CITY OF NEWBERG COUNCIL MINUTES
JANUARY 16, 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	Robert Soppe	Bob Larson
	Roger Currier	Jeff Palmer	Mike Boyes

Members Absent: Bart Rierson

Staff Present:
Jim Bennett, City Manager
Terrence Mahr, City Attorney
Barton Brierley, Planning and Building Director
Dan Danicic, Public Works Director
Elizabeth Comfort, Finance Director
Jennifer Nelson, Recording Secretary

Others Present: Joel Perez, Thomas Barnes, Joe Schiewe, Russell Thomas, Christine Kalick, Krista Maerz, Jeff Smith

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Jim Bennett, City Manager, reported that a quarterly study session will be held Tuesday, January 23rd, upstairs in City Hall. Also, tomorrow night, Wednesday, January 17th, the Finance Committee will be meeting in the Public Safety Building to go over the second quarter report, a second supplemental budget, and to look at water policies. He also announced he received a fax from Comcast notifying us they will be raising cable prices again in March (a little over 4%), but they will not increase prices for Internet or digital voice services. He also warned everyone to be prepared for tomorrow morning. The roads will be slick and you should stay off roads tonight and in the early morning if possible. As a side note, he reported there were not a lot of issues today due to the snow: only a few temporary road closures, a few spinouts, but nothing serious. The library closed early today, once it got dark, because of slick steps. The forecast for the weather is better tomorrow.

V. COMMISSION/COMMITTEE APPOINTMENTS

Consider a motion filling three vacant positions on the Budget Committee with the most qualified candidates.

Andrew Smith	Joel Perez	Ron Staples
Sally Dallas	Thomas Barnes	

Elizabeth Comfort, Finance Director, informed council there were three vacant positions and five applicants. She said that applicant Sally Dallas was unable to make it for reasons unknown. Ron Staples was currently on his snow bird trip to Arizona and will not be back until May, and Andrew Smith was currently attending a budget committee that meets in Washington, DC. Only two applicants were present this evening to address the council, Joel Perez and Thomas Barnes.

Councilor Soppe questioned the application for Sally Dallas being received after the January 1st deadline, noting that he did not see the requirement to attend the council meeting on the application.

Ms. Comfort informed him that she called all the applicants earlier this morning.

Mr. Bennett added that the application revisions, including the requirement to attend the council meeting, were not completed until after this posting. The new version of the form for all committees, commissions, and boards is currently replacing the old version and it has also been amended so that both home and business addresses are included.

Discussion followed about the submission dates for two applicants, Sally Dallas and Thomas Barnes, which were both received on January 2nd. Ms. Dallas' was faxed on the 2nd and Mr. Barnes was postmarked December 29th.

Mr. Bennett explained that the deadline should not have been marked as January 1st since it was a holiday and standard policy moves the date to the next business day when a holiday falls on the original date.

Councilor Palmer announced that he spoke to Ms. Dallas this morning. Because the holiday moved the council meeting from Monday to Tuesday, she had a previous engagement she could not reschedule.

Councilor Currier stated that we should not have a received by date when city hall is closed.

Councilor Larson stated he did not believe an applicant should be considered if they were not present.

The first applicant, Mr. Joel Perez, was called to present himself to the council.

Joel Perez, 610 S. Meridian Street, told the council he had just moved from California seven months ago. He advised the student government for a college there for the last two years and was now here at George Fox as the Director of Student Transitions and a member of the scholarship program as well. The scholarship program takes 10 students from an urban community and grants them tuition, room, and board. He said he is a first generation college student in his family and bilingual in Spanish and English. He is hoping to get involved in city government and, coming from Southern California which is such a big place, he believes he can do both his job and serve on the Budget Committee without conflict.

Councilor Soppe asked if he has attended any city meetings and if there were any budget items he was aware of.

Mr. Perez replied that he had not yet in Newberg and that he has only a desire to reach out to the Spanish community.

Councilor Larson inquired whether his current position with the college will handicap him from attending the Budget Committee meetings. He also informed him the first meeting was January 29^{th}.

Mr. Perez replied he did not see any conflict although he was not aware of the first meeting date.

Thomas Barnes, 1000 S. Springbrook Road #46, told the committee his reasons for applying for the position were to volunteer and give back to community. His major in college was accounting and he was employed as a budget analyst and planner after college; he feels he would be bringing those skills to the committee. He has attended several planning commission meetings for annexation issues on east side of town. He knows there is never enough money to do everything, but he knows the roads and public safety are looking for additional dollars. He mentioned he was U.S. Army infantry retired where he had specialized in aviation as a helicopter pilot. He does not see any conflicts with the time requirements for the committee.

Further discussion ensued concerning the legality of accepting applications past the deadline, especially when the deadline falls on a holiday. It was determined that a deadline falling on a holiday moves to the next business day and is also based on the date of the postmark.

Mayor Andrews asked what the council's pleasure was on accepting Sally Dallas' application.

MOTION: Larson/Palmer to accept the late application. (5 Yes/1 No [Soppe]) Motion carried.

Councilor Currier stated he could accept the application based on the fact it was a holiday. He also did not feel council could hold people to the requirement to be at the meeting since it was not made clear until recently.

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

MOTION: Soppe/Palmer to nominate Joel Perez to fill one of the three vacant positions on the Budget Committee.

MOTION: Larson/Currier to nominate Andrew Smith to fill one of the three vacant positions on the Budget Committee.

MOTION: **Larson/Soppe** to close nominations. (3 Yes/ 3 No [Currier, Palmer, Boyes]) Motion failed for lack of a majority.

MOTION: Palmer/Currier to nominate Sally Dallas to fill one of the three vacant positions on the Budget Committee.

MOTION: Soppe to nominate Ron Staples to fill one of the three vacant positions on the Budget Committee. Motion failed due to lack of a second.

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

Thomas Barnes	6 Yes
Joel Perez	5 Yes
Andrew Smith	4 Yes
Sally Dallas	2 Yes

Thomas Barnes, Joel Perez, and Andrew Smith were appointed to the three vacant positions.

PUBLIC MEETING SECTION

VI. PUBLIC COMMENTS

None.

VII. CONSENT CALENDAR

Consider a motion approving the City Council Regular Session Minutes for December 18, 2006.

MOTION: Currier/Larson to approve the City Council Regular Session Minutes for December 18, 2006. (Unanimous) Motion carried.

VIII. PUBLIC HEARING

1. Public Hearing to consider approving **Ordinance No. 2007-2663** amending the Newberg Municipal Code to change the number of Planning Commissioners from seven (7) to nine (9).

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

Councilor Currier questioned whether the Student Planning Commissioner that was recently appointed was included in the number change even though he was a non-voting member.

Mr. Brierley replied that it did not change the ordinance to include the Student Commissioner.

Councilor Soppe mentioned the Planning Commission suggested staying at the current seven members and questioned some items on page 30 concerning the one to two members outside of the area and the one to two members in real estate.

Discussion followed about the number of members allowed to engage in the same profession and concluded that state law allows up to two members in the same type of profession, but not three, in order to prevent "stacking the deck" and to offer a broad range of interests.

Jeff Smith, 4386 SW Macadam Avenue, addressed the council. He stated he was not at the Planning Commission meeting, but he was a real estate developer by trade, which means he works in almost all cities and he has never seen a nine member Planning Commission. He claims that most are five and some are seven. He said he was compelled to get up and say that Newberg is a well run city with accessible staff. He believes the Planning Commission works very well and the meetings are already long enough with seven, so he cannot imagine nine. He believes it is not the quantity which is value; it is the quality of individuals. When a committee gets too large, it will create more problems than it solves.

Mr. Brierley recommended the council keep the Planning Commission number at seven members.

MOTION: Soppe/Boyes to not approve **Ordinance No. 2007-2663** amending the Newberg Municipal Code to change the number of Planning Commissioners from seven (7) to nine (9). (Unanimous) Motion carried.

2. Public Hearing to consider approving **Order No. 2007-0002** approving the findings that the proposed annexation and zoning amendment meet the applicable City of Newberg Development Code and **Ordinance No. 2007-2664** annexing property located north of Highway 99W across from Providence Hospital and scheduling this item for the May 15, 2007, special election.

Mayor Andrews asked council if there were any conflicts of interest among the members. None were noted.

Terrence Mahr, City Attorney, made the standard announcement about quasi-judicial public hearings, explaining details of the process and criteria to be aware of during the proceedings and after closing.

Mr. Brierley presented the staff report. At the end of the report he stated the Planning Commission recommends adoption of the order and ordinance and the City would be looking at a May ballot, if approved. The conditions of approval were noted. (See official record for full report)

Councilor Currier inquired if the transportation plan amendment was already under way.

Mr. Brierley replied that it will come to council on February 20^{th}.

Councilor Larson asked about the proposed zoning map and if there is an existing park there now.

Mr. Brierley responded yes.

Councilor Soppe asked if the county included this in UGB.

Mr. Brierley replied that it was included.

Councilor Soppe referred to the fiscal impact, mentioning the commercial property still puts a burden on police and fire and questioning if there was a consideration for that.

Mr. Brierley replied that this is a guideline and it is hard to put numbers to it to show you a comparison.

Councilor Soppe continued, stating that if this would all be commercial, it would be 100% profit and no expense…but this is not all commercial. He said the Planning Commission minutes were submitted to the council and questioned if they were approved and if anyone corrected this being included in the UGB.

Mr. Brierley confirmed they were approved and no corrections were made.

Discussion continued about projected traffic volumes, where the 1.7% growth rate came from and if it was projected to 2025, 2028, or the full twenty year period. This growth rate for transportation was compared to the annual growth rate adopted by the ad hoc committee. It was clarified that the population may be growing but the traffic volume may not be as much as the population.

Councilor Soppe also expressed concern on page 122, which addresses four different developments but did not look at the Austin development and the projects to the east.

Mr. Brierley responded that they have included the developments planned and approved, yet not constructed. They would consider that project in the annual growth of traffic. The model counts for the development of the four.

Further discussion ensued concerning future land needs and supplies in urban areas, as well as whether the current rate of annexation may be quicker than anticipated. The discussion was inconclusive because no numbers were available to either support or deny that possibility.

Councilor Soppe questioned requirements for the builder for transportation facilities concerning Crestview Drive.

Mr. Brierley replied that Crestview would be constructed through the property. He continued that the Oxberg Lake folks felt it was important Crestview is improved but they not be required to pay for those improvements. It was put into the agreement that way.

Proponents:

Joe Schiewe, 4386 SW Macadam Avenue, Suite 305, stated he first saw this when it came to NUAMC. He started out in regards to the Oxberg Lake area and the increased traffic if property developed. They spent eight to ten months working through those issues with them. There was a lot of give and take by all parties and everyone agreed there is a need for the connection from

Crestview to 99W; it would relieve pressure on Springbrook Road as well. For those concerned about the growth of the city, it does so much for the transportation system by making this connection. Regarding the comment earlier about the 1.7% growth rate, that was integrated when adopted in the plan. It is built to serve the area within the city and the urban growth boundary areas and the Austin property still to be built. As far as the annexation rate, whether we are exceeding the rate intended over a 20 year period, he does not have control over that. This piece of property is to serve existing city traffic and population that does not want to go down Springbrook Road. Going from a minor arterial to a major collector breaks down the SDC components. The developer is responsible for the main road paid for by the general growth and everyone pays into it. It is not a perfect system, but there is a need for this connection and the commercial and MDR LDR uses.

Councilor Soppe asked what the 1.7% rate represented.

Mr. Schiewe replied it was his understanding it is of population and computed into traffic. Either way, he stated it will be able to handle the capacity of traffic at the end of 2025.

Councilor Soppe asked if he understood he will be participating in the cost of the road.

Mr. Schiewe said that they understand there is a development cost.

Russell Thomas, 1808 Leo Lane, introduced himself to council as a long term resident. Initially he thought they were understood and then came back later and things were different. He has been to the meetings; we talked about what would be fair. He felt that going into a development he should know that commercial property would be developed nearby. Livability is important to him. There is R1 behind his property and there would be R2 now behind his property. He understands growth, but overdevelopment he would see as a detriment to our city. It is better than what was originally presented. He would like to see more R-1, but if this is developed as proposed, he would vote for it.

Opponents:

Christine Kalick, 3807 Coffey Lane, stated that all she is asking is not to overdevelop. She likes the small town and wants to save their property value. She would like the low density behind her home. We chose to live here because of the tree line and such.

Rebuttal comments:

Mr. Schiewe stated he is asking for the zoning that has been proposed. We have had these discussions and feel the park is an adequate buffer. It just makes sense where we have LDR; it creates transition and we think it is a good plan that should be adopted.

Close public testimony. Applicant waived right to keep record open.

MOTION: Larson/Currier to approve **Order No. 2007-0002** approving the findings that the proposed annexation and zoning amendment meet the applicable City of Newberg Development Code.

Councilor Soppe stated this is a good example of how this process works. He has had concerns all along about the properties in the west and only one person has come to discuss the impact here. Also, the UGB process is where it should have been voiced, but people were not there. He is concerned about the rate at which the city is growing, his concern on growth is residential, but he is pleased to see commercial property where we need it and he is all about this road.

Mayor Andrews stated in regards to the motion, we have adopted some actions that are conditional upon adopting some amendments to our transportation plans. We have a transportation plan, but we have not adopted it yet, and the actions we have taken are still conditional if we are going to adopt that plan or not. With this in mind, to the motion he is concerned about the rate of growth and that we are ahead of ourselves. This property is not bringing a lot of residential, it is bringing commercial, which is not adding a residential burden. With that in mind, and being comfortable with transportation plan amendments, he would be in favor.

VOTE: To approve **Order No. 2007-0002** approving the findings that the proposed annexation and zoning amendment meet the applicable City of Newberg Development Code. (Unanimous) Motion carried.

MOTION: **Larson/Soppe** to approve **Ordinance No. 2007-2664** annexing property located north of Highway 99W across from Providence Hospital and scheduling this item for the May 15, 2007, special election. (Unanimous) Motion carried.

BUSINESS MEETING SECTION

IX. CONTINUED BUSINESS

None.

X. NEW BUSINESS

Consider a motion approving **Resolution No. 2007-2694** approving the Engineer's Report for the Fernwood Road Advance financing of Public Improvements and setting the reimbursement amounts onto the intervening properties.

Mayor Andrews called a 3 minute recess.

Dan Danicic, Public Works Director, presented the staff report. He also referred to page 248 of the packet. There is a concerned property owner that must make payment for property improvements on land that cannot yet be annexed. He proposed as a solution for this specific property the accrual of 9% interest until they annex into the city and the reduction of some of the costs. The applicant finds this an acceptable solution.

Councilor Currier was concerned that we would be making a change to the existing policy.

Mr. Danicic explained that council has the authority to make these provisions and the applicant who is going to receive this money in the future accepts this solution.

Councilor Soppe asked if the amount of money will just be reduced to the developer.

Mr. Danicic confirmed this and offered to let the applicant and property owner address council.

Mr. Schiewe stated this is very complicated advance finance application. Some items are applicable to the property owner, not to all. Some improvements were for the golf course. They were beneficiaries. Some were about the fish and creek and that was a benefit to all. In regards to concerns about the Maerz property, they do not want these costs to escalate in the future. There is a fairness issue behind this and he should have approached the Maerz' early on and informed them of the benefit of the storm line, improved roads, dry utilities, and that by them building it increased their property value. If he had told them at that time, he would be less likely to consider this today. He was not up front with them and he is therefore willing to concede some things. These are the reasons why we made concessions. They are outside of city, were not informed up front, and were nice enough to work on the rest of the costs. As for the other aspects, we went over the numbers. We think they are fair and we would like council's approval.

Krista Maerz, 11220 NE Fettig Lane, stated the first time she heard anything was ten days ago when she received this packet. Mr. Danicic and Mr. Schiewe offered to meet and explain everything to her. She said she does not have any problems with the benefits or sharing in the costs, but would have liked to have had the option make other payment arrangements. She said it was not fair to provide money up front for the period of time we are not allowed to use the property. If all concessions are made, I have no problem approving this.

MOTION: Currier/Palmer to approve **Resolution No. 2007-2694** approving the Engineer's Report for the Fernwood Road Advance financing of Public Improvements and setting the reimbursement amounts onto the intervening properties. (Unanimous) Motion carried.

XI. COUNCIL BUSINESS

Councilor Soppe wanted to know if the city would be charging people a fee for online utility payments.

Mr. Bennett replied that we cannot charge a transaction fee back to customer; however, for the cost of implementing the systems and upgrades, our method is to spread the cost over the entire customer base as a cost of doing business.

Councilor Boyes mentioned that a resident on Doris Street between 2nd and 3rd was concerned about the new development on the south side. The big gravel trucks are using Doris to 2nd and creating mud and dirt and no one is cleaning it up. Also, there were jackhammers being used down in a new development west of 10th and they are starting real early in the morning. It is a small apartment complex off 10th and River.

Mr. Bennett replied that he will look into that.

Councilor Currier wondered if we are still going through the old procedure of making a motion and seconding before discussing and if we can discuss before the motion is made. He said we are stuck on our old habits.

Councilor Larson asked if Mr. Danicic was aware of any parks in Springbrook Oaks.

Mr. Danicic replied there was one north of Hayes between Brutscher and Springbrook right behind Fred Meyer. There is also a park within Springbrook Oaks.

Councilor Larson had someone request there be an area where dogs can run free.

Mayor Andrews announced the city employee dinner is on January 27th and Friday the 19th is the deadline for reservations. He also encouraged councilors to attend the COG annual dinner there being a reasonable possibility that the city may receive an award again this year and he plans to attend.

Mr. Bennett added a CPRD bus is also being provided.

Mayor Andrews also mentioned the city/county dinner would be at the armory on February 8.

Councilor Boyes recommended to council that discussions like the ones about committee applications that occurred earlier should take place at another time. He felt that arguing about such issues seems trivial in front of the applicants.

XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

MOTION: Larson/Palmer to adjourn at 10:15 pm (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 20th day of February, 2007.

James H. Bennett, City Recorder

ATTEST by the Mayor this 22nd day of February, 2007.

Bob Andrews, Mayor