

MINUTES OF THE NEWBERG CITY COUNCIL

MONDAY, OCTOBER 4, 1999

7:00 P.M. MEETING

PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Cox called meeting to order.

II. ROLL CALL

Roger Currier (RC)

Donna McCain (DM)

Lisa Helikson (LH)

F. Robert Weaver (RW)

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
Barton Brierley, City Planner
Kathy Tri, Finance Director
Norma Alley, Recording Secretary

OTHERS

PRESENT: Kelli Highley, Ed Savage, Noelle Wilson, Dione Baumer, Dan Schutter, John Lyda, Ron Fulham, Nadene Winsor, Hazel Pauline Ogden, Pat Haight

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was performed.

IV. COMMUNICATIONS FROM THE FLOOR

Ms. Kelli Highley, 619 South River, Newberg, Oregon, asked for verification of the asphalt plant meeting on Oct. 28, at 10.00 a.m. Ms. Highley asked if there was going to be any further action taken on the residence located at 9th and Chehalem. The residence has not had water or sewer, there has been drug use and numerous police calls. The health and safety of the neighborhood is threatened. Mayor Cox said the city is pursuing the residence located at Chehalem and 9th. TDM said he is familiar with the house and many actions have been taken. There have been fines and the police are aware of the health issues. The Health department is not

helping the City with this situation. Ms. Highley said under an ordinance if a business or residence commits more than four violations it can be immediately shut down for a year. Mayor Cox said the City does not care for it either and they are pursuing it.

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, added to the comments from Ms. Highley on the property located at 9th and Chehalem indicating that it needs attention. Ms. Haight asked if the City Hall contract has the same agreement with DRC as the new Fire Station contract in regards to a guaranteed maximum price. Ms. Haight wanted to see Ordinance 1686 reviewed by the council. DRC said this ordinance is no longer in effect. TDM said the city hall contract will have a guaranteed maximum price. If exceeded the contractor will have to pay for it out of their own pocket.

Ms. Pauline Ogden, Newberg, Oregon, encouraged the council to attend the public hearing on October 28th, 1999, at 10:00 a.m. in the McMinnville court house. The subject to be discussed will be the air quality regarding the asphalt plant.

Councilor RC asked staff to have a talk with Leslie Lewis about the gas tax. DRC said for clarification the gas tax will provide funding but may not provide the full cost. It is correct to say the gas tax will not fully fund the by pass.

V. CONSENT CALENDAR

1. Approve minutes from the following City Council meetings: City Council/Planning Commission meeting, April 26, 1999; Regular City Council meeting, May 3, 1999; Regular City Council meeting, May 17, 1999; and Work Session held on May 24, 1999.
2. Appoint Budget Committee Member. There are two openings. The candidate is: Ron Fulham

MOTION: RC/BV to approve as amended. (Unanimous). Motion Carried.

VI. PUBLIC HEARING

1. Public Hearing on vacation of Sherman Street between North Meridian Street and North River Street, and North Center Street and North River Street between Sherman Street and Sheridan Street in the vicinity of George Fox University campus. **Ordinance No. 99-2520** adopting the vacation request, said rights-of way being adjacent to Yamhill County tax lots

3217CC-100, -2300, -2900, -3000, -3100, -3300, -3400, -3500, -3600, 3219AA-200, 3220BB-3000 within the corporate City limits of Newberg, Oregon.

Mr. Barton Brierley, City Planner, gave the staff report that includes vacating three streets, Sherman to River, Center from Sheridan to Sherman and River from Sheridan to Sherman. The applicant has removed an earlier request from consideration of vacating Sheridan. A vacation is the opposite from a dedication. The dedication is to separate the property and grant the public the right to use. Vacating it the City gives back the rights to the property owner. Because it was not bought or sold the City relinquishes its rights to the property. When you vacate a street by city statutes the streets reverts back to the original dedication. This is part of the plan to construct the new Ed Stevens building on George Fox University (GFU) property. The university would like to vacate the street so it would be a part of the campus. The final plans have not been developed for the building and would include 128 parking spaces. All of the adjacent properties are owned by GFU and would be accessed by other areas. There isn't a public interest for the use of these streets. There are utilities within these streets and these needs can be addressed with relocation or obtaining an easement. GFU would like to know if these streets can be vacated before they reconstruct the street and take care of the utilities. There would be a two step process: 1) pass the ordinance. This will allow GFU to start planning. 2) when utilities have been relocated then there is a request for further definition of the easement. The public interest would be met in these steps.

The staff recommends the adoption of the ordinance.

Councilor RC asked for clarification of the notice provided to the public. Barton Brierley said this was an affidavit for the notice in the Graphic and notice was also posted on the property.

Councilor LH asked who is going to pay for the expense of the relocation of the utilities? Mr. Barton Brierley said GFU would.

Councilor DM asked how the employees would be getting into the parking lots that are located on these streets? She added, approximately 12 cars can be parked on each side of the street and close to 100 parking spaces are going to be lost. What kind of arrangement is going to be made for additional parking for these that are lost? Is there a plan for a parking structure? Mr. Barton Brierley recommended addressing these questions to the applicant.

Councilor RC asked how the applicant is able to negotiate with the relocation of the utilities without the approval of the vacation. DRC said anyone can talk with whom they want before the approval of a contract.

Councilor RW asked who owns the property? Mr. Barton Brierley said GFU does. Councilor RW said it is not unusual for a university to grow and expand. This means more

campus for them. What is wrong with this?

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, discussed that these streets are public and the public has had to pay for the maintenance of these streets. Many citizens use these streets and that area has a historical value. Some of the oldest trees are in the vicinity of the University. She resents Mr. Barton Brierley's statement for the City Staff to recommend this ordinance and the public interest will be met. Ms. Haight asked what public interest will be met.

Mr. Dan Schutter, 2216 Thorne Street, Newberg, Oregon, representing GFU, wanted to thank Mr. Barton Brierley for talking with GFU about the plans and for explaining the request. Mr. Schutter said GFU has engaged in plans for the new Ed Stevens building. Mr. Schutter assured the council this building will meet many needs on campus and will be a fine development for the whole city and GFU. He said these plans will be brought back in the next couple months.

Councilor LH asked if the vacation is allowed, where is the new parking will be located and when will it be developed? Mr. Schutter said the on street parking would be eliminated. The University will comply with the City parking requirements. The plans for the new building have not been submitted to the City.

Councilor DM asked what the plans were to access Sheridan street behind the Administration Building, the access to Hoover Building and accommodation to the Pennington parking lot. Mr. Schutter said GFU will provide another parking entrance. The primary entrance to the University would be Sherman and Meridian and would provide access to the parking lots. The University is looking at different locations at this time and nothing is final.

Mr. Clyde Thomas, 23555 NEWBERG HWY 240, Newberg, Oregon, representing GFU, said there are no historic trees located on GFU property. The public may continue to use the street which have been vacated and there are no contracts with the utilities. The electrical systems are overhead and GFU wants to put them underground at their expense. This follows the City Ordinance.

Councilor RC commended Mike Soderquist, Community Development Director, He also wanted to thank Mike Soderquist for writing the memo about past vacations within the City. Councilor RC said he could not find the Ordinances of the last vacations in the compilation. Councilor RC expressed concern about the 128 parking spaces. Councilor RC thinks the council should rethink the Ordinance. Councilor RC said this Ordinance does a complete disservice to the community.

Motion: LH/ - to approve Ordinance No. 99-2520. Failed for lack of second.

Councilor BV said this fits in well for what they are doing and would be a benefit for this

part of town and the flow of traffic would not be affected that much. He went to Pacific University and dealt with the same issue and it turned out to be a benefit to the area. He sees the parking as an issue and would like to know if the applicant would provide an equal or greater parking spaces. If this were possible Councilor BV would not object.

TDM said the city could easily reach an agreement with GFU but does not think the vacation should be conditioned with requirements to address the parking issue.

Councilor DM agreed with Councilor BV that the City needs to get some commitment from the applicant to assure within a reasonable length of time there would be more parking. If this could be arranged she would be more willing to pass it.

Councilor LH wanted clarification of the parking on the vacated streets.

Councilor DM said she would like to see more parking for the University staff.

Motion: RW/DM for the City to talk with the applicant about the parking issue.

Councilor RC said what you are dealing with is giving up public streets to the tax exempt facilities.

Mayor Cox said these streets are mainly used by the University not by the public.

Councilor DM recommended the council look at the issues with the perspective of we need them and they need us.

Motion: RW/LH to table till November 1, 1999. (4 Yes/1 No [RC]). Motion carried.

VII. CONTINUED BUSINESS

VIII. NEW BUSINESS

1. Appoint Traffic Safety Commission Member. There is one opening. The candidates are:

Dione P. Baumer

Bruce G. Tackett

Ms. Dione Baumer, 617 S. Meridian St., Newberg, Oregon, said she would like the position because she is interested in the traffic and safety of Newberg. Ms. Baumer said she would like to be more involved with the decisions of the city and have input.

Motion of Nomination: RC/LH to appoint Dione Baumer to the Traffic Safety Commission.

(Unanimous).

2. Interview and Appoint the City Council member to fill vacancy created by the resignation of Alfred Howe. The candidates are:

James Clark

Randall (Ed) Savage

Hazel Pauline Ogden

Noelle Y. Wilson

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, recommends to appoint the council member to replace Fred Howes position tonight.

Ms. Pauline Ogden, Newberg, Oregon, said she has decided she would like to get involved with the City. Ms. Ogden said she is interested in working on the waterfront development and with the City.

Councilor RW asked how she feels about the growth of the City's Police and Fire Department? Ms. Ogden said she doesn't know much about the growth but it is fine.

Councilor RC asked how would you like to see things changed with the way council does business? Ms. Ogden said sometimes she doesn't think the council asks enough questions on some issues.

Councilor LH asked if there is an issue in Newberg that she would like to see the council attack and progress with? Ms. Ogden said there are some things on the asphalt plant.

Councilor DM asked what Ms. Ogden's understanding is of the responsibility between the council and the City Manager? Ms. Ogden said she thinks the council would have the say so. The City Manager would have a representative role as the mayor.

Councilor BV asked how would you reach out to the city? Ms. Ogden said to have Town Hall and public meetings to get the citizens involved.

Ed Savage, Newberg, Oregon, discussed why he would like to be a City Council Member.

Councilor LH asked if there is an issue within the City the council is not dealing with? Mr. Savage said there are issues not being dealt with but they can be. Mr. Savage would like to see the traffic on 1st and Hancock disappear but knows it is going to have to be worked on.

Councilor RC asked if he could deal with council issues unbiased? Mr. Savage responded with yes.

Councilor DM asked what is your understanding of the responsibilities between the City

Council and the City Manager? Mr. Savage said the council makes the policy and the manager carries it out. Mr. Savage added the manager responds to the will of the council while the department heads work under the city manager.

Councilor BV asked what are the most important issues the council will be dealing with in the next five years? Mr. Savage said the bypass is the major thing. He added the traffic downtown and the issues underlying that. Mr. Savage said he has worked with Hwy 20 in Sweethome on a similar issue. Mr. Savage recommends to shutdown projects that aren't spending money on the bypass and spend more time in Salem where the issues are being discussed.

Councilor RW said he is impressed with the values and the service through-out Mr. Savage's years. Councilor RW asked how he feels about the growth of the City's Police and Fire Department? Mr. Savage said the departments are exceptional and top flight. They would be rated very high within the state and West Coast.

Ms. Noelle Wilson, Newberg, Oregon, said two years ago she started working for Stan Bunn, she has two children and started her own business five months ago. She added she has moved into Newberg a year ago. Ms. Wilson said she would like this position because she sees a great future for Newberg and growth. Ms. Wilson said with her being on the council she represents a wide variety of the community as a parent, business woman, and sees many citizens with her job. Ms. Wilson said she contributes to the community and would like to use her intellect in a positive way.

Councilor RW asked how she sees the citizens and the City working with the Fire Department and policies? Ms. Wilson said she sees it as a positive growth with the City Hall remodeling as very positive.

Councilor RC asked what do you hope to accomplish as a council member? Ms. Wilson said she wants to be there for the community, be assessable and represent the community. Ms. Wilson added she does not have a private agenda and there are enough issues on the table already.

Councilor DM asked what the responsibility of the council is? Ms. Wilson said the council reviews the information and then provides a decision to the City Manager to carry out the policy.

Councilor LH asked if there is an issue that should have a higher priority with the council? Ms. Wilson said there is not anything specific.

Councilor BV asked how would you deal with polarized opinions and the balancing act? Ms. Wilson said she deals with these all the time with her profession and there must be a give and take. She added she would bring each side into what the other side thinks and play as the mediator. She said she would have more information for each side.

Nomination: RW/RC - Ed Savage
LH/ DM - Noelle Wilson
RC/ LH - Pauline Ogden

Councilor LH said it is wonderful to make a choice for the position and hopes this trend continues.

Votes: Ed Savage - 2 (RW, RC)
Noelle Wilson - 3 (LH, DM, BV)
Hazel Pauline Ogden - 0

Noelle Wilson was appointed and given the oath of office by DRC .

3. **Resolution No. 99-2205** extending the City of Newberg's Workers Compensation insurance coverage to volunteers of the City.

Kathy Tri, Finance Director said the Finance Committee reviewed this Resolution and recommended it to council.

Councilor RW stated that the volunteers should be covered with their other job so why should the City double cover them. Kathy Tri said it doesn't protect them from any harm done while volunteering. She added the volunteers would not get a check from their employer.

Councilor RW asked if this is a compensation salary. Kathy Tri said the City would cover them with a workers compensation program consistent with State Law. TDM said the insurance company has to figure compensation by some amount and the City uses a base for the insurance premium.

Councilor RC asked if a council member was to slip while going to a meeting would they be covered? TDM said council members are not covered nor are meetings.

Councilor RC asked if the city was going to use the compensation for the salary lost? TDM said no because we are not paying them salary.

Mayor Cox asked if there was going to be an increase in the fees or is this creating the fees and who pays the claim? Kathy Tri said an increase and the compensation company pays for it but the City pays the premium.

Councilor DM asked if there are going to be new volunteers covered? Kathy Tri said yes because there are more volunteers in the City. In the statute the City can't cover council people. TDM said the city doesn't count Council as volunteers. TDM said he wanted to find out if it is salary or is it just medical and then come back to the council to make a decision. Kathy Tri said

the old policy covers the hospital bills.

Councilor RC asked the council if they should be added to the volunteer list? Councilor LH said it would be incorrect because they are elected officials. Councilor RW said they should be added. DRC said maybe the resolution should be rewritten.

TDM clarified the difference between liability insurance and workers compensation insurance.

Councilor RC said the council members added to the compensation would not be of much harm.

Councilor RW supports volunteer help but is opposed to volunteers who receive compensation monthly.

MOTION: BV/NW to table till November 1, 1999. (Unanimous). Motion carried.

IX. EXECUTIVE SESSION

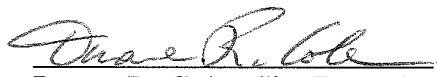
Held during the work session as noticed.

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.

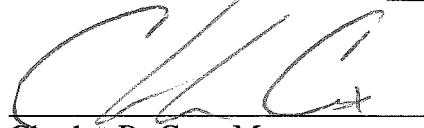
X. ADJOURNMENT

MOTION: RC/BV - to adjourn at 9:15 p.m. (Unanimous). Motion Carried.

ADOPTED by the Newberg City Council this 1st day of November, 1999.


Duane R. Cole, City Recorder

ATTEST by the Mayor this 29 day of November, 1999.


Charles B. Cox, Mayor