NEWBERG CITY COUNCIL MINUTES
JUNE 5, 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	Roger Currier
	Mike Boyes	Robert Soppe	Dawn Nelson

Staff Present:
Jim Bennett, City Manager
Terrence Mahr, City Attorney
Kathy Tri, Finance Director
Barton Brierley. Planning and Building Director
Dan Danicic, Public Works Director
David Beam, Economic Development Coordinator
Brian Casey, Deputy Police Chief
Norma Alley, Deputy City Recorder
Paul Chiu, Senior Engineer
Kathleen Bochart, Recording Secretary

Others Present:	Darlyn Adams	John Bridges	Allyn Brown	Aron Faegre	Debbie Galardi
	Mike Gougler	Brian Johnson	Bart Rierson	Michael Robinson	

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Jim Bennett, City Manager presented the report.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Darlyn Adams, Newberg Animal Shelter Friends stated that the second annual Blessing of the Animals is scheduled for Saturday, June 17, 2006 from 12:30 pm to 2 pm at North Valley Friends Church at 4020 N. College. Donation is 2 cans of cat or dog food and cash donations are always accepted. NASF is celebrating hitting their $200,000 mark on June 24th from 7PM to 9PM at the Community Center at 502 S. 2nd Street. The next NASF meeting is June 29th at the Public Safety Building.

Allyn Brown stated that he was an attorney in Newberg. Mr. Brown stated that he was here to ask the council to reconsider a matter that was discussed at the previous council meeting. Mr.

Brown stated that it was a resolution concerning property at 1901 N. Springbrook Road that is owned by Ms. Estela Dare. Mr. Brown stated that, if the city passes this resolution, it would allow Ms. Dare two years to reinvest the money from her property. Mr. Brown stated that he spoke with Mr. Mahr in February and he had stated that this might be a possibility. Mr. Brown asked the council to reconsider opening this resolution for discussion and stated that he was available for any questions.

Councilor Boyes stated that he would like to bring this back up before the council.

MOTION: Boyes/Soppe to reconsider **Resolution No. 2006-2645.** (3 Yes/ 2 No [Currier, Andrews]) Motion carried.

Councilor Boyes stated that he has reread this resolution and it doesn't say what the tax advantage would be. Councilor Boyes asked for clarification

Mr. Brown stated that it would give Ms. Dare more time so she can reinvest the money.

Councilor Boyes asked what the time frame was.

Mr. Brown stated that it was two years.

Councilor Soppe stated that he had a potential conflict but it would not affect his decision.

Councilor Andrews asked if the sales contract had a contingency based on the City Council passing this condemnation resolution.

Mr. Brown stated that it did not.

MOTION: Soppe/Nelson to adopt **Resolution No. 2006-2645.**

Councilor Andrews stated that he had reviewed the ORS on condemning property for public purposes and asked if this met the requirements.

Terry Mahr stated that it needs to be for the public good or for the public need and that he believes the developmentally disabled housing project meets this test.

Councilor Andrews stated that he felt the ORS does not give the City condemnation authority in this case and was apposed to the resolution.

VOTE: to adopt **Resolution No. 2006-2645.** (3 Yes/ 2 No [Currier, Andrews]) Motion carried.

VI. CONSENT CALENDAR

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

2. Consider approving a sound permit application from Providence Newberg Medical Center for the Community Wide Celebration Open House.

MOTION: Andrews/Soppe to approve consent calendar. (Unanimous) Motion carried.

VII. PUBLIC HEARING

1. Consider adopting **Ordinance No. 2006-2646** amending the Development Code allowing additional freestanding signs for institutions.

Barton Brierley, Planning and Building Director presented the staff report. Mr. Brierley stated that the Newberg School District would like to place additional signs at various schools to inform parents and students of activities and events. Currently the Newberg Development Code allows only one freestanding sign along each street frontage. The code change would allow one additional sign for each 600 feet of street frontage.

Councilor Soppe asked which zones would be allowed to have additional signs.

Mr. Brierley stated that all but commercial and industrial would be allowed to have additional signs.

Councilor Soppe asked why those two zones are not allowed more signs.

Mr. Brierley stated that the council in the past has expressed that that is the way they wanted it.

Mr. Soppe asked who else this would apply to.

Mr. Brierley stated that it would apply to churches and to the golf course.

Councilor Soppe asked if it would be hard to add language saying that there should only be one animated sign per frontage.

Mr. Brierley stated that it would not be hard.

Councilor Nelson asked if animated signs are allowed in residential.

Mr. Brierley stated that they are allowed in all zones but C3.

Staff recommends adopting **Ordinance No. 2006-2646.**

MOTION: Currier/Rierson to adopt **Ordinance No. 2006-2646** amending the Development Code allowing additional freestanding signs for institutions as modified.

Councilor Currier asked what it would take to send out a one page survey to all potentially affected properties and then come back with a public hearing.

Mr. Bennett stated that it would be difficult to do such a survey.

VOTE: to adopt **Ordinance No. 2006-2646** amending the Development Code allowing additional freestanding signs for institutions as modified. (5 Yes/1 No [Soppe]) Motion carried.

2. Consider adopting **Ordinance No. 2006-2647** adopting the Sportsman Airpark Master Plan.

David Beam presented the staff report. Mr. Beam stated that this was requested by the airport owner and was approved by plan area property owners. Mr. Beam stated that this creates two new overlays, an Airport Residential Overlay (ARO) and an Airport Industrial Overlay (AIO) and also it creates two new zones: Airport Residential (AR) and Airport Industrial (AI).

Councilor Currier asked if large plane have ever had to land at the Sportsman Airpark.

Aron Faegre stated that there may have been one or two. Even with a little extension to the runway it still wouldn't be long enough for large planes to take off from there.

Councilor Andrews asked if Scappoose Airport has industrial land next to it.

Mr. Faegre stated that they do have a fair amount of industrial land are looking into allowing jet traffic.

Mr. Beam stated that the advantages of this plan are that it is a business attraction tool. It stabilizes the local economy and provides more choices for jobs and housing.

Councilor Rierson stated that he sees this as an asset. Councilor Rierson asked if there was any possible effect that this plan will have on the bypass.

Mr. Beam stated that it has been taken into consideration.

Councilor Andrews asked for more detail on the potential of extending the runway.

Mr. Faegre stated that it hasn't been explored in great detail. The FAA would require a couple hundred more feet for larger planes to land and that is not available.

Councilor Soppe asked why the setbacks were changed.

Mr. Beam stated that the setbacks are smaller than normal because of the size of each parcel. It will allow for more density.

Councilor Soppe stated that smaller setbacks are needed to put more homes in to make up for lost land due to the taxi ways.

Mr. Beam stated that was correct.

Councilor Soppe asked what is going to be done about the increased amount of traffic.

Mr. Brierley stated that there will be some physical improvements to the roads but there won't be a need to add roads.

Mr. Brierley stated that the council can require road improvements as a part of the development.

Councilor Andrews stated that if the council is going to adopt this then the errata sheet needs to be adopted as well.

Councilor Soppe stated that gated streets have come up in a number of places in documents. Councilor Soppe asked if that will come back to the council.

Mr. Beam stated that it was up to the fire marshal.

Michael Robinson stated that his client intends to develop the northern part of the airport first. Mr. Robinson stated that with the size of the lots due to hanger being included on the property, they lose almost 30 lots. With reduced setbacks it allows for more lots to be developed.

Staff recommends adoption of **Ordinance No. 2006-2647.**

MOTION: Soppe/Rierson to adopt **Ordinance No. 2006-2647** adopting the Sportsman Airpark Master Plan as modified.

Councilor Soppe stated that the attachments are labeled incorrectly.

Mr. Mahr suggested language to incorporate the attachments and the findings.

MOTION: Andrews/Soppe to amend motion to include the amended language as proposed by the City Attorney. (Unanimous) Motion carried.

VOTE: to adopt **Ordinance No. 2006-2647** adopting the Sportsman Airpark Master Plan as amended. (5 Yes/1 No [Currier]) Motion carried.

3. Consider adopting **Ordinance No. 2006-2648** amending the Comprehensive Plan policies to allow Urban Growth Boundary amendments and zone changes adjacent to the proposed North Side Road prior to adoption of interchange area management plans.

Barton Brierley presented the staff report. ODOT is currently in the process of creating interchange area management plans for the areas near each of the proposed bypass interchanges. The proposed amendment would allow the council to consider approving a UGB amendment for these four parcels before the interchange area management plan is adopted.

Councilor Andrews asked if this amendment would change the parcels from URA to UGB.

Mr. Brierley stated that the approval of this amendment does not commit the city to approving the UGB amendment, but allows the city to decide if it is the best option.

Michael Robinson stated that he was at the meeting on behalf of a land owner and stated that he was available for any questions.

John Bridges stated that the reason that ODOT has changed their mind is because the land was already taken into consideration in their traffic model.

Councilor Soppe stated that he had a potential conflict but it would not affect his decision.

Mr. Brierley stated that staff's recommendation is to adopt **Ordinance No. 2006-2648**.

MOTION: Andrews/Nelson to adopt **Ordinance No. 2006-2648** amending the Comprehensive Plan policies to allow Urban Growth Boundary amendments and zone changes adjacent to the proposed North Side Road prior to adoption of interchange area management plans. (Unanimous) Motion carried.

4. Consider adopting **Resolution No. 2006-2647** adopting Water Systems Development Charges.

Dan Danicic presented the staff report. The Citizens Rate Review Committee recommends that the water SDC rates be adopted.

Kathy Tri explained why there was a change in the SDC's. This has been sent to the Portland homebuilders association but we never heard back from them.

Mr. Bennett asked how often the Water SDC's were reviewed.

Mr. Danicic stated that they are reviewed every five years.

Mr. Bennett asked if the rate reduction has been projected in the yearly budget.

Councilor Andrews asked if it was possible to build up funds.

Ms. Tri stated that the city will build up funds if there is more development then projected.

Councilor Soppe asked when the city will be looking at a new water treatment plant.

Mr. Danicic stated that it would be 2015 at the earliest.

Councilor Soppe stated that he had concerns whether or not the city will have enough reserves.

Debbie Galardi explained the SDC methodology.

Recommendation of staff is to approve **Resolution No. 2006-2647**.

MOTION: Andrews/Nelson to adopt **Resolution No. 2006-2647** adopting Water Systems Development Charges effective July 6, 2006.

Councilor Soppe asked why Otis Springs was not factored in.

Mr. Danicic stated it was because the system is not in place yet. He said that the best thing to do would be to design and build it first before setting a rate for it. After they know the actual costs they can go to the Citizens Rate Review Committee and design a new rate structure.

VOTE: to adopt **Resolution No. 2006-2647** adopting Water Systems Development Charges. (Unanimous) Motion carried.

BUSINESS MEETING SECTION

VIII. NEW BUSINESS

1. Consider adopting **Resolution No. 2006-2646** approving the Engineer's Report for the Fernwood Road to Providence Hospital property Sanitary Sewer Advance Financing of Public Improvements and setting the reimbursement amounts onto the intervening properties.

Councilor Soppe stated that there was a potential conflict but it would not affect his decision.

Dan Danicic presented the staff report. Mr. Danicic stated that recommendations for reimbursements are on council packet page 295. Mr. Danicic stated that staff recommends adopting **Resolution No. 2006-2646.**

Councilor Soppe asked how the 9% interest was decided on.

Mr. Danicic stated that 9% is in the current city code.

Councilor Soppe asked who else will be using this sewer line.

Mr. Danicic stated that at this time no one else will be using the line unless the sewer is extended north across Hwy 99W.

John Bridges stated that he recommends the approval of Resolution No. 2006-2646.

Mike Gougler stated that he was in support of this request. Mr. Gougler stated that he wanted to remind the council that the development agreement with Providence allows the Werth family to connect to the first manhole north of the pump station at no charge. This is not stated in the resolution.

Councilor Soppe asked if this should be added to the resolution.

Mr. Danicic stated that he would add it into the resolution.

MOTION: Currier/Nelson to adopt **Resolution No. 2006-2646** approving the Engineer's Report for the Fernwood Road to Providence Hospital property Sanitary Sewer Advance Financing of Public Improvements and setting the reimbursement amounts onto the intervening properties with the inclusion of additional language clarifying the Providence/Werth family agreement. (Unanimous) Motion carried.

2. Consider adopting **Resolution No. 2006-2648** approving the final assessment for the Mountainview Local Improvement District Project.

Paul Chiu, Senior Engineer presented the staff report and recommended passing Resolution No. 2006-2648.

Councilor Currier asked if this can go public.

Mr. Chiu sated that once it is accepted then it becomes public knowledge.

Councilor Boyes asked what the actual cost for the improvements was.

Mr. Chiu stated that it cost $197,000 instead of the estimated $310,000.

MOTION: Currier/Boyes to adopt **Resolution No. 2006-2648** approving the final assessment for the Mountainview Local Improvement District Project and authorizing staff to make final interest adjustments.

Councilor Soppe asked if someone still owes money then what are they being charged.

Ms. Tri stated that it was at 4% interest.

VOTE: to adopt **Resolution No. 2006-2648** approving the final assessment for the Mountainview Local Improvement District Project and authorizing staff to make final interest adjustments. (Unanimous) Motion carried.

3. Consider appointing the most qualified candidate to fill the vacant District Four City Council position created by the resignation of Mike McBride or extending the deadline for receiving applications.

Mayor Bob Stewart moved this item to after the Consent Calendar.

Brian Johnson stated that the reason he wanted to be on City Council was that he felt by being a resident and a business owner with a family it was time to give back to his community.

Councilor Andrews asked what company he owns.

Mr. Johnson stated that it was Advanced Cellular and Satellite.

Councilor Andrews asked Mr. Johnson if he has worked with any non profit organizations in the past.

Mr. Johnson stated that he had not.

Councilor Soppe asked Mr. Johnson if he had been to any city meetings in the past.

Mr. Johnson stated that he has been to a couple of council meetings and has kept up with what has been happening on the council for the last year.

Councilor Currier asked Mr. Johnson if he had been to any planning commission meetings.

Mr. Johnson stated that he had not.

Ms. Nelson asked Mr. Johnson what his opinion was on the growth of the city.

Mr. Johnson stated that he always encourages growth and that it just needs to be managed in the right way. Mr. Johnson stated that he believes that the city does not need to be held back and there are many people in the community that have many different ideas on how to manage the growth of Newberg while keeping it unique.

Councilor Boyes stated that some of the roads are in bad shape, and asked Mr. Johnson if he had any ideas on how to finance the repairs.

Mr. Johnson stated that it just depends on where the funding was. Mr. Johnson stated that they would have to allocate priorities and take care of roads before they get too bad.

Bart Rierson stated that he has some government experience. Mr. Rierson stated that he is currently on the Newberg Downtown Revitalization Committee and has also served on the Planning Commission, the Newberg Budget Committee, Newberg School District Budget Committee along with other committees. Mr. Rierson stated that he is familiar with the operations of the city and he has worked with Mr. Beam on the waterfront plan. Mr. Rierson stated that he used to volunteer for the school district as a SMART volunteer. Mr. Rierson stated that he would like this opportunity to join the city council.

Councilor Currier asked Mr. Rierson if he gets appointed to the city council would he be cutting back on some of his other committees.

Mr. Rierson stated that he has spoke with David Beam and John Bridges and has stated that he would be resigning from the NDRC if he was appointed.

Councilor Andrews asked Mr. Rierson if he had any other experience working for non profit organizations.

Mr. Rierson stated that he had not.

MOTION: Andrews/Currier to nominate Bart Rierson to city council

MOTION: Soppe/ to nominate Brian Johnson. (Motion failed for lack of second.)

VOTE: to nominate Bart Rierson to City Council. (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

1. Consider adopting **Resolution No. 2006-2641** adopting new water rates.

Item moved after Resolution No. 2006-2647.

Kathy Tri presented the staff report. Ms. Tri handed out a scatter graph that shows the residential water consumption in August of 2005 and January of 2006. Ms. Tri addressed a concern by Councilor Soppe from the previous meeting regarding the effect of the in-lieu-of-franchise fee on water rates. Tri stated Mr. Soppe is correct. If you took that payment away from the General Fund, it is conceivable that we would not need a rate increase July 1.

Councilor Soppe stated that he had a concern on the peaking factors. Councilor Soppe stated that he would pursue this concern in the future. He asked Mrs. Tri to repeat her comments regarding the in-lieu-of-franchise fee, so he would be sure he understood her point.

Mrs. Tri stated if you took that out, that $171,000 out, taking it from the General Fund, you probably will have a 0% rate increase this year.

Councilor Boyes asked what happened to the discussion about selling Otis Springs.

Mr. Bennett stated that he had a couple of people express interest in purchasing Otis Springs but had not entered into any serious discussion on the idea.

Staff recommends adopting Resolution No. 2006-2641.

MOTION: Nelson/Rierson to adopt **Resolution No. 2006-2641** adopting new water rates. (4 Yes/ 2 No [Currier/Soppe] Motion carried.

X. EXECUTIVE SESSION

None.

XI. ADJOURNMENT

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

J H Bennett

James H. Bennett, City Recorder

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

Bob Stewart

Bob Stewart, Mayor