

CITY OF NEWBERG  
CITY COUNCIL AGENDA  
FEBRUARY 6, 1989  
7:30 P.M.  
NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPOINTMENT OF COUNCILMEMBER:

1. Appointment of Councilmember to replace resigned member Marily Rementeria.

IV. CONSENT CALENDAR:

1. Appointments by Mayor:  
Hospital Board - Tobi Young and Harold Grobey.
2. Approve minutes of regular Council meeting on January 3, 1989.
3. Award of contract on the Allen Fruit Wastewater Pre-treatment Facility.

V. REQUESTS AND COMMUNICATIONS FROM FLOOR:

VI. PUBLIC HEARINGS:

1. Public hearing on adoption of an Amendment to Zoning Ordinance No. 1968.  
Applicant: Dick Brown/Parkwest Properties  
Request: A zone change from an R-1 zoning designation to allow creation of an R-1-5 a sub-district, which would allow construction of five dwelling units per gross acre. Standard density in an R-1 zone is up to 4.4 units per gross acre.  
Location: Quail Meadow - Phase II, on College St. South of Anne's Addition and North of Quail Meadow-Phase I.  
Tax Lot: 3207DB-100  
File No.: Z-5-88

2. Public hearing approving a zone change to create a Special Development District.  
Applicant: David & Nancy Luty  
Request: Creation of a Special Development District overlay. This would allow for establishment of a bed and breakfast facility with up to five guest rooms and limited retail uses in an RP (Residential-Profession) zoning district.  
Location: 200 N. River  
Tax Lot: 3220BB-1700  
File No.: Z-3-88
  
3. Public hearing approving an amendment to Zoning Ordinance No. 1968.  
Applicant: City of Newberg  
Request: Amendment to Zoning Ordinance No. 1968 as amended pertaining to the regulation of bed and breakfast establishments.  
Effect of approval of amendment: Bed and breakfast establishments with two or less guest rooms would be permitted outright in most residential and commercial zones. A conditional use permit would be required for those with more than two guest rooms when located within residential and neighborhood commercial districts.  
File No.: Z-3-88

VII. REPORT FROM CITY MANAGER:

1. Report on 1988-89 Budget Cuts.
2. Report on 1989-90 Budget Process.
3. Report on Planning Department.
4. Report on Tax Base Campaign.

VIII. REPORT FROM YAMHILL COUNTY COMMISSIONERS:

IX. REPORT FROM CHAMBER OF COMMERCE:

X. OLD BUSINESS:

1. Amendment to dance ordinance to provide revision in insurance coverage.

XI. EXECUTIVE SESSION:

1. Pursuant to ORS 192.660(1) (a) relating to personnel.  
Selection of City Manager

XII. ADJOURNMENT TO NEXT MEETING - EXECUTIVE SESSION PERTAINING TO  
CITY MANAGER - TENTATIVE DATE - FEBRUARY 21, NEEDS  
DISCUSSION.

INDEX OF RESOLUTIONS:

RESOLUTION:

1. Resolution approving the award of contract on the Allen  
Fruit Wastewater Pre-treatment Facility.

ORDINANCES:

1. An ordinance amending Ordinance No. 1968 relating to  
zoning regulations to create the zone of a certain lot  
by adding a density sub-district classification.
2. An ordinance amending Ordinance No. 1968 relating to the  
establishment of a special development district on  
property located at 200 N. River St. that is zoned  
residential-professional.
3. An ordinance amending Ordinance No. 1968 as amended  
pertaining to the regulation of "Bed and Breakfast  
Establishments".
4. An ordinance amending Ordinance No. 910 which requires a  
license to conduct a public or invitational dance by  
amending said ordinance to clarify the insurance  
requirement.

CITY OF NEWBERG  
COUNCIL WORK SESSION  
FEBRUARY 6, 1989  
6:30 P.M.  
NEWBERG COMMUNITY HOSPITAL

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE FEBRUARY 6, 1989 COUNCIL AGENDA ITEMS. THE COUNCIL WILL NOT MAKE ANY DECISIONS ON THE AGENDA ITEMS AT THE WORK SESSION. THE WORK SESSION WILL BE HELD AT NEWBERG COMMUNITY HOSPITAL IN THE BOARD ROOM.

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

DATED THIS 1ST DAY OF FEBRUARY, 1989.

TRACIE REMILLARD - CITY RECORDER



MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: FEBRUARY 6, 1989

SUBJECT: Appointment of Council Members

BACKGROUND: There is no set out procedure or process for the selection and appointment of a Council member when a position becomes vacant. I have advised the applicants of the procedure that was followed the last time when Eldon McIntosh was appointed to fill the seat vacated by Quentin Probst. My advise to them was as follows:

1. We set a deadline of January 31 for all applications to be received - this was also published in the newspaper.
2. I asked each applicant to be present at the February 6 Council meeting.
3. I advised each applicant that they would have the opportunity to tell the Council why they would like to have the position and that the Council would then ask them any questions they might have.
4. The vote for filling the Council seat is a public vote. I advised the applicants that the decision would probably be made at the February 6 meeting.

Three persons have submitted applications for the Council position and copies of their applications are enclosed in your packet. The applicants are Gary Baldwin, Fred Casey and Donna McCain. Rick Rementería submitted an application but has withdrawn his name.

The appointed person would fill the unexpired term of Marily Rementería. That term will expire at the end of December, 1990.

Submitted by:



Terrence D. Mahr  
Acting City Manager

cncl\ccappt

CITY OF NEWBERG

APPLICATION  
FOR POSITION ON

COMMITTEE COMMISSION-BOARD

Committee, Commission or Board Applying For: City Council

Name: GARY L. BALDWIN Home Phone: 538-9065

Address: 1230 PENNINGTON DR. S. Work Phone: 538-5522  
Newberg, OR 97132

Are you a registered voter? YES

Do you live within the city limits? YES

How long have you lived at the above address? Since 1977

Previous Address: 327 MANZANITA DR. How long? 3 yrs

Occupation: Retail - footwear Employer: SELF  
Rogue River, OR.

Spouse's Name: DREWILLA

Spouse's Occupation: SAME Employer: Self

Date: 12-27-88 Gary L Baldwin  
(Signed)

Why do you want this position? (Continue on back or separate sheet if needed.)

As a person who has become involved in the business community of Newberg, I feel it very important that our civic government move forward with positive actions to provide the infrastructure necessary for business growth into the next decade.

My current V.P. of the Transportation Committee looking at traffic patterns on 99-18 and involvement in the 99-18 Corridor Alliance come from a desire to "solve" the traffic problems that have effectively negated our downtown from remaining a viable retail area. I will carry this concern and input to the Council in working out solutions to this and other problems facing

Please return this form to the office of the City Recorder  
Rev. 2/85 Our Community - Thank you, Gary Baldwin

CITY OF NEWBERG  
APPLICATION  
FOR POSITION ON  
COMMITTEE COMMISSION-BOARD

31 JAN 89 10:49

Committee, Commission or Board Applying For: City Council Member

Name: Fred L. Casey Home Phone: 538-3694

Address: 1701 N. Hoskins, Newberg OR 97132 Work Phone: 538-7304

P.O. Box 188, Newberg OR 97132

Are you a registered voter? Yes

Do you live within the city limits? Yes

How long have you lived at the above address? 13 years

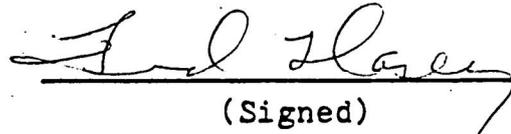
Previous Address: 801 E. North St. - Newberg How long? 14 years

Occupation: Real estate Sales Employer: self

Spouse's Name: Beverley

Spouse's Occupation: Receptionist Employer: Tigard School District

Date: January 30, 1989

  
(Signed)

Why do you want this position? (Continue on back or separate sheet if needed.)

I have been a member of the Newberg community for more than 31 years and in the last decade I have seen Newberg moving from a rural to a more metropolitan city. It is my desire to assist our city and its citizens in making the transition in the most orderly, uncomplicated and least expensive means possible.

I feel that my experience in the real estate business and service on the Newberg City Planning Commission have helped me become familiar with the desires of the members of the Newberg community.

Additionally, as a member of the Newberg School District Board of Directors, I have become familiar with budgeting procedures. I understand from my discussions with city attorney Terry Mahr, that there would be no conflict in serving on both the city council and the school board, since if there were any business dealings between the two districts, I would simply declare my positions and could then determine whether it would be appropriate to vote on such an issue.

Please return this form to the office of the City Recorder

CITY OF NEWBERG

APPLICATION  
FOR POSITION ON

COMMITTEE COMMISSION-BOARD

Committee, Commission or Board Applying For: Board (Councilperson)

Name: Donna Mae Mc Cain Home Phone: 538-4696

Address: 1207 Pennington Dr. S. Work Phone: 538-2014

Newberg, Oregon 97132

Are you a registered voter? Yes

Do you live within the city limits? Yes

How long have you lived at the above address? 10 1/2 years

Previous Address: 300 S. Chehalem St. How long? 12 years

Occupation: Semi-Retired PT office worker Employer: Chamber of Commerce

Spouse's Name: Robert V. Mc Cain

Spouse's Occupation: Retired Employer: \_\_\_\_\_

Date: 1-31-89



(Signed)

Why do you want this position? (Continue on back or separate sheet if needed.)

Being a resident of this community for the past almost 30 years, I have been on the outside of city government. I would like to be involved in the future of this community and would like to see it take a progressive move to strenghten the business and industrial climate. With the change of management in the near future and the experience in "interviewing and hiring" I have been involved with over the past several years, I feel I could use good judgment in the selection process.

During the past four years I have been actively involve in the operations of the Chehalem Park and Recreation District and have some personal goals for that organization. I would like to see these completed, if I am re-elected this Spring. I feel I could balance the responsiblities of both governmental bodies most of the time.

I have had some finance training and am able to work in that area on the committee level and have budgetery experience, as well as the background of working for the "public". I have a good ability to "listen" to others and weigh their concerns when making a decision. I have definite ideas on the way things should be done, that is in an orderly and efficient manner for the benefit of all. I do not stand firm, but can be convinced of other ways, if the evidence is shown me, that another way would be better. I am usually very cooperative with my fellow workers.

(over)

Please return this form to the office of the City Recorder

2. I would like to see this position stay with a woman, not because I am a woman's "liber", but because I think that there should be a balance of representation on the council. The constituents elected a woman, so it would be nice to see one continue in her place. I also think that the position should be given to the most qualified person regardless of sex, if there qualifications are not equal.

The opportunity to serve the city is a challenge at this time, and that is the reason I was so long in making the decision to submit my name. Since I have been encouraged by so many, I felt a responsibility to put my application in for city council.

FOR OFFICE USE

Position Appointed To: \_\_\_\_\_

Date Of Appointment: \_\_\_\_\_ Term Ending: \_\_\_\_\_

Reappointed: \_\_\_\_\_ Term Ending: \_\_\_\_\_

Second Reappointment: \_\_\_\_\_ Term Ending: \_\_\_\_\_

Resignation or Maximum Term Date: \_\_\_\_\_

Tuesday, 7:30 p.m.

January 3, 1989

MINUTES OF A REGULAR MEETING  
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

SWEARING IN OF MAYOR AND COUNCIL MEMBERS:

Mayor Hall and Council members, C. Eldon McIntosh, Jack C. Nulsen, Jr., Donna Proctor and Joe Young were sworn in by the Assistant City Recorder.

ROLL CALL:

PRESENT:	Roger Gano	Donna Proctor
	Alan Halstead	Tommy Tucker
	C. Eldon McIntosh	Joe Young
	Jack C. Nulsen, Jr.	

STAFF PRESENT: Clay Moorhead, Planning Director  
Tracie Remillard, Recording Secretary  
Brenda Stroud, Finance Director  
Bert Teitzel, Public Works Director  
Doreen Turpen, Library Director

OTHERS PRESENT: Keith Fredrickson, Newberg Graphic  
5 Citizens

ELECTION OF COUNCIL PRESIDENT:

Councilman Halstead nominated Roger Gano for Council President. The nomination was seconded by Councilman Tucker.

Councilman McIntosh nominated Tommy Tucker for Council President. The nomination was seconded by Councilman Nulsen.

Councilman Halstead made a motion to close the nominations. The motion was carried unanimously. Mayor Hall called for a vote. Councilman Gano received one vote; Councilman Tucker received 6. Councilman Tucker was elected as the new Council President.

APPOINTMENT OF CITY RECORDER:

MOTION: Gano/Halstead to appoint Tracie Remillard as City Recorder until such time as a new City Manager has been hired. Carried unanimously.

**ACCEPTANCE OF RESIGNATION FROM MARILY REMENTERIA:**

**MOTION:** Gano/Halstead to accept the resignation from Marily Rementeria. Carried unanimously.

**CONSENT CALENDAR:**

The Consent Calendar was presented as follows:

1. Approval of minutes from the November 29, 1988 Council Work Session; approval of the minutes from the December 5, 1988 Council meeting; and approval of the minutes from December 8, 1988 Special Meeting of the Council.
2. Adopt Resolution accepting LSCA Grant for library program, Raise a Reader: Read Aloud Promotion.
3. Adopt Resolution authorizing budget transfer to cover salary increases and bonuses approved by the City Council.
4. Appointments by the Mayor:
  - a. Re-appointment of Planning Commission members, Bryce Fendall, Sandra Jo Foster and Rob Molzahn.

**MOTION:** Gano/Tucker to adopt the Consent Calendar. Carried unanimously.

**REQUESTS AND COMMUNICATIONS FROM THE FLOOR:**

1. Newberg Garbage Service Fee Presentation.

The Finance Director stated that Merlin LaJoie said he would not be at the meeting tonight. She distributed a copy of Newberg Garbage Service's revenue statement to the Council. She said Mr. LaJoie left her a check in the amount of \$20,218.30 for the franchise fee. Councilman Nulsen asked if any additional information was received. The Finance Director said they only received the information she distributed to the Council. Councilman Nulsen asked if the amount collected was different from last year. The Finance Director indicated there was approximately a \$3,000 increase over last year. Councilman Tucker asked if the \$10,000 was part of the hospital's budget. The Finance Director stated that it is a non-cash item so it is not entered as part of the budget. Councilwoman Proctor asked why the Fire Department figure was higher than City Hall. The Public Works Director stated it was probably higher because the Municipal Garage also uses the dumpster at the Fire Department.

**PUBLIC HEARING:**

Public Hearing on adoption of procedure for hiring of new City Manager and allowing for public input in the process.

Mayor Hall asked if anyone in the audience wished to speak at this hearing. There were no speakers. Mayor Hall asked if the public hearing should be continued until January 17 or if the Council wanted to adopt the resolution as it was presented to them.

**MOTION:** Gano/Proctor to continue the public hearing until January 17, 1989. Carried unanimously.

Councilman Young asked if the Graphic would put an article in the paper to make sure the public is aware of the meeting. Councilman Tucker asked if the resolution locked the Council into specifically hiring a manager under the procedures outlined. Mayor Hall asked him if he wanted to change the format. Councilman Tucker said he wanted to know if the Council found someone they wanted to hire if the Council had to follow the outlined procedures. Mayor Hall said there was a provision under which the Council could request resumes from persons they were interested in hiring. Councilman Gano asked if a requested resume would need to go through all the screening procedures and selection process or if the process could be aborted if the consensus of the Council was to hire a person who was contacted by the Council and asked to apply for the manager's position. Mayor Hall said he assumed the person's resume could be included in the background search and interview category by the Council. Councilman Halstead said he did not think the Council could abort the process just to hire someone of their choosing without going through the process. He said he felt the Council could request the resume but that it would be turned in with all the other resumes for screening by the League. Mayor Hall said the Council could request the individual be put in the background search category. Councilman Tucker asked if the resolution could be amended to reflect that the procedure could be aborted if it was the consensus of the Council to do so. Councilman Nulsen said this issue could be resolved before the January 17 meeting. He asked that the City Attorney look into this matter and advise the Council.

**REPORTS FROM CITY MANAGER, COUNTY COMMISSIONER AND CHAMBER OF COMMERCE:**

There were no reports made by the City Manager, Yamhill County Commissioners, or the Chamber of Commerce at this meeting.

OLD BUSINESS:

1. Rental Rehabilitation Grant.

The City Planner reviewed the Rental Rehabilitation Grant with the Council. He said the staff was responding to questions asked by the Council regarding this grant. He said one of the questions asked was whether 25% is a reasonable figure for the administrative costs of operating the grant. He pointed out that the 25% would be from the \$200,000 grant funds received, or \$50,000 to operate the program. He said the entire program would be over \$400,000 and the overall project administration expenses would be approximately 12%. The City Planner stated that federal grants are expensive to operate because of the Davis-Bacon requirements, the minority hiring requirements and the auditing requirements. He said this project will actually be administered by the Yamhill County Housing Authority. He stated that all the funds will be retained in Newberg and all the projects will be matched by at least 50% from private sources. The funds will be for the rehabilitation of rental units. The City Planner indicated that once the program has been closed out the City is no longer under the federal requirements and can redesign some of the standards so they are more tailored to fit Newberg's interest. He said the housing authority is more capable of handling the program because they have done similar programs in the past. He said the City can administer the program if they decide to do so. The City Planner said the second question concerns the problem of Council members, City employees, or any individual related to this project being unable to receive any benefits from the grant. He said there are federal regulations regarding this matter, however there is an exemption process if the City wants to go through it. He stated that the process would involve a lot of staff time and requires HUD's review and approval. The City Planner stated that at the end of two years when the program is closed out the funds become the City's funds and they can create their own regulations on how the funds should be administered. Councilman Halstead said the restriction would not just apply to Council members and City staff. He said he thought it would also need to include all family members of the Council and staff. The City Planner said he commented to the State that Newberg is a small town where a lot of people are related to each other, not like the east coast where there are a million people in a town. He said the State's response was that it is a federal regulation and there was an exemption process if the City wanted to go through the process. The City Planner said it was the recommendation of the staff to go forward with the rental rehabilitation project, administer the first round of funds and close out the grant so the City is out from under the federal regulations. He said this would mean the funds would not be available to any Council members, staff members or their relatives until after the project close out. The City Planner stated the other option would be to explore the exemption process with HUD. He said if the Council wished to proceed with the

exemption process he would recommend that the Council make a motion authorizing the City Attorney to move forward with the rental rehabilitation agreement and simultaneously initiate the exemption process. He said Newberg was one of the first cities to submit their application and receive approval from the State. He said most of the communities have picked up the State's offer and the State is now asking Newberg what the time frame is for completing the agreement so the project can move forward.

Joan Smith, Yamhill County Housing Authority, McMinnville, Oregon. Ms. Smith said there is an interest in upgrading rental properties. She said the county does not have funding for staff to administer federal grants. She indicated when they administer grants for other cities everyone's time is accounted for on a particular project. Ms. Smith stated the administrative fee charged by the county is 12.5%.

Councilman Young said he feels this is a good program for rental housing but he has a problem with putting employees in the position of being second class citizens by not receiving the benefits from the grant. He asked if the 12.5% is the same rate charged by the housing authority to other cities for administering their grants. Councilman Young said the Council members donate their time to the community and he is not willing to put Council members and City staff and all their relatives in the position of being second class citizens. Councilman Tucker said the best way to solve the problem would be for the League of Oregon Cities to address the problem as a group. Councilman Gano asked how long it would close out the program. The City Planner said it would take one to two years to completely close it out. Councilman Halstead said that under the federal regulations it would eliminate not only the council and employees but anyone they have family or business ties with. He said it would effect most everyone in Newberg because we are such a small community. Mayor Hall asked if other communities were having this problem. Joan Smith said she was not aware of any problems but this would be the first rental rehab grant for them to administer. She said she would interpret tie to mean a business partnership. Councilman Gano wanted to know how the government would interpret business ties. Councilman Nulsen asked for further interpretation of when the program is closed. The City Planner stated the City initially receives \$200,000 to work on approximately 40 projects. Councilman Nulsen asked if he understood that when the project was closed out if the funds would be available to Council and employees. The City Planner stated he was correct. He said that once the federal regulations no long apply the City could develop their own regulations for rehab grants.

**MOTION:** Young/Halstead to accept the program and move forward with it, and also at the same time pursue the waiver process, or at least have it in place.