MINUTES OF THE NEWBERG CITY COUNCIL
MAY 6, 2002
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Cox called the meeting to order and introduced City Manager James H. Bennett. The oath of office for Mr. Bennett was administered.

II. ROLL CALL

Roger Currier (RC)
Donna McCain (DM)
F. Robert Weaver (RW)
Kaleen Flukinger (KF)
Brett Veatch (BV)

Vacant: **One Position (Lisa Helikson)**

Others Present:

J.H. Bennett, City Manager
Terrence D. Mahr, City Attorney
Michael Soderquist, Community Development Director
Barton Brierley, Planning Manager
Police Chief Robert Tardiff

III. *PLEDGE OF ALLEGIANCE*

The Pledge of Allegiance was performed.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Darlyn Adams, 131 Johanna Court, Newberg, Oregon 97132, noted that the dinner/silent auction grossed $5,761.00. Ms. Adams noted that they surpassed their goal of $5,000. Ms. Adams provided a list of donors for the event. The yard sale is scheduled for May 17 and 18th at the Fernwood Grange. Ms. Adams noted the following:

T-shirt sales grossed: $1,201.00
Sweatshirts sales grossed: $351
Donation Containers: $3,392.98
Total Fund: $52,682.46.

The next general meeting of the Animal Shelter Friends is May 23rd.

1. Sound permit application.

Jessie Baker, 414 E. Edwards Street, Newberg, Oregon, discussed a sound permit application for a benefit show for CASA in which they are trying to hold a 4 band concert at Hoover Park. The sound permit application was brought before the Council due to issues relating to the location and the 250 foot sound perimeter requirements. They are willing to move the time and/or another location which would not be so loud. Discussion was held concerning resubmitting a new application on May 18th and that they may have to change the date and staging location.

Councilor Currier said that if the location is within the County, the state statutes require a DEQ noise permit as well. Discussion was held concerning approval from Chehalem Park & Recreation District (CPRD).

Mayor Cox said that it appeared there were quite a few unanswered questions such as noise, security, etc. which need to be answered prior to approval.

Councilor Flukinger discussed the sponsor originally being the Newberg Animal Shelter, but CASA has agreed and approved of the application.

Councilor Currier addressed the timeliness of the presentation to the Council in order to address all the concerns for an outside concert permit application prior to May 18th. Discussion was held concerning staff working with the applicants to help facilitate the request.

Councilor Weaver discussed having the applicants complete the requests and work within the boundaries required by the City and the State in contacting the surrounding residents. Discussion was held concerning moving the date of the event and the security issues to handle the area.

Chris Grace, 19252 NE Berry Lane, Newberg, member of the band TDS who will be playing at the concert. Mr. Grace said they do not have obscenities in their music but they do handle topical issues. They did ask for security and have not received a response. Discussion was held concerning the 200 foot perimeter sound issues and how the canyon may amplify the sound even more. Police Chief Tardiff said he will work with the applicants to coordinate and clarify the issues raised as identified in the memo dated May 2, 2002.

2. Barking Dog Complaint - Robert Hutchinson

Mr. Robert Hutchinson testified on barking dog problems in his neighborhood. The present ordinance will and does not work. Mr. Hutchinson said that in the last calendar year, there were 196 times the dog control officers were accessed. Out of the 196 calls, only one form was generated which went on to a trial situation. He is not sure what happened at the trial. On the form to be completed, they must give name, age, address and telephone number. There is also a form which requires an additional person, which also includes the "age" of the complainants. He has asked several people if they would sign such a complaint? If it goes to trial, and the judge overturns the decision, a civil lawsuit could ensue. Mr. Hutchinson asked the Council to look at other cities and how they handle barking dog complaints which allows a citizen to make a complaint because it is designated as continuous. A letter would be sent to the dog owner about the continued nuisance barking. No one has been fined this past year for dog barking complaints. Mr. Hutchinson considered holding a pet fair some time this fall that would have different devices to control barking dogs (collars around the dog's neck, etc.). Another device is for the kennel area so that when the dogs begin to bark, a low siren/whistle is emitted. Mr. Hutchinson said that he has used a garden hose to stop barking dogs. The present ordinance was in effect in 1974 addressing roaming dogs. In the early 1990's, that was amended to control dog roaming or biting. The 1997 ordinance does not serve the purpose of what is needed.

Councilor Currier said that his letter to the editor was in response to others who addressed similar issues to the Council. Councilor Currier said that the form is not part of the ordinance and questioned the legality and adequacy of the form, in particular the portion requiring the age of the complainants. Discussion was held concerning addressing the form not part of the City ordinance, its legality and how it appears it was not adopted by the City Council.

Councilor Flukinger said that the Council does not approve every form used by City staff. Discussion was held concerning the contents of the form and potential revisions. Discussion was held concerning the form referencing the Ordinance language "dogs running at large" and "barking dogs". Mayor Cox asked staff to see what other cities do in these circumstances and to come up with a revised form and procedure.

3. Letter from David Miller representative from Newberg Downtown Association.

Mr. David Miller, discussed the lighting issue and they are working with the City staff and ODOT. Mr. Miller addressed the pedestrian friendly atmosphere and funding for the infrastructure costs. He has experience in high tech construction. He does not feel the project needs to be engineered to death, but was looking for assistance in working through the process.

Councilor Flukinger said she would like to see cost estimates in expenditures relating to urban renewal funds. Mr. Miller said that he believed ODOT would be willing to fund it through the City.

V. PUBLIC HEARING

None.

BUSINESS MEETING SECTION

1. Appoint two citizens to fill vacancies on the Traffic Safety Commission, terms to expire 12/31/2003 and 12/31/2004.

Ernest F. Saffert	Edie Moore
Ronald Sult	Larry G. Hartman

Mayor Cox said that Ms. Edie Moore's application was submitted past the deadline and it would not be considered. Ms. Moore acknowledged the Council's decision.

MOTION: Weaver/McCain to interpret the ordinance not to allow late submission of Ms. Moore's application. (4 Yes/1 No (Flukinger)/1 Vacant). Motion carried.

Mr. Ernest Saffert said he has one major concern: Elliott Road and Second Street involving reduced speed and the blind intersection. He said that the City's stop signs should have reflective materials so they can be seen at night.

Mr. Ronald Sult, a bus driver, said he was a strong believer in safety. He has lived in Newberg for over 35 years.

Mr. Larry Hartman - not in attendance.

MOTION: Currier/McCain to nominate Mr. Saffert and Mr. Sult to fill vacancies on the Traffic Safety Commission, terms to expire 12/31/2003 and 12/31/2004. (3 Yes/2 No Flukinger/Veatch)/1 Vacant). Motion carried.

3. Appointment of two new members to the Planning Commission

Ernie Amundson, Jr.	Sally Dallas
Edie Moore	Dennis Schmitz
Richard Van Noord	

Mr. Ernie Amundson, Jr. said he was currently on the Citizens Rate Review Committee for over one year. He said that ultimately, he was setting his goals for City Council some day and would like to start with the Planning Commission.

Ms. Sally Dallas, said she has been involved in the Downtown Association as a member and is also a NUAMC member. She is a business owner in Newberg.

Dennis Schmitz, operates a business for the past 12 years and is an electrical contractor. He would like to step up and take the lead.

Mr. Richard Van Noord, 801 Hidden Valley Drive, Newberg, born and raised in Michigan and at one time wanted to be a planner. He moved to Seattle, ran a restaurant for 9 years. He went back to school and is a mechanical engineer. They would sometimes drive through Newberg and was taken by the beauty. They moved to Newberg five years ago. He cares about the community's natural beauty.

Ms. Edie Moore withdrew her name from the Planning Commission application process because she felt her interests were more with the Traffic Safety issues of the City.

MOTION: Currier/Veatch to nominate Dennis Schmitz and then fulfill the out of town member (5 Yes/1 Vacant). Motion carried.

MOTION: Flukinger/McCain to nominate Richard Van Noord (5 Yes/1 Vacant). Motion carried.

Tape 1 - Side 2:

VI. CONTINUED BUSINESS

1. Motion to accept proposed changes for parking time limits within the Second Street public parking lot. (Item tabled at November 19, 2001)

Mr. Barton Brierley presented the staff report. The proposal is to make the six spaces nearest the businesses being a duration of 6 hours and the spaces farther away from businesses to be longer. They talked with neighborhood residents, business owners and the Traffic Safety members. Everyone seemed to accept the proposal. Currently, the City parking lot (by ordinance) is 2 hour parking. The proposal would be that the north six parking spaces be designated 2 hour restricted parking and the remainder being 24 hour parking. Discussion was held concerning marking the spaces to designate the 2 hour parking spaces. The cost estimates are that the main cost was in redoing the disabled parking spaces. Upon the urban renewal plans, the spaces could be restriped and relocated. The cost to do the project is around $1200 and will be done when funds are available through street maintenance funds.

Councilor Weaver said there was one business owner (Dave Joseph) who indicated that the 24 hour parking could be utilized by other uses which would prohibit discarded vehicles. Discussion was held concerning the residents of apartments located in the area.

Councilor Currier said the amount of $1200 was considerably lower than the original estimate of $8,000. There is a parking ordinance which would be an amendment to the ordinance rather than through a motion. Discussion was held concerning the amendment.

MOTION: Flukinger/Veatch moved to accept the proposed changes for parking time limits within the Second Street public parking lot. (5 Yes/1 Vacant). Motion carried.

Discussion was held concerning parking enforcement and at the time the apartments were built by the owners (Drabkins), the cost could have been borne by the owners and not the City.

VII. NEW BUSINESS

1. **Resolution No. 2002-2362** accepting the resignation of Council Member Lisa Helikson, expressing the City's appreciation for her service, declaring a vacancy, and order the staff to advertise for qualified people for appointment to fill the vacancy (District No. 3 with a term ending December 31, 2004).

MOTION: Currier/Weaver to approve **Resolution No. 2002-2362** accepting the resignation of Council Member Lisa Helikson, expressing the City's appreciation for her service, declaring a vacancy, and order the staff to advertise for qualified people for appointment to fill the vacancy (District No. 3 with a term ending December 31, 2004). (5 Yes/1 Vacant). Motion carried.

City Attorney Terrence D. Mahr discussed setting a time limit for applications and a direction on how long the advertising could be made. Discussion was held concerning the time limit being 30 days and allow the Council to consider the applications (a week before the second meeting of June). Discussion was held concerning extension of the deadline to be approved by the Council.

2. Elect new Council President to fulfill position held by Lisa Helikson.

Councilor McCain to appoint Robert Weaver as Council President.

MOTION: McCain/Currier to appoint Robert Weaver the new Council President to fulfill position held by Lisa Helikson. (5 Yes/1 Vacant). Motion carried.

3. **Resolution No. 2002-2358** adopting the Newberg Fire Department Length of Service Award Program (LOSAP).

Fire Chief Michael Sherman presented the staff report. Discussion was held concerning other fire department personnel joining the Newberg Fire Department LOSAP program.

Councilor Weaver said he was pleased with the report but would suggest that the new City Manager hold a retreat and review the LOSAP from the Fire Department. Mayor Cox said he would make arrangements to have such a retreat.

MOTION: Flukinger/Veatch to approve Resolution No. 2002-2358 adopting the Newberg Fire Department Length of Service Award Program (LOSAP). (5 Yes/1 Vacant). Motion carried.

4. **Resolution No. 2002-2361** - approving the Council redistricting by choosing Alternative No. 2 or 3.

City Attorney Terrence D. Mahr reviewed the staff report. Nominations can only occur from the districts. Option 3 allowed for more growth and Option 2 did not. Mr. Mahr provided color prints of the districts.

Councilor Currier proposed alternative No. 2 which is an easier growth option so when they are looking for a council member within a specific district, it would not isolate any specific district.

Councilor Flukinger said she preferred Option 3 which projected more growth that is already below the present population in the future.

Councilor McCain said she also likes Option 3 and was concerned over a certain area being less than some areas (across the railroad tracks). Discussion was held concerning population areas rather than geographic (such as areas surrounding George Fox University).

Councilor Currier said that in dealing with population, the majority of the area are apartments which may not be willing to apply for council positions.

MOTION: Flukinger/Veatch to approve Option 3 / Resolution No. 2002-2361 - approving the Council redistricting. (3 Yes [Flukinger/Veatch/McCain)/2 No [Currier/Weaver]/1 Vacant). Motion carried.

5. Motion to submit an application for a Community Development Block Grant for the clean-up of the Butler Property located at 411 E. First St.

Mr. Barton Brierley said they did an EPA ground surface testing and the City purchased the property from Mr. Butler. They met with the other governmental agencies and discussed block grant funding. The block grant does require a $15,000 (City would apply the value of the land for the match); any redevelopment of the property within five years would need to meet the use for the community block grant (low income housing, social services - some use that meets the national objective). After 5 years, the block grant expires.

Councilor Currier addressed the submission of $42,000 expenditure without a plan is questionable. Mr. Brierley said that the area is within the urban renewal district.

MOTION: Flukinger/Veatch to submit an application for a Community Development Block Grant for the clean-up of the Butler Property located at 411 E. First St. (5 Yes/1 Vacant). Motion carried.

6. **Resolution No. 2002-2363** approval of increase amount of contract with Dirt & Aggravate for Highway 99W water line project.

City Attorney Terrence D. Mahr addressed the information contained in the staff report. Discussion was held concerning resolution of the water line project.

MOTION: Currier/McCain to approve **Resolution No. 2002-2363** for the approval of an increase amount of contract with Dirt & Aggravate for Highway 99W water line project. (5 Yes/1 Vacant). Motion carried.

7. **Resolution No. 2002-2354** amending the employment contract with the City Attorney effective May 21, 2002.

Councilor Currier inquired about the City Attorney employment contract, he does not recall the amount being different. Mayor Cox addressed placing all the contracts in order to read the same. The issue with the City Attorney contract is cited in the city's old retirement pool. The other issue is awarding Mr. Mahr for the good work he did as interim City Manager during the last six months. An increase of $370 per month which is already obligated in the fund. Discussion was held concerning the continued amount on a yearly basis. Discussion was held concerning prior yearly obligations which is going into a retirement fund for Mr. Mahr. Mayor Cox is that every other employee the City has already paid, excluding Mr. Mahr, for his deferred comp and car allowances which are not included in Mr. Mahr's compensation (non-police and fire personnel).

Councilor Flukinger felt that Mr. Mahr should be treated as any other City employee which should have been corrected some time ago. The way that the City should pay its employees fairly. It will correct a problem that has been overlooked. The Council sets the standard for treating the employees.

Councilor Weaver asked who paid the retirement before? Where does it show in the City's budget as a retirement for Mr. Mahr? Mr. Cox said that he has been paid on his base salary as other people in the fund. The deferred comp and auto allowance were not considered part of his salary. Discussion was held concerning increasing the retirement amount for the City Attorney. Discussion was held concerning the increase to be paid by Mr. Mahr for his employee portion and social security taxes. Councilor Currier said he disagreed with the concept and felt that the funds could be used elsewhere. The money has not been figured in as part of his retirement pay. The $370 is additional funds. Other employees the City has been paying on their car allowance and deferred comp.

Tape 2 - Side 1:

Councilor Currier addressed Mr. Mahr's receipt of additional funds when the City owned the hospital and those funds are being still maintained to the City Attorney. Councilor Currier said that the City Attorney has been paid. Mr. Mahr said that the last contract negotiations noted this information.

MOTION: McCain/Flukinger to approve **Resolution No. 2002-2354** amending the employment contract with the City Attorney effective May 21, 2002. (4 Yes/1 No [Currier]/1 Vacant). Motion carried.

Councilor Weaver asked about the Monmouth work session scheduled for May 22nd. Chief Tardiff said that he would provide supplemental information for this event.

VIII. CONSENT CALENDAR

1. Approve minutes from Regular Council meeting held on April 15, 2002.

MOTION: Currier/Flukinger to approve minutes from Regular Council meeting held on April 15, 2002. (5 Yes/1 Vacant). Motion carried.

IX. ADJOURNMENT

MOTION: Flukinger/Weaver to adjourn at 8:45 p.m. into Executive Session (5 Yes/1 Vacant). Motion carried.

ADOPTED by the Newberg City Council this 20th day of May, 2002.

James H. Bennett, City Recorder

ATTEST by the Mayor this 20 day of May, 2002.

Charles B. Cox, Mayor