

**CITY OF NEWBERG COUNCIL MINUTES
DECEMBER 3, 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	Roger Currier
	Bob Larson	Jeff Palmer	Bart Rierson

Staff

Present: Robert I. Tardiff, City Manager Pro Tem
Terrence Mahr, City Attorney
Dan Danicic, Public Works Director
David Beam, Economic Development Coordinator/Planner
Jason Wuertz, Staff Engineer
Paul Chiu, Senior Engineer
Norma I. Alley, City Recorder
Jennifer L. Nelson, Recording Secretary

Others

Present: John Bridges, Dr. Paula A. Radich, Bill Elder, Diane Gardner, Jeff Citta

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Robert I. Tardiff, City Manager Pro Tem, said the Request for Proposal (RFP) on the janitorial services will be available by the end of the week. He also discussed the effects of the heavy rains.

V. COUNCIL APPOINTMENTS

1. Consider a motion to elect a Council President.

MOTION: Boyes/Rierson to nominate Councilor Bob Larson for the position of Council President.

MOTION: Rierson/Boyes to nominate Councilor Jeff Palmer for the position of Council President.
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MOTION: Palmer/Currier to cease nominations.

VOTE: To elect one of the nominees to the vacant position of Council President:

Bob Larson	4 votes
Jeff Palmer	1 vote (Rierson)

Mayor Andrews abstained from the vote.

Councilor Bob Larson was elected to the position of Council President.

2. Consider a motion to fill three Planning Commission positions and one Student Planning Commission position with the most qualified candidates.

Thomas Barnes	Nick Tri
Bob Woodruff	Marcia Mikesch
William Ashburn	Steve Thomson
TeAnna Rice	(Student Planning Commissioner)

Mr. David Beam, Economic Development Coordinator/Planner, asked Council if they wanted to accept applications received past the deadline.

MOTION: Rierson/Boyes to only accept the applications submitted by the established deadline. (Unanimous) Motion carried.

Miss TeAnna Rice, applicant for Student Planning Commissioner, stated she was in ninth grade Newberg High School. She has always been a part of the community and was raised to contribute. This was a good way for her to help. She did not foresee any problems with attending the meetings.

MOTION: Palmer/Boyes to appoint TeAnna Rice as the most qualified candidate for the Student Planning Commission position. (Unanimous) Motion carried.

Mr. Thomas Barnes, applicant for Planning Commissioner, said he has been involved with planning on local, state, and federal levels since 1966. He has applied for purposes of personal growth, more citizen involvement, and as a stepping stone for running for an elected office.

Mr. Nick Tri, re-applicant for Planning Commissioner, spoke of his participation on the Newberg Planning Commission for the last two terms. He has enjoyed the progress with the community and the development of the Springbrook area. He has the availability and would like to continue at least one more term to see more development and progress in Newberg.

Mr. Robert Woodruff, applicant for Planning Commissioner, applied because of a sense of community and a desire to maintain Newberg as a nostalgic place to live. He spoke of design and pride in community and wanting to be a part of moving things in the right direction.

Ms. Marcia Mikesch, applicant for Planning Commissioner, stated she has lived in Newberg since 1999 and has been practicing as an architect in Yamhill County. She has worked on several projects in the County and would like an opportunity to work with the City ordinances and organizations to screen and guide development.

Mr. William Ashburn, applicant for Planning Commissioner, stated he has been a Newberg resident for six years and served on other boards, mostly church boards. He considered livability and affordability in relation to growth as a pressing issue and was concerned for road ways and providing balance.

MOTION: Rierson/Palmer to nominate Nick Tri to fill one of the three vacant positions on the Budget Committee.

MOTION: Larson/Andrews to nominate Thomas Barnes to fill one of the three vacant positions on the Budget Committee.

MOTION: Palmer/Rierson to nominate Bob Woodruff to fill one of the three vacant positions on the Budget Committee.

MOTION: Currier/Rierson to nominate Marcia Mikesh to fill one of the three vacant positions on the Budget Committee.

MOTION: Larson/Currier to cease nominations.

VOTE: to appoint three of the most qualified candidates nominated to the three vacant positions on the Budget Committee:

Nick Tri	6 Yes/0 No
Thomas Barnes	4 Yes/2 No [Palmer, Rierson]
Bob Woodruff	2 Yes [Palmer, Rierson]/4 No
Marcia Mikesh	4 Yes/2 No [Palmer, Rierson]

Nick Tri, Thomas Barnes, and Marcia Mikesh were appointed to the three vacant positions.

VI. PUBLIC COMMENTS

None.

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2007-2746** accepting jurisdiction over Second Street from State Highway 219 to Springbrook Road.

This item was removed from the agenda until an undetermined date.

2. Consider a motion approving **Resolution No. 2007-2752** updating the Permit Center Fee Schedule.

MOTION: Currier/Rierson to approve the Consent Calendar including **Resolution No. 2007-2752**. (Unanimous) Motion carried.

VIII. PUBLIC HEARING

Consider a motion approving **Resolution No. 2007-2739** accepting the Columbia Drive Local Improvement District and setting a public hearing for the formation of the Local Improvement District.

(Legislative Hearing)

TIME – 7:55 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, or abstentions.

Mr. Dan Danicic, Public Works Director, presented the staff report with assistance from **Mr. Jason Wuertz, Staff Engineer**, and recommended approval (please see official record for full report).

Councilor Bart Rierson asked about waivers of remonstrance. Staff replied there were only two waivers of remonstrance.

Councilor Roger Currier spoke of fairness to the different groups of property owners and suggested separating the three groups.

Discussions followed concerning the City assessment and an opportunity for Council to contribute additional funding, letters received in opposition, and clarifications of those property owners with waivers of remonstrance.

Mayor Andrews asked some questions on the projected costs being at different percentages for the separate groups of property owners. Staff pointed out the two property owners in group B shared the greatest portion of the expense.

Councilor Rierson stated he did not wish to see this type of LID come in front of Council in the future and felt there should be some mechanism to expect the developer to complete these improvements.

Discussion followed about the suggestion of a payment in lieu, but problems were noted that the property owner never see the full value.

Councilor Mike Boyes asked about funds or grants from the State for College Street. Staff replied there had been no answer from ODOT as to when they would be prepared to widen College Street.

Public testimony opened.

Proponents:

Mr. Bill Elder, representative for the Trustees of Trinity Church, spoke of the church being small and aware of the responsibility to pay for the improvements at some point in the future. They were in a financial position now to do so; therefore, made the request and thought it would be helpful to include the other properties at the same time. They thought it would be a benefit for public safety. He added that waiting until some future time would only make it more expensive.

Opponents:

Ms. Diane Gardner stated she felt this was a huge financial burden not planned by the City. She felt other residents were being impacted unfairly for another residents' convenience. She felt other areas of College Street needed the improvements more and there may be more funding from the State to make it less expensive.

Mr. Jeff Citta spoke with property owners along Columbia Drive and all with whom he spoke with were against expanding the LID to include sections A and C. He understands why section B would like to develop their area but he did not feel they should push the burden onto others.

Mayor Andrews asked if he had any evidence of other property owners' opposition.

Mr. Citta replied he tried to encourage other property owners to write letters but that did not happen.

Public testimony closed.

Staff recommended accepting the engineer's report and having the public hearing on January 7, 2008 including sections A, B, and C together.

Councilor Rierson asked the City Attorney how to best handle the separate groups if the Council wished to separate the hearings. It was determined if dividing the groups was the Council's desire, then they could be divided into three separate public hearing groups.

MOTION: Larson/ to approve **Resolution No. 2007-2739** accepting the Columbia Drive Local Improvement District and setting a public hearing for the formation of the Local Improvement District on January 7, 2008. Motion failed for lack of a second.

MOTION: Palmer/Rierson to approve **Resolution No. 2007-2739** accepting the Columbia Drive Local Improvement District and setting separate public hearings for Sections A, B, and C for the formation of the Local Improvement District on January 7, 2008. (Unanimous) Motion carried.

IX. CONTINUED BUSINESS

None.

X. NEW BUSINESS

3. Consider a motion approving **Resolution No. 2007-2751** adopting a list of street trees to be used in the downtown area (C-3 Central Business District).

TIME – 8:38 PM

This item was heard out of agenda order.

Mr. David Beam, Economic Development Coordinator/Planner and Mr. John Bridges, Downtown Revitalization Committee Chair, presented the staff report (see official record for full report).

MOTION: Larson/Currier to approve **Resolution No. 2007-2751** adopting a list of street trees to be used in the downtown area (C-3 Central Business District). (Unanimous) Motion carried.

2. Consider a motion approving **Resolution No. 2007-2750** authorizing the city manager pro tem to enter into an agreement with the Newberg School District to collect a construction excise tax.

TIME – 8:59 PM

This item was heard out of agenda order.

Terrence Mahr, City Attorney, presented the staff report (see official record for full report).

Dr. Paula Radich, the Superintendent of the Newberg School District, discussed inter-governmental agreements with other agencies and the collection date beginning December 14, 2007.

Mayor Andrews asked if all costs were covered. Staff replied it would be made back over time unless the fees were paid with credit cards. We would incur costs, since the bank charge cannot be passed on. Legislation was also discussed concerning the inability to charge over 1%.

Discussion continued about re-visiting the bank charge fees and other ways to include this on a blanket charge without exceeding 1%.

MOTION: Larson/Rierson to adopt **Resolution No. 2007-2750** authorizing the city manager pro tem to enter into an agreement with the Newberg School District to collect a construction excise tax. (Unanimous) Motion carried.

1. Consider a motion approving **Resolution No. 2007-2749** directing staff to proceed with a jurisdictional transfer request of the rights-of-way for portions of Mountainview Drive, Springbrook Road, and Zimri Drive from Yamhill County.

TIME – 9:17 PM

This item was heard out of agenda order.

Mr. Paul Chiu, Senior Engineer, presented the staff report (see official record for full report).

Councilor Larson asked if there would be an increase in budget to maintain these roads if they were brought into the city.

Mr. Chiu replied there would be minor increases to the budget, but the roads are in good conditions.

Councilor Rierson asked about additional revenue sources to pay for those additional roads.

Mr. Chiu asked the County to consider giving any mechanism for funding those roads to the City.

MOTION: Larson/Palmer to approve **Resolution No. 2007-2749** directing staff to proceed with a jurisdictional transfer request of the rights-of-way for portions of Mountainview Drive, Springbrook Road, and Zimri Drive from Yamhill County. (Unanimous) Motion carried.

XI. COUNCIL BUSINESS

Discussion on City Attorney's Evaluation Process.

TIME – 9:28 PM

Mayor Andrews discussed the self evaluation and scheduled a meeting for seven o'clock on the evening on January 14, 2008, at City Hall.

Councilor Currier discussed an issue with a business/property owner concerning a temporary vendor and City charges. The City Manager Pro Tem will complete a follow-up.

Councilor Boyes discussed unkept property at River Street and First Street.

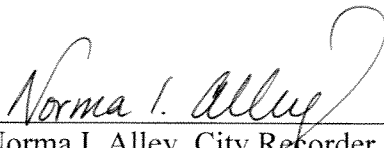
XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

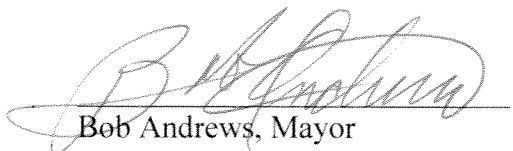
MOTION: Larson/Rierson to adjourn at 9:58 PM (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 7th day of January, 2008.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of January, 2008.



Bob Andrews, Mayor