

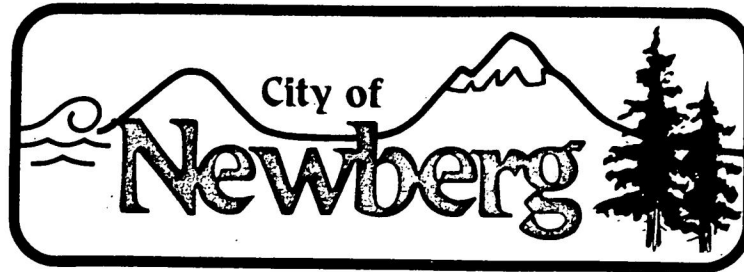
CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
JUNE 7, 1982
7:30 P.M.

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. CONSENT CALENDAR:
 1. Approve minutes:
 - a. Joint meeting of Planning-Council - April 15
 - b. Special meeting of Council - April 28
 - c. Regular meeting of Council - May 3
 - d. 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 & Hospital.
- IV. REQUESTS FROM FLOOR AND COMMUNICATIONS:
 1. Communication from School Superintendent RE: School Liaison Program.
 2. Communication from CCRLS Coordinator RE: Continued Funding.
 3. Communication from Liberty Cable - updating City on progress to date.
 4. Communication from Yamhill County RE: EDA Interest Grants.
- V. PUBLIC HEARINGS:
 1. Public hearing on annexation of 4.81 acres adjacent to Jaquith Park.
 2. Public hearing on annexation of Parkway Subdivision.
 3. Public hearing on alley vacation between 8th & 9th Streets and River and Chehalem Streets.
- VI. REPORTS FROM CITY ADMINISTRATOR:
 1. Update on Redevelopment Committee
 2. Report on checklist for fees and permits.
 3. Report on revised City Charter.
- VII. CANVASS OF VOTES FOR ELECTION ON MAY 18, 1982
- VIII. NEW BUSINESS:
 1. Approve Accounts Payable.
 2. Request from owner of motel to do away with motel tax.
 3. Report on bids for pump and tanker unit in Fire Dept.
 4. Appointments by Mayor.
- IX. RESOLUTIONS:
 1. Res. waiving competitive bidding & authorizing purchase of furnace for Library.
- X. ORDINANCES:
 1. Ord. adopting City Budget & levying tax.
 2. Ord. allowing City to receive State Revenues for Fiscal year 1982-83.
 3. Ord. dissolving Municipal Garage fund, establishing Redevelopment Fund and changing method of accounting to Modified Accrual.
 4. Sidewalk Ordinance.

X.

ORDINANCES (CONTINUED)

5. Ord. annexation of 4.81 acres (RE: Item V-1)
6. Ord. annexing Parkway Subdivision (RE: Item V-2)
7. Ord. vacating alley (RE: Item V-3)



Fire Department
John Paola
Fire Chief

414 E. First St.
Newberg, Oregon 97132
(503) 538-7441

- MEMO

TO: Mike Warren, City Administrator
FROM: John Paola, Fire Chief
DATE: June 3, 1982
SUBJECT: Pump and Tank Unit

After reviewing the bids from Western States and Starline Equipment Company I would like to make the following comments:

1. Western States has a 20 year warranty on the tank.
 - 1A. Starline Equipment has 5 years.
2. Western States can deliver in 60 days.
 - 2A. Starline Equipment can deliver in 90 days.
3. If parts and/or repairs are needed Western States is 20 miles away.
 - 3A. Starline is several hundred miles away.

There is no question that either of these companies can provide us with this unit. However, with the above-mentioned comments and the fact that there is only a \$56.00 difference in the bids, I would recommend awarding the bid to Western States.

John Paola
John Paola
Fire Chief

JP:fj



Home of Old Fashioned Festival



AGREEMENT

File with Bids on 10-10-82

THIS AGREEMENT, made and entered into this _____ day of June, 1982, between WESTERN STATES FIRE APPARATUS, INC., an Oregon corporation, hereinafter referred to as "Seller" and City of Newberg, hereinafter referred to as "Buyer".

For and in consideration of the mutual covenants, promises, and undertakings, of the parties, it is agreed:

1. Seller agrees to sell or lease to Buyer, and Buyer agrees to buy or lease from Seller a 1800-T apparatus (hereinafter referred to as "apparatus"), including a chassis to be furnished by Buyer, all in accordance with the specifications attached hereto and by this reference made a part hereof.

2. The total purchase price for said apparatus is the sum of Twenty two thousand & no/100 (\$ 22,000.00) Dollars, composed of the following:

Chassis	\$ <u>Furnished by buyer</u>
Equipment	\$ <u>22,000.00</u>
Total	\$ <u>22,000.00</u>

The price for the chassis is the actual cost quoted to Seller by the manufacturer thereof. In the event the actual cost to Seller of said chassis shall exceed the amount set forth above, because of manufacturer's price increases, flooring costs, taxes or otherwise, the total purchase price set forth above shall be increased accordingly.

3. The total purchase price shall be paid by Buyer to Seller as follows:

(a) The cost of the chassis shall be paid upon delivery of the chassis to Seller.

(b) The balance of the purchase price shall be cash upon delivery of the apparatus to Buyer.

4. Seller warrants that all materials and workmanship in and about said apparatus shall comply with the specifications. In the event there is any conflict between Buyer's specifications and the specifications set forth in Seller's Bid Proposal, the latter shall prevail. The manufacturer's warranty will apply to the chassis. The apparatus shall be deemed to have fully met the specifications attached hereto unless Buyer shall have notified Seller in writing, within five (5) days after the delivery of the apparatus, that the apparatus does not meet said specifications. Said notice shall clearly set forth, in detail, the specifications that have not been met.

5. The apparatus will be delivered F.O.B. Buyer's Fire Station, tested, certified by UL, Inc. and acceptable to the Insurance Services of Ore. and the AIA. An experienced engineer of Seller will, at the time of delivery, instruct all firemen of Buyer assigned to the care and operation of the apparatus.

6. Buyer shall have the right to lease the apparatus from Seller instead of purchasing the same as set forth above, provided (a) Buyer shall have given Seller written notice of its election to lease at least thirty (30) days prior to the estimated date of delivery of the apparatus, and (b) the terms and conditions of said lease shall be agreed upon by the parties.

Seller agrees to notify Buyer of the estimated date of delivery of the apparatus at least forty (40) days prior to said estimated date of delivery.

7. Title to the apparatus shall remain in Seller until the total purchase price is paid in full. In the event of any default by Buyer hereunder, Seller shall have the right to immediate possession of the apparatus together with all other remedies provided in the uniform Commercial Code of the State of Oregon.

8. Buyer shall be solely responsible for all damages and losses to the apparatus from the date of delivery to Buyer, and Buyer shall keep the apparatus insured from said date to its full insurable value for fire, theft, comprehensive, collision and upset, together with insurance for public liability and property damages of not less than \$500,000 and \$100,000 respectively. Until the total purchase price is paid in full, Seller shall be named as an insured under said policies and copies thereof shall be given Seller by Buyer.

9. Any notice which is required hereunder shall be deemed to have been given either when actually delivered to the other party, or when deposited postage prepaid in the United States mails as certified or registered mail, return receipt requested, and the properly addressed to the other party. The addresses of the parties are as follows:

Seller: P.O. Box 646
Cornelius, Oregon 97113

Buyer: City of Newberg
414 E. First St.
Newberg, Oregon 97132

In the event of a change of address by either party, notice in writing of such change shall be given to the other party.

10. This agreement shall be construed in accordance with the laws of the State of Oregon.

11. This agreement is the final agreement between the parties, superceding all prior negotiations and documents relating to the subject matter of this agreement. No representations or warranties have been made by Seller other than those set forth herein.

12. Attorney's Fees. In the event suit or action is instituted by either party to enforce the terms of this agreement, the prevailing party shall be entitled to recover from the other party, and the other party agrees to pay to the prevailing party, such sums as the court may adjudge reasonable for attorney's fees in said suit or action, and in the event any appeal is taken from the decision of the trial court, such further sum as may be fixed by the appellate court or courts as reasonable attorney's fees.

IN WITNESS WHEREOF the parties have executed this agreement as of the date first hereinabove written.

WESTERN STATES FIRE APPARATUS, INC.

By Ernest H. Hall
Seller

By Vic Pres
Title

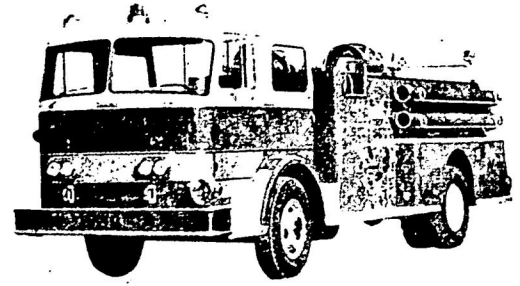
City of Newberg
Buyer
By W. L. Johnson 538-8421
Title: Phone:

By City Administrator
Title: Phone:

By _____
Title: Phone:

By _____
Title: Phone:

Western States Fire Apparatus, Inc.



Post Office Box 646

CORNELIUS, OREGON 97113

Cornelius: (503) 357-2163

Portland: (503) 648-4227

June 1, 1982

City of Newberg
City Hall
Newberg, Oregon 97132

Dear Sirs,

We are pleased to submit for your consideration our proposal for furnishing and installing the equipment as called for in the Fire Department specifications. The cost of furnishing and installing this equipment without exception to the specifications shall be \$22,000.00 F.O.B. Newberg, Oregon.

Delivery: Delivery shall be accomplished on or about 60 calendar days after receipt of the within contract, duly executed, at our facility in Cornelius, Oregon and subject to delays beyond our control.

We thank the city for the opportunity of submitting our proposal.

Western States Fire Apparatus, Inc.

A handwritten signature in cursive script, appearing to read "Wendell Weber".

Wendell Weber

Sales Representative

May 10, 1982

INVITATION TO BID

Fire Department - Tanker Truck
Tank and Pump Fabrication and Installation

City of Newberg
City Hall
Newberg, Oregon 97132

Sealed proposals for furnishing and installing the following listed equipment will be received at the office of the City Administrator, City Hall, 414 E. First Street, Newberg, Oregon 97132 up to the hour of 4:00 p.m. on Tuesday, the first day of June, 1982. All bids must be in writing. Bids will then be publicly opened and read in the office of the City Administrator, City Hall, 414 E. First Street, Newberg, Oregon 97132.

Any and all proposals received after the time specified will be returned unopened.

Equipment to be furnished and installed:

1. Tank and pump to be mounted on fire tanker truck previously purchased by Fire Department. The unit to comply with the Underwriters Test for Approval.

Each bidder shall specify a firm delivery date for the completion of construction and installation of this equipment.

Detailed specifications may be obtained from the office of the Newberg City Fire Chief, 414 E. Second Street, Newberg, Oregon 97132. The contract will either be awarded or all proposals rejected within 30 calendar days from the date of notification.

The City of Newberg reserves the right to reject any and all bids, to waive informalities and to accept the bid which is in the best interest of the city.

CITY OF NEWBERG
Arvilla Page - Recorder

PUBLICATION: _____

BIDDER'S PROPOSAL

CHASSIS: To be provided by Fire Department.

TANK: The tank shall be constructed of 3/16" 7-gauge copper bearing steel and shall have a capacity for 1800 U.S. gallons. The tank shall be baffled one (1) time lengthwise and seven (7) times crossways. Tank shall be furnished with two (2) large sumps constructed and installed as specified. A 4" I.D. overflow shall be provided in the fill dome which shall be 12" in diameter with a 6" fill opening.

Tank fill shall be provided using a 1½" ball valve with control at pump panel. Tank shall be mounted on wood sills set into 3" heavy channels so that no metal to metal contact is made.

The inside of the tank shall be finished with three (3) coats of epoxy zinc-chromate paint after being cleaned and prepared with steel wool and metal prep acid. The exterior of the tank shall be finished with Ditzler Urethane paint.

An M.C. electric water level gauge, needlemeter type, shall be installed with dial reading on the pump panel.

The tank shall be unconditionally guaranteed against leakage for 20 years without any further servicing on the purchaser's part.

FIRE PUMP: The fire pump shall be an American model UA-75, 750 GPM capacity, single stage, front mounted centrifugal type. The pump shall be of the latest design and shall meet the requirements of the Cities specifications and NFPA pamphlet 1901, latest edition, and shall be certified by Underwriters Laboratories Inc.

The pump shall be installed and equipped as specified and all items in the fire pump section of the specifications shall be adhered to without exception.

BIDDER'S PROPOSAL (CONT.)

BODY CONSTRUCTION AND COMPARTMENTS:

8" high side panels shall be constructed around the top of the tank on both sides and the rear center section shall be left open to form a hose bed. The top edges of the side panels shall be finished with split tubing.

BODY SKIRTS: Skirts approximately 17" shall be installed to finish the underside of the tank on both sides and the rear. The rear center section of this skirt shall be overlaid with aluminum diamondette.

A compartment shall be installed ahead of the rear wheels on each side and shall be the dimensions specified. Each compartment shall be furnished with two (2) doors, hinged at the bottom and provided with rubber seals, stainless hinges and Pod-L-Lok spade type latches.

A tool compartment shall be provided in the right front bumper with a hinged lid and shall measure 13"x16"x8" deep.

An open compartment shall be provided in the left front bumper and shall measure 18"x20"x10" deep.

PIPING AND VALVES: The piping and valves shall be as specified without exception.

AUDIBLE WARNING SIGNALS: A Federal Q-2B shall be provided and shall be mounted and equipped as specified.

LIGHTS AND VISIBLE WARNING SIGNALS: All Federal light requirements standard 108 shall be complied with.

One (1) pump in gear light shall be furnished.

Stop, tail and back-up lights furnished with the chassis shall be re-positioned and mounted.

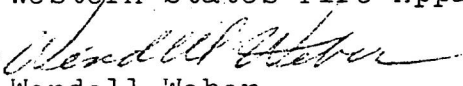
BIDDER'S PROPOSAL (CONT.)

BATTERY SYSTEM: Shall consist of two (2) 6-volt group 3 batteries wired parallel to produce 12 volts. These batteries shall be wired with the present battery through a Cole-Hersee M-705 master switch.

PAINTING: Shall be as specified.

WARRANTY: Shall be as specified, a copy of our guarantee is enclosed.

Western States Fire Apparatus, Inc.


Wendell Weber

Sales Representative

CHASSIS:

CHASSIS: Ford F-800 having a 177" wheelbase and 105" cab to axle. Chassis to be furnished by Newberg Fire Dept.

TANK: The tank shall be of rectangle design and shall be approximately 27" high x 96" wide x 164" long and shall have a capacity for no less than 1800 U.S. Gallons. The tank shall be constructed without exception from 3/16" 7-gauge bearing steel, including the baffles.

Tank shall be baffled at least one (1) time lengthwise and not less than seven (7) times crosswise.

Tank shall have two (2) large sumps installed in the bottom as near the center as possible and outlets to the pump shall be baffled and shall have a 2" cleanout plug in the bottom of each sump.

Provisions for escapement of entrapped air shall be made by a 4" ID overflow brought up into the fill spout. Tank shall have a 12" fill spout with a 6" fill opening equipped with a spring-locking cap.

BOOSTER TANK: Provisions for filling the tank while pumping shall be made through not less than a 1½" Akron, or equal, Ball valve with control on pump operator's panel.

Tank shall be set under the hose bed on wood sills, set in 3" channels so no metal-to-metal contact is made and shall be removable.

The inside of the booster tank shall have not less than three (3) coats of zinc chromate waterproof paint applied after being cleaned with steel wool and metal prep acid or shall be sand blasted or shall be galvanized.

The exterior of the tank shall be finished with Ditzler Urethane paint.

An M.C. electric water level gauge, needle-meter type, shall be installed with dial reading on pump panel.

The booster tank shall be GUARANTEED AGAINST LEAKING FOR 20 YEARS WITHOUT ANY further

DETAILED SPECIFICATIONS ANALYSIS

Capacity as specified: Yes X No

Constructed as specified:
Yes X No

Baffled as specified: Yes X No

Sumps as specified: Yes X No

Overflow size: 4 "ID.

Fill spout size: 12 ".

Fill opening size: 6 ".

Cap as specified: Yes X No

Tank fill valve as specified:
Yes X No

Tank installed as specified:
Yes X No

Inside treatment as specified:
Yes X No

Finished as specified: Yes X No

Gauge as specified: Yes X No

20 Year Guarantee as specified:
Yes X No

FIRE PUMP:

Shall be 750 GPM capacity, single-stage, gear driven, centrifugal with stainless steel impeller shaft, full Ball bearing construction and lubricated from one (1) oil sump.

Front mount type.

Pump shall be "FROST PROOF" to 40°F. below zero while engine is running by connection to the engine with proper connections and a cast hollow ring made as an integral part of the pump impeller housing.

Pump clutch shall be designed so the frictions do not drive the pump while in pumping position and shall be synchronized type for ease of engagement.

Pump shall be equipped with three (3) 2½" Ball discharge valves with individual controls of the locking type and shall be equipped with C.P. caps and chains.

Primer shall be vacuum or electric type capable of priming the pump from a 10' lift while using two (2) 10' sections of 4½" hard suction hose in 10-15 seconds.

A 4½" NST suction connection shall be provided on the front with stainless steel throat strainer and C.P. cap.

Pump shall show a reserve of 10% as required by NFPA Pamphlet No. 1901.

FOR PUMP MOUNTING: The front bumper shall be extended to at least 1" ahead of the pump and the bumper shall be extended back of the bumper and to the grill and front fenders shall be filled in with 12-gauge checkered floor plate.

A polished pump instrument panel, of adequate size for mounting of all instruments, shall be installed on the right side of the pump and shall be well lighted.

One (1) compound pressure gauge reading
-30" : 0:400#

One (1) compound vacuum gauge reading
-30" : 0:400#

DETAILED SPECIFICATIONS ANALYSIS

Make American

Model UA-75 Capacity 750 GPM

Style Front mount

Constructed as specified: Yes X No

"Frost Proof" as specified:
Yes X No

Clutch as specified: Yes X No

Valves as specified: Yes X No

Caps/chains: Yes X No

Primer: Make American Model MO- vacuum

As specified: Yes X No

4½" suction as specified:
Yes X No

10% reserve: Yes X No

Bumper extension, etc., as specified:
Yes X No

Instrument panel, etc., as specified:
Yes X No

FIRE PUMP - (CONT.)

- One (1) engine tachometer
- One (1) vernier positive-setting engine throttle
- One (1) governor pump pressure control or relief valve
- One (1) engine oil pressure gauge
- One (1) engine starter button
- One (1) engine temperature gauge

A pressure gauge shall be installed in the cab for pumping on the move.

A Hobbs hour meter shall be installed in the cab dash.

A hydraulic governor or relief valve shall be installed and shall control the increase of pressure to within 30# while pumping at full capacity. Setting control shall be on pump panel.

Pump shall be equipped with water drains with controls extended within easy reach of the operator.

3/4" bleeder drains shall be furnished on all 2½" suction and discharge parts and piped to the ground.

Pump shall deliver pressures up to at least 400# and a volume of at least 100 GPM at this pressure.

A self-contained heat exchange with provisions to fill the cooling system shall be installed on the engine and an overflow system of at least four (4) times the capacity of filling inlet shall be installed on the radiator.

A filter strainer shall be installed to filter all water going to the heat exchanger and governor and shall be provided with shut-off valves.

Fire Pump shall be certified and approved Underwriters Laboratories, Inc.

BODY CONSTRUCTION AND COMPARTMENTS:

" high side panels shall be constructed around the top of the tank on both sides and the rear section of the tank shall be

DETAILED SPECIFICATIONS ANALYSIS

Pressure gauge in cab: Yes x No

Hour meter as specified: Yes x No

Governor: Make American

As specified: Yes x No

Drains as specified: Yes x No

3/4" bleeder drains: Yes x No

As specified: Yes x No

Heat exchanger as specified:
Yes x No

Overflow system as specified:
Yes x No

Filter strainer as specified:
Yes x No

Shut-off valves: Yes x No

Certified as specified: Yes x No

Side panels as specified:
Yes x No

BODY CONSTRUCTION & COMPARTMENTS -CONT.

Left open to form a hose bed. The top edges of side panels shall be finished with split tubing.

BODY SKIRTS: Approximately 17" high shall be installed to finish underside of tank on both sides and rear. The rear center section of this skirt shall be overlaid with Aluminum Diamondette.

There shall be a compartment installed ahead of the rear wheels on each side. The compartments shall each measure 60" wide x 13" high x 30" deep minimum. Compartments shall have two (2) doors each, hinged at the bottom and shall be provided with stainless steel hinges, rubber seals and Pod-L-Lok spade latches or equal. Compartments shall be made cubicle and each shall have drains and vents.

A tool compartment shall be installed in the right front bumper with hinged lid for pump operators tools and shall measure 13" x 16" x 8" deep.

An open compartment shall be installed in the left front bumper and shall measure 18" x 20" x 10" deep.

PIPING & VALVES: Piping from tank to pump shall be not less than two (2) 2½" ID lines capable of delivering not less than 500 GPM to the pump.

A 2" line shall be plumbed from the discharge of the pump to a point at the upper front corner of the tank on the right side and capped at that point.

A tank fill line with control at the pump operator's panel shall be provided and shall be not less than 1½" ID.

A right 2½" gated suction shall be furnished on the fire pump. All valves used in the piping shall be Akron or equal -¼-turn Ball valves.

DETAILED SPECIFICATIONS ANALYSIS

Aluminum Diamondette as specified:
Yes X No

Compartments as specified:
Yes X No
Doors as specified: Yes X No

Hinges, rubber seals & latches as specified: Yes X No

Cubicle as specified: Yes X No

Drains & Vents as specified:
Yes X No

Tool compartment as specified:
Yes X No

Open compartment as specified:
Yes X No

Piping as specified: Yes X No

2" line as specified: Yes X No

Tank fill line as specified:
Yes X No

2½" gated suction as specified:
Yes X No

AUDIBLE WARNING SIGNALS:

A Federal Model Q-2B 12-volt Siren shall be provided and mounted on left front fender. A siren/horn change-over switch will be provided so siren may be actuated through horn button. A button control shall be provided on right dash for riders use.

LIGHTS & VISIBLE WARNING DEVICES:

Fire Dept. shall install and wire Dietz Beacon Ray which shall be provided by the Fire Department.

All Federal light Requirements Standard 108 shall be complied with.

One (1) Pump in gear warning light shall be furnished.

Stop, tail and back-up lights furnished with the chassis shall be re-positioned by the Manufacturer with the location to be at the discretion of the manufacturer.

BATTERY SYSTEM:

Two (2) 6-volt group 3 batteries shall be wired parallel to produce 12 volts, 130 amp hours. These batteries shall be wired with present chassis battery through a Cole-Hersee M-705 Master switch or equal.

PAINTING:

All raw body steel and other parts shall be treated with metal prep acid and steel wool to clean and etch the metal before any painting is done. All concealed parts shall be painted or undercoated before fabrication to prevent rusting.

Enough primer shall be applied to be sanded smooth without leaving any bare metal.

On this smooth base shall be sprayed not less than two (2) coats of Fire Department polyurethane enamel.

NOTE: Color shall match that of chassis cab, Ford White, however the cab shall not be painted.

DETAILED SPECIFICATIONS ANALYSIS

Siren as specified: Yes X No

Switch as specified: Yes X No

Button control as specified:
Yes X No

Beacon Ray as specified:
Yes X No

Standard 108 as specified:
Yes X No

Pump in gear warning light as specified:
Yes X No

Lights as specified: Yes X No

Battery system as specified:
Yes X No

Yes X No

Yes X No

Yes X No

WARRANTY:

Apparatus shall be guaranteed against defects in workmanship and materials for a period of One (1) Year except for chassis where the chassis manufacturers warranty shall apply. Water tank shall be guaranteed against leakage for a period of 20 Years.

DETAILED SPECIFICATIONA ANALYSIS

WESTERN STATES FIRE APP. INC.

MANUFACTURER

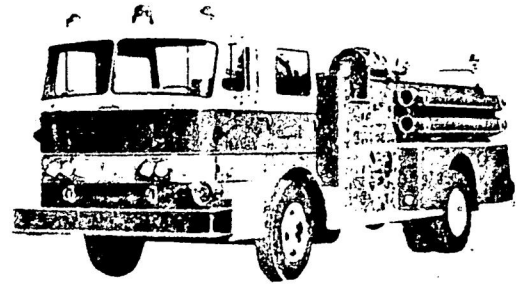
Ernest G. Hill

OFFICER

VICE PRES.

SEAL

Western States Fire Apparatus, Inc.



Post Office Box 646

CORNELIUS, OREGON 97113

Cornelius: (503) 357-2163
Portland: (503) 648-4227

Gentlemen:

GUARANTEE: Fire Apparatus manufactured by WESTERN STATES FIRE APPARATUS, INC. GUARANTEED for ONE (1) YEAR against defects in material and workmanship and any found will be repaired or replaced without cost to the Purchaser, except for Transportation charges. The Chassis will have the Warranty as furnished by the Chassis Manufacturer.

The Booster Tank is UNCONDITIONALLY GUARANTEED against leaking for the full life of the Fire Truck Unit.

WESTERN STATES FIRE APPARATUS, INC., Cornelius, Oregon is incorporated under the Corporate Laws of the State of Oregon and has been manufacturing Fire Apparatus since 1941.

PARTS: Parts for the Chassis will be available from the local Chassis Dealer and we carry in stock all basic operating parts for the American Fire Pumps and all body parts.

The American Fire Pump Company has been building pumps since starting in 1872 and is the oldest pump manufacturer in the USA still serving the Fire Industry. They can furnish parts for every pump they ever built in their plant.

SERVICE: Full and complete service is available at all times from our plant in Cornelius, Oregon. We have the only Mobile Service Unit in the Northwest and will bring service directly to your Department, if so desired. When you order an apparatus from WESTERN STATES, we will service all your present apparatus; we know of no other Fire Apparatus Company that will give your Department this service.

Very truly yours,

WESTERN STATES FIRE APPARATUS, INC.

A handwritten signature in cursive script that reads "Ernest G. Hall".

ERNEST G. HALL, Vice President

STATE OF OREGON)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, That on this 14th day of April, 1981 did appear the within named _____ of Western States Fire Apparatus, Inc. before me and signed the above statement.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.

A handwritten signature in cursive script, likely belonging to the Notary Public.

Notary Public for Oregon

My Commission expires: Sept. 25, 1982

"THE MOST TRUSTED NAME IN FIRE APPARATUS"

ACCOUNTS PAYABLE
JUNE, 1982

6/82

A. C. Haag	161.18	Legislative Counsel Comm.	400.00
AMJ Pacific Co.	472.00	Les Schwab Tire	119.35
Acme Specialty Mfg. Co.	186.52	London's Lawn & Garden	4.35
Alexander Oil Co.	63.00	Mar-Industrial Sales	131.79
Amps Co.	1,027.50	Meter Box Equipment	900.00
Asher-Macken Electric	51.45	Metro-West Oil, Inc.	1,356.36
B. Dalton	488.71	Meyer Bros.	4.96
Barker's Auto Supply	154.21	Midget Motors	45.55
Beaver Equipment Spec. Co.	1,045.91	Naps IGA	46.19
Brodart, Inc.	87.98	National Geographic Soc.	6.95
Brown & Tarlow	75.00	National Glass Co.	78.16
Stan Bunn	75.00	New Shelter	11.00
Butler Chevrolet	17,335.05	Newberg Auto Parts	278.80
Buy Wise Drugs	5.42	Newberg Graphic	46.51
C. E. Little Fire Equip.	14.00	Newberg Lock & Key	2.50
Calibre Press	24.95	Newberg Ready Mix	180.25
Camera Quarters	9.75	Newberg River Rock	328.50
Certified Laboratories	164.18	Newberg Steel	31.73
Chehalem Printing	450.00**	Northwest Business Systems	133.78
Chehalem Valley Sr. Cit.	1,100.00	Northwest Natural Gas Co.	718.13
Chevron	40.50	Nurnberg Scientific	24.77
Coast to Coast	217.78	Oregon Meter Repair	7,508.00
Consolidated Supply	2,112.61	Oregon Parts Co.	78.00
Copy Office Products	473.32	Oregonian	7.50
Crowell Auto Parts	318.80	Pacific Water Works	295.56
Culligan	28.00	Payless Drugs	13.98
D & K Plumbing	687.00	PGE Co.	14,950.00**
Dents	301.94	Portland Precision Inst.	209.40
Dawn Metal Fab	7.50	Powell's Bookstore	491.30
Dyna Systems	190.67	Power Rents	27.00
Ernst Hardware	48.00	Quality Office Machines	26.34
FarmGro Supply	46.00	Rapid Refrigeration	189.10
Ferron Janitorial	501.00	Riley Studio	39.40
Fisher Electric	1.50	Roberts Rent-All	10.50
Fowler Tire	681.32	Rogers Machinery Co.	279.27
Fox Union	25.00	Rowell & Wickersham	4,093.27
Fred S. James & Co.	91.00	S.D. Leasing	312.00
Friction Supply	46.10	Solar Cine Products	53.15
Gaylord Bros.	127.10	State of Oregon	360.00
General Telephone	1,761.07	Steam Supply & Rubber	61.34
George Fox College	120.40	Sun Electric	935.45
GoodYear Tires	1,714.62	Supplyways	240.00
Hach Co.	18.92	Robert Swift	75.00
Norman Harper	87.50	Three Squares Project	375.00
Helfrich Equip. Co.	1,880.00	Traffic Safety Supply	326.20
Highsmith Co.	9.41	United Radio Supply	9.99
Hinds Supply Co.	2,340.00	VWR Scientific	11.32
Home Laundry	36.70	Valiant Int. Multi-Media	366.04
Jack Hull	130.00	W.R. Grace	703.46
Illinois Carbon Prod.	28.42	W.S. Darley	319.44
In & Out	1,470.38	Waide's Mobil	55.00
Insurance Week	120.00	Water, Food & Research	84.00
Johnson Furn. & Hdwe.	90.48	Watt Welding Supply	32.50
Krohn's Appliance	849.00	West Publishing Co.	306.50
Krupp Industrial Elec.	100.00	Western Auto	53.05
Lansen/Tremaine	998.45	Westside Automotive	407.83
Larsen Electronics	79.97	Norman Wetzler	500.00
League of Oregon Cities	2,894.38	Willamette Ind.	444.50
Disposable Waste Systems	12,720.07	Yamhill Co. Sheriff's Office	1,255.90
		TOTAL: Do Not Pay	96,742.67

Handwritten initials and signatures:
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 [Signature]
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ACCOUNTS PAYABLE
JUNE, 1982

A. C. Haag	161.18
AMJ Pacific Co.	472.00
Acme Specialty Mfg. Co.	186.52
Alexander Oil Co.	63.00
Amps Co.	1,027.50
Asher-Macken Electric	51.45
B. Dalton	488.71
Barker's Auto Supply	154.21
Beaver Equipment Spec. Co. <i>WTP Repair</i>	1,045.91
Brodart, Inc.	87.98
Brown & Tarlow	75.00
Stan Bunn	75.00
Butler Chevrolet <i>Car</i>	17,335.05
Buy Wise Drugs	5.42
C. E. Little Fire Equip.	14.00
Calibre Press	24.95
Camera Quarters	9.75
Certified Laboratories	164.18
Chehalem Printing	450.00**
Chehalem Valley Sr. Cit.	1,100.00
Chevron	40.50
Coast to Coast	217.78
Consolidated Supply	2,112.61
Copy Office Products	473.32
Crowell Auto Parts	318.80
Culligan	28.00
D & K Plumbing	687.00
Dents	301.94
Dawn Metal Fab	7.50
Dyna Systems	190.67
Ernst Hardware	48.00
FarmGro Supply	46.00
Ferron Janitorial	501.00
Fisher Electric	1.50
Fowler Tire	681.32
Fox Union	25.00
Fred S. James & Co.	91.00
Friction Supply	46.10
Gaylord Bros.	127.10
General Telephone	1,761.07
George Fox College	120.40
GoodYear Tires	1,714.62
Hach Co.	18.92
Norman Harper	87.50
Helfrich Equip. Co.	1,880.00
Highsmith Co.	9.41
<i>water</i> Hinds Supply Co. <i>Copper Tubing</i>	2,340.00
Home Laundry	36.70
Jack Hull	130.00
Illinois Carbon Prod.	28.42
In & Out <i>Printing Plant</i>	1,470.38
Insurance Week	120.00
Johnson Furn. & Hdwe.	90.48
Krohn's Appliance	849.00
Krupp Industrial Elec.	100.00
Lansen/Tremaine	998.45
Larsen Electronics	79.97
League of Oregon Cities	2,894.38
Disposable Waste Systems	12,720.07

Legislative Counsel Comm.	400.00
Les Schwab Tire	119.35
London's Lawn & Garden	4.35
Mar-Industrial Sales	131.79
Meter Box Equipment	900.00
Metro-West Oil, Inc.	1,356.36
Meyer Bros.	4.96
Midget Motors	45.55
Naps IGA	46.19
National Geographic Soc.	6.95
National Glass Co.	78.16
New Shelter	11.00
Newberg Auto Parts	278.80
Newberg Graphic	46.51
Newberg Lock & Key	2.50
Newberg Ready Mix	180.25
Newberg River Rock	328.50
Newberg Steel	31.73
Northwest Business Systems	133.78
Northwest Natural Gas Co.	718.13
Nurnberg Scientific	24.77
Oregon Meter Repair	7,508.00
Oregon Parts Co.	78.00
Oregonian	7.50
Pacific Water Works	295.56
Payless Drugs	13.98
PGE Co.	14,950.00**
Portland Precision Inst.	209.40
Powell's Bookstore	491.30
Power Rents	27.00
Quality Office Machines	26.34
Rapid Refrigeration	189.10
Riley Studio	39.40
Roberts Rent-All	10.50
Rogers Machinery Co.	279.27
Rowell & Wickersham	4,093.27
S.D. Leasing	312.00
Solar Cine Products	53.15
State of Oregon	360.00
Steam Supply & Rubber	61.34
Sun Electric	935.45
Supplyways	240.00
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Traffic Safety Supply	326.20
United Radio Supply	9.99
VWR Scientific	11.32
Valiant Int. Multi-Media	366.04
W.R. Grace	703.46
W.S. Darley	319.44
Waide's Mobil	55.00
Water, Food & Research	84.00
Watt Welding Supply	32.50
West Publishing Co.	306.50
Western Auto	53.05
Westside Automotive	407.83
Norman Wetzler	500.00
Willamette Ind. <i>Annual Bill</i>	444.50
Yamhill Co. Sheriff's Office <i>?</i>	1,255.90
TOTAL:	96,742.67

CONFIDENTIAL MEMO

DATE: May 25, 1982

FROM: City Administrator

SUBJECT: Senior Citizen Money within budget

We all know that there is \$25,000 that was earmarked for the Senior Citizen/Community Center if the special ballot passed. It did not and now there's \$25,000 remaining in the General Fund Budget.

I would strongly suggest that this matter not be brought up at the next City Council meeting. The reason is that at that time we officially adopt the General Fund Budget. If we bring it up it could throw a "wringer in the works" and possibly result in a challenge of our budget.

The money is not going to go anywhere and we will have plenty of time to discuss it. There are a number of different options to the City Council and we can take our time in bringing it up again. In July or August would be the appropriate time to begin the discussions not at the June City Council meeting.


Michael Warren
City Administrator

MW/bjm

Thursday, 6:30 p.m.

April 15, 1982

A JOINT MEETING
OF THE NEWBERG CITY COUNCIL
AND THE NEWBERG PLANNING COMMISSION
Newberg Community Hospital

Newberg, Oregon

The meeting was held in a conference room at the Newberg Community Hospital and Chaired by Mayor Elvern Hall.

ROLL CALL:

Present:

CITY COUNCIL

Maybelle DeMay
Harold Grobey
Roger Gano
Alan Halstead
C. Eldon McIntosh
Quentin Probst
Richard Rementeria

PLANNING COMMISSION

John Cach (Chairman)
Frank Bowlby
Jack Kriz
Darlene O'Hara
Jane Parisi-Mosher
John Poet
Art Stanley
Jim Tumbleson

Absent:

Tommy Tucker

Jean Harris

Staff Present:

Michael Warren, City Administrator
Clay Moorhead, City Planner
Arvilla Page, City Recorder

Also Present:

Gwen Miller-Pearson, Oregonian Representative
Kristina Bauer, Miss Oregon candidate for Miss U.S.A.

Mayor Hall presented Miss Bauer a proclamation signed by the Mayor from the citizens of Newberg congratulating her on her selection as Miss Oregon U. S. A. Miss Bauer was then excused from the proceedings.

All those present enjoyed an excellent dinner prepared by the Hospital Staff with the Hospital facilities.

Clay Moorhead, City Planner, presented an overview of the Comprehensive Plan process. The Citizens Involvement Advisory Committee reviews and recommends to the Planning Commission. The Planning Commission reviews in detail and holds hearings. The Council then reviews the action of the Planning Commission and hears their recommendation. The Comprehensive Plan began in 1974 and was finally acknowledged in 1981. The Comprehensive Plan was adopted by the Council in 1979 and has since been updated.

The Mayor's Task Force Committees were formed to address specific areas and concerns that need to be addressed for the future of the City.

Mayor Hall addressed how the Task Force Committees were formed. A survey done several years ago showed that everyone was doing his own thing in Newberg. A Town Hall meeting was held, which was well attended. The Task Forces grew out of that Town Hall meeting. Five Committees were formed. The Committees are the Sewage Treatment Plant, Redevelopment, Traffic Rerouting, Civic Center, and Charter Committee. Committees will report at a Town Hall meeting to be held on May 4, 1982 at the High School Cafeteria. There are many people involved in these committees and the City is now moving because of that involvement.

Michael Warren, City Administrator reported that the Sewage Treatment Plant Committee is dormant at present, waiting until after the Tax Base Election. The Rerouting Committee has determined that a bypass to the south would cost an estimated \$25 million. The Civic Center is much needed. However, there is no money at present, but with planning, when money is available, the City will be ready for the Civic Center. The Redevelopment Committee is very active and on-going. The Committee is looking at Tax Increment Financing and has contracted with a professional consulting firm. The Planning Commission will review all of the plans of the various committees.

Art Stanley asked what would be the role of the Citizens Involvement Advisory Committee of the Task Force Committee recommendations. Mr. Moorhead responded that the consultant will be putting together a redevelopment plan. Any changes in use or zoning will be reviewed by the CIAC and the Planning Commission.

John Cach stated that the Planning Commission has a big problem. The process is the problem. There are no Planning Commission members represented on the Task Force Committees.

Mayor Hall responded that volunteers were asked for and no Planning Commission members volunteered. He choose not to appoint Planning Commission members to the Task Force Committees, feeling that they were already required to attend many meetings. He stated he would have appointed Planning Commission members if they had requested appointment. Mr. Cach stated that needs should be ranked. The Mayor's Task Force should not be picking priorities. People will be working on lower priority needs that cannot succeed.

Mike Warren responded that the Council could have made the list and it may or may not have been a good list. The priorities were out of response from 75 letters that were sent to all organizations and groups plus the Town Hall meeting.

John Cach stated that he only knew of the four committees other than the Charter Revision. There should be more to the list.

Mr. Warren responded that there are many more and that these were only the top four.

Mr. Moorhead stated that this was really a grassroots type action. The process was reasonable and the end product was the priorities.

Harold Grobey, Councilman stated that several groups of people have pulled together to get the town pulled together and this is good.

John Cach stated that a ranking has to be in the Comprehensive Plan.

Mr. Grobey responded then the Plans should be changed.

Jane Parisi-Mosher, Planning Commission member, stated we are in the first phase which is a generating phase. Phase two is the integrating phase. Implementing will take time. Council people may not be re-elected, then what happens to the enthusiasm.

Mr. Warren stated that he did not see the problem. The Comprehensive Plan can only be specific up to a point.

Jane Parisi-Mosher stated the Plans will be challenged. There is a need for everyone involved to stand together.

Maybelle DeMay, Councilmember, stated that when the previous City Planner sent out the questionnaire to 2,000 water users, only 150 responded. There was more enthusiasm shown at the Town Hall meeting. The questionnaire showed these concerns at that time. A number of people have made their priorities and wishes known. These priorities and wishes have been consistent. The Redevelopment people will be contacting many responsible people in the town.

Mr. Stanley stated that planning is thinking of what people in the future will want of Newberg. Our Comprehensive Plan does not include planning for school building. The School Board does their own thing. Recreation is not included in the Plan, they also plan separately.

Mr. Grobey stated the problem is the lack of no joint meetings between the Parks, Schools, City, etc.

Quentin Probst, Councilmember, stated the Town Hall meeting is a good time to air these concerns.

Mr. Cach stated that the problems need to be defined.

Mayor Hall stated that the Civic Center would bring many groups together by providing joint meeting rooms and offices.

Roger Gano, Councilmember stated we have to package the sale of the need for a Civic Center.

Hal Grobey stated that the list exists in the Comprehensive Plan.

Mayor Hall stated that the list was actually developed at a Council seminar.

Mr. Grobey stated that some Task Force Committees such as Charter will not need Planning Commission review. With other Task Force Committees the Planning Commission will be totally involved.

Mr. Moorhead stated that the process for the priority list was the same as the Comprehensive Plan. To stop now and include a prioritized list in the Comprehensive Plan would slow the momentum. The Comprehensive Plan is flexible enough.

Alan Halstead, Councilmember, stated that we should not fix priorities so that we can act when the opportunity arises.

Mr. Cach stated that we are at risk and will be sued unless prioritized in the Comprehensive Plan.

John Poet, Planning Commission member, asked whether at least a quarterly from the Committees to the Planning Commission could be made so that the Planning Commission would be advised.

Mrs. DeMay added that copies of the Task Force minutes could be sent to the Planning Commission members.

Mr. Cach stated that we need to act on the hard rule.

Mr. Warren stated that communications can be improved and will be.

Mr. Cach stated that it is stupid to take a risk without recognizing the risk.

Mr. Halstead stated that the Planning Commission is given a set of rules to follow. The City Council has the power to change rules and is a political body.

The meeting was adjourned at 9:30 p.m.

Wednesday, 6:00 p.m.

April 28, 1982

A SPECIAL MEETING OF
THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Hall.

ROLL CALL:

Present:

Maybelle DeMay
Harold Grobey
Alan Halstead

C. Eldon McIntosh
Quentin Probst
Rick Rementeria

Absent:

Roger Gano

Tommy Tucker

Staff Present:

Michael Warren, City Administrator
John Paola, Fire Chief

The City Administrator explained that the reason we had to meet in an emergency City Council meeting was that if we took advantage of the price quotes before April 30 the City of Newberg would receive a \$1,000 rebate.

There were three quotes received from Timberland Ford Truck Sales, Inc., Northside Ford Truck Sales, Inc., and Sea-Tac Ford Truck Sales, Inc. The low quote was from Sea-Tac for \$14,818 which included the \$1,000 rebate. The purchase was for the chassis of a water tanker for the Fire Department.

The Newberg Rural Fire District had given the City \$20,000 in previous years for the purchase of this piece of equipment and the City felt that it was a proper time to buy the piece of equipment since our current tanker was old and was not able to make it to Bald Peak in a timely manner.

City Administrator and the Fire Chief explained that the next step of the process would be to buy a tank for the tanker. This would probably be done through quotes in May or June of this year.

Motion: Grobey-Rementeria to approve Resolution No. 82-934 The resolution was passed.

Meeting adjourned at 6:20 p.m.

Monday, 7:30 P.M.

May 3, 1982

MINUTES OF A REGULAR
MEETING OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

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

Absent: Tommy Tucker (excused)

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

Also Present: Approximately 15 citizens.

Motion: Grobey-McIntosh to adopt and approve the consent calendar as follows:

1. Approve minutes of the meetings on March 30, 1982 Adjourned Budget Committee Meeting; April 5, 1982 Regular City Council Meeting; April 6, 1982 Adjourned Budget Committee Meeting.
2. Memo to Officer Pohl regarding work performance.
3. Letter from Secretary of Old Fashioned Festival Committee thanking City Council for establishment of Century Club.
4. Report on Juvenile Crime Rate in Newberg for 1981.
5. Letter from Mr. & Mrs. Finke, Rt. 5, Box 340, Newberg thanking the Fire Department for assistance with injured animal.
6. Letter from Alden F. Krieg, Suite 220 Mohawk Building, Portland, thanking Police Department (Officer Scott Jones) for assistance.
7. Proclamation proclaiming May 22-29 as National Public Works Week.

Motion to adopt and approve carried unanimously by those present.

Mayor Hall read a proclamation to Lynda Hughes making note of her athletic accomplishments.

Motion: Grobey-McIntosh to adopt the resolution to Lynda Hughes. Carried unanimously.

Mayor Hall then presented the proclamation to Lynda Hughes.

Mayor Hall read a proclamation declaring the week of May 9-15 as National Hospital Week.

Motion: Gano-Probst to adopt the proclamation. Carried unanimously.

Mayor Hall then presented the proclamation to Jane Cummins, representing the Newberg Community Hospital.

Communications and Requests from the Floor:

Jean Harris, 1209 Springbrook St., stated she wanted to comment on the budget and the Nuclear Weapons resolution. There is \$25,000 requested in the General Fund Budget for the Community/Senior Center. If the levy for the Community/Senior Center does not pass, how will the \$25,000 be handled if the tax base passes.

Mayor Hall responded that the matter will then be turned over to the Council to designate the use of the money. It could be used as a reduction of the tax levy.

Mrs. Harris stated that she objected to this method of handling the \$25,000. On the matter of the Nuclear Weapons resolution, she stated she would urge the Council to endorse the resolution.

Dr. Gregory Skipper, Rt. 3, Box 333 stated he was a member of Physicians for Social Responsibility. One of the biggest threats to public health is the threat of nuclear war. Two hundred billion per year is spent on nuclear weapons. The money could be better spent on other programs. In any nuclear war our people will be involved. The people cannot sit back believing that it does not involve them.

Reports from City Administrator;

Mr. Warren reported on the progress in informing residents of the tax base election. If the State Property Tax Relief stays in effect, some people's property taxes would go down. If the tax base does not pass, the Council will need to move quickly on the June 29 election date. Mr. Warren reported that he had been giving speeches, and presentations where ever possible showing the advantages, are taxes worth it, what percent does the General Fund receive of all taxes. Posters are being prepared. There are phone committees and volunteers will walk neighborhoods just prior to the election. Council members have received their copies of the proposed 82-83 Budget. The Budget Committee members were mailed their copies.

Mr. Warren asked that the Council members turn in their plastic delivery bags as soon as possible because they are expensive. He also reported that the Dog Control Officer has given a tentative resignation effective May 26, 1982. His resignation is contingent on his obtaining a firm lease on his residence. The position will not be filled until after the election on May 18. Councilman Grobey asked the status of the County's promised contribution of \$5,000 for dog control. Mr. Warren stated that the County informed him in the middle of the budget year that they would not be giving us any of the \$5,000. He and Joe Dancer of McMinnville will continue to try and get the money. In response to Council members questions about licensing dogs in the City ourselves, City Attorney Faus stated the authority to license was given to the County by the City. Councilman Rementeria stated the City should consider the cost of a licensing program before they take the authority back from the County.

Mr. Warren stated the dinner recognizing volunteers to the City will be held on Saturday, June 5 at ADEC. Councilman Rementeria and Tucker are in charge. Councilman Gano noted that if all the volunteers show up there will be over 200 volunteers. Mr. Rementeria reported that costs have been kept down and will be within the budgeted amount.

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

Report on Audit for fiscal year 81-82. Mr. Warren stated that A. John Montgomery had done a good job on the City's audits in the past at a reasonable price. However, it is good practice to call for bids periodically. Bids were requested from large and small auditing firms, and five bids were received. The bids ranged from \$7,000 to \$15,000. The Finance Directors for the City and for the Hospital have both recommended Arthur Anderson and Company at \$9,900. This was not the lowest bid. The reasons for selecting Arthur Anderson and Co. are contained in the recommendations from the Finance Directors in the Council packets.

Motion: Grobey-Gano to award the auditing contract for the fiscal year 1981-82 to Arthur Anderson and Company, with tier B bid. Carried unanimously.

Report on Fire Chief. Mr. Warren reported that Fire Chief Paola has requested an extension of another year on his required retirement date. He is in excellent health. His long tenure in the Fire Department and the status of the Fire Department is very good. Mr. Warren stated that he would recommend that the Council grant an extension of one year.

Councilman Grobey questioned who would pay for the medical exam which was required. Mr. Warren responded that the Insurance Company would pay most of the charges and the City would pay the balance.

Motion: Halstead-McIntosh to extend the retirement date for Chief John Paola one year. Carried unanimously.

Clay Moorhead, Planning Director, presented some of the first information to come from the 1980 Census. In 1970 and 1980 Oregon grew more than twice as fast as the United States, Yamhill County grew more than three times as fast, and Newberg grew more than five times as fast. The median age in Newberg is dropping and is now at age 27. The percentage of seniors over 65 has also dropped and is now at 14.3%. There were 3,672 households in Newberg in 1980. 61.5% were owner-occupied. The median value of housing units for Newberg in 1980 was \$53,800. The average rental cost for Newberg was \$213 per month. This is the first formal information which has been presented from the 1980 Census. It will be another one to three years before all the information is available for review by the City.

Mr. Warren reported that a contract with Patterson and Stewart on the redevelopment project was not signed because of the apathy of the merchants was felt. On April 29 a meeting of the merchants was held at Al's Drive In. 82 attended. Feelings after the meeting were in support of the plan. The general feeling was that something needs to be done. The City must begin the planning process for the future.

Motion: Halstead-Rementeria to adopt Resolution No. 82-935 calling for a verified world wide freeze on the testing, production and deployment of all nuclear weapons. It was requested that the word verified in the title be changed to (verifiable). Also in the second paragraph after the title and in the second sentence change it to read (It should be noted that a comparable device would have similar affect if detonated in or near the Cities of.) The Council voted to adopt the amended resolution unanimously.

Motion: Halstead-Gano to adopt Resolution NO. 82-936 to continue the utility discount for Senior Citizens for the 1982-83 fiscal year. Carried unanimously.

Dennis Hagen, Chairman of Old Fashioned Festival, stated he would like to ask the City's assistance on two projects. Grandstands will need to be built in the Ewing Young Park in the natural amphitheatre. The 4 x 4 beams required for construction were quite expensive. The request is that the City contribute \$1,000 to \$4,000 toward the cost of the beams. The second request is for some tourism/promotional monies for the printing of some brochures and also to put an ad in the St. Paul Rodeo program, advertising the Old Fashioned Festival. The cost will be \$550 to \$820 for the brochures and the ad in the St. Paul Rodeo program will be about \$150. The highway signs for the entrances of Newberg with the Old Fashioned Logo are now ready to install and assistance is needed in installing them. Bob Sanders, Public Works Director, stated that City crews probably would be allowed to assist with the erection of the signs. The State Highway Department will determine the exact locations of where the signs will be allowed. Mr. Warren stated that assistance with installing the signs will be no problem. However, regarding the matter of promotional monies, this money is supposed to be the revenue received from room tax which is projected to be about \$5,000 per year. In this fiscal year, only one month has been paid. It is expected that the City will receive more of the room tax money. The City is very supportive of the Old Fashioned Festival as each dollar spent in Newberg multiplies seven times. Mr. Warren stated that he would like to wait until after May 18 before spending any money for the brochures, etc. Mr. Grobey asked how many donations and pledges have been received so far. Mr. Hagen responded \$26,000 has been pledged or donated.

Motion: Gano-Grobey to spend up to \$1,000 for brochures and the advertisement in the St. Paul Rodeo program and the posts for the signs. Carried unanimously.

Councilman Grobey recommended that the Finance Committee look into other sources of revenue for the rest of the requests and for the Old Fashioned Festival program.

Public Hearing:

Public Hearing continued on site review. Councilman Gano asked that the continued public hearing also be limited to 5 minutes per commentator. Mayor Hall responded that the same rules would be in effect.

There were no proponents or opponents who wished to be heard.

Motion: Halstead-DeMay to close the public hearing. Carried unanimously.

Mr. Warren reported that on the new Twin Cinema project being constructed by Ted Francis, requests have not been complied with and the City and developer have come to an impasse. The unresolved items are the fire entrance, right of way and traffic signal fees. To compromise more would cause future problems with other developers.

Mayor Hall asked Mr. Francis if he would like for the discussion to wait until he had an attorney to represent him. Mr. Francis responded that he would like to wait for an attorney.

Motion: Halstead-Gano to defer discussion on the Twin Cinema project to May 10, 1982. Motion carried with one nay - Grobey.

Motion: Grobey-Halstead to place a stop work order on the site until the unsolved matters are cleared. Motion carried with one nay - Probst.

Mr. Francis stated his objections to the stop work order. He stated the project is not ready yet for the requested items and also stated that he would be working on the project the next day.

Chief Herbert Hawkins and Sergeant Matron Lois Parrett presented to the Council a film titled "On the Life Line." The film was about how a dispatchers time is spent. They also presented a slide show prepared by City staff people and Phil Westover, on the Newberg Police Department showing the various activities of that department.

Council recommended that a letter of appreciation be sent on the slide show production.

Motion: Halstead-Rementeria to read Ordinance No. 2082 amending Ordinance No. 2074 the Cable Television Ordinance. Carried unanimously. The ordinance and the accompanying Resolution No. 82-937 which extends the fee guarantee section by two months were then read. Roll Call on the Ordinance and Resolution: Aye 7 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria. Nay 0. Absent 1 - Tucker. The Mayor then declared the Ordinance passed and Resolution 82-937 adopted.

Councilman Gano asked Rick Schaal, representing Liberty Cable construction, how a county resident would get cable television. Mr. Schaal responded that it would depend on distance and density. A petition from potential users would be required.

City Attorney Faus stated that the Council should act on the technical changes requested. They can be approved by memorandum. The changes requested are from 3/4 to 1/2 inch video tape for the portable equipment and from 3 dish antennas to a single dish antenna. The City's cable television consultant has approved the changes and the Ordinance Committee has recommended approval with the provision that if the single antenna does not deliver acceptable picture quality, Liberty will be required to install additional antenna.

Motion: Gano-Halstead to accept the change requests. Carried unanimously.

Motion: Halstead-Grobey to read Ordinance No. 2083 amending Ordinance No. 1968 establishing Design Review. Carried unanimously. The ordinance was then read. Roll Call: Aye 4 - DeMay, Grobey, Halstead, Rementeria. Nay 3 - Gano, McIntosh, Probst. Absent 1 - Tucker. The Mayor then declared the ordinance failed because of a lack of a majority of the Council.

Motion: Gano-McIntosh to adjourn the regular Council Meeting to an Executive Session under the provisions of ORS 192.660 Section 1, paragraph 8. Carried unanimously.

The public and staff members not required were then excused. All others remained.

The Mayor called the Executive Session to order under the rules of ORS 192.660 Section 1, paragraph 8 - potential litigation.

All members of the Council as previously stated were present.

Staff Present:

Michael Warren, City Administrator
Alan Barnes, Building Official
Richard Faus, City Attorney
Clay Moorhead, City Planner
Arvilla Page, City Recorder
Robert Sanders, Public Works Director

Councilman Gano questioned whether the Council should reconsider the stop work order placed on the Francis Twin Cinema project.

Staff members described the areas of contention and actions taken. It was annexed at the request of the property owner in order that he could have sanitary sewer service. The County would not allow construction until he had sewer service. De-annexation would remove the sewer and water service now on the property.

Attorney Faus stated that the building could not be used without the final occupancy permit, which if violated would have injunctive relief.

The City Planner stated that there had been numerous meetings in which all parties were in agreement to the action needed, and the city's requests were not complied with. He stated that he agreed with the stop work order.

Executive Session adjourned to regular session.

The Mayor asked the Councilmembers that voted no on the Site Review Ordinance to give their reason for voting no.

Councilman McIntosh stated he felt that the site review ordinance needed changes in certain areas.

Councilman Gano stated that the Zoning Ordinance covers most of the areas covered by the Site Review Ordinance. Business is not ready to be saddled with this requirement and he would be worried about how it would appeal to the public.

Mr. Moorhead stated that the requirements on Site Review in the Zoning Ordinance are very weak and cited the Oak Tree Development as an example that meets all the minimum requirements provided by the Zoning Ordinance.

Mr. Warren stated that the Planning Commission, CIAC, and Ordinance Committee reviewed the ordinance and have all given their approval.

Mr. Faus was asked what procedure was needed to bring the ordinance up for reconsideration. His response was that five members of the Council would need to vote in favor of the consideration.

Councilman Rementeria disagreed with the argument that developers will build to meet competition. Developers will build what they want and people will take what they can get.

Councilman Probst stated that his reason for voting no was that the economic times are not right for this and 15% landscaping requirement seems like alot.

Mr. Sanders stated that landscaping and site review does not raise costs, cost is set by what the market will bear. An example of this is the Newberg State Bank.

Motion: Gano-McIntosh to reconsider the vote on the site review ordinance. Carried unanimously. Second roll call on site review ordinance: Aye 7 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria. Nay 0. Absent 1 - Tucker. The Mayor then declared the ordinance passed.

Motion: Gano-Probst to adjourn to May 10, 1982. Carried unanimously.

Monday, 7:30 p.m.

May 10, 1982

AN ADJOURNED MEETING
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

Present:	Maybelle DeMay	Richard Rementeria
	Alan Halstead	Tommy Tucker
	Quentin Probst	

Absent:	Roger Gano	C. Eldon McIntosh
	Harold Grobey	

Staff Present: Michael Warren, City Administrator
Alan Barnes, Building Official
Richard Faus, City Attorney
Clay Moorhead, City Planner
Arvilla Page, City Recorder
Robert Sanders, Public Works Director

The Mayor read a proclamation to Kathy Hayes congratulating her on her athletic accomplishments. The proclamation was presented to Ms. Hayes' mother as Kathy was ill.

Motion: Halstead-Probst to adopt the proclamation to Kathy Hayes. Carried unanimously.

Petitions and requests from the floor.

No one wished to make any requests or petitions.

Public Hearing: 1982-1983 City Budget.

No one present wished to be heard regarding the budget. No written remonstrance has been received. Public Hearing Closed.

Motion: Halstead-DeMay to adopt the 1982-1983 Budget. Carried unanimously.

Report on Plumbing Inspections. The City Administrator stated that the City is not recovering the costs of plumbing inspections through the fees. The County has agreed to do the inspections for the City with the City receiving 25% of the fees and the County receiving 75%. This would reduce the overhead for doing the plumbing inspections. The County has submitted a proposed contract which is being reviewed. Either party would be able to cancel the contract with 60 days notice. Councilman Tucker recommended that action on the plumbing inspection contract be delayed until the end of the meeting. His recommendation was accepted.

Old Business:

Tautfest property zone change referred back to the City Council by the Yamhill County Commissioners.

Bill Campbell, Acting Planning Director for Yamhill County, stated that the Commissioners had referred the matter back to the City Council to be sure they were

aware of the full effect of the zone change. The highway commercial zoning would allow several outright uses plus other additional uses. The commissioners concern is about the eventual growth and use of the property. The sanitation problem would limit the property to some uses. A PUD on the property would limit the use to the nursery, with access on Wilsonville Road only. The PUD would only limit future use of the property. Councilwoman DeMay asked whether future public hearings would be required or could the PUD be approved at staff level.

Mr. Campbell responded that a public hearing would be required on the PUD and another additional public hearing would be required. The Yamhill County Planning Commission determined the PUD and the applicant has appealed the PUD to the Commissioners.

City Planner Clay Moorhead commented that the County Commercial Zone specifies several uses. Under the exception process, several others are permitted. He questioned whether they would be outright uses or would they be subject to site review.

Mr. Campbell responded that it would be a legislative matter. The use as a nursery has been granted in this zone previously.

Mr. Moorhead asked whether the City could place conditions on approval of requested changes in the Urban Growth Boundary.

Mr. Campbell responded the City would make recommendations.

Terry Mahr, Attorney, representing the property owner. The County Zoning Ordinance which includes special exceptions requires review of many things much like a PUD.

Mr. Robert Morland, Rt. 4, Box 112, Newberg owner of an adjacent property asked the Council to support the County action. He stated that no one objects to the proposed use, but use needs to be restricted until City services are available. Mr. Morland submitted a letter outlining his position (which is exhibit A of these minutes.)

Willie Owen, Rt. 1, Box 187, Dundee stated he is the owner of the Dundee Auction which has a Highway Commercial with a PUD. He has spent \$15,000 in three years for restrooms on his property at the County's request. The County just this last week was still acting on his property. The owner of property should have the right to use the property. Government tells owners where to place signs, plant trees, etc. Owner has no control. The Planners control everything with the PUD.

Terry Mahr, representing Melvin W. Tautfest, the applicant stated there had been eight public hearings on the matter to date. With the first five regarding the zone change to highway commercial. Uses would be limited to this property by a lack of services. A letter has been received from the Sanitation Department suggesting a holding tank for more varied uses of the property. Deed restrictions have required annexation and participation in sanitary service in the future. Investment in a holding tank would not be feasible as the property will receive sanitary service at some future date. There is industrial use across the road and using this property as a nursery will retain the property for better future use. Planners want to control use of the property entirely through the planning. Special exceptions criteria address all the planners concerns. The PUD will require two more public hearings. The PUD requirements require submission of a lot of additional information. That is why the PUD criteria limits the size of a PUD. This property is below the minimum size for a PUD. The Council's

decision on April 5 was the correct one as a PUD is overkill.

Mrs. DeMay asked if the two additional hearings would be required if the City recommends no PUD. Mr. Mahr responded the County had indicated they will grant the zone change.

Mr. Campbell stated that conditions were placed on the Auction PUD in 1980 which required repair of the septic system. The repairs were completed in February, 1982. That PUD was invalidated because of non-compliance for a period of time. The PUD cost on the Tautfest property would be about \$1,000 which is not excessive for a Highway Commercial property. The County is not dealing with an application for a special exception but with an outright zone change. Mr. Tautfest has continued use of the property during the application process. The Commissioners have not indicated they will approve as recommended by the Newberg Council.

Mr. Mahr asked if the Commissioners did not say they would follow the recommendation of the City Council.

Mr. Campbell responded, no, but they may.

Mr. Moorhead stated that it is not a question of use to the City. The City's Comprehensive Plan would allow the use. The question is how the impact of uses would be dealt with in the future. The City requires certain standards that are not required by the County.

Councilman Halstead stated he feels the Council has already made a decision on this matter. Councilmen Probst and Tucker agreed with Mr. Halstead. Councilman Tucker further stated the Council should be de-regulating instead or more regulating. There have been 8 to 10 hearings for a piece of property that is obviously commercial property. The PUD should have been asked for at the beginning of the process instead of now.

Council took no action on the Tautfest property.

Report on Francis Theatre Twin Cinema.

Mr. Warren stated that items that were agreed upon in site review meetings were not done. The Council should not focus on any one item, but on the whole problem of noncompliance. If the developer and his attorney can offer solution to the problem, the staff would be very pleased.

George Layman representing Ted Francis presented to the Council a list of the items in contention and Mr. Francis' response on each item. (This is Exhibit 2-A of these minutes.) Mr. Layman stated that he had been involved in this matter only one week. He stated the Council is not formally involved as no procedure has been set. Mr. Francis has not been at fault on all of the problems. Jurisdiction problems were solved with the annexation of the property. The City now feels that it needs to establish its authority and Mr. Francis feels imposed on by all the regulations. There is a need to find a way around the impasse. Regarding the alleged violations: 1. Fire entrance. The fence was installed by a contractor without a gate. The gate is being made today. 2. Screening. The fence is solid metal to prevent headlights from shining into the drive-in theatre. The original site for the fence interfered with drive in spaces. It also interfered with the drainage field. Mr. Francis did change the fence site without advising the City. 3. Height of the fence. Five feet was designated in the original site plan. The fence installed is six feet topped by a barb wire cap as a security measure. This variance from five feet to six feet should be immaterial. 4. Parking spaces. The plan has more than needed by ordinance plus plantings. 5. Street dedication. This was granted previously but no recording can be found. A poor

property description has been provided by the City. The City Engineer should provide the correct description and it should not be at Mr. Francis' expense. 6. Connection to sewer in violation. The Auld property is not connected, it is not possible for it to be connected. 7. Traffic Control fees. The City feels the traffic control fee is appropriate as there will be a new use on the property. The fees will be paid when the final number of parking spaces is determined and approved.

Mr. Layman then presented a new site plan. He stated that everything is still in the planning stage. No one has been hurt by the plan changes. The revision is in accordance with the staff requirements. He asked that the red tag stop work order be lifted while the site review is considered. Nothing, except fire access, is sufficient reason to stop work on the project. The fire access work will be finished within 24 hours.

Mr. Warren responded to the items. In response to the two exhibits: 1. The fire entrance is okay. The planting is different, but the City is just trying to get some plantings. 3. The fence is okay. 4. There is no problem with the parking spaces. 5. Street dedication. The City does not have a record of this dedication being made. 6. On the sewer connection to a residence, the comment that a residence was connected was made by Mr. Francis' son. 7. On traffic control fees, if Mr. Francis and Mr. Layman state the fees will be paid then the City is agreeable. The City is only looking for agreements to be upheld. Mr. Warren stated he would recommend that the project be permitted to proceed.

City Attorney Faus stated that if resubmitted, plans must be recirculated to all departments that might be affected.

Mayor Hall stated that he had been involved with the problems since November or December of 1981 when needed materials for the annexation were not received as promised and were not received until March 5, 1982. The City has been made many promises which have not been kept. If Mr. Layman had been involved from the beginning, there would be no problem.

Motion: Rementeria-Probst to remove the restrictions from the project placed by the Council at the meeting of May 3, 1982. Councilmember DeMay stated she would like to have the agreement in writing from Mr. Francis. Mr. Layman and Mr. Francis agreed that a letter would be written by Mr. Layman agreeing to the changes.

Vote on the motion to remove the work restrictions carried with one nay, DeMay.

New Business:

Motion: Halstead-Tucker to initiate an alley vacation located within Block 54 of Edwards Addition Subdivision, abutting lots 1, 2, 3 and 4 between 8th and 9th Streets, River and Chehalem Streets. Carried unanimously.

Resolutions:

A resolution in support of Ballot Measure No.4 which increases the gas tax was detailed by Bob Sanders, Public Works Director. Mr. Sanders gave projected revenues to the City if the Ballot Measure passes.

Motion: DeMay-Probst to adopt Resolution 82-938 in support of Ballot Measure No. 4. Motion carried unanimously.

A resolution authorizing transfer of funds from the General Fund, Sewer Fund, Water Fund, Capital Improvement Fund contingency accounts to numerous line items.

Motion: Probst-Rementeria to adopt Resolution 82-939 transferring monies from the contingency accounts. Carried unanimously.

The contract between the County and the City for plumbing inspections to be done by the County was read by the City Attorney.

Motion: Tucker-Halstead to adopt Resolution 82-940 contracting with the County to do plumbing inspections. Carried unanimously.

Motion: Halstead-Tucker that the City Administrator draft a letter to Dr. LeShana commending him for his service to the Community. Carried unanimously.

Mr. Warren reported that several requests had been received regarding using the City owned lot at Villa Road and Hwy 99W. An ad could be placed in the paper asking for bids on leasing the property.

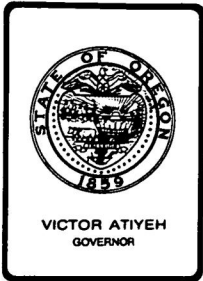
Councilman Rementeria suggested that the City should require a site review and that the rent be sufficient to pay taxes. Also there should be insurance coverage to protect the City against liability.

Mr. Warren reported that the lease on the City parking lot on Second Street expires at the end of May and the Council will need to consider the matter in the near future.

Councilman Tucker stated that he would like to have a copy of the lease agreement and a meeting of the Finance and Ordinance Committees to review the matter.

Mr. Warren reported on the Tax Base Campaign. The walking campaign is under way. Flyers are available for all who want or need them.

Motion: Probst-Rementeria to adjourn. Carried unanimously.



Oregon Liquor Control Commission

9079 S.E. McLOUGHLIN BLVD., PORTLAND, OREGON
(MAILING ADDRESS: P.O. BOX 22297, Portland, Oregon 97222)

May 6, 1982

6/7 *Aguda*
RECEIVED

MAY 11 1982

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

All Local Governing Bodies:

As you know, the Liquor Commission requires all license applicants to obtain an endorsement from the local governing body. We cannot grant every license which carries a favorable endorsement; however, we rarely grant or renew a license which has an adverse recommendation from the local governing body.

To be meaningful, your recommendation must have been made after "due consideration", and the record of the public meeting at which the license application was discussed must show the factors relied upon in making the recommendation. See Oregon Administrative Rules, Chapter 845, Section 05-025 (1), a copy of which is attached. Our rules do not preclude your considering factors which are not directly related to liquor control.

Local government bodies are generally in a better position than we to evaluate community need for new outlets and to be aware of problems with existing outlets which can be addressed at renewal time. This is why we attach such great weight to your recommendations. We strongly encourage you to consider each application, including renewals, as thoroughly as time and resources allow.

Only in the most unusual circumstances will we grant a license over the adverse recommendation of a local governing body. For that reason, we suggest that you give an unfavorable recommendation only when you want the Liquor Commission to deny the license and not, as has occurred in the past, when you merely wish the Liquor Commission to give closer scrutiny to the application.

If you have any questions about the Liquor Commission's application and renewal procedures, please do not hesitate to contact the supervisor of the regional licensing office in your area. If a licensee is engaged in repeated violations of the law, please contact the regional enforcement office for assistance.

Sincerely,

C. Dean Smith
Administrator

CDS:jl
Attachment

OREGON LIQUOR CONTROL COMMISSION

OREGON ADMINISTRATIVE RULES CHAPTER 845

DIVISION 5

CRITERIA FOR ISSUANCE AND MAINTENANCE OF LICENSES

Criteria Creating Presumption Against Issuing License

845-05-025 The following criteria will be given sufficient consideration so that a license will not be issued unless good cause which outweighs the criteria involved is shown by the applicant:

(1) An adverse recommendation by the governing body of the appropriate city or county, after due consideration. The recommendation may be disregarded by the Commission if the body has failed to give to the applicant and to interested members of the public both reasonable notice of the proceedings at which the application was considered and reasonable opportunity to be heard.

(2) Written opposition to the granting of the license, stating reasons for the opposition, by a person having control of:

- (a) A pre-elementary, elementary or secondary school;
- (b) A church;
- (c) A hospital, nursing facility or convalescent home; or
- (d) A park, including amusement park, playground or recreational facility, if such facility is located within 500 feet of the proposed outlet in an urban or suburban area or within 1500 feet in a rural area. Good cause which outweighs such written opposition may include, but is not limited to, other licensed premises being located within the same distance of the opposing facility or the opposing facility beginning operation at a time when the subject premises were licensed.

(3) The applicant has or will have inadequate financial resources or facilities to build and operate the licensed premises as proposed by the applicant. If the application is for renewal, the applicant has not built or operated the licensed premises substantially as proposed by the applicant when the license was originally granted or previously renewed.

(4) The applicant seeks a Dispenser Class "A" license under ORS 472.110(2) and has less than or is unable reasonably to project at least 25 percent ratio of food sales to gross sales of food and alcoholic liquor.

(5) The on-premises manager is unable to comprehend and communicate in the English language to a sufficient extent to cooperate in the enforcement of liquor and other applicable laws.

(6) Court or medical records indicate that the applicant has a record of abuse of alcoholic liquor or controlled substances.

(7) The applicant has been convicted of a felony or of a Class A misdemeanor involving moral turpitude.

(8) The applicant seeks a Package Store license in conjunction with a license to sell alcoholic liquor for on-premises consumption.

(9) The applicant seeks a Package Store license at an outlet which sells petroleum products and does not or will not maintain a wide variety of grocery items. For purposes of this rule, "wide variety" means an inventory at cost to the applicant of not less than \$5,000. For good cause shown, the Commission may disregard this criterion for licenses which were originally issued prior to August 29, 1979, the effective date of this rule.

(10) The licensing of the premises would not be in the best interests of the community because of illegal activities or a recent history of altercations, noisy conduct or other disturbances in or around the premises under the applicant's or other's ownership or control.

(11) Any officer, director, or owner of more than ten percent of the voting stock of a corporate applicant, or any general partner, or any limited partner whose investment commitment is more than ten percent of the total investment commitment of a limited partnership has a record of abuse of alcoholic liquor or controlled substances, or has been convicted of a felony or of a Class A misdemeanor involving moral turpitude.

Stat. Auth.: ORS Ch. 471 & 472

Hist: LCC 46(Temp), f. & ef. 1-21-74; LCC 47, f. 3-28-74, ef. 5-1-74; LCC 6-1978, f. 6-23-78, ef. 7-1-78; LCC 16-1979, f. 8-28-79, ef. 8-29-79; Renumbered from 845-10-720

DATE: June 1, 1982

The attached letter describes the position of the President of the United States. I've only included the letter that summarizes his position and if you are interested in reading any of the transcripts by the President and Secretary Weinberger my secretary will have them available for review or copy.

MW/bjm

IV 3



PUBLIC AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

T. R. R.

25 MAY 1982

The Honorable Elvern Hall
Mayor of Newberg
414 East First Street
Newberg, Oregon 97132

Dear Mayor Hall:

Thank you for your letter to President Reagan enclosing Resolution No. 82-935, adopted by the City of Newberg City Council, supporting a freeze on the production and deployment of nuclear weapons.

You may be assured that the President and Secretary of Defense Caspar W. Weinberger are aware of the destructiveness of war and both advocate participation in arms control negotiations. On November 18, 1981, the President announced his proposals to the Soviet Union for the reduction of nuclear weapons. He expressed his earnest wish to negotiate for substantial and verifiable reductions in nuclear arms. On November 30, representatives of the United States and the Soviet Union began negotiations in Geneva, Switzerland.

On May 9, in a commencement address at Eureka College, the President outlined additional proposals for arms reductions, urging the Soviet Union to give them serious consideration. He said:

I have written to President Brezhnev and directed Secretary Haig to approach the Soviet Government concerning the initiation of formal negotiations on the reduction of strategic nuclear arms--START--at the earliest possible opportunity. We hope negotiations will begin by the end of June.

On the matter of a freeze, however, President Reagan has stated:

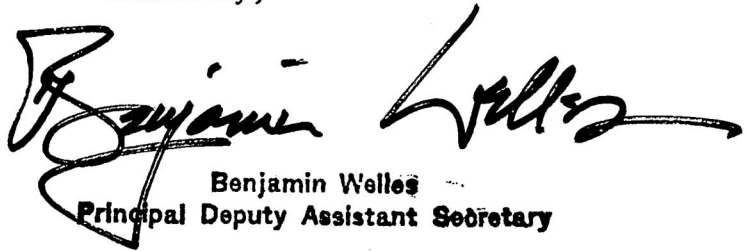
Many have been attracted to the idea of a nuclear freeze. That would be fine if we were equal in strategic capability. We're not. We cannot accept an agreement which perpetuates current disparities. . . .The current level of nuclear forces is too high on both sides. It must be the objective of any negotiations on arms control to reduce the numbers of nuclear weapons.

Secretary Weinberger has pointed out that U.S. policy to prevent war since the age of nuclear weapons began has been based on deterrence. "Our strategic nuclear weapons," he told the Massachusetts Medical Society in Boston on May 19, "are only retaliatory. Their purpose is to provide us with a credible retaliatory capability in the event we are struck first." He stated clearly that like the policy of deterrence, arms reduction negotiations must be based on rational, prudent, and statesmanlike determination of ends and means. He said:

The one thing we must not expect from arms reduction negotiations is the kind of world that existed before nuclear weapons were tested. The forbidden fruit has been tasted and in this case the fruit is not the weapons but the knowledge of them. As much as we would like to, we cannot erase that knowledge. . . The proper aim of arms reductions therefore should be first to reduce the probability of war. . . A freeze, however, would not reduce the probability of war. It would go against the first and foremost aim of arms control because it would lock the United States and our Allies into a position of permanent military disadvantage.

We are enclosing a transcript of Secretary Weinberger's May 19 remarks and several documents conveying the President's views concerning this matter. We hope they will be of interest to you.

Sincerely,



Benjamin Welles
Principal Deputy Assistant Secretary

Enclosures

T-1

Defense Perspective of Proposals to Freeze Nuclear Forces
at Their Current Levels

The Reagan Administration has under way a two-part plan to achieve a more secure and stable world. First, we have initiated a strategic modernization program which will re-establish the margin of safety we need in our nuclear deterrent forces. This will strengthen our ability to deter Soviet aggression and convince the Soviet Union that Moscow's military buildup will produce no advantage. Second, as the President announced in his November 18, 1981, National Press Club speech, we have already begun arms control negotiations. They are designed to lower significantly the level at which this balance is maintained and to do so in a manner that is both verifiable and stabilizing. The "zero option" proposal is the first step in a comprehensive arms control strategy.

This Administration, like its predecessors, believes that the best way to avoid war, whether conventional or nuclear, is through deterrence. We must be prepared to wage war so effectively that no opponent could conclude, by any rational definition, that advantage could be gained by initiating a war, and especially a nuclear war. Thus, a sound forces modernization program, both conventional and nuclear, is necessary to a sound arms control policy. This is not because we want to build up, but because we know reductions will not be possible until the Soviet Union has an incentive to accept reductions.

While we very much appreciate and share the desire of the advocates of an immediate nuclear weapons freeze to reduce the risk of nuclear war, we do not believe that a simple freeze now at unequal levels would achieve this objective. In fact, quite the opposite result could be brought about. Freezing at the current unequal level decreases our deterrent capability; similarly, it would take away all incentive for the Soviet Union to negotiate seriously toward real arms control. Instead, we can expect a propaganda campaign designed to exploit differences of opinion within the Western democracies. That the Soviets will not negotiate if they believe they have the upper hand was demonstrated in the area of intermediate-range nuclear forces. The Soviets initially refused our offers to negotiate, and only agreed to come to the negotiating table when it became clear that we and our Allies were determined to counter their continuing SS-20 missile buildup. That the Soviets will negotiate if we provide realistic incentives was illustrated by their willingness to negotiate anti-ballistic missiles (ABM) limitations once it became clear that the United States would proceed with ABM deployments.

An objective of the proposals to freeze forces at current levels is to pressure both American and Soviet leaders to reach meaningful reductions agreements rapidly. But the reality is that American leaders would be pressured, not Soviet leaders. The net effect then of passage of such a freeze proposal would be to put our leaders at an enormous disadvantage in negotiations with the Soviet Union. This in turn could reduce our ability to negotiate the most significant and useful arms limitations possible.

A freeze at current levels also could have consequences--again unintended but clearly negative--for the NATO Alliance. In 1979, in the face of continuing Soviet deployments, the members of the NATO Alliance agreed to begin deployment in 1983 of U.S. Pershing II and ground-launched cruise missiles (GLCM), and to seek a U.S.-USSR arms control agreement to reduce intermediate-range nuclear forces (INF). A freeze now would, in effect, be a unilateral decision by the United States to withdraw from this Alliance undertaking and cast serious doubt on American constancy and leadership. It would also undercut our negotiating position at the INF talks.

Finally, it is important also not to lose sight of the fact that military capability, including nuclear capability, has a significant political dimension. Soviet superpower status, for example, is a dividend derived from Soviet military strength, not Soviet economic strength or political attractiveness. The increased assertiveness of Soviet behavior affecting Afghanistan, Poland, and Central America is clearly an outgrowth of increased Soviet capabilities as well as confidence in those capabilities. A freeze which sanctioned Soviet advantages would have significant political and psychological effects as the world came to understand that the United States was willing to accept less than equality in the military realm.

The more direct defense implications of an immediate freeze on all testing, production, and deployment are:

First, a freeze at current levels would lock us into a perpetual state of military disadvantage vis-a-vis the Soviets. The Soviets surpass us in most commonly used static measures of strategic capability--total numbers of delivery vehicles, total numbers of ballistic missiles, and total destructive power. In the last decade, they have either taken over the lead or increased their existing lead in these areas. The United States still retains a lead in total numbers of strategic system warheads, largely due to decisions made a number of years ago to deploy a large number of small submarine-launched ballistic missiles (SLBM) warheads and bomber weapons. But, the Soviets may equal or surpass us in the total number of warheads during the 1980's and already have deployed a large number of the most threatening warheads--those are ballistic missiles.

The picture with respect to intermediate-range nuclear systems is much bleaker. The Soviets have a total monopoly in longer-range missile systems, since they have some 300 SS-20s, each with three warheads, as well as some 300 single warhead SS-4s and SS-5s. In contrast, the United States and NATO have no comparable capability. Moreover, the Soviets and their Allies possess a significant numerical advantage in aircraft capable of delivering nuclear weapons.

Second, a freeze would prevent us from achieving a more stable strategic deterrent in the future. More specifically, a freeze would deny us the ability to modernize and improve the survivability of our intercontinental ballistic missile (ICBM) forces. It would deny us the ability to modernize our aging bombers and the weapons they carry, while leaving intact and permitting improvement in Soviet air defenses which counter our bombers, and it would deny us the ability to modernize our SLBM forces to ensure the continued strength of our sea-based deterrent. Also, it would deny us the ability to improve the safety and security of our nuclear warheads--programs that have significant payoff in terms of reducing the risk of accidental or unauthorized nuclear detonations.

Finally, a total freeze on testing, production, and deployment raises verification concerns. It is true that national technical means of verification can monitor deployment of large weapons, such as ICBMs. But they would be inadequate for some aspects of research, development, and testing as well as production of weapons and production and deployment of some smaller weapons. Measures beyond national technical means would be required to monitor Soviet compliance with a comprehensive nuclear freeze on all testing, production, and deployment. Even then, compliance with certain types of limits, such as a freeze or ban on testing of warheads, most likely could not be fully verified. As we have learned, however, loosely drawn or unverifiable agreements with the Soviet Union, such as the treaties banning use of biological and chemical weapons, invite Soviet circumvention or violation. We simply cannot base our security on trust.

The Administration's proposal to ban certain land-based intermediate-range nuclear missiles, on which we are now negotiating with the Soviet Union, will require verification measures beyond national technical means. If the Soviet Union will agree to the ban and the verification measures, we will have established a precedent and a base of experience for attempting even broader limitations on nuclear weapons.

This Administration is committed to achieving significant reductions in nuclear arms. Contrary to what critics imply, we do not want, to build up our nuclear weapons before we reduce them. Our offer to completely cancel our entire Pershing II missile and GLCM program if the Soviets will dismantle and destroy their comparable weapons (the SS-20, SS-4, and SS-5) illustrates this. Our strongly felt preference is to reduce the weapons arsenals on both sides. But we cannot achieve reductions in the nuclear arsenals of both sides that are equal and verifiable if we agree to freeze forces at their current unbalanced levels. It is a sad, but eminent fact of history that the Soviets will negotiate seriously toward equal force levels only if they are convinced that we have the will to protect our security with or without arms control.

Weekly Compilation of

Presidential Documents



Monday, November 23, 1981

Volume 17—Number 47

Pages 1257-1290

provide us with a credible retaliatory capability in the event we are struck first. The idea on which this is based is quite simple: to make the cost of fighting a nuclear war much higher than any possible benefit. This policy has been approved, through the political processes of the democratic nations it protects, since at least 1950. Most important, it works. It has worked in the face of major international tensions involving the great powers and it has worked in the face of war itself.

But while the idea of deterrence has stood the test of time and usefulness beyond reproach, the things we must do to maintain that deterrence have changed substantially as the Soviets' quest for nuclear superiority grew to fruition.

In the fifties the requirements of deterrence were minimal. Our overwhelming nuclear superiority both in weapons and the means of their delivery made moot the question of whether an adversary would be deterred by unacceptable costs, if he attacked first. It also gave us the ability to deter conventional attacks on our allies. By the mid-Sixties however the Soviets' nuclear force had grown greatly in strength. They had also achieved a major edge in conventional weapons in Europe. To discourage the prospect of conflict there NATO decided that it would meet and answer force at whatever level it might be initiated, while retaining the option to use even greater force as the most effective preventative against aggression in the first place. It is important to remember here that the retention of this option is absolutely consistent with our original view of the purpose of our nuclear weapons; that is, to deter aggression and to prevent other nuclear weapons being used against us or our allies. In simple language, we do not start fights - in Europe or anywhere.

We see disturbing evidence such as the Soviet's development of refiring capability and major expenditures for civil defense shelters that they think they can fight and win a nuclear war. We do not share this perception; we know nuclear war is unwinnable.

MORE

in popular journals recently. The images are sufficiently horrible that the temptation is strong to turn our backs on the whole subject. But, grim as they are, those matters have to be thought about and dealt with. It is part of my job to do that, and to know not only what we are faced with, but how we may best prevent such a catastrophe from happening.

Physicians, it seems to me, must adopt a similar attitude to their work. A physician who deals with the sick every day sees many unpleasant things: cancer, heart disease, disorders of the nervous system, the patient's pain and his family's anguish. The answer to these is manifestly not to walk away. It is not to throw up one's hands in dismay and respond with sentiment and emotion alone. That will save no one's life. What is required is a mixture of the compassion we all feel for the sick, plus the most objective and informed judgment about a course of action, followed by an equally steady hand in restoring the patient's health and easing his pain.

Those of us who are charged with the responsibility for the health and strength of this nation's defense are in a somewhat parallel position. The prospect of nuclear war is ghastly in the extreme. But we cannot allow the dread with which we look upon it to obscure our judgment on how to prevent it. Obviously, this too would not save lives.

To the extent of our powers we must, using all the judgment and technical skills and latest knowledge available arrive at an objective, rational policy which will accomplish what we all want. Of course, we take, as our starting point, that which everyone agrees to: that nuclear war is so terrible that it must not be allowed to happen. This, however, is not a policy. It is a national objective which all of us share, very much like the compassion one feels for the sick.

Our policy to prevent war since the age of nuclear weapons began has been one of deterrence. Our strategic nuclear weapons are only retaliatory. Their purpose is to

MORE

This is a terrible misconception made even worse by various grim prognoses of the destruction nuclear weapons would wreak and by the pictures we see on television of old nuclear tests.

We have seen enough images of war lately and indeed many of us have seen far too much of war itself in our lifetimes. I would, therefore, prefer to offer, here, an image of peace even though I offer it in an undeniably turbulent world, at a most dangerous period of our history.

In the early part of Homer's Iliad Hector finds his wife, Andromache, with their child Astyanax on the walls above Troy. The little boy, frightened by his father's armor and helmet cries out. Hector removes his helmet and the two parents laugh as the son recognizes the father. Hector then lifts Astyanax in his arms jostles him in the air over his head, and the family shares a moment of peace.

This is a picture of life as we want it, not the terrible carnage churning below on the plains of Troy, not even the glory of great soldiers which the Iliad also celebrates. The contrast intended by Homer between these scenes of war and peace is as vivid as the choice which every generation has had to face.

We choose peace, but not because we are Democrats or Republicans. We want peace because we are Americans and a civilized people. We reject war as a deliberate instrument of foreign policy because it is repugnant to our national morality. War prevents people from leading the kinds of lives which this country was fashioned to protect and to enhance. As civilized people, we reject war because it kills and maims soldiers and civilians alike and undermines the fabric of life.

But nuclear war is even more horrible than war in any other form. Its destructive power has been described at length.

MORE



NEWS RELEASE

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REMARKS PREPARED FOR DELIVERY BY
THE HONORABLE CASPAR W. WEINBERGER
SECRETARY OF DEFENSE
TO THE MASSACHUSETTS MEDICAL SOCIETY
BOSTON PARK PLAZA HOTEL
BOSTON, MASSACHUSETTS
WEDNESDAY, MAY 19, 1982

REMARKS BY THE SECRETARY OF DEFENSE
TO THE MASSACHUSETTS MEDICAL SOCIETY
MAY 19, 1982

I greatly appreciate and am honored by your invitation to give the Shattuck lecture this year. The generosity and public-spiritedness of Dr. George Cheyne Shattuck, the benefactor of these lectures, and the distinguished speakers who have kept this tradition since 1890 make this invitation an unusual honor.

I would like to talk today about a matter which concerns all of us equally. That is the threat of nuclear war which all of us, to our dismay, have lived with now for some 34 years. This is a most disagreeable and difficult subject, but I am deeply concerned because some Americans are expressing doubts that our President and his administration share their abhorrence for war and in particular nuclear war.

MORE

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 13, 1982

NEWS CONFERENCE

BY

THE PRESIDENT

The East Room

8:00 P.M. EDT

THE PRESIDENT: Good evening. I have a statement to read. Four times in my life, I have seen America plunged into war -- twice as part of tragic global conflicts that cost the lives of millions. Living through that experience has convinced me that America's highest mission is to stand as a leader among the free nations in the cause of peace. And that's why, hand-in-hand with our efforts to restore a credible national defense, my administration has been actively working for a reduction in nuclear and conventional forces that can help free the world from the threat of destruction.

In Geneva, the United States is now negotiating with the Soviet Union on a proposal I set forward last fall to reduce drastically the level of nuclear armament in Europe. In Vienna, we and our NATO allies are negotiating with the Warsaw Pact over ways to reduce conventional forces in Europe.

Last Sunday, I proposed a far-reaching approach to nuclear arms control -- a phased reduction in strategic weapons beginning with those that are most dangerous and destabilizing -- the warheads on ballistic missiles and especially those on intercontinental ballistic missiles.

Today the United States and the Soviet Union each have about 7500 nuclear warheads poised on missiles that can reach their targets in a matter of minutes. In the first phase of negotiations, we want to focus on lessening this imminent threat. We seek to reduce the number of ballistic missile warheads to about 5,000 -- one-third less than today's levels; limit the number of warheads on land-based missiles to half that number and cut the total number of all ballistic missiles to an equal level -- about one-half that of the current U.S. level.

In the second phase, we'll seek reductions to equal levels of throwweight -- a critical indicator of overall destructive potential of missiles. To be acceptable, a new arms agreement with the Soviets must be balanced, equal, and verifiable. And most important, it must increase stability and the prospects of peace.

I have already written President Brezhnev and instructed Secretary Haig to approach the Soviet government so that we can begin formal negotiations on the reduction of strategic nuclear arms -- the START talks, at the earliest opportunity. And we hope that these negotiations can begin by the end of June and hope to hear from President Brezhnev in the near future.

Nov. 18 / Administration of Ronald Reagan, 1981

that progress and the pursuit of liberty is a necessary complement to military security. Nowhere has this fundamental truth been more boldly and clearly stated than in the Helsinki Accords of 1975. These accords have not yet been translated into living reality.

Today I've announced an agenda that can help to achieve peace, security, and freedom across the globe. In particular, I have made an important offer to forego entirely deployment of new American missiles in Europe if the Soviet Union is prepared to respond on an equal footing.

There is no reason why people in any part of the world should have to live in permanent fear of war or its spectre. I believe the time has come for all nations to act in a responsible spirit that doesn't threaten other states. I believe the time is right to move forward on arms control and the resolution of critical regional disputes at the conference table. Nothing will have a higher priority for me and for the American people over the coming months and years.

Addressing the United Nations 20 years ago, another American President described the goal that we still pursue today. He said, "If we all can persevere, if we can look beyond our shores and ambitions, then surely the age will dawn in which the strong are just and the weak secure and the peace preserved."

He didn't live to see that goal achieved. I invite all nations to join with America today in the quest for such a world.

Thank you.

Note: The President spoke at 10 a.m. at the National Press Club Building. His address was broadcast live on radio and television.

proposal for the Geneva talks this month illustrates, we can make proposals for genuinely serious reductions, but only if we take the time to prepare carefully.

The United States has been preparing carefully for resumption of strategic arms negotiations because we don't want a repetition of past disappointments. We don't want an arms control process that sends hopes soaring only to end in dashed expectations.

Now, I have informed President Brezhnev that we will seek to negotiate substantial reductions in nuclear arms which would result in levels that are equal and verifiable. Our approach to verification will be to emphasize openness and creativity, rather than the secrecy and suspicion which have undermined confidence in arms control in the past.

While we can hope to benefit from work done over the past decade in strategic arms negotiations, let us agree to do more than simply begin where these previous efforts left off. We can and should attempt major qualitative and quantitative progress. Only such progress can fulfill the hopes of our own people and the rest of the world. And let us see how far we can go in achieving truly substantial reductions in our strategic arsenals.

To symbolize this fundamental change in direction, we will call these negotiations START—Strategic Arms Reduction Talks.

The third proposal I've made to the Soviet Union is that we act to achieve equality at lower levels of conventional forces in Europe. The defense needs of the Soviet Union hardly call for maintaining more combat divisions in East Germany today than were in the whole Allied invasion force that landed in Normandy on D-Day. The Soviet Union could make no more convincing contribution to peace in Europe, and in the world, than by agreeing to reduce its conventional forces significantly and constrain the potential for sudden aggression.

Finally, I have pointed out to President Brezhnev that to maintain peace we must reduce the risks of surprise attack and the chance of war arising out of uncertainty or miscalculation.

I am renewing our proposal for a conference to develop effective measures that

would reduce these dangers. At the current Madrid meeting of the Conference on Security and Cooperation in Europe, we're laying the foundation for a Western-proposed conference on disarmament in Europe. This conference would discuss new measures to enhance stability and security in Europe. Agreement in this conference is within reach. I urge the Soviet Union to join us and many other nations who are ready to launch this important enterprise.

All of these proposals are based on the same fair-minded principles—substantial, militarily significant reduction in forces, equal ceilings for similar types of forces, and adequate provisions for verification.

My administration, our country, and I are committed to achieving arms reductions agreements based on these principles. Today I have outlined the kinds of bold, equitable proposals which the world expects of us. But we cannot reduce arms unilaterally. Success can only come if the Soviet Union will share our commitment, if it will demonstrate that its often-repeated professions of concern for peace will be matched by positive action.

Preservation of peace in Europe and the pursuit of arms reduction talks are of fundamental importance. But we must also help to bring peace and security to regions now torn by conflict, external intervention, and war.

The American concept of peace goes well beyond the absence of war. We foresee a flowering of economic growth and individual liberty in a world at peace.

At the economic summit conference in Cancun, I met with the leaders of 21 nations and sketched out our approach to global economic growth. We want to eliminate the barriers to trade and investment which hinder these critical incentives to growth, and we're working to develop new programs to help the poorest nations achieve self-sustaining growth.

And terms like "peace" and "security", we have to say, have little meaning for the oppressed and the destitute. They also mean little to the individual whose state has stripped him of human freedom and dignity. Wherever there is oppression, we must strive for the peace and security of individuals as well as states. We must recognize

the basis of judgment and reason and experience. Our policies have resulted in the longest European peace in this century. Wouldn't a rash departure from these policies, as some now suggest, endanger that peace?

From its founding, the Atlantic Alliance has preserved the peace through unity, deterrence, and dialog. First, we and our Allies have stood united by the firm commitment that an attack upon any one of us would be considered an attack upon us all. Second, we and our Allies have deterred aggression by maintaining forces strong enough to ensure that any aggressor would lose more from an attack than he could possibly gain. And third, we and our Allies have engaged the Soviets in a dialog about mutual restraint and arms limitations, hoping to reduce the risk of war and the burden of armaments and to lower the barriers that divide East from West.

These three elements of our policy have preserved the peace in Europe for more than a third of a century. They can preserve it for generations to come, so long as we pursue them with sufficient will and vigor.

Today, I wish to reaffirm America's commitment to the Atlantic Alliance and our resolve to sustain the peace. And from my conversations with allied leaders, I know that they also remain true to this tried and proven course.

NATO's policy of peace is based on restraint and balance. No NATO weapons, conventional or nuclear, will ever be used in Europe except in response to attack. NATO's defense plans have been responsible and restrained. The Allies remain strong, united, and resolute. But the momentum of the continuing Soviet military buildup threatens both the conventional and the nuclear balance.

Consider the facts. Over the past decade, the United States reduced the size of its Armed Forces and decreased its military spending. The Soviets steadily increased the number of men under arms. They now number more than double those of the United States. Over the same period, the Soviets expanded their real military spending by about one-third. The Soviet Union increased its inventory of tanks to some 50,000, compared to our 11,000. Historically

a land power, they transformed their navy from a coastal defense force to an open ocean fleet, while the United States, a sea power with trans-oceanic alliances, cut its fleet in half.

During a period when NATO deployed no new intermediate-range nuclear missiles and actually withdrew 1,000 nuclear warheads, the Soviet Union deployed more than 750 nuclear warheads on the new SS-20 missiles alone.

Our response to this relentless buildup of Soviet military power has been restrained but firm. We have made decisions to strengthen all three legs of the strategic triad: sea-, land-, and air-based. We have proposed a defense program in the United States for the next 5 years which will remedy the neglect of the past decade and restore the eroding balance on which our security depends.

I would like to discuss more specifically the growing threat to Western Europe which is posed by the continuing deployment of certain Soviet intermediate-range nuclear missiles. The Soviet Union has three different type such missile systems: the SS-20, the SS-4, and the SS-5, all with the range capable of reaching virtually all of Western Europe. There are other Soviet weapon systems which also represent a major threat.

Now, the only answer to these systems is a comparable threat to Soviet threats, to Soviet targets; in other words, a deterrent preventing the use of these Soviet weapons by the counter-threat of a like response against their own territory. At present, however, there is no equivalent deterrent to these Soviet intermediate missiles. And the Soviets continue to add one new SS-20 a week.

To counter this, the Allies agreed in 1979, as part of a two-track decision, to deploy as a deterrent land-based cruise missiles and Pershing II missiles capable of reaching targets in the Soviet Union. These missiles are to be deployed in several countries of Western Europe. This relatively limited force in no way serves as a substitute for the much larger strategic umbrella spread over our NATO allies. Rather, it provides a vital link between conventional shorter-range nuclear

forces in Europe and intercontinental forces in the United States.

Deployment of these systems will demonstrate to the Soviet Union that this link cannot be broken. Deterring war depends on the perceived ability of our forces to perform effectively. The more effective our forces are, the less likely it is that we'll have to use them. So, we and our allies are proceeding to modernize NATO's nuclear forces of intermediate range to meet increased Soviet deployments of nuclear systems threatening Western Europe.

Let me turn now to our hopes for arms control negotiations. There's a tendency to make this entire subject overly complex. I want to be clear and concise. I told you of the letter I wrote to President Brezhnev last April. Well, I've just sent another message to the Soviet leadership. It's a simple, straightforward, yet, historic message. The United States proposes the mutual reduction of conventional intermediate-range nuclear and strategic forces. Specifically, I have proposed a four-point agenda to achieve this objective in my letter to President Brezhnev.

The first and most important point concerns the Geneva negotiations. As part of the 1979 two-track decision, NATO made a commitment to seek arms control negotiations with the Soviet Union on intermediate range nuclear forces. The United States has been preparing for these negotiations through close consultation with our NATO partners.

We're now ready to set forth our proposal. I have informed President Brezhnev that when our delegation travels to the negotiations on intermediate range, land-based nuclear missiles in Geneva on the 30th of this month, my representatives will present the following proposal: The United States is prepared to cancel its deployment of Pershing II and ground-launch cruise missiles if the Soviets will dismantle their SS-20, SS-4, and SS-5 missiles. This would be an historic step. With Soviet agreement, we could together substantially reduce the dread threat of nuclear war which hangs over the people of Europe. This, like the first footstep on the Moon, would be a giant step for mankind.

Now, we intend to negotiate in good faith and go to Geneva willing to listen to and

consider the proposals of our Soviet counterparts, but let me call to your attention the background against which our proposal is made.

During the past 6 years while the United States deployed no new intermediate-range missiles and withdrew 1,000 nuclear warheads from Europe, the Soviet Union deployed 750 warheads on mobile, accurate ballistic missiles. They now have 1,100 warheads on the SS-20s, SS-4s and 5s. And the United States has no comparable missiles. Indeed, the United States dismantled the last such missile in Europe over 15 years ago.

As we look to the future of the negotiations, it's also important to address certain Soviet claims, which left unrefuted could become critical barriers to real progress in arms control.

The Soviets assert that a balance of intermediate range nuclear forces already exists. That assertion is wrong. By any objective measure, as this chart indicates, the Soviet Union has developed an increasingly overwhelming advantage. They now enjoy a superiority on the order of six to one. The red is the Soviet buildup; the blue is our own. That is 1975, and that is 1981.

Now, Soviet spokesmen have suggested that moving their SS-20s behind the Ural Mountains will remove the threat to Europe. Well, as this map demonstrates, the SS-20s, even if deployed behind the Urals, will have a range that puts almost all of Western Europe—the great cities—Rome, Athens, Paris, London, Brussels, Amsterdam, Berlin, and so many more—all of Scandinavia, all of the Middle East, all of northern Africa, all within range of these missiles which, incidentally, are mobile and can be moved on shorter notice. These little images mark the present location which would give them a range clear out into the Atlantic.

The second proposal that I've made to President Brezhnev concerns strategic weapons. The United States proposes to open negotiations on strategic arms as soon as possible next year.

I have instructed Secretary Haig to discuss the timing of such meetings with Soviet representatives. Substance, however, is far more important than timing. As our

Arms Reduction and Nuclear Weapons

*Address to the National Press Club.
November 18, 1981*

Officers, ladies and gentlemen of the National Press Club and, as of a very short time ago, fellow members:

Back in April while in the hospital I had, as you can readily understand, a lot of time for reflection. And one day I decided to send a personal, handwritten letter to Soviet President Leonid Brezhnev reminding him that we had met about 10 years ago in San Clemente, California, as he and President Nixon were concluding a series of meetings that had brought hope to all the world. Never had peace and good will seemed closer at hand.

I'd like to read you a few paragraphs from that letter. "Mr. President: When we met, I asked if you were aware that the hopes and aspirations of millions of people throughout the world were dependent on the decisions that would be reached in those meetings. You took my hand in both of yours and assured me that you were

aware of that and that you were dedicated with all your heart and soul and mind to fulfilling those hopes and dreams."

I went on in my letter to say: "The people of the world still share that hope. Indeed, the peoples of the world, despite differences in racial and ethnic origin, have very much in common. They want the dignity of having some control over their individual lives, their destiny. They want to work at the craft or trade of their own choosing and to be fairly rewarded. They want to raise their families in peace without harming anyone or suffering harm themselves. Government exists for their convenience, not the other way around.

"If they are incapable, as some would have us believe, of self-government, then where among them do we find any who are capable of governing others?"

"Is it possible that we have permitted ideology, political and economic philosophies, and governmental policies to keep us from considering the very real, everyday problems of our peoples? Will the average Soviet family be better off or even aware that the Soviet Union has imposed a government of its own choice on the people of Afghanistan? Is life better for the people of Cuba because the Cuban military dictate who shall govern the people of Angola?"

"It is often implied that such things have been made necessary because of territorial ambitions of the United States; that we have imperialistic designs, and thus constitute a threat to your own security and that of the newly emerging nations. Not only is there no evidence to support such a charge, there is solid evidence that the United States, when it could have dominated the world with no risk to itself, made no effort whatsoever to do so.

"When World War II ended, the United States had the only undamaged industrial power in the world. Our military might was at its peak, and we alone had the ultimate weapon, the nuclear weapon, with the unquestioned ability to deliver it anywhere in the world. If we had sought world domination then, who could have opposed us?"

"But the United States followed a different course, one unique in all the history of mankind. We used our power and wealth to rebuild the war-ravished economies of the world, including those of the nations who

had been our enemies. May I say, there is absolutely no substance to charges that the United States is guilty of imperialism or attempts to impose its will on other countries, by use of force."

I continued my letter by saying—or concluded my letter, I should say—by saying, "Mr. President, should we not be concerned with eliminating the obstacles which prevent our people, those you and I represent, from achieving their most cherished goals?"

Well, it's in the same spirit that I want to speak today to this audience and the people of the world about America's program for peace and the coming negotiations which begin November 30th in Geneva, Switzerland. Specifically, I want to present our program for preserving peace in Europe and our wider program for arms control.

Twice in my lifetime, I have seen the peoples of Europe plunged into the tragedy of war. Twice in my lifetime, Europe has suffered destruction and military occupation in wars that statesmen proved powerless to prevent, soldiers unable to contain, and ordinary citizens unable to escape. And twice in my lifetime, young Americans have bled their lives into the soil of those battlefields not to enrich or enlarge our domain, but to restore the peace and independence of our friends and Allies.

All of us who lived through those troubled times share a common resolve that they must never come again. And most of us share a common appreciation of the Atlantic Alliance that has made a peaceful, free, and prosperous Western Europe in the post-war era possible.

But today, a new generation is emerging on both sides of the Atlantic. Its members were not present at the creation of the North Atlantic Alliance. Many of them don't fully understand its roots in defending freedom and rebuilding a war-torn continent. Some young people question why we need weapons, particularly nuclear weapons, to deter war and to assure peaceful development. They fear that the accumulation of weapons itself may lead to conflagration. Some even propose unilateral disarmament.

I understand their concerns. Their questions deserve to be answered. But we have an obligation to answer their questions on

But we do not feel we can successfully deter attack from an adversary such as the USSR, if we relieve them of the necessity of all defensive planning. To do so would erode our deterrent by announcing that under no circumstances would we ever use our weapons first.

Recently it has been argued that we should adopt a policy of "no first use" of nuclear force in the defense of Europe. While this sounds plausible enough, it lessens the effectiveness of deterrence. We must remember that NATO has effectively prevented Soviet aggression. In no small part, this is because our policy makes clear to the Soviets the tremendous risks to them of aggression. Also, a "no first use" policy might imply that the first use of conventional force is somehow acceptable. We reject this entirely. And we do so because our policy is to deter not to encourage the first use of force against us. The point is that we oppose the use of forces and arms as a means for anyone to secure his objectives. We have recently made that clear in our position in the conflict between the United Kingdom and Argentina in the South Atlantic. Force of arms is not the way to resolve international disputes.

I wish I could tell you that the Soviets shared this view. Unfortunately, history and all the facts we know about stand in the way of such a policy by them. For the past 21 years, the Soviets have concentrated tremendous efforts and resources on achieving a clear superiority in nuclear forces. The result has been the addition to their arsenal of new weapons systems such as the SS-17, SS-18, and SS-19 ICBMs, the backfire bomber, the typhoon submarine, several new types of cruise missiles, and the SS-20 intermediate range missile. These efforts dwarf our own. In fact since 1970, they have out invested us by about \$400 billion in military armaments.

No less important is the fact that the Soviets do regard their nuclear forces as a means of coercion. Well over two-thirds of their nuclear force sits in land-based ICBMs - weapons whose speed, destructive power, and above all, accuracy

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give those who possess them the capability to aim with assurance at the military targets in the U.S. in a first strike. By contrast, our own strategic weapons are apportioned among our submarines, land-based ICBMs, and bombers. The Soviets' clear advantage in land-based ICBMs gives them the ability to destroy segments of our relatively smaller and unfortunately less effective land based missile force. We do not intend to match them missile for missile in land-based ICBMs. Our system of deterrence requires simply that we must be able to inflict damage so unacceptable that no one would attack us. This does not mean, however, that we can allow any part of our TRIAD to become vulnerable. Our ongoing ability to maintain deterrence rests on the continued accuracy, power, communications structure and survivability of all our nuclear forces. The point is that while the number of weapons is important, it is less so than the combination of capabilities, forces, and their survivability along with the national resolve and will essential to convince an aggressor that he could not hope to gain from attacking first.

Let me try to restate this, because it is over this question of how much destructive power is "enough" that the public debate often bogs down.

Suppose that a particular community were struck by an unforeseen disaster, say the collision of two passenger trains or a large tornado or an earthquake. No physician could possibly predict the receiving hospital's ability to handle this emergency by merely determining the number of beds. That variable, is, of course, important, but less so than the combination of the knowledge, preparedness and training of the staff, their ability to sustain such an effort over an extended period, the actual materiel on hand to meet the emergency - drugs, i.v. solution, operating room supplies, transportation to the medical facility, and of course the number and skills of the doctors available.

It is clear that these measures will never prevent or deter an accident from taking place, so the medical analogy

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is limited. But the analogy is good inasmuch as it shows that deterrence also cannot be measured accurately by a single variable.

What then has deterrence done? Again, I must stress that it has worked and is working today. There have been 37 years of peace in Europe. Despite the threat of the Soviet Army; despite the threat of the Soviets' nuclear weapons, Western Europe has prospered. Its political freedoms have flourished, and its social institutions have grown stronger. Indeed, there has not been an equal period of uninterrupted peace on the European continent since the Roman Empire fell. At the risk of stating the obvious, the United States and the rest of the world have also avoided the scourge of nuclear fire. Deterrence, thus, is and remains our best immediate hope of keeping peace.

However, it is not enough to assume that deterrence can be maintained simply by doing what we have done in the past. For the unavoidable fact is that even though the world remains at nuclear peace and nuclear threats do not appear on the horizon, still we do not feel safe. Many worry about the sophistication of modern delivery systems. Others fear the results of continuing to compete with the Soviets on this barren plain. Still more are alarmed at the destructive capability within the great powers' arsenals.

We are worried about all these matters too. That is why we are absolutely serious about the arms reduction negotiations currently underway in Geneva, and the President's new strategic arms reductions plans. But again, as with the policy of deterrence, the right approach to this process can only be one based on rational, prudent, and statesmanlike determination of ends and means.

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The one thing we must not expect from arms reductions negotiations is the kind of world that existed before nuclear weapons were tested. The forbidden fruit has been tasted and in this case, the fruit is not the weapons, but the knowledge of them. As much as we would like to, we cannot erase that knowledge. Setting our sights on that object would be utterly unrealistic. The proper aim of arms reduction therefore should be first to reduce the probability of war. If possible it should also aim to reduce the costs of maintaining deterrence and should reduce the possibilities of war through misinterpretation or misunderstanding.

The proposal, to freeze current levels of nuclear weapons, was born partly at least of deeply felt convictions which this Administration shares. A freeze, however, would not reduce the probability of war. It would go against the first and foremost aim of arms control because it would lock the United States and our Allies into a position of permanent military disadvantage. And that disadvantage or imbalance, if you will, erodes deterrence which we believe has kept the peace. For if one side improves its forces, either by dint of its own efforts or through the other's inactivity, then the temptation will grow strong for the Soviet Union to use its superior systems, or, at a minimum to contemplate achieving dominion by the threat of nuclear war - nuclear blackmail it is called. It is an understatement that we must not allow either of these things to happen under any circumstances.

For similar reasons a freeze would chill any hopes we have of convincing the Soviets to agree to any meaningful arms reductions. If a freeze went into effect now, the advantage the Soviets currently enjoy would be irreversibly sealed and stamped with the official imprimatur of an international agreement. Why, then, would they wish to change - that is - to lower their forces together with us? Granting them but a thread of rationality, or even a normal supply, if we froze an imbalance in their favor, I cannot see that the Soviets would have the slightest incentive to achieve the major and bilateral reductions we must have if we are to lessen the danger now existing.

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It is exactly those bilateral reductions which President Reagan's arms reduction proposals aim to achieve. In the past few months our highest priority has been to lay the groundwork for the strategic arms negotiations with the Soviet Union. The President has now proposed major reductions in strategic arms to verifiable, equal, and agreed levels. We are also continuing our negotiations to reduce the intermediate range nuclear weapons that threaten Europe and Asia. In Geneva we have put forward detailed proposals designed to limit those intermediate range nuclear forces and to eliminate entirely the missiles of greatest concern to each side. This approach, which has won the strong support of our Allies, would go far towards lowering the threshold of risk which the Europeans feel so acutely today.

These proposals are not bargaining chips or ploys. Let all who doubt this know that President Reagan's greatest wish is for peace. I have heard him say more times than I can recall that if he could leave no other legacy, it would be that of having improved the prospects for peace. A meaningful reduction in nuclear arms would be a welcome first step in the arms control process, and an historic step towards the peace which lowered tensions nurture. No one should doubt that this is what drives our efforts. No one should doubt that this is what we are pledged to - in hope, in word, and in deed.

I wish that I could end this presentation by assuring you that our hopes and good faith could accomplish all that we want. But that I cannot do in all good conscience. Instead I must tell you what I see as the truth about our situation and not what I am sure all of us would prefer to hear: and that is that there is no easy road to peace, just as there is easy road to anything really worthwhile. There is no miracle drug which will keep us and our allies safe and free while the nuclear threat is excised.

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In the short term we must remember that as health is not just the absence of sickness, neither is peace just the absence of war. Health requires care to insure that it will continue, that disease will not occur. One needs the right diet, exercise, personal habits, and so on. So it is with peace. It cannot stand by itself. It needs care to insure its continuance. A nation must conduct its own business, maintain its strength, and aided by alliances be prepared to resist those for whom peace is not the first priority. Peace without these steps will not be peace for long. Thus we dare not permit our abhorrence of war to keep us from the work which our love of peace demands.

We cannot blink in the face of our worst fears. The Soviets are aware that their buildup is frightening. I think it safe to say that one of the chief effects which it was designed to create is the natural horror which all feel who are willing to face that buildup with realism. We cannot, though, and we must not let this apprehension unstring us. If we fail in the short term to reestablish the balance, the danger will surely increase. "If you make yourself into a sheep, you'll find a wolf nearby" says the Russian proverb. We don't want to be wolves or sheep. We just want to live in peace with freedom and that means we must be able to deter any attack on us or our allies.

But if our immediate goal is to avoid war, our long term goal is to reduce its probability. Here, too, in the area of arms control we have seen the frustrating paradox that the road to peace is marked with the preparations for war. But there is no other rational solution. Who, for instance, can believe that the Soviets would ever consent to

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reduce their forces if they thought that we lacked the national will or reserve to maintain a balance in the first place?

Thus we must draw deeply upon our national patience and fortitude in the future if we are to accomplish what all of us really agree we must do: Protecting and strengthening the peace. For negotiations cannot succeed without patience -- peace cannot succeed without fortitude.

I began with a story in the Iliad. There is, it seems to me, another metaphor in Astyanax's reaction to his helmeted father. And that is that the young and maybe even the not so young sometimes fail to recognize what it is that protects them. We are too old and, I hope, too wise to respond by crying out at the sight of our protectors. And we are too young to surrender our hopes in despair or our principles in fear.

The Iliad is the first book of great literature in a long tradition which reaches to us across the ages. It is a book about war but it questions war and it questions politics and it questions life. This questioning is one of the noblest traits of our civilization and it is one enshrined at Harvard under the rubric of "healthy skepticism". Others call it freedom. We owe it to our ancestors and to those who will come after, to do all within our power so that this civilization is preserved - and preserved in peace with freedom.

THANK YOU.

END



U.S. Department of Justice

Mike Warner

Federal Bureau of Investigation

6/7 Agenda

In Reply, Please Refer to
File No.

Post Office Box 709
Portland, Oregon 97207

April 28, 1982

APR 29 1982

BV

Mr. Herbert W. Hawkins
Chief of Police
414 E. First Street
Newberg, Oregon 97132

Dear Chief Hawkins:

I would like to extend my belated commendation to Detective Specialist Carl R. Miller for the investigative assistance he gave our Special Agents during the inquiry of suspect Joseph Casciato.

Due in part to the aid provided by Detective Miller, the subject of a number of bank robberies in the Portland, Oregon, area was identified and apprehended. Later, again due to the assistance of Detective Miller in obtaining names of persons who could testify to the identity and conduct of the subject, a plea of guilty was obtained and four bank robbery cases have been cleared.

Please convey my appreciation to Detective Miller.

Sincerely yours,

Robert S. Gast II

ROBERT S. GAST, II
Special Agent in Charge

cc: Detective Carl R. Miller

PROCLAMATION

A PROCLAMATION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEWBERG HONORING ERNEST SMITH FOR DEDICATION AND SERVICE TO THE CITY AND HOSPITAL OF NEWBERG.

WHEREAS, ERNEST SMITH moved to Newberg in 1946 and operated "Bargain City" for 25 years; and

WHEREAS, ERNEST SMITH was appointed to the Newberg Hospital Board in 1956 by Mayor George Layman; and

WHEREAS, ERNEST SMITH has turned in his resignation from the Hospital Board after serving for 25 years as a Hospital Board Member.

NOW, THEREFORE BE IT PROCLAIMED that the Mayor and the City Council of the City of Newberg show their appreciation through this proclamation for Ernest Smith's many years of services to the City and Hospital; and

LET IT BE FURTHER PROCLAIMED that the Mayor and the City Council of the City of Newberg wish Ernest Smith the very best in the future.

DATED this 7th day of June, 1982.

Elvern Hall - Mayor

NEWBERG PUBLIC SCHOOLS

Gerald E. Post, Ed.D.
Superintendent



Newberg, Oregon
97132

May 25, 1982

RECEIVED

MAY 27 1982

CITY OF NEWBERG, ORE
OFFICE OF RECORDER

Mike Warren
City Administrator
City of Newberg
Newberg, Oregon 97132

Dear Mike:

At our last school board meeting the board gave tentative approval to a budget proposal that would eliminate the Police in Schools program from our budget. While none of us are satisfied with the circumstances that forced this decision, we were faced with choices of further staff cuts or programs such as this.

I'm sure that an earlier decision would have been more helpful in your budget process and I apologize for the lateness of this notice.

We do hope that we can ask for police officers to serve as occasional resource persons in our elementary classrooms.

Very truly yours,

GERALD E. POST
Superintendent

GEP:cw

May 28, 1982

To: City Administrator, Mike Warren

From: Librarian, Doreen Turpen

Subject: Chemeketa Cooperative Regional Library Service--Information release
for June 7 Council meeting.

Attached is a memo from CCRLS coordinator Lowell Ford regarding the status
of the regional library service.

As indicated in Lowell's memo, CCRLS will make a second effort on June 29
to pass an operating levy. Since CCRLS does not have a tax base, failure of the
one year levy on that date will leave the regional library with no operating
budget, and CCRLS services will cease July 1, 1982. Although residents of
Newberg are not eligible to vote on this measure, they will be affected by the
outcome. Cessation of CCRLS services would result in the loss of the following
for Newberg Public Library patrons:

Daily interlibrary courier

Reciprocal borrowing privileges among member libraries

Back-up reference service through Salem Public Library

Audio-visual services



Chemeketa Cooperative Regional Library Service

P.O. Box 14007, Salem, Oregon 97309

May 27, 1982

Newberg

To: City Administrators and City Council Members

From: Lowell Ford, CCRLS Coordinator

Voters of the CCRLS district turned down a three-year serial levy presented on May 18, 1982. CCRLS lost by a margin of over 10,000 votes. With this defeat, the CCRLS Advisory Committee met to discuss the options it has in gaining a tax levy. Despite the fact that the three-year serial levy had a minimal impact on the taxpayer, (\$4 a year) it was agreed that the levy must be trimmed to gain favorable voter approval.

The committee voted to eliminate audio visual funds and reduce personnel, books and contingency monies. Books by Mail was eliminated in the first vote for a more economical Bookmobile. The Bookmobile will remain but on a more limited basis. A one-year operating levy will be presented to the voters on June 29. The \$424,000 budget will provide for access to books, library cards at no cost, reference service, Bookmobile, inter-library courier, and equalization funds. It is estimated that this levy will cost 6.6 cents per thousand of assessed valuation. This represents a 17 percent decrease in the levy previously presented to the voters.

The defeat has also affected equalization funds and the estimated non-resident card reimbursement. The rate of reimbursement has not been changed from the \$5 figure. If the levy is approved, your city would receive the following amounts of money:

Equalization funds

Estimated non-resident card reimbursement *\$200*

It is encouraged that this letter be shared with the library board, interested citizens, and the press for their information. If you have any questions about the budget, please call me at 399-5119.

LF:ps

cc: City Librarian

IV 2



Liberty Cable Television

A DIVISION OF LIBERTY COMMUNICATIONS, INC.

025 S.W. Sherman · P.O. Box 8677 · Portland, Oregon 97207 · 503/225-1984

May 10, 1982

Mr. Mike Warren
City Administrator
City Hall
414 E. 1st
Newberg, OR 97132

RECEIVED

MAY 12 1982

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

Dear Mike:

Attached for your information is my monthly progress report. Although we have covered most of these items in our conversations this last month I am sure you will find the additional information useful.

In regard to your question about Newberg having its own dedicated channel as a revenue producer, I have spoken to Sylvia Sycamore and Rob Corrao. It is our consensus that this may be a very beneficial project.

As you know, we have dedicated two channels for the purpose of leased access. It is possible that one of these channels could be used or as an option another channel could be dedicated for this use.

There are pro's and con's to both options as well as additional expenses involved that would need to be discussed.

At this point I would like to affirm Libertys' commitment to work with the city in developing such a channel.

Some questions that should be discussed smoung city staff before we proceed further on this subject are as follows:

1. Possible legal restrictions from City or State codes or statues.
2. Location of program insertion.
3. Manpower and material expense funds needed to operate the channel.
4. Type of programming to be produced ie; alpha numerics, video tape and/or live programming.
5. Control of programming to insure consistent and proper use.

Although I am sure there are many other questions that may exist my biggest concern at this point would be the quality of the programming as far as content and picture clarity are concerned and the amount of use it actually receives.

If I can be of further assistance please don't hesitate in calling. I will look forward in further conversations regarding this project.

Sincerely yours,



Rick Schaal
system Manager

RS/je

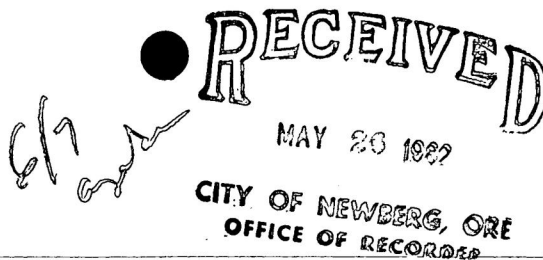
cc: Rob Corrao
Sylvia Sycamore



Liberty Cable Television

A DIVISION OF LIBERTY COMMUNICATIONS, INC.

025 S.W. Sherman · P.O. Box 8677 · Portland, Oregon 97207 · 503/225-1984



FOR IMMEDIATE RELEASE
May 23, 1982

For More Information Contact:
Rick Schaal

LIBERTY CABLE TELEVISION'S NEWBERG/DUNDEE SYSTEM RECEIVES SATELLITE DISH

Liberty Cable Television's Newberg/Dundee system is one more step closer to providing state-of-the-art cable television service to their subscribers with the addition of "Simulsat", the newest technological advancement in satellite earth stations.

Simulsat is a single satellite dish capable of receiving up to 16 satellites simultaneously, hence the name Simulsat. There are only 25 such satellite receivers nationwide and the Liberty Cable Newberg/Dundee system will be the very first in Oregon.

"We plan to stand by our commitment to make Newberg and Dundee a showplace of cable television systems," said Rick Schaal, System Manager. "Simulsat is the best satellite earth station available, and we are proud to introduce this technology."

At the same time, Liberty installed a 50 ft. off-air reception tower to aid in receiving Portland and Salem television stations.

Liberty Cable Television will offer several tiers of programming options, including the capability of over 50 channels, to residents of Newberg, Dundee, Dayton and Lafayette.

###

47 Asda

APRIL 1982 MONTHLY ACTIVITY REPORT
NEWBERG/DUNDEE

SYSTEM CONSTRUCTION

Stranding has proceeded at a very fast rate with a total of 43 miles of strand installed (includes approximately 400 pole to pole and down guys).

The first design maps were received mid April with cabling beginning just days later. By April 30 approximately 5 miles of cable had been constructed.

Upon the discovery of the additional miles of plant to be built a revised construction schedule was developed and presented to city officials. The new schedule actually completes more plant and passes more homes than did our original schedule. However, due to the additional underground miles involved the new schedule depended on the City granting Liberty a 2 month extension in constructing the system. On April 26th the Ordinance Committee approved an ordinance amending the original ordinance in accordance with our request. This amending ordinance also extended the Microwave Interconnect for an additional 6 months from the time of system completion. Along with the ordinance a resolution was also approved to extend the rate guarantee period to coincide with the 2 month extension ordinance.

Our underground crews also started in April. By mid May 4 crews will be dedicated to the Newberg project.

BUDGET

The capital budget was finalized and approved. The Operating and General & Administrative budgeting process has begun. Completion is expected the first week of May.

JOINT FACILITY BUILDING

The ground breaking of the combined office, studio and headend site occurred April 12. Actual construction did not begin until April 19, due to heavy rains and complications in routing the sewer lines to the building. However, due to the efforts of the contractor, Joe Young, the building has progressed rapidly and is now ahead of the proposed schedule. By April 30 the rough framing, foundation and plumbing had been completed. Move in is expected by mid June.

OTHER ACHIEVEMENTS

Headend, Earth Station equipment was finally selected and ordered. There were several problems and delays in finalizing this process. Through the process though we managed, with the efforts of Mike McKeown and Jerry Partch, to save nearly \$25,000 on a prepackaged Headend of exceptional quality. Although the delivery schedule is very tight it is still expected to be activated in June.

The tower and Earth Station have also been ordered. Work on the foundations has begun with no delays expected.

We have received formal confirmation from the FCC for our proposed channel carriage with exceptions on only 3(three) channels, A,B, and P. As a result of this Roger Seltzer has submitted a letter to the FCC requesting waivers for Channels A and P. Channel B will be operated at the suggested level by the FCC thus enabling its use.

In discussing the potential interference problem, at the output of the converter, with Salem Channel 3, Jerrold of General Instruments is committed in providing us with Channel 4 converters to eliminate this problem if it does exist. Attached is a letter from Jerrold confirming there commitment.

In all the Newberg/Dundee project is going very well with only minor problems occurring that have been very solveable thus far.

Attached also, is an updated activity progress schedule.

Rick Schaal



System Manager/Technician
Newberg/Dundee

SECTION 1 - PREOPERATIVE REQUIREMENTS

NEWBERG/DUNDEE

RLSchaal

<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>	<u>START DATE</u>	<u>TARGET COMPLETION</u>	<u>ACTUAL COMPLETION</u>
Franchise Acceptance	Don Tykeson/Corp	Dec. 16, 1981	Dec. 26, 1981	Dec. 16, 1981
Franchise Cost-Agreement to pay	RLS	Dec. 16, 1981	Jan. 16, 1982	Dec. 16, 1981
Advisory Group Negotiations Agreement	RLS	Dec. 16, 1981	Jan. 16, 1982	Dec. 16, 1981
Security Deposits	C. Chambers/Corp.	Dec. 16, 1981	March 16, 1982	Dec. 16, 1981
Insurance Policy	C. Chambers/Corp	Dec. 16, 1981	March 16, 1982	Dec. 16, 1981
Bonding	C. Chambers/Corp	Dec. 16, 1981	March 16, 1982	Dec. 16, 1981
Construction Development Plan:				
Headend/Earth Station	RLS/MM	Dec. 16, 1981	March 16, 1982	March 15, 1982
Office/Studio	RLS/KK	Dec. 16, 1981	March 16, 1982	March 15, 1982
Distribution System	RLS/BT	Dec. 16, 1981	March 16, 1982	March 15, 1982
Microwave	RLS/JP	Dec. 16, 1981	March 16, 1982	March 15, 1982

SECTION 2 - SITE SELECTION

Preliminary: Office/Studio				
Headend Site Selec	RLS	Dec. 16, 1981	Feb. 1, 1982	Jan. 22, 1982
Headend Signal Survey	RLS	Jan. 25, 1982	Jan. 29, 1982	Jan. 26, 1982
Off-Air Signal Survey	RLS	Jan. 25, 1982	Jan. 29, 1982	Jan. 26, 1982
ect Site	RLS/RC	Jan. 15, 1982	Feb. 2, 1982	Jan. 25, 1982
City Presentation & Approval	RLS	Feb. 1, 1982	Feb. 1, 1982	Feb. 1, 1982
Negotiate Lease/Purchase	RLS	Feb. 1, 1982	March 1, 1982	April 15, 1982
Preliminary Site Layout/Design	RLS	Feb. 4, 1982	Feb. 29, 1982	Feb. 15, 1982
Get Architect	RLS	Feb. 22, 1982	Feb. 26, 1982	Feb. 25, 1982
Finalize Channel Line-Up	RLS/SS	Feb. 10, 1982	March 15, 1982	March 4, 1982
Determine HE Equipment Requirements	RLS/MM	Feb. 1, 1982	March 15, 1982	April 19, 1982

3

SECTION 2 Site (continued)

<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>	<u>START DATE</u>	<u>TARGET COMPLETION</u>	<u>ACTUAL COMPLETION</u>
Determine Staff Requirements	RLS/RC	Feb. 1, 1982	Feb. 30, 1982	Feb. 15, 1982
Detail H.E. Plan	RLS/MM	Feb. 19, 1982	March 15, 1982	April 10, 1982
Site Plans Approved	RLS/RC	March 15, 1982	March 20, 1982	April 10, 1982
Prepare Budget	RLS/RC	Jan. 16, 1982	March 16, 1982	April 12, 1982
Budget Approved	RLS/KH/RC	March 1, 1982	March 20, 1982	April 12, 1982
File FCC Registration	RLS/Corp	Jan. 16, 1982	June 1, 1982	April 15, 1982
File FAA Tower Forms	RLS	Feb. 5, 1982	Feb. 10, 1982	Feb. 8, 1982
Obtain FCC Mobile Radio License	RLS/JP	March 30, 1982	June 1, 1982	
Evaluate & Select HE/ES Equip.	RLS/MM	Feb. 1, 1982	March 1, 1982	Feb. 26, 1982
Evaluate & Select Tower/Antennas	RLS/MM	Feb. 1, 1982	March 15, 1982	March 25, 1982
Evaluate & Select Secret				
Distribution Equip.	RLS/MM	Feb. 1, 1982	Feb. 29, 1982	Feb. 24, 1982
Evaluate & Select Converters	RLS/MM	Feb. 1, 1982	Feb. 29, 1982	Feb. 25, 1982
Order Equipment	RLS/MM	Feb. 29, 1982	March 15, 1982	April 8, 1982
Select M/W Relay Site	RLS/JP	Feb 15, 1982	March 15, 1982	April 21, 1982
M/W Site Profile Evaluation	RLS/JP	Feb. 22, 1982	Feb. 25, 1982	Feb. 23, 1982
M/W Line of Site Confirmation	RLs	Feb. 24, 1982	March 15, 1982	April 21, 1982
Negotiate Lease	RLS	March 15, 1982	June 31, 1982	April 21, 1982
File with FCC	RLS	March 31, 1982	June 15, 1982	
Select Tower & Equipment	RLS/MM	March 1, 1982	June 31, 1982	
Order Tower & Equipment	RLS	March 15, 1982	July 15, 1982	

SECTION 3 SYSTEM CONSTRUCTION

<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>	<u>START DATE</u>	<u>TARGET COMPLETION</u>	<u>ACTUAL COMPLETION</u>
Secure joint pole agreements	RLS	Dec. 16, 1981	March 16, 1982	March 13, 1982
Strand Mapping /Walk out & negotiate lease.	RLS/JK	Dec. 10, 1981	March 16, 1982	March 17, 1982
Select Temp Warehouse/Office	RLS/RC	Dec. 16, 1981	Feb. 1, 1982	Feb. 2, 1982
Hire/Train Warehouse person	RLS/DR	Feb. 1, 1982	Feb. 26, 1982	Feb. 23, 1982
Order Strand/Hardware/Cable	RLS/BT	March 1, 1982	March 8, 1982	March 3, 1982
Receive Strand/Hardware/Cable	RLS/BT	March 3, 1982	April 30, 1982	Ongoing received 70%(3/31
Material Ready	RLS/BT	March 8, 1982	April 30, 1982	Ongoing 40% complete
Secure U.G. Easements	RLS/BT-CA	Feb. 1, 1982	April 30, 1982	4/15/82 suspended
Stranding	RLS/BT	March 8, 1982	April 30, 1982	
Design System	RLS/MM	March 8, 1982	April 15, 1982	Ongoing 80% cp 4/30/82
Cabling/Trenching	RLS/BT	March 15, 1982	Oct 15, 1982	
Splice Distribution Equipment	RLS/BT	March 30, 1982	May 30, 1982	
Rough Balance	RLS/BT	May 1, 1982	June 30, 1982	
Quality Control	RLS/BT	March 15, 1982	Aug. 1, 1982	
Proof of Performance	RLS	May 15, 1982	Aug. 15, 1982	

SECTION 4 Site(s) CONSTRUCTION

Secure Building/Tower Permits	RLS	March 8, 1982	March 30, 1982	Delayed (Budget)
Construct joint facility Bldg.	RLS	April 1, 1982	June 15, 1982	
Select Contractor for tower work	RLS	March 8, 1982	March 15, 1982	April 9, 1982
Hire/Train System Technician	RLS	Feb. 8, 1982	March 15, 1982	March 15, 1982
Errect Towers & Antennas	RLS	March 30, 1982	May 15, 1982	
Receive HE/ES Equipment	RLS	April 30, 1982	May 15, 1982	
Install & Activate Equipment	RLS	May 15, 1982	June 15, 1982	
Receive Studio Equipment	RLS	May 1, 1982	May 30, 1982	
Install & Activate Studio Equip.	RLS/JK (se)	June 15, 1982	July 15, 1982	

IV 3

SECTION 4 SITE (S) CONSTRUCTION continued

<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>	<u>START DATE</u>	<u>TARGET COMPLETION</u>	<u>ACTUAL COMPLETION</u>
Receive FCC M/W approval	RLS	June 1, 1982	June 10, 1982	
Receive M/W Equipment	RLS	June 10, 1982	June 30, 1982	
Install & Activate M/W Equip.	RLS	June 30, 1982	Aug. 30, 1982	
Proof of Performance (all systems)	RLS	Aug. 30, 1982	Sept. 10, 1982	
Hire/Train Office Manager	RLS	Feb.22, 1982	March 15, 1982	March 15, 1982
Order Office Equipment/Furniture	RLS/JE	March 3, 1982	March 15, 1982	March 15, 1982
Deliver Office Equip & Furniture	RLS/JE	March 8, 1982	June 19, 1982	
Move-In Facility	RLS	June 15, 1982	June 19, 1982	

SECTION 5 MARKETING

Create & Plan Campaign	RLS/RC/CA	April 15, 1982	May 1, 1982	
Print & Receive Material	RLS/CA	April 20, 1982	May 30, 1982	
Mailouts/Bulk Mail Permits	RLS/CA	May 30, 1982	Aug.1, 1982	
Telephone Sales	RLS/CA	June 15, 1982	Aug. 31, 1982	
Direct Sales	RLS/CA	July 15, 1982	Sept. 15, 1982	
Public Relations-Advertise/Service Information	RLS	May 1, 1982	May 30, 1982	
Plant Activation-Advertise/Schedule	RLS	May 1, 1982	June 15, 1982	
Progress Reports/Press Release				
On location strand start	RLs/SS	March 8, 1982	March 12, 1982	March 12, 1982
On Site: Ground breaking Ceremonies	RLS	April 1, 1982	April 10, 1982	April 12, 1982
Building Opens-Launch Party	RLS	June 1, 1982	June 15, 1982	
Turn-On 1st Subscriber	RLS	June 15, 1982	June 30, 1982	
1000 Subscribers	RLS	Oct. 15, 1982	Oct. 30, 1982	

SECTION 6 GENERAL ADMINISTRATION-SET UP/OPERATIONS

<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>	<u>START DATE</u>	<u>TARGET COMPLETION</u>	<u>ACTUAL COMPLETION</u>
Telephone System Temporary	RLS	Feb. 2, 1982	Feb. 10, 1982	Feb. 8, 1982
Telephone System Permanent	RLs/JE	May 1, 1982	June 1, 1982	
Select & Order Computer Equip.	RLS/MM	March 8, 1982	March 30, 1982	April 21, 1982
Answering Service	RLS/JE	March 30, 1982	April 15, 1982* 1.	
P.O.Box	RLs	Feb 6, 1982	Feb. 30, 1982	Feb. 21, 1982
Hire/Train Office Personnel	RLS/JE	March 30, 1982	June 15, 1982	
Address File: City, Water, Cross Reference	RLS/JE	March 3, 1982	March 30, 1982	Ongoing information
Set up Deposit Account	RLS/JE	March 30, 1982	June 15, 1982	
Move in temporary office	RLS	March 15, 1982	March 19, 1982	March 17, 1982
Establish general office Procedure	RLS/JE	March 19, 1982	June 1, 1982	
Rate & Charge Schedule	RLS/JE	April 15, 1982	May 1, 1982	April 7, 1982
Work order-Install schedule	RLs/JE	May 1, 1982	June 1, 1982	
Service Order-Service schedule	RLs/JE	May 1, 1982	June 1, 1982	
Repscheduling Policy	RLs/JE	May 1, 1982	June 1, 1982	
Receive & Install Computer Equip.	RLS	June 1, 1982	June 15, 1982	
Hire/Train Installers	RLS/JE	April 1, 1982	June 1, 1982	
Hire/Train Technicians	RLS/JE	April 1, 1982	June 1, 1982	

SECTION 7 INSTALLATION & SERVICE

Select/Order vehicles	RLS	Feb. 1, 1982	Feb. 29, 1982	Feb. 21, 1982
Select/Order Test Equipment	RLS/PK	March 30, 1982	June 1, 1982	Delayed due to Budget
Select/Order: Tools & safety Equip.	RLs/PK	March 30, 1982	May 1, 1982	April 23, 1982
Order Installation material	RLS/MC	March 30, 1982	June 1, 1982	
Receive all equipment & tools	RLS/MC	April 1, 1982	June 15, 1982	
Hire/Train contract Installers	RLs/PK	June 1, 1982	June 15, 1982	

* 1. No local answering services exist- research in being serviced by McMinnville is underway.

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711

SECTION 7 INSTALLATION & SERVICE continued

<u>ACTIVITY</u>	<u>RESPONSIBILITY</u>	<u>START DATE</u>	<u>TARGET COMPLETION</u>	<u>ACTUAL COMPLETION</u>
Install System	RLS	June 15, 1982	Oct. 31, 1982	
Identify Multi-Unit Bldgs.	RLS/PT	March 30, 1982	June 30, 1982	
Secure Multi-Unit R.O.E. Permits	RLS/PT	April 1, 1982	Sept. 1, 1982	
Wire Multi-Unit Buildings	RLS/MP	June 30, 1982	Oct. 31, 1982	
Install -Multi Unit Bldgs.	RLS/MP	Aug. 1, 1982	Nov. 31, 1982	
Develop & Implement on call Policy	RLS/PK	June 1, 1982	June 15, 1982	
Develop & Implement Safety Policy	RLS/PK	June 1, 1982	June 15, 1982	

SECTION 8 STUDIO OPERATIONS

Hire/Train Production Assistant	RLS	June 30, 1982	Aug. 31, 1982	
Develop Studio Operating/scheduling/ procedures	RLS	June 1, 1982	Aug. 31, 1982	
Develop Studio Training Class program	RLS	June 30, 1982	Aug. 31, 1982	
Hire/Train Studio Assistant (college intern program)	RLS	Aug. 31, 1982	Sept. 31, 1982	
Implement Rate & Charge Schedule for commercial use	RLS	Aug. 1, 1982	Aug. 31, 1982	

3
IV

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: EDA Interest Grant

DATE: June 1, 1982

In an effort to please everybody the County has suggested that they divide up \$12,500 four ways for grants throughout the County.

I must concur with Mr. Benham's letter that the money would best be used as lump sum toward a County-wide project.

I recommend that the City Council authorize the City Administrator to send a letter to the Board of Commissioners emphasizing the need for \$12,500 not to be split up and that the money be used toward the betterment of Yamhill County rather than any one specific area within the County.


Michael Warren
City Administrator

MW/bjm

Enc.

YAMHILL COUNTY

Oregon

copy to
Dept Heads.
Put on 6/7 agenda



BOARD OF COMMISSIONERS

May 20, 1982

TO: All City Governments, Special Districts, and Quasi-Official and Non-Profit Organizations

The Board of Commissioners has received \$12,500 in earned interest from projects which were funded by an Economic Development Administration (EDA) grant. We are interested in allocating this money with a 50 percent local match to four extremely feasible projects that can be started between July 1, 1982 and June 30, 1983.

The intention of this money is that it act as economic development seed money. Examples of projects that could be favorably considered include establishment of a tangible part of a public facility program or funding of a solid and necessary part of an economic development proposal for long term employment.

While we recognize that many worthy projects within the County need more than this small sum to be realized, we urge local entities to look for small projects that might not get done otherwise, or that can aid toward long-term plans for improving the economic climate in an area.

The first submittal deadline is August 31, 1982. A subcommittee of the Yamhill County Economic Development Committee will review the submittals and make recommendations to the Board. More than one submittal is allowed. A copy of the Preliminary Application form is attached. If you have any questions or need assistance, please contact Maggie Collins of the Yamhill County Planning Staff; telephone 472-9371, extension 461.

We look forward to distributing this Seed Fund money in the most worthwhile and beneficial way possible.

Respectfully,

Ted Lopuszynski

Ted Lopuszynski, Chairman

Robin J. Hambiet

Robin J. Hambiet

Colin Armstrong

Colin Armstrong

YAMHILL COUNTY ECONOMIC DEVELOPMENT
SEED FUND PROJECT

1982-83

Preliminary Application

Project Description _____

Sponsor _____

Contact Person _____

Address _____

Date _____

Telephone _____

1. Total Cost of Project _____

2. Description of Local Match _____

3. Description of Project's Benefits to the Public or Project's Contribution to Local Employment (See Evaluation Criteria on Page 2)

4. Project's Beginning Date _____

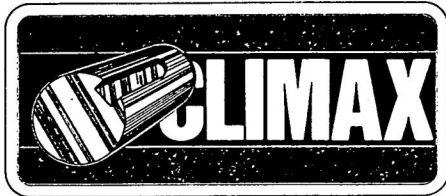
5. Project's Completion Date _____

The above information is sufficient for a project to be considered. If more information is available, please attach to this form.

EVALUATION CRITERIA

The following points will be considered in awarding Seed Fund grants. Please address those that are applicable to your project.

1. Direct creation of ongoing employment opportunities.
2. If new jobs are directly created by project, the relationship between new job opportunities and the existing local labor force.
3. The amount of direct leverage the project plays in bringing about long-term employment to the locale involved.
4. Ability to raise necessary local share (50%) of project funds. Private investment, H.U.D. funds, bond issues, and general funds may be used as match.
5. Facilities constructed with these funds should be owned by a public or non-profit entity. Private ownership is possible in some cases. A project which includes a commitment of private sector capital will be more favorably considered than a similar project which contains no leverage of private funds.
6. Projects that will have a positive effect, either direct or indirect, on the overall economy will be more favorably considered.
7. Projects which lead to industries or services that use local materials in the production process or produce a product sold locally will receive more favorable consideration, as will projects which have a low energy/employee or low energy/dollar of product ratio.
8. Consistency with County and/or city comprehensive plan.
9. Minimal adverse impact, if any, on the natural environment. Projects which use renewable and indigenous resources, such as forest slash, agricultural residues and post-consumer solid wastes will be more favorably considered.
10. Degree of support by affected local government.



**CLIMAX
MANUFACTURING
COMPANY**

COPY

Laurel Report

2712 EAST SECOND STREET • NEWBERG, OREGON 97132, U.S.A. • TELEPHONE: 503-538-2185
POST OFFICE BOX 230 TWX 910-466-7030

May 28, 1982

Ted Lopuszynski
Yamhill County Courthouse
McMinnville, OR. 97128

Yamhill County Commissioners

Dear Sirs:

As a member of the Yamhill County Economic Development Committee, I am concerned about the need for a county-wide economic development strategy. The general economic conditions in the state of Oregon and in the nation at large are felt in Yamhill County to varying degrees. Portions of the county seem to have fairly strong business employment conditions in spite of the severe problems in the state as a whole. Other portions of the county have not fared so well in retaining the employment base we have had in the past. A great deal of talk has gone on throughout the state on what could be done to attract business and build up the employment base. I think that, in Yamhill County, we have the opportunity to do something more than talk.

I would like to see Yamhill County become a model for a self-help style in economic recovery. Such an effort needs to be county-wide rather than for the strong cities in the county to take care of themselves and to leave the weaker areas to suffer. I believe that Yamhill County has a great deal to offer to potential business prospects. There is a strong work force, adequate infrastructure in most areas, and certainly an attractive environment.

* The availability of \$12,500 from the interest earned on EDA grant money is in my mind the missing element that we have been seeking in the past to initiate an aggressive action plan to solve our economic problems. I believe that the best and most effective way to use that money is for you as commissioners to direct, perhaps through the Economic Development Committee, a program to identify the strong resources of Yamhill County and to present those strengths in an aggressive

marketing program to potential business prospects. The implementation of such a program would require some time, I'm sure. Therefore, we cannot afford to wait any longer to get started. I believe that the County Planning Staff can collect a great deal of significant data as background for an overall economic recovery strategy. Information exists in the form of comprehensive plans, census data, employment office records, etc., etc. To draw this information together into a meaningful form for this specific purpose should be the focus of attention of professionals.

The nature of the inventory of resources that needs to be done is somewhat broader than is encompassed in the comprehensive plans, however. Obviously the availability of industrial and commercial land; the provision of services such as water, sewer, electric power, telephone and such; and the transportation infrastructure that is available, are the basic components of the physical inventory. These data may be available in current information in the county, however, some on-site verification and some refinement will be necessary, I'm sure.

Beyond those basic components of inventory, we should be looking at the size and the make-up of our work force in the county. Prospective new business for the county will be very much interested in the labor pool. The labor pool does not just include the unemployed people. Consequently, a survey of existing businesses and the entire work force, whether they now work in the county or out of the county needs to be a part of the inventory. An additional item in the inventory should be a summary of the existing businesses which may provide services and amenities desirable to a new business that may wish to locate in Yamhill County. Some industries require certain specific kinds of support and services.

Another component of the resources of the county is the educational system. The high schools have certain vocational training capacity. Their willingness and desire to expand those vocational training services to match the needs of target industries could be a very significant benefit. The institutions of higher learning, specifically Chemeketa Community College, Portland Community College, Linfield College and George Fox College should not be overlooked. Their contribution in terms of culture as well as graduates may have considerable bearing on a decision to locate in Yamhill County.

There are other elements of a comprehensive resource inventory that I have not tried to detail in this letter. A professional person in the area of demographics or socioeconomics could undoubtedly identify more. The point is, that a simple statistical analysis of land, services and transportation is not adequate to meet the need.

Once the resource inventory has been completed, a process of matching should take place whereby target industries could be identified based on the necessary components of infrastructure and demographics to attract certain industries. When those industries or range of industries have been indentified, a specific targeted marketing campaign can get underway. Some of the sources for information on matching our resources to target industries might come from trade association, the universities in the state and other sources. Here again, a professional in demographics and socioeconomics could undoubtedly find additional sources of the criteria for industries.

When the matching process has been completed and the certain target industries have been identified, a comprehensive and aggressive program should be initiated to get that information to the target industries and to make compelling presentations to influence them in their decision to come to Yamhill County. A great many components could be identified for such a search and presentation process. An essential will be a written report which will detail specifically the strengths that we have identified in Yamhill County. Out of that text should be extracted the salient points which then would be used to prepare a brochure with photographic evidence to make a professional presentation through a mailing piece. A map of the county may need to be included in the brochure to identify the location and the relationship of these resources to the surrounding area. Photographic evidence might also be presented in the form of a slide show with tape narration. Under certain circumstances this means of presentation might be the best. An additional medium that could be very effective is the use of video tape. George Fox College in Newberg has a television center that could do a very professional job at a very reasonable price. With the guidance of the inventory study such a video tape could be very compelling.

Upon the completion of the materials listed above and others that might be defined later, realtors, development companies, trade associations and the State Department of Economic Development could be supplied with any or all of these items for their use in business recruitment. An aggressive follow-up marketing program should be maintained by the Economic Development Committee to assure that the materials are being used and circulated. I can envision the chambers of commerce, for instance, conducting very effective programs for presentation of this material to prospective business recruits. Perhaps the Economic Development Committee itself could, on a volunteer basis, make such presentations in appropriate places and times.

I am convinced that the use of the \$12,500 for such a program would have very far reaching effect on the economic climate and the employment situation in Yamhill County. I feel that the parceling out of the money to individual projects in the county would have little impact on these areas. I applaud your desire to bring about the effect described in your letter dated May 20, 1982. In the second paragraph of your letter you mentioned the need for seed money for economic development. You also called for the use of this seed money for long term employment development. These points are absolute correct. The use of the seed money for a county-wide strategy is the best way to accomplish these objectives.

I hope you will favorably consider the proposal forwarded to you by the Yamhill County Economic Development Committee to direct the funds in such a way. I will be most happy to meet with any or all of you at any time to explore this topic further and to search together for ways to make it succeed for the benefit of the whole county.

Sincerely,

A handwritten signature in dark ink, appearing to read "LeRoy Benham", with a long, sweeping horizontal line extending to the right.

LeRoy Benham
President, Climax Manufacturing Company
Newberg, Oregon
LB:dh

6/7 agenda

MEMORANDUM
MAY 27, 1982

TO: Mike Warren, City Administrator

FROM: Clay Moorhead, Planning Director

RE: Annexation of a parcel of land being approximately 4.81 acres in size to the City of Newberg and a zone change from County LDR-9000 to a City R-1 zone together with a withdrawal from the Newberg Rural Fire Protection District, File No. ANX-2-82

The Planning Commission reviewed this matter at their regular May 20 meeting. The subject property will provide for an expansion or an addition to Jaquith Park which is located out on North College Street. The property is specifically designated in the City's Comprehensive Plan for proposed park purposes. No one appeared in favor or opposition to the request and the Planning Commission made a unanimous recommendation to the Council that the annexation/zone change and withdrawal from the fire protection district be approved.

I have attached a copy of an ordinance providing for the annexation of the property and a copy of the applicable portions of the minutes from the Planning Commission hearing relating to this review.

IV 1

ORDINANCE NO.

AN ORDINANCE DECLARING CERTAIN TERRITORY ANNEXED TO THE CITY OF NEWBERG, REZONED FROM A COUNTY ZONING DISTRICT TO A CITY R-1 (LOW DENSITY RESIDENTIAL) ZONING DISTRICT AND WITHDRAWAL OF THE SUBJECT PROPERTY FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT.

WHEREAS, The owners of the territory herein described have requested annexation to the City of Newberg, a rezoning from a County zoning designation to a City R-1 (Low Density Residential) zoning designation and withdrawal from the Newberg Rural Fire Protection District; and

WHEREAS, The described territory is contiguous to the City of Newberg on its north, east and south boundaries; and

WHEREAS, The property owners within said territory desire the same to be annexed to the City of Newberg and zoned appropriately within the City in order that said territory may obtain access to utilities and services from said City and said owners of said territory have consented in writing to the annexation as provided for in ORS 222.120 and ORS 222.170 and the written consent thereto is on file in the office of the City Planner of said City; and

WHEREAS, The Charter of the City of Newberg does not expressly prohibit the annexation of said territory to said City by procedures set forth in ORS 222.120; and

WHEREAS, On May 20, 1982 the Newberg Planning Commission did hold a public hearing on these matters and did recommend that the territory be annexed to the City of Newberg, be rezoned from a County zoning designation to a City R-1 zone and withdrawal from the Newberg Rural Fire Protection District; and

WHEREAS, On June 7, 1982 at the hour of 7:30 P.M. in the Council Chambers of the City Hall, Newberg, Oregon 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 222.120 and the hearing was held.

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

Section 1. The City Council adopts the findings of fact as presented to the Council from the Newberg Planning Commission dated May 20, 1982, and a copy is attached as Exhibit A.

Section 2. It is hereby ordered and declared that the territory as described in Exhibit B

BE AND THE SAME IS HEREBY ANNEXED AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT.

Section 3. The property described in section 2 above is hereby rezoned from a County zoning designation to a City R-1 (Low Density Residential) zoning designation.

Section 4. The owners of the property identified in Section 2 above shall dedicate 10 feet of said property along the west boundary of said property to the City of Newberg. This additional right-of-way dedication shall provide a 30 foot half-width of the Main Street right-of-way. The street dedication shall be accompanied by a current title report issued by a title insurance company licensed in the State of Oregon, verifying ownership of the real property to be dedicated.

The property described in Section 2 above shall be surveyed by an Oregon Registered Land surveyor and monuments shall be set along North Main Street to depict the street dedication and the new east boundary line of the Main Street right-of-way.

The owners as are identified within the title report shall sign a statement of non-remonstrance indicating that the owners, their successors, heirs and assigns will not object and shall participate in the establishment of a local improvement district if any is created for improvements of Main Street, the sanitary sewer lines, storm sewer lines and/or water lines.

The conditions identified within this section shall be completed prior to the effective date of this ordinance.

Section 5. 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 the Yamhill County Assessor a certified copy of the following documents:

1. A copy of this ordinance.
2. A copy of a map identifying the subject property.

PASSED by the Council of the City of Newberg this 7th day of June, 1982 by the following votes:

AYES:

NAYS:

ABSENT:

Arvilla Page - City Recorder

APPROVED by the Mayor this 7th day of June 1982.

Elvern Hall - Mayor

FINDINGS OF FACT

1. The subject property contains approximately 5 acres and is vacant at this particular time. The topography of the property is relatively flat and has swampy characteristics. The property is located abutting the east side of Main Street, being approximately 400 feet south from the intersection with Pinehurst Street. Directly to the north of the subject property is another 5+ acre tract of land which is also vacant, north of that is Pinehurst Street subdivision development. To the east are large lot residential uses. The existing Jaquith Park abuts the south line of the subject property, in the southeast corner, for a distance of approximately 200 feet. Directly south of the subject property is a recently developed subdivision known as Reed Park. West of the subject property are large lot rural residential type of activities. With the exception of the 5+ acre tract of land abutting the subject property to the north and a single family homesite located south of the property, all other properties abutting the east side of Main Street are currently within the City limits.
2. The subject property is currently designated on the Newberg Comprehensive Plan for proposed park purposes. The current zoning of the property is under the County zoning district of LDR-9000 (Low Density Residential with a 9000 sq. ft. minimum lot size). The applicant's have requested that the property be rezoned along with the annexation from a County zone to a City R-1 (Low Density Residential) zoning district for the purpose of expanding Jaquith Park.
3. The R-1 (Low Density Residential) zoning district which has been requested for the subject property would implement and be consistent with the Newberg Comprehensive Plan land use map.
4. The subject property is identified within the Newberg Urban Growth Boundary and currently abuts the Newberg City limits along the southern and eastern line of the subject property.
5. The applicant's are seeking annexation in order to provide for an addition to Jaquith Park which is a City park facility. The annexation will also allow the applicant's to request the privileges of developing sewer and water services into the site for park and recreation purposes. Our City ordinances now preclude any further hookups to City sewer and water services outside the City limits.
6. The use of the property conforms to the goals and policies found within the Newberg Comprehensive Plan as:
 - a. The site is specifically identified on the Plan Map for a proposed park/future park purposes. The purpose of this designation is to provide the park district and/or the City of Newberg with a first option to buy part or all of the indicated areas. The site was designated for park purposes through the legislative Comprehensive Plan adoption process. The intent of the Newberg Comprehensive Plan is clearly to encourage park development at this site location.

- b. Basic public services including sewer, water and electricity can be supplied to the site in adequate quantities to serve park and recreation purposes.
- c. The services made available by development of this park site will outweigh the impact which the site may generate in terms of utilizing sewer and water services.
- d. The annexation would help to straighten out boundaries and provide for a more clear identification of the City in that all other lands, with the exception of two properties which abut the east side of Main Street are currently within the City limits.

7. There is a public need for the proposed use as it has been specifically identified through the legislative adoption process of the Newberg Comprehensive Plan in order to help satisfy and provide for the park, recreation and open space needs of the community.

8. Notice of the request was provided to owners of the subject property and all adjoining property owners within a distance of 250 feet of the subject property. Notice was also provided within the Newberg Graphic Newspaper and was posted on or adjoining the subject property. As of the writing of this report no written remonstrance has been received relating to this request.

9. Legal notice relating to this request was further referred to the City Administrator, Fire Department, Engineering Department, Police Department, Finance Department, Building Department, Yamhill County Planning Department and the Newberg School District. No adverse comments were received. The Building Department did indicate that there is an existing old building foundation on the property which should be removed and that a check should be made to be sure that, if there is an existing septic tank and well situated on the property, they be pumped and filled to prevent a future safety hazard.

Public Hearing: ANX-2/Z-2-82

Applicant: Chehalem Park & Recreation District

Request: Annexation to the City of Newberg, a parcel of land approximately 4.81 acres together with a zone change from County LDR-9000 (Low Density Residential-9000 sq. ft. lot minimum) to a City R-1 (Low Density Residential) zone and withdrawal from the Newberg Rural Fire Protection District

Location: Abutting the east side of Main Street, being approximately 400 feet south of Pinehurst Street

Tax Lot: 3218AC-800

No proponents or opponents were present.

Staff Report: The Planning Director indicated Jere Jackson, Chehalem Park and Recreation District, had contacted him earlier May 20, 1982 by telephone and indicated there was no objections to the staff report findings or conditions. Staff summarized the staff report and entered staff recommendation into the record.

Public Agencies: The Park district is requesting approval and has no objections.

Public Hearing Closed.

Motion: Poet-O'Hara to accept staff findings and conditions as presented and to recommend to Council approval of annexation of Tax Lot 3218AC-800, a parcel of land approximately 4.81 acres together with a zone change from County LDR-9000 (Low Density Residential-9000 sq. ft. lot minimum) to a City R-1 (Low Density Residential) zone and withdrawal from the Newberg Rural Fire Protection District. Motion carried unanimously.

COUNTY - ~~4~~ ROAD

DR.

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 112.63

S.E. CORNER
JONES D.L.C.

SEE MAP 3 2 18DB

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OLIVER MILLER OLC

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MEMORANDUM
May 26, 1982

TO: Mike Warren, City Administrator
FROM: Clay Moorhead, Planning Director
RE: Alley vacation, File NO. VAC-2-82.

On May 20, 1982 the Newberg Planning Commission reviewed an alley vacation request initiated by the City Council for Brian and Donna Walker. The alleyway is located between 8th and 9th Streets and River and Chehalem Streets within Block 54 of Edwards Addition Subdivision.

The alleyway is currently unimproved. None of the three access locations into the alleyway have a curb cut from adjoining streets. It is currently being used for lawns and gardens in most instances and is left somewhat overgrown at the southern end of the block. No objections were received from any department or agency relating to the alley vacation and no public utilities or other services are found within the alleyway or have requested easements over the alleyway.

The Newberg Planning Commission made a recommendation to the City Council that they vacate the subject alleyway. The recommendation was made by a unanimous vote of those members present.

Ordinance No.

WHEREAS, The City Council of Newberg has initiated a vacation proceeding as authorized by ORS 271.130; and

WHEREAS, A notice has been given of a public hearing having been held on May 20, 1982 by the Newberg Planning Commission and then again on June 7, 1982 by the Newberg City Council, to hear and consider any written objections or remonstrances to the aforesaid vacation; and

WHEREAS, An owner who abuts the subject alleyway has given his consent to this vacation and there being no objections in writing from other owners of property in the affected area of the vacation; and

WHEREAS, It has been determined that the alley is currently not used for any utility purposes or other services or access to any adjoining property; and

WHEREAS, Notice was provided to all adjoining property owners and was included as a general public notice within the Newberg Graphic Newspaper at least once a week for four consecutive weeks prior to the City Council hearing on the matter; and

WHEREAS, The Council has duly considered such vacation and is now fully advised in the premises.

NOW, THEREFORE, The City of Newberg ordains as follows:

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

That certain platted alley, within Block 54 of Edwards Addition Subdivision to the City of Newberg, Oregon, said alleyway being located between 8th and 9th Streets and River and Chehalem Streets, in Newberg, Oregon.

BE, AND THE SAME IS VACATED.

Section 2. That the recorder of the City of Newberg be and hereby is directed to file for recording with the Yamhill County Clerk and Ex-Officio recorder of conveyances of the County of Yamhill, State of Oregon, a certified copy of this ordinance and a map of said street so vacated, and is further directed to file a copy of the map with the Surveyor and Assessor of said Yamhill County, Oregon, respectively.

Section 3. That the title to the real property included within said alleyway hereby vacated shall attach to the property abutting on said alleyway in accordance with the provisions of ORS 271.140.

Section 4. The City Council accepts the findings of fact as recommended by the Planning Commission dated May 20, 1982 and attached as Exhibit A of this ordinance.

PASSED by the Council of the City of Newberg this 7th day of June, 1982 by the following votes:

AYES:

NAYS:

ABSENT:

Arvilla Page - City Recorder

APPROVED by the Mayor this 7th day of June 1982.

Elvern Hall - Mayor

FINDINGS OF FACT

1. The subject property is an alley which is located within Block 54 of Edwards Addition Subdivision. The alley is located between 9th and 9th Streets, and River and Chehalem Streets. Brian and Donna Walker, who are property owners abutting part of the alleyway, have requested that the Newberg City Council initiate this vacation proceeding. The Newberg City Council, in initiating the vacation proceeding, has requested that the entire alleyway should be reviewed for consideration of vacation. Within Block 54 of Edwards Addition there are eight legal lots of record which are identified as Yamhill County Tax Lot No.'s 3220CB-6900, -7000, -7100, -7101, -7200, -7300, and -7400. The lots range in size from 3,750 sq. ft. in area to 10,000 sq. ft. in area.

The alley extends in a north-south direction through Block 54 for a distance of approximately 300 feet. Within the middle of the block the alley tees off to the east for a distance of 75 feet intersecting with the Chehalem Street right-of-way.

2. The alleyway is currently unimproved. None of the three access locations into the alleyway have a curb cut from the adjoining streets. The alley is used for lawns and gardens in most instances and is left somewhat overgrown at the southern end of the Block. The short end of the alley which extends to Chehalem Street currently has a very light gravel base which appears to have been made recently. Mud has been packed in against the curb of the street to allow for vehicular access over the curb. This accessway appears to provide access to a garden area found behind Tax Lot No. -7000 and appears to be used only for that purpose.

3. This matter was referred to all City departments, the Yamhill County Planning Department, N.W. Natural Gas, Portland General Electric, General Telephone, and the Newberg Garbage Service. The Engineering Department has indicated that there are no City owned utilities located within the proposed alley vacation area. The Gas Company has also indicated that there are no service lines within the alley. As of the writing of this report no other statements were received relating to these referrals.

4. Notice of the proposed alley vacation was mailed to all adjoining property owners and was included as a general public notice within the Newberg Graphic which will be published at least once a week for 4 consecutive weeks prior to the final hearing scheduled before the Newberg City Council on June 7, 1982. As of the writing of this report no statements have been received in favor or opposition to the request.

Public Hearing: VAC-2-82
Applicant: City of Newberg/Brian & Donna Walker
Request: Vacation of alleyways found within Block 54 of Edwards Addition Subdivision
Location: Between 8th & 9th Streets, River & Chehalem Streets
Tax Lot: Abutting Tax Lots 3220CB-6900, -7000, -7100, -7101, -7200, -7300 and -7400

Staff Report: The Planning Director presented the staff report as presented in the staff memorandum dated May 20, 1982.

Proponent: Donna Walker, 800 S. River testified in favor of the vacation and submitted photographs relating to current uses.

Proponent: Joe Erb, 1110 E. 8th, testified in favor of vacation and indicated alleyway has been used as a garden or for similar uses for a long time. Mr. Erb asked staff what happens to the property involved once the vacation is completed.

Staff responded that the County distributes the property among the abutting property owners.

Proponent: Kenneth Park, 816 S. River, indicated he was in favor of the vacation.

Staff indicated that after the vacation was formalized, the property owners could contact the county about the method of distribution.

Mr. Kriz asked if the vacation of the alleyways could cause access problems to the rear portions of any of the properties involved. Mrs. Walker indicated that no access problems would be caused.

No opponents wished to be heard, no public agencies sent objections, no letters were received.

Staff Recommendation: Staff recommends approval of vacation by the Planning Commission to City Council of alleyways in Block 54 Edwards Addition.

Public Hearing closed.

Motion: Harris-Poet to recommend to City Council the vacation of alleyways found within Block 54 of Edwards Addition Subdivision based on 4 findings indicated in Staff Report. Motion carried unanimously.

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3300	8	9	10
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7201	7	8	9
7200	10	11	12

6900	13	14	15
7000	16	17	18
7101	19	20	21
7100	22	23	24

6800	5	6	7
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CHEHALEM

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SEE MAP 3 2 20CC

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Checklist for fees and permits.

DATE: June 1, 1982

Many Council members have mentioned this in the past year. With the new Building Official, Alan Barnes, the City has finally devised a list that should help those people that come into City Hall and would like a list of our main permits and fees.

We still have some improvements to be made but this seems to be a step in the right direction.



Michael Warren
City Administrator

MW/bjm

Enc.

DRAFT
CHECKLIST FOR FEES AND PERMITS

6/7 ash
fink

LOCATION:
OWNER:

TYPE OF USE:
BUILDER:

REQUIRED	TYPE OF FEE OR PERMIT	AMOUNT
	<u>Building:</u>	
	Building Permit-based on value	
	Plan Check-(local & state)-based on value	
	Mechanical-based on size & number of units	
	Plumbing-\$7.50 per fixture, \$20. ea. water service, \$30. ea. sewer & raindrains \$15. over 100'	
	Electrical-based on size and type of wiring	
	Sign-based on value	
	Occupancy- \$10.	
	Mobile Home-\$40. single wide, \$65. for double & electric & plumbing	
	Demolition-\$20. for residential & commercial	
	Moving-\$20. for residential & commercial	
	<u>Engineering:</u>	
	Storm Sewer-based on area of building and lot	
	Sidewalk/Driveway- \$10. for residential, \$20. for commercial	
	Sewer Tap fee-based on size of tap	
	Sewer Development fee-based on number of equivalencies*	
	Water Tap fee-based on size of tap	
	Water Development fee-based on number of equivalencies*	
	Engineering fee-Plan check & inspection of Public improvements- based on 5% of the value of the improvements	
	<u>Planning:</u>	
	Traffic Control-based on number of parking spaces, location of lot and use	
	Annexations- \$350.	
	Zone Change- \$200.	
	Comp. Plan Amendment- \$500.	
	Conditional Use- \$200.	
	Street-Alley Vacation- \$175.	
	Variance- \$100.	
	Partition- \$100.	
	Subdivision- 0-10 lots \$200. plus \$15. per lot over 10 lots	
	PUD's- 0-10 units \$200. plus \$15. per unit over 10 units	
	Appeal- \$100.	
	Public Land Payment- \$300 per lot, plus \$150. for each additional unit per lot at the time a final subdivision or PUD plat is submitted for approval by the city	

* An equivalency is based on 6 sewer openings

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Revised charter.

DATE: June 1, 1982

Pursuant to the Mayor's Task Force recommendations and subsequent actions by the City Council a committee of citizens and Council members have reviewed the charter and have gone over literally every paragraph within it.

The charter before you is the one recommended by this committee for the November ballot. It is hoped that this will not have to go before any other committees and can be expedited through Council's direction to the City Attorney for doing the necessary work to prepare for the question in November, 1982.


Michael Warren
City Administrator

MW/bjm

Enc.

6/7 mtg
Tene

MEMO TO: Mike Warren, City Administrator
Charter Revision Committee Members
FROM: Rick Faus, City Attorney
DATE: May 18, 1982
SUBJECT: Revised Charter

Gerry Post and other members of the Charter Revision Committee are prepared to do a presentation to the Council on the revised Charter at the June 7, 1982 meeting of the Council.

Attached are two copies of the charter. The first is the original charter with additions to it shown in italics type face and deletions to it shown by /////. The second is a draft of the entire Charter as revised by the Committee.

RDF:fj

NEWBERG PUBLIC SCHOOLS

Gerald E. Post, Ed.D.
Superintendent



Newberg, Oregon
97132

May 7, 1982

Mayor Elvern Hall and the Council
City of Newberg
Newberg, Oregon 97132

Dear Mayor Hall:

Transmitted herewith is a recommendation for a major and complete revision of the Charter for the City of Newberg. The revision is the result of six months of study and examination by the committee appointed by you for this purpose.

Members of the committee were: Doug Delano, Herman Hughes, Al Brown, Jack Nulsen, Hal Grobey, and Rick Faus. Your regular participation as ex officio added to the effectiveness of the committee, as did the occasional participation of other city staff members. I would be remiss if I did not indicate to you the appreciation of the committee for the invaluable assistance of Rick Faus. His contribution was substantial.

The major changes proposed by the committee are as follows:

1. Ordinances may be read by title only prior to passage when certain notification conditions are met. (Section 37)
2. The mayor becomes a full voting member of the council whose vote may be recorded on every issue before it. (Section 8)
3. Employment by the city is a bar to a seat on the council. (Sec. 14)
4. City administrator is changed to city manager and written into the Charter rather than being provided for by ordinance. (Sec. 23)
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.

May 7, 1982

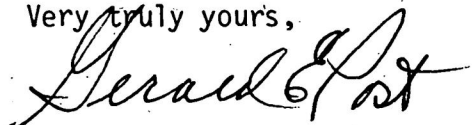
7. Prior charter amendments have been written into chapters and sections without significant change, and all have been preserved.
8. The city ordinance on the manner of breaking tie votes for elective office has been written into the charter. (Section 11)
9. Empowers the hospital to operate more than three departments. (Section 43)

I would be pleased to review the proposed changes with the council.

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.

On behalf of the committee I would like to express our pleasure and interest in being asked to serve. The task has been one which we enjoyed.

Very truly yours,



GERALD E. POST
Charter Revision Committee

GEP:cw
Encl.

A MEETING OF THE
CHARTER REVISION COMMITTEE

Thursday, 7:30 P.M.

May 6, 1982

Chairman Post called the meeting to order at 7:30 p.m.

Present:	Gerald Post, Chairman	Herman Hughes
	Harold Grobey	Doug Delano
	Jack Nulsen	Richard Faus
	Allyn Brown	Elvern Hall, Mayor

The entire committee was present for this meeting.

Chairman Post informed the Committee that the task before them at this meeting is to review the entire charter revision to see if it reflects all the changes, additions and deletions the Committee wants it to have.

Chairman Post noted that on page two under Public Facilities that there was no longer a mention of sewage and sewer services. He questioned whether this was the intention of the Committee. Rick Faus suggested and the Committee agreed that the term sewage services and treatment should be added to this section. It is a service and facility that the City has now. In this same paragraph change reference after Subdivisions to A-G of Section 49. The Committee discussed whether or not to delete Section 49 which gives the city authority to enter into public power business. After lengthy discussion, the Committee decided to leave this section in the Charter. It would give the city the opportunity to go into the power business but not without a vote of the people, because money would have to be authorized for such a venture.

As the Committee moved through the redraft, Chairman Post highlighted the areas of the Charter in which the Committee made major changes. This was done to make certain that all the changes desired were properly indicated in the redraft. The Committee moved quickly through the Charter with no major changes until Section 19, Mayor's Functions at Council Meetings. In this Section the Committee wanted the first sentence rewritten as follows: "The Mayor is a member of, and shall chair the council and preside over its deliberations."

The Committee then discussed Section 20 and asked that the words "by ballot" be deleted as there will be no official written ballots on this issue.

The Committee then discussed Section 23, City Manager. Rick Faus informed the Committee that Jim Mattis of the Bureau of Governmental Research and Service recommends deleting in Section f, the last sentence. This change was reflected in the redraft already. The Committee asked to have in Section f, middle of the paragraph, the words "with him" deleted. The Committee also wanted the words "and elections" in the title to be deleted since this section no longer had any reference to elections. The Committee also felt it necessary to add the words "if determined by the Council under Section 14" to the next to last sentence in this section.

Motion: Delano-Brown to extend the time limits in Sections 23B and 23E from four to six months. Aye - 6; Nay - 1, Nulsen. Motion carried.

Motion: Grobey-Brown to add the word consecutively to the last sentence in Section 23E. Aye - 6; Nay - 1, Nulsen. Motion carried.

The Committee commented that Section 24, the Municipal Judge, contained numerous instances of sexist language. The Committee members asked that "him" be deleted wherever it appears in this section.

In Section 25, the Committee asked that the word Mayor be capitalized in the last sentence of this section. The Committee also asked that the last phrase of this sentence be changed to read as follows: "shall perform the duties of the recorder." This would eliminate the words "have the authority and".

Section 29, Regulation of Elections, there is a phrase repeated in this section. The Committee asked that this language be changed in the first sentence of this section. The Committee directed that the third line of this section "and, as the Council provides otherwise by ordinances".

Section 30 contained two typos and these were requested to be corrected. They are as follows: 1) Change "jude" to "judge"; 2) change "an court" to "a court".

Section 32, Oath of Office, needs the addition of the words "and the ordinances of the city" to this section. The Committee also asked that the sexist language "his or her" be deleted.

Section 33, Nominations. The Committee asked that the word "mode" be changed to "Method".

There was a change in the title of Section 34. The title was changed from What Creates a Vacancy to simply "Vacancy" and the sexist language "his" was eliminated from this section.

The Committee asked that the sexist language in the next two sections be removed. In Section 35, the word "his" is to be eliminated and in Section 37 the words "his or her" was deleted in the last sentence of subsection 4.

The Committee decided that the title of Section 38 should be changed from "When Ordinances Take Effect" to "Effective Date of Ordinances".

The Committee asked that the historical footnotes, sentences in parenthesis which show when a particular section was added to the charter, be eliminated as they occur in the remainder of the Charter dealing with bond issues. They serve no legal function. After further discussion, the Committee recommended these sentences be deleted only on bond issues which have been paid in full.

The Committee moved on through the Charter making only typographical error changes until it reached Section 56, Outstanding Bonds and Other Provisions of Prior Charter Retained. In Section 56, Rick Faus was directed to add appropriate language to state that as bond issues are paid they shall be deleted from the Charter. Chairman Post suggested language as follows: "The foregoing Sections 1 - 5 inclusive, shall be removed from this Charter when the principal and interest of the bonds are retired."

In Section 3 of the Sewage Treatment Plant Bonds, it was noted that there was a typo. A sentence was repeated and this additional language should be deleted.

The Committee noted that there was a Section of the Charter missing on a 1979 Sewer and Water Improvement Bond Issue. Rick Faus was asked to check this out and make the necessary corrections to the redraft.

Motion: Hughes-Brown to recommend to the City Council that the City Charter be revised as we have proposed and presented to the people for a vote. Aye - 6; Nay - 0; Abstain - 1, Nulsen. Motion carried.

The Committee asked that the Chairman attached a letter to the redraft which is presented to the Council that will highlight the major changes made in the Charter at the June 7th Council Meeting. The Committee also asked that the Chairman make an oral presentation to the Council at this meeting.

The Mayor thanked the Committee and Chairman Post for the very fine work of the Committee. The Chairman also expressed his appreciation to the Committee for making this Committee both fun and successful.

Meeting adjourned at 9:25 p.m.

Newberg Charter

AN ACT

To amend the Charter of the City of Newberg, Yamhill County, Oregon, as amended, entitled: "An act to incorporate the City of Newberg in Yamhill County, State of Oregon, and to repeal an act entitled 'An act to incorporate the Town of Newberg in Yamhill County, State of Oregon, and to grant, designate and define the powers thereof,' filed in the office of the Secretary of State February 21, 1889, and all acts or parts of acts in conflict herewith," enacted by the 17th regular session of the legislative assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893, and as subsequently amended by the legislative assembly and by the voters of Newberg, Oregon.

Be it enacted by the people of the City of Newberg, Yamhill County, Oregon, that the Charter of Newberg, Yamhill County, Oregon, as amended, August 8, 1950 and as subsequently amended, entitled "An act to incorporate the City of Newberg in Yamhill County, State of Oregon, and to repeal an act entitled 'An act to incorporate the Town of Newberg in Yamhill County, State of Oregon, and to grant, designate, and define the powers thereof,' filed in the office of the Secretary of State February 21, 1889, and all acts or parts of acts in conflict herewith," enacted by the 17th regular session of the legislative assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893, and as subsequently amended by the legislative assembly and by the voters of Newberg, Oregon, be and the same hereby is amended to read as follows:

CHAPTER I

Repealing Clause; Name and Boundaries

Section 1. Revision Clause. ~~THE FOLLOWING CHAPTERS OF THE CHARTER, WITH EXCEPTIONS NOTED, ARE HEREBY REPEALED: CHAPTER I, EXCEPT SECTION 2; CHAPTERS II, III, IV, V, VI, VII, AND VIII; CHAPTER IX, EXCEPT SECTIONS 132, 139, AND 144; CHAPTERS X, XI, XII, AND XIV. SOME~~ The sections ~~not~~ repealed of the Charter have been revised as hereafter indicated.

Section 2. Name. The City of Newberg, Yamhill County, Oregon shall continue to be a municipal corporation with the name "Newberg".

Section 3. Boundaries. The corporate limits of the City of Newberg shall ~~be as follows:~~

~~Long legal description deleted~~

include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council or by any other agency with legal power to modify them. The City Recorder shall keep in their office at City Hall at least two copies of this Charter in each of which the City Recorder shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the City Recorder.

CHAPTER II

Powers

Section 4. Powers of the City. The city shall have all the rights, powers, privileges and immunities which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, including those rights, powers, privileges and immunities which a city can exercise upon specifically accepting them or upon being granted the power to exercise them by the people of the city or the legislature of the state, as fully as though this charter expressly stated each of those rights, powers, privileges and immunities, and as though each of them had been specifically accepted by the city or granted to it by the people of the city or by the legislature of the state.

The following shall be deemed a part of the powers conferred upon the city by this charter:

(1) Property. To acquire property within or without the corporate limits of the city for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation; and to sell, lease, mortgage, hold, manage and control such property as the interests of the city require.

(2) Indebtedness. To borrow money within the limits prescribed by general laws.

(3) Public services. To purchase, hire, construct, own, maintain and operate or lease local public utilities as herein defined, but only after having first obtained the consent of a majority of the qualified electors of the city to do so; except as provided in Subdivisions A-G, ~~177/177/177/177~~, ~~of Section 49 of this charter~~, to furnish all local public services, either within or without the corporate limits of the city; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general laws for the protection of other communities; and to grant local public utility franchises, and to regulate the exercise of such franchises. The term "public utilities" as used in this charter shall mean and include *but not be limited to* any plant, equipment or organization used or intended to be used to produce, transmit, deliver or furnish heat, light, water, power, *transportation, communications, sewerage or sewage treatment or garbage services*, or any or all of them, directly or indirectly, to or for the public.

(4) Bonds. To issue and sell bonds on the security, in whole or in part, of any excess property owned by the city or of any public utility owned by the city or of the revenues thereof, or of both; including, in the case of a public utility, as herein defined, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the utility.

(5) Police, licensing and taxing power. To adopt and enforce within the corporate limits of the city local police, sanitary and other similar regulations not in conflict with the general laws; and to license, tax and regulate for the purpose of city revenue all such businesses, callings, occupations, trades and employments as the city council may require to be licensed or taxed, and as are not prohibited by the laws of Oregon, including taxation of admissions to places of entertainment or amusement.

Section 5. Construction of Charter. In this charter no enumeration or reference to particular rights, powers, privileges or immunities shall be construed to be exclusive or to restrict the scope of the rights, powers, privileges or immunities which the city would have if the particular right, power, privilege or immunity was not mentioned. This charter shall be liberally construed to the end that the city shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the laws and to the municipal home-rule provisions of the constitution of the state.

Section 6. Exercise of Power. The manner in which the city shall exercise a right, power, privilege or immunity, where prescribed by this charter, shall be in the manner prescribed by this charter, shall be in the manner prescribed by ordinance; and where not prescribed by this charter or by ordinance, then in the manner prescribed by the statutes of the state of Oregon.

CHAPTER III

Form of Government

Section 7. Where Powers Vested. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 8. Council. The council shall be composed of *a mayor and* eight councilmen elected from the city at large.

Section 9. Councilmen. The term of office of each councilman in office, when this charter is adopted, shall continue until the beginning of the first odd-numbered year after that time. At the first biennial general election after the charter is adopted, eight councilmen shall be elected. Of the eight, the four receiving the four highest numbers of votes shall each hold office for four years, and the four receiving the next four highest numbers of votes shall each hold office for two years. At each subsequent biennial general election, four councilmen shall be elected, each for a term of four years.

Section 10. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 11. Tie Votes. In the event of a tie in the vote cast for the candidates for an elective office under this charter, the successful candidate shall be determined by drawing lots. ~~THE MANNER OF DRAWING VOTES SHALL BE AS PROVIDED BY ORDINANCE.~~ The City Recorder or his or her designate shall prepare lots consisting of slips of paper each containing the name of one candidate involved in a tie vote. The Recorder or designate shall fold each slip separately and place the same in a receptacle and shall cause the City Chief of Police or his or her designate to draw therefrom one slip of paper. The candidate whose name is on that slip of paper shall be deemed elected.

Section 12. Other Officers. Additional officers of the city shall be ~~a municipal judge, a recorder and such other officers as the council deems necessary~~ a City Manager, and such other officers, as a municipal judge and city attorney, as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. By resolution, the council may combine any of these offices. By resolution, the council may also provide that any person whom it designates may supervise any appointive officer, except the city manager, city attorney and the municipal judge in the exercise of the municipal judge's judicial functions.

Section 13. Salaries. The compensation for the services of each city officer and employee shall be whatever amount the council fixes. No increase in the compensation of councilmen, however, shall take effect until the first of the odd-numbered year immediately following the first biennial general election after the increase is ordered.

Section 14. Qualifications of Officers. No person shall be eligible to fill an elective office of the city unless at the time of the election such person is a qualified voter within the meaning of the state constitution and has resided in the city for at least one year immediately preceeding the election. ~~and is a resident thereof~~ For the purposes of this section, city shall mean any area included in the corporate limits as of the date of the election. In order to avoid conflict of interests and to provide a fully effective office holder, a person is ineligible to hold elective office of the city if employed by the city unless the employment is substantially volunteer in nature. The determination of whether employment is substantially volunteer shall be made by the municipal judge. For all other matters under this section the council shall be final judge of the qualifications and election of its own members.

CHAPTER IV

Council

Section 15. Meetings. The council shall hold a regular meeting at least once each month at a time and at a place in the city which it designates, and shall adopt rules for the government of its members and proceedings. The Mayor upon the mayor's own motion may, or at the request of four members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than 48 hours after the notice is given.

Section 16. Quorum. A majority of the members of the council shall constitute a quorum for it to do business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 17. Journal. The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 18. Meetings to Be Public. ~~Any deliberations and proceedings of the council shall be public~~ No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public.

Section 19. Mayor's Functions at Council Meetings. The Mayor is a member of and shall be chairman of the council and preside over its deliberations. He/she/it shall have the right to vote on all questions before the council. The Mayor shall have authority to preserve order, enforce the rules of the council and determine the order of business under the rules of the council.

Section 20. President of the Council. At its first meeting of each odd-numbered year, the council, by ballot, shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. When the mayor is unable, on account of absence, illness or other cause to perform the functions of the mayor's office, the president of the council shall act as mayor.

Section 21. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V

Powers and Duties of Officers

Section 22. Mayor. The mayor shall appoint the committees provided for under the rules of the council. He/The mayor shall sign all approved records of proceedings of the council and countersign all orders on the treasury. He/The mayor shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. Upon the approval of the council the mayor shall endorse all bonds of officers of the city and all bonds for licenses, contracts and proposals.

Section 23. City Manager.

(a) Qualifications. The city manager shall be the administrative head of the government of the city. The city manager shall be chosen by the council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment. Before taking office, the manager shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(b) Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting the resolution, the council shall appoint a manager to fill the vacancy.

(c) Powers and Duties. The powers and duties of the manager shall be as follows:

(1) The manager shall devote full time to the discharge of the managers official duties, attend all meetings of the council unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.

(2) The city manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits

and privileges granted by the city are observed.

(3) The manager shall designate a city recorder and shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The city manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the council, over the city attorney, or over the judicial activities of the municipal judge.

(4) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.

(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) Seats at Council Meetings. The manager and such other officers as the council designates shall be entitled to sit with the council but shall have no vote on questions before it. The manager may take part in all council discussions.

(e) Manager Pro Tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the council shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three-fourths of the members of the council. No manager pro tem shall hold their position as such for more than six months, and no appointment of a manager pro tem shall be consecutively renewed.

(f) Interference in Administration ~~and Election~~. No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in making the appointment or removal of any officer or employee or in the expenditure of funds, or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly ~~with him~~ the matter of specific appointment to any city office or employment. A violation of the foregoing provisions of this section ~~shall~~ if determined by the Council under Section 14, shall forfeit the office of the offending member of the council. Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to city affairs or the interests of the city.

(g) Ineligible Persons. Neither the manager's spouse nor any person related to the manager or the managers spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.

Section 2324. Municipal Judge. The municipal judge, when appointed, shall be the judicial officer of the city and shall hold within the city a court known as the municipal court for the City of Newberg, Yamhill County, Oregon. Except on nonjudicial days, the court shall be open for the transaction of judicial business. All area within the city shall be within the territorial

jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city. ~~and/or all actions brought by or recovered by/enforced/forfeitures/for/penalities/defined/by/authorized/by/an/or/advance/of/the/city.~~ The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas to compel witnesses to appear and testify in court on the trial of any cause before him the judge, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Provided, however, that the right to appeal from the decisions of said municipal court shall not be restricted by ordinance. Trials in the municipal court of cases for violation of city ordinances shall be had without juries.

Section 2425. City Recorder. The City Recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by ~~the/council~~ by the Mayor, keep an accurate record of its proceedings in a book provided for that purpose, have authority to sign all orders on the treasury. In his the Recorder's absence from the council meeting, the Mayor shall appoint a clerk of the council pro tem, who, while acting in that capacity, shall have ~~all/the/authority/and~~ perform the duties of the recorder.

CHAPTER VI

Elections

Section 26. Regular Elections. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with the applicable state election laws. The City Recorder shall give such notice to the county officer as required by the applicable state election laws.

Section 27. Notice of Regular Elections. The recorder, pursuant to directions from the council, shall give ~~at/least/10~~ days/notice/of/each/regular/city/election/by/posting/notice/thereof/at/a/conspicuous/place/in/the/city/hall/and/in/one/public/place/in/each/woting/precinct/of/the/city/ such notice as required by state law. The notice shall state the officers to be elected at, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 28. Special Elections. The council shall provide the times, manner and means for holding any special election. The recorder shall give at least 10 days' notice of each special election in the manner provided by the action of the council ordering the election.

Section ~~28~~ 29. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinances ~~and as the council provides otherwise by ordinances~~ relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom and contests thereof.

Section ~~29~~ 30. Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. On or before noon of the *second* day following each special city election, the returns therefrom shall be filed with the recorder; and not later than five days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council, which shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it, except that the council shall be the final judge of the qualifications and election of its own members; subject, however, to review by a court of competent jurisdiction.

Section ~~30~~ 31. Commencement of Terms of Office. The term of office of a person elected to an office at a regular city election shall commence on the first of the year immediately following the election.

Section ~~31~~ 32. Oath of Office. Before entering upon the duties of ~~his~~ office, each officer shall take an oath ~~that he will~~ supporting the constitutions and laws of the United States and of Oregon ~~and the ordinances of the city~~ and promising faithfully to perform the duties of office.

Section ~~32~~ 33. Nominations. The council shall provide by ordinance the ~~mode~~ method for nominating elective officers.

CHAPTER VII

Vacancies in Office

Section ~~34~~ 34. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death, incompetence, conviction of a felony, resignation or recall or upon the incumbent's ceasing to possess the qualifications necessary for ~~his~~ office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for ~~his~~ term of office to commence; and in the case of mayor or councilman, upon ~~his~~ absence from meetings from the council for 60 days or absence from the city for 30 days without consent of the council; or in the case of an appointive officer, upon ~~his~~ removal from office.

Section ~~34~~ 35. Filling of Vacancies. Vacancies in elective offices of the city shall be filled by appointment by a majority of

the entire membership of the council. The appointee's term of office shall begin immediately upon ~~his~~ appointment and shall continue throughout the unexpired term of ~~his~~ predecessor. During the temporary disability of any officer or during ~~his~~ absence temporarily from the city for any cause, ~~his~~ office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

Ordinances

Section ~~35~~ 36. Enacting Clause. The enacting clause of all ordinances hereafter enacted by the council shall be: "The City of Newberg ordains as follows:"

Section ~~36~~ 37. Introduction, Reading and Passage. ~~Every ordinance shall be fully and distinctly read in open council meeting previous to being put upon its final passage. Upon the vote on any ordinance, the ayes and nays of the members of the council shall be taken and recorded in the journal. If the ordinance passes, the recorder shall endorse it with the date of its passage and his name and title of office, and within three days thereafter, the mayor shall sign it with the date, his name and the title of his office. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.~~

(1) Except as the second paragraph of this section provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be fully and distinctly read in open council meeting.

(2) The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

(3) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.

(4) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and the recorder's name and title of office, and within three days thereafter the mayor shall sign it with the date of ~~his~~ ~~or her~~ signature, name and the title of ~~his~~ ~~or her~~ office.

Effective Date of Ordinances.

Section ~~37~~ 38. When Ordinances Take Effect. An ordinance enacted by the council shall take effect on the 30th day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect; and in case of an emergency, it may take effect immediately, or at any time therein specified.

CHAPTER IX

Public Improvements

Section 39. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it is to be devoted.

Section 40. Acquisition and Disposition of Property. The city shall have power to acquire by purchase, gift, devise or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of protecting, preserving or facilitating any improvement, for the purpose of bringing about such development of property along or in the vicinity of an improvement as will make the development harmonious with and adjusted to the improvement, or for any combination of such purposes. The city shall also have power to acquire by condemnation property in excess of that needed for the actual improvement, and to sell or lease the excess with such building and use restrictions and conditions as will tend to make its development harmonious with and adjusted to adjacent public improvements. The city shall have power to provide for the payment of any part or all of the cost of land or other property acquired for public use, of the cost of constructing, reconstructing, repairing, operating or maintaining any structure or work in the nature of a public facility or improvement, including a public utility, and of the cost of any other public work or service by levying and collecting assessments upon the property specially benefitted thereby.

Section 41. Improvements. The procedure for making street, sidewalk, sewer and other public improvements and for establishing, vacating, altering or abandoning streets and other public improvements shall be governed by ordinance or the applicable general laws of the state in the absence of ordinance.

Section 42. Special Assessments. The procedure for determining the amounts of special assessments, their apportionment to various parcels of property and the property upon which they are to be levied; for giving notices to property owners and other interested parties; for hearings on and levy of the assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments shall be governed by the applicable laws of the state relating to special assessments or by general ordinances enacted by the council.

~~Section 42. Bids for a contract in excess of \$500 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council. (REPEALED BY RESOLUTION NO. 70-739+/1/2/79)~~

CHAPTER X

Hospitals, Infirmaries or Clinics

Section ~~1~~ 43. The City of Newberg is authorized and empowered to own, acquire, complete, construct, improve, equip, supply, operate, maintain and repair, lease and rent any and all hospitals, infirmaries or clinics necessary or convenient for the care and housing, treatment, comfort and welfare of inhabitants of said city who are sick or injured or suffering from physical or mental ills or diseases, and to provide for the departments of obstetrics, pediatrics, and geriatrics and *such other departments as may be determined to be necessary* and for the prevention of ills and diseases and for training and instruction of persons in all matters appertaining to the foregoing. The City of Newberg is further hereby authorized to admit, care for and treat in any or all of the establishments and facilities in this section described persons who are not inhabitants of said city, when such establishments and facilities have available space that is not needed for the accommodation of inhabitants of said city.

Section ~~2~~ 44. The City of Newberg is authorized and empowered to acquire, establish, construct, operate, maintain, manage or lease training schools and housing for nurses and other persons engaged in the operation of the establishments and facilities in this chapter described, and to provide for and conduct scientific studies, research and experiments relative to the prevention, care and treatment of diseases, injuries, illnesses and other mental and physical conditions hereinabove referred to, publishing and disseminating literature and information relative thereto. The City of Newberg is hereby authorized and empowered to provide generally for the comfort and welfare of all such nurses and other employees or trainees and to issue diplomas and certificates of proficiency evidencing the qualifications of such persons when appropriate.

Section ~~3~~ 45. The City of Newberg is authorized and empowered to provide for the management and operation of all such hospitals, infirmaries and clinics or other establishments or facilities as are described in Section ~~1~~ 43 of this chapter, either by its officers, agents and employees or by leasing the same to other persons, firms or corporations or by agency or management contracts or in such other manner or manners as the council of the City of Newberg shall see fit. The City of Newberg is authorized and empowered to contract with the United States, any state or states, any other governmental unit or municipal corporation, or with any private person, firm or corporation for the purposes in this chapter set forth.

Section ~~4~~ 46. The City of Newberg is authorized and empowered to sell the services and related materials and conveniences described in Section ~~1~~ 43 of this chapter; to fix rates and charges for the same and for any materials, supplies or other matters appertaining thereto or furnished therewith; and to charge and collect the same in any manner authorized by law. The council of the City of Newberg is further authorized to provide for the payment of all expenses, costs and charges arising from any of the operations, activities and facilities in this chapter described, including maintenance, improvements and repairs and reserves therefor and for depreciation, either from the income therefrom

or from the proceeds of any bond issue or other loan to said city or from any other funds of said city or from general taxation, and to borrow money or pledge the credit of said city for such purposes.

Section § 47. The City of Newberg is authorized and empowered to receive and accept donations and gifts of money or property or both for the purposes in this chapter set forth.

Section 6. // For the purpose of procuring funds in any amount sufficient to defray the cost of acquiring the partially completed hospital and site now owned by Newberg Community Hospital and complexing, improving, supplying, equipping, operating, landscaping and maintaining the same, to provide an adequate and efficient hospital for the city of Newberg, and in general, to provide for all of the purposes in this chapter set forth, and for all of the purposes necessary, desirable or convenient in order to carry out the purposes in this chapter set forth, the council of the city of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of the said city in the sum of \$100,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 8 per cent per annum, and providing for the payment of principal and interest in annual installments during a period of 20 years, starting four years from date of issue, said bonds shall provide for optional redemption by the city of Newberg at any time after the expiration of 10 years from said time of first maturity.

Section 7. // The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money thereto.

Section 8. // The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity, in determining the amount of such special additional levy, the council may take into consideration for payment of such interest or principal, or both, such funds as may be then available, and such funds as may be expected to accrue from income from said hospital or otherwise.

Section § 48. The City of Newberg is authorized and empowered to do any or all things necessary or convenient to carry out the provisions and purposes of this act.

Ordinance 11 // Ordinance 109 August 8 // 1950 // as added by special resolution 10 August 22 // 1955 //

CHAPTER XI

Miscellaneous Provisions

Section 49. Energy Utilities.

(a) 1. The City of Newberg is authorized and empowered to own, acquire, develop, construct, equip, operate and maintain either within or without the statutory or corporate limits of said city, in whole or in part, any and all works, plants and systems necessary or pertinent to the generation and/or distribution of electrical energy for the use and benefit of the people of said city and vicinity thereof, and for profit.

(b) 2/ The City of Newberg is authorized and empowered to control, use, generate, transmit, distribute, sell and/or dispose of electric energy.

(c) 3/ The City of Newberg is authorized and empowered to contract with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, or with any private person or corporation for the purchase of electrical energy for use, transmission, distribution, sale and/or disposal thereof.

(d) 4/ The City of Newberg is authorized and empowered to acquire, construct, lease, maintain and/or operate, separately or in conjunction with the United States, with any state or states, or political subdivision thereof, or with any political subdivision of this state, or with any private person or corporation, transmission and distribution lines.

(e) 5/ The City of Newberg is authorized and empowered to fix rates and charges for the sale and/or disposal of electric energy.

(f) 6/ The City of Newberg is authorized and empowered to issue, sell and otherwise dispose of either public utility certificates, general obligation, limited obligation or self-liquidating bonds of said city, after approval thereof by a majority of the legal voters of said city voting thereon at any general or special election called for said purpose, in order to provide funds to carry out the provisions of this act.

(g) 7/ The City of Newberg is authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

Chapter XXV / Chapter of February 10, 1893 / as added by special election held February 23, 1948 Deleted as Paid Bond Issue.

Chapter XXVI / Chapter of February 10, 1893 / as added by special election held February 23, 1948 Deleted as Paid Bond Issue.

Chapter XXVII / Chapter of February 10, 1893 / as added by special election held February 23, 1948 Deleted as Paid Bond Issue.

Section 44 50. Liability for Injury. The City of Newberg shall not in any event be liable in damages to any person for an injury caused by any defect or dangerous place at or in any sidewalk, crosswalk, street or alley, bridges, public grounds, public buildings, sewer, drain, gutter or way, unless said city shall have had actual notice of such defect or dangerous place and had a reasonable time thereafter in which to repair or remove such defect or dangerous place before the happening of such accident or injury; and in no case shall more than \$100 \$500. be recovered as damages from the city for such accident or injury. Special election 1944 of Chapter of February 10, 1893 /

Section 45 51. Business License Tax. No person paying a license to the City of Newberg in order to carry on any business or avocation within the city limits for which a license is required by this act or by any ordinance shall be required to pay a license tax to the county authorities of Yamhill County, Oregon for the same purpose; and the city shall have exclusive control of all licenses; and no part of the income derived therefrom shall go to said county. Special election 1937 of Chapter of February 10, 1893 /

Section ~~46~~ 52. Highways and Roads. The City of Newberg as created by this act, shall have full power to lay out, open, work, change and control all the highways and roads within the corporate limits thereof; and the power and authority given by the general laws of the State of Oregon to the county court of Yamhill County to divide said county into road districts, to appoint road supervisors, to lay out and work highways, and to levy a tax upon all taxable property of said county to be used in building and improving the public or county roads shall not apply or extend to the territory within the limits of said city of Newberg; but said territory and the inhabitants thereof are hereby excepted out of the jurisdiction of said court upon said subject. ~~(Section 139 of Charter of February 10, 1893, as amended by Laws of Oregon, 1903, revised 199)~~

Section ~~47~~ 53. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed a sum equal to 1 per cent of the current assessed valuation of taxable property within the corporate limits of the city. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

CHAPTER XX

USE OF PUBLIC PARKS

Section 54. Use of Public Parks. Notwithstanding any other provisions of this Charter, all areas now or hereafter dedicated to or used for public park purposes are reserved forever to the use of the public; and no such area shall be sold or otherwise disposed of, or used for other than public park and recreation purposes, without prior approval thereof by a majority of the votes cast thereon by the people of the City.

~~(Chapter XX, Charter of August 8, 1980, as added by general election held November 4, 1980)~~

Section ~~48~~ 55. Continuation of Rights and Liabilities. No right or liability of the city existing at the time this charter takes effect shall be impaired or discharged by passage of this act, except as this act otherwise provides.

Section ~~49~~ 56. Outstanding Bonds and other Provisions of Prior Charter Retained. All outstanding general obligation bonds of Newberg shall continue to be general obligations of Newberg, though not otherwise mentioned herein; and the council shall, each year, at the time of making the annual tax levy for city purposes, include in such levy a sum sufficient to pay the interest due on such outstanding bonds and to retire the principal amounts thereof as the same mature. *The following Subsections A through H and any subsections added in the future shall be automatically deleted from this charter when the principal and interest of said bond issues are paid in full and the bonds retired.*

(A) Water Reservoir Bonds.

Section 1. For the purpose of procuring funds in an amount sufficient to acquire a new site for a water reservoir for the City of Newberg, Oregon, and to construct and install thereon a new water reservoir for the storage of water for the use of the people of said city, and to provide for the revision of the present water reservoir adjacent thereto, and to construct and install new and additional water treatment facilities and water mains for the water supply and distribution system of said city, and to construct and provide a new water well and source of water supply for said city with all necessary and desirable pumping or other equipment therefor, and to provide all necessary rights-of-way and easements necessary or desirable for the above-described improvements and additions to the water supply system of said city, and to provide for such repairs, replacements, additions, and improvements to the existing water supply and distribution system of said city as may be necessary or desirable to integrate the above-described additions and improvements and storage facilities into said water supply and distribution system, and for all other purposes necessary or desirable in order to carry out the purposes hereinabove set forth, including but not confined to the acquisition of sites and real property where necessary or desirable for said purposes, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of the said city in the sum of \$491,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of principal and interest in annual installments during a period of 20 years, starting five years from date of issue. Said bonds shall provide for optional redemption by the City of Newberg at any time after expiration of 10 years from the time of first maturity.

Section 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

Section 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

Section 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XII Charter of August 8, 1950 as added by special election held February 20, 1960.)

(B) Sewage Treatment Plant Bonds.

Section 1. For the purpose of procuring funds in an amount sufficient to provide and pay for the construction and installation of improvements and additions to the sewage treatment plant of the City of Newberg, Oregon, so as to provide for increasing the primary treatment capacity of said plant, and also to provide complete sewage treatment at said plant, and for the purpose of constructing and installing a new trunk sewer and sewage pumping station for said city, and to provide all sites, easements and rights-of-way necessary or desirable for the above

described improvements, expansion and modification of said sewage treatment plant of said city and of the sewer system thereof and to provide for such repairs, replacements, additions and improvements to the existing sewage treatment plant and sewer system of said city as may be necessary or desirable to integrate the above-described additions, expansion and improvements and modifications therewith, and for all other purposes necessary or desirable in order to carry out the purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$262,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum and providing for the payment of principal and interest in annual installments during a period of 20 years, starting five years from date of issue. Said bonds shall provide for optional redemption by the City of Newberg at any time after the expiration of 10 years from the time of first maturity.

~~Section~~ 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

~~Section~~ 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy ~~for city purposes, make a special additional levy~~ of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

~~Section~~ 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XIII Charter of August 8, 1950 as added by special election held February 20, 1960.)

(C) Swimming Pool Bonds.

~~Section~~ 1. For the purpose of procuring funds in an amount sufficient to acquire additional land for the swimming pool and associated facilities of the City of Newberg, Oregon, and to provide for the improvement of the present swimming pool and the deck thereof, and for the removal of the existing bath house and for the construction of a new bath house for use in connection with said swimming pool, including dressing rooms, shower facilities, toilet facilities and all necessary equipment and appurtenances connected therewith, and to provide for such repairs, replacements, additions and improvements to the existing swimming pool and facilities as may be necessary or desirable to integrate the above-described additions and improvements with said existing swimming pool and facilities and for all other purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$38,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of principal and interest in annual installments during a period of 20 years starting five years from the date of issue. Said bonds shall provide for optional redemption by the City of Newberg at any time after the expiration of 10 years from the time of first maturity.

Section 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

Section 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

Section 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XIV Charter of August 8, 1950 as added by special election held February 20, 1960.)

(D) Newberg City Hall Bonds.

Section 1. For the purpose of procuring funds in an amount sufficient to remodel, improve and refurnish the present Newberg City Hall at First and Howard Streets, Newberg, Oregon, to provide additional space and facilities for the Newberg Police Department, communications center and office of the city recorder, and to cause said city hall to comply with present building and electrical code requirements, and also for the remodeling of the existing city building at Second and Howard Streets, Newberg, Oregon, and the construction of a new building at said last mentioned location, all for the use of the Newberg Fire Department, and for all purposes necessary or desirable in order to carry out the purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$125,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of the principal in annual installments and interest in semi-annual installments during a period of 17 years starting one year from the date of issue. The installments of principal shall be in such amounts that the combined installments of principal and interest, when taken together with all existing tax-supported general obligation debt requirements for principal and interest of the City of Newberg shall be, as nearly as practicable, in such sums as will permit of a substantially uniform tax levy for the retirement of the principal of and the payment of interest on all tax-supported general obligation bonds of the City of Newberg, exclusive of all bonds of the City of Newberg which are wholly supported by revenue other than taxes.

Section 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

Section 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

Section 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XV Charter of August 8, 1950 as added by special election held November 5, 1968.)

(E) Sewer Improvement Bonds

Section 1. For the purpose of procuring funds in an amount sufficient to provide and pay for the construction of improvements and additions to the sewage treatment plant and the sewer system of the City of Newberg, Oregon, including sites, easements and rights-of-way necessary or desirable for the said improvements, and for all other purposes necessary or desirable in order to carry out the purposes above set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$700,000.

Section 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

Section 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

Section 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XVI Charter of August 8, 1950 as added by special election held December 9, 1969.)

(F) Water Improvement Bonds.

Section 1. For the purpose of procuring funds in an amount sufficient to improve and expand the water system of said City of Newberg, Oregon, including existing sources of supply and developing additional sources, expanding treatment facilities, including filtration, and for all purposes necessary or desirable in order to carry out said improvements, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$700,000.

Section 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

Section 3. The council shall each year at the time of making the tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

Section 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XVII *Charter of August 8, 1950* as added by special election held December 9, 1969.)

(G) Sewer Improvement Bonds.

Section 1. For the purpose of procuring funds in amounts sufficient to provide and pay for the construction and installation of improvements to the sewage system of the City of Newberg, Oregon, and for all other purposes above set forth, the Council of the City of Newberg is hereby authorized and empowered to issue and dispose of General Obligation Bonds of said City in the sum of \$900,000.00, in denominations of Five Thousand and no/100ths (\$5,000.00) Dollars each, bearing interest at the rate of not to exceed ten percent (10%) per annum.

Section 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the bond proceed money thereof.

Section 3. The Council shall each year at the time of making the annual tax levy for City purposes, make a special additional levy of a sum to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

Section 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XVIII *Charter of August 8, 1950* as added by special election held May 22, 1979.)

(H) Hospital Improvement Bonds.

Section 1. For the purpose of procuring funds in amounts sufficient to provide and pay for the construction and installation of improvements and additions to the Community Hospital of the City of Newberg, Oregon, and for all other purposes necessary or desirable in order to carry out the purposes above set forth, the Council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$3,400,000, in denominations of \$5,000 each, bearing interest at the rate of not to exceed 10 per cent per annum.

Section 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the bond proceed money thereof.

Section 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

Section 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

(Chapter XIX Charter of August 8, 1950 as added by special election held May 22, 1979.)

Section ~~56~~ 57. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Sections 58 through 69 (Reserved for Expansion.)

Section ~~69~~ 70. Time Charter Amendment Effective. This act amending the charter of Newberg of February 10, 1893, as amended, shall take effect on January 1, 1983.

Newberg Charter

AN ACT

To amend the Charter of the City of Newberg, Yamhill County, Oregon, as amended, entitled: "An act to incorporate the City of Newberg in Yamhill County, State of Oregon, and to repeal an act entitled 'An act to incorporate the Town of Newberg in Yamhill County, State of Oregon, and to grant, designate and define the powers thereof,' filed in the office of the Secretary of State February 21, 1889, and all acts or parts of acts in conflict herewith," enacted by the 17th regular session of the legislative assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893, and as subsequently amended by the legislative assembly and by the voters of Newberg, Oregon.

Be it enacted by the people of the City of Newberg, Yamhill County, Oregon, that the Charter of Newberg, Yamhill County, Oregon, as amended, entitled "An act to incorporate the City of Newberg in Yamhill County, State of Oregon, and to repeal an act entitled 'An act to incorporate the Town of Newberg in Yamhill County, State of Oregon, and to grant, designate, and define the powers thereof,' filed in the office of the Secretary of State February 21, 1889, and all acts or parts of acts in conflict herewith," enacted by the 17th regular session of the legislative assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893, and as subsequently amended by the legislative assembly and by the voters of Newberg, Oregon, be and the same hereby is amended to read as follows:

CHAPTER I

Repealing Clause; Name and Boundaries

Section 1. Revision Clause. The sections of the Charter have been revised as hereafter indicated.

Section 2. Name. The City of Newberg, Yamhill County, Oregon shall continue to be a municipal corporation with the name "Newberg".

Section 3. Boundaries. The corporate limits of the City of Newberg shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council or by any other agency with legal power to modify them. The City Recorder shall keep in their office at City Hall at least two copies of this Charter in each of which the City Recorder shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the City Recorder.

CHAPTER II

Powers

Section 4. Powers of the City. The city shall have all the rights, powers, privileges and immunities which the constitutions, statutes, and common law of the United States and of this state

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expressly or impliedly grant or allow municipalities, including those rights, powers, privileges and immunities which a city can exercise upon specifically accepting them or upon being granted the power to exercise them by the people of the city or the legislature of the state, as fully as though this charter expressly stated each of those rights, powers, privileges and immunities, and as though each of them had been specifically accepted by the city or granted to it by the people of the city or by the legislature of the state.

The following shall be deemed a part of the powers conferred upon the city by this charter:

(1) Property. To acquire property within or without the corporate limits of the city for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation; and to sell, lease, mortgage, hold, manage and control such property as the interests of the city require.

(2) Indebtedness. To borrow money within the limits prescribed by general laws.

(3) Public services. To purchase, hire, construct, own, maintain and operate or lease local public utilities as herein defined, but only after having first obtained the consent of a majority of the qualified electors of the city to do so; except as provided in Subdivisions A-G, of Section 49 of this charter; to furnish all local public services, either within or without the corporate limits of the city; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general laws for the protection of other communities; and to grant local public utility franchises, and to regulate the exercise of such franchises. The term "public utilities" as used in this charter shall mean and include but not be limited to any plant, equipment or organization used or intended to be used to produce, transmit, deliver or furnish heat, light, water, power, transportation, communications, sewerage or sewage treatment or garbage services, or any or all of them, directly or indirectly, to or for the public.

(4) Bonds. To issue and sell bonds on the security, in whole or in part, of any excess property owned by the city or of any public utility owned by the city or of the revenues thereof, or of both; including, in the case of a public utility, as herein defined, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the utility.

(5) Police, licensing and taxing power. To adopt and enforce within the corporate limits of the city local policy, sanitary and other similar regulations not in conflict with the general laws; and to license, tax and regulate for the purpose of city revenue all such businesses, callings, occupations, trades, and employments as the city council may require to be licensed or taxed, and as are not prohibited by the laws of Oregon, including taxation of admissions to places of entertainment or amusement.

Section 5. Construction of Charter. In this charter no enumeration or reference to particular rights, powers, privileges or immunities shall be construed to be exclusive or to restrict the scope of the rights, powers, privileges or immunities which the city would have if the particular right, power, privilege or immunity was not mentioned.

Newberg Charter

This charter shall be liberally construed to the end that the city shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the laws and to the municipal home-rule provisions of the constitution of the state.

Section 6. Exercise of Power. The manner in which the city shall exercise a right, power, privilege or immunity, where prescribed by this charter, shall be in the manner prescribed by this charter, shall be in the manner prescribed by ordinance; and where not prescribed by this charter or by ordinance, then in the manner prescribed by the statutes of the State of Oregon.

CHAPTER III

Form of Government

Section 7. Where Powers Vested. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 8. Council. The Council shall be composed of a mayor and eight councilmen elected from the city at large.

Section 9. Councilmen. The term of office of each councilman in office, when this charter is adopted, shall continue until the beginning of the first odd-numbered year after that time. At the first biennial general election after the charter is adopted, eight councilmen shall be elected. Of the eight, the four receiving the four highest numbers of votes shall each hold office for four years, and the four receiving the next four highest numbers of votes shall each hold office for two years. At each subsequent biennial general election, four councilmen shall be elected, each for a term of four years.

Section 10. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 11. Tie Votes. In the event of a tie in the vote cast for the candidates for an elective office under this charter, the successful candidate shall be determined by drawing lots. The City Recorder or his or her designate shall prepare lots consisting of slips of paper each containing the name of one candidate involved in a tie vote. The Recorder or designate shall fold each slip separately and place the same in a receptacle and shall cause the City Chief of Police or his or her designate to draw therefrom one slip of paper. The candidate whose name is on that slip of paper shall be deemed elected.

Section 12. Other Officers. Additional officers of the city shall be a city manager, and such other officers, as a municipal judge and city attorney, as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. By resolution, the council may combine any of these offices. By resolution, the council may also provide that any person

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whom it designates may supervise any appointive officer, except the city manager, city attorney and the municipal judge in the exercise of the municipal judge's judicial functions.

Section 13. Salaries. The compensation for the services of each city officer and employee shall be whatever amount the council fixes. No increase in the compensation of councilmen, however, shall take effect until the first of the odd-numbered year immediately following the first biennial general election after the increase is ordered.

Section 14. Qualifications of Officers. No person shall be eligible to fill an elective office of the city unless at the time of the election such person is a qualified voter within the meaning of the state constitution and has resided in the city for at least one year immediately preceeding the election. For the purposes of this section, city shall mean any area included in the corporate limits as of the date of the election. In order to avoid conflict of interests and to provide a fully effective office holder, a person is ineligible to hold elective office of the city if employed by the city unless the employment is substantially volunteer in nature. The determination of whether employment is substantially volunteer shall be made by the municipal judge. For all other matters under this section the council shall be final judge of the qualifications and election of its own members.

CHAPTER IV

Council

Section 15. Meetings. The council shall hold a regular meeting at least once each month at a time and at a place in the city which it designates, and shall adopt rules for the government of its members and proceedings. The mayor upon the mayor's own motion may, or at the request of four members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than 48 hours after the notice is given.

Section 16. Quorum. A majority of the members of the council shall constitute a quorum for it to do business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 17. Journal. The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 18. Meetings to Be Public. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public.

Newberg Charter

Section 19. Mayor's Functions at Council Meetings. The mayor is a member of and shall chair the council and preside over its deliberations. The mayor shall have a vote on all questions before the council. The mayor shall have authority to preserve order, enforce the rules of the council and determine the order of business under the rules of the council.

Section 20. President of the Council. At its first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. When the mayor is unable, on account of absence, illness or other cause to perform the functions of the mayor's office, the president of the council shall act as mayor.

Section 21. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V

Powers and Duties of Officers

Section 22. Mayor. The mayor shall appoint the committees provided for under the rules of the council. The mayor shall sign all approved records of proceedings of the council and countersign all orders on the treasury. The mayor shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. Upon the approval of the council, the mayor shall endorse all bonds of officers of the city and all bonds for licenses, contracts and proposals.

Section 23. City Manager.

(a) Qualifications. The city manager shall be the administrative head of the government of the city. The city manager shall be chosen by the council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment. Before taking office, the manager shall give a bond in such amount or with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(b) Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting the resolution, the council shall appoint a manager to fill the vacancy.

(c) Powers and Duties. The powers and duties of the manager shall be as follows:

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(1) The manager shall devote full-time to the discharge of the managers official duties, attend all meetings of the council unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.

(2) The city manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(3) The manager shall designate a city recorder and shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The city manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the council, over the city attorney, or over the judicial activities of the municipal judge.

(4) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.

(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) Seats at Council Meetings. The manager and such other officers as the council designates shall be entitled to sit with the council but shall have no vote on questions before it. The manager may take part in all council discussions.

(e) Manager Pro Tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the council shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three-fourths of the members of the council. No manager pro tem shall hold their position as such for more than six months, and no appointment of a manager pro tem shall be consecutively renewed.

(f) Interference in Administration. No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in making the appointment or removal of any officer or employee or in the expenditure of funds, or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly the matter of specific appointment to any city office or employment. A violation of the foregoing provisions of this section if determined by the Council under Section 14, shall forfeit the office of the offending member of the council. Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely

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discussing with or suggesting to the manager anything pertaining to city affairs or the interests of the city.

(g) Ineligible Persons. Neither the manager's spouse nor any person related to the manager or the manager's spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.

Section 24. Municipal Judge. The municipal judge, when appointed, shall be the judicial officer of the city and shall hold within the city a court known as the municipal court for the City of Newberg, Yamhill County, Oregon. Except on nonjudicial days, the court shall be open for the transaction of judicial business. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city. The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit to bail pending trial, to issue subpoenas to compel witnesses to appear and testify in court on the trial of any cause before the judge, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Provided, however, that the right to appeal from the decisions of said municipal court shall not be restricted by ordinance. Trials in the municipal court of cases for violation of city ordinances shall be had without juries.

Section 25. City Recorder. The city recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the mayor, keep an accurate record of its proceedings in a book provided for that purpose, and have authority to sign all orders on the treasury. In the recorder's absence from the council meeting, the mayor shall appoint a clerk of the council pro tem, who, while acting in that capacity, shall perform the duties of the recorder.

CHAPTER VI

Elections

Section 26. Regular Elections. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with the applicable state election laws. The city recorder shall give such notice to the county officer as required by the applicable state election laws.

Section 27. Notice of Regular Elections. The recorder, pursuant to directions from the council, shall give such notice as required by state law. The notice shall state the officers to be elected at, the ballot title of each measure to be voted upon, and the time and place of the election.

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Section 28. Special Elections. The council shall provide the times, manner and means for holding any special election. The recorder shall give at least 10 days' notice of each special election in the manner provided by the action of the council ordering the election.

Section 29. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom and contests thereof.

Section 30. Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. On or before noon of the second day following each special city election, the returns therefrom shall be filed with the recorder; and not later than five days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council, which shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it, except that the council shall be the final judge of the qualifications and election of its own members; subject, however, to review by a court of competent jurisdiction.

Section 31. Commencement of Terms of Office. The term of office of a person elected to an office at a regular city election shall commence on the first of the year immediately following the election.

Section 32. Oath of Office. Before entering upon the duties of office, each officer shall take an oath supporting the constitutions and laws of the United States and of Oregon and the ordinances of the city and promising faithfully to perform the duties of office.

Section 33. Nominations. The council shall provide by ordinance the method for nominating elective officers.

CHAPTER VII

Vacancies in Office

Section 34. Vacancy. An office shall be deemed vacant upon the incumbent's death, incompetence, conviction of a felony, resignation or recall or upon the incumbent's ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the

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time for term of office to commence; and in the case of mayor or councilman, upon absence from meetings from the council for 60 days or absence from the city for 30 days without consent of the council; or in the case of an appointive officer, upon removal from office.

Section 35. Filling of Vacancies. Vacancies in elective offices of the city shall be filled by appointment by a majority of the entire membership of the council. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of predecessor. During the temporary disability of any officer or during absence temporarily from the city for any cause, office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

Ordinances

Section 36. Enacting Clause. The enacting clause of all ordinances hereafter enacted by the council shall be: "The City of Newberg ordains as follows:".

Section 37. Introduction, Reading and Passage.

(1) Except as the second paragraph of this section provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be fully and distinctly read in open council meeting.

(2) The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at city hall. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

(3) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.

(4) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and the recorder's name and title of office, and within three days thereafter the mayor shall sign it with the date of signature, name and title of office.

Section 38. Effective Date of Ordinances. An ordinance enacted by the council shall take effect on the 30th day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect; and in case of an emergency, it may take effect immediately, or at any time therein specified.

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CHAPTER IX

Public Improvements

Section 39. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it is to be devoted.

Section 40. Acquisition and Disposition of Property. The city shall have power to acquire by purchase, gift, devise or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of protecting, preserving or facilitating any improvement, for the purpose of bringing about such development of property along or in the vicinity of an improvement as will make the development harmonious with and adjusted to the improvement, or for any combination of such purposes. The city shall also have power to acquire by condemnation property in excess of that needed for the actual improvement, and to sell or lease the excess with such building and use restrictions and conditions as will tend to make its development harmonious with and adjusted to adjacent public improvements. The city shall have power to provide for the payment of any part or all of the cost of land or other property acquired for public use, of the cost of constructing, reconstructing, repairing, operating or maintaining any structure or work in the nature of a public facility or improvement, including a public utility, and of the cost of any other public work or service by levying and collecting assessments upon the property specially benefitted thereby.

Section 41. Improvements. The procedure for making street, sidewalk, sewer and other public improvements and for establishing, vacating, altering or abandoning streets and other public improvements shall be governed by ordinance or the applicable general laws of the state in the absence of ordinance.

Section 42. Special Assessments. The procedure for determining the amounts of special assessments, their apportionment to various parcels of property and the property upon which they are to be levied; for giving notices to property owners and other interested parties; for hearings on and levy of the assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments; for creating and enforcing assessment liens and for taking any other action relating to the assessments shall be governed by the applicable laws of the state relating to special assessments or by general ordinances enacted by the council.

CHAPTER X

Hospitals, Infirmarys or Clinics

Section 43. The City of Newberg is authorized and empowered to own, acquire, complete, construct, improve, equip, supply, operate, maintain and repair, lease and rent any and all hospitals, infirmarys

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or clinics necessary or convenient for the care and housing, treatment, comfort and welfare of inhabitants of said city who are sick or injured or suffering from physical or mental ills or diseases, and to provide for the departments of obstetrics, pediatrics, and geriatrics and such other departments as may be determined to be necessary and for the prevention of ills and diseases and for training and instruction of persons in all matters appertaining to the foregoing. The City of Newberg is further hereby authorized to admit, care for and treat in any or all of the establishments and facilities in this section described persons who are not inhabitants of said city, when such establishments and facilities have available space that is not needed for the accommodation of inhabitants of said city.

Section 44. The City of Newberg is authorized and empowered to acquire, establish, construct, operate, maintain, manage or lease training schools and housing for nurses and other persons engaged in the operation of the establishments and facilities in this chapter described, and to provide for and conduct scientific studies, research and experiments relative to the prevention, care and treatment of diseases, injuries, illnesses and other mental and physical conditions hereinabove referred to, publishing and disseminating literature and information relative thereto. The City of Newberg is hereby authorized and empowered to provide generally for the comfort and welfare of all such nurses and other employees or trainees and to issue diplomas and certificates of proficiency evidencing the qualifications of such persons when appropriate.

Section 45. The City of Newberg is authorized and empowered to provide for the management and operation of all such hospitals, infirmaries and clinics or other establishments or facilities as are described in Section 43 of this chapter, either by its officers, agents and employees or by leasing the same to other persons, firms or corporations or by agency or management contracts or in such other manner or manners as the council of the City of Newberg shall see fit. The City of Newberg is authorized and empowered to contract with the United States, any state or states, any other governmental unit or municipal corporation, or with any private person, firm or corporation for the purposes in this chapter set forth.

Section 46. The City of Newberg is authorized and empowered to sell the services and related materials and conveniences described in Section 43 of this chapter; to fix rates and charges for the same and for any materials, supplies or other matters appertaining thereto or furnished therewith; and to charge and collect the same in any manner authorized by law. The council of the City of Newberg is further authorized to provide for the payment of all expenses, costs and charges arising from any of the operations, activities and facilities in this chapter described, including maintenance, improvements and repairs and reserves therefor and for depreciation, either from the income therefrom or from the proceeds of any bond issue or other loan to said city or from any other funds of said city or from general taxation, and to borrow money or pledge the credit of said city for such purposes.

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Section 47. The City of Newberg is authorized and empowered to receive and accept donations and gifts of money or property or both for the purposes in this chapter set forth.

Section 48. The City of Newberg is authorized and empowered to do any or all things necessary or convenient to carry out the provisions and purposes of this act.

CHAPTER XI

Miscellaneous Provisions

Section 49. Energy Utilities.

(a) The City of Newberg is authorized and empowered to own, acquire, develop, construct, equip, operate and maintain either within or without the statutory or corporate limits of said city, in whole or in part, any and all works, plants and systems necessary or pertinent to the generation and/or distribution of electrical energy for the use and benefit of the people of said city and vicinity thereof, and for profit.

(b) The City of Newberg is authorized and empowered to control, use, generate, transmit, distribute, sell and/or dispose of electric energy.

(c) The City of Newberg is authorized and empowered to contract with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, or with any private person or corporation for the purchase of electrical energy for use, transmission, distribution, sale and/or disposal thereof.

(d) The City of Newberg is authorized and empowered to acquire, construct, lease, maintain and/or operate, separately or in conjunction with the United States, with any state or states, or political subdivision thereof, or with any political subdivision of this state, or with any private person or corporation, transmission and distribution lines.

(e) The City of Newberg is authorized and empowered to fix rates and charges for the sale and/or disposal of electric energy.

(f) The City of Newberg is authorized and empowered to issue, sell and otherwise dispose of either public utility certificates, general obligation, limited obligation or self-liquidating bonds of said city, after approval thereof by a majority of the legal voters of said city voting thereon at any general or special election called for said purpose, in order to provide funds to carry out the provisions of this act.

(g) The City of Newberg is authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

Section 50. Liability for Injury. The City of Newberg shall not in any event be liable in damages to any person for an injury caused by any defect or dangerous place at or in any sidewalk, crosswalk, street or alley, bridges, public grounds, public buildings, sewer, drain, gutter or way, unless said city shall have had actual notice of such defect or dangerous place and had a reasonable time thereafter in which to repair or remove such defect or dangerous place before the happening of such accident or injury; and in no case shall more than \$500.00 be recovered as damages from the city for such accident or injury.

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Section 51. Business License Tax. No person paying a license to the City of Newberg in order to carry on any business or avocation within the city limits for which a license is required by this act or by any ordinance shall be required to pay a license tax to the county authorities of Yamhill County, Oregon for the same purpose; and the city shall have exclusive control of all licenses; and no part of the income derived therefrom shall go to said county.

Section 52. Highways and Roads. The City of Newberg as created by this act, shall have full power to lay out, open, work, change, and control all the highways and roads within the corporate limits thereof; and the power and authority given by the general laws of the State of Oregon to the county court of Yamhill County to divide said county into road districts, to appoint road supervisors, to lay out and work highways, and to levy a tax upon all taxable property of said county to be used in building and improving the public or county roads shall not apply or extend to the territory within the limits of said City of Newberg; but said territory and the inhabitants thereof are hereby excepted out of the jurisdiction of said court upon said subject.

Section 53. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed a sum equal to 1 per cent of the current assessed valuation of taxable property within the corporate limits of the city. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 54. Use of Public Parks. Notwithstanding any other provisions of this charter, all areas now or hereafter dedicated to or used for public park purposes are reserved forever to the use of the public; and no such area shall be sold or otherwise disposed of, or used for other than public park and recreation purposes, without prior approval thereof by a majority of the votes cast thereon by the people of the city.

Section 55. Continuation of Rights and Liabilities. No right or liability of the city existing at the time this charter takes effect shall be impaired or discharged by passage of this act, except as this act otherwise provides.

Section 56. Outstanding Bonds and Other Provisions of Prior Charter Retained. All outstanding general obligation bonds of Newberg shall continue to be general obligations of Newberg, though not otherwise mentioned herein; and the council shall, each year, at the time of making the annual tax levy for city purposes, include in such levy a sum sufficient to pay the interest due on such outstanding bonds and to retire the principal amounts thereof as the same mature. The following Subsections A through H and any subsections added in the future shall be automatically deleted from this charter when the principal and interest of said bond issues are paid in full and the bonds retired.

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(A) Water Reservoir Bonds.

1. For the purpose of procuring funds in an amount sufficient to acquire a new site for a water reservoir for the City of Newberg, Oregon, and to construct and install thereon a new water reservoir for the storage of water for the use of the people of said city, and to provide for the revision of the present water reservoir adjacent thereto, and to construct and install new and additional water treatment facilities and water mains for the water supply and distribution system of said city, and to construct and provide a new water well and source of water supply for said city with all necessary and desirable pumping or other equipment therefor, and to provide all necessary rights-of-way and easements necessary or desirable for the above-described improvements and additions to the water supply system of said city, and to provide for such repairs, replacements, additions, and improvements to the existing water supply and distribution system of said city as may be necessary or desirable to integrate the above-described additions and improvements and storage facilities into said water supply and distribution system, and for all other purposes necessary or desirable for said purposes, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of the said city in the sum of \$491,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of principal and interest in annual installments during a period of 20 years, starting five years from date of issue. Said bonds shall provide for optional redemption by the City of Newberg at any time after expiration of 10 years from the time of first maturity.

2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

(Chapter XII Charter of August 8, 1950 as added by special election held February 20, 1960.)

(B) Sewage Treatment Plant Bonds.

1. For the purpose of procuring funds in an amount sufficient to provide and pay for the construction and installation of improvements and additions to the sewage treatment plant of the City of Newberg, Oregon, so as to provide for increasing the primary treatment capacity of said plant, and also to provide complete sewage treatment at said plant, and for the purpose of constructing and installing a new trunk sewer and sewage pumping station for said city, and to provide all

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sites, easements and rights-of-way necessary or desirable for the above-described improvements, expansion and modification of said sewage treatment plant of said city and of the sewer system thereof and to provide for such repairs, replacements, additions and improvements to the existing sewage treatment plant and sewer system of said city as may be necessary or desirable to integrate the above-described additions, expansion and improvements and modifications therewith, and for all other purposes necessary or desirable in order to carry out the purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$262,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum and providing for the payment of principal and interest in annual installments during a period of 20 years, starting five years from date of issue. Said bonds shall provide for optional redemption by the City of Newberg at any time after the expiration of 10 years from the time of first maturity.

2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XIII Charter of August 8, 1950 as added by special election held February 20, 1960.)

(C) Swimming Pool Bonds.

1. For the purpose of procuring funds in an amount sufficient to acquire additional land for the swimming pool and associated facilities of the City of Newberg, Oregon, and to provide for the improvement of the present swimming pool and the deck thereof, and for the removal of the existing bath house and for the construction of a new bath house for use in connection with said swimming pool, including dressing rooms, shower facilities, toilet facilities and all necessary equipment and appurtenances connected therewith, and to provide for such repairs, replacement, additions and improvements to the existing swimming pool and facilities as may be necessary or desirable to integrate the above-described additions and improvements with said existing swimming pool and facilities and for all other purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$38,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of principal and interest in annual installments during a period of 20 years starting five years from the date of issue. Said bonds

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shall provide for optional redemption by the City of Newberg at any time after the expiration of 10 years from the time of first maturity.

2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XIV Charter of August 8, 1950 as added by special election held February 20, 1960.)

(D) Newberg City Hall Bonds.

1. For the purpose of procuring funds in an amount sufficient to remodel, improve and refurnish the present Newberg City Hall at First and Howard Streets, Newberg, Oregon, to provide additional space and facilities for the Newberg Police Department, communications center and office of the city recorder, and to cause said city hall to comply with present building and electrical code requirements, and also for the remodeling of the existing city building at Second and Howard Streets, Newberg, Oregon, and the construction of a new building at said last mentioned location, all for the use of the Newberg Fire Department, and for all purposes necessary or desirable in order to carry out the purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$125,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of the principal in annual installments and interest in semi-annual installments during a period of 17 years starting one year from the date of issue. The installments of principal shall be in such amounts that the combined installments of principal and interest, when taken together with all existing tax-supported general obligation debt requirements for principal and interest of the City of Newberg shall be, as nearly as practicable, in such sums as will permit a substantially uniform tax levy for the retirement of the principal of and the payment of interest on all tax-supported general obligation bonds of the City of Newberg, exclusive of all bonds of the City of Newberg which are wholly supported by revenue other than taxes.

2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum

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sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XV Charter of August 8, 1950 as added by special election held November 5, 1968.)

(E) Sewer Improvement Bonds.

1. For the purpose of procuring funds in an amount sufficient to provide and pay for the construction of improvements and additions to the sewage treatment plant and the sewer system of the City of Newberg, Oregon, including sites, easements and rights-of-way necessary or desirable for the said improvements, and for all other purposes necessary or desirable in order to carry out the purposes above set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$700,000.

2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

3. The council shall each year at the time of making the tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XVI Charter of August 8, 1950 as added by special election held December 9, 1969.)

(F) Water Improvement Bonds.

1. For the purpose of procuring funds in an amount sufficient to improve and expand the water system of said City of Newberg, Oregon, including existing sources of supply and developing additional sources, expanding treatment facilities, including filtration, and for all purposes necessary or desirable in order to carry out said improvements, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$700,000.

2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

3. The council shall each year at the time of making the tax levy for city purposes, make a special additional levy of a sum sufficient

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to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XVII Charter of August 8, 1950 as added by special election held December 9, 1969.)

(G) Sewer Improvement Bonds.

1. For the purpose of procuring funds in amounts sufficient to provide and pay for the construction and installation of improvements to the sewage system of the City of Newberg, Oregon, and for all other purposes above set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$900,000, in denominations of \$5,000 each, bearing interest at the rate of not to exceed 10 per cent per annum.

2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the bond proceed money thereof.

3. The council shall each year at the time of making the annual tax levy for city purposes, make a special additional levy of a sum to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XVIII Charter of August 8, 1950 as added by special election held May 22, 1970.)

(H) Hospital Improvement Bonds.

1. For the purpose of procuring funds in amounts sufficient to provide and pay for the construction and installation of improvements and additions to the Community Hospital of the City of Newberg, Oregon, and for all other purposes necessary or desirable in order to carry out the purposes above set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$3,400,000, in denominations of \$5,000 each, bearing interest at the rate of not to exceed 10 per cent per annum.

2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the bond proceed money thereof.

Newberg Charter

3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

(Chapter XIX Charter of August 8, 1950 as added by special election held May 22, 1979.)

Section 57. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Sections 58 through 69 (Reserved for Expansion.)

Section 70. Time Charter Amendment Effective. This act amending the charter of Newberg of February 10, 1893, as amended, shall take effect on January 1, 1983.

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

CHARLES STERN - COUNTY CLERK

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

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

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

Charles Stern
SIGNATURE OF COUNTY CLERK:

May 24, 1982
DATE OF ABSTRACT



VII

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Motel-Hotel Tax

DATE: April 29, 1982

Mr. Donovan the owner of the Town & Country Motel in the City of Newberg has come in with some statistics and a written appeal to do away with the motel-hotel tax. I will attempt to acquaint the City Council with some basic information on the City of Newberg's tax and the tax statewide. I will then offer a recommendation on this particular situation.

The Bureau of Governmental Research and Service published a book on transient room taxes in Oregon. This book was published in June of 1981. Thirty-three cities in the State have a room tax and seven counties. Twelve of these cities and four of the counties deposit the money collected on this tax in a special room tax receipt fund. Seventeen cities and two counties deposit the money directly into the General Fund. Up until recent years we deposited the money much like the majority of the cities had done, directly into our General Fund. We still put the money in our General fund but we have offsetting expenditures that are designed to utilize the approximate same amount of money for tourism. For instance, in this year's budget there is \$750 that goes toward the Chamber of Commerce, \$2,000 for "community promotions" and on an occasion, money will be used toward special projects such as the Old Fashioned Festival. All of the money that is expended is designed to promote tourism and help the economy of Newberg.

The 6% that is collected by the motel-hotel also has a collection fee percentage. This percentage is 15%, the highest in the State of Oregon. What it means is that the motel-hotel can keep 15% of the money it collects to cover bookkeeping and handling costs. Many cities do not allow any percentage for bookkeeping and handling.

The Town and Country Motel has been charging the 6% tourism tax for a number of years. While the collection was there in 1981 the City has not received any tax since June of 1981. Recently Mr. Donovan has attempted to pay the tax by paying the tax collected in February of 1982 plus \$500 for delinquent taxes. In March, Mr. Donovan was only able to pay the taxes collected for that month, nothing on the back taxes.

Mr. Donovan comes to the City well aware that the 6% that was collected must be paid off and asked that the City continue to be lenient in allowing him time to pay the delinquent tax. He asked specifically that the 6% be removed or at least diminished. If this is done, Mr. Donovan would use the money that would normally go toward the tourism tax to fix up his building, and generally make it more attractive. There are other points that Mr. Donovan will mention when he attends the City Council meeting on June 7, 1982 at 7:30 p.m.

Page 2

Memo to City Council
RE: Motel-Hotel Tax

It is my recommendation that the taxes owed be paid the City within the next six months. It is and was illegal for the hotel to collect a tax from the people and put it to their own use. The previous managers of the motel and Mr. Donovan were acutely aware of the tax on a month to month basis and the fact that it was due the City. Putting it toward building repairs or improvements was not proper.

In deference to Mr. Donovan, he has said that he will make good on the back taxes and as I have stated earlier, he realizes that the City Council cannot act retroactively.

The City Council has the prerogative of eliminating this tax. In my opinion, it is a question of what is best for the City. If the City has an elimination of a \$5,000 revenue, it must look at the elimination of \$5,000 of expenses. Since we have set up certain expenditures to "offset" this revenue, we should eliminate those expenditures. With the resurgence of the Old Fashioned Festival, the Champoege Historical Pageant, the active Chamber of Commerce, etc. the City of Newberg is just beginning to reach it's stride in notiriety, activities and tourism.

While Mr. Donovan will say that the tourism tax collected from the motel does not benefit the motel as much as the improvements would, we must look at what the tourism tax is intended to do. It is not intended to benefit one individual business solely. If the money is put to good use, as it has in the past and as it is intended to for the future, it should benefit the whole city. This means restaurants, clothing stores, car dealerships, barber shops, grocery stores, etc. I believe that the 1982-83 budget has been designed to put the tourism tax to very good use for the benefit of the entire community. I would, therefore, not recommend that the tax be raised, lowered or eliminated.


Michael Warren
City Administrator

MW/bjm
cc: Mr. Donovan

VIII 2

April 27, 1982 - Towne & Country Motel -

To Whom It May Concern:

1 This is an appeal for relief of the City of Newberg's Transient Room Tax. This relief is necessary to bring the city's only Motel up to a standard most people could live with.

2 We must reroof the building this summer as it will not make another winter. All of the bathrooms are in need of plumbing repairs, floor repairs and paint. The rest of the room needs paint, drapes, lamps, desks, chairs and in some cases new beds.

3 We have developed every possible resource for maintaining and remodeling. We can't do it alone, and the present economy isn't helping. We would invite suggestions of a practical or pragmatic nature.

4 The Transient room tax would help make some of these needed repairs and improvements.

5 My immediate predecessor was pragmatic when he couldn't fit in a swimming pool, he decided to go where he could have a pool. Before him, the owner did nothing as far as improvements and maintenance and has a similar history in his other businesses. Had the other owners done their share to keep the Motel in good repair, we would not now be faced with a rotting building.

6 Before going further, we must look at the returns that are possible: Our patrons are largely business people. Their first contact with our city is through the Motel and Restaurants in town. If we can remodel and repair. We can rebuild the business we have lost, to other nearby cities, rapidly and down the road maybe a bedtax would be feasible again. But we must reroof and remodel now.

7 There are two views on the subject:

- (a) a short-term view, or
- (b) a longer-view-pragmatic. Analogy; The goose with the golden egg.

8 We have remodeled some of the bathrooms and plumbing, installed telephones and began to landscape. Our business is affected by the States economy.

9 The State has reported the tourist income for 1981 at, I think, \$23,000,000.00. The state budget allows for \$330,000.00 for tourist promotion to be spent this year. If we are to share in revenues spent by the tourists in our state, we need accommodations that are suitable for them to stay in while spending time in our City.

VIII 2

Owner

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Pump and Tanker Unit

DATE: June 1, 1982

About a month ago the City Council awarded the bid for the chassis of the pumper-tanker unit. We have advertised now for the unit itself and the bids were opened Tuesday, June 1, 1982 at 4:00 p.m. Because the City agendas and packets are made up prior to that time I cannot tell you the amount of the bids but we will have them at the City Council meeting on June 7, 1982.

It is recommended that the City Council review the bids and make a determination for awarding a bid or re-advertising.


Michael Warren
City Administrator

MW/bjm

[illegible]

MEMO

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

DATE: June 1, 1982

There are three problem areas at the Library. The first one is the furnace. The current furnace is very old and uses quite a bit of oil to heat the building. PGE has come out and taken a look and has recommended that we replace it with the furnace that has been recommended.

Another problem is, of course, the insulation. The building has not had insulation in 70 years and it would be a good idea to put in insulation.

Probably the most plaguing problem right now is the leak in the roof. We have had the drains replaced and we have had work done on the roof but the leak continues. The Building Inspector has indicated that it comes from a grouting problem. In next years budget we have some money for repair on the library building and undoubtedly part of this will go toward the grouting of the library roof.

The Librarian is attempting to solve the first problem by replacing the furnace. The Building Inspector, Alan Barnes, has indicated his concurrence with the choice of the furnace.

It is recommended that the City Council adopt the resolution that would waive competitive bidding for the purchase and installation of a furnace in the Library.



Michael Warren
City Administrator

MW/bjm

Enc.

fine

May 27, 1982

To: City Administrator, Mike Warren

From: Librarian, Doreen Turpen

Subject: June 7 Council Meeting, Resolution for replacement furnace Newberg Carnegie Library

Attached is a resolution requesting Council to waive competitive bidding and authorize the purchase of a gas furnace for the Library.

This request is made at this time and in this manner for the following reasons:

1. The current oil furnace is inefficient and in need of costly repairs.

* 2. Funds are available within the current approved library budget.

3. Local contractors are able to provide an adequate replacement for a competitive price; savings would not be enough to warrant following formal bid procedures.

BACKGROUND:

Initial contacts were made with local contractors in February and recommendations were received from both Overton Heating and Air Conditioning and Hall's Heating and Air Conditioning in March. There was some question about the proper size furnace for the Library so Northwest Natural Gas Co. was contacted for assistance.

On May 13, 1982 Gunar Meneks and Gary Shule from Northwest Natural Gas Co. were on site at the Library to do an energy audit and make a recommendation for furnace sizing. They estimated heat loss at 177,000 BTU's, which, coupled with energy for recovery would require a furnace of approximately 197,000 BTU output for year-round comfort. The addition of insulation at R30 would reduce that figure to approximately 180,000 BTU output. There is flexibility to that recommendation, in that we might drop the BTU output to 160,000 and find that adequate except in the case of very extreme weather conditions.

EVALUATION OF PROPOSALS:

Hall's Heating & Air Conditioning

1. There are two alternatives presented.

A) The 200,000 BTU has an output of 152,000 BTU which would provide marginal service. Cost: \$2340.00

B) The next step up involved twinning two gas furnaces to provide a total of 204,000 BTU. Cost: \$2675.00

2. Neither proposal included wiring.

(NOTE: The proposal is dated 3/10/82. By telephone conversation on 5/17/82, Larry indicated we should use these proposals even though past the 60 days indicated on the proposal.)

Overton Heating & Air Conditioning

1. Proposal is for a 240,000 BTU gas furnace with output of 192,000 BTU.

2. Cost: \$2,100.00

3. Proposal is for complete job, including wiring.

IX 1

RECOMMENDATION

On May 25 the Library Board recommended approval of the proposal from Overton Heating and Air Conditioning for the following reasons:

1. The proposed furnace more closely addresses the heating requirements of the building.
2. The proposal is for complete job.
3. The price is less than either of the alternative prices presented.

RESOLUTION NO.

THE CITY COUNCIL SITTING AS A CONTRACT REVIEW BOARD WAIVES COMPETITIVE BIDDING FOR THE PURCHASE AND INSTALLATION OF A FURNACE TO REPLACE THE FURNACE IN THE NEWBERG CARNEGIE LIBRARY FOR THE CITY OF NEWBERG.

WHEREAS, the City of Newberg is in great and immediate need of a replacement furnace for the Newberg Carnegie Library, and can obtain a furnace for an advantageous price at this time; and

WHEREAS, it was determined in an energy audit of the Library in May of 1982, conducted by Northwest Natural Gas Company, that there was substantial heat loss in the Library, and a furnace with approximately 197,000 BTU output is required for year-round comfort; and

WHEREAS, a number of proposals were received for replacement of the existing oil furnace with a new gas furnace which would substantially reduce heating costs to the Library; and

WHEREAS, the City Council has approved funds for the purchase of this equipment; and

WHEREAS, the Library Board of the Newberg Carnegie Library met on the May 25, 1982 and approved and recommended the City Council approve the purchase of the gas furnace and installation 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. That the purchase of a 240,000 BTU gas furnace with an output of 192,000 BTU, more or less, plus installation is in the best interests of the public because it most closely addresses the requirements of the building.

Section 2. That the City Staff, Library Board, and City Council have reviewed proposals from several distributors of the appropriate equipment.

Section 3. That favoritism will not be encouraged, nor will competition be diminished by waiving competitive bidding for this equipment, because competitive local bids have been received which are well within cost estimates, and these companies have the advantage of being able to provide immediate local servicing of equipment.

Section 4. That the City Council sitting as Contract Review Board waives competitive bidding, and authorizes the City Administrator to purchase the appropriate gas furnace including installation costs for a total cost of \$2,100 plus any incidental expenses.

ADOPTED by the City Council of the City of Newberg this 7th day of June, 1982.

Arvilla Page - City Recorder

Overton Heating & Air Conditioning

Route 5 Box 13
NEWBERG, OREGON 97132
(503) 538-3012

PROPOSAL SUBMITTED TO <i>Newberg Library</i>		PHONE <i>538-4389</i>	DATE <i>5-17-82</i>
STREET <i>503 E Hancock</i>		JOB NAME	
CITY, STATE AND ZIP CODE <i>Newberg</i>		JOB LOCATION	
ARCHITECT	DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

Installing a new Gas Heating System.

Job Includes

*Removing existing oil furnace.
Install New 240,000 B.T.U. input
Gas furnace.
Reconnect furnace to existing
ductwork & Reconnect air cond.*

Job Complete = \$2100⁰⁰

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Payment to be made as follows: _____ dollars (\$ _____).

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature

Ken Overton

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance: _____

IX

Proposal

Page No. of Pages

HALL'S HEATING & AIR CONDITIONING Total Comfort Systems 109 N. Garfield Newberg, Oregon 538-3788

PROPOSAL SUBMITTED TO City of Newberg	DATE 3-10-82
ADDRESS 414 E. First	PHONE 538-4389
Newberg, Oregon	DATE OF PLANS
JOB NAME AND LOCATION Newberg Library	ARCHITECT
503 E. Hancock, Newberg, Oregon	JOB PHONE

We hereby submit specifications and estimates, subject to all terms and conditions as set forth on both sides, as follows:

Replace existing oil furnace with 2000,000 BTU Gas

Furnace--Price \$2340.00--wiring not included

Replace existing oil furnace with two 135,000 BTU Gas

Furnaces connected together--Price \$2675.00--wiring not included

Note: Nozzle in existing oil furnace is 2 gallon at 85 PSI with about 65% efficiency which is putting out between 150,000 BTU to 175,000 BTU--The 162,000 put out 123,000 BTU The 2000,000 puts out 152,000 BTU--The two 135,000 put out 102,000 BTU each for a total of 204,000 BTU

(Read Reverse Side)

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of: listed above dollars (\$)

Note: This proposal may be withdrawn by us if not accepted within 60 days.

Authorized Signature

Accepted: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Date

Signature

IX 1

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Ordinance adopting Budget.

DATE: June 1, 1982

The attached ordinance formally adopts the various funds within the City but also levies the appropriate tax. This is in accordance with State Law.


Michael Warren
City Administrator

MW/bjm

Enc.

ORDINANCE NO.

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF NEWBERG, YAMHILL COUNTY, OREGON FOR THE FISCAL YEAR 1982-1983, MAKING THE APPROPRIATIONS SET FORTH IN SAID BUDGET, AND LEVYING A GENERAL TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF NEWBERG, YAMHILL COUNTY, OREGON, FOR THE USE AND BENEFIT OF SAID CITY TO BE COLLECTED IN THE FISCAL YEAR 1982-1983, AS STATE AND COUNTY TAXES ARE COLLECTED, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Newberg met at a special meeting held at and after 7:30 o'clock p.m. on May 10, 1982 in the City Hall in said City for the purpose of holding a public hearing on the budget of said City for the fiscal year of 1982-1983 in accordance with the public notice of said budget and said meeting and public hearing; and

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

Section 1. That the City Council of the City of Newberg, Oregon hereby adopts and approves the budget as approved by the Budget Committee for 1982-1983 in the sum of \$17,891,952, as amended by the City Council, which is now on file in the office of the City Recorder.

Section 2. That the amounts for the fiscal year beginning July 1, 1982, and for the purposes shown below are hereby appropriated as follows:

GENERAL FUND

Non-Departmental		
Materials & Services	68,709	
Total Non-Departmental		68,709
General Government		
Personal Service	4,200	
Materials & Services	31,789	
Capital Improvement	4,744	
Total General Government		40,733
Municipal Court		
Personal Service	30,880	
Materials & Services	2,315	
Total Municipal Court		33,195
Administration		
Personal Service	31,488	
Materials & Services	5,865	
Total Administration		37,353
Finance/Recorder		
Personal Service	57,239	
Materials & Services	5,948	
Capital Improvement	580	
Total Finance/Recorder		63,767
Legal		
Personal Service	57,026	
Materials & Services	11,680	
Capital Improvement	961	
Total Legal		69,667

YI

Planning		
Personal Service	53,534	
Materials & Services	10,120	
Capital Improvement	17,675	
Total Planning		81,329
Police		
Personal Service	750,679	
Materials & Services	83,395	
Capital Improvement	31,605	
Total Police		865,679
Fire		
Personal Service	201,884	
Materials & Services	36,585	
Capital Improvement	1,500	
Total Fire		239,969
Building Inspection		
Personal Service	72,518	
Materials & Services	5,136	
Capital Improvement	5,750	
Total Building Inspection		83,404
Engineering		
Personal Service	124,455	
Materials & Services	33,800	
Capital Improvement	42,785	
Total Engineering		201,040
City Hall		
Materials & Services	23,700	
Capital Improvement	460	
Total City Hall		24,160
Street Lighting		
Materials & Services	80,700	
Capital Improvement	4,500	
Total Street Lighting		85,200
Municipal Garage		
Personal Service	29,469	
Materials & Services	5,210	
Capital Improvement	3,300	
Total Municipal Garage		37,979
Library		
Personal Service	54,153	
Materials & Services	32,433	
Capital Improvement	5,970	
Total Library		92,556
Social Service		
Materials & Services	31,804	
Capital Improvement	25,000	
Total Social Services		56,804
Special Commissions		
Materials & Services	1,400	
Total Special Commissions		1,400

Transfers		
To Capital Improvement Fund	40,000	
Total Transfers		40,000

Reserves		
Operating Contingency	210,000	
Total Reserves		210,000

<u>Total General Fund</u>		<u>\$2,332,944</u>
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STATE TAX STREET FUND

Personal Service	72,196
Materials & Services	52,315
Capital Improvement	143,050
Reserve-Contingency	26,689

<u>Total Street Fund</u>	<u>\$294,250</u>
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CAPITAL IMPROVEMENT FUND

Capital Improvements		175,000
Reserves		
Contingency	25,000	
Unappropriated Fund Balance	263,989	
Total Reserves		288,989

<u>Total Capital Improvement Fund</u>	<u>\$463,989</u>
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SEWER FUND

Administration		
Personal Service	48,168	
Materials & Services	60,598	
Capital Improvement	1,025	
Total Administration		109,791

Disposal Plant		
Personal Service	91,536	
Materials & Services	100,995	
Capital Improvement	53,100	
Total Disposal Plant		245,631

Collector System		
Personal Service	86,828	
Materials & Services	42,500	
Capital Improvement	39,750	
Total Collector System		169,078

Construction		
Materials & Services	500,000	
Capital Improvements	1,550,000	
Total Sewer Construction		2,050,000

Transfers		
To Capital Improvement Fund	36,500	
To Redevelopment (Loan)	27,584	
Total Transfers		64,084

X1

Reserves		
Contingencies	150,000	
Unappropriated Fund Balance	995,820	
Total Reserves		1,145,820
<u>Total Sewer Fund</u>		<u>\$3,784,404</u>

WATER FUND

Administration		
Personal Service	48,168	
Materials & Services	85,409	
Capital Improvement	980	
Total Administration		134,557
Treatment Plant		
Personal Service	56,286	
Materials & Services	58,175	
Capital Improvement	7,800	
Total Treatment Plant		122,261
Distribution		
Personal Service	114,312	
Materials & Services	49,350	
Capital Improvement	6,900	
Total Distribution		170,562
Source of Supply		
Materials & Services	54,500	
Capital Improvement	19,500	
Total Source of Supply		74,000
Construction		
Personal Service	29,719	
Materials & Services	56,200	
Capital Improvement	450,000	
Total Construction		535,919
Non-Departmental		
Interest on Deposits	1,000	
Total Non-Departmental		1,000
Reserves		
Contingencies	100,000	
Unappropriated Fund Balance	428,429	
Total Reserves		528,429
Transfers		
To Capital Improvement Fund	10,000	
Total Transfers		10,000
<u>Total Water Fund</u>		<u>\$1,576,728</u>

MUNICIPAL COURT BAIL FUND

Reserves	2,000	
Transfers	26,700	
<u>Total Mun. Court Bail Fund</u>		<u>\$28,700</u>

X 1

DEBT SERVICE FUND

Bond Principal	376,000
Bond Interest	649,294
Unappropriated Balance	322,517

<u>Total Debt Service Fund</u>	<u>\$1,347,811</u>
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FEDERAL REVENUE SHARING FUND

Materials & Services	350
Transfers	
To General-Police	149,196
To General-Fire	50,000
To General-Social Service	31,304
To State Street	55,000
Reserve-Contingency	16,863

<u>Total Federal Revenue Sharing</u>	<u>\$307,713</u>
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ASSESSMENT FUND

Improvements	257,000
Bond Principal	85,000
Bond Interest	101,101
Warrent Interest	13,200
Reserve-Contingency	8,651

<u>Total Assessment Fund</u>	<u>\$464,952</u>
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STATE REVENUE SHARING FUND

Transfer-General	53,000
Reserve-Contingency	6,093

<u>Total State Revenue Sharing</u>	<u>\$59,093</u>
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STORM SEWER FUND

Construction	79,445
Reserve-Contingencies	10,000
Reserve-Unappropriated	10,000

<u>Total Storm Sewer Fund</u>	<u>\$99,445</u>
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REDEVELOPMENT FUND

Personal Service	12,584
Material & Service	23,000
Interest Expense	3,000

<u>Total Redevelopment Fund</u>	<u>\$38,584</u>
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X1

Operating

Personal Service	2,982,781	
Materials & Services	2,026,313	
Transfers-Debt	419,245	
Reserve-Contingency	375,000	
Reserve-Unappropriated	890,000	
Total Operating Fund		6,693,339

Capital Improvement

Capital Improvements	248,000	
Reserve-Contingencies	50,000	
Reserve-Unappropriated	102,000	
Total Capital Improvement Fund		400,000

Total Hospital\$7,093,339TOTAL APPROPRIATIONS - ALL FUNDS\$17,891,952

Section 3. That the City Council of the City of Newberg, Oregon hereby levies taxes provided for in the adopted and approved budget in the aggregate amount of \$1,871,659; and that these taxes are hereby levied upon the assessed value of all taxable property within the City of Newberg, Yamhill County, Oregon as of 1:00 o'clock a.m., January 1, 1982.

General Fund	\$1,050,260
Debt Service Fund	786,399
Storm Sewer Fund	35,000
Total Tax Levy	\$1,871,659

Section 4. That the Recorder of the City of Newberg be and is hereby directed to forward a certified copy of this ordinance and the copies of the budget document as approved to each of the following:

Yamhill County Clerk

Yamhill County Assessor

Section 5. WHEREAS, the City of Newberg cannot finance itself in the fiscal year 1982-1983 without collection of said general tax, and it is, therefore, required that this ordinance be immediately in full force and effect.

NOW, THEREFORE, this ordinance shall be in full force and effect upon its passage by the Council from and after July 1, 1982.

PASSED by the Council of the City of Newberg this 7th day of June by the following vote:

Ayes:

Nays:

Absent:

 Arvilla Page - City Recorder

APPROVED by the Mayor this 7th day of June, 1982.

 Elvern Hall - Mayor

X 1

100. /

BUDGET 1982-1983

GENERAL FUND

Non Departmental

Materials & Services	68,709	
Total Non Departmental		68,709

General Government

Personal Service	4,200	
Materials & Services	31,789	
Capital Improvement	4,744	
Total General Government		40,733

Municipal Court

Personal Service	30,880	
Materials & Services	2,315	
Total Municipal Court		33,195

Administration

Personal Service	31,488	
Materials & Services	5,865	
Total Administration		37,353

Finance/Recorder

Personal Service	57,239	
Materials & Services	5,948	
Capital Improvement	580	
Total Finance/Recorder		63,767

Legal

Personal Service	57,026	
Materials & Services	11,680	
Capital Improvement	961	
Total Legal		69,667

Planning

Personal Service	53,534	
Materials & Services	10,120	
Capital Improvement	17,676	
Total Planning		81,329

Police

Personal Service	750,679	
Materials & Services	83,395	
Capital Improvement	31,605	
Total Police		865,679

Fire

Personal Service	201,884	
Materials & Services	36,585	
Capital Improvement	1,500	
Total Fire		239,969

Building Inspection

Personal Service	72,518	
Materials & Services	5,136	
Capital Improvement	5,750	
Total Building Inspection		83,404

X 1

(General Fund-Continued)

Engineering		
Personal Service	124,455	
Materials & Services	33,800	
Capital Improvement	42,785	
Total Engineering		201,040
City Hall		
Materials & Services	23,700	
Capital Improvement	460	
Total City Hall		24,160
Street Lighting		
Materials & Services	80,700	
Capital Improvement	4,500	
Total Street Lighting		85,200
Municipal Garage		
Personal Service	29,469	
Materials & Services	5,210	
Capital Improvement	3,300	
Total Municipal Garage		37,979
Library		
Personal Service	54,153	
Materials & Services	32,433	
Capital Improvement	5,970	
Total Library		92,556
Social Service		
Materials & Services	31,804	
Capital Improvement	25,000	
Total Social Services		56,804
Special Commissions		
Materials & Services	1,400	
Total Special Commissions		1,400
Transfers		
To Capital Improvement Fund	40,000	
Total Transfers		40,000
Reserves		
Operating Contingency	210,000	
Total Reserves		210,000
Total General Fund		<u>\$2,332,944</u>

STATE TAX STREET FUND

Personal Service	72,196	
Materials & Services	52,315	
Capital Improvement	143,050	
Reserve-Contingency	26,689	
Total Street Fund		<u>\$294,250</u>

X1

CAPITAL IMPROVEMENT FUND

Capital Improvements		175,000
Reserves		
Contingency	25,000	
Unappropriated Fund Balance	263,989	
Total Reserves		288,989
Total Capital Improvement Fund		<u>\$463,989</u>

SEWER FUND

Administration		
Personal Service	48,168	
Materials & Services	60,598	
Capital Improvement	1,025	
Total Administration		109,791
Disposal Plant		
Personal Service	91,536	
Materials & Services	100,995	
Capital Improvement	53,100	
Total Disposal Plant		245,631
Collector System		
Personal Service	86,828	
Materials & Services	42,500	
Capital Improvement	39,750	
Total Collector System		169,078
Construction		
Materials & Services	500,000	
Capital Improvements	1,550,000	
Total Sewer Construction		2,050,000
Transfers		
To Capital Improvement Fund	36,500	
To Redevelopment (Loan)	27,584	
Total Transfers		64,084
Reserves		
Contingencies	150,000	
Unappropriated Fund Balance	995,820	
Total Reserves		1,145,820
Total Sewer Fund		<u>\$3,784,404</u>

WATER FUND

Administration		
Personal Service	48,168	
Materials & Services	85,409	
Capital Improvement	980	
Total Administration		134,557

X 1

(Water Fund-Continued)

Treatment Plant

Personal Service	56,286	
Materials & Services	58,175	
Capital Improvement	7,800	
Total Treatment Plant		122,261

Distribution

Personal Service	114,312	
Materials & Services	49,350	
Capital Improvement	6,900	
Total Distribution		170,562

Source of Supply

Materials & Services	54,500	
Capital Improvement	19,500	
Total Source of Supply		74,000

Construction

Personal Service	29,719	
Materials & Services	56,200	
Capital Improvement	450,000	
Total Construction		535,919

Non-Departmental

Interest on Deposits	1,000	
Total Non-Departmental		1,000

Reserves

Contingencies	100,000	
Unappropriated Fund Balance	428,429	
Total Reserves		528,429

Transfers

To Capital Improvement Fund	10,000	
Total Transfers		10,000

Total Water Fund \$1,576,728

MUNICIPAL COURT BAIL FUND

Reserves	2,000	
Transfers	26,700	
Total Mun. Court Bail Fund		<u>\$28,700</u>

DEBT SERVICE FUND

Bond Principal	376,000	
Bond Interest	649,294	
Unappropriated Balance	322,517	
Total Debt Service Fund		<u>\$1,347,811</u>

X 1

FEDERAL REVENUE SHARING FUND

Materials & Services	350	
Transfers		
To General-Police	149,196	
To General-Fire	50,000	
To General-Social Service	31,304	
To State Street	55,000	
To Storm Sewer	5,000	
Reserve-Contingency	16,863	
 Total Federal Revenue Sharing		<u>\$307,713</u>

ASSESSMENT FUND

Improvements	257,000	
Bond Principal	85,000	
Bond Interest	101,101	
Warrent Interest	13,300	
Reserve-Contingency	8,651	
 Total Assessment Fund		<u>\$464,952</u>

STATE REVENUE SHARING FUND

Transfer-General	53,000	
Reserve-Contingency	6,093	
 Total State Revenue Sharing		<u>\$59,093</u>

STORM SEWER FUND

Construction	79,445	
Reserve-Contingencies	10,000	
Reserve-Unappropriated	10,000	
 Total Storm Sewer Fund		<u>\$99,445</u>

REDEVELOPMENT FUND

Personal Service	12,584	
Material & Service	23,000	
Interest Expense	3,000	
 Total Redevelopment Fund		<u>\$38,584</u>

HOSPITAL FUND

Operating		
Personal Service	2,982,781	
Materials & Services	2,026,313	
Transfers-Debt	419,245	
Reserve -Contingency	375,000	
Reserve-Unappropriated	890,000	
Total Operating Fund		6,693,339

X 1

HOSPITAL FUND (Continued)

Capital Improvement

Capital Improvements	248,000	
Reserve-Contingencies	50,000	
Reserve-Unappropriated	102,000	
Total Capital Improvement Fund		400,000

Total Hospital	<u>\$7,093,339</u>
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TOTAL ALL FUNDS

\$17,891,952

X1

ORDINANCE NO.

AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR FISCAL YEAR 1982 - 1983.

WHEREAS, the Oregon State Legislature in 1977 established a State Revenue Sharing Program for the distribution of certain State proceeds to cities in the State of Oregon with payments being made to eligible cities in August, November, January and May of each fiscal year; and

WHEREAS, the City of Newberg is eligible to receive these revenues in the 1982 - 1983 budget year and has received these revenues in the past, particularly pursuant to Ordinance No. 2004, passed and approved April 7, 1980 and Ordinance 2050 passed and approved April 13, 1981.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive State Revenues for the fiscal year 1982 - 1983.

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

CERTIFICATION

I certify that a public hearing before the Budget Committee was held on March 30, 1982 and a public hearing before the City Council was held on May 10, 1982 giving citizens opportunity to comment on the use of State Revenue Sharing.

Arvilla Page - City Recorder

Section 3. That the method of accounting for the City of Newberg, Yamhill County, Oregon shall be changed from the accrual method to the modified accrual method for all funds receiving property tax revenues to allow recognition of prior years taxes not yet received effective with the beginning of fiscal year 1982 - 1983.

Section 4. WHEREAS, the City of Newberg cannot properly follow the budgetary laws of the State of Oregon and the current budget for fiscal year 1982 - 1983 without these changes NOW THEREFORE AN EMERGENCY IS HEREBY DECLARED TO EXIST and the sections of this ordinance shall be in full force and effect as follows, Section 1 on June 30, 1982, Sections 2 and 3 on July 1, 1982, upon the passage of this ordinance by the Council and approval by the Mayor.

PASSED by the Council of the City of Newberg, Oregon this 7th day of June 1982 by the following votes:

AYES:

NAYS:

ABSENT:

Arvilla Page - City Recorder

APPROVED by the Mayor this 7th day of June, 1982.

Elvern Hall - Mayor

ORDINANCE NO.

AN ORDINANCE DISSOLVING THE "MUNICIPAL GARAGE FUND" (No. 13) AND TRANSFERRING ANY BALANCE REMAINING ON JUNE 30, 1982 TO THE GENERAL FUND OF THE CITY OF NEWBERG, OREGON (ORS 294.475); ESTABLISHING A NEW SEPARATE FUND OF THE CITY OF NEWBERG, OREGON CALLED THE "REDEVELOPMENT FUND" (No. 18) AND LOANING TO SAID "REDEVELOPMENT FUND" FROM THE SANITARY SEWER FUND (No. 6) THE AMOUNT OF \$27,584 UNTIL TAX INCREMENTS ARE RECEIVED OR IN ANY CASE TO BE REPAID TO THE "SANITARY SEWER FUND" BY THE END OF THE ENSUING FISCAL YEAR 1982 - 1983 (ORS 294.460) EFFECTIVE JULY 1, 1982; AND CHANGING THE METHOD OF ACCOUNTING USED BY THE CITY OF NEWBERG, EFFECTIVE JULY 1, 1982, FROM THE ACCRUAL METHOD TO THE MODIFIED ACCRUAL METHOD FOR ALL FUNDS RECEIVING PROPERTY TAX RECEIPTS TO RECOGNIZE PRIOR YEAR TAXES TO BE RECEIVED (ORS 294.445); AND DECLARING AN EMERGENCY.

WHEREAS, in order to better comply with Oregon budgetary law, and to establish changes made during the preparation of the fiscal year 1982 - 1983 Newberg City Budget, certain changes as hereafter stated are necessary, and

WHEREAS, the separate "Municipal Garage Fund" should be dissolved and any monies remaining therein after June 30, 1982 should be placed in the General Fund of the City of Newberg. To increase fiscal efficiency said fund should be dissolved effective June 30, 1982, and

WHEREAS, pursuant to recommendations of the Mayor's Task Force Committee, and as a need identified in the budgetary process to upgrade commercial and residential areas of the City to produce a more aesthetically and economically attractive community, a separate "Redevelopment Fund" should be established for this purpose effective July 1, 1982 and said funds should be loaned in the amount of \$27,584 from the "Sanitary Sewer Fund" (No. 6) to the "Redevelopment Fund" to pay for initial studies, and said funds loaned should be paid back pursuant to ORS 294.460 by the end of the ensuing fiscal year, and

WHEREAS, the Budget Committee of the City of Newberg and the City Council of the City of Newberg after due notice and hearing have determined, at the suggestion of the Oregon State Department of Revenue, that in fiscal year 1982 - 1983 and ensuing years the accounting method of the City should be changed from the accrual method to the modified accrual method for all funds receiving property tax revenues to recognize prior years taxes not yet received.

NOW THEREFORE THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. That the separate "Municipal Garage Fund" (No. 13) of the City of Newberg is hereby dissolved as no longer necessary and any balance remaining in the said fund after June 30, 1982 shall be forthwith transferred to the "General Fund".

Section 2. That there is hereby created a separate "Redevelopment Fund" of the City of Newberg for all purposes reasonably related to the redevelopment of properties within the City of Newberg, Yamhill County, Oregon and the "Sanitary Sewer Fund" (No. 6) hereby loans \$27,584 to the "Redevelopment Fund" (No. 18) of the City of Newberg which loan shall be repaid by the end of the ensuing fiscal year.

MEMO

TO: MICHAEL WARREN, CITY ADMINISTRATOR

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

SUBJECT: AMENDMENT TO THE SIDEWALK ORDINANCE

DATE: May 28, 1982

During the past five to six years, as the established businesses along 99W have added or remodeled their facilities, we have found it difficult to obtain portland cement concrete sidewalk improvements in accordance with the sidewalk ordinance. The existing business owners have felt that they should not have to install the sidewalks until more development occurred along 99W. Several of these requests were granted through the City Council over the past few years.

Now, as new development occurs, we are hearing complaints from the developers. They feel that if we require them to put in portland cement concrete sidewalks that we should also require that the existing business replace their asphalt sidewalks with portland cement concrete sidewalks.

The attached ordinance amends our sidewalk ordinance No. 929 by requiring the type of standard that sidewalks must be constructed to, clarifies the maintenance responsibility of the property owner, clarifies that sidewalk construction must be portland cement concrete instead of the existing asphaltic concrete sidewalks.

The amending ordinance also identifies this area along 99W as being exempt from the building modification valued at \$5,000 as the determining point of when sidewalks shall be constructed. The amending ordinance will require sidewalks with any building permit, regardless of the value. If sidewalks are not in place by October 1, 1984, the City Engineer shall post all property including vacant land for construction of portland cement concrete sidewalks along 99W between River Street and Springbrook Street.

This ordinance has been discussed and approved at the past three Public Works Committee meetings, with one modification to the ordinance at the May 25th meeting, which changed the mandatory sidewalk date from October 1, 1983 to October 1, 1984.

All property owners within the affected area will be notified of this item and receive a copy of the proposed ordinance in advance of the June 7 Council Meeting.

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Sidewalk Ordinance

DATE: June 1, 1982

As the Public Works Director's memo indicates this subject has been approved the last three times by the Public Works Committee of the City Council. The only major change was granting another year's extension for the mandatory sidewalk date.

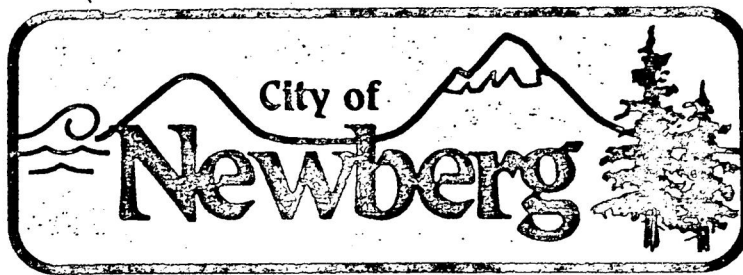
It should be known that this does not preclude grants, redevelopment, etc. assisting property owners. We will continue to work along the lines of improving the town by acquiring grants where ever possible or through the assistance of redevelopment.



Michael Warren
City Administrator

MW/bjm

Enc.



Public Works Department
(503) 538-9421

414 E. First St.
Newberg, Oregon 97132

June 2, 1982

Dear Property Owner:

This is to advise you that the attached ordinance relating to sidewalk construction along 99W, between River Street and Springbrook Road, will be considered by the City Council at the June 7, 1982 meeting at 7:30 p.m. in the City Council Chambers.

If this ordinance affects your property, and you would like to hear the Council discussion, or make a statement pertaining to this ordinance, please plan to attend this Council meeting.

Should you have any questions concerning this revised ordinance, please contact me before the Council meeting.

Sincerely,

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

RLS:rs

CC: City Administrator



Home of Old Fashioned Festival

X4

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 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 City permits regardless of the value.

2. Construct portland cement concrete sidewalks adjacent to their property, including vacant land, by October 1, 1984 if no building or site improvements are made prior to that date.

It is hereby made the duty of the property owners along Highway 99W from Springbrook Street easterly to the City limits to construct portland cement concrete sidewalks adjacent to their property when directed by the City Engineer in accordance with Sections 24 and 29."

PASSED BY the Council this First Day of March, 1982 by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - City Recorder

APPROVED BY the Mayor this First Day of March, 1982

Elvern Hall - Mayor

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.