

Monday, 7:30 p.m.

April 4, 1983

A REGULAR MEETING
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

Present:	Maybelle DeMay	John Poet
	Roger Gano	Quentin Probst
	Alan Halstead	Richard Rementeria
	C. Eldon McIntosh	Tommy Tucker

Staff Present: Michael Warren, City Manager
 Alan Barnes, Building Official
 Richard Faus, City Attorney
 Herbert Hawkins, Chief of Police
 Clay Moorhead, Planning Director
 Arvilla Page, City Recorder
 John Paola, Fire Chief
 Robert Sanders, Public Works Director
 Doreen Turpen, Librarian

Also Present: Approximately 10 citizens.

Councilman Halstead requested that item 5 on the consent calendar - communication from Liberty Cable Television be removed for seperate consideration.

Motion: Gano-Tucker to adopt four items on the consent calendar as follows:

1. Approve minutes of March 7, 1983 City Council meeting.
2. Communication from President of ADEC encouraging Council to keep sewer allocations available for future industries.
3. Request by Almond Tree Restaurant for liquor license.
4. Letter from City Manager to Chamber of Commerce regarding changing of parking limits on First Street.

Motion carried unanimously.

Appointments: Mayor Hall reported that Virginia Ostlund had resigned from the Hospital Board. He appointed Toby Young to replace Mrs. Ostlund on the Hospital Board. Motion: Halstead-Gano to approve the Mayor's appointment. Carried unanimously.

Requests from the Floor and Communications:

Jack Nulsen, Jr., President of the Newberg Chamber of Commerce, called attention to the letter from ADEC on the consent calendar. In addition, the Council has received a letter from the Chamber relating to future sewer allocations. Mr. Nulsen stated it is the feeling of the Chamber that it is time to act now before problems develop. The Council will have to make a political decision. It is time to start educating the public regarding the need for a new sewage treatment plant and to do some future planning.

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Mr. Warren reported that he had received several letters on the same subject which he would like to enter into the record. The letters were from Fred LaBonte, Allen Fruit; Mike Stoyko, Gerome Manufacturing; Herb Rustrum, Technical Images; Leland Dundas, Quality Plastics; LeRoy Benham, Climax Manufacturing; and Ron Lodge, Lodge Industrial Lumber.

Councilman Gano asked Mr. Nulsen if the Chamber has any plans as to how to institute public awareness. Mr. Nulsen responded that the Chamber is ready to hold public forums on the issue. The City must take the lead in the education program.

Mr. Warren asked Mr. Nulsen if the Chamber had taken a stand on allocating capacity. Mr. Nulsen responded that the Chamber was of a divided opinion on the allocation. There are several industries that want to expand.

Mr. Warren read into the record the letter from John Coleman and Jim Snell of Yamhill County Multiple Listing Services Realtors. The letter recommends that the Newberg public be educated as to the need for the sewage treatment plant expansion as it will be necessary within the next three to five years. The realtors did not have sufficient time to make a recommendation on the allocation of the remaining capacity but will have a recommendation in the near future.

Jim Snell, 509 SW Walnut, Dundee, one of the signers of the letter, stated that he felt it was a good idea to allocate for industries and for homes. After initial allocation, reallocation should be considered if one group uses up its allocation. An allocation is needed for orderly growth. He realizes that jobs are needed first so as a realtor he would work with industry.

Mr. Warren reported that the City staff and Council are aware of the capacity limitation and for that reason recently hired a firm to assess the present plant and recommend ways to maximize the remaining capacity. The City has followed through on the recommendations. Various ways of financing a new plant are being investigated. One interesting method is the lease back/buy back construction. This has been done in one city in Tennessee and the plant was completed within a thirteen month period.

The Public Works Director stated that ground water infiltration has been reduced considerably with the grouting program. Also, a considerable amount of money has been spent on maintenance at the plant which has extended its life. Obtaining a grant is not very probable now and if a grant were obtained the share for the City would now be 55%. The Council with the Mayor's Task Force have placed the sewer plant as number one priority. A cost to serve study is now being completed and a report will be prepared within the next few months. Also, some previous allocations have been retrieved by a review of eleven approved subdivisions that have not been started.

Mr. Warren stated that the need is now to proceed with the finance package and a report completed in 1983.

Motion: Tucker-Probst that staff proceed and hire a consultant to prepare a financing package for new or expanded sewage treatment facilities. Carried unanimously.

Representatives from Liberty Cable Television were now present for Council consideration of item 5 on the consent calendar. Item 5 is a communication from Liberty Cable Television advising the Council of the proposed purchase by Tele-Communications, Inc. and review of franchise agreement.

Sylvia Sycamore, Eugene, Oregon, representative from Liberty Cable stated that the sale of Liberty to TCI is in process. Under the terms of the franchise, Liberty Cable must have the consent of the Council for the sale. She then introduced Jim Higgins and Lon Donaldson from TCI. She stated that the local operations will remain the same and with the same staff as as present.

Councilman Tucker pointed out that Newberg-Dundee had just started a Cable Communications Commission and asked Mr. Higgins how the change in ownership would affect this. Mr. Higgins responded that whatever is occurring at present would be the same under the new ownership.

Councilman Gano asked whether any of TCI's other franchises have Cable Communication Commissions. Mr. Higgins responded that some may have but in the area that he is from they do not have any.

Mr. Warren stated that the City now has the option to buy the system from Liberty or to pass a resolution approving the purchase by TCI.

RESOLUTION NO. 83-973 approving the purchase of Liberty Cable Television by TCI was read by the City Attorney. Motion: Tucker-McIntosh to adopt Resolution 83-973 approving the ownership change. Carried unanimously.

Fred LaBonte, representing Ken Hough and the Mayor's Task Force on the sewage treatment plant was now present. Mr. LaBonte stated that the 700 possible services left is very inadequate. The City needs to proceed immediately with an education program on the need for a new or expanded plant. Out of the 700 hookups, industry would like to have one-half allocated.

Councilman Tucker commented that care should be used in the educating process or it could hurt the City by discouraging new industries.

Art Moffat, 7205 SW 84th, Portland, and 305 N. Springbrook, Newberg stated he would like to speak on behalf of the Old Fashioned Festival. The Old Fashioned Festival Committee is considering the possibility of requesting closure of First Street during the day of the festival. Under consideration is closure of First Street from 7 A.M. to 10 P.M. The festival would need the support of the City to seek approval of the closure from the State and County. A poll conducted of merchants on First Street shows only two disapproving.

Jim Snell, also representing the Old Fashioned Festival, displayed for the Council a copy of the new brochure that the City is funding.

Al Blodgett, 102 E. Fifth, stated that closure of First Street for the hours stated would be too long. His and other businesses would be adversely affected. He stated he is not opposed to a longer closure but feels that the length of time suggested is too long.

Bob Quanstrom, Chamber of Commerce manager, stated that many businesses such as doctors and lawyers are not open on Saturday. The longer closure,

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by causing an inconvenience to people and attracting their attention, will create more business for the commercial area.

Motion: Rementeria-Halstead that the Council support the Old Fashioned Festival plans and that the Old Fashioned Festival Committee work with the Public Safety Committee of the Council. Carried unanimously.

Mr. Warren reported that a request had been received from the First Christian Church under construction on Villa Road for a variance from the sprinkler requirements. City Ordinance and State Law would require installation of a sprinkler system anywhere in the State. The Fire Chief has vigorously opposed the variance for several reasons.

Jack Nulsen, Jr., attorney, asked that the matter be postponed. He had just this day been asked to represent the Church and would like to have time to review the matter.

Councilmembers asked staff questions regarding conditions and city ordinances and state law. The Public Works Director stated that the Church is located in what was to be the first phase of Coppergold. The water lines for Coppergold were to be a six inch loop. The City has constructed a six inch line as part of that loop which deadends at the Church site. The six inch line is not adequate for fire flow. The Building Official stated that the sprinkler requirement depends on the type of construction. If the building does not have a sprinkler system, the construction will have to be of a different type. These rules apply anywhere in Oregon. The Fire Chief stated that even if the City permitted the variance, the State could require installation after construction.

Council took no action on the variance request.

PUBLIC HEARING: Community Development Block Grant Application

The Planning Director reported on the status of a community development block grant. The grants are being made through the State Inter-Governmental Relations Division. Applications must fall within one of three categories: Public facilities, housing, or business and employment. The applicant must hold at least one public hearing prior to submitting the application. Applications are rated and ranked on a point system. Points are awarded in two categories which are need and impact. A total of 300 points can be issued under the need category and a total 700 points under the impact category. Points under the need category are assigned prior to the application process. Of the total 300 points which are possible under the three categories Newberg received the following: Public facilities - 150 points, Housing - 150 points, Business and employment - 60. It appears that there would be little chance of receiving the grant under business and employment. It appears that the State is not placing very high priority on the housing grants and that leaves public facilities. A good candidate for a project would be to provide assistance for placing water, sewer and possibly street improvements within the Newall Addition and the Melody Lane area. Both of these areas will be required to make improvements through the annexation procedure. Recommendation of the Planning Department is to apply for a grant under the public facilities section.

No proponents or opponents wished to be heard. Public hearing closed.

Motion: Gano-Poet that the staff be directed to proceed with a grant application as recommended by staff under the public facilities topic. Carried unanimously.

PUBLIC HEARING: Newspaper vending boxes within public right-of-way.

The City Manager reported that the Public Works Committee has recommended delay of this ordinance.

A representative of the Oregonian distributors stated that the newspapers, and the Oregonian in particular, would rather address individual complaints than to be controlled by ordinances.

The Public Works Director stated that staff would like to assist in coordinating locations for paper boxes. No other proponents or opponents wished to be heard. The Public hearing was closed.

Motion: Halstead-Rementeria to table the proposed ordinance indefinitely. Carried unanimously.

PUBLIC HEARING: Front yard setbacks for temporary signs in Commercial Zones.

The City Manager recommended that the public hearing be continued to the May meeting for additional input.

Motion: Gano-Probst to continue the public hearing to the regular May Council meeting on May 2, 1983. Carried unanimously.

REPORTS FROM CITY MANAGER:

Mr. Warren reported that he does not have all the information he has asked for yet on the All America City Award program.

Mr. Warren reported that he would be out of the City from April 12-15 to attend the regional meeting of City Managers.

OLD BUSINESS:

Doreen Turpen, Librarian, reported on the University of Oregon architecture design review of the Library building. Mrs. Turpen stated that she, a member of the Library Board and Councilmember DeMay had gone to Eugene to view the results of the class project. Most of the designs show expansion to the north. She will try to get some of the drawings to put on display.

NEW BUSINESS:

Motion: Gano-DeMay to approve the March accounts payable. Carried unanimously.

Motion: Poet-DeMay to accept the recommendation of the Public Works Committee and grant an extension of time for construction of sidewalk on Grant Street by Al Blodgett. Carried unanimously.

Motion: Gano-Tucker to adopt Resolution 83-974 transferring funds from the Contingency Account of the Capital Improvement Fund for purchase of police equipment. Carried unanimously.

Motion: Gano-Halstead to adopt Resolution 83-975 with the Council sitting as the Contract Review Board to waive competitive bidding for the purchase of an IBM Displaywriter Word Processor and authorize purchase. Carried unanimously.

Motion: Gano-Rementeria to adopt Resolution 83-976 to approve purchase of pipe and supplies for the Springbrook Water Distribution Line and awarding the bid to three separate bidders on the three schedules. Carried unanimously.

ORDINANCES:

Motion: Gano-McIntosh to read Ordinance No. 2114 establishing a stop sign at Crestview Drive and Villa Road intersection by title only. Carried unanimously. The ordinance was then read by title only. Roll Call: Aye 8, DeMay, Gano, Halstead, McIntosh, Poet, Probst, Rementeria, Tucker. Nay 0. The Mayor then declared the ordinance passed.

Motion: Gano-Rementeria to read Ordinance No. 2115 banning the sale of drug paraphernalia by title only. Motion carried with one nay, Halstead. The ordinance was then read by title only. Councilman Gano questioned the language of the ordinance. The City Attorney responded that the language was that language developed by DEA and has been tested in court. Councilman Halstead stated that he was not opposed to the ordinance but felt that the Council might as well outlaw other items such as cigarettes and alcohol also. Roll Call: Aye 7 - DeMay, Gano, McIntosh, Poet, Probst, Rementeria, Tucker. Nay 1 - Halstead. The Mayor then declared the ordinance passed.

The Mayor adjourned the regular Council session to Executive Session under the rules of ORS 192.660 Section 1 Subsection E authorizing Executive Sessions to conduct deliberations with regard to real property.

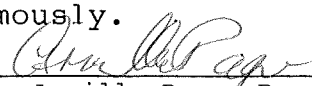
All members of the public and unnecessary staff were requested to leave. Members of the press were advised that they could remain but could not report on any discussions of the Council and staff.

All members of the Council as previously listed in the Roll Call were present. Staff present: Michael Warren, City Manager; Richard Faus, City Attorney; Clay Moorhead, Planning Director; Arvilla Page, City Recorder; Robert Sanders, Public Works Director.

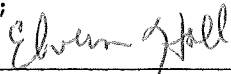
Mr. Warren reported on negotiations he has been involved in to possibly exchange property to release City liens on other property. Negotiations are also being conducted with the same party for public land fees owed on another project.

After discussion by Council and staff, the Council instructed the City Manager to proceed with the negotiations to obtain a more favorable settlement for the City. Executive Session adjourned to regular session.

Motion: Gano-Probst to adjourn. Carried unanimously.


Arvilla Page, Recorder

Attest;


Elvern Hall - Mayor