

**NEWBERG CITY COUNCIL MINUTES
MAY 1, 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	Roger Currier	Dawn Nelson
	Mike Boyes	Robert Soppe	

Members

Absent: Mayor Bob Stewart

Staff

Present: James Bennett, City Manager
Terrence Mahr, City Attorney
Al Blodgett, Division Fire Chief
Leah Griffith, Library Director
Kathy Tri, Finance Director
Dave Brooks, IT Manager
Robert Tardiff, Police Chief
Dan Danicic, Public Works Director
Barton Brierley, Planning and Building Director
Kathleen Bochart, Recording Secretary

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

None.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Council President Andrews presented a proclamation declaring May as Older Americans month.

There was a presentation to honor Ruth Stockoff who turned 105.

VI. CONSENT CALENDAR

1. Consider a motion approving City Council Regular Session Minutes for April 3, 2006.

MOTION: Currier/Soppe to approve Consent Calendar approving City Council Regular Session Minutes for April 3, 2006 as corrected. (Unanimous) Motion carried.

VII. PUBLIC HEARING

1. Consider adopting **Ordinance No. 2006-2643** amending Title IX, Chapter 97 of the Newberg City Code relating to brush, weed and grass control.

Legislative Hearing

Councilor Andrews called the legislative hearing to order.

Al Blodgett, Division Chief stated that this Ordinance brings weed control standards up to what the Fire Department has been requesting. The biggest change is when a landowner has a large lot next to a developed area, the Fire Department can require the property owner to cut the grass back at least 30 feet from the property line. Mr. Blodgett stated that the changes allow the Fire Department to enforce the rules.

Councilor Soppe asked how the changes give them more authority.

Mr. Blodgett stated that the language allows more decisions to be made for fire safety.

Councilor Soppe stated that he is concerned about the requirement of cutting the grass only once a year. Councilor Soppe asked how much of a problem it would cause if it is left until July 15th.

Mr. Blodgett stated that if there are complaints and the Fire Department sees it as an issue, then it is a possibility that they will be required to cut the grass and brush back more than once a year.

Councilor Andrews asked how “large” was defined.

Mr. Mahr stated that currently it is open to the city’s interpretation. Mr. Mahr stated that he feels comfortable with leaving the wording the way it is.

Councilor Currier asked if there was any reason why we could not change the word “large” to “any”. Councilor Currier stated that it would cover all properties and it could easily be left up to the Fire Department to make the decision.

Mr. Blodgett stated that the only time he has had that problem is when there has been residential land up against agricultural land.

Councilor Andrews asked if the City can defend a challenge if someone believes that they are not a large lot.

Mr. Mahr stated that he believes that they can.

Councilor Andrews asked why they had decided to take out the cutting in two time frames.

Mr. Blodgett stated that historically if it is cut by July 15th, then the 2nd cut isn't needed.

Councilor Currier stated that he somewhat agrees with that. Councilor Currier stated that he watches over a fairly large lot and he has it cut at least three times a year.

Mr. Mahr stated that if it is a nuisance then the city can go to other Ordinances that deal with that issue.

Councilor Currier asked if there is any reason why the date could not be September 15th, instead.

MOTION: Currier/Soppe to amend Ordinance 2006-2643 to change the date from July 15th to September 15th.

Councilor Soppe stated that this doesn't increase their authority to tell citizens to cut the grass back. Councilor Soppe stated that he would like the Fire Department to have the authority to deal with this year round.

Councilor Currier stated that they would have the authority to do so but would require citizens to cut the grass back at least once before September 15th.

Council President closed public testimony.

Councilor Boyes asked if it is required that the grass be cut back before May 15th.

Mr. Blodgett stated that it is not required to cut the grass back before May 15th.

Mr. Bennett stated that after July there is not much growth in the grass.

Mr. Blodgett stated that it is the Fire Department's preference that July 15th is in there. Historically there have not been any issues with the grass after that.

Councilor Andrews asked if the Fire Department has the ability to respond to a complaint before May 15th and after July 15th.

Mr. Blodgett stated that they did.

VOTE: To amend Ordinance 2006-2643 to change the date from July 15th to September 15th.
(0 Yes/5 No) Motion failed.

Mr. Mahr stated that citizens now have to file with the Finance Department and the fee is now \$50.

MOTION Soppe/Currier: to amend 97.01, place a period after July 15 and start a new sentence with “The Fire chief may require such cutting at anytime of the year as necessary in order to control such growth...” (Unanimous) Motion carried.

MOTION: Currier/Boyes 97.04 change “City Managers office” to “Finance Department” and change the fee from “\$25” to “\$50” (Unanimous) Motion carried.

MOTION: Currier/Nelson to approve **Ordinance No. 2006-2643** amending Title IX, Chapter 97 of the Newberg City Code relating to brush, weed and grass control as amended. (Unanimous) Motion carried.

BUSINESS MEETING SECTION

VIII. NEW BUSINESS

1. Consider approving **Resolution No. 2006-2639** accepting Councilor Mike McBride’s resignation, expressing the City’s appreciation for his service, declaring a vacancy, and ordering the staff to advertise for appointment to fill the vacancy.

Councilor Soppe asked if it was appropriate to say that Mr. McBride left for personal reasons. Councilor Soppe stated that personal reasons indicate that he chose to quite serving on the council, but in reality he moved out of his district.

MOTION: Soppe/Nelson to amend Resolution No. 2006-2639, Background #2, to state “Because of City Charter requirements regarding residency,...” (Unanimous) Motion carried.

MOTION: Currier/Nelson to approve **Resolution No. 2006-2639** accepting Councilor Mike McBride’s resignation, expressing the City’s appreciation for his service, declaring a vacancy, and ordering the staff to advertise for appointment to fill the vacancy as amended. (Unanimous) Motion carried.

2. Consider approving **Resolution No. 2006-2640** authorizing the City to purchase property located at 8015 NE Hash Road from Scott T. McKillip.

Mr. Mahr stated that this is property that has been discussed numerous times in executive session. Mr. Mahr stated that the Council should approve this if they are serious about purchasing the land. Dan Danicic is ready to hire a firm to evaluate the quantity, quality and sustainability of the water as soon as this is approved. Once it is decided that the City will purchase the land, \$50,000.00 will be released in earnest money to the seller. After the closing the remainder of the money would then be released to the seller.

MOTION: Soppe/Boyes to approve **Resolution No. 2006-2640** authorizing the City to purchase property located at 8015 NE Hash Road from Scott T. McKillip. (Unanimous) Motion carried

3. Consider approving a motion to acquire right-of-way property from Portland General Electric to facilitate the extension of Hayes Street between Springbrook Road and Deborah Street.

Dan Danicic stated that the extension of Hayes St. is part of the Transportation Plan. Mr. Danicic stated that they have been working with PGE for quite some time now and what brought us to this is the development of the lot on Hayes and Deborah. If Council approves this motion, staff will present the following offer to PGE: 1. The City will vacate the existing right-of-way along the north property line. 2. Change zoning designation from M-1 to C-2; and 3. Compensate PGE \$172,000 to modify their storage facility to accommodate the new road alignment. Staff feels that this is a reasonable request.

Councilor Currier stated that this will cause more problems with having commercial land next to the drive in.

Mr. Danicic stated that he is willing to meet and discuss this with the owners of the drive-in.

Councilor Andrews asked if this is a motion to proceed with acquiring the right of way to build the road.

Mr. Danicic stated that was correct.

Councilor Andrews asked if the design and the zoning issue would come back to the council.

Mr. Danicic stated that it was not a requirement but if the council wishes he can come back with updates.

Mr. Bennett stated that they will take great care to design the road so as to protect the drive in.

Councilor Currier asked where the funding would be coming from.

Ms. Tri stated that the funding would be from SDC's.

Mr. Bennett asked Mr. Danicic what the benefit of building the road now was.

Mr. Danicic stated that there is expected development along Hayes Street.

Mr. Bennett asked if making the extension now would be better.

Mr. Danicic stated that it would certainly be a positive.

Councilor Soppe asked if the \$172,000 was the cost of the land from PGE.

Mr. Danicic stated that there is an impact to their storage site and it is costing them \$172,000 to reconfigure their site at the other end of the property.

Councilor Soppe asked why the City did not design the road.

Mr. Danicic stated that Coyote Homes is doing the construction and if the developer is willing to do the development it can be done much faster than city staff would be able to.

Councilor Soppe asked how much of the right of way are we losing or gaining.

Mr. Danicic stated that they are providing us with approximately 50% more right of way than the city currently has.

Councilor Soppe stated that this doesn't seem to be a fair trade.

Councilor Andrews stated that the \$172,000 is not buying the right of way. It is for replacing their storage that is on the current right of way the city will be obtaining.

Councilor Soppe stated that he is trying to get a feel for the value of the property. Councilor Soppe asked what the property was worth.

Mr. Danicic stated that he does not know the value of the property, but subdivision lots are approximately \$90,000 a lot, which is typically 7,000-8,000 sq ft.

MOTION: Currier/ to table item until May 15, 2006. Motion failed for lack of second.

Councilor Soppe stated that he would like to see something that stated the value of what we are getting from PGE and what we are giving to PGE.

MOTION: Currier/Soppe to postpone debate until May 15th, 2006. (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

None.

X. EXECUTIVE SESSION

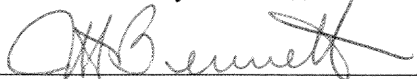
1. Executive Session pursuant to ORS 192.660(2)(e) relating to a real property transaction – McKillip Property.

Executive session was held during work session.

XI. ADJOURNMENT

MOTION: Currier/Nelson to adjourn the meeting at 8:35 pm. (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 5th day of June, 2006.


James H. Bennett, City Recorder

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


Bob Stewart, Mayor