

NEWBERG CITY COUNCIL MINUTES
MARCH 6, 2006
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Council President Andrews called the meeting to order.

II. ROLL CALL

Members

Present:	Bob Andrews	Robert Soppe	Roger Currier
	Mike Boyes		

Excused

Members

Absent:	Mayor Bob Stewart	Dawn Nelson	Mike McBride
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Staff

Present: James Bennett, City Manager
Terrence Mahr, City Attorney
Michael Sherman, Fire Chief
Dan Danicic, Public Works Director
K'Lyn Hann, Library Assistant
Steve Olson, Assistant Planner
Brian Casey, Deputy Police Chief
David Beam, Economic Development Coordinator
Kathleen Bochart, Recording Secretary

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

James Bennett, City Manager, presented his report.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Councilor Currier stated that a citizen had come to him and asked him to comment on an off leash dog area in Newberg. Councilor Currier stated that the Council should speak to Yamhill County and see what could be done.

VI. CONSENT CALENDAR

1. Motion to consider approving City Council Regular Session Minutes for February 6, 2006.

MOTION: Currier/Soppe to approve City Council Regular Session Minutes for February 6, 2006 as corrected. (Unanimous) Motion carried.

VII. PUBLIC HEARING

1. Public Hearing to consider **Resolution No. 2006-2627** to place before the voters amendments to the Newberg Home Rule Charter.
Legislative Hearing

Terrence Mahr, City Attorney, presented the staff report. This is a continuation from the previous two hearings. Mr. Mahr recommended that the council place two questions on the May ballot. One question pertaining to the mayor's length of term and the other deciding if the mayor would be a voting member.

Council President Andrews opened the public hearing.

Recommendation from staff is to adopt **Resolution No. 2006-2624**.

Councilor Boyes asked if the questions were put on the November ballot would they become effective January 1, 2007.

James Bennett, City Manager, stated that if they were passed in November then the mayor would be able to vote during the next term but the length of the term would not change until the 2008 election.

Council President Andrews closed the public hearing.

Council President Andrews asked if it was critical to make changes to the mayor's position at this time.

Councilor Soppe stated that he does not think they are in the position of putting the charter on the May ballot. The deadline is March 16 and the parks and transportation section still needs to be worked on. Councilor Soppe stated that he does not want to rush to complete the Charter.

MOTION: Soppe/Currier to approve **Resolution No. 2006-2627** placing before the voter's amendments to the Newberg Home Rule Charter, as corrected. (Unanimous) Motion carried.

2. Public Hearing to consider **Ordinance No. 2006-2641** annexing 5.4 acres located between Chehalem Drive and Crater Lane at Lynn Drive and **Resolution No. 2006-2628** directing the City Election Officer to certify a ballot title for the May 2006 election.
Quasi-Judicial Hearing

Steve Olson, Associate Planner, presented the staff report on the annexation between Chehalem Drive and Crater Lane. The plans for development of the annexation are a 28 lot subdivision.

Council President Andrews asked for a clarification. On one page it says that there are five tax lots and in another place it says seven tax lots.

Mr. Olson stated that it should be five tax lots and not seven.

Council President Andrews asked if the two tax lots that are not included in the annexation would create an island.

Mr. Olson stated that it would not create an island.

Councilor Soppe asked what Mr. Brierley's extra condition was.

Mr. Olson stated that condition number four was as follows: "At time of development the subdivision shall provide a plan to provide continuous street improvements along the intervening properties through methods such as an advanced finance agreement."

Council President Andrews opened public testimony.

Jeff Caines, SR Design, stated he was here on behalf of Coyote Homes. Mr. Caines responded to condition number four. Mr. Caines stated that it would be hard for Mr. Willcuts to improve land that is not under direct control of the developer. Once the other properties are annexed then it would not be a problem to do the improvements. Currently Mr. Willcuts does not know how he would make improvements to the land that he does not own.

Council President Andrews asked what was meant by a $\frac{3}{4}$ street.

Mr. Caines stated that it would include the sidewalk, planter strip, bike lane, and travel lane on one side, and the travel lane, possibly a bike lane and the curb on the other side.

Council President Bob Andrews closed public testimony.

Applicant waived the right to an extra seven day public testimony period.

Councilor Currier asked why this is being annexed now if the land is not within the Urban Growth Boundary.

Mr. Mahr stated that at the same time this is happening Yamhill County is reviewing the UGB amendment. Mr. Mahr stated that if Yamhill County does not approve of the UGB application then this land can not be on the May ballot. If annexation is not approved by the council it will not be on the May ballot.

Council President Andrews asked if the applicant met all of the annexation criteria.

Mr. Olson stated that they did.

Councilor Soppe stated that on page 49 in the findings it states that the land is within the Newberg's UGB, and it is not within the UGB. There needs to be a correction saying that it is subject to the approval of the UGB.

Mr. Bennett asked if the land was within the URA.

Mr. Olson stated that it was within the URA.

MOTION: Soppe/Andrews to approve **Ordinance No. 2006-2641** annexing 5.4 acres located between Chehalem Drive and Crater Lane at Lynn Drive as amended.

MOTION: Soppe/Andrews to amend the findings incorporated into the ordinance to reflect that the annexation area is within the Newberg URA. (Unanimous) Motion carried.

VOTE ON ORDINANCE AS AMENDED: (Unanimous) Motion carried.

MOTION: Soppe/Andrews to approve **Resolution No. 2006-2628** directing the City Election Officer to certify a ballot title for the May 2006 election.

MOTION: Soppe/Currier to amend **Resolution No. 2006-2628** to reflect that placement of the annexation on the May ballot is subject to prior approval of the UGB amendment by Yamhill County. (Unanimous) Motion carried.

VOTE ON RESOLUTION AS AMENDED: (Unanimous) Motion carried.

3. Public Hearing to consider **Ordinance No. 2006-2642** annexing 20.27 acres located at 2904 and 2908 N. Aspen Way and **Resolution No. 2006-2632** directing the City Election Officer to certify a ballot title for the May 2006 election.
Quasi-Judicial Hearing

Steve Olson, Associate Planner, presented the staff report. This is a request for annexation and zone change to R-1-0.1/A. Mr. Olson stated the annexation criteria. The UGB amendment is waiting to be approved by Yamhill County. Mr. Olson presented the utility plan for the site. The effect on city services would be negligible. Before they can develop on this property a master plan has to be approved by the city council and any newly created lots must be connected to City water and sewer at the time of development.

Mr. Olson recommended adopting the Ordinance and Resolution as written.

Councilor Currier stated that right now his decision is to vote against it because it is a very difficult area to extend services to and it would be very expensive.

Council President Andrews asked what tax advantage there would be to annex the property.

Mr. Olson stated that it would be very small with just the single home.

Councilor Soppe asked if the master plan comes to the City Council for approval.

Mr. Olson stated that it would.

Council President Andrews opened public testimony.

Mimi Doukas, WRG Design, stated that some of the issues that were discussed tonight were discussed when Ken and Joan Austin applied for the UGB amendment. The main issue is urban services. The city has created a very strong interim zone that will not allow for anything to be built on the land until urban services are available. Connecting to urban services is possible but will be expensive. Ms. Doukas stated that the applicant is comfortable with the findings.

Councilor Currier asked why they couldn't apply for a zone change instead of being annexed.

Ms. Doukas stated that they want to include this land within the master plan. Ms. Doukas stated that it makes more sense to present the master plan to the city as a whole.

Mr. Mahr stated that they could not do a zone change until they are annexed.

Councilor Soppe stated that services can be provided. It is just a matter of cost. Mr. Soppe stated that his concern was who was going to pay for the services. Mr. Soppe asked if the applicant had any objections to paying for the services.

Ms. Doukas stated that they would be ok with that.

Council President Andrews closed public testimony.

Applicant waived the right to an extra seven day public testimony period.

Councilor Soppe asked what an adequate level of service was. Councilor Soppe stated that if there is only one house then what is currently there is adequate.

Council President Andrews called for a five minute break.

Mr. Mahr stated that there is a possible conflict of interest. Councilor Boyes owns Boyes Janitorial Services and does business with A-Dec. Mr. Mahr stated he has done research and stated that he is comfortable saying that there is no conflict of interest. He does business for A-Dec and not Ken and Joan Austin directly.

MOTION: Soppe/Currier to approve **Ordinance No. 2006-2642** annexing 20.27 acres located at 2904 and 2908 N. Aspen Way as corrected to reflect that the applicant shall pay for all required public improvements. (Unanimous) Motion carried.

MOTION: Soppe/Currier to approve **Resolution No. 2006-2632** directing the City Election Officer to certify a ballot title for the May 2006 election as amended contingent upon approval of the UGB amendment by Yamhill County. (Unanimous) Motion carried.

BUSINESS MEETING SECTION

VIII. NEW BUSINESS

1. Presentation of Visitor Information Center 2004/05 2nd Quarter Report and 2006 Budget.

Sheryl Kelsh, Chamber Executive Director, presented the 2005/2006 2nd Quarter Report and the Budget for the Newberg Visitor Information Center.

2. Consider adopting **Resolution No. 2006-2612** authorizing the City Manager to amend the Professional Services Agreement with Kleinfelder, Inc. in an amount not to exceed \$6,402.

Dan Danicic, Public Works Director, presented the staff report. Mr. Danicic stated that DEQ needs the final report so the land can be cleared to build on in the future.

Council President Andrews asked how much this will leave in the City Council Professional Services budget.

Mr. Bennett stated that there is approximately ten thousand dollars in the account.

Councilor Soppe asked how long it would take to receive the document.

Mr. Danicic stated that it would take between 30 and 45 days.

Mr. Danicic recommended approving **Resolution No. 2006-2612**.

MOTION: Currier/Soppe to approve **Resolution No. 2006-2612** authorizing the City Manager to amend the Professional Services Agreement with Kleinfelder, Inc. in an amount not to exceed \$6,402. (Unanimous) Motion carried.

3. Consider adopting **Resolution No. 2006-2629** authorizing the City Manager to execute a fee modification with MWH Americas, Inc. to provide additional design and bidding services for the Parallel River Crossing Project in the amount of \$155,130.

Dan Danicic, Public Works Director, presented the staff report. Currently the project is in the final stages of design with 95% being complete. Additional work that needs to be done includes a full width asphalt concrete AC overlay on Dog Ridge Road between Wyooski Road and the S.P. Newsprint's southwestern access, preparation of final specifications, bidding and contract documents, additional valve actuators, telemetry and flow measuring devices at the City's water treatment plant and additional construction management services during the horizontal directional drilling.

Councilor Soppe stated that he was under the impression that the line on the bridge was going to be abandoned when this was complete.

Mr. Danicic stated that at some point the city will stop using it.

Councilor Soppe asked if it made sense to spend the money on the actuator valves when the line over the river will be abandoned.

Mr. Danicic stated that he believes it does as it is not a goal to abandon the line over the river immediately.

Councilor Boyes asked if Mr. Danicic thought he would be coming back to the council asking for additional funds for the project.

Mr. Danicic stated that he is going to try not to come back.

Councilor Boyes asked how this project was being paid for.

Mr. Bennett stated that it will be paid from SDCs and water rates.

MOTION: Currier/Soppe to approve **Resolution No. 2006-2629** authorizing the City Manager to execute a fee modification with MWH Americas, Inc. to provide additional design and bidding services for the Parallel River Crossing Project in the amount of \$155,130. (Unanimous) Motion carried.

4. Consider adopting **Resolution No. 2006-2630** adopting changes to the Water Systems Development Charge and monthly fire fee for multi-family sprinkler systems.

Dan Danicic, Public Works Director, presented the staff report.

Michael Sherman, Fire Chief, stated that, if you support sprinkler systems for multi-family residences, then it will reduce the number of fire personnel that would need to be sent to the fire site.

Councilor Boyes asked if money could be saved on fire insurance.

Mr. Sherman stated that you could save a substantial amount.

Councilor Soppe asked if national requirements specify a required number of sprinklers.

Mr. Sherman stated that the requirement is that you have to have them separated by a certain distance and have a certain number of them in a building.

MOTION: Currier/Soppe to approve **Resolution No. 2006-2630** adopting changes to the Water Systems Development Charge and monthly fire fee for multi-family sprinkler systems. (Unanimous) Motion carried.

5. Consider adopting **Resolution No. 2006-2633** supporting the submission of a Rural Investment Fund Grant application to fund an engineering study for a sewer line along Wyooski Road.

David Beam, Economic Development Coordinator, presented the staff report. The grant would provide funding for an engineering study for a sewer line along Wyooski Road. The application would be requesting \$40,000.

Councilor Soppe asked what other projects were considered for this grant.

Mr. Beam stated that there was a project along Springbrook Road, but they were not quite ready.

Mr. Beam stated that this funding is not from tax dollars, but from lottery funds.

MOTION: Soppe/Andrews to approve **Resolution No. 2006-2633** supporting the submission of a Rural Investment Fund Grant application to fund an engineering study for a sewer line along Wynooski Road. (2 Yes/ 2 No [Currier, Boyes]) Motion failed.

MOTION: Soppe/Boyes to reconsider **Resolution No. 2006-2633**. (Unanimous) Motion carried.

REVOTE ON ORIGINAL MOTION: Soppe/Andrews to approve **Resolution No. 2006-2633** supporting the submission of a Rural Investment Fund Grant application to fund an engineering study for a sewer line along Wynooski Road (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

None.

X. EXECUTIVE SESSION

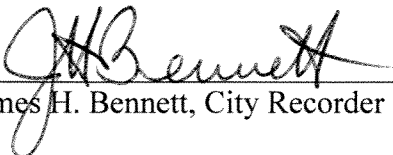
1. Executive Session pursuant to ORS 192.660(2)(e) relating to a real property transaction.

Executive Session was held during work session. No action was taken.


XI. ADJOURNMENT

MOTION: Currier/Soppe to adjourn at 11:06 pm. (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 3rd day of April, 2006.


James H. Bennett, City Recorder

ATTEST by the Mayor this 6th day of April, 2006.


Bob Stewart, Mayor