

CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
July 6, 1982
7:30 P.M.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. CONSENT CALENDAR

1. Approve Minutes of June 7, 1982 and June 17, 1982.
2. Communication from Library Volunteers thanking Council for Volunteer Dinner.
3. Communication from Police Reserves thanking Council for Volunteer Dinner.
4. Communication from Henry Frankel and Judge Frankel regarding Officer Weaver.
- *5. Proclamation of City of Newberg honoring 1982 Newberg High School Baseball Team.
6. Press Release on information regarding City of Newberg, et. al. vs. Roth, et. al.
7. Letter of commendation from Ethel O'Dell, 13795 S.W. Allen Avenue, Beaverton, complimenting Officer Scott Jones.

IV. REQUESTS FROM FLOOR AND COMMUNICATIONS

1. Communication from Chehalem Valley Senior Citizen Council regarding transportation services.
2. Communication from Newberg Human Resource Center regarding use of money within general fund.

V. PUBLIC HEARINGS:

1. Public Hearing on Sidewalk Ordinance
2. Public Hearing on annexation of Parkway Subdivision (Melody Lane)

VI. REPORTS FROM CITY ADMINISTRATOR:

1. Report on Newberg Library
2. Ordinance declaring that there are blighted areas within the City of Newberg, etc.
3. Report from City Administrator regarding student assistants in Building Department.

VII. OLD BUSINESS:

1. Report on School Liaison Officer

VIII. NEW BUSINESS:

1. Approve Accounts Payable
2. Report on proposed schedule for new Sewage Treatment Plant

IX.

RESOLUTIONS:

1. Resolution waiving competitive bidding for the purchase of a replacement pump and motor for Well No. 1.
2. Resolution authorizing transfer of funds from the City General Fund Contingency Account to various other accounts.
3. Resolution continuing Fringe Benefits and Salaries for all full time employees.

X.

ORDINANCES:

1. Ordinance providing revisions to the General Plan for constructing sidewalks and curbs. (Agenda Item V-1)
2. Ordinance limiting parking in certain areas of the south side of Second Street.
3. Ordinance declaring that there are blighted areas within the City of Newberg; that there is a need for an Urban Renewal Agency to Function in the City of Newberg as the Newberg Urban Renewal Agency; and providing for the powers of such agency by an appointed board. (Agenda Item VI-2)

7/82

ACCOUNTS PAYABLE
JULY, 1982

David F. Abbott	77.00	Newberg Lock & Key	2.50
Al's Drive In	3.05	Newberg Plumbing Co.	37.50
Alexander Oil Co.	11.95	Newberg Ready Mix	206.00
Associated Janitor	200.43	Newberg River Rock	1,206.35
Barker's Auto Supply	138.24	Newberg Steel	15.55
Bearings, Inc.	73.14	Newberg Typewriter	607.00
Brodart	1,240.20	NW Business Systems	115.20
Brown & Tarlow	75.00	NW Law Enforcement	205.97
Burroughs Corp.	2,015.02	NW Natural Gas	592.68
Butler Chevrolet	93.50	Nurnberg Scientific	119.67
Buy Wise Drugs	24.95	Oregon Meter Repair	185.50
Chevron	15.52	Payless Drugs	57.41
Cloth Cupboard	14.40	Peterson Industrial Prod.	102.70
Coast to Coast	47.10	PGE Co.	14,990.00
Consolidated Supply	19.91	Power Rents	613.80
Crowell Auto Parts	5.46	Quality Office Machines	19.00
Dave's Concrete	3,480.24	Roberts Rent-All	63.00
Dents	49.26	S-D Leasing	312.00
DEQ	375.00	School Library Journal	32.00
Disposal Industries	836.00	Suburban Machine Works	110.00
Double G Auto Service	2.50	Thomas Bouregy & Co.	39.00
FarmGro Supply	211.00	Timberline	242.94
Ferron Janitorial	650.00	Trencher Equip. Co.	35.14
Fowler Tire	100.50	Valiant	229.96
Fox Union	55.00	W. R. Grace	303.22
Gaylord Bros.	96.68	Water, Food & Research Lab	84.00
General Systems Design	700.00	West Publishing	120.50
General Telephone Co.	1,712.19	Western Auto	31.23
Hach Chemical	115.19	Western States Fire Apparatus	16.08
Harris Uniforms	66.43	Westside Automotive	31.40
Home Laundry	36.35	Willamette Industries	377.28
Interarms	1,296.75	Yamhill Co. Sheriff's Office	53.90
Johnson Furniture	2,056.71?		
Kilham Stationery	9.34		
Krupp Industrial Electric	248.00		
Lanier Business Prod.	177.74		
Laughlin Oil	449.57		
Little Fire Equipment	8.00		
Meter Box Equip. Co.	1,740.00		
Meyer Bros.	7.05		
Midget Motors	292.45		
Naps IGA	7.70		
Newberg Auto Freight	488.47		
Newberg Auto Parts	57.90		
Newberg Community Hospital	510.66		
Newberg Graphic	24.93		
		TOTAL:	41,074.96

[Handwritten signatures and initials]
HAG
2 K...
M. DeMay

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[Handwritten signatures and initials]

NEWBERG PUBLIC SCHOOLS

Gerald E. Post, Ed.D.
Superintendent



July 28, 1982

Newberg, Oregon

7/28/82
Council
File
RECEIVED

JUL 30 1982

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

John Paola, Chief
Newberg Fire Department
City Hall
Newberg, Oregon 97132

Dear Chief Paola:

The Old Fashioned Festival Committee asked me to write to you expressing their appreciation for the invaluable assistance of the Newberg Fire Department during the last weekend. It is a pleasure for me to do so.

We were extremely pleased at the fine cooperation we received, and the constant availability of your emergency equipment. Participation in the parade was an added dividend. Your obvious readiness for any emergency made all of our events go much more smoothly.

Thank you for your important part in making our Old Fasioned Festival a success.

Sincerely,

GERALD E. POST, Secretary
Old Fashioned Festival Committee

GEP:cw
cc:Mike Warren

MEMORANDUM

TO: CITY COUNCIL

DATE: July 6, 1982

FROM: KEN HOUGH
CHAIRMAN of THE SEWER TREATMENT PLANT COMMITTEE

The Mayor's Task Force Committee has met three times prior to this date. We have assigned individual committee members to sub-committees as stated on the attached sheet. The committee is ready and willing to start work on promoting the bond issue by whatever means are available. As soon as a date is set we will start scheduling meetings and work as closely as possible with the Public Works Committee.

Ken Hough
Chairman

SUB COMMITTEES

1. Public education and awareness of the need and progress

Ken Hough and Fred LaBonte

2. Assist the city upon request, in negotiating for land for expansion of existing plant or location of a new plant.

Angus MacPhee and Jim DeYoung

3. Aid the city in getting County approval for site.

Wyn Stucky and Alan Halstead

4. Intermediary to opponents of the site selected and research on contributions of industry towards overall tax assessments.

Don Millage and John Stadter

5. Promote the bond sale in the community thru newspapers, service and community organizations, businesses, industries and other means.

All Committe Members

Monday, 7:30 p.m.

June 7, 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 Rementeria
	Alan Halstead	Tommy Tucker

Staff Present: Michael Warren, City Administrator
Alan Barnes, Building Official
Richard Faus, City Attorney
Herbert Hawkins, Police Chief
Clay Moorhead, Planning Director
Arvilla Page, City Recorder
John Paola, Fire Chief
Robert Sanders, Public Works Director
Doreen Turpen, Librarian

Also Present: Approximately 30 citizens.

Motion: Halstead-Rementeria to adopt the consent calendar which included the following:

1. Minutes of the joint meeting of Planning-Council, April 15; Special meeting of the Council, April 28; Regular meeting of Council, May 3; Adjourned meeting of Council, May 10.
2. Communication from Oregon Liquor Control Commission.
3. Communication from Office of Assistant Secretary of Defense RE: Nuclear Weapons.
4. Communication from FBI RE: Commendation for Det. Carl Miller.
5. Proclamation honoring Ernest Smith for dedication and service to the City and Hospital.

Motion carried unanimously.

Mayor Hall read the proclamation to Ernie Smith citing his service on the Hospital Board for 25 years.

REQUESTS AND PETITIONS FROM THE FLOOR.

None.

WRITTEN COMMUNICATIONS.

A communication has been received from Newberg School District Superintendent stating the Police In-Schools program has been cut from their budget. Mr. Warren reported that the cost of the Police In-School program is shared partly by the School District and by the City. Councilman Tucker noted that some children that receive the benefit of the Police In-Schools program are not City residents and the City paying one-half of the cost is more than the City's share. He also stated that he believed that the schools receive more than the value of half of the officer in reduction of vandalism. There should be more correspondence between Police, City and the Schools as the benefit is more than the cost of the total program. Police Chief

Hawkins stated that the item was scheduled to be cut last year but, because of high public interest shown in the program, the program was retained. The School faces the same budget problems this year but the problem is more severe.

The consensus of the Council was to have the School Liaison program on the July Meeting agenda for further discussion and to decide what the options will be and the action the City should take.

A letter was received from Lowell Ford, Chemeketa Regional Library Service coordinator, stating that the voters have failed to approve a tax levy to continue the service. A one year operating levy will be presented to the voters again on June 29. Since the service has no tax base, if the levy fails to pass, the service will no longer exist. Doreen Turpen, Newberg City Librarian, stated the City Library receives a number of services from the Chemeketa Regional Library Service. The service provides daily inter-library courier service, reciprocal borrowing privileges among member libraries, back-up reference service through Salem Public Library, and audio-visual services. Newberg is not in the Chemeketa Community College District and does pay a fee for these services. Portland Community College does not provide such a service because there are more libraries in the Portland area which already have a similar system in effect amongst them.

A letter was received from Rick Schaal, Liberty Communications, with an update on the television cable. Mr. Schaal responded to the question of whether there could be a dedicated channel for the City to use for revenue purposes. The Council questioned staff members about the installation of the cable. Their concern was whether all permits have been obtained and if the installing company is maintaining good public relations with citizens. Staff responded that all permits have been obtained and that all landscaping problems are being resolved. The biggest complaint seems to be excessive use of paint by the utility companies marking the locations of their services.

Communication from Yamhill County regarding EDA Grant. The County has advised that they have \$12,500 in earned interest from projects which were funded by an Economic Development Administration Grant. They are interested in allocating the money with a 50% local match. They have suggested that it be divided into four projects and used as an economic development seed money. LeRoy Benham, a member of the Yamhill County Economic Development Committee, has recommended that the \$12,500 not be split up and be used toward a County-wide project. The City Administrator concurs with Mr. Benham's suggestion and has asked the Council to authorize his sending a letter to the County Commissioners to that effect. Motion: DeMay-Grobey that the Council instruct the City Administrator to send a letter to the County Commissioners stating the City's agreement with Mr. Benham's suggestion. Carried unanimously.

Public Hearing:

Annexation of 4.81 acres adjacent to Jaquith Park. Zone change from County LDR-9000 to City R-1 zone and withdrawal from the Newberg Rural Fire Protection District. The City Planner stated the Planning Commission reviewed this matter at their regular May 20 meeting and recommend the annexation and zone change. The property abuts Main Street and Jaquith Park. Chehalem Park and Recreation District will probably ask for minimal water and sewer service. Chehalem Park and Recreation has reviewed the ordinance and the exhibits and has no objections. The Planner then read the

findings of fact which are part of the ordinance.

There were no proponents or opponents who wished to be heard. There were no written remonstrances received. Public Hearing closed.

Motion: Gano-McIntosh to read Ordinance No. 2084 annexing tax lot 3218 AC 800, 4.81 acres and changing the zone from County LDR-9000 to City R-1. Motion carried. The ordinance was then read. Roll Call: Aye 8 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria, Tucker. Nay 0. The Mayor then declared the ordinance passed.

Public Hearing:

Annexation of Parkway Subdivision. The annexation is an island surrounded by the City and the zone change would be from County LDR-9000 to City R-1.

No objections were made to the Council's authority to hear the matter. No abstentions on the matter were received from the Council.

The City Planner presented the Staff Report. The matter was heard before the Planning Commission on May 20, 1982 and the Planning Commission unanimously recommends the annexation and zone changes.

The City Administrator stated that most residents in the area to be annexed are receiving City services of both Water and Sewer. The annexation plus all of the recommendations of the Planning Commission would cost each property owner a significant amount. He stated that he had met with just two of the property owners and would like to have time to meet with each of the property owners. There will be other annexations in the future with similar circumstances. He asked that the Council continue the public hearing to the next regularly scheduled Council meeting in July.

Motion: Tucker-Grobey to continue the public hearing to July 6, 1982.

Councilman Gano expressed his concern about the people that had come to the meeting to speak. The Mayor polled the audience on those who wished to speak for or against the matter. One wished to do so.

Ed Wiesehan, Rt. 1, Box 418, stated he represented the Parkway Water District. He stated he has met with the Planner and with the Administrator. If the property owners meet the City requirements the cost to them would be over \$100,000. This would involve the requirements for streets, curbs, upgrading the water system and installing one to three fire hydrants. The cost would be over \$5,000 per property owner. Also, four of the properties in the annexation are not in the Parkway Water District. Three of those properties are not sewerable. He stated he would appreciate the opportunity to work for a compromise.

City Attorney Richard Faus declared that he had a conflict of interest in the annexation matter as he is a property owner in the area to be annexed.

Vote on the motion to continue the public hearing to July 6 carried unanimously.

Public Hearing:

Vacation of an alley between 8th and 9th Streets and River and Chehalem

Streets. The City Planner stated the Planning Commission had reviewed the request for an alley vacation on May 20. The Planning Commission made the recommendation that the alley be vacated. The alley is unimproved and is used for gardens. Findings were read into the record by the Planner.

Donna Walker, 800 S. River Street, one of the affected owners stated that the desire of some property owners to fence around their gardens is the reason for the request to vacate. No construction is planned and the only affect will be to enlarge the yard areas.

No other proponents or opponents wished to be heard. Public hearing closed.

Motion: Halstead-Grobey to read Ordinance No. 2085 vacating those alley ways between 8th and 9th Streets and River and Chehalis Streets. Motion carried. The ordinance was then read. Roll Call: Aye 8 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria, Tucker. Nay 0. The Mayor then declared the ordinance passed.

Public Hearing:

On an ordinance requiring sidewalk construction on Highway 99W.

In March, 1981 an ordinance was passed which revised the sidewalks ordinance. The ordinance set authority with the City Engineer if sidewalks were needed. Several properties on Highway 99W have had the requirement for sidewalks waived until further development when improvements of over \$5,000 were made. Development has now occurred. The proposed ordinance specifies Portland concrete sidewalk and has a time period for completion reviewed by the Public Works Committee and also extended by the Public Works Committee to allow three years for construction instead of the current 90 days after posting. There is need for pedestrian and bicycle routes along the highway and the bicycle route would extend on through Newberg.

Opponents:

Bruce Fowler, 2305 Portland Road, questioned why the City is picking on Highway 99W.

Eunice Dolash, 2211 Portland Road, asked whether all sidewalks are to be torn out and replaced or only those that are asphalt.

Gary Meyers, 2809 Portland Road, stated he built his business 5 years ago and had the forms for concrete in place when the City said to use asphalt. The City can now pay for the cement as he stated that he would not.

Harold Medici, 1505 Portland Road stated that services are provided for citizens along Portland Road by the businesses. There is no sewer to the Auto Parts Store he owns as it would be very costly for the sewer. Asphalt is adequate for a walkway with no more than 10 pedestrians per day. Replacing with cement sidewalks would be duplicating work that is already done. The main concern of merchants is profit and sidewalks will not increase profits. Asphalt is safe. If it's a matter of beauty, it should be paid for by all the citizens of Newberg.

Councilman Tucker noted that the code requires concrete sidewalks.

Mr. Medici responded that the code is enforced inconsistently. The government is putting all the costs onto developers.

The Public Works Director responded to questions and concerns of the property owners. The sewer lines are the responsibility of the property owner. Mr. Medici's property is isolated from other sewered properties. Only the asphalt sidewalks would need to be replaced by cement sidewalks.

Councilman Grobey questioned the cost effectiveness between asphalt and concrete. Mr. Sanders the Public Works Director responded that asphalt sidewalks are usually a poor grade of asphalt with a life of 10 to 15 years. Concrete sidewalks with the proper installation have a life of about 50 years.

Joe Brugato, 301 Donald Lane stated he had been recently told that cement and blacktop costs are about equal. Mr. Medici brought up some good points. The City has forced concrete construction in the past. He stated that he has a letter from the Council stating he does not have to install cement sidewalks until the property to the east is developed. He has three accesses to his property which would be a major cost. Blacktop is as safe as cement. He has already paid \$11,000 for sidewalk, curb and the slightly wider street on Deborah. The City should not require change if the blacktop is in good condition.

Millard Leslie, 1805 Portland Road stated it is a very poor time to ask any businessman to put out a capital outlay.

Jesse C. Walker, 2508 Portland Road stated there is very little traffic past his property. He has already spent a considerable amount on development. The present asphalt will probably be as good in 1984 as now and the expense is not justified.

Motion: Tucker-Probst to continue the public hearing to July 6 and return the matter to the Public Works Committee for review.

Councilman Gano questioned the status of Parkview, a private drive and Councilman McIntosh pointed out that the ordinance states the area extends to Vittoria Way which is through an unannexed area.

Vote on the motion to continue the public hearing to July 6 and return the matter to the Public Works Committee for review was carried unanimously.

Reports from the City Administrator:

Update on Redevelopment Committee. Mr. Warren reported that Patterson and Stewart, consultants, have begun the process. The different names for the committee have been considered. The committee decided on the name of Newberg Centennial Plan. The committee will consist of seven members, four from the Council and three from the community. The Council needs to adopt the name, designate the number of people to the committee and approve the appointments, and identify the target area by ordinance. Tax increment financing is controversial and a class action suit is pending. The financing decision will take place about September.

Motion: Tucker-McIntosh to adopt the name Newberg Centennial Plan. Carried unanimously.

Motion: Halstead-McIntosh that the Newberg Centennial Plan Committee be formed composed of four members of the Council and three citizens at large appointed by the Mayor. Carried unanimously.

Report on checklist for fees and permits. The City Administrator stated that a checklist has been developed by the Building Department. It is a pre-list of needed permits. The list follows plans through the various departments.

Councilman Gano questioned whether the applicant gets a receipt for plans turned in. Response was that a plan check fee is paid when the plans are submitted and a receipt is issued at that time. Councilman Tucker suggested that the list should include site review and indicate no charge.

Report on revised City Charter. Dr. Gerald Post, 911 Elliott Road, Chairman of the Charter Revision Committee reported that the committee has completed their review and suggested changes. The committee went over the charter a number of times. The significant suggested changes are:

1. Ordinances may be read by title only prior to passage when certain notification conditions are met.
2. The Mayor becomes a full voting member of the Council whose vote may be recorded on every issue.
3. Employment by the City is a bar to a seat on the Council.
4. The City Administrator is changed to City Manager and written into the Charter rather than being provided by ordinance.
5. All sexist language has been removed.
6. All reference to paid off bond issues has been removed, and language has been added that will automatically remove language authorizing existing bond issues where they are paid off.
7. Prior charter amendments have been written into chapters and sections without significant change, and all have been preserved.
8. City ordinance on the manner of breaking tie votes for elective office has been written into the charter.
9. It empowers the Hospital to operate more than three departments.

The Committee recommends that it be submitted to the voters of the City at the November general election and become effective January 1, 1983 if approved.

Members of the Council questioned Dr. Post on some of the changes. Mayor Hall suggested that the Council should have a meeting to review all the proposed changes.

Motion: Grobey-DeMay that the City Administrator draft a letter of appreciation to Dr. Post. Carried unanimously.

Canvass of votes for election on May 18, 1982. City of Newberg Tax Base in the amount of \$1,050,260. Yes - 1,539, No - 991, Undervotes - 121, Overvotes - 5, Total votes - 2,656. City of Newberg Senior Center, Yes votes - 1,069, No - 1,438, Undervotes - 148, Overvotes - 1, Total votes 2,656.

Motion: Halstead-DeMay to accept and approve the canvass of votes. Carried unanimously.

New Business:

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

Request from owner of motel to delete the motel tax. The City Administrator read portions of his written report to the Council on the motel tax. Newberg is not unique in charging a motel tax. Thirty-three cities and seven counties in the State have a room tax. Seventeen of those cities and two of the counties handle the tax similar to Newberg's method. Taxes collected by the Town and Country Motel were not turned over to the City since June of 1981. Recently Mr. Donovan, the owner, has attempted to pay the tax by paying the tax collected plus \$500 for delinquent taxes. The City Administrator recommends that the room tax be unchanged.

Mr. Duane Donovan, 1507 N. Main owner of the motel questioned whether the tax money collected provides the benefits intended. The tax adds about \$1 to the room rates. Some prospective customers of the motel go on as they do not like it. Improvements could be made to the property to make it more desirable. He stated he believes the money could better be spent by him making improvements to the motel to attract more customers.

Councilman Grobey questioned Mr. Donovan on his occupancy rates. Mr. Donovan stated the rate is 56% annually for 22 rooms with a higher percentage rate in the summer than winter.

Motion: Probst-Rementeria to continue the motel room tax unchanged. Carried, 1 nay - Halstead.

Bids for pump and tanker unit in the Fire Department. Bids have been called for on pump and tanker unit for the Fire Department. The chassis was bid and purchased about a month ago. Two bids were received for the pump and tanker. Western States Fire Apparatus of Cornelius, Oregon bid \$22,000 f.o.b. Newberg. Starline Equipment Company, Boise, Idaho bid \$21,944, f.o.b. Newberg. The difference in the quotes is \$56. Western States has a twenty year warranty on the tank, Starline has five years. Western States can deliver in 60 days, Starline can deliver in 90 days. If parts or repairs are needed, Western States is 20 miles away, Starline is several 100 miles away. The Fire Chief recommends the bid of Western States.

Motion: Gano-Probst to approve and award the bid for the Fire tanker pumper to Western States. Carried unanimously.

Appointments by the Mayor! The Mayor made the following appointments:
Hospital Board: Delbert Ellis
Planning Commission: Sally Adamson
Traffic Safety Committee: Ed Charlesworth, Roger Giles, Rick Rickert.

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

RESOLUTIONS:

Motion: Halstead-McIntosh to waive competitive bidding for the furnace at the Library and adopt Resolution No.82-941. Carried unanimously.

ORDINANCES:

Motion: Halstead-Gano to read Ordinance No. 2086 adopting the budget and levying the tax for fiscal year 1982-83. Carried unanimously. The Ordinance was then read. Roll Call: Aye 8 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria, Tucker. Nay 0. The Mayor then declared the ordinance passed.

Motion: Halstead-McIntosh to read Ordinance No. 2087 allowing the City to receive State Revenues for the fiscal year 1982-83. Carried unanimously. The ordinance was then read. Roll Call: Aye 8 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria, Tucker. Nay 0. The Mayor then declared the ordinance passed.

Motion: Halstead-DeMay to read Ordinance No. 2088 dissovling Municipal Garage Fund, establishing Redevelopment Fund and changing method of accounting to modified accrual on certain funds. Carried unanimously. The ordinance was then read. Roll Call: Aye 8 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria, Tucker. Nay 0. The Mayor then declared the ordinance passed.

Motion: Gano-Halstead to reappoint Councilman Rementeria as the Chairman of the next annual Volunteer Dinner. Carried (1 nay - Rementeria.)

The council discussed upcoming meetings of the Council. The Council will meet on June 28, to review the Charter and to award the insurance bids. The Council will meet on June 17 at a location to be determined to review Mike Warren, City Administrator.

Motion: Tucker-Probst to adjourn to June 17, 1982 at a location to be determined. Carried unanimously.

THURSDAY, 7:30 P.M.

JUNE 17, 1982

AN EXECUTIVE MEETING
OF THE CITY COUNCIL

NEWBERG COMMUNITY HOSPITAL

NEWBERG, OREGON

Mayor Hall called the meeting to order under the rules of ORS 192.660 Section 1, Subsection i. Employee performance evaluation.

PRESENT:

Maybelle DeMay
Roger Gano
Harold Grobey
Alan Halstead

C. Eldon McIntosh
Quentin Probst
Richard Rementeria
Tommy Tucker

Michael Warren, City Administrator

The council reviewed the performance of Mr. Warren for the past year as prescribed in his contract with the City.

The Council recommended that the Administrator's car allowance be increased from \$135 per month to \$150 per month because of extensive use of his private vehicle for City related business.

Meeting adjourned.

THANKS FOR THE DINNER
AND THE EVENING'S
ENTERTAINMENT.

FROM THE LIBRARY VOLUNTEERS

E. R. Aho
Emma Hamner
Alice Bellinger
Marilyn Ruzel
Jean Eagleson
Della H. Osburn
Helen Holman
Maggie Hannon
Peggy Crote
Aurilia Aho
Margaret Fogel

Of all the ways to thank you,
There seems no better way
Than simply--
Thank you very much,
Your kindness made my day!

7/5 Agenda

Ambassador Cards



40T 1 K
© HALLMARK CARDS, INC.
MADE IN U.S.A.



CITY OF NEWBERG

DEPARTMENT OF POLICE

414 EAST FIRST STREET

TELEPHONE 538-8321

NEWBERG, OREGON 97132

HERBERT W. HAWKINS, CHIEF

June 10, 1982

Mike Warren, Administrator
City of Newberg

Dear Mike,

On behalf of the entire Newberg Police Reserves organization, I would like to say "thank you" for the Volunteer Recognition dinner last Saturday, June 5. The food was excellent, the entertainment was fun, and each of us left with a feeling of being appreciated.

Again, many thanks for a delightful evening.

Sincerely,



Roger Giles, Captain
Newberg Police Reserves

RG/dg

III 3

Rt. Box 360 A
Cris, Co. 97368

June 17, 1982

Dear Sir,

My wife and I want to thank
and commend one of your officers -
Officer T.D. Weaver. Yesterday, June 16,
at about 2 P.M., my wife and I were
returning home to The Coast when our
car stalled and would not start in husbandry.
Shortly thereafter Officer Weaver arrived,
and when he saw he could not start
the car he did everything to start help
on the way. He was cheerful, polite,
and efficient throughout, and saw to
it that we were safely on our way.
His behavior was in the highest tradition
of The Police Force.

Again, our appreciation and thanks
to your Department and to Officer Weaver.

RECEIVED

JUN 21 REC'D

By MR. HWA

Sincerely,

Henry Frankel
HENRY FRANKEL, M.D.



DEPARTMENT NUMBER 5
(503) 248-5101

DISTRICT COURT OF THE STATE OF OREGON
for MULTNOMAH COUNTY
1021 SOUTHWEST FOURTH AVENUE
PORTLAND, OREGON 97204

KIMBERLY C. FRANKEL
JUDGE

June 17, 1982

Chief Herbert Hawkins
Newberg Police Dept.
414 E. 1st Street
Newberg, Oregon 97132

Dear Chief Hawkins:

Yesterday my parents' vehicle became disabled in the middle of what is apparently a very bad intersection in Newberg. Both my parents are quite near seventy and my father has some heart difficulties. Because of that and the extreme heat, they were unable to push the vehicle out of the road. Some citizens eventually managed to push the car partly out of the road.

Things were looking pretty bleak until Officer T.D. Weaver of your department arrived. He provided them with a tow, arranged for their personal comfort and safety, and the safety of the vehicle. I recognize that this is a part of an officer's job, but it can be done in a way that makes the citizen feel worse than he already does. This was not the case. Officer Weaver was professional, calm, charming and supportive. He literally saved their lives.

Please commend him on behalf of myself and my family. Tell him to be careful, because I think my mother is looking to adopt him. Thanks again.

Sincerely,

Kimberly C. Frankel
KIMBERLY C. FRANKEL
DISTRICT COURT JUDGE

KCF/mt

cc: T.D. Weaver

Newberg P.D.

cc: City Admin

Personal file
P.S. Officer Weaver, really. They couldn't pay enough about you (one hour long distance) Thank you from me - They're the only set of parents I go to & I'm very fond of them.

III 4

Kim Frankel

PROCLAMATION

A PROCLAMATION OF THE CITY OF NEWBERG HONORING THE 1982 NEWBERG HIGH SCHOOL BASEBALL TEAM.

WHEREAS, the Newberg High School Baseball Team commonly known as the Newberg Tigers represents the great City of Newberg; and

WHEREAS, this is the second consecutive year that a team from Newberg High School has played in a State Championship game; and

WHEREAS, the team record for this past baseball season has been an outstanding 21-8; and

WHEREAS, the Newberg High School Baseball Team played in the State Championship game on June 5, 1982; and

WHEREAS, the Newberg High School Baseball Team was second place in the State of Oregon and first place in the Newberg Citizens hearts.

NOW, THEREFORE BE IT RESOLVED that as the Mayor of the City of Newberg I do hereby proclaim the week of July 5-11 as Newberg Tigers Baseball Team Week and on behalf of the City Council, City Staff and residents of the community of Newberg I offer congratulations and continued success.

DATED this 6th day of July, 1982.

Elvern Hall

Elvern Hall - Mayor

PRESS RELEASE

June 11, 1982

On March 26, 1982 the case of Roth et. al. vs. LCDC, DLCD, City of Newberg, Yamhill County and Newberg School District was heard before the Court of Appeals. On June 9, 1982 a decision was rendered which upheld the August 24, 1981 order of LCDC acknowledging the City of Newberg's compliance with LCDC guidelines.

Basically, the Petitioners challenged the acknowledgment of the City of Newberg's Comprehensive Plan because the City included within the Urban Growth Boundary an 18.8 acre tract of land in the northwest section of the City whose ultimate use will be, most probably, for a school site.

The Petitioner's challenge was based on numerous allegations of error on the part of LCDC. The Court of Appeals found LCDC made no error in acknowledging the City of Newberg's Comprehensive Plan.

The Court held that the state-wide planning goal number 2 "Exceptions Process" did not apply to the acknowledgment order which established the City's Urban Growth Boundary and as a consequence Petitioner's allegation of error on that basis was not appropriate.

The Court made the following observation: "This case is a classic illustration of the pitfalls involved in LCDC simultaneously considering a goal issue in two distinct proceedings designed for different purposes. It may also suggest that LUBA and LCDC may not be exerting sufficient effort to coordinate their functions to assure the expeditious resolution of land use decisions."

The effect of the decision on Newberg is to lay to rest the only challenge to the acknowledgment of the City of Newberg's Comprehensive Plan.

The City was represented by it's attorney, Richard Faus. Much of the decision was based on Mr. Faus' written and verbal appeal. The case had some far reaching state-wide effects in that it said that what LCDC is enforcing is correct and that they do have proper and legal guidelines.

End of Press Release.



Michael Warren
City Administrator
Newberg, Oregon

MW:fj

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Orlin H. Roth, William Roth
and Frances Roth,

Petitioners,

v.

CA A22117

Land Conservation and Development
Commission and Department of Land
Conservation and Development, an
Oregon state agency; City of Newberg;
Yamhill County; and Newberg School
District 29J,

Respondents.

Judicial Review from Land Conservation and Development Commission.

Argued and submitted March 26, 1982.

John C. Pinkstaff, McMinnville, argued the cause and filed the brief for petitioners.

Richard David Wasserman, Assistant Attorney General, argued the cause for respondents Land Conservation and Development Commission and Department of Land Conservation and Development. With him on the brief were Dave Frohnmayer, Attorney General, and William F. Gary, Solicitor General, Salem.

Richard D. Faus, City Attorney, Newberg, argued the cause and filed the brief for respondent City of Newberg.

Daryl S. Garrettson, Yamhill County Counsel, McMinnville, argued the cause and filed the brief for respondent Yamhill County.

12-9-82

1 George H. Layman, Newberg, waived appearance for
2 respondent Newberg School District 29J.

3 Before Buttler, Presiding Judge, and Warren and
4 Rossman, Judges.

5 BUTTLER, P. J.

6 Affirmed.
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COSTS SHEET

Case Name: ROTH V. LCDC

Court of Appeals Case Number A22117

Trial Court or Agency Case Number _____

The prevailing party[ies] is [are] respondents

☐ No costs are awarded.

☒ Costs are awarded to the prevailing party[ies].

The party[ies] responsible for paying costs is [are]
petitioners

The following entries will be made as appropriate at the
time that the appellate court decision is enforceable.
Attorneys see Rules 11.03, 11.05 and 11.10.

It is therefore ordered that the prevailing party[ies]
recover[s] from _____

costs and disbursements on appeal taxed at \$ _____,
and the further sum \$ _____ as attorney fees.

The Supreme Court denied petition for review on _____

Date appellate court decision is enforceable: _____

1 BUTTLER, P. J.

2 Petitioners seek judicial review of that portion of
3 an acknowledgment order issued by the Land Conservation and
4 Development Commission (LCDC), which, according to petitioners,
5 "enlarges the [City of] Newberg['s] urban growth boundary [UGB]
6 to include an 18.8 acre parcel for a proposed school site." This
7 case is a classic illustration of the pitfalls involved in LCDC's
8 simultaneously considering a goal issue in two distinct
9 proceedings designed for different purposes: adjudicatory
10 appeals before the Land Use Board of Appeals (LUBA) (in which
11 LCDC must pass on any goal questions), and acknowledgment
12 proceedings before LCDC pending at the same time. It may also
13 suggest that LUBA and LCDC may not be exerting sufficient effort
14 to coordinate their functions to assure the expeditious
15 resolution of land use decisions.

16 On June 25, 1980, Yamhill County's Board of
17 Commissioners (County) approved expansion of the City's UGB at
18 the behest of the local school district to include a parcel
19 designated in the comprehensive plan for future use as a school
20 site. Petitioners, who live near the parcel, objected to the
21 expansion and, as part of a neighborhood group, brought the
22 matter before LUBA. On December 11, 1980, LUBA ruled that the
23 County had not sufficiently considered the need for, alternatives
24 to and compatibility of the addition of the parcel to the land

1 within the UGB, and remanded the case back to the County. Abrego
2 v. Yamhill County, 2 Or LUBA 101 (1980) (Abrego I). On remand,
3 on March 18, 1981, the County affirmed its decision to include
4 the parcel in the UGB and made additional findings. Petitioners
5 again sought review before LUBA. On August 12, 1981, LUBA,
6 ruling that the County had failed to meet the "compelling reasons
7 and facts" test of Statewide Land Use Goal 2 as incorporated
8 in Goal 14 to justify the UGB expansion, again remanded the
9 matter to the County. Abrego v. Yamhill County, 3 Or LUBA 350
10 (1981) (Abrego II).

11 In June, 1979, prior to the first of the LUBA
12 proceedings in Abrego, the City had requested LCDC to acknowledge
13 its comprehensive plan, including the UGB. There followed a
14 continuance order and a second acknowledgment request. On
15 December 23, 1980, LCDC issued a second continuance order
16 outlining statewide goal deficiencies, including several relating
17 to Goal 14. None of the specific deficiencies about which
18 petitioners had complained to LUBA were among those listed.
19 On April 17, 1981, the City submitted its third request for
20 acknowledgment. Before LCDC in the acknowledgment proceedings,
21 petitioners raised objections similar to those raised by them
22 before LUBA in Abrego I and II. It was at this point that
23 the Abrego proceedings became inconsistently juxtaposed with
24 the acknowledgment process. On August 6, 1981, LCDC voted to

1 approve LUBA's proposed opinion and order in Abrego II remanding
2 the UGB to the County. Notwithstanding that action, LCDC, on
3 the same date, voted to approve the City's comprehensive plan,
4 including the UGB, within which the disputed parcel was
5 included. The acknowledgment order was issued August 24, 1981.

6 It is the facial inconsistency between Abrego II and
7 the LCDC acknowledgment order that provides the thrust of
8 petitioners' appeal to this court, for it appears that, despite
9 their successes in the Abrego proceedings, petitioners were now
10 being told by LCDC that those efforts were all for naught. In
11 their two assignments of error, petitioners contend that LCDC
12 erred in (1) not finding (as had been found by both LUBA and
13 LCDC in Abrego II) violations of Goal 2 requirements; (2) not
14 finding a violation of Goal 2's coordination requirements as
15 a result of the inconsistency between Abrego I and II and the
16 LCDC acknowledgment; (3) not finding a Goal 14 violation; and
17 (4) not finding the City's findings inadequate concerning Goals
18 2 and 14 with respect to including the disputed parcel within
19 the UGB.

20 LCDC, respondent in this appeal, raises two arguments
21 in support of the acknowledgment order. First, it contends
22 that petitioners' objections were not properly before LCDC,
23 because by administrative rule¹ LCDC had limited its review,
24 after issuance of a continuance order, to those deficiencies

1 the continuance order specifically required to be corrected.
2 The real question in our review of LCDC's order, however, is
3 whether petitioners' objections are properly before us.

4 The continuance order is not judicially reviewable
5 except as to goals with which the comprehensive plan is
6 determined to be in compliance. See 1000 Friends of Oregon v.
7 LCDC, 56 Or App 759, 643 P2d 654 (1982). Petitioners could
8 not have sought judicial review as to any Goal 14 issues prior
9 to the LCDC acknowledgment order that is before us now, because
10 neither continuance order determined the plan to be in compliance
11 with that goal. It follows that petitioners are not precluded
12 from raising alleged Goal 14 deficiencies in this proceeding.
13 This court is not bound by the fact that LCDC in its continuance
14 order ignored a previously identified deficiency involving the
15 same goal. Whatever may have been the effect of the cited
16 administrative rule on LCDC's internal procedures, we conclude
17 that petitioners are not precluded from raising their Goal 14
18 objections on judicial review of an acknowledgment order, entered
19 after a continuance order has enumerated other Goal 14
20 deficiencies to be corrected.

21 LCDC next argues that the requirements of Goal 2 are
22 not applicable until the UGB is "established" during the
23 acknowledgment process. Goal 14 provides in relevant part:

24 "Establishment and change of the [urban growth]
boundaries shall be based upon consideration of the

1 following factors:

2 "(1) Demonstrated need to accommodate long-range
3 urban population growth requirements consistent with
4 LCDC goals;

5 "(2) Need for housing, employment opportunities,
6 and livability;

7 "(3) Orderly and economic provision for public
8 facilities and services;

9 "(4) Maximum efficiency of land uses within and
10 on the fringe of the existing urban area;

11 "(5) Environmental, energy, economic and social
12 consequences;

13 "(6) Retention of agricultural land as defined,
14 with Class I being the highest priority for retention
15 and Class VI the lowest priority; and,

16 "(7) Compatibility of the proposed urban uses
17 with nearby agricultural activities.

18 "The results of the above considerations shall
19 be included in the comprehensive plan. In the case
20 of a change of a boundary, a governing body proposing
21 such change in the boundary separating urbanizable
22 land from rural land, shall follow the procedures and
23 requirements as set forth in the Land Use Planning
24 Goal (Goal 2) for goal exceptions." (Emphasis
supplied.)

Goal 2 provides in relevant part:

"If the exception to the goal is adopted, then
the compelling reasons and facts for that conclusion
shall be completely set forth in the plan and shall
include:

"(a) Why these other uses should be provided
for;

"(b) What alternative locations within the area
could be used for the proposed uses;

1 "(c) What are the long term environmental,
2 economic, social and energy consequences to the
3 locality, the region or the state from not applying
4 the goal or permitting the alternative use;

5 "(d) A finding that the proposed uses will be
6 compatible with other adjacent uses."

7 If the City's adoption of the UGB, including the addition of
8 the disputed parcel while the acknowledgment request was pending
9 before LCDC, were a "change" in an "established" UGB, the test
10 of Goal 14 compliance would be as LUBA expressed it in Abrego
11 II:

12 "Before an urban growth boundary can be expanded
13 the proponent of the expansion has the burden of
14 showing by compelling reasons and facts that the uses
15 to be accommodated by the expansion cannot be located
16 within the urban growth boundary." 3 Or LUBA at 354.

17 The issue is whether the City's adoption of the UGB,
18 in the form later acknowledged, was a "change" in an
19 "established" UGB within the meaning of Goal 14. LCDC
20 considered that the acknowledgment proceeding concerned the
21 "establishment" of the UGB and that prior to acknowledgment
22 no UGB could be "established." That interpretation of the goal
23 is evidenced by the comments of one of the commissioners at the
24 August 6, 1981, hearing:

 "Well, but frequently in the establishment of
 urban growth boundaries, there are changes made. We
 send back urban growth boundaries and they are trimmed
 back to accommodate changes but it is still part of
 the establishment process and that applies to whether
 the factors in Goal 14 have been met * * *."

 Logically, there can be only one "establishment" of

1 a UGB within the meaning of Goal 14; all subsequent modifications
2 constitute "changes" triggering the application of the Goal 2
3 standard incorporated in Goal 14. It appears to us to be highly
4 unlikely that LCDC intended, in promulgating Goal 14, that
5 modification of a proposed UGB any time after a line is first
6 drawn on a map must be justified by a "compelling facts and
7 reasons" test. Before the UGB has been deemed to be in
8 compliance with the statewide goals, the stringent Goal 2
9 standard for UGB "changes" would be inappropriate. Expansion
10 of the UGB, for example, might well be what is required to bring
11 the UGB into compliance with the goals. Modifications of the
12 UGB made prior to acknowledgment, because they precede
13 "establishment" of the UGB, are merely part of the establishment
14 process, as explained by the commissioner quoted above.

15 We conclude that the Goal 2 exception requirements,
16 as incorporated by reference in Goal 14, are not applicable until
17 after the UGB has been acknowledged by LCDC. It follows that
18 LUBA applied an incorrect standard in Abrego I and II.² Had
19 the goal issue been the same in both proceedings, LCDC would
20 have been bound by its earlier determination approving LUBA's
21 proposed order and should therefore have deferred acknowledgment
22 pending resolution of the remanded issues. In any event, the
23 remands in both Abrego proceedings were based on violations
24 under Goal 2 as incorporated in Goal 14; the decisions did not

1 attempt to resolve whether the UGB meets other Goal 14
2 requirements,³ which was properly the issue before LCDC. We
3 turn to that question.

4 In the findings accompanying the compliance
5 acknowledgment order, LCDC noted the future use of the 18.8 acre
6 parcel.⁴ That consideration would have been more relevant
7 under the Goal 2 "compelling reasons and facts" tests; it is
8 not dispositive in the Goal 14 calculus for considering factors
9 in establishing the UGB. Petitioners contend that several of
10 the Goal 14 factors (i.e., need, maximum efficiency of land
11 uses and social consequences, as applied to the projected use
12 of the disputed parcel included within the UGB) should lead
13 to disapproval of the UGB. The petition for judicial review,
14 however, identifies the UGB acknowledgment as the subject of
15 our review, not the future use of this specific parcel.⁵

16 Moreover, to the extent that the uses of specific
17 parcels are a relevant consideration under Goal 14, petitioners'
18 arguments are not persuasive. The "need" factor mentioned in
19 Goal 14 does not refer to the need for a particular use of the
20 land, but rather to the "demonstrated need to accommodate long-
21 range urban population growth requirements consistent with LCDC
22 goals." Furthermore, although it appears from Abrego I that a
23 school at that site would require only 11 acres, petitioners
24 have not shown that use of the disputed parcel as a school site

1 is so inefficient as to necessitate its exclusion by LCDC from
2 the UGB territory. Finally, although proximity of the school
3 site to an explosives factory's truck route might have "social
4 consequences" when a school is finally committed to that parcel,
5 the parcel's inclusion within the UGB does not necessarily have
6 adverse social consequences. See, generally, 1000 Friends v.
7 LCDC, 292 Or 735, 642 P2d 1158 (1982).

8 As indicated above, the gist of petitioners' appeal
9 is that LCDC's position at acknowledgment was inconsistent with
10 its position earlier taken in Abrego II. ORS 183.482(8)(b)(B)
11 mandates remand of an agency order if the agency's action is

12 "[i]nconsistent with an agency rule, an officially
13 stated agency position, or a prior agency practice,
14 if the inconsistency is not explained by the agency;
15 * * *."

16 We cannot determine from the record whether LCDC had previously
17 adopted an "officially stated agency position." The remarks
18 of one of the LCDC commissioners during the acknowledgment
19 process suggest that LCDC's approval of the remand order
20 in Abrego II might have been inconsistent with the position the
21 Commission adopted during acknowledgment. He tried to explain
22 the inconsistency, but not very convincingly:

23 "But the staff is recommending this plan because
24 of an establishment of an Urban Growth Boundary and
they are concluding that there are, the requirements
for an establishment of a boundary have been met.
The previous action was a change in a boundary and
all we did in the Abrego case was really affirm the
yardstick applied by LUBA which is that a standard

1 similar to an acceptance process must be followed to
2 bring a change to the boundary because that's what
3 Ordinance No. 260 did. Now we have in front of us
4 Ordinance No. 2047 which is an establishment of a
5 boundary and the question is no longer, did they follow
6 the exceptions process because this is an establishment
7 of a boundary, the question is did they meet the
8 factors of Goal 14 and the staff has concluded that
9 they did."

10 We have, however, determined that LCDC's position taken at the
11 acknowledgment phase, i.e., that a UGB is first "established"
12 via acknowledgment, is correct. Therefore we do not remand the
13 valid determination before us on judicial review for
14 inconsistency with the erroneous position taken by LCDC in Abrego
15 II. 6

16 LCDC, addressing each of the Goal 14 deficiencies
17 identified in the continuance order, concluded:

18 "The City of Newberg no longer relies on a 30
19 percent 'market factor' as a justification of the UGB.
20 Land use needs have been revised on the basis of a
21 population projection of 27,000. This projection has
22 been coordinated with Yamhill County and the impact
23 on public facilities has been considered. The existing
24 UGB is adequate to accommodate the land use needs of
a population of 27,000. The UGB has been justified
in accordance with the locational factors of Goal 14.
The City of Newberg has thoroughly addressed the
requirements established in the Commission's
Continuance Order."

25 We hold that LCDC did not err in failing to find that the
26 comprehensive plan, including the UGB, violated Goal 14 and in
27 finding that the City's findings adequately addressed the Goal
28 14 issue.

29 Affirmed.

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FOOTNOTES

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OAR 660-03-040, as amended in 1980, provided in
pertinent part:

"(2) The order of continuance shall specify the
deficiencies which need to be corrected and a time
certain within which the corrections shall be submitted
to the department for review as part of the
acknowledgment request. * * *

"(3) The Department shall, upon receipt of the
corrections, notify all persons who are entitled to
notice of the jurisdiction's acknowledgment request
under OAR 660-03-015 of the time and place where the
corrections may be inspected and the time within which
objections or comments to the corrections must be
submitted.

* * * * *

"(6) When the Commission resumes its
consideration of the acknowledgment request, it shall
limit its review to the question of whether the
corrections submitted comply with the Statewide
Planning Goals, unless other goals are affected by
the changes. If the Commission finds that with the
corrections submitted the jurisdiction's comprehensive
plan and implementing ordinances do comply with the
Statewide Planning Goals, it shall enter an order
granting the acknowledgment request. * * *" (Emphasis
supplied.) (Repealed by LCDC, December 15, 1981.)

2

Even if Goal 2 were correctly applied in Abrego I and
II (because the Abrego proceedings and the acknowledgment
proceeding turned on different standards), there is no lack of
coordination as defined in Goal 2, a deficiency alleged here
by petitioners. Goal 2's coordination requirements refer to

1 proceedings among cities, counties and special districts, not
2 to the relationship between LUBA and LCDC. Petitioners do not
3 raise the applicability of the general coordination policies
4 expressed in ORS 197.005 (amended Or Laws 1981, ch 748, § 21).

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7 We need not address LCDC's contention that local
8 adoption of a new ordinance mooted the Abrego decisions despite
9 the lack of material difference between the former and current
10 ordinances with respect to inclusion of the 18.8 acre parcel.

11
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13 LCDC's findings accompanying the compliance
14 acknowledgment order stated in part:

15 "Boundary Segment No. 4 includes two parcels;
16 one containing approximately 5 acres, the other
17 containing approximately 19 acres. Both of these
18 properties were included upon request of the property
19 owners or purchasers. The smaller parcel was included
20 primarily because sewer and water services were
21 available and were developed abutting the subject
22 property. The larger parcel was included specifically
23 for the purpose of providing a site location for an
24 elementary school. The specific site underwent
extensive discussion relating to its location and it
is found by the City that the site is an appropriate
location to provide generalized district needs for
serving student populations within eastern Yamhill
County locations."

25 5

26 We note that petitioners have not attacked on goal

1 grounds the designation of the parcel in the comprehensive plan
2 as a future school site. That appears to be petitioners' real
3 complaint; the opposition to the UGB is but a means to contest
4 the planned use of the parcel.

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7 Furthermore, petitioners here have not argued that the
8 agency's exercise of discretion in acknowledging the
9 comprehensive plan, including the UGB, was outside the range
10 of discretion delegated to LCDC, in violation of a constitutional
11 or statutory provision, or not supported by substantial
12 evidence. ORS 183.482(8); see also ORS 197.650.

658

24-12
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DOLLARS

13795 SW Allen Ave. #19

Beaverton, OR 97005

June 23, 1982

Dear Sirs: I had a car accident.

In trying to locate a difficult to find address in a strange city I was watching for cars, street signs and railroad tracks, and inadvertently drove through a stop sign. I later checked and found there were four in one square block.

I was very sorry to have done so, especially in view of the \$29.00, but I wanted to tell you that the young officer, Scott A. Jones, was very nice to us. He was polite, helpful and kind enough to take us to the right address, which we never would have found without his help.

In this day, when policemen are so maligned, I want you to know I think he is outstanding.

Sincerely,

Ethel O'Dell

Ethel O'Dell

III 7

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Senior Citizen Services

DATE: June 29, 1982

The attached memo and information from the Chehalem Valley Senior Citizens Council describes a number of items. Brief discussions and recommendations are as follows:

If the County Ballot Measure on June 29 fails to continue YAMCO Transit Service the Chehalem Valley Senior Citizens Council will need to have a public agency act as the primary contractor for "pass through purposes." What this means is that the State will give money to an agency such as the City and that is the only way that the Chehalem Valley Senior Citizens Council can receive some money.

It would be my recommendation that the City Council direct the Administrator to take any and all appropriate action to have the City of Newberg act as the primary contractor in an effort to continue securing the money for the Chehalem Valley Senior Citizens Council from the State of Oregon.

The Chehalem Valley Senior Citizens Council is formally requesting a portion of the \$25,000 that was designated in the City Budget for the possible purpose of a community center to be used toward purchase of two vans via a 20% City match with the Oregon Department of Transportation providing the 80% match. There is no question that vans are needed for the Senior Shuttle or Transportation Service. However, as with another item on this agenda, the \$25,000 could be used for a variety of purposes. If the 1½% ballot measure passes in November it will deplete our City funds considerably and the \$25,000 could be used toward insuring that we would have some reserves to fall back on. The \$25,000 could be used to continue the School Liaison program. The \$25,000 could be used to begin a savings account for a Community Center. The \$25,000 could be used toward the purchase of the two vans. The \$25,000 could be used for general Senior Citizen services as described in the NHRC letter.

It is my recommendation that the Mayor appoint Council members or the Finance Committee be designated to study Senior Citizen Services and more specifically, the \$25,000 in question and recommend to the City Council at a future date as to the disposition of the general fund money.

The backup material expresses for the most part the budgets for the Senior Shuttle program and the YAMCO program. The budget figure that jumps out, in my opinion, is the City of Newberg contribution to the Chehalem Valley Senior Citizen Council. The \$18,300 figure is up 80% over the figure of 2 years ago. The City of Newberg is certainly paying its fair share and again, in my opinion, to assist a group of people that are usually put last on priority lists for public agencies. I have encouraged the Director of the two programs to work with other

Memo to City Council
RE: Senior Citizen Services

public agencies as diligently as they do the City of Newberg.

A question that may arise as you look over the budgets is whether or not the \$18,000 that the City contributes is used to provide services to City of Newberg people and not people outside our City limits. Although the money that is given to the Chehalem Valley Senior Citizens Council is not necessarily earmarked one way or another, I believe that the \$18,000 is used, for the most part, within our City limits.

In summary, I believe the City Council should study this matter very carefully. I also feel that the City should be extremely proud that they are one of the very few public agencies that are attempting to go beyond traditional responsibility and assist Senior Citizens through the General Fund. It is a shame that other jurisdictions do not put the elderly in as high a priority.


Michael Warren
City Administrator

MW/bjm

Enc.

TO: Mr. Mike Warren, City Administrator and Newberg City Council
FROM: Grace Neitling, Coordinator, CVSCC
DATE: June 29, 1982

To answer the questions about the number of trips our van makes to Dundee or outside Newberg, the record shows:

1. There are no Meals On Wheels delivered to Dundee, but there are two such (Rt. 3 Box 48 and Rt. 2 Box 45) which are delivered to just outside city limits. Meals On Wheels are delivered in private cars (mileage charge) of volunteers.
2. The Senior Shuttle picks up Ruth Grimes in Dundee and returns her daily, Monday through Friday. She is transported to the Three Square meal site in Newberg.
3. The YAMCO Van has been made available to go to Dundee at 9 a.m., Monday through Friday, but the driver tells me he has gone to Dundee only twice in the past 6 months.
4. There are two women living in the county who we regularly transport (in volunteer cars) into Newberg. The vans do not usually go outside the Newberg city limits. The exception to that is "field trip" activity. We try to set up a trip to Washington Square or another convenient area to provide some diversion at least once a month.
5. The average number of persons transported ^{per month} (almost all from Newberg) over the past 6 months is 125. The number of trips is approximately 4 times that. The trip descriptions are: medical, nutrition, shopping, other, and home.

cc: Jere Jackson
Ethel Yergen, CVSCC President



TO: Members of the Newberg City Council

FROM: Chehalem Valley Senior Citizens Council *EF*

SUBJECT: Past and Future Support of Transportation Services

DATE: June 15, 1982

To be a public servant in these days of difficult decisions, due to increasing demand for public services in lieu of decreasing financial resources, often causes a public servant to feel that serving as a City Council Member is a "thankless job". The Chehalem Valley Senior Citizens Council wishes to thank the City Council for its timely consideration and cooperation concerning the services provided by the City to insure "quality of life" for older adult residents of our community.

The past to present increasing support of transportation programs for all the residents of Newberg through YAMCO is especially advantageous for and appreciated by the older adult residents. Likewise, the cooperative spirit of the City Council concerning the essential development of an adult center has also been appreciated. Although the measure failed in the recent election, it was not due to the lack of foresight by the "City Fathers and Mothers", but possibly due to community membership not yet "coming of age" on this issue.

Presently, we would appreciate the City Council providing serious consideration to the two following proposals:

1. The City Council apply a portion of the \$25,000 designated in the City budget to assist in maintenance of the adult center be applied to purchase two vans via a 20% City match with the Oregon Department of Transportation providing the 80% match.
2. In the event of the failure of the County Ballot Measure on June 29th to continue YAMCO Transit service, the City of Newberg will assume the status of primary contractor for the regular scheduled van for total service within the City limits and possibly service between Newberg and McMinnville. The assumption of the contract would not require additional financial expenditures as the City has already met the required matching funds through the \$18,000 budgeted for transportation within the City of Newberg. The actual administration and dispatching of such a service could be subcontracted to the Chehalem Valley Senior Citizens Council or possibly to Newberg Human Resources. The City assuming the primary contract would assure continuity of existing services and help coordinate the transportation programs and funding from two agencies (Senior Services Division and Oregon Department of Transportation). See attached forms.

If you have further questions on either of these two proposals, please contact Ethel Yergen or Grace Neitling.

cc: Mike Warren, City Administrator

IV 1

YAMHILL TRANSPORTATION SERVICES

PRESENT: Funding Agency: Senior Services Division (SSD)
 or
 1A. Funding Agency: Area Agency on Aging (AAA)
 ↓
Contract Agency: Yamhill County
 ↓
Subcontract Agency: Chehalem Valley Senior Citizens Council (Housed Park & Rec.) Council on Aging
Service: 1. Transportation to and from mealsite
 2. Transportation demand van services (physician, shopping, nursing home, etc.)

1B. Funding Agency: Oregon Department of Transportation (DOT)
 ↓
Contract Agency: Yamhill County
 ↓
Subcontract Agency: Chehalem Valley Senior Citizens Council (Housed Park & Rec.) Council on Aging
Service 1. Yamco system: Scheduled routed public transportation

PROPOSED: Funding Agency: Senior Services Division (SSD)
 or
 2A. Funding Agency: Area Agency on Aging (AAA)
 ↓
Contract Agency: Newberg Human Resources Center (NHRC)
 ↓
Subcontract Agency: Chehalem Valley Senior Citizens Council (Housed NHRC or Park & Rec.) Council on Aging
Service: Same as above
Demand services

2B. Funding Agency: Oregon Department of Transportation (DOT)
 ↓
Contract Agency: City of Newberg
 ↓
Subcontract Agency: Newberg Human Resources Center or Chehalem Valley Senior Citizens Council
Service: 1. Scheduled route public transportation in Newberg
 2. (?) McMinnville - Newberg - McMinnville (?)
 OMIT King City - Newberg
 McMinnville inner city scheduled route

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CHEHALEM VALLEY SENIOR CITIZENS COUNCIL
EXPENDITURES

80-81	Adopted Budget 81-82	Expenditure Description	Proposed Budget 82-83	Adopted Budget 82-83
		A. Personnel Services		
1. 2,004	2,200	1 Coordinator	2,700 A.	
2. 6,944	8,180	YAMCO Drivers	11,040 B.	
3. 6,100	5,910	Sr. Shuttle Drivers	8,160 B.	
4.		1 Editor	720	
5. 6,051	6,000	Fringe	2,980	
6. 21,099	22,290	TOTAL PERSONNEL SERVICES	23,600	
		B. Vehicle Services		
7. 5,596	5,626	Gas	6,113	
8. 725	250	Tires	400	
9. 110	554	Maintenance	720	
10. 3,600	1,760	Repairs	2,000	
11. 1,721	1,703	Insurance	1,800	
12. 11,752	9,893	TOTAL VEHICLE SERVICES	11,033	
		C. Miscellaneous		
13. 30	34	License	40	
14. 1,280	1,580	Volunteer Mileage	2,000	
15. 81	400	Postage and Shipping	600	
16. 143	200	Supplies	300	
17. 60		Printing		
18. 2,823	351	Other	400	
19. 4,417	2,565	TOTAL MISCELLANEOUS	3,340	
20. 37,268	34,748	TOTAL	37,973	

A. Increase of 25.00/month

B. Increase in hourly wage from 4.34 to 4.65

CHEHALEM VALLEY SENIOR CITIZENS COUNCIL

REVENUE

80-81	Adopted Budget 81-82	Revenue Sources	Proposed Budget 82-83	Adopted Budget 82-83
10,000	13,100	City of Newberg	18,300	
4,725	5,225	U.G.N.	5,775 5,500	
8,293	5,960	Area Agency on Aging	5,960 ?	
6,851	5,490	Oregon Department of Transportation	5,490 ?	
2,500		Yamhill County Revenue Sharing		
2,186	1,750	YAMCO Fares	2,000	
1,677	2,800	AAA Donations	3,000	
2,500		Grants		
1,731		Insurance		
544	535	Council Donations	600	
16	3,755	Cash Carryover	3,800	
41,023	38,615	TOTAL	44,925	

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CHEHALEM VALLEY SENIOR CITIZENS COUNCIL

SENIOR SHUTTLE EXPENSES

80-81	Adopted Budget 81-82	Expenditure Description	Proposed Budget 82-83	Adopted Budget 82-83
6,100	5,910	Van Driver Salary FTE .85	8,160	
2,573	1,747	Fringe	1,266	
1,853	2,033	Gas	2,363	
52	275	Service	360	
697	790	Repairs	980	
357	125	Tires	200	
860	859	Insurance	900	
27	81	Miscellaneous	100	
12,519	11,820	TOTAL	14,329	

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CHEHALEM VALLEY SENIOR CITIZENS COUNCIL

YAMCO EXPENSES

80-81	Adopted Budget 81-82	Expenditure Description	Proposed Budget 82-83	Adopted Budget 82-83
6,944	8,180	Van Driver FTE 1.15	11,040	
3,478	4,253	Fringe	1,714	
3,743	3,593	Gas	3,750	
58	279	Service	360	
2,903	970	Repairs	1,020	
368	125	Tires	200	
861	844	Insurance	900	
284	20	Miscellaneous	100	
18,639	18,264	TOTAL	19,084	

CHEHALEM VALLEY SENIOR CITIZENS COUNCIL

TRANSPORTATION SERVICES

		<u>Rides Provided</u>	<u>Estimated</u>
	<u>80-81</u>	<u>81-82</u>	<u>82-83</u>
A. YAMCO: Public transportation within the City of Newberg; van operates Monday through Friday, 8:00-4:00 p.m. on a scheduled route basis. Route deviations are made if possible. One-way ride is 35¢; seniors ride two ways for 35¢.	7,195	7,250	7,555
Funding: Oregon Department of Transportation (Small City and Rural Area Public Transportation Program); Fare revenue; and City of Newberg			
B. SENIOR SHUTTLE: Transportation for seniors and disabled persons within the Chehalem Valley area (primarily Newberg, Dundee). Operates on a priority basis: medical, nutritional, shopping, and recreational. No fares are charged, except on recreational trips, when riders are asked to cover van expenses.	7,895	9,200	9,300
Funding: Senior Services Division; Rider donations; and City of Newberg			
C. VOLUNTEER DRIVERS: Coordinate volunteers and their private vehicles with seniors or disabled persons in need of transportation where the vans are not feasible. Drivers are reimbursed 20¢/mile.	4,075	4,170	4,250
Funding: Senior Services Division; United Way			
TOTAL NUMBER OF RIDES PROVIDED	19,165	20,620	21,105

17



July 1982

NEWBERG HUMAN RESOURCE CENTER

538-8396

May 26, 1982

Newberg City Council
City of Newberg
414 E. 1st
Newberg, Oregon 97132

Dear Mr. Mayor and Members of the Council,

Congratulations on the recent passage of the Newberg City Tax Base. The approval of this measure is a valuable milestone for the stability and future of the community.

You may recall that included in the budget was \$25,000.00 that had been earmarked as part of the Senior/Community Center allocation pending voter approval of an additional \$75,000.00 serial levy. Further, if the levy were to fail, as it did, the use of the \$25,000.00 would be left to the discretion of the Council.

We can all speculate about the reasons the serial levy failed however it has been suggested that there is a reasonable understanding that the budgeted \$25,000.00 be spent for some facet of services to senior citizens. The Newberg Human Resources Center (NHRC) is facing a dilemma of its own and wishes to offer the following opportunity to the City of Newberg to support services to senior citizens while providing further support to NHRC.

Three years ago NHRC won a competitive bid contract to provide home-maker services to low income senior citizens so that individuals could reasonably remain in their own homes and avoid unnecessary institutionalization. The hourly rate of that accepted bid was \$11.83. NHRC has continued to operate its services at \$11.83 despite inflation and increases in service levels. NHRC has just learned that the hourly rate has been mandatorily reduced to \$9.97 per hour. In addition it has become apparent that another Special Session of the Oregon Legislature will be necessary to balance the increased State deficit. Therefore the services to senior citizens provided by NHRC may well be cut even more. NHRC will be hard pressed, to say the least, to continue its services after suffering

408 E. THIRD

NEWBERG, ORE.

97132



"A United Way Agency"

IV 2

significant reductions in its contract with possible greater reductions yet to come. However few people can argue against the value to individuals and the community of helping our frail elderly remain in their own homes and out of institutions.

NHRC requests that the City of Newberg allocate \$10,000.00 of the allocated \$25,000.00 to assist in the provision of services to senior citizens. The \$10,000.00, if approved, would allow NHRC to provide the existing level of services to Newberg's citizens.

The relationship between the City of Newberg and NHRC has been greatly strengthened in recent times. The ties allow the City to provide comprehensive services to the public without being charged with the administration or paying the full cost of those services. It is but one more example of why people enjoy living in Newberg and will support the City.

I am available, at your convenience, for further information or discussion.

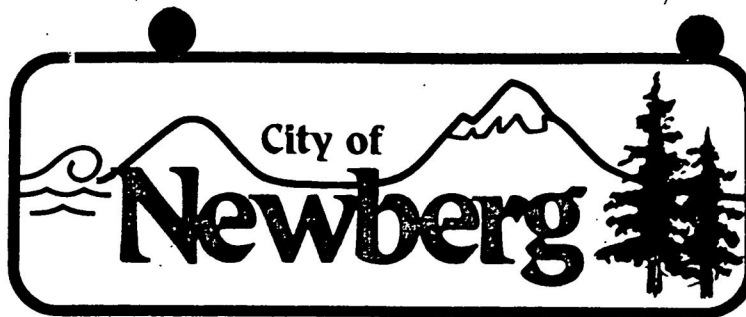
Respectfully Submitted,



Neil Jacox
Director

c.c.: Clay Moorhead, Chairman, NHRC
Maybelle DeMay, Council Representative to NHRC

IV 2



Public Works Department
(503) 538-9421

June 25, 1982

414 E. First St.
Newberg, Oregon 97132

Dear Property Owners:

On June 2, I sent a copy of a proposed ordinance revision relating to sidewalk construction along 99W for your information. At the June 7 City Council meeting the proposed revisions were discussed during a public hearing, after all testimony was received from the property owners. At the meeting the City Council referred the ordinance revisions back to the Public Works Committee for further discussion.

The testimony presented at the City Council meeting predominantly dealt with the mandatory date at which all portland cement concrete sidewalks must be in place. Most of the property owners present at the City Council meeting felt that the impact of the current economic situation would not allow a business expense of this magnitude.

The Public Works Committee has met twice to discuss the ordinance revision. Much of the discussion centered around testimony received at the June 7 Council meeting.

The Mayor and the Public Works Committee have both asked that I write you informing you of their decision and the recommendation that will eventually go to the City Council on July 6, 1982. Basically, the comments that were received at the June City Council meeting provided enough insight into the situation for the Public Works Committee to delay the reconstruction of the sidewalks until it is economically feasible for the majority of the property owners to replace the asphalt concrete sidewalks with portland cement concrete sidewalks.

Although this is not to be construed as an indefinite delay, it nevertheless, represents an extension of time with the hopes that the economy and business in general will turn around. Both the Mayor and the Public Works Committee also ask that I express their thanks for many of you taking the time out to attend the June City Council meeting, and provide your thoughts. It is hoped that when the City Council does eventually decide upon a date for the replacement the property owners will see it as another step toward well-planned growth.



Home of Old Fashioned Festival

VI

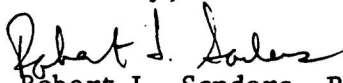
Property Owners
June 25, 1982
Page 2

Enclosed is a copy of the proposed ordinance as revised by the Public Works Committee. The ordinance in its current form will be discussed at the July 6 City Council meeting at 7:30 p.m. in the Council Chambers at City Hall, during a continuation of the public hearing.

If you would like to hear the City Council discussion, or make a statement pertaining to the ordinance in its present form, please plan to attend this Council meeting.

Should you have any questions concerning the revisions in the ordinance, please contact me before the City Council meeting.

Sincerely,



Robert L. Sanders, P.E.
Director of Public Works
City Engineer

RLS:rs

IV 1

AN ORDINANCE AMENDING ORDINANCE NO. 929 PASSED AND APPROVED JULY 2, 1940 AS AMENDED PROVIDING REVISIONS TO THE GENERAL PLAN FOR CONSTRUCTING SIDEWALKS AND CURBS IN THE CITY OF NEWBERG.

WHEREAS, City Ordinance No. 929 of the City of Newberg requires concrete sidewalks be constructed with building modifications of a value of \$5,000 or more as directed by the City Engineer, and

WHEREAS, Much of the existing sidewalks along Highway 99W and in other areas of the City are constructed of asphaltic concrete, and

WHEREAS, Many of the businesses along Highway 99W have made building additions or modifications in excess of \$5,000 without constructing concrete sidewalk, and

WHEREAS, Several property owners along Highway 99W have petitioned the Planning Commission and the City Council to delay construction of the concrete sidewalks until more development occurs, and

WHEREAS, Sufficient development along Highway 99W has occurred and it is time to provide a systematic plan to have all property owners install concrete sidewalks along the northerly and southerly sides of Highway 99W, and

WHEREAS, It is in the best interest of the public to amend Ordinance No. 929 passed and approved July 2, 1940 as amended of the City of Newberg to require concrete sidewalks to be constructed in a timely manner along Highway 99W from River Street to Vittoria Way.

NOW, THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS: TO-WIT,

Section 1. That Section 5 of Ordinance No. 929, passed and approved July 2, 1940 as amended, of the City of Newberg, hereby amended to read as follows, to-wit:

"Section 5. Concrete Sidewalks. All sidewalks within the City of Newberg shall be constructed or reconstructed of portland cement concrete which complies with Section 215 SIDEWALKS AND PATHWAYS in the 1980 American Public Works Association Standard Specifications and Drawings."

Section 2. That Section 23 of Ordinance No. 929, passed and approved July 2, 1940 as amended, of the City of Newberg is hereby amended to read as follows, to-wit:

"Section 23. Construction and Maintenance of Sidewalks. It shall be the duty of the owners of land adjoining any street or highway within the City of Newberg, Oregon to construct a portland cement sidewalk when directed by the City Engineer. It shall be the duty of the City Engineer to serve written notice to the property owner in accordance with Section 24. It shall be the duty of the owners of land adjoining any sidewalk or curb, if the two are integral, to maintain both the sidewalk or curb in good repair to provide safe public access.

VI

Section 3. That Ordinance No. 929, passed and approved July 2, 1940 as amended by adding a new Section 30 which reads as follows, to-wit:

"Section 30. Construction of Sidewalks along Highway 99W. It is hereby made the duty of the property owners along Highway 99W, between River Street and Springbrook Street to:

1. Construct portland cement concrete sidewalks adjacent to their property with all building and/or site improvements which require a City building permit or planning action, regardless of the value.
2. Construct portland cement concrete sidewalks adjacent to their property when the existing asphaltic concrete sidewalks are posted for repair by the City Engineer in accordance with Section 24.
3. Construct portland cement concrete sidewalks adjacent to their property, including vacant land, by a date set by resolution of the Council, if no building or site improvements are made prior to that date.

Each year at the April City Council Meeting, the Council shall review the economic feasibility of implementing a mandatory date for construction of the portland cement concrete sidewalks. The mandatory date set by the resolution shall be in the month of October of the following year of the resolution to provide two construction seasons to complete the work. Any property owner who has not completed construction of the portland cement concrete sidewalks by the mandatory date shall be served notice in accordance with Section 24.

MEMO

TO: City Council

FROM: City Administrator

SUBJECT: Melody Lane Annexation

DATE: June 29, 1982

At last months City Council meeting I provided some information to the City Council on the Melody Lane or Parkway Subdivision annexation. The City Council allowed the staff to attempt to workout a solution to the question at hand that would satisfy both sides. The Planning Director and the Public Works Director have met with the residents, as I have, on a different occasion.

I think it is very important that the City Council look at this annexation very carefully. There will be other island annexations coming up and it is important that we handle each one in a manner that is fair both to the citizens and the City. I do not know what has gone on in the past, but I strongly suggest that the City Council put any past practices aside and deal directly with the Parkway Subdivision annexation in the most fair and equitable manner possible.

WHY SHOULD THE CITY ANNEX?

From a legal standpoint both our Comprehensive Plan and the State of Oregon not only give the right to a City for an island annexation but also, with the Comprehensive Plan, mandate that the City annex islands. From a non-legal standpoint an island annexation receives services that they are not paying for and in fact, are receiving at the expense of the citizens of the City. In the case of Parkway Subdivision, they are receiving water and sewer. They pay approximately a double rate for both these services but they are not paying for any of the bonded debt or any of the improvements that must occur in order to keep the systems functioning properly.

While the Police Department does not patrol Melody Lane specifically, it patrols all around the island. They are receiving police protection services through proximity.

Subdivisions have or will be built in the area. The Engineering, Planning and Building Departments have the responsibility of insuring that these are done correctly. All of these individuals are City employees paid for through property tax dollars, yet Parkway or any unincorporated island does not pay City property taxes.

I've probably missed some services that may indirectly be received but the idea is that there is a spill over of services to any island such as Parkway Subdivision.

Oregon, like almost all states in the United States, has a provision for island annexations that essentially says they can be annexed without a vote of the people. State Legislators don't pass pieces of legislation such as this without some thinking behind it. Why would any island want to be annexed and pay property taxes when they are receiving the services?

IV2.

Memo to City Council
RE: Melody Lane Annexation

Parkway Subdivision, in fact, is unusual because they are receiving more services than a normal island may receive. They have sewer and they have water. The right of the City Council to annex an island was put there for a purpose with forethought by elected State officials even before the Parkway Subdivision was gleam in a developer's eye.

PLANNING COMMISSION.

The Planning Commission is charged with the responsibility of not compromising and merely looking at facts from a legal or written standpoint. In other words, the Planning Commission reviewed this case in its entirety and made a recommendation to the City Council that the City Council annex the island area and rezone the property from a County Zone to a City R-1 (Low Density Residential zone) and to withdraw the property from the Newberg Rural Fire Protection District as it would be located within the City and be served by the City Fire Protection Services.

It is not often that a body such as the Planning Commission dealing with a difficult issue such as this comes up with a unanimous recommendation. The City Council should keep this in mind through their deliberations.

FUTURE ISLAND ANNEXATIONS.

Parkway Subdivision, while difficult, may not be the most difficult island annexation the City has. We must be fair but I cannot stress enough the fact that we must also be fair to ourselves and the citizens within the incorporated City limits. To give on this situation, in order to pacify the residents, would mean that we would probably be put in a position of giving on other island annexations (don't mistake giving with fairness.) If the City decides to absorb a \$10,000 cost on this annexation, that \$10,000 could be multiplied by four or five other islands where we may very well be faced with a similar situation.

BUYING A HOME INSIDE THE CITY VS. OUTSIDE THE CITY.

If you buy a house in the City of Newberg, contained within the purchase price is an updated water and sewer system that has been oversized to account for growth, a street that has been constructed according to City standards, sidewalks that have been put in place according to City standards, street lighting, etc. If you do not live in the City, then in many cases it is up to the contractor or developer to determine what will be done as far as amenities and consequently, what the purchase price would be. If the developer looks ahead, he may oversize or build above minimum standards in order to meet future needs. However, the builder that does not do this sells a home to a person that may eventually be saddled with an expense at a later date.

V2

Memo to City Council
RE: Melody Lane Annexation

Using the above description, an example may be a buyer that just paid \$60,000 for a home within the City limits. His neighbor that is in an unincorporated area, without an adequate water system, fire flow or hydrant, street lighting, approved street, etc. may have paid \$50,000 or \$55,000 for the same home. Is it fair for the City homeowner to pay for his neighbors upgrading of street, water system, etc.?

While the above may not specifically apply in all cases it nevertheless should give a graphic description of what an island annexation is about.

The following items represent the issues at hand for Parkway Subdivision:

STREET LIGHTING.

The current situation is that the residents in Parkway Subdivision pay for the operation and maintenance of the street lighting. This cost is approximately \$5.00 a month for each one of the street lights.

The City will take over the operation and maintenance of street lights plus pickup any costs of the electricity.

SEWER.

All but four of the residents are connected and pay an increased fee for the sewer usage. The current fee is \$20.38 every two months, which upon being annexed would decrease to \$12.00.

Every household had an opportunity to be hooked up to the sewer for a very low cost (approximately \$800 connection fee). The four that have not hooked up have septic tanks and City ordinances say that anyone within 100 feet of a City maintained line must hookup upon request of the City. Based on the size of the septic tanks and drain fields it is conceivable that most are not functioning properly according to County and DEQ standards. The purpose of hooking someone up to the sewer is obvious and does not need too much discussion.

It is assumed that all residents, other than the four that are not hooked up, would not have a problem with reducing the current sewer rate and the City continuing to maintain the lines. The four people that are not hooked up will have to realize the fact that eventually this will have to be done.

Recommendation: The City Council to determine a period of time for the four residents to be hooked up to the sewer line. Further, each of the four property owners must sign a covenant against their property submitting to connect to the sewer within the prescribed period of time designated by the City Council, unless failure occurs prior to that date.

STREET.

The street is currently under private maintenance and of course, is a public roadway by dedication.

V2

Memo to City Council
RE: Melody Lane Annexation

This is a good example of the fact that when the houses were bought they were bought with the streets not up to County standards much less, City standards. If the City takes over a County street, the County must first bring that street up to City standards. If this does not occur the streets within an annexation remain County maintained roads. This is common to almost all cities.

If the City initially accepted the road for maintenance purposes, the general population of the City would pay for any improvements as part of standard city road maintenance.

I have proposed that the residents continue the street as a private street maintained by themselves. We've also proposed that no requirement for sidewalks be stipulated by the City, which should save the homeowner an estimated cost of about \$800 per 100 foot lot and more importantly, about 10 feet of front yard.

1976-1980 ANNEXATION AGREEMENT.

Also the properties in the Parkway Subdivision agreed to annex and pay annexation fees when they signed up for sewer services. Annexation fees are \$550 per house. There is no question that could be enforced in accordance with the agreement.

The proposal to the property owners is that this annexation fee be waived.

WATER.

The system is 21 years old and is 1½" and 2" galvanized pipe. The corrosive properties of soil affects the pipe. According to the Public Works Director it is only a matter of time before the system will need to be replaced. The residents now pay a double charge for water.

The question is not whether a new system is needed, it is when it is needed and who will pay. As with the street situation, it is an example of original construction costs being lowered and consequently, prices of homes being less due to the fact that the water system was not the proper size to provide fire flow. It cannot be expected that City residents be required to pay for upgrading of the system that was not paid for by the owners of the properties when they bought their homes.

The cost of fire hydrant and the 8" line for fire flow is approximately \$21,000. The cost for replacing the 2" line and providing lines directly to the home is \$18,000 in total. Using the round figure of \$40,000 we are talking about a little bit less than \$2,000 per home for the entire cost of the project.

While I in no way prescribe to the fact that the City is obligated or should in anyway to take over the water system, I will remind the residents and inform the City Council that even if we are put in that position the obligation to provide an improved system over and above what is there currently (oversize) would be back on the shoulders of the re-

Memo to City Council
RE: Melody Lane Annexation

sidents. In other words, there would still be a charge directly back to the residents through a surcharge in the rate structure or special assessment.

The recommendation can be quoted from my June 23 letter to the residents of Parkway Subdivision via Ed Wiesehan, "on the water issue, I believe that the most the residents can expect is the fire flow line with the hydrant to be put in at City expense and the residents, upon eventual hookup, would be assessed and charged through inflated tap and develop fees. In the meantime, our water surcharge to the water bill would be charged monthly to pay for the interest on the line that was put in by the City. In this manner, other than interest, the residents have deferred a payment until the current water line has broken down. I'm not even sure the City Council will agree with this much leniency but as I mentioned, it is the most I would expect under island annexation circumstances."

BLOCKING OFF STREET.

Probably all things could be resolved or at least most through the City blocking off the end of Melody Lane for through-traffic. I can certainly sympathize with the people of Melody Lane when they say why should we pay for maintenance of the street when the City will open it up for through traffic and make our neighborhood less desirable and more costly. The only answer, unfortunately, the City can give is as follows: The developer of Parkway Subdivision, by design, committed to a public right-of-way. The City cannot agree to vacate it for purposes of a cul-de-sac or dead-end because of the existence of the plats west of the property. There are statutory rights to developers over the plat that has been agreed to by the City. In this case, the City looks at a privately maintained street with public right-of-way, as a street that must remain open to the public.

The Planning Department is considering the preparation of an ordinance to invalidate the plat because of the length of time it has been carried on the books. The residents of Parkway Subdivision have the opportunity if the plat is invalidated to provide input for the Planning Commission. The Planning Commission then has the authority over deciding what would be developed to the west of the Parkway Subdivision if the plat was invalidated.

SUMMARY.

Island annexations are seldom this difficult, however, we have an unusual case with having people hooked up to water and sewer and receiving some fairly good City services. I do not know where else there is flexibility in this particular island annexation. I do believe it should be annexed to the City and I do believe through this memo that the City is attempting to deal fairly and addressing all the concerns.


Michael Warren
City Administrator

MW/bjm
Enc.

W



CITY OF
NEWBERG

414 E. First Street

Newberg, Oregon 97132

June 23, 1982

Michael Warren
City Administrator
(503) 538-9421

Ed Wiesehan
Rt. 1, Box 418
Newberg, Oregon 97132

Dear Ed:

There were many questions asked at last night's meeting with the residents in your area that I was not able to answer. I will attempt, through this letter, to address the questions and provide the information that was requested.

Is the water group considered a district or a "group customer line?" It is the City's opinion that it is a group customer line. According to Ordinance No. 1040 all of the so called districts (a loosely applied term) are considered group customer lines. We have contacted such State agencies as the Department of Revenue, the Department of Commerce and Corporation Division and find that there is no evidence that Parkway Water Area is a district. In fact, Yamhill County has sent us all the records that they have on the districts and this does not include the water area in Parkway Subdivision.

A group customer line, according to Ordinance No. 1040, is anyone having a master water meter. This could be some area that has a meter for 20 or 30 homes or some area that has a meter for 1 or 2 outlets.

It is also our feeling that if this was a district and we, in fact, had to take over the water responsibility, the upgrading of the line to an 8 inch and 6 inch with 1 inch copper line to the meter would still be a responsibility for the property homeowners.

How is an LID or assessment area formed? If 51% of the people in an area petition for an LID it can be done. Also if 60% of the people in an area petition against an LID or assessment then it will be enough to negate it. If there is an emergency and the City Council votes unanimously for an assessment this can override all other matters.

Is the cost of approximately \$39,000 for a fire flow and water hookup correct? We try to figure a little high but it is as close as we can come right now. We have figured that we will be contracting this project out and we have attempted to use the best information available at this time.

V2

Letter to Ed Wiesehan
June 23, 1982

Where will the water line run? Generally, it is just behind the curb. We have figured this in the cost and within the price of the \$39,000.00 is replacement to driveways. If the water line ran in the street it would raise the cost somewhat because of the repaving that would have to be done.

If the City considers the street private, can it be a through street and will we still be saddled with the responsibility of maintaining it? The developer of Parkway Subdivision by design, committed to a public right-of-way. The City cannot agree to vacate it for purpose of a cul-de-sac or dead-end because of the existence of the plats west of the property. There are statutory rights to developers over the plat that is agreed to by the City. The City will look at a privately maintained street with public right-of-way as a street that must remain open to the public.

The Planning Department is considering, the preparation of an ordinance to invalidate the plat because of the length of time it has been carried on the books. You and the other residents have the opportunity, if the plat is invalidated, to provide input for the Planning Commission. The Planning Commission would have authority over deciding what would be developed to the west of the Parkway Subdivision, if the plat was invalidated.

The City Staff and myself have done our best to explain the situation and alternatives to all of the residents. "Deals" cannot be made at the expense of other residents of the City and property owners within the Parkway Subdivision island should recognize the fact that the City has bent about as far as it can.

I will be making a recommendation to the City Council, as I mentioned, at the July 6, 1982 City Council meeting. I believe what has been outlined to the residents is as liberal as it is going to get. The City Council authorized the City Staff and myself to meet and attempt to work things out for everyone's satisfaction. However, it should be understood that if this cannot be achieved through the method outlined then the City Council will, in all probability, proceed with the annexation in a manner that is best for the City.

On the water issue, I believe that the most the residents can expect is a fire flow line with the hydrant to be put in at City expense and the residents, upon eventual hookup, would be assessed and charged through inflated tap and development fees. In the meantime, a water surcharge to the water bill would be charged monthly to pay for the interest on the line that was put in by the City. In this manner, other than interest, the residents have deferred a payment until the current water line has broken down. I'm not even sure the City Council will agree with this much leniency, but as I mentioned, it is the most I would expect under island annexation circumstances.

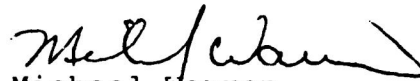
V2

Page 3

Letter to Ed Wiesehan.
June 23, 1982

I hope that the above information answers the questions that were asked and that these answers or the contents of my letter will be given to the other property owners.

Sincerely,


Michael Warren
City Administrator

MW/bjm

12



CITY OF NEWBERG

414 E. First Street

Newberg, Oregon 97132

June 23, 1982

Michael Warren
City Administrator
(503) 538-9421

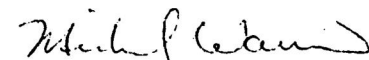
Mr. Thomas Witt
Rt. 1, Box 416
Newberg, Oregon 97132

At last night's meeting you asked a question about annexing to the City without going through an island annexation. You were speaking about annexing individually, I presume, and I have looked into the matter. The answer to the question is that it is legal to do so and if you did you would be petitioning the City Council for annexation. When this is done the City Council may impose conditions upon annexing to the City. If individuals from the Parkway Subdivision wanted to annex individually then we would require each resident to continue with the current water situation through Parkway Subdivision until such time as a local improvement district is formed to improve the water line. We would also recommend to the City Council that each one of the homeowners sign a nonremonstrance in favor of a local improvement district for water. What this means is that you would sign a piece of paper upon being annexed to the City that would say you would support (or not oppose) an assessment in which you would pay for the improvements on the water line once the City began the project.

To annex people on an individual basis is very time consuming, in fact, to do an annexation of one person may take just about the same amount of time as it does to do the entire island annexation. Therefore, at this time, although an individual annexing to the City may be done from a legal standpoint it would not be advisable from a Staff or logistical standpoint. I would be in a position of recommending to the City Council that the City look at the entire annexation of the island as one rather than piecemealing it.

I hope that this is a more thorough answer to your question than I was able to give you last night. If you have any other questions please do not hesitate to give me a call.

Sincerely,


Michael Warren
City Administrator

MW/bjm

cc: Ed Wiesehan

V2

ORDINANCE NO.

AN ORDINANCE DECLARING THAT CERTAIN TERRITORY BE ANNEXED TO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT AND GRANTING A ZONE CHANGE FROM COUNTY LDR/9000 TO A CITY R-1 (LOW DENSITY RESIDENTIAL) ZONING DESIGNATION.

WHEREAS, The Newberg Comprehensive Plan requires that unincorporated territory surrounded by the corporate limits of the City of Newberg be annexed to the City of Newberg, and

WHEREAS, The Oregon Revised Statutes under Chapter 222.750 provides the ability to annex unincorporated territory surrounded by the corporate limits, and

WHEREAS, Notice of the proposed annexation/zone change and withdrawal from the Newberg Rural Fire Protection District was sent to owners of record as identified by the Yamhill County Assessor's Office and all adjoining property owners within a distance of 250 feet, and

WHEREAS, Notice of this action was placed as a public notice within the Newberg Graphic Newspaper, and

WHEREAS, The Charter of the City of Newberg does not especially prohibit the annexation of said territory to the City by the procedures set forth in ORS 222.750, and

WHEREAS, The requirements of ORS 222.750 and the City of Newberg Ordinance No. 2012 regarding annexations have been met, and

WHEREAS, The City Planner, in his staff memorandum to the Planning Commission at the May 20, 1982 meeting, did recommend that the territory be annexed into the City, and

WHEREAS, On May 20, 1982 the Newberg Planning Commission held a public hearing to consider the land use issues involving the annexation of said territory and recommends that said territory be annexed based upon the findings of fact which are attached hereto as Exhibit A, and

WHEREAS, On June 7, 1982 at the hour of 7:30 P.M. in the Council Chambers of the City Hall of Newberg, which was heretofore set as the time and place for public hearing and the City Council, through the Recorder of the City, did cause notice of this hearing to be published in accordance with ORS 22.120 and in accordance with Ordinance No. 2012 of the City of Newberg and the hearing was held;

NOW THEREFORE THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

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

Section 2. It is hereby ordered and declared that the property described in Exhibit B which is attached hereto and incorporated herein at this point by reference.

BE AND THE SAME IS HEREBY ANNEXED AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT subject to referendum pursuant to the provisions of ORS 222.750 and the Newberg City Ordinances.

Section 3. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer and to the Assessor of Yamhill County, a certified copy of the following documents:

1. A copy of the ordinance
2. A map identifying the location of said territory

Section 4. The territory described herein in Exhibit B is hereby changed from a County LDR-9000 zone to a City R-1 (Low Density Residential) zoning designation.

PASSED by the Council of the City of Newberg 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

FINDINGS OF FACT

1. The subject property contains 24 properties on about 10 acres of land which is situated on the west side of College Street in the vicinity of Melody Lane. These properties are completely surrounded by the corporate City limits of the City of Newberg. The properties are an island of County unincorporated territory surrounded by the corporate City limits. All but two properties within the island are found within a subdivision known as Parkway Subdivision. The subdivision was created approximately 20 years ago. All lots within Parkway Subdivision have been developed with single family houses. The topography of the property is relatively flat. Surrounding land uses consist of Buckley's Mountainview Park lying directly to the north and abutting the subject properties, the Coppergold site to the east, large lot rural residential uses directly abutting the property to the south and developing single family subdivisions to the east.
2. The subject property is currently zoned LDR-9000 within the County. The Newberg Comprehensive Plan designates the subject property for low density residential uses and, therefore, through the annexation process a R-1 (Low Density Residential) zoning district is proposed.
3. The annexation of islands of non-incorporated territory is required by the Newberg Comprehensive Plan. Urbanization Policy No. 8 states that islands of non-incorporated territory created by the annexation shall be incorporated within a year of annexation creating the island.
4. The Engineering Department has indicated that sewer and water lines do serve the area. The sewer system is a publicly maintained City sewer which currently provides services to all but approximately 4 lots within the area. Upon annexation, those lots not currently hooked to the sewer system shall be required to do so. Water is being provided to the area by the City of Newberg through a water district. All lots within the Parkway Subdivision are served off of this water district. Water runs through a master meter and is provided to each house from a 2" water line. This utility does not meet City standards for maintenance and, therefore, the water district shall remain in effect after annexation occurs, until such time when the affected people can upgrade the water system to a standard which would be acceptable to the City for maintenance. The street system is also not to a standard acceptable to the City and, therefore, the road system must also remain as a privately maintained service. The road is currently being maintained by the property owners within the Parkway Subdivision. The cost for operating the street lights will be taken by the City once annexation has been completed.
5. The subject property is considered to be an un-incorporated territory surrounded by the corporate limits of the City of Newberg.
6. Notice was provided to the owners of the subject properties indicating the action proposed by the City. In addition, notice was sent to the adjoining property owners within a distance of 250 feet of the subject property and was also found within the legal notice section of the Newberg Graphic Newspaper. As of the writing of this report no written statements in favor or opposition to this matter have been received.

7. The annexation request is in conformance with the provisions of ORS 222.750.
8. The annexation would provide for a more clear identification of the City boundary by eliminating islands of un-incorporated territory.
9. The annexation would be considered an efficient land use change in that the subject property is currently surrounded by the Newberg City limits and public facilities and services are currently supplied to the subject properties or found within the area.
10. Notice of this request was referred to the City Administrator, Fire Department, Engineering Department, Police Department, Finance Department, Building Department, Yamhill County Planning Department, and the Newberg School District. The Engineering Department has supplied a memorandum relating to this request which is made a part of File No. ANX-1/Z-1-82. With the exception of the Engineering Department memorandum, no formal statements other than general concurrence has been received relating to this request from these departments or agencies.
11. One of the most important objectives of the year 2000 Comprehensive Plan is the achievement of a compact form of urban growth. The annexation of this island of unincorporated land would be consistent with the compact growth objectives of the Newberg Comprehensive Plan.
12. The present situation relating to this island of unincorporated territory, being completely surrounded by the Newberg City limits, represents an extremely illogical way of establishing City boundaries and providing services. This is compounded when the island of unincorporated territory is developed at an urban level which is indistinguishable from adjacent City developments.
13. The present City boundaries create numerous problems for the provisions of services. The provision of police protection is one example of an identified problem. Currently, the Newberg Police Department provides police protection for all incorporated areas of the City of Newberg while Yamhill County Sheriff's Department provides police service for the island areas. There can be confusion as to whether a particular piece of property is within the City or the County and which jurisdiction is responsible.

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Newberg Library

DATE: June 28, 1982

In an effort to keep the City Council updated I have attached a report from the Librarian on two basic subjects. The first has to do with the fact that a permanent-part time person will be leaving the Library and what the City is doing to replace her.

The second subject matter deals with the CCRLS levy. This levy, of course, will be history by the time the City Council members get the agenda packet. However, I would like to point out that the Librarian is planning ahead and meeting with her Board with the thought in mind of preparing for the situation that will develop if the Regional Library system goes out of business on June 30.

In a nutshell, we charge 25¢ for a library card for residents of the City and \$4.00 for non-residents. If the Regional Library System does not pass we will be looking at an increase in the cost for those out of town people and doing away with the 25¢ charge for City residents as they have paid through their property taxes.

The Librarian will be available at the Council meeting to update the City Council and answer any questions.


Michael Warren
City Administrator

MW/bjm

Enc.

VI 1

June 26, 1982

To: Library Board

From: Librarian

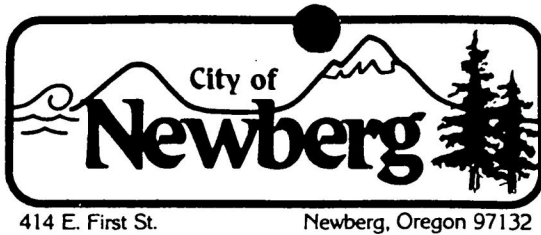
Subject: Staff vacancy

On June 16, Virginia Brons submitted her resignation effective Wed. June 30. She will work on an hourly basis July 1 - 3 to help us finish that week.

In preparation for hiring a replacement, I have prepared a description of the position and procedures for applying. The job description and the salary listed are taken from materials submitted to the board during the last budget process. I feel it is important to request someone with higher qualifications than in the past, because we are greatly in need of additional staff that can function at a high level with a minimum of supervision. I feel that with today's job market as it is we will have a good chance of having high-quality candidates apply.

At Tuesdays meeting I would to clarify hiring procedures and have some additional input as to qualifications that you feel are important.

VI



INVITES APPLICATIONS FOR
LIBRARY ASSISTANT II

THE POSITION

Performs various standard and semi-professional library routines and activities in various divisions of the library, with particular emphasis on the children's department.

Assists the public in the use of the public library by giving standard information in person or by phone; explains the use of library facilities to new patrons; assists patrons in the use of the card catalog and the fiche catalog; answers limited reference questions.

Performs circulation activities; charges library materials in and out; types order slips, catalog cards, simple correspondence; files catalog cards.

Assists with the development and implementation of programs in the children's department; aids with the creation of displays.

DESIRABLE QUALIFICATIONS

Experience in library clerical and limited professional work (minimum one year full time or 2 years part time); preferably with experience in children's library work; completion of two years of college with major course work in the humanities or appropriate fields.

Knowledge of standard library reference tools and card catalog.

Knowledge of children's literature.

Ability to type (40 WPM).

Ability to deal tactfully and in a courteous manner with library patrons; able to communicate effectively.

Ability to operate standard office and library equipment; ability to operate AV equipment; ability to adapt to new technology.

WORKING HOURS

20 hour work week - primarily afternoons with regularly scheduled evenings and Saturdays.

SALARY RANGE

Part time: 20 hours/week; 476.67/month.

TO APPLY

Submit resume to Newberg Public Library, Attn: Doreen Turpen, Librarian, 503 E. Hancock St., Newberg, OR 97132. Resumes may be turned in Monday - Thursday, 2 PM - 8 PM; Friday, 9 AM - 12 Noon and 2 PM - 5 PM; Saturday, 10 AM - 4 PM. Resumes must be submitted no later than 5 PM, Friday, July 16, 1982. Resumes will be screened, and only the most qualified applicants will be asked for an interview.

VI 1

To: Library Board

June 26, 1982

From: Librarian

Subject: Out of town fees

The regional library levy is up for the voters again Tuesday June 29. If it fails on that date, regional library service will cease June 30. One of the aspects that will have an impact on us is the discontinuance of the universal library card. The other public libraries in Polk, Yamhill, and Marion counties will begin to charge non-resident fees for people living outside their city limits.

The formula being used by most libraries to determine the non-resident fee is:

Total cost of library operations divided by city population = cost per capita

Cost per capita ~~multiplied~~ by 2.3 (average size of household) = cost per household

They are making no adjustment for the amount of general fund monies that come from sources other than taxes.

~~Non Resident~~
The following fees will be charged by local libraries if the CCRLS levy fails:

Salem Public Library \$36.00

Dallas Public Library 40.00

Woodburn P. L. 37.50

Silverton approx. 20.00

McMinnville not set yet; last fee was 5.00; termed "unrealistic" by one staff member

If we were to follow the same formula as outlined above, our fee would be close to 20.00. When we reviewed fees last fall, we used basically the same formula, but adjusted it to reflect the percentage that was collected/supported by property taxes; but we did not raise our fee the full amount of even the adjusted figure.

RECOMMENDATION:

I recommend that the board evaluate the fee schedule again for non-resident use and adjust it upward again to more accurately reflect the support provided by residents of Newberg. *our fee is 4th now*

I also recommend that the board drop the 25¢ charge for city residents, although maintain a fee for replacement of lost card.

I also recommend that if a higher fee is charged for non-resident use, that we waive the fee for those people owning property in the city even if they reside elsewhere. If we are basing a fee on income derived from property taxes, we have reason to provide service to those people providing income and not to charge them twice.

VI

June 26, 1982

To: Library Board

From: Librarian

Subject: Hours of operation

Following our discussion at the last board meeting about the possibility of changing the library's hours of operation, I have done some checking and have the following information to present.

Most libraries which are about our size and are in surrounding counties, are open a minimum of 40 hours per week. (I did not make any comparisons by staff size) Some current hours of operation are:

	MON	TUES	WED	THURS	FRI	SAT
Beaverton (49½ hrs/wk)	11-8:30	11-8:30	11-8:30	11-5:30	11-5:30	9:30-5:30
Cornelius (50 hrs/wk)	10-7	10-7	10-7	10-7	10-5	10-5
Forest Grove (60 hrs/wk)	10-9	10-9	10-9	10-9	10-6	10-6
Sherwood (47 hrs/wk)	10-5	10-5	10-8	10-5	10-5	10-5
Tigard (48 hrs/wk)	closed	9:30-8:30	9:30-8:30	9:30-8:30	9:30-5	9:30-5
Tualatin (44 hrs/wk)	12-8	12-8	12-8	12-8	12-6	10-6
Stayton (37½ hrs/wk)	closed	10-5:30	10-7:30	10-5:30	10-5:30	10-4
Silverton (41 hrs/wk)	closed	12-9	12-9	12-9	12-6	10-6
Dallas (54 hrs/wk)	10-8	10-8	10-8	10-8	10-5	10-5
Monmouth (40 hrs/wk)	12-8	10-5	12-8	12-8	12-5	1-5

Additional figures that might be of interest

Newberg P.L. circulation by day -- June, 1981 - May 1982

Mondays	12,020	(19%)	236/day
Tuesdays	12,233	(20%)	235/day
Wednesdays	9,888	(16%)	198/day
Thursdays	9,742	(16%)	195/day
Fridays	8,299	(13%)	166/day
Saturdays	9,657	(16%)	182/day

I have worked with some alternative schedules and feel those presented on the following page would be possible with our existing staff.

VI 1

(Hours of operation -2-)

	MON	TUES	WED	THURS	FRI	SAT
40 hrs/wk	12-8	12-8	12-8	12-5	12-5	12-5
39 hrs/wk	closed	11-8	11-8	11-8	11-5	11-5
39 hrs/wk	11-8	11-8	11-8	11-5	closed	11-5

We could find other patterns, but I don't feel we can extend ours hours over 40 hrs/wk. I have tried to find a schedule that would be easy for the public to remember, would provide some morning hours and evening hours, would provide Saturday hours, and would give staff some "non-public" work time to work uninterrupted. I find that a six-day pattern, particularly, gets very complicated and doesn't allow much flexibility for vacations, illnesses, etc.

VI 1

MEMO

TO: City Council DATE: June 28, 1982
FROM: City Administrator
SUBJECT: Findings of Blight and Creation of a Redevelopment Agency

Our consultant, Lyle Stewart, has been moving according to schedule on creation of a redevelopment or urban renewal agency. The step at this City Council meeting is to pass the ordinance declaring blight and creating an urban renewal agency. The agency, once created and appointed by the Mayor with the consent of the City Council, will then adopt appropriate by-laws.

At each of the Council mtgs. for this year, we will have something on the agenda pertaining to this subject because of the target date of completion by December of 1982.

As we get deeper and deeper into urban renewal we learn more of the subject area. Two primary facts continue to surface. One is that pursuing this avenue is the most appropriate, legal and best means of assistance to a given area in the State of Oregon (or for that matter in any of the Western States). The second fact is that if we are to assume that urban renewal or redevelopment is a viable choice but may be controversial, no other choices or alternatives seem to be mentioned. In other words, using the method of redevelopment or tax increment financing is not only proven but is the only reasonable method to look at.


Michael Warren
City Administrator

MW/bjm

Enc.

VI 2

page

MEMORANDUM
June 25, 1982

TO: Mike Warren, City Administrator
FROM: Clay Moorhead, Planning Director
RE: The Findings of Blight and Creation of an Urban Renewal Agency for the City of Newberg

I have attached a copy of a report prepared by Lyle Stewart of Patterson, Stewart and Associates which confirms that blight does exist within the City of Newberg. The report goes on to indicate that almost 2/3 of the structures (65.2%) found within the 332 acre study area are classified as older buildings which exhibit substandard or substantial deficiencies. In addition, you will note by reading the memorandum from Mr. Stewart, that there does exist certain deficiencies within the infrastructure relating to street and traffic problems, water and fire protection systems, storm drainage systems, sanitary sewer systems and the original planning and land division patterns for the area.

Within the conclusions provided by Mr. Stewart, the following is found:

The City of Newberg, and more particularly the area of the City which we surveyed, does contain "blight" as defined in ORS 457.010.

Further, we believe that the Mayor and the City Council, acting in the best interest of the City, can and should make a finding that blight does exist within the City of Newberg. Further, pursuant to the provision of ORS 457.035, it is my opinion that the Mayor and the City Council would be acting properly and judiciously if they were to create a public body corporate and politic to be known as the "Urban Renewal Agency of the City of Newberg, Oregon" to deal with the City's problems of blight.

An ordinance has been prepared which finds that blight does exist pursuant to ORS 457 and creates an urban renewal agency to be known as the "Newberg Centennial Redevelopment Agency" who would ultimately administer the redevelopment plan when and if one is adopted by the Council this fall. As was presented to the Council at their June 7, 1982 regular meeting, the composition of the redevelopment agency would consist of four members of the City Council and three people selected at-large which would be appointed by the Mayor subject to approval by the entire Council.

In order to continue moving ahead on this project, the Council should adopt the attached ordinance.

ORDINANCE NO.

AN ORDINANCE DECLARING THAT THERE ARE BLIGHTED AREAS WITHIN THE CITY OF NEWBERG; THAT THERE IS A NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION IN THE CITY OF NEWBERG AS THE NEWBERG URBAN RENEWAL AGENCY; AND PROVIDING FOR THE EXERCISE OF THE POWERS OF SUCH AGENCY BY AN APPOINTED BOARD.

WHEREAS, the City of Newberg finds:

That ORS 457.035 created in the City of Newberg, a public body corporate and politic, known as the Urban Renewal Agency of the City of Newberg for the purpose of exercising the powers granted by ORS Chapter 457 but provided that the Urban Renewal Agency shall not exercise its powers unless the City Council of the City of Newberg declares that blighted areas exist in the City of Newberg and that there is a need for an Urban Renewal Agency to function in the City of Newberg and elects to have the powers of the Urban Renewal Agency exercised as provided in ORS 457.045.

That there exists within the City of Newberg blighted areas as defined in ORS 457.010.

That ORS 457.045 authorizes the appointment of a board or commission composed of not less than three members to exercise the powers of the Urban Renewal Agency.

That the City Council deems it desirable to provide for a board of seven members appointed by the Mayor with the approval of the Council to exercise the powers of the Urban Renewal Agency.

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

Section 1. The City Council of the City of Newberg hereby finds and declares that blighted areas as defined in ORS 457.010 exist in the City of Newberg and that there is a need for an Urban Renewal Agency to function in the City of Newberg.

Section 2. The corporate name of the Urban Renewal Agency of the City of Newberg provided by this ordinance shall be the "Newberg Centennial Redevelopment Commission".

Section 3. The City Council of the City of Newberg elects to have the powers of the Urban Renewal Agency of the City of Newberg exercised by a board composed of seven members appointed by the Mayor with the approval of the majority of the Council. Of the members first appointed, two members shall be appointed for a term of one year, two members for a period of two years and three members for a period of three years. Subsequent appointments shall be for a term of three years or until their successors are appointed and have qualified. The term of office shall be from January 1st to December 31st. The Mayor with the approval of the Council may remove any board member for any cause. Four of the members of the Urban Renewal Agency of the City of Newberg shall hold an active office as a City Council person of the City of Newberg,

Oregon. Three of the members of the Urban Renewal Agency of the City of Newberg shall be appointed at large from the voting citizens of the County of Yamhill, Oregon.

Section 4. Within the 45 days after all members of the board have been appointed the Urban Renewal Agency of the City of Newberg shall meet under the direction of the Mayor and organize itself by the election of officers and the adoption of by-laws to govern its procedures.

PASSED by the Council of the City of Newberg, Oregon this 6th day of July, 1982 by the following votes:

AYES:

NAYS:

ABSENT:

Arvilla Page - City Recorder

APPROVED by the Mayor this 6th day of July, 1982.

Elvern Hall - Mayor

PATTERSON, STEWART and ASSOCIATES Architecture, Planning and Urban Design

45 Hawthorne
Medford, Oregon 97501
Telephone: (503) 772-5203

Architect: Philip C. Patterson, AIA
Planner: Lyle A. Stewart, AIA, AICP

MEMORANDUM

TO: Mayor and City Council
Michael Warren, City Administrator
Clay Moorhead, City Planner
City of Newberg, Oregon

FROM: Lyle A. Stewart, AIA, AICP 

SUBJECT: Finding of Blight Within the City of Newberg, Oregon

DATE: June 4, 1982

Pursuant to my agreement to assist the City of Newberg with certain urban renewal planning, be advised that during the month of May 1982, I (together with staff people from my office) conducted certain physical field investigations in the City of Newberg.

Further, pursuant to the provisions of sections 457.010, 457.020 and 457.035 of the Oregon Revised Statutes governing the urban renewal of blighted areas, be advised of the following:

AREA OF INVESTIGATION

We conducted a field investigation within a 332 acre study area (see attached map) within the central portion of the city. Said 332 acre area represents about 13% of the total city area (2,554 acres) and includes both older developments centered on First Street as well as newer developing areas, generally located between U.S. Highway 99W and State Highway 140.

VL2

CONDITIONS OF STRUCTURES

An experienced staff person from my office, together with your Fire Marshal and Building Official, conducted an exterior survey of each structure within the Study Area. Each structure was judged and classified into one of three condition categories as follows:

<u>Condition</u>	<u>Description</u>
A	New buildings, near-new buildings or older buildings which have been subjected to a high degree of maintenance and care. Buildings which essentially comply with basic provisions of Oregon's Life Safety Codes.
B	Older buildings which exhibit certain code deficiencies but which, with reasonable rehabilitation effort and continuing maintenance, could serve their owners for an additional 40 years. Buildings which appear to be feasible of economic rehabilitation.
C	Older buildings which exhibit serious life safety code deficiencies such as no foundations. Deficiencies which to correct would require substantial investment by their owners to the degree that rehabilitation may be inappropriate and uneconomic.

Within the 332 acre study area there exists 552 structures. Table One describes our condition findings for the 552 structures--categorized by broad use classifications. It should be noted that there are 455 separate dwelling units contained within these 552 structures. Table Two contains a reporting of our findings by detailed land use classification.

Almost two-thirds of the structures (65.2%) are classified as "B" and "C" structures. An even higher 69.9% of the dwelling units (DUs) were found to be in "B" and "C" condition.

VI 2

TABLE ONE

CONDITION OF STRUCTURES BY BROAD LAND USE CLASSIFICATIONS

Use of Structure	A		B		C		Total	
	#	DUs	#	DUs	#	DUs	#	DUs
Residential	87	134	228	249	17	17	332	400
% of Total	26.2	33.5	68.7	62.2	5.1	4.3	100.0	100.0
Commercial	88	2	83	43	13	8	184	53
% of Total	47.8	3.8	45.1	81.1	7.1	15.1	100.0	100.0
Industrial	6	1	3	--	3	--	12	1
% of Total	50.0	100.0	25.0		25.0		100.0	100.0
Public	7	--	3	--	1	--	11	--
% of Total	70.0		20.0		10.0		100.0	
Quasi-Public	4	--	7	--	2	1	13	1
% of Total	30.8		53.8		15.4	100.0	100.0	100.0
Total	192	137	324	292	36	26	552	455
% of Total	34.8	30.1	58.7	64.2	6.5	5.7	100.0	100.0

IV 2

TABLE TWO

CONDITION OF STRUCTURES BY DETAILED LAND USE CLASSIFICATION

Use of Structure	A Struct.		B Struct.		C Struct.		Total Struct.	
	#	DUs	#	DUs	#	DUs	#	DUs
Single Family Res.	72	72	206	206	17	17	295	295
Duplex Res.	5	10	13	26	--	--	18	36
Multi Family Res.	6	37	1	8	--	--	7	45
Mixed Residential	4	15	4	5	--	--	8	20
Board House	--	--	4	4	--	--	4	4
Office (Commercial)	25	--	11	--	2	--	38	--
Service (Commercial)	28	--	15	--	--	--	43	--
Retail (Commercial)	18	--	31	--	9	--	58	--
Mixed Commercial	17	2	26	43	2	8	45	53
Industrial	6	1	3	--	3	--	12	1
Park (Public)	4	--	1	--	--	--	5	--
Government	3	--	2	--	1	--	6	--
School (Public)	--	--	--	--	--	--	--	--
Medical (Public)	--	--	--	--	--	--	--	--
Church	3	--	4	--	1	1	8	1
Lodge	--	--	3	--	--	--	3	--
Office (Quasi Public)	--	--	--	--	--	--	--	--
Medical (Quasi Public)	--	--	--	--	--	--	--	--
School (Quasi Public)	--	--	--	--	--	--	--	--
Utility	1	--	--	--	1	--	2	--
TOTAL	192	137	324	292	36	26	552	455
% of TOTAL	34.8	30.1	58.7	64.2	6.5	5.7	100.0	100.0

VII 2

TRUE CASH AND ASSESSED VALUES

The total taxable true cash value, as reported on the fiscal 1981-82 tax roll by the County Tax Assessor, is \$42,910,665. To determine assessed value, state-wide reduction factors, calculated annually by the State Department of Revenue, are applied as noted in Table Three.

TABLE THREE

TRUE CASH AND ASSESSED VALUES FOR THE STUDY AREA

Owner-Occupied Residential Property (OOPR)		
	TCV \$ 100.0%	AV \$ 81.6% of TCV
Land	\$2,617,532	\$2,135,906
Improvements	5,270,992	4,301,129
Exempt	67,500	55,080
Total OOPR	\$7,821,024	\$6,381,955
All Other Property (NOOPR)		
	TCV \$ 100.0%	AV \$ 84.4% of TCV
Land	\$17,688,895	\$14,929,427
Improvements	17,415,746	14,698,889
Exempt	15,000	12,660
Total NOOPR	\$35,089,641	\$29,615,656
All Property (OOPR) + (NOOPR)		
Land	\$20,306,427	\$17,065,333
Improvements	22,686,738	19,000,018
Exempt	82,500	67,740
Totals	\$42,910,665	\$35,997,611

VI 2

Memorandum

June 4, 1982

Page 6

One measurement of the economic health of an area is an analysis of the relationship, or ratio, of the value of improvements to the value of the land on which the improvements are placed--the I:L ratio.

Within the study area we know these values for both "owner occupied residential property--OOPR" and for "all other property--NOOPR". For improved property, the area-wide ratio for "owner occupied residential property" is I:L = 2.01:1. These properties range from a low ratio of 0.52:1 to a high of 6.82:1.

"All other property"--NOOPR", the so-called income producing property--has an overall ratio of 0.98:1. The NOOPR properties range from a low 0.10:1 to a high ratio of 11.72:1.

Using these ratios as yardsticks and comparing them with healthy, viable areas in other parts of Newberg and with other Oregon cities, we find the study area considerably lower. Healthy "owner occupied residential areas" average in the 4.0:1 to 6.0:1 range while viable commercial and rental housing areas range from 4.0:1 to 12.0:1.

To realize an appropriate return on investment, prudent developers of commercial and rental housing projects will attempt to create improvements which are at least 8 times the value of the land--or an I:L ratio of 8.0:1.

Lower valued areas in American cities usually require greater public services at greater costs than the higher valued areas. At the same time these lower valued areas generate fewer tax dollars to pay for these services. They, in fact, are being subsidized by the healthier sectors.

American central business districts, historically, have contributed heavily to the costs of our schools, parks, police, fire protection and other vital public services. When deterioration sets in and the values decrease, proportionate to other districts of the City, the tax-paying responsibility also shifts from these older areas to healthier ones. This condition is clearly evident in the City of Newberg.

INFRASTRUCTURE

Discussion where held with the City's Director of Public Works and others who are knowledgeable about the street, sewer, water and storm drainage systems.

VI 2

Street and Traffic Problems

First Street, the principal street in the heart of the City's Central Business District--designated as U.S. Highway 99W--carries substantial traffic not destined for the business district. As such, the through traffic overly congests the street and discourages people from patronizing the downtown businesses.

Considerable public discussion has taken place over the years regarding the need for a by-pass route to accommodate the through traffic and thus allowing First Street to be reoriented for use as vehicular and pedestrian access to the several businesses.

Many other streets within the westerly sector of the study area are restricted by narrow (24 foot) travel ways which seriously limit their traffic carrying capacity and efficiency.

In the downtown area, Harrison to River Street, sidewalks are broken, uneven, and handicapped ramps at most intersections are not provided.

East of River Street several local streets have substandard rights-of-way and improvements, thus prohibiting reasonable access to internal properties. U.S. Highway 99W lacks sidewalks and two critical intersections--Elliott and Villa roads--lack signalization and proper traffic control striping which creates hazardous and unsafe conditions. The streets are inadequately lighted. State Highway 140 lacks sidewalks, curbs and gutters and a storm sewer system is also lacking.

Water and Fire Protection System

In the area east of River Street, inadequate water flow exists. As the area continues to develop, the demand on the system becomes more critical in regard to the system's capability of providing adequate fire protection.

Additional fire hydrants and water flow capacity are needed. Water laterals to serve private property are old and undersized in much of the area. In the area west of River Street, fire hydrants at lateral services lines are deficient.

Storm Sewer System

The storm sewer system needs upgrading throughout.

Sanitary Sewer System

Insufficient information was available at the time of this analysis to comment on the adequacy of the sanitary sewer system. However, we noted that no such sewer exists in Deborah Road in the northeast part of the study area. Note the sewer discussion in the following subsection.

ORIGINAL PLANNING AND LAND DIVISION PATTERNS

In the older downtown area, almost 43% of the land area is devoted to streets and alleys--leaving only 57% for development. Most contemporary development accommodates an efficient land utilization pattern with not more than 25% of the land area devoted to streets.

Even with the substantial quantity of large parcels in the easterly one-half of the study area, overall, almost one-third (32.7%) of the 332 acres is devoted to streets, alleys and railroad rights-of-way.

East of River Street, the land division patterns are a textbook of the variety of ways to subdivide land. In addition to the street, water and drainage problems noted above, the narrow deep lots not only are wasteful and inefficient in themselves, they also present major difficulties in constructing an efficient and economic sanitary sewer system. There are also landlocked parcels without frontage on dedicated streets.

A significant number of large, raw-land parcels lying between Highways 99W and 140--west of Elliott Road--have surface elevations lower than adjacent streets. This condition creates major drainage problems and seriously limits appropriate development of the property. Comprehensive filling and earth-grading activities, involving 12 - 15 large parcels appears needed.

EXISTING LAND USE AND ZONING--A COMPARISON

Within the 332 acre study area, eight separate comprehensive plan and subsequent land use zoning designations exist. Table Four describes, by zoning designation, the following information:

1. Total land area in acres by zone;
2. Land area, in acres and percent of zone, used for the intended purpose of the zone;
3. Land area, in acres and percent of zone, used for streets, alleys and railroad rights-of-way; and

4. Land area, in acres and percent of zone, used for purposes other than that intended by the zone.

Overall, 18.3% of the eight zones are developed for uses other than those intended. The "C2" zone has the highest incidence of "nonconformity" with 22.7% of the land area involved. At the other end of the psectrum the R1 zone has the least amount of nonconformity with only 5.6% of the land involved. Table Four describes the status of all eight zones. It should be noted that vacant land within the several zones are included in the "used for the intended purpose" column.

TABLE FOUR

EXISTING LAND USES INVENTORIED WITHIN THE STUDY AREA--MAY 1982

Designated Zoning		Used for Intended Purpose of Designated Zoning ¹		Used for Streets, Alleys & Railroad Rights-of-Way		Used for Purposes Other than that Intended By Designated Zoning ²	
Symbol	Total Acres	Acres	% of Zone ³	Acres	% of Zone ³	Acres	% of Zone ³
R1	15.97	7.51	47.0	7.57	47.4	0.89	5.6
R2	62.85	30.72	48.9	22.77	36.2	9.36	14.9
R3	9.94	6.12	61.6	2.65	26.6	1.17	11.8
RP	8.04	3.75	46.6	3.87	48.1	0.42	5.2
C2	175.64	81.97	46.7	53.84	30.6	39.83	22.7
C3	33.41	15.25	45.6	11.67	34.9	6.49	19.4
M1	1.43	1.43 ⁴	100.0	0	--	0	--
M2	25.07	15.96	63.7	6.54	26.1	2.57	10.3
Total 332.35 Acres		162.71	49.0	108.91	32.7	60.73	18.3

¹ Uses inventoried in-field survey were checked against uses permitted in the respective zones designated in the City Zoning Ordinance. Acres noted include vacant land.

² Uses inventoried in field survey were checked against the purpose of the designated zones as stated in the City's Zoning Ordinance.

³ Percentages may not sum to 100.0% due to rounding.

⁴ All 1.43 acres are vacant.

Memorandum

June 4, 1982

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CONCLUSIONS

The City of Newberg and more particularly the area of the City which we surveyed (see attached map) does contain "blight" as same is defined in ORS 457.010.

Further, we believe that the Mayor and the City Council, acting in the best interests of the City, can and should make a finding that blight does exist within the City of Newberg. Further, pursuant to the provision of ORS 457.035, it is my opinion that the Mayor and City Council would be acting properly and judicially if they were to create a public body corporate and politic to be known as the "Urban Renewal Agency of the City of Newberg, Oregon" to deal with the City's problems of blight.

The City may elect to call such Agency by another name, i.e., Development Commission or Improvement Commission. However, officially, it shall be known as the Urban Renewal Agency of the City of Newberg, Oregon.

Prior to such Agency exercising any powers authorized by ORS 457, the Mayor and City Council shall, by nonemergency ordinance, declare that blight areas exist in the City and that there is need for an urban renewal agency to function in the City.

I trust that the information contained in this memorandum will assist you in your deliberations. Should you need clarification on any part of it, please advise.

cc: Vicki Pflaumer
Oliver Norville

VI 2

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Student Building Inspectors

DATE: June 29, 1982

The Building Official has planned for sometime to bring in some College students for additional help. His efforts have culminated in the assistance of Barbara Swackhammer and Bill Long from Chemeketa Community College. Both are in the Building Inspection technology program of which our Building Official is a graduate.

Both individuals are at no cost to the City and are an asset in that they have fresh new knowledge of the codes and techniques of inspection. Both have recently taken the International Conference of Building Officials and Building Inspector tests and upon notice of successful completion will be certified with the State of Oregon as A or B level inspectors.


Michael Warren
City Administrator

MW/bjm

MEMO

TO: City Council

FROM: City Administrator

SUBJECT: School Liaison Officer

DATE: June 29, 1982

This subject matter has so many variables it is difficult to list. I have been giving it a good deal of thought and have had some input from citizens and various officials in the City of Newberg.

I ask the Council to postpone this subject matter one more month so that I can come in with a report that has a recommendation with the proper background. At this time, I feel I cannot make a recommendation because there are still some loose ends that need to be tied up and some considerations such as carry-over balance, outcome of School Budget, etc. that need to be viewed within the next few weeks.

I have attached the communication from the School Superintendent in response to City Council's direction at the last City Council meeting. I provide this for interim information only and will, again, be prepared to talk more fully on this subject matter at the next City Council meeting.


Michael Warren
City Administrator

MW/bjm

Enc.

VII 1

NEWBERG PUBLIC SCHOOLS

Gerald E. Post, Ed.D.
Superintendent



Newberg, Oregon
97132

June 8, 1982

RECEIVED

JUN 9 1982

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

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

Dear Mike:

In response to the comments made by the council last night in regard to the police liaison program, let me add a little more data.

We have no question about the value of the program, its appeal to students, or its long-range effects on kids. These judgments are all subjective, of course, since it would be difficult to gather objective data. We are extremely disappointed that circumstances have forced us to end our funding of it.

Quite simply, we came to the point where we had to choose between the officer or a classroom teacher. I am just completing the lay-off of 55 employees, including 21 teaching positions, 3 administrators, and 31 classified employees. There simply were no other options open to us for any further reductions.

We have looked with some interest at the "Officer Friendly" program operated by the Sears Foundation. We find that materials from this program would be available to us, but because of our size we do not qualify for funding to assist in the officer's salary.

We have also looked carefully at the program operating in the Salem School District. You may be interested in knowing that they have full-time officers assigned to each high school and junior high in the district, and that an officer is assigned to each two elementary schools. All of this is done at no cost to the district, with the full expense being carried by the city or county depending on the school location. We are envious of the local government funding that makes that possible.

It would be our hope that in the absence of any new or unanticipated funding, that we could occasionally invite an officer into a classroom as a resource person. We would like to do everything possible to maintain the positive contacts we have had, and to build on the image that has been created.

VII

Page 2.

Mike Warren, Administrator

June 8, 1982

None of us are happy with our financial plight, but you simply can't take \$800,000 out of a budget without pain. I'd be happy to meet with you and discuss this informally. We need to get together soon anyway.

Best wishes,


GERALD E. POST
Superintendent

GEP:cw

VII 1

• •

DATE: June 29, 1982

FROM: City Administrator

SUBJECT: Schedule for the new Sewage Treatment Plant

This is a very difficult decision. I believe the community has been very generous in supporting the City. There's no question that there's a need for a new Sewage Treatment Plant but if we should go to a vote of the people or when we should go to the vote of the people are questions that are best left in the hands of elected officials.

On this date the Public Works Director was at the current Sewage Treatment Plant with representatives from DEQ doing an annual inspection. Our plant is as good as can be expected and because of the efforts of the Public Works Director, has in fact, improved somewhat through the preventative maintenance and Muffin Monsters. As usually DEQ asked if we were on line for our new Sewage Treatment Plant (ie. is there a schedule).

It would be my recommendation that the City Council either reach a decision at tonight's meeting or at the very least, representatives of the City Council meet with the Sewer Plant Committee to discuss the matter and appropriate action. In any regard, action should be taken as soon as possible on some sort of time schedule.


Michael Warren
City Administrator

MW/bjm

Enc.

MEMO

TO: MIKE WARREN, CITY ADMINISTRATOR DATE: JUNE 28, 1982

FROM: BOB SANDERS, DIRECTOR OF PUBLIC WORKS *BS*

SUBJECT: SCHEDULE FOR THE NEW SEWAGE TREATMENT PLANT

At the June 22, 1982 Public Works Committee meeting a list of the major elements of work which are necessary in the planning, design, and construction of a new sewage treatment plant were discussed. A copy of this list is attached for full Council review.

The first major decision in setting up a schedule is to identify an election date for a bond issue. Once this date has been chosen, the schedule for the rest of the elements of work can be formulated.

At the last Public Works Committee meeting the Committee recommended going to the voters on the March 1983 election. The Committee also recommended that an evening Public Works Committee meeting be set up with the Mayor's Task Force Committee to discuss the March election schedule and the campaign assignments for the Committee.

I believe that it would be appropriate for the Council to discuss the recommendation for the March election at the July Council meeting, and take some formal action on that date.

I will request that Ken Hough, Chairman of the Sewer Treatment Plant Committee be present at the July Council meeting to report on the feasibility of the March election date.

As I mentioned at the Public Works Committee meeting, that if the March date is selected it is quite possible that a budget for the new treatment plant will be in an extremely rough form. If the Committee must start immediately on the campaign, an approximate cost for the new plant must be assessed, with the understanding that it could be increased or decreased on the final proposed budget.

The new Sewer Plant Committee is anxious to start their campaign activities and are anxiously awaiting direction from the Council regarding a schedule. A great deal of momentum has built up towards the goal of a new sewage treatment plant, and at the present time the focus is on City Council to take the next step forward.

VIII 2

SCHEDULE FOR NEW SEWER TREATMENT PLANT

1. Prepare RFP for Consultant for Phase I.
2. Select Consultant for Phase I.
3. Consultant/Public Works Committee select Treatment Process.
4. Consultant/Public Works Committee select Design Capacity.
5. Consultant prepares budget/financing package.
6. Select and prioritize three site selections.
7. Prepare levy for _____ election.
8. Apply for County Planning approval of desired site.
9. Out come of _____ election.
10. Prepare RFP for consultant for Phase II.
11. Select consultant for Phase II.
12. Consultant starts design.
13. Finalize purchase of land.
14. Obtain County Planning approval.
15. Approve plant design.
16. Advertise for a contractor.
17. Award bid.
18. Start construction.
19. Completion of construction.
20. Cut the ribbons, sound the horns, clap your hands and flip the switches.

VIII 2

• •

From past experience I think all the citizens can be appreciative of the fact that at this time we do not have any water problems.

The Public Works Director has outlined the necessity for the purchase of a pump for Well #1. It is hoped that continued preventative maintenance and general updating of equipment will insure the citizens of water in the future.

It is my recommendation that we concur with the Public Works Director and the Public Works Committee for the equipment purchase to be awarded to Byron Jackson.

Michael Warren
City Administrator

MW/bjm

Enc.

IX

MEMO

TO: MIKE WARREN, CITY ADMINISTRATOR
FROM: BOB SANDERS, DIRECTOR OF PUBLIC WORKS
SUBJECT: PURCHASE OF A PUMP FOR WELL NO. 1

DATE: June 28, 1982

As you recall we have replaced the pump and motor in well No. 2 during this current fiscal year, and we have budgeted funds during the 1982-1983 fiscal year to replace the pump and motor in well No. 1.

The equipment in both of these wells have been in service for approximately 29 years. The pumping equipment in well No. 2 was inoperable for approximately a year and a half before the new equipment was installed. The cost of the failure was determined to be a short in the power supply cable which shorted out the motor. The equipment in well No. 1 is functional, however with 29 years of service we have felt it prudent to replace it with more updated equipment. Due to the long order time, and the seasonal installation, it is prudent that we order the necessary equipment and attempt to get it installed before the winter rains prevent access to the well sites.

Last year we had obtained several proposals from materials suppliers and found that Byron Jackson offered us a credit of several thousand dollars for the return of our existing equipment to his factory.

Due to the performance of the Byron Jackson equipment and this credit, Byron Jackson was selected to be in the best interests of the City. This year I solicited a proposal from Byron Jackson based on our experience. We again feel that we should select Byron Jackson equipment. As you can see from the attached proposal, it is identical to last years equipment purchase, with the exception that we have added an additional 10 feet of power cable. Byron Jackson has again offered us a credit on the existing equipment in the amount of \$2,835. Which is \$835 more in credit that what was offered to us on the existing equipment in well No. 2.

Due to the financial savings and our satisfaction with the performance of Byron Jackson equipment, I have recommended to the Public Works Committee that we again award the equipment purchase to Byron Jackson.

Public Works Committee has reviewed this proposal and recommends to the Council sitting as Contract Review Board that competitive bidding be waived and the equipment purchase be awarded to Byron Jackson. The attached resolution for Council consideration will execute this act.

IV 1

RESOLUTION NO.

CITY COUNCIL SITTING AS THE CONTRACT REVIEW BOARD WAIVES COMPETITIVE BIDDING FOR THE PURCHASE OF A REPLACEMENT PUMP AND MOTOR FOR WELL NO. 1.

WHEREAS, The City of Newberg is in great and immediate need of a replacement pump and motor for Well No. 1 to insure adequate water supply and preservation of an existing well; and

WHEREAS, The existing Byron Jackson pump and motor has provided the City over 29 years of good service; and

WHEREAS, The City has been satisfied with the performance of the four Byron Jackson pumps and motors in the well field and prefers to stay with the same manufacturer for the replacement pump and motors; and

WHEREAS, A number of proposals were reviewed from several suppliers of pumps and motors which are comparable to the existing Byron Jackson equipment last year and the Byron Jackson equipment was determined to be the best equipment; and

WHEREAS, The City has funds available in its 1982-1983 fiscal budget to purchase such equipment; and

WHEREAS, The Public Works Committee has approved the purchase of the Byron Jackson pump and motor subject to the ruling of the Contract Review Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWBERG, OREGON AS FOLLOWS, TO-WIT:

Section 1. The purchase of the Byron Jackson pump and motor to replace the existing equipment in Well No. 1 would be in the best interest of the public due to the past performance of the existing equipment and the financial savings involved.

Section 2. The City reviewed proposals from several manufacturers of appropriate equipment last year when identical equipment was purchased for Well No. 2.

Section 3. The Contract Review Board waives competitive bidding and authorizes the City Administrator to purchase the appropriate Byron Jackson pump and motor in the amount of \$12,703.00 plus freight with a credit of \$2,835 upon receipt of the existing equipment of the Byron Jackson factory.

ADOPTED BY THE CITY COUNCIL OF NEWBERG THIS 6th day of July, 1982.

Arvilla Page - Recorder

IX 1

Byron Jackson Pump Division

1920 116th N.E., BELLEVUE, WASHINGTON 98004 • (206) 454-6116



QUOTATION

This quotation is made on the express condition that the terms stated below and on the reverse side are the exclusive terms and conditions of this transaction.

City of Newberg
Public Works Department
414 East First Street
Newberg, Oregon 97132

Attention: Robert L. Sanders, P.E.
Director of Public Works
City Engineer

SUBJECT: REPLACEMENT OF SUBMERSIBLE PUMP IN WELL #1
BYRON JACKSON PROPOSAL CWB-23634

Dear Mr. Sanders:

We thank you for your letter of 7 June, 1982, requesting a quotation for replacement of the submersible deep well turbine pump located in your Well No. 1. The unit that we quoted you previously was under our letter of quotation 8 May, 1981. We furnished the submersible unit Byron Jackson Model 11MQH - 3 stage under pump serial number 816-W-1265.

We could furnish the identical unit as stated above, except we would include 90 feet of cable rather than 80' purchased for Well No. 2. So you are clear as to what has been furnished, the following would be a recap:

Byron Jackson 11MQH - 3 stage submersible bowl assembly, Meehanite iron bronze fitted c/w 416 SS shaft, Meehanite coated impellers, c/w six (6) extra long bearings with end bearings to be dead-ended. The unit will be driven by 40 HP, 1770 RPM, 460 volt/3 phase/60 cycle 10" diameter Mercury sealed submersible motor on R.B. exchange.

Flat cable assembly, factory spliced and tested to 90' of No. 4 round cable furnished on a spool. The cable would be constructed and furnished to Byron Jackson's specifications and standards.

Splice kit, to splice your existing cable to the new round cable furnished.

Trade-in on your "old" motor now in Well No. 2.

YOUR NET PRICE, FOB LAFAYETTE, LOUISIANA, PLUS ALL
FREIGHT ON NEW UNIT AND FREIGHT OF RETURNED MOTOR
TO OUR FACILITY. \$9,868.

continued

IX 1

11 June 1982

QUOTATION

Mr. Robert Sanders
City of Newberg
Newberg, Oregon

SUBJECT: REPLACEMENT OF SUBMERSIBLE PUMP IN WELL NO. 1
BYRON JACKSON PROPOSAL CWB-23634

The initial invoice you will receive will reflect the amount of \$12,703 and a credit of \$2,835 will be issued on receipt of the old motor at our factory.

Approximate total weight, 1510 pounds.

The point of shipment on the previous unit was from our Tulsa, Oklahoma facility. We have two facilities that can furnish this equipment.

The previous data that we furnished you for the unit in Well No. 2 would be applicable to this unit. It will be identical in all respects.

We have established prices for trade-in on old Byron Jackson submersible motors. There is no doubt that the exchange program will greatly benefit the City of Newberg. We feel that units of the age of your equipment would probably not be usable for rebuild and repair. We do, however, still offer the trade-in as stated and outlined above.

Prices quoted are your NET, FOB OUR FACTORY. Our prices do not include any state or local taxes and they are reflective of the furnishing of the equipment only. Prices do not include installation.

If you have questions of any kind whatsoever, please do not hesitate to contact our office.

Very truly yours,

BYRON JACKSON PUMP DIVISION
BORG-WARNER CORPORATION



Richard G. Bangs
District Manager

RGB:dt

cc - Eric Lietzke
2821 Risley Avenue SE
Milwaukie, OR 97222

IX 1

TO: Mike Warren, City Administrator
FROM: Finance Department
SUBJECT: Resolution - Contingency Transfers

June 28, 1982

A Resolution to transfer funds from Contingency Accounts has been prepared for Council action on July 6, 1982.

The transfers total \$7,060 in the General Fund, \$150,000 in the Hospital Operating Fund and \$50,000 in the Hospital Capital Improvement Fund. The Contingency accounts are adequate in all funds to handle the transfers.

The transfers are needed to prevent overexpenditure of the funds or sections within the funds. All the potential overexpenditures were caused by unforeseen higher costs or unexpected requirements.

The Finance Committee reviewed the transfer request on June 24 and recommend approval.

Arvilla Page
Finance Officer

IX 2

RESOLUTION NO.

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM THE CITY GENERAL FUND CONTINGENCY ACCOUNT OF FUNDS AND HOSPITAL OPERATING CONTINGENCY ACCOUNT OF FUNDS AND HOSPITAL CAPITAL IMPROVEMENT CONTINGENCY ACCOUNT OF FUNDS TO DESIGNATED TREE PEOPLE, CABLE TV, MUNICIPAL COURT, LEGAL, HOSPITAL PERSONAL SERVICE, HOSPITAL MATERIAL AND SERVICE AND HOSPITAL CAPITAL ADDITIONS ACCOUNTS.

WHEREAS, funds in the amount of \$207,060.00 must be appropriated from the City General Fund Contingency account and Hospital Operating Contingency and Hospital Capital Improvement Contingency accounts to meet City Tree People account, Cable TV, Municipal Court and Legal account obligations and Hospital Personal Service, Material and Service and Capital Additions obligations; and

WHEREAS, the Finance Committee of the City Council of the City of Newberg has met and does recommend these transfers; and

WHEREAS, the Council of the City of Newberg has considered the transfer of funds from the contingency accounts of funds as set forth in the budget for the fiscal year 1981-1982 which are enumerated below and has determined that the expenditures hereinafter mentioned are necessary and that the transfer of funds hereinafter stated should be allowed. NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newberg, Oregon as follows, to-wit:

1. That the following transfer of funds from the General Fund Contingency Account in the amount of \$7,060.00 is hereby authorized and expenditure of the funds are authorized for the purposes stated as follows:

<u>Fund/Purpose</u>	<u>Amount</u>
<u>General Fund</u>	
Non-Departmental: Tree People Account	\$ 1,900.
General Government: Cable Television	4,700.
Municipal Court: Office Supplies	100.
Court Costs	150.
Legal: Books and Publications	210.
TOTAL GENERAL FUND	\$ 7,060.

2. That the following transfer of funds from the Hospital Operating Contingency Account in the amount of \$150,000.00 is hereby authorized and expenditure of the funds are authorized for the purpose stated as follows:

<u>Fund/Purpose</u>	<u>Amount</u>
<u>Hospital Operating Fund:</u>	
Personal Service	\$125,000.
Materials & Services	25,000.

TOTAL HOSPITAL OPERATING CONTINGENCY FUND \$150,000.

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3. That the following transfer of funds from the Hospital Contingency Account in the amount of \$50,000.00 is hereby authorized and expenditure of the funds are authorized for the purpose stated as follows:

<u>Fund/Purpose</u>	<u>Amount</u>
<u>Capital Improvement Fund:</u>	
Capital Additions	\$50,000.
TOTAL HOSPITAL CONTINGENCY FUND	\$50,000.

4. That the foregoing transfers shall be made from accounts as set forth in the budget of the City of Newberg for the fiscal year 1981-1982.

ADOPTED by the Council of the City of Newberg this 6th day of July, 1982.

Arvilla Page - City Recorder

IX 2

MEMO

TO: City Council

DATE: June 29, 1982

FROM: City Administrator

SUBJECT: Health Insurance Program and Other Fringe Benefits

The month of July is a busy time for the Finance and Personnel offices as it is the close of the fiscal year. To complicate matters our health plan has an August 1 to July 31 contract time, which means that by the middle of July we must make a decision on our health plan costs.

We utilize the League of Oregon Cities to pool the resources of 180 cities and over 4,000 employees. The League, in my opinion, does a very adequate job in getting the cost down as low as possible and performing various other tasks related to health insurance.

After deducting the 4% subsidy provided by the trust and a 3% discount as a result of large unit rating, we are still faced with a 23% increase in our health insurance. This represents an expense to the employee or the city that is dramatic. The City cannot continue to pickup 100% of costs without informing employees of even what the costs are plus on top of that continue to give substantial pay increases. It is only fair that the employee be brought into the discussions so that he or she is aware of what the City is faced with. Whether the City expends dollars for health benefits, salary or any other benefits it is still out of pocket dollars and increased costs.

On the other hand, an employee cannot continue to receive no pay increase, be saddled with additional out of pocket dollars for necessities such as health insurance and end up taking home less money than the previous year.

In other words, this is another situation that we will have to look at carefully and discuss.

CURRENT HEALTH PROGRAM:

The employee has fully paid Blue Cross Medical plan III, for he and his family, Dental Plan III (top of the line), \$20,000 of life insurance, basic vision and accidental death and dismemberment. The cost to the City is as follows:

<u>EMPLOYEE ONLY</u>	<u>EMPLOYEE PLUS 1</u>	<u>FAMILY</u>
7 employees x \$58.09/mo. x 12 mos. = \$4,879.56	15 x \$128.68/mo. x 12 mos. = \$23,162.40	47 x \$164.33/mo. x 12 mos. = \$92,682.12

TOTAL COST PER YEAR = \$120,724.08

The cost will be going up as follows:

IX 3

Memo to City Council
RE: Health Insurance

EMPLOYEE ONLY

7 x \$69.00/mo.
x12 mos. = \$5,796.00

EMPLOYEE PLUS 1

15 x \$155.35/mo. x
12 mos. = \$27,963.00

FAMILY

47 x \$198.55/mo. x
12 mos. = \$111,982.20

TOTAL COST PER YEAR = \$145,741.20

Adding prescription to the above the cost would look like this:

EMPLOYEE ONLY

7 x \$4.15/mo. x
12 = \$348.60

EMPLOYEE PLUS 1

15 x \$10.15/mo. x
12 = \$1,827.00

FAMILY

47 x \$11.20/mo. x
12 = \$6,316.80

SUBTOTAL PER YEAR = \$8,492.40

TOTAL WITH INCREASE = \$154,233.60

At this point we are at a \$34,000 increase with the added benefit of prescription. Without the added benefit of prescription we still have \$25,000 increase.

Our current policy is that if anybody would like to move up to the highest plant which is virtually 100% coverage for Blue Cross Health Plan IV, they pay the difference. The cost for this has been:

EMPLOYEE ONLY

\$13.10

EMPLOYEE PLUS 1

\$16.50

FAMILY

\$19.05

With Blue Cross Plan III plus prescription paid for by the City and the employee picking up the difference to Blue Cross Plan IV the cost would be:

EMPLOYEE ONLY

\$16.01

EMPLOYEE PLUS 1

\$20.25

FAMILY

\$23.45

If the City were to pick this up it would cost an additional \$18,215.64. In my discussions with the Blue Cross representative, he strongly recommends that this not go into effect because it is least economical of the insurance plans. Blue Cross Plan IV will go up more than any others because employees will use it more than any other plan. He further recommends that the employees become involved in the Health insurance program by paying even a small percent of the Blue Cross Plan III coverage.

All things considered I recommend the following:

1. The City pickup the cost of Health Plan III along with prescription so that the employee will not lose out of pocket dollars. Those employees wishing to purchase the Health Plan IV can do so at the additional expense.

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Memo to City Council
RE: Health Insurance

2. We currently pay \$15.00 a month for those employees that have been here 20 years or longer toward deferred income. I recommend that this be increased to \$25.00 a month and that those employees that have been here 15 years or longer (2 employees) have \$15.00 credited to their deferred income.

3. I'm currently interviewing various financial advisors to assist those employees in need of personal financial help on a regular basis. My arrangements with the individuals are such that it would not cost the City any amount of money. An individual would come in twice a year and make him or herself available for those employees wishing to, during work hours, sit down and talk about their retirement, financial goals, etc.

4. The City paychecks are now given out on the fifth of the following month for which an employee is being paid. For instance, an employee would not get paid for the month of January until February 5th. I have talked this over with the Finance Director and we both feel that with very little inconvenience we can get the paychecks to employees by the first of the next month. The cost to the City would be the interest lost on the paycheck for those four days but the convenience to the employees should be considered a benefit.

I have not discussed this with the employees as a group and I am sure they were all hopeful of salary increases and/or more benefits. It is hoped that the employees will realize the difficult times, possibility of the 1½% ballot measure going through in November and rising costs in all areas. It is also hoped that the community will understand that the above package barely keeps up with what the employees are currently receiving.


Michael Warren
City Administrator

MW/bjm

IV 3

RESOLUTION NO.

A RESOLUTION OF THE CITY OF NEWBERG CONTINUING FRINGE BENEFITS AND SALARIES FOR ALL FULL TIME EMPLOYEES OF THE CITY OF NEWBERG.

WHEREAS, it is necessary to update past resolutions when changes occur in health and/or salary packages for employees.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL of the City of Newberg, Oregon as follows, to-wit:

1. That each officer and employee of the City of Newberg shall not receive a cost of living salary increase.
2. The City of Newberg shall pay the following maximum costs on health plan inclusive of Life Insurance, Dental Insurance, Vision Insurance, Prescription Insurance, Accidental Death and Dismemberment:
 - A. Coverage for employee only, \$73.15 per month;
 - B. Coverage for employee and one dependent, \$165.45 per month;
 - C. Coverage for employee plus more than one dependent, \$209.75.
3. All employees of the City of Newberg who have served the City of Newberg for 20 years or longer shall receive \$25.00 per month contribution into the City's deferred income plan. All employees of the City of Newberg who have served the City of Newberg for 15 years or longer shall receive \$15.00 per month contribution into the City's deferred income plan.
4. These increases are effective July 1, 1982.

ADOPTED by the Council this 6th day of July, 1982.

Elvern Hall - Mayor

IX 3

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: June 28, 1982

SUBJECT: Parking Ordinance to be Placed on July 6, 1982
Council Agenda

I was contacted by the Chief of Police to draft this ordinance for a 10 minute parking restriction in front of the Park and Recreation Building just south of City Hall. The Chief will be prepared to explain further the reasons for this parking requirement.

RDF:fj

X 2

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 902 OF THE CITY OF NEWBERG, PASSED AND APPROVED MARCH 25, 1940, AS AMENDED BY LIMITING PARKING IN CERTAIN AREAS ON THE SOUTH SIDE OF SECOND STREET; AND DECLARING AN EMERGENCY.

WHEREAS, the Traffic Safety Committee and Public Safety Committee has recommended the placement of two 10 minute parking zones in front of the Park and Recreation building located on the Southeast corner of Howard and Second Streets in the City of Newberg.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. That Ordinance No. 902 of the City of Newberg, Oregon, passed and approved March 25, 1940, as amended, be and the same hereby is amended by adding thereto a new section to be known as Section 53 and to read as follows:

"Section 53. It shall be unlawful for any driver or other person in charge of a motor vehicle, bicycle or any other vehicle of any description to park the same on the following described portion of Second Street within the corporate limits of the City of Newberg, Oregon:

- A. On the South side of Second Street from a point beginning 35 feet from the Southeast corner of the intersection of Howard Street and Second Street and extending for 50 feet from that point in an easterly direction along the South side of Second Street for a period of more than 10 minutes."

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Whereas, there is an immediate need for this restriction of parking, due from utilization of the Park and Recreation facility and it is therefore necessary for the peace, health, and safety of the people of Newberg that this ordinance should be immediately effective. NOW, THEREFORE, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council.

PASSED by the Council on this 6th day of July, 1982 by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - City Recorder

APPROVED by the Mayor this 6th day of July, 1982.

Elvern Hall - Mayor

2ND STREET

10' 25' 50'
YELLOW 10 MIN. ZONE

HOWARD STREET

PARK + REC
Building