

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

I. CALL MEETING TO ORDER

Mayor 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
	Brian Casey, Police Chief
	Norma Alley, Deputy City Recorder
	Jennifer Nelson, Recording Secretary

Others

Present:	Robert Schroeter, Melissa Reed, Scott Holbrook, John Bridges, Mimi Doukas, Michael Ard, Shannon Stueckle, Dr. Paula Radich, Jim White, Floyd Aylor, Todd Thomas, Janine Saxton, Lewis Schaad, Grace Schaad, Dorothy Roholt, Robert Roholt, Lee Doe, Harry Peterson Nedry, Saj Jivanjee
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III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

None.

PUBLIC MEETING SECTION

V. COMMISSION/COMMITTEE APPOINTMENTS

None.

VI. PUBLIC COMMENTS

None.

VII. CONSENT CALENDAR

1. Consider a motion approving a proclamation declaring April 8-14, 2007, as National Public Safety Telecommunications Week.
2. Consider a motion approving the City Council Regular Session Minutes for March 5, 2007.
3. Consider a motion approving a proclamation supporting the efforts of the Archimedes Movement to achieve a sustainable health care system with universal access for all Oregonians.

MOTION: Larson/Currier to approve all items on the Consent Calendar as corrected. (Unanimous) Motion carried.

Mayor Andrews read aloud the two proclamations from the consent calendar. **Police Chief Brian Casey** accepted the proclamation from Mayor Andrews declaring April 8-14, 2007 as National Public Safety Telecommunications Week.

Mayor Andrews announced he would be switching the order of the agenda slightly moving Item 1 under New Business to the head of the agenda.

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2007-2707** initiating amendments to the Springbrook District in the Development Code and Comprehensive Plan.

*This item was heard out of order at **Mayor Andrews'** discretion.*

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

MOTION: Larson/Currier to consider a motion approving **Resolution No. 2007-2707** initiating amendments to the Springbrook District in the Development Code and Comprehensive Plan. (Unanimous) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2007-2668** granting a non-exclusive franchise to Verizon for a fiber optic television system.

Mayor Andrews asked council if there were any conflicts of interest to be noted. With no objections appearing, he opened the public hearing.

Jim Bennett, City Manager, presented the staff report (see official record for full report).

Terrence Mahr, City Attorney, said that this franchise agreement had come together much more quickly than the previous agreement with Comcast because the fiber optics system is already in place because of Verizon's telephone operations. The agreement provides a level playing field to provide competition for our citizens and there will be a choice of television providers now. Adopting the ordinance means accepting the agreement and authorizing the city manager to enter into the agreement.

Councilor Larson referred to the fiscal impact from page 4 and asked if there was an idea of what this will amount to.

Mr. Bennett responded that our current revenue on an annual basis from franchise revenue from Comcast is the same percentage which is a little under \$200,000. This would be adjusted by any changes in the customer base.

Councilor Rierson inquired if there may be any significant fiscal impact for customers who switch from Comcast.

Mayor Andrews asked why the library was not included in the list of city buildings to be provided services on page 23 of exhibit B.

Mr. Bennett replied those are the current buildings provided services by Comcast. The library gets a separate feed; they have their own system with internet via cable modem with Comcast.

Mayor Andrews referred to example 1 on page 10 concerning public education and government access channels and asked if they are provided by all other cable providers, as long as Comcast has something there.

Mr. Bennett pointed out this was a central feature of having competing franchises -- that one company shall be treated no more favorably than other. If one provides a service, the other must provide the same.

Councilor Soppe focused on the fiscal impact in the request for action on page 4 where it says funds are dedicated. Since he did not see it in the contract, he asked if the funds drop into the general fund.

Mr. Bennett explained it allows for a wide variety of uses the funds can be used for; but, yes, they are deposited into the general fund and are unencumbered.

Councilor Soppe stated he believed there will be problems down the road, if we imply they have limitations, when in fact they do not. The biggest question is the concept of bundled services. Do we collect franchise fees on the communications side of this? Usually there are three different things provided, television, telephone, and internet. So the television and telephone are covered by franchise fees, but the internet is not.

Mr. Bennett stated that was correct.

Councilor Soppe asked how the three different portions were separated so we know what we are receiving franchise fees for.

Mr. Bennett replied that we do not do the internal accounting for the companies; they need to account for that and the city does have the ability to audit.

Councilor Soppe expressed his concern of what is to stop the companies weighing heavily towards the non-franchise portions of the bundle packages and concluded he would wait until the companies could answer themselves.

Mayor Andrews opened the floor to public testimony.

Robert Schroeter, Government Affairs Director from Comcast Cable, 2897 Chad Drive, Eugene, stated his company provides a non-exclusive franchise to provide cable services. Some of his concerns with this ordinance are whether or not it truly provides a level playing field. He stated his company was provided a copy of the ordinance only six days prior and saw they were scheduled on city agenda only nine days prior. Therefore, they have only had a chance to complete an initial review. We have to think of what a level playing field is. Since 2000 Comcast has been operating a cable franchise in the City of Newberg. If you compare the time frames, for Comcast the actual cable services had to be provided within a year and within two years for the entire community. There are no less than five exceptions for Verizon. Looking at certain areas of the agreement, the requirements are not the same for Verizon, such as providing public education government channels and with regard to customer service. We ask the opportunity to submit some written comments in approximately seven days to compare the ordinances and, if there really is a level playing field, we welcome competition, but only on a fair and level playing field.

Councilor Soppe addressed Mr. Schroeter's previous points about the time frames. He said he did not recall a requirement about how quickly services need to be provided if the City annexed additional property today.

Mr. Schroeter replied the requirement was 90 days if it is commercially practical.

Councilor Soppe asked if Mr. Schroeter could explain what differences he saw between the PEG requirements.

Mr. Schroeter responded that Comcast was required to provide a \$10,000 annual grant, which does not apply to Verizon.

Councilor Currier pointed out that grant was not part of the original agreement.

Melissa Reed, Attorney representing Verizon, 8895 Appian Way, Los Angeles, was called for comment. She replied she was available for questions. There were none at the time.

Mayor Andrews closed public testimony.

Mr. Bennett provided the staff recommendation that council adopt the Ordinance.

Mayor Andrews closed the legislative hearing.

Councilor Soppe questioned staff about the \$10,000 fee required of Comcast and not Verizon.

Discussion commenced concerning the origin of the \$10,000 fee, which was granted for training and was part of an overall settlement of AT&T, which was to be received for a period of time. It was part of a letter for past non-performance issues and, as part of an agreement, AT&T agreed to make a one time payment as well as the annual payments, but it was not part of the franchise agreement itself.

Further discussion continued about the 90 day time frame to provide services and whether Verizon would be required to do the same once they are established. The determination was dependant on the phrase "when commercially practical" after the initial 12 month period they need to complete setup in the area.

Councilor Currier commented about the issue of supplying services for new annexations or developments. When building a new subdivision, the cable is put in at that time; they do not come back in later. They have already done 98% of city; the only hookup needed is the length from underground to the house.

Mr. Bennett agreed and added there should not be many cases where an area is not readily served.

Mr. Mahr announced that while council was talking he looked at section 9 of the present franchise agreement and subsection 9.4 addresses the PEG support which is only the \$1 per month you can ask the subscriber to pay. All the rest was in the separate letter.

Councilor Palmer questioned the customer service requirements which Mr. Schroeter mentioned as being different from what Comcast has to do.

Mr. Mahr replied the requirements were put in when Comcast did not have any competition. Verizon did agree to additional customer service requirements. They may not be exactly the same, but Verizon has no obligation.

Councilor Palmer asked if the infrastructure was already available when Comcast took over from AT&T.

Mr. Mahr said they agreed to the franchise agreement already in place.

Scott Holbrook, Cable Franchising Manager for Verizon, 600 Hidden Ridge, Irving, TX, approached the council.

Councilor Soppe asked if it would be a large issue or would change the viability of the service for his company in Newberg if this is delayed a month.

Mr. Holbrook responded it depends on the reason, but probably not. He also said he does not see why it should be postponed because it will be exactly the same a month from now.

Councilor Soppe strongly suggested there should be equivalent requirements for both companies and he would like an opportunity to look at the original letter. He said it would be appropriate for Comcast to have more time to look at this and to have staff look at equalizing this agreement.

MOTION: Soppe/Larson to table consideration of **Ordinance No. 2007-2668** granting a non-exclusive franchise to Verizon for a fiber optic television system until the Council meeting on May 7, 2007. (4 Yes/3 No [Currier, Rierson, Andrews]) Motion carried.

2. Consider a motion approving **Order No. 2007-0004** denying a request by Pacific Lifestyle Investment to add the property to the Newberg Urban Reserve Area.

Mayor Andrews announced this is a quasi-judicial hearing and called for abstentions and or conflicts of interest.

Councilor Soppe stated he worked with Attorney John Bridges and holds no contract, but states his prior association as a potential conflict.

Mayor Andrews stated he has received phone calls, but has not decided anything.

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.

Barton Brierly, Planning and Building Director, presented the staff report (see official record for full report). He recommended the council deny the amendment.

Councilor Rierson asked what the estimated completion of the City's urban reserve legislative process would be.

Mr. Brierly replied he hoped by the end of this year. We are undergoing hearings this month. It depends on completion of the process by the state, which could be lengthy.

Councilor Rierson asked what the next step would be.

Mr. Brierly replied it goes from NUAMC to the council and the County, and then to the Department of Conservation and Land Development. There are also several opportunities for parties to object.

Councilor Soppe added he also served on NUAMC, but his decision here is based on what is heard this evening. We have heard plans and proposals, but have not made decisions. We have only initiated the process. He also wondered if council was being asked to take a goal 3 exception.

Mr. Brierly responded that was not a request and the applicant had withdrawn that.

Councilor Currier wondered about the improvements to 99W and the fact that ODOT said nothing will be connected up there.

Mr. Brierly replied it is a complex issue and we must look at both pre- and post- bypass concepts. Post-bypass, it will not connect but alternate access will be provided, and the concept is to have Corral Creek Road go underneath.

Councilor Currier replied that it does not make sense to put money into something that will not be used. The other item he asked about is if there are any state guidelines that prohibit the city from establishing the appropriate time for bringing something into the URA and wanted to verify that there is nothing stopping us from putting a timeline on it.

Mr. Brierly replied there were practical difficulties, but not legal ones.

Mayor Andrews opened the floor to public testimony, noting he intended to allow extra time to the principal proponents, but all others would be limited to the standard five minutes per speaker and rebuttals as well.

Proponents:

John Bridges, Attorney representing Pacific Lifestyle Homes, Inc., 515 E. 1st Street, stated his client is trying to meet the City's need for additional land in the 2040 window. He outlined the order of speakers and topics for the applicant's presentation.

Matt Lewis, 11815 NE 99th Street, Suite 1200, Vancouver, WA, stated he was involved for over two years with this project and thanked staff members Mr. Brierly and Mr. Bennett. He discussed Pacific Lifestyle Homes unique development of lifestyle communities which are maintained by the Homeowners Association. There are pools and clubhouses and a quality of life element. They are family friendly with open space walking trails throughout. The concept layout for Chehalem Ridge, along with being in close proximity to the golf course, intends to place an elementary school on the site along with forests for blended densities. They put emphasis on the perimeter design.

Mimi Doukas, 5415 SW Westgate Drive, stated her topics parallel with what Mr. Brierly has to say about the goal 14 factors. There are seven factors: two are need-based factors, the remainder are locational factors. She referred to City Ordinance 2005-2626 that referenced a land need. The developers plan on 300 new dwelling units and an elementary school for the property in question. She discussed where growth goes, and the two types of land: exception land and resource land. Her information is supported by the staff report, (see official record for full report.) She gave a virtual tour of the exception areas.

Mr. Bridges focused at length on the difference between the legislative and judicial decision making processes and argued why it was appropriate to make a decision tonight. He stated NUAMC had acted and there was a timing issue at hand. He implored the councilors as stewards of the community to be careful because the legislative process will take a very long time. He claimed to have surveyed other communities that have engaged in a legislative process in their decisions on urban growth areas, such as Woodburn and McMinnville, and both are incomplete after a decade. In Dallas it took five years. The Dalles and Newport are still not complete after two and three years. He stated he disagreed with Mr. Brierly's statement earlier that a decision would be reached within a year. He presented an in depth timeline of how long he believes each part of the process will take based on the experiences of similar cases and estimated the issue to be completed in 2014. He claims the City runs the risk of having the available property decrease, if wrong decisions are made on this application. Lastly, he mentioned the idea of tabling this issue, saying this owner has waited four years on this application and was asked to put it on hold while the ad hoc committee was in progress. His client honored the city's request and he believes the council should honor the applicant's as well.

Michael Ard, Senior Transportation Engineer for Lancaster Engineering, 321 SW 4th Avenue, Suite 400, stated he prepared a traffic impact study for the proposed URA/UGB amendment and assisted the city with the SENLUTP. He updated it based on assumptions for the bypass and improvements at Corral Creek Road, including a future traffic signal at Springbrook Road and Fernwood. He presented a PowerPoint presentation (see official record for full report).

Mr. Bridges concluded by restating the City's need for land in the 2025 to 2040 window saying this application will meet a residential need and a need for an elementary school to serve the growing number of students. This is an orderly and efficient way to bring land into the URA and, if approved, will take a lot more work and we will not even see houses for another three to five years. We think you need to approve this tonight and not ignore your responsibility as stewards of the community.

Councilor Larson referred to the transportation part and asked if the bypass affected this area at all.

Mr. Bridges stated the area of local circulation is a concern, but the location of the bypass is not.

Councilor Soppe asked about land consumption at 55 acres per year and if he recalled what council established as far as land need.

Mr. Bridges stated the way he calculated took 270 acres of the Austin property with 40% applied to the current population and six home sites per acre and a number of people per dwelling. The Austins suggested they were going to have significantly less than that, so he took other the smaller number and calculated based on their population projection and came up with 55 acres. That would increase the density per acre about 30 acres per year. Just look historically and assume that will occur in the future, noting that consumption obviously increases over time.

Councilor Soppe commented that tonight we are only looking at the one property in the URA. It will conservatively be another seven years before we can add other property in the URA. He asked how they planned to support this area with houses in 3 to 5 years without infrastructure around it.

Mr. Bridges pointed out the map shows access to The Greens and access to Corral Creek Road and they believe it would be sufficient. They would also do frontage improvements. He estimates a 1% to 4% impact. At some point when the bypass is constructed, ODOT would build local circulation components within the 3rd phase of development.

Discussion commenced about the impact on transportation and how it added up to the 1% to 4% as stated by Mr. Bridges. Also talked about was the intersection of Corral Creek Road and 99W and whether or not ODOT would provide additional measures to ensure safety. It was determined that the applicants need to make sure ODOT is on the same page as they are. There were also some corrections addressed on page 211 with the percentages given.

Councilor Currier commented about running traffic through The Greens in peak winter time. If the roads shut down, it will create a hazard. He also wants to recommend to ODOT a right in and right out only, otherwise everyone will go up the highway and u-turn creating more problems.

Mr. Bridges said he believed, if somebody wanted to get to Newberg, they would go down Fernwood and go into Newberg. People who are coming back from Portland would go into the community to get to their houses.

Roger Schaad, 14845 SW Mary Schools Drive, appeared as a proponent for the application, saying he would be highlighting a letter he had already written. He states this property has been in the family for almost a century. They always wanted to do something with this property to benefit the community and to help fund college scholarships. Both he and his wife have been teachers and they thought it was appropriate to do this with the property to meet one of their goals. The application was applied for in the URA and they were asked to back off because the ad hoc committee for Newberg's future was in progress, and the application was considered premature. The conclusions of that committee were positive and requested the transportation study and plan be developed which was accomplished. Now it only waits for approval and adoption. Pacific Lifestyle Homes have worked hard to plan this community. The school district selected a prime portion of the property for an elementary school as part of our goals to address a need for education in the area. Our hope is the application is looked at in positive manner and we would appreciate your support.

Shannon Stueckle, Principal at Mabel Rush, 499 SW Viewmont Drive, stated her intent to make sure council understands the need for an additional elementary school. We have students that go as far up into Sherwood area now. The school district did go out for building bond for the new facility and we are already up by 36 students in the one year it has been open. On this same day last year, we were up an additional 29. She asked council to consider the application, since they are currently at 511 and capacity is 600 with additional classrooms.

Dr. Paula Radich, 714 E. 6th Street, stated the district is not opposed to growth although it does pose challenges. The school district requests the 60 acre parcel be brought in to Newberg as soon as possible because their interest is to acquire 10 acres of land the land for a new elementary school and they believe it is best to be placed within a development. Newberg needs to ensure an adequate supply of land. Their long range plan developed in 1989 requires a new elementary school by 2011-2012. We have struggled to find a site for the elementary school on the southeast side. All Newberg elementary schools are north of 99W and we cannot accommodate the numbers without an additional elementary school. When possible, elementary students should be able to walk to school; our preference is to be on a flat parcel in midst of a housing development. The southeast site is a preferred location and we request your approval

Councilor Currier asked why they denied the option to go into Springbrook Oaks.

Dr. Radich replied it was impacted too greatly by the bypass and was too great a risk of public money.

Discussion commenced about the school district's lack of communication with the council as far as their plans and needs, and their concern they will not be meeting their proposed goals. Costs of needed bonds were also questioned, but there were no numbers available.

Jim White, Chair of the Newberg School Board, 22400 SW Bachelor, Hillsboro, stated he has spent twelve years on the board and a tremendous amount of time has been taken up by looking at property. We have been spending four plus years looking for ten acres within a development for the elementary school on east side of town. Board members are literally knocking on doors.

We do believe it is the most suitable property prospect we have in front of us and it is right in line with when we need it for the year 2011-12.

Floyd Aylor yielded his allotted time on the floor.

Todd Thomas, 176 Royal Oak Street, introduced himself as a parent of two kids, one attending Mable Rush Elementary and one attending Mountainview Middle School. He stated he moved from Hillsboro because of schools and understood Newberg schools were in better shape and it was growing. He encouraged council to listen to board and their planning, and asked them to take everything into account and approve this parcel into the urban growth area.

Janine Saxton, 511 E. 3rd Street, was called to the floor, but she had to leave.

Opponents:

Lewis Schaad, 31655 NE Schaad Road, encouraged council to deny the application stating his opinion is that no further development should occur until bypass is completed or deemed unfeasible to complete. He also has his doubts about long range financing and wants to know why the city has to grow. Newberg should only grow if the citizens of Newberg want it to by voting on annexations.

Grace Schaad, 31525 NE Schaad Road, stated her support of recommending denial of request by Pacific Lifestyle Homes. She mentioned she has testified to her opposition in front of NUAMC and it is also included in the council packets. Her testimony makes it clear there are no valid arguments for including this parcel into the URA at this time and declared findings point to denial of this application. She said that NUAMC and Yamhill County both supported a denial and that City Council should follow suit. (See official record for full statement).

Dorothy Roholt, 31150 NE Schaad Road, lives directly across from the target property and commented on goals 2 and 4. She noted transportation concerns and compatibility with the surrounding farming area. She stated crops are taken off this property on an annual basis because they are not as productive, but farming is still done on that land and it is not abandoned. She reminded council Ms. Doukas admitted she is not an agricultural expert and properties have sold rather quickly. Also there has not been any assurance of The Greens accepting the traffic coming through there. She claimed she would not want to be in one of those cars traveling in that area and there have already been fatalities there. She says the recent addition of The Greens and Springbrook Oaks with the posted 25 mph has already tied up local traffic that used to have 45 mph speed limit. She does not believe this is a feasible project for that area. If Newberg chooses to grow, we should grow at a more slow and calculated growth rate.

Robert Roholt, 31150 NE Schaad Road, also supports the denial. He believes an attempt to circumvent the process has been going on several years and he is concerned with who is going to live here. He does not believe it is Newberg people who are going to live here or benefit from this development; instead it will benefit others from Tualatin and Portland. It will increase traffic as well as the problem of global warming. There will be an increase in energy usage and transportation. Land use planning is in place so we do not take land and develop it out of context.

Lee Doeze, 10730 NE Renne Road, addressed the question of whether or not anyone is farming on that land currently and mentioned the knowledge of cattle on the south side and sheep farther

down, as well as llamas and agricultural forests. As far as the traffic issues to goals 2 and 4 on Corral Creek Road, he cannot believe only 1% to 4% are going to use it. Commuters trying to go into Portland will be upside down and spun-out on Renne Road. His house is on a blind curve and he comes out with trailers and slow moving tractors frequently. This area has an enforcement issue and needs speed bumps or something, but it is not financially practical. If the bypass is built. We would have to accommodate it; but he heard they want to build as soon as possible and wonders where the idea of long term planning went. It was supposed to be for the period 2025 to 2040, not in two years. He does not think this will benefit Newberg. He stated no one is trying to tell owners of the property what they can do with it, but there is no reason they could not sell to someone who wanted to buy it for vineyard use.

Harry Peterson Nedry, 31180 NE Veritas Lane, started by thanking council for reviewing this one more time and offered points to the applicants for persistence. He also asked the application be denied, stating he owns a winery and vineyard at Corral Creek Road and 99W. He is the only one who lives on Veritas Lane, but not only one who travels there. He explained the applicability of agriculture to this land as class one and two soils is based on fertility. Some on this parcel are poorer soils and, based on an objective analysis done without walking on the property, he can say it is appropriate for a vineyard. At present he is buying at \$30,000 an acre not far from here. He thinks using the land as vineyard land is very appropriate and believes it should be retained in agricultural service, which accounts for \$1.4 billion a year to Oregon's economy. This area is federally recognized as an American viticulture area and designated as prime for vineyard lands. His last point addressed the transportation issue, reminding all that on this day ten years and six months ago, his son died at Corral Creek Road and 99W and he does not want to see him followed by anyone else.

Cathy Stuhr, 31100 NE Fernwood, claimed she considered herself neutral and torn. As the former Vice Chair of the ad hoc committee, she supports the schools and believes there is a need to add land to the Urban Growth Boundary, but the transportation plan is key to the addition. She believes the school district is visionary and saw it was going to grow. This is a great location for a school, but can we get the kids safely back and forth to school. From a property owner's perspective, she knows land will develop in the future, but if it develops well in advance there will be traffic problems and problems for pedestrians. She also has clients driving in and out of her driveway and she does not believe any of the transportation plans have looked at the intersection at Fernwood and Corral Creek Road. There is a significant amount of traffic there and the cars are flying through there.

Saj Jivanjee, Architect and Urban Planner, 32230 NE Old Parrett Mountain Road, commented how he believes the infrastructure of Newberg was underutilized for the amount existing. He does not believe the transportation model can address this like a quick trip to the store and whether we can walk somewhere. He encouraged the council to really examine the underutilization of the city you already have to determine the highest and best use for the land. He recommended doing more research about the other opportunities you have in order to make the city viable and economical.

Councilor Soppe asked Mr. Jivanjee to clarify what he meant by underutilization of the city because his first thought is to density.

Mr. Jivanjee stated a city can grow three dimensionally or vertically and it does not cost you anything if you use what you have already.

Mayor Andrews announced a five minute recess and called for the applicant's rebuttal when the meeting reconvened at 10:50 pm.

Mr. Bridges rebutted comments made by Councilor Currier and Mr. Brierly about providing buildable opportunities. He mentioned when a URA occurred at Wilsonville Road, the school district did write letters saying they were full. Mr. Jivanjee commented we should look at a site where infrastructure is already in place, and in this case you have a water storage tower that will serve the whole site and a pump station with small engineering upgrades. The Greens prepared a street and you have plans for walking trails within the community where children will be able to go to school from the neighborhood safely. This particular developer is focused on building a community.

Mayor Andrews closed public testimony.

Mr. Mahr asked if the applicant waived the right to take advantage of addressing record once it is closed.

Mr. Bridges stated the applicant waived that opportunity.

Mr. Brierly concluded the information on growth rates translates to about 71 acres a year between now and 2025 and accelerates to 100 acres a year to 2040. He recommends taking action with either a yes, no, or not now. He believes council needs to balance the recommendations of the ad hoc committee and the state law requirements for urban reserve areas. He is concerned with a transportation plan not being in place. He recommends adopting the order for denial.

Councilor Currier stated his belief this should be denied based on not meeting goals 6 and 8 -- that it cannot demonstrate immediate access for traffic. Add to the equation school bussing and the fact The Greens is only half built out and they are already asking how to stop truck traffic. We would be detrimental in allowing this to happen without dedicating to a process of how the roads are going to go. He is recommending support of the denial.

Councilor Soppe commented that council has not made a decision yet on numerous issues and he does not appreciate getting pushed into a corner. If we bring this into the URA by itself, we have made a decision as to where the whole area is going to go. He believes six months down the road, council will have made more of a decision as to where we want to go with it and it is difficult to support this until the council has made that decision. We have an obligation to include so much land into our URA and the applicant has very strong reasons, he warns the opponents it will come back. He states he is having difficulty supporting the application.

Councilor Boyes agreed with both Councilor Currier and Soppe citing the biggest issues as traffic, the bypass, Springbrook and no curbs. He questions where are we going to stop and believes that whole area could be a nightmare.

MOTION: Currier/Soppe to consider a motion approving **Order No. 2007-0004** denying a request by Pacific Lifestyle Investment to add the property to the Newberg Urban Reserve Area.

Mayor Andrews supported the motion stating we just went through this, yet there is still no transportation plan to support. The cart has gone before the horse too many times.

Councilor Rierson commented he appreciated Commissioner Stuhr speaking and agreed he has the same issues and is concerned most with lack of a transportation plan. He agreed with Councilor Soppe about the city not deciding where it wants to grow. This will develop and we will have a better idea six months from now with a transportation plan complete. The turn on 99W from Corral Creek Road with any more cars will present a problem. He has a difficult time supporting this right now but in six months he may have a different idea.

Councilor Larson stated he must be the only one not for the denial and believes a lot can happen in five to seven years. Of course, he does not believe the bypass will ever be built.

VOTE: To approve **Order No. 2007-0004** denying a request by Pacific Lifestyle Investment to add the property to the Newberg Urban Reserve Area. (6 Yes/1 No [Larson]) Motion carried.

BUSINESS MEETING SECTION

IX. CONTINUED BUSINESS

None.

X. NEW BUSINESS

2. Consider a motion approving **Resolution No. 2007-2709** directing Public Works to recommend to Council an engineering consultant and prepare an Engineer's Report for the possible creation of the Main Street Local Improvement District.

Dan Danicic, Public Works Director, presented the staff report (see official record for full report).

Councilor Currier asked about saving the old tree there.

Discussion commenced and it was decided that is one of the challenges, but all would like to preserve the tree.

Councilor Rierson referenced when we did an LID just north of here and suggested the more information we can have before we approach this the better. He said some people have no idea they are going to get the bill until they receive it. He believes better planning beforehand is our best chance of success.

Councilor Boyes asked if Lauren Court and Aaron Way were included.

Mr. Danicic replied they were not.

Councilor Soppe clarified that all staff was looking for from us is a go ahead for the consultants and putting together a report.

Mr. Danicic replied yes and, if the engineer's pre-design report is accepted, then a contract will be issued. He said it was not typical to include report costs in the LID, because engineering to this point is normally included in the bond.

Mr. Mahr clarified you cannot include costs until you pass a resolution. He thinks we could include this cost since it is part of the whole development.

Mr. Danicic said it could be included with the consulting contract.

MOTION: Rierson/Currier to consider a motion approving **Resolution No. 2007-2709** directing Public Works to recommend to Council an engineering consultant and prepare an Engineer's Report for the possible creation of the Main Street Local Improvement District. (Unanimous) Motion carried.

XI. COUNCIL BUSINESS

Mayor Andrews mentioned he had been talking to the city manager about having a discussion to amend council guidelines and rules on the agenda.

Councilor Rierson said he would like reconsider the traffic issue at Springbrook Road, because he is not sure if council made the best decision. A lot of work went into that and the paid consultant did not come before the city council. He believes it should be included in the contract for consultants that they are required to testify before city council to answer questions so the best decisions can be made.

Councilor Larson also suggested a complete police report on accidents.

Councilor Rierson clarified he was talking about anything we pay a consultant for and believes we should have a new policy.

Councilor Soppe agreed but did not think it should be too rigid.

Mr. Bennett replied that there have already been discussions with staff to have consultants present at the hearings. In most cases they will be there because we can not anticipate if we will have questions or not.

Councilor Currier mentioned we may be able to convince Yamhill County to let Newberg be a test area for the rumble strips.

MOTION: Soppe/Rierson to reconsider the motion made at the last meeting concerning the intersection at Springbrook Road and 2nd Street at the second council meeting in May, with a written report from the original traffic engineer (Falconi), police department reports on the cause of the accidents there, and a clarification on the costs. (6 Yes/1 No [Currier]) Motion carried.

Councilor Boyes asked what our time frame for fixing the intersection is.

Mr. Bennett said he would need to consult with county on their portion of the roads. 2nd Street and Fernwood will be addressed in the near future, but Springbrook Road will take longer because of county involvement.

Councilor Palmer asked if anyone else felt the intersection at College Street and 2nd Street was dangerous.

Councilor Soppe agreed and added there is also a problem at 3rd and College.

Councilor Palmer asked if there are signs that say just “two way stop” or “cross traffic does not stop” and if there is a school crossing sign there.

Mr. Danicic announced that we are just waiting for good dry weather to take care of the intersection at Springbrook, but the action to reconsider the decision will postpone the rumble strips.

Councilor Soppe suggested both should be done at the same time.

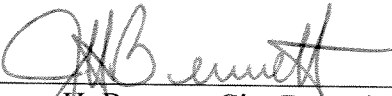
XII. EXECUTIVE SESSION

None.

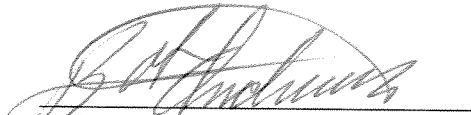
XIII. ADJOURNMENT

MOTION: Larson/Soppe to adjourn at 11:48 pm (Unanimous) Motion carried.
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ADOPTED by the Newberg City Council this 7th day of May, 2007.


James H. Bennett, City Recorder

ATTEST by the Mayor this 10th day of May, 2007.


Bob Andrews, Mayor