Monday, 7:30 P.M. March 2, 1981

A REGULAR MEETING OF THE
NEWBERG CITY COUNCIL

Council Chambers Newberg, Oregon

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

Roll Call:

Present - Maybelle DeMay, Roger Gano, Alan Halstead, Fred LaBonte, C. Eldon McIntosh, Quentin Probst, Richard Rementeria, Tom Tucker

Staff Present - Michael Warren, City Administrator
Richard Faus, City Attorney
Herbert Hawkins, Chief of Police
Clay Moorhead, City Planner
Arvilla Page, City Recorder
John Paola, Fire Chief
Robert Sanders, Public Works Director
Robert Weisenback, Building Official

Also Present - 60 plus citizens

Minutes of the previous meetings were approved as presented.

Requests from the floor:

Diane Raines requested permission to hold a craft fair on a regular basis Saturdays and Sundays only. There would be a small charge for the booth. The location is undecided at this point. Booths would be of a uniform type. The operation would be similar to the Saturday Market in Portland. After questions by the Council members, Mr. Gano asked that she contact the Administrator with more definite plans and for staff comment.

Mr. Warren reported that a joint meeting had been planned for the City Council on March 23rd to review the recommendations of the Planning Commission and see Citizens Involvement Advisory Committee on the LCDC requirements. Also, at that meeting he would like to present some proposals on the plan development process to the Council.

Don Elsom presented bids received for the Newberg Community Hospital office furnishings. Bids were received from 6 vendors. The Board has recommended accepting bids on various items from each of the six bidders. They recommend bids totaling from Smith $7,540.87; from B & I International $11,152.56; from Boise $7,610.94; from Kuble $1,955.42; from Peters $8,076.00 and from Oregon Stationers $22,899.90 for a total of $59,235.69. Motion: Halstead-Tucker to approve the Board's recommendations and accept the bids. Carried unanimously.

Public Hearing: Newberg State Bank
Appeal of conditions placed on conditional use permit by the Planning Commission.

No Council Members wished to abstain.

Mr. Warren reported on the appeal. They are particularly appealing conditions 3 and 6. Three would require Newberg State Bank to install sidewalks on Villa Road and 99W. Condition six would require that Newberg Realty, the owner of the property on which the conditional use permit is being granted, would be required to dedicate 10 feet to the City for street purposes. The City Planner presented report on the Planning Commission's action on the conditional use request. He outlined three options that the Council could take on the appeal. He presented maps of the area showing the location of the temporary bank facility, Newberg Realty, the new construction and he read the conditional use permit section of the zoning ordinance.

Proponent: George Layman, 113 N. Washington St., representing Newberg State Bank. Mr. Layman stated they particularly object to items 3 and 6 which require sidewalks and dedication of land by Newberg Realty. He pointed out that these are not outside developers but are entirely local people. All members of the Bank Board are present. The conditions are burdensome and unnecessary. Parking for the bank will be entirely on bank property. This is purely a temporary installation and it is improper to suggest that the bank make improvements at their expense on property not owned by the bank. At present, Newberg Realty, does not want to give up the property. Estimated cost to the bank would be about $15,000. This is a large expense for a temporary use of someone else's property. The temporary bank building can be moved 15 feet to the east even though it would be in the way of construction if conditions are not relieved. They request that the Council grant conditional use permit on the Newberg State Bank property instead of the Newberg Realty property.

Proponent: Robert Hurford, 105 N. Meridian, stated he is opposed to the two conditions. Two years ago the Council approved location of a mobile home on hospital property with no conditions. This is asking for severe restriction on the applicant for five months use.

No one wished to cross examine the proponents.

Opponent to the appeal: John Cache, Rt. 2, Box 99B, member of the Planning Commission. An error was made when the bank applied for a conditional use permit on neighboring property. Newberg Realty should have been the applicant. They will benefit from the project, therefore, condition nine is not unreasonable.

Other proponents of the appeal were Jack Nulsen, 817 E. First Street; Millard Leslie of Newberg Realty citing the loss of parking space to Newberg Realty if condition three were imposed and Jim DeYoung, 2404 Willow, contractor on the project.

Mr. Moorhead questioned Mr. Layman regarding status of Newberg State Bank as an authorized agent for Newberg Realty. Mr. Layman stated that they were not.

Public hearing closed.

Council members questioned the proponents of the appeal regarding the parking area that is being constructed, driveways on Villa Road, the size of the driveway easement and the length of time on the easement and the value received by Newberg Realty in exchange for the property. The easement will be paved to a 24 foot width. In addition, a portion of the parking lot which is now unpaved will be paved to make up for loss of space occupied by the trailer.

Resolution 81-882 was read which would grant the conditional use permit with conditions 1, 2, 4, 5, 7, 8 and 9 as recommended by the Planning Commission. Mr. Layman stated he needed clarification of Exhibit "A" referred to in condition 7. Mr. Tucker pointed out that there was no map available matching option C recommended by the Planner. Motion: Halstead-Tucker to table the resolution on the floor for clarification between the Planner and the applicant. Carried unanimously.

Reports from the City Administrator.

Motion: Halstead-McIntosh to have an adjourned meeting March 23, 1981 on the Comprehensive Plan and Development Procedures. Carried unanimously.

Mr. Warren reported on editorial published in the Newberg Graphic which reported the requirement of a city to publish all ordinances. He stated this was a charter requirement of that particular city and did not affect Newberg. Newberg's ordinances do not have to be published.

Mr. Warren reported on the Block Grant Program. He stated that Newberg is too small to compete well with other applicants for block grants. Projects most often funded are housing rehabilitation. He will work with Mr. Spring at the County and attempt to get rehabilitation block grants for Newberg.

Old Business

Motion: Probst-McIntosh to reconsider request of Dale Compton for water hook-up. Motion carried. One Nay - LaBonte.

Allyn Brown, attorney, representing the Comptons stated ordinance denies new water service outside the city limits. Water at the current residence is unfit to drink.

There were once 32 hook-ups at this location for a motel and store. Vested rights should still be in existence. The applicant would relinquish any future claims for additional water use rights. These motel units were originally served by Home Acres Water District. Home Acres was terminated and the residence is now served by Sunny Acres. The Comptons would agree to pay the past due charges for previous use.

Staff Report: Mr. Warren reported the ordinance and Comprehensive Plan would need changed to grant the request. City Attorney Faus reported that no water right exists. There was no contract after this service was discontinued.

Motion: Halstead-DeMay to deny the request for a water hook-up. Carried unanimously.

Motion: Halstead-Tucker to remove from the table discussion on the conditional use permit appeal of Newberg State Bank. Carried unanimously.

Mr. Moorhead stated that Newberg Realty plans future development on the lot that will be used as a parking lot and did not want to be restricted by access locations.

Motion: Halstead-DeMay to delete condition 7 and amend the resolution. Carried unanimously.

The amended resolution carried unanimously.

Motion: Tucker-McIntosh to postpone to April 6th the request by Lee Anderson to rezone property located at Second Street and St. Paul Highway. Carried unanimously.

Motion: Rementeria-McIntosh to postpone to April 6th the request for street vacation of North Main by Allen Fruit Company. Carried unanimously with Fred LaBonte abstaining.

New Business

Brugato/Buckley appeal of Council action allowing use of trailers in R-1 zone. Their appeal upheld by the Land Use Board of Appeals. The Administrator reported that staff advised and he concurs that no action be taken by the City.

Janitorial Service for City Hall. Mr. Warren reported that Boyes Janitorial has requested discontinuance of their service. Bids were called for for the janitorial service. Four bids were submitted. Bids were at a variety of prices for a variety of services. Bids were received from Ferron Janitorial Services, Tualatin, Oregon; CY Cleaning Service, Newberg, Oregon; Struck Jones Janitorial Services, Newberg, Oregon; and ADC Janitorial, McMinnville, Oregon. He recommends the Council accept Ferron Janitorial Service at $501. per month, supplies to be furnished and billed to the City at cost. Contract will be good for one year. Mr. Boyes reported that he had had no contract to clean the City Hall. The Police Department required extra services but he was always required to keep the cost low. He did not feel he was being treated fairly by Mr. Warren.

Nancy Jones questioned accepting lowest bid. Mr. Warren stated the bid was reviewed with the bidder. Motion: LaBonte-Halstead to award the contract to Ferron at $501. per month. Carried unanimously.

Liquor License Application by Rocky's. The Public Safety Committee did not meet but the Chief of Police recommends approving this application. Motion: Halstead-McIntosh to approve Rocky's liquor license application. Carried unanimously.

Motion: Halstead-Tucker to approve the Accounts Payable for February. Carried unanimously.

Appeal of denial of a building permit for a 10-plex at the corner of Walnut Street and Deborah Road by David and Kathy Solberg. Dick Sadler, attorney representing Solbergs, stated further action is needed. No decision was made on whether the applicant has a right to a building permit. The applicant made application for a 10-plex building permit. The City Council then changed the zoning specifications on the lot and would then permit only a 4-plex. The letter received from City Planner Moorhead stated nothing that indicated that construction had to be completed within one year. The Uniform Building Code does not require completion within one year. If Solberg had been told construction would have to be completed in 2 months, it could have been done. The building permit should have been renewed or reissued. This 10-plex would not devastate a large area. Similar development is in the area. Commercial is on two sides of it. Over $12,000 was invested in the lot. The Council has previously been given an itemized accounting of the investment. No case law has been found on continuation of construction.

Councilman Rementeria asked if it was not true that the only work done was excavation for foundation. Mr. Sadler replied that gravel was hauled in for a parking area. Mr. Gano asked whether his client was aware of a change in City ordinance. The answer was that he knew some changes would be made. Did his client write a letter of opposition? He asked for clarification of status. Mr. Faus asked what was motive for doing work at site? Was it done to show vested interest and to stay the affect of down zoning or was it done to build a 10-plex? Mr. Sadler answered it was a 10-plex but financing problems developed. Mr. Moorhead asked whether the permit did expire, did he have authority to reissue the permit?

That section of the Uniform Building Code regarding timing of construction was read.

Building Inspector Weisenback stated he had contacted the applicants office to warn of the expiration of the building permit. Mr. Moorhead stated the applicant had no right to an extension or new issue.

Mr. Faus asked whether the question is the issue of the new permit or is it an extension of the old permit?

Motion: Tucker-Halstead to grant Solberg his request for a 10-plex building permit based on the fact that vested interest is not spelled out in our ordinance. 1 Aye - Tucker. 7 Nay. The motion failed.

Motion: DeMay-Rementeria that staff not issue the permit for a 10-plex on this property. Tie vote. Motion failed.

Motion: DeMay-Halstead to deny the appeal of Solberg. 7 Aye. 1 Nay - Tucker. Motion carried.

Request by Robin Hamblin that the Council initiate vacation on North Street at Washington Street. Motion: Halstead-McIntosh to initiate street right-of-way vacation on North Street at Washington Street. Carried unanimously.

Resolution 81-883 authorizing Mayor and City Administrator to sign the Deferred Income Plan with First Federal Savings and Loan was read. Motion: Probst-LaBonte to adopt the resolution. Carried unanimously.

A resolution was read which would update the interest rates charged on water and sewer tap and development fees when paid on the installment basis. Current rate is 8%. Resolution states 12%. The Council discussed whether the City should assist in financing water and sewer tap fees and what the amount should be that the City would finance. City Attorney stated that he has found reference to this matter in another ordinance.

Motion: LaBonte-Probst that when City requires connection to water and sewer that financing be made available at 10% down and 24 months payment at interest to be established. Carried unanimously.

Motion: DeMay-LaBonte to postpone action on the resolution. Carried unanimously.

Motion: Halstead-McIntosh to read Ordinance 2045, the issuance and sale of Bancroft Bonds in the amount of $1,088,475.83. Carried unanimously. The ordinance was then read. Roll Call: Aye 8 - DeMay, Gano, Halstead, LaBonte, McIntosh, Probst, Rementeria, Tucker. Nay 0. The Council President then declared the ordinance passed.

Vacation of eastern half of alley between Seventh and Eighth Streets and Chehalem and Willamette Streets. Applicant Larry Roberts/Ileana Daniels. No proponents or opponents wished to be heard. Public hearing closed.

Motion: Halstead-LaBonte to read Ordinance No. 2047. Carried unanimously. The ordinance was then read. Motion: Halstead-LaBonte to correct the pronoun he as used in the ordinance. Carried unanimously. Roll Call on the amended ordinance. Aye 8 - DeMay, Gano, Halstead, LaBonte, McIntosh, Probst, Rementeria, Tucker. Nay 0. Council President then declared the ordinance passed.

Motion: LaBonte-Rementeria to read Ordinance No. 2048 amending Ordinance No. 929 relating to sidewalks to update and modify the ordinance to allow the City Engineer to require the placement of sidewalks in areas where there is need. Carried unanimously. Roll Call: Aye 8 - DeMay, Gano, Halstead, LaBonte, McIntosh, Probst, Rementeria, Tucker. Nay 0. The Council President then declared the ordinance passed.

Motion: Halstead-Rementeria to adjourn to March 23, 1981. Carried unanimously.

Arvilla Page - City Recorder

Attest:

Roger Gano - Council President

Wednesday, 7:30 P.M. March 11, 1981

A MEETING OF THE
BUDGET COMMITTEE

Council Chambers Newberg, Oregon

The meeting of the Budget Committee of the City of Newberg was called to order by Mayor Elvern Hall.

Roll Call:

Present: Maybelle DeMay, Roger Gano, Leland Hall, Alan Halstead, Eldon McIntosh, Quentin Probst, Donna Proctor, Rick Rementeria, Wingert Walker, Lyle Wilson

Staff Present: Michael Warren, City Administrator
Herbert Hawkins, Chief of Police
Arvilla Page, City Recorder
Bob Sanders, Public Works Director/Engineer
Doreen Turpen, Head Librarian

Others Present: Mr. and Mrs. LeRoy Benham
Neil Jacox

The Mayor called for the election of a chairman of the Budget Committee.

Motion: Halstead-Gano to nominate Rick Rementeria, chairman and close the nominations. Rick Rementeria was unanimously elected chairman.

Chairman Rick Rementeria called for the election of a secretary.

Motion: Gano-McIntosh to nominate and unanimously elect Maybelle DeMay secretary. Motion carried unanimously.

Mike Warren commented on the way the budget had been put together by department heads with administrative review and Finance Committee review. He also discussed his memo to the Budget Committee. Quentin Probst questioned why the "A" Ballot amount is smaller than the "B" Ballot amount. Staff explained that the "A" Ballot is the maximum that can be presented to the voters under the regulations of the Legislature for tax sharing. The "B" Ballot represents the remainder needed for the City budget. We have been using water and sewer funds in the past to supplement the general fund and to keep taxes low. This is no longer possible as there is no surplus left in the water and sewer funds.

The Budget Committee then reviewed and discussed the General Budget page by page, asking where cuts had been made in the proposal of the department heads, why certain items had been either increased or decreased in a substantial amount from the last year. Revenue Sharing funds are used to support many parts of the general fund budget. The Committee deplored this dependency and agreed to try to eliminate this dependency in the future.