

A JOINT MEETING OF THE
PUBLIC WORKS COMMITTEE AND
THE ORDINANCE/LEGISLATIVE COMMITTEE
NEWBERG CITY COUNCIL

Tuesday, 7:00 A.M.

June 19, 1984

Velvet Carriage Restaurant
607 E. First, Newberg, Oregon

The meeting was called to order at 7:00 a.m.

Roll Call:

Present -	Maybelle DeMay	Alan Halstead
	Elvern Hall	Tommy Tucker
	Quentin Probst	Richard Rementeria

Staff Present - Greg DiLoreto, City Engineer
Roger Pyles, Engineering Department
Richard Faus, City Attorney

The City Engineer reviewed the standard drawings for development improvements. He indicated these were a complete set of drawings that were quite comprehensive, with few other cities providing such detailed information. This is meant to be part of a package for developers, both of residential and commercial developments, providing standard drawings for City required improvements. The goal was to make the work of the developers and the Engineering Department easier by providing as much information as possible up front. Some of the drawings, with regard to residential construction, will be part of a seven page handout for residential developers, providing comprehensive information. At the request of Councilman Tucker an extensive review of the drawings and detail was done by the Committee and Staff. Standard drawings, M-1, M-2, M-4, M-5, ST-4, M-14, M-13, ST-18, S-1, S-2, S-3, SS-1, STS-5 and W-2 were reviewed with comments and some alterations being suggested. Drawing M-1, need for clearer clarification of sign post versus property corner symbol was needed. M-2, symbols provided only deal with utilities we would construct or require others to construct and not those utilities that would be constructed by others. M-4, rationale for 2 foot distance from right-of-way for parking space bumpers was discussed. M-5, tree clearances were commented upon. The City does not enforce these extensively. We have responded to complaints. ST-4, the question was asked as to whether concrete tool was available for construction of contraction joints on curbs and gutters. Mr. Pyles indicated it was available. Mr. DiLoreto has been considering making the tool needed for the forming of the contraction joint, having it available for deposit only to developers. This was viewed as a good idea. M-14, spacing of utility placement was discussed. Mr. Pyles indicated the desire was to indicate or reserve the space for the very specific utilities within the construction lanes to forestall any conflict over placement of utilities. After some discussion, this was viewed as a good idea. Councilman Tucker suggested the standard drawing regarding placement of utilities be discussed at a meeting with utilities representatives. ST-18, Councilman Tucker suggested description street light basis per PGE standard also state "or by manufacturer specifications". S-1 and S-2, Councilman Tucker indicated that backfill material and compaction should be more specifically dealt with in the drawings. Mr. DiLoreto indicated the specs will cover this in detail, but a note should be placed on the drawings indicating proper backfill material and compaction for pipe bedding, etc. S-3, discussion was had on sealant for manholes. Kent Seal or equal should be specified and a test

for infiltration should be done. Mr. DiLoreto indicated hydrostatic testing would be required of all seals in order to avoid infiltration. STS-5, should indicated Phillips screws and/or equal, as Phillips is a brandname. Stainless was specified based on a Portland standard. W-2, a question was asked on the use of tapping machine.

Motion: Tucker-Probst to recommend adoption of standard drawings by the Council. Passed unanimously.

Cross Connection Ordinance. This was referred back to give the Council more time to review the ordinance. It was found to be acceptable.

Motion: Halstead-DeMay to recommend passage of the cross connection ordinance by the full Council. Passed unanimously.

Discussion of Stellflug Water Connection Request. Mr. DiLoreto and Mr. Faus indicated, based on Mr. DiLoreto's memorandum and Mr. Faus' research, that this connection could not be allowed because it was the connection of a new structure, and further, that it was outside the urban growth boundary. Both the Comprehensive Plan and city ordinance prohibited such a connection, even if hardship could be shown, as the ordinance allows hardship connections only to existing structures, not to new structures put in after 1965. The Staff indicated that there must be a Comprehensive Plan amendment and ordinance amendment before we could provide service to Mr. Stellflug. Councilman Rementeria expressed disappointment that while we had a new source of water supply for the city we were still prohibited from selling water outside of the city or providing it. Councilman Tucker indicated that amendment to allow such outside connection should be a top priority on the agenda for Comprehensive Plan review. This could be a revenue source for the City of Newberg and could even involve supplying water to other communities. It was noted that the ordinance does not allow additions to water districts either. The concensus of the Committee was that while they were very sympathetic to Mr. Stellflug's request, they were prohibited from granting it until the Comprehensive Plan and ordinances were altered to allow connection in a case such as this.

Meeting adjourned at 7:50 a.m.

MEMO TO: Mike Warren, City Manager
Ordinance Committee Members

FROM: Rick Faus, City Attorney

DATE: July 9, 1984

SUBJECT: Amendment of Ordinance No. 1040, Section 11B
to broaden basis of hardship connections

Members of the Council have expressed the desire to amend Section 11B of Ordinance No. 1040 to eliminate the requirement that hardship connections to the City water system outside of the City Limits must only be to existing structures, i.e., a structure that existed prior to 1965. Over the years, several hardship connection requests have been denied by the Council because the request did not involve a "existing structure". The proposed language of amendment attached would allow hardship connections to structures that did not exist prior to 1965.

The following issues should be considered by the Ordinance Committee:

- A. Legal Impacts
- B. Administrative Impacts
- C. Planning Impacts

A. Legal Impacts:

The current ordinances that apply are Ordinance No. 1040, Section 11A and 11B, and Ordinance No. 1967, the Comprehensive Plan, the Public Facilities and Services Goal on page 23 and the Sewer and Water Policies Goal on page 24. Section 11A of Ordinance No. 1040 prohibits providing any water service outside of the City Limits after December 1, 1965. In 1978, Section 11B of Ordinance 1040 was passed, which provided a "hardship" exception to the prohibition to the prohibition established by Section 11A. The hardship exception required that it be given only to an existing structure, that the property be annexed at the time the service was provided or an agreement to annex be made if annexation was not immediately feasible, there must be a showing of a genuine hardship for water for domestic purposes, including an investigation of all alternatives, the connection must be close to existing services and not overburden City's lines, the property owner must pay all costs, the water can be used for domestic purposes only, etc. Ordinance No. 1967, the Comprehensive Plan, was approved in 1979 and acknowledged in 1981, after the two sections above quoted had already been passed and become a part of our municipal code. The public facilities and services goal, indicates "to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development." The policy on sewer and water indicates "Policy - Sewer and Water. (4) Sewer and water service shall not be provided outside the city limits except for cases of health hazards where no other alternative exists and where property owners agree to annex upon request of the City."

MINUTES
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 a.m.

Velvet Carriage

July 23, 1984

The meeting was called to order by Chairman Tom Tucker.

Present: Tommy Tucker	Greg DiLoreto, City Engineer
Alan Halstead	Richard Faus, City Attorney
Maybell DeMay	Arvilla Page, City Recorder
Elvern Hall, Mayor	Clay Moorhead, City Planning Director

Also Present: Jim Burke, Pacific Economica; Julie Tippens, Pacific Economica;
Ed Sigurdson, Karamer, Chin & Mayo.

Agenda #III-A. Adult Entertainment Business Ordinance. Mr. Faus reported the ordinance was reviewed by the Planning Commission several months ago. The origin of the ordinance is that the City of Newberg and the City of Dundee received a letter from an attorney representing a party that wished to locate and adult book store in the community. The letter received by Newberg was addressed to the wrong city as the location described was in Dundee across the street from Dundee Elementary School. This called the staff's attention to the need to set some criteria for the location of such businesses. The proposed ordinance is based on the Multnomah County ordinance. A public hearing was held at the Planning Commission review. The ordinance calls for distinct limitations for locations and would accomodate 5 or 6 different locations. Locations have to be allowed somewhere or the ordinance can be attacked.

Mr. Tucker questioned the effect the ordinance would have on the video stores now located in Newberg. Mr. Faus responded that the stores would not be affected as adult entertainment material is not over 50% of their stock. As long as the adult entertainment portion is not substantial (over 50%) and is not a significant portion of their business, they will not be affected. Mr. Faus added that he believes the ordinance would be enforceable. The citizens will police the businesses in the form of complaints. The language in the ordinance has been tested and upheld.

Mr. Halstead stated he was opposed to trying to legislate morality. Mr. Faus responed that this was not the intent of the ordinance, only to control locations.

Motion:Halstead-Tucker to recomment approval of the ordinance to the Council.
Motion carried with Mr. Halstead stating that he still opposed legislating morality.

Agenda #III-D. Jim Burke stated that Pacific Economic has been involved in revising both the water and the sewer ordinances. The proposed ordinance takes all the ordinances relating to sewer and combines them into one ordinance and repeals all the old ordinances. Mr. Faus cautioned that this procedures will required a full public hearing process while amendment of the old ordinances does not. Mr. Burke stated that a public hearing is required by DEQ and EPA on the new rates structure before they will provide funding.

Minutes
Ord/Legislative Committee
July 23, 1984
Page 2

Mr. Tucker noted the need for the Council to have a work session and review all the changes in the ordinance in its entirety.

Mr. Faus stated that the amendment process points out what changes and what stays in an ordinance. As long as a public hearing is needed anyway on the rates, consolidating into one ordinance would require less work for the staff.

Mr. Halstead questioned the penalty provisions in the proposed ordinance stating that he felt they were not severe enough. Mr. Burke responded the penalty provisions were pulled directly from those of Unified Sewage Agency. DEQ and EPA would not object to more severe penalties.

Mr. Burke stated he would like to have a public hearing advertised for August 28, 1984 on the rate structure. The City needs to move from an interim rate structure to the final rate structure as soon as possible. Computer programs is being held up waiting for the rate structure. Mr. Burke distributed a sampling of commercial and industrial customers showing the rate impact.

Mr. Halstead stated he would like to have an all new sewer ordinance. Mrs. DeMay agreed.

Mrs. DeMay asked that staff prepare a handout for the work sessions of the Council on those items that are changed in the new ordinance.

Agenda #III-C. Review of resolution amending Resolution #81-918, schedule of fees for cable television.

It was the consensus of those present that the problem related by Liberty Cable could be handled by them through internal controls and amendment of the resolution is not needed.

Agenda #III-B. This item held over to a meeting of the Public Works Committee on Friday, July 27.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Friday, 7:00 a.m. Velvet Carriage December 14, 1984

Present:

Maybelle DeMay	Clay Moorhead, Planning Director
Alan Halstead	Richard Faus, City Attorney
Tommy Tucker	Michael Warren, City Manager
Elvern Hall, Mayor	Arvilla Page, City Recorder
Roger Veatch, Planning Commission Chair	
Bert Pennock, Interested Citizen	

A. Review of Ordinance licensing and regulating peddlers, solicitors, street vendors, and temporary merchants in the City of Newberg, Oregon, providing a penalty for the violation thereof; and repealing and amending certain sections of Ordinance No. 2071, passed and approved November 2, 1981. (Referred to the Ordinance Committee by the Council at its December 3, 1984 meeting)..

Mr. Moorhead gave a brief review of the origin of the proposed ordinance. About 1 1/2 years ago, Pet Prevent A Care attracted the attention of the local veterinarians. This business comes to Newberg several times a year and offers pet vaccination only at attractive prices. The business now operates on a conditional use permit. The Council asked the Planning Commission to review the entire peddler and temporary merchant ordinance(s) and recommend to the Council revisions addressing traffic hazards, equality, fairness, policies and enforcement.

Mr. Tucker asked how and by whom the ordinance would be enforced. Mr. Moorhead stated the enforcement would be by the Building, Planning and Police departments.

Mr. Tucker suggested that signs be placed at the City entrances advising that permits were required.

The Committee then discussed several instances where the ordinance would have prevented problems with peddlers in the past.

Mrs. DeMay commented that it is not up to the Council to judge the honesty of a peddler. The ordinance is only a tool to offer the citizens some protection.

Recommendation: The Committee recommends approval of the ordinance to the Council.

B. Other.

The Committee discussed at length the need for a revised nuisance abatement ordinance. Mr. Faus stated the revision is now in draft form. It needs to be reviewed by other staff to ensure that it meets other department needs. It should

also have other input to take out some of the legalese so that the average person can understand it provisions.

Mr. Tucker and Mr. Pennock gave several examples where the ordinance could solve problems. Mr. Tucker has had problems with rats in the past and Mr. Pennock is concerned with property on N. Main Street that has been vacant for some time and is an attraction and hazard to children.

Mr. Faus described the proposed enforcement procedure. After notice to the City of a problem, the building official would usually be the initial investigator. The owner of the property would be notified in writing and given a set time to abate the situation. The City could then take action to abate and charge the owner the cost. If it were unpaid, the cost would become a lien against the property. The property owner would have appeal rights to the Council and to the courts. This would be a civil, not a criminal, procedure.

Mr. Pennock asked the Staff to see what action could be taken at this time on the property on N. Main Street.

Mr. Tucker suggested that the City could have a contract with a professional exterminator to act as a consultant on potential rat habitations.

Meeting adjourned at 8:18 a.m.

ap