

**CITY OF NEWBERG CITY COUNCIL MINUTES
AUGUST 2, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

An Executive Session pursuant to ORS 192.660(2)(h) was held during the Work Session 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. 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	Denise Bacon	Stephen McKinney
	Bart Rierson	Wade Witherspoon	Ryan Howard

Members

Absent: Marc Shelton

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Dain Eichel, Acting Public Works Director
	Larry Fain, Senior Engineer/CIP Manager	Norma Alley, City Recorder
		Jennifer Nelson, Recording Secretary

Others

Present: Roger Wiltshire, Randolph Lytle, and Steve Watt

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, stated the County Fair will be held this week from Wednesday, August 4-7, 2010. The Public Works Director position advertisement closes this Friday. He read a letter from Dr. Jack Vining, MD, of McMinnville praising Fire Department personnel whom responded to a fatal accident. It was requested to contact the writer of the letter and ask if it could be printed in The Newberg Graphic.

V. PUBLIC COMMENTS

None.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2010-2915** authorizing the City Manager to enter into agreement with the State of Oregon to exchange federal funds for state funds.

2. Consider a motion approving **City Council Minutes** for June 28, 2010, and July 6, 2010.

MOTION: Rierson/Bacon approving the Consent Calendar including **Resolution No. 2010-2915** authorizing the City Manager to enter into agreement with the State of Oregon to exchange federal funds for state funds and the City Council Minutes for June 28, 2010, and July 6, 2010, as amended. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

VII. PUBLIC HEARING

Consider a motion to approve **Order No. 2010-0026** approving the findings that the proposed annexation and concurrent zone change meet the applicable Newberg Development Code criteria and approve **Ordinance No. 2010-2729** annexing two adjacent parcels located at 308 Hwy 99W and 612 W. 3rd Street and scheduling this item for the November 2, 2010, General Election.

TIME – 7:14 PM

Mayor Andrews called for any abstentions, biases, ex parte contact, or objections to jurisdiction; none appeared.

Mr. Terrence Mahr, City Attorney, made the required legal announcements for quasi-judicial hearings.

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

Mr. Roger Wilshire asked for clarification of the location of the parcel and if it was contiguous to the east or west of the city limits. Staff replied the city limits are to the west of the considered parcel, so the parcel is to the east of the city limits.

Mayor Andrews opened and closed the public testimony. No citizens were present to testify; no written testimony had been received. Staff stated the Planning Commission recommended adoption.

Mr. Mahr asked if the applicant wished to waive their right to an additional seven days to submit further written testimony.

Mr. Randolph Lytle, representing the applicant Mr. Steve Watt with Airgas, stated they would like to waive their rights to additional time to submit further written material to the public record.

Mayor Andrews closed the public hearing.

Councilor Bart Rierson mentioned they Planning Commission unanimously supported adopting the annexation.

MOTION: Rierson/Bacon approving **Order No. 2010-0026** approving the findings that the proposed annexation and concurrent zone change meet the applicable Newberg Development Code criteria. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

MOTION: Rierson/Bacon approving **Ordinance No. 2010-2729** annexing two adjacent parcels located at 308 Hwy 99W and 612 W. 3rd Street and scheduling this item for the November 2, 2010, General Election, read by title only. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

VIII. COUNCIL BUSINESS

TIME – 7:33 PM

Mr. Danicic led a discussion on sustainable budgeting and discussed a proposed survey. He requested their approval to convene the Budget Committee to review the process of the survey and town hall gathering. There were concerns about the cost of the survey when other programs are being forced to accept significant cutbacks; the pros and cons will be explored further with the entire Budget Committee.

Mayor Andrews discussed an emailed received by him and another councilor regarding a zone change for some property on North Meridian Street. Staff indicated there was some property purchased by the Yamhill County Housing Authority and they have discussed a possible zone change with the City; they were encouraged to talk with the surrounding neighbors before filing an application for the zone change. Staff has not been involved in this process and citizens coming to Council with questions or comments would be considered ex parte contact and must be declared if and when Yamhill County Housing Authority decides to apply for the zone change and it comes to the Council as a quasi-judicial public hearing. No application has been filed yet, but discussions on the matter with citizens and Council would be inappropriate at this time.

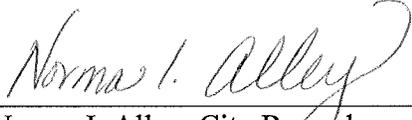
Mr. Danicic asked Council for further direction concerning the Daytime Curfew issue with the school district and how they would like to continue with the matter. Councilors were still anticipating a meeting with the school district on neutral territory to discuss their reasons and supporting data from both the schools and police department.

Councilor Rierson expressed concerns for accidents at 2nd Street and Hwy 219 and the anticipated “right in, right out only” intersection to be installed by the Oregon Department of Transportation (ODOT). He wished to discuss an interim solution with ODOT in the interest of public safety. The Mayor suggested he bring up the matter at his next Mid-Willamette Valley Area Commission on Transportation (MWACT) meeting.

IX. ADJOURNMENT

The meeting adjourned at 8:16 PM.

ADOPTED by the Newberg City Council this 7th day of September, 2010.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of September, 2010.



Bob Andrews, Mayor