

NEWBERG CITY COUNCIL MINUTES
SEPTEMBER 18, 2006
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Council President Bob Andrews called the meeting to order.

II. ROLL CALL

Members

Present:	Council President Bob Andrews	Mike Boyes
	Roger Currier	Dawn Nelson
	Bart Rierson	Robert Soppe

Members

Absent: Mayor Bob Stewart

Staff

Present: Jim Bennett, City Manager
Terry Mahr, City Attorney
Barton Brierley, Planning and Building Director
Dan Danicic, Public Works Director
Roger Gano, Emergency Manager
David Beam, Economic Development Coordinator
Kathleen Bochart, Recording Secretary

Others

Present: Darlyn Adams, Ed Savage, Mike Gougler, Sheryl Kelsh, Larry Christenson, Cindy Christenson, Julie Codiga, Matt Killen

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Jim Bennett, City Manager presented a staff report. Mr. Bennett stated that October 19th will be the second City Hall Day. This is where the legislative candidates will be able to hear from citizens about issues that are important to them. Mr. Bennett stated that he received a letter from the River Bend Landfill and they would like to come before the council at a work session to explain their current proposals. Mr. Bennett stated that he has also received a letter from the League of Oregon Cities about the 150th anniversary of Oregon. They would like to set up a series of meetings where they can listen to elected officials throughout the state and find out what people think should be included in the festival. Mr. Bennett stated that there will be another meeting on the proposed tourist train on Wednesday September 27th at Dundee City Hall. Lou Larson has resigned from the Planning Commission and staff suggests that whoever is appointed fill out the remainder of this year along with the following term of three years.

Councilor Currier stated that he sent an e-mail to the US Postmaster General about moving the post office to the Wilco building. Councilor Currier stated that the letter was in no way on behalf of the City Council.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Darlyn Adams, Newberg Animal Shelter Friends stated that the NASF's biggest event of the year is approaching. It is the "Make Mine Music" dinner and silent auction set for Saturday September 30th at the Chehalem Armory from 5PM to 9PM. Ms. Adams stated that the deadline for donations is Saturday September 23rd.

Ed Savage stated that he was from the VFW and wanted to thank Councilor Currier for helping with the working committee.

VI. CONSENT CALENDAR

1. Consider a motion approving the City Council Regular Session Minutes for August 21, 2006.

MOTION: Currier/Soppe to approve the City Council Regular Session Minutes for August 21, 2006 as corrected. Motion carried. (Unanimous)

V. PUBLIC COMMENTS (CONTINUED)

Mike Gougler, on behalf of Springbrook Oaks and Friendsview Manor, asked the Council to reconsider its approval of Ordinance 2006-2657 adopted at the September 5, 2006, City Council meeting.

Mr. Gougler explained that we began drawing concept maps on the acreage area that was requested to be rezoned and had meetings with planning staff and went back and made changes to the concept maps by adding HUD housing. We met with Friendsview as they had indicated through the board that there is a large waiting list for their facility. We met with them and took those concept maps to staff. No where and at no time was I given the impression that the acreages that were laid out were to be modified as a part of the rezone. Nor was the consultant for the Friendsview retirement project. When I heard that there was a disconnect, that staff had the idea that there were fewer acres for the retirement homes than were planned, I thought it was an error. My reasoning behind that was that the map that was submitted to the planning commission showed acres more or less of what we showed to staff. The rest of the package that Mr. Russell prepared, every time we met with staff we presented out concepts with actual acreages and units shown. We did this with the understanding that this was not a requirement but as a courtesy to the council. In a nut shell we felt that there was simply an error or a misunderstanding. We never changed that and were not advised to change it.

Jim Bennett, City Manager, asked Mr. Gougler what his specific remedy is for this.

Mr. Gougler asked that the Council use the map that was on page 73 of the Council packet for the requested change or the map shown on page 140.

Councilor Soppe expressed his puzzlement that what the Council approved was not what the applicant submitted. He noted that the Council does not approve conceptual plans. You are not held to those plans. You have great freedom in changing them. When we look at the old pages 37 and 54 which are the only maps that are a part of the ordinance, are you taking those as errors?

Mr. Gougler said he thought they were in error and did not reflect actual acres or ratios.

Councilor Soppe asked then if the only issue for him was reconsidering the jog in the line.

Mr. Gougler replied that it was.

Mr. Bennett said that he had talked to Mr. Russell directly and that he said he had been unaware that the zone as proposed was going to affect their project.

Mr. Brierley said that he had met with Mr. Russell and told him what the recommendation was and explained to him the changes.

Councilor Rierson asked if it were possible to open the record and not have the issue of the LUBCO included in this.

Mr. Bennett stated that if the council decides to reconsider they can narrow or widen the scope as the council would like.

Mr. Gougler would like the Council to address the language governing development in the area of the LUBCO. The current language requires ODOT to design the bypass and upon final design the city staff will meet with the developer and ODOT to review any proposed development. He has a problem with this because they have no certainty about when and where they will be able to develop the rest of their property. He would like to propose new language for consideration.

MOTION: Andrews/Soppe to reconsider the portions of Ordinance No. 2006-2657 dealing with the boundaries between F-1 and F2 and the language governing development within the LUBCO area and to set a public hearing for the first council meeting following the required public hearing notification. Motion carried. (Unanimous)

Councilor Rierson stated that he is more in favor of the first issue then the second, but as it is a public hearing, he sees no problem in reconsidering both issues.

VII. PUBLIC HEARING

1. Public Hearing to hear information on the Community Development Block Grant for the downtown property clean up located at 411 East First Street.

David Beam, Economic Development Coordinator, presented the staff report. Mr. Beam stated that they are expecting a "no further action" statement from the State. Mr. Beam stated that he spoke with the State on the morning of September 19th and they are still waiting to receive more documentation from Kleinfelder.

Councilor Soppe asked when the five year time limit starts.

Mr. Beam stated that he believe it is when the CDBG grant closes.

Councilor Andrews asked if the property can be sold within that five year period.

Mr. Beam stated that it can be sold but the next property owner would still have the five year time period.

Councilor Boyes asked if activities like the block party from last summer could be done in that area.

Mr. Beam stated that that would be fine.

There was no written or oral testimony. No action was required or taken.

BUSINESS MEETING SECTION

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

1. Presentation of Visitor Information Center 2005/06 4th Quarter Report and 2006/07 Budget.

Sheryl Kelsh, Executive Director of the Chehalem Valley Chamber of Commerce, presented the 4th quarter report on the Visitor Information Center.

Councilor Soppe asked for a breakdown of how the City's contribution to the Visitor Information Center of \$30,000 was accounted for.

Mr. Bennett said that he would research it and report back to the Council.

2. Consider approving **Resolution No. 2006-2677** requesting a hardship water connection for service outside of the city limits for Larry and Cindy Christenson at 23925 NE Anderson Lane.

Dan Danicic, Public Works Director presented the staff report.

Councilor Andrews asked what the amount was of the check that was deposited for the SDC's.

Mr. Danicic stated that it was \$3300.

Councilor Rierson asked if staff is proposing a new meter for this property.

Mr. Danicic stated that he was.

Councilor Rierson asked what the total SDC chargers were for this project.

Mr. Danicic stated that it was approximately \$3300. Mr. Danicic stated that the only other additional cost would be for the new water meter.

Councilor Soppe asked if there were hardships approved in 1940.

Mr. Danicic stated that he was not aware of any specific hardship provisions at that time.

Councilor Soppe asked if this violates any rules from 1976.

Mr. Danicic stated that he was not sure.

Mr. Mahr stated that situations like this happened a lot in that area and no one really had any concerns about it at the time.

Councilor Soppe asked if it was allowed to do a water hardship and then add a mobile home onto the line later in the future.

Mr. Mahr stated that the water hardships are for single residents only.

Councilor Soppe asked if staff received any response or followed up when the letters were sent in 2001.

Mr. Danicic stated that they did not.

Councilor Currier stated that he believes that in 1977 Ordinance 1040A was in place. 1040A stipulated that only a single family residence was allowed on one line.

Councilor Andrews asked for the status of the sale on the property.

Julie Codiga stated that the buyers would like to get this resolved as fast as possible. They are waiting on this to close their loan.

Cindy Christenson stated that they are asking for an unusual hardship case because of the continuation of city water. Ms. Christenson stated that the mobile home has been there since 1976 and is not a new water connection. Ms. Christenson stated that approving the hardship will not affect the quality or quantity of the water system. Ms. Christenson stated that they have spoken with Arrow Drilling and they stated that they have not had success with wells on the flat lands where they are located.

Larry Christenson stated that they went to the city and asked why the water needed to be disconnected. Mr. Christenson stated that the city told them it was because a new connection to the system would lower the quantity and quality of the water.

Councilor Rierson asked Mr. Christenson how they pay for the water.

Mr. Christenson stated that they have a verbal agreement with the Marnachs.

Councilor Andrews asked what staff's recommendation was.

Mr. Danicic stated that staff's recommendation is to approve the hardship.

Councilor Soppe stated that he is concerned about staff not giving council guidance as to whether or not they were in violation of the rules.

Mr. Mahr stated that he doesn't believe that they have. Mr. Mahr stated that in the past they have allowed people to do this and started a program to find out how many people had water systems like this to try and take care of those situations.

Councilor Soppe asked if the Christensons were aware of the possible increase in the springs rates.

Mr. Danicic stated that he was not sure.

Ms. Codiga stated that the Marnachs have never had a water bill. Ms. Codiga stated that the Marnachs receive so many cubic feet for free and then are charged for water that is used over that limit. Ms. Codiga asked where the new meter might be located .

Mr. Danicic stated that it would most likely go near the current meter.

Councilor Andrews asked if the Christensons understand that after the hardship is approved that they will now have a water bill.

Mr. Danicic stated that that has been made clear.

MOTION: Soppe/Nelson to approve **Resolution No. 2006-2677** requesting a hardship water connection for service outside of the city limits for Larry and Cindy Christenson at 23925 NE Anderson Lane.

Councilor Boyes asked when the water line to the mobile home was put in.

Mr. Danicic stated that it was in 1976.

Discussion was held concerning water rates between 2001 and 2006.

Councilor Rierson stated that he is going to vote for the approval. Councilor Rierson stated that they have paid the SDC charges and the additional hook up is not putting a burden on the system.

Councilor Soppe asked if there was a way to go back and find out what the cost would be for a water bill for the last five years.

Matt Killen stated that the Marnachs are currently in Africa. Mr. Killen stated that they are good people and are hazelnut farmers. Mr. Killen stated that they were not trying to rip anyone off.

Councilor Currier stated that with that statement in mind, why would someone charge a fee for water that they are getting for free.

Mr. Killen stated that they were not going over the free limit and stated that he believes that the city is partly at fault because they did not follow up with this.

Councilor Currier stated that they do not have enough employees to go around the city checking for illegal hook ups.

Ms. Codiga stated that she believes that the Marnachs received some bad legal advice from their attorneys when they sold to the Christensons. Ms. Codiga stated that it was her understanding that if they were told to disconnect the water that they would do so at that time.

Councilor Boyes stated that he believes the Christensons should be advised on what the plans are for the spring system.

Councilor Rierson stated that he believes that council should approve this if they pay for the SDC charges, pay for the meter and then have them start paying the water bill.

MOTION: Soppe/Currier to table this item until the October 2, 2006 meeting to determine the cost of water used by the illegal connection during the past five years that may be owed to the City. Motion carried. (4 Yes/2 No [Andrews, Nelson])

MOTION: Soppe/Currier to allow the Christensons to receive water for an additional thirty days from September 18, 2006. Motion carried. (Unanimous)

3. Consider approving **Resolution No. 2006-2678** authorizing the designation of the National Incident Management System to be used as the basis for all incident management in the City of Newberg

Roger Gano, Emergency Manager, presented the staff report and explained the requirements of the National Incident Management Systems (NIMS).

MOTION: Currier/Boyes to approve **Resolution No. 2006-2678** authorizing the designation of the National Incident Management System to be used as the basis for all incident management in the City of Newberg. Motion carried. (Unanimous)

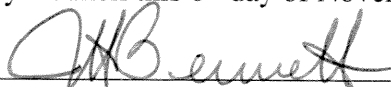
X. EXECUTIVE SESSION

None.


XI. ADJOURNMENT

MOTION: Currier/Soppe to adjourn the meeting at 9:34 p.m. Motion carried. (Unanimous)

ADOPTED by the Newberg City Council this 6th day of November, 2006.


James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of November, 2006.


Bob Stewart, Mayor