

Monday, 7:30 p.m.

January 7, 1991

MINUTES OF THE NEWBERG CITY COUNCIL

Newberg Public Library

Newberg, Oregon

Duane Cole, City Manager/City Recorder, administered oath of office to the following:

Elvern Hall	Mayor
Roger Gano	Councilor
Donna McCain	Councilor
Martin McIntosh	Councilor
Scott Reinhardt	Councilor

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

PRESENT:	Roger Gano	Jack C. Nulsen, Jr.
	Martin McIntosh	Donna Proctor
	Donna McCain	Joe Young
	Eldon McIntosh	Scott Reinhardt

STAFF PRESENT: Duane R. Cole, City Manager
Terry Mahr, City Attorney
Dennis Egner, Planning Director
Bert Teitzel, Director of Public Works
Katherine Tri, Finance Director

OTHERS PRESENT: Peggy Hall, Assistant City Recorder
Mark McDevitt, TCI Cablevision
John Wenos, Newberg Graphic

Appointment of Roger Gano as President of City Council.

Motion by Jack Nulsen to nominate Roger Gano as President of the Newberg City Council, seconded by Donna McCain. (Unanimous) Motion carried. Roger Gano accepted nomination.

CONSENT CALENDAR:

By Motion from Roger Gano and seconded by Scott Reinhardt, the following were approved as noted. (Unanimous)

1. Minutes from Adjourned Council Meeting of November 20, 1990.

2. Minutes from Council Meeting of December 3, 1990 with the noted corrections on page 3 as follows:

(a) "Beecroft" was added to to Les' name in paragraph 5, line 1;

(b) "Gary" Cook's name was corrected to "Garrett" Cook throughout the 12/03/90 Minutes.

3. Resolution No. 91-1592 Approving Highway Improvement List for the State Six year Highway Improvement Plan.

4. Resolution No. 91-1593 Authorizing the City Manager to Purchase an Ingersol-Rand Johnson 600 Series "Sweeper" for \$110,446.00.

5. Resolution No. 91-1594 Recognizing and Appropriating a Traffic Safety Grant in the General Fund and Transferring and Re-appropriating Funds in the General Fund, Sewer Fund and Water Fund.

6. Ordinance No. 91-2292 - Ordinance Establishing a MI Mixed Infill Housing Subdistrict for Manufactured Homes and Establishing Development Standards Within the Subdistrict. Motion carried as follows: (Yes -(6); No-(2)Gano/Young)

Mayor Hall acknowledged Alan Halstead's service to the Council, his interest in the City and that he will be missed.

CONTINUED BUSINESS:

Applicants for the Planning Commission were interviewed:

(1) Don Thompson - Native Oregonian, formerly from Alaska, 10 years in banking, 25 years in industrial credit management, presently in wholesale distribution.

Roger Gano inquired as to Mr. Thompson's 4 mos. residency in Newberg. Mr. Thompson responded that he was a former Portland resident for the past two years, is self employed subcontractor (builds decks, siding, fences, etc.), no general construction, has not served on prior committees and is familiar with land use laws.

(2) Alana Vernham - Homemaker and part-time student. Residency in Newberg approximately 1 yr. Has observed the Portland metro and also Newberg growth. Her concerns were that it was critical to be able to plan ahead for growth in the manner that preserves quality of life in Newberg.

Roger Gano inquired as to her feelings on the growth of Newberg. Ms. Vernham's response was that it was inevitable and that it was important to plan now. Ms. Vernham has not served on other committees.

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(3) Sandra Prewitt - Elementary teacher at Edwards School for 4 years, teaching for approximately 14 years. Ms. Prewitt's concerns as to children's activities. Former residency in Nebraska.

(4) Carol Ring - residency in Newberg approximately 30 years. Proponet to growth in Newberg. Sees an organized manner as to growth in all directions. (North, South, East, West).

After Ms. Ring's interview, Martin McIntosh stated that he would not be bringing up any of the issues previously discussed regarding the Sprinbrook District/Crestview Drive issue.

(5) Steve Roberts, 6 mos. residency in Newberg, former residency in Napa Valley, California. Not associated with many organizations in Newberg. Mr. Roberts foresees Newberg and the Willamette Valley similar to Napa Valley with similar outside pressures and ramifications. Considers growth control important, not to just plan for it, control the process. Balancing growth with retaining the past and good things will take care of bad.

Motion by Eldon McIntosh, seconded by Roger Gano, to approve the following to the Planning Commission: (Unanimous)

Carol Ring	3 year term
Steve Roberts	3 year term
Don Thomas	1 year term
Sandra Prewitt	3 year term

Roger Gano advised Alana Vernham that her name will be kept in the event of any vacancy.

BUDGET COMMITTEE

Brian Love was interviewed for the Budget Committee. Love has been a Newberg resident for 27 years and said he he planned to fill a Council seat someday. Brian Love was appointed to the Committee.

Ellen Bailey was appointed to the Committee (did not attend meeting).

Roger Gano moved to approve the above persons, seconded by Martin McIntosh. (Unanimous) Motion carried.

COUNCIL COMMITTEES

Mayor Hall reviewed the Council Committees. Joe Young indicated that he served as Chair of the Finance Committee last year and that he nominated Eldon McIntosh to serve as new co-chair along with Donna McCain as co-chair. Eldon consented to the appointment.

PUBLIC HEARING

Dennis Egner introduced the Historic LandMark Preservation Ordinance. The purpose was to comply with statewide planning Goal 5, provide an inventory and analysis, and provide an ESEE analysis taking into consideration the 1985 inventory and the 1990 inventory of the primary, secondary or contributing historic resource structure.

116 properties equals 60% of the original 193 properties inventoried. A process was provided in the Ordinance to limit change to the historical resources and not to mitigate or to provide out-right protection.

Jack Nulsen has a property on the historic preservation list, wants the property removed from the list and Councilman Nulsen chose to abstain from voting or hearing the issues and left the Council table.

Joe Young also owns property within the historic district but it is not listed. Terry Mahr, City Attorney, indicated that individual property, which is not listed, should not pose a conflict of interest.

Joe Young indicated that he understood that there may be no clear terminology and that any person can ask that any District be selected as a historic district. Dennis Egner indicated that he did not know where the boundaries of a historic district might be located.

Joe Young expressed concern whether any resident or person could request that a certain property/area be designated as a historic preservation district and the impact that it would have on others in the area. Dennis Egner indicated that they would have to submit data to substantiate their request.

Joe Young asked whether he should be considered a disinterested person due to a possible conflict. Terry Mahr advised that Joe Young could go ahead and vote, because he does not have property listed on the inventory, but if he did have property on the list, he may want to choose not to vote.

Mayor Hall asked Dennis Egner whether it would be possible to instruct the staff to change the Ordinance to re-word the ordinance to "any property owner".

Roger Gano indicated that the Ordinance needs to be re-worded and that the staff would send a copy to the council for their review.

Martin McIntosh asked whether or not these changes would comply with Goal 5 and the State of Oregon Guidelines, and, if there would be a threat of sanctions against the City for non-compliance? The matter was tabled to be reviewed after the staff has had a chance to revise the Ordinance as noted.

OPEN DISCUSSION

1. Al and Hazel Piatt, 303 E. Sheridan, Newberg, has secondary property within the district and objects to the ordinance. The impact on primary source properties is major, while secondary or contributing sources is very little. His property is zoned R-2, 6-8 dwelling properties and he felt the ordinance would restrict the value to 50-75% of the property's potential

2. Steve Roberts, 814 E. Hancock, Newberg, does not own property within district. Cities can endorse against title deeds and this should be a part of the ordinance to notify future landowners of historic preservation impact.

Donna Proctor asked whether or not it is put on tax record. Scott Reinhardt asked whether or not it should be a restricted ordinance on title search and not rely on tax records. Terry Mahr indicated that this should be discussed with the Legislature in terms of not guaranteeing the use of any property. The principle "Buyer Beware" is a prime example. Scott Reinhardt indicated that it was important to consider this in the ordinance.

3. MaryAnn Sontag, 315 E. Sherman Street, Newberg, has property in the contributing source category. She is in favor of the preservation ordinance. She discussed losing some degree of freedom of choice to do what we want with our property, but was in support of the ordinance for the common good versus our minor inconveniences to the individual.

4. Jack Kriz, 602A N. Main Street, Newberg, read a prepared statement that was in favor of the ordinance.

5. Elizabeth Teitzel, 401 N. Howard, Newberg, has property categorized as secondary. Ms. Teitzel is in favor of the ordinance because Newberg would draw tourism. Three homes have been renovated and have kept the architectural design. This ordinance would make a strong statement as to Newberg's intent to preserve its historic landmarks. She requested that the City Council APPROVE the ordinance and not exclude any properties.

6. Mary Post, 415 N. College Street, Newberg, SUPPORTS the historic ordinance, but does NOT support excluding some properties and including others.

7. Mike Gunn, 201 B. North Meridian, Newberg, attorney, representing Leonard and Larry Johnson and their four properties as follows:

204 E. First (formerly Western Auto)
206 E. First (Johnson's Hardware)
208 E. First (Johnson's Furniture)
300 E. First (Johnson's Annex)

Mike Gunn indicated that if the Ordinance passed and these properties were included in the list, preservation of these properties could be a financial burden upon his clients. Mr. Gunn requested that the properties be excluded from the inventory.

8. Dick Sartwell, PO Box 487, Newberg, - Newberg Friends Church, has property on Second/Third & College. Mr. Sartwell OBJECTS to the ordinance as it affects the Church's long range planning. The potential of changing interest of the individual to that of city.

9. Don Bauer, 414 N. College, Newberg, in FAVOR of ordinance. Has property on the historic register.

10. Ed Stevens - 414 N. Meridian, Newberg, representing George Fox College. Minthorne House (1886) in preservation district. Wishes to remove Widmar Hall as proposed according to report mailed to the council.

11. Jack Nulsen, 717 E. Sheridan, Newberg, indicated that Oregon City received a federal grant and let people vote to finance historic preservation. 25% excess as an additional cost factor for remodeling pursuant to the standards should be reduced to 15%.

12. Glen Post, 415 N. College Street, Newberg, has secondary property in district. Mr. Post sits on the Newberg School Board. Mr. Post reflected on the Edwards School matter wherein when the School Board indicated that a new school should be built rather than repair Edwards School, the city had a tremendous outcry in not wanting to tear the old Edwards School down. There was grassroots support to maintain old structure.

Dennis Egner read a letter from Maureen Baldwin in support of the ordinance. Dennis indicated that Kelly Manning, 400 Blaine Street, Newberg, also had written him in support of the ordinance and provided pictures of their remodeling.

Duane Cole presented a letter from Mary Post addressing her support for the ordinance.

Donna Proctor moved to close the public hearing, Roger Gano seconded. (Unanimous).

Eldon McIntosh discussed with MaryAnn Sontag her statement as to Philadelphia and Boston's voluntary historic preservation efforts.

Joe Young discussed with MaryAnn Sontag her statement as to whether or not the ordinance restricts the user's rights by providing permission to make alterations. Mrs. Sontag restated her support for the ordinance.

Joe Young addressed a question to Liz Teitzel about any problems with neighbors. Liz indicated that she moved there and had the same problems, and those problems have nothing to do with historic preservation.

Dennis Egner advised the Council that the average of 4-5 applications to the Planning Dept. would be absorbed by the Planning Commission.

Eldon McIntosh asked Mary Post if the Ordinance passed, what kind of incentive would be provided. She suggested door-to-door brochures, Newberg Preservation Society and a low income interest program to maintain buildings.

Duane Cole indicated that enforcement of this ordinance, as in other ordinances, would be funded by the community - or as part of the planning department's business.

Joe Young asked Mike Gunn, attorney representing the Johnsons, his opinion of the economic impact analysis (pg 45). Based on public consequences, not on financial. Mike Gunn referred the matter to Terry Mahr. Terry Mahr indicated that the social consequences would be the highest concern.

Joe Young's stated his issues regarding the ordinance as follows:

- (1) 421(a) - Pg. 84
Needs owner of record - interested parties should be substituted with Owner of Record.
- (2) 421(c) - Pg. 84 Designation procedure.

Joe Young indicated that the Council was not as well versed on the complications or consequences.

MOTION by Joe Young to postpone further discussions to next meeting 02/04/91. Seconded by Eldon McIntosh.

Discussion on Motion by Roger Gano to Joe Young re: (1) Preservation of LandMarks and (2) Districting Options. Joe says that any reference to "District" should be removed from the Ordinance. Roger Gano requested that staff revise and

eliminate districts.

Mayor Hall indicated that we needed to amend the Motion. Roger Gano moved to amend Joe Young's Motion to have staff redraft Ordinance and establishment of Historic Preservation Ordinance. Eldon McIntosh seconds his motion. Joe Young commented that just to send the ordinance back to staff to redraft and change District is not good enough. Roger Gano indicated that the staff needed to work on it and that it was a start.

Martin McIntosh indicated that he does not see the purpose of the government protecting persons and personal property. Martin McIntosh supports voluntary compliance.

MOTION: Amendment to Joe Young's Motion to direct staff to delete any reference to "District" from the Ordinance. (Unanimous) Motion carried.

Mayor Hall indicated that the original Motion needed to be approved, Eldon McIntosh seconded the Motion. (Unanimous) Motion carried.

Joe Young moved to consider 421(a) and delete "interested parties" and substituting "Owner of Record". Delete in 421(c) "other interested parties".

MOTION: Deleting "interested parties" and substituting "owner of record". Staff instructed to make the appropriate changes. Motion was seconded by Roger Gano. Motion carried.

Donna Proctor expressed concern to not have the Ordinance on a voluntary basis. Roger Gano said the ordinance would not pass due to continued discussion. Duane Cole indicated that the Ordinance does not make you do anything. It is when you do something to your property, you would need to go through a process.

Joe Young stressed that there is a concern regarding taking private property without proper compensation (example: elder person needing to dispose of property).

Roger Gano asked what is the turn-around time to demolish? Dennis Egner said one week. Eldon McIntosh said approximately 90 days. Joe Young said that to arbitrarily give 90 days is too long and can tie up property by 6 months if no appeals have been made.

Joe Young asked that the 30 days be changed to 45 days to handle any type of an appeal. Martin McIntosh does not approve of 45 days and withdrew his second. Roger Gano approved the motion by Joe Young. Joe Young moved to change it to 30 days rather than 90 days. Roger Gano indicated that he was not willing to change the 90 days to 30 days. Further discussion was held regarding Section

2 (Demolition) with result being a change from 90 days to 45 days.

MOTION: Joe Young moved to instruct the City Planner to change pg.90 (c)(2), second sentence of "Planning Commission shall complete review in 90 days", (this concerns demolition of property. Process can hold up demolition.) Motion carried - 6 Ayes/Nulsen - Abstention/McCain Nay.

MOTION: Page 91 (423), last paragraph, Jack Nulsen brought to the attention of the Council the renovation cost move to 15% rather than 25%. Martin McIntosh seconded the Motion. Motion carried. (Unanimous)

In reference to Page 92, Donna Proctor indicated that no fee should be collected by the City. Staff agreed to delete any reference to a fee.

Extensive discussion was held regarding the procedure an individual can follow to remove their property from the inventory. Dennis Egner indicated that the Planning Commission makes all decisions regarding whether or not certain properties remain on the inventory. Joe Young indicated that it was the general concensus to consider new language exceptions. We would allow people a reasonable time and financial allowance for owners to remove their property from the list before adopting the ordinance. Scott Reinhardt indicated that this matter should again be discussed at a later time.

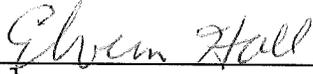
Joe Young indicated that he is in favor of allowing people to remove their property from the list. If necessary, the City would have the option to step in and purchase the property if they wanted to. Scott Reinhardt indicated that this should be another matter that the Staff would have to look into revising.

Roger Gano indicated that Staff would come back with specific examples to remove properties from the inventory an example of the process one would go through in order to apply to the planning commission to perform repairs or reconstruction.

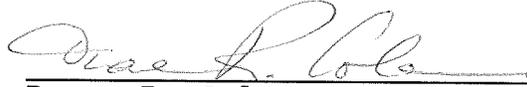
Joe Young indicated that even with the changes dicussed, he would not approve of the Ordinance. Whether or not the Council makes changes, if the Council does not allow the property owners to voluntarily add their properties to the list, and he will not vote for the ordinance. Marty McIntosh indicated that he supported the Ordinance with the appropriate changes discussed. Eldon McIntosh indicated that the State requires the City to pass a mandatory ordinance. Joe Young indicated that the Ordinance the Council adopts may not agree with the State's requirements, but that the Council could still pass the Ordinance with a voluntary listing.

The council indicated that these matters would be addressed at the next meeting and that the changes to be made by staff would also be reviewed.

MOTION: Joe Young moved to adjourn the meeting at 10:15 p.m., Donna McCain seconded. Motion carried.



Elvern Hall
Mayor



Duane R. Cole
City Recorder