

CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
OCTOBER 4, 1982
7:30 P.M.

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. CONSENT CALENDAR:
 - 1. Approve minutes from the following meetings:
September 7, 1982, September 23, 1982 and
September 24, 1982.
 - 2. Communication from Leonard Rydell RE: Video
Game Amusement Tax
 - 3. Communication from Newberg Chamber of Commerce
President requesting City to proceed with de-
velopment of New Sewage Treatment Plant.
- IV. REQUESTS FROM FLOOR AND COMMUNICATIONS:
 - 1. Appointments by the Mayor.
 - 2. Communication from Uptown Merchants regarding
parking time limit on First Street.
 - 3. Communication from Delores Hamilton regarding
Long Distance Telephone Rates in Newberg.
- V. PUBLIC HEARINGS
- VI. REPORTS FROM THE CITY ADMINISTRATOR:
 - 1. Report on Newberg Redevelopment Centennial
Commission.
 - 2. Report on stained glass Newberg sign.
 - 3. Report on Notice of Violation of Sewage Treatment
Plant from Department of Environmental Quality.
 - 4. Follow through of results of September 24, 1982
City Council meeting.
 - 5. Report on Ballot Measure 3.
- VII. OLD BUSINESS:
- VIII. NEW BUSINESS:
 - 1. Approve Accounts Payable
 - 2. Report on Charter Revision
 - 3. Request for action by City Council on Cable
Television deregulation - Senate Bill 2172.
 - 4. Application from Shaw's Restaurant, 1819 Portland
Road for Liquor License.
- IX. RESOLUTIONS:
- X. ORDINANCES:

EXECUTIVE SESSION - Pursuant to ORS 192.660 (1) (a) relating
to employment of public officer or employee.

ACCOUNTS PAYABLE
OCTOBER, 1982

10/82

Res L.

A.C. Haag Co.	229.32	Norris Paint Co.	175.00
Associated Janitor	178.90	Northwest Law Enforcement	69.24
Barker's Auto Supply	75.65	Northwest Business Systems	142.13
Bert Farnes Co.	31.25	Northwest Natural Gas	495.82
Blue Brush Sign Shop	25.00	Nudelman Bros.	? 904.00
Brass Key	22.20	Nurnberg Scientific	12.61
Bunn, Stan	150.00	Oregon Fire Chiefs' Assn.	35.00
Burroughs Corp.	33.00	Oregon Fire Equip. Co.	38.05
Butler Chevrolet	33.36	Organic Gardening	12.00
Buy Wise Drugs	77.94	Paco Pumps	1,663.62 ?
Callaghan & Co.	70.25	Pacific Safety Supply	161.18
Camera Quarters	11.10	Pacific Water Works Supply	450.71
Chehalem Valley Sr. Citizens	1,525.34 ?	Pennwalt Corp.	48.95
Chevron, U.S.A.	26.22	People	39.00
Chemeketa Comm. College	? 2,365.00	Platt Electric Supply	175.12
Climax Manufacturing	195.00	Quality Office Machines	6.25
Coast to Coast	484.75	R. R. Bowker	101.42
Consolidated Supply Co.	603.99	Roberts Rent-All	51.00
Crowell Auto Parts	47.94	Rowell & Wickersham	1,073.47 ?
Culligan	15.00	S. D. Leasing	312.00
D & K Plumbing, Inc.	31.77	Sanderson Safety Supply	60.32
Daily Journal of Commerce	36.58	Smith, Marilyn (Tax Collector)	1,808.67 ?
Dawn Metal Fab	2,495.00	Sports Illustrated	39.00
Dents	126.46	Swift & Swift	75.00
Discover	12.00	Ted's Shoes	38.95
Doubleday & Co.	8.07	Tek Chemical, Inc.	481.00
Ferron Janitorial	643.56	Vogue	24.00
Fisher Electric	68.77	W. R. Grace	288.53
Fox Union	25.00	Waide's Mobil	5.50
G. K. Hall & Co.	56.68	Water, Food & Research	78.00
General Telephone Co.	1,438.70	Western Auto	95.98
Gray, Larry K.	150.00	Western States Fire Apparatus	9.42
H. W. Wilson Co.	108.00	Westside Automotive	131.57
Harris Uniforms	97.79	Willamette Industries	222.84
Henry Hansen, Inc.	100.00	Willis Mechanical Contractor	1,093.00 ?
Home Laundry	60.50	Yamhill Co. Sheriff's Office	93.50
Johnson Furn. & Hdwe.	838.70	Oregon Meter Repair	376.07
Lanier	10.00	PGE Co.	19,500.00
Little Fire Equip.	17.50		
London's Lawn & Garden	5.00		
Meyer Bros.	17.63		
Metal Goods	? 923.19		
Millipore Corp.	16.97		
Money	12.00		
Naps IGA	13.30		
Newberg Auto Parts	29.28		
Newberg Community Hospital	369.80		
Newberg Graphic	543.64		
Newberg Family Practice	38.00		
Newberg Human Resources	1,000.00 ?		
Newberg Ready Mix	57.00		
Newberg River Rock	250.25		
Newman Signs	199.72		
		TOTAL:	46,389.99

Handwritten signatures and initials:
2/2/82
HAG
M.D.

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OCTOBER, 1982

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RCR

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Hotel Feasibility Study

DATE: October 1, 1982

I just returned from a day long trip to Seattle in which I met with Ed Lee of the Meyers Financial Group and two prospective companies that were interested in the hotel feasibility study. These two companies were Laventhol & Horwath and Pannell, Kerr, Forester. Both of these companies are well known CPA firms that specialize in financial and feasibility studies.

If you will remember from past conversations and memos on this subject the Meyers Group represents the hotel that we are enticing. Background checks by myself and local banks have come up with only positive comments on the Meyers Group. They are solidly sound and Mr. Lee is professional and courteous.

In interviewing both firms, Ed Lee and I both agreed that Laventhol & Horwath would best meet our needs. Their price of \$6,000 for the first phase plus miscellaneous expenses not to exceed \$1,000 is very similar to the same amount of information we would get from Pannell, Kerr, Forester for roughly the same price. It then boiled down to approach, track record and scope of project. Both track records were and are equal in this area. Both companies have done feasibility studies in the Western part of the United States and the customers seem to be happy with the results. What particularly enticed me about Laventhol & Horwath was the fact that in their interview they specified that they would provide a wide spectrum study area. They would not only look at the feasibility of a hotel and the rooms but also look at the type of restaurant and "convention center" that would be supported here in Newberg.

The Meyers Group has had significant experience with Laventhol & Horwath and both Ed and myself were surprised that the representative of Pannell, Kerr, Forester was not more aggressive in his approach and attractive in their offer. Mr. Lee felt the same as I that for the purposes of the study in Newberg, Laventhol & Horwath would be the best choice.

From the attached document you can see that the first phase, which is called the market analysis, costs \$6,000 plus out of pocket expenditures. At the end of this first phase, which takes approximately four to five weeks, we will have a very good indication of whether this market will support the project that we want in Newberg. If the results are positive, then the Meyers Group will pickup all costs above \$7,500.

The study itself does not look at one area or site but rather, in this case, at the entire City. They might get specific enough to say that the hotel should be located off of say, 99W or on the south side of town, but they will not determine the specific site. The study will determine how many rooms are needed in the area and do

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Memo to City Council
RE: Hotel Feasibility Study

a five year projection based on room prices that are feasible. The study will also recommend the size of food and beverage businesses within the hotel and even the number of parking spaces that should be located on the premises.

I feel very positive about the Meyers Group and about Laventhol & Horwath. I am concerned about the study and what it shows but it will be reassuring to know exactly what can be supported in this area.

This item should be acted upon at the City Council meeting Monday night so that we can begin proceedings immediately.


Michael Warren
City Administrator

MW/bjm

Enc.

cc: Attorney

LAVENTHOL & HORWATH



CERTIFIED PUBLIC ACCOUNTANTS

METROPOLITAN PARK
1100 OLIVE WAY
SEATTLE, WA 98101
(206) 621-1900

A MEMBER OF
HORWATH & HORWATH INTERNATIONAL
WITH AFFILIATED OFFICES WORLDWIDE

September 29, 1982

Mr. Michael Warren
City of Newberg
414 East 1st Street
Newberg, Oregon 97132

Dear Mr. Warren:

We are pleased to present this proposal to perform consulting services with regard to the proposed development of a lodging facility in Newberg, Oregon. The study objectives, our approach, work plan, and the estimates of timing and fees for the engagement follow:

OBJECTIVES

The objectives of our study will be:

- to determine the likely market for a lodging facility in Newberg,
- to recommend the appropriate number of rooms and the size and nature of food and beverage and other facilities and amenities,
- to project the revenue and expenses for the proposed lodging facility to a level of total income before fixed charges,
- to produce a formal report which is acceptable for presentation to major lending institutions.

APPROACH

Our services would be divided into the following phases:

- Phase I - Market Analysis
- Phase II - Financial Projections
- Phase III - Report Preparation.

Mr. Michael Warren
Newberg, Oregon

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The advantages offered to you by the proposed phasing of services are:

1. With a relatively limited investment, the probable overall viability of a lodging facility, in terms of market demand, can be confirmed or questioned.
2. Since the Market Analysis will address composition of the market, we will, at the conclusion of this phase, be able to discuss not only the approximate recommended size of the lodging facility, but also its general description and character. This approach should permit you to proceed with some areas of your planning prior to completion of the study and formal report.
3. By identifying the probable size and type of facilities early in the study, we can limit our subsequent work, and consequent fees, in completing the engagement.

PHASE I - MARKET ANALYSIS

We will perform the following tasks:

1. Examine the general area for the proposed facility. The inspection will include a study of the following:
 - a. proximity to the major market generators,
 - b. developments and trends in the area that will enhance or detract from the general area's desirability.
2. Investigate the economic and demographic factors of Newberg and the surrounding area to determine the following:
 - a. economic climate within which the proposed facility will operate,
 - b. demographic profile of the market area,
 - c. existing and potential sources of business for the property.

3. Prepare a supply and demand analysis of the market area's lodging industry as follows:
 - a. survey the existing lodging facilities in the market area and identify those lodging facilities which are either rumored or under construction,
 - b. determine the existing demand segments, such as commercial, tourists, etc., which make up the market, and calculate an estimated growth rate for total rooms demand,
 - c. project the future needs for guest rooms, based on the present and anticipated future supply of rooms and the projected market demand,
 - d. recommend the appropriate number of rooms and the nature and size of food and beverage and other facilities and amenities,
 - e. estimate the likely market share that the proposed hotel may achieve,
 - f. prepare estimates of occupancy percentages and average room rates for the first five years of operation for the proposed facility.

At the conclusion of our market analysis, we will discuss our findings and conclusions with you via telephone. If we mutually conclude that the market study results are favorable, we will proceed with financial projections.

PHASE II - FINANCIAL PROJECTIONS

After the completion of the Market Analysis, we will:

1. Prepare projections of revenue and expenses for the proposed lodging facility, for the first five full years of the proposed facility's operation based on the results of our market study and our analysis of other comparable lodging facilities. These projections will arrive at projected total income before fixed charges.
2. Forward a draft copy of our projections to you.

PHASE III - REPORT PREPARATION

After completing the Financial Projections, we will prepare a written report of our findings and conclusions. We will provide you with the report in draft form. We will discuss its contents with you before issuing the report in final form.

Our findings and financial projections will be based on estimates, assumptions and other information developed from research of the market, knowledge of the industry and meetings with you. The terms of this engagement are such that we will have no obligation to revise the study or the projected financial results to reflect events or conditions which occur subsequent to the date of our report. However, we will be available to discuss the necessity for revision if there are material changes in economic or market factors which may affect the proposed project.

Since our findings and financial projections will be based on estimates and assumptions which are inherently subject to uncertainty and variation, depending upon evolving events, we will not represent them as results that will actually be achieved.

We will not ascertain the legal and regulatory requirements applicable to this project, including zoning, other state and local government regulations, permits and licenses. Further, no effort will be made to determine the possible effect on this project of present or future federal, state or local legislation relating to environmental or ecological matters or interpretations thereof, nor of any future energy shortage.

Our report and financial projections are intended solely for the information of the developers and in support of an application with a lending institution for financing the proposed project. They may also be submitted to a hotel franchisor or management firm in order to generate interest in licensing, managing or leasing the property. Otherwise, neither the report nor its contents may be referred to or quoted in any registration statement, prospectus, or other agreement or document.

DEVELOPMENT PLANNING

After we complete our market study and financial projections, we customarily conclude the engagement with a meeting in our office. Attendees of this meeting will include a representative of our tax department, a representative of our accounting services department, and the project director of your market study. The intent of the meeting is:

Mr. Michael Warren
Newberg, Oregon

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- to provide some insights we have gathered in our overall assessment of your project,
- to discuss with you some of the tax and accounting implications of your planned development.

TIMING AND FEES

We estimate that we will be prepared to discuss the results of our Market Analysis within four weeks of commencing work on this project. If the Market Analysis is positive, and you authorize us to proceed, it will require an additional two weeks to complete the Financial Projections. The report will require approximately two weeks to prepare in draft form, and an additional week for completion following a telephone discussion.

Our fees are based on the actual time required to complete our study at standard rates for the personnel assigned. Based on the scope of the work outlined and our experience with similar projects, we estimate our fees as outlined below:

	<u>Fees</u>
Market Analysis	\$ 6,000
Financial Projections	1,000
Report Preparation	<u>1,500</u>
Total	<u>\$ 8,500</u>

Our fees are subject to revision if problems are encountered which are unforeseen at the commencement of the engagement. Should such a problem arise, we will discuss it with you so that a mutually acceptable fee revision may be made before we proceed. If less time is required than we have estimated, you will be billed only for the actual time expended.

Out-of-pocket costs are not included in the above estimate and will be added to our billings. These costs will not exceed \$1,000 and include travel and maintenance expenses, computer costs, report reproduction expenses and other miscellaneous costs.

Fees, together with costs, will be billed every two weeks as the work progresses. Invoices are payable upon presentation.

Mr. Michael Warren
Newberg, Oregon

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If at any point during the course of our study, our findings lead us to a negative conclusion, we will so advise you of our conclusions and recommendations. If the decision is made then to discontinue our study, our fee will be based on the actual hours expended plus costs incurred to the date of discontinuance.

In accordance with our firm's policy, a retainer of \$6,000 is payable upon acceptance of this proposal, the retainer to be applied against the final billing under this engagement.

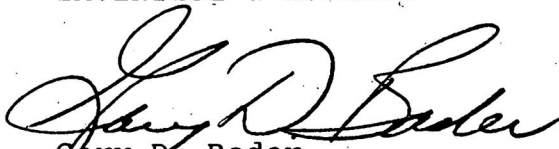
ACCEPTANCE

To indicate your acceptance, please sign the enclosed copy of this letter and return it to us together with the retainer. We will begin our engagement as soon as scheduling permits.

We thank you for the opportunity to submit this proposal and look forward to working with you on this project. If you have any questions regarding the scope or interpretation of our proposal, please contact us.

Very truly yours,

LAVENTHOL & HORWATH



Gary D. Bader
Partner

GDB:LTI17
Enclosure

ACCEPTED:

By: _____

Date: _____

Tuesday, 7:30 p.m.

September 7, 1982

A REGULAR MEETING
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

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

Absent: Tommy Tucker

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 60 citizens.

Consent Calendar:

The consent calendar consisted of seven items:

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 Association thanking the Fire Department and the Public Works Crew for their special efforts during the 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 Officer Weaver for his special assistance.
6. Communication from Mr. & Mrs. Darr, 201 E. Eighth commending Officer Weaver of his gentle and professional attitude during a tense situation.
7. Communication from John Parkhurst, Attorney, regarding August 2, 1982 City Council meeting on Parkway Subdivision.

Motion: Halstead-Rementeria to approve the Consent Calendar. Carried unanimously.

Councilman Gano requested that the Council move to Item 1 under Old Business, a communication from Gene Hoskin and Donnie Laas. A report on amusement game resolution.

III /

Motion: Gano-Probst to approve the Administrator's recommendation to suspend implementation of the fee schedule until after January 1, 1983.

City Attorney Faus stated that he and the Public Works Director had attended a meeting reviewing the effects of Measure 3 on the November Ballot. Passage of the measure could conceivably require a vote of the people for passage of any tax that had revenue implications. If implementation of the fees are deferred until after January 1, 1983 it could be subject to an election vote. Mr. Faus stated that this is only a theory.

Councilman Gano stated the motion was only to withhold implementation of the fees and not to suspend the resolution setting forth the fees.

The City Attorney stated that, in that case, it probably would not have any affect.

The City Administrator stated his recommendation on the video fees still stands. The video game owners should come in with recommendations as to what they feel would be a fair fee.

Vote on the Motion: Carried unanimously.

The City Administrator reported that two letters had been received opposing the video game fee increase. These were from Mark Forsyth, 4695 Ray Bell Road NE, St. Paul, Oregon and from Lisa Weisshaar, 600 Linda Way, Newberg.

Communications from Floor:

Gene Hoskin, Rt. 2, Box 645, Hillsboro. Mr. Hoskin stated he is the owner of Video games. He asked what the fees would be after January 1. The legislature will be considering imposing standard fees across the State but will not meet before that time.

Mayor Hall stated that the Administrator will meet with the owners and a recommendation will come to the Council. The League of Oregon Cities has been asked to work on the problem and recommend to the Legislature. Councilman Gano pointed out that the City is not making up the deficit for the lack of funding from the Schools for the Police Liaison Officer with the new fees. The total amount needed is \$16,000.

LeRoy Benham, President of the Chamber of Commerce, reported that the Chamber Board had voted against the increase in fees as an unfair use of revenues, and submitted a letter to that effect to the Council.

Mrs. Dale Goldsmith, 608 Villa Road, stated the video game owners have been billed for more and are unable to pay.

Additional Requests:

III /

Councilman Gano asked and was granted permission to read a prepared statement. He proposed that an annual award be presented to an outstanding employee in honor of former Mayor and City Attorney George Layman. The employee would be chosen by the Mayor, a Councilmember and the City Administrator. The recognition award would be presented at the annual employee's dinner which is usually held in January.

Motion: DeMay-Grobey to adopt the recommendation of Councilman Gano. Carried unanimously.

Public Hearings:

Public Hearing on annexation of Southwest Corner of intersection of Springbrook Street and Highway 99W, Tax Lot Number 3216-2100.

The City Planner presented the staff report. The annexation was initiated by City Staff as this is an island surrounded by the City. The Planning Commission reviewed the annexation proposal and do recommend the annexation and a zone change from Yamhill County R-C to a City C-2 zone. No proponents or opponents spoke at the Planning Commission. Mrs. Auld, the owner of the property, stated she was opposed to the annexation as she does not want to be annexed but does concede that she is surrounded by the City. Findings of facts were read into the record and are part of the ordinance.

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

The Council discussed the time period set which requires the property owners to connect to the sanitary sewer and the matter of a request for donation of right of way. The right of way needed for street purposes in this case is 10 feet. Council was concerned that the City not impose more severe restrictions on newly annexed areas than is imposed on other property owners in the City.

Motion: Grobey-Gano to read Ordinance 2097 annexing tax lot no. 3216-2100. Motion carried. One nay - Halstead. The ordinance was then read.

Motion: Rementeria-Gano to change finding number 4, requiring connection to sanitary sewer from 90 days to one year. Motion carried. One nay - DeMay.

Roll Call on the Amended Ordinance: Aye 7 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria. Nay 0. Absent 1 - Tucker. The Mayor then declared the ordinance passed.

Public Hearing on annexation of corner of intersection of Springbrook Street and Highway 99W, Tax Lot Numbers 3216-2300 and 3216-2400.

The City Planner stated the staff report is the same as in the previous annexation. Findings 1-5 were read into the record and the balance of the findings are the same as read for the previous annexation.

No proponents or opponents wished to be heard, no written remonstrance has been received. The public hearing was closed.

Motion: Gano-Probst to amend finding number 4 to change the time required to connect to the sanitary sewer to one year. Motion carried, one nay - DeMay.

Motion: Gano-Probst to read Ordinance 2098. Carried unanimously. The ordinance was then read. Roll Call on the ordinance with the amended finding number 4: Aye 7 - DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria. Nay 0. Absent 1 - Tucker. The Mayor then declared the ordinance passed.

Reports from City Administrator:

DEQ has done their annual inspection of the Sewage Treatment Plant and made six recommendations. Item 1 - Staffing level. The Council will need to look into this further. Items 2 & 3 have been remedied, Items 4 & 5 are easily remedied and Item 6 will be taken care of.

The City Administrator and the Chief of Police met with the City of McMinnville and Yamhill County Commissioner Robin Hamblet to discuss the Dog Control problem. Several alternatives were discussed. If the City were to take over the Dog Control function completely new facilities would need to be constructed as well as a disposal facility. If the two cities withdrew from the County Dog Control, the County would be able to do even less for the other areas of the County. The County has stated that they will guarantee the City of Newberg \$3,000 per year. After March of 1983 the City Dog Control Officer could cite unlicensed dogs in the City and the City would receive 50% of the \$25.00 fee. Mr. Warren stated that he would recommend that Newberg go with the County-City cooperative plan. Also the cities of McMinnville and Newberg would share in the excess revenues, if there were any, next year.

Motion: Gano-Probst to approve the recommendation of the City Administrator. Motion carried unanimously.

The Administrator reported that the annual League of Oregon Cities meeting would be November 7, 8 and 9. The meeting will be held in Eugene this year and he will need to know which Councilmembers plan to attend.

The City Administrator reported that the National League of Cities Conference will be Los Angeles this year. It is not often that the convention is held this close. He recommends that two people from the Council attend the convention. The cost will be about \$1000 to \$1200.

Motion: DeMay-Halstead to send at least one person to the convention. Carried, 1 Nay - McIntosh.

The County has proposed a City-County five year Capital Road Improvement Levy for the November election. The levy would raise \$21 million. The Mayor and Administrator will attend a meeting where this subject will be reviewed. The County would like to get rid of all those streets that are County maintained that are inside the City limits of the cities.

III 1

The Council discussed the matter of the five year serial levy and the proposed \$3.14 per thousand levy.

Motion: Grobey-DeMay to recommend that the County not submit the levy at this time. Carried unanimously.

The City Administrator stated that the Statesman-Journal of September 6 had an editorial in opposition to Ballot Measure 3, the 1½% per thousand tax limitation measure. Also, in the August issue of the Oregon Bond Advisor discussing Measure 3, the author summarized that local control will be lost with passage of Measure 3.

LeRoy Benham, Chamber of Commerce President, reported that the City's application was one of fifteen reviewed by the County Economic Development Committee. The City applied for a portion of the \$12,500 available to be used as matching funds for the hotel/motel study. The City's application has been approved in the amount of \$2,500 despite the Commissioner's previous recommendation that no studies be funded. The City Administrator reported that the total cost of the study will be about \$10,000. He stated he felt sure he could get funding possibly from the motel industry for the additional \$2,500 needed.

Old Business:

Parkway Subdivision annexation. The public hearing on the matter has been closed. The ordinance has been read and voted on with 4 Nay and 3 Aye. The Council then made a motion to reconsider the vote on the ordinance which carried and then made a motion to postpone the vote on the ordinance to the September 7 meeting. This motion was carried unanimously. The Public Works Committee reviewed the matter again with residents of Parkway Subdivision and agreement and clarification has been obtained.

Motion: Gano-DeMay to read Ordinance 2099 annexing Parkway Subdivision which is an island. Carried, 1 Nay - Grobey. 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.

A prepared list of questions from property owners in Parkway Subdivision was read and answered.

Motion: Halstead-McIntosh to adopt Resolution 82-948 establishing the conditions and improvement requirements for the newly annexed Parkway Subdivision. Carried, 1 Nay - Gano.

Motion: Halstead-Rementeria to approve the August Accounts Payable. Carried unanimously.

The City Administrator reported that the City now offers to the City employees a deferred income plan with First Federal Savings and Loan. A resolution has been prepared for the Council's approval to offer an alternate plan with the International City Managers Association. The alternate plan would be available to all qualified employees. An advantage of the ICMA Deferred Plan is that it is portable from city to city. Employees would be permitted

III 1

to chose either of the plans.

Motion: Gano-Grobey to adopt Resolution 82-949 establishing a Deferred Compensation Plan with the International City Managers Association Retirement Corporation. Carried unanimously.

Request from First Presbyterian Church to waive the requirement of installation of sidewalks on Mission Street until Mission Street is extended to the west. Request has been reviewed by the Public Works Committee and their recommendation is that sidewalks be required from the property to the west upto the existing parking lot.

Joyce Vergets restated the Church's request to waive the sidewalk requirement until the street is extended.

The Council discussed the difficulty the City has requiring sidewalks. The Church is making improvements which automatically require that sidewalks be installed. If the request is granted it could be sometime before the City would have the opportunity to again require the sidewalks.

Motion: Halstead-DeMay to require installation of sidewalk from the sidewalk to the west to the present parking lot, and to paint a walkway and install concrete barriers in the parking lot.

Motion amendment: Gano-DeMay that the Staff secure a letter of non-remonstrance for the future completion of the sidewalk by the Church and tie completion of the sidewalk to the ordinance covering replacement of the asphalt walkways on Highway 99W. Motion amendment carried unanimously. Amended motion carried unanimously.

Motion: Gano-Halstead to adopt Resolution 82-950 authorizing transfer of funds from Water and Sewer Contingency Accounts to Professional Services Account to fund a cost to serve study and water master plan. Carried unanimously.

Motion: Gano-Halstead to adopt Resolution 82-951 authorizing retention of Pacific Economica for water and sewer cost to serve studies. Carried unanimously.

Motion: Gano-DeMay to adopt Resolution 82-952 employing bond consultant for the Sitka Avenue LID. Carried unanimously.

Motion: Gano-Grobey to read Ordinance 2100 amending Ordinance 900 and adding stop signs at intersection of Washington Street and Third Street. 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.

Motion: Gano-Probst to adopt Resolution 82-953 authorizing retention of Kramer, Chin & Mayo for the master plan. Carried unanimously.

Motion: Gano-DeMay to read Ordinance 2101 amending Ordinance 902 and prohibiting parking in certain areas on Deborah Road, Emery Street and Douglas Avenue. Carried unanimously. The ordinance

III /

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.

The proposed schedule of meetings for the Redevelopment Committee was presented. The proposed dates for meeting were as follows: Newberg Centennial Redevelopment Committee - September 8, 14, 22 and 29. Planning Commission - October 12, 14 and 18. Council - November 1, 8 and 10. It was pointed out that the League Convention would be in session on November 8 and the Council dates were changed to November 1, 10 and 15.

Motion: Grobey-Probst to approve the calendar of meetings. Carried unanimously.

Councilman Gano pointed out that some of the bushes at businesses along 99W need to be trimmed back for traffic safety reasons. Chief Hawkins stated the Police were aware of the problem and had measured some of the bushes. They are mostly within the legal limitations. The matter will be investigated further.

Motion: Rementeria-Probst to adjourn. Carried unanimously.

Thursday, 7:30 P.M.

September 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	Tommy Tucker

Staff Present - Richard Faus, City Attorney
Arvilla Page, City Recorder

Others Present - Pat Grobey

The Mayor stated the purpose of the meeting was to consider and act on an ordinance authorizing issuance of bonds totalling \$127,664. for Project 213, Sitka LID.

Motion: Halstead-Rementeria to read Ordinance No. 2102 authorizing issuance of general obligation improvement bonds of \$127,664. Carried unanimously. The ordinance was then read.

Mayor Hall questioned "passed unanimously" wording. Usual wording is "passed by the following votes". Mr. Faus stated bond counsel preferred "unanimous", if that is the case.

Councilman Tucker questioned different consultant and counsel from previous on this issue. Mr. Faus stated changes in personnel have occurred. Marshall and Meyer, our previous consultant, is no longer in business.

Mayor Hall stated he had heard one bank was not planning to bid local bonds after October 15, 1982. Mr. Faus reported the bank has agreed to continue bidding because of the number of bond issues coming to market.

Roll Call on the ordinance: Aye - 8, DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria, Tucker; Nay - 0.

The Mayor then declared the ordinance passed unanimously.

Motion: Halstead-Rementeria to adjourn. Carried unanimously.

III 1

Friday, 3:10 p.m.

September 24, 1982

A SPECIAL
EMERGENCY MEETING
OF THE CITY COUNCIL
SITTING AS THE CONTRACT REVIEW BOARD

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall under authority of Ordinance 1793, Section F of the City of Newberg. Mayor Hall stated the purpose of the meeting was to act on a request to waive competitive bidding for clearing and hauling of sludge from a defective sewage digester. All members of the council were notified and all available media were notified.

ROLL CALL:

Present:	Maybelle DeMay Roger Gano Alan Halstead	Quentin Probst Tommy Tucker
Absent:	Harold Grobey C. Eldon McIntosh	Richard Rementeria
Staff Present:	Richard Faus, City Attorney Arvilla Page, City Recorder Robert Sanders, Public Works Director Robert Thompson, Sewage Plant Operator	

Mr. Sanders stated that the City crews have spent a considerable amount of time and money in the removal of sludge from one of the City's primary sewage digesters and would continue to do so at a very high cost to the City, that upon seeking bids for this work, competitive bids have been received with one bid from Northwest Industrial Scrub, Inc. in the amount of \$3,250 being substantially lower than any other bids received by an amount of \$4,350. That in order to take advantage of this rate and the availability of this crew and to save the City a considerable amount in staff and employee time and costs, that contract must be entered into after waiver of competitive bidding before the end of the business day Friday, September 24, 1982. That the availability of this service and the necessity of quick action were completely unanticipated by the City.

The full sewage crew plus others borrowed from other crews are now working on the problem in two shifts. Using City personnel will take about 3 weeks to complete the work. The bidder has quoted 3 days to completion.

Members of the Board questioned Mr. Sanders and Mr. Thompson regarding the condition of the plant and methods used to resolve the problem.

Motion: Tucker-DeMay to read Resolution No. 82-954 to waive competitive bidding for sludge removal and transport from defective digester to Northwest Industrial Scrub for \$3,250. Carried unanimously.

Motion: Tucker-Gano to adopt the resolution.

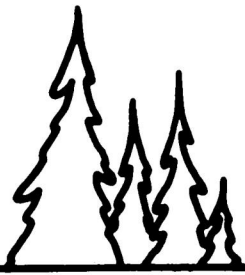
III /

Motion Amendment: Halstead-Gano to correct "\$6,700 cost savings" to "\$4,350 cost savings" as an additional quote has been received. Carried unanimously.

Vote on amended motion to adopt carried unanimously.

Motion: Gano-Probst to adjourn. Carried unanimously.

Oct mty of city council



LEONARD A. RYDELL, P.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132
(503) 538-5700

10 September 1982

Honorable Mayor and City Council
City of Newberg
City Hall
Newberg, Oregon 97132

Honorable Mayor and City Council:

I am writing to request that you reconsider your passage of the increase in the video game amusement tax.

While I fully support the use of the tax, I am reminded of the City of Portland's current program of promoting downtown shopping at the same time that they are doubling parking meter fees.

The amusement game parlors in Newberg appear to be well supervised and provide students not only a place to go for entertainment but provide skills in interacting with computer technology and video displays. This is important as most of the older generation does not fully realize the future changes in the way things are done due to advances in micro-electronics.

Video games are already expensive without rate increases due to additional taxes. An average player can go through three dollars in twenty minutes, while the same three dollars gives two or more hours of entertainment at a movie theater. Perhaps movie theaters should be taxed instead.

Discouraging use of video game parlors through increased taxes will increase the need for the services of the liaison police officer, a self fulfilling prophecy.

Again, please reconsider your actions against the video game enthusiasts and a minority of the small businesses in our community.

Thank you.

Sincerely yours,

Leonard A. Rydell, P. E.

III 2



LAR/j
The Newberg Graphic

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS
LAND SURVEYS • SOLAR-CONSERVATION HOMES

Oct Council mtg

Newberg Area Chamber of Commerce

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

September 16, 1982

City of Newberg
Newberg, Oregon

Dear Council Members:

The Newberg Area Chamber of Commerce Board of Directors, in its regular meeting held September 7, 1982, passed a motion to encourage you to proceed with all deliberate speed in the development of your plans for the installation of a new sewage treatment plant.

The importance of the new capacity to the future expansion of the industrial sector cannot be over emphasized. We urge you to take a position of aggressive leadership in presenting this need to the people.

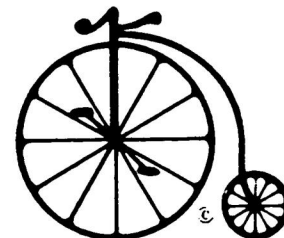
Sincerely,



LeRoy Benham^{ag}
President

LB/rq

III 3



Old Fashioned Festival • Last Full Weekend in July

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Parking on First Street

DATE: September 28, 1982

The side streets off of First Street have 2 hour parking while First Street has 1 hour parking. The indication from the Uptown Merchants is that they have looked this situation over and would suggest that the 1 hour on First Street be changed to 2 hour parking limit.

It is my feelings that the City enforces the parking, for the most part, to assist the merchants in the uptown area. If the Uptown Merchants have considered this change carefully, which I must assume through their letter, then I would recommend that we look into the costs and strongly consider changing the signs from 1 hour to 2 hour parking.

It is my recommendation that the November 1982 City Council meeting contain a report on the costs involved in making the change and a sample ordinance which would be considered by the City Council for changing the 1 hour parking to 2 hour parking.



Michael Warren
City Administrator

MW/bjm

Enc

**Newberg Area
Chamber of Commerce**

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

September 22, 1982

Mr. Michael Warren
Administrator
City of Newberg
Newberg, Oregon

RECEIVED
SEP 27 1982

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

Dear Mr. Warren:

The Uptown Merchants have been informed that upon their request you will consider a change in the parking time on First Street.

The Retail Committee of the Newberg Area Chamber of Commerce did a great deal of survey work, etc on having the parking meters removed some few years ago. The time of parking stated at that time by the merchants was for two hours, but one hour limit was installed. We still believe the one hour is too impractical. We want to make this formal record of asking for this to be changed to two hours on First Street.

The Newberg Area Chamber of Commerce office has been receiving comments of parking tickets problems especially while in restaurants, doctor's office, beauty shops as well as for just plain shopping.

Your consideration on this matter will be appreciated.

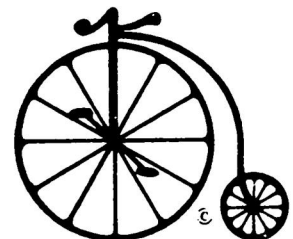
Sincerely,

Noreen

Mrs. Noreen Mikkelsen
Chairman, Uptown Merchants
Director
Newberg Area Chamber of Commerce

NM/rq

IV 2



TO : NEWBERG CITY COUNCIL
FROM : DELORES HAMILTON, RESIDENT
SUBJECT : EXTENDED AREA TELEPHONE SERVICE
(CALLING TOLL FREE TO PORTLAND)

AS A RESIDENT OF NEWBERG, I FIND IT HIGHLY INCONVENIENT AND EXPENSIVE TO NOT BE ABLE TO CALL PORTLAND WITHOUT LONG DISTANCE CHARGES. OTHER RESIDENTS MUST FEEL THE SAME WAY. NEWBERG IS ONLY APPROXIMATELY 23 MILES TO PORTLAND. OTHER COMMUNITIES SUCH AS ESTACADA, GRESHAM AND HILLSBORO CAN CALL PORTLAND TOLL FREE. NEWBERG CAN CALL ST. PAUL TOLL FREE.

HAVING EXTENDED AREA SERVICE WOULD BE OF BENEFIT TO THE BUSINESSES OF NEWBERG ALSO. I'M SURE THERE ARE BUSINESSES THAT ARE PAYING GENERAL TELEPHONE HIGH RATES FOR SPECIAL LINES TO CALL PORTLAND.

OTHER BUSINESSES, PROFESSIONALS, AND PROSPECTIVE RESIDENTS MAY BE DISCOURAGED FROM MOVING INTO THIS AREA BECAUSE OF HIGH LONG DISTANCE RATES.

TO : NEWBERG CITY COUNCIL
FROM : DELORES HAMILTON, RESIDENT
SUBJECT : EXTENDED AREA TELEPHONE SERVICE
PAGE 2

GENERAL TELEPHONE AND THE PUBLIC UTILITY COMMISSIONER NEED TO BE NOTIFIED THAT THE CITY OF NEWBERG IS INTERESTED IN HAVING EXTENDED AREA SERVICE.

BECAUSE HAVING EXTENDED AREA SERVICE WILL MINIMALLY INCREASE THE MONTHLY TELEPHONE CHARGE FOR EVERY ONE IN NEWBERG THE PEOPLE WILL HAVE TO VOTE ON IT. I UNDERSTAND THAT IN 1974 A VOTE WAS TAKEN AND IT WAS TURNED DOWN. THAT WAS NEARLY TEN (10) YEARS AGO.

I BELIEVE THAT NEWBERG IS READY TO VOTE IN FAVOR OF THE CONVENIENCE AND BENEFITS THAT BEING ABLE TO CALL PORTLAND WILL GENERATE.

Mrs. Delores Hamilton

MEMORANDUM
24 SEPTEMBER 1982

TO: Mike Warren, City Administrator
FROM: Clay Moorhead, Planning Director
RE: Redevelopment

Clay

The Newberg Centennial Redevelopment Commission (NCRC) has met weekly through the month of September. The NCRC has reviewed input from the community, the Civic Center Committee and the Traffic Re-Routing Committee. The agency has now completed their initial review of the Draft Plan (the Newberg Centennial Redevelopment Plan) and has adopted eight major goal topics into the draft document. The major goal topics are:

- A. Provide a more attractive living, working and shopping environment for the public within the entire Project Area.
- B. Improve the local transportation routes and services.
- C. Develop a centrally located civic center which will provide for a variety of cultural, governmental and other public functions and services.
- D. Assure that the public facilities and services are developed to a level which will meet the special needs and support proposed activities within the project area.
- E. Assure that housing is provided within the project area.
- F. Emphasize and promote the rehabilitation and conservation of existing structures as a primary means for eliminating blight and blighting influences and to stimulate investment by the private sector.
- G. Facilitate redevelopment activities in certain areas after taking into consideration key facilities, economic, environmental, energy and social consequences, and the optimal use of existing land, particularly in areas containing a significant number of unsound, substandard structures which cannot economically be rehabilitated.

- H. Consider and develop other appropriate project improvements which the Development Commission deems to be necessary to implement this Urban Renewal Plan consistent with the stated goals and objectives.

Through the Draft Plan review, the Civic Center Committee has recommended that two sites be considered for the construction of a new civic center. The Committee recommended that the first priority site for consideration of a civic center would be the location bounded by River, Center, Hancock and Second Streets.

The second priority location is identified as the property bounded by Second Street to Memorial Park, between Howard and Blaine Streets.

Additionally, the Civic Center Committee presented alternative language to the NCRC relating to the proposed goal topic relating to the civic center. The NCRC did incorporate the Committee recommendations on this topic into the Draft Plan.

The Traffic Re-Routing Committee met on Tuesday, September 28, 1982 and recommended and prioritized three rerouting couplet routes. All three would divert the First Street traffic in the "uptown" area down to Second Street. Their recommendations were presented to the NCRC at their meeting on September 29, 1982.

The review of the "Plan" and the accompanying "Report" appears to be progressing slightly behind schedule in that additional meetings will be necessary by the NCRC to complete their draft of the documents for presentation to the Planning Commission on October 12, 1982.

Overall, the documents are being carefully prepared taking into consideration the public testimony which has been presented thus far.

CIVIC CENTER COMMITTEE REPORT

TO NEWBERG CENTENNIAL REDEVELOPMENT COMMISSION

WEDNESDAY, SEPT. 22, 1982 MEETING

The Civic Center Committee met on Tuesday, Sept. 21, 1982, at 7:30 p.m. to discuss the sites for possible location of the civic center and to review the goal statements in the third draft of the redevelopment plan.

Sites For Civic Center

The Committee discussed and prioritized the following sites for the civic center:

1. The area which is bounded by Hancock Street on the north, Second Street on the south, Center Street on the west, and River Street on the east. This area includes the bowling alley, a few residential houses, Plaid Pantry, the Chevron service station, and the Minthorn House.

Evaluation:

Location. This location is considered by the Committee as the prime location for the civic center complex. The Committee had some hesitancy concerning the cost associated with the acquisition of land, but each site would entail certain cost factors. The Committee felt that the site had the advantages of historic significance, since it could incorporate the Minthorn House and would be adjacent to Herbert Hoover Park. The site would be most impressive to people entering town, since it would provide an entrance to the City. The site would also be an imaginative location, giving the City of Newberg a unique characteristic. It would be easy to find for people wishing to do business with the governmental entities, and would be an impressive feature to center as a focal point for community identity.

Cost. The Committee felt that the cost associated with the site, considering the land acquisition problems could hinder the City's use of this site. The problems associated with the site in traffic re-routing were not familiar to the Committee.

2. Present structures and buildings owned by the City, beginning with City Hall to the north, and proceeding south to the southern side of Third Street bordering Memorial Park, and bordered on the west by Blaine Street, and on the east side by Howard Street.

Evaluation:

Location. This property incorporates property already owned by the City - City Hall, the fire station, three houses bordering Memorial Park, and the City Garage. It would require acquisition of additional property. Depending upon the usability of the present facilities, this site could have some cost advantages. The Committee felt that this site had features to offer since it is the present location of the City offices, thereby having public acceptance of its location. The City could use some of the existing facilities and would not have to undergo the expense of redoing all the present facilities. The disadvantage would seem to be the lack of aesthetic

qualities of the present site. It would not be a focal point for public activity.

Cost. The Committee was at a loss as to the cost factors, seeing that this site could be costly if all buildings had to be replaced, and did not know what the total cost would be.

3. The Committee also considered the site of the school located north of Sheridan Street, between Blaine Street and School Street.

Evaluation: The Committee did not consider this site a viable alternative due to the cost of replacing the classrooms taken from the school district, the cost of remodeling the school, and the public expense to do this.

The Committee recommends that the Redevelopment Commission prioritize the first two sites in the order as listed above. Alternatives are affected by cost factors which must be carefully considered at the time of actual finalization of plans.

Review of Redevelopment Plan Goal Statements

The Committee reviewed the goal statements pertaining to the area of concern dealing with the civic center. The Committee would recommend that the language be changed to read as follows:

"C. Develop a centrally located civic center which will provide for a cultural, government and other public functions and services. This center should become a model of intergovernmental cooperation on the local level.

Encourage more accessibility to local governmental entities. The facility should be considered for use as central administrative offices of the City of Newberg, the Newberg School District, Chehallem Park and Recreation District, and other public or quasi-public uses.

1. Determine the immediate and long range fire, police and other emergency service needs for the community and consider the integration of these services into the civic center.

2. Provide for immediate and long range needs of the Newberg Public Library.

3. Provide convenient locations for public restrooms."

The Committee was concerned with what its future role would be in the refinement of this plan. They were also concerned about the finalization of the plan.

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Newberg Stained Glass Sign

DATE: September 27, 1982

The second stained glass sign depicting our City's name has been reconditioned and will soon be hung somewhere in City Hall. If you remember, it was the second sign saved by George Layman when the City gates were torn down a good many years ago.

Councilman Tucker and Councilman Halstead were kind enough to donate time and materials in reconditioning the stained glass and frame.


Michael Warren
City Administrator

MW/bjm

MEMO

TO: City Council

DATE: September 15, 1982

FROM: City Administrator

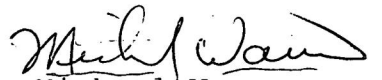
SUBJECT: Notice of Violation - DEQ

The attached letter of explanation to DEQ relates the reasons why we did not meet our discharge permit for the month of July and will probably be in violation for the month of August.

The source of the sludge load discharge has not been determined yet. We have our sampler out at the plant headquarters attempting to get a sample. The pattern seems to be after the 15th of the month and on a Monday, Wednesday or Friday after 3:30 p.m. which could imply a cleanup operation.

It looks as though the substance is non-toxic as we first thought but rather a high organic or sugar loading. We are continuing to have erratic plant upsets and possibly we'll have more until the source is determined.

We do need to be in good shape with the Department of Environmental Quality but the Public Works Director believes that they understand that this is not a capacity problem but one of enforcement. My concern is that we are the responsible agency and stand to be fined for not meeting our permit. We will continue to keep you informed as we find out more information.


Michael Warren
City Administrator

MW/bjm

Enc.



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 30, 1982

Mr. Robert L. Sanders
City of Newberg
414 E. First St.
Newberg, OR 97132

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: NOTICE OF VIOLATION
WQ-WVRS-82-98
City of Newberg STP
Permit 3014-J, File 60597
Yamhill County

Dear Bob:

Your waste discharge monitoring report for July, 1982, revealed the following:

<u>Date</u>	<u>Parameter</u>	<u>Allowed</u>	<u>Reported</u>
Week of July 18	BOD wkly aver.	30 mg/l	37 mg/l
Week of July 25	BOD wkly aver.	30 mg/l	31.5 mg/l
Month of July	BOD mo. aver.	20 mg/l	25 mg/l

These are violations of your NPDES Permit as shown above.

Please submit a written explanation for these violations by no later than September 15, 1982.

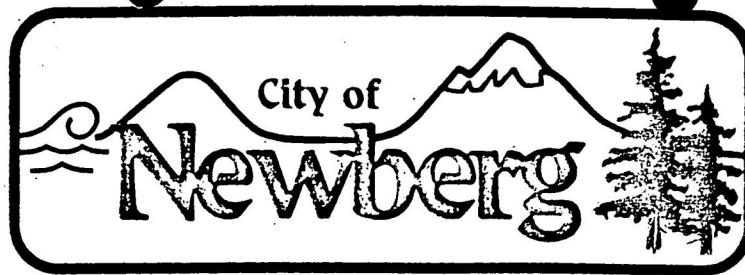
If you have any questions, please call me at 378-8240, Salem.

Sincerely,

Mark W. Whitson
Environmental Consultant

MWW/wr

cc: DEQ Enforcement Section
cc: EPA, Oregon Operations Office
cc: Water Quality Division



Public Works Department
(503) 538-9421

414 E. First St.
Newberg, Oregon 97132

2 September 1982

Mark W. Whitson
Dept. of Environmental Quality
895 Summer Street NE
Salem, OR 97310

Dear Mark,

This letter is in response to your notice of violation dated August 30, 1982.

On July 19, the Sewer Treatment Plant operators observed that the plant had been hit with an unknown substance which immediately upset the plant. There was no appearance of odor, color or ph change at the plant and the personnel immediately went to several key manholes upstream to see if these parameters were apparent upstream. The investigation did not yield any meaningful results.

During the week of July 25 the plant operators were working to bring the plant back on line when additional unknown shock loadings on the 28th and 29th of July continued the plant upset. The explanation of these upsets were recorded in the plant log and inadvertently left off the July monthly report to DEQ.

The unknown shock loadings at the plant on July 30 continued the plant upset into the month of August. On August 16 at 11:00 AM the operators observed another very rapid upset at the plant followed by additional upsets at 4:00 PM on August 25 and at 3:30 PM on August 29 which left the plant in an upset operation through the 30th and 31st while attempting to combat the unknown substance.

On August 26 the plant superintendant, Bob Thompson, contacted you informing you of the difficulty we were having at the Sewer Treatment Plant and asked for any assistance you might be able to offer in knowledge or through your lab to help identify the cause of the frequent plant upsets. It is my understanding that, with the absence of detection of color, odor or ph change, your lab also would be unable to assist in determining the cause of our problem.



Home of Old Fashioned Festival

VI 3

Page 2
September 2, 1982

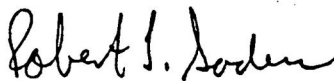
In an attempt to investigate the origin of the substance causing the plant upsets, we have begun an investigation of the possible origins and are planning to install our sampler at several manholes to try to identify the source.

In an attempt to confine the solids from the activated sludge basin and the final clarifier during the plant upset on the 25th and those subsequent upsets, the discharge from the activated sludge basin was diverted into the out-of-service final clarifier and into the older chlorine contact chamber and the out-of-service primary clarifier was brought on line. By filling these three basins, all flow to the River was cut off for approximately 5 hours while the boiling sludge blanket had a chance to settle down before discharging to the River.

I was also in contact with your office yesterday regarding a contractor who discharged ground water containing gasoline into the sanitary sewer system. The gasoline was detected at the sewer treatment plant and traced directly to a service station where gasoline tanks were being replaced. This appeared to be an isolated case and not the cause of the previous plant upsets. This afternoon the plant superintendant is on the DEQ laboratory tour in the Portland office and plans to spend some time with Ed Lynd discussing the origin of plant upsets. We are attempting to track down the source as quickly as possible so that we can get our plant back in proper operation so that we will be meeting our discharge permit.

Should you have any further questions, feel free to contact me.

Sincerely,



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

RLS:bym
CC: City Administrator
Bob Thompson

MEMO

TO: City Council

DATE: September 28, 1982

FROM: City Administrator

SUBJECT: Ballot Measure 3 and Its Effects on Newberg

The purpose of this report is to inform the City Councilmembers of the contents of Ballot Measure 3 and its effect, if passed, on the City of Newberg. After reviewing the report, the City Council may want to take a position on the ballot measure.

I have combined information supplied by the League of Oregon Cities, the Association of Oregon Counties and condensations by the Finance Director and the City Attorney. The first attachment is a legal synopsis of Ballot Measure 3 done by the City Attorney. This six page report is well worth reading as it puts in easy to understand language the entire ballot measure.

The final page\$of the report are figures that show the effect on the City of Newberg's General Fund.

City of Newberg without Ballot Measure 3.

Our current assessed value is \$220,255,000. While this is an estimate it represents a pretty good idea of what the value of our City is for tax purposes. Our \$4.72 General Fund rate can be multiplied times the valuation (in thousands of dollars) to give you our tax base of \$1,050,000. When the 10% uncollectable factor is figured in, the total amount of money we receive toward a General Fund from property taxes without Ballot Measure 3 is \$961,777. This amount with our other resources gives us a General Fund operating levy for all the departments of \$2,332,944, within the 1982-83 adopted budget.

City of Newberg after passage of Ballot Measure 3.

Our assessed valuation would go down to the 1979 level plus the value of new construction at the 1979 value. It is estimated that this will be approximately \$165,000,000 or a decrease of 25.6% plus whatever the assessed valuation would have gone up for next year. Our tax rate of \$4.72, which was just passed by a 62% majority of our people, would be cut by whatever the State Legislature decides the "share of the pie" would be for all taxing districts. Currently the figures that are being tossed around are:

School Districts	- \$10.15
Cities	- \$ 2.40
Counties	- \$ 1.70
Community College	- \$.75
TOTAL	\$15.00

Using the above figure of \$2.40 it then becomes a simple mathematical problem of multiplying that times the 1979 assessed valuation of \$165,000,000 and subtracting a 10% uncollectable factor for a final figure of \$356,957.

Memo to City Council
RE: Ballot Measure 3

Comparison

The comparison between operating under Ballot Measure 3 and without Ballot Measure 3 is a subtraction problem. The City of Newberg loses \$604,820 out of its General Fund operating levy. As the law dictates, Police and Fire must be cut to the 1979-80 level of expenditures but not less than that level until all the departments go below the 66 2/3% margin. Our best estimates are that the other departments would not fall below this 66 2/3% level of 1979-80 and consequently, the department cutbacks under Ballot Measure 3 would be as follows:

Police Department	-	\$287,557
Fire Department	-	\$42,380
All other departments-		\$274,883

A few facts should be known here. First, the Police and Fire Departments do not have such things as insurance and central services within their budgets anymore and consequently these figures are actually much larger for their departments. For instance, if we eliminated all materials, supplies, services and capital outlay from the Police Department for 1982-83 it would only amount to \$115,000. Even using this unrealistic example the balance of the \$287,000 must come from employee services. The second point that should be considered is that there is absolutely no fund balance or contingency using Ballot Measure 3 with the above figures. We would be operating very tightly given the above examples.

Local Control

Ballot Measure 3 simply does not allow local voters to approve levies beyond those under the 1½% limitation even if all the voters wanted to. In other words, if the voters of this City wanted to improve their services and go beyond the \$2.40 General Fund tax rate they could not do it.

Ballot Measure 3 does allow taxes to repay already sold bonds to exceed the 1½%. All new General Obligation Bonds would have to come within the 1½% limit. New GO Bonds would require majority voter approval. There is serious doubt about whether General Obligation Bonds could be sold under this measure.

I believe the information contained in this packet will give an excellent insight into Ballot Measure 3 and its effect on our City. Should any Councilmember have questions on this please give me a call and I will be able to assist you through some other related material that I have not included in the packets.


Michael Warren
City Administrator

MW/bjm

Enc.

VI 5

MEMO TO: Mike Warren, City Administrator
FROM: Rick Faus, City Attorney
DATE: September 22, 1982
SUBJECT: Legal Synopsis of Ballot Measure No. 3, The Property
Tax Limitation Measure

This synopsis is based on my review of the Ballot Measure itself; Attorney Generals Opinion No. 8130 of September 1, 1982; Legislative Revenue Office Research Report, No. 12-82, September 2, 1982; previous Attorney General Opinions, 39 Opinions of Attorney General 150 August 15, 1979 and 41 Opinions of Attorney General 103, September 11, 1980. The City Finance Officer is preparing a financial synopsis and estimate of the impact of this Ballot Measure. I have a significant amount of detailed material on this issue and will respond to specific questions regarding the issue.

I. SYNOPSIS

Section 1. This is the definition section of the ballot measure. The most essential definitions are the following:

- a. True Cash Value which forms the basis of the limitation is the County Assessors evaluation of real property shown on the tax statement for the tax year beginning July 1, 1979. This strictly fixes the definition to what was shown on the tax statement even if its valuation were mistaken and even if this valuation were based on an exclusion or special rate that is no longer available to the property.
- b. Real property means land and the homes and fixtures on it. This includes mobile homes and house boats.
- c. Total revenue means the City's total revenue from all sources including taxes, fees, licenses, grants, revenue sharing, etc.
- d. Essential Services are identified as emergency services including police, sheriff, fire, ambulance and paramedic services.
- e. Other services means all other services that are not defined as essential services.

II.

Section 2. This is the major ballot measure provision which not only places the 1½% limitation on "ad valorem taxes" but in essence rolls back the valuation of property for taxing purposes to the 1979 level:

- a. Ad Valorem taxes levied against real property shall not exceed 1½% per annum of the true cash value of said property; except, for the "safety net" provisions found in Section 4 and 5 of the act. This provision means that no piece of real property may be taxed on a "ad valorem" basis at a rate any higher than 1½% of its valuation as shown on its July 1, 1979 tax year statement or in other words, \$15.00 per thousand dollars of valuation in 1979. This \$15.00 must be split among all taxing districts in accordance with state law yet to be established.
- b. Two things are of note:
 1. This limitation applies to "ad valorem" taxes meaning those taxes on real property which are based on the value of the property taxed which has been the traditional source of revenues for local governments in Oregon. This act does not provide a limitation on other types of taxes, except real estate transfer taxes. Thus, the limitation would not apply to sales taxes, income taxes, or taxes on real property which are not based upon the value of the property.
 2. The value of the property for the purposes of the \$15.00 per thousand valuation is rolled back from its current valuation to its valuation three years ago.
 3. The State Legislature will decide how to apportion the \$15.00 per thousand amongst all taxing districts in the area, i.e. it will decide how much of the \$15.00 per thousand County, City, School, Parks, Rural Fire Protection Districts, Sanitary Districts, etc. will receive not based upon the original vote the people imposing these taxes but based on some formula yet to be determined.
- c. The 1½% limitation does not apply to taxes or special assessments, i.e. our bonded indebtedness which is incurred prior to or concurrent with the passage of Ballot Measure 3. Thus, bond indebtedness is excluded from the \$15.00 limitation so the limitation applies only to that portion of the City's ad valorem taxes which

are levied to operate essential or other services and does not include that portion of our taxes levied to pay the bonded indebtedness. However, it should be noted that any future bonded indebtedness would be subject to the 1½% limitation and that general obligation bonding, which includes our bancroft bonds, would be unlikely to be sold in the future because of the inability of the City to at any time impose an ad valorem tax on property to cover it.

III

Section 3.

- a. This provides that the valuation of property for the purpose of ad valorem taxation may increase only 2% per year or the previous years valuation or at the inflation rate as measured by the Portland Metro Consumer Price Index, whichever is less, in effect placing a 2% limitation on increasing the \$15.00 per thousand of 1979 valuation each year.
- b. This provides that for property where new construction occurred subsequent to July 1, 1979 that new construction may be taxed but only at the true cash value it had or would have had in 1979.
 1. It is important to note with regard to this section that for the purposes of calculating total true cash value in the city's taxing district we must look at the total assessed valuation for the tax year beginning July 1, 1979, plus the value of any new construction that occurred after July 1, 1979. However, that new constructed value must be adjusted in some way to show what the property's new construction would have been worth in 1979 and not its value in 1982 even if it was constructed in 1982.

IV & V

Section 4 and 5. These are the "safety net" provisions of this act. These sections provide a formula which allow a city to tax over the \$15.00 per thousand of 1979 value limitation if it is necessary to provide certain minimal percentages of funding levels for essential and other services. To reiterate, these provisions allow a tax over the \$15.00 per thousand limitation if necessary to meet minimum budget limitations. Those limitations

are set out as follows and the effect of the limitations are based on how much the city is dependent upon property taxes for its budget and how much it is dependent on other revenue. Ballot Measure 3 limits only property tax revenue and does not limit other sources of revenue. Thus, whether or not the safety net provisions of Sections 4 and 5 are needed will depend on how much the City is dependent on property tax revenue for its total budget. If the City is heavily dependent on property taxes, then these safety net provisions may be required. These safety net provisions are as follows:

- a. Those departments providing essential services must get 100% of their 1979 budget. Departments providing other services must get 85% of their 1979 budget. However, these safety net provisions are modified by Section 5 of the act because we are a taxing district which provides essential and other services, instead of just one or the other. This provision in Section 5 provides that if it is necessary Departments providing essential services must get 100% of their 1979 revenues and this may not be reduced until other departments are reduced to 2/3 of their 1979 revenues. There is also a calculation for reducing non-essential service budgets by 2% a year in subsequent years. Essential service budgets, however, can be reduced below the 100% level if the City chose to contract with other governments or private entities for the provision of essential services. In summary, the effect of "safety net" provisions is to provide that the total general fund budget of the City is substantially reduced by the 1 1/2% limitation and the roll back to 1979 valuations. The City may tax above that limitation to receive at a minimum sufficient revenues to run its essential service departments at 100% of their 1979 budgets and other departments at 66 2/3% of their 1979 budgets.

VI

Section 6. This section acts to preserve the Homeowners and Renters Relief Program (HARRP) as provided in ORS Chapter 310. I will not present a detailed discussion of this section.

VII

Section 7. This section provides for voting requirements for taxes designed to increase revenues:

- a. Provides that the Oregon Legislature, if it desires to increase Oregon statewide taxes, must vote such taxes in by a 2/3 majority.
- b. Provides that in order to increase statewide taxes, a majority of voters voting on the question must approve the tax statewide or a majority of voters in the district voting on the question must vote in favor of the tax. This applies to any city taxes designed to increase revenues which place taxes upon real property. Such elections on increases in real property taxes may be voted upon only twice a year in May or November.

VIII

Section 8. This section allows the City to impose taxes or assessments allowing residents or property in the City only upon a majority vote of the legal voters of the City voting on the question. If only one district of the City is involved, it must be by a vote of the majority of the voters located in the district. This applies to any special taxes or special assessments. However, any new ad valorem tax or transaction tax on real property may not be imposed unless it is within the 1½% limitation. Interpretation of this section is particularly critical. It requires a vote of the majority to impose any tax or assessment. It is open to question whether user charges, fees for services, etc. would come within this requirement. It behooves the City to take as a restrictive a view as possible, i.e. that this requirement does not apply to licensing fee, user fee, systems development fees, etc. that are imposed.

IX

Section 9. Ballot Measure 3 takes effect July 1, 1983, except that Section 7 and 8 requiring votes, etc. become immediately effective and that portion of Section 2 regarding bonding not being included in the 1½% limitation requires indebtedness to be incurred prior to or contemporaneous with November 2, 1982.

X

Section 10. A savings clause should portions of the act be declared unconstitutional allows the rest of the act to stand.

XI

Section 11. A savings provision or interpretation provision only which states that if other initiative or referendum in conflict with this initiative or

referendum is passed on November 2, that the one with the highest number of affirmative votes only will become part of the Constitution.

RDF:fj

BALLOT MEASURE #3

AMENDS THE OREGON CONSTITUTION:

A. Assessment Limit

1. Places a limit on assessed value of real and personal property. It would limit value to 1979 assessed market value.
2. Property that existed in 1979 would be valued at its 1979 value. Property constructed since 1979 would be valued as though it were new in 1979.
3. The value limit would be effective 1983.
4. The new lower value would become the base for calculating bonding capacity. This limit would apply to all levels of government.

B. Property Tax Limit

1. It would impose a maximum property tax rate of 1.5% (\$15 per \$1,000) of the new lower assessed value. This limit would be allocated among the various taxing districts. City, schools, etc.
2. This would put a limit on tax revenue for a district. The present limit is the tax base plus 6%, unless more is approved by the voters.
3. Taxes required to pay for existing bonds would not be subject to the 1.5% limit. Any new bonds would have to be within the limit.
4. Existing serial levies and new ones would be included in the limit.

C. Limit Override

1. The limit could be overridden. A district is guaranteed a percentage of its 1979-1980 total revenue. Total revenue is revenue from all sources.
2. Districts that provide only essential services (police, fire) are guaranteed 100% of 1979-1980 revenues.
3. Other districts are guaranteed 85% of 1979-1980 revenues. However, essential services (police, fire) within the other districts can not have their revenues reduced below 100% of 1979-1980 until all other district services are reduced to 66.7% of 1979-1980.

D. Property Tax Refunds

1. Those eligible for HARRP would have "no reduced benefit" as a result of the limitation.
2. The legislature could possibly eliminate the HARRP program.
3. The legislature could further reduce or eliminate the property tax relief program.
4. Renters are also provided "individual relief equivalent to""homeowners". Landlords would be benefited. Would rents be reduced? The legislature may need to mandate lower rents.

E. Other Restrictions

1. Passage of any revenue measure would require 2/3 approval by the legislature or the voters.
2. Elections on revenue measures would be limited to two. May and November.
3. Neither state nor local government can impose a sales tax on real property or impose a real estate transaction tax.

F. Effective Date

1. If approved by the voters, the effective date would be December 2, 1982. The tax limit portions on property would be in effect for the 1983-1984 tax year,
2. If the constitutionality of a portion of the measure is challenged, the remainder would remain in effect.

Assumptions and methodology:

A. Base year used is 1981-1982.

B. Adjustments to 1979 value.

1. Timberland value will be adjusted because of recent Oregon Supreme Court ruling.
2. Tax on inventory has now been phased out.
3. Utility valuation is very complex. Value of new construction after 1979 has not been adjusted out.

C. Value Simulation:

1979 Assessed value which is still taxable
plus
Value of new construction at 1979 values

D. Revenue Override Option. It is assumed that few districts would gain property tax revenues by the override provision because of growth in assessed value from new construction and increases in non-property tax revenues since 1979.

E. Rate Allocation.

1. Complicated by Oregon Constitution which requires that each taxing district levy taxes uniformly. Hence, the rationale indicates limiting taxing authority by type of taxing district.

2. It has been assumed that major categories of taxing districts divide up the \$15/\$1,000 according to statewide proportions of levies extended in 1981-1982.

3. Using these proportions, the division would be:

School Districts	10.15
Cities	2.40
Counties	1.70
Community College	.75
	<u>\$15.00</u>

4. Special districts, such as fire and park, are treated separately as they are numerous and varied.

F. Bonded Indebtedness. Existing debt levies are excluded from the limitation. Therefore, simulated tax rates may exceed \$15/\$1,000.

G. Value Projection. Value projections for 1983-1984 are currently based on a 5% growth factor plus new construction. Projections for Measure #3 are at 2% growth plus new construction value adjusted to 1979 value.

H. Levy Projection. Measure #3 levies are assumed to grow by the full amount allowed. Bond levy growth is assumed to stop. Reduction of outstanding bond levies will probably not be offset by new issues.

I. A major assumption is that no tax legislation would be passed by the legislature other than implementing property tax legislation.

Attachments: 1. Property tax summary by district for the entire state.

2. The effect on the tax rate for Newberg property owners.

3. The effect on the City of Newberg General Fund.

EFFECT OF MEASURE #3 1981-1982
ON CITY OF NEWBERG GENERAL FUND

<u>REVENUES</u>	<u>BUDGET</u> <u>1979-80</u>	<u>BUDGET</u> <u>1981-82</u>	<u>MEASURE #3</u> <u>1981-82</u>	<u>CHANGE</u> <u>1981-82</u>	<u>BUDGET</u> <u>1982-83</u>	<u>MEASURE #3</u> <u>1982-83</u>	<u>CHANGE</u> <u>1982-83</u>
Taxes Needed To Balance	251,536	794,765	356,957	(396,619 -10% uncollected)	961,777	356,957	-604,820
Fire District Turn Over To City	82,245	93,872	93,872		100,104	100,104	-0-
All Other Revenues	<u>1,194,091</u>	<u>1,204,368</u>	<u>1,204,368</u>		<u>1,271,063</u>	<u>1,271,063</u>	<u>-0-</u>
Totals	<u>\$1,527,872</u>	<u>\$2,093,005</u>	<u>\$1,655,197</u>	<u>\$-437,808</u>	<u>\$2,332,944</u>	<u>\$1,728,124</u>	<u>\$-604,820</u>
<u>EXPENDITURES</u>							
Police (100% of 79-80)	578,122	851,193	578,122	-273,071	865,679	578,122	-287,557
Fire (100% of 79-80)	<u>202,589</u>	<u>266,217</u>	<u>202,589</u>	- 63,628	<u>244,969</u>	<u>202,589</u>	- 42,380
	780,711	1,117,410	780,711	-336,699	1,110,648	780,711	-329,937
All Other Departments	517,261	912,862	874,486	-101,109	1,102,296	947,413	-274,883
Fund Balance & Contingency	<u>229,900</u>	<u>62,766</u>			<u>210,000</u>		
Totals	<u>\$1,527,872</u>	<u>\$2,093,005</u>	<u>\$1,655,197</u>	<u>\$-437,808</u>	<u>\$2,332,944</u>	<u>\$1,728,124</u>	<u>\$-604,820</u>

EFFECT ON CITY'S NEW \$1,050,260 TAX BASE

Taxing Authority	<u>1983-84</u>	<u>1984-85</u>	<u>1985-86</u>
Without Measure #3	1,113,275	1,180,071	1,250,876
With Measure #3	396,619	420,416	445,641

If the tax base is not levied in full in one of three prior years, the base reduces to the highest amount levied during the three year period.

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Charter Revision

DATE: September 28, 1982

Attached is a memorandum from the City Attorney, a copy of the Charter Revision Committee minutes from March 3, 1982 and a copy of the new revised Charter, Section 24 showing the alterations suggested.

As you can see by the relevant portion of the minutes the Committees rationale for the omitting the portion of the old Section 23 was that the language involved was unnecessary. The City Attorney states in his September 21 memo that this was based on a view that most forfeitures or penalties other than criminal penalties would be enforced in civil proceedings in Circuit Court. He has indicated that this might be true in major cases where a City might need to seek an injunction act in Circuit Court but in many cases involving nuisances certain civil type abatement actions could be taken in our Municipal Court. The City Attorney feels that one of the goals of the Committee was to delete language which they felt was superfluous and that in this particular case the elimination of this language might result in unduly limiting the scope of action available to our Municipal Judge or at least create ambiguity where none existed before.

Since we must print the revised Charter in the Newberg Graphic on October 20 and should have our copy into them by October 15, I suggest that the Council take action on this matter at tonights meeting. A simple motion to reinclude the deleted language into the proposed Charter revision would be sufficient. There is no need for this action to be taken by ordinance or resolution.


Michael Warren
City Administrator

MW/bjm

Enc.

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: September 21, 1982

SUBJECT: Charter Revision

Over the last couple of weeks in my review of all the changes made in the Charter, I have become concerned over one deletion from the Municipal Judge's powers which was made early in the Charter revision process. This was the change made to old Section 23 of the Charter which is now new Section 24 of the Charter.

Deleted from the Charter was the following shown in ALL CAPS:

"...The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City, AND OF ALL ACTIONS BROUGHT TO RECOVER OR ENFORCE FORFEITURES OR PENALTIES DEFINED OR AUTHORIZED BY AN ORDINANCE OF THE CITY. ..."

As I recall the rationale of the Charter Revision Committee, this was deleted because it was felt that in most cases, now, forfeitures or penalties would be enforced by proceedings in Circuit Court pursuant to State Statutes allowing this to be done. At the time of the Charter Revision Committee's meeting I agreed with this rationale. However, upon reconsideration I have been concerned that deleting this could possibly be construed as deleting our ability to abate nuisances or enforce civil violation type penalties, i.e. those matters which are not construed as crimes but simple infractions or violations of ordinance. I believe that retaining the ability to enforce forfeitures or penalties for civil violations is important and that in retrospect this section should not have been deleted.

May I suggest that if you agree with this rationale that this matter be placed on the agenda for a special or regular Council meeting for consideration by the Council and action to reinclude the deleted part of Section 24 into the Charter. I believe our Ballot Title is still quite valid. The purpose would be to approve this reinclusion so that it would be included in the printed copy of the new Charter which would be advertised.

RDF:fj

VIII 2

A MEETING OF THE
CHARTER REVISION COMMITTEE

Wednesday, 7:30 p.m.

March 3, 1982

The meeting was called to order by Chairman Post at 7:30 p.m.

Present: Chairman Post Doug Delano
 Hal Grobey Allyn Brown
 Jack Nulsen Rick Faus

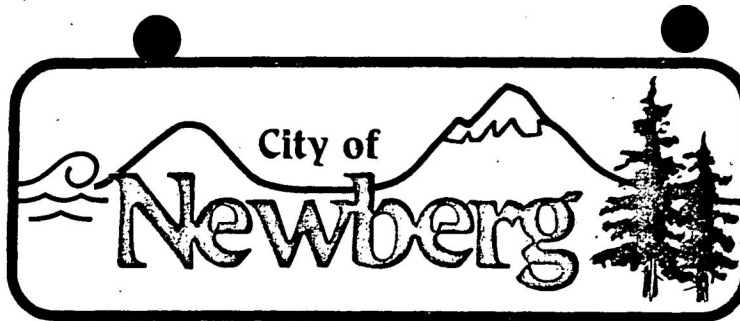
Also Present: Mike Warren, City Administrator
 Elvern Hall, Mayor

Absent: Herman Hughes

Chairman Post then moved on to Section 23, Municipal Judge.

It was suggested that the rest of the sentence after City which reads "and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance of the city.", be eliminated. The Committee felt this language was unnecessary. This is the fourth sentence of this section.

Section 23.24. Municipal Judge. The municipal judge, when appointed, shall be the judicial officer of the city and shall hold within the city a court known as the municipal court for the City of Newberg, Yamhill County, Oregon. Except on nonjudicial days, the court shall be open for the transaction of judicial business. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city. ~~and/or any/deliberate/obstruction/and/or recovery of/deliberate/obstruction/and/or penalties/deliberate/and/or authorized/by/and/orance/of the/city.~~ The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas to compel witnesses to appear and testify in court on the trial of any cause before ~~in the judge~~, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Provided, however, that the right to appeal from the decisions of said municipal court shall not be restricted by ordinance. Trials in the municipal court of cases for violation of city ordinances shall be had without juries.



Office of Mayor and City Council
(503) 538-9421

414 E. First St.
Newberg, Oregon 97132

September 27, 1982

U. S. Senator Robert Packwood
1317 Dirksen Senat Office Bldg.
Washington, D. C. 20510

Dear Senator Packwood:

This letter is in regards to Senate Bill 2172 sponsored by Senator Barry Goldwater.

The City of Newberg has recently awarded a franchise to Liberty Cable Company. The Cable Company and the City worked diligently to come up with an agreement that was profitable for the Cable Company and met the needs of our citizens. Certainly, the Cable Company needed the input from the City Council as the elected representatives of the citizenry. Conversely, the City Council needed input from the experts in the field in order to make the cable system work.

The agreement has been reached and both sides are very happy. It is an excellent example of a community meeting its own needs and not relying on Federal or State assistance.

Senate Bill 2172 destroys this relationship. In the words of Senator Gorton, "The Bill goes too far in preempting the legitimate and traditional participation of States and Local Governments in the process of regulating cable television services. The automatic franchise renewal requirement protects cable companies from vigorous and worthwhile competition. The process of negotiations leading to a contract between the franchising authority and the successful cable company has had no adverse impact on the rapid growth and size and number of cable systems or on the revenues of these systems."

The shift in authority from the State and Local to the Federal Government is absolutely absurd, especially considering the fact that the people have spoken clearly that they want local control rather than State and Federal intervention.



Home of Old Fashioned Festival

VIII 3

Letter to Senator Robert Packwood
September 27, 1982

It is not often that a group of nine people unanimously agree on an issue but as you can see from the undersigned the Newberg City Council strongly urges your opposition to this bill.

Sincerely,

Elvern Hall, Mayor

Maybelle DeMay, Councilmember

Roger Gano, Councilmember

Alan Halstead, Councilmember

Hal Grobey, Councilmember

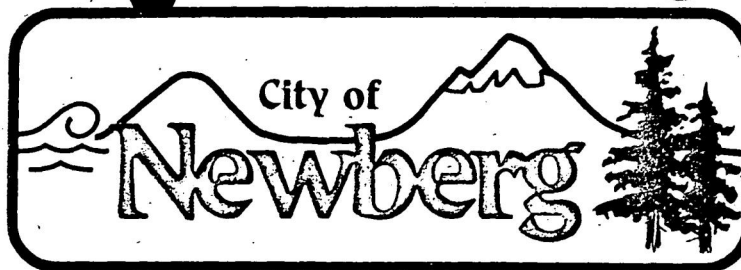
C. Eldon McIntosh, Councilmember

Quentin Probst, Councilmember

Richard Rementería, Councilmember

Tommy Tucker, Councilmember

VIII 3



Office of Mayor and City Council
(503) 538-9421

414 E. First St.
Newberg, Oregon 97132

September 27, 1982

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463 Russel Senate Office Bldg.
Washington, D.C. 20515

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Quentin Probst, Councilmember

Richard Rementeria, Councilmember

Tommy Tucker, Councilmember

VIII 3

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION9079 S.E. McLoughlin Boulevard
P.O. Box 22297
Portland, Oregon 97222

APPLICATION GENERAL INFORMATION

No 4791

The filing of this application does not commit the Commission to the granting of the license that you are applying for, nor does it permit you to operate the business named below. If a license is granted by the Commission, you will receive a LICENSE CERTIFICATE.

No fee is collected by OLCC until a LICENSE CERTIFICATE is to be issued.

(THIS SPACE IS FOR OLCC OFFICE USE)

Application is being made for:

BOTTLER
BREWERY
DISPENSER CLASS A
DISPENSER CLASS B
DISTILLERY
DRUGGIST
FARMER'S WINERY
INDUSTRIAL ALCOHOL
RAILROAD, PUBLIC PASSENGER CARRIER OR BOAT
RESTAURANT
RETAIL MALT BEVERAGE
SEASONAL DISPENSER
SPECIAL EVENTS DISPENSER
WHOLESALE MALT BEVERAGE AND WINE
WINERY

Greater Privilege
Lesser Privilege
New Licensee
New Location
New Outlet
New Partner

APPLICATION RECEIVED
OREGON LIQUOR CONTROL COMMISSION
SEP 3 1982
LICENSE DIVISION

(THIS SPACE IS FOR CITY OR COUNTY USE)

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF _____
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED _____

DENIED _____

DATE _____

BY _____
(Signature)

TITLE _____

AUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name(s) of individual applicant(s), partnership, or corporation:

- 1) Indetta G. Shaw ~~(Indetta)~~ 1819 Portland Road Newberg Oregon 97132
(Name) (Address) (City) (State) (Zip)
- 2) Wilfred T. Liew ~~(Liew)~~ 3635 S.W. 87th Street Portland, Oregon 97224
(Name) (Address) (City) (State) (Zip)
- 3) ALOHA CHANDLER 2901 E 2nd St. SP113 NEWBERG ORE 97132
(Name) (Address) (City) (State) (Zip)
- 4) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Trade name of premises The Shaw's When filed: _____
(Year Name Filed with Corporation Commissioner)3. Former trade name (Same above)4. Premises address 1819 Portland Road Newberg Yamhill Oregon 97132
(Number, Street, Rural Route) (City) (County) (State) (Zip)5. Business mailing address 1819 Portland Road Newberg Oregon 97132
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)6. Was premises previously licensed by OLCC? Yes X No _____ Year '827. If yes, to whom: Indetta G. Shaw, Aloha Chandler Type of license: Dispenser Class A8. Will you have a manager: Yes _____ No X Name _____
(Manager must fill out Individual History, blue page 2)9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from this business? Yes _____ No X10. What is the local governing body where your premises is located? Newberg, Oregon
(Name of City or County)11. OLCC representative making investigation may contact: Aloha Chandler
(Name)The Shaw's, Newberg, Oregon (503) 538-3806
(Address) (Tel. No. — ~~home~~ business; ~~residential~~)

AUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

Applicant(s) Signature (1)
(In case of corporation, duly
authorized officer thereof)

(2) _____
(3) Aloha Chandler
(4) _____

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