



**Councilor Currier** said he thought the preliminary number would be in the thousands. They are looking to dispose of approximately 70,000 gallons. Mr. Bennett said it would not be until September 2005, but it is up to the Council to approve or not. Councilor Currier said it was about \$4,500+/-.

**Councilor McBride** said, if it was under \$1,000, it would not be such a problem; but it is not our responsibility to do this. He recommended that they check with the State of Oregon to help fund this. He does not think we should give it to them because of the large cost involved.

**Councilor Currier** said there was a County Economic Development Program as well as the State and they should be considered instead of the City. The State does bicycle paths, etc. The City could benefit, but this would also be a substantial impact to the City. Mr. Bennett said it would be brought in by trucks. At a minimum, we may get a little bit of fuel and related business; but it being in Champoeg, the costs may be over what the City would gain.

**Councilor Boyes** asked if other communities were to participate. Mr. Bennett said that Cycle Oregon is a non-profit organization and this year's annual event is corresponding with Lewis & Clark's Bicentennial route and they are always looking at ways to defray costs. They approached the City and other close by cities to see whether they would be able to assist them. The process would include disposing of sanitary waste at other staging areas and hundreds and thousands involved in the journey.

**Councilor Soppe** said he agreed with Councilor Courier and he thinks the \$4-5,000 range is high and believes the City should be willing to help defray some costs but not to that extent. Cycle Oregon should be treated similar to other charities who make such other proposals. He is not excited about giving them that much money.

**V. CONSIDER A MOTION TO APPOINT A QUALIFIED CANDIDATE TO FILL THE VACANT DISTRICT 5 CITY COUNCIL POSITION CREATED BY THE RESIGNATION OF BOB LARSON; CONSIDER EXTENDING THE DEADLINE FOR RECEIVING APPLICATIONS.**

**Mayor Stewart** announced that he received communications from Fred Casey expressing his request to withdraw his name from consideration.

**Dawn Nelson, 2201 Oak Drive, Newberg,** said this was not a whim thing for her. She has grown up in Newberg and worked for the City during high school. This opportunity has come up and she lives in the district. She volunteers her time frequently. It would be an opportunity to give back to the community. She is ready to be involved. She has had some exposure with keeping the minutes for the City and she currently works at the Oregon State Bar in Lake Oswego. She is familiar with requirements of the regular council meetings, the volume of materials for review and sometimes extra meetings to attend. Ms. Nelson said she is willing to commit. She said she works a shift at the Oregon State Bar in which she leaves early in the day to avoid traffic issues.

**Councilor McBride** asked Ms. Nelson what she thought was the best way to keep Newberg's identity. Ms. Nelson said that Newberg has struggled in what kind of identity it wants. The City needs strong groups of people in charge.

**Councilor Andrews** asked about her position on growth in Newberg? Ms. Nelson said she believes it needs controlled growth. We cannot avoid growth, population is all around us, we need to involve the citizens and the Council.

**Councilor Soppe** asked where she thought the City should have done things differently? Ms. Nelson said Newberg has some severe issues with transportation and the State's requirements concerning the bypass (sometimes appearing to be over-bearing). It has grown well and continues to help control change.

**Councilor Currier** asked about bringing diversity to the male council. Ms. Nelson said she would like to bring her perspective of first time homebuyers and 30+ year olds to the city.

**Gerald Stewart** said he previously lived in Park Rose for about 32 years, enjoys living here. He described his experience in volunteering in the Park Rose area.

**Councilor Andrews** asked about the commitment that would be required (not always present) awareness of requirements of the meetings of the Council and the significant other requirements (heavy load of material to read through, etc.). Mr. Stewart said he is retired and has no time restraints and believes he has enough time. Mr. Stewart's view on Newberg's growth? He would like it at a moderate rate so they are not over-run.

**Councilor Soppe** asked about the City's direction. Mr. Stewart said he has not noticed anything in particular and would like to see continuation of controlled growth.

**Mr. Stewart** referenced his personal attributes. He lived in Park Rose and spent time with the School District as a volunteer and Budget Committee member. He was also a Mid-County Futures Alternative Committee member, which reviewed issues concerning keeping Park Rose from being swallowed up by Portland and/or Gresham. He left Park Rose recently after his youngest child graduated from high school.

**Mr. Charles Zickefoose. 1201 Fulton, #9, Friendsview Manor, Newberg,** moved to Newberg 15 months ago, consultant to Brown and Caldwell on his own time and volition. They moved to Newberg because they appreciate the Friendsview community. He has been involved in municipal work for 14 years in wastewater treatment issues and works with 2 consulting firms in Portland and Honolulu for 10 years. His interests are in infrastructure issues. He has worked with City Councils and the staffs of municipalities and has a good feeling on what is going on within the structure of the City and how they accomplish things. Being retired gives him the opportunity to provide service when and where needed.

**Councilor Andrews** asked about his commitment to the regular and extra meetings of the Council and sometimes the heavy load of informational packets. Mr. Zickefoose addressed his philosophy on growth and the best way to achieve livability – we cannot dictate from the top, it must be supported by grass-roots involvement with committees that give a sense of really what is really going on.

**Councilor Soppe** said in the time he has been here what does he like and what is different? Mr. Zickefoose said he has never felt more at home within a City than he has in Newberg.

**Councilor Currier** thanked all the applicants for their participation.

**Councilor Soppe** nominated all three applicants for the vacant Council position. **Mayor Stewart** called for a vote on each candidate:

Dawn Nelson – (4)  
Gerald Stewart - (0)  
Charles Zickefoose – (1)

**Mayor Stewart** announced that Dawn Nelson would be the new City Council member. The Council also addressed the candidates' involvement in other areas of the City.

**James Bennett** swore in Dawn Nelson as the new City Council member. Ms. Nelson took her position at the Council table.

## **PUBLIC MEETING SECTION**

### **VI. PUBLIC COMMENTS**

**Darlyn Adams, Newberg Animal Shelter Friends, 131 Johanna Court, Newberg**, reported they now have \$175,734.00 in the building fund. They will have a plant sale June 17th which is a perfect time for the yard and planting season. The "First Blessing of the Animals" is scheduled for June 25<sup>th</sup> at 12:30 – 2:30, North Valley Friends Church. Donation is two cans of dog/cat food.

**Councilor Boyes** inquired as to the amount needed to start building the facility. Ms. Adams said that, when they reach \$300,00 in cash and in kind, they will build. They do not have the dollar figure of the in-kind donations but they are determining values. Discussion was held concerning the types of in-kind donations. Ms. Adams said Rick Lapinski is on the construction committee and is dealing with other companies to see what is available and needed.

**Roger Grahn, Sherwood**, commented on the record of the testimony from the Planning Commission in a **quasi-judicial hearing** used for land use decisions. He said the testimony given in the record is what LUBA uses for their decisions and sometimes the testimony is not necessarily accurate. Someone can come in and tell any kind of tale and it is taken as gospel at LUBA. The system does not allow the parties to cross-examine anyone. Example, ODOT said that a separation distance from the bypass to an intersection is a requirement. The statement was not true. That bit of information is not going to reflect in any hearing at LUBA or the Court of Appeals level to separate out fact from fiction. Statements in the record are used as the basis for appeal. Discussion was held concerning the five-minute time limit provided. The issues are often complex and the time limit of 5 minutes is not good for either side (pro and con). There is no opportunity for rebuttal for either side or an opportunity for examination. He wants to make the Council aware that this is a problem with the process. All land use issues go to LUBA only, not to the Circuit Court, which decides issues solely on the record presented.. LUBA rules only on the written record (statements that are false, deliberate or otherwise).

**Councilor Soppe** said that he thought that, on appeals to LUBA, they are given arguments on the record and do not allow new testimony.

**City Attorney Mahr**, said the City's most recent case was a legislative issue. They went to the Circuit Court on an LID appeal (prior to LUBA being established, land use appeals went to the Circuit Court through writs of review) and in that process the Judge reviewed the record at the local level with no new testimony. The Council is like a judge and makes a decision on the testimony. We can look at the procedure and cross-examination. They have attempted to give each party a time to talk and present the evidence. The Council is the decision maker.

**Councilor Soppe** said that given the present example, it appears that there was an opportunity to provide more written testimony (7 days) well before the record was closed. Mr. Grahn said that usually the major items get appealed. Most parties that represent both sides are knowledgeable and have a high level of credence and credibility but still have conflicting testimony and opinions.

**Councilor Currier** said it has been an issue for him that this is traditionally what happens. They limit the people from the audience to 3-5 minutes. But we let other people connected to the project a larger amount of time and the scales seem to be tipped, one sided. Everyone should get the same amount of time. Discussion was held concerning fairness.

**Mr. Grahn** said that ODOT was given additional time and he was given an extension of time due to friends and others donating their time to him, but it was not sufficient or the same time allotted for ODOT. He said that it appears to be blatantly unfair.

## VII. CONSENT CALENDAR

1. Consider approval of City Council Regular Session Minutes for May 2, 2005, and May 16, 2005.

**Councilor Soppe** noted the following corrections to the minutes of May 2, 2005:

- Page 1 (V. PUBLIC COMMENTS):  
Warren Parrish, 30450 NE Wilsonville Road, Newberg: Spoke on behalf of a friend who does not agree with the storm drainage fee that was on his ~~taxes~~ *water and sewer bill*.
- Page 3 (VII NEW BUSINESS):
  3. Consider approving Resolution No. 2005-2572 recommending Yamhill County approve a proposed partition within the Newberg Urban Reserve Area, with conditions.

Insert MOTION paragraph after the following paragraph:

“Mr. Soppe asked if Mr. Tucker would have any concerns with putting in the road...”

**MOTION: Soppe** moved that Mr. Tucker would need to get prior approval for the location of the house. Motion failed for lack of second.

- Page 4:  
Mr. Danicic said that the Planning Commission recommends that 219 be rerouted up Springbrook. [delete] ~~and widened into five lanes.~~

- Page 5:

**MOTION: Soppe/Andrews** to approve project number six. (2 Yes [*Andrews/Soppe*]/3 No [*Boyes/Currier/McBride*]). Motion failed.

- Page 7:

**MOTION: Soppe/Boyes** to investigate narrower street width standards *and cul-de-sacs*. (4 Yes/1 No [*Currier*]). Motion carried.

2. Consider a motion to approve the Visitor Information Center Report, 3<sup>rd</sup> Quarter, 2004/2005.
3. Consider a motion approving a sound permit application for Newberg Friends Church.

**MOTION: Currier/McBride** to approve the consent calendar and the minutes as corrected. (Unanimous). Motion carried.

## VIII. PUBLIC HEARING

None.

## BUSINESS MEETING SECTION

### IX. NEW BUSINESS

1. Consider approving **Resolution No. 2005-2579** adopting the downtown summer decorative banner design.

**Mr. David Beam, Director**, in the fall 2000, the Newberg Downtown Association received a grant to develop a set of summer banners (\$1500) and they are raising approximately \$1600 in matching funds through donations. The association held a contest and submitted designs at Art Walk in May. The NDA Board recommended that the design be forwarded to the City Council for approval. There were some changes and the top part says "Newberg" (rather than City of Newberg") and the bottom simply says "Welcome". On May 18<sup>th</sup>, the Committee reviewed the changes with additional changes and they are reflected in the revised copy. The main differences are they moved the mountain over and a lighter blue in the background as well as the yellow.

**Councilor Currier** asked if the City of Newberg has adopted by resolution a "slogan" for the City of Newberg in the past. **Mr. Bennett** said there has been more than one slogan approved

for the City by the Council. The last time was for the spring and fall banners. Other slogans include: "Serious about Service" and "Newberg, a Good Place to Grow". Discussion was held concerning the lighter and brighter colors; the size of the letters, etc. being similar to the spring and fall banners.

**Councilor Boyes** said that it sounds better as "Newberg Welcomes You" rather than "Newberg Welcome". Further discussion was held on the color brightness. **Mr. Beam** said we are bound by the fabric selections and colors by the vendors. **Councilor Boyes** said he would like to see more selections.

**Councilor McBride** said that they passed the idea of working with GFU. Why do we need to have a resolution; why cannot we do the decision administratively? **Mr. Beam** said they had extra money left over from the spring/fall banners (county) and asked them if we could do a winter set of banners. If they get that in place, there will be banners for every season. The point of having the resolution is that they have to get approval from ODOT, etc. Discussion was held concerning not micromanaging. **Mr. Beam** said the winter banners will be designed later this year.

**Councilor Currier** said the Council needs to be responsible for the City's image, not ODOT or GFU. He said he likes it coming to the Council rather than being handled administratively. Discussion was held concerning reversing the language "Welcome to Newberg" on the banner from what it is now - "Newberg Welcome".

**Councilor Boyes** asked about the life of the banners. **Mr. Beam** said it is about 10 years (acrylic marine fabric- best guesstimate).

**Kristen Horn, Newberg Downtown Association, 610 E. Sheridan Street, Newberg, President of Downtown Association.** Ms. Horn is also on the City's revitalization committee and recommend approval of the proposed corrected banner design. They had the First Friday and had quite a number of positive comments from people with design backgrounds. There was quite a bit of input. She recommends getting the design approved and moving forward.

**Councilor Soppe** said there was a large number of banner designs submitted and 5 were up at First Friday. Comments about others making a design. **Ms. Horn** said there was a student from GFU, a graphic designer, an artist, a nice mix of people. The designs reflected this.

**MOTION: Andrews/Soppe to adopt Resolution No. 2005-2579 (Unanimous). Motion carried.**

2. Consider approving **Resolution No. 2005-2580** requesting a hardship water connection for service outside of the city limits.

**Mr. Dan Danicic, Public Works Director,** presented the staff report. The City has initiated the action. The request is for property outside the city limits. He reviewed the UGB. The water is serviced through the water district. The lot is where Main Street goes from two lanes to one lane where Mr. Grahn is in the process of developing an adjoining lot. The water line is a hindrance on development. It would make sense to connect and Mr. Grahn is willing to pay for the costs. The water association is also in support of making the change. Mayor Stewart said the small down side is they are going to use our water. They are going to pay for installation and the use

of it. They are now using the water through the water district. Now, it would be through direct connection to the City.

**Councilor Andrews** said Mr. Grahn has 5 lots along Main Street. There is no easement for the line. He asked to pay for it to get it to the property line (old metal line) and it seemed to be a good proposal for the back half of the adjacent property to come in as well. The connections will come off the City's main.

**Councilor Andrews** asked about annexation of the Miller property. Discussion was held concerning wetlands/storm ditch, which will be relocated (partially). Is all the property within the City?

**Councilor Soppe** asked if there is an obligation to allow the line to go through the property since there is no easement? **Mr. Danicic** said he does not think so. Discussion was held concerning establishing water rights. Takes away problem and replaces it with a nice supply into the water system. **Councilor Soppe** noted that the Chehalem Valley Water District gets 100% of their water from the City.

**Councilor Currier** said that the water districts cannot add additional properties without the City's prior approval. Discussion was held concerning outside water districts paying more for water services. They would still be considered outside the City.

**City Attorney Terrence D. Mahr** addressed the hardship water request as being adjacent to the City limits and legally in a position where it could be annexed. The City is not requiring annexation before water service. Discussion was held concerning setting precedent and maybe reviewing the City's hardship water policies.

**Councilor Andrews** addressed Exhibit B wherein the Millers agree to future annexation as a conditional part of the agreement. **Mr. Mahr** said they have agreed to sign a consent to annex in the future.

**MOTION: McBride/Currier** to accept Resolution No. 2005-2580. (Unanimous). Motion carried.

**Councilor Soppe** said that, if this property were not already served through the District, he would not be in favor of it.

3. Consider a motion to fill a Newberg Downtown Revitalization Committee Vacancy with the most qualified applicant.  
Jeral Ellingsworth  
Courtney Rogers  
Adrienne Schwanz

**David Beam** reviewed the staff report. Adrian Schwanz said she could not attend, but expressed her continued desire to serve in the position and asked that they proceed with her application. A copy of Ms. Schwanz' email was presented to the Council. The Council took a couple of minutes to review Ms. Schwanz' email dated June 6, 2005.

**Gerald Ellingsworth, 814 E. Fourth Street, Newberg,** said his current job is working on collaborations and strategic alliances and he would like to bring that experience to Newberg. He said he was not affiliated with the local Chamber of Commerce. He is in favor of controlled growth with planned infrastructure so as to not out-pace the community. Attended any of the revitalization meetings and other meetings? No. His biggest concern with the downtown area and the absence of unique culture and businesses? There is always someone that can provide better services. The downtown is a destination and a culture. Capitalize on what is unique about Newberg.

**Councilor McBride** asked about the feeling of the traffic (leave it there or move it out). **Mr. Ellingsworth** said that his children grew up here. The 99W corridor has always been a problem and crossing First Street is a hazard. 60,000 cars a day come over Rex Hill. How many stop or just go on to Lincoln City? We need to provide alternatives to the bypass and other ODOT connections.

**Councilor Soppe** asked about ideas on where to get funding. **Mr. Ellingsworth** said a lot of things can be done without money. He writes grants for Clackamas County Human Services and there are people with deep pockets and, if you package and frame it, they will go there. Partner collaborations without the competition.

**Courtney Rogers, 1408 Coffee Lane, Newberg,** said she would love to be on the committee and wants to get involved. This is her community and this is where she wants to live. She works at Chapters Book Store and her parents purchased the business. She sees a lot of history, culture and opportunity in the downtown area and would like to help organize it and make it come alive. She is really interested in the history. She reviewed Jesse Edwards plan for growth which included the red electric train that operated down the street. It is important that the history does not die and she would like to participate in the advancement of the City's downtown area.

**Mike Boyes** asked about her comment that there is a spirit that never seems to fade. **Ms. Rogers** said there are people that want to have a business and livelihood downtown and opportunities for growth. She feels there is a lot of energy. How can Newberg change to make it more vibrant? Different types of business – more antique stores. She said that she would like to see more variety.

**Councilor Andrews** asked if she was a member of the Chamber. She said no, but that she has attended Greeters. Her parents purchased the business Chapters. She would like to see more growth, but there needs to be control.

**Ms. Rogers** said she has not attended any committee meetings, but has attended some City Council and Chamber meetings.

**Councilor Soppe** nominated all three candidates for the vacancy on the committee. **Mayor Stewart** called for a vote on each candidate:

Jeral Ellingsworth – (1)  
Courtney Rogers – (4)  
Adrienne Schwanz – (1)

**Mayor Stewart** announced that Courtney Rogers was appointed to the Downtown Revitalization Committee. He said there are other committees the City could use help on.

**X. CONTINUED BUSINESS**

None.

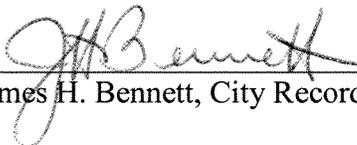
**XI. EXECUTIVE SESSION**

None.

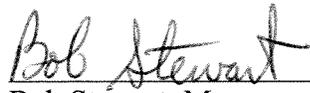
**XII. ADJOURNMENT**

**MOTION:** Nelson/McBride to adjourn at 8:30 p.m. (Unanimous). Motion carried.

**ADOPTED** by the Newberg City Council this 5<sup>th</sup> day of July, 2005.

  
James H. Bennett, City Recorder

**ATTEST** by the Mayor this 7<sup>th</sup> day of July, 2005.

  
Bob Stewart, Mayor