

**NEWBERG CITY COUNCIL MINUTES
OCTOBER 16, 2006
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

I. CALL MEETING TO ORDER

Mayor Bob Stewart called the meeting to order.

II. ROLL CALL

Members

Present: Mayor Bob Stewart Bob Andrews Mike Boyes
 Roger Currier Dawn Nelson Bart Rierson
 Robert Soppe

Staff

Present: Jim Bennett, City Manager
 Terry Mahr, City Attorney
 Barton Brierley, Planning & Building Director
 Dan Danicic, Public Works Director
 Kathleen Bochart, Recording Secretary

Other

Present: Darlyn Adams, Dennis Russell, Karl Birky, Mike Gougler, Jan Vondrachek, Mimi Doukas, Michael Robinson, Joe Schiewe, John Trudel, Viki Shepherd, Albert Parson, Thomas Louisell, Russell Thomas, Alex Miller

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed

IV. CITY MANAGER'S REPORT

Jim Bennett, City Manager presented the staff report.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Darlyn Adams, Newberg Animal Shelter Friends stated that the NASF made \$15,775.00 at the Make Mine Music Auction. The expenses for the auction totaled \$1,294.00. 120 people attended the event. Ms. Adams stated that the NASF will be at the Community night at Newberg High School on Tuesday October 17, 2006. The next NASF meeting is October 26, 2006 at 7:30 PM at the public safety building.

VI. CONSENT CALENDAR

None.

VII. PUBLIC HEARING

1. Public Hearing to consider **Ordinance No. 2006-2657** reconsidering changes to Springbrook Oaks Specific Plan.

Bob Andrews stated that he had a conflict of interest and left the room for this item.

Barton Brierley presented the staff report.

Councilor Currier stated that ODOT was not planning in putting in bike paths on the bypass.

Mr. Brierley stated that the last design that ODOT published incorporates bicycle paths on the bypass.

Councilor Soppe stated that he was concerned about whether or not the ODOT plan and the drawings that the applicant has for the LUBCO area line up.

Mr. Brierley stated that the October draft from ODOT is pretty close to the applicant's LUBCO area drawing.

Councilor Soppe stated that he wanted to make sure what the council is deciding on. Option three says that the director will approve a management plan. Councilor Soppe asked what kinds of managements needs are there.

Mr. Brierley stated that management needs would be approving the layout of the subdivision of houses where walkways and alleys would be, etc.

Jim Bennett, City Manager stated that he received a letter from Gary Bliss addressing the council on this matter and read the letter into the record.

Mayor Bob Stewart opened public testimony

Dennis Russell stated that what surprised him the most was that they gave specific measurements as to what they wanted in each area and that was not what was approved. Mr. Russell stated that they were ok with the additional restrictions in option two.

Councilor Soppe asked if there was a way to remove a few of the buildings to make the plan fit in the approved area as is.

Mr. Russell stated that they have already taken out as much as they possibly can without raising the prices more.

Councilor Currier stated that Mr. Russell did not recommend an option that they would want.

Mr. Russell stated that option two would be their preference.

Karl Birky stated that his concern is more about the process of approving this than anything. Mr. Birky stated that the recommendations should have been made clear to everyone. Mr. Birky stated that he did not see any comments that opposed the applicant's recommendations. Mr. Birky stated that relocation of the development is not an option. The reason why it is placed where it is is because it is close to the hospital and it keeps the people close to the retail stores.

Mike Gougler stated that it was mentioned that the applicant had wanted an equal say as to where the bypass was. Mr. Gougler stated that all they wanted was the opportunity to participate in creating the area around the bypass. Mr. Gougler stated that he agrees with option three.

Councilor Soppe asked Mr. Gougler if he agreed that he had some obligation to design the homes with sound in consideration.

Mr. Gougler stated that he has the ultimate obligation. Mr. Gougler stated that he has to build homes and sell them and to do so he has to take everything into consideration.

Mayor Bob Stewart closed the public testimony

The applicants waived the right to the extra seven day written testimony period.

Barton Brierley stated that staff's recommendation is to adopt **Ordinance No. 2006-2657**.

MOTION: Soppe/Nelson to adopt Ordinance No. 2006-2657.

It was clarified that Exhibit "A" of the ordinance reflects Option #2 shown on Page 51 of the packet and that Exhibit "B" of the ordinance reflects Option #3 shown on Page 47 of the packet.

VOTE: to adopt Ordinance No. 2006-2657. (6 Yes, 0 No, 1 Abstain [Andrews]) Motion carried.

2. Public Hearing to consider **Ordinance No. 2006-2659** amending the Comprehensive Plan, Zoning Map and a design review of a 2500 square foot addition for property located at 1901 Esther Street.

Terry Mahr stated that he was not going to give any legal advice on this matter as he lives adjacent to the property. Mr. Mahr left the room.

Barton Brierley presented the staff report and recommended adoption of **Ordinance No. 2006-2659**.

Councilor Andrews asked if this would be adding additional office space and if the second entrance to the property is open.

Mr. Brierley stated that the applicant would be able to answer those questions.

Mayor Bob Stewart opened the public testimony.

Jan Vondrachek stated that they would be adding mostly clinical rooms to be used for group sessions and meetings. Ms. Vondrachek stated that the addition to the campus would create

openings for seven new positions. Ms. Vondrachek stated that the second entrance has been chained off.

Mayor Bob Stewart closed the public testimony

The applicant waived the extra seven day written testimony period.

Mr. Brierley stated that staff recommends adoption of **Ordinance No. 2006-2659**.

MOTION: Andrews/Rierson to approve **Ordinance No. 2006-2659** amending the Comprehensive Plan, Zoning Map and a design review of a 2500 square foot addition for property located at 1901 Esther Street. (Unanimous) Motion carried.

3. Public Hearing to consider **Ordinance No. 2006-2660** amending the Urban Growth Boundary and Comprehensive Plan for property in the 4200 Block of Portland Road.

Councilor Currier stated that he spoke with a gentleman involved with this item. Councilor Currier stated that there was no substantial conversation.

Councilor Andrews stated that he spoke with someone involved in this item but there was no extended discussion about it. Councilor Andrews stated that he does know the property owners but has not discussed the issue with them.

Councilor Soppe stated that he heard discussion on this item at NUAMC. Councilor Soppe stated that he has driven past and has visited the property and did not see anything not otherwise on the record that would affect his decision.

Barton Brierley presented the staff report.

Councilor Currier asked what the setback would be in the LDR area.

Mr. Brierley stated that it would be five feet.

Councilor Soppe asked where the tree buffer would be.

Mr. Brierley stated that it would be along the northwest side of the property.

Councilor Soppe asked, if the tree buffer is preserved, would the city have the ability to enforce maintaining the trees?

Mr. Brierley stated that he believes that would be enforceable.

Councilor Soppe stated that it is for the council to adopt a traffic amendment that works and he did not like the idea, as this ordinance is written, that approval of others would be required.

Councilor Andrews stated that the applicant has requested LDR and MDR on the north but staff recommends that it be MDR and HDR. Councilor Andrews asked if it was correct that by making land HDR does not require the developer to build at HDR but allows them to build as high as HDR.

Mr. Brierley stated that it does not allow for single family houses and that the developer would not have to build at HDR.

Mimi Doukas, WRG Design stated that the original design of this was to be all commercial. That proposal was sent to NUAMC and what the council has tonight is what was agreed on at that meeting. Ms. Doukas stated that the drawing was taken to the Oxberg Lake Estates and they asked for the applicant to honor their 30 ft setbacks.

Councilor Soppe asked Ms. Doukas if she was in favor of changing the MDR to HDR.

Ms. Doukas stated that she was not.

Councilor Soppe stated that he feels that clearly defining the buffer and leaving the Northwest corner as LDR and the rest commercial would be compatible with the original application.

Ms. Doukas stated that that was close to the original proposal of what the neighbors would have liked.

John Trudel stated that he testified at the NUAMC hearings but was misquoted in the written record. One thing that was distressing was that this has been discussed for the last 18 years and we have spent a lot of time working with developers to come up with a plan that everyone agreed on. Mr. Trudel stated that they have a signed agreement with the city to protect the aquifer. Mr. Trudel stated that the aquifer and the water system pre-dates the State of Oregon. Mr. Trudel stated that he did not know how to do that by anything else other than going to meetings. Mr. Trudel stated that these are the findings from the NUAMC meeting and he asked the council to support those findings.

Vicki Shepherd stated that she has two concerns. The first concern is the storm drainage ditches. Ms. Shepherd stated that the ordinance states that the water will run off to the east of the property. Ms. Shepherd stated that her property is to the east and in recent years the water has come close to flooding the road and with additional water it will flood the road. Ms. Shepherd stated that her second concern is the proposed road. Benjamin Road is already hard to see around corners and is worried about the extra traffic it might cause.

Albert Parson asked if there will be sound barriers.

Mr. Danicic stated that he doesn't expect there to be sound barriers around the commercial property but expects there to be something around the Oxberg Lake Estates.

Russell Thomas stated that he would like to keep the proposed MDR land as MDR and not HDR.

Mayor Bob Stewart closed the public testimony and the applicant waived the right to the extra seven day written testimony period.

MOTION: Rierson/Andrews to approve **Ordinance No. 2006-2660** amending the Urban Growth Boundary and Comprehensive Plan for property in the 4200 Block of Portland Road and to incorporate the revised map and the language in Item 3 requested by WRG Design in their letter of October 6, 2006. (Unanimous) Motion carried.

BUSINESS MEETING SECTION

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

1. Consider approving **Resolution No. 2006-2683** amending the Professional Services Agreement with CH2M HILL, Inc. to provide additional design and construction management services on the Well No. 8 Project in the amount of \$53,213.

Dan Danicic, Public Works Director presented the staff report.

MOTION: Soppe/Andrews to approve **Resolution No. 2006-2683** amending the Professional Services Agreement with CH2M HILL, Inc. to provide additional design and construction management services on the Well No. 8 Project in the amount of \$53,213. (Unanimous) Motion carried.

2. Consider approving **Resolution No. 2006-2684** authorizing a contact with CH2M HILL, Inc. for the design and construction-phase services relating to a reuse water system and WWTP generator upgrade and building.

Dan Danicic presented the staff report.

Councilor Andrews asked if the council could have more detail on where the reuse line would be.

Mr. Danicic stated that it would go along Wynooski onto Springbrook and it would go west either along Fernwood Rd or through easements to the golf course.

Councilor Andrews asked if there was an alternate route.

Mr. Danicic stated that there were three routes that were looked at. Mr. Danicic stated that another route was past the airport and the cemetery and then to the golf course, but those are too long routes for two potential small customers.

Councilor Currier asked how large the generator was that is going to be replaced.

Mr. Danicic stated that it was 750 Kilowatt and it fairly large.

Councilor Boyes asked if the generator would still be needed if the reuse system was not in place.

Mr. Danicic stated that it would still be needed.

Councilor Boyes asked if it was for sure that the golf course was going to use the reuse water.

Mr. Danicic stated that the city is currently drafting an agreement with CPRD for the reuse water and it is Mr. Danicic's understanding that CPRD will sign it before construction begins.

MOTION: Soppe/Nelson to approve **Resolution No. 2006-2684** authorizing a contact with CH2M HILL, Inc. for the design and construction-phase services relating to a reuse water system and WWTP generator upgrade and building and include a second paragraph and adding Section 2 incorporating items 8, 9, 10 and 11 from the RCA. (Unanimous) Motion carried.

MOTION: Nelson/Andrews to adjourn regular session at 11:15 pm. (Unanimous) Motion carried.

X. EXECUTIVE SESSION

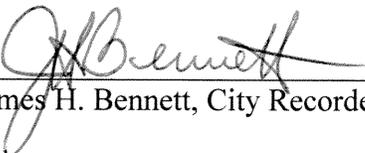
Executive Session Pursuant to ORS 192.660(2)(b), to hear complaints concerning a public officer and communications.

No action was taken. The Council then reconvened in regular session.

XI. ADJOURNMENT

By unanimous consent, the meeting was adjourned at 12:30 am.

ADOPTED by the Newberg City Council this 20th day of November, 2006.



James H. Bennett, City Recorder

ATTEST by the Mayor this 21st day of November, 2006.



Bob Stewart, Mayor