

CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
MAY 3, 1982
7:30 P.M.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. CONSENT CALENDAR

1. Approve Minutes of the Following Meetings:
March 30, 1982 Adjourned Budget Committee Meeting
April 5, 1982 Regular City Council Meeting
April 6, 1982 Adjourned Budget Committee Meeting
2. Memo to Officer Pohl RE: Work Performance.
3. Letter from Secretary of Old Fashioned Festival Committee
thanking City Council for establishment of Century Club.
4. Report on Juvenile Crime Rate in Newberg for 1981.
5. Letter from Mr. & Mrs. Finke, Rt. 5, Box 340, Newberg
thanking the Fire Department for assistance with injured
animal.
6. Letter from Alden F. Krieg, Suite 220 Mohawk Bldg, Portland,
thanking Police Department (Officer Scott Jones) for assistance.
7. Proclamation proclaiming May 23-29 as National Public Works Week.

IV. REQUESTS FROM FLOOR AND COMMUNICATIONS:

1. Communication from Dennis Hagen, Chairman of Old Fashioned
Festival RE: City assistance.

V. PUBLIC HEARINGS:

1. Public Hearing on Site Review

VI. REPORTS FROM CITY ADMINISTRATOR:

1. Film on dispatchers in police profession.
2. Report on progress of informing City residents of 1982-83
Tax Base Election.
3. Presentation by Administrator of 1982-83 Budget copies.

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

1. Approve Accounts Payable
2. Report on Audit for Fiscal Year 1982-83
3. Report on Fire Chief
4. Report from the Planning Department on 1980 Census Data

IX. RESOLUTIONS:

1. Resolution requesting a ban on Nuclear Weapons.
2. Resolution on Senior Citizen Utility Discount.

X. ORDINANCES:

1. Ordinance amending Ordinance No. 2074 RE: Cable TV
2. Ordinance amending Ordinance No. 1968 RE: Establishing
Design Review - Refer to Item VI.

*Back include this
for April 28/82*

MEMO TO: Mike Warren, City Administrator
FROM: Rick Faus, City Attorney
DATE: April 23, 1982
SUBJECT: Tanker Truck Cab and Chassis Purchase

Attached is a resolution for waiver of competitive bidding on purchase of tanker truck for use at special city council meeting next week on this issue. I think because of extensive contacts and the special needs of the City as well as availability of discount and all other factors mentioned in the resolution, that waiver of competitive bidding is appropriate in this case.

*The reason for this special meeting is that
if we get before may we will save
a large amount of money*
RDF

RDF:fj

*Back of
These are originals
but were awarded
the 20 Jan 82*

*Special Council
4/28/82 to
award Bid*

THE CITY COUNCIL OF THE CITY OF NEWBERG SITTING AS THE CONTRACT REVIEW BOARD WAIVES COMPETITIVE BIDDING FOR THE PURCHASE OF A TRUCK CAB AND CHASSIS FOR USE AS A TANKER TRUCK BY THE NEWBERG FIRE DEPARTMENT TO MEET CITY AND RURAL FIRE PROTECTION NEEDS.

WHEREAS, the City of Newberg Fire Department is in great and immediate need of an adequate tanker truck system; and

WHEREAS, the tanker truck owned by the City is inadequate to meet the needs of the city and serve rural fire protection needs as well; and

WHEREAS, the Fire Chief of the City of Newberg has engaged in substantial effort to choose a tanker truck cab and chassis which is adequate to the needs of the City in all of its functions, including contacting at least seven suppliers of such equipment; and

WHEREAS, the City Council of the City of Newberg has reviewed the efforts of the Fire Chief in this matter and finds that Ordinance No. 1793, Sections 5 E and F have been fully complied with as the public interests would be best served by having a tanker truck cab and chassis adequate to all the needs of the City and favoritism is not encouraged and competition not diminished because of extensive process of contacting suppliers, the needs for a special cab and chassis because of horsepower and wheelbase requirements for serving rural fire protection areas, because only one supplier of tank truck and chassis of the seven contacted can supply such material quickly with substantial delays of up to 120 or more days from other parties contacted, because of a potential price savings of \$2,000. by ordering prior to April 30, 1982, because of inadequacy or unavailability of other either new or used equipment, and because of a need to obtain a special type of cab and chassis which will guarantee the functioning of equipment when a front mount pump is installed from engine or bearing failure and therefore, competitive bidding should be waived.

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

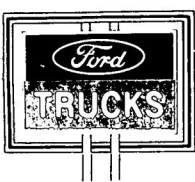
1. That for the reasons outlined in the final Whereas paragraph of this resolution the purchase of a Ford 1981 or 1982 F800, 207 inch wheelbase, 27500 GVW rating, white tanker truck cab and chassis would be in the best interests of the public and favoritism is not encouraged and competition is undiminished by waiving competitive bidding in this case.

2. That City staff and the City Council as Contract Review Board has extensively reviewed the equipment in arriving at its decision in this case.

3. The City Council of the City of Newberg sitting as Contract Review Board hereby waives competitive bidding and authorizes the City Administrator to purchase the appropriate Ford 1981 or 1982 F800, 207 inch wheelbase, 27500 GVW rating, white tanker truck cab and chassis for the total cost of approximately ~~\$15,700.00~~ plus incidental expenses.

14,818.61

ADOPTED by the City Council this day of , 1982.



SEA-TAC FORD TRUCK SALES, INC.

11000 Pacific Highway South P. O. Box 68848
SEATTLE, WASHINGTON 98168
Phone: Area Code 206 763-9100
Telex 32-9525

DATE 4-23-82

PURCHASER Newberg Fire Dept.

Phone 503-538-7441

Address 414 East 2nd Street City Newberg State Or. Zip 97123

Year & Model 1981 Ford I.D.# 1FDPF82K8BUJ44386 Stock # 6148 P.O. #

MODEL	F 800	43- Fuel Tank R.	50 Gal.
04- Exterior Sound		43- Fuel Tank L.	
05- GVW		43- Locking Fuel Caps	
05- Wheelbase	177	47- Front Springs	4,040/4,500 @ Pad & Grd.
05- Cab to Axle	105	47- Rear Springs	10,400/11,670 @ Pad & Grd Ea Side
08- Paint	White	47- Aux Springs	2,250 Ea. Side
10- Axle Front	9,000	47- Suspension	Spring
11- Axle Rear	18,500 Ratip 2 Spd. 6.50/8.86	47- Walking Beams	No
13- U-Joints	Spicer	47- Stabilizer Bars	No
13- Shock Absorbers F-Yes R-No		50- Tires Front	10.00x20 12 Ply
13- Hubs	No	50- Wheels Front	Disc. 10 Hole 20x7.5
13- Mag Traps	Rear Axle	51- Tires Rear	10.00x20 12 Ply
13- Power Steering	Std.	51- Wheels Rear	Disc. 10 Hole 20x7.5
13- Wheel Seals		51- Tires Spare	No
16- Brakes Type F- 15x3 R- HD 15x7		51- Wheels Spare	No
19- Air Compressor	No	51- Tires Traction	Traction Tread
19- Hand Control	Lever Orscheln	51- Tire Carrier Spare	No
19- Parking Brake	10x3 HD	51- Tires Make	
19- Anti Skid	No	56- Transmission Main	Clark 282 VHD 5 Spd.
19- Vac Reserve Tank	Yes W/Gauge & Light	56- Transmission Aux	No
22- Cab Type	Conv.	56- Transmission Cooler	No
22- Seat Driver	Bench	60- Bumper	Std.
22- XXXXXXXXXX		60- Tow Hooks	Front Mounted
22- Seat Trim	Vinyl Red	60- Tractor Package	No
24- Air Conditioner	No	60- Tool Stowage Box	No
24- Heater	Std.		
24- Cab Lights	ICC Legal	Price	17,568.00
24- Window Equip	Std.		
24- Tachometer	Std.	Less Factory Disc.	(1,000.00)
24- Cigar Lighter		Less 1,000.00 Rebate To Customer	
24- Gauges	Amp. Oil Water	From Ford Factory Direct	
24- Horns	Dual Electric	NOTE: This \$1,000.00 Rebate is not reflected	
24- Warning Lamps	Hi Beam Vacum Tank	in the price of your truck; it will reduce your	
25- Mirrors	Westcoast	total cost of 15,818.61 by \$1,000.00	
25- Radio	No		
25- Tinted Glass	Windshield	Pess F.E.T.	
27- Alternator	60 Amp.		
27- Batteries	12 Volt 63 Amp.	Cost to Newberg Fire Dept.	15,818.61
30- Engine	429 4V		
36- Clutch	13" Single Plate	NOTE: This Unit Is In Stock Ready	
36- Exhaust	Single Horiz. Muff. & Pipe	For Immediate Delivery	
36- Oil Filter	One Quart Full Flow Spin On		
36- Air Cleaner	Single Stage Dry Type		
37- Radiator	Extra Cooling		
37- Shutters	No		
40- Frame	Single Channel 10.80 S.M.	Pre-Delivery Service	
		FREIGHT TO: FOB Newberg Or	

Trade-In Information YEAR MAKE MODEL

ALLOWANCE

LESS PAYOFF

TRADE-IN EQUITY

I agree that this order, including ADDITIONAL PROVISIONS printed on reverse side hereof, which I have read and to which I agree, constitutes the entire agreement relating to sale of said property. I acknowledge receipt of an exact copy of this contract.

Purchaser Date

Salesmen Joe and Anna Sales

Accepted Mgr.

Selling Price 15,818.00

Sales Tax %

Lic. & Reg.

Total Delivered Price

Cash Deposit

Cash on Delivery

Trade-In Equity

Total Down Payment

Amount to be financed

Finance charges

Contract Balance

Payments @ Payments @ beginning

IT IS FURTHER UNDERSTOOD AND AGREED:

1. Buyer shall accept delivery of the vehicle sold hereunder within forty-eight (48) hours after Buyer is notified that same is ready. If Buyer fails to take delivery of such vehicle when notified, Buyer's deposit may be retained as liquidated damages for Seller's expenses and efforts, and Seller may thereafter dispose of such vehicle without any liability to Buyer whatsoever.
2. Seller shall not be held responsible for any delay in delivery.
3. Buyer agrees that the price quoted in this Order is for immediate delivery, and that should the price of the vehicle or accessories be changed by the manufacturer, or should taxes and fees imposed be changed before the vehicle is delivered to Seller, then this Order shall be construed as if such change price of taxes or fees were originally inserted herein.
4. Buyer shall acquire no right, title, or interest in or to the vehicle sold hereunder until Buyer accepts delivery of the same. Legal title to such vehicle shall remain in Seller until Buyer has paid the entire purchase price set therein.
5. In the event that the transaction referred to in this Order is not a cash transaction, Buyer will, at the time of delivery of the vehicle sold hereunder, execute a conditional sales contract in accordance with the terms and conditions of payment set forth herein.
6. In the event that legal action upon this Order is instituted by either party hereto, the prevailing party in such action shall be entitled to receive from the other party such reasonable attorneys' fees as the court may fix. The foregoing provision shall not be deemed to constitute a waiver by either party hereto of any statutory right to recover reasonable attorneys' fees and costs.

Reference to
purchase order)

E X C L U S I O N O F W A R R A N T I E S

I have read, understand and accept all provisions of the Ford Motor Company Warranty Statement covering the new vehicle that I am ordering. I understand and agree that the only warranties on the vehicle are those made by the manufacturer in the Ford Motor Company Warranty Statement; that Sea-Tac Ford Truck Sales, Inc. makes no warranties of any kind express or implied and DISCLAIMS ALL WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, with regard to the vehicle. I also understand and agree that in no event shall Sea-Tac Ford Truck Sales, Inc. be liable for incidental or consequential damages or commercial losses. I further understand and agree that the implied warranties excluded by Sea-Tac Ford Truck Sales, Inc. include, but are not limited to, any warranties that the vehicle is of merchantable quality or that it is fit to transport the driver and passengers with reasonable safety, efficiency or comfort; and any other warranties as to any qualities or characteristics of the vehicle, its engine, transmission, electrical system, wheels, brakes, steering mechanism, radiator, cooling system or any of its other parts.

Purchaser's Signature

Date

T R A D E - I N A G R E E M E N T

In the event that a used vehicle is to be traded in as a part of the payment for the vehicle purchased hereunder, the following trade-in agreement shall govern the transaction:

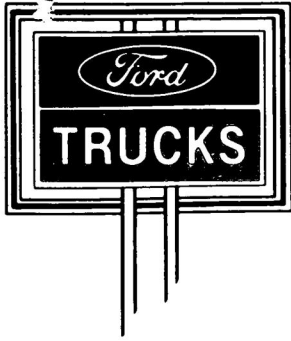
1. Buyer will convey to Seller the vehicle described in this Order as a trade-in.
2. Buyer hereby expressly warrants and represents to Seller, for the purpose of inducing Seller to accept this Order, that Buyer is the lawful owner of the vehicle described in this Order as a trade-in, and that there is no lien, chattel mortgage, unpaid balance on any conditional sales agreement or other encumbrance of any kind or character upon or against such vehicle traded in except as shown in this Order.
3. If the vehicle traded in is not to be delivered to Seller until delivery of the vehicle purchased hereunder, such vehicle traded in shall be subject to reappraisal by Seller when delivered, and such reappraisal shall determine the allowance made for such vehicle.
4. Buyer agrees to pay the Seller any difference between stated pay-off and actual pay-off on trade-in. If difference is in favor of buyer, Seller agrees to refund that amount to buyer.

A D D I T I O N A L P R O V I S I O N S

The purchaser agrees to reimburse the seller for any and all sales, use or excise taxes, whether imposed by federal, state or local laws, which the Seller may be required to pay or to reimburse to others by reason of the manufacture, purchase or sale of any property delivered under this contract.

If seller retains or is to retain a security interest to secure payment of the Contract Balance, said property and the equipment to be attached thereto shall be covered by insurance as specified under Physical Damage Insurance Coverage on the face hereof with seller or assignee of Seller, as the case may be, and purchaser, named as loss payee as their respective interests may appear. Such insurance shall be obtained by Seller if a charge for insurance has been made herein, otherwise such insurance shall be provided by purchaser. If such insurance by whomever placed is cancelled, purchaser shall cause to be delivered to Seller or assignee of Seller, as the case may be at the time, evidence satisfactory to same that insurance satisfactory to same is in effect, and purchaser's failure in this respect shall entitle seller or assignee of seller to procure such insurance and charge same to purchaser.

The Seller is not to be responsible for loss, damage or delays in transportation after shipment, nor for failure to supply any property ordered hereunder or to ship the same on time where prevented by strikes, fires or accidents or by the demand exceeding the available supply, or by any other causes beyond its reasonable control; and acceptance of said property shall be deemed a waiver of all claims for delays arising from any cause. In case the purchaser refuses to receive and make settlement for said property as herein provided, the seller may retain as liquidated damages all monies or property paid on account of said property, not exceeding, however, twenty-five percent of the purchase price at which resold, less expense of reconditioning, handling and selling.



TIMBERLAND FORD TRUCK SALES, INC.

315 ROBERTS ROAD — COBURG, OREGON 97401
MAILING — P. O. BOX 7928 EUGENE, OREGON 97401
PHONE (503) 683-4500
PARTS "HOT LINE" — 503-683-FORD

April 23, 1982

Newburg Fire Department
414 E. 2nd Avenue
Newburg, Oregon 97132

Attn: John Paola

Please find listed below our bid on a 1982 FORD F-800.

1-1982 FORD F800 177" WB 120" CA
27500# GVW
9000# Front Axle
18500# Spicer M185-T 2-Speed 7.17/9.77
Single Hydraulic Brakes
H.D. Rear Brakes
Cigar Lighter
Dual Electric Horns
429-4V V8
18.0 SM 50000 PSI Frame
RH 50 Gallon Steel Step Tank
4040# Front Springs - Pad Rate
9300# Rear Springs - Pad Rate
10.00 x 20 12-PR Tires Front/Rear
7.5 10-Hole Steel Disc Front/Rear
Clark 282 VHD 5-Speed Transmission

Price - FOB - Eugene, Oregon

If ordered before 4/30/82.....\$14,863.31

If ordered after 5/1/82.....\$16,163.31

NOTE: All pricing is based on receiving properly signed tax exemption certificate from the Newburg Fire Department before billing.

Thank you for the opportunity to bid on the truck. If we can be of further assistance, please give us a call.

Sincerely,

Timberland Ford Truck Sales, Inc.



Bob Hiner

BH:naa


NORTHSIDE
FORD TRUCK
SALES, INC.

April 26, 1982

Newberg Fire Dept.
414 E. 2nd Street
Newberg, OR 97132

Mr. John Paola:

We are pleased to submit the following quotation for your transportation needs.

1982 F-800 207" wheel base 27500# GVW rating
Pure white in color
Axle Front: 9000#
Axle Rear: 18500# Eaton 2 spd 6.50/8.86
Brakes: Single hydraulic system
Heavy duty rear & heavy duty parking brake
Orscheln parking lever
Vac. reserve tank w/gauge & light
HD Black vinyl seat trim
Right & Left hand sunvisor
Right & Left assist handles
Cigar Lighter
Dual electric horns
Fender mtd. turn signals
Tinted w/shield
Battery: 12 volt - 63 amp hr - 535 CCA
Engine: 429 CID 4v-V8
Frame: Reinforced 18.0 SM 50,000# PSI
Fuel Tank - 50 gal RH mtd.
Springs Front: 4040/4500
Springs Rear: 10400/11670
Transmission: 282VHD 5 spd
Front Tow Hooks
Tires: 10 x 20 - 12 ply Traction Tread rear
Wheels: 10 hole Steel Disc
Wheel base shortened to customer specs

SELLING PRICE F.O.B. PORTLAND.....\$15,000.00
Cab & Chassis

Note! Vehicle must be purchased by April 30, 1982 in order
to guarantee price.



**NORTHSIDE
FORD TRUCK
SALES, INC.**



DENNIS BAIRD
New and Used Truck Sales

6221 N.E. Columbia Blvd.
P.O. Box 13373
Portland, Oregon 97213

(503) 282-7773
Res. (503) 656-3039

Comparison of rear axle ratios

6:50/8:86

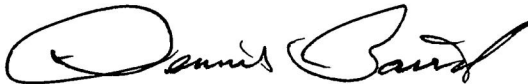
7:17/9:77

8 mph	1st low	6 mph
11 "	1st hi	9 "
13 "	2nd low	12 "
18 "	2nd hi	15 "
25 "	3rd low	23 "
35 "	3rd hi	32 "
48 "	4th low	42 "
52 "	5th low	48 "
62 "	4th hi	56 "
70 "	5th hi	65 "

"The prices quoted herein are based upon federal, state and local laws and regulations governing truck equipment and performance levels in effect as of the date hereof. Buyer will pay for any equipment or performance changes, modifications or additions required by any changes in such laws or regulations subsequent to the date hereof - at the increased cost to the seller."

Hoping to have the pleasure of your much valued business, we remain;

NORTHSIDE FORD TRUCK SALES, INC.



Dennis Baird
Sales Representative

DB/ag

ACCOUNTS PAYABLE
May 1982

5/82

Al's Drive-In	243.75	Midget Motors	3.25
Alexander Oil	1,549.31	Munnell & Sherrill	70.08
American Public Works Assn.	6.90	Naps IGA	76.85
Amps. Co.	570.00	Newberg Auto Freight	88.29
Arctic Circle	5.40	Newberg Auto Parts	148.92
Associated Janitor	83.70	Newberg Community Hospital	342.13
Barker's Auto Supply	154.21	Newberg Graphic	109.01
Bicycling	12.97	Newberg Ready Mix	134.63
Burroughs Corp.	33.00	Newberg River Rock Products	115.50
Butler Chevrolet	22.95	Newberg Steel	95.69
Butterworths	75.00	Newsweek	36.00
Callaghan & Co.	70.25	Norris Paitn & Varnish Co.	1,714.00 - ?
Camera Quarters	43.00	NW Business Systems, Inc.	145.40
Chehalem Valley Senior Cit.	1,100.00	NW Law Enforcement Equipment	29.57
Chilton Book Co.	106.68	NW Natural Gas Co.	1,036.33
The Cloth Cupboard	22.32	O'Dell's Tire Service	188.40
Coast to Coast	143.81	Oregon Meter Repair	484.00
Consolidated Supply	891.36	Oregon State Library	36.80
Crabtree Rock Co.	200.00	Oregon Trial Lawyers Assn.	95.00
Crowell Auto Parts	205.64	The Oregonian	7.50
Culligan	28.00	Pacific Photocopy	92.90
Daily Journal of Commerce	61.60	Pacific Water Works Supply	2,016.20
Davison Auto Parts	13.95	The Pastry Place	90.00
Dawn Metal Fab, Inc.	32.50	Payless Drug	7.16
Dents	349.33	Peterson Industrial Products	221.00
Disposable Waste Systems	12,922.56 - ?	Pitney Bowes	14.50
Farm-Gro Supply	44.10	Portland General Electric	15,500.00***
Ferron Janitorial	540.00	Portland Precision Instrument	165.00
Fisher Electric	435.54	Rexnord Safety Products	85.00
Fowler Tire Service	49.00	Rod's Painting & Decorating	1,200.00 - ?
Fox Union	25.00	Rowell & Wickersham	1,061.21
Fred S. James & Co.	418.00	Roberts Rent-All	9.00
General Telephone	1,627.95	Sanderson Safety Supply	218.55
George Fox College	58.80	Schmidt Excavating	1,802.85 - ?
Goodyear Truck Tire Centers	169.84	Scientific American	21.00
H & S Trucking, Inc.	41.25	Seattle Public Library	.96
Harco Manufacturing Co.	256.39	Short Story International	30.00
Harris Uniforms	115.50	Robert E. Swift, Attorney	75.00
Home Laundry	51.30	Taylor Electric Supply	10.23
The Homemaker	6.00	Thomas Bouregy & Co.	39.00
Hydraulic Specialty, Inc.	8.71	Utilities Supply Co.	618.30
Island Press	10.60	VanWaters & Rogers	106.32
Johnson Acoustical & Supply	119.63	W.R. Grace-The Baker Taylor Co.	1985.75 - ?
Johnson Furniture	694.83	Waides Mobil Service	5.00
Krohn's Appliance Center	62.50	Water, Food & Research Lab	84.00
Lanier Business Products	224.56	Watt Welding Supply	19.31
Law Enforcement Data System	9.50	Western Auto	54.18
League of Oregon Cities	137.08	Westside Automotive	145.75
London's Lawn & Garden	14.70	Wilco Fire Equipment, Inc.	44.25
Terrence D. Mahr, Attorney	150.00	Willamette Industries	651.80
Martin & Wright Paving	191.10	Yamhill Co. Assessor's Office	87.00
Meeker Electric	346.00	Yamhill Co. Sheriffs Office	97.00
Meter Box Equipment Co.	79.90	RECI	1,023.44
Meyer Brothers	11.36		

TOTAL:

57,386.34

***= Estimate

mc
cm *AP* *AB* *md*

ACCOUNTS PAYABLE
May 1982

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Meeker Electric	346.00	Yamhill Co. Sheriffs Office	97.00
Meter Box Equipment Co.	79.90	RECI	1,023.44 ?
Meyer Brothers	11.36		

TOTAL:

57,386.34

***= Estimate

[Handwritten signatures and initials: JHC, RJA, HAG]

NEWBERG CITY COUNCIL

May 10, 1982

Francis Twin Cinema

Exhibit
5/10/82 2A

Variances from site plan, alleged by City officials, which resulted in stop-work order on project:

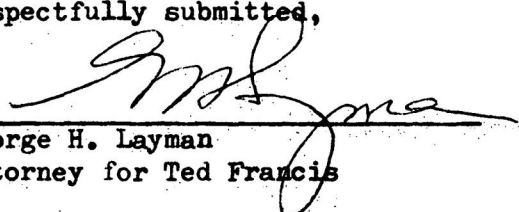
1. Fire entrance lane from Springbrook Road:
Cyclone fence was inadvertently installed by sub-contractor without the entrance. It is today being installed, at location specified and in accord with arrangements made with Newberg Fire Chief.
2. Screening with planting along westerly fence:
This fence is solid (corrugated metal) to prevent headlights in the theater parking lot interfering with the patrons in the drive-in theater. The fence was planned to run directly south from the corner of the cinema building, but when it was installed Mr. Francis discovered that this location was not compatible with some of the drive-in theater facilities, and also the posts of the fence would interfere with the drain field. Hence, he ran the fence from the same beginning point but in a southeasterly direction, so that its southern terminous encroached approximately 7 feet into the planting and parking space area. It never occurred to him that this would create any problem, as there were still more parking spaces than required for his seating capacity, a large part of the planting area remained available, and additional planting area was provided north of the building, increasing the planting area to 8% of the site, instead of the 7% minimum.
3. Cyclone fence along Springbrook is higher than the 5 feet designated on original site plan:
The fence as installed is 6 feet, topped by a barb wire cap, as a security measure. There never was any discussion with the Planning Department about the height of the fence, with the only requirement being that it be open, without slats. It conforms with usual security fence requirements, and the variance from the 5 feet designated on original site plan should be immaterial.
4. Necessary parking spaces removed - northeast side of building:
Several spaces in that area were removed on the revised plan, in order to increase planting area. Spaces are now provided for 114 cars, which is 3 more than the ordinance requirement.
5. Street dedication on west side of Springbrook Road:
The City has requested a 10-foot additional right-of-way. Mr. Francis states that he granted 10 feet years ago in connection with water line for the PGE building, but any such easement or deed apparently was never recorded. He does not object to the 10-foot right-of-way called for by the annexation ordinance, but the deed submitted to him by the City is ambiguous and incomplete, perhaps resulting in 10 feet down the middle of Springbrook Street. This would not be desired by the City, and the ambiguity creates a title problem. The City should prepare a metes and bounds description calling for 10 feet adjacent to the existing right-of-way line.
6. Residence north of theater, outside City limits, allegedly connected to City sewer:
This allegation apparently refers to the Auld property (residence, service station and snack bar) lying in the southwest corner of the highway intersection. Interview with the contractor who constructed the Francis sewer line shows that there is no connection to the Auld property, and no "T" or other facility installed which would make such connection possible. Interview with Mrs. Auld, on her property, shows

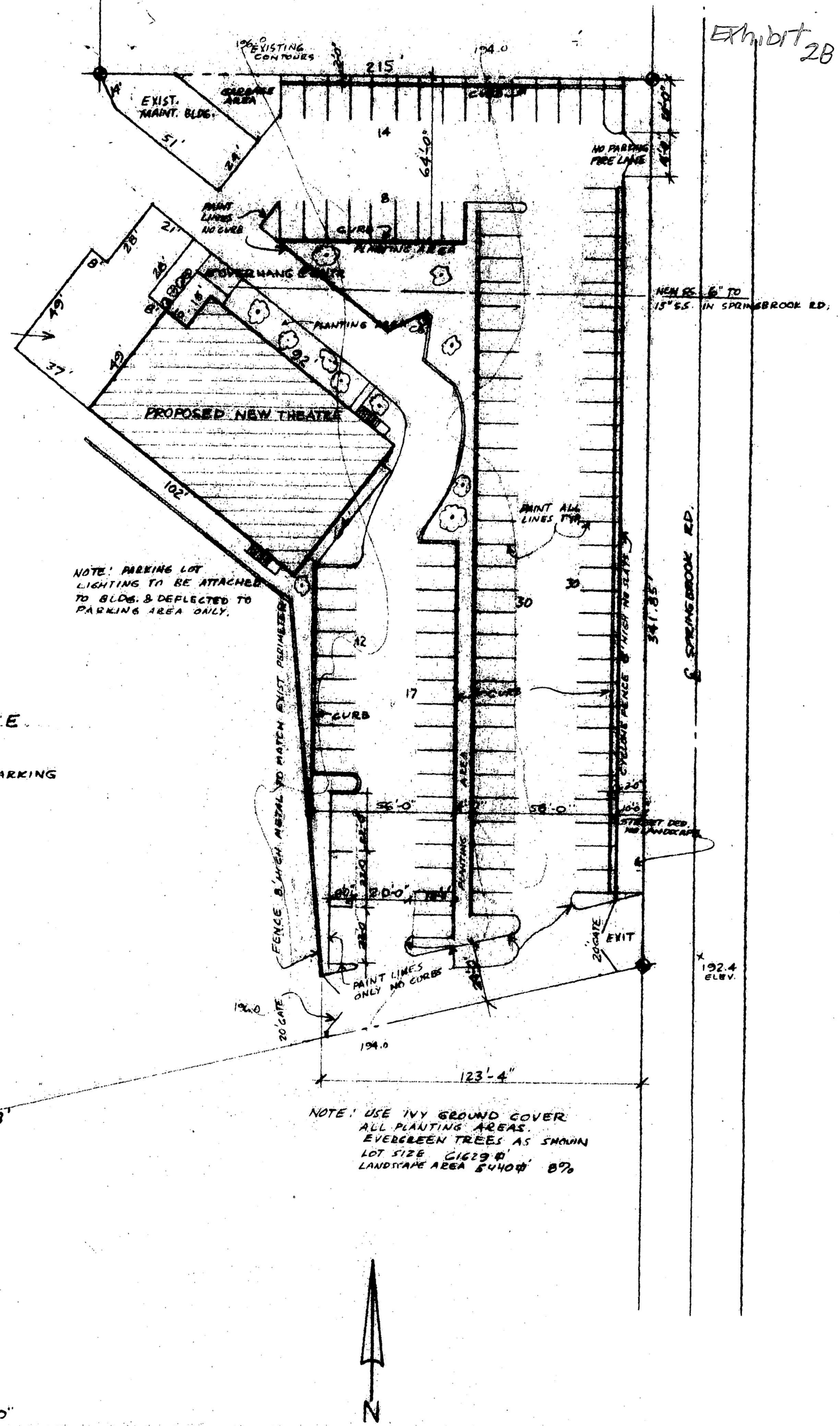
Newberg City Council
May 10, 1982
Francis Twin Cinema
Page 2

that she has one septic tank for her house, so low that sewage would have to be pumped to the Francis sewer line. Her other septic tank is behind her service station and there is no connection between it and the Francis sewer line. The sewer line was installed, and connected to the City sewer, after the blacktop was in, and a visual inspection on the ground shows no possible ditch, trench or other means of connecting the Auld property to the Francis sewer. This allegation seems totally baseless, and hastily made, but even if it were so, it simply would not be a basis for stopping work on the theater project.

7. Traffic control fees: 1815.00
The City has requested payment of ~~\$815.00~~ at \$15 each for 121 spaces. Such fee will be paid when the final number of spaces is determined and approved.

Respectfully submitted,


George H. Layman
Attorney for Ted Francis



5/10/82
Exhib. F/A
Council 5/10/82
Rt. 4 Box 112
Newberg, Oregon
May 10, 1982

Newberg City Council
City Hall
Newberg, Oregon

Re: Zone Change of Melvin Tautfest
Newberg Urban Growth Area

Dear Council Members,

I would ask your support of the County Planning Commission's action, requiring the Application of the Planned Unit Development with this zone change.

1. No one has objected to the use of this property as an outlet for nursery stock, wholesale or retail.

2; The Highway Commercial Zone (HC) with a Planned Unit Development (PUD) is a proper and adequate zoning designation for this type of use.

3. This avenue has been open to the owner for some time, and the submittal of a simple site plan and a statement of economic benefit were next steps to completion.

4. There is little question that the owner will have anything but a nursery outlet on the property while he remains there.

5. The owner has implied that he might move from this place in a year or two or three.

6. The HC Zone allows a great variety of uses, including service stations, stores, and eating establishments, to name a few.

7. One can speculate on the disposition of this property and its future use when it is marketable as highway commercial.

8. The owner's attorney and the nursery operator have stated that none of these other uses can be begun without water and sewer connections. I would leave that question to those who are charged with interpreting the regulations.

9. When the city reaches out to this area and takes control and responsibility for new permits, the council will have another opportunity to study this question.

10. If the council recommends the change without the PUD, you can speculate with the neighborhood on what business will be located here for annexation to the city.

Please recommend the application of the PUD with this zone change.

Yours truly,

Robert B. Morland
Robert B. Morland

Exhibit B
Council 5/10/82

NEWBERG CITY COUNCIL

May 10, 1982, Meeting
Tautfest Property
P.U.D. Overlay
Agenda Item VII - Old Business #1

1. Letter from Applicant's legal counsel
2. Memorandum from Applicant's legal counsel
concerning P.U.D. overlay

MELVIN W. TAUTFEST
Applicant

TERRENCE D. MAHR
Attorney Representing Applicant
115 N. Washington
Newberg, OR 97132

FRANK BUCK
Lessee with Option to Purchase
P.O. Box 217
Woodburn, OR 97071

RICHARD OLLIS
Lessee with Option to Purchase
21988 Case Road
Aurora, OR 97002

Terrence D. Mahr
Attorney At Law
115 N. Washington St.
Mailing Address: Post Office Box 511
Newberg, Oregon 97132
Phone: (503) 538-7460

May 7, 1982

Mayor Hall
City Council
414 E. 1st St.
Newberg, OR 97132

RE: Tautfest Property
P.U.D. Overlay
Recommendation to the Yamhill County Commissioners

Dear Mayor Hall and Councilpersons:

This matter comes before the City Council for reconsideration of a recommendation concerning a P.U.D. overlay which could be placed upon the property by Yamhill County. The matter was before the City Council at its April 5 meeting. At that time, the Council recommended that no P.U.D. overlay be placed on the property by a vote of 8 to 1. At the County Commissioners Meeting on May 5, 1982, the question as to whether the Council had considered all of the issues in that recommendation was raised by the County staff. The matter was referred to the City Council for reconsideration.

At the Commissioners meeting, it was clearly indicated that the County would defer to the City's recommendation because the City would eventually "inherit" this piece of property (it is inside the UGB). It is apparent that this decision of the City Council will, in effect, be the decision as to whether a P.U.D. overlay is applicable.

There is some inference that at the April 5, 1982, meeting, the Council was not aware of all the issues or ramifications of their recommendation. I wish to dispell any such inferences. I contacted Mr. Moorhead and asked if a recommendation as to the zoning had been forwarded to the County pursuant to the Urban Growth Management Agreement. Mr. Moorhead stated that it had not and the County had not requested such a recommendation. I asked if I could appear before the Council and ask for a recommendation from the body because it is called for in the agreement. I was told the place to appear was when the Mayor asked for requests from the floor. This communication took place some three to four days before the Council meeting. Mr. Moorhead has been involved in this matter since the beginning. As the applicant's representative, I have had more contact with Mr. Moorhead concerning the property than any other planning official. Mr. Moorhead was present at the April 5 meeting.

Mayor Hall
City Council
May 7, 1982
Page 2

I have attached to this letter a copy of a memorandum I submitted to the Board of Commissioners outlining what I consider the issues and questions surrounding this P.U.D. overlay. There are additional questions which arose at the meeting itself, however, I think it is fair to say that those additional questions did not change the facts substantially enough to alter the correctness of your recommendation. Additional considerations seem to arise at every public hearing. There has now been, with your meeting, a total of eight public hearings on this matter. The thought of a final decision is fast leaving the realm of possibility for these applicants. As one planning official has stated, "The process is atrocious". This process and the responsibility for it, is not the City's but the County's. We wish for some finality to the matter.

The concerns raised by the County Planning Staff are not what I would term substantial concerns but speculative concerns. In order for the government to justify further restrictions placed upon the citizens they must be meeting some concerns of the public. If the concern is a speculative concern, then the governing body must consider whether that speculative concern warrants the additional restrictions. When one considers the economic realities, the geographical location and the future expansion of the City in connection with this property, I think any reasonable person would see that the concerns the County planning staff is expressing are highly speculative concerns. Those concerns do not rise to such a level that they warrant the government putting additional restrictions and therefore additional costs upon this property.

I do not wish to barrage the Council with paper but feel that this is an important issue. I have additional information and reasons to express which I am hopeful I will be allowed to express at the Council meeting itself.

In summary, I would urge the Council to reaffirm its previous recommendation for the following reasons:

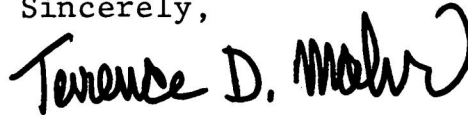
1. The Council was informed of the facts and issues at their previous hearing.
2. The property is of such an area (1.97 acres) that it falls below the minimum site requirements for a P.U.D. overlay in the County zoning ordinance (2 acre minimum). A piece of property of such small size cannot economically support additional restrictions under the P.U.D. overlay.
3. The concerns the County planning staff states are speculative in nature.
4. The limitations of essential services (sewer, water, etc.) to the property would limit the uses which could be of concern to the neighbors.
5. A P.U.D overlay would place the applicants in two more public hearings.

Mayor Hall
City Council
May 7, 1982
Page 3

6. The City is protected concerning this piece of property with the covenants and restrictions which are recorded and documented on the Yamhill County Deed Records.

Thank you very much for your consideration and patience and endurance in this matter.

Sincerely,

A handwritten signature in black ink that reads "Terrence D. Mahr". The signature is written in a cursive, slightly slanted style. The first name "Terrence" is written in a larger, more prominent script, followed by "D." and "Mahr". The final letter of "Mahr" is a large, sweeping loop that extends to the right.

Terrence D. Mahr

TDM/ch

BOARD OF COMMISSIONERS
County of Yamhill
Amendment to Yamhill County Zoning Ordinance
Ordinance No. 83, 1976
Applicant Melvin W. Tautfest
Docket No. PA-102-81/
Z-204-81/ PUD-9-81

MEMO FROM APPLICANT'S LEGAL COUNSEL:

INTRODUCTION:

This project has been through seven public hearings to get to its present place in the land use planning procedure. I will attempt to limit my remarks to the issue which is left unresolved, namely whether a PUD overlay should be placed upon the property. When looking at all the public hearings, it seems that the Comprehensive Plan designation has been changed to Commercial, and every entity is in agreement that the zone should be Highway Commercial (HC). The only area of disagreement is the necessity of placing a PUD overlay on the property.

I am prepared to address any of the zoning questions, but feel that the Commissioners do not want to hear unnecessary arguments concerning issues which everyone is in agreement.

HISTORY OF PROCEEDINGS:

On January 28, 1982, the question of a plan amendment on this particular property came before the NUAMC meeting. At that meeting, the zoning of the property was discussed along with the plan designation. The zoning of the property was discussed then as HC. Both the City Planning staff and the County Planning staff were present, no mention of a PUD overlay was discussed at that meeting. NUAMC recommended denial of the plan amendment.

The next meeting was held on March 1, 1982 before the Newberg City Council. The plan amendment was discussed and the zoning designation was discussed. The zoning was always discussed as HC with no mention of any PUD overlay. The City Council voted to approve the plan amendment and have the staff draw up the necessary papers for the meeting of April 5, 1982.

Next, the matter went before the Board of Commissioners on March 10, 1982. At that meeting, the plan amendment and zone designation were discussed. The zoning was discussed as HC with no mention of a PUD overlay. The Board of Commissioners approved the plan amendment and the applicant proceeded with a zone change.

The Applicant's original application had indicated that they wished a Special Exception and a PUD overlay. Communications between the Planning staffs and the Applicant resulted in the Applicant thinking that a PUD would not be applicable to this piece of property due to the site size. A Special Exception was not necessary as indicated by the Planning Director, Bill Campbell. After the meeting of the Board of Commissioners concerning the plan amendment, the Applicant was informed that a PUD overlay would be recommended by the County Planning staff. The Applicant voiced his objections to such an overlay.

On March 24, 1982, the question of the zone designation went before the Newberg/Dundee Planning Advisory Committee. That Committee recommended that the zone change be approved without the PUD overlay. On April 1, 1982, the matter went before the Yamhill County Planning Commission. The Commission recommended that the zone change be granted with a PUD overlay.

On April 5, 1982, the City Council of Newberg passed the ordinance granting the plan amendment and further considered the zone change in order to make a recommendation to the Commissioners, in accordance with their Newberg Area Management Agreement. The City Council recommended that the zone be changed to HC with no PUD overlay.

QUESTION OF PUD OVERLAY:

The Yamhill County Planning staff has recommended a PUD overlay in order to restrict the uses that can be placed upon this property. The HC zone allows uses which the Planning department feels would not be applicable on this property at the present time, i.e. motel, restaurant, service station. The Planning staff has stated in a memo to the Planning Commission that:

"Because the "HC" zone allows for other uses which may necessitate the extension of services from the City of Newberg and which may generate traffic beyond that which is appropriate for the area, the staff recommends the application be approved only with a PUD overlay".

The Planning staff further states in a memorandum dated March 29, 1982, that the future commercial uses provided for in the Newberg Comprehensive Plan are consistent with the anticipated development of the area. It further states:

"... however, those decisions left a question of the applicability of all the permitted uses within the Highway Commercial district without the advent of City services, i.e. sewer, water and enhanced traffic control. It is upon this basis that the staff recommends the waiver of the minimum site requirement of two acres and the placement of a planned unit development overlay designation on the subject property".

Since the PAC meeting, two letters have been received from neighbors indicating that they have some concern regarding uses permitted in the Highway Commercial zone. One letter indicates that they had been informed by the Planning Advisory Committee and the Planning staff that any type of uses permitted in the HC zone could be placed on the property without further planning action but simply by applying for a building permit. The other letter states concern that such uses permitted in the HC zone could be placed on the property without any further planning action, at the Planning Commission hearing they stated that they wished a PUD overlay to be placed on the property so they could maintain control on the property.

The placing of a PUD overlay on this property places additional requirements upon the Applicant in order to prevent what the Planning department states as the necessity of the extension of City services. I agree with the Planning department that when one is considering the planning aspects only, additional uses can be placed on this property under the HC zoning without the necessity of further action by the Planning Commission. However, one must consider the overall spectrum of City ordinances and County ordinances that a property owner must comply with in order to place certain uses upon his property. When considering the overall view, it becomes apparent that Mr. Tautfest, no matter what use he is permitted under the HC zone, cannot necessitate extension of City services to his property. The City has specific ordinances which prohibit the extension of City services outside the City limits. In order for Mr. Tautfest to place a restaurant, motel, or other objectionable uses, on the property, he must have the City services. He cannot have the City services until he is annexed. When the property is annexed, the zone will be changed to a City zone, and the County zone, whether it be HC or HC with a PUD overlay, will no longer be applicable. When one considers how the City ordinances and County ordinances interact together, it becomes clear that the County does not need the control that a PUD overlay would give it.

By placing the PUD overlay on the property, the County places additional economic burdens upon the development of this property. It would require the Applicant to go through two more public hearings, giving a total of nine public hearing process. Further, the Applicant would have to comply with all the conditions and criteria of a PUD overlay development. In this particular case, the Applicant would receive none of the economic advantages (higher density, variances to set back requirements, etc.) that a developer normally would receive under a PUD development. I think that when the Commissioners consider all the ordinances and zoning requirements that are applicable, they can see that the fears that unwanted uses will be placed on the property are actually unfounded.

SUMMARY:

The Applicant is requesting that no PUD overlay be placed upon the property. The reasons voiced for the PUD overlay are to prevent uses which are permitted under the HC zone to be placed on the property that would necessitate extension of City services. The City of Newberg ordinances do not allow extension of City services outside the City limits. When the property is annexed, the County zone will no longer be applicable to this property.

The Newberg City Council has considered the zone designation with the knowledge that a PUD overlay was being recommended, and knowing the recommendation of the Yamhill County Planning Commission, the City Council recommended that the zone be HC with no PUD overlay. The additional requirements that the Applicant would have to meet with a PUD overlay would not accomplish any end that is not already accomplished by the lack of availability of necessary services.

The Applicant respectfully requests that the Commissioners grant the zone change to HC without the PUD overlay for all the reasons above-stated.

PRIMARY ELECTION - YAMHILL COUNTY, OREGON - TUESDAY MAY 18, 1982

CHARLES STERN - COUNTY CLERK

CITY OF NEWBERG TAX BASE					
PRECINCT NUMBER	YES	NO	UNDER VOTES	OVER VOTE	TOTAL VOTES
2	376	196	31	0	603
3	316	248	23	2	589
4	220	155	11	0	386
5	318	190	32	0	540
31	309	202	24	3	538
TOTAL	1,539	991	121	5	2,656

CITY OF NEWBERG SENIOR CENTER					
PRECINCT NUMBER	YES	NO	UNDER VOTES	OVER VOTE	TOTAL VOTES
2	237	325	41	0	603
3	209	357	23	0	589
4	161	204	21	0	386
5	256	245	38	1	540
31	206	307	25	0	538
TOTAL	1,069	1,438	148	1	2,656

I CERTIFY THAT THE VOTES RECORDED ON THIS
ABSTRACT CORRECTLY SUMMARIZE THE TALLY
OF VOTES CAST AT THE ELECTION INDICATED.

Charles Stern
SIGNATURE OF COUNTY CLERK:

May 24, 1982
DATE OF ABSTRACT



5/24/82

RECEIVED

MAY 24 1982

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

PROCLAMATION

A PROCLAMATION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NEWBERG DECLARING RECOGNITION OF LYNDIA HUGHES ON HER ACCOMPLISHMENTS AS AN ATHLETE.

WHEREAS, LYNDIA HUGHES is a representative of the City as she has lived in Newberg since 1976; and

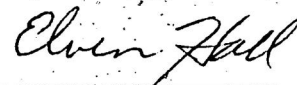
WHEREAS, LYNDIA HUGHES graduated from Newberg High School in 1980 and achieved many honors during her high school years for throwing the javelin including 1980 Oregon Track Athlete of the Year, 1980 Who's Who in American High School Track and placed 7th in the Olympic Trials; and

WHEREAS, LYNDIA HUGHES since graduation has accomplished the following feats in 1981: June 1981 placed third in TAC National Track and Field Championships, July 1981 was on the U. S. Team and participated in the World University Games in Romania and ranked 3rd overall in Nation by Track and Field News; and

WHEREAS, LYNDIA HUGHES in the fall of 1981 enrolled in the University of Oregon and in the 1982 Track Season set a new University of Oregon record for women's javelin at 188 ft. 4 inches and set a new Oregon Women Collegiate record.

NOW, THEREFORE BE IT DECLARED that the Mayor and the City Council of the City of Newberg recognize the athletic accomplishments of Lynda Hughes. And on behalf of the City Council and residents of the community of Newberg offer the heartiest of congratulations and continued success.

DATED this 3rd day of May, 1982.



Elvern Hall -- Mayor

Tuesday, 7:30 P.M.

March 30, 1982

MINUTES OF AN
ADJOURNED MEETING
OF THE BUDGET COMMITTEE

Council Chambers

Newberg, Oregon

The meeting was called to order by Chairman Rick Rementeria at 7:50 P.M.

ROLL CALL:

	<u>COUNCIL</u>	<u>BUDGET COMMITTEE</u>
Present:	Maybelle DeMay Roger Gano Hal Grobey Alan Halstead C. Eldon McIntosh Rick Rementeria Mayor Elvern Hall	Lee Hall Fred LaBonte Lyle Wilson
Absent:	Quentin Probst Tommy Tucker	Charlie Carlisle Donna Proctor Clarence Stouffer Wingert Walker Dave VanGrunsvan

Staff Present:

Michael Warren, City Administrator
Arvilla Page, City Recorder
Bob Sanders, Director of Public Works

The City Administrator went into explanation of remaining City Funds starting with State Tax Street.

Motion: Halstead-Gano to approve State Tax Street Fund. Carried.

Motion: Grobey-McIntosh to approve Storm Sewer Improvement Fund.
Carried.

Motion: Halstead-LaBonte to approve Bonded Debt Service Fund
budget. Carried.

Motion: Gano-Halstead to approve Bail Fund. Carried.

Motion: Gano-McIntosh to approve Federal Revenue Sharing fund
with transfer of \$31,804 to Social Services Department of General
Fund (out of Police & Fire). Carried.

Motion: LaBonte-Halstead to approve State Revenue Sharing Fund.
Carried.

Motion: Halstead-LaBonte to approve Hospital Fund. Carried.

Motion: Gano-Halstead to approve Water Fund. Carried.

Motion: Gano-LaBonte to approve Sewer Fund. Carried.

Motion: Gano-Grobey to adjourn to April 6, 1982 at 7:30 P.M.
Council Chambers. Carried.

Monday, 7:30 P.M.

April 5, 1982

A REGULAR MEETING
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

Present:	Maybelle DeMay	C. Eldon McIntosh
	Roger Gano	Quentin Probst
	Harold Grobey	Richard Rementerier
	Alan Halstead	Tommy Tucker

Staff Present:

Michael Warren, City Administrator
Alan Barnes, Building Official
Richard Faus, City Attorney
Captain Larry Hailey, Police Department
Clay Moorhead, City Planner
Arvilla Page, City Recorder
John Paola, Fire Chief
Robert Sanders, Public Works Director

Consent Calendar:

1. Minutes of:
 - a) February 25, 1982 Budget Committee meeting.
 - b) March 1, 1982 City Council meeting.
 - c) March 17, 1982 Budget Committee meeting.
 - d) March 17, 1982 Adjourned City Council meeting.
 - e) March 22, 1982 Special City Council meeting with Mayor's Task Force Chairmen.
2. Proclamation proclaiming week of April 18-April 24, 1982 as Building Safety Week.
3. Proclamation proclaiming David Rhoades and "Mattie" Rowan to be honorary members of the Century Club of the City of Newberg.
4. Report on Public Works Director's appointment as Chairman of APWA Water Resource Committee.
5. Report on Fire Chiefs' invitation to attend Salem Area Chamber of Commerce appreciation luncheon, April 28, 1982.
6. Report on Newberg Municipal Court case load and fines.
7. Proclamation proclaiming May 13, 1982 as Kristina Bauer Day.

Motion: Gano-Grobey to adopt the consent calendar. Carried unanimously.

Mayor Hall then presented the framed proclamation to Mattie Rowan, as an honorary member of the Century Club.

Mayor Hall then presented the framed proclamation for David Rhoades to the Century Club to Mr. Rhoades' daughter, Eunice Noyes.

Communications and Requests from the Floor:

Terry Mahr, 115 N. Washington Street, representing Melvin W. Tautfest. Mr. Mahr stated he was asking the Council to recommend approval to the Yamhill County Commissioners of zone change to Highway Commercial on the property located on the corner of the St. Paul Highway and the Wilsonville Highway. The County wants to put a Highway Commercial designation on the property with an overlay of a PUD, Planned Unit Development. The applicant objects to the expense with the Planned Unit Development requirement. The commercial use of the property has been approved

through all the proper steps. The Yamhill County Planning Commission is the agency which wants to place the Planned Unit Development overlay. The applicant will appeal to the Board of Commissioners. The Planning Commission's concern was that development would require City services. City ordinances will not allow extension of the services unless the property is annexed. The County wants to maintain control of use by the PUD. No control is needed because of the City ordinances. The Applicant, therefore, asks for a recommendation from the Newberg City Council for the zone change without the PUD.

The Councilmembers discussed the request. It was discussed whether the Council's previous recommendation would favor the zone change to highway commercial, what the County PUD requirements were, and the fact that there is limited access and sign control into the County zoning.

Motion: Rementeria-Halstead that the Newberg City Council recommend the zone change requested without the PUD overlay. Motion carried, 1 nay - Grobey.

Communication from City of Dundee complimenting the Police Department for a job well done. A letter of commendation was received from the City of Dundee signed by the Police Sergeant, the Fire Chief and a Deputy stating appreciation of assistance in identifying a false 911 caller. Newberg Dispatchers were able to keep the party on the line on the second call, long enough to trace the caller.

Public Hearing:

Site Review.

Motion: Gano-Tucker to restrict comments to five minutes per speaker. Carried unanimously.

Staff Report: Mr. Moorhead stated that the Site Review Ordinance had been before the citizens for over a year. The Citizens Involvement Advisory Committee has been considering it since September and completed review in December and the plan was recommended unanimously to the Planning Commission and City Council. The Planning Commission has been reviewing it since December, 1981. They have recommended approval by a vote of 5 to 3 at their March meeting. Site Review would consist of a seven member board which would review all development in excess of duplex construction. The Site Review plan and ordinance has been reviewed by LCDC and approved, except for one clause. The Portland Home Builders Association has stated that it will approve if the LCDC approves.

The City Administrator, Michael Warren reported that he had received a letter from John Poet a Planning Commission member and a developer. Mr. Poet states in his letter that he voted nay at the Planning Commission vote, however, his major objection to the ordinance is the composition of the Board.

LeRoy Benham, Chamber of Commerce President, but speaking as an individual noted that the Chamber voted in support of the ordinance. Stated he believed that delays should not be placed on developers, but developers shouldn't cause the delay themselves. Developers should plan development with city involvement at an earlier stage. The board should be made up of citizens and professionals. The ordinance is needed but it needs to be rational and organized. Mr. Benham stated that his experience with the City shows that the city would be rational and organized.

Motion: Halstead-McIntosh to continue the public hearing to May 3, 1982. Carried unanimously.

The Council discussed whether people would be penalized for improving property under the rules of the site review ordinance by increases in property taxes because of improvements made to properties. Several Councilmembers stated the Council should review the ordinance more closely and Mayor Hall assigned the ordinance to the Ordinance Committee for review.

Reports from City Administrator;

Report on Small Business Week, May 9-15, 1982. Mr. Warren reported that Climax Manufacturer, LeRoy Benham, President, has received the Small Business Award for the State of Oregon.

Report on redevelopment and economic revitalization of uptown area. The Mayor's Task Force on uptown revitalization has recommended 1) retaining the firm of Stewart, Patterson and Associates to assist the City in the establishment of an urban renewal tax increment financing plan. The cost would be \$22,000. Mr. Warren stated he recommends that the businesses which would benefit be asked to contribute one-half of that amount. Other funds would need to be borrowed and repaid from tax increment funds at a later date. Some citizens maybe opposed to tax increment financing and the Council should be prepared for opposition. Tax increment financing offers an incentive to outside businesses to come to town. 2) A steering committee should be formed composed of the Chairmen and other Committee members from the other Mayor's Task Force groups. The other committees are all related to the redevelopment plan. 3) That a town hall meeting on the redevelopment, sewage treatment plant, site review, and other concerns, be held.

LeRoy Benham, Chairman of the Redevelopment Committee, stated that urban renewal has been a controversial subject in other cities. Outsiders will come in. In order to restore and cleanup an area there needs to be a concerted effort which will require a master plan. Misunderstandings are due to poor communications.

Councilman Grobey asked how the scope of work for the consultants has been specified. Mr. Warren responded that the scope of the work is outlined in the consultants proposal. Councilman Grobey stated that no time lines had been presented. Mr. Warren responded that the City should use the expertise of the consultants. The consultants list ten steps over a five month period. Councilman Gano stated his concern that if we approve the contract with the consultant it would be on the basis that the City would pay one-half and the Chamber of Commerce one-half. The Chamber of Commerce has not indicated they will contribute. Mr. Warren indicated that retention of the firm would, in essence, be a commitment to use tax increment financing.

Motion: Gano-Halstead to authorize the City Administrator to enter into a contract with Stewart, Patterson and Associates and sitting as a contract review board to waive the bidding requirements for a personal service contract as five proposals were received.

Motion carried.

Motion: Halstead-Tucker that the Mayor appoint a steering committee to the redevelopment plan. Carried unanimously.

Motion: Grobey-Tucker that a date be established for a town hall meeting to discuss redevelopment and other matters. Carried unanimously.

Report on Nuclear weapons. An editorial appeared in the Newberg Graphic concerning the fact that Lane County Board of Commissioners had passed a resolution calling for both the U.S. and U.S.S.R. to stop their senseless race to doom with nuclear weapons. The Council discussed the editorial.

Motion: Grobey-McIntosh to direct the staff to prepare a resolution that the City express it's concern and wish to see more sense in nuclear weaponry. Carried unanimously.

Report on March 25, 1982 Finance Committee meeting. The Finance Committee has recommended to the City Council that on the issue of salaries in the upcoming budget, no increase be considered until after the fiscal year begins and after the economy and revenues have been monitored and in no case should the Council consider a salary package in excess of the Budget Committee's recommendation.

Motion: Gano-McIntosh to adopt the recommendation of the Finance Committee. Carried unanimously.

Old Business:

No old business was listed on the Agenda but the Mayor stated that he would like to take care of some appointments to committees.

New appointment to the Civic Center Committee - Nancy Pratt

Re-appointments to the Planning Commission - John Poet, Jane Mosher, Wayne F. Bowlby, Jr.

Re-appointments to the Hospital Board - Robert Hurford, Joe Plews, Don Elsom.

Re-appointments to the Budget Committee - Lee Hall, Donna Proctor, Wingert Walker, Clarence Stouffer.

Motion: Halstead-Rementeria to approve the Mayor's appointments. Carried unanimously.

Motion: Gano-Halstead to approve the March Accounts Payable. Carried unanimously.

Report on Solberg Court of Appeals Case. The City Administrator reported that the City has won at every appeal step.

Motion: DeMay-Grobey to commend City Attorney, Richard Faus, on his successful defense of the City's position. Carried unanimously.

Report on Cable Television Franchise. Judy Edwards of Liberty Cable Television was present to answer questions regarding changes in the contract agreement. Some changes are from 3/4 inch tape to 1/2 inch tape; from three earth stations to one larger earth station.

Motion: Halstead-Gano that the report be forwarded to Les Page, Cable Television Consultant, for review and recommendation to the Council. Carried unanimously.

Motion: Gano-Rementeria to read Ordinance No. 2081 amending Ordinance No. 1969. On the Comprehensive Plan Map to change the land use designation of a certain lot from Medium Density Residential to a Commercial designation. Carried unanimously. The ordinance was then read. Roll Call: Aye 7 - DeMay, Gano, Halstead, McIntosh, Probst, Rementeria, Tucker. Nay 1 - Grobey. The Mayor then declared the ordinance passed.

Councilman Gano questioned whether the ordinance prepared on requiring sidewalks has been given adequate public notice. The Public Works Director, Bob Sanders stated that it had not been given adequate public notice and he planned to contact all property owners.

Motion: Tucker-Gano to postpone the public hearing on the sidewalk ordinance to June 7, 1982. Carried unanimously.

Motion: Halstead-Gano to adjourn. Carried unanimously.

Tuesday, 7:30 P.M.

April 6, 1982

MINUTES OF
AN ADJOURNED MEETING
OF THE BUDGET COMMITTEE

Council Chambers

Newberg, Oregon

The meeting was called to order by Chairman Rick Rementeria at 7:35 P.M.

ROLL CALL:

Present:

COUNCIL MEMBERS

Maybelle DeMay
Alan Halstead
C. Eldon McIntosh
Quentin Probst
Rick Rementeria
Elvern Hall, Mayor

BUDGET COMMITTEE

Charlie Carlisle
Lee Hall
Dave VanGrunsven
Wingert Walker

Absent:

Roger Gano
Harold Grobey
Tommy Tucker

Fred LaBonte
Donna Proctor
Clarence Stouffer
Lyle Wilson

Staff Present:

Michael Warren, City Administrator and Budget Officer
Arvilla Page, Finance Officer
Bob Sanders, Public Works Director

The function of the Capital Improvement Fund was described by Mike Warren. Revenues of \$463,989 are derived from fund balances, interest earnings, public land payments and transfers from other funds. No expenditure is projected from the Police Fund. The committee reviewed planned expenditures in the other five funds within the Capital Improvement Fund.

Mike Warren presented the Assessment Fund Budget. No projects are currently planned, but the budget allows for possible assessments of \$245,000 Street and \$12,000 sidewalks.

Mike Warren described the need for a Redevelopment Fund. Revenues in the future will be from tax increment receipts. The City is at the formative stage at present and the Council has approved retaining a consultant for \$22,000. Also included in the projected expenditures for the 1982-83 fiscal year is one-quarter of the Administrators salary. Until the tax increment is received, the revenue will need to be a loan from another fund.

Motion: Halstead-Probst to approve the Capital Improvement, Assessment and Redevelopment sections of the budget for 1982-83. Carried unanimously.

Mike Warren presented to the committee some of the posters showing advantages of a new tax base. He asked that each of the committee members help promote the new tax base and the 1982-83 budget.

Several Committee members asked for clarification of particular items in the budget.

Motion: Walker-Probst to adjourn at 9:00 p.m. Carried unanimously.

MEMO

TO: Art Pohl
FROM: City Adminsitrator
SUBJECT: Going beyond the call of duty.

DATE: April 5, 1982

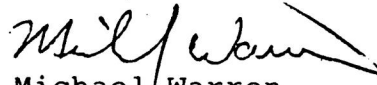
You may have recently noted that an article in the newspaper and information brought before the City Council has indicated Newberg's low crime rate. There are many points that can be attributed toward our crime rate. Some of these are location of city, numbers of people, numbers of police officers, luck, etc.

One point that I have not mentioned is the caliber of police officers. As with any profession the caliber of an individual is directly proportional to the amount of interest the individual has in his or her work.

Your association with the Western States Auto Theft Investigation Association is one indication of the interest you have in your work. Serving as the Vice President and then as President, demonstrates the respect you have from your peers.

The Chief has informed me about the meetings you have attended with the WSATI during your time off and the costs that you have paid for on your own.

I do hope that the City Council's and my attitude demonstrate our thanks to you and the other Police Officers on a daily basis. We are very proud of our Police Department and to all of the individuals in the City that take a great interest in their job. It is a person like yourself that makes Newberg a nice place to live.


Michael Warren
City Administrator

MW/bjm

cc: Personnel File
City Council✓

May 13

Can

Get back to me

NEWBERG PUBLIC SCHOOLS

5/3 *encl*

Gerald E. Post, Ed.D.
Superintendent



Newberg, Oregon
97132

April 8, 1982

RECEIVED

APR 12 1982

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

Mike Warren, Administrator
City of Newberg
City Hall
Newberg, Oregon 97132

Dear Mike:

Newberg's Old Fashioned Festival Committee was pleased with the action of the City Council in designating two local citizens as members of the Century Club. This is seen as another way to link our rich historical heritage with the present, and is supportive of some goals of our committee.

Please convey our appreciation to the Council.

GEP:cw

Very truly yours,

GERALD E. POST, Secretary
Old Fashioned Festival Comm.

MEMO

TO: Mikki Snell
Mike Fagan
Elisabeth Harney
Gwen Miller-Pearson

DATE: April 19, 1982

FROM: City Administrator

SUBJECT: Press Release

This past week Yamhill County Circuit Court, Department of Family and Juvenile Court Services presented the City of Newberg with some interesting statistics.

Agency referrals to the court for 1981 in the juvenile section were as follows:

Criminal incidents decreased 23%
Status offenses decreased 32%
Neglect and abuse the same
Total kids decrease 29%
Total incidents decreased 24%

It is difficult to tell whether our Police Department is getting better or the kids are improving. The City looks at this as we have past statistics regarding our Police Department and are very pleased with the overall decrease in crime from 1980 to 1981.

For more information you may contact the Police Chief.

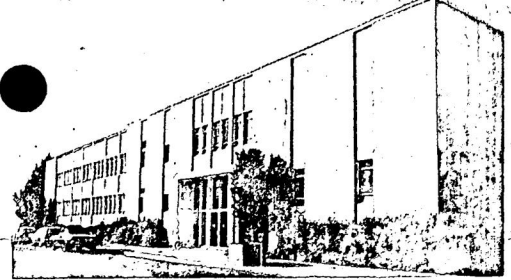

Michael Warren
City Administrator

MW/bjm

cc: Police Chief

YAMHILL COUNTY

Oregon



CIRCUIT COURT OF OREGON
DEPARTMENT OF FAMILY AND
JUVENILE COURT SERVICES

Ted Molinari, Director
Room 208, County Courthouse

April 8, 1982

MEMO

To : Herb Hawkins, Newberg Police Department

From: Alan Young, Juvenile Department

I have attached a copy of our 1981 Annual Report for your information. Your agency referrals to the Court, as compared to 1980, are as follows:

criminal incidents - decreased 23%
status offenses - decreased 32%
neglect and abuse - same
total kids - decreased 29%
total incidents - decreased 24%

III 4

may 3 mch
Route 5, Box 340,
Newberg, 97132,
Oregon.

March 30th.

Newberg Fire Dept.,
759 S.E. 99 W.

Dear Sir,

Both my husband & myself would like to thank
the two members of your department that came & hauled our injured dog
Toby out of the gully near our home. They did a wonderful job &
saved our dog much pain & discomfort.

Thank you very much.

Alan & Margot Finke.

H. E. Finke

ALDEN F. KRIEG
SUITE 220 MOHAWK BUILDING
PORTLAND, OREGON 97204

my 3
counsel my

March 29, 1982

Chief of Police
City Hall
Newberg, Oregon 97132

Dear Chief:

Mrs. Krieg and I have developed a really good feeling about the city of Newberg. As we were returning from the coast last Sunday afternoon we stopped at a Mobil Station in Newberg. While there, the keys to our car were inadvertently locked inside.

Dave at the Mobil Station called every place he knew to get help. But on a sunny Sunday afternoon people were just not available. Dave called your police department and soon Officer Scott Jones appeared on the scene. He worked diligently and patiently in an attempt to unlock the door, which was finally accomplished by Mark Storm who arrived on the scene to help.

We wanted you to know that we were appreciative of the efforts of Scott Jones, who is a credit to your police force.

Appreciatively,


ALDEN F. KRIEG

MAR 30 1982

By

III 6

THIS IS A PROCLAMATION PROCLAIMING THE WEEK OF SUNDAY, MAY 23, 1982 TO SATURDAY, MAY 29, 1982 AS NATIONAL PUBLIC WORKS WEEK IN THE CITY OF NEWBERG.

WHEREAS, Public works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets, and public buildings; and

WHEREAS, The health, safety, and comfort of this community greatly depend upon these facilities and services; and

WHEREAS, The quality and effectiveness of these facilities, as well as their planning, design, and construction are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform;

NOW, THEREFORE BE IT RESOLVED that as the Mayor of the City of Newberg, I do hereby proclaim the week of May 23, 1982 to May 29, 1982 as National Public Works Week in the City of Newberg, and call upon all citizens and civic organization to acquaint themselves with the problems involved in providing and funding our public works systems and services, and to recognize the contributions that public works officials make every day to our health, safety, and comfort.

DATED this 5th day of May, 1982

Elvern Hall - Mayor

MEMO

TO: City Council

FROM: City Administrator

SUBJECT: Letter from Dennis Hagen

DATE: April 23, 1982

The excitement builds. It's hard to believe an Old Fashioned Festival better than last year's but it looks like that's exactly what we will have. The parade is scheduled to last approximately 2 hours and we will have at least the same number of events as we did last year.

The biggest addition, of course, will be the Champoege Historical Pageant. It will be held in Champoege Park except for at least one weekend when the pageant will move over to the City of Newberg. Ewing Young Park on the other side of Charles Street is being converted into a amphitheatre. The Park and Recreation Director and I have spoken and we would anticipate, very shortly, having the annexation of that piece of property within the City. This takes some time and effort by Park's and City's staff in coordinating boundaries and doing the leg work but I am sure that it will be done shortly.

Economic times are not good and Newberg is feeling the pinch as all cities are in the State of Oregon. The Governor, Tony Meeker, Bill Rutherford, etc. have all commented on the positive approach that Newberg has taken. We have had setbacks and probably will continue to have a few other setbacks but as long as we keep on looking at the positive side and what progress we have made in certain areas, spirits should remain high. Certainly the Newberg Old Fashioned Festival is one of the most positive things that has happened to the City of Newberg in quite a while.

Dennis Hagen is approaching the City with a request for some assistance. The last paragraph of his letter says in part that "our efforts are identified as being related to the Council's efforts." I agree that it is a valuable connection for everyone. We have agreed to put in the highway signs on the four main entrances to town and as soon as we have the signs from Dennis we will coordinate with the Newspapers to get pictures and gladly place them in their proper location.

The other two items are money related items. While I am very supportive of the Old Fashioned Festival, I also must see to the monetary affairs of the City. I therefore recommend that we assist the Old Fashioned Festival upon Dennis Hagen's request of no more than \$1,000 at this time. (We do not know what will happen on May 18th) Specifically, this would mean buying 10,000 Old Fashioned Festival brochures and placing an add in the St. Paul Rodeo program which will be seen by 50,000 people three weeks before the fesitval.

It would be nice to contribute even more money and except for our financial plight and the uncertainty of our future, I would not suggest that the City Council go too far beyond what I have recommended.


Michael Warren
City Adminsitrator

MW/bjm

April 22, 1982

Michael Warren
City Administrator
Newberg, Oregon 97132

Dear Michael:

On your suggestion, I am writing to you and the city council concerning the present status of the Champoege Historical Pageant and the Old Fashioned Festival.

We all are aware of the excitement about our city at present. My role as being one associated with the pageant and the festival allows me to meet with people as an unofficial representative of Newberg. I've never been interested in the role of a fund raiser, but find that a good idea is easy to sell if the entire community benefits.

For example, the anticipated amphitheatre for Ewing Young Park will be the property of parks and recreation as they supervise the park. My role is to engender support to bring this city amphitheatre to reality.

We established a general figure of \$20,000 and decided to try and raise it by donation. You will understand my excitement as I give you this progress report.

1) Survey, Slope Design

Dick Mursell was asked to assist in this project as a professional, and he is donating the entire project.

2) Excavation

Bill Page has offered the equipment and the operator at no cost.

3) Lumber

An anonymous donation of all the seats has been offered from a stand of cedar by an owner of a wood lot.

4) Sawmill

A mill near the wood lot has offered to cut the lumber to our specification at no cost.

5) Transportation

Doug McIntyre has offered to use Willamette Industries trucks of Newberg to bring the lumber to an assembly site.

6) Assembly

A local boy scout troupe has offered to assemble all benches through their eagle scout work-a-thon program. They have offered 50 to 100 individuals, which is based on a similar project they did last year.

Since this will be a city amphitheatre controlled by city parks and given as a gift for whatever use, we thought we should ask if the city council would want to participate in the project in some way.

You had suggested I return with concerns that the council might consider:

AMPHITHEATRE NEED

We anticipate our largest bill to be the treated 4x4's which will support the benches.

Michael Warren
April 22, 1982
page 2

This figure will be in the multi-thousand level. Realizing the city's dilemma of knowing what to support, I would suggest consideration of a donation of one to four thousand dollars. We need the larger figure, but would be honored to accept the lower amount.

OLD FASHIONED FESTIVAL BROCHURE

Tourism will help Newberg only if we can attract people. The festival will attract 40% more participation by our conservative estimates this year. However, we are on a very limited budget and are unable to print a brochure. We have one prepared by the committee which is highly professional, comparable to the upper 10% of those we've reviewed. To print 5,000 would cost \$435; 10,000 would be nearly \$700. In addition, we want to place a \$120 ad in the St. Paul Rodeo program which anticipates 50,000 spectators 3 weeks before our festival. Thus, these two new ideas which would greatly increase our visibility would be either \$550 or \$820. If the city has money for tourism, we believe this is a very good use of our dollar. The lower figure would suffice if you wanted to spread your money to another project such as the amphitheatre.

HIGHWAY SIGNS

We have five signs to be donated to Newberg. Springbrook merchants are buying and placing a wooden sign for the east entrance to the city. Various service clubs under the direction of the Old Fashioned Festival Committee have donated the funds for four metal signs designed by our members. Upon your suggestion, we will deliver the four signs to your office to be put up by city crews. We are very pleased we could engender the enthusiasm for these signs which totally cost approximately \$1,800.

In conclusion, let me say that the atmosphere wherein I find myself daily is one of unique optimism and interest in the city. We will do our best as volunteers to keep the enthusiasm high through quality programs. In some ways, our efforts are identified as being related to the council's efforts. That is a valuable connection for everyone. If you can assist us monetarily in any way, we would be most grateful.

Very Sincerely,



Dennis Hagen
Chairman
Old Fashioned Festival

DH:dr

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Design Review Ordinance

DATE: April 26, 1982

Enclosed is the revised ordinance by the Ordinance Committee. Other than some grammatical changes the major change in this ordinance addresses the concern expressed at the Planning Commission level. Specifically, this is the review body. This has been changed to the Planning Director, Engineer and the Building Official, rather than a lay group outside the City. The reason for this is primarily because of the time factor. It is obviously easier to get together the three people mentioned above rather than to coordinate a time, send notices, etc. and bring outside people into the process. This does allow, however, for input from the School District, County Planning Department, Waste Collection Agency, representative of the Home Builders Association, Realtor Board, etc.

The Design Review Ordinance has been discussed for over a year now and the enclosed ordinance seems to meet most everyone's ideas of what a design review ordinance should be. It will surely add some consistency and attractiveness to future developments.

The ordinance was recommended to the City Council for approval by the Ordinance Committee.


Michael Warren
City Administrator

MW/bjm

Enc.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 1968, PASSED AND APPROVED JULY 3, 1979, AS AMENDED, THE "ZONING ORDINANCE OF THE CITY OF NEWBERG", TO ESTABLISH DESIGN REVIEW PROCEDURES AND STANDARDS FOR CERTAIN DEVELOPMENTS IN THE CITY OF NEWBERG OREGON.

WHEREAS, in order to provide for a well planned community and more attractive and functional development within the City of Newberg pursuant to the concern of the people of the city a design review ordinance was drafted and proposed for public review in April, 1981; and

WHEREAS, the Citizens Involvement Advisory Committee of the City of Newberg, after numerous public meetings by city staff with the public and Newberg developers, held extensive public hearings relating to this matter from October, 1981 through December 8, 1981; and

WHEREAS, at the December 8, 1981 meeting of the Newberg Citizens Involvement Advisory Committee the CIAC voted unanimously to recommend adoption of the design review amendments to the Zoning Ordinance herein contained; and

WHEREAS, the Newberg Planning Commission extensively reviewed the proposed ordinance amendments in public hearings from December, 1981 through March, 1982 and received public input and made revisions to said ordinance amendments and at its March 18, 1982 meeting recommended adoption of the ordinance amendments; and

WHEREAS, the Ordinance/Legislative Committee of the City Council of the City of Newberg has reviewed these proposed ordinance amendments; and

WHEREAS, the City Council of the City of Newberg has held public hearings on the proposed design review ordinance amendments at its April and May, 1982 meetings; and

WHEREAS, after due deliberation the City Council of the City of Newberg has determined that the design review ordinance amendments would be in the best interests of the City of Newberg and its citizens.

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

Section 1. That Section 612 of Ordinance No. 1968, the Zoning Ordinance of the City of Newberg, passed and approved July 3, 1979, as amended, shall be amended to read as follows:

612 Purpose.

1. These provisions provide for the review and approval process of the design of certain developments and improvements in order to promote functional, safe and innovative site development compatible with the natural and man made environment.
2. The elements of a Design Review Plan are made up from the layout and design of all proposed improvements, which include but are not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

V'

3. Findings and Objectives.

- A. The City Council finds that excessive uniformity, inappropriateness or poor quality of design in the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinder the harmonious development of the City, impair the desirability of residences, investment or occupation in the City, limits the opportunity to attain the optimum use and value of land and improvements, adversely affects the stability and value of land and improvements, produces degeneration of property in such areas, and with attendant deterioration of conditions affecting the peace, health and welfare of the City, and destroys a proper relationship between the taxable value of property and the costs of municipal services therefore.
- B. The City Council declares that the purposes and objectives of site development requirements and the architectural review process are to:
1. Encourage a clear, orderly, consistent and expedient design review process.
 2. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.
 3. Discourage monotonous, drab, unsightly, dreary and inharmonious development.
 4. Promote the City's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
 5. Protect and enhance the City's appeal to tourists and visitors and thus support industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
 6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services.
 7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change, and improvement.
 8. Stabilize and improve property values and prevent blighted areas.
 9. Sustain the comfort, health, tranquility and contentment of residents and, thus, to promote and protect the peace, health and welfare of the City.

Section 2. That Section 614 of Ordinance No. 1968, the Zoning Ordinance of the City of Newberg, passed and approved July 3, 1979, as amended, shall be amended to read as follows:

614 Board of Design Review.

1. Purpose. In order to carry out the purpose and objectives of this ordinance and to carry out such further duties and functions as may be assigned by the City Council, a Board of Design Review is hereby established.

2. Board of Design Review. There is hereby established a Board of Design Review whose members and manner of transacting business shall be as follows:
 - A. Members: The Board shall consist of the Newberg Planning Director, Engineering/Public Works Director and the Newberg Building Official. Members of the Design Review Board may designate an alternate to act in their behalf.
 - B. Chairman: Secretary. The Newberg Planning Director shall be the Chairman and Secretary of the Design Review Board. The Chairman shall be counted to determine a quorum and shall have the same rights as other members of the Board, including the right to vote.
 - C. Quorum: Voting. Three members shall constitute a quorum for the transaction of business. A majority of the members present shall be required for all Board actions.
 - D. Meetings: Records. The Board shall hold one (1) meeting each month. However, a meeting may not be held if there are no drawings or plans submitted for review by the Board. The deliberations and proceedings of the Board shall be public. The Board shall keep minutes of its proceedings and such minutes shall be public records. Special meetings of the Board may be called by the Chairman or at the request of any two (2) members on twenty-four (24) hours reasonable notice to the public and at least twenty-four (24) hours actual notice to the Board members.
 - E. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this ordinance.
3. Design Review Procedure.
 - A. Action by the Planning Director. Upon receipt of a completed application for Design Review of a site, the Planning Director shall distribute copies to the appropriate departments for review, comment and recommendation. The Planning Director may also request comments and recommendations from the local solid waste collection agency, the Newberg School District, Yamhill County Planning Department, and any other group, department or agency which may be affected by the development. If no response is received within five (5) working days, it shall be assumed that the department(s), agency(s), and group(s) approve the proposal as submitted, unless an extension of time is otherwise requested. In addition, the Planning Director may also request comments from representatives of the local Homebuilders Association, Realtors Board, financial institutions, an architect or landscape authority.
 - B. Action by the Board. The Board shall, within fifteen (15) working days of their receipt of the application, either approve the request, with or without conditions or stipulations, deny the request, or, when further information is required, postpone a decision on the application until such information can be provided. Applications must be submitted in conformance to Section 618 of this ordinance. The Board shall base their decision upon the criteria and standards found within Section 620 and 622 of this ordinance. Any conditions attached to the approval of the site plan shall not be used to reduce plan densities, unreasonably increased development costs, or exclude needed housing types.

- C. Effective Date of Decisions and Appeals. A decision of the Board shall become effective ten (10) working days after the date of the decision unless the decision is appealed. Any appeal of the decision of the Design Review Board shall be made to the Planning Commission and City Council in the same manner as is identified in Sections 682 - 690 of the Newberg Zoning Ordinance.
- D. Duration of Decision. No decision of the Board granting a design review approval shall be valid for a period longer than one year, provided however, that within this one year period, the Planning Director may, upon motion of the applicant, extend the approval for an additional six (6) months period. If building or construction permits are not issued within this time period, then the design review approval shall be considered null and void and no construction shall take place.
- E. Installation of Landscaping. All landscaping required by these provisions and approved by the Board shall be installed prior to the issuance of occupancy permits, unless security equal to 110% of the cost of the landscaping as determined by the City Engineer and Planning Director is filed with the City, insuring such installation within six (6) months of occupancy. "Security" -Cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the City Attorney shall satisfy the security requirements. If the installation of the landscaping is not completed within the six (6) month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.

Section 3. That Section 616 of Ordinance No. 1968, the Zoning Ordinance of the City of Newberg, passed and approved July 3, 1979, as amended, shall be amended to read as follows:

616 Jurisdiction and Powers of the Board.

- 1. Application of Ordinance. Except for single family dwellings in any residential zoning district, no building, grading, parking, land use, sign or other required permits shall be issued, and no permits for a major remodeling of an existing structure shall be issued, until the plans, drawings, sketches and other documents required under these provisions have been reviewed and approved by the Board in conformity with the criteria specified within these provisions. For the purpose of this section, the term "major remodeling" shall mean any remodeling that substantially changes the exterior appearance of the buildings and/or any construction, the cost of which exceeds 25% of the assessed valuation.
- 2. Development in Accord with Plans. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance, and replacement of any part of the building or landscaping which does not involve a substantial change from the goals and objectives in Section 612. Proposed "substantial changes" shall be submitted to the Board at its next regularly scheduled meeting. If the Board objects to such proposed changes, they shall be subject to the procedures and requirements of the site design review process applicable to new proposals.

Section 4. That Section 618 of Ordinance No. 1968, the Zoning Ordinance of the City of Newberg, passed and approved July 3, 1979, as amended, shall be amended to read as follows:

618 Design Review Plan.

1. Any Design Review Plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches, and descriptions as are necessary to describe the proposed development. The plan shall not be deemed complete unless all information within the application is completed. Prior to filing a design review plan, the applicant shall file with the Planning Department a design review plan which shall contain the items listed in Section 618-2.
2. Design Review Plan Requirements.
 - A. Site Development Plan. A site development plan shall be to scale and shall indicate the following as appropriate to the nature of the use:
 1. Access to site from adjacent right-of-way, streets and arterials;
 2. Parking and circulation areas;
 3. Location and design of buildings and signs;
 4. Orientation of windows and doors;
 5. Entrances and exits;
 6. Private and shared outdoor recreation spaces;
 7. Pedestrian circulation;
 8. Outdoor play areas;
 9. Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery;
 10. Areas to be landscaped;
 11. Exterior lighting;
 12. Special provisions for handicapped persons;
 13. Other site elements and spaces which will assist in the evaluation of site development.
 - B. Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics:
 1. Relationship of adjacent lands;
 2. Location of species of trees greater than 4 (four) inches in diameter at 4 (four) feet above ground level;
 3. Topography;
 4. Natural drainage;
 5. Natural features and structures having a visual or other significant relationship with the site.
 - C. Architectural drawings indicating floor plans and elevations.
 - D. Landscape Plan. The landscape plan shall indicate:
 1. The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;
 2. Proposed site contouring.
 - E. Proposed minor exceptions from yard, parking and sign requirements.
 - F. Design review application fee.

Section 5. That Section 620 of Ordinance No. 1968, the Zoning Ordinance of the City of Newberg, passed and approved July 3, 1979, as amended, shall be amended to read as follows:

620 Design Review Criteria.

1. Approval of the final design review plan shall be based upon the following criteria:
 - A. Relation of the design review plan elements to environment.
 1. The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.
 2. The elements of the design review plan should promote energy conservation and provide adequate protection from adverse climatic conditions, noise, and air pollution.
 3. Each element of the design review plan shall effectively, efficiently and attractively serve its function. The elements shall be on a human scale, interrelated and shall provide spatial variety and order.
 - B. Safety and Privacy. The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from private to public spaces.
 - C. Special Needs for Handicapped. Where appropriate, the design review plan shall provide for the special needs of handicapped persons, handicap parking spaces, ramps for wheelchairs and braille signs
 - D. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their function. Preserved trees and shrubs shall be protected during construction.
 - E. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, parking, special attention shall be given to the location and number of access points, the general interior circulation, separation of pedestrian and vehicular traffic, the arrangement of parking areas that are safe and convenient and shall be harmonious with proposed and neighboring buildings and structures.
 - F. Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Retention devices as a control for abnormal rate of runoff shall be considered.
 - G. Buffering and Screening. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impact on the site and neighboring properties including but not limited to visual and sound pollution.
 - H. Signs and Graphics. The location, texture, lighting, movement and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan including buildings, structures and surrounding properties.

- I. Solar Access. The location of all structures, signs and landscape screens shall be designed to encourage solar access of structures.
- J. Exterior Lighting. Exterior lighting within the design review plan shall be located as not to adversely affect the privacy of adjoining properties.
- K. All trash or refuse storage areas shall be screened.

Section 6. That Ordinance No. 1968, passed and approved July 3, 1979, as amended, the Zoning Ordinance of the City of Newberg, shall be amended to add a new Section 622 which reads as follows:

622 Required Minimum Standards.

- 1. The design review plan and application must fully conform to the policies identified within the Newberg Comprehensive Plan and its implementing ordinances.
- 2. Private and Shared Outdoor Recreation Areas in Residential Developments.
 - A. Private Areas. Each ground level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.
 - B. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any duplex or multi-family residential development, as follows:
 - 1. One or two bedroom units:
200 square feet per unit
 - 2. Three or more bedroom units:
300 square feet per unit
 - 3. Storage Areas Required in Residential Developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbeques, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.
 - 4. Required Landscaped Area. The following landscape requirements are established for developments subject to a design review plan approval:
 - A. A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under Subpart C of this subsection.
 - B. All areas subject to the final design review plan and not otherwise improved shall be landscaped.
 - C. The following landscape requirements shall apply to parking and loading areas:
 - 1. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - 2. A parking or loading area shall be separate from any lot line adjacent to a street by landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip of at least 5 feet in width.

3. A landscaped strip separating a parking or loading area from a street shall contain:
 - a. Street trees spaced as appropriate to the species, not to exceed 50 feet apart on an average.
 - b. Low shrubs, not to reach a height greater than 3 feet, spaced no more than 5 feet apart on the average.
 - c. Vegetative ground cover.
 4. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 5. A parking landscape area shall have a width of not less than 5 feet.
 6. An island of landscaped area shall be located to separate blocks of parking spaces. No more than 7 (seven) parking spaces may be grouped together without an island separation.
- D. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the Council through resolution. The Planning Director and City Engineer shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the Newberg City Council.
1. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two (2) inch caliper tree trunk or stalk at a measurement of two (2) feet up from the base and shall be balled and burlaped or boxed.
 2. Collector and local street trees shall be spaced approximately 35-40 feet on center. These trees shall have a minimum of an 1½ - 1 ¾ inch tree trunk or stalk and shall be balled and burlaped or boxed.
 3. Accent trees. Accent trees are trees such as flowering cherry, flowering plum, crabapple, hawthorne and the like. These trees shall have a minimum 1½ inch caliper tree trunk or stalk and shall be at least 8 - 10 feet in height. These trees may be planted bare root or balled and burlaped. The spacing of these trees should be approximately 25 - 30 feet on center.
 4. All broad leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 - 15 inches and shall be balled and burlaped or come from a 2 gallon can. Gallon can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas or locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, 3 - 8 feet, and shall be identified on the landscape planting plan.
 5. Ground cover plant material. Ground cover plant material such as greening juniper, cotoneaster,

minor Bowles, English ivy, Hypericum, etc. shall be one of the following sizes in specified spacing for that size:

- | | |
|--------------------|------------------|
| 1. Gallon Cans | 3 feet on center |
| 2. 4" Containers | 2 feet on center |
| 3. 2½" Containers | 18" on center |
| 4. Rooted Cuttings | 12" on center |

Bark mulch is not considered a ground cover.

- E. Provisions shall be made for watering planting areas where such care is required. Automatic sprinkling should be considered to be the primary form of watering planting areas.
- F. Required landscaping shall be continuously maintained.
- G. Maximum height of tree species shall be considered when planting under overhead utility lines.
- H. "Landscaped" means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

Section 7. That Ordinance No. 1968, passed and approved July 3, 1979, as amended, the Zoning Ordinance of the City of Newberg, shall be amended to add a new Section 624 which reads as follows:

624 Minor Exceptions: Yard, Parking and Sign Requirements.

- 1. In conjunction with final design review plan approval, the Planning Director may authorize minor exceptions from the following requirements:
 - A. Dimensional standards for yard setback requirements as required in the primary district.
 - B. Dimensional standards for off-street parking spaces.
 - C. Standards for minimum number of off-street parking spaces; and an allowance for up to 25% of the required spaces to be used for compact cars excepting handicapped parking requirements.
 - D. Dimensional standards for signs as required in the primary district.
 - E. Dimensional standards relating to the spacing of street trees.
- 2. No minor exception shall be greater than 25% of the requirement from which the exception is granted.
- 3. Approval of a minor exception shall be based on written findings, as required in this subpart.
 - A. In the case of a minor yard exception, the Design Review Committee shall find that approval will result in:
 - 1. More efficient use of the site.
 - 2. Preservation of natural features, where appropriate.
 - 3. Adequate provision of light, air and privacy to adjoining properties.
 - 4. Adequate emergency access.
 - B. In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Board of Design Review shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:
 - 1. Special characteristics of users which indicate low demand for off street parking (e.g., low income, elderly).

2. Opportunities for joint use of nearby off-street parking facilities.
 3. Availability of public transit.
 4. Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.
 5. Possible conversion of the site to other uses in the future.
- C. In the case of a minor exception to the dimensional standards for signs, the Board of Design Review shall find that approval is necessary for adequate identification of the use on the property and will be compatible with the elements of the design review plan and with the character of the surrounding area.

Section 8. That Ordinance No. 1968, passed and approved July 3, 1979, as amended, the Zoning Ordinance of the City of Newberg, shall be amended to add a new Section 626 which reads as follows:

626 Variances.

A variance to these requirements may be sought by the applicant through the procedures identified in Sections 672 through 698 of the Newberg Zoning Ordinance.

Section 9. That Ordinance No. 1968, passed and approved July 3, 1979, as amended, the Zoning Ordinance of the City of Newberg, shall be amended to add a new Section 628 which reads as follows:

628 Compliance.

Once approved, the development of the site must conform to approved site plans and all conditions attached thereto. Any departure constitutes a violation of this ordinance.

PASSED by the Council this day of , 1982, by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - City Recorder

APPROVED by the Mayor this day of , 1982.

Elvern Hall - Mayor



POET ENTERPRISES, INC.

REAL ESTATE

John R. Poet
President-Broker

"Make POETry with the PROS(e)"

Doris C. Poet
Secretary-Treasurer
Salesperson

April 2, 1982

Mr. Michael Warren, City Administrator
Newberg, Oregon

Re: Proposed Design Review Ordinance

Dear Mike:

I feel that I would like to give you the areas of concern I had, as a member of the Planning Commission, which caused me to vote "no" on referring this ordinance to the City Council.

My basic concepts have been - and still are - to have no more rules and regulations than are really essential. As I started to listen to public testimony, and participated in literally hours of panel discussion, I thought we had no need for any of this. However, I have become aware that there are areas not covered in zoning and building requirements that are causing some problems.

Certainly I could not fault anything in the Purpose or Findings and Objectives of this proposed Ordinance with which I would not agree (Para. 612)

I do have very strong objections to almost, if not all, of Para. 614. I certainly would be more comfortable with a Staff Board of City Employees. To me, a Board made up entirely of appointees designated from "special" fields would be very unpredictable - and almost unreachable - to either the City or the Developer/Builder. As proposed, these members would not necessarily even be required to live in the Urban Growth Boundary. I believe a City Staff would soon set a pattern on the many "variables" that the Developer/Builder could rely on and know how to comply with. If there were problems, through your Office and the Council any voices of protest could be heard quickly. I think both you and the Council are very receptive to the wishes of the Community. Another very strong point for a "Staff" Board would be a much quicker "turn around" time for the proposed project. This would certainly cut down the Builder's costs.

A change of Para. 614 might cause some re-wording of Para. 616.

I think in the hands of a Staff Review Board Para. 618 might be acceptable. I am somewhat concerned with the explicit citing ^{of} size and location of trees (2-B,b).



POET ENTERPRISES, INC.

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John R. Poet
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Secretary-Treasurer
Salesperson

(2)

I understand that the Staff recommendation is going to be to strike Para. 620 I.
The rest seems to be O. K.

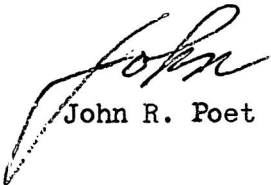
In Para. 622, 4 - A seems to me to be a bit too restrictive. Possibly to add a
"where possible" clause could avoid some future problems. 4 - D is pretty restrictive,
too.

I hope this may let you see where I was coming from in voting against recommending this
Ordinance as it stands.

I am sure that you and I and the Staff share the same goals, as do most, if not all,
of the people of Newberg. That is, we all want to see improvement in every part of
our City. We probably have some areas in which we would pursue different methods
and channels to accomplish our mutual goals.

You have my permission to use this letter of explanation and comments in any way you
choose,

Sincerely yours,



John R. Poet

1982-1983 CITY BUDGET

On May 18, 1982 one of the most important elections in the City of Newberg's history will be held. The election will determine the quality of life we have in our City. City services such as Police, Fire, Municipal Court, Street Lighting, Library, Planning, Engineering, etc. are all included in the City Tax Base Election on May 18.

Your City Officials have attempted to meet YOUR concerns. Consequently, there are fewer City employees in next year's budget, the same high level of services as you have been receiving and a very likely DECREASE in your property taxes.

The budget of the City of Newberg is simple. Because of a tax base that has not been changed since 1916, the City continually must go back to the voters for A/B Ballots. Tax bases and A Ballots (which have a maximum) are eligible for property tax relief from the State. In other words, the State will pay part of your tax bill. The B Ballot, however, is not eligible for property tax relief. The City is proposing this year to simply combine the A and B Ballots into a new and realistic tax base. The tax base will be 100% eligible for property tax relief and will very likely lower most people's taxes if property tax relief continues. It will also eliminate the expense of having to hold the elections continually.

This election is important because if it fails the City will be \$900,000 short on a \$2 million budget and we will need to cutback 40 to 50% of our current services.

The City has tried hard to utilize your tax dollar in a fair and responsible manner. It is hoped that the citizens have seen this for the past year and realize that next year's budget addresses the citizens' concerns and needs.

If you have any questions please call the City Administrator at 538-9421.

II 1 2

The 1982-83 Budget was prepared with the people of Newberg in mind. This is your budget and your considerations are the most important. You have asked for no more government so the budget contains a 3.5% decrease in personnel. You have asked for the same high level of services and consequently services have not been decreased. You have asked for an efficient handling of the property tax dollar and that has been addressed by asking for a tax base which is 100% eligible for property tax relief (in the past only 61% was eligible).

The expected expenditures for 1982-83 is \$2,330,000. The City's revenues for the upcoming year are only \$1,371,000. The City's short fall or the amount needed from the citizens is approximately \$1,000,000.

HOW DO YOU GET THE MONEY NEEDED?

The tax base, which has not changed since 1916, represents \$118,000 or approximately 5% of the revenues needed to operate the General Fund. Under Oregon Law the City can go to the voters with either an A/B Ballot system or a tax base. On May 18 the City will be asking for a tax base because it is the least expensive method for the citizens.

WHAT IS THE GENERAL FUND?

The General Fund is the Financial means of operating the City. It provides services such as Police, Fire, Municipal Court, Finance, Administration, Legal, Planning, Building, Engineering, Street Lighting, City Hall, Social Services, Library and Special Commissions.

IS THE MONEY SHORT FALL NEW TO NEWBERG?

No. Last year in order to operate at a decent level of service the City needed the tax base of \$118,000, an A Ballot of \$411,000 and a B Ballot of \$340,000. As mentioned above, only 61% of this was eligible for property tax relief. The year before the City asked for a tax base of approximately \$800,000 and it failed by only 84 votes without the public being totally informed. In other words, the people of Newberg are aware that the current tax base, one of the lowest in the entire State, is not enough money needed to operate the General Fund.

WILL MY CITY TAXES GO UP?

Probably not. The reason is that there will be a greater percent eligible for property tax relief. In fact, even if the property tax relief was eliminated entirely by the State, it would mean a less than 3% raise in the total tax rate.

ARE THERE ADVANTAGES TO THE PROPOSED TAX BASE?

The answer is simple:

1. You will have a greater percent eligible for property tax relief.
2. By having a realistic tax base the City can plan for more than one year in advance. This is essential to a well planned community.
3. We will not have to spend money on elections for tax bases, A/B Ballots, etc. (more efficient).
4. It will save many hours of staff time. Too much time being spent on elections and tax bases.

ARE CITY TAXES WORTH IT?

That is an individual choice, but here are some facts to consider:

1. If your family makes \$20,000 a year, you pay almost \$200 a month in State taxes. Federal government taxes are even more. City taxes on a house assessed at \$50,000 are less than \$20 a month.
2. The Fire and Police Departments are noted as two of the best in the State.
3. Your fire insurance or homeowners policy is less because of our efficient and well trained Fire Department.
4. The Police Department is responsible for one of the lowest crime rates of a City our size in the State of Oregon.
5. No one can deny the quality of life in Newberg is very good. Cutting City taxes has a direct affect on the quality of life in our City.

IF THE NEW TAX BASE IS VOTED IN HOW WILL WE COMPARE WITH OTHER CITIES?

We will still be low. Look at the tax rates of the General Fund of cities of similar size:

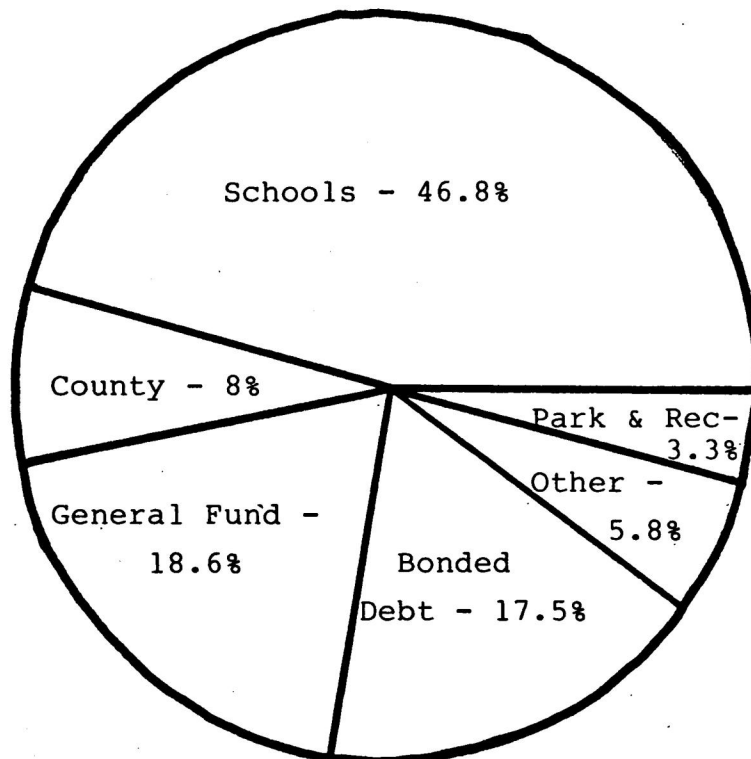
VI 2

1982-83 Budget Information

Astoria	9.44
Cottage Grove	8.19
LaGrande	7.55
Roseburg	6.78
Oregon City	6.34
Lebanon	5.03
Newberg	4.72

WHAT PERCENT OF THE TOTAL PROPERTY TAX DOLLAR DOES THE CITY GENERAL FUND RECEIVE?

In 1976-77 it was 25.8%. It has gone down since then and in 1981-82 the City received 18.6% toward the General Fund.



WHAT IF THE NEW TAX BASE FAILS ON MAY 18th?

The City may go back to the voters for an A/B Ballot but since the B Ballot is not eligible for property tax relief it could be more expensive for the voters.

The other alternative is to cutback City government approximately 50%. This method would have a dramatic effect on all services in the City of Newberg.

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: 1982-83 Budget

DATE: April 26, 1982

In record time the enclosed budget has been prepared by the City Staff, reviewed by the City Administrator, reviewed by the Budget Committee, approved by the City Council and collated by the Finance Director. The last part of the process is very difficult and time consuming. It means making appropriate adjustments and knowing the budget well enough to put figures in the right place and transfers in the correct fund.

The Finance Director is to be singled out for her special efforts and work on the budget. There were some changes such as the spreading of benefits that provided extra twists and turns in the process this year. It all came together very well and the City Council should be very proud of a well designed and prepared budget.

It is hopeful that we will not have to go through this process again this year.


Michael Warren
City Administrator

MW/bjm

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Audit Proposal

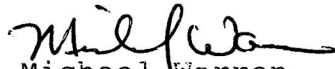
DATE: April 23, 1982

The attached memorandum from the Finance Director best describes the City's recommendation. However, a reason for going out for bid is in order.

For the past 4 or 5 years the City has used the firm of A. John Montgomery to do its audits. It is a very basic audit report with no frills. Mr. Montgomery has done an excellent job and we have no complaints.

Good city practices include approximately every 3 years going out for an audit bid. The reason for this is two-fold. First it encourages the competitive market and insures that our prices are correct. Secondly, and most importantly, it allows another pair of eyes to look at the City, **perhaps** from a slightly different angle and provides that reassurance that our books are correct.

In recommending the firm of Arthur Anderson and Company, the Hospital Finance Director, the City Finance Director and myself looked at the firm's reputation, its experience with Hospitals and cities and of course, the price. We all agree that Arthur Anderson and Company will do a very good job for the City and has a very competitive price.


Michael Warren
City Administrator

MW/bjm

Enc.

TO: Mike Warren

April 8, 1982

FROM: Finance Officer

SUBJECT: Audit Proposals - Year ending 6/30/82

We received five bids for audit services, four of which I consider excellent bids. These four ranged from the lowest to the highest bids. The highest bidder listed services which would be of benefit to us, but for which we had not requested bids. The other bidders did not quote on these services. The highest bidder, Arthur Anderson was asked to resubmit the bid omitting the extra services. This bid has now been received.

The two lowest bidders for the City audit and for the Hospital audit are Gregor & Mason at \$3,990 and \$3,500, and Arthur Anderson at \$4,750 and \$5,150.

Selecting between these two lowest bidders, I have considered experience with a city the size of Newberg, relative location of their offices, our future needs in the Finance Department and of course, the cost.

Experience: Gregor & Mason has audited several small cities, but has not done one the size of Newberg. They have the contract to audit Dallas this year. Dallas would be comparable. They would need to hire outside help to do the audit.

Arthur Anderson & Co. has audited larger agencies and cities, but lists only one Oregon city, Lake Oswego, for comparison. Their agent informed me that they are just now expanding into audits of the smaller cities. They would use own personnel.

Location: Gregor & Mason is located in Eugene which is 90 miles.

Arthur Anderson & Co. is located in Portland which is 23 miles. Also, we have a Portland phone line which would facilitate contact.

Future Needs: As the City grows, the complexity of the accounting grows. There will be a continuing need to upgrade to more sophisticated accounting procedures.

Recommendation. Arthur Anderson & Co. based on experience and location. There is little comparison on which auditor would best meet our future needs. Gregor & Mason could probably do an adequate audit but they do not have the staff nor resources to advise us for future improvements in our accounting system.

Arvilla Page
Arvilla Page

CC: Dan Palmer

VIII 2

NEWBERG COMMUNITY HOSPITAL

MEMORANDUM

TO: Mike Warren

DATE: 4/21/82

FROM: Daniel C. Palmer, CPA

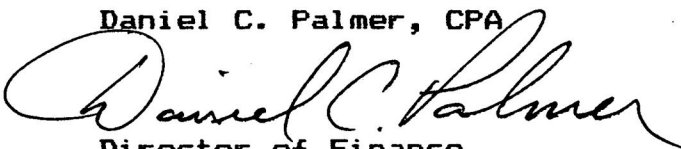
SUBJECT: FY 1983 Audit

After reviewing the proposals I recommend we engage the services of Arthur Andersen & Co. for our FY 1983 financial audit. Their proposal for basic audit services was the second lowest bid, therefore I feel obligated to explain my reasoning for passing over the low bidder.

In making their proposal the low bidder, Gregor & Mason neglected to gather any information from the Hospital. I don't see how they were able to make a proposal without some knowledge of the Hospital's operation. Their bid on the city is low, but reasonable. The fact that their bid on the Hospital is even lower, shows that they didn't take into consideration the relative complexity of the systems. Granted, the other firms projected only a token difference in their fees, except for Peat, Marwick & Mithchell, but I believe that is reasonable, based on the conversation I had with P.M.&M. In conversation with P.M.&M. they were very interested in how much work the Hospital was able and willing to do. I was probably guilty of overselling the Hospital's willingness to do the audit work. I would hesitate to recommend a firm that right up front misses such an important detail. If they don't take the time to gather information necessary for proposals, what else will they neglect?

Commenting on the two tier proposal from A.A., I would say just this. See if you like them as auditors before you look for systems consulting. I believe an unbundled approach to purchasing this type of service is preferable to buying a package deal, especially when you haven't done business with them in the recent past.

Daniel C. Palmer, CPA



Director of Finance

VIII 2

AUDIT PROPOSALS

<u>COMPANY NAME</u>	<u>CITY</u>	<u>HOSPITAL</u>	<u>TOTAL</u>
A. John Montgomery	5,000	5,800	10,800
Peat, Marwick & Mitchell	7,000	5,000	12,000
Gregor & Mason	4,020	3,600	7,620
Touche Ross	4,750	5,200	9,950
Arthur Anderson Tier A	7,500	7,500	15,000
.. .. Tier B	4,750	5,150	9,900

VIII 2

ARTHUR ANDERSEN & Co.

SUITE 1400, 111 S. W. COLUMBIA
PORTLAND, OREGON 97201
(503) 226-1331

March 29, 1982

Council Members
City of Newberg
City Hall
414 E. First Street
Newberg, Oregon 97132

Dear Council Members:

This letter shall constitute our bid for the basic audit services for the City of Newberg and Newberg Community Hospital and amend our original audit proposal dated March 15, 1982.

Our fees for the June 30, 1982 basic audit would be \$4,750 for the City and \$5,150 for the Hospital. Our fees for the fiscal years 1983 and 1984 would be the same, adjusted upward or downward for subsequent changes in the inflation rate. In no case, however, would the annual increase be more than 10% of the previous year's audit fees.

These above fees do not contemplate providing the 40 hours of consultation by our management information consulting group to help access the data processing needs of the City or the twenty hours of consultation by our tax group to determine if there are opportunities for the City to utilize current tax laws to reduce cost of services provided by taxable entities as originally discussed in our proposal of March 15, 1982. Our fees for such consultation and any other requested work would be in addition to the basic audit and would be charged at 75% of our standard billing rates at the time the work is performed. 75% of our current hourly rates range as follows:

Partners	\$94 to \$139
Managers	\$55 to \$89
Seniors	\$36 to \$51
Assistants	\$21 to \$33

ARTHUR ANDERSEN & Co.

Council Members

-2-

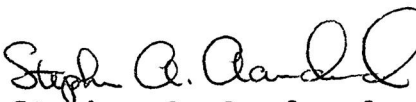
March 29, 1982

Our policy is to staff engagements with a mix of personnel having experience and skill levels appropriate for the particular service being rendered. This keeps the cost as low as possible and the quality of our service high. As a result, you could expect the average rate, at 75% of our current standard billing rates, would approximate \$41 per hour.

If we can be of further assistance or provide you with additional information, please call Steve Aanderud or Tom Johnson at 226-1331.

Very truly yours,

ARTHUR ANDERSEN & CO.

By 
Stephen A. Aanderud

Copy to: Mr. Mike Warren
City Administrator

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Fire Chief

DATE: April 23, 1982

In accordance to Personnel Rules Section 6.6 an emergency employee must retire on 60th birthday. However, with the consent of the City the participant (or employee) may continue active employment on a year to year basis after his normal retirement date. Our Fire Chief received such consent last year and is again requesting the City grant another years extension.

Given the financial circumstances of the Fire Chief, the excellent job the Fire Chief has done with our Fire Department and the Fire Chief's good health, I would recommend that the City Council grant the continuance.


Michael Warren
City Administrator

MW/bjm

Enc.

7.92

CITY OF NEWBERG

DEPARTMENT OF FIRE

414 EAST SECOND STREET

NEWBERG, OREGON 97132

JOHN PAOLA, CHIEF



April 14, 1982

Mr. Michael Warren
City Administrator
City of Newberg
414 E. First Street
Newberg, OR 97132

Dear Sir;

On July 21, 1982 I will have reached my 61ST birthday. I find it difficult to retire at this time as my retirement plan (Bankers Life) does not provide the necessary funds for me to survive on.

Therefore, I am asking permission to continue active employment for the City of Newberg Fire Department for one more year.

Sincerely,

John Paola
John Paola
Fire chief

LEONARD L. SILVERS, M.D., P.C.

PHYSICIAN, DIAGNOSIS & INTERNAL MEDICINE

701 E. 3RD STREET

NEWBERG, OREGON 97132

RESIDENCE PHONE 538-4506

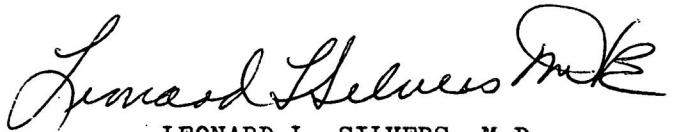
April 26, 1982

OFFICE PHONE 538-2676

TO WHOM IT MAY CONCERN:

Mr. John Paola was examined in
my office on April 14, 1982, and was
found to be physically capable of
actively pursuing his profession of
fire chief.

Sincerely,



LEONARD L. SILVERS, M.D.

LLS/js

MEMO

TO: THE NEWBERG CITY COUNCIL
FROM: THE PLANNING DEPARTMENT
SUBJECT: CENSUS DATA
DATE: APRIL 26, 1982

Between 1970 and 1980 Oregon grew more than twice as fast as the United States, while Yamhill County grew more than three times as fast. Even more astonishing is that Newberg grew five times as fast. The population of Newberg grew nearly 60% between 1970 and 1980. The median age has dropped from 37 in 1960 to 32 in 1970, and then to 27 in 1980. The percent of Newberg's Seniors (over the age of 65) has also dropped from 19.3% in 1960 to 17.8% in 1970, down to 14.3% in 1980.

In total there were 3,672 households counted in Newberg in 1980. Of this total, 61.5% were owner occupied, while 38.5% were renter occupied. Since 1960 there is a notable increase in the percent of units which are now rented, which indicates that people are either more mobile, or that houses are harder to get into. (A rather obvious statement.) The median value of housing units for Newberg in 1980 was \$53,800. Albany was \$53,200, Dallas was \$47,500, Forest Grove was \$61,800, McMinnville was \$58,900, Wilsonville was \$88,200, and Lake Oswego was \$104,700. The average rental cost for Newberg was \$213 per month.

This is acutally the first formal information which has been presented from the 1980 census. It is expected that it will be another one to three years before all of the information is available for review by the City.

President of US
President and General Secretary of the Union of the Soviet Socialist
Republic
Secretary General of the United Nations

Dear

The attached resolution was passed by the City Council at the May 3, 1982 City Council meeting. It represents a feeling of our community. We realize that compared to many other cities in the World ~~that~~ ^{the} 10,500 people may be small in numbers but it should also be realized that it is representative of the 2 billion people living on earth.

As the Mayor of the City of Newberg, I represent the people that have put me in office. I know full well how easy it is to assume that you know best for the City, the Country or even the World. In other words, the feelings of your constituents may not be as important as "what is right". Nothing could be further from the truth. The people of the world have spoken and will continue to speak very clearly on this issue. They have said PUT AN END TO NUCLEAR WEAPONS.

We are asking in the only way that we can to end this race toward doom. If you truly represent the people that you serve and are interested in the continuance of life you will hear the voice of the people and begin spending the same amount of money toward peace.

Sincerely,

Elvern Hall
Mayor

EH/bjm

IX 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG, OREGON, UNITED STATES OF AMERICA, CALLING FOR A VERIFIED WORLDWIDE FREEZE ON THE TESTING, PRODUCTION AND DEPLOYMENT OF ALL NUCLEAR WEAPONS.

WHEREAS, the Newberg Graphic Newspaper of March 24, 1982, urged the Newberg City Council to take action to support the worldwide anti-nuclear movement and the City Council authorized at its April 5, 1982 meeting a resolution to give this support; and

WHEREAS, should nuclear war occur and a one megaton nuclear weapon burst with ground zero at the center of Newberg, Oregon, all life, buildings and property within the city would be pulverized, totally destroyed. This same result would occur in the cities of Kirovsk near Leningrad, Union of Soviet Socialist Republics; El Salto near Guadalajara, United States of Mexico; Shunyi near Beijing, Peoples Republic of China; Esquimalt near Victoria, Canada; Alibag near Bombay, Republic of India; Huaral near Lima, Republic of Peru; Lithgow near Sidney, Commonwealth of Australia; Bastogne, Kingdom of Belgium; El Aiyat near Cairo, Arab Republic of Egypt; and in any other city of similar size and area on all the continents of the world; and

WHEREAS, the use of nuclear weapons in warfare would cause further untold deaths, suffering and destruction and hold a potential for ending human civilization on earth; and

WHEREAS, grass roots efforts by all the people of the world are needed to stop this senseless race to doom; and

WHEREAS, the preparation for such war is draining the resources of the United States of America, the Union of Soviet Socialist Republics, and many other countries of the world causing hardship to people of all nations; and

WHEREAS, such preparations threaten all nations environments even if nuclear weapons are never used; and

WHEREAS, we have no faith that a nuclear war could remain limited in destructive force or to a specific area and the United States and Soviet nuclear arsenals are currently roughly equivalent in destructive power with the ability to destroy each other and the world many times over; and

WHEREAS, the Oregon State Legislature has passed a memorial to the Congress of the United States calling for a bilateral nuclear weapons freeze; and

WHEREAS, we earnestly believe that no step short of worldwide nuclear disarmament can protect our constituents from the scourge of nuclear war.

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

That the President of the United States and the President and General Secretary of the Union of Soviet Socialist Republics meet without delay and agree to a verifiable mutual freeze on all further testing, production and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons and that such freeze should involve, through action by the United Nations, all other countries of the world. When such freeze is mutually agreed upon, these nations shall transfer the funds that would have been used for nuclear weapons purposes to peaceful, non-nuclear use; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to each member of Oregon's Congressional Delegation, to the President of the United States, the President and General Secretary of the Union of Soviet Socialist Republics and the Secretary General of the United Nations.

ADOPTED by the Council of the City of Newberg, Oregon, United States of America this 3rd day of May, 1982.

Arvilla Page - City Recorder

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: April 22, 1982

SUBJECT: Resolution on Issue of Nuclear Arms Freeze
requested by Council at April 5, 1982 meeting

*Copy
Can
5/3*

Attached is a resolution I have prepared pursuant to the request of the Council at that meeting. I gathered information from numerous sources prior to preparing the resolution. The damage estimate comes from material produced by Portland Physicians for Social Responsibility.- Medical consequences of nuclear weapons in nuclear war in Portland. Other data was obtained from Sojourners Magazine, various church publications, the anti-nuclear resolution passed by the Lane County Board of Commissioners on March 10, 1982, the article appearing in the Newberg Graphic and various atlas and population publications. I feel the resolution presents a strong statement of the consequences of nuclear war to this community and a statement of how funds devoted to nuclear arms could, if a verifiable freeze went into effect, be utilized for far more productive purposes by the cities, countries and peoples of the world.

I hope this draft accurately reflects the thinking of the Council on this issue.

RDF:fj

IV

MEMO

TO: City Council

DATE: April 23, 1982

FROM: City Administrator

SUBJECT: Senior Citizens discount resolution.

Since 1974 the discounts described in the resolution for water and sewer service have been allowed by the City. This resolution simply updates the monetary limitations expressed in section 3 of the resolution.



Michael Warren
City Administrator

MW/bjm

Enc.

Fye

A RESOLUTION CONTINUING THE SENIOR CITIZENS UTILITY DISCOUNT PROGRAM TO REDUCE WATER AND SEWER UTILITY SERVICE RATES FOR QUALIFIED SENIOR CITIZENS LIVING WITHIN THE CITY LIMITS OF NEWBERG.

WHEREAS, the burden of meeting living expenses falls heavily upon elderly persons subsisting on limited income, which have not kept pace with the rising costs of providing municipal services; and

WHEREAS, the Council believes that members of this group should be given some relief from this burden by means of a discount on the utilities provided by the City of Newberg; and

WHEREAS, utility discounts to address these concerns have been granted in previous years by resolution since at least May 6, 1974.

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

Section 1. Purpose of Utility Discounts for Senior Citizens

There is hereby continued a senior citizens utility discount program, the purpose of which is to reduce the monthly amount due under the City's various rate ordinances for water and sewer service, to low-income senior citizens, living within the city limits of Newberg.

Section 2. Senior Citizen Defined

A senior citizen is a person who is sixty-five (65) years of age on or before the date on which the application for discount is submitted.

Section 3. Qualification of Senior Citizen

A senior citizen desiring to qualify for a utility discount must submit to the City a written application therefore, on forms to be provided by the City. To qualify for the senior citizens utility discount program:

- (a) The applicant must be a senior citizen; and
- (b) The applicant must be a resident of, and the head of the household for which the discount is requested; and
- (c) The senior citizen shall have an income not to exceed \$6,105 from all sources; and if he is married, then their joint income shall not exceed \$8,658 from all sources during the calendar year preceding the date on which the application for discount is submitted.

Section 4. Application Required

A senior citizen desiring to receive a utility discount must submit an initial application to the City therefore, on forms provided by the City. In order to maintain continuous qualifications for such discount, the senior citizen shall, not later than June 30th of each ensuing year, file an annual application for renewal on forms provided by the City. The City Administrator shall determine whether the applicant meets the qualifications and requirements set forth in this resolution.

Section 5. Amount of Utility Discount

If the applicant has met all of the requirements of this resolution, the City shall, beginning with the next billing cycle after the date of the application, discount by twenty-five (25%) percent the total amount billed for water and sewer service, not including connect fees, reconnect fees and similar charges, for the applicants own residence.

Section 6. Termination of Program

The Senior Citizen Utility Discount Program shall automatically terminate on June 30, 1983, unless extended by resolution of the Council.

ADOPTED by the Council this 3rd day of May, 1982.

Arvilla Page - City Recorder

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Cable Television Ordinance

DATE: April 26, 1982

The enclosed ordinance is recommended by the Ordinance Committee at it's April 26, 1982 meeting. Basically, it changes the amount of time for completion of the undergrounding and overhead two months. The reason for this is that the 42 miles predicted by both cable companies was predicated on a formula that is fairly standard in the industry. This formula for purposes unknown is not applicable to Newberg and we, in fact, have more undergrounding than either company anticipated.

It is ironic that the 42 miles will be completed ahead of schedule but since there is 67 miles of cable to be laid there will be an extra two months needed.

The two months extra time will not affect the "three year period" in which the cable company cannot ask for a change in rates. The City Attorney has astutely added the two months onto the original time.

The Ordinance Committee also recommended that the Staff be authorized to send a letter to Liberty Cable Television which would allow the change in the tape that is used from 3/4" to 1/2" and allowance for one disc rather than three discs that were originally proposed. Our Consultant, Les Page, has said that as long as there was a provision on the disc issue that would allow the City (if picture was not clear) to require the three discs, he did not see a problem with these slight modifications.


Michael Warren
City Administrator

MW/bjm

Enc.

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: April 26, 1982

SUBJECT: Ordinance & Resolution regarding cable television

Attached is the ordinance and resolution and my memos on these subjects dated April 19 and 21, 1982 which explain Liberty's requests in detail. The Ordinance/Legislative Committee met today, April 26, 1982 at 7:00 a.m. at J's Restaurant and approved the ordinance and resolution and other requested changes outlined in my memos of April 19 and 21, 1982. These items are now being submitted to you for inclusion in the Council materials for the May 3, 1982 Council meeting.

RDF:fj

X 1

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: April 20, 1982

SUBJECT: Requested changes in cable television franchise ordinance by Liberty Communications

Attached is the ordinance and resolution which would authorize the changes requested by Liberty, i.e. extension of the completion deadline for 2 months. These items will be reviewed by the Ordinance/Legislative Committee on Monday, April 26, 1982 at 7:00 a.m. at J's Restaurant and then submitted to you for inclusion in the council packets for the May 3, 1982 council meeting.

RDF:fj

XI

A G E N D A

Ordinance/Legislative Committee - 7:00 A.M., April 26, 1982, Monday

J's Restaurant

I. Old Business:

- A. Cable Television Franchise - Request for extension of completion time (Ordinance and resolution attached)

II. New Business:

- A. None

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2074, PASSED AND APPROVED DECEMBER 16, 1981, GRANTING A NON-EXCLUSIVE FRANCHISE TO LIBERTY CABLE COMMUNICATIONS CORPORATION FOR CABLE TV TO EXTEND CERTAIN CONSTRUCTION DEADLINE DATES.

WHEREAS, Liberty Cable Communications, Inc., grantee of that certain non-exclusive cable television franchise contained in Ordinance No. 2074 of the City of Newberg, Oregon, has diligently pursued the time limit requirements of said ordinance; and

WHEREAS, due to a miscalculation of the number of cable miles necessary to be laid to complete the franchise agreement changing the total number of cable miles to be laid from approximately 42 miles to approximately to 60 plus miles Liberty Cable Communications, Inc. has requested a 2 month extension of time on the completion deadline for completion and activation of the entire cable television system. Practically speaking, extending the deadline for completion of construction from September 15, 1982 to November 15, 1982; and

WHEREAS, Liberty Cable Communications, Inc. has further brought to the City's attention the agreement, not reflected in the current ordinance, that microwave interconnect facilities completion deadline was agreed to be extended for a additional six months beyond the date of completion of the entire system; and

WHEREAS, upon review by the Ordinance Committee and their recommendation, the Council has found that because Liberty Cable Communications is ahead of its original deadline for the installation of the original 42 miles of strand originally anticipated and further, in consideration of the extension of the three year rate guarantee for an additional 2 months as called for by Section 4 of Resolution No. 81-918 to correlate with this 2 month extension of the construction deadline the City Council of the City of Newberg finds that this amendment would be in the best interests of the public.

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

Section 1. That Section 6, subsection A, of Ordinance No. 2074 passed and approved December 16, 1981, granting to Liberty Cable Communications, Inc. a non-exclusive cable television franchise is hereby amended to read as follows:

"Section 6. Construction Schedule. (A) In addition to the provisions of subsection A through D of Section 23 of Ordinance No. 2046, Grantee shall fully complete the proposed system and facilities construction within 10 months of the effective date of this ordinance. All proposed microwave interconnects shall be fully completed within 16 months of the effective date of this ordinance. The complete proposed system and all facilities shall fully activated and service commenced within 1 month of completion of construction."

X 1

PASSED and approved by the Council of the City of Newberg this
day of , 1982 by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - Recorder

APPROVED by the Mayor this day of , 1982.

Elvern Hall - Mayor

X 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG, OREGON, MODIFYING PURSUANT TO SECTION 4 OF RESOLUTION NO. 81-918, THE THREE YEAR RATE GUARANTEE GRANTED IN SECTION 1, SUBSECTION G, OF RESOLUTION 81-918.

WHEREAS, because of the extension of construction deadlines granted to Liberty Cable Communications, Inc. by Ordinance No. _____ there is a need to extend the three year rate guarantee for a period of two months because Ordinance No. _____ is in effect granting a two month delay beyond the originally scheduled completion date.

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

1. Pursuant to Resolution 81-918, Section 4, the Grantor hereby extends the 36 month rate guarantee contained in Section 1, Subsection G, of Resolution 81-918 for a period of two months to a total of 38 months in consideration of the extension of the construction completion deadlines granted in Ordinance No. _____.

ADOPTED by the Council this _____ day of _____, 1982.

Arvilla Page - City Recorder

ACCEPTANCE OF ORDINANCE NO.
AND RESOLUTION NO.

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF NEWBERG, OREGON:

Liberty Communication, Inc., a corporation, hereby unconditionally accepts and agrees to be bound by and comply with Ordinance No. _____ and Resolution No. _____ of the City of Newberg and all the terms, provisions and conditions thereof, said Ordinance No. _____ and granting an extension of construction deadlines and Resolution No. _____ which extends the three year rate guarantee by two months which said Ordinance No. _____ and Resolution No. _____ were duly passed and adopted by the Council of the City of Newberg and approved by the Mayor of the City of Newberg on the _____ day of _____, 1982.

IN WITNESS WHEREOF, said Liberty Communications, Inc. has caused this acceptance of said Ordinance and Resolution to be signed by its President and Chief Executive Officer, and attested by its Vice President and General Counsel this _____ day of _____, 1982.

ATTEST:

LIBERTY COMMUNICATIONS, INC.

President & Chief Executive Officer

STATE OF OREGON)
) ss.
County of _____)

In this _____ day of _____, 1982, personally appeared Donald E. Tykeson, who, being duly sworn did say that he is the President and Chief Executive Officer of Liberty Communications, Inc., and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and he acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon
My Commission Expires: _____

Vice President & General Counsel

STATE OF OREGON)
) ss.
County of _____)

On this _____ day of _____, 1982, personally appeared Robert Seltzer, who, being duly sworn did say that he is the Vice President and General Counsel of Liberty Communications, Inc., and said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and he acknowledged said instrument to be its voluntary act and deed.

Before me: _____

XI

2046.

(b) A Grantee shall have authority to trim the trees upon and overhanging the public streets so as to prevent the branches of such trees from coming in contact with the wires and cables or the Grantee, except that, at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of the Grantee.

SECTION 6. Construction Schedule.

(a) In addition to the provisions of Subsections (a) through (d) of Section 23, or Ordinance No. 2046, the Grantee shall fully complete the proposed system and facilities construction, including all proposed interconnects, within eight months of the effective date of this Ordinance. The complete proposed system and all facilities shall be fully activated and service commenced within one (1) month of completion of construction.

(b) Subject to Subsection (5) below, Grantor may, at its sole option, apply any of the following penalties in connection with delays in system construction. Prior to Grantee imposing any of the following penalties, Grantor shall notify Grantee in writing within thirty (30) days of Grantor's discovery of the violation alleged and of the penalty to be imposed:

(1) Impose a penalty of up to \$250.00 a day for each strand mile of cable not completed within fifteen (15) days or the scheduled completion date.

(2) Impose penalty of up to \$1,000.00 a day for each day in excess of thirty (30) days that any major facility proposed by applicant is not completed or activated as scheduled. For the purpose of this section, major facilities shall include completion of physical plant, signal processing headend, satellite earth stations, microwave interconnects, community access/origination studio and program library, mobile E.N.G. van, and local office and system maintenance facilities.

(3) Forfeiture of performance bonds for delays exceeding four (4) months.

(4) Termination of the franchise for delays exceeding six (6) months.

(5) No penalty shall be imposed without a hearing before the Council or its so designated representative(s). No penalty shall be imposed for delays where the result or causes beyond the control and without fault or negligence of the Grantee as determined by Grantor. Grantee shall be entitled to an extension of time if construction is suspended or delayed by Grantor or where unusual weather, acts of God, extraordinary acts of third parties or other circumstances delay progress and which are beyond the control of Grantee, provided that Grantee is not at fault, and is not negligent under the terms of the franchise agreement.

21

other cable access requirements when and as requested by the City Administrator's office. Grantee shall have a reasonable time to respond to City Administrator's request.

4. Grantee shall be authorized to reduce its 36-month rate guarantee period on a month-for-month basis for each month that Grantee's system construction completion precedes that outlined in the construction schedule submitted and approved in accordance with Section 6 of Franchise Ordinance No. 2074. Conversely, Grantor reserves the right to extend the thirty-six (36) month rates and charges guarantee period one month for each month the construction completion is delayed beyond the scheduled completion date.

It is acknowledged by the Grantor that Federal regulations preempt the regulation of rates and charges for Pay TV services, and that the rates for such services are listed herein to reflect Grantee's rate guarantee as specified above.

PASSED AND ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of December, 1981.


ARVILLA PAGE, City Recorder

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: April 19, 1982

SUBJECT: Liberty Communications request for extension of time on completion deadline

As I understand it, the Ordinance/Legislative Committee will be holding a special meeting on Monday, April 26, 1982 at 7:00 A.M. at J's Restaurant to consider the cable tv franchise, more specifically to consider the request by Liberty that the deadline for completion of the facilities of Liberty be extended from the current deadline of September 15, 1982 to November 15, 1982, a delay of 2 months. This is being requested because the original calculation of some 42 miles of stranding was found to be inaccurate and in fact, Liberty has 60+ miles of stranding to do. The estimated time to complete this is 2 months more than originally calculated.

What would be required would be to amend Section 6, Subsection A of Ordinance No. 2074, the franchise ordinance, to change the time required for completion of construction from 8 months after the effective date of the ordinance to 10 months after the effective date of the ordinance. This mechanically would be a very simple amendment. However, with this amendment I feel the Council should consider the provisions of Resolution No. 81-918, Section 1, subsection G and Section 4, which deal with the length of the rate guarantee. Under these previously quoted sections of the Resolution, we have a 3 year rate guarantee which extends for three years from the date of the franchise award which was December 15, 1981. Section 4 of the Resolution provides that the City reserves the right to extend the 3 year rate guarantee, a 36 month rate guarantee, for a period of 1 month for each month the construction completion is delayed beyond the scheduled completion date. If the City grants the extension for 2 months of the completion date, the City in effect will be diminishing the length of the rate guarantee by 2 months unless the City at this time takes action to extend the guarantee.

This is obviously up to the Council but the Council should be aware that if the extension is granted for 2 months for completion date unless they make special provisions 2 months will be shaved off of the rate guarantee period as a consequence.

RDF:fj

X 1

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: April 21, 1982

SUBJECT: Telephone Conversation with Les Page our
cable television consultant regarding Liberty
modification requests

At 9:25 a.m., Wednesday, April 21, 1982, I had a telephone conversation with Les Page regarding the 6 months extension request on microwave interconnects, the single dish as opposed to three dish technology for earth station antenna receivers and the request to change portable equipment from 3/4 inch deck to 1/2 inch.

Les advised he had discussed these matters with Liberty Cable TV and recommends as follows:

1. Regarding the six month extension of time to put in microwave interconnect, he does distinctly remember us granting in negotiations that six months extension for completion of microwave interconnects and recommends that we do what we agreed to do in negotiations.
2. With regard to going from a 3 dish antenna system to a 1 dish antenna system, he advised the following: that the 1 dish antenna system is new technology and is quite popular currently and 1 dish is currently acceptable. The question is could there be changes in the satellite placement system which would make 1 dish practical. Currently, satellites are placed at intervals of 4 degrees in space and there is some discussion of placing them closer together at 2 degree intervals. Should this change come about there could be some risk in picture quality from using a 1 dish as opposed to a 3 dish multiple antenna and because of this potential, Les usually requires the 3 dish. However, a single dish is acceptable if, when the ordinance is modified to allow a single dish, there is a proviso that upon request of the council should a single dish turn out to be not technically feasible due to changes, satellite placement or other reasons Liberty Cable would on request put in a multiple dish system. Les sees no problem in going to the single dish as long as this proviso is present. Such conversion should be without cost to subscribers.
3. Conversion from 3/4 inch tape to 1/2 inch tape for portable equipment. Les indicated that 3/4 inch has better fidelity, however, new equipment being proposed does have very fine fidelity and 1/2 inch tape would be fully acceptable for their portable equipment. Les checked and determined that Liberty intended on using 1/2 inch only for its portable equipment and that other equipment will have the 3/4 inch capability, especially broadcast equipment. 3/4 inch should be used for broadcast quality equipment. 1/2 inch can be used for portable so request of Liberty is acceptable in this regard.

X 1

We also discussed Liberty's request for an extension. Les felt this was acceptable as long as we were sure to cover ourselves by extending the rate guarantee for 2 months when we extended the deadline for 2 months. He thought it interesting that the mileage calculation was so far off and he intended for his own information to inquire further of Liberty why that happened. Les will follow up this conversation with a memorandum of his own for the information of the City.

RDF:fj

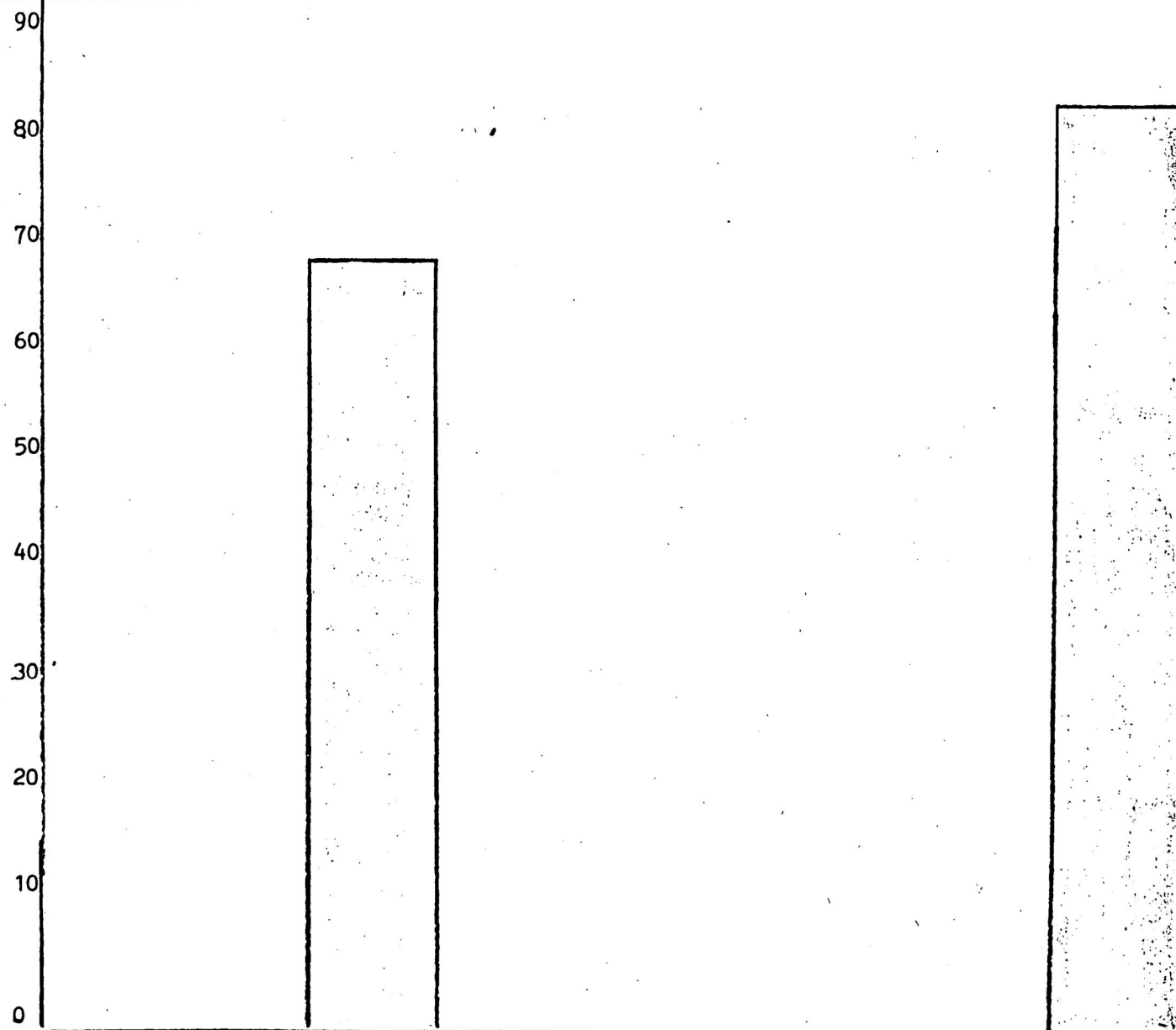
X 1

R.Schaal
4/15/82

NEWBERG/DUNDEE HOMES PER MILE

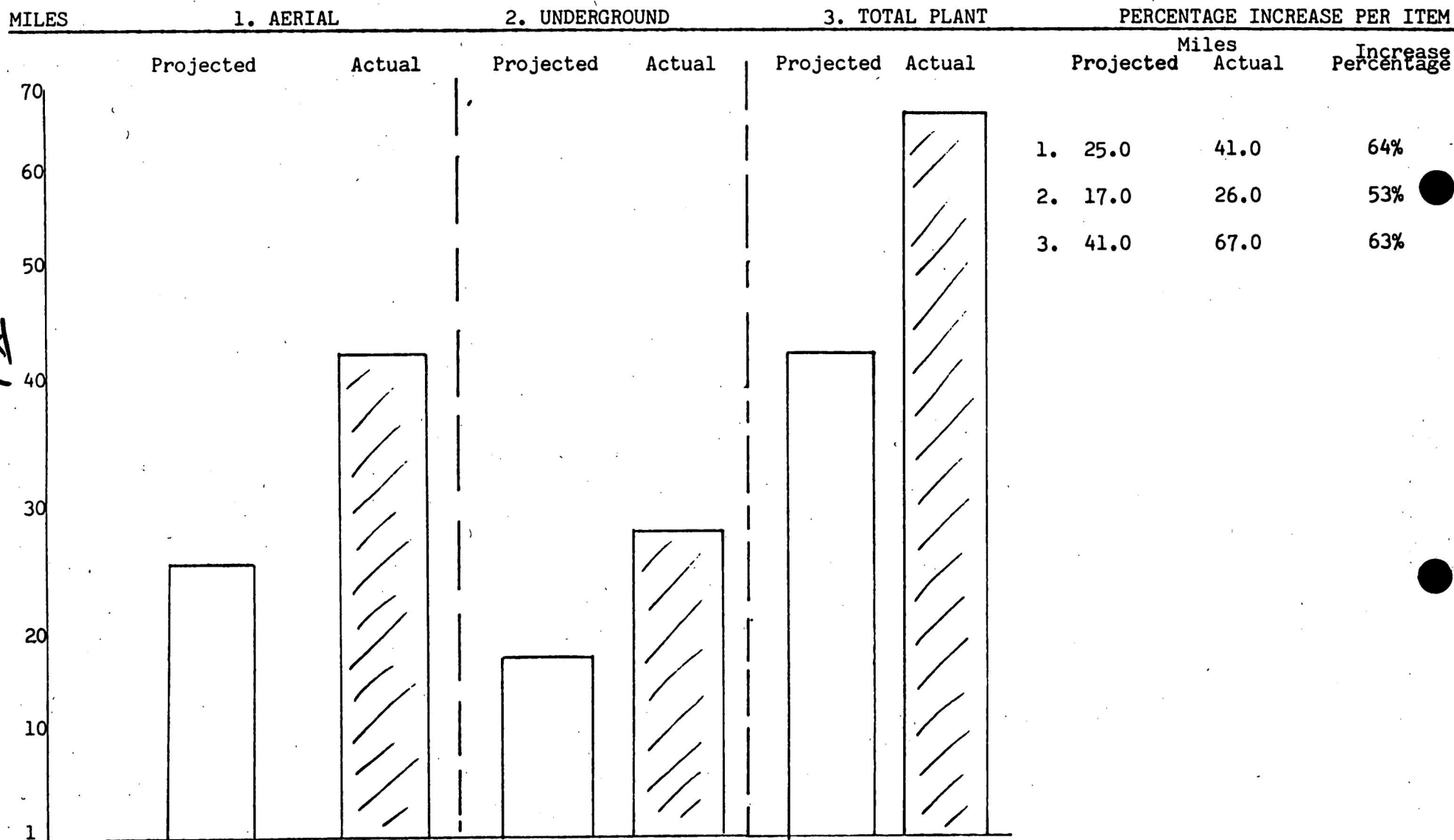
Underground 1688 homes/25.22 miles = 67 homes per mi

Aerial 3307 homes/41.4 miles = 80 homes per mi



R. Schaal
4/14/82

NEWBERG/DUNDEE MILE COMPARISON



ONE HUNDRED THOUSAND

1. AERIAL PLANT

2. UNDERGROUND

3. TOTAL PLANT

PERCENTAGE INCREASE PER ITEM

Projected

Actual

Projected

Actual

Projected

Actual

(\$ One Thousand)

\$ Projected

\$ Actual

%

14

1. 226.1

432.0

91

12

2. 347.0

618.1

78

10

3. 573.1

1,050.1

83

8

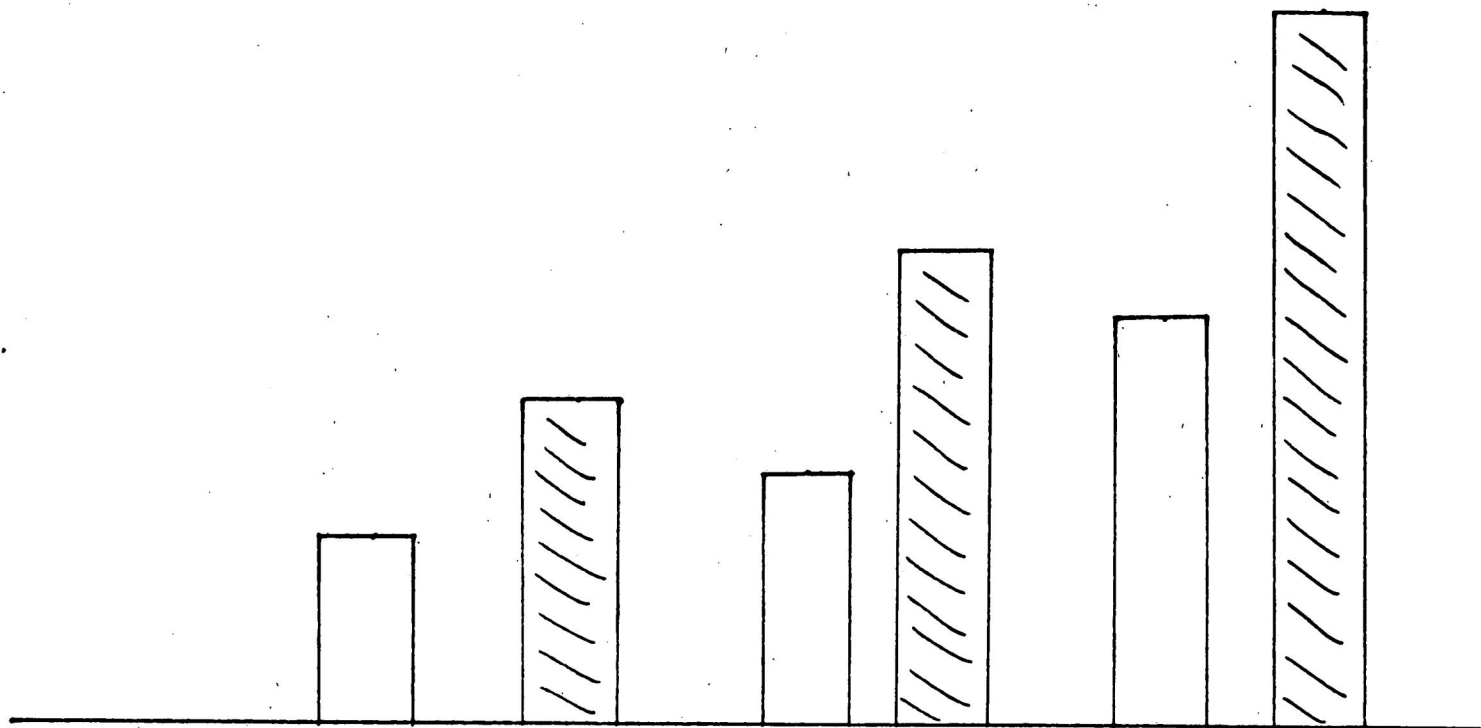
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3/20/82
R.Schaal

NEWBERG/DUNDEE

HOMES PASSED

AREA	AERIAL	UNDERGROUND	U.G. TRAILER CT.	MULTI UNITS
Newberg	2178	1094/*251	346	902
Dundee	<u>227</u>	<u>198/*97</u>	<u>50</u>	<u>0</u>
TOTAL:	2405	1292/*348	396	902

GRAND TOTAL: 4995 Homes & Apartments passed

*348 indicates vacant lots potentially servicable but not added into total count.

TOTAL MILES

AREA	** AERIAL	*** *UNDERGROUND	TOTAL
Newberg	33.03	16.99	50.02
Dundee	6.71	4.47	11.18
Interconnect	<u>1.40</u>	<u>0</u>	<u>1.40</u>
TOTAL:	41.14	21.46	62.60

* Excludes U.G. in apartments

** Strand Mileage= Plant design miles approximately 8% less or 41.14 plus 21.46= 62.60 estimated miles.

*** Does not include trailer underground miles (3.76)

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NEWBERG/DUNDEE UNDERGROUND STATISTICS

AREA	TRENCH (FT)	CABLE BORE (FT)	TOTAL PLANT (FT)	TOTAL MILES	HOUSE COUNT OCC.-VAC.	NO.OF.DROPS BORES(FT)	NO. OF RISERS	HOMES PER MILE
Newberg	84,375'	(85) 5350'	89,725'	16.99	1094-251	101/ 6187'	53	64.39
Dundee	22,304'	(25) 1310'	23,614'	4.47	198- 97	38/ 1990'	17	44.30
Sub Total:	106,679'	(110) 6660'	113,339'	21.46	1292- 348		70	60.20 (Avg)
4 Mobile Parks	<u>19,518'</u>	<u>(18) 354'</u>	<u>19,872'</u>	<u>3.76</u>	<u>396- 0</u>	<u>n/a</u>	<u>14</u>	<u>105.31</u>
GRAND TOTAL:	126,197'	(128) 014'	133,211'	25.23	1688- 348	139/8177'	84	67.00 (Avg)

R.Schaal
4/14/82

CONSTRUCTION SCHEDULE *

Date	MILES PER MONTH				CUMULATIVE MILES				TOTALS	
	Aerial	Underground	Aerial	Underground	Aerial	Underground	Aerial	Underground	Proposal	Plan
	Proposal	Plan	Proposal	Plan	Proposal	Plan	Proposal	Plan	Proposal	Plan
15-2/15										
15-3/15			2			2		2		
15-4/15			2			4		4		
15-5/15	5	10	2	4	5	10	6	4	11	14
15-6/15	10	10	2	4	15	20	8	8	23	28
15-7/15	10	10	3	4	25	30	11	12	36	42
15-8/15		11	3	4	25	41	14	16	39	57
15-9/15			3	4	25	41	17	20	42	61 (+45%)
15-10/15				4	25	41	17	24	42	65 (+55%)
15-11/15				2	25	41	17	26	42	67 (+60%)

System plan construction activation, quality control engineering and installation
Lag system construction by 30 to 45 days.

15. SYSTEM CONSTRUCTION

No areas of the town are excluded from the initial service area.

We will provide service at regular rates to areas outside the city limits with 40 homes per cable mile or 40 homes per street mile at regular rates.

Line Extension Policy

In areas with less than 40 homes per mile, service will be available under the following conditions:

- a) Those homes electing to subscribers pay a line extension fee, as calculated below, 30 days prior to construction.
- b) Subscribing homes sign an agreement to take service for 18 months, including a nominal prepayment.
- c) The same line extension fee will be collected from all subsequent homes served off a given extension; the fee will be divided and refunded to all those who paid previously for a given extension. The refund provision shall expire two years after the date of first service.
- d) The fee is calculated as:

(Total Cost of Extension) less (Current Plant Cost Per Mile)

Prepaid Subscribers

25

Construction Schedule

	<u>Year 1</u>
Aerial Plant Miles	23
Underground Plant	12
Cumulative Plant Miles	35
Cumulative Percentage Completed	100

Barring delays due to weather, material delivery, makeready or other event beyond our control, we believe we can construct the system on the following schedule:

<u>Month</u>	<u>Event</u>
0	Franchise award.
1	Begin underground; apply for poles, order material.
2	Makeready finished.
3	Begin aerial.
4-5	Complete aerial trunk from headend to underground plant finish aerial plant. Hook up trial homes. Finish underground cable.
7	Install customers in underground; finish underground and start aerial activation.
8-10	Finish construction; continue installations.

Currently we have three crews working in Idaho. Their schedule calls for completion of the 75 miles of plant in late fall. This should coincide with the franchise award in Newberg.

Our crews are completely equipped with bucket trucks, trailers, trenchers, and test equipment. Jay Fontenot, our construction superintendent has had extensive field experience (see personal biography).

We had Mr. Paul Wagner of Compucon Inc., Dallas Texas, study the Newberg area for headend and earth station interference. He verbally cleared our tentative site shown on the construction map and is following with a letter which had not arrived at the time of this printing. The study will be available, if required.