

MINUTES OF THE NEWBERG CITY COUNCIL
MONDAY, JUNE 21, 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)	Alfred Howe (FH)
Donna McCain (DM)	F. Robert Weaver (RW)
Lisa Helikson (LH)	Brett Veatch (BV)

Staff

Present: Duane R. Cole, City Manager (DRC)
Katherine Tri, (KT) Finance Director
Larry Anderson, Engineering Manager
Barton Brierley, Planning Manager
Peggy Nicholas, Recording Secretary

OTHERS

PRESENT: Pat Haight, Kelli Highley, Steve Roberts

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was performed.

IV. CONSENT CALENDAR

Presentation: Saturday, June 12th, Mrs. Hyatt's neighbor had a prowler, Police Chief Robert Tardiff presented and read a letter of commendation about Mrs. Hyatt.

1. Appointment of Sign Citizen Advisory Ad Hoc Committee:
Five Members: John C. Porter Steve Roberts Sharon Smith
R. Mark Wimmer John Bridges
2. Appointment of Ann Pesola to Downtown Redevelopment Committee.

V. COMMUNICATIONS FROM THE FLOOR

Mike Wallace, 1532 E. Third Street, Newberg, wanted to publicly thank the people on Springbrook Road that sounded the alarms that alerted the police to his mugging and robbery that took place on Thursday, June 17th morning. And if any new openings come up, he would like to be considered. He also applied to the Planning Commission and would like to be considered.

Kelli Highley, 619 S. River Street, Newberg, discussed that the Dog Chow tax was to pay for the

licensing fee in Multnomah County. Another issue is there was a gentleman that approached her about the SDC charges. The fees, if after May 19th, would be reflected in the new SDC charges. As part of the Citizens Rate Review Committee, she was not aware of this short time frame (thought it was 60 days). Discussion was held concerning the deadline of May 16 and plan submittal by May 19th. She talked with Mr. Hoffee and he has decided not to build his home. Ms. Pat Haight, 501 E. Illinois, #12, Newberg, discussed her conversations with citizens and former employees involving the PGE increase. Ms. Haight also noted her church attendance wherein the discussion was held concerning "be thankful for what you have." Ms. Haight questioned whether the Council was thankful for what they have for the citizens. She questioned the privilege tax increase and asked the Council if they were listening to the "right voice" and the citizens of the City.

Councilor RC asked about the house situation involving Mr. Hoffee's situation. Mr. Barton Brierley said the Resolution set a deadline with the building permits to be in before May 19th and the permit and plans in by June 21st. Because of the efforts, they received 43 single family homes before the May 19th deadline. Staff worked extremely hard to get the permits completed this month. On the particular issue, the Hoffee's said they came in at the end of May and were told that they had to have their permit issued by June 21st. The building plans were submitted June 15th and would be subject to the new SDC charges.

Councilor FH discussed a log of face-to-face contacts in the Community Development office for purposes of issuance of permits. He suggested that a face-to-face conversation, with instances such as this, they could have a history of when the person originally came in to discuss their particular instance.

MOTION: FH/LH to adopt the consent calendar. (Unanimous). Motion Carried.

I. PUBLIC HEARING:

1. Continue Public hearing on the 1999-2000 Fiscal Year Budget
 - A. **Ordinance No. 99-2512** enacting a Privilege Tax as provided for in Section 10(i) or Ordinance No. 92-2348 which grants a franchise to Portland General Electric.
 - B. **Resolution No. 99-2186** adopting the City budget.

Ms. Kelli Highley, 619 S. River Street, Newberg, said she reviewed her own personal PGE billing statements and the PGE statements concerning what the average customer would have an increase of approximately \$.89. Ms. Highley referenced the initiative she previously discussed involving additional taxes without voter approval.

Mr. Steve Roberts, 815 First Street, Newberg, said he is concerned about the privilege tax. He noted the 1% differential on electric heating. He asked about the taxes on the fire and oil heating alternatives. He feels that he is being discriminated on his electric use versus others use of oil, gas or wood. He suggested a \$.5 per gallon tax increase for users of premium gasoline.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, questioned the itemization and addition of the increase on the billing statement (a collection of \$120,000 per year to the City). Ms. Haight asked if any of the Council members know how the privilege tax funds will be used.

City Manager DRC said the privilege tax is to provide two options .75% tax for 10 years, which is ½ of 3/4%. The other option is to have 1.5% for five years. The funds will be collected through PGE and separate fund to pay for the remodel of City Hall. It will only be allowed to be used for City Hall and remodeling. It will be noted on the PGE bill identifying the fee. There are other franchise fees (PGE, GTE and NW Natural Gas - for use of City rights-of-way). These funds are placed in the General Fund. It will fund the particular project that will fund the City Hall project.

Discussion was held concerning the cost for an election. There could be a delay of the project which could raise the cost. This is not a property tax which would not require a majority vote. If it fails to pass, what happens to the City Hall structure?

Discussion was held concerning comments concerning other utility users (oil, gas and wood). The PGE tax is the only one available to the City. Discussion was held concerning the exempt property users having to pay the tax (such as GFU). DRC further addressed comments concerning demolishing the existing building and the restrictions involving grade and access. The City needs to make a commitment to the downtown core area. The timing and the duration of the tax is appropriate. The tax would be removed in June, 2004. DRC referenced the prior \$1 fire fee in order to purchase fire equipment which was terminated on time and was not extended.

DRC said either 3/4% or the language as written.

Councilor FH to amend Resolution:

MOTION: FH/RW to amend the Ordinance - **Section 7: Report:** The City Council will receive an annual report from staff in the month of May, which includes a description of revenues received and how the funds spent mentioned in Section 6. (Unanimous). Motion carried.

Councilor RC said the privilege tax supports the amendment, but does not support the privilege tax. The \$.89 is for a PGE bill of around \$60.00. Some people have higher bills. As more people build houses, the costs will escalate. As taxes are added, the funds will increase. Discussion was held concerning "franchise" and "privilege" uses are not the same. Councilor RC questioned giving money to a lobbyist (around \$7500 for the bypass purpose). Discussion was held concerning escalating costs for rebuilding.

Councilor FH said it is a difficult decision to make on the privilege tax. It appears that the City's proposed budget has some cushionable funds in an event of additional expenses. He feels the City needs to take a leadership role in redeveloping the downtown core. He attended a livability conference at Sun River. If the City is unwilling to take a leadership role, it is not going to happen. Discussion was held concerning the possibility of having to hold an election. He reviewed the percentage of those persons who do not vote and it is unclear as to what the majority of the citizens of Newberg really want to do. He said it is important to enact the Ordinance at the 1.5% level.

Councilor DM commented on the fact that everyone uses electricity and it is a more equitable tax which everyone will share in the costs. She said that it appears to be a very fair and equitable tax.

Discussion was held concerning the inappropriateness of the term "privilege" which causes some questionable statements.

Councilor LH said that it is equitable and is assessed on everyone. She too would like to see the implementation of the 1.5% level. The City Hall remodel project is important and the tax is specific for this project.

Councilor RW said the Council should take the leadership role and accountability has been instituted.

Discussion was held concerning when the amount was met, and the tax for the year could be stopped. Discussion was held concerning the prior fire fee of \$1 which was removed when the amount has been reached. Councilor RC does not agree with the way City Hall is being remodeled.

MOTION: RW/LH Ordinance No. 99-2512 with 1.5% as amended as noted by Councilor FH. DRC read the Ordinance, as amended (the italicized would be deleted in Section 1), the italicized in Section 3 would be deleted. There will be an annual report as provided in the Ordinance (Section 6).

Councilor RC asked about the 5 kilowatts used by GFU and the Hospital having to pay up to 5,000 KW and after 5,000 KW, the additional would be exempt.

ROLL CALL on Motion: (5 Yes/1 No. [RC]). Motion carried.

B. Resolution No. 99-2186.

Ms. Tri reviewed the changes which the Council asked to be done - \$46,480,669. (122 FTE employees). \$3.5 property tax.

Councilor LH asked for clarification of changes:

A \$45,000 street pump. Ms. Tri said it is being supported by the reserve that is already being held.

Councilor RC asked about the Capital Projects engineer - \$60,000 (salary and benefits). Ms. Tri said the estimate is high (PGE - professional engineer).

Councilor FH thanked the people that have participated in the process (citizens, Council members and City staff, in particular DRC and Katherine Tri).

MOTION: LH/RW to approve. (Unanimous). Motion carried.

Mayor Cox called for a break at 8:10 p.m. The meeting reconvened at 8:20 p.m.

2. Public Hearing on Comprehensive Plan and Development Code changes relating to the Transportation Plan Rules. **Ordinance No. 99-2513** amending the Newberg Comprehensive Plan and Development Code to implement various portions of the Transportation System Plan **and Ordinance No. 99-2516** amending the Newberg Development Code

relating to residential uses in the C-3 zoning districts. (Bring info from 6/7/99)

Mr. Barton Brierley presented the staff report. Staff has separated the residential uses in the C-3 zoning districts. Staff recommends adoption.

Ordinance No. 99-2516:

Councilor FH asked for clarification on the parking requirements to C-3 zoning in new developments will be different for the parking requirements in other developments. Mr. Brierley reviewed the changes. Discussion was held concerning the City Hall remodeling project. C-3 dwelling units requirement of parking is presented.

Councilor RC said he agrees with the idea of promoting residential units and working toward that. In case of rushing this through now, specifically for one person in general, essentially what is happening, the City will be providing parking spaces for the dwelling units that are to be remodeled (City parking facility). He disagrees with the Ordinance.

Councilor DM discussed store front area dwelling units and some buildings fronting on more than one street. She is a proponent of downtown living. Mr. Brierley said many of the businesses downtown do not have parking as well.

Councilor FH discussed "density" limitations. Mr. Brierley said there is not an upper cap on the number of dwelling units in the building. Discussion was held concerning the building code occupancy requirements. Councilor FH questioned distance limitations (parking facilities in close proximity to the building). Mr. Brierley said it is to be within 400 feet of the site.

MOTION: RW/FH to read **Ordinance No. 99-2516** by title only. (Unanimous). DRC read Ordinance by title only.

Ordinance No. 99-2513:

Mr. Brierley reviewed the staff report and the changes contained therein. The amendments would adopt requirements that new developments would require storage of bicycles (minimal standards). It would also adopt a design guideline manual which would provide pictures of how the City should be designed. He indicated that staff recommends adoption of the Ordinance.

Councilor RC addressed the 5ft. width of sidewalks in most areas. He thought that there were some areas may have 6 ft. width; pedestrian lighting in public right-of-ways; street furniture; landscape (15%) requirements; parks of 1 acre or more in relation to bicycle parking spaces, etc. Mr. . Brierley said the intent that pedestrian areas are friendly (benches, lighting, appealing to walk) to promote pedestrian traffic. DRC reminded the Council that the Supreme Court requirements with certain standards. The language is more of a tool to discuss with the developer to provide pedestrian friendly developments.

Discussion was held concerning certain requirements not being applicable to all developments, such as single family developments, retrofitting and other alternatives.

Councilor FH said that in all of the information provided, he asked about whether or not the Fire Department has been contacted with the road widths, road radiuses, etc. Mr. . Brierley said that

all changes were reviewed by the Fire Department in reviewing the overall process.

Councilor FH said that when looking at 45 radius street widths (multi-family dwelling unit). He shared his concern. He lived in an area with multi-family residences, which has more than one vehicle, who reside in cul-de-sacs. He addressed concerns in which some people park obstructing mail delivery. He suggested that the staff reviewed the 45 ft. cul-de-sac radius. He said there were times where he lived in which a fire truck was unable to provide access due to parking obstructions. He asked if there was a mechanism to look at the situation in more detail. He is not opposed to passing, but would recommend further revision and review by the Planning Commission which may include restriction of the number of units allowed on a cul-de-sac.

DRC addressed additional parking alternatives. Discussion was held concerning further exploration of alternatives for the parking problems in cul-de-sac areas.

MOTION: RC to refer the discussed items back to the Planning Commission. (Motion failed for lack of second).

MOTION: RC/RW to refer back to the Planning Commission to discuss the issues held (2 yes - RW/RC/5 No.). Motion failed

Councilor FH addressed changes in traffic calming being reactive to situations that arise (excess speeds) and how the traffic calming processes as concerns arise. He does not see anything in dealing with new development. Mr. Brierley reviewed Table 3-3 which scenarios were appropriate for new streets and which ones were appropriate for old streets, which include serpentine, raised medians, traffic diverters, curb extensions, etc.). Councilor FH reviewed Figure 3-18 (flow chart which discusses how to deal with traffic calming measures when problems arise), and questioned where the Traffic Safety Commission was involved. Mr. Brierley said it was noted as citizen advisory committee. DRC and Mr. Brierley said they would add "Traffic Safety Commission" to the language. Councilor FH said that trees can also act as traffic calming mechanisms, which are not necessarily included in some developments. Mr. Brierley said that in all new developments in the planting strip between the sidewalk and the curb (landscaping).

MOTION: RW/RC to table the matter to the first meeting in August, 1999. (Unanimous). Motion carried.

VII. CONTINUED BUSINESS

1. Presentation of information on Animal Control Services.

Police Chief Robert Tardiff presented the staff report and the level of service and facility options.

Chief Tardiff discussed communications with Yamhill County in raising dog licenses, fund raising (a citizen group to assist in promoting the funding). Discussion was held concerning cost estimates. Councilor RW asked for a cost of the complete animal control process (licensing, housing, etc.). Chief Tardiff said the County hired canvassers to go door-to-door to find out who had animals. The City is paying the County for animal control services. Councilor DM said the City is providing a service and the City should request a supplement from the County to help sustain the animal control process.

Councilor RC inquired how large the structure (1025 sq. ft.). Chief Tardiff said the Dog Control

Officer (Darlene Harding) has provided input for the project. Councilor RC asked about options of some tilt-up walls versus block walls. Chief Tardiff said the site prep costs are more than the building costs. Chief Tardiff said Collamette Construction provided the estimates for free.

Councilor LH discussed issues with cats and other animals which are not licensed as dogs. Chief Tardiff noted that stray or wild cats are also picked up.

Councilor RW said the community should have a shelter and a care center who care for pets. He reviewed instances where dogs were contained in rooms at schools, but no. one came to pick them up and were subsequently released. Chief Tardiff said the food is donated.

Councilor FH said that Option 2: (Maintaining services with additional opportunities in negotiating contracting services with Dundee). He asked if there were any projections for income sources for the City. RC said it would be hard to project with the minimal level of services provided.

Councilor FH said he noticed an animosity between the City of Newberg and Yamhill County, which may be an opportunity to afford partnership between the City and the County. What if the City was to promote a partnership in the construction and share in the operation of the facility (sub contract the City to do this part of the County). Chief Tardiff said he does not recall an interest by the County to assist in a contracted service. Chief Tardiff said the third option would be to eliminate the animal control and rely upon the County for dog control. Discussion was held concerning alternative options of facilities other than building a new facility for \$178,000. Discussion was also held appointment of a committee to continue the process and see what can be done.

Councilor DM said that when the booth is up at the Old Fashioned Festival, input could be received from the community on how they wish to handle the animal control facility. Councilor RC to advertise an ad hoc committee (volunteers) to look into the needs and funding options for the shelter.

Mayor Cox asked staff to look at funding, building designs, project in stages over a period of time, etc., and estimates from other contractors.

2. Consider extension of current Newberg Urban Area Growth Management Agreement.

DRC said the City is in the same situation as before. He talked with Yamhill County Commissioners and there have been a couple of meetings with staff to get the project rolling. The County Commissioners are still reviewing the asphalt plant issues. DRC reviewed LCDC language and is asking the parties to work together. He requested an extension for the agreement to December 31, 1999.

Councilor FH said at the last meeting with the County, an LCDC field representative was in attendance. DRC reviewed bargaining an agreement with the County requesting LCDC arbitration. To maintain what is in price is not as hard as trying to institute something that is not. Councilor LH said that a good faith effort of three months (barring the decision of LUBA with the asphalt plant).

MOTION: LH/RC to delay deciding to September 30, 1999.

DRC said the actual agreement expires June 30th unless extended.

Councilor RW called for the question: (Unanimous). Motion carried.

3. Motion to appeal Yamhill County's approval of the Jaquith Subdivision (Yamhill County Docket S-02-99)

Mr. . Brierley said the subdivision is not called Jaquith Subdivision. The subdivision has not been named as of yet. He discussed rural residential subdivisions. When rural subdivisions are built at the end of the City, it becomes very difficult, almost impossible, to convert to City subdivision. The application is a rural subdivision in the urban growth boundary. The City requested denial. Yamhill County approved the subdivision. The City has already filed the appeal with Yamhill County, but will be held in abeyance pending decision with the Council to proceed or not. He has met with the property owners, viewed the site and they discussed the issues. From that discussion, the issues can be resolved without having to go to appeal:

1. Submit a plan on how they would follow City lot requirements.
2. Commitment through a waiver of non-remonstrance to participate in street improvements on adjacent sites.

He requests the Council to go ahead with appeal, with the understanding to negotiate with the applicant and acceptable solution. The applicant may want to appeal with different reasons.

Councilor FH said he will be abstaining from voting due to his personal relationship with the applicants. Discussion was held concerning staff presenting an appeal without approval by the City. He objects to the staff submitting the appeal without the Council aware of it. Mr. . Brierley said the County notifies the City of land use actions. The City sends letter responses (2-3 months) to the County on various land use issues.

Discussion was held concerning taking action on issues without Council review and approval. DRC reviewed policy discretionary action.

MOTION: RW/BV to approve recommendation (4 Yes/1 No. [RC]/1 Abstain [FH]). Motion carried.

4. Update on Transportation System Development Charge.

DRC said an update will be presented to the Council in the next couple of months.

VIII. NEW BUSINESS

1. **Ordinance No. 99-2515** amending Ordinance No. 1734 an ordinance prohibiting dogs from roaming at large.

DRC presented the staff report dealing with dog fights occurring on the Old Fashioned Festival premises.

MOTION: RW/FH to adopt and read by title only. DRC read Ordinance by title only. (Unanimous).


IX. EXECUTIVE SESSION

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

X. ADJOURNMENT

MOTION: RC/BV to adjourn (Unanimous). Motion carried.

ADOPTED by the Newberg City Council this 6th day of March, 2000.


Duane R. Cole, City Recorder

ATTEST by the Mayor this 14 day of March, 2000.


Charles B. Cox, Mayor