

**CITY OF NEWBERG  
COUNCIL AGENDA  
MONDAY, MARCH 15, 1999  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING - TRAINING ROOM**

**I. CALL MEETING TO ORDER**

<b>Roger Currier (RC)</b>	<b>Alfred Howe (FH)</b>
<b>F. Robert Weaver (RW)</b>	<b>Lisa Helikson (LH)</b>
<b>Brett Veatch (BV)</b>	

**Absent: Donna McCain (DM)**

**Staff Present:**Duane R. Cole, City Manager (DRC)  
Terrence D. Mahr, City Attorney (TDM)  
Larry Anderson, Engineering Manager  
John T. Mercer, Municipal Court Judge  
Mike Soderquist, Community Development Director  
Barton Brierley, Planning Manager  
Peggy Nicholas, Recording Secretary

**OTHERS PRESENT:** Pat Haight, Kelli Highley

**III. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was performed.

**IV. CONSENT CALENDAR**

None.

**V. COMMUNICATIONS FROM THE FLOOR**

Pat Haight, 501 E. Illinois, #12, Newberg, said she had been contacted by three senior citizens who reside in the City concerning the status of the asphalt plant and requested an update on the appeal by the City. City Attorney TDM said the appeal is set for March 26th and no further discussion has occurred due to the appeal being filed. Ms. Haight said she has heard there are negotiations being held about relocating the asphalt plant near the City's wastewater treatment plant. Discussion was held concerning Ms. Haight's statements. TDM said there are no on-going discussions with Baker Rock for relocation of the asphalt plant on City owned property.

Ms. Kelli Highley, 619 S. River Street, Newberg, asked about the amount of money the City expended on Lt. Stan Newland who has recently resigned to accept a position with the City of Beaverton (which includes the amount of money for the FBI Academy). Ms. Highley also requested information on expenses of its current employees. DRC reviewed the City's policy on reimbursement for educational expenses.

**VI. PUBLIC HEARING**

None.

**VII. CONTINUED BUSINESS**

None.

**VIII. NEW BUSINESS**

1. **Resolution No. 99-2167** re-appointing John T. Mercer and Stephen C. Palmer as the Municipal Judges for the City of Newberg.  
Administration of Oaths of Office for Mr. Mercer & Mr. Palmer.

City Attorney TDM reviewed the background information concerning reappointment of Municipal Court Judges John Mercer and Steve Palmer. TDM reviewed the amendments and changes which included the location of the Municipal Court being to the public safety building and not the library. Paragraph 2 referencing that the final decision for approval of the contracts for the Municipal Court judges require approval by the City Council. The City Attorney is authorized to negotiate the contracts with Mr. Palmer and Mr. Mercer. The Council also noted changes in the language to provide a change in the words "may" to "shall". TDM said it is intended to have a work session in order for Mr. Palmer and Mr. Mercer to provide an educational format to help the Council with any questions they may have concerning the operation of the Municipal Court as well as their roles, the Court process and any goals and policy changes they may have for the coming year.

Ms. Pat Haight, 501 E. Illinois #12, Newberg, said she believes that the term of 5 years is not appropriate and it does not serve the best interests of the community. The revenues are lower in the Municipal Court and Court costs and expenses are up (two judges cost more money and she is not sure if two judges is such a good idea). They may be able to handle more work, but if the revenues does not exceed expenditures, there is a problem. Ms. Haight said she feels the Council should further review the proposal.

Mr. Mercer addressed the future of the Municipal Court and the rising costs. Mr. Mercer said that a minimum term for a State Court Judge is 6 years. Most other municipalities have an indefinite term. Mr. Mercer noted that it is not the judge's job to see that revenues are up, but

to make sure that the laws are enforced. The bail amounts are the primary determination for the revenues of the City. They are set by the Justices of the Oregon Supreme Court. Discussion was held concerning recovery of costs and making sure that the fines and fees ordered are collected. The Court staff follows up with administrative orders. The contempt (non-payment) can be handled through the judicial process. Mr. Mercer reviewed some of the goals and changes for the court including no discrimination due to minority or disability classifications. The judges keep abreast of programs which are designed to meet the needs of the community, including community service, seat belt law violations, issues dealing with juvenile offenders and taking full advantage of probationary services.

**MOTION:** RC/ LH to approve the Resolution as amended. (5 Yes/1 Absent [DM]). Motion carried.

2. Review of the Transportation System Development Charge update report in preparation for a public hearing at the April 5, 1999 City Council meeting.

Ms. Kelli Highley, asked for information on the cost of the packet and how the capital improvement projects (CIP) were funded in relation to the timing of the approval for system development charges (SDC's) and the increased water rates. She asked that the water rates be done first. Discussion was held concerning taking care of the infrastructure. DRC said he would report to the Council at the public hearing.

Mr. Larry Anderson reviewed the preliminary report from the consultants and how the SDC's are handled and the comparisons involving the City's TSP (Transportation System Plan). DRC said the report takes a look around the community and what impacts have occurred as it pertains to development. The costs have increased over time. The viability of the projects have changed and many have not been built.

Mr. Anderson additionally noted supplemental factors which aid in arriving at the SDC for future trips which is currently \$104 per trip. The consultant took a look at some of the elements and the assumptions made and brought the costs up to date. Discussion was held concerning administrative costs which were not charged out to SDC's. These charges have been reviewed and re-factored into the figures contained in the staff report. The following factors were noted by Mr. Anderson:

- 23% reduction in available lands
- widening street costs of \$2.1 million per mile
- Different projects not funded through SDC charges (certain widening of collector streets paid for the gas tax money are now funded through SDC funds).

Councilor RC reviewed page 3 of the report concerning densities and Jaquith Park Estates

which was built in 1991-92 which is not included on the list. Mr. Anderson reviewed the cost of the consultants. DRC said Jaquith Park was developed in 1991. Mr. Anderson discussed the projects that were not previously SDC eligible but are now SDC eligible. Some will be paid through LID's or by the developer. Mr. Anderson said that the Elliott Road widening will be paid at a lesser assessment and that Table 8 (page 13 of the report) involves commercial trip rates, trip length and linked trip factors. Mr. Anderson also noted that with fast food restaurants, the trips have not changed much, but the trip length factor previously contained more linked trips with other areas.

Councilor FH discussed the majority of the businesses being located on state highway and their impact on the City's SDC's. Mr. Anderson said it is not an issue because they are located inside the City limits). In Newberg, a trip length is 8 miles, but a calibration is determined to bring in a more accurate factor.

Councilor FH asked if the impact of local deliveries are included in the trip generation calculations? Mr. Anderson said the ITE manual has a variety of ways to calculate the traffic impact average weekly impact rate. Discussion was held concerning peak p.m. hour traffic and the average daily trip (ADT). Councilor FH addressed additional businesses relocating into the City and adjustments needed for growth. Discussion was held concerning residential trips and that the estimate of 9.9 trips per day accounts for deliveries and other traffic in the area. DRC addressed ways to encourage and emphasize growth in businesses relocating to Newberg. Mr. Anderson discussed the local area survey and where some cities on the lower scale may surpass Newberg due to the City not redoing the survey every year (cost of updating). Mr. Anderson addressed Transportation Demand Management credits on SDC's if they have a program for reducing traffic to their business.

Councilor FH asked about perceived and anticipated growth. If growth was to slow more significantly than what is observed in the proposal, would the fee structure be adequate for the needs and goals? Mr. Anderson said as the growth slows, the traffic impact slows. The City is careful to spend the money on the right projects which provide the most immediate benefits. Councilor FH said at the current rate of growth, the traffic levels would remain the same. The needs they have listed will remain the same. Mr. Anderson said that some traffic control devices may not be needed and the City could then seek alternative funding. Councilor FH discussed the methodology in the Conclusion (page 17) recommending option #2. Mr. Anderson reviewed the calculations on option #1 and #2 which included increased percentages for right-of-way, administrative costs, etc. He also reviewed Options 3 and 4 and the Council opted to hold further discussion until the hearing on April 5, 1999.

3. **Resolution No. 99-2168** accepting jurisdiction over portions of the following County roads within the City of Newberg: Villa Road; Deborah Road; Douglas Road; Springbrook Way; East Second Street and East Third Street.

Ms. Pat Haight had signed up to speak on this but was not in attendance when called upon by Mayor Cox.

City Attorney TDM said the County has turned over the jurisdiction to the City. Councilor FH asked if the roads currently meet the road standards of the City. DRC said yes. Councilor RC asked why Main Street is not included. DRC said it is not fully up to City standards. Discussion was held concerning requiring the County to bring the streets up to City standards. DRC further reviewed the City's intention of bringing North and South Main Street up to street standards.

**MOTION: RW/FH** to approve **Resolution No. 99-2168**. (5 Yes/1 Absent [DM]). Motion carried.

3. **Ordinance No. 99-2508** amending Ordinance No. 1557 regarding discarded vehicles.

Ms Kelli Highley, 619 S. River Street, Newberg, Oregon, asked about the time line for how long a vehicle can be parked on City streets or personal property. Ms. Highley said her multiple vehicles are located on her property and questions the validity of the Ordinance concerning discarded vehicles. Ms. Highley addressed the City of Hillsboro's actions that the lack of insurance and lack of tags would constitute a violation. This language could be added to the proposed ordinance. Discussion was held concerning adding a requirement for insurance coverage. Ms. Highley questioned who judges how long vehicles are allowed to "sit" on private property. City Attorney TDM said that if the vehicle is operational, it is not considered discarded. Ms. Highley asked who determines when the vehicle is termed "operational". TDM said the Code Enforcement Officer would be contacting the owners of the vehicle to discuss the vehicle's condition and whether or not it was operational.

Councilor RW addressed issues relating to the definition of "vehicle" and "Police Chief". He said it does not appear to be as clear as it could be. TDM also addressed the 30 day notice provisions (which could be amended to provide for 60 days) as well as the abatement procedure. The Code Enforcement Officer does not necessarily have to go through the full abatement procedure to make the changes.

Councilor FH said he feels there are problems with changing the ordinance, in particular changes to Section 12A. Discussion was held concerning a procedure for notification and hearings before the Council. TDM said that in addition to using the abatement proceedings, the City can use the Ordinance violation procedure (civil infraction). Councilor FH thanked the staff for the pictures of examples of discarded vehicles. TDM said that he would review the Ordinance again for additional changes.

Councilor RC said the list appears to include utility trailers, and the decisions upon whether

or not the vehicle is abandoned or wrecked. The Code Enforcement Officer does have discretion to determine the condition of the vehicle after careful review. Councilor RC asked about clarification involving entry upon premises (contacting the vehicle owner). If the vehicle is in operational condition, it would not be considered discarded. Discussion relating to issues involving vehicle restoration projects was also held. Discussion was held concerning "any authorized officer" of the City being able to enforce the ordinance. Councilor RC addressed maximum penalties of \$500 (nothing less). He said the ordinance is too strict and confusing and gives the Code Enforcement Officer too much latitude.

Councilor RW reviewed the purpose of Ordinance No. 99-2508. Councilor RW recommended the Code Compliance Officer being replaced by the words "Police Chief" pertaining to enforcement.

**MOTION:** Councilor LH noted that if there were further amendments to be made on Ordinance No. 1557 in order to provide for a corrected, modern and usable ordinance, then staff should bring back such an amended Ordinance for Council approval. Councilor RW seconded the "motion".

Discussion was held concerning the emergency clause. TDM reviewed the process for emergency clauses. TDM said he would come back to the Council in a month with a clearer definition and clarified the outdated language. Discussion was held concerning amending the original ordinance.

**ROLL CALL ON MOTION:** (5 Yes/1 Absent [DM]). Motion carried.

#### 4. Review Strategic Planning Work List

DRC said the City Hall project is not included and reviewed the various other projects. Discussion was held concerning funding and the City's ability to receive donations as a creative mechanism to provide funding. DRC also reviewed the concerns raised by the Chief of Police concerning the animal shelter operation being coordinated with the County. DRC said the time frame for discussing the matter would be set for April, 1999.

Councilor RC addressed the Fire Department Mobile Data Terminals (MDT's). Councilor LH said the Fire Chief indicated that they would be addressing the issue. Discussion was held concerning monthly public disclosure of water issues. Councilor FH also addressed the possibility of Council members having computer and modem capabilities.

Councilor RC discussed annexation to Marion County issues. Discussion was also held concerning the Council's desire to allow the review of City archived records. DRC reviewed the action and moving toward archiving records on CD's and handling information differently.

4. Presentation of Visitor Information Center 2<sup>nd</sup> Quarter report from the Newberg Area Chamber of Commerce.

Mr. Jerry Dale, President of the Newberg Area Chamber of Commerce presented the quarterly report. Councilor LH asked about the revenue and expenses noted in the report. Mr. Dale said he was not familiar with the report and could not comment on whether or not the revenues were up or down from previous quarters. DRC said the revenue forwarded to the Chamber by the City is expected to be around \$75-80,000 derived from room tax receipts.

Councilor FH asked about alternative revenue sources. Mr. Dale said the Chamber feels that the hotel/motel tax receipts are appropriate for furnishing to the Chamber for purposes of tourism. Councilor RW asked if there were opportunities to receive written remarks furnished by tourists and others visiting the town. Mr. Dale said he would look into it and provide a report to the Council.

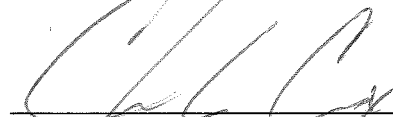
**MOTION: FH/BV** To adjourn at 9:05 p.m. (5 Yes/1 Absent [DM]). Motion carried.

**ADOPTED** by the City Council of the City of Newberg this 2nd day of August, 1999.



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Duane R. Cole, City Recorder

**ATTEST** by the Mayor this 2nd day of August, 1999.



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Charles B. Cox, Mayor