Monday, 7:30 p.m. October 7, 1985

A REGULAR MEETING OF THE
NEWBERG CITY COUNCIL

Council Chamber Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

Present:	Roger Gano Harold Grobey Alan Halstead John Poet	Donnna Proctor Tommy Tucker Joe Young
Absent:	Quentin Probst (excused)	
Staff Present:	Michael Warren, City Manager Dave Bishop, Chief of Police Elmer Christensen, Fire Chief Greg DiLoreto, Public Works Director Richard Faus, City Attorney Clay Moorhead, Planning Director Arvilla Page, City Recorder	
Others Present:	Over fifty (50) citizens.	

CONSENT CALENDAR:

Motion: Gano-Grobey to approve the Consent Calendar as follows:

1. Approve minutes of September 3 and September 13 Council meetings.
2. Resolution thanking Angus MacPhee for his assistance with the sewage treatment plant.
3. Letter from Liquor Control Commission RE: Status of Eden Gate Restaurant.
4. Letter from Portland Limousine Service thanking City for assistance with High School limousine ride.

Motion carried unanimously by those present.

The City Attorney then read aloud Resolution No. 85-1166 thanking Angus MacPhee for his assistance with the sewage treatment plant.

APPOINTMENTS BY THE MAYOR:

Mayor Hall stated he had no appointments to make at this time.

REQUESTS FROM FLOOR AND COMMUNICATIONS:

There were no requests from thefloor or communications that were not already on the agenda.

PUBLIC HEARING:

1. Public hearing on vacation of eastern 100 feet of the alley located between 8th and 9th streets, College and Meridian streets.

The staff report was given by the Planning Director. He directed the Council's attention to the material in the Council Packet. He stated the Planning Commission had reviewed the request and unanimously recommended denial of the request. The Planning Director explained the origin of platted allleys and the procedure to vacate a platted alley or street. The applicant, through the Council, is Pete Champagne, 815 S. Meridian Street. Petitions both for and against the vacation have been received. The petitioners against the vacation have given the following six reasons for denial.

1. The alley vacations would not be in the long range best interest of the City and could compound the problem of the usage of the alley-way.
2. The alleyways should be unobstructed with suitable provisions for access to each lot.
3. A portion of the alleyway should not be vacated, creating a dead-end situation where vehicles might have to back out of the alley.
4. Access to thr rear of their building lots would be permanently impaired.
5. The alleyway would be used more it it were improved.
6. There may be a future need to use the alley.

Oregon Revised Statutes state that no vacation can be granted if such act would affect the market value of abuting property. If it were granted, the city would be liable to the affected property owner.

Proponent: Pete Champagne, 815 S. Meridian, stated there is extensive foot traffic in the alley, kids in gardens and vandalism. There is no access from the street on his end of the alley; there is a curb. A water meter and a gas line would be endangered if the alley were used.

Proponent: Joe Murphy, 805 E. Ninth, stated his property is adjacent to the Champagne's. There is no useful purpose to have the alley open. It has actually been closed all the time he has lived there. Mr. Burniside has control of 400 feet of the alley. Mr. Champagne wants it closed so that he can park a camoer there. If the alley is opened, someone will have to redo the curb and there will be increased policing problems.

Opponent: George Burnside, 803 E. Ninth, stated six reasons have been given why the alley should be open. He stated he is in the process of building a carport with access from the alley. If the alley were opened and graveled, it would change the amount of traffic in the alley. He stated he would like to see something done about the curb with the people to share the cost.

Rebuttal: Joe Murphy stated the little gravel done has been by Mr. Burnside and people will not have a tendency to come down the alley. when word gets around that it is open, there will be more traffic. It would be simple to put up a sign 'Dead End' on College Street.

No others wished to speak and Mayor Hall closed the public hearing.

Staff Recommendation: The Planning Director stated the staff would recommend denial of the request because of ORS. The alley can remain as is, even though open, without improvement.

Carol Burnside asked who owns the entranceway to the alley. The Planning Director responded that the public is the owner.

The Council asked Staff whether the City has a policy on maintenance of alleys, used or unused; what do the standards require the City to do when they come to an alley on a street improvement; is the reason known why this curb was not cut; could the City erect a sign indicating this alley is not a through street and would that alleviate the problem? Staff responded that alleys are not maintained as a general rule unless already graveled, police using, commonly used, and we get a request. The street construction standards would require that the curb be cut and an approach made; it is unknown why this curb was not cut, it may have been because the alley is very narrow.

Councilman Tucker suggested the matter be tabled until Staff comes up with a policy on who maintains alleys, why the curb was not cut, signage, etc.

The City Attorney read that portion of ORS relating to the City's liability if the vacation is granted. He also stated the alternate in this matter would be for the property owner wishing the vacation to petition the City directly. The vacation could be granted with 2/3 of the property owners agreeing to the vacation.

Motion: Grobey-Poet to deny the alley vacation based on the findings and recommendation of Staff. Carried unanimously.

Motion: Poet-Tucker that the Ordinance and Public Works committies meet and review to make recommendations on policy on maintenance, etc. on alleys. Carried unanimously.

REPORTS FROM CITY MANAGER:

1. Report on status of application for grant funds under Federal Justice Assistance Act. Chief Bishop reported they received a grant in the amount of $8,790. It was the fourth largest grant received in the tri-county area. The City Manager noted that the application from the Fire Department also placed well. This indicates good applications for grants are being written by these two departments.

2. Report on International City Manager's Association Board of Directors. The City Manager stated he has been asked to serve on the ICMA state board of directors. It will require attendence at five meetings during the year. He would like to have the Council's approval to accept this appointment.

Motion: Halstead-Grobey to allow the City Manager to accept the position on the state ICMA Board of Directors. Carried unanimously.

3. Report on County Communication Program. Chief Bishop stated that at his last report they were hoping to go th the voters in November. Instead of three companies responding to the RFP as expected, only one responded. The proposal, from Motorola, was in the 3 million dollar area. Negotiation has reduced this down to 2.4 million. The Committee will now delay the levy election and attempt to get more RFP's and a reduction in cost.

4. Revolving Loan Funds from IRD. The City Manager stated a loan has been approved to Sub Terra in the amount of $25,000. Bill Humphreys, a member of the review committee, stated the loan is well collateralized and will be used to purchase a rock borer. The company needs some help to get started and they have a good chance to succeed. There will be four new jobs developed over a reasonable period of time. Mayor Hall described Sub Terra's product as similar to a heat pump, except the heat is taken from the ground instead of the air.

5. Fire Hall Addition Construction Report. Chief Christensen reported that some of the fire equipment has had to sit out during the winter. In cooperation with the Rural Fire District, an addition is being added to the firehall. The Rural District offered to buy a new tanker that is needed if the City would provide housing. A lot of the work on the addition is being done by volunteer of labor and materials. We have a budgeted item of $35,000 for this, on which we are probably saving 10,000 to 15,000 thousand dollars. The new tanker will probably be delivered in February or March, 1986. The construction is progressing and an open house will be held when it is completed.

REPORTS FROM YAMHILL COUNTY COMMISSIONER:

Commissioner Don Porter reported there will be a 10 million dollar road levy on the ballot in March of 1986. He asked for the support of Newberg and the north end of the County. Commissioner Porter reported he is a member of the advisory committee for the dispersal of lottary funds for economic development. He also noted that the County is involved in a revolving fund to bring growth and jobs to the County.

OLD BUSINESS:

Councilman Gano reported that he and Commissioner Porter are members of a study group for the Tualatin, Phase II Project. This would be a second lake, like Haag Lake, west of Gaston. The Committee has been in existance for a number of years. Any project will be 15 to 20 years in the future. The City's water resource needs at that time are unknown, but it is important that Newberg be represented in the planning.

NEW BUSINESS:

1. Motion: Halstead-Poet to approve the Accounts Payable for september, 1986. Carried unanimously.

2. Report on canvas of votes on initiative petition to deactivate Urban Renewal Agency. The canvas of votes shows 2,397 Yes; 1,006 No to deactivate the urban renewal agency. The proposed ordinance becomes Ordinance No. 2172 of the City of Newberg.

Motion: Halstead-Grobey to accept the canvas of votes. Carried unanimously.

Mayor Hall excused all thos present that were not interested in the next item on the agenda. he then called the meeting back to order.

3. Council discussion on Downtown Traffic/Market Study.

Mayor Hall surveyed the possible speakers and placed a limit of five minutes for each speaker.

Allyn Brown, 501 E. First Street, stated that as an owner of property in the downtown area, he would ask the Council to continue the study. He also would ask the Council to use the traffic study as a step in downtown redevelopment. The Council should not consider the vote as a vote against redevelopment or tax increment financing. Use the traffic plan to tell where we are going, scale down the projects and ask for a vote of the people.

Janet Ker, Chamber of Commerce Manager, stated the Chamber will offer its resources to come up with a plan to revitalize downtown. She urged the Council to continue; don't stop now.

Sam Zanghi, president of Newberg Downtown Association, stated a vote of the people must be honored, but the downtown problems are still with us. Complete the market and traffic study now underway. It will be a foundation and place to start to solve the problems. He suggested the Council name a committee of Chamber of Commerce, NDA, and general citizens to get thoughs from all factions. The committee could review all options and advise the Council.

Kathleen Sullivan, 2300 E. Third, offered the point of view of just another citizen that did not understand how government and financing works. She stated she wants to not be another sprawling Beaverton or a bedroom community. Maybe there were flaws in the plan, but in the long run, we will want something for a better Newberg.

LeRoy Benham, Rt. 3, a property owner in Newberg and former Chair of the redevelopment commission, stated a great deal of progress had been made over the past two and one-half years. The study underway will be of great value for plans in the future. The redevelopment plan will be implemented sometime in the future because it is needed. The establishment of the Newberg Downtown Association is a step forward. The Main Street program is in place and this is a step in the right idrection. We have not lost everything, just some time.

Dennis Hagan, Rt. 2, Box 162, stated some people work as private businesses redeveloping downtowns with private money. He read a note from one private business offering joint venture redevelopment.

Sam Whitney, Director for the Newberg Chamber of Commerce, described the trip made to Seaside by a number of people from Newberg. There were no empty stores and the streets were clean. Their Chamber of Commerce does not have to solicit and has 98% membership. The money they spent was inconsequental. The time spent on Newberg Redevelopment so far is astronomical. Keep the market study going and get back on our feet.

Joe Brugato, 301 Donna Lane, stated the vote was 71% for deactivation. He stated he resented some of the comments made that people were confused and misinformed. The Council should get out and listen to people. He stated he disagrees about the Seaside information. Seaside is much different from Newberg. Main Street Program has only 35% of the downtown people supporting it. you need to go out and get 50% of the people supporting a plan before implementing a plan. Increment financing is dead in the state of Oregon. In 1987 there will probably be an initiative state-wide to abolish increment financing state-wide.

Mayor Hall asked Mr. Brugato if he would be willing to work on a committee on the traffic study if there is such a committee. Mr. Brugato stated he was not prepared at this time to answer that question. There are plenty of people willing to get involved.

Councilman Poet asked Mr. brugato whether he thought the traffic study should be continued. Mr. Brugato stated that a great deal of money has been spent already. He stated he would not want to go on record to approve or disapprove. Joe Brugato, not speaking for any group of people, would probably say yes, continue the study, then take the issue to the people.

Councilman Gano stated that last Monday at a meeting Mr. Brugato had stated that he had a plan. He asked Mr. Brugato when he would reveal his plan. Mr. Brugato stated his plan would be similar to that given by Mr. Zanghi this evening. Watering the plan down; getting the businessmen downtown involved; making committees that are citizens of Newberg involved; making a plan to have dollars and cents value; how you are going to implement the plan. Then have it go to the people for approval.

Jim Burres, 819 Sierra Vista, stated you have to establish your credibility before asking us to pick up the pieces. The Council should review the vote in detail. The vote did not match the sales tax vote. Of our residents, 16% or more commute to Portland to work and a lot of them never see downtown Newberg by choice. Badgering one individual to join a committee is in poor taste. We believe the traffic study is probably going to do us some good. You need to begin to believe in democracy and put major money issues before the voters. Urban renewal is dead. It was killed by a legal vote of the people. If you have something new or different, bring it up and let's talk about it.

Mayor Hall asked Mr. Burres what his plans for Newberg were now and whether there was a petition out now to get rid of tax increment financing state-wide. Mr. Burres stated there was no petition out now. We have a moral obligation to Mr. Buttke to finish the contract for the traffic study.

Mikki Snell, stated she lives in Dundee and has a business in downtown Newberg. She agreed that tax increment financing is dead in Newberg, but stated she felt the traffic study should be completed. She stated to Mr. Brugato that the plan was to do something for the community. He had taken that away and we are now asking for his help.

Jane Parisi-Moser, 109 N. meridian, stated she did not feel it was a fair fight. This town is only as good as the people who work for it. If the people who work for it are going to be intimidated and shot down when they try to take a stand, then they will not want to work for it at all. People that want to be part of the democratic process will have to come and take part in the process. There were three years of opportunity when people did not come and speak. People that have knocked things down have the responsibility to build them up.

Martin McIntosh, 2504 Portland Road, stated we have a potential for greatness. That has been shown over the past few years. Maybe there is some misunderstanding and confusion, but there is enough support here that we can get to where we want to go.

Mayor Hall then asked the Council whether the traffic study should be continued.

The Council asked questions of the Staff on what the status was of the funding, how much of the study is completed, what the revenue will be from the outstanding loans, what will be the disposition of those funds.

Mayor Hall stated this was the first election in Oregon to do away with tax increment financing in progress. The County Tax Assessor has asked the Attorney General for an opinion on some of the questions that have been raised.

Motion: Gano-Halstead to continue the contract with Buttke and have representatives from NDA, the Chamber and opponents to the plan form a committee to review the traffic study and bring a recommendation back to the Council, with the committee to be no more than nine members.

After discussion of the motion by the Council, Councilman Gano withdrew the committee protion of the motion. Councilman Halstead concurred.

Vote on the original motion to continue the contract with Buttke carried unanimously.

Motion: Gano-Halstead that a committee of no more than nine people be formed to advise the council on the traffic study, that it be formed by representatives from NDA, chamber of Commerce and those people that opposed redevelopment.

The Council then discussed the motion in detail. Should just these three groups be represented, should the Council be represented on the committee, should the committee be the committee that has been working with Buttke, and should the committee be formed with the goal of continuety. Also discussed was the amount of time the committee would have to review and present recommendation to the Council.

The City Manager noted that eventually it will go to a vote of the people for any funding. It would be best to form the committee from other thant the Council.

Mayor Hall noted there was a motion on the floor and called for a roll call vote. Roll Call: Aye 2. Gano, Grobey. Nay5. Halstead, Poet, Proctor, Tucker, Young. Mition failed.

Motion: Poet-Grobey that the committee be composed of the Council with the Mayor acting as Chair and a voting member.

Motion Amendment: Young-Tucker to include volunteers on the committee to help us arrive at a stage that will be compatible to the community; maximum of 12 volunteers. Motion carried Aye 4. Grobey, Proctor, Tucker, Young. Nay 3. Gano, Halstead, Poet.

Roll Call on the main motion as amended. Aye 4. Grobey, Proctor, Tucker young. Nay 3. Gano, Halstead, Poet.

Mayor Hall advised that any who wished to serve on the committee must have their names to the Recorder by October 11, 1985. The Recorder will date and time stamp the applications. Members of the committee will be notified after the Council meeting on October 21.

4. Report on League of Oregon Cities 60th annual conference, Nov. 9-12, 1985. The City Manager reminded the Council to return their registration information to the Recorder

5. Report on Historic Inventory Project. Jane Altier distributed to the Council a sample of the 'Historic Resource Survey Form' used in conducting the inventory of historic properties and the draft of the recommendations that will be made to the council. She stated there have been about 4,000 hours of volunteer work on the inventory.

6. Report on Main Street Program activities. The City Manager noted that some of the activities and events planned in the downtown area conflict with the City ordinances. He asked that the Council give their approval to allow the conflict to occur. Peggy Campbell, former Downtown Interim Manager, reported merchants are taking part in training on promotion and design with several attending a conference on parking.

Motion: Young-Grobey to grant the request of the City Manager that the City Planner be allowed a certain amount of tolerance to support the downtown merchants promotions. Carried unanimously.

RESOLUTIONS:

Motion: Grobey-Young to adopt resolution No. 85-1167 cancelling bond reserve indebtedness incurred by the redevelopment agency. Carried unanimously.

Motion: Gano-Grobey to adopt resolution No. 85-1168 approving job descriptions and classification plan for the Police Department. Carried unanimously.

Motion: Gano-Poet to adopt resolution No. 85-1169 transferring money into account for Historical Preservation study. Carried unanimously.

Motion: Gano-Young to adjourn to 7:30 p.m., Monday, October 21, 1985 at the Nut Tree Mobile Estates. Carried unanimously.

10:25 p.m.

Attest:

Arvilla Page

Arvilla Page - City Recorder

Elvern Hall

Elvern Hall - Mayor

Monday, 7:30 p.m. October 21, 1985

AN ADJOURNED MEETING OF
THE CITY COUNCIL

Nut Tree Mobile Park Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

Present:	Roger Gano	Quentin Probst
	Harold Grobey	Donna Proctor
	Alan Halstead	Joe Young
	John Poet	
Absent:	Tommy Tucker	

Staff Present: Michael Warren, City Manager
Elmer Christensen, Fire Chief
Greg DiLoreto, Public Works Director
Arvilla Page, City Recorder
Doreen Turpen, Library Director

Others Present: Over 30 citizens.

REQUESTS AND PETITIONS FROM FLOOR:

There were no requests or petitions from the floor.

NEW BUSINESS:

Mayor Hall stated all presentors on the first agenda item were not yet present and the first item would be the last item under New Business.

D. Discussion of Newberg Tax Rate Decline. The City Manager stated he would like to explain further the information that was presented in the newspaper on the City's declining tax rate. The decline will be about $2.24 per thousand from than last year's tax rate; or a 23% drop. Why? $1.45 will no longer be needed because of the grant received for the new sewage treatment plant, some old bonds will be paid off, and a reserve account required for the library is a one-time item that will not be needed. Will the tax rate increase in the future? Probably not unless we go for another bond. The rate will probably continue to decline for three years. If there is growth in the community, it will decline further.

Mayor Hall and Councilmembers asked questions regarding the valuations in the City and their effect on the tax rate. The Manager responded that the valuation had increased from $255 million to $262 million. The new construction, Burgerville and McDonalds, will not be on the tax roll until 1986. Redevelopment will have no affect until in the future. The 23% drop in taxes this year was not due to the abolishment