CITY OF NEWBERG COUNCIL MINUTES
NOVEMBER 3, 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 police uniforms and the community survey for funding additional officers 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 Danicic, City Manager	
	Terrence Mahr, City Attorney		Jennifer Nelson, Recording Secretary	
	Norma I. Alley, City Recorder			
Others Present:	Peter Backus, Jessica Cain, Richard Nilles			

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, shared appreciation letters received from citizens about City staff.

V. PUBLIC COMMENTS

Mr. Peter Backus made a presentation to the Council concerning the impact that recent road improvements to Crestview Drive and Villa Road have had on his rental property. His primary complaints were in regards to a portion of his property he dedicated to the City for road improvements and the close proximity the widened road now has to his home. He shows he now has limited access to his garage and front entrance, no ability for pedestrians to walk safely in front of his house, an unfinished driveway approach, and loss of landscaping. He requested further dialog with City staff for resolution to his concerns (see official meeting packet for full report). The Mayor directed staff and the City Attorney to review the situation and prepare a report.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2008-2813** adopting an identity theft protection policy for the City of Newberg.

2. Consider a motion approving City Council Minutes for October 6, 2008.

MOTION: **Currier/Larson** to approve the Consent Calendar including **Resolution No. 2008-2813** and the City Council Minutes for October 6, 2008 as amended. (6 Yes/0 No/1 Vacant) Motion carried.

VII. PUBLIC HEARING

Consider a motion approving **Order No. 2008-0018** approving a zone change for one parcel located at 2401 E. Hancock Street from M-1 to M-2.

TIME – 7:15 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, made the required legal statements concerning quasi-judicial process.

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

Councilor Roger Currier asked about the ability for small trucks to turn around in the area. Staff stated there was not really room for trucks to turn around but they could go through the site; it is currently under construction.

Councilor Bob Larson questioned if there would be sufficient space for additional parking spaces that would be required by changing the zone to M-2. Staff replied parking would be limited but the intent for use of the area would be controlled by the permit application process and the type of business would be limited; a restaurant would not be a permitted use because of the limited parking availability.

Councilor Bart Rierson asked if the only point of ingress and egress would be via E. Hancock Street. Staff replied there would also be access through the Rivermark Bank parking lot and at 99W at the north portion of the site.

Councilor Mike Boyes asked for clarification of some duplicate pages within the Council meeting packet on pages 88 and 89. Staff noted there was a duplicate page and page 88 should not be there, but the report continues from page 89 to 91.

Councilor Marc Shelton expressed concerns for the egress from the parking lot at the stoplight and the tendency to have traffic back-up; he stated he was comfortable with the type of businesses being limited by the permit process.

Councilor Rierson asked about the recommended number of parking spaces for the square footage and zoning. Staff replied it was one space per 500 sq. ft. (54 spaces for 2,700 sq. ft.) which is what the site was designed with.

Councilor Shelton had concerns for the loading dock and the type of delivery vehicles that would be allowed there. Staff stated the applicant did not envision any uses that would require semi-trucks coming in for deliveries and this would also be regulated by the permit process because large delivery vehicles would not work here.
Mayor Andrews opened public testimony.

Ms. Jessica Cain, Attorney for Gunn, Cain, & Kinney LLP, represented the applicant for the zone change. She stated she was available for questions and clarified the site was designed to address the parking and traffic criteria. She stated the request was to allow for a greater variety of leasing options for the site; there were no intentions for restaurants to be placed here.

Councilor Rierson asked about a realtor's sign in the area referring to types of use, excluding a restaurant.

Ms. Cain was not aware of any signage.

Me. Richard Nilles stated there had been some signage in front of Rivermark Bank about no access on 99W and having to go behind Izzy's Pizza; it was not relevant to this property. He added the site used to have a Portland Road address which was changed to a Hancock Street address.

Mayor Andrews closed public testimony. Mr. Mahr asked if the applicant waived the write to submit further written testimony within a seven day period.

Ms. Cain stated the applicant waived their rights.

Mr. Brierley recommended approval of the order. Mayor Andrews closed the public hearing.

Mayor Andrews noted there was a small editorial error on page 20 under the findings; the word "in" should be changed to "is". He also asked if the minutes were adopted although they were not signed in the copy within the packet. Staff stated they will not be approved until the November 13th meeting.

MOTION: **Rierson/Shelton** to approve **Order No. 2008-0018** approving a zone change for one parcel located at 2401 E. Hancock Street from M-1 to M-2, as corrected, and read by title only. (6 Yes/0 No/1 Vacant). Motion carried.

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

None.

X. COUNCIL BUSINESS

TIME – 7:35 PM

Mayor Andrews requested council members submit their evaluation forms for the six month review of the City Manager and noted the annual evaluations for the City Attorney would be following. He also stated a drafted letter for the residents of District 5 seeking candidates to fill the vacant position has been distributed for review and comments by the City Manager.

XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

MOTION:	**Currier/Shelton to** adjourn at 7:50 PM (6 Yes/0 No/1 Vacant) Motion carried.

ADOPTED by the Newberg City Council this 1st day of December, 2008.

Norma I. Alley

Norma I. Alley, City Recorder

ATTEST by the Mayor this 4th day of December, 2008.

Bob Andrews

Bob Andrews, Mayor