

**MINUTES OF THE NEWBERG CITY COUNCIL
FEBRUARY 7, 2005
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

I. CALL MEETING TO ORDER

President Andrews called the meeting to order at 7:00p.m. Mayor Stewart was absent.

II. ROLL CALL

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

Others Present: James Bennett, City Manager
Terrence Mahr, City Attorney
Barton Brierley, Planning & Building Director
Janelle Nordyke, Assistant Finance Director
Dawn Nelson, Recording Secretary

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was administered.

IV. CITY MANAGER'S REPORT

James Bennett – Mr. Bennett reported on the Board of Directors meeting of the League of Oregon Cities – one of the biggest issues is QWEST seeking a change in the way they pay fees to cities. They would like to get rid of franchise fees and substitute a flat fee that would have to be adopted by each city. This would put burden of passing new ordinance on each individual city. It would, however, include revenue from cellular phones. Other issue is that QWEST will develop voice over internet. Someday all phones may be over internet lines and they would get away from phone lines. QWEST has threatened to support state wide initiative to prohibit industry specific taxes if they are not supported on this.

Councilor Currier – did they address how they would break out cell phones purchased in Oregon from other cell phones?

James Bennett – they said it can be differentiated. A bigger concern is that cell phones are so portable and could move out of state. This could have domino effect in the utility industry. Probably will have to deal with the fact that the federal government is going to make some changes that will not be favorable to the cities. Another major issue at meeting dealt with trio of collective bargaining bills that were defeated by tie vote last legislative session. They completely change the way collective bargaining is done with regards to the public sector. Presentation by Portland commissioner about PGE.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Darlyn Adams, 131 Johanna Ct, Newberg – Newberg Animal Shelter Friends – Building fund is now over \$144,000. February 12th “Wags-n-Whiskers Path to Success Brick Campaign at Fred Meyer 10am – 4pm. Raised \$40,794.19 last year. Hope to start building this fall.

VI. CONSENT CALENDAR

1. Consider approval of the City Council Regular Session Minutes for December 20, 2004 and January 3, 2005.

Councilor Soppe – amend minutes of January 3, 2004, Page 10 and change wording from Councilor Soppe “the wording doesn’t clarify” to “that don’t really apply”.

Councilor Andrews – page 26 motion – wanted to make sure that it shows I didn’t support PEG fee.

Discussion was held that the Council would have to approve any PEG fee.

MOTION: LARSON/MCBRIDE To approve consent calendar with corrections noted. (6 Y / 0 N) Motion carried.
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VII. PUBLIC HEARING

1. Public Hearing to consider approval of **Ordinance No. 2005-2616** removing 82 acres from the Urban Growth Boundary, and amending the Comprehensive Plan Supply and Demand Table and Park Area Standards Table.
(Quasi-Judicial Hearing)

President Andrews – opened hearing, called for abstentions.

Councilor McBride – serves on the Board for CPRD.

Terrence Mahr – Mr. McBride’s position not an issue because it is a non compensated position.

Terrence Mahr – legal announcements.

Staff report presented by – Barton Brierley covered information presented in the packet for this item. Adopt all the requirements of Land Conservation & Development Commission order.

Councilor Soppe – the signed agreement has all the blanks filled in?

Barton Brierley – yes.

Public Testimony

Marilyn Reeves, PO Box 1083, McMinnville, OR – Friends of Yamhill County – supports

agreement that was worked out as described by staff. Supports preservation of farm land. Like to see CPRD re-evaluate need to build parks on agriculture land.

Warren Parrish, 30450 NE Wilsonville Rd, Newberg – gave history of why he is here. He is concerned with his land being adjacent to this and someday being drawn into the UGB and concerned with statements made in the Graphic misrepresenting the land as not still being farmland which it is.

Councilor Soppe – if you are correct, wouldn't ordinance be to your advantage?

John Bridges, 515 E First St., Newberg, OR – I am here to answer any questions you might have. The County Commissioners hearing is on 2/23.

Councilor Soppe – clarify steps as to how we got here.

Councilor Larson – what were the fees for mediation?

John Bridges – Park District paid one half, City paid one quarter, and one quarter was donated by 1000 Friends; total was less than \$10000.

James Bennett – city paid less than \$700 when it was done.

Councilor Soppe – question of staff same as Mr. Bridges.

President Andrews - closed testimony.

Terrence Mahr – the applicant waives further testimony; under administrative rule any appeal would go to LCDC.

Councilor Soppe - motioned to approve Ordinance No. 2005-2616; **Councilor McBride** seconded.

Councilor Deliberation-

President Andrews – decision from LCDC page 40, item 6, what is effective date?

Barton Brierley – 6 months from date of decision.

Terrence Mahr - page 42 #5 establishes that 6 month time line.

MOTION: SOPPE/MCBRIDE To approve **Ordinance No. 2005-2616** amending Ordinance 2003-2589, removing 82 acres from the Urban Growth Boundary, and amending the Comprehensive Plan Supply and Demand Table and Park Area Standards Table. (6 Y / 0 N) Motion carried.

2. Public Hearing to consider approval of **Resolution No. 2005-2556** accepting the Supplemental Budget #2.
(Legislative Hearing)

Staff report presented by – Janelle Nordyke

Covered information as presented in the packet.

Councilor Larson – where do we stand with collecting on church property?

Terrence Mahr – they have asked to sign up for time payments contingent upon release from bankruptcy court.

Councilor Soppe – we are reclassifying SDC funds as bond proceeds; that is perfectly acceptable accounting procedure?

Janelle Nordyke – yes.

Terrence Mahr – would like to point out when we are available to finance this internally we are able to save citizens transaction fees.

Councilor Larson – Finance Committee did pass this unanimously.

President Andrews - closed public hearing.

Councilor Larson - motioned to approve **Resolution No. 2005-2556** accepting the Supplemental Budget #2; **Councilor Currier** seconded.

MOTION: LARSON/CURRIER To approve **Resolution No. 2005-2556** adopting supplemental budget #2 for the fiscal year beginning July 1, 2004 and ending June 30, 2005 (6 Y / 0 N) Motion carried.

BUSINESS MEETING SECTION

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

1. Consider a motion to appoint three citizens to the Traffic Safety Commission to fill terms expired on 12/31/04.
Joyce Vergets
Becky Simpson
Michael Simpson

Councilor Currier motioned to appoint all three to Traffic Safety Commission; **Councilor Larson** seconded.

MOTION: CURRIER/LARSON To appoint Becky Simpson, Michael Simpson and Joyce Vergets to the Traffic Safety Commission . (6 Y / 0 N) Motion carried.

2. Consider a motion to appoint Diane Ferranti to the Newberg Downtown Revitalization Committee.

Diane Ferranti, 3816 Vittoria Way, Newberg, OR – Manager Bank America –

Councilor McBride – is this the first time someone from a bank is represented on the committee?

Diane Ferranti – yes.

Councilor Currier motioned to appoint Diane Ferranti to the Newberg Downtown Revitalization Committee; **Councilor Boyes** seconded.

MOTION: CURRIER/ BOYES To appoint Diane Ferranti to the Newberg Downtown Revitalization Committee.
(6 Y / 0 N) Motion carried.

3. Consider a motion to provide a letter of support to George Fox University for the outdoor amphitheater project.

Matthew Cox, 414 N Meridian St, Newberg –3 years ago university decided to start putting away funds for the amphitheater; last year it became part of the universities master plan. This year student government decided to take it on as a project. Communicated with other universities that have similar projects. Practical usage - theater, music, t outdoor lectures, outside community events; capacity 500 persons.

Jon Hanson, 414 N Meridian St, Newberg – excited about what it will add to the community as a whole; hopes the project will be self sustaining through a minimal rental cost. Asking for a letter of support that recognizes what such an amphitheater would bring to the community.

Councilor McBride – would like to get picture of where this will be located down the back side of Wheeler Center; where is parking for this?

Matthew Cox - Ample parking at parking lots next to Wheeler Center and Bauman Auditorium; we try not to book more than one event at the University at a time.

Councilor McBride – would this be open for public use?

Matthew Cox – yes.

Councilor Larson – does Hess Creek ever rise higher than the area? what would you do if water came up to that level.

Discussion that 100 year flood level would be ground level around the stage location.

Councilor Currier – lighting would be contained within the facility; what about the PA system?

Matthew Cox – pretty much all of the sound would stay within the vicinity of the amphitheater.

Councilor Boyes – question of staff - is sound permit required?

Barton Brierley–required to have sound permit if event affects neighboring properties; may be some events where it will be required; will have to monitor over time.

Councilor Soppe – clarification on footage from sound source.

Discussion of closest neighbors.

Councilor Larson – how do you satisfy the ADA requirements?

Matthew Cox - place in the plans; ADA access area lowest point off of the road.

Councilor Larson – committed \$80,000; is that already raised?

Matthew Cox – yes and additional \$20,000 by students.

Jon Hanson – 80% of cost already committed.

Councilor McBride – what are some of the other schools that have this facility?

Matthew Cox – Reed College and their venue is a lot sparser; they have about 35 rentals a year.

Councilor Boyes – have phase 1; will you do all in one year or start this year and finish next?

Matthew Cox – hope to do in one year.

Councilor Boyes – total capacity 500; in letter says 600. which is it?

Jon Hanson - 500 within tiered area 100 on upper slope.

Councilor Soppe – you are just looking for a general comment of support?

Jon Hanson – that and we wanted to communicate idea to you.

Barton Brierley – note they have applied for design review.

Terrence Mahr –by endorsing this doesn't commit to specific land use if it goes to hearing.

Councilor Larson motioned to provide a letter of support to George Fox University for the outdoor amphitheater project; **Councilor Boyes** seconded.

Councilor Soppe – please circulate letter around to Council before it goes out.

Councilor Boyes – like to see regular layout of exact position.

MOTION: LARSON/BOYES To provide a letter of support to George Fox University for the outdoor amphitheater project. (6 Y / 0 N) Motion carried.
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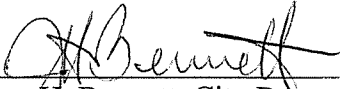
X. EXECUTIVE SESSION

None.

XI. ADJOURNMENT

MOTION: CURRIER/MCBRIDE To adjourn meeting at 8:43 p.m.
(6 Y / 0 N) Motion carried.

ADOPTED by the Newberg City Council this 21st day of March, 2005



James H. Bennett, City Recorder

ATTEST by the Council President this 24th day of March, 2005.



Bob Andrews, Council President