NEWBERG CITY COUNCIL MINUTES
AUGUST 7, 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	Robert Soppe
	Dawn Nelson	Bart Rierson	Roger Currier
	Mike Boyes		

Staff Present:
Jim Bennett, City Manager
Terrance Mahr, City Attorney
Barton Brierley, Planning & Building Director
Elizabeth Carlson, Finance Director
Dan Danicic, Public Works Director
Kathleen Bochart, Recording Secretary

Others Present: Phyllis Busenback, Virginia Jungwirth, Bob Larson, Michael Hanks, Mart Storm, Clare Sunderland, Charles Harrell, Warren Parrish, Jim Ringseth, John Mahaffey.

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Jim Bennett, City Manager, presented the staff report. Mr. Bennett stated that Congressman Wu has sent an invitation to the Council to attend a fundraiser on August 14, 2006. Mr. Bennett stated that he received a call from Newberg Garbage Service and they now have their own website and that is www.newberggarbageservice.com. Mr. Bennett stated that all of the barbed wire fencing around city facilities has been removed and the city is in full compliance. Mr. Bennett stated that Harry Morter, the operator of the local community access station, has notified him that the H&R Video building has been purchased and there is a possibility that the new owners want to remodel it and he will have to find another location.

Councilor Boyes asked if Mr. Morter stated how large of a place he needed and how much money he is willing to spend for rent.

Mr. Bennett stated that he did not.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Phyllis Busenback stated that she was from the Mt. View Mobile Home Park. Ms. Busenback stated that she is submitting a petition for a four-way stop at Second Street and Springbrook Rd. Ms. Busenbark stated that this is a very dangerous corner. Ms. Busenbark stated that she has submitted the petition to the county commissioners and to Bill Gille, County Public Works Director.

Councilor Soppe asked if the intersection was within Newberg's jurisdiction.

Mr. Danicic stated that it is both county and city.

Virginia Jungwirth stated that it is her firm belief that everyone inside the city limits should have garbage service. Ms. Jungwirth stated that her reasoning for that is mice started coming in her house this summer. Ms. Jungwinth stated that she believes the reason is because some of her neighbors do not have garbage service. Ms. Jungwinth stated that this is a public health issue and something needs to be done.

Councilor Soppe asked if there are open containers of trash at the neighbors and where are they keeping it.

Ms. Jungwinth stated that without trespassing she could not tell you, but every couple of months a large trailer filled with black garbage bags leaves from her neighbor's house.

Bob Larson stated that he is representing the Nut Tree Mobile Home Park. Mr. Larson stated that the intersection of Second Street and Springbrook is a very dangerous intersection. Mr. Larson stated that he has been to the Traffic Safety Commission and they said that they would do a traffic study to see if there is a need for stop signs. Mr. Larson stated the County has been notified of the situation and they have a meeting scheduled with the county commissioners.

VI. CONSENT CALENDAR

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

2. Consider a motion approving a sound permit to allow Perlo McCormack Pacific to begin early morning construction work at 2800 Hayes Street. *(This item was pulled from the consent calendar and moved to Item 6 under New Business.)*

3. Consider a motion appointing the most qualified candidate to fill a vacancy on the Newberg Downtown Revitalization Committee.
   Jack Reardon
   Jeff Palmer *(Jeff Palmer withdrew his name from consideration prior to Council action on this item.)*

MOTION: Soppe/Currier to approve Items 1 and 3 of the consent calendar and appoint Jack Reardon to the Newberg Downtown Revitalization Committee. (Unanimous) Motion carried.

VII. PUBLIC HEARING

1. Public Hearing to consider adopting **Ordinance No. 2006-2651** annexing 98 acres along Waterfront Street and Ewing Young Park, Comprehensive Plan amendment from LDR to MDR (Medium Density Residential) for a portion of the area, zone change to R-2 and CF (Community Facility) and adopting **Resolution No. 2006-2664** scheduling this item for the November 7, 2006, General Election.
Quasi-Judicial Hearing

Councilor Nelson stated that she knows the Weatherly family and that it will not affect her decision.

Barton Brierley, Planning & Building Director, presented the staff report. Mr. Brierley stated that this was an annexation of approximately 98 acres and a comprehensive plan change from LDR to MDR and a zone change from R2 to CF. Mr. Brierley stated that this annexation was initiated by the city. Mr. Brierley recommends adoption of Ordinance No. 2006-2651 and Resolution No. 2006-2664.

Councilor Soppe suggested changing the title to include "all or part of" before Ewing Young Park and asked if there was a legal or contractual constraint on the property.

Mr. Brierley stated that they would put their Measure 37 claims on hold if they received R-2 zoning.

Councilor Andrews asked why the pre-development public safety FTE is higher than post-development public safety FTE.

Mr. Brierley stated that the numbers are estimates.

Councilor Boyes asked if the skate park is within the city limits.

Mr. Brierley stated that the skate park is in the city limits and the BMX park is partly in city limits.

Councilor Boyes asked if anyone can put in portable toilets on their property.

Mr. Brierley stated that he believes that we would look at the issue.

Councilor Boyes asked if paved parking lots were required inside city limits.

Mr. Brierley stated that there do have to be paved parking lots and gravel lots are allowed for overflow parking.

Councilor Currier asked why the north piece of land was added to the annexation.

Mr. Brierley stated that it is in the UGB and it is recommended that it be annexed eventually and there is not a down side to annexing it.

Councilor Soppe asked Mr. Brierley to come up with some language as to why there is not a limited use overlay.

Mayor Bob Stewart opened public testimony.

There was no public testimony.

Mayor Bob Stewart closed public testimony.

Barton Brierley stated that the applicant waives the seven day written testimony period.

MOTION: Soppe/Rierson to adopt **Ordinance No. 2006-2651** annexing 98 acres along Waterfront Street and Ewing Young Park, changing the Comprehensive Plan Map from LDR to MDR for a portion of the area, zone change to R-2 and CF as amended and read by title only.

Councilor Rierson stated that he would like to see as much park land brought into the city as possible.

MOTION: Soppe/Andrews to amend Annexation Finding (C) of Ordinance No. 2006-2651 as follows: "The property taxes collected after development are roughly estimated to pay for the additional services needed."(Unanimous) Motion carried.

Barton Brierley recommended additional language clarifying Annexation Finding (E) of the proposed ordinance.

MOTION: Soppe/Rierson to amend Annexation Finding (E) of Ordinance No. 2006-2651 as recommended. (5 Yes /2 No [Boyes, Currier]) Motion carried.

VOTE: to adopt **Ordinance No. 2006-2651** annexing 98 acres along Waterfront Street and Ewing Young Park, changing the Comprehensive Plan Map from LDR to MDR for a portion of the area, and changing the zone to R-2 and CF as amended. (5 Yes /2 No [Boyes, Currier]) Motion carried.

MOTION: Andrews/Soppe to adopt **Resolution No. 2006-2664** scheduling the annexation for the November 7, 2006, General Election. (5 Yes /2 No [Boyes, Currier]) Motion carried

2. Public Hearing to consider adopting **Ordinance No. 2006-2652** annexing and Comprehensive/Zone Map change for 34.5 acres located south of E. 3rd St., east of Everest Rd., and west of Sportsman Airpark and adopting **Resolution No. 2006-2665** scheduling this item for the November 7, 2006, General Election. **Quasi-Judicial Hearing**

Barton Brierley, Planning & Building Director, presented the staff report and recommended adoption of Ordinance No. 2006-2652 and Resolution No. 2006-2665.

Councilor Soppe asked how citizens would get to the park.

Mr. Brierley stated that there will be streets that lead to the park from 3rd Street.

Councilor Soppe stated that he is concerned about the statement on council packet page 129. It says that the development will only slightly increase traffic volumes on 3rd street. Councilor Soppe stated that he was not able to locate exhibit 12.

Mr. Brierley stated that he contacted the applicant and informed them that there is not an exhibit 12.

Councilor Currier asked Mr. Brierley if he was aware of this property being up for annexation in the past.

Mr. Brierley stated that he is and it was around 1990.

Councilor Andrews asked if there was any information on a pedestrian access over Hess Creek.

Mr. Brierley stated that there was not.

Mayor Bob Stewart opened public testimony.

Michael Hanks stated that he was one of the applicants. Mr. Hanks stated that they realized that park and rec had the land next to theirs for quite some time and what made sense was to do a land exchange to make their land more usable. Mr. Hanks stated that they traded equal pieces of land and park and rec has decided to use their land as soccer fields. Mr. Hanks stated that an issue that was brought up was services. Mr. Hanks stated that they have entered into an agreement with the developer of the northern lot to be able to extend service lines. Mr. Hanks stated that they are expecting to put in 105 units and the rest of the land will be park land.

Mart Storm stated that he believes this development will be the trigger to do transportation improvements.

Councilor Nelson asked if at any point Everest Street would need a stop light because of the development.

Dan Danicic, Public Works Director, stated that he was not sure. They have not done a traffic study on that intersection.

Mr. Storm stated that a stop light can't be put in if it isn't warranted.

Mr. Brierley stated that he believes that the city will require offsite improvements but at this time he is not sure what form they will be in.

Councilor Currier asked Mr. Storm if he had heard that there has been talk of closing Third Street.

Mr. Storm stated that he had not. Mr. Storm stated that he read the Transportation System Plan and it did not discuss that idea.

Mayor Bob Stewart opened public testimony.

Clare Sunderland stated that one thing that is never discussed is wild life and vegetation. Ms. Sunderland stated that she is concerned about all the vegetation and natural beauty that is going to be destroyed with the building of these homes. Ms. Sunderland stated that she is also worried about a lot of storm water and run off water getting into the creek. Ms. Sunderland stated that currently when it rains it floods and with extra water being added she is curious how the flooding is going to be controlled. Ms. Sunderland stated that she is also worried about the air traffic close to the homes.

Councilor Soppe stated that they can't be putting more water onto neighboring properties than was previously there and asked Ms. Sunderland if the water goes onto private land.

Ms. Sunderland said that it did.

Councilor Soppe stated that it is his understanding that the city or developers can't put water onto private land.

Mr. Danicic stated that they should be able to keep the water within the stream corridor.

Councilor Boyes asked how citizens are going to get to the park.

Mr. Brierley stated that there is a public access way.

Mayor Bob Stewart asked what the width of the public access was.

Mr. Storm stated that it is 50 feet.

Charles Harrell stated that he represents clients with concerns about the development. Mr. Harrell stated that their main issue is transportation.

Councilor Nelson asked what the relationship was with Mr. Harrell's clients and the property.

Mr. Harrell stated that their land is in the area of the access way to the proposed development.

Councilor Soppe asked Mr. Harrell if his clients have problems providing access to the development.

Mr. Harrell stated that their concern is that the density is too high.

Warren Parrish stated that there are some real positives to this development. Mr. Parrish stated that it will bring in more tax money and many other good things. Mr. Parrish asked the council members to pass this annexation. Mr. Parrish stated that he agrees with Councilor Nelson that there needs to be a traffic light on Everest Street.

Mr. Storm stated that when it comes to open spaces and parks, this development adds more park land than most developments do.

Mayor Bob Stewart closed public testimony.

Mr. Hanks waived the right to the extra seven day written testimony period.

Mr. Brierley stated that staff's recommendation is to adopt **Ordinance No. 2006-2652** and **Resolution No. 2006-2665**.

MOTION: Andrews/Soppe to adopt **Ordinance No. 2006-2652** annexing 34.5 acres south of E. 3rd St., east of Everest Rd. and west of Sportsman Airpark, changing the Comprehensive Plan Map to MDR and P and changing the zone to R-2/CF/M-3/SC/ARO/BI and read by title only.

Councilor Currier stated that the issues with storm water and water quality need to be fixed. Councilor Currier stated that another issue is transportation. The city has just recently applied for a grant of $250,000 to place an island at the intersection of Everest Street and Hwy 219.

Councilor Andrews stated that he wanted to point out that the findings on page 124 are not staff's findings but are the applicant's findings.

VOTE: to adopt **Ordinance No. 2006-2652** annexing 34.5 acres south of E. 3rd St., east of Everest Rd. and west of Sportsman Airpark, changing the Comprehensive Plan Map to MDR and P and changing the zone to R-2/CF/M-3/SC/ARO/BI. (5 Yes /2 No [Boyes, Currier]) Motion carried.

MOTION: Soppe/Nelson to adopt **Resolution No. 2006-2665,** per pgs. 98-99 of the Council packet, scheduling the annexation for the November 7, 2006, General Election. (5 Yes /2 No [Boyes, Currier]) Motion carried.

3. Public Hearing to consider adopting **Resolution No. 2006-2671** to place before the voters amendments to the Newberg Home Rule Charter.
Legislative Hearing

Terry Mahr, City Attorney, presented the staff report. Mr. Mahr reviewed the changes that were made by the charter subcommittee. Mr. Mahr stated that the subcommittee recommends that this go on the November ballot and take effect on January 1, 2007, if approved.

Councilor Soppe stated that there were a few things that he thought needed to be fixed. On page 191 it talks about remonstrance. Councilor Soppe stated that he thought the word remonstrance was to be used with LID's only.

Mr. Mahr stated that it could be changed to "written objections"

MOTION: Currier/Boyes to adopt **Resolution No. 2006-2671** approving the revision of the Newberg Charter as amended and placing the question before the voters at the November 7, 2006 general election.

MOTION: Soppe/Currier to amend Section 9. Mayor of the revised charter. (1 Yes [Soppe] / 6 No.) Motion failed.

VOTE: to adopt **Resolution No. 2006-2671** approving the revision of the Newberg Charter as amended and placing the question before the voters at the November 7, 2006 general election. (Unanimous) Motion carried.

BUSINESS MEETING SECTION

VIII. CONTINUED BUSINESS

1. Public Hearing to consider adopting **Ordinance No. 2006-2650** annexing property located at 3613 N. College Street and 3617 & 3709 Terrace Drive, requesting a Comprehensive Plan Amendment to MDR and Zone Change to R-2 and adopting **Resolution No. 2006-2660** scheduling this item for the November 7, 2006, General Election.

Barton Brierley, Planning & Building Director, presented corrected findings for the annexation, comprehensive plan amendment and zone change.

MOTION: Currier/Soppe to adopt **Ordinance No. 2006-2650** annexing property located at 3613 N. College Street and 3617 & 3709 Terrace Drive as amended and read by title only. (Unanimous) Motion carried.

MOTION: Currier/Nelson to adopt **Resolution No. 2006-2660** scheduling the annexation for the November 7, 2006, General Election. (Unanimous) Motion carried.

IX. NEW BUSINESS

1. Consider adopting **Resolution No. 2006-2666** transferring jurisdiction of a portion of Crestview Drive from Yamhill County to the City of Newberg.

Dan Danicic, Public Works Director, presented the staff report and recommended adoption of **Resolution No. 2006-2666**.

MOTION: Currier/Andrews to adopt **Resolution No. 2006-2666** transferring jurisdiction of a portion of Crestview Drive from Yamhill County to the City of Newberg. (Unanimous) Motion carried.

2. Consider adopting **Resolution No. 2006-2667** authorizing an increase in the Transportation System Development Charge.

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

Councilor Soppe asked Mr. Danicic how much revenue the City had foregone as a result of the error.

Mr. Danicic stated that it was about $115,000 to date and could end up being as much as $150,000.

Councilor Soppe asked Mr. Danicic when he became aware of the error.

Mr. Danicic stated that it was about a month after it was passed although he was not aware of the magnitude.

MOTION: Currier/Nelson to adopt **Resolution No. 2006-2667** authorizing an increase in the Transportation System Development Charge as modified. (Unanimous) Motion carried.

3. Consider adopting **Resolution No. 2006-2668** directing the City Engineer to prepare an Engineer's Report for a Local Improvement District to improve the street frontage of a portion of Columbia Drive and College Street to City standards.

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

Councilor Andrews asked if Columbia was a collector or a minor collector.

Mr. Danicic stated that it is a minor collector.

Councilor Soppe asked if the north side of Columbia was improved where there is a dashed line on the map.

Mr. Danicic stated that it is developed there.

John Mahaffey stated that he is the pastor of the church on the corner. Mr. Mahaffy stated that he sees this as beneficial to the church and to the city.

Councilor Andrews asked if the property south of the church is Open Bible land.

Mr. Mahaffey stated that it was but he has had no formal discussion with them about the improvements.

Jim Bennett, City Manager, presented a letter from Diane Gardner in opposition to the LID.

MOTION: Nelson/Currier to adopt **Resolution No. 2006-2668** directing the City Engineer to prepare an Engineer's Report for a Local Improvement District to improve the street frontage of a portion of Columbia Drive and College Street to City standards. (Unanimous) Motion carried.

4. Consider adopting **Resolution No. 2006-2669** accepting the Engineer's Report for the Alice Way Local Improvement District and setting a Public Hearing for City Council to consider the formation of the Local Improvement District.

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

Councilor Soppe stated that he doesn't have a problem with giving water to the residents on Alice Way, but he would like to come up with some other way of doing it.

Councilor Currier stated that he would like to see a condition that there is no major construction until annexation occurs.

Terry Mahr, City Attorney, stated that whenever a water hardship is granted the city does not let them put in further development, but can require that they not subdivide the land.

Councilor Soppe asked where in the resolution it is required that they proceed with annexation in the future.

Mr. Danicic stated that on page 262 it states that if they participate in the LID then they will participate in the annexation.

MOTION: Currier/Nelson to adopt **Resolution No. 2006-2669** accepting the Engineer's Report for the Alice Way Local Improvement District and setting a Public Hearing for City Council to consider the formation of the Local Improvement District. *(Motion was withdrawn by maker and second.)*

Mr. Mahr stated that he has some additional language that he believes should be in the engineer's report and read it into the record.

MOTION: Currier/Nelson to adopt **Resolution No. 2006-2669** accepting the Engineer's Report for the Alice Way Local Improvement District and setting a Public Hearing for City Council to consider the formation of the Local Improvement District with amended language. (5 Yes/ 2 No [Andrews, Soppe]) Motion carried.

5. Consider adopting **Resolution No. 2006-2670** authorizing the City Manager to cease negotiation and retract the interest of the City in an agreement to purchase the property located at 8015 NE Hash Road owned by Scott T. McKillip.

Dan Danicic, Public Works Director, presented the staff report. Mr. Danicic stated that due to the low quality of the water on the property he recommends that the city cease negotiations.

MOTION: Currier/Andrews to adopt **Resolution No. 2006-2670** authorizing the City Manager to cease negotiation and retract the interest of the City in an agreement to purchase the property located at 8015 NE Hash Road owned by Scott T. McKillip. (Unanimous) Motion carried.

6. Consider a motion approving a sound permit to allow Perlo McCormack Pacific to begin early morning construction work at 2800 Hayes Street. *(This item was moved from Item 2 of the consent calendar.)*

Barton Brierley, Planning & Building Director, presented the staff report. Mr. Brierley stated that the main reason for this request is that the applicant would like to get the concrete poured while it is still cool.

MOTION: Andrews/Currier to deny a sound permit to allow Perlo McCormack Pacific to begin early morning construction work at 2800 Hayes Street. (Unanimous) Motion carried.

X. EXECUTIVE SESSION

None.

XI. ADJOURNMENT

MOTION: Soppe/Boyes to adjourn the meeting at 11:50 p.m. (Unanimous) Motion carried.

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

James H. Bennett, City Recorder

ATTEST by the Council President this 7th day of September, 2006.

Bob Andrews, Council President