**THIS MEETING WAS AUDIO TAPED BY THE CITY OF NEWBERG"

MINUTES OF THE NEWBERG CITY COUNCIL
MONDAY, MAY 19, 1997
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER

Mayor Proctor called the meeting to order.

II. ROLL CALL

Charles B. Cox (CBC)
Alfred (Fred) Howe (FH)
Deborah Sumner (DS)
F. Robert Weaver (RW)
Roger Currier (RC)
Donna McCain (DM)
Lisa Thomas (LT)

STAFF PRESENT:
Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Peggy R. Hall, Recording Secretary
Bob Tardiff, Police Chief
Katherine Tri, Finance Director
Chuck Liebert, Utilities Manage
Mike Soderquist, Community Development Director

OTHERS PRESENT: Gary Allen, *Newberg Graphic*, Jack Berry, Alan Steiger, Dan Wollam, Larry Hampton, Bob Gabriel, Charlie Harris, Lee Vasquez, Nancy Ferguson, Lore Wintergreen, Rosa McCoy, Christina Clark, Mary Bradford, Fawn Stadelman, Bob Youngman, Mike Olberding, Robert Johnstone, Jim McMaster, Pat Haight, Mike Boyes, Leonard D. Attrell, Warren Hunt, Ray Sallee, Eric Wright, Dennis Lewis, Paul Hart, Warren Parrish, T. Dan Wollam

III. *PLEDGE OF ALLEGIANCE*

The pledge of allegiance was performed.

IV. CONSENT CALENDAR

None.

Mayor Proctor moved **Resolution No. 97-2052** to this section.

Resolution No. 97-2052 authorizing the City to enter into an agreement for CM/GC (Construction Manager/General Contractor) services with Colamette Construction Company for the construction of the public project known as the Newberg Police Station project and authorizing the City Manager to enter into the agreement and do all necessary and proper acts to finalize the agreement. (Item to be discussed at the beginning of the meeting.)

Police Chief Robert Tardiff presented the staff report. Chief Tardiff noted the City received 9 proposals for the construction contract of which four were interviewed. The top candidate is Jim Hurt who is in attendance. Mr. Hurt constructed other buildings in the Newberg area (Climax Portable Machine Tools, Nike, Norm Thompson, UPS buildings and a project for US West). Chief Tardiff expressed an urgency to get the contract approved by the Council so they can begin construction before the rain season arrives. The selected contractor will work with the City's architect (Jack Berry & Associates).

Discussion was held concerning safety issues involving subcontractors. Chief Tardiff noted that references were contacted. Discussion was also held concerning change order charges and other issues contained in architectural documents. TDM noted the City would go with the AIA 121 CM contract which is standard throughout the industry. Mr. Marrish discussed with the Council the terms and conditions generally involved in this type of contract arrangement. Police Chief Tardiff noted that Mr. Hurt's company has also not been in any type of litigation of mediation over one of his projects. TDM added that once the CM/GC is appointed, they will begin the process to appoint subcontractors and begin that bidding process.

MOTION: FH/RW to approve **Resolution No. 97-2052.** (Unanimous). Motion carried.

V. PUBLIC HEARING

1. Public Hearing regarding the disposition of Harvest House, located at 615 N. College St.

Mayor Proctor announced there would be a two minute time limit due to the number of persons wishing to speak. Mayor Proctor also asked that people wishing to speak not repeat what had been previously mentioned. There were no abstentions, conflicts of interest of objections to jurisdiction other than Councilor FH who had previously declared a conflict due to his employment with YCAP. Councilor FH removed himself from the Council table. TDM provided slides of the Harvest House and surrounding property. TDM also provided slides of the houses on Third Street which will be removed to allow for the construction of the public safety building. DRC also gave a brief staff report.

Mr. Dan Wollam, 512 Buckley Lane, Newberg, spoke as the Executive Director of YCAP. Mr. Wollam reviewed the status of the homeless shelter. Mr. Wollam further noted that the shelter is more than emergency shelter for homeless families; it provides necessary services and assistance for people to become product members of the community.

Mr. Bob Gabriel, Secretary of YCAP Board, spoke in support of YCAP continuing to operate the Harvest House. Mr. Gabriel stated he is familiar with homeless situations due to his prior involvement with St. Vincent DePaul as a volunteer.

Mr. Charlie Harris, CASA of Oregon, 19400 NE Jacobs Road, Newberg, stated he drives past the Harvest House daily. Mr. Harris noted that he assisted the City in the grant application for the homeless shelter. Mr. Harris urged the Council to continue to allow YCAP to operate the homeless shelter.

Mr. Lee Vasquez, retired Yamhill County Sheriff, Chairman of YCAP Board, provided testimony in support of YCAP continuing with the operation of the Harvest House.

Councilor RW stated the Council feels it is necessary to have a homeless shelter, that is not the issue.

Ms. Nancy Ferguson, NHRC Youth Advocate for the past 1-1/2 years working with at risk youths provided testimony in favor of YCAP.

Ms. Lore Wintergreen, 649 SE 32nd, Portland, stated she worked in Newberg as a youth program director with Nancy Ferguson. Ms. Wintergreen stated it was important to stabilize families with food and shelter and assist them in their transition.

Mr. Larry Hampton, 14029 NE Hwy 240, Newberg, spoke as the Chairman of the Board of NHRC. Mr. Hampton emphasized the need for a homeless shelter and how YCAP has come to the aid of NHRC. Mary Bradford previously worked for NHRC at the Harvest House, but now works for YCAP.

Ms. Rosa McCoy, 327 S. Adams, McMinnville, stated she was previously homeless and wanted to express to the Council the stigmatism that is placed on those persons who are homeless. Things sometimes happen to people that is out of their control. Ms. McCoy added she is now the resident manager of Harvest House.

Ms. Christina Clark, 1907 N. College, #9, Newberg, is an ex resident of Harvest House. Ms. Clark expressed her appreciation for the assistance and support that was given to her.

Ms. Mary Bradford, 615 N. College Street, Newberg (Harvest House) stated that Harvest House has been her home off and on for the past 3 years.

Ms. Fauun Stadelman, 615 N. College Street, Newberg, a resident of Harvest House, stated Harvest House has provided assistance to her and her child (diapers, food, etc.). Harvest

House helped her prepare for work and taking care of herself and her child.

Mr. Bob Youngman, 26025 Viewcrest Court, Newberg, member of the shelter advisory committee provided testimony in support of the shelter.

Mr. Mike Olberding, 23251 NE Fulquartz Landing Road, Dundee, Community Service Coordinator for the Yamhill County area, indicated that NHRC and YCAP has provided much needed assistance to Yamhill County residents.

Mr. Robert Johnstone, 1330 Belnap Road, McMinnville, stated he has previously served as a board member for Harvest House. Mr. Johnstone provided testimony in support of the City appointing YCAP as the new manager for the Harvest House facility.

Discussion was held concerning application for a new block grant to provide financial assistance to operate the shelter. Mayor Proctor closed the public hearing and asked for recommendations. DRC noted the disposition of the Harvest House is a difficult decision. Further discussion was held concerning the terms and conditions of the existing lease arrangement with NHRC. DRC added he talked with St. Vincent DePaul who indicated they were not ready to move forward. St. Vincent DePaul is supported by thrift store operations. They had previously discussed opening a satellite operation in Newberg, but they are not ready to do so at this time. The Council reviewed the various options available and the history behind the original block grant terms and conditions. Some Council members expressed concerns about YCAP taking over the management of the shelter with extended terms. Councilor RC inquired whether or not there was a problem with the City maintaining ownership of the property indefinitely. TDM stated the City could continue to lease out the property but it must come under the guidelines of the block grant. Councilor LT stated the City must take responsibility and continue to see that the shelter remains as a shelter.

Mr. Vasquez added he is in favor of continuing the partnership but keeping in mind the goal of the block grant (to operate a homeless shelter). Further discussion was held concerning allowing YCAP to continue with the original lease until 2004 or 2005. TDM noted the lease is not assignable and YCAP has requested a new lease.

MOTION: DS/RW to invite YCAP to operate the homeless shelter on a 10 year lease with the terms and conditions to be negotiated with the City Manager and City Attorney. The City shall maintain ownership. (6 Yes/1 Abstain [FH]). Motion carried.

Councilor FH returned to the meeting.

2. Public Hearing on the Third Street Houses located at 404 E. Third St., 408 E. Third St. and 412 E. Third St.(Material on this will be handed out later or at the meeting

   Resolution No. 97-2051 authorizing the City manager to remove all structures located on real property of the City on Third Street by sale or removal, burn-to-learn by the Fire Department or demolition to accommodate the construction of the new Public Safety Facility and parking.

Mayor Proctor called for declarations of conflicts of interest, ex parte contacts, abstentions or objections to jurisdiction. There were none. Police Chief/Project Manager Robert Tardiff presented the staff report: the present homes need to be removed shortly after 08/01/97; the project has been moved up to be able to utilize the good weather and get the project started before the rains begin in the fall. The City received a letter from Chehalem Park & Recreation District (CPRD) requesting one of the houses. The houses must be removed by July 15th. Discussion was held concerning the costs involved in demolishing the houses. The present occupants (NHRC and Ned's Place) have been given until July 15th to vacate the property. Mr. Jim McMaster from CPRD was in the audience and provided information concerning CPRD's request for one of the houses. Discussion was held concerning providing for sealed bids and the procedure involved in removing, demolishing or transferring the houses. TDM stated Resolution No. 97-2051 delegates the City Manager to do a number of things with the houses as outlined in the Resolution.

Councilor RC stated he would like to amend the resolution to include a sealed bid procedure. TDM stated that it could be one of the options available but it would take additional time. Councilor RC said he was concerned with everyone having an opportunity to bid on the houses.

MOTION: RC/DS to amend the Resolution to provide for a sealed bid procedure.

Further discussion was held concerning CPRD's request and the ORS requirements for such a procedure. Discussion was also held concerning Councilor DM's ability to vote and whether or not there was a conflict of interest. TDM stated that Councilor DM does not have a conflict of interest as she has no apparent financial interest/gain in the decision.

Mr. McMaster, Parks Supervisor of CPRD, 18445 Rainbow Lane, Dundee, provided input for the Council to base their decision. Mr. McMaster indicated that CPRD intends to place the house on CPRD property which would act as a caretaker's cottage for Ewing Young Park to help present vandalism and similar other activity. Discussion was held concerning environmental studies (contaminations) which are allegedly on the property. Mayor Proctor closed the public testimony. TDM added that the Council could choose to go through intergovernmental agreements to transfer the property. Councilor CBC noted that it appears that the houses are not worth very much and it seems that it would not be worth the time and money spent on going through the bid procedure.

ROLL CALL ON MOTION: (1 Yes [RC]/6 No). Motion failed.

TDM restated that the Resolution provides for the City Manager to work out the agreement with CPRC and allows for the removal of the houses on the property.

MOTION: CBC/FH to adopt **Resolution No. 97-2051** and authorize the City Manager to work towards a transfer of one of the houses to CPRD upon receipt of a letter of intent from CPRD. (4 Yes/3 No [DS/RC/RW]. Motion carried.

VI. COMMITTEE RECOMMENDATIONS/REPORTS FROM COUNCIL MEMBERS

Councilor DS reviewed the activities of the Community Relations Committee (goals and objectives). Councilor RW (Chairman) was out of town at the time, but wanted to present the draft goals and objectives to the Council for their review. Discussion was held concerning the plans for the gazebo and Francis Squares. Ground breaking for Francis Square would be on Memorial Day. The Committee meets the last Tuesday of every month. Upcoming meeting will be held at Francis Square.

Discussion was held concerning the status of the gazebo. The gazebo committee has looked at the gazebos in Canby and Dayton.

Councilor RC review the activities of the Capital Projects Committee. An open is planned to be held at the fire station.

VII. CONTINUED BUSINESS

None.

VIII. NEW BUSINESS

1. **Ordinance No. 97-2476** providing for the repeal of funding for the Visitors Center.

Councilor RW stated for the record that he is satisfied with how the Chamber has handled the visitor center. Discussion was held concerning the City's budget problems in light of Measures 47/50 and how future funding of other programs would be handled. Discussion was also held concerning the motel room tax that is owed to the City. Finance Director Katherine Tri provided information for the Council concerning the status of the monies that is owed to the City. DRC added the City is working with the delinquent motel operator to cure the past due amounts.

Discussion was held concerning additional revenue amounts from other sources (business licenses) could be considered.

Mayor Proctor stated that persons wishing to speak would be limited to 2 minutes due to the number of people wishing to speak.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, provided testimony against eliminating the funding for the visitor center and stopping all funding. The City should continue the commitment. Councilor RW stated it was not the City Manager's idea to remove the funding. It was a decision by the Budget Committee. Councilor RC agreed with the previous statements made and that the Budget Committee voted on the City budget as a whole. Discussion was held concerning the Measure 47 budget cuts.

Mr. Mike Boyes, 1109 S. River Street, Newberg, provided testimony concerning what other cities provide as funding for their visitor centers. Mr. Boyes added that with the two new motels coming into town, there should be additional revenue generated to help the City's Measure 47 impacts as well as to maintain the present funding.

Mr. Warren Hunt, 110 Sitka, Newberg, stated he opposes the repeal of the funding for the visitor center. Mr. Hunt further noted that if the visitor center is removed from its present location, it would cause additional work (redirected inquiries and assistance) to the City of Newberg.

Mr. Leonard Attrell, 307 Villa Road, Newberg, stated that all City tax payers should share in the expense of the visitor center. The center should make a good presentation of the City. The City should maintain the funding for the visitor center.

Mr. Eric Wright, owner of 1893 Shoppe, provided background information on how the Chamber has been handling the visitor center for the City since 1989. Mr. Wright also provided input from other cities and how they have worked around Measure 47 impacts as it relates to their visitor center.

Mr. Dennis Lewis, 2112 Portland Road, Newberg, owner of Lewis'Communciations, shared with the Council and audience what he remembers as the original terms and conditions of the funding for the visitor center (under the Chamber Director Janet Kerr). Councilor RW expressed his concerns that the City provides funding for the visitor center through room tax revenues.

Mr. Paul Hart, Rex Hill Winery, President of the Yamhill County Winery Association, 4300 Portland Road, Newberg, that everyone contributes to the payment of the tax. The wineries, the owners and their customers do contribute to the revenue.

Mr. Alan Steiger, Director of Finance, ADEC, 2601 Crestview Drive, Newberg, was

President of the Chamber in 1984 and 1985. Mr. Steiger also reviewed the history of the Chamber and its tremendous growth and assistance to the community. Everyone benefits from the operation of the visitor center.

Mr. Mike Olberding, 23251 NE Fulquartz Landing Road, Dundee, stated the has watched the Chamber's growth and the increased information that is provided to the community and others requesting information. Mr. Olberding urged the Council not to repeal the Ordinance.

Mr. Ray Sallee, Manager of Shilo Inn, Newberg, stated that Shilo Inn paid over $43,000 in motel room tax fees to the City. The visitor center is a big part of their business and if it were not available, they could potentially lose a large portion of their business.

Mr. Hunt provided a letter from George Fox University which was read by Mayor Proctor. The letter requested that the City continue with the funding of the visitor center services provided by the Chamber.

Councilor DM shared with the Council her experience in working at the Chamber for a number of years. There were many telephone calls answered and packets sent out to those who requested information. Discussion was held concerning maintaining the current level of funding in light of the two new motels coming into town. DRC noted that the reductions were made throughout the budget on items that were listed in the general fund. The Library could be utilized as an alternative visitor center. Any current City fee increases would have to be referred to the voters at the next election (November). Councilor RC addressed the following concerns: business license fees, additional Chamber member fees (increase in present fee), inquiries from persons interested in Newberg businesses, transfer of amounts received from room tax revenues, etc.). Mr. Hart added that wineries rely upon the Chamber providing potential customers with information about the Yamhill County wineries. Ms. Tri stated that the $110,000 projected revenue is based on existing statistics and that the new motels would provide an increase. Discussion was held concerning allowing the voters to vote on any room tax revenue increase and the costs for the City to place such a measure on the ballot. DRC added that the over-all impact of Ballot Measure 47 and 50 is unknown at this time.

MOTION: RC/FH to ready **Ordinance No. 97-2476** by title only. Mayor Proctor read **Ordinance No. 97-2476** by title only. (2 Yes [RC/LT]/5 No). Motion failed.

Councilor DM stated the City is committed to funding the visitor center until June 30th (end of fiscal year). Further discussion was held concerning the additional revenue the City should receive due to the two new motels. Councilor RW stated he voted against the Ordinance but wanted to vote in favor of it (confusion as to the reading). TDM stated that Councilor's changed vote would not pass the Ordinance anyway.

DRC asked for clarification on how the Council wished to proceed. The present Ordinance allows for 50% contributed to the Chamber from room tax revenues. Councilor FH asked that an additional ordinance be presented to the Council for their consideration with a 30% reduction in their amount of approximately $21,000 (as other departments have had to do).

MOTION: FH/DS to direct the City Manager to come back with a new ordinance which would fund the visitor center at 7% of their current funding amount (30% reduction).

Discussion was held concerning where the City would get the money to fund the visitor center in light of recent budget cuts. DRC and Ms. Tri indicated they would provide alternatives to the Council.

ROLL CALL ON THE MOTION: (4 Yes/3 No [LT/RW/RC]). Motion carried.

2. Discussion on Street Roadway Standards (Information will be handed out at the meeting.)

Mr. Warren Parrish asked about the 32ft width requirement. Mayor Proctor confirmed the information previously reported concerning street roadway standards.

Mr. Mike Soderquist, Community Development Director, presented the staff report. A draft will be presented to the Capital Projects Committee at their next month's meeting. The consultant working on this project will finalize the report which will then be reviewed by the Planning Commission. The City Council will review the final proposal. The City must satisfy the Oregon Department of Transportation's (ODOT's) requirements. The project does not have to be completed by June 30th.

IX. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

None.

X. COMMUNICATIONS FROM THE FLOOR

Ms. Pat Haight, 501 E. Illinois Street, #12, Newberg, expressed concerns about the City's water problems which also involves Marion County water rights. Ms. Haight addressed statements made by DRC concerning "brutish" comments made in a memo. Discussion was held concerning the contents of a memo referenced by Ms. Haight.

Mr. Warren Parrish, 30450 NE Wilsonville Road, Newberg, stated he lives outside the City limits, asked for a response concerning how much money, including the lawsuit, permit fees, appeals, etc. were expended for Well #7?

Councilor FH stated the Council has previously addressed this issue and the Council has asked that it not be put on the spot to have the Council or staff answer questions without resources to answer them.

Mr. Parrish also asked about the availability of water and how much the Economic Development Revolving Loan Fund (EDRLF) is being reserved for this budget year. Mayor Proctor stated that she believes that the EDRLF account is around $532,000. Ms. Tri confirmed that it is approximately a half a million dollars up to June 30th. Further discussion was held concerning the EDRLF fund. Mr. Parrish then stated a recent Newberg Graphic article noted that Marion County "nixes" the water application of the City. Mr. Parrish also requested that DRC return to the Council with a water master plan other than Otis Springs. Councilor LT stated that this issue was discussed at the Council work session and the City is replacing water meters that are not functioning properly or are broken. Mayor Proctor announced that she has mentioned this issue as well as others in her weekly article.

XII. ADJOURNMENT

MOTION: RC/FH to adjourn at 10:35 p.m. (Unanimous). Motion carried.

ADOPTED by the Newberg City Council this 7th day of July, 1997.

Duane R. Cole

Duane R. Cole, City Recorder

ATTEST by the Mayor this 18 day of July, 1997.

Donna Proctor

Donna Proctor, Mayor