

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

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. CONSENT CALENDAR
 - 1. Approve minutes of August 2, 1982 and August 23, 1982.
 - 2. Communication from Newberg Community Hospital complimenting Officer Pohl and Newberg Fire Department on correction of a possible safety hazard.
 - 3. Communication from Springbrook Plaza Merchants Assoc. thanking Fire Department and Public Works Crew for their special efforts during Old Fashioned Festival.
 - 4. Communication from Chemeketa Cooperative Regional Library Service on failure of June 29, 1982 levy.
 - 5. Communication from Alene A. English, 2300 Jodi Court commending Police Officer Weaver for his special assistance.
 - 6. Communication from Mr. & Mrs. Darr, 201 E. 8th commending Officer Weaver of his gentle and professional attitude during a tense situation.
 - 7. Communication from John Parkhurst, Attorney, RE: August 2 City Council meeting on Parkway Subdivision.
- IV. REQUESTS AND COMMUNICATIONS FROM THE FLOOR
- V. PUBLIC HEARINGS:
 - 1. Public Hearing on annexation of southwest corner of intersection of Springbrook St. & Highway 99W (Tax Lot 3216-2100). (Ordinance)
 - 2. Public Hearing on annexation of corner of intersection of Springbrook St. & Highway 99W (Tax lot 3216-2300 & 2400). (Ordinance)
- VI. REPORTS FORM CITY ADMINISTRATOR:
 - 1. Report on Annual DEQ Inspection of City Sewage Treatment Plant.
 - 2. Report on Dog Control Operation.
 - 3. Report on League of Oregon Cities Meeting November 7, 8, and 9.
 - 4. Report on National League of Cities Convention November 27 - December 1.
- VII. OLD BUSINESS:
 - 1. Communications from Gene Hoskin & Donnie Laas and report on amusement game resolution.
 - 2. Report on Public Works Committee's review on Parkway Subdivision. (RE: Item III-7)

VIII. NEW BUSINESS:

1. Approve Accounts Payable
2. Communication from First Federal Savings & Loan and Report on Deferred Income Program with ICMA
3. Communication from Joyce Vergets and report on request for sidewalk exemption at First Presbyterian Church.
4. Report on Contingency Transfers for Cost to Serve Studies and Water Master Plan.

IX. RESOLUTIONS:

1. Resolution authorizing City to participate in ICMA Deferred Income Plan (RE: Item VIII-2)
2. Resolution employing bond Consultant for Sitka Avenue LID.
3. Resolution authorizing retention of Pacific Economica for Water and Sewer Cost to Serve Studies (RE: Item VIII-4)
4. Resolution authorizing transfer of funds from Water and Sewer Contingency Accounts to Professional Services Account for purposes of funding cost to serve studies and water master plan. (RE: Item VIII-4)

X. ORDINANCES:

1. Ordinance amending Ordinance No. 900 and adding stop signs at intersection of Washington Street and Third Street.
2. Ordinance amending Ordinance No. 902 and prohibiting parking in certain areas on Deborah Road, Emery Street and Douglas Ave.
3. Ordinance annexing Parkway Subdivision (RE: Item VII-2)

VII-1

VII-1

4695 Rng Bell Rd NE
St Paul, OR

To whom it may concern,

I am writing you because, I have heard about the amusement tax being raised. I do not think raising the amusement tax is necessary. If you still raise the amusement tax I am asking you not to raise it as much as you have planned. Would you rather kids were addicted to video games or drugs. I like video games they are good for entertainment and my mom says arcades are good babysitters. A arcade in Newberg called Electro Sports is my favorite one they have 61 tokens for a dollar (which is a real bargain) will have to lower to 4 tokens for a dollar. So I am asking you please don't raise the amusement tax.

Sincerely,
Mark Forsyth (a concerned min)

August 28, 1982

Mr. Mike Warren:

I am strongly opposed to the recent increase in taxes on video games. These games are a major source of entertainment for many of my friends and me.

A tax increase will not only restrict the availability of these games but I also understand that I, the consumer, will ultimately be paying for the increase.

I agree that the library program is beneficial to our community but I don't agree that so few should be taxed so much. The burden ought to be distributed more evenly and fairly among the entire community.

Respectfully,

Lisa Kirschhaar

**Newberg Area
Chamber of Commerce**

613 E. First, Newberg, Ore. 97132
Phone 538-2014

VII-1

September 7, 1982

City Council
City of Newberg
414 E. First Street
Newberg, Oregon

Dear Council Members:

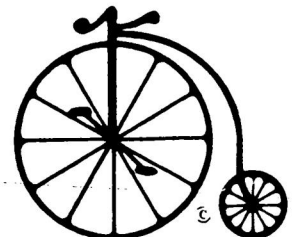
The Newberg Area Chamber of Commerce Board of Directors has been addressed with the issue of tax on amusement games. The Board of Directors takes a position that to impose a tax on a small segment of the community for the "Police in School" program is unfair.

Thank you for your reconsideration in this matter.

Sincerely,



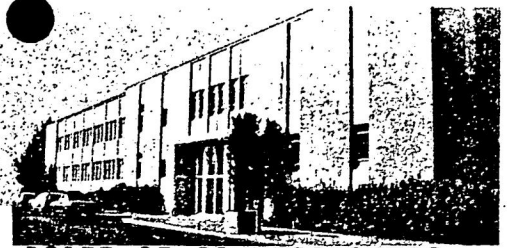
Bob Quanstrom
Executive Vice President



Old Fashioned Festival • Last Full Weekend in July

YAMHILL COUNTY

Oregon



BOARD OF COMMISSIONERS

September 1, 1982

Mayor Elvern Hall
414 East First Street
Newberg, Oregon 97132

Dear Mayor Hall:

This letter is to provide the City with information on a proposed City/County Capital Road Improvement Serial Levy for the November 2, 1982 election date.

We realize that now is a poor time to ask for a levy but we see no funds in the near future to improve or maintain our existing roads. Therefore, we feel that we have an obligation to call the public's attention to the road conditions. Our biggest concern is the breaking up of heavily traveled paved roads.

There has been some confusion on the statutes as to the distribution formula but after lengthy review, we believe that the Cities will appreciate the following apportionment as specified in O.R.S. 368.710. The statutes could be interpreted that the County's two Road Districts could share 18%, the ten Cities 32% and the overall County 50%. The Board of Commissioners would prefer to choose the alternate apportionment which could give the Cities 50% and the County 50% of the levy if the Cities would accept jurisdiction of those county roads within their city limits.

You will note that the Cities will share the levy on the basis of the ratio of assessed value. This formula also assures that 50% of the levy will be divided up among the cities.

<u>City/District</u>	<u>Assessed Value (81-82)</u>	<u>Amount</u>
Amity	13,728,859	\$ 182,417.73
Carlton	17,715,999	235,395.54
Dayton	16,862,350	224,052.96
Dundee	27,556,140	366,143.20
Lafayette	16,839,882	223,754.43
McMinnville	362,215,762	4,812,823.51
Newberg	205,957,566	2,736,593.82
Sheridan	39,042,601	518,765.80
Willamina	14,352,100	190,698.84
Yamhill	10,020,900	133,149.43
Otter Creek Hyland	986,271	13,104.75
Yamhill County		9,636,900.00
		19,273,800.00
Uncollected Taxes	12%	2,628,245.00
Total 5 year Levy		\$21,902,045.00

September 1, 1982
Page 2

We are presently recommending a five (5) year levy at a tax rate of \$3.14 per \$1,000 of property evaluation.

Since the length of this levy is proposed to be five years, the money generated would have to be used for construction and improvement activities rather than operating expenses. This would have the added benefit of stimulating the local economy to the extent the local contractors are able to win the bids each year on the various construction projects.

We are required to place a ballot title with the County Clerk by September 2 but would like to discuss the above proposed City/County Capital Road Improvement Serial Levy on Wednesday, September 15, 1982, at our next City/County Dinner meeting. Please review this with your council so that we will be able to get your City's support for the levy.

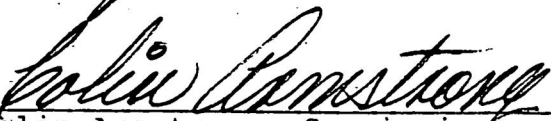
If you have any technical questions, please call our Road Department Engineer, Bill Gille, at 472-9371 Ext. 446.

Thank you for your consideration and cooperation on this subject.

Respectfully.


Ted Lopustynski, Chairman


Robin J. Hamblet, Commissioner


Colin Armstrong, Commissioner

CA:gb

cc: Bill Gille

Revised

RESOLUTION NO.

A RESOLUTION ESTABLISHING THE CONDITIONS AND IMPROVEMENT REQUIREMENTS FOR THE NEWLY ANNEXED PARKWAY SUBDIVISION TO THE CITY OF NEWBERG.

WHEREAS, The City Council has by ordinance provided for the island annexation of Parkway Subdivision to the City of Newberg, and

WHEREAS, The City of Newberg must take over the function of the Parkway Street Lighting District in the annexed Parkway Subdivision, and

WHEREAS, Five property owners in the annexed Parkway Subdivision are operating septic tank systems and must connect to the sanitary sewer system, and

WHEREAS, The maintenance of the existing private street improvement in the public right-of-way shall remain the responsibility of the Parkway Subdivision residents, and

WHEREAS, The Council did not exercise the agreement signed by the 17 residents currently connected to the sanitary sewer which required the residents to request annexation and pay the appropriate annexation fees, and

WHEREAS, An 8" water line and fire hydrant is necessary to be constructed in Melody Lane to provide adequate fire protection, and

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

1. That the City of Newberg shall take over the function of the Parkway Street Lighting District from the effective date of the island annexation and said district shall succeed all assets, records, and uncollected taxes theretofore levied in accordance with ORS 222.510.

2. That the four property owners of Tax Lot Nos. 3218AA-1000, -1700, -2100, and -2200 in the Parkway Subdivision with septic tank systems must pay the appropriate sanitary sewer connection, development, and plumbing permit fees; connect to the City sanitary sewer system; and properly abandon the septic tank within one year from the effective date of the annexation to the City of Newberg, unless a septic tank system failure occurs prior to that time.

3. That the property owner of Tax Lot Nos. 3218AA-1800, -2900 and -3000 shall connect to the sanitary sewer system in accordance with Section 204 of Ordinance No. 1386 of the City of Newberg and pay all appropriate connection, development, and plumbing permit fees, and properly abandon the septic tank system.

III-7

Revised Resolution

4. That maintenance of Melody Lane street and curb improvements within Parkway Subdivision shall be the responsibility of the adjoining property owners. If the area residents wish to have the City assume maintenance responsibilities, the half street improvement of College Street adjoining Parkway Subdivision, the renovation of the curbs, street improvements, and the installation of a storm sewer system shall be constructed to City of Newberg standards, through the establishment of a local improvement district, initiated by the area property owners. A sign stating "Privately Maintained Roadway" shall be permitted to be installed at the intersection of Melody Lane and College Street at the expense of the residents of Parkway Subdivision.

5. That the City Council shall not require the 17 residents in Parkway Subdivision currently connected to the sewer to request annexation and pay the appropriate annexation fees in accordance with the agreement they signed to obtain sewer service. The City Council exercised the island annexation process to consolidate the 24 properties in this island into one unit for annexation purposes, rather than exercise the 17 previous agreements.

6. Subject to the City's financial ability, the City shall design and award a contract to install an 8" water line and fire hydrant in Melody Lane from College Street to the southeast corner of Melody Lane and Prospect Drive to provide adequate fire protection. A surcharge each month calculated at the current municipal pool rate of interest, on the unpaid balance, shall be assessed to the Parkway group customer billing until the total capital cost of the water line and fire hydrant have been recovered by the City. The capital cost shall be recovered by charging one twentieth of the capital cost to each of the twenty Parkway group users when they request connection to the 8" line or any extension to this line. The capital cost paid at the time connection is requested shall be in addition to the appropriate connection, development, building permit fees, and any other appropriate fees at the time of connection. An alternative to the above process could be the installation of a complete water system to City standards in the Parkway Subdivision through the establishment of a local improvement district initiated by the area property owners. Water connection, development, all building fees, and any other appropriate fees at the time of connection shall be charged, in addition to the LID assessment, and shall be collected at the time application for connection is made.

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

Arvilla Page - City Recorder

ACCOUNTS PAYABLE
SEPTEMBER, 1982

9/82

ATI Distributing	179.90	National Geographic Soc.	6.95
David Abbott, M.D.	42.00	Newberg Auto Freight	17.70
Alexander Oil Co.	155.75	Newberg Auto Parts	121.14
Al's Drive-In	8.80	Newberg Community Hosp.	377.44
Alpha Office Systems	76.50	Newberg Electronics	27.95
Astro-Media Corp.	11.95	Newberg Graphic	75.32
Baker's TV Center	23.20	Newberg Home Center	130.24
Bestways	10.97	Newberg Human Resources	1,000.00
Butler Chevrolet	119.50	Newberg Ready Mix	193.75
Buy-Wise Drugs	40.14	Newberg River Rock	115.50
Callaghan & Co.	103.25	Newberg Steel	8.46
Camera Quarters	11.10	NW Business Systems	174.60
Case Power & Equip.	219.46	NW Law Enforcement	255.55
Chehalem Valley Sr. Cit.	1,525.34	NW Natural Gas	322.67
Cloth Cupboard	4.85	Nudelman Bros.	355.95
Coast to Coast	183.71	Nurnberg Scientific	81.39
Crabtree Rock	21.25	Oregon Meter Repair	387.00
Consolidated Supply	2,866.12	Oregon State Univ.	195.00
Copy Office Products	354.99	Pacific Safety Supply	80.85
Crowell Auto Parts	40.78	Pacific Water Works	456.97
Culligan	21.50	Parents	12.00
Dave's Cement Contr.	418.50	Pennwalt Corp.	1,019.75
Dents	62.72	Pitney Bowes	55.50
Howard Detrick, Roofing	250.00	Platt Electric Supply	339.63
Farmer's Cooperative Oil	144.94	Q. C. Services	55.00
Ferron Janitorial	651.96	R.A.I.N.	1,918.00
Fisher Electric	46.86	Roberts Rent-All	9.00
Fox Union	65.00	Rockmount Research	145.75
Gateway Ford	6.56	S. D. Leasing	312.00
Gaylord Bros.	155.98	Science 82	15.00
General Telephone	1,461.14	Supplyways	304.00
George Fox College	50.40	Thorndike Press	150.00
Good Housekeeping	12.97	Three Squares Sr. Cit. Meals	375.00
Great Western Serum Co.	44.42	Timberline Info. Proc.	96.22
H & S Trucking	55.00	United Radio Supply	17.98
H. W. Wilson Co.	25.00	Univ. of Washington Press	41.44
Hall's Heating	62.33	Utilities Supply Co.	837.95
Harris Uniforms	99.50	W. R. Grace	562.95
Hershberger Motors	9.71	Waide's Mobil	5.50
Home Laundry	38.00	Western Auto	22.03
House & Garden	12.00	Westside Automotive	279.62
International Forms	210.73	Willamette Ind.	82.42
Johnson Furn. & Hdwe.	87.27	Yamhill Co. Clerk	2.25
Kilham Stationery	9.34	Yamhill Co. Sheriff's Office	37.50
Lakota Corp.	260.00	Shaw West	2,774.34 ?
Lanier Bus. Prod.	224.56	PGE Co.	16,900.00 **
Laughlin Oil Co.	401.86		
Lion & Unicorn	45.00		
London's Lawn & Garden	20.15		
Marquis Who's Who	114.50		
Marty's Chevron	35.10		
Meter Box Equip.	204.90		
Mike's Medical Pharmacy	7.70		
Midget Motors	49.00		
Mun. Fin. Off. Assn.	60.00		
Naps IGA	7.52		
		TOTAL:	42,186.94

Handwritten signatures and initials:
APD, CMC, AL, QR

ACCOUNTS PAYABLE
SEPTEMBER, 1982

Clear

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Meter Box Equip.	204.90		
Mike's Medical Pharmacy	7.70		
Midget Motors	49.00		
Mun. Fin. Off. Assn.	60.00		
Naps IGA	7.52		

TOTAL:

42,186.94

*2/28/82
HAG
M.D.*

Monday, 7:30 p.m.

August 2, 1982

A REGULAR MEETING
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

Present:	Maybelle DeMay	Quentin Probst
	Roger Gano	Richard Rementeria
	Harold Grobey	Tommy Tucker
	Alan Halstead	

Absent: C. Eldon McIntosh

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
Doreen Turpen, Librarian
Robert Sanders, Public Works Director

Also Present: Approximately 30 citizens.

Mayor Hall read a statement noting the passing of George Layman, former Mayor, City Attorney and Judge for the City of Newberg. Mr. Layman had also been a State Legislator, President of the State Board of Higher Education, and an all-around concerned citizen.

CONSENT CALENDAR:

The Consent Calendar consisted of two items:

1. Approve the minutes from the June 28, 1982 and July 6, 1982 City Council meetings.
2. Communication from Liberty Cable Television consisting of a monthly activity report for July, 1982.

Councilman Gano asked whether a report had been prepared regarding the lot line discrepancies on the Villa Road property as requested at the June 28th meeting. The Public Works Director responded that although a report has not been prepared, the discrepancies have been investigated. A fence on the property at present, does not appear to be in the same location as that shown on the drawings presented to the Council.

Councilman Gano also requested that the last sentence on page 3 in the June 28 minutes be rewritten to read: "The City Administrator's position is now defined in an ordinance."

Motion: Grobey-Rementeria to adopt the consent calendar with corrections of minutes as noted. Carried unanimously.

REQUESTS AND PETITIONS FROM THE FLOOR:

Paul Rauen, Yamhill County Extension Agent, asked for the support of the Council in formation of a Service District for the Extension Service. Daryl Garrettson, Yamhill County Counsel, explained the need for the City to agree by resolution to be included within the Service District if one is formed. Councilmembers questioned Mr. Rauen and Mr. Garrettson on how much use is made of the Extension Service by City residents. Mr. Rauen stated he did not have any figures, but the Service does receive thousands of questions from home horticulturists. Mr. Garrettson stated that adopting the resolution requested would not place taxes on the citizens at this time. It only indicates the City's willingness to be included in the formation of a district which would then have to go back to the people for tax monies after being formed. The residents of Newberg as part of the Service District would have voting power to decide any funding. County Commissioner Robin Hamblet explained that only part of the Extension budget was cut. The secretary for the agents was cut to only a few hours per week. The agents which are sent out from Oregon State have not been cut. The agents will be sent to other areas with secretarial service if they cannot receive such service at Yamhill County. The City Attorney read the resolution as proposed by the County.

Motion: DeMay-Halstead to adopt Resolution No. 82-945 stating that the City of Newberg agrees to be included in any Service District for Extension Services which may be formed. Carried Unanimously.

COMMUNICATIONS:

The City Administrator stated that the Council at the previous meeting had authorized proceeding to a November election date on the Sewer Bonds. A letter has been received from Ken Hough, Sewer Plant Committee Chairman, stating that this would only allow three months to place the ballot on the November election. It is the consensus of the committee that this is too short a period of time. They have requested that the date be changed to March, 1982. The Public Works Director stated that one factor in choosing the November election date had been the possibility of pollution control bond funds. He has since met with the DEQ and states there is little chance that the City would be able to qualify for any bonds at this time. Many criteria need to be met before the City can hope to obtain some of the presold bond funds.

Motion: Gano-Grobey to reconsider the vote of July 6 setting the election date as November, 1982. Carried unanimously.

Motion: Gano-Halstead to proceed with planning and to set the election date for the Sewer Treatment Plant bonds at March, 1983. Carried unanimously.

A communication has been received from the Chehalem Valley Amateur Radio Club stating their concerns about possible interference from Cable Television shielded cables. They state this interference might also affect Police communications. Liberty Cable has responded to the Radio Club's concerns. There is no problem of leakage to affect the Amateur or Police radios. Councilman Grobey pointed out that it would be just as likely that the amateur radio would be the one causing the interference and that the ordinance covering the cable television covers this issue quite well. All users must comply with the FCC Regulations.

Communication has been received from Happy Valley thanking the City of Newberg for their support. Governor Atiyeh has also responded to the City. The City Attorney read the letter from Governor Atiyeh addressing the case of the City of Happy Valley and their problems with zoning requirements made by the LCDC.

Mayor Hall read letters addressed to Chief of Police, Herbert Hawkins and Fire Chief, John Paola from the Secretary of the Old Fashioned Festival Committee thanking them for the cooperation of their departments during the Old Fashioned Festival.

PUBLIC HEARING:

An appeal of a Planning Commission decision for a group care home facility at 2009 Cherry St.

The appellants are Charlotte Hopp and Shirley Cooper, residents of the area. Staff reported that meetings had been held between the applicants and appellants. Additional conditions have been discussed and have been agreed to by both parties. The agreed to items were outlined in a letter dated July 23, 1982 from Carol Dodge, Adult Service worker, Senior Services Agency. The City Planner stated he recommends that one-half of the appeal fee be returned to the appellants. Councilman Grobey questioned Jim Davis, the applicant for the group care home, what the effect of some of the conditions would be. Mr. Davis responded that it would have no effect.

No proponents or opponents wished to be heard on the matter, no written remonstrance has been received. Public hearing was closed.

Motion: Grobey-DeMay that the Council deny the appeal to the Planning Commission decision and place upon the permit the amended conditions as outlined in the letter of 7/23/82 from Carol Dodge, Adult Service worker, Senior Services Agency. Carried unanimously.

PUBLIC HEARING:

Continued public hearing on Parkway Subdivision annexation.

The City Administrator stated that Staff has met with the residents of the affected area several times and have tried to work out a compromise. The people are still unhappy with the annexation. He asked the Council whether the City Staff should proceed with island annexations. The City has gone as far as it can go in waiving requirements on this annexation. The Administrator then reviewed the requirements of the City and the City position on those requirements.

The City Planner identified the annex area on an area map and presented a detailed map of the Parkway Subdivision. Two lots in the subdivision are not on the Parkway Water District and Parkway Light District. All but four lots in the subdivision are hooked to sanitary sewer. After annexation these four lots would be required to hook-up to the sanitary sewer, as are other properties within the City. Staff would recommend allowing one year for the hookup on these four lots instead of the usual 90 days. Staff also recommends waiving any annexation fees. After annexation sewer rate for the residents would be reduced. The street is a public road that has been maintained by the residents and City staff

recommends that this continue. The residents have asked that a cul-de-sac be created on Melody Lane to prevent through traffic. This cannot be granted because the Planning Commission has approved a subdivision plat directly to the west, which has not yet been finalized. If that subdivision plat were withdrawn, it might be possible to route traffic to discourage use of Melody Lane as a through street. The Parkway Water District lines are 2 inch and 1 inch galvanized lines. The City standard is 8 inches which is needed for fire flow. The staff is recommending that a fire hydrant be installed but that the Parkway Water District continue to operate the present system. The fire hydrant is required in order to maintain the City's present fire rating. Normally three fire hydrants would be required. The cost of the fire line could be paid with a surcharge on the water bills. This fire flow line could serve all other residents in Parkway. At some future date when the entire private system needs replacement, additional water line services will have to be installed to serve the many residents in the subdivision. The residents of Parkway should be required to pay at least the interest costs on the money needed to construct the fire flow line. At 13% on \$21,000 this would come to a bi-monthly charge of approximately \$22.75 per resident of Parkway. This entire water system will be placed under a Local Improvement District with 21 properties participating equally. The bi-monthly assessment costs would be a little more than doubled at \$57.00. The cost for replacement of the system would spread over a ten year period.

The City Planner read findings of the Planning Commission into the record and they are made part of the ordinance.

No proponents wished to be heard.

Opponents:

Ed Wiesehan, resident and representative of the Parkway Water District. Mr. Wiesehan distributed to the Council a list of the costs with the annexation as he understands them. He stated that new costs seem to be discovered each time he talks to the City. This week the water tap fee and development fee were discovered. Regarding the water and fire lines, all the people in the subdivision would have to pay for the system but the residents at the western end of the subdivision would benefit less. Mr. Wiesehan stated he would like to have all costs spelled out specifically. The most recent items mentioned are the half-street development on College and a storm sewer which has not been addressed. Many of the residents in Parkway are on fixed incomes and cannot afford the cost of all the improvements.

No other opponents wished to be heard.

The City Planner reviewed the costs again and stated the staff recommendation was that the annexation ordinance be approved as recommended by the Planning Commission.

Public Hearing closed.

Councilmembers discussed the matter at great length. Discussed were the matter of requirements, waiving of requirements, fees, waiver of fees, fire flow line, whether all 21 pieces of property would be in-

cluded in the fire line costs, when the unsewered residences would be required to connect to the sanitary sewer, the condition of the present water line, and whether the Council would be setting precedent in this case by waiving any requirements or fees.

The City Attorney stated that the City is not required to collect annexation fees when the annexation is an island and the annexation is being done by the City and not at the request of the residents. The City Planner identified other islands within the City limits. The other islands have water but none of the other islands have sanitary sewer available.

Motion: Grobey-Tucker to read the Ordinance to annex Parkway Subdivision and adjacent property which is included in the island. Motion carried, with one nay - Gano. The ordinance was then read. Mr. Gano pointed out that the ordinance makes no provision for waiving fees. The City should not do an island annexation until this matter is clarified. The City Attorney stated that the matter of fire flow lines, water taps, etc. were actually not part of an annexation. Since an annexation fee cannot be imposed on an island annexation, there is not a question of waiving that fee.

Roll Call on the ordinance: Aye 3 - Grobey, Halstead, Rementeria; Nay 4 - DeMay, Gano, Probst, Tucker; Absent 1 - McIntosh. The Mayor declared the ordinance failed due to lack of a quorum majority of the Council.

Councilman Rementeria recommended that the matter be returned to the Public Works Committee and staff review in setting the fees and requirements regarding island annexations.

The City Planner stated that he has 3 island annexations in process and asked the Council for direction on whether to proceed. Each island is a unique case.

Motion: Gano-DeMay to reconsider the vote on the ordinance and continue deliberations. Motion carried.

Motion: Gano-Grobey to postpone the vote on the ordinance to September 7, 1982 and such time as staff can get all of Parkway Subdivision's questions answered. Carried unanimously.

A meeting of the Public Works committee is scheduled for 7 A.M. Thursday, August 12, 1982 at J's Restaurant.

PUBLIC HEARING:

On the Ordinance amending Ordinance No. 2005, annexation of a portion of Dayton Avenue.

The City Attorney stated that this was an ordinance which was to clarify the property description in the original annexation ordinance.

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

Motion: Grobey-Gano to read Ordinance No. 2092. Motion carried. The ordinance was then read. Roll Call: Aye 7 - DeMay, Gano, Grobey, Halstead, Probst, Rementeria, Tucker. Nay 0, Absent 1 - McIntosh. The

Mayor then declared the ordinance passed.

PUBLIC HEARING:

Supplemental Budget for fiscal year 1981-82.

This is a supplemental budget to cover increased revenues and expenditures at the hospital in their Capital and Operating Funds for the fiscal year 81-82.

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

Motion: Gano-Halstead to read Ordinance No. 2093 a supplemental budget for 1981-82. Carried unanimously. The ordinance was then read. Roll Call: Aye 7 - DeMay, Gano, Grobey, Halstead, Probst, Rementeria, Tucker; Nay 0; Absent 1 - McIntosh. The Mayor then declared the ordinance passed.

REPORTS FROM CITY ADMINISTRATOR:

Mr. Warren reported that there were two items that are not on the agenda but need to be handled by the Council. The first one is a request from the Hospital Board to approve bids received for the hospital signage system. Bids were received from six bidders. Criteria were used to narrow the choice down to two bidders by the Executive Committee. The Committee met with the two vendors and they unanimously recommend awarding the project to Architectural Signing Northwest for a price not to exceed \$7,000.

Motion: Rementeria-Halstead to award contract for signage to Architectural Signing Northwest as approved by the Hospital Executive Committee. Carried unanimously.

The second item from the Hospital is on the agenda as new business number 5, Management Contract for the Hospital. The Hospital Board has studied the Management Contract for sometime and has recommended that the agreement for management with St. Vincent's be continued for an additional 3 year period.

Motion: Tucker-Halstead to approve by Resolution No. 82-946 and adopt the resolution approving the Management Contract Agreement with St. Vincent's Hospital for 3 years. Carried unanimously.

Report on Dog Control and 9-1-1 Issue. Mr. Warren stated that the State has appointed David Yandell to review the 9-1-1 taxes and 9-1-1 services. The County has now stated that they will let the City hold the 9-1-1 monies for the County area until something final can be determined. Commissioner Robin Hamblet has asked that a meeting be held to discuss the dog control matter.

Report on City's investment rate. For fiscal year 1981-82 the total interest earnings on the City's idle funds for the year were \$456,136. The average interest rate earned for the year was 14.1% on an average amount invested of \$3,235,829. Mr. Warren stated that this was the same interest rate earned by the City's retirement fund. The retirement fund is handled by Bankers Life. The Finance Director was to be congratulated for a job well done.

Report on City Administrator's vacation. Mr. Warren reported to the Council that he would be on vacation the week of August 8.

Report on the Newberg Library. Doreen Turpen, Librarian, reported the City will continue to receive State Aid for the Library in the form of per capita grants. This will be calculated at the rate of .1244 per capita. This is not as much as in previous years but is better than nothing. The Library Board has met and has voted to raise the non-resident fees for a family from \$4 to \$8 per year. The Chemeketa Regional Library tax levy will be presented to the voters again in those areas that are in the taxing district. Newberg is not in the Chemeketa taxing district. However, we do receive service from the Regional Library Service.

The Public Works Director reported that when the Villa Road trestle was redesigned several years ago, the State was to pay part of the costs. The City has now received the reimbursement. The monies will be used to widen the walkway going under the trestle. The City is trying, at present, to get approval from the Railroad to go through the trestle with the walkway.

The Public Works Director also reported on the Villa and 99W traffic signal. The signal would sometimes not work where traffic would be exiting Villa Road. The City has finally been able to get the State to inspect the problem and the traffic signal has now been fixed.

The Planning Director reported on the Villa Road property lease situation. A lease was offered to Fowler to be used as a used car lot. Mr. Moorhead stated that he had drawn up a plan for use of the property as a car lot but Mr. Fowler has not proceeded. Councilman Gano noted that the lot has become a weekend sales lot for whomever wishes to use it and asked that the lot be posted no trespassing or barricaded.

OLD BUSINESS:

Review of Charter Proposal.

Motion: Gano-Grobey that Chapter 3, Section 8 of the proposed revised Charter be removed. This sections states "The Council shall be composed of a Mayor and eight Councilmembers elected from the City at large." Also, remove from the proposed revision any reference to the Mayor being a member of the Council and having a vote, except in cases of a tie on non-ordinance matters. Roll Call: Aye 5 - Gano, Grobey, Probst, Rementeria, Tucker. Nay 2 - DeMay, Halstead. Motion carried.

Motion: Gano-Halstead to delete Section 23 of Chapter 5, this is a new section, City Manager. Also delete all relative clauses and references to the City Manager. Return position of City Management to ordinance as at present. Motion failed with 2 Aye - Gano, Halstead.

Motion: Tucker-Grobey to delete Section 23(f) of Chapter 5. Section f. titled Interference at Administration. Motion carried with 1 Nay DeMay.

Motion: DeMay-Grobey to amend Section 12, Chapter 3, "Other Officers" to read: Additional officers of the City shall be a City Manager, and may be a municipal judge, City Attorney to provide or assist in providing legal advice and representation for the City, and other officers 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." Carried unanimously.

Motion: Grobey-Probst to amend Chapter 10, Hospitals, Infirmaries or Clinics, Section 45, as follows: before final sentence, "The City of Newberg may also, for the purpose of carrying out the provisions of this section and this chapter, appoint a City Hospital Commission whose powers and other duties shall be established by ordinance." Carried unanimously.

Motion: Grobey-DeMay to amend Chapter 2, Section 4, Subsection 3 to add to Public Services the Library. Carried unanimously.

Motion: Gano-Grobey that the staff be instructed to prepare a revised City Charter for submission to the voters on November 2, 1982. Carried unanimously.

NEW BUSINESS:

Motion: Grobey-Probst to approve July Accounts Payable. Carried unanimously.

The Mayor appointed the following to the Redevelopment Committee: LeRoy Benham, Bruce Brietling, and Art Moffitt as citizen members and Quentin Probst, Alan Halstead, Tommy Tucker and himself, Elvern Hall, as the Council members. The Mayor stated there had been much interest in being members of this Committee. Councilman Grobey stated that he was very interested in being on the committee. Mayor Hall then withdrew the appoint of himself and appointed Councilman Harold Grobey as a member of the committee. Motion: Halstead-Gano to accept the Mayor's nominations to the Redevelopment Committee. Carried, 1 nay - Grobey.

Motion: Halstead-Rementeria to enact a policy of providing an additional 6 months extension for all Subdivisions which have received preliminary approval, but have not yet received final approval. If final is not completed within time period then the subdivision will be null and void. Carried unanimously.

The City Administrator reported on the School Liaison Program. This is a very popular program and while it cannot be proved, belief is that it has very good long-term effect on the community. The staff recommends that the program be continued with City funding.

Motion: Rementeria-Halstead to continue the School Liaison Program. Carried unanimously.

Motion: Rementeria-Gano to read Ordinance No. 2094 regulating and licensing amusement devices and establishing a method of setting fees. Carried unanimously. The ordinance was then read. Roll Call: Aye 7 - DeMay, Gano, Grobey, Halstead, Probst, Rementeria, Tucker. Nay 0. Absent 1 - McIntosh. The Mayor then declared the ordinance passed.

Motion: Gano-Grobey to adopt Resolution No. 82-947 adopting fees for amusement machines. Carried unanimously.

Motion: Probst-DeMay to adjourn. Carried unanimously.

Monday, 7:30 p.m.

August 23, 1982

A SPECIAL 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

Staff Present: Michael Warren, City Administrator
Arvilla Page, City Recorder
Robert Sanders, Public Works Director

Report from City Administrator:

Report on advertisement for Police Officer. Mr. Warren has reported that an advertisement has been placed to fill the vacancy on the Police Department that has been vacant for nearly a year. Filling the vacancy has been delayed because of budget and tax base considerations. Currently the 1½% proposition on the November Ballot is affecting the decision on whether to fill this vacancy. Training of the officer will take several months and the seniority of the new Police Officer would be such that he would be the first person laid off if the ballot measure passed in November. However, morale factor in the Police Department is to be considered. The City Administrator recommended that the recruitment process be continued. The process takes considerable time and the City will be in a better position to make a decision as to the hiring of the Police Officer by the end of the recruitment process.

Motion: Grobey-Gano to accept the report and recommendation of the Administrator regarding hiring a Police Patrolman. Carried unanimously.

NEW-BUSINESS:

Report on Sitka Street Assessments. The City Administrator stated that the City must place an LID for the Sitka Street improvement now and sell the bonds. It may be impossible to sell bonds if the 1½% tax limitation issue passes on November 2. The property owners have been notified. The full cost to the project was slightly less than that estimated.

Motion: Gano-Halstead to read Ordinance No. 2095 placing assessments for the Sitka Street Project No. 213. Carried unanimously. The ordinance was then read. Roll Call: Aye 7 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria. Nay 0. Absent 1 - Tucker. The Mayor then declared the Ordinance passed.

OLD-BUSINESS:

Review of Ballot titles for Charter changes to be presented at November 2, 1982 election. Two ordinances were presented to the Council for their consideration. The first ordinance is as approved by the Council

at their August 2, meeting. The question on this ballot is "Shall the present Newberg Charter be amended establishing a Council-Mayor-City Manager form of Government and be otherwise revised?". The question on the second ballot is "Shall the Newberg Charter, Sections 8 and 19, be amended making the Mayor a voting member of the City Council?". The Council voted against the second ballot measure by 4 to 3 at their August 2 meeting. It is presented to the Council at this time for their further review.

Councilman Gano stated he would maintain his stand that the Mayor should retain his present power.

Councilman Grobey stated he believed that the Mayor should be left as in the Charter. He stated that he was a member of the Charter Committee. Certain other powers are given to the Mayor that act as an offset on any issue that comes to the Council. When the Council is divided closely the matter should fail. The Council should be deciding and the Mayor should be the arbitrator.

Mayor Hall stated that when something really counts, such as an ordinance, the Mayor cannot vote, even though he can break a tie on less matters. He also stated that a poll of the average citizen reveals that most citizens believe that the Mayor does vote on important matters.

Councilman Grobey stated he believed a revision should be made to permit the Mayor to vote to break the tie on an ordinance, but not to permit him to be a part of a quorum.

The Councilmembers then discussed, at length, how the Charter could be revised and the question put to the voters to permit the Mayor to vote when ordinances and not to be counted as part of the Council or be counted to make a quorum of the Council.

Motion: Grobey-DeMay revise and update the Charter so that the Mayor shall chair the Council, preside over deliberations, and vote on motions, resolutions and ordinances in the case of a tie of the members of the Council present and voting. Motion carried. May 1 - Halstead.

Motion: Grobey-Gano to read Ordinance No. 2096 placing before the voters of the City of Newberg the question of amending the Charter of the City of Newberg of 1893 as amended to clarify charter powers, update tie vote procedures, prohibit City employees from holding City elective office, establish Council-Mayor-City Manager form of government, provide alternatives to verbatim reading of ordinances, expand hospital services, renumber and reorganize chapters and sections and make other minor changes. To be presented to voters on November 2, 1982 as Ballot Measure No. 51. Carried unanimously. The ordinance was then read. Roll Call: Aye 7 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria. Nay 0. Absent 1 - Tucker. The Mayor then declared the ordinance passed.

Communication from Liberty Cable Company. A letter has been received from Rick Schaal, System Manager of Liberty Cable Television Company, stating that the franchise requires them to have a 24-hour operational answering service. No 24-hour answering service is available in Newberg at present. Liberty Cable offers to use the services of Professional Answering Secretarial Services which will handle calls from 5 p.m. to 12 midnight. For calls after midnight to 8 a.m., an answering device

would receive information and inform the public that if an emergency situation would occur they should contact the Police Station. Mr. Schaal has present and stated that they have maintenance staff available on 24-hour call. He also presented statistics on subscribers to date. The 187 subscribers are 55% of those that are eligible to receive the cable at present.

Motion: Gano-Grobey to accept the change requested by Liberty Cable until 24-hour answering service is available. Also that customers should be advised that the phone number to call the police is 538-8321. Carried unanimously.

Motion: Halstead-McIntosh to adjourn to Executive Session. Carried unanimously.

Mayor Hall called the Executive Session to order under the Rules of ORS 192.660 (1) (E) which authorizes executive sessions to conduct deliberations to negotiate real property transactions.

Members of the media were informed that they could remain but could not report on any matters discussed. All others not required were excused.

Council members present:

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

Absent: Tommy Tucker

Staff Present:

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

The City Administrator advised the Council that he is negotiating to accept property in lieu of payment of a Local Improvement District Assessment. Owners of the property are unable to make the payments. He advised the Council of the present status of the negotiations and how the City could benefit by accepting the property.

Motion: Rementeria-Halstead to adjourn the Executive Session. Carried unanimously.

Mayor Hall called the regular session of the Council to order.

Motion: Gano-Grobey to authorize Michael Warren, City Administrator, to negotiate with the George Fox College Foundation to secure a debt owed to the City by the Foundation. Carried unanimously.

The City Administrator reported that the Mayor's application for a \$5,000 grant from U. S. Bank - Economic Council has been approved. He noted that the application for the grant might not have been made except that Mike Fagan, Newberg Graphic Editor called it to his attention. The grant will partially fund a market survey for a motel-convention complex.

Motion: Halstead-Rementeria to adjourn. Carried unanimously.



NEWBERG COMMUNITY HOSPITAL

501 VILLA RD. NEWBERG, OREGON 97132 (503) 538-3121

August 16, 1982

Officer Art Pohl
Newberg Police Department
414 East First St.
Newberg, Oregon 97132

Dear Art:

You mentioned some time ago that the tree in the front parking lot of the hospital was blocking the safety light by Villa Road. It took us a month or two, but thanks to the Newberg Fire Department that problem has been resolved. The tree was trimmed on August 12 and we are in hopes now that sufficient light will be shed on the front parking lot to alleviate safety concerns. Thank you, Art, for keeping your eyes open and making suggestions - we appreciate it!

Sincerely,

Jane Cummins
Administrative Assistant

JC:jp

August 25, 1982

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

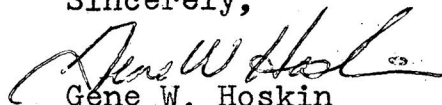
The merchants of Springbrook Plaza want to thank some special city employees for their assistance during the Old Fashioned Festival this year.

Fire Chief John Paola and his people were willing to take the time and effort to help with our African lions. We received some good publicity from the "Newberg Fire Dept. vs. African Lions." There were no winners, just a lot of fun !

Hal Turpin and his crew at the public works department supplied the plaza with crowd control barricades. These barricades were used to help keep the cars, people and the lion cages separated. Hal and his crew had to build some extra barricades for us when a construction project depleted his supply. Had this been a larger city without Newberg's style of community interaction, we would have been without barricades at the last minute !

We really appreciate your cooperation. A great big thank you goes to the Fire Dept. and Public Works Dept. from Springbrook Plaza Merchant's Association.

Sincerely,


Gene W. Hoskin
S.P.M.A.

c.c. N.F.D.
N.P.W.D.

Sept 7 mtg



Chemeketa Cooperative Regional Library Service

P.O. Box 14007, Salem, Oregon 97309

To: City Administrators and City Council Members

From: Lowell Ford
Regional Library Coordinator

RECEIVED
AUG 16 1982
CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

Voters of the CCRLS district rejected a one-year operating levy by a margin of one percent on June 29. With this defeat, the CCRLS Advisory Committee met to discuss strategies for gaining a tax levy. The committee was faced with the discouraging fact that conducting a three-county election could cost up to \$55,000. With the elimination of Books-by-Mail and increased election costs, very little was left that could be trimmed in the budget. In fact, if there are additional cuts in rural services, the question would have to be asked: why should the Regional Library Service be in existence? The committee now recommends a minimum but adequate service at the least costs to the district.

On September 21, Regional Library Service will present to the voters a three-year fixed rate serial levy set at .065/\$1,000. This levy would raise \$420,000 for the first year of operation. It is approximately an 18 percent cut from the original proposal sent to the voters in May.

This new budget will affect equalization funds but not the estimated non-resident card reimbursements. The rate of reimbursement has not been changed from the original \$5 per rural patron figure. With the approval of the levy your city would receive the following amounts of money:

Equalization	\$
Non-Resident Card Reimbursement	\$ <u>160.00</u>

We encourage you to share this letter with your library board, interested citizens, and the press for their information. If you have any questions about the budget or CCRLS service, please call me at 399-5119.

cc: City Librarian
Newberg

III - 4

THIS IS A RETYPED COPY OF THE LETTER RECEIVED FROM
ALENE ENGLISH DUE TO THE FACT THAT IT WOULD NOT COPY
WELL.

August 26, 1982

Police Chief Herb Hawkins
Newberg Police Department
City Hall
Newberg, Oregon 97132

Dear Chief Hawkins:

On August 2nd, your Officer Weaver had the unfortunate duty of having
go come to our house, in regards to a civil matter.

This letter is to inform you of the professional conduct and courtesy
displayed by Officer Weaver. He performed his duty with positive
maturity in judgment.

My family and I feel it necessary to let your department know how
ipressed we were with Officer Weaver's presence and most mannerly
conduct - in a very tense situation.

Please extend our gratitude and thanks to this man. He is an example
for his associates to follow.

Yours truly,

Alene A. English
2300 Jodi Court
Newberg, Oregon 97132

Chief HERBERT W. HAWKINS;

WE WOULD LIKE TO EXPRESS
OUR HEART FELT THANKS TO YOU AND
YOUR DEPARTMENT FOR THE WAY YOU
HANDLED INFORMING US OF THE DEATH
OF MY WIFE'S BROTHER THOMAS LARKIN.

OFFICER T. D. WEAVER TOOK THE
TIME TO ASK OUR NEIGHBORS ABOUT US,
ABOUT OUR CHURCH AFFILIATION, BEFORE
INFORMING ME OF THE ACCIDENT, AND
HE STAYED UNTIL MY WIFE CAME HOME
AND INFORMED HER IN A VERY GENTLE
MANNER.

WE THANK YOU AGAIN
AND KNOW THAT WE HAVE ONE OF THE
BEST POLICE DEPARTMENTS ANY WHERE IN
OREGON.

GOD BLESS YOU.

Stephen M. DARR & Mary L. DARR

(201 E 8th, Newberg - OR)

AUG 25 1982

Sept. 7 mty

CHIEF HERBERT W. HAWKINS;

WE WOULD LIKE TO EXPRESS
OUR HEART FELT THANKS TO YOU AND
YOUR DEPARTMENT FOR THE WAY YOU
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OFFICER T. D. WEAVER TOOK THE
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AND INFORMED HER IN A VERY GENTLE
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WE THANK YOU AGAIN
AND KNOW THAT WE HAVE ONE OF THE
BEST POLICE DEPARTMENTS ANY WHERE IN
OREGON.

GOD BLESS YOU.

Stephen M. DARR & Mary L. DARR

MEMO

TO: City Council

FROM: City Administrator

SUBJECT: Annexation of Parkway Subdivision

DATE: August 31, 1982

Attached you'll find a letter from the Attorney for the Melody Lane residents, a memorandum from the Public Works Director, petition of Melody Lane residents and material that was sent to the Public Works Committee pursuant to the City Council directive.

If we are to tie in directly such things as a through street vs. a non-through street and a new water line through a LID process vs. no water line, then I would recommend that we continue to hold off the annexation until these matters are resolved. The through street cannot even be looked at for six months because the developers has that much time to do something with his plat map. The new water line (which is now wanted by the residents) cannot be viewed in it's entirety until after November 2. If the proposition 3 ballot measure passes then the decision before the City Council will be whether or not the City should go out on a limb to help finance the water project for the residents or whether or not they should get their own financing through a bank.

As you can see, the annexation matter has now been complicated through variables which, at least at this point, the City has no control over. I believe the issue of an island annexation was stated in my memorandum last month - they are an island receiving directly or indirectly City services and through State Law, City Ordinances and generally accepted City practices should be annexed.

It is difficult to say much more on this subject matter than what has already been said. The Public Works Committee met while I was on vacation and may want to shed some more light on the subject.

Michael Warren
City Administrator

MW/bjm

Enc.

JOHN M. PARKHURST
ATTORNEY AT LAW
Suite 413 Lincoln Building
Benj. Franklin Commons
9370 S.W. Greenburg Road
Portland, Oregon 97223
503-245-8823

August 3, 1982

RECEIVED

AUG 4 1982

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

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

Re: Parkway Subdivision

Dear Mike:

Please find enclosed a copy of my recent correspondence to Rick Faus, which I would like to be included in the record so that it may come to the attention of the Council. Thank you again for your time and consideration. I felt that our meeting in your office was very beneficial. I went directly to a meeting with Mr. Wiesehan and Mrs. Ferrell and spent two hours trying to defuse emotions, which I thought was successful, and to get them to focus on learning exactly what the dollar cost would be. I emphasized to them, and I hope it came through at the meeting, they must build bridges with the City and the staff and spend any frustration they may have in a different direction. Please keep me posted on developments.

Very truly yours,



John M. Parkhurst

JMP:sa
Enclosure

JOHN M. PARKHURST
ATTORNEY AT LAW
Suite 413 Lincoln Building
Benj. Franklin Commons
9370 S.W. Greenburg Road
Portland, Oregon 97223
503-245-8823

August 3, 1982

Mr. Rick Faus
City Attorney
City of Newberg
414 E. First Street
Newberg, Oregon 97132

Re: Parkway Subdivision

Dear Rick:

Thank you again for arranging a meeting with the City officials on August 2. I understand the Council has set this matter over until the month of September.

As you learned in the meeting, the residents have been most frustrated by not knowing from the beginning exactly what costs could be associated with the annexation and which of those would be imposed. I understand that additional expenses for sewer inspection came up at the council meeting, items never previously discussed in any materials I have seen. Evidently, what also emerged was the fact, previously unstated to me, that by its own ordinance, the City does not have authority to charge a \$550.00 annexation fee. The pertinent ordinance provides that the fee is only charged when the annexation is requested. The staffs position has been that this fee would be waived as a "concession" to the residents of Parkway. The City, however, does not have the authority to impose the fee you claim to be "waiving".

It is my understanding that the logic of your argument hangs on the agreement signed six years ago by many Parkway residents to pay all fees associated with annexation, or terms something to that effect. You argued that under that general language, the City now has authority to impose the annexation fee, but chooses to waive it. This is incorrect. The residents agreed by that document to pay fees associated with annexation, but the fee you allege is specifically not provided for in the City ordinance because this is not a requested annexation. The residents should not have to pay a \$550.00 annexation fee, not because they should be treated differently than anyone else, but because this is an annexation sought by the City, not the residents of Parkway.

Mr. Rick Faus
Page Two
August 3, 1982

I hope by Mr. Wiesehan's presentation it came through clearly to the Council and the staff that residents of Parkway accept the fact of annexation and are willing to pay the fair and reasonable costs associated with receiving the benefits of becoming part of the City. They do not want a free ride, but only to know exactly what the costs will be and that those costs are fairly imposed. The staff has bent over backwards to be of assistance to Parkway and its representatives, we appreciate that. This is a complicated matter and identifying exactly what the cost will be has been equally complex. It appears to me that the staff can now clearly delineate what those costs will be and I understand a meeting is arranged to present that information to the residents of Parkway. I am confident that that meeting will be a success, the citizens of Parkway will endorse the annexation proposal and that the City Council will see fit to pass that as recommended by the staff.

Thank you again for your assistance.

Very truly yours,

John M. Parkhurst

JMP:sa

cc: ✓ Mike Warren
Kim Ferrell

Hoe

MEMORANDUM
30 August 1982

TO: Mike Warren, City Administrator
FROM: Bob Sanders, City Engineer *BS*
RE: Parkway Subdivision Annexation

As you recall, the last City Council meeting referred the Parkway annexation to the Public Works Committee to work out the costs associated with annexation and all fees.

At the August 12, 1982 Public Works Committee Meeting 4 representatives of Parkway Subdivision discussed their concerns with the Committee. Discussion centered mainly around the water system replacement. The residents at the Public Works Committee Meeting felt that there was a strong majority of the property owners in Parkway that were in favor of replacing the entire water system under an LID process in lieu of putting in the partial system which has been referred to as the fire-flow system.

The residents were advised of the possibility of not being able to sell bonds after November 2, and that an LID for the whole water system may be difficult to obtain within the short time between now and November. The meeting concluded with the residents going back to the property owners in Parkway to obtain signatures on a petition that showed the interest for doing the total water system under an LID process. The City was to investigate feasibility of initiating an LID, assessing the property owners and selling bonds prior to November 2.

Several of the residents circulated a petition polling the interest of the property owners on replacement of the water system within the entire subdivision at an estimated cost of \$39,000. Fourteen of the 20 residents signed the petition, and as I understand, four of the residents were on vacation at the time the petition was circulated and two of the residents were not willing to sign.

In going over the LID process, it looks extremely difficult to accomplish all the requirements prior to October 15, which we understand is the last date the banks will be purchasing bonds.

If the City Engineer's report was adopted at the September 7 Council meeting and notices published in the paper on September 8 and 14, the public hearing could not be held sooner than September 20, with a pre-assessing ordinance considered after the public hearing.

When estimating the cost of the total water system improvement, construction costs, i.e. \$39,000, has been the figure used assuming that it could be combined with another LID such as Sitka to reduce the bond sale cost. From the above timing it is not feasible to include the water system LID for Parkway with the Sitka LID, hence an estimated \$7500 in bond sale costs must be added to the project expense to sell bonds separately. Since this figure has not been presented to the property owners, it will obviously affect their decision on whether to proceed with the LID process.

Several of the residents have inquired about private financing through a local bank to cover their share of the cost of the total water system if an LID is not feasible. These residents were directed by the bank that they would each have to qualify for an individual loan for their portion of the water system. The residents posed the question, if there were several residents that were not able to get a loan, whether the City would be interested in carrying their portion as a lien against the property for a special assessment.

In summary, the residents of Parkway are still uneasy about the annexation with respect to any future requirements and the specific requirements placed on the annexation. The residents are also in favor of putting in the entire water system instead of just the fire-flow portion.

RECOMMENDATION:

It is my recommendation that Parkway Subdivision be annexed with installation of the fire-flow system as discussed at previous Council meetings as the requirement. The installation of this fire-flow line would not commence until after the November 2 ballot to determine if LID's are abolished. After November 2, if LID's are abolished, the residents may choose to put in the entire water system under their own financing in lieu of the City proceeding with the installation of the fire-flow line. Whichever method is used, the new water line should be installed no later than early spring of next year. This delay until spring to construct the water line is definitely another concession on the City's part.

I, the undersigned, am in favor of developing the complete water system. I understand that the estimated cost of this project is \$39,880.

I also would be in favor of establishing a local improvement District to fund this project.

Name

Address

- | | | |
|-----|--------------------|----------------|
| 1. | Ellen M. Dieckman | Rt. 1 Box 418 |
| 2. | Henry T. Witt | Rt. 1 Box 416 |
| 3. | Elvie M. Overgard | Rt. 1, Box 417 |
| 4. | Beverly M. Jutz | Rt. 1 Box 411 |
| 5. | Walter A. Lundmark | Rt. 1 Box 420 |
| 6. | Donald C. Dahlen | Rt. 1 Box 421 |
| 7. | Thomas H. Matthews | Rt. 1 Box 405 |
| 8. | Winnie Jore | Rt. 1 Box 414 |
| 9. | Therese Schindler | Rt. 1 Box 403 |
| 10. | Arda H. Thue | Rt. 1 Box 409 |
| 11. | James J. Olsen | Rt. 1 Box 410 |
| 12. | John Fredell | Rt. 1 Box 415 |
| 13. | John W. Witter | Rt. 1 Box 414 |
| 14. | Walter Jensen | Rt. 1 Box 413 |

MEMO

TO: PUBLIC WORKS COMMITTEE

DATE: August 6, 1982

FROM: PUBLIC WORKS DIRECTOR *Bus*

SUBJECT: PARKWAY ANNEXATION

From the discussion at the last Council meeting the first question to resolve is: Do you want to eliminate islands within the City? The second question is: How do you want to do it, i.e. the conditions?

It appeared that one of the major objectives from the Council was the definition of conditions under which Parkway would be annexed. There also appears to be some confusion on the island annexation procedure. Hopefully, the Planning Director can clear up the latter.

To resolve the concern over the conditions of annexation, I have prepared a resolution which states all the conditions of annexation for City Council to consider after the island annexation is approved.

The attached cost fact sheet is intended to summarize all the known costs which have been discussed at previous meetings.

PARKWAY SUBDIVISION

Estimated Costs and Current Fees

August 6, 1982

STREET LIGHTING

Estimated cost for annual operation & maintenance
(City will Pay)

\$ 632.70

SANITARY SEWER

Service Costs

Current non-residential sewer charge

20.38/two months

Current residential sewer charge

12.00/two months

Connection Costs

Current connection fees (4" tap)

525.00

Current development fee

500.00

Current plumbing fee for connection

100' or less

30.00

101' or more

45.00

STREET IMPROVEMENT

Required improvements

Sign ("Privately Maintained Roadway")

45.00

Not Required with annexation

Current estimate for sidewalks

28,500.00

Current estimate for curb replacement,
overlaying street, ½ street improvement
on College

62,100.00

Current estimate for storm drainage system

32,800.00

ANNEXATION FEE

Not Required with island annexation
Current fee with voluntary annexation

\$ 550.00/lot

WATER

Service Costs

<u>Current</u> Non-residential user (minimum billing)	12.00/months ^{two}
<u>Current</u> residential user (minimum billing)	6.00/months ^{two}
<u>Current</u> account deposit for <u>rentals</u>	15.00

Improvement Costs

Required improvements

<u>Estimate</u> for the 8" fire flow water line and fire hydrant including Engineering and contingencies	21,000.00
<u>Current</u> Municipal pool rate of interest 6/30/82	11.5932%

Not required with annexation

<u>Estimate</u> for replacement of water system for the entire subdivision including the 8" fire flow line and fire hydrant	39,300.00
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Connection Costs

<u>Current</u> connect fee (3/4" tap)	350.00
<u>Current</u> development fee	300.00
<u>Current</u> plumbing fee	
100' or less	20.00
101' or more	35.00

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING THE CONDITIONS AND IMPROVEMENT REQUIREMENTS FOR THE NEWLY ANNEXED PARKWAY SUBDIVISION TO THE CITY OF NEWBERG,

WHEREAS, The City Council has by ordinance provided for the island annexation of Parkway Subdivision to the City of Newberg, and

WHEREAS, The City of Newberg must take over the function of the Parkway Street Lighting District in the annexed Parkway Subdivision, and

WHEREAS, Five property owners in the annexed Parkway Subdivision are operating septic tank systems and must connect to the sanitary sewer system, and

WHEREAS, The maintenance of the existing private street improvement in the public right of way shall remain the responsibility of the Parkway Subdivision residents, and

WHEREAS, The Council did not exercise the agreement signed by the 17 residents currently connected to the sanitary sewer which required the residents to request annexation and pay the appropriate annexation fees,

WHEREAS, Upon annexation the City shall install an 8" water line and fire hydrant in Melody Lane to provide adequate fire protection, and

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

1. That the City of Newberg shall take over the function of the Parkway Street Lighting District from the effective date of the island annexation and said district shall succeed all assets, records, and uncollected taxes theretofore levied in accordance with ORS 222.510.

2. That the four property owners of Tax Lot Nos. 3218AA-1000, 1700, 2100, and 2200 in the Parkway Subdivision with septic tank systems must pay the appropriate sanitary sewer connection, development, and plumbing permit fees; connect to the City sanitary sewer system; and properly abandon the septic tank within one year from the effective date of the annexation to the City of Newberg, unless a septic tank system failure occurs prior to that time.

3. That the property owner of Tax Lot No. 3218AA-1800 shall connect to the sanitary sewer system in accordance with Section 204 of Ordinance No. 1386 of the City of Newberg and pay all appropriate connection, development, and plumbing permit fees, and properly abandon the septic tank system,

4. That maintenance of Melody Lane street and curb improvements within Parkway Subdivision shall be the responsibility of the adjoining property owners. If the area residents wish to have the City assume maintenance responsibilities, the half street improvement of College Street adjoining Parkway Subdivision, the renovation of the curbs, street improvements, and the installation of a storm sewer system shall be constructed to City of Newberg standards, through the establishment of a local improvement district, initiated by the area property owners. A sign stating "Privately Maintained Roadway" shall be installed at the intersection of Melody Lane and College Street at the expense of the residents of Parkway Subdivision.

5. That the City Council did not require the 17 residents in Parkway Subdivision currently connected to the sewer to request annexation and pay the appropriate annexation fees in accordance with the agreement they signed to obtain sewer service. The City Council exercised the island annexation process to consolidate the 24 properties in this island into one unit for annexation purposes, rather than exercise the 17 previous agreements.

6. That upon annexation and subject to the City's financial ability, the City shall design and award a contract to install an 8" water line and fire hydrant in Melody Lane from College Street to the southeast corner of Melody Lane and Prospect Drive to provide adequate fire protection. A surcharge each month calculated at the current municipal pool rate of interest, on the unpaid balance, shall be assessed to the Parkway group customer billing until the total capital cost of the water line and fire hydrant have been recovered by the City. The capital cost shall be recovered by charging one twentieth of the capital cost to each of the Parkway group users when they request connection to the 8" line or any extension to this line. The capital cost paid at the time connection is requested shall be in addition to the appropriate connection, development, building permit fees, and any other appropriate fees at the time of connection. An alternative to the above process could be the installation of a complete water system to City standards in the Parkway Subdivision through the establishment of a local improvement district. Water connection, development, all building fees, and any other appropriate fees at the time of connection shall be charged, in addition to the LID assessment, and shall be collected at the time application for connection is made.

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

Arvilla Page - Recorder

A MEETING OF THE
PUBLIC WORKS COMMITTEE

Thursday, August 12, 1982

J's Restaurant

7:00 A.M.

Present: Alan Halstead
Maybelle DeMay
Tommy Tucker
Quentin Probst

Bob Sanders, Director of Public Works
Clay Moorhead, Planning Director
Arvilla Page, City Recorder
Elvern Hall, Mayor

Also Present: Residents of Parkway Subdivision, Ed Wiesahan, Don Matthews,
Kim Ferrell, Nancy Snook.

Mr. Sander's stated that the first question of the Committee is whether the City should proceed with island annexations. If the City proceeds with island annexations, how does the Council want to do it, and under what conditions.

Mr. Tucker stated the City needs to be consistent, to establish a format and to stick to that format.

Mr. Wiesahan stated that all of the residents of Parkway Subdivision expected to be annexed. However, they were not informed that improvements would be required.

Mr. Moorhead stated that an island annexation is not a forced annexation as that required by a signed nonremonstrance. If an annexation is requested, that is not a forced annexation or an island annexation, then the City can require improvements. Island annexations are very different.

Mr. Sanders responded to the question of why the Green Valley Subdivision was annexed with no requirements to upgrade the water system or other facilities. He stated that Green Valley was a different kind of water district which had taxing powers.

Mr. Moorhead, referring to the proposed resolution which was submitted to the Committee, stated that no fees are in the resolution as the City is not able to define any fees except those which are current fees.

Mr. Wiesahan stated the citizens of Parkway will not have the same rights as other citizens because they must maintain their own street. Mr. Moorhead responded to this statement saying that other streets in the City are under the same provision with local residents being required to maintain their own street.

Mr. Wiesahan presented to the Committee a proposal. The proposal stated it was from the residents of Parkway Water District and addressed a number of areas and made several specific requests of the City. A copy of this proposal is attached and made part of these minutes.

The Committee and others present discussed the proposal of the Water District and the resolution as suggested. Costs and methods of paying for the water line and fire hydrant were discussed. Ms. Page stated that an LID of ten years for the entire cost of the water line to serve all twenty properties would cost each property owner approximately \$100 each six months on the principal and an additional amount for interest. The cost for each property owner would be about \$2,000 which could either be paid at the time built or could be in a form of a Local Improvement District which could be paid off over a ten year period.

Mr. Matthews stated that most of the residents would prefer to go for the total water system, rather than a partial just to the fire hydrant, which would leave nine residents with substandard water service.

Mr. Wiesahan stated the concern was what future requirements there will be on street curbs and sidewalks. Mr. Sanders responded that requirements are a matter of ordinance which are not rigidly enforced. Enforcement usually occurs when residents of an area require their enforcement for reasons of safety or convenience.

The consensus of those present was that the residents of Parkway Subdivision go back and poll their neighborhood on whether a Local Improvement District should be formed, and that another meeting of the Committee be scheduled to discuss the matter further.

Meeting adjourned.

PROPOSAL: Island Annexation of Parkway Water District

TO: Public Works Committee

From: Residents of Parkway Water District

Whereas the present water system does not meet the specifications of the city engineering department and

Whereas there is an absence of a fire flow system which hinders the fire rating of the city of Newberg and

Whereas the streets, curbing and sidewalks are not acceptable to the city engineering department and

Whereas residents signed a covenant that is illegal because of unstated fees and requirements and

Whereas the city is initiating the annexation and not the residents and

Whereas the four residences that have not connected to sewer system have a responsibility for quality of life in the area, be it resolved.

That residents be granted an extension of four years during which time residents can assess themselves for the water system including the fire flow and be it resolved

That the residents have a representation in planning the traffic flow of future plat developments that will affect the district and be it resolved

That the residents will not be required to construct storm drains, sidewalks or curbing in their agreement to maintain the streets, and be it resolved

That residents are released from their signed covenants and be it resolved

That the city accept the responsibility for initiating the island annexation and waiver all annexation fees and be it resolved

That as part of the annexation agreement between the city and the Parkway Water District that all fees, including water tap fees, inspection fees, be maintained at present rate of charge and be it resolved

That all residents agree to pay for construction of and adaption of complete water and fire flow system, and that in case of sale of property this agreement be a part of sale contract to be honored by new owners, and be it resolved

That the four residences have one year from time of annexation to connect to the sewer system and pay the required fees unless septic tank failure occurs before such time and be it resolved

That this agreement be binding both upon the city and the residents be it now or at a later date.

This then be duly recorded.

ORDINANCE NO.

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

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

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

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

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

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

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

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

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

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

NOW THEREFORE THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

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

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

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

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

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

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

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

AYES:

NAYS:

ABSENT:

Arvilla Page - City Recorder

APPROVED by the Mayor this _____ day of _____, 1982.

Elvern Hall - Mayor

FINDINGS OF FACT

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

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

MEMORANDUM
24 August 1982

TO: Mike Warren, City Administrator

FROM: Clay Moorhead, Planning Director *CM*

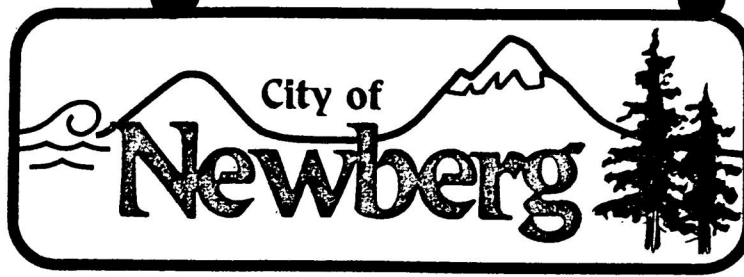
RE: ANX-5-82/Z-5-82, Annexation of unincorporated territory surrounded by the corporate limits of the City of Newberg pursuant to the Oregon Revised Statutes Chapter 222.740, and a zone change from a Yamhill County R-C (Recreational Commercial) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District being approximately 1.7 acres

This matter was initiated by City Staff pursuant to the mandatory policy requirements found within the Newberg Comprehensive Plan. On Page 28 of the Plan there is a policy which reads as follows:

Annexation shall result in a simple, contiguous City boundary. Any island of non-incorporated territory created by an annexation shall be incorporated within a year of the annexation creating the island.

The Newberg Planning Commission met on August 19, 1982 after proper notice was given to hear the request of annexation/zone change and withdrawal from the Newberg Rural Fire Protection District of property described as tax lot 3216-2100. There were no persons present at this public hearing who spoke in favor or opposition to this request. The Planning Department Staff Report relating to this request gives a clear outline of the criteria and findings which were used by the Planning Commission in reviewing this request. After review of the request, the Planning Commission made a decision to recommend that the City Council annex the subject property and rezone the property from Yamhill County R-C to a City C-2 zone and to withdraw the property from the Newberg Rural Fire Protection District as it would thus be located within the City and served by the City fire protection services.

A copy of the staff report, a map indicating the location of the subject property and the minutes from the Planning Commission hearing relating to this request are included for your review.



Planning Department
(503) 538-9421

August 12, 1982

414 E. First St.
Newberg, Oregon 97132

TO: Planning Commission

FROM: Planning Department

Re: ANX-5-82/Z-5-82

Applicant: City of Newberg

Request: Annexation of unincorporated territory surrounded by the corporate limits of the City of Newberg pursuant to the Oregon Revised Statutes Chapter 222.750, and a zone change from Yamhill County R-C (Recreational Commercial) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District, consisting of one parcel being approximately 1.7 acres in size.

Tax Lot: ~ 3216-2100

Location: At the southwest corner of the intersection of Springbrook Street and Highway 99W.

Exhibits:

1. Staff Report
2. File NO. ANX-5-82/Z-5-82
3. The Newberg Comprehensive Plan
4. Newberg Zoning Ordinance
5. Newberg Annexation Ordinance

Findings:

1. The subject property contains approximately 1.7 acres of land area, which is situated at the southwest corner of the intersection of Highway 99W and Springbrook Street. The subject property is an island of County unincorporated territory, completely surrounded by the corporate City limits of the City of Newberg. The property contains a single family residence and an old gas station structure which has been converted into a hamburger shop. The topography is flat. Surrounding land uses consist of vacant commercial land to the north, Springbrook Shopping Center to the northeast, vacant commercial land to the east (the Werth property), and the Francis Theater Drive-In to the south and west.



Home of Old Fashioned Festival

V-1

2. The subject property is currently zoned R-C (Recreational Commercial) within the County. The Newberg Comprehensive Plan designates the subject property for "mixed-use". The "mixed-use" plan designation would allow for a C-2 (Community Commercial) or a M-1 (Limited Industrial) as an implementing zoning designation. Through the annexation process, the property is proposed to be rezoned to a City C-2 zone, which is consistent with the Newberg Comprehensive Plan.

Observations:

Goals and policies found within the Newberg Comprehensive Plan which are applicable to this request include the following:

- A. Annexation shall result in a simple, contiguous City boundary. Any islands of non-incorporated territory created by an annexation shall be incorporated within a year of the annexation creating the island. (Urbanization, policy no. 8).
- B. Annexation shall be considered on a case by case basis. Criteria to be considered in evaluating annexation requests shall include but not be limited to:
 - a. Compatability with the Comprehensive Plan, statewide planning goals and the needs, policies and plans of public agencies and bodies.
 - b. The orderly and economic provisions of public facilities and services.
 - c. Public costs and benefits including environmental, energy, economic and social impacts of proposed annexations.
 - d. Compatability of the proposed uses with existing and future adjoining land uses. (Urbanization, policy no. 50).
- C. If it appears that the proposed annexation would create excessive public costs or impacts on the surrounding area, an analysis of costs and/or impacts will be required. (Urbanization, policy no. 6).

Findings, Continued:

3. The annexation of islands of non-incorporated territory is required by the Newberg Comprehensive Plan. Urbanization policy no. 8 states that islands of non-incorporated territory created by annexation shall be incorporated within a year of annexation which created the island.

4. The Engineering Department has indicated that sewer and water lines do serve the area, and that the owner shall pay the appropriate connection and development fees and connect the residence and business located on the subject property to the sanitary sewer in Springbrook Street within 90 days of annexation. The water billing charges will be transferred from the rural rate down to the City rate, which at this time represents a cost savings of approximately 50%. The owners should dedicate sufficient street right-of-way on

Springbrook Street to provide for a 30 foot half-width from the center line of Springbrook Street; said center line shall be the east line of the Richard Everest Donation Land Claim.

Observations, Continued:

There are specific Oregon State statutes which deal with the annexation of unincorporated territory surrounded by the City. ORS (Oregon Revised Statutes) Chapter 222.750 states:

CHAPTER 222.750 ANNEXATION OF UNINCORPORATED TERRITORY SURROUNDED BY THE CITY.

In any case where land or territory is surrounded by the corporate limits or boundaries of any city, it is within the power and authority of that city to annex such land or territory, provided it is not an incorporated city. Unless otherwise required by its charter, annexation by the city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory.

Findings, Continued:

5. The subject property is an island of unincorporated territory surrounded by the corporate limits of the City of Newberg.
6. Notice was provided to owners of the subject properties indicating the action proposed by the City. In addition, notice was sent to adjoining property owners within a distance of 250 feet of the subject property and was also found within the legal notice section of the Newberg Graphic newspaper. As of the writing of this report, no written statements, in favor or opposition, to this matter have been recieved.
7. The annexation request is in conformance with the provisions of ORS 222.750.

Observations, Continued:

The annexation request is also subject to the currently adopted Annexation Ordinance of the City of Newberg. This ordinance requires that the City encourage annexations where:

- a. The annexation complies with the provisions of the Newberg Comprehensive Plan.
- b. The annexation would straighten out boundaries and provide a clear identification of the City.
- c. The annexation would benefit the City by adding to its revenues an amount that would at least be equal to the cost of providing services to the area.

- d. It would be clearly to the City's advantage to control the growth and development plans for the area.

In addition, the annexation ordinance requires that annexation requests be consistent with the following criteria:

- a. Consistency of the annexation in relation to the Newberg Comprehensive Plan and other applicable regulations set forth by the City of Newberg, the State and affected jurisdictions and agencies.
 - b. The availability of basic public services which include but are not limited to sewer, water and electricity to the site in adequate quantities to serve the potential users without adversely affecting the availability of these services to existing users.
 - c. The impact upon public services which include but are not limited to police and fire protection, schools, hospitals, and public transportation, to the extent that they shall not be unduly compromised.
 - d. The need for housing, employment opportunities and livability in the City of Newberg and surrounding areas.
 - e. The locations of the site as to provide for the efficiency in land use in relation to public facilities and services, transportation, energy conservations, urbanization and social impacts.
8. The annexation would provide for a more clear identification of the City boundary by eliminating islands of unincorporated territory.
 9. The annexation would be considered efficient land use change in that the subject property is currently surrounded by the Newberg City limits and public facilities and services are currently supplied to the subject properties or found within the area.
 10. Notice of this request was referred to the City Administrator, Fire Department, Engineering Department, Police Department, Finance Department, Building Department, Yamhill County Planning Department, and the Newberg School District. With the exception of the Engineering Department conditions, no formal statements other than general concurrence has been received relating to this request from these departments or agencies.
 11. One of the most important objectives of the year 2000 Comprehensive Plan is the achievement of a compact form of urban growth. The annexation of this island of unincorporated land would be consistent with the compact growth objectives of the Newberg Comprehensive Plan.
 12. The present situation relating to this island of unincorporated territory, being completely surrounded by the Newberg City limits, represents an extremely illogical way of establishing City boundaries and providing services. This is compounded when the island of unincorporated territory is developed at an urban level which is indistinguishable from adjacent City developments.

13. The present City boundaries create numerous problems for the provision of services. The provision of police protection is one example of an identified problem. Currently, the Newberg Police Department provides police protection for all incorporated areas of the City of Newberg while Yamhill County Sheriff's Department provides police service for the island areas. There can be confusion as to whether a particular piece of property is within the City or the County and which jurisdiction is responsible.

Recommendation:

The Planning staff recommends that the subject property be incorporated into the Newberg City limits with a corresponding zone change from County R-C to a City C-2 (Community Commercial) zoning district together with a withdrawal from the Newberg Rural Fire Protection District.

17 16

EXCERPT TAKEN FROM PLANNING COMMISSION MINUTES--AUGUST 19, 1982

Council Chambers
7:00 PM Thursday

A Regular Meeting
of the Planning Commission

August 19, 1982
Newberg, Oregon

Public Hearing: File No. ANX-5-82/Z-5-82

Applicant: City of Newberg

Request: Annexation of unincorporated territory surrounded by the corporate limits of the City of Newberg pursuant to the Oregon Revised Statutes Chapter 222.750, and a zone change from Yamhill County R-C (Recreational Commercial) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District, consisting of one parcel being approximately 1.7 acres in size.

Tax Lot: 3216-2100

Location: At the southwest corner of the intersection of Springbrook Street and Highway 99W

Staff Report: The Planning Director presented the staff memorandum dated August 12, 1982 and entered into the record exhibits 1-5 as indicated in the staff report. He further entered State Highway Division comments regarding access as previously mentioned in public hearing ANX-4-82/Z-4-82, ANX-6-82/Z-6-82.

In addition, a letter from Mrs. Auld, who is the current owner of tax lot 3216-2100, was entered into the record indicating her opposition to the proposed annexation.

No proponents or opponents were present.

Public Hearing Closed.

Possible disadvantages to Mrs. Auld were discussed including possible increased taxes, sewer hook-up charges, etc. Police protection and decreased water charges were identified as benefits to her.

Motion: Poet/Adamson to recommend to City Council the annexation of tax lot 3216-2100 to the City of Newberg, a zone change from Yamhill County R-C (Recreational Commercial) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District, consisting of one parcel being approximately 1.7 acres in size based on staff recommendations and findings 1-13 of the staff report.
Vote on Motion: Aye--Adamson, O'Hara, Cach, Poet, Bowlby; Nay--None; Absent--Stanley, Harris, Parisi-Mosher, Tumbleson. Motion Carried (5-0).

ORDINANCE NO.

AN ORDINANCE DECLARING THAT CERTAIN TERRITORY BE ANNEXED TO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT AND GRANTING A ZONE CHANGE FROM COUNTY R-C DESIGNATION TO A CITY C-2 ZONE DESIGNATION.

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

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

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

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

WHEREAS, The charter of the City of Newberg does not expressly prohibit the annexation of said territory to the City by the procedure set forth in ORS 222.750, and

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

WHEREAS, The City Planner, in his staff memorandum to the Planning Commission at their August 19, 1982 meeting, did recommend that the territory be annexed into the City, and

WHEREAS, on August 19, 1982 the Newberg Planning Commission held a public hearing to consider the land use issues involving the annexation of the said territory and recommends that the said territory be annexed based upon the findings of fact which are attached hereto as Exhibit A, and

WHEREAS, ON September 7, 1982 at the hour of 7:30 PM in the Council Chambers of the City Hall of Newberg, which was heretofore set as the time and place for public hearing and the City Council, through the Recorder of the City, did cause notice of this hearing to be published in accordance with ORS 222.120 and in accordance with Ordinance No. 2012 of the City of Newberg and the hearing was held;

NOW THEREFORE THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

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

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

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

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

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

Section 4. The territory described herein in Exhibit B is hereby changed from County R-C zone designation to City C-2 zone Designation.

PASSED BY THE COUNCIL OF THE CITY OF NEWBERG THIS _____ day of _____, 1982 by the following votes:

AYES:

NAYS:

ABSENT:

Arvilla Page - Recorder

APPROVED BY THE MAYOR THIS _____ day of _____, 1982.

Elvern Hall - Mayor

FINDINGS OF FACT
Tax Lot No. 3216-2100

EXHIBIT A

1. The subject property contains approximately 1.7 acres of land area, which is situated at the southwest corner of the intersection of Highway 99W and Springbrook Street. The subject property is an island of County unincorporated territory, completely surrounded by the corporate City limits of the City of Newberg. The property contains a single family residence and an old gas station structure which has been converted into a hamburger shop. The topography is flat. Surrounding land uses consist of vacant commercial land to the north, Springbrook Shopping Center to the northeast, vacant commercial land to the east (the Werth property), and the Francis Theater Drive-In to the south and west.
2. The subject property is currently zoned R-C (Recreational Commercial) within the County. The Newberg Comprehensive Plan designates the subject property for "mixed-use". The "mixed-use" plan designation would allow for a C-2 (Community Commercial) or a M-1 (Limited Industrial) as an implementing zoning designation. Through the annexation process, the property is proposed to be rezoned to a City C-2 zone, which is consistent with the Newberg Comprehensive Plan.
3. The annexation of islands of non-incorporated territory is required by the Newberg Comprehensive Plan. Urbanization policy no. 8 states that islands of non-incorporated territory created by annexation shall be incorporated within a year of annexation which created the island.
4. The Engineering Department has indicated that sewer and water lines do serve the area, and that the owner shall pay the appropriate connection and development fees and connect the residence and business located on the subject property to the sanitary sewer in Springbrook Street within 90 days of annexation. The water billing charges will be transferred from the rural rate down to the City rate, which at this time represents a cost savings of approximately 50%. The owners should dedicate sufficient street right-of-way on Springbrook Street to provide for a 30 foot half-width from the center line of Springbrook Street; said center line shall be the east line of the Richard Everest Donation Land Claim.
5. The subject property is an island of unincorporated territory surrounded by the corporate limits of the City of Newberg.
6. Notice was provided to owners of the subject properties indicating the action proposed by the City. In addition, notice was sent to adjoining property owners within a distance of 250 feet of the subject property and was also found within the legal notice section of the Newberg Graphic newspaper.

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

PROPERTY DESCRIPTION

EXHIBIT B

Tax Lot No.'s 3216-2300 & -2400

A tract of land, being part of the North half of the Richard Everest Donation Land Claim No. 52, in Section 16, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; said tract being more particularly described as follows:

Beginning at the Southeast corner of the North half of the Richard Everest Donation Land Claim; thence North along the East line of said Donation Land Claim 414.20 feet to the Northeast corner of that tract recorded in Book 145, Page 336, Deed Records, Yamhill County, Oregon; thence S 89°48' W along the North line of the Bacus tract 7.967 chains to the Northwest corner of the Bacus tract and the West line of that property described in Book 154 Page 800, Deed Records, Yamhill County, Oregon; thence N 0°06' E to the South line of State Highway 99W; thence S 0°06' W 58 feet to the True Point of Beginning; and the Northwest corner of that property described in Volume 186 Page 265 Deed Records, Yamhill County, Oregon; thence East 128.7 feet to the Northeast corner of that property described in Volume 186 Page 265; thence South 33.8 feet along the East line of property described in Volume 186, Page 265 to the North line of that property described in Film 130, Page 1826 Deed Records, Yamhill County, Oregon; thence East 109.9 feet to the Northeast corner of property described in Film 130, Page 1826; thence South along the East lines of property described in Film 130, Page 1826 116.5 feet; thence N 80°35' W along the South lines of properties described in Film 130, Page 1826 and Volume 186, Page 265 to the West line of that property described in Book 154, Page 800 Deed Records, Yamhill County; thence N 0°06' E 110.8 feet to the True Point of Beginning.

V-1

MEMORANDUM
24 August 1982.

TO: Mike Warren, City Administrator

FROM: Clay Moorhead, Planning Director *CEM*

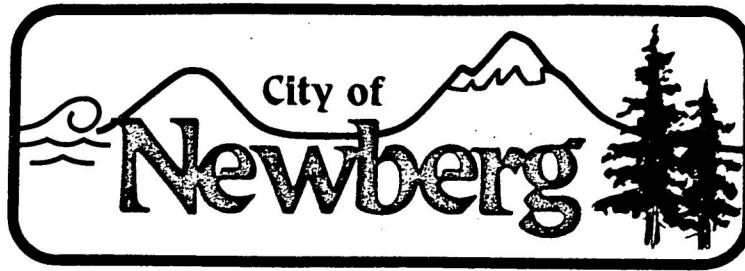
RE: ANX-4-82/Z-4-82, ANX-6-82/Z-6-82, Annexation of an island of unincorporated territory surrounded by the corporate limits of the City of Newberg pursuant to the Oregon Revised Statutes Chapter 222.750, and a zone change from Yamhill County LDR/9000 (Low Density Residential/9000 sq. ft. minimum lot size) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District, consisting of two parcels being approximately 1100 sq. ft. in size each

This matter was initiated by City Staff pursuant to the mandatory policy requirements found within the Newberg Comprehensive Plan. On Page 28 of the Plan there is a policy which reads as follows:

Annexation shall result in a simple, contiguous City boundary. Any island of non-incorporated territory created by an annexation shall be incorporated within a year of the annexation creating the island.

The Newberg Planning Commission met on August 19, 1982 after proper notice was given to hear the request of annexation/zone change and withdrawal from the Newberg Rural Fire Protection District of property described as tax lots 3216-2300 and -2400. There were no persons present at this public hearing who spoke in favor or opposition to this request. The Planning Department Staff Report relating to this request gives a clear outline of the criteria and findings which were used by the Planning Commission in reviewing this request. After review of the request, the Planning Commission made a decision to recommend that the City Council annex the subject property and rezone the property from Yamhill County LDR/9000 zone to a City C-2 zone and to withdraw the property from the Newberg Rural Fire Protection District as it would thus be located within the City and served by the City fire protection services.

A copy of the staff report, a map indicating the location of the subject property and the minutes from the Planning Commission hearing relating to this request are included for your review.



Planning Department
(503) 538-9421

414 E. First St.
Newberg, Oregon 97132

August 11, 1982

STAFF REPORT

TO: Planning Commission

FROM: Planning Department

RE: ANX-4-82/Z-4-82

ANX-6-82/Z-6-82

Applicant: City of Newberg

Request: Annexation of unincorporated territory surrounded by the corporate limits of the City of Newberg pursuant to the Oregon Revised Statutes Chapter 222.750, and a zone change from Yamhill County LDR/9000 (Low Density Residential/9000 sq. ft. minimum lot size) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District, consisting of two parcels being approximately 1100 sq. ft. in size each.

Tax Lot: 3216-2300 and -2400

Location: At the southwest corner of the intersection of Springbrook Street and Highway 99W.

Exhibits:

1. Staff Report
2. File NO. ANX-4-82/Z-4-82 and ANX-6-82/Z-6-82
3. Newberg Comprehensive Plan
4. Newberg Zoning Ordinance
5. Newberg Annexation Ordinance

Findings:

1. Each of the two parcels consists of approximately 11,000 sq. ft. of land area which is situated on the south side of Highway 99W near the intersection of Springbrook Street. These properties are completely surrounded by the corporate City limits of the City of Newberg. The properties are an island of County unincorporated territory surrounded by the corporate City limits. Each lot contains one single family residence. Yamhill County Tax Lot No. 3216-2400 also contains a licensed dog kennel. The topography is flat. Surrounding land uses consists of the Francis Theater Twin Cinema property which also surrounds the two properties to the north, east and south. To the west is vacant commercial land.



Home of Old Fashioned Festival

V-2

2. The subject property is currently zoned LDR-9000 within the County. The Newberg Comprehensive Plan designates the subject property for "mixed-use". The "mixed-use" plan designation would allow for a C-2 (Community Commercial) or an M-1 (Limited Industrial) as an implementing zoning designation. Through the annexation process, the properties are proposed to be rezoned to a City C-2 zone, which is consistent with the Newberg Comprehensive Plan.

Observations:

Goals and policies found within the Newberg Comprehensive Plan which are applicable to this request include the following:

- A. Annexation shall result in a simple, contiguous City boundary. Any islands of non-incorporated territory created by an annexation shall be incorporated within a year of the annexation creating the island. (Urbanization, policy no. 8).
- B. Annexation shall be considered on a case by case basis. Criteria to be considered in evaluating annexation requests shall include but not be limited to:
 - a. Compatability with the Comprehensive Plan, statewide planning goals and the needs, policies and plans of public agencies and bodies.
 - b. The orderly and economic provisions of public facilities and services.
 - c. Public costs and benefits including environmental, energy, economic and social impacts of proposed annexations.
 - d. Compatability of the proposed uses with existing and future adjoining land uses. (Urbanization, policy no. 50).
- C. If it appears that the proposed annexation would create excessive public costs or impacts on the surrounding area, an analysis of costs and/or impacts will be required. (Urbanization, policy no. 6).

Findings, Continued:

3. The annexation of islands of non-incorporated territory is required by the Newberg Comprehensive Plan. Urbanization policy no. 8 states that islands of non-incorporated territory created by annexation shall be incorporated within a year of annexation which created the island.

4. The Engineering Department has indicated that sewer and water lines do serve the area, and that the owners shall be required to connect the residences to the sanitary sewer and provide easements for the sewer service lines to the sewer main across Tax Lot No. 3216-2200 (Francis Theater property) and pay the appropriate connection and development fees for the service hookup after the annexation of the subject property is completed. The

J. T. Francis Water District shall be dissolved and the properties shall be considered to be served through the City maintained water lines, and will be charged for water at the reduced City rates. Each house must be individually metered for water service. The owners shall provide the necessary plumbing material and labor to extend the house service line to a water meter for each of the houses. The owner shall provide a driveway easement from the subject property to Highway 99W for access purposes across Yamhill County Tax Lot No. 3216-2200 (Francis Theater property). If an easement for access purposes currently exists, then said easement shall be submitted to the City Planning Department for review of compliance of this condition.

Observations, Continued:

There are specific Oregon State statutes which deal with the annexation of un-incorporated territory surrounded by the City. ORS (Oregon Revised Statutes) Chapter 222.750 states:

CHAPTER 222.750 ANNEXATION OF UN-INCORPORATED TERRITORY SURROUNDED BY THE CITY.

In any case where land or territory is surrounded by the corporate limits or boundaries of any city, it is within the power and authority of that city to annex such land or territory, provided it is not an incorporated city. Unless otherwise required by its charter, annexation by the city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory.

Findings, Continued:

5. The subject property is an island of un-incorporated territory surrounded by the corporate limits of the City of Newberg.

6. Notice was provided to owners of the subject properties indicating the action proposed by the City. In addition, notice was sent to adjoining property owners within a distance of 250 feet of the subject property and was also found within the legal notice section of the Newberg Graphic newspaper. As of the writing of this report, no written statements, in favor or opposition, to this matter have been received.

7. The annexation request is in conformance with the provisions of ORS 222.750.

Observations, Continued:

The annexation request is also subject to the currently adopted Annexation Ordinance of the City of Newberg. This ordinance requires that the City encourage annexations where:

- a. The annexation complies with the provisions of the Newberg Comprehensive Plan.
- b. The annexation would straighten out boundaries and provide a clear identification of the City.
- c. The annexation would benefit the City by adding to its revenues an amount that would at least be equal to the cost of providing services to the area.
- d. It would be clearly to the City's advantage to control the growth and development plans for the area.

In addition, the annexation ordinance requires that annexation requests be consistent with the following criteria:

- a. Consistency of the annexation in relation to the Newberg Comprehensive Plan and other applicable regulations set forth by the City of Newberg, the State and affected jurisdictions and agencies.
- b. The availability of basic public services which include but are not limited to sewer, water and electricity to the site in adequate quantities to serve the potential users without adversely affecting the availability of these services to existing users.
- c. The impact upon public services which include but are not limited to police and fire protection, schools, hospitals, and public transportation, to the extent that they shall not be unduly compromised.
- d. The need for housing, employment opportunities and livability in the City of Newberg and surrounding areas.
- e. The locations of the site as to provide for the efficiency in land use in relation to public facilities and services, transportation, energy conservations, urbanization and social impacts.

Findings, Continued:

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

Recommendation:

The Planning staff recommends that the subject property be incorporated into the Newberg City limits with a corresponding zone change from County LDR-9000 to a City C-2 (Community Commercial) zoning district together with a withdrawal from the Newberg Rural Fire Protection District.

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DOGWOOD AVE
MIDDLE BROOK DR
WAY
CEDAR ST

N.W. Corner
S. Brutscher D.L.C.

RINKES CT
HEATER ST.

S.E. Corner
S. Heater D.

DOUGLAS AVE

MAP NO.

3 2

EAST

NO. 16BC

MAP NO.

3 2 16BD

GEMINI ST.
MADRONA
AQUARIUS

LIBRA

MEADOW MA

LANE

NEWBERN

1500

MAP NO.

3 2 16CA

NEWALL RD.
HADLEY

19

DEBORAH

2801
2900
3001
3000

MARKET (SPRINGBROOK)

1502

ANT-3-80

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BRUTSCHER D.L.C.
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UGA-4-80

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SPRINGBROOK ST

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17 16

V-2

EXCERPT TAKEN FROM PLANNING COMMISSION MINUTES--AUGUST 19, 1982

Council Chambers
7:00 PM Thursday

A Regular Meeting
of the Planning Commission

August 19, 1982
Newberg, Oregon

Public Hearing: File No. ANX-4-82/Z-4-82, ANX-6-82/Z-6-82

Applicant: City of Newberg

Request: Annexation of unincorporated territory surrounded by the corporate limits of the City of Newberg pursuant to the Oregon Revised Statutes Chapter 222.750, and a zone change from Yamhill County LDR/9000 (Low Density Residential/9000 sq. ft. minimum lot size) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District, consisting of two parcels being approximately 1100 sq. ft. in size each

Tax Lot: 3216-2300 and -2400

Location: At the southwest corner of the intersection of Springbrook Street and Highway 99W

Staff Report: The Planning Director presented the staff memorandum dated August 11, 1982 and entered into the record exhibits 1-5 as indicated in the staff report. He further stated the purpose of island annexations and highlighted staff report finding No. 4 relating to engineering requirements for the sites.

He indicated no objections had been received; however, a phone call was received from Robert Francis regarding an existing dog kennel on the site. Staff related that such a use would be considered a pre-existing, non-conforming use should the site be annexed.

No proponents or opponents wished to speak.

A letter was received from Kerry Dayton, Assistant District Maintenance Supervisor for the Oregon State Highway Division. He made the following comments...

It is difficult at this time to assess the impact of annexation upon the highway of tax lots 2100, 2300 and 2400. If these properties are to be utilized by the owner for any development which would change the use of the existing accesses the plans should be submitted to us for review and approval of approach road application.

No other public agencies commented, no other letters were received.

Staff Recommendation:

The Planning Director recommends that the subject property be incorporated into the Newberg City limits with a corresponding zone change from County LDR-9000 to a City C-2 (Community Commercial) zoning district together with a withdrawal from the Newberg Rural Fire Protection District.

Public Hearing Closed.

Conversion of the current water district to City control was discussed. It was noted the current water supply is provided by the City and is controlled to the point of delivery by the City. The need for an access easement was discussed as it related to the State Highway Dept. letter. Staff indicated that finding four should be revised to read "The owner...should provide an easement for the existing double driveway access...from the subject property to Highway 99W.

Mr. Poet questioned the lack of a connection date for sewer hookup. Staff indicated that due to a priority placed on sewer connections, a time limit in this instance was left out of the recommendation.

Motion: Poet-O'Hara to recommend to City Council the annexation of tax lots 3216-2300 and -2400 to the City of Newberg, a zone change from Yamhill County LDR/9000 (Low Density Residential/9000 sq. ft. minimum lot size) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District, consisting of two parcels being approximately 1100 sq. ft. in size each based on staff recommendations and findings 1-13 of the staff report. Vote on Motion: Aye--Adamson, O'Hara, Cach, Poet, Bowlby; Nay--None; Absent--Stanley, Harris, Parisi-Mosher, Tumbleson. Motion Carried (5-0).

ORDINANCE NO.

AN ORDINANCE DECLARING THAT CERTAIN TERRITORY BE ANNEXED TO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT AND GRANTING A ZONE CHANGE FROM COUNTY LDR9000 DESIGNATION TO A CITY C-2 ZONE DESIGNATION.

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

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

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

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

WHEREAS, The charter of the City of Newberg does not expressly prohibit the annexation of said territory to the City by the procedure set forth in ORS 222.750, and

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

WHEREAS, The City Planner, in his staff memorandum to the Planning Commission at their August 19, 1982 meeting, did recommend that the territory be annexed into the City, and

WHEREAS, On August 19, 1982 the Newberg Planning Commission held a public hearing to consider the land use issues involving the annexation of the said territory and recommends that the said territory be annexed based upon the findings of fact which are attached hereto as Exhibit A, and

WHEREAS, On September 7, 1982 at the hour of 7:30 PM in the Council Chambers of the City Hall of Newberg, which was heretofore set as the time and place for public hearing and the City Council, through the Recorder of the City, did cause notice of this hearing to be published in accordance with ORS 222.120 and in accordance with Ordinance No. 2012 of the City of Newberg and the hearing was held;

NOW THEREFORE THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

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

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

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

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

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

Section 4. The territory described herein in Exhibit B is hereby changed from County LDR9000 zone designation to City C-2 zone designation.

PASSED BY THE COUNCIL OF THE CITY OF NEWBERG THIS ____ day of _____, 1982 by the following votes:

AYES:

NAYS:

ABSENT:

Arvilla Page - Recorder

APPROVED BY THE MAYOR THIS ____ day of _____, 1982.

Elvern Hall - Mayor

FINDINGS OF FACT

EXHIBIT A

Tax Lot No's 3216-2300 & -2400

1. Each of the two parcels consists of approximately 11,000 sq. ft. of land area which is situated on the south side of Highway 99W near the intersection of Springbrook Street. These properties are completely surrounded by the corporate City limits of the City of Newberg. The properties are an island of County unincorporated territory surrounded by the corporate City limits. Each lot contains one single family residence. Yamhill County Tax Lot No. 3216-2400 also contains a licensed dog kennel. The topography is flat. Surrounding land uses consists of the Francis Theater Twin Cinema property which also surrounds the two properties to the north, east and south. To the west is vacant commercial land.
2. The subject property is currently zoned LDR-9000 within the County. The Newberg Comprehensive Plan designates the subject property for "mixed-use". The "mixed-use" plan designation would allow for a C-2 (Community Commercial) or an M-1 (Limited Industrial) as an implementing zoning designation. Through the annexation process, the properties are proposed to be rezoned to a City C-2 zone, which is consistent with the Newberg Comprehensive Plan.
3. The annexation of islands of non-incorporated territory is required by the Newberg Comprehensive Plan. Urbanization policy no. 8 states that islands of non-incorporated territory created by annexation shall be incorporated within a year of annexation which created the island.
4. The Engineering Department has indicated that sewer and water lines do serve the area, and that the owners shall be required to connect the residences to the sanitary sewer and provide easements for the sewer service lines to the sewer main across Tax Lot No. 3216-2200 (Francis Theater property) and pay the appropriate connection and development fees for the service hookup after the annexation of the subject property is completed. The J.T. Francis Water District shall be dissolved and the properties shall be considered to be served through the City maintained water lines, and will be charged for water at the reduced City rates. Each house must be individually metered for water service. The owners shall provide the necessary plumbing material and labor to extend the house service line to a water meter for each of the houses. The owner should provide an easement for the existing double driveway access from the subject property to Highway 99W for access purposes across Yamhill County Tax Lot No. 3216-2200 (Francis Theater property). If an easement for access purposes currently exists, then said easement shall be submitted to the City Planning Department for review of compliance of this condition.
5. The subject property is an island of un-incorporated territory surrounded by the corporate limits of the City of Newberg.
6. Notice was provided to owners of the subject properties indicating the action proposed by the City. In addition, notice was sent to adjoining property owners within a distance of 250 feet of the subject property and was also found within the legal notice section of the Newberg Graphic newspaper. As of the writing of this report, no written statements, in favor or opposition, to this matter have been received.

Tax Lot No's 3216-2300 & -2400

7. The annexation request is in conformance with the provisions of ORS 222.750.

8. The annexation would provide for a more clear identification of the City boundary by eliminating islands of un-incorporated territory.

9. The annexation would be considered an efficient land use change in that the subject property is currently surrounded by the Newberg City limits and public facilities and services are currently supplied to the subject properties or found within the area.

10. Notice of this request was referred to the City Administrator, Fire Department, Engineering Department, Police Department, Finance Department, Building Department, Yamhill County Planning Department, and the Newberg School District. With the exception of the Engineering Department conditions, no formal statements other than general concurrence has been received relating to this request from these departments or agencies.

11. One of the most important objectives of the year 2000 Comprehensive Plan is the achievement of a compact form of urban growth. The annexation of this island of unincorporated land would be consistent with the compact growth objectives of the Newberg Comprehensive Plan.

12. The present situation relating to this island of unincorporated territory, being completely surrounded by the Newberg City limits, represents an extremely illogical way of establishing City boundaries and providing services. This is compounded when the island of unincorporated territory is developed at an urban level which is indistinguishable from adjacent City developments.

13. The present City boundaries create numerous problems for the provision of services. The provision of police protection is one example of an identified problem. Currently, the Newberg Police Department provides police protection for all incorporated areas of the City of Newberg while Yamhill County Sheriff's Department provides police service for the island areas. There can be confusion as to whether a particular piece of property is within the City or the County and which jurisdiction is responsible.

PROPERTY DESCRIPTION
Tax Lot No. 3216-2100

EXHIBIT B

A tract of land being part of the North half of the Richard Everest Donation Land Claim No. 52, in Section 16, Township 3 South, Range 2 West of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the East line of said claim, 1382.48 ft. North of the Southeast corner of the North half of said Donation Land Claim; thence West 229 feet; thence North 424.2 feet more or less to the centerline of the West side Pacific Highway; thence N 66° E 254.6 feet more or less along the centerline of said Highway to the East line of said Donation Land Claim; thence South 526.9 feet to the point of beginning.

MEMO

TO: City Council

DATE: August 30, 1982

FROM: City Administrator

SUBJECT: Annual DEQ Inspection of Sewage Treatment Plant

The attached notice from DEQ gives a good idea on how they perceive our Sewage Treatment Plant. Basically I would term their report as cooperative and understanding. However, this type of attitude can only go on so long and as has been reported in past memorandums and conversations we will be coming to a cross road in the near future.

The first item which relates to the staffing has been partially taken care of by a service contract with a gentleman who has done our maintenance and repair for the past few years. He will be working on a two day basis to determine the breakdowns which result in by-passing. I would estimate that sometime in the future a full time position will need to be looked at carefully by the City Council.

This City will estimate the volume of by-passing which occurs at the Hess Creek pump station, 8th Street pump station and at the head works at the Plant. We've made some major strides in pacifying DEQ on this item by including two muffin monsters in this year's budget to install at each of the pump stations.

It is anticipated that the new motor control valves purchased in June will resolve the concern in number 3. These automatically controlled valves will allow the removal of sludge to be cycled between the four sludge basins on the primary clarifiers. This cycling will in effect, reduce the volume of water entering the sludge digestion system, which in turn increases the detention time in the digesters. This increase detention time has a direct impact on the volatile solids reductions.

Concerns number 4 and 5 can be remedied very easily and will be eliminated as concerns in the next report.

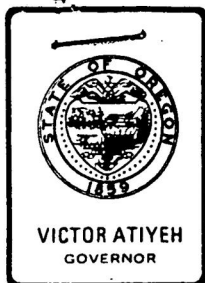
Item number 6 is on a time schedule with the staff and is being worked on with the Industrial Committee of the Chamber of Commerce.


Michael Warren
City Administrator

MW/bjm

Enc.

V1-1



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

MAILING ADDRESS: P.O. BOX 1760, PORTLAND, OREGON 97207

Willamette Valley Region

895 Summer Street, NE

Salem, Oregon 97310

August 9, 1982

Mr. Robert Sanders
Director of Public Works
City of Newberg
414 E. 1st St.
Newberg, OR 97132

RE: WQ-City of Newberg
File 60597; NPDES 3014-J
Yamhill County
Principal Discharger Inspection

Dear Bob:

The annual Principal Discharger Inspection report is attached. Overall, the plant appeared to be operating well. However, I do have some concerns about certain aspects of the plant operation:

1. The staffing level of the plant is still at the absolute minimum. We keep bringing this to your attention every year, and yet nothing much has been done about it. We are primarily concerned because of the continuous breakdowns and frequent bypassing. If these violations continue, we may resort to stronger enforcement action to ensure the plant is properly and fully maintained.
2. Bypassing occurs periodically at two or three locations in the winter. The locations and dates of the bypassing need to be recorded and included with your monthly monitoring report. An estimate of the quantity bypassed would also be useful.
3. The aerobic digester may not be consistently achieving the volatile solids reduction of 38%. If this is the case, then it is a "non-digested sludge" and must be disposed of accordingly. It is your responsibility to ensure that all of your sludge is properly disposed of according to our Department's sludge disposal guidelines.

Overall, we are pleased with the development and operation of your sludge disposal program.

V1-1

Mr. Robert Sanders

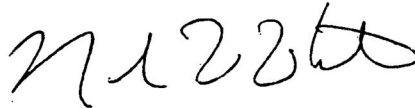
Page 2

August 9, 1982

4. I am presently obtaining more information regarding your magnetic flow meter and its calibration frequency. It may need to be calibrated on a more frequent basis. Also, it would be good to have an operational flow measuring device at the headworks.
5. The monthly monitoring reports are satisfactory. However, please use the geometric mean for determining the fecal coliform monthly average.
6. The pretreatment program must be submitted for our review by January 1, 1983. Please contact Ed Lynd of our Water Quality Division in Portland if you have any questions regarding the pretreatment program.

If you have any questions regarding the inspection, please call me at 378-8240, Salem.

Sincerely,



Mark W. Whitson
Environmental Consultant

MWW/wr

cc: Water Quality Division
cc: Regional Operations

VI-1

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Dog Control

DATE: August 31, 1982

This morning the Chief of Police and I met with the City of McMinnville and Yamhill County Commissioner Robin Hamblet. The discussion was to wrap up the uncertainty surrounding dog control operation in the County.

As you know, Yamhill County did not reimburse the City of McMinnville and the City of Newberg \$5,000 respectively for the licenses collected last year. The County does all the collection along with the impounding and destruction of dogs. The anticipated revenues were not received and consequently, in order to not "shut the doors completely" the \$5,000 to each one of the Cities was not paid.

The discussion this morning ranged from the Cities taking over the dog control operation completely to keeping it with the County. Both the City Managers and the Police Chiefs' in Newberg and McMinnville have agreed that it would be in the City and County's best interest if the County continued to run the operation. If the Cities did it, it would mean the construction of impound facilities and destruction facility and setting up a licensing bureau to accomplish what is now being accomplished in the County. Also the County would not receive any of the revenues that are now being received from both of the cities. I personally cannot imagine the County Dog Control operation being anywhere near as effective if McMinnville and Newberg were not included.

If the operation were to remain the same, there would have to be some changes and some guarantees. The guarantees would be that both cities would receive \$3,000 each for this fiscal year and a share of the profits (over estimated expenditures of approximately \$100,000) should there be any at the end of the fiscal year. The change would be that our Dog Control Officer would be issuing citations after the deadline of March 1, in which people must license their dogs. The penalty that is now in existence is \$25.00 and it is proposed that the City and the County split this evenly.

By entering into this type of agreement there should be more revenues received at the County and it makes for a stronger chance of there being a surplus above expenditures next year. Also with the addition of our Dog Control officer issuing citations for those people that do not license their dogs it will mean that there undoubtedly will be more licensing occurring.


Michael Warren
City Administrator

MW/bjm

V1-2

MEMO

TO: City Council

DATE: August 31, 1982

FROM: City Administrator

SUBJECT: League of Oregon Cities Meetings

The League of Oregon Cities annual convention will be held November 7, 8 and 9 this year in Eugene. As in the past, all room reservations and pre-registration for delegates will be channeled through my office.

It behooves us to let the League know as soon as possible who will be going. I would like to know what City Councilmembers will be attending the League Meeting by Friday, September 17. In this manner, we will be able to take advantage of the discount center being offered and we will have a better chance for the hotel of our choosing.



Michael Warren
City Administrator

MW/bjm

✓1-3

MEMO

TO: City Council

DATE: August 31, 1982

FROM: City Administrator

SUBJECT: National League of Cities Conference
November 27 - December 1, 1982

Although we have not traditionally sent a representative from the City of Newberg to the National League of Cities Conference I do feel it may be in the City's best interest to look carefully at this conference. It is held relatively close to our State and now becomes cost effective for our consideration.

The Cities in the United States may be on the brink of some substantial changes to be caused by shifts in the Federal System and those changes are the subject of the 1982 Conference of Cities in Los Angeles. Proposals to transfer power and responsibility from the Federal Government to the State Governments, to shift many responsibilities and burdens to Local Governments and to put much of the public's business and the public welfare into private hands will all be the subject of the theme of RETHINKING THE FEDERAL SYSTEM.

The conference will cover such workshops as:

- Block Grants
- Regulating Land Use
- Human Services
- Leveraging Jobs In Today's Economy
- Small City Development: The State Role and Responsibility
- Inter-City Investment: The Strategies for Success
- Energy Management
- Bond Ratings: How to Get the Most for Your City
- Tax Increment Financing: Development Tool for the Future

Pre-conference sessions on special topics prove to be just as interesting. They include:

- Labor Relations
- Police Leaders
- Police Consultation
- Cable Television

In reading about the pre-conference session on Cable Television it seems to be not only interesting but relevant to what has happened and will be happening in our Community.

It is the custom of most cities in the United States to send at least the Mayor of the City to the National League of Cities Conference. I believe it is most worthwhile for our City to participate in this very important upcoming conference.


Michael Warren
City Administrator

MW/bjm

V1-4

MEMO

TO: City Council

DATE: August 31, 1982

FROM: City Administrator

SUBJECT: Amusement Game Resolution and Ordinance

At the last City Council meeting the City Council passed an ordinance and a resolution on the video games or amusement games in the City of Newberg. The ordinance is a general piece of legislation and the purpose of it being passed was basically to clean up some wording and generally update the regulations. The resolution dealt with the fees.

Unfortunately, the video game owners were not notified of the proposed change and did not have an opportunity to express their views. While the City was within their legal boundaries of advertising and public notices, we have made it a practice to go a step further and attempt to contact people on a one to one basis. The staff neglected this practice in this case.

The enclosed letters indicate two views from the video owners which suggest that the fee is unreasonable or too high. This is to be expected since the fees have not been changed for almost 20 years.

In my opinion a more important piece of information that is brought to the City Council is the fact that there will be a piece of legislation brought before the State Legislature that will ask for the State to be the sole taxing agency and after collection distribute the money to the various cities. If this is passed it will obviously have a big affect on the resolution that we have passed.

It is my recommendation that the video game owners be given an opportunity to express their views and the resolution governing rates be held in abeyance until the first of 1983. If the State Legislature has not acted upon any new piece of legislation then the City Council should reconsider the rate resolution and pass appropriate rates.

IT SHOULD BE REMEMBERED that the rate resolution was not only passed because of the lack of attention it has received for the past 19 years but also, to offset a community wanted program - the School Liaison Program. The City Council must be cognizant of the fact that we cannot pickup additional costs such as the School Liaison Program without offsetting revenues.



Michael Warren
City Administrator

MW/bjm

Enc.

VII-1

Sept 7 m4

August 23, 1982

City of Newberg
% Mike Warren, City Administrator

Mr. Warren:

The skill game operators of Newberg and Oregon request the City of Newberg repeal tax resolution No. 82-947 for the following reasons;

1. Inadequate public notification of the proposed tax increase, therefore, not allowing for any input from the public or game operators. The small business owners stand to loose an important income subsidy they rely on, especially during these depressed economic times.

2. This tax increase is punitive and discriminatory toward game users and operators. The need for additional revenue to fund programs cut in recent budgets seems to be the motive for this tax increase, rather than funds to regulate the operation of these devices.

3. The projected revenue from this tax increase, approx. \$7,000, is based on the current number of devices now operating. The fact is that this increase will cause many, possibly up to 50%, of the existing devices to be relocated, where taxes are more favorable.

4. If this increase is allowed to stand, only Newberg business' and consumers will loose. Many small business' will not have the income supplement that they now have. Consumers will be charged more to use the devices that remain in Newberg.

5. Video and pinball games are taxed \$50.00 per year by the state; 40% of that tax is passed on to the counties and a portion of that comes back to the cities now.

Considering these facts the operators of skill games in Newberg ask that you repeal this unjust tax increase, and allow time for operators and consumers to address this issue at the next council meeting, VII-1

September 7, 1982.

Respectfully,

Gene W Hoskin
Gene W. Hoskin

Sept 7 mtg

August 19, 1982

A & D Entertainment
720 East First Street
Newberg, Oregon 97132

City Council
City Administrator, Mike Warren
Newberg City Hall
414 East First Street
Newberg, Oregon 97132

RECEIVED

AUG 23 1982

CITY OF NEWBERG, ORE
OFFICE OF RECORDER

Dear Counsil Members and Mr. Warren:

I am writing in regards to the new permit fees on amusement devices within the City of Newberg. We currently have video games located in both Newberg and Woodburn. Just recently, the City of Woodburn reviewed its license fees for amusement devices. Before any vote was taken, the Woodburn Common Council notified each licensed owner of the date of the council meeting at which the matter would be considered. This notification allowed the owners ample time to prepare remarks and make presentations. I think it is unfortunate for both the Newberg Council members, machine owners, and the small businessmen who have these devises in their stores that a fair and open discussion was not possible here.

In regards to the ordinance itself, I certainly feel the fees are excessive. The justification for doubling fees for owners with three or more machines completely escapes me. We have five machines in two separate locations. The profit in this type of business depends on the short lived popularity of a game, Obsolescence is this type of business can be as quickly as six months.

As with the economy in general, video game revenues have been dropping this past year. Our receipts are down about 40% over a year ago. I cannot fault the city for pursuing increased sources of revenue but I would hope the council would reconsider this ordinance and try to work out something more equitable for all. Thank you.

Sincerely,



Donnie Laas

kl

V11-1

3

Thomas Fender, P.C.
Counsellors at Law



Post Office Box 2208
350 Mission St. S.E.
Salem, Oregon 97308
Telephone 503 / 399-9801

August 19, 1982

Steven Bauer
League of Cities
P.O. Box 928
Salem, OR 97308

RE: Amusement Devices
ORS 320.010

Dear Steve,

As you are no doubt aware, several counties in the State have proposed additional taxes on video skill games, beyond those received pursuant to ORS 320.010. Consistent with this "cafeteria" approach to taxation, many cities have or are attempting to do like-wise. In consideration of the reality that there are 36 counties and 238 cities, the potential tax burden and administrative complexity of a highly mobile industry is absolutely overwhelming.

Fortunately, for both the industry and the State, as well, Commissioner Earl Blumenauer, of Multnomah County, is planning to withdraw his ordinance next Thursday, August 26th, because of this industries' willingness to work with your Association and the League of Cities to establish a uniform system of taxation, revenue distribution, and licensure identification for any legitimate law enforcement purpose that may exist.

While September may be a busy month for all of us, with the Special Session of the Legislature, I would hope that immediately after Labor Day, we might set up a meeting between yourself, Jerry Orrick, and a representative from the Department of Revenue, to start on this project.

As you no doubt might imagine, the history and purpose of the original statute is now somewhat obsolete, and there are very serious questions as to whether games of skill, such as video games, are now properly being taxed by the State. Accordingly, I believe that there are some serious definitional questions involved, and likewise, the need for regulation of a "asteroid" game a local 7-11 store is remote at best!

In anticipation of your zeal, for yet another project; I look forward to talking to you in the near future.

Sincerely,

Tom Fender

V11-1

TF/jm

Practice Limited to
Governmental Relations
and Trade Regulation

Post Office Box 2208
350 Mission St. S.E.
Salem, Oregon 97308
Telephone 503 / 399-9801

August 19, 1982

Jerry Orrick, Executive Director
Association of Oregon CountiesRE: Amusement Devices
ORS 320.010

Dear Jerry,

As you are no doubt aware, several counties in the State have proposed additional taxes on video skill games, beyond those received pursuant to ORS 320.010. Consistent with this "cafeteria" approach to taxation, many cities have or are attempting to do like-wise. In consideration of the reality that there are 36 counties and 238 cities, the potential tax burden and administrative complexity of a highly mobile industry is absolutely overwhelming.

Fortunately, for both the industry and the State, as well, Commissioner Earl Blumenauer, of Multnomah County, is planning to withdraw his ordinance next Thursday, August 26th, because of this industries' willingness to work with your Association and the League of Cities to establish a uniform system of taxation, revenue distribution, and licensure identification for any legitimate law enforcement purpose that may exist.

While September may be a busy month for all of us, with the Special Session of the Legislature, I would hope that immediately after Labor Day, we might set up a meeting between yourself, Steve Bauer, and a representative from the Department of Revenue, to start on this project.

As you no doubt might imagine, the history and purpose of the original statute is now somewhat obsolete, and there are very serious questions as to whether games of skill, such as video games, are now properly being taxed by the State. Accordingly, I believe that there are some serious definitional questions involved, and likewise, the need for regulation of a "asteroid" game a local 7-11 store is remote at best!

In anticipation of your zeal, for yet another project; I look forward to talking to you in the near future.

Sincerely,


Tom Fender

TF/jm

V11-1

1

Thomas Fender, P.C.
Counsellors at Law



Post Office Box 2208
350 Mission St. S.E.
Salem, Oregon 97308
Telephone 503 / 399-9801

August 19, 1982

Honorable Earl Blumenauer
Commissioner
Multnomah County Courthouse
Room 136
Portland, OR 97204

RE: Proposed Multnomah County Ordinance regarding Skill
games and other amusement devices

Dear Earl,

Thank you for taking the time to meet with the skill game group to explain your views to them. They do appreciate your candor and forthright manner, regarding the entire matter. Accordingly, I can assure you as their representative, this matter will be addressed by the 1983 Legislature, and better solutions found to satisfy County goals without imposing an Administrative nightmare on a contributing member of the Small Business sector.

Most important, however, is the positive effect that your willingness to withdraw this ordinance will have on surrounding Governmental bodies who are contemplating similar moves. As you may know, today, we have this problem in Newburg, Beaverton, Washington County, and Clackamas County. There is little question, the domino effect, such as we saw beginning, would engulf a contributing member of the emerging electronic age. For this reason, I believe, that your understanding and cooperation will assist us in developing a plan with the Association of Oregon Counties and the League of Cities, that will be as fair as possible, yet still provide your County with the information and access needed to these business activities.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tom Fender'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom Fender

TF/jm

VII-1

Practice Limited to
Governmental Relations
and Trade Regulation

RESOLUTION NO. 82-947

A RESOLUTION ESTABLISHING FEES FOR THE LICENSING OF AMUSEMENT DEVICES AND OTHER MACHINES IN ACCORDANCE WITH ORDINANCE NO. 2094, SECTION 2.

WHEREAS, the City Council has by ordinance provided that certain fees be established for the licensing of amusement devices and other machines,

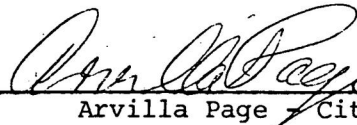
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg, Oregon, to-wit:

1. That the following fee schedule is hereby established for the licensing of amusement devices in accordance with Ordinance No. 2094, Section 2:

	<u>NUMBER OF DEVICES</u>	<u>FEE PER MACHINE</u>
Class I	1 - 3	\$50.00
Class II	4 or more	\$100.00

2. If a licensee has been issued amusement device stickers based upon Class I fee schedule and at any time during the course of the year requests additional licenses for additional machines which then qualify the premises under Class II fee schedule, then, prior to issuing any additional licenses, the Class II fee schedule shall apply to all machines previously licensed on the premises and the difference between the Class I and Class II fee schedule shall be paid on those machines issued under the Class I fee schedule.

ADOPTED by the Council this 2nd day of August, 1982.



Arvilla Page City Recorder

Sept 1 mty

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Deferred Income Program

DATE: August 25, 1982

Last year the City Council passed a resolution authorizing First Federal Savings and Loan to be the carrier of our deferred income program. City employees utilizing their own money have deferred a total of approximately \$105,000 within this program. The interest rates vary according to the market and for the last month or two we received anywhere between 12% and 13½%.

The International City Managers Association gave birth ten years ago to a program that allowed public employees to utilize a non-profit organization for the purposes of deferring income. The reason for this was that City Managers being as mobile as they are, could have available to them a "portable" program. In other words, the program would follow the City Manager anywhere he went within the United States.

Since the program is open for all employees it was worthy of consideration. It has made news recently by guaranteeing an interest rate of 15.25% through September 30, 1987. This new rate is based on a new contract with the Travelers Insurance Company approved by the Retirement Corporation Board at it's May 1982 meeting. The increased interest rate results from good timing within the guaranteed investment contract market and significant growth in the guaranteed fund. The significant growth in the guaranteed fund totals \$24,341,000.

I recently attended a meeting in which the West Coast Director of the ICMA Retirement Corporation Fund was available to answer questions. The major concern I had was the local vs. non-local concept. This concern was diminished considerably by the Director informing us that a regional office was opened in Berkley which included the responsibility of getting up to our area on a regular basis and meet with employees whenever the need was there.

I've spoken to First Federal Savings and Loan Association about the possible passage of this resolution and the fact that another plan would be offered as an alternative to their plan. They understood that with 15.25% guaranteed interest rate it would be unwise to not consider it. The Savings and Loan does offer a \$100,000 insurance on each individual account and that is their strong suit. Also, it should be understood that the job First Federal Savings and Loan Association has done for our City has been excellent. I'm in no way applying that this program should take the place of our current program or that we are dissatisfied with our current program.

I do believe that with the passage of the attached resolution employees will have an alternative and can research on their own how they want to invest their money. The ICMA-RC program has a toll free number in which anyone can call to find out some more information prior to making

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Page 2

Memo to City Council
RE: Deferred Income Program

a decision. This number is 1-800-227-0938.

It would be my recommendation that the attached resolution be passed by the City Council to offer a choice for City employees on deferred income programs.

A handwritten signature in cursive script, appearing to read "Michael Warren".

Michael Warren
City Administrator

MW/bjm

Enc.

VIII-2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG ESTABLISHING A DEFERRED COMPENSATION PLAN WITH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION.

WHEREAS, the City of Newberg has in it's employee certain personnel; and

WHEREAS, said employees are and will be rendering valuable services to the City of Newberg; and

WHEREAS, the City of Newberg has considered the establishment of deferred compensation plan for these said employees made available to the City of Newberg and to said employees by the International City Management Association Retirement Corporation; and

WHEREAS, this plan can be construed as an alternative to the current plan with First Federal Savings and Loan Association; and

WHEREAS, individual employees can therefore have a choice in deferred compensation programs; and

WHEREAS, said employees are able to supplement their retirement security with a deferred compensation plan; and

WHEREAS, the City of Newberg receives benefits under said plans by being able to assure an even more reasonable retirement security to said employees; by being more able to attract competent personnel to it's service, and by increasing it's flexibility in personnal management through elimination of the need for continued employment for the sole purpose of allowing an employee to qualify for retirement benefits.

NOW, THEREFORE, BE IT RESOLVED that the City of Newberg establish said deferred compensation plan for said employees and hereby authorizes the Mayor to execute the deferred compensation plan with the International City Management Association Retirement Corporation. Attached hereto as Appendix A. And it is further resolved that the City Administrator may, on behalf of the City of Newberg execute all joinder agreements with said employees and other eligible officials and officers which are necessary for said persons participation in the plan, an example of which appears as Appendix B. Except that any joinder agreement for said designated official shall be executed by the Mayor.

DATED this 7th day of September, 1982.

Arvilla Page - City Recorder

**INTERNATIONAL CITY MANAGEMENT ASSOCIATION
RETIREMENT CORPORATION
DEFERRED COMPENSATION PLAN**

Amended as of June 28, 1974 and March 23, 1979

It is hereby agreed that this DEFERRED COMPENSATION PLAN shall be in effect on the date upon which the Employer has caused it to be executed by an official affixing his signature on behalf of the Governing Body in the space provided below. However, the DEFERRED COMPENSATION PLAN will not be legally binding upon the International City Management Association Retirement Corporation until a Notice of Plan Acceptance has been supplied by it.

Legal Name of the Employer

Attest for the Employer:

Signature of Authorized Official

For the Employer:

By: _____

Signature of Authorized Official

Date of Signature

Print Name and Title

SEE INSTRUCTIONS FOR IMPLEMENTATION PRIOR TO COMPLETING THIS SECTION

Complete the following prior to mailing this Agreement to the Retirement Corporation.

Full Name (City of, County of, etc.) _____

Title of Official to whom correspondence and reports are to be mailed:

(not name) _____

Address: (include zipcode) _____

Employers' Federal Tax Identification Number: _____

How often will you make contributions? _____

What is the date of your first contribution? _____

Total Number of Employees: _____ Number of employees eligible to participate: _____

**PRELIMINARY STATEMENT
ESTABLISHMENT OF THE PLAN
AMENDMENTS**

The International City Management Association Retirement Corporation, hereinafter the Retirement Corporation or ICMA-RC, is a nonprofit Delaware Corporation. It has been classified as a tax-exempt organization under the provisions of Section 501(c)(3) of the Internal Revenue Code. As an aid in the improvement of state and municipal administration in general, the Retirement Corporation is organized for the purpose of receiving and investing deferred compensation funds of state and local governments and their related and controlled public interest organizations which are tax-exempt under Section 501 of the Internal Revenue Code, hereinafter referred to as "Employers"; to act as trustee and/or agent for the collection and reinvestment of the income therefrom; and to act as agent for such Employers and at their explicit direction for the distribution of the funds and assets of their accounts to their participating Employees (including independent contractors) in accordance with options provided in this International City Management Association Retirement Corporation Deferred Compensation Plan, hereinafter referred to as the "Plan," or the "ICMA-RC Plan."

The ICMA-RC Plan is set out below in two parts: I. The Deferred Compensation Employment Agreement; and II. The Master Trust Agreement. As set out below, the Employer adopts this Plan as its Agreement with the participating Employees and ICMA-RC, and the Employees shall participate in the Plan through the execution of a Joinder Agreement, which by its terms incorporates all of the provisions of the Plan. A copy of the Plan shall be supplied to each Employee for his study and understanding prior to his execution of the Joinder Agreement. The Employers, through their participation in the Plan, express their desire to have the benefit of the continued loyalty, service and counsel of their Employees and to assist them in providing for the contingencies of old age dependency, disability, and death.

This Plan may be amended from time to time for purposes of assuring its conformance to the requirements of any applicable law or rule or regulation pursuant thereto, and to preserve the tax-exempt status of the Plan and the Retirement Corporation. No amendment may either directly or indirectly operate to derive any participating Employer of its beneficial interest in the Trust as it is then constituted. The Retirement Corporation will notify the participating Employers of any amendment to this Plan no later than sixty days prior to its effective date. Any such amendment will become effective after the expiration of that period of time, except as to those Employers as may file an objection. No amendment proposed by participating Employers shall be effective unless agreed to by the ICMA Retirement Corporation over the signature of an Officer.

**PART I. DEFERRED COMPENSATION
EMPLOYMENT AGREEMENT**

1. Deferred Compensation—Initial Decision—Future Changes—Limits

1.1 For the purpose of this Plan the following definitions apply:

- a. "Total compensation" is the total of compensation to be paid by the Employer for the services of the Employee, regardless of the terms used for its components, as, for example, "base pay," "in addition to base pay," "employer's contributions," etc.;
- b. "Deferred compensation" is that amount or percentage of the total compensation of the Employee which the Employer currently defers from the payment to the Employee, and, instead, deposits same into a Deferred Compensation Account with the Retirement Corporation under the terms of this Plan. Deferred compensation may include amounts from or percentages of both "base pay" and "employer's contributions" or it may include amounts from or percentages of only one of these components;
- c. "Current compensation" is that portion of the Employee's total compensation which is not deferred compensation as deferred compensation is defined herein; and
- d. "Base pay" is the stated salary of the Employee.

1.2 Compensation may be deferred for any calendar month only if a Joinder Agreement for such deferral has been entered into before the beginning of such month. The determination of the initial amount or percentage and of any future change in amount or percentage of deferred compensation must be made before the beginning of the calendar month for which the compensation is payable. Such future changes may be made more frequently than once per calendar year only at the express direction of the Employer.

1.3 The amount of total compensation may be adjusted from time to time without altering the terms of this Plan. However, the percentage or amount of deferred compensation may be adjusted only in accordance with 1.2 above. Any such adjustment of the percentage or amount of deferred compensation shall be communicated to the Employer's agent, the Retirement Corporation, and the deposits in the adjusted percentages or amounts, if changed from the prior existing percentages or amounts, shall thereafter be made by the Employer into its Retirement Corporation Account.

1.4 Compensation deferred under the Plan for any Employee's taxable year beginning after December 31, 1978, shall not exceed the lesser of (1) \$7,500, or (2) 33-1/3 percent of the difference between an Employee's total compensation and his deferred compensation, except as provided in 1.5 below.

1.5 For one or more of the Employee's last three taxable years ending before he attains normal retirement age under the Plan, the ceiling set forth in Paragraph 1.4 above shall be the lesser of —

- a. \$15,000, or
- b. the sum of —

- (1) the Plan ceiling established for purposes of Paragraph 1.4 for the taxable year (determined without regard to this Paragraph), plus
- (2) so much of the Plan ceiling established for purposes of Paragraph 1.4 for taxable years before the taxable year as has not theretofore been used under Paragraph 1.4 or this Paragraph.

The amount of compensation deferred under this Paragraph shall not exceed an Employee's total compensation. The words "normal retirement age," as used in this Paragraph, shall mean the "designated age," as defined in Paragraph 6 below.

2. **Deferred Compensation Account.** Under this Plan, deferred compensation shall be credited and paid into the Trust established and maintained with the International City Management Association Retirement Corporation as Trustee. The Retirement Corporation is a nonprofit corporation formed for the specific purpose of investing and otherwise administering the funds of said Trust. The Trust may be revoked at any time by the Employer, and upon revocation of said Trust, all of the assets thereof shall return to and revert to the Employer. The Employer shall keep accurate books and records with respect to the Employee's total compensation or other earned income and with respect to amounts paid into said Trust.

3. **Ownership of Funds.** Neither the Employee nor any beneficiary thereof shall have any interest whatsoever in the funds paid into the Deferred Compensation Account, in the property or rights purchased with such funds, or in the income attributable to such funds, property, or rights, which shall at all times remain as assets of the Employer, subject to its absolute dominion, control, and right of withdrawal until such time as the funds or assets of the Account are distributed to the Employee in accordance with the provisions of this Plan. The obligation of the Employer to pay deferred compensation is contractual only, the Employee having no preferred or special interest or claim, by way of trust, annuity, or otherwise, in and to the specific funds and assets held in the Deferred Compensation Account. The contractual obligation of the Employer to pay the funds and assets in its Deferred Compensation Account to the Employee or his beneficiary on the applicable distribution

date shall be a continuing obligation upon the Employer, and shall not be relieved by any agreement between the Employer and any other party, except as provided in Section 2 of Paragraph 13 of this Plan, and shall not be affected in any manner by amendment or revocation of the Trust referred to in Paragraph 2 herein or by reversion of the Trust Funds to the Employer. The provisions of this Paragraph shall supersede and control any other provision of this Plan which could be interpreted to be in conflict therewith.

4. Administration of Funds. The funds deposited in the Deferred Compensation Account shall be invested and reinvested by the Retirement Corporation, as provided for in the Trust Fund described in Part II of this Plan, in any manner which in its sole discretion it deems desirable, without regard at any time to any legal limitation governing the investment of such funds. The Account shall also reflect the gain or loss resulting from the investment and reinvestment thereof. This Trust Fund may be commingled with others established by the Trustee with other Employers under this Plan.

5. Designation of Investments. Each participating Employer, being advised of the preferences of, and for the benefit of each of its participating Employees, shall designate the percentage of the deferred compensation involved which shall be invested in the respective types of investment funds (accounts) of the Retirement Corporation, such as the Equity (Variable) Fund or the Fixed-Income Fund, unless the laws of the applicable state or local government require otherwise, in which case those laws shall govern. Future elections to change the percentage to be invested in each type of Fund may only be made prior to and for the next succeeding annual period of service for which the compensation is payable by filing written notice thereof with the Retirement Corporation. Such notice will not be effective until received by the Retirement Corporation.

6. Payment of Deferred Compensation. The words "designated age," as used in this Paragraph and in Paragraph 10 of this Plan, shall mean the designated age which appears in the Joinder Agreement executed by the participating Employee. These words, as used in this Paragraph, in Paragraph 10, and in the Joinder Agreement, shall also include the following, without repetition therein: "or later, in the sole discretion of the Employer, at the end of his employment agreement, if Employee continues in the employ of the Employer after he attains the designated age." Except as provided in Paragraph 9 (unforeseeable emergency), no payments of deferred compensation shall be made prior to an Employee's separation from service with the Employer. At such time as the Employee reaches the designated age, becomes permanently disabled, or dies, whichever occurs first, he, or his beneficiary or beneficiaries, nominee or estate is/are entitled to receive payment from the Deferred Compensation Account outstanding on the date on which one of the foregoing occurs. Payments occasioned by the Employee having reached the designated age, becoming permanently disabled, or by his death shall be made in accordance with the provisions of Paragraph 7 hereof as follows:

a. Payments in monthly, quarterly, semi-annual, or annual payments over the period of life expectancy of the Employee in accordance with the following procedure:

Upon reaching the designated age, or becoming permanently disabled from permanent full-time employment, whichever first occurs, the Employee's life expectancy shall be determined by reference to Standard U.S. Mortality Tables; the amounts of assets and accumulations in the Deferred Compensation Account shall be computed together with a reasonable rate of return on said assets, less the amount of expected monthly distribution, over the life expectancy of the Employee; and a monthly amount shall then be mathematically determined, the payment of which, in equal monthly installments over the period of the life expectancy of the Employee, shall completely deplete the said Account at the end of the last year of life expectancy; or

b. Payments in monthly, quarterly, semi-annual, or annual payments in accordance with the following procedure:

Unless the Employee's employment terminates prior to the time he

attains the designated age, amounts equal to the benefits received by the Employer, under retirement annuity policies, shall be paid to the Employee, at such time as he attains the designated age; or, in the case of death, payment to his beneficiary or beneficiaries, nominee or estate pursuant to the procedures provided in said policies and Paragraphs 7 and 8 of this Plan; or

c. Payments in monthly, quarterly, semi-annual, or annual installments over a period of not exceeding ten (10) years, said payments to include a reasonable return on the funds, assets and accumulations in the Deferred Compensation Account, less the amount of expected monthly, quarterly, semi-annual, or annual distribution, over the said ten (10) year period; or

d. One lump-sum payment.

7. Selection of Method of Payment. The method of payment shall be selected by the Employer, acting through the Retirement Corporation, as its duly authorized agent, due consideration being given to health, financial circumstances and family obligations of the Employee. In this regard, the Employee may be consulted; however, he shall have no voice in the decision reached.

8. Payments in the Event of Death.

a. During the Period of Distribution. In the event of the Employee's death during the period of distribution, the Employee's beneficiary shall be entitled to receive payments in accordance with the payment method being employed at the time of the Employee's death. With the consent of the Employer, acting through the Retirement Corporation as its duly authorized agent, said beneficiary may elect to receive a lump sum in lieu of installment payments.

b. Prior to Distribution. In the event of the death of the Employee prior to the distribution, the funds and assets of the Deferred Compensation Account shall be paid in accordance with one of the methods described in Subparagraphs a, b, c, or d of Paragraph 6 hereof. The selection of said method shall be made by the Employer acting through the Retirement Corporation as its duly authorized agent.

9. Payments in the Event of Unforeseeable Emergency. In the event that a participating Employee is faced with an unforeseeable emergency (determined in the manner prescribed by Federal regulation), the Employer may direct the Retirement Corporation as agent to make disbursements from the Deferred Compensation Account of amounts reasonably necessary to satisfy the emergency needs of the Employee.

10. Payment Dates. Payments shall commence on the first day of the month, following the attainment of the designated age, or later, on the first day of the month after the end of his employment agreement, if Employee continues in the employ of the Employer after he attains the designated age, or likewise following permanent disability, or death; and, in the case of installment payments, shall be made continuously thereafter on the first day of each succeeding month, or, in the event quarterly, semi-annual, or annual payment installment periods are applied, then continuously thereafter on the first day of each succeeding month which begins the time period (quarterly, etc.) involved until such time as the Deferred Compensation Account is depleted in its entirety.

11. Disbursing Agent. The Retirement Corporation shall act as agent of the Employer for purposes of disbursing payments. The ultimate obligation for making such payments, however, shall remain with the Employer.

12. Accumulation During the Distribution Period. During the period of distribution, the Employee or his beneficiary or beneficiaries, nominee or estate, as the case may be, shall continue to be credited with all the interest, accumulations, and increments on the undistributed funds and assets in the Deferred Compensation Account, until such Account is depleted in its entirety.

13. Section 1. Termination of Employment. Upon termination of the Employee's services, for any reason other than death, the funds, assets, and accumulations in the Deferred Compensation Account shall not be transferred to an account with a new employer of the Employee, and, instead, they shall remain in the original Account as assets of the old

Employer until such time as they are distributed in accordance with the provisions of this Plan, except as provided in Section 2 of this Paragraph.

Section 2. Transfer of Employment with Consideration Between Employers—Tripartite Agreement. In the event the Employee accepts employment with a new employer participating in the ICMA-RC Deferred Compensation Plan, then, if the past Employer finds that it has no present or future need of the funds, assets, and accumulations in the said Account for the payment of its general creditors or for any other purpose whatsoever, in consideration of its desire to avoid the continuing expense of maintaining records, and receiving, examining, verifying and filing annual reports of the Retirement Corporation, and in consideration of avoiding the possible future expenses of litigation of Employee's continuing contractual rights to payment of deferred compensation on his retirement as herein provided in the event of any possible future revocation and withdrawal by the past Employer of the funds, assets, and accumulations in the said Account, the past Employer may, at its discretion, authorize the Retirement Corporation, as its agent, to propose to the new Employer that the funds, assets, and accumulations of the said Account be transferred to the ownership, control, and right of withdrawal of the new Employer, and to do so in the event the new Employer, in consideration of the increased value of the Employee's services by reason of the experience gained while in past employment, agrees to accept same, and the respective Employers and the Employee sign an appropriate form of Agreement in which the new Employer also agrees to assume the continuing contractual liability to pay deferred compensation so transferred upon retirement of the Employee and the Employee releases the past Employer from said continuing obligation to do same.

Section 3. Payment of Deferred Compensation after Termination of Employment. In the event a participating Employee separates from service with the Employer prior to the designated age which appears in the Joinder Agreement, the Employer may direct the Retirement Corporation, as agent, to distribute the funds and assets of the Deferred Compensation Account to the Employee in one lump-sum payment.

14. Losses. The Employer shall not be responsible for any loss due to investment or failure of investment of funds and assets in said Deferred Compensation Account nor shall the Employer be required to replace any loss whatsoever which may result from said investments.

15. Nonassignability of Deferred Compensation. The Employee during his lifetime shall not be entitled to commute, encumber, sell or otherwise dispose of his rights to receive deferred compensation payments provided for herein, and the right thereto shall be nonassignable and nontransferable. In the event of any attempted assignment or transfer thereof, the Employer shall have no further liability under this Agreement.

16. Participation in Other Employee Benefit Plans. Nothing herein contained shall in any manner modify, impair, or affect the existing or future rights or interest of the Employee (a) to receive any employee benefits to which he would otherwise be entitled, or (b) as a participant in any future pension plan, it being understood that the rights and interests of the Employee to any employee benefits or as a participant or beneficiary in or under any or all such plans respectively shall continue in full force and effect unimpaired, and the Employee shall have the right at any time hereafter to become a beneficiary under or pursuant to any and all such plans.

17. Definitions. The meaning of any term or terms, phrase, clause, or sentence used in this Agreement, which is also used in the By-Laws of the Retirement Corporation, shall be defined as these are defined in ARTICLE II, Section 2 of the By-Laws. Masculine pronouns, whenever used herein, include the feminine pronouns, and the singular includes the plural unless the context requires another meaning.

18. Validity of Agreement. This Agreement shall not be valid or enforceable unless signed by an officer of Employer, authorized by the governing body of the Employer, as, for example, the City Council, and unless this Agreement is implemented by the execution of the Joinder Agreement.

PART II. MASTER TRUST AGREEMENT

AGREEMENT made by and between the aforementioned Employer and the International City Management Association Retirement Corporation (hereinafter the "Trustee" or "Retirement Corporation"), a nonprofit corporation organized and existing under the laws of the State of Delaware, for the purpose of investing and otherwise administering the funds set aside by Employers in connection with Deferred Compensation Agreements with Employees.

WHEREAS, the Employer desires to enter into agreements with its Employees whereby its Employees agree to defer payments of specified percentages of or amounts from their total compensation as "deferred compensation" is defined in said agreements until the occurrence of certain events;

WHEREAS, in order that there will be sufficient funds available to discharge the foregoing contractual obligations, the Employer desires to set aside periodically amounts equal to the amount of compensation deferred;

WHEREAS, the funds set aside, together with any and all investments thereto, are to be exclusively within the dominion, control, and ownership of the Employer, and subject to the Employer's absolute right of withdrawal, the Employee having no interest whatsoever therein;

NOW, THEREFORE, this Agreement witnesseth that (a) the Employer will pay monies to the Trustee to be placed in Deferred Compensation Accounts for the Employer; (b), the Trustee covenants that it will hold said sums, and any other funds which it may receive hereunder, in trust for the uses and purposes and upon the terms and conditions hereinafter stated; and (c) the parties hereto agree as follows:

ARTICLE I. General Duties of the Parties.

Section 1.1. General Duty of the Employer. The Employer shall make regular periodic payments equal to the amounts of its Employees' compensation which are deferred in accordance with the terms and conditions of Deferred Compensation Employment Agreements with such Employees, or with any subsequent modification thereof.

Section 1.2. General Duties of the Trustee. The Trustee shall hold all funds received by it hereunder, which, together with the income therefrom, shall constitute the Trust Funds. It shall administer the Trust Funds, collect the income thereof, and make payments therefrom, all as hereinafter provided. The Trustee shall also hold all Trust Funds which are transferred to it as successor Trustee by the Employer from existing deferred compensation arrangements with its Employees which meet the same Internal Revenue Code requirements which govern the ICMA-RC Deferred Compensation Plan. Such Trust Funds shall be subject to all of the terms and provisions of this Agreement.

ARTICLE II. Powers and Duties of the Trustee in Investment, Administration, and Disbursement of the Trust Funds.

Section 2.1. Investment Powers and Duties of the Trustee. The Trustee shall have the power in its discretion to invest and reinvest the principal and income of the Trust Funds and keep the Trust Funds invested, without distinction between principal and income, in such securities or in other property, real or personal, wherever situated, as the Trustee shall deem advisable, including, but not limited to, stocks, common or preferred, bonds, retirement annuity and insurance policies, mortgages, and other evidences of indebtedness or ownership, and in common trust funds of approved financial or investment institutions, with such institutions acting as Trustee of such common trust funds, or separate and different types of funds (accounts) including equity, fixed-income, and those which fulfill requirements of state and local governmental laws, established with such approved financial or investment institutions. For these purposes, these Trust Funds may be commingled with others established by the Trustee under this form of agreement with other Employers. In making such investments, the Trustee shall not be subject at any time to any legal limitation governing the investment of such funds. Investment powers and investment discretion vested in the Trustee

by this Section may be delegated by the Trustee to any bank, insurance or trust company, or any investment advisor, manager or agent selected by it.

Section 2.2. Administrative Powers of the Trustee. The Trustee shall have the power in its discretion:

- (a) To purchase, or subscribe for, any securities or other property and to retain the same in trust.
- (b) To sell, exchange, convey, transfer or otherwise dispose of any securities or other property held by it, by private contract, or at public auction. No person dealing with the Trustee shall be bound to see the application of the purchase money or to inquire into the validity, expediency, or propriety of any such sale or other disposition.
- (c) To vote upon any stocks, bonds, or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights, or other options, and to make any payments incidental thereto; to oppose, or to consent to, or otherwise participate in, corporate reorganizations or other changes affecting corporate securities, and to delegate discretionary powers, and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held as part of the Trust Funds.
- (d) To cause any securities or other property held as part of the Trust Funds to be registered in its own name, and to hold any investments in bearer form, but the books and records of the Trustee shall at all times show that all such investments are a part of the Trust Funds.
- (e) To borrow or raise money for the purpose of the Trust in such amount, and upon such terms and conditions, as the Trustee shall deem advisable; and, for any sum so borrowed, to issue its promissory note as Trustee, and to secure the repayment thereof by pledging all, or any part, of the Trust Funds. No person lending money to the Trustee shall be bound to see the application of the money lent or to inquire into its validity, expediency or propriety of any such borrowing.
- (f) To keep such portion of the Trust Funds in cash or cash balances as the Trustee, from time to time, may deem to be in the best interest of the Trust created hereby, without liability for interest thereon.
- (g) To accept and retain for such time as it may deem advisable any securities or other property received or acquired by it as Trustee hereunder, whether or not such securities or other property would normally be purchased as investments hereunder.
- (h) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted.
- (i) To settle, compromise, or submit to arbitration any claims, debts, or damages due or owing to or from the Trust Funds; to commence or defend suits or legal or administrative proceedings; and to represent the Trust Funds in all suits and legal and administrative proceedings.
- (j) To do all such acts, take all such proceedings, and exercise all such rights and privileges, although not specifically mentioned herein, as the Trustee may deem necessary to administer the Trust Funds and to carry out the purposes of this Trust.

Section 2.3. Distributions from the Trust Funds. The Employer hereby appoints the Trustee as its agent for purposes of selecting the method by which distributions from the Trust Funds are to be made, as well as for purposes of making such distributions. In this regard the terms and conditions set forth in the Agreements to be executed between the Employer and its Employees, and any subsequent modifications thereof,

are to guide and control the Trustee's power.

Section 2.4. Valuation of Trust Funds. At least once a year as of Valuation Dates designated by the Trustee, the Trustee shall determine the value of the Trust Funds. Assets of the Trust Funds shall be valued at their market values at the close of business on the Valuation Date, or, in the absence of readily ascertainable market values as the Trustee shall determine, in accordance with methods consistently followed and uniformly applied.

ARTICLE III. For Protection of Trustee.

Section 3.1. Evidence of Action by Employer. The Trustee may rely upon any certificate, notice or direction purporting to have been signed on behalf of the Employer which the Trustee believes to have been signed by a duly designated official of the Employer. No communication shall be binding upon any of the Trust Funds or Trustee until they are received by the Trustee.

Section 3.2. Advice of Counsel. The Trustee may consult with any legal counsel with respect to the construction of this Agreement, its duties hereunder, or any act, which it proposes to take or omit, and shall not be liable for any action taken or omitted in good faith pursuant to such advice.

Section 3.3. Miscellaneous. The Trustee shall use ordinary care and reasonable diligence, but shall not be liable for any mistake of judgment or other action taken in good faith. The Trustee shall not be liable for any loss sustained by the Trust Funds by reason of any investment made in good faith and in accordance with the provisions of this Agreement.

The Trustee's duties and obligations shall be limited to those expressly imposed upon it by this Agreement, notwithstanding any reference of the Plan.

ARTICLE IV. Taxes, Expenses and Compensation of Trustee.

Section 4.1. Taxes. The Trustee shall deduct from and charge against the Trust Funds any taxes on the Trust Funds or the income thereof or which the Trustee is required to pay with respect to the interest of any person therein.

Section 4.2. Expenses. The Trustee shall deduct from and charge against the Trust Funds all reasonable expenses incurred by the Trustee in the administration of the Trust Funds, including counsel, agency and other necessary fees.

ARTICLE V. Settlement of Accounts. The Trustee shall keep accurate and detailed accounts of all investments, receipts, disbursements, and other transactions hereunder.

Within ninety (90) days after the close of each fiscal year, the Trustee shall render in duplicate to the Employer an account of its acts and transactions as Trustee hereunder. If any part of the Trust Fund shall be invested through the medium of any common, collective or commingled Trust Funds, the last annual report of such Trust Funds shall be submitted with and incorporated in the account.

If within ninety (90) days after the mailing of the account or any amended account the Employer has not filed with the Trustee notice of any objection to any act or transaction of the Trustee, the account or amended account shall become an account stated. If any objection has been filed, and if the Employer is satisfied that it should be withdrawn or if the account is adjusted to the Employer's satisfaction, the Employer shall in writing filed with the Trustee signify approval of the account and it shall become an account stated.

When an account becomes an account stated, such account shall be finally settled, and the Trustee shall be completely discharged and released, as if such account had been settled and allowed by a judgment or decree of a court of competent jurisdiction in an action or proceeding in which the Trustee and the Employer were parties.

The Trustee shall have the right to apply at any time to a court of competent jurisdiction for the judicial settlement of its account.

ARTICLE VI. Resignation and Removal of Trustee.

Section 6.1. Resignation of Trustee. The Trustee may resign at any

time by filing with the Employer its written resignation. Such resignation shall take effect sixty (60) days from the date of such filing and upon appointment of a successor pursuant to Section 6.3., whichever shall first occur.

Section 6.2. Removal of Trustee. The Employer may remove the Trustee at any time by delivering to the Trustee a written notice of its removal and an appointment of a successor pursuant to Section 6.3. Such removal shall not take effect prior to sixty (60) days from such delivery unless the Trustee agrees to an earlier effective date.

Section 6.3. Appointment of Successor Trustee. The appointment of a successor to the Trustee shall take effect upon the delivery to the Trustee of (a) an instrument in writing executed by the Employer appointing such successor, and exonerating such successor from liability for the acts and omissions of its predecessor, and (b) an acceptance in writing, executed by such successor.

All of the provisions set forth herein with respect to the Trustee shall relate to each successor with the same force and effect as if such successor had been originally named as Trustee hereunder.

If a successor is not appointed within sixty (60) days after the Trustee gives notice of its resignation pursuant to Section 6.1., the Trustee may apply to any court of competent jurisdiction for appointment of a successor.

Section 6.4. Transfer of Funds to Successor. Upon the resignation or removal of the Trustee and appointment of a successor, and after the final account of the Trustee has been properly settled, the Trustee shall transfer and deliver any of the Trust Funds involved to such successor.

ARTICLE VII. Duration and Revocation of Trust Agreement.

Section 7.1. Duration and Revocation. This Trust shall continue for such time as may be necessary to accomplish the purpose for which it was

created but may be terminated or revoked at any time by the Employer as it relates to any and/or all related participating Employees. Written notice of such termination or revocation shall be given to the Trustee by the Employer. Upon termination or revocation of this Trust, all of the assets thereof shall return to and revert to the Employer. Termination of this Trust shall not, however, relieve the Employer of the Employer's continuing obligation to pay deferred compensation upon the applicable distribution date to any and/or each Employee with whom the Employer has entered into a Deferred Compensation Employment Agreement.

Section 7.2. Amendment. The Employer shall have the right to amend this Agreement in whole and in part but only with the Trustee's written consent. Any such amendment shall become effective upon (a) delivery to the Trustee of a written instrument of amendment, and (b) the endorsement by the Trustee on such instrument of its consent thereto.

ARTICLE VIII. Miscellaneous.

Section 8.1. Laws of the State of Delaware to Govern. This Agreement and the Trust hereby created shall be construed and regulated by the laws of the State of Delaware.

Section 8.2. Successor Employers. The term "Employer" shall include any person who succeeds the Employer and who adopts the Deferred Compensation Plan of the Retirement Corporation and becomes a party to this Agreement with the consent of the Trustee.

Section 8.3. Withdrawals. The Employer may, at any time, and from time to time, withdraw a portion or all of the Trust Funds created by this Agreement and related Deferred Compensation Employment Agreements.

Section 8.4. Definitions. Definitions in the By-Laws of terms, phrases, etc., used herein apply to the same herein. The masculine includes the feminine and the singular includes the plural unless the context requires another meaning.

ICMA RETIREMENT CORPORATION

1101
Connecticut
Avenue
Northwest
Washington DC
20036

Area Code 202
293-2716
Toll Free 800
424-9249

EMPLOYEE ENROLLMENT FORM

Your enrollment in the ICMA Retirement Corporation (RC) deferred compensation plan requires proper completion of the attached Joinder Agreement. The agreement is prepared in memorandum form. You are requesting participation, which will be approved when both you and your employer sign the agreement. No part of the agreement can become effective in the same calendar month in which it is completed. All deferred compensation agreements are for the future.

GENERAL INSTRUCTIONS

- Three (3) copies of the agreement are necessary. The three agreements, attached, do not require carbon paper but be sure to use a ball-point pen or a typewriter.
- In the upper left-hand corner of the agreement check the box which describes the type of agreement:
 - Check the box for **NEW AGREEMENT** if you have not previously participated in the RC plan through your present employer.
 - Check the box for **AMENDMENT OF PREVIOUS AGREEMENT** if you are now participating in the RC plan, but desire to make a change. (See "Instructions for Amendment" below.)
 - If you wish to change the beneficiary of your account without changing your amount deferred or fund allocation, check the box for **CHANGE OF BENEFICIARY** only. Also, to assure proper identification, complete the section titled "Essential Employee Information."
- Provide all information requested on the agreement.

AMOUNT OF DEFERRED COMPENSATION

Effective January 1, 1979, federal law placed a limitation on the total amount a person may defer from federal income taxation. The limit is 25% of total compensation or \$7,500, whichever is less. If you participate in other tax sheltered plans the total amount deferred under all plans may not exceed this amount. See "General Provisions," paragraph 4, on the reverse side of the agreement.

- In the boxes titled "Percentage Method" and "Dollar Method," enter the percentage or dollar amount you, as an individual, wish to defer under the column labeled "Employee's Contribution." If your employer has agreed to contribute to your deferred compensation plan enter that percentage of your salary or dollar amount under the column labeled "Employer's Contribution." The **PERCENTAGE METHOD** is recommended if you would like for your contribution to increase automatically whenever your salary increases. The **DOLLAR METHOD** fixes a specific contribution amount which will not change unless you request it.
- On the line titled "Payday on which plan is to begin" enter the month, day, and year of the payday covering the pay period in which you desire to begin deferring compensation. Be sure the effective date is not in the same month in which you are signing the agreement.
- Your current salary should be accurately recorded. Do not subtract from your salary the amount you are deferring, nor add any contribution your employer may be making to your deferred compensation.
- When indicating how often you are paid be sure to distinguish between "every two weeks," "twice a month," etc.

ALLOCATION TO INVESTMENT FUNDS

You have four investment options. In most cases you may request that all of your deferred compensation be placed in one Fund or you may split it between two or more of the Funds. For example, you may request that 100% be invested in the Balanced Fund or you may divide the total so that 50% goes into the Balanced Fund and 50% into the

Guaranteed Interest Fund. On the other hand, you could request that a certain percentage be invested in each of the four Funds. The only requirement is that any division between Funds be made in whole percentages; i.e., 50%, 20%, 83%, etc. (Not 50.5%, 20.6%, or 83¼%).

Some jurisdictions are limited by state or local laws as to the types of investments which may be made with deferred compensation funds. You should check with your employer to see if you have any such restrictions.

See "Selecting Investment Funds" on the following page for a description of RC's investment Funds.

NOTE: Any subsequent amendments to this agreement will not permit transferring previously invested money from one Fund to another. (However, changes in the allocation of investments can be made for future investments.)

ESSENTIAL EMPLOYEE INFORMATION

Always complete all items in this section.

DESIGNATION OF BENEFICIARY

See instructions on the reverse side of this page.

FOR SUPPLEMENTAL PROVISIONS

This section may be used for special considerations relating to the agreement. Such considerations include a one-time lump-sum payment, transfers from other plans, etc. The Retirement Corporation should be consulted in the completing of these agreements.

SIGNATURES

Sign and date the agreement, making sure the impression shows through on all three copies. Submit the three copies of the Joinder Agreement to your employer for signature. Your employer will return one copy to you, retain one copy, and mail the third copy to the Retirement Corporation.

INSTRUCTIONS FOR AMENDMENTS

- The agreement may be amended by completing only those sections in which you desire to make a change. (Be sure to complete the "Essential Employee Information" section on all amended Joinders.) Follow the instructions for the completion of each section in which changes are to be made, and check the box at the top of the form labeled "Amendment of Previous Agreement."
- Agreements may be amended at any time, so long as the amendments apply to the future. Your employer may have a policy on how often you may amend your agreement, so you should inquire before submitting the form.
- Reductions in the amount to be deferred, as well as termination of deferral, are accomplished by submitting an amended agreement. In the case of termination, write "none" in the column labeled "Amount of Deferred Compensation" and enter the effective date on the line titled "Payday on which plan is to begin."

SELECTING INVESTMENT FUNDS

Neither the Retirement Corporation nor your employer offer you investment advice. The following is a general description of each Fund and what you might expect according to conventional investment wisdom. A complete statement of the investment policy and objectives for each Fund are contained in the Annual Report of the Retirement Corporation. All investment policy statements are subject to periodic revision, based on the investment climate and the Board of Directors' strategy for accomplishing its objectives. Also, the past performance of the Fund is recorded in the Retirement Corporation's Annual Report.

THE BALANCED FUND

1. The BALANCED FUND is designed to allow your participation in the overall economy of the United States. Its emphasis is on common stocks but that emphasis is balanced against current market conditions to protect your account against severe losses. In this Fund you should expect significant fluctuations in earnings on a year-to-year basis. In any single year a loss may be experienced. The strategy is for the long-term. Over two-to-three market cycles, you should come out ahead of the other Funds.

THE BOND FUND

2. The BOND FUND is designed to take advantage of the significant earnings which can be made by investing in high quality corporate bonds. Offering less risk than the Balanced Fund, you should expect steady gains over one or two market cycles. Year-to-year fluctuations in earnings will also occur in this Fund but any loss of principal is carefully guarded against.

THE GOVERNMENT SECURITIES FUND

3. The GOVERNMENT SECURITIES FUND is invested only in securities of, and those guaranteed by, the U.S. Government. When compared to the Balanced and the Bond Funds, it offers even less risk of principal. Over the long-term its returns are likely to

be slightly lower. Year-to-year fluctuations in earnings are to be expected. The Government Securities Fund allows participation by employees who work for governments that restrict the amounts that can be invested in commercial securities.

THE GUARANTEED INTEREST FUND

4. The GUARANTEED INTEREST FUND is the most recent addition to the RC investment options. It offers guaranteed interest for those who choose not to accommodate themselves to fluctuations in annual earnings. This Fund includes guaranteed investment contracts and guarantees a specific rate of return. The current guaranteed annual rate is quoted in the brochures and other literature of the Retirement Corporation. The annual management fee charged on this Fund does *not* reduce the guarantee. This interest rate will change periodically. However, year-to-year fluctuations are minimized. Over the long-term, participants should not necessarily expect a higher return than the other Funds will produce.

In summarizing each Fund, we have pointed out that all investments have a degree of risk. Conventional wisdom assumes that the greater the risk, the greater the possibility for a higher *long-term* return. On the other hand, all of RC's Funds are for retirement planning and represent conservative investment policies when compared to the complete range of possibilities.

Check One

- ☐ New Agreement ☐ Amendment of Previous Agreement
☐ Change of Beneficiary Only

JOINDER AGREEMENT

To the ICMA Retirement Corporation deferred compensation plan.

To: _____
 Print Name of Employer

☐ Mr. ☐ Ms. ☐ Mrs. ☐ Miss First Middle Last

From: Full Name _____

AMOUNT OF DEFERRED COMPENSATION

NOTICE: Effective January 1, 1979, federal law prohibits any person from deferring more than 25% of total compensation or \$7,500, whichever is lower. Total compensation is your salary, including any amounts deferred.

Effective on the payday shown below, I desire to be paid, in the form of deferred compensation, as follows:

Method of Designating Deferred Compensation (Use Only One)	(Employee's Contribution) Base pay shall be reduced by	(Employer's Contribution) Base pay shall be added to by	Total
(1) Percentage Method.	%	%	%
(2) Dollar Method (per pay period)	\$	\$	\$

Payday on which plan is to begin _____
 Mo. Day Yr.

My current salary is \$ _____ per pay period.

I am paid every (2 weeks, month, 15 days, etc.): _____

ALLOCATION TO INVESTMENT FUNDS

I request that the total amounts of deferred compensation be applied to the available investment funds in the following percentages (See ICMA-RC Annual Report for discussion of funds):

Fund	Whole Percentages
Balanced Fund	%
Bond Fund	%
Government Securities Fund	%
Guaranteed Interest Fund	%
Total	100 %

I understand that where state or local law restricts the nature of the investment of these funds that it will be necessary to restrict the investment choice to those available under the law.

ESSENTIAL EMPLOYEE INFORMATION

Sex: ☐ M ☐ F Date of Birth _____
 Mo. Day Yr.

Social Security Number _____

Job Title _____ Department _____

Home Address _____
 No. Street City State Zip

DESIGNATION OF BENEFICIARY (See Instructions)

Note: When amending your agreement do not complete this section unless you wish to change beneficiaries.

To whom shall the proceeds be payable in case of your death? Give first name, middle initial, and last name: Mary A. Smith (not Mrs. John Smith). For your children, you may simply use the term "My Children" and leave the Date of Birth and Relationship columns blank. This term will provide equal treatment among your children—present and future—born of any and all marriages and any children legally adopted at any time.

Primary Beneficiary(ies) (Class I):

Contingent Beneficiary(ies) (Class II), if any:

The right to change beneficiaries is reserved to me.

NOTE: If no Primary Beneficiary (Class I) is living at time of your death, the proceeds are payable to the Contingent Beneficiary(ies) (Class II). If a Class includes more than one person, the proceeds are divided equally among the living beneficiaries of the Class.

Date of Birth
 Mo. Day Year

Relationship to you,
 i.e., wife, son, daughter.
 (If none, state whether
 friend, creditor, etc.)

FOR SUPPLEMENTAL PROVISIONS

The undersigned hereby applies for participation in the ICMA Retirement Corporation deferred compensation plan as established by my employer. I understand my participation is subject to my employer's agreement, given below, and will be governed by the plan document, its amendments, and this agreement, including the general provisions appearing on the reverse side. I have read paragraph 4 on the reverse side of this agreement, and certify that the amount I have said I want to defer does not exceed 25% of my total compensation or \$7,500, whichever is lower.

Employee Signature

Employer Approval and Agreement

Signature _____ Date _____

Signature of Authorized Official *

Date _____

*You cannot sign your own Joinder Agreement for employer approval. If you also act as your employer's authorized official, have another employee authorized to sign your agreement.

Print Name and Title of Official

VIII-2



First Federal Savings

AND LOAN ASSOCIATION OF McMinnville

Home Office - 118 Third St.
P.O. Box 239, McMinnville, OR 97128
Phone 503-472-6171

RECEIVED
AUG 30 1982
CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

August 27, 1982

Michael Warren
City Administrator
City of Newberg
414 East First
Newberg, OR 97132

RE: DEFERRED COMPENSATION PROGRAM ICMA/FIRST FEDERAL SAVINGS

Dear Michael:

I am writing to you regarding the above referenced program.

As I discussed with you, we believe our program to be very competitive. We pride ourselves in being a local financial institution doing business in Yamhill County for the past 60 years.

Several factors regarding our deferred compensation program are important with respect to the participants.

INSURED SAVINGS. Deposits you entrust to our institution, as a member of both the Federal Savings and Loan Insurance Corp. and the Federal Home Loan Bank System, are fully insured. In addition, recent Federal Regulation provides \$100,000. insurance coverage for the interest of each participant in a deferred compensation plan with funds deposited in FSLIC-insured institutions.

YIELDS. Competitive interest rates will always be available. This rate is of course established by government regulation and within the constraints of our Association's investment and lending practices.

I have enclosed for your reference a current average yield on investment for the City of Newberg-Deferred Compensation Plan.

PERSONALIZED LOCAL SERVICE. There are no costs to participate in our plan. Plan Administrators receive monthly reports and participants receive a quarterly statement showing credits to the account.

First Federal Savings & Loan Assn prides itself on professional and qualified customer assistance. Your particular needs are always of utmost concern.

Your Savings - Working Locally

513 E. Hancock St.
P.O. Box 678, Newberg, OR 97132
Phone 503-538-9449

110 Maddox St.
P.O. Box 125, Amity, OR 97101
Phone 503-835-1033

VIII-2

246 S. Bridge St.
P.O. Box 156, Sheridan, OR 97378
Phone 503-843-3811

335 W. Madison St.
P.O. Box 38, Carlton, OR 97111
Phone 503-852-7051



First Federal Savings

AND LOAN ASSOCIATION OF McMinnville

Page Two
August 27, 1982

I do appreciate your recent information regarding other qualified programs. It is important to recognize there are other alternatives available in the market place.

I will plan to attend your next council meeting. If I may be of assistance please do not hesitate to call.

Sincerely,

Larry Shaffer
Ass't Vice President - Savings Manager

vt

Enclosure

VIII-2

DATE: August 30, 1982

SUBJECT: Sidewalk at Presbyterian Church

The Public Works Director in a historical and recommending memo has no other choice but to recommend that the City Council comply with the ordinance.

The Public Works Committee has, in essence, recommended alternatives two and three outlined in Joyce Vergets' letter of August 9, 1982.

I am sure the Church realizes the precedent setting type of move that would go along with eliminating any sidewalk until a future date and I must assume that that is why they outline alternatives 2 and 3. I beleive that this is a good middle ground and because the construction is being done in that area anyway it may even be cheaper now than at a future date.


Michael Warren
City Administrator

MW/bjm

Enc.

Put in council basket
Sent May
August 9, 1982
1500 Chehalis Dr.

Mike Warren, City Administrator
City of Newberg
Newberg, Oregon

Dear Mike:

On behalf of the Building Committee of the First Presbyterian Church, 501 Mission Drive, Newberg, we request a waiver of the requirement for a sidewalk on our property on the north side of Mission Drive.

Mission Drive is dead-end, with existing sidewalk on the south side where most of the residences are built. There are three houses west of the church property, on the north side.

Almost everyone comes to the church property by automobile both for church activities and public use (as a polling place).

Strict enforcement of the ordinance requiring a sidewalk would not serve a useful purpose, it seems to us, therefore, we ask:

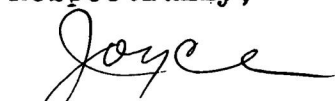
First, that the requirement for sidewalk be waived entirely; or second, that an alternative might be to install sidewalk from the existing driveway across the one grass area where no hard surface pathway exists, or third, that, in connection with the second choice, a pedestrian path could be identified with painted lines on the south edge of the hard surface parking area.

Some fifteen years ago when the sanctuary and education building were constructed, there was no requirement for sidewalk; now that the congregation is building a third building (a fellowship hall) we are not aware of change to warrant a sidewalk.

If, at some point in the future, the street were to be continued to Main Street, either directly or by connection to Reed Park Subdivision, there might then be possible justification for installation of sidewalk for public safety and convenience.

We are proud to be part of the Newberg community and are anxious to provide facilities that serve. We cannot, however, feel that money spent on a sidewalk at this particular location, or at this time, is either necessary or prudent.

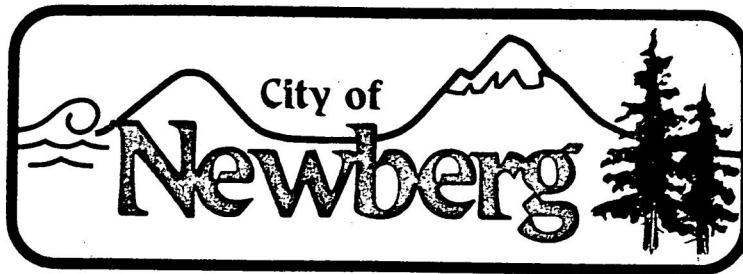
Respectfully,



Joyce Vergets, for the Building Committee
Ray Simonsen, chairman

copies: Bob Sanders
R. Simonsen

VIII-3



Michael Warren
City Administrator

414 E. First St.
Newberg, Oregon 97132
(503) 538-9421

August 16, 1982

Joyce Vergets
Building Committee
First Presbyterian Church
501 Mission Drive
Newberg, Oregon 97132

Dear Joyce:

Your letter of August 9, 1982 requesting a waiver of the requirement for a sidewalk on the north side of Mission Drive will be discussed at the regular meeting of the City Council on September 7, 1982 at 7:30 p.m.

Your letter along with an accompanying report by staff will be presented to the City Council so that they can get a broad vision of the circumstances and regulations regarding the sidewalk on Mission Drive. Should you wish a copy of the staff report, it will be available by Thursday, September 2, 1982. Further, if you would like to discuss the report with me please feel free to drop into my office at anytime on Thursday or Friday. If I am not in I would suggest that you discuss the subject with the Public Works Director, Mr. Sanders.

Sincerely,

Michael Warren
City Administrator

MW/bjm

cc: Agenda Basket
Public Works Director



Home of Old Fashioned Festival

VIII-3

MEMO

TO: MIKE WARREN, CITY ADMINISTRATOR DATE: AUGUST 25, 1982

FROM: DIRECTOR OF PUBLIC WORKS *PWS*

SUBJECT: SIDEWALK EXEMPTION REQUEST FROM THE FIRST PRESBYTERIAN CHURCH

As you are aware, the First Presbyterian Church is involved with construction of a fellowship hall on their church site on Mission Dr. The building plans were reviewed and it was determined that the building addition had a value in excess of \$5,000, hence, I required construction of a sidewalk on Mission Dr. along the entire width of the church property (approximately 575 feet).

The building permit for the original sanctuary structure was issued in 1965 before Mission Dr. was improved, hence, sidewalk construction was waived until street grades were established. The church was not a part of the Kirkwood Addition-Subdivision, which comprises the residential dwellings along Mission Dr. The subdivision was approved in September of 1978, and the street improvements were completed after that date. Each of the residential dwellings that were constructed in the Kirkwood Addition-Subdivision were required to install sidewalks at the time the homes were constructed. As you can see from the attached topographical map, the only place where sidewalk is missing along Mission Dr. are at the church site, and the house on the south side of Mission Dr. which faces College.

Since the church was constructed, sidewalk Ordinance No. 929 was amended in May of 1977 by Ordinance No. 1857, which added section 29 which requires that sidewalks be constructed with building additions of \$5,000 or more value, unless the City Engineer signs a sidewalk waiver for several specific reasons which mainly relate to the lack of street grades.

The sidewalk ordinance was further amended in March of 1981 with Ordinance No. 2048 which revised section 29 by giving the City Engineer the authority to require sidewalks on any building (value not a factor) if the City Engineer felt that sidewalks were required. In addition to the church requesting a complete waiving of the sidewalk, they have stated another option of constructing sidewalk along Mission Dr. west of the existing parking structure, and dealing with a pedestrian way along the southern portion of the existing parking lot on private property. Although this is a means to get a portion of the sidewalk in at this time, there is no commitment when the remaining portions of the sidewalk would be completed by the church. It is clear to me from the above ordinances that I have no other choice than to go by the ordinance requirement of constructing the entire sidewalk at this time with the existing building improvements.

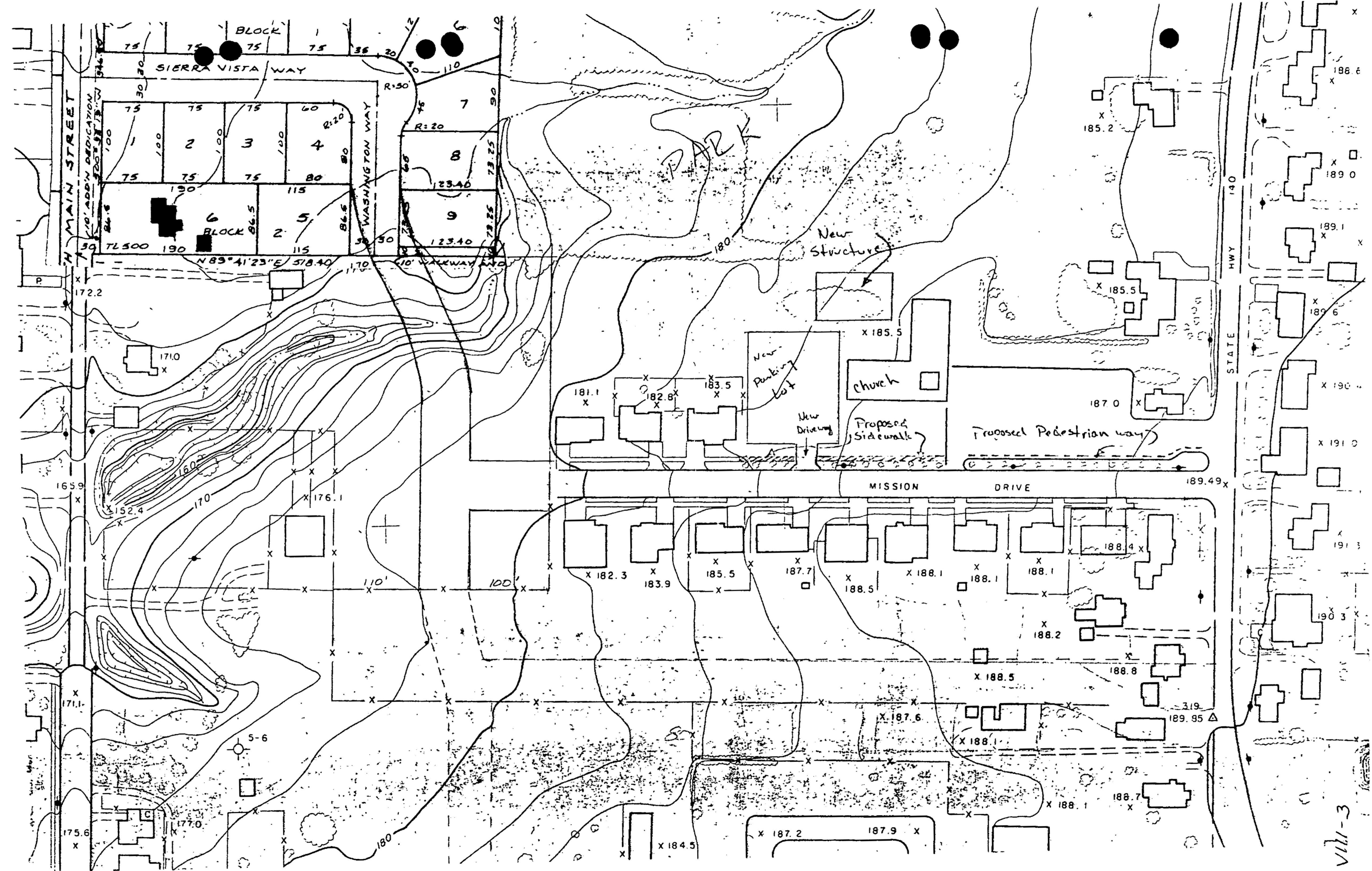
Sidewalk Extension Request/
First Presbyterian Church
August 25, 1982
Page 2

Public Works Committee has discussed the sidewalk exemption request with members of the First Presbyterian Church. The discussion at the Public Works Committee meeting centered around the difficulty in making exceptions to an established ordinance, and the impact exceptions have on future development, and other existing property the City is currently negotiating with, on our ability to obtain sidewalks.

In an attempt to deal with the church request to defray some of the cost of sidewalk construction until a future date, the Public Works Committee voted to require the church to construct a sidewalk from the western edge of the existing parking lot, westerly to the west line of the church property, and delineate a walkway area along the south edge of the existing parking lot. The Public Works Committee also placed a stipulation upon their recommendation that the sidewalk be constructed along the south edge of the existing parking lot when Mission Drive is extended to the west.

From the Staff standpoint, the above agreement for future construction should be in the form of a recorded document that runs with the church property. It would also be easier for the Staff to deal with construction of the sidewalk if it were not only linked with the extension of Mission Drive, but also tied with any future building permits on the church site or a definite time period in which the sidewalks must be required. These items will greatly aid the Staff in negotiating with future developers and property owners in obtaining sidewalk improvements with building permits.

It should be clearly understood by the Council that the recommended reduction in the requirements of the sidewalk with existing building permit will necessitate similar agreements in the future when sidewalks are required with building permits on other development.



VII-3

Sept 7. mtg

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Cost to Serve Studies

DATE: August 26, 1982

The Public Works Director has referred to this project as the Water and Sewer Financial Management Study. The consultation on this project has been a lengthy one with the Chairman of the Public Works Committee, Chairman of the Finance Committee, the Finance Director, the Public Works Director and myself sitting in on the final interview a few weeks ago.

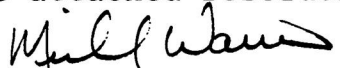
Pacific Economica was the unanimous choice and the reference check has proven to be very positive.

If we are to have a program in which the sewer and water rates relate directly back to the relevant expenditures to each one of these funds then a cost to serve study would be the most logical method in determining how much it cost to serve the public and provide for both of these services.

Pacific Economica and the consultant, Jim Burke, seems to not only have the background on the analysis end but also is very familiar with the technical aspects of both projects. In other words, the consultant cannot just be strong in finance for this project, but must have a realistic knowledge of what it takes to provide services to the public.

The study takes approximately 4 to 8 weeks. I would plan on having the consultant come in, in the near future and take his time during the first phase of the study. The reason for this is that should the November 2 ballot measure affecting the City pass then there will be some fallout and interpretation of that piece of legislation that could affect the bond market and hence, affect the study. I would not encourage the study to be completed until the early part of next year in order for the analysis and consideration of ballot measure 3 to be a part of the study.

It would be my recommendation to pass the attached resolution and set the project in motion.


Michael Warren
City Administrator

MW/bjm

Enc.

VIII - 4

MEMO

TO: CITY ADMINISTRATOR

DATE: AUGUST 25, 1982

FROM: DIRECTOR OF PUBLIC WORKS

SUBJECT: WATER & SEWER FINANCIAL MANAGEMENT CONSULTANTS

The original advertisement requesting statements of qualification from firms interested in performing the subject work for the City of Newberg resulted in statements of qualifications from seven different firms. After the review committee, consisting of the City Administrator, the Finance Director, the Director of Public Works, the Public Works Committee Chairman, and the Finance Committee Chairman, read through the statements of qualifications, three firms were picked to submit proposals for the Financial Management Plan. The three firms selected to submit proposals were Pacific Economica, Touche Ross & Co., and James M. Montgomery, Consulting Engineers.

After the proposals were reviewed by the committee, each of the firms were invited to present their proposals before the review committee on August 19, 1982.

After the representations were completed, the consensus of the review committee was that Pacific Economica was the best firm to perform the Financial Management Plan. I was also directed to check on several references of Pacific Economica and Touche Ross & Co. to confirm the final selection.

After checking with the general manager of Unified Sewage Agency in Washington County, who has had work performed by both firms, I received a very strong recommendation that Pacific Economica would be the best firm to perform the work we have outlined in the scope of work. The recommendation was based on the fact that Pacific Economica is on the forefront of developing innovative and creative self-financing through the rate structure. In view of the potential impact of the possibility of not being able to sell general obligation bonds after November 2, these qualifications are extremely significant in the choice of the firm to perform the City's Financial Management Plans.

The reference check was reported back to the Public Works Committee on August 24, and the Public Works Committee recommended that the City Council authorize the City Administrator to enter into a contract with Pacific Economica to perform the Water and Sewer Financial Management Plans.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE RETENTION OF PROFESSIONAL SERVICES TO CONSULT ON DEVELOPMENT OF A WATER AND SEWER UTILITIES FINANCIAL MANAGEMENT PLAN FOR THE CITY OF NEWBERG.

WHEREAS, the City of Newberg has need to retain consulting services for the development of a water and sewer utilities financial management plan to develop an innovative and creative self-financing program for the improvement and extension of the city's water and sewer services; and

WHEREAS, city staff and City Council have followed a very lengthy and deliberate process in choosing a consultant to provide these services, including advertising for statements of qualification and a region-wide publication on May 14, 1982, their review of seven statements of qualification submitted pursuant to that ad, the request for proposals from the three most outstanding and qualified firms submitting statements of qualification, the acceptance of detailed proposals on July 21, 1982 from the three most qualified firms, the review of proposals by the special Review Committee consisting of City Administrator, Finance Director, Director of Public Works, Public Works Committee Chairman and Finance Committee Chairman, including interviews for presentation of proposals on August 19, 1982, using as criteria for review, qualifications of staff, experience in doing cost-to-serve studies, experience in doing accounting for a city the size of Newberg and with similar growth projections, experience in accounting systems and in advising on data processing, innovative ideas for self-financing presented and numerous other criteria; and

WHEREAS, upon completion of this review, the Review Committee reported to the Public Works Committee on August 24, 1982 and the Public Works Committee does recommend, based upon review of the criteria indicated above, the reports, and the numbers of hours of work to be provided by the firms as against their cost, that it would be in the best interest of the city that the City Council authorize the City Administrator to enter into a contract with Pacific Economica, Inc. to perform the water and sewer financial management plan study as consultants for the city.

NOW, THEREFORE, BE IT RESOLVED by the Council as follows, to-wit:

1. That the agreement to employ consultants to assist the City in developing a water and sewer utilities financial management plan is an agreement for personal services and not subject to public contracting and purchasing laws, though, in this case the procedure followed would comply with such laws were they to be applied.

2. That the Mayor and City Administrator are hereby authorized to execute an agreement on behalf of the City to employ the firm of Pacific Economica, Inc. as consultants for the development of a sewer and water financial management plan for the City of Newberg.

3. That said agreement shall not exceed the sum of \$ 40,000.

ADOPTED by the Council this 7th day of September, 1982.

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Contingency Transfers

DATE: August 27, 1982

Cost to serve studies and the water master plan has been discussed by the Public Works Committee, the Finance Committee and the City Council for the past year. Generally the feeling that Councilmembers have is that we should plan for the future and have these things done quickly.

Money has been put into the Professional Services Account of the Water Department for this year which totals \$45,000. The cost for the cost to serve study is \$20,000 and the total cost for the water master plan is \$67,000. This means that the budget is short \$42,000. This should not be alarming in that we put the minimal amount of money in the Professional Services and left a large Contingency Account of \$100,000 because we weren't sure how far we wanted to go on the water master plan. For instance, phase one of the water master plan is \$15,000, phase two is \$35,000 and phase three is \$17,000.

The attached information gives a breakdown of the water master plan and in a step by step basis. For instance, phase one would be the model development phase which would identify short and long term water needs. Phase two would determine the size of the line, site requirements and improvement costs. Phase three would give an analysis of the existing water field and the need for the possibility of a reservoir somewhere in the City or close to it.

Kramer, Chin and Mayo has been working with the City on the water system and it would be my recommendation that the City Council authorize us to proceed with an extension of their current contract to include the water master plan.

Basically the same thing has occurred in the sewage treatment plant fund. There is a total of \$24,500 in the Professional Services and with the cost to serve study of \$20,000 and other Professional Services needed and additional \$10,000 should be transferred from the Contingency Fund which totals \$150,000.


Michael Warren
City Administrator

MW/bjm

Enc.

VIII-4

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: August 30, 1982

SUBJECT: Contingency Transfer Resolution and Employment for
Professional Services Resolution for City Council

Attached are resolution for contingency transfers and a resolution for employment of Kramer, Chin and Mayo, Inc. for professional services regarding the water system. The purpose of these resolutions are explained in your August 27, 1982 memo to the Council and memo to me from Arvilla Page, dated August 30, 1982.

RDF:fj

VIII-4

RESOLUTION NO.

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM THE CITY SEWER FUND RESERVE FOR CONTINGENCY ACCOUNT OF FUNDS, AND WATER FUND RESERVE FOR CONTINGENCY ACCOUNT OF FUNDS TO DESIGNATED TO SEWER FUND PROFESSIONAL SERVICES ACCOUNT AND WATER FUND PROFESSIONAL SERVICES ACCOUNTS.

WHEREAS, funds in the amount of \$51,750. must be appropriated from the City Sewer Fund Reserve for Contingency Account of funds and the Water Fund Reserve for Contingency Account of funds to meet City needs in the Sewer Fund Professional Services Account and the Water Fund Professional Services Account; and

WHEREAS, the Finance Committee and Public Works Committee of the City Council of the City of Newberg have met and do recommend these transfers; and

WHEREAS, the Council of the City of Newberg has considered the transfer of funds from the Contingency Accounts of Funds as set forth in the budget for the fiscal year 1982-1983, which are enumerated below and has determined that the expenditures hereinafter mentioned are necessary and that the transfer of funds hereinafter stated should be allowed.

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

1. That the following transfer of funds from the Sewer Fund Reserve for Contingency Account of Funds in the amount of \$10,000. is hereby authorized and expenditure of the funds is hereby authorized for the purposes stated as follows:

<u>Fund/Purpose</u>	<u>Amount</u>
<u>Sewer Fund - Professional Services</u>	<u>\$10,000.</u>
TOTAL SEWER FUND	<u>\$10,000.</u>

2. That the following transfer of funds from the Water Fund Reserve for Contingency Account of Funds in the amount of \$41,750. is hereby authorized and expenditure of the funds is hereby authorized for the purposes stated as follows:

<u>Fund/Purpose</u>	<u>Amount</u>
<u>Water Fund - Professional Services</u>	<u>\$41,750.</u>
TOTAL WATER FUND	<u>\$41,750.</u>

3. That the foregoing transfers shall be made from accounts as set forth in the budget of the City of Newberg for the fiscal year 1982-1983.

ADOPTED by the Council of the City of Newberg this 7th day of September, 1982.

Arvilla Page - City Recorder

VIII-4

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE RETENTION OF PROFESSIONAL SERVICES TO CONSULT ON DEVELOPMENT OF A WATER SYSTEM MASTER PLAN, PHASES I, II, AND III FOR THE CITY OF NEWBERG.

WHEREAS, the City of Newberg has need to retain consulting services for the development of a Water System Master Plan to develop the City's water systems services; and

WHEREAS, City Staff, Public Works Committee, City Finance Committee and City Council have reviewed the need to develop a Water System Master Plan with the plan to be developed in phases; Phase I being a model development phase to identify short and long term needs, Phase II would be to determine the size of the line, site requirements and improvement costs of the water system, and Phase III to give an analysis of the existing water field and examine the possibilities for the needs of a reservoir, etc.; and

WHEREAS, the consulting firm of Kramer, Chin and Mayo, Inc. has been working with the City on its current water system improvement projects for the last two years and has an in-depth knowledge of the City's current facilities and needs; and

WHEREAS, it would be in the best interests of the City that the City Council authorize the City Administrator and Mayor to enter into a contract with Kramer, Chin and Mayo, Inc. to perform consulting services in the development of the City's Water System Master Plan, Phases I, II and III.

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

1. That the agreement to employ consultants to assist the City in developing a Water System Master Plan is an agreement for personal services and not subject to public contracting and purchasing laws.

2. That the Mayor and City Administrator are hereby authorized to execute an agreement or agreements on behalf of the City to employ the firm of Kramer, Chin and Mayo, Inc. as consultants for the development of a Water System Master Plan, Phases I, II and III, for the City of Newberg.

3. That said agreement or agreements shall not exceed the sum of \$67,000.

ADOPTED by the Council this 7th day of September, 1982.

Arvilla Page - City Recorder

MEMO TO: Rick Faus, City Attorney
FROM: Arvilla Page, Finance Officer
DATE: August 30, 1982
SUBJECT: Resolution for Council Meeting, September 7, 1982

Please prepare for the September 7, 1982 Council meeting a resolution transferring from contingency accounts as follows:

1. From Sewer Fund - Reserve for Contingencies \$10,000.00
Transfer to Professional Services
Purpose - Financial Plan Management Consultant
Background - \$10,000.00 was budgeted in the 1981-82 fiscal year. \$10,000.00 is budgeted in the current fiscal year. Staff has just recently completed selection of the consultant for the Financial Management Plan. The \$10,000.00 budgeted in the prior year was not expended and reverted to the fund balance.

2. Transfer from Water Reserve for Contingency \$41,750.00
Transfer to Water Fund Professional Services
Purpose - \$10,000.00 Financial Management Plan Consultant, \$15,000.00 Phase I - Master Plan, \$16,750.00 Phase III - Master Plan.
Background - Background on the Financial Management Plan in the Water Fund is the same as in the Sewer Fund. The Master Plan Funding is in 3 phases. \$15,000.00 was budgeted in the 1981-1982 fiscal year. \$35,100.00 is budgeted for Phase II in the current fiscal year. Phase III, which is the long term planning portion of the plan was not budgeted. Staff was not able to complete preliminary work for selection of the consultant for the Master Plan in the 1981-82 fiscal year. The Master Plan is closely linked with the Financial Management Plan and work will be completed shortly to select the consultant for the Master Plan.

AP:fj

cc: Mike Warren
Robert Sanders

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: August 30, 1982

SUBJECT: Retention of Bond Consultant to do Preliminary
Official Statement and work on sale of our Bancroft Bonds

As I indicated in my memo of August 26, 1982, it is necessary for the City to retain a bond consultant for the sale of the Sitka Street Bonds. While we have used the firm of Marshall and Meyer of Seattle in the past, and we have been very well satisfied with their work, because of the present need for very quick action I asked Harvey Rogers, our bond counsel, for suggestions of firms who might be able to do the work quickly. The firm of Moore and Breithaupt in Salem has long experience in the bond market, have worked with our bond counsel in the past and are very good. I spoke with Mr. Bob Moore of that firm today and he quoted a lump sum price of \$3,500. for the consulting work necessary and tentatively suggested any sale during the week of October 18th. This price for consulting work is extremely competitive and I suggest passage of the attached resolution at the September 7th Council meeting.

Based on the critical time frames involved and our discussions, I have taken the liberty of calling Mr. Moore and confirming his employment subject to Council approval of the resolution on September 7, 1982 to act as our bond consultant for the issuance of bonds covering the Sitka Avenue Local Improvement District - Project No. 213.

RDF:fj This item (Sitka Street) was approved for
bonding at our special city council mtg
last month.

Mike Warren

RESOLUTION NO.

A RESOLUTION APPROVING THE AGREEMENT TO EMPLOY BOND CONSULTANT FOR THE ISSUANCE OF LOCAL IMPROVEMENT BONDS COVERING SITKA AVENUE LOCAL IMPROVEMENT DISTRICT, PROJECT NO. 213.

WHEREAS, the City of Newberg has authority under its ordinances and state law to finance local improvements by bonding; and

WHEREAS, the City needs to employ a bonding consultant to assist and advise the City in the preparation and marketing of the bond; and

WHEREAS, it is necessary and advantageous to the city to acquire a financial consultant to provide services for the issuance of bond covering the financing of Sitka Avenue Local Improvement District, Project No. 213; and

WHEREAS, due to the potential impact of Ballot Measure No. 3 on the November 2, 1982 ballot, it is important that a bond consultant be employed as quickly as possible.

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

1. The agreement to employ a bond consultant is an agreement for personal services and not subject to the public contracting and purchasing laws. To avoid any delay, due to the necessity of selling bonds prior to November 2, 1982, the City Council, acting as Contract Review Board, does hereby declare an emergency and waive competitive bidding to forestall any possibility of challenge.

2. The Mayor and City Administrator are hereby authorized to execute the agreement on behalf of the City to employ the firm of Moore and Breithaupt, as bond consultant for the issuance of local improvement bonds covering the Sitka Avenue Local Improvement District, Project No. 213.

3. The fee for the bond consultant shall be at the most reasonable rate, not to exceed the sum of \$3,500.00.

ADOPTED by the Council this 7th day of September, 1982.

Arvilla Page - City Recorder

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TO: City Council DATE: August 30, 1982

FROM: City Administrator

SUBJECT: Stop sign on Washington and Third St.
and Parking Restriction Ordinances

The two attached ordinances were prepared pursuant to the direction of the Public Safety Committee. After looking at both of these subject matters it is the recommendation of the Police Chief and the Public Safety Committee to pass said ordinances.

Michael

Michael Warren
City Administrator

MW/bjm

Enc.

Tape
Agenda

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 900 PASSED MARCH 22, 1940, AS AMENDED, BY ADDING CERTAIN SECTIONS DEALING WITH STOP STREETS AND THROUGH STREETS AND DECLARING AN EMERGENCY.

WHEREAS, the Traffic Safety Committee and the Public Safety Committee of the City of Newberg have met and after consideration of traffic flow have determined that at the intersection of Washington Street and Third Street in the City of Newberg, Yamhill County, Oregon, traffic traveling north or south on Washington Street should be required to stop at the intersection of Washington Street and Third Street and these committees recommend this action to the City Council; and

WHEREAS, because of traffic patterns at this intersection, it is in the best interests for the health, safety and welfare of the people of the City of Newberg that an emergency should be declared to make the stop requirement immediately enforceable.

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

Section 1. Ordinance No. 900 passed March 22, 1940, as amended, is hereby amended to add a new section which reads as follows:

"Section 4.A.15 - All traffic traveling northbound or southbound on Washington Street before entering the intersection of Washington Street and Third Street shall come to a complete stop before entering said intersection."

Section 2. Emergency Clause. Whereas, it is necessary and proper for the orderly flow of traffic in order to protect the citizens of the City using streets within the City that this ordinance become immediately effective for that purpose. NOW, THEREFORE, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon it's passage by the Council and approval by the Mayor.

PASSED by the Council this 7th day of September, 1982, by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - City Recorder

APPROVED by the Mayor this 7th day of September, 1982.

Elvern Hall - Mayor

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 902 OF THE CITY OF NEWBERG PASSED AND APPROVED MARCH 25, 1940, AS AMENDED, BY PROHIBITING PARKING IN CERTAIN AREAS ON DEBORAH ROAD, EMERY STREET, AND DOUGLAS AVENUE; AND BY LIMITING PARKING IN CERTAIN AREAS OF EMERY STREET AND DOUGLAS AVENUE; AND DECLARING AN EMERGENCY.

WHEREAS, the Traffic Safety Committee recommended parking restrictions adjacent to schools to the Public Safety Committee which met on August 19, 1982 and upon review, the Public Safety Committee does recommend to the Council that for better traffic flow and safety adjacent to schools that parking be prohibited and/or limited at certain locations enumerated below; and

WHEREAS, it is in the best interests for the health, safety and welfare of the people of the City of Newberg to provide for prohibited and limited parking adjacent to certain schools that an emergency should be declared to make said parking restrictions immediately enforceable.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. That Ordinance No. 902 of the City of Newberg, Oregon, passed and approved March 25, 1940, as amended, be and the same hereby is amended by adding thereto three new sections to be known as Sections 54, 55 and 56 to read as follows:

"Section 54. It shall be unlawful for any driver or other person in charge of a motor vehicle, bicycle or any other vehicle of any description to park the same on the following described portions of Deborah Road, within the corporate limits of the City of Newberg, Yamhill County, Oregon:

A. On the west side of Deborah Road northerly for a distance of 25 feet from a point located 965 feet 11 inches in a southerly direction from the southwest corner of the intersection of Douglas Avenue and Deborah Road.

B. On the west side of Deborah Road northerly for a distance of 25 feet from a point located 908 feet 4 inches in a southerly direction from the southwest corner of the intersection of Douglas Avenue and Deborah Road.

C. On the east side of Deborah Road northerly for a distance of 25 feet from a point located 820 feet 2 inches in a southerly direction from the southeast corner of the intersection of Douglas Avenue and Deborah Road.

Section 55. It shall be unlawful for any driver or other person in charge of a motor vehicle, bicycle or any other vehicle of any description to park the same on the following described portions of Emery Street and Douglas Avenue within the corporate limits of the City of Newberg, Yamhill County, Oregon:

A. On the west side of Emery Street northerly for a distance of 25 feet from a point located 134 feet 9 inches in a southerly direction from the southwest corner of the intersection of Crestview Drive and Emery Street.

B. On the west side of Emery Street northerly for a distance of 25 feet from a point located 303 feet 6 inches in a southerly direction on Emery Street from the southwest corner of the intersection of Crestview Drive and Emery Street.

C. On the west side of Emery Street northerly for a distance of 25 feet from a point located 362 feet in a southerly direction on Emery Street from the southwest corner of the intersection of Crestview Drive and Emery Street.

D. On the east side of Emery Street northerly for a distance of 50 feet from the northeast corner of the intersection of Emery Street and Douglas Avenue.

E. On the north side of Douglas Avenue easterly along Douglas Avenue for a distance of 50 feet from the northeast corner of the intersection of Emery Street and Douglas Avenue.

F. On the north side of Douglas Avenue for a distance of 25 feet in a westerly direction on Douglas Avenue from a point located 10 feet west of the northwest intersect point of the intersection of Deborah Road and Douglas Avenue.

Section 56. It shall be unlawful for any driver or other person in charge of a motor vehicle, bicycle or other vehicle of any description to park the same on the following described portions of Emery Street and Douglas Avenue within the corporate limits of the City of Newberg, Yamhill County, Oregon:

A. On the east side of Emery Street southerly for a distance of 147 feet 2 inches from a point located 490 feet 9 inches southerly from the southeast corner of the intersection of Crestview Drive and Emery Street during the days and hours school is in session, from 7:00 a.m. to 4:00 p.m.

B. On the west side of Emery Street southerly for a distance of 258 feet 6 inches from a point located 602 feet 8 inches on the west side of Emery Street in a southerly direction from the southwest corner of the intersection of Crestview Drive and Emery Street during the days and hours school is in session, from 7:00 a.m. to 4:00 p.m.

C. On the south side of Douglas Avenue westerly a distance of 270 feet 8 inches from the southwest corner of the intersection of Douglas Avenue and Deborah Road."

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

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

PASSED by the Council this 7th day of September, 1982 by the following votes:

Ayes:

Nays:

Absent:

APPROVED by the Mayor this 7th day of September, 1982.

Elvern Hall - Mayor

X-2