

**MINUTES OF THE NEWBERG CITY COUNCIL
FEBRUARY 2, 2004
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
Bob Larson
Doug Pugsley**

**Roger Currier
Mike McBride
Robert Soppe**

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was administered.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Mr. John Bridges, Downtown Revitalization Committee Chair, presented a report on the Civic Corridor. The Committee decided to do a unified plan and not spend money on consultants. They solicited assistance at a graduate student level (landscape architecture and design). They took 18 students who broke the corridor down into 9 different options, received public input on the components and selected the ideas that were the best. He said that they are fairly close to taking that idea and making it a more formal downtown plan. What they are proposing is a four stage plan. The Committee is committed to finding revenue sources within the community to fund the plan.

1. Design and create a record of decision and a verbal description.
2. Solicit input and survey council, planning commission, community groups for concepts (Victorian/modern, etc.)
3. Refine plan based on input; back to the Council for approval
4. Take the decision out to the community for financial support

Councilor Currier addressed tree placement in connection with the City Code. Mr. Bridges said that Mr. Beam would be working with the Committee on this.

Councilor Andrews asked about zoning in the downtown area. Mr Bridges said it was all zoned C-3.

Councilor Pugsley said he liked the long range view with the replacement of benches, sidewalks and improvements to First Street. It makes good sense.

V. CONSENT CALENDAR

None.

VI. PUBLIC HEARING

None.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

1. Adopt **Ordinance No. 2004-2589** to replace the existing Exhibit A - Findings document attached to Ordinance No. 2003-2589 with the attached Exhibit A - Findings document. (This is not a public hearing.)

City Attorney Mahr addressed the procedural issues dealing with a UGB amendment. It goes to NUAMC first and then to the County for concurrence. In this case, the County held a hearing and approved the amendment, but adopted slightly different findings. It is back before the Council to reconcile the City and County findings. No additional testimony will be accepted. It is continued business and ex parte contact must be declared. Councilor Soppe said that he will recuse himself.

Councilor Andrews said that the Council can go beyond the minimal requirement. He wants to ensure that citizens understand what the Council is doing (not a back room decision). The new ordinance replaces the City's findings with the County's findings. Can the Council append the findings of County Ordinance No. 731 to our existing ordinance and have it as a consolidated record? **Mr. Mahr** said it would open the Council to another appeal. The City would have to renote and hold a new hearing. Since the amendment involves more than 50 acres, it would go to DLCD for final approval, but procedural issues could still be appealed to LUBA.

Councilor Pugsley asked for clarification about who made the changes to the findings. The applicant revisited the findings and put in additional language. The County staff had additional questions. This procedure working with findings and requesting the changes is common in land use issues.

Councilor Currier addressed the precedent of the County having the City agree to what they have adopted. He understands that at some point the two have to agree. Discussion was held concerning findings made by the Council replaced by the County. How often will this happen?.

Councilor McBride asked what the purpose is for doing this? Another time are we going to stand on our original decision? What is the downside of doing it that way? **Mr. Mahr** said that there is a need for concurrence between the City and the County in order for the amendment to go to DLCD. They have been using this process since 1979 when the City established its first UGB. At that time, the County decided to concur with what the City wanted to do.

Councilor Larson said that the City was getting the expertise of the County in reviewing the findings. However, he would like to hear from Don Clements (CPRD) Mayor Stewart said this was not a public hearing. **Mr. Mahr** said the County called in Corrine Sheraton (ex-LUBA referee) to review the findings and make suggestions.

Councilor Currier referred to the findings on page 2 and noted that 82% of the affected area is now designated prime farm land instead of the previous 71%. If we adopt the new ordinance, is it eligible for appeal? **Mr. Mahr** said yes. And, if we adopt an ordinance to append the County's findings to our findings, it is still open for appeal.

City Manager Bennett said that NUAMC, the City and the County all approved the application because they felt the project should go forward. It is intended to get the golf course built. It can be done by concurring with the County Ordinance. The City can add the City's findings as an Exhibit.

TAPE 1 - SIDE 2 -

Barton Brierley, City Planner, addressed the soil example change. Discussion was held concerning the stream corridor not being prime farm land. The County looked at it and took the conservative approach by including it. .

Mayor Stewart addressed agricultural land not only being defined by "soil type". He has a problem with having the County ordinance be the only exhibit/findings.

Councilor Pugsley referred to page 5 of the findings regarding the pedestrian trail system. How much of the site would be taken up by trails? **Mr. Brierley** said he did not know.

Discussion followed about the finding on page 6 that the majority of users will be from Newberg and that additional users will come from the remainder of the primary market area - southwest Portland and McMinnville. **Mr. Brierley** said that the golf course is needed to help with the City's local recreational needs.

Councilor Currier said that on page 6 they strike the reference to the market and financial report. He thinks that it is pertinent and could have a big bearing on the transportation impacts/traffic patterns for the area. **Mr. Brierley** said the market study is to help identify the qualities of other courses in the area. Discussion was held concerning other locations and separate market study/alternative site analysis.

Councilor Pugsley referred to the findings on page 15 and asked why the reference to the Austin property was stricken? **Mr. Brierley** said it was vulnerable upon appeal (not excluding land for not meeting needs).

Councilor Pugsley continued by asking for clarification of the Park District's commitment to providing golf courses referred to on page 17. Discussion followed that if the golf course is approved, they need to build an additional 18 holes of golf to satisfy their goal.

Councilor Currier addressed the analysis on page 7 for eliminating potential alternative sites because of high value soils. He did not see why they were classified in that category.

Councilor Pugsley asked about the decision to remove the Goal 5 justification for accommodating long-range population projections on page 38. Mr. Brierley said that the County felt this was also vulnerable on appeal and that they should focus on Goal 8 for this purpose.

Mayor Stewart suggested accepting the ordinance as proposed.

MOTION: Pugsley/Larson to read by title only and adopt **Ordinance No. 2595** as written.

Councilor Andrews said his concern with joining the two documents is that the County deleted some of our findings and substituted their findings due to vulnerability. If we concur and accept the combination, it is a wash.

Councilor Larson said he accepts the County's suggested amendments if they keep the original document and make the County Ordinance as an addendum to ours. Discussion was held concerning the possibility of appeal of the amended ordinance.

Councilor McBride said it makes the document stronger on appeal. He is ready to support.

City Manager Bennett said we should not be concerned about the appeal, but rather what would happen with DLCD. The County made changes to make the UGB amendment application stronger.. Discussion was held concerning a joint meeting with County Commissioners to iron out the issues - not an issue of pride of authorship. He supports the changes if it makes a stronger case.

Councilor Andrews said he has not seen the County Ordinance No. 731. **Mr. Brierley** said it is the document with the changes in strikeout and shading.

Councilor Currier said the Commissioners followed recommendations from outside sources (attorneys, CPRD or their consultants). It was formed after the fact. He said the City should have the same process. **Mr. Brierley** said it would be a good idea to have a readable document with no strikeouts to review.

ROLL CALL ON MOTION: City Attorney Mahr read the ordinance by title only. (4 Yes/1 Abstention [Soppe]/1 No [Currier]. Motion carried.

Councilor Andrews asked that some of the concerns noted be addressed in working through this matter in the future. **Mr. Brierley** duly noted the Council's concerns.

VIII. NEW BUSINESS

1. Approve appointment to Citizens Rate Review Committee:
Blane Hansen
Jeff Ratcliffe

Ms. Katherine Tri said that Ms. Rebecca Ratcliffe had resigned and her husband has applied. If approved, both applications will be appointed to the Committee.

MOTION: Currier/Pugsley to appoint Jeff Ratcliffe for one year and Blane Hansen for the 3 year position. (Unanimous). Motion carried.

2. Presentation of Visitor Information Center Report (2nd Quarter, 2003/04).

Ms. Ann Dolan, Chamber Director, presented the 2nd Quarter Report. The Chamber is now operating on a cash basis. The membership dues are on a calendar year basis. Dues are billed in November of each year and funds are collected through the first few months of the following year. They will now accrue these funds to the next year's budget.

Councilor Soppe asked what happened to the map income. It is a project of the Visitor Center and is reported as income to the Chamber as advertisement. Ms. Dolan noted that the maps are free and the advertising is not. They share the expense of that cost with the Chamber/Visitor Center. The Chamber incurred 1/3 and the visitor center incurred 2/3. However, it could be the other way around.

Councilor Soppe said the Visitor Center earns funds from the visitor information center operation. Ms. Dolan said that no Visitor Center expenses were incurred in promoting the map/advertising. Further discussion was held concerning the income/expenses being recorded proportionately.

Ms. Dolan said the Chamber is moving March 7th and they are talking with ODOT about sign changes. They will be located in the Central School facility (west wing). They will eventually be in the center of the building.

Tape 2 - Side 1:

Councilor Soppe addressed contributions made from the Chamber with a significant portion being different from the first quarter. Discussion was held concerning the YTD figures with a net loss of approximately \$5,252. Discussion was held concerning a \$4,000 discrepancy in the reporting and how it was transferred from the Chamber to the Visitor Center.

Ms. Dolan said they allocate 1/3 to the Visitor Center and 2/3 to the Chamber. There are combined expenses she agreed but the money was spent accordingly and the new numbers were correct.

Councilor Soppe said he would like to see a revision of the figures presented. Ms. Dolan said she would provide such revisions to the Council.

Councilor Soppe addressed the advertising expense line item. There is 1/3 allocated to the Visitor Center and 2/3 to the Chamber. The Visitor Center does not get to sell 1/3 of the advertising space and further discussion was held concerning the Visitor Center not able to sell advertising itself and being able to collect the money itself.

Councilor Currier hoped that somewhere down the line, if the civic corridor grows, that there would be more signage around the library to get people there. If the signs are there at Central School, they would be going through the Library.

City Manager Bennett asked Ann Dolan to give us a breakdown of the information in the second quarter report. With respect to the maps, a portion of the costs are passed on to the Visitor Center.

Councilor Currier discussed equal split of income and expense in some instances. Ms. Dolan said she would come back to the Council with an itemized statement.

Councilor Soppe said he was in agreement to support the same ratio of contributions and expenses if the formula was reasonable. The Visitor Center owns 1/3 and the Chamber owns 2/3 of the revenue generated. It is an ownership in paper only. Discussion was held concerning allowing the Chamber to place advertising. Discussion was held concerning the Visitor Center generating revenue.

Councilor Soppe asked, if the visitor center paid for the entire map, would it be considered that the Visitor Center would pay for all expenses? Further discussion was held concerning splitting the 1/3 - 2/3 expenses/revenues. Ms. Dolan said she would show a line item and give an example of last year's itemization (a whole year rather than a budget line item). Ms. Dolan said the small telephone book is not being printed this year. Discussion was held concerning web hits versus web visits. It reflects the amount of time a person visits the website.

Discussion was held concerning revisions to the January 5th minutes. Ms. Leah Schuler requested a copy of the minutes. Further discussion was held concerning the audio tape(s) not being available.

Mr. Bennett said the tape machine malfunctioned and the tapes were not audible. Mr. Bennett said he was working on resolving the problem with the audio system, possibly by using a digital recorder.

Mr. Bennett addressed the Council goal setting workshop for Saturday day or evening depending upon availability of the Council. Discussion was held concerning whether or not the department heads should be asked to come and meet with the Council. Various dates/times were proposed. Possibly February 11 from 5-9:00 p.m. The location to be announced.

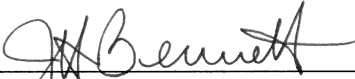
IX. EXECUTIVE SESSION

None.

X. ADJOURNMENT

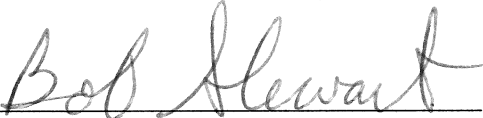
MOTION: Currier/Soppe to adjourn at 9:00 p.m. Unanimous. Motion carried.

APPROVED by the Newberg City Council this 15th day of March, 2004.



James H. Bennett, City Recorder

ATTEST by the Mayor this 18 day of March, 2004.



Bob Stewart, Mayor