

A REGULAR MEETING  
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Nulsen.

## Roll Call:

|                            |                   |
|----------------------------|-------------------|
| Present - Maurice Chandler | Robert Hurford    |
| Roger Gano                 | Fred LaBonte      |
| Elvern Hall                | Clarence Stouffer |
| Jean Harris                | Chester Windsor   |

## Staff Present:

M.C. Gilbert - City Administrator  
George Layman - City Attorney  
Dale Blanton - City Planner  
Herbert Hawkins - Chief of Police  
John Paola - Fire Chief  
Jim Nims - City Engineer

The minutes of previous meeting approved as submitted.

Petitions, requests from floor -

Mr. Don Hubbard of 409 E. Fourth Street asked why his property was zoned so he could not sell it. Mr. Hubbard was advised that his property was zoned Medium Density Residential (R-2), and the Comprehensive Plan has it designated "Public Use." He would need a Comprehensive Plan change to construct residential or commercial buildings on his property. Mr. Hubbard was also directed to the Chehalem Park and Recreation District in regard to note given as earnest money on purchase of this property. Also advised that the City cannot purchase his property at this time.

Public Hearings:

Comprehensive Plan Amendment to change designated use from Low Density Residential to Medium Density Residential the area of tax lots 3217-CD-6100, 6200, 6300, 6400, and 6600. Mr. Chandler stated he was employed by George Fox College and does abstain. Mr. Hurford stated George Fox College is his insurance client. The applicant is George Fox College.

The City Planner gave a brief staff report stating: The area is zoned R-2, and is currently the site of a dormitory structure. The surrounding use is predominantly multi-family dwellings. The soil is primarily of the Amity series. However, as the site approaches Hess Creek, the soil is classed as Terrace Escarpment. Building should be prohibited in this area. The site which is planned for development as an additional dormitory wing avoids this problem area.

City water is not available in sufficient quantity at this time to provide adequate fire protection. Access is not adequate at this time to provide for fire access, or an orderly flow of traffic to and from the site.

The Planning Commission has recommended based on the following findings of fact:

1. This use has been permitted in an R-1 zone in the past, as demonstrated by the existing dormitory.
2. The comprehensive plan amendment would bring, stated policy in line with the planning map, thus resolving the existing conflict.
3. There is a demonstrated need for more housing facilities for college students.
4. Provisions are being made to resolve problems of access and fire protection. A staff facilities review was held with the applicant.
5. The college maintains control over parking and vehicular access, and will be able to minimize the effects of traffic upon adjacent uses.

There were no proponents or opponents to speak in regard to this matter. The Hearing was then closed.

Zoning Ordinance Amendment to change the zoning from R-1, Low Density Residential to R-2 Medium Density Residential the area of tax lots

3217-CD-6100, 6200, 6300, 6400 and 6600. The applicant is George Fox College. Mr. Chandler stated he was employed by George Fox College and does abstain. Mr. Hurford stated George Fox College is his insurance client. This City Planner stated the staff report was the same as for the preceding Comprehensive Plan Amendment; and the Planning Commission has recommended based on the same findings of fact.

There were no proponents or opponents to speak in regard to the zone change. The hearing was then closed.

Annexation of tax lots 3218-CA-200, 201, 400 and 500. Applicants and property owners were Joe and Amelia Schneider and Marvin and Anita Schneider. The City Planner stated the area involved is 7.28 acres and the land use is basically residential, with a Commercial/Industrial use combined. This use would be nonconforming upon annexation. There fore, it could not be expanded, but could continue as is, unless state or local regulations change.

The Council was also advised that the applicants have dedicated additional 10 ft. of street right-of-way to the City as per Planning Commission requirement. There were no remonstrances. The hearing was then closed.

#### Committee reports:

Finance - Mr. Hall stated they have recommended a filing fee of \$150 for Comprehensive Plan Amendments. If a Comprehensive Plan Amendment and Zoning map amendment is filed for the same area at same time a 25 per cent discount to be given on fee charges. Also if zone change and comprehensive plan amendment is requested at time of applying for annexation the zone change fee and comprehensive plan amendment fee to be discounted 50 per cent. Recommended increase in planned unit development filing fees and imposition of a transient room tax in amount of 6 per cent. Recommended approval of installment payments on water-sewer taps in excess of \$2000 over 24 month period.

Fire - No report.

Police - Recommended restricted parking on Sixth Street at Edwards School and on West First Street.

Ordinance - Mrs. Harris stated they recommend passage of Taxi Cab Franchise Ordinance.

Public Relations - Mr. Chandler stated the committee recommends passage of the Taxi Cab franchise ordinance.

Personnel - No report.

Bi Centennial - Mrs. Harris read the final report of this committee citing the activities of the Committee through 1976, the Centennial year. Requesting Mayor Nulsen to send each commission member a letter of appreciation. A "Bicentennial Message" signed by the President of the United States was given to the City by Mrs. Harris. The report and Bi-Centennial Message will be maintained in the records of the City. (File 24A)

Canvas of Votes - Election November 2, 1976. The votes recorded and certified to by the Yamhill County Clerk were-

|                            |      |
|----------------------------|------|
| Mayor- Elvern Hall         | 2023 |
| Council - Maurice Chandler | 1628 |
| " " Roger Gano             | 1256 |
| " " Robert Hurford         | 1388 |
| " " Jack C. Nulsen Jr.     | 1364 |
| " " Janet Nybakke          | 1411 |
| " " Ron Rollins            | 963  |
| " " Diane Sutherland       | 1159 |

Hall- Hurford motion to approve the canvas of votes and to declare Hall as Mayor, Chandler, Hurford, Nulsen and Nybakke as Councilmen. Carried.

Resolution 76-639 was read to amend the map of the Comprehensive Plan to change designated use of the area of Tax lots 3217-CD-6100, 6200, 6300, 6400 and 6600 to Medium Density Residential. LaBonte-Stouffer motion to adopt the resolution. Carried. (Mr. Chandler abstained).

#### Ordinances:

Gano-Stouffer motion to read Ordinance #1832A to provide restricted parking on East Sixth Street at Edwards School and on portion of West First Street, East of Harrison Street. Carried. The ordinance was then read. Roll Call vote: ayes 5, Chandler, Gano, Hall, Hurford, Stouffer and Windsor. naves 2, Harris and LaBonte. absent 1, Hurford. The Mayor then declared the ordinance passed.

Hall-Stouffer motion to read ordinance #1833A to amend the zoning map to change tax lots 3217-CD-6100, 6200, 6300, 6400 and 6600 from R-1 Low Density Residential To R-2, Medium Density Residential. Carried. The ordinance was then read. Roll call vote: ayes 7, Gano, Hall, Harris, Hurford, LaBonte, Stouffer, and Windsor. nays 0. Abstain 1. Chandler. The Mayor declared the ordinance passed.

Hall-Gano motion to read Ordinance #1834A to amend and increase the fees to be paid at the time of submitting a preliminary development plan effective January 1, 1977. Carried. The ordinance was then read. Roll call vote: ayes 8, Chandler, Gano, Hall, Harris, Hurford, LaBonte, Stouffer and Windsor. The Mayor then declared the ordinance passed.

Gano-Harris motion to read ordinance #1835A imposing a transient room tax for the purpose of revenue. Carried. The ordinance was then read. LaBonte-Stouffer motion to amend by deleting subsection 4 of section 7.4. Carried. Hurford-Hall motion to have the City Attorney change the wording of section 7.2 to provide that the tax be paid by the operator based on cash basis of accounting only. Carried. Roll call vote on the ordinance as amended: ayes 7, Gano, Hall, Harris, Hurford, LaBonte, Stouffer and Windsor. nays 1, Chandler. The Mayor then declared the ordinance passed.

Gano-Hall motion to read ordinance #1836 to annex tax lots 3218-CA-200, 201, 400 and 500 to the City. Carried. The ordinance was then read. Roll call vote: ayes 7, Chandler, Gano, Hall, Harris, LaBonte, Stouffer and Windsor. nays 0. absent 1, Hurford. The mayor then declared the ordinance passed.

#### Resolutions:

Resolution #76-636 was read to provide for payment of water and/or sewer tap connection fees in excess of \$2000 on an installment basis, upon application. Hall-Stouffer motion to adopt the resolution. Carried.

Resolution #76-637 was read to close the Road Improvement Fund and transfer Fund balance to the Special Assessment Fund. Hall-Hurford motion to adopt the resolution. Carried.

Resolution #76-640 was read to approve purchase of property at 115 S. Howard Street for the amount of \$60,000. Hurford-Harris motion to adopt the resolution. Carried.

Resolution #76-641 was read to approve transfer of funds in Revenue Sharing Fund, Sewer Fund and Community Development Funds. Hurford-Hall motion to adopt the resolution. Carried.

#### New Business:

Hall-Stouffer motion to refer the matter of leasing the property to Human Resources to the Property Committee and their recommendation to be brought to the Council. Carried.

Stouffer-Hall motion to pay the November accounts Payable. Carried.

The City Attorney read a letter to appeal the Conditional Use Permit application approved by the Planning Commission for construction of a concrete tile plant. He advised the City Council to hold a hearing on the appeal. Attention was called to the letter from David Paxton, attorney at law, representing the applicant, stating that the letter notice of appeal submitted by the appellants was not a proper filing of the appeal pursuant to the zoning ordinance.

Mayor Nulsen advised that Mr. Paxton is his business associate and that he is also a minority stockholder in the corporation which Mr. Paxton is representing.

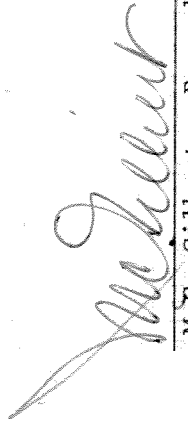
Mr. Chandler stated he is owner of the property adjacent to the applicants. LaBonte-Hall motion to set Monday, December 20, 1976 at 7:30 P.M as time for the public hearing on the conditional use application appeal. Carried

Chandler-Hurford motion to close City Hall on Friday, December 24 and Friday, December 31, 1976. Carried.

Stouffer-Gano to accept and approve letter of resignation from the Council by Elvern Hall, effective December 31, 1976. Carried.

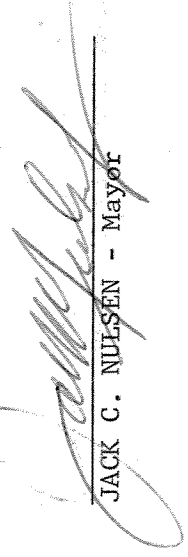
Mayor Nulsen presented a plaque to Mr. Windsor for his 20 years service (January 1, 1957 to December 31, 1976) as a councilman.

Hall-LaBonte motion to adjourn to Monday, December 20, 1976 at 7:30 P.M.  
Carried.



M.C. Gilbert - Recorder

Approved:



JACK C. NILSEN - Mayor

*[Faint, illegible handwritten notes in the bottom right margin]*