

**CITY OF NEWBERG COUNCIL MINUTES
JANUARY 22, 2008
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

Work Session was held prior to this meeting. No decisions were made. General discussion on agenda items.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Mike Boyes	Roger Currier	Bob Larson
	Jeff Palmer	Bart Rierson	Marc Shelton	

Staff

Present:	Robert I. Tardiff, City Manager Pro Tem	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Larry Fain, Senior Engineer
	Jennifer L. Nelson, Recording Secretary	Norma I. Alley, City Recorder

Others

Present: Leslie Woodruff

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed with assistance from the Boy Scout Troop 269.

IV. CITY MANAGER'S REPORT

Mr. Robert I. Tardiff, City Manager Pro Tem, updated Council on code violation issues for property at the entrance of the City and agenda changes for upcoming meetings.

V. PUBLIC COMMENTS

Ms. Lesley Woodruff approached with concerns for a conditional use project on Dayton Avenue and decisions made by the Planning Commission over an alleged illegally built structure.

Mr. Terrence Mahr, City Attorney, stated he felt Ms. Woodruff was speaking on the merits of a quasi-judicial decision, which requires an appeal of the Planning Commission's decision and was concerned her testimony would be considered ex-parte contact.

Discussion on this issue was continued during Council Business.

VI. CONSENT CALENDAR

1. Consider a motion approving the City Council Minutes for December 17, 2007.

2. Consider a motion approving **Resolution No. 2008-2758** ratifying the Collective Bargaining Contract with the Police Association.
3. Consider a motion approving **Resolution No. 2008-2761** establishing a City Park Reservation Application, Fee and Deposit Policy.
4. Consider a motion approving **Resolution No. 2008-2762** appointing Nikita Snegirev as Temporary Laborer in the Public Works Operations Division.
5. Consider a motion approving **Resolution No. 2008-2764** approving the 2007 annual evaluation of the City Attorney.

MOTION: Currier/Larson to table **Resolution 2008-2761** to April 7th and referring it back to staff for review of a possible fee schedule vs. deposit and research of commercial vs. non-commercial use. (Unanimous) Motion carried.

MOTION: Currier/Larson to approve the Consent Calendar including the Regular Session City Council Minutes for December 17, 2007, **Resolution No. 2008-2758**, **Resolution No. 2008-2762**, and **Resolution No. 2008-2764** as amended. (Unanimous) Motion carried.

VII. PUBLIC HEARING

None.

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

1. Update on the Dayton Avenue Pump Station.

TIME – 7:24 PM

Mr. Larry Fain, Senior Engineer, presented the staff report (see official record for full report).

Councilor Jeff Palmer questioned the environmental impact of the trunk line because of the Hess Creek bed. Staff assured him several environmental groups were working together on the project.

Councilor Marc Shelton asked about recommended replacement for new pipe and the proposal for the enclosure at the bottom of the Springbrook trunk. Staff stated their intention to include the Springbrook trunk to have one permit during the dry season when potential impact is smaller.

Councilor Roger Currier expressed concerns for the Main Street Local Improvement District (LID) and tearing up the new pavement for the pump station. Staff replied this will be coordinated in order to avoid this. He also suggested placing updates on the Hess Creek Project in the Friday updates.

Mayor Andrews asked for an estimated time line for the Dayton Avenue pump station. Staff replied the original goal was January 1, 2010, anticipating design and an environmental permit and two to three years on construction; the best guess would be sometime in 2012-13.

Councilor Shelton asked how this effects the improvements to the waste water treatment plant. Staff stated this will delay the urgency behind the phase two waste water work and phase one is a critical need for the City regardless of how the Hess Creek project goes.

2. Presentation on proposed large scale retail Development Code text amendments.

TIME – 7:45 PM

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

Councilor Currier asked about second floor window space criteria and if blacking out display areas would count. Staff stated it would not.

Mayor Andrews asked about policies for employee parking. Staff stated there were store policies only.

Discussion followed concerning details of the criteria examined in the code text such as ground façades and public streets, and window percentages for small vs. large scale retailers.

Councilor Bart Rierson felt the requirement for one deciduous tree per five parking spaces and no more than five spaces grouped together without an island was a little excessive, wished to avoid conditional use permits, and suggested the use of pervious pavers in the parking lots to help with run-off conditions.

Discussion followed about landscaping, fencing, and pedestrian scale lighting requirements. Parking requirements and avoiding situations like the parking lot at Cooperstown and people parking at Fred Meyer's to walk over Springbrook Road were also talked about. Details about using pervious pavers were also shared.

Councilor Currier made comments about stores being left vacant and the need for a requirement for maintenance of vacant buildings and parking lots.

Councilor Rierson requested an inventory of commercial property and of developable property in C-2, including what is coming in from the Urban Reserve Area (URA) for an idea of a best and worst case scenario concerning big box development.

Mr. Brierley reviewed a list of items to be followed up on based on concerns mentioned including the increased use of pervious pavement materials; the 30,000 vs. 50,000 square foot multiple building limit meeting standards or going to a conditional use permit being clarified; concerns for development on single lots vs. multiple lots and making sure there is clear, contiguous property; concerns for public streets and block lengths for maintenance and connectivity; whether pedestrian scale lighting should be a requirement or not; revisit the ratios for trees vs. parking spaces which are currently too great; require adaptive reuse for vacant buildings and parking lots; include bio-swells and green design; revisit active space on windows to not have 100% of windows as display; and additional requirements for economic impact on the community.

X. COUNCIL BUSINESS

TIME – 8:15 PM

Mayor Andrews asked Council if they would be willing to hear about a new program Metro has to work with neighboring city governments. They agreed to hear the presentation during a work session.

Mr. Mahr discussed the public commentary from this evening concerning the property on Dayton Avenue and warned Council about being careful to what is discussed. He discussed options for motions of appeal and waiving the fee. He also discussed code provisions which do not allow citizens to say anything without an appeal hearing.

MOTION: Rierson/Shelton to initiate an Amendment to the Newberg Code Section 151.057 entitled Scope of Review Subsection C to allow a new hearing before the City Council on appeals to the City Council. This should be brought before the City Council at the February 19th meeting. (Unanimous) Motion carried.

MOTION: Currier/Larson to Appeal the Decision of the Planning Commission made on January 10, 2008 approving a conditional use permit for a garage transformed into a rental unit – separate single family living unit. Applicant: McKay, File Number – CUP-07-003, Location: 402 Dayton Avenue, Newberg, OR, 97132.

Reason: The methods of providing low cost housing through increased density within the city or of general public concern to the entire city as specific concern to the surrounding neighbors. Providing an additional separate single family living unit on a single lot in a developed and well established, low density, single family residential area is specifically difficult. The criteria called for reasonable compatibility and minimal impact on livability of abiding properties and neighborhood. Full consideration should be given to the concerns of neighbors especially in the situation where proper notice with opportunity for input was not given prior to the development. Therefore, the City Council appeals the decision to allow for a full hearing with the City Council.

The authority is delegated to the Mayor to submit official written appeal on behalf of the City Council.

Fee: The appeal fee is hereby waived because of the Council's concern for the general public and the appeal is for the good of the general public. (Unanimous) Motion carried.

Discussion commenced concerning a mitigation/maintenance fee or repair fee being imposed on developers to pay for damages done by equipment hauling to City streets.

Discussion followed concerning hiring decisions, janitorial services Request for Proposal (RFP), workmen's compensation for volunteers, and updates to the ethics rules for city commissions.

XI. EXECUTIVE SESSION

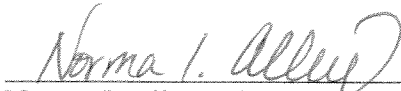
Executive Session pursuant to ORS 192.660(2)(d) relating to labor negotiations – Police.

Executive Session was held during Work Session. No decisions were made.

XII. ADJOURNMENT

MOTION: Currier/Larson to adjourn at 10:32 PM (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 19th day of February, 2008.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of February, 2008.


Bob Andrews, Mayor