

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
August 7, 2017, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Patrick Johnson, Scott Essin, Denise Bacon, Mike Corey and Stephen McKinney. Also present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Community Development Director Doug Rux, City Engineer Kaaren Hofmann and Public Works Director Jay Harris. Councilor Essin entered the meeting at 6:15 p.m.

Mayor Andrews called the meeting to order. He asked people to speak up as the PA system was not working. Mayor Andrews had an item to discuss under Council Business.

Work Session on Urban Forestry Management Plans and Heritage Tree Programs:

Community Development Director Rux said staff researched different programs as outlined on Page 3 of the staff memo. A City committee could study urban forestry options for the Council. They could do a full urban forestry program or just do a tree inventory. There was a current street tree program that could be revised. They could also just look at a Heritage Tree program. Urban forestry was the management of the City's urban forest (trees, shrubs, vegetation) along streets, trails, parks, hills, mountains, public and private property. He listed the benefits of trees. Today's population in Newberg was just over 24,000 and they were losing tree canopy cover. He discussed public and private trees and explained how to set up an Urban Forestry Management Plan and steps to reach that goal. There was discussion on the programs being voluntary, types of intergovernmental agreements, and program structure and standards. There was discussion on the purpose of tree ordinances, what steps the Council should take, and a potential tree committee.

CALL MEETING TO ORDER

The Mayor called the business session to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Mike Corey	Denise Bacon	Patrick Johnson
	<i>*District 1 Seat vacant</i>		

Staff Present:	Joe Hannan, City Manager	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Doug Rux, Community Development Director
	Cheryl Caines, Associate Planner	Kaaren Hofmann, City Engineer
	Jay Harris, Public Works Director	Steve Olson, Senior Planner
	Rosa Olivares, Community Engagement Coordinator	
	Anna Lee, Human Resources Director	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PRESENTATIONS: Sheryl Kelsh, Chamber Manager, presented the Chehalem Valley Chamber of Commerce quarterly report. She discussed the Tri-County charm trail. Demand for tours by media and travel trade continued to increase. She explained the travel reports they had received with different organizations, their publications, and monthly events. She passed out solar eclipse glasses to the Council. There was discussion on the Chamber's budget.

CITY MANAGER'S REPORT: City Manager Joe Hannan had been working with TVF&R on partnerships for the communications upgrade, had been working on the Old Fashioned Festival, met with the operators of

Sportsman Airpark, met with the Yamhill County Emergency Manager to discuss disaster preparedness, met with the Mayor, County Commissioner Primozech, and County Administrator to discuss expansion of County services in Newberg, met with the veterans group to discuss the banners and transit, met with CPRD to discuss trees and the trail system, and was coordinating a Transit meeting with its partners. He announced Senator Merkley would be in town and Senators Noble and Post would hold a townhall meeting.

PUBLIC COMMENTS: Kevin Marugg, Newberg resident, requested the Council provide an evaluation of the value of the City's fire station properties and equipment for the public so they had that information for the November election. The Mayor asked him to put the request into writing and give it to the City Recorder.

CONSENT CALENDAR:

MOTION: Corey/Johnson moved to approve the Consent Calendar including Council Minutes for June 19, 2017; Resolution 2017-3399, A Resolution to authorize the City Manager to terminate and accept easements related to the George Fox University student activity center project. Motion carried (6 Yes/0 No).

CONTINUED PUBLIC HEARING – Ordinance 2017-2815, Dutchman's Ridge:

Mayor Andrews re-opened the public hearing. He called for any ex parte contacts, bias, abstentions, or objections to jurisdiction since the last hearing. There were none.

Senior Planner Olson said this was an annexation request for three parcels totaling 25.66 acres along North Valley Road. They had an LDR, low density residential, Comprehensive Plan designation. The applicant requested R-1 zoning. Approving the annexation did not approve a subdivision. The Council held a public hearing May 15 where the application was denied and continued the hearing to revise findings. The applicant extended the 120-day rule to September 18. An ex-parte contact issue came up and a hearing was held June 19. At that hearing the Council re-opened public testimony, which would not be limited to any issues. He recommended taking public testimony, closing the public testimony portion of the hearing, and deliberations. The Council could confirm the existing vote for denial or make a new motion to approve the application. Either way the findings would have to be rewritten and brought back to another meeting. Some of the outstanding issues were the definitions for the words "large" and "some", the location policy for R-3, references to the ORS, imposing price points on development, and the goalpost rule.

Councilor Essin asked about the goalpost rule. SP Olson said it was the idea that applicants shouldn't go through the process and the application be found complete and have a finding that said the only way to meet the Code was to apply for a Comprehensive Plan amendment to include R-3. That was not typical for an annexation. Councilor McKinney asked how the Planning Commission justified moving the annexation forward to the Council based on the 25.66 acres. SP Olson replied the Planning Commission decided that 40 acres and above would be considered large. Since this was less, it was forwarded to the Council. The Planning Commission recommended approval of the annexation.

City Attorney Truman Stone read the hearing statement.

Proponents: Mike Robinson, attorney for the principal proponent, said they should follow what the Planning Commission did because they got it right. He recognized affordable housing was important, but the question was if this policy was properly applied in this application and how it should be done in the best way. The Commission based their decision not only on the testimony but the spreadsheet entailing all the research. He thought defining "large" as 40 acres was reasonable. The policy said "some" R-3 land, which was highly subjective. These were decisions being made after an application was submitted. It was not fair to apply standards that had not been decided yet to applicants and to change the rules after the process began. The applicant put in an application based on the R-1 zone for the Comprehensive Plan LDR designation. Applying R-3 was a different Comprehensive Plan designation. To apply a different zoning standard after the application was made was not fair according to the goalpost rule in ORS 227.1783 that said only the standards that were in

effect at the time of the application could apply. It also did not follow ORS 197.309(1) that cities could not impose affordable housing requirements at specific price points. The statute was broader than just mentioning affordable housing. Newberg's Municipal Code defined affordable housing for a certain income level and when they said affordable housing, they were directing applicants to develop housing that met the level of price so a person in that income group could buy it. That ran afoul of state law. This was the wrong place for R-3 zoning. The property was near a couple of schools and community center, but it was not near a grocery store, hospital, or pharmacy. There was another application that was including affordable housing and was closer to services. He asked for approval of the application.

Councilor McKinney asked what the consequences were for running afoul of state law and what corrective actions could they take. Mr. Robinson said it left the City at risk for decisions to be remanded and/or reversed by LUBA or the Court of Appeals and the costs to do so. The right way to achieve affordable housing was to have all of the parties identify standards and policies. Once established, all applicants would know before filing applications.

Jessica Cain, Del Boca Vista, discussed the letter of testimony by Mr. Harris. In the City's Comprehensive Plan, there was a definition of location that read medium and high density areas should be located on immediate access to collector streets or minor arterials and traffic should not go through low density areas. If you placed an R-3 development in the most logical place on this property, it would not meet the Comprehensive Plan policy as access would be through low density residential. There were streams and wetlands on the property that would not allow for significant development. She did not know if they could meet the "some" requirement for R-3 due to the available acreage and required setbacks. The property was located near a public elementary school, public middle school, and Chehalem Senior Center, which were not commercial services. The closest commercial services were about a mile from the property. The location at the northern most point of the City limits was far away from services people would need. Transit services only came once per hour and only on week days. To get to bus stops, people had to walk more than a mile. This site was not suitable and did not meet the location policies for R-3.

Marc Willcuts, Del Boca Vista, said they began the project a year ago. He explained the process in putting together the application and their outreach efforts. He made deals on the property based on the Comprehensive Plan designation of LDR. This site did not lend itself well to R-3 and he would have done different planning if he knew it was required. He further discussed how changing the rules would impact this development. He asked for approval of the application. Councilor McKinney asked about his experience in building affordable homes. Mr. Willcuts said it worked better on flatter land with fewer constraints. For this development, there were a lot of off-site expenses, such as improving North Valley Road and Chehalem Drive. It was difficult to develop affordable housing on such expensive ground. He explained other developments he had that would be affordable. He was committed to building affordable housing.

Chris Strange, Newberg resident, said he lived in this area and thought the property would be developed as R-1. He discussed the difference between R-1 lots 20 years ago and now and how it was disappointing that the lot sizes were getting smaller. The definition of what was affordable housing had to be taken into perspective. R-3 didn't blend in that neighborhood. He encouraged Council to consider the words affordable and large.

Opponents: James Parker, Newberg resident, was opposed to the application because all of the houses in the northern section of the City were only served by Chehalem, Main, and College. Main Street was congested and there were no sidewalks. The older parts of the City hadn't been held to the newer planning standards. Chehalem Drive was a country road. How were they going to support more people moving into the City and driving down Chehalem Drive? Why weren't other parcels of land more suitable being developed instead of this one. When people were packed in apartments in one area, it could cause problems. There needed to be mixed developments in the City and R-3 needed to be designated in more than one area.

Sid Friedman, Friends of Yamhill County, urged Council to reaffirm the vote to deny the application. He thought R-3 units would be less expensive than R-1 at this location. The goalpost rule applied to code and plan amendments adopted only after an application was filed. The Comprehensive Plan policy requiring some R-3 land on this property was adopted many years ago. The Comprehensive Plan policy did not require any particular price point. He said this was the fourth largest annexation in 21 years. He thought it was a mischaracterization to say Planning Commission agreed 40 acres was the cut-off point. The Commission did agree this annexation was large. The argument that this was not an appropriate location for anything other than R-1 was false. It was within walking distance of schools, senior center, parks, churches, and services on Foothills Drive. The City should rely on the Comprehensive Plan which stated for large residentially designated annexations, there needed to be some R-3 lands included.

Kathryn Jernstedt, Carlton resident, said this was an opportunity to align actions with goals and aspirations. This application should be evaluated against the community's priorities. Did this application reflect a housing mix that the community could afford in a range of salaries employers could sustain? Were people who worked in Newberg able to have homes in the community? They needed a mix of housing to attract skilled workers as well as those who wanted lower maintenance housing. She encouraged them to move beyond the restrictions to create a community, not just pockets of certain development.

Rick Rogers, Newberg resident, said discussed the application with Mr. Willcuts recently. This had been in the Comprehensive Plan since 2009 and was passed by both the Planning Commission and Council. He read the policy language. He said affordable housing meant that no more than 30 percent of a person's income went toward housing. The intent was to get more R-3 land. They needed 900 units of R-3 to meet the demand, which equaled 49 acres. The belief in 2009 was to do it with annexations with a range of housing types. Since 1996, 92 % of the annexations brought into the City were smaller than this acreage. He considered this to be a large annexation. The question was if 20 acres was suitable for the inclusion of R-1 and a range of housing types.

Rebuttal: Mr. Robinson said after eight years the City had not decided what sites were suitable for R-3. These decisions needed to be made before an application was filed. Not only did the applicant not know about this policy, but staff did not know about it either. It should not be applied to this application, but the clarifications should be made and then announced to the public for future applications. This was expensive land and the applicant did not know about this policy before he purchased it. He referred to his letter (Exhibit A). When someone relied on the LDR designation, then it changed, was what the goalpost rule referred to. Mr. Friedman's testimony said that it did not violate the state statute regarding price points. Defining affordable housing as 30% of a person's income was the price point. The Planning Commission got the decision right. It was consistent with state law and was also fair.

Mayor Andrews closed the public testimony portion of the hearing. The applicant waived their right to a final written argument period of seven days. CA Stone read the quasi-judicial hearing announcements.

SP Olson explained their options. The reasons for whatever decision the Council made needed to be clear. The definitions of "large" and "some" would need to be addressed as well as the location policies and other issues brought up regarding state law.

Councilor Essin asked CDD Rux about defining "large." CDD Rux said the Planning Commission was talking about 107-108 lot subdivisions which appeared large, but did not get down to an acreage determination of what was large or not large. At the City Council level they needed to define what was "large" and what was "some". Staff analyzed "large" and provided it to the Council in their packet.

Councilor Essin said they were making the decision now after the application came in. Should they have made a decision prior to this as to what large was. CDD Rux replied this policy was put in the Comprehensive Plan in 2009. No one took the step to put it in the Municipal Code to implement the policy. Staff raised the issue about

the R-3 policy to the applicant prior to the application being filed. Choices were made, and the application was filed and it was reviewed and deemed complete and went before the Planning Commission. Council needed to define the terms “large” and “some” because if they denied or approved the application then they had to provide that as part of the finding.

Councilor Essin asked what was required to include R-3 zoning. CDD Rux said to do R-3 required a different application than this annexation had filed. Also it would require a transportation study, a Goal 10 analysis, and infrastructure analysis. The Council had not defined “affordable” but they had heard comments about what would be considered affordable based on income level and the percentage that went to housing. The Affordable Housing Commission said it was 80% of the area median income.

Councilor Bacon asked about the overarching document. SP Olson said the Comprehensive Plan was the controlling document and the Development section of the Municipal Code implemented the Plan. CA Stone said if you had regulations that fully implemented the Comprehensive Plan policies, those regulations took precedence when determining whether criteria were met. If there were no implementing regulations and there were criteria in the Plan itself, the criteria needed to be addressed in the findings. There were times when Comprehensive Plan policies were only partially implemented through regulations, but it could be difficult to balance which took priority. One of the questions he addressed for the Planning Commission was had the Comprehensive Plan policy been implemented through regulations. His opinion was this was criteria that needed to be addressed by findings. It also needed to be balanced against other criteria that might be in conflict. They had to choose which would apply for this application and give a rationale.

Councilor Bacon said if the Comprehensive Plan was the overarching document, then how was using that moving the goalpost if the decision had not been reached? CA Stone said the idea was when someone came in with an application, they should be able to understand exactly what was required of them to have the application approved. There had been conflicting testimony for whether that was a problem in this case. The goalpost was something so vague that someone could not see, some moving objective that they could not determine at the application stage whether it could be met or not.

Councilor McKinney asked if staff had ever codified the definition of affordable. CDD Rux read the definition of affordable housing in the Comprehensive Plan that specified not spending more than 30% of a person’s income on housing. Area median income was \$74,700 for a family of four as defined by HUD. He cited other statistics that had different numbers for area median income.

MOTION: McKinney/Essin moved to to reopen the record to include these facts. Councilor McKinney said in order for him to make a decision, he wanted clarification on the definition of affordable housing. He thought the record needed to be reopened for that dialogue. CA Stone said if they reopened the record they needed to be specific as to the purpose and it would be open to additional comments and to the seven-day right to submit additional testimony by the applicant. Councilor Essin asked if the definition of R-3 was affordable. If they didn’t know what the median was and they didn’t know what affordable was, then how did they know they needed R-3. He thought they needed more testimony. Motion failed (2 Yes/4 No [Andrews, Bacon, Corey, Johnson]).

Councilor McKinney asked what questions he was permitted to ask about the definition of affordable housing that would not constitute new testimony. CA Stone said factual information that had not been entered into the record was what the Council should not consider. Questions about information that had been entered into the record were acceptable. Councilor McKinney said the affordable housing definition had no quantifying factors that would help him make a decision. He wanted to see Newberg succeed and people deserved to live, work, and play in the City. They needed to put their minds together and not close the community off. He asked for a recess.

There was a brief recess. The meeting reconvened at 9:25 p.m.

Councilor Essin asked if the Council should be the ones to define large. SP Olson said if it was not clear in the Code then the applicant in their application could propose a definition. Ultimately it was the Council, as a legislative body, who had the legal authority to make the decision of what the definition meant. Councilor Corey clarified the Council could follow the Planning Commission's recommendation and use 40 acres as the definition of large.

Mayor Andrews closed the hearing and moved into deliberations.

Councilor Corey said the applicant was not informed properly about R-3 being in this annexation. Everyone wanted R-3 in Newberg, but it was too late to throw R-3 into this application. There were no commercial services nearby and the R-3 did not fit. There was nothing codified for what large meant.

MOTION: Corey/McKinney moved to direct staff to prepare findings to support the approval of Ordinance 2017-2815, Dutchman's Ridge annexation, and set September 5 as the date to adopt the findings and make the final decision on the application. He also moved to accept the recommendation of the Planning Commission and staff that 40 acres was the definition of large.

Deliberations:

Councilor Johnson would support the motion. He was concerned that there was a policy for R-3, but it had not been implemented. He was also concerned about setting the definition of large when there had not been much discussion on what the number should be.

Councilor Bacon would not support the motion because she was uncomfortable with defining large as 40 acres. There would not be many 40 acre annexations, and the City would not get the R-3 units needed. She thought large should be 25-30 acres.

Councilor McKinney would support the motion because people deserved to be able to move to Newberg. He was uncomfortable setting an arbitrary figure for the definition of large.

Councilor Essin wanted to support it because staff gave them something that was not arbitrary. They had findings that supported the definition of large, but they still needed to make a decision on the word "some."

Mayor Andrews supported the motion. He asked if they needed to specify the acreage in this motion for large and did they need to have a definition of some.

SP Olson said the findings from the Planning Commission had a definition of 40 acres as large. CDD Rux said if they defined 40 acres as large, then they did not need to define "some" as no R-3 would be required from this annexation.

Councilor McKinney said this decision tonight did not forgo the opportunity to have better discussions on housing in the future.

Motion passed (5 Yes/1 No [Bacon]).

PUBLIC HEARINGS: Ordinance 2017-2813, Land Division Regulations:

Mayor Andrews opened the public hearing and read the hearing statement. He called for any abstentions, conflicts of interest, and objections to jurisdiction. There was none.

Associate Planner Cheryl Caines said the existing land divisions code lacked organization.

Mayor Andrews said due to the late hour, he suggested continuing this hearing.

MOTION: McKinney/Johnson moved to continue the hearing until the August 24, 2017 Council Meeting. Motion carried (6 Yes/0 No).

CONTINUED BUSINESS:

Resolution 2017-3387, Villa Road Improvements:

City Engineer Hofmann gave the staff report. There were two resolutions tonight, one authorizing the award of the contract and one rejecting it. A decision had to be made tonight based on bid requirements. Villa Road north of 99W is a two lane road with intermittent sections of curbs, sidewalks, and bike lanes. This was a safety issue, especially from Haworth Street to Crestview Drive. The original purpose was to widen the road to major collector standards. Some variations were anticipated given the variable right-of-way, wetlands, and railroad trestle. This project had been in the Transportation System Plan for the last 20 years. The plan is for Villa Road to be constructed with two travel lanes, a center turn lane, bike lanes, planter strips, and sidewalks. It was placed on the Capital Improvement Plan list. In 2015 Council awarded the design contract. Scope was decreased due to budgetary restraints. Phase 1 was completed, which was the culverts on Hess Creek. Questions were raised about the need for sidewalks and bike lanes. There was a lot of pedestrian traffic on this corridor due to the proximity of the Chehalem Park and Recreation District (CPRD) Aquatic Center and George Fox University, which was expected to increase as development happens.

There was also discussion on future traffic generators and how traffic would increase on Villa Road with several future developments. The left turn at Park Lane was determined to be warranted by a licensed traffic engineer. The traffic counts that came out of the CPRD Aquatic Center project were also reviewed and determined the left turn lane at Haworth was not warranted. The developer was paying for the left turn at Park Lane. Stop signs at Crestview Drive and Villa Road were considered. The completion of the Crestview Drive to Providence corridor was included in the traffic study. Of the four crashes reported in this corridor three involved bicyclists. Rapid flashing beacons and radar signs were being installed based on feedback from neighbors. These would help lower the speeding on the road. Providing a shared use path for both pedestrians and bicyclists did not provide safety.

Another question that came up was the location of two Oak trees. She said the southernmost tree was just inside the right-of-way line and the northernmost one was on private property. The Chehalem Pointe (formerly known as Martell Commons) site plan was a draft and not submitted yet, but showed all access to the proposed development was from Park Lane. She explained proposed redesigns in order to save the Oak trees. These designs would have to be looked at in more detail to see if they were feasible if the Council wanted to go that direction. There were some costs associated with them as well as timeline and sight distance issues. All of the proposed grade changes were designed for 25 mph. The City's standard was not to be above 8 percent grade, but most of the road was at 11 percent and staff would be cutting it down to 10 percent. The sight distance issue on Orchard Drive would be improved by the new design. Regarding the speed at the driveway at the top of the hill, there was no site specific speed data at that location. It was likely cars going northbound were going slower than what was documented as it was uphill, but the cars going southbound were likely speeding as it was downhill. Construction costs brought up by Mr. Rydell were figures from 2001. There had been significant increases in construction costs since then and his proposal to redesign the project did not include undergrounding utilities, stormwater, and culvert crossings. Also public organizations were supposed to pay Bureau of Labor and Industries (BOLI) wages, which private development did not have to pay. The City did receive three bids and she recommended awarding the contract to move forward with the project.

Councilor Johnson asked about the cost of increasing/decreasing grades. CE Hofmann confirmed that changing grades increased the cost of the project. Councilor Essin said this was not a new project and nothing was brought up in the past about the trees. He asked if the bid was \$400,000 over the estimate and CE Hofmann verified that.

Maryann Tact, Newberg resident, lived in this area. Her number one concern was biker and pedestrian safety. Speeding had increased on the road since the culverts were put in. She had trouble backing out of her driveway and walking across the street to get her mail. She did not mind if her driveway had to be moved if it meant better safety. CE Hofmann clarified the City would have to pay to have the driveway relocated. Councilor McKinney said speeding was an issue there and also on other streets such as Mountain View Drive. He was encouraged that radar signs were going to be used. He asked if the line of sight issues would be improved for Ms. Tact. CE Hofmann said it would.

Leonard Rydell, Newberg resident, did not get an answer on Orchard Drive and why it did not have to meet the new standards. One standard was the vertical curves which was a 25 mph standard, and the other was the average 85th percentile speed. The difference between the two standards was one had to have 240 feet of distance and the other had to have 335 feet of distance. He thought putting in flashing traffic signs was a good idea to reduce speeding. He did not get an answer why Haworth Street which had three times the accidents than Park Lane did not get a left turn lane. He did not get an answer as to why the left turn lane was bigger than others in the City. There was no discussion on how making streets safer actually made them more dangerous. He had done his own traffic count on College Street. He found that more cars passed before he could turn left than what was on Park Lane. Was putting a bike lane next to the curb safe? He suggested putting the bike lane in a drive over curb to keep them separate from vehicles and separate from the pedestrian path. The trees were part of their community and if they redesigned the project and went to bid in March they might get lower bids. He urged the Council to deny the contract.

Councilor Corey asked about the multi-use paths and saving the trees. Mr. Rydell said there were design options that could save the trees.

Robert Soppe, Newberg resident, was concerned about the accuracy of the information that the Council was given. He felt the improvements to Villa Road had caused more speeding. Council should ask what was in the design that would discourage speeding. He did not think radar signs were a long term solution. The warrant for the left turn lane was based on 40 mph speeds. If the project was successfully designed to discourage speeding, the warrant no longer applied. At the last meeting it was stated that the Oak trees were on private property and the owner could cut them down at any time. This was false as one was in the public right-of-way and the City would have to approve its removal. Part of the other tree was also in the public right-of-way which would make it a border tree and required City approval to remove. He said the lack of a heritage tree ordinance was given as a reason the City's hands were tied with regard to protecting the trees. He read from the Development Code which stated modification of the standards to preserve trees that were significant to the aesthetic character of the area was allowed. The Council was told that to preserve the trees would require acquisition of a neighbor's house on the east side of Villa Road. Mr. Soppe thought there were other options where that would not be necessary. When the Council approved rezoning the property, it was expected that there would be access onto Villa Road. Now they found out that access was prohibited by the Code. He felt the primary reason for removal of the southern tree was for inadequate sight distance on a driveway. Based on his calculations, the northern driveway for that property met the sight distance requirements. There could be a compromise of building a driveway between the two existing ones. In his opinion, there had been significant errors in the facts that should raise concern. He thought Council should deny the contract until the issues had been resolved.

Resolution 2017-3404, Villa Road Improvements rejection of all bids:

CE Hofmann said this was an alternative to the award of the bid. While staff was recommending the award of the bid, the decision had to be made tonight and she had drafted a resolution that rejected the bids if the Council decided to go that route.

Proponents:

Patricia Farrell, Newberg resident, said people drove too fast on the road. It had been shown that widening roads made people go faster. Putting up a radar sign would not slow people down long term. If safety was a

concern, this plan did not provide a safer road. Trees on the road slowed traffic and made for a more pleasant walking and biking experience. She felt that narrower, tree-lined streets were safer and more conducive to good, livable communities. She asked the Council to reject the bid proposals and look at the other options.

Leonard Rydell, Newberg resident, favored rejecting all bids. He thought the City could spend the money more wisely. He explained how there were better designs for the road. They needed more walking paths throughout the community. Preserving the trees showed what kind of community they wanted to be proud to live in.

Kevin Marugg, Newberg resident, said in the last two weeks that two more government agencies had signed a petition to save the two oak trees. The City should be progressive by saving the trees. He thought the City Engineer had done a great job. If the trees were left alone he felt they could live for 300 more years. He was available to help the City with its Heritage Tree program.

MOTION: Johnson/Corey moved to approve Resolution 2017-3387, A Resolution authorizing the City Manager to enter into a contract with K & E Excavating, Inc. for the Villa Road improvements, Haworth to Park Lane – Phase 2 project.

Councilor Johnson said the two trees were important and historic but he heard the concerns tonight about the north/south connections in the City. There were many new developments coming up that would all be using Villa Road. It was a dangerous situation on Villa due to speeding and sight distance and it would get worse with more traffic. He thought the left turn lane was necessary for safety.

Councilor Essin suggested since the project was over \$400,000, which might be because of the time of year the bids went out, they should put the project off and look at the alternatives.

Councilor Corey was saddened about removing the two Oak trees but it had to be done for the safety on the roadway.

Councilor McKinney would support the motion due to safety reasons.

Councilor Bacon was voting against the measure because the future was uncertain and she did not think the design was safer. She would like to preserve the two trees.

Councilor Essin said the two trees were large and could not be replaced. He thought if they were going to take them down, they should make something with them such as benches or a gavel for the Mayor.

Mayor Andrews supported the motion because of the long range view of Newberg. They needed to position themselves to allow growth and to do it well.

Motion passed (4 Yes/2 No [Bacon, Essin]).

Resolution 2017-3377, Villa Road Improvements:

CE Hofmann said this had to do with the Chehalem Pointe (formerly Martell Commons) property at the corner of Villa and Park Lane. Right-of-way needed to be acquired for the Villa Road project. The City worked with KWDS on right-of-way and for KWDS would pay for their portion of the required improvements. There was discussion on how the \$342,750 figure was calculated. It included the Engineer's estimate on required improvements and an assigned dollar amount. KWDS was dedicating the right-of-way and would be paying the \$342,750 for project costs. They would still do improvements on Park Lane and pay transportation SDCs.

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Robert Soppe, Newberg resident, said the Council was being asked to conclude that \$342,750 was the appropriate price for KWDS's portion of the project, but what was it based on. He thought the Council was doing a disservice to the citizens of Newberg by moving forward on this resolution without providing details. He requested the Council not approve the resolution until the details were provided.

Councilor Essin asked where the number came from. CE Hofmann explained how staff had looked at the costs for each piece of the project and came up with the portion KWDS would be required to pay.

MOTION: McKinney/Johnson moved to approve Resolution 2017-3377, A Resolution authorizing the City Manager to enter into a right-of-way dedication easement and improvement agreement with KWDS, LLC on the Villa Road improvement project.

Councilor Essin was concerned that they did not get the best deal possible.

Councilor Johnson said the Council was spending a lot of time questioning staff the last few meetings. He suggested the Council do their homework and vote no if they did not agree.

Councilor Corey said the City took the lowest bid.

Mayor Andrews said there was no Exhibit A included in the documents and he did not think he could make a decision on this issue tonight.

MOTION: Andrews/Johnson moved to table this action to August 14. Motion carried (6 Yes/0 No).

Newberg 2030 Project Update – Task 4; Population Projections and Next Steps: This item was tabled until the August 24 meeting.

NEW BUSINESS:

Resolution 2017-3400, Planned Unit Development code amendment:

SP Olson said this resolution would initiate changes to the Development portion of the Municipal Code. It came from a request from JT Smith Company who wanted to develop a mix of public and private streets. The current Code prohibited private streets. This was to consider whether private streets could be allowed in a Planned Unit Development with certain conditions.

Michael Robinson, Perkins Coie, said this would allow his client to submit the application to go through a public legislative process.

Councilor McKinney asked about the advantages. Mr. Robinson said it would allow the applicant to be more creative on designing a PUD. There would be a Homeowners Association to enforce parking and provide proper maintenance.

MOTION: Johnson/Bacon moved to approve Resolution 2017-3400, A Resolution initiating an amendment to the Newberg Municipal Code, Title 15 Development Code for private street regulations in Planned Unit Developments. Motion carried (6 Yes/0 No).

Transient Lodging Tax grant applications materials:

CDD Rux said these were changes to the TLT small grant materials. He would notify applicants by January 31, 2018. Evaluation criteria included eligibility requirements, and scoring process. The goals and guidelines now align with evaluation criteria. The solicitation process would close in October and the applications would be evaluated and brought to Council in January. They had \$20,000 in the budget for the grants.

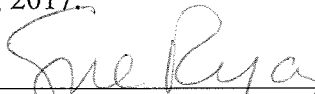
COUNCIL BUSINESS: None

EXECUTIVE SESSION Pursuant to ORS 192.660 (2) N Labor Negotiations

This item was tabled until August 24.

ADJOURNMENT: The meeting was adjourned at 11:50 p.m.

ADOPTED by the Newberg City Council this 5th of September, 2017.


Sue Ryan, City Recorder

ATTESTED by the Mayor this 8th day of September, 2017.


Bob Andrews, Mayor

