

CITY OF NEWBERG
COUNCIL AGENDA
AUGUST 6, 1990
7:30 P.M.
NEWBERG PUBLIC LIBRARY

- I. CALL MEETING TO ORDER.
- II. ROLL CALL.
- III. CONSENT CALENDAR:
 1. Minutes from Council meetings on June 19, 1990, July 2, July 9, and July 17.
 2. Resolution No. 90-1569 accepting the canvassing of votes for the June 26, 1990 election for referendum on Crestview Drive.
 3. Resolution No. 90-1570 recognizing City Employees for outstanding service during the Old Fashioned Festival.
 4. Letter of appreciation to Bill O'Connor, Chairman of Old Fashioned Festival.
 5. Adoption of a bad check policy for the City of Newberg.
- IV. REQUESTS AND COMMUNICATIONS FROM FLOOR. (Limit 5 minutes)
- V. PUBLIC HEARINGS:
 1. Public Hearing regarding the the proposed renaming of a portion of Sunset Drive to Sunset Court.
Tax Lot Nos.: 3207DB -200, -300, -400 and -500.
Ordinance No. 90-2283
- VI. REPORT FROM CITY MANAGER.
- VII. REPORT FROM YAMHILL COUNTY COMMISSIONER:
- VIII. REPORT FROM CHAMBER OF COMMERCE:
- IX. OLD BUSINESS:
 1. Resolution No. 90-1568 approving an option for purchasing a fire engine.

CITY COUNCIL AGENDA
AUGUST 6, 1990

2. Continued discussion regarding Ordinance No. 90-2281 pertaining to the establishment of an Airport Overlay Zone.
3. Repeal of Ordinance No. 2180.

X. NEW BUSINESS:

XI. EXECUTIVE SESSION:

1. Pursuant to ORS 192.660(1)(i) relating to City Manager evaluation.
2. Pursuant to ORS 192.660(1)(e) relating to real property (Ryco).

XI. ADJOURNMENT.

INDEX OF RESOLUTIONS AND ORDINANCES ON THIS AGENDA FOR ACTION:

RESOLUTIONS:

1. Resolution No. 90-1569 accepting the canvassing of votes for the June 26, 1990 election for referendum on Crestview Drive.
2. Resolution No. 90-1570 recognizing City Employees for outstanding service during the Old Fashioned Festival.
3. Resolution No. 90-1568 approving an option for purchasing a fire engine.

ORDINANCES:

1. Ordinance No. 90-2283 directing the renaming of a portion of Sunset Drive to Sunset Court, Tax Lot Nos.: 3207DB -200, -300, -400 and -500.
2. Ordinance No. 90-2281 pertaining to the establishment of an Airport Overlay Zone.

RESOLUTION NO. 90-1569

A RESOLUTION ACCEPTING CANVASSING OF VOTES FOR THE JUNE 26, 1990, ELECTION FOR REFERENDUM ON CRESTVIEW DRIVE.

WHEREAS, at the June 26, 1990, election, the City had on the ballot a referendum of Ordinance No. 90-2271 making Crestview Drive a collector street;

WHEREAS, said election was conducted through the County Clerk of Yamhill County, State of Oregon; and

WHEREAS, the City has received from the County Clerk the official canvass of votes for said ballot measure 36-1;

NOW, THEREFORE, BE IT RESOLVED by the City of Newberg as follows:

1. The City accepts the official canvassing as submitted to the City by the Yamhill County Clerk, State of Oregon, for the June 26, 1990, election, which is attached to this resolution and by this reference incorporated.
2. The City Council declares that the referendum to overturn Ordinance No. 90-2271 making Crestview Drive a collector street met with voter approval and is accepted by Council.

ADOPTED by the City Council of the City of Newberg, Oregon, this 9th day of July, 1990.

Duane R. Cole, City Manager

TDM\canvas.res

III-2

(31)

36-1 NEWBERG CITY REFERENDUM ON CRESTVIEW DRIVE

WITH 6 OF 6 PRECINCTS REPORTING

01 = OVER VOTES
02 = UNDER VOTES
03 = YES

VOTES PERCENT
1
90
1,195 42.14

04 = NO
05 = BALLOTS CAST

VOTES PERCENT
1,641 57.86
2,927

	01	02	03	04	05
0002 NEWBERG CITY N.	0	31	269	274	574
0003 NEWBERG CITY NW	0	12	176	238	426
0004 NEWBERG CITY SW	0	11	174	190	375
0005 NEWBERG CITY SE	1	16	205	301	523
0031 NEWBERG CITY NE	0	15	198	335	548
0036 NEWBERG CITY N	0	5	173	303	481

I CERTIFY THAT THE VOTES RECORDED ON THIS
ABSTRACT CORRECTLY SUMMARIZE THE TALLY
OF VOTES CAST AT THE ELECTION INDICATED.

Charles H. ...
SIGNATURE OF COUNTY CLERK:

6-27-90
DATE OF ABSTRACT



6-III

(88)

Tuesday, 7:30 p.m.

June 19, 1990

MINUTES OF AN ADJOURNED MEETING
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

The meeting was called to order by Council President Roger Gano.

ROLL CALL:

PRESENT: Roger Gano Donna Proctor
Alan Halstead Joe Young
Donna McCain Jack C. Nulsen, Jr.

ABSENT: C. Eldon McIntosh Mayor Elvern Hall
Rick Rementeria (late)

STAFF PRESENT: Duane R. Cole, City Manager
Terry Mahr, City Attorney
Bert Teitzel, Director of Public Works
Katherine Tri, Finance Director

OTHERS PRESENT: Mary Newell, Asst. City Recorder
Mark McDevitt, TCI Cablevision
John R. Wenos, Graphic

CONSENT CALENDAR:

Motion: Nulsen/Proctor to approve Consent Calendar as presented.
(Unanimous)

1. Approve minutes from May 22, 1990, an adjourned City Council meeting. (Disposition: Placed on File)
2. Resolution accepting the low bid of Kizer Excavating for the construction of the Newberg Storm Sewer System Improvements on Illinois Street and Main Street. (Disposition: Resolution No. 90-1561 adopted)
3. Resolution transferring and reappropriating funds in the General, State Tax Street, Water and Hospital Operating Funds. (Disposition: Resolution No. 90-1562 adopted)
4. Resolution approving the City Engineer's report for the LID to service the lots adjacent to Sunset Drive from College Street to 220 feet west. (Disposition: Resolution No. 90-1563 adopted)

REQUESTS AND COMMUNICATIONS FROM FLOOR:

Mrs. Judy Weber, 113 East 4th Street, addressed Council regarding a potential problem developing between herself and her neighbor regarding a 6-foot high fence being built along an alley across

from her property. Mrs. Weber stated that her main concern was safety, specifically that the height of the proposed fence and its angle limited visibility and impeded access from her driveway to the street. She said she was not opposed to the fence but would recommend that the neighbor lower the fence height from 6 to 4 feet and to change the 90-degree corner angle at the alley to allow better clearance and maneuverability.

Mrs. Weber, citing City ordinances, ORS, and City Charter, argued that a street by definition includes the alley and is under City jurisdiction and subject to the clear vision ordinances of the City.

City Manager Duane Cole indicated that City clear vision ordinances do not apply to interior alleys. He suggested that the regulations quoted applied only to ally/street intersections, and not to alley/driveway intersections. Councilor Nulsen stated that although the regulations had not been enforced in the past, he was in agreement with Mrs. Weber's interpretation of the regulations.

Councilor Rementeria arrived at the Council meeting at 7:40 p.m.

Councilor Rementeria suggested that the issue as a legal matter be referred to the Ordinance/Legislative Committee, and the City Attorney prepare a legal opinion on the matter prior to the Committee meeting.

Motion: Rementeria/Nulsen to refer the matter to the Ordinance/Legislative Committee.

Responding to questions from the Council, Mrs. Weber indicated that the fence was under construction but had not been completed.

General discussion followed regarding the question of whether the City had regulatory authority over the matter. Councilor Halstead asked if the builder could postpone the building of the fence until the matter had been heard by the Ordinance/Legislative Committee.

The Question was called for. (VOTE: Unanimous) (Disposition: Referred to Ordinance/Legislative Committee)

Councilor Halstead asked the City Manager to contact the fence builder and advise him that until the matter is resolved, the builder will be proceeding with the project at his own risk and liable for any accident at the site until the City has satisfactorily researched the legality of the matter. Councilor Nulsen concurred.

Councilor Young requested the video Mrs. Weber had prepared be

III-1

(2)

shown. The video was shown with Mrs. Weber narrating. The first portion of the video was Mrs. Weber's property and the new fence; the final portion of the video depicted neighbors who had a similar fence problem and how it was resolved.

PUBLIC HEARING:

1. Public Hearing to consider objections and remonstrances to a proposed Water System Improvement Project, entitled "Parkway Subdivision Local Improvement District."

Directing Council's attention to the staff report in Council's packet, Public Works Director Bert Teitzel presented the Staff report. He indicated that there was a discrepancy on Pages 17 and 18 of the report and that the correct figures is on Page 17. Mr. Teitzel indicated that Prospect Park Subdivision were willing to donate \$7500 to this assessment project, with the correct number of developed lots being 20. Mr. Teitzel recommended that Council proceed with the LID.

There was no one present who wished to testify in support or opposition to the issue.

Motion: Halstead/Nulsen to close public hearing. (Unanimous)

Motion: Halstead/Nulsen to proceed with the Parkway Subdivision Local Improvement District. (Unanimous)

Mr. Teitzel indicated this matter would be back to Council for award of bid the first part of August and construction would be done this year.

The following public hearings relating to the 1990-91 Fiscal Year budget and the State Revenue Sharing Funds were held in conjunction with one another.

2. Public Hearing to consider the City of Newberg 1990-91 fiscal year budget. Ordinance No. 90-2280 adopting the budget.
3. Public Hearing considering proposed sues of State Revenue Sharing Funds anticipated to be received in fiscal year 1990-91. (Combined with Ordinance No. 90-2280)

Councilor Gano, as acting President of the Council, called for abstentions or objections to Council's hearing this matter. There being none, the public hearing continued.

Duane Cole, City Manager, referred Council to the ordinance in the Council packet. In summary, he said, the ordinance sets forth the

City's 1990-91 budget, including the adjustments necessary to provide for the employees' compensation package for coming fiscal year. He noted that the budget is the same as was approved by the Budget Committee.

Finance Director Kathy Tri itemized the adjustments made to the budget as follows:

1. include employee compensation package;
2. set up reserve for donated funds for dog pound;
3. adjusted budget to reflect the actual CBG Grant of \$127,000, not \$140,000 figure used by the Budget Committee;
4. added moving expenses for Finance Director;
5. rebudgeted carry over of Planning Department Grant; and
6. adjusted grounds-keeping contract for Library from \$2,000 to \$3,000.

She indicated that the total tax levy is \$2,191,629.

Regarding Public Hearing Item No. 3, Ms. Tri indicated that State law provides that cities may receive money from State liquor taxes, the amount determined on per capita income based on population of City property tax levies. \$50,000 is anticipated for next fiscal year, and the money is being recognized in the General Fund and is being used for general operating purposes.

There being no opponents or proponents wishing to speak, Council President Gano closed the Public Hearing.

Motion: Nulsen/Young to reduce the reserve for the Sewer Treatment Plant Fund by \$100,000 and allot that \$100,000 to the Fire Department for the purchase of a fire truck; and to delete the amount of money being spent for the National League of Cities (approximately \$10,000, including membership and attendance at the National Conference) and allot the \$10,000 to the Fire Department for purchase of fire hose.

Councilor Rementeria asked the City Manager what impact would be had by moving the \$100,000 reserve to the Fire Department. Mr. Cole voiced some concerns:

1. Is the move in compliance with the EPA agreement for use of those funds? Mr. Cole indicated that the funds are required to be set aside.
2. A policy issue for the Council to decide is whether or not the Council is going to take from the sewer reserves funds specifically for that operation and allocate those funds to a general fund which derives revenue from a variety of sources?

Councilor Halstead asked whether the Council could legally remove funds from an enterprise fund? Mr. Cole stated he did not know, but that enterprise funds act as separate accounting entities within the system.

Councilor Young remembered that this issue had been discussed in the past, and it was decided that it was okay to borrow from an enterprise fund only as a short-term loan. He suggested that delegating the earned income or interest on the enterprise funds might be another way to acquire funds to purchase the fire truck, and he asked Ms. Tri what is done with the earned income on these funds? Ms. Tri stated that the earned income becomes part of the revenues associated with the particular fund. Councilor Halstead stated that it would be inappropriate to use these funds in such a manner and suggested that the fire department find another way to get the revenue.

Councilor Nulsen stated that he did not feel that allotting \$450,000 each year for the sewer treatment plant was necessary. He does not think the agreement with the EPA states that. Councilor Halstead concurred, but stated that it was inappropriate to "rob Peter to pay Paul." Councilor Nulsen said he feels that the City is creating excess reserves which are not necessary and which could be used to solve the need of the fire truck and fire equipment. Mr. Halstead stated that if they are excess funds, then the appropriate response would be to give a rate reduction on sewer and water bills, not use the money to purchase a fire truck. He insisted that if a fire truck is needed, a bond issue or a serial levy must be passed.

Mr. Cole reminded Council that the CIP which was developed included the use of the \$455,000. He said if portions of the money is used, it will change the numbers involved in the rate studies if the City is to meet their obligations. Further, he said, all of the equipment at the treatment plant was listed and a depreciation schedule developed based on that list which was conservative.

Councilor Halstead called for the question. Councilor Gano reiterated the motion: to reallocate from the Sewer Reserve Fund \$100,000 and move it to the fire department for the purchase of a new fire truck and to delete money for the National League of Cities in the exact amount of \$8,174 and allot that to the Fire Department for the purchase of fire hose.

Councilman Young asked if the motions could be separated. President Halstead asked Mr. Halstead if he would withdraw his call for the question. Mr. Halstead responded in the negative. President Gano said the question stands and called for a vote.

VOTE: (Yea - (3) Nulsen, Proctor, Young; Nea - (4) Gano, Halstead, McCain, Rementeria.) (Disposition: Motion failed)

Motion: Halstead/McCain to read the ordinance by title only. Councilor Young called for the question. **VOTE:** (Yea - (6) Gano, Halstead, McCain, Proctor, Rementeria, Young; Nea - (1) Nulsen)

City Attorney Terry Mahr read the ordinance by title only.

The Finance Director confirmed that the revenue sharing was in the ordinance.

ROLL CALL VOTE: (Yea - (5) Gano, Halstead, McCain, Rementeria, Young; Nay - 2, Nulsen, Proctor) (Disposition: Ordinance failed to pass)

The City Attorney advised Council on an order of law which provides that an emergency provision be passed with a majority of six votes. By deleting the emergency clause, he said, the ordinance would not become effective until July 18. Ms. Tri indicated that a budget had to be adopted by July 1.

Councilor Young suggested that in order to resolve the conflict, the issue of the National League of Cities be addressed. Mr. Rementeria suggested putting \$100,000 into an unappropriated fund. General discussion followed regarding the legality of transferring funds from the sewage reserve fund to a general fund and whether the interest accrued in one account could be used to supplement the purchase of a new fire truck.

Councilwoman McCain stated that Council needs more information before making a decision on the funding for a fire truck since no one had yet submitted a statement of cost or expenses associated with such a purchase.

To help facilitate the deliberations, Mr. Cole stressed that the Council pass the ordinance so the City would have an operating budget. He said the issues being discussed are policy matters and could be discussed at a later date. Further, he suggested, more information is needed before these decisions could be made, i.e. what the EPA grant would allow in terms of transferring funds.

Councilman Young questioned whether the City was getting full value for the \$5,200 dues for the National League of Cities and suggested that the City is better served on a State or regional level. Councilman Gano read a prepared statement in support of the NLC.

Councilman Rementeria stated his personal feelings:

III-1

(6)

1. Cutbacks on sewer should go to reducing rates;
2. If the City wants to purchase a fire truck, they should seek a levy; and
3. The \$5,200 should be applied towards employee/Council training and education.

Motion: Rementeria to apply the \$5,200 budget for NLC to education. Motion died for lack of a second.

Citing the small size of Newberg as a community, Ms. Proctor stated that she felt that few benefits resulted from the Council's association with NLC and suggested that their contacts should be kept on a local level. Mr. Rementeria stated he had reservations about Council going to national conventions such as the NLC and suggested that the money would be better spent on education, either for Council or employees.

Motion: Young/Rementeria to read by title only the budget as presented. (Yea - (5) Gano, Halstead, McCain, Rementeria, Young; Nay - (2) Nulsen, Proctor) Motion carried.

ROLL CALL VOTE: (Yea - (5) Gano, Halstead, McCain, Rementeria, Young; Nay - (2) Nulsen, Proctor) (Disposition: Ordinance failed to pass)

Mr. Cole suggested the Council consider impounding City funds, a method used by the Federal government to seize and hold funds. He said that the Council could impound an amount of money, subject to the Council's approval for any future use of these funds.

Motion: Nulsen/Proctor to adjourn the meeting.

President Gano indicated the motion was out of order and he would not recognize it. Councilor Nulsen left the Council meeting at 8:55 p.m.

Councilor Halstead stated that the ordinance without an emergency clause would not become effective before the July 1 deadline for a budget and was, therefore, not an option for Council.

Councilor Young admonished President Gano for not recognizing Mr. Nulsen's motion to adjourn, stating that it was improper and denied the Council the right of privilege.

Motion: Young/Rementeria to read the ordinance by title only with the change that the City Council impound an amount of approximately \$100,000 out of the Sewer Replacement Fund for the purpose of the future acquisition of a fire truck and to schedule an emergency meeting of the Council within the next two weeks to resolve the

issue of what can be done to cover the \$100,000 impoundment and NLC.

Mr. Young asked that Councilor Nulsen be invited back to the Council meeting in order to participate in the vote. President Gano conceded he was in error regarding the motion to adjourn and instructed Mr. Mahr to bring Mr. Nulsen back to Council if he were still on the premises.

Ms. Proctor asked that the money assigned to the National League of Cities be addressed. Councilor Young indicated that the issue of the NLC would be discussed at another meeting.

Councilor Nulsen re-entered the Council chambers. Mr. Young restated the motion. Mr. Nulsen clarified that the motion expressly impounds funds to be applied towards the purchase of a fire truck. President Gano stated that Mr. Cole, when he brought up the subject of impoundment, inferred that the money could be held but not necessarily applied towards the fire truck if other means of purchase were pursued. Mr. Young stated that his intent to impound the \$100,000 is for security and will be replaced when the Council can discover those funds from another source. Staff indicated that the time limit on impounded funds is for one fiscal year.

Councilor Halstead called for the question. Vote on motion to read ordinance by title only: Yea - 6; Nay - 1 (Gano). The City Attorney read the ordinance by title only as follows:

"An Ordinance adopting the City of Newberg, Oregon, budget for the 1990-91 fiscal year as approved by the Budget Committee and making appropriations and levying a property tax, improving the City of Newberg's participation in the State Revenue Sharing Program, repealing Ordinance No. 2180, and declaring an emergency, with it understood that \$100,000 out of the Sewer Replacement Fund will be impounded for the future purchase of a fire engine and that within two weeks an emergency meeting of the Council will be held to discuss the impoundment of the \$100,000 and the funds that are presently appropriated for use at the National League of Cities, both dues and travel.

Councilor Rementeria asked for clarification that the ordinance does not prevent Council from obtaining the necessary funds from another source. President Gano indicated that this ordinance does not prevent the Council from pursuing a bond levy or another avenue for getting the funds to purchase a fire truck. Councilor Nulsen stated he could not vote for the motion if it is Council's intent to pursue a bond levy in order to purchase the fire truck.

Councilor Young indicated that the intent of his motion was to pass a budget and put the City in a position where it could operate, with the matter of the fire truck to be decided at a future meeting.

VOTE: Yea - 5; Nay - 2 (Nulsen, Proctor) (Disposition: Motion passed. Read ordinance by title only.)

The City Attorney again read the ordinance by title only.

ROLL CALL VOTE: Yea - 5 (Gano, Halstead, McCain, Rementeria, Young); Nay - 2 (Nulsen, Proctor) (Disposition: Ordinance as amended failed to pass)

City Manager proposed that Council, since they could not reach a suitable compromise at this time, adopt the City's 1990-91 budget by resolution which requires only a majority vote and will become effective immediately. He stated that it is legal to adopt a budget by resolution, but noted that the reference to amending Ordinance No. 2180 would have to be stricken from the resolution.

Motion: Halstead/Rementeria to adopt the budget by resolution as presented.

Councilor Young asked for a legal opinion. Attorney Mahr indicated that statutes clearly provide that a budget can be adopted by resolution, although the City of Newberg had always adopted their budget by ordinance.

There was general discussion about the reserve funds referred to by Ordinance No. 2180, which would have to be repealed by a separate ordinance. Ms. Tri indicated that this matter could be taken care of at the next Council meeting.

Motion: Rementeria/McCain to amend the motion to add that within the next 30 days Council meet to resolve the issue of the National League of Cities and the purchase of a new fire engine.

ROLL CALL VOTE: Yea - 4; Nay - 3, (Halstead, Nulsen, Proctor) (Disposition: Amendment passed)

Council President Gano reiterated the motion as amended:

"Motion to adopt the budget by resolution as presented with the amendment that Council meet within 30 days to discuss the NLC and fire engine purchase."

ROLL CALL VOTE: Yea - 5; Nay - 2 (Nulsen, Proctor) (Disposition: Resolution adopted as amended)

Mr. Gano directed Staff to secure an appropriate meeting date within 30 days. General discussion followed regarding possible meeting dates.

REPORT FROM CITY MANAGER: The City Manager referred Council's attention to his report in the Council packet. Mr. Young questioned whether there would be a quorum for the next meeting on July 2nd. Mr. Cole stated that the Charter requires Council to meet on the first Monday of the month and expressed fear that a quorum might not be available for the July 2nd meeting.

OLD BUSINESS:

Mr. Young asked for an update on the tree planting project on First Street and asked how much the project will cost the property owners. Mr. Teitzel stated that the trees are donated, the construction work is being done by Public Works, and that the trees are \$35 each for people on First street and donations being made by others who are not on First Street.

Councilor Proctor asked Council to reimburse expenses to the lady who is planting the planters around town. She indicated the cost of the flowers has been paid for by the individual and the labor is free. Mr. Cole concurred that it would be a good idea provided some limit were placed on the amount spent.

Councilor Young brought up the issue of a walkway between River Street and almost to Villa Road. He requested the City Engineer and City Manager explore a program, by City or volunteer, to develop the walkway to connect the east and west sides of town.

Ms. McCain noted that the State Highway Department needs to be advised to maintain their portion of the south side of the street, citing vegetation which is growing and obstructing traffic along the street. Councilor Halstead noted that this project is included in the State Highway budget for 1993-94 and suggested the funds be used for another purpose. Mr. Teitzel agreed, noting that the project is included in the 6-year plan. Mr. Cole suggested that Public Works come up with an interim solution.

Motion: Rementeria/Halstead to adjourn. (Unanimous) There being no further business, the meeting adjourned at 9:30 p.m.

Duane R. Cole, City Recorder

ATTEST:

Roger Gano, Council President

III 7

(10)

Monday, 7:30 p.m.

July 2, 1990

MINUTES OF A REGULAR MEETING
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

The City Council meeting of July 2, 1990, was canceled due to a lack of quorum. City Manager Duane Cole was present at the Newberg Public Library to advise the public that a meeting would be held on Monday, July 9, 1990, if they wished to attend.

Duane R. Cole, City Recorder

III-1

(11)

Tuesday, 7:30 p.m.

July 9, 1990

MINUTES OF AN ADJOURNED MEETING
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

PRESENT: Roger Gano Jack C. Nulsen, Jr.
Alan Halstead Donna Proctor
Donna McCain Rick Rementeria(late)

ABSENT: C. Eldon McIntosh Joe Young

STAFF PRESENT: Duane R. Cole, City Manager
Terry Mahr, City Attorney
Dennis Egner, Planning Director
Bert Teitzel, Director of Public Works
Katherine Tri, Finance Director

OTHERS PRESENT: Mary Newell, Asst. City Recorder
Mark McDevitt, TCI Cablevision

CONSENT CALENDAR:

Motion: Gano/Nulsen to adopt the Consent Calendar as presented.
(Unanimous)

1. Minutes from regular Council meeting on June 4, 1990.
(Disposition: Approved)
2. Motion to adopt the Library Material Selection Policy.
(Disposition: Motion passed)
3. Resolution awarding a contract to Moss Adams, Certified Public Accountants, to conduct an audit of the City of Newberg for the fiscal year ending June 30, 1990. (Disposition: Resolution No. 90-1567 adopted)

REQUESTS AND COMMUNICATIONS FROM FLOOR.

Nadine Windsor, 2902 E. Second, asked if Council intends to discuss water rates and how it will affect the mobile home courts. Mayor Hall indicated that the issue will be discussed. Ms. Windsor asked for a definition of mobile home courts.

Councilor Rementeria arrived at the Council meeting at 7:35 p.m.

Dennyce Wheeler, 3112 Crestview Drive, asked if there had been directives regarding the results of the Crestview Drive issue. Mayor Hall indicated that a public hearing on the matter is scheduled for Tuesday, September 4, 1990.

Don Clements, 3005 Lindquist Court, suggested that Council resolve the Crestview Drive issue and stated that Council has an obligation to continue to try to bring development to the community, citing lower taxes, and water and sewer rates as benefits. He stated it is an urgent matter and needs to be treated as a priority.

George Alexander, 700 N. College, stated that 15 years ago the City recognized an essential need for a direct boulevard across the northern section of Newberg for emergency vehicles and truck traffic and suggested and that nothing has changed. He encouraged Council's quick resolution of the problem.

Ms. Wheeler asked for factual data that development would reduce taxes. Mayor Hall responded that in order to reduce the tax rate 10 cents, the City would have to raise \$1,000,000. He said that development worth several million dollars has the potential to drop the tax rate.

Mr. Nulsen asked Mr. Clements to come back with the study to answer Mrs. Wheeler's question. He said he feels that development is a right of the people, not merely a tool to decrease the tax rate. Further, he said, whether development would reduce taxes is not necessarily correct, citing the increased need for schools, parks and recreation facilities, et cetera.

PUBLIC HEARING:

1. Public Hearing requesting an amendment to the Zoning Ordinance to add an Airport Overlay Zone.
File No. G-6-90
Criteria: Newberg Zoning Ordinance, Sections 600 & 606.
Ordinance No. 90-2281

Directing Council's attention to the Council packet, City Manager Duane Cole presented the Staff report. Using a model of an airport overlay zone and overhead slides, Mr. Cole explained the proposal and how it affects Sportsman Airpark and surrounding properties. In summary, the reason Council is to consider the matter is because the City wants to retain Sportsman Airpark as a public use facility and the FAA is requiring an overlay zone limiting building height on the northern approach. If the City fails to apply the overlay zone, he said, problems will arise with the City's periodic review.

Mr. Cole emphasized that to minimize the impact of an overlay zone, the City proposed to (1) restrict the maximum number of employees per a square foot area of a building; and (2) assign open area, i.e. parking lots, etc., to accommodate emergency landings. The question to answer stated Mr. Cole is how to accommodate development without impinging on the airport and to deal with the particulars of building height. He said Staff recommends that the matter be brought back to Council at the August 6th meeting.

After the Staff Report, Mayor Hall called for questions or comments from the public.

Marc Wheeler, 1701 N. Main, asked if the proposal would affect existing buildings in any way. Mr. Cole indicated that existing buildings would be grandfathered in and that changes would require a conditional use process.

George Alexander, 33405 Old Parrot Mountain Road, asked how the ordinance would affect property south of the runway and around 99W. Since 99W is more than 2,000 feet from the runway, said Mr. Cole, the proposal would have minimal impact. Regarding a motel, Mr. Cole indicated he would require advice from FAA. Mr. Alexander stated that he appreciates the airport but could not see it growing in its present location. He said he purchased property within the industrial park and expressed concern that he would not be able to develop it to its best potential.

Mike Gunn, 518 E. First, representing four property owners around the airport, stated that the first question to be answered is whether the public use designation is beneficial to the City? Further, he said, the severe restrictions imposed on the properties restrict improvement of the surrounding properties. He noted that a substantial amount of property is zoned and taxed for multi-use and objects to the proposed restrictions because it would devalue the land, making it difficult to sell. He asked that City Council not make a decision on the issue at this time. Mr. Gunn asked that a map of his clients properties be entered as part of the record.

Walt Racette, stated that restrictions make property hard to sell and further devalue the property. Further, he suggested that the property is a choice location for a shopping center and more restrictions would make potential buyers look elsewhere.

Art Brown, 308 Airport Way, objected to the proposal for the purpose of retaining his right for appeal to LUBA.

Gordon Cramer, 29950 NE Wilsonville Road, Current Electronics, advised Council that Current Electronics currently have 120-140

employees and are making plans to expand into an adjoining parcel and hire an additional 100 employees.

Art Spada, 13635 NE Clackamas, Portland, Oregon, indicated he purchased commercial property adjacent to the airport approximately 13 years ago and went with the LID proposed by the City with the understanding that the property would be developed to its full potential. Objects to this proposal because the more restrictive designation will kill resale possibilities.

Earl Dodge, 324 Peacock Court, asked what impact, if any, this proposal would have on Smurfit. Mr. Cole indicated that Smurfit is located in the County and would be covered under County regulations.

Rich Racette, Dundee, suggested that a shopping center in the area would be precluded because other businesses associated with a shopping center would not qualify under the new restrictions. He said the property would not be saleable if down-zoned.

Mark Wheeler, asked how the City will benefit from the new zoning.

Tom Highland, FAA, explained the difference between a public use airport designation and a private use airport:

Public Use Airport: A FAA designation that insures that certain standards may be expected by pilots arriving at that airport can count on. This designation also sets protective restrictions on the land beneath the airport.

Private Use Airport: A federal designation which limits in/out privileges to guests of the airport owner/operator. Private use airports are not shown on national aeronautical maps.

Mr. Highland indicated that the Sportsman Airpark is very attractive as a public use airport, and ideally the zoning is in place before development proceeds around it. He said he could not say whether a shopping center in the area was a practical use. He indicated that development around an airport should be low-density because of the potential for disaster in the event of an aircraft accident.

Councilor Nulsen asked what would happen to Sportsman Airpark if the zoning is denied by Council? Mr. Highland indicated that the zoning is a requirement of compatible land use planning and the FAA would be required to make the objection during Periodic Review that the City did not meet the federal standards. If Council does not approve the zoning, said Mr. Highland, the FAA will get the okay

for the zoning through LCDC.

Regarding safety regulations, Mr. Alexander asked how property could be developed so close to the Los Angeles airport and how this differs from Newberg. He questioned what would happen when Sam Whitney decides to sell or leave the airport, and noted that most of the traffic at Sportsman Airpark is repeat business, not strangers.

Responding to a request for clarification from Mr. Mark Wheeler, Mayor Hall indicated that the Comprehensive Plan is up for review. He stated that all agencies will have an opportunity for input, including the FAA, to DLCD. If the Comprehensive Plan is not approved by DLCD, the consequences might include withholding state funds from gas taxes, et cetera. Mayor Hall indicated that the Council must decide if Sportsman Airpark is to continue as a public use airport or go to a private use airport.

Mr. Highland reiterated the differences between the private use airports and public use airports.

Mark Webber, asked Council to consider its commitments made ten years ago to the property holders who invested in the commercial property around the airport.

Mike Gunn requested statistics to confirm the dollar and cents advantages to be derived if Newberg were to maintain Sportsman Airpark as a public use facility. He indicated the City Council does not have the statistics to make an informed decision on the issue.

Councilor Halstead stated that the Airport Study did list the amount of money generated by Sportsman Airpark. Mr. Halstead suggested that the issue is more than listing the airport on a national register; he indicated that Sam Whitney would be severely restricted from doing maintenance work, hangar rental, etc.

Responding to a question, Mayor Hall stated that Sportsman Airpark is privately owned but publicly listed.

Councilor McCain asked whether Sam could afford to operate the airport as a private airport since the bulk of his income is generated by airport-related activity.

Regarding the Airport Study, Mr. Gano asked Mr. Highland if the City of Newberg would jeopardize its ability to reactivate the planning grant and the 90% purchase from FAA in siting an airport around the Newberg area if the Council denies the overlay and

Sportsman Airpark loses its designation as a public use airport.
Mr. Highland indicated he did not know.

Mr. Highland, responding to Mr. Spada's question about how the Port of Portland could develop properties within the flight path for Portland International Airport, stated he believes that the development is meeting FAA standards.

Mr. Rementeria indicated that according to the Airport Study, the traffic patterns for Sportsman Airpark and McMinnville are similar in number, with McMinnville being able to accept larger planes.
Mr. Soderquist indicated that this is true.

Mayor Hall declared the public hearing closed.

Mr. Rementeria indicated that Mr. Whitney was not available at the hearing because he was on the east coast. Mr. Cole confirmed that Mr. Whitney had received notice of the hearing along with the other property owners.

Mr. Mahr explained the reference to appeal contained in the notice Mr. Brown received from the City. Mr. Brown indicated his specific reason for insuring his right of appeal are tall trees and arborvitae which would have to be pruned down to seven feet in height if the zoning ordinance is passed.

Mr. Cole stated that the Staff will (1) check on information from the Oregon Aeronautics Division on the impact of licensing fixed base operators on public use airports vs. private use airports; and (2) make minor technical adjustments to the ordinance.

Councilor Gano asked that the report include specific examples of impact on Spada's and Recette's property with regard to a theater, bowling alley or shopping center. Mr. Cole said this would be included.

Mayor Hall continued deliberation on the issue of Sportsman Airpark to the meeting of Monday, August 6, 1990, with Staff presenting a report on issues raised during the public hearing.

REPORT FROM CITY MANAGER: Stating he had nothing to add at this time, City Manager Duane Cole referred Council to his report in the Council packet.

REPORT FROM YAMHILL COUNTY COMMISSIONER:

Motion: Gano/Rementeria to deny the Food Handler's Ordinance submitted by Yamhill County and to advise Yamhill County that there

is no justification for the ordinance. Councilor Halstead called for the question. (VOTE: Unanimous) (Disposition: Recommend Yamhill County to deny ordinance as there is no justification for ordinance)

OLD BUSINESS:

1. Ordinance repealing Ordinance No. 2180 regarding Capital Reserve Funds.

Motion: Gano/Halstead to read ordinance by title only.

City Attorney Terry Mahr read the ordinance by title only.

(ROLL CALL VOTE: Yea - 4, Gano, Halstead, McCain, Rementeria; Nay - 2, Nulsen, Proctor) (Disposition: Ordinance No. 90-2282 failed to pass)

Ordinance No. 90-2282 was referred to the Finance Committee for further discussion.

2. Resolution adopting sewer rates for the City of Newberg.
3. Resolution adopting water rates for the City of Newberg.

Mr. Cole outlined the proposed sewer and water rates being considered by the Council. He stated that the rates were structured so that the less you use, the less you pay. He presented a slide presentation of how the current rates compare with the rates proposed in the resolutions. Mr. Cole referred Council to the resolutions for itemized quotes.

Addressing the issue of water rates for mobile home parks, Mr. Cole indicated that the per-unit-charge in mobile home parks will show an increase primarily because of the demand on the system. Mr. Dave Hassen, CH2M Hill, explained the differences between mobile home parks and individual residences when determining water usage. General discussion followed. Discussed were the rates, how users will be affected, how the rates were determined, cost comparisons on individual bills, et cetera. Mr. Cole referred Council to comparison charts in the Council packet which depict differences between old rates and new rates on past monthly billings. Mr. Cole suggested that the City promote water conservation and instruction.

Councilor Nulsen asked how commercial users would be affected. Mr. Cole stated that commercial water users will show an increase in their rates but their flow and use would be reflected in their bills. Relating to sewer rates, commercial users may have more

suspended solids to deal with and not fare as well in some cases.

Mr. Nulsen asked if Staff had an indication of the total revenue to be generated by the new sewer and water rates. Ms. Tri stated that the City could expect revenue of approximately \$100,000 in the water fund and \$400,000 in the sewer fund.

Mr. Teitzel stated that the computation of the rates was based on the figures that were put into the budget so the rates balance the budget. Ms. Tri indicated that the new rates would go into effect in the fall and, therefore, are not for a full year as figured in the study. Council discussed the budget, and Councilor Nulsen stated that he now understands that the budget was based upon anticipated rate increases in sewer and water, which was not disclosed earlier.

Councilor Proctor asked what Staff intends to do about the residents inside the city limits who are on septic tanks. Mr. Teitzel stated that residents hooked to the sewer are paying the sewer charge. Ms. Proctor stated she knew of a person who was hooked to the sewer but not paying for the service. Mr. Cole indicated this would be something the City would follow up on. Councilor Halstead suggested that Public Works compile a list of homes capable of being hooked to the City sewer and refer that list to the Public Works Committee for action.

Motion: Gano/Rementeria to adopt the resolution adopting sewer rates for the City of Newberg. Mayor Hall confirmed that Council was voting on Resolution No. 90-1565, with the heavy flow exhibit. (Vote: Yea - 5; Nay - 1, Nulsen) (Disposition: Resolution No. 90-1565 adopted)

Motion: Gano/Rementeria to adopt the resolution adopting water rates for the City of Newberg. (Vote: Yea - 5; Nay - 1, Nulsen) (Disposition: Resolution No. 90-1566 adopted)

Motion: Gano/Proctor to adjourn. (Unanimous) Meeting adjourned at 9:20 p.m

Duane R. Cole, City Manager

ATTEST:

Elvern Hall, Mayor

III-1

(19)

RESOLUTION NO. 90-1570

A RESOLUTION RECOGNIZING CITY EMPLOYEES FOR OUTSTANDING SERVICE DURING THE 1990 OLD FASHIONED FESTIVAL.

WHEREAS, the City of Newberg has many responsible and dedicated employees; and

WHEREAS, each year community residents gather together to celebrate Newberg in the form of an Old Fashioned Festival celebration; and

WHEREAS, the City employees dedicate many long hours and hard work to assure that the Old Fashioned Festival is a successful event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg that the City Council hereby expresses its sincere gratitude and appreciation for the efforts of all City employees that contributed their time to the Old Fashioned Festival.

ADOPTED by the City Council of the City of Newberg, Oregon this 6th day of August, 1990.

Duane R. Cole, City Recorder

\recreso

III-3

(23)

REQUEST FOR CITY COUNCIL ACTION

DATE SUBMITTED: July 31, 1990

 X MOTION

 INFORMATION

DATE ACTION REQUESTED: August 6, 1990

SUBJECT: Bad Check Policy

RECOMMENDATION: The Finance Committee recommends to the City Council a \$15 charge for returned checks to cover additional bank charges and cost of handling.

BACKGROUND: Occasionally, the City receives a bad check, either because of insufficient funds or closed checking account. The staff calls the person, or for water accounts a door hanger is put out, to inform them that the check has been returned. The customer is given a specified amount of time to come to City Hall and clear the account. If the person fails to do so, the City has a number of enforcement powers to get the customer to pay--turn off water, suspend driver's license, or issue a stop work order. Processing returned checks is included in our bank charges.

Kathy Tri discussed a bad check policy with a number of cities. Some feel that their enforcement powers are sufficient and others have adopted a bad check policy to cover staff time and bank costs.

It is recommended that the staff continue to contact customers for returned checks and give them three days from the date of contact to clear their account. At that point the attached letter is sent (the letter will be adjusted depending on the purpose of payment--i.e., utility bill, court fine, building permit, etc.). The additional \$15 charge will be assessed only if the letter is sent.

The Finance Committee reviewed this issue at its July 31 meeting and recommends that the Council approve the bad check policy.

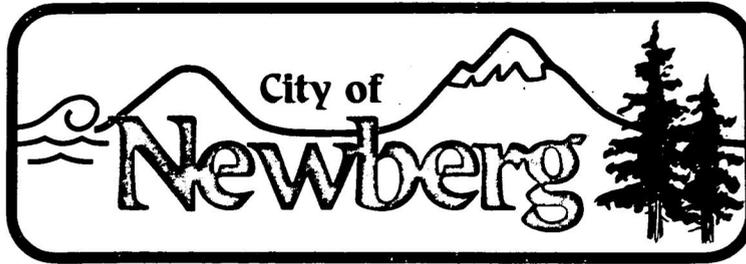

Duane Cole, City Manager

Attachment

\ccnsf

III-5

(25)



(503) 538-9421
FAX (503) 538-5393

414 E. First St.
Newberg, Oregon 97132

Date: _____

To: _____

The check described below was returned by your bank, unpaid for the reason indicated.

Please send a replacement check, a cashier's check or money order for the full amount plus a returned check charge of \$15 to cover the additional bank charges and handling costs.

We will not redeposit insufficient fund checks. If the check was returned as a result of your bank's error, we suggest you ask the bank to send a cashier's check on your behalf.

Your immediate attention is necessary. Unless payment is made within 10 days, your service will be turned off for non-payment.

Further there is an additional \$20.00 charge for restoring service, once service has been turned off.

Sincerely,

Water Department

Bank Name: _____ Reason for Return: _____

Check #: _____ Amount: \$ _____ Dated: _____

TOTAL AMOUNT NOW DUE \$ _____

\nsf



Home of Old Fashioned Festival

III-5

(26)

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: July 20, 1990

_____ MOTION

DATE ACTION REQUESTED: August 6, 1990

_____ RESOLUTION

X _____ ORDINANCE

_____ INFORMATION

SUBJECT: Renaming a portion of Sunset Drive

RECOMMENDATION:

Adopt, by ordinance, the Planning Commission recommendation that the portion of Sunset Drive adjacent to North College Street be renamed Sunset Court.

BACKGROUND:

With development of Quail Meadows II Subdivision, the subdivider created a cul-de-sac on the previously existing portion of Sunset Drive which intersects with North College. This section of Sunset Drive was subsequently signed as Sunset Court. Unfortunately the developer and City failed to follow proper procedures in renaming the street. There are four lots on the subject cul-de-sac; they are the only lots affected by the proposed street renaming. A map of the area is attached.

Although the new street signs are already in place, there is a State prescribed process which must be followed to legally complete the renaming. ORS 227.120 sets forth the following procedures to rename streets:

1. The Planning Commission shall recommend the street renaming to the City Council.
2. The City Council shall allow for public comment on the proposed street renaming at a time and place to be specified in a notice of hearing published in the regional newspaper.
3. After the public hearing, the City Council by ordinance shall rename the street in accordance with the recommendation, or by resolution shall reject the recommendation.
4. A certified copy of each such ordinance shall be filed with the county clerk or recorder, as well as the county surveyor and county tax assessor.
5. The county surveyor will enter the new names in red ink on any filed plat.

V-1

(27)

The Planning Commission discussed the proposed renaming at their June 21, 1990 meeting. The Planning Commission recommends that the City Council rename the street.

COST: None



Dennis Egner, Planning Director



Duane Cole, City Manager

N.W. 1/4 S.E. 1/4 SEC. 7 T. 35. R. 21

X = BEING BUILT ON

EXHIBIT A

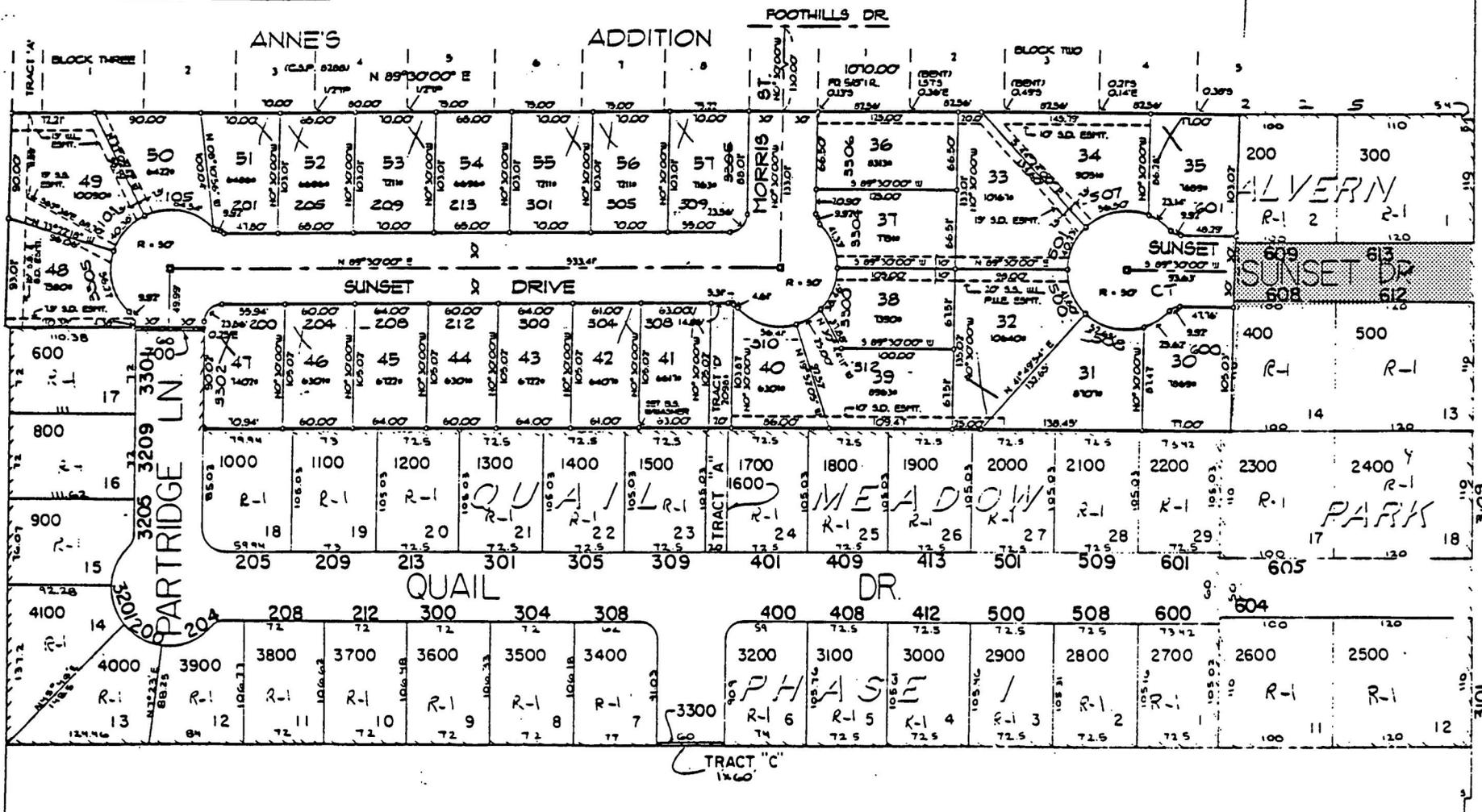
(30)

5000	50.00	56.47	N 15° 27' 31" W	53.46
5000	12.00	4.61	N 54° 00' 00" E	4.58
5000	12.00	5.37	N 77° 49' 13" E	5.27
5000	15.00	13.36	S 44° 30' 00" W	13.27
5000	12.00	9.97	N 12° 10' 43" E	9.84
5000	50.00	56.27	N 15° 26' 31" E	53.25
5000	50.00	40.38	N 39° 46' 00" E	39.30
5000	50.00	64.54	S 60° 07' 00" E	60.15
5000	12.00	9.97	S 60° 19' 18" E	9.84
5000	15.00	13.36	N 44° 30' 00" E	13.27

OF "ANNE'S ADDITION" COMPARED FAVORABLY WITH SAID RECORD PLATS WHICH WERE HELD. THE EAST LINE WAS ESTABLISHED BY EXTENDING THE EAST LINE OF SAID "QUAL MEADOW PHASE I" NORTHERLY, ALONG THE WEST LINE OF LOTS 2 & 14, "ALVERN PARK," TO INTERSECT WITH THE SOUTH LINE OF SAID "ANNE'S ADDITION." THE WEST LINE WAS ESTABLISHED BY PROJECTING THE WEST LINE OF SAID "QUAL MEADOW PHASE I" FROM THE N.W. CORNER OF LOT 11 "QUAL MEADOW PHASE I" NORTHERLY TO THE SOUTHWEST CORNER OF TRACT A OF SAID "ANNE'S ADDITION." THE NORTH LINE OF SAID "QUAL MEADOW PHASE I" WAS HELD AS THE BASIS OF BEARING.



LEONARD SCHLESKY
1841
OREGON
JUL 12 1979



Received
7-31-1990

July 28, 1990

Duane Cole, City Recorder
City Hall
Newberg, Oregon 97132

Subject: File #G-9-90 Renaming Portion of Sunset
Drive Tax Lot #3207DB-00300

Dear Mr. Cole:

This letter is to serve as objection to renaming our portion of Sunset Drive, to Sunset Court.

Not only does this cause an immediate inconvenience and financial burden on the present home owners, they are primarily senior citizens and some in poor health, but we foresee other long term inconveniences.

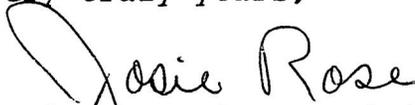
We anticipate that there will be years of automobiles and delivery trucks mistakenly driving on to our street actually destined for the "new" Sunset Drive. We will have traffic on our street that does not belong there and will have to contend with the noise and other pollutions that would result and that should, and can be avoided.

We urgently request that the "new" Sunset Drive be re-named and without "Sunset" being involved in the naming.

Hopefully, this would help to ensure that our street, once all construction is complete, will once again become a quiet, pleasant and attractive street.

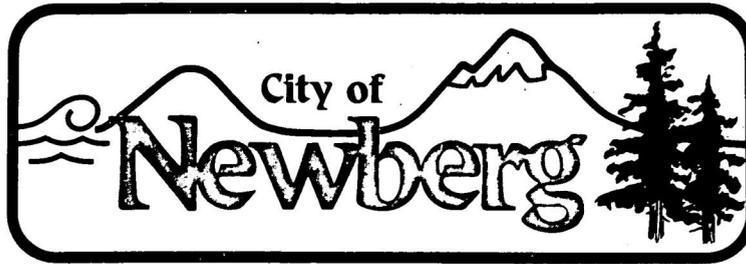
Your consideration of this objection will be sincerely appreciated.

Very truly yours,


Josie Rose, Representative for
Pauline Hall
19995 Zeno Street
Castro Valley, Ca. 94546
Telephone: AC 1-415-537-8694

V-1

(31)



(503) 538-9421
FAX (503) 538-5393

414 E. First St.
Newberg, Oregon 97132

July 31, 1990

Bill O'Connor, Chairman
Old Fashioned Festival
1549 E. First St.
Newberg, Oregon 97132

SUBJECT: Appreciation for Excellent Community Event

Dear Bill:

On behalf of the City Council, I want to express our appreciation for the Old Fashioned Festival. This wholesome community event is a reflection of the community spirit we all share for our lovely City of Newberg.

The numerous volunteers and many events require hours of dedicated work by the Old Fashioned Festival Steering Committee. The City of Newberg City Council and myself appreciate your commitment. Without your hard work this event would not be possible in our community.

Thanks once again for giving Newberg residents a gift each year that will be remembered for many years. Keep up the good work.

Sincerely,

Elvern Hall
Mayor

EH/bjm

\festcom



Home of Old Fashioned Festival

III-4

(24)

Page 2

Memo to Mayor and City Council
RE: City Manager's Report

concerned about the chlorination of the water. The City takes monthly water tests in the are to assure the water quality is in safe limits. Commissioner Goecks was advised of our efforts to assure safe drinking water.

Kathy Tri regarding meeting with John Garofalo.

Bert Teitzel regarding Villa Road.

July 17:

Dentist appointment.

Fire Department regarding City business.

Community Relations regular meeting.

David Bishop regarding City business.

Becky Manning evaluation.

Chamber Auction, testing of loud speaker.

July 18, 19, & 20:

City Manager's Conference in Bend, Oregon.

July 21:

City Golf Scramble.

July 22:

Chamber Auction. I moved the tables three times for the auction and upon the final request I decided that I would not move the tables once again.

July 23:

Dennis Egner regarding overlay zone.

Chief Bishop regarding update on Police Department activities.

Art Shew regarding visit. Mr. Shew is back in our territory. Staff may be considering using him some to promote the Economic Development Revolving Loan Fund.

Mike Hailey and Bert Teitzel regarding City business.

Page 3

Memo to Mayor and City Council
RE: City Manager's Report

Fire Volunteers meeting. I received a thorough drenching due to being placed in the middle of a firing line with these rambunctious volunteers that were practicing wild land fire fighting.

July 24:

Bert Teitzel and Kathy Tri regarding the Hadley Water District issue. I believe we have resolved this issue and an agreement will be coming to the Council in the short term.

Dennis Egner and Bert Teitzel regarding the airport overlay zone.

Meeting with Wes Smith, Bert Teitzel, and Dennis Egner regarding permits for moving buildings in construction at the high school.

Hadley Water District meeting. It was at this meeting in the evening that we worked out the program with the Hadley Water District to implement the LID.

July 25:

Dedication of Sheriff's sub-station.

Chief Christensen regarding using volunteers a little differently at the Fire Department. I will meet with the Volunteer Firefighter Officers to discuss this different program approach with them.

Regular staff meeting.

Bert Teitzel, Dennis Egner and Terry Mahr regarding the Northeast Area Transportation Plan.

Dave Bishop and Terry Mahr regarding hospital issues.

Doreen Turpen regarding ED-NET.

July 26:

Mary Puskas regarding Chamber business.

Bank meeting. I have reported on this bank meeting previously in the Friday Update. This was an excellent forum and I believe we should continue meeting with the bank managers in the community.

Jim Snell regarding City business and meeting with bank managers.

Page 4

Memo to Mayor and City Council
RE: City Manager's Report

July 27:

Dennis Egner, Sam Whitney and myself regarding the airport overlay zone. This meeting is reported on in the staff report to the Council.

Terry Mahr and Dennis Egner regarding the Economic Development Revolving Loan Fund.

Terry Mahr regarding computer enhancements in the City Attorney's office.

Float decorating with the Council.

July 28:

Parade Day.

July 30:

Greg Hewitson regarding airport issues.

Bert Teitzel and Larry Anderson regarding the Smurfit project on Blaine Street.

Mary Puskas regarding community organizing issues.

July 31:

Finance Committee.

Senator Hatfield's office regarding the speech he will make August 13, 1990. I gave Mr. Hatfield's office a run down on the various community issues I perceive to be of importance in Newberg.

Bert Pennock regarding running for the City Council.

August 1:

EAS. This meeting was to explore the possibility of gathering more donations to attempt to get EAS in Newberg. Nancy Riles, PUC Commissioner, has been in California with a brain tumor. She apparently is going to have a second operation and she was a supporter of EAS. The other two commissioners are considering suspending further action on this issue until such time that the standards are redrafted by staff. A meeting has been scheduled for August 10th at the Horseless Carriage to organize fund raising to support the attorney and organize support to lobby the PUC.

VI

(35)

Page 5

Memo to Mayor and City Council
RE: City Manager's Report

Rob Solomon and Cindy Wood regarding employee assistance programs. This was a good meeting with the Department Head staff as we learned more about the employee assistance program and discussed the process in topics for discussion by the EAP Counselor.

Library signing certificates for the children.

Vintage Festival Committee meeting. I have been placed in charge of the bike ride that will occur on the morning of the Vintage Festival.

MEETINGS PLANNED:

August 2:

Joint Economic Development - McMinnville Industrial Promotions Committee meeting at Safari Restaurant in McMinnville.

TCI - Steve Lyons and Doreen Turpen regarding ED-NET.

David Mahaffey going away party at Library.

August 3:

Roger Gano regarding City and Fire business.

Northeast Area Transportation Plan coordination meeting.

August 6:

George Fox College regarding greetings by Mayor of Japanese students.

Wes Smith regarding City affairs and School District coordination.

Truman Sturdevant and Gary DePaola tour of the railroad repair site.

John Baker regarding preparation for Council.

City Council workshop and City Manager's evaluation.

City Council meeting.

August 7:

Chamber Board meeting.

Marty Chaney and Kathy Tri regarding goal setting and team building activities in the City organization and with Council.

Page 6

Memo to Mayor and City Council
RE: City Manager's Report

August 8:

Regular staff meeting.

Vintage Festival Committee meeting.

Fire Officers Committee meeting.

August 9:

I-5 Corridor meeting. The I-5 Corridor Association is thinking of consolidating their efforts with the Tualatin Valley Economic Development Commission. This would be an excellent idea since they tend to duplicate each others efforts.

Ceremony in Memorial Park with Japanese representatives regarding bombing of Nagasaki and Hiroshima.

Community Development Committee meeting.

August 13:

United Way luncheon. Becky Manning and I will attend a meeting to get information on the United Way in our organization.

August 14:

Service Club meeting at Marcella's.

ADEC regarding the Northeast Area Transportation Plan.

August 15:

Staff meeting.

Vintage Festival and Economic Development Commission.

Northeast Area Transportation Plan public meeting.

August 18:

City Picnic, 11:00 a.m. to 5:00 p.m. at Jaquith Park.

August 21:

Community Relations Committee.

City Council workshop and meeting.

VI

(37)

Page 7

Memo to Mayor and City Council
RE: City Manager's Report

August 22:

Regular staff meeting.

Vintage Festival.

August 23:

City/County meeting at the jail. We have not received notification of this meeting, but we understand that the City/County meeting will be at the jail this month.

I will be attempting to take some vacation between August 24 and 29. I will see what my schedule requires during that time period before making a detailed schedule.

GENERAL INFORMATION:

1. Council should be aware that Don Larson from the FAA Seattle District office has advised Mr. Teitzel that the District office would be recommending that the planning grant be closed out and that Newberg be removed from the National Plan of Integrated Airport Systems (NPIAS). This decision will be delayed until after the August 6th Council meeting to allow the Council an opportunity to discuss this. Newberg was included on the NPIAS by virtue of the fact that Sportsman Airpark exists. Mr. Larson's reasoning is that if the City does not want to develop a municipal airport, then it should not be listed on the NPIAS. Newberg does not qualify for being on the NPIAS since it is closer than 30 minutes travel time to the nearest airport. The impact of removing Newberg from the NPIAS is that the airport would no longer be eligible for any airport related grants through the FAA. The impact of all of this in a short term on the airport overlay zone issue is minimal. The fact still exists that if the City decides to purchase the airport, much of the land to the north of the airport would need to be acquired by the City to meet FAA regulations for grant participation criteria.

Follow-up with pilots and with Mr. Whitney after the study was completed suggested that there were few alternatives to be followed to enhance the development opportunity at the airport. Land trades and other ideas were discussed but no action was forthcoming. The FAA action would simply close the door on a project which the City has identified through our study is not financially feasible at this time. The financial feasibility of purchasing the airport would have to change drastically in order for the City to consider FAA grant funds for purchase. This appears to be highly unlikely.

Page 8

Memo to Mayor and City Council
RE: City Manager's Report

2. The water district agreements have been sent to three districts to begin the process of review. I have selected the three largest districts in order to identify issues with them and hopefully, reach an agreement that the others will find acceptable.

3. Room tax and the bed and breakfast is an issue still being developed by staff. There is more research that needs to be done in order to move this issue forward with the bed and breakfast owners. I hope to do the research and get a process together for resolution of this issue during the month of August.



Duane R. Cole
City Manager

DRC/bjm

\cmr8-6

VI

(39)

MINUTES

COMMUNITY DEVELOPMENT COMMITTEE

Thursday, July 12, 1990 Wastewater Treatment Plant 7:00 p.m.

Members Present: Alan Halstead, Jack Nulsen, Donna Proctor

Staff Present: Duane Cole, Bert Teitzel, Dennis Egner

I. CALL TO ORDER

The meeting was called to order at 7:10 p.m. by Alan Halstead.

II. NEW BUSINESS

A. The Proposal From the County to Establish a County Gas Tax or a County Vehicle Registration Fee

It was a general consensus of the members present that this may be a good idea, however this was not a good time to propose a new tax. It would be hard to show the needs versus the other needs for general tax that are not presently being met. There were also several other points discussed including how the gas tax would be distributed to the City's in the County and whether the new tax should be directed to a specific project or projects. Duane will respond to the County with a letter pointing out the discussion of the committee.

B. The Second Street Waterline

Mr. Teitzel explained the need for the waterline and that this was a project that was developed after the budget was put together because of the numerous leaks in the system. It is recommended by staff that the Second St. Waterline Project proceed and other projects on the proposed capital budget be delayed, such as the Highway 99 and perhaps the Highway 219 project. The committee recommended that we proceed with the Second Street Waterline.

C. Agreements with Water Districts

Mr. Teitzel presented a draft agreement that would be used to establish formal agreements between the various water districts that buy water from the City. There was discussion by the members present about the status of the water districts and any new connections that were being proposed. After discussion of the agreement it was generally agreed by the members that in section 4 there should be a provision to appeal the City Managers decision to the City Council and that the application fee be established at

\$50.00. With those additions the proposed agreement was approved by the committee.

D. Periodic Review/Historic Preservation Update on Planning Commission Draft

Dennis Egner explained, to the committee, the status of the Periodic Review and reviewed the Historic Preservation Ordinance with the committee. Discussion centered around the new proposed amendments that would allow manufactured homes in certain single family dwelling areas and the Historic Preservation Ordinance. This was just an information item so no recommendations or decisions were made.

E. Planning Fee Schedule

Dennis Egner presented the proposed fee schedule increases for the Planning Department. The discussion centered around the justification for the fee increase and the timing of the fee increase. There was no consensus of the committee as to whether the fee increase should proceed or not.

III. OLD BUSINESS

A. Composter Failure

A report was given on the composter. Duane Cole contacted EPA this week and was informed that they still have not reviewed the material sent to them six months ago and that they felt that it could be reviewed within the next two weeks. It was suggested that 10 yards of sludge be submitted to EPA with the report for their consideration.

B. NE Area Transportation Plan Process

Duane Cole explained to the committee that the staff has met on this issue and is developing a process and alternatives to present to the City Council at their September 4th Council meeting. He also explained to the committee that there will be a public information meeting on this issue in mid-August. This information will be given to the paper in the form of a press release on Friday.

C. Connections to the Sanitary Sewer

A list of properties not connected to the sanitary sewer was distributed to the committee along with the applicable sections of the City Ordinance. After a discussion of the list, the staff was directed by the committee to proceed to have the people on the list, that were not connected to the sewer, connected if a sewer was available to them. The staff will be sending out information letters to people to verify the list prior to sending official notice to connect to the sewer.

IV. ADJOURNMENT

The meeting was adjourned at approximately 9:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Bert S. Teitzel".

Bert S. Teitzel

MINUTES
Community Relations Meeting
July 17, 1990
12:00 p.m.

PRESENT: Donna Proctor, Chairperson
Jack Nulsen, Co-Chair
Roger Gano, City Council President
Joe Young, City Councilman
Duane Cole, City Manager
David Bishop, Chief of Police
Doreen Turpen, Library Director
Ben Erb, Assistant Fire Chief
Betsy Umfleet, Executive Secretary

1. The meeting was called to order at 12:10 p.m.
2. Reports from Other Committees
 - A. Stop Sign on Morrison at Foothills

Traffic Safety has recommended we place a stop sign at the intersection of Morrison and Foothills. Presently there is one on the north side of Morrison and they are requesting for placement of another on the south side. Having two stop signs, would make this a controlled intersection. Chief Bishop stated he supported this recommendation.

Jack Nulsen recommended to the City Council to install a stop sign on the south corner of Morrison at Foothills. Roger Gano seconded this recommendation. All were in favor.

3. Continuing Business
 - A. Selective Traffic Enforcement

The Police Department has continued to enhance their selective enforcement program. They purchased a radar display unit with the City of Tualatin, that shows the speed of the passing vehicles. The unit is shared in two week intervals by each agency. Presently motor officers are being used as well as practicum students. Our intent is to reduce accidents.

We have been using equipment from the City of Tigard. This equipment gives a computer readout of the speed of vehicles. This was first placed on Elliott Road and we monitored over 5,000 vehicles. This equipment can tell

whether the speed was registered by a truck or a car. The average speed at this location was 25 mph. Chief Bishop will be talking to the City Manager or department heads to see if they would consider buying such a counter.

The selective enforcement program has been very successful. In 1984 the productivity for the department was less than \$30,000. Presently it is over \$110,000. The program is paying for itself and is reducing accidents.

The selective traffic enforcement program has experienced positive results.

Presently Shane Farley is assisting the Police Department with our community policing program. He is paid by a grant from the Park and Rec District. Last year, we negotiated with them and they felt this was a very positive program and decided to hire someone to patrol the parks and meet with the children.

B. Skateboarding on Sidewalks

At one time we had signs painted on the sidewalk stating "No Skateboarding or Bike Riding". This has since worn off. When we do witness a violation we take people aside and speak to them. If there is a second violation we take the skateboard.

C. Trimming Trees

Roger Gano asked about trees being trimmed. He was advised Public Works would be contacting the individuals who were in violation. Police officers have identified areas with visibility problems created by these bushes and have contacted these people. They have all been very cooperative. If anyone identifies any bushes that are obstructing visibility, contact the City Manager.

D. Community Policing

The Police Department personnel are presently conducting as many community policing contacts as possible. The "How'd We Do" cards are handed out on every contact, including search warrants. The Police Department has even followed up on the calls for service by contacting the individuals who did not respond to the blue cards to find out about the service. It was discovered that most people in the community want a higher visibility of police. The Police Department had a block home meeting with the neighbors of the little girl who was assaulted. It was very informative to all who attended. We do have a problem with the overcrowding Hispanic population, but

without support from the Federal Government, we can only take it one step at a time.

4. New Business

A. Seizures

Lately, the Police Department has been seizing items federally instead of going through the state. If the Police Department comes across a lab and are working with the Feds they will pay for the clean up. We also get more of a percentage of the seizure by working with the Feds. Chief Bishop would like to give credit to the Drug Team for the fine job they are doing.

B. New Establishment

Marcella's Restaurant looks very good. The owner seems very cooperative with the City. It will take awhile for them to acquire their liquor license, but they were granted a temporary license for selling beer and wine.

5. Reports From Staff

A. Fire Truck

Ben Erb discussed the the selling of an old fire truck. The value is approximately \$25,000.

6. Committee Business

None

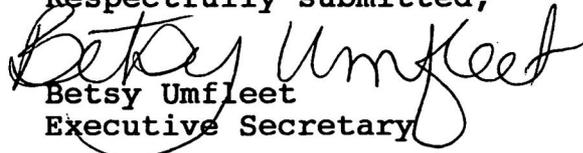
7. Business from the Floor

None

8. Adjournment

Jack Nulsen made a motion to adjourn the meeting. This was seconded by Joe Young. The meeting adjourned at 1:00 p.m.

Respectfully submitted,


Betsy Umfleet
Executive Secretary

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: July 27, 1990 MOTION
DATE ACTION REQUESTED: August 6, 1990 RESOLUTION
 ORDINANCE
 INFORMATION

SUBJECT: Fire Capital Outlay Requests

RECOMMENDATION: Staff recommends that the Council consider one of the options for purchasing a fire engine.

BACKGROUND:

1. The Fire Department maintains four engines. The following chart depicts the status of the apparatus.

NEWBERG FIRE DEPARTMENT

<u>Apparatus</u>	<u>Year</u>	<u>Mileage</u>	<u>Hours</u>	<u>Miles @ 50 mph</u>
Engine 27	1970	9,000	2,000	100,000
Engine 28	1973	11,300	2,022	101,100
Engine 29	1977	7,783	1,338	66,900
Engine 26	1980	6,752	1,489	74,450
Staff Car #2	1983	80,000	---	---
Carry All 21	1980	70,000	---	---

2. Fire engines are usually maintained in service for 15 years. After 15 years they are sold to departments with less activity than Newberg. Engine 27 has been in service for 20 years - five years beyond the recommended service life for an engine.
3. The staff car also needs to be replaced and the carry all serves the department as a utility vehicle. It is a Chevrolet Suburban and provides a way to transport personnel to fires during the winter.
4. The fire department roof leaks during the rainy season and needs to be replaced.
5. Three options are set forth for Council to review. A "fill-in-the-blank" resolution is included if the Council wants to purchase more or fewer items than are identified in this report.

IX-1

(48)

OPTION 1. LEVY ELECTION SEPTEMBER 18, SPECIFIC CAPITAL OUTLAY

Fire Engine (equipped)	\$211,100
Roof	12,000
Carry All and Chief's car	25,000
Subtotal.	\$248,100
Trade-in of Old Engine	(\$ 25,000)
Equipment Reserve	(60,000)
Total	\$163,000
Taxes needed to purchase	\$163,000
89% estimated to be received	20,160
Total Taxes Levied.	\$183,260
Estimated Assessed Value 1990-91:	\$290,026,670
Total Tax Rate: .63 per \$1,000 assessed value	
Taxes to be Paid on \$75,000 home:	\$47.25 or \$3.94/month

OPTION 2. SERIAL LEVY - 3 Year, FIRE ENGINE AND EQUIPMENT

<u>Item</u>	<u>1990-91</u>	<u>1991-92</u>	<u>1992-93</u>
Property Taxes Anticipated	\$55,816	\$55,816	\$55,816
Estimated not to be received	6,899	6,899	6,899
Total Taxes	\$62,715	\$62,715	\$62,715
Assessed Value Increase Assumption	4%	4%	4%
Estimated Tax Rate per \$1,000	.21	.21	.21
Estimated Tax on \$75,000 home	\$ 15.75	\$ 15.75	\$ 15.75

There is a small amount built into this serial levy to provide funds for financing the capital outlay items through the final year of the levy until the final payment on the levy is received.

OPTION 3. FIRE CAPITAL FEE

This option would involve a one-year Fire Capital Fee on the water and sewer bill statement to pay for Fire Capital Outlay.

The cost of this based on 3500 City water customers would be \$46.60 per year or \$3.89/month in addition to the water and sewer bill.

A lease/purchase using the same approach over three years would equal \$15.90/year per water service or \$1.33/month for each bill.

Putting the fee on the water and sewer bills has the effect of including in the billing all churches and non-profit institutions in the community. Non-profit agencies do not pay property taxes and would not pay for a fire truck through a levy.

6. Staff will return to the Council with a proposal for a tax base prior to the September 6 filing deadline for the November election. If the fire capital proposal is placed on the ballot, those items would not be included in the tax base.
7. A Council member requested information regarding rebuilding a fire engine. This proposal has advantages and disadvantages as follows:

Advantages:

- a. The cost is estimated at \$72,436.00, but could be higher due to unknown costs when extending the frame.
- b. It would provide approximately 9 years of service.
- c. It would meet the new safety standards.

Disadvantages:

- a. It would still be underpowered.
- b. It would provide approximately 9 years of service.
- c. It does not appear to be a sound investment.

Based on the following analysis, the City loses less money over time by purchasing a new fire engine.

	<u>Rebuild Option</u>		<u>Purchase New Option</u>
Salvage/Cost of Vehicle	\$25,000.00		\$211,000.00
Cost to Rebuild	72,436.00 (1)		-0-
	<u>\$97,436.00</u>		<u>\$211,000.00</u>
9-Year Depreciation	10,825.22	20-Yr	9,300.00
	<u> </u>		<u> </u>
Residual Value	\$15,000.00 (2)		\$ 25,000.00 (2)

(1) Estimate from H & W Emergency Vehicle Service, Forest Grove, Oregon

(2) Estimate of residual value.

The depreciated cost per year is \$10,825.22 for a rebuilt engine which compares with \$9,300 for a new engine. Obviously, the cost of depreciation is a paper transaction and only represents the loss in value of the asset. Actual value of a fire engine includes many intangibles including the City's image, sufficient power to get places and fire fighting capabilities.

If one considers the cost effectiveness of completely rebuilding a sedan to make a stationwagon, it may make sense. The problem is that the stationwagon is never quite right. It looks rebuilt, it does not perform like a totally designed concept, and it will wear out sooner. Rebuilding a fire engine to meet the new standards provides similar challenges.

FISCAL IMPACT: Each of these proposals are estimated to provide sufficient funding to purchase the items identified.

PREPARED BY:



DUANE R. COLE, CITY MANAGER

wp\mn\fire.frm

Page 2

Memo to Mayor and City Council
RE: Conference in Bend

Part of the conference was also sharing situations and problems with my fellow City Managers. This time is invaluable as we discuss numerous problems and concerns with our State, country and in our cities. I felt this conference was a good time for me to recharge a little and come back to work rejuvenated and ready to continue to meet the challenge here in Newberg.



Duane R. Cole
City Manager

DRC/bjm

\bendconf

VI

(47)

RESOLUTION NO. 90-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG PLACING THE QUESTION OF PURCHASING A FIRE ENGINE AND OTHER FIRE DEPARTMENT CAPITAL ITEMS BEFORE THE VOTERS OF THE CITY AT THE SEPTEMBER 18, 1990, ELECTION; ADOPTING THE BALLOT TITLE; AUTHORIZING THE CITY RECORDER TO CERTIFY THE BALLOT TITLE; DIRECTING THE CITY'S ELECTION OFFICER TO NOTIFY THE COUNTY CLERK; AND TO PUBLISH APPROPRIATE NOTICE NOTIFYING ELECTORS OF RIGHTS TO HAVE THE BALLOT TITLE REVIEWED.

WHEREAS, the last fire engine for the City of Newberg was purchased in 1980; and

WHEREAS, that fire engines are projected to last 15 years and two of the City's four fire engines are 17 and 20 years old, respectively; and

WHEREAS, a new fire engine is needed for the City in order to maintain the current level of service; and

WHEREAS, on July 17, 1990, the City Council reviewed the financial conditions of the City and considered whether to purchase a fire engine; and

WHEREAS, the City Council is of the opinion that it is time to replace the fire engine in order to continue to deliver the current level of service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg, Oregon, as follows:

1. That the City of Newberg needs to levy an amount equal to \$_____ in order to be able to operate on a financially sound basis and to continue to provide the current level of service.
2. That the question of establishing a new tax base shall be put before the voters of the City at the election held on September 18, 1990.
3. That the ballot title, which includes the caption, the question, and the explanation, for the levy is hereby approved. The ballot title shall be filed with the Assistant City Recorder, acting as the City's Election Officer, on July 30, 1990. Such ballot title is attached hereto and by this reference incorporated.
4. That the City Recorder is authorized to certify said ballot title and the City's Election Officer is directed to give notice to the County Clerk that the measure shall be put before the voters at the September 18, 1990, election.

5. That the City's Election Officer shall give notice of the elector's right to file a petition for review of said ballot title in accordance with ORS 250.275(5) in the next available edition of the Newberg Graphic, a newspaper of general distribution in the City of Newberg.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of July 1990.

Duane R. Cole, City Recorder

MN\levy.res

NOTICE OF MEASURE ELECTION

CITY OF NEWBERG
(Name of City, County, or District)

Notice is hereby given that on TUESDAY, SEPTEMBER 18, 1990,
(Day) (Date of Election)

an election will be held in CITY OF NEWBERG,
(Name of City or District)

YAMHILL County, Oregon. The polls will be open from 7:00 a.m. to 8:00
p.m. The following shall be the ballot title for the measure submitted to the
electors thereof:

CAPTION (10 Words): A Fire Engine.

QUESTION (20 Words): Shall the City levy \$ July 1, 1991, to
purchase a fire engine for Newberg?

*EXPLANATION: The City needs a fire engine. The levy amount for the fiscal
year beginning July 1, 1991, would equal \$. The City owns four
fire engines and each has a projected useful life of 15 years. Engine 27 was
purchased in 1970, has 100,000 estimated engine miles, and is 20 years old.
Engine 28 was purchased in 1973, has 101,000 estimated engine miles, and is 17
years old. Engines 29 and 26 were purchased in 1977 and 1980, respectively.
This levy will provide funds to replace Engine 27, which is 20 years old.
Reserves of \$81,000 would be used to help purchase the fire engine and for other
department vehicle and equipment needs. The tax rate will go up about \$
per \$1,000 beginning July 1, 1991.

Authorized signature for City, County or District _____ Title _____

IX-1

For measure authorizing tax levy or establishing new tax base: Concise and impartial statement of not more than 150 words, explaining chief purpose of the measure and giving reasons for the measure.
*2. *For any other measure: Concise and impartial statement of not more than 85 words, summarizing the measure and its major effect. Content requirements of ORS 255.085(2) and ORS 450.905 apply to bond measure and certain sanitary authorities, respectively. Additional statement required by ORS 210.295(1) shall not be included in word count.*

(54)
(28)

REQUEST FOR COUNCIL ACTION

<u>DATE SUBMITTED:</u>	July 27, 1990	_____	<u>MOTION</u>
		_____	<u>RESOLUTION</u>
<u>DATE ACTION REQUESTED:</u>	August 6, 1990	<u>X</u> _____	<u>ORDINANCE</u>
		_____	<u>INFORMATION</u>

SUBJECT: An amendment to the Zoning Ordinance to create an Airport Overlay Zone in the vicinity of Sportsman Airpark, File No. G-6-90

RECOMMENDATION:

Adopt the proposed ordinance amending the Zoning Ordinance based on the criteria, facts, and conclusionary findings which are attached.

BACKGROUND:

On July 9th, the City Council opened a public hearing on adoption of an Airport Overlay Zone. The draft ordinance which was included in the July 9th packet was prepared prior to receiving the written comments of Oregon Aeronautics Division Planning Director, Thomas Highland. The current attached draft addresses the majority of Mr. Highland's concerns and includes the following changes from the July 9th draft:

- o Horizontal and conical surfaces are included in the AO Airport Overlay Subdistrict.
- o Population density standards for uses within the approach areas are provided.
- o When warning lights are required on buildings within the approach areas, the proposed ordinance requires the lights to be installed and maintained by the applicant/building developer.

At the July 9th meeting, the concept of a 100 foot wide emergency landing corridor extending through the approach area was discussed. The emergency corridor was not included in the current draft. In addition, Mr. Highland suggested that multifamily dwellings and mobile homes be permitted within the approach area by conditional use only. This proposal was not incorporated into the current draft primarily because very few residential acres are affected by the proposed ordinance and because the residential areas are greater than 2000 feet from the runway.

A number of other issues were raised regarding the Airport Overlay Zone at the July 9th public hearing. This memorandum responds to the issues.

1. What would be the effect of changing the airport from a public use to a private use airport?

IX-2

(55)

Based on a July 17th telephone conversation with Tom Highland of the Oregon Aeronautics Division, the failure to adopt airport overlay zoning would not automatically result in a change from a public use to a private use airport at Sportsman Airpark. Mr. Highland stated that the FAA and the State Aeronautics Division identify public use airports and do so at the request of airport owners. He stated that municipal governments have no authority to change the designation of a public use airport which is privately owned. Mr. Highland noted that Sportsman Airpark does not meet all of the requirements of a public use airport but has a grandfathered right as a public use airport. He stated that the Aeronautics Division and the FAA are interested in maintaining Sportsman Airpark as a public use airport because it serves as a reliever airport for small aircraft in the Portland Metro area. He stated that if the City refused to adopt airport overlay zoning, he would object to DLCD as part of the Periodic Review process. The ultimate impact of failure to adopt airport overlay zoning would be an enforcement order from LCDC and the impoundment of tax revenue.

Mr. Highland stated that the differences between a private use and a public use airport were as follows. Public use airports allow a broad range of commercial activity at the airport. A private use airport is intended solely for the private use of the airport owner and invited guests. Under certain conditions, the State Aeronautics Administrator can allow agricultural operations to occur at a private use airport. In essence, if Sportsman Airpark was a private use airport, it could not operate as it currently does. The State Aeronautics Division, in conjunction with FAA, license airports and the license could be revoked if the airport operated in violation of the regulations.

In a July 24th, telephone conversation with Jerry Eames, Air Transportation Specialist for the Aeronautics Division, Mr. Eames stated that failure to adopt airport zoning would not in itself be justifiable reason to revoke the airport license. Mr. Eames stated that if a significant obstruction was developed in the approach area, the license could be revoked. Under current City zoning, new buildings can be developed at heights which would create obstructions for airport operations.

2. What does Sam Whitney think about having a private use airport designation?

In a July 19th telephone conversation with Sam Whitney, he stated that he believed he could not operate his facility as a private use airport. He stressed the importance of a public use designation and the need for airport zoning to preserve the airport at that location. Duane Cole and Dennis Egner met with Sam Whitney on July 27 to further discuss the issue. At the meeting, Mr. Whitney expressed support for the proposed airport overlay zone.

3. What would be the criterion requirements for a conditional use permit in the approach zone?

Section 448(B) of the proposed ordinance states that any use or building which is otherwise permitted in the approach surface that has a height that exceeds the height limits of FAA requirements, must go through the conditional use permit procedure. Section 448 lists the sole criteria for approval of such

uses. Standard conditional use criteria from the Zoning Ordinance will not apply. The criteria listed in Section 448 include the following:

- A. The use shall not create:
 - 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 - 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 - 3. Impairment of visibility.
 - 4. Bird strike hazards.
 - 5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 - 6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN 1000 FEET	125 SQUARE FEET
1000 - 2000 FEET	50 SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

- B. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
 - C. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.
4. What are specific examples of allowable uses provided for by the population density figures?

Based on the permitted densities proposed at the July 9th meeting, specific examples of allowable uses are as follows:

- A. 125 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - LESS THAN 1,000 FEET FROM THE DISPLACED THRESHOLD)

Allowable uses include manufacturing uses such as Current Electronics, and other industrial uses which are typical of the Flightways Industrial Park including Newberg Transmission and Kus Electric. General office use would not be permitted because it would be at densities of approximately 100 square feet of building lot coverage area per person.

**B. 50 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - 1,000 TO 2,000 FEET FROM THE DISPLACED THRESHOLD)**

Typical uses include office buildings and lower density retail uses such as stores that deal with bulky merchandise including furniture stores, sporting goods stores, or hardware stores; depending on the size and scale of the facility, grocery stores may also be classified as a lower density retail use.

**C. 15 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - GREATER THAN 2,000 FEET FROM THE DISPLACED THRESHOLD)**

Typical uses include restaurants, drinking establishments, conference rooms, all types of retail use and some entertainment uses. Prohibited uses would include movie theaters and other auditoriums or meeting areas including churches and stadiums.

To determine the permitted density, an applicant for a permit would need to present data regarding the square footage of the building and the expected use pattern in the building with the expected number of persons who may occupy the building.

5. What are height limits imposed by the overlay?

Based on the July 9th Council meeting, there were also questions regarding height limitations. Currently the Zoning Ordinance sets building height limits in the airport approach areas. Zoning districts and related height limits which apply in the proposed approach area are as follows:

- o R-2, R-3 and M-2 zones: 3 stories or 45 feet
- o C-2 zone: No limit

The following table provides the height limitations imposed by the proposed overlay zone at 500 foot intervals from the displaced threshold. Based on the table, the approximate height limitation on the C-2 zone immediately north of Hancock is 50 feet, rising to approximately 100 feet along Portland Road. The limit imposed by Part 77 regulations is 24 feet, less than the City's proposed height limit. Immediately north of Hancock, a conditional use permit would be required for a building between 25 and 75 feet in height. The FAA would require lighting and marking on these buildings.

PERMITTED HEIGHT TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	PERMITTED HEIGHT
500 FEET	25 FEET
1,000 FEET	50 FEET
1,500 FEET	75 FEET
2,000 FEET	100 FEET
2,500 FEET	125 FEET
3,000 FEET	150 FEET

In conclusion, the proposed ordinance provides height limitations which are designed to protect aircraft and property in the approach areas. The population density limitations are designed to limit the number of persons who are exposed to potential aircraft crashes in the approach areas. The draft ordinance represents a compromise and a balance to allow development and provide protection from hazards.

COST: \$0



Dennis Egner, Planning Director



Duane Cole, City Manager

ORDINANCE NO. 90-2281

AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN AIRPORT OVERLAY ZONE FOR SPORTSMAN AIRPARK.

WHEREAS, Public use airports must be protected from obstacles affecting aviation safety; and

WHEREAS, Public use airports must have an adopted imaginary surfaces map and implementing ordinance compatible with Federal Aviation Administration regulations Part 77; and

WHEREAS, Sportsman Airpark is a public use airport.

NOW, THEREFORE, be it resolved by the Council of the City of Newberg, as follows to-wit:

Section 1. The Newberg City Council adopts the findings of fact which shall be made a part of this ordinance and are attached as Exhibit A.

Section 2. Ordinance 1968 shall be amended to include the following sections:

270(7) AO Airport Overlay Subdistrict. Pursuant to the provisions of Sections 446-450, the AO subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix "AO" added to the symbol of the parent district. The "AO" symbol shall be added to the Zoning map for properties affected by the airport imaginary surfaces. Except as set forth in Sections 446-450, all uses permitted in the parent zone shall be allowable in the "AO" subdistrict.

AO AIRPORT OVERLAY SUBDISTRICT

446 Purpose and Definitions.

A. Purpose.

In order to carry out the provisions of this Airport Overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current Airport Overlay zone map and the Displaced Threshold Approach Surface map, prepared by the Newberg Engineering Department and depicted as Maps A and B.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County.

B. Special Definitions.

1. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface except as noted on Airport Overlay Map A. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; and 1,500 feet for a runway other than a Utility Runway having only visual approaches. The Airport Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.
2. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
3. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Displaced Threshold Approach Surface Zone, Transitional Zones, Horizontal Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
4. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
5. Displaced Threshold Approach Surface Zone. The imaginary surface depicted on Map B, the Displaced Threshold Approach Surface Map. In the plan view, the centerline of this surface extends 5,000 feet along the extended runway centerline. This surface extends upward at a slope of 20 feet outward for each foot upward (20:1). This surface extends laterally 125 feet on each side of the centerline at the threshold and increases in width to 350 feet at a point 2,250 feet from the threshold; thereafter, it extends laterally 350 feet on each side of the centerline. The displaced threshold approach surface extends to the north and begins at the Displaced Threshold, 360 feet south of the end of the runway as it existed on July 9, 1990.
6. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.
7. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

8. High Density Public Use. Structure or place which the public may enter for such purposes as deliberation, education, worship, entertainment, amusement, awaiting transportation or similar activity where the occupant load is greater than one person per 15 square feet of gross building lot coverage.
9. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.
10. Runway Protection Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. Where the runway protection zone meets the primary surface, the width is 250 feet. The outer width of the runway protection zone is 450 ft. and is measured 1000 ft. from the primary surface.
11. Transitional Zones. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
12. Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

447 Permitted uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are permitted:

- A. Single family dwellings, mobile homes, duplexes and multifamily dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and the Newberg Planning Department.
- B. All uses permitted in the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.

4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN 1000 FEET	125 SQUARE FEET
1000 - 2000 FEET	50 SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

- C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

448 Conditional Uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are conditional uses:

- A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.
 4. Bird strike hazards.
 5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 6. Population densities which exceed the standards listed in Section 447 B. 6. above.

- B. Any use, building, or structure which is otherwise permitted and is within the height limits of the Displaced Threshold Approach Surface but exceeds the height limits of the Airport Approach Safety Zone. The sole criteria for approval of such uses are as follows:
1. The use shall not create any of the conditions or hazards listed in Section 448 A.
 2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
 3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.

449 Procedures.

A. Development Permits.

An application for a development permit for any permitted use within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone which is subject to site review as required by Section 616 of the Zoning Ordinance shall include the following information:

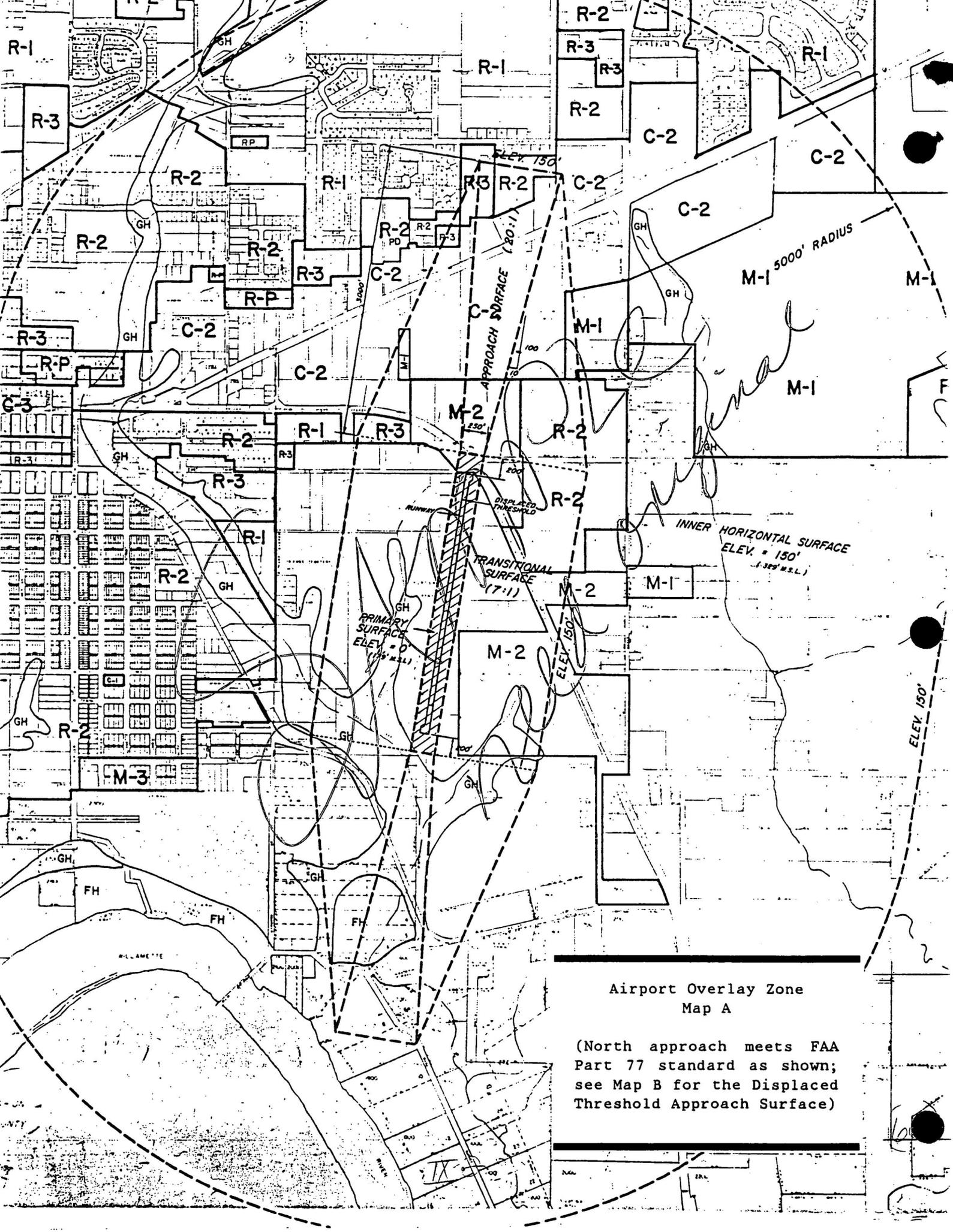
1. The boundaries of the Airport Imaginary Surfaces as they relate to property boundary lines; and
2. Location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

B. FAA Notice Required.

To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77.

450 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 446 except as provided in Section 448 B.
- B. High density public uses shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone.
- C. Following July, 1990, if FAA funds are used by the City to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the Runway Protection Zone consistent with Federal requirements.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The Planning and Building Department will review building permits for noise sensitive developments.



**Airport Overlay Zone
Map A**

(North approach meets FAA Part 77 standard as shown; see Map B for the Displaced Threshold Approach Surface)

450 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 446 except as provided in Section 448 B.
- B. High density public uses shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone.
- C. Following July, 1990, if FAA funds are used by the City to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the Runway Protection Zone consistent with Federal requirements.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The Planning and Building Department will review building permits for noise sensitive developments.

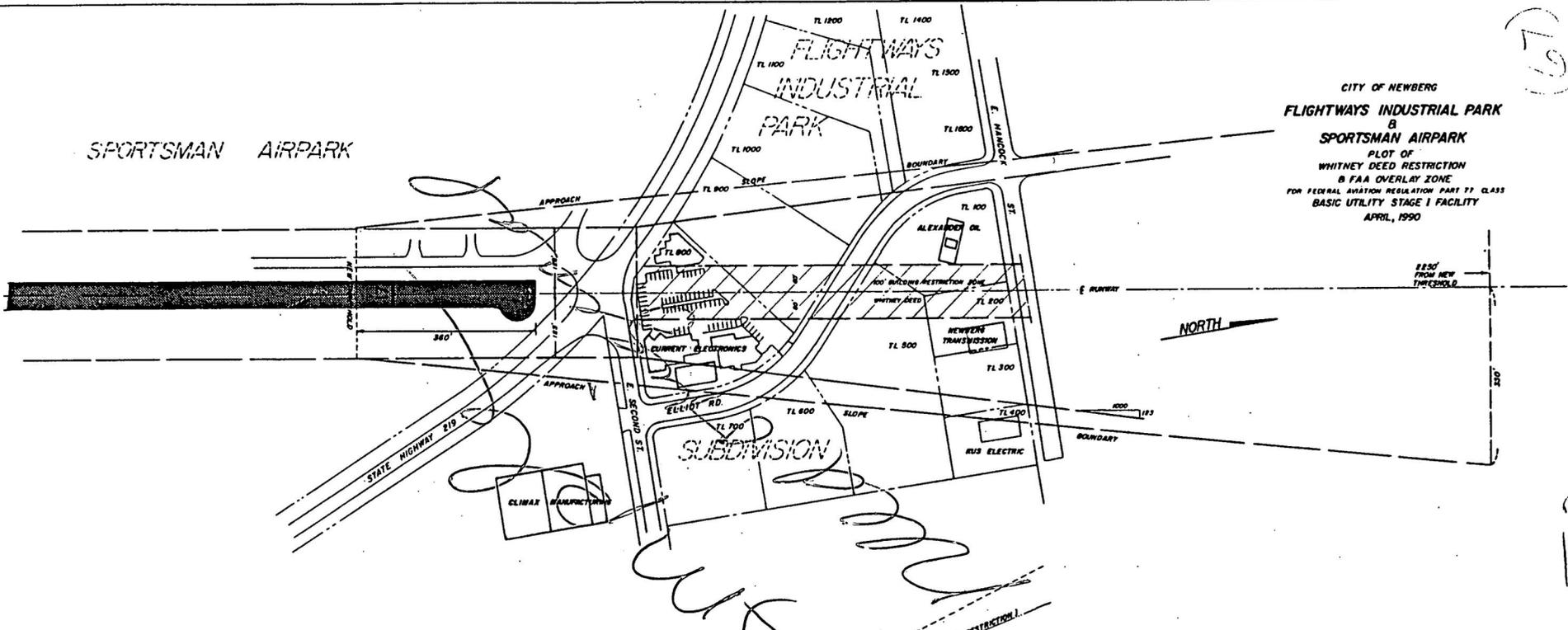
IX-2

(65)

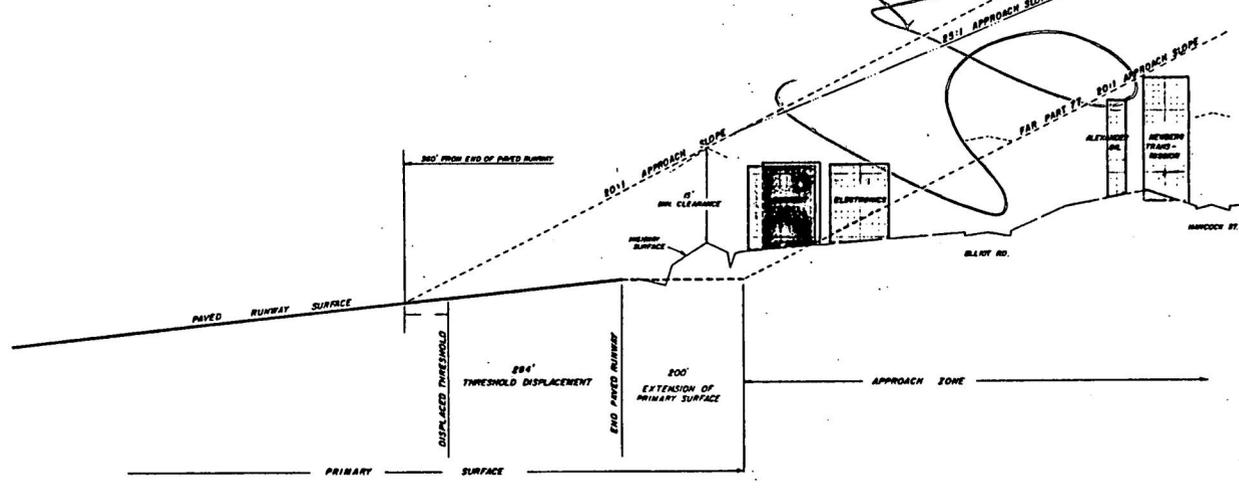
(67)

SPORTSMAN AIRPARK

CITY OF NEWBERG
FLIGHTWAYS INDUSTRIAL PARK
&
SPORTSMAN AIRPARK
PLOT OF
WHITNEY DEED RESTRICTION
& FAA OVERLAY ZONE
FOR FEDERAL AVIATION REGULATION PART 77 CLASS
BASIC UTILITY STAGE I FACILITY
APRIL, 1990



RUNWAY CENTERLINE PROFILE



ELEVATION
215
205
195
185
175

Displaced Threshold Approach Surface
Map B

IX-2

EXHIBIT A - ORDINANCE NO. 90-2281
FINDINGS OF FACT AND CONCLUSIONS OF LAW
PLANNING DEPARTMENT FILE NO. G-6-90

HEARING DATE: Planning Commission - June 21, 1990
7:30 PM - Newberg Public Library

City Council - July 2, July 9, and August 6, 1990
7:30 PM - Newberg Public Library

PROponent: City of Newberg

REQUEST: An amendment to the Newberg Zoning Ordinance to add an airport overlay zone.

I. SUMMARY

The airport overlay zone is in response to requirements imposed by the Oregon Aeronautics Division that an overlay zone be established for Sportsman Airpark. The overlay zone allows the airport to remain designated as a public use airport.

The overlay zone includes establishment of imaginary surfaces which include an Airport Approach Safety Zone and a Transitional Zone. Within the Airport Approach Safety Zone, population density of uses are regulated and other permitted uses are reviewed to assure that interference with aircraft is avoided. The Airport Approach Safety Zone includes restrictive height limitations that relate directly to distance from the end of the runway. These restrictions are no greater than an existing deed restriction in the area. The Transitional Zone imposes height restrictions which extend east and west from the runway at a ratio of 1 foot in height to 7 feet of distance.

II. CRITERIA AND ORDINANCE REQUIREMENTS

A. Zone Change Criteria

The zone change criteria are set forth in Section 600 of the Newberg Zoning Ordinance No. 1968 and read as follows:

1. The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and of the Zoning Ordinance of the city.
2. There is a public need for a change of the kind in question.
3. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

TK-5

(67)

August 6, 1990

Free Methodist Church - August 26th

Child Pornography

- Cement Planters - year around ivy. Empty ones down to parking lots on 2nd Street. Weeds growing up on the 2nd St parking lot. One or twice per week.

Commit Agenda
file
✓

- Copies for residents -

- Leonard Rydel - letter

Pro airport.

- George Alexander - Change in attitude.

- Sam Whitney -

Displaced Threshold - Advantage to owner of property. Not restrictive or disadvantageous. Preserve integrity of Airport.

Dick Fellers -

David James - Wash. Co.

Eldon McIntosh

Mike Gunn - Can do!

Elwood Headberg, Portland

Tim James - L.O.

Marilee Renteria

John Warren - L.O.

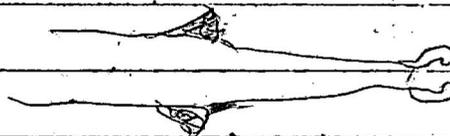
Roger Giles, Dundee

Airpacs - Hose - 25 years old.

↳ 425,000

↳ 410,000

Sell old lot?



Order it and then pay letter.

Payment scheme 3 yr. 1.50 H.H. & selling triangle on Springbrook road

Finance option per household equivalent
\$89,000 \$7.00/month for 24 months - 1/2

\$89,000 Levy for balance.

\$173,000 \$31 / \$1000

\$169,000

Correlation wt. use. No study done. Subject to attack because it is a Tax.

Engine Alone \$160,000

#2 3 year Capital Fee

\$11.64 / year \$97 per month

Residential Equivalent \$7.00 per month for 48 months

January 1991 -- 48 months

Not part of the water bill.

Put aside the money each year
Charge at Public Safety - Needs of Fire Dept.

→ C/M - Authorized to ~~sell~~ ^{sell} property on Springbrook Road. Declare as surplus. Next Mtg.

Agenda
File

CITY OF NEWBERG
COUNCIL AGENDA
AUGUST 6, 1990
7:30 P.M.
NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER.

II. ROLL CALL.

III. CONSENT CALENDAR:

1. Minutes from Council meetings on June 19, 1990, July 2, July 9, and July 17.
2. Resolution No. 90-1569 accepting the canvassing of votes for the June 26, 1990 election for referendum on Crestview Drive.
3. Resolution No. 90-1570 recognizing City Employees for outstanding service during the Old Fashioned Festival.
4. Letter of appreciation to Bill O'Connor, Chairman of Old Fashioned Festival.
5. Adoption of a bad check policy for the City of Newberg.

All Dept's

Mayor

KT

Be sure to send

IV. REQUESTS AND COMMUNICATIONS FROM FLOOR. (Limit 5 minutes)

V. PUBLIC HEARINGS:

1. Public Hearing regarding the the proposed renaming of a portion of Sunset Drive to Sunset Court.
Tax Lot Nos.: 3207DB -200, -300, -400 and -500.
Ordinance No. 90-2283

Denny & Bert

VI. REPORT FROM CITY MANAGER.

VII. REPORT FROM YAMHILL COUNTY COMMISSIONER:

VIII. REPORT FROM CHAMBER OF COMMERCE:

IX. OLD BUSINESS:

1. Resolution No. 90-1568 approving an option for purchasing a fire engine.

E/mer

CITY COUNCIL AGENDA
AUGUST 6, 1990

Denny 2. Continued discussion regarding Ordinance No. 90-2281
pertaining to the establishment of an Airport Overlay
Zone.

*Compliment - Egnese,
Teitzel*

KT 3. Repeal of Ordinance No. 2180.

X. NEW BUSINESS:

XI. EXECUTIVE SESSION:

1. Pursuant to ORS 192.660(1)(i) relating to City Manager evaluation.
2. Pursuant to ORS 192.660(1)(e) relating to real property (Ryco).

XI. ADJOURNMENT.

INDEX OF RESOLUTIONS AND ORDINANCES ON THIS AGENDA FOR ACTION:

RESOLUTIONS:

1. Resolution No. 90-1569 accepting the canvassing of votes for the June 26, 1990 election for referendum on Crestview Drive.
2. Resolution No. 90-1570 recognizing City Employees for outstanding service during the Old Fashioned Festival.
3. Resolution No. 90-1568 approving an option for purchasing a fire engine.

ORDINANCES:

1. Ordinance No. 90-2283 directing the renaming of a portion of Sunset Drive to Sunset Court, Tax Lot Nos.: 3207DB -200, -300, -400 and -500.
2. Ordinance No. 90-2281 pertaining to the establishment of an Airport Overlay Zone.

ORDINANCE NO. 90-2281

AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN AIRPORT OVERLAY ZONE FOR SPORTSMAN AIRPARK.

WHEREAS, Public use airports must be protected from obstacles affecting aviation safety; and

WHEREAS, Public use airports must have an adopted imaginary surfaces map and implementing ordinance compatible with Federal Aviation Administration regulations Part 77; and

WHEREAS, Sportsman Airpark is a public use airport.

NOW, THEREFORE, be it resolved by the Council of the City of Newberg, as follows to-wit:

Section 1. The Newberg City Council adopts the findings of fact which shall be made a part of this ordinance and are attached as Exhibit A.

Section 2. Ordinance 1968 shall be amended to include the following sections:

270(7) AO Airport Overlay Subdistrict. Pursuant to the provisions of Sections 446-450, the AO subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix "AO" added to the symbol of the parent district. The "AO" symbol shall be added to the Zoning map for properties affected by the airport imaginary surfaces. Except as set forth in Sections 446-450, all uses permitted in the parent zone shall be allowable in the "AO" subdistrict.

AO AIRPORT OVERLAY SUBDISTRICT

446 Purpose and Definitions.

A. Purpose.

In order to carry out the provisions of this Airport Overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current Airport Overlay zone map and the Displaced Threshold Approach Surface map, prepared by the Newberg Engineering Department and depicted as Maps A and B.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County.

B. Special Definitions.

1. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface except as noted on Airport Overlay Map A. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; and 1,500 feet for a runway other than a Utility Runway having only visual approaches. The Airport Approach Surface extends for a horizontal distance of 3,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.
2. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
3. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Displaced Threshold Approach Surface Zone, Transitional Zones, Horizontal Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
4. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
5. Displaced Threshold Approach Surface Zone. The imaginary surface depicted on Map B, the Displaced Threshold Approach Surface Map. In the plan view, the centerline of this surface extends 3,000 feet along the extended runway centerline. This surface extends upward at a slope of 20 feet outward for each foot upward (20:1). This surface extends laterally 125 feet on each side of the centerline at the threshold and increases in width to 350 feet at a point 2,250 feet from the threshold; thereafter, it extends laterally 350 feet on each side of the centerline. The displaced threshold approach surface extends to the north and begins at the Displaced Threshold, 360 feet south of the end of the runway as it existed on July 9, 1990.
6. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.
7. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.
8. High Density Public Use. Structure or place which the public may enter for such purposes as deliberation, education, worship,

entertainment, amusement, awaiting transportation or similar activity where the occupant load is greater than one person per 15 square feet of gross building lot coverage.

9. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.
10. Runway Protection Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. Where the runway protection zone meets the primary surface, the width is 250 feet. The outer width of the runway protection zone is 450 ft. and is measured 1000 ft. from the primary surface.
11. Transitional Zones. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
12. Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

447 Permitted uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are permitted:

- A. Single family dwellings, mobile homes, duplexes and multifamily dwellings, when located greater than 3,000 feet from the Displaced Threshold, and when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and the Newberg Planning Department.
- B. All uses permitted in the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.
 4. Bird strike hazards.

5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN 1500 FEET	125 SQUARE FEET
1501 - 2000 FEET	30 SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

- C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

448 Conditional Uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are conditional uses:

- A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.
 4. Bird strike hazards.
 5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 6. Population densities which exceed the standards listed in Section 447 B. 6. above.
- B. Any use, building, or structure which is otherwise permitted and is within the height limits of the Displaced Threshold Approach Surface but exceeds the height limits of the Airport Approach Safety Zone. The sole criteria for approval of such uses are as follows:

1. The use shall not create any of the conditions or hazards listed in Section 448 A.
2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.

449 Procedures.

A. Development Permits.

An application for a development permit for any permitted use within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone which is subject to site review as required by Section 616 of the Zoning Ordinance shall include the following information:

1. The boundaries of the Airport Imaginary Surfaces as they relate to property boundary lines; and
2. Location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility.

B. FAA Notice Required.

To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77.

450 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 446 except as provided in Section 448 B.
- B. High density public uses as defined in Section 446 B.8. shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone.
- C. Following July, 1990, if FAA funds are used by the City to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the Runway Protection Zone consistent with Federal requirements.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The Planning and Building Department will review building permits for noise sensitive developments.

CITY OF NEWBERG
CITY COUNCIL WORK SESSION
EXECUTIVE SESSION PURSUANT TO
ORS 192.660(1)(i)
MONDAY, AUGUST 6, 1990
6:00 P.M.
NEWBERG COMMUNITY HOSPITAL

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE AUGUST 6, 1990, COUNCIL AGENDA ITEMS. THE COUNCIL WILL NOT MAKE ANY DECISIONS ON THE AGENDA ITEMS AT THE WORK SESSION. THE COUNCIL WILL ALSO HOLD AN EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(i) RELATING TO THE CITY MANAGER'S EVALUATION. THE WORK SESSION WILL BE HELD IN CONFERENCE ROOM "A" AT THE NEWBERG COMMUNITY HOSPITAL.

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING WHICH WILL BE HELD AT NEWBERG PUBLIC LIBRARY BEGINNING AT 7:30 P.M.

DATED THIS 30TH DAY OF JULY, 1990.

DUANE R. COLE,
CITY RECORDER

\wsnote

REQUEST FOR CITY COUNCIL ACTION

DATE SUBMITTED: July 31, 1990

 X MOTION

 INFORMATION

DATE ACTION REQUESTED: August 6, 1990

SUBJECT: Repeal of Ordinance No. 2180

RECOMMENDATION: The Finance Committee recommends to the City Council repeal of Ordinance NO. 2180, authorizing establishment of certain reserve and special funds within the budget of the City of Newberg pursuant to the home rule powers and authority of the City of Newberg, adopted June 2, 1986.

BACKGROUND: The above named ordinance was passed to establish reserve funds for office equipment, computers, police equipment, fire equipment, CCRLS, street equipment and payments for public lands.

The adopted 1990-91 budget transfers all these funds except public lands to the Vehicle/Equipment Replacement Fund. The Finance Department will account for each department's funds separately.

The Finance Committee reviewed the requested action at its July 31, 1990 meeting and recommended referral to the Council for final adoption.


Duane Cole, City Manager

\ccord2180

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO 2180, AUTHORIZING ESTABLISHMENT OF CERTAIN RESERVE AND SPECIAL FUNDS WITHIN THE BUDGET OF THE CITY OF NEWBERG PURSUANT TO THE HOME RULE POWERS AND AUTHORITY OF THE CITY OF NEWBERG, ADOPTED JUNE 2, 1986.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2180, authorizing establishment of certain reserve and special funds within the budget of the City of Newberg pursuant to the home rule powers and authority of the City of Newberg, adopted June 2, 1986, is repealed.

PASSED by the City Council of the City of Newberg this ____ day of _____, 1990, by the following votes:

Ayes: Nays: Absent:

Duane Cole, City Recorder

APPROVED by the Mayor this ____ day of _____, 1990.

Elvern Hall, Mayor

IX-3

(72)



(503) 538-9421
FAX (503) 538-5393

414 E. First St.
Newberg, Oregon 97132

May 15, 1990

Mr. John Baker
Northwest Management Specialists
2014 N. E. Crestview Drive
Newport, Oregon 97365

SUBJECT: City Manager Evaluation

Dear John:

As we discussed a few weeks ago, I have enclosed a draft memo and two different forms to be used in the City Manager evaluation process here in Newberg.

The first form would be filled out by the City management staff. The second form would be completed by the Mayor and City Council. As the memo suggests, the forms would be distributed to the Mayor and City Council and City management staff and received by you for compilation.

Please review the forms and make any comments or suggestions you feel might be appropriate. Please contact me either by phone or drop by so that we can discuss your comments and finalize the forms.

I am considering color-coding the responses so that the Council can get a picture of their management team input and their own input with regard to my performance. These forms are being reviewed by the Ordinance/Legislative Committee on May 17th. I do not anticipate any additional input; however, if redrafts are necessary, I would appreciate your input by May 25, 1990.

I anticipate distributing the forms on or about June 18, 1990, and have them to you on or before June 29, 1990. I would like the report to go to the Council on July 17, 1990.



Home of Old Fashioned Festival

Page 2
May 15, 1990
Mr. John Baker
RE: Manager's Evaluation

We will also need to discuss whether you need to appear and deliver the report. I think it might be useful, but if the results are very straightforward it may not be necessary.

I look forward to hearing from you in the near future.

Sincerely,

Duane R. Cole
City Manager

Enclosures (2)

CITY OF NEWBERG
COUNCIL AGENDA
AUGUST 6, 1990
7:30 P.M.
NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER.

II. ROLL CALL.

III. CONSENT CALENDAR:

1. Minutes from Council meetings on June 19, 1990, July 2, July 9, and July 17.
2. Resolution No. 90-1569 accepting the canvassing of votes for the June 26, 1990 election for referendum on Crestview Drive.
3. Resolution No. 90-1570 recognizing City Employees for outstanding service during the Old Fashioned Festival.
4. Letter of appreciation to Bill O'Connor, Chairman of Old Fashioned Festival.
5. Adoption of a bad check policy for the City of Newberg.

IV. REQUESTS AND COMMUNICATIONS FROM FLOOR. (Limit 5 minutes)

V. PUBLIC HEARINGS:

1. Public Hearing regarding the the proposed renaming of a portion of Sunset Drive to Sunset Court.
Tax Lot Nos.: 3207DB -200, -300, -400 and -500.
Ordinance No. 90-2283

VI. REPORT FROM CITY MANAGER.

VII. REPORT FROM YAMHILL COUNTY COMMISSIONER:

VIII. REPORT FROM CHAMBER OF COMMERCE:

IX. OLD BUSINESS:

1. Resolution No. 90-1568 approving an option for purchasing a fire engine.

CITY COUNCIL AGENDA
AUGUST 6, 1990

2. Continued discussion regarding Ordinance No. 90-2281 pertaining to the establishment of an Airport Overlay Zone.
3. Repeal of Ordinance No. 2180.

X. NEW BUSINESS:

XI. EXECUTIVE SESSION:

1. Pursuant to ORS 192.660(1)(i) relating to City Manager evaluation.
2. Pursuant to ORS 192.660(1)(e) relating to real property (Ryco).

XI. ADJOURNMENT.

INDEX OF RESOLUTIONS AND ORDINANCES ON THIS AGENDA FOR ACTION:

RESOLUTIONS:

1. Resolution No. 90-1569 accepting the canvassing of votes for the June 26, 1990 election for referendum on Crestview Drive.
2. Resolution No. 90-1570 recognizing City Employees for outstanding service during the Old Fashioned Festival.
3. Resolution No. 90-1568 approving an option for purchasing a fire engine.

ORDINANCES:

1. Ordinance No. 90-2283 directing the renaming of a portion of Sunset Drive to Sunset Court, Tax Lot Nos.: 3207DB -200, -300, -400 and -500.
2. Ordinance No. 90-2281 pertaining to the establishment of an Airport Overlay Zone.

CITY OF NEWBERG
CITY COUNCIL WORK SESSION
EXECUTIVE SESSION PURSUANT TO
ORS 192.660(1)(i)
MONDAY, AUGUST 6, 1990
6:00 P.M.
NEWBERG COMMUNITY HOSPITAL

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE AUGUST 6, 1990, COUNCIL AGENDA ITEMS. THE COUNCIL WILL NOT MAKE ANY DECISIONS ON THE AGENDA ITEMS AT THE WORK SESSION. THE COUNCIL WILL ALSO HOLD AN EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(i) RELATING TO THE CITY MANAGER'S EVALUATION. THE WORK SESSION WILL BE HELD IN CONFERENCE ROOM "A" AT THE NEWBERG COMMUNITY HOSPITAL.

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING WHICH WILL BE HELD AT NEWBERG PUBLIC LIBRARY BEGINNING AT 7:30 P.M.

DATED THIS 30TH DAY OF JULY, 1990.

DUANE R. COLE,
CITY RECORDER

\wsnote

ORS 192.660 (1)(i)
= EXECUTIVE SESSION#
AGENDA =

CONFIDENTIAL
MEMO

TO: Mayor and City Council
FROM: Duane R. Cole, City Manager
SUBJECT: City Manager Evaluation

DATE: August 3, 1990

In order to assist the Council with the evaluation process a survey form was given to each Council member and each department head during the first week of July. These surveys were subsequently sent to Mr. John Baker, who compiled them and assured confidentiality for each of the participants. The second part of the evaluation process will be at the City Council workshop on August 6, 1990. In order to get through the process I am suggesting that we follow the following steps:

1. Introductory comments by City Manager.
2. Presentation of survey information by John Baker.
3. Additional comments, questions and direction by the City Council.
4. Discussion and setting of 1990-91 Manager compensation.

As the Mayor and City Council are aware, the Manager's contract provides no adjustment in salary unless the adjustment is approved by the City Council. It is my hope that we can complete our deliberations on this issue during the Council work session. If not, I will suggest that we adjourn into Executive Session to continue our discussions after the City Council meeting.

Thanks very much for your input on these matters and I look forward to this discussion.


Duane R. Cole
City Manager

DRC/bjm

\meval

OFFICIAL Copy Exhibit "A"
STAFF

CITY OF NEWBERG
MANAGER'S PERFORMANCE EVALUATION

Completed by City Management Staff

Date: August 4, 1990

N = 7

	<u>Outstanding</u>	<u>Successful</u>	<u>Meets Standards</u>	<u>Requires Improvements</u>	<u>Not Observed</u>
1. <u>Staff Relationships:</u>					
A. Demonstrates a commitment to develop employee skills and abilities.	—	57%	43%	—	—
B. Manages subordinate staff activities.	14%	57%	28%	—	—
C. Possess a harmonious working relationship with City Employees.	28%	43%	28%	—	—

COMMENTS: _____

2. Leadership & Decision Making:

A. Motivates others to accomplish assigned tasks and duties.	14%	28%	57%	—	—
B. Delegates appropriate responsibilities.	14%	14%	71%	—	—
C. Emphasizes team work as a value.	—	71%	28%	—	—
D. Uses effective supervisory skills.	28%	14%	57%	—	—
E. Exhibits objectivity when making decisions.	14%	43%	28%	14%	—
F. Attempts to obtain facts prior to making decisions.	14%	28%	57%	—	—

COMMENTS: _____

NOTE: 14% EQUALS ONE PERSON.

	<u>Outstanding</u>	<u>Successful</u>	<u>Meets Standards</u>	<u>Requires Improvements</u>	<u>Not Observed</u>
3. <u>Communications:</u>					
A. Written communications are clear, concise and accurate.	<u>14%</u>	<u>57%</u>	<u>28%</u>	—	—
B. Oral communications are clear, concise and well organized.	<u>14%</u>	<u>57%</u>	<u>28%</u>	—	—
C. Listens effectively to others.	—	<u>57%</u>	<u>28%</u>	<u>14%</u>	—
D. Demonstrates an ability to persuade others.	—	<u>28%</u>	<u>28%</u>	<u>14%</u>	<u>14%</u>

COMMENTS: _____

4. <u>Administrative Management:</u>					
A. Develops long-range plans for policy agenda, projects and issues.	—	<u>43%</u>	<u>57%</u>	—	—
B. Develops long-range plans for personnel development.	<u>14%</u>	<u>14%</u>	<u>57%</u>	<u>14%</u>	—
C. Ensures compliance with applicable employment laws and regulations.	—	<u>43%</u>	<u>57%</u>	—	—
D. Maintains "State of the Art" knowledge of City management skills.	<u>14%</u>	<u>57%</u>	<u>28%</u>	—	—

COMMENTS: _____

5. <u>Personal Traits:</u>					
A. Demonstrates maturity in difficult situations.	<u>14%</u>	<u>43%</u>	<u>43%</u>	—	—

	<u>Outstanding</u>	<u>Successful</u>	<u>Meets Standards</u>	<u>Requires Improvements</u>	<u>Not Observed</u>
B. Is flexible in accepting and adjusting to change.	—	<u>43%</u>	<u>43%</u>	—	<u>14%</u>
C. Displays a positive attitude.	<u>43%</u>	<u>57%</u>	—	—	—
D. Demonstrates a sense of humor.	<u>43%</u>	<u>43%</u>	<u>14%</u>	—	—
E. Demonstrates personal honesty and frankness in day-to-day relationships.	<u>43%</u>	<u>43%</u>	<u>14%</u>	—	—
F. Exhibits creativity in problem solving.	—	<u>57%</u>	<u>43%</u>	—	—

COMMENTS: _____

OVERALL RATING AND ADDITIONAL COMMENTS:
 (Indicate overall rating based on the evaluation ratings, comments, intuition, performance and growth.)

COMMENTS

Staff Relationships

1. Has established a positive team concept.
2. Sometimes tends to rely on some department heads more than others.
3. Encourages professional development.
4. He provides clear direction.
5. Sometimes intimidates staff level employees.
6. Needs to be more accessible.
7. Needs to narrow the distance many employees feel from him.
8. He articulates commitment to employees.

Leadership and Decision-Making

1. He needs to take a stronger role in decision-making and not worry about offending some personnel.
2. Duane is an outstanding City Manager.
3. Motivates through positive feedback.
4. Works well with Department Heads and seeks others' feedback for decision-making.
5. Allows freedom to Department Heads to run their departments.

Communications

1. You know where you stand with Duane.
2. Sometimes "feel good" statements go overboard with the Council.
3. Usually clear communication, but initial communication not specific enough.
4. Doesn't always provide feedback.
5. Has not persuaded Council on funding issues.
6. Good listener, communicates feedback.
7. Avoid taking advice from a "small few."

Administrative Management

1. He's well-informed on all Departments.
2. Hasn't demonstrated a firm, long-range plan for personnel development.
3. He keeps staff informed of employee regulations.
4. Progress in these areas, but much to do.
5. Long-range plan needed. (There is some planning from meeting with Council a year ago.)

Personal Traits

1. Needs more creativity in problem-solving.
2. Sometimes Duane is overly influenced by others in his own decision-making.

3. Good sense of humor and positive attitude.

Overall Rating and Additional Comments

1. All decisions should be based on what is best for the city, not what is best politically.
2. Follow-through needs improving.
3. He knows how to get Department Heads to work together.
4. Runs a good staff meeting.
5. Has a sense of humor.
6. He's a good manager and delegates well.
7. Good at community promotion.
8. His positive attitude is valuable; strong work ethic; good critical thinker.
9. He is creating motion, but too early to measure effectiveness with tools he has.
10. Would like to hear more about his vision. It helped when he "lectured" department heads and then we had an open discussion.
11. A pleasure to work with Duane.
12. Duane faces challenges eagerly.
13. He's a realist and a humanitarian.
14. He's down to earth and approachable.
15. Needs to be a bit more aggressive with the Council.
16. He needs to make his views clearly known.
17. Like to see him stay a long time.

Some Summary and Recommendations

1. On a personal and professional level, Duane is seen as an excellent person to work with. He listens well, supports the consensus decisions, provides feedback, has a sense of humor, is compassionate, is a good motivator, provides clear directions, and seems to articulate commitment to employees.

Some comments suggested areas for improving, including:

- a. The need to be more accessible and narrow the distance some employees feel from him. One respondent indicated that some employees are intimidated by Duane.
 - b. Although most felt Duane provides feedback, some indicated that not every employee gets the same attention. Some feedback not specific enough was also indicated. For his own feedback he may need to solicit input from a wider circle of employees to get a complete picture.
2. Long-Range Plans: The one area that was most often indicated as unfinished business was long-range planning.

At least two sessions with an outside consultant were held and goals and potential strategies were developed (in writing). Perhaps these plans need to be further reviewed with an ad hoc citizens group, department heads, and staff, and finalized through the Council.

Duane appears to facilitate the vision development. He may need to take a more forceful, editorial point of view to get a plan ready for Council review and approval. Time and prioritizing may have been a factor in the plan remaining unfinalized.



Exhibit # _____

LEONARD A. RYDELL, P.E., P.L.S. Consulting Civil Engineer - Land Surveyor

3 August 1990

601 PINEHURST DRIVE, NEWBERG, OREGON 97132
(503) 538-5700

Honorable Mayor and City Council
City of Newberg
City Hall
Newberg, Oregon 97132

Re: Airport Overlay

Dear Honorable Mayor and City Council:

I have been advised that the Airport Overlay Zoning will be on the 6 August 1990 agenda for the purpose of discussing a modification to reduce the restrictions on building heights north of the runway.

I am deeply concerned that action is being considered that will restrict flight activities and or safety at the airport.

Newberg is a very fortunate town in that it has an airport within walking distance of motels, restaurants and shopping. The only other town with that distinction is Pacific City in the immediate area.

The Newberg Airport is irreplaceable. Once it it gone, it's gone. There will be too many financial and zoning problems to ever build another on in the immediate area, and I believe that your airport study made that perfectly clear.

Therefore, it is important to keep viable an assest that our community already is fortunate enough to have.

Please, do not approve new restrictions.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S.

LAR/j



Minutes
Aug 6
Council
MEG
Subject _____
Date Sent to file _____

Post-It™ file request pad 7667

PLANNED DEVELOPMENTS ◦ RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS
LAND SURVEYS ◦ SOLAR-CONSERVATION HOMES

Michael G. Gunn, P.C.

Attorney at Law
518 East 1st St.
P.O. Box 1046

Newberg, Oregon 97132

(503) 538-8318 FAX (503) 537-0591

August 3, 1990

Mr. Dennis Egner
Newberg City Planner
Newberg City Hall
Newberg, OR 97132

HAND DELIVERED

Re: Airport Overlay Zoning
My clients: Walt Racette, Rich Racette, Arthur Spada, and Richard Spada

Dear Dennis:

As you know, I represent all of the aforesaid individuals associated with the issue regarding the proposed airport overlay zoning. My clients are the owners of the following tax lots which are affected by the proposed zoning ordinance: 301, 700, 800, and 900.

My clients have owned the aforesaid properties for a considerable period of time and though the newly revised proposed ordinance is an improvement from the initial proposed ordinance, they are still quite concerned, as are numerous other property owners, with certain portions of the proposed ordinance.

Pursuant to our recent consultation, my clients, and I believe the other property owners (although I do not directly represent them) would not oppose the adoption of the new proposed ordinance with the following changes based upon your representations to me regarding the interpretation of certain items:

- 1. 100 ft. wide strip extending from threshold (representation)
 - a. This initial requirement has now been eliminated

- 2. Permitted Density Table (modification)

a. Would be revised as follows:

Distance from displaced threshold	Occupant load Per person
0 - 1,500 ft.	125 sq. ft
1,501 - 2,000 ft.	30 sq. ft.
Greater than 2,000 ft.	15 sq. ft.

Letter to Dennis Egner
August 3, 1990
Page 2

3. Page 3 - Paragraph 3B (representation)

a. Hold harmless agreement for landowner to sign is an agreement whereby only the landowner or his successors in interest agree to hold the city and/or other municipality harmless for any damages incurred by the landowner or his successors in interest if a plane crashes onto the property causing damages.

4. Page 4 - Paragraph 4C (modification)

a. This section of text would be revised to state as follows: "Typical uses include restaurants, drinking establishments, conference rooms, all types of retail use, and certain entertainment uses." There would be no need to list any prohibited uses as any use would be required to be within the occupant load density table to be allowable.

5. Page 5 - Ordinance #449 A.3. - Procedures (modification)

a. This section would be revised to state "A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility." You have indicated that this statement, while being considered by the City when determining whether or not a building permit will be approved, will not of itself necessarily be the determining factor in the decision making process (particularly if the Aeronautics Division did not utilize an objective standard when issuing its statement).

6. Page 6 - Ordinance #450 B. - Limitations (modification)

a. This section would be revised to state "High density public uses as defined in Ordinance #446 shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone."

I would also suggest that the City staff recommend to the City Council that this ordinance be automatically repealed if the airport status changes from "public use" to "private" at some time in the future.

Please notify me later this afternoon if the city is agreeable to revising the proposed ordinance which will be recommended to the City Council by incorporating the aforesaid modifications. If so, there will be no need to present any opposing testimony at the Council Meeting next Monday night; however, if the city is not agreeable, I will need to prepare for and coordinate the opposition testimony, which includes petitions in opposition signed by numerous property

Letter to Dennis Egner
August 3, 1990
page 3

owners, to be presented next Monday night.

Thank you for your cooperation.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael Gunn", with a large, stylized flourish extending to the right.

Michael G. Gunn

MGG;CLG

cc-Walt and Rich Racette, Art and Richard Spada

ORDINANCE NO. 90-2281

AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN AIRPORT OVERLAY ZONE FOR SPORTSMAN AIRPARK.

WHEREAS, Public use airports must be protected from obstacles affecting aviation safety; and

WHEREAS, Public use airports must have an adopted imaginary surfaces map and implementing ordinance compatible with Federal Aviation Administration regulations Part 77; and

WHEREAS, Sportsman Airpark is a public use airport.

NOW, THEREFORE, be it resolved by the Council of the City of Newberg, as follows to-wit:

Section 1. The Newberg City Council adopts the findings of fact which shall be made a part of this ordinance and are attached as Exhibit A.

Section 2. Ordinance 1968 shall be amended to include the following sections:

270(7) AO Airport Overlay Subdistrict. Pursuant to the provisions of Sections 446-450, the AO subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix "AO" added to the symbol of the parent district. The "AO" symbol shall be added to the Zoning map for properties affected by the airport imaginary surfaces. Except as set forth in Sections 446-450, all uses permitted in the parent zone shall be allowable in the "AO" subdistrict.

AO AIRPORT OVERLAY SUBDISTRICT

446 Purpose and Definitions.

A. Purpose.

In order to carry out the provisions of this Airport Overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current Airport Overlay zone map and the Displaced Threshold Approach Surface map, prepared by the Newberg Engineering Department and depicted as Maps A and B.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County.

B. Special Definitions.

1. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface except as noted on Airport Overlay Map A. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; and 1,500 feet for a runway other than a Utility Runway having only visual approaches. The Airport Approach Surface extends for a horizontal distance of 3,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.
2. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
3. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Displaced Threshold Approach Surface Zone, Transitional Zones, Horizontal Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
4. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
5. Displaced Threshold Approach Surface Zone. The imaginary surface depicted on Map B, the Displaced Threshold Approach Surface Map. In the plan view, the centerline of this surface extends 3,000 feet along the extended runway centerline. This surface extends upward at a slope of 20 feet outward for each foot upward (20:1). This surface extends laterally 125 feet on each side of the centerline at the threshold and increases in width to 350 feet at a point 2,250 feet from the threshold; thereafter, it extends laterally 350 feet on each side of the centerline. The displaced threshold approach surface extends to the north and begins at the Displaced Threshold, 360 feet south of the end of the runway as it existed on July 9, 1990.
6. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.
7. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

8. High Density Public Use. Structure or place which the public may enter for such purposes as deliberation, education, worship, entertainment, amusement, awaiting transportation or similar activity where the occupant load is greater than one person per 15 square feet of gross building lot coverage.
9. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.
10. Runway Protection Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. Where the runway protection zone meets the primary surface, the width is 250 feet. The outer width of the runway protection zone is 450 ft. and is measured 1000 ft. from the primary surface.
11. Transitional Zones. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
12. Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

447 Permitted uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are permitted:

- A. Single family dwellings, mobile homes, duplexes and multifamily dwellings, when located greater than 3,000 feet from the Displaced Threshold, and *
when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and the Newberg Planning Department.
- B. All uses permitted in the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.

4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN <u>1500</u> FEET	125 SQUARE FEET
<u>1501</u> - 2000 FEET	<u>30</u> SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

*
*

- C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

448 Conditional Uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are conditional uses:

- A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.
 4. Bird strike hazards.
 5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 6. Population densities which exceed the standards listed in Section 447 B. 6. above.
- B. Any use, building, or structure which is otherwise permitted and is within the height limits of the Displaced Threshold Approach Surface but exceeds

the height limits of the Airport Approach Safety Zone. The sole criteria for approval of such uses are as follows:

1. The use shall not create any of the conditions or hazards listed in Section 448 A.
2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.

449 Procedures.

A. Development Permits.

An application for a development permit for any permitted use within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone which is subject to site review as required by Section 616 of the Zoning Ordinance shall include the following information:

1. The boundaries of the Airport Imaginary Surfaces as they relate to property boundary lines; and
2. Location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility. *

B. FAA Notice Required.

To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77.

450 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 446 except as provided in Section 448 B.
- B. High density public uses as defined in Section 446 B.8. shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone. *
- C. Following July, 1990, if FAA funds are used by the City to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the Runway Protection Zone consistent with Federal requirements.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The Planning and Building Department will review building permits for noise sensitive developments.

Exhibit # _____

Michael G. Gunn, P.C.

Attorney at Law
518 East 1st St.
P.O. Box 1046

Newberg, Oregon 97132

(503) 538-8318 FAX (503) 537-0591

August 3, 1990

Mr. Dennis Egner
Newberg City Planner
Newberg City Hall
Newberg, OR 97132

HAND DELIVERED

Re: Airport Overlay Zoning
My clients: Walt Racette, Rich Racette, Arthur Spada, and Richard Spada

Dear Dennis:

As you know, I represent all of the aforesaid individuals associated with the issue regarding the proposed airport overlay zoning. My clients are the owners of the following tax lots which are affected by the proposed zoning ordinance: 301, 700, 800, and 900.

My clients have owned the aforesaid properties for a considerable period of time and though the newly revised proposed ordinance is an improvement from the initial proposed ordinance, they are still quite concerned, as are numerous other property owners, with certain portions of the proposed ordinance.

Pursuant to our recent consultation, my clients, and I believe the other property owners (although I do not directly represent them) would not oppose the adoption of the new proposed ordinance with the following changes based upon your representations to me regarding the interpretation of certain items:

1. 100 ft. wide strip extending from threshold (representation)
 - a. This initial requirement has now been eliminated
2. Permitted Density Table (modification)
 - a. Would be revised as follows:

Distance from displaced threshold	Occupant load Per person
0 - 1,500 ft.	125 sq. ft
1,501 - 2,000 ft.	30 sq. ft.
Greater than 2,000 ft.	15 sq. ft.

Letter to Dennis Egner
August 3, 1990
Page 2

3. Page 3 - Paragraph 3B (representation)

a. Hold harmless agreement for landowner to sign is an agreement whereby only the landowner or his successors in interest agree to hold the city and/or other municipality harmless for any damages incurred by the landowner or his successors in interest if a plane crashes onto the property causing damages.

4. Page 4 - Paragraph 4C (modification)

a. This section of text would be revised to state as follows: "Typical uses include restaurants, drinking establishments, conference rooms, all types of retail use, and certain entertainment uses." There would be no need to list any prohibited uses as any use would be required to be within the occupant load density table to be allowable.

5. Page 5 - Ordinance #449 A.3. - Procedures (modification)

a. This section would be revised to state "A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility." You have indicated that this statement, while being considered by the City when determining whether or not a building permit will be approved, will not of itself necessarily be the determining factor in the decision making process (particularly if the Aeronautics Division did not utilize an objective standard when issuing its statement).

6. Page 6 - Ordinance #450 B. - Limitations (modification)

a. This section would be revised to state "High density public uses as defined in Ordinance #446 shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone."

I would also suggest that the City staff recommend to the City Council that this ordinance be automatically repealed if the airport status changes from "public use" to "private" at some time in the future.

Please notify me later this afternoon if the city is agreeable to revising the proposed ordinance which will be recommended to the City Council by incorporating the aforesaid modifications. If so, there will be no need to present any opposing testimony at the Council Meeting next Monday night; however, if the city is not agreeable, I will need to prepare for and coordinate the opposition testimony, which includes petitions in opposition signed by numerous property

Letter to Dennis Egner
August 3, 1990
page 3

owners, to be presented next Monday night.

Thank you for your cooperation.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael G. Gunn", with a large, stylized flourish at the end.

Michael G. Gunn

MGG;CLG
cc-Walt and Rich Racette, Art and Richard Spada

Michael G. Gunn, P.C.

Attorney at Law

518 East 1st St.

P.O. Box 1046

Newberg, Oregon 97132

(503) 538-8318 FAX (503) 537-0591

August 3, 1990

Mr. Dennis Egner
Newberg City Planner
Newberg City Hall
Newberg, OR 97132

HAND DELIVERED

Re: Airport Overlay Zoning

My clients: Walt Racette, Rich Racette, Arthur Spada, and Richard Spada

Dear Dennis:

As you know, I represent all of the aforesaid individuals associated with the issue regarding the proposed airport overlay zoning. My clients are the owners of the following tax lots which are affected by the proposed zoning ordinance: 301, 700, 800, and 900.

My clients have owned the aforesaid properties for a considerable period of time and though the newly revised proposed ordinance is an improvement from the initial proposed ordinance, they are still quite concerned, as are numerous other property owners, with certain portions of the proposed ordinance.

Pursuant to our recent consultation, my clients, and I believe the other property owners (although I do not directly represent them) would not oppose the adoption of the new proposed ordinance with the following changes based upon your representations to me regarding the interpretation of certain items:

1. 100 ft. wide strip extending from threshold (representation)
 - a. This initial requirement has now been eliminated
2. Permitted Density Table (modification)
 - a. Would be revised as follows:

Distance from displaced threshold	Occupant load Per person
0 - 1,500 ft.	125 sq. ft
1,501 - 2,000 ft.	30 sq. ft.
Greater than 2,000 ft.	15 sq. ft.

Letter to Dennis Egner
August 3, 1990
Page 2

3. Page 3 - Paragraph 3B (representation)

a. Hold harmless agreement for landowner to sign is an agreement whereby only the landowner or his successors in interest agree to hold the city and/or other municipality harmless for any damages incurred by the landowner or his successors in interest if a plane crashes onto the property causing damages.

4. Page 4 - Paragraph 4C (modification)

a. This section of text would be revised to state as follows: "Typical uses include restaurants, drinking establishments, conference rooms, all types of retail use, and certain entertainment uses." There would be no need to list any prohibited uses as any use would be required to be within the occupant load density table to be allowable.

5. Page 5 - Ordinance #449 A.3. - Procedures (modification)

a. This section would be revised to state "A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility." You have indicated that this statement, while being considered by the City when determining whether or not a building permit will be approved, will not of itself necessarily be the determining factor in the decision making process (particularly if the Aeronautics Division did not utilize an objective standard when issuing its statement).

6. Page 6 - Ordinance #450 B. - Limitations (modification)

a. This section would be revised to state "High density public uses as defined in Ordinance #446 shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone."

I would also suggest that the City staff recommend to the City Council that this ordinance be automatically repealed if the airport status changes from "public use" to "private" at some time in the future.

Please notify me later this afternoon if the city is agreeable to revising the proposed ordinance which will be recommended to the City Council by incorporating the aforesaid modifications. If so, there will be no need to present any opposing testimony at the Council Meeting next Monday night; however, if the city is not agreeable, I will need to prepare for and coordinate the opposition testimony, which includes petitions in opposition signed by numerous property

Letter to Dennis Egner
August 3, 1990
page 3

owners, to be presented next Monday night.

Thank you for your cooperation.

Yours very truly,


Michael G. Gunn

MGG;CLG
cc-Walt and Rich Racette, Art and Richard Spada

ORDINANCE NO. 90-2281

AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN AIRPORT OVERLAY ZONE FOR SPORTSMAN AIRPARK.

WHEREAS, Public use airports must be protected from obstacles affecting aviation safety; and

WHEREAS, Public use airports must have an adopted imaginary surfaces map and implementing ordinance compatible with Federal Aviation Administration regulations Part 77; and

WHEREAS, Sportsman Airpark is a public use airport.

NOW, THEREFORE, be it resolved by the Council of the City of Newberg, as follows to-wit:

Section 1. The Newberg City Council adopts the findings of fact which shall be made a part of this ordinance and are attached as Exhibit A.

Section 2. Ordinance 1968 shall be amended to include the following sections:

270(7) AO Airport Overlay Subdistrict. Pursuant to the provisions of Sections 446-450, the AO subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix "AO" added to the symbol of the parent district. The "AO" symbol shall be added to the Zoning map for properties affected by the airport imaginary surfaces. Except as set forth in Sections 446-450, all uses permitted in the parent zone shall be allowable in the "AO" subdistrict.

AO AIRPORT OVERLAY SUBDISTRICT

446 Purpose and Definitions.

A. Purpose.

In order to carry out the provisions of this Airport Overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current Airport Overlay zone map and the Displaced Threshold Approach Surface map, prepared by the Newberg Engineering Department and depicted as Maps A and B.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County.

B. Special Definitions.

1. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface except as noted on Airport Overlay Map A. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; and 1,500 feet for a runway other than a Utility Runway having only visual approaches. The Airport Approach Surface extends for a horizontal distance of 3,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.
2. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
3. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Displaced Threshold Approach Surface Zone, Transitional Zones, Horizontal Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
4. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
5. Displaced Threshold Approach Surface Zone. The imaginary surface depicted on Map B, the Displaced Threshold Approach Surface Map. In the plan view, the centerline of this surface extends 3,000 feet along the extended runway centerline. This surface extends upward at a slope of 20 feet outward for each foot upward (20:1). This surface extends laterally 125 feet on each side of the centerline at the threshold and increases in width to 350 feet at a point 2,250 feet from the threshold; thereafter, it extends laterally 350 feet on each side of the centerline. The displaced threshold approach surface extends to the north and begins at the Displaced Threshold, 360 feet south of the end of the runway as it existed on July 9, 1990.
6. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.
7. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

8. High Density Public Use. Structure or place which the public may enter for such purposes as deliberation, education, worship, entertainment, amusement, awaiting transportation or similar activity where the occupant load is greater than one person per 15 square feet of gross building lot coverage.
9. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.
10. Runway Protection Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. Where the runway protection zone meets the primary surface, the width is 250 feet. The outer width of the runway protection zone is 450 ft. and is measured 1000 ft. from the primary surface.
11. Transitional Zones. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
12. Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

447 Permitted uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are permitted:

- A. Single family dwellings, mobile homes, duplexes and multifamily dwellings, when located greater than 3,000 feet from the Displaced Threshold, and *
when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and the Newberg Planning Department.
- B. All uses permitted in the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.

4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN <u>1500</u> FEET	125 SQUARE FEET
<u>1501</u> - 2000 FEET	<u>30</u> SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

*
*

- C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

448 Conditional Uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are conditional uses:

- A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.
 4. Bird strike hazards.
 5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 6. Population densities which exceed the standards listed in Section 447 B. 6. above.
- B. Any use, building, or structure which is otherwise permitted and is within the height limits of the Displaced Threshold Approach Surface but exceeds

the height limits of the Airport Approach Safety Zone. The sole criteria for approval of such uses are as follows:

1. The use shall not create any of the conditions or hazards listed in Section 448 A.
2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.

449 Procedures.

A. Development Permits.

An application for a development permit for any permitted use within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone which is subject to site review as required by Section 616 of the Zoning Ordinance shall include the following information:

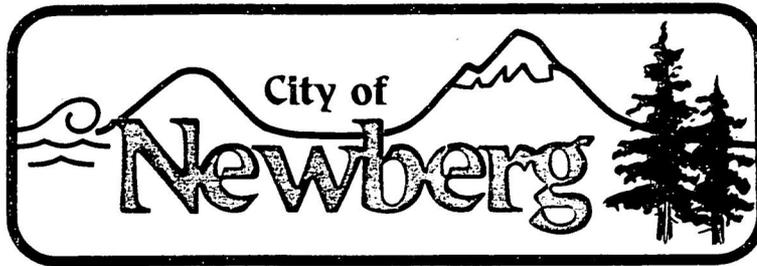
1. The boundaries of the Airport Imaginary Surfaces as they relate to property boundary lines; and
2. Location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility. *

B. FAA Notice Required.

To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77.

450 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 446 except as provided in Section 448 B.
- B. High density public uses as defined in Section 446 B.8. shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone. *
- C. Following July, 1990, if FAA funds are used by the City to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the Runway Protection Zone consistent with Federal requirements.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The Planning and Building Department will review building permits for noise sensitive developments.



(503) 538-9421
FAX (503) 538-5393

414 E. First St.
Newberg, Oregon 97132

July 31, 1990

Bill O'Connor, Chairman
Old Fashioned Festival
1549 E. First St.
Newberg, Oregon 97132

SUBJECT: Appreciation for Excellent Community Event

Dear Bill:

On behalf of the City Council, I want to express our appreciation for the Old Fashioned Festival. This wholesome community event is a reflection of the community spirit we all share for our lovely City of Newberg.

The numerous volunteers and many events require hours of dedicated work by the Old Fashioned Festival Steering Committee. The City of Newberg City Council and myself appreciate your commitment. Without your hard work this event would not be possible in our community.

Thanks once again for giving Newberg residents a gift each year that will be remembered for many years. Keep up the good work.

Sincerely,

Elvern Hall
Mayor

EH/bjm

\festcom



Home of Old Fashioned Festival

III-4

(24)

REQUEST FOR CITY COUNCIL ACTION

DATE SUBMITTED: July 31, 1990

 X MOTION

 INFORMATION

DATE ACTION REQUESTED: August 6, 1990

SUBJECT: Bad Check Policy

RECOMMENDATION: The Finance Committee recommends to the City Council a \$15 charge for returned checks to cover additional bank charges and cost of handling.

BACKGROUND: Occasionally, the City receives a bad check, either because of insufficient funds or closed checking account. The staff calls the person, or for water accounts a door hanger is put out, to inform them that the check has been returned. The customer is given a specified amount of time to come to City Hall and clear the account. If the person fails to do so, the City has a number of enforcement powers to get the customer to pay--turn off water, suspend driver's license, or issue a stop work order. Processing returned checks is included in our bank charges.

Kathy Tri discussed a bad check policy with a number of cities. Some feel that their enforcement powers are sufficient and others have adopted a bad check policy to cover staff time and bank costs.

It is recommended that the staff continue to contact customers for returned checks and give them three days from the date of contact to clear their account. At that point the attached letter is sent (the letter will be adjusted depending on the purpose of payment--i.e., utility bill, court fine, building permit, etc.). The additional \$15 charge will be assessed only if the letter is sent.

The Finance Committee reviewed this issue at its July 31 meeting and recommends that the Council approve the bad check policy.


Duane Cole, City Manager

Attachment

\ccnsf

III-5

(25)

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: July 20, 1990

_____ MOTION

DATE ACTION REQUESTED: August 6, 1990

_____ RESOLUTION

X _____ ORDINANCE

_____ INFORMATION

SUBJECT: Renaming a portion of Sunset Drive

RECOMMENDATION:

Adopt, by ordinance, the Planning Commission recommendation that the portion of Sunset Drive adjacent to North College Street be renamed Sunset Court.

BACKGROUND:

With development of Quail Meadows II Subdivision, the subdivider created a cul-de-sac on the previously existing portion of Sunset Drive which intersects with North College. This section of Sunset Drive was subsequently signed as Sunset Court. Unfortunately the developer and City failed to follow proper procedures in renaming the street. There are four lots on the subject cul-de-sac; they are the only lots affected by the proposed street renaming. A map of the area is attached.

Although the new street signs are already in place, there is a State prescribed process which must be followed to legally complete the renaming. ORS 227.120 sets forth the following procedures to rename streets:

1. The Planning Commission shall recommend the street renaming to the City Council.
2. The City Council shall allow for public comment on the proposed street renaming at a time and place to be specified in a notice of hearing published in the regional newspaper.
3. After the public hearing, the City Council by ordinance shall rename the street in accordance with the recommendation, or by resolution shall reject the recommendation.
4. A certified copy of each such ordinance shall be filed with the county clerk or recorder, as well as the county surveyor and county tax assessor.
5. The county surveyor will enter the new names in red ink on any filed plat.

V-1

(57)

The Planning Commission discussed the proposed renaming at their June 21, 1990 meeting. The Planning Commission recommends that the City Council rename the street.

COST: None



Dennis Egner, Planning Director



Duane Cole, City Manager

I-1

(2)

ORDINANCE NO. _____

AN ORDINANCE DIRECTING THAT THE PORTION OF SUNSET DRIVE ADJACENT TO NORTH COLLEGE STREET BE RENAMED SUNSET COURT.

- WHEREAS, ORS 227.120 sets forth procedures to rename streets; and
- WHEREAS, The Planning Commission, at there June 21, 1990 meeting, recommended the street renaming to the City Council; and
- WHEREAS, The City Council has allowed for public comment on the proposed street renaming at a public hearing held on August 6, 1990. Notice of the hearing was published in the Newberg Graphic Newspaper on July 18, 1990.

NOW, THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

- Section 1: The portion of Sunset Drive adjacent to North College Street and abutting Tax Lots -200, -300, -400, and -500, Map 3207DB as depicted on Exhibit A is hereby renamed Sunset Court.
- Section 2: The City Recorder shall file a certified copy of this ordinance with the county clerk, the county surveyor and the county tax assessor.

PASSED by the City Council of the City of Newberg this ___th day of August, 1990, by the following votes:

Ayes: Nays: Absent:

Duane R. Cole, City Recorder

APPROVED by the Mayor this ___ day of August, 1990.

Elvern Hall, Mayor

V.1

(29)

N.W. 1/4 S.E. 1/4 SEC. 7 T. 35. R. 21

X = BEING BUILT ON

EXHIBIT A

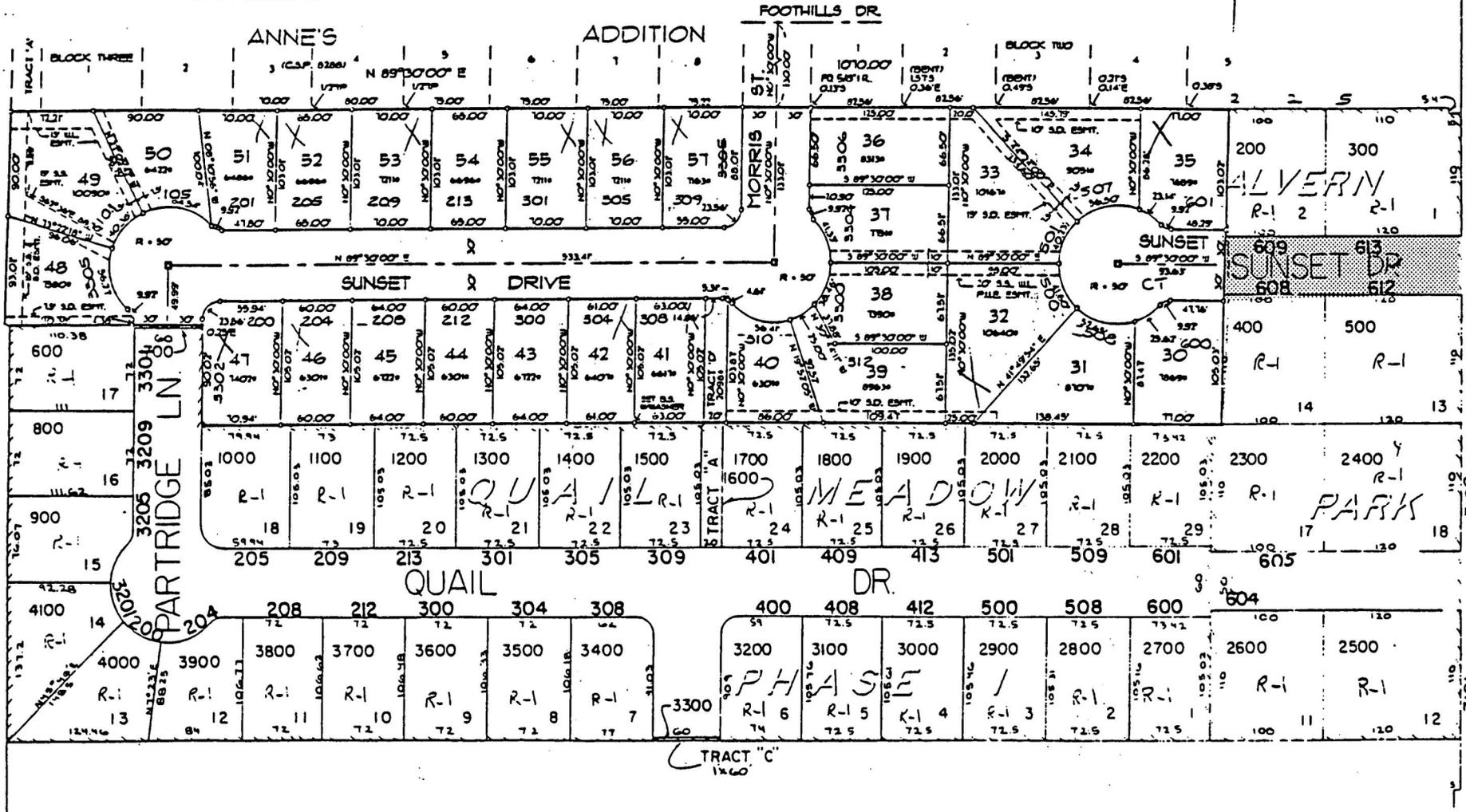
(30)

3297	50.00	56.41	N 10° 27' 31" W	53.46
3298	11.00	4.64	N 54° 00' 29" E	4.38
3299	11.00	5.37	N 77° 49' 13" E	5.27
3300	15.00	13.58	S 24° 30' 00" E	13.27
3301	11.00	9.97	N 11° 10' 43" E	9.84
3302	50.00	56.27	N 15° 25' 51" E	53.25
3303	50.00	40.38	N 19° 45' 00" E	39.32
3304	50.00	64.54	S 60° 07' 07" E	60.15
3305	11.00	9.97	S 60° 29' 16" E	9.84
3306	11.00	13.26	N 44° 30' 00" E	13.21

OF "ANNE'S ADDITION" COMPARED FAVORABLY WITH SAID RECORD PLATS WHICH WERE HELD. THE EAST LINE WAS ESTABLISHED BY EXTENDING THE EAST LINE OF SAID "QUAIL MEADOW PHASE I" NORTHERLY, ALONG THE WEST LINE OF LOTS 2 & 14 "ALVERNY PARK", TO INTERSECT WITH THE SOUTH LINE OF SAID "ANNE'S ADDITION". THE WEST LINE WAS ESTABLISHED BY PROJECTING THE WEST LINE OF SAID "QUAIL MEADOW PHASE I" FROM THE N.W. CORNER OF LOT 11 "QUAIL MEADOW PHASE I" NORTHERLY TO THE SOUTHWEST CORNER OF TRACT A OF SAID "ANNE'S ADDITION". THE NORTH LINE OF SAID "QUAIL MEADOW PHASE I" WAS HELD AS THE BASIS OF BEARING.



OREGON
JULY 12, 1899
LEONARD SCHELSKY
1851



N. COLLEGE ST. 6
219

V-1

4200
33740

Received
7-31-1990

July 28, 1990

Duane Cole, City Recorder
City Hall
Newberg, Oregon 97132

Subject: File #G-9-90 Renaming Portion of Sunset
Drive Tax Lot #3207DB-00300

Dear Mr. Cole:

This letter is to serve as objection to renaming our portion of Sunset Drive, to Sunset Court.

Not only does this cause an immediate inconvenience and financial burden on the present home owners, they are primarily senior citizens and some in poor health, but we foresee other long term inconveniences.

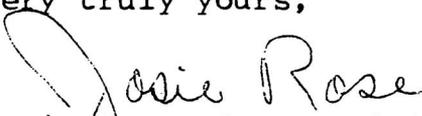
We anticipate that there will be years of automobiles and delivery trucks mistakenly driving on to our street actually destined for the "new" Sunset Drive. We will have traffic on our street that does not belong there and will have to contend with the noise and other pollutions that would result and that should, and can be avoided.

We urgently request that the "new" Sunset Drive be re-named and without "Sunset" being involved in the naming.

Hopefully, this would help to ensure that our street, once all construction is complete, will once again become a quiet, pleasant and attractive street.

Your consideration of this objection will be sincerely appreciated.

Very truly yours,


Josie Rose, Representative for
Pauline hall
19995 Zeno Street
Castro Valley, Ca. 94546
Telephone: AC 1-415-537-8694

V-1

(ED)

Page 2

Memo to Mayor and City Council
RE: City Manager's Report

concerned about the chlorination of the water. The City takes monthly water tests in the are to assure the water quality is in safe limits. Commissioner Goecks was advised of our efforts to assure safe drinking water.

Kathy Tri regarding meeting with John Garofalo.

Bert Teitzel regarding Villa Road.

July 17:

Dentist appointment.

Fire Department regarding City business.

Community Relations regular meeting.

David Bishop regarding City business.

Becky Manning evaluation.

Chamber Auction, testing of loud speaker.

July 18, 19, & 20:

City Manager's Conference in Bend, Oregon.

July 21:

City Golf Scramble.

July 22:

Chamber Auction. I moved the tables three times for the auction and upon the final request I decided that I would not move the tables once again.

July 23:

Dennis Egner regarding overlay zone.

Chief Bishop regarding update on Police Department activities.

Art Shew regarding visit. Mr. Shew is back in our territory. Staff may be considering using him some to promote the Economic Development Revolving Loan Fund.

Mike Hailey and Bert Teitzel regarding City business.

Page 3

Memo to Mayor and City Council
RE: City Manager's Report

Fire Volunteers meeting. I received a thorough drenching due to being placed in the middle of a firing line with these rambunctious volunteers that were practicing wild land fire fighting.

July 24:

Bert Teitzel and Kathy Tri regarding the Hadley Water District issue. I believe we have resolved this issue and an agreement will be coming to the Council in the short term.

Dennis Egner and Bert Teitzel regarding the airport overlay zone.

Meeting with Wes Smith, Bert Teitzel, and Dennis Egner regarding permits for moving buildings in construction at the high school.

Hadley Water District meeting. It was at this meeting in the evening that we worked out the program with the Hadley Water District to implement the LID.

July 25:

Dedication of Sheriff's sub-station.

Chief Christensen regarding using volunteers a little differently at the Fire Department. I will meet with the Volunteer Firefighter Officers to discuss this different program approach with them.

Regular staff meeting.

Bert Teitzel, Dennis Egner and Terry Mahr regarding the Northeast Area Transportation Plan.

Dave Bishop and Terry Mahr regarding hospital issues.

Doreen Turpen regarding ED-NET.

July 26:

Mary Puskas regarding Chamber business.

Bank meeting. I have reported on this bank meeting previously in the Friday Update. This was an excellent forum and I believe we should continue meeting with the bank managers in the community.

Jim Snell regarding City business and meeting with bank managers.

Page 4

Memo to Mayor and City Council
RE: City Manager's Report

July 27:

Dennis Egner, Sam Whitney and myself regarding the airport overlay zone. This meeting is reported on in the staff report to the Council.

Terry Mahr and Dennis Egner regarding the Economic Development Revolving Loan Fund.

Terry Mahr regarding computer enhancements in the City Attorney's office.

Float decorating with the Council.

July 28:

Parade Day.

July 30:

Greg Hewitson regarding airport issues.

Bert Teitzel and Larry Anderson regarding the Smurfit project on Blaine Street.

Mary Puskas regarding community organizing issues.

July 31:

Finance Committee.

Senator Hatfield's office regarding the speech he will make August 13, 1990. I gave Mr. Hatfield's office a run down on the various community issues I perceive to be of importance in Newberg.

Bert Pennock regarding running for the City Council.

August 1:

EAS. This meeting was to explore the possibility of gathering more donations to attempt to get EAS in Newberg. Nancy Riles, PUC Commissioner, has been in California with a brain tumor. She apparently is going to have a second operation and she was a supporter of EAS. The other two commissioners are considering suspending further action on this issue until such time that the standards are redrafted by staff. A meeting has been scheduled for August 10th at the Horseless Carriage to organize fund raising to support the attorney and organize support to lobby the PUC.

VI

(35)

Page 5

Memo to Mayor and City Council
RE: City Manager's Report

Rob Solomon and Cindy Wood regarding employee assistance programs. This was a good meeting with the Department Head staff as we learned more about the employee assistance program and discussed the process in topics for discussion by the EAP Counselor.

Library signing certificates for the children.

Vintage Festival Committee meeting. I have been placed in charge of the bike ride that will occur on the morning of the Vintage Festival.

MEETINGS PLANNED:

August 2:

Joint Economic Development - McMinnville Industrial Promotions Committee meeting at Safari Restaurant in McMinnville.

TCI - Steve Lyons and Doreen Turpen regarding ED-NET.

David Mahaffey going away party at Library.

August 3:

Roger Gano regarding City and Fire business.

Northeast Area Transportation Plan coordination meeting.

August 6:

George Fox College regarding greetings by Mayor of Japanese students.

Wes Smith regarding City affairs and School District coordination.

Truman Sturdevant and Gary DePaola tour of the railroad repair site.

John Baker regarding preparation for Council.

City Council workshop and City Manager's evaluation.

City Council meeting.

August 7:

Chamber Board meeting.

Marty Chaney and Kathy Tri regarding goal setting and team building activities in the City organization and with Council.

Page 6

Memo to Mayor and City Council
RE: City Manager's Report

August 8:

Regular staff meeting.

Vintage Festival Committee meeting.

Fire Officers Committee meeting.

August 9:

I-5 Corridor meeting. The I-5 Corridor Association is thinking of consolidating their efforts with the Tualatin Valley Economic Development Commission. This would be an excellent idea since they tend to duplicate each others efforts.

Ceremony in Memorial Park with Japanese representatives regarding bombing of Nagasaki and Hiroshima.

Community Development Committee meeting.

August 13:

United Way luncheon. Becky Manning and I will attend a meeting to get information on the United Way in our organization.

August 14:

Service Club meeting at Marcella's.

ADEC regarding the Northeast Area Transportation Plan.

August 15:

Staff meeting.

Vintage Festival and Economic Development Commission.

Northeast Area Transportation Plan public meeting.

August 18:

City Picnic, 11:00 a.m. to 5:00 p.m. at Jaquith Park.

August 21:

Community Relations Committee.

City Council workshop and meeting.

VI

(37)

Page 7

Memo to Mayor and City Council
RE: City Manager's Report

August 22:

Regular staff meeting.

Vintage Festival.

August 23:

City/County meeting at the jail. We have not received notification of this meeting, but we understand that the City/County meeting will be at the jail this month.

I will be attempting to take some vacation between August 24 and 29. I will see what my schedule requires during that time period before making a detailed schedule.

GENERAL INFORMATION:

1. Council should be aware that Don Larson from the FAA Seattle District office has advised Mr. Teitzel that the District office would be recommending that the planning grant be closed out and that Newberg be removed from the National Plan of Integrated Airport Systems (NPIAS). This decision will be delayed until after the August 6th Council meeting to allow the Council an opportunity to discuss this. Newberg was included on the NPIAS by virtue of the fact that Sportsman Airpark exists. Mr. Larson's reasoning is that if the City does not want to develop a municipal airport, then it should not be listed on the NPIAS. Newberg does not qualify for being on the NPIAS since it is closer than 30 minutes travel time to the nearest airport. The impact of removing Newberg from the NPIAS is that the airport would no longer be eligible for any airport related grants through the FAA. The impact of all of this in a short term on the airport overlay zone issue is minimal. The fact still exists that if the City decides to purchase the airport, much of the land to the north of the airport would need to be acquired by the City to meet FAA regulations for grant participation criteria.

Follow-up with pilots and with Mr. Whitney after the study was completed suggested that there were few alternatives to be followed to enhance the development opportunity at the airport. Land trades and other ideas were discussed but no action was forthcoming. The FAA action would simply close the door on a project which the City has identified through our study is not financially feasible at this time. The financial feasibility of purchasing the airport would have to change drastically in order for the City to consider FAA grant funds for purchase. This appears to be highly unlikely.

Page 8

Memo to Mayor and City Council
RE: City Manager's Report

2. The water district agreements have been sent to three districts to begin the process of review. I have selected the three largest districts in order to identify issues with them and hopefully, reach an agreement that the others will find acceptable.

3. Room tax and the bed and breakfast is an issue still being developed by staff. There is more research that needs to be done in order to move this issue forward with the bed and breakfast owners. I hope to do the research and get a process together for resolution of this issue during the month of August.



Duane R. Cole
City Manager

DRC/bjm

\cmr8-6

VI

(39)

MINUTES

COMMUNITY DEVELOPMENT COMMITTEE

Thursday, July 12, 1990 Wastewater Treatment Plant 7:00 p.m.

Members Present: Alan Halstead, Jack Nulsen, Donna Proctor

Staff Present: Duane Cole, Bert Teitzel, Dennis Egner

I. CALL TO ORDER

The meeting was called to order at 7:10 p.m. by Alan Halstead.

II. NEW BUSINESS

A. The Proposal From the County to Establish a County Gas Tax or a County Vehicle Registration Fee

It was a general consensus of the members present that this may be a good idea, however this was not a good time to propose a new tax. It would be hard to show the needs versus the other needs for general tax that are not presently being met. There were also several other points discussed including how the gas tax would be distributed to the City's in the County and whether the new tax should be directed to a specific project or projects. Duane will respond to the County with a letter pointing out the discussion of the committee.

B. The Second Street Waterline

Mr. Teitzel explained the need for the waterline and that this was a project that was developed after the budget was put together because of the numerous leaks in the system. It is recommended by staff that the Second St. Waterline Project proceed and other projects on the proposed capital budget be delayed, such as the Highway 99 and perhaps the Highway 219 project. The committee recommended that we proceed with the Second Street Waterline.

C. Agreements with Water Districts

Mr. Teitzel presented a draft agreement that would be used to establish formal agreements between the various water districts that buy water from the City. There was discussion by the members present about the status of the water districts and any new connections that were being proposed. After discussion of the agreement it was generally agreed by the members that in section 4 there should be a provision to appeal the City Managers decision to the City Council and that the application fee be established at

\$50.00. With those additions the proposed agreement was approved by the committee.

D. Periodic Review/Historic Preservation Update on Planning Commission Draft

Dennis Egner explained, to the committee, the status of the Periodic Review and reviewed the Historic Preservation Ordinance with the committee. Discussion centered around the new proposed amendments that would allow manufactured homes in certain single family dwelling areas and the Historic Preservation Ordinance. This was just an information item so no recommendations or decisions were made.

E. Planning Fee Schedule

Dennis Egner presented the proposed fee schedule increases for the Planning Department. The discussion centered around the justification for the fee increase and the timing of the fee increase. There was no consensus of the committee as to whether the fee increase should proceed or not.

III. OLD BUSINESS

A. Composter Failure

A report was given on the composter. Duane Cole contacted EPA this week and was informed that they still have not reviewed the material sent to them six months ago and that they felt that it could be reviewed within the next two weeks. It was suggested that 10 yards of sludge be submitted to EPA with the report for their consideration.

B. NE Area Transportation Plan Process

Duane Cole explained to the committee that the staff has met on this issue and is developing a process and alternatives to present to the City Council at their September 4th Council meeting. He also explained to the committee that there will be a public information meeting on this issue in mid-August. This information will be given to the paper in the form of a press release on Friday.

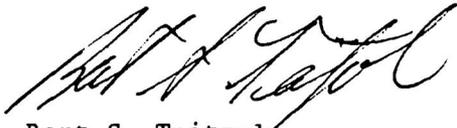
C. Connections to the Sanitary Sewer

A list of properties not connected to the sanitary sewer was distributed to the committee along with the applicable sections of the City Ordinance. After a discussion of the list, the staff was directed by the committee to proceed to have the people on the list, that were not connected to the sewer, connected if a sewer was available to them. The staff will be sending out information letters to people to verify the list prior to sending official notice to connect to the sewer.

IV. ADJOURNMENT

The meeting was adjourned at approximately 9:15 p.m.

Respectfully submitted,



Bert S. Teitzel

MINUTES
Community Relations Meeting
July 17, 1990
12:00 p.m.

PRESENT: Donna Proctor, Chairperson
Jack Nulsen, Co-Chair
Roger Gano, City Council President
Joe Young, City Councilman
Duane Cole, City Manager
David Bishop, Chief of Police
Doreen Turpen, Library Director
Ben Erb, Assistant Fire Chief
Betsy Umfleet, Executive Secretary

1. The meeting was called to order at 12:10 p.m.
2. Reports from Other Committees
 - A. Stop Sign on Morrison at Foothills

Traffic Safety has recommended we place a stop sign at the intersection of Morrison and Foothills. Presently there is one on the north side of Morrison and they are requesting for placement of another on the south side. Having two stop signs, would make this a controlled intersection. Chief Bishop stated he supported this recommendation.

Jack Nulsen recommended to the City Council to install a stop sign on the south corner of Morrison at Foothills. Roger Gano seconded this recommendation. All were in favor.

3. Continuing Business
 - A. Selective Traffic Enforcement

The Police Department has continued to enhance their selective enforcement program. They purchased a radar display unit with the City of Tualatin, that shows the speed of the passing vehicles. The unit is shared in two week intervals by each agency. Presently motor officers are being used as well as practicum students. Our intent is to reduce accidents.

We have been using equipment from the City of Tigard. This equipment gives a computer readout of the speed of vehicles. This was first placed on Elliott Road and we monitored over 5,000 vehicles. This equipment can tell

whether the speed was registered by a truck or a car. The average speed at this location was 25 mph. Chief Bishop will be talking to the City Manager or department heads to see if they would consider buying such a counter.

The selective enforcement program has been very successful. In 1984 the productivity for the department was less than \$30,000. Presently it is over \$110,000. The program is paying for itself and is reducing accidents.

The selective traffic enforcement program has experienced positive results.

Presently Shane Farley is assisting the Police Department with our community policing program. He is paid by a grant from the Park and Rec District. Last year, we negotiated with them and they felt this was a very positive program and decided to hire someone to patrol the parks and meet with the children.

B. Skateboarding on Sidewalks

At one time we had signs painted on the sidewalk stating "No Skateboarding or Bike Riding". This has since worn off. When we do witness a violation we take people aside and speak to them. If there is a second violation we take the skateboard.

C. Trimming Trees

Roger Gano asked about trees being trimmed. He was advised Public Works would be contacting the individuals who were in violation. Police officers have identified areas with visibility problems created by these bushes and have contacted these people. They have all been very cooperative. If anyone identifies any bushes that are obstructing visibility, contact the City Manager.

D. Community Policing

The Police Department personnel are presently conducting as many community policing contacts as possible. The "How'd We Do" cards are handed out on every contact, including search warrants. The Police Department has even followed up on the calls for service by contacting the individuals who did not respond to the blue cards to find out about the service. It was discovered that most people in the community want a higher visibility of police. The Police Department had a block home meeting with the neighbors of the little girl who was assaulted. It was very informative to all who attended. We do have a problem with the overcrowding Hispanic population, but

without support from the Federal Government, we can only take it one step at a time.

4. New Business

A. Seizures

Lately, the Police Department has been seizing items federally instead of going through the state. If the Police Department comes across a lab and are working with the Feds they will pay for the clean up. We also get more of a percentage of the seizure by working with the Feds. Chief Bishop would like to give credit to the Drug Team for the fine job they are doing.

B. New Establishment

Marcella's Restaurant looks very good. The owner seems very cooperative with the City. It will take awhile for them to acquire their liquor license, but they were granted a temporary license for selling beer and wine.

5. Reports From Staff

A. Fire Truck

Ben Erb discussed the the selling of an old fire truck. The value is approximately \$25,000.

6. Committee Business

None

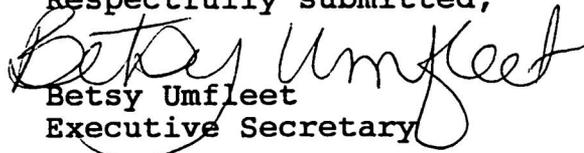
7. Business from the Floor

None

8. Adjournment

Jack Nulsen made a motion to adjourn the meeting. This was seconded by Joe Young. The meeting adjourned at 1:00 p.m.

Respectfully submitted,


Betsy Umfleet
Executive Secretary

Page 2

Memo to Mayor and City Council
RE: Conference in Bend

Part of the conference was also sharing situations and problems with my fellow City Managers. This time is invaluable as we discuss numerous problems and concerns with our State, country and in our cities. I felt this conference was a good time for me to recharge a little and come back to work rejuvenated and ready to continue to meet the challenge here in Newberg.



Duane R. Cole
City Manager

DRC/bjm

\bendconf

VI

(47)

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: July 27, 1990 MOTION
DATE ACTION REQUESTED: August 6, 1990 RESOLUTION
 ORDINANCE
 INFORMATION

SUBJECT: Fire Capital Outlay Requests

RECOMMENDATION: Staff recommends that the Council consider one of the options for purchasing a fire engine.

BACKGROUND:

1. The Fire Department maintains four engines. The following chart depicts the status of the apparatus.

NEWBERG FIRE DEPARTMENT

<u>Apparatus</u>	<u>Year</u>	<u>Mileage</u>	<u>Hours</u>	<u>Miles @ 50 mph</u>
Engine 27	1970	9,000	2,000	100,000
Engine 28	1973	11,300	2,022	101,100
Engine 29	1977	7,783	1,338	66,900
Engine 26	1980	6,752	1,489	74,450
Staff Car #2	1983	80,000	---	---
Carry All 21	1980	70,000	---	---

2. Fire engines are usually maintained in service for 15 years. After 15 years they are sold to departments with less activity than Newberg. Engine 27 has been in service for 20 years - five years beyond the recommended service life for an engine.
3. The staff car also needs to be replaced and the carry all serves the department as a utility vehicle. It is a Chevrolet Suburban and provides a way to transport personnel to fires during the winter.
4. The fire department roof leaks during the rainy season and needs to be replaced.
5. Three options are set forth for Council to review. A "fill-in-the-blank" resolution is included if the Council wants to purchase more or fewer items than are identified in this report.

OPTION 1. LEVY ELECTION SEPTEMBER 18, SPECIFIC CAPITAL OUTLAY

Fire Engine (equipped)	\$211,100
Roof	12,000
Carry All and Chief's car	25,000
Subtotal.	\$248,100
Trade-in of Old Engine	(\$ 25,000)
Equipment Reserve	(60,000)
Total	\$163,000
Taxes needed to purchase	\$163,000
89% estimated to be received	20,160
Total Taxes Levied.	\$183,260
Estimated Assessed Value 1990-91:	\$290,026,670
Total Tax Rate: .63 per \$1,000 assessed value	
Taxes to be Paid on \$75,000 home:	\$47.25 or \$3.94/month

OPTION 2. SERIAL LEVY - 3 Year, FIRE ENGINE AND EQUIPMENT

<u>Item</u>	<u>1990-91</u>	<u>1991-92</u>	<u>1992-93</u>
Property Taxes Anticipated	\$55,816	\$55,816	\$55,816
Estimated not to be received	6,899	6,899	6,899
Total Taxes	\$62,715	\$62,715	\$62,715
Assessed Value Increase Assumption	4%	4%	4%
Estimated Tax Rate per \$1,000	.21	.21	.21
Estimated Tax on \$75,000 home	\$ 15.75	\$ 15.75	\$ 15.75

There is a small amount built into this serial levy to provide funds for financing the capital outlay items through the final year of the levy until the final payment on the levy is received.

OPTION 3. FIRE CAPITAL FEE

This option would involve a one-year Fire Capital Fee on the water and sewer bill statement to pay for Fire Capital Outlay.

The cost of this based on 3500 City water customers would be \$46.60 per year or \$3.89/month in addition to the water and sewer bill.

A lease/purchase using the same approach over three years would equal \$15.90/year per water service or \$1.33/month for each bill.

Putting the fee on the water and sewer bills has the effect of including in the billing all churches and non-profit institutions in the community. Non-profit agencies do not pay property taxes and would not pay for a fire truck through a levy.

6. Staff will return to the Council with a proposal for a tax base prior to the September 6 filing deadline for the November election. If the fire capital proposal is placed on the ballot, those items would not be included in the tax base.
7. A Council member requested information regarding rebuilding a fire engine. This proposal has advantages and disadvantages as follows:

Advantages:

- a. The cost is estimated at \$72,436.00, but could be higher due to unknown costs when extending the frame.
- b. It would provide approximately 9 years of service.
- c. It would meet the new safety standards.

Disadvantages:

- a. It would still be underpowered.
- b. It would provide approximately 9 years of service.
- c. It does not appear to be a sound investment.

Based on the following analysis, the City loses less money over time by purchasing a new fire engine.

	<u>Rebuild Option</u>		<u>Purchase New Option</u>
Salvage/Cost of Vehicle	\$25,000.00		\$211,000.00
Cost to Rebuild	72,436.00 (1)		-0-
	<u>\$97,436.00</u>		<u>\$211,000.00</u>
9-Year Depreciation	10,825.22	20-Yr	9,300.00
Residual Value	<u>\$15,000.00 (2)</u>		<u>\$ 25,000.00 (2)</u>

(1) Estimate from H & W Emergency Vehicle Service, Forest Grove, Oregon

(2) Estimate of residual value.

The depreciated cost per year is \$10,825.22 for a rebuilt engine which compares with \$9,300 for a new engine. Obviously, the cost of depreciation is a paper transaction and only represents the loss in value of the asset. Actual value of a fire engine includes many intangibles including the City's image, sufficient power to get places and fire fighting capabilities.

If one considers the cost effectiveness of completely rebuilding a sedan to make a stationwagon, it may make sense. The problem is that the stationwagon is never quite right. It looks rebuilt, it does not perform like a totally designed concept, and it will wear out sooner. Rebuilding a fire engine to meet the new standards provides similar challenges.

FISCAL IMPACT: Each of these proposals are estimated to provide sufficient funding to purchase the items identified.

PREPARED BY:



DUANE R. COLE, CITY MANAGER

wp\mn\fire.frm

Book at this place

RESOLUTION NO. 90-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG PLACING THE QUESTION OF PURCHASING A FIRE ENGINE AND OTHER FIRE DEPARTMENT CAPITAL ITEMS BEFORE THE VOTERS OF THE CITY AT THE SEPTEMBER 18, 1990, ELECTION; ADOPTING THE BALLOT TITLE; AUTHORIZING THE CITY RECORDER TO CERTIFY THE BALLOT TITLE; DIRECTING THE CITY'S ELECTION OFFICER TO NOTIFY THE COUNTY CLERK; AND TO PUBLISH APPROPRIATE NOTICE NOTIFYING ELECTORS OF RIGHTS TO HAVE THE BALLOT TITLE REVIEWED.

WHEREAS, the last fire engine for the City of Newberg was purchased in 1980; and

WHEREAS, that fire engines are projected to last 15 years and two of the City's four fire engines are 17 and 20 years old, respectively; and

WHEREAS, a new fire engine is needed for the City in order to maintain the current level of service; and

WHEREAS, on July 17, 1990, the City Council reviewed the financial conditions of the City and considered whether to purchase a fire engine; and

WHEREAS, the City Council is of the opinion that it is time to replace the fire engine in order to continue to deliver the current level of service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg, Oregon, as follows:

1. That the City of Newberg needs to ~~levy~~ ^{place the amount} an amount equal to ~~\$ 163,000~~ ^{\$ 169,000} in order to be able to operate on a financially sound basis and to continue to provide the current level of service.
levy authorized by the City Council for fiscal year 1991-1992
2. That the question of ~~establishing a new tax base~~ shall be put before the voters of the City at the election held on September 18, 1990.
3. That the ballot title, which includes the ~~caption~~ ^{caption}, the question, and the explanation, ~~for the levy is hereby approved.~~ ^{shall be prepared by the City Attorney} The ballot title shall be filed with the Assistant City Recorder, acting as the City's Election Officer, ~~on July 30, 1990.~~ ^{on July 30, 1990.} Such ballot title is attached hereto and by this reference incorporated.
4. That the City Recorder is authorized to certify said ballot title and the City's Election Officer is directed to give notice to the County Clerk that the measure shall be put before the voters at the September 18, 1990, election.

5. That the City's Election Officer shall give notice of the elector's right to file a petition for review of said ballot title in accordance with ORS 250.275(5) in the next available edition of the Newberg Graphic, a newspaper of general distribution in the City of Newberg.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of July 1990.

Duane R. Cole, City Recorder

MN\levy.res

IX-1

(53)

NOTICE OF MEASURE ELECTION

CITY OF NEWBERG
(Name of City, County, or District)

Notice is hereby given that on TUESDAY, SEPTEMBER 18, 1990,
(Day) (Date of Election)

an election will be held in CITY OF NEWBERG,
(Name of City or District)

YAMHILL County, Oregon. The polls will be open from 7:00 a.m. to 8:00 p.m. The following shall be the ballot title for the measure submitted to the electors thereof:

CAPTION (10 Words): A Fire Engine.

QUESTION (20 Words): Shall the City levy \$
purchase a fire engine for Newberg?

1991-1992
BY FISCAL YEAR ~~1990~~ 1991
July 1, 1991, to

*EXPLANATION: The City needs a fire engine. The levy amount for the fiscal
year beginning July 1, 1991, would equal \$. The City owns four
fire engines and each has a projected useful life of 15 years. Engine 27 was
purchased in 1970, has 100,000 estimated engine miles, and is 20 years old.
Engine 28 was purchased in 1973, has 101,000 estimated engine miles, and is 17
years old. Engines 29 and 26 were purchased in 1977 and 1980, respectively.
This levy will provide funds to replace Engine 27, which is 20 years old.
Reserves of \$81,000 would be used to help purchase the fire engine and for other
department vehicle and equipment needs. The tax rate will go up about \$
per \$1,000 beginning July 1, 1991.

Authorized signature for City, County or District _____ Title _____

IX-1

For measure authorizing tax levy or establishing new tax base: Concise and impartial statement of not more than 150 words, explaining chief purpose of the measure and giving reasons for the measure.
*2. *For any other measure: Concise and impartial statement of not more than 85 words, summarizing the measure and its major effect. Content requirements of ORS 255.085(2) and ORS 450.905 apply to bond measure and certain sanitary authorities, respectively. Additional statement required by ORS 255.085(2) shall not be included in word count.* (54) (58)

REQUEST FOR COUNCIL ACTION

<u>DATE SUBMITTED:</u>	July 27, 1990	_____	<u>MOTION</u>
<u>DATE ACTION REQUESTED:</u>	August 6, 1990	_____	<u>RESOLUTION</u>
		<u>X</u>	<u>ORDINANCE</u>
		_____	<u>INFORMATION</u>

SUBJECT: An amendment to the Zoning Ordinance to create an Airport Overlay Zone in the vicinity of Sportsman Airpark, File No. G-6-90

RECOMMENDATION:

Adopt the proposed ordinance amending the Zoning Ordinance based on the criteria, facts, and conclusionary findings which are attached.

BACKGROUND:

On July 9th, the City Council opened a public hearing on adoption of an Airport Overlay Zone. The draft ordinance which was included in the July 9th packet was prepared prior to receiving the written comments of Oregon Aeronautics Division Planning Director, Thomas Highland. The current attached draft addresses the majority of Mr. Highland's concerns and includes the following changes from the July 9th draft:

- o Horizontal and conical surfaces are included in the AO Airport Overlay Subdistrict.
- o Population density standards for uses within the approach areas are provided.
- o When warning lights are required on buildings within the approach areas, the proposed ordinance requires the lights to be installed and maintained by the applicant/building developer.

At the July 9th meeting, the concept of a 100 foot wide emergency landing corridor extending through the approach area was discussed. The emergency corridor was not included in the current draft. In addition, Mr. Highland suggested that multifamily dwellings and mobile homes be permitted within the approach area by conditional use only. This proposal was not incorporated into the current draft primarily because very few residential acres are affected by the proposed ordinance and because the residential areas are greater than 2000 feet from the runway.

A number of other issues were raised regarding the Airport Overlay Zone at the July 9th public hearing. This memorandum responds to the issues.

1. What would be the effect of changing the airport from a public use to a private use airport?

IX - 2

(44)

Based on a July 17th telephone conversation with Tom Highland of the Oregon Aeronautics Division, the failure to adopt airport overlay zoning would not automatically result in a change from a public use to a private use airport at Sportsman Airpark. Mr. Highland stated that the FAA and the State Aeronautics Division identify public use airports and do so at the request of airport owners. He stated that municipal governments have no authority to change the designation of a public use airport which is privately owned. Mr. Highland noted that Sportsman Airpark does not meet all of the requirements of a public use airport but has a grandfathered right as a public use airport. He stated that the Aeronautics Division and the FAA are interested in maintaining Sportsman Airpark as a public use airport because it serves as a reliever airport for small aircraft in the Portland Metro area. He stated that if the City refused to adopt airport overlay zoning, he would object to DLCD as part of the Periodic Review process. The ultimate impact of failure to adopt airport overlay zoning would be an enforcement order from LCDC and the impoundment of tax revenue.

Mr. Highland stated that the differences between a private use and a public use airport were as follows. Public use airports allow a broad range of commercial activity at the airport. A private use airport is intended solely for the private use of the airport owner and invited guests. Under certain conditions, the State Aeronautics Administrator can allow agricultural operations to occur at a private use airport. In essence, if Sportsman Airpark was a private use airport, it could not operate as it currently does. The State Aeronautics Division, in conjunction with FAA, license airports and the license could be revoked if the airport operated in violation of the regulations.

In a July 24th, telephone conversation with Jerry Eames, Air Transportation Specialist for the Aeronautics Division, Mr. Eames stated that failure to adopt airport zoning would not in itself be justifiable reason to revoke the airport license. Mr. Eames stated that if a significant obstruction was developed in the approach area, the license could be revoked. Under current City zoning, new buildings can be developed at heights which would create obstructions for airport operations.

2. What does Sam Whitney think about having a private use airport designation?

In a July 19th telephone conversation with Sam Whitney, he stated that he believed he could not operate his facility as a private use airport. He stressed the importance of a public use designation and the need for airport zoning to preserve the airport at that location. Duane Cole and Dennis Egner met with Sam Whitney on July 27 to further discuss the issue. At the meeting, Mr. Whitney expressed support for the proposed airport overlay zone.

3. What would be the criterion requirements for a conditional use permit in the approach zone?

Section 448(B) of the proposed ordinance states that any use or building which is otherwise permitted in the approach surface that has a height that exceeds the height limits of FAA requirements, must go through the conditional use permit procedure. Section 448 lists the sole criteria for approval of such

uses. Standard conditional use criteria from the Zoning Ordinance will not apply. The criteria listed in Section 448 include the following:

A. The use shall not create:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
3. Impairment of visibility.
4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN 1000 FEET	125 SQUARE FEET
1000 - 2000 FEET	50 SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

B. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.

C. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.

4. What are specific examples of allowable uses provided for by the population density figures?

Based on the permitted densities proposed at the July 9th meeting, specific examples of allowable uses are as follows:

A. 125 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - LESS THAN 1,000 FEET FROM THE DISPLACED THRESHOLD)

IX - 5

(57)

Allowable uses include manufacturing uses such as Current Electronics, and other industrial uses which are typical of the Flightways Industrial Park including Newberg Transmission and Kus Electric. General office use would not be permitted because it would be at densities of approximately 100 square feet of building lot coverage area per person.

- B. 50 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - 1,000 TO 2,000 FEET FROM THE DISPLACED THRESHOLD)

Typical uses include office buildings and lower density retail uses such as stores that deal with bulky merchandise including furniture stores, sporting goods stores, or hardware stores; depending on the size and scale of the facility, grocery stores may also be classified as a lower density retail use.

- C. 15 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - GREATER THAN 2,000 FEET FROM THE DISPLACED THRESHOLD)

Typical uses include restaurants, drinking establishments, conference rooms, all types of retail use and some entertainment uses. Prohibited uses would include movie theaters and other auditoriums or meeting areas including churches and stadiums.

To determine the permitted density, an applicant for a permit would need to present data regarding the square footage of the building and the expected use pattern in the building with the expected number of persons who may occupy the building.

5. What are height limits imposed by the overlay?

Based on the July 9th Council meeting, there were also questions regarding height limitations. Currently the Zoning Ordinance sets building height limits in the airport approach areas. Zoning districts and related height limits which apply in the proposed approach area are as follows:

- o R-2, R-3 and M-2 zones: 3 stories or 45 feet
- o C-2 zone: No limit

The following table provides the height limitations imposed by the proposed overlay zone at 500 foot intervals from the displaced threshold. Based on the table, the approximate height limitation on the C-2 zone immediately north of Hancock is 50 feet, rising to approximately 100 feet along Portland Road. The limit imposed by Part 77 regulations is 24 feet, less than the City's proposed height limit. Immediately north of Hancock, a conditional use permit would be required for a building between 25 and 75 feet in height. The FAA would require lighting and marking on these buildings.

IX 2

(38)

PERMITTED HEIGHT TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	PERMITTED HEIGHT
500 FEET	25 FEET
1,000 FEET	50 FEET
1,500 FEET	75 FEET
2,000 FEET	100 FEET
2,500 FEET	125 FEET
3,000 FEET	150 FEET

In conclusion, the proposed ordinance provides height limitations which are designed to protect aircraft and property in the approach areas. The population density limitations are designed to limit the number of persons who are exposed to potential aircraft crashes in the approach areas. The draft ordinance represents a compromise and a balance to allow development and provide protection from hazards.

COST: \$0



Dennis Egner, Planning Director



Duane Cole, City Manager

ORDINANCE NO. 90-2281

AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN AIRPORT OVERLAY ZONE FOR SPORTSMAN AIRPARK.

WHEREAS, Public use airports must be protected from obstacles affecting aviation safety; and

WHEREAS, Public use airports must have an adopted imaginary surfaces map and implementing ordinance compatible with Federal Aviation Administration regulations Part 77; and

WHEREAS, Sportsman Airpark is a public use airport.

NOW, THEREFORE, be it resolved by the Council of the City of Newberg, as follows to-wit:

Section 1. The Newberg City Council adopts the findings of fact which shall be made a part of this ordinance and are attached as Exhibit A.

Section 2. Ordinance 1968 shall be amended to include the following sections:

270(7) AO Airport Overlay Subdistrict. Pursuant to the provisions of Sections 446-450, the AO subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix "AO" added to the symbol of the parent district. The "AO" symbol shall be added to the Zoning map for properties affected by the airport imaginary surfaces. Except as set forth in Sections 446-450, all uses permitted in the parent zone shall be allowable in the "AO" subdistrict.

AO AIRPORT OVERLAY SUBDISTRICT

446 Purpose and Definitions.

A. Purpose.

In order to carry out the provisions of this Airport Overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current Airport Overlay zone map and the Displaced Threshold Approach Surface map, prepared by the Newberg Engineering Department and depicted as Maps A and B.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County.

B. Special Definitions.

1. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface except as noted on Airport Overlay Map A. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; and 1,500 feet for a runway other than a Utility Runway having only visual approaches. The Airport Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.
2. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
3. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Displaced Threshold Approach Surface Zone, Transitional Zones, Horizontal Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
4. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
5. Displaced Threshold Approach Surface Zone. The imaginary surface depicted on Map B, the Displaced Threshold Approach Surface Map. In the plan view, the centerline of this surface extends 5,000 feet along the extended runway centerline. This surface extends upward at a slope of 20 feet outward for each foot upward (20:1). This surface extends laterally 125 feet on each side of the centerline at the threshold and increases in width to 350 feet at a point 2,250 feet from the threshold; thereafter, it extends laterally 350 feet on each side of the centerline. The displaced threshold approach surface extends to the north and begins at the Displaced Threshold, 360 feet south of the end of the runway as it existed on July 9, 1990.
6. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.
7. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

8. High Density Public Use. Structure or place which the public may enter for such purposes as deliberation, education, worship, entertainment, amusement, awaiting transportation or similar activity where the occupant load is greater than one person per 15 square feet of gross building lot coverage.
9. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.
10. Runway Protection Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. Where the runway protection zone meets the primary surface, the width is 250 feet. The outer width of the runway protection zone is 450 ft. and is measured 1000 ft. from the primary surface.
11. Transitional Zones. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
12. Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

447 Permitted uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are permitted:

- A. Single family dwellings, mobile homes, duplexes and multifamily dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and the Newberg Planning Department.
- B. All uses permitted in the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.

4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN 1000 FEET	125 SQUARE FEET
1000 - 2000 FEET	50 SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

448 Conditional Uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are conditional uses:

- A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.
 4. Bird strike hazards.
 5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 6. Population densities which exceed the standards listed in Section 447 B. 6. above.

IX-2

(63)

- B. Any use, building, or structure which is otherwise permitted and is within the height limits of the Displaced Threshold Approach Surface but exceeds the height limits of the Airport Approach Safety Zone. The sole criteria for approval of such uses are as follows:
1. The use shall not create any of the conditions or hazards listed in Section 448 A.
 2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
 3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.

449 Procedures.

A. Development Permits.

An application for a development permit for any permitted use within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone which is subject to site review as required by Section 616 of the Zoning Ordinance shall include the following information:

1. The boundaries of the Airport Imaginary Surfaces as they relate to property boundary lines; and
2. Location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

B. FAA Notice Required.

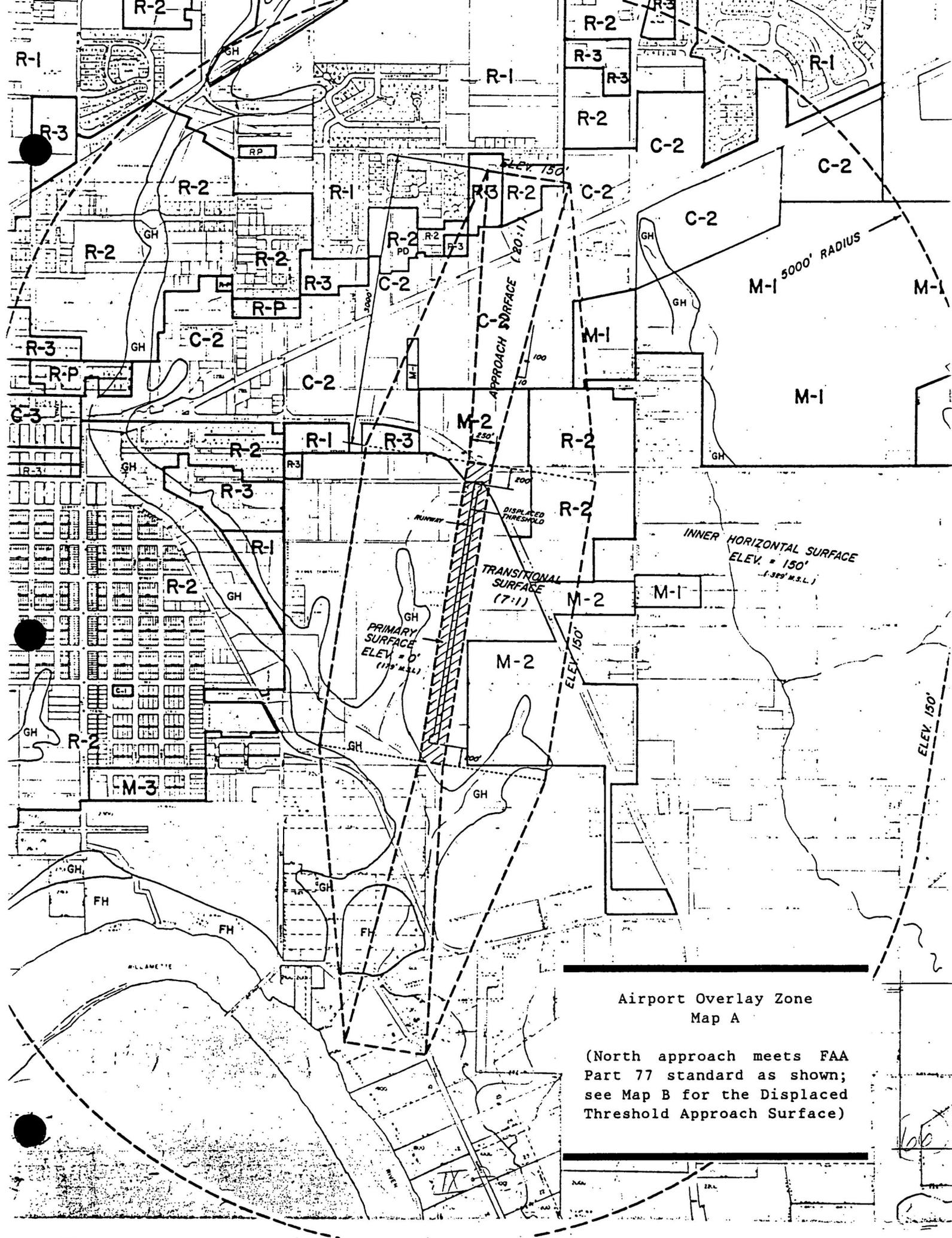
To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77.

450 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 446 except as provided in Section 448 B.
- B. High density public uses shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone.
- C. Following July, 1990, if FAA funds are used by the City to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the Runway Protection Zone consistent with Federal requirements.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The Planning and Building Department will review building permits for noise sensitive developments.

IX =

(65)



**Airport Overlay Zone
Map A**

(North approach meets FAA Part 77 standard as shown; see Map B for the Displaced Threshold Approach Surface)

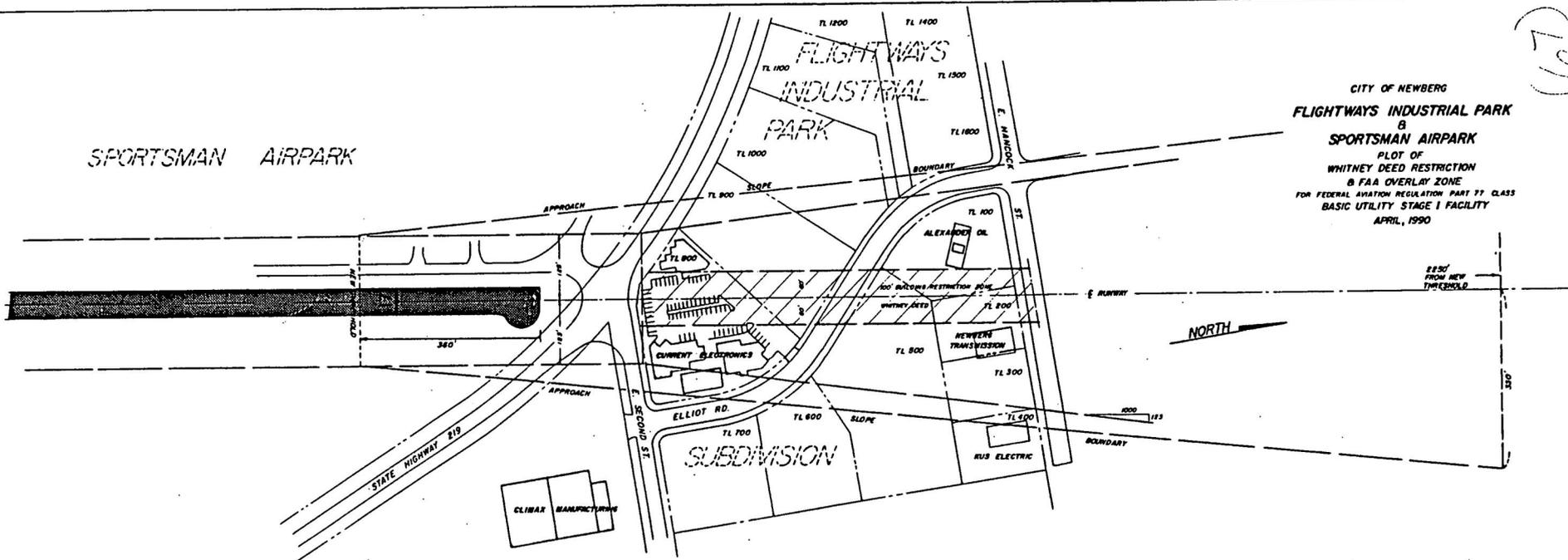
106

(67)

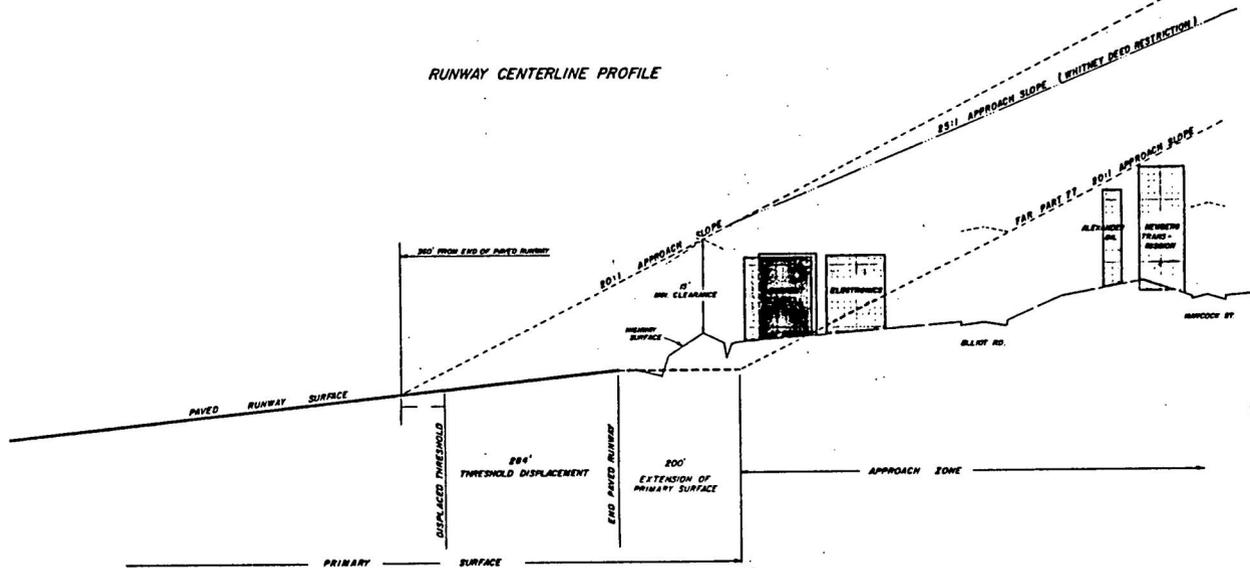
IXI

SPORTSMAN AIRPARK

CITY OF NEWBERG
FLIGHTWAYS INDUSTRIAL PARK
&
SPORTSMAN AIRPARK
PLOT OF
WHITNEY DEED RESTRICTION
& FAA OVERLAY ZONE
FOR FEDERAL AVIATION REGULATION PART 77 CLASS
BASIC UTILITY STAGE I FACILITY
APRIL, 1990



RUNWAY CENTERLINE PROFILE



Displaced Threshold Approach Surface
Map B

EXHIBIT A - ORDINANCE NO. 90-2281
FINDINGS OF FACT AND CONCLUSIONS OF LAW
PLANNING DEPARTMENT FILE NO. G-6-90

HEARING DATE: Planning Commission - June 21, 1990
7:30 PM - Newberg Public Library

City Council - July 2, July 9, and August 6, 1990
7:30 PM - Newberg Public Library

PROPONENT: City of Newberg

REQUEST: An amendment to the Newberg Zoning Ordinance to add an airport overlay zone.

I. SUMMARY

The airport overlay zone is in response to requirements imposed by the Oregon Aeronautics Division that an overlay zone be established for Sportsman Airpark. The overlay zone allows the airport to remain designated as a public use airport.

The overlay zone includes establishment of imaginary surfaces which include an Airport Approach Safety Zone and a Transitional Zone. Within the Airport Approach Safety Zone, population density of uses are regulated and other permitted uses are reviewed to assure that interference with aircraft is avoided. The Airport Approach Safety Zone includes restrictive height limitations that relate directly to distance from the end of the runway. These restrictions are no greater than an existing deed restriction in the area. The Transitional Zone imposes height restrictions which extend east and west from the runway at a ratio of 1 foot in height to 7 feet of distance.

II. CRITERIA AND ORDINANCE REQUIREMENTS

A. Zone Change Criteria

The zone change criteria are set forth in Section 600 of the Newberg Zoning Ordinance No. 1968 and read as follows:

1. The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and of the Zoning Ordinance of the city.
2. There is a public need for a change of the kind in question.
3. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

B. Applicable Comprehensive Plan Goals and Policies

Goals and Policies found within the Newberg Comprehensive Plan which are relevant to this request include the following:

1. Transportation Goals

To encourage development of a safe, convenient and economic transportation system through a variety of transportation means.

To develop and implement an area transportation plan consistent with local needs and the comprehensive plan.

2. Air Transportation Policy

When staff time becomes available, an appropriate airport overlay zone shall be prepared and adopted.

III. FACTS

- A. The Oregon Aeronautics Division has classified the Sportsman Airpark as a public use airport and the airport is identified as such on aviation maps.
- B. The Oregon Aeronautics Division states that public use airports must have zoning to protect air space around the airport and to provide compatible use for airport environs.
- C. In May, 1989, the City of Newberg was notified by the Oregon Aeronautics Division that a protective airport overlay zone was required for the Periodic Review Process.
- D. For airports identified as public use facilities, the FAA requires creation of an airport overlay zone which includes an approach zone. The FAA model airport overlay includes a primary surface which extends 200 feet beyond the end of the paved runway; from that point, a 20:1 approach slope is drawn. No structures are permitted to penetrate the approach zone.
- E. For airports which receive FAA grant funds, a Runway Protection Zone (RPZ) is required. The RPZ is a clear zone at the end of the runway.
- F. According to the FAA model approach zone criteria, Highway 219 is within the primary surface and the Current Electronics building penetrates the approach zone.
- G. When creating the Flightways Industrial Park, Sam Whitney placed a deed restriction on the subdivision. The restriction prohibited structures in a 100 foot wide area from Highway 219 to the center of Hancock Street, approximately 800 feet. The deed restriction also created an approach slope beginning at the Flightways Industrial Park property line and extending out at a 25:1 slope. This approach zone would not affect the highway or any existing structure in the industrial park.

- H. The City has requested that the 20:1 approach zone begin at the displaced threshold, 350 feet in from the end of the runway. Such a configuration would create a 15 foot clearance for the highway and would not cause the Current Electronics building to encroach into the approach zone.
- I. The City had a study conducted to examine the feasibility of purchasing the Sportsman Airpark. The study recommended against City purchase because of the high cost involved. However, the study did express the need for the community to retain the airport.

IV. CONCLUSIONARY FINDINGS

- A. Regarding Criterion 1, the proposed amendment promotes the objectives of the Comprehensive Plan and the Zoning Ordinance of the City. The Comprehensive Plan contains a specific air transportation policy which calls for the establishment of an Airport Overlay Zone. The Airport Overlay Zone would provide a balance between the safety needs of the airport and the development potential of the Flightways Industrial Park.
- B. Regarding Criterion 2, a specific public need has been identified for the zone. The Oregon Aeronautics Division has classified the Sportmans Airpark as a public use airport. This designation requires the creation of zoning to protect the surrounding airspace. In addition, the overlay zone has become a requirement for the Periodic Review Process.

The overlay zone would protect the health, safety and welfare of the City of Newberg by limiting potential air obstructions around the airport. The Airport Overlay Zone would help plan future growth around the airport. The zone would provide residents of the Flightways Industrial Park, and other surrounding areas, safe parameters for development.

The City finds that designation of Sportsman Airpark as a public use airport is important to promote economic development. For this reason, establishment of an airport overlay zone is needed.

- C. Criterion 3 does not apply to this request.

V. CONCLUSION

Based on the criteria, facts, testimony, and conclusionary findings, it is concluded that the proposal satisfies the zone change criteria.

REQUEST FOR CITY COUNCIL ACTION

DATE SUBMITTED: July 31, 1990

 X MOTION

 INFORMATION

DATE ACTION REQUESTED: August 6, 1990

SUBJECT: Repeal of Ordinance No. 2180

RECOMMENDATION: The Finance Committee recommends to the City Council repeal of Ordinance NO. 2180, authorizing establishment of certain reserve and special funds within the budget of the City of Newberg pursuant to the home rule powers and authority of the City of Newberg, adopted June 2, 1986.

BACKGROUND: The above named ordinance was passed to establish reserve funds for office equipment, computers, police equipment, fire equipment, CCRLS, street equipment and payments for public lands.

The adopted 1990-91 budget transfers all these funds except public lands to the Vehicle/Equipment Replacement Fund. The Finance Department will account for each department's funds separately.

The Finance Committee reviewed the requested action at its July 31, 1990 meeting and recommended referral to the Council for final adoption.


Duane Cole, City Manager

\ccord2180

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO 2180, AUTHORIZING ESTABLISHMENT OF CERTAIN RESERVE AND SPECIAL FUNDS WITHIN THE BUDGET OF THE CITY OF NEWBERG PURSUANT TO THE HOME RULE POWERS AND AUTHORITY OF THE CITY OF NEWBERG, ADOPTED JUNE 2, 1986.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2180, authorizing establishment of certain reserve and special funds within the budget of the City of Newberg pursuant to the home rule powers and authority of the City of Newberg, adopted June 2, 1986, is repealed.

PASSED by the City Council of the City of Newberg this ____ day of _____, 1990, by the following votes:

Ayes: Nays: Absent:

Duane Cole, City Recorder

APPROVED by the Mayor this ____ day of _____, 1990.

Elvern Hall, Mayor

IX-3

(72)

CITY OF NEWBERG
COUNCIL AGENDA
AUGUST 6, 1990
7:30 P.M.
NEWBERG PUBLIC LIBRARY

- I. CALL MEETING TO ORDER.
- II. ROLL CALL.
- III. CONSENT CALENDAR:
 1. Minutes from Council meetings on June 19, 1990, July 2, July 9, and July 17.
 2. Resolution No. 90-1569 accepting the canvassing of votes for the June 26, 1990 election for referendum on Crestview Drive.
 3. Resolution No. 90-1570 recognizing City Employees for outstanding service during the Old Fashioned Festival.
 4. Letter of appreciation to Bill O'Connor, Chairman of Old Fashioned Festival.
 5. Adoption of a bad check policy for the City of Newberg.
- IV. REQUESTS AND COMMUNICATIONS FROM FLOOR. (Limit 5 minutes)
- V. PUBLIC HEARINGS:
 1. Public Hearing regarding the the proposed renaming of a portion of Sunset Drive to Sunset Court.
Tax Lot Nos.: 3207DB -200, -300, -400 and -500.
Ordinance No. 90-2283
- VI. REPORT FROM CITY MANAGER.
- VII. REPORT FROM YAMHILL COUNTY COMMISSIONER:
- VIII. REPORT FROM CHAMBER OF COMMERCE:
- IX. OLD BUSINESS:
 1. Resolution No. 90-1568 approving an option for purchasing a fire engine.

CITY COUNCIL AGENDA
AUGUST 6, 1990

2. Continued discussion regarding Ordinance No. 90-2281 pertaining to the establishment of an Airport Overlay Zone.
3. Repeal of Ordinance No. 2180.

X. NEW BUSINESS:

XI. EXECUTIVE SESSION:

1. Pursuant to ORS 192.660(1)(i) relating to City Manager evaluation.
2. Pursuant to ORS 192.660(1)(e) relating to real property (Ryco).

XI. ADJOURNMENT.

INDEX OF RESOLUTIONS AND ORDINANCES ON THIS AGENDA FOR ACTION:

RESOLUTIONS:

1. Resolution No. 90-1569 accepting the canvassing of votes for the June 26, 1990 election for referendum on Crestview Drive.
2. Resolution No. 90-1570 recognizing City Employees for outstanding service during the Old Fashioned Festival.
3. Resolution No. 90-1568 approving an option for purchasing a fire engine.

ORDINANCES:

1. Ordinance No. 90-2283 directing the renaming of a portion of Sunset Drive to Sunset Court, Tax Lot Nos.: 3207DB -200, -300, -400 and -500.
2. Ordinance No. 90-2281 pertaining to the establishment of an Airport Overlay Zone.

CITY OF NEWBERG
CITY COUNCIL WORK SESSION
EXECUTIVE SESSION PURSUANT TO
ORS 192.660(1)(i)
MONDAY, AUGUST 6, 1990
6:00 P.M.
NEWBERG COMMUNITY HOSPITAL

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE AUGUST 6, 1990, COUNCIL AGENDA ITEMS. THE COUNCIL WILL NOT MAKE ANY DECISIONS ON THE AGENDA ITEMS AT THE WORK SESSION. THE COUNCIL WILL ALSO HOLD AN EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(i) RELATING TO THE CITY MANAGER'S EVALUATION. THE WORK SESSION WILL BE HELD IN CONFERENCE ROOM "A" AT THE NEWBERG COMMUNITY HOSPITAL.

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING WHICH WILL BE HELD AT NEWBERG PUBLIC LIBRARY BEGINNING AT 7:30 P.M.

DATED THIS 30TH DAY OF JULY, 1990.

DUANE R. COLE,
CITY RECORDER

\wsnote

Tuesday, 7:30 p.m.

June 19, 1990

MINUTES OF AN ADJOURNED MEETING
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

The meeting was called to order by Council President Roger Gano.

ROLL CALL:

PRESENT: Roger Gano Donna Proctor
Alan Halstead Joe Young
Donna McCain Jack C. Nulsen, Jr.

ABSENT: C. Eldon McIntosh Mayor Elvern Hall
Rick Rementeria (late)

STAFF PRESENT: Duane R. Cole, City Manager
Terry Mahr, City Attorney
Bert Teitzel, Director of Public Works
Katherine Tri, Finance Director

OTHERS PRESENT: Mary Newell, Asst. City Recorder
Mark McDevitt, TCI Cablevision
John R. Wenos, Graphic

CONSENT CALENDAR:

Motion: Nulsen/Proctor to approve Consent Calendar as presented.
(Unanimous)

1. Approve minutes from May 22, 1990, an adjourned City Council meeting. (Disposition: Placed on File)
2. Resolution accepting the low bid of Kizer Excavating for the construction of the Newberg Storm Sewer System Improvements on Illinois Street and Main Street. (Disposition: Resolution No. 90-1561 adopted)
3. Resolution transferring and reappropriating funds in the General, State Tax Street, Water and Hospital Operating Funds. (Disposition: Resolution No. 90-1562 adopted)
4. Resolution approving the City Engineer's report for the LID to service the lots adjacent to Sunset Drive from College Street to 220 feet west. (Disposition: Resolution No. 90-1563 adopted)

REQUESTS AND COMMUNICATIONS FROM FLOOR:

Mrs. Judy Weber, 113 East 4th Street, addressed Council regarding a potential problem developing between herself and her neighbor regarding a 6-foot high fence being built along an alley across

from her property. Mrs. Weber stated that her main concern was safety, specifically that the height of the proposed fence and its angle limited visibility and impeded access from her driveway to the street. She said she was not opposed to the fence but would recommend that the neighbor lower the fence height from 6 to 4 feet and to change the 90-degree corner angle at the alley to allow better clearance and maneuverability.

Mrs. Weber, citing City ordinances, ORS, and City Charter, argued that a street by definition includes the alley and is under City jurisdiction and subject to the clear vision ordinances of the City.

City Manager Duane Cole indicated that City clear vision ordinances do not apply to interior alleys. He suggested that the regulations quoted applied only to ally/street intersections, and not to alley/driveway intersections. Councilor Nulsen stated that although the regulations had not been enforced in the past, he was in agreement with Mrs. Weber's interpretation of the regulations.

Councilor Rementeria arrived at the Council meeting at 7:40 p.m.

Councilor Rementeria suggested that the issue as a legal matter be referred to the Ordinance/Legislative Committee, and the City Attorney prepare a legal opinion on the matter prior to the Committee meeting.

Motion: Rementeria/Nulsen to refer the matter to the Ordinance/Legislative Committee.

Responding to questions from the Council, Mrs. Weber indicated that the fence was under construction but had not been completed.

General discussion followed regarding the question of whether the City had regulatory authority over the matter. Councilor Halstead asked if the builder could postpone the building of the fence until the matter had been heard by the Ordinance/Legislative Committee.

The Question was called for. (VOTE: Unanimous) (Disposition: Referred to Ordinance/Legislative Committee)

Councilor Halstead asked the City Manager to contact the fence builder and advise him that until the matter is resolved, the builder will be proceeding with the project at his own risk and liable for any accident at the site until the City has satisfactorily researched the legality of the matter. Councilor Nulsen concurred.

Councilor Young requested the video Mrs. Weber had prepared be

shown. The video was shown with Mrs. Weber narrating. The first portion of the video was Mrs. Weber's property and the new fence; the final portion of the video depicted neighbors who had a similar fence problem and how it was resolved.

PUBLIC HEARING:

1. Public Hearing to consider objections and remonstrances to a proposed Water System Improvement Project, entitled "Parkway Subdivision Local Improvement District."

Directing Council's attention to the staff report in Council's packet, Public Works Director Bert Teitzel presented the Staff report. He indicated that there was a discrepancy on Pages 17 and 18 of the report and that the correct figures is on Page 17. Mr. Teitzel indicated that Prospect Park Subdivision were willing to donate \$7500 to this assessment project, with the correct number of developed lots being 20. Mr. Teitzel recommended that Council proceed with the LID.

There was no one present who wished to testify in support or opposition to the issue.

Motion: Halstead/Nulsen to close public hearing. (Unanimous)

Motion: Halstead/Nulsen to proceed with the Parkway Subdivision Local Improvement District. (Unanimous)

Mr. Teitzel indicated this matter would be back to Council for award of bid the first part of August and construction would be done this year.

The following public hearings relating to the 1990-91 Fiscal Year budget and the State Revenue Sharing Funds were held in conjunction with one another.

2. Public Hearing to consider the City of Newberg 1990-91 fiscal year budget. Ordinance No. 90-2280 adopting the budget.
3. Public Hearing considering proposed sues of State Revenue Sharing Funds anticipated to be received in fiscal year 1990-91. (Combined with Ordinance No. 90-2280)

Councilor Gano, as acting President of the Council, called for abstentions or objections to Council's hearing this matter. There being none, the public hearing continued.

Duane Cole, City Manager, referred Council to the ordinance in the Council packet. In summary, he said, the ordinance sets forth the

City's 1990-91 budget, including the adjustments necessary to provide for the employees' compensation package for coming fiscal year. He noted that the budget is the same as was approved by the Budget Committee.

Finance Director Kathy Tri itemized the adjustments made to the budget as follows:

1. include employee compensation package;
2. set up reserve for donated funds for dog pound;
3. adjusted budget to reflect the actual CBG Grant of \$127,000, not \$140,000 figure used by the Budget Committee;
4. added moving expenses for Finance Director;
5. rebudgeted carry over of Planning Department Grant; and
6. adjusted grounds-keeping contract for Library from \$2,000 to \$3,000.

She indicated that the total tax levy is \$2,191,629.

Regarding Public Hearing Item No. 3, Ms. Tri indicated that State law provides that cities may receive money from State liquor taxes, the amount determined on per capita income based on population of City property tax levies. \$50,000 is anticipated for next fiscal year, and the money is being recognized in the General Fund and is being used for general operating purposes.

There being no opponents or proponents wishing to speak, Council President Gano closed the Public Hearing.

Motion: Nulsen/Young to reduce the reserve for the Sewer Treatment Plant Fund by \$100,000 and allot that \$100,000 to the Fire Department for the purchase of a fire truck; and to delete the amount of money being spent for the National League of Cities (approximately \$10,000, including membership and attendance at the National Conference) and allot the \$10,000 to the Fire Department for purchase of fire hose.

Councilor Rementeria asked the City Manager what impact would be had by moving the \$100,000 reserve to the Fire Department. Mr. Cole voiced some concerns:

1. Is the move in compliance with the EPA agreement for use of those funds? Mr. Cole indicated that the funds are required to be set aside.
2. A policy issue for the Council to decide is whether or not the Council is going to take from the sewer reserves funds specifically for that operation and allocate those funds to a general fund which derives revenue from a variety of sources?

Councilor Halstead asked whether the Council could legally remove funds from an enterprise fund? Mr. Cole stated he did not know, but that enterprise funds act as separate accounting entities within the system.

Councilor Young remembered that this issue had been discussed in the past, and it was decided that it was okay to borrow from an enterprise fund only as a short-term loan. He suggested that delegating the earned income or interest on the enterprise funds might be another way to acquire funds to purchase the fire truck, and he asked Ms. Tri what is done with the earned income on these funds? Ms. Tri stated that the earned income becomes part of the revenues associated with the particular fund. Councilor Halstead stated that it would be inappropriate to use these funds in such a manner and suggested that the fire department find another way to get the revenue.

Councilor Nulsen stated that he did not feel that allotting \$450,000 each year for the sewer treatment plant was necessary. He does not think the agreement with the EPA states that. Councilor Halstead concurred, but stated that it was inappropriate to "rob Peter to pay Paul." Councilor Nulsen said he feels that the City is creating excess reserves which are not necessary and which could be used to solve the need of the fire truck and fire equipment. Mr. Halstead stated that if they are excess funds, then the appropriate response would be to give a rate reduction on sewer and water bills, not use the money to purchase a fire truck. He insisted that if a fire truck is needed, a bond issue or a serial levy must be passed.

Mr. Cole reminded Council that the CIP which was developed included the use of the \$455,000. He said if portions of the money is used, it will change the numbers involved in the rate studies if the City is to meet their obligations. Further, he said, all of the equipment at the treatment plant was listed and a depreciation schedule developed based on that list which was conservative.

Councilor Halstead called for the question. Councilor Gano reiterated the motion: to reallocate from the Sewer Reserve Fund \$100,000 and move it to the fire department for the purchase of a new fire truck and to delete money for the National League of Cities in the exact amount of \$8,174 and allot that to the Fire Department for the purchase of fire hose.

Councilman Young asked if the motions could be separated. President Halstead asked Mr. Halstead if he would withdraw his call for the question. Mr. Halstead responded in the negative. President Gano said the question stands and called for a vote.

VOTE: (Yea - (3) Nulsen, Proctor, Young; Nea - (4) Gano, Halstead, McCain, Rementeria.) (Disposition: Motion failed)

Motion: Halstead/McCain to read the ordinance by title only. Councilor Young called for the question. **VOTE:** (Yea - (6) Gano, Halstead, McCain, Proctor, Rementeria, Young; Nea - (1) Nulsen)

City Attorney Terry Mahr read the ordinance by title only.

The Finance Director confirmed that the revenue sharing was in the ordinance.

ROLL CALL VOTE: (Yea - (5) Gano, Halstead, McCain, Rementeria, Young; Nay - 2, Nulsen, Proctor) (Disposition: Ordinance failed to pass)

The City Attorney advised Council on an order of law which provides that an emergency provision be passed with a majority of six votes. By deleting the emergency clause, he said, the ordinance would not become effective until July 18. Ms. Tri indicated that a budget had to be adopted by July 1.

Councilor Young suggested that in order to resolve the conflict, the issue of the National League of Cities be addressed. Mr. Rementeria suggested putting \$100,000 into an unappropriated fund. General discussion followed regarding the legality of transferring funds from the sewage reserve fund to a general fund and whether the interest accrued in one account could be used to supplement the purchase of a new fire truck.

Councilwoman McCain stated that Council needs more information before making a decision on the funding for a fire truck since no one had yet submitted a statement of cost or expenses associated with such a purchase.

To help facilitate the deliberations, Mr. Cole stressed that the Council pass the ordinance so the City would have an operating budget. He said the issues being discussed are policy matters and could be discussed at a later date. Further, he suggested, more information is needed before these decisions could be made, i.e. what the EPA grant would allow in terms of transferring funds.

Councilman Young questioned whether the City was getting full value for the \$5,200 dues for the National League of Cities and suggested that the City is better served on a State or regional level. Councilman Gano read a prepared statement in support of the NLC.

Councilman Rementeria stated his personal feelings:

III-1

(6)

1. Cutbacks on sewer should go to reducing rates;
2. If the City wants to purchase a fire truck, they should seek a levy; and
3. The \$5,200 should be applied towards employee/Council training and education.

Motion: Rementeria to apply the \$5,200 budget for NLC to education. Motion died for lack of a second.

Citing the small size of Newberg as a community, Ms. Proctor stated that she felt that few benefits resulted from the Council's association with NLC and suggested that their contacts should be kept on a local level. Mr. Rementeria stated he had reservations about Council going to national conventions such as the NLC and suggested that the money would be better spent on education, either for Council or employees.

Motion: Young/Rementeria to read by title only the budget as presented. (Yea - (5) Gano, Halstead, McCain, Rementeria, Young; Nay - (2) Nulsen, Proctor) Motion carried.

ROLL CALL VOTE: (Yea - (5) Gano, Halstead, McCain, Rementeria, Young; Nay - (2) Nulsen, Proctor) (Disposition: Ordinance failed to pass)

Mr. Cole suggested the Council consider impounding City funds, a method used by the Federal government to seize and hold funds. He said that the Council could impound an amount of money, subject to the Council's approval for any future use of these funds.

Motion: Nulsen/Proctor to adjourn the meeting.

President Gano indicated the motion was out of order and he would not recognize it. Councilor Nulsen left the Council meeting at 8:55 p.m.

Councilor Halstead stated that the ordinance without an emergency clause would not become effective before the July 1 deadline for a budget and was, therefore, not an option for Council.

Councilor Young admonished President Gano for not recognizing Mr. Nulsen's motion to adjourn, stating that it was improper and denied the Council the right of privilege.

Motion: Young/Rementeria to read the ordinance by title only with the change that the City Council impound an amount of approximately \$100,000 out of the Sewer Replacement Fund for the purpose of the future acquisition of a fire truck and to schedule an emergency meeting of the Council within the next two weeks to resolve the

issue of what can be done to cover the \$100,000 impoundment and NLC.

Mr. Young asked that Councilor Nulsen be invited back to the Council meeting in order to participate in the vote. President Gano conceded he was in error regarding the motion to adjourn and instructed Mr. Mahr to bring Mr. Nulsen back to Council if he were still on the premises.

Ms. Proctor asked that the money assigned to the National League of Cities be addressed. Councilor Young indicated that the issue of the NLC would be discussed at another meeting.

Councilor Nulsen re-entered the Council chambers. Mr. Young restated the motion. Mr. Nulsen clarified that the motion expressly impounds funds to be applied towards the purchase of a fire truck. President Gano stated that Mr. Cole, when he brought up the subject of impoundment, inferred that the money could be held but not necessarily applied towards the fire truck if other means of purchase were pursued. Mr. Young stated that his intent to impound the \$100,000 is for security and will be replaced when the Council can discover those funds from another source. Staff indicated that the time limit on impounded funds is for one fiscal year.

Councilor Halstead called for the question. Vote on motion to read ordinance by title only: Yea - 6; Nay - 1 (Gano). The City Attorney read the ordinance by title only as follows:

"An Ordinance adopting the City of Newberg, Oregon, budget for the 1990-91 fiscal year as approved by the Budget Committee and making appropriations and levying a property tax, improving the City of Newberg's participation in the State Revenue Sharing Program, repealing Ordinance No. 2180, and declaring an emergency, with it understood that \$100,000 out of the Sewer Replacement Fund will be impounded for the future purchase of a fire engine and that within two weeks an emergency meeting of the Council will be held to discuss the impoundment of the \$100,000 and the funds that are presently appropriated for use at the National League of Cities, both dues and travel.

Councilor Rementeria asked for clarification that the ordinance does not prevent Council from obtaining the necessary funds from another source. President Gano indicated that this ordinance does not prevent the Council from pursuing a bond levy or another avenue for getting the funds to purchase a fire truck. Councilor Nulsen stated he could not vote for the motion if it is Council's intent to pursue a bond levy in order to purchase the fire truck.

Councilor Young indicated that the intent of his motion was to pass a budget and put the City in a position where it could operate, with the matter of the fire truck to be decided at a future meeting.

VOTE: Yea - 5; Nay - 2 (Nulsen, Proctor) (Disposition: Motion passed. Read ordinance by title only.)

The City Attorney again read the ordinance by title only.

ROLL CALL VOTE: Yea - 5 (Gano, Halstead, McCain, Rementeria, Young); Nay - 2 (Nulsen, Proctor) (Disposition: Ordinance as amended failed to pass)

City Manager proposed that Council, since they could not reach a suitable compromise at this time, adopt the City's 1990-91 budget by resolution which requires only a majority vote and will become effective immediately. He stated that it is legal to adopt a budget by resolution, but noted that the reference to amending Ordinance No. 2180 would have to be stricken from the resolution.

Motion: Halstead/Rementeria to adopt the budget by resolution as presented.

Councilor Young asked for a legal opinion. Attorney Mahr indicated that statutes clearly provide that a budget can be adopted by resolution, although the City of Newberg had always adopted their budget by ordinance.

There was general discussion about the reserve funds referred to by Ordinance No. 2180, which would have to be repealed by a separate ordinance. Ms. Tri indicated that this matter could be taken care of at the next Council meeting.

Motion: Rementeria/McCain to amend the motion to add that within the next 30 days Council meet to resolve the issue of the National League of Cities and the purchase of a new fire engine.

ROLL CALL VOTE: Yea - 4; Nay - 3, (Halstead, Nulsen, Proctor) (Disposition: Amendment passed)

Council President Gano reiterated the motion as amended:

"Motion to adopt the budget by resolution as presented with the amendment that Council meet within 30 days to discuss the NLC and fire engine purchase."

ROLL CALL VOTE: Yea - 5; Nay - 2 (Nulsen, Proctor) (Disposition: Resolution adopted as amended)

Mr. Gano directed Staff to secure an appropriate meeting date within 30 days. General discussion followed regarding possible meeting dates.

REPORT FROM CITY MANAGER: The City Manager referred Council's attention to his report in the Council packet. Mr. Young questioned whether there would be a quorum for the next meeting on July 2nd. Mr. Cole stated that the Charter requires Council to meet on the first Monday of the month and expressed fear that a quorum might not be available for the July 2nd meeting.

OLD BUSINESS:

Mr. Young asked for an update on the tree planting project on First Street and asked how much the project will cost the property owners. Mr. Teitzel stated that the trees are donated, the construction work is being done by Public Works, and that the trees are \$35 each for people on First street and donations being made by others who are not on First Street.

Councilor Proctor asked Council to reimburse expenses to the lady who is planting the planters around town. She indicated the cost of the flowers has been paid for by the individual and the labor is free. Mr. Cole concurred that it would be a good idea provided some limit were placed on the amount spent.

Councilor Young brought up the issue of a walkway between River Street and almost to Villa Road. He requested the City Engineer and City Manager explore a program, by City or volunteer, to develop the walkway to connect the east and west sides of town.

Ms. McCain noted that the State Highway Department needs to be advised to maintain their portion of the south side of the street, citing vegetation which is growing and obstructing traffic along the street. Councilor Halstead noted that this project is included in the State Highway budget for 1993-94 and suggested the funds be used for another purpose. Mr. Teitzel agreed, noting that the project is included in the 6-year plan. Mr. Cole suggested that Public Works come up with an interim solution.

Motion: Rementeria/Halstead to adjourn. (Unanimous) There being no further business, the meeting adjourned at 9:30 p.m.

Duane R. Cole, City Recorder

ATTEST:

Roger Gano, Council President

III 7

(10)

Monday, 7:30 p.m.

July 2, 1990

MINUTES OF A REGULAR MEETING
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

The City Council meeting of July 2, 1990, was canceled due to a lack of quorum. City Manager Duane Cole was present at the Newberg Public Library to advise the public that a meeting would be held on Monday, July 9, 1990, if they wished to attend.

Duane R. Cole, City Recorder

TII 1

(11)

Tuesday, 7:30 p.m.

July 9, 1990

MINUTES OF AN ADJOURNED MEETING
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

PRESENT: Roger Gano Jack C. Nulsen, Jr.
Alan Halstead Donna Proctor
Donna McCain Rick Rementeria(late)

ABSENT: C. Eldon McIntosh Joe Young

STAFF PRESENT: Duane R. Cole, City Manager
Terry Mahr, City Attorney
Dennis Egner, Planning Director
Bert Teitzel, Director of Public Works
Katherine Tri, Finance Director

OTHERS PRESENT: Mary Newell, Asst. City Recorder
Mark McDevitt, TCI Cablevision

CONSENT CALENDAR:

Motion: Gano/Nulsen to adopt the Consent Calendar as presented.
(Unanimous)

1. Minutes from regular Council meeting on June 4, 1990.
(Disposition: Approved)
2. Motion to adopt the Library Material Selection Policy.
(Disposition: Motion passed)
3. Resolution awarding a contract to Moss Adams, Certified Public Accountants, to conduct an audit of the City of Newberg for the fiscal year ending June 30, 1990. (Disposition: Resolution No. 90-1567 adopted)

REQUESTS AND COMMUNICATIONS FROM FLOOR.

Nadine Windsor, 2902 E. Second, asked if Council intends to discuss water rates and how it will affect the mobile home courts. Mayor Hall indicated that the issue will be discussed. Ms. Windsor asked for a definition of mobile home courts.

Councilor Rementeria arrived at the Council meeting at 7:35 p.m.

Dennyce Wheeler, 3112 Crestview Drive, asked if there had been directives regarding the results of the Crestview Drive issue. Mayor Hall indicated that a public hearing on the matter is scheduled for Tuesday, September 4, 1990.

Don Clements, 3005 Lindquist Court, suggested that Council resolve the Crestview Drive issue and stated that Council has an obligation to continue to try to bring development to the community, citing lower taxes, and water and sewer rates as benefits. He stated it is an urgent matter and needs to be treated as a priority.

George Alexander, 700 N. College, stated that 15 years ago the City recognized an essential need for a direct boulevard across the northern section of Newberg for emergency vehicles and truck traffic and suggested and that nothing has changed. He encouraged Council's quick resolution of the problem.

Ms. Wheeler asked for factual data that development would reduce taxes. Mayor Hall responded that in order to reduce the tax rate 10 cents, the City would have to raise \$1,000,000. He said that development worth several million dollars has the potential to drop the tax rate.

Mr. Nulsen asked Mr. Clements to come back with the study to answer Mrs. Wheeler's question. He said he feels that development is a right of the people, not merely a tool to decrease the tax rate. Further, he said, whether development would reduce taxes is not necessarily correct, citing the increased need for schools, parks and recreation facilities, et cetera.

PUBLIC HEARING:

1. Public Hearing requesting an amendment to the Zoning Ordinance to add an Airport Overlay Zone.
File No. G-6-90
Criteria: Newberg Zoning Ordinance, Sections 600 & 606.
Ordinance No. 90-2281

Directing Council's attention to the Council packet, City Manager Duane Cole presented the Staff report. Using a model of an airport overlay zone and overhead slides, Mr. Cole explained the proposal and how it affects Sportsman Airpark and surrounding properties. In summary, the reason Council is to consider the matter is because the City wants to retain Sportsman Airpark as a public use facility and the FAA is requiring an overlay zone limiting building height on the northern approach. If the City fails to apply the overlay zone, he said, problems will arise with the City's periodic review.

Mr. Cole emphasized that to minimize the impact of an overlay zone, the City proposed to (1) restrict the maximum number of employees per a square foot area of a building; and (2) assign open area, i.e. parking lots, etc., to accommodate emergency landings. The question to answer stated Mr. Cole is how to accommodate development without impinging on the airport and to deal with the particulars of building height. He said Staff recommends that the matter be brought back to Council at the August 6th meeting.

After the Staff Report, Mayor Hall called for questions or comments from the public.

Marc Wheeler, 1701 N. Main, asked if the proposal would affect existing buildings in any way. Mr. Cole indicated that existing buildings would be grandfathered in and that changes would require a conditional use process.

George Alexander, 33405 Old Parrot Mountain Road, asked how the ordinance would affect property south of the runway and around 99W. Since 99W is more than 2,000 feet from the runway, said Mr. Cole, the proposal would have minimal impact. Regarding a motel, Mr. Cole indicated he would require advice from FAA. Mr. Alexander stated that he appreciates the airport but could not see it growing in its present location. He said he purchased property within the industrial park and expressed concern that he would not be able to develop it to its best potential.

Mike Gunn, 518 E. First, representing four property owners around the airport, stated that the first question to be answered is whether the public use designation is beneficial to the City? Further, he said, the severe restrictions imposed on the properties restrict improvement of the surrounding properties. He noted that a substantial amount of property is zoned and taxed for multi-use and objects to the proposed restrictions because it would devalue the land, making it difficult to sell. He asked that City Council not make a decision on the issue at this time. Mr. Gunn asked that a map of his clients properties be entered as part of the record.

Walt Racette, stated that restrictions make property hard to sell and further devalue the property. Further, he suggested that the property is a choice location for a shopping center and more restrictions would make potential buyers look elsewhere.

Art Brown, 308 Airport Way, objected to the proposal for the purpose of retaining his right for appeal to LUBA.

Gordon Cramer, 29950 NE Wilsonville Road, Current Electronics, advised Council that Current Electronics currently have 120-140

employees and are making plans to expand into an adjoining parcel and hire an additional 100 employees.

Art Spada, 13635 NE Clackamas, Portland, Oregon, indicated he purchased commercial property adjacent to the airport approximately 13 years ago and went with the LID proposed by the City with the understanding that the property would be developed to its full potential. Objects to this proposal because the more restrictive designation will kill resale possibilities.

Earl Dodge, 324 Peacock Court, asked what impact, if any, this proposal would have on Smurfit. Mr. Cole indicated that Smurfit is located in the County and would be covered under County regulations.

Rich Racette, Dundee, suggested that a shopping center in the area would be precluded because other businesses associated with a shopping center would not qualify under the new restrictions. He said the property would not be saleable if down-zoned.

Mark Wheeler, asked how the City will benefit from the new zoning.

Tom Highland, FAA, explained the difference between a public use airport designation and a private use airport:

Public Use Airport: A FAA designation that insures that certain standards may be expected by pilots arriving at that airport can count on. This designation also sets protective restrictions on the land beneath the airport.

Private Use Airport: A federal designation which limits in/out privileges to guests of the airport owner/operator. Private use airports are not shown on national aeronautical maps.

Mr. Highland indicated that the Sportsman Airpark is very attractive as a public use airport, and ideally the zoning is in place before development proceeds around it. He said he could not say whether a shopping center in the area was a practical use. He indicated that development around an airport should be low-density because of the potential for disaster in the event of an aircraft accident.

Councilor Nulsen asked what would happen to Sportsman Airpark if the zoning is denied by Council? Mr. Highland indicated that the zoning is a requirement of compatible land use planning and the FAA would be required to make the objection during Periodic Review that the City did not meet the federal standards. If Council does not approve the zoning, said Mr. Highland, the FAA will get the okay

for the zoning through LCDC.

Regarding safety regulations, Mr. Alexander asked how property could be developed so close to the Los Angeles airport and how this differs from Newberg. He questioned what would happen when Sam Whitney decides to sell or leave the airport, and noted that most of the traffic at Sportsman Airpark is repeat business, not strangers.

Responding to a request for clarification from Mr. Mark Wheeler, Mayor Hall indicated that the Comprehensive Plan is up for review. He stated that all agencies will have an opportunity for input, including the FAA, to DLCD. If the Comprehensive Plan is not approved by DLCD, the consequences might include withholding state funds from gas taxes, et cetera. Mayor Hall indicated that the Council must decide if Sportsman Airpark is to continue as a public use airport or go to a private use airport.

Mr. Highland reiterated the differences between the private use airports and public use airports.

Mark Webber, asked Council to consider its commitments made ten years ago to the property holders who invested in the commercial property around the airport.

Mike Gunn requested statistics to confirm the dollar and cents advantages to be derived if Newberg were to maintain Sportsman Airpark as a public use facility. He indicated the City Council does not have the statistics to make an informed decision on the issue.

Councilor Halstead stated that the Airport Study did list the amount of money generated by Sportsman Airpark. Mr. Halstead suggested that the issue is more than listing the airport on a national register; he indicated that Sam Whitney would be severely restricted from doing maintenance work, hangar rental, etc.

Responding to a question, Mayor Hall stated that Sportsman Airpark is privately owned but publicly listed.

Councilor McCain asked whether Sam could afford to operate the airport as a private airport since the bulk of his income is generated by airport-related activity.

Regarding the Airport Study, Mr. Gano asked Mr. Highland if the City of Newberg would jeopardize its ability to reactivate the planning grant and the 90% purchase from FAA in siting an airport around the Newberg area if the Council denies the overlay and

Sportsman Airpark loses its designation as a public use airport. Mr. Highland indicated he did not know.

Mr. Highland, responding to Mr. Spada's question about how the Port of Portland could develop properties within the flight path for Portland International Airport, stated he believes that the development is meeting FAA standards.

Mr. Rementeria indicated that according to the Airport Study, the traffic patterns for Sportsman Airpark and McMinnville are similar in number, with McMinnville being able to accept larger planes. Mr. Soderquist indicated that this is true.

Mayor Hall declared the public hearing closed.

Mr. Rementeria indicated that Mr. Whitney was not available at the hearing because he was on the east coast. Mr. Cole confirmed that Mr. Whitney had received notice of the hearing along with the other property owners.

Mr. Mahr explained the reference to appeal contained in the notice Mr. Brown received from the City. Mr. Brown indicated his specific reason for insuring his right of appeal are tall trees and arborvitae which would have to be pruned down to seven feet in height if the zoning ordinance is passed.

Mr. Cole stated that the Staff will (1) check on information from the Oregon Aeronautics Division on the impact of licensing fixed base operators on public use airports vs. private use airports; and (2) make minor technical adjustments to the ordinance.

Councilor Gano asked that the report include specific examples of impact on Spada's and Recette's property with regard to a theater, bowling alley or shopping center. Mr. Cole said this would be included.

Mayor Hall continued deliberation on the issue of Sportsman Airpark to the meeting of Monday, August 6, 1990, with Staff presenting a report on issues raised during the public hearing.

REPORT FROM CITY MANAGER: Stating he had nothing to add at this time, City Manager Duane Cole referred Council to his report in the Council packet.

REPORT FROM YAMHILL COUNTY COMMISSIONER:

Motion: Gano/Rementeria to deny the Food Handler's Ordinance submitted by Yamhill County and to advise Yamhill County that there

is no justification for the ordinance. Councilor Halstead called for the question. (VOTE: Unanimous) (Disposition: Recommend Yamhill County to deny ordinance as there is no justification for ordinance)

OLD BUSINESS:

1. Ordinance repealing Ordinance No. 2180 regarding Capital Reserve Funds.

Motion: Gano/Halstead to read ordinance by title only.

City Attorney Terry Mahr read the ordinance by title only.

(ROLL CALL VOTE: Yea - 4, Gano, Halstead, McCain, Rementeria; Nay - 2, Nulsen, Proctor) (Disposition: Ordinance No. 90-2282 failed to pass)

Ordinance No. 90-2282 was referred to the Finance Committee for further discussion.

2. Resolution adopting sewer rates for the City of Newberg.
3. Resolution adopting water rates for the City of Newberg.

Mr. Cole outlined the proposed sewer and water rates being considered by the Council. He stated that the rates were structured so that the less you use, the less you pay. He presented a slide presentation of how the current rates compare with the rates proposed in the resolutions. Mr. Cole referred Council to the resolutions for itemized quotes.

Addressing the issue of water rates for mobile home parks, Mr. Cole indicated that the per-unit-charge in mobile home parks will show an increase primarily because of the demand on the system. Mr. Dave Hassen, CH2M Hill, explained the differences between mobile home parks and individual residences when determining water usage. General discussion followed. Discussed were the rates, how users will be affected, how the rates were determined, cost comparisons on individual bills, et cetera. Mr. Cole referred Council to comparison charts in the Council packet which depict differences between old rates and new rates on past monthly billings. Mr. Cole suggested that the City promote water conservation and instruction.

Councilor Nulsen asked how commercial users would be affected. Mr. Cole stated that commercial water users will show an increase in their rates but their flow and use would be reflected in their bills. Relating to sewer rates, commercial users may have more

suspended solids to deal with and not fare as well in some cases.

Mr. Nulsen asked if Staff had an indication of the total revenue to be generated by the new sewer and water rates. Ms. Tri stated that the City could expect revenue of approximately \$100,000 in the water fund and \$400,000 in the sewer fund.

Mr. Teitzel stated that the computation of the rates was based on the figures that were put into the budget so the rates balance the budget. Ms. Tri indicated that the new rates would go into effect in the fall and, therefore, are not for a full year as figured in the study. Council discussed the budget, and Councilor Nulsen stated that he now understands that the budget was based upon anticipated rate increases in sewer and water, which was not disclosed earlier.

Councilor Proctor asked what Staff intends to do about the residents inside the city limits who are on septic tanks. Mr. Teitzel stated that residents hooked to the sewer are paying the sewer charge. Ms. Proctor stated she knew of a person who was hooked to the sewer but not paying for the service. Mr. Cole indicated this would be something the City would follow up on. Councilor Halstead suggested that Public Works compile a list of homes capable of being hooked to the City sewer and refer that list to the Public Works Committee for action.

Motion: Gano/Rementeria to adopt the resolution adopting sewer rates for the City of Newberg. Mayor Hall confirmed that Council was voting on Resolution No. 90-1565, with the heavy flow exhibit. (Vote: Yea - 5; Nay - 1, Nulsen) (Disposition: Resolution No. 90-1565 adopted)

Motion: Gano/Rementeria to adopt the resolution adopting water rates for the City of Newberg. (Vote: Yea - 5; Nay - 1, Nulsen) (Disposition: Resolution No. 90-1566 adopted)

Motion: Gano/Proctor to adjourn. (Unanimous) Meeting adjourned at 9:20 p.m

Duane R. Cole, City Manager

ATTEST:

Elvern Hall, Mayor

III-1

(19)

Tuesday, 7:30 p.m.

July 17, 1990

MINUTES OF AN ADJOURNED MEETING
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

Due to a lack of quorum, the adjourned meeting of the Newberg City Council was canceled and all matters on the agenda were continued to the meeting of Monday, August 6, 1990.

Duane R. Cole, City Recorder

RESOLUTION NO. 90-1569

A RESOLUTION ACCEPTING CANVASSING OF VOTES FOR THE JUNE 26, 1990, ELECTION FOR REFERENDUM ON CRESTVIEW DRIVE.

WHEREAS, at the June 26, 1990, election, the City had on the ballot a referendum of Ordinance No. 90-2271 making Crestview Drive a collector street;

WHEREAS, said election was conducted through the County Clerk of Yamhill County, State of Oregon; and

WHEREAS, the City has received from the County Clerk the official canvass of votes for said ballot measure 36-1;

NOW, THEREFORE, BE IT RESOLVED by the City of Newberg as follows:

1. The City accepts the official canvassing as submitted to the City by the Yamhill County Clerk, State of Oregon, for the June 26, 1990, election, which is attached to this resolution and by this reference incorporated.
2. The City Council declares that the referendum to overturn Ordinance No. 90-2271 making Crestview Drive a collector street met with voter approval and is accepted by Council.

ADOPTED by the City Council of the City of Newberg, Oregon, this 9th day of July, 1990.

Duane R. Cole, City Manager

TDM\canvas.res

III-2

(31)

36-1 NEWBERG CITY REFERENDUM ON CRESTVIEW DRIVE

WITH 6 OF 6 PRECINCTS REPORTING

01 = OVER VOTES
02 = UNDER VOTES
03 = YES

VOTES PERCENT
1
90
1,195 42.14

04 = NO
05 = BALLOTS CAST

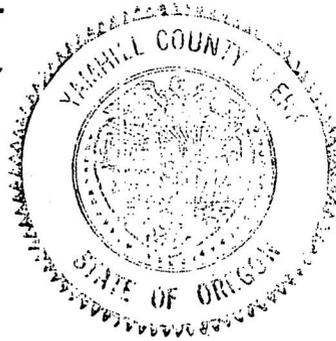
VOTES PERCENT
1,641 57.86
2,927

	01	02	03	04	05
0002 NEWBERG CITY N.	0	31	269	274	574
0003 NEWBERG CITY NW	0	12	176	238	426
0004 NEWBERG CITY SW	0	11	174	190	375
0005 NEWBERG CITY SE	1	16	205	301	523
0031 NEWBERG CITY NE	0	15	198	335	548
0036 NEWBERG CITY N	0	5	173	303	481

I CERTIFY THAT THE VOTES RECORDED ON THIS
ABSTRACT CORRECTLY SUMMARIZE THE TALLY
OF VOTES CAST AT THE ELECTION INDICATED.

Charles Bear
SIGNATURE OF COUNTY CLERK:

6-27-90
DATE OF ABSTRACT



6-III

(88)

RESOLUTION NO. 90-1570

A RESOLUTION RECOGNIZING CITY EMPLOYEES FOR OUTSTANDING SERVICE DURING THE 1990 OLD FASHIONED FESTIVAL.

WHEREAS, the City of Newberg has many responsible and dedicated employees; and

WHEREAS, each year community residents gather together to celebrate Newberg in the form of an Old Fashioned Festival celebration; and

WHEREAS, the City employees dedicate many long hours and hard work to assure that the Old Fashioned Festival is a successful event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg that the City Council hereby expresses its sincere gratitude and appreciation for the efforts of all City employees that contributed their time to the Old Fashioned Festival.

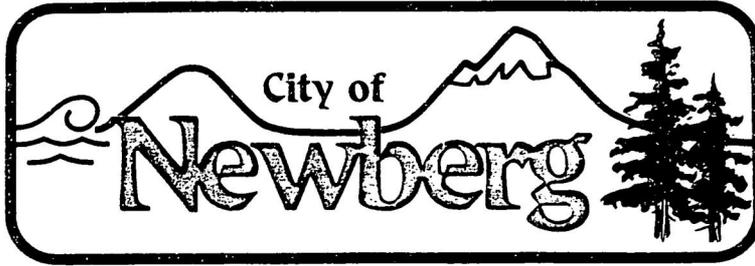
ADOPTED by the City Council of the City of Newberg, Oregon this 6th day of August, 1990.

Duane R. Cole, City Recorder

\recreso

III-3

(53)



(503) 538-9421
FAX (503) 538-5393

414 E. First St.
Newberg, Oregon 97132

July 31, 1990

Bill O'Connor, Chairman
Old Fashioned Festival
1549 E. First St.
Newberg, Oregon 97132

SUBJECT: Appreciation for Excellent Community Event

Dear Bill:

On behalf of the City Council, I want to express our appreciation for the Old Fashioned Festival. This wholesome community event is a reflection of the community spirit we all share for our lovely City of Newberg.

The numerous volunteers and many events require hours of dedicated work by the Old Fashioned Festival Steering Committee. The City of Newberg City Council and myself appreciate your commitment. Without your hard work this event would not be possible in our community.

Thanks once again for giving Newberg residents a gift each year that will be remembered for many years. Keep up the good work.

Sincerely,

Elvern Hall
Mayor

EH/bjm

\festcom



Home of Old Fashioned Festival

III-4

(64)

REQUEST FOR CITY COUNCIL ACTION

DATE SUBMITTED: July 31, 1990

 X MOTION

 INFORMATION

DATE ACTION REQUESTED: August 6, 1990

SUBJECT: Bad Check Policy

RECOMMENDATION: The Finance Committee recommends to the City Council a \$15 charge for returned checks to cover additional bank charges and cost of handling.

BACKGROUND: Occasionally, the City receives a bad check, either because of insufficient funds or closed checking account. The staff calls the person, or for water accounts a door hanger is put out, to inform them that the check has been returned. The customer is given a specified amount of time to come to City Hall and clear the account. If the person fails to do so, the City has a number of enforcement powers to get the customer to pay--turn off water, suspend driver's license, or issue a stop work order. Processing returned checks is included in our bank charges.

Kathy Tri discussed a bad check policy with a number of cities. Some feel that their enforcement powers are sufficient and others have adopted a bad check policy to cover staff time and bank costs.

It is recommended that the staff continue to contact customers for returned checks and give them three days from the date of contact to clear their account. At that point the attached letter is sent (the letter will be adjusted depending on the purpose of payment--i.e., utility bill, court fine, building permit, etc.). The additional \$15 charge will be assessed only if the letter is sent.

The Finance Committee reviewed this issue at its July 31 meeting and recommends that the Council approve the bad check policy.

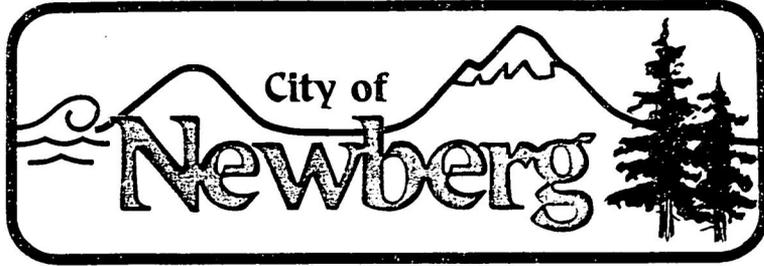

Duane Cole, City Manager

Attachment

\ccnsf

III-5

(25)



(503) 538-9421
FAX (503) 538-5393

414 E. First St.
Newberg, Oregon 97132

Date: _____

To: _____

The check described below was returned by your bank, unpaid for the reason indicated.

Please send a replacement check, a cashier's check or money order for the full amount plus a returned check charge of \$15 to cover the additional bank charges and handling costs.

We will not redeposit insufficient fund checks. If the check was returned as a result of your bank's error, we suggest you ask the bank to send a cashier's check on your behalf.

Your immediate attention is necessary. Unless payment is made within 10 days, your service will be turned off for non-payment.

Further there is an additional \$20.00 charge for restoring service, once service has been turned off.

Sincerely,

Water Department

Bank Name: _____ Reason for Return: _____

Check #: _____ Amount: \$ _____ Dated: _____

TOTAL AMOUNT NOW DUE \$ _____

\nsf



Home of Old Fashioned Festival

III-5

(26)

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: July 20, 1990

_____ MOTION

DATE ACTION REQUESTED: August 6, 1990

_____ RESOLUTION

X _____ ORDINANCE

_____ INFORMATION

SUBJECT: Renaming a portion of Sunset Drive

RECOMMENDATION:

Adopt, by ordinance, the Planning Commission recommendation that the portion of Sunset Drive adjacent to North College Street be renamed Sunset Court.

BACKGROUND:

With development of Quail Meadows II Subdivision, the subdivider created a cul-de-sac on the previously existing portion of Sunset Drive which intersects with North College. This section of Sunset Drive was subsequently signed as Sunset Court. Unfortunately the developer and City failed to follow proper procedures in renaming the street. There are four lots on the subject cul-de-sac; they are the only lots affected by the proposed street renaming. A map of the area is attached.

Although the new street signs are already in place, there is a State prescribed process which must be followed to legally complete the renaming. ORS 227.120 sets forth the following procedures to rename streets:

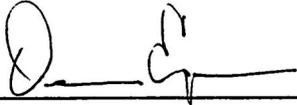
1. The Planning Commission shall recommend the street renaming to the City Council.
2. The City Council shall allow for public comment on the proposed street renaming at a time and place to be specified in a notice of hearing published in the regional newspaper.
3. After the public hearing, the City Council by ordinance shall rename the street in accordance with the recommendation, or by resolution shall reject the recommendation.
4. A certified copy of each such ordinance shall be filed with the county clerk or recorder, as well as the county surveyor and county tax assessor.
5. The county surveyor will enter the new names in red ink on any filed plat.

V-1

(57)

The Planning Commission discussed the proposed renaming at their June 21, 1990 meeting. The Planning Commission recommends that the City Council rename the street.

COST: None



Dennis Egner, Planning Director



Duane Cole, City Manager

Received
7-31-1990

July 28, 1990

Duane Cole, City Recorder
City Hall
Newberg, Oregon 97132

Subject: File #G-9-90 Renaming Portion of Sunset
Drive Tax Lot #3207DB-00300

Dear Mr. Cole:

This letter is to serve as objection to renaming our portion of Sunset Drive, to Sunset Court.

Not only does this cause an immediate inconvenience and financial burden on the present home owners, they are primarily senior citizens and some in poor health, but we foresee other long term inconveniences.

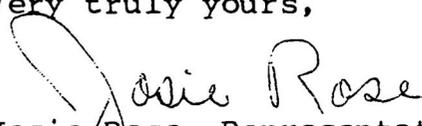
We anticipate that there will be years of automobiles and delivery trucks mistakenly driving on to our street actually destined for the "new" Sunset Drive. We will have traffic on our street that does not belong there and will have to contend with the noise and other pollutions that would result and that should, and can be avoided.

We urgently request that the "new" Sunset Drive be re-named and without "Sunset" being involved in the naming.

Hopefully, this would help to ensure that our street, once all construction is complete, will once again become a quiet, pleasant and attractive street.

Your consideration of this objection will be sincerely appreciated.

Very truly yours,


Josie Rose, Representative for
Pauline Hall
19995 Zeno Street
Castro Valley, Ca. 94546
Telephone: AC 1-415-537-8694

V-1

(ED)

CITY MANAGER'S REPORT

TO: Mayor and City Council DATE: August 1, 1990
FROM: Duane R. Cole, City Manager
SUBJECT: City Manager's Report for Period Ending August 1, 1990

MEETINGS ATTENDED:

July 12:

Paul Colbert, Yamhill County Housing Authority regarding cooperation agreement and redevelopment of past policy documents. The City has not visited the low income housing policies for Newberg since 1986. This is a low priority on my agenda, but I anticipate that we will need to reconsider these items as the Housing Authority seeks to develop more low income housing in the community.

Ben Erb regarding new fire engine.

George Alexander regarding Northeast Area Transportation Plan, leadership and direction.

Alan Halstead regarding City business.

Doreen Turpen evaluation.

Community Development meeting at Wastewater Treatment Plant.

July 13:

Bert Teitzel regarding City business.

Chamber goal review and direction setting.

July 16:

Ed Hewitson regarding airport overlay zone.

John Garofalo regarding total quality management for City of Newberg. Mr. Garofalo is a consultant similar to John Baker. Mr. Garofalo's skills are more in the area of facilitating the development of community visions and implementing those visions. I will be meeting with a couple of other consultants regarding their services during the coming year. Council will want to be thinking about when to hold meetings and use the consultant's services.

Dennis Goecks regarding Dare property water. Apparently, the County received a complaint from a resident on North Valley Road regarding water quality. This resident is a neighbor of Mike Rader's and he was very familiar with the situation. This is an older resident and is

Page 2

Memo to Mayor and City Council
RE: City Manager's Report

concerned about the chlorination of the water. The City takes monthly water tests in the are to assure the water quality is in safe limits. Commissioner Goecks was advised of our efforts to assure safe drinking water.

Kathy Tri regarding meeting with John Garofalo.

Bert Teitzel regarding Villa Road.

July 17:

Dentist appointment.

Fire Department regarding City business.

Community Relations regular meeting.

David Bishop regarding City business.

Becky Manning evaluation.

Chamber Auction, testing of loud speaker.

July 18, 19, & 20:

City Manager's Conference in Bend, Oregon.

July 21:

City Golf Scramble.

July 22:

Chamber Auction. I moved the tables three times for the auction and upon the final request I decided that I would not move the tables once again.

July 23:

Dennis Egner regarding overlay zone.

Chief Bishop regarding update on Police Department activities.

Art Shew regarding visit. Mr. Shew is back in our territory. Staff may be considering using him some to promote the Economic Development Revolving Loan Fund.

Mike Hailey and Bert Teitzel regarding City business.

Page 3

Memo to Mayor and City Council
RE: City Manager's Report

Fire Volunteers meeting. I received a thorough drenching due to being placed in the middle of a firing line with these rambunctious volunteers that were practicing wild land fire fighting.

July 24:

Bert Teitzel and Kathy Tri regarding the Hadley Water District issue. I believe we have resolved this issue and an agreement will be coming to the Council in the short term.

Dennis Egner and Bert Teitzel regarding the airport overlay zone.

Meeting with Wes Smith, Bert Teitzel, and Dennis Egner regarding permits for moving buildings in construction at the high school.

Hadley Water District meeting. It was at this meeting in the evening that we worked out the program with the Hadley Water District to implement the LID.

July 25:

Dedication of Sheriff's sub-station.

Chief Christensen regarding using volunteers a little differently at the Fire Department. I will meet with the Volunteer Firefighter Officers to discuss this different program approach with them.

Regular staff meeting.

Bert Teitzel, Dennis Egner and Terry Mahr regarding the Northeast Area Transportation Plan.

Dave Bishop and Terry Mahr regarding hospital issues.

Doreen Turpen regarding ED-NET.

July 26:

Mary Puskas regarding Chamber business.

Bank meeting. I have reported on this bank meeting previously in the Friday Update. This was an excellent forum and I believe we should continue meeting with the bank managers in the community.

Jim Snell regarding City business and meeting with bank managers.

Page 4

Memo to Mayor and City Council
RE: City Manager's Report

July 27:

Dennis Egner, Sam Whitney and myself regarding the airport overlay zone. This meeting is reported on in the staff report to the Council.

Terry Mahr and Dennis Egner regarding the Economic Development Revolving Loan Fund.

Terry Mahr regarding computer enhancements in the City Attorney's office.

Float decorating with the Council.

July 28:

Parade Day.

July 30:

Greg Hewitson regarding airport issues.

Bert Teitzel and Larry Anderson regarding the Smurfit project on Blaine Street.

Mary Puskas regarding community organizing issues.

July 31:

Finance Committee.

Senator Hatfield's office regarding the speech he will make August 13, 1990. I gave Mr. Hatfield's office a run down on the various community issues I perceive to be of importance in Newberg.

Bert Pennock regarding running for the City Council.

August 1:

EAS. This meeting was to explore the possibility of gathering more donations to attempt to get EAS in Newberg. Nancy Riles, PUC Commissioner, has been in California with a brain tumor. She apparently is going to have a second operation and she was a supporter of EAS. The other two commissioners are considering suspending further action on this issue until such time that the standards are redrafted by staff. A meeting has been scheduled for August 10th at the Horseless Carriage to organize fund raising to support the attorney and organize support to lobby the PUC.

VI

(35)

Page 5

Memo to Mayor and City Council
RE: City Manager's Report

Rob Solomon and Cindy Wood regarding employee assistance programs. This was a good meeting with the Department Head staff as we learned more about the employee assistance program and discussed the process in topics for discussion by the EAP Counselor.

Library signing certificates for the children.

Vintage Festival Committee meeting. I have been placed in charge of the bike ride that will occur on the morning of the Vintage Festival.

MEETINGS PLANNED:

August 2:

Joint Economic Development - McMinnville Industrial Promotions Committee meeting at Safari Restaurant in McMinnville.

TCI - Steve Lyons and Doreen Turpen regarding ED-NET.

David Mahaffey going away party at Library.

August 3:

Roger Gano regarding City and Fire business.

Northeast Area Transportation Plan coordination meeting.

August 6:

George Fox College regarding greetings by Mayor of Japanese students.

Wes Smith regarding City affairs and School District coordination.

Truman Sturdevant and Gary DePaola tour of the railroad repair site.

John Baker regarding preparation for Council.

City Council workshop and City Manager's evaluation.

City Council meeting.

August 7:

Chamber Board meeting.

Marty Chaney and Kathy Tri regarding goal setting and team building activities in the City organization and with Council.

VI

(30)

Page 6

Memo to Mayor and City Council
RE: City Manager's Report

August 8:

Regular staff meeting.

Vintage Festival Committee meeting.

Fire Officers Committee meeting.

August 9:

I-5 Corridor meeting. The I-5 Corridor Association is thinking of consolidating their efforts with the Tualatin Valley Economic Development Commission. This would be an excellent idea since they tend to duplicate each others efforts.

Ceremony in Memorial Park with Japanese representatives regarding bombing of Nagasaki and Hiroshima.

Community Development Committee meeting.

August 13:

United Way luncheon. Becky Manning and I will attend a meeting to get information on the United Way in our organization.

August 14:

Service Club meeting at Marcella's.

ADEC regarding the Northeast Area Transportation Plan.

August 15:

Staff meeting.

Vintage Festival and Economic Development Commission.

Northeast Area Transportation Plan public meeting.

August 18:

City Picnic, 11:00 a.m. to 5:00 p.m. at Jaquith Park.

August 21:

Community Relations Committee.

City Council workshop and meeting.

Page 7

Memo to Mayor and City Council
RE: City Manager's Report

August 22:

Regular staff meeting.

Vintage Festival.

August 23:

City/County meeting at the jail. We have not received notification of this meeting, but we understand that the City/County meeting will be at the jail this month.

I will be attempting to take some vacation between August 24 and 29. I will see what my schedule requires during that time period before making a detailed schedule.

GENERAL INFORMATION:

1. Council should be aware that Don Larson from the FAA Seattle District office has advised Mr. Teitzel that the District office would be recommending that the planning grant be closed out and that Newberg be removed from the National Plan of Integrated Airport Systems (NPIAS). This decision will be delayed until after the August 6th Council meeting to allow the Council an opportunity to discuss this. Newberg was included on the NPIAS by virtue of the fact that Sportsman Airpark exists. Mr. Larson's reasoning is that if the City does not want to develop a municipal airport, then it should not be listed on the NPIAS. Newberg does not qualify for being on the NPIAS since it is closer than 30 minutes travel time to the nearest airport. The impact of removing Newberg from the NPIAS is that the airport would no longer be eligible for any airport related grants through the FAA. The impact of all of this in a short term on the airport overlay zone issue is minimal. The fact still exists that if the City decides to purchase the airport, much of the land to the north of the airport would need to be acquired by the City to meet FAA regulations for grant participation criteria.

Follow-up with pilots and with Mr. Whitney after the study was completed suggested that there were few alternatives to be followed to enhance the development opportunity at the airport. Land trades and other ideas were discussed but no action was forthcoming. The FAA action would simply close the door on a project which the City has identified through our study is not financially feasible at this time. The financial feasibility of purchasing the airport would have to change drastically in order for the City to consider FAA grant funds for purchase. This appears to be highly unlikely.

Page 8

Memo to Mayor and City Council
RE: City Manager's Report

2. The water district agreements have been sent to three districts to begin the process of review. I have selected the three largest districts in order to identify issues with them and hopefully, reach an agreement that the others will find acceptable.

3. Room tax and the bed and breakfast is an issue still being developed by staff. There is more research that needs to be done in order to move this issue forward with the bed and breakfast owners. I hope to do the research and get a process together for resolution of this issue during the month of August.



Duane R. Cole
City Manager

DRC/bjm

\cmr8-6

VI

(39)

MINUTES

COMMUNITY DEVELOPMENT COMMITTEE

Thursday, July 12, 1990 Wastewater Treatment Plant 7:00 p.m.

Members Present: Alan Halstead, Jack Nulsen, Donna Proctor

Staff Present: Duane Cole, Bert Teitzel, Dennis Egner

I. CALL TO ORDER

The meeting was called to order at 7:10 p.m. by Alan Halstead.

II. NEW BUSINESS

A. The Proposal From the County to Establish a County Gas Tax or a County Vehicle Registration Fee

It was a general consensus of the members present that this may be a good idea, however this was not a good time to propose a new tax. It would be hard to show the needs versus the other needs for general tax that are not presently being met. There were also several other points discussed including how the gas tax would be distributed to the City's in the County and whether the new tax should be directed to a specific project or projects. Duane will respond to the County with a letter pointing out the discussion of the committee.

B. The Second Street Waterline

Mr. Teitzel explained the need for the waterline and that this was a project that was developed after the budget was put together because of the numerous leaks in the system. It is recommended by staff that the Second St. Waterline Project proceed and other projects on the proposed capital budget be delayed, such as the Highway 99 and perhaps the Highway 219 project. The committee recommended that we proceed with the Second Street Waterline.

C. Agreements with Water Districts

Mr. Teitzel presented a draft agreement that would be used to establish formal agreements between the various water districts that buy water from the City. There was discussion by the members present about the status of the water districts and any new connections that were being proposed. After discussion of the agreement it was generally agreed by the members that in section 4 there should be a provision to appeal the City Managers decision to the City Council and that the application fee be established at

MINUTES

COMMUNITY DEVELOPMENT COMMITTEE

Thursday, July 12, 1990 Wastewater Treatment Plant 7:00 p.m.

Members Present: Alan Halstead, Jack Nulsen, Donna Proctor

Staff Present: Duane Cole, Bert Teitzel, Dennis Egner

I. CALL TO ORDER

The meeting was called to order at 7:10 p.m. by Alan Halstead.

II. NEW BUSINESS

A. The Proposal From the County to Establish a County Gas Tax or a County Vehicle Registration Fee

It was a general consensus of the members present that this may be a good idea, however this was not a good time to propose a new tax. It would be hard to show the needs versus the other needs for general tax that are not presently being met. There were also several other points discussed including how the gas tax would be distributed to the City's in the County and whether the new tax should be directed to a specific project or projects. Duane will respond to the County with a letter pointing out the discussion of the committee.

B. The Second Street Waterline

Mr. Teitzel explained the need for the waterline and that this was a project that was developed after the budget was put together because of the numerous leaks in the system. It is recommended by staff that the Second St. Waterline Project proceed and other projects on the proposed capital budget be delayed, such as the Highway 99 and perhaps the Highway 219 project. The committee recommended that we proceed with the Second Street Waterline.

C. Agreements with Water Districts

Mr. Teitzel presented a draft agreement that would be used to establish formal agreements between the various water districts that buy water from the City. There was discussion by the members present about the status of the water districts and any new connections that were being proposed. After discussion of the agreement it was generally agreed by the members that in section 4 there should be a provision to appeal the City Managers decision to the City Council and that the application fee be established at

\$50.00. With those additions the proposed agreement was approved by the committee.

D. Periodic Review/Historic Preservation Update on Planning Commission Draft

Dennis Egner explained, to the committee, the status of the Periodic Review and reviewed the Historic Preservation Ordinance with the committee. Discussion centered around the new proposed amendments that would allow manufactured homes in certain single family dwelling areas and the Historic Preservation Ordinance. This was just an information item so no recommendations or decisions were made.

E. Planning Fee Schedule

Dennis Egner presented the proposed fee schedule increases for the Planning Department. The discussion centered around the justification for the fee increase and the timing of the fee increase. There was no consensus of the committee as to whether the fee increase should proceed or not.

III. OLD BUSINESS

A. Composter Failure

A report was given on the composter. Duane Cole contacted EPA this week and was informed that they still have not reviewed the material sent to them six months ago and that they felt that it could be reviewed within the next two weeks. It was suggested that 10 yards of sludge be submitted to EPA with the report for their consideration.

B. NE Area Transportation Plan Process

Duane Cole explained to the committee that the staff has met on this issue and is developing a process and alternatives to present to the City Council at their September 4th Council meeting. He also explained to the committee that there will be a public information meeting on this issue in mid-August. This information will be given to the paper in the form of a press release on Friday.

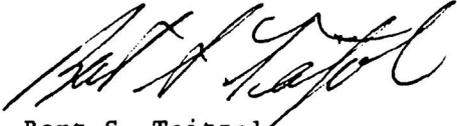
C. Connections to the Sanitary Sewer

A list of properties not connected to the sanitary sewer was distributed to the committee along with the applicable sections of the City Ordinance. After a discussion of the list, the staff was directed by the committee to proceed to have the people on the list, that were not connected to the sewer, connected if a sewer was available to them. The staff will be sending out information letters to people to verify the list prior to sending official notice to connect to the sewer.

IV. ADJOURNMENT

The meeting was adjourned at approximately 9:15 p.m.

Respectfully submitted,



Bert S. Teitzel

MINUTES
Community Relations Meeting
July 17, 1990
12:00 p.m.

PRESENT: Donna Proctor, Chairperson
Jack Nulsen, Co-Chair
Roger Gano, City Council President
Joe Young, City Councilman
Duane Cole, City Manager
David Bishop, Chief of Police
Doreen Turpen, Library Director
Ben Erb, Assistant Fire Chief
Betsy Umfleet, Executive Secretary

1. The meeting was called to order at 12:10 p.m.
2. Reports from Other Committees
 - A. Stop Sign on Morrison at Foothills

Traffic Safety has recommended we place a stop sign at the intersection of Morrison and Foothills. Presently there is one on the north side of Morrison and they are requesting for placement of another on the south side. Having two stop signs, would make this a controlled intersection. Chief Bishop stated he supported this recommendation.

Jack Nulsen recommended to the City Council to install a stop sign on the south corner of Morrison at Foothills. Roger Gano seconded this recommendation. All were in favor.

3. Continuing Business
 - A. Selective Traffic Enforcement

The Police Department has continued to enhance their selective enforcement program. They purchased a radar display unit with the City of Tualatin, that shows the speed of the passing vehicles. The unit is shared in two week intervals by each agency. Presently motor officers are being used as well as practicum students. Our intent is to reduce accidents.

We have been using equipment from the City of Tigard. This equipment gives a computer readout of the speed of vehicles. This was first placed on Elliott Road and we monitored over 5,000 vehicles. This equipment can tell

whether the speed was registered by a truck or a car. The average speed at this location was 25 mph. Chief Bishop will be talking to the City Manager or department heads to see if they would consider buying such a counter.

The selective enforcement program has been very successful. In 1984 the productivity for the department was less than \$30,000. Presently it is over \$110,000. The program is paying for itself and is reducing accidents.

The selective traffic enforcement program has experienced positive results.

Presently Shane Farley is assisting the Police Department with our community policing program. He is paid by a grant from the Park and Rec District. Last year, we negotiated with them and they felt this was a very positive program and decided to hire someone to patrol the parks and meet with the children.

B. Skateboarding on Sidewalks

At one time we had signs painted on the sidewalk stating "No Skateboarding or Bike Riding". This has since worn off. When we do witness a violation we take people aside and speak to them. If there is a second violation we take the skateboard.

C. Trimming Trees

Roger Gano asked about trees being trimmed. He was advised Public Works would be contacting the individuals who were in violation. Police officers have identified areas with visibility problems created by these bushes and have contacted these people. They have all been very cooperative. If anyone identifies any bushes that are obstructing visibility, contact the City Manager.

D. Community Policing

The Police Department personnel are presently conducting as many community policing contacts as possible. The "How'd We Do" cards are handed out on every contact, including search warrants. The Police Department has even followed up on the calls for service by contacting the individuals who did not respond to the blue cards to find out about the service. It was discovered that most people in the community want a higher visibility of police. The Police Department had a block home meeting with the neighbors of the little girl who was assaulted. It was very informative to all who attended. We do have a problem with the overcrowding Hispanic population, but

without support from the Federal Government, we can only take it one step at a time.

4. New Business

A. Seizures

Lately, the Police Department has been seizing items federally instead of going through the state. If the Police Department comes across a lab and are working with the Feds they will pay for the clean up. We also get more of a percentage of the seizure by working with the Feds. Chief Bishop would like to give credit to the Drug Team for the fine job they are doing.

B. New Establishment

Marcella's Restaurant looks very good. The owner seems very cooperative with the City. It will take awhile for them to acquire their liquor license, but they were granted a temporary license for selling beer and wine.

5. Reports From Staff

A. Fire Truck

Ben Erb discussed the the selling of an old fire truck. The value is approximately \$25,000.

6. Committee Business

None

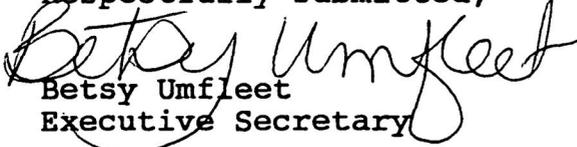
7. Business from the Floor

None

8. Adjournment

Jack Nulsen made a motion to adjourn the meeting. This was seconded by Joe Young. The meeting adjourned at 1:00 p.m.

Respectfully submitted,


Betsy Umfleet
Executive Secretary

Page 2

Memo to Mayor and City Council
RE: Conference in Bend

Part of the conference was also sharing situations and problems with my fellow City Managers. This time is invaluable as we discuss numerous problems and concerns with our State, country and in our cities. I felt this conference was a good time for me to recharge a little and come back to work rejuvenated and ready to continue to meet the challenge here in Newberg.



Duane R. Cole
City Manager

DRC/bjm

\bendconf

VI

(47)

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: July 27, 1990 MOTION
DATE ACTION REQUESTED: August 6, 1990 RESOLUTION
 ORDINANCE
 INFORMATION

SUBJECT: Fire Capital Outlay Requests

RECOMMENDATION: Staff recommends that the Council consider one of the options for purchasing a fire engine.

BACKGROUND:

1. The Fire Department maintains four engines. The following chart depicts the status of the apparatus.

NEWBERG FIRE DEPARTMENT

<u>Apparatus</u>	<u>Year</u>	<u>Mileage</u>	<u>Hours</u>	<u>Miles @ 50 mph</u>
Engine 27	1970	9,000	2,000	100,000
Engine 28	1973	11,300	2,022	101,100
Engine 29	1977	7,783	1,338	66,900
Engine 26	1980	6,752	1,489	74,450
Staff Car #2	1983	80,000	---	---
Carry All 21	1980	70,000	---	---

2. Fire engines are usually maintained in service for 15 years. After 15 years they are sold to departments with less activity than Newberg. Engine 27 has been in service for 20 years - five years beyond the recommended service life for an engine.
3. The staff car also needs to be replaced and the carry all serves the department as a utility vehicle. It is a Chevrolet Suburban and provides a way to transport personnel to fires during the winter.
4. The fire department roof leaks during the rainy season and needs to be replaced.
5. Three options are set forth for Council to review. A "fill-in-the-blank" resolution is included if the Council wants to purchase more or fewer items than are identified in this report.

IX-1

(40)

OPTION 1. LEVY ELECTION SEPTEMBER 18, SPECIFIC CAPITAL OUTLAY

Fire Engine (equipped)	\$211,100
Roof	12,000
Carry All and Chief's car	25,000
Subtotal.	\$248,100
Trade-in of Old Engine	(\$ 25,000)
Equipment Reserve	(60,000)
Total	\$163,000
Taxes needed to purchase	\$163,000
89% estimated to be received	20,160
Total Taxes Levied.	\$183,260
Estimated Assessed Value 1990-91:	\$290,026,670
Total Tax Rate: .63 per \$1,000 assessed value	
Taxes to be Paid on \$75,000 home:	\$47.25 or \$3.94/month

OPTION 2. SERIAL LEVY - 3 Year, FIRE ENGINE AND EQUIPMENT

<u>Item</u>	<u>1990-91</u>	<u>1991-92</u>	<u>1992-93</u>
Property Taxes Anticipated	\$55,816	\$55,816	\$55,816
Estimated not to be received	6,899	6,899	6,899
Total Taxes	\$62,715	\$62,715	\$62,715
Assessed Value Increase Assumption	4%	4%	4%
Estimated Tax Rate per \$1,000	.21	.21	.21
Estimated Tax on \$75,000 home	\$ 15.75	\$ 15.75	\$ 15.75

There is a small amount built into this serial levy to provide funds for financing the capital outlay items through the final year of the levy until the final payment on the levy is received.

OPTION 3. FIRE CAPITAL FEE

This option would involve a one-year Fire Capital Fee on the water and sewer bill statement to pay for Fire Capital Outlay.

The cost of this based on 3500 City water customers would be \$46.60 per year or \$3.89/month in addition to the water and sewer bill.

A lease/purchase using the same approach over three years would equal \$15.90/year per water service or \$1.33/month for each bill.

Putting the fee on the water and sewer bills has the effect of including in the billing all churches and non-profit institutions in the community. Non-profit agencies do not pay property taxes and would not pay for a fire truck through a levy.

6. Staff will return to the Council with a proposal for a tax base prior to the September 6 filing deadline for the November election. If the fire capital proposal is placed on the ballot, those items would not be included in the tax base.
7. A Council member requested information regarding rebuilding a fire engine. This proposal has advantages and disadvantages as follows:

Advantages:

- a. The cost is estimated at \$72,436.00, but could be higher due to unknown costs when extending the frame.
- b. It would provide approximately 9 years of service.
- c. It would meet the new safety standards.

Disadvantages:

- a. It would still be underpowered.
- b. It would provide approximately 9 years of service.
- c. It does not appear to be a sound investment.

Based on the following analysis, the City loses less money over time by purchasing a new fire engine.

	<u>Rebuild Option</u>		<u>Purchase New Option</u>
Salvage/Cost of Vehicle	\$25,000.00		\$211,000.00
Cost to Rebuild	72,436.00 (1)		-0-
	<u>\$97,436.00</u>		<u>\$211,000.00</u>
9-Year Depreciation	<u>10,825.22</u>	20-Yr	<u>9,300.00</u>
Residual Value	\$15,000.00 (2)		\$ 25,000.00 (2)

(1) Estimate from H & W Emergency Vehicle Service, Forest Grove, Oregon

IX - 1

(50)

(2) Estimate of residual value.

The depreciated cost per year is \$10,825.22 for a rebuilt engine which compares with \$9,300 for a new engine. Obviously, the cost of depreciation is a paper transaction and only represents the loss in value of the asset. Actual value of a fire engine includes many intangibles including the City's image, sufficient power to get places and fire fighting capabilities.

If one considers the cost effectiveness of completely rebuilding a sedan to make a stationwagon, it may make sense. The problem is that the stationwagon is never quite right. It looks rebuilt, it does not perform like a totally designed concept, and it will wear out sooner. Rebuilding a fire engine to meet the new standards provides similar challenges.

FISCAL IMPACT: Each of these proposals are estimated to provide sufficient funding to purchase the items identified.

PREPARED BY:



DUANE R. COLE, CITY MANAGER

wp\mn\fire.frm

RESOLUTION NO. 90-1568

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG PLACING THE QUESTION OF PURCHASING A FIRE ENGINE AND OTHER FIRE DEPARTMENT CAPITAL ITEMS BEFORE THE VOTERS OF THE CITY AT THE SEPTEMBER 18, 1990, ELECTION; ADOPTING THE BALLOT TITLE; AUTHORIZING THE CITY RECORDER TO CERTIFY THE BALLOT TITLE; DIRECTING THE CITY'S ELECTION OFFICER TO NOTIFY THE COUNTY CLERK; AND TO PUBLISH APPROPRIATE NOTICE NOTIFYING ELECTORS OF RIGHTS TO HAVE THE BALLOT TITLE REVIEWED.

WHEREAS, the last fire engine for the City of Newberg was purchased in 1980; and

WHEREAS, that fire engines are projected to last 15 years and two of the City's four fire engines are 17 and 20 years old, respectively; and

WHEREAS, a new fire engine is needed for the City in order to maintain the current level of service; and

WHEREAS, on July 17, 1990, the City Council reviewed the financial conditions of the City and considered whether to purchase a fire engine; and

WHEREAS, the City Council is of the opinion that it is time to replace the fire engine in order to continue to deliver the current level of service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg, Oregon, as follows:

1. That the City of Newberg needs to levy an amount equal to \$163,000 in order to be able to operate on a financially sound basis and to continue to provide the current level of service.
2. That the question of establishing a new tax base shall be put before the voters of the City at the election held on September 18, 1990.
3. That the ballot title, which includes the caption, the question, and the explanation, for the levy is hereby approved. The ballot title shall be filed with the Assistant City Recorder, acting as the City's Election Officer, on July 30, 1990. Such ballot title is attached hereto and by this reference incorporated.
4. That the City Recorder is authorized to certify said ballot title and the City's Election Officer is directed to give notice to the County Clerk that the measure shall be put before the voters at the September 18, 1990, election.

5. That the City's Election Officer shall give notice of the elector's right to file a petition for review of said ballot title in accordance with ORS 250.275(5) in the next available edition of the Newberg Graphic, a newspaper of general distribution in the City of Newberg.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of July 1990.

Duane R. Cole, City Recorder

MN\levy.res

IX-1

(53)

NOTICE OF MEASURE ELECTION

CITY OF NEWBERG
(Name of City, County, or District)

Notice is hereby given that on TUESDAY, SEPTEMBER 18, 1990,
(Day) (Date of Election)

an election will be held in CITY OF NEWBERG,
(Name of City or District)

YAMHILL County, Oregon. The polls will be open from 7:00 a.m. to 8:00

p.m. The following shall be the ballot title for the measure submitted to the
electors thereof:

CAPTION (10 Words): A Fire Engine.

QUESTION (20 Words): Shall the City levy \$ July 1, 1991, to
purchase a fire engine for Newberg?

*EXPLANATION: The City needs a fire engine. The levy amount for the fiscal
year beginning July 1, 1991, would equal \$. The City owns four
fire engines and each has a projected useful life of 15 years. Engine 27 was
purchased in 1970, has 100,000 estimated engine miles, and is 20 years old.
Engine 28 was purchased in 1973, has 101,000 estimated engine miles, and is 17
years old. Engines 29 and 26 were purchased in 1977 and 1980, respectively.
This levy will provide funds to replace Engine 27, which is 20 years old.
Reserves of \$81,000 would be used to help purchase the fire engine and for other
department vehicle and equipment needs. The tax rate will go up about \$
per \$1,000 beginning July 1, 1991.

Authorized signature for City, County or District _____ Title

IX-1

For measure authorizing tax levy or establishing new tax base: Concise and impartial statement of not more than 150 words, explaining chief purpose of the measure and giving reasons for the measure.
*2. *For any other measure: Concise and impartial statement of not more than 85 words, summarizing the measure and its major effect. Content requirements of ORS 255.085(2) and ORS 450.905 apply to bond measure and certain sanitary authorities, respectively. Additional statement required by ORS 210.205(1) shall not be included in word count.*

(54)
(58)

REQUEST FOR COUNCIL ACTION

<u>DATE SUBMITTED:</u>	July 27, 1990	_____	<u>MOTION</u>
		_____	<u>RESOLUTION</u>
<u>DATE ACTION REQUESTED:</u>	August 6, 1990	_____ X _____	<u>ORDINANCE</u>
		_____	<u>INFORMATION</u>

SUBJECT: An amendment to the Zoning Ordinance to create an Airport Overlay Zone in the vicinity of Sportsman Airpark, File No. G-6-90

RECOMMENDATION:

Adopt the proposed ordinance amending the Zoning Ordinance based on the criteria, facts, and conclusionary findings which are attached.

BACKGROUND:

On July 9th, the City Council opened a public hearing on adoption of an Airport Overlay Zone. The draft ordinance which was included in the July 9th packet was prepared prior to receiving the written comments of Oregon Aeronautics Division Planning Director, Thomas Highland. The current attached draft addresses the majority of Mr. Highland's concerns and includes the following changes from the July 9th draft:

- o Horizontal and conical surfaces are included in the AO Airport Overlay Subdistrict.
- o Population density standards for uses within the approach areas are provided.
- o When warning lights are required on buildings within the approach areas, the proposed ordinance requires the lights to be installed and maintained by the applicant/building developer.

At the July 9th meeting, the concept of a 100 foot wide emergency landing corridor extending through the approach area was discussed. The emergency corridor was not included in the current draft. In addition, Mr. Highland suggested that multifamily dwellings and mobile homes be permitted within the approach area by conditional use only. This proposal was not incorporated into the current draft primarily because very few residential acres are affected by the proposed ordinance and because the residential areas are greater than 2000 feet from the runway.

A number of other issues were raised regarding the Airport Overlay Zone at the July 9th public hearing. This memorandum responds to the issues.

1. What would be the effect of changing the airport from a public use to a private use airport?

IX-3

(55)

Based on a July 17th telephone conversation with Tom Highland of the Oregon Aeronautics Division, the failure to adopt airport overlay zoning would not automatically result in a change from a public use to a private use airport at Sportsman Airpark. Mr. Highland stated that the FAA and the State Aeronautics Division identify public use airports and do so at the request of airport owners. He stated that municipal governments have no authority to change the designation of a public use airport which is privately owned. Mr. Highland noted that Sportsman Airpark does not meet all of the requirements of a public use airport but has a grandfathered right as a public use airport. He stated that the Aeronautics Division and the FAA are interested in maintaining Sportsman Airpark as a public use airport because it serves as a reliever airport for small aircraft in the Portland Metro area. He stated that if the City refused to adopt airport overlay zoning, he would object to DLCD as part of the Periodic Review process. The ultimate impact of failure to adopt airport overlay zoning would be an enforcement order from LCDC and the impoundment of tax revenue.

Mr. Highland stated that the differences between a private use and a public use airport were as follows. Public use airports allow a broad range of commercial activity at the airport. A private use airport is intended solely for the private use of the airport owner and invited guests. Under certain conditions, the State Aeronautics Administrator can allow agricultural operations to occur at a private use airport. In essence, if Sportsman Airpark was a private use airport, it could not operate as it currently does. The State Aeronautics Division, in conjunction with FAA, license airports and the license could be revoked if the airport operated in violation of the regulations.

In a July 24th, telephone conversation with Jerry Eames, Air Transportation Specialist for the Aeronautics Division, Mr. Eames stated that failure to adopt airport zoning would not in itself be justifiable reason to revoke the airport license. Mr. Eames stated that if a significant obstruction was developed in the approach area, the license could be revoked. Under current City zoning, new buildings can be developed at heights which would create obstructions for airport operations.

2. What does Sam Whitney think about having a private use airport designation?

In a July 19th telephone conversation with Sam Whitney, he stated that he believed he could not operate his facility as a private use airport. He stressed the importance of a public use designation and the need for airport zoning to preserve the airport at that location. Duane Cole and Dennis Egner met with Sam Whitney on July 27 to further discuss the issue. At the meeting, Mr. Whitney expressed support for the proposed airport overlay zone.

3. What would be the criterion requirements for a conditional use permit in the approach zone?

Section 448(B) of the proposed ordinance states that any use or building which is otherwise permitted in the approach surface that has a height that exceeds the height limits of FAA requirements, must go through the conditional use permit procedure. Section 448 lists the sole criteria for approval of such

uses. Standard conditional use criteria from the Zoning Ordinance will not apply. The criteria listed in Section 448 include the following:

- A. The use shall not create:
1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.
 4. Bird strike hazards.
 5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN 1000 FEET	125 SQUARE FEET
1000 - 2000 FEET	50 SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

- B. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
- C. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.
4. What are specific examples of allowable uses provided for by the population density figures?

Based on the permitted densities proposed at the July 9th meeting, specific examples of allowable uses are as follows:

- A. 125 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - LESS THAN 1,000 FEET FROM THE DISPLACED THRESHOLD)

Allowable uses include manufacturing uses such as Current Electronics, and other industrial uses which are typical of the Flightways Industrial Park including Newberg Transmission and Kus Electric. General office use would not be permitted because it would be at densities of approximately 100 square feet of building lot coverage area per person.

B. 50 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - 1,000 TO 2,000 FEET FROM THE DISPLACED THRESHOLD)

Typical uses include office buildings and lower density retail uses such as stores that deal with bulky merchandise including furniture stores, sporting goods stores, or hardware stores; depending on the size and scale of the facility, grocery stores may also be classified as a lower density retail use.

C. 15 SQ. FT. OF BUILDING LOT COVERAGE AREA PER PERSON
(DISTANCE - GREATER THAN 2,000 FEET FROM THE DISPLACED THRESHOLD)

Typical uses include restaurants, drinking establishments, conference rooms, all types of retail use and some entertainment uses. Prohibited uses would include movie theaters and other auditoriums or meeting areas including churches and stadiums.

To determine the permitted density, an applicant for a permit would need to present data regarding the square footage of the building and the expected use pattern in the building with the expected number of persons who may occupy the building.

5. What are height limits imposed by the overlay?

Based on the July 9th Council meeting, there were also questions regarding height limitations. Currently the Zoning Ordinance sets building height limits in the airport approach areas. Zoning districts and related height limits which apply in the proposed approach area are as follows:

- o R-2, R-3 and M-2 zones: 3 stories or 45 feet
- o C-2 zone: No limit

The following table provides the height limitations imposed by the proposed overlay zone at 500 foot intervals from the displaced threshold. Based on the table, the approximate height limitation on the C-2 zone immediately north of Hancock is 50 feet, rising to approximately 100 feet along Portland Road. The limit imposed by Part 77 regulations is 24 feet, less than the City's proposed height limit. Immediately north of Hancock, a conditional use permit would be required for a building between 25 and 75 feet in height. The FAA would require lighting and marking on these buildings.

IX-2

(28)

PERMITTED HEIGHT TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	PERMITTED HEIGHT
500 FEET	25 FEET
1,000 FEET	50 FEET
1,500 FEET	75 FEET
2,000 FEET	100 FEET
2,500 FEET	125 FEET
3,000 FEET	150 FEET

In conclusion, the proposed ordinance provides height limitations which are designed to protect aircraft and property in the approach areas. The population density limitations are designed to limit the number of persons who are exposed to potential aircraft crashes in the approach areas. The draft ordinance represents a compromise and a balance to allow development and provide protection from hazards.

COST: \$0



Dennis Egner, Planning Director



Duane Cole, City Manager

ORDINANCE NO. 90-2281

AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF AN AIRPORT OVERLAY ZONE FOR SPORTSMAN AIRPARK.

WHEREAS, Public use airports must be protected from obstacles affecting aviation safety; and

WHEREAS, Public use airports must have an adopted imaginary surfaces map and implementing ordinance compatible with Federal Aviation Administration regulations Part 77; and

WHEREAS, Sportsman Airpark is a public use airport.

NOW, THEREFORE, be it resolved by the Council of the City of Newberg, as follows to-wit:

Section 1. The Newberg City Council adopts the findings of fact which shall be made a part of this ordinance and are attached as Exhibit A.

Section 2. Ordinance 1968 shall be amended to include the following sections:

270(7) AO Airport Overlay Subdistrict. Pursuant to the provisions of Sections 446-450, the AO subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix "AO" added to the symbol of the parent district. The "AO" symbol shall be added to the Zoning map for properties affected by the airport imaginary surfaces. Except as set forth in Sections 446-450, all uses permitted in the parent zone shall be allowable in the "AO" subdistrict.

AO AIRPORT OVERLAY SUBDISTRICT

446 Purpose and Definitions.

A. Purpose.

In order to carry out the provisions of this Airport Overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current Airport Overlay zone map and the Displaced Threshold Approach Surface map, prepared by the Newberg Engineering Department and depicted as Maps A and B.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County.

B. Special Definitions.

1. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface except as noted on Airport Overlay Map A. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; and 1,500 feet for a runway other than a Utility Runway having only visual approaches. The Airport Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.
2. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
3. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Displaced Threshold Approach Surface Zone, Transitional Zones, Horizontal Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
4. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
5. Displaced Threshold Approach Surface Zone. The imaginary surface depicted on Map B, the Displaced Threshold Approach Surface Map. In the plan view, the centerline of this surface extends 5,000 feet along the extended runway centerline. This surface extends upward at a slope of 20 feet outward for each foot upward (20:1). This surface extends laterally 125 feet on each side of the centerline at the threshold and increases in width to 350 feet at a point 2,250 feet from the threshold; thereafter, it extends laterally 350 feet on each side of the centerline. The displaced threshold approach surface extends to the north and begins at the Displaced Threshold, 360 feet south of the end of the runway as it existed on July 9, 1990.
6. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.
7. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

8. High Density Public Use. Structure or place which the public may enter for such purposes as deliberation, education, worship, entertainment, amusement, awaiting transportation or similar activity where the occupant load is greater than one person per 15 square feet of gross building lot coverage.
9. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.
10. Runway Protection Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. Where the runway protection zone meets the primary surface, the width is 250 feet. The outer width of the runway protection zone is 450 ft. and is measured 1000 ft. from the primary surface.
11. Transitional Zones. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
12. Utility Runway. A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

447 Permitted uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are permitted:

- A. Single family dwellings, mobile homes, duplexes and multifamily dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and the Newberg Planning Department.
- B. All uses permitted in the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.

4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

PERMITTED DENSITY TABLE

DISTANCE FROM THE DISPLACED THRESHOLD	OCCUPANT LOAD (GROSS SQ. FT. OF BUILDING PER PERSON)
LESS THAN 1000 FEET	125 SQUARE FEET
1000 - 2000 FEET	50 SQUARE FEET
GREATER THAN 2000 FEET	15 SQUARE FEET

- C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

448 Conditional Uses within the Airport Approach Safety Zone and the Displaced Threshold Approach Surface Zone.

The following uses are conditional uses:

- A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:
 1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
 2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
 3. Impairment of visibility.
 4. Bird strike hazards.
 5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
 6. Population densities which exceed the standards listed in Section 447 B. 6. above.

B. Any use, building, or structure which is otherwise permitted and is within the height limits of the Displaced Threshold Approach Surface but exceeds the height limits of the Airport Approach Safety Zone. The sole criteria for approval of such uses are as follows:

1. The use shall not create any of the conditions or hazards listed in Section 448 A.
2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a Hold Harmless Agreement and Avigation and Hazard Easement and submit them to the airport sponsor and the Newberg Planning Department.
3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant.

449 Procedures.

A. Development Permits.

An application for a development permit for any permitted use within the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone which is subject to site review as required by Section 616 of the Zoning Ordinance shall include the following information:

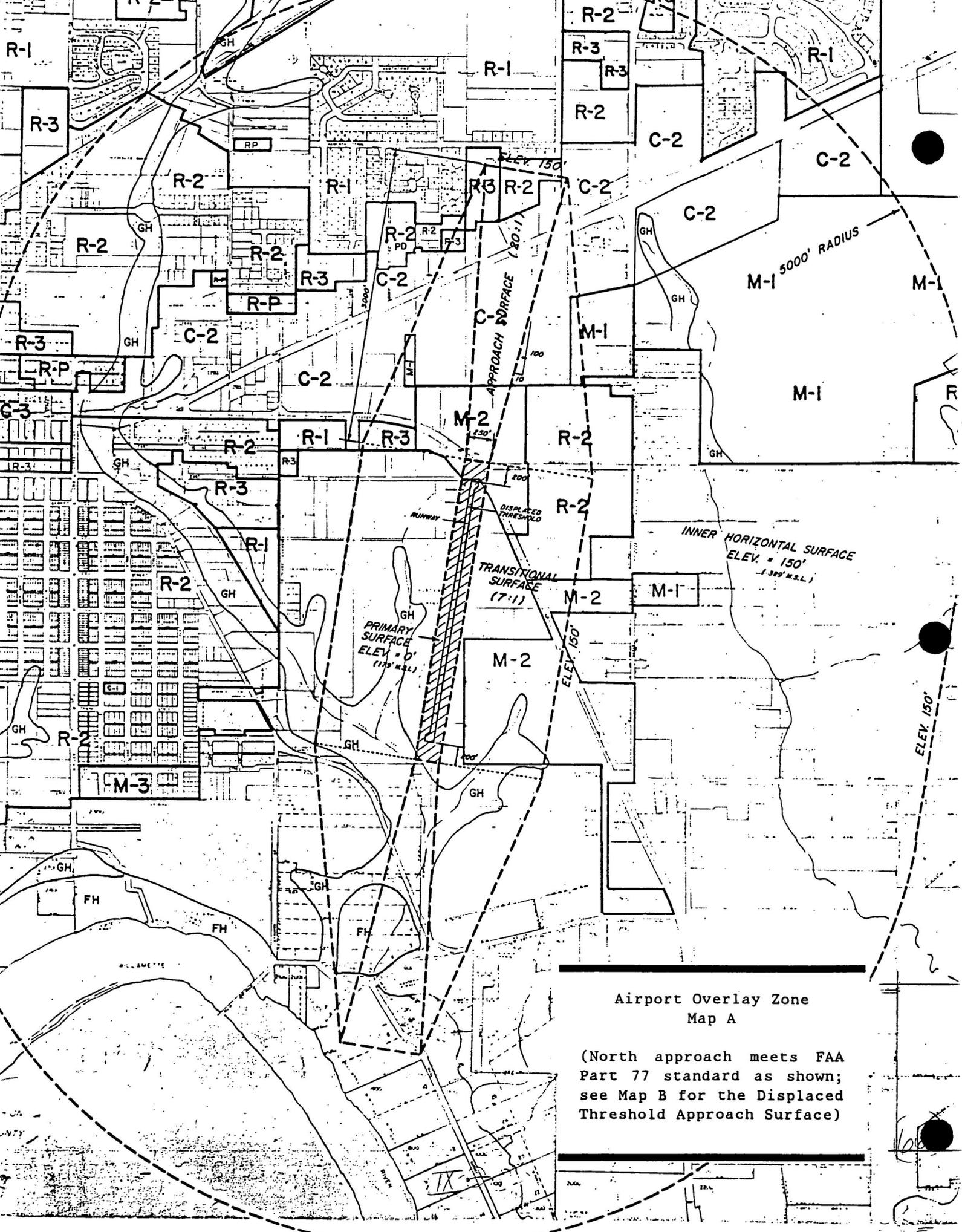
1. The boundaries of the Airport Imaginary Surfaces as they relate to property boundary lines; and
2. Location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

B. FAA Notice Required.

To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77.

450 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 446 except as provided in Section 448 B.
- B. High density public uses shall not be permitted in the Airport Approach Safety Zone or the Displaced Threshold Approach Surface Zone.
- C. Following July, 1990, if FAA funds are used by the City to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the Runway Protection Zone consistent with Federal requirements.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The Planning and Building Department will review building permits for noise sensitive developments.



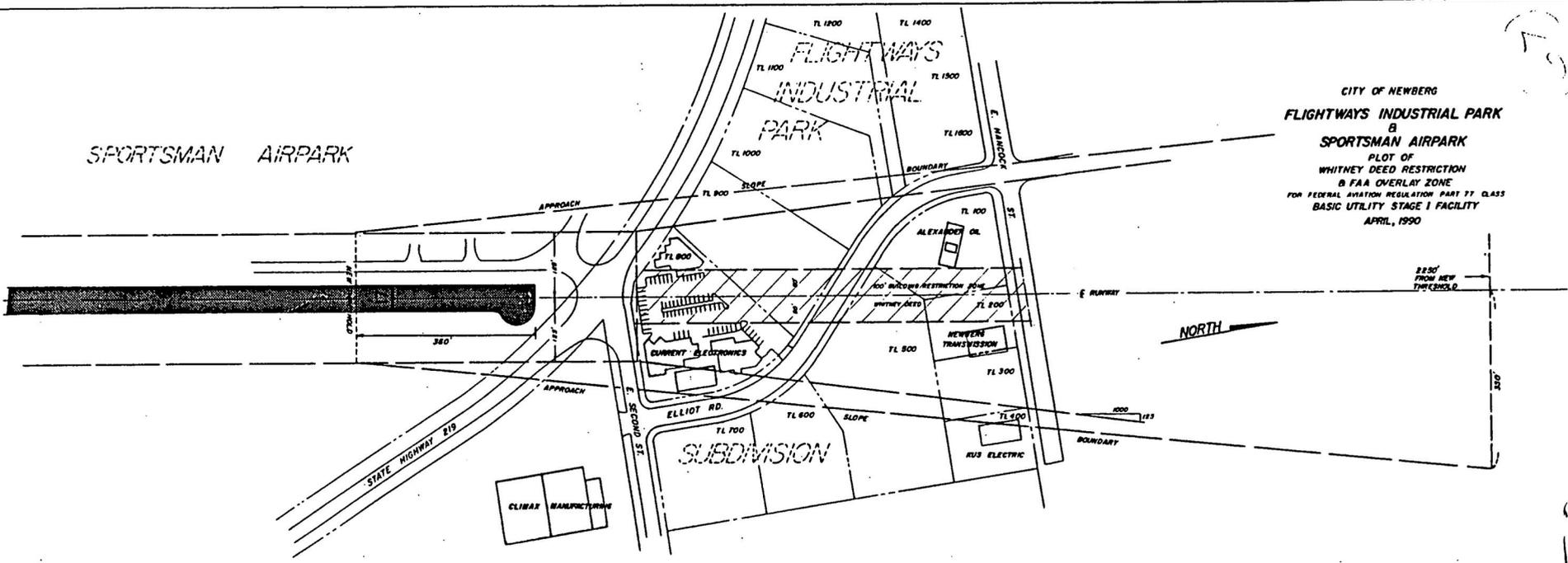
Airport Overlay Zone
Map A

(North approach meets FAA Part 77 standard as shown; see Map B for the Displaced Threshold Approach Surface)

15

SPORTSMAN AIRPARK

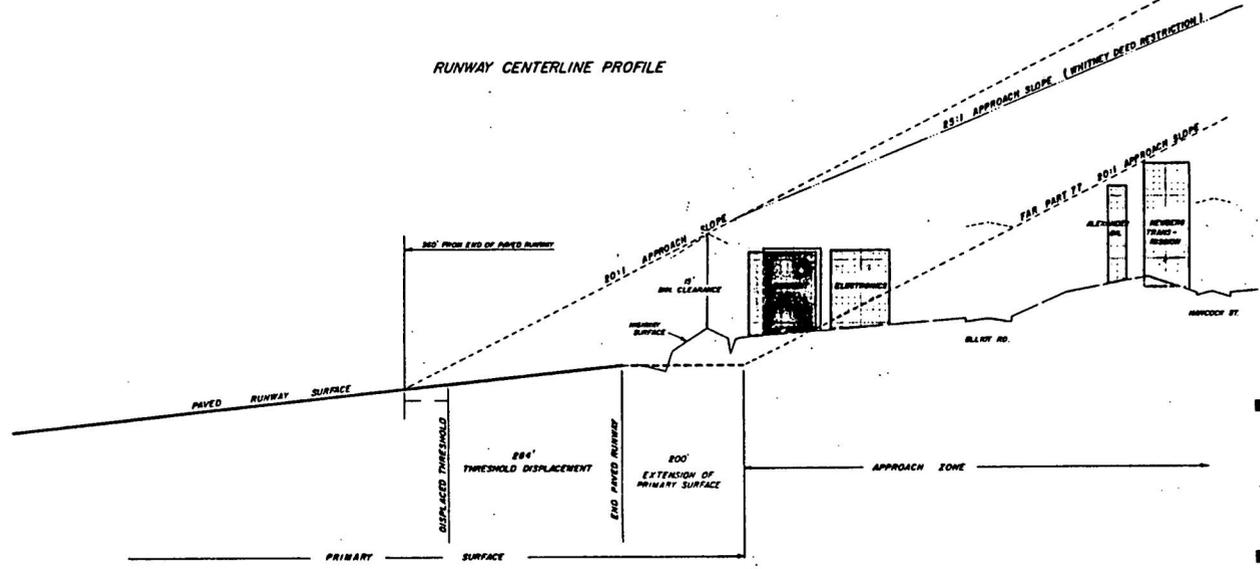
CITY OF NEWBERG
FLIGHTWAYS INDUSTRIAL PARK
SPORTSMAN AIRPARK
PLOT OF
WHITNEY DEED RESTRICTION
& FAA OVERLAY ZONE
FOR FEDERAL AVIATION REGULATION PART 77 CLASS
BASIC UTILITY STAGE 1 FACILITY
APRIL, 1990



NORTH

IXI

RUNWAY CENTERLINE PROFILE



Displaced Threshold Approach Surface
Map B

EXHIBIT A - ORDINANCE NO. 90-2281
FINDINGS OF FACT AND CONCLUSIONS OF LAW
PLANNING DEPARTMENT FILE NO. G-6-90

HEARING DATE: Planning Commission - June 21, 1990
7:30 PM - Newberg Public Library

City Council - July 2, July 9, and August 6, 1990
7:30 PM - Newberg Public Library

PROPONENT: City of Newberg

REQUEST: An amendment to the Newberg Zoning Ordinance to add an airport overlay zone.

I. SUMMARY

The airport overlay zone is in response to requirements imposed by the Oregon Aeronautics Division that an overlay zone be established for Sportsman Airpark. The overlay zone allows the airport to remain designated as a public use airport.

The overlay zone includes establishment of imaginary surfaces which include an Airport Approach Safety Zone and a Transitional Zone. Within the Airport Approach Safety Zone, population density of uses are regulated and other permitted uses are reviewed to assure that interference with aircraft is avoided. The Airport Approach Safety Zone includes restrictive height limitations that relate directly to distance from the end of the runway. These restrictions are no greater than an existing deed restriction in the area. The Transitional Zone imposes height restrictions which extend east and west from the runway at a ratio of 1 foot in height to 7 feet of distance.

II. CRITERIA AND ORDINANCE REQUIREMENTS

A. Zone Change Criteria

The zone change criteria are set forth in Section 600 of the Newberg Zoning Ordinance No. 1968 and read as follows:

1. The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and of the Zoning Ordinance of the city.
2. There is a public need for a change of the kind in question.
3. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

B. Applicable Comprehensive Plan Goals and Policies

Goals and Policies found within the Newberg Comprehensive Plan which are relevant to this request include the following:

1. Transportation Goals

To encourage development of a safe, convenient and economic transportation system through a variety of transportation means.

To develop and implement an area transportation plan consistent with local needs and the comprehensive plan.

2. Air Transportation Policy

When staff time becomes available, an appropriate airport overlay zone shall be prepared and adopted.

III. FACTS

- A. The Oregon Aeronautics Division has classified the Sportsman Airpark as a public use airport and the airport is identified as such on aviation maps.
- B. The Oregon Aeronautics Division states that public use airports must have zoning to protect air space around the airport and to provide compatible use for airport environs.
- C. In May, 1989, the City of Newberg was notified by the Oregon Aeronautics Division that a protective airport overlay zone was required for the Periodic Review Process.
- D. For airports identified as public use facilities, the FAA requires creation of an airport overlay zone which includes an approach zone. The FAA model airport overlay includes a primary surface which extends 200 feet beyond the end of the paved runway; from that point, a 20:1 approach slope is drawn. No structures are permitted to penetrate the approach zone.
- E. For airports which receive FAA grant funds, a Runway Protection Zone (RPZ) is required. The RPZ is a clear zone at the end of the runway.
- F. According to the FAA model approach zone criteria, Highway 219 is within the primary surface and the Current Electronics building penetrates the approach zone.
- G. When creating the Flightways Industrial Park, Sam Whitney placed a deed restriction on the subdivision. The restriction prohibited structures in a 100 foot wide area from Highway 219 to the center of Hancock Street, approximately 800 feet. The deed restriction also created an approach slope beginning at the Flightways Industrial Park property line and extending out at a 25:1 slope. This approach zone would not affect the highway or any existing structure in the industrial park.

- H. The City has requested that the 20:1 approach zone begin at the displaced threshold, 350 feet in from the end of the runway. Such a configuration would create a 15 foot clearance for the highway and would not cause the Current Electronics building to encroach into the approach zone.
- I. The City had a study conducted to examine the feasibility of purchasing the Sportsman Airpark. The study recommended against City purchase because of the high cost involved. However, the study did express the need for the community to retain the airport.

IV. CONCLUSIONARY FINDINGS

- A. Regarding Criterion 1, the proposed amendment promotes the objectives of the Comprehensive Plan and the Zoning Ordinance of the City. The Comprehensive Plan contains a specific air transportation policy which calls for the establishment of an Airport Overlay Zone. The Airport Overlay Zone would provide a balance between the safety needs of the airport and the development potential of the Flightways Industrial Park.
- B. Regarding Criterion 2, a specific public need has been identified for the zone. The Oregon Aeronautics Division has classified the Sportmans Airpark as a public use airport. This designation requires the creation of zoning to protect the surrounding airspace. In addition, the overlay zone has become a requirement for the Periodic Review Process.

The overlay zone would protect the health, safety and welfare of the City of Newberg by limiting potential air obstructions around the airport. The Airport Overlay Zone would help plan future growth around the airport. The zone would provide residents of the Flightways Industrial Park, and other surrounding areas, safe parameters for development.

The City finds that designation of Sportsman Airpark as a public use airport is important to promote economic development. For this reason, establishment of an airport overlay zone is needed.

- C. Criterion 3 does not apply to this request.

V. CONCLUSION

Based on the criteria, facts, testimony, and conclusionary findings, it is concluded that the proposal satisfies the zone change criteria.

REQUEST FOR CITY COUNCIL ACTION

DATE SUBMITTED: July 31, 1990

 X MOTION

 INFORMATION

DATE ACTION REQUESTED: August 6, 1990

SUBJECT: Repeal of Ordinance No. 2180

RECOMMENDATION: The Finance Committee recommends to the City Council repeal of Ordinance NO. 2180, authorizing establishment of certain reserve and special funds within the budget of the City of Newberg pursuant to the home rule powers and authority of the City of Newberg, adopted June 2, 1986.

BACKGROUND: The above named ordinance was passed to establish reserve funds for office equipment, computers, police equipment, fire equipment, CCRLS, street equipment and payments for public lands.

The adopted 1990-91 budget transfers all these funds except public lands to the Vehicle/Equipment Replacement Fund. The Finance Department will account for each department's funds separately.

The Finance Committee reviewed the requested action at its July 31, 1990 meeting and recommended referral to the Council for final adoption.


Duane Cole, City Manager

\ccord2180

ORDINANCE NO. 2282

AN ORDINANCE REPEALING ORDINANCE NO 2180, AUTHORIZING ESTABLISHMENT OF CERTAIN RESERVE AND SPECIAL FUNDS WITHIN THE BUDGET OF THE CITY OF NEWBERG PURSUANT TO THE HOME RULE POWERS AND AUTHORITY OF THE CITY OF NEWBERG, ADOPTED JUNE 2, 1986.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2180, authorizing establishment of certain reserve and special funds within the budget of the City of Newberg pursuant to the home rule powers and authority of the City of Newberg, adopted June 2, 1986, is repealed.

PASSED by the City Council of the City of Newberg this ___ day of ___, 1990, by the following votes:

Ayes:	Nays:	Absent:
IIII	II	1 (Young)

Duane Cole, City Recorder

APPROVED by the Mayor this ___ day of ___, 1990.

Elvern Hall, Mayor

123

(72)