

MINUTES OF THE NEWBERG CITY COUNCIL
AUGUST 5, 1996
7:00 P.M.
NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

The Mayor called the meeting to order, the pledge of allegiance was performed.

II. ROLL CALL

Charles B. Cox (CBC)	Roger Currier (RC)
Alan Halstead (AH)	Donna McCain (DM)
Deborah Sumner (DS)	
F. Robert Weaver (RW)	

ABSENT: Dave McMullen (DMc)
T. Dan Wollam (TDW)

STAFF

PRESENT: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Bob Tardiff, Police Chief
Katherine Tri, Finance Director
Peggy R. Hall, Assistant City Recorder
John Knight, Planning Manager
Larry Anderson, Engineering Manager

OTHERS

PRESENT: Joshua Nauman (Videographer), Rod Aust, Daniel Mallory, Lisa Thomas, Pat Haight, Mark Cottle, Marvin Schneider, Ann Pesola, Robert Simon, Michael Galbraith, Mark Wilcuts, Richard Schwarz, Melissa Van Hevelingen, William Roth, Jolana Sively, Ron Manning, Pamela Bakke, Betty Johnson, Lee Anderson, Robert Manning, James Allgood, Roger Sauer, Michael Davidson, Mart Storm, Elaine Cropper, Steve Fowels, Nancy Weiss

Mayor Proctor announced that Item No. 6 on the agenda (Schneider RDF) has been postponed to the September 3, 1996 City Council meeting.

III. CONSENT CALENDAR:

1. Approve minutes from Joint Meeting held on June 26, 1996 and Work Session minutes from meeting held on July 1, 1996.

MOTION: AH/RC to approve the Consent calendar. (6 yes/2 Absent (DMc/TDW). Motion carried.

IV. PUBLIC HEARING:

Mayor Proctor announced that the stream corridor matter would also be postponed to the September 3, 1996 City Council meeting.

2. Public Hearing regarding a request for Remand Hearing on Roth Appeal of Urban Growth Boundary Amendment.

Applicant(s): F. & C. Anzalone, R. & K. Manning, P. Bakke, and A. & V. Sessions

Location: Vicinity of Crater Lane and Chehalem Drive.
UGB-1-93

Resolution No. 96-1986

Mayor Proctor called for abstentions, objections to jurisdiction, conflicts of interest or ex parte contacts. Councilor RC stated that he has seen the property.

TDM reviewed with the Council that the staff is before the Council for their review and approval. The letter received from the applicant on July 30, 1996 is in the record and before the Council. This matter is on remand from the Land Use Board of Appeals (LUBA). The matter was originally decided in 1993. There are now only two members on the present City Council that were on the Council at time the matter was originally heard in 1993 (Councilors Currier and McCain). Mayor Proctor was also the Mayor at the time it was heard.

TDM added that it is the applicant's burden to prove the case. The question of need is an issue that the Council needs to consider. The applicants must provide additional evidence supporting the issue of need. TDM stated that it could be the Council's recommendation to continue the hearing to allow for additional information to be presented to address specific parts of the record, if needed. Staff at this point has recommended denial of the request because it appears that the applicants cannot meet the criteria of need. Discussion was held concerning what criteria was met at the time the application was first filed and heard before the Council in 1993. TDM added that the Planning Director in 1993 (Dennis Egner) did not consider two additional large pieces of property which were recently annexed because they were not on the market for development when the assessment for need was determined. The matter was filed with LUBA. The matter is open for a public hearing and testimony. The notice was not limited to the issue of need. TDM added that anyone wishing to testify should address the criteria. If anyone has any issues that they need to raise, they should do so or they could be waived at the time of appeal (raise it or waive it).

Ms. Melissa Van Hevelingen, 2324 Jodi Court, Newberg, indicated that she also owns property on Chehalem Drive. Ms. Van Hevelingen stated that she supports the Planning Manager's decision in denying the application.

Mr. William Roth, 3113 N. Chehalem Drive, Newberg, stated that he supports the resolution denying the application.

Jolana Sivley, 2709 Chehalem Drive, Newberg, stated that she also opposes the annexation.

TDM stated that it appeared that no proponents or applicants signed up to speak.

Mr. Roth questioned the concerns of the statewide planning goals (3, 4, 5, 7 & 11) that were not met in conjunction with the City's zoning ordinance.

Mayor Proctor called upon the Council for any questions that they may have.

Ms. Sivley asked about septic tanks in relation to the high water table. Discussion was held concerning Yamhill County's participation in removing debris or standing water from the area (problems with flooding and erosion). Ms. Sivley asked the Council what they intended to do about the problems.

TDM asked if there were any applicants in the audience that wished to address the concerns of Ms. Sivley.

Mr. Ron Manning stated that one of the issues was the lack of water in the area. Planning Director Dennis Egner (1993) stated that it would be a way to get City services. Mr. Manning stated that his well is dry.

Ms. Pamela Bakke, property owner on Chehalem Drive that is across from Ms. Sivley. Ms. Bakke stated that she believes that Yamhill County is to take care of the ditch, flooding and erosion issues and that the School District was also to be involved. Ms. Bakke further noted that she thought that the problem was to be resolved by August or September. The property is not in the flood plain.

DRC stated that it is staff's recommendation to close the public hearing.

MOTION: AH/ DM to adopt **Resolution No. 96-1986** denying a request to amend the urban growth boundary to include parcels generally located in the vicinity of Crater Lane and Chehalem Drive. (6 yes/2 Absent (DMc/TDW). Motion carried.

3. Public Hearing regarding annexation of a 4.48 acre parcel (zone change from County AG to City R-1/SP and R-2/SP and withdrawal from the Newberg Rural Fire Protection District).
Applicant: Betty Johnson
Location: 3608 N. College
Tax Lot No.: 3207AD-1000
ANX-14-96
Ordinance No. 96-2447

Resolution No. 96-1993 authorizing and directing the City Elections Officer to certify to the Yamhill County Clerk a ballot title for a measure to be submitted to the electorate of the City of Newberg, for their approval of an annexation request.

Mayor Proctor reviewed the Ordinance and Resolution with the audience and Council members, called for ex parte contacts, abstentions, objections to jurisdiction and conflicts of interest. There were none. Mayor Proctor opened the public hearing.

TDM stated that this is a quasi-judicial hearing and that an ordinance must be approved by the Council and then approved by a vote of the people at the next available election (November 5, 1996). TDM reviewed the criteria and applicable procedures.

Planning Manager John Knight reviewed the staff report. Mr. Knight noted that the Planning Commission has recommended approval of the annexation because the applicant has met the criteria. The Ordinance approves the annexation and the Resolution provides for the ballot title. Staff also recommends approval. Discussion was held concerning whether the property was part of the Newberg Specific Plan.

Councilor RC said that he was opposed to it because he feels it conflicts with the Newberg Specific Plan. Discussion was held concerning traffic congestion and traffic lights.

Mr. Lee Anderson, 3608 N. College Street, Newberg, said he was speaking on behalf of Betty Johnson. Mr. Anderson expressed Ms. Johnson's need to have the property annexed (not good for farming, already in the Urban Growth Boundary). Mr. Anderson said that he and Ms. Johnson would appreciate the Council's support in approving the annexation.

Mayor Proctor called for comments from public agencies or other interested parties. There were none. Mr. Knight indicated that they did not receive any further information from anyone in support or against the annexation.

Mr. Knight stated that staff recommends approval because the applicant has met the criteria. Mayor Proctor closed the public hearing.

TDM stated that the applicant (Ms. Johnson) needs to waive submission of final written argument or the Council cannot go on with the deliberation. Mr. Anderson stated, with Ms. Johnson affirming by nod of head - yes, that they do waive final submission of rebuttal.

MOTION: AH/DM to read **Ordinance No. 96-2447** by title only and approve. Mayor Proctor read **Ordinance No. 96-2447** by title only. (5 Yes/1 No/RC)/2 Absent (TDW/DMc). Motion carried.

MOTION: AH/CBC to approve **Resolution No. 96-1993** (5 yes/1 No(RC)/2 Absent TDW/DMc). Motion carried.

TDM announced that the City will prepare the appropriate explanatory statements to the County and that the applicant is welcome to contact the City Elections Officer if she had any questions concerning their explanatory statement.

**QUASI-
JUDICIAL**

4. Continue Public Hearing regarding annexation of a .34 acre site, (zone change from County AF-10 to City R-2 and withdrawal from the Newberg Rural Fire Protection District) *Public testimony closed.*

Applicant: Ron Manning

Location: 11th Street 150 feet east of Pacific Street

Tax Lot No.: 3220CD-500

ANX-11-96

Ordinance No. 96-2440

Resolution No. 96-1991 authorizing and directing the City Elections Officer to certify to the Yamhill County Clerk a ballot title for a measure to be submitted to the electorate of the City of Newberg, for their approval of an annexation request.

Mayor reviewed the Ordinance and Resolution with the Council and the audience.

TDM announced that the public testimony portion of this hearing has been closed. It was directed to have staff bring back the matter. The applicant has met the land use criteria. The Resolution directs the City Elections Officer to file the appropriate ballot title and explanatory statement with the Yamhill County Elections Officer.

MOTION: AH/DS to read **Ordinance No. 96-2440** by title only and approve. Mayor Proctor read **Ordinance No. 96-2440** by title only. (6 Yes/2 Absent (TDW/DMc). Motion carried.

**QUASI-
JUDICIAL**

5. Continue Public Hearing regarding annexation of an 8 acre site, (zone change from County VLDR-1 to City R-1 and R-1/GH, and withdrawal from the Newberg Rural Fire Protection District) *Public Testimony closed.*

Applicant: Ron Manning

Location: West of Main Street South of Pinehurst Court

Tax Lot No.: 3218AC-1700, -1800, -1900, -2000

ANX-12-96

Ordinance No. 96-2441

Resolution No. 96-1992 authorizing and directing the City Elections Officer to certify to the Yamhill County Clerk a ballot title for a measure to be submitted to the electorate of the City of Newberg, for their approval of an annexation request.

Mayor Proctor reviewed the Ordinance and Resolution with the Council and the audience. The public testimony portion is closed.

TDM announced that this is the same situation as the prior annexation request by applicant Ron Manning. At the last City Council meeting, the staff was directed to prepare the findings. The applicant has met the land use criteria and staff recommends that it be referred to the voters at the November 5th general election.

MOTION: AH/DS to read **Ordinance No. 96-2441** by title only and approve. Mayor Proctor read **Ordinance No. 96-2441** by title only. (6 Yes/2 Absent (TDW/DMc). Motion carried.

MOTION: AH/DS to adopt **Resolution No. 96-1992**. (6 Yes/2 Absent (TDW/DMc). Motion carried.

STREAM CORRIDOR ISSUE:

TDM announced that the stream corridor issue was noticed for this meeting.

MOTION: AH/RC to table the matter to the September 3, 1996 City Council meeting. (6 Yes/2 Absent(TDW/DMc). Motion carried.

6. Continued Public Hearing regarding a Development Agreement between the **QUASI-JUDICIAL** City of Newberg and Marvin & Anita Schneider to allow an RDF site at 2808 S. Wynoski Road (Voluntary Remand from LUBA).
Resolution No. 96-1994

Mayor Proctor announced that the matter was tabled to the September 3, 1996 City Council meeting.

V. COMMITTEE RECOMMENDATIONS:

None.

VI. CONTINUED BUSINESS

None.

VII. NEW BUSINESS

1. Appointment of two Library Board Members:
James E.S. Allgood
Donna Read
Roger T. Sauer
Michael Davidson (late applicant)

The applicants spoke briefly on their experience and background.

Mr. James Allgood, 1210 S. College, #211, Newberg, stated that he believes that the Library is a blood line for a community. He said that he is appalled and surprised that the Library is closed on Sundays and Mondays. The community utilizes the Library for educational needs. He said that he has ideas in which would help fund the Library projects. Mr. Allgood stated that he has experience on being on an advisory board to the Sierra Clubs in other cities and other similar boards.

Mayor Proctor stated that Ms. Donna Read is not in attendance. Leah Griffith, Library Director, stated that Ms. Read is en route to eastern Oregon but wanted to convey her service experience in working with the Library staff and Library Friends. Ms. Griffith stated that she would recommend that Ms. Read be reappointed to the Library Board.

Mr. Roger Sauer, 615 Donald Lane, Newberg, Oregon, is a Director of Administrative Services for the Newberg School District. Mr. Sauer related to the Council that he feels that access to knowledge is important and provides many key tools. Maintaining extensive collection of materials and the reach for further knowledge and information is needed.

Mr. Michael Davidson, 402 S. College Street, Newberg, Oregon, is a partner in Northwest Tax Consultants located in downtown Newberg. Mr. Davidson stated that he believes that the Library should be the first resource people look for in obtaining information.

Mayor Proctor thanked all candidates for willing to serve on the Library Board and if not selected, that they continue their interest in helping with the Library.

Councilor AH asked if the committee and board appointments are made by the Mayor with the approval of the Council.

MOTION: AH/RW to recess for 5 minutes in order for the City Attorney to review the appropriate ordinance relating to appointment of committee/board members. (6 Yes/2 Absent (TDW)/DMc). Motion carried.

Mayor Proctor stated that she would prefer that the Council recommend appointments. TDM stated that in Ordinance No. 2316, committees are appointed by the Mayor with the approval of the Council.

Councilor RW stated that he would recommend Donna Read to the Library Board as she is a leader in the community in working with young people in library science.

Discussion was held concerning placing all names for consideration.

MOTION: RW/DS to place all names for consideration for the Library Board. (5 Yes/1 No(AH)(2 Absent (TDW)/DMc). Motion carried.

MOTION: AH/DS to appoint James Allgood and Donna Read to the Library Board. (6 Yes/1 Absent (TDW/DMc). Motion carried.

Upon votes cast for all applicants, Mayor Proctor declared that James Allgood and Donna Read were appointed to the Library Board.

2. **Resolution No. 96-1995** Reimbursement for Street and Utilities to NSP for Oak Knoll project.

DRC stated that the City was working out the allocation of funds.

Mart Storm, 560 Park Road, Dundee, Oregon, reviewed with the Council the issues concerning the payment of funds. Developers and investors are different on the various projects involved with NSP Development and the City. Discussion was held concerning over-sizing. DRC said that staff recommends that the matter be tabled in order to develop procedures for the allocation of funds.

MOTION: AH/DM to table the matter to the September 3, 1996 City Council meeting. (6 Yes/2 Absent (TDW/DMc). Motion carried.

3. Residents' request to address the Council regarding Emery Orchards/Second & Third Streets LID. Adopt City Staff's recommendation.

Mayor Proctor announced that if information that is to be presented is not new information, it is requested that it not be restated.

Mr. Mart Storm stated that he would like to wait to the end to clarify or rebut statements made.

Ms. Elaine Cropper, 209 Arduis Drive, Newberg, read a letter she prepared. Discussion was held concerning her statement and Third Street problems (no street lights, danger to children, vacant cars left in the area).

Mr. Steve Fowels stated that he wished to pass his time to Lisa Thomas. Mayor Proctor stated that it would not be allowed due to the number of people wishing to speak.

Ms. Nancy Weiss, 25544 SW Graham Road, Newberg, owner of property located at 200 and 204 Meredith Street, addressed concerns that she had involving OTAK (engineers) and letters from Larry Anderson concerning the LID. Ms. Weiss stated that everyone would be better off with a walking path.

Discussion was held concerning remonstrance agreements and the amount each property owner would be liable for payment to the City for the LID. Ms. Weiss stated that she liked the concept that Third Street costs would be shared with other property owners. Discussion was held concerning property owners not notified, did not attend Council meetings and the potential of misinformation occurring.

Discussion was held concerning the amount of assessment charged to each property. DRC noted that property owners to the west side of Everest were excluded. Ms. Weiss stated that she was given full disclosure as part of the packet and commends the developers and real estate representative for bringing this to her attention in the beginning. Ms. Weiss stated that she did know the liability.

Mr. Robert Manning, 2400 E. Second Street, only house on Second Street. He said that he does not use Third Street. Discussion was held concerning his property being partitioned.

Ms. Lisa Thomas, 200 Arduus Drive, Newberg, read a statement to the Council.

Councilor DM stated that she remembers when the matter first came before the Council and what a tough decision it was to make, but most Council members realized it was a way to provide affordable housing.

Discussion was held concerning amortization of the amount over a 30 year period rather than a ten year period.

Mr. Larry Anderson, Engineer with City of Newberg, discussed the development and building of sidewalks along north side of Second Street.

Further discussion was held concerning the amount of what was believed to be the assessment (\$4,000) and what was actually assessed. Due to additional costs incurred due to delays, the assessment has increased.

Mr. Richard Schwarz stated that he was waiving his time.

Mr. Mark Wilcuts, 9700 Meadowloop Road, Newberg, said that he owns property in Emery Orchard. Mr. Wilcuts is also a representative from Coldwell Banker, the broker for Emery Orchard Subdivision. Mr. Wilcuts reviewed what he believed went on in the original planning for the development. Discussion was held concerning the development originally facing Second Street and remonstrances that would be obtained. Mr. Wilcuts stated that he remembered the process as being different. Mr. Wilcuts mentioned the disclosure statements sent to property owners discussing the \$4,000 cap. Mr. Wilcuts stated that at the time of the earnest money receipt being signed, it was fully disclosed. Discussion was held concerning Second and Third Street being built.

Mr. Michael Galbraith, stated that he had worked in construction for over 20 years. Mr. Galbraith stated that he was told that Third Street was not going to be done. He further inquired by the project was not done years ago.

Mr. Daniel Mallory, 210 Corrine Drive, Newberg, Oregon (Lot 38 Emery Orchard), expressed his concerns about having to pay for something that they would not use (striping, lighting, streets, etc.). He said that he signed the waiver or rights to remonstrance. Mr. Mallory stated that he would appreciate it if the City would look at providing for revenue bonding or general obligation bonds. Mr. Mallory further addressed his concerns involving the criticism that NSP is receiving concerning this project. Mr. Mallory stated that he requests that the Council direct staff to cancel the LID and prepare an ordinance which cancels the ordinance and allows the City to pay for the cost of the additional amounts of the LID. Further discussion was held concerning the payment arrangements and responsibility which involves the value of the property based upon the improvements made.

Discussion was held concerning fire access and the reasons why Third Street would need to be done. Second Street was not adequate for access purposes. Staff stated that the neighborhood watch program encourages the City to provide proper City street lighting. Larry Anderson stated that the City puts in the street lights and Portland General Electric maintains the lighting. That cost is not part of the LID.

DRC discussed the funding of LIDs and how they work (bancroft bonds and general obligation). DRC stated that most homeowners have signed up to pay the assessments, either by payment in full or signed up for financing. The City then goes to the bond market and places a letter of credit with the bonds sold.

City Attorney TDM stated that through the City's ordinances, the City has legal authority to assess and if not so paid, there are consequences whether the property owner agrees or not. Finance Director Katherine Tri stated that the property owners should be assured that if they paid in full and the amount is less than what they paid, refunds would be issued.

Ms. Jolee White, 201 Arduus Drive, Newberg, expressed her concerns about having to maintain the 8ft. strip of land that is the right-of-way and the additional costs incurred by the property owner for the development of streets. Discussion was held concerning the development of Third Street and the amount over \$4,000 that the developer would have to pay.

Mr. Rod Aust, 201 Corrine Drive, Newberg, stated his concerns about the figures previously provided not being consistent (costs were going up). DRC noted that the staff report reflects the additional costs added. Discussion was held concerning lawsuits by the property owners against the City and the developer.

Ms. Thomas added that in her conversations with DRC, she indicated that DRC felt that most people were happy. Ms. Thomas stated that comments were made concerning the City and the developer's actions.

Mr. Robert Simon, attorney for NSP Development, 712 Main Street, Oregon City, Oregon, attorney for NSP Development, stated his concerns involving statements made about NSP Development not paying their share of the costs. Mr. Simon further mentioned that he feels that the goal post was moved on NSP from Phase I, to Phase II and then to Phase III. Mr. Simon discussed concerns involving the development changes and what NSP voluntarily did to enhance the development based upon the calculations that they were correct. Discussion was also held concerning the seasonal work performed and GELCO entering into the picture. Cost over-runs and contingencies were discussed. Mr. Simon stated that the improvements were signed off by City staff, which later had to be moved due to the changes requested. Mr. Simon stated that it appears that the City is linking another project to this project. A punch list was provided to the developer of things that needed to be done. Mr. Simon stated that it is the intent and request of the developer to extend the financing on the project. Mr. Simon encourages the City Attorney to negotiate which save the residents money. Councilor CBC stated that it also would save his client money as well. Councilor RC stated that the City staff should return to the Council with the figures of the final assessment would be, what is left to be done. Mr. Simon further stated that NSP Development encourages any attempt to evaluate the situation and instruct the City Manager to entertain discussions to resolve the conflicts.

Councilor DS expressed her concerns involving the street and road widths.

Mr. Larry Anderson, City Engineer, discussed some of the problems that have occurred while NSP Development was working on the project. The pipes not matching with other connections (flow of culvert and broken pipes). A 12" pipe being replaced with a 15" pipe.

Mr. Mart Storm, 560 Parks Road, Dundee, stated that he wished to address the comments made involving the piping. Mr. Storm indicated that he has lived in the area since 1961. Mr. Storm addressed statements concerning that no storm drain would be needed on Second Street. Mr. Storm also noted that he also objected to statements from City staff concerning shoddy workmanship. Mr. Storm also addressed the impact the recent flooding had upon the construction of the development. Mr. Storm also noted that some of the property owners were assessed unfairly and asked the Council to authorize the staff to reassess the assessments made for Third Street.

Discussion was held concerning the dimensions of the lots represented to the people when they purchased the property. Mr. Storm stated that the frontage would be shared among all lots (intended that the burden would be shared equally).

Ms. Thomas gave City Attorney TDM a copy of a waiver of remonstrance.

Mayor Proctor stated that it was up to the City Council on what to do.

Councilor RW stated that he would like the information displayed for everyone including any materials presented over the last two weeks. Communications has been poor. Councilor RW stated that he would like the City staff to come up with a solution in order for the matter not to be further delayed. City Attorney TDM stated that he talked with Mr. Simon concerning information to be presented from both sides. Councilor RW stated that he does not believe that the October 7th City Council meeting would be sufficient time for the subcommittee and the parties to meet. TDM further added that the final costs of the project have not been completed.

Discussion was held concerning Council members, Mart Storm, City staff and some members of the audience who would volunteer to provide input concerning the LID. Councilor RW stated that the goal of such a meeting would present solutions to the problems.

Mayor Proctor stated that she would appoint Lisa Thomas, Chuck Cox, Duane Cole and Rod Aust for coming back to the Council for the second meeting in September with a solution (contingent upon the final costs of the development).

Mayor Proctor further stated that the meeting will be set by City staff and those wishing to have notice of the meeting should leave their name with Peggy Hall.

Mr. Daniel Mallory asked if this would be a public meeting as he did not want Ms. Thomas representing him.

Mayor Proctor stated that it would be a workshop format. Mr. Mallory stated that he did not want someone else to represent him. Mayor Proctor stated that it would be brought back before the Council in a public meeting format. TDM noted that what Ms. Thomas agrees to does not bind everyone. A subcommittee would be assigned to review all aspects of the issues involving the project. TDM stated that it is difficult to arrive at an effective conclusion with so many people involved. Everyone wants their input. If Mr. Mallory wanted notice of the meeting, he should so request it.

Mr. Mallory further stated that he does not object to the matter being presented at an open public meeting. The subcommittee's final decision would be presented to the City Council.

4. Motion to initiate alley vacation between Eighth and Ninth Streets and Willamette and Columbia Streets and set a public hearing for the September 3, 1996 City Council meeting.
Applicant: Ron Manning
VAC-6-96

MOTION: AH/DS to approve vacation. (6 Yes/2 Absent (TDW/DMc). Motion carried.
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5. **Resolution No. 96-1983** regarding membership in the City/County Insurance Services Trust Property Self-Insurance Pool.

MOTION: AH/DS to adopt **Resolution No. 96-1983**. (6 Yes/2 Absent(TDW/DMc). Motion carried.

6. **Resolution No. 96-1984** regarding membership in the City/County Insurance Services Trust Liability Risk Sharing Pool.

MOTION: AH/RC to adopt **Resolution No. 96-1984**. (6 Yes/2 Absent (TDW/DMc). Motion carried.

7. **Resolution No. 96-1985** authorizing the City Manager to recruit a City Architect.

Councilor AH stated that he wished to abstain due to potential conflict.

MOTION: DS/CBC to adopt **Resolution No. 96-1985**. (5 Yes/1 Abstain/2 Absent (TDW/DMc). Motion carried.

8. **Resolution No. 96-1988** Ratifying a three year labor agreement with the OPIEU (Police Union).

MOTION: AH/DS to adopt **Resolution No. 96-1968**. (6 Yes/2 Absent (TDW/DMc). Motion carried.

9. **Resolution No. 96-1989** Ratifying a three year labor agreement with the IAFF (Fire Union).

Discussion was held concerning the grievance process.

MOTION: AH/RC to adopt **Resolution No. 96-1989**. (6 Yes/2 Absent(TDW/DMC). Motion carried.

10. **Resolution No. 96-1987** implementing the 1996-97 Compensation Plan in the 1996-97 Budget and making other budgetary changes.

MOTION: AH/DM to adopt **Resolution No. 96-1987**. (6 Yes/2 Absent (TDW/DMc). Motion carried.

11. **Resolution No. 96-1990** changing the 1996-97 property tax levy, as adopted in Resolution No. 96-1966.

MOTION: AH/CBC to adopt **Resolution No. 96-1990**. (6 Yes/2 Absent (TDW/DMc). Motion carried.

12. **Ordinance No. 96-2448** adopting the State of Oregon Uniform Citation and Complaint form for purposes of citing persons and filing complaints in Newberg Municipal Court for violation of City ordinances and regulations.

City Attorney TDM stated that the ordinance provides for citing City code violations. The Community Development Department has 5 people sworn in to cite individuals for City code violations. The Police Department Code Enforcement Division has been formed to also provide this type of service. Those persons have been instructed on the process.

MOTION: AH/DS to read **Ordinance No. 96-2448** by title only and approve. TDM read **Ordinance No. 96-2448** by title only. (7 Yes/1 Absent (DMc). Motion carried.

VIII. REPORTS FROM OTHER AGENCIES AND CITY MANAGER

1. Fourth Quarter Report, 1995-96 on Visitor Information Center.

Ms. Ann Pesola, Executive Director of the Chamber of Commerce, stated that the Fourth Quarter Report was in the Council's packet.

2. Survey Results from Old Fashioned Festival

DRC stated that the survey results were completed and he appreciated the leadership and patience that was provided.

IX. COMMUNICATIONS FROM THE FLOOR:

None.

MOTION: AH/DS to adjourn at 11:15 p.m. (6 Yes/2 Absent (TDW/DMc). Motion carried.

ADOPTED by the Newberg City Council this 18th day of November, 1996.



Duane R. Cole, City Recorder

ATTEST by the Mayor this 20 day of November, 1996.



Donna Proctor, Mayor