MINUTES OF THE NEWBERG CITY COUNCIL
TUESDAY, SEPTEMBER 7, 1999
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Cox called the meeting to order

II. ROLL CALL:

Roger Currier (RC)
Donna McCain (DM) **F. Robert Weaver (RW)**
Lisa Helikson (LH) **Brett Veatch (BV)**

Vacant: **1 position (Alfred Howe)**

Staff Present:
Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Mike Soderquist, Community Development Director
Larry Anderson, Engineering Manager
Kathy Tri, Finance Director
Barton Brierley, City Planner
Norma Alley, Recording Secretary

OTHERS PRESENT: Pat Haight, Kelli Highley, Paul Kirsch, Jim Records, Dave Miller, Dwayne Brittell, Virginia Jungwirth, Curtis Heuer

III. *PLEDGE OF ALLEGIANCE*

The pledge of allegiance was performed.

IV. COMMUNICATIONS FROM THE FLOOR

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, asked when the City was going to clean the carpets and windows in the public library. DRC said he would look into it and get back to her.

Mr. Paul Kirsch, 4350 Mahony Road NE, St. Paul, Oregon, asked for an extension on the lease for the St. Paul land. Mr. Kirsch has leased it for the past five years and has kept it in good shape. He went into a land trade with an adjacent property and would like to continue the lease with the City. Mr. Kirsch said planting will begin soon and he would like the issue to be solved tonight. Mayor Cox said he would like Mr. Kirsch to talk with DRC. DRC said he is available tomorrow to talk with Mr. Kirsch. DRC will bring more information to the council at the September 20th meeting. Councilor RC gave a recommendation to let DRC settle it and if it becomes an issue then have it come back to the council. The matter will come back to the Council at the September 20th meeting.

Councilor RW figures 180 man hours was donated by the citizens of the town on the development of Francis Square. These people donated $702 to the city with labor. They spent their evenings painting and Saturdays working in Frances Square. Councilor RW passed out some pictures and wanted to make sure the council thanks the volunteers when they see them in town.

V. CONSENT CALENDAR

VI. PUBLIC HEARING

1. Public Hearing regarding amending of bicycle parking regulations. **Ordinance No. 99-2518** creating Bicycle Parking Standards in the Newberg Development Code.

Barton Brierley, City Planner reviewed the staff report adopting the bicycle standards in Newberg Development Code. Barton Brierley said he surveyed seven other cities and found they didn't have an ordinance updated with bicycles codes. In Newberg there is about a 10:1 ratio of people to bike parking. Most people kept their bike within a few feet of them and did not use the bike lock facilities at the parks. The proposal would require the parks to have bike parking close by the activity areas. This prevents putting one bike rack at the end of the park where no one wants to put their bike. This also keeps the racks near the fields. Barton Brierley said the proposal would meet the needs but would not require parking that wouldn't be used.

The staff recommends adoption.

Ms. Pat Haight, 501 E Illinois #12, Newberg, Oregon, asked how much it costs to put the racks in City Parks? Ms. Haight asked how many places would be installed at Jacquith park? Ms. Haight recommended to the Council to go to the park and observe while the kids are there before passing the ordinance. Ms. Haight said she supports this Ordinance. Barton Brierley said there would be 14 places installed.

Councilor RC asked for clarification on Edward elementary being classified as a park? Barton Brierley said the field is considered a park not the elementary school itself.

Councilor RC said he would be more open to the 6 spaces per acre and one space per acre there after.

Councilor DM said we need to consider it isn't just the youth riding bikes and consider the fact that others do use the parks besides the kids.

Councilor RW suggested to move the spaces where they are needed and not confine ourselves to a certain measurement.

MOTION: RC/ to approve. **MOTION FAILED FOR LACK OF SECOND.**

Mayor Cox asked if the Council wanted to amend the ordinance.

MOTION: RC/ to amend including option 1 and 2. **MOTION FAILED FOR LACK OF SECOND.**

Councilor LH asked if there was a way to change the positioning of the racks. Barton Brierley said this ordinance was about the positioning and option two provides spaces within the park.

Councilor LH said the locations are within 50 feet but they aren't being used now. She asked if there is any way to meet the needs?

Councilor RC said he thinks he is trying to deal with two difference issues 1) the number of racks required and 2) the location of the rack.

Councilor RW said the City should be able to move the racks around if they don't work for that specific park.

Councilor RC asked what the guidelines are? Barton Brierley said it is on page four and five.

Councilor RW said maybe we should try to move the racks closer and make the staff go back to see if the racks are in the right spots for further evaluation. He recommended to send it back to staff and let them work on it.

MOTION: RC/RW to table. (Unanimous). Motion Carried.

2. Public Hearing on zone change for Central School - **Ordinance No. 99-2519** amending the Zoning Map from R-2 to I for property located at 415 E. Sheridan, Yamhill County Tax Lot 3218D-15700 and a Development Code Text amendment to define "Community Center" and add "Community Center" as a permitted use within the I (Institutional) Zoning District.

Barton Brierley discussed the staff report on changing the zone on the City Map to the I Zoning District. The property has been out of use for some time now and there is a need for use of a community center. The City met with the Chehalem Park and Recreation District and the building is in the R2 zone. An R2 zone means that the school could be demolished and developed for residential use. Barton Brierley thinks the appropriate use would be for commercial use and the appropriate zoning would be I Zone. Barton Brierley said the Park and Recreation wrote a request to change the zone. Changing a zone would allow colleges and non-profit institutions to use the facility. The request is to change this zone to an I zone and include a community center as I zoning. Staff recommends approval.

Mr. Duane Brittell, 602 N. Main, Newberg, Oregon, representative of Chehalem Park and Recreation District, said they are continuing to upgrade the application to get the property to the proper zone. There are a few revisions to the packet itself and all the changes have to be accepted by the City. There are two aspects that need to be approved: 1) at the main entrance and 2) the entrance at the gymnasium. Mr. Brittell said there are going to be additions to the brick to bring it up to standards.

Ms. Kelli Highly, 619 S. River, Newberg, Oregon, asked if there were ex-party communications? Councilor DM stated that she was a member of the Chehalem Parks Board. The Board had authorized proceeding for zone change. She had not been involved in preparation of the application and would be basing her decision on the facts and record presented tonight. The position on the Board is completely volunteer and she receives no compensation. Ms. Highley said the zone should not be changed. Park and Recreation should not be allowed to use the zoning. Ms. Highley added that in a council meeting some time ago there was a comment made that there would not be any more institutions created. Ms. Highley said the school is a quasi public and it should stay that way.

Mr. Curt Heuer, 505 E. Sherman, Newberg, Oregon, wanted to object because he doesn't want his property to be under the control of Park and Recreation.

Councilor RC asked how much of a balance is due for the application process? Barton Brierley said there is not a balance due.

Ms. Mary Miller, 400 N. Blain St., Newberg, Oregon, asked if the institution is going to look like what is displayed on page 39. Ms. Miller asked for clarification of the circles on the property? Barton Brierley said what is shown here is what was submitted a year ago.

Mr. Duane Brittell said the plan is going to change from the original plan issued. There will be a park like atmosphere. Mr. Brittell said there will be parking and a child play area on the south side. Mr. Brittell added the zone is only for the two block area and would not effect the surrounding properties.

Mr. Don Clements, Super Attendant of Chehalem Park and Recreation, said the surrounding properties received a letter that discussed an additional purchase of property. He has no intentions of purchasing further property than what is already there. Councilor RC asked for clarification. Some of what they are referring to is on page 19 of the City Council packets.

Mayor Cox asked about the size requirement. Barton Brierley said the building would be added as part of the institutional zone with the understanding that it would be developed as a civic center. If the request was for any other location then it wouldn't be appropriate, but for the location it is in, it is appropriate.

Mr. Dave Miller, 400 N. Blain St., Newberg, Oregon, said he sees if the property is not being used properly then it should go back to the school and Park and Recreation should maintain the property. Mr. Miller asked what will happen to the property if this ordinance does not pass and what is the conditional time to revamp the property? Mr. Brittell said the building would be improved without the zone change, but would change the use of the building. There would be a phasing of maybe 8 phases over 2 years.

Councilor RC urged the Council to keep this property as a quasi public.

Motion: LH/BV to approve Ordinance No. 99-2519 amending the Zoning Map from R-2 to I for property located at 415 E. Sheridan, Yamhill County Tax Lot 3218D-15700 and a Development Code Text amendment to define "Community Center" and add "Community Center" as a permitted use within the I (Institutional) Zoning District. (4 yes/1 no [RC]). Motion Carried.

VII. CONTINUED BUSINESS

1. Update on the consideration of an extension of the current Newberg Urban Area Growth Management Agreement. **(Held over from June 7 and June 21, 1999.)**

Councilor RC asked if he is misinterpreting something? DRC said he hasn't been successful getting the language changed in the past.

Mayor Cox said he wants the council to go back to what they are trying to solve. If the County sees them as the advocate and the City sees itself as the advocate for the growth of Newberg then we need to come to an agreement. Mayor Cox asked what would happen if the agreement expires? Barton Brierley said there would be proper notice of LCDC and then they would take some action. Barton Brierley said there would be no more subdividing within the two mile area of influence and it would be an issue which would need to be addressed.

Councilor LH said she thinks we should be getting involved with Dundee and not take an adversarial role. She said the City needs to try something else. She asked if the City is going to open up to a dialogue with Dundee and how long will it take to organize a meeting? DRC said the Council's could meet in October or November.

Councilor RW said it has been about 2 years since Council has meet with this group and would like to see the Council meet with them again.

Councilor LH showed concern about extending the agreement for any further time. DRC suggested the Council extend it out to the spring of next year.

MOTION: LH/DM to extend to March 31st. (4 yes/1 no [RC]). Motion Carried.

Mayor Cox called for a five minute break at 9:44 p.m., the meeting reconvened at 9:49 p.m.

VIII. NEW BUSINESS

1. Initiate vacation procedure and set a public hearing date on the request for vacation of four public streets in the vicinity of George Fox University campus.

Barton Brierley, said this is not to make a decision but set a public hearing for October 4th, 1999.

Councilor RW asked if the University owned the property and the streets? Councilor DM said yes they own this property.

Councilor RC urges the Council not to set a hearing because we don't vacate streets. We only vacate alleys.

Councilor RW feels strongly that it is going to be a part of the University campus.

MOTION: LH/BV to set the hearing for October 4th, 1999. (4 yes/1 no [RC]). Motion Carried.

2. **Resolution No. 99-2196** authorizing the City to establish a guaranteed maximum price of $2,565,267.00 with DPR Construction, Inc. for the remodel, expansion and restoration of City Hall authorizing the City Manager to do all necessary and property acts to finalize the agreement.

DRC said this is the next step. Bruce Reid, DPR Project Manager, said to cut costs they would sit down and iron out some details with remaining bid packages. Mr. Bruce Reid said the structural part is over the budget. He said there is an eight step process to do this structural scale which he drew for the Council to review.

Councilor RC asked if the price for the demolition and replacement is close to the renovation? Mr. Reid said they are within 1.6% of the original budget.

DRC asked if the roof replacement is in the existing cost? Mr. Reid said no it is not in the existing cost.

Councilor RC said the City had a consultant look at the building and the roof was over 50% over-stressed. And now you are saying the roof is in excellent shape. DRC said the roof was replaced after the fire. Mr. Reid said the existing structure is a concern but the roofing material is in good shape. DRC said if we could find cost savings then this would be something to add back into the project.

Ms. Pat Haight, 501 E. Illinois, Newberg, Oregon, asked for clarification on the percentage of payment? Ms. Haight asked how many times has the City used DPR Contractors? Ms. Haight also asked why didn't the City choose one in our area? DRC said the budget is read up and down and not across. TDM said this is the first time the City used DPR. He said the City sent out proposal requests and this is the top company. TDM said the City goes with the ones who respond. TDM said the proposal sent out is similar to the bidding process.

Staff recommends approval.

Councilor RC said the roofing would be more important than the skylights in the building. There would be many budget cuts and he would not be able to support it.

Councilor LH wants to see the project move forward and be completed. There is a concern on the budget cuts to add back items. She wants to see the prices to come down closer to the original bid.

Councilor RW asked for clarification on the drinking water costing $1000? Mr. Reid, DPR Contractors, said the $1000 covers eight months of labor for drinking water and coffee. The overall percentage was very competitive and the guarantee maximum price was 4.5% of the price. He said the 4.5% was included in the job cite price. The job cite management was not included in the cost. TDM said Mr. Reid is included in the over all price and this is the benefit to the City.

Councilor RC said he didn't remember dealing with the guarantee maximum price and the $66,000 in city permits. DRC said the permit cost are things we must pay for because the City does not have the in-house expertise to inspect all aspects of the project.

Councilor RC said this building permit, sewer connection fee, etc. are all things we are going to contract with someone? DRC said we are only going to contract with those we must get outside help with.

DRC said the skylights are important because the building is so large it needs an outside light source.

MOTION: RW/DM to approve. (4 yes/ 1 no [RC]). Motion Carried.

3. **Resolution No. 99-2197** authorizing the City Recorder to certify to Yamhill County a ballot title to ask the voters to vote on the purchase and master planning of approximately 20.18 acre parcel of property at Roger's Landing (Tax Lot No. 3230-100) effective upon adoption.

DRC said this ballot measure might surprise some people. It would require 50% turnout and 50% approval. The City would only collect the amount needed to pay for the property. The City shall pay up to one million dollars for the price. If one million dollars is too much then we will levy it and if it is not enough we can go back to the citizens and ask for more money or the City can pull the funding out of its own funds. This should be voted on in November because the only remaining item to consider is the air quality. If it is not voted on in November then it would be pushed to March by then there could be improvements to the property to make the value of the property increase.

Councilor LH asked if there is a possibility for use of the money collected for something other than the purchase of the property? DRC said we would have to purchase the property before we could use the money for anything else.

Councilor RC opposes this Resolution because the property is not worth the asking price.

Ms. Kelli Highley, 619 S. River St., Newberg, Oregon, said she did research and found the property is assessed for $74,357 and the real market is $99,270.

Ms. Pat Haight, 501 E. Illinois, Newberg, Oregon, asked why the City is doing this? Ms. Haight wanted to know if the City Charter was violated by the actions of city staff? Ms. Haight wants the Council to take action on this Resolution to oppose it.

Mrs. Virginia Jungwirth, 410 S. School St., Newberg, Oregon, feels asking for a huge sum of money is a bit much. Ms. Jones thinks the City should be more careful when it comes to handling money.

Mr. Jim Records, 21880 SW Farmington Rd., Beaverton, Oregon, representative for Baker Rock, said Baker Rock has been willing all along to work with the Council. Mr. Records also said that the property is worth far more than $1 million.

Staff recommends approval.

Councilor LH said this is the one issue brought before them that is most emotionally draining. This is the issue that the citizens need to decide the conclusion. She thinks it needs to go to the people.

Councilor DM also feels this issue needs to go to the public.

Councilor RW feels democracy functions the most purist way when we give people the opportunity to exercise their right to vote. It is the City's responsibility along with the County to protect our share of the Willamette River. All the citizens he has spoken to would do anything to protect the Newberg area Willamette river.

Councilor RC said we are trying to pay for something the property user wouldn't sell it for.

MOTION: RW/LH to approve Resolution No. 99-2197 certifying the ballot. (4 yes/1 no [RC]). Motion Carried.

IX. EXECUTIVE SESSION

Executive Session held during Work Session as noticed.

1. Executive Session Pursuant to ORS 192.660(1)(d) Relating to Labor Negotiations

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

3. Executive Session Pursuant to ORS 192.660(1)(a) relating to the Employment Contract with the City Manager.

X. ADJOURNMENT

MOTION: RC/DM to adjourn. (Unanimous). Motion Carried.

ADOPTED by the Newberg City Council this 18th day of January, 2000.

Duane R. Cole

Duane R. Cole, City Recorder

ATTEST by the Mayor this 31 day of January, 2000.

Charles B. Cox

Charles B. Cox, Mayor