

CITY OF NEWBERG
COUNCIL AGENDA
SEPTEMBER 4, 1990
7:30 P.M.

KERSHNER HALL-GEORGE FOX COLLEGE

- I. CALL MEETING TO ORDER.
- II. ROLL CALL.
- III. CONSENT CALENDAR:
 1. Resolution 90-1575 authorizing the City of Newberg to award the low bid for the 1990 Asphalt Overlay Project to Flintstone Crushing and Construction Co. Inc.
 2. Resolution 90-1576 authorizing the City of Newberg to enter into agreements with Parkway Water District and Hadley Water District for the services related to the repair of water lines, and authorizing the City Manager to sign on behalf of the City of Newberg.
- IV. REQUESTS AND COMMUNICATIONS FROM FLOOR. (Limit 5 minutes)
- V. PUBLIC HEARINGS:
 1. Northeast Area Transportation Plan
Crestview/Mountainview Alignment
Planning Department File No. G-7-90
- VI. REPORT FROM CITY MANAGER.
- VII. REPORT FROM COUNTY COMMISSIONERS.
- VIII. REPORT FROM CHAMBER OF COMMERCE
- IX. NEW BUSINESS:
- X. OLD BUSINESS:

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CITY COUNCIL AGENDA
SEPTEMBER 4, 1990

XI. EXECUTIVE SESSION (IF NEEDED)

XII. ADJOURN.

INDEX OF RESOLUTIONS ON THIS AGENDA FOR ACTION:

RESOLUTIONS:

1. Resolution 90-1575 authorizing the City of Newberg to award the low bid for the 1990 Asphalt Overlay Project to Flintstone Crushing and Construction Co. Inc.
2. Resolution 90-1576 authorizing the City of Newberg to enter into agreements with Parkway Water District and Hadley Water District for the services related to the repair of water lines, and authorizing the City Manager to sign on behalf of the City of Newberg.

\1agenda

CITY OF NEWBERG
CITY COUNCIL WORK SESSION
AND EXECUTIVE SESSION
192.660(1)(h) (PENDING LITIGATION)
TUESDAY, SEPTEMBER 4, 1990
6:00 P.M.
NEWBERG COMMUNITY HOSPITAL

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE AUGUST 21, 1990, COUNCIL AGENDA ITEMS AND HOLD AN EXECUTIVE SESSION PURSUANT TO 192.660(1)(h) RELATING TO PENDING LITIGATION (COMPOSTER). THE COUNCIL WILL NOT MAKE ANY DECISIONS ON THE AGENDA ITEMS AT THE WORK SESSION. THE WORK SESSION WILL BE HELD IN CONFERENCE ROOM "A" AT THE NEWBERG COMMUNITY HOSPITAL.

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING WHICH WILL BE HELD AT KERSHNER HALL AT GEORGE FOX COLLEGE BEGINNING AT 7:30 P.M.

DATED THIS 30TH DAY OF AUGUST, 1990.

DUANE R. COLE,
CITY RECORDER

\wsnote

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 24, 1990 _____ MOTION
DATE ACTION REQUESTED: September 4, 1990 X RESOLUTION
_____ ORDINANCE
_____ INFORMATION

SUBJECT: 1990 ASPHALT OVERLAY PROJECT
BID AWARD

RECOMMENDATION: I recommend that the City Council authorize the award of the bid to Flintstone Crushing and Construction Co. Inc. for \$181,200.00. I further recommend that this bid award be based on the original bidding documents, not modified by Addenda No. 1.

BACKGROUND: The 1990 Asphalt Overlay Project includes the street overlay and street repair for Haworth St. from Villa Road to Elliott Road, and Sitka Street from Oak Drive to the north end of the street at the high school. The attached bid tabulation are the results of the bid opening of August 10, 1990.

The low bid was submitted by Flintstone Crushing and Construction Co. Inc. through their McMinnville office. The bid did not acknowledge the receipt of Addenda No. 1. According to conversations with the McMinnville office, they did not receive the addenda. The addenda was sent to Flintstone in Springfield as listed on the planholders list of who had received plans. The bid received from Flintstone, therefore, did not take into account the addenda. The addenda was for a reduction in the depth of the material for the repairs of the street, which would be a reduction in the total cost of the contract. The other bidders did acknowledge receipt of the addenda and the price reduction, as a result of that addenda, is therefore reflected in their bid.

I am recommending that the bid be awarded to Flintstone based on the original bidding documents, not including the addenda. This process allows the City to take advantage of the lower bid of Flintstone without putting the staff in a position of negotiating with the Contractor after the bids have been open.

COST:

The total cost of the contract will be borne by the City. The fiscal year 1991 budget includes \$300,000.00 for this overlay.



Bert S. Teitzel, Director of Public Works



Duane R. Cole, City Manager

RESOLUTION NO. 90- 1575

THE CITY COUNCIL OF THE CITY OF NEWBERG, OREGON, AWARDS THE LOW BID FOR THE 1990 ASPHALT OVERLAY PROJECT TO FLINTSTONE CRUSHING AND CONSTRUCTION CO. INC.

WHEREAS, the plans and specifications for the project were advertised in accordance with State Statutes and City Code for the asphalt overlay project; and

WHEREAS, on August 10, 1990 bids were opened and tabulated for the project; and

WHEREAS, the bids are well within the Engineer's estimate of \$292,300.00; and

WHEREAS, Flintstone Crushing and Construction Co. Inc. provided the lowest bid in the amount of \$181,200.00; and

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

1. The City Council does accept the low bid for the 1990 Asphalt Overlay Project from Flintstone Crushing and Construction Co. Inc. for the amount of \$181,200.00.
2. The City Manager is authorized to execute the agreement on behalf of the City of Newberg.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of September, 1990.

Duane R. Cole, City Manager

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CITY OF NEWBERG
ENGINEERING DEPT.

PROJECT: 1990 Asphalt Overlay Project

B I D T A B U L A T I O N

| ITEM | DESCRIPTION | ESTIMATED QUANTITY | UNIT OF MEASUREMENT | Engineer's Estimate | | Flintstone Crushing | | Morse Brothers | | Rowell & Wickersham | | Baker Rock Crushing | |
|------|-------------------------------------|--------------------|---------------------|---------------------|------------|---------------------|------------|----------------|------------|---------------------|------------|---------------------|------------|
| | | | | UNIT PRICE | AMOUNT \$ | UNIT PRICE | AMOUNT \$ | UNIT PRICE | AMOUNT \$ | UNIT PRICE | AMOUNT \$ | UNIT PRICE | AMOUNT \$ |
| 1 | Mobilization | 1 | Lump Sum | 5,000.00 | 5,000.00 | 2,500.00 | 2,500.00 | 9,000.00 | 9,000.00 | 20,000.00 | 20,000.00 | 10,530.00 | 10,530.00 |
| 2 | Pavement Repair-Local Street | 3,200 | SQ YD | 25.00 | 80,000.00 | 15.00 | 48,000.00 | 15.00 | 48,000.00 | 12.85 | 41,120.00 | 23.07 | 73,824.00 |
| 3 | Pavement Repair-Collector Street | 2,500 | SQ YD | 40.00 | 100,000.00 | 18.00 | 45,000.00 | 20.50 | 51,250.00 | 16.50 | 41,250.00 | 28.63 | 71,575.00 |
| 4 | Detour Signing-Collector Street | 1 | Lump Sum | 1,000.00 | 1,000.00 | 2,600.00 | 2,600.00 | 11,748.00 | 11,748.00 | 1,800.00 | 1,800.00 | 2,292.00 | 2,292.00 |
| 5 | Tack Coat, Emulsified Asphalt | 18 | Ton | 225.00 | 4,050.00 | 150.00 | 2,700.00 | 265.00 | 4,770.00 | 180.00 | 3,240.00 | 300.00 | 5,400.00 |
| 6 | Leveling Course Asphalt, Class D | 550 | Ton | 40.00 | 22,000.00 | 30.00 | 16,500.00 | 28.00 | 15,400.00 | 35.00 | 19,250.00 | 36.66 | 20,163.00 |
| 7 | Geotextile Fabric, 12.5' wide rolls | 12,000 | SQ YD | 1.00 | 12,000.00 | 1.10 | 13,200.00 | 0.55 | 6,600.00 | 1.10 | 13,200.00 | 1.09 | 13,080.00 |
| 8 | Asphalt Concrete, Class C | 1,950 | Ton | 35.00 | 68,250.00 | 26.00 | 50,700.00 | 24.00 | 46,800.00 | 29.00 | 56,550.00 | 31.30 | 61,035.00 |
| | | | | | 292,300.00 | | 181,200.00 | | 193,568.00 | | 196,410.00 | | 257,899.00 |

1-III

September 4, 1990

Exhibit #1
PRESENTED by D. Wheeler

Mayor, City Council and Staff, Fellow Citizens:

I wish to clarify what appears to be a misunderstanding within our business community and tourism industry regarding the N.E. Newberg roadway issue. This is a copy of the flyer that Newberg Citizens for Fair Development hand delivered to nearly 4,000 residences in mid June reaching between 5,000 and 7,000 voters.

The other side of the flyer identifies the Inn site with the Crestview alignment voted down in June and another alignment that also removes all public traffic from 40-60+ acres contiguous to the Inn site. Only about 10 acres are intended for the proposed commercial area of the Inn project.

Add to the flyer information the voters pamphlet write up, 18 months of public meetings and numerous letters to the editor, the $\frac{1}{2}$ page "your choice" add in the Graphic November '89, discussions with 500-600 petition signers Spring of '90, mobile home park meetings, neighborhood meetings and the endorsement of Union Local 60 of the Association of Western Pulp and Paper Workers for the "no" vote of June 26 '90 and it becomes clear the June 1990 vote was a very well informed vote by the people who live in Newberg.

It is well understood in our town that the alternative 4 compromise (behind the ADI building) clearly allows for the successful development of the proposed Destination Resort and all other Austin Industries plans for N.E. Newberg. This alternative also protects the residential environment surrounding our schools.

Not one Inn guest or any of the thousands of tourists to be attracted to it & ancillary facilities will give a "hoot" that an alternative 4 type roadway is nearby! The residents of our town know this would be as fully successful as it would have been had we allowed the road to be further south. And, yes, the proposed destination resort, etc. would be wonderful for Newberg.

To do or not to do the Inn and ancillary projects is purely the free choice of the developer. Should the Inn not be built, our residents will know they moved to encourage its development by being for an alternative 4 kind of roadway and in no way put a "road block" in the path of the very welcome Inn project.

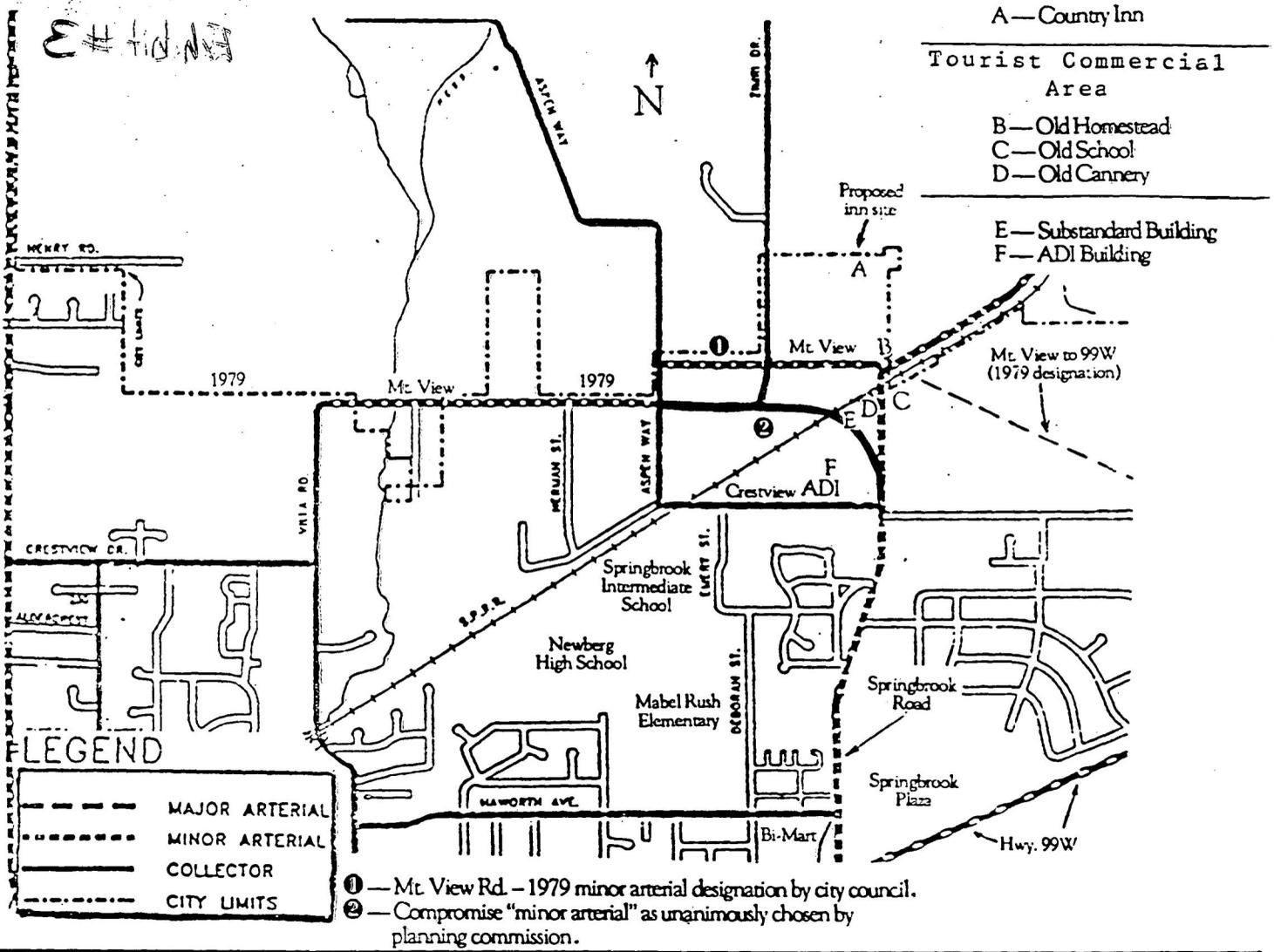
I support option 3 being presented to the council tonight.

I also wish to express my personal admiration and respect for Ken and Joan Austin and their many accomplishments. May your final decisions on your development projects here in Newberg ultimately bring you peace, satisfaction and full financial success.

Sincerely,


Dennyce Wheeler
1332 Crestview Dr.
Newberg, OR 97132

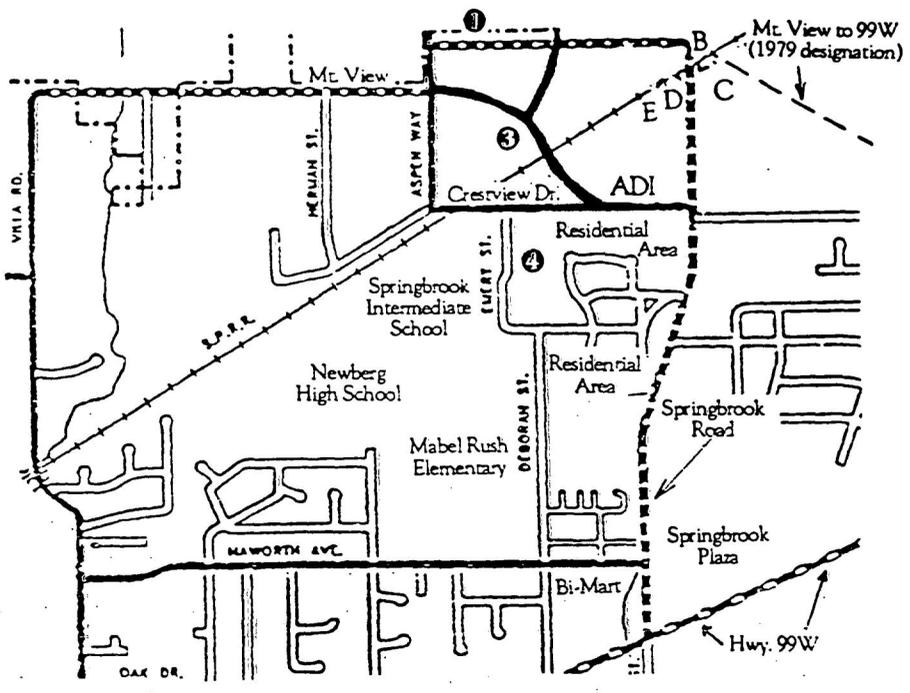
Council Meeting Sep. 4, 1990
Agenda Item - V 1,



VOTE FOR DEVELOPMENT/GROWTH THROUGH NEGOTIATION/COOPERATION

Proposed "Realignment": ③

VOTE No June 26 Ballot



- ① — Mt. View Rd. — 1979 minor arterial designation by city council.
- ③ — Shows alignment of ballot title "Newberg law making Crestview Drive a collector street." (Compare with ② above.)
- ④ — Residential buffer to maintain current schools' environment. Arterial traffic on Crestview destroys livability of Crestview residences (they fall prey to commercial uses).
- B — Old Homestead
- C — Old School
- D — Old Cannery
- E — Substandard Building
- F — ADI Building

BALLOT TITLE: "NEWBERG LAW MAKING CRESTVIEW DR. A COLLECTOR STREET."

[Collector - a major traffic through-way]

- I. Austin Industries plan development of:
- a. Country Inn
 - b. Tourist commercial area (see maps - B C D)
 - c. Golf Course
 - d. Luxury homes &
 - e. Industry

Note: + 450 acres available in N.E. Newberg.

Let's MAXIMIZE COMMUNITY BENEFITS OF THESE PROJECTS. Set precedent for growth and development through negotiation with compromise. NEWBERG CAN HAVE IT ALL; a true WIN/WIN OPPORTUNITY for existing community and development growth.

II. CRESTVIEW DR. ALIGNMENT (see ③ small map) NOT IN BEST INTEREST OF COMMUNITY.

- a. City engaged, engineer's study and ordinance of this "Newberg law....." states minor arterial status will be required. The COLLECTOR designation is inadequate for projected traffic counts. Footage available on Crestview Dr. between the ADI Bldg and residential property lines is grossly insufficient.
- b. This alignment will initiate REPLACEMENT of residential environment surrounding schools by commercial development (minor arterial traffic destroys livability of residences along such routes which then fall prey to commercial uses, initiating commercial creep). See ④ small map.
- c. December 4, 1989 City Staff report to City Council showed Crestview Dr. alignment to be comparable in cost to an alternative alignment immediately behind the Crestview Dr., ADI Bldg (see map ② top map).
- d. Planning Commission UNANIMOUSLY voted for the alignment just N. of ADI. (See ② top map.) where sufficient land is available for minor arterial status. One wide, sweeping curve from Mt. View directly to Springbrook, eliminating S-curves onto Crestview Dr. & 90° turn on to Springbrook road.

This alignment, (② top map), allows removal of Mt. View Dr. enhancing strolling of Inn guests to tourist commercial area (maps - A, B, C, D), establishing a WIN/WIN opportunity allowing for Austin Industries' development plans, above, while at the same time protecting residential properties, residential environment of our schools and encourages optimum flow of traffic at lowest cost.

- III. KEEP OUR ALTERNATIVES ALIVE! Create a climate of negotiation/compromise in Newberg.

REQUEST FOR COUNCIL ACTION

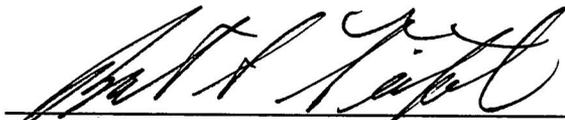
DATE SUBMITTED: August 17, 1990 _____ MOTION
DATE REQUESTED: September 4, 1990 X RESOLUTION
_____ ORDINANCE
_____ INFORMATION

SUBJECT: AGREEMENT TO PERFORM WATER SYSTEM REPAIRS IN THE
PARKWAY WATER DISTRICT AND HADLEY WATER DISTRICT

RECOMMENDATION: I recommend that the City Council approve the
Resolution authorizing the water system repairs for
the Parkway Water District and the Hadley Water
District.

BACKGROUND: Attached are the Agreements with Parkway Water
District and Hadley Water District to perform repairs
on the water systems. These Agreements were approved
by the Community Development Committee at their August
9, 1990 meeting.

COST: There is no cost to the City.



Bert S. Teitzel, Director of Public Works



Duane R. Cole, City Manager

AGREEMENT

THIS AGREEMENT made and entered into at Newberg, Oregon, this _____ day of _____, 1990, by and between the CITY OF NEWBERG, Oregon, hereinafter called the "CITY," and PARKWAY WATER DISTRICT, hereinafter called "DISTRICT":

WHEREAS, the District owns and operates a private water system that purchases water from the City in the area generally known as Parkway Subdivision, and

WHEREAS, the District is located within the City limits, and

WHEREAS, an LID is pending to replace the water system, and

WHEREAS, the water system is in need of repair, and

WHEREAS, the District has been unable to obtain qualified contractors to perform repair on the system, and

WHEREAS, the City does have the capability of providing the repair service,

NOW, THEREFORE TO BE AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

ARTICLE I - OBLIGATION OF CITY

1. The City shall perform basic repair service on the District's water system. The repair service will be on an on call basis to the District. The City will review each request and determine the priority of the repair and whether the repair will be made at all.
2. The City will collect all cost for staff time, materials, and equipment cost, and bill the district on a monthly basis.

ARTICLE II - OBLIGATION OF DISTRICT

1. The District shall notify the City of any needed repairs to the water system.
2. The District shall pay the City the cost of the needed repairs within thirty (30) days of receipt of the billing.
3. The District shall pay within fifteen (15) days of receipt the monthly billing for water used by the District.
4. The District shall hold the City harmless for any work performed on the water system.

IN WITNESS HEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their respective authorized officers or representatives.

CITY OF NEWBERG

Date: _____

By: _____
Duane R. Cole, City Manager

PARKWAY WATER DISTRICT

Date: 8/17/90

By: Alon Matthews

AGREEMENT

THIS AGREEMENT made and entered into at Newberg, Oregon, this _____ day of _____, 1990, by and between the CITY OF NEWBERG, Oregon, hereinafter called the "CITY," and HADLEY WATER DISTRICT, hereinafter called "DISTRICT":

WHEREAS, the District owns and operates a private water system that purchases water from the City in the area generally known as Newalls Addition Subdivision, and

WHEREAS, the District is located within the City limits, and

WHEREAS, an LID is pending to replace the water system, and

WHEREAS, the water system is in need of repair, and

WHEREAS, the District has been unable to obtain qualified contractors to perform repair on the system, and

WHEREAS, the City does have the capability of providing the repair service,

NOW, THEREFORE TO BE AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

ARTICLE I - OBLIGATION OF CITY

1. The City shall perform basic repair service on the District's water system. The repair service will be on an on call basis to the District. The City will review each request and determine the priority of the repair and whether the repair will be made at all.
2. The City will collect all cost for staff time, materials, and equipment cost, and bill the district on a monthly basis.

ARTICLE II - OBLIGATION OF DISTRICT

1. The District shall notify the City of any needed repairs to the water system.
2. The District shall pay the City the cost of the needed repairs within thirty (30) days of receipt of the billing.
3. The District shall pay within fifteen (15) days of receipt the monthly billing for water used by the District.
4. The District shall pay the City within one hundred twenty (120) days all back amounts due to the City at this time. These shall be paid in four equal payments in the next four months.

5. The District shall hold the City harmless for any work performed on the water system.

IN WITNESS HEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their respective authorized officers or representatives.

CITY OF NEWBERG

Date: _____

By: _____
Duane R. Cole, City Manager

HADLEY WATER DISTRICT

Date: 8-27-90

By: Kenneth Scott Bernal

RESOLUTION NO. 90-

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AGREEMENTS WITH PARKWAY WATER DISTRICT AND HADLEY WATER DISTRICT FOR THE SERVICES RELATED TO THE REPAIR OF WATER LINES, AND AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF NEWBERG.

WHEREAS, the District owns and operates a private water system that purchases water from the City in the area generally known as Parkway Subdivision and Newall Addition Subdivision; and

WHEREAS, the Districts are located within the City limits; and

WHEREAS, LID's are pending to replace the water systems; and

WHEREAS, the water systems are in need of repair; and

WHEREAS, the Districts have been unable to obtain qualified contractors to perform repairs on the systems; and

WHEREAS, the City does have the capability of providing the repair service,

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

1. The City is authorized to enter into an agreement with Parkway Water District and Hadley Water District to perform water line repairs for a fee to be paid by the Water Districts.
2. The City Manager is authorized to execute the agreement on behalf of the City of Newberg.

ADOPTED by the City Council of the City of Newberg, Oregon this 4th day of September, 1990.

Duane R. Cole, City Manager

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City Manager's Report
September 4, 1990

Don Stram regarding printing of City Newsnotes.

Chief Bishop and Akin Blitz breakfast meeting regarding City business.

Regular staff meeting.

Bert Teitzel regarding Smurfit construction project on Blaine Street.

Wellness Committee meeting.

August 23:

Legislative/Ordinance Committee meeting of the Council.

Fire Department regarding fire department business.

Neil Cohen and Elvern Hall regarding Dundee and City of Newberg business. We discussed the by-pass and the idea of getting the schools, CPRD and City together for a large joint meeting to discuss common issues.

City/County meeting at the jail. This was an excellent time at the County jail. Fortunately, Elvern and I could afford the price of the bail.

August 24:

EAS meeting.

August 27:

Vacation day.

August 28:

Finance Committee meeting and the balance was a vacation day.

August 29:

Bert Teitzel regarding the composter.

Kathy Tri regarding Finance Department issues.

Regular staff meeting.

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City Manager's Report
September 4, 1990

MEETINGS PLANNED:

August 30:

Yamhill County Correction Facility dedication.

Thursday afternoon I will be out at the State Fair.

August 31:

Roger Veatch regarding a partition.

September 4:

City Council workshop and meeting.

September 5:

Regular staff meeting.

Interviews for Utility Manager. Council will recall that this position was approved in the 1990-91 budget. The position will be funded by the Water and Sewer Funds and will be used to assist the City with development of the long range sewer and water storm sewer plans. As the community develops, this position will be critical to maintain a strong public sector presence as development occurs.

Northwest Water Association. This meeting will continue with the process of getting the water districts under an agreement.

September 6:

EAS meeting.

Mark Meinert and Spike Sumner regarding hospital financial condition.

September 8:

Vintage Festival.

September 10:

EAP presentation. This will be a presentation by Rob Soloman our EAP (Employee Assistance Program) Counselor. This will be for employees and spouses.

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City Manager's Report
September 4, 1990

September 11:

Men's Prayer Breakfast.

Health screening at the Fire Station.

Employee Assistance Program presentation.

September 12:

NHRC at the Horseless Carriage, breakfast meeting.

Regular staff meeting.

Ray Lewis regarding ED-NET at the Library.

September 13:

Dave Bishop regarding City business.

September 15:

Clean-up of 1536 E. Third Street with barbecue to follow.

September 18:

Community Relations meeting.

Election Day.

City Council.

September 19:

City staff meeting.

Staff health screenings.

September 20:

Legislative/Ordinance Committee.

COG Risk Management Meeting.

September 21:

Community promotions group meeting or City Manager's meeting.

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City Manager's Report
August 21, 1990

September 22-27:

ICMA Conference.

GENERAL INFORMATION:

1. I have attached a report on reserve funds generated by the Finance Director. This report gives the Council a detailed listing of the balances and amounts in the reserve funds held by the City. Please note that the use of these reserve funds are restricted, in some cases, by State Law and in other cases, by ordinance. Obviously, ordinances can be changed but the State Law is more difficult to change. Please review this and if you have questions we will be happy to answer them at the Council meeting.



Duane R. Cole
City Manager

DRC/bjm

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Thursday, 7:00 a.m.

August 22, 1990

ORDINANCE/LEGISLATIVE
COMMITTEE MINUTES

J's Restaurant

Newberg, Oregon

The meeting was called to order at 7:00 a.m. by Chairman Roger Gano.

MEMBERS PRESENT:

Alan Halstead
C. Eldon McIntosh
Rick Rementeria

OTHERS PRESENT:

Elvern Hall, Mayor
Terrence D. Mahr, City Attorney
Duane R. Cole, City Manager

Terrence Mahr provided the committee with an update on the election. He indicated that Council Member positions were filed for by Scott Reinhardt, Marty McIntosh, Donna McCain and Roger Gano. The Mayor's position was filed for by Elvern Hall and Donna Proctor. The City was in the process of checking the signatures against the County voter registration records.

The City Attorney gave a report on the Dawson-Weber fence issue. Apparently, Dawson went ahead and built the fence and no further complaints have been heard from Mrs. Weber. Mr. Mahr indicated that Mrs. Weber could get in and out of her driveway but Mrs. Weber would like to get out of her car door next to the door of her back porch. The fence is in the wrong place to allow her to do this. No further action was taken on the fence issue.

There was a long discussion regarding the advertising letter from distribution of handbills around the community. These were felt by committee members to be a nuisance in the community and to be a form of littering. The committee discussed banning them but felt that an information session should be provided at the Council to discuss the issue. By consensus, the committee agreed to place this on a Council agenda in the future and invite the Graphic, News Register and Bennett-Miller to come to the meeting to discuss the problem of these handbills being strewn about the community.

City Manager Cole suggested that the compilation was on schedule and that the City Attorney had met with Sandra Arp to develop a plan for completing the compilation.

The Council reviewed the insurance report.

There was a discussion regarding construction loans versus long term loans being provided by the Economic Revolving Loan Fund. The committee discussed the benefit of providing construction loans and the

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Ordinance/Legislative Committee Minutes
August 22, 1990

risk factors that were felt appropriate for this resource.

A litigation update by the City Manager was provided. He indicated that there was not much litigation occurring in the City at this time.

Municipal Court was suggested to be a problem in terms of location. It was noted that the City lost a drunk drive case last Thursday.

Dog Control was discussed by the committee. The City Manager was seeking information on the history of the agreement with the County to pay for dog control in the City limits. No action was taken and it was suggested by the committee that the City review operating our own dog control program. The City Manager indicated that this review is underway.

The relationship between the City Council, the Hospital and the City Manager was also discussed by the committee. The City Attorney said that he needed clarification on the relationship. His understanding is that the Hospital Board reports to the Council and is entirely responsible for the operation of the Hospital. The Hospital Board, in turn, hires a administrator through St. Vincent's to manage the hospital. The City Manager, in turn, is hired by the City to manage the City and is responsible only to the City Council and only for the municipal corporation. The City Manager indicated that he had scheduled meetings with the Hospital Administrator and Finance Director to review the financial condition of the hospital. This would not include a review of the operations just the financial bottom line.

After additional discussion, it was suggested that the City staff arrange a discussion by the Council regarding the organizational map or chart for the hospital. There appears to be some lack of clarification on the staff regarding the specific relationships between the hospital and the City.

Being no further business before the committee, the meeting was adjourned at 8:00 a.m.

Respectfully submitted:

Duane R. Cole,
City Manager

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VI

MINUTES

COMMUNITY DEVELOPMENT COMMITTEE

Thursday, August 9, 1990 Wastewater Treatment Plant 7:00 p.m.

Members Present: Alan Halstead, Donna Proctor, Donna McCain, Jack Nulsen

Staff Present: Bert Teitzel, Duane Cole, Dennis Egner

I. CALL TO ORDER

The meeting was called to order by Alan Halstead at 7:03 p.m.

II. NEW BUSINESS

The Hadley Water District LID was discussed and the Committee informed that the Engineer's Report to form the LID would be on the August 21, 1990 Council meeting.

Mr. Teitzel explained that both Hadley Water District and Parkway Water District have requested that the City provide the maintenance on their system prior to the new system being built. The Committee, by consensus, agreed that the City crews could work on the Water Districts that are within the City limits and that have an LID pending.

III. OLD BUSINESS

Mr. Teitzel reported that Wynooski Road bids have been opened and the low bid for the project is Morse Brothers and they will probably be starting construction within a month.

Mr. Cole stated that the EPA has not informed the City of any determination on the repair of the composter yet.

The presentation was made on the NE Area Transportation Plan. The presentation included introductory remarks by Mr. Cole, a short history by Mr. Teitzel, and presentation of options by Mr. Egner. The options were discussed by the Committee, however since no action was being requested, there was no recommendation by the Committee on this issue.

Respectfully submitted,



Bert S. Teitzel

M E M O R A N D U M

CITY OF NEWBERG

DATE: August 23, 1990
TO: Finance Committee
FROM: Kathy Tri, ~~Finance~~ Director
SUBJECT: Reserve Funds

The City has a number of contingency and reserve funds. Some of the reserves are restricted and others are not. The purpose of this memo is to describe each contingency and reserve and its allowed use.

Background

Each City fund has either a contingency account for emergencies or working capital, or a reserve account. Reserve accounts are used to put aside money for a future dedicated use. In many cases, state law, City charter or ordinance may restrict the use of these reserves. In other cases, there may be no restrictions, which was the case with Federal Revenue Sharing funds.

Only operating funds should have a contingency account. These would include General, State Tax Street, Sewer, Water and Central Services. The General Fund contingency actually serves the purpose of the Central Services contingency.

State budget law allows contingency and reserve accounts to be spent only by transferring and re-appropriating the money to an another line account through a transfer resolution approved by the City Council.

Contingencies

All four operating funds have contingency accounts. They serve two purposes:

- . Cash working capital needs
- . Emergency and unforeseen needs

Contingency funds may be used for unexpected needs and should not be relied on as a substitute for poor budgeting. Transfer of contingency funds should be monitored and limited during the year. State law limits the transfer of contingency funds to 15 percent of the total appropriations budgeted in the fund (ORS 294.450(2)).

Budgeted contingency funds are as follows:

| | |
|--------------|-----------|
| General Fund | \$390,000 |
| Street Fund | 303,385 |

| | |
|------------|-----------|
| Sewer Fund | 172,000 |
| Water Fund | 102,085 |
| Total | \$967,470 |

As previously noted in our discussions, the General Fund contingency is substantially less than what it was in the past and is less than what is needed to meet cash flow needs.

Restricted Reserves

Money set aside for future use, i.e., reserves, exists in most City funds. These reserves may be spent through proper appropriation in the adopted budget or upon Council approval through a transfer resolution.

State law governs funds established to reserve money for specific purposes. An extract from the Local Budget Law Manual is attached for reference. Basically, specific reserve funds may be established by the Council to accumulate money over a period of time for a specific purpose. These funds must be separate from other funds, may be added to for up to 10 years with unexpended balances transferred back to the General Fund after 12 years, and may only be used for the purposes for which the fund was created. The Water and Sewer Replacement Reserve Funds were established in 1984-85.

The Council also should be aware that it is illegal to transfer any special revenue funds to the General Fund or to any other special revenue fund (ORS 294.450(4)). State law defines special revenue funds as those properly authorized and used to finance particular activities from the receipts of specific taxes or other revenues. Newberg's special revenue funds include: State Tax Street Fund, EDRL Fund, 9-1-1, Civil Forfeiture, and grant funds. Each of these funds includes reserve accounts.

General Fund

| | |
|-----------------------|--------|
| Reserve for Dog Pound | \$ 652 |
|-----------------------|--------|

Since October 1987 the City has received donations for replacement or refurbishment of the City dog pound. 1990-91 is the first year these funds have been specifically set aside and separated from the General Fund contingency funds.

Civil Forfeiture Fund

The City receives funds from federal, state and local forfeitures due to drug enforcement. These funds are restricted by federal and state law to be used for Police Department purposes. Each year the Police Department anticipates spending a portion on capital equipment. The balance is put into reserves for future Police Department expenditure.

| | |
|--------------------------------|-----------|
| Reserve for Federal Forfeiture | \$ 80,090 |
| Reserve for State Forfeiture | \$ 100 |

1990-91 is the first year the City anticipates to receive forfeiture funds from the State.

Debt Service Fund

| | |
|-----------------------------|-----------|
| Reserve for Debt Service | \$ 50,000 |
| Unappropriated Fund Balance | \$604,071 |

Money is set aside in this fund to meet debt service needs. Reserves are accumulated from property taxes specifically levied for debt service and may not be used for any other purpose until the debt service obligation is satisfied. State law prohibits the transfer of funds from the unappropriated fund balance during the year it is budgeted.

Special Assessment Fund

| | |
|---------------------|-----------|
| Reserve for Capital | \$ 20,516 |
|---------------------|-----------|

This reserve is set aside for financing unanticipated and future unbonded local improvement projects for streets, sewer, water and sidewalks.

Bancroft Bond Fund

| | |
|--------------------------|-----------|
| Reserve for Debt Service | \$275,283 |
|--------------------------|-----------|

This reserve has been an accumulation of prepayments of bonded special assessments. Funds are reserved for future bond payments.

9-1-1 Fund

| | |
|-------------------|-----------|
| Reserve for 9-1-1 | \$ 20,056 |
|-------------------|-----------|

This fund is dedicated to the emergency telephone service and its use is restricted by state law.

Storm Sewer Fund

| | |
|---------------------|-----------|
| Reserve for Capital | \$240,527 |
|---------------------|-----------|

This fund accumulates money from dedicated storm sewer fees and must be used for storm sewer capital improvements.

Library Gift and Memorial Fund

| | |
|-----------------------|-----------|
| Reserve-Edwards Grant | \$ 25,000 |
|-----------------------|-----------|

This reserve represents the principal from the Edwards gift to the Library. The reserve is set aside per the request from the family.

Sewer Replacement Fund

| | |
|---------------------|-----------|
| Reserve for Capital | \$896,478 |
|---------------------|-----------|

This reserve is funded by an annual transfer from sewer user fees. Funds are dedicated to replacement of the sewer system, and sewer collection and treatment equipment. Ordinance No. 2150 specifies that sewer revenues be sufficient to cover the cost of operation, maintenance and repair of the sewerage system. The sewerage system is defined to include the "entire sewer collection and treatment system, exclusive of building sewers. This includes all conduits, pumps, treatment equipment and any other components involved in the collection, transportation, treatment, and disposal of sanitary and industrial wastewater and sludge." EPA rules also govern use of this reserve since a portion of the reserve is dedicated to replacement of EPA funded equipment.

Water Replacement Fund

Reserve for Capital \$519,886

This reserve is established for similar purposes as the sewer capital reserve. (Ordinance No. 1040, section 7).

Sewer Systems Development Fund

Reserve for Capital \$1,276,314

This reserve is restricted by state law and is restricted to sewer capital projects related to development and expansion of the sewer system to accommodate new development.

Water Systems Development Fund

Reserve for Capital \$559,981

This reserve is restricted by state law and is restricted to water capital projects related to development and expansion of the water system to accommodate new development.

Non-Restricted Reserves

Central Services Fund

Reserve for Data Processing \$ 13,675

This is a non-restricted reserve dedicated for data processing hardware and software. It represents the balance from the CIP-Computer Fund.

Summary

In summary for fiscal 1990-91, the City has \$4,568,954 in restricted reserves and \$13,675 in non-restricted reserves. Of the restricted reserves \$3,514,354 is for capital projects including the dog pound, \$929,354 is for debt service, and \$125,246 is for police or library purposes.

Development of the 5-year Capital Improvement Program this fall will help to

clarify the amounts needed to be in reserve for capital projects.

\reserve

Capital Project Funds

A Capital Projects Fund is used to record all resources used to finance building or acquire capital facilities, which are nonrecurring and major expenditure items. Resources include the proceeds from the sale of general obligation bonds. Also included are any grants, transfers, or other revenues authorized for financing capital projects. A separate fund is normally established when a capital project or series of projects is authorized by the voters. It is closed when the project is completed. Several related projects financed from one bond issue may be accounted for in one fund if there are no provisions to the contrary in the authorization to sell the bonds.

Debt Service Funds

A Debt Service Fund is a fund to account for paying principal and interest on all general obligation long-term debt, including that payable exclusively from revenue-producing enterprises. There may be several bond issues accounted for in one debt service fund. Set up separate accounts for each bond issue. Transactions to record the redemption of existing bonds with proceeds of refunding bonds are also recorded in debt service funds.

The Bancroft Bonding Act provides a way that improvements can be paid off by the property owner in equal annual installments rather than requiring complete payment in one lump sum. ORS 223.285 requires the creation of a "Bancroft Bond Redemption Fund" to record the debt payments for principal and interest where bonds were issued to cover the assessed property's costs for improvements.

The ordinances that authorize the bonds should determine whether each issue requires a separate fund, or each issue is accounted for separately in one fund (ORS 223.285).

Internal Service Funds

An Internal Service Fund finances and accounts for services furnished by a department or agency to other departments or agencies within the municipal corporation. Amounts expended from the fund are restored from either operating earnings or as operating expenditures from other funds to the internal service fund. The original working capital is then kept intact.

Enterprise Funds

An Enterprise Fund is a fund established to finance and account for acquiring, operating and maintaining facilities and services which are self-supporting from user charges and fees. Examples of Enterprise Funds are for water, gas and electrical utilities, swimming pools, airports, parking garages, and transit systems.

Separate funds should be established for each utility or enterprise.

Trust and Agency Funds

Assets are sometimes held, or revenue received, by municipalities in a fiduciary capacity to be used for a certain specified purpose. For example, investments or securities may be given to the municipality with provisions that the income be used to aid the library or park system. In other cases, the municipality may charge a certain amount for perpetual repair of cemetery lots, with such amount to be invested and only the earnings used for the designated purpose.

Reserve Funds

A taxing district may set up Reserve Funds to accumulate money under ORS 280.040 to 280.140 for purposes specified in ORS 280.050. 1984-85

ORS 280.100 permits any city, town, or port by ordinance, and any other subdivision (ORS 280.040) by resolution, to set up a financial reserve fund as specified in ORS 280.050. A question doesn't have to be submitted to the voters if the taxes levied or other revenue used to establish the fund are within the tax base. If it is necessary to exceed the tax base to obtain revenue for a new reserve or special fund, a tax levy question must be approved by the voters.

Money can be added to a Reserve Fund annually for up to 10 years (ORS 280.100). If there is an unexpended or unobligated balance left in the fund after 12 years, the treasurer must transfer it to the taxing district's General Fund. Taxing district revenues authorized by ORS 280.040 to ORS 280.140 must be kept in a separate fund. Moneys may be retained or expended only for the use for which the special fund was created. Money can't be accumulated in a reserve fund to reduce the operating expenditures in the budget.

Reserve Funds:

1. Are established by an ordinance or resolution.
2. Must be separate from other funds and for a specific purpose.
3. May be established at any time, but appropriations can be made only at budget time or with a supplemental budget.
4. Annual additions are limited to a period up to 10 years.
5. Reverts any unexpended or unobligated balance remaining after 12 years to the General Fund.
6. Must be part of the budget document, be included with the "Total Budget All Funds" on Form LB-1, and show all available resources. This includes all resources previously budgeted, including all cash on hand and time certificate of deposit money.

7. Expenditures are limited to the purpose of the fund when financed by a serial levy. Expenditures can't be diverted to any other fund except by dissolving the reserve fund and discontinuing the serial levy.
8. Expenditures can be made directly from the reserve fund only if proper appropriations have been made.
9. Require a supplemental budget to spend any amount if the expenditures are budgeted simply as "reserve for future use" or if no expenditure is shown. This kind of expenditure represents a change from the fiscal policy as originally adopted, and creates new appropriations.

Separate Funds For Serial Levies

Establish a separate fund for each serial levy providing money for a specific purpose (ORS 280.110). The money received must be retained and spent only for the use for which the fund was created. The requirements in this law provide fiscal integrity for the serial levy to carry out the purpose named in the ballot measure.

ORS 280.120 directs that if expenditures from a special serial levy fund are no longer needed, the governing body may dissolve the fund by transferring the balance and any future proceeds to the General Fund. The tax levies for the special fund then must be discontinued.

During the period of a voter-approved serial levy, levy only the amount necessary to meet requirements and balance the fund each year. ORS 294.381 states that although a municipal corporation has the power to levy a tax, the levy should consist only of taxes necessary to balance the budget.

The authorized period for a serial levy must be consecutive years. If it isn't levied for one of those years, the authority to levy isn't extended.

Bond Sales and Debt Service

ORS Chapter 287 provides for borrowing and bonds of counties, cities, and districts, generally. The governing body of any municipal corporation must follow the law when incurring an indebtedness by borrowing money or selling bonds. The importance of disclosure concerning the issuance of municipal bonds has increased in recent years, requiring complete and accurate financial and economic information by all issuers. To help local governments deal with this demand for disclosure, the 1975 Oregon Legislature established the Oregon Municipal Debt Advisory Commission. Staffing of the commission is provided by the Municipal Bond Division of the Oregon State Treasury. The commission consists of seven members: the state treasurer; representatives of cities, counties, school districts, and special districts; and two public members.

The Municipal Bond Division provides an informational manual, "Capital Budgeting and Bond Issuance." It offers advisory services to issuers who wish to prepare for their own bond sale.

A voter-approved ballot measure authorizes a municipal corporation to sell bonds for a specific purpose. It also authorizes a tax levy to pay off the bond principal and interest.

ORS 287.006 provides the "Debt Service Fund" and a tax levy to pay the principal and interest. This law also requires that any cash on hand or unused working capital in the fund must be invested and the earnings used to pay bond principal and interest.

Resources can't be diverted or used for any other purpose. Transfers from a Debt Service Fund aren't allowed in most cases. There are two conditions under which a transfer may be made:

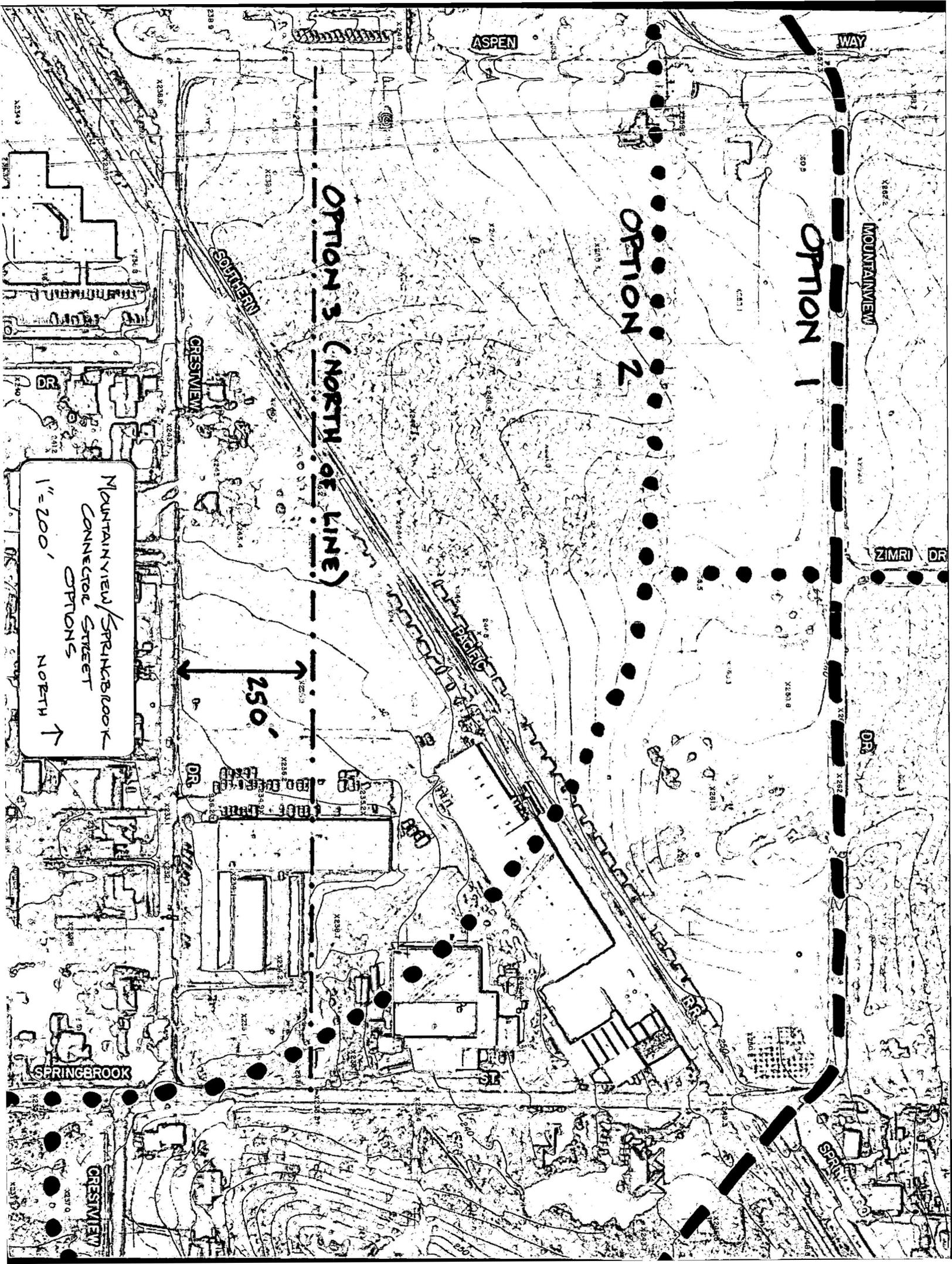
1. Transfer is lawful from this fund to repay an inter-fund loan.
2. If a surplus remains after all interest and principal are paid, the fund may be dissolved and the balance transferred to any fund originally designated by the governing body, or as included in the bond contract.

Principal and interest payments for Bancroft bonds must be budgeted in a fund entitled "Bancroft Bond Redemption Fund" (ORS 223.285). This fund must remain separate and not comingled with any other Debt Service Fund. ORS 287.012 provides that when bonds are sold, proceeds must be placed in an improvement fund and used for the purpose for which the bonds were issued. Any proceeds above the principal from the bond sale must be placed with the principal in the special fund or in a Debt Service Fund to repay the bond.

Expenditures may be made from bond sale proceeds without making appropriations if voter approval of the bond issue and the bond sale occur in the same fiscal year (ORS 294.326(4)). While not required under Local Budget Law, good fiscal practice for the governing body would be to adopt a resolution or ordinance authorizing the expenditure.

A Capital Projects Fund must be established to account for the resources and expenditures of the bond sale proceeds. The estimated resources and expenditures must be shown on the budget detail sheets and publication forms in the next fiscal budget under the column labeled "Adopted Budget This Year."

If voters approve the bonds in the current fiscal year and the bonds will be sold in the next fiscal year, the bond sale proceeds must be budgeted in the next fiscal budget before the proceeds can be spent. A Capital Projects Fund must be established to receive the antic-



OPTION 1

OPTION 2

OPTION 3 (NORTH OF LINE)

250'

MOUNTAINVIEW / SPRINGBROOK
CONNECTOR STREET
OPTIONS
1" = 200'
NORTH →

MOUNTAINVIEW

ZIMRI DR

DR

SPRINGBROOK

ASPEN

WAY

SOUTHERN

CRESTVIEW

SPRINGBROOK

CRESTVIEW

CITY OF NEWBERG
COUNCIL AGENDA
SEPTEMBER 4, 1990
7:30 P.M.
KERSHNER HALL-GEORGE FOX COLLEGE

- I. CALL MEETING TO ORDER.
- II. ROLL CALL.
- III. CONSENT CALENDAR:
 1. Resolution 90-1575 authorizing the City of Newberg to award the low bid for the 1990 Asphalt Overlay Project to Flintstone Crushing and Construction Co. Inc.
 2. Resolution 90-1576 authorizing the City of Newberg to enter into agreements with Parkway Water District and Hadley Water District for the services related to the repair of water lines, and authorizing the City Manager to sign on behalf of the City of Newberg.
- IV. REQUESTS AND COMMUNICATIONS FROM FLOOR. (Limit 5 minutes)
- V. PUBLIC HEARINGS:
 1. Northeast Area Transportation Plan
Crestview/Mountainview Alignment
Planning Department File No. G-7-90
- VI. REPORT FROM CITY MANAGER.
- VII. REPORT FROM COUNTY COMMISSIONERS.
- VIII. REPORT FROM CHAMBER OF COMMERCE
- IX. NEW BUSINESS:
- X. OLD BUSINESS:

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CITY COUNCIL AGENDA
SEPTEMBER 4, 1990

XI. EXECUTIVE SESSION (IF NEEDED)

XII. ADJOURN.

INDEX OF RESOLUTIONS ON THIS AGENDA FOR ACTION:

RESOLUTIONS:

1. Resolution 90-1575 authorizing the City of Newberg to award the low bid for the 1990 Asphalt Overlay Project to Flintstone Crushing and Construction Co. Inc.
2. Resolution 90-1576 authorizing the City of Newberg to enter into agreements with Parkway Water District and Hadley Water District for the services related to the repair of water lines, and authorizing the City Manager to sign on behalf of the City of Newberg.

\lagenda

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: August 24, 1990

 X MOTION

DATE ACTION REQUESTED: September 4, 1990

 RESOLUTION

 ORDINANCE

 INFORMATION

SUBJECT: Northeast Transportation Plan - Crestview/Mountainview Alignment, Planning Dept. File G-7-90

I. INTRODUCTION

With the defeat of the referendum on Ordinance No 90-2271 in June, 1990, the City staff was instructed to re-examine the proposed realignment of Crestview Drive and its relationship to the City's Northeast Area Transportation Plan. In attempting to resolve this issue, staff has held numerous meetings with Crestview neighbors and representatives of Austin Industries. This report includes background information regarding the issue, proposed alternatives, and a recommended solution with suggested development standards.

II. BACKGROUND

Access through the north portion of the community has long been a community planning priority. The acknowledged Comprehensive Plan included a planned east-west arterial street that extended from Highway 99 on the east and primarily followed an alignment including Mountainview Drive to the west where it joined Highway 240. This proposed alignment was changed to collector status with the adoption of Ordinance 90-2270 last February. The proposed northern alignment of the State highway bypass also follows a portion of this route.

In 1987, the Springbrook District, a mixed use development, was proposed. The District is planned to include an industrial park, adjoining residential development, and a resort. In 1988, the City adopted an overlay zoning district to implement the Springbrook District concept. As part of this development concept, a master plan must be submitted and approved for the area. The master plan is on hold and is dependent on the outcome of transportation planning issues.

As the concept of the Springbrook District proceeded through the approval process, it became apparent that neighboring residents had concerns about access through the area and the impacts of development. To alleviate concerns regarding transportation access, the City proposed development of the Northeast Area Transportation Plan. In the meantime, the Springbrook Inn was approved for the corner of Springbrook and Mountainview.

To develop the Northeast Area Transportation Plan, the City hired JRH Transportation Engineering from Eugene. JRH developed a number of different alternatives, and these alternatives were presented to the Planning Commission and City Council in late 1989.

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The JRH study also included a list of conclusions. The conclusions recommend development of a Springbrook Street and Mountainview Drive Connector and state that:

"Springbrook Street is to be connected to Mountainview Drive through a new roadway connecting Springbrook at its intersection with Crestview Drive, to Mountainview. This would create a new crossing of the Southern Pacific Railroad and would allow for the closing of the tracks at Crestview Drive."

Following public hearings, the Planning Commission approved a map which depicted a sweeping curve linking Mountainview and Springbrook Street. After further hearings, the City Council passed an ordinance which located the proposed connection along Crestview Drive, west of Springbrook, and extending north to the intersection of Mountainview and Aspen.

Residents along Crestview organized and had the issue referred to the voters in the community. In June, the voters rejected the Crestview alignment. With rejection of the Crestview alignment, the transportation plan reverts to the old alignment which follows Mountainview to its intersection with Springbrook Road. As it currently exists, this alignment does not work well in meeting the City's objective for providing a strong north-south connection to realign Highway 219 out of the City center. It also represents a barrier between the proposed inn and the adjoining commercial area planned as part of the Springbrook District.

In February, the Council adopted the Northeast Transportation Plan by resolution and directed staff to implement the recommendations in the Plan. One aspect of the Plan that has been implemented is the conversion of Mountainview from arterial status, with five improved lanes, to collector status. At this time, if development were proposed adjacent to Mountainview, or if the Springbrook Inn were to be developed, the City would require that Mountainview be brought up to collector street standards. To avoid unnecessary improvements, it is important that the preferred alignment be identified. This memo addresses the options for an alternative alignment to Mountainview Drive and the improvement requirements for that street segment.

III. OPTIONS/WORKSHOPS

Three options have been identified for the Mountainview/Springbrook connector. These options were presented to the Crestview neighbors and to representatives of Austin Industries during the month of August 1990. The options are discussed as follows:

A. Option 1 - Status Quo

Option 1 is basically the existing Mountainview/Springbrook alignment. As development occurs, Mountainview and Springbrook will need to be developed to collector standards. The advantages of this proposal is that all improvements generally follow existing right-of-way lines with some need for dedication in the vicinity of Mountainview and Aspen Way. The disadvantages of this alignment are as follows:

1. The collector street will present a major obstacle to the development of the Springbrook Inn and its related commercial areas. The proposed collector would essentially divide the Inn development from the commercial area.

2. The Mountainview alignment does not facilitate good north-south flow of traffic and the realignment of Highway 219.
3. The 90 degree curve at Mountainview and Springbrook Streets is not a preferable option for a State highway. In addition, the railroad crossing is not well located.

B. Option 2 - Alignment North of ADI

This alignment is similar to the alignment shown on Alternative 4 of the JRH report. The alignment results in removal of either a portion of the warehouse building or a portion of the ADI building. The disadvantages of this alignment are that existing buildings must be demolished. The advantages of this alignment are that the proposal will provide a sweeping curve that could be acceptable for use as Highway 219 in the future.

C. Option 3 - Flexible Alignment

This option would set a minimum standard for the location or distance from the existing Crestview alignment, and leave final alignment up to the developer in its design of the area. The advantages of this alignment are as follows:

1. Right-of-way will be dedicated as development occurs.
2. With appropriate standards, the development will meet requirements for conversion to State Highway 219 in the future.
3. The alignment will be acceptable to the neighbors.
4. The alignment will provide the greatest flexibility to the developer since it will be able to choose the final alignment given numerous options north of Crestview Drive.

Each of the three options described above were discussed at length by the Crestview neighbors and Austin Industries representatives during a series of meetings in August. Staff attempted to find common ground between the two interested parties but no compromise could be reached. At a meeting on August 20, the Crestview neighbors voiced support for Options 1, 2 and 3. Representatives of Austin Industries maintained that the alignment adopted by the Council last February was the only acceptable alignment. No reasonable new compromise option could be identified at the August 20 meeting.

IV. RECOMMENDATION AND STANDARDS

Following many attempts at developing a new compromise option, staff recommends that the Council select Option 3, flexible alignment. This option provides the most flexible alternative for all involved. Development standards will assure compatibility with surrounding neighbors. The proposed development standards are as follows:

A. Neighborhood Compatibility Standards

The alignment shall be no closer than 250 feet north of the Crestview Drive right-of-way except as the alignment may curve into Springbrook Road on the east intersection.

B. Highway Standards

1. The right-of-way shall be 70 to 80 feet wide.
2. Any curves in the roadway shall have a design speed of 35 miles per hour. With proper traffic controls, right angle intersections will be permitted.
3. Zimri Drive must be connected to Mountainview Drive.
4. The existing Mountainview right-of-way may be vacated with dedication of the street.

C. Railroad Compatibility Standards

1. The railroad crossing shall improve the angle of intersection from what currently exists.
2. The crossing of the relocated road with Southern Pacific tracks shall be protected by crossing gates.
3. The crossing at Crestview must be closed.

D. Timing

1. New development along Mountainview or within the "rectangle" shall trigger location of the street and a commitment to improvement.
2. Submittal of the Springbrook Master Plan shall trigger location of the street.

The final proposed alignment and width shall be approved by the City Engineer. The Engineer will take into account criteria from the State Highway Department, the Southern Pacific Railroad Co., and the PUC in approving any new alignment.

V. COST:

Costs will be identified once a specific proposal is developed. Generally, the cost of a new roadway is borne by the developer at no additional cost to the City.


Bert S. Teitzel, Director of Public Works


Duane Cole, City Manager

MEMO

TO: File DATE: August 28, 1990
FROM: Duane R. Cole, City Manager
SUBJECT: NEAT-P - August 20, 1990 - Informal meeting between the parties.

The meeting was called to order at 7:30 p.m.

The agenda for the meeting was as follows:

1. Ground rules.
2. What can we agree on/what is the decision.
3. Recap options.
4. New options - split into perspective groups, what do we agree on versus our option.
5. Regroup, present options, discussion and questions.
6. Closing comments.

Ground rules were set.

The areas of agreement were identified as follows:

Positive development and grow successful development.

Area will develop, planned or not planned.

Planned growth is good for the community.

Traffic is a concern.

Development should be considerate of property owners - businesses and residences.

Railroad crossings are a concern.

Safety of school children is a concern.

An east-west collector is important and is in the Comprehensive Plan.

North-south collectors are important and they are in the Comprehensive Plan.

Mountainview/Springbrook is important and must be viewed as part of the overall long range transportation system.

Connection to 99W is important.

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Notes to File

RE: NEAT-P Meeting - August 20, 1990

What constitutes a decision was discussed and it was agreed that consensus would be the type of decision that would be necessary.

City Planner recapped the options that were presented at the last meeting.

The two groups - Austins and the people south of Crestview - separated into two separate groups. The Austins met in the small room off of the large meeting room at the Library. The folks south of Crestview met in the large room. Mr. Egner met with the Austins and Mr. Teitzel met with the people south of Crestview.

Mr. Egner brought up the following issues with the Austins:

1. Access to the area.
2. What happens if the property were vacant, how would it develop?
3. ADI's value, can the Austins live without it?
4. The political process. An initiative petition could not be on the ballot until March and this will still not satisfy the neighbors. The neighbors could mount a LUBA appeal which would make the property undevelopable for many years.
5. The cost of delay and use of the existing road system, is it possible?
6. Houses versus the industrial building cost.
7. Buffering issues. How could the neighbors be buffered from the Austin's use?

Mr. Teitzel brought up the following items with the neighbors:

1. Local street standards and the fact that their area will be bordered by industrial uses.
2. All M-2 uses get access from Crestview, maybe one access from the north service entrance.
3. Landscaping would be 15% of the total area. This is not much landscaping for the area.
4. Front yard. There would be no front yard required with ten feet on the residential side.

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Notes to File

RE: NEAT-P Meeting - August 20, 1990

5. Cost to improve the street which is the individual's cost versus cost of an LID.

6. What would the neighbors be satisfied with in terms of buffering the use?

The two groups met again after discussing their individual positions and listening to staff confront them with information regarding the developments.

Mr. Kennedy identified each area of agreement and the option that best fulfills that area of agreement. He identified each route as:

1. Mountainview; 2. Alternative 4 by Hanks; 3. 250 feet north of Crestview boundary; 4. The original Crestview alignment voted down by voters in June.

Mr. Kennedy talked about the buffering from the industrial use and how buildings in between the collector and the residential area would be preferable. He discussed access from Crestview onto the industrial property to the north and indicated that would not be a problem for the neighbors. He suggested that the Mountainview alignment would not impact the planned development and cited Salishan, where Highway 101 is between the lodge and commercial areas. He also cited a city in New Mexico with lots of traffic that will not affect this development. School children, etc. on Crestview would be safe provided a local street is developed. He indicated that traffic would not be a problem in the area if it were an adequate street. Mr. Kennedy indicated that safety is a concern with industrial uses across the street, but that with growth across the street will come road improvements which will provide protection. Basically, he said that widening and putting in sidewalks would provide adequate protection from local trucks and bus traffic. Mr. Kennedy clarified that Crestview crossing would eventually be closed which would limit the traffic to just local traffic and traffic to the school.

Mr. Kennedy was questioned regarding the connection of 99W and which option would most adequately fit that connection. Mr. Kennedy indicated that option 1 would fit that description most adequately. Mr. Egner pointed out that it would be longer and have more curves but this did not dissuade Mr. Kennedy. In summary, Mr. Kennedy indicated that the best option would be either option 1, 2 or 3, for the property owners south of Crestview. They supported option 3 which maximizes the flexibility for the developer.

Sonja Riihimaki gave the presentation for the Austins. With option 1 being the Mountainview alignment, she indicated that this particular alignment will not work. It does not facilitate successful development and does not consider the needs of the property owner. She also

Notes to File

RE: NEAT-P Meeting - August 20, 1990

indicated that it has railroad crossing problems. These were basically her arguments for options 2, Hank's option and option 3 the standard of 250 feet north of Crestview developed by staff.

Option 4, the Crestview alignment which was voted down by voters in the community in June of 1990, provides the most direct route to Mountainview and Springbrook. It also provides the largest parcels and will be considerate of the property owners' needs. She also indicated that the 24 foot area of protection provides for the safety of school children and showed the street cross section on the overhead projector that had been used at the public hearings. This cross section indicated a 24 foot roadway and 22 foot of planning on the south to buffer the neighbors. The center turn lane needs in the area were discussed with the conclusion being that there is ample distance of space for center turn lanes. The small parcel to the west was suggested to be a park. No promises were made in this regard.

A fire station was also mentioned as a potential for the security of the area, although no specific sites were identified. Tax increment financing provided by the City was perceived to be not a good option since it provides tax money to pay for buildings. This was not looked upon favorably by Ms. Riihimaki and the Austins since it would provide tax dollars to pay for people's property.

Ms. Riihimaki used the example of building her own home and being told where to place the living room and kitchen. She indicated that the Austins have a vision of what they would like to do and do not wish to be told where to put the critical elements of their development.

There were numerous questions, Mr. Kennedy indicated that the issue revolved around economics versus livability. The property should not be split especially since it will eliminate industrial buildings. A comment was made that the voters did not understand the issue and there was comments regarding taking the issue back to the voters to have it either reaffirmed or rejected. The City Manager commented that this would not provide a solution since the issue would remain a difficult problem to be resolved.

The City Manager summed up the meeting by indicating that there may still be areas on which to work on the issue. Mrs. Austin made the offer to have someone come out and talk about buffers between residential and industrial property. Melinda Newland expressed an interest in this conversation but when pressed regarding changing her mind, she indicated that it was unlikely the neighbors south of Crestview would change their minds. The City Manager indicated that the communication process had been excellent but did not see any further need for mediation or conciliation. The two sides appeared to have their positions firmly established and well developed. The two

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Notes to File

RE: NEAT-P Meeting - August 20, 1990

sides were encouraged to continue to work on their mutual problems to determine if there would be a way to resolve the issue.

The meeting adjourned at 11:20 p.m.


Duane R. Cole
City Manager

DRC/bjm

\neafile

V-1

City Hall
414 E. First St.
Newberg, OR 97132

August 7, 1989

Dear Mr. Cole, City Staff and City Council,

This is a response to Mr. Cole's request for voter "input" printed in the editorial of the Graphic July 25, 1990.

Nearly 11 months of research by City Staff and Planning Commission has been carried out on N.E. Newberg transportation issues. Please continue to utilize this information focusing on the 5 alternatives the Hanks's study produced. Three of those were Crestview alignments eliminated by the vote leaving 2 viable alternatives to route this roadway through the "Springbrook District."

I believe the Community has expressed their unified will regarding this issue clearly:

1. Through months of public testimony to the Planning Commission which culminated in a unanimous choice of Alternative 4.
2. The "Concerned Citizens", November '89 Graphic "vote ad", 34 of which were mailed to you. 33 of these chose alternative 4 over the Crestview alignment.
3. 3,500+ "fact" flyers (see enclosed copy) were handed out, door to door. From phone calls and sidewalk conversations, I believe this flyer is the basis of an informed vote against the Crestview alignment. The vote also, by nature of information in the flyer, is a likely statement of choice for alternative 4.

Finally, comments regarding STRONG'S, half page ad campaign in the Graphic:

1. In the May 30 and June 6 ads, the "map" diagram shows the Crestview alignment in an "S" curve, directly down on Crestview Dr. and is labeled, "CRESTVIEW REALIGNMENT."
2. Their June 13 ad and flyer (sent to every residence in Newberg) shows an altered alignment; the "S" curve is straightened considerably and the "roadway" runs right through the ADI building, across Springbrook Rd and due East to 99W. This is also labeled "CRESTVIEW REALIGNMENT."

CONCLUSION: Consideration of placing this roadway on land now occupied by the ADI building was ALSO VOTED DOWN on June 26.

COMMENT: The "altered alignment" of Crestview through to 99W would encourage a "northern by-pass" effect; City Council and City Staff have made it clear they wish to discourage this effect.

V-1

Alternative 4 "divides" the traffic impact by encouraging drivers to choose either Springbrook Rd or Crestview Dr, East, to 99W.

Once again, I thank you for your dedication to search out solutions to very difficult issues. I am hoping to see this issue laid to rest very soon.

Sincerely,

A handwritten signature in cursive script that reads "Dennyece Wheeler".

Dennyece Wheeler
3112 Crestview Dr.
Newberg, OR 97132

AUGUST.LTR

IV

BALLOT TITLE: "NEWBERG LAW MAKING CRESTVIEW DR. A COLLECTOR STREET."

[Collector - a major traffic through-way]

- I. Austin Industries plan development of:
- a. Country Inn
 - b. Tourist commercial area (see maps - B C D)
 - c. Golf Course
 - d. Luxury homes &
 - e. Industry

Note: + 450 acres available in N.E. Newberg.

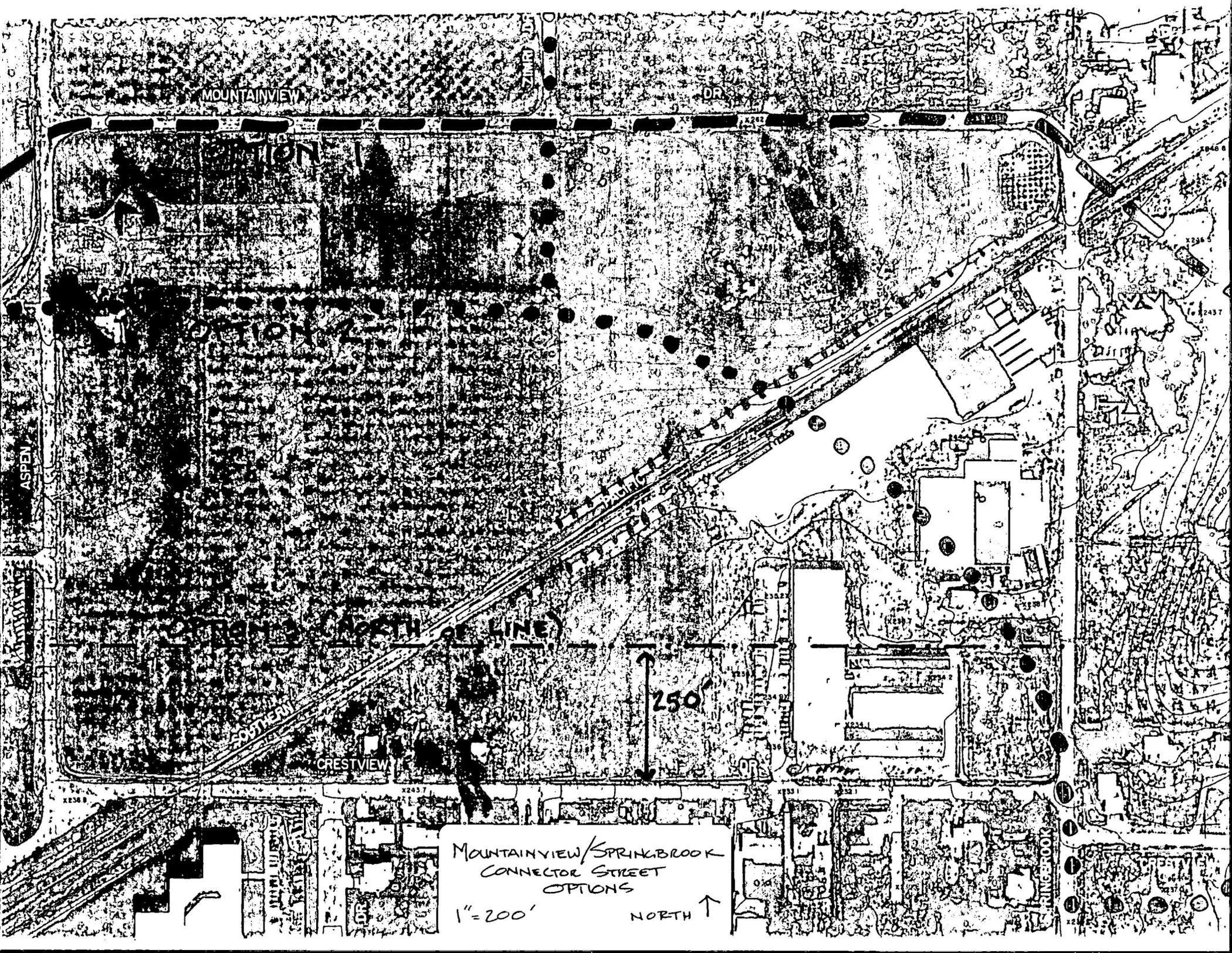
Let's MAXIMIZE COMMUNITY BENEFITS OF THESE PROJECTS. Set precedent for growth and development through negotiation with compromise. NEWBERG CAN HAVE IT ALL; a true WIN/WIN OPPORTUNITY for existing community and development growth.

II. CRESTVIEW DR. ALIGNMENT (see ① small map) NOT IN BEST INTEREST OF COMMUNITY.

- a. City engaged, engineer's study and ordinance of this "Newberg law....." states minor arterial status will be required. The COLLECTOR designation is inadequate for projected traffic counts. Footage available on Crestview Dr. between the ADI Bldg and residential property lines is grossly insufficient.
- b. This alignment will initiate REPLACEMENT of residential environment surrounding schools by commercial development (minor arterial traffic destroys livability of residences along such routes which then fall prey to commercial uses, initiating commercial creep). See ① small map.
- c. December 4, 1989 City Staff report to City Council showed Crestview Dr. alignment to be comparable in cost to an alternative alignment immediately behind the Crestview Dr., ADI Bldg (see map ② top map).
- d. Planning Commission UNANIMOUSLY voted for the alignment just N. of ADI. (See ② top map.) where sufficient land is available for minor arterial status. One wide, sweeping curve from Mt. View directly to Springbrook, eliminating S-curves onto Crestview Dr. & 90° turn on to Springbrook road.

This alignment, (② top map), allows removal of Mt. View Dr. enhancing strolling of Inn guests to tourist commercial area (maps - A, B, C, D), establishing a WIN/WIN opportunity allowing for Austin Industries' development plans, above, while at the same time protecting residential properties, residential environment of our schools and encourages optimum flow of traffic at lowest cost.

- III. KEEP OUR ALTERNATIVES ALIVE! Create a climate of negotiation/compromise in Newberg.



MOUNTAINVIEW

DR

ASPEN

NORTH OF LINE

250

CRESTVIEW

MOUNTAINVIEW / SPRINGBROOK
CONNECTOR STREET
OPTIONS

1" = 200'

NORTH ↑

SPRINGBROOK