MINUTES OF THE NEWBERG CITY COUNCIL
MONDAY, MARCH 11, 1996
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY

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

The pledge of allegiance was performed.

II. ROLL CALL

Roger Currier (RC)	Alan Halstead (AH)
Donna McCain (DM)	Dave McMullen (DMc)
F. Robert Weaver (RW)	T. Dan Wollam (TDW)

ABSENT: Deborah Sumner (DS)

VACANT: Don Wright (DW)

OTHERS PRESENT: Sid Friedman, R.H. Fuquay, Pat Haight, Ken Hughes (Newberg Graphic), Mike McCullough, Rodney Meade (Newberg Fire Department), Jim Morrison, Warren Parrish, Thomas Rickert, Nadine Windsor.

1. Motion to Accept the Resignation of Council Member Don Wright.

MOTION: AH/DMc to acknowledge Councilor Don Wright's resignation. (6 Yes/1 Absent(DS)/1 Absent (DW). Motion carried.

Mayor Proctor stated that applications will be received until March 21, 1996 at 5:00 p.m. Mayor Proctor further stated that anyone wishing to apply can pick up an application from City Hall offices.

III. CONSENT CALENDAR

1. Approve minutes from Work Session held on February 5, 1996.

MOTION: RC/DMc to approve the work session minutes held on February 5, 1996. (6 Yes/1 Absent (DS)/1 Vacant(DW). Motion carried.

2. A Proclamation declaring the Newberg Celebration of the Fourth Annual Community Clean-up and Beautification Day - April 20, 1996.

MOTION: AH/RW to adopt the proclamation. (6 Yes/1Absent (DS)/1 Vacant). Motion carried.

3. Authorize the City Manager to sign a contract with the Office of Emergency Management, State of Oregon for Disaster Assistance funding for public infrastructure assistance.

Mayor Proctor stated that Representative Elizabeth Furse contacted her immediately after hearing of the problems. Ms. Furse was very helpful in getting things done.

MOTION: TDW/AH to allow the City Manager to sign a contract with the Office of Emergency Management, State of Oregon for Disaster Assistance funding for public infrastructure assistance. (6 yes/1 Absent (DS)/1 Vacant (DW). Motion carried.

IV. PUBLIC HEARING

None.

V. CONTINUED BUSINESS

1. **Resolution No. 96-1958** authorizing the City Recorder to certify to Yamhill County a ballot title to ask the voters to vote as to whether the City should place a $1.50 per month, per water meter equivalent, effective July 1, 1996, to raise funds to replace Fire Department vehicles and equipment.

DRC reviewed the staff report regarding placing the issue on the May 21st ballot. The fee would be in effect for 8 years which would then come back to the Council or electorate for readoption. DRC reviewed what the fee would purchase: support vehicles, fire engine, ladders, equipment, etc. DRC noted that the life expectancy of the equipment/vehicles is good, but the equipment and vehicles that the City has goes beyond the life expectancy. The projected revenue is approximately $150,000 per year, taking into consideration a 3% customer growth. The proposal before the Council is to put a ballot measure before the voters.

Councilor RW asked DRC about the 8 year duration which is in the body, but not in the title of the measure. DRC stated that the title is limited to 20 words and information such as duration, etc. should be left in the explanation. Councilor RW stated that most people don't read the explanation, but the ballot title only. DRC stated that extensive time has been expended in formulating the title and explanation.

Discussion was held concerning the ballot title and the following amendment to the ballot title was made:

"Shall Newberg collect $1.50/month per meter equivalent between July, 1996 and June, 2005, to purchase fire vehicles/rescue equipment? (20 words)

Assistant Fire Chief Ben Erb and Rod Meade appeared and answered questions concerning the ballot measure requests. Mr. Erb noted that there are many pieces of fire equipment that are not performing to their capacity. Discussion concerning trade-in values was held and that any monies received from trade-ins or sales would be applied to the purchase of replacement vehicles and/or equipment. Councilor RC stated that many fire departments purchase used equipment that have performed quite well that are purchased for half the price of new.

Mr. Tom Rickert, 801 Pinehurst Dr., Newberg, Oregon, stated that he feels there are alternative ways to budget this rather than add it to the price of sewer and water services. He has talked with several fire department personal who have provided information on alternative ways to raise money. Mr. Rickert stated that the City's fire truck fund started in 1981. Mr. Rickert stated that he talked with Bert Bernard from St. Paul and their pumper is approximately 27 years old and St. Paul receives a full rating every year. The Woodburn Fire Chief has indicated that they have a person that rebuilds their engines for about $40,000 in cost rather than $200,000 for a new vehicle.

Mr. Robert Fuquay withdrew his application to speak.

Ms. Pat Haight, 501 E. Illinois, Newberg, Oregon, a resident and taxpayer of the City of Newberg. Ms. Haight reviewed with the Council her findings on the fire truck fund. Ms. Haight continued her review of the information she found involving the 1990 fire fee and the amount raised from that fund. Ms. Haight stated that the voters did vote in favor of the fire fee, but the money was not used properly. There appears to have been an amount left over (raised $163,000 with the fire truck costing $156,000). Ms. Haight stated that the remaining funds should have stayed in the fire fee fund account but it appears that it did not. Ms. Haight further noted that the citizens of Newberg are paying generous amounts of tax money to the City. The reserve funds are increasing. Ms.Haight stated that she believes that funds are mis-spent and mis-budgeted.

Ms. Haight stated that she asked the City Council for an independent audit because of errors (typographical and accounting). The focus is on the Fire Department and she has no intention of causing any problems with them. The Fire Department is not getting what they need from the taxpayers. The Council should consider the past audit and accountings prior to placing requests for additional funds on the ballot. It is the City management's responsibility to account for the funds.

Mr. Warren Parrish, 30450 NE Wilsonville Road, Newberg, Oregon, stated that he was informed by one of the City Council members that he should not make comments because he does not live in the City. Mr. Parrish stated that he is in support of Ms. Haight's position. Mr. Parrish further noted that he also is not against the Fire Department and what they need. Ms. Haight's concerns are with the financial portion and not with the Fire Department directly. Mr. Parrish confirmed that he believes that the Newberg Fire Department is one of the best in the state. Mr. Parrish finally noted that he believes that the funds should be kept separate and accountable. Discussion was held concerning the rescue van and the ladder truck's use and operable condition.

Mr. Rod Meade, Lt. with the Newberg Fire Department and is the mechanic for the Department. In response to Mr. Parrish's comments, the dive rescue van was been used approximately six times this past year. The van was donated by GTE in 1979. Mr. Meade addressed many areas in which the Department needs upgrades and how important it was to maintain a level of service from the vehicles, including resale if needed. Mr. Meade noted that many of the vehicles and equipment at the Department is "jimmy-rigged", but it takes quite a bit of working to get them to do so. The type of ladder referred to by Mr. Parrish is the "Twisto-Flex". Mr. Meade also noted that he is the President of the Oregon Fire Mechanics Association and is very knowledgeable about the vehicles and equipment. Discussion was held concerning resale of used equipment and the profits used to off-set new equipment. Mr. Meade stated that because the Department takes good care of their vehicles and equipment, they generally get "top dollar" from any sale. The ladder truck is used mostly for structural fires, not so much for rescue purposes. There are new state and federal standards for vehicles in which Newberg does not or barely complies.

MOTION: AH/DMc to adopt **Resolution No. 96-1958.** ((6 Yes/1 Absent(DS)/1 Vacant). Motion carried.

2. **Resolution No. 96-1959** authorizing the City Recorder to certify to Yamhill County a ballot title to ask the voters to vote on the construction and/or remodeling of a Police Station, City Hall and Fire Substation effective July 1, 1996.

DRC presented a background and brief slide show on the City Facilities Bond Measure. DRC provided the following assumptions:

1. Police station should be a new building. Central School is an issue, but has similar problems as the City Hall building. It is presently a Zone 2 in a Zone 3 requirement. DRC explained the seismic issues pertaining to earthquake levels. The essential parts of a building should be able to withstand a magnitude of level 7. The "spring break quake of 1993" was a magnitude of 5. Central School rooms are too large. The hallways are not

appropriate. No elevator is available for ADA accessibility.

2. The City should not purchase property, if at all possible, for new construction. The City should avoid a new purchase altogether.

DRC stated that there are five possible sites for the new City Hall facility and the criteria for each location:

1. Central school. Restore the building into city offices and other public agencies.

2. City Hall, VFW building (purchase), City Attorney/Mayor's Office building. Renovate all of the buildings to accommodate all city offices. Purchase the VFW building, demolish it and build a new building for the departments and provide for a courtroom.

3. Community Development building. Renovate the building with the Community Development Department attached to the side of the building. City Hall at First and Howard Street is a landmark for the community and is very important.

4. Fire station, plus three additional houses on Third Street. The three houses would be demolished and an office building placed in its place. Additional space would be given and the 911 facility enhanced.

5. Springbrook Road (potential new fire station site). Build new fire station.

DRC summarized his report in that the Central School site is basically ruled out as unworkable and not cost efficient. The new City Hall is estimated at $2.9 million. The overall project is estimated at approximately $7.85million. The tax per $1,000 value is approximately $1.12. Discussion was held concerning separating the issues.

Mr. Rickert inquired about the seismic evaluations and generators. DRC stated that the seismic calculations were provided by the architect/engineer. One of the generators are located at the Fire Department. The other is for City Hall (911 and police purposes). Discussion was also held concerning the radio (911) dispatch console (800 mgh to serve the 911 system).

Mr. Rickert also inquired about the purchase of the VFW Hall. The purchase price is $150,000 which includes demolition costs (power and phone lines removed). Further discussion was held concerning permit fees and development charges. Ms. Haight inquired about the cost of the new dog pound, if any.

DRC stated that the City Council would approve the bonds and would assume that the City Council would not spend more than what is needed on the project. Discussion was held concerning repairing the City Hall building after the fire and why the upgrades were not done at that time. DRC noted that it was not an item that was budgeted for and funds were not available.

Ms. Haight asked questions concerning well site purchases, the wastewater treatment facility and a conductor plant. Mayor Proctor stated that they were not relevant at this time.

Councilor RC commented that he did want to say that it was not part of the fire funds to build a new fire station. Councilor RC stated that he agreed with Mr. Rickert about the permits and System Development Charges (SDC) charges. He feels that the citizens would be willing to "eat" the cost of the permit fees in lieu of paying taxes on their property.

Councilor AH stated that he knows that in reference to the building permit fees and SDC charges or any other building fees, the cities of Portland, Gresham, Hillsboro, Beaverton and Washington County pay for the costs of these permits and fees.

MOTION: AH/TDW to adopt **Resolution No. 96-1959**. (5 Yes/1 No(RC)/1 Absent(DS)/1 Vacant(DW). Motion carried.

VI. NEW BUSINESS

1. **Ordinance No. 96-2428** regulating the placement of newsracks in public rights-of-way; imposing safety standards; providing a statement of purpose; establishing definitions; implementing standards for maintenance and installation; implementing standards for location and placement; providing for removal of newsracks found not in compliance; providing for indemnification; providing for severability.

Mayor Proctor stated that **Ordinance No. 96-2428** was being pulled from agenda to be postponed to the May 16, 1996 City Council meeting. City staff will be meeting with newspaper representatives to discuss the various issues. The matter will be referred to the Community Development Committee for further review. The City Attorney and the City Manager will be meeting with the attorney representing the Oregonian.

2. Reappointment of Cable Communications Commission Members:

James Morrison	Newberg
Mona Harper	Dundee
Jack Eichhorn	Newberg

Mayor Proctor announced the members present. TDM stated that the Commission is very active in working with the programming of the local access studio and reviewing the terms and conditions of the franchise agreement.

MOTION: RW/AH to reappoint James Morrison, Mona Harper and Jack Eichhorn to the Cable Commission. (6 Yes/1 Absent(DS)/1 Vacant(DW). Motion carried.

3. **Resolution No. 96-1956** approving a new Curbside Cart Rate Program provided by the Newberg Garbage Service in the City of Newberg.

Mayor Proctor introduced Mr. Mike McCullough, Controller with Newberg Garbage Service, to provide a brief explanation of the curbside cart rate program. Mr. McCullough stated that the program involves Newberg, Dundee, Yamhill County and Washington County. The Finance Committee gave a favorable vote on the project. Mr. McCullough also noted that they met with the City of Dundee on March 4th and also received a favorable response. They will be meeting with Yamhill County Commissioners later. They do not expect opposition. This is an optional service provided to its customers. Discussion was held concerning the actual design of the cart. Mr. McCullough stated that Newberg Garbage Service is committed to helping citizens work with the recycling program.

MOTION: RW/AH to adopt **Resolution No. 96-1956**. (6 Yes/1 Absent(DS)/1 Vacant(DW). Motion carried.

4. **Ordinance No. 96-2433** amending Ordinance No. 1835 which imposed a transient room tax by specifying that fifty percent (50%) of the funds shall be used to fund a visitor center and the remainder of the funds may be spent on any City activity that the City Council deems appropriate.

Mayor Proctor called upon Nadine Windsor. No comment at this time.

Ms. Pat Haight, 501 E. Illinois Street, Newberg, Oregon, wished to comment on the Ordinance. Ms. Haight stated that the revenue from the hotel/motel tax should be spent in other places within the City budget and not so much spent on a visitor center. Any amount of money to fund a visitor center should be taken from the administrative fund. The Chamber is a private business and they should go to their membership for assistance. Ms. Haight also questioned Councilor DM's potential conflict of interest and that she should not vote.

Mr. Tom Rickert, 801 Pinehurst, Newberg, said that 50% of the funds also bothers him. He would be in favor of it if the 50% was not included, but a flat figure. The Chamber should kick in additional funds if that is what they need.

Councilor RW stated that he has given the matter quite a bit of thought. The 50% also bothers him rather than a flat fee. Councilor RW stated that he was in favor of the visitor center. He has been very pleased with the labor and input that has been given by the Chamber. The City contracts with the Chamber for visitor information services and the City pays $20,000 for these services. Councilor RW stated that he opposes the Ordinance if the amount of 50% is added.

Councilor AH stated that he would like to hear what Representative Leslie Lewis has to say about the matter. Mayor Proctor stated that she did not appear at the Council meeting in time to sign in and submit her comment registration sheet. Those registration forms must be in before the Council meeting. The Council must be consistent with this procedure. Councilor RW stated that he is sure that Ms. Lewis understands the rules.

MOTION: DM stated that she would like to interject and amend the motion to allow for a $30,000 cap of funds given for the visitor center from the hotel/motel tax, which can always be negotiated at a later time. Newberg is growing and that hotels and motels will be coming to Newberg. Motion failed for lack of second.

Councilor RC stated that he received information that was brought to his attention concerning the informational/relocation packet distributed by the Chamber. Councilor RC said that the packet of information a friend of his received did not have a brochure about Newberg in it. They did have information on the wine country and a Yamhill County map.

MOTION: RC/ to amend the Ordinance to reduce the room tax percentage from 6% to 3% as one of the payees of a hotel tax indicated which would mean that the visitor center would receive approximately $10,000 instead of the $20,000 the Chamber now receives. (Motion failed for lack of second.

Councilor RW stated that he believes that the Chamber is doing a "10" job. They help other areas not just Newberg.

Councilor TDW stated that he intends to support the Ordinance given careful consideration. The elements of the Ordinance allows the City to explore different options and provide safeguards. The Council can reevaluate the program at any time.

MOTION: AH/TDW to read **Ordinance No. 96-2433** by title only. (5 Yes/2 No(RC/RW)1 Absent(DS)/1 Vacant(DW). Mayor Proctor read the Ordinance by title only. Motion carried.

Councilor DM stated that she has not worked with the Chamber since December, 1995 and that she does not have a conflict as Pat Haight has indicated. Mayor Proctor stated that the visitor center would be up for public bid for a contract and anyone interested should contact her, the City Manager or any one of the Council members.

5. **Resolution No. 96-1961** authorizing and directing the City Recorder to certify to the Yamhill County Clerk, an initiative measure requiring vote on annexation of property to the City of Newberg; authorizing the City Manager, with the approval of the City Attorney, to send an explanatory statement for the Voter's Pamphlet; and doing all

other necessary acts to place the matter before the voters of the City of Newberg for the May 21, 1996 General Primary Election.

Mr. Sld Friedman, 31909 NE Corral Creek Road, Newberg, Oregon, stated that he participated in the Citizen Advisory Process. He indicated that over 1300 Oregon voters have requested that the initiative be placed before the voters through the petition process. Mr. Friedman stated that he requests that the Council adopt **Resolution No. 96-1961** and urged the Council to support what the voters have already presented.

MOTION: AH/RC to adopt **Resolution No.91-1961**. (5 Yes/2 Absent (DS/RW)/1 Vacant(DW). Motion carried. (Councilor RW was temporarily out of the room and was not present to vote on the matter).

Councilor RW returned to the Council room and wished to thank the persons who went out and obtained signatures for the democratic process.

Resolution No. 96-1962 authorizing and directing the City Recorder to certify to the Yamhill County Clerk, an initiative measure placing the question of a Charter amendment restructuring the City Council before the voters of the City at the May 21, 1996 election; authorizing the City Manager, with the approval of the City Attorney, to send an explanatory statement for the Voter's Pamphlet; and doing all other necessary acts to place the matter before the voters of the City of Newberg for the May 21, 1996 General Primary Election.

MOTION: AH/RC to adopt **Resolution No.96-1962**. (6 Yes/1 Absent (DS)/1 Vacant(DW). Motion carried.

6. **Resolution No. 96-1957** transferring and reappropriating funds in Debt Service Fund.

Finance Director Katherine Tri reviewed the staff report detailing the changes. The report provides the analysis and process for selling bonds and the transfers to be made. One of the changes is to change "contingency" to "non-departmental".

MOTION: TDW/AH to adopt **Resolution No. 96-1957**. (6 Yes/1 Absent (DS)/1 Vacant(DW). Motion carried.

7. Motion to approve revisions to Planning Commission Priorities and Public Hearing Format

MOTION: AH/TDW moved to approve the revisions to the Planning Commission Priorities and Public Hearing Format. (6 yes/1 Absent(DS)/1 Vacant (DW). Motion carried.

VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

1. Preliminary report from the Citizens Rate Review Committee.

DRC stated that he would review this with the Council at a later time. Discussion was held concerning the utility rate for 3-5 years and comparing the debt. Staff and Committee recommendation was to proceed with the rate analysis before fiscal year end (June 30th). The rate picture is very good. New treatment facilities are being funded at almost twice the amount the City has paid. The City received grant funds to build their facility.

Councilor RC announced that Donna Watson who was a member of the Committee died and wanted to make a statement that on behalf of the Council, they appreciated her participation.

Discussion was held concerning the sewer/water rates and winter/summer averages.

VIII. COMMUNICATIONS FROM THE FLOOR

Mayor Proctor advised that she has received complaints concerning the railroad crossings. She has contacted the railroad and they are investigating the complaints and attempting to correct any problems/complaints.

Mr. Jim Morrison, 717 E. Sheridan Street, Newberg, advised the Council and audience of the Newberg historic walk coming up within the next few weeks, sponsored by the Portland Chapter of the MS Society. It is a 5K and 10K walk/run to look at historic Newberg houses. The event raised over $3,000 last year and they want to do it again. It is scheduled for April 13th. Registration is scheduled for 8:00 a.m. at the Pennington House. George Fox College students will be handling registration. Domino's pizza will be sponsoring the event as well. Mayor Proctor stated that brochures can be left at City Hall.

Mayor Proctor contacted PGE concerning the pavilion. PGE is donating lampposts and some electrical work. The pavilion project is moving along. The pavilion will be used for the Old Fashioned Festival Queen coronation.

Mayor Proctor asked the Council for their opinion concerning Pat Haight's request for an accounting/audit of the City's books. Councilor DM stated that before she would authorize such a request, she would like to see what the cost would be. Spending City money for something that is not already budgeted may not be the thing to do. Katherine Tri, Finance Officer, indicated that it costs about $20,000 per year for the annual audit which occurs between July and November. Discussion was held concerning what part of the City's budget does she want audited, the whole budget or particular departments? KT indicated that Ms. Haight requested documentation from the 1988-89 capital improvement fund. Ms. Tri stated that the auditors don't look at every expense or money account. They go through files and pick out certain ones and track the expense or receipt.

Discussion was held concerning spending tax dollars to do another audit requested by one individual. Councilor TDW stated that the audits are done by professional CPA firms and any errors or changes are noted and addressed in the audit reports. Councilor TDW suggested that if Ms. Haight wants to review the audit process with the auditors at the time of the audit, she can do so, but there is no justification to have another audit prepared. Councilor RW asked that Ms. Haight write down her questions and send them to the City Manager so that they can be reviewed and answered. Ms. Haight stated that there are many discrepancies in the budget. Ms. Haight stated that she has not received all of the information that she needed from Ms. Tri. DRC stated that Ms. Haight has received copies or information that she has requested, including copies of checks. Ms. Haight further reviewed the information presented in her statements provided to the Council. Mayor Proctor suggested that Ms. Haight sit down with DRC and Ms. Tri and go over her questions. Councilor DM stated that maybe another individual would sit down with Ms. Haight, DRC and Ms. Tri to review Ms. Haight's requests so that would make Ms. Haight feel that she is getting the answers she has requested. Ms. Haight stated that she believes that there are so many transfers that it is an "insult" to the Budget Committee and the City Council and the whole budget process. Ms. Haight stated that she finds that some departments are over-expended.

MOTION: TDW/AH moved to note Ms. Haight's comments in the minutes or any other information that Ms. Haight wants to request answers to, be referred to the City's auditors when the annual audit is performed. If Ms. Haight wishes to meet with the auditors or bring specific items for investigation, arrangements will be made to do so. (6 Yes/1 Absent(DS)/1 Vacant(DW). Motion carried.

Ms. Tri stated that the start of the complete audit begins in July, 1996.

Councilor DMc inquired of the number of persons who have applied for the City Council position and whether or not it was published. DRC stated that the deadline has been extended to April 4th with the Council voting on the prospective candidate on April 15th.

MOTION: DMc/AH that the City Council extend the deadline for applications until April 4th and the City Council appoint the person on April 15, 1996.

Discussion was held concerning prospective candidates.

Councilor TDW stated that there is a question concerning when the Council position becomes vacant (at the time of resignation or at the time the Council accepts the resignation?). The policy should be at the time the City Council receives and accepts the resignation. Mayor Proctor noted that this policy should be more clear in the Charter or Council guidelines. Councilor DMc stated that the policy should be that when the Council receives and accepts the resignation, the Council shall declare the position vacant and the appropriate advertisements shall be published and applications requested.

ROLL CALL ON MOTION: (4 Yes/2 No(RC/RW)/1 Absent(DS)/1 Vacant(DW). Motion carried.

X. EXECUTIVE SESSION

1. Pursuant to ORS 192.660(1)(h) relating to Pending Litigation

Executive session was held prior to the Council meeting during work session.

XI. ADJOURNMENT

MOTION: **RC/AH** To adjourn at 9:42 P.M.(6 Yes/1 absent (DS)/1 Vacant(DW)). Motion carried.

ADOPTED by the Newberg City Council this 6th day of May, 1996.

Duane R. Cole

Duane R. Cole, City Recorder

ATTEST by the Mayor this 6th day of May, 1996.

Donna Proctor

Donna Proctor, Mayor