CITY OF NEWBERG COUNCIL MINUTES
AUGUST 18, 2008
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET

Executive Session was held during the Work Session prior to this meeting. A discussion occurred about the legal rights and duties of a public body in regards to current litigation. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:08 PM.

II. ROLL CALL

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

Staff Present:	Daniel J. Danicic, City Manager	Terrence Mahr, City Attorney
	David Beam, Economic Development	Norma I. Alley, City Recorder
	Barton Brierley, Planning and Building Director	Jennifer Nelson, Recording Secretary

Others Present: Pamela Treece, Darlyn Adams, Joanne Wiitala, John Vida, Michael J. Braem

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel J. Danicic, City Manager, gave updates on the recruitment for a Public Works Director and the schedule for recruiting a new Fire Chief.

V. PUBLIC COMMENTS

Ms. Pamela Treece, Executive Director of Portland Regional Partners for Business, addressed the Council and thanked them for their membership. She extended special gratitude to Mr. David Beam for his collaboration with their project for economic development dollars.

Ms. Darlyn Adams, representing the Newberg Animal Shelter Friends, thanked the Council for their support of the Annual Pancake Breakfast and noted the upcoming fundraiser would be the Tail Swing Dinner and Silent Auction on September 27. She also introduced their new public relations spokesperson, Ms. Joanne Wiitala, and announced she would be the person attending Council meetings for updates from now on (see meeting packet for full report).

Mr. John Vida spoke to the Council about some traffic issues occurring around the skateboard park and the surrounding neighborhood. He mentioned he has already addressed the Traffic Safety Commission (TSC) concerning this and was not satisfied with the results. He has great concerns for the speeding occurring at the intersection of 9th and Blaine Street near the intersection by the animal shelter and he fears that a child will be hit.

Mr. Danicic informed the Council that this matter has been under examination by the TSC and there were some issues surrounding ownership of the right of way.

Mayor Andrews requested staff follow up with this matter and update Mr. Vida.

Mr. Michael Braem also supported the same traffic issue and attended the TSC meeting with Mr. Vida. He added the gravel road was also a concern with rocks and dust flying all over the place. He stated he has asked the police to monitor this area several times and has not seen any results. He spoke of a solution such as portable speed bumps.

Councilor Bart Rierson asked if the road was being oiled and if that would help.

Mr. Braem replied it needs to be done more than twice a year to be helpful and asked if there were plans to pave the gravel portion of the road when the animal shelter is built.

Councilor Rierson stated there were no plans at the moment to address paving.

VI. CONSENT CALENDAR

Consider a motion approving City Council Minutes for July 21, 2008.

TIME – 7:32 PM

MOTION: Larson/Shelton to approve the City Council Minutes for July 21, 2008 as amended. (6 Yes/0 No/1 Vacant) Motion carried.

VII. PUBLIC HEARING

1. Consider a motion approving **Order No. 2008-0012** approving a variance to the access spacing standards to allow a second driveway on property located at 1801 Villa Road.

TIME – 7:32 PM

Mayor Andrews clarified the hearing record is closed and the Council is in deliberation.

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

Mayor Andrews disputed the use of the term "illegally" on page 17 regarding the installation of the driveway.

Councilor Roger Currier asked if a portion of the driveway would be cut off when the road was upgraded to a major collector. Staff replied it would.

Councilor Rierson stated he struggled with the condition about removing the second driveway when Villa Road is brought to major collector standards because he feels it is safer for vehicles to exit a driveway headfirst rather than backing out and the fact that this regulation will not apply to businesses with greater frontage that can have a second entrance.

MOTION: Currier/Boyes to approve **Order No. 2008-0012** approving a variance to the access spacing standards to allow a second driveway, only until such time as Villa Road is improved along the frontage of the property located at 1801 Villa Road. (5 Yes/1 No [Shelton]/1 Vacant) Motion carried.

2. Consider a motion approving **Ordinance No. 2008-2701** annexing property located at 4813 E. Portland Road, subject to a public vote on the November 4, 2008 general election.

TIME – 7:43 PM

Mayor Andrews stated this ordinance is also in deliberation and the record had been closed to further testimony.

Councilor Rierson stated there were applicants in the audience and wondered if there could be any conversations as to whether this property and the one to the east being annexed together allows the Transportation System Plan (TSP) to function as planned in regards to Benjamin Road.

MOTION: Rierson/Shelton to re-open the public testimony for **Ordinance No. 2008-2701**. (3 Yes [Andrews, Rierson, Shelton]/3 No [Boyes, Currier, Larson]/1 Vacant) Motion failed for lack of a majority.

Councilor Rierson stated he would be more comfortable having all three annexations on the same ballot.

MOTION: Larson/Shelton to approve **Ordinance No. 2008-2701** annexing property located at 4813 E. Portland Road, subject to a public vote on the November 4, 2008 general election. (4 Yes/2 No [Andrews, Currier]/1 Vacant) Motion carried.

3. Consider a motion approving **Order No. 2008-0015** finding the proposed annexation and zoning map amendment meet the applicable Newberg Development Code criteria and approving **Ordinance No. 2008-2702** annexing property located at 4821 & 4825 E. Portland Road, subject to a public vote on the November 4, 2008, general election.

TIME – 7:50 PM

Mr. Brierley presented a brief report updating the Council on the status of the record on the order.

Mr. Terrence Mahr, City Attorney, spoke of an email from Mr. Bruce Thomas, owner of the property, addressing the ordinance and stated he did not see a problem with it.

MOTION: Rierson/Shelton to approve **Order No. 2008-0015** finding the proposed annexation and zoning map amendment meet the applicable Newberg Development Code criteria. (6 Yes/0 No/1 Vacant) Motion carried.

MOTION: Rierson/Shelton to accept the written testimony received into the record for **Ordinance No. 2008-2702** to be read by staff. (5 Yes/1 No [Larson]/1 Vacant) Motion carried.

Mr. Brierley read email for the record (see meeting packet for full report).

MOTION: Larson/Rierson to approve **Ordinance No. 2008-2702** annexing property located at 4821 & 4825 E. Portland Road, subject to a public vote on the November 4, 2008, general election read by title only.

Mayor Andrews stated he was opposed to this ordinance because of the amount of R-1 property, with reduction in commercial, and because of his belief it will be confusing on the ballot.

Councilor Marc Shelton stated he reviewed the minutes from the previous meeting and felt if the Council is putting the Kimball property forward for the voters to express their preference then all properties should be considered by voters. He believes the people of the City will make a good decision.

Councilor Mike Boyes added the properties could be promoted as a group and the public needed to be educated.

Councilor Rierson expressed hope the applicants would be proactive in putting the case forward to the public. He felt ballots are always a confusing part of the process and he placed his faith in the citizens to make the best decision.

Councilor Currier disagreed with placing them all together because he felt people may be overwhelmed and support the property in the middle because it has the smallest impact. He was concerned for the impact to traffic as well.

Councilor Bob Larson felt the decision should be left up to the public.

Councilor Shelton added the market would determine what will happen as much as the voters will.

Mayor Andrews added he does not support the annexation but would vote in favor.

VOTE: To approve **Ordinance No. 2008-2702** annexing property located at 4821 & 4825 E. Portland Road, subject to a public vote on the November 4, 2008, general election read by title only. (4 Yes/2 No [Andrews, Currier]/1 Vacant). Motion carried.

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

None.

X. COUNCIL BUSINESS

Mr. Brierley presented a staff report on the realignment of Wilsonville Road and the Hwy 219 and Springbrook Road intersection (see meeting packet for full report).

Councilor Currier felt the twenty dollar compensation would not be sufficient compensation for fees acquired to change addresses, especially with businesses. He thought it should just be changed to West

Springbrook Road by added a "W". Staff addressed the difficulties of having three different Springbrook Road addresses and the confusion of giving directions.

Councilor Rierson asked if a 1099 form would be required to be sent to those reimbursed. Staff was unsure.

Councilor Boyes wondered if there was enough time being giving to complete the changes. Staff stated the post office will continue to deliver after the change in October; a meeting is scheduled with the property owners on Wednesday.

Councilor Rierson desired the changes to be published quickly to update maps and Global Positioning Systems (GPS) to minimize impact to residents and businesses.

Discussion followed on various levels of compensation that could be offered to businesses and residents based on ODOT's reimbursements and the impact to the budget.

MOTION: Shelton/Larson to adopt the staff recommendation to reimburse residents $50 and businesses $100 for the costs of re-addressing caused by the Springbrook Road and Wilsonville Road project.

MOTION: Rierson/Andrews to amend the motion to reimburse residents $75 and businesses $150, with business license verification, for the costs of re-addressing caused by the Springbrook Road and Wilsonville Road project. (6 Yes/0 No/1 Vacant) Motion carried.

VOTE: Shelton/Larson to adopt the main motion to reimburse residents and businesses for the costs of re-addressing caused by the Springbrook Road and Wilsonville Road project as amended. (6 Yes/0 No/1 Vacant) Motion carried.

Mayor Andrews addressed a request from the League of Oregon Cities (LOC) to prioritize the top four items for LOC to address. He recessed for ten minutes and reconvened at 8:47 PM.

Discussions concluded with the top for items being prioritized as follows: General Government topic I, Transportation topic S, Water/Wastewater topic U, and Finance & Taxation topic H.

Councilor Boyes felt old police cars should be required to have the door painted the same color as the car when they are sold as a condition of sale.

Councilor Rierson asked the City to request Newberg Garbage and Recycling to start recycling glass.

Councilor Boyes spoke about earthquake standards and City structures and a committee that has been developed to look at this.

Councilor Currier discussed a rumor about SP Newsprint burning creosote and questioned the state allowance and if anything can be done to ensure guidelines are being met.

XI. EXECUTIVE SESSION

Executive Session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Executive Session was held during the work session prior to the meeting.

XII. ADJOURNMENT

MOTION:	**Larson/Shelton** to adjourn at 9:17 PM (6 Yes/0 No/1 Vacant) Motion carried.

ADOPTED by the Newberg City Council this 15th day of September 2008.

Daniel J. Danicic, City Recorder

ATTEST by the Mayor this 18th day of September 2008.

Bob Andrews, Mayor