CITY OF NEWBERG COUNCIL MINUTES
OCTOBER 6, 2008
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET

Work Session was held prior to this meeting. Presentations on the utilities franchise ordinance were given. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Mike Boyes	Roger Currier	Bob Larson
	Bart Rierson	Marc Shelton		
Staff Present:	Barton Brierley, Planning and Building Director		Daniel J. Danicic, City Manager	
	Howard Hamilton, Public Works Director		Terrence Mahr, City Attorney	
	Norma I. Alley, City Recorder		Jennifer Nelson, Recording Secretary	
Others Present:	Nancy Phillips, Cynthia Kirk, Ann Dolan,			

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel J. Danicic, City Manager, noted the City of Newberg was awarded a silver medal for the health and benefits program from City County Insurance Services. He announced the City/County Dinner to be held on October 16th and the City Hall Day to be held on October 14th.

V. PUBLIC COMMENTS

Ms. Cynthia Kirk, Communications Manager Oregon Cultural Trust, discussed the first statewide Day of Culture being held in Newberg since Newberg was the recipient of trust fund monies for the Chehalem Cultural Center. She spoke of various funding and grants for programs with cultural aspects and thanked Newberg for their contributions.

Ms. Ann Dolan, Chehalem Cultural Center, spoke of the savings for consideration waiving fees for the cultural center and mentioned there will be a presentation to the City Council at the end of November.

VI. COUNCIL APPOINTMENT FOR DISTRICT #5

Mayor Andrews invited the applicant to speak.

Ms. Nancy G. Phillips stated she moved to Newberg in 1981, married, and worked as a technical writer for 20 years. She has a special interest in animal rights and supported a rescue animal group in Portland for low or no cost spaying and neutering. She applied because she was interested in getting involved in Newberg.

Councilor Marc Shelton asked her to speak on her awareness for the preparation and time requirements of the position or any past civic experience she has.

Ms. Phillips stated she did not have much civic experience, but she has stayed in touch with the community as much as she can. She has gone to the City website and reviewed some topics and decisions made to familiarize herself with the time requirement.

Mayor Andrews asked what issues she felt are impacting the City of Newberg which needs to be addressed.

Ms. Phillips stated that traffic was a major issue, especially for those living on the south side of town.

MOTION: **Larson/Shelton** to appoint Nancy G. Phillips to fill the vacant District 5 City Council position created by the resignation of Jeff Palmer. (6 Yes/0 No/1 Vacant) Motion carried.

Ms. Phillips stated she was not prepared to accept the appointment tonight and she has become concerned with her ability to commit to the time required. She felt it would be a disservice to accept the position.

MOTION: **Currier/Larson** to withdraw the appointment of Nancy G. Phillips to fill the vacant District 5 City Council position created by the resignation of Jeff Palmer.

Ms. Phillips discussed some of her concerns with the Council, especially after reading the large amount of material contained in the meeting packets. She apologized if she embarrassed anyone.

Councilor Shelton encouraged her to remain active with the animal shelter even if she would not be serving on City Council.

Mayor Andrews asked if she would like to remain in consideration for the vacancy.

Ms. Phillips stated she is withdrawing her application from any further consideration.

VOTE: To withdraw the appointment of Nancy Phillips. (6 Yes/0 No/1 Vacant) Motion carried.

MOTION: **Currier/Shelton** to extend the appointment to December 15, 2008, allowing staff to set a new deadline for application submission. (6 Yes/0 No/1 Vacant) Motion carried.

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2008-2808** authorizing the city manger to enter into an agreement with the State of Oregon to exchange Federal Funds for State Funds.

2. Consider a motion approving **Resolution No. 2008-2809** authorizing the city manager to execute a contract amendment to the consulting services contract with Galardi consulting, LLC.

3. Consider a motion approving **Resolution No. 2008-2811** initiating Comprehensive Plan and Development Code amendments to end a temporary freeze on certain changes in the Bypass Interchange Overlay District.

4. Consider a motion approving a proclamation declaring October 8, 2008, as Oregon's first statewide Day of Culture.

5. Consider a motion approving City Council Minutes for September 2, 2008.

MOTION: **Larson/Shelton** to approve the Consent Calendar including **Resolution No. 2008-2808**, **Resolution No. 2008-2809**, **Resolution No. 2008-2811,** a proclamation declaring October 8, 2008, as Oregon's first state-wide Day of Culture, and the City Council Minutes for September 2, 2008. (6 Yes/0 No/1 Vacant) Motion carried.

Mayor Andrews presented the proclamation.

VIII. PUBLIC HEARING

1. Consider a motion approving **Order No. 2008-0017** declaring the German Shepherd, known as Shadow, to be a nuisance pursuant to the Newberg City Code.

TIME – 7:35 PM

MOTION: **Currier/Larson** to table **Order No. 2008-0017** declaring the German Shepherd, known as Shadow, to be a nuisance pursuant to the Newberg City Code to November 17, 2008. (6 Yes/0 No/1 Vacant) Motion carried.

2. Consider a motion approving **Ordinance No. 2008-2705** creating an exemption from competitive bidding requirements imposed by Oregon Revised Statutes Chapter 279C to allow the City to sole source certain public improvement contracts.

TIME – 7:37 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, conflicts of jurisdiction, or abstentions. None were stated.

Mr. Terrence Mahr, City Attorney, presented the staff report and discussed all identified corrections within the updated version of the ordinance (see official meeting packet for full report).

MOTION: **Larson/Currier** to approve **Ordinance No. 2008-2705** creating an exemption from competitive bidding requirements imposed by Oregon Revised Statutes Chapter 279C to allow the City to sole source certain public improvement contracts and declare an emergency, as corrected and read by title only. (6 Yes/0 No/1 Vacant) Motion carried.

3. Consider a motion approving **Ordinance No. 2008-2706** modifying procedures for removal of non-conforming signs and modifying fines for illegal signs in the right-of-way.

TIME – 7:45 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, conflicts of jurisdiction, or abstentions. None were stated.

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

Councilor Currier asked about the criteria for describing a sign as a cultural landmark vs. an historical one. Staff stated the sign had to be over fifty years old and the sign could be described as a cultural landmark, not the property.

Mayor Andrews asked why the 99W drive-in sign was the only sign included within the ordinance and asked if further declarations would be made by resolution to make a sign a cultural landmark. Staff replied making the drive-in sign as part of the ordinance just simplified the process and further declarations would be made by order. He also asked for clarification of illegally placed structures in the right-of-way and fines; staff stated it could be a retaining wall to the curb line for example.

Councilor Larson asked about the January 2008 deadline for notification of non-conforming signs. Staff explained previous efforts and the intent to notify owners out of compliance after the new deadline date.

Councilor Bart Rierson asked if there could be some table of non-conforming signs with the exceptions marked as an inventory reference. Staff replied this is being worked on and would be provided when completed.

Councilor Boyes discussed various non-conforming signs around town, especially concerning reader boards. Staff reviewed which ones were non-conforming vs. conforming and why.

Councilor Currier felt an additional number 9 should be added on page 58 to require a readable address on all signs advertising for private sales.

Mr. Mahr expressed some concerns over the inability to regulate the content of any sign as a possible first right amendment issue.

Councilor Rierson suggested an outreach education program, especially through real estate agents first. He also felt it would be effective to encourage The Newberg Graphic to pass information concerning signs to residents placing garage sale ads and providing a link on the City's website with regulations.

Councilor Currier stated the Kelly Group holds a meeting for all realtors periodically and this would be a great venue for education.

Mayor Andrews closed public testimony. Staff recommended adoption with corrections to page 62, Exhibit B under conduct of hearing to state a list of upcoming hearings shall be posted at "three" public locations.

MOTION: **Larson/Rierson** to approve **Ordinance No. 2008-2706** modifying procedures for removal of non-conforming signs and modifying fines for illegal signs in the right-of-way with the changed language, read by title only. (6 Yes/0 No/1 Vacant) Motion carried.

Mayor Andrews called for a seven minute recess at 8:33 PM. He reconvened at 8:40 PM.

4. Consider a motion approving **Resolution No. 2008-2810** authorizing the city manager to enter into a contract with The Saunders Company, Inc. for the improvement of Crestview Drive through the Oxberg Lake Estates Subdivision, in the amount of $1,412,390.52.

TIME – 8:40 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, conflicts of jurisdiction, or abstentions. None were stated.

Mr. Howard Hamilton, Public Works Director, presented the staff report (see official meeting packet for full report).

Discussions followed concerning additional language and issues concerning bidding requirements.

Mayor Andrews opened public testimony.

Mr. Todd Saunders, The Saunders Company, Inc., stated he was available for technical questions if needed.

Mr. John Trudel, Oxberg Lake Estates Homeowners Board, thanked all involved stating it was a good project that benefits Newberg and the County and fits into the Austin development.

Mayor Andrews closed public testimony. Staff recommended adoption. The public hearing was closed.

MOTION: **Rierson/Larson** to approve **Resolution No. 2008-2810** authorizing the city manager to enter into a contract with The Saunders Company, Inc. for the improvement of Crestview Drive through the Oxberg Lake Estates Subdivision, in the amount of $1,412,390.52 with added language. (6 Yes/0 No/1 Vacant) Motion carried.

IX. CONTINUED BUSINESS

None.

X. NEW BUSINESS

None.

XI. COUNCIL BUSINESS

TIME – 8:56 PM

Discussions followed over concerns about the condition of the parks operated and maintained by Chehalem Park and Recreation District (CPRD). Meetings with Don Clements and the CPRD Board Chair are to take place.

Councilor Rierson spoke of maintenance responsibilities for homes with planter strips along sidewalks and roads behind their houses. He wondered if homeowners knew these areas were their responsibility and what could be done about the unkempt conditions of some of these areas. Staff offered to take a look into the matter.

Ms. Norma Alley, City Recorder, reminded the Council that ethics forms are due next Wednesday to be postmarked by next week.

XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

MOTION: **Larson/Rierson** to adjourn at 9:12 PM (6 Yes/0 No/1 Vacant) Motion carried.

ADOPTED by the Newberg City Council this 3rd day of November, 2008.

Norma I. Alley

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of November, 2008.

Bob Andrews, Mayor