

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

I. CALL MEETING TO ORDER

II. ROLL CALL

III. CONSENT CALENDAR:

1. Approve minutes of adjourned City Council meeting on January 17, 1989 and regular City Council meeting on February 6, 1989.
2. Resolution authorizing the City to enter into an agreement with CH2M Hill Northwest, Inc. for consulting services related to water and sewer rate study.
3. Appointment by the Mayor - Budget Committee
4. Resolution transferring funds from the general fund contingency account to general fund police department.
5. Resolution authorizing the transfer of funds from various general fund departments to the general fund contingency account.

IV. REQUESTS AND COMMUNICATIONS FROM FLOOR:

1. City Club report on City Manager Discussion - Mrs. LeMaster.

V. PUBLIC HEARINGS:

1. Public hearing requesting amendment to zoning ordinance No. 1968 as amended pertaining to the regulation of bed and breakfast establishments.  
Applicant: City of Newberg  
File No.: Z-3-88
2. Public hearing requesting the creation of a Special Development District overlay. (This is the public hearing where the Council, by motion, requested the staff to return with an ordinance providing for the property to be changed to a C-2.)  
Applicant: David & Nancy Luty  
Location: 200 N. River  
Tax Lot No.: 3220BB-1700  
File No.: Z-3-88

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CITY COUNCIL AGENDA  
MARCH 6, 1989

3. Public hearing requesting the annexation of a .25+ acre parcel  
Applicant: Kenneth & Theresa Leard  
Location: 918 S. Wynooski, across from Boston Square Apartments.  
Tax Lot No.: 3200-900  
File No.: ANX-1-89

VI. REPORT FROM THE CITY MANAGER:

1. Tax Base Information.
2. Ethics Statements.

VII. REPORT FROM YAMHILL COUNTY COMMISSIONERS:

VIII. REPORT FROM THE CHAMBER OF COMMERCE

IX. OLD BUSINESS:

1. Ordinance/Resolution on Council Compensation.
2. Information on Alley Policy
3. Resolution providing assistance to the Newberg Centennial Committee.

X. NEW BUSINESS:

1. Resolution approving City Engineer's report for LID in Parkway Subdivision and set date of public hearing.

XI. ADJOURNMENT

CITY COUNCIL AGENDA  
MARCH 6, 1989

INDEX OF RESOLUTIONS AND ORDINANCES FROM THIS MEETING:

RESOLUTION:

1. Resolution authorizing the City to enter into an agreement with CH2M Hill Northwest, Inc. for consulting services related to water and sewer rate study.
2. Resolution approving City Engineer's report for LID in Parkway Subdivision and set date of public hearing.
3. Resolution amending the compensation for the Mayor.
4. Resolution providing assistance to Newberg Centennial Committee.

ORDINANCES:

1. Ordinance authorizing an amendment to zoning ordinance No. 1968 as amended pertaining to the regulation of bed and breakfast establishments.
2. Ordinance providing for the creation of a Special Development District overlay and zone change to a C-2 district.
3. Ordinance declaring the annexation of a .25+ acre parcel.
4. Ordinance amending Council compensation.

AGENDA ITEM V-2

MEMORANDUM

AGENDA: CITY COUNCIL

DATE: MARCH 6, 1989

SUBJECT: Luty Zone Change Request

BACKGROUND: Attached is an updated ordinance. We added a few whereas clauses to give a more detailed accounting of the process thus far. This ordinance provides for the same zone change you requested at the last meeting.

Submitted by:



Terrence D. Mahr  
Manager Pro-Tem

cncl\luty

ORDINANCE NO. 89-

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NEWBERG ZONING MAP FROM A CITY R-P (RESIDENTIAL-PROFESSIONAL) DESIGNATION TO A CITY C-2 (COMMUNITY COMMERCIAL) DESIGNATION. THE PROPERTY IS COMMONLY KNOWN AS 200 NORTH RIVER, YAMHILL COUNTY TAX LOT NUMBER 3220BB-1700.

- WHEREAS, A notice of this proposed zone change was sent to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 250 feet; and
- WHEREAS, Notice of this action was placed as a public notice within the Newberg Graphic Newspaper and was posted on or near the subject property in compliance with state statutes; and
- WHEREAS, The City Planner, in his staff memorandum to the Planning Commission at their November 17, 1988 meeting, made no recommendation due to insufficient information; and
- WHEREAS, On November 17, 1988 the Newberg Planning Commission held a public hearing to consider the land use issues involving this territory; and
- WHEREAS, On January 19, 1989 the Newberg Planning Commission held a public hearing and did recommend the creation of a special development district overlay to permit a five guest room bed and breakfast as a permitted use and an antique shop, retail wine sales, florist, gift shop and similar uses as conditional uses; and
- WHEREAS, On January 27, 1989 the applicant requested greater flexibility than that recommended by the Planning Commission; and
- WHEREAS, On February 6, 1989 at the hour of 7:30 PM at the Newberg Public Library, was heretofore set as the time and place for a public hearing, and the City Council, through the Recorder of the City, did cause notice of this hearing to be published in accordance with ORS 222.120 and in accordance with Ordinance No. 2012 of the City of Newberg, and the hearing was held.
- WHEREAS, On February 6, 1989 the City Council reviewed the land use issues involving this parcel and directed findings to be developed to support a zone change to C-2 (Community Commercial); and
- WHEREAS, On March 6, 1989 the Council reviewed the applicant's findings of fact in support of the proposed zone change.

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

- Section 1. The City Council adopts the applicant's findings of fact which are attached hereto as Exhibit A and incorporated herein at this point by reference.
- Section 2. The territory described in Exhibit B is hereby changed from an R-P (Residential-Professional) zoning designation to a C-2 (Community Commercial) zoning designation. Section 900 of the

Newberg Zoning Ordinance No. 1968 entitled "Newberg, Oregon Zoning Map" shall be amended to indicate this change.

Section 3. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Assessor of Yamhill County, a certified copy of the following documents:

1. A copy of this ordinance.
2. A map identifying the location of said territory.

PASSED by the City Council of the City of Newberg this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by the following votes:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
City Recorder

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Elvern Hall - Mayor

# Agenda VI 2.

MEMORANDUM

AGENDA: CITY COUNCIL

DATE: MARCH 6, 1989

SUBJECT: 1988 Candidates Annual Verified Statement of Economic Interest.

BACKGROUND: Attached is a copy of the 1988 Candidates Annual Verified Statement of Economic Interest which must be filed by each Council member. In March the Ethics Commission will be mailing each of you a form to fill out and return to them by April 15, 1989. Please let me know if you have any questions about this form. I will be happy to assist you in any way possible in completing the form.

Submitted by:



Terrence D. Mahr  
Manager Pro-Tem

cncl\ethics

this is a reminder.  
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# AGENDA ITEM IX-3

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: MARCH 6, 1989

SUBJECT: Resolution Providing Assistance to the Newberg Centennial Committee

BACKGROUND: The City Council approved \$3,000 at the December 7, 1987 council meeting to provide assistance to the Newberg Centennial Committee. However, as of June 30, 1988 only \$1,080 of this appropriation had been spent, and the remaining balance of \$1,920 lapsed. Also, at the February 6, 1989 council meeting the City Council approved \$3,000 for the Newberg Centennial Committee to purchase banners. Accordingly, a transfer from the General Fund Reserve for Contingency Account in the amount of \$4,920 is required to re-establish the balance of the December 7, 1987 appropriation and to fund the February 6, 1989 appropriation for banners.

RECOMMENDATION: Recommend approval of budget transfer resolution.

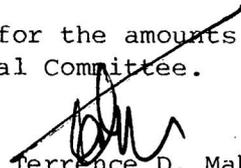
COST: Increase General Fund Expenditures by \$4,920.

Submitted by:



Doug Richmond  
Acting Finance Director

This resolution provides the necessary funds for the amounts you have indicated you wished to give to the Centennial Committee.



Terrence D. Mahr  
Manager Pro-Tem

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND RESERVE FOR CONTINGENCY ACCOUNT TO THE GENERAL FUND GENERAL GOVERNMENT DEPARTMENT

WHEREAS, the City Council approved \$3,000 at the December 7, 1987 council meeting to provide assistance to the Newberg Centennial Committee for fiscal year 1987-1988 ; and

WHEREAS, as of June 30, 1988 the remaining balance of \$1,920 of the \$3,000 appropriation lapsed; and

WHEREAS, the City Council desires to appropriate the \$1,920 remaining balance in fiscal year 1988-1989; and

WHEREAS, the City Council approved the appropriation of \$3,000 at the February 6, 1989 council meeting to provide assistance to the Newberg Centennial Committee for the purchase of banners in fiscal year 1988-1989; and

WHEREAS, the City of Newberg has considered the transfer between the funds and accounts as set forth in the budget for the fiscal year 1988-1989, which transfers are enumerated below, and has determined that the expenditures hereinafter listed and the transfer of funds hereinafter listed should be allowed.

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

1. That the information contained in the whereas clauses above are incorporated herein at this point by reference.
2. That the following transfer of funds from the General Fund Reserve for Contingency Account (1-495.800) in the total amount of \$4,920 is hereby authorized for the purpose stated as follows:

<u>FUND/DEPARTMENT</u>	<u>AMOUNT</u>
GENERAL FUND	
General Government (1-410)	<u>\$4,920</u>
TOTAL GENERAL FUND	<u>\$4,920</u>

3. That the foregoing transfer shall be made from accounts as set forth in the budget of the City of Newberg for the fiscal year 1988-1989.

ADOPTED by the City Council of the City of Newberg, Oregon this        day of March, 1989.

Tracie Remillard - City Recorder

CITY OF NEWBERG  
COUNCIL WORK SESSION  
MARCH 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 MARCH 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 28TH DAY OF FEBRUARY, 1989.

TRACIE REMILLARD - CITY RECORDER

Tuesday, 6:30 p.m.

January 17, 1989

MINUTES OF A WORK SESSION MEETING  
OF THE NEWBERG CITY COUNCIL

J's Restaurant

Newberg, Oregon

ROLL CALL:

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

ABSENT: Elvern Hall

STAFF PRESENT: Terry Mahr, Manager Pro-Tem

The Manager Pro-Tem discussed the strategy to be used in the 1989/90 budget. The strategy to be used is the policies to be implemented when looking at the budget. They are not absolute, however this will be the basic strategy unless some compelling reason causes change. It is the duty of the City Manager to form the initial budget which is presented to the Budget Committee. This budget will be presented to the Finance Committee and it will then go to the Budget Committee. For the 1989/90 budget we are attempting to have no increases in materials and supplies nor in dues, meetings, training and travel. Capital outlay will be carefully examined. One time expenditures, such as building improvements and new equipment will be held to a minimum, if not cancelled. Needed equipment for day to day operations will be budgeted, ie., calculators, automobiles for police department use. Transfers that are normally done from the general account to the reserve accounts will not be done. In other words, the reserve accounts will not be increased.

Personnel is a very difficult issue to look at. In wages and benefits we are going to attempt to cap the medical benefits. Wage increases will not be given, but may be given in order to off set the cap. This is a point that will be worked out. Merit increases will held to a minimum. However, a salary study is due back and some consideration will be given to that salary study. The Council had very few questions. They wanted to wait and see the budget to see how this would work out.

A report was given by the Manager Pro-Tem on the present strategy. This is the strategy for the remainder of the 1988/89 budget in order to provide cash reserves to run the City until we collect our taxes for the year. Generally the City needs close to \$500,000 in cash reserves. This can be changed by delaying cash expenditures past the November deadline when we receive our taxes. The only other alternative we have is to borrow money in order to run the City and we would like to avoid that expense. A full report on the budget cuts will be made to the Finance Committee. The general strategy is to reduce capital expenditures, give not merit increases

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and to delay the hiring of positions which are now vacant. Further we would have a hiring freeze, meaning no new positions would be added and any position that becomes vacant will remain vacant until the position is re-justified. Some major projects will be placed on the back burner to save us some money. Other projects will have to be farmed out due to the personnel resignations. The City Council will be kept up to date on the major changes. A report will be made to the Council at their March meeting after the Finance Committee meeting. All members of the Council will receive the Finance Committee packet.

Mr. Tucker arrived at the work session meeting. There was a questions from Mr. McIntosh concerning when the Airport Study Committee would be meeting. That question will be referred to the Public Works Director since he is the person who coordinates those meetings. Mr. Nulsen asked about the vacancy of the parking meter position. He asked that we keep track of any complaints received from the merchants and report back to the Council.

The work session was adjourned.

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Terrence D. Mahr  
Manager Pro-Tem

ATTEST:

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Tommy Tucker - Council President

minutes\ccws1-17

Tuesday, 7:30 p.m.

January 17, 1989

MINUTES OF AN ADJOURNED MEETING  
OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

The meeting was called to order by Council President Tucker.

ROLL CALL:

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

ABSENT: Elvern Hall

STAFF PRESENT: Terry Mahr, Manager Pro-Tem

OTHERS PRESENT: Colleen Hoss, LGPI  
Pat

PUBLIC HEARING: Adoption of procedure for hiring of new Manager and allowing for public input into the process.

Councilman Tucker announced the purpose of the meeting was to review with Ms. Hoss the screening of the applicants for the City Manager position and also to accept any public input concerning the City Manager. The confidential profile to be used by LGPI to do the initial screening of the applicants was reviewed together with the public input which was received from questionnaires that were mailed. These forms were previously distributed to the Council. Councilman Tucker introduced Ms. Hoss to the Council and she began her presentation. Ms. Hoss reviewed each paragraph of the confidential profile with the Council and the public input was added to the profile. Councilman Nulsen indicated that he was interested in seeing an active City Manager who was willing to take the lead on certain projects. Councilman Nulsen asked if LGPI actively sought applicants for this position. Ms. Hoss stated that LGPI was connected with the League of Oregon Cities and that they did not take an active part in recruiting applicants. She said they felt this might put them in a conflict situation with other members.

Councilman Gano indicated that the profile had previously been established when they were recruiting for the City Manager position which resulted in the hiring of Mr. Watson. He was not certain of the necessity to further review the application since the Council was in agreement. Ms. Hoss expressed that it may be a good idea to review the application to give her a feeling for the Council's ideas. In addition to the confidential profile other statements were added that were received from the public. The Manager

Pro-Tem was going to add what the staff had listed as input for the position. He stated the staff seemed to be in agreement with the comments already made regarding the City Manager position. Ms. Hoss was to prepare the final profile and use it in the screening of the applications.

At the conclusion of the presentation Ms. Hoss expressed that she felt she received a lot of good information from the listing.

Ms. Nadine Windsor was at the meeting to provide public input. She expressed hope that the Council would work together with the new City Manager.

**NEW BUSINESS:**

1. Contract with Newberg Rural Fire Protection District. The Newberg Rural Fire Protection District (NRFPD) had approved a previous contract which provided for a four and one-half (4-1/2) increase in payment each year. The remainder of the money the NRFPD was going to use to purchase equipment. In the past, they had purchased equipment and leased it to the City for a nominal fee of \$1.00 per year. The Council expressed its satisfaction with the contract and the fact that they have always enjoyed a good relationship with NRFPD and wished to continue to do so in the future.

**MOTION:** Gano/Halstead to pass **RESOLUTION NO. 89-1361** approving the contract with NRFPD. Carried unanimously.

2. Centennial Committee. Councilman Gano brought up the fact that the Centennial Committee was still working on the preparations for the "birthday party" for the City in its centennial year. The Council had previously approved giving funds to the committee and they are now in need of additional funding. There was a cost of \$3,000 to purchase a banner that would go across First Street. Further funding will be necessary in the future in an approximate amount of \$5,000.

A question came up as to whether or not funds were available in the General Government Project Fund to fund the \$3,000 investment. The Manager Pro-Tem indicated he did not know the fund balance but thought the money was probably available.

**MOTION:** Nulsen/Proctor to refer the matter of the \$3,000 donation to the Finance Committee meeting scheduled for January 26, 1989. Carried unanimously.

3. Advertisement of the City portrait to be published in connection with the Centennial Celebration.

Conflict Statement: Councilman Gano announced that he has a conflict of interest because he works for the publisher of this publication and part of his responsibility is securing advertising for said publication. He indicated he would not vote on this matter and he stepped off the Council.

Mr. Gano discussed the advertisement. He said it would be a high quality publication in a magazine format and would be distributed with the local newspaper. He said it had not been determined what the cost of the publication would be. Mr. Gano stated that a full page advertisement runs \$1,075. He said a number of stories had been collected which provide information on the history of the community. Other communities have done this type of publication and they have become historical documents often referred to by the City. The Council discussed the matter and felt it was appropriate for the City to participate in such a manner. One initial idea was a document naming everyone on the Council and perhaps giving some historical names of people who had been on the Council.

MOTION: Proctor/Young to agree to take out a full page advertisement in the publication celebrating the centennial of the City of Newberg at the cost of \$1,075. The MOTION passed by the following votes: Yes = 6, No = 1 (Nulsen).

Mr. Gano took his seat back on the Council.

MOTION: Gano/Nulsen to adjourn the meeting. Carried unanimously.

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Terrence D. Mahr, Acting City Manager

ATTEST:

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Tommy Tucker, Council President

minutes\cc1-17

III-1

Monday, 6:30 p.m.

February 6, 1989

MINUTES OF A WORK SESSION MEETING  
OF THE NEWBERG CITY COUNCIL

Newberg Community Hospital

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

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

ABSENT: None

STAFF PRESENT: Terry Mahr, Manager Pro-Tem/City Attorney

The Manager Pro-Tem was called on to give a run down on the upcoming Council agenda. All Council members had received a copy of the agenda.

In addition to the agenda items an update was presented on the Oregon Tourism Alliance. The Manager Pro-Tem indicated he would be attending the up-coming meetings in Tillamook. He stated that the City had joined in a request with the County for funds for Roger's Landing.

The Manager Pro-Tem reported that 173 applications had been received for the City Manager's position.

The Council was advised that very few employees missed work because of the recent severe weather conditions. It was reported that those who did miss work would be taking it as vacation or comp time.

The Manager Pro-Tem reported that the Associate Finance Director had taken over as the Acting Finance Director. He said there would be an immediate move to for posting and filling the position of Finance Director.

The Manager Pro-Tem presented an update on the sewer compost problem. He told the Council that the matter was being reviewed with the engineering firm and the insurance company. He stated that neither party had taken a firm position and that everything was going along in a cooperative manner.

There was discussion by Councilman Tucker as to the EPA commitment concerning the engineering of the compost. The financial resources of the compost contractor is very great and the City should keep an eye on them because they have the resources to correct the matter.

Council Work Session Minutes  
February 6, 1989  
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The Council was made aware of a number of upcoming events that might be of interest for them to attend.

There being no further business the work session was adjourned.

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Terrence D. Mahr  
Manager Pro-Tem

ATTEST:

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Elvern Hall - Mayor

minutes\ccws2-6

Monday, 7:30 p.m.

February 6, 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.

ROLL CALL:

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

STAFF PRESENT: Terry Mahr, Manager Pro-Tem/City Attorney  
Tracie Remillard, City Recorder  
Dave Bishop, Police Chief  
James Reitz, Associate Planner  
Bert Teitzel, Public Works Director

OTHERS PRESENT: Gary Baldwin, Fred Casey, Donna McCain,  
Keith Fredrickson (Graphic) and approximately  
15 citizens.

APPOINTMENT OF COUNCIL MEMBER:

Mayor Hall asked each of the applicants to make a brief presentation to the Council as to why they would like to be on the Council.

Gary Baldwin stated he has been a Newberg resident for over 11 years and is a local business owner. Mr. Baldwin indicated that he has been the vice-president and president of the Chamber of Commerce and has served on various committees, including the Oregon Tourism Alliance. He said he felt it was important to become involved in the community to bring the local businesses together. He said he sees the community at a turning point because the tax dollars do not go far enough to meet the services required by the community. Mr. Baldwin said he would like to pursue further development in the City. Mayor Hall asked Mr. Baldwin if he felt he would have sufficient time to devote to Council duties. Mr. Baldwin said he would make the necessary time required to meet his obligations as a Council member. Councilwoman Proctor asked Mr. Baldwin if he was still interested in serving in a County position. Mr. Baldwin said he ran for a County position because he felt it was important that someone from Newberg run for the County position. Councilman McIntosh asked Mr. Baldwin if he would be running for the County position in two year. Mr. Baldwin said he could not say if he would or would not run for a County position in two years.

Fred Casey stated that he has been a resident of Newberg for 32 years, raised his seven children in the community, and has been a local business owner for approximately 13 years. Mr. Casey stated that he is currently serving on the Newberg School Board and has also served on their Budget Committee. He said he also served 2 years on the Planning Commission. Mr. Casey said he has been involved in many aspects of hiring and decision making while on the School Board and feels that his experience would allow him to be an effective Council member. He said he would like to be on the Council to play a part in planning Newberg's future. Mayor Hall asked Mr. Casey if he felt he would have sufficient time to devote to Council duties. Mr. Casey said he gave this much consideration before submitting his application for the Council position. He said he would have the time necessary to devote to his Council obligations. Councilman McIntosh said he has some concerns about having two real estate people serving on the Council at the same time. Mr. Casey said he would hope that having two people with the background in real estate would benefit the Council. He said he was not interested in financial gains from this position, he was only interested in serving the community to the best of his ability.

Donna McCain stated she has lived here approximately 30 years, has been a local business owner in the past and is still very active in the community serving on various committees. She said she is currently serving on the Chehalem Park and Recreation District Board. Ms. McCain stated that she could balance her time effectively to meet the obligations for both the Council and the Park and Rec meetings. She said she had several people approach her about serving on the Council and after giving it much consideration she submitted her application. She said while working in her own business and at the Chamber she has had experience in budgeting, hiring and day to day business operations. Mayor Hall asked Ms. McCain when Park and Rec held their meetings. Ms. McCain stated their regular meeting is held on the third Thursday of every month. Councilman Halstead asked Ms. McCain what her spouse thought of her serving on the Council. Ms. McCain stated that her spouse encouraged her to pursue the Council position. She also stated that most people who know her know that she is an independent person who expresses her ideas.

Mayor Hall stated that due to the open meetings law the vote must be public vote. He said he would ask for a show of hands as he called the candidates names.

Councilman Tucker said he wanted to declare that since the last meeting when the Council asked publicly for interested citizens to apply for this position, he had been soliciting more than one candidate for the position. He stated he asked Mr. Casey to submit his name for the position. Councilman Nulsen stated three good people had applied for this position and it would be a difficult position. He stated he approached Ms. McCain about submitting her name and she turned him down.

Councilman Gano asked what the procedure was for voting on the candidates. Councilman Nulsen said he thought they would need at least four votes. Mayor Hall said there was uneven number on the Council. Councilman Nulsen asked what would happen in no one received four votes. Mayor Hall said if there was a tie he would break the tie. Councilman Tucker asked if there needed to be a motion from the Council. The City Attorney said the Charter states the Council fills the position.

Councilman Young stated he had a comment he wanted to make before votes were cast. He said he has a question as to whether all citizens would be adequately represented if two real estate people were on the Council because a lot of the time their perspectives would be the same. Councilman Nulsen said he did not share Councilman Young's feelings on this issue. Councilwoman Proctor said she was disappointed that more people were not interested in this position. She said in her opinion it takes almost four years to become familiar with Council procedures. She stated having two of the same occupation should not make a difference because they are there to vote for the best interests of all citizens. Councilman McIntosh said he remembers the night he was appointed to the Council and appreciates that he was re-elected at the last election.

Mayor Hall asked the City Attorney if the Council needed a motion to appoint someone or if they should vote on all three candidates. The City Attorney said there is no established process so the Chair could call for a motion or vote on all three. He said the Charter provides that the Council shall appoint someone to the position. He said the Charter calls for a majority of the Council to pass an ordinance; however that language is not present in this case. The City Attorney said he would interpret that to mean that in this case the Mayor could vote if there was a tie. He said Council action needs to be a majority. Mayor Hall asked the Council which they preferred. Councilman Tucker stated he would like to nominate candidates.

**MOTION:** Tucker/Nulsen to nominate Fred Casey to fill the Council vacancy.

**MOTION:** Halstead/McIntosh to nominate Donna McCain to fill the Council vacancy.

Councilman Tucker called for a point of order. Mayor Hall indicated that under nominations more nominations could be accepted.

**MOTION:** Gano/Halstead to nominate Gary Baldwin to fill the Council vacancy.

**MOTION:** Gano/Halstead that the Council cast a ballot for Donna McCain. Mayor Hall asked those in favor of Donna McCain to raise their hand. Four votes were cast, Roger Gano, Alan Halstead, Eldon McIntosh and Joe Young. Donna McCain was appointed to fill the Council position and she was sworn in by the City Recorder.

CONSENT CALENDAR:

The Consent Calendar was presented as follows:

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 Pretreatment Facility.

MOTION: Halstead/McIntosh to approve the Consent Calendar.

Councilman Gano asked the City Attorney what happened to the minutes of the January 17 meeting. The City Attorney said the minutes were not completed yet, but they would be out in the next packet.

The MOTION was carried unanimously to approve the Consent Calendar.

REQUESTS AND COMMUNICATIONS FROM THE FLOOR:

Mayor Hall asked if any one present wished to speak to the Council.

Margaret LaMaster, 300 Green Valley Drive, Newberg, Oregon. She stated that an announcement of the City Club meeting scheduled for Tuesday, February 7, was handed out to the Council prior to this meeting. She cordially invited Mayor Hall and all Council members to attend the meeting because it related to the hiring of a City Manager. She said she knew the Council has requested public input in the qualifications of a City Manager and that very little response was received. She said from her own perspective, it was difficult to provide input in a situation where you are ignorant of because they do not work in the field of city government, they have not been employed by the City and do not know all the facets of what a City Manager is required to do. She said it is the intention of the City Club to educate their members and any one else interested in attending the meeting. Ms. LaMaster said there would be a panel discussion on how to choose the qualities of a City Manager. She said speakers will include Janet Ker, representing the business community; Brenda Stroud, former City employee; Phil Eden, Tigard City Council member; and Eldon Mills, Hillsboro City Manager.

**PUBLIC HEARING:** Adoption of 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 zones is up to 4.4 units per gross acre.  
Location: Quail Meadow - Phase II, on College Street, South of Anne's Addition and North of Quail Meadow - Phase I.  
Tax Lot: 3207DB-100  
File No.: Z-5-88

Mayor Hall called for abstentions, there were none. He then opened the Public Hearing on this matter.

The City Attorney stated this matter came to the Council from the Planning Commission. He said it is on the record, which means the Council should consider the decision of the Planning Commission, the report of the City Planner, the record of the Planning Commission proceedings and any report or written statement of the applicant or party of interest. The City Attorney said the application was advertised for an R-1 with a sub-district of five dwelling units per acre. He said the Planning Commission's recommendation was R-1 with a sub-district of 4.45 dwelling units per acre. He said this would allow 28 lots instead of 27 lots as established by the current zoning.

Councilman Young said his company has in the past had business transactions involving Mr. Brown. He said he did not see that as a conflict and would vote on this matter unless there was an objection to his voting. No objections were noted.

The Public Works Director stated a proposed plat has been submitted for preliminary approval which contains 28 lots. He said the zone change request was to allow for the 28 lots. He stated the Planning Commission's recommendation to go with the 4.45 dwelling units per acre would allow for the 28 lots as requested. The Public Works Director indicated that the minimum lot size in an R-1 zone is 7,500 square feet. He stated that only eight of the lots would be less than the 7,500 square feet.

Mayor Hall asked if the Council should go to a public hearing before Council questions. The City Attorney stated that there would be a staff report and no opponents or proponents unless someone makes a proposal to the Council for an unanimous vote to set a full public hearing. There was no request for a full public hearing.

Councilman McIntosh asked if the standards of construction would be diminished on the smaller lots. The Public Works Director stated the lot sizes would be narrower than the adjacent lots but it should not affect the value of the dwelling. Councilman Young asked to have the plat map circulated to the Council. Councilman Gano asked if the setback requirements would be changed. The Public Works Director stated the setback requirements would not be changed. Councilman Halstead asked about the lot on the southwest corner of Partridge Lane. The Associate Planner indicated the lot was not shaped like the photocopy, that the photocopy machine did not make a clear copy of the lot. Councilman Gano asked if Partridge Lane connects with Sunset and Morris. The Associate Planner said it would connect with Morris. He said the road may not be named Sunset if there is a cul-de-sac, so as to avoid confusion. The Public Works Director stated the preliminary plat would be going to the Planning Commission later this month and it may or not be changed depending on the hearing. He said the plat presented to the Council is the one that will be recommended to the Planning Commission. Councilman Young asked if the Council should consider the number of dwellings per acre and not the plat as presented. The Public Works Director stated that was correct.

**MOTION:** Halstead/Nulsen to read the ordinance by title only.

Councilman Gano asked if research had been done regarding reductions in lot size to see if Newberg is behind the times in still requiring 7,500 square feet per lot. The Associate Planner stated that only one comparable request had been several years ago. He said all other lot size reductions had been done through a planned unit development approach. He stated this was the only actual request since the adoption the Comprehensive Plan in 1979. The Associate Planner said he felt 7,500 was not an unusual lot size and may even be lower than single family lots in similar sized cities. Councilman Gano asked why they should consider reducing the level of quality in Anne's Addition to allow smaller lots for this development. The Associate Planner stated it is a question of how much improvement is there versus how much can be charged for the lots. He said the developer has indicated in order for them to pay for the improvements and market the property he needs the additional lot. Councilman Gano said he was concerned about reducing the lot size. The Associate Planner stated the setback requirements would remain unchanged. Councilman Nulsen stated all the Council is doing is allowing the developer an additional two or three lots on the property to allow him to make a profit. Councilman Young said he agreed with Councilman Nulsen's comments. He said the question was whether or not it was economically feasible with 28 lots instead of 27. He stated that more cities are going with smaller lot sizes and that the building trend is towards smaller compact homes rather than the ranch style dwellings. Councilman Tucker asked if only three lots would be less than 7,500 square feet. The Associate Planner stated that the findings of facts, item #6, indicates that three lots are less than 7,000 square feet and eight are less than 7,500 square feet.

The **MOTION** to read the ordinance by title was carried unanimously. The City Attorney read the ordinance by title only.

**ORDINANCE NO. 89-2257** - Votes: Yes = 8; No = 0; Absent = 0. Mayor Hall declared the ordinance passed.

**PUBLIC HEARING:** Approving a zone change to create a Special Development District.  
Applicant: David and 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

Mayor Hall opened the public hearing. He called for abstentions. There were none.

The Manager Pro-Tem stated this public hearing came to the Council from the Planning Commission. He said the Council had received a copy of a letter from attorney Bob Swift at their earlier work session. He stated the applicants requested a zone change from Residential-Professional to C-2 (Community Commercial). The Manager Pro-Tem stated the Planning Commission decided after reviewing the matter to place a special development district on the lot which would allow for a bed and breakfast establishment and limited uses of antique shops, retail wine sales, florists, and gift shops. He said the matter is before the Council on the record of the Planning Commission consisting of the documents presented in the Council packet and the letter from Mr. Swift. The Public Works Director stated that both the staff and the Planning Commission felt that C-2 was inappropriate for this property because it abuts residential uses and it has limited access as far as the traffic that might be generated by a traditional C-2 development. He said the property is located at the corner of River and Hancock Streets and all accesses to the property are off residential streets. He stated the staff and Planning Commission do recognize that the property would be an ideal site for a bed and breakfast. The Public Works Director indicated the Planning Commission recommended the site be zoned for a five bedroom bed and breakfast and certain limited commercial uses on a conditional use basis. He said the Planning Commission did not feel a restaurant would be an appropriate use because of the traffic it would generate.

Councilman Nulsen asked if this parcel is designated commercial under the comp plan. The Public Works Director stated the comp plan designates this property as potential commercial use, but it does not need to be zoned commercial right away. Mayor Hall asked about the parking conditions. The Public Works Director said that a certain amount of off street parking would be required with any type of commercial use or the bed and breakfast establishment. He said the bed and breakfast ordinance which is being proposed tonight recommends one off street parking space for the first two bedrooms and one additional parking space for each additional bedroom. He stated that a five bedroom establishment would be required to have four off street parking spaces. Mayor Hall asked if this area provided sufficient parking. The Public Works Director indicated that a concern had been expressed. He said there was vacant property across the street that could be used for parking if they obtained the property. Councilman Gano asked if the Planning Commission reviewed the parking question. The Associate Planner stated they looked at it some. He said the question is what use is permitted on the property and then the standards are outlined in the zoning ordinance according to the permitted use. Councilman Young asked how this site compares to the one previously changed by the Council to authorize a bed and breakfast establishment. The Associate Planner stated that the Post bed and breakfast has two parking spaces inside the garage, two more spaces in the driveway and some on-street availability. The Public Works Director indicated that a two bedroom bed and breakfast establishments are required to have a total of three on-site parking spaces. Councilwoman Proctor asked where the residents park their cars. The Public Works Director stated that two spaces are provided for the residence and one space is required for the two bedroom bed and breakfast. He noted that the Post's have four parking spaces available on-site. Councilman Young asked what the parking availability is at 200 N. River. The Public Works Director said they are not sure what parking can be provided on-site. He said it is presumed that three or four spaces could be provided on-site off of the alley. He also stated that other properties are available across Hancock that can be used for parking if they acquire the rights to do so. Councilman Tucker asked if this area was consistent with a commercial zone that runs all the way down Hancock to the north. The Public Works Director outlined on the map the area that is to be discussed. He said the lot is surrounded by the R-P zone. Mayor Hall asked about the apartment house across the street. The Public Works Director stated the apartments are in the R-P district. Councilman Tucker asked when that R-P district became an R-P district. The Associate Planner said it was adopted with the entire comprehensive plan in 1979. He said he was not aware of any changes that had been made. Councilman Tucker stated he was not aware of the R-P zone in this area. Councilman Halstead said he thought it was several years ago when the White's requested a zone change to a commercial use and they were one block off the street. Councilman Tucker stated they did not make it a whole district at that time, it was just one house. He said he would like to know what the criteria is for commercial property if this property is not commercial property. He said

that George Fox College is two blocks north from this property and covers several acres. The Public Works Director said the Planning Commission is saying that this lot is in the middle of an R-P zone, surrounded by residential uses, and that it may be too soon to have this a commercial lot. Councilman Tucker said there is already a large amount of commercial property north and south of this lot and he does not see the consistency of their philosophy. Councilman Gano said he felt that George Fox College could not be considered commercial property like the property on First Street. Mayor Hall asked what the zone classification is for a school or college. The Associate Planner stated that schools and colleges can be in any zone. Councilman Tucker asked how it can be zoned R-P when trucks are driving by their houses every day. The Associate Planner said the zone should be viewed in its entirety and not on a parcel by parcel basis. Councilman Tucker said the R-P zone takes in this entire area just because it was changed for one house. Councilman Gano said the Council is the one who created that zone. Councilman Tucker said he was questioning the zoning. He said he does not agree with the zoning of this property. Councilman Gano said he felt that Councilman Tucker was accusing the Associate Planner of putting the blue dot on the map, when in fact the Council is the one who determined the zoning. Councilman Tucker said he felt the Planning Commission determined the zoning and the Council approved it. Councilman Nulsen said it appears the feeling is that this property is not right for commercial property. He asked what would be done before it was decided to change the zoning. He said it looked like they were trying to preserve a historic house and save a few trees. Councilman McIntosh stated he envisioned the first block on the left side of Hancock up to Main Street and down the railroad tracks to Lincoln Street to be zoned commercial. He said he does not understand why this lot is zoned R-P. Councilman Tucker stated that was the point he was trying to make. Councilman Halstead said he was not disagreeing that it should be commercial, but he said the Council approved the R-P zone. He said he thought that Councilman Tucker and himself were on the Planning Commission at the time it was approved. He said he felt the whole zone should be changed if it was going to be changed at all. The Manager Pro-Tem said the R-P zone is in an area that borders commercial and eventually will change over to commercial but it has residential characteristics. He said the R-P zone allows offices, home occupations, and some bed and breakfast establishments. He stated the dilemma is when an individual property owner requests the zone be changed to commercial. Mayor Hall asked if the parking requirements were the same for R-P and commercial. The Public Works Director indicated the parking requirements were the same.

Fred Casey asked if this was a public hearing. The Manager Pro-Tem stated this was a public hearing but it is conducted on the record of the Planning Commission. He said the Council could cast an unanimous vote to open the meeting for public testimony. Mr. Casey said he is the realtor in this case and that there is some misinformation as to what his clients actually want

to do. He said he has information that may answer some of the Council's questions regarding the parking situation. Councilman Gano asked Mr. Casey to advise the Council on the parking situation. Mr. Casey said there is an area that is 63 feet by 79 feet that will provide 14 parking spaces, all of which would be off street parking. He said none of them would impact the house or any of the large trees on the property. Mr. Casey said the area is on the north side of the property and would allow for more parking space than is currently required. He said across the street there is a 6-plex, which is not residential, and then there is White's house which was zoned R-P. He stated that to the south is a large house that is zoned commercial and across the street is Dr. Yamada's parking lot. Mr. Casey said that on three sides of the subject property there is no residential use, unless the 6-plex is counted as residential. Councilman McIntosh asked how the comp plan would be effected if the zone change was approved: The Associate Planner said it would be in compliance with the comp plan. He said the R-P district was designed to implement both the commercial and residential designation. Councilman Gano asked what other uses are allowed in a C-2 zone. The Associate Planner said the list is extensive, including ambulance services, banks, car washes, churches, nurseries, etc. Councilman Tucker said a commercial zone would be make more sense for this property.

**MOTION:** Gano/McIntosh to close the public hearing and to read the ordinance by title only. The **MOTION** was carried by the following votes: Yes = 7; No = 1 (Nulsen). The City Attorney read the ordinance by title only.

Councilman Halstead asked if the ordinance could be amended. The City Attorney said the ordinance could be amended but a new findings of fact would need to be drafted. He said if the ordinance was amended to change the zone to C-2 he would recommend that the Council instruct the City Attorney to prepare the necessary ordinance. He stated the Council could indicate the findings they desire addressing the point of public need and that the zone change would best serve to meet the public need. He indicated that the appropriate findings of fact could be prepared and presented to the Council at their March meeting. Councilman Gano asked if the district overlay would change the parking requirements. The Associate Planner indicated the parking requirements would remain unchanged.

**MOTION:** Made by Councilman Tucker to amend the ordinance to change it to a C-2 zone and directing the City Attorney, as he requested, to establish findings of fact showing that it is consistent with the typical zone around it and adjacent to a major thoroughfare, which is contiguous to the C-2 and C-3 zones and more likely to favor and be in line with that type of zoning rather than a residential-professional zone. It has been noted by the real estate agent of record that it has adequate parking as a finding of fact.

Councilman McIntosh asked if the ordinance was just for this particular piece of property. Mayor Hall said the Council is only dealing with the one property.

Councilman Young stated he would second Councilman Tucker's **MOTION** to amend the ordinance. Councilman Young asked if the requirements regarding giving proper notice to amend the zone from a special district to C-2 had been met. The Manager Pro-Tem said the requirements have been met because their original application requested a zone of C-2 and that is how it was advertised. Mayor Hall asked if there was any discussion on the amendment. There was none. Mayor Hall stated the **MOTION** is to change the zoning to a C-2 and requesting the staff to bring back to the Council the findings of fact.

The **MOTION** carried by the following votes: Yes = 6; No = 2 (Gano, Halstead).

The Manager Pro-Tem said the previous ordinance title which he read would be an amended ordinance and would be tabled until March 6 to allow time for the ordinance to be amended.

**MOTION:** Halstead/Young to table this issue until the March 6, 1989 Council meeting. The **MOTION** carried by the following votes: Yes = 7; No = 1 (Gano).

Mayor Hall thanked both Mr. Baldwin and Mr. Casey for their interest in serving on the Council.

**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

Mayor Hall opened the public hearing and called for abstentions. There were none.

The Manager Pro-Tem made the recommendation that this matter also be tabled until the March 6 Council meeting based on the Council's actions on the preceding public hearing. He said this ordinance would become obsolete when the amended ordinance from the preceding hearing is adopted by the Council at their next meeting.

**MOTION:** Nulsen/Proctor to table this matter until the March 6, 1989 Council meeting. Carried unanimously.

**REPORT FROM CITY MANAGER:**

Report on 1988-89 Budget Cuts: The Manager Pro-Tem stated he reviewed the budget cuts with the Finance Committee at their February 26 meeting. He said the cuts for 1988-89 are \$200,000+ which will hopefully hold the City over until the tax money is received in November. He said the budget for 1988-89 is almost over and there is no point in reviewing what has already been done. He stated that they are continuing to find ways to cut the budget whenever possible. The Manager Pro-Tem stated that most cuts have come from the accounts financing dues, meetings, training and travel and materials and supplies. He then reviewed the budget cuts made in each department for the Council.

Councilman McIntosh suggested that the Council take a cut in their payments for meetings until such time as the budget problem is resolved. Councilman Nulsen and Councilman Tucker agreed with this suggestion. Councilman Nulsen also said that out of state travel for the Council should be discontinued. Councilman Gano said he did not agree with cutting Council's travel because the City gets valuable information the conferences attended by Council. Councilman Nulsen said he is still waiting to hear a report on the last meeting attended by the Mayor and one council member. He said as long as there are budgetary problems the out of state travel should be stopped. He stated this would show the public we are sincere in cutting back on expenses. Councilman Gano asked Councilman Nulsen to define budgetary safe basis. Councilman Nulsen stated that every department in the City is being asked to take cuts and that the Council should be doing the same. Mayor Hall said he already assumed there would be no out of state travel and that he had not made any reservations for the League's March meeting.

Councilman Tucker called for a vote on Councilman McIntosh's motion. Councilman Young asked that the motion be restated for clarification.

**MOTION:** McIntosh/Tucker to suspend any payments received by the Council and the Mayor for attending meetings until such time as the tax base is passed.

Councilman Gano said the dollar amount should be put on the table to let the public know what is there. The Manager Pro-Tem stated that the \$8 paid to Council members for each meeting they attend is a matter of ordinance. He said he could not take direction by a Council motion to not pay the \$8 when it is ordered by an ordinance. He said the funds paid to the Mayor is approved by the Budget Committee and is not a matter of ordinance. He indicated that the Finance Officer could take direction by motion. The Manager Pro-Tem stated that an amendment to the ordinance would need to be drafted in order to not pay the money.

Councilman Young stated he would like to make a **MOTION** to amend Councilman McIntosh's **MOTION** to reduce the stipend received by the Council and the Mayor by 25%. Councilman Halstead said there is already an ordinance authorizing payment to the Council and what is needed is an amended ordinance. He said the staff needs to be directed to bring back to the Council an amended ordinance.

**MOTION:** McIntosh/Tucker to direct staff to amend the ordinance deleting the stipend received the the Council and the Mayor for attending Council meetings.

**MOTION:** Young/Halstead to amend the ordinance by reducing the stipend received by the Council and Mayor for attending meetings by 25%.

Councilwoman Proctor asked if all capital outlay expenditures are frozen. The Manager Pro-Tem said no it was not. Councilwoman Proctor said the spending from capital outlay should be reviewed for cuts. Councilman Gano said he felt the Council was moving in the wrong direction on this idea. He said he feels the Council is afraid to pull together and look at the entire budget picture that was presented for the tax base question. He said the Council needs to reach a consensus and work together. Councilman Young said me made the amendment because the amount of the pay received by the Mayor and Council is minimal. He said he is willing to make a good faith effort and reduce the pay to make things work right for the community. Councilman Young said he agreed with Councilman Gano comment about the Council coming together to work as a group and present a positive image to the community.

Councilman Tucker called for questions. Mayor Hall said the vote would be on the **MOTION** made by Councilman Young to amend the ordinance. He said the amendment is make a 25% cut in the stipend received by the Mayor and the Council. The **MOTION** was defeated by the following votes: Yes = 3 (Gano, Young and Proctor); No = 5.

Mayor Hall then called for a vote on the original **MOTION** to direct the staff to amend the ordinance to delete all stipend to the Council.

Councilman McIntosh asked if a time frame was included as a part of that motion. The Manager Pro-Tem said that if all payments were discontinued they could only be reactivated at a time to coincide with a general election. Councilman Gano asked for further clarification on the time frame for reinstituting payments. The Manager Pro-Tem said the ordinance would need to be passed before the general election. Councilwoman Proctor said the amount received by the Council is not worth arguing over. Councilman Nulsen said the Council is showing good faith by taking cuts since all the departments have been requested to cut their budgets.

The **MOTION** was defeated by the following votes: Yes = 3 (McIntosh, Nulsen and Tucker); No = 3 (Halstead, Proctor and Young); Abstain = 2 (Gano and McCain).

Councilman Gano abstained from voting. He said he was not opposed to making the cuts but he feels the Council needs to work as a team before they start making these types of decisions.

**MOTION:** Young/Nulsen directing staff to prepare an ordinance amending the stipend received by the Mayor and the Council at reduced rate of 25%.

Councilman Tucker asked if it was legal to present the same motion if it was just defeated. The City Attorney said it was legal to do so. He said the Chair could call it redundant and not allow it to come forth. He said there are no rules to prevent a motion coming to the floor a second time.

The **MOTION** carried by the following votes: Yes = 4; No = 2 (Halstead and Tucker); Abstain = 2 (Gano and McCain).

Councilman Nulsen said that since they were discussing budget cuts, it was his suggestion that all Council members pick up their packets at City Hall instead of having them delivered by the police department. Councilwoman Proctor asked if the police just delivered the packets when they were in the area. Chief Bishop stated the packet delivery had been given priority. Councilman Nulsen said they should work with the staff to set a time when the packets would be ready for the Council. Councilman Young said he agrees that the Council should pick up their packets. Councilman Gano asked if the packets could be available at police dispatch over the weekend if Council members cannot get into City Hall before 5:00 p.m. Chief Bishop said they would make space available at the dispatch center for storage of the Council packets.

Report on 1989-90 Budget Process: The Manager Pro-Tem said he had previously sent the Council a memo on the 89-90 budget process. He said he wanted to advise the Council that the budget would be viewed first by the Finance Committee and would then go the Budget Committee. He said the State statute for local finance law prohibits the Council from working on the budget before it is reviewed by the Budget Committee. He said all Council members are welcome to attend the Finance Committee meeting.

Report on Planning Department: The Manager Pro-Tem asked to hold off on this discussion because he wanted to report on the tax base campaign first.

Report on Tax Base Campaign: The Manager Pro-Tem said the next time the City could propose a new tax would be at the general primary election in May 1990 or the general election in November 1990. He said he felt it is imperative to educate the public before May 1990. He said we should request

public input as to their feelings regarding the tax base situation. The Manager Pro-Tem said he did not think we should wait until the new manager is on board to start this process because it brings us to close to the May election date. He stated the public needs to be aware of the City's financial needs and also that the City needs to be aware of how the public views the City. The Manager Pro-Tem requested the Council to commit themselves to working on getting a new tax base passed. Councilman Tucker said several citizens have expressed their concerns to individual council members. He said those concerns should be circulated to the entire Council. The Manager Pro-Tem stated Councilman Nulsen made the suggestion that each council member survey 10 citizens. Councilman Gano said the survey did not do any good last time. Councilman Nulsen stated he heard a lot of negative feedback because the survey required you to sign it and send it back. Mayor Hall said we did receive a higher percentage back than normal. The Manager Pro-Tem indicated he had made this presentation to the Finance Committee and it was their recommendation that we proceed accordingly. Councilwoman Proctor said she felt the City should play it low key like the school district if they want to have the tax base passed. Councilman Nulsen said he felt it passed because most people recognized the fact that a new school was needed in the community. Councilman Gano said the Council needs to get together to decide if they want a new tax base or not and then work as group toward their goal. The Manager Pro-Tem said he is not asking the Council to commitment themselves to raising taxes. He said he was asking them to commit some of their time to educating the public and receiving public input on the issue. Councilman Gano said he did not think the Council was ready to even commit themselves to meetings. Councilman Halstead said he did not feel a decision would be reached on the question of a new tax base until mid to late 1989. He said we needed the commitment to talk to citizens before then. Councilman Gano said the Council needs to make the commitment to themselves to pull together and work as a group. Councilwoman Proctor said the Council had to be 100% supportive of the budget. Councilman Young recommended that the full Council review the budget so they would know what it takes to operate the City efficiently. He said all members of the Council are welcome to the attend the Finance Committee meeting when they are reviewing the budget. Councilman Nulsen said he felt it was important for every member of the Council to fully understand the budget so they can answer questions from the citizens.

**MOTION:** Gano/Nulsen to set aside for one month Mr. Mahr's request to form a tax base campaign organization. The **MOTION** carried by the following votes: Yes = 7; No = 1 (Halstead).

**REPORT FROM THE YAMHILL COUNTY COMMISSIONERS:**

There was no report from the Commissioners.

REPORT FROM CHAMBER OF COMMERCE:

Janet Ker, Chamber Director, suggested that the Council strongly suggest to the County Commissioners that they send a representative to the Council meetings to update the Council on county activities that are of interest to Newberg. She said they are all representatives of McMinnville and they basically forget the rest of the County. She stated they need to know what is going on in Newberg. Mayor Hall requested the Manager Pro-Tem to draft a letter for the Council to sign and send to the commissioners requesting them to attend Council meetings. Ms. Ker said the City needs to get more information out earlier to the citizens on the tax base. She indicated that the Chamber board would be willing to assist the City in getting the information out to the public. Ms. Ker suggested that money not be wasted on surveys and that the City should work on the public relations aspect of reaching the community. She also suggested to the Council that they work with a team building program to help them work as a united group. Ms. Ker said they are still raising money for extended area service (EAS). She said that approximately 3,500 signatures have been collected on the EAS petitions. Ms. Ker indicated that Mr. Browning would be willing to brief the Council on the progress that has been made. Ms. Ker stated that she would like to discuss with the Council the use of room tax dollars at sometime in the future. She indicated that one of the City signs will be unveiled on February 24, 1989 at 3:30 p.m. at the intersection of First Street and Hancock/Harrison Streets. She also encouraged the Council to support the City's centennial celebration going on throughout this year.

Councilman Tucker said he would like to let the people of Newberg know that until they care about this end of the county they will never have a county commissioner from Newberg.

OLD BUSINESS:

1. Amendment to the Dance Ordinance. Mayor Hall stated the ordinance is being amended to reflect a change in the insurance coverage.

MOTION: Gano/McIntosh to read the ordinance by title only. Carried unanimously. The Manager Pro-Tem read the ordinance by title only.

ORDINANCE NO. 89-2258 - Votes: Yes = 8; No = 0. Mayor Hall declared the ordinance passed.

2. Request from Centennial Committee. Councilman Gano stated the Centennial Committee needs additional funding for the centennial celebration. He said they are requesting \$3,000 to cover the costs of the banners.

Councilwoman Proctor said she thought they had already approved the funds at the last meeting. Councilman Gano said he thought it had been referred to the Finance Committee for review. The Manager Pro-Tem stated the expenditure was approved for the advertisement in the centennial publication. He said the matter on the \$3,000 was referred to the Finance Committee. Councilman Young asked if there was \$3,000 was in the special project fund account. The Acting City Attorney said he checked with the Finance Director and found out that the funds are available.

**MOTION:** Young/Proctor to approve the expenditure of \$3,000. Carried by the following votes: Yes = 7; No = 0; Absent = 1 (Tucker). Mr. Tucker left the room during this period of time.

Councilman Gano said he would also like to recommend that the budget for 1989/90 include a line item of \$5,000 for the centennial celebration. Councilman Young concurred with this recommendation.

3. Vacation of College/Meridian Streets alley. Councilman Gano said that on October 17, 1985 the Council directed the staff to investigate and report to the Council on a policy for maintaining the alleys and also why a curb had not been cut on the east end of this particular alley. He said he did not remember receiving a staff report on this matter and now the neighborhood is asking why the curb has not been cut. He stated the neighbors have spent considerable time and money in rocking the alley themselves. Councilman Gano stated the neighbors would like to have the curb cut and the alley maintained. The Manager Pro-Tem stated he would have the staff look into the matter and they would report back to the Council at the March 6 meeting. Councilman Young asked if the City has an established alley policy. Mayor Hall requested that the staff report back to the Council on the alley policy.

**EXECUTIVE SESSION:**

Councilman Halstead requested a 10 minute break before going into Executive Session.

After adjourning from Executive Session the Council had the following discussions.

1. Interim Planner. The Council discussed the interim planner and the recommendation made by the Manager Pro-Tem. It was recommended that an interim planner be hired on at 40 hours per week and be reviewed on a monthly basis.

**MOTION:** Nulsen/McIntosh to approve the hiring of an interim planner and to delegate to the Manager Pro-Tem as to which individual planner should be selected. Approval is given to go ahead with the hiring decision. Carried unanimously.

**MOTION:** Gano/Halstead to adjourn to a dinner work session at 6:30 p.m. on February 28, 1989. Carried unanimously.

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Tracie Remillard - City Recorder

ATTEST:

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Elvern Hall - Mayor

minutes\cc2-6

III-1

MEMORANDUM  
AGENDA, MARCH 6, 1989

**SUBJECT:** Sewer and Water Rate Study

**BACKGROUND:**

The Request for Proposals was sent out to twelve engineering and/or economist firms and was advertised in the Daily Journal of Commerce. Six proposals were received, and three firms were interviewed by Terry Mahr, Doug Richmond and Bert Teitzel. The selection was based on the following:

1. A history of completed similar studies.
2. Qualified personnel being available for this study; and
3. The history of completing contracts on time and within budget and demonstrating through their proposal and interview that they are the best qualified to complete a useable study for the City.

The selection process and the recommendation were discussed at the February 17, 1989 Public Works Committee meeting.

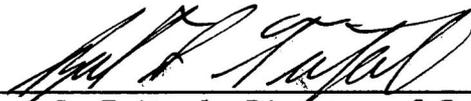
**RECOMMENDATION:**

The recommendation of the selection committee is that CH2M Hill be retained to complete the rate studies. It was also the consensus of the members present at the Public Works Committee meeting that CH2M Hill be retained.

**COST:**

The cost will be \$35,700. This is included in the present budget.

Respectfully Submitted:



Bert S. Teitzel, Director of Public Works

Approved:



Terrence D. Mahr, Acting City  
Manager

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH CH2M HILL NORTHWEST, INC. AN ENGINEERING AND PLANNING FIRM FOR THE CONSULTING SERVICES RELATED TO THE WATER AND SEWER RATE STUDY, AND AUTHORIZING THE ACTING CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF NEWBERG.

WHEREAS, the City has budgeted funds for a study of the water and sewer rates; and

WHEREAS, the City has requested and received six proposals for the Water and Sewer Rate Study; and

WHEREAS, CH2M Hill Northwest, Inc. was selected after reviewing the qualifications of each proposal; and

WHEREAS, the members present at the February 17, 1989 Public Works Committee meeting have reviewed and approved the recommendation.

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

1. The City is authorized to enter into an agreement with CH2M Hill Northwest, Inc. to perform the Water and Sewer Rate Study for a fee not to exceed Thirty Five Thousand and Seven Hundred Dollars (\$35,700.00).
2. The Acting City Manager is authorized to execute the agreement on behalf of the City of Newberg.

ADOPTED by the City Council of the City of Newberg, Oregon this 6th day of March, 1989.

---

Tracie Remillard, City Recorder

III-2

**CH2M HILL STANDARD AGREEMENT FOR PROFESSIONAL SERVICES**

CH2M HILL OFFICE ADDRESS 2020 S.W. Fourth Avenue, 2nd Floor, Portland, Oregon 97201  
PROJECT NAME Water and Sewer Rates Studies PROJECT NUMBER \_\_\_\_\_  
CLIENT City of Newberg  
ADDRESS 414 East First  
Newberg, Oregon 97132

CLIENT requests and authorizes CH2M HILL to perform the following services:

SCOPE: Conduct a study of and recommendations for revisions to Client's water and sewer rates systems, including system development charges. Sewer rates will be based on cost-of-service, by class, per EPA requirements. Scope is further described in Attachment A. The products are to be a report plus a rate determination model and user's manual for each utility.

COMPENSATION by the CLIENT to CH2M HILL to be on the basis of time and materials, with a maximum of \$35,700.

When compensation is on a cost reimbursable basis, a service charge of 10 percent will be added to Direct Expenses. All sales, use, value added, business transfer, gross receipts, or other similar taxes will be added to ENGINEER's compensation when invoicing CLIENT.

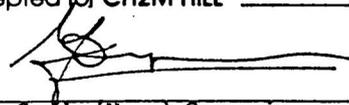
OTHER TERMS Given contract authorization by the City Council and receipt of "notice to proceed" by March 6, 1989, the study shall be completed by June 2, 1989, presented to the City Public Works Committee on June 16, and presented to the City Council on July 3, 1989. The primary points of contact shall be: for the Client, Bert Teitzel and for CH2M HILL, David Hasson.

Services covered by this Agreement will be performed in accordance with the PROVISIONS stated on the back of this form and any attachments or schedules. This Agreement supersedes all prior agreements and understandings and may only be changed by written amendment executed by both parties.

Approved for CLIENT

Accepted for CH2M HILL NORTHWEST INC

By \_\_\_\_\_

By  \_\_\_\_\_

Title \_\_\_\_\_

Title Manager, Water and Wastewater Economics

Date \_\_\_\_\_

Date February 20, 1989

*III-2*

## PROVISIONS

### 1. Authorization to Proceed

Execution of this Agreement by the CLIENT will be authorization for CH2M HILL to proceed with the work, unless otherwise provided for in this Agreement.

### 2. Salary Costs

CH2M HILL's Salary Costs, when the basis of compensation, are the amount of wages or salaries paid CH2M HILL employees for work directly performed on CLIENT's Project plus a percentage applied to all such wages or salaries to cover all payroll-related taxes, payments, premiums, and benefits.

### 3. Per Diem Rates

CH2M HILL's Per Diem Rates, when the basis of compensation, are those hourly or daily rates charged for work performed on CLIENT's Project by CH2M HILL employees of the indicated classifications. These rates are subject to annual calendar year adjustments; include all allowances for salary, overheads and fee; but do not include allowances for Direct Expenses.

### 4. Direct Expenses

CH2M HILL's Direct Expenses, when the basis of compensation, are those costs incurred on or directly for the CLIENT's Project, including, but not limited to, necessary transportation costs, including mileage at CH2M HILL's current rate when its automobiles are used; meals and lodging; laboratory tests and analyses; computer services; word processing services; telephone, printing, binding and reproduction charges; all costs associated with outside consultants, subconsultants, and other outside services and facilities; and other similar costs. Reimbursement for Direct Expenses will be on the basis of actual charges when furnished by commercial sources and on the basis of current rates when furnished by CH2M HILL.

### 5. Cost Opinions

Any cost opinions or Project economic evaluations provided by CH2M HILL will be on a basis of experience and judgment, but, since it has no control over market conditions or bidding procedures, CH2M HILL cannot warrant that bids, ultimate construction cost, or Project economics will not vary from these opinions.

### 6. Standard of Care

The standard of care applicable to CH2M HILL's services will be the degree of skill and diligence normally employed by professional engineers or consultants performing the same or similar services. CH2M HILL will reperform any services not meeting this standard without additional compensation.

### 7. Termination

This Agreement may be terminated for convenience on 30 days' written notice, or for cause, if either party fails substantially to perform through no fault of the other and does not commence correction of such nonperformance within 5 days of written notice and diligently complete the correction thereafter. On termination, CH2M HILL will be paid for all authorized work performed up to the termination date plus termination expenses, such as, but not limited to, reassignment of personnel, subcontract termination costs, and related close out costs. If no notice of termination is given, relationships and obligations created by this Agreement, except Articles 9 through 14, will be terminated upon completion of all applicable requirements of this Agreement.

### 8. Payment to CH2M HILL

Monthly invoices will be issued by CH2M HILL for all work performed under this Agreement. Invoices are due and payable on receipt. Interest at the rate of 1½% per month will be charged on all past-due amounts starting 15 days after date of invoice, unless not permitted by law, in which case interest will be charged at the highest amount permitted by law. Payments will first be credited to interest and then to principal.

### 9. Limitation of Liability

To the maximum extent permitted by law, CH2M HILL's liability for CLIENT's damages will not exceed the compensation received by CH2M HILL under this Agreement.

### 10. Severability and Survival

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability and indemnities shall survive termination of this Agreement for any cause.

### 11. Asbestos or Hazardous Substances

To the maximum extent permitted by law, the CLIENT will indemnify and defend CH2M HILL and its officers, employees, subconsultants, and agents, from all claims, damages, losses and expenses, including, but not limited to, direct, indirect or consequential damages and attorney's fees, in excess of the Limitation of Liability in Article 9, arising out of or relating to the presence of asbestos or the presence, discharge, release, or escape of hazardous substances or contaminants on or from the Project. The indemnity in this provision will be construed and enforced according to the law of Colorado.

### 12. Loan Monitoring Services

When CH2M HILL is providing Project review and/or construction monitoring services to lenders, the CLIENT (Lender) will, to the maximum extent permitted by law, indemnify and defend CH2M HILL and its officers, employees, subconsultants, and agents, from all third party claims, damages, losses and expenses, including, but not limited to, direct, indirect, or consequential damages and attorneys fees arising out of or relating to CH2M HILL's involvement or presence on or near the Project.

CH2M HILL is not responsible for the duties and responsibilities that belong to the borrower, developer, construction contractor(s), designer(s), testing laboratory(s), full-time inspector(s), or other parties associated with the Project not in the employ of CH2M HILL.

### 13. Interpretation

The limitations of liability and indemnities will apply whether CH2M HILL's liability arises under breach of contract or warranty; tort, including negligence; strict liability; statutory; or any other causes of action.

The law of the state, or province, of OREGON shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it, except as to Article 11, Asbestos or Hazardous Substances.

### 14. No Third Party Beneficiaries

This Agreement gives no rights or benefits to anyone other than the CLIENT and CH2M HILL and has no third party beneficiaries.

CH2M HILL services are defined solely by this Agreement, and not by any other contract or agreement which may be associated with the Project.

Attachment A  
WATER AND SEWER RATE STUDY

SCOPE OF SERVICES

Phase 1

1A. CH2M HILL will provide the Client with a data request list to conduct the water and sewer rate studies. This list will consist of various operational and financial data concerning the rate studies. The Client will assemble the data and provide them to CH2M HILL within 2 weeks of receipt of the request.

1B. CH2M HILL will review the data and become familiar with the utility systems.

1C. CH2M HILL will review the existing rates of the utilities and any prior rate studies conducted in the past 5 years.

1D. CH2M HILL will meet with the Client to discuss the rate-related issues facing the Client's utilities. Any preliminary findings will also be discussed. In addition, CH2M HILL and the Client will discuss the technical approaches that could be used to develop the rates for the utilities and will select one approach to be implemented.

1E. CH2M HILL will prepare a memorandum summarizing the results of all Phase 1 tasks.

Phase 2

2A. CH2M HILL will prepare a data request list for any additional information that may be needed to implement the approach selected in Task 1D. The Client will collect these data and provide them to CH2M HILL.

2B. CH2M HILL will project revenue requirements for each utility for the next 5 fiscal years. Federal regulatory requirements, which may impact currently anticipated capital or O&M costs, will be considered in these projections.

2C. CH2M HILL will allocate the projected revenue requirements to the relevant functional parameters for each utility and then allocate the costs by parameter to customer classes. This procedure will be performed in conformance with applicable federal regulations and accepted cost-of-service principles. Any noncost-of-service policies or procedures will be only as directed by the Client.

III-2

2D. CH2M HILL will develop two rate alternatives for each utility. Additional alternatives shall be considered beyond the scope of this agreement and subject to further negotiation. Rate alternatives shall be defined as differences in rate structure or in rate methodology. Modification of cost levels within a given structure and methodology, unless such modifications require preparation of a second draft or a second final report, shall not be considered as alternatives. CH2M HILL will also calculate one system development charge alternative for each utility. These development charges will be determined using the methodology selected in Task 1D.

2E. CH2M HILL will prepare five copies of a draft report for Client review and comment. This draft report will be delivered within 4 weeks from the time CH2M HILL receives a substantially complete set of the data requested in Task 2A. Approximately 2 weeks after receiving Client comments on the draft report, CH2M HILL will prepare and deliver 10 copies of a final report to the Client.

2F. CH2M HILL will attend up to five meetings during Phase 2 to present preliminary and/or final results. The types of presentations and the schedule for them will be as agreed upon during the course of the project.

2G. CH2M HILL will complete a rate and development charge updating model and a model user manual for each utility within 3 weeks after completion of the final report. The model will operate on IBM-compatible hardware and Lotus 1-2-3 software. The Client will provide its own hardware and software, and CH2M HILL will provide the model file(s) on diskette(s) to operate on them. CH2M HILL will conduct a training session on the use of these models for Client staff. This session will be up to one-half day in length.

*III-2*

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: MARCH 6, 1989

SUBJECT: Budget Committee

BACKGROUND: Below is an outline of the budget committee members and their terms.

<u>December 1988</u>	<u>December 1989</u>	<u>December 1990</u>	<u>December 1991</u>
Aaron Corum Rick Rementeria Lyle Wilson	Martin McIntosh		Harold Dodge Fred LaBonte Bert Pennock Wingret Walker

Arron Corum and Rick Rementeria both wish to be re-appointed to the Budget Committee. Lyle Wilson does not wish to be re-appointed to this committee. This will leave one vacancy that needs to be filled on this committee prior to the first Budget Committee meeting.

The Mayor has indicated that he will re-appoint Mr. Corum and Mr. Rementeria to their budget committee positions. One position remains open.

Submitted by:

  
Terrence D. Mahr  
Manager Pro-Tem

cncl\bdgcmte

III-4

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: MARCH 6, 1989

SUBJECT: Resolution Transferring Funds From General Fund  
Contingency Account to General Fund Police Department

BACKGROUND: The Newberg Police Department expended \$400 for purchases of controlled substances for a case they investigated with the Sherwood Police Department. Subsequently, the City of Sherwood reimbursed the \$400 to the City of Newberg. This transfer is needed to appropriate these funds for use in future investigations by the Newberg Police Department.

RECOMMENDATION: Recommend approval of budget transfer resolution.

COST: Increase expenditures by \$400.

Respectfully Submitted:

*Doug Richmond*

Doug Richmond  
Acting Finance Director

Approved *Terry Mahr*  
Terry Mahr, Acting City Manager

III-5

RESOLUTION NO.

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM THE GENERAL FUND RESERVE FOR CONTINGENCY ACCOUNT TO THE GENERAL FUND POLICE DEPARTMENT.

WHEREAS, the City has received from the City of Sherwood funds in the amount of \$400 as reimbursement for expenditures incurred for controlled purchases for Case No. 89-1206; and

WHEREAS, it is necessary to transfer from the General Fund Reserve for Contingency account to the General Fund Police Department the amount of \$400 to cover said expenditures; and

WHEREAS, the funds must be appropriated from the fund and account above listed in order for the City to be able to expend the funds; and

WHEREAS, the City of Newberg has considered the transfer between the funds and accounts as set forth in the budget for the fiscal year 1988-89, which transfers are enumerated below and has determined that the expenditures hereinafter listed and the transfer of funds hereinafter listed should be allowed.

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

1. That the information contained in the whereas clauses above are hereby incorporated herein at this point by reference.
2. That the following transfer of funds from the General Fund Reserve for Contingency Account (1-495.800) in the total amount of \$400 is hereby authorized and expenditure of funds are authorized for the purpose stated as follows:

<u>FUND/DEPARTMENT</u>	<u>AMOUNT</u>
General Fund	
Police Department	<u>\$ 400</u>
Total General Fund	<u>\$ 400</u>

3. That the foregoing transfer shall be made from accounts as set forth in the budget of the City of Newberg for the fiscal year 1988-89.

ADOPTED by the City Council of the City of Newberg, Oregon this        day of March, 1989.

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

III-5

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: MARCH 6, 1989

SUBJECT: Proposed Budget Reduction 1988-1989 Fiscal Year

BACKGROUND: The City's request for a new tax base was defeated at the November 8, 1988 general election. Without the new tax base, it is necessary to reduce expenditures in fiscal year 1988-1989 to provide additional carryover funds to balance the budget in fiscal year 1989-1990. After in-depth review, expenditure reductions totaling \$216,848 in the General Fund have been identified in the 1988-1989 budget. The revised budget amounts will permit us to operate within our tax base through fiscal year 1989-1990. A budget transfer reducing departmental budgets and transferring the funds into the General Fund Contingency Account is requested to reflect these reductions in the financial reporting system to allow for monitoring budget compliance.

RECOMMENDATION: Recommend approval of budget transfer resolution reducing departmental budgets and increasing General Fund Contingency Account.

COST: Reduction of \$216,848 in General Fund expenditures.

Respectfully Submitted:



Doug Richmond  
Acting Finance Director

Approved   
Terry Mahr, Acting City Manager

III-6

CITY OF NEWBERG  
 SCHEDULE OF 1988-1989 PROPOSED BUDGET CUTS  
 GENERAL FUND EXPENDITURES

	CURRENT BUDGET 1988-89	BUDGET CUTS	REVISED BUDGET 1988-89
-----			
BY DEPARTMENT			
NONDEPARTMENTAL	166,478	(29,278)	137,200
GENERAL GOVERNMENT	79,560	(1,800)	77,760
RECORDER	4,800	(3,550)	1,250
MUNICIPAL COURT	40,951	(1,600)	39,351
ADMINISTRATION	56,977	(25,631)	31,346
FINANCE	80,846	(3,160)	77,686
LEGAL	98,555	(5,713)	92,842
PLANNING	121,500	(6,843)	114,657
POLICE	1,188,325	(26,849)	1,161,476
FIRE	277,828	(6,072)	271,756
BUILDING INSPECTION	94,950	(4,129)	90,821
ENGINEERING	41,353	(9,024)	32,329
CITY BUILDING	133,353	(70,727)	62,626
STREET LIGHTING	90,000	(2,500)	87,500
MUNICIPAL GARAGE	69,291	(187)	69,104
LIBRARY	229,927	(7,405)	222,522
SOCIAL SERVICES	38,304	0	38,304
TRANSFERS	79,460	(12,380)	67,080
	-----	-----	-----
	2,892,458	(216,848)	2,675,610
	=====	=====	=====

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS GENERAL FUND DEPARTMENTS TO THE GENERAL FUND CONTINGENCY ACCOUNT.

WHEREAS, the City's request for a new tax base was rejected at the November 8, 1988 general election; and

WHEREAS, without a new tax base it is necessary for the City to reduce expenditures in fiscal year 1988-1989 to provide additional carryover funds to balance the budget for fiscal year 1989-1990; and

WHEREAS, it is necessary to transfer from various General Fund Departments to the General Fund Contingency Account the amount of \$216,848 to reduce expenditures in fiscal year 1988-1989; and

WHEREAS, the City of Newberg has considered the transfer between the funds and accounts as set forth in the budget for the fiscal year 1988-1989, which transfers are enumerated below, and has determined that the reduction in expenditures hereinafter listed and the transfer of funds hereinafter listed should be allowed.

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

1. That the information contained in the whereas clauses above are incorporated herein at this point by reference.
2. That the following transfer of funds to the General Fund Reserve for Contingency Account (1-495.800) in the total amount of \$216,848 is hereby authorized for the purpose stated as follows:

<u>FUND/DEPARTMENT</u>	<u>AMOUNT</u>
GENERAL FUND	
Nondepartmental (1-400)	\$ 29,278
General Government (1-410)	1,800
Recorder (1-411)	3,550
Municipal Court (1-412)	1,600
Administration (1-413)	25,631
Finance (1-415)	3,160
Legal (1-416)	5,713
Planning (1-419)	6,843
Police (1-421)	26,849
Fire (1-422)	6,072
Building Inspection (1-424)	4,129
Engineering (1-425)	9,024
City Buildings (1-426)	70,727
Street Lighting (1-431)	2,500
Municipal Garage (1-433)	187
Library (1-455)	7,405
Transfers (1-485)	<u>12,380</u>
TOTAL GENERAL FUND	<u>\$216,848</u>

III-6

3. That the foregoing transfer shall be made from accounts as set forth in the budget of the City of Newberg for the fiscal year 1988-1989.

ADOPTED by the City Council of the City of Newberg, Oregon this        day  
of March, 1989.

---

Tracie Remillard - City Recorder

III-6

MEMO  
AGENDA March 6, 1989

SUBJECT:            Public Hearing:  
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 this 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

BACKGROUND:

Since the adoption of the bed and breakfast ordinance in 1985, Newberg has processed four requests for conditional use permits for these accommodations. All were in residential districts; three were in historic homes. All were approved, but only two are now operating.

The ordinance has been revised, in part to respond to some of the issues raised by the Luty zone change request, and in part to generally simplify the process for an applicant. Two issues were specifically addressed: the number of permitted guest rooms and the conditional use permit process.

Present ordinances restrict a bed and breakfast to one or two guest rooms; a motel/hotel is defined as having six or more guest rooms. Many structures, particularly older historic homes, have five to seven bedrooms and could accommodate a larger bed and breakfast facility. The City regularly receives inquiries about just such an expanded use. This revision would allow 1-2 guest rooms as permitted uses in R-2, R-3, R-P, and C-1 districts, while 3-5 guest rooms would be conditional uses in these same districts. Facilities with 1-2 guest rooms would still be a conditional use in R-1 districts, while any type of facility can locate in C-2 and C-3 districts.

GUEST ROOMS

<u>DISTRICT</u>	<u>1-2</u>	<u>3-5</u>	<u>6+</u>
R-1	CUP	NP	NP
R-2	P	CUP	NP
R-3	P	CUP	NP
R-P	P	CUP	NP
C-1	P	CUP	NP
C-2	P	P	P
C-3	P	P	P

CUP        =     Conditional Use Permit  
P           =     Permitted  
NP         =     Not Permitted

V-1

Other revisions were made to the definitions and standards for bed and breakfast establishments. The number of guests permitted has been deleted, in part to respond to the greater number of rooms potentially available, and in part due to the difficulty in monitoring and enforcement.

Additional parking will be required for those establishments with more than two guest rooms. Lastly, all establishments must now comply with the Uniform Fire Code, as well as the Uniform Building Code.

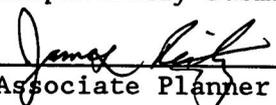
In summary, most small bed and breakfast establishments would undergo only staff review; larger ones would be reviewed by the Planning Commission.

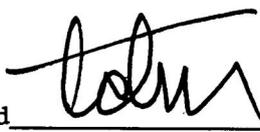
RECOMMENDATION:

Amend the Newberg Zoning Ordinance to allow most 1-2 guestroom bed and breakfast establishments as permitted uses, and most 3-5 guestroom bed and breakfast establishments as conditional uses.

Cost: None.

Respectfully Submitted:

  
\_\_\_\_\_  
Associate Planner

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

ORDINANCE NO. 89-

AN ORDINANCE AMENDING NEWBERG ZONING ORDINANCE NO. 1968 AS AMENDED PERTAINING TO THE REGULATION OF "BED AND BREAKFAST ESTABLISHMENTS".

WHEREAS, Bed and Breakfast facilities provide an alternative to standard overnight stay accommodations; and

WHEREAS, The Newberg Planning Commission did hold a public hearing on January 19, 1989 to take testimony relating to bed and breakfast facilities; and

WHEREAS, The Planning Commission did recommend to the Newberg City Council that they amend the Newberg Zoning ordinance to provide for bed and breakfast facilities; and

WHEREAS, The Newberg City Council did hold a hearing on February 6, 1989 to take testimony relating to amendments to the Newberg Zoning Ordinance promoting the establishment of bed and breakfast facilities.

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

Section 1. Section 254, Bed and Breakfast Establishment is amended to read as follows:

Bed and Breakfast Establishment. A structure designed and occupied as a residence in which sleeping rooms are provided on a daily or a weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility.

Bed and Breakfast establishments shall comply with the following conditions:

1. The structure used for a Bed and Breakfast establishment shall be designed for and occupied as a single family residence. The structure shall maintain the characteristics of a single family residence.
2. All residences used for Bed and Breakfast establishments shall be applicant occupied.
3. A minimum of one off-street parking space shall be provided for the first two permitted guest sleeping rooms. One additional parking space will be required for each guest sleeping room over two. In addition, parking standards normally required for single family residences will apply.
4. One all-wooden sign shall be permitted. The sign shall be indirectly illuminated or non-illuminated and shall not exceed 6 square feet of face area.
5. The duration of each guest's stay at the Bed and Breakfast establishment shall be limited to no more than seven consecutive days, and no more than fifteen days within a thirty day period.
6. Bed and breakfast establishments located in other than single story buildings shall provide permanent or portable fire escape systems from the upper floor(s) in a manner acceptable to the Newberg Fire Department.
7. Complaints on conditions 1-6 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based upon compliance with the conditions above as well as the

criteria listed within Section 440 through 444 of the Newberg Zoning Ordinance. If the Bed and Breakfast establishment is found to be in violation of the conditions or criteria identified within this section, the Planning Commission may terminate the use of the building as a Bed and Breakfast establishment.

8. Bed and Breakfast establishments shall be exempt from Ordinance 1835A pertaining to a motel tax.
9. All Bed and Breakfast establishments shall conform to the requirements of the Uniform Building and Fire Codes.

Section 2. Sections 314, 324, 334 and 344 are amended to include the following use as a Permitted Use:

Bed and Breakfast Establishment (2 or fewer guest sleeping rooms)

Section 3. Sections 316, 326 and 336 are amended to include the following use to be permitted conditionally:

Bed and Breakfast Establishment with more than two guest sleeping rooms.

Section 4. A new section should be established and identified as Section 346 which shall read as follows:

Section 346 Buildings and Uses Permitted Conditionally.

In addition to the buildings and uses permitted conditionally, listed in Section 432-450, the Planning Commission may grant a conditional use permit for any of the following buildings or uses in accordance with the procedures set forth in Section 632 through 670:

1. Bed and Breakfast establishments with more than two guest sleeping rooms

PASSED by the Council of the City of Newberg this \_\_\_ day of \_\_\_\_\_, 1989 by the following votes:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
City Recorder

APPROVED by the Mayor this \_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Elvern Hall - Mayor

FINDINGS OF FACT - EXHIBIT A

1. The existing Bed and Breakfast ordinance restricts bed and breakfast establishments to no more than two rooms for use by visitors. The structures chosen are often historical buildings, some of which have the capacity to offer more than two rooms for use by visitors. The existing ordinance has no provision to allow larger establishments.
2. B & B's are permitted conditionally within R-1, R-2, R-3 and R-P zones; within C-1, C-2 and C-3 zones they are permitted outright. To date, all requests to establish bed and breakfasts have been for structures located within residential zones. These have required approval through a lengthy conditional use permit hearing process.
3. Administrative design review is required of all uses greater than single-family residential. As commercial enterprises, bed and breakfast establishments and home occupancy uses are required to comply with standards and conditions identified by the design review board. In addition, B & B's must meet those requirements identified within the Bed and Breakfast ordinance. Bed and breakfast and home occupation usages are of comparable impact on surrounding properties. The effects are usually negligible.
4. Bed and breakfast establishments with more than two guest rooms in residential and neighborhood commercial areas have a greater impact on surrounding properties due to traffic generated, off-street parking area requirements and general intensification of use. The establishment of such a facility is more appropriately reviewed through the conditional use permit hearing process.
5. Bed and breakfast establishments within C-2 (Community Commercial) and C-3 (Central Business District) zones are outright permitted regardless of the number of guest rooms. Traffic, parking and intensification of use are considered to be compatible with these commercial zoning designations.
6. Notice was provided within the Newberg Graphic Newspaper and to all City departments. No comments have been received.

MEMO  
AGENDA March 6, 1989

SUBJECT: Public Hearing:

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-Professional)  
zoning district.  
Location: 200 N. River  
Tax Lot: 3220BB-1700  
File No: Z-3-88

BACKGROUND:

As requested at the February 6 Council hearing, findings of fact have been developed to support the re-zone of this parcel from R-P (Residential-Professional) to C-2 (Community Commercial).

Those neighbors who testified before the Planning Commission were notified of the Council's action. A number of them have expressed interest in re-opening the hearing. They thought the Special Development District was a reasonable compromise i.e. it provides the applicant with additional marketability, while still protecting the neighborhood from intensive commercial uses. They may dispute the re-zoning to C-2 (Community Commercial), particularly since the Planning Commission's recommendation was for a significantly lesser change.

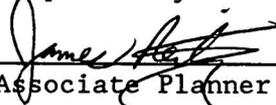
The findings of fact attached to the ordinance were developed by the applicant. It should be noted that they do not address the questions of public need or the need for this specific piece of property to be zoned C-2; this action could be challenged on those grounds.

Recommendation:

Insofar as the Council has directed findings of fact to be developed to support re-zoning this parcel from R-P (Residential-Professional) to C-2 (Community Commercial), the attached ordinance and findings fulfil this requirement.

Cost: None.

Respectfully Submitted:

  
\_\_\_\_\_  
Associate Planner

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

ORDINANCE NO. 89-

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NEWBERG ZONING MAP FROM A CITY R-P (RESIDENTIAL-PROFESSIONAL) DESIGNATION TO A CITY C-2 (COMMUNITY COMMERCIAL) DESIGNATION. THE PROPERTY IS COMMONLY KNOWN AS 200 NORTH RIVER, YAMHILL COUNTY TAX LOT NUMBER 3220BB-1700.

- WHEREAS, A notice of this proposed zone change was sent to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 250 feet; and
- WHEREAS, Notice of this action was placed as a public notice within the Newberg Graphic Newspaper and was posted on or near the subject property in compliance with state statutes; and
- WHEREAS, The City Planner, in his staff memorandum to the Planning Commission at their November 17, 1988 meeting, did recommend that the territory be rezoned; and
- WHEREAS, On November 17, 1988 the Newberg Planning Commission held a public hearing to consider the land use issues involving this territory and recommends that said territory not be rezoned based upon the findings of fact as presented by the Planning Department; and
- WHEREAS, On February 6, 1989 at the hour of 7:30 PM at the Newberg Public Library, was heretofore set as the time and place for a public hearing, and the City Council, through the Recorder of the City, did cause notice of this hearing to be published in accordance with ORS 222.120 and in accordance with Ordinance No. 2012 of the City of Newberg, and the hearing was held.
- WHEREAS, On February 6, 1989 the applicant appealed the Planning Commission recommendation regarding this matter; and
- WHEREAS, On March 6, 1989 the Council reviewed the applicant's findings of fact in support of the proposed zone change.

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

- Section 1. The City Council adopts the applicant's findings of fact which are attached hereto as Exhibit A and incorporated herein at this point by reference.
- Section 2. The territory described in Exhibit B is hereby changed from an R-P (Residential-Professional) zoning designation to a C-2 (Community Commercial) zoning designation. Section 900 of the Newberg Zoning Ordinance No. 1968 entitled "Newberg, Oregon Zoning Map" shall be amended to indicate this change.
- Section 3. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Assessor of Yamhill County, a certified copy of the following documents:

1. A copy of this ordinance.
2. A map identifying the location of said territory.

PASSED by the City Council of the City of Newberg this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by the following votes:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
City Recorder

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Elvern Hall - Mayor

FINDINGS OF FACT - APPLICANT'S EXHIBIT A

1. The subject property consists of a single lot of 13,680 sq. ft. It is occupied by a single-family home. The property is for sale.
2. The C-2 zone is consistent with the typical zones surrounding the subject property and is adjacent to a major thoroughfare, Highway 99W. Adjoining property includes a 12-plex apartment, a professional building and parking lot, and other residential/professional and commercial uses.
3. The C-2 zone is more appropriate with the existing surrounding zoning than a residential-professional zone.
4. The City Comprehensive Plan recognizes the subject property for commercial uses. The goal and policy statements in the comprehensive plan which support this zone change are the:

Economy Goal - to develop a diverse and stable economic base

No. 2 "...encourage economic expansion consistent with local needs. Such expansion shall include the addition of new...commercial operations as well as the growth of new...businesses."

No. 5 "Economic expansion shall not exceed the carrying capacity of the air, water, or land resource quality."

Commercial Areas

No. 1 "...encourage the retention of the downtown core as a primary shopping, service and financial center...New commercial developments shall be encouraged to locate there."

No. 2 "Adequate neighborhood commercial areas will be provided to serve localized needs."

No. 4 "New strip commercial developments shall be discouraged, but will be allowed within areas where such development has already occurred."

4. The C-2 zone does not conflict with the uses, and goal and policy statements contained in the Economy and Commercial Areas goals mentioned above. Present and proposed uses for the subject property conform to the objectives of those statements.
5. Proximity to George Fox College and Herbert Hoover House, plus the historic background of the subject property, lend a special characteristic to the area which is enhanced by the uses allowed in the C-2 zone, thus increasing the suitability of the site to the provisions of the city Comprehensive Plan.
6. There is a public need to promote the diversification of the community's economic base and the creation of additional jobs. The zone change will allow additional property to be developed which will help to satisfy this public need.
7. The flexibility of a variety of permitted uses which exist in a C-2 zone will enhance the value of the subject property as well as surrounding

properties, thus further satisfying the Economy Goals of the City Comprehensive Plan.

8. Many of the possible uses in the C-2 zone can further the urban portion of the county's developing wine industry, while at the same time preserving the economic value, and thus the life, of an historic resource such as the residence on the subject property.
9. There is adequate parking for the C-2 zone designation.

MEMO  
AGENDA MARCH 6, 1989

SUBJECT: Public Hearing

Applicant: Kenneth & Theresa Leard  
Request: Annexation of a .25+ acre parcel  
Location: 918 S. Wynooski, across from Boston Square Apartments  
Tax Lot: 3220-900  
File No: ANX-1-89

BACKGROUND:

The applicants are requesting the annexation of a parcel of land approximately 11,000 sq. ft. in area. They have obtained the house that was moved to make way for the Shilo Inn, and wish to locate it on this lot. The purpose of the annexation is to obtain City water and sewer. This request is being processed in conjunction with a minor partition. The original parcel is over seven acres in size, and is owned by the applicants' parents. The annexation request is only for the partitioned parcel and the right-of-way that fronts it.

As a condition of the annexation, the applicants will deed to the City an additional 10' of right-of-way, and sign a statement of non-remonstrance, to provide for the eventual improvement of Wynooski. Testimony at the Planning Commission was only by the applicants; no one spoke in opposition.

RECOMMENDATION:

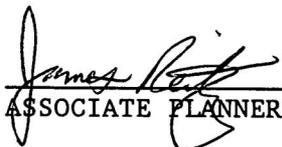
Approve the request for annexation, re-zone the property to R-2 (Medium Density Residential), and withdraw it from the Newberg Rural Fire Protection District. As a condition of the annexation, the following shall occur:

1. The applicant shall dedicate an additional 10 feet of right-of-way along any bordering public road which is of a sub-standard width. The dedication shall be made to the City of Newberg.
2. The applicant shall sign a statement of non-remonstrance regarding future street and public utility improvements.

COST:

None

RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
ASSOCIATE PLANNER

APPROVED   
\_\_\_\_\_  
CITY MANAGER

ORDINANCE NO.

AN ORDINANCE DECLARING THAT CERTAIN TERRITORY BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT, AND GRANTING A ZONE CHANGE FROM A COUNTY ZONING DESIGNATION TO A CITY R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DESIGNATION . THE SITE IS COMMONLY KNOWN AS 918 SOUTH WYNOOSKI, YAMHILL COUNTY TAX LOT 3220-900.

WHEREAS, A notice of this proposed annexation/zone change and withdrawal from the Newberg Rural Fire Protection District was sent to the owners of record as identified in the Yamhill County Assessor's Office, and all adjoining property owners within a distance of 250 feet; and

WHEREAS, Notice of this action was placed as a public notice within the Newberg Graphic Newspaper and was posted on or near the subject property in compliance with state statutes; and

WHEREAS, Requirements of the City of Newberg Comprehensive Plan and Ordinance No. 2012 regarding annexations have been met; and

WHEREAS, The Planning Director, in his staff memorandum to the Planning Commission at their February 16, 1989 meeting, did recommend that the territory be annexed into the City; and

WHEREAS, On February 16, 1989 the Newberg Planning Commission held a public hearing to consider the land use issues involving the annexation of said territory; and

WHEREAS, On March 6, 1989 at the hour of 7:30 PM in the Meeting Room of the Newberg Public Library, which was heretofore set as the time and place for a public hearing, and the City Council, through the Recorder of the City, did cause notice of this hearing to be published in accordance with ORS 222.120 and in accordance with Ordinance No. 2012 of the City of Newberg, and the hearing was held;

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

Section 1. The City Council adopts the findings of fact as presented to the Council from the Newberg Planning Department, a copy of which is attached hereto as Exhibit A and incorporated herein at this point by reference.

Section 2. It is hereby ordered and declared that the property described in Exhibit B.

BE AND THE SAME IS HEREBY ANNEXED AND WITHDRAWN FROM THE NEWBERG FIRE PROTECTION DISTRICT.

Section 3. The territory described in Exhibit B is hereby changed from a County zoning designation to a City of Newberg R-2 (Medium Density Residential) zoning designation. Section 900 of the Newberg Zoning Ordinance No. 1968 entitled "Newberg, Oregon Zoning Map" shall be amended to indicate this change.

Section 4. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the

Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of the following documents:

1. A copy of this ordinance.
2. A map identifying the location of said territory.

PASSED by the City Council of the City of Newberg this        day of        , 1989  
by the following votes:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
City Recorder

APPROVED by the Mayor this        day of        , 1989.

\_\_\_\_\_  
Elvern Hall - Mayor

FINDINGS OF FACT - EXHIBIT A

1. The subject property is located directly adjoining the city limits. Surrounding land uses consist of the Hess Creek drainageway, rural residential, apartments (Boston Square), single-family residential, Smurfit Newsprint, and open space.
2. This property is County zoned LDR-9000. Municipal sewer and water services can only be obtained after annexation to the City of Newberg. The City and the County have different development code standards. It is appropriate for all development occurring within the urban growth boundary to be built to City standards. By doing so the applicant and/or the City should be able to avoid upgrading the project to meet City standards at a later date. It is clearly to the City's advantage to control the growth and development plans for the area.
3. The annexation will increase the City's overall tax base which will serve to decrease the overall tax rate within the community. The effect of this is that ultimately property taxes may be reduced.
4. This annexation request is being processed in conjunction with a minor partition request. The "parent" lot contains 7.42 acres. The minor partition will separate approximately 1/4 acre from the larger lot. The annexation request is only for the partitioned lot.
5. The property is mostly flat. The purpose of the annexation is to enable the applicant to obtain city services. The lot to be created is empty, but the applicant has obtained the home that was removed to make room for the Shilo Inn. Following the annexation and minor partition, the home will be moved to the lot and tapped into city utilities.
6. Notice of this request was provided to owners of the subject property and all the adjoining property owners within a distance of 250 feet. Notice was also provided within the Newberg Graphic Newspaper and was posted on or adjoining the subject property. Additionally, notice of this request was referred to all City departments, the Yamhill County Planning Department, the Newberg Fire Department and the Newberg School District.

Legal Description for Annexation 1-89. 2-27-89  
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Part of the Joseph B. Rogers Donation Land Claim No. 55, in Section 20, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, and described as follows:

Beginning at an iron rod set in a concrete monument on the Easterly line of Wynooski Street, said monument being on the boundary of the City of Newberg, said monument bears N 0-27' E, 754 ft. and West 250 ft. from the Southwest corner of the Richard Everest Donation Land Claim No. 52;

thence East on the City Boundary 110.00 ft.;

thence S 27-05' E, 95.00 ft.;

thence S 79-59'-27" W, 102.45 ft. to the Easterly line of Wynooski Street;

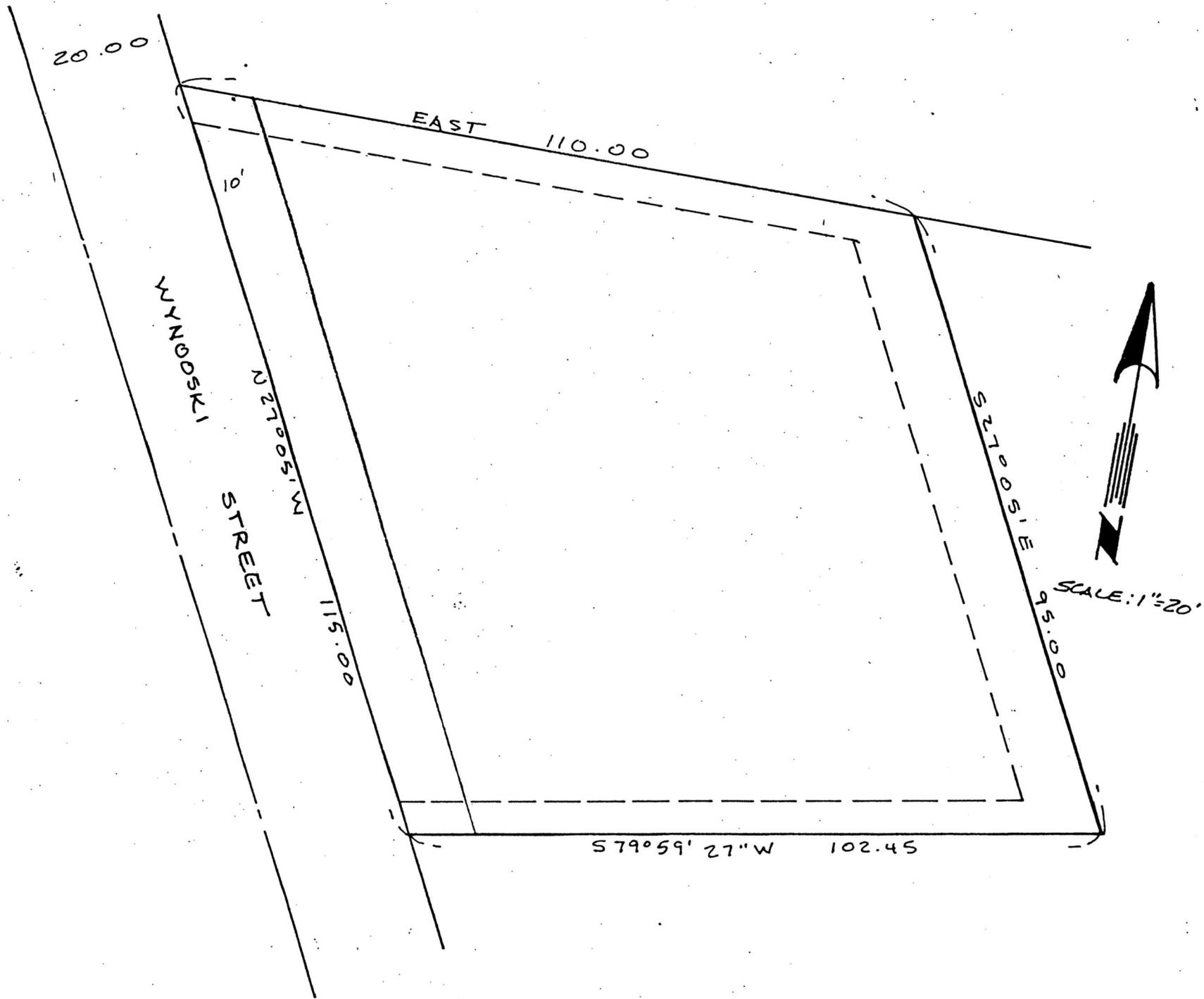
thence S 62-55' W, 40.00 ft. to the Westerly line of Wynooski Street;

thence N 27-05' W on said right-of-way 135.46 ft. to the City Boundary;

thence East 44.93 ft. to the Point of Beginning.



I-3



A Regular Meeting  
of the Planning Commission  
Newberg Public Library                      February 16, 1989  
7:30 PM, Thursday                      Subject to P.C. Approval at 3/16/89 P.C. Meeting

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Public Hearing A:

Applicant:        Kenneth & Theresa Leard  
Request:         Annexation of a .25+ acre parcel  
Location:        918 S. Wyooski, across from Boston Square Apartments  
Tax Lot:         3220-900  
File No:         ANX-1-89

No abstentions, or ex-parte contact were indicated. No objections to jurisdiction were raised.

Staff Report: Associate Planner Reitz identified the site and indicated that the property was only eligible for city services if annexed.

Proponent: Ken Leard, applicant, 521 W. Fifth, indicated he planned to move a house onto the property. He expressed a desire to complete the process as quickly as possible in order to connect the relocated house to city services.

Opponent: None

Public Agencies/Letters: None

Staff Recommendation: Planning Staff recommended approval of the requested annexation with the conditions identified within the staff report pertaining to right-of-way dedication and non-remonstrance for public improvements.

Hearing Closed.

In a brief discussion relating to the need for a 10 ft. ROW, Public Works Director Teitzel commented that this would eliminate the need for a future land purchase should the street require widening.

Motion: Fendall-Bernard to recommend that City Council approve the annexation of a .25 acre parcel, commonly known as 918 S. Wyooski, Yamhill County Tax Lot No. 3220-900, a zone change to a City R-2 (Medium Density Residential) zoning district, and withdrawal from the Newberg Rural Fire Protection District, based on Staff Report findings and conditions. Motion carried unanimously.

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: MARCH 6, 1989

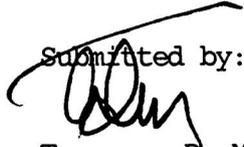
SUBJECT: Council compensation for meetings/Mayor's stipend

BACKGROUND: The City Council requested these documents to be prepared for them at the February 6 meeting.

RECOMMENDATION: Not applicable.

COST: Savings \$2.00 per Council member per meeting and \$75.00 per month for the Mayor.

Submitted by:



Terrence D. Mahr  
Manager Pro-Tem

cncl\comp

IX-1

RESOLUTION NO. 89-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL PROVIDING THAT THE STIPEND OF \$300.00 PER MONTH TO BE PAID TO MAYOR ELVERN HALL BE REDUCED TO \$225.00 PER MONTH FOR THE REMAINDER OF THE 1988/89 FISCAL YEAR FOR THE MONTHS OF MARCH, APRIL, MAY AND JUNE.

WHEREAS, the Mayor of the City of Newberg receives compensation in the amount of \$300.00 per month; and

WHEREAS, the City is in need of an austerity program because of financial constraints; and

WHEREAS, on February 6, 1989, the Council discussed cutting their compensation by 25% in order to set an example for the employees.

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

1. That the \$300.00 per month stipend paid to Mayor Elvern Hall by the City of Newberg, as approved through the Budget process for the fiscal year 1988/89 be reduced to \$225.00 per month for the months of March, April, May and June.
2. EMERGENCY CLAUSE. The City is need of enacting immediate measures as budgetary constraints. Therefore the Council hereby declares an emergency and declares that this ordinance shall take effect on March 1, 1989.

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

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

resolt\comp

ORDINANCE NO. 89-\_\_\_\_\_

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO ORDINANCE NO. 2136, SECTION 6, PROVIDING FOR COUNCIL COMPENSATION AND DECLARING AN EMERGENCY.

WHEREAS, the Council members of the City of Newberg receive \$8.00 per meeting; and

WHEREAS, the City is in need of an austerity program because of financial constraints; and

WHEREAS, on February 6, 1989, the Council discussed cutting their compensation by 25% in order to set an example for the employees.

NOW, THEREFORE, the City of Newberg ordains as follows:

1. Section 6 of Ordinance No. 2136 is amended to provide that the Council members are compensated in the amount of \$6.00 per meeting instead of \$8.00 per meeting.
2. EMERGENCY CLAUSE. The City is need of enacting immediate measures as budgetary constraints. Therefore the Council hereby declares an emergency and declares that this ordinance shall take effect on March 1, 1989.

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

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

ATTEST:

\_\_\_\_\_  
Elvern Hall - Mayor

ord\comp

IX-1

MEMORANDUM  
AGENDA: CITY COUNCIL  
DATE: MARCH 6, 1989

SUBJECT: Alley policy.

BACKGROUND: At the Council meeting on February 6, 1989, the subject of the alley policy was brought up by the Council. Attached hereto is a copy of minutes from the May 6, 1986 meeting in which the Council reviewed and adopted an alley policy.

RECOMMENDATION: It is recommended that the Public Works Director report to the Council on the specific alley policy brought to the Council's attention and to refer this matter to the Public Works Committee for review.

COST: Not applicable.

Submitted by:



Terrence D. Mahr  
Manager Pro-Tem

cncl\alley

IX-2



NEW BUSINESS:

1. Approval of March Financial Statements. (Moved to Consent Calendar.)

2. Report on proposed alley policy for City of Newberg. The City Manager stated the Alley Policy recommended by the Public Works Committee allows owners to improve an alley if they wish.

Motion: Gano-Poet to accept the Alley Policy recommended by the Public Works Committee. Carried unanimously.

3. Meeting Location. Mayor Hall asked the Council to state their preference for meeting location. Several locations have been used in the past year.

The Council discussed the advantages and disadvantages of several locations. It was agreed to have a 'moveable council meeting' with various locations used.

4. Work Sessions. The City Manager described the advantages of the Council meeting for work sessions where various topics would be discussed, but no actions taken. The meetings should be on a regular basis.

The Council agreed and suggested the meetings be held the third Tuesday at 7:30 p.m. and at the Library, if available.

The Council also discussed and agreed to try Mayor/Council/Citizen meetings with a sack lunch at noon. The first scheduled for May 20th at the library.

5. Library District. The Library Director reported she had just returned from a meeting with the Dundee City Council where she reported on the grant received to investigate formation of a library district. They have been asked to provide a member of the advisory committee and someone will be appointed on May 12.

Motion: Gano-Halstead to appoint Marty McIntosh as the Newberg City Council's representative on the library district advisory board. Carried unanimously.

RESOLUTIONS:

Motion: Gano-Grobey to adopt Resolution No. 86-1191, approving a Senior Citizen Utility Discount for fiscal year 1986-1987. Carried unanimously.

Motion: Gano-Poet to adopt Resolution No. 86-1193, Authorizing transfer of funds between various accounts in General Fund, Street Fund, Sewer Fund and Water Fund. Carried unanimously.

MEMO

TO: City Council  
FROM: City Manager  
SUBJECT: Alley Policy

DATE: April 28, 1986

At the April 26, 1986, meeting of the Public Works Committee an alley policy for the City of Newberg was discussed. It was recommended by the Public Works Committee that the attached policy be reviewed and approved by the City Council.

The Public Works Committee is of the opinion that alleys are an important aspect of the transportation system and that in certain areas they are used as much as streets. It was felt that there should be some vehicle (pardon the pun) for citizens to use who wish to have their alleys improved. They have agreed that this policy will be that vehicle.

The alley policy has been reviewed by the City Attorney and conforms to the City ordinances regarding public improvements in the City. It provides for the establishment of a local improvement district process for homeowners and it also provides for a single ownership improving the entire alley, such as the case with the Greyhound Bus Depot.

  
Michael Warren  
City Manager

MW/bjm

Enc.

MEMORANDUM  
April 28, 1986

TO: CITY MANAGER  
FROM: DIRECTOR OF PUBLIC WORKS COMMITTEE  
SUBJECT: ALLEY POLICY

At their April 26 meeting, the Public Works Committee voted to recommend to the full Council approval of the attached alley policy. The Public Works Committee feels that alleys are an important aspect of the transportation system, and that in certain areas they are used as much as the streets are. They feel that there should be some vehicle for citizens to use who wish to have their alleys improved. They have agreed that this policy will be that vehicle. The alley policy has been reviewed by the City Attorney, and does conform to the City Ordinances regarding public improvements in the City. It does provide for the Local Improvement District process for home owners, and it also provides for a single owner improving an entire alley, such as the case with the Greyhound Bus Depot. All alley improvements shall come under the review of the Engineering Division of the Public Works Department.

Gregory E. DiLoreto, P.E.  
Director of Public Works

rs  
Attachment: Alley Policy

IX-2

## ALLEY POLICY

It shall be the policy of the City of Newberg that dedicated alleyways shall be maintained, improved, and created as follows:

1. Definition:

Alley. Alleys are defined as a minor way used primarily for vehicular or service access to properties otherwise abutting on a street.

2. Creation:

An alleyway right-of-way is created as a part of a partitioning of subdivision. Approval of the creation of an alleyway right-of-way is through staff, and then ultimately through the Newberg Planning Commission at the time of subdivision approval.

3. Improvement:

- a) Improvements to existing alleyway right-of-ways, whether it be the opening up of an alleyway, placement of gravel over an improved alleyway, or the hard surfacing of an alleyway, shall be paid for by the abutting property owners through the local improvement district process, as noted in City of Newberg Ordinance 2-3.
- b) A citizen may improve an alleyway to City standards at his expense. If the citizen owns property which abutts the alley, then the alley must be improved from the street through the owners property. Approval for alleyway improvements through an owners property, but not for the entire improvement of the alley, will be approved by the staff only if it feels the improvements will not harm the remainder of the alley which remains unimproved.
- c) Alleys shall be improved to a hard surface standard for all applications in which the alleys are upgraded to accomodate commercial use, or non-residential traffic. The alleys which are to be hardsurfaced shall be designed by a registered professional engineer, and approved by the City Engineer.

4. Maintenance:

The City of Newberg will maintain alleyways on as needed basis as determined by the Director of Public Works. Maintenance will consist of grading graveled alleys. Due to lack of funds and equipment, no oil will be applied to alleys. Additional gravel will be applied as determined by the Director. Alleys will only be maintained as funds allow, and take second priority to streets for maintenance funding.

MEMORANDUM  
AGENDA MARCH 6, 1989

**SUBJECT:** Parkway Subdivision Water Line Local Improvement District (LID)

**BACKGROUND:**

The residents and property owners of Parkway Subdivision have petitioned the City to install a public water system on Melody Lane and Prospect Dr. to replace the private water district presently in that location. The improvement will include an 8" line from N. College St. to the west end of Melody Lane and a 6" and 4" line on Prospect Dr. from Melody Lane to the west end of Prospect Dr. The project will also include all of the water services and replacement of all of the existing water meters in the private water district and installation of two fire hydrants in the vicinity of Melody Lane and Prospect Dr. This system will also provide service to the proposed subdivision of Prospect Park which will include about 25 lots to the west of Melody Lane and Prospect Dr.

The plans have been completed for the project, with an estimated cost to construct the improvement of \$68,040. The plans, along with the proposed assessment have been reviewed with the property owners within the Parkway Subdivision.

The assessment for this project was broken into two portions, one for the proposed subdivision of Prospect Park, and the other for the existing developed lots along Melody Lane and Prospect Dr. The proposed Prospect Park Subdivision would be assessed for 50% of the cost of the main line on Melody Lane and Prospect Dr. This would amount to an assessment of \$20,411.31 for the proposed subdivision. The balance of the cost including 50% of the main line plus the service lines and connections to new meters would be assessed to the existing lots on Melody Lane. This would amount to an assessment of \$2,381.31 for each lot in the subdivision.

I have attached for your information a map showing the outline of the assessment district, the estimated cost of the project, and the proposed assessment for each lot in the assessment district.

**RECOMMENDATION:**

I recommend that the Council proceed with this LID. The attached resolution should be adopted setting a hearing date of April 3. The property owners will be notified of that hearing and given an opportunity to give testimony on the proposed assessment. The Council will decide at that hearing whether to proceed with the project and advertise for bids.

Memorandum  
Parkway Subdivision LID  
March 6, 1989  
Page 2

**COST:**

There is no cost to the City on the proposed assessment.

Respectfully Submitted:



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Bert Teitzel, Dir. of Public Works

Approved:



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Terry Mahr, Acting City Manager

RESOLUTION

A RESOLUTION APPROVING THE CITY ENGINEER'S REPORT FOR THE LOCAL IMPROVEMENT DISTRICT IN PARKWAY SUBDIVISION, ORDERING PUBLICATION AND MAILING OF NOTICE FOR PUBLIC HEARING ON SAID LOCAL IMPROVEMENT DISTRICT AND SETTING THE DATE OF SUCH HEARING FOR APRIL 3, 1989.

WHEREAS, the City has been petitioned by the residents of the Parkway Subdivision to create a Local Improvement District to install a public water system, and

WHEREAS, the City Engineer has prepared a report and the report contains all the information specified in Section 2 of Ordinance No. 1348 dealing with Local Improvement Districts; and

WHEREAS, the City Council has reviewed such report at its March 6, 1989 City Council meeting.

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

1. The City Engineer's report as submitted or modified is hereby approved by the City Council.
2. The City Council declares its intention to make the improvement.
3. The City Council will have a hearing on April 3, 1989 at 7:30 p.m.
4. The City Recorder shall give notice of said hearing and said proposed improvements by two publications one week apart, in the Newberg Graphic and by mailing copies of such notice by certified mail to the last known address of each recorded owner of the property to be assessed for the cost of such improvements.
5. The notice, as published and mailed, shall contain the information that is listed in Section 4 of Ordinance No. 1348 of the City of Newberg.

ADOPTED by the City Council of the City of Newberg, Oregon this 6th day of March, 1989.

---

Tracie Remillard, City Recorder

X-1

## ENGINEER'S ESTIMATE AND QUANTITY SUMMARY

PROJECT: PARKWAY SUBDIVISION - WATER LINE IMPROVEMENT

DATE: NOVEMBER 30, 1988

BY: J. RAINERI

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
1.	Mobilization	L.S.	L.S.	L.S.	2,400.00
2.	Clearing and Grubbing	L.S.	L.S.	L.S.	1,200.00
3.	a. Trench Excavation and Backfill - Class "B" Water Main	1,480	L.F.	4.70	6,956.00
	b. Trench Excavation and Backfill - Class "B" Service Lines	370	L.F.	4.45	1,646.50
	c. Trench Excavation and Backfill - Class "A" Service Lines	140	L.F.	4.00	560.00
4.	Pipe and Installation				
	8" Ductile Iron Pipe - Class 52	930	L.F.	12.85	11,950.50
	6" Ductile Iron Pipe - Class 52	340	L.F.	10.28	3,495.20
	4" Ductile Iron Pipe - Class 52	230	L.F.	8.95	2,058.50
	3/4" Type "K" Copper	510	L.F.	3.00	1,530.00
5.	Tap existing 10" Cast Iron Water Main	L.S.	L.S.	1,200.00	1,200.00
6.	Gate Valves and Installation				
	a. 8" Flg x MJ	1	EA.	475.00	475.00
	b. 8" MJ	1	EA.	475.00	475.00
	c. 6" Flg x MJ	1	EA.	325.00	325.00
	d. 4" MJ	1	EA.	225.00	225.00
7.	Fittings				
	a. 8" Connector Flg x MJ	2	EA.	110.00	220.00
	b. 8" x 6" Tee MJ x Flg	3	EA.	265.00	795.00
	c. 8" x 16" Tee Flg	1	EA.	265.00	265.00
	d. 6" - 90° Bend MJ	1	EA.	105.00	105.00
	e. 6" x 4" Reducer PE x MJ	1	EA.	100.00	100.00
	f. 3/4" Corporation stops (compression type)	20	EA.	20.00	400.00
	g. 3/4" Angle stops (compression type)	20	EA.	20.00	400.00
	h. 4" MJ Plug tapped 2"	1	EA.	28.00	28.00
	i. 8" MJ Plug tapped 2"	1	EA.	56.00	56.00
	j. 6" Flanged spool 7'6" long	1	EA.	90.00	90.00

## Parkway Subdivision - Water Line Improvement

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
8.	Assemblies				
a.	Fire hydrant assemblies	3	EA.	1,310.00	3,930.00
b.	Blow-off assemblies	2	EA.	360.00	720.00
9.	Trench Paving	550	S.Y.	22.50	12,375.00
10.	Saw cutting - Asphalt	3,650	L.F.	0.40	1,460.00
11.	Pressure Testing and Chlorination	1,420	L.F.	0.35	497.00
12.	Relocation of water meter boxes	20	EA.	50.00	1,000.00
13.	Lawn and site restoration	L.S.	L.S.	1,000.00	1,000.00
14.	Final Clean-up	L.S.	L.S.	L.S.	1,200.00
	Sub Total				59,137.70
	Engineering and Contingencies		15%		8,900.00
	Engineer's Estimate				<u>68,037.70</u>

PARKWAY SUBDIVISION WATER LINE

TAX LOT/DESCRIPTION	OWNER	VALUATION	CURRENT ASSESSMENTS	TOTAL ASSESSMENT
3218AA-00700 BLOCK 1 LOT 1	SCHEIBEL, H & M 613 MELODY LN NEWBERG, OR 97132	51,248	119.18	2,381.31
3218AA-00800 BLOCK 1 LOT 2	SASSE, A & M 609 MELODY LN NEWBERG, OR 97132	52,202	-0-	2,381.31
3218AA-00900 BLOCK 1 LOT 3	MATTHEWS, D & W 605 MELODY LN NEWBERG, OR 97132	57,286	-0-	2,381.31
3218AA-01000 BLOCK 1 LOT 4	HUTCHENS, M & J 406 MELODY LN NEWBERG, OR 97132	47,163	-0-	2,381.31
3218AA-01100 BLOCK 1 LOT 5	OTTO, R & A 513 MELODY LN NEWBERG, OR 97132	51,469	-0-	2,381.31
3218AA-01200 BLOCK 1 LOT 6	PETERSON, I & E 109 W NINTH NEWBERG, OR 97132	53,792	-0-	2,381.31

TAX LOT/DESCRIPTION	OWNER	VALUATION	CURRENT ASSESSMENTS	TOTAL ASSESSMENT
3218AA-01300 BLOCK 1 LOT 7	BACKLUND, S & K 505 MELODY LANE NEWBERG, OR 97132	65,060	149.08	2,381.31
3218AA-01400 BLOCK 1 LOT 8	CHUN, D & D 501 MELODY LN NEWBERG, OR 97132	56,697	146.98	2,381.31
3218AA-01500 BLOCK 1 LOT 9	PETERSON, C & M 415 MELODY LN NEWBERG, OR 97132	97,904	-0-	2,381.31
3218AA-01700 BLOCK 2 LOT 2	LOVE, N & W 606 MELODY LN NEWBERG, OR 97132	56,095	211.33	2,381.31
3218AA-01900 BLOCK 2 LOT 4	DAHLEN, D & S 600 MELODY LN NEWBERG, OR 97132	53,847	-0-	2,381.31

## PARKWAY SUBDIVISION WATER LINE

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TAX LOT/DESCRIPTION	OWNER	VALUATION	CURRENT ASSESSMENTS	TOTAL ASSESSMENT
3218AA-2000 BLOCK 2 LOT 5	CHAMBERLAIN, W & L 512 MELODY LN NEWBERG, OR 97132	61,380	-0-	2,381.31
3218AA-02100 BLOCK 2 LOT 6	MATHEWS, R & B 506 MELODY LN NEWBERG, OR 97132	57,000	-0-	2,381.31
3218AA-02200 BLOCK 2 LOT 7	MURRY, B % WIESEHAN, E & E 2212 PROSPECT DR NEWBERG, OR 97132	64,852	120.46	2,381.31
3218AA-02300 BLOCK 2 LOT 8 NORTHERLY 1/2	DVORAK, A & D & T 2210 PROSPECT DR NEWBERG, OR 97132	60,586	-0-	2,381.31
3218AA-02400 BLOCK 2 LOT 8 SOUTHERLY 1/2	WITT, H & G 2208 PROSPECT DR NEWBERG, OR 97132	58,900	-0-	2,381.31
3218AA-02500 BLOCK 2 LOT 9	FERRELL, J & K 2204 PROSPECT DR NEWBERG, OR 97132	75,955	147.09	2,381.31
3218AAO-02600 BLOCK 2 LOT 10	DONALDSON, R & M 2200 PROSPECT DR NEWBERG, OR 97132	62,383	147.07	2,381.31

PARKWAY SUBDIVISION WATER LINE

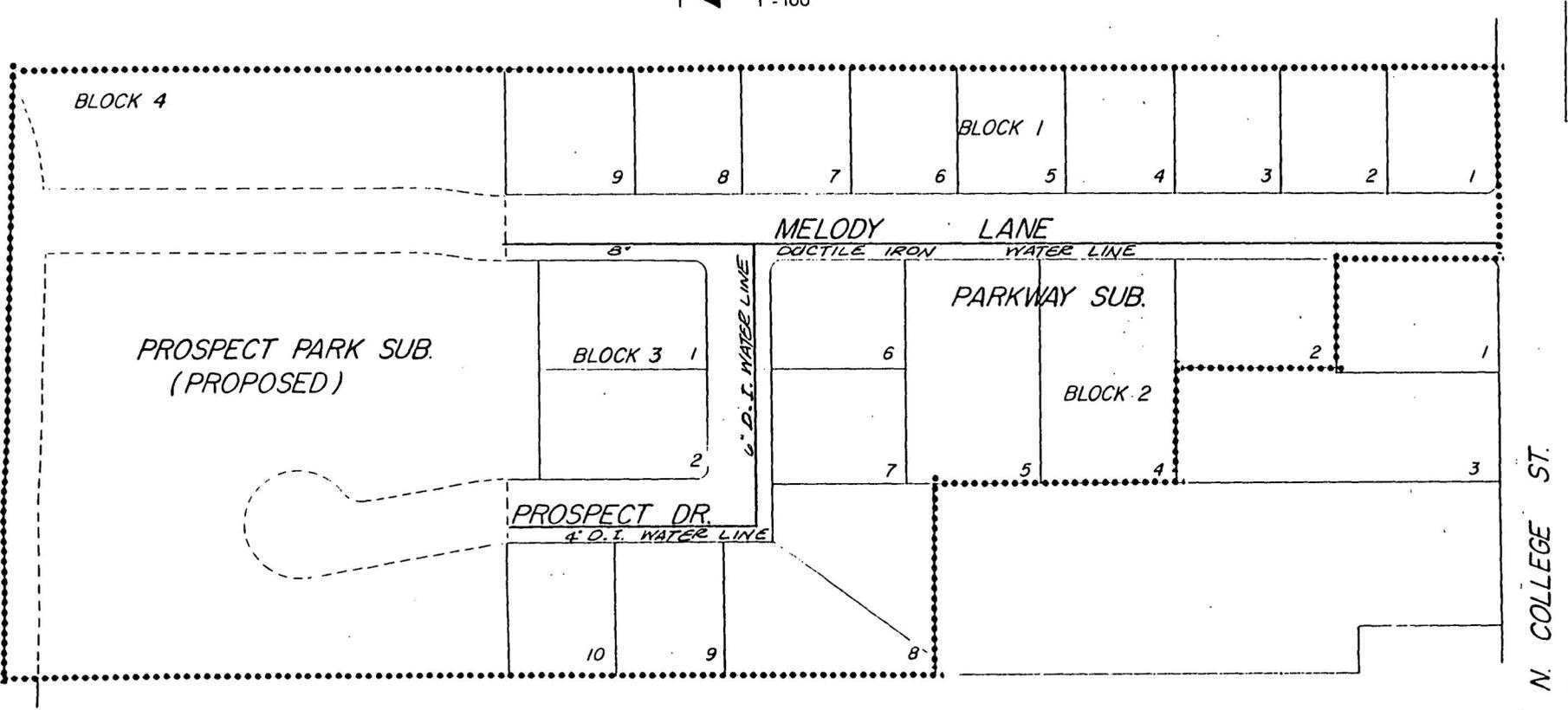
PAGE 4

TAX LOT/DESCRIPTION	OWNER	VALUATION	CURRENT ASSESSMENTS	TOTAL ASSESSMENT
3218AA-02700 BLOCK 3 LOT 1	CORDUA, E & L 2215 PROSPECT DR NEWBERG, OR 97132	66,520	179.75	2,381.31
3218AA-02800 BLOCK 3 LOT 2	SNOOK, R & N 2211 PROSPECT DR NEWBERG, OR 97132	59,716	420.63	2,381.31
3218AB-100 BLOCK 4	NORRIS, J & L 7464 N. OLIN AVE. PORTLAND, OR 97203	51,151	-0-	<u>20,411.31</u>
			ENGINEER'S EST.	68,037.70

PARKWAY SUBDIVISION  
WATER LINE IMPROVEMENT  
ASSESSMENT DISTRICT MAP  
PROJECT ENG 12-88



1" = 100'



Monday, 7:30 p.m.

October 7, 1985

A REGULAR MEETING OF THE  
NEWBERG CITY COUNCIL

Council Chamber

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

Present:            Roger Gano                    Donna Proctor  
                     Harold Grobey                Tommy Tucker  
                     Alan Halstead                Joe Young  
                     John Poet

Absent:             Quentin Probst (excused)

Staff Present:      Michael Warren, City Manager  
                     Dave Bishop, Chief of Police  
                     Elmer Christensen, Fire Chief  
                     Greg DiLoreto, Public Works Director  
                     Richard Faus, City Attorney  
                     Clay Moorhead, Planning Director  
                     Arvilla Page, City Recorder

Others Present:    Over fifty (50) citizens.

CONSENT CALENDAR:

Motion: Gano-Grobey to approve the Consent Calendar as follows:

1. Approve minutes of September 3 and September 13 Council meetings.
2. Resolution thanking Angus MacPhee for his assistance with the sewage treatment plant.
3. Letter from Liquor Control Commission RE: Status of Eden Gate Restaurant.
4. Letter from Portland Limousine Service thanking City for assistance with High School limousine ride.

Motion carried unanimously by those present.

The City Attorney then read aloud Resolution No. 85-1166 thanking Angus MacPhee for his assistance with the sewage treatment plant.

APPOINTMENTS BY THE MAYOR:

Mayor Hall stated he had no appointments to make at this time.

REQUESTS FROM FLOOR AND COMMUNICATIONS:

There were no requests from the floor or communications that were not already on the agenda.

PUBLIC HEARING:

1. Public hearing on vacation of eastern 100 feet of the alley located between 8th and 9th streets, College and Meridian streets.

The staff report was given by the Planning Director. He directed the Council's attention to the material in the Council Packet. He stated the Planning Commission had reviewed the request and unanimously recommended denial of the request. The Planning Director explained the

origin of platted alleys and the procedure to vacate a platted alley or street. The applicant, through the Council, is Pete Champagne, 815 S. Meridian Street. Petitions both for and against the vacation have been received. The petitioners against the vacation have given the following six reasons for denial.

1. The alley vacations would not be in the long range best interest of the City and could compound the problem of the usage of the alleyway.
2. The alleyways should be unobstructed with suitable provisions for access to each lot.
3. A portion of the alleyway should not be vacated, creating a dead-end situation where vehicles might have to back out of the alley.
4. Access to the rear of their building lots would be permanently impaired.
5. The alleyway would be used more if it were improved.
6. There may be a future need to use the alley.

Oregon Revised Statutes state that no vacation can be granted if such act would affect the market value of abutting property. If it were granted, the city would be liable to the affected property owner.

Proponent: Pete Champagne, 815 S. Meridian, stated there is extensive foot traffic in the alley, kids in gardens and vandalism. There is no access from the street on his end of the alley; there is a curb. A water meter and a gas line would be endangered if the alley were used.

Proponent: Joe Murphy, 805 E. Ninth, stated his property is adjacent to the Champagne's. There is no useful purpose to have the alley open. It has actually been closed all the time he has lived there. Mr. Burnside has control of 400 feet of the alley. Mr. Champagne wants it closed so that he can park a car there. If the alley is opened, someone will have to redo the curb and there will be increased policing problems.

Opponent: George Burnside, 803 E. Ninth, stated six reasons have been given why the alley should be open. He stated he is in the process of building a carport with access from the alley. If the alley were opened and graveled, it would change the amount of traffic in the alley. He stated he would like to see something done about the curb with the people to share the cost.

Rebuttal: Joe Murphy stated the little gravel done has been by Mr. Burnside and people will not have a tendency to come down the alley. When word gets around that it is open, there will be more traffic. It would be simple to put up a sign 'Dead End' on College Street.

No others wished to speak and Mayor Hall closed the public hearing.

Staff Recommendation: The Planning Director stated the staff would recommend denial of the request because of ORS. The alley can remain as is, even though open, without improvement.

Carol Burnside asked who owns the entranceway to the alley. The Planning Director responded that the public is the owner.

The Council asked Staff whether the City has a policy on maintenance of alleys, used or unused; what do the standards require the City to do when they come to an alley on a street improvement; is the reason known why this curb was not cut; could the City erect a sign indicating this alley is not a through street and would that alleviate the problem? Staff responded that alleys are not maintained as a general rule unless already graveled, police using, commonly used, and we get a request. The street construction standards would require that the curb be cut and an approach made; it is unknown why this curb was not cut, it may have been because the alley is very narrow.

Councilman Tucker suggested the matter be tabled until Staff comes up with a policy on who maintains alleys, why the curb was not cut, signage, etc.

The City Attorney read that portion of ORS relating to the City's liability if the vacation is granted. He also stated the alternate in this matter would be for the property owner wishing the vacation to petition the City directly. The vacation could be granted with 2/3 of the property owners agreeing to the vacation.

Motion: Grobey-Poet to deny the alley vacation based on the findings and recommendation of Staff. Carried unanimously.

Motion: Poet-Tucker that the Ordinance and Public Works committies meet and review to make recommendations on policy on maintenance, etc. on alleys. Carried unanimously.

#### REPORTS FROM CITY MANAGER:

1. Report on status of application for grant funds under Federal Justice Assistance Act. Chief Bishop reported they received a grant in the amount of \$8,790. It was the fourth largest grant received in the tri-county area. The City Manager noted that the application from the Fire Department also placed well. This indicates good applications for grants are being written by these two departments.

2. Report on International City Manager's Association Board of Directors. The City Manager stated he has been asked to serve on the ICMA state board of directors. It will require attendance at five meetings during the year. He would like to have the Council's approval to accept this appointment.

Motion: Halstead-Grobey to allow the City Manager to accept the position on the state ICMA Board of Directors. Carried unanimously.

3. Report on County Communication Program. Chief Bishop stated that at his last report they were hoping to go th the voters in November. Instead of three companies responding to the RFP as expected, only one responded. The proposal, from Mctorola, was in the 3 million dollar area. Negotiation has reduced this down to 2.4 million. The Committee will now delay the levy election and attempt to get more RFP's and a reduction in cost.

\$25/WK 15-20% Senior Class - Cocaine products  
crank etc.

25% of TOTAL STUDENT BODY - POT  
80-90% TOTAL STUDENT BODY - Alcohol

(100) SENIORS STUDENTS @ \$25/WK = \$3000 Cocaine  
25% of TOTAL SB @ \$10/WK = \$2500 - POT -  
(400)  
80% of TOTAL @ \$5/WK = \$4800 ALCOHOL  
\$10,300 WK.

Involves as many as 960 of the 1200 STUDENTS  
3/4ths of Total Pop.  
\$50,000/MO

~~ADULTS SPEND \$10,000,000/yr~~

KIDS NEARLY a million a yr.  
How much for adults?

215 North River Street  
Newberg, Oregon 97132  
March 3, 1989

Public Hearings Agenda March 6, 1989 - ~~Review~~ March 6<sup>th</sup>, 1989 -

File No: Z-3-88 - David & Nancy Luty  
Newberg City Council  
c/o Terry Marr, Acting City Manager  
City of Newberg  
414 East First Street  
Newberg, Oregon 97132

Dear City Council:

We are writing to protest the zone change from residential-professional to community commercial of the Luty property, located at 200 North River Street in Newberg.

We ask that this matter be reconsidered. It seems unfair to us that no further verbal or written testimony will be considered at this point. Do citizens really have a voice in local government or are policies that show special favoritism to be forcefully enacted regardless of the concerns of other residents? We were not notified of the January meeting and received only one to two days' notice of the first meeting to discuss the zone change in November. Several of our neighbors were unable to attend on such short notice. Such policies leave us feeling that the issue is already decided by the city leaders,

and that what we feel, say, and do really is of no consequence.

Our objection to the community commercial zoning is that it is too broad and opens the way for a multitude of undesirable uses in a residential area. It could interfere with the quality of life in our immediate neighborhood including George Fox College, a residential school that is a major source of revenue for Newberg. As the parents of three (and soon to be four) young children, and having witnessed two cars collide only earlier this week in the intersection of River and Sheridan streets in front of our house, we are already concerned about the safety of neighborhood children bicycling and crossing streets without the addition of still more commercial traffic.

Is greed not part of this issue? We purchased our 3,000 square foot home in October 1988 for \$82,500. The Lutz home has considerably less space than that and yet when the original asking price of \$110,000 could not be obtained, special favoritism of a zone change was given. Community residents had

no objection to the special overlay to the present R-2 zoning, which would have allowed for a bed and breakfast inn and other conditional uses. We ask why, after this action was approved in January, plans were made the next month for a C-2 rezoning. We are also unsatisfied with the closing of the hearing.

Please reconsider this matter. We have made sacrifices to return to Newberg to raise our children after seven years in Southern California, and do not wish to believe that city government has become hardened and insensitive during the years of our absence.

Sincerely,

David Kelley

Carol Kelley

Dave and Carol Kelley

2025-11-11 10:00 AM