

CITY OF NEWBERG  
CITY COUNCIL WORK SESSION  
EXECUTIVE SESSIONS PURSUANT TO  
ORS 192.660(1) e  
TUESDAY, SEPTEMBER 6, 1994  
6:00 P.M.  
**NEWBERG COMMUNITY HOSPITAL  
CONFERENCE ROOM 4**

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE SEPTEMBER 6, 1994 COUNCIL AGENDA ITEMS. THE COUNCIL WILL NOT MAKE ANY DECISIONS ON THE AGENDA ITEMS AT THE WORK SESSION.

THE EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(e) RELATING TO A REAL PROPERTY TRANSITION WHICH IS LISTED ON THE AGENDA MAY BE HELD AT THE WORK SESSION IF TIME PERMITS UNDER THE AUTHORITY AND COVERING THE SUBJECT MATTER LISTED ON THE AGENDA. NO DECISIONS WILL BE MADE

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING TO BE HELD AT THE NEWBERG PUBLIC LIBRARY, AT 7:30 P.M.

DATED THIS 18TH DAY OF AUGUST, 1994.



DUANE R. COLE  
CITY MANAGER

\WSNOTE

Council accepts comments on items during the meeting. Please fill out a blue card and identify the item you wish to speak on and hand this in to the Mayor prior to the meeting. (The exception is formal land use hearings which require a specific public hearing process. The agenda's items will be identified at the meeting.)

**CITY OF NEWBERG  
COUNCIL AGENDA  
TUESDAY, SEPTEMBER 6, 1994  
7:30 P.M. MEETING  
NEWBERG PUBLIC LIBRARY**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. CONSENT CALENDAR**

1. **Proclamation** recognizing former Mayor and Council Member Jack Nulsen.

**IV. PUBLIC HEARING**

1. Public Hearing regarding the vacation of the existing alley right-of-way in Block 4 Central Addition and the Franklin Street right-of-way between Garfield and the RR Tracks.  
**Ordinance No. 94-2386** vacating the east-west alley right-of-way between Yamhill County Tax Lots 3218DC-10500, -11500, 11600, -11700, -11800 and -11900, located between Garfield and Washington, Franklin and North; and the east-west Franklin Street right-of-way located between Garfield and the railroad tracks within the corporate City limits of Newberg, Oregon.
2. Public Hearing regarding the annexation/zone change for an 11.62 acre parcel within the Urban Growth Boundary. Change zoning from County AF-10 (Agricultural Forestry/10 acre minimum) to City R-1 (Low Density Residential). Located at 3617 N. Terrace Drive, Tax Lot No. 3207AC-100. Applicant: Roger Grahn-Nielsen Grahn, Inc.  
**Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a County AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

**PAGE 2  
CITY COUNCIL AGENDA  
SEPTEMBER 6, 1994**

**V. CONTINUED BUSINESS**

1. Continued from August 1, information on Horizon Construction.

**VI. NEW BUSINESS**

1. **Resolution No. 94-1859-** recognizing and appropriating grants in the General Fund for a Senior Center and Traffic Monitor Trailer..
2. **Resolution No. 94-1860** authorizing the implementation of the Cost of Living adjustment as budgeted for the City Manager and the City Attorney.
3. **Resolution No. 94-1861** placing the question of a new City tax base before the voters at the November 8, 1994 general election with the tax base to be effective July 1, 1995.
4. **Resolution No. 94-1862** authorizing the City Manager to award the bid for Wynooski Street Pump Station demolition/sanitary sewer by-pass project to lowest qualified bidder.
5. Initiate a vacation procedure and set public hearing for vacation of the east-west alley right-of-way in Block 11, Everests Addition located between Second and Third Streets and Blaine and Howard Streets.
6. **Resolution No. 94-1863** authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineers, Inc. to provide engineering services for instrumentation and control modifications at the Wastewater and Water Treatment Plant.
7. **Resolution No. 94-1864** authorizing the City Manager to enter into a professional services agreement with OTAK, Inc. to provide engineering design services for the Elliott Road/Highway 99W intersection improvements.
8. **Resolution No. 94-1865** authorizing the City Council sitting as the Contract Review Board to approve a contract with Motorola in the amount of \$315,678.71 to install 800 MHz Radio System in Police Department.

**PAGE 3  
CITY COUNCIL AGENDA  
SEPTEMBER 6, 1994**

**Resolution No. 94-1866** approving a lease purchase agreement with U.S. National Bank to purchase the 800 MHz Radio System for the Police Department.

9. **Resolution No. 94-1867** authorizing the purchase of a utility service truck with service body.

**VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES**

1. Information on Chehalem Future Focus Strategic Planning Meeting.
2. Report from Chamber of Commerce Director.

**VIII. COMMUNICATIONS FROM THE FLOOR**

**X. EXECUTIVE SESSION**

1. Executive Session pursuant to ORS 192.660(1)(e) relating to real property.

**XI. ADJOURNMENT**

**INDEX FOR ORDINANCES AND RESOLUTIONS:**

**RESOLUTIONS:**

1. **Resolution No. 94-1859-** recognizing and appropriating grants in the General Fund for a Senior Center and Traffic Monitor Trailer.
2. **Resolution No. 94-1860** authorizing the implementation of the Cost of Living adjustment as budgeted for the City Manager and the City Attorney.
3. **Resolution No. 94-1861** placing the question of a new City tax base before the voters at the November 8, 1994 general election with the tax base to be effective July 1, 1995.

**PAGE 4  
CITY COUNCIL AGENDA  
SEPTEMBER 6, 1994**

- 4. Resolution No. 94-1862** authorizing the City Manager to award the bid for Wyooski Street Pump Station demolition/sanitary sewer by-pass project to lowest qualified bidder.
- 5. Resolution No. 94-1863** authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineers, Inc. to provide engineering services for instrumentation and control modifications at the Wastewater and Water Treatment Plant.
- 6. Resolution No. 94-1864** authorizing the City Manager to enter into a professional services agreement with OTAK, Inc. to provide engineering design services for the Elliott Road/Highway 99W intersection improvements.
- 7. Resolution No. 94-1865** authorizing the City Council sitting as the Contract Review Board to approve a contract with Motorola in the amount of \$315,678.71 to install 800 MHz Radio System in Police Department.
- 8. Resolution No. 94-1866** approving a lease purchase agreement with U.S. National Bank to purchase the 800 MHz Radio System for the Police Department.
- 9. Resolution No. 94-1867** authorizing the purchase of a utility service truck with service body.

**ORDINANCES**

- 1. Ordinance No. 94-2386** vacating the east-west alley right-of-way between Yamhill County Tax Lots 3218DC-10500, -11500, 11600, -11700, -11800 and -11900, located between Garfield and Washington, Franklin and North; and the east-west Franklin Street right-of-way located between Garfield and the railroad tracks within the corporate City limits of Newberg, Oregon.
- 2. Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a County AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

## PROCLAMATION

### A PROCLAMATION OF THE CITY OF NEWBERG RECOGNIZING JACK NULSEN.

**WHEREAS, JACK NULSEN** provided the City of Newberg and the Newberg community with many years of public service both as a part of the local government and part of the community; and

**WHEREAS, JACK NULSEN** was appointed to replace Delbert Ellis on the City Council on December 4, 1967 and served on the City Council until the end of that term in December, 1970; and

**WHEREAS, JACK NULSEN** was elected to the position of Mayor of Newberg in November, 1970 and took the oath of office on January 4, 1971. Jack Nulsen served as Mayor until December, 1976; and

**WHEREAS, JACK NULSEN** returned to the City Council and took office on January 3, 1977 and served until December, 1980; and

**WHEREAS, JACK NULSEN** was elected, through a write-in campaign, to begin serving on the Council in November of 1988 and took office on January 3, 1989 serving the full term until December, 1992; and

**WHEREAS, JACK NULSEN** also served on the Hospital Commission and School Budget Committee during his years of public service.

**NOW, THEREFORE BE IT PROCLAIMED** that the City of Newberg by and through the Mayor of the City of Newberg do hereby recognize Jack Nulsen for his years of service to the City of Newberg and to the Newberg community. Jack Nulsen understood and lived the value of public service through his years of public life. His life should serve as encouragement for younger members of the community to seek the public life and the rewards and benefits it has to offer.

**DATED** this 6th day of September, 1994.

---

Donna Proctor - Mayor

III-1

Page 1  
1st Draft

Council accepts comments on items during the meeting. Please fill out a blue card and identify the item you wish to speak on and hand this in to the Mayor prior to the meeting. (The exception is formal land use hearings which require a specific public hearing process. The agenda's items will be identified at the meeting.)

**CITY OF NEWBERG  
COUNCIL AGENDA  
TUESDAY, SEPTEMBER 6, 1994  
7:30 P.M. MEETING  
NEWBERG PUBLIC LIBRARY  
AMENDED**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. CONSENT CALENDAR**

1. **Proclamation** recognizing former Mayor and Council Member Jack Nulsen.

**IV. PUBLIC HEARING**

1. Public Hearing regarding the vacation of the existing alley right-of-way in Block 4 Central Addition and the Franklin Street right-of-way between Garfield and the RR Tracks.  
**Ordinance No. 94-2386** vacating the east-west alley right-of-way between Yamhill County Tax Lots 3218DC-10500, -11500, 11600, -11700, -11800 and -11900, located between Garfield and Washington, Franklin and North; and the east-west Franklin Street right-of-way located between Garfield and the railroad tracks within the corporate City limits of Newberg, Oregon.
2. Public Hearing regarding the annexation/zone change for an 11.62 acre parcel within the Urban Growth Boundary. Change zoning from County AF-10 (Agricultural Forestry/10 acre minimum) to City R-1 (Low Density Residential). Located at 3617 N. Terrace Drive, Tax Lot No. 3207AC-100. Applicant: Roger Grahn-Nielsen Grahn, Inc.  
**Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a County AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace

Drive.

**PAGE 2  
CITY COUNCIL AGENDA  
SEPTEMBER 6, 1994**

**V. CONTINUED BUSINESS**

1. Continued from August 1, information on Horizon Construction.

**VI. NEW BUSINESS**

1. **Resolution No. 94-1859-** recognizing and appropriating grants in the General Fund for a Senior Center and Traffic Monitor Trailer..
2. **Resolution No. 94-1860** authorizing the implementation of the Cost of Living adjustment as budgeted for the City Manager and the City Attorney.
3. **Resolution No. 94-1861** placing the question of a new City tax base before the voters at the November 8, 1994 general election with the tax base to be effective July 1, 1995.
4. **Resolution No. 94-1862** authorizing the City Manager to award the bid for Wynooski Street Pump Station demolition/sanitary sewer by-pass project to lowest qualified bidder.
5. Initiate a vacation procedure and set public hearing for vacation of the east-west alley right-of-way in Block 11, Everests Addition located between Second and Third Streets and Blaine and Howard Streets.
6. **Resolution No. 94-1863** authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineers, Inc. to provide engineering services for instrumentation and control modifications at the Wastewater and Water Treatment Plant.
7. **Resolution No. 94-1864** authorizing the City Manager to enter into a professional services agreement with OTAK, Inc. to provide engineering design services for the Elliott Road/Highway 99W intersection improvements.

8. **Resolution No. 94-1865** authorizing the City Council sitting as the Contract Review Board to approve a contract with Motorola in the amount of \$315,678.71 to install 800 MHz Radio System in Police Department.

**PAGE 3  
CITY COUNCIL AGENDA  
SEPTEMBER 6, 1994**

**Resolution No. 94-1866** approving a lease purchase agreement with U.S. National Bank to purchase the 800 MHz Radio System for the Police Department.

9. **Resolution No. 94-1867** authorizing the purchase of a utility service truck with service body.
10. *Motion to initiate a vacation procedure and set a public hearing on the request for October 3, 1994. Relating to a 30 feet in width utility easement located on the eastern property boundary of that portion of Tax Lot 3220AA-201 south of Hayes Street.*

**VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES**

1. Information on Chehalem Future Focus Strategic Planning Meeting.
2. Report from Chamber of Commerce Director.

**VIII. COMMUNICATIONS FROM THE FLOOR**

**X. EXECUTIVE SESSION**

1. Executive Session pursuant to ORS 192.660(1)(e) relating to real property.

**XI. ADJOURNMENT**

**INDEX FOR ORDINANCES AND RESOLUTIONS:**

**RESOLUTIONS:**

1. **Resolution No. 94-1859**- recognizing and appropriating grants in the General Fund for a Senior Center and Traffic Monitor Trailer.
2. **Resolution No. 94-1860** authorizing the implementation of the Cost of Living adjustment as budgeted for the City Manager and the City Attorney.
3. **Resolution No. 94-1861** placing the question of a new City tax base before the voters at the November 8, 1994 general election with the tax base to be effective July 1, 1995.

**PAGE 4**  
**CITY COUNCIL AGENDA**  
**SEPTEMBER 6, 1994**

4. **Resolution No. 94-1862** authorizing the City Manager to award the bid for Wynooski Street Pump Station demolition/sanitary sewer by-pass project to lowest qualified bidder.
5. **Resolution No. 94-1863** authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineers, Inc. to provide engineering services for instrumentation and control modifications at the Wastewater and Water Treatment Plant.
6. **Resolution No. 94-1864** authorizing the City Manager to enter into a professional services agreement with OTAK, Inc. to provide engineering design services for the Elliott Road/Highway 99W intersection improvements.
7. **Resolution No. 94-1865** authorizing the City Council sitting as the Contract Review Board to approve a contract with Motorola in the amount of \$315,678.71 to install 800 MHz Radio System in Police Department.
8. **Resolution No. 94-1866** approving a lease purchase agreement with U.S. National Bank to purchase the 800 MHz Radio System for the Police Department.
9. **Resolution No. 94-1867** authorizing the purchase of a utility service truck with service body.

**ORDINANCES**

1. **Ordinance No. 94-2386** vacating the east-west alley right-of-way between Yamhill County Tax Lots 3218DC-10500, -11500, 11600, -11700, -11800 and -11900, located between Garfield and Washington, Franklin and North; and the east-west Franklin Street right-of-way located between Garfield and the railroad tracks within the corporate City limits of Newberg,

Oregon.

2. **Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a County AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

G:\SHARED\AGENDAS\AGENDA9.6

Council accepts comments on items during the meeting. Please fill out a blue card and identify the item you wish to speak on and hand this in to the Mayor prior to the meeting. (The exception is formal land use hearings which require a specific public hearing process. The agenda's items will be identified at the meeting.)

**CITY OF NEWBERG  
COUNCIL AGENDA  
TUESDAY, SEPTEMBER 6, 1994  
7:30 P.M. MEETING  
NEWBERG PUBLIC LIBRARY  
AMENDED**

**I. CALL MEETING TO ORDER**

Mayor Proctor called the meeting to order at 7:30 p.m.

**II. ROLL CALL**

Roger Currier (RC)

Roger Gano (RG)

Dave McMullen (Dmc)

Donna McCain (DM) •

Robert Weaver (RW)

*Don Williams  
Don Wright*

**ABSENT: Corinne Adams (CA)**

**Council - after November electio will fill position.**

**III. CONSENT CALENDAR**

1. **Proclamation** recognizing former Mayor and Council Member Jack Nulsen.

Mayor requested that City give proclamation to Patsy Nulsen for Jack devoting his time to the city and asked for a momnt of silence in honor of Jack Nulsen. TDM read proclamation.

DM to correct as Jack C. Nulsen.

**V. PUBLIC HEARING**

1. **Public Hearing** regarding the vacation of the existing alley right-of-way in Block 4 Central Addition and the Franklin Street right-of-way between Garfield and the RR Tracks.

**Ordinance No. 94-2386** vacating the east-west alley right-of-way between Yamhill County Tax Lots 3218DC-10500, -11500, 11600, -11700, -11800 and -11900, located between Garfield and Washington, Franklin and North; and the east-west Franklin Street right-of-way located between Garfield and the railroad tracks within the corporate City limits of Newberg, Oregon.

Mayor called for any conflict of interest, ex parte contacts, - staff report by Greg Scoles.

Greg - vacation of an unimproved alley- vacation of Franklin Street right-of-way. Both of items have necessary abutting property owners signatures agreeing to it - alley and right of way is not being used and serves no purpose.

Mayor - no public input

RC - comment - ex parte comment - did speak with Mr. Thomas about this when he asked a few months ago - whether he could do anything like this and the procedures - told him to talk with city and see what could be done,

Greg - will retain easements for utilities.

Mayor closed public testimony -

MOTION: RG/DM to read Ord title only - unanimous.

TDM read - Unanimous - 1 bsent (CA). Motion carried.

2. Public Hearing regarding the annexation/zone change for an 11.62 acre parcel within the Urban Growth Boundary. Change zoning from County AF-10 (Agricultural Forestry/10 acre minimum) to City R-1 (Low Density Residential). Located at 3617 N. Terrace Drive, Tax Lot No. 3207AC-100. Applicant: Roger Grahn-Nielsen Grahn, Inc.

**Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a County AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

TDM noted that persons should declare potential conflict. Dave McMullen - per note in file -

nielsen and grahn have been potential clients in the past - clients of another real estate firm - any future business - has no upper hand over any other real estate in the city. Not an actual conflict of interest - will vote.

Mayor - knows -

DW - reside in neighborhood - vested interest - not a financial interest.

RG - point of clarification. What does the requirement say about notification of effective parties - who should receive notification?

TDM - abutting property owners - within how many feet.

Greg Scoles - notice

Roger - contacted by resident in neighborhood that was not notified - concerned about how many others were not notified in this neighborhood - her tonight's op make another effort to advertise - knock on doors to get the message out.

TDM - abutting property owners - limit is 100 feet.

Greg - abutting is defined - across the street is considered abutting - they notice beyond the abutting property owners and up to 100 feet beyond statute. One parcel in question, owner omitted from the original notification process - that owner did attend the original public hearing at PC level. That was the only property owner - across Terrace from the property. All the rest of the parcels up to 100 feet were notified.

RG - sure that all current owners were notified. Notices were sent off to a forwarding address for the property owners -

Mayor - how current is the list -

Greg - people were not notified? can only justify what he believes is true. tax assessor's records. They are updated by the County and the City updates.

Mayor - she knows that they were not notified -

Greg - posted and published

TDM - if that person failed to receive notification - jurisdictional questions.

RG - on what Mr. Scoles - on solid ground that we notified the property owners.

TDM - Contact from one property owner - discussion in general -

RG would not affect his voting. It would address the traffic in and out and the need.

Mayor - transportation, sewer and property owners do not wish to have it go through. Police and fire,

TDM - objections to jurisdiction. take in staff report - before losing hearing - leave open for next time.

Greg - annexation request for 11.6 acres within the UGB on the northern portion of the city, north of Anne's addition. extends to the limits of the UGB north. On the other side of terrace, continues to bell and north valley road. Single family residential R1 properties. Continues to east and runs to Terrace - currently has a residential dwelling located on it in general area. Property owners not receiving notice - Baxters) directly across terrace - the rest of the parcels around the property were all notified as required As the required indicate - Ms. Baxter did attend the public hearing - PC issues regarding planning issues - new crater school site - extension of foothills drive. the pc considered the evidence and the testimony and recommended approval of the annexation request. The staff report is included as exhibit .

Description of the property in question - page 30 of exhibits - page 31 legal - shaded extent of annexation. goes up to the limits of terrace drive - does not include terrace drive. Not including right of way of college - importance? area that is also shown in green that was annexed by the Council - specific plan - if take in right of way of Hwy 219 in that area full width of area - would create an island - felt not necessary to entire wide area - council shall consider annexation of any of its island territories - legal description would not create an island configuration.

Recommend approval by PC -

DW - page 11 - exigent infrastructure - all basic services are readily available for future development -

Greg - developer noted that it would be available - it would not however be gravity sewer. No plan to extend sewer in that area. the area that could be served would be north of Anne's addition - off Morris and Jones Street.

DM - If this was to be accepted. is there a plan as to how the streets would be developed. Is there a plan to take the street out on terrace drive.

Greg - no plan not to.

DM - a street design could be done -

Greg - no application for subdivision

DM - could there be a restriction on the street - reconfiguration of the subdivision. Limit the amount of traffic -

Greg scales - yes there could be.

Mayor - school traffic - going to be able to carry that - or head over to main or to another street.

Greg - a number of possibilities - immediate development plan - Anne's addition, foothills or Hwy 219. Roadway to go north there. North valley road. Topography would allow to happen. Not in UGB - is located in area that is considered for UGB.

DM - clarification - is main projected to connect with foothills as well. In transportation plan - not on this map.

RG - any projects to go to north valley - between 219 and Chehlaem drive on transportation map -

Greg - no local roads on transportation map

Mayor - water from rain - which direction is going to pump it -

Greg water is going to go down hill and if subdivision plan comes in - talk about intercepting existing drainage systems.

RC - comments - problem with annexation.

TDM - proponents and opponents -

Dave Mc- staff has examined the water, sewer and storm sewer to be adequate? Greg said yes as far as projected development patterns - under these circumstances they would be now - no facilities at Terrace -

DRC - question of annexation is whether to include in city limits - the city's comp. plan through development of UGB - this has been looked at with city's capabilities. Addressing storm sewer waters - part of subdivision design - questions is valid - answer to those questions is yes - somehow - developer will have to shoulder and do this. Shall we follow comp. plan and by urbanizing or not to urbanize. Not an issue on whether or not the City can provide public facilities.

DW - anything in UGB we should try and annex? DRC said yes. Council in comp plan - willing

to urbanize this area - not meaning have to annex - questions about public facilities - the city can require developers to do so.

DW - annex land ahead of need - encourages growth? DRC said yes.

Dan wollam - hard to recall as legislative body or quasi-judicial body - objectives can be substantially different - is this quasi-? TDM - yes - zone change and notice - bring to the proceeding - responsibility to adjudicate the rights of the property owner who has proceeded under the ordinances rules and somewhat limits arbitrary response - not wanting more growth - if they have met reasonable criteria - the Council has to base findings on conclusions.

TDM - component of annexation - annexation ordinance - No. 2110 that sets out criteria for annexation.

Mayor called for proponents -

None at this time

Opponents :

Darla Baxter - did not get notice - has to be great need - property on the other side - not enough adequate schools - for this. Only person that will benefit from this is builder - it is more police and fire - need to think about this long and hard - protested about this - should think about this -

TDM - to Ms. Baxter - received no written notice of annexation - she talked with Barb Mingay. Lady on Morris street - did not get notice on this property - first house at end where blocked off -

Dont need terrace opened up again - they are next door - heard about it -

TDM - did not notice property was posted with annexation.

Carol Indicott - drain from the street - if sump pump the draining field next does not work - realize subdivision - look at all issues - Concern about Terrace - if traffic light would help - do traffic light and water drain - did not receive notice of the pc meeting - but did not receive notice of this cc meeting.

3509 N. College Street -

Norman Witherbee - trail one - did not get notification either - just rationalized in March purchase - records may not have caught up - drainage in area to be looked at carefully - 147 feet of drainage lines - very muddy next to house even in August. Engineering is very vital.

301 Hilltop.

Mayor closed public input - no agencies or letters -

Staff recommendation is to follow PC recommendation to approve annexation.

RW - feeling - job is to approve or disapprove annexation - seems to be watchful on development on annexation - heard concerns in the area - should be totally responsible to them and watchful on the annexation if it were to be approved.

DW- went through criteria - nine areas that don't meet the criteria.

1, Public service - availability - won't adversely affect current capabilities - city cannot run

2. Housing employment opportunities -

3. Land use efficiency - nothing to say that this is an efficient use of land -

4. Public need - not seen cannot build a house.

5. Zoning changeing -

6. Annexation would benefit city to revenues - cost of services. No testimony of City manager - city annexations don't pay for cost -

DW - not meeting criteria

7. Development growth in the area.

8. AGRICULTURAL LANDS

9. Urbanization lands - transition as need arises -

DW - opposed to this - don't know anyone involved - provided for needs that we have at current time.

RC - unfortunate we deal with annexation and not with the specific plan afterwards - maybe they will build something or not - developer plans to build single family residential - it will be impact on schools and hospitals etc. Just approved though specific plan to accommodate 600 homes in area - public need - don't think it meets any of that - too much congestion in that area - will get worse before it's through. Seems to be that most all people in area disapprove of this land use at this time. Agree with controlling growth by controlled annexation - provide for development and growth for a long time - some may say 6 months - some may say six years - plaintiff games with self by not annexation to create island - somewhere we will have to force people to do something they do not

want to do. RC - don't think there is need.

RG - to TDM - have we met our notification requirements and close public hearing - keep it open.

DM - ms. baxter said that there were other people that were not notified - the other person bought house in march - took off tax assessor's roles -

TDM - not sure if met notification requirements - Ms Baxter attended meeting. Postpone until next time - 10/3/94

RG - city manager any other comments -

MOTION: RG/DAan to postpone to October 3, 1994 -.

DW - renotify people -

DRC - greg and kT will

RC - walk and knock on doors

DRC - staff time - certified - research water records first and be comprehensive.

Oppose - Dave McMullen McMullen

## CONTINUED BUSINESS

1. Continued from August 1, information on Horizon Construction.

Dave McMullen and Roger Currer have conflict of interest -

RG - repeat staff recommendation -

DRC - denial of applicant's request for conditional use.

Received information and record close 08/15/94 at 5:00 p.m. - received no additional information and talked with attorney and he is in present .

MOTION: RG to prepare ordinance or documents denying application. Remind council that

this area was created irregardless of the zoning that it was put on it - industrial area - not a residential purposes and industrial/commercial purposes. Suggest that there has to be residential put in here and nothing else going on there - shorting on commercial/industrial property.

TDM - point of order - the CC - do not consider the Council that adopted the Comprehensive Plan - the Comp plan - consider what is on the record and what the record is before you. Enterain any objections as to jurisdiction -

Lien - object to any information that is extra that is provided - any additional information -

TDM - request record to be open - either re-open comments that the CC is to consider what the comp plan says or what it was to have supposed to have meant when it was adopted. Not the intent. The document itself -

RG/DW - based on 600 pages, application - not based on comments councilor rg made.

Wollame - agree with motion. - matter comes down to a few points

1. appreciate amount of work applicant into the project - feel that it is in wrong location - one of the issues is letter from MODOT that expresses a series of concerns in safety and potential hazard to residents to the proximity to airport. Not so much impact on airport - but the residents on the facility.

2. Applicant - rental agreements that would restrain occupants from complaint - morally - think it is not right to take individuals and to prevent them from exercising their rights to complaint or object to the intensity at the time they took residence.

3. serious concern as impact for noise and potential hazards in area.

4. Impact of residents located in area as industrial/commercial area and potential impact on commercial/industrial businesses already there. As a matter of principle it could never happen as seen development and particular location - not a healthy mix.

Bob Weaver - decision making - a lot easier to have a complete and contribution of materials to study and to ready from both sides. Then in making decision - you begin to take into consideration all the things that Newberg a livable place - based upon all of that - have reached my decision he has reached his decision.

RG - let lien know (horizon construction) I too not opposed to the project if another part of town. A developer as tenacious as horizon - have believe that this project belongs where - just as strongly the council does belong in Newberg - not on this property. Hope that they can find another piece of property and site this - - not right place for it,

MOTION; Direct staff to prepare necessary materials in

Unanimous -

Mayor - bring to October 3, 1994 for ordinance denying - would like to see at different location.

## VI. NEW BUSINESS

1. **Resolution No. 94-1859**- recognizing and appropriating grants in the General Fund for a Senior Center and Traffic Monitor Trailer..

Tardiff - the traffic safety committee - odot grant \$2500 to help pay for cost of traffic monitor trailer - radar - this device has a traffic monitor system included - allows to record - how many cars are travelling - what time of day best to use - Trailer is \$11,000 - rest paid out of civil forfeiture funds

RG/DW to adopt resolution - unanimous.

2. **Resolution No. 94-1860** authorizing the implementation of the Cost of Living adjustment as budgeted for the City Manager and the City Attorney.

DRC was included in budget - ca and cm will receive same cola as employees 3.3% -

Pat Haight - 114 E > Hancock Street - ca and cm had cost of living implementation a few months ago - not one passed before budget - drc is budget manager - budget committee is approved by the Council. Would like to understand better - how do they get these raises -

Mayor - had one last year and then this year - took cola - 3.3% increase -

Pat - raises come as any other department - present needs for budget matters or part of their contract - How often is raise received -

DRC - employed by city council by contract - council - come to council in July or August - in executive session - performance - council does not award what they granted other employees in the

orgaNIZATION - given COLA adjustments periodically. City goernment is large business - need to stay compettive - other salaries around the state -

Pat - does money coe out of the general fund -

DRC - some out of utility fund -

Pat- new tax base - was this oerdrats in general fund -

MOTION: RG/DM to adopt - Unanimous.

MOTION:

3. **Resolution No. 94-1861** placing the question of a new City tax base before the voters at the November 8, 1994 general election with the tax base to be effective July 1, 1995.

DRC - proposals -

put togeher proposal - f

1. Fiire only, included 4 firefighters - from original proposal - since that was done - changed configuration of dept. by adding ambulance - capital outlay and equipment - total value \$250,000.
2. 4 fire fighters - capital , vehicles and then police - (2 police officers) and vehicle and equipment replacement in police department. 404,724 (405,000).
3. Code enforcement - avoid discussion and need - if we cn do these things - try to pick up with existing configuration.

DM - per 1,000 rate - about \$.41 and the other is \$.23

Mayor - number one priority is safety -

DW - discussed at budget committee and city council - majority reched for fire only - feel that it is impossible to represent everone at city - should be reprenting what the majority of the people wanted felt that the firefighting is what they needed immediately - thought fire needed immediate - should have special levy for police officers.

RG - at work session as explanation - repsented for notice of measure election - revision.

RG sttement - *get from DM/RG*

RW - represent senior citizen of council - have pulse of those seniors down there - concerned about safety in homes for fire - believe that senior citizens would be very positive in reaching into bank accounts to support \$.41 to increase police and fire. to eliminate police would cut in half what the safety -

Mayor - officers are stretched already - they are taking interest in town and growth - both departments - understaff already -

Dan Wollame - appreciate comments - do not recall meeting the budget committee meeting - same as DW - recall concerns what public would support - did not interpret comments - representations of what it ought to be - did not recall that they were in favor of fire only and not other as well -

Discussion on what was discussed at budget committee meeting - not just voting for fire only and not anything else - police.

Dan - better chance to get police and fire together - both public safety - not sure if less than a chance -

RC - forewarned about comments - big problem - don't like idea of them - included as one of the fire fighters is code enforcement - how to disburse that - it would be cheaper in long run - put with comm/develop and work with ordinance s-

RG - no mentioned of code enforcement -

DW - none of firefighters would be used for code enforcement -

DRC - city manager to provide services - if code enforcement - would not use firefighters as code enforcements - they will be firefighter and paramedics.

DRC - modified - 4 firefighter/paramedics -

Michael Sherman - original discussion that DRC talked about rolling fire prevention officers and fire marshal - fill with 4th firefighter - what was said in capital funds were added to fire department tax base for capital and vehicles - comm/dev. side and tagged on fire prevention officers -

Dan Wollam - presented to council tonight - are we to assume that if we approve requesting 4 ff - one position would not be used for code enforcement and one will be management positions.

DRC - they will not be used in code enforcement - but one may be management position - first responsibility is put on ff/paramedics

RG - volunteer member - this will not affect me personally - financially -

MOTION; RG direct staff to prepare necessary documentation by sept. 8 - increase 405,000 to increase public safety services as outlined 4 ff/2 police officers and capitl improvements

DM seconded.

Resolution will be amended to reflect to increase police and fire - eliminate library.

TDM - once figures established

That the City recorder is authorized to prepare the ballot title, explanation and filed with the City Elections officer and for the November 8, 1994 general election.

ROLL - yes - No (Currier/Wright) Motion carried.

4. **Resolution No. 94-1862** authorizing the City Manager to award the bid for Wynooski Street Pump Station demolition/sanitary sewer by-pass project to lowest qualified bidder.

DRC - grease float - take out and put in pipes .

MOTION: RG/DW - to adopt - unanimous

5. Initiate a vacation procedure and set public hearing for vacation of the east-west alley right-of-way in Block 11, Everests Addition located between Second and Third Streets and Blaine and Howard Streets.

MOTION: RG/DW to direct staff to Unanimous.

6. **Resolution No. 94-1863** authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineers, Inc. to provide engineering services for instrumentation and control modifications at the Wastewater and Water Treatment Plant.

DRC - Amount not to exceed \$150,000. empowered staff to interview everyone that was interested and came up with process - what they could provide and develop recommendation. well watch contractor.

MOTION: DW/RG to adopt - unanimous.

7. **Resolution No. 94-1864** authorizing the City Manager to enter into a professional services agreement with OTAK, Inc. to provide engineering design services for the Elliott Road/Highway 99W intersection improvements.

DRC - grant money - interservice transportation act - need to spend and have project - some spend on designing elliott road and college street - state highway in 1996 - need to have design in place to get ready to do this -

MOTION: RG/Dm - to adopt - unanimous.

8. **Resolution No. 94-1865** authorizing the City Council sitting as the Contract Review Board to approve a contract with Motorola in the amount of \$315,678.71 to install 800 MHz Radio System in Police Department.

DRC - been negotiation with financial consultants - change number in resolution - 336,148.00 -

Tardiff - presently using low band radio system - dead areas - police officers - option before council will resolve needs now and in future - developing 800 megahertz system of own - accessing washington county and multnomah county for wider area coverage - also by piggybacking sale system - additional charge - shipping - \$5300 - bond counsel - \$1000 - - see attached from police chief. - replace antenna at GTE mobilnet site - will provide excellent coverage in city - Fire district - when coupled with current washington co. 800 system - we eliminate nearly all dead spots even in rural area with what was low band systems. - minimum three frequencies - licensing on 4 - ability to use 5 frequencies - proposing to have 75 radios operating on system and sec recommends that each of these frequencies have three - growth room and channel capacity for more. Able to communicate with valley and salem area - access the police and fire mutual aid frequencies in washington county - hospitals - all those in multnomah including buck ambulance and metro west - fire and police agencies - their system - would give ability to talk as far away as bridge of the god - tying all systems together - part of system includes mobile data terminals - six in marked units - by having it coupled to salem system - could not afford MDT system - Salem is where all police records are maintained - people contact - record checks people checks - sending confidential messages - public record laws are maintained - when not confidential. By being part of salem MDT system - fire department for fire use as well. MDT system is great benefit - large increase in police and fire use - experienced in excess of reduction in air traffic - reduce dispatcher load. Shared experience - seriousness of current system - officer responding with two people with guns in laundromat - talking with officer - one officer entered metal building - all communication ended - did not know if he was alright - could have been disastrous.

DW - was amount \$186,300 financed - \$161,000 was budgeted - approximate 15% -

Michael Sherman - concerns of identity needs on fire side. Fire department is in support of this. Jimm G fire - engine went in - captain gano fire fighting and wanted to ventilate window - - went

to fire after that - one of most potential fires - rain road in tualatin valley - responding o biggest mutual aid client - we cannot get to them on radio - for six hours - radio center - command center -

RW - monies approved ? understanding that polie department and fire departent would benefit - Michael - yes.

Dave McMullen - celluar offset costs - c

Tardiff - elluar phone use would go down - they would hve ability to use mobile phones - Conmes out of 911 communication budget - covers police, iire ad ambulance -

Contract with salem - \$2500 - asked for maintenance contract from motorolla - will not need one for next two years -

Tardiff - piggycking wa. co. system - want to pay a portion of system - would cost \$24,000 a year to useregular portion of their system - we would have superior coverage in city -

RC - celluar phoens - run 800 and 900 mgh - and scanners - very few sold on market - now pulled off market - they are now illegal - disallowed.

Michael - trasnport constantly from Newberg to Portland Metro - 15 frequencies - more secure system and cost offsetting -

RG - Bond counsel - develop lease agreement to meet municipal requirements - lease is valid and enforcemeeable -

DRC - allowable 911 fund expenditure - spending money out of dispatch - expendirure of funds is limited to 911 purposes - 5 years.

KT - motorolla - 6.2% - bank got 5.9% - numerous legal documents - will be reviewing financing and documents filed with statetreasurer - gave esitmate for expenses

TDM - blue book bonding laywer - won't buy bonds

MTOION: RG/DW to approve - unanimous

**PAGE 3**  
**CITY COUNCIL AGENDA**  
**SEPTEMBER 6, 1994**

31010  
Peach covered -  
West 6/29/068  
Sum  
Amurson  
537-9861  
Wants

**Resolution No. 94-1866** approving a lease purchase agreement with U.S. National Bank to purchase the 800 MHz Radio System for the Police Department.

RG/DW to approve lease - unanimous

9. **Resolution No. 94-1867** authorizing the purchase of a utility service truck with service body.

RG/DW to approve - unanimous.

10. **Motion to initiate a vacation procedure and set a public hearing on the request for October 3, 1994. Relating to a 30 feet in width utility easement located on the eastern property boundary of that portion of Tax Lot 3220AA-201 south of Hayes Street.**

Wants  
This

Texaco station on highway -  
Greg - initiate - only an underground utility easement  
MOTION: RG/DW to initiate - unanimous.

**VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES**

Go to minneapolis - congress of cities - national league of cities - budget for two people to attend - or washington d.c. n march - or split - who wants to go if anyone and decide soon - cut in registration - apply by September 19th. Dates - 12-1 through 4th - Washington first weekend in March -

Mayor - = someone to contact city manager -

RC - people that will be on council in next term - if not elected for 1995 they should withdraw names -

Power outage - squirrel caused amage at power station - write down value of damage - what it took to repair and what was damaged and give to DRC - registre with PUC - key issue - PGE and PUC person is not responsible for acts of GOD - (squirrel). held accountal - if power company has probems - should community clearly and loudly - puc regulation - press release to Graphic - City hall lost 4 terminals - two more were damaged.

Dae McMullen - received calls concerning power outage - as pertain - business being down 1.15 minutes - being an act of god or lack of doing to give adequate power - whatever - unacceptable - along with paper release - contact dav mcmullen - join effort to get adequate power - many businesses - out of business and pretty hard - intangible - banks- offices -

Mayor - receive calls - beauty salaon -

DM - down about 3 hours - certain areas not received poor service - franchise time to negotiate they took crew away - took main office here - calls go to 1-800- at time of franchise to negotiation.

Dan Wollam - contact page to make sure that this does not happen again. -

1. Information on Chehalem Future Focus Strategic Planning Meeting.
2. Report from Chamber of Commerce Director.

### VIII. COMMUNICATIONS FROM THE FLOOR

Jim Morrison - 717 E, Sheridan - leadership committee - get community involvement in Newberg - betterment of Newberg - 10/08 community meeting - November 19, 1991 Chehalem Future Focus - Part II - a community in action - intent is to bring community back in action - identified in 1991 and still issues that community wants to go forward with - goals and action plan - to accomplish task - mediator group - do facilitator training - here to ask CC and leaders of community to find time to participate in facilitator training - city management to help identify goals in past and come up with plans and resolutions - training will be October 1, 1994 and last 4 hours - in a.m. - in library - contact Jim Morrison or DRC - of anyone participated meeting in 1991 and asked to participate in 1994 - community to take an active interest in meeting.

Oct 8th - 9:00 - 4:00 p.m. - lunch and luncheon speaker - \$5 to cover luncheon - anticipate selling tickets in advance - turnout of approx 200 people - Toni Getsinger is chairman of activities function - phone all Tony -

RW - will be making announcement at rotary and service clubs. - churches etc.

Ann Pesola - Chamber director - result of request that RG made - if chamber had any knowledge of economic impact that the chamber had on off or vintage or memorail day races - talked with no fewer than 8 people - with no answers - however - did want to make a few comments - visitor economic in Oregon - visitor spending is significant in Oregon economy - over \$3 billion in 1992 - study that came out in March, 1992 - \$600 million in payroll - 51,000 jobs - logging tax receipts over \$33 million - Yamhill county in hotel/motel tax in 1991-92 over \$44,000 to 93 just under \$43,000 - to Newberg that generated the revenue -

1992 visitor revenue - travel expenditures - \$41 million - payroll generated - \$9 million - substantial and can see that in lodging, food and beverage meal consumption and retail trade Visitor center generates Yamhill county and state

Vintage festival - 6th year - benefit for NCH foundation and Chamber - running on Saturday - 7:00 - 7:00 p.m. - sportsman airpark - over 25 airplanes - antiues - 120 autos 15 bicycles- 15 boats - furntirue and artiests - wine tasting and hot air balloons - exhibition sky diving - Hospital will have health screening - tickets are \$6 in advance and \$8 at gate - clowns, quilters, biclyc andmotorcyle parade - bicycle tour -

RW - aware that was happening just west of dundee - ODOT had people stopping cars - questioned concerning traffic - that particular stretch of highway - traffic heavy - COG decided to do this before traffic jam -

## COMMUNICAION FROM FLOOR -

Jim Pearson -

Pat Haight - been involved in bypass for last 3 years - the state of Oregon came to Oregon - fire dept. meetings - plan on wall and old us they had money allocated - were going to put Hancock with three lanes - first part in 1994 - the other part a year later - in last two years - they obviously did not complete plan - no bypass - cahmbe had traffic jam - did not approve - targeting the wrong people - ODO should be targeted - than the travelers - in April talked with DP and got curtains - white and (she showed that they were considerably dirty - bedroom facing first street - only two people that live in house along with 11 other people that live and shop and Hancock shoppers - Trough of dirty air - stores are showing more pride - looking first and Hancock streets - why you don't see is this - air that we are breathing - ODOT was outside parked on side of house - up to city of Newberg - time to face reality - war to protect community from state government - disservice to entire downtown area - to have cm and cc and all of us that want bypass to do more than handout postcards - They are putting us off as long as they can - seriously to ask the City staff and CC to forget whatever has gone on before - given ODOT opinion for past five years - meetings held at fire station was sizeable amount of people at meetings - don't want 3 lanes on Hancock street - have to stop this - need to be more forceful - paid taxes and is getting run around and embarrassed - think time to really take assertive stand and have cm take lead and metro - tell state - that we have to have a bypass - costing 11 of us our health -

RC - past two years - McKay road - build road across St. Paul - - actually did agree - did talk about what bypass and good collector around town - putting on other side of river -

Pat - there are ways to go to state - this ground is ours -

RG/DMC to adjourn - 10.23 p.m.

## X. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(1)(e) relating to real property.

## **XI. ADJOURNMENT**

### **INDEX FOR ORDINANCES AND RESOLUTIONS:**

#### **RESOLUTIONS:**

1. **Resolution No. 94-1859-** recognizing and appropriating grants in the General Fund for a Senior Center and Traffic Monitor Trailer.
2. **Resolution No. 94-1860** authorizing the implementation of the Cost of Living adjustment as budgeted for the City Manager and the City Attorney.
3. **Resolution No. 94-1861** placing the question of a new City tax base before the voters at the November 8, 1994 general election with the tax base to be effective July 1, 1995.

#### **PAGE 4**

#### **CITY COUNCIL AGENDA SEPTEMBER 6, 1994**

4. **Resolution No. 94-1862** authorizing the City Manager to award the bid for Wynooski Street Pump Station demolition/sanitary sewer by-pass project to lowest qualified bidder.
5. **Resolution No. 94-1863** authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineers, Inc. to provide engineering services for instrumentation and control modifications at the Wastewater and Water Treatment Plant.
6. **Resolution No. 94-1864** authorizing the City Manager to enter into a professional services agreement with OTAK, Inc. to provide engineering design services for the Elliott Road/Highway 99W intersection improvements.
7. **Resolution No. 94-1865** authorizing the City Council sitting as the Contract Review Board to approve a contract with Motorola in the amount of \$315,678.71 to install 800 MHz Radio System in Police Department.
8. **Resolution No. 94-1866** approving a lease purchase agreement with U.S. National Bank to purchase the 800 MHz Radio System for the Police Department.
9. **Resolution No. 94-1867** authorizing the purchase of a utility service truck with service body.

## ORDINANCES

1. **Ordinance No. 94-2386** vacating the east-west alley right-of-way between Yamhill County Tax Lots 3218DC-10500, -11500, 11600, -11700, -11800 and -11900, located between Garfield and Washington, Franklin and North; and the east-west Franklin Street right-of-way located between Garfield and the railroad tracks within the corporate City limits of Newberg, Oregon.
2. **Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a County AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

G:\SHARED\AGENDAS\AGENDA9.6

**ADDITION TO CITY COUNCIL PACKET  
TUESDAY, SEPTEMBER 6, 1994  
7:30 P.M.  
AGENDA ITEM IV  
PUBLIC HEARING (2)**

<b>REQUEST FOR COUNCIL ACTION</b>		
<b>DATE SUBMITTED:</b> September 2, 1994		<b>MOTION</b>
<b>DATE ACTION REQUESTED:</b> None		<b>RESOLUTION</b>
<b>SUBJECT:</b> Dave McMullen's potential conflict of interest concerning public hearing Agenda Item IV(2)-Annexation/Zone Change, File No. ANX-7-94 <b>Applicant:</b> Roger Grahn - Nielsen/Grahn, Inc. <b>Owners:</b> George and Ruth Piper		<b>ORDINANCE</b>
	<b>X</b>	<b>INFORMATION</b>

**RECOMMENDATION:** City Council member Dave McMullen should declare a potential conflict of interest but may vote on the matter because it is a potential conflict instead of an actual conflict of interest.

**BACKGROUND:**


1. Council member Dave McMullen is a realtor with Pro West Properties, Inc. Mr. McMullen has stated that since he is a local business man, there would be situations where potential conflicts of interest may arise.
2. A partner in Pro West Properties, Inc. (not Mr. McMullen personally), has represented Roger Grahn/Nielsen Grahn, Inc. ("Grahn") in the past. At present, Grahn is not a client of Pro West Properties, Inc. or Mr. McMullen. Grahn has no formal or informal relationship concerning future business.
3. If the annexation zone change for the 11.2 acre parcel is granted by the Council, the property will probably be subdivided and developed. Pro West Properties, Inc., including Mr. McMullen as a partner, may be involved in the sale of such lots and property in the future. However, there is no certainty as to whether they will be involved in the sale of this real estate.
4. The Code of Ethics of the State of Oregon sets out at ORS 244.042(7), under definitions, that a potential conflict of interest means any decision by a person acting in an official capacity, the effect of which could be to the private pecuniary benefit of that person or a business with which that person is associated. Subparagraph (B) under that statute provides for an exception when the pecuniary benefit would affect to the same degree a class consisting of an occupation or other group including one which the person or business in which the person is associated with is a member.
5. Mr. McMullen is a member of a class which consists of all persons in the real estate

business. The class could probably be defined smaller as all persons in the real estate business within the area which would be in the sales market area of this particular parcel. Due to the fact that he is a member of this "group", it could be argued that this is not really a potential conflict of interest.

6. If this situation is a potential conflict of interest, then ORS 244.120 provides for the method of handling potential conflicts of interest. That statute provides that an elected public official shall announce publicly the nature of the potential conflict of interest prior to taking any action thereon in the capacity of a public official. By declaring a potential conflict of interest, Mr. McMullen meets his obligations under the Ethics Code whether the matter is an exception to the potential conflict of interest statute or not.
7. The City has faced this situation in the past. This occurred when Council member Joe Young, who is also a realtor in the City of Newberg, was presented with an annexation/zone change decision concerning property owned by a former client. It was the City's position at that time that Mr. Young could vote on the matter because he had no on-going relationship with the client, and he was a member of a class that would be affected equally, namely persons in the real estate business.
8. The City Attorney's Office contacted the Oregon Government Standards and Practices Commission to discuss the matter with the Executive Director. The Code provides that the Commission may establish criteria to identify smaller classes that qualify under the exception to the potential conflict of interest provision mentioned in paragraph 4. The Commission has not done so at this time and the Director indicated that the Commission would probably not do so because the size varies according to the location (a larger number in the Portland metropolitan area and a smaller number in rural areas). The Director recommended that the Council member declare the potential conflict of interest then the Council member would be protected rather than not declaring and relying upon the fact that the class was large enough to meet the exception.
9. An actual conflict of interest is defined in the Ethics Code at ORS 244.020(1). That definition indicates that an actual conflict of interest is an action by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or business with which the person is associated. When there is an actual conflict of interest, the public official should refrain from participating as a public official on any discussion or debate on the issue or from voting on the issue. The difference between the actual conflict of interest and potential conflict of interest is whether the action would be to the private pecuniary benefit (actual conflict of interest) or could be to the private pecuniary benefit (potential conflict of interest).

**FISCAL IMPACT:** None

**STRATEGIC  
ASSESSMENT:** None



Terrence D. Mahr, City Attorney

**Council accepts comments on items during the meeting. Please fill out a blue card and identify the item you wish to speak on and hand this in to the Mayor prior to the meeting. (The exception is formal land use hearings which require a specific public hearing process. The agenda's items will be identified at the meeting.)**

**CITY OF NEWBERG  
COUNCIL AGENDA  
TUESDAY, SEPTEMBER 6, 1994  
7:30 P.M. MEETING  
NEWBERG PUBLIC LIBRARY  
AMENDED**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. CONSENT CALENDAR**

1. **Proclamation** recognizing former Mayor and Council Member Jack Nulsen.

**IV. PUBLIC HEARING**

1. Public Hearing regarding the vacation of the existing alley right-of-way in Block 4 Central Addition and the Franklin Street right-of-way between Garfield and the RR Tracks.  
**Ordinance No. 94-2386** vacating the east-west alley right-of-way between Yamhill County Tax Lots 3218DC-10500, -11500, 11600, -11700, -11800 and -11900, located between Garfield and Washington, Franklin and North; and the east-west Franklin Street right-of-way located between Garfield and the railroad tracks within the corporate City limits of Newberg, Oregon.
2. Public Hearing regarding the annexation/zone change for an 11.62 acre parcel within the Urban Growth Boundary. Change zoning from County AF-10 (Agricultural Forestry/10 acre minimum) to City R-1 (Low Density Residential). Located at 3617 N. Terrace Drive, Tax Lot No. 3207AC-100. Applicant: Roger Grahn-Nielsen Grahn, Inc.  
**Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a County AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

**PAGE 2**  
**CITY COUNCIL AGENDA**  
**SEPTEMBER 6, 1994**

**V. CONTINUED BUSINESS**

1. Continued from August 1, information on Horizon Construction.

**VI. NEW BUSINESS**

1. **Resolution No. 94-1859-** recognizing and appropriating grants in the General Fund for a Senior Center and Traffic Monitor Trailer..
2. **Resolution No. 94-1860** authorizing the implementation of the Cost of Living adjustment as budgeted for the City Manager and the City Attorney.
3. **Resolution No. 94-1861** placing the question of a new City tax base before the voters at the November 8, 1994 general election with the tax base to be effective July 1, 1995.
4. **Resolution No. 94-1862** authorizing the City Manager to award the bid for Wynooski Street Pump Station demolition/sanitary sewer by-pass project to lowest qualified bidder.
5. Initiate a vacation procedure and set public hearing for vacation of the east-west alley right-of-way in Block 11, Everests Addition located between Second and Third Streets and Blaine and Howard Streets.
6. **Resolution No. 94-1863** authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineers, Inc. to provide engineering services for instrumentation and control modifications at the Wastewater and Water Treatment Plant.
7. **Resolution No. 94-1864** authorizing the City Manager to enter into a professional services agreement with OTAK, Inc. to provide engineering design services for the Elliott Road/Highway 99W intersection improvements.
8. **Resolution No. 94-1865** authorizing the City Council sitting as the Contract Review Board to approve a contract with Motorola in the amount of \$315,678.71 to install 800 MHz Radio System in Police Department.

**PAGE 3  
CITY COUNCIL AGENDA  
SEPTEMBER 6, 1994**

**Resolution No. 94-1866** approving a lease purchase agreement with U.S. National Bank to purchase the 800 MHz Radio System for the Police Department.

9. **Resolution No. 94-1867** authorizing the purchase of a utility service truck with service body.

10. *Motion to initiate a vacation procedure and set a public hearing on the request for October 3, 1994. Relating to a 30 feet in width utility easement located on the eastern property boundary of that portion of Tax Lot 3220AA-201 south of Hayes Street.*

**VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES**

1. Information on Chehalem Future Focus Strategic Planning Meeting.
2. Report from Chamber of Commerce Director.

**VIII. COMMUNICATIONS FROM THE FLOOR**

**X. EXECUTIVE SESSION**

1. Executive Session pursuant to ORS 192.660(1)(e) relating to real property.

**XI. ADJOURNMENT**

**INDEX FOR ORDINANCES AND RESOLUTIONS:**

**RESOLUTIONS:**

1. **Resolution No. 94-1859-** recognizing and appropriating grants in the General Fund for a Senior Center and Traffic Monitor Trailer.
2. **Resolution No. 94-1860** authorizing the implementation of the Cost of Living adjustment as budgeted for the City Manager and the City Attorney.
3. **Resolution No. 94-1861** placing the question of a new City tax base before the voters at the November 8, 1994 general election with the tax base to be effective July 1, 1995.

**PAGE 4**  
**CITY COUNCIL AGENDA**  
**SEPTEMBER 6, 1994**

4. **Resolution No. 94-1862** authorizing the City Manager to award the bid for Wynooski Street Pump Station demolition/sanitary sewer by-pass project to lowest qualified bidder.
5. **Resolution No. 94-1863** authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineers, Inc. to provide engineering services for instrumentation and control modifications at the Wastewater and Water Treatment Plant.
6. **Resolution No. 94-1864** authorizing the City Manager to enter into a professional services agreement with OTAK, Inc. to provide engineering design services for the Elliott Road/Highway 99W intersection improvements.
7. **Resolution No. 94-1865** authorizing the City Council sitting as the Contract Review Board to approve a contract with Motorola in the amount of \$315,678.71 to install 800 MHz Radio System in Police Department.
8. **Resolution No. 94-1866** approving a lease purchase agreement with U.S. National Bank to purchase the 800 MHz Radio System for the Police Department.
9. **Resolution No. 94-1867** authorizing the purchase of a utility service truck with service body.

**ORDINANCES**

1. **Ordinance No. 94-2386** vacating the east-west alley right-of-way between Yamhill County Tax Lots 3218DC-10500, -11500, 11600, -11700, -11800 and -11900, located between Garfield and Washington, Franklin and North; and the east-west Franklin Street right-of-way located between Garfield and the railroad tracks within the corporate City limits of Newberg, Oregon.
2. **Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a County AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 30, 1994

X MOTION

RESOLUTION

DATE ACTION REQUESTED: September 6, 1994

ORDINANCE

INFORMATION

SUBJECT: Vacation of a 30 ft. in width utility easement located on the eastern property boundary of that portion of Tax Lot 3220AA-201 south of Hayes Street.


RECOMMENDATION:

Initiate vacation procedure and set a public hearing on the request for October 3, 1994.

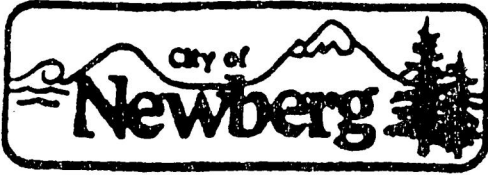
BACKGROUND:

The City has received an application requesting the vacation of the above mentioned City utility easement. The easement is unimproved and is not being used. The medical center, currently under construction on the site, is located 10 ft. from the east property line. The placement of the building occurred following discussion with the City about not extending Deborah Road to the south adjacent to this site. The applicant recently discovered by way of a title report that the construction is actually over a portion of the easement.

COST: None

  
\_\_\_\_\_  
Greg Scoles, Comm. Dev. Director

  
\_\_\_\_\_  
Duane Cole, City Manager



VACATION APPLICATION

FILE NO. VAC-3-94  
FEE: \$500.00 300.  
DATE: 8-30-94  
RECEIPT NO: 12217

APPLICANT: JAMES R. OMINSON PHONE: 655-8000/537-9861  
ADDRESS: 31010 PEACH COVE RD, WEST LINN, OR

OWNER(S): JAMES MATTHEWS/MAUREEN PHONE: 636-7416/620-1897  
(If different from above) GONZALES  
ADDRESS: MAUREEN: 9399 SW MAPLEWOOD DR, UNIT 152  
TIGARD, OR 97223

GENERAL INFORMATION: 3220AA-201 (30' easement)  
VACATION TYPE: EASEMENT  ALLEY  STREET

LOCATION: 2880 HAYES ST., NEWBERG ZONE: C-2

STATE WHY THE VACATION SHOULD BE APPROVED: MEDICAL CENTER, CURRENTLY UNDER CONSTRUCTION, WAS SITED 10' FROM PROPERTY LINE (EAST) AFTER CITY DECIDED NOT TO EXTEND "DEBORAH" STREET THROUGH. APPROVED BY CITY IN DESIGN REVIEW, PERMITTING;  
TOPOGRAPHY: 2 FLAT

SURROUNDING USES: NORTH: VACANT COMM'L SOUTH: VACANT COMM'L OTHERS: OTHERS.  
EAST: VACANT COMM'L WEST: VACANT COMM'L

The application must include a site plan and a current title report for each property. All property owners abutting the proposed vacation site must sign a CONSENT TO VACATE form which is attached to this application.

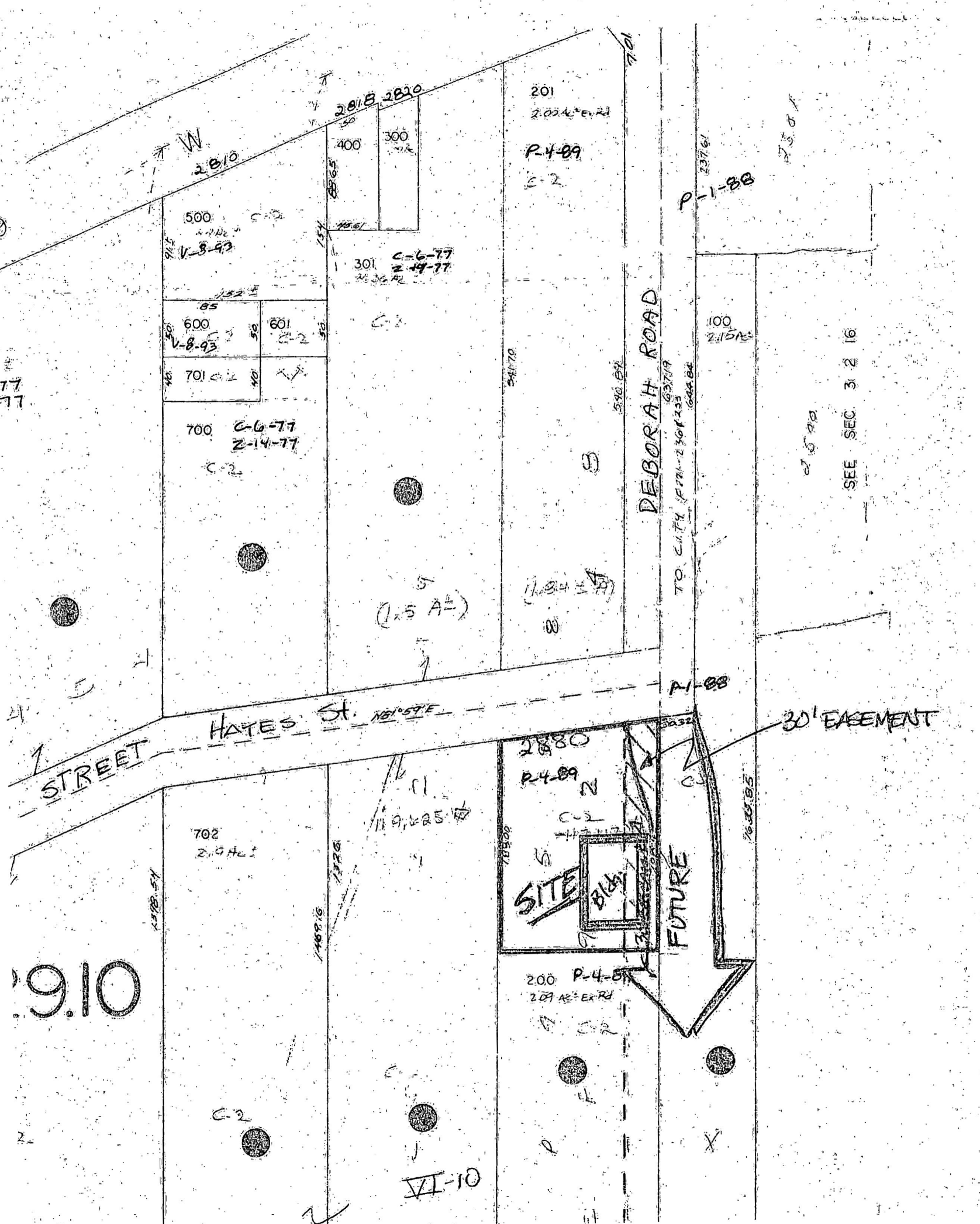
Abutting Owner	Address	Tax Lot Number
<u>YAMHILL ASSOC.</u>	<u>410 SE BASELINE</u> <u>HILLSBORO, OR 97123</u>	<u>100 (3220 AA)</u>
<u>SIMPICO LANDS</u>	<u>2601 LAKE EARL DR.</u> <u>CRESCENT CITY, CA</u> <u>95531</u>	<u>200 (3220 AA)</u>

The above statements and information herein contained are in all respects true, complete and correct to the best of my knowledge and belief.

James R. Ominson  
Applicant/Title Holder/Contract Purchaser

8/29/94  
Date





17  
17

1  
STREET

9.10

2

500  
V-8-93

600  
V-8-93

700  
C-6-77  
Z-14-77  
C-2

2818 2820

400  
300

301  
C-6-77  
Z-14-77

(1.5 A<sup>±</sup>)

201  
P-4-89  
C-2

DEBORAH ROAD

P-1-88

100  
Z-15-A<sup>±</sup>

SEE SEC. 3 2 16

HATES ST. 161°57'E

A1-88

30' EASEMENT

702  
Z-15-A<sup>±</sup>

2880  
P-4-89  
C-2

SITE


FUTURE

200  
P-4-89  
Z-15-A<sup>±</sup> EX RD

VI-10

# INTEROFFICE MEMORANDUM

---

**To:** Duane Cole, City Manager  
**CC:** Terry Mahr, City Attorney  
**From:** Greg Scoles   
**Date:** August 30, 1994  
**Subject:** Medical Clinic, Hayes Street

On April 13, 1994, the Design Review Committee approved plans for a Medical Clinic at the intersection of Hayes St. and Deborah Rd. Subsequent to that the owners obtained a building permit for the construction of the Clinic and construction commenced. The lender on the project, subsequently discovered, during a title search, that the site is encumbered by a 30' wide underground utility easement along the Easterly property line. The structure is currently under construction and is located approximately 20' into the easement.

The builder has been notified by the lender that he will not continue to be paid until this issue is resolved. The builder, James Omundson, has approached the City regarding the possibility of vacating the easement. An application for a vacation should be filed in the next day or so. The developer is extremely anxious to resolve this matter as quickly as possible. I told him the earliest we could deal with this matter would be the first Council meeting in October, given the notice requirements.

It is interesting to note, that as early as February 25, 1994, the developer was put on notice of a possible easement along the Easterly property line (see attached). It was recommended at that time that a title report be prepared to confirm the location. The first title report given to this office was forwarded to our office on August 18, 1994, but was prepared in May; it indicates the presence of an easement.

The easement is not currently in use, and does not appear to be necessary if Deborah Rd. is extended at a future date. In return for the vacation of a portion of the easement the city should consider obtaining a right-of-way dedication which would allow the future transition of Deborah Rd. to the East and allow for the construction of sidewalks and utilities in the remaining 10' of the easement, not encumbered by the building (see attached sketch). I will keep you informed as this proceeds.

**FROM THE DESK OF...**

GREG SCOLES  
COMMUNITY DEVELOPMENT DIRECTOR  
CITY OF NEWBERG  
719 E. FIRST ST.  
NEWBERG, OR 97132

537-1211  
Fax: 537-1272

VI-10



MILDREN DESIGN GROUP, P.C.  
ARCHITECTURE • SPACE PLANNING

11830 SW Kerr Parkway, Suite 325  
Lake Oswego, OR 97035  
503/244-0552 Fax 244-0417

## Record of Telephone Conversation

Project: Medical Clinic

Project Number: 94013

Date: February 25, 1994

Person: Sara King

Company: City of Newberg  
414 E. First Street  
Newberg, Oregon 97132

Regarding: Site requirements

Remarks: Sara provided the following information for the site at the southwest corner of the intersection of Hayes Street and Deborah Street:

Landscape: 10' setback from street right of way lot line  
5' setback from interior lot lines  
These setbacks are to paved areas

Building setbacks: 20' from the front (adjacent to street) lot line  
0' setback at interior lot lines

Signage: One square foot of signage is allowed per lineal foot of street frontage to a maximum of 100 square feet. This applies to monument type signs as well as free-standing signs. Signs are allowed on the building without limitation. All signages would need to be indicated for site review

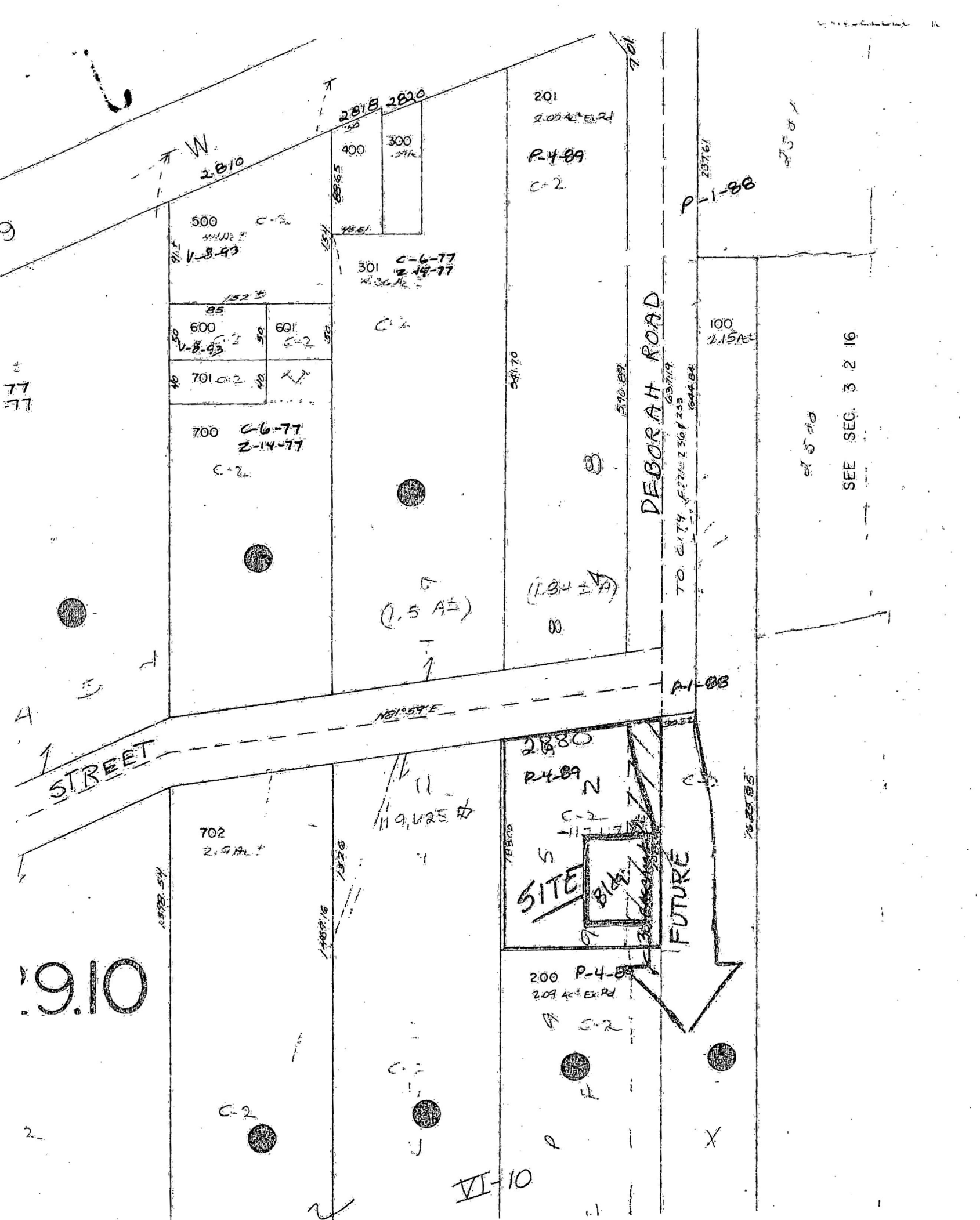
Sara also discussed the possibility that a utility easement may exist near the east boundary of the site and recommended that the title report or other such information be reviewed to confirm. She also mentioned that Deborah Street may be extended south along the east side of this parcel. She will confirm the status of that and inform MDG.

By: Jack Kriz

DEVELOPER  
cc: Jim Omundson, Omundson Construction

Every effort has been made to accurately record this conversation. If any errors or omissions are noted, written response is required within five days of issue date.

VI-10



77  
77

A

9.10

2

W.  
2810

2815 2820

201  
2.09 AC ± EX. RD.  
P-4-B9  
C-2

P-1-88

500  
C-2  
V-8-93

400  
300  
-29K

301  
C-6-77  
2-14-77  
41.36 AC

600  
V-8-93

601  
C-2

701  
C-2

700  
C-6-77  
2-14-77  
C-2

(1.5 AC ±)

(1.94 ± A)

DEBORAH ROAD

TO CITY FILE # 2361753  
63-719  
1644-04

100  
2.15 AC

SEE SEC. 3 2 16

N 81° 59' E

STREET

702  
2.9 AC ±

2880  
P-4-B9  
N  
C-2

SITE

FUTURE

200 P-4-B  
2.09 AC ± EX. RD.

VI-10

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 12, 1994

     MOTION

     RESOLUTION

DATE ACTION REQUESTED: September 6, 1994

  X   ORDINANCE

     INFORMATION

SUBJECT: Vacation of the existing alley right-of-way in Block 4 Central Addition and the Franklin Street right-of-way between Garfield and the RR tracks


RECOMMENDATION:


The City Manager recommends that the Council adopt Ordinance 94-\_\_\_\_, authorizing the vacation of the alley right-of-way between Garfield and Washington, Franklin and North adjacent to tax lots 3218DC-10500, -11500, -11600, -11700, -11800 and -11900; and the Franklin Street right-of-way between Garfield and the RR tracks.

BACKGROUND:

On August 1, 1994, the City Council set the hearing date to consider the vacation of the above mentioned alley and street. The alley and street are unimproved. City water and sewer lines exist in Franklin Street. The applicants have indicated that the alley and street are not needed or used and are better suited as an incorporated part of the owners yards.

COST: None

  
\_\_\_\_\_  
Greg Scoles  
Community Development Director

  
\_\_\_\_\_  
Duane R. Cole  
City Manager

IV-1

2

ORDINANCE NO. 94-

AN ORDINANCE VACATING THE EAST-WEST ALLEY RIGHT-OF-WAY BETWEEN YAMHILL COUNTY TAX LOTS 3218DC-10500, -11500, -11600, -11700, -11800 AND -11900, LOCATED BETWEEN GARFIELD AND WASHINGTON, FRANKLIN AND NORTH; AND THE EAST-WEST FRANKLIN STREET RIGHT-OF-WAY LOCATED BETWEEN GARFIELD AND THE RAILROAD TRACKS WITHIN THE CORPORATE CITY LIMITS OF NEWBERG, OREGON.

WHEREAS, The City Council of Newberg has initiated a vacation proceeding as authorized by ORS 271.130;

WHEREAS, Notice was published in the Newberg Graphic Newspaper once a week for two consecutive weeks prior to the final public hearing of the City Council;

WHEREAS, The Newberg City Council conducted a public hearing on September 6, 1994 to consider the vacation and any written objections or remonstrances;

WHEREAS, A majority of the abutting property owners have signed consent to vacate forms.

NOW, THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. The following described public right-of-way within the City of Newberg, County of Yamhill, State of Oregon, is hereby vacated:

THE EAST-WEST RIGHT-OF-WAY BETWEEN YAMHILL COUNTY TAX LOTS 3218DC-11500, -11600, -11700, -11800 AND -11900, LOCATED BETWEEN GARFIELD AND WASHINGTON, FRANKLIN AND NORTH;

AND

THE EAST-WEST FRANKLIN STREET RIGHT-OF-WAY LOCATED BETWEEN GARFIELD AND THE RAILROAD TRACKS WITHIN THE CORPORATE CITY LIMITS OF NEWBERG, OREGON.

Section 2. A 12 ft. public utility easement shall be retained over the alley right-of-way for utility access. A 60 ft. public utility easement shall be retained over the Franklin Street right-of-way.

Section 3. The Findings of Fact for approval, marked as Exhibit A and attached to this ordinance, are hereby adopted and by this reference incorporated.

Section 4. Subject to the above provisions, the Recorder of the City of Newberg is hereby directed to file for recording with the County Clerk and Ex-Officio Recorder of Conveyances of the County of Yamhill, State of Oregon, a certified copy of this ordinance and a map of said public right-of-way (Exhibit B) so vacated, and the Recorder is further directed to file a copy

of this ordinance and a map with the Surveyor and the Assessor of said Yamhill County, Oregon, respectively.

Section 5. Title to the real property included within said rights-of-way hereby vacated shall attach to the property abutting said right-of-way, in accordance with the provisions of ORS 271.140.

PASSED by the Council of the City of Newberg this \_\_\_\_ day of September, 1994 by the following votes:

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Duane Cole, City Recorder

APPROVED by the Mayor this \_\_\_\_ of September, 1994.

\_\_\_\_\_  
Donna Proctor, Mayor

IV-1

4

**EXHIBIT A**  
**FINDINGS FOR APPROVAL**  
**OF A STREET/ALLEY VACATION**  
September 6, 1994

**APPLICANT:** Rick Thomas

**REQUEST:** Vacation of the existing alley right-of-way in Block 4 Central Addition and the Franklin Street right-of-way between Garfield and the RR tracks

**ZONING:** R-2 Medium Density Residential

**LOCATION:** Located between Garfield and Washington, Franklin and North

**TAX LOT:** 3218DC-10500, -11500, -11600, -11700, -11800 and -11900

**FILE NO:** VAC-1-94

**CRITERIA:** ORS NO. 271.130

---

**I. CRITERIA AND ORDINANCE REQUIREMENTS**

**A. Criteria**

City ordinances do not include procedures or criteria for street vacations. In lieu of City criteria, State procedures and criteria apply. ORS 271.130 lists the criteria for vacations which are initiated on the Council's own motion. The section states that approval must include affirmative findings that:

1. Notice has been given as provided by ORS 271.110;
2. The owners of a majority of the area affected do not object in writing; and
3. Where owner consent has not been provided, the vacation will not significantly affect the value of the abutting properties, unless the city provides for paying damages.

IV-1

5

**B. Notice Requirements**

**ORS 271.130** states the notice requirements:

1. A notice must be published once a week for two consecutive weeks. The notice shall describe the ground covered in the petition, give the date of the public hearing, give the name of the petitioner, and the date when any objection or remonstrance may be filed with the City recording officer prior to the time of the hearing; and
2. Within five days after the first day of publication of the notice the City recording officer shall post at or near the end of the proposed vacation a copy of the proposed vacation.

**II. FACTS**

- A. The proposed vacation will result in the transfer of the existing right-of-way to the adjoining tax lots.
- B. The owners, zoning, and use of the abutting properties to the east and west are as follows:

<u>Tax Lot</u>	<u>Owners</u>	<u>Zoning</u>	<u>Use</u>
3218DC-10500	Hill & Hill	M-2	Industrial
3218DC-11500	Rozo, Humberto & Ana	R-2	Single family
3218DC-11600	Roberts, Arlie & Helen	R-2	Single family
3218DC-11700	Towers, Gerald & Imogene	R-2	Single family
3218DC-11800	Rinkes, Joseph & Kimberly	R-2	Single family
3218DC-11900	Thomas, Richard & Nancy	R-2	Single family

- C. A consent to vacate form has been signed by all abutting property owners with the exception of the Southern Pacific Railroad.
- D. The alley is primarily unimproved with no curb cut on the west end; a curb cut on the east end provides access to a garage on Tax Lot 11800. Franklin Street at this location is undeveloped with no curb cut. Water and sewer utilities are contained in the Franklin Street right-of-way. The City will require retention of a utility easement over both rights-of-way.
- E. Surrounding conditions are as follows:  
  
North: Single family residential  
South: Industrial  
East: Single family residential  
West: Multi-family residential

IV-1

6

- F. Notice was published in the Newberg Graphic on August 24 and August 31, 1994. A public notice was posted on or near the subject right-of-way within five days of the first notice publication. Property owners within 100 feet of the subject alley and street have also been notified by mail.

### **III. REFERRALS**

Referrals were sent to all City departments and local utility companies. No substantive comments have been received.

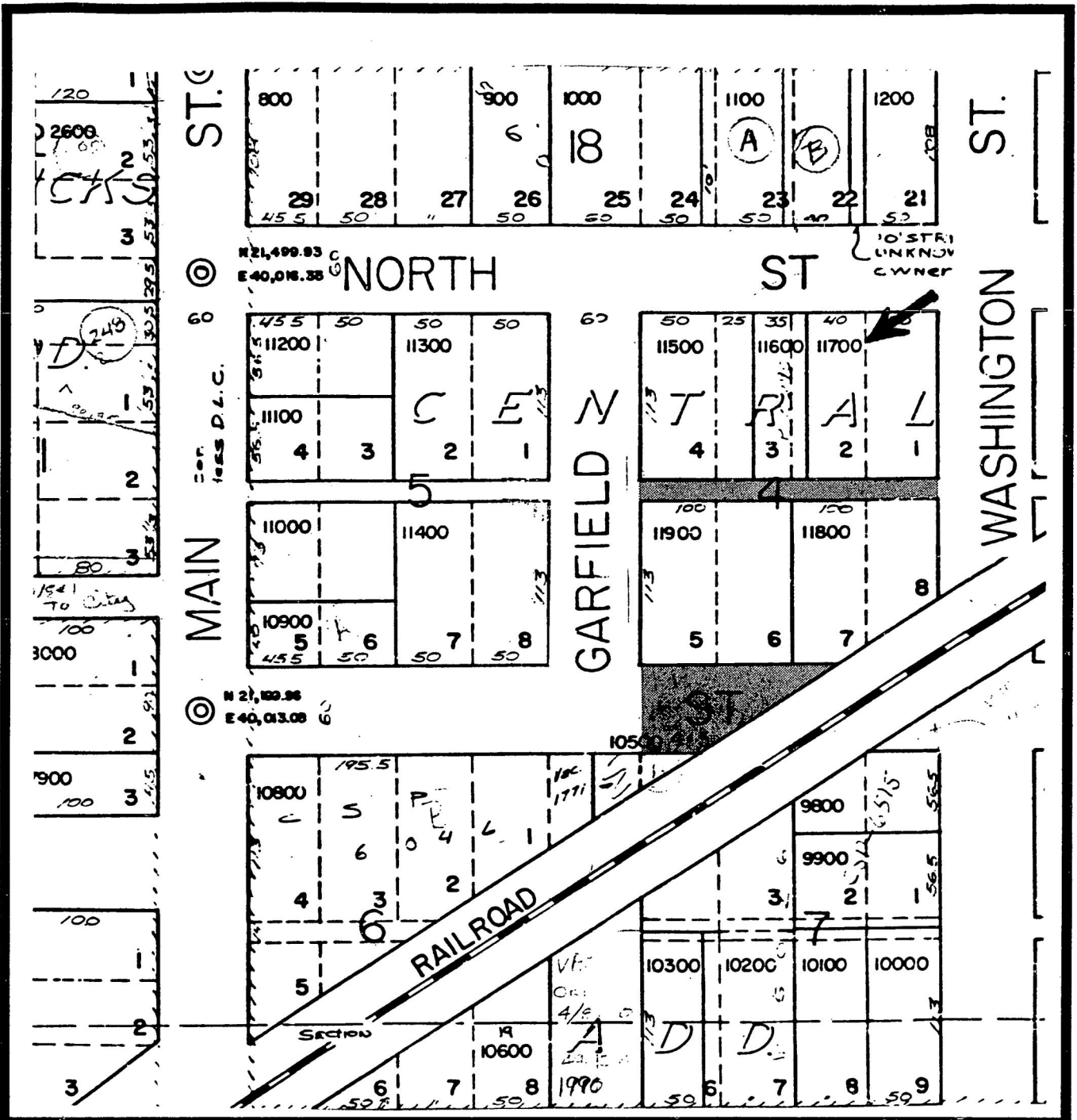
### **IV. CONCLUSIONARY FINDINGS**

1. Notice has been provided in accordance with ORS 271.110. Notice was published in the Newberg Graphic for two consecutive weeks beginning August 24, 1994. In addition, notice has been posted near the site and mailed to property owners within 100 feet of the subject alley and street.
2. The abutting property owners are not affected by the proposed vacation. Written consent from a majority of the owners of abutting property have been received.
3. The proposed vacation will not limit access to abutting properties at this time, or have a detrimental effect on their market value.

Based on the criteria, facts, and conclusionary findings, the proposed vacation satisfies City standards and approval criteria.

IV-1

7



**Description:**  
Alley and Street Vacation

**File:** VAC-1-94

**Date:** 9-6-94

↑  
N

**RIGHT-OF-WAY MAP  
EXHIBIT B**

**Tax Lot:** Adjacent to 3218DC-10500, -11500, -11600, -11700, -11800 and -11900

**Location:** Block 4 Central Addition, and Franklin Street between Garfield and the RR tracks

IV-1

8

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 22, 1994

\_\_\_\_\_ MOTION

\_\_\_\_\_ RESOLUTION

DATE ACTION REQUESTED: September 6, 1994

\_\_\_\_\_ X ORDINANCE

\_\_\_\_\_ INFORMATION

SUBJECT: Annexation of one parcel totalling 11.62 acres

RECOMMENDATION: Approve annexation.

BACKGROUND:

On August 11, 1994, the Planning Commission held a hearing to consider annexation of 11.62 acres located on the west side of N. College, north of Hilltop Drive and west of Terrace Drive. The site is currently designated LDR in the Comprehensive Plan with a County AF-10 (Agricultural Forestry - 10 acre minimum) zoning designation. The Planning Commission, on a 4-2 vote, moved to recommend annexation of the property as an R-1 Low Density Residential zoning district and withdrawal from the Newberg Rural Fire Protection District.

COST: None

  
\_\_\_\_\_  
Greg Scoles, Comm. Dev. Director

  
\_\_\_\_\_  
Duane Cole, City Manager

ATTACHMENTS:

- A. Planning Commission Staff Report
- B. Ordinance with Findings
- C. Planning Commission Minutes dated 8-11-94

**PLANNING COMMISSION STAFF REPORT**  
**August 11, 1994**

**APPLICANT/  
CONTACT:** Roger Grahn - Nielsen Grahn, Inc.

**OWNER:** George & Ruth Piper

**REQUEST:** Annexation/Zone Change for an 11.62 acre parcel within the Urban Growth Boundary

**LOCATION:** 3617 N. Terrace Drive

**TAX LOT:** 3207AC-100

**FILE NO:** ANX-7-94

**ZONE:** County AF-10 (Agricultural Forestry/10 acre minimum) to City R-1 (Low Density Residential)

**PLAN  
DESIGNATION:** LDR (Low Density Residential)

**UGB STATUS:** The 11.62 acre parcel is within the northwestern boundary of the UGB.

---

**EXHIBITS:**

1. Site Map - attached
2. Comprehensive Plan Map - attached
3. Site Topography Map - attached
4. Application - attached
5. Findings - attached
6. ANX-7-94 Application - attached
7. Newberg Zoning Ordinance - by reference
8. Newberg Comprehensive Plan - by reference

## **I. INTRODUCTION**

This annexation application requests the City to include an 11.62 acre parcel into the city on its northwestern boundary. The entire parcel is within the Urban Growth Boundary (UGB).

## **II. FACTS**

### **A. PROPERTY DESCRIPTION:**

1. The site is located north of Hilltop Drive and west of Terrace Drive and contains approximately 11.62 acres with a County AF-10 (Agricultural Forestry - 10 acre minimum) zoning designation.
2. Surrounding land uses are as follows:

North:	Rural agricultural
South:	Residential R-1
East:	Rural residential
West:	Rural residential
3. The property is currently undeveloped.
4. The subject property adjoins the current city limits on its southern boundary.

### **B. EXISTING INFRASTRUCTURE:**

1. The property is adjacent to Terrace Dr. and will take access from Jones and Morris Streets, local city streets having rights-of-way of 60 ft.
2. Water is available on Morris and Jones Streets. A portion of the property cannot be served by gravity sewer at this time.
3. Sewer is available on Morris and Jones Streets and Terrace Lane.
4. Storm sewer is available near the end of Morris and Jones Streets and Terrace Lane.
5. Electricity is available east of the project on Highway 219.

### **C. DEVELOPMENT PLANS:**

The developer plans to construct single family housing on the site.

**D. INFRASTRUCTURE PLANS:**

The developer plans to conform to the development requirements of the Subdivision Ordinance.

**E. REFERRALS**

The request was referred to all City departments, the Yamhill County Planning Department, the Division of State Lands, Chehalem Park and Recreation District, the Rural Fire District, and utility agencies. The following substantive comments have been received:

ODOT:

1. This property is located west of, and will be accessed from State Highway 219. Across the state highway to the east of this site is the area of the Northwest Newberg Specific Plan. By letter dated September 15, 1993, ODOT provided comments and recommendations on Comprehensive Plan Amendment GR-3-92 for the specific plan. ODOT recommended the inclusion of three conditions of approval to provide for the ultimate construction of improvements to State Highway 219 (College Street). The improvements recommended are contained within the City of Newberg Transportation System Plan (TSP) and include the following:
  1. Prior to issuance of a grading permit or building permit, whichever occurs first, within the boundary of the Northwest Newberg Specific Plan, the City and/or project applicant shall submit improvement plans for State Highway 219 for the review and approval of the District Manager, Oregon Department of Transportation, District 3. Said plans, developed to ODOT standards, shall provide for a 3-lane roadway section with on-road bike lanes and sidewalks consistent with the 3-lane Major Arterial Highway section in the City of Newberg Draft Transportation System Plan.
  2. Prior to the issuance of an occupancy permit for any residential or commercial use within the boundary of the Northwest Newberg Specific Plan, the City of Newberg shall provide certification to the District Manager, Oregon Department of Transportation, District 3 that improvements to State Highway 219 have been installed consistent with the approved improvement plans.
  3. Prior to the issuance of a grading permit or building permit, whichever occurs first, the applicant shall obtain approval of an approach road permit by the District Manger, Oregon Department

of Transportation, District 3. Said permit shall specify the number, location, and configuration of all access points to the state highway.

2. Three subsequent projects have been submitted for development within the boundary of the specific plan. In each case, ODOT has recommended that the developer(s) design and construct the required improvements prior to occupancy of any residential or commercial development. The subject property is not located within the specific plan, however, traffic generated by future development of the site will impact the highway. Further, the property was included in the study area for the draft TSP. ODOT recommends, therefore, that this applicant be required to participate in the improvements to State Highway 219 in this area. The City may determine the level and type of participation, but it should be based on this project's proportionate impact to the highway as compared to development within the Northwest Newberg Specific Plan.
3. ODOT is also concerned with the future project access to the highway network in the area. Because this is an annexation, no site design has been submitted for review. Access to the site should be restricted to Terrace Drive, as far from the intersection with State Highway 219 as possible or via existing local streets in the area. If an access to Terrace Drive is provided, a change in use of the approach road (Terrace Drive) will result (Oregon Administrative Rules 734-50-025(11)). The City will be required, therefore, to obtain an approach road permit for Terrace Drive. Additionally, due to the limited project frontage on the state highway and the proximity of that frontage to the Terrace Drive intersection, no direct access to the highway will be permitted.

NOTE: The comments provided above represent the recommendations of ODOT. The City may provide further restrictions on access in conformance to the Transportation System Plan. The City is not obligated to authorize access to Terrace Drive as part of this application. Any proposed development of the property must be evaluated through the provisions of the Transportation System Plan and other ordinances of the City.

Newberg School District:

This project will be provided with adequate educational services by the Newberg School District as is our responsibility. Please note, however, that the school currently exceeds its physical capacity. Despite the fact that new school

construction is taking place it is expected that continued growth will fill these buildings.

**F. NOTICE:**

Notice of this request was provided to owners of the subject property and all the adjoining property owners within a distance of 100 feet. Notice was also provided within the Newberg Graphic Newspaper and was posted on or adjoining the subject property.

**III. CRITERIA AND ORDINANCE REQUIREMENTS**

The Newberg City Council has the authority to make the final decision on this matter. The Planning Commission may recommend that the Council approve or deny the application, or may request further information relating to the annexation. The Planning Commission and City Council must base their decisions on findings which relate to the criteria listed in the ordinances below.

**A. ANNEXATION CRITERIA: Section 4 of the Newberg Annexation Ordinance No. 2012**

1. **COMPREHENSIVE PLAN:** Consistency of the annexation in relation to the Newberg Comprehensive Plan and other applicable regulations set forth by the City of Newberg, the State, and affected jurisdictions and agencies.
2. **PUBLIC SERVICES - AVAILABILITY & QUANTITY:** The availability of basic public services which include but are not limited to sewer, water and electricity to the site in adequate quantities to serve the potential users without adversely affecting the availability of these services to existing users.
3. **PUBLIC SERVICES - IMPACT:** The impact upon public services which include but are not limited to police and fire protection, schools, hospitals and public transportation to the extent that they shall not be unduly compromised.
4. **HOUSING & EMPLOYMENT:** The need for housing, employment opportunities, and livability in the City of Newberg and surrounding areas.
5. **LAND USE EFFICIENCY:** The location of the site as to provide for the efficiency in land use in relation to public facilities and services, transportation, energy conservation, urbanization and social impacts.

- B. ZONING CRITERIA - Section 600, Newberg Zoning Ordinance:** In order to afford zoning protection to newly annexed lands, an application for an applicable city zone shall be reviewed simultaneously with an annexation application. In the event that the annexation request is denied, the zone change request shall also be denied. In the event that the zone change request is denied, the request for annexation shall either be denied, continued or tabled until an appropriate zone is requested and approved. The following criteria are used to evaluate the zoning of newly annexed lands.
1. **COMPREHENSIVE PLAN/ZONING ORDINANCE:** The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and of the Zoning Ordinance of the city;
  2. **PUBLIC NEED:** There is a public need for a change of the kind in question;
  3. **ZONE CHANGE SERVES NEED:** The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

#### **IV. APPLICABLE POLICIES**

##### **A. ANNEXATION POLICIES:**

It shall be the City's policy to encourage annexation where:

- A. The annexation complies with the provisions of the Newberg Comprehensive Plan.
- B. The annexation would straighten out boundaries and provide a clear identification of the City.
- C. The annexation would benefit the City by addition to its revenues an amount that would at least be equal to the cost of providing services to the area.
- D. It would be clearly to the City's advantage to control the growth and development plans for the area.

##### **B. COMPREHENSIVE PLAN GOALS AND POLICIES:**

Goals and Policies found within the Newberg Comprehensive Plan which are relevant to this request include the following:

1. **AGRICULTURAL LAND:** To provide for the orderly and efficient transition from rural to urban land uses.

2. **HOUSING GOAL:** To provide for the housing needs of the community commensurate with regional income levels.
3. **HOUSING MIX POLICIES: 3 (j)** The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing, and reducing housing costs.
4. **TRANSPORTATION: 2 (c) Automobile Policies:** Poorly controlled access shall be prohibited.
5. **PUBLIC FACILITIES AND SERVICES: 1 (a,b,c,d,h); 2 (b); 3 (a,b); 4 (a,c)**

1. **All Facilities & Services Policies**

- a. The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.
- b. The extension of publicly-owned facilities and services into currently undeveloped areas shall occur only in accordance with the Public Facilities and Services Plan.
- c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.
- h. New residential areas shall have: paved streets, curbs, pedestrian ways, water, storm drainage, street lights and underground utilities.

2. **Sewers and Water Policies**

- b. Water systems within the planning area will be designed to provide an adequate peak flow for fire protection.

3. **Street Lighting Policies**

- a. Adequate street lighting shall be provided with priority given to arterial and collector streets, intersections, pedestrian paths, and bikeways.
- b. New street lights shall use high pressure sodium or other energy efficient lamps.

#### 4. Fire Protection Policies

- a. Fire protection should be provided in accordance with the suggested guidelines of the National Board of Fire Underwriters and the Insurance Services Office.
- c. Adequate warning signals should be installed where emergency vehicles gain access to the street.

6. **URBANIZATION, GOAL (1)** To provide for the orderly and efficient transition from rural to urban land uses.

7. **GENERAL POLICIES: (a)** In new development areas, all utility lines shall be placed underground.

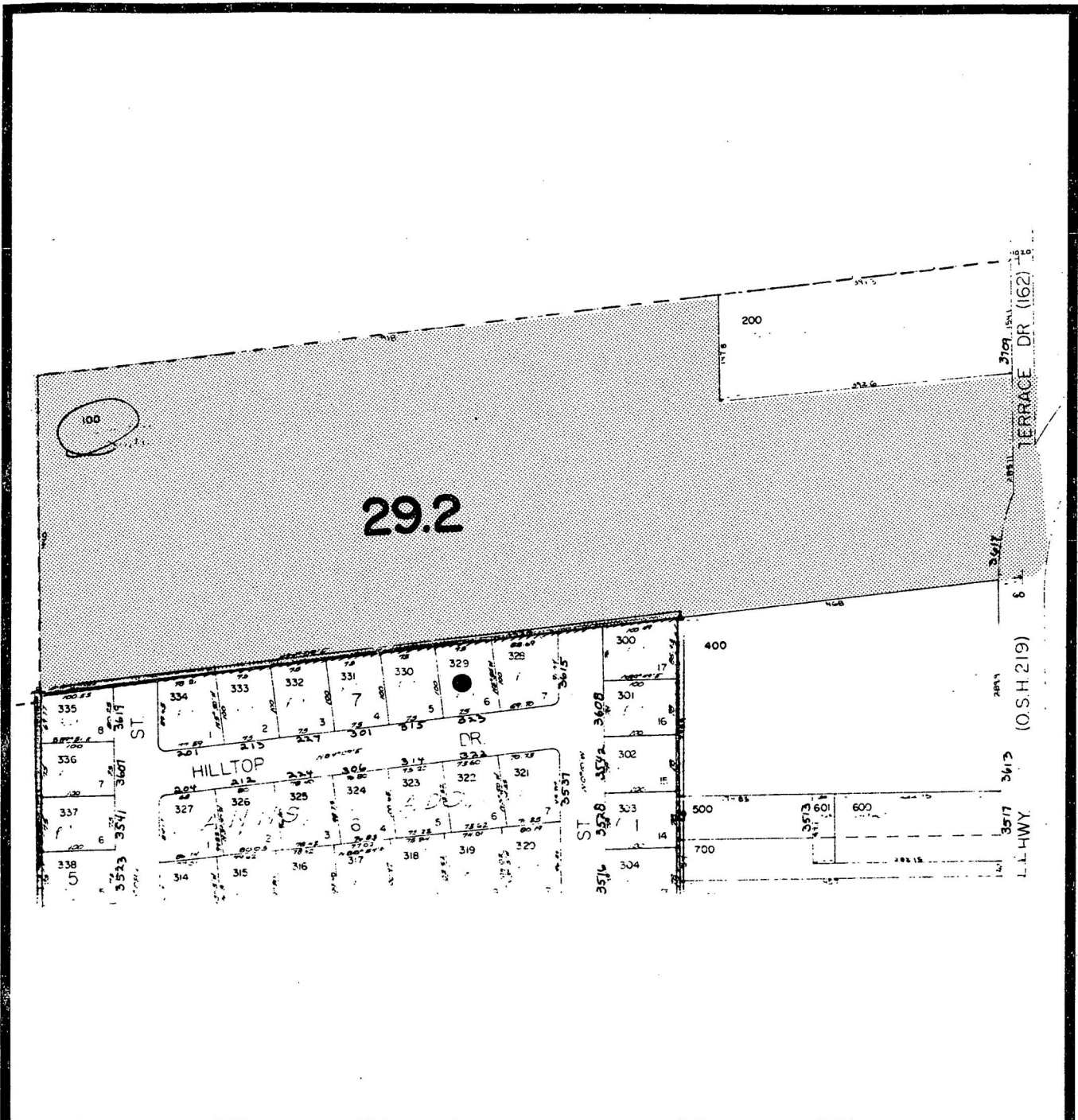
#### V. CONCLUSION

Based on the criteria and the findings, the request satisfies the criteria for annexation and rezoning from County Zone AF-10 (Agricultural/Forestry 10 acre minimum) to City R-1 Low Density Residential. With annexation, the site will be withdrawn from the Newberg Rural Fire Protection District. The annexation shall be effective before March 31, 1995.

#### VI. PRELIMINARY STAFF RECOMMENDATION

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. The staff finds that the request is consistent with the findings identified within this report as "Exhibit 5." Based upon the findings found within this report, the staff recommends the following motion for approval:

- Move to recommend that the Newberg City Council annex Tax Lot 3207AC-100 into the City of Newberg, based on the staff report findings; and
- Move to designate Tax Lot 3207AC-100 as a City R-1 Low Density Residential zoning district, based on the staff report findings, and
- Move to withdraw Tax Lot 3207AC-100 from the Newberg Rural Fire Protection District, based on staff report findings.



**Description:**  
 11.62 acre  
 annexation/zone change

**File:** ANX-7-94  
**Date:** 8-11-94

**SITE MAP**

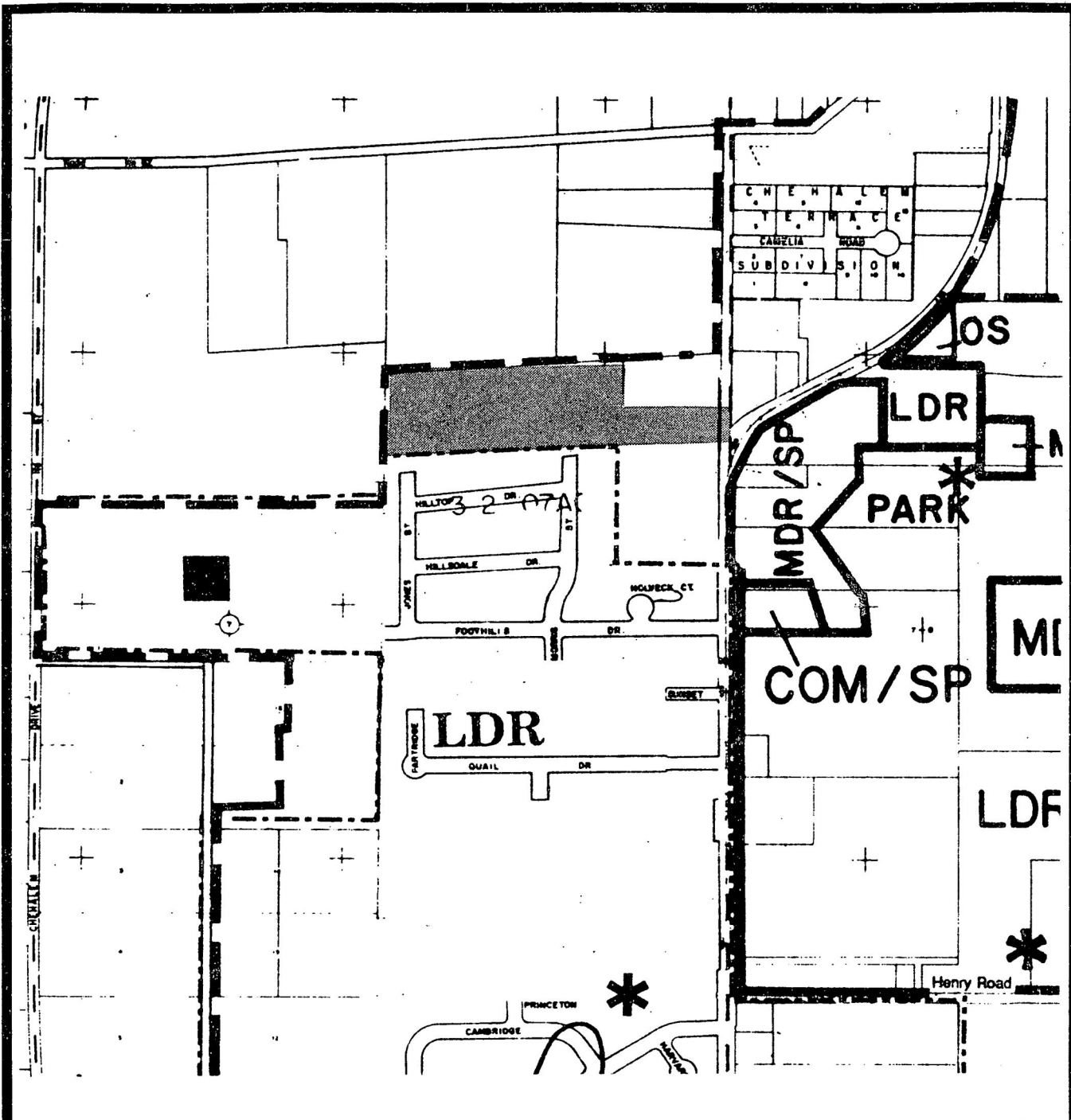
**EXHIBIT 1**

**Tax Lot:** 3207AC-100  
**Location:** 3617 N. Terrace Drive

**Application By:**  
 Roger Grahn - Nielsen  
 Grahn, Inc.

IV-2

18



**Description:**  
 11.62 acre  
 annexation/zone change

**File:** ANX-7-94  
**Date:** 8-11-94

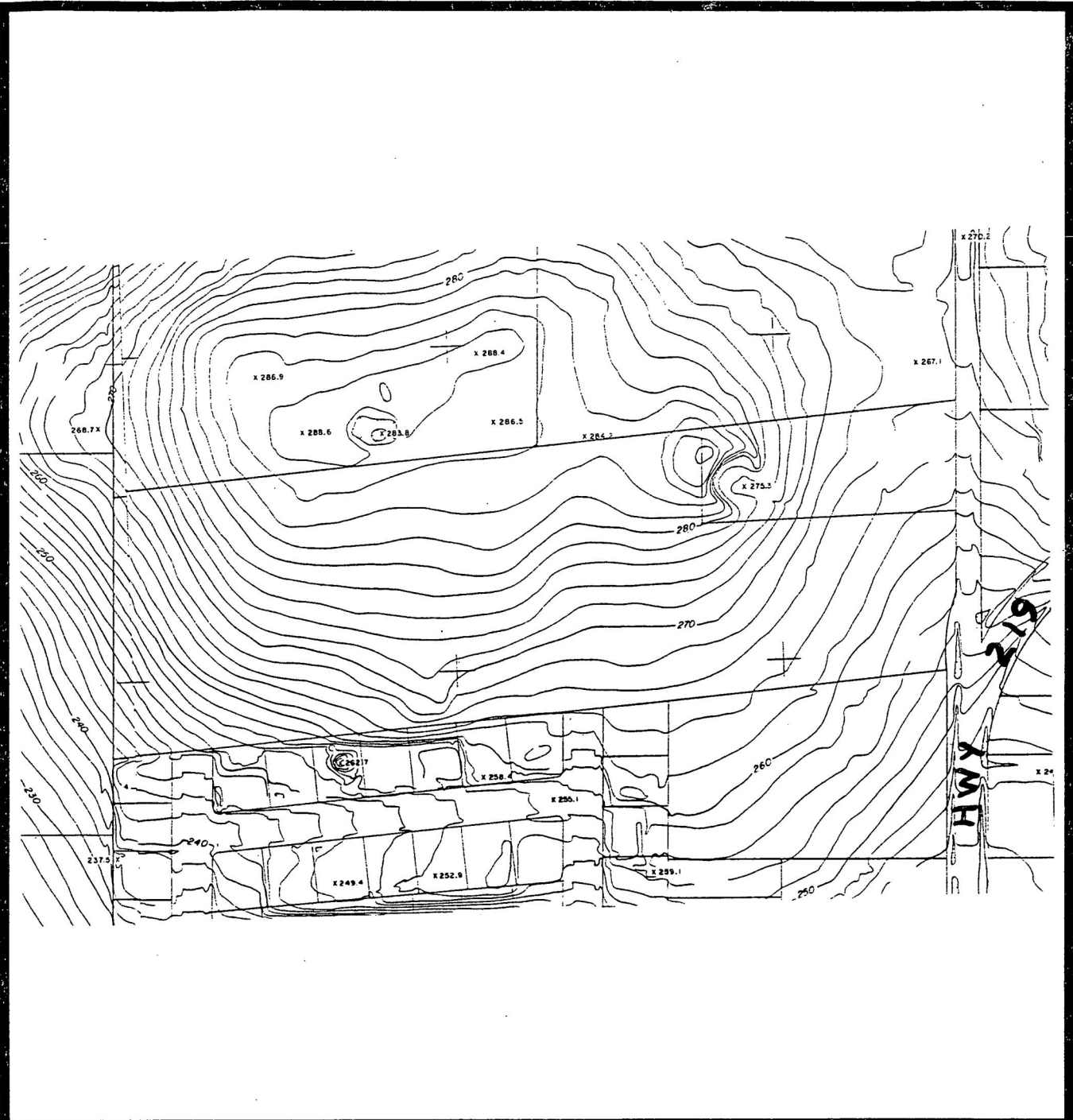
**COMPREHENSIVE  
 PLAN MAP  
 EXHIBIT 2**

**Tax Lot:** 3207AC-100  
**Location:** 3617 N. Terrace  
 Drive

**Application By:**  
 Roger Grahn - Nielsen  
 Grahn, Inc.

IV-2

19



**Description:**  
 11.62 acre  
 annexation/zone change

**File:** ANX-7-94  
**Date:** 8-11-94

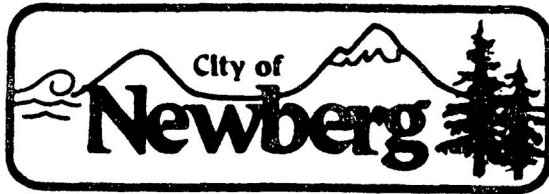
**TOPOGRAPHY  
 MAP  
 EXHIBIT 3**

**Tax Lot:** 3207AC-100  
**Location:** 3617 N. Terrace Drive

**Application By:**  
 Roger Grahn - Nielsen  
 Grahn, Inc.

IV-2

20



414 E. First St.

Newberg, Oregon 97132

APPLICATION FOR:

ZONE CHANGE

PLAN AMENDMENT

ANNEXATION

FILE: ANX-7-94

DATE: 6-24-94

FEE: 0

RECEIPT NO: \_\_\_\_\_

APPLICANT: Nielsen Grahn, Inc. PHONE: 692-5241  
ADDRESS: 9035 S.W. Sagert, Tualatin, Or. 97062

OWNER(S): George & Ruth Piper PHONE: 5383744  
(If different from above)  
ADDRESS: 3617 N. Terrace Dr., Newberg, Or. 97132

ENGINEER SURVEYOR: Johnnie M. Summers, PLS PHONE: 648-2019  
ADDRESS: P.O. Box 1044, Hillsboro, Or 97123

OTHER PROFESSIONAL: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

GENERAL INFORMATION:

LOCATION: 3617 N. Terrace Dr.

TAX LOT NO: 3207 AC 0100

CURRENT ZONE: Low Density Resid. AF-10 PROPOSED ZONE: R-1

CURRENT PLAN DESIGNATION: LDR PROPOSED PLAN DESIGNATION: LDR

CURRENT USE/STRUCTURES: Single Family Residential

NUMBER OF EXISTING DWELLING UNITS: 1 POPULATION (ANNEXATION REQUESTS): 2

PROPOSED USE/IMPROVEMENTS: Single Family Residential

TOPOGRAPHY: Sloping, to the West & South

SURROUNDING USES: NORTH: Agricultural SOUTH: R-1, Single Fam. Resid.

EAST: Low Density Resid. WEST: Park District

SQUARE FOOTAGE OF SITE: 506,167 ACREAGE: 11.62+ Ex Rd.

IDENTIFY ROAD ACCESS: N. Terrace Dr; North end of Morris & Jones St.

COMPREHENSIVE PLAN AMENDMENT/ZONE CHANGE CRITERIA:

On an attached sheet of paper identify how your request complies with the following criteria:

1. The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and of the Zoning Ordinance of the City. (Identify specific goal and policy statements contained within the Comprehensive Plan which apply to your request.)
2. There is a public need for a change of the kind in question.
3. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

IV-2

21

ANNEXATION CRITERIA

On an attached sheet of paper identify how your request complies with the following criteria:

1. Consistency of the annexation in relation to the Newberg Comprehensive Plan and other applicable regulations set forth by the City of Newberg, the State, and affected jurisdictions and agencies.
2. The availability of basic public services which include but are not limited to sewer, water and electricity to the site in adequate quantities to serve the potential users without adversely affecting the availability of these services to existing users.
3. The impact upon public services which include but are not limited to police and fire protection, schools, hospitals and public transportation to the extent that they shall not be unduly compromised.
4. The need for housing, employment opportunities, and livability in the City of Newberg and surrounding areas.
5. The location of the site as to provide for the efficiency in land use in relation to public facilities and services, transportation, energy conservation, urbanization and social impacts.

This application must be completed and returned to the Community Development Office together with TEN(10) copies of a site plan. One original copy of the plan may be submitted if prepared in an 8 1/2" by 11" format. A current title report must accompany the application.

Check with the Planning Staff regarding additional requirements for your project. You are encouraged to arrange a pre-application conference with staff prior to submittal.

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.

June 23-94  
Date  
June 23-94  
Date  
6-24-94  
Date

George A. Piper  
Applicant Owner  
Beth B. Piper  
Applicant Owner  
George A. Piper  
Applicant  
NIELSEN GRAHN, INC.

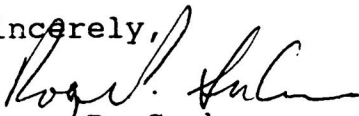
NIELSEN GRAHN INC.  
Construction - Development  
9035 S.W. Sagert  
Tualatin, OR 97062  
(503) 692-5241

June 22, 1994

This Annexation request complies with the following criteria:

1. The annexation of the subject property and its proposed use conforms completely to the goals and policies of the Newberg Comprehensive plan as well as all regulations of other affected jurisdictions.
2. All basic public services - sewer, water, storm and streets - as well as semi public services - electricity, gas, phone, TV cable - are readily available for future development. The site is in the Urban Growth Boundary and the proposed zoning is the same density as has been planned for several years.
3. Annexation does not impact hospital, schools, transportation or police and fire protection as there is not yet any new development. However, the site is in the Urban Growth Boundary and adjacent to both the city and the new Crater school and park site, thereby giving service providers the opportunity to plan for services to this site.
4. The acute public need of median priced single family housing has recently been consistently demonstrated. This would advance that need and will enhance the livability of Newberg.
5. This site provides for maximum efficiency in land use as all public utilities are immediately available, the new schools and park are right next door (to the west). Access via Morris, Jones and Terrace streets to North College and N Main (when extended as a collector street) offer maximum ease of access, and its sloping contours to the south and west comply with state mandated solar regulations.

Sincerely,

  
Roger P. Grahn,  
Secretary/Treasurer

jjg

IV-2

23

ORDINANCE NO. 94- 2387

AN ORDINANCE DECLARING THAT CERTAIN TERRITORY BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT TOGETHER WITH A ZONE CHANGE FROM A COUNTY AF-10 ZONING DESIGNATION TO A CITY TO CITY R-1 LOW DENSITY RESIDENTIAL ZONING DESIGNATION. THE SITE IS LOCATED AT 3617 N. TERRACE DRIVE.

WHEREAS, A notice of this proposed annexation/zone change and withdrawal from the Newberg Rural Fire Protection District was sent to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 100 feet; and

WHEREAS, Notice of this action was placed as a public notice within the Newberg Graphic Newspaper and was posted on or near the subject property in compliance with state statutes; and

WHEREAS, Requirements of the City of Newberg Comprehensive Plan and Ordinance No. 2012 regarding annexations have been met; and

WHEREAS, The City Planning Staff, in the staff memorandum to the Planning Commission at their August 11, 1994 Planning Commission meeting, did recommend that the territory be annexed into the City; and

WHEREAS, On August 11, 1994, the Newberg Planning Commission held a public hearing to consider the land use issues involving the annexation of said territory and recommends that said territory be annexed based upon the findings of fact which are attached hereto as Exhibit A; and

WHEREAS, On September 6, 1994 at the hour of 7:30 PM in the Newberg Public Library Meeting Room, which was heretofore set as the time and place for a public hearing, and the City Council, through the Recorder of the City, did cause notice of this hearing to be published in accordance with ORS 222.120 and in accordance with Ordinance No. 2012 of the City of Newberg, and the hearing was held;

NOW, THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. The City Council adopts the findings of fact which are attached hereto as Exhibit A and incorporated herein by reference.

Section 2. It is hereby ordered and declared that the property described in Exhibit B is annexed and withdrawn from the Newberg Rural Fire Protection District.

IV-2

24

Section 3. The territory described in Exhibit B is hereby changed from a County AF-10 zoning designation to a City of Newberg R-1 Low Density Residential zoning designation. Section 900 of the Newberg Zoning Ordinance No. 1968 entitled "Newberg, Oregon Zoning Map" shall be amended to indicate this change.

Section 4. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of the following documents:

- A. A copy of this ordinance.
- B. A map identifying the location of said territory.

PASSED by the City Council of the City of Newberg this     day of                     , 1994,  
by the following votes:

AYES:

NAYS:

ABSTAIN:

\_\_\_\_\_  
Duane Cole - City Recorder

APPROVED by the Mayor this \_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Donna Proctor - Mayor

IV-2

25

**EXHIBIT A  
FINDINGS**

**I. ANNEXATION CRITERIA: Section 4 of the Newberg Annexation Ordinance No. 2012**

The proposed annexation fulfills the ordinance requirements in the following ways:

**A. COMPREHENSIVE PLAN:** The annexation complies with the provisions of the Newberg Comprehensive Plan, as stated below.

- 1. AGRICULTURAL LAND:** The property is located within the Urban Growth Boundary and is expected to be developed to meet the housing needs identified in the Comprehensive Plan. The Urban Growth Boundary serves as the tool to separate urbanizable land for agricultural lands. The applicant intends to develop single family residential lots through subdivision of the site. The subdivision process will enable achievement of the optimum use and value of the land, which in turn, will allow for the orderly and efficient transition from rural to urban land uses.
- 2. HOUSING GOAL:** The annexation will enable the future subdivision of land which will provide homes for the housing needs of the community commensurate with regional income levels.
- 3. HOUSING MIX POLICIES: 3 (j)** The applicant is proposing to construct median priced single family housing. The actual mix of housing proposed will be made a part of future development applications. Development of the site will be consistent with the mix of needed housing types identified within the Newberg Comprehensive Plan.
- 4. TRANSPORTATION: 2 (c) Automobile Policies:** Access will not be permitted on Hwy. 219 and must otherwise comply with the Transportation System Plan and other ordinances of the city. A determination of whether access will be permitted on Terrace Drive will not be made until future development permits (partition or subdivision application) are requested.
- 5. PUBLIC FACILITIES AND SERVICES: 1 (a,b,c,d,h); 2 (b); 3 (a,b); 4 (a,c)**
  - 1. All Facilities & Services Policies:** This application for annexation conforms to the public facilities and services policies of the comprehensive plan in that the streets, water, sewer, electric, and gas, adjacent to the subject parcels will be designed to serve the planned densities, and will extend throughout the planned

subdivision. These utility and street extensions implement the land use plan, encourage an orderly and efficient development pattern, and meet anticipated community needs. Since the comprehensive plan policies require new residential areas to have paved streets, curbs, pedestrian ways, water, sewer, storm drainage, street lights and underground utilities, the applicant will be asked at the subdivision stage of the process to provide these facilities.

2. **Sewers and Water Policies:** These policies are met by the application in that water systems within the planning area will be designed to provide an adequate peak flow for fire protection. Water and sewer services are available and currently about the site.
  3. **Street Lighting Policies:** Although the subdivision design plans are not part of this application for annexation, the applicant will be required to provide adequate street lighting with priority given to arterial and collector streets, intersections, pedestrian paths, and bikeways. Also, new street lights shall use high pressure sodium or other energy efficient lamps.
  4. **Fire Protection Policies:** The annexation application is consistent with the comprehensive plan policy on fire protection in that fire protection to this area will be provided by the Newberg Fire Department in accordance with the suggested guidelines of the National Board of Fire Underwriters and the Insurance Services Office. As part of the subdivision design process, adequate warning signals will be designed and installed where emergency vehicles gain access to the street.
6. **URBANIZATION, GOAL (1)** The applicant intends to develop single family residential lots through subdivision of the site. The subdivision process will enable achievement of the optimum use and value of the land, which in turn, will allow for the orderly and efficient transition from rural to urban land uses.
7. **GENERAL POLICIES: (a)** In new development areas, all utility lines shall be placed underground. The subdivision platting stage of this process will require this, which enables conformity of this application with the Comprehensive Plan.
- B. **PUBLIC SERVICES - AVAILABILITY & QUANTITY:** Public services of water, sewer, and electricity will be provided to and throughout the site by the developer. These services will be provided in adequate quantities to serve the

potential users without adversely affecting the availability of these services to existing users.

- C. **PUBLIC SERVICES - IMPACT:** The proposed development will not adversely impact police and fire protection, hospitals and public transportation, if all approval conditions are implemented prior to sale of homes on the lots. The Newberg School District has indicated that this project will be provided with adequate educational services. New school construction is now taking place. The District has commented that continued growth will fill the inventory of available school classrooms.
- D. **HOUSING & EMPLOYMENT:** This project will contribute to filling the need for housing and employment opportunities by providing new residential lots and construction jobs over the course of the project. Consequently, the livability in the City of Newberg and surrounding areas will be enhanced.
- E. **LAND USE EFFICIENCY:** Implementation of the conditions of approval of this annexation will enable the land use efficiency criteria to be satisfied, in that an infrastructure network will be coordinated and constructed.

## II. **ZONING CRITERIA - Section 600, Newberg Zoning Ordinance**

In order to afford zoning protection to newly annexed lands, an application for a city zone shall be reviewed simultaneously with an annexation application. In the event that the annexation request is denied, the zone change request shall also be denied. In the event that the zone change request is denied, the request for annexation shall either be denied, continued or tabled until an appropriate zone is requested and approved. The proposed zone change fulfills the ordinance requirements in the following ways.

- A. **COMPREHENSIVE PLAN:** The application is consistent with the Comprehensive Plan as stated in the above Annexation Criteria Section of the Findings document.

The zone change is consistent with the Newberg Comprehensive Plan in the following ways:

1. The property is designated by the Newberg Comprehensive Plan with a Single Family Residential designation. A request is made to rezone the property to an R-1 (single Family Residential) zoning district. The R-1 zone implements the Single Family designation of the comprehensive plan.
2. The zone change will protect residential areas from the intrusion of incompatible uses by following the Newberg Comprehensive Plan.

3. The zone change will promote safe, fast and efficient movement of people and goods without sacrifice to the quality of the City's environment. This will be accomplished through the use and development of a street network in compliance with the Newberg Transportation System Plan.
  4. The zone change will stabilize expectations regarding future development, thereby providing a basis for wise decisions with respect to such development.
  5. The zone change and subsequent development will preserve and enhance the quality of the City's environment through the use of an urban design in conformance to the City's development ordinances.
2. **PUBLIC NEED:** There is a public need for residential lots and housing in Newberg. The annexation and rezoning of this property is the first step in fulfilling the public need for residential land within the city.
  3. **ZONE CHANGE SERVES NEED:** The need for residential housing will be best served by changing the classification of this particular piece of property to that of R-1.

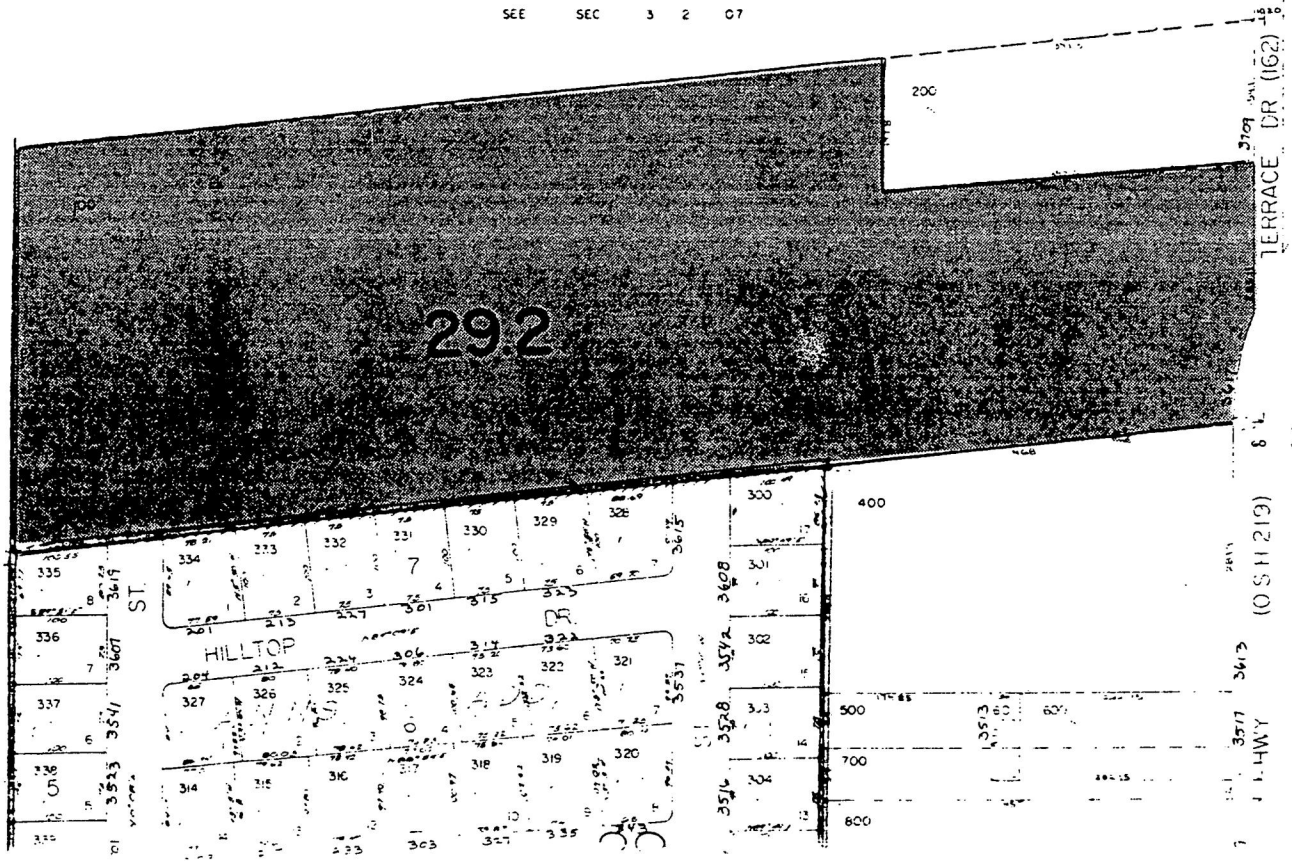
SW 1/4 NE 1/4 SEC 7 T 35 R 2W W1/4

AERIAL 300

YAMHILL COUNTY

1" = 400'

SEE SEC 3 2 07



Description:  
11.62 Acre annexation

File: ANX-7-94  
Date: 9-6-94



SITE MAP  
EXHIBIT B

Tax Lot: 3207AC-100  
Location: 3617 N. Terrace  
Drive

Application By:  
Nielsen Grahn, Inc.

IV-2

30

**EXHIBIT B  
LEGAL DESCRIPTION**

Beginning at a point 110 rods South and 10 feet West of the Northeast corner of Donation Land Claim of James Morris and wife, No. 46, in Section 7, in Township 3 South, Range 2 West of the Willamette Meridian, in Yamhill County, Oregon; thence from said true place of beginning, West 1310 feet; thence North 440 feet; thence East 918 feet 9 inches; thence South 147 feet 8 inches; thence Easterly 392 feet 6 inches along the South line of land conveyed by Bernhard Sasse and wife to Roland M. Rorick and wife, by Deed recorded April 25, 1950 in Book 157, Page 102, Deed Records, to a point in the West line of said County Road that is 285 feet 11 inches North of the true place of beginning; thence South 285 feet 11 inches along the West line of said County Road to the true place of beginning.

**Planning Commission Minutes**  
**August 11, 1994**  
**Page 3**

that once the record is closed, there would be no more public testimony allowed.

**Motion:** Haug/Gigandet to continue this item to the next scheduled meeting and to leave the record open for 7 days to allow for further oral testimony.

**Amendment to the Motion:** Worrall/Haug to amend the motion by deleting the word "oral" and inserting "written" as the only testimony that can be received at this point. Amendment carried by voice vote.

**Vote on main Motion:** Aye-Gigandet, Haug, Post, Sumner. No-Worrall, Kriz. Motion carried (4-2).

V.

**PUBLIC HEARING:**

**APPLICANT:** Roger Grahn - Nielsen Grahn, Inc.  
**OWNER:** George and Ruth Piper  
**REQUEST:** Annexation/Zone Change for an 11.62 acre parcel within the Urban Growth Boundary.  
**TAX LOT:** 3207AC-100  
**FILE NO:** ANX-7-94  
**ZONE:** County Low Density Residential to City R-1 (Low Density Residential)  
**COMP. PLAN DESIGNATION:** LDR (Low Density Residential) within the northwestern boundary of the UGB.

**Staff Report:** Mrs. Mingay reviewed the staff report and indicated the property location on the map. She referred Commissioners to the letters in the packet from the public agencies. She mentioned the property in question is in the Urban Growth Boundary and stated the preliminary staff recommendation, prior to public testimony was to approve the annexation.

**Proponent:** Roger Grahn, 9035 SW Sagert Road, Tualatin, OR stated he has purchased the property and wants to develop it into much needed housing. He has been told by Yamhill County that in order to develop this lot it must be annexed into the City of Newberg. There was discussion about Terrace Lane being the access road.

**Proponent:** Ralph Hodges, 3613 N. College, Newberg, OR stated he is not at all in opposition to the development but he does have a concern with his property being annexed if it becomes an island.

**Proponent:** Norm Witherbee, 301 Hilltop, Newberg, OR is not in opposition to the annexation but wanted to be on record as stating there are some serious drainage problems that he felt might get worse unless they are addressed during the course of development.

**Proponent:** Jennifer Parenteau, 3615 Morris, Newberg, OR stated the City needs to look at having a traffic light installed in the area. She also agreed with Mr. Witherbee about the drainage concerns.

**Opponent:** Carol Endicott, 3509 N. College, Newberg, OR informed the Commission that she had to install a sump pump because of drainage problems. She is also concerned with the development having access off of Terrace Drive as traffic is so bad in that location already.

**Opponent:** Darla Baxter, 3708 N. College, Newberg, OR stated she did not receive notification of

IV-2

32

**Planning Commission Minutes**  
**August 11, 1994**  
**Page 4**

this annexation. Her concerns were related to her property being made an island and her having to annex into the City. Ms. Baxter didn't feel this annexation was justified due to all the property in the Specific Plan area that has recently been annexed. She felt the schools can not handle this huge load of people that will be moving to the area.

**Opponent:** Donald Phillips, 3709 N. Terrace Drive, Newberg, OR stated he does not want to be forced to annex his property into the City and he shared concerns regarding the access. He felt the City needs to address some of these issues before approving this annexation request.

**Opponent:** Gene Baxter, Jr., 3711 N. College, Newberg, OR just built a new home so he could raise his children in the country. He stated he had just recently invested in a new well and septic tank and wants to remain in the country. His feeling was improvements should be made prior to any more development being allowed in that area.

**Opponent:** Nick Hall, 808 E. Camellia Drive, stated he would not like to see this development happen. His feelings were if the properties in the Specific Plan area are developed, there will not be a need for additional housing.

**Other Respondent:** None

**Questions to Proponents:** Commissioner Worrall questioned whether Mr. Baxter knew, at the time he purchased the lot, that it was located with the UGB. Mr. Baxter stated he did not know.

**Proponent/Opponent Rebuttal:** Mr. Grahn stated he understands the concerns from the citizens, but feels that most of them can be addressed in the subdivision approval hearing. Mr. Grahn indicated he is always looking for vacant land in Newberg and there is not that much available. He stated all those acres recently annexed into the City are not going to be developed at one time and these lots could be developed in the mean time.

**Staff Recommendation:** Mrs. Mingay reminded the Commission that this is an annexation request and the applicant does meet all requirements for annexation approval. Staff recommendation after public testimony was to approve this request.

**Hearing Closed.**

**Commissioner Discussion.**

Commissioner Haug stated these traffic issues do need to be resolved. Mr. Scoles reviewed the transportation plan and how it relates to this area.

Commissioner Worrall questioned about when that section of Urban Growth Boundary was established. Mrs. Mingay indicated the UGB is the same as it has been since 1979.

Mr. Worrall stated the property in question is within the UGB and the request should be approved.

**Motion:** Post/Worrall to recommend that Council approve the annexation request, based on staff report findings and public testimony.

**Vote on Motion:** Motion approved unanimously.

IV-2

33

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 25, 1994

X MOTION

DATE ACTION REQUESTED: September 6, 1994

SUBJECT: Horizon Construction Remand Hearing

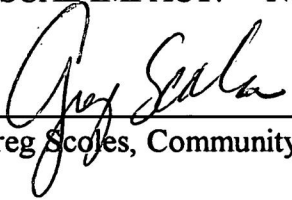
RECOMMENDATION: Close the record, deliberate and make a preliminary decision by directing staff to prepare the necessary documents to approve or deny the Conditional Use Permit application.


BACKGROUND: At the June 21, 1994, City Council meeting the Council conducted a remand hearing from the Land Use Board of Appeals (LUBA), on the Horizon Construction proposal for a Conditional Use Permit which would allow an apartment project to be constructed in a C-2 (Community Commercial) Zoning District. At the conclusion of the hearing the Council moved to leave the record open until August 1, 1994, in order that additional evidence (rebuttal) might be presented. Prior to the August 1, 1994 City Council meeting, staff received documents regarding concerning this issue.

At the August 1, 1994 Council meeting, the Council approved holding the record open for an additional fourteen (14) days. The record was closed as of August 15, 1994 at 5:00 pm. The information received to date is enclosed with this staff report. Staff is requesting that the City Council by motion direct staff to prepare a staff report. The staff recommendation will be provided at the meeting. The following alternative actions are available to the Council:

1. Approve the Conditional Use Permit as submitted or with conditions.
2. Determine that the use is not appropriate in this particular area and deny the application.
3. Refer the application to the Planning Commission for hearing and consideration of potential conditions of approval.

FISCAL IMPACT: None

  
\_\_\_\_\_  
Greg Scoles, Community Dev. Director

  
\_\_\_\_\_  
Duane R. Cole, City Manager

Horizon

V-1

34

# MEMORANDUM

**TO:** Mayor Proctor and the Newberg City Council

**FROM:** Terrence D. Mahr  
City Attorney

**RE:** Horizon Construction

**DATED:** August 25, 1994

---

Attached is the additional information received concerning the Horizon Construction matter that is placed in the record. Should you have any questions or concerns, please do not hesitate to contact me.

<u>Date</u>	<u>Document</u>
07/22/94	Letter from Sam Whitney to Newberg City Council
08/01/94	Letter from George Alexander to Mayor Proctor/Council
08/02/94	Letter to Wallace Lien from Terrence D. Mahr
08/02/94	Letter to All Interested Parties from Terrence D. Mahr
08/04/94	Letter from Wallace Lien in response to letters from Mr. Whitney and Mr. Alexander
08/05/94	Letter to All Interested Parties from Terrence D. Mahr
08/17/94	Letter from Wallace Lien closing record.

## WALLACE W. LIEN, P.C.

ATTORNEYS AT LAW

1191 CAPITOL STREET NE  
SALEM, OREGON 97301-1102OFFICE: (503) 585-0105  
FAX: (503) 585-0106RECEIVED  
8-16-94

WALLACE W. LIEN

MARK C. HOYT

MARK D. SHIPMAN

August 15, 1994

Terry D. Mahr  
City Attorney  
City of Newberg  
414 E. First Street  
Newberg, OR 97132

BY FAX TO: (503) 538-5393

Re: Horizon Construction

Dear Terry:

It is my understanding from the planning division and from your office that no additional information was submitted to the city for inclusion in the record, other than the two letters (from Mr. Whitney and Mr. Alexander) I previously responded to.

Based on the fact that no additional information has been submitted, and that rebuttal has already been provided to the two letters that did come in, I will not submit any additional rebuttal. I do wish this letter to be placed into the official record.

The record will now close, and no other documents will be placed before the council. The council will consider the merits of the case at its meeting on September 6, 1994.

Thank you for your continued courtesies in this process.

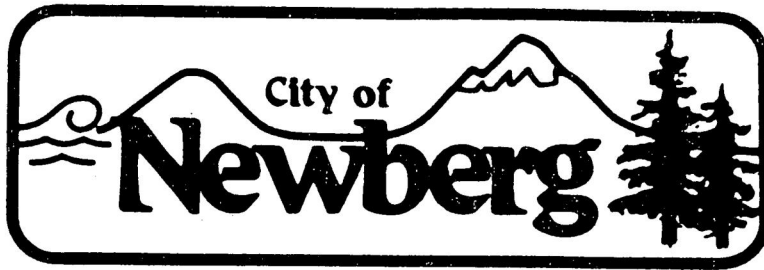
Yours truly,

Wallace W. Lien

cc: Mike Kelley

V-1

36



City Manager  
(503) 538-9421

City Attorney  
(503) 537-1208

414 E. First St.  
Newberg, Oregon 97132

City FAX  
(503) 538-5393

## CERTIFICATE OF MAILING

I, Roxanne C. Gibbons, Legal Secretary, Legal Department, do hereby certify that the attached Notice to Interested Parties was mailed to the attached list of persons, by United States mail, postage prepaid on the 5th day of August, 1994.

\_\_\_\_\_  
Roxanne C. Gibbons  
Legal Secretary

Planning Dept. File No.: CUP-4-91 (Horizon Construction)

1-m:\legal\wp5files\Horizon\Mail0805.94

V-1

37

Building: 537-1240 • Community Development: 537-1210 • Finance: 537-1201 • Fire: 538-7441  
Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1214 • Utilities: 537-1205

"Working Together For A Better Community—Serious About Service"

**HORIZON - MAILING**

SIMPCO LANDS  
PO Box 469  
Smith River, CA 95567

H & I KRUSE  
c/o ~~WANDEL, N.~~ NO  
241 SW Third  
Dundee, OR 97115

JACK WILLIAMS  
2824 E. Second  
Newberg, OR 97132

SAM WHITNEY  
PO Box 248  
Newberg, OR 97132

JERRY KUS  
KUS Electric  
2710 E. Hancock  
Newberg, OR 97132

GARY W. VIEHDORFER  
ODOT  
3040 25th St, SE  
Salem, OR 97310-0100

DON HALBROOK  
2201 E. Second  
Newberg, OR 97132

T & C WASH SYSTEMS  
22301 NE Fryer Hill Rd  
Dundee, OR 97115

LAMPPOST, INC  
c/o ~~Wandel, N.~~ NO  
241 SW Third  
Dundee, OR 97115

J & Y KUS  
1200 Elm Lane  
Newberg, OR 97132

GEORGE JOHNSON  
Town & Country Texaco  
701 Deborah Rd  
Newberg, OR 97132

DEBBIE MEYERS  
2824 E. Second  
Newberg, OR 97132

FAA Flight Standard District  
3355 NE Cornell  
Hillsboro, OR 97123

MIKE KELLEY  
4600 ~~SW Joshua~~ NO  
Tualatin, OR 97062

John Owen  
816 St. Paul Highway  
Newberg, OR 97132

W & R RACETTE  
810 SW ~~Red Hills Dr~~ NO  
Dundee, OR 97115

A. WALD  
c/o Spada, A & R et al  
PO Box 517  
Newberg, OR 97132

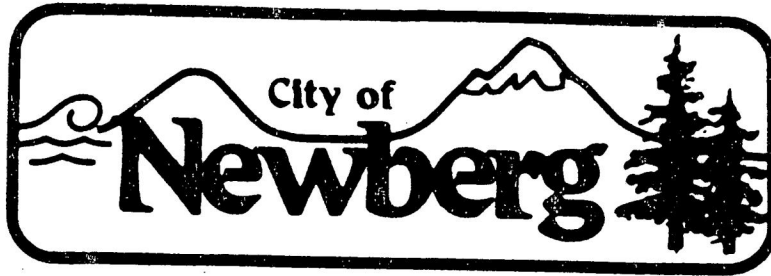
D & P BAUER  
W & V BAUER  
20825 NE Big Fir Lane  
Dundee, OR 97115

GEORGE ALEXANDER  
33405 Old Parrett Mtn Rd  
Newberg, OR 97132

RICK REMENTERIA  
1804 Leo Lane  
Newberg, OR 97132

KEN MCBRIDE  
Key Bank of Oregon  
1815 Portland Rd  
Newberg, OR 97132

WALLACE LIEN  
PO Box 17190  
Salem, OR 97305



City Manager  
(503) 538-9421

City Attorney  
(503) 537-1208

August 5, 1994

414 E. First St.  
Newberg, Oregon 97132

City FAX  
(503) 538-5393

TO: All Interested Parties

RE: Horizon Construction Remand hearing CUP-4-91  
Our File No. 30008-00936

Attached is the letter received by the City of Newberg from Mr. Wallace Lien. A telephone call to Mr. Lien's office indicated that he may not have mailed a copy of his letter to all interested parties as indicated in my August 2, 1994 letter. Any rebuttal to Mr. Lien's August 4, 1994 letter *would need to be received by the City on or before August 15, 1994*, at which time the record would be finally closed.

Please remember, if you wish to rebut any of the information presented at the August 1, 1994, Newberg City Council meeting and mailed to you on August 2, 1994, you should send a copy to all interested persons on the list which was included with this letter. Further, it is your responsibility to check with the City of Newberg to find out what information has been presented to the City in order to double check the evidence. This is done so each side will have an opportunity to rebut any evidence put into the record. The City Council left the record open, placing the responsibility on you to mail copies of written material to the people on the mailing list.

If you have any questions, do not hesitate to call me and I will assist you if I can. The City Council will have all submitted written material before them at the September 6, 1994 meeting in order to deliberate and come to a decision.

Very truly yours,

Terrence D. Mahr  
City Attorney

TDM/rg  
Attach/1  
horizon0805.br

V-1

39

**WALLACE W. LIEN, P.C.**

ATTORNEYS AT LAW

1191 CAPITOL STREET NE  
SALEM, OREGON 97301-1102

OFFICE (503) 585-0105  
FAX (503) 585-0106



WALLACE W. LIEN

MARK C. HOYT

MARK D. SHIPMAN

August 4, 1994

Mayor and City Council  
City of Newberg  
414 E. First Street  
Newberg, OR 97132

Re: Horizon Construction Remand Hearing CUP-4-91

Dear Honorable Mayor and City Council Members:

Please consider this letter as rebuttal to the letters of Mr. Whitney dated July 22, 1994 and Mr. Alexander's dated August 1, 1994.

Mr. Whitney continues to argue issues related to his airport. It is our position that airport type issues are not relevant and do not relate in any way to decisional standards that govern this quasi-judicial land use application.

However, this application does in fact comply in all respects with the Airport Overlay zone. With the circumstances and conditions present in this case (which have previously been set out in some detail), there is no detrimental impact to the airport from this use.

Mr. Whitney indicates that this matter has received a "negative answer several times locally and from LUBA". Mr. Whitney forgets that the Newberg Planning Commission, after extensive hearings, approved this development. In addition, numerous members of the public as well as the Newberg Graphic editorial staff have all been very vocal in favor of this application. As to LUBA, that body has never addressed the merits of the case, and each time this matter has been referred to them, LUBA has agreed with the positions taken by Horizon Construction.

Mr. Whitney refers to a "bad problem" as to transportation in this area, yet he cites no evidence to support that statement. In fact, the streets in the area are all relatively new and are well constructed and well maintained. According to city street standards, the capacity of these streets well exceeds current use levels and has more than sufficient capacity for the development of this entire area, to and including the subject property and all other vacant properties in the area.

V.1

40

Mayor and City Council

Page 2

August 4, 1994

Finally, Mr. Whitney expresses his fear of complaints. That fear is completely addressed by virtue of the restrictive rental agreement to be used here. It is doubtful that the complaints will exist in the first place according to sound engineers who studied the subject property.

Mr. Alexander discusses traffic congestion in general terms. Traffic has been adequately addressed throughout the record in this case. There is an adequate transportation system in place.

Traffic safety is expressed as a "fear" without any basis in fact. Simply because there are families living in the area of a busy street does not mean there is a traffic safety hazard. Children as well as adults are generally careful. There are no statistics, studies, data or other factually based information to indicate that there is any hazard to pedestrian safety by locating this apartment on the subject property. No such factual information is submitted, because none exists. Oregon's land use laws require the City of Newberg to make a decision in this case based on facts, not fears.

Mr. Alexander is concerned about recreation. Recreational opportunities exist throughout the City of Newberg. In addition, there will be play areas on-site. The City provides a park and recreation system that is adequate and available to all citizens of the City.

As to his reference to statements by the school superintendent, those comments were made prior to the implementation and funding of the comprehensive building program that is now in place in the City which includes expansion of elementary, middle and high schools. It is inappropriate for Mr. Alexander to cite to an old letter from the school superintendent when so much has changed. There now will be adequate school capacity and facilities for all of the children of the City of Newberg both now and for years into the future.

Mr. Alexander asserts a need for more light industrial land in the community. As specified in an earlier submittal, the subject property is not reserved solely and exclusively for industrial or commercial use. This is a transition area, where good land use planning demands that there be a mixture of commercial, industrial and residential uses. To reserve the subject property and the areas around it solely and exclusively for industrial or commercial uses would be to violate the very purpose and intent of the Newberg Comprehensive Plan.

Mr. Alexander further indicates that there has been a recent building boom and there are approximately 200 units available at this time. That information is not supported with factual data.

VI

41

Mayor and City Council

Page 3

August 4, 1994

-----

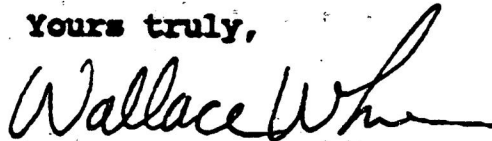
What Mr. Alexander may be referring to are two smaller apartment projects that have been built or are under construction. The information previously in this record, however, indicates that the demand is so large for apartments that well in excess of 500 units are necessary to fill current demand.

The market must also be evaluated in terms of the tenants to be served. The subject application is unique in that it provides sufficient bedroom space for families. Many of the apartments currently under construction are one bedroom units aimed at a different tenant market. All of the factual evidence in this record indicates that there remains a tremendous demand for apartments in this community, especially the type of apartments that will be provided by Horizon Construction in this case.

Mr. Whitney and Mr. Alexander have long been opponents of the project, and they are certainly entitled to their opinion. However, it is important that this decision making body understand the irrelevance and rhetorical inaccuracies of their positions.

This apartment project meets or exceeds each and every mandatory approval criteria of the Newberg Zoning Ordinance and the Newberg Comprehensive Plan and should be approved.

Yours truly,



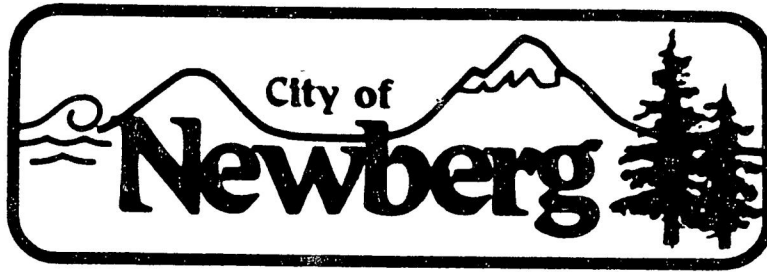
Wallace W. Lien

WWL:nca

cc: Mike Kelley

V-1

42

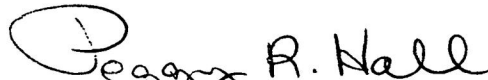


City Manager  
(503) 538-9421  
City Attorney  
(503) 537-1208

414 E. First St.  
Newberg, Oregon 97132  
City FAX  
(503) 538-5393

### CERTIFICATE OF MAILING

I, Peggy R. Hall, Paralegal, Legal Department, do hereby certify that the attached Notice to Interested Parties was mailed to the attached list of persons, by United States mail, postage prepaid on the 2nd day of August, 1994.

  
\_\_\_\_\_  
Peggy R. Hall  
Paralegal

Planning Dept. File No.: CUP-4-91 (Horizon Construction)

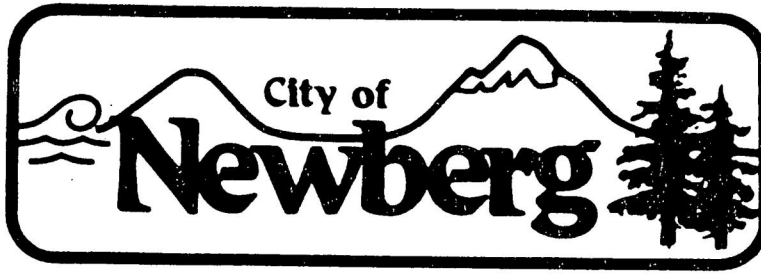
1-m:\legal\wp5files\Horizon\Mail0802.94

*VI-1*

*43*

Building: 537-1240 • Community Development: 537-1210 • Finance: 537-1201 • Fire: 538-7441  
Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1214 • Utilities: 537-1205

“Working Together For A Better Community—Serious About Service”



City Manager  
(503) 538-9421

City Attorney  
(503) 537-1208

August 2, 1994

414 E. First St.  
Newberg, Oregon 97132

City FAX  
(503) 538-5393

TO: All Interested Parties

**RE: Horizon Construction Remand hearing CUP-4-91  
Our File No. 30008-00936**

At the August 1, 1994, Newberg City Council meeting, the public hearing was continued from July 5, 1994. The record was left open at the July Council meeting. Immediately prior to the August meeting, the City Council received the attached letters. No one presented additional evidence before the Council at the August 1st meeting. However, in order to ensure that each party has an opportunity to rebut any evidence put into the record, the Council has left the record open for an additional fourteen (14) days to receive written comments. The record is left open under the following conditions:

- 1) Any person may rebut any evidence previously presented at the 8/1/94 meeting within seven (7) days from 8/1/94 (8/8/94). When they present the evidence they should send copies of the written material to **all** the individuals who have appeared and received notice (copy attached). When the individuals submit the evidence, they should verify that copies were mailed to all these people.
- 2) There will be an additional seven (7) days following the initial seven days in which any person may rebut the additional written material. After such time the record shall be closed. The date of final closure is August 15, 1994.

The additional material will be submitted to the Newberg City Council for the September 6, 1994 meeting. If you have any objections to the procedure of leaving the record open with the above conditions, please let us know at once. You may make those objections in writing. These objections will be heard before the Council at the September 6th meeting. At that time, the City Council may decide to reopen the record, if necessary. This procedure allows everyone an opportunity to address any evidence presented in the record. If you do not respond and no additional evidence is presented during the first seven day period, we do not expect anyone will be able to submit additional evidence during the second seven day period.

Very truly yours,

Terrence D. Mahr  
City Attorney

TDM/rg  
Attach/4  
horizon0802.h2

V-1

44

Building: 537-1240 • Community Development: 537-1210 • Finance: 537-1201 • Fire: 538-7441  
Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1214 • Utilities: 537-1205

"Working Together For A Better Community—Serious About Service"

SIMPCO LANDS  
469 POB 1  
H RIVER CA 95567

SMITH

KRUSE, H & J  
% WANDEL, N  
241 SW THIRD  
DUNDEE OR 97115

JACK WILLIAMS  
2824 E SECOND  
NEWBERG OR 97132

SAM WHITNEY  
POB 248  
NEWBERG OR 97132

JERRY KUS  
KUS ELECTRIC  
2710 E HANCOCK  
BERG OR 97132

GARY W VIEHDORFER  
AERONAUTICS DIVISION  
ODOT  
3040 25TH STREET SE  
SALEM OR 97310-0100

DON HALBROOK  
2201 E SECOND  
NEWBERG OR 97132

MIKE GUNN  
ATTORNEY AT LAW  
201B W MERIDIAN  
NEWBERG OR 97132

T & C WASH SYSTEMS  
22301 NE FRYER HILL RD  
DUNDEE OR 97115

LAMP POST INC  
% WANDEL, N  
241 SW THIRD  
DUNDEE OR 97115

KUS, J & Y  
1200 ELM LN  
NEWBERG OR 97132

GEORGE JOHNSON  
TOWN & COUNTRY TEXACO  
701 DEBORAH RD  
NEWBERG OR 97132

DEBBIE MEYERS  
2824 E SECOND  
NEWBERG OR 97132

FAA FLIGHT STANDARD DISTRICT  
OFFICE  
3355 NE CORNELL  
HILLSBORO OR

MIKE KELLEY  
4600 SW JOSHUA  
TUALATIN OR

JOHN OWEN  
816 ST PAUL HIGHWAY  
NEWBERG OR 97132

RACETTE, W & R  
810 SW RED HILLS DR  
DUNDEE OR 97115

WALD, A  
% SPADA, A & R ET AL  
POB 517  
NEWBERG OR 97132

BAUER, D & P  
BAUER, W & V  
20825 NE BIG FIR LN  
DUNDEE OR 97115

GEORGE ALEXANDER  
33405 OLD PARRETT MTN RD  
NEWBERG OR 97132

RICK REMENTERIA  
1804 LEO LANE  
NEWBERG OR 97132

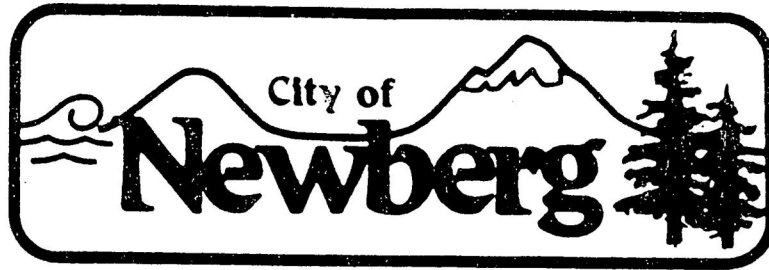
~~RODNEY ZEEB  
EVANS & ZEEB  
745 COMMERCIAL ST NE  
SALEM OR 97301-1015~~

KEN MCBRIDE  
KEY BANK OF OREGON  
1815 PORTLAND ROAD  
NEWBERG OR 97132

WALLACE LIEN  
1191 CAPITAL ST NE  
POB 17190  
SALEM OR 97305

V-1

45



City Manager  
(503) 538-9421

City Attorney  
(503) 537-1208

August 2, 1994

414 E. First St.  
Newberg, Oregon 97132

City FAX  
(503) 538-5393

Wallace Lien  
Attorney at Law  
P.O. Box 17190  
Salem, OR 97305-7190

**RE: Horizon Construction Remand hearing CUP-491  
Our File No. 30008-00936**

Dear Mr. Lien:

At the August 1, 1994, Newberg City Council meeting, the public hearing was continued from July 5, 1994. The record was left open at the July Council meeting. Immediately prior to the August meeting, the City Council received the attached letters. No one presented additional evidence before the Council at the August 1st meeting. However, in order to ensure that each party has an opportunity to rebut any evidence put into the record, the Council has left the record open for an additional fourteen (14) days to receive written comments. The record is left open under the following conditions:

- 1) Any person may rebut any evidence previously presented at the 8/1/94 meeting within seven (7) days from 8/1/94 (8/8/94). When they present the evidence they should send copies of the written material to **all** the individuals who have appeared and received notice (copy attached). When the individuals submit the evidence, they should verify that copies were mailed to all these people.
- 2) There will be an additional seven (7) days following the initial seven days in which any person may rebut the additional written material. After such time the record shall be closed. The date of final closure is August 15, 1994.

The additional material will be submitted to the Newberg City Council for the September 6, 1994 meeting. If you have any objections to the procedure of leaving the record open with the above conditions, please let us know at once. You may make those objections in writing. These objections will be heard before the Council at the September 6th meeting. At that time, the City Council may decide to reopen the record, if necessary. This procedure allows everyone an opportunity to address any evidence presented in the record. If you do not respond and no additional evidence is presented during the first seven day period, we do not expect anyone will be able to submit additional evidence during the second seven day period.

Very truly yours,

Terrence D. Mahr  
City Attorney

TDM/rg  
Attach/4  
h:\vz\m\0802.ltr

V-1

46

SIMPCO LANDS  
469  
H RIVER CA 95567

SMITH

KRUSE, H & J  
% WANDEL, N  
241 SW THIRD  
DUNDEE OR 97115

JACK WILLIAMS  
2824 E SECOND  
NEWBERG OR 97132

SAM WHITNEY  
POB 248  
NEWBERG OR 97132

JERRY KUS  
KUS ELECTRIC  
2710 E HANCOCK  
BERG OR 97132

GARY W VIEHDORFER  
AERONAUTICS DIVISION  
ODOT  
3040 25TH STREET SE  
SALEM OR 97310-0100

DON HALBROOK  
2201 E SECOND  
NEWBERG OR 97132

MIKE GUNN  
ATTORNEY AT LAW  
201B W MERIDIAN  
NEWBERG OR 97132

T & C WASH SYSTEMS  
22301 NE FRYER HILL RD  
DUNDEE OR 97115

LAMP POST INC  
% WANDEL, N  
241 SW THIRD  
DUNDEE OR 97115

KUS, J & Y  
1200 ELM LN  
NEWBERG OR 97132

GEORGE JOHNSON  
TOWN & COUNTRY TEXACO  
701 DEBORAH RD  
NEWBERG OR 97132

DEBBIE MEYERS  
2824 E SECOND  
NEWBERG OR 97132

FAA FLIGHT STANDARD DISTRICT  
OFFICE  
3355 NE CORNELL  
HILLSBORO OR

MIKE KELLEY  
4600 SW JOSHUA  
TUALATIN OR

JOHN OWEN  
816 ST PAUL HIGHWAY  
NEWBERG OR 97132

RACETTE, W & R  
810 SW RED HILLS DR  
DUNDEE OR 97115

WALD, A  
% SPADA, A & R ET AL  
POB 517  
NEWBERG OR 97132

BAUER, D & P  
BAUER, W & V  
20825 NE BIG FIR LN  
DUNDEE OR 97115

GEORGE ALEXANDER  
33405 OLD PARRETT MTN RD  
NEWBERG OR 97132

RICK REMENTERIA  
1804 LEO LANE  
NEWBERG OR 97132

~~RODNEY ZEEB  
EVANS & ZEEB  
745 COMMERCIAL ST NE  
SALEM OR 97301-1015~~

KEN MCBRIDE  
KEY BANK OF OREGON  
1815 PORTLAND ROAD  
NEWBERG OR 97132

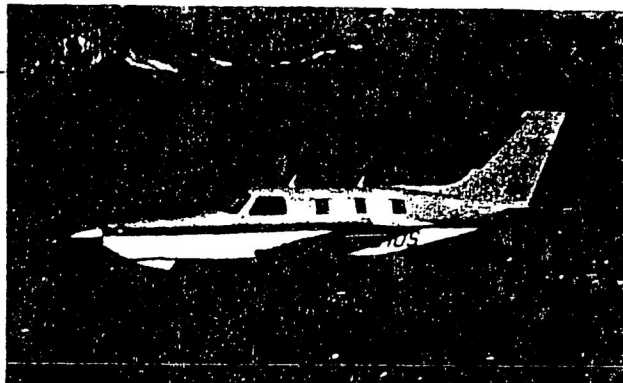
WALLACE LIEN  
1191 CAPITAL ST NE  
POB 17190  
SALEM OR 97305

V-1

47

# SPORTSMAN AIRPARK INC.

P. O. BOX 248  
NEWBERG, OREGON 97132  
(503) 538-2134



July 22, 1994

To: Newberg City Council

Re: Hearing on Conditional Use Permit  
for apartment complex, 108 units  
Horizon Construction

This matter has received a negative answer several times, locally and from LUBA. To quote from an old cliché, what particular part of "NO" is so hard to understand?

Essentially, all of the conditions that were previously presented pertinent to this application are still in place; a few of them have been exacerbated by added traffic volume and deteriorating street conditions. Additional industries have moved in on both sides of Elliott Road, adding to the potential for higher noise levels and increased truck traffic. The Oregon Department of Transportation has done nothing to alleviate the traffic through Newberg on Highway 99W, or to expedite traffic merging on 99W from Highway 219. The addition of a probable 600 daily automobile movements to the present traffic will certainly make a bad problem much worse. There is little reason to believe that ODOT will attempt to ease this situation for five to ten (pick a number) years.


Nor has the airport or its flight pattern been moved or altered. The number of annual flights has not decreased, nor is it likely to....unless this application for conditional use is approved and built as requested; its success will lead to additional requests for more apartment approvals as long as unused land is available. Such high-density housing, beneath the approach and departure pattern could lead to so many complaints that they could ultimately bring about airport closure.

For the last five years we have had a program of noise abatement in effect in an endeavor to reduce engine noise on take-off and climb-outs. At the present time, only two multi-engine aircraft are based here, plus one turbine-powered aircraft (which is inherently given a low noise rating). All of our local pilots are aware and respectful of these provisions for quieter operations.

We respectfully request that this conditional use permit be denied.

Sincerely,

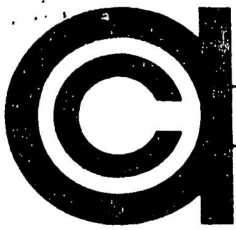
SPORTSMAN AIRPARK, INC.

  
Sam M. Whitney

:lwd

V-1

48



alexander oil co.

700 north college • p. o. box 350 • phone (503) 538-2513 • newberg, oregon 97132

August 1, 1994

Mayor Donna Proctor, Mayor  
City of Newberg  
414 E. First Street  
Newberg, OR 97132

Remand Hearing  
CUP 4-91

Dear Mayor Proctor & Members of Council

As a property owner in Flightways Industrial Park I would like to express my concerns and opposition to the proposed development of Horizon Construction Apartments. It is my understanding they propose building a complex of approximately 110 units.

Following is a list of reasons I believe this development would be inappropriate:

Traffic Congestion: According to planning information the size of this facility would create 600+ car trips per day thru this area adding to an already congested setting. Because of the narrow streets truck parking is already being restricted to one side of the street. With no stop light on Hwy 99 there is difficult ingress and egress for traffic to use the area and this would be compounded if the proposed development were permitted.

Safety: As the proposed facility offers family units, the children, as pedestrians will be in harms way both within and at the perimeter of this industrial park. A signalized intersection at 99 & Elliot Rd. would be a benefit but other access points would continue to be a hazard.

Recreation & Education: The area is devoid of any recreation or educational facilities and although the developers have offered to bus the children to schools it does not seem this would be practical over a long term. The mobile homes in the area are almost entirely inhabited by adults. Our School Superintendent has previously advised that the area has very few children and it would be difficult for system to assimilate many new students from this area.

V-1

49

Shortage of Industrial Property: If we are to develop any light industrial base in our community we must reserve land to create employment opportunities and support business to widen the tax base. We recognize there has been a shortage of apartments, but with the recent building boom there are approximately 200 units available at this time.

In closing I would like to comment on the desirability of Flightways Industrial Park as a light industrial park in our community. There are presently 400 employees working in the immediate area. It has access to Hwy 99 as well as Hwy 219. Businesses located in the area have had no complaints from neighbors over noise. Realtors advise there is a continuing interest in various parcels in the park. We sincerely hope you and your council will consider the shortage of good industrial land and deny the Apartment project.

Sincerely,

*George C. Alexander*  
George C. Alexander

V-1

50

REQUEST FOR CITY COUNCIL ACTION

DATE SUBMITTED: July 27, 1994

  x   RESOLUTION

DATE ACTION REQUESTED: September 6, 1994

SUBJECT: Budget Resolution #1

RECOMMENDATION: Recommend approval of the attached budget resolution

BACKGROUND: The Finance Committee reviewed the attached budget resolution at its July 25, 1994 meeting and recommended adoption by the City Council

Since the budget was presented in June, the City has received notice that it has been awarded several grants. The Community Development Block Grant was anticipated at \$500,000. The total amount of the grant and project is \$783,504. The attached resolution recognizes and appropriates the additional \$283,504.

The Police Department has also received a traffic safety grant of \$2,500 to purchase a traffic monitor trailer with speed reader board and traffic analysis equipment, similar to the one that was recently demonstrated outside City Hall. The total cost of the equipment is \$11,065. The balance of the equipment is being paid with civil forfeiture funds.

The Planning Department has received two grants: Small Business Administration (SBA)/Department of Forestry to plant trees in the municipal parking lot on Second Street (\$2,590) and Oregon Department of Land Conservation and Development to inventory open space (\$20,000).

  
\_\_\_\_\_  
Duane R. Cole, City Manager

Submitted by:

  
\_\_\_\_\_  
KATHY TRI, FINANCE DIRECTOR

council.95-1

VI-1

51

**RESOLUTION NO. 94-**

**A RESOLUTION RECOGNIZING AND APPROPRIATING GRANTS IN THE GENERAL FUND**

WHEREAS, the 1994-95 City Budget was adopted by Resolution No. 94-1849 and Resolution No. 94-1853, adopted by the City Council on June 21, 1994;

WHEREAS, the City of Newberg has been awarded a Community Development Block Grant to build a Senior Center for the Chehalem Park and Recreation District;

WHEREAS, the 1994-95 budget anticipated a CDBG grant in the amount of \$500,000;

WHEREAS, the Newberg Police Department has been awarded a traffic safety grant from the Oregon Department of Transportation;

WHEREAS, Planning has received two grants, one for tree planting in the municipal parking lot on Second Street and one for inventorying open space in the City and UGB;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newberg, as follows:

Section 1. The General Fund of the 1994-95 City Budget, adopted by Resolution No. 94-1849 and Resolution No. 94-1853 on June 21, 1994, is hereby amended to recognize and appropriate the following grants:

Grant	Department	Amount
Community Development Block Grant	Social Services	\$283,504
DOT-Traffic Safety Grant	Police	2,500
Small Business Administration/Department of Forestry	Planning	2,590
State Department of Land Conservation and Development	Planning	20,000
<b>TOTAL</b>		<b>\$308,594</b>

ADOPTED by the City Council of the City of Newberg, Oregon this 6th day of September, 1994.

---

Duane R. Cole, City Recorder

RESOLUTION NO. 94-

A RESOLUTION OF THE CITY COUNCIL OF NEWBERG AUTHORIZING THE IMPLEMENTATION OF THE COST OF LIVING ADJUSTMENT AS BUDGETED FOR THE CITY MANAGER AND THE CITY ATTORNEY.

RECITALS:

1. As of July 1, 1994 City employees were given a Cost of Living Adjustment (COLA).
2. The City Manager and the City Attorney are employees of the City of Newberg.
3. The COLA increase has been included in the 1994-95 budget adopted by the City Council for the employees of the City.

NOW, THEREFORE, be it resolved by the City Council of the City of Newberg, as follows:

1. The COLA shall be implemented for the City Attorney and the City Manager positions in accordance with the cost of living adjustment provided to other non-union City employees as of July 1, 1994.
2. The Finance Department is directed to adjust the employees compensation in accordance with the cost of living adjustment of 3.3 percent.
3. The annual salary for the City Attorney and the City Manager shall be \$66,084.00 effective July 1, 1994.
4. The Mayor is authorized to execute the necessary documents.

ADOPTED this 6th day of September, 1994.

---

Duane R. Cole, City Recorder

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 10, 1994

Resolution

DATE ACTION REQUESTED: September 6, 1994

SUBJECT: Request for a New City Tax Base

**CITY MANAGER RECOMMENDATION:** Approve Resolution No. 94- 1861 placing the Question of a New City Tax Base in the amount of \$2,414,507 before the voters of the City of Newberg at the November 8, 1994 General Election with the Tax Base to be effective July 1, 1995. In addition, staff is instructed to prepare serial levy proposals for increasing Police and Library services effective July 1, 1995 for voter consideration during the Spring of 1995.

**BUDGET COMMITTEE RECOMMENDATION:** The City of Newberg Budget Committee recommended that the Council approve placing a Tax Base before the City of Newberg Voters to support the Fire Department operation. The amount of the request would be an increase of \$250,000 to the existing tax base amount of \$2,164,507 for a total tax base request of \$2,414,507.


**BACKGROUND:** The City Budget Committee reviewed five (5) options to address the City's need for an increase in the tax base. The Committee did not reach a consensus during the discussion, but voted to recommend the Fire Department only option.

The attached report provides additional information by highlighting information from the most recent City-wide survey performed by Western Advocates during the last two weeks of February, 1993. The information suggests a supportive community when it comes to city services, but a split community when increases in taxes are suggested. Close election results should be expected whenever additional tax support is requested. There are similarities between the election results and the Western Advocates survey information. A detailed background report is attached outlining the reasons for the City Manager's recommendation.

**STRATEGIC IMPACT:** Part of the community's vision is excellent public safety and educational opportunities. The Police and Fire Department's are the city's first line of defense for public safety, and, the Library is the city's key department for providing educational services.

**FISCAL IMPACT:** The City's current tax base is \$2,164,507 the recommendation would add \$250,000 for a total tax base request amount of \$2,414,507. The new tax base would be effective July 1, 1995.

SUBMITTED BY:

  
Duane R. Cole  
City Manager

VI-3

54

## TAX BASE REQUEST -- NOVEMBER 1994

### OPTIONS, OPPORTUNITIES AND SOME RECOMMENDATIONS

#### OPTIONS:

The City of Newberg Budget Committee reviewed several different options at their meeting on June 15, 1994. They selected, in a close vote, the Fire Department only option to present to the voters in November of 1994. After the meeting, the City Manager received a couple of phone calls from members that were concerned with this outcome and expressed very strong feelings regarding a limited tax base proposal. The strength of those comments suggests that the Council should carefully consider the amount of the tax base by once again considering all of the options and determining which one is best for the community. In addition, it is critical that whatever option is chosen, we all do our best to inform the residents of the community of the great need the city faces if the existing service level is to continue in the future.

#### A. Original Tax Base Request

- ◆ Hire 3 fire fighters
- ◆ Hire 2 police officers
- ◆ Add 8 hours more library service per week
- ◆ Long range planner to help control community growth through policy development
- ◆ 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. The Tax Base request would be \$2,794,507.

**COMMENTS:** The City's need for additional funding for services in the above departments were well documented during the budget development process. These needs have not changed and will continue to increase. The current estimated tax rate is for 1994-95 is \$4.53 per \$1000 dollars of assessed value. This proposal would increase the tax rate to \$5.78 per \$1000 dollars of assessed value. The operating rate in Newberg was \$5.76 per \$1000 dollars of assessed value in 1990-91 for City services.

#### B. Fire, Police, Library only

- ◆ Hire 3 fire fighters
- ◆ Hire 2 police officers
- ◆ Add 8 hours more library service per week
- ◆ Fund vehicle replacement in police and fire (not fire engines)

**COST:** \$549,000; Approximately \$1.10 per thousand dollars of assessed valuation per year. The Tax Base request would equal \$2,713,507.

**COMMENTS:** This proposal addresses the primary property tax supported services provided by the City. The fire, police and library are supported by volunteer organizations, unions, and typically the local community. This resource of support may not be available to support single issue proposals. The current estimated tax rate is for 1994-95 is \$4.53 per \$1000 dollars of assessed value. This proposal would increase the tax rate to \$5.63 per \$1000 dollars of assessed value. The operating rate in Newberg was \$5.76 per \$1000 dollars of assessed value in 1990-91 for City services.

**C. Reduced Fire, Police, Library only**

- ◆ Hire 2 fire fighters
- ◆ Hire 1 police officers
- ◆ Add 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. The Tax Base request would equal \$2,539,507.

**COMMENTS:** This proposal reduces the original tax base request and provides for less service to the community. It is a more conservative approach and will provide some resources to meet the immediate future needs of the City. The current estimated tax rate is for 1994-95 is \$4.53 per \$1000 dollars of assessed value. This proposal would increase the tax rate to \$5.28 per \$1000 dollars of assessed value. The operating rate in Newberg was \$5.76 per \$1000 dollars of assessed value in 1990-91 for City services.

**D. Fire only**

- ◆ Hire 3 fire fighters
- ◆ Fund vehicle replacement (Does not include Fire Engines.)
- ◆ **This option includes submitting a serial levy (probably 3 years) for Police and a serial levy for the Library in March or May of 1995**

**COST:** \$250,000; Approximately \$.50 per thousand dollars of assessed valuation per year. The Tax Base request would equal \$2,414,507.

VI-3

56

COMMENTS: This proposal meets the short-term needs of funding for the Fire Department. Support for the Fire Department has always been high in the community. Positions have not been added to the Department since 1972 and calls have increased from 200 to over 1400 this year. Combining EMS with the Fire Department has been positive for both operations, but the need still exists for additional full-time employees to assist the volunteers with fire fighting duties. The current estimated tax rate is for 1994-95 is \$4.53 per \$1000 dollars of assessed value. This proposal would increase the tax rate to \$5.03 per \$1000 dollars of assessed value. The operating rate in Newberg was \$5.76 per \$1000 dollars of assessed value in 1990-91 for City services.

The Serial Levy amounts would need to be developed through a dialogue process with the community, Budget Committee and City Council. This process would begin in November with the first Budget Committee meeting of the year. Input would need to be generated from the community.

E. Do nothing

- ◆ Emergency calls for Fire and Rescue have increased from 200 to almost 1400 since paid staff was last added in 1972.
- ◆ Requests for Police services have increased 25% in three years; Police Officers per thousand population is 1.35 today, the average is 1.49 per thousand in Oregon.
- ◆ Library staff has not been increased since 1986. Additional hours is the most frequently requested additional service.

COST: \$ 0 increase; City Property Tax rates are estimated to be \$4.53 per \$1,000 of assessed value. The Tax Base would remain \$2,164,507, but would increase 6% as allowed by law effective July 1, 1995.

COMMENTS: The 'Do Nothing' option might give residents the message that the original proposal was not really necessary which is certainly not the case. Resources for City services are limited and residents should have the opportunity to choose the level of services provided by the City. Each election provides residents with that opportunity and the appointed and elected officials should give residents the right to choose the level of service they wish to enjoy during the coming fiscal year and into the future. Tax base questions decided by the voters provide for a healthy community dialogue about the state of the city's services.

**OPPORTUNITIES:**

1. The Budget Committee decision was not unanimous and there was plenty of discussion regarding which of the proposals to place in front of the voters. There were members that strongly favored returning to the voters with the same issue while others were committed to the Fire Department only proposition. Generally, diverse groups of people, like the Budget Committee, represent the community's opinion. It is highly likely that the community opinion would be split on the issue of what to place on the November ballot.

2. In March of 1993 the City hired Western Advocates to do a citizen attitude survey. Part of the survey included questions about property taxes and services. While current community issues can skew citizen attitude surveys, it is possible to glean some direction from the information. This survey was done during the last two weeks of February, 1993 and with 402 responses was sufficient in size to ensure a margin of error, even if opinions are evenly divided, within plus or minus 5 points at the 95% confidence interval.

**Do you think property taxes levied by the City of Newberg are higher than, about the same as, or lower than surrounding cities?**

---

<u>Response</u>	<u>%</u>
Newberg Higher than	30
About the Same As	43
Newberg Lower Than	4
Don't Know	23

---

The truth is that Newberg is about the same both in terms of the City tax rate and combined tax rate as other City's in the area. Newberg also provides a similar number of services through the City, but there are critical variations. For example, in the metropolitan area there are a number of special districts that provide services for parks and recreation, and, fire which are not included in the City tax rate, but are included in the overall tax rate. In addition, some communities, (e.g. McMinnville) have rate based levies for fire services that provide more revenue are the City grows. Newberg does not have levies of this type since they had to be in effect prior to 1953.

**How would you rate the overall quality of the following services in the City?**

<u>Service</u>	<u>Rating</u>
Fire	88
Library	83
Services to Seniors	82
Police	73
Street Maintenance	67
Administration	66
Street Improvements	64
Community Development	63
Sewer Services	61
Water Services	60
Public Transit	56

These are fairly high ratings for all departments. The survey results suggested a relatively low rating (relative to other cities that have been asked the same question by Western Advocates) of the Police Department. This was a community reaction to the political atmosphere at that time. Many of the issues of concern with regard to Police Services during that time period have been addressed. Survey's in the past have consistently rated the Police Department in the 80's.

**When the City sets its budget goals for the coming year, is there any one service area where you would support an increase in city spending?**

<u>Service Area</u>	<u>%</u>
None	35
Community Dev./Planning	8
Schools	8
Transit	7
Senior Services	6
Street Maint. and Improvements	7
Library	8
Police	6

The observation is that the increase spending priorities are transportation related, but even these are only identified by less than 15% of those surveyed. With 35% generally satisfied with the level of service, the City needs to educate the community on the need for additional tax support for City services. The opportunity from a marketing perspective is to clearly communicate the excellence and efficiency of city services, and, that the level of service provided is in jeopardy if additional funding is not forth coming. The statistical information and comparisons with other communities in the areas supports this concept.

**I'm going to read for short statements about city services and property taxes and I'd like to know which one is closest to your own opinion?**

*I want lower city property taxes even if it means fewer city services.*

*I want city property taxes to remain about the same, even if it means a reduction in city services.*

*I want city services to remain about the same, even if it means a small increase in my property taxes.*

*I want not only the same, but more city services, and I'm willing to pay higher property taxes to get them.*

---

<u>Taxes/Services</u>	<u>%</u>
Lower City Taxes	7
Same City Taxes	41
Same City Services	37
Expanded City Services	12
Don't Know	3

---

If supporters of A and B are combined, they equal 48%, and, if supporter of C and D are combined, they equal 49%. This suggests that the city is evenly divided on the question of increasing taxes to pay for additional services. The City Council should anticipate a close election on virtually any issue that requests additional tax support to pay for city services. The key may be to select a proposal that enlists the broadest possible base of support with a minimal increase in taxes -- a grand statement, but difficult to decide.

3. The last election in May provided some indication of the work that needs to be done by the City to encourage discussion of the key City fiscal issue.

**ELECTION RESULTS BY PRECINCT**

<u>Precinct</u>	<u>Yes</u>	<u>No</u>
2	270	221
3	150	217
4	137	190
5	155	247
31	170	234
36	155	263
<b>TOTAL</b>	<b>1,037</b>	<b>1,372</b>

The survey by Western Advocates suggests some consistency between the results of the tax base election and the position on taxes and services by precinct. This suggests that the effort to educate the city on the importance of the city's needs should be focussed in certain areas. By including a broad support group for the tax base measures there is a greater likelihood that the community can be more fully informed on the issues.

**POSITION ON TAXES AND SERVICES BY PRECINCT**

<u>Precinct</u>	<u>Lower or Same</u>	<u>Same or Expanded</u>
2	50%	49%
3	56	36
4	54	43
5	43	52
31	34	63
36	58	41

An interesting note is the number of 'No' votes in precincts 5 and 31 while the survey suggested that these two precincts support the same or expanded services. The sentiment that taxes should be limited may have been the deciding factor for residents in those precincts. The key may be to provide additional information on the value to be received from the tax base proposal.

4. The survey distributed at Old Fashioned Festival was not returned in sufficient quantities to provide direction. As of August 10 only 5 surveys have been collected. Over 150 were given to people at the festival, so perhaps some educational value was achieved by the effort.

**SOME RECOMMENDATIONS:**

1. There are many strategies available for communicating with the City residents. Meetings, newsletters, cable access, newspaper information, door-to-door information, and informal neighboring. All of these strategies should be explored and implemented prior to November's election. The Council should make a commitment to listen to everyone and instruct their staff to set-up these processes so that the community can be well informed prior to going to the polls on November 8. All of these activities can be organized outside of any additional activity by a Political Action Committee provided of course that they are informational and do not recommended that a resident vote yes or no.
2. Needs are great in all of the departments and volunteers are available from the Library and Police Department as well as the Fire Department. It will be difficult to motivate the larger City team to work on the issue with a promise to seek a serial levy next Spring for Library and Police. The Council needs to help to clearly communicate that the City will seek additional support in the Spring for Police and Library services.
3. On September 6 there will be 8 weeks until the election. This is a short time period for a campaign, but is long enough to get the word out to the residents. A proposed work plan will be developed for City Council review and comments in order to make sure that the City does its best to communicate the issues.

Prepared by:

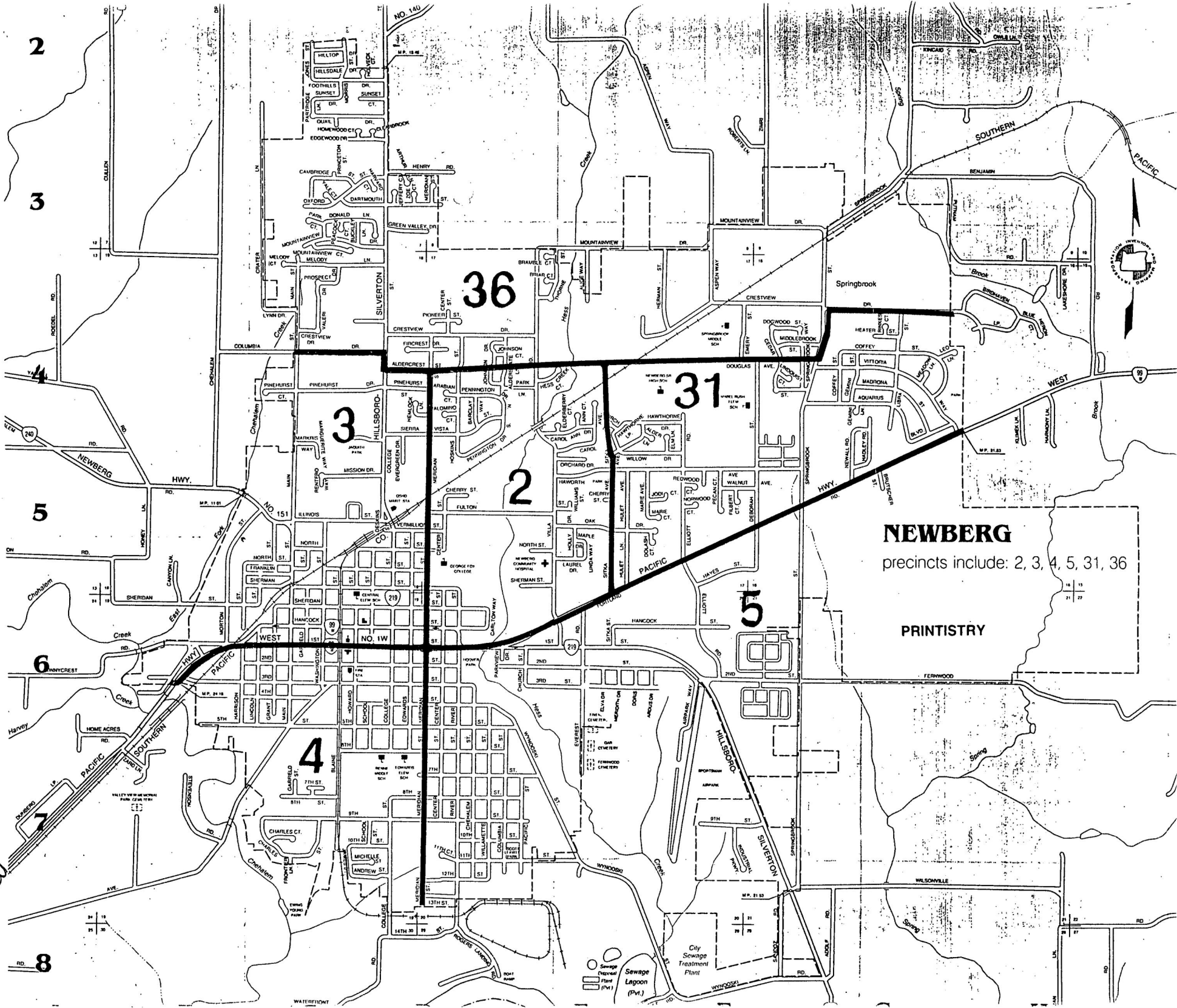


Duane R. Cole  
City Manager

\rcatxbs

3-11

CU



**NEWBERG**  
precincts include: 2, 3, 4, 5, 31, 36

**PRINTISTRY**



**RESOLUTION NO. 94-1861**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG PLACING THE QUESTION OF A NEW TAX BASE OF \$2,414,507 BEFORE THE VOTERS OF THE CITY AT THE NOVEMBER 8TH, 1994, GENERAL ELECTION; ADOPTING THE BALLOT TITLE; AUTHORIZING THE CITY RECORDER TO CERTIFY THE BALLOT TITLE; AND DIRECTING THE CITY'S ELECTION OFFICER TO NOTIFY THE COUNTY CLERK AND TO PUBLISH APPROPRIATE NOTICES NOTIFYING ELECTORS OF THE RIGHT TO HAVE THE BALLOT TITLE REVIEWED AND OTHER NECESSARY NOTICES.**

WHEREAS, the last tax base for the City of Newberg was established in 1982; and

WHEREAS, that tax base was estimated to be adequate for the City for two years; and

WHEREAS, a new tax base is needed for the City in order to maintain the current level of services; and

WHEREAS, on June 15, the Budget Committee reviewed the financial condition of the City, after which that Committee recommended that the City Council seek a new tax base at the November 8, 1994, General Election; and

WHEREAS, the City Council considers a new tax base necessary in order for the City to continue to deliver its current level of services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg, Oregon, as follows:

1. That the City of Newberg needs to establish a new tax base of \$2,414,507 in order to operate on a financially sound basis and to continue current services including Police, Fire and Library.
2. That the question of establishing the new tax base shall be put before the voters of the City at the General Election held on November 8, 1994.
3. That the ballot title (caption, question and explanation) is hereby approved. The ballot title shall be filed with the Assistant City Recorder acting as the Election Officer on or before September 8, 1994. The ballot title is attached hereto and by this reference incorporated.
4. That the City Recorder is authorized to certify said ballot title, and the City's Election Officer is directed to give notice to the County Clerk that the tax base measure shall be put before the voters at the November 8, 1994, General Election.

5. That the City's Election Officer shall give notice of the electors' right to file a petition for the review of said ballot title in the next available edition of the *Newberg Graphic*, a newspaper of general distribution in the City of Newberg, and shall give other such notice as may be necessary.

ADOPTED by the City Council of the City of Newberg, this 6th day of September, 1994.

---

Duane R. Cole, City Recorder

cc\reso.tb

VI-3

65

NOTICE OF MEASURE ELECTION

City of Newberg

Notice is hereby given that on Tuesday, November 8, 1994 an election will be held in the City of Newberg, Yamhill County, Oregon. The polls will be open from 7:00 a.m. to 8:00 p.m. The following shall be the ballot title for the measure submitted to the electors thereof:

CAPTION: A new tax base for the City of Newberg

QUESTION: Shall City have a new tax base of \$2,414,507?

EXPLANATION: The City needs a new tax base. The present tax base of \$2,164,507 is inadequate to finance current service levels. The new tax base would start in 1995-96. Thereafter it will increase by 6% as allowed by the State Law. Since 1982 when the present base was approved, the City has grown. More funds are needed to pay for policing to control crime, improve fire and rescue response, improve Library services and respond to growth needs. The new base is needed to maintain current services with the new demands. The tax rate will go up about \$.23 per \$1,000 of assessed value.

\_\_\_\_\_  
Authorized signature for City

\_\_\_\_\_  
Title



**RESOLUTION NO. 94-**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE BID FOR THE WYNOOSKI STREET PUMP STATION DEMOLITION/SANITARY SEWER BYPASS PROJECT TO THE LOWEST QUALIFIED BIDDER.**

**RECITALS**

- 1. The City has prepared plans for a utility replacement project and has solicited bids in accordance with ORS Chapter 279 on Public Contracts and Purchasing; and
- 2. Bids will be opened on September 6th, 1994; and
- 3. The project was reviewed by the Community Development Committee on August 18, 1994; and
- 4. The project is scheduled for construction in October, 1994; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Newberg, Oregon, as follows, to wit:

The City Council, acting as Contract Review Board for the City, does hereby authorize the City Manager to award the bid for the Wynooski Street Pump Station Demolition/Sanitary Sewer Bypass Project to the lowest qualified bidder, provided the low bid is within 10% of the Engineer's Estimate of \$26,000.00.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this **6th** day of **September, 1994.**

\_\_\_\_\_  
Duane R. Cole, City Recorder

VI-4

67

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 19, 1994

X  MOTION

RESOLUTION

DATE ACTION REQUESTED: September 6, 1994

ORDINANCE

INFORMATION

SUBJECT: Vacation of the east-west alley right-of-way in Block 11, Everests Addition located between Second and Third, Blaine and Howard; adjacent to Tax Lots 3219AB-17700, -17800, -17900 and -18000

RECOMMENDATION:

Initiate vacation procedure and set a public hearing on the request for October 3, 1994.

BACKGROUND:

The City has received an application requesting the vacation of the above mentioned alley. The alley is improved, but is used by the City of Newberg to access the City Fire Department and other City buildings. The alley is also used for vehicular access to the the Senior Citizens Club. Vacation of the right-of-way would enable the City to remodel and expand the existing fire station.

COST: None



Greg Scoles, Comm. Dev. Director



Duane Cole, City Manager

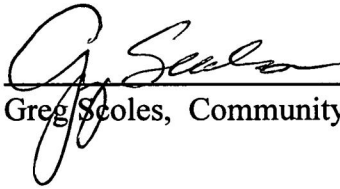
VI-5

68



<u>Budget Line Item</u>	<u>Page</u>	<u>Budgeted Amount</u>	<u>Estimated Amount</u>	<u>Projected Balance</u>
706320	40	\$175,000	\$ 62,000	\$113,000
707503	40	<u>\$250,000</u>	<u>\$ 88,000</u>	<u>\$162,000</u>
TOTAL		\$425,000	\$150,000	\$275,000

The projected balance would be used for construction of the project. The total of the estimated amount of \$150,000 is for engineering only.



Greg Scoles, Community Development Director



Duane R. Cole, City Recorder

## RESOLUTION 94-

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERS, INC., TO PROVIDE ENGINEERING SERVICES FOR INSTRUMENTATION AND CONTROL MODIFICATIONS AT THE WASTEWATER AND WATER TREATMENT PLANTS.**

#### RECITALS

1. The water and wastewater treatment plants control systems are obsolete. Replacement parts are not available and much of the control is done manually, with limited automatic controls.
2. Replacement of these control systems are included in the FY 94/95 Capital Improvement program.
3. Four engineering firms were interviewed, by the operations staff. Evaluation criteria included technical capabilities, experience with similar projects and ability to work with the operations staff. The selection committee unanimously recommended HDR Engineer, Inc. to provide the design services.
4. A contract and work scope has been negotiated with HDR Engineers, Inc. in the amount of \$150,000.
5. The Community Development Committee, at their August 19, 1994 meeting, recommended that the Council Authorize the City Manager to approve the contract with HDR Engineers, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Newberg, Oregon, as follows:

1. The City Council authorizes the City Manager to enter into a contract with HDR Engineers, Inc., to provide engineering services for the Instrumentation and Control System modifications at the water and wastewater treatment plants, in an amount not to exceed \$150,000, with approval of the City Attorney as to form and content.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 6th day of September, 1994.

---

Duane R. Cole  
City Recorder



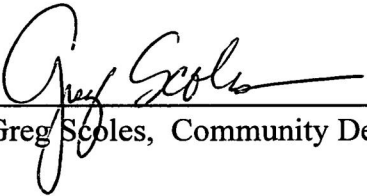
**FISCAL IMPACT:**

The Fiscal Year 94/95 Capital Improvement Budget anticipated \$547,918 for the entire project to be funded by Local Improvement District, Transportation S.D.C's and the Street Fund.

This project is budgeted in Fund 4 - Capital Projects. A summary by line item is included below.

<u>Budget Line Item</u>	<u>Page</u>	<u>Budgeted Amount</u>	<u>Estimated Amount</u>	<u>Projected Balance</u>
702107	40	\$547,918	\$ 62,000	\$485,918
TOTAL		\$547,918	\$ 62,000	\$485,918

The projected balance would be used for construction of the project and right-of-way acquisition. The total of the estimated amount of \$62,000 is for engineering only.

  
\_\_\_\_\_  
Greg Scoles, Community Development Director

  
\_\_\_\_\_  
Duane R. Cole, City Manager

## RESOLUTION 94-

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH OTAK INC., TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE ELLIOTT RD / HIGHWAY 99W INTERSECTION IMPROVEMENTS**

#### **RECITALS**

1. Elliott Rd. provides access to the Newberg High School and is not developed to City Standards.
2. Improvement of Elliott Rd. has been a priority by both the City and the School Board for several years.
3. Elliott Rd. has been identified as a collector street in the Transportation System Plan and it indicates that the intersection with 99W needs to be reconfigured and provided with a Traffic Signal.
4. Improvement of Elliott Rd. is included in the FY 94/95 Capital Improvement program.
5. OTAK Inc. is a engineering design firm with the technical capabilities, experience with similar projects and ability to work with the Community Development Department Staff.
6. A preliminary work scope has been developed with OTAK, Inc. which would provide the design work necessary for the first phase of the improvement project with an estimated budget for professional services in an amount of \$62,000.
7. The Community Development Committee, at their August 18, 1994 meeting, recommended that the Council Authorize the City Manager to approve the contract for this design work.

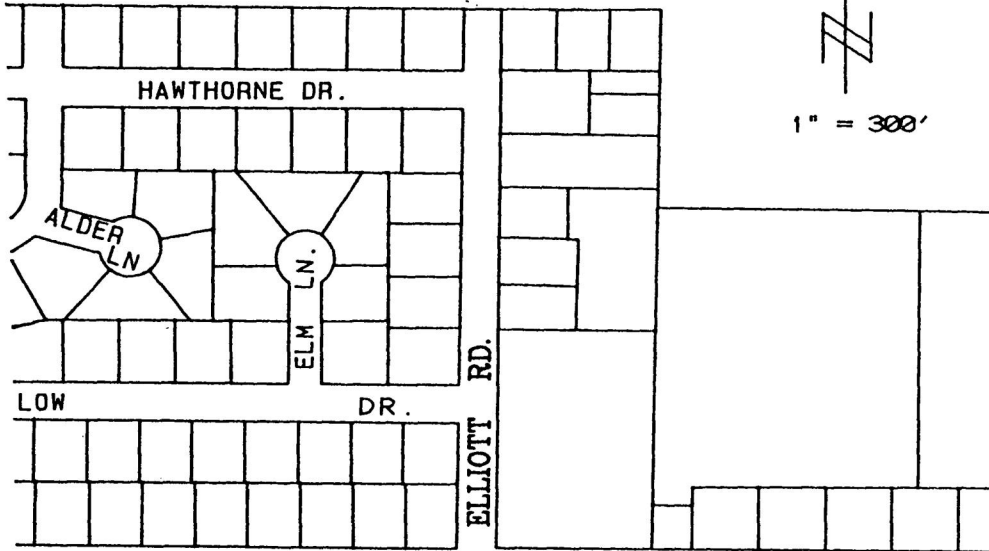
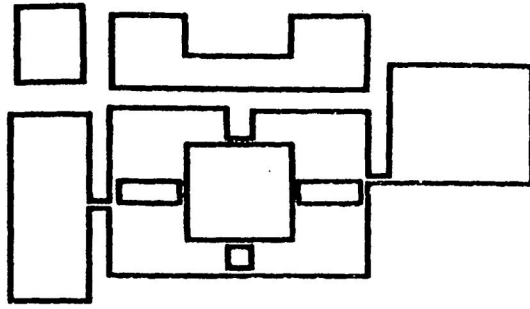
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Newberg, Oregon, as follows:

1. The City Council authorizes the City Manager to enter into a contract with OTAK, Inc., to provide engineering services for the first phase of the Elliott Road / Highway 99W Improvements, in an amount not to exceed \$62,000, with approval of the City Attorney as to form and content.

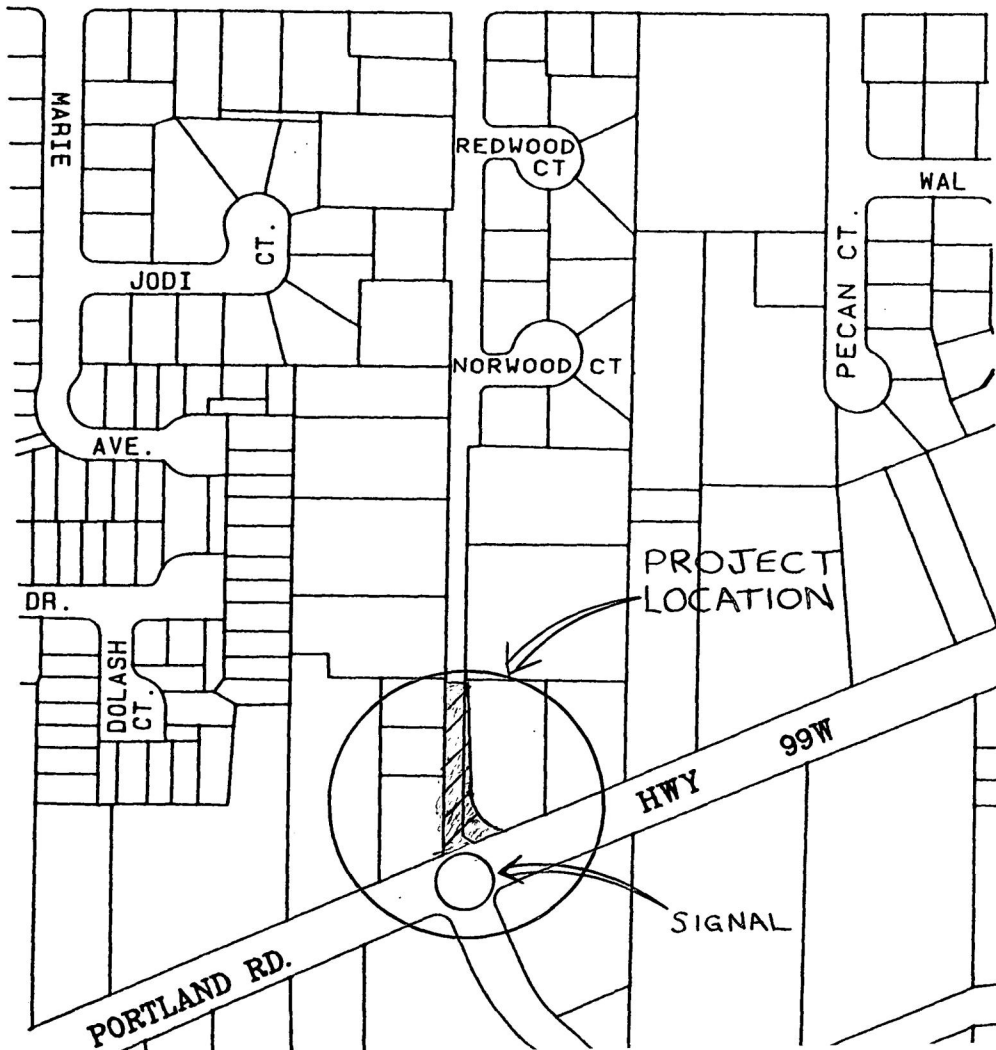
**ADOPTED** by the City Council of the City of Newberg, Oregon, this 6th day of September, 1994.

---

Duane R. Cole, City Recorder



1" = 300'



75  
VI-7

94-1865

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 19, 1994

DATE ACTION REQUESTED: September 6, 1994

SUBJECT: Purchase of 800 MHZ Radio System

RECOMMENDATION: The City Manager recommends that the City Council, acting as the Contract Review Board, approve Resolution No. 94- \_\_\_\_\_ providing for the purchase of computerized communications equipment to provide an 800 MHz radio frequency communication system for the emergency services department of the City.

The City Manager also recommends that the City Council approve Resolution No. 94- \_\_\_\_\_ providing for financing of up to \$180,000.00 through United States National Bank. The amount of \$315,678.71, plus shipping, with \$140,000 as a down payment and the balance to be paid over the next five years with an annual payment of approximately equalling \$42,000.

BACKGROUND: The City of Newberg has been exploring for many years the upgrade of the radio system from low band to 800 MHz. The Chief of Police's memorandum thoroughly explains the impact of this system and its advantages. The City has spent considerable time and effort exploring alternatives. The Chief of Police will be willing to speak to those alternatives and the findings at the City Council meeting.

The Council meets as the Contract Review Board in order to authorize staff to proceed with a purchase that does not specifically meet all of the public contracting and purchasing rules. The Ordinance can be found under 1-22, Ordinance No. 1793. Radio systems are computerized and State law allows for the purchase of computer systems without a formal bid process. Motorola is the industry standard equipment in Oregon and will provide a good radio system for the area.

FISCAL IMPACT: This is outlined in the Chief of Police's memo. The City has budgeted funds for this expenditure during the fiscal year and it was approved by the Budget Committee. The following chart depicts the budget impact:

<u>Line Item</u>	<u>Page</u>	<u>Budget</u>	<u>Proposal</u>	<u>Balance</u>
Capital Outlay	11	\$161,876	\$ 140,000	\$21,876

Balance to be used for the first six (6) months payment on the financed portion of the purchase. Total purchase price \$315,678.71 plus shipping, less \$140,000, balance to finance \$175,678.71, rounded to \$180,000.

SUBMITTED BY:

Duane R. Cole  
City Manager

rcaradio 76

VI-8

RESOLUTION NO. 94-

A RESOLUTION OF THE NEWBERG CITY COUNCIL SITTING AS THE CITY OF NEWBERG CONTRACT REVIEW BOARD PROVIDING FOR THE PURCHASE OF COMPUTERIZED COMMUNICATIONS EQUIPMENT TO PROVIDE AN 800 MHZ RADIO FREQUENCY COMMUNICATION SYSTEM FOR THE EMERGENCY SERVICES DEPARTMENTS OF THE CITY OF NEWBERG.

WHEREAS, many public safety agencies are currently using a low band radio system which does not provide a reliable communication with or between our responders; and

WHEREAS, the public safety agencies and emergency services departments of the City have had a goal of resolving the radio coverage problem inherent in the low band system, provide a system capable of handling a growing demand for service, and provide a system which is able to provide communication with other public safety agencies in both Yamhill County and the Portland metropolitan area; and

WHEREAS, after thorough research including visits to Washington County, Multnomah County and familiarization with Marion County dispatch public safety agencies, staff is recommending that the City purchase a Motorola 800 MHz trunked radio system; and

WHEREAS, this system will allow the City to provide a Mobile Data Terminal (MDT) service for police officers through the 800 MHz MDT system, and, MDT in the marked patrol units should substantially reduce radio traffic and work load on City dispatchers.

NOW, THEREFORE BE IT RESOLVED, by the Newberg City Council acting as the City Contract Review Board as follows:

1. The City Council waives the competitive bid process since Motorola is the industry standard for acquiring and purchasing 800 MHz trunked radio systems in Oregon.
2. The City of Newberg City Council authorizes the City Manager to enter into agreements as necessary for the purchase of a Motorola 800 MHz system in the amount of \$314,000 plus shipping.
3. The City Council authorizes the City Manager to execute such documents necessary to provide for the financing of the 800 MHz radio system.

DATED this 6th day of September, 1994.

---

Duane R. Cole, City Recorder



City of Newberg  
Police Department

Memorandum

To: Duane Cole, City Manager  
From: Robert Tardiff, Chief of Police  
Subject: Purchase of 800 MHz Radio System  
Date: August 18, 1994

**SUMMARY:**

Newberg public safety agencies are currently using a low band radio system which does not provide reliable communication with or between our responders. As you are aware, we have been exploring our alternatives with the goal of being able to resolve our radio coverage problem, provide a system capable of handling a growing demand for service, and one which is able to provide communication with other public safety agencies in both Yamhill County and the Portland metropolitan area.

In our efforts to satisfy these goals we have settled on a Motorola 800 MHz trunked radio system. Since both Washington County and Multnomah County public safety agencies have recently installed Motorola 800 MHz radio systems, this option will provide us not only with superior local coverage, it will allow us to communicate in mutual aid activities with a wide range of other public safety agencies. We will continue to utilize our existing low band radio system to communicate with other Yamhill County agencies, until such time as they are able to upgrade their radio systems.

We are also going to be able to provide Mobile Data Terminal (MDT) service to our police officers through the Salem 800 MHz MDT system. By installing MDT's in the marked patrol units we should substantially reduce our radio traffic and work load on dispatchers. A MDT allows officers to run their own record checks on persons and vehicles in the field, as well as send messages to other cars and police agencies. The Salem system is connected to the Regional Automated Information Network (RAIN) system of which Newberg is a member. In the future we could, through a Computer Aided Dispatch (CAD) system, dispatch officers via the MDT's. This would further reduce dispatcher work load and provide the officers with more complete information on their call.

The proposed radio system would cost \$313,678.71 plus shipping. We will be able to purchase this equipment off the Washington County Contract Pricing Agreement and obtain a five year purchase arrangement at 6.75% interest. Our intention is to use \$140,000 of the budgeted \$161,000 as a down payment

with the remainder paid over the next 5 years. The annual payment will be approximately \$42,300. We should be able to cover this by continuing to use our 9-1-1 tax revenues (approx. \$55,000 annually) to cover part of the operating cost for our 9-1-1 Communication Center.

**DISCUSSION:**

INTERAGENCY COMMUNICATIONS:

We will immediately be able to communicate with Newberg Police, Fire, and Ambulance personnel over the Newberg 800 MHz radio system. We will have radio system capacity to add other local entities to the system, if they desire. These could include Community Development, Newberg Hospital, Newberg Schools, Park and Rec. and George Fox College.

We have received authority to program the following Washington County agency talk groups into our radios:

- Washington Co. Sheriff Dispatch
- South Washington Co. Cities Dispatch
- West Washington Co. Cities Dispatch
- Beaverton Dispatch
- Forest Grove Dispatch
- Washington Co. law enforcement mutual aid
- Washington Co. all public safety mutual aid 1
- Washington Co. all public safety mutual aid 2
- Washington Co. Fire/EMS Dispatch
- Washington Co. Fire TAC groups 1 through 6
- Washington Co. Fire/EMS mutual aid
- Meridian Park Hospital
- St. Vincent Hospital
- Tuality Hospital
- Tuality at Forest Grove

I have been in contact with the Portland Police Bureau and been told verbally that they see no reason why we could not have the same access to the Multnomah County system as other Washington County agencies. I have submitted a written request and am waiting approval. This would allow us radio communication with the following agencies:

- Portland Police Bureau (PPB) Central
- PPB I/E
- PPB North
- Mult. Co. Sheriff
- Gresham Police
- Fairview Police
- Troutdale Police
- Mult. Co. law enforcement 1
- Mult. Co. law enforcement 2
- Metro all agencies 1
- Metro all agencies 2

79

Metro all agencies 3  
Buck Ambulance  
Metro West Ambulance  
Mult. Co. Fire/EMS Dispatch  
Mult. Co. Fire/EMS Ops. groups 2 through 12  
Metro Fire/EMS common 1  
Metro Fire/EMS common 2  
Medical Resource 1  
Medical Resource 2  
Regional Hospital MCI/EMS  
Metro All Hospitals  
Good Samaritan  
OHSU Hosp.  
Portland VA Hosp.  
Bess Kaiser Hosp.  
Emanuel Hosp.  
East Moreland Hosp.  
Providence Hosp.  
Woodland Park Hosp.  
Portland Adventist Hosp.  
Mt. Hood Med. Center  
Providence/Milw. Hosp.  
Sunnyside Kaiser Hosp.  
Willamette Falls Hosp.  
SW Washington Co. Med. Center

Radio communication with other Yamhill County public safety agencies will be maintained by utilizing the existing low band radio system.

SYSTEM GROWTH POTENTIAL:

The proposed 800 MHz radio system will be installed with three (3) frequencies. This is the minimum number of frequencies a trunked 800 MHz system can operate on. Due to the trunking feature, this system is designed to handle approximately 210 radios (70 per frequency). We will initially have seventy (70) on the system. The system as ordered is capable of adding two (2) additional frequencies to handle an additional 140 radios. We intend to license on five frequencies, but only install three. The FCC will expect us to show a need for those frequencies we are licensed on over the next five years. As a result we may not be able to retain the last two unless our usage increases substantially.

SITE ACQUISITION:

Motorola has provided us with radio coverage maps showing coverage using our existing tower site, the Washington Co. bald peak site, a Motorola Business Net bald peak site, and the GTE Mobilnet tower site just west of Newberg. Their computer generated maps indicate the GTE Mobilnet tower site will



RESOLUTION NO. 94-1866

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT WHEREBY UNITED STATES NATIONAL BANK OF OREGON PROVIDES THE LEASE PURCHASE FINANCING NEEDED BY THE CITY OF NEWBERG TO FUND THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE CITY OF NEWBERG POLICE DEPARTMENT; AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE LEASE PURCHASE AGREEMENT AND OTHER MATTERS PERTAINING THERETO.

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

**Section 1. Findings.** The City Council of the City of Newberg, Oregon (the "City") hereby finds and determines the matters set forth below in this Section 1.

(a) Under the home rule charter powers of the City and applicable provisions of the laws of the State of Oregon, the City has authority to acquire real and personal property by entering into lease/purchase and installment purchase agreements.

(b) The City needs to acquire various items of equipment for use by the City Police Department in its law enforcement and public safety operations, such equipment generally consisting of 800 MHz radio system (collectively, the "Equipment").

(c) The City has received a proposal from United States National Bank of Oregon (the "Bank") pursuant to which the Bank agrees to provide to the City the funds needed for the City to acquire the Equipment. The Bank will make such funds available to the City pursuant to a lease purchase agreement financing arrangement under which the City will repay such moneys, together with interest thereon, over a five year period by making lease purchase payments to the Bank.

(d) The City desires to proceed with the acquisition of the Equipment and the financing thereof pursuant to the aforementioned lease purchase agreement financing arrangement with the Bank.

**Section 2. Acceptance of Bank Proposal.** The Bank's proposal to provide lease purchase financing for the Equipment acquisition is hereby accepted and approved in all respect.

**Section 3. Approval of Lease Purchase Agreement.** The form of Lease Purchase Agreement with the Bank that has been placed on file with the City Recorder in connection with the adoption of this Resolution (the "Lease Purchase Agreement") is hereby approved in substantially the form submitted. The Mayor of the City, the City Manager and the City Finance Director and each of them acting individually, are each hereby authorized, empowered and directed to execute and deliver, for and on behalf of City, the Lease Purchase agreement in substantially the form approved but with such modifications, additions, deletions and other changes as, in their judgment, are necessary or appropriate and not in conflict with or violation of the requirements of law or the terms of this Resolution.

VI-8

82

The obligation of the City to pay lease purchase payments as provided in the Lease Purchase Agreement shall be an absolute obligation of the City payable from all lawfully available funds to the City, including but not limited to moneys credited to the City's General Fund and any taxes authorized to be levied by the City within and subject to the limitations of Article XI, Section 11 and 11b of the Oregon Constitution.

**Section 4. Further Authority.** The Mayor of the City, the City Manager and the City Finance Director, and each of them acting individually, are each hereby authorized and directed to take such action, expend such funds and execute and deliver such other documents, certificates and instruments as may be necessary or desirable to consummate the transactions contemplated by the Lease Purchase Agreement, to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of City with respect to the Lease Purchase Agreement.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon its adoption by the City Council.

ADOPTED by the City Council this 6th day of September, 1994.

---

Duane R. Cole, City Recorder

\resolease

VI-8

83

**REQUEST FOR COUNCIL ACTION**

**DATE SUBMITTED:** August 10, 1994                        MOTION  
**DATE REQUESTED:** September 6, 1994                  X   RESOLUTION  
    ORDINANCE  
    INFORMATION

**SUBJECT:**                    **PURCHASE OF A UTILITY SERVICE TRUCK WITH SERVICE BODY**

**RECOMMENDATION:**        I recommend that the Council authorize purchase of a service truck with service body from Truck Center Corporation for a total price of \$48,766.00.

**BACKGROUND:**              Bids were received on July 29, 1994 from three suppliers for a new service truck with service body. Due to budgeting constraints, the bids included an alternate for a standard cab configuration. The lowest bid that met specifications was from Truck Center Corp. for a GMC Truck. This was the standard cab. The total price excluding the extended warranty package is \$48,766.00. A list of the bids is attached for review.

Funds are set aside each year from the sewer, water, and street funds for replacement of equipment. Each piece of equipment in the Community Development Department's, Public Works Division is given an assumed life and a replacement value in order to accumulate the equipment replacement funds. The section supervisors then evaluate the equipment each year to determine which equipment will be replaced in a given year. The Utility Service Truck was the highest priority piece of equipment for replacement this year.

**FISCAL IMPACT:**              The cost to the City will be \$48,766.00. These funds are available in the equipment replacement funds for the Public Works Division.

<u>Line Item</u>	<u>Page</u>	<u>Budget</u>	<u>Proposal</u>	<u>Balance</u>
Capital Equip.- Water	135	\$48,997	\$48,776	\$231

  
Greg Scoles, Community Development Dir.

 84  
Duane R. Cole, City Manager

**RESOLUTION NO. 94-**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A UTILITY SERVICE TRUCK WITH SERVICE BODY**

**WHEREAS**, it has been determined that a replacement is needed in the Public Works Division; and

**WHEREAS**, the fiscal year 1994-1995 budget included funds to purchase a replacement service truck; and

**WHEREAS**, a request for bids was advertised and bids were received in accordance with City Ordinances; and

**WHEREAS**, 3 standard bids with 3 alternate bids were received; and

**WHEREAS**, considering the purchase price, the extended warranty, and the potential trade-in value, the lowest qualified alternate bid was from Truck Center Corp.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Newberg, Oregon, as follows, to wit:

1. The City Council authorized the City Manager to enter into a purchase agreement for a standard cab service truck and service body from Truck Center Corp. for an amount of \$48,766.00.

**ADOPTED** by the City Council of the City of Newberg, Oregon this **6th** day of **September, 1994**.

\_\_\_\_\_  
Duane R. Cole, City Recorder

UTILITY SERVICE TRUCK BIDS  
JULY 29, 1994

Crew Cab

Alternate  
Standard Cab

**Pacific Utility Equip. Co.**  
**P.O. Box 23009**  
**Portland, OR 97281**  
**(503) 620-0611**

<i>Ford</i>	\$58,965.00	\$54,365.00
<i>Chevy</i>	\$57,815.00	\$52,015.00
<i>Int.</i>	\$56,233.00	\$52,233.00

**Brattain International Trucks**  
**1150 Hawthorne NE**  
**Salem, OR 97301**

<i>Truck Still</i>	\$57,573.47	\$53,873.47
<i>Coast Crane</i>	\$57,845.47	\$54,145.47
<i>Commercial</i>	\$54,167.47	\$50,467.47

**Truck Center Corporation**  
**POB 14101 - 600 5th Ave. South**  
**Seattle WA 98114**  
**(206)382-2500**

<i>GMC</i>	\$54,651.00	\$48,766.00
------------	-------------	-------------

**BREAKDOWN OF BIDS  
SERVICE TRUCK WITH SEREVICE BODY**

**Company/Cab/Truck                      Bid                      Ext. Warranty**

**Pacific Utility**

**Crew Cab**

Ford	\$58,965.00	3/50 \$ 695
Chevrolet	\$57,815.00	3/150 \$1,035
International	\$56,233.00	4/50 \$ 280

**Standard Cab**

Ford	\$54,365.00	3/50 \$ 695
Chevrolet	\$52,015.00	3/150 \$1,035
International	\$52,233.00	4/50 \$ 280

**Brattain International**

**Crew Cab**

International	\$57,573.47	
	\$57,845.47	
	\$54,167.47	

Truckstall body  
Coast Crane body  
Commercial Body body

**Standard Cab**

International	\$53,873.47	
	\$54,145.47	
	\$50,467.47	

Truckstall body  
Coast Crane body  
Commercial Body body

**Truck Center Corp.**

**Crew Cab**

GMC	\$54,651.00	3/50 \$ 267
-----	-------------	-------------

**Standard Cab**

GMC	\$48,766.00	3/50 \$ 267
-----	-------------	-------------

b-III

87

REQUEST FOR COUNCIL ACTION

DATE ACTION SUBMITTED: August 19, 1994                       Motion

DATE ACTION REQUESTED: September 6, 1994

SUBJECT:    Chehalem Future Focus Strategic Decisions


RECOMMENDATION: The City Manager recommends that the City Council support the efforts by the 1994 Leadership Newberg class to organize a community forum focused on developing a strategic plan based on the Chehalem Future Focus effort. The forum would be all day on Saturday, October 8, 1994.

BACKGROUND: The Leadership Newberg class of 1994 and 1993 have joined together to propose that the community revisit the Chehalem Future Focus effort of 1991. The process that they envision will be a community-wide strategic planning session on October 8, 1994. This session will involve community members in a discussion of the Chehalem Future Focus and the development of a strategic plan for the community.

Grassroots efforts from our citizenry are excellent opportunities for the community to tap our residents' resources. City government with their residents share the responsibility for leading and guiding the community. During the 1990's the cooperative effort of working together needs to be community based. Efforts like strategic planning through the Chehalem Future Focus and strategic decision making such as this group proposes, will help our community set directions during the coming months of challenges.

FISCAL IMPACT: This effort has no fiscal impact on the City. There will be some time spent by staff on the effort, but it is a Leadership Newberg project.

SUBMITTED BY:

  
Duane R. Cole  
City Manager

\rcaccf

VII-1

88

STOEL RIVES BOLEY  
JONES & GREY

ATTORNEYS AT LAW  
SUITE 950  
PORT OF PORTLAND BUILDING  
700 NE MULTNOMAH  
PORTLAND, OREGON 97232-4109

Telephone (503) 294-9100

Telecopier (503) 230-1907

Telex 703455

Writer's Direct Dial Number

(503) 872-4838

Tuesday, August 23, 1994

Ms. Kathy Tri, Finance Director  
Mr. Duane Cole, City Recorder  
Mr. Terry Mahr, City Attorney  
City of Newberg  
414 East 1st Street  
Newberg, OR 97132

Re: Lease Purchase Financing -  
Police Department Radio Equipment

Dear Kathy, Duane and Terry:

Enclosed please find a copy of the Resolution relating to the lease purchase financing of the police department radio equipment.

If you have any questions or comments, please feel free to call.

Very truly yours,



Edw. D. Einowski

EDE:jb  
Enclosures

RECEIVED AUG 24 1994

*Becky -  
Be sure our  
Resolution matches.  
Put with agenda  
but do not run. Duane*

---

# City of Newberg

---

**RESOLUTION NO. 94-\_\_\_\_\_**  
**OF THE CITY COUNCIL**

---

**Resolution approving a Lease Purchase Agreement whereby United States National Bank of Oregon provides the lease purchase financing needed by the City to fund the acquisition of certain equipment for use by the City Police Department; and authorizing the execution and delivery of the Lease Purchase Agreement and other matters pertaining thereto.**

---

---

**Adopted by City Council on  
September 6, 1994  
Effective on September 6, 1994**

---

---

# RESOLUTION NO. 94-\_\_\_\_\_

---

**Resolution approving a Lease Purchase Agreement whereby United States National Bank of Oregon provides the lease purchase financing needed by the City to fund the acquisition of certain equipment for use by the City Police Department; and authorizing the execution and delivery of the Lease Purchase Agreement and other matters pertaining thereto.**

---

## **BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**Section 1. Findings.** The City Council of the City of Newberg, Oregon (the "City") hereby finds and determines the matters set forth below in this Section 1.

(a) Under the home rule charter powers of the City and applicable provisions of the laws of the State of Oregon, the City has authority to acquire real and personal property by entering into lease/purchase and installment purchase agreements.

(b) The City needs to acquire various items of equipment for use by the City Police Department in its law enforcement and public safety operations, such equipment generally consisting of a Motorola 800 MHz Trunked Radio System and Mobile Data Terminals (collectively, the "Equipment").

(c) The City has received a proposal from United States National Bank of Oregon (the "Bank") pursuant to which the Bank agrees to provide to the City the funds needed for the City to acquire the Equipment. The Bank will make such funds available to the City pursuant to a lease purchase agreement financing arrangement under which the City will repay such moneys, together with interest thereon, over a five year period by making lease purchase payments to the Bank.

(d) The City desires to proceed with the acquisition of the Equipment and the financing thereof pursuant to the aforementioned lease purchase agreement financing arrangement with the Bank.

**Section 2. Acceptance of Bank Proposal** The Bank's proposal to provide lease purchase financing for the Equipment acquisition is hereby accepted and approved in all respect.

**Section 3. Approval of Lease Purchase Agreement.** The form of Lease Purchase Agreement with the Bank that has been placed on file with the City Recorder in connection with the adoption of this Resolution (the "Lease Purchase Agreement") is hereby approved in substantially the form submitted. The Mayor of the City, the City Manager and the City Finance Director and each of them acting individually, are each hereby authorized, empowered and directed to execute and deliver, for and on behalf of City, the Lease Purchase Agreement in substantially the form approved but with such modifications, additions, deletions and other changes as, in their judgment, are necessary or appropriate and not in conflict with or violation of the requirements of law or the terms of this Resolution.

The obligation of the City to pay lease purchase payments as provided in the Lease Purchase Agreement shall be an absolute obligation of the City payable from all lawfully available funds of the City, including but not limited to moneys credited to the City's general fund and any taxes authorized to be levied by the City within and subject to the limitations of Article XI, Sections 11 and 11b of the Oregon Constitution.

**Section 4. Further Authority.** The Mayor of the City, the City Manager and the City Finance Director, and each of them acting individually, are each hereby authorized and directed to take such action, expend such funds and execute and delivery such other documents, certificates and instruments as may be necessary or desirable to consummate the transactions contemplated by the Lease Purchase Agreement, to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of City with respect to the Lease Purchase Agreement.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon its adoption by the City Council.

**ADOPTED BY THE CITY COUNCIL THIS 6th DAY OF SEPTEMBER, 1994.**

---

**Duane R. Cole, City Recorder**



9/6/94  
City of Newberg  
Police Department

## Memorandum

---

**To:** Duane Cole, City Manager  
**From:** Robert Tardiff, Chief of Police  
**Subject:** Request to Adjust Financing Authorization Amount  
**Date:** September 6, 1994

I would request we adjust the financing authorization amount to provide for shipping and to cover the an additional \$1,000 needed for bond council. The cost of our system and the revenue resources would then look as follows:

Site Equipment	67,394
Dispatch Equipment	19,470
Mobiles	61,485
Portables	112,157
MDT's	32,460
Installation	30,582
Licenses	300
Shipping	5,300
Financing Costs	<u>7,000</u>
Total	\$336,148
Amount Financed	\$186,300
Initial Down	<u>\$149,848</u>
	\$336,148

<u>Line Item</u>	<u>Page</u>	<u>Budget</u>	<u>Proposal</u>	<u>Balance</u>
Capital Outlay	11	\$161,876	\$149,848	\$12,028

---

**ORDINANCE/RESOLUTION ROLL CALL**

**COMMITTEE: NEWBERG CITY COUNCIL MEETING**

**MEETING DATE:** 9/6/94

Council Member	Franklin R. J. W.	Annex RFP	
	Ord/Res No. <u>94-2386</u>	Ord/Res No. <u>94-2387</u>	Ord/Res No.
	Yes/No	Yes/No	Yes/No
<del>ADAMS, Corinne</del>	<del>resigned</del>	<u>9/6/94</u>	
CURRIER, Roger	<u>yes</u>		
GANO, Roger	<u>yes</u>		
McMULLEN, Dave	<u>yes</u>	<u>Set on hold 9/3/94</u>	
McCAIN, Donna	<u>yes</u>		
<del>PROCTOR, Donna</del>			
WOLLAM, T. Dan	<u>yes</u>		
WEAVER, Robert	<u>yes</u>		
WRIGHT, Don	<u>yes</u>		
<hr/>	<hr/>	<hr/>	<hr/>
<b>Total</b>	<b>Yes - 7</b> <b>No -</b>	<b>Yes -</b> <b>No -</b>	<b>Yes -</b> <b>No -</b>

Resign - 1 CA  
Submitted By: Peggy Hall

**NOTE:** Please complete an attendance sheet for all meetings involving City Council members and return to the Legal Department. If the regularly scheduled meeting is canceled for any reason, it should be noted on an attendance sheet and sent to the Legal Department.

Original minutes, signed by the secretary or chairman, should be prepared and sent to the Legal Department for filing as the official record of the meeting.

**ATTENDANCE SHEET**

**NEWBERG CITY COUNCIL MEETING**

MEETING DATE: 9/6/94

**COUNCIL/COMMITTEE  
MEMBER**

**PRESENT**

**ABSENT**

ADAMS, Corinne

*resigned 9/6/94*

CURRIER, Roger

GANO, Roger

McCAIN, Donna

McMULLEN, Dave

PROCTOR, Donna

WOLLAM, T. Dan

WEAVER, Robert

WRIGHT, Don

Reet Miles

Norman Withabee

Johnenas - Graphic

Wardene Windsor

Bob Terding

Wallace Linn - Haysen

KT

Greg Seales

Submitted By: Peggy Hall

**NOTE:** Please complete an attendance sheet for all meetings involving City Council members and return it to the Legal Department with the **original minutes**. If the regularly scheduled meeting is canceled for any reason, it should be noted on an attendance sheet and sent to the Legal Department.

**Original minutes, signed by the secretary or chairman, should be prepared and sent to the Legal Department for filing as the official record of the meeting.**



7/10/94  
City of Newberg  
Police Department

Memorandum

---

**To:** Duane Cole, City Manager  
**From:** Robert Tardiff, Chief of Police  
**Subject:** Request to Adjust Financing Authorization Amount  
**Date:** September 6, 1994

I would request we adjust the financing authorization amount to provide for shipping and to cover the an additional \$1,000 needed for bond council. The cost of our system and the revenue resources would then look as follows:

Site Equipment	67,394
Dispatch Equipment	19,470
Mobiles	61,485
Portables	112,157
MDT's	32,460
Installation	30,582
Licenses	300
Shipping	5,300
Financing Costs	<u>7,000</u>
Total	\$336,148
Amount Financed	\$186,300
Initial Down	<u>\$149,848</u>
	\$336,148

<u>Line Item</u>	<u>Page</u>	<u>Budget</u>	<u>Proposal</u>	<u>Balance</u>
Capital Outlay	11	\$161,876	\$149,848	\$12,028

---