

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

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Councilors

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

Absent: Mike Boyes

Others

Present: James Bennett, City Manager
Terrence Mahr, City Attorney
Robert Tardiff, Police Chief
Barton Brierley, City Planner
Dawn Nelson, Recording Secretary

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was administered.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Melvin Martin, 2600 N. Main St., Newberg - speaking about what he views is contained in the LID ordinance. The first he knew about the LID was when he got the public meeting notice. He went to the City's website and looked for the LID ordinance, but it is difficult to read a document of that size on the screen. So he printed out all 11 pages of document. He found a few things of interest. First, the terms "property benefitted" and "benefitted property" are used 30 times. He counted them. The writers of the ordinance had to see a benefit to the property owners. The words "fairly" and "just" also appear frequently. Mr. Martin said that he and the other residents that he was representing think that the Mtn. View LID is not fair because it is going to benefit more Newberg residents than just those being assessed the LID. The area is deemed a collector street. There is going to be a lot of traffic, and not just from residents, in the near area. They don't need this street improvement. They have other streets they can use. According to the LID ordinance, residents are entitled to reimbursement from the City if there is a benefit to others.

Councilor Soppe - Do you have any rough feeling of what the benefit is to your group?

Mel Martin – Well, I feel the City's obligation is 100%.

Councilor Soppe - You feel there is 0% benefit to any of you?

Mel Martin - We and St. Peters have already paid our portion.

V. CONSENT CALENDAR

1. Proclamation declaring the month of October, 2004 as Disability Employment Awareness Month.
2. Consider approving minutes from the Regular Council meeting held on August 2, 2004 and August 16, 2004.

MOTION: to approve the consent calendar.
(5 Yes /0 No/1Absent [Boyes]). Motion carried.

VI. PUBLIC HEARING

1. Consider approval of **Ordinance No. 2004-2602** amending the Comprehensive Plan and development Code to protect the functioning of the Bypass.

Mayor Stewart - Called for abstentions and ex parte communications.

Staff Report - Barton Brierley, City Planner.

The Planning Commission has held two additional meetings on this subject and following those meetings made certain recommendations to the City Council. We have talked with ODOT and they can live with most of the recommendations. There are a couple of items they have concerns about and staff feels Council should discuss.

Mr. Brierley then covered the two important amendments that the Planning Commission made.

Questions of Staff

Councilor Larson - Concerned about affected housing. If the bypass is going to go through someone's house, what ensures they get a fair price for the land?

Barton Brierley - ODOT does have to pay the land owner fair market value. The issue is about when a house is rented and there is relocation assistance for the renters.

Councilor Larson - ODOT has to give a fair and equitable price to the land owner, though?

Barton Brierley – yes

Public Testimony - None.

Discussion

Councilor Andrews - What is the reasoning behind the Modified 3J or 3J recommendations made by the Planning Commission?

Barton Brierley - It would give direction to ODOT to go back and look at option 3J as well as modified 3J.

Mayor Stewart – with the two together are we talking about a couple hundred feet?

Barton Brierley - yes. He then showed with the overhead map how the property would be affected by the 2 different options.

Mayor Stewart - If drawing is correct we are talking about a difference of about 150 feet, and if we ask ODOT to look at both, we are asking them to do twice the work.

Councilor Andrews - Fundamentally the issue is land displacement?

Barton Brierley - yes.

Councilor Andrews – the quarter mile reference is consistent in documentation and is this a good estimate of land affected?

Barton Brierley - yes.

Councilor Andrews - when you talk about ramps is that where it exits or enters the bypass?

Barton Brierley - the point where it starts going up.

Councilor Andrews – In item ‘o’ are we encouraging or discouraging airport properties?

Barton Brierley - it allows commercial activities related to the industrial park or the airport.

Councilor Andrews - Scott Leavitt Park. Is that on 11th? If we go back to 3J, what is the impact on that park?

Barton Brierley - one of the other reasons 3J was modified was to move south and avoid park.

Councilor Currier – The concern with Scott Leavitt park is there is 182 feet between park and SP property. Not a lot of room to put in a bypass.

Councilor Andrews - page 16 item ‘k’ talks about Hispanic displacement. What is the issue here?

Barton Brierley - there are federal regulations for displacement of minority residences.

Councilor Andrews - regarding page 18 item ‘g’, I would recommend that we pursue with ODOT signage that would alert drivers to the speed the signals are set to. You get better compliance with speed and a better flow of traffic. Page 22 item 12.a I think this conflicts with what is said on page 6.

James Bennett – Barton was it not the intention to change all the references to “modified 3J or 3J” in the document?

Barton Brierley - yes

Councilor Currier - page 22 talks about subgrade drainage issues. How are you going to pump storm drainage back out of a below grade road?

Councilor Soppe – I have a general comment. I was surprised to receive this information on Friday. I have not given it a thorough read through and I’m not comfortable with approving tonight. I may abstain from the vote. Not clear to me if we list both 3J and Modified 3J do they combine and make one big corridor or does ODOT have to pick one or the other route.

Mayor Stewart - it is POST’s responsibility, not ODOT, to choose the route.

Councilor Soppe - is there new information that we should be looking at in this recommendation? Or is it that the Planning Commission didn’t like the impact on the Riverfront.

Barton Brierley - the latter.

Councilor Soppe – in reference to page 6 what commercial activities would be allowed there without commercial zoning?

Barton Brierley - There would only be industrial.

Councilor Soppe – I like the housing concept of replacement of one to one, but have concerns about it being vague. I am uncomfortable with the obligations that could arise. Who would be obligated to take care of this?

Barton Brierley – In the most extreme case, the city could be responsible for replacing housing; in the least extreme case, the city would have to make land available for new housing development .

Councilor Soppe - Regarding Scott Leavitt park, do we have the ability to take out parks with the bypass?

Barton Brierley - they are not totally off limits but pretty close. You have to explore all other options first. With option modified 3J, Scott Leavitt park will be mostly avoided.

Councilor Soppe - remind me how wide bypass will be when constructed.

Barton Brierley - 150 feet.

Councilor Soppe - you made a comment that the housing displacement is not disproportionate. Could you explain?

Barton Brierley - let me gather some more information on that.

Councilor Soppe – Mr. Mahr in your legal view do we have any legal obligation or liability here?

Terrance Mahr - in going through this information, I don't see where we have a big risk.

Barton Brierley - there is information in the environmental statement.

Councilor Andrews - if it is not an issue, why is it in this information?

Barton Brierley - to assist in answering questions from the public.

Councilor McBride - I am concerned about the housing issue and I am not comfortable with passing this.

Barton Brierley - undoubtedly the Council will be involved. The Planning Commission asked for this verbiage to be added to the document. ODOT did not have this language in the original. You can certainly pass it and leave out certain policies.

Councilor Larson - option 3J will displace 67 homes and modified 3J will displace 49. I think that is a positive statement about which route to choose. Modified 3J would be the best way to go.

Councilor Andrews - what are we losing in building lots if we go modified 3J?

Barton Brierley - we don't have that information. Nothing has been platted yet.

Councilor Currier - There are more than just those homes that will be displaced. It would bother me for you to pull out this section of the Ordinance and then pass it. I think it would leave open questions for the future. I don't want to ignore the park issue. What about the new park behind the Springbrook mobile home park? Are we going to allow them to put in that park and then lose it?

Barton Brierley - it is not a public park. The people in the mobile park are putting it in privately..

Councilor McBride - how could we pull out the part about the housing displacement issue?

Barton Brierley - the Council has options. You could adopt as recommended. You could adopt with deleting policy 's'. You could adopt the language that was presented by staff. Your fourth option would be to pass with deleting 's' and direct staff to come back with different language.

Councilor McBride - I want to know how we are going to have to help these people when the issue comes up. I don't think we should be getting into the housing relocation business and be stuck having to spend City funds to build new housing.

Councilor Andrews - Barton please reread staff recommended language.

Barton Brierley - [read language].

Councilor Andrews - maybe we should take staff language and add a disclaimer.

Councilor McBride - if ODOT is also responsible for this assistance, how much extra cost will it place on the project and how much time will be involved?

Barton Brierley - it will add to what they are required to provide by federal law.

Terrance Mahr - reading the staff recommended language, putting a prohibition against being a contractor may give comfort but may have problems down the road. A good example is the Headstart project where the City has been the initiator.

Councilor McBride - you think we are OK with staff wording.

Councilor Andrews – I have a procedural question. How will this impact agenda item VIII.2 if the ordinance is not approved ?

James Bennett - we would not be prepared to go on with it.

Councilor Larson - I would like to see the ordinance pass to work with ODOT.

MOTION: to amend item 's' of **Ordinance No. 2004-2602** regarding replacement housing to reflect the staff recommended language.
(5 Yes /0 No/1 Absent [Boyes]). Motion carried.

Councilor Soppe - as much as I am a fan of the Riverfront project the least impact on existing housing to me is very important. I think Modified 3J is a better option.

MOTION: to amend **Ordinance No. 2004-2602** by deleting all references to option 3J and retaining same for option Modified 3J.
(5 Yes /0 No/1 Absent [Boyes]). Motion carried.

Councilor Soppe – the change to include both high speed and moderate speed. What does that really mean?

Barton Brierley - It makes it so it could be either a high speed or moderate speed facility.

Councilor Soppe - are there definite speeds associated these terms?

Barton Brierley - 35-45 moderate / 45-55 high speed.

Councilor Soppe - So this gives ODOT more options if they want to slow down around park.

MOTION: Larson/Andrews to adopt **Ordinance No. 2004-2602** amending the Comprehensive Plan and development Code to protect the functioning of the Bypass.
(3Yes /1 No [Currier]/1 Abstain[Soppe]/1 Absent [Boyes])). Motion failed for lack of a majority.

Mayor Stewart – Councilor Soppe is there more info tonight to provide to you that would help you decide?

Councilor Soppe - No.

MOTION: Soppe/McBride to have Ordinance No. 2004-2602 and Resolution No. 2004-2527 brought back to the next scheduled Council meeting .
(5Yes /0 No/1 Absent [Boyes]). Motion passed.

Barton Brierley – it would be helpful to have this passed before the County Commissioner meeting next week on Thursday.

Mayor Stewart - do we want to have special session?

Councilors could not agree on a date before the County Commissioner meeting.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS - None.

VIII. NEW BUSINESS

1. Review of Community Access/Cable options.

Staff Report presented by - James Bennett, City Manager.

Questions of Staff

Councilor Andrews - from the previous time when we had cable access, there is some equipment left over. Is it the property of the City?

James Bennett - yes.

Councilor Currier - The cost for this is jumping around. Maybe we should be purchasing equipment and then loan it out. I think we could do a little better research on cost of items.

Councilor Soppe - Is there any other information on what you are proposing? What I am seeing is the City should spend \$38,000 and give H&R video \$22,000 of equipment. What services are you going to provide for this amount?

Bob Swift - It would be nice to know what the Council wants.

Councilor Soppe - I would like to know what we are getting for this expenditure.

Councilor McBride - I think we should hang on to any of the equipment that we purchase. We ought to at least own it. I think Councilors Soppe and Currier made good points.

Councilor Andrews - if we are looking at expending \$38,000, are we not obligated to get proposals?

Terrance Mahr - with a \$35,000 cap, we try to get three quotes.

Mayor Stewart - if public works is going out to purchase 3 trucks, are they considered individual

pieces or as one?

Councilor Andrews - my point is we need to seek to get the best product for the least price.

Discussion about getting the best purchase price and the Council's fiduciary obligation to do so.

Councilor Currier - Council maybe needs to consider an ad hoc committee to write RFP on what we want from a cable plan.

Councilor Soppe - I don't know how we are going to get anything in the price range we are willing to spend. I don't know how to write an RFP for something in this price range.

Councilor Currier - is it reasonable to set down with other interested parties and H&R and hammer out some of your major questions.

Discussion of what the City wants out of a cable plan

Mayor Stewart - appointed Currier/Andrews/Soppe as subcommittee to work on cable access plan requirements.

2. Consider **Resolution No. 2004-2527** authorizing the City Manager to sign an Intergovernmental Agreement concerning the process to consider changes in land use policies concerning the By-pass.

MOTION: Andrews/McBride to set over **Resolution No. 2004-2527** until approval of ordinance 2404-2602
(5 Yes /0 No 1 Absent [Boyes]). Motion carried.

3. Consider **Resolution No. 2004-2530** authorizing the City Manager to enter into an Intergovernmental Agreement for Mutual Aid, and Interagency Cooperation among law enforcement agencies.

Staff Report presented by – Robert Tardiff, Chief of Police.

Questions of Staff

Councilor Andrews - exhibit 'A' is what Washington County is using inside Washington County and this would be a template for us to use?

Robert Tardiff - look at section 10. We would be an additional party

Councilor Andrews - they have this existing plan and they would be adding us to it?

Robert Tardiff - any agency that signs on with this agreement will be added. It is a fairly new plan.

Councilor Andrews - if we are an additional signer we would be a part of it all?

Robert Tardiff - yes.

Councilor Soppe - presently do we have mutual aid with Washington County?

Robert Tardiff - we work with them, but don't have a signed agreement. Some of the agreements have not been through the governing body.

Councilor Soppe - the terms requesting agency and responding agency are not defined on page 206, the very last statement. Is it supposed to be requesting agency? Also on page 59 wear and tear of equipment. Are we responsible?

Robert Tardiff - If we had our equipment and it was damaged, it would be our responsibility.

Councilor Currier - I don't see much difference between this and the intergovernmental agreement for Rogers Landing and it has worked well.

MOTION: Larson/Currier to approve **Resolution No. 2004-2530** authorizing the City Manager to enter into an Intergovernmental Agreement for Mutual Aid, and Interagency Cooperation among law enforcement agencies.

(5 Yes /0 No/1 Absent [Boyes]). Motion carried.

4. Consider **Resolution No. 2004-2532** authorizing the City Manager to enter into a Community Development Block Grant Agreement with Head Start of Yamhill County.

Staff Report presented by - Barton Brierley, City Planner.

Questions of Staff

Councilor Currier - Did they have to go to this grant because of a loss of funding from Spirit Mountain?

Michael Eichman - No, we got \$100,000 today from Spirit Mountain.

Councilor Larson - under the fiscal impact statement, Headstart will reimburse City for accounting time?

Barton Brierley - won't reimburse for grant preparation costs, but will for the auditing costs that will be involved.

Councilors Andrews - page 64, are we going to have any loss of staff time or budget dollars for this?

Barton Brierley - accounting costs will be covered.

Councilor Andrews - estimate the cost for staff time for the grant.

Barton Brierley - \$500 to \$1000.

Councilor Andrews - is Davis Bacon Act an issue or is this boiler plate?

Terrance Mahr— it is boiler plate language.

Councilor Andrews - are there lobbying issues?

Barton Brierley - it says that these grant funds can not be used for that.

Councilor Andrews - the tax lot listed; is that the pie shaped lot?

Barton Brierley – yes.

MOTION: Currier/Andrews to approve **Resolution No. 2004-2532** authorizing the City Manager to enter into a Community Development Block Grant Agreement with Head Start of Yamhill County.

(5 Yes /0 No/1 Absent [Boyes]). Motion carried.

5. Consider the approval of a sound permit application for the Harvest Festival to be held on September 11, 2004.

MOTION: Larson/McBride to approve sound permit application for the Harvest Festival to be held on September 11, 2004.

(5 Yes /0 No/1 Absent [Boyes]). Motion carried.

6. Consider an appointment to the Traffic Safety Commission
Bob Ehmann

MOTION: Andrews/Currier to approve Bob Ehmann's appointment to the Traffic Safety Commission.

(5 Yes /0 No/1 Absent [Boyes]). Motion carried.

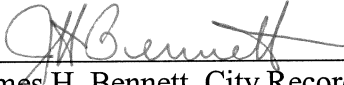
IX. EXECUTIVE SESSION - None.

X. ADJOURNMENT

MOTION: Soppe/McBride to adjourn meeting at 9:00 p.m.

(5 Yes /0 No/1 Absent [Boyes]). Motion carried.

ADOPTED by the Newberg City Council this 4th day of October, 2004


James H. Bennett, City Recorder

ATTEST by the Mayor this 7th day of October, 2004.


Bob Stewart, Mayor