

**CITY OF NEWBERG
CITY COUNCIL WORK SESSION**

MONDAY, NOVEMBER 7, 1994

6:00 P.M.

**COMMUNITY DEVELOPMENT OFFICE
719 E. FIRST ST.**

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE NOVEMBER 7, 1994 COUNCIL AGENDA ITEMS. THE COUNCIL WILL NOT MAKE ANY DECISIONS ON THE AGENDA ITEMS AT THE WORK SESSION.

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 21ST DAY OF OCTOBER, 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
CITY COUNCIL AGENDA
NOVEMBER 7, 1994
7:30 P.M.
NEWBERG PUBLIC LIBRARY**

I. CALL MEETING TO ORDER

II. ROLL CALL

III. CONSENT CALENDAR:

1. Approve minutes from the October 18, 1994 Work Session and Regular meeting.

IV. PUBLIC HEARING:

1. Annexation/Zone Change for an 11.62 acre parcel within Urban Growth Boundary.
 - a. Points of Order and Discussion of Rules.
 - b. Continued 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. 3207 AC-100. Applicant: Roger Grahn-Nielsen Grahn, Inc.

Ordinance 94-2387 annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

V. COMMITTEE RECOMMENDATIONS:

VI. CONTINUED BUSINESS

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CITY COUNCIL AGENDA
NOVEMBER 7, 1994**

VII. NEW BUSINESS

1. Adoption of the Rules for Use of the Library.
2. **Resolution No. 94-1876** Transferring and re-appropriating funds in the Central Services Fund.
3. **Resolution No. 94-1877** Authorizing the City Manager to sign an agreement with the State to exchange federal funds for state funds.
4. Appointment of Library Commission member Donna Reed.

VIII. REPORTS FROM OTHER AGENCIES AND CITY MANAGER

1. Quarterly report on Visitor Center Activities.

IX. COMMUNICATIONS FROM THE FLOOR:

X. EXECUTIVE SESSION:

XI. ADJOURNMENT TO NEXT MEETING

INDEX OF RESOLUTIONS OR ORDINANCES ON THIS AGENDA FOR ACTION:

RESOLUTIONS

1. **Resolution No. 94-1876** transferring and re-appropriating funds in the Central Service Fund.
2. **Resolution No. 94-1877** authorizing the City Manager to sign an agreement with the State to exchange federal funds for state funds.

ORDINANCES

4. **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 AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 367 N. Terrace Drive.

Tuesday, 6:00 p.m.

October 18, 1994

CITY COUNCIL
WORK SESSION MINUTES

City Manager's Office

Newberg, Oregon

Mayor Donna Proctor called the session to order at 6:00 p.m.

Council Members:

Present:

Donna Proctor	Donna McCain
Bob Weaver	Dan Wollam
Roger Gano	Roger Currier
Dave McMullen	

Absent:

Don Wright

City Staff Present:

Duane R. Cole, City Manager
Greg Scoles, Community Development Director
Stan Newland, Police Lieutenant
Michael Sherman, Fire Chief
Kathy Tri, Finance Director

The Council discussed facilities issues and had a tour of City Hall. No decisions or action was taken by the City Council during the work session. Agenda items for the Council meeting at 7:30 p.m. were briefly discussed.

The meeting adjourned at 7:20 p.m.

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MINUTES OF THE NEWBERG CITY COUNCIL
OCTOBER 18, 1994

(This meeting was not video taped)

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CITY OF NEWBERG
CITY COUNCIL AGENDA
OCTOBER 18, 1994
7:30 P.M.
NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER

II. ROLL CALL

Roger Currier (RC)
Donna McCain (DM)
Robert Weaver (RW)

Roger Gano (RG)
Dave McMullen (DMc)
T. Dan Wollam (TDW)

ABSENT: Don Wright (DW)

VACANT: 1 Position (Adams)

STAFF

PRESENT: Duane R. Cole, City Manager, (DRC)
Katherine Tri, Finance Director, (KT)
Stan Newland, Police Department
Michael Sherman, Fire Chief
Greg Scoles, Community Development Director
Leah Griffith, Library Director
Peggy R. Hall, Assistant City Recorder

OTHERS

PRESENT: Steve Abel, Roger Grahn, Robert Cameron

III. CONSENT CALENDAR:

1. Approve minutes from October 3, 1994 Work Session and Regular

Meeting.

2. **Resolution No. 94-1874** allowing the City to take the necessary action which would allow occupancy at 621 E. First Street, by abating part of the nuisance located at the Francis Theater, 625 E. First Street.

MOTION: RG/DM to adopt consent calendar. (6 Yes/1 Absent(DW)/1 Vacant).
Motion carried.

IV. PUBLIC HEARING:

V. COMMITTEE RECOMMENDATIONS:

VI. CONTINUED BUSINESS

1. **Resolution No. 94-1872** delegating authority to the City Manager to enter into an intergovernmental agreement and accept the apparent low bid for construction of the Newberg Senior Center from Robinson Construction Company.

MOTION: RG/DM to approve Resolution No. 94-1872. (6 Yes/1 Absent(DW)/1 Vacant).
Motion carried.

VII. NEW BUSINESS

- 1 Workshop on City Facilities
 - a. Introduction of Topic and Process by City Manager
 - b. Identify Criteria
 - c. Discuss and Weigh Criteria
 - d. Identify Potential Locations
 - e. Discuss and Evaluate Locations

To be reported later.

VIII. REPORTS FROM OTHER AGENCIES AND CITY MANAGER

None.

IX. COMMUNICATIONS FROM THE FLOOR:

Mr. Robert Cameron, 215 S. Grant Street, Newberg, Oregon. Councilor RW stated

that he knew Mr. Cameron for some time. Mr. Cameron stated that he has lived in Newberg for about 7 years. His home is over 100 years old. He has been in the home for approximately 3 months. While working outside, he has noticed that W. Third Street is an alternate truck route. Mr. Cameron stated that he was not at the meeting to argue the point but to advise the Council of what was going on. The concrete company that has its business on W. Third Street has its trucks go to Main and head north and go onto Hwy. 99W. Mr. Cameron stated that he has talked with the manager of the trucking business numerous times, but particularly at 5:00 a.m. this morning. The manager stated that he has received permission from the Police Department because it was impossible for cement trucks to make right turns onto Hwy. 99W. Mr. Cameron stated that he believes this not to be true. W. Third Street is falling apart. There are sometimes 30 concrete truck trips in one day on W. Third Street. The average is about 15 trips per day, every single day. Mr. Cameron stated that he walks to Nap's IGA every morning, sees dump trucks with long axles, one of which came up 99W from the west, was in the left lane, made a left turn from 99W on to Main Street. There was a car in the left lane and in the straight lane. There was no excuse for turning onto W. Third Street. This company seems to be abusing W. Third Street access. Mr. Cameron stated that he needed to vent his anger (spleen) and get it off his shoulder. While working on his roof, he has noticed drivers not obeying the 20 mph speed limit. In addition, Mr. Cameron stated that he has seen City vehicles also not obey the speed limit. Mr. Cameron further noted that the City's loader trucks are making so many trips (15 trips with "one bucket of sand or whatever"). The street sweeper appears to not be going the speed limit (35-40) in a 20mph zone. Mr. Cameron stated that he has talked with Larry Anderson of the Engineering Department and he has indicated that W. Third Street is an alternate truck route. W. Third Street will not be a total rebuild. This will cost the taxpayers some money.

Mayor Proctor thanked Mr. Cameron and that the matter would be referred to the Traffic Safety Committee to monitor. DRC further noted that he would handle it.

2. Steve Abel, attorney with Stoel, Rives, Boley, Jones & Grey, 900 SW Fifth Avenue, Portland, Oregon, 97204, attorney for Roger Grahn and Nielsen-Grahn, Inc. Mr. Abel stated that he is present to request reconsideration of the decision previously made by the Council. Mr. Abel stated that he has supplied a letter to the Council to supplement the materials presented by Mr. Gran and explain his client's position. Mr. Abel stated that he requests reconsideration of this land use decision. He was not in attendance to talk about the land use decision, but in the matter of fairness he is attempting to have the Council fairly hear the land use decisions. Mr. Grahn has fully testified to the Council. What occurred on October 3rd and the Council's decision was not fair. Five members needed to be present to vote in order to approve the annexation. Four affirmative votes were needed to pass the annexation. Mr. Abel stated that he wanted the Council to know what problem it creates for Mr. Grahn. Mr. Abel stated that Mr. Grahn was not in attendance at the October 3, 1994 meeting and was not able to object to the issue of the lack of Council members present and further, was not able to answer any questions.

Mr. Abel further noted that two Council members were not in approval. Mr. Abel also noted that he and Mr. Grahn were not in attendance at this meeting to change anyone's mind, but is attempting, as a matter of fairness, to get a full quorum of the Council to hear the matter. The result would be that if the reconsideration is not granted, he will take the matter to the Land Use Board of Appeals (LUBA). The Council did not have adequate findings at the October 3, 1994 meeting. If the Council would merely re-hear the matter and it would save everyone time and money. Mr. Abel requested that the Council enter an order to reconsider, fully notify all involved and have the full hearing for the land use setting (win, lose or draw). The applicant (Mr. Grahn) should be given the opportunity for a full Council review.

Councilor RC stated that the Council had two meetings on this issue. Mr. Grahn was not in attendance. Mr. Grahn was provided enough notice to attend.

Roger Grahn, 9035 SW Saggert, Tualatin, Oregon, stated that fundamentally, he had no excuse. He wrote it in for Thursday, October 6th (his error). Mr. Grahn stated that he concurs with Mr. Abel's comments that he has little choice but to appeal the matter to LUBA. Mr. Grahn also noted that he could still reapply for annexation immediately which he probably would do so while they pursue the appeal to LUBA. Mr. Grahn noted that he needed to cover every base possible. Mr. Abel and Mr. Grahn noted that the staff work is done, it has already gone through the Planning Commission. Nothing is changed.

Councilor DMc asked whether or not they could reapply. Greg Scoles, Community Development Director stated that they could.

Mr. Abel noted that the downside to the matter is the fees involved and the time frames. Ultimately, it would be back before the City Council to rehear the issue anyway. Councilor RC stated that the fact remains that the LUBA appeal could affect the process. Mr. Abel stated that the Council provided no findings to adequately approve or deny the annexation, whether Mr. Grahn or himself were there or not.

Councilor TDW stated that he was sympathetic with Mr. Grahn's situation and with the concerns that were raised. Any citizen has the right to go through the process and has a right to an outcome. Council members not being in attendance was a fluke and appears to be an unfortunate occurrence, but he was not sure how to handle this or what type of motion needed to be made. Councilor TDW further stated that he would object strenuously to this being used as the basis of support for the action that would become the findings in his judgment.

Councilor RG stated that the issue that is hanging the Council is Rule 10 of the Council Rules that govern the City Council. It was agreed how we would conduct business and show respect for each other. Councilor RC stated that he talked with DRC and TDM and that one option that would be available to the Council would be by a motion to set aside Rule 10 for this particular discussion. If passed, then the Council could make a motion to reconsider this

matter and reset it for a public hearing. Councilor RC stated that he would like to hear further discussion from the Council before making a motion to set aside Rule 10.

DRC noted that enjoining the issue in proper fashion requires two-thirds vote. This may be appealed to the Chair to suspend the vote. The Mayor is the determining vote of any point of order. The Mayor has the authority to suspend the Rule. Rule 10 actually says:

"Rule 10. When a question has been decided, it shall be in order for a member who voted in the majority, to move for reconsideration."

Mr. Abel stated that it refers to the members, does not contemplate the applicant's request for the motion. Mr. Abel stated that he believes that the matter can be worked out and the reconsideration should occur in order to potentially resolve the land use problem.

DRC stated that the Council should keep in mind that the information presented by Mr. Abel and Mr. Grahn is their information and that the Council should note that they are not representing the City's or Council's position.

Councilor RC stated that motions come from the Council, not the floor. Councilor RG stated that the Council would not be accepting a motion from an outside source. The Council merely hears the request for reconsideration and the Council still has the right to say yes or no and/or and move on to other business. Mr. Grahn has stated that he believes that he will come back and that the Council would have to re-hear the issue again anyway. Councilor RG stated that the Planning Commission has enough business on its plate and that the process would be a waste of time and should allow the reconsideration.

MOTION: RG to set aside Rule 10 for this particular matter only and allow the discussion on whether or not the Council should reconsider the matter of the Grahn annexation (Ordinance No. 94-2387).

Councilor RC stated that the Council should consider thinking about the former Horizon Construction matter which was kicked back and forth in and out of LUBA. The Council has had extensive discussion in work session about this issue on how to legally work through this. Councilor RC stated that he feels that the Council has gone overboard on deciding this. City Attorney TDM has noted what he believes to be legally right and provided counsel.

Councilor RW stated that he was not in attendance at the October 3, 1994 meeting. Councilor stated that he has read the minutes and feels that the Council's decision was made properly and within the rules that they follow. The applicant has the avenue to take the matter to LUBA if that is what he wishes to do.

Councilor RG stated that in opposition to Councilor RC's position, the Horizon Construction process was that Horizon Construction went through the Planning Commission and then to the City Council, appealed to LUBA and back to the City Council. This has nothing to do with the City Council making any errors or going through any voting irregularities. It also had nothing to do with Rule 10 or the number of votes required. Horizon was remanded back to the City Council from LUBA. This matter is totally different than Horizon. Councilor RG stated that we can all save time if we allow the reconsideration at the November 7th City Council meeting and set it for a public hearing. This would not tie up the Planning Commission's time as well. Councilor RW stated that if the Council handled the situation correctly at the October 3, 1994 meeting, the Council should not overturn its decision.

Councilor DMc stated that the applicant should have had the opportunity to have the matter heard before a body of 8 Council members. The Council is obligated as well to live within its rules. Councilor DMc also stated that the rules should be changed to handle this type of situation and that two votes should not overturn a decision. The Council has a responsibility to the public and therefore, seconds RG's motion to set aside Rule 10.

RESTATED MOTION: RG/DMc to set aside Rule 10 on the Grahn-Nielsen annexation matter only.

Councilor DM stated that she was concerned how this was handled as well. Councilor DM stated that the matter should be postponed to the November 7th meeting and take care of it at that time.

Councilor TDW further stated that he is troubled by the Rule but is in favor of the reconsideration. The Rule was not written with this type of situation in mind in which a minority situation would not be subject to the majority of the City Council acting upon a land use decision.

Councilor RC stated that the Council decided upon these rules and emergencies do come up. Everyone had a legal right to vote, that is the legal process. Councilor RC stated that he agreed with Councilor RW in that the process was justifiable and not the Council's fault that Mr. Grahn's calendar was marked wrong.

Councilor TDW stated that the applicant's presence did not have any affect on the vote. Councilor RC said that he had the opportunity to oppose the vote of the Council.

DRC stated that he can only tell the Council what the rules say. The matter could be set for the November 7th meeting. Greg Scoles' office could prepare adequate notice if that is what the Council wishes to do. The motion to set aside Rule 10 could be challenged. The Council's rules go back to Roberts Rules of Order. The matter could be appealed to the Chair

and the Council could appeal the ruling of the Chair.

Councilor DMc stated that the reason he was in favor of the reconsideration is that with two members voting "no" caused the matter to be denied. Two members of a body of 8 could set aside. Not fair. The Council should move to suspend Rule 10 on this matter and vote on the reconsideration.

Councilor RW stated that he understood that the Council on October 3rd covered all of its bases and questioned whether or not the Council could function with two members absent. There may be other times when two or more members may not be present. Councilor RW also noted that the Council did have the legal number of members present and did act legally.

Councilor RG stated that the purpose of the motion is to cut time. The applicant is going to take the matter to LUBA and will, in addition, reapply for the annexation which will tie up Planning Commission and staff time, which would then come back to the Council for review.

Councilor RG called for the question.

ROLL CALL ON MOTION TO SET ASIDE RULE 10. (4 Yes/2 No(RC/RW)/1 Absent(DW)/1 Vacant). Motion carried.

MOTION: TDW/RW to reconsider the Grahn annexation (Ordinance No.94-2387) at the November 7, 1994 City Council meeting. (5 Yes/1 No(RC)/1 Absent(DW)/1 Vacant). Motion carried.

Mayor Proctor stated that the matter would be set for a public hearing on November 7, 1994. Councilor RG stated to Mr. Grahn that the hearing would be held on Monday, November 7, 1994.

Councilor DM stated that she was concerned that this type of situation could occur again. The Council needs to be consistent. Discussion was held concerning have the new Council in January pick up this issue for discussion.

3. DRC stated that he wanted to put a closure on the discussion of the facility study.

Discussion was held concerning the Municipal Court and its operation out of the Library facility not being adequate. Consideration of a second day for Court or possibly night court is being reviewed. DRC reviewed the evaluation of the following:

1. Evaluate other facilities.

2. Prioritize values.
3. Inventory everything
4. Invest in existing facility or move elsewhere.

Councilor RG stated that the Community Development Committee reviewed the facilities study. The City Hall facility is the catalyst of how we want downtown to be shaped. Discussion was held concerning doubling the block by taking Howard to College and First to Second. The City may need to acquire it and provide underground parking, community housing, living quarters, an atrium for small business atmosphere, an arcade and have government and professional office space available at First and Howard Streets. This should involve a joint government center (County offices, Sheriff's offices, annex the Police Department, School District, the Park District and the Community College). Further discussion was held concerning the Memorial Park site and taking the blocks past City Hall (including the VFW Hall, etc.). Mayor Proctor stated that she agreed that the downtown corridor should have more to offer. Downtown should also encourage residential.

DRC stated that he would again review this with the Council at the November meeting.

MOTION: RG/DMc to adjourn at 8:35 p.m. (6 Yes/1 Absent(DW)/1 Vacant). Motion carried.

Duane R. Cole, City Recorder

Approved by the Mayor this __ day of November, 1994.

Donna Proctor, Mayor

Reading 11/7/94 PCT TDM
✓ Pughall 11-16-94
correctors

MINUTES OF THE NEWBERG CITY COUNCIL
OCTOBER 18, 1994

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VACANT: 1 Position (Adams)

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- BOTH TIMES NO EXCUSE -

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matter and reset it for a public hearing. Councilor ^{RG}RC stated that he would like to hear further discussion from the Council before making a motion to set aside Rule 10.

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Councilor RC stated that the Council should consider thinking about the former Horizon Construction matter which was kicked back and forth in and out of LUBA. The Council has had extensive discussion in work session about this issue on how to legally work through this. Councilor RC stated that he feels that the Council has gone overboard on deciding this. City Attorney TDM has noted what he believes to be legally right and provided counsel.

Councilor ^{RW}RW stated that he was not in attendance at the October 3, 1994 meeting. Councilor stated that he has read the minutes and feels that the Council's decision was made properly and within the rules that they follow. The applicant has the avenue to take the matter to LUBA if that is what he wishes to do.

Councilor RG stated that in opposition to Councilor RC's position, the Horizon Construction process was that Horizon Construction went through the Planning Commission and then to the City Council, appealed to LUBA and back to the City Council. This has nothing to do with the City Council making any errors or going through any voting irregularities. It also had nothing to do with Rule 10 or the number of votes required. Horizon was remanded back to the City Council from LUBA. This matter is totally different than Horizon. Councilor RG stated that we can all save time if we allow the reconsideration at the November 7th City Council meeting and set it for a public hearing. This would not tie up the Planning Commission's time as well. Councilor RW stated that if the Council handled the situation correctly at the October 3, 1994 meeting, the Council should not overturn its decision.

Councilor DMc stated that the applicant should have had the opportunity to have the matter heard before a body of 8 Council members. The Council is obligated as well to live within its rules. Councilor DMc also stated that the rules should be changed to handle this type of situation and that two votes should not overturn a decision. The Council has a responsibility to the public and therefore, seconds RG's motion to set aside Rule 10.

RESTATED MOTION: RG/DMc to set aside Rule 10 on the Grahn-Nielsen annexation matter only.

Councilor DM stated that she was concerned how this was handled as well. Councilor DM stated that the matter should be postponed to the November 7th meeting and take care of it at that time.

Councilor TDW further stated that he is troubled by the Rule but is in favor of the reconsideration. The Rule was not written with this type of situation in mind in which a minority situation would not be subject to the majority of the City Council acting upon a land use decision.

Councilor RC stated that the Council decided upon these rules and emergencies do come up. Everyone had a legal right to vote, that is the legal process. Councilor RC stated that he agreed with Councilor RW in that the process was justifiable and not the Council's fault that Mr. Grahn's calendar was marked wrong.

Councilor TDW stated that the applicant's presence did not have any affect on the vote. Councilor RC said that he had the opportunity to oppose the vote of the Council.

DRC stated that he can only tell the Council what the rules say. The matter could be set for the November 7th meeting. Greg Scoles' office could prepare adequate notice if that is what the Council wishes to do. The motion to set aside Rule 10 could be challenged. The Council's rules go back to Roberts Rules of Order. The matter could be appealed to the Chair

and the Council could appeal the ruling of the Chair.

Councilor DMc stated that the reason he was in favor of the reconsideration is that with two members voting "no" caused the matter to be denied. Two members of a body of 8 could set aside. Not fair. The Council should move to suspend Rule 10 on this matter and vote on the reconsideration.

Councilor RW stated that he understood that the Council on October 3rd covered all of its bases and questioned whether or not the Council could function with two members absent. There may be other times when two or more members may not be present. Councilor RW also noted that the Council did have the legal number of members present and did act legally.

Councilor RG stated that the purpose of the motion is to cut time. The applicant is going to take the matter to LUBA and will, in addition, reapply for the annexation which will tie up Planning Commission and staff time, which would then come back to the Council for review.

Councilor RG called for the question.

ROLL CALL ON MOTION TO SET ASIDE RULE 10. (4 Yes/2 No(RC/RW)/1 Absent(DW)/1 Vacant). Motion carried.

MOTION: TDW/RW to reconsider the Grahn annexation (Ordinance No.94-2387) at the November 7, 1994 City Council meeting. (5 Yes/1 No(RC)/1 Absent(DW)/1 Vacant). Motion carried.

Mayor Proctor stated that the matter would be set for a public hearing on November 7, 1994. Councilor RG stated to Mr. Grahn that the hearing would be held on Monday, November 7, 1994.

Councilor DM stated that she was concerned that this type of situation could occur again. The Council needs to be consistent. Discussion was held concerning have the new Council in January pick up this issue for discussion.

3. DRC stated that he wanted to put a closure on the discussion of the facility study.

Discussion was held concerning the Municipal Court and its operation out of the Library facility not being adequate. Consideration of a second day for Court or possibly night court is being reviewed. DRC reviewed the evaluation of the following:

1. Evaluate other facilities.

2. Prioritize values.
3. Inventory everything
4. Invest in existing facility or move elsewhere.

Councilor RG stated that the Community Development Committee reviewed the facilities study. The City Hall facility is the catalyst of how we want downtown to be shaped. Discussion was held concerning doubling the block by taking Howard to College and First to Second. The City may need to acquire it and provide underground parking, community housing, living quarters, an atrium for small business atmosphere, an arcade and have government and professional office space available at First and Howard Streets. This should involve a joint government center (County offices, Sheriff's offices, annex the Police Department, School District, the Park District and the Community College). Further discussion was held concerning the Memorial Park site and taking the blocks past City Hall (including the VFW Hall, etc.). Mayor Proctor stated that she agreed that the downtown corridor should have more to offer. Downtown should also encourage residential.

DRC stated that he would again review this with the Council at the November meeting.

MOTION: RG/DMc to adjourn at 8:35 p.m. (6 Yes/1 Absent(DW)/1 Vacant). Motion carried.

Duane R. Cole, City Recorder

Approved by the Mayor this __ day of November, 1994.

Donna Proctor, Mayor

REQUEST FOR COUNCIL ACTION

Date Action Requested:

November 17, 1994

X Resolution

Date Submitted:

November 7, 1994

Recommendation: The City Manager recommends that the City Council approve Resolution No. 94-187B authorizing the City Manager to seek federal funds for up to 75% of the cost of four (4) additional police officers.

Background: President Clinton signed into law the Violent Crime Control and Law Enforcement Act of 1994 on September 13, 1994. This law provides up to \$165 million in grants to state local and other public law enforcement agencies. Funding of the full amount requested is not guaranteed and hiring must be 'in addition to, and not in lieu of, previous hiring plans'. Existing screening practices must remain in place, but local agencies are encouraged to use the grant funds to increase the representation of women and racial and ethnic minorities.

There will be other programs available under this program. Applying for these funds will not affect future requests for funding.

Fiscal Impact: The grant proposal will cost out as follows:

		Number of <u>Officers</u>	Total <u>Request</u>
Entry Level Salary	27,324	4	109,296
<u>Entry Level Benefits</u>	<u>12,975</u>	<u>4</u>	<u>51,900</u>
Total	40,299	-4-	161,196
Maximum Federal Funding @ 75%	30,224	-4-	120,897
City Share from General Fund	10,075	-4-	40,299

The funds from the General Fund would need to come from the existing cash reserves. The City cannot afford to pass-up the potential for 75% funding when it is offered. In addition, the grant period is for three years so the actual grant funds available over three years could be over \$120,000. The above numbers will most likely be maximum obligations for the City.



RESOLUTION NO. 94-1878

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION FOR A GRANT FROM THE FEDERAL GOVERNMENT, U.S. DEPARTMENT OF JUSTICE, TO EXPEDITE THE HIRING OF POLICE OFFICERS AND TO IMPLEMENT COMMUNITY POLICING PROGRAMS

WHEREAS, the Violent Crime Control and Law Enforcement Act of 1994 was signed into law by President Clinton on September 13, 1994 and created a federal-local law enforcement partnership which includes the opportunity to hire new police officers under the program; and,

WHEREAS, the federal government has announced that there will be an accelerated funding program; and

WHEREAS, the City of Newberg received a copy of the U.S. Department of Justice application information on November 5, 1994 and has reviewed the application information ; and

WHEREAS, the information requested in the application includes information stating that the federal government will advise the local governments of the authorized hiring levels by February 1, 1995, and the city, prior to receiving final approval of the grant, will ask for more information about the city's budget and a 2 page description of how the city's police department will participate in community policing; and

WHEREAS, other funding opportunities will be available for innovative community policing programs, equipment, overtime and other needs in the future and participating in this program will not prejudice the city's opportunity to participate in other programs.

NOW, THEREFORE, BE IT RESOLVED that the City of Newberg City Council authorizes the Government Executive, City Manager, pursuant to the application form, to sign the request for up to 75% federal contribution of the salary and benefits of each officer over three years.

DATED this ____ day of November, 1994.

Donna Proctor - Mayor

Duane R. Cole - City Recorder



U. S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

RECEIVED NOV 05 1994

November 1, 1994

Dear Colleague:

The Violent Crime Control and Law Enforcement Act of 1994, signed into law by President Clinton on September 13, created a federal-local law enforcement partnership and the opportunity to hire 100,000 new officers under the "Cops on the Beat" program. With community policing as its base, the program is intended to encourage the development of police-citizen cooperation to control crime, maintain order, and improve the quality of life in America. Attorney General Janet Reno has established the Office of Community Oriented Policing Services (COPS) to expedite the hiring of new police officers and to implement community policing programs.

The Department of Justice and the new COPS Office are pleased to announce the Funding Accelerated for Smaller Towns (COPS FAST) application. Through this new expedited grant approach, law enforcement agencies serving populations under 50,000 are eligible to quickly *hire new officers* to participate in community policing.

I am enclosing a fact sheet that describes COPS FAST in more detail. ***To apply for a share of these funds, you must return the enclosed application form and certifications to the COPS Office, by December 31, 1994.*** We were pleased to be able to abbreviate the application process, but in order to comply with Federal laws and regulations, we must ask you to examine and agree to the attached certifications. One of the goals of COPS FAST is to expedite and streamline the process of making funds available to law enforcement agencies. We will inform you of an authorized hiring level by February 1, 1995. Prior to final approval of your grant, we will ask for more information about your budget and a 2-page description of how your new officers will participate in community policing. If you need technical assistance to prepare your community policing plan, we will be happy to provide it.

COPS FAST is one part of a multi-faceted effort that will bring new officers and deputies to cities, counties, and towns throughout America. If you do not wish to participate in COPS FAST, other funding opportunities will be available for innovative community policing programs, equipment, overtime, and other needs. Electing to wait for other programs will not prejudice your funding opportunities under those programs. Similarly, participating in COPS FAST will not prejudice your opportunity to participate in other programs.

Announcements will be sent to you soon about these other programs. We have tried to distribute this announcement widely and if you received more than one copy of this announcement or if your agency does not meet all of the eligibility requirements for COPS FAST, please pass the information along to a colleague. For more information about this program please call the Crime Bill Response Center at 1-800-421-6770.

We look forward to working with you in a productive partnership to fight crime in our country.

Sincerely,

John R. Schmidt
Associate Attorney General
U.S. Department of Justice



U.S. Department of Justice Fact Sheet

Community Oriented Policing Services

Funding Accelerated for Smaller Towns (COPS FAST) for Populations under 50,000

Program Information

The COPS FAST Application is one of several approaches developed by the Department of Justice under the Violent Crime Control and Law Enforcement Act of 1994 to speed the deployment of new officers devoted to community policing on the streets and rural routes in this nation. As directed by Congress, the FAST Application dramatically simplifies the task of applying for a federal grant. The FAST Application may be used by jurisdictions with populations under 50,000, while the COPS AHEAD approach will expedite the hiring by agencies serving larger populations.

Funding Provisions

❑ The FAST Application -- a fill-in-the-blank, one page form -- will be available by November 1, 1994. The application will request basic identifying information about the agency, the number of police officers currently on the force and the number of new officers requested, basic financial information, and an agreement to abide by standard legal requirements.

❑ Completed applications will be due to the COPS Office by December 31, 1994. The COPS Office will inform the agency of an authorized hiring level by February 1, 1995. Before funding may begin, jurisdictions designated for funding will be required to submit necessary budget information and a brief, satisfactory description of community policing plans. Technical assistance with the development of policing plans will be provided to jurisdictions in need of such assistance.

❑ Up to \$165 million in grants will be made under COPS FAST to state, local and other public law enforcement agencies which serve populations under 50,000. If requests exceed the funds available, the amount or starting date of grants may be adjusted to accommodate demand.

❑ Funding will begin once the FAST Application has been approved and the new officers have been sworn. Grants will be made for up to 75 percent of the total salary and benefits of each officer over three years, up to a maximum of \$75,000 per officer.

❑ COPS grant funds must not be used to replace funds that eligible agencies otherwise would have devoted to future officer hiring. In other words, any hiring under the COPS program must be in addition to, and not in lieu of, previous hiring plans.

❑ In hiring new officers, agencies may not reduce the scope of their customary screening and training procedures, and must include community policing principles in their training curricula. In addition, to the extent practicable, COPS grant funds should be used to increase the representation of women and racial and ethnic minorities within the ranks of sworn officers.

❑ An award under COPS FAST will not affect the consideration of an agency's application for a grant under any other COPS program. An agency that received funding under COPS Phase I is eligible to receive additional funding under COPS FAST.



U.S. Department of Justice
Office of Community Oriented Policing Services

633 Indiana Avenue, NW, 3rd Floor (202) 514-2058
Washington, DC 20531 FAX (202) 514-9272

COPS FAST Application

This FAST Application is for jurisdictions serving populations of under 50,000. This grant pays only for salaries and benefits of new or rehired police officers. Complete the information below, read the assurances on the back and the enclosed Certifications, and sign below. By signing this application you also acknowledge that COPS FAST hiring grants provide a maximum federal contribution of 75% of the salary and benefits of each officer over three years, up to a cap of \$75,000 per officer, with the federal share decreasing from year to year.

Applicant Organization's Legal Name _____

Law Enforcement Executive's Name _____

Address _____

City _____ **State** _____ **Zip Code** _____

Telephone _____ **FAX** _____

Government Executive's Name _____

Address _____

City _____ **State** _____ **Zip Code** _____

Telephone _____ **FAX** _____

Number of Officers Requested Through FAST

Actual Number of Sworn Officers Performing Law Enforcement Functions as of 10/1/94

Area of Jurisdiction (square miles)

Entry Level Annual Salary Per Officer

Number of 1993 UCR Part I Crimes

Entry Level Annual Fringe Benefits Cost Per Officer

Current Population Served (per most recent U.S. census data)

Is the applicant organization delinquent on any federal debt? (If answer is yes, please attach an explanation.)

Yes No

I certify that the information provided on this form is true and accurate to the best of my knowledge. I understand that the applicant must comply with the assurances on the reverse side if the assistance is awarded. On behalf of the applicant, I certify compliance with the applicable requirements of the Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; and Non-Supplanting.

Law Enforcement Executive's Signature _____

Government Executive's Signature _____

Return this form postmarked by December 31, 1994 to: COPS Office, P.O. Box 14440, Washington, DC 20044. Overnight mail: 633 Indiana Avenue, NW, Third Floor, Washington, DC 20531. FAX: (202) 514-9272.

Assurances

Several provisions of federal law and policy apply to all grant programs. We (the Office of Community Oriented Policing Services) need to secure your assurance that you (the applicant) will comply with these provisions. If you would like further information about any of the matters on which we seek your assurance, please contact us.

By your authorized representative's signature, you assure us and certify to us that, if the grant is awarded, you will comply with all legal and administrative requirements that govern the acceptance and use of federal grant funds. In particular, you assure us that:

1. You have been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this grant and that the persons signing the application and these assurances on your behalf are authorized to do so and to act on your behalf with respect to any issues that may arise during processing of this application.
2. You will comply with the provisions of federal law which limit certain political activities of your employees whose principal employment is in connection with an activity financed in whole or in part with this grant. These restrictions are set forth in 5 U.S.C. § 1501, et seq.
3. You will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, if they apply to you.
4. You will establish safeguards, if you have not done so already, to prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
5. You will give us or the Comptroller General access to and the right to examine records and documents related to the grant.
6. You will comply with all requirements imposed by us as a condition or administrative requirement of the grant, with the requirements of OMB Circulars A-87 (governing cost calculations) and A-128 (governing audits), with the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, with 28 CFR Part 66 (Uniform Administrative Requirements), with the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, and with all other applicable laws, orders, regulations, or circulars.
7. You will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within the sworn positions in your agency.
8. You will not, on the ground of race, color, religion, national origin, gender, disability or age, unlawfully exclude any person from participation in, deny the benefits or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. These civil rights requirements are found in the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789(d)); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); Title II, Subtitle A of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101, et seq.); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq.); and Department of Justice Non-Discrimination Regulations contained in Title 28, Parts 35 and 42 (subparts C, D, E and G) of the Code of Federal Regulations.
 - A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin or sex against you after a due process hearing, you agree to forward a copy of the finding to the Office of General Counsel, COPS, P.O. Box 14440, Washington, DC 20044.
 - B. If you are applying for a grant of \$500,000 or more and Department regulations (28 CFR 42.301 et seq.) require you to submit an Equal Opportunity Employment Plan, you will do so at the time of this application, if you have not done so in the past.
9. You will insure that the facilities under your ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that you will notify us if you are advised by the EPA indicating that a facility to be used in this grant is under consideration for listing by EPA.
10. If your state has established a review and comment procedure under Executive Order 12372 and has selected this program for review, you have made this application available for review by the State Single Point of Contact.



U.S. Department of Justice
Office of Community Oriented Policing Services

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; DRUG-FREE WORKPLACE REQUIREMENTS; AND NON-SUPPLANTING

Although the Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your certification regarding certain matters. Applicants should read the regulations cited below and the instructions for certification included in the regulations to understand the requirements. The signature of the applicant's representative on the application provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)," and the non-supplanting requirements of the Violent Crime Control and Law Enforcement Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered grant.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. (Blank copies of Standard Form - LLL can be obtained from the Department of Justice Response Center at: (800) 421-6770);

(c) The undersigned* shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510 -

A. The applicant certifies that it and its principals:

(i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(ii) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (A)(ii) of this certification; and

(iv) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(ii) Establishing an on-going drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;

(b) The grantee's policy of maintaining a drug-free workplace;

(c) Any available drug counseling, rehabilitation, and employee assistance programs; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);

(iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(v) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Program, P.O. Box 14440, Washington, D.C. 20044. Notice shall include the identification number(s) of each affected grant;

(vi) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (iv)(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for

such purposes by a Federal, State, or local health, law enforcement or other appropriate agency;

(vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v), and (vi).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

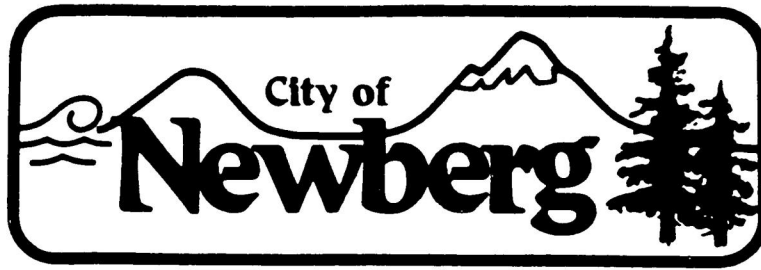
Section 67.630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year, a copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check if the State has elected to complete OJP Form 4061/7.

4. NON-SUPPLANTING

The applicant hereby certifies that Federal funds will not be used to replace or supplant State or local funds, or funds supplied by the Bureau of Indian Affairs, that would, in the absence of federal aid, be made available for the employment of law enforcement officers.

The applicant further certifies that funds required to pay the non-federal or "cash match" portion of the grant program shall be in addition to funds that would otherwise be made available for the employment of law enforcement officers.



City Manager
(503) 538-9421

City Attorney
(503) 537-1208

414 E. First St.
Newberg, Oregon 97132

City FAX
(503) 538-5393

PROCLAMATION

A PROCLAMATION OF THE CITY OF NEWBERG, OREGON HONORING ED OPITZ FOR HIS DEDICATION TO THE NEWBERG COMMUNITY THROUGH HIS SERVICE AS A MEMBER OF THE NEWBERG AMBULANCE CREW.

WHEREAS, Ed Opitz has been a faithful member of the Newberg Ambulance Crew for fifteen years; and

WHEREAS, Ed Opitz was hired as an EMT/Paramedic on June 4, 1979; and

WHEREAS, Ed Opitz was then hired as the Ambulance Department Manager in 1985; and

WHEREAS, Ed Opitz has been a member of many professional organizations and committees for many years including the Oregon State Emergency Medical Technicians Association, Past Member of the National Association of Emergency Medical Technicians and Co-Founder of the Northwest Pre-Hospital Care, Inc.; and

WHEREAS, Ed Opitz has been involved with many local committees including Vice President of the Chehalis Valley EMT Association and an active member of many committees at the Providence Newberg Hospital including Employee Relations Committee, Emergency Room Committee, Trauma Committee, chairing the Logo Advisory Committee and many more; and

WHEREAS, Ed Opitz has maintained many certifications and has been an instructor of many classes taught through the Hospital and has represented the Hospital as an instructor for the Institute for Continuing Education of Health Care Professionals.

NOW, THEREFORE, the Mayor and City Council of the City of Newberg expresses its sincere appreciation and heartfelt thanks to Ed Opitz for his years of dedication to the Newberg community through his various services to the citizens of the City of Newberg.

DATED *this 7th day of November, 1994.*

Donna Proctor - Mayor

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”

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
REVISED CITY COUNCIL AGENDA
NOVEMBER 7, 1994
7:30 P.M.
NEWBERG PUBLIC LIBRARY**

I. CALL MEETING TO ORDER

II. ROLL CALL

III. CONSENT CALENDAR:

1. Approve minutes from the October 18, 1994 Work Session and Regular meeting.
2. Proclamation honoring Ed Opitz, EMS Coordinator.

IV. PUBLIC HEARING:

1. Annexation/Zone Change for an 11.62 acre parcel within Urban Growth Boundary.
 - a. ~~Points of Order and Discussion of Rules.~~ (Removed at the Request of Council member Wright.)
 - b. Continued 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. 3207 AC-100. Applicant: Roger Grahn-Nielsen Grahn, Inc.

Ordinance 94-2387 annexing into the City of Newberg and withdrawing from the Newberg Rural Fire Protection District together with a zone change from a AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

V. COMMITTEE RECOMMENDATIONS:

VI. CONTINUED BUSINESS

VII. NEW BUSINESS

1. Adoption of the Rules for Use of the Library.
2. **Resolution No. 94-1876** Transferring and re-appropriating funds in the Central Services Fund.
3. **Resolution No. 94-1877** Authorizing the City Manager to sign an agreement with the State to exchange federal funds for state funds.
4. Appointment of Library Commission member Donna Reed.
(Information added to this packet.)

VIII. REPORTS FROM OTHER AGENCIES AND CITY MANAGER

1. **Report from City Manager regarding the EMS Facilities Status.**
(ADDED)
2. **Information on Resolutions to be presented at the LOC Conference.**
(ADDED)
3. Quarterly report on Visitor Center Activities.

IX. COMMUNICATIONS FROM THE FLOOR:

X. EXECUTIVE SESSION:

XI. ADJOURNMENT TO NEXT MEETING

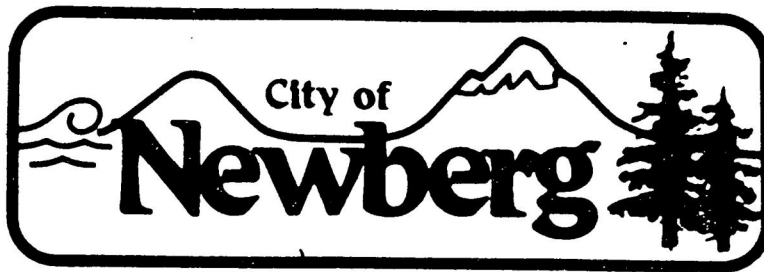
INDEX OF RESOLUTIONS OR ORDINANCES ON THIS AGENDA FOR ACTION:

RESOLUTIONS

1. **Resolution No. 94-1876** transferring and re-appropriating funds in the Central Service Fund.
2. **Resolution No. 94-1877** authorizing the City Manager to sign an agreement with the State to exchange federal funds for state funds.

ORDINANCES

4. **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 AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.



City Manager
(503) 538-9421

City Attorney
(503) 537-1208

414 E. First St.
Newberg, Oregon 97132

City FAX
(503) 538-5393

PROCLAMATION

A PROCLAMATION OF THE CITY OF NEWBERG, OREGON HONORING ED OPITZ FOR HIS DEDICATION TO THE NEWBERG COMMUNITY THROUGH HIS SERVICE AS A MEMBER OF THE NEWBERG AMBULANCE CREW.

WHEREAS, *Ed Opitz has been a faithful member of the Newberg Ambulance Crew for fifteen years; and*

WHEREAS, *Ed Opitz was hired as an EMT/Paramedic on June 4, 1979; and*

WHEREAS, *Ed Opitz was then hired as the Ambulance Department Manager in 1985; and*

WHEREAS, *Ed Opitz has been a member of many professional organizations and committees for many years including the Oregon State Emergency Medical Technicians Association, Past Member of the National Association of Emergency Medical Technicians and Co-Founder of the Northwest Pre-Hospital Care, Inc.; and*

WHEREAS, *Ed Opitz has been involved with many local committees including Vice President of the Chehalis Valley EMT Association and an active member of many committees at the Providence Newberg Hospital including Employee Relations Committee, Emergency Room Committee, Trauma Committee, chairing the Logo Advisory Committee and many more; and*

WHEREAS, *Ed Opitz has maintained many certifications and has been an instructor of many classes taught through the Hospital and has represented the Hospital as an instructor for the Institute for Continuing Education of Health Care Professionals.*

NOW, THEREFORE, *the Mayor and City Council of the City of Newberg expresses its sincere appreciation and heartfelt thanks to Ed Opitz for his years of dedication to the Newberg community through his various services to the citizens of the City of Newberg.*

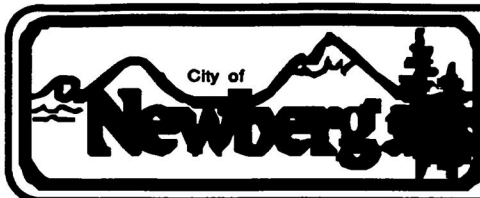
DATED *this 7th day of November, 1994.*

Donna Proctor - Mayor

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"

III-2



Newberg Public Library Memo

To: Duane R. Cole, City Manager

From: Leah Griffith, Library Director

RE: Library Board Appointment

Date: November 1, 1994

Attached is the application of Donna Read for Library Board Position #5 which expires June, 1996 (completes Jane Poole's term). Donna is a long time member of the Newberg Library Friends and has been active in that group. She was instrumental in acquiring merchandise (sweatshirts, mugs, pencils, book bags) for the Friends to sell to raise funds and for library awareness. Working with Library staff, she started a book discussion group this spring. She served on the Library Planning Committee in 1992-93 and was very helpful in developing the Library Long Range Plan 1993-1998. She has applied for the Library Board in the past (1992) and continues to show her interest in the Library and the City through her volunteer work.

VII-4

CITY OF NEWBERG

APPLICATION
FOR POSITION ON
COMMITTEE COMMISSION-BOARD

Committee, Commission or Board Applying For: Library Board

Name: Donna Read Home Phone: 538-5188

Address: 1400 Hadley Rd. Work Phone: —
Newberg, Ore 97132

Are you a registered voter? Yes

Do you live within the city limits? Yes

How long have you lived at the above address? 20 years

Previous Address: 1002 Cascade How Long? 17 yrs
Hood River, Ore

Occupation: Retired Employer: —

Spouse's Name: —

Spouse's Occupation: — Employer: —

Date: 11-1-94

Donna Read
(Signed)

Why do you want this position? (Continue on back or separate sheet if needed.)

As a former educator I have always been interested in books and learning, people and politics, etc.

I would enjoy being part of a team to plan the future of the Newberg Library. I worked on the Future Planning Committee, so ~~am~~ ^{am aware} of the goals.

Since my retirement the Library Friends volunteer group has filled a void in my life and I enjoy the weekly discussions of the Library activities.

Please return this form to the office of the City Recorder

Rev. 2/85

VII-4

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 7, 1994

X MOTION

DATE SUBMITTED: November 4, 1994

RECOMMENDATION: Authorize the City Manager to sign and contract with Mildren Design Group, P.C. for the design and construction coordination for the Ambulance addition to the Fire Department. A verbal and visual presentation will be made at the meeting.

BACKGROUND: As part of the agreement with Sisters of Providence of Oregon (SPO) the City received approximately \$120,000 to use to build a facility to house the Ambulance and provide quarters for the staff. A schematic has been drawn and the next step is to complete the drawings necessary to complete the project. This will require an Architect/Engineering firm.

The scope of work will include:

1. Develop the design prepared by NFD team and prepare preliminary plans. Including site plan, floor plans, and elevations.
2. Prepare and provide plans for review by City's Community Development Department.
3. Structural Engineering review.
4. Mechanical, Plumbing, and Electrical Engineering performance specification.
5. Development of Constuction Documents for bidding and review of bids as requested by City.
6. Construction administration as requested including shop drawing and submittal review, two site visits, review of substantial completion, final punch list, and review for final completion.

The City sought proposals from small to medium sized firms and received five (5) proposals to provide Architectural/Engineering Services for this small project. Based on an initial review of the proposals including: the estimated cost; interest in the project; work history with other cities; two (2) finalists were interviewed by the City Manager and Fire Chief Michael Sherman. The two firms were Barantine, Bates, Lee A.I.A. and, Mildren Design Group, P.C. both of Lake Oswego. A comparison of the two proposals are as follows:

<u>Evaluation Factor</u>	<u>Barantine, Bates, Lee A.I.A.</u>	<u>Mildren Design Group</u>
Age of Firm	18	2
Experience of Principals	Even	Even
References	Excellent	Excellent (1)

VIII - 1

<u>Evaluation Factor</u>	<u>Barantine, Bates, Lee A.I.A.</u>	<u>Mildren Design Group</u>
Prior Experience on Similiar Facilities	Extensive	Less Extensive
Customer Service Philosophy	Good	Good
Local Familiarity	Fair	Excellent
Estimated Price	\$19,700	\$14,000 (2)

1. The City Manager of McMinnville indicated that there were some problems with the group regarding timely response. The firm representative when confronted indicated that it was due to a subcontractor for the Mechanical and that the firm is no longer working with that subcontractor. Assurances were most emphatic that it would not happen on this job.
2. The estimated price for both proposals is a 'not to exceed' type of number. Mildren Design Group indicated that they were comfortable with the not to exceed number.

Based on the comparability of the qualifications and experience, the major factor between the two proposals is price. The Fire Chief was comfortable with either proposal. Finally, this is a fairly simple project and the City should seek to limit the costs.

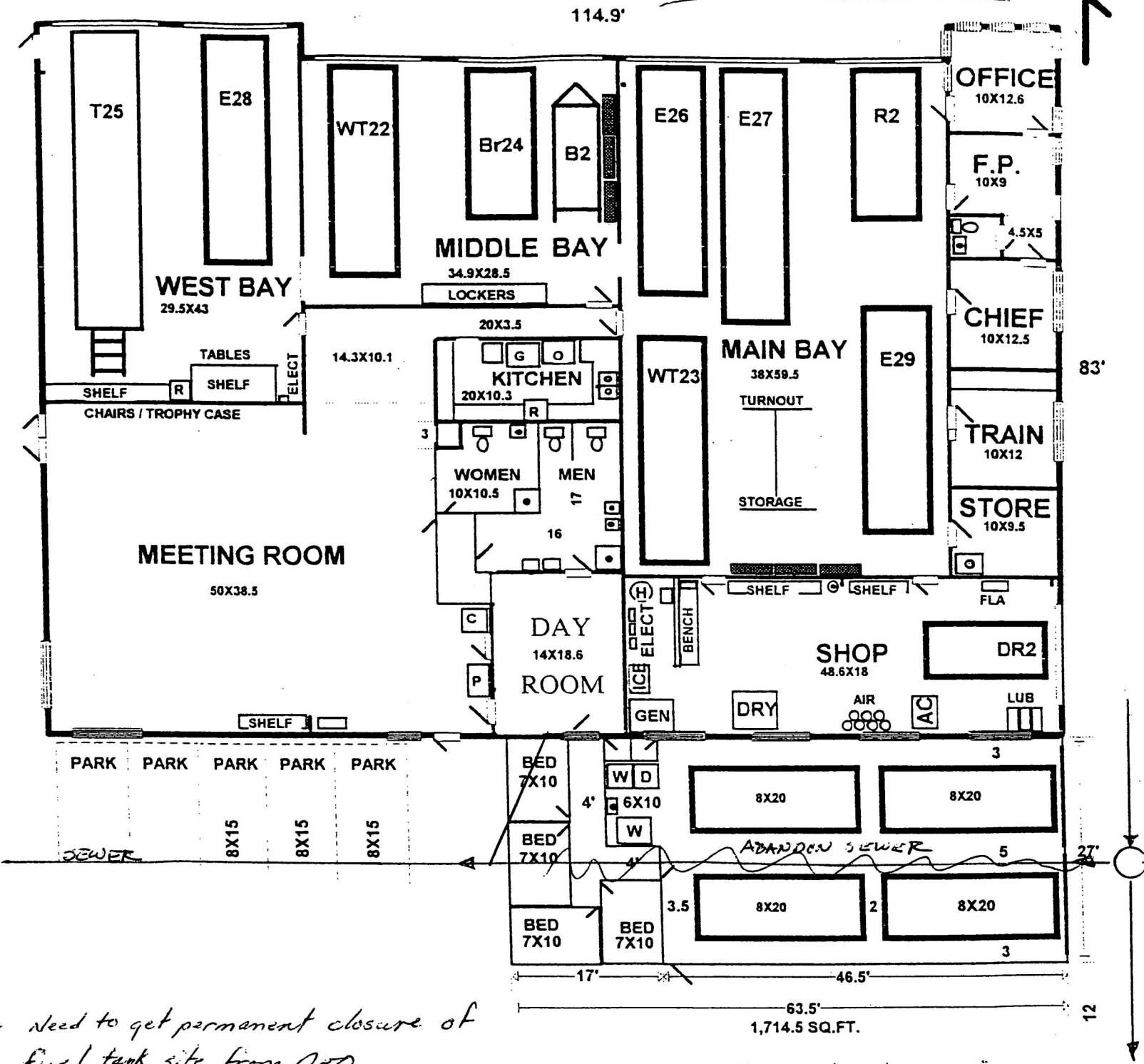
FISCAL IMPACT: The Ambulance Fund has \$120,000 budgeted for this facility. It is likely that this facility will cost more than \$120,000 and the City Manager will proposal financing the balance through a lease purchase arrangement similar to the purchase of the police radio system. Final costs will be known once the bids are received and this will define the City Council's decision to finance or not.

PREPARED BY: 
 Duane Cole, City Manager

cc8.mem

VIII-1

Michael Sherman



1. Need to get permanent closure of fuel tank site from OEQ.
2. Abandon existing sewer under new addition. Install new service as necessary.
3. Relocate gas main in easement around the addition.
4. Don't need to vacate west half of alley. If we do, TL 17900 is landlocked.

5. Construct new driveway to City Parking Lot.
6. May need storm drain in alley, depends on grade.
7. There should be a scenario for drive thru bays if second st. goes to city way to the end.

This is the file Dept's Alternatives. Lets Discuss VIII-1

Carry A. ✓
Mike H. —

Received November 3, 1994

October 28, 1994

Dear City Manager/Recorder:

Enclosed for your information are copies of the resolutions which have been forwarded to the League office for consideration at the League's annual conference, to be held November 19-21 at the Red Lion, Jantzen Beach, in Portland.

Of the six enclosed resolutions, four were forwarded by action of the League's Legislative Committee at its September 30th meeting in Salem. These include: 1) *Urging Restraint in the Enactment of Tax Expenditures*; 2) *Local Decisions*; 3) *Encouraging Statewide Public Participation Before Boards, Commissions and Committees*; and 4) *Health Care Reform*.

The two other proposals were submitted prior to the October 19th deadline. Accordingly, they will appear on the meeting agenda of the Resolutions Committee on Sunday, November 20th. However, these two proposals will be evaluated by the appropriate Standing Committee prior to the Resolutions Committee meeting. The Clean Water Resolution, submitted by Springfield Mayor Bill Morrisette, will be considered by both the Water/Wastewater Committee and the Finance & Taxation Committee; the Draft Resolution to Amend the Initiative Process, submitted by Elgin City Recorder/Administrator Joe Garlitz, will be reviewed by the General Government Committee. It is possible that the Standing Committee review of these resolutions may result in a presentation of amended language to the Resolutions Committee.

I ask that you distribute copies of the enclosed resolutions to your officials, so that they may have an opportunity to discuss them prior to Sunday morning's Resolutions Committee meeting and the Business Meeting which will be held Monday morning.

As always, we hope that you will attend Sunday's Resolutions Committee meeting. This is your opportunity to observe and participate in the League's policy-making process.

Thanks for your assistance!

Sincerely,


Richard C. Townsend
Executive Director

RCT:pf
Enclosures
F:\LOCCONFEREMRESOL.LTR

VIII-2



Working together
for livable
Oregon
communities

League of Oregon Cities
Local Government
Center
1201 Court St. NE
Salem, OR 97301
P.O. Box 928
Salem, OR 97308
(503) 588-6550 or
1-800-452-0338
Fax: (503) 399-4863

OFFICERS

PRESIDENT
Charles Vars, Mayor
Corvallis

VICE-PRESIDENT
Marion Rossi, Mayor
Independence

TREASURER
Di Lyn Larsen-Hill,
Mayor, La Grande

PAST PRESIDENT
Mike Lindberg, Commiss.
Portland

DIRECTORS

Dick Culbertson, Mayor
Oakridge

Sue Engels, Mayor
Aurora

Larry Griffith, Mayor
Baker City

Larry Patterson, City Manager
Bend

Bill Peterson, City Manager
Grants Pass

Bill Riegel, Councilor
Salem

Marlyn Schafer, Mayor
Gold Beach

Alice Schlenker, Mayor
Lake Oswego

EXECUTIVE
DIRECTOR

Richard C. Townsend



Urging Restraint in the Enactment of Tax Expenditures

WHEREAS, a tax expenditure is any special tax treatment, such as an exclusion, special valuation, credit, a reduced tax rate or a deferral of tax liability; and

WHEREAS, the fiscal pressures on both state and local government, caused by the property tax rate limitation, are sufficient to require a thorough evaluation of tax expenditures; and

WHEREAS, a recent study by the Office of Legislative Revenue indicates that 78% of the statewide property tax value and 37% of Oregon's reportable income are provided some form of tax expenditure--significant amounts, even assuming that reasonable limits would lessen the ability of the state to fully tax all sources; and

WHEREAS, the 1995 Legislature will engage in the review of tax expenditures which contain sunset provisions as well as decide whether further tax expenditures should be adopted; and

WHEREAS, current fiscal pressures on local governments could be greatly complicated by the passage of the new Ballot Measure 5, a constitutional amendment which would freeze existing tax expenditures and reduce the flexibility to grant new ones on a temporary basis;

WHEREAS, legislative decisions to modify property tax expenditures cause losses in tax revenue needed to provide critical local services or shift the tax burden to other taxpayers within each community affected by such a decision;

NOW, THEREFORE BE IT RESOLVED, that legislators employ standards more stringent than those used in the past to evaluate any proposed tax expenditure before its continuation or enactment and consider ways to mitigate unusual affects on individual local governments.

VIII-2

Local Decisions

WHEREAS, Oregon has a long and respected tradition of local decision-making by voters, which was established early in the century as part of the Constitution; and

WHEREAS, this local decision-making process recognizes that many governmental decisions should be considered and debated as close as possible to the people who would be directly affected; and

WHEREAS, many local decisions require a balancing of interests unique to the character of the community and within the parameters of authority which were granted by local voters through local charters; and

WHEREAS, public review and discussion is complemented by the opportunity for the local community to vote upon issues, where local interests favor such action, and is a reliable control in the operation of local authority; and

WHEREAS, some local decisions may have valid statewide impacts, which should be examined for their significance and relevance to state policy; and

WHEREAS, a respect for the decision-making responsibilities by various levels of government and a governmental system that empowers local communities to assess and remedy many of their own problems are integral to a successful pattern of governance;

NOW, THEREFORE BE IT RESOLVED, that local decisions affecting statewide interests should be discussed in a cooperative and respectful atmosphere, where any issues of compelling statewide interest can be thoroughly addressed; and

BE IT FURTHER RESOLVED, that every effort should be taken to avoid the preemption or limitation of local decision-making, which would compromise important local responsibilities on the part of both voters and their chosen representative government.

VIII-2

Encouraging Statewide Public Participation Before Boards, Commissions and Committees

WHEREAS, the Oregon System places heavy reliance on community and citizen participation to assist government bodies in making good decisions and to take into account the various viewpoints of all Oregonians; and

WHEREAS, due to the location of the State Capitol and the preponderance of the population in the Willamette Valley, most meetings do and will continue to occur in the Willamette Valley; and

WHEREAS, many of the decisions facing state government have a profound effect on communities east of the Cascades, in Southern Oregon, and on the coast; and

WHEREAS, participation by citizens residing in these areas often requires an entire day or more devoted to traveling to the meeting location; and

WHEREAS, there has been a history of scheduling problems that sometimes cause citizens to spend up to two days of their time in order to make a five minute presentation; and

WHEREAS, the League of Oregon Cities is concerned about enabling Oregonians to work together to solve problems;

NOW, THEREFORE, BE IT RESOLVED, that the League of Oregon Cities urges the Governor, Legislative leadership, and state boards, commissions and agencies to enhance community participation during their deliberations by:

1. Giving special preference to citizens traveling 100 miles or more from his or her principal residence to attend proceedings by reserving testimony time at a time that will allow a participant to make the trip in a single day if possible;
2. Allowing some people to be given a time certain to testify;
3. Making reasonable efforts to assure there is some rotation of meeting locations, including south of Salem and east of the Cascades;
4. Allow and encourage testimony through telephonic and other electronic means when practical; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the appropriate state officials.

VIII-2

Health Care Reform

WHEREAS, during the last session of Congress, President Clinton's and other's proposals to restructure the U.S. health care system have been intensely debated with little clear consensus emerging; and

WHEREAS, health care reform will continue to be a key topic of Congressional and State legislative deliberations as efforts to assure universal access to coverage are weighed against the costs and means to pay for such guarantees; and

WHEREAS, health care reform is an enormously complex task that encompasses policy decisions ranging from definitions of basic benefit plans to mechanisms to control overall system costs, individual choice of health care providers and additional labor costs associated with a potential employer mandate; and

WHEREAS, the State of Oregon is recognized as a national leader in health care reform and is continuing its work on a strategy to achieve insurance coverage for all Oregonians that takes into account the state's own economic, demographic and financial circumstances; and

WHEREAS, the League of Oregon Cities has actively represented cities' interests in shaping state and federal health care reform decisions by explaining individual cities' and LOC's insurance trust's historical commitment to the provision of employee health benefits, expressing concerns over increasing health care costs and describing approaches to better manage them; and

WHEREAS, several of the national reform proposals encouraged consolidated health care purchasing for all government employees as one of the mechanisms to lower costs of expanded coverage for the uninsured who would participate in new insurance pools; and

WHEREAS, several of the national reform proposals did not provide parity between public and private sector employers, a key example of which was preferential premium caps for the private sector compared to government employers; and

WHEREAS, health insurance benefits and the attendant costs continue to be the subject of key wage and compensation discussions within cities. This has led to shared commitments between labor and management to look at health care cost containment strategies and benefit plan alternatives, as well as implementation of health promotion programs and other measures to control insurance premiums; and

WHEREAS, the League of Oregon Cities' Employee Benefits Services Trust has a long standing commitment to working with its members to provide affordable medical benefits through its volume purchasing power, ongoing efforts to develop new cost control strategies and support for wellness programs; and

VIII-2

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WHEREAS, the League of Oregon Cities' Employee Benefits Services Trust has a long standing commitment to working with its members to provide affordable medical benefits through its volume purchasing power, ongoing efforts to develop new cost control strategies and support for wellness programs; and

VIII-2

WHEREAS, the passage of 1991's Ballot Measure 5 in Oregon, which set constitutional limits on cities' revenue, has heightened cities' concern about how to balance fiscal resources against program and personnel costs. These pressures will be exacerbated if further financial limitations are enacted as a result of the November 1994 elections. In the area of personnel costs, health care benefits and the associated expenses are issues second only to salaries. A primary factor in the control of these costs under an employer-based insurance system is the joint accountability between labor and management to seek innovative approaches to insurance benefit designs and to improve the understanding of appropriate use of the health care services.

NOW, THEREFORE BE IT RESOLVED, that the League of Oregon Cities urges Congress through its Congressional delegation to allow states the maximum flexibility to pursue health care reform strategies so that states can adjust for their own economic, demographic and financial conditions; and

BE IT FURTHER RESOLVED, that the League of Oregon Cities believes the advances in joint labor and management work on health insurance benefit design and cost control should not be overlooked in the design of any health care reform program. The League also believes that cities should continue to have the flexibility to deal with employee health benefits in a manner that reflects local conditions and preserves the mutual confidence and accountability that exists between cities, their workforce and their communities' residents; and

BE IT FURTHER RESOLVED, that Congress fully consider the ramifications of an approach to health care reform that assigns employers the primary financial responsibility while significantly reducing their role in working with employees to address insurance cost and wellness issues; and

BE IT FURTHER RESOLVED, that any final reform proposal should provide comparable treatment to municipal health coverage pools as provided for the most favorably treated options provided to private sector multi-employer groups, and similar treatment should be provided to cities that are self-insured, or otherwise, consistent with the treatment accorded private sector employers in comparable circumstances; and

BE IT FURTHER RESOLVED, that the League opposes federal and state proposals that would require all local government employees to be covered through state health purchasing pools since such action would end the prerogative of larger cities to individually design and manage their employee health benefit programs and eliminate the League's Trust's ability to use its unique resources to help cities with affordable coverage; and

BE IT FURTHER RESOLVED, that the League of Oregon Cities recognizes the social importance of assuring that citizens receive necessary health care services. The League is committed to assist the further development of public policy that achieves this social objective and will work with Oregon's legislature and congressional delegation to achieve this end; and

BE IT FURTHER RESOLVED, that the League will continue to analyze state and national health care reform plans to determine their impacts on cities and represent cities' views to Oregon's state and congressional delegation on the various reform elements as they evolve.

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CITY OF SPRINGFIELD, OREGON

MAYOR BILL MORRISETTE

225 FIFTH STREET
SPRINGFIELD, OR 97477
(503) 726-3700
FAX (503) 726-2363

September 21, 1994

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To <i>Phil Zell</i>	From <i>Bill Morrissette</i>	
Co.	Co.	
Dept.	Phone # <i>726-3702</i>	
Fax # <i>399 4863</i>	Fax # <i>726-2363</i>	

CLEAN WATER ACT RESOLUTION

A resolution about keeping locally raised federal tax dollars at home to fund projects mandated by the re-enactment of the Clean Water Act.

Whereas, the Federal Water Pollution Control Act was landmark clean water legislation, passed by Congress in 1972 over a Presidential veto; and

Whereas, today Congress prepares to reauthorize the legislation, now known as the Clean Water Act; and

Whereas, public support for our national clean water program remains steadfast, the rallying cry of "no unfunded mandates" has whipped up strong emotions regarding the future direction of the program and who should pay; and

Whereas, the a 1993 national survey by the Association of Metropolitan Sewerage Agencies report the 1993-1998 capital needs of \$32,4 billion and of that amount only \$2.3 billion, or 7.9% of the total is expected to be financed by federal assistance; and

Whereas, currently, local governments, through rates and taxes, carry 84% or more of capital burden - in addition to 100% of the sharply increasing operations, maintenance and replacement cost; and

Whereas, rehabilitation costs reflect a growing emphasis on the repair and replacement of existing treatment systems, many of which were built in the early years of the Clean Water Act; and

Whereas, as new technologies are applied to meet more stringent requirements the costs will double every eight years, with increases between 9% and 11% per year; and

Whereas, Annual household user fees are now doubling every six years and are projected to rise at an even greater rate in the future due to increased local funding of capital projects, increased operation and maintenance costs

VIII-2

CITY OF SPRINGFIELD, OREGON

MAYOR BILL MORRISETTE

225 FIFTH STREET
SPRINGFIELD, OR 97477
(503) 726-3700
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Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To <i>Phil Zell</i>	From <i>Bill Morriste</i>	
Co.	Co.	
Dept.	Phone # <i>726-3702</i>	
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September 21, 1994

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VIII-2

associated with higher levels of treatment and newly mandated environmental programs; and

Whereas, the issue of increased user fees heightens political pressures as rate increases impact the user, especially those on fixed or limited incomes.

Therefore, let it be resolved, that in the context of ongoing efforts to reauthorize the Clean Water Act, we must focus our energy on two critical goals:

1. A national program of comprehensive watershed management should be enacted with a strong federal commitment to clean water funding because addressing water quality through watershed management will ultimately result in considerable cost savings to local government and enhanced ability to protect and improve the environment.
2. A national policy should be enacted to allow locally raised federal tax dollars to remain in and be used by local taxing jurisdictions which are mandated to meet federal clean water standards.

VIII-2

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2. A national policy should be enacted to allow locally raised federal tax dollars to remain in and be used by local taxing jurisdictions which are mandated to meet federal clean water standards.

VIII-2

CITY OF ELGIN
P.O. BOX 128
ELGIN, OREGON 97827
PHONE (503) 437-2253
September 30, 1994

Phillip Fell
League of Oregon Cities
P.O. Box 928
Salem, OR 97308

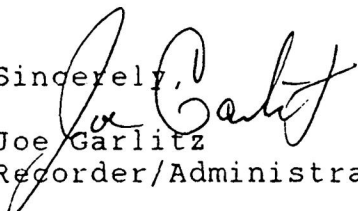
Dear Phil,

Enclosed is a draft of a resolution that I feel should be considered by the League in November. The draft is not to be considered as is, but is presented for discussion and formulation of a proper resolution.

I feel that the League must take a position on this issue. Protection of the Constitution from willy-nilly initiatives that sound "good" to the voters while making the Constitution internally inconsistent or worse, is of primary importance for all governmental jurisdictions and the people they serve. The threat of an amendment like measure 20 should be enough to convince even the most skeptical of this need.

I please let me know if I may assist you further in bringing this before the LOC, thanks.

Sincerely,


Joe Garlitz
Recorder/Administrator

pc. Di Lyn Larsen-Hill

VIII-2

CITY OF ELGIN
P.O. BOX 128
ELGIN, OREGON 97827
PHONE (503) 437-2253
September 30, 1994

Phillip Fell
League of Oregon Cities
P.O. Box 928
Salem, OR 97308


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VIII-2

DRAFT RESOLUTION TO AMEND THE INITIATIVE PROCESS

Whereas, The State of Oregon Constitution can be amended by an initiative passed by a simple majority of 50%+ of the voters; and,

Whereas the November 1994 ballot has 12 initiatives that would amend the Constitution; and,

Whereas, Amendments to the Constitution through the initiative process are drafted without public or governmental review and are thus frequently inadequately formulated; and,

Whereas, It is imperative that the Constitution, as the foundation of the State's laws, be protected to secure a self consistent, fair and workable basis of governance;

Now therefore be it resolved;

The League of Oregon Cities strongly urges the legislative assembly to pass a bill that would amend the initiative process giving due protection to the Constitution.

Some possible remedies for consideration: a) require any initiative that amends the constitution to be passed by 50+% of the voters in all counties; or b) passed by a 60% majority vote in at least 2/3 of the counties; or c) passed by a 75% majority of the state-wide vote.

A different approach for consideration is to require an initiative that would amend the constitution to be filed at least one year prior to the election and to require hearings throughout the State on the implications of the proposed amendment before a final draft of the initiative is submitted to the Secretary of State.

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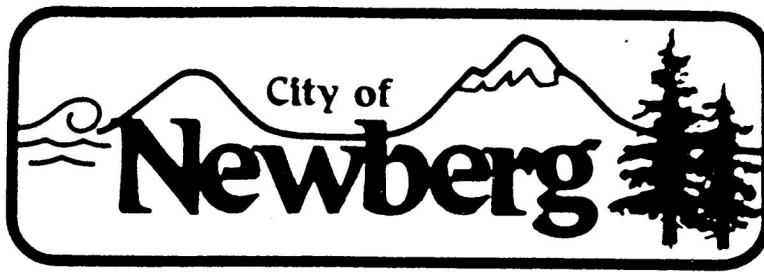
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VIII - 2



City Manager
(503) 538-9421

City Attorney
(503) 537-1208

414 E. First St.
Newberg, Oregon 97132

City FAX
(503) 538-5393

PROCLAMATION

A PROCLAMATION OF THE CITY OF NEWBERG, OREGON HONORING ED OPITZ FOR HIS DEDICATION TO THE NEWBERG COMMUNITY THROUGH HIS SERVICE AS A MEMBER OF THE NEWBERG AMBULANCE CREW.

WHEREAS, *Ed Opitz has been a faithful member of the Newberg Ambulance Crew for fifteen years; and*

WHEREAS, *Ed Opitz was hired as an EMT/Paramedic on June 4, 1979; and*

WHEREAS, *Ed Opitz was then hired as the Ambulance Department Manager in 1985; and*

WHEREAS, *Ed Opitz has been a member of many professional organizations and committees for many years including the Oregon State Emergency Medical Technicians Association, Past Member of the National Association of Emergency Medical Technicians and Co-Founder of the Northwest Pre-Hospital Care, Inc.; and*

WHEREAS, *Ed Opitz has been involved with many local committees including Vice President of the Chehalis Valley EMT Association and an active member of many committees at the Providence Newberg Hospital including Employee Relations Committee, Emergency Room Committee, Trauma Committee, chairing the Logo Advisory Committee and many more; and*

WHEREAS, *Ed Opitz has maintained many certifications and has been an instructor of many classes taught through the Hospital and has represented the Hospital as an instructor for the Institute for Continuing Education of Health Care Professionals.*

NOW, THEREFORE, *the Mayor and City Council of the City of Newberg expresses its sincere appreciation and heartfelt thanks to Ed Opitz for his years of dedication to the Newberg community through his various services to the citizens of the City of Newberg.*

DATED *this 7th day of November, 1994.*

Donna Proctor - Mayor

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"

REQUEST FOR COUNCIL ACTION

Date Submitted: October 21, 1994

Motion
Resolution
Ordinance
Information

Date Action Requested: November 7, 1994


Subject: Rules for Use of the Library

Recommendation: Adopt the document "Rules for Use of the Library"

Background: Library staff determined a need for posted guidelines regarding behavior for users of the Library. While serious violations of laws will be covered through normal city and state ordinances and laws, some behavioral situations are not covered. Situations such as teenagers playing in the elevator, children being left alone in the library, walkmans being turned up to loud, and other disturbances will be dealt with at a staff level. It would be very helpful to staff to have rules posted, to respond to those who question why they can't bring their pet snake inside or leave their three year old alone in the children's room. The rules were adapted from those posted at the Salem Public Library. They were adopted by the Newberg Library Board at their meeting on October 18, 1994

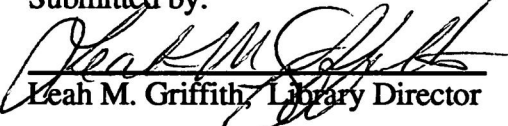
Fiscal Impact: None

Strategic Impact: These rules endeavor to provide all users of the Library with a safe and pleasant environment in which to work, read, and select materials. These guidelines would be posted near the elevators on both levels and in other areas as determined by staff.



Duane Cole, City Manager

Submitted by:



Leah M. Griffith, Library Director

RULES FOR USE OF THE LIBRARY

While in the Library, please do...

- ask for help when you need it
- let us know if the library does not have the book or service you want
- wear footgear and shirts
- enjoy your time here

So that everyone may have a safe and enjoyable experience, Please do not...

- smoke
- sleep or loiter
- eat or drink beverages
- bring pets into the library
- be under the influence of or consume alcohol or illegal substances
- leave children 10 years old and under unattended
- bring into the library anything which creates an obstacle or takes up seating, including bicycles, skateboards, carts or large backpacks
- run
- talk or play audio equipment at a volume which distrubs others
- play with the elevator
- be disruptive, disorderly, or harass patrons and/or staff
- disturb others because of poor personal hygiene
- conduct surveys, or distribute printed material
- panhandle, or solicit for sales or charity
- destroy, deface, or abuse library property

In addition to the above, violation of any Federal or State statute or local ordinance will be regarded as a violation of library rules. The City of Newberg reserves the right to cause to be ejected or refuse further admission to those individuals who violate library rules, create disorder, or engage in illegal activity. Violators are subject to arrest for Trespass under Section 5-9.34 of the Newberg Code. These sanctions are not exclusive and any other remedies available at law or equity to obtain compliance with these rules will be pursued.

Adopted by Library Board October 18, 1994

Adopted by City Council _____

VII-1

664

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: October 14, 1994 Action: **Resolution**

DATE ACTION REQUESTED: November 7, 1994

SUBJECT: Budget Resolution #2

RECOMMENDATION: The Finance Committee recommends transferring \$22,500 to cover the recently re-negotiated janitorial services contract.

BACKGROUND: While developing the 1994-95 budget last spring, it became apparent that the City was spending more on janitorial and facilities maintenance services than it had when the city had a janitor and public works staff provide miscellaneous maintenance needs. The staff took this opportunity to review the responsibilities of the maintenance worker and the janitorial contract to evaluate if there were alternative ways of providing the services.

The janitorial contract has been reduced from five days to once a week service for City Hall, Legal annex and Community Development and three times a week for the Library. The treatments plants will provide their own cleaning. This has resulted in an annual estimated savings of \$20,000. At the same time, the maintenance worker position became vacant and the staff evaluated the responsibilities and duties of this position.

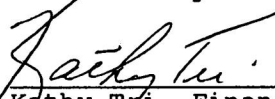
The transfer is necessary because not enough funds were budgeted to cover the total cost of the janitorial contract as re-negotiated.

Fiscal Impact: The transfer will reduce the contingency account in the Central Services Fund by \$22,500 leaving a balance of \$7,257.



Duane R. Cole, City Manager

Submitted by:



Kathy Tri, Finance Director

\council.

RESOLUTION NO. 94-1874

A RESOLUTION TRANSFERRING AND RE-APPROPRIATING FUNDS IN THE CENTRAL SERVICES FUND

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

WHEREAS, the City has evaluated its janitorial services and funds need to be transferred to cover the approved contract for services;

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

Section 1. The following amounts, appropriated in Resolution No. 94-1853 which was adopted on June 21, 1994, are transferred and re-appropriated as follows:

<u>FROM</u>		<u>TO</u>	
<u>Central Services Fund</u>		<u>Central Services Fund</u>	
Contingency	\$ (22,500)	Public Works	\$22,500
Total Transfer	(\$22,500)	Total Transfer	\$22,500

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of November, 1994.

Duane R. Cole, City Recorder

2. Preliminary engineering for the improvement of College Ave. (HWY 219). This project will allow the City, in conjunction with ODOT, to identify the existing right-of-way, location of improvements (sidewalks, curbs and gutters etc.) and to develop a preliminary plan for improvement of the right-of-way. The project will also assist the City is assessing the possibility of improving the right-of-way through the use of a Local Improvement District, since many of the properties along the highway have recorded waivers of remonstrance. In addition, it is anticipated that development will continue along the right-of-way and it will be useful to have a completed design for the roadway available.

COST: There are no costs associated with approving the agreement.



Greg Scoles, Community Dev. Dir.



Duane R. Cole, City Manager

RESOLUTION 94- 1877

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE STATE TO EXCHANGE FEDERAL FUNDS FOR STATE FUNDS.

WHEREAS, the City has requested the State to exchange Federal funds for State funds based on the following ratio; \$94.00 State for \$100.00 Federal; and

WHEREAS, the State has agreed to exchange \$71,615 of Federal funds for \$67,318 of State funds; and

WHEREAS, the City Council has reviewed this proposal at its November 7, 1994 meeting.

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

1. The agreement prepared by the State entitled Miscellaneous Contracts and Agreements No. 13,112 is hereby accepted and approved by the City Council.
2. The City Council authorized the City Manager to sign said agreement subject to approval of the City Attorney as to the legal sufficiency of the agreement.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of November, 1994.

Duane R. Cole, City Manager

Approved: ODOT Staff
September 14, 1994

Miscellaneous Contracts & Agreements
No. 13,112

*LOCAL AGENCY
FUND EXCHANGE AGREEMENT*

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and the CITY of NEWBERG, acting by and through their Elected Officials, hereinafter referred to as "Agency".

1. By the authority granted in ORS 366.770 and 366.775, State may enter into cooperative agreements with counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
2. State and Agency have determined that it is advantageous to both parties and in the public's interest to enter into this agreement.
3. Agency has submitted a completed and signed Part 1 of the Project Prospectus outlining the schedule and costs associated with all phases of the MAIN STREET RECONSTRUCTION and PRELIMINARY ENGINEERING WORK on COLLEGE AVENUE (HWY 219), hereinafter referred to as "project".
4. To assist in funding the project, Agency has requested State to exchange Federal funds which have been allocated to Agency, for State funds based on the following ratio:

\$94 State for \$100 Federal

Based on this ratio, Agency wishes to trade \$71,615 Federal funds for \$67,318 State funds.

5. State has reviewed Agency's prospectus, considered Agency's request for the fund exchange, and has determined that Agency's project is eligible for the exchange funds.
6. The parties hereto agree that the exchange is subject to the following conditions:
 - A. The federal funds transferred to State may be used by State at its discretion.
 - B. State dollars transferred to Agency must be used for the above-named project. This fund exchange is to provide funding for specific roadway projects, and is not intended for maintenance.

City of Newberg Fund Exchange
Contract #13,112

- C. State funds may be used for all phases of the project, including preliminary engineering, right-of-way, utility relocations, and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible for accounting for expenditure of State funds.
- D. This fund exchange shall be on a reimbursement basis, with State funds limited to the maximum amount shown on page 1. All costs incurred in excess of the fund exchange amount will be the sole responsibility of Agency.
- E. State certifies at the time this contract is written that sufficient funds are available and authorized for expenditure to finance costs of this contract within State's current appropriation or limitation. Funds available for reimbursement on, or after, July 1, 1993, are contingent upon the legislatively-approved budget of State.
- F. Agency shall be responsible for all costs and expenses related to its employment of individuals to perform the work under this agreement, including but not limited to PERS contributions, workers' compensation, unemployment taxes, and State and Federal income tax withholding.
- G. Agency agrees to comply with all applicable State, Federal and local laws, rules, regulations and ordinances, including but not limited to those pertaining to Civil Rights.
- H. Agency or its consultant shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary rights of way in accordance with current State and Federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering and make all contractor payments required to complete the project.
- I. Agency shall submit a copy of the project plans and specifications to State for review two weeks prior to advertisement for construction bid proposals. State shall notify Agency of any changes or modifications it deems necessary prior to advertisement. Failure to suggest changes shall in no way constitute State approval of the plans and specifications.
- J. Agency shall compile accurate cost accounting records. Agency shall bill State, in a form acceptable to State, no more than once a month, for costs incurred on the project. State will reimburse Agency at 94% of the billing amount, not to exceed **\$67,318**. The cost records and accounts pertaining to the work covered by this agreement shall be retained for inspection by representatives of State for a period of three (3) years following final payment. Copies shall be made available upon request.
- K. Agency shall, upon completion of project, maintain and operate the project at its own cost and expense.

City of Newberg Fund Exchange
Contract #13,112

L. The contractor, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

M. This contract shall be for two years, beginning on the date State's representative executes this agreement, and terminating two calendar years later, on the same month and day, unless otherwise extended or renewed by formal agreement of the parties.

N. This contract may be terminated by mutual consent of State and Agency or by either party upon 30 days' written notice, delivered by certified mail or in person.

O. State and Agency hereto agree that if any term or provision of this contract is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular term or provision held to be invalid.

7. Agency shall authorize execution of this agreement during a duly authorized session of its City Council.

The fund exchange program was approved by the Oregon Transportation Commission on July 21, 1992, at which time the State Highway Engineer was authorized to sign the necessary agreements for and on behalf of the Commission. By Subdelegation Order HWY-6, Paragraph 11, the State Highway Engineer further delegated the signing authority to the Program Section Manager.

By delegated authority, the Program Section Manager approved this project on **September 12, 1994.**

*City of Newberg Fund Exchange
Contract #13,112*

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

All agreement provisions were approved as to legal sufficiency on July 2, 1992, by Dale K. Hormann, Assistant Attorney General.

APPROVAL RECOMMENDED

By *Donald R. Wagner*
Region Manager

Date 9-16-94

STATE OF OREGON, by and through its
Department of Transportation

By _____
Program Services Section Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Agency Counsel

Date _____

CITY of NEWBERG, by and through its
Elected Officials

By _____

By _____

Date _____

Agency Contact:
Greg Scoles
Community Development Director
414 E First Street
Newberg, OR 97132


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COST:

There are no costs associated with approving the agreement.



Greg Scoles, Community Dev. Dir.



Duane R. Cole, City Manager

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Duane R. Cole, City Manager

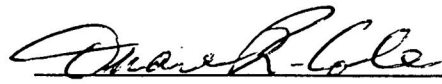
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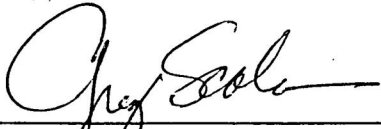
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Duane R. Cole, City Manager

NEWBERG VISITOR INFORMATION CENTER

1994-95

First Quarter Report
(July-August-September, 1994)

REVENUE

City of Newberg	\$ 5,000
Newberg Chamber of Commerce	<u>2,098</u>
	<u>7,098</u>

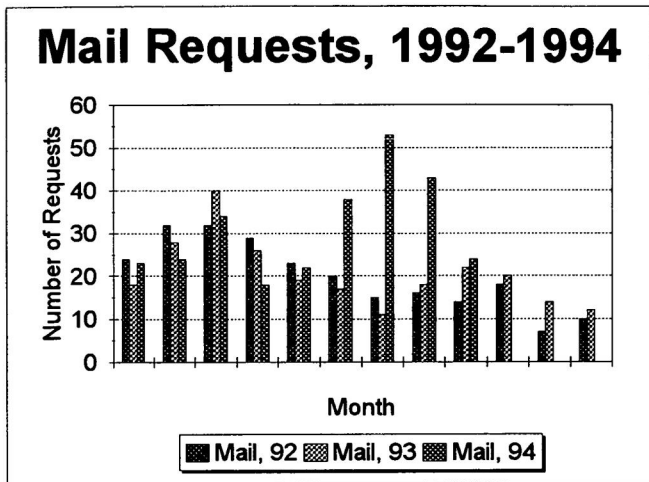
EXPENSES

Personnel	5,352
Dues	0
Equipment & Supplies	529
Printing & Advertising	27
Overhead/Utilities, etc.	<u>1,190</u>
	<u>7,098</u>

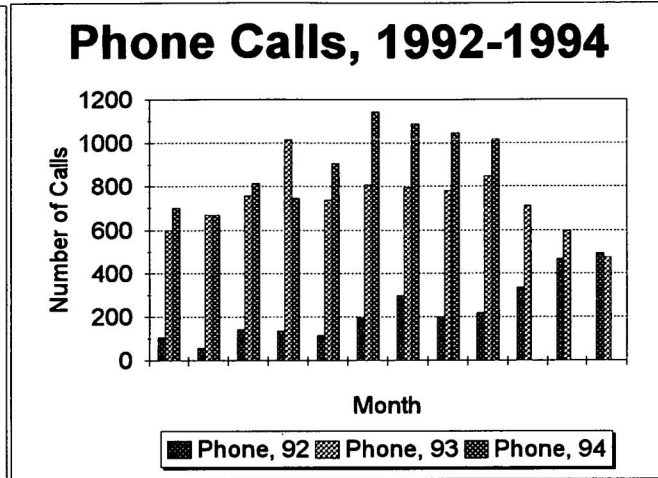
Newberg Visitor Information Center

1994 Visitor Information/Relocation/Communications Report

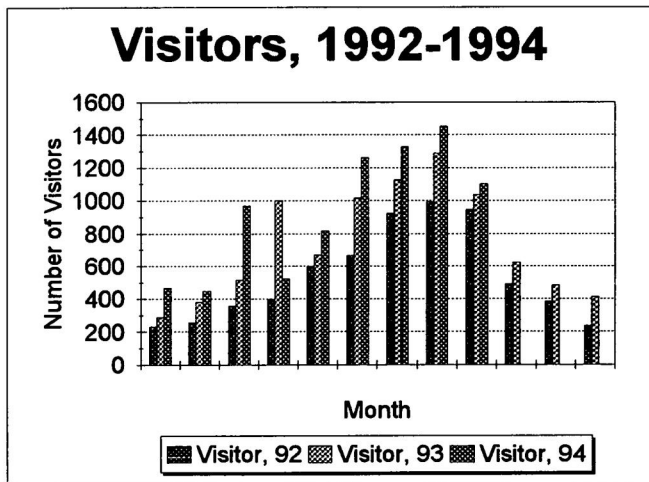
Comparison Between 1992, 1993 and 1994



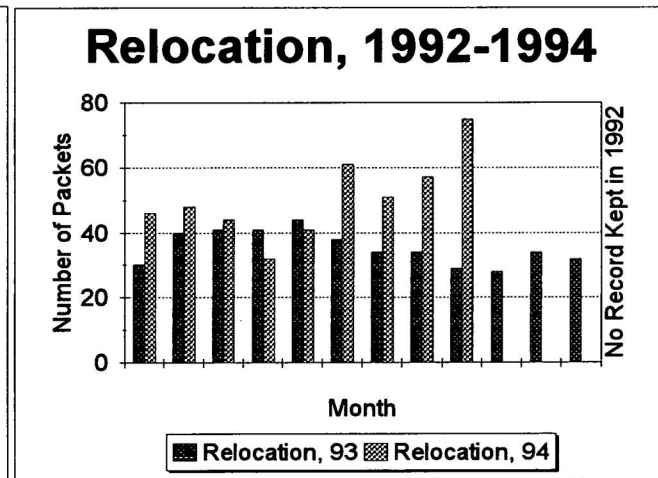
1992 Total: 240 1993 Total: 245
 1994 Total to Date: 279



1992 Total: 2,764 1993 Total: 8,763
 1994 Total to Date: 8134



1992 Total: 6,481 1993 Total: 8,833
 1994 Total to Date: 8365



1992 No record 1993 Total: 425
 1994 Total to Date: 455

Activity to Date: Mail requests are running 52% ahead of the same period last year. Phone calls are up 31%. Visitors are up 14%. Relocation packets are up 37%.

Bill O'Connor, Information Center Manager

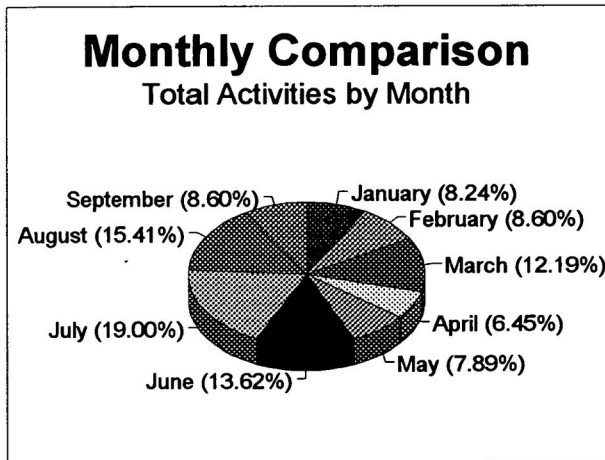
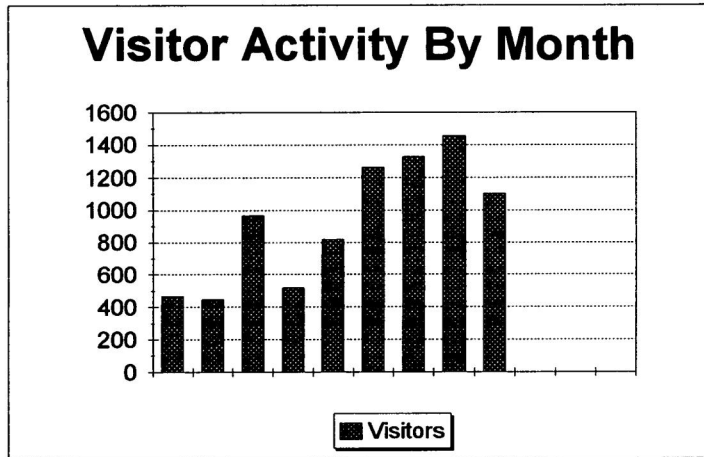
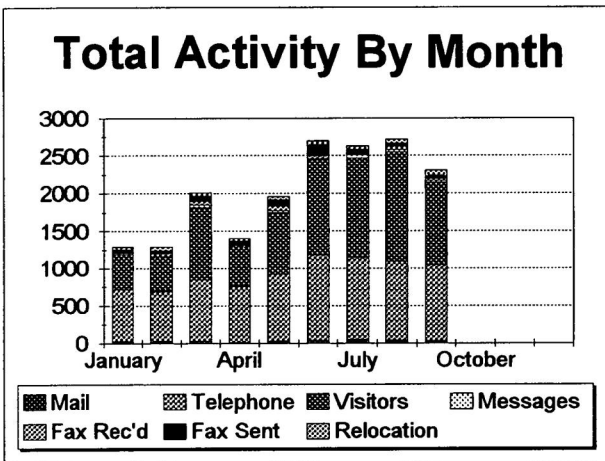
VIII-1

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Newberg Visitor Information Center

1994 Visitor Information Area Service Record and Nine Month Report

	Mail	Telephone	Visitors	Messages	Fax Rec'd	Fax Sent	Relocation	Brochures
January	23	701	466	13	18	22	46	2796
February	24	668	449	22	42	32	48	2694
March	34	816	968	30	51	67	44	5808
April	18	746	521	18	18	47	32	3126
May	22	906	818	31	57	88	41	4908
June	38	1145	1261	20	31	144	61	7566
July	53	1087	1328	43	20	51	51	7968
August	43	1047	1454	32	47	40	57	8724
September	24	1018	1100	32	27	28	75	6600
October								0
November								0
December								0
Total:	279	8134	8365	241	311	519	455	50190



A Six week spot-check of telephone calls from April 15 to May 31 shows that calls are 80-85% visitor related, and are 10-15% are other Chamber business.

The number of brochures distributed is an estimate based on the awareness that the average visitor leaves the Chamber with 6 or more pieces of literature. Some leave with many more. The estimate is six times the number of visitors each month.

VIII-1

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Visitor Information Center First Quarter Report (July - September, 1994)

Date: October 27, 1994

To: The City Council

From: Bill O'Connor, Manager, Visitors Information Center

Re: Progress toward achievement of stated Visitors Center objectives

Objective 1. Operate, maintain and staff Visitor Information Center.

The Visitors Information Center has been open from 9:00 to 5:00 daily, Monday through Friday, and was open seven days per week during the summer months. We have adequately served more than 8,500 visitors (thru September) who have come through our door since the first of the year.

Objective 2. Produce Visitor information materials.

This office has produced the following materials this quarter (nine items):

- In-House Brochure: "Major Newberg Events and Attractions"
- In-House Brochure: "Newberg Area R.V. Parks, Motels, Bed & Breakfasts"
- In House Brochure: "Some Notes on Newberg History"
- In-House Brochure: "Newberg Area Civic Clubs & Other Organizations"
- In-House Brochure: "A Guide to Newberg Area Churches"
- In-House Brochure: "Newberg/Dundee Area Antique & Collectible Shops"
- In House Brochure: "Newberg Area Dining Guide"
- Newberg Area Demographics Sheet
- Newberg Community Profile Sheet

We are presently working on a brochure featuring "Meeting and Conference Facilities in the Newberg Area."

Objective 3. Develop an economic development packet.

This packet is consists of the above community profile sheet, demographic sheet, our full-color city brochure, and the Chamber's business directory. A new business directory is now in the early stages of preparation.

Objective 4. Improve the physical facilities of the Visitors Information Center.

- (1) Additional literature racks have been installed, thus expanding our brochure capacity by more than 100 pockets.
- (2) An outdoor literature rack has been installed that contains 28 literature pockets, and which makes our most popular brochures available after hours and on weekends.

NOTE: We are frequently told by visitors that we have one of the most attractive and well-stocked information areas in the state. This is borne out by personal visits to many other Visitor Centers and Chambers across the state in a search for literature we do not have.

Objective 5. Promote Newberg Outside of Yamhill County.

Our full-color city brochure is on display at the nine State Welcome Centers (Astoria, Brookings, Klamath Falls, Lakeview, Ontario, Portland, Seaside, Siskiyou, and Umatilla). In addition, brochures have been provided to the British Columbia/Colona Chamber of Commerce, the Oregon Trail Interpretive Center, the Oregon Tourism Division in Salem, and the state Capitol. We also provided material for an Oregon promotional conference put on by the Portland Oregon Visitors Association.

Objective 6. Install a community bulletin board.

A 3x4 foot bulletin board has been installed in the foyer of the Chamber, and letters have been sent to all local agencies, civic clubs, schools, and other selected groups to notify them of guidelines for posting. We have received information on several programs which has been put on display as promised. In addition, we are seeking to establish a community master calendar for programs and activities so that organizations can avoid scheduling conflicts by making a single call to the Chamber.

Objective 7. Gather and display historic and local material which will focus on the highlights of Newberg.

We have all of the permanent plaques historically listing award recipients: Citizen of the Year, Rotary Community Service Award, Kiwanis Outstanding Youth Award, City Beautification Award, Chamber Retailer of the Year Award, Chamber Volunteer Service Organization Award, and Chamber President's Award for Leadership. The Vintage Festival, Old Fashioned Festival, Oregon Wine Country, and Newberg (1984) posters grace our walls and add color to the Visitors area.

Objective 8. Conduct visitor training workshops. (This was deleted from our final agreement with the city, but we have done something toward it anyway.)

We participated with Janet Porter in the creation of a new video for the training program "Put the Oh in Oregon" which will be used across the state.

TQM Fall Seminar

"Empowering A Community"

Sponsored by
Newberg Area Chamber of Commerce
A-dec
Chehalem Park & Recreation



Thursday, November 10, 1994

A-dec

Building 6, Meeting and Training Room

9:00 -- 11:30 a.m.

\$5.00 per person

Agenda

"Customer Satisfaction"

Guest Speaker: R. Barry Crook, Budget and Quality Manager for Multnomah County, former Quality Officer, City of Austin, Texas.

- 9:00 a.m. Welcome and Introduction
- 9:15 a.m. "Importance of Total Quality in the Community:
R. Barry Crook
- 9:55 a.m. Quality Award Programs -- Jim Morrison
- 10:25 a.m. Refreshment Break
- 10:40 a.m. Customer Satisfaction
Group Exercise (How to Measure)
- 11:15 a.m. Assessment
- 11:30 a.m. Adjournment

Please R.S.V.P. to 538-2016

1st draft

MINUTES OF THE NEWBERG CITY COUNCIL
NOVEMBER 7, 1994

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
REVISED CITY COUNCIL AGENDA
NOVEMBER 7, 1994
7:30 P.M.
NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Roger Currier (RC)	Roger Gano (RG)
Donna McCain (DM)	Dave McMullen (Dmc)
T. Dan Wollam (TDW)	Robert Weaver (RW)
Don Wright (DW)	

VACANT: 1 Position (Adams)

STAFF PRESENT: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Robert Tardiff, Police Chief
Michael Sherman, Fire Chief
Katherine Tri, Finance Director
Peggy R. Hall, Assistant City Recorder

OTHERS

PRESENT:

III.

CONSENT CALENDAR: Steve Abel (attorney for Roger Grahn), Chedden from Fairway
School, Darla Baxter, Dennis [unclear],
Mark Gaidos, Ray Grahn, Ralph [unclear],
Tammie [unclear], Brendan Shine,

1. Approve minutes from the October 18, 1994 Work Session and Regular meeting.

2. Proclamation honoring Ed Opitz, EMS Coordinator.

MOTION: to approve the consent calendar. (7 Yes/1 Vacant). Motion carried.

Children from Ewing Young School sang a song on Newberg Terriy Sands and Stephanie Wiard second and third grade students. Been excited and enjoyed doing it.

Mayor proctor presented proclamation to Ed Opitz.

Considered a rate privilege to work in Newberg. Use Newberg as stepping stone to somewhere else - 15 years later will make step - work in Woodburn. Feel through 15 years - ambualnce has responded to demands and needs of growing community - continue to focus and maintain ideal quality and rapid service to a growing community -

RG/DMc to adopt consent calendar. Unanimous.

IV. PUBLIC HEARING:

1. **Annexation/Zone Change for an 11.62 acre parcel within Urban Growth Boundary.**

a. **~~Points of Order and Discussion of Rules.~~ (Removed at the Request of Council member Wright.)**

b. **Continued 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. 3207 AC-100. Applicant: Roger Grahn-Nielsen Grahn, Inc.**

Ordinance 94-2387 annexing into the City of Newberg and withdrawing from the Newberg Rural Fire Protection District together with a zone change from a AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

Mayor called for absentions, ex parte contacts, conflicts of interest -

DW - talked with people that are adjacent land owners. DP - former person that lived in area - know quite a few people - no financial gain. RC - ex parte contact today with Dennis Fieger - discussed what was going to happen and know status - share ideas if he could not make it - he is presen t- no financial

RG- contact with neighbor in neighborhood - not affect vote.

DMNC- have been contacted by property owner in neighbrohood - purly circumstantial and

will not affect judgment -

TDM - when declare ex parte contact - must define what conversations were held.
so proponents and opponents can present evidence on this.

RC - concern on overpopulation in area - whether legally to address rules - Rule 10- could not dictate verbatim did not have paperwork - just his voice was that overcrowding situation and forced annexation of property owners in the area.

DW - contact death with suitability with area annexed - procedures that have gone on Reserves right for point of order later in the meeting.

RG - contact with Mrs. Baxter re: notification requirements for meetings.

Dmc- with Ms. Baxter - impact on traffic on N. College re: specific plan and annexation.

DP - talked with Mr. Hodges (proponents) discussed briefly development - Know Mr. Fieger and Mrs. Baxter - has no bearing on decision.

Called for objections to jurisdiction -

Darla Baxter, 5708 N. Terrace Drive, in 1976 zone change with city once vote taken - could not reapply for one year, go to LUBA or wait one year. - same ordinance today - this is illegal - cannot consider it at this time.

TDM - reviewing that objection - history - had meeting at the first of meeting - did not pass at 10/03/94 - 10/18/94 continued to re-hearing - application had not been denied.

DW - point of clarification - information

TDM - jurisdiction matter - brought to his attention that we have a public notice on this matter - complied with the notice provisions in statute and 10/.22/94 - annexation ordinance passed in 1980 - statute under which operate - consent of owners - provides for more notice - have informed applicant's attorney - our notice did not comply with statutory provisions. Recommend that the CC listen to applicant's attorney - appears that our notice does not comply with jurisdictional requirements - hear from applicant.

Steve Abel - 900 SW fifth Avenue, Portland, attorney for Applicant - notice obligations - with respect to annexations. TDM is correct - special notice obligation that is further reaching that is provided in the City code. This was deficient - unfortunate that the land use matter itself - utmost caution and opportunity to do hearing - continue matter - have the city send out notices on the hearing - posting requirements - this is the proper forum for the decision -

DW - notification - application - ask for the date of the final hearing - notify LCDC - 197.615 notice to LCDC as final date - 45 days after notice the first possible date you could approve - supplemental notice - not an obligation - but would be good to do. 610. and 615. is pre-notice.

TDM - We would have jurisdictional problems - have problem to notify and public two consecutive weeks and comply with other statutes - the ordinance 1980 and 1985 was last time ordinance was amended - not added requirements -

MOTION: DW/RG to continue to be able to bring before us under proper notice.

TDM - can have hearing after 45 days - cannot have hearing before 45 days. Planning department should have sent them that notice with the

DW - LCDC that you have provided notice of pending action (at least 45 days for them to be involved if they choose).

Abel - courtesy notice of actual hearing -

published two weeks prior to hearing - posted in

MOTION: RG/DM to amend to 12/05/94 -date certain into DW's original motion - ^{RC}RG- no).

RG CALLED FOR question.

ROLL CALL ON AMENDMENT - Unanimous.

Mayor Proctor stated that she would not call upon anyone on the annexation. until the 12/05.94 meeting.,

MOTION: date certain 12/05/94


V. COMMITTEE RECOMMENDATIONS:

VI. CONTINUED BUSINESS

VII. NEW BUSINESS

1. Adoption of the Rules for Use of the Library.

MOTION: RG/TDW to adopt rules . Unanimous.

 2. **Resolution No. 94-1876** Transferring and re-appropriating funds in the Central Services Fund.

MOTION: RG/DM - to adopt Resolution No. 94-1876.

DRC - reengineered janitorial service - in house - budgeted as of July 1, 1994 - didn't get work done until 10/01/94. DM state that this proposal came to finance committee and recommended approval.

Unanimous.

Comm. Dev. has

3. **Resolution No. 94-1877** Authorizing the City Manager to sign an agreement with the State to exchange federal funds for state funds.

Main street reconstruction and Hwy. 219 project. DRC - exchange money - saves money for city - plan to apply college street and number one priority - transportation plan - try to improve right-of-way. School development critical - rebuild everything from ground up - should be redone - figure out right-of-ways. Once done - request funds from state and get project underway - needs to go through state improvement programs - hoep to get issue sooner than 5 years.

RG - Mainstreet from Illinois to Crestview is that City street? DRC said some is county road - need to enter into exchange - right-of-way -

RG - to scholes - anything from county for taking over - County to pay City to take off hands -

Scoles - capital imprvoement program -

RG - section from Illinois to Columbia Drive - belong standards - has not been maintained - take over county road - have county pay something -

DRC - willingness to participate - seek similar type arrangement - something we can do.

MOTION: RG/DW - Unanimous.

4. **Appointment of Library Commission member Donna Reed.**
(Information added to this packet.)

RW - very accomplished educator - retired - asset to the library and people coming to

MOTION: RW/RG to approve - she has already served on committee. replace Clay Poole -

~~Resolution No. 1878 - community policing programs -~~ *done in*

Bob Tardiff - police chief - first part of the new crime bill - COPS Fast - get officers out in community quickly - quick grant process - evaluate request for officers - other cities under 50,000 population - in February will let us know hwo many officers will be allowed - if not granted as many on this round - can go get additional later - two processes -

1. Cops fast - under 50,000

2. Cities over 50,000 with more detail - put officers on street very quickly.

DM - matching grant - city would have to come up with 25% -

Tardiff - 25% minimum by city - grant pays officer 25,000 per year.

RC - federal share decreases from year to year - will not be at that level

Tardiff - \$75,000 for three year period.

MOTION: RG/TDW to adopt - unanimous.

Don Wright - make motion to re-hearing - meet for second meeting in November to 11/22/94
appoint council member -

DP - cm and other cc member will be out - closing date is 11/10/94 - 11/17/94

DW - withdraw motion to consider second meeting on 11/17/94

MOTION: DW/RC-

DM- not seen in graphic except bottom - discussion that it did appear in graphic, Ones not
chosen for election - others can

DW called for question.

RW - proper to ask - will be meeting - 7:00 p.m.

DP - special council meeting 6:00 on 11/17/94 - Unanimous.

VIII. REPORTS FROM OTHER AGENCIES AND CITY MANAGER

1. Report from City Manager regarding the EMS Facilities Status. (ADDED)

DRC - need to get architect on line to design process . Important on management project- locate ambulance near fire station. Transition period. RW what time lines were. Have not talked detail to architect - hopefully completed by June-July 1, 1994, We have 8 months to go. Sherman and Dale Mount look at modular units near fire station on lot - for housing the ambulance team. Would be helpful to integrate service into fire department. RC - donconditional use permit - will get notice right for council.

DRC - two bay facility - for ambulance - washer dryer facility - four bedrooms 7x10 -

minimum requirement for bedroom space - day room would be taken over by ambulance crew - they go into intense situations and try and get along with people - difficult to be in big meeting room - deal with emotion and situations. - With architect - shortfall with area - not enough storage space - seems crazy to build facility without storage space - may be other concerns that need to be addressed - functional as well as inexpensive. Make sure new ambulances fit - next step is issued construction plans and drawings - EPA issues in construction package - ramps too steep - architect would be required for bid process - in house - "not to exceed" but a time and cost basis, Staff can help us with contractors, etc. Action from council is authorized to negotiate a contract - get going and moving on the project. Once plans are received - go back for authorization to bid - maybe in mid december - or first of January - best to go in January.

DW - someone volunteering professional time - DW may have someone to do it.

DM - concerns -

1. Plan that they do not have to back the apparatus through - similar that Tualatin valley has - pull equipment and drive through.

2. some concern that people are staying down there - their own little room - shower facilities - DRC said that there are shower facilities - going through day room to go showering.

Recommend people involved that they have input -

DRC - participation from EMS staff - volunteers - existing fire staff - going back to full staff committee - bigger concept -

DM - single occupant rooms - DRC said yes - DM - trouble with backing fire trucks in -

RC - lose parking as the structure right now -

DRC - action in December - get resolution from bond counsel to allow finance any or all of this - we already have funds collected from Hospital - may not be enough - finance balance -

MOTION: RW - RG to approve CM - unanimous.

DMC - how would exceed original amount we talked about -

DRC not sure - have not talked with contractor -- Maybe 150,000 to 160,000
If Measure 12 passes (wage) - could affect wage

Dmc would like more firm amount -

DRC - more control over approval of bids - resolution allows legal ability to crecover costs -

-

Scoles - nothing new

KT - wrapping audit report - on December 5th -

Sherman - Turkey carnival on 11th and 12th - big fund raiser for yeare - goes to Toy and Joy for needy families at christmas time - food and carnival events - bingo game - appreciate involvement - reasonably priced.

DW - toys about dropping off -

Sherman - do toys after christmas tree lights - After 27th of November -

Tardiff - putting carpet in upstairs in new remodeled area -

DW - new speed monitor displacyed in area - recorded range that we are getting -

Tardiff - radar trailer as deterrent slows traffic - acurate survey of area - two tube units. got readout on Crestview - what time of day majority of speeders are going through -

DW - people on college with signs -

Tardiff - speed survey - request low speed - have not done survey - did have trailer - second place put it - very effective on slowing down cars.

Tardiff - recharge generator - every 3 days. Really popular -

DP - report was detailed - report available.

Leah - reout access - what information super highway is all about - ability to look at all various things - election information - able to locate this - people to be patient - staff is learning - dtabases in euorpe and throughout united states - ask at reference desk.

**2. Information on Resolutions to be presented at the LOC Conference.
(ADDED)**

DRC - new ot proprocess - hotly debated at resolutions committee at Monday morning at league convention. Oregon Municipal Quality Statement.

3. Quarterly report on Visitor Center Activities.

Ann Pasola - Exc. Direct of Newberg area chamer of commerce - visitor information center -

Financial report - expenses for first quarter (j, a & s) \$7,098. revenue came from City \$5,000 and Chamber 2,098.00. ON budget - main item is personnel covered essentially summer montys and extra personnel on weekends -

RW - manhours -Ann - involves - 4-5 people - this reflects percentage on what She, donna dn Bill spends.

Bar graph - specific informtion - spread sheet - mail received- 9 month report - first quarter 120 pieces received requesting information - increase 52% over last year - telephone - 3,152 calls received for 31% increase over previous year - visitors 3,882 for 14% increase - relocation packets - 183 for a 37% increase. Cnanot tell why of increase - maybe because of beuatiful summer - as wineries are building busines s- bringing more people into yamhill conty -

specific objectives -

1. visitor information and staff operating and maintaining - up to date - received more than 8300 visitors -
2. producing visitor inforation materials - attractiions, lodging, civil clubs, churches, antiques, etc., dining guides, putting demographic sheet and community profile as used in economidic development packet.
3. Meeting and conference facility - would like one location.
3. Development of economic development - need to do as Chamber - working on that -
4. Include phusicial facoilities of center - put in new board - 100 of new pockets of literature - have an outdoor literature rack for afterhours

We have had many visitors - how attractive and well stocked we are -

5. Promote newberg outside YC - by sending newberg brochure to 9 welcome centers areound Oregon - sent to BD, Oregon trail interpretive center, tourim center, state capital and tourist center in Portland.
6. Intall community bulletin board - first door on hancock street side - sent out letters to a number of people - notifying that it exists - aailable for use.

Planning to establish a community calendar for community to use -

7. Gather and display hisotirc and local material - permanent historic plaques that list award recptiients - history from community projects - posters representing Newberg and have old Fasioned festival poster.

8. conduct visitor training workshop - not a rquirement - particiapted (DM) in creation of

new video "put in the O in Oregon".

Chamber is sponsoring a customer service/customer satisfaction session - this Thursday - need to be reminded that good customer service affects bottom line - know of anyone wishing to attend - \$5 charge to cover refreshments and costs

DW - community mural - what happened to it.

Ann - conjunction with clean-up day - \$12,000 cost in which \$1,000 was collected.

DP - under schools - open bible - does not list private schools -

Ann - it is an oversight -

DRC - will have meeting on 17th - will have to relocate -

MOTION: to adjourn RG/DW 8:40 p.m.

IX. COMMUNICATIONS FROM THE FLOOR:

X. EXECUTIVE SESSION:

XI. ADJOURNMENT TO NEXT MEETING

INDEX OF RESOLUTIONS OR ORDINANCES ON THIS AGENDA FOR ACTION:

RESOLUTIONS

1. **Resolution No. 94-1876** transferring and re-appropriating funds in the Central Service Fund.

2. **Resolution No. 94-1877** authorizing the City Manager to sign an agreement with the State to exchange federal funds for state funds.

ORDINANCES

4. **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 AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

\agenda11.7

October 22, 1994

To Whom It May Concern:

We, the residents of Foothills and Terrace Drive area would appreciate it if the City Council would please take a closer look at the annexation of the 11.62 acre parcel within the Urban Growth Boundary located at 3617 N Terrace Drive.

This has been submitted for annexation to the City Council twice.

With all the new development (approximately 400+ houses) to the East along with the Crater School property makes the traffic on Foothills and College Streets very hazardous.

There is not a need for this annexation at this time. The development of this site will have the traffic coming out on Morris and Jones Streets, then on Foothills and College which is our neighborhood.

You, the seven Councilors who will decide on this annexation, please think about this development if you were living in this area. You, are the ones who will make the final decision so please consider us, the residents who are living here.

If this goes through, the only people that will profit from the site are the Developer, Real Estate Broker, and Owner of the Property - 3 parties compared to the 60 residential homes that will be greatly affected.

PLEASE LISTEN TO US!!!!

- 1 Donald Kullberg 207 Hillside Dr.
- 2 Donald W. ... 226 HILLSDALE DR.
- 3 Oruy Caffee 303 Hillside Dr.
- 4 Terrie Reding 327 Hillside Dr.
- 5 Calvin Rud
- 6 Jeff Rud
- 7 George Howard 327 Hillside Dr.
- 8 Melanie & Andy Kennedy 233 Hillside Dr.
- 9 R. Creager 309 Foothills Wl
- 10 Blucher 309 Foothills DR.
- Donald Olsen 511 Holveck St.
- Sue Olsen 511 Holveck St.

11

12 Katie Taylor

13 Mike Sherwood 202 Hillsdale

14 Carol Ray 217 Hillsdale

15 Wern Hamer 217 Hillside

16 Carol Berry 214 Hillsdale

17 Joanne Leijon 328 Hillsdale

18 Steve Leijon 328 Hillsdale Dr.

19 J. McCall 3528 Morris St

20 ~~J. McCall~~ 3528 Morris St

21 ~~J. McCall Jr.~~ 3711 N College

22 Sandy Baxter 3711 N College

23 Kim Stuart 3517 n college

24 Manuel W. ~~Stuart~~

25 Marion Jagiuth - 305 Foothill Dr

26 Marieta T. Wieckhaus 308 Foothills Drive

27 Walter W. Wieckhaus " " "

28 Cathy Patocka 304 Foothills Drive

29 ~~Bob Patocka~~ 304 Foothills Drive

30 Bob Mada 300 Foothills Dr.

31 Terry Shin 208 Foothills Dr.

32 Bev Koenig 208 Foothills Dr.

33 Tom Thompson 209 Foothills Dr.

34 Elon Rider 104 " "

35 Leota Rider 104 " "

36 Brad Turnidge 3523 Jones St

37 Linda Turnidge " " "

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PLEASE LISTEN TO US!!!!

- 1 *Ernie W. T. [Signature]*
- 2 *R. [Signature] 505 Hobreck ct -*
- 3 *Milo Nehring 501 H. O. I.*
- 4 *E. [Signature] Nehring 501*
- 5 *Kathy Wood*
- 6 *Emma Guthrie 3619 Jones st*
- 7 *Bren Guthrie 3619 Jones st*
- 8 *Alexis Rehm 3607 Jones*
- 9 *Brad Rehm 3607 Jones*
- 10 *Mary Croom 3501 Jones -*
- 11 *Gerald C. Croom*

11 Brendan P. Shive 408 Foothills Drive, Newberg
12 Wendy M. Shive 408 Foothill Dr., Newberg 538-6050
13 Diane R. Kjersten 25155 N. Valley Rd Newberg 538-6254
14 Shawn Curtis 505 Halsted St Newberg 538-1073
15 Bob Carter 505 Halsted St Newberg 538-1073
16 Dan Baker 609 Foothills Dr. Newberg 538-7792
17 Jane Baker 609 Foothills Dr. Newberg 538-7792
18 Maloy Jobe, 3709 N College Avenue
19 Tony Jobe, " " "
20

21
22 Rachel Postsee 3708 N Pasadena Dr.
23

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To: City Council
From: Brad + Alexis Rehm 3607 Jones St.
Re: Annexation +
Zone change for 11.62 acres located @
3217 N. Terrace Drive / File # ANX-7-94

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October 22, 1994

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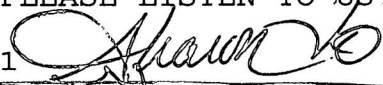


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5. Mike Sturdevant " "
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- 18 *Celine Hall*
- 19 *Marilyn Olson*
- 20 *Michael Olson*
- 21 *Melvin R. Olson*
- 22 *Odgar W. Manton*
- 23 *Sen Boster 3708 N. Tarrance Dr.*

*Clare Melis on
Tarrance Dr*

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11/7/94

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- 2 *David W. ...* 226 HILLSDALE DR.
- 3 *Clay Caffee* 303 Hillsdale Dr.
- 4 *Terrie Reding* 327 Hillsdale Dr.
- 5 *Calvin Reed*
- 6 *Jeff Reed*
- 7 *George Howard* 327 Hillsdale Dr.
- 8 *William & Andy Kennedy* 233 Hillsdale Dr.
- 9 *Chaegeer* 309 Foothills Dr.
- 10 *Chaegeer* 309 Foothills DR.
- Donald Olsen* 511 Holbeck Ct.
- Sue Olsen* 511 Holbeck Ct.

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12 Katie Taylor

13 Mike Sherwood 202 Hillside

14 Carol Ray 217 Hillside

15 Wanda Hamer 217 Hillside

16 Carol Berry 214 Hillside

17 Joanne Leijon 328 Hillside

18 Steve Leijon 328 Hillside Dr.

19 ~~Jim McMill~~ 3528 Morris St

20 ~~John McMill~~ 3528 Morris St

21 ~~John McMill Jr.~~ 3711 N College

22 Sandy Baxter 3711 N College

23 Kim Stuart 3517 n college

24 ~~Manuel W. Stauder~~

25 Marion Jaguth - 305 Foothill Dr

26 Marita T. Wieckhaus 308 Foothills Drive

27 Walter W. Wieckhaus " " "

28 Cathy Patocka 304 Foothills Drive

29 ~~Ray Patocka~~ 304 Foothills Drive

30 Bob Mada 300 Foothills Dr.

31 Terry Stein 208 Foothills DR.

32 Bev Koenig 208 Foothills DR.

33 Tom Thompson 209 Foothills DR.

34 Elton Rider 104 " "

35 Leeta Rider 104 " "

36 BRAD Turnidge 3523 Jones St

37 Linda Turnidge " " "

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- 1 *Earle ...*
 - 2 *R. ... 505 Hoback et -*
 - 3 *Milo ... 501, H. 01*
 - 4 *E. ... 501*
 - 5 *Kathy ...*
 - 6 *Emma Guthrie 3619 Jones st*
 - 7 *Brian Guthrie 3619 Jones st*
 - 8 *Alexis Rehm 3667 Jones*
 - 9 *Brad ... 3667 Jones*
 - 10 *Mary Choom 3501 Jones -*
11. *Gerald C. Choom*

11 Brandon P. Blum 408 Foothills Drive, Newberg
12 Wendy M. Shure 408 Foothill Dr., Newberg 538-6050
13 Diane R. Kjersten 25155 N. Valley Rd Newberg 538-6254
14 Shane Carter 505 Haberdash Newberg 538-102
15 Bob Carter 505 Haberdash Newberg 538-102
16 Dan Baker 609 Foothills Dr. Newberg 538-7791
17 Jane Baker 609 Foothills Dr. Newberg 538-7791
18 Malley Jake 3709 N collector
19 Amy Jake '' ''
20 '' '' '' ''

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23 Barbara Parton 3708 N. Fossina Dr.
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To: City Council
From: Brad + Alexis Rehm 3607 Jones St.
Re: Annexation +
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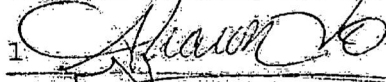
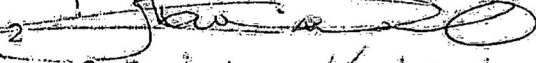

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- 23 *Gene Boster* 3708 W Lawrence Dr.

*Planned
at
Lawrence Dr*

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- 3 *Mike Nelson* 501 H.D.
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ORDINANCE/RESOLUTION ROLL CALL

COMMITTEE: NEWBERG CITY COUNCIL MEETING

MEETING DATE: 11-7-94

Council Member	<u>Grahn</u> Ord/Res No.	Ord/Res No.	Ord/Res No.
	94-2387 Yes/No	Yes/No	Yes/No
ADAMS, Corinne			
CURRIER, Roger			
GANO, Roger			
McMULLEN, Dave			
✓ McCAIN, Donna			
PROCTOR, Donna			
WOLLAM, T. Dan			
WEAVER, Robert			
WRIGHT, Don			
Total	Yes - No -	Yes - No -	Yes - No -

Del & Order 11/15/94

Submitted By: Peggy R. 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.