CITY OF NEWBERG COUNCIL MINUTES
AUGUST 6, 2007
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order.

II. ROLL CALL

Members Present:	Mayor Bob Andrews Mike Boyes	Robert Soppe Jeff Palmer	Roger Currier
Members Absent:	Bob Larson	Bart Rierson	

Staff Present:
James Bennett, City Manager
Terrence Mahr, City Attorney
Barton Brierley, Planning and Building Director
Chris Bolek, Police Lieutenant
Frank Douglas, Division Chief/EMS for Newberg Fire Department
Larry Fain, Senior Engineer
Bob Bielman, Project Manager
Norma Alley, City Recorder
Jennifer Nelson, Recording Secretary

Others Present:
Darlyn Adams, Roger P. Grahn, Richard C. Cook, Catherine Thomson, Karen Engstrom, Mae Cook, Irvin Fuller, Jessica S. Cain, Harold Washington, Jeff Smith, Marc Willcuts, John Bridges, John Trudel, David Jensen, Timothy Speakman, Vicki Shepherd, Jane Russell, Jack Maxwell, Jr., Jenny Park, Michael Eichman

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

None.

V. COUNCIL APPOINTMENTS

None.

VI. PUBLIC COMMENTS

Darlyn Adams, Newberg Animal Shelter Friends, announced they raised $1,628 at the Old Fashioned Festival booth this year bringing their account to approximately $258,514. The next event is planned to be the Pancake Breakfast at the Astor House on August 25th from 7:30 AM to 10:00 PM. The donation is only $3.50. Preparations for the Buccaneer Bash and silent auction on September 22nd are moving along as well.

Roger P. Grahn brought forth an issue he had with the city withholding a 20% fee from a building permit he applied for. He was unable to build as he had planned because the city and ODOT acquired the land before he could. He felt it was inappropriate that the city would profit from something that was out of his control and he asked that his money be refunded, minus an appropriate amount for administrative services used for processing. However, he thought $3,300 was an excessive amount to keep for administrative costs.

Discussion followed with staff concerning the costs for issuing a permit, un-issuing the permit, removing it from the record, and the associated administrative costs.

Councilor Robert Soppe stated he would like to see this followed up on.

Councilor Roger Currier agreed there may be some justification since the city condemned the property when the state came through for a roadway. He did not think the developer should have to pay when the land was taken out from underneath him just as he was ready to build. The city should probably not keep the money in this situation.

Richard C. Cook approached the council to discuss continuing problems with the Chehalem House located at 216 E. 3rd Street in his neighborhood. They had to request police assistance three times this month and the problem is getting worse. His main concern was with the apple throwing and the fighting. He said he attended a youth service meeting at the house and it was useless and nothing had been accomplished in the two weeks since. On the way to this meeting an apple splattered right on the road beside them. He also mentioned another woman in the neighborhood with concerns for her children because a juvenile child molester lives there.

Discussion continued concerning the proper authority to discuss this problem with, whether here or with the county. It was confirmed by staff this issue was not a county concern since several of the clients were out of county or state responsibility.

Mr. Cook also mentioned he did offer to cut down the trees himself and haul them off in order to eliminate the problem with the apple throwing. He received no answer at all from the board of directors there. He added he has had experience with the counselors on site lying for the kids.

Catherine Thomson lives next door to the Chehalem House and has had a golf ball come through her window which was paid for; her dog came through the sliding glass door when the kids were taunting it and only half of the damage was paid for in that incident; profanities are being yelled at her grandchildren; a rock came close to hitting her head and she called police; they break windows and throw trash in her yard which causes problems when mowing her lawn; she yelled at a responsible counselor once and he never said anything, only the kid responded. She did receive an apology once from the head counselor and was told she would hear no more from them, which only lasted a few months.

Karen Engstrom added she had her car egged twice, witnessed four police cars removing juveniles by force at her home, has trash in her yard everyday, apples thrown directly at her and profanity used. She stated her belief that part of the problem lies with the counselors being young college students themselves. The neighborhood is tired of dealing with this kind of environment and it has not gotten any better since she moved in.

Irvin Fuller stated he lives in the same neighborhood and added there were also concerns about another nuisance residence at 201 E. 4th Street. He provided pictures, discussed previous city actions concerning an abandoned bus, listed the trash items found around the house, and the neighbors needing to build fences just to block out the trash collecting there.

James Bennett, City Manager, mentioned this property has been referred to representatives of the city who handle code enforcement, and they are working with them at this time.

Discussion followed about staff following up with both cases and contacting the concerned neighbors.

VII. CONSENT CALENDAR

Item 4 was pulled from the Consent Calendar and moved to Continued Business.

1. Consider a motion approving the City Council Regular Session Minutes for July 2, 2007.

2. Consider a motion approving a sound permit for George Fox University.

3. Consider a motion approving **Resolution No. 2007-2730** approving the 2006 annual evaluation of the City Manager.

5. Consider a motion approving a Proclamation declaring August 17, 2007 as Newberg Fire Department "Fill-The-Boot" Day.

MOTION: Currier/Soppe to approve the Consent Calendar including the Regular Session Minutes for July 2, 2007 as corrected. (Unanimous) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2007-2673** approving a development agreement with Walter Gaibler.

Mayor Andrews called for conflicts of interest, ex parte contact, and abstentions. None appeared.

Barton Brierley, Planning and Building Director, presented the staff report and recommended approval (see official record for full report).

Councilor Soppe referred to page 34 and similar discussions concerning the 15 year period of use for septic following annexation. He asked to change the language to start the 15 year period following construction, rather than annexation. Staff agreed to the alteration.

Councilor Currier expressed concerns that this was different since it was for industrial use and he did not like the idea of pre-building since upgrading would be difficult.

Mayor Andrews suggested it would be better to say it will remain for 15 years following annexation or the construction of a sewer system to city standards, whichever starts first.

Councilor Jeff Palmer questioned the current costs and who covered the costs of the annexation fees. Staff replied current costs stood at $13,000 with the total at $173,000.

Mr. Bennett added they were talking about a Measure 37 claim paying for the annexation fees and asked if we have been doing this for other Measure 37 claims.

Mr. Brierley replied it was not a uniform process and they are looking at each one individually; some did pay the fees and some did not.

Public testimony opened.

Proponents:

Jessica Cain, Attorney representing Walter Gaibler, stated there was nothing to add to the agreement as negotiated as long as the sewer systems were not required to be pre-built, which would be prohibitive for the industrial portion. They were fine with the amendment to the 15 year language.

Councilor Soppe understood her concerns and suggested rewording the 15 year limit to start after the construction of a sewer system with a city connection, since they cannot be required to connect if no connection is available.

Ms. Cain stated they were amenable to that change as long as a sewer system was available.

Opponents: None appeared.

Public testimony closed.

Mr. Brierley recommended adoption of the ordinance with the language modification.

Councilor Soppe asked for clarification from the City Attorney whether the western portion would be committed to be developed for industrial purposes or if future councils could have an option. He asked if council would have the authority to deny it if they want it to be industrial.

Terrence Mahr, City Attorney, replied either the industrial applicant or council could initiate a change. He replied that nothing is binding us to not make changes.

Mr. Bennett added the comprehensive plan would have to be changed as well, if the zoning was changed.

MOTION: Soppe/Palmer to adopt **Ordinance No. 2007-2673** approving a development agreement with Walter Gaibler including the language change on page 34 from "for a period of 15 years following annexation" to "for a period of 15 years following construction of said systems subject to sewer being available. (Unanimous) Motion carried.

2. Consider a motion approving **Ordinance No. 2007-2674** vacating an alley between Hancock St. and Sheridan St., bounded by Grant St. to the east and the railroad to the west, and reserving a utility easement over the entire width of the right-of-way.

Mayor Andrews called for conflicts of interest, ex parte contact, and abstentions. None appeared.

Mr. Brierley presented the staff report and recommended approval (see official record for full report).

Mayor Andrews asked if there were not public utilities in the right of way.

Mr. Brierley replied it was not significant, but recommended retaining the easement, recognizing a private utility.

Councilor Soppe requested staff to come up with replacement wording for "remonstrance" on page 51 recital number 3.

Public testimony opened.

Proponents:

Harold Washington, Property Owner, stated he was one of the owners of the property combined with his partners. He contacted his partner and there are no conflicts. They were not aware of any easements, but they do not have an issue if they need to be maintained. He discussed another vacation and the fees paid and agreement of other property owners. He said they were willing to do whatever was necessary to make this happen. He spoke of curb cuts and how they cannot block these lots; basically vacating the alley allows for easy access. He also said they would combine the tax lots as requested.

Councilor Currier spoke of the trucks parked out on the street from the fruit stand and asked if there would be any improvements made to the roads.

Mr. Washington said there were none he was aware of. There was some mention made a short time ago that there would be new sidewalk all the way around the curb.

Councilor Palmer referred to the June 5th letter on page 58 that stated the vacation would allow for landscaping and he asked where that landscaping would be put in.

Mr. Washington stated there was a discussion with a gentleman representing fire department about tax lot 3400 not being very attractive and if landscaping would be allowed to add beautification and a little bit of concealment to attract the right kind of customers.

Opponents: None appeared.

Public hearing closed.

MOTION: Currier/Soppe to adopt **Ordinance No. 2007-2674** vacating an alley between Hancock St. and Sheridan St., bounded by Grant St. to the east and the railroad to the west, and reserving a utility easement over the entire width of the right-of-way, read by title only as amended. (Unanimous) Motion carried.

Mr. Mahr read the recital including the amendment to paragraph three to strike "remonstrances".

3. Consider a motion approving **Ordinance No. 2007-2675** annexing Yamhill County Tax Lot 3216AC-13800 (Gueldner property), subject to a public vote, and scheduling it for the November 6, 2007, special election.

Mayor Andrews called for conflicts of interest, ex parte contact, and abstentions. None appeared.

Mr. Brierley presented the staff report (see official record for full report).

Public testimony opened.

Proponents:

Jeff Smith requested council allow him another opportunity to bring this annexation before the voters. He admitted they did a poor job of educating the voters the first time around and assumed the benefits were obvious. He discussed what would be different and that the six party agreement was still in effect. He said citizens are not arguing about zoning and no one is opposed to the two residential zones. He met with the opposition and, although they have not worked everything out, they are working in that direction. He felt the voters were misled in many ways and they did not do their job the first time to combat that.

Councilor Soppe asked how he knew that no one was opposed to the residential zones or what the voters were objecting to.

Mr. Smith replied he was referring to the meetings they held where no one opposed the residential zones and the fact the council approved it unanimously.

Councilor Palmer asked about the mention of working with Habitat for Humanity and asked if there was some sort of affordable housing concession.

Mr. Smith expressed appreciation for NewB offering one of the lots for use by Habitat for Humanity. He discussed how they were willing to do some affordable housing, but they were turned down by Habitat. He mentioned sixteen single family homes on his property that may provide an opportunity for more affordable housing if they have the opportunity.

Councilor Soppe asked since they were separate annexations, if his is approved, did he anticipate continuing with development as planned if other property not annexed.

Mr. Smith replied he could continue without the NewB property annexations, but he would prefer to see the other part included to come into the city.

Marc Willcuts stated his company is planning on building the sixteen houses and he just wanted council to be aware of that. He discussed some background and the fact that this was a good example of good planning over the years with preplanning for the road to go through there. He said it makes sense. He thought it was best to give the public another chance to look at this plan and the traffic effects and be educated.

John Bridges, Attorney, discussed his participation with the applicant in the next matter and asked council to reconsider placing both on the ballot now, with one in November and the other in May, in order to give the voters an opportunity to vote on them separately. He said both Mr. Smith and Mr. Speakman are both committed to sharing the benefits of the projects and the transportation improvements the city has planned on for the better part of a decade with the Crestview Drive extension. It is important for the whole community. To address the questions concerning Habitat for Humanity, a formal proposal was made and their support was asked for, but Habitat was unwilling to make a commitment to engage in any political process. He said they will make efforts to continue to work with Habitat though.

Undecided:

John Trudel, President of Oxberg Lake Home Owners Association, stated he was here to support his testimony on this issue for the last two years. He mentioned a lot of work has been done to come up with something everyone can live with, even if it was not ideal for everyone. He discussed that Oxberg Lake homes did not desire annexation for several reasons and they especially do not want to be in the either the Urban Reserve Area (URA) or the Urban Growth Boundary (UGB). He stated they did not oppose the annexation of these parcels because they do not take positions on any annexation of other properties. He added they support both conditionally with the existing agreements.

Councilor Currier brought up the policy on islands being subject to annexation into the city and asked what he felt about the growth in the north, south, and southeast, leaving only a parcel to the northeast left.

Mr. Trudel stated they were not in a comfortable place and they have put every legal prohibitive they could think of in place to prevent annexation. He stated there would be a fight to prevent their annexation but they support the development next to them and hope they will not pay too high a price later.

Opponents:

David Jensen asked the council to consider the term respect. He asked the council to respect their employers, the voters. He asked the voters not be second guessed and to respect the citizens of Newberg by not giving the applicants an opportunity to try again.

Councilor Currier said he appreciated his opinion and discussed a policy in the works concerning annexation and when and how to deal with those annexations which are rejected the first time by the voters.

Councilor Soppe says he understands the concept that the voters voted; but, he also feels it is reasonable to believe there is some time frame in which to reconsider something if there are significant changes made.

Mr. Jensen felt it should be required to look back by starting all over again, and reevaluating the whole proposal from the beginning of the hearing process.

Councilor Palmer asked him to state why he is still opposed to this annexation.

Mr. Jensen replied all the traffic data that has been seen is telling that more traffic will be generated by this and 99W will get more traffic than it has already. He said it cannot sustain more without the bypass and Rex Hill will be a nightmare feeding out of a new development. He does not believe it will work and it degrades the integrity of the city adding the inner core needs to be developed not the fringes. He felt it would be letting problems occur, taking focus away from the core and pushing development that is not needed.

Councilor Palmer asked if he was not a resident of Newberg itself, but living slightly outside of the city.

Mr. Jensen replied he was outside of the Oxberg Lakes development.

Councilor Soppe referred to his comment about developing the core of the city, saying he was not disagreeing, but he wondered what he felt was not developed.

Mr. Jensen stated his concerns were with accessibility and beautification and wondered why Newberg needed to grow anyway. He said he hears about the mandates from the state but he believes that is bogus.

Councilor Soppe concluded he was just talking about making what is there better.

Public hearing closed.

Mr. Brierley offered different options for action to the council.

Councilor Currier commented on his belief in the road being necessary although he was concerned with continuity problems.

MOTION: Currier/Soppe to consider approving **Ordinance No. 2007-2675** annexing Yamhill County Tax Lot 3216AC-13800 (Gueldner property), subject to a public vote, and scheduling it for the November 6, 2007, special election.

Councilor Soppe said he had hoped to see something really different presented, but he did not hear any good opposition. He only received one phone call on the matter, the arguments were weak, and he noted the supposed opposition was not present this evening. He also commented that he did not consider the policy thoroughly agreed upon, believing it was subject to discussion and approval.

Councilor Currier stated he is not defending the development and he is in favor of the control of growth. He disagreed that there should be major changes at this point and if there were it should be taken back to square one as Mr. Jensen suggested. He felt the public knew and still knows what they want and it is their job to make sure that happens or does not.

Councilor Palmer said he is also concerned about traffic, but it appears the traffic is mainly passing through traffic, not in town or destination Newberg traffic. He is not convinced this particular parcel contributes much greater to the amount of congestion.

Councilor Mike Boyes made the point that voters took the decision rights on annexation out of the hands of the council and it is not up to council to decide what is annexed. He also pointed out that even criminals are rewarded the right to an appeal in the court of law. The decision lies on how many times they can appeal though. Since the people gave council the ability to let them vote, they should have another chance, but a policy must be approved that determines how many times this can be brought to the table.

Mayor Andrews asked if the extension of Crestview Drive can and will happen even if the annexation is not successful and asked if there are other avenues available.

Mr. Bennett replied there are other options the city can pursue to construct the road if the city believes the connection is important to make between 99W and Crestview Drive.

Mayor Andrews continued that this road is paramount and planned on in the overall transportation system plan. He feels uncomfortable having the two annexations joined at the hip and is in favor of the separate ballot. He did not think the policy on the frequency of voting was an issue here and he is on board for approval.

Mr. Mahr read the recital by title only.

VOTE: To approve **Ordinance No. 2007-2675.** (Unanimous) Motion carried.

Mayor Andrews called for a short break at 9:00 PM and reconvened at 9:08 PM.

4. Consider a motion approving **Ordinance No. 2007-2676** annexing Yamhill County Tax Lot 3216-900, -1000, & -1100 (NewB properties), subject to a public vote, and scheduling it for the November 6, 2007, special election.

Mayor Andrews called for conflicts of interest, ex parte contact, and abstentions. None appeared.

Mr. Brierley presented the staff report noting that changes were made to add this to the May 20th 2008 election as requested in public testimony for previous annexation above (see official record for full report).

Councilor Boyes asked if the Gueldner property did not pass then would the other property be able to go to vote.

Mr. Brierley replied it could and it would be contiguous because of the road in between them and the hospital.

Public testimony opened.

John Bridges asked to change the date for placing this annexation on the ballot to May rather than November. He expressed surprise at Councilor Soppe's comments about expecting to see something very different because they worked hard to identify what they could do differently within the parameters of the land use approval. He discussed how it was hard to know what the voters thought; they do have support from Providence for both annexations. He said there was confusion the last time around; they have been working with other neighbors such as the Oxberg Lake Estates and they have agreed to buffer zones that are much greater than the standard. He felt this shows their willingness to make adjustments to minimize impacts. He discussed the possibility of the Gueldner property failing and not being able to move forward with development unless the Crestview extension occurred. There would still be orderly development if the November vote fails and the May vote passes because of the built in conditions, but there will have to be some refiguring of solutions. The connection is an important part of the long term transportation plan. He said Mr. Smith can develop without his client's property, but to make it better for the whole community both are needed.

Councilor Boyes asked about the development of the houses on the east and if all traffic would go through one intersection at the hospital.

Mr. Bridges replied they could go through Crestview Drive northerly or west, but there are other routes.

Discussion followed concerning the transportation plan and the traffic studies in this area determining the intersections would be sufficient.

Councilor Soppe stated his desires to hear more about the objections and how they would be accommodated, but those objections did not show up.

Mr. Bridges said some of the opposition was merely that homeowners' did not want to actually see the development, so they discussed constructing walls and agreed to buffer the site in order to obscure the view. Others had objections based on the wildlife living there and did not want the walls or obstructions to interfere with that habitat. Some, like Mr. Jensen believed transportation would be the major problem, but there were several transportation experts looking at this and all agree that traffic would be mitigated with this. The other benefit is the building of this road would not be at taxpayer expense and would have downstream improvements to 99W.

Councilor Soppe asked what the damage is to the city if they waited to put this on the ballot until after the other annexation is approved and what cause there was not to wait.

Mr. Bridges responded the city is engaged in a partnership with people who worked to develop in this community, and it makes the city appear they are not developer friendly and not willing to work in partnership with people. We want some certainty this will happen.

Councilor Palmer stated the desire was to see something different in the approach, not in the plan. He asked what they have done for people that were disenfranchised with this and if they have reached out to Ms. Shepherd or Mr. Jensen.

Mr. Bridges replied that Mr. Smith met with Ms. Shepherd several times and with others who are apparent opponents, but there has just been dialog, no solutions.

Councilor Palmer asked if there has been any formal research into public opinion polls and if they anticipate any of that.

Mr. Bridges stated that would be pretty sophisticated for this town.

Jeff Speakman apologized for wasting everyone's time previously with the assumption this would pass since sixteen consecutive annexations had just passed before them. He said they can do a better job of educating the voters and felt they were mislead by others who falsely argued this would increase taxes and traffic with signs on the side of the road. He argued they will be a revenue source and they are not asking the taxpayers to pay for this road; he said they are the solution to the traffic, not the problem. He said the reason the voters said no is because they did not do what they should have in terms of surveys. He intends to talk personally with as many opponents as possible and they are not unwilling to make concessions; the ones they have made so far with environmental buffers and landscaping are not small expenses. He would like a chance to dispel rumors.

John Trudel testified basically the same as he did in the previous case; his group is satisfied with the plan although some refinements will have to occur. He added there is anger building in this area and people do not feel the surveys the Newberg Urban Area Management Commission (NUAMC) performed were really to find out what they wanted because the exact opposite was done.

Councilor Palmer asked what was the NUAMC survey and when did it occur.

Mr. Trudel stated it was conducted two months ago asking who wanted to be brought into the UGB and who did not, only one owner said yes and all the others said "no way". Everyone was taken in anyway, which did not inspire good will.

Vicki Shepherd apologized for the mix-up with her testimony form for the last discussion, she had intended to speak, but she wrote down the wrong number and was unable to contribute to the public record. Her first argument is that the transportation plan was completed with the idea they bypass would be completed, but that would probably not be happening. She clarified the scare tactics referred to earlier and the signs used were not from people in her group; all of their signs were tactful and honest. She discussed negotiations on the wall, noting some are not happy with the work and there is a lot to be done yet. She said she is not opposed to the extension, but she is opposed to the increased housing and strip malls creating congestion; she is concerned with traffic and growth. Traffic is the main reason why voters voted against this and as time goes on the connections to 99W with Benjamin Road closed will be more inconvenient and problems will come from people looking for shortcuts.

Public hearing closed.

Councilor Currier stated there were many who are not fond of growth in that area. He thought the traffic reports and consultants being experts was laughable considering the numbers were some five years old and they are some of the same people who work for ODOT. He does not belief their conclusions the roads will be able handle the increase in traffic because other intersections that were to relieve traffic have not.

MOTION: Currier/Palmer to consider approving **Ordinance No. 2007-2676** annexing Yamhill County Tax Lot 3216-900, -1000, & -1100 (NewB properties), subject to a public vote, and scheduling it for the May 20, 2008, special election if and only if the annexation by **Ordinance No. 2007-2675** is approved by the voters

Councilor Soppe said he preferred the motion with an additional caveat although he was still uncomfortable moving ahead on this at this point because he did not hear a good enough argument to not just wait until after the vote in November. As with the previous hearing, he is still torn and disappointed with the lack of Newberg citizens present to speak out against this.

Councilor Currier added reservations but thought it would be best for these properties to develop together. He said he was looking for the best quality product for the neighboring community, although they are not directly in Newberg they do support it as a whole.

Councilor Palmer added the cost is higher for the November election and he hopes it will cause greater efforts with the previous one not passing.

Mayor Andrews said he was glad they were no longer joined together on the same ballot. He respects the developers' willingness to work together and he is not too sure the compromises are incumbent on council. He applauds Ms. Shepherd and Mr. Jensen for their opinions, but he is concerned there was not a greater turnout for the opposition and he only received one phone call against the matter.

Councilor Boyes had concerns for coming off of 99W and turning on Crestview Drive and the traffic to those homes and the nursing home being phenomenal with the retail stores and other things. He thought the only thing council could do was give them the opportunity to try again until a concrete policy was developed about what to do with annexations that are voted down the first time.

Councilor Palmer discussed his own experience working at Rex Hill for years and the difficulty of the blind spot in both directions. He felt it was hard to imagine this being a controlled intersection even with the bypass with 50-60 cars traveling to and from those 37 homes. To close Benjamin Road and reroute traffic to a safer, more controlled intersection through commercial areas would be preferable to residential. He is not as much concerned with the impact of traffic on this area.

Discussion continued about concerns already addressed previously.

Councilor Soppe still did not see any reason as to why this decision could not wait until the results of the November election were received.

VOTE: To approve **Ordinance No. 2007-2676** (4 Yes/1 No [Soppe]) Motion carried.

5. Consider a motion approving **Order No. 2007-0007** amending the Comprehensive Plan from IND to PQ and the Zoning Map from M-2 to I for property located at 2013 Alice Way.

Mr. Mahr made required standard announcements for quasi-judicial hearings.

Mayor Andrews called for conflicts of interest, ex parte contact, and abstentions.

Mr. Mahr stated he lived directly across from the property in question and declared a possible conflict of interest and excused himself.

Mr. Brierley presented the staff report (see official record for full report).

Councilor Soppe asked about the development potential as industrial property.

Mr. Brierley replied it was not very likely.

Mayor Andrews asked if this change would provide minimum wage or family wage jobs.

Mr. Brierley replied there would be a variety of technical jobs and some counselors, as well as cleaning and cooking.

Mayor Andrews asked about the desire and intentions for the rezoning. Staff deferred to the applicant for explanation of intent.

Public testimony opened.

Proponents:

Jane Russell, Facilities Manager for Hazelden, stated she purchased property and desired to rezone it for an extended care program to see how clients interact with the residential area on campus. They are currently renting houses in area that will go away with this development. In their residential treatment program, people live in house and it is sometimes recommended by licensing boards to receive longer treatment. They are not required to be residents in the building, but to become a part of the community and life outside of the facility. The purpose is to begin extending their life back into the community.

Councilor Boyes asked how large this would be and what are the numbers of people.

Ms. Russell replied they were in the early planning stages but they currently have four houses with 7-9 people in each house. Treatment is also gender specific. Early planning has revealed the need for four apartment type houses with a common area.

Opponents: None appeared.

Public testimony closed.

Mr. Brierley recommended approval and noted there were positive benefits to this for the comprehensive plan goals for the city.

Ms. Russell waived the right to the seven day waiting period to address testimony so deliberations could continue this evening.

MOTION: Currier/Palmer to consider approving **Order No. 2007-0007** amending the Comprehensive Plan from IND to PQ and the Zoning Map from M-2 to I for property located at 2013 Alice Way. (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

1. Consider a motion approving a sound permit for 9th Street Grocery for a block party and outdoor concert.

This item was moved from the Consent Calendar to Continued Business for further discussion.

Chris Bolek, Police Lieutenant, presented the staff report (see official record for full report).

Councilor Soppe asked whether the acquiring of signatures from a three block area was ever required before and if it was for approval or a receipt of acknowledgment.

Lt. Bolek replied it was not, but there was an expectation there would be people from out of the area and this is not a simple straightforward block party, so the signatures would be for approval. The idea is to allow the majority to rule.

Councilor Soppe thought this was very strict and asked that it be changed to note the intent was to find the majority.

Mayor Andrews asked for clarification of whether this was for the approval of the block party or the sound permit. Staff replied it was for the sound permit.

Discussion developed concerning the requirement for insurance to cover the event and protect the city from liability. There were also discussions as to whether the policy requires approval of: the sound permit only or the block party. It was determined the decision was to approve or deny the amplified sound. There were questions of approval of the street closure as well, which was determined to be an administrative decision.

Mayor Andrews asked if staff supported this from a public safety standpoint. Staff stated there were reservations and would prefer a public park as an alternate venue.

Mr. Mahr added that all these issues are pertinent to consider with the approval of the sound permit and the policy is open-ended as to what can be required with the approval of the sound permit. He said it could be left to the city manager to come up with the solutions to the details.

Councilor Currier said he would prefer if the end time were changed from 10:00 PM to 8:00 PM. Staff agreed.

Discussions continued concerning the conditions, such as security officers and portable toilets. It was determined a policy was needed to assist with determining items such as this when considering sound permits and events that require them.

Jenny Park, Owner of 9th Street Market, explained her desire and intent for the block party to give back to the community, offering youth something to do. She described the plans for a band to play, promotional items, and her anticipations for the turn-out maybe not being very accurate. She does not anticipate problems and just wants to make people happy. She said that she needed to hold it in front of her store because of the companies/vendors who are providing the promotional items.

Jack Maxwell replied they were happy with the change to 8:00 PM and willing to do whatever it takes to make this happen safely. There will be no alcohol; they will have toilets and security as requested.

Councilor Boyes thought they should be allowed to have this party with all the conditions asked and see what happens for this first year. Depending on the outcome they will have a better idea if they decide to do it again next year.

Councilor Currier stated he was inclined to say yes, although this may be the wrong place for it and if another place could be found in the next few days that would be great. He understands the problems the police may face but these people have already tried to accommodate all of our previous requests.

Councilor Palmer had concerns about being more specific as to the insurance requirements but he was also inclined to accept this with the conditions and the time change.

Mr. Mahr said he was not that concerned because alcohol was not being served but he suggested adding the insurance must be approved by the City Attorney.

MOTION: Soppe/Currier to consider approving a sound permit for 9th Street Grocery for a block party and outdoor concert with language changes suggested for a majority of signature approval, insurance provided as approved by the City Attorney, and the time change from 3:00 PM to 8:00 PM.

Mayor Andrews asked if the establishes a legal precedence.

Mr. Mahr replied that in the absence of criteria it does.

VOTE: To approve a sound permit for 9th Street Grocery for a block party and outdoor concert. (4 Yes/1 No [Andrews]) Motion carried.

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2007-2725** authorizing an increase in ambulance rates.

Frank Douglas, Division Chief/EMS for Newberg Fire Department, presented the staff report and requested approval (see official record for full report).

Councilor Currier mentioned a previous suggestion to charge out of city residents that have car accidents as a way to help with the Medicare hits.

Discussion followed about percentage of transports for Medicare being minimal and not wanting to charge those they are not giving care to. Charges for aid calls was also discussed and the charges for loaded miles.

Councilor Palmer pointed out a discrepancy on the resolution between $13.75 and $12.50 on page 164 and the increase in basic life support is actually a 33% increase, not 25%. It was noted as an error and the correct cost is $13.75.

Discussion began concerning the collection of money from non-Medicare vs. Medicare patients and the resistance to having people make health care decisions based on costs.

MOTION: Soppe/Andrews to consider approving **Resolution No. 2007-2725** authorizing an increase in ambulance rates.

Councilor Boyes asked when this would take effect. Staff replied September 1st.

VOTE: To approve **Resolution No. 2007-2725.** (3 Yes/2 No [Palmer, Currier) Motion carried.

2. Consider a motion approving **Resolution No. 2007-2726** granting full authority to the City Manager to negotiate terms of and enter into a contract with Woodburn Construction Company for construction of the Newberg Head Start Facility.

Bob Bielman, City of Newberg Contract Employee, presented the staff report (see official record for full report).

Councilor Soppe referred to page 175 and window glazing and expressed concerns with the value of the engineering details maybe saving on money up front rather than in the long run.

Mr. Bielman replied it is his architectural opinion that it does not degrade the building.

Councilor Soppe asked about there being some kind of break for installation of fire sprinklers. Staff replied that only applied to residential construction. He asked if there would be energy cost savings over time. Staff replied it was a very energy cost efficient building. He asked about the non-response from the Colamette Construction Company. Staff replied that company failed to submit intentionally because they did not want the job.

Councilor Currier asked about the low cost for the temperature control system and was concerned about the cost versus the size of the building. Staff assured the cost of the thermostat was less because of using a simpler one, but the effects are the same.

Michael Eichman, representing Head Start, stated he was very impressed with the plan and, although everyone made compromises, the building has integrity.

MOTION: Palmer/Soppe to consider approving **Resolution No. 2007-2726** granting full authority to the City Manager to negotiate terms of and enter into a contract with Woodburn Construction Company for construction of the Newberg Head Start Facility. (Unanimous) Motion carried.

3. Consider a motion approving **Resolution No. 2007-2727** approving an amendment to the Newberg-Dundee Police Contract.

This item was removed from the agenda and is to be addressed at the August 20th meeting.

4. Consider a motion approving **Resolution No. 2007-2729** authorizing the City Manager to sign the Cooperative Improvement Agreement for the OR 219: Springbrook Road to Wynooski Road Project with the State of Oregon.

This item was removed from the agenda and is to be addressed at the September 4th meeting.

XI. COUNCIL BUSINESS

None.

XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

MOTION: **Palmer/Boyes** to adjourn at 12:20 AM. (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 4th day of September, 2007.

Norma I. Alley

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of September, 2007.

Bob Andrews

Bob Andrews, Mayor