

CITY OF NEWBERG
CITY COUNCIL
AGENDA

DECEMBER 2, 1985
7:30 P.M.
CITY COUNCIL CHAMBERS

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. CONSENT CALENDAR:
 1. Approve minutes of October 21, November 4 and November 19, 1985 Council meetings.
 2. Communication from Mike Kaiser regarding the handling of an accident by the Newberg Police Department on 11/16/85.
 3. Update on City's liability/property insurance program.
 4. Communication from Oregon Society of Hospital Attorney's informing the Newberg City Attorney of appointment to Board of Directors.
 5. Communication from Newberg Downtown Association informing the City Council of Spring Fling - May 2-4.
- IV. APPOINTMENTS BY THE MAYOR
- V. REQUESTS FROM FLOOR AND COMMUNICATIONS:
 1. *Liquor License - Pasquale's*
 2. Report by Coopers & Lybrand Auditing Firm
RE: City of Newberg's financial statement for 1984-85.
- VI. PUBLIC HEARINGS:
 1. Public hearing on request to vacate a greenway and drainage easement in Pinehurst Green Subdivision. *(ORD-2173)*
 2. Public hearing on Community Development needs for the City.
- VII. REPORTS FROM CITY MANAGER:
 1. Report on Communication Levy.
- VIII. REPORTS FROM YAMHILL COUNTY COMMISSIONER:
 1. *Dave Bishop*
 2. *Bill Campbell*
- IX. OLD BUSINESS:
- X. NEW BUSINESS:
 1. Approve Accounts Payable.
 2. Report from Social Services Committee.

XI. RESOLUTIONS:

- 85-1174 1. Resolution authorizing signatures for agreement with State Department of Transportation for completion of Villa Rd. project.
- 85-1173 2. Resolution declaring property located at 204 E. Illinois St. to be a nuisance and ordering property to be abated.
- 85-1175 3. Resolution authorizing and consenting to the application of Yamhill County Ordinance No. 419, to facilitate the civil forfeiture of property used in criminal activity.

X. ORDINANCES:

- 2173 1. Ordinance approving greenway and drainage easement with certain conditions in Pinehurst Green Subdivision (refer to Item VI-1.)

Yamhill County

1843

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DEPARTMENT OF PLANNING AND DEVELOPMENT

December 2, 1985

M E M O R A N D U M

To: Dundee and Newberg City Councils

From: Bill Campbell, Development Division Chief *For Campbell*Re: County Grant Request for Engineering and Economic Feasibility
for a Newberg-Dundee Truck Route

Ladies & Gentlemen:

Yamhill County has maintained a traffic by-pass around the Cities of Newberg and Dundee as a comprehensive plan element; at present neither city has a by-pass or truck route element in their comprehensive plans. However, both cities have looked at the implications of such an element and have identified a need to remove or reduce truck traffic through the commercial center of each city. In 1983 the City of Newberg requested inclusion of a by-pass route within the Oregon Department of Transportation six year plan; the city's efforts which were unilaterally supported by the City of Dundee and Yamhill County was accorded an honorable mention on ODOT's plan.

The salient facts in the situation are:

1. That during 10 months of the year actual traffic volumes exceed average daily travel estimates;
2. That truck traffic constituted 6.4% of all Highway traffic, given a recessed economy, average daily truck traffic is between 45-55 trucks per hour;
3. The present highway system within the cities have difficulty handling peak loading at present and will be totally incapable of adequately handling highway traffic by the year 2000 or even 1995;
4. Segregation of truck traffic from the commercial core of both cities would have a beneficial economic impact on the respective downtowns of both cities; and
5. Achieve other related transportation goals and policies as outlined in the City Comprehensive Plans.

The County proposes the following steps to achieve the objective:

1. Request \$10,000 in technical assistance funds from the Oregon Public Works Infrastructure Program to determine economic and engineering feasibility;
 - a. Request local jurisdictional support for the grant request through adoption of resolutions by the respective City Councils, and
 - b. Request financial assistance from each city of \$1000 to \$2000 during the next budget year;
2. Conduct an area wide public hearing to review the findings of the selected consultants;
3. Request inclusion of the truck route into the ODOT six year plan;
4. Review alternatives and select funding options for right-of-way acquisition and construction; and
5. Select a target date for construction, generally between the next 5-10 years.

Our request of you at present is to lend formal support, by way of resolution, to the request for technical assistance and to pledge monetary support, not to exceed \$2,000 from your 1986-87 budgets for the feasibility studies.

The County Board of Commissioners will conduct a public hearing on pending grant requests on Wednesday, December 11, 1985 at 10:00 A.M. in the Boards Hearing Room at the County Courthouse.

Thank you for your assistance in this endeavor.

BC:vs

3 mile lane
Airport

Exhibit I
Council 12/2/85

CITY OF NEWBERG, OREGON
SUMMARY OF REVENUE AND EXPENDITURES BY FUND-BUDGETARY BASIS
For the year ended June 30, 1985

	General Fund	State Tax Street Fund	Federal Revenue Sharing Fund	State Revenue Sharing Fund	Economic Development Revolving Fund	Debt Service Fund	Capital Improvement Fund	Redevelopment Fund	Storm Sewer Fund	Library Building Fund	Special Assessment Fund
June 30, 1984 budgetary fund balance	\$ 668,431	\$ 177,164	\$ 43,895	\$ 14,141		\$ 403,341	\$ 351,907	\$ 48,270	\$230,676	\$ 914,616	\$ 6,972
Revenues	2,012,355	226,326	317,134	54,736	\$ 637,602	1,293,649	38,023	134,683	32,378	186,391	5,520
Transfers in	203,804	55,000				669,525	74,000		40,000	139,000	
Total funds available	2,884,590	458,490	361,029	68,877	637,602	2,366,515	463,930	182,953	303,054	1,240,007	12,492
Expenditures	2,199,239	186,923			616,830	1,598,410	49,232	179,227	47,000	1,112,421	7,136
Transfers out	32,914	15,669	350,804	60,000			50,935				
June 30, 1985 budgetary fund balance	<u>\$ 652,437</u>	<u>\$255,898</u>	<u>\$ 10,225</u>	<u>\$ 8,877</u>	<u>\$ 20,772</u>	<u>\$ 768,105</u>	<u>\$ 363,763</u>	<u>\$ 3,726</u>	<u>\$256,054</u>	<u>\$ 127,586</u>	<u>\$ 5,356</u>

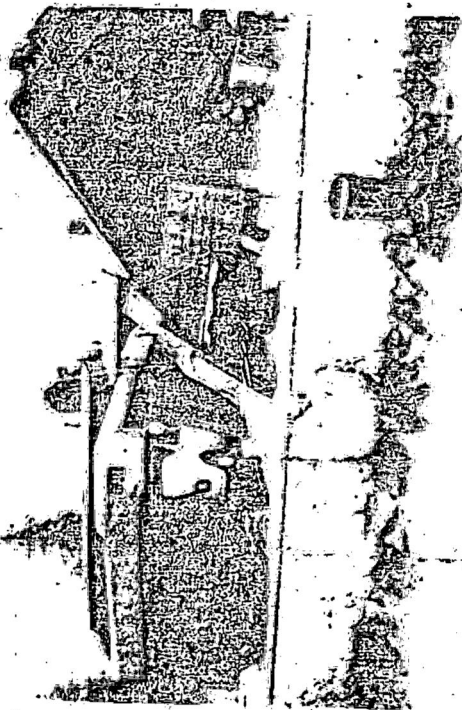
CITY OF NEWBERG

SUMMARY OF REVENUES AND EXPENDITURES BY FUND - BUDGETARY BASIS

For the year ended June 30, 1985

	Bancroft Bond Redemption Fund	Water Fund	Water Improvement Reserve Fund	Sewer Fund	Sewer Improvement Reserve Fund	Sewage Treatment Plant Building Fund	Hospital Fund	Hospital Capital Improvement Fund	City Retirement Plan
June 30, 1984 budgetary fund balance	\$ 158,258	\$1,102,469		\$ 552,397			\$ 573,480	\$ 303,390	\$ 1,888,646
Revenues	297,212	609,343	\$ 3,962	795,646	\$ 1,356	\$10,231,326	6,599,359	87,336	413,548
Transfers in			541,327		144,909			74,368	
Total Funds Available	455,470	1,711,812	545,289	1,348,289	146,265	10,231,326	7,172,839	465,094	2,302,194
Expenditures	204,317	568,271		457,698		1,631,526	5,636,533	81,620	173,563
Transfers out		561,327		381,096			489,188		
June 30, 1985 budgetary fund balance	<u>\$ 251,153</u>	<u>\$ 582,214</u>	<u>\$545,289</u>	<u>\$ 509,249</u>	<u>\$146,265</u>	<u>\$ 8,599,800</u>	<u>\$1,047,118</u>	<u>\$ 383,474</u>	<u>\$ 2,128,631</u>

Exhibit
in support of
Res. No. 85-1173



Tel. No. DEC 2, 1985 2:30 PM
LARRY MCCUNECK 204 E. KENNEDY



116 E. Illinois
Newberg, OR 97132
P.O. Box 385
12-2-85

Newberg City Council:

As I am unable to be present at tonight's council meeting, I am sending this with Walt.

I don't see that Larry Molineux has achieved much in the way of progress on cleaning up his residence. Weather conditions have been so severe that I think he should be entitled to at least a week or so extension on the time limit.

Perhaps he feels he has achieved something but I would like the small trailer and bamboo fencing moved from the front as my car is situated adjacent to the fence line and when he has the

curb full of cars, plus his
driveway, it is extremely difficult
to see anyone on the side walk.
He parks right on the edge of
our driveway (but not into it)
and consequently, I must swing
too far out into the street.

I would like this remedied,
if at all possible, as quickly as
it can be done.

Thanks.

Jean Williams

We were not able to attend the City Council meeting tonight, but do wish to express our concern on the matter of the "clean-up" effort at 204 E. Illinois.

I appreciate what is being done and would like to see it continued until the "clean-up" process has been completely finished. Thank you for your concern and efforts to finally take control of this matter.

Sincerely yours,

Sally + Jeff Flaucher

To the City Council

As far as I can see as
noted it doesn't look like
any thing has been done
& I would like very
much to see the mess
cleaned up.

Margaret Thompson
613 N Washington St

Monday, 7:30 p.m.

October 21, 1985

AN ADJOURNED MEETING OF
THE CITY COUNCIL

Nut Tree Mobile Park

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

Present:	Roger Gano	Quentin Probst
	Harold Grobey	Donna Proctor
	Alan Halstead	Joe Young
	John Poet	

Absent: Tommy Tucker

Staff Present: Michael Warren, City Manager
Elmer Christensen, Fire Chief
Greg DiLoreto, Public Works Director
Arvilla Page, City Recorder
Doreen Turpen, Library Director

Others Present: Over 30 citizens.

REQUESTS AND PETITIONS FROM FLOOR:

There were no requests or petitions from the floor.

NEW BUSINESS:

Mayor Hall stated all presentors on the first agenda item were not yet present and the first item would be the last item under New Business.

D. Discussion of Newberg Tax Rate Decline. The City Manager stated he would like to explain further the information that was presented in the newspaper on the City's declining tax rate. The decline will be about \$2.24 per thousand from than last year's tax rate; or a 23% drop. Why? \$1.45 will no longer be needed because of the grant received for the new sewage treatment plant, some old bonds will be paid off, and a reserve account required for the library is a one-time item that will not be needed. Will the tax rate increase in the future? Probably not unless we go for another bond. The rate will probably continue to decline for three years. If there is growth in the community, it will decline further.

Mayor Hall and Councilmembers asked questions regarding the valuations in the City and their effect on the tax rate. The Manager responded that the valuation had increased from \$255 million to \$262 million. The new construction, Burgerville and McDonalds, will not be on the tax roll until 1986. Redevelopment will have no affect until in the future. The 23% drop in taxes this year was not due to the abolishment of redevelopment. Property will not be physically reassessed until 1989. Because Publishers Paper Company is only a small part within the

City, their assessment reduction will have little affect on the City tax rate.

C. Metro Sports League Discussion. The City Manager stated the OSAA has revised the league competition and has put Newberg, McMinnville, and Forest Grove in District 2 which is composed of much larger schools with students drawn from a much larger population base. The teams from the three schools will possibly have to play against larger and heavier players with the increased possibility of injury.

Jim Burres, local realtor and highschool sports supporter, explained the possibility of injury because of school size disparity. The reclassification has been appealed, but OSAA has refused to make a decision. He asked that the Council take a position on the matter in support of the school district against the classification. OSAA stated their reason for the reclassification was a concern about the time the students would be absent from school for the longer distances required by the previous classification.

Motion: Grobey-Young to draft a letter to OSAA in support of the position of the School Board. Carried unanimously by those present.

B. Presentation of Newberg Downtown Association (Main Street) Programs for 1985-1986. The City Manager advised the Council to skip this item as Carol Berkley could not be here to make the presentation.

A. Presentation of Information on Regional Automated Library Service. The City Manager reported the Council has allocated \$7,500 each year for the past two years for computerization of library services. With the computerization, the library will not have to use long-distance phone calls to locate books in other libraries.

The Library Director introduced Neil Hunter, Regional Administrator of the cooperative of 17 libraries, located in Marion, Polk, and Yamhill counties. Mr. Hunter described the services now provided by the Chemeketa Cooperative Regional Library Service and a history of the Cooperative.

Mr. Hunter introduced Joanne Aebischer from the Salem library. She described the information that can be gained by use of a computer linking the libraries. The Salem and Chemeketa Community College libraries will be linked initially. The smaller libraries will then be brought into the system. Patrons will no longer have to look up books in the card catalog and will be able to locate a wanted book if it is anywhere in the system. It is hoped the Newberg library will be linked by one year from December.

The Library Director then described some of the other benefits of the system. There will be no staff cuts because we anticipate higher usage of the library with the new expansion. The computer will speed up service, control collections and identify abusers of library services.

The City Manager asked the Library Director to describe the staffing at the library. She responded there are two full-time persons and the equivalency of five positions in part-time employees. Volunteers are

very important, contributing over 1,500 hours last year. The initial cost of the computerization will be about \$15,000 for quipment with a little over \$200 per month thereafter.

OLD BUSINESS:

A. Final Appointment of Traffic/Market Study Committee.

Motion: Young-Gano to reconsider motion made at the previous (October 7) Council meeting establishing a committee of 12 volunteers and 9 Councilmembers. Carried unanimously.

Motion: Halstead-Probst to accept the 11 volunteers as the Committee. Carried unanimously.

Motion: Poet-Young that the Mayor be allowed to appoint one more member to the Committee.

Councilman Poet stated that a committee of 12 would allow the Committee to have a Chairman and still have 11 to act. Councilman Young noted that the City Manager has been able to get the time extended on the traffic/market study contract allowing more time for the Committee to review before making a recommendation to the Council.

MOTION to Amend the Motion: Gano-Young that the member appointed by the Mayor be Councilman Harold Grobey.

The Council then discussed the advantages and disadvantages of having a Councilmember on the Committee.

Vote on the motion to amend carried. One nay, Halstead.

Vote on the amended motion carried. Two nay, Halstead and Proctor.

Other Business:

The Fire Chief reported on the progress of the addition to the Fire Hall. The addition, although incomplete, will be in use for the Annual Turkey Carnival on November 15-16. He noted that the volunteers are also very important the the Fire Department with over 9,000 hours contributed last year.

Mayor Hall described the effects the Garcia Decision would have on the City. This court decision would require the City to pay wages and even overtime to volunteers. Its impact would be very heavy on the Fire and Police departments. Congress is on the verge of excluding local governments from these requirements.

Members of the audience asked about the siren schedule and the date of the extension of Villa Road. Staff members responded to each question.

One member of the audience asked what could be done about raising a sign which blocks the view of traffic at Hwy. 219 and Second Street.

Meeting adjourned at 8:55 p.m.

Monday, 7:30 p.m.

November 4, 1985

MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL;

Present: Roger Gano	Quentin Probst
Harold Grobey	Donna Proctor
Alan Halstead	Tommy Tucker
John Poet	Joe Young

Staff Present: Michael Warren, City Manager
Alan Barnes, Building Official
Dave Bishop, Chief of Police
Elmer Christensen, Fire Chief
Greg DiLoreto, Public Works Director
Clay Moorhead, Planning Director
Arvilla Page, City Recorder
Brenda Stroud, Finance Director
~~Doreen Turpen, Library Director~~

Also Present: Approximately 20 citizens.

CONSENT CALENDAR:

Motion: Gano-Probst to approve the Consent Calendar as follows:

1. Approve minutes of the October 7, 1985 and October 21, 1985 City Council meetings.
2. Approval of Visa Card for City Recorder's use and authorization to sign corporate resolution.
3. Proclamation of the Mayor and City Council recognizing the month of November as "National Hospice Month".

Motion carried unanimously by those present.

APPOINTMENTS BY MAYOR: There were no appointments.

REQUESTS FROM FLOOR AND COMMUNICATIONS:

There were no requests from the floor for items not on the agenda.

1. Neighborhood petition requesting action to be taken to clean up East Illinois Street property of Mr. Molineux.

The City Manager explained action taken to date by neighbors and City staff. Mr. Molineux has been given a chance to clean up his property.

Jean Williams, 116 E. Illinois, stated that a lot of Mr. Molineux's cars are sometimes parked in the street and block her driveway. The property is a safety hazard. He has been asked to clean up the property by the neighbors and he has refused. Mrs. Williams presented pictures of the Molineux property taken from neighboring property. (Exhibit I).

Mrs. Edward Smith, 110 E. Illinois, stated she has been trying to sell her property. She stated she will have to take a loss because of Mr. Molineux. All neighbors, except one, signed the petition.

Marge Thompson, 613 N. Washington, stated the property is a fire hazard.

Jeff Flaucher, 208 E. Illinois, stated he agreed it is a fire hazard. The amount of stuff keeps growing. He has had to ask Mr. Molineux to move some material that was piled next to the fence separating their properties and causing the fence to lean.

The City Manager stated that when Mr. Molineux lived on Second street, it was a long process to get him to clean up his property. The property was cleaned up by his moving to the new location. The people on Illinois street are a reasonable group of people and they are concerned that the collection will continue to grow and about the hazards. The City has ordinances that can be enforced. When the neighbors come to the Council, the City is liable if they do not enforce their ordinances.

The Building Official stated that in January, 1985 two correction notices were written. One notice was for a structure built without a permit. The other was on the accumulation of stone, metal, etc. Mr. Molineux responded with a letter that he would cleanup in the Spring. The City Staff attended a meeting with the neighbors in July. He presented pictures (Exhibit II) taken of the property this date.

The City Manager noted that the Council recently passed a nuisance abatement ordinance. We are not looking at a complete cleanup, but want to reverse the progressive accumulation.

The Council discussed the matter briefly and asked questions of the neighbors present. Councilwoman Proctor stated that we should make the cleanup immediate and not permit delays as was done on Second street.

Motion: Grobey-Halstead to direct the staff to enforce the abatement ordinance procedures immediately.

The Council then voiced the following without amending the motion: Set time for cleanup very short; Staff to be very firm; Bring into compliance, not just cleanup; Staff report back to Council regularly.

Motion carried unanimously.

2. Discussion of grant application to the Intergovernmental Relations Division for a Senior Citizens Center.

The City Manager described the grant program and the background and reason the senior citizens have requested that the City apply for the grant. The grant application could be for the senior center or for assistance to low income housing. We cannot apply for both. The Manager stated there are a number of questions that need answered. The Council should make a decision no later than November 19.

Rodney Stevens, representing Chehalem Park & Recreation, stated the request to operate the Senior Center has come to Chehalem Park & Recreation. The Park District is willing to operate it based on some conditions. The conditions are that the City provide the land and building and that the Seniors place the levy for the operation and be the advocates. The operation is dependent upon a vote of the people.

Several locations were considered and a site north of Memorial Park, behind the fire station has been selected as the most appropriate. The advantages of this site are that the City already owns the property, it is accessible, and it will serve as an anchor to the downtown area. The disadvantages are that it would require the closure of Third Street and there is a shortage of parking space.

The City would develop the Center and lease it at a token price to the Park District. The Seniors will petition the Park District and campaign for the operations levy. Capital improvements will depend upon the form of the lease. Programming the use of the Center would be left to the Seniors at this stage. The estimated operating budget is \$140,000 with about \$97,000 coming from a levy.

Administration would be through the Park Board with the Seniors advising. Staffing would be Park District employees and volunteers.

Don Clements, Park District Superintendent, said he had checked with the City Planning Department for the area needed with the required parking. The selected location has the additional advantage of being near the Park District's Recreation Center. Parking is not as critical as it might appear as many users of the Center would come by bus or taxi. He added that he has asked for endorsements from several clubs.

Toni Crater, former member of the Park Board, described the need for the seniors to have such a facility. She described other similar facilities and their value to seniors.

Luis Brillas, President of Chehalem Valley Senior Citizens Council, stated the grant, should it be submitted, will not depend on the levy. The voters can be told the grant is available and now we need the money to operate.

Councilman Gano asked what was the reason for the decline in the Three Squares meal program attendance. Mary Frey responded that the location is difficult to get to, some do not care for the food which is not cooked on the premises, and the participants must be out of the building by 1:00 p.m. They do not have time to socialize.

Councilman Young asked whether the Seniors could do their own cooking. Mr. Brillas responded that it may depend on the State. Ideally, we would. The building planned has a projected 300 sit-down capacity.

Councilman Grobey asked what would be the amount of the request. Mr. Brillas responded that the maximum available is \$500,000. If the City

gives the land, the Seniors will need to raise more money. There will be no request for tax money for capital expenditures.

Councilman Gano noted that other parking requirements in the area would be impacted heavily. Also impacted at the selected location would be the municipal garage, city employee parking, storage for other city departments and fire volunteer parking.

Mr. Brillas responded that the parking requirements are more than at other senior centers.

Jere Jackson, former Park Superintendent, stated an alternative site would be adjacent to Jaquith Park on N. College Street. This location would require expenditure of about \$75,000 for property.

The Council discussed the time frame for consideration of the request, the number of people that would benefit from the Center, and whether the people would use the Center.

The City Manager cautioned the Council to not be overly gun-shy about making a decision on this matter because of recent experience where the people did not support the Council. Operations of the Center will be brought to the people for a vote. Support for the Seniors needs will benefit the entire community by encouraging their support for other needs of the community.

Councilman Gano asked Mr. Clements whether consideration had been given to the impact the Center would have on the Hospital Auxiliary Thrift Shop. Mr. Brillas responded that the Thrift Shop brings in so much for the community that they would try to leave it there. It would also be an attraction for the Seniors.

Councilman Young noted that the community will not like to see money spent and not utilized. Mr. Brillas responded that, out of about 110 people contacted, only one was opposed to the Center. The Center is supported by all of the boards that represent many groups.

Motion: Poet-Grobey that the Staff use no more than three(3) man days to bring a report to the Council on November 19. Carried unanimously.

3. Discussion of "Lights On For Peace" Resolution.

Motion: Gano-Probst to adopt Resolution No. 85-1170 supporting "Lights on for Peace". Carried unanimously.

PUBLIC HEARINGS:

- L. Public hearing on the proposed sale of certain City owned property described as Lot 1, Block 2, Flightway Industrial Park in the City of Newberg, Yamhill County, Oregon. Yamhill County Tax Lot Number 3220 AD 100. The lot on the southeast corner of East Hancock Street and Elliott Road. The proposed sale being a cash sale for \$55,000 to George C. and Helen A. Alexander to establish a card lock service station dispensing fuel.

There were no abstentions from the Council. There were no objections to the jurisdiction of the Council.

Staff Report: The City Manager reported the property was appraised at \$53,400. Mr. Alexander has offered \$55,000. We have received no other offers.

Mr. Alexander offered a proposed plan for use of the property which was reviewed by the Council. He stated the traffic would be mostly trucks.

No other proponents or opponents wished to be heard.

Public hearing closed.

The Council asked questions of Mr. Alexander on design and landscaping. The Planning Director stated that design review is part of the permit procedure in this zoning.

Motion: Probst-Grobey to accept the offer of \$55,000 from George Alexander. Carried unanimously.

REPORTS FROM CITY MANAGER:

1. Update report on County-wide communications project. Chief Bishop reported the committee is meeting every week. They are negotiating with Motorola to trim down the costs as well as get a good system.

Other staff members described radio reception and transmission problems they are now having with the current system.

2. The City Manager reminded the Council of the upcoming League of Oregon Cities Conference. He noted that Mayor Hall, who is now Vice-president of the League, will probably be elected President.

3. The City Manager advised that the next meeting of the Council will be at Spaulding Oaks at 7:30 p.m. on November 19, 1985.

4. The Public Works Director advised there will probably need to be a special meeting of the Council on the matter of the bid protests on the compostor part of the sewage treatment plant.

5. The Public Works Director reported that he had spent some time at the State Highway Department to determine when the Villa extension will be done. There has been a delay because of right-of-way acquisition. The bids are now scheduled to be opened on December 19, 1985 and the project completed by August, 1986.

REPORTS FROM YAMHILL COUNTY COMMISSIONER: There was no report from the County Commissioners.

OLD BUSINESS: There was no old business.

NEW BUSINESS:

Motion: Halstead-Poet to approve the October, 1985 Accounts Payable.
Carried unanimously.

RESOLUTIONS:

1. A resolution authorizing the sale of certain City owned property described as Lot 1, Block 2, Flightway Industrial Park in the City of Newberg, Yamhill County, Oregon to George C. and Helen A. Alexander, husband and wife, for the cash sale price of \$55,000., and authorizing certain city officers to sign all necessary documents and deeds to accomplish said sale.

Motion: Gano-Probst to adopt Resolution 85-1171 authorizing the sale of the property to George Alexander. Carried unanimously.

2. A resolution authorizing, pursuant to ORS 294.326(2), the expenditure of grant funds in the amount of \$101,000. received from the Oregon State Library under Title II of the Library Services and Construction Act for renovation, improvements and additions to the Newberg Public Library.

Motion: Halstead-Gano to adopt Resolution 85-1172 authorizing expenditure of library grant funds. Carried unanimously.

Motion: Gano-Grobey to adjourn to Spaulding Oaks at 7:30 p.m. on Tuesday, November 19, 1985. Carried unanimously.

Tuesday, 7:30 p.m.

November 19, 1985

MINUTES OF AN ADJOURNED MEETING
OF THE CITY COUNCIL

Spaulding Oaks

1100 N. Meridian

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall. Mayor Hall asked that each Councilmember respond to the roll call by telling something about his or her self.

ROLL CALL:

Present:	Roger Gano	Quentin Probst
	Harold Grobey	Donna Proctor
	John Poet	Joe Young

Absent:	Alan Halstead	Tommy Tucker
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The Mayor introduced the Staff present as follows:

Mike Warren, City Manager
Alan Barnes, Building Official
Greg DiLoreto, Public Works Director
Richard Faus, City Attorney
Clay Moorhead, Planning Director
Arvilla Page, City Recorder
Doreen Turpen, Library Director

Also present were approximately 30 citizens.

REPORTS BY THE CITY MANAGER:

A. Library: The City Manager introduced Wayne Barlow, Manager of the local Publishers Paper Company plant. Mr. Barlow presented a check for \$10,000 to the Mayor to be used for the library expansion.

The Library Director reported that the community has responded very positively to the new facilities. The library has been reopened for just three weeks and the use is far ahead of previous years. Over 200 new user cards have been issued. This compares to an expected 75 for the month of November in previous years. She reported that \$160,000, plus property has been received in donations.

B. Economic Development Award from League of Oregon Cities: The City Manager reported Newberg had received the award for the best Economic Development Program in the state of Oregon. He explained the criteria on which the award was based.

C. Newberg Police Department Physical Fitness Program: The City Manager reported an application had also been made to the League of Oregon Cities for the Physical Fitness Award. The award went to Ashland. Ashland used information from the Newberg program to establish their program. Also, the Bureau of Police Standards and Training is using the Newberg program. He stated he felt the Newberg program may not have received the Physical Fitness Award because we did receive the Economic Development Award and have received other awards.

D. The City Manager added to the agenda the need for Council approval for signers on checks to pay obligations of the urban renewal agency. The City is completing the Traffic/Market Study contracted for prior to dissolution of the agency. He asked that five signers: Mayor, Council President, Manager, Finance Director and Recorder be approved.

Motion: Gano-Grobey to approve the five signers recommended by the City Manager for payment of obligations contracted by the urban renewal agency and assumed by the City. Carried unanimously by those present.

UPDATE ON NUISANCE ABATEMENT - Re: Molineux on Illinois Street. The City Manager reported that Mr. Molineux had been notified and had been given until today to clean up the nuisance. Six items were cited. As of today, these have not been corrected. This will now go into the Municipal Court. Tomorrow the City will issue an abatement notice with ten (10) days notice before the City will abate the nuisance.

Jean Williams, 116 E. Illinois, reported that Mr. Molineux has removed the cars that were causing a problem and has done a little other clean-up. But not enough has been done. He has not removed the bamboo.

The City Attorney stated that if the property is not cleaned up after ten days, staff will come to the Council for a determination and resolution instructing staff to do the cleanup.

REPORT ON IRD GRANT APPLICATION FOR SENIOR CITIZEN CENTER: The City Manager gave the background on the proposed application. The Chehalem Valley Senior Citizens Council made a presentation at the last Council meeting. At that time there were still some unanswered questions. The Council asked Staff to come back tonight and make a recommendation. Two meetings were held to try and resolve the questions. Three alternatives were discussed. #1. The Third Street location proposed by CVSCC. #2. A site at Jaquith Park. and #3. No application at all. The result of the two meetings was that there are a number of factors that still need to be considered.

The City Manager stated the staff recommendation would be to not proceed with the Senior Center at this time. To wait for more exploration and more cohesiveness amongst the seniors and the community to assure support for operation of the facility. The Board of the Senior Citizens Council unanimously approved this recommendation with the request that the City actively work toward a senior citizen and/or community center.

Mayor Hall asked Councilman Poet if he would attend the next meeting of the Board of CVSCC. Councilman Poet declined, stating he felt the Council should not be directly involved.

Councilman Grobey stated he disagreed with Councilman Poet's position. The subject needs to have many involved to study the needs of the entire community.

Councilman Gano volunteered to attend the Board meeting of Chehalem Valley Senior Citizens Council.

DISCUSSION OF STORM DRAINAGE UTILITY PLAN: The Public Works Director stated that last May the City had hired Kramer, Chin and Mayo to complete a storm drainage study to tell us where the major problems were. They are here to report their progress on the study. He noted that one of KCM's exhibits uses our new aerial map which is now almost complete.

John Houle, KCM Project Engineer, presented the project purpose as #1. Define situations resulting in present problems. #2. Prevent drainage problems from occurring in the future. #3. Provide a plan to accommodate future growth. The project has been divided into tasks. He stated they are presently analyzing existing problems. He asked for input from the audience of problems they are aware of. A number of locations were indicated as problem sites.

DISCUSSION AND SLIDE SHOW OF NEWBERG HISTORICAL INVENTORY PROGRAM: The Planning Director gave the background on the funding and the purpose of the inventory. Jane Altier-Morrison and Julie Pinger were the team hired to do the inventory.

Jane Altier-Morrison presented slides of 24 buildings and areas that have historical significance. She noted that volunteers assisting with the project had contributed over 2,600 hours. This would be worth over \$8,000 at minimum wages.

Volunteers on the project were recognized with certificates of appreciation. Jennifer Turpen and Chrisy Post, teenagers, reported they had volunteered as a Campfire project. They described the work they had done and the benefits they had received from their volunteer service. Ms. Altier-Morrison noted a special thanks was due Norma Bauer for her work as coordinator of the volunteers.

Mayor Hall stated the work of the inventory needs to be carried on. The question is how much staff time can be spent on it. He asked that the Planning Director provide input to the Finance Committee on continuation.

The Planning Director presented the draft of the text of the 'Historical Resource Inventory' to the Council for review. He noted there are 230 sites identified in the inventory.

The Mayor called for questions and comments from the audience on any other matters. There were no questions or comments.

Motion: Gano-Poet to adjourn at 9:17 p.m. Carried unanimously.

City Manager

11-7-85

DEAR SIR:

JUST A NOTE OF THANKS TO
YOUR DEPARTMENT FOR THE FINE
COURTEOUS TREATMENT ACCORDED
MY WIFE IONA KAISER AT THE
AUTO ACCIDENT AT SPRINGBROOK &
E. CRESTVIEW LAST EVENING. SHE
STATED THAT YOUR OFFICERS AT
THE SCENE WERE ^{THE} NICEST AND
MOST POLITE PEOPLE SHE'S ENCOUNTERED
IN A LONG, LONG TIME.

AGAIN THANKS MUCH
IT'S MOST APPRECIATED

Mike Kaiser

III-2

MEMO

TO: City Council
FROM: City Manager
SUBJECT: Liability Insurance

DATE: November 22, 1985

Municipalities are finding out, first hand, that the situation with liability coverage and the cost for insurance (assuming it is available) is going to get worse before it gets better. I've provided the City Council with articles over the past year that have described a market that is drying up quickly and is causing some municipalities and businesses to eliminate insurance all together or suffer the 100% to 1000% increase.

Three years ago the City of Newberg along with some other cities and school districts in our tri-county area pooled their policies on property and liability insurance and began forming what is now known as the Mid-Willamette Valley Risk Management Association. The goal of this association is to manage our risk and pool our coverage while at the same time, forming a retention level (loosely described as a deductible) for the group of somewhere between \$100,000 and \$250,000. In other words, we would buy umbrella policies that would give us the same basic coverage but our premium pool would cover the first amounts of losses up to an aggregate stop loss. Even by doing this, we will be looking at a 50%-150% increase in our premium and we should consider ourselves lucky. The Mid-Willamette Valley Risk Management Association changed its renewal date from July 1 to February 1. By doing so, I would estimate that the City of Newberg saved approximately \$40,000. That short five month period saw the market change that dramatically. A neighboring city with similar characteristics to Newberg is paying \$40,000 more than our city because of the July 1 renewal date. This year, although our insurance costs will go up dramatically, I am sure the same thing will happen where we will see higher costs for those municipalities having a later renewal date.

The purpose of this memorandum is to alert you once again to the cold facts on insurance and to prepare the City for the new insurance arrangement. My association with the first risk management pool in the State of California was a very positive one and I firmly believe that we will experience the same success. Unfortunately, in the late 1970's there was a choice. But the view that we have today gives municipalities no other viable alternative. Cities such as Salem, Eugene, Portland, Corvallis, etc. with a large enough premium have, years ago, already formed their retention pool and while there was some risk in the beginning, they have not regretted their decision.

I will bring more information and in all probability a resolution for renewal of our insurance to you in January.


Michael Warren
City Manager

MW/bjm

cc: City Attorney

III-3

OREGON SOCIETY OF HOSPITAL ATTORNEYS

220 S.W. MORRISON. PORTLAND, OR 97204

November 19, 1985

Richard D. Faus
City of Newberg
414 East First Street
Newberg, Oregon 97132

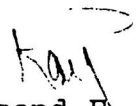
Dear Rick:

Congratulations on being elected director of the Oregon Society of Hospital Attorneys for 1986.

The issues facing our clients, the hospitals, in the coming year appear to be many. In addition, the 1987 Legislative Session promises to be a challenge, so we will need to do the necessary groundwork before the session starts.

Thank you for your past support and being willing to accept this office.

Sincerely,


Raymond F. Mensing, Jr.
Secretary-Treasurer

III - 4

25 OCT 85 1:49

NEWBERG DOWNTOWN ASSOCIATION
115 N. WASHINGTON
NEWBERG, OREGON 97132
(503) 538-0528

October 18, 1985

MEMORANDUM

TO: Mike Warren, City Manager
Jim Kelly, Newberg Graphic
Janet Kerr, Chamber of Commerce
Don Clemmens, Chehalem Parks and Rec
Dick Sovde, School Superintendent
Dave Adrian, George Fox College
Emery Killian, Ministerial Association
Kay Egle, Tourism Council of Yamhill County
Mark May, Newberg Community Hospital

FROM: Carol Berkley, Downtown Manager *CB*.

RE: MAJOR LOCAL EVENT MAY 2nd, 3rd and 4th: SPRING FLING

Please be advised that the Promotions Committee of the Newberg Downtown Association has scheduled the first weekend of May for a major local event, the SPRING FLING. The SPRING FLING is very important to the Main Street Program objectives and we hope to pull in the participation of all local non-profit organizations. We are letting you know about this event now because we would appreciate your involvement and your help in avoiding schedule conflicts.

There are several interrelated purposes for the SPRING FLING. First, it provides the opportunity to do a very major cleaning and sprucing up of downtown. Second, it calls upon all Newberg organizations to share in the effort. Third, it educates the entire community about building design and public improvements. Fourth, it involves the private sector (e.g., sign makers, building contractors, etc.). Fifth, it is an event that will be fun for business people and residents. Our concept includes food events, live entertainment and a 50's dance.

A more detailed explanation and organization recruitment program will be forthcoming early in 1986. However, the NDA asks that you inform your board about the SPRING FLING soon since we will need your involvement in the event work program. If you have any questions or ideas about your involvement, please do not hesitate to call me at 538-0528.

cc: Promotions Committee
Design Committee

III-5

MEMO

TO: City Council

DATE: November 25, 1985

FROM: City Manager

SUBJECT: 1984-85 Financial Statement

Our auditors, Coopers & Lybrand will be present to make a presentation to the City Council at tonight's City Council meeting. Chris Harris, the managing auditor for Coopers & Lybrand will be able to talk to the lengthy report and summarize it for the City Council's benefit.

I am particularly pleased with the progress that has been made the past year and the comments of Coopers & Lybrand. Almost all funds have remained fairly strong and the areas mentioned for improvements in the future were not surprises to the Finance Director or myself.

The Finance Department and the Recorder's office are to be commended for their efforts during the past year.


Michael Warren
City Manager

MW/bjm

Enc.

V-1

Public Hearing

MEMORANDUM
25 November 1985

TO: City Manager

FROM: Planning Director *CJM*

RE: A request from Herbert & Connie King and Miles and Barbara Jones to vacate a greenway and drainage easement placed on the west 70 feet of lots 1 and 2, Pinehurst Green Subdivision, in order to place a culvert and fill the area.

This matter has gone to the Planning Commission at their regular meeting, November 21, 1985. At that time Miles Jones was present to explain the situation to the Planning Commission. Essentially, when this subdivision was platted back in 1979, a special easement was required to be placed over the drainageway on the west side of the subdivision. This easement was called a greenway easement and was "intended to grant to the public a right to use the property for scenic and greenway purposes, which may include the future construction of a public walkway or bicycle path."

The drainageway is an intermittent stream which only flows part of the year. In the summertime it does dry up and becomes very muddy. Since this drainageway is located directly behind two houses, it makes it difficult for these two property owners to enjoy their backyard area. The applicants are requesting to vacate the drainageway easement so that they can place a culvert in the waterway and fill the area to allow for their families to enjoy their backyard.

Currently, there is some potential liability to the City if the waterway were required to be left in its current condition. It would be very difficult to keep small children or other people away from this area since it is part of the backyards of these two houses, and the waterway also poses a potential threat to the buildings if changes occur to the waterway's location through erosion or other factors.

At the time this condition was originally placed on the subdivision it was thought that easements could be obtained along this drainageway all the way back down to Chehalem Creek, and that the drainageway could be opened up and used for public access. This concept might be more practical in situations where the waterway is more substantial. In this particular case the drainageway is not as defined as Hess Creek or Chehalem Creek and does dry up in the summertime. In looking at the potential development pattern along this drainageway, it does not appear to be practical to continue this requirement in this particular location.

The Planning Commission made a unanimous recommendation that the City Council authorize the vacation to eliminate the greenway easement requirements from the plat of the subdivision and to reduce the storm drainage easement to cover only the drainageway area. The Planning Staff

VII - 1

has also recommended approval of this request and no objections were received from any other department on this matter.

ORDINANCE NO.

AN ORDINANCE VACATING A GREENWAY AND DRAINAGE EASEMENT WITHIN THE DRAINAGE EASEMENT WITHIN THE PINEHURST GREEN SUBDIVISION TO THE CITY OF NEWBERG, OREGON.

WHEREAS, public notice has been provided within the Newberg Graphic Newspaper relating to this vacation proceeding; and

WHEREAS, the Newberg Planning Commission did review the request to vacate the greenway easement within the Pinehurst Green Subdivision to the City of Newberg and did recommend to the Newberg City Council that they vacate said easement; and

WHEREAS, no objections or remonstrances have been received relating to the easement vacation; and

WHEREAS, the City Council did hold a public hearing on December 2, 1985 at 7:30 PM to here and consider the vacation and any written or oral objections or remonstrances.

NOW THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. The following described easement within the City of Newberg, County of Yamhill, State of Oregon, being more particularly described as follows, to wit:

(description to be attached here)

Be and the same is vacated.

Section 2. An easement for utility access purposes shall be retained along the property line between lots 1 and 2 of Pinehurst Green Subdivision for a distance of 5 feet on either side of said common property line.

Section 3. A drainage easement shall be retained which shall be twenty feet in width centered down the drainage way for a culvert.

Section 4. The Recorder of the City of Newberg is hereby directed to file for recording with the County Clerk and Ex-officio Recorder of Conveyances of County of Yamhill, State of Oregon, a certified copy of this ordinance and a plat of said easement so vacated, and the Recorder is further directed to file a copy of a plat with the Surveyor and the Assessor of said Yamhill County, Oregon, respectively.

PASSED by the Council of the City of Newberg this 2nd day of December, 1985, by the following votes:

AYES:

NAYS:

ABSENT:

Arvilla Page - Recorder

APPROVED by the Mayor this 2nd day of December, 1985.

Elvern Hall - Mayor

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*Revised
at Council
meeting*

MEMO

TO: City Council

DATE: November 25, 1985

FROM: City Manager

SUBJECT: Community Development Needs

Two notices have been placed in the Newberg Graphic in compliance with the Community Development Block Grant Program guidelines. If we are to move ahead and turn in an application for any project we must update and review the community needs. The attached copy of the notice that appeared in the newspaper explains, more fully, the requirements for grant submission.

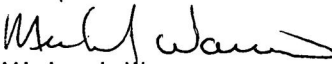
I recommend the following list of community development needs:

<u>PROJECT/NEED</u>	<u>PERCENT OF BENEFIT OF LOW AND MODERATE INCOME PERSONS, IF ANY.</u>
1. Jobs for low income people - Economic Development	90%
2. Upgrade low income/elderly housing-Rehab Program	100%
3. Community/Senior Center-Acquire, or build building	75%
4. Expand wastewater treatment - new plant	40%
5. Expand library facilities - Building addition	60%

I have been working with the staff on potential projects which could be submitted for grant funding. The housing rehabilitation grant is the most likely since it was submitted last year. The application would essentially be the same only updated to reflect current conditions.

The Yamhill County Housing Authority has tentatively agreed to administer the housing application if we are awarded a grant and the Yamhill County Community Action Program has tentatively committed to leverage upto approximately \$60,000 into this program for weatherization if the grant is awarded. These committments should be made prior to the public hearing on this matter before the City Council.

RECOMMENDATION: Comply with public hearing, adopt community needs and direct staff to move ahead with submission of grant.


Michael Warren
City Manager

MW/bjm

Enc.

VI - 2

PUBLIC NOTICE
THE OREGON COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM
ACTIVITIES AND FUNDING

NOTICE IS HEREBY GIVEN that the Newberg City Council will hold a public hearing on Monday, December 2, 1985 at 7:30 PM in the Newberg City Council Chambers to discuss the following:

- A. Grant Funds available for proposed community development and housing activities.
- B. Program activities which are eligible for grant funding under the Oregon Community Development Block Grant program.
- C. The grant funding amount proposed to be used for activities that would benefit persons of low and moderate income.
- D. A plan to minimize the displacement of persons as a result of activities assisted by these grant funds, if any.
- E. The consideration of testimony from any person, firm or corporation affected by this program or interested in examining or discussing any proposed activity for the use of Community Development Block Grant funds.
- F. To identify and prioritize community development and housing needs.

The purpose of this hearing is also to review and discuss potential projects that will help to address and satisfy the community development needs. It is the intent of the Newberg City Council to apply for grant funds from the Oregon Community Development program to assist in the implementation of these proposed programs, projects and strategies.

All persons are invited to provide testimony related to the above mentioned items and are encouraged to participate in the public hearing process.

Arvilla Page
City Recorder

Published: November 27, 1985

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Newberg City Council will hold a public hearing to identify community development needs, including the needs of low and moderate income persons. The Council will also identify activities or projects which can be targeted to resolve the community development needs.

All persons are invited to attend the public hearing and to provide testimony relating to the community development needs. The hearing will be held at 7:30 PM on December 2, 1985 in the Newberg City Council Chambers, 414 E. First Street, Newberg, Oregon.

Arvilla Page
City Recorder

Published: November 27, 1985

VI-2

MEMO

TO: City Council

DATE: November 26, 1985

FROM: City Manager

SUBJECT: Social Services Committee Report

Attached is the report from the committee appointed by the City Council to review social services in Newberg.

The committee met with the various social service agencies and did their best to remain objective. The report is timely because revenue sharing will be ending in 1986.



Michael Warren
City Manager

MW/bjm

Enc.

X-2

NEWBERG SOCIAL SERVICES COMMITTEE REPORT

November 15, 1985

INTRODUCTION:

Upon request of the Newberg City Council, a review of the social services needs was conducted. An attempt to identify social services needs of the community was made thru an interview process.

The basics of food, clothing, and medical needs are being addressed thru existing agencies, however, there are needs that are not presently being met. Shelter on an emergency basis for transient, unwed mothers, and the mentally ill are a void that needs to be addressed. Other problems are youth drug problems with related crime and high H. S. drop out rate, unemployment, senior needs due to isolation and confinements, and counseling for divorce, depression, child abuse, and singles. There appears to be a very real need for quality case management services.* The majority of salary expenses in the agencies reviewed appears to be going to support administrative positions.

SOCIAL SERVICES OVERVIEW:

The present social service delivery system in Newberg is comprised of four main agencies; Newberg Human Resources Center (NHRC), FISH, Chehalem Valley Senior Citizens Council (CVSCC), and the Community Action Agency of Yamhill County (Y-CAP).

As an agency, NHRC provides information and referral through a receptionist working nine to four. Other community organizations utilize the NHRC facility

*Case management services - total counseling and coordination of community resources to meet family member needs as directed by a social worker.

X.2

to see clients in the Newberg area. Newberg FISH is permanently housed at the NHRC facility. Clients at NHRC are provided information and referral services and Salvation Army vouchers.

CVSCC consists of public and senior transportation to the Newberg/Dundee area and a monthly senior outreach newsletter. Other agencies such as Y-CAP and Green Thumb use space at CVSCC.

Y-CAP has it's Newberg office location at CVSCC, next door to NHRC. It is staffed by a Community Services Advocate working eight to five with volunteer help. Services provided include: management support, information and referral, distribution of excess commodity foods, and intake for Y-CAP program. These programs include: Headstart Weatherization, Gleaning, Fuel Assistance, Emergency Shelter, Transportation for the balance of the county, and office support to CVSCC and back up assistance to NHRC.

The actual provision of services varies from agency to agency, NHRC is staffed by a receptionist whose responsibility is to answer the phone and provide information and referral to clients. At this time there is no director.

CVSCC has a volunteer dispatcher and a program coordinator who provides management services to the transportation program and is assisting with the development of a senior center in Newberg.

Y-CAP provides assistance to both NHRC and CVSCC in office support in the following ways: When the receptionist is not at NHRC, Y-CAP provides back-up

for salvation army voucher writing. Y-CAP also provides clerical and assistance in other areas to the CVSCC office.

All three agencies provide information and referral, however, Y-CAP is the only agency that has a formalized case management system that not only avoids wasting local resources, but accounts for the number of clients served and the category of service provided. In addition, it has the overall management capabilities and receives State, Federal, and local resources to do so.

COMMITTEE FINDINGS:

Agencies perceive a need for separate and independence administrative-director roles due to diversity of funding to be administered and diversity of programs. Likewise, the effort to job share or coordinate services seems to be antagonistic to agencies retaining their identity and maintaining social service "turf". However, it is obvious to the committee that there is a need for three areas of service delivery to be coordinated amount existing social service agencies: administration, casework, and coordination of volunteer services.

RECOMMENDATIONS:

1. Administration: Show umbrella concept where one administrator could oversee the coordination, administration and financial accounting of diverse programs (still chartered with separate identities.)
2. Casework: Direct services in counseling and wholistic problem-crisis-orientation with Newberg families and their membership. Various existing agencies could refer individuals to this centralized direct service provided by the city.

3. Volunteer Services: Creation of a City volunteer coordinator position staffed by a "Green Thumb" person. There is community concern and community pride in private business, religious and educational sectors of the community which could be tapped to enlarge social service provision programs.
4. Publicity: City council need to formulate means to publicize services available. One of the most apparent findings of the 1978 Newberg Social Service Survey was that most residents were not familiar with the services provided by the City via various social agencies. Possible means for such publicity are:
 - a) Weekly articles in the Newberg Graphic.
 - b) Social Service Directory to be included with water bill.
 - c) Social Service Directory to be included in any Welcome Wagon package for new residents.

IMPLEMENTATION OF RECOMMENDATIONS:

Y-CAP has the management expertize and computerized accounting systems and could administer the Newberg programs (very effectively), yet maintain the identity of NHRC and CVSCC. As an umbrella agency, this would not jeopardize the long standing name NHRC and CVSCC have maintained and would allow for co-hesive programming to be developed, particularly quality case management and avoid duplication of administrative costs.

1. City of Newberg enter into a contractual agreement with Y-CAP whereby a full time caseworker would provide direct services for the clients of NHRC, CVSCC, and Y-CAP.
2. The balance of the City of Newberg social service funds be designated to fee for service programs for the aging, juveniles, and homeless.
3. City council should request, monitor, and evaluate financial and program reports on a quarterly basis to ensure contractual agreements are being met. City council should make every effort to coordinate monitoring and evaluation procedures with other local funding agencies (i.e. Yamhill County and Yamhill United Way) to reduce excessive diversity in paperwork for agencies.
4. City of Newberg budget on a five year basis to provide for a community human resource need assessment. Such an assessment would facilitate planning and fund raising of the departments of the City of Newberg and social agencies sectors of the community.

NEWBERG SOCIAL SERVICE COMMITTEE:


Mike Allen


Bruce Breitling


John Britton


Don Porter


John Smith

A RESOLUTION AUTHORIZING CERTAIN DESIGNATED CITY OFFICIALS TO ENTER INTO AND EXECUTE THAT CERTAIN "LOCAL AGENCY AGREEMENT FEDERAL AID PROJECT-VILLA ROAD CONNECTION WITH THE HILLSBORO-SILVERTON HIGHWAY-NO. 8581" TO FACILITATE THE VILLA ROAD EXTENSION PROJECT.

WHEREAS, under the authority of ORS 366.770 and 366.775 the State of Oregon, by and through its Department of Transportation, Highway Division, may enter into cooperative agreements with cities regarding the construction and maintenance of state roads and highways; and

WHEREAS, as part of the requirement for the state to construct the Villa Road connection with the Hillsboro-Silverton Highway, it is necessary for the City to sign a certain "Local Agency Agreement Federal Aid Project-Villa Road Connection with the Hillsboro-Silverton Highway-No. 8581" to provide particularly that the City shall, upon completion of the project, pay for 100% of the power consumed in the annual operation of the traffic signal that will be placed as part of the said project; and

WHEREAS, construction of the Villa Road connection with the Hillsboro-Silverton Highway will be of great benefit to the City of Newberg and its citizens.

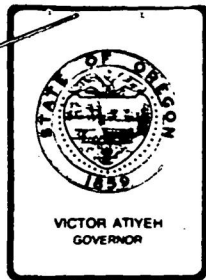
NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Newberg, Oregon, as follows:

That the City Council of the City of Newberg, Oregon, hereby authorized the Mayor and Recorder of the City of Newberg to enter into and execute that certain "Local Agency Agreement Federal Aid Project-Villa Road Connection with the Hillsboro-Silverton Highway-No. 8581" a copy of which is attached hereto and incorporated herein at this point by reference, as Exhibit "A".

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of December, 1985.

Arvilla Page - City Recorder

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Department of Transportation
HIGHWAY DIVISION
Region 2

2960 STATE STREET, SALEM, OREGON 97310 . PHONE 378-2626

November 20, 1985

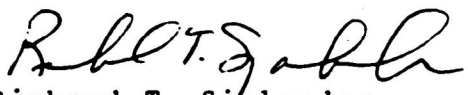
In Reply Refer To
File No.:

Michael Warren
City Manager
414 East 1st Street
Newberg, OR 97132

RE: Local Agency Agreement
Pacific Highway West at Villa Road Connection

Enclosed are four copies of the local agency agreement for maintaining the Pacific Highway West at Villa Road Connection traffic signal after construction.

Please review the agreement and, if satisfactory, present it to your City Council for their consideration. If approved, have the Council adopt a resolution authorizing the Mayor and Recorder to sign the agreement. Forward three copies of the signed agreement and resolution authorizing the signatures to this office. Retain the extra copy of the agreement for your information. A fully executed copy will be returned for your records.


Richard T. Sjolander
REGION FEDERAL AID SPECIALIST

RTS/kjp

Enclosures

1119K5

XL-1

Approved: OSHD Staff
EDM:bkb
11-1-85

Misc. Contracts & Agreements
No. 8581

LOCAL AGENCY AGREEMENT
FEDERAL-AID PROJECT

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

1. By the authority granted in ORS 366.770 and 366.775, the State may enter into cooperative agreements with the 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. This project will be financed with Federal Aid Primary funds with the State providing the necessary match and at no cost to the City.

2. Under such authority, the State and the Agency plan and propose to construct the Villa Road Connection with the Hillsboro-Silverton Highway including grading, paving, signing, and installation of traffic control signals, hereinafter referred to as "project". The location of the project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof. The project shall be conducted as a part of the Federal Aid Primary Program under Title 23, United State Code, and the Oregon Action Plan.

3. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2.

4. Agency shall adopt an ordinance or resolution authorizing its designated city officials to enter into and execute this agreement, and the same shall be attached hereto and become a part hereof.

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

This project was approved by the Oregon Transportation Commission on January 18, 1984 as a part of the Six Year Highway Improvement Program (page 22).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the state highway engineer to sign this agreement for and on behalf of the Commission. Said authority is set forth in the Minutes of the Oregon Transportation Commission.

All except SPECIAL PROVISIONS, approved as to legal sufficiency on September 1, 1983 by Jack L. Sollis, Chief Counsel.

APPROVAL RECOMMENDED

By _____
Region Engineer

STATE OF OREGON, by and through
its Department of Transportation,
Highway Division

By _____
State Highway Engineer

Date _____

APPROVED AS TO
LEGAL SUFFICIENCY

By _____
City Attorney

City of Newberg,
by and through its Elected Officials

By _____
Mayor

By _____
City Recorder

Date _____

ATTACHMENT NO. 1

SPECIAL PROVISIONS

1. State shall, as a federal-aid participating preliminary engineering function, conduct the necessary field surveys, environmental studies, traffic investigations, foundation explorations and hydraulic studies, identify and obtain all required permits, and perform all preliminary engineering and design work required to produce final plans, preliminary/final specifications and cost estimates.

2. State shall, upon award of a construction contract, furnish all construction engineering, field testing of materials, technical inspection and project manager services for administration of the contract. The State shall obtain "Record Samples" at specified intervals for testing in the State Materials Laboratory in Salem.

3. State shall, in conformance with requirements of the Oregon Action Plan, appoint and direct the activities of a Citizen's Advisory Committee and Technical Advisory Committee, conduct any required public hearings and recommend the preferred alternative.

4. Agency shall, upon completion of the project, pay for 100 percent of the power consumed in the annual operation of the signal.

5. State shall, upon completion of the project, maintain the signal.

Misc. Contracts & Agreements
No. 8581
Date: 11-1-85

XL-1

ATTACHMENT NO. 2

STANDARD PROVISIONS

JOINT OBLIGATIONS:

PROJECT ADMINISTRATION

1. State is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this project, and the Agency hereby agrees that the State shall have full authority to carry out this administration. If requested by the Agency, the State will further act for the Agency in other matters pertaining to the project. The State and the Agency shall actively cooperate in fulfilling the requirements of the Oregon Action Plan. For all projects the State and the Agency shall each assign a liaison person to coordinate activities and assure that the interests of both parties are considered during all phases of the project.

P.E. & CONSTRUCTION ENGINEERING

2. Preliminary and construction engineering may be performed by the State, the Agency or others. If the Agency, or others, perform the engineering, the State will monitor the work for conformance with FHWA rules and regulations. In the event that the Agency elects to engage the services of a consultant to perform any of the work covered by this agreement, no reimbursement shall be made using Federal-Aid funds for any costs incurred by such consultant prior to receiving written authorization from the State to proceed. Any such consultant shall be selected using procedures acceptable to the State and the FHWA, and an agreement prepared describing the work to be performed and the method of payment.

REQUIRED STATEMENT OR USDOT FINANCIAL ASSISTANCE AGREEMENT:

3. If as a condition of assistance the recipient has submitted and the U.S. Department of Transportation has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the U.S. Department of Transportation shall impose such sanctions as noted in Title 49, Code of Federal Regulations, Part 23, Subpart E, which sanctions may include termination of the agreement or other measures that may affect the ability of the recipient to obtain future U.S. Department of Transportation financial assistance.

The recipient further agrees to comply with all applicable Civil Rights Laws, Rules and Regulations, including Section 504 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Act.

4. The parties hereto agree and understand that they will comply with all applicable statutes and regulations, including but not limited to: Title 6, USC, Civil Rights Act; Title 49 CFR, Part 23; Title 18, USC, Anti-Kickback Act; Title 23, USC, Federal-Aid Highway Act; Titles 2 and 3 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; provisions of 23 CFR 1.11 and FHPM 1-4-5 (23 CFR 140.7); and the Oregon Action Plan.

STATE OBLIGATIONS:

PROGRAM REQUEST

5. State shall submit a program to the FHWA with a request for approval of federal-aid participation in all engineering, right-of-way acquisition, eligible utility relocations and construction work for the project. NO WORK SHALL PROCEED UNTIL SUCH APPROVAL HAS BEEN OBTAINED. The program shall include services to be provided by the State, the Agency or others. The State shall notify the Agency in writing when authorization to proceed has been received from the FHWA. Major responsibility for the various phases of the project will be as outlined in the Special Provisions. All work and records of such work shall be in conformance with FHWA rules and regulations, and the Oregon Action Plan.

AUTHORITY FOR SURVEY

6. State shall prepare an Authority for Survey which will itemize the estimate of cost for preliminary engineering services to be provided by the State, the Agency or others, and shall furnish the Agency with a copy of such cost estimate.

FINANCE

7. State shall, in the first instance, pay all reimburseable costs of the project, submit all claims for federal-aid participation to the FHWA in the normal manner, compile accurate cost accounting records and furnish the Agency with an itemized statement of actual costs to date at the end of each State Fiscal Year. When the actual total cost of the project has been computed, the State shall furnish the Agency with an itemized statement of such final costs.

PROJECT ACTIVITIES

8. State shall, if the work is performed by the Agency or others, review and process or approve all environmental statements, preliminary plans, specifications and cost estimates, prepare the contract and bidding documents, advertise for bid proposals, award all contracts and, upon award of a construction contract, perform all necessary laboratory testing of materials, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the project. The actual cost of laboratory testing services provided by the State will be charged to the project construction engineering cost account number (prefix) and will be included in the total cost of the project.

FREE BRIDGE DESIGN

9. State shall, as provided in ORS 366.155(k), prepare plans and specifications for bridges and culverts (structure portion only) at no expense to the counties.

AGENCY OBLIGATIONS:

FINANCE

10. The project applicant will, prior to the commencement of the preliminary engineering and right-of-way acquisition phases, deposit with State its estimated share of each phase.

The applicant's share of construction will be deposited in two parts. The initial deposit will represent 65 percent of the applicant's share, based on the engineer's estimate, and will be requested three weeks prior to opening bid on the project. Upon award of the contract, the balance of the applicant's share will be requested.

Collection of advance deposits amounting to less than \$2,500 for any phase of project (P.E., R/W) will be postponed until collectively the amount exceeds \$2,500 or until the collection of the advance deposit for construction is required.

Pursuant to ORS 366.425, as amended by Chapter 365, Oregon Laws of 1979, the advance deposit may be in the form of 1) check or warrant; 2) irrevocable letter of credit deposited in a local bank in the name of State; and 3) deposit in the Local Government Investment Pool accompanied by an irrevocable limited power of attorney.

11. Agency shall present properly certified bills for 100 percent of actual costs incurred by the Agency on behalf of the project directly to the State Liaison Person for review and approval. Such bills shall be in a form acceptable to the State and documented in such a manner as to be easily verified. Billings shall be presented for periods of not less than one month duration, based on actual expenses to date. All billings received from the Agency must be approved by the State Liaison Person prior to presentation to the Highway Division Accounting Office for payment. The Agency's actual costs eligible for federal-aid participation shall be those allowable under the provisions of 23 CFR 1.11 and FHPM 1-4-5 (23 CFR 140.7).

12. The cost records and accounts pertaining to the work covered by this agreement are to be kept available for inspection by representatives of the State and the FHWA for a period of three (3) years following the date of final payment. Copies of such records and accounts shall be made available upon request.

PROJECT CANCELLATION

13. Agency agrees that should the project be cancelled or terminated for any reason prior to its completion, the Agency shall reimburse the State for any costs that have been incurred by the State on behalf of the project.

DELAYED STARTING DATE

14. In the event that right-of-way acquisition, or actual construction of the facility for which this preliminary engineering is under-

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taken is not started by the close of the FIFTH FISCAL YEAR following the fiscal year in which this agreement is executed, the State may request reimbursement of the sum or sums of Federal-Aid funds disbursed to the Agency under the terms of this agreement.

RIGHT OF WAY

15. Agency shall be responsible for acquisition of the necessary right-of-way and easements for construction and maintenance of the project. The State shall review all right-of-way activities engaged in by the Agency to assure compliance with applicable laws and regulations. The Agency may request the State to perform the acquisition functions, subject to execution of a Right-of-Way Services Agreement. If any real property purchased with federal-aid participation is no longer needed for right-of-way, or other public purposes, the disposition of such property shall be subject to applicable rules and regulations which are in effect at the time of disposition. Reimbursement to the State of the required proportionate share of the fair market value may be required.

UTILITIES

16. Agency shall relocate or cause to be relocated, all utility conduits, lines, poles, mains, pipes and such other facilities where such relocation is necessary in order to conform said utilities and facilities with the plans and ultimate requirements of the project. Only those utility relocations which are eligible for federal-aid participation under the Federal-Aid Highway Program Manual, Volume 1, Chapter 4, Section 4, shall be included in the total project costs and participation; all other utility relocations shall be at the sole expense of the Agency, or others. The State will arrange for utility adjustments in areas lying within jurisdiction of the State and, if the State is performing the preliminary engineering, the Agency may request the State to arrange for utility adjustments lying within Agency jurisdiction, acting on behalf of the Agency.

Agency shall, five weeks prior to the opening of construction bid proposals, furnish the State with an estimate of cost for eligible reimbursable utility relocations, based on the plans for the project. The Agency shall notify the State Liaison Person prior to proceeding with any utility relocation work in order that the work may be properly coordinated into the project and receive the proper authorization.

CONSTRUCTION

17. Construction plans shall be in conformance with standard practices of the State for plans prepared by its own staff, and shall be developed in accordance with the design standards published by AASHTO which pertain to the type of facility proposed. The latest design standards adopted by AASHTO shall govern the design of highway bridges and related structures. All specifications for the project shall be in substantial compliance with the "Oregon Standard Specifications for Highway Construction".

GRADE CHANGE LIABILITY

18. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.

Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by the State shall not subject the State to liability under ORS 105.760 for change of grade.

CONTRACTOR CLAIMS

19. Agency shall provide legal defense against all claims brought by the contractor, or others, resulting from the Agency's failure to comply with the terms of this agreement.

MAINTENANCE RESPONSIBILITIES

20. Agency shall, upon completion of construction, thereafter maintain and operate the project at its own cost and expense, and in a manner satisfactory to the State and the FHWA.

MEMO TO: Mike Warren, City Manager
FROM: Rick Faus, City Attorney
DATE: November 25, 1985
SUBJECT: Abatement of Nuisance Conditions at 204 E. Illinois Street

The resolution attached to this memorandum makes certain findings of nuisance existence and orders clean-up pursuant to the Uniform Nuisance Abatement Procedure. The City Planner and City Building Official will make a presentation to the Council regarding the nuisance conditions and advise the Council of the status of the property after an inspection which they will make prior to the Council Meeting on December 2, 1985. At this time, Mr. Molineux has filed no protest or written statement to be heard by the Council at this meeting, so the resolution may be passed by the Council ordering clean-up if they are satisfied from the exhibits and presentations of the City Planner and City Building Official that a nuisance exists and that it should be cleaned up.

The resolution would provide that Mr. Molineux would have an additional 10 days from the date of this formal order, which would be December 2, 1985, to clean-up the property himself. If the property were not cleaned up by December 12, 1985, the City would proceed to clean it up and take actions to assess the property for the costs of the clean up. The resolution specifically authorizes city enforcement officers and city employees to abate the nuisance if it is not cleaned up by Mr. Molineux, as the responsible party, by December 12, 1985.

RDF:fj

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A RESOLUTION DECLARING CONDITIONS ON CERTAIN PROPERTY TO BE A NUISANCE UNDER NEWBERG ORDINANCE NO. 1690; MAKING CERTAIN FINDINGS OF FACT; ORDERING THAT THE CONDITIONS ON THE PROPERTY BE ABATED PURSUANT TO ORDINANCE NO. 2164; AND SETTING A TIME LIMIT FOR ACTION.

WHEREAS, pursuant to reports of the City Planner and the City Building Official of the City of Newberg, that nuisances exist on certain property under Section 15 of Ordinance No. 1690 of said city, specifically on property located at 204 E. Illinois Street, Newberg, Oregon, Yamhill County Tax Lot No. 3218 DC-200, a notice of civil infraction outlining those nuisances and requesting their clean-up was delivered to the responsible party for said property on November 5, 1985; and

WHEREAS, when said nuisance conditions were not abated by November 19, 1985, pursuant to the requirement of said notice, a formal "Notice and Order to Abate Nuisance", a copy of which is attached hereto (with the addition of a copy of Enforcement Officer's Notice to Abate Nuisance Report) and incorporated herein at this point by reference as Exhibit "A", was duly prepared by said City Planner as an enforcement officer pursuant to Section 3 of Ordinance No. 2164, and was personally served by said enforcement officer on the 20th day of November, 1985, upon the responsible party, and proof of such personal service is on file in the records of said city with said notice and order providing that the responsible party, Mr. Larry Molineux, abate the nuisance conditions within 10 days of the date of the notice, which is November 30, 1985; and

WHEREAS, said enforcement officer has found the following person to be the responsible party for said premises, to wit: Mr. Larry Molineux, 204 E. Illinois Street, Newberg, Oregon 97132; and

WHEREAS, an inspection by said City Planner and said City Building Official as enforcement officers on December 2, 1985, reveals that the nuisance conditions described in Exhibit "A" have not yet been abated; and

WHEREAS, some members of the Council and the above enforcement officers have individually examined said premises and the surrounding area, and the matter having come on regularly for consideration, in accordance with the aforesaid "Notice and Order to Abate Nuisance, and the Council having heard the following persons with reference to said matter, to-wit: 1) Alan Barnes, Building Official; 2) Clay Moorhead, City Planner, and the Council having considered the matter and being now fully advised on the premises.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWBERG, OREGON, HEREBY RESOLVES AND MAKES THE FOLLOWING FINDINGS OF FACT, as follow, to-wit:

1. That the certain premises situated at 204 E. Illinois Street, Yamhill County Tax Lot No. 3218 DC-200 in the City of Newberg, Yamhill County, Oregon, contains conditions that are a nuisance affecting public health and attractive nuisances within the terms of Ordinance No. 1690 of the City of Newberg, Oregon, for the reasons described in the "Notice and Order to Abate Nuisance" and Enforcement Officers Notice to Abate Nuisance Report which are attached hereto and incorporated herein at this point by reference as Exhibit "A".

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2. That in order that said nuisance conditions should be abated and removed, and said premises should be made safe by taking the abatement actions specified in Exhibit "B" which is attached hereto and incorporated herein at this point by reference, which shall be completed to the satisfaction of the appropriate enforcement officer of the City of Newberg, Oregon.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Newberg, Oregon, pursuant to Sections 4, 5, 6 and 7 of Ordinance No. 2164 of the City of Newberg, Oregon, that the nuisance conditions on the property described as 204 E. Illinois Street, Newberg, Oregon, Yamhill County Tax Lot No. 3218 DC-200, shall be abated by the responsible party (Mr. Larry Molineux) within 10 days of the date of this resolution, which is December 12, 1985 and that if said nuisance has not been abated by said date, the City Council of the City of Newberg, Oregon, does hereby order and cause this nuisance to be abated by the City of Newberg enforcement officers and city employees pursuant to Section 5 of Ordinance No. 2164 of the City of Newberg, Oregon, and said enforcement officers shall keep an accurate record of the expense incurred by the City in physically abating the nuisance pursuant to Section 5 of said Ordinance No. 2164 with the expectations that costs will be assessed against the responsible party for the abatement of the this nuisance pursuant to Section 6 of Ordinance No. 2164.

ADOPTED by the Council of the City of Newberg, Oregon, this 2nd day of December, 1985.

Arvilla Page - City Recorder

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**NOTICE AND ORDER TO ABATE NUISANCE
CITY OF NEWBERG, YAMHILL COUNTY, OREGON**

TO: LARPY MOLINEUX
204 E. ILLINOIS
NEWBERG OREGON 97132

FILE NO. N^o 116 - NN

Notice Dated November 20, 1985.

You are hereby notified that on or about November 20, 1985,
 at 1:00 p.m. within the corporate limits of the City of Newberg,
 Yamhill County, Oregon, at or near 204 E. Illinois otherwise
 known as Yamhill County Tax Lot No. 3216DC-200 the following
 nuisance exists in violation of Newberg Ordinance No. 1690,
 Section 15 (2), which deals with nuisance affecting public
health which prohibits the accum. of debris, rubbish and other ref.

The nuisance is described as follows: The accumulation of all debris,
wood, scrap metal, car parts and any other storage of material
located outside of a building must be removed from the premises
or stored wholly within an enclosed structure.

and you are the responsible party. You are hereby directed to abate
 (correct) this nuisance within ten (10) days of the date of this notice.
 Unless the nuisance is removed, the City may abate the nuisance, and the
 cost of abatement shall be charged to you as the responsible party or
 assessed against the above described property where the nuisance exists,
 or both.

You may protest the order to abate by giving written notice specifying
 your basis for protesting to the undersigned enforcement officer within
 ten (10) days from the date of this notice. The notice should request a
 hearing by the Newberg City Council.

Failure to abate this nuisance may result in a court action.

Signature: *Clayton M. ...*
 Enforcement Officer

Department
 City Hall
 414 East First Street
 Newberg, Oregon 97132

COPY 1 (Pink) Posting or Personal Service
 COPY 2 (Yellow) Mailing COPY 3 (Blue) Issuing Department

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No 123 -RN

ENFORCEMENT OFFICER'S NOTICE TO ABATE NUISANCE REPORT

Date NOVEMBER 20, 1985 Time 1:00 PM

Identity of Responsible Party: LARRY MOLINEUX

Name MOLINEUX LARRY
Last First Middle

Residence Address 204 E. ILLINOIS

City NEWBERG State OREGON Zip Code 97132

Description of Property: In incorporated areas of City of Newberg, Oregon, at the location of 204 E. Illinois Street, and otherwise described as Yamhill County Tax Lot No. 3218DC-200.

Defendant did unlawfully violate Section 15, of the City of Newberg Ordinance No. 1690 by committing or permitting to be committed a nuisance as follows: Nuisance affecting the public health which prohibits the accumulation of debris, rubbish, and other refuse that are not removed within a reasonable time and that affect the health of the City.

Detailed Description of Alleged Nuisance and Inspector's Observation: I was at the subject property and noticed that car parts, metal scrap, wood scraps, tires and other accumulations of debris and rubbish were stacked and strewn throughout the front and primarily within the rear yard of the subject property. This accumulation was located primarily outside of any enclosed structures.

Statement made by Responsible Party: "We're working at it--we're getting at it. Hell it will blossom like a rose around here."

Witnesses: _____

Prior Record: Incidents, Warnings: _____

Action Needed to Correct Nuisance: Clean up and remove all accumulations of storage and debris which are located outside of enclosed buildings on the subject property

Enforcement Officer's Name: Clay W. Moorhead/Alan Barnes

CITY OF NEWBERG 414 East First Street, Newberg, Oregon 97132

COPY 1 (Blue) Issuing Department COPY 2 (White) City Manager
COPY 3 (Pink) City Attorney

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CERTIFICATE OF POSTING AND MAILING OR PERSONAL SERVICE

STATE OF OREGON)
County of Yamhill) ss.
City of Newberg)

POSTING

I hereby certify that on _____, 19____, I posted a Notice and Order to Abate Nuisance (Copy Attached) at the premises or at the site of the nuisance described on the attached copy, said premises or site on which notice was posted being _____

Dated _____, 19____.

Enforcement Officer

MAILING

I hereby certify that I mailed a Notice and Order to Abate Nuisance (Copy Attached) to the responsible party _____ on _____, 19____, by mailing registered or certified mail, postage prepaid to the responsible party's last known address to-wit:

_____ and deposited in the post office at _____, Oregon on said day.

Dated _____, 19____.

Enforcement Officer

PERSONAL SERVICE

I certify that on NOV 20, 1985, I personally served the Notice and Order to Abate Nuisance (Copy Attached) on the responsible party LARRY MOLINEUX by personally handing to said responsible party the Notice and Order to Abate Nuisance (Copy Attached).

Dated NOV 21, 1985.

Charles M. Mearns
Enforcement Officer

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A violation has been noted on the premises identified above related to the following ordinance.

A violation of Ordinance No. 1690, Section 27 (1)(a) relating to nuisances affecting the general public safety. It was noted that vehicles, machinery and building materials have been accumulated to the point that, if left unattended, would create an attractive nuisance.

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EXHIBIT "B"

1. Submitting plans and an application for a building permit together with a double payment of the normal fee [as per Section 304 (d)UBC] for all structures placed on the site since it was acquired under your ownership.
2. All buildings which do not comply with the Uniform Building Code and city code requirements must be removed from the site.
3. The accumulation of lumber, boxes, barrels, scrap metal and vehicle parts must be removed from the site.
4. All vehicles not in daily operation (used every day) shall be removed from the site.
5. All hazardous conditions must be alleviated.
6. The building must appear to retain the characteristics of a residence and shall not appear to destroy the residential character of the neighborhood.

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MEMO

TO: City Council
FROM: City Manager
SUBJECT: Seizure Ordinance

DATE: November 26, 1985

For the past two or three months there has been some discussion with the Police Chiefs, City Managers, Mayors and various County Officials regarding a seizure ordinance for Yamhill County. I believe this ordinance was reported in the Newberg Graphic during this period of time.

Basically, the seizure ordinance allows for the seizure of property by City and County law officers to be sold and given back to the cities and counties. In the past, property seized in a crime, perhaps could only be used for legal purposes, was given back to those committing the crime and on occasion, would be reused for illegal purposes. A number of counties have gone to this seizure ordinance (known as the Rico Law) and it is my recommendation, along with the Police Chiefs' to adopt the attached resolution and allow as much as 60% of the property sold given back to the City of Newberg.


Michael Warren
City Manager

MW/bjm

Enc.

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A RESOLUTON AUTHORIZING AND CONSENTING TO THE APPLICATION OF YAMHILL COUNTY ORDINANCE NO. 419, AS AMENDED, INSIDE THE INCORPORATED LIMITS OF THE CITY OF NEWBERG, OREGON TO FACILITATE THE CIVIL FORFEITURE OF PROPERTY USED IN CRIMINAL ACTIVITY.

WHEREAS, this matter having come before the Council of the City of Newberg, Oregon, on the 2nd day of December, 1985; and

WHEREAS, the Yamhill County Board of Commissioners has adopted an ordinance providing for civil forfeiture of certain property used to facilitate the commission of criminal activity; and

WHEREAS, said ordinance provides for payment of a portion of the proceeds of the forfeiture to the seizing agency; and

WHEREAS, ORS 203.040 provides that said county ordinance which was adopted pursuant to the police power of Yamhill County can only apply to the incorporated limits of the City of Newberg by consent of the governing body.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg, Oregon, that the Council of the City of Newberg consents to the application of Yamhill County Ordinance No. 410, as amended, and as amended in the future, known as the Civil Forfeiture Ordinance of Yamhill County, inside the incorporated limits of the City of Newberg.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of December, 1985.

Arvilla Page - City Recorder

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