CITY OF NEWBERG COUNCIL MINUTES
JANUARY 2, 2007
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Bob Stewart called the meeting to order.

II. OATH OF OFFICES FOR ELECTED OFFICIALS

Bob Andrews	Mayor
Bart Rierson	Councilor District No. 4
Jeff Palmer	Councilor District No. 5
Bob Larson	Councilor District No. 6

Jim Bennett, City Manager, swore in each of the above elected officials into office. He also presented certificates of appreciation and gifts to Ms. Dawn Nelson for her services as Councilor and Bob Stewart for his services as Mayor of the City of Newberg in their previous terms.

III. ROLL CALL

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

Staff Present:

Jim Bennett, City Manager
Terrence Mahr, City Attorney
David Beam, Economic Development Coordinator
Steve Olson, Assistant Planner
Roger Gano, Emergency Manager
Norma Alley, Deputy City Recorder
Jennifer Nelson, Recording Secretary

Others Present:

Bob Stewart, Dawn Nelson, John Bridges, Dick Petrone, Ellen McClure, Kimberly Dunn, John Trudel, Vicky Shepherd, Elise Hui, Jonia Pierce

IV. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

V. ELECTION OF COUNCIL PRESIDENT

MOTION: Rierson/Boyes to nominate Councilor Robert Soppe for the position of Council President.

MOTION: Currier/Soppe to nominate Councilor Bart Rierson for the position of Council President.

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

Robert Soppe	6 votes
Bart Rierson	1 vote

Councilor Robert Soppe was elected to the position of Council President.

VI. CITY MANAGER'S REPORT

Mr. Bennett discussed the City of Newberg's new Charter; the language was approved by the voters. He announced the City has been working on an urban growth program and there will be a meeting held in the Public Safety Building on January 22nd at 7 pm to discuss expanding the urban reserve area. He also shared a letter with the council sent to the Newberg Police Department by Edie Salmon, President/Owner of Ken & Daughter Jewelers, thanking the Police Department for a job well-done while assisting her during a recent burglary.

VII. COMMISSION/COMMITTEE APPOINTMENTS

Consider a motion filling a Student Planning Commission position with the most qualified candidate.

David Beam, **Economic Development Coordinator,** presented the motion to appoint a student commissioner to the Planning committee. There was only one applicant, Benjamin Shelton.

Benjamin M. Shelton, 803 E. Sheridan Street, attends the Veritas School in Newberg; he has lived here since he was in kindergarten. He has always had a desire to see Newberg grow. He believes growth must happen and it will be more rapid; this is the reason why he applied for the position. He is also planning to pursue a career in public service. He stated he did not, in fact, know when the meetings were held and would need a schedule, but does not foresee anything conflicting with his attendance at the meetings. As a senior in high school he has been considering several colleges, such as Hillsdale in Michigan and George Fox, but has not made any final decisions. When asked about any particular concerns with development in Newberg, he explained he did not have any agenda, but was merely interested in understanding how the process of development works and wanted to be a part of it. He mentioned it was important for Newberg to be receptive to the growth of Portland and its influence on Newberg. This was the first city meeting he has ever attended.

MOTION: **Rierson/Palmer** to appoint Benjamin Shelton as the most qualified candidate for the Student Planning Commission position. (Unanimous) Motion carried.

Councilor Soppe asked if the council ever received a list of qualifications for the position such as term limit or residency.

Mr. Beam replied his understanding was it was to be limited to high school student applicants and the term was for one year.

PUBLIC MEETING SECTION

VIII. PUBLIC COMMENTS

None.

IX. CONSENT CALENDAR

Consider a motion approving the City Council Regular Session Minutes for December 4, 2006, minutes.

MOTION: Currier/Soppe to approve the City Council Regular Session Minutes for December 4, 2006, minutes as corrected. (Unanimous) Motion carried.

X. PUBLIC HEARING

Public Hearing to consider approving **Order No. 2007-0001** amending the Urban Growth Boundary and Comprehensive Plan for property at 4505, 4813, 4821 & 4825 East Portland Road.

Mayor Bob Andrews opened the hearing, reminding all speakers to limit testimony to five minutes.

Terrence Mahr, City Attorney, began by making legal announcements concerning the process of a quasi-judicial public hearing. He explained the substance of the order was contained within the council packet and all testimony must be directed towards that criterion only. He reminded all to raise the issues they want to be considered at this level, because if issues are not brought up here, they cannot be raised at the board of appeals. At the conclusion of the public testimony, the record may be closed. If no decision is made, it can be reopened and additional testimony taken at a later date; you must attend other additional/continued hearings. Council has the authority to reconsider a decision as well, although rarely done; this does not affect statutory time limits on appeal.

Mayor Andrews permitted staff to proceed with report. He also announced there was someone present with a hearing problem and implored all speakers to please make sure to use the microphones.

Steve Olson, Assistant Planner, presented the staff report. He informed council it was the staff's recommendation to approve the Order, which establishes the LDR, MDR and COM designations for the properties as recommended by NUAMC. He referenced a map (submitting a copy to council) and read a letter from Frances P. Svendsen. He mentioned he also plans to add a note to protect the water line as a proposal to deal with the issues raised in the letter. (See full report in the official records)

Councilor Currier asked if any of the meetings addressed the McClure's plan to develop on their historic properties.

Mr. Olson clarified that staff did not mention that ourselves, but the McClure's were there and it was discussed.

Councilor Soppe discussed an issue from a citizen letter and NUAMC minutes about County Ordinance 747 prohibiting these changes near the interchange and that the county was in process of revising; he questioned if Mr. Olson knew where they are in this process. He also wanted to know if we can do it before the ordinance is changed.

Mr. Mahr and **Mr. Olson** both confirmed we could and the County decided it could be done concurrently.

Councilor Soppe also wanted confirmation that what the council had before them was exactly what NUAMC approved and the conditions were word for word.

Mr. Olson declared this to be true.

Councilor Larson asked if the northern arterial road would come from 99W through Crestview and, if that did not happen, would Springbrook be the alternative.

Mr. Olson confirmed this.

Mayor Andrews referred to page 33 and changes were discussed to eliminate the mention of the HDR portion being required to have a 12 foot setback as well as adding MDR to the LDR portion as being required to have a 15 foot setback. Notes were made to include those changes to the report.

Councilor Currier asked for more discussion on the watershed plant and animal life mentioned on page 279.

Mr. Olson assured council impact and change is inevitable in the area right on the edge of development and some of the habitat will be eliminated as a result of the area being urbanized.

Councilor Soppe expressed concern for whether the city will get stuck with the expense if property along the intended east/west road wanted to develop before the bypass was completed. Since this area may essentially get built twice, he questioned who would be responsible for the paying for this, the city, the developer, or ODOT.

Mr. Olson responded this was all pretty conceptual and would definitely not look exactly like it was shown here. He said it was a possibility the properties could develop more quickly than the bypass and we would still need them to connect. He also stated it would be one of the biggest conditions. He felt there might be ODOT participation, but he could not guarantee that.

Mayor Andrews opened public testimony.

Proponents:

John Bridges, 515 E. First Street, spoke on behalf of his clients and the proponents of the Order. He mentioned they have been responsive to the city's planning process by bringing the project into the urban growth boundary and they will later ask for annexation. They envision a mixed use type of development. The MDR will look a lot like single family housing, but respecting the fact it will be right across the street from LDR. When they came to council with a letter from ODOT, council modified the overlay. The County is scheduled to amend 747 on the 10th and is recommending doing so, and this urban growth issue will be two weeks later. With regard to current TSP map, shown by Mr. Olson, he blew up the east Newberg area to be included into the design for the environmental impact statement. They need two plans, how to develop and make transportation work and also the frontage road.

Councilor Currier asked if all the through traffic from the current two lanes of 99W connecting to this property will then go through his client's property and if the roads would be built to a higher standard.

Mr. Bridges replied no, but the two would extend beyond. As it exists today, for both trips that are coming off the highway and heading into Newberg and also the frontage road, you are going to exit Hwy 18 bypass and get to the southerly lanes, but from south those trips would go through his client's property. He ensured that they will build their share and work with ODOT, looking toward everyone's long term use.

Dick Petrone, 4301 NE Crestview Drive, commended the City Manager for trying to solve a problem by getting everyone together to form a committee to meet the needs of all involved in a difficult situation.

Ellen McClure, 30295 N. Hwy 99W, stated she lived next door, adjoining the subject property. She promised to keep the front ten acres of the property on the national register, stating that it was just beautiful and it would never be a strip mall. The back of the property will be landscaped and only thirty-seven houses built on the back on Benjamin Road. She emphasized that they sure do want the buffer.

Councilor Soppe asked Ms. McClure if she was comfortable with what NUAMC recommended and she replied that she was.

Kimberly Dunn, 4505 E. Portland Road, spoke on behalf of her father, one of the sellers. He asked her to come to show they both support the plan and asked for council's approval. She and her father recognize Newberg has changed and is changing; they feel this is a real contribution to the city of Newberg.

John Trudel, 4303 NE Birdhaven Loop, stated he was speaking for the Oxberg League homeowners. There were some environmental issues brought up and they are basically in agreement; they have some conditions that the road system will be livable for everyone and they want protection of their water system. He indicated the map is not theirs; it was prepared by the state. He also mentioned there is a lot of wildlife and water life. State and federal law protect this life, but it comes down to the city to enforce those regulations. He said there is uncertainty with what other developments will happen, so everyone needs to acknowledge previous agreements. The zoning is fine; they think it is a good idea.

Councilor Soppe asked if the action addresses his concerns.

Mr. Trudel stated he did agree with staff, although that had never happened before, and he believes everything should be workable in the details. He submitted a typed copy of the Oxberg board's conditions. (See full report in official record)

Opponents:

Vicky Shepherd, 30230 NE Benjamin Road, announced she had looked through 416 pages of the report and it is time consuming and overwhelming. She reviewed items discussed at the NUAMC meeting, such as being the stewards of the land, testimony about the river otters and how this area is Newberg's front door. She stated she has some incredible traffic fears, like the 1200 homes the Austins are building, the traffic study too far our in the future, concern for the traffic around the hospital, the Oxberg folks being concerned about the aquifer being damaged, and the drinking water. She said her driveway is exactly 500 feet from 99W where you are planning a new highway and Benjamin will eventually be closed. She noted that at the 99W end the McClure's pond is right at the edge as well as Springbrook Creek. She wonders who will be responsible for the improvements to Benjamin road. She implored the council not to rush this, claiming it is already being hurried through the process. She asked they please give the community time. (See full report in official record)

Councilor Soppe asked who will be responsible for Benjamin Road.

Discussion concluded that the responsibility was not spelled out in the conditions. The developer is responsible for frontage improvements and that the legal description does not include Benjamin Road.

Proponent Rebuttal: None.

Mayor Andrews closed the public hearing.

Mr. Mahr announced the applicant waived the seven days and that since this is an order, the majority of the quorum must vote in the affirmative, so it needs four votes to pass.

Mayor Andrews called for any final comments from staff.

Mr. Olson asked council to please approve with the corrections pointed out earlier.

Mayor Andrews closed the public hearing.

MOTION: Soppe/Larson to approve **Order No. 2007-0001** amending the Urban Growth Boundary and Comprehensive Plan for property at 4505, 4813, 4821 & 4825 East Portland Road with corrections. (Unanimous) Motion carried.

Mayor Andrews called a seven minute break.

BUSINESS MEETING SECTION

XI. CONTINUED BUSINESS

None.

XII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2007-2689** authorizing an application for and administration for additional housing rehabilitation funds by Yamhill County Affordable Housing Corp. (YCAHC) on behalf of the City of Newberg; appoint a City of Newberg representative to the YCAHC Board of Directors; and authorize the preparation of a letter that would state the City's intent to change the use of existing City housing rehabilitation funds to affordable housing uses.

David Beam presented the staff report. We do have representatives from the Yamhill

Elise Hui, 135 NE Dunn Place, introduced herself and her associate from HAYC.

Jonia Pierce, PO Box 865, McMinnville, offered some more information on the program. It targets owner-occupied homes and the loans are established based on income. Security comes from the property and will be paid back by all municipalities pooling together. We manage those funds at one point. She explained there are two different entities, the rehabilitation program and affordable housing.

Ms. Hui clarified this program is solely for lower income owners to fix their homes.

Councilor Currier questioned if there had been a tie up with the money in the past for too long a term, causing the city to pull it. He thought we originally planned on using it for some use in the city and we had to wait to get it back.

Mr. Bennett explained those funds were returned to the original borrower, which was the city. The money was no longer required to be reinvested; there were no obligations or strings attached. We did not ask for the money back, we did not expect to receive it. When it was first invested they may have, but we got it, put in a separate fund, and then found other uses for it. Once we get the money back, we can do what we want with it.

Councilor Currier wanted to know if we could now use it for development.

Mr. Bennett replied we could use it for anything, but we just thought we would put it back into the original purpose.

Councilor Rierson asked about the waiting list and what it takes for a family to qualify. He wondered if we give Newberg citizens a preference on the waiting list on when applying.

Ms. Pierce replied there was a problem with double coverage and there had been frustration amongst the citizens. She said we needed a letter absolving relationship with the city and VDI.

Mr. Bennett verified there is no longer a relationship with that entity.

Councilor Soppe informed council the documentation stated the City asked for the remaining cash back in 2002.

Ms. Pierce confirmed the city opted out and asked for the funds to be transferred back.

Councilor Soppe clarified some key points…that $225,000 is out and expected to come back; we need to say we are done with that business so a grant can be received; we do not want to be doing rehab loans anymore except through YCAHC; and that we do not have to use the money for rehab but must pass it to another nonprofit cause if we do not.

These statements were verified by staff to be accurate.

Mayor Andrews discussed the language on page 342, IV, which did not really apply and recommended some deletions. He also inquired what the cost of administering all this was.

Ms. Pierce responded it was typically 20%, these loans are for a term of 20 years and it is a two-year project from start to finish. She mentioned the state has the money and there will be a contract signed.

Mr. Bennett informed council they were not approving the contract tonight.

Councilor Soppe recommended dropping exhibit B on page 341.

Mayor Andrews also added to authorize the city manager to negotiate the agreement and make changes on 337.

MOTION: Larson/Soppe to approve **Resolution No. 2007-2689** with changes, authorizing an application for and administration for additional housing rehabilitation funds by Yamhill County Affordable Housing Corp. (YCAHC) on behalf of the City of Newberg; appoint a City of Newberg representative to the YCAHC Board of Directors; and authorize the preparation of a letter that would state the City's intent to change the use of existing City housing rehabilitation funds to affordable housing uses. (Unanimous) Motion carried.

2. Consider a motion approving **Resolution 2007-2691** establishing a City Travel Policy.

Mr. Bennett announced there have been a number of discussions covering both staff and elected official travel; suggestions were made to ensure economic travel by all. Travel requests are to be in writing, including itinerary, and are subject to available funds already budgeted. Employees are to make every effort to make travel accommodations, transportation (airfare or vehicle rentals), shuttle fees, and parking, as reasonable as possible. There are meal allowance guidelines included. The same rules apply for elected officials. We will submit requests to the finance director to make sure sufficient funds for the travel are available and afterwards reconciliation forms to show how funds were accounted for with receipts and for any out of pocket expenses. The departments will prepare their budgets each year for much travel they will be scheduling.

Councilor Currier questioned exactly what was meant by a "reasonable" expense and what happens when a trip that could have been less ends up being more expensive. He wanted to know how repayment is determined.

Mayor Andrews stated you would only be reimbursed for the reasonable amount approved by the finance director.

Councilor Soppe brought attention to item 5, stating it was not clear who applies the test of reasonability and questioning if it is the city finance director who determines what is reasonable. He claimed his opinion was that the city manager should be responsible for approving requests for city officials.

Mr. Bennett agreed that was a reasonable suggestion.

Councilor Soppe also believed the language at the end of number seven should be changed from "possible" to "practical". He also stated air travel should be reimbursed at coach rates as well, unless overridden by the city manager.

Councilor Boyes inquired how the price guidelines for breakfast, lunch, and dinner were determined and if there was a time limit on reporting what the trip was about.

Mr. Bennett replied the numbers were an average taken from looking at entrée prices from a number of different places and that reports on the trip should be submitted within a couple of weeks after returning.

Further discussion continued surrounding meal allowances and exceeding those allowances when part of a meeting agenda. It was determined meal allowances are a guideline not to be exceeded unless the event requires it; an explanation for the extra expense would need to be approved before reimbursement. All were reminded that alcoholic beverages shall not be included for reimbursement.

Councilor Soppe suggested a rewrite that included the chain of command for travel/meal requests being approved by a supervisor (i.e. department head, city manager).

Councilor Boyes questioned how gratuity was handled.

Mr. Bennett replied that gratuity was included in the cost allowances.

MOTION: Larson/Boyes to approve **Resolution 2007-2691** establishing a City Travel Policy as amended. (Unanimous) Motion carried.

The following item was taken out of the original agenda order, from 4th to 3rd.

4. Consider a motion approving **Resolution No. 2007-2693** increasing the Emergency Manager position from 0.5 FTE to 0.75 FTE.

Mr. Bennett presented the staff report.

Councilor Boyes questioned what the original proposal for this position was.

Mr. Bennett replied that it was originally proposed as full time.

Roger Gano, Emergency Manager, discussed training held in October and August to prepare for activating the Emergency Operations Center at the Public Safety Building. He also discussed the CodeRED warning system which is ready to go in the January utility bills. He talked about entering phone numbers into the system now.

Councilor Rierson inquired when the first test would be run and how often.

Mr. Gano replied that they would not be testing the whole system, but selecting a specific sample to send a test message to. They would also be building up the telephone database for the system.

MOTION: Rierson/Soppe to approve **Resolution No. 2007-2693** increasing the Emergency Manager position from 0.5 FTE to 0.75 FTE. (Unanimous) Motion carried.

The following item was taken out of the original agenda order, from 3rd to 4th.

3. Consider a motion approving **Resolution No. 2007-2692** adopting revised City of Newberg City Council Rules.

Mr. Bennett presented the staff report, reviewing changes, additions, and deletions.

Councilor Soppe recommended changing language in the 4th bullet on page 364 from "possible" to "practical. He also pointed out the terminology on page 369 was not accurate.

After discussion, changes were agreed on to differentiate six councilors from the mayor in the composition of the total seven council members.

Councilor Soppe pointed out that according to the last paragraph on page 370, members cannot abstain from voting unless council approves the abstention and council has not been following this.

Mr. Bennett announced all members have an obligation to vote unless legal reasons prevent it.

Councilor Soppe suggested taking away the five minute speaking limit, leaving it to the discretion of the mayor.

Discussion commenced about applicants and non-agendized items being limited to five minutes.

Mr. Bennett recommended taking the word "non" out.

Councilor Soppe talked about having rigid limits for paperwork being submitted, requiring more than two-three pages to be submitted ten days prior to the meeting, rather than at the meeting and expecting councilors to read material as well as pay attention to a presentation. He also pointed out that page 383, second paragraph, second sentence, states council must remove someone after two unexcused committee meetings. Finally, he brought up the fact that during quasi-judicial matters, if the criteria is met, council has to approve it and if someone votes against it by reasoning that it does not meet criteria, they should state what criteria that it does not meet.

MOTION: **Currier/Soppe** to amend, requiring councilors to declare a reason when giving a negative vote on a quasi-judicial matter. (6 Yes/1 No [Currier]) Motion carried.

Mayor Andrews requested that council business and executive session should be reversed in order on the agenda.

MOTION: Currier/Rierson to approve **Resolution No. 2007-2692** adopting revised City of Newberg City Council Rules. (Unanimous) Motion carried.

XIII. EXECUTIVE SESSION

None.

XIV. COUNCIL BUSINESS

Councilor Currier asked for an update on Alice Way LID and ADEC's involvement.

Mr. Bennett said he would talk to Mr. Danicic tomorrow.

Mayor Andrews pointed out there were laser pointers for you all and recommended leaving them here.

Councilor Soppe brought up a previous discussion about applications for city committees and seeing copies of the notices sent to applicants.

Councilor Currier also wanted it included on the applications that applicants fill out their home address, rather than business, or specify both.

Councilor Rierson announced he will be gone on business during the next city council meeting and he would also like to see council find a way to finance road maintenance.

Mr. Bennett said that would be discussed during the first meeting in February.

Councilor Boyes asked what we are doing about the wildlife on Doris Street that is coming from areas where the trees are being cut down. Also wanted updates on the development on 3rd Street by the airport and the traffic on St. Paul Highway and Everest Street.

Mr. Bennett replied there are two things going on: a pedestrian crossing and work done at 2nd and 219. It is already going to a right in right out, but also talking about putting a new road in next to the church and signalizing the intersection at Sitka.

XV. ADJOURNMENT

MOTION: Currier/Boyes to adjourn at 12:20 am (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 5th day of February, 2007.

James H. Bennett, City Recorder

ATTEST by the Mayor this 8th day of February, 2007.

Bob Andrews, Mayor