this 1st day of November, 2004


James H. Bennett, City Recorder

ATTEST by the Council President this 4th day of November, 2004.


Bob Larson, Council President