

MINUTES FOR THE NEWBERG CITY COUNCIL

MONDAY, JANUARY 3, 2000

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)

Noelle Wilson (NW)

Lisa Helikson (LH)

Brett Veatch (BV)

F. Robert Weaver (RW)

Absent: Donna McCain (DM)

Staff

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

Others

Present: Kelli Highley, Pat Haight, Debora Warner, Joe Brugato, Warren Parrish, Ron Fulham, Mark Wimmer, Bryan Lee

III. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was performed.

IV. COMMUNICATIONS FROM THE FLOOR

Ms. Debora Warner, 1004 Charles St., Newberg, Oregon, wanted to know why the code enforcement was only done on a complaint basis? Ms. Warner said that a complaint basis creates enemies among neighbors. The citizens shouldn't be put into a position that in order for things to get done they must complain. Ms. Warner does not like to be put into a position of complaining. Mayor Cox said the City is working toward the enforcement of the City Codes and this is not always an over night process. Ms. Warner indicated she does not have a problem with how long it takes. The problem is that someone has to complain to get something done. Mayor Cox said the City will look into it and asked DRC to get back to her.

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, said she was here last week and

talked about the land slide and how DEQ allowed the City to fill the land slide with gravel. Ms. Haight said she came to speak tonight because when she watched the Council Meeting on T.V. all she said was deleted. Ms. Haight would like to see the entire Council Meeting on T.V. and not parts of it. Ms. Haight said the City Council needs to work hard and make the staff more accountable. Mayor Cox said the Council does not have any control over what is shown on cable access. That is the responsibility of AT&T and is not controlled by the Council.

Mr. Joe Brugato, 1720 Elderberry Ct., Newberg, Oregon, said he is happy with the work of DRC. Mr. Brugato said TDM has done a lot of good things around the City. Mr. Brugato said a fellow who cuts grass and refuses to go on welfare was given a \$165 ticket from a police officer for making a left-hand turn on his bike. Mr. Brugato explained how the ticket was taken care of but this circumstance falls under an Ordinance passed by Council. Mr. Brugato suggested the Council to look at it and override it. Mr. Brugato spoke with DRC at an earlier date and DRC said that the Council had to override it because the Council passed it. Mr. Brugato discussed his building plans for his house and when the fees came out, they were high. He said the Council has passed an Ordinance that states if you have more than 16 sewer openings you pay an additional price for each unit. These fees pay for the new sewer plant. This Ordinance is wrong because the additional development charge should be based on sewer usage. People should pay based on the water they use. Mayor Cox asked for clarification on how many units he had and how much the cost was. Mr. Brugato said it was more than \$800 and the water consumption should be the basis of the City fees. Mr. Brugato suggested amending the Ordinance and give the people the right to their consumption of water. Mayor Cox said the staff would look into it.

Councilor RC asked what happened to the advisory committee to the animal shelter? Mayor Cox said he understood there was a group of private citizens forming a committee. Councilor RC said there is a meeting to get a committee together on January 26, at 7:00 p.m. at First Federal.

V. CONSENT CALENDAR

1. Motion to initiate a vacation procedure and set a public hearing for February 7, 2000 for a vacation of East North Street west of Villa Road.

Councilor RC discussed, in the defense of the citizens in that area, that when and if the time occurred the street was to be improved through development activities. This has never come about. The City needs to follow what is set forth. Councilor RW agreed with Councilor RC and said if you planned on being at the animal shelter meeting he asked Councilor RC to represent the Council. Councilor RC declined the offer.

MOTION:	RW/RC - to approve the consent calendar. (5 yes/1 absent [DM]). Motion Carried.
----------------	---

VI. PUBLIC HEARING

None

VII. CONTINUED BUSINESS

1. Motion to continue the Sign Advisory Ad Hoc Committee and allow them to meet as determined by the Committee.

Mr. Mark Wimmer, 3609 Vittoria Way, Newberg, Oregon, Chair Person of the Sign Advisory Ad Hoc Committee, said the committee feels they have a fair plan to enforce the sign codes. The committee has voted to recommend to Council to continue this committee.

Barton Brierley gave the staff report. Mr. Brierley said this committee was appointed by the Council six months ago and what the City has discovered is the committee has worked out very well. They show enthusiasm and encouragement, they provide an outside view point, to what is important and not, prioritize the sign code efforts, they go to the area and see what is in compliance, they suggest a soft hand approach and they have affected and have been well received by the community. Mr. Brierley said four out of five members want to continue but Steve Roberts wants to step down.

Staff recommends that the Council continue the Sign Advisory Ad Hoc Committee.

Councilor LH asked how long they should extend the Committee? Barton Brierley said to continue indefinitely and next month come back with formal appointment of committee members.

Councilor LH asked if the participation of the members is by those who have a vested interest or own a business? Barton Brierley said yes three of them.

Councilor RW said he thinks we should continue but suggests six months to a year term at a time.

MOTION:	RC/RW to continue the Sign Advisory Ad Hoc Committee for one year. (5 yes/1 absent [DM]). Motion Carried.
----------------	---

2. Re-appoint Barry Babin, Rebecka Ratcliffe and Deborah Sumner to the Citizens Rate Review Committee.

Kathy Tri gave the staff report. Ms. Tri said there are three existing members who would like to continue. They met in September and want to meet again in the fall. There are still two vacancies and they will be advertised in the Graphic.

MOTION:	RC/RW to re-appoint Barry Babin, Rebecka Ratcliffe and Deborah Sumner to the Citizens Rate Review Committee. (5 yes/1 absent [DM]). Motion Carried.
----------------	---

3. **Ordinance No. 2000-2522** approving an extension of the Cable Franchise Agreement with AT&T Cable Services (formerly TCI Cablevision of Oregon, Inc.)

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, said McMinnville has negotiated with AT&T and wants to know where Newberg is with their negotiations? Ms. Haight asked is this franchise going to be able to have a privilege tax on it? How much is it costing Newberg for the cable service in addition to what the people have to pay for? Can the City put a privilege tax on it?

Ms. Deborah Warner, 1004 Charles St., Newberg, Oregon, asked if there is a way to put something in the agreement about the quality of the service?

TDM gave the staff report. TDM said they have been negotiating in conjunction with McMinnville. McMinnville is contemplating whether they should build their own system at the disadvantage of AT&T. All of this has caused the negotiations to go on longer than projected. At the table we have the noncompliance issue and AT&T has agreed to pay the City of Newberg for noncompliance. The franchise fee is presently at 3% and we have proposed a 5% franchise fee. They have the right to raise their rates to pay the franchise fee. They will pay public educational government access and can recover \$1 for every subscriber. TDM said he is not aware of any citizen who does not subscribe paying. They talked about a privilege tax and 5% is the max and that does not give the right to put another privilege tax on it. We have franchise provisions that talk about the quality of the picture. We do not have an active regulatory commission. We could set up another committee to take on this to review the quality and customers' complaints. AT&T is installing fiber optics. They are doing this in McMinnville and should be finished soon. April is the scheduled time to be finished here and this should improve the quality. It is his estimate that in the next 90 days it will be completed. McMinnville has renewed their franchise for one year and TDM is recommending renewing Newberg's for only six months. We really want to wrap this up and get it in place. We have our franchise and we are currently collecting 3%.

Staff recommends approval for six months

Councilor RW asked if it should be done in 90 days? TDM said if we come to an agreement in 90 days then it will be taken to Council then to AT&T headquarters for approval.

Councilor RW asked if the cost to the citizens is only if they buy a subscription? TDM said the money cable operators collect comes from subscribers.

Councilor RC asked if there was any way to get a local access number to file a complaint? TDM said they are going to a regional service and it will be out of Salem. The 800 number calls will continue and in the franchise we are stipulating that the Newberg citizens can pay locally. TDM said that would be a legitimate customer complaint they can make.

MOTION:	RW/RC read Ordinance No. 2000-2522 by title only. (5 yes/1 absent [DM]). Motion Carried. TDM read Ordinance No. 2000-2522 by title only.
----------------	--

ROLL CALL VOTE:	(5 yes/ 1 absent [DM]). Motion Carried.
------------------------	---

VIII. NEW BUSINESS

1. Resolution No. 2000-2216 amending the City Personnel Rules and

Regulations.

Ms. Kelli Highley, 619 S. River St., Newberg, Oregon stated if the education of the employee is necessary the City should pay for it. If it is part of continuing your employment, the three years should apply. If the education is voluntary then the employee should pay for it. Ms. Highley feels the actual cost of that class plus the inflation of that class should be paid for by the City.

Mr. Bryan Lee, 500 Edgewood Dr., Newberg, Oregon, said he represents the men and women employed at the fire department. He has been in contact with the local union and the issues brought up tonight are part of the benefit package and should be discussed in a private session. The three-year pay back is not justifiable. The Portland State University may be one of the closest but Chemeketa Community College is also one to which employees' prefer to go.

Mayor Cox asked when talking about tuition you do not have to go it is just the bench mark? DRC said yes.

Councilor RW asked to cross out the 99 and put 00 (pg.18).

DRC said issues could be sick leave accrual, longevity pay, and education reimbursement. These keep us consistent with the union. The interpretations of labor laws do not supercede or override the union contract. They can write and appeal them. What he has found is the employee must stay with us for three years or pay us back for education. The City does not expect reimbursement with required education. The question is what is required and what is volunteered.

Councilor LH asked is the longevity to be consistent with the union? DRC said yes.

Councilor RC said when you take the numbers with longevity pay and add them it looks as if it is going to take a bundle of money.

Councilor LH asked if the discussion of increase for longevity is increased for those not under union?

Councilor RW suggests breaking this down into sections instead of placing a vote on the whole package.

MOTION:	RW/RC to table till January 18 and separate into individual sections. (3 yes/2 no [LH/BV], 1 absent [DM]). Motion Carried.
----------------	--

2. **Resolution No. 2000-2217** recommending that Yamhill County approve with conditions an application for a partition for property located at the SW Corner of Bell Road and Kincaid Road, Yamhill County Tax Lot 3209-900.

Conflict of interest by Councilor NW as a representative as an attorney. Councilor NW removed herself from the Council.

Mr. Warren Parrish, 30450 N.E. Wilsonville Rd., Newberg, Oregon said he believes

in this and sees progress with the county. Mr. Parrish commented that every time you receive property in the Urban Reserve Area you are going to impact the small town atmosphere. Mr. Parrish said he read in the Oregonian about the committee that proposed to remove the Urban Reserve Areas and they are having a meeting. If we look at removing the Urban Reserve Area this will have an impact in the future.

Barton Brierley gave the staff report. The property is outside the urban growth boundary but within the urban reserve area. It is in the north side of the urban reserve. The property owner wishes to divide it into three areas. The three together would be 8.77 acres and each lot would be 2.5 to 3 acres. The permit would be done through Yamhill County. Before anyone can file an application with the county, they would file it with the City. The City would then make a recommendation to approve it or not. We require the property owner to present a way the property could be used. We met with the consultant and the plan looked reasonable to be developed. With one condition, we recommend that there would be a place reserved to make access to a lower acre.

Staff recommends to recommend with conditions that Yamhill county approve this partition.

TDM said we are making a recommendation to the county because this is not a quasi judicial hearing. Council member BV could be categorized as a potential conflict of interest because he is in the development and realty business.

Councilor RC asked if there was anything else the City is requiring them to do? Barton Brierley read the seven conditions the City is recommending them to do (pg. 32).

Mr. Al Benkendorf, 522 S.W. 5th Portland, Oregon, representative for the applicant said he is available for any questions.

Councilor RC asked if the applicant has any reactions to the conditions? Mr. Benkendorf said no.

MOTION:	RC/BV to approve recommendations letter. (4 yes/1 abstain [NW]/1 absent [DM]). Motion Carried.
----------------	--

3. Motion to approve a letter of support for application to the Oregon Department of Environmental Quality Targeted Brownfields Assessment Program - Loren Berg Property Site Assessment.

Ms. Kelli Highley, 619 S. River, Newberg, Oregon, said she is upset that the City hired a consultant when the property is not ours yet. Ms. Highley asked why the City is willing to take over financial responsibility? Ms. Highley inquired about the cost of clean up being placed on the original owner. Mayor Cox said the City is wanting to see if this part of the city is going to be an important part of the community.

DRC said the difficulty is that before the City incurs any costs we need know how much this is going to cost. The City has hired a consultant to do a Phase I and II Assessment to consider pursuing this area as a parking lot.

Barton Brierley said DEQ has targeted areas that have potential growth available. They allocate funds for which the community applies. DEQ will do the assessment for us on our request. This is a good opportunity to look at the site and determine the potential risks and the opportunities for the site. The staff is looking for a letter of support.

Councilor RC said there are two car lots that go with this property and they are going to be empty also. There is one lot that might have an oil tank underneath it. This would have to be looked at. Councilor RC asked if the City would need to go to the extent to survey that lot also? DRC said it is the good idea. Barton Brierley said the City is attracted to the southern side. This would enable a continuous path way and provides an opportunity to enhance the Civic Hall.

Councilor RW said a prospective buyer should always look into anything before they buy it. Just as the City should look into this property.

Councilor LH feels strongly that one of our problems is downtown parking. This is one good way to start to address it. Councilor LH suggested investing and protecting ourselves.

MOTION:	LH/NW to approve letter of support. (4 yes/1 no [RC]/1 absent [DM]). Motion Carried.
----------------	---

Mayor Cox called a five minute break at 8:32 p.m. Meeting reconvened at 8:37 p.m.

4. Discussion of Local Option Levy for Police and Fire.

Ms. Kelli Highley, 619 S. River, Newberg, Oregon asked if having two judges is necessary and do the DUII costs go to the county? Mayor said no it does not go to the county. Ms. Highley said the privilege tax is not in here but should be allocated if it gets approved.

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, said she looked at the budget and cannot imagine why the City has not budgeted for a grant for the cops. The City knew they would pay for the fifth year. Now the City does not have the money and this is why the City wants to put this levy on it. Ms. Haight suggested paying the money back and never do it again. This is negligent because we knew about it five years ago and did not budget the funds. Ms. Haight said it is insulting to take this to the City. Ms. Haight said you must look at all the facts in the situation before you decide. Ms. Haight asked why wasn't the cost included in the original levy. Ms. Haight said you need to be holding them accountable and ask more questions of the staff. If you study it, you will have questions. We voted for you so you would ask the questions so I do not have to come up here. Mayor Cox said we try.

Mr. Ron Fulham, 3504 Vittoria Way, Newberg, Oregon, said he was a recent addition to the budget committee and attended the last two meetings. Mr. Fulham said there has not been much attendance at these meetings. There are three vacancies and only two applications. Mr. Fulham would like to see a meeting scheduled. If we put the serial levy on the ballot, it is imperative that we put all of the impacts on the table.

DRC said this is not an action item but a discussion to continue it for the time. We are looking to broaden the perspective. We are not committing to any of these options. We did not

have a quorum at the last Budget Committee Meeting so nothing was passed.

Kathy Tri gave the staff report. In October the Budget Committee gave the five year projections. Looking at last year and what the next couple of years would bring we are hoping the economy will stay strong. Things that will affect our budget are a decrease in the development of the community, with ballot measure 50 we have lost some revenue and we have had some slow down on other state revenues. We are looking at a 2.5% inflation rate loss in revenue from property tax, loss in economy, and slow building is a stress in the budget. 2000 - 2001 projections for major financial issues are maintaining service levels, respond to technology, finance capital equipment, maintain existing facilities and develop cash stability. One of the options presented is we could reduce the budget by allocating by department. We found unfunded needs that should develop over the next three years: City Recorder/paralegal, Human Resource Specialist, information services/computer technician, Prosecutor, 4-8 fire fighters, traffic officer, 3-4 police officers (to keep up with the population growth), 4 FTE in the library to increase hours, major capital equipment replacement, Community Development/City Hall Receptionist (low priority). These positions are needed and not having them has created hardship and over load of work on these departments. We must have a City Recorder, facilities maintained, Police Capital, Fire Capital and a Prosecutor. All these would cost \$215,000. DRC said when measure 50 passed we were at a level that we had a serial levy for two officers. Kathy Tri said the staff presented a number of possibilities to the budget committee above the levy. They looked at the levy as the option to go for and came up with four levies. In conclusion, we have a budget short fall of \$230,480 and we must have \$215,000 which creates a total deficit of \$449,060. The levy covers \$390,000 which leaves a balance of \$56,060. The Library Director recommended that the library not be included. The Budget Committee recommended we combine a police and fire levy of \$103 a year to maintain six positions and add four positions. This would go to the May 16, 2000-voter pamphlet.

Councilor RC asked was the longevity pay for the volunteers issue at the budget session? Kathy Tri said No. Councilor RC asked why is it added on after the fact? DRC said it is part of the Chiefs internal goals and he advised him that this is a way to fund this for the volunteers. Councilor RC said \$25,000 is a large amount of money and he does not have a problem with this if it were brought up to the committee. You had no intention to tell the Council it was added in. Kathy Tri said she fully intended to mention it to Council.

Councilor RC asked about the library roof and wanted to know if the staff had taken care of that? Kathy Tri said a computer technician could be needed. Councilor RC said the staff should understand the computers and the programs they are working with for how long they have been working with it. He does not think we need new computers every year. He does agree with the cops' fast issue for our dollars of getting five years for the price of one. The problem is with the idea that we should have been thinking ahead. This is an unfunded need in the future.

Councilor RW asked how are we going to man the fire station? The answer was to reassign and adjust the personnel. Lets stick to it. DRC said we are reassigning staff but if you want to roll the engines out more than 38 hours a week the City will have to hire more staff. We do not have enough volunteers. We may need to provide you with more information with how it works and what we have. The question to ask is what sort of service level do you want to provide to Newberg. Councilor RW said we are going to reassign our staff. With the police needs the Federal Government said we will start you out but you pick up the rest. He does not want anything to be cut out of the police department.

Mayor Cox asked when does it need to be decided? DRC said the first of March.

Mayor Cox asked if there is a plan to an outreach of the community? DRC said they could do a survey and call the registered voters and ask them. Surveys are not very hard to do. If you get 200 calls, it is a good way to find out what the community is thinking.

Mayor Cox asked what about some sort of education regarding what the options are? DRC said yes we can take it back to Budget Committee and start with the education of the community.

Councilor RC said before the Budget Committee meets again we should bring up the two new people and then just have one position open. Bring all the opinions we can to it.

Councilor RW complemented the staff about informing the community about the vacancies. Kathy Tri said she did put it in the Graphic three times. This is one of the major policy committees you can be on without major meeting commitments.

DRC said staff will bring in a plan and a survey next meeting.

Ms. Pat Haight, 501 E. Illinois #12, Newberg, Oregon, asked what is the library district? Leah Griffith, Library Director, said a committee was formed with the possibility for the library. We are one of the few libraries that are open as short of time as we are. We commissioned a survey to be done of the Chehalem Valley area. The results will be represented to the committee Thursday. The Survey asked what the community thinks of the library as a whole. We are one of the few areas that have a free library service. The discussion to look at is not having the citizens bear the entire cost of the library.

Councilor RC asked when the questionnaire was sent out to the people was the wording, do you want an additional tax for the library? Leah Griffith clarified it is that there may be an additional tax for the library district.

Ms. Debora Warner, 1004 Charles St., Newberg, Oregon, said she received the survey and did not mail it back because it was not read personally by the local City.

5. Review of 1999 and 2000 Directions from the City Manager.

DRC thanked the Council and staff for the hard work. There have been four accomplishments: 1. Fire Stations remodel and construction, and apparatus purchase. 2. Deciding to remodel and add to City Hall. 3. State Legislature and water strategic plan. 4. North side road location. DRC summarized the year by the four quarters. The importance within these quarters are the library for public services, fire for saving lives, police for receiving the national recognition, engineering for their hours spent for designing the projects, finance for the excellence reward, court as the president of a current organization, planning kept development moving and utility for maintaining DEQ approved wastewater and water treatment plants. The 2000 directions are to address the City and technology, downtown redevelopment, Chehalem Valley strategic planning, water strategic plan implementation, budget and serial levy proposal(s), election 2000, Library District consideration, transportation projects, Springbrook Oaks specific area plan and a traffic/growth management grant.

Councilor RW said the staff has taken on state positions to represent the City. We are

fortunate to have that level of leadership.

Councilor LH wanted to recommend a letter of public safety to the Fire and Police Departments for being available on the New Years Eve.

IX. EXECUTIVE SESSION

None


X. ADJOURNMENT

MOTION:	RC/BV to adjourn at 9:34 p.m. (5 yes/ 1 absent [DM]). Motion Carried.
----------------	---

ADOPTED by the Newberg City Council this 22nd day of February, 2000.


Duane R. Cole, City Recorder

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


Charles B. Cox, Mayor