

**MINUTES OF THE
Ordinance/Legislative Committee
Sub-Committee of the Newberg City Council
Thursday, 5:30 p.m.
April 27, 1995**

**Community Development Building
719 E. First Street
Newberg, Oregon**

Members:	Donna Proctor, Mayor	Staff:	Terrence D. Mahr,
	T. Dan Wollam, Chairman		City Attorney
	Donna McCain, Council		Duane R. Cole,
	Shannon Stueckle, Member		City Manager
	Bob Engelke, Member		Peggy Hall,
			Paralegal

I. New Business:

1. Fees for first time public hearing (to be presented at meeting)

TDM stated that he wished to discuss the fees for first time public hearings pursuant to ORS 227.178 for fees not to exceed \$100 appeal fee. TDM noted that these would be conforming to the statutes. Discussion was held concerning fairness to individuals that would be affected by the appeal process. Discussion was held also concerning waiving fees for adjacent property owners and notification of appeal rights (people adjacent to the subject property within 150-200 feet would not have to pay a fee for an appeal). Further discussion was also held concerning waiving fees for persons who testify in the process. TDM reviewed the present policy on notification, appeal fees, etc. Questions were raised about people being properly notified (absentee owners). TDM noted that the tax statement microfilm is not the most recent up-to-date information. Bob Engelke stated that the title companies offer customer service information on the last recorded instrument. Due to the numerous requests for information, this may not be a good way to go. Each property owner within 100 feet must be notified. TDM further added that Community Development Director Greg Scoles is working on a new process to help with the problems of noticing. The present fee is \$250. The new fee proposal is \$100.00 to comply with the statutes. DRC asked whether the fee could be exempt in certain circumstances. TDM stated that there could be limitations set for persons previously testifying in the matter. Discussion was held concerning individuals that file appeals to cause undue hardship on property owners.

MOTION: Stueckle/Engelke to approve the \$100 fee providing that persons that receive written notice of the appeal or decision would have the appeal fee waived. (Unanimous). Motion carried.

2. Traffic Safety Commission Ordinance (to be discussed at meeting)

This item was pulled. No action at this time.

3. Cable Commission Ordinance (to be discussed at meeting)

Discussion was held concerning Commission membership and the cities that appoint them. The member that the City of Dundee appointed is also a member of the Dundee City Council. Dayton has not advised as to their appointment. The Ordinance needs to be changed to allow the cities to appoint whoever they wish (whether it be a Council member or not). The real problem is to get people involved and willing to serve on the various committees and commissions.

MOTION: McCain/Stueckle to amend Section 2 of **Ordinance No. 2106** as follows:

"Section 2. Commission Membership. The Cable Communications Commission shall consist of seven (7) members of the cities of Newberg, Dundee, Dayton and Lafayette and two ex-officio, non-voting members who shall be a representative designated by the Grantee, Liberty Communications, Inc., and who may be an official or employee of Liberty Communications, Inc. and a member designed by the Mayor of the City of Newberg, who may be an official or employee of the City of Newberg. (As amended by Ord. 2109, passed 2/9/83)."

ROLL CALL ON MOTION: (Unanimous). Motion carried.

Discussion was held concerning the next meeting. The Committee discussed the third Wednesday of each month at 12:30 p.m.

The next scheduled meeting: **Wednesday, May 17, 1995**
12:30 p.m.
(Location to be announced)

II. Approval of Minutes of January 18, 1995

MOTION: Stueckle/Engelke to approve the minutes. (Unanimous). Motion carried.

Dan Wollam stated that he had a meeting to attend in Portland and he left the meeting at 6:15 p.m.

III. Discussion of Legislative Program for State Legislature

Discussion was held concerning meeting with the legislature. TDM stated that the Chamber of Commerce was holding a meeting with Representative Leslie Lewis and Senator Stan Bunn. Senator Stan Bunn's meeting will be held on Tuesday, May 16th at 8:15 a.m. at the Chamber of Commerce Offices. TDM stated that he believes that this would be a teleconference. Mayor Proctor stated that it was open to the public. Bob Engelke stated that he may attend. TDM stated that he and DRC will be attending this meeting. The other scheduled meeting is with Representative Leslie Lewis, on May 25, 1995 at 7:15 a.m. at the Chamber Offices. Donna McCain stated that she thought she would be attending this meeting.

DRC reviewed the Senate Bill 626 (Toll-way legislation) advising that the issue has passed the Senate and is now with the Ways and Means Committee. The focus is on the Newberg/Dundee area (pilot project). Senator Bunn noted that he thought it was "do-able". The toll-way would be paid for by federal, state and private business funds. TDM advised the Committee of the Washington State case in which notice requirements were not adhered to and lawsuits and much controversy was held. The Newberg/Dundee area proposal is doable. Donna McCain stated that the Barlow Road was originally a toll road.

TDM reviewed the telephone tree process and handouts he received at the legislative hearings (mandatory arbitration, collective bargaining, state workers frozen wages, building code changes, "ecotakes" [taking away authority - bill of rights]", open spaces, corridors, wetlands, eminent domain (outside UGB), privatization of government goods, revenue projections, tax expenditures, etc.)

TDM stated that he was on the League of Oregon Cities Legislative Bulletin mailing list.

IV. Codification Project - Verbal Update (T. Dan Wollam)

1. Change Request forms

TDM stated that post binders were ordered for the revised code books. The code will be reviewed at a later time.

V. Litigation Update - Verbal

1. Francis Theater

TDM reported that the hole has been filled. The project will be closed and all final costs captured. That amount will be a lien on the property. Discussion concerning the ownership will be addressed by the Council. Mr. Scully, owner of the property, has offered to deed the property to the City. The City is not in a position to accept his offer at this time due to potential environmental issues/problems.

2. Horizon Construction LUBA Appeal/Court of Appeals

TDM stated that he is anticipating a favorable decision on the appeal and he will report the result at a later meeting.

3. Outstanding Legal Claims

Craig Nida's attorney has withdrawn from the case. Mr. Nida had a claim for harassment and other related charges. This claim is covered by the insurance carrier.

VI. Legal Bulletin - Discussion

TDM reviewed the Legal Bulletins submitted by the Legal Department.

VII. Municipal Court - Update

TDM reviewed the Municipal Court information.

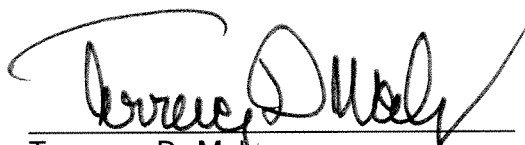
VIII. Continued Business and Things to Do

1. Ordinance Review
 - (a) Animal Control Ordinance
 - (b) Pawnshop Ordinance
 - (c) Discarded/Abandoned Vehicles
2. Ethics Code - Adhoc Committee
3. Municipal Court Judge Review
4. Tobacco Sales to Minors

TDM reviewed the information presented and stated that the ordinances would be presented at a later time.

IX. Adjourn

The meeting adjourned.

A handwritten signature in black ink, appearing to read "Terrence D. Mahr", is written over a horizontal line.

Terrence D. Mahr
City Attorney