

**CITY OF NEWBERG COUNCIL MINUTES
FEBRUARY 20, 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	Bart Rierson	Mike Boyes
	Jeff Palmer		

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
	David Beam, Economic Development Coordinator
	Norma Alley, Deputy City Recorder
	Jennifer Nelson, Recording Secretary

Others

Present:	Darlyn Adams, Sheryl Kelsh, John Trudel, Pat Trudel, Dick Petrone, Sonja Haugen, Joe Schiewe, Kathy George, John Bridges, Michael Ard, Kimberly Dunn, Jonia Pierce
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III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Jim Bennett, City Manager, reported that the library just went live with their wireless internet. Everything went great and now citizens can go to the library and access the internet from their laptops.

V. COMMISSION/COMMITTEE APPOINTMENTS

None.

PUBLIC MEETING SECTION

VI. PUBLIC COMMENTS

Darlyn Adams, 131 Johanna Court, Newberg Animal Shelter Friends, announced they held their 2007 fundraiser and celebrated their seven year anniversary at their January 25 meeting. Total revenue with interest for 2006 was \$54,472.47, minus \$9,355.08 in expenses, for a net revenue of \$45,117.39. The ending balance in the building fund as of 2/20/2007 was \$239,682.10. They have received several grants, such as \$2,000.00 from First Federal Bank for a lighting fixture. The brick campaign continues to be successful with 414 bricks sold so far and will end on 12/31/2007. The goal is to break ground in spring of 2008. The first big fundraiser of 2007 will be the Yard & Plant Sale on April 27th - 28th. The next meeting is scheduled for Thursday, February 22nd. (See official record for full presentation)

VII. CONSENT CALENDAR

1. Consider a motion approving the Visitor Information Center 2006/07 2nd Quarter Report.

Sheryl Kelsh, 415 E. Sheridan Street, Executive Director of Chamber of Commerce, presented the 2006/07 2nd Quarter Report for the Visitor Information Center.

Councilor Jeff Palmer mentioned he saw a big jump in phone calls and web visits.

Ms. Kelsh responded that the traffic just kept coming in October; the phone calls went up 37% and the web visits were up 90%. The unveiling of the new website is also coming up which will be an even greater expense. It is important since more people are making travel plans solely around web research.

Councilor Mike Boyes asked if Ms. Kelsh had any way to report or compare Newberg to other towns.

Ms. Kelsh replied she could look into doing some benchmarking.

2. Consider a motion approving the City Council Regular Session Minutes for February 5, 2007.

Councilor Robert Soppe mentioned he had one correction to the minutes on page 13. The date of Ms. Dalles submission should be changed from January 1st to the 2nd since that was the date the fax was received. This was the main problem he had with it in the first place.

MOTION: Currier/Larson to approve the entire Consent Calendar, including both the Visitor Information Center 2006/07 2nd Quarter Report and the City Council Regular Session Minutes for February 5, 2007 as corrected.

VOTE: To approve the Visitor Information Center 2006/07 2nd Quarter Report and the City Council Regular Session Minutes for February 5, 2007. (Unanimous) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2007-2665** amending the Newberg Transportation System Plan and Comprehensive Plan to reclassify Crestview Drive from Springbrook Road to Highway 99W as a major collector with certain traffic calming measures, and re-designating Springbrook Road as the Northern Arterial.

This item was heard out of agenda order. It moved from agenda item VIII-2 to VIII-1.

Mayor Bob Andrews introduced the topic making note of the switch in the agenda order. He asked if there were any conflicts of interest among the councilors and none were noted. He shared with the council that he attended the Planning Commission hearing when the issue was discussed, but he did not participate in the decision or vote.

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

Councilor Roger Currier questioned the city attorney about challenges by the trucking industry concerning designating truck routes.

Terrence Mahr, City Attorney, responded with a description of the 9th Circuit decision requiring truck routes. They can be designated according to weights but you cannot just designate a street as a truck route. He said, if the City went to court, we would not be able to justify a truck route.

Councilor Currier suggested putting up a sign limiting trucks by length, which does not say you cannot drive a truck on the road, but does forewarn the driver they may not be able to make the turn.

Councilor Bob Larson referred to page 236 and asked what the total cost was going to be.

Mr. Brierley stated the general cost estimates on the bottom of page 293 were \$1.4 million, which would be split between SDCs and new development funds.

Councilor Bart Rierson asked for clarification of the apparent contradiction of a major collector appearing to discourage traffic, yet encouraging it at the same time.

Mr. Brierley explained the objective of "traffic calming" where we are not trying to reduce the number of vehicles, but reduce the speed through the area. The measures are designed to keep the speed at 25 mph, not reduce the volume. The main reason is because it is still shorter to go that way and people tend to go the shortest route, plus people like to avoid stopping. This road does not have any stops only roundabouts.

Dan Danicic, Public Works Director, added it will be designed to discourage truck traffic, but it must still accommodate local deliveries; trucks can drive onto the roundabout to turn around, if needed.

Discussion ensued as to the members of the five party team as well as the differences between measurements of minor arterial and major collector classifications. There were also questions about the fiscal impact and the justification of the conclusions. Staff determined they were confident in findings and estimates determined by JRH Transportation Engineers analysis. Sound walls were also discussed as to placement and design. Staff directed they would be behind the sidewalk but exact design of the walls has not been determined.

Councilor Soppe expressed his concern with justification and vagueness of the words used in the proposal. He referred to page 243 regarding statewide goal #6 to maintain and improve air quality and questioned whether a longer path would actually put more garbage in the air and he asked for justification of how this was considered in addressing this goal.

Mr. Danicic replied this route is shorter and therefore would have less impact on the air.

Discussion continued as Councilor Soppe encouraged staff to justify the benefits of the new route on air quality. Staff argued there would be no change in the traffic volume only that it would be traveling at a lower rate of speed. The belief being that it would have a positive impact on the air quality and a minimal impact to traffic flow. Staff argued they were relying on JRH's years of experience as technical engineers and Councilor Soppe maintained the need to offer a critical eye, even to "experts".

Another discussion commenced concerning the southern most traffic circle and whether it should be a circle or signal. No determination was made, but it was determined that a clear traffic device was necessary. Again the 9th Circuit ruling that cities cannot designate truck routes was brought up, but it was determined it could be justified due to physical problems such as the road's weight limits.

Councilor Soppe pointed out to council his belief that parties from Springbrook, although significantly affected, were not invited to participate in the five party agreement.

Mr. Bennett disagreed that they would be significantly affected stating the traffic on Springbrook Road will not increase.

Councilor Soppe wondered how we can say they will not be affected when there were not any numbers about how many trucks will go on Springbrook Road.

Mr. Bennett justified his statement with the fact that if the road was not built going through that area, the truck traffic will continue as is plus additional traffic as well. The new route is intended to relieve some of the additional traffic. Local residents will use it for deliveries, but they would all use Springbrook Road without this.

Councilor Currier stated he believed the bottom line and interpretation is that we would be buried in appeals and a lot of people here may stand good on these appeals. There will be an increase in trucks, no matter what, with the new resort. He questioned staff relating to traffic circles, wondering who was responsible for maintenance of the fountains, like the one by the Astor House. He asked if we intend to do the same thing here.

Mr. Brierley replied there had been no discussions of a fountain.

Mr. Danicic added the maintenance of the Brustcher roundabout fountain was taken care of by the homeowner's association.

Councilor Palmer questioned staff about recommendation #3 to reclassify Springbrook Road as a northern arterial.

Mr. Brierley responded the extension of Mountainview Drive, for convenience, has been referred to as the northern arterial, although it does not really have an official change. It has just been a term used in documents. This recommendation is just trying to make sure in any other documents, when the word "northern arterial" is used we are referring to Springbrook Road. Springbrook Road is currently classified as a minor arterial.

Mayor Andrews drew attention to the material handed out at beginning of meeting and what the council's pleasure would be in dealing with it, whether to accept it or not, since submitted late.

Councilor Soppe stated the council has the discretion to accept reasonably short pieces of material which may or may not be read.

MOTION: Soppe/Currier to accept the two page fax from Gene Kennedy into the record.

VOTE: To accept the two page fax from Gene Kennedy into the record. 6 Yes/1 No [Boyes]
Motion carried.

Mayor Andrews opened the hearing to public testimony.

John Trudel, 4303 NE Birdhaven Loop, approached council with two purposes: first to preserve a clear record and second to say thank you. He discussed the legal history going back over 20 years and a number of prior agreements. He discussed the five-party agreement (actually six) and everything that went into it, looking for what everyone needed. He extended thanks to several people: Mr. Spangler, Yamhill County Commissioners, Jim Bennett, the 5/6 Party Team members, and the Newberg City Planning Commission. He went on to offer his support to the agreement, feeling confident in the models and findings of the consultants (JRH), and said he believed it to be a compromise for all parties involved and the best option for a bad situation. He said we did not want it, but this is the best we can do. Let's get the Transportation System Plan (TSP) done and move on. (See official record for full presentation)

Councilor Soppe responded to Mr. Trudel's accusation that council ignored the neighborhood's input. He clarified that council weighs each situation and it is hard to please everyone and he understands we did not follow what they wanted.

Mrs. Pat Trudel, 4303 NE Birdhaven Loop, relinquished her 5 minute testimony time to her husband.

Mr. Trudel admitted he was displeased because 20 years of legal agreements were ignored; he even had to retain legal counsel. He stated the words were not there. The road was to extend to Mountainview, not Crestview Drive, in an amendment and he believed it was just a violation of agreements that were carefully crafted.

Councilor Soppe stated he was having trouble finding the legal agreements he spoke of.

Don Petrone, 4301 NE Crestview Drive, stated they came up with a plan we thought we could live with. It is not what we want, but it is the best compromise. He also mentioned the five party team met a considerable number of times and people extended a large effort. On behalf of the homeowner's association, he offered thanks to Mr. Bennett for his suggestions and to Dan Danicic for attending the meetings. He also thanked the Yamhill County Commissioners for their participation, as well as the developers. He reminded all that the history of this dispute goes back 20 years and our concerns were not addressed in last TSP. We had attended meetings, provided letters, participated with community survey, and completed a petition to not support the arterial; he believes this approval will put an end to 20 years of discord and build an east Newberg. He strongly recommends council approve the agreement.

Sonja L. Haguen, Austin Industries P.O. Box 1060, stated she did not have a lot more to add to what was already heard, other than to agree approval will end a long period of contention between groups in our community to make sure the community of Newberg will end up with a transportation system that works. She believes this agreement allows different desires to be met in reasonable fashion.

Joe Schiewe, 4386 SW Macadam Avenue, Suite #305, agreed with Mr. Trudel about working on this for the past 21 months. He represents the Geldner property. He believes it comes down to a matter of what words will please various parties. There were quite a few parties we had to deal with, and even with the help of city, the County, the Oxberg Lake people, and former mayor, it became obvious it was not going to work. Various people did not trust the studies done in past because they thought they were biased by the city, but each party had to give a little. This is all under the condition that this TSP be modified, with previous annexations and such. He also wished to address some questions raised about the JHR study; although he is not a traffic engineer, as a licensed engineer, his opinion of the two models ran was that both showed no significant impact to amount of traffic on Springbrook Road. His reasoning is because of the Hwy 99W intersections with Crestview Drive and Springbrook Road. He mentions ODOT as another player who wants to reduce traffic on 99W at the Brutscher Street intersection which will be diverted. ODOT likes the plan and so does the city. The amount of traffic on Crestview Drive will be the same. He implored council that the city needs the road and this is how you get there... the study proves that.

Councilor Currier indicated there was a presentation by ODOT last night in consideration of the numbers for the proposed bypass. In this case he believes the big question is whether the proposed road will be at a capacity to withstand volume.

Mr. Schiewe explained they had to use the existing city boundary per existing TSP as well as meeting all City, ODOT, and County requirements in the model. It will be the same amount of traffic, except for trucks, and this is about what 99W is going to allow going onto Crestview Drive. The intersection is the limiter on the capacity because we want traffic to go through on 99W.

Kathy George, County Commissioner, 535 NE 5th Street, McMinnville, offered compliments and thanks for their consideration to Mr. Bennett, Mr. Danicic, the Austins, the Gueldners, and all parties involved.

Councilor Soppe questioned the County Commissioners as to what the County does when a route needs to be designated and a TSP must be used to do it. He also asked what the weight of the letter from Lynn Stigard has as well as the previous agreements that said this would not happen.

Leslie Lewis, County Commissioner, 535 NE 5th Street, McMinnville, stated that 20 years ago there were no TSPs. Yamhill County adopted them in about 1997. In this case there were a number of hearings, and County said they agree there ought to be a northern arterial, but no one agreed where, and basically said it should be agreed to later. Addressing the letter, she stated there are lots of relevant documents, and when the County did the TSP they had testimony from that whole area. It was very emotional and no one wanted the road going through that area and the County said it would work it out with the City later. The agreements with Mr. Spangler were that the County said they would not put the northern arterial through his neighborhood. She said she sat through the meetings ready to support the Oxberg Estates against the city, but Oxberg folks were the ones that said we can have it go through if we just restrict trucks and have traffic at slower speeds. She says the County is in support of the 5/6 Party Agreement, and the County has transferred jurisdiction to the City in good faith, expecting the City to agree.

John Bridges, 515 E. 1st Street, started by stating he brought an engineer to entertain questions if the council would like. The transportation planning says you have to have a TSP, how it is supposed to be formed, and how that is accomplished. A lot of analysis can happen in a 20 year window, so it can go forward; but keep in mind it is not a plan you are going to stick in the closet and never look at again. You have plenty of time to look at it and fix it within the 20 year period. Addressing the truck route, he disagrees with Mr. Mahr, and believes you can identify truck routes, but only if you find physical constraints, such as roundabouts or public safety as reasons to choose one route over another. You will be subject to challenge unless the reasoning is based on findings with rational analysis.

Michael Ard, 321 SW 4th Avenue, Suite 400, Portland, approached the council to offer answers to any questions as a Transportation Engineer.

Councilor Soppe asked if he believed the intersections can support 25 mph or not and to explain the idea of traffic choosing one of two routes (freeway diversion). He also asked how psychological factors were taken into account in the models.

Mr. Ard described they were developed with larger transportation models in mind, which are applicable to the micro model, but not used in that manner. They are called freeway diversion curves and are applicable here. They are more robust and can take into effect some psychological variances, but nothing in the models can get things exactly other than to be physically on the street. The freeway diversion curves took into account the distance as well as the time.

Mayor Andrews closed the public testimony portion of the hearing.

MOTION: Currier/Boyes to adopt **Ordinance No. 2007-2665** amending the Newberg Transportation System Plan and Comprehensive Plan to reclassify Crestview Drive from Springbrook Road to Highway 99W as a major collector with certain traffic calming measures (including the installation of a roundabout and posting of appropriate truck signage) and re-designating Springbrook Road as the Northern Arterial.

Discussion commenced mainly concerning how to address truck access on the road. Staff did not recommend posting truck limits because it is industrial property and some trucks need to get through. Ultimately, Councilor Currier, the maker of the original motion to adopt the ordinance, and Councilor Boyes, who seconded the motion, both agreed to change the wording of the original motion to include “the installation of a roundabout along with posting of appropriate truck signage” in exhibit 2E on page 298.

Councilor Soppe concluded he was in favor of this road but the way we got here leaves a lot of unanswered questions for him.

VOTE: To approve **Ordinance No. 2007-2665** amending the Newberg Transportation System Plan and Comprehensive Plan to reclassify Crestview Drive from Springbrook Road to Highway 99W as a major collector with certain traffic calming measures (including the installation of a roundabout and posting of appropriate truck signage) and re-designating Springbrook Road as the Northern Arterial. (6 Yes/1 No [Soppe]) Motion carried.

Mayor Andrews called for break at 9:26 pm and reconvened at 9:31 pm.

2. Consider a motion approving **Order No. 2007-0003** approving the findings that the proposed annexation and zoning amendment meet the applicable City of Newberg Development Code criteria and **Ordinance No. 2007-2662** annexing property located on Portland Road and scheduling this for a May 15, 2007 special election.

This item was heard out of agenda order. It moved from agenda item VIII-1 to VIII-2.

Mayor Andrews introduced the order and the ordinance and asked if any councilors had a conflict of interest with the topic at hand.

Councilor Currier pointed out the property proposed to be annexed is to be voted on yet and is not yet part of the city.

Mr. Brierley responded it is adjacent on the south to the hospital and that is part of the city.

Councilor Soppe admitted he and Mr. John Bridges had discussed a 20% and 4% adjustment, and would bring up the conversation at the appropriate time tonight.

Mayor Andrews revealed he had attended the Planning Commission meeting on 11/07/06, but he did not participate and will make his decisions based on the record tonight.

Mr. Mahr made his required announcements 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 and recommended approval. (See official record for full report)

Councilor Boyes questioned the council’s purpose in approving this stating it is more like an idea, but we do not know where it is going to go. He asked if both would be voted on in May

and if one has to pass for the other to do so. He also wanted to know if Benjamin Road was a factor here.

Mr. Brierley affirmed all of his questions and stated the city limits would be up to Benjamin Road, but explained there is no simple answer due to Measure 37 claims and other factors.

Councilor Soppe inquired if the City made a requirement that it could not develop unless Crestview Drive was complete. He mentioned it was an issue he brought up before and had talked about the fiscal impact of added police and fire services where staff claimed it would generate higher revenue. He believes this is the burden of commercial property and asks how we can make the claim if it is not possible to calculate.

Mr. Brierley addressed these questions on a basic standard public safety model being per capita, stating we are improving per capita situation because we are not adding "capita" with commercial property. He states we do not think about commercial and industrial, because it is the gravy and taking both into account adds tax revenue without population.

Councilor Soppe referred to the calculations on page 36 and asked how far off we would have to be before staff can say it is unsupported.

Mr. Brierley replied an individual annexation is different and you need to look at the impact of the individual annexation keeping in mind rest of what going on and only if you are annexing property for one kind of use.

A discussion ensued around Councilor Soppe's growing concern about the lack of concern for the growth of the city and the need for calculations examining how rapidly the city is growing based on the number of properties being annexed. Staff argued the data he is requesting is too difficult to collect and in some sense the market is deciding how the city grows.

Councilor Soppe declared a potential conflict of interest because he has and may in the future do some work with Mr. John Bridges and his firm.

Mr. Mahr stated that since the relationship is not certain in the future it is considered a potential conflict of interest.

Proponents:

Mr. Bridges approached the council as a representative of the applicant. He stated from their perspective it is a well conceived project. He discussed the process of Newberg establishing an Urban Reserve Area (URA) and that this property has been identified as a future urban reserve area. He explained the area where we want to put our residential properties has been earmarked to be commercial property. He discussed his clients have been planning and talking to ODOT and they have respected the long term and short term planning and citizen involvement. In the TSP, the closing of Benjamin Road was necessary because ODOT said it would be too close to interchange and our property plays major role. In consideration of police and fire needs, it is a well known concept in planning that residential has greater calls for police and fire than commercial and industrial buildings do and the lower utilization rate also brings in more revenue for more police and fire.

Councilor Soppe brought up the transportation issue he and Mr. Bridges had previously discussed. The topic of the conversation had to do with ODOT's models saying 4% of traffic will go to the east, but their belief it was more like 20%. He asked Mr. Bridges to repeat what he had said yesterday about if they were off so much on one particular issue and how we can trust the rest.

Mr. Bridges explained the context of the discussion was the dynamic in southeast Newberg transportation committee, NUAMC had meeting to discuss legislative process. One possible reason they said 4% rather than 20% was that as you grow larger there are more commercial opportunities, more employment. If commercial growth occurs, citizens will not go to Portland because the opportunity is here. But, the rate/population idea was wrong.

John Trudel, again addressed the council, speaking on behalf of the Oxberg Lake Homeowner's Association. He said his testimony is the same. He has stated several times before the only wildcard is about how this traffic plan has been beaten to death. He said it was scary what the State may or may not do and we hope after all this it does not let them. We want this condition and best practices is protection for the water system.

Councilor Soppe asked him if he was satisfied with the language.

Mr. Trudel replied it was the best anyone had come up with and it seems to be what people who are competent are using in the area. He said he was not a water expert, but it is matter of how folks implement it and police it. We are comfortable with the words and with the details...there is precedence that was not there before. He believes it is the right way to say it, but how it is implemented it up to you.

Michael Ard again approached council for questions.

Councilor Soppe asked if the 20% verses 4% discrepancy was clear.

Mr. Ard explained the higher proportion of a higher volume of left turns is similar for a worst case scenario for trip generation and is the same for trip distribution.

Councilor Soppe questioned if the discrepancy is solely at that intersection.

Mr. Ard replied the other directions were impacted proportionately.

Kimberly Dunn, 4505 E. Portland Road, explained she was there on behalf of her dad. They support this annexation and expect developers to do the right thing. Her dad has been waiting for this for a long time.

Opponents:

None.

Rebuttal Comments:

None.

Mayor Andrews closed Public Testimony and the applicant waived the right to keep record open for 7 days.

MOTION: Larson/Rierson to consider a motion approving **Order No. 2007-0003** approving the findings that the proposed annexation and zoning amendment meet the applicable City of Newberg Development Code criteria.

Councilor Soppe added that council needs to decide how to monitor annexation in the future the development in Newberg. He said he would let it go for this issue, but we need to address this and make a decision.

VOTE: To approve **Order No. 2007-0003** approving the findings that the proposed annexation and zoning amendment meet the applicable City of Newberg Development Code criteria. (6 Yes/1 No [Currier]) Motion carried.

MOTION: Rierson/Palmer to consider approving **Ordinance No. 2007-2662** annexing property located on Portland Road and scheduling this for a May 15, 2007 special election, to be read by title only.

VOTE: To approve **Ordinance No. 2007-2662** annexing property located on Portland Road and scheduling this for a May 15, 2007 special election. (6 Yes/1 No [Currier]) Motion carried.

3. Consider a motion approving **Resolution No. 2007-2703** supporting the submission of a grant application to Oregon Housing & Community Services by Housing Authority of Yamhill County to be used for housing rehabilitation.

David Beam, Economic Development Coordinator, presented the staff report. (See official record for full report)

Mayor Andrews referred to paragraph three in recitals of the resolution and asked, if the funds are awarded, will they do a sampling.

Mr. Beam answered they will survey the remaining properties.

Councilor Soppe brought up that one thing mentioned was based on needs revealed by a Newberg survey and questioned what was inadequate about that.

Mr. Beam replied it was the fact they were asking for \$400,000 dollars and the maximum amount of the grant is \$25,000 and the average is \$15,000 (out of 1,000 surveyed).

Councilor Soppe wondered if it would make a difference if Newberg residents make enough requests.

Mr. Beam confirmed we would then get preference.

Jonia Pierce, P.O. Box 865 McMinnville, from the Housing Authority of Yamhill County, announced she was here to field questions.

Councilor Larson asked what the odds were of us getting this grant and what the time limit is.

Ms. Pierce replied it was favorable; it is competitive so they are building the best case possible. It depends on how many applications are received and how they are ranked. She said it must get there by the first of next week.

Councilor Rierson asked how many people are benefiting from this.

Ms. Pierce responded at least 20 families and approximately 60 people in a two year period. They expect to receive notice in 60 days and then there is a process before the release of funds. During that process, they will complete a survey of the remaining citizens. As they work in one neighborhood, they expect word of mouth to snowball and anticipate doubling and tripling that number in the long term.

Mayor Andrews asked if they are receiving a grant or a loan.

Ms. Pierce answered it was a loan, but it can be at zero percent or deferred.

MOTION: **Soppe/Palmer** to consider a motion approving **Resolution No. 2007-2703** supporting the submission of a grant application to Oregon Housing & Community Services by Housing Authority of Yamhill County to be used for housing rehabilitation.

VOTE: To approve **Resolution No. 2007-2703** supporting the submission of a grant application to Oregon Housing & Community Services by Housing Authority of Yamhill County to be used for housing rehabilitation. (Unanimous) Motion carried.

BUSINESS MEETING SECTION

IX. CONTINUED BUSINESS

None.

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2007-2687** authorizing the City Manager to enter into an agreement with the State of Oregon to exchange Federal Funds for State Funds.

Dan Danicic, presented the staff report. (See official record for full report)

Councilor Soppe referred to the fiscal impact on page 381 and asked if last year's funds were not already in the street fund.

Mr. Danicic agreed he was technically right and he should have noted the additional.

Mr. Bennett asked about the street fund and what specifically these funds go into.

Mr. Danicic replied it is the only fund and it is specifically prohibited to be used for maintenance activities.

Councilor Palmer said he mentioned the funds could be used for certain projects identified by task force, but on page 385 says must be used by those specific projects.

Mr. Danicic clarified it could be any one of them, but must be one of them.

MOTION: **Larson/Rierson** to consider a motion approving **Resolution No. 2007-2687** authorizing the City Manager to enter into an agreement with the State of Oregon to exchange Federal Funds for State Funds.

VOTE: To approve **Resolution No. 2007-2687** authorizing the City Manager to enter into an agreement with the State of Oregon to exchange Federal Funds for State Funds. (Unanimous) Motion carried.

2. Consider a motion approving **Resolution No. 2007-2701** initiating an amendment to the Newberg Development Code establishing design and development Standards for large-scale retail development.

Barton Brierley presented the staff report. (See official record for full report)

Councilor Currier pointed out the language on page 395 implies the parking percentage mentioned shall not be exceeded.

Mr. Brierley explained staff put down in the initial proposal 125%, using Fred Meyer as example, which is 130%.

Mr. Bennett reminded council that everything in here is just a starting point.

Councilor Rierson as how large is parking at Costco.

Mr. Brierley replied about 200,000 sq. ft.

Councilor Currier asked about Bi-mart.

Mr. Bennett replied about 30,000 sq. ft.

Councilor Soppe asked what is in there on page 395 item 5 that you would see us allowing more than 30,000 sq. ft.

Mr. Brierley mentioned theaters, churches, bowling alleys, and colleges as examples.

Councilor Soppe also mentioned toy stores and wondered if they should be included in that limitation. We would permit a big box under a conditional permit. Is there complete discretion on the Planning Commission's part?

Mr. Brierley explained it is a use that can be denied based on conditions. Criteria are there that are subjective and you can add conditions or decide if they meet them or not.

Councilor Rierson described his observation that other communities have had issues with big box stores and public outrage of those who want and do not want them. He understands there are some big boxes that are more desirable than others and there is a real opportunity for us to put conditions up front for us to acquire a better big box and to prevent an issue later with lower wage rates or insurance availability.

Councilor Currier argued that we cannot exclude any legally.

Mr. Mahr said he could look into that.

Mayor Andrews agreed it is a valid concern of how we can legally set a template for measuring some big box applicants without getting into a social issue.

Discussion initiated concerning an issue with parking at the new Crossroads shopping center parking and how developers determine parking percentages needed and how a situation is fixed when not enough parking is provided. Staff said development code has a list of uses and a number of required parking for those uses and there is a minimum required by law so there are no legal issues. Problems with Fred Meyer's parking lot were also brought up.

Mayor Andrews addressed page 394 and asked if exhibit A is our code today and what it was before.

Mr. Brierley verified it is and it used to be 40,000 sq. ft.

Councilor Soppe wondered if the council should consider language to be specific, or come up with structural things, that we can use to exclude less desirable big boxes, since there is no difference between Costco and Wal-Mart, structurally.

MOTION: Soppe/Rierson to consider a motion approving **Resolution No. 2007-2701** initiating an amendment to the Newberg Development Code establishing design and development Standards for large-scale retail development.

VOTE: To approve **Resolution No. 2007-2701** initiating an amendment to the Newberg Development Code establishing design and development Standards for large-scale retail development. (Unanimous) Motion carried.

3. Consider a motion approving **Resolution No. 2007-2702** authorizing the preparation and submission by City staff of a grant application to the State of Oregon's Transportation Growth Management Program for refinement of City's Transportation System Plan for future adopted Urban Reserve Area.

David Beam presented the staff report. (See official record for full report)

MOTION: **Larson/Currier** to consider a motion to approve **Resolution No. 2007-2702** authorizing the preparation and submission by City staff of a grant application to the State of Oregon's Transportation Growth Management Program for refinement of City's Transportation System Plan for future adopted Urban Reserve Area.

VOTE: To approve **Resolution No. 2007-2702** authorizing the preparation and submission by City staff of a grant application to the State of Oregon's Transportation Growth Management Program for refinement of City's Transportation System Plan for future adopted Urban Reserve Area. (Unanimous) Motion carried.

XI. COUNCIL BUSINESS

Councilor Currier asked who performed the traffic study for his neighborhood and how much it cost.

Mr. Danicic said the fee was \$1,900 and change.

Councilor Currier mentioned he was approached by a property owner adjacent to Monte Bowlin (directly west, right on 219) and his parcel is being cut off. He shared with me that where they are building the road is right beside his well and mentioned affecting the septic systems and the city allowing him to hook up to sewage. He has the same problem as Mr. Bowlin and asked to be hooked into city water. He asked if it was simpler for him to hook up to the city and said he was told he can hook up to the sewer system.

Mr. Danicic replied he could not on sewer.

Mr. Bennett asked if he was contacted by ODOT and said there would have to be some reason. He suggested the gentleman needs to get in touch with the City or we can find out who he is and contact him.

Councilor Larson mentioned back in October he wrote memo to the city manager and attorney on the subject of closure of manufactured home parks and gave sample of what Oregon City and Wilsonville has. Wilsonville has been challenged. There are thirty-three manufactured home parks in Yamhill County, nine in Newberg, and six are family parks. He asked where this stands with the City and would want some resolution.

Councilor Currier said he also had a conversation with someone and, although he respected the need to protect homes, he also respected the landowner may find it is worth more in some other purpose. It is his land and he has the right to do something else with it

Councilor Larson argued a lot of people are affected.

Councilor Currier said he realized that was true, but telling someone they cannot use their land as they want is not fair either.

Mr. Bennett declared there will be a work session on the subject.

Councilor Soppe referred to page 20 of the approved meeting minutes where Councilor Boyes brought up a jackhammer noise situation for the City Manager to look into.

Mr. Bennett said he spoke with Mike Malone and Public Works went to look at that. They did not see a great deal of trackout, but had discussions with crews about need to clean up after themselves. He did not know if he spoke to them about the noise issues, but they are done now.

Councilor Boyes asked about Benjamin Road and a former truck stop, if the property owner takes responsibility for battery acid and oil clean-up.

Mr. Bennett confirmed property owners are responsible for any environmental affects and an assessment will have to be done.

Councilor Rierson mentioned something he read in The Newberg Graphic about options to provide affordable housing and felt it should be distributed to all councilors.

Councilor Soppe raised the issue of controlled growth and implored to all councilors the need to discuss the issue farther.

All councilors agreed there was a need for this to be discussed.

Mayor Andrews asked what controlled growth is.

Councilor Soppe replied it was specifically keeping track of the rate we are growing on a regular basis.

Mayor Andrews mentioned that since we passed a motion for the grant application for housing authority, we would need to know who would like to sit on that board.

Councilor Boyes said he might be interested.

XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

MOTION: Larson/Soppe to adjourn at 11:55 pm (Unanimous) Motion carried.
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ADOPTED by the Newberg City Council this 19th day of March, 2007.


James H. Bennett, City Recorder

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


Bob Andrews, Mayor