

**A G E N D A**  
**Ordinance/Legislative Committee**  
**Sub-Committee of the Newberg City Council**  
**Wednesday, 5:30 p.m.**  
**June 22, 1994**

**The Noodle Restaurant**  
**2320 NE Portland Road**  
**Newberg, Oregon**

|                 |          |                                  |               |          |                               |
|-----------------|----------|----------------------------------|---------------|----------|-------------------------------|
| <b>Members:</b> | <b>X</b> | <b>Donna Proctor, Mayor</b>      | <b>Staff:</b> | <b>X</b> | <b>Terrence D. Mahr (TDM)</b> |
|                 |          | <b>Dave McMullen, Chair</b>      |               |          | <b>City Attorney</b>          |
|                 | <b>X</b> | <b>T. Dan Wollam, Vice Chair</b> |               | <b>X</b> | <b>Duane R. Cole (DRC)</b>    |
|                 | <b>X</b> | <b>Shannon Stueckle, Member</b>  |               |          | <b>City Manager</b>           |
|                 |          | <b>Bob Engelke, Member</b>       |               | <b>X</b> | <b>Peggy Hall,</b>            |
|                 |          |                                  |               |          | <b>Legal Department</b>       |

**I. Approval of Minutes of April 20, 1994**

**II. Election - Mayor and Council positions**

**III. Ethics Code - City of Portland**

**IV. Tax Base Proposal**

**V. Codification - verbal**

**VI. Litigation Update - verbal**

- (a) Lamoreau**
- (b) Horizon**
- (c) Javorski (Pride Furniture)**
- (d) Scully**
- (e) Acero**

**VII. Light industrial property issues - verbal**

**VIII. Insurance Claims - verbal**

**IX. City Manager Authority - verbal**

**X. New Business**

**MINUTES**  
**ORDINANCE/LEGISLATIVE COMMITTEE**  
**Sub-Committee of the Newberg City Council**  
**The Noodle Restaurant**

**Wednesday, 5:30 p.m.**

**June 22, 1994**

Vice-Chair T. Dan Wollam called the meeting to order at 5:30 p.m.

**I. Approval of Minutes of April 20, 1994**

Vice Chair Wollam noted the approval of the minutes (unanimous vote of the members present).

**II. Election - Mayor and Council positions**

City Attorney Terry Mahr reviewed with the Committee the requirements (25 valid voters pursuant to the City's Charter and 48 valid signatures required from the State regulations). Mr. Mahr added that due to the State's regulations overlapping with the City's, it may be best to obtain at least 30 valid signatures. Mr. Mahr further noted that Mayor Donna Proctor intended to run for re-election as well as Bob Weaver (Councilor). Councilors Gano and McCain have not yet advised the Legal Department of their decision. Mr. Mahr further reviewed the election/candidate process and that he would work on a press release for the Graphic. Discussion was also held concerning meeting with prospective candidates concerning the process.

**III. Ethics Code - City of Portland**

TDM advised as to the City of Portland Ethics Code and inquired whether or not the Ordinance/Legislative Committee would be interested in heading this project. TDM reviewed with the Committee the City's Mid-Management Seminar held in May and how Department Heads and mid-management level City employees, as well as staff, are restructuring their departments in order to facilitate self monitoring and conduct. TDM noted that Resolution No. 94-1833 gives the City Attorney the authority to give advice concerning ethical issues and if followed, the elected official would be provided coverage under the City's liability policy. Additional concerns were addressed such as the City's budget and the situation of three Council members (Wollam, McCain, Gano) were either employed by agencies that the City assisted in funding programs, or receive some stipend (Gano) for their volunteer services (fire department). Further discussion was held concerning ethical issues involving gifts received by public officials (tickets to games, etc.). The Committee concluded in stating that there was a need for monitoring and that a process needed to be in place.

Co-Chair Wollam stated that he would recommend that the Council work with DRC to prepare a draft of the procedure before the new Council members (to be elected in November, 1994) are in office. It is an important process that all Council

members, as well as City staff should be aware.

#### **IV. Tax Base Proposal**

DRC reviewed a proposed tax base survey and asked the committee members to respond. Shannon Stueckle asked who was the proposed market? DRC noted that it was the general population. Discussion was held concerning breaking away the various topics (police/fire/library). DRC further noted that he would like to bring it back to the Council at the August, 1994 Council meeting to receive guidance from the Council on how to proceed. It was also noted that more information was needed. Co-Chair Dan Wollam noted the following concerns about the survey: additional space for comments, distribution, more options, taxes, cost to individual tax payer, better format (easier to follow), brief explanation of tax procedure, better communication, etc.) DRC agreed that probably not enough information was provided on the last tax base election. Provide enough information, but limit the options for people to consider. Deadline for filing in the voters' pamphlet is September 8, 1994. Co-Chair Wollam noted that the survey needs to be informative, but responsive so that citizens will provide feedback. Further discussion would be held at the July, 1994 Ordinance/Legislative Committee meeting.

#### **V. Codification - verbal**

TDM stated that the compilation is up-to-date except for the past 3-4 Ordinances. The Legal Department will be working with Heidi Hess to complete the project. The Department Heads were provided copies of the Compilation to review and make comments. Discussion was held concerning making a work schedule on the Committee to review the compilation and format it into a code. TDM stated that the process would be to adopt the code and repeal the specific ordinances. It is a lengthy process. Discussion was also held concerning the formation of an ad-hoc committee to assist the Ordinance/Legislative Committee in this process.

#### **VI. Litigation Update - verbal**

TDM reviewed the following litigation matters:

- (a) **Lamoreau** - enforcement of easement (Grocery Express-Lillian Day) property located at N. Main and Hancock. Parking lot issue. An order of dismissal was entered and the City has no further interest in the lawsuit. If the matter is not straightened out between them, the City can still go after Mr. Lamoreau for his parking problems (not enough parking spaces).
- (b) **Horizon Construction** - the City held its remand hearing on June 21, 1994. No new evidence was presented. The matter will be heard at the August, 1994 City Council meeting.

- (c) **Javorski (Pride Furniture)** - the building is old and is in need of much repair. There are DEQ problems as well. Negotiations are pending for the purchase of the building and property and Commercial Bank's loan will be paid off. The purchaser intends to add 55 employees to the business. The program would be similar to the Ryco Mfg/Harris Thermal situation in that the City loaned EDRLF funds.
- (d) **Scully - Francis Theater.** Mr. Scully purchased the property and building from Francis Enterprises for a nominal price and has not yet fixed up the property or building that was damaged in an earthquake in March, 1993. The City will probably eventually own the building. City staff has attempted to work with Mr. Scully to correct the nuisance. A complaint may be filed in Yamhill County Circuit Court to prompt Mr. Scully to take action on the building and eliminate the nuisance.

TDM further noted that the former Bank of America building is in the similar position. It has also shifted and is presently vacant.

- (e) **Acero - police department false arrest.** TDM noted that the case would be settled for \$4500.

TDM also advised the Committee of the use of Capstun (similar to mace - pepper based). The Police Department will be utilizing it to minimize physical contact and force.

#### **VII. Light industrial property issues - verbal**

TDM stated that there have been concerns by realtors and property owners concerning property located in the older part of Newberg that was zoned light industrial. The light industrial area has moved more or less out of town toward the airport and that the houses in the original light industrial section may have to be rezoned. TDM gave the example if a house burns down in that area, it could not be rebuilt as a residence because of the zoning. Further information and discussions are being held with the Planning Department to review the situation.

#### **VIII. Insurance Claims - verbal**

TDM advised the Committee that insurance claims are minimal. Workers compensation are also very low.

#### **IX. City Manager Authority - verbal**

TDM reviewed the City Manager authority process. TDM noted that through the City's Charter, the City Manager reviews the local improvement district (LID) projects, the City Manager has the authority to sign on behalf of the City as long as it is within the estimates provided and approved by the Council. The City Manager

also reviews the City's insurance policies and coverage. The City Manager has the authority to authorize expenditures within the City's budget (free's up the City Council on day-to-day business affairs of the City). The City Manager makes policy decisions and reviews them with the Council. DRC added that the City's budget controls are placed on the departments in order to remain within the budgetary constraints. Discussion was held concerning setting dollar limits on expenditures, etc. DRC added that there is a difference between capital expenditures and fixed departmental budget expenses. The City's budget process is a long process that has gone very smooth. Discussion was held concerning how other cities handle their budget process. It was noted that maybe the League of Oregon Cities could provide some input as to what other cities do. Co-Chair Wollam stated that the Revised Code of Washington (RCW) has provisions for City Manager duties. TDM noted that he would obtain a copy of the RCW concerning City Managers (description of duties, etc.).

#### **X. New Business**

DRC stated that there are parking problems in the downtown corridor (C-2 zone) which may drive property values down if density increases. DRC noted that this is a time consuming and tough issue in an attempt to change the policy. Discussion has been made concerning not allowing employees of businesses to park in the downtown corridor. DRC also noted that the downtown retail association is working on this issue.

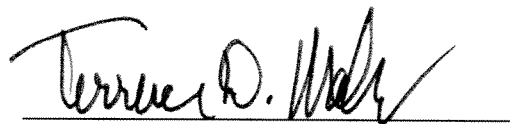
Co-Chair Wollam stated that the City's Planning, Subdivision and Zoning Ordinances are in need of updating. Mr. Wollam further noted that he would like to see these placed on the Ordinance/Legislative Committee's agenda and proceed with the process.

DRC advised the Committee of the following:

1. LCDC grant (development of code as it relates to transportation is approximately \$40,000).
2. Community Development Block Grant for Chehalem Park and Recreation District to build the Senior Center has been approved.
3. The ODOT bypass looks as if it will not be going through.

Co-Chair Wollam noted that he has been working with grant programs and that the City could apply for a grant for the City Library. There are funds available.

The meeting adjourned at 6:55 p.m.

  
Terrence D. Mahr  
City Attorney

6/20/94  
O/L meeting  
from DRE

DRAFT

## TAX BASE SURVEY

June 1994

The City of Newberg was invited to vote on an increase in the city's tax base at the May 17th Primary Election. The tax base proposal offered funding for three additional fire fighters, two police officers, and additional eight hours of library service per week, a long range planner to assist with growth management, and a full time receptionist at City Hall. The results of the election was 1037 in favor, and, 1372 against increasing the tax base.

Although the Mayor and City Council did not unanimously support the tax base increase, there was general consensus that the items included in the tax base are needed to meet the future challenges Newberg faces. Since cities in Oregon can only request increases in the tax base in May and November of even numbered years, the Mayor and City Council face the decision of whether or not to request a new tax base at the November 1994 election and what to ask for in November of 1994.

You can help your Mayor and City Council decide by completing the following questionnaire and returning your answer to City Hall on or before July 22, 1994.

***DIRECTIONS:** The city is considering four service strategies. Each would require varying levels of property tax support through the passage of an increase in the tax base. Which of the four strategies do you prefer? Second most prefer? Least prefer? Please look over each of the strategies (A, B, C, and D) prior to answering the two questions under each strategy.*

### A. Original Request:

- ◆ Hire 3 fire fighters
- ◆ Hire 2 police officers
- ◆ 8 hours more library service per week
- ◆ Long range planner for growth management
- ◆ Full time receptionist at City Hall
- ◆ Fund vehicle replacement for police and fire

**COST:** \$630,000; Approximately \$1.25 per thousand dollars of assessed value per year.

A.1. To what extent do you oppose or favor this strategy?

Strongly  
Oppose

Somewhat  
Oppose

Somewhat  
Favor

Strongly  
Favor

A.2. Compared to the other strategies, is this your:

Most Preferred

Second Most Preferred

Least Preferred

B. Fire, Police, Library only

- ◆ Hire 3 fire fighters
- ◆ Hire 2 police officers
- ◆ 8 hours more library service per week
- ◆ Fund vehicle replacement in police and fire

COST: \$549,000; Approximately \$1.10 per thousand dollars of assessed valuation per year.

B.1. To what extent do you oppose or favor this strategy?

Strongly  
Oppose

Somewhat  
Oppose

Somewhat  
Favor

Strongly  
Favor

B.2. Compared to the other strategies, is this your:

Most Preferred

Second Most Preferred

Least Preferred

C. Reduced Fire, Police, Library only

- ◆ Hire 2 fire fighters
- ◆ Hire 1 police officers
- ◆ 6 hours more library service per week
- ◆ Fund vehicle replacement in police

COST: \$375,000; Approximately \$.75 per thousand dollars of assessed valuation per year.

C.1. To what extent do you oppose or favor this strategy?

Strongly  
Oppose

Somewhat  
Oppose

Somewhat  
Favor

Strongly  
Favor

C.2. Compared to the other strategies, is this your:

Most Preferred

Second Most Preferred

Least Preferred

D. Fire only

- ◆ Hire 3 fire fighters
- ◆ Fund vehicle replacement

COST: \$250,000; Approximately \$.50 per thousand dollars of assessed valuation per year.

D.1. To what extent do you oppose or favor this strategy?

|                    |                    |                   |                   |
|--------------------|--------------------|-------------------|-------------------|
| Strongly<br>Oppose | Somewhat<br>Oppose | Somewhat<br>Favor | Strongly<br>Favor |
|--------------------|--------------------|-------------------|-------------------|

D.2. Compared to the other strategies, is this your:

|                |                       |                 |
|----------------|-----------------------|-----------------|
| Most Preferred | Second Most Preferred | Least Preferred |
|----------------|-----------------------|-----------------|