

CITY OF NEWBERG AGENDA  
CITY COUNCIL AND EXECUTIVE SESSION  
ORS 192.660(1)(a)(D) and  
ORS 192.660(1)(e) and (h) and (j)  
FEBRUARY 28, 1989  
6:30 P.M.  
NEWBERG COMMUNITY HOSPITAL  
DINNER TO BE SERVED

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. CONSENT CALENDAR:
  - 1. Committee appointments of Donna McCain.
  - 2. Committee meeting times.
  - 3. Resolution on car allowance.
  - 4. Resolution on liquor license renewals.
  - 5. Council packet distribution.
  - 6. Resolution on Westside By-Pass
- IV. REQUESTS AND COMMUNICATIONS FROM FLOOR:
  - 1. Request from Cable Commission.
- V. EXECUTIVE SESSION:
  - 1. Pursuant to ORS 192.660(1)(a)(D) relating to personnel.  
Employment of City Manager
  - 2. Pursuant to ORS 192.660(1)(e) and (h) and (j) relating  
to real property matters.
- VI. ADJOURNMENT

INDEX OF RESOLUTIONS:

RESOLUTION:

- 1. Resolution on car allowance.
- 2. Resolution on liquor license renewals.
- 3. Resolution on Westside By-Pass

NOTE: Keith from the Graphic will be attending dinner and Executive Session.

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: FEBRUARY 28, 1989

SUBJECT: City Council Committee Appointments

The following is a listing of Council Committee appointments:

FINANCE COMMITTEE

Tommy Tucker, Chair  
Joe Young, Co-Chair  
Eldon McIntosh  
Donna McCain

PUBLIC SAFETY COMMITTEE

Donna Proctor, Chair  
Jack Nulsen, Co-Chair  
Roger Gano  
Joe Young

PUBLIC WORKS COMMITTEE

Alan Halstead, Chair  
Donna McCain, Co-Chair  
Jack Nulsen  
Donna Proctor

ORDINANCE/LEGISLATIVE COMMITTEE

Roger Gano, Chair  
Eldon McIntosh, Co-Chair  
Alan Halstead  
Tommy Tucker

RIVERFRONT DEVELOPMENT COMMITTEE

Tommy Tucker, Chair  
Donna Proctor, Co-Chair  
Donna McCain  
Joe Young

AIRPORT STUDY COMMITTEE

Eldon McIntosh  
Harold Grobey  
Roger Gano

CITY FACILITIES COMMITTEE

Alan Halstead  
Eldon McIntosh

MEMO  
AGENDA: FEBRUARY 28, 1989

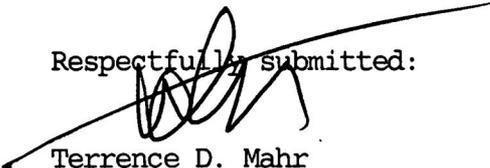
SUBJECT: Committee meeting times.

**BACKGROUND:** We would like to establish a definite date each month when committees meet. This allows for the staff and Council members to plan their calendars. As each committee meets, we have been requesting that a definite meeting time be established. Some committees - Riverfront Development, Airport Study Committee and City Facilities Committee - does not need a definite time since they are not going to meet monthly. The other four major sub-committees need a definite meeting time. The Finance Committee is off to an unusual start due to the change of the Finance Officer right at the beginning of the budget time, but I am sure that will be straightened out. The following is a list of the meeting times that have been established with blanks where a definite meeting time has not been determined. I would like an indication of a definite meeting time.

	RESPONSIBLE DEPT. HEAD:
<b>FINANCE:</b> _____	Doug Richmond
<b>PUBLIC SAFETY:</b> 3rd Tuesday of the month at 1:00 p.m.	Dave Bishop
<b>PUBLIC WORKS:</b> _____	Bert Teitzel
<b>ORDINANCE/LEGISLATIVE:</b> 3rd Thursday of the month at 7:00 a.m.	Terry Mahr

The agenda and material for the meetings shall be sent to the Council the Friday before the meeting unless it can be sent out in a Wednesday agenda packet. The responsible department head shall check with the chairman of the committee to determine whether a meeting is necessary. If circumstances require that material will be sent out ahead of schedule (Finance Committee has requested some material to be sent out in advance of these time frames). Minutes at the committee meetings will be taken by the responsible department head. I will attempt to attend all committee meetings. Minutes from the various committee meetings shall not be distributed to all Council members, unless the Council so desires. The reason is that the work of the committees is reported to the Council, and the method by which we take the minutes does not provide verbatim discussion.

Respectfully submitted:

  
Terrence D. Mahr  
Acting City Manager

TDM/bjm

III-2

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: FEBRUARY 28, 1989

SUBJECT: Car Allowance for Acting City Manager.

BACKGROUND: While I am acting as City Manager Pro Tem, I am assuming the responsibilities of the Manager which requires attendance at additional meetings in Salem, Portland and the County. In addition, I assumed some committee appointments that Mr. Moorhead had in order to reserve those positions for Newberg. This has required me to travel to Tillamook on two occasions and will require additional travel to Portland. These additional travel responsibilities have caused additional costs associated with my automobile. I am requesting that beginning with my appointment as City Manager Pro Tem and during the period of that appointment that I be paid the additional amount of \$125 per month from the Manager's car allowance. It must be remembered that Jim was being paid \$225 for his car allowance. The City will still be saving some of the Manager's automobile allowance.

The Ordinance/Legislative Committee met and recommended that I receive the additional car allowance. The money would be paid only during the period while I am City Manager Pro Tem.

RECOMMENDATION: A portion of the Manager's car allowance be paid to the City Attorney during the period while he is assuming the duties of the City Manager Pro Tem and that it be discontinued at such time as the new Manager is employed by the City.

Submitted by:



Terrence D. Mahr  
Acting City Manager

cncl\auto

III-3

RESOLUTION NO. 89-1363

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AN INCREASE IN THE CITY ATTORNEY'S CAR ALLOWANCE IN THE AMOUNT OF \$125.00 DURING THE TIME HE IS ACTING AS THE CITY MANAGER, PRO TEM.

WHEREAS, the City Attorney has been appointed to act as City Manager, Pro Tem; and

WHEREAS, the City Attorney has assumed the responsibilities of the City Manager and some of the responsibilities of the City Planning Director.

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

The City Attorney shall receive a portion of the City Manager's automobile allowance beginning when he was appointed City Manager, Pro Tem in the amount of \$125.00 per month, until such time as a new City Manager is employed by the City, at which time his automobile allowance shall revert to the present amount.

ADOPTED by the City Council of the City of Newberg, Oregon this \_\_\_\_\_ day of February, 1989.

\_\_\_\_\_  
Tracie Remillard - City Recorder

resolt\auto

MEMO

AGENDA February 28, 1989

SUBJECT:

Approval of Liquor License Renewal Applications

BACKGROUND:

At the February 23, 1989 Public Safety meeting, it was agreed that all of the submitted liquor license renewal applications should be approved. Everybody's Market did not submit their renewal request. This committee unanimously agreed that the Eden Gate be put on notice to lower the number of illegal incidents stemming from people who are drinking at this establishment. The Eden Gate should be contacted by Chief Bishop and be notified that they will be monitored for a period of six (6) months, at which time, if conditions do not improve, the City may request for OLCC investigation.

RECOMMENDATION:

The Public Safety Committee recommends that the following liquor license renewal applications be approved:

1. Abby's Pizza Inn
2. Bi-Mart
3. Dreyer's
4. Eden Gate Restaurant
5. The Grocery Express
6. Nap's Super Market
7. The Noodle Restaurant
8. Ninth Street Market
9. Pasquale's Restaurant
10. Payless Drug Store
11. Plaid Pantry Market
12. Newberg Sentry
13. 7-Eleven
14. The Shaw's Cocktail Lounge
15. Springbrook Thriftway
16. Newberg Thriftway
17. Ye Olde Pizza Shoppe Inc.

NOTE: Everybody's Market did not submit their application. We have mailed them two letters and called them several times regarding this matter.

Respectfully Submitted,

  
\_\_\_\_\_  
David G. Bishop

Approved

  
\_\_\_\_\_  
City Manager

III-24

RESOLUTION NO. 89-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE RENEWAL APPLICATIONS FOR LIQUOR LICENSES PURSUANT TO THE OLCC RENEWAL PROCESS FOR LIQUOR LICENSE HOLDERS DISPENSING LIQUOR WITHIN THE CITY OF NEWBERG.

WHEREAS, each year the OLCC process for renewal of liquor dispensing licenses requires the holder of such license to obtain the approval of the governing body; and

WHEREAS, the entities that hold such licenses within the City of Newberg have submitted their renewal applications to the City for approval and have a deadline of returning the applications to OLCC on or before March 10, 1989; and

WHEREAS, the Public Safety Committee did recommend approval of all the applicants at their February 23, 1989 meeting.

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

1. That the City Council authorizes the Acting City Manager to approve all liquor license renewal applications as indicated on the attached list which is marked as Exhibit "A" and by this reference incorporated.

ADOPTED by the City Council of the City of Newberg, Oregon this \_\_\_\_\_ day of February, 1989.

\_\_\_\_\_  
Tracie Remillard - City Recorder

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III-4

EXHIBIT "A"

List of Liquor License Holders Within City of Newberg, Oregon approved for renewal by the Public Safety Committee and City Council

Abby's Pizza Inn  
1913 Portland Road  
Newberg, OR 97132

Bi-Mart  
P. O. Box 2310  
Eugene, OR 97402

Dreyer's Market & Deli  
703 Deskins  
Newberg, OR 97132

Eden Gate  
2805 Portland Road  
Newberg, OR 97132

Grocery Express  
115 N. Main Street  
Newberg, OR 97132

Nap's IGA  
112 E. First Street  
Newberg, OR 97132

Newberg Sentry  
1510 East First Street  
Newberg, Oregon 97132

Newberg Thriftway  
P. O. Box 5490  
Oregon City, OR 97045

Ninth Street Grocery  
1210 E. Ninth Street  
Newberg, OR 97132

The Noodle Restaurant  
2320 Portland Road  
Newberg, OR 97132

Pasquale's Restaurant  
111 W. First Street  
Newberg, OR 97132

Payless Northwest  
1150 N. Springbrook Road  
Newberg, OR 97132

Plaid Pantry  
6600 S.W. 92nd, Suite 30  
Portland, OR 97223

7-Eleven  
1531 Portland Road  
Newberg, OR 97132

The Shaw's Restaurant  
1819 Portland Road  
Newberg, OR 97132

Springbrook Thriftway  
P.O. Box 5490  
Oregon City, OR 97045

Ye Olde Pizza Shoppe  
2515 Portland Road  
Newberg, OR 97132

MEMO

AGENDA: FEBRUARY 28, 1989

**SUBJECT:** Distribution of the Council Packets.

**BACKGROUND:** At the last Council meeting, Councilman Nulsen voiced an opinion that the police officers should not be distributing the Council agendas and packet. As a follow-up to that, I indicated in the Friday Update of February 10th, how the Council packets could be distributed. I welcome your comments and feedback. I have had some feedback. One Councilman indicated that he would rather have his immortal soul assigned to the inter-circle of Dante's inferno than pick up his packet. (This choice seems a bit extreme, however, since we believe in the freedom of choice, it is his choice.) Another Councilman has expressed in less dramatic terms that the packet be delivered. It is extremely important that Council members receive their information in a timely fashion. The City staff is willing to accommodate your wishes. Please let me know what you think.

Enclosed is an excerpt from the February 10th Update concerning the Council packets.

Respectfully submitted:



Terrence D. Mahr  
Acting City Manager

TDM/bjm

Enc.

III-5

MEMO

TO: City Council

DATE: February 10, 1989

FROM: Acting City Manager

SUBJECT: Friday Update for Week Ending 2/10/89

**COUNCIL PACKETS AND FRIDAY UPDATES:**

Pursuant to the conversation at the last Council meeting, we are changing the method by which you receive the Council packets. Please let me know if you have any difficulty with this method. I will be reporting back to the Council in a couple of months as to how it appears to be going.

Council Agendas/Documents: This packet will be available after 5:00 p.m. Wednesday before the Council meeting on the following Monday or Tuesday. The packets will be available at the Police Department Dispatch Center. By placing them in the dispatch center they will be available outside working hours and past 5:00 p.m.

Friday Updates: The Friday Update when there is not a Council meeting the next week, will be mailed to you. These updates shall be short and not have attachments. There may be an agenda for a committee meeting enclosed. However, we will attempt to keep the packets at a minimal to save postage.

Friday updates when there is going to be a Council meeting the next week it shall be enclosed in the Council packet. This means that the update will be finished on the Wednesday before the meeting.

Problems: Some of you receive mail at the City. These mailings shall be enclosed in the Council agenda packets. Unless it is something of particular importance, I will not enclose it in the mailed Friday updates.

Additions to the agenda after Wednesday: If these become necessary, I will mail them to you or pass them out at the Council meeting.

Remember I need your feedback on how this new delivery system is going. It is very important that all Council members receive their material in order to be prepared for the Council meetings.

**DONNA MCCAIN'S COMMITTEES:**

Donna McCain, our new Council person is taking the positions on the various committees that Marily Rementeria occupied. These committees are Finance Committee, Co-Chairman of the Public Works Committee, and River Front Development Committee.

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: FEBRUARY 28, 1989

SUBJECT: Westside By-pass.

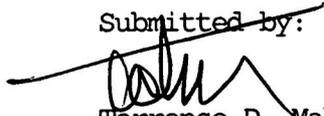
BACKGROUND: The City of Newberg has been working with other jurisdictions in supporting a Westside by-pass which would connect I-5 and the Sunset Highway. 1000 Friends of Oregon has filed an appeal with LUBA concerning the by-pass. Washington County is writing the technical land use brief concerning this matter. Other cities that have joined in the amicus brief so far are Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard and Wilsonville. (An amicus brief is a legal process by which other parties which are not direct parties to the lawsuit may file a brief outlining and detailing arguments in favor of a certain position. Permission of the hearing body must be granted). The maximum cost to the City at this time is \$200. As other cities join in the price may be lower. I would anticipate, by the authority of your resolution, that an expense of no more than \$200 would be incurred. If further expense is expected I would come back before the Council.

Our contact person is Mary Tobias. She is with the Tualatin Valley Economic Development Corporation in Tigard. The attorney writing the amicus brief for us is Jack L. Orchard of Ball, Janik and Novack, 1100 One Main Place, 101 S.W. Main Street, Portland, Oregon 97204, phone 228-2525.

I will keep you informed of any progress in this matter.

RECOMMENDATION: I recommend that the Council pass the resolution and participate in the amicus brief.

Submitted by:

  
Terrence D. Mahr  
Acting City Manager

cncl\luba

III-6

RESOLUTION NO. 89-

A RESOLUTION AUTHORIZING THE CITY OF NEWBERG TO JOIN IN AN AMICUS BRIEF CONCERNING THE LAND USE BOARD OF APPEALS CASE INVOLVING WASHINGTON COUNTY AND THE WESTSIDE BY-PASS.

WHEREAS, the City of Newberg favors the Westside By-pass connecting I-5 and the Sunset Highway; and

WHEREAS, it would be in the best interests of the citizens of Newberg and the surrounding area for such a by-pass to be built; and

WHEREAS, the plans to build such a by-pass have been opposed by 1000 Friends of Oregon and a case is now pending before the Land Use Board of Appeals concerning this matter; and

WHEREAS, permission to file an amicus brief has been granted to certain cities and the City of Newberg wishes to join in the amicus brief.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newberg, Oregon, as follow, to-wit:

1. The City Council authorizes the City of Newberg, through its City Attorney, to join with other cities in filing an amicus brief in the Land Use Board of Appeals case involving the Westside By-pass which connects I-5 and the Sunset Highway.
2. The City of Newberg supports the Westside By-pass and expresses its opinion that such a by-pass would be an asset to the citizens of Newberg and the surrounding area.

ADOPTED by the City Council of the City of Newberg, Oregon this \_\_\_\_ day of February, 1989.

\_\_\_\_\_  
Tracie Remillard - City Recorder

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III-6

MEMO  
AGENDA: FEBRUARY 28, 1989

**SUBJECT:** Cable Commission request to film Council meetings.

**BACKGROUND:** The City has established a Cable Commission which is funded through money from our franchise fees. The Cable Commission has been meeting for a few years. At present, the Cable Commission does some filming of meetings and is interested in expanding their filming endeavors. They have approached me and requested that they be able to film the City Council meetings. They have received favorable responses from the Park and Rec Board and the School District. I have indicated to them that I would bring this matter to your attention and they are making arrangements to hire a person to do the filming. The City would process the hiring of the person, however, all funds would come out of the Cable Commission fund. The camera would be set up and filming would be done from "gavel to gavel".

**RECOMMENDATION:** The meetings of the City Council are public meetings. Other entities including the Park and Rec, School District and other City Councils are accommodating in the filming. I recommend that the City Council cooperate and agree to the filming of their meetings. To do otherwise would be an indication that we do not wish public scrutiny.

**COST:** There would be no cost to the City as costs would be borne by the Cable Commission. At the present time I have no plans to hire make-up personnel, acting coaches or agents for the Council.

Respectfully submitted:



Terrence D. Mahr  
Acting City Manager

TDM/bjm