

Monday, 7:00 A.M.

January 10, 1983

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Oak Tree Restaurant

Newberg, Oregon

Present:	Tom Tucker	Elvern Hall, Mayor
	Maybelle DeMay	Mike Warren, City Manager
	Alan Halstead	Rick Faus, City Attorney
	Richard Rementeria	Arvilla Page, City Recorder

Also Present: Howard Butler, Representing Dundee

The Committee discussed the Cable Communications Commission responsibilities and the Committee reviewed the ordinance establishing the Cable Communications Commission.

The Committee discussed procedure for making nominations for members of the Commission. Also discussed was the need of having an informal advisory commission to advise the Cable Commission. The Committee agreed to nominate 6 for the Cable Commission with the Mayor choosing 3.

The Committee then discussed methods of obtaining volunteers for the Cable Communications Commission. Councilman Halstead recommended advertising. Councilman Tucker indicated that several interested people have already come forth. He provided the names of Burt Pennock, Mel Schroder, and Dorothy Rogers, as citizens that have expressed interest.

After further discussion, it was decided by the Committee that a variety of methods should be used to locate citizens that would be interested in serving on the Cable Communications Commission and Advisory Group. Methods of contact would be by letter, personal contact, organizations and checking to see if something can be put in the Newberg Graphic Upper Left Column. In addition, letters should be sent to the various organizations which were originally contacted for input in the cable television ordinance when it was being prepared.

Meeting adjourned.

7:00 A.M., Monday

May 9, 1983

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Almond Tree Restaurant

Newberg, Oregon

Present: Alan Halstead Tom Tucker
 Elvern Hall, Mayor
 Richard Faus, City Attorney
 Clay Moorhead, City Planning Director
 Arvilla Page, City Recorder
 Mike Warren, City Manager
 Art Moffat, representing the Old Fashioned Festival
 Dave Anderson, representing the Old Fashioned Festival
 Jim Snell, representing the Old Fashioned Festival
 Marvin Schnieder, Newberg Garbage Service

Mr. Moffat and Mr. Anderson stated the Old Fashioned Festival Committee would like to have traffic during the Festival rerouted by closing Hancock until noon and using Third Street. They presented a video recording of the entire length of Third Street as the traffic would be rerouted. Mr. Moffat stated the goal of the Old Fashioned Festival Committee is to concentrate all activities in one area which would be the downtown area. A survey of the businesses that would be affected by the street closures showed 20 businesses favoring the closure and 3 against the closure. The Plan has been presented to the Public Safety Committee of the Council.

Mayor Hall asked what the Committee's plans were for the area after 6:00 P.M. Mr. Moffat stated that stores would be encouraged to stay open. There will be a dinner theater with two restaurants involved and there will be two separate dances in the area. Keeping the street closed to the later hour would also allow the exhibitors time to remove their equipment. The bike race would take place entirely within the closed off area. The aim of the Old Fashioned Festival Committee is to have a Festival that will benefit all segments of the population.

Mr. Moorhead noted that a good public relations job will need to be done with the homeowners on Third Street. Mr. Mofatt stated that the approval of the closure by the City is needed now so that the plans can move ahead and get the State approval.

Types of barricading and amount of barricading that will be needed was discussed. Mr. Halstead stated that he felt that closure until at least 10:00 P.M. was a justifiable request.

Transfer Station.

Mr. Moorhead stated he has received information that several individuals who are interested in constructing and operating a transfer station. The transfer station will probably be located in the County instead of inside the city limits. County Commissioners have initiated the process and the City and County need to get together and review the criteria for the location or locations. Input needs to be received from all groups. There will be a requirement at the Planning Hearing by both the City and the County. The

Transfer Station Committee would look at all proposals.

The make-up of members of the Transfer Station Committee was discussed. Mr. Moorhead stated the Chairman of the County Solid Waste Committee should probably be included. Mr. Warren stated that members of the Ordinance Committee plus others would be an appropriate committee.

Mr. Tucker noted that whatever the results are, it will have a long-lasting effect. Mr. Halstead stated he felt that a smaller committee would be more efficient.

Mr. Snyder pointed out that if the facility is located in the County, it may acquire higher rates for city residents and the Transfer Station Committee should take this into consideration as it would have a heavier effect on the Newberg residents.

Mr. Moorhead stated that he would have a list of people for the Transfer Station Committee prepared for the next Ordinance/Legislative Committee meeting.

No new legislative bill summaries were presented in the Legislative Bulletin Number 17, or Number 16. Committee members did state their opposition to SB 774, New Ethics Statement Filing Fee.

Mr. Faus stated that the next meeting of the Ordinance/Legislative Committee will be after material is available on the Transfer Station Committee.

Meeting adjourned.

Tuesday, 7:00 A.M.

May 31, 1983

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Almond Tree Restaurant

Newberg, Oregon

Present:	Maybelle DeMay	Rick Faus, City Attorney
	Rick Rementeria	Clay Moorhead, City Planner
	Tom Tucker	

The meeting was called to order by Chairman Tucker.

There was general discussion of property tax issues.

There was discussion regarding the make-up of committee to review issues relating to establishment of solid waste transfer facility in the Newberg area. It was indicated that most proposed sites are located within the county and that general issues that will come up will be whether a transfer station is needed either economically or for convenience purposes, that the facility itself will undoubtedly be within the county jurisdiction, but due to the need for coordination and planning issues a general structure has been proposed to involve interested parties. The proposed structure is a committee made up of two members of the Newberg City Council, one member of the Dundee City Council, one member of the Board of Commissioners and three general community members from the Solid Waste Advisory Committee of the County, these particular members probably being Leonard Rydell, Marietta Findley and Betty Grim. It was indicated that the transfer station evaluation was needed. There was general discussions about the difference between a transfer station and a disposal site. General issues to be considered were further discussed including the Committee's job in determining whether it is cheaper to long-haul or set up a transfer station, whether public convenience would also be served by the transfer station. The Committee then agreed to recommend and approve the structure of the Committee to be two members from Newberg City Council, one member from the Dundee City Council, one member from the Yamhill County Board of Commissioners and three members of the County Solid Waste Committee, with the two Newberg City Council members to be appointed by the Mayor (Chairman Tucker left at 7:30 a.m. after this vote).

There was general discussion that the rate impact of transfer station versus no transfer station should be a portion of the new committee review.

There was general discussion of Senate Bill 406, allowing LCDC and LUBA to review City Home Rule Charter provisions. It was indicated that historically this was brought up because of charter provisions in the cities of Corvallis and Monmouth limiting low income housing in those cities. However, the general view was that the legislation was far too broad to take care of this issue.

The Committee reiterated it's opposition to House Bill 2419 which would essentially require binding arbitration in labor negotiations involving cities; Senate Bill 406, which would allow LCDC and LUBA charter review of city home rule charters; and Senate Bill 2406, which would do away with preferential water rights of public agencies in Oregon by essentially terminating the ability of municipalities or public utilities to condemn and take over hydroelectric facilities and eliminate the public's first preference for the use of state waters and the licensee requirement to use state waters.

7:00 A.M., Monday

June 20, 1983

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Almond Tree Restaurant

Newberg, Oregon

Present:	Tommy Tucker	Elvern Hall, Mayor
	Alan Halstead	Mike Warren, City Manager
	Maybelle DeMay	Rick Faus, City Attorney
		Arvilla Page, City Recorder
		Doreen Turpen, City Librarian

The Committee elected to review the Library ordinance which is Agenda Item 2-B.

Mr. Warren stated the reason for the proposed amendment to the Library ordinance is that the line of authority is unclear. The proposed amendment weights authority toward the City Manager with specific areas delegated to the Library Board.

Mayor Hall questioned why the ordinance is an amendment rather than a complete redo of an ordinance.

Mr. Faus stated it was an amendment to avoid losing the grandfather aspects of the 1939 ordinance. The old structure does not conform to State law. The recent revision of the City Charter was an amendment, not a complete new Charter. The Library ordinance has not been amended since 1949. It should have been amended several times to recognize changing state law. In 1975 the State law required the Council to state the Board's powers. The proposed amendment to the Library ordinance defines the authority of the City Manager, the Librarian, and the Board. The various subsections of Section 3 of the proposed amendment were discussed by all those present.

Motion: Halstead-Tucker to recommend approval of the ordinance to the full Council with the following amendments:

Section 3(C) - to include the wording 'increases or' wording with 'reductions in the adopted budget'.

Section 3(D & E) - add wording that these sections would be in compliance with Oregon Budget Law .

Section 3(D) - Change amount of expenditures from \$1,000. to \$500 that would be submitted to the Library Board for approval.

Motion carried.

The Committee discussed pros and cons of establishing the foundation which would relate to Section 3(E) of the proposed ordinance. Mr. Faus stated that it takes from 6 months to 1 year to attain tax exempt status. Mrs. Turpen suggested that there be other input from the community, other than just the Library Board, as to the needs of the Library.

It was reported to those present that the sales tax proposal has passed the State House of Representatives. The bill contains tax limitation on property taxes that

have not been defined.

The Committee reviewed Legislative Bulletin No. 22 and 23.

Mr. Halstead stated he was opposed to all 8 of the retirement bills summarized in Bulletin No. 22. The Committee had previously taken a position in opposition to some of the bills. The Bills they had not previously taken a position on and that they wished to state opposition to were as follows: Senate Bill 328, Allows certain employees in PERS to obtain restoration of benefit rights; Senate Bill 486, Requires life expectancy in computation of benefits to be the same for females; House Bill 2478, Increases monthly prior service pension from \$4. to \$8. for police and fire employees. Mrs. DeMay stated she would need to know more about Senate Bill 137, PERS Housekeeping Bill before she could state clear opposition. The other two members present stated their opposition to SB 137.

The Committee also stated their opposition to HJR 5, originally intended to study Sudden Infant Death Syndrome, which will now create a joint interim health care cost containment committee.

On Legislative Bulletin No. 23, the Committee, after discussion, could not reach agreement on support or opposition to HJR 36, Authorized Indebtedness for Public Works Facilities. The Committee discussed HB 2916, License Fee Increase, without taking a position. The Committee opposed Senate Bill 467 as Correctional Facility Admission and Senate Bill 680A, Handicap Parking Fund. *Fines*

The Committee asked that their opposition be restated on House Bill 2419 which would make fact finding voluntary for police, fire and corrections disputes.

Meeting adjourned.

7:00 A.M., Monday

July 25, 1983

A MEETING OF THE
ORDINANCE COMMITTEE

Newberg, Oregon

The Almond Tree

Present: Tommy Tucker
Alan Halstead
Richard Rementeria
Rick Faus, City Attorney
Arvilla Page, City Recorder
Rick Schaal, Liberty Cable TV

Mr. Schaal explained the reason for the time extensions requested by Liberty for completing the microwave relay. The FCC must approve any site and the approval takes up to 190 days. Liberty has filed for approval of 3 sites simultaneously. The site serving Newberg will be, if approved, on Bald Peak on the site owned by Motorola. It will interface with a tower near West Linn which will interface with Portland's main cable system. The FCC approval prevents obstructions in the path of the signal.

Mr. Halstead noted that the Cable ordinance requires that all facilities be located in Newberg and Liberty has already been allowed to move the dish to Dayton. He questioned whether Liberty's expansion to McMinnville was spreading the cost of equipment, which is figured into Newberg's rates to a much larger customer base. Mr. Schaal responded that the answer to the question is yes and no. The cost of the trunks from Dayton to Newberg and from Dayton to McMinnville will total almost as much as a second tower for McMinnville.

Mr. Tucker stated that Newberg should have a better rate than others as the original cost was borne by Newberg. Mr. Schaal responded that the actual costs for installing the Newberg system were greater than estimated. Mr. Tucker responded that the estimate was exceeded because Liberty missed 13 miles of underground in their estimate.

Mr. Halstead asked whether the staff required by the Franchise are stationed in Newberg yet and whether these people would be shared with McMinnville. Mr. Schaal responded that staffing is not yet as in the proposal, but will be in place when the system is matured. Staff will not be shared with McMinnville.

Mr. Tucker stated that Newberg wants a better system than McMinnville if only 2% better. Mr. Schaal responded that the quality of service is the main measurement.

Motion: Rementeria-Halstead to recommend granting the time extension on the relay to the full Council. Carried unanimously.

The Committee and staff discussed briefly the impact the Committee had on any bills before the Legislature. Mr. Tucker stated he was not in favor of Legislative Bulletin meetings for the next legislature.

Meeting adjourned.

7:00 A.M., Monday

August 8, 1983

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Almond Tree Restaurant

Newberg, Oregon

Present:

Tom Tucker

Mike Warren, City Manager

Maybelle DeMay

Richard Faus, City Attorney

Alan Halstead

Herbert Hawkins, Police Chief

Richard Rementería

Clay Moorhead, City Planner

Arvilla Page, City Recorder

Others Present:

Terry Mahr, Representing John Garland, Applicant
for a zone change on property located between
Newberg and Dundee

The Committee reviewed the proposed revisions to the personnel rules and regulations. The Committee discussed different areas of the personnel rules which included performance evaluation, appeal procedures, rules of conduct, reduction in force, cost consciousness, probation, retirement and early retirement benefits.

Councilman Rementería suggested that a system of incentive rewards might be instituted under cost consciousness to reward employees other than department heads for ideas that save the city money.

Under the retirement section, the Committee discussed mandatory retirement age versus non-mandatory. Councilman Tucker stated that the contractor's union have investigated negotiated compensation for reduced production by older workers.

The Committee spent considerable time discussing early retirement benefits. The benefit of most concern was the insurance coverage that would be continued upon retirement of an employee. Various forms of insurance benefit extension were discussed with consensus of the committee that they should have a separate meeting to discuss the subject more fully and compare the benefits with other organizations. Councilman Halstead also stated that the Committee should acknowledge the letter from Tom McGinnis and Kenny Andrews on this subject.

The Committee then moved to review of the request for a zone change by John Garland to Heavy Industrial for a 2 acre parcel located between Newberg and Dundee. Mr. Mahr presented a soil map of the area in question showing that the land has very poor drainage and is not suitable for residential purposes. With the present zoning and comprehensive plan over the area between Newberg and Dundee, all of the properties are in a holding pattern. The property in question is presently used for a wrecking yard under a conditional use permit. The owner wishes to sell the property to the owner of Beaverton Auto Wrecking and clean up of the property is already underway.

The Committee discussed previous actions by the PAC and the County, easements for road purposes, the impact on other properties from a zone change on one parcel, the undeveloped industrial zoned land in the city limits, the need for minimum standards on development for the area, and the need to look at the whole area and not just one parcel. A plan should be developed before the pressure for increased development begins. Councilman Tucker argued that requiring so much planning impedes progress and the City Planner responded to the argument with the need to have planning before development to obtain the type development wanted.

Mr. Mahr stated in several instances that the County did have a plan for the area. The Committee response to this statement was that if the County has a plan, it should be put on paper.

The Committee requested that a meeting be arranged with County officials regarding the whole area within the next two weeks.

It was the consensus of the Committee to approve the zone change request for the 2+ acre parcel to Heavy Industrial with standards for road and other improvements to meet the city's standards for like improvements.

Meeting adjourned.

Monday, 7:00 a.m.

August 15, 1983

MINUTES OF
ORDINANCE COMMITTEE

Almond Tree Restaurant

Newberg, Oregon

Those attending were:

Mayor Elvern Hall
Councilman Alan Halstead

Councilman Richard Rementeria
Councilman Tommy Tucker

City Manager Michael Warren

The meeting was convened at 7:00 a.m. and the City Manager discussed the personnel rules. Councilman Halstead asked about the changes that were suggested at the last meeting and the City Manager provided a memo dated August 9, 1983 that indicated the changes in the personnel rules along with direction for future action with side letters or actions by the City Manager and/or the City Council.

The discussion then moved to the health insurance program for retirees. The Ordinance Committee discussed that the retirement program had been changed to benefit the employees and that the employees were receiving longevity pay. Both these increased benefits were not available when the health insurance program for retirees was begun.

The Ordinance Committee felt that if an employee was to be eligible and participate upon retirement for health insurance costs he should participate financially. The City Manager explained that under the rules provided by Blue Cross and the League of Oregon Cities this was not legal. Councilman Tucker suggested that this be done prior to an employee leaving service with the City if at all possible.

The Ordinance Committee felt that this program was a good one but perhaps should have a cap in number of years since the retirement plan and longevity program continued to benefit employees greatly in their later years.

The direction provided by the Ordinance Committee was for the City Manager to prepare a "workable" program for the City Council's review.

The meeting was adjourned at 8:00 a.m.

7:00 A.M., Monday

August 22, 1983

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Almond Tree Restaurant

Newberg, Oregon

Present:	Tom Tucker, Chairman	Elvern Hall, Mayor
	Maybelle DeMay	Mike Warren, City Manager
	Alan Halstead	Rick Faus, City Attorney
	Richard Rementeria	Clay Moorhead, City Planner
		Arvilla Page, City Recorder

Also Present: Terry Mahr, attorney representing the applicant for
the zone change in the area between Newberg and Dundee

Mr. Moorhead gave the committee an update on actions by the County Commissioners on the zone change request from Mr. Garland. The Board of Commissioners has postponed for 120 days action on the request to change the 20+ acres to industrial. The delay is intended to give cities of Dundee and Newberg time to plan how to deal with the land between them. The Commissioners have recommended that a committee be formed made up of one member from the Board of Commissioners, one member from the County Planning Commission, one member from the Newberg/Dundee PAC, one member from the Newberg Planning Commission, one member from the Dundee Planning Commission, and a member from each of the two city's councils, for a total Study Committee of 7. Standards were requested and inclusion of the area in the Urban Growth Boundary of one of the cities.

Mr. Tucker stated he felt that if the city was to work with the residents of the area, so many diverse people should not be so involved in the planning. If city standards are used, it will avoid useless meetings. He stated he did not believe that Dundee or the County would take a leadership role in planning for the area. Mr. Moorhead responded that the County is thinking of having its own industrial designated land and looking at this area. There is no other way to plan the area than by special commission and trying to contact every property owner for input. The wrecking yard parcel was approved by the Commissioner, but the request for the additional acreage was delayed. LCDC has also indicated opposition to zoning for the larger piece or for any zoning on a piece by piece application. Mr. Moorhead stated that he needed an opinion from the Committee on the make-up of the group that would do the study.

Mr. Rementeria stated he did not believe a member from the Newberg/Dundee PAC was necessary. There should be more representation from Dundee and Newberg on the Committee. Mr. Rementeria also suggested that instead of strip zoning, consideration should be given to cluster zoning with areas committed to industrial and to housing.

Mr. Tucker stated that the residents in the study area would be more willing to support the cost of services than a bunch of planners and lawyers.

Mr. Rementeria suggested that the City Planner should get together with the Dundee Planner and draw up preliminary plans for the area.

Mr. Mahr objected to this suggestion, as it would be setting a position before input by all affected and will build friction. He pointed out that the position of the Council killed his client's request that had been approved by other agencies.

Mr. Tucker stated that what is needed is a plan for the whole area. The County does not have time and does not care about the area to the same degree as the people of Newberg.

Mr. Warren stated that Mr. Tucker is right. Mr. Mahr represents 10 people, the Council represents people that will have to pay for service to the area at some time.

Mr. Mahr stated that applicants have to go to the people that control, but could not get a coordinated opinion on their requests.

Mayor Hall gave an example of Elliott Road, which is now within the city limits. The road was developed to county standards and the people feel it is an improved street, but it is not to city standards. It is a very poor street and the same thing will happen again if development is permitted adjacent to the city if it is not to city standards.

Mr. Mahr stated the City has a big enough stick to get coordinated plans.

Mr. Tucker stated the City must insist on the standards to the city standards. The Francis Theater is an example of City/County coordination that did not work well.

Mr. Moorhead stated he believed that the Newberg and Dundee Planners should draft a plan and would want input from the Ordinance Committee.

Mr. Mahr stated the Ordinance Committee should not make the decisions, but should let the professional staff do the work.

Mr. Halstead, who was a member of the Newberg/Dundee PAC, stated that that Committee recommended a plan for the area, but it was too soon to designate the area for development, so it was put in farm land to hold for future planning.

Mr. Warren stated that he would address a letter to the study group with the recommendations from the City.

Old Business:

The Committee discussed briefly the report from the League of Oregon Cities regarding actions of the Legislature regarding tax reform.

Motion: Tucker-DeMay that a letter be sent to Senator Meeker voicing the Committee's displeasure with his vote on the matter. Carried unanimously.

Meeting adjourned.

MINUTES OF A MEETING OF
THE ORDINANCE COMMITTEE

Monday 7:00 a.m.

The Almond Tree

October 17, 1983

Present: Maybelle DeMay
Alan Halstead
Rick Rementeria

Elvern Hall, Mayor
Mike Warren, City Manager
Rick Faus, City Attorney
Arvilla Page, City Recorder

The Committee, Mayor and staff present discussed the need for a Special Council meeting and Monday, October 24, 1983 was set as the date.

Tree Cutting Ordinance: Mr. Rementeria asked the members of the Committee to express thier feelings on the ordinance prior to discussion. Mr. Halstead stated that he was opposed and sited a personal example where such an ordinance would have affected him adversely. Mrs. DeMay stated she was reluctant to recommend the ordiance.

Mayor Hall stated that he had received a great deal of adverse comment about the proposed ordinance. A previous ordinance considered, but not enacted, by the Council related to the types of trees that could be planted but did not concern removal of trees.

Mr. Faus noted that some control on trees by the City is contained in the Site Review ordiance. That ordinance affects high density residential, commercial and industrial areas.

Mr. Warren suggested a Resolution of the Council that wherever possible, trees should be preserved.

After furthur discussion regarding the difficulty of enforcing a tree cutting ordinance the Committee concurred in recommending a Council Resolution encouraging preservation of mature trees.

Meeting adjourned at 7:55 a.m.