CITY COUNCIL
AGENDA
March 2, 1981

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVE MINUTES OF PREVIOUS MEETINGS

IV. REQUESTS:

A. Request from Diane Raines to discuss crafts fair in Newberg.

V. PUBLIC HEARINGS:

A. Report on request by Newberg State Bank relating to a conditional use permit for temporary mobile home banking facility on Newberg Realty property.

B. Report on request by Lee Anderson to rezone property located at 2nd St & St. Paul Highway.

C. Report on Street Vacation of North St. lying east of Washington St. by Allen Fruit Co. (continued PH).

VII. REPORTS FROM CITY ADMINISTRATOR:

A. Request for Special Meeting on March 23, 1981 RE: Comp. Plan and Development Procedures.

B. Clarification of Editorial in the Graphic Newspaper.

C. Report on Block Grant Program.

VIII. OLD BUSINESS:

A. Report on Water Hook-up for Mr. Dale Compton

IX. NEW BUSINESS:

A. Appeal by Brugato/Buckley- RE: Allowing use of trailers in R-1 - Chehalem Mobile Home Park Estates.

B. Report on Janitorial Service in City Hall.

C. Report on Liquor License for Rocky's

D. Approve Accounts Payable.

E. Report on issuance of building permit for 10-Plex at corner of Walnut St. and Deborah Road by David & Kathy Solberg.

F. Report on Hospital Bids for Office Furniture.

X. RESOLUTIONS:

A. Report & Resolution - Deferred Income Plan

B. Report & Resolution - RE: Clarification of Resolution 636, Sewer and Water Connection fees.

XI. ORDINANCES:

A. Report on LID Bonding Project.

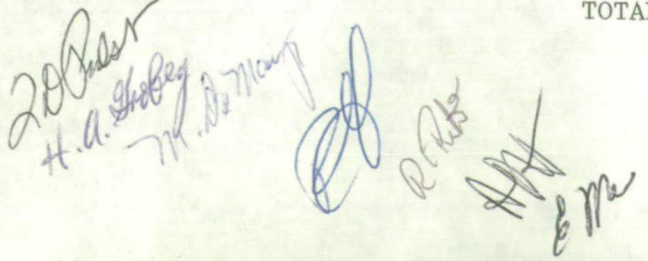
B. Report & Ordinance RE: Request by Larry Roberts/Ileana Daniel for vacation of eastern half of the alley between Seventh & Eighth Streets and Chehalem & Willamette Streets.

C. Report & Ordinance RE: Amendments to current Sidewalk Ordinance.

ACCOUNTS PAYABLE
March, 1981

3/81

Al's Drive-In	42.50
American City & County Index	25.00
American Library Association	46.50
Associated Janitor	28.95
Ayer Press	68.00
B J's Photo	25.20
Bennett & Miller	335.00
Brass Key	23.95
Burroughs Corp.	50.40
Business Forms Unlimited	157.73
Butler Chevrolet	25.00
Buy Wise Drug	130.48
C & G Auto	24.50
Callaghan & Co.	62.50
Cascade Employers Assoc., Inc.	21.60
Chehalem Valley Window Cleaning	95.00
Chehalem Valley Senior Citizens	1,000.00
Coast to Coast	114.63
Columbia Equipment Inc.	456.28
Consolidated Supply	787.56
Crowell Auto Parts	78.37
Culligan	28.00
D & K Plumbing	1.50
Dents	251.13
Dept. of General Services	100.00
Double G Auto Service	6.00
Easterday Supply	43.44
Ferron Janitorial Service	501.00
Field & Stream Magazine	17.95
Finzer Business Systems, Inc.	24.78
Fisher Electric	90.00
Fire Chief Magazine	15.00
Fowler Tire Service	76.50
Fox Union	200.00
Gaylord Brothers, Inc.	40.23
Grolier Year Book, Inc.	15.00
General Telephone	1,281.10
Goodwin Bros./GMC Truck	26.49
Harris Uniform	109.38
Home Laundry	30.75
The Hub	13.99
IFG Leasing	100.13
Johns Electric	68.50
Johnson's Hardware	60.02
Kilham Stationary	40.81
Laughlin Oil	1,250.69
League of Oregon Cities	72.81
London's Lawn & Garden	2.50
Martin & Wright	989.31
Metro-West Oil, Inc.	169.40
Midget Motors	54.15
Nap's IGA	7.20
National Geographic Society	6.95
National Geographic Society World	6.95
Newberg Auto Parts	310.48
Newberg Community Hospital	1,134.00
Newberg Graphic	167.63
Newberg Ready Mix	112.85
Newberg River Rock Products	605.00
Newberg Steel	9.25
New England Business Service, Inc.	37.96
NW Business Systems, Inc.	599.18
NW Law Enforcement Equipment	1,844.59
Nudelman Brothers	137.00
NW Natural Gas Co.	1,391.79
Oregon Meter Repair	600.00
Pacific Northwest Books	19.08
Pacific Photocopy	36.95
Pacific Reflex Signs	28.52
Pacific Water Works Supply	758.62
Payless Drug	15.95
Portland General Electric	12,300.00***
Portland Precision Instrument	323.75
Power Rents, Inc.	4,528.00
Quality Offic Machines	22.73
RAIN	2,895.00
Revenue Sharing Advisory Service	50.00
Roberts-Rent-All	45.00
Rocky's Delicatessen	27.90
Roger Rook	37.17
Rowell & Wickersham	1,787.28
Science 81	15.00
Showcase of Flowers (Manson's)	18.50
Robert Swift	75.00
Ted's Paint & Wallpaper	1.85
Ted's Shoes	36.95
Timberline	183.41
Titsch Publishing, Inc.	80.00
3-2-1 Contact	8.95
Union Oil	39.10
United Radio Service	102.22
U.S. News & World Report	31.00
Valley Contractors Supply	147.00
VWR Scientific	218.70
W.R. Grace-The Baker Taylor Co.	604.54
Waide's Mobil	130.16
Water Metrics Co.	1,200.00
Western Auto	125.82
Westside Automotive	130.06
Willamette Industries	197.46
World Book Encyclopedia	13.95
Yamhill County Assessor	.50
Yamhill County Sheriffs Office	149.34
Ziprint	191.40
TOTAL:	42,827.40



Monday, 7:30 P.M. February 2, 1981

A REGULAR MEETING
OF THE CITY COUNCIL

The meeting was called to order by Mayor Elvern Hall.

Roll Call:

Present - Maybelle DeMay, Roger Gano, Alan Halstead, Fred LaBonte, C. Eldon McIntosh, Quentin Probst, Richard Rementeria, Tom Tucker

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

Also present - approximately 30 citizens.

Minutes of the January 5, 1981 meeting were corrected as to the inconsistency in Councilman McIntosh's name. The correct minutes were then approved.

There were no petitions or requests from the floor.

Request: Water hook-up outside City limits
Applicant: M. E. Compton

The City Administrator reported he had investigated Mr. Compton's request. The City Attorney has researched the ordinances. The Council would need to change the ordinances to allow the hook-up and the recommendation of staff is to deny the request. Motion: Gano-Halstead to deny the request of M. E. Compton for water hook-up as the property is outside the City limits and Urban Growth Boundary. Carried unanimously.

Public Hearing: Annexation and Zone Change
Location: Tax lots 3218AC 1400, 1500. North Main at Pinehurst Court
Zone Request: County low density residential to City R-1
Applicant: L. O. and Colleen Gerth

Planning Commission recommends approval with condition that property be cleaned up.

Staff Report. The Planner presented pictures taken of the property prior to clean-up and at 5 p.m. this date. Substantial improvement is shown.

The condition on the approval of the Planning Commission appears to have been met.

Proponent: Terry Mahr, P. O. Box 511, Newberg representing the Gerths. All criteria of the annexation ordinance have been met. Any materials left on the property after the clean-up are to be used in the rennovation of the existing residences. No material for use at other sites is stockpiled on the property.

Proponent: Hal Groby, 1412 Deborah Road, Chairman of the Planning Commission, stated he had driven by the property this evening. The property has been cleaned up. The property is a natural infilling parcel in the City boundary. Services are on the property now.

No opponents wished to be heard. No written remonstrance has been received.

A letter from the Chairman of the County Board of Commissioners was received concurring with the annexation. However, he requested that the City annex all parts of North Main Street that are adjacent to the City boundary.

Public hearing closed.

Mr. Gano questioned Staff on how much roadway would be involved in an annexation as requested by the County. The Planner stated it would be 800 to 1,000 feet. The City Attorney stated a separate public hearing would be required to annex the roadway as no notice has been published. The Director of Public Works stated the road has not been maintained properly and the County should be requested to bring it up to some standard before the City annexes it.

Staff Recommendation: To approve the annexation and zone change request of L. O. and Colleen Gerth.

Motion: Gano-Halstead to read Ordinance No. 2044 annexing tax lots 3218AC 1400 and 1500. Carried unanimously. The ordinance was then read. Roll Call: Aye 8 - DeMay, Gano, Halstead, LaBonte, McIntosh, Probst, Rementeria, Tucker. Nay 0. The Mayor then declared the ordinance passed.

Motion: Gano-Halstead to reconsider Ordinance No. 2044 as it did not include the wording for the requested zone change. Roll Call: Aye 8 - DeMay, Gano, Halstead, LaBonte, McIntosh, Probst, Rementeria, Tucker. Nay - 0. Motion carried.

Motion: Gano-Halstead to amend the ordinance to include wording to change zoning on the property from County low density residential to City low density residential R-1, and to change the title of the ordinance to include the zone change. Carried unanimously.

Roll Call on the amended Ordinance No. 2044. Aye 8 - DeMay, Gano, Halstead, LaBonte, McIntosh, Probst, Rementeria, Tucker. Nay - 0. The Mayor then declared the ordinance passed.

Motion: Gano-Tucker that the Public Works Director ask the County for upgrading of Main Street and a public hearing be set for March 2, 1981 to annex N. Main as requested by the County. Carried unanimously.

Public Hearing:	Street Vacation
Location:	A portion of North Street east of Washington Street
Applicant:	Allen Fruit Company

Mr. LaBonte removed himself from the Council.

Staff Report: The Planning Commission has not heard or acted on this request.

Proponent: Fred LaBonte representing Allen Fruit Company stated the only utilities in the street serve only the Allen plant.

Public hearing continued to March 2, 1981.

Mr. LaBonte rejoined the Council.

Committee Reports

Ordinance/Legislative. Mr. Tucker reported meetings continue on cable television. The Committee has interviewed and recommends hiring George L. Page, CATV Consultant. His references have been checked and he has never worked for the cable industry but exclusively with municipalities. He has given a cost estimate for his service. All costs of obtaining cable television for Newberg will be repaid through application fee-with any cost above the fee revenue to be paid by the successful applicant. The Committee is now reviewing an enabling ordinance. Dundee has been represented at two of the meetings. The Committee is recommending an application fee of $2,000. The Committee at it's morning meetings is reviewing the Garbage Recycling Franchise and matters before the State Legislature. Also, an ordinance amendment on sidewalks will be ready for the March 2nd meeting.

Public Safety. Mr. Gano reported the Committee met and reviewed 13 liquor license renewal applications. All are recommended. The Committee discussed the School Liaison program funding and cost and replacement schedules of patrol cars. The Committee referred to the Traffic Safety Commission the parking of trucks at Springbrook and 99W and cars on N. Main Street.

Finance. Mr. LaBonte reported the Committee met 1-27-81. They discussed the current budget, the retirement program and deferred income. Also discussed was the need for assistance in the Finance and Administration departments. The Committee recommends obtaining the services of Dan Palmer, who has been working at the hospital, to work part-time as Director of Administrative Services.

Traffic Safety. Stu Harris, Chairman requested that a meeting be scheduled for February 23, 1981.

City Administrator presented his Progress Report. Subjects covered were Friday packets, Budget 81-82, department head responsibility, committees, hospital, employees, retirement, deferred compensation, staff meetings, insurance and janitorial service.

Mr. Warren then presented goals as he sees them for the City. He addressed: Budget, design review, health officer, business license, low-cost housing, rerouting traffic, City Hall, sewage treatment plant, hospital and library and volunteers.

Mr. Warren presented the meeting schedule for 1981. In addition, regular committee meetings have been scheduled. Finance - 3rd Wednesday; Ordinance/Legislative - 4th Monday; Public Safety - 4th Thursday; Public Works - 4th Tuesday.

The 1981-1982 Budget preparation calendar was presented. Budget election if needed will be May 19, 1981.

Mr. Warren presented a summary of insurance held by the City. Both general and that provided employees.

Mr. Warren reported Federal Revenue Sharing was extended and the City will continue to receive the funds.

A tour of City facilities for Council members is scheduled for Feburary 6, 1981 at 1:30 p.m. Mr. Gano asked if the hospital could be included in the tour. There will be a Council of Governments dinner at Salem February 19. Council members are invited to attend.

Old Business

Hospital Audit fees. The auditors had to do extra work and request additional fees of $2,100. The Hospital Board has approved payment. Motion: Tucker-LaBonte to approve additional audit fee for the hospital audit of $2,100. Carried unanimously.

Appointment: The Mayor appointed Jim Tumbleson to the Planning Commission. Motion: Gano-DeMay to approve the Mayor's appointment. Carried unanimously.

New Business

Liquor License Renewals. Motion: LaBonte-Tucker to discuss the 13 applications as a whole. Carried unanimously. Motion: LaBonte-Tucker to recommend renewal of the 13 liquor licenses. Carried unanimously.

Springbrook Plaza development fees. The Public Works Director recommends denial of the request, reduction of sewer tap fees by $2,100. and developer to install sidewalk on 99W. Mr. Warren stated he concurred with the Public Works Director's recommendation. Motion: DeMay-LaBonte to reduce sewer tap fee $2,100. and sidewalk to be installed at time specified by staff. Motion carried. 1 Nay - Halstead.

Hospital bid on draperies, etc. Bids from 3 companies were received. The Hospital Board recommends acceptance of the bid from Robinhood Industries. Motion: Halstead-Gano to accept the Hospital Board's recommendation and award the bid to Robinhood Industries at $14,926. Carried unanimously.

Status report on the Comprehensive Plan. The City Planner stated the deadline is April 6. Hearings are scheduled and we should be able to meet the deadline. Mayor Hall stated that 3 extensions have been granted so we must meet the deadline.

Alley vacation. Request that City initiate alley vacation located between 7th and 8th Streets and Chehalem and Willamette Streets. Motion: Gano-McIntosh to set March 2, 1981 for a public hearing to vacate the alley. Carried unanimously.

Mandatory Police Department Staff Meetings. Mr. Warren reported personnel are not presently compensated for time required to attend those meetings that are not held during their regular work shift. He recommends comp time be given retroactive to January 1, 1981 and that funds be budgeted 81-82 for compensation for required meetings. Cost would be about $265. per month. Motion: Tucker - Gano to approve the recommendation of the Administrator. Motion amendment: Probst-DeMay that only comp time be given from 1-1-81 to 6-30-81. Amendment carried. 1 nay - LaBonte. Amended motion carried unanimously.

Bonding Consultant. Mr. Warren reported the City must sell about 1.2 million in bonds as soon as possible. Money has been borrowed from banks and other funds to pay for 5 local improvement projects. Marshall & Meyer Bonding Consultants were used by the City on the most recent bond issues and should be able to offer the best price.

Resolution 81-876 authorizing City Administrator and Mayor to contract for a bonding consultant with the fee not to exceed $2,850. was read. Motion: Gano-Tucker to adopt the resolution. Carried unanimously.

Director of Administrative Services. Mr. Warren reported Dan Palmer has been working for the hospital solving some of their bookkeeping problems. As of February 15th the hospital will need him only part-time. Mr. Palmer would not only be able to provide assistance to the City Administrator and Finance Officer but would be able to define the areas where the hospital and City could combine to save money for both. Cost would be about $1,300 per month for salary and benefits. Motion: Tucker-Halstead to approve hiring of Dan Palmer as Director of Administrative Services. Carried unanimously.

Resolution 81-877 agreement with Chemeketa Cooperative Regional Library was read. Doreen Turpen, Librarian explained many of the services and savings provided. Motion: Gano-Halstead to adopt the resolution. Carried unanimously.

Resolution 81-878 accepting the Audit Report of 1979-1980 was read. Motion: Gano-Healstead to adopt the resolution. Carried unanimously. Motion: Gano-Halstead to correct the date of acceptance in the resolution to February 2, 1981. Carried unanimously.

Resolution 81-879 authorizing negotiation or condemnation proceedings to acquire property to complete land acquisition for Sitka Avenue improvement was read. Motion: Gano-Halstead to adopt the resolution. Carried unanimously.

Resolution 81-880 to retain George L. Page, CATV Consultant as cable television consultant was read. The Ordinance Committee adopted a resolution recommending Mr. Page. Motion: Gano-LaBonte to adopt the resolution. Carried unanimously.

Resolution 81-881 to set cable television franchise application fee at $2,000. was read. Motion: Halstead-McIntosh to adopt the resolution. Carried unanimously.

The Mayor adjourned the Council to an Executive session under ORS 192.660 session relating to labor negotiations. Public, press and staff excepting the Administrator, Attorney, Recorder and Police Chief were excused.

The Mayor called the Council back into open session.

Motion: Gano-Probst the Administrator to appropriate funds necessary to engage Cascade Employer Association for professional services. Carried unanimously.

Motion: LaBonte-Rementeria to adjourn. Carried unanimously.

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Crafts Fair

Mrs. Diane Raines came into see me on this date regarding establishing a crafts fair in the City of Newberg. The idea behind the fair is that every weekend craftspeople would display their wares for sale. Apparently the City has had some experience with this in the past, but there is no procedure set up to allow or disallow something like this from occurring.

Rather than tell Mrs. Raines yes or no I felt it best to advise the City Council on the situation. If the Council is agreeable to this type of event on a fairly regular basis during the summer months, then some procedure should be set up and Council would need to advise staff of their wishes. This of course is all predicated on the fact that the people involved would have permission from the property owner to allow something like this to occur. In any regard, a discussion should evolve on this subject so that staff may realize the Council's thoughts on this matter.

Michael Warren
City Administrator

MW/bjm

August 3, 1979

Sherrie Baker
Rt. 1, Box 152
Newberg, Oregon 97132

RE: Market - 205 N. Main

Dear Ms. Baker:

The City will permit you to operate an open air market based on the following conditions:

1. Permit is temporary - 60 day maximum - Terminate Sept. 30, 1979.
2. Market to operate on Saturday and Sunday only, 10 A.M. to 7 P.M.
3. Restroom facilities must be available for the vendors.
4. All booths or other structures constructed shall conform to Uniform Building Code and City of Newberg Ordinances.
5. Booths, tables or other devices used for sale and display of goods must be removed from area when not in use.
6. Garbage cans shall be provided for all garbage and litter. Paper, garbage and other litter shall not be allowed on p premises or adjacent streets.
7. A public address system, loudspeaker or any sound amplifying device shall not be permitted or used.
8. Permit is subject to revocation at any time if any part of the operation is or becomes in violation of City Ordinances.

Sincerely,

M. C. Gilbert
City Admininstrator

MCG/bjm

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Newberg State Bank Matter

A staff report, minutes and a letter from Newberg State Bank are attached. I will not summarize too much of what has occured. I am sure that the Council is aware, through contacts with the community and by the attached memo from the Planning Director. It is detailed enough for comprehension of this matter.

Newberg State Bank is the first developer that has really had an "opportunity" to come before the Planning Commission or the City Council on a variance or new development since the beginning of the calendar year. I have verbalized and written my thoughts on planned development and correcting, wherever possible, hazards and environmental issues that have been neglected in the past. Representatives from Newberg State Bank are not happy with the decision of the Planning Commission, the recommendation of the Planning Director or the direction of the Administrator. They do not like being the first development that has to comply with something that should have been done in the past. It is their opinion, in all probability that they are being harassed to do something that is "not their problem" and was not a requirement of prior developers.

The Bank or the development is not being harassed and that word and thought should not even be a point of contention. What has occured on this matter is that the City Staff has taken a strong position in regards to development. The name of Newberg State Bank implies a very strong tie with the Community. This should be a development that everyone should work together on and be equally proud of. I am sure that Newberg State Bank feels that they have gone beyond the minimum requirements set forth by the City but if they are to place a trailer on somebody else's property, it is the Planning Commission's job to look at the property that is asking for the variance (not the person) and correct any matters that are non-conforming or should be addressed immediately. The fact that Newberg State Bank happens to be the first developer that is asked to develop on Villa Road by putting in sidewalks, should not be at issue. The question should be "What needs to be done to the property, where the trailer is being put?" In this case the Planning Commission did an excellent job of outlining the 9 conditions.

The City Council tonight is faced with the 3 options outlined in the Staff Report. As the City Administrator, I must recommend to the City Council what I feel should be done. Obviously, I feel that the corrections should be made and that the extra $5,000 for the corrections should be absorbed by the Bank and should be noted by the Bank that these improvements will enhance the corner, their business and the community. It is indeed, unfortunate that the

Memo on Newberg State Bank
February 26, 1981

Bank cannot see this problem in the same light.

If they move the trailer onto their property or a different location then no improvements will be made. I must reluctantly recommend if our choice is to have the building temporarily located on the Newberg State Bank property or at a different location with no improvements to be made, then the option the City Council should take is option #3, which will allow, what I consider to be minimum improvements to the area and not addressing the safety problem at all. I also recommend that the City Council direct the Administrator to request to Newberg Realty to somehow close off the approximately 8 parking spaces east of the building for safety purposes and only use the new parking area that will be developed by the State Bank directely south of their building. I do not see how the sidewalk and curb can be completed and it will continue to exist in front of and at the side of Newberg Realty, in a dilapidated state.

Michael Warren
City Administrator

MW/bjm

Enc.

Tape

MEMORANDUM
24 February 1981

TO: Mike Warren, City Administrator

FROM: Clay W. Moorhead, Planning Director

RE: File No. CUP-1-81, a request by Newberg State Bank relating to a conditional use permit for the purpose of establishing a temporary mobile home banking facility near the northeast corner of the intersection of Villa Road and Highway 99W

Attached are the minutes from the Planning Commission meeting dated February 17, 1981, and the letter of appeal of the Planning Commission decision by Newberg State Bank which is signed by Robert G. Lance, President. Also included is a copy of the Planning Department staff report relating to this request.

Generally, the request was made for the purpose of establishing a temporary mobile home bank facility to be located on property described as Tax Lot 3217CD-4000 and -3800. Specifically the proposed mobile home was proposed to be located on property owned by Newberg Realty and located approximately five feet north of the Newberg Realty building. The placement of a mobile home facility for commercial or industrial purposes requires a conditional use permit to be approved by the Newberg Planning Commission. The Newberg Planning Commission did hear the request at their regular meeting on February 17, 1981. At that time the Planning Commission approved the request for placement of the temporary mobile home banking facility at the location proposed by the applicant. In approving this request the Planning Commission placed 9 conditions upon the permit. These conditions were established in order to regulate the use of the building to fall in line with the intent as proposed by the applicant. The conditions further were placed upon the permit to alleviate a traffic hazard problem associated with access and parking locations for the Newberg Realty building and further to require that all construction be designed to City standards.

Conditions can be imposed using this procedure as defined by the Newberg Zoning Ordinance (refer to Conditional Use Procedures, Pages 106 - 110).

There are approximately five parking spaces which are used by employees of Newberg Realty, that are located abutting and directly west of that building. In order to utilize these parking spaces, the driver of any of the vehicles must maneuver out into Villa Road right-of-way or the intersection of Villa Road and Highway 99W using backward movement. This situation causes a very dangerous traffic hazard. It was pointed out by Millard Leslie of Newberg Realty that a driver must be very cautious when exiting from one of these parking spaces. It was further pointed out by Mr. Stu Harris that the Traffic Safety Commission had discussed and recognized this situation as a traffic hazard through previous meetings unrelated to this request.

As part of the negotiations between Newberg State Bank and Newberg Realty for the placement of the temporary mobile home banking facility, Newberg State Bank was to make improvements to the Newberg Realty property. These improvements were to include installation of an access way and parking lot on the Newberg Realty property. After extensive discussion relating to this matter the Planning Commission established 9 conditions to the conditional use permit. Of these, the applicant's are primarily objecting to Conditions No. 3 and 6. These conditions require that a curb and sidewalk be constructed along the Newberg Realty property together with a 10' street dedication for those lands abutting Villa Road. These conditions were imposed to alleviate a traffic hazard within the area and were made a part of the conditional use permit as the mobile home banking facility was proposed to be placed on the Newberg Realty property together with the improvements for parking and access as mentioned above. The conditions imposed would bring the street right-of-way and improvements along the Newberg Realty property up to City standards.

Options

It is expected that several options may be pursued at the Appeal proceeding before the City Council. A general description of these options relating to this request include the following:

a. The applicant's may request that the temporary banking facility may be re-situated to lie wholly on their own property. The City staff which includes all department heads, have not had the ability to review any alternate site locations for the mobile home. In altering the location of the mobile home, it is necessary to consider the impact of its location upon the parking areas to be provided for that establishment; the ease of access for the general public to patronize the temporary banking facility; how the placement of the mobile home may relate to construction of the permanent banking facility; that no interference will be caused by the placement of the mobile home facility which could affect the general safety of the public entering into the site as well as the congestion that may be expected from building crews working on the permanent facility. Potential impacts of a re-location of the mobile home should be reviewed by all department heads to insure that adequate safety factors, parking areas and general coordination between the temporary and permanent banking facility can be accomplished.

b. A second option might be that the City Council adopts all conditions as specified by the Newberg Planning Commission. The Newberg Planning Commission did go to great lengths to establish these conditions based upon the testimony that was presented at the hearing. If the Newberg City Council upholds the decision of the Planning Commission, then in order to place the temporary banking facility at the proposed site, the conditions established must be fulfilled. The applicant would then have the option of either accepting that decision or requesting a new hearing before the Newberg Planning Commission relating to proposed alternate designs. The applicant's have indicated that the cost factor for completing the conditions as established would make the placement of the mobile home in that location prohibitive,

and, as a consequence of being financially prohibitive from completing the conditions, the bank may establish temporary banking facilities at another location which may include vacant office space found in various locations throughout the City. Of course, if the Newberg State Bank cannot financially comply with the conditions and, therefore, have to look for alternative locations, then no improvements can be expected to occur upon the Newberg Realty property. Conditions relating to the improvement of the Newberg Realty property can only be imposed if this property is utilized as part of the conditional use permit by the bank.

c. The third option is one that has been generally agreed upon by the applicants. This option would be to continue with the conditional use permit as approved by the Planning Commission with the exception that conditions number 3 and 6 be eliminated and in their place Newberg State Bank would install curbs and sidewalk along that portion of the Newberg Realty property abutting Villa Road starting at the northern end of the Newberg Realty building and terminating at the northern end of the Newberg Realty property. The applicants have indicated their general willingness to comply with this condition since the area proposed for curbs and sidewalks would correspond with that area which they intend to improve into a parking lot. It would appear that the conditions as indicated within this option would not unduly affect Newberg State Bank financially as they have already indicated their general willingness to comply with these requirements.

With this option some improvements are made to the property owned by Newberg Realty which will correct certain hazards affecting that property. However, these conditions will not affect the five primary parking spaces which are a subject of concern because they are located right adjacent to the intersection of Villa Road and Highway 99W.

Tuesday, 7:00 P.M. February 17, 1981

A Regular Meeting
of the Planning Commission

Council Chambers Newberg, Oregon

The meeting was called to order by Chairman Grobey.

Roll Call:

Present:	John Cach	Jean Harris
	Hal Grobey	Arthur Stanley
	Jack Kriz	Jim Tumbleson
Absent:	Oscar Gerth (excused)	Rebecca Piros (excused)
	Bob Youngman	
Staff Present:	Clay Moorhead, Planning Director	
	Bob Weisenback, Building Official	
	Barb Mingay, Recording Secretary	
Also Present:	Approximately 17 Citizens	

Clay Moorhead introduced the new Planning Commissioner, Jim Tumbleson, and Chairman Grobey welcomed him to the Commission.

Motion: Cach-Stanley to adopt the minutes of January's meeting as mailed. Carried unanimously.

Public Hearing: Proposed acknowledgement request for the Newberg Comprehensive Plan.

Public hearing continued to Citizen's Involvement Advisory Committee/Planning Commission joint meeting to be held in Council Chambers, February 24, 1981 at 7:00 P.M.

Public Hearing: Request for vacation of North Street east of Washington Street to the point of a previous vacation, 150 feet more or less. Continuation of previous hearing.
Applicant: Allen Fruit Company
Location: North Street east of Washington Street.
Tax Lot: Adjacent to Tax Lot No. 3218DD-1500, -1600 & -8100

Staff Report: The City Planner presented the Staff Report as presented in the staff memorandum.

Proponent: Fred LaBonte, 1514 East 7th, controller at Allen Fruit Company spoke for the applicant. The applicant will request that the City discontinue all City services to that street. Utilities have been requested to terminate all services within the subject right-of-way. Agreements and/or easements will be in place prior to Council meeting on March 2, 1981. Such easements and/or agreements are not in hand at this time.

No other proponents wished to speak; no opponents wished to speak; no written remonstrance was received.

Comments from Public Agencies:
N. W. Natural Gas - Would like to retain the pipeline in the street as active and would like to retain right for maintenance purposes. Would request reimbursement of cost for abandonment from petitioner if abandonment is desired.

No proponent rebuttal was received.

Staff Recommendation: The City Planner presented recommendation as presented in the staff memorandum.

Public Hearing closed.

Motion: Cach-Youngman to recommend approval of alley vacation to the City Council subject to conditions as stated in Staff Report. Carried unanimously by those present.

Public Hearing:	Request for vacation of the alley way between lots 1, 2, 3, 4 and lots 13, 14, 15, 16 of Block 46 of Edwards Addition Subdivision.
Applicant:	Larry Roberts/Ileana Daniel
Location:	The eastern half of the alley platted between 7th and 8th Streets, Chehalem and Willamette Streets.
Tax Lot:	3220CB-4900

Staff Report: The City Planner presented the staff report as presented in staff memorandum.

No proponent or opponent wished to speak, no written remonstrance was received.

Comments from Public Agencies:
General Telephone: Need an easement to maintain present telephone facilities in conflict with the abandonment area.

No proponent rebuttal was received.

Staff Recommendation: The City Planner presented recommendation as presented in staff memorandum.

Public Hearing closed.

Mr. Grobey questioned if abutting property were under one ownership.

Staff stated there were several different property owners. Staff described alley way location and current condition of site. Mr. Weisenback stated other half of alley is used as parking for duplex on west end of block.

Bob Youngman now present.

Mr. Grobey asked what vacated property dispersment would be. Staff stated property would be dispersed equally between abutting property owners. Staff was asked what portion of vacation was involved in easement. Staff responded that easement would be over entire alley way to be vacated.

Motion: Cach-Tumbleson to recommend approval to the City Council of the vacation of alley abutting Tax Lot 3220CB-4900 with stipulation that easement be retained for utility purposes. Carried unanimously by those present.

Public Hearing:	Request for a conditional use permit for the purpose of establishing a temporary mobile home banking facility.
Applicant:	Newberg State Bank
Location:	1815 Portland Road, immediately east of Newberg Realty office.
Tax Lot:	3217CD-4000, -3800

Staff Report: The City Planner located the parcel on a map and presented the staff report as presented in staff memorandum. Staff stated additional conditions could be added as directed by the Newberg Zoning Ordinance under Section 646. Staff indicated a general traffic hazard exists in the area of Newberg Realty building parking lot.

Mr. Grobey questioned proposed access to temporary facility. Staff indicated two accessways were proposed by applicant's initial plans.

Proponent: Jim DeYoung, 1556 E. First St., representing Newberg State Bank and DeY Ltd. stated the reason the temporary bank is to be situated on Newberg Realty lot is to provide additional parking for Newberg Realty and to allow easier construction of permanent bank facility without having to work around mobile facility. He stated disagreement with the proposed condition regarding a curb requirement and expense of curb installation to Newberg Realty. Proponent questioned why Newberg Realty should pay for correction of traffic problem already existing on property.

Proponent: Robert Lance, 909 Sierra Vista, President, Newberg State Bank, explained DeY Ltd. is their contractor. Proponent reiterated that the adjacent property owner (Newberg Realty) should not be required to foot bill for curb and safety improvements. Mr. Lance stated there were ingress-egress access both from Highway 99W and Villa Road. Mr. Lance also stated all requirements for bank opening have been met with the exception of this Conditional Use Permit.

Proponent: Millard Leslie, 1805 Portland Road representing Newberg Realty, stated no objection to additional parking but objects to giving up current five parking spaces. At the time that the temporary facility is removed Mr. Leslie would consider giving up the five parking spaces in question. Mr. Leslie was unaware of condition requiring 10' easement dedicated to City. Mr. Leslie wanted to know if City reimbursed owner for this type of dedication.

Proponent: Dick Dougherty, 1204 Marguerite Way, property owner, stated these conditions being placed upon this Conditional Use Permit are a prime example of difference between police power and right to emminent domain. Mr. Dougherty felt right of emminent domain is being infringed on in this case.

Question to Proponent:

Mr. Youngman questioned Mr. Lance about type of removable landscaping to be placed around temporary facility. Mr. Lance indicated transplantable landscaping or redwood planters would be placed around temporary facility.

Mr. Moorhead questioned applicant as to their objections on Conditions 1, 2, 4 and 5 as stated in staff report. Mr. Lance stated applicants were only opposed to conditions 3 and 6 as stated in staff report.

Mr. Moorhead asked applicant's willingness to provide sidewalk and curb along Villa Road from the north end of building to the proposed accessway. Mr. Lance stated Newberg State Bank would agree to install such improvements if Newberg Realty agreed.

Access to both temporary and permanent facility from Highway 99W was discussed and Staff indicated on a map location of access.

Mr. Kriz asked ownership of access way to Villa Road. Mr. Lance indicated Bank had a ground lease easement with property owner.

Mr. Kriz asked applicant who is paying for new parking lot improvement at temporary facility. Mr. Lance indicated Newberg State Bank was paying for improvement.

Mr. Stanley asked applicant what would happen if Conditional Use Permit were denied. Mr. Lance state Conditional Use Permit is still required for placement of mobile facility even on Bank property but permanent bank facility would still proceed.

Mr. Cach questioned Mr. Leslie about his opinion of conditions and if Mr. Leslie could speak for the property owner. Mr. Leslie was also asked about traffic safety problem in regard to parking stalls on west end of Realty building. Mr. Leslie, speaking for Newberg Realty, stated there was a need for care in backing out of parking spaces, however Realty would not like to relinquish these spaces at this time.

Map indicating parking design revision was submitted to the Commission members from Mr. Lance and was made a part of the record being labeled "Applicant's Exhibit A."

Mr. Lance was asked by Chairman Grobey if March 20, 1981 opening date could still be met if Conditional Use Permit failed. Mr. Lance indicated appeal would be sought or request re-submitted to exclude Newberg Realty property.

Mr. Youngman questioned Mr. Leslie regarding need for five original spaces upon completion of permanent facility. Mr. Leslie indicated negotiation for removal of five spaces in question could be considered at that time.

Opponent: Mrs. Sharon Twenge, 1508 Hess Creek Court, employee of Newberg Realty, stated there was very little foot traffic on the east side of Villa Road.

Opponent: Mr. Jim DeYoung, 1556 E. First St., stated encouraging pedestrian traffic would be inappropriate as sidewalk would end at the edge of applicant's property on Villa. Mr. DeYoung questioned hospital use of mobile facility without benefit of a Conditional Use Permit, skirting, etc. He questioned why hospital has this ability and lack of restriction. Mr. DeYoung passed photos identifying trailer at hospital site. Based on past history such as hospital, Mr. DeYoung would like similiar consideration for bank facility.

Opponent: Mr. Stuart Harris, 1209 N. Springbrook #28, representing Traffic Safety Committee wished to state Traffic Safety Committee has discussed sidewalk at this location in the past and has determined that the parking area on the west side of the Realty building creates a general traffic hazard.

Mr. Stanley asked Mr. Harris when Villa Road extension was to take place. Mr. Harris indicated maybe next fall.

Question to Opponent: Mr. Youngman asked Mr. Harris if his testimony was given specifically as chairman of Traffic Safety Committee. Mr. Harris stated his testimony was informational only.

Comment from Public Agencies:
State Highway Division - This basic site plan and concept are acceptable. Approval and "Approach Road" permit should be obtained from OSHD.

Staff Recommendation:

Staff recommends approval with conditions as stated in staff report and additional conditions added by Planning Commission.

Public Hearing closed.

Each condition as stated in Staff Report was discussed individually and additional conditions were added. The Commission reviewed each condition and made separate motions on each condition. The following final list of conditions were compiled by the Planning Commission. Please note that Conditions 1, 2, 3 and 5 were amended from staff memorandum.

Conditions:

1. Temporary mobile home banking facility is authorized for a period not to extend beyond October 31, 1981. The conditional use permit as may be authorized will become null and void upon that time period. The applicant shall deposit a bond or other security with the City to insure that such temporary banking facility will be removed prior to such date. Otherwise the monies found within such bond will be vested with the City and the City shall have the authority to remove the banking facility.

2. A landscape plan shall be submitted for the temporary banking facility and the permanent banking facility which will identify all the unpaved areas to be landscaped. The general type of bush or tree must be identified, the size of initial planting of the tree or bush once mature must be identified. This landscape plan shall be subject to review by the site review committee established by the Newberg Zoning Ordinance.

3. A curb and sidewalk shall be constructed from the northern property line of the access way located into the proposed banking facility on Villa Road around to the intersection of Villa Road and along Highway 99W to the eastern property line of the subject property. As part of this sidewalk, a curb must be placed along Villa Road from the intersection of Highway 99W to the entrance of the 24' easement identified on the applicant's exhibit "A". Parking will be prohibited adjacent to the Newberg Realty building on its west side on October 31, 1981 and thereafter.

4. Detailed site designs must be submitted showing that adequate drainage can be accommodated within that area to be developed along with the temporary banking facility. It must further identify all services which may be underneath any paved area developed with the temporary banking facility which would otherwise serve the permanent banking facility.

5. The temporary mobile home facility may only be used for banking purposes.

6. Street dedication of 10 feet must be submitted to the City of Newberg for those lands running from the intersection of Highway 99W to the northern terminus of the property line along Villa Road.

7. Access to the site from Villa Road shall conform to the intent of the general site sketch identified as applicant's exhibit "A" with the provision that the development shall first conform to the other conditions outlined herein.

8. All improvements on the site shall be designed to City standards and be subject to approval by the Newberg City Engineer.

9. The property owner(s) of the parcel proposed for siting the temporary mobile home banking facility must concure with the conditions established herein pertaining to that parcel.

Mr. Jack Nulsen asked to be recognized from audience in response to applicant's partial withdrawal of application. Chairman Grobey stated public hearing is closed to additional public input.

Motion: Cach-Grobey to authorize Conditional Use Permit as stated in Staff Report and 9 conditions as modified and voted upon seperately. Roll Call - Aye - 5- Cach, Harris, Stanley, Tumbleson, Grobey. Nay 2 - Youngman, Kriz. Absent 2 - Piros, Gerth. Motion carried.

A 5 minute recess was called.

Meeting was reconvened.

Public Hearing:	Request for a Comprehensive Plan Amendment from a High Density Residential to a Commercial land use designation; and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial)
Applicant:	Lee W. Anderson
Location:	At the N.W. corner of the intersection of Second St. and the St. Paul Highway
Tax Lot:	3220AB-2100

Mr. Youngman stated applicant is his neighbor but did not wish to abstain.

Motion: Harris-Kris to allow Mr. Youngman to participate. Motion carried unanimously by those present.

Proponent: H. Lee Anderson, Rt. 1, Box 43, requested continuation of public hearing to next regularly scheduled Planning Commission hearing to enable him to further study and reply to Staff Report.

Motion: Cach-Grobey to continue hearing to March 17, 1981 regular Planning Commission hearing. Motion carried unanimously by those present.

Public Hearing: Request for an amendment to the Newberg Zoning Ordinance establishing a site review (SR) sub-district classification in some or all zoning districts within the City of Newberg. The establishment of a Site Review sub-district will require a formal review of the property site design by the site review committee or the Newberg Planning Commission before building permits can be issued.

Staff Report: The City Planner presented the staff report as presented in staff memorandum with additional comments regarding Planning Commission input.

Proponent: Mike Warren, City Administrator, 509 "B" Andrews St., stated site review was one of the most important ingredients to Newberg's future. He

indicated the public's lack of desire to be the first to do improvements for future was a concern. Mr. Warren felt some kind of committee should be established to protect Newberg's future. He is very in favor of the Site Review Ordinance.

Discussion followed as to the function and purpose of site review, committee composition and means of enactment of such an ordinance.

Mr. Warren further indicated that site review should be established on any unit which is a duplex or larger and Staff agreed in principle.

Further discussion of current housing and subdivision conditions followed.

No opponents wished to be heard.

Staff Recommendation: Staff recommends Planning Commission adoption of Site Review at this time to be effective on all developments which will include duplex or greater in residential structures, industrial and/or commercial developments and further, to review and propose amendments to existing ordinances back through the hearing process.

Motion: Harris-Cach to accept Staff Recommendation regarding adoption of site review amendment to the Newberg Zoning Ordinance. Carried unanimously by those present.

Motion: Youngman-Cach to direct staff to poll community for additional input as revisions to the SR ordinance are proposed.

Old Business: Review of Council actions.

New Business: Due to possible conflict of schedules for March 17 regularly scheduled Planning Commission hearing, a poll for quorum was requested in advance of March 17 meeting with an automatic extension of hearing date to March 24 being enacted if quorum is lacking.

Motion: To extend regular Planning Commission meeting to March 24 if quorum cannot be obtained for March 17 regularly scheduled meeting of Planning Commission. Motion carried unanimously by those present.

Motion: Youngman-Harris to adjourn. Carried unanimously by those present.

NEWBERG STATE BANK
(In Organization)

601 E. Hancock St.
Newberg, OR 97132
Phone 503-538-1318

February 19,1981

TO: Newberg City Council

FROM: Newberg State Bank

RE: Applicant: Newberg State Bank
Request: A conditional use permit for the purpose of establishing a temporary banking facility
Location: 1805 Portland Road, immediately north of Newberg Realty Office
Tax Lot: 3217CD-4000, -3800 File No. CUP-1-81

EXHIBITS:

1. Staff Report dated 17 February, 1981
2. Letter of application from Newberg State Bank dated January 15, 1981
3. Letter from City of Newberg to Newberg State Bank dated February 18, 1981
4. List of "CONDITIONS" established by City Planning Commission during meeting of February 17, 1981

SUBJECT: APPEAL TO THE CITY COUNCIL, CITY OF NEWBERG, ORE.

Gentlemen:

An application for conditional Use Permit to set a temporary banking facility on property located at 1805 Portland Road, Newberg, Oregon on behalf of Newberg State Bank was presented to the Planning Department of the City of Newberg on January 16, 1981. The application was acted upon by the Planning Commission of the City of Newberg at the February 17th Planning Commission meeting. Site of the subject temporary banking facility is a space measuring 14' X 70' located on the Northeast corner of Newberg Realty. Permission was granted by Newberg Realty to Newberg State Bank, the use of said site for placement of subject temporary banking facility during course of construction of a permanent banking office on adjacent property directly East described as 1815 Portland Road, Newberg, Oregon. Construction and improvements to said property is being contracted by Dey Limited on behalf of

IV A

Cont.

Newberg State Bank.

While the conditional use permit was granted by the Planning Commission, several conditions connected with the approval are not acceptable to either the applicant, Newberg State Bank, nor to the property owner, Newberg Realty. The applicant, Newberg State Bank, does not wish to bring about undue hardship to the property owner, Newberg Realty. The latter has been placed in the position of innocent victim of the conditions set forth by the Planning Commission...specifically item three (3), item six (6), item seven (7) and item nine (9) of Exhibit A, "CONDITIONS".

The applicant had less than 12 hours advance notice of the conditions one (1) through six (6). A copy of STAFF REPORT, (Exhibit B), was picked up by applicant's contractor from City Hall on the morning of the hearing. We understand Ordinance Section 640 addresses "Investigation and Report by Planning Department and Notification of Conditions" to applicant by mail.

The specific areas of concern to applicant deal with the requirement of item three (3)...to construct sidewalk and curbing on property owned by Newberg Realty as well as the issue of prohibiting parking in the area adjacent to the west side of Newberg Realty. Item six (6) appears unfair to Newberg Realty as well. It comes about only as a result of Newberg State Bank's application and not through normal condemnation process.

We hereby request an appeal on the basis of the unacceptable conditions referred to above. We believe all conditions as required in Section 638, paragraphs one (1), two (2) and three (3) of Conditional Use Procedures have been met. The temporary banking facility is compatible to permitted zoning and we further point out that this temporary facility is to facilitate the permitted use only.

If the conditions at issue are non-negotiable, we request an opportunity to move the temporary banking facility directly East fifteen (15) feet. This move will place the unit solely upon property owned by Newberg State Bank. Our distress is intensified by the time frame within which the bank is scheduled. Formal commitments to both State and Federal Regulatory Agencies have specified March 20, 1981 as Charter date of bank opening.

Sincerely,

Robert G. Lance, President
RGL/ml
Encl. (3)

IV A

EXHIBIT A

CONDITIONS

1. Temporary mobile home banking facility is authorized for a period not to extend beyond October 31, 1981. The conditional use permit as may be authorized will become null and void upon that time period. The applicant shall deposit a bond or other security with the City to insure that such temporary banking facility will be removed prior to such date. Otherwise the monies found within such bond will be vested with the City and the City shall have the authority to remove the banking facility.

2. A landscape plan shall be submitted for the temporary banking facility and the permanent banking facility which will identify all unpaved areas to be landscaped. The general type of bush or tree must be identified, the size of initial planting of the tree or bush once mature must be identified. This landscape plan shall be subject to review by the site review committee established by the Newberg Zoning Ordinance.

3. A curb and sidewalk shall be constructed from the northern property line of the accessway located into the proposed banking facility on Villa Road around to the intersection of Villa Road and along Highway 99W to the eastern property line of the subject property. As part of this sidewalk, a curb must be placed along Villa Road from the intersection of Highway 99W to the entrance of the 24' easement identified on the applicant's exhibit 'A'. Parking will be prohibited adjacent to the Newberg Realty building on its west side on October 31, 1981 and thereafter.

4. Detailed site designs must be submitted showing that adequate drainage can be accommodated within that area to be developed along with the temporary banking facility. It must further identify all services which may be underneath any paved area developed with the temporary banking facility which would otherwise serve the permanent banking facility.

5. The temporary mobile home facility may only be used of for banking purposes.

6. Street dedication of 10 feet must be submitted to the City of Newberg for those lands running from the intersection of Highway 99W to the northern terminus of the property line along Villa Road.

7. Access to the site from Villa Road shall conform to the intent of the general site sketch identified as applicant's exhibit 'A' with the provision that the development shall first conform to the other conditions outlined herein.

8. All improvements on the site shall be designed to city standards and be subject to approval by the Newberg City Engineer.

9. The property owner(s) of the parcel proposed for siting the temporary mobile home banking facility must concure with the conditions established herein pertaining to that parcel.

CITY OF NEWBERG
1893
OREGON

CITY OF
NEWBERG
414 E. First Street Newberg, OR 97132

2/18/81

Newberg State Bank
1815 Portland Road
Newberg, OR 97132

RE: CUP-1-81. A request for a Conditional Use Permit for the purpose of siting a temporary mobile home banking facility.

Dear Mr. Lance,

Please be advised that the Newberg Planning Commission met at their regular hearing on February 17, 1981 and reviewed the above mentioned request. After review of the request, input from the staff, yourself and other interested parties, the Planning Commission made a decision to grant the requested Conditional Use Permit for the placement of a temporary mobile home banking facility. The decision to grant the request has been made subject to completion of the conditions attached within this notice.

The Planning Commission's decision was based upon the findings within the city staff report, the site plan, application and testimony presented at the hearing. During review of the request, the Planning Commission noted a general hazard related to parking and access to the parcel proposed for the siting of the mobile home. Conditions #3 and #6 are required to eliviate this problem and to bring the development of the property up to current city roadway and sidewalk construction standards.

If you intend to appeal the decision of the Planning Commission then it is necessary that you follow the instructions for appeal which have been enclosed for your review. An attempt will be made to place this matter on the March 2nd City Council agenda for a hearing on an appeal if a completed appeal application is submitted to the Planning Department in the immediate future.

Sincerely,

Clay Moorehead,
Planning Director

cc: City Administrator
City Attorney
City Engineer
City Building Official

IV A

CONDITIONS

1. Temporary mobile home banking facility is authorized for a period not to extend beyond October 31, 1981. The conditional use permit as may be authorized will become null and void upon that time period. The applicant shall deposit a bond or other security with the City to insure that such temporary banking facility will be removed prior to such date. Otherwise the monies found within such bond will be vested with the City and the City shall have the authority to remove the banking facility.

2. A landscape plan shall be submitted for the temporary banking facility and the permanent banking facility which will identify all unpaved areas to be landscaped. The general type of bush or tree must be identified, the size of initial planting of the tree or bush once mature must be identified. This landscape plan shall be subject to review by the site review committee established by the Newberg Zoning Ordinance.

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4. Detailed site designs must be submitted showing that adequate drainage can be accommodated within that area to be developed along with the temporary banking facility. It must further identify all services which may be underneath any paved area developed with the temporary banking facility which would otherwise serve the permanent banking facility.

5. The temporary mobile home facility may only be used of for banking purposes.

6. Street dedication of 10 feet must be submitted to the City of Newberg for those lands running from the intersection of Highway 99W to the northern terminus of the property line along Villa Road.

7. Access to the site from Villa Road shall conform to the intent of the general site sketch identified as applicant's exhibit 'A' with the provision that the development shall first conform to the other conditions outlined herein.

8. All improvements on the site shall be designed to city standards and be subject to approval by the Newberg City Engineer.

9. The property owner(s) of the parcel proposed for siting the temporary mobile home banking facility must concure with the conditions established herein pertaining to that parcel.

REQUEST FOR AN APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT WITH CONDITIONS FOR EXTABLISHMENT OF A TEMPORARY BANKING FACILITY.

Planning Commission decisions are effective on the 10th day after rendering unless appealed to the City Council within the interim 10 days. Appeals may be made by any interested party by completing this form. You must be specific and must address your remarks to the following:

1. The Newberg Zoning Ordinance states that an appeal may be made by any interested party which is defined as a proponent or opponent who is specially, personally, or adversely affected by the application.

2. State specifically how the Planning Commission failed to properly evaluate the proposal, or make a decision consistent with the purpose and intent of the Newberg Zoning and ordinances and the conditional use permit proceedures. Make reference to the specific section within the applicable ordinances when addressing the above referenced section.

3. Print your name, address, phone number (at which you may be reached during working hours), and tax lot number. You may find your tax lot number on your last tax statement near where your name is printed.

4. Your signature.

Dick Daugherty
1204 Marguerite Way
Newberg, Oregon 97132

February 25, 1981

City Council
City of Newberg
414 E. 1st Street
Newberg, OR 97132

Re: Appeal by Newberg State Bank

Dear City Council:

As a concerned citizen of Newberg and a property owner I wish to have this letter from myself entered into the record. I have taken the time to research this subject at hand and my hope is that you will listen to what I have to say concerning this matter.

Thank you for your attention

Dick Daugherty

Dick Daugherty

Enc:

POLICE POWER vs. EMINENT DOMAIN

Government confiscation of property rights is an important legal issue for anyone who owns property. A government, of course, has police power which it can use to regulate property in the name of public health and welfare. We as property owners, on the other hand, have a constitutional right to just compensation when the government confiscates our property for public use by invoking its power of eminent domain.

Recently government's expanding control ,as the proper exercise of its police power, has been challenged by property owners who believe that this exercise is really the confiscation of property rights. Government prefers to hide behind its police power because it is free, and any confiscation of property rights by eminent domain costs money.

Regulation of zoning provisions is the exercise of police power by the City of Newberg. The property owner has the duty of compliance with reasonable conditions laid down by the City. On February 17, 1981 the Newberg Planning Commission met and passed staff recommendations which not only were not reasonable but violate individual property rights, under the disguise of its right of police power.

An applicant, The Newberg State Bank, had applied for a conditional use permit for a temporary banking facility while the permanent facility is under construction. Not only shall this temporary facility be reasonably compatible with the type of uses permitted in surrounding areas, but it will exceed the minimum requirements that must be met in obtaining the permit. It also meets and exceeds all three provisions under section 638 of the Conditional Use Procedures which is a second requirement in obtaining the permit.

Under Section 642 - Public Hearing - Paragraph 2 of the Conditional Use Procedures, the Planning Commission adopted the staff's recommendation to impose additional conditions in granting the permit. The Commission may adopt or impose reasonable conditions but when they impose a condition that confiscates to the public use land owned by a third party (without compensation to that third party), as a condition to issuing the permit, they have overstepped their authority.

If this is permitted then all property owners may find their land confiscated in order that another's permit be granted. I don't think the people who elect the member's of the city council want this precedent established.

I urge you to remove this condition and grant the Newberg State Bank their permit.

IV A

RESOLUTION NO.

A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT AND MODIFYING THE REQUIREMENTS OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG, OREGON REGARDING THE APPLICATION OF THE NEWBERG STATE BANK FOR SUCH CONDITIONAL USE PERMIT FOR THE PURPOSES OF ESTABLISHING A TEMPORARY MOBILE HOME BANKING FACILITY AT 1815 PORTLAND ROAD, NEWBERG, OREGON, TAX LOT NUMBER 3217 CD 4000 AND 3800.

WHEREAS, Newberg State Bank has applied for a conditional use permit for the purposes of establishing a temporary mobile home banking facility which request was reviewed at a public hearing of the Planning Commission of the City of Newberg on February 17, 1981; and

WHEREAS, at that meeting after public hearing, the request for a conditional use permit was approved by the Planning Commission with nine conditions as a part of it's requirement for approval pursuant to Sections 432 and Sections 632 to 660 of the Newberg Zoning Ordinance No. 1968; and

WHEREAS, on February 19, 1981 Newberg State Bank appealed certain of the conditions established by the Planning Commission of the City of Newberg to the City Council of the City of Newberg; and

WHEREAS, the City Council of the City of Newberg at it's regular meeting on March 2, 1981 considered this appeal at a public hearing; and

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

The decision of the Planning Commission of the City of Newberg regarding the above referred to conditional use permit for a temporary mobile home banking facility for Newberg State Bank is hereby affirmed with conditions 1, 2, 4, 5, 8 and 9 but excluding conditions 3, 6 and 7, said conditions being set forth in Exhibit "A" which is attached hereto and incorporated herein at this point by reference.

ADOPTED by the Council this 2nd day of March, 1981.

_____

Arvilla Page - City Recorder

EXHIBIT "A"

CONDITIONS

1. Temporary mobile home banking facility is authorized for a period not to extend beyond October 31, 1981. The conditional use permit as may be authorized will become null and void upon that time period. The applicant shall deposit a bond or other security with the City to insure that such temporary banking facility will be removed prior to such date. Otherwise the monies found within such bond will be vested with the City and the City shall have the authority to remove the banking facility.

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8. All improvements on the site shall be designed to city standards and be subject to approval by the Newberg City Engineer.

9. The property owner(s) of the parcel proposed for siting the temporary mobile home banking facility must concure with the conditions established herein pertaining to that parcel.

RESOLUTION NO. _____

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Request by Lee Anderson for Zone Change

As the Council can note from the attached memo from the Planning Director it is recommended that this action be continued to the April meeting.

Michael Warren
City Administrator

MW/bjm

Enc.

V B

MEMORANDUM
24 February 1981

TO: Mike Warren, City Administrator

FROM: Clay W. Moorhead, Planning Director

RE: File No. C-1-81/Z-1-81, a request by Lee W. Anderson for a Comprehensive Plan Amendment and zone change from High Density Residential to Community Commercial (C-2) located at the N. W. corner of the intersection of Second St. and the St. Paul Highway.

This matter came before the Newberg Planning Commission on February 17, 1981 at which time the applicant addressed the Planning Commission and requested that the matter be continued for a one-month period in order to allow the applicant additional time to respond to the staff report relating to the matter. The Newberg Planning Commission then made a decision to continue the matter to their regular meeting, March 17, 1981.

For the reasons as mentioned above, it would be premature for the Council to review this request. Therefore, it is recommended that the matter be continued to the Newberg City Council's regular meeting on April 6, 1981.

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Allen Fruit Company Street Vacation

The Planning Commission has acted and made a recommendation for approval for the vacation, subject to any easements necessary for services that shall remain in place. The Allen Fruit Company indicated additional time is still necessary to determine whether or not some or all of the utilities found in the right-of-way may be removed or terminated to eliminate the necessity for easements.

I therefore recommend that this item be placed on the April 6, 1981 City Council meeting agenda.

Michael Warren
City Administrator

MW/bjm

Enc.

Ec

MEMORANDUM
24 February 1981

TO: Mike Warren, City Administrator

FROM: Clay Moorhead, Planning Director

RE: VAC-1-81, Proposed street vacation of North Street lying east of Washington Street for a distance of approximately 150 feet.

The Newberg Planning Commission initially met at their regular January Public Hearing to review this matter. At that time various responses had been received from utility companies indicating a need to retain easements for maintenance or improvements within the right-of-way, however, it further appeared that most of these services could be removed from the right-of-way to authorize the vacation without easements. The matter was postponed by the Planning Commission to their regular February Public Hearing in order to allow additional time for the applicant's to verify the necessity of these services. At the February 17, 1981 Planning Commission hearing, a decision was made to recommend approval of the vacation subject to any easements necessary for services that shall remain in place. The Planning Commission further recommended that in the event that all services can be vacated from the right-of-way or transferred into private ownership, then the vacation is recommended for approval without easements.

The applicant has contacted the Newberg Planning Department and indicated that additional time is still necessary in order to determine whether or not some or all of the utility services found within the right-of-way may be removed or terminated to eliminate the necessity for easements.

Since the right-of-way only serves as access to Allen Fruit Company and, further, since Allen Fruit Company owns all adjoining lands abutting said right-of-way, then there is no apparent objection for vacating that portion of North Street. However, if the vacation ordinance by the City Council were to include easements, it would be much more difficult for Allen Fruit to eliminate those easements found within the ordinance in the future. The Planning Department would therefore recommend that this matter be continued to the regular City Council hearing on April 6, 1981.

V c

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Special Meeting and Comp Plan

The Planning Director has informed the City Council that the Yamhill County Planning Commission will be meeting formally to respond to the amendments of Newberg's Comprehensive Plan on March 5, 1981 at 7:30 P.M. in the County Courthouse.

LCDC has comeback to the City with some additional requests regarding the zone changes and density. The Planning Director has attempted to incorporate this into the comprehensive plan and brought it to the Planning Commission and CIAC. They will be meeting March 3, 1981 to look at the material. Since this is after the March 2, City Council meeting it is recommended that the City Council establish a special meeting to review this matter on March 23, 1981.

Also at the March 23, 1981 meeting I would like to present some proposals to the City Council on the Plan Development Process. This would include such matters as procedures for developers, when they come in the door of City Hall to follow and know what is expected; site review recommendation and general philosophy of future development in the City of Newberg.

Michael Warren
City Administrator

MW/bjm

Enc.

MEMORANDUM
25 February 1981

TO: Mike Warren, City Administrator

FROM: Clay Moorhead, Planning Director

RE: Hearing related to the Amendments of the Comprehensive Plan for Acknowledgement

This matter has been heard and continued by the Newberg Citizen's Involvement Advisory Committee and the Newberg Planning Commission for further dicsussions. The Newberg CIAC and Planning Commission have met jointly on February 10, 1981 and February 24, 1981 in an attempt to review the material and make recommendations to the Newberg City Council. As part of this review the CIAC and Planning Commission have been reviewing potential zone changes to increase the amount of land now found in our multi-family zones. An additional meeting has been scheduled by this joint group for March 3, 1981. It is anticipated that several hours may be required for review of this material by the Newberg City Council. It is therefore recommended that the Newberg City Council establish a special meeting to review this matter on March 23,1981.

The Yamhill County Planning Commission has also seen the material relating to amendments to the Comprehensive Plan at their meeting on February 19, 1981. They will meet formally to respond to these comments at an additional hearing which is scheduled for March 5, 1981 at 7:30 P.M. at the County Courthouse.

MEMO

TO: City Council DATE: February 10, 1981

FROM: City Administrator

SUBJECT: Editorial in the Graphic Newspaper

Last week an editorial appeared in the Graphic Newspaper which in summary stated that it was the Editor's opinion that because of a recent court ruling in the City of Milton-Freewater all Ordinances in the City of Newberg were probably invalid.

The City Attorney has done some research on this, which is attached. The conclusion of the City Attorney is that the Ordinances that we have passed have been done legally and the comparison between the City of Milton-Freewater and the City of Newberg cannot be made in this case.

Michael Warren
City Administrator

MW/bjm

Enc.

VII B

MEMO TO: Mike Warren, City Administrator

FROM: City Attorney

DATE: February 6, 1981

SUBJECT: Newberg Graphic Article on Ordinance Publication

1. An article on the editorial page of the Newberg Graphic for Wednesday, February 4, 1981 referred to the case involving the City of Milton-Freewater against the developer Mr. John Short in which the lower court held that the ordinance which established connection fees in that case was invalid because it was not published in the newspaper. The article in the Graphic went on to imply that this was a statewide requirement that ordinances be published in newspapers and to imply that probably Newberg's ordinances were invalid because they hadn't been published in the Graphic. The quotation ends it will be interesting to see what happens in Newberg when the first nonpublished ordinance is challenged in court.

2. This case occurred in lower court in the Circuit Court, probably in Umatilla County and the Protem Judge, Kenneth Roberts ruled that the nonpublished ordinance was invalid and therefore, found that utility connection fees were uncollectible. This case was appealed. The citations for that appeal are: City of Milton-Freewater v. Short, 48 Or. App. 519, October 6, 1980, Case Number 15738 wherein the opinion of the lower court was affirmed without opinion by the State Court of Appeals and City of Milton-Freewater v. Short, 290 Or. 211, December 9, 1980, Case Number 27420 wherein petition for review by the Supreme Court of Oregon was denied.

3. I followed up by contacting the Bureau of Governmental Research and Service and the City of Milton-Freewater at (503) 938-5531. I learned that the law firm representing the City of Milton-Freewater was a firm of Corey, Byler and Rue in Pendleton and that the defendant in the case was represented by a Portland attorney. I further learned that the basis of the decision was a charter requirement found in the charter of the City of Milton-Freewater. The City of Milton-Freewater's charter calls for "Publication" of ordinances. The Judge in the Circuit court found that "Publication" means published in a newspaper. Since the City of Milton-Freewater had never published its ordinances in the newspaper, they were all found to be invalid. It was further learned that this "publication" requirement is very rare in City Charters in the State of Oregon. In fact, it is not present in most of them. It is an archaic requirement in some very old charters.

4. The Charter of the City of Newberg has no "Publication" requirement for its ordinances to become valid and therefore, the decision in the Milton-Freewater case is wholly without application to the City of Newberg and does not apply to probably nearly all of the other cities in the State of Oregon. As a consequence, the editorial is incorrect in stating that the finding in the Milton-Freewater case applies to the City of Newberg. It is an opinion limitied in

application to the City of Milton-Freewater and its specific Charter requirements and is not based on any statewide requirement either by case law or statute. It does not apply to the City of Newberg or any other city in the State but is based on the simple legal proposition that the City must follow its own Charter.

5. Additional comments by the Secretary to the Administrator of the City of Milton-Freewater indicated that they felt this was an incorrect interpretation of the language in their charter and that publication had its older, more archaic general meaning.

CONCLUSION: The Milton-Freewater case is inapplicable to the City of Newberg and its ordinances because the Charter of the City of Newberg does not require the publication of ordinances in the paper at any stage before or after their passage.

RDF:fj

NEWBERG GRAPHIC – FEB. 4, 1981 P. 2.

City Ordinances Invalid Unless Published

Recently the city of Milton-Freewater lost a case to builder-developer John Short. The city had neglected to charge Short for $3,257 in utility connection fees.

When the city audit caught the shortage nearly a year later and billed Short, he refused to pay. The case went to court and Circuit Judge Pro Tem (acting) Kenneth Roberts of Portland found in favor of Short but not over the issue of whether the charges were fair and correct. Instead, the judge found the ordinance which established connection fees invalid because it was not published in the paper.

Later the Appeals Court affirmed the lower court's decision "without opinion." The Oregon Supreme Court has refused to review the decision so this theoretically means that any ordinance passed by any city in Oregon and not published in the paper could be considered invalid.

As an example, if you received a $10 traffic fine for running a stop sign 10 years ago, does the city have to give you your money back if you claim the law used on the citation was illegal because it had never been published in the *Graphic*? Since Newberg generally has not bothered to print notices of new laws as they have been passed, our city might be in for a spate of lawsuits...as Milton-Freewater is experiencing now.

To avert the problems, Milton-Freewater has been publishing ordinances in the local paper there. There are just over 600 city ordinances in Milton-Freewater (probably more in Newberg) and to date the city has published 14 in full ...which came to four full pages of legal advertising in the Milton-Freewater Valley Herald.

It will be interesting to see what happens in Newberg when the first "non-published" ordinance is challenged in court.

CITY of MILTON-FREEWATER V. SHORT.

48 ORE APP 519
(Case affirmed w/o opinion
AFFIRMED W/O OPINION
ON OCT 6, 1980)

Case # 15738

CITY of MILTON FREEWATER V. SHORT 290 ORE 211
(Jan 9, 1980) Petition for Review
denied Case # 27420
mailed Jan 9 78-5531

C&P Parallel VII B

Becky, Please attach copies to my memo on this subj

League of Oregon Cities

information update

1201 Court Street NE, P.O. Box 928, Salem, Oregon 97308

February, 1981

Mandate on Revenue Sharing Deferred

Federal rules requiring local officials to guarantee the handicapped access to programs supported by revenue sharing have been deferred until March 30 as part of President Reagan's 60-day "freeze" on government regulation, announced in a memorandum on January 29.

Reagan's memorandum to his Cabinet-level officials carefully outlined the circumstances for placing a hold on federal business and for exceptions to the moratorium--emergencies, statutory requirements and court orders--and told them to publish in the Federal Register a list of the deferred regulations. He also forbade them to publish any more "final" rules before March 30.

Initially, it was estimated that this moratorium would affect more than 100 items. But more recent examination of the Register indicates that approximately 46 regulations would be deferred, including those requiring handicapped access to programs supported by general revenue sharing.

Requirement to Publish Depends on City Charter

The Oregon Court of Appeals recently affirmed without opinion a circuit court opinion that held that the city of Milton-Freewater could not enforce an ordinance against a complaining party because the city had not made a "publication" of the ordinance as required by the city charter. City of Milton-Freewater v. Short, 48 Or. App. 519 (1980) (petition for review by the Oregon Supreme Court denied, 290 Or. 211 (1980)). The circuit court held that "publication" meant "publish in a newspaper," contrary to more standard definitions of "publication" which merely means to make a communication to the public.

Perhaps because there is no appellate court opinion, some media coverage of the case has not been factual. For example, one newspaper editorial assumed that the "publication" requirement was of statewide application. In fact, if there is a "publish" requirement, it would be a charter provision and many city charters do not contain a "publish" provision. The general state law on the subject requires newspaper publication "if required by ...charter" (ORS 221.330).

Further, the particular language of any such requirement in a city charter needs to be closely reviewed, because "to publish" may not necessarily mean "in a newspaper," depending on the context or other meaning fairly attributable to the charter requirement.

VII B

Published monthly by the League of Oregon Cities, Local Government Center, Salem, Oregon. Telephone: (503) 588-6466; (800) 452-0338 toll-free. Non-member subscriptions: $15.00 per year.

New Model Ordinance On Animal Control

A model ordinance for dog and cat control has been drafted by four organizations concerned with animal welfare. The groups are the American Humane Association, the American Veterinary Medical Association, the Humane Society of the United States and the Pet Food Institute.

The ordinance provides definitions of terms, licensing and vaccination procedures, permit and licensing regulations, owner responsibility provisions, impoundment and redemption rules and other suggestions. Copies of the model ordinance at $1 apiece are available from each of the organizations. The Humane Society is at 2100 "L" Street, N.W., Washington, D.C. 20037.

LEAGUE OF OREGON CITIES
P.O. Box 928
Salem, Oregon 97308
Address Correction Requested

MICHAEL WARREN
CITY ADMINISTRATOR
414 E FIRST
NEWBERG OR 97132

MEMO

TO: City Council DATE: February 25, 1981

FROM: City Administrator

SUBJECT: Block Grant Program

Yamhill County is a non-metropolitan, small city, single purpose block grant applicant. This means that the cities or the grants coming out of Yamhill County compete with other Counties of less than 50,000 people, on a State-wide basis. The block grant program has been in existence for some time and through what I have heard at the Federal level will continue at its same level or even be increased if the Economic Development Administration is phased out.

Because of the potential of the block grant program for the future I feel that it is important to get a foot in the door immediately. On this date, I met with John Spring who is a planner for Yamhill County. He is probably one of the most knowledgeable people in this area on the block grant program. We discussed the history of the block grant program as it pertains to the City of Newberg. The City has not been too involved in the block grant program from an application or lobbyist point of view. That is, we have not submitted too many applications in the past and have not really done what is necessary to insure that the application, when submitted, was funded. An example was this past year when the City of Newberg submitted an application for the funding of a Senior Citizen/Multi-Purpose Center. Although the application was submitted to the Portland office it did not receive a high enough priority to receive funding. It is my opinion that our chances would have been enhanced if we would have had some discussions with the people from HUD and explained the necessity for the project.

One of the important factors in submitting an application for this next year is: Who has the knowledge and time to submit the pre-application and follow it through, if invited with a final application? No one on the City payroll meets the qualifications of time and knowledge. We are very fortunate to have somebody in this County with John Spring's capabilities. Our discussion ended with Mr. Spring being enthusiastic about working with the City of Newberg and attempting to complete the pre-application and assist us in determining the best avenue to take for a project. As it stands now, the strongest possibility will be in the area of housing, rehabilitation and amenities related to the project. These amenities could be street improvements, new water lines, new sewer lines, etc. A single purpose grant cannot exceed $500,000 for one year. My suggestion is that the City look strongly at the possibility of a comprehensive grant that cannot exceed $2 million for three years.

I would be even more enthusiastic if we were to be submitting an application for a new City Hall, new Sewage Treatment Plant or the re-routing of the downtown traffic. However, these projects either are not eligible or far exceed the limitations of grant monies. It is important that the City of Newberg work toward receiving some grant monies even though it may not be our number one desire.

I am optimistic that should the County Commissioners allow Mr. Spring to assist us, we will have an excellent opportunity by the end of this calendar year to receive some grant monies for housing, rehab and related amenities.

Michael Warren
City Administrator

MW/bjm

VII C

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Water Hook-up for Mr. Compton

This was heard at the last City Council meeting and through a lack of communication, Mr. Compton was not notified. This matter should be heard at tonight's meeting, so that Mr. Compton has the opportunity to explain his situation.

Michael Warren
City Administrator

MW/bjm

Enc.

VIII A

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: February 23, 1981

SUBJECT: Request for Water Hook-up by Dale Compton and Glenn Compton

This memorandum is to bring to your attention the rehearing of this request. This matter was on the City Council Agenda at the February 3, 1981 Council meeting as agenda item number IVa. At that time, the Council took action to deny the request. It was subsequently determined that counsel for the Comptons had not been informed of the request being placed on the Council agenda and as such, was not able to be present. Consequently, it has been requested that this matter be placed on the March agenda again to allow counsel for the Comptons time to make this request at hearing.

My memorandum of January 22, 1981 would continue to apply in this case. Also, attached is a copy of a letter I received from Mr. Brown. I have asked my secretary to inform Mr. Brown that this will be set for the March 2nd Council meeting as an agenda item under requests.

RDF:fj

VIII A

BROWN & TARLOW
ATTORNEYS AT LAW
P. O. BOX 69
518 EAST FIRST STREET
NEWBERG, OREGON 97132

ALLYN E. BROWN
DONALD O. TARLOW

TELEPHONE 538-3138

February 18, 1981

Mr. Rick Faus
Newberg City Attorney
Newberg City Hall
Newberg, OR 97132

Re: Glenn Compton Request for City Water

Dear Rick:

I understand from Clay Moorhead that I am to be dealing with you on Mr. Compton's request for city water. I would appreciate your letting me know when this matter will be taken up by the City Council. Clay sent me a copy of your memorandum which I have reviewed. I think Mr. Compton's case can be distinguished from other city requests and the points raised in your memorandum because it is merely a continuation of a previous use of water service to the property.

I would appreciate hearing from you.

Yours very truly,

BROWN & TARLOW

Allyn

Allyn E. Brown

AEB:js

VIII A

MEMORANDUM TO: City Administrator

FROM: City Attorney

DATE: January 22, 1981

RE: Request for Water Hook-up by Dale Compton and Glenn Compton

1. FACTS. The following portions of the attorney's letter of January 19, 1981 are quoted "... Mr. Dale Compton and his son, Mr. Glenn Compton ... own property just west of the City of Newberg where the Oak Grove Motel once was situated. This property lies outside the city limits of the City of Newberg, however, for many years the Oak Grove Motel had City of Newberg water service to twenty-seven (27) units. The house that is presently located there at the address of Rt. 3, Box 32, Newberg, Oregon, is still serviced by City of Newberg water. The Compton's desire to build a residence behind the old motel property just a few feet away from the water line that is servicing the one remaining unit on the motel property site. Mr. Glenn Compton has applied to the City for permission to attach onto the city lines but has been denied this permission. The Comptons feel that, inasmuch as this property had at one time 27 living units that were serviced with Newberg water and they have never officially relinquished this service, they should be entitled to have one additional residence hooked onto the city water distribution system."

Further facts regarding this situation has been deduced as follows: that the motels referred to in the attorney's letter of January 19th were, apparently, also originally referred to as Compton's Cabins owned by Mr. A. R. Compton. His service was originally provided as part of the Home Acres Water District which was formed to receive service in that area sometime in 1965. The water district dissolved when a good deal of the property involved in that was condemned by the State to expand Highway 99 sometime before October, 1967. Mr. A.R. Compton was the secretary-treasurer of the water district. At the time the water district was dissolved there was still owing to the City for water service the amount of approximately $325.00. This full amount apparently was never fully paid. In any case, the service was shut off to this water district, thus the service to the other units was relinquished when the water district that originally served them was dissolved. The house that is presently served is near the Sunny Acres Water District and is receiving service through the Sunny Acres Water District as a single unit.

Based on the description of the property in the attorney's letter, this particular area is not only outside of the city limits but also outside of the Urban Growth Boundary. It is believed that this property is on the other side of the bridge towards Dundee.

2. COMMENTARY ON PRIOR POLICY. In the distant past, out of City connections to our water system were encouraged to obtain the water user revenue fees for the City and also to encourage and ultimately, expedite the annexation of the properties involved in receiving such service.

Currently, however, our water system plans include projections for providing water service based on the use of persons within the city limits and also, ultimately, for the provision of service to areas within the urban growth boundary which would ultimately be annexed. However, these projections and plans do not include out of city usage in areas outside of the Urban Growth Boundary. Our water system plans are not geared to extend these services to out of city, out of Urban Growth Boundary areas. Also, in recent years and especially during our recent water shortage, which has since been remedied to a certain extent by our new wells and transmission lines, requests from outside of the city for the extension of service were routinely denied by the previous administrator.

These denials were based on some of the following problems:

a. That the area outside of the Urban Growth Boundary and outside of the city limits is not included in our service planning for water distribution.
b. That if any particular connection was allowed on the basis of financial hardship, etc. there would be a number of other requests for city water services outside of the city limits and outside the Urban Growth Boundary by persons seeking to avoid the well drilling costs, while also avoiding being annexed to the City and thus, they would receive the benefits of the city service without the normal financial benefits to the City of annexation. Several requests of this kind have come up in the past including at least one other area where there would probably be a request for 10 hook-ups immediately.

3. THE CURRENT ORDINANCES. The following ordinances are relevant in this matter:

a. Our City Water Use Ordinance - Ordinance 1040, passed and approved October 4, 1948, as amended by Section 11A in 1965 and Section 11B in 1978. The following portions of this ordinance are quoted:

"Section 11A. Notwithstanding the provisions of this ordinance relative to water service to users outside the city limits of Newberg, on and after December 1, 1965 no new or additional water connections for the purpose of providing water to a user situated outside the corporate limits of the City of Newberg shall be permitted, save and except such connections as are in use of are ready for use on or before said last mentioned date.. No new water users shall be connected to group consumer lines and no new single residential user shall be connected after said last mentioned date. It being the intention that the City of Newberg shall not serve or supply water to any additional users outside the city limits, save and except those then in service or ready for service."

"Section 11B. Exceptions Due to Hardship. An exception to Section 11A may be granted by the City Council in cases of hardship. The following process shall be used in determining whether the exception shall be granted and the criteria shall be strictly applied with the burden of proof upon the applicant:

1. Eligibility. The applicant must meet the following criteria:
   a. The new or additional water connection can be used only to supply water to an existing structure and will not be used to allow any new development.
   b. Annexation of the property upon which the structure is located is not immediately feasible.

2. Hardship Determination. A request for a new or additional water connection shall be accompanied by evidence of the following:
   a. A genuine hardship exists due to quality or quantity of water for domestic consumption.
   b. All other alternatives have been investigated and are not economically feasible.
   c. The dwelling to be served is in close proximity of existing services either private or public and the granting of the additional connection would not overburden existing lines either private or public or overburden the City's water supply.

3. Application for Hardship. A request in letter form for a hardship exception to Section 11A shall be made to the City Council. The request shall be accompanied by a statement and evidence to be used in the determination. The request shall be reviewed and the recommendation made to the Council by the Public Works Committee prior to the Council's consideration of the matter. A granting of the request for the exception can be made by majority of the Council provided that all public conditions stated in paragraph 2 do exist.

4. Conditions of Hardship. Any exception granted shall be subject to the following conditions:
   a. The owner of the property shall agree to pay the full cost of extending service to the parcel with all services meeting city standards and including all development charges.
   b. The owner of the subject property agrees to annex to the City at such time as annexation is legally possible and is requested by the City.
   c. Water shall be for domestic purposes only and no water granted under this exception shall be permitted for agricultural use.
   d. A written agreement as to the conditions under which the exception was granted shall be recorded on the Yamhill County Deed Records with the applicant paying all fees."

b. The following relevant portions of the City's Comprehensive Plan, which is Ordinance No. 1967, passed and approved July 2, 1979 which appeared to be implemented by Section 11A and 11B of the above quoted ordinance provide a further restriction under its goals and policies quoted as follows:

Page 23 - Public Facilities and Services Goal. "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development."

Page 24 - Policies: Sewers and Water. Number 4.
"Sewer and water service shall not be provided outside the city limits except for cases of health hazards, where no other alternative exists, and where property owners agree to annex upon request of the City."

4. STAFF COMMENTARY ON THE ORDINANCES. Under the facts in this matter the request to extend service clearly cannot be granted unted Section 11A as that section is quite clear in allowing service to be supplied only if the connection to the particular building was in place on or before December 1, 1965. Since what is contemplated here is new construction, Section 11A does not apply.

Under Section 11B(1) Elgibility. This subsection indicates that a new or additional water connection can be used only to supply water to an existing structure and may not be used to allow any new development. In this case, it is contemplated that this extension be to a new structure, thus, it does not seem to be elgibile under section 1a. Under subsection 1b, annexation is not only not immediately feasible, it is impossible because the property lies outside of the Urban Growth Boundary. Thus, if this elgibility subsection 1 means what it says, it does not appear to be possible for the Council to grant this exception even as a hardship.

Under subsection 2, regarding hardship determination, no genuine showing of hardship has been shown at this point and no statements have been made as to whether other alternatives have been investigated which are not economically feasible.

Further, with regard to subsection 3, note should be made of the procedure outlined for making application for this hardship. This section seems to prohibit going directly to the City Council until the request is made in the proper form and gone through by the Public Works Committee.

Further, under the quoted portions of the Newberg Comprehensive Plan, Ordinance No. 1967, it appears that the extension request is not possible because the Comprehensive Plan prohibits such an extension. The Comprehensive Plan would take presidence over any other statutes at this point as the later statute and if interpreted with the existing water service ordinance it only appears that the water service ordinance implements the Comprehensive Plan prohibition.

The relinquishment argument used in the attorney letter of January 19th does not appear to be valid as service was relinquished and in fact the district under which the service was originally provided was dissolved some years ago and the current service to the one unit there is for that one unit only under a new district.

RDF:fj

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Attorney

SUBJECT: Appeal by Brugato/Buckley on Allowing Use of Trailers in R-1 or Chehalem Mobile Home Park Estates.

This is an interesting case. As you can tell from the City Attorney's background information and recommendation the City and Mr. Lindquist were on the same side in a case appealed by Brugato/Buckley. Brugato/Buckley did not feel that allowing trailers in an R-1 area especially adjacent to his development was or should be allowed. The City and Mr. Lindquist felt that it should and said so in an Ordinance with the provision outlining section 3 of allowing a non-conforming use with a landscape site review by staff (I would like to point out that site review is not something new to Newberg, as shown in this section). The case went to the Land Use Board of Appeals which sided with Brugato/Buckley and said in fact that the trailers should not be allowed in Chehalem Mobile Home Park. This decision went against the City and Mr. Lindquist and may be further appealed.

I strongly recommend that the City accept this decision and if any appeal is to be made, Mr. Lindquist can do it on his behalf only.

Michael Warren
City Administrator

MW/bjm

Enc.

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: February 25, 1981

SUBJECT: The opinion of the Land Use Board of Appeals which reversed Section 3 of Ordinance No. 2026 passed and approved by the Council August 4, 1980.

1. After going through the appellate process, the section above referenced which reads as follows was overturned by the Land Use Board of Appeals of the State of Oregon in opinion number 80-101 filed February 9, 1981. The section read as follows:

   > Section 3. Exclusion to allow a non-conforming use with a landscape site review by staff to Chehalem Mobile Home Park Estates (MPHP-1-80 Yamhill County Tax Lot No. 3207 2100 based on the Findings of Fact which are attached as Exhibit B).

2. This exclusion was granted to this particular area owned by Stuart Lindquist by the Council to allow him to continue a mobile home development when the Council passed the above referenced ordinance which excluded mobile homes from the R-1 zone. During the course of the appeal William Keys, Attorney for Mr. Lindquist, participated along with the City of Newberg as respondents in this case.

3. The City and/or Mr. Keys on behalf of Mr. Lindquist may appeal this decision to the court of appeals if they so desire within 30 days of the time the decision was rendered.

4. Recommendation - While the City in fact lost this appeal, Mr. Lindquist also lost it because the exclusion enured exclusively to his benefit. Because Mr. Lindquist is a respondent or party of record in this case, he may appeal this case on his own without action by the City. An appeal to the court of appeals can be an extremely costly and time consuming effort and because Mr. Keys is able to act on his own to protect the interests of his client, Mr. Lindquist, who was the specific beneficiary of the reversed section of the ordinance, I feel that it should be left to Mr. Lindquist to appeal this case if they so desire. This is often done in appeals of these matters where the action of the land use board of appeals impacts a specific property owner.

RDF:fj

MEMO

TO: City Council DATE: February 12, 1981

FROM: City Administrator

SUBJECT: Janitorial Service

The City's current janitorial service is Boyes Janitorial Service of Newberg. The monthly charge is $525. Windows are not cleaned, floors are not waxed and supplies are not included. They have, as stated in the attached letter, indicated that they no longer can afford the time and effort to service the City of Newberg.

Nine other janitorial services in the general area were contacted by myself, given tours and explained in detail as to what the City of Newberg would like done in the cleaning of City Hall.

Of the nine janitorial services that were contacted four decided to submit bids. Probably the most predominant reasons for some of the contractors not bidding was that they did not have time or the building is a difficult building to clean. Certainly the maze of stairs and the various levels of City Hall make it more difficult but also because the building is very old, and difficult to keep clean.

Some of the information that was given to the bidders was that the square footage of the building is approximately 6,800 sq. ft. Of that there is 568 sq. ft. of carpet, 383 sq. ft. of concrete, 4,000 sq. ft. of tile, and about 1,800 sq. ft. of hardwood floors. It was requested that all of the building be cleaned five days a week and the Police Department seven days a week. Most things such as sweeping, cleaning of lavatories, cleaning of glass, dusting, emptying of trash cans, etc. was to be done on a daily basis. A few things such as high dusting and waxing was to be done on a weekly or monthly basis. The windows would be done on a per occurence basis, in other words the price for the windows would not be in the bid but rather, separate whenever requested. Finally, the supplies were to be included in the bid whenever possible. Currently the City spends about $100 a month on paper products, such as towels, toilet paper, soap, trash can liners and, if we could get away from purchasing the supplies, it would help us in two ways. First of all, the labor involved in getting the bids or actually picking up the supplies would not have to be extended (the Finance Director is currently doing this). Secondly, if we could get the janitorial service to supply all of the necessary materials they could undoubtly get it at a much cheaper price, because they can buy in quantity.

BIDS RECEIVED:

1. Ferron Janitorial Service, Tualatin, Oregon
   Total Bid: $501.00 per month
   Windows to be cleaned inside and out on an on-call basis, for the sum of $125.00 per time.
   Supplies such as toilet tissue, paper towels, hand soap, etc. to be furnished at janitorial service cost and billed to the City of Newberg (in other words, this is not included in the $501.00 per month, but could be estimated at approximately $100.00 per month, extra cost).
   Contract good for one year.

2. C.Y. Cleaning Service Inc., Newberg, Oregon
   Maintenance service identical to the one listed above with cost at $756.00 per month.
   Window cleaning service will be an additional $73.00 per occurence, upon request.
   Supplies not included in the bid price, but would be billed at C.Y. Cleaning Service's cost.
   The price is based on 5 nights per week for all departments.

3. Struck-Jones Janitorial Service, South Blaine Street, Newberg
   Total amount of bid: $1,795.00 per month.
   Five day service for all of City Hall with a walk-through spot check on the weekends, for the police department.
   All cleaning supplies, equipment and paper products are included in the bid price.
   Initial cleaning fee $150.00
   Window cleaning upon request, $50.00 per cleaning, Carpet cleaning $56.80 per cleaning.

4. A.D.C. Janitorial, McMinnville, Oregon
   Bid price: $1,785.00 per month
   Supplies are included in the bid price.
   Janitorial service will be seven days per week.
   A second bid was submitted at $1,575.00 per month.
   Carpet shampooed at request at $56.00 and Windows done at request for $45.00 per time.
   Supplies would be cost plus 5% and would fluctuate according to inflation prices.

SUMMARY:

As the City Council can see the range for janitorial services for the City Hall building is very wide. It is important that the City receive good service because this does have an effect on moral. Currently the service that is being received is not of the caliber that employees would like to see. In defense of the current carrier, there is no contract in existence and no outline as to what exactly is expected on a routine basis of the company.

The number one bid in my opinion is the Ferron Janitorial Service. They will enter into a contract for one year and will be locked into the price as mentioned above. Ferron Company is owned and operated by Percy and Julia Ferron, Oregonians since 1944. The company currently services customers consisting of banks, title insurance companies, savings and loan institutions, medical and dental buildings, administration offices such as Portland General Electric, manufacturing plant offices such as Publisher's Paper Company and many general office and buildings of all types. Some of the references listed that were local are: Benjamin Franklin Savings & Loan, Newberg Branch First Federal Savings & Loan, Newberg Branch Portland General Electric, Newberg District Center and Yamhill County Medical Center in Yamhill County annex building in McMinnville.

RECOMMENDATION:

It is my recommendation that the City Administrator be authorized to sign an agreement with Ferron Janitorial Systems authorizing Ferron Janitorial Systems to clean City Hall beginning March 3, 1981 for the next year.

Michael Warren
City Administrator

MW/bjm

Enc.

Council Agenda

Boyes Carpet and Upholstery Cleaning

P.O. Box 709 • Phone 538-9455, 538-9043 • Newberg, Oregon 97132

February 3, 1981

Mr. Mike Warren, City Administrator
City of Newberg
414 E. First St.
Newberg, Oregon 97132

Dear Mr. Warren,

After our brief discussion on January 30th, many things have gone through my mind as a business man, and I have come to the conclusion that continuing to clean City Hall building complex located at 414 E. First, would be to my disadvantage, and that when you said let us start over from zero since there had not been any contract in the past, that I have decided to start over from zero and no longer clean City Hall. We will work with you until February 23rd in helping to provide a daily service as has been provided in the past, at which time I, or one of my representatives, will be bringing the keys back to you.

Possibly some other time in the future we will re-evaluate offering a contract to City Hall.

Sincerely,

C Mike Boyes

C. Mike Boyes

IX B

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Rocky's Liquor License Renewal

The above mentioned establishment has no complaints against it, therefore, the Chief of Police has recommended approval of their liquor license renewal. I concur with the Chief's recommendation.

Michael Warren
City Administrator

MW/bjm

Enc.

IX C

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Building Permit for 10-plex, intersection of Walnut Street and Deborah Road.

As with all reports, the staff has given a history of this matter. The Planning Commission and the City Council has upheld the staff position which is not to issue a new building permit for the 10-plex, because of the wording of the Newberg Zoning Ordinance. A great deal of attention has been given this appeal in two previous public hearings, one by the Planning Commission and one by the City Council. In both cases the applicant was told that the appeal was not granted. The applicant again comes before the City Council with essentially the same request.

It is my recommendation that the City Council uphold the Planning Commission, the Planning Director and the City Council in denying the appeal.

Michael Warren
City Administrator

MW/bjm

Enc.

IX E

MEMORANDUM
25 February 1981

TO: Mike Warren, City Administrator

FROM: Clay Moorhead, Planning Director

RE: Issuance of a building permit for a 10-plex to be located at the southwest corner of the intersection of Walnut St. and Deborah Rd. by David and Kathy Solberg

The applicants are requesting authorization of a permit to construct a 10-plex at the southwest corner of the intersection of Walnut Street and Deborah Road. This application has been denied by the Planning Director and an appeal is being sought by the applicants before the City Council.

Events

The property is currently zoned R-2 and was zoned R-2 prior to the adoption of the current Newberg Zoning Ordinance. The Newberg Zoning Ordinance was adopted July 2, 1979. Upon the adoption of the new Zoning Ordinance the density found within the R-2 zoning designation was modified. The applicants were issued a permit on April 16, 1979 for a 10-plex to be situated on the subject property. This was issued prior to adoption of the new Zoning Ordinance. The new Zoning Ordinance would only allow for a maximum of 4 units on the subject property.

After the adoption of the new Zoning Ordinance a letter was sent to the applicants from the Planning Department indicating that a time limit had been established for completion of the unit because of the alteration found within the ordinance. The letter indicated a quote from the general provisions for non-conforming uses, Page 93 of the Newberg Zoning Ordinance, which read as follows:

> "To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction, or use of any building on which a building permit in accordance with the Newberg Building Code has been legally issued prior to the effective date or amendment of this ordinance, except that applications for extension of a building permit shall not be approved to exceed a permit of one year from the date of adoption or amendment of this ordinance."

The letter further indicated a deadline date for completion of the development as August 2, 1980 which was in error. The actual date should have been July 2, 1980. After receiving the building permit in the Spring of 1979, the applicants excavated for the foundation on the subject property. No further improvements were then made on the property. On June 27, 1980, more than a year later, the applicants again applied for a building permit which was denied by the Planning Department. The primary reason for denial of the permit at that time was that the ordinance specifically indicated that a permit shall not be approved to exceed a period of one year from the date of adoption or amendment of this ordinance which means even with the one month error that was noted in the originial letter, the applicants would then have had 34 days in which to receive a plan check from the City of

Newberg, receive a site check from the City of Newberg, receive a plan check from the State and complete the project as the permit itself could not be approved to exceed a period of one year from the date of the amendment of the ordinance. It is estimated that, using standard time frames, it would have taken up to two weeks to have re-issued the permit after again reviewing the plans. It was necessary to review the plans once again as the permit had expired and the plans must then be reviewed in conformance with any new regulation that had been imposed through the building code.

This matter was brought to the attention of the Newberg City Council in October or November of 1980. At that time, the Newberg City Council heard the request of the applicants. The Council instructed the City Staff to hold a public hearing relating to the present language found within the Zoning Ordinance as quoted above. This matter was referred to the Newberg Planning Commission at their November 18, 1980 regular hearing date. Notice was also provided to all adjoining property owners and a general notice was found in the newspaper relating to the request. At the conclusion of the hearing the Newberg Planning Commission made a recommendation to the Council to deny the proposed amendment which would allow for an extension of time related to the construction of the 10-plex. The matter was then scheduled before the Newberg City Council on December 1, 1980, at which time the Council held a public hearing and also determined that the proposed language which would amend the Zoning Ordinance to extend the time period for construction of the 10-plex should be denied.

The applicants participated throughout this process. After the conclusion of the process, attorney's for the applicants then had discussions with City Staff arguing that a decision had never been reached relating to the original appeal. The original appeal was whether or not the Planning Director appropriately responded to the request for a re-issuance of the building permit for the 10-plex. Again, the Planning Director at that time denied the application for a reissuance of the building permit. This matter is again before the Newberg City Council to make a final determination relating to the specific re-issuance of the building permit.

During the hearing process it was pointed out by the Newberg Building Official that the permit for construction of the 10-plex had expired as the applicants had not continued on the project in a timely fashion. Again, the only improvements made to the project since the initial issuance of the permit in April of 1979 was the excavation of an area in preparation of setting up a foundation. No other improvements can be found on the site relating to the 10-plex. There is no foundation or structure currently started on the site.

The Newberg Zoning Ordinance states that it is the intent of the Ordinance to permit non-conforming uses until they are removed or abandoned, but not to encourage their survival. Such uses are declared by the Ordinance to be incompatible with permitted uses in the zones involved. It is further the intent of the Zoning Ordinance that non-conformities shall not be enlarged upon, expanded or extended, except as provided within the Zoning Ordinance. This language comes from Page 93 of the Newberg Zoning Ordinance.

The Staff now contends, with evidence in the record indicating that the permit has since expired, that a new permit must then have been re-issued to allow for construction to begin. An application for a new building permit for a 10-plex in an R-2 zone on a 16,000 sq. ft. lot cannot be issued based upon the provisions of the new Zoning Ordinance. Again, the Ordinance provided for the extension of a buil ding permit. The building permit that was originally issued to the applicants for the 10-plex had expired and, thus, an extension of a building permit could not be issued as a new building permit would then be required. The application of a new building permit requires conformance to standard City Ordinances.

MEMO

TO: City Council DATE: February 27, 1981

FROM: City Administrator

SUBJECT: Hospital Bid

The attached information from the Hospital Administrator is self-explanatory. Any questions may be directed to the Hospital Administrator. I concur with his recommendation.

Michael Warren

Michael Warren
City Administrator

MW/bjm

Enc.

NEWBERG COMMUNITY HOSPITAL
BID ANALYSIS - OFFICE FURNISHINGS
BUILDING PROJECT

MARK #	ITEM	MFG.	QUANT.	DEPARTMENTS	VENDOR 1	VENDOR 2	VENDOR 3	VENDOR 4	VENDOR 5	VENDOR 6	RECOMMENDATION
					B & I INTER.	BOISE	KUBLI-HOWELL	PETER'S	ORE. STAT.	SMITH BROS.	
1	4 Seat Tandem	Condi	1	Out Pat. 182	$ No Bid	$ 788.55	$ No Bid	$ 666.00	$ No Bid	$ 912.80	$ 666.00 Peters
2	Deleted										
3	Table 3 Seat Tandem	Condi	1	Out Pat. 182	No Bid	792.30	No Bid	670.00	No Bid	936.80	670.00 Peters
4	Table Desk	Hiebert	2	Admin 152 Admin 151	No Bid	No Bid	No Bid	No Bid	No Bid	1,286.16	1,286.16 Smith
5	Credenza Bookcase	Hiebert	1	Admin 152	No Bid	No Bid	No Bid	2,593.00	No Bid	2,468.82	2,468.82 Smith
6	Credenza	Hiebert	1	Admin 151	No Bid	No Bid	No Bid	1,434.00	No Bid	1,355.82	1,355.82 Smith
7 a	Guest Chair	Hiebert	5	Admin 152	No Bid	No Bid	No Bid	1,225.00	No Bid	1,162.65	1,162.65 Smith
7 b	Guest Chair	Hiebert	2	Admin 151	No Bid	No Bid	No Bid	488.00	No Bid	459.54	459.54 Smith
8	Deleted										
9	Lounge Chair	Salman	1	Admin 152	377.00	No Bid	No Bid	No Bid	No Bid	454.40	377.00 B & I
10	Sofa	Salman	1	Admin 152	647.00	No Bid	No Bid	No Bid	No Bid	784.00	647.00 B & I
11	Loveseat	Salman	1	Admin 151	620.00	No Bid	No Bid	No Bid	No Bid	665.60	620.00 B & I
12	End Table	Hiebert	1	Admin 152	No Bid	No Bid	No Bid	301.00	No Bid	284.28	284.28 Smith
13	End Table	Hiebert	1	Admin 151	No Bid	No Bid	No Bid	299.00	No Bid	307.20	299.00 Peters
14	Tandem Seating	Steel.	2	ER Wait 153	No Bid	1,809.80	2,045.10	2,432.00	1,712.00	1,982.72	1,712.00 Oregon
15	Tandem Seating	Steel.	2	ER Wait 153	No Bid	1,058.24	1,192.00	1,402.00	998.00	1,155.84	998.00 Oregon
16	Tandem Seating	Steel.	1	ER Wait 153	No Bid	570.20	642.65	746.00	538.00	622.72	538.00 Oregon
17	Tandem Seating	Steel.	2	ER Wait 153	No Bid	1,432.80	1,617.20	1,846.00	1,354.00	1,568.00	1,354.00 Oregon
18 a	Loveseat	Salman	2	Lobby R 114	1,358.00	No Bid	No Bid	No Bid	No Bid	1,376.00	1,358.00 B & I
18 b	Loveseat	Salman	4	Lobby R 114	2,716.00	No Bid	No Bid	No Bid	No Bid	3,128.00	2,716.00 B & I
19	Lounge Chair	Salman	3	Lobby R 114	1,335.00	No Bid	No Bid	No Bid	No Bid	1,368.00	1,335.00 B & I
20	Childrens Table	Krueger	2	Lobby R 114 Nursing 231	182.40	160.10	171.00	152.00	152.00	171.00	152.00 Peter

Bid Analysis

Office Furnishings

Mark #	ITEM	MFG	QUANT.	DEPARTMENTS	B & I INTER.	BOISE	KUBLI-HOWELL	PETER'S	ORE STAT.	SMITH BROS.	RECOMMENDATION	
21	Childrens Chair	Condi	8	Lobby R 114	197.12	178.64	184.80	164.00	160.00	184.80	160.00	Oregon
22 a	Magazine Rack	Peter	2	Lobby R 114 Nursing 231	252.00	244.60	268.80	268.00	284.00	218.40	218.40	Smith
22 b	Magazine Rack	Peter	1	ER Waiting 153	126.00	122.30	134.40	142.00	109.20	109.20	109.20	Smith
23	End Table	Hiebert	6	Lobby R 114 Emergency 172	No Bid	No Bid	~~1,794.00~~ NO BID	~~No Bid~~ 1,794.00	No Bid	1,825.74	1,794.00	Peters
24	End Table	Hiebert	2	Lobby R 114	No Bid	No Bid	No Bid	602.00	No Bid	652.74	602.00	Peters
25	Table Lamp	Affil.	8	Emerg. 172 Admin 152,151- lobby R 114	720.00	631.60	No Bid	648.00	No Bid	672.00	631.60	Boise
26	Stack Chair	Kruger	59	Conf Room 129 Chart Room 311, Board Room	2,430.80	2,129.31	2,278.58	2,025.47	2,000.10	1,279.17	2,000.10	Oregon
27	Conf. Table	Krueger	1	Admin 152	230.40	188.97	216.00	192.00	192.00	216.00	188.97	Boise
28	Planter	Affil.	5	Admin 152,150 OUT Pat. 182, Lobby R114	407.00	375.75	No Bid	365.00	No Bid	385.00	365.00	Peters
29 a	Dining Chair	Virco	32	Dining Rm R124	3,331.84	2,729.60	3,152.00	No Bid	2,848.00	3,179.52	2,729.60	Boise
29 b	Chair	Virco	24	Conf Room R110	2,564.16	2,047.20	2,364.00	No Bid	2,136.00	2,384.64	2,047.20	Boise
30	Table Top	Virco	8	Dining R124	251.76	409.60	221.20	No Bid	226.80	231.84	226.80	Oregon
31	Table Base	Virco	8	Dining R124	304.64	549.60	288.00	No Bid	264.00	314.64	264.00	Oregon
32 a	Arm Chair	Krueger	3	Patient R138	830.40	712.20	816.75	726.00	705.00	816.75	705.00	Oregon
32 b	Arm Chair	Krueger	3	Emerg. 172	830.40	712.20	816.75	726.00	705.00	816.75	705.00	Oregon
33	3 Seat Lounge	Krueger	1	Patient R138	684.80	656.30	756.75	672.00	655.00	756.75	655.00	Oregon
34	2 Seat Lounge	Kruger	1	Patient R138	468.00	470.66	543.75	483.00	470.00	543.75	470.00	Oregon
35	End Table	Krueger	3	Patient R138	393.60	344.25	387.00	345.00	342.00	387.00	342.00	Oregon
36	Table	Krueger	1	Patient Day R138	162.40	140.97	159.75	142.00	142.00	142.00	140.97	Boise
37	Side Chair	Krueger	6	Patient R138 ER 171,161	308.16	270.60	297.60	264.00	264.00	295.68	264.00	Oregon
38	Book Stack Starter	Aurora	2	Conf Room 274	No Bid	No Bid	381.84	No Bid	No Bid	428.40	381.84	Kubli

IX F

Mark #	ITEM	MFG	QUANT.	DEPT.	B & I INT.	BOISE	KUBLI	PETERS	ORE STAT.	SMITH BROS.	RECOMMENDATION
39	Book Stack	Aurora	4	Conf Room 274	No Bid	No Bid	763.68	No Bid	No Bid	856.80	763.68 Kubli
40	Upright	Aurora	2	Conf Room 274	No Bid	No Bid	101.70	No Bid	No Bid	113.40	101.70 Kubli
41	Magazine Rack St.	Aurora	1	Conf Room 274	No Bid	No Bid	354.10	No Bid	No Bid	397.00	354.10 Kubli
42	Magazine Add On	Aurora	1	Conf. Room 274	No Bid	No Bid	354.10	No Bid	No Bid	397.00	354.10 Kubli
43	Table	Steel.	2	Conf. Room 274	449.40	471.20	525.60	512.00	440.00	463.36	440.00 Oregon
44 a	Arm Chair	EOC	5	Admin 150 Father Wait	No Bid	720.90	No Bid	700.00	795.00	834.90	700.00 Peters
44 b	Arm Chair	EOC	12	Board Room	No Bid	1,872.60	No Bid	2,136.00	No Bid	2,293.56	1,872.60 Boise
44 c	Arm Chair	EOC	5	Quiet Rm R136 Bus Mgr 149	No Bid	720.90	No Bid	700.00	795.00	834.90	700.00 Peters
44 d	Deleted										
45	Table Top	EOC	1	Father R296	No Bid	64.50	No Bid	65.00	93.00	71.43	65.00 Peters ~~64.50 Boise~~
46	3 Seat Table	EOC	2	Father R296	No Bid	823.90	No Bid	776.00	914.00	966.00	776.00 Peters
47	Fold Table	Howe	3	Conf Rm R129 Conf Rm R110	1,808.94	1,510.26	1,858.50	1,620.00	1,458.00	1,610.70	1,458.00 Oregon
48	Parsons Table	Tempo	1	Conf Room R110	No Bid	215.53	No Bid	No Bid	No Bid	196.00	196.00 Smith
49	Blackboard	Green.	2	Conf rm R110 Board Room	No Bid	656.30	636.00	565.00	No Bid	607.60	565.00 Peters
50	Fold Table	Howe	2	Board Room	1,052.66	917.12	1,158.00	1,003.60	876.00	,1,003.60	876.00 Oregon
51	Typing Return	Steel.	6	Trans Rm R117 Admin 150 Bus Off 156	1,345.50	1,229.40	1,759.80	1,440.00	1,146.00	1,436.16	1,146.00 Oregon
52	Typing Return	Steel	4	Acct 156 Bus Off 156	897.00	819.60	911.80	960.00	764.00	883.20	764.00 Oregon
54	Credenza	Steel.	1	Admin 150	456.04	374.05	419.60	375.00	351.00	407.04	351.00 Oregon
56	Single Ped. Desk	Steel.	6	Admin 150 Trans R117 Bus Off 156	1,883.76	1,582.32	1,768.50	1,860.00	1,476.00	1,712.64	1,476.00 Oregon
57	Sgle Ped Desk	Steel	5	Bus Off 156	1,569.80	1,318.60	1,473.75	1,550.00	1,230.00	1,427.20	1,230.00 Oregon
58 a	Sec. Chair	Steel.	9	Admin 150 Bus Off 156	1,547.37	1,307.70	1,442.70	1,305.00	1,206.00	1,393.92	1,206.00 Oregon

Mark #	ITEM	MFG	QUANT	DEPT	B & I	BOISE	KUBLI	PETERS	ORE STAT.	SMITH BROS	RECOMMENDATION	
58 b	Sec. Chair	Steel	11 Cashier-	Chart Rm 310 ICU-Admitting	1,891.23	1,598.30	1,763.30	1,595.00	1,474.00	1,703.68	1,474.00	Oregon
59	Swivel Chair	Steel	4	Rad. 195 A&B Bus Off 156	1,244.12	984.28	1.097.60	928.00	920.00	1,064.96	920.00	Oregon
61	Exec Return	Steel.	1	Bus Off 156	201.38	183.80	204.00	205.00	171.00	197.76	171.00	Oregon
62	Corner Table Top	EOC	1	Admin 150	No Bid	92.55	No Bid	85.00	124.00	104.88	85.00	Peters
63	Sgle Ped Desk	Steel.	1	Bus Off 156	440.36	346.15	374.60	433.00	313.00	362.88	313.00	Oregon
64	2 Draw Lat File	Steel	3	Bus Off 156	825.00	757.20	815.70	795.00	681.00	789.12	681.00	Oregon
65	Dble Ped. Desk	EOC	1	Bus Mgr. 149	No Bid	699.45	No Bid	637.00	763.00	805.23	637.00	Peters
66	Lounge Chair	Salman	2	Quiet Rm R136	686.00	No Bid	No Bid	No Bid	No Bid	727.20	686.00	B & I
67	Sofa	Salman	1	Qiet Room R136	852.00	No Bid	No Bid	No Bid	No Bid	885.00	852.00	B & I
68	Table	Steel.	1	Bus Mgr. 149	198.00	227.30	253.35	210.00	212.00	245.12	~~210.00~~ 198.00	~~Peters~~ B & I
69	Acoustical Panel	Steel	2	Bus Off 156	515.56	454.82	507.00	No Bid	452.00	491.52	~~452.00~~ 515.56	Oregon B & I
70	Acoustical Panel	Steel.	8	Bus Off 156	1,848.00	1,700.00	1,892.40	No Bid	1,680.00	1,832.96	~~1,700.00~~ 1,848.00	Boise B & I
71	Panel	Steel	20	Bus Off 156	no charge	610.00	677.00	No Bid	620.00	665.60	n/c	B & I
				TOTALS	$ 41,500.60	$ 41,785.07	$ 40,048.70	$ 44,260.07	$ 35,243.90	$ 67,073.44	~~$ 59,035.63~~	
				Low Bid Totals	11152.56	7,610.94	1953.42	8076.00	22,899.90	7540.87	59,235.69	

1 of II

1,363.56

RECAP

Smith	4,5,6,7a,7b,12,22a,22b,48	$ 7,540.87	
B & I	9,10,11,18a,18b,19,66,67 & 71	~~$ 8,591.00~~ 68,69,70	11,152.56
Boise	25,27,29a,29b,36,44b,45 & ~~70~~	~~$ 9,375.44~~	7610.94
Kubli	38,39,40,41 & 42	$ 1,955.42	
Peters	1,3,13,23,24,28,44a,44c,46 49,62,65 & ~~68~~ 45,20	~~$ 8,069.00~~	8,076.00
Oregon	14,15,16,17,20,21,26,52,54, 56,57,58a,58b,59,61,63,64,69 31,32a,32b,33,34,35,43,47,50, 51,30,37	~~$23,503.90~~	22,899.90
		~~$59,035.63~~	59,235.69

MEMO

TO: City Council DATE: February 24, 1981

FROM: City Administrator

SUBJECT: Deferred Income Plan

The attached plan is a revision of the old deferred income plan. The revisions bring the new plan more in line with the federal regulations for deferring income and allow for tighter controls for the City of Newberg. Some examples of the changes include: appointing an administrator and an assistant administrator to the plan; explanation of distribution of benefits upon retirement, death or separation from service; limiting the number of times in a year that an employee can get in and out of the plan; and expanding on the deferral of compensation requirements in-accordance with federal law.

RECOMMENDED ACTION: Pass resolution authorizing the City Administrator and Mayor to sign the deferred compensation plan.

Michael Warren
City Administrator

MW/bjm

X A

RESOLUTION NO. 81-883

This resolution authorizes Mayor and City Administrator to sign the deferred income plan as attached.

WHEREAS, the previous deferred income plan did not have restrictions and federal regulations required by law and the City.

WHEREAS, the efforts put forth toward the new plan does comply with City requirements and federal regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newberg that the attached plan shall be entitled the Deferred Compensation Plan for the City of Newberg and the City Administrator and Mayor may sign said plan.

ADOPTED by the Council this 2nd day of March , 1981.

Arvilla Page

Arvilla Page - Recorder

X A

RESOLUTION NO.

This resolution authorizes Mayor and City Administrator to sign the deferred income plan as attached.

WHEREAS, the previous deferred income plan did not have restrictions and federal regulations required by law and the City.

WHEREAS, the efforts put forth toward the new plan does comply with City requirements and federal regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newberg that the attached plan shall be entitled the Deferred Compensation Plan for the City of Newberg and the City Administrator and Mayor may sign said plan.

ADOPTED by the Council this day of , 1981.

_____

Arvilla Page - Recorder

X A

DEFERRED COMPENSATION PLAN

FOR

CITY OF NEWBERG

Type

City of Newberg, a political subdivision of the State of Oregon, hereinafter referred to as "Employer", hereby establishes this Deferred Compensation Plan, effective as of the 1st day of July, 1980. The purpose of this Plan is to enable those employees of the Employer who desire to become participants to have the payment of a portion of such participant's compensation deferred and paid over to him at such time as his employment with the Employer is terminated or such participant is faced with an unforeseeable emergency. This Plan is intended to satisfy the requirements of § 457 of the Internal Revenue Code of 1954.

Participation

(1) Only employees of the Employer may be participants under this plan. Only employees who have completed the 6 month probation period may participate. The Plan Administrator may waive this requirement.

(2) Only those employees of the Employer who agree in writing to have a portion of their compensation deferred pursuant to the terms of the Plan shall be participants of this plan.

(3) Any employee desiring to participate in the Plan must elect to do so in writing, during December of each year, which is the annual enrollment period. The amount to be deferred will be specified at this time. A participant need not complete a new "Agreement to Participate in Deferred Compensation Plan" form each year unless there is a change in the amount to be deferred each month of the following year. The amount to be deferred may be changed only during the annual enrollment period.

(4) Any participant shall have the right to revoke his election to participate during any calendar year in which he is a participant, but such revocation shall become effective only upon the first day of the next month (calendar month) following such revocation. Revocations shall have no effect on the compensation previously deferred, which remains subject to the provisions of the terminated agreement.

(5) An election to become a participant under the plan shall be made by completing an "Agreement to Participate in Deferred Compensation Plan" form supplied by the Employer, and signed by the employee and the Employer. Revocation of participation in the Plan shall be made by completing the "Revocation" section of the "Agreement to Participate in Deferred Compensation Plan" form supplied by Employer, and signed by the revoking participant and Employer.

(6) No Employee of the Employer who is a participant of any other deferred compensation plan under the provisions of Internal Revenue Code § 457 shall be eligible to become a participant under this Plan while such employee is having any amount of compensation deferred under such other plan.

(7) No employee of the Employer who is having amounts contributed toward an annuity for him by any employer pursuant to Internal Revenue Code § 403 (b) shall be eligible to become a participant under this Plan. (Tax Deferred Annuity)

Deferral of Compensation

(1) The maximum amount of includable compensation of any participant that may be deferred under this plan for the taxable year of such participants shall not exceed the lesser of:

A. $7,500.00 or

B. 33 and 1/3 percent of the participant's includable compensation.

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(2) For one or more of the participant's last three taxable years ending before he attains normal retirement age under the plan, the ceiling set forth in paragraph (1) shall be the lesser of:

A. $15,000.00 or

B. The sum of

(i) the plan ceiling established for purposes of paragraph (1) for the taxable year (determined without regard to this paragraph) plus

(ii) so much of the plan ceiling established for the purposes of paragraph (1) for the taxable years before the taxable year as has not been used under paragraph (1) or this paragraph.

(3) Compensation of any participant will be deferred for any calendar year under this Plan only if an agreement providing for such deferral has been entered into by such participant before the beginning of such calendar year, and subject to the section entitled "Participation".

Participant's Rights Under Plan

(1) All amounts of compensation deferred under this Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights, shall remain, until made available to participants or other beneficiaries under the terms of this Plan, solely the property and rights of the Employer (without being restricted to the provision of benefits under this Plan) subject only to the claims of the Employer's general creditors. At any particular time the value of any participant's deferred compensation under this Plan shall represent an obligation of Employer to such participant. With respect to such obligations, participants shall be general creditors.

(2) Any savings account acquired by Employer through purchase and reinvestment shall be the sole property of the Employer and participants shall have no right, title, property or claim to such account except as a general creditor of the Employer.

(3) Participants may not anticipate or assign any of the rights they may have under the Plan and Employer shall reject and refuse to honor any purported anticipation or assignment of such rights.

Distribution of Benefits

(1) No amounts deferred under this Plan will be made available to participants of other beneficiaries earlier than when the participant is separated from service with Employer or is faced with an unforeseeable emergency.

(2) In the event of separation from service with the Employer by a participant by reason of severance, retirement, or disability, Employer shall pay to such participant, at the beginning of the next calendar month following the calendar month in which separation of service occured, a lump sum equal to the amount deferred by such participant under the Plan plus all interest, dividends and earnings, if any, attributable to such amounts deferred while such deferred amounts were in the possession of Employer. Other forms of payment of such deferred amounts upon separation of service may be made if agreed to in writing by Employer and such participant separating from service, provided that such agreement is entered into prior to such participant's separation from service. Notwithstanding any provisions of this article, a separating employee may elect to leave amounts deferred plus any interest, dividends and earnings with the employer until such time as he would otherwise receive the benefits in accordance with his stated preference. All amounts deferred plus any interest, dividends and earnings shall be paid over to separated employees not later than

ten years from the date the employee reaches normal retirement age. All amounts due a participant after separation of service shall continue to be the sole property of Employer and participants separated from service of Employer shall have no right, title property or claim to such amount except as a general creditor of Employer.

(3) In the event of separation of service with Employer by a participant by reason of death, Employer shall pay to such deceased participant's designated beneficiary, or in the absence of a designated beneficiary to such participant's estate, at the beginning of the next calendar month following the calendar month in which such participant died, a lump sum equal to the amount deferred by such participant under the Plan, plus all interest, dividends and earnings, if any, attributable to such amounts deferred while such deferred amounts were in the possession of Employer.

(4) Should any participant die before receiving all amounts of deferred compensation due him under the Plan, such unpaid amounts shall be paid to such deceased participant's designated beneficiary, or in the absence of a designated beneficiary to such deceased participant's estate. Should any beneficiary designated by a participant die prior to receiving all amounts of deferred compensation due such deceased participant under the Plan, such unpaid amounts of deferred compensation shall be paid to the contingent or final beneficiary as the case may be, as designated by such deceased participant.

(5) All amounts of deferred compensation paid to any participant or other beneficiary under this Plan shall be subject to amounts being withheld by Employer for F.I.C.A., income tax withholding, and any and all other amounts required to be withheld by Employer under applicable laws of the State of Oregon and the United States of America.

Designation of Beneficiary

(1) A participant may designate a beneficiary to receive such participant's deferred compensation under the Plan should such participant die prior to separation of service with Employer or should such participant die after separation of service with Employer but before such participant has received all of such participant's deferred compensation under the Plan. A designation of beneficiary shall be made by completing a "Designation of Beneficiary" form supplied by the Employer, and signed by the participant and Employer. Such designation of beneficiary shall be revokable and the beneficiary designated on the last "Designation of Beneficiary" form executed by a participant shall receive such participant's deferred compensation under the Plan.

Investment of Amounts Deferred

(1) As of the last business day of each pay period of Employer, Employer shall credit on its books and records in each participant's deferred compensation "account" such amount as designated by each participant in each participant's "Agreement to Participate in Deferred Compensation Plan" form for Employer's fiscal year within which is such pay period.

(2) Amounts deferred shall be deposited with First Federal Savings and Loan Association of McMinnville, Oregon, or other insured financial institution, which shall not be a party to this Plan.

(3) All dividends, interest and other earnings of the account may, but shall not be required to, be reinvested automatically in the same account.

(4) Notwithstanding Paragraphs (1), (2), and (3) of this secion, no participant shall have any secured interest in any accounts established at First Federal Savings and Loan Association, and any such accounts shall be subject to claims of general creditors of Employer.

(5) Employer expressly does not guarantee any specific rate of return or earnings on any participant's deferred compensation account, and Employer makes no representations as to any rate of return or earnings on any participant's deferred compensation account.

Unforeseeable Emergencies

(1) Amounts of deferred compensation under the Plan paid to a participant by reason of an unforeseen emergency shall be limited to only that amount of such deferred compensation reasonably needed by such participant to satisfy such participant's emergency needs. The determination of what amount is reasonably needed shall be solely within the discretion of the Administrator of the Plan.

(2) A participant may apply for withdrawal of such amounts of his compensation deferred under the Plan is necessary to satisfy such participant's emergency needs by completing an "Application for Emergency Withdrawal" form supplied by Employer and signed by participant and Employer. The participant making application for such withdrawal shall also submit together with such application such other information as Employer may request.

Definitions

(1) Includable Compensation: Compensation for services performed for Employer which is currently includable in gross income, but not including amounts deferred under this Plan.

(2) Unforeseeable Emergency: "Unforeseeable Emergency" shall mean and have the same definition as that term is defined in regulations to be prescribed by the Secretary of the Treasury.

Amendment of the Plan

(1) Employer reserves the right to modify or amend this Plan in whole or in part at any time or times or to terminate the Plan at any time if Employer deems it necessary or desirable to effect such modification, amendment, or termination because of a determination by the Internal Revenue Service or because of regulations prescribed by the Secretary of the Treasury.

(2) No amendment or termination of the Plan shall prejudice the existing rights of any participant under the Plan.

(3) In the event of termination of this plan by the employer, the value of the participant's amounts deferred plus any interest shall be distributed to the participants or their beneficiaries no later than 60 days after termination of the plan. The amount, time and method of payment shall be determined as provided in Distribution of Benefits.

Administrator of the Plan

The Administrator of the Plan shall be the City Administrator, who shall administer the Plan in its entirety. The Assistant Administrator of the Plan shall be the City Recorder.

IN WITNESS WHEREOF, The undersigned City Administrator and Mayor have executed this Plan as of the _____ day of _____, _____.

This Plan amends the Plan effective July 1, 1980.

_____ City Administrator

_____ Mayor

MEMO

TO: City Council DATE: February 24, 1981

FROM: City Administrator

SUBJECT: Sewage and Water Connection Fees

On December 6, 1976, Resolution No. 636 was passed that instituted a 10% down and the balance to be paid over a 24 month period, for water and sewer connection fees in excess of $2,000. The attached resolution is an update of the 1976 Resolution and simply changes the interest rate on the unpaid balance.

This is a clean-up type of resolution that allows for clarification and more realistic charges given the economy.

Recommended action: Pass resolution authorizing property owners of owner-occupied existing dwellings with septic tanks and/or failing water systems to pay water and/or sewer connection fees on an installment basis.

Michael Warren
City Administrator

MW/bjm

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RESOLUTION NO.

WHEREAS, requests have been made to the City by property owners of owner occupied existing dwellings with septic tank systems and/or failing water systems to pay water and/or sewer connection fees on an installment basis; and

WHEREAS, payment in full for said water and/or sewer connection fees may create a financial hardship on property owners at times; and

WHEREAS, Ordinance No. 1050 of the City of Newberg provides that "where existing premises are presently being served by a septic tank, the owner may apply for permission to pay the sewer connection fee in equal monthly installments, not exceeding 24 months"; and

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

1. That a property owner desiring connection to the City of Newberg water system and/or sanitary sewage system as provided by Ordinance No. 1040 ("An Ordinance Providing Rules and Regulations for Use of Water from the Municipal Water System of the City of Newberg") and Ordinance No. 1050 ("An Ordinance providing for the establishment, operation and maintenance within or without the corporate limits of the City of Newberg of Sewage treatment or disposal plants") may make application to pay said water and/or sewer connection permit fees in excess of $2000.00 on an installment basis.

2. That when application is made to pay said water and/or sewer connection fees on installment basis, 10 percent of the total amount shall be paid at time of making the application for connection to the water and/or sewer system and the balance shall be paid in monthly installment payments, not to exceed 24 months together with interest from the date thereof at the rate of 12 per cent per annum on the unpaid balance.

3. The property owner shall consent and agree that the unpaid balance shall constitute a lien upon said property.

4. The application for water and/or sewer connection fees to be paid on an installment basis as heretofore provided shall be in the form of an application approved by the City Administrator.

ADOPTED by the Council this day of , 1981.

Arvilla Page, Recorder

RESOLUTION NO. 76-636

WHEREAS, requests have been made to the City by property owners to pay water and sewer taps on installments basis; and

WHEREAS, payment in full for water and/or sewer taps may create a financial hardship on property owners at times; and

WHEREAS, Ordinance No. 1050 of the City of Newberg provides that "where existing premises are presently being served by a septic tank, the owner may apply for permission to pay the sewer connection fee in equal monthly installments, not exceeding 24 months"; and

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

1. That a property owner desiring connection to the City of Newberg water system and/or sanitary sewage system as provided by Ordinance No. 1040 ("An Ordinance Providing Rules and Regulations for Use of Water from the Municipal Water System of the City of Newberg") and Ordinance No. 1050 ("An Ordinance providing for the establishment, operation and maintenance within or without the corporate limits of the City of Newberg of Sewage treatment or disposal plants") may make application to pay said water and/or sewer connection permit fees in excess of $2000.00 on an installments basis.

2. That when application is made to pay said water and/or sewer connection fees on installment basis; 10 per cent of the total amount shall be paid at time of making the application and the balance shall be paid in monthly installment payments, not to exceed 24 months together with interest from the date therof at the rate of 8 per cent per annum on the unpaid balance.

3. The property owner shall consent and agree that the unpaid balance shall constitute a lien upon said property.

4. The application for water and/or sewer connection to be paid on an installment basis as heretofore provided shall be form of application as approved by the City Administrator.

ADOPTED by the Council this 6th day of December, 1976.

M.C. GILBERT- Recorder

X B

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: L.I.D. Bonds

The attached memo from the City Attorney updates the Council on the progress the Bond Consultant has made in the last few weeks. The Council should read in item #3 that there is no information at the time the agenda packets are being put together for the Council to take action on. However, this item will appear on the agenda so that should the production of the ordinance be finalized prior to the City Council meeting, the Council will be in a position to pass said ordinance.

Michael Warren
City Administrator

MW/bjm

Enc.

XI A

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: February 25, 1981

SUBJECT: L.I.D. Bonding Projects

1. As you know, the City has retained both bond counsel and financial consultant to put together the package to sell approximately $1,100,000. in bancroft bonds relating to five L.I.D. projects. The City Recorder and I were finally able to obtain the final figure for this bonding amount this last Monday, February 23rd.

2. I have over the last two days coordinated with the bond counsel and the financial consultant to obtain the necessary information needed to produce and pass an ordinance authorizing the sale of these bonds. That ordinance must be produced by the bond counsel in coordination with our financial consultant. It is necessary for the bond counsel to produce this because of its technical nature and because it will be up to the bond counsel to ultimately sign off on the proper legal form being followed for the issuance of the bonds.

3. The financial consultant and bond counsel are currently coordinating for the production of this ordinance but it, of course, has not been produced as of this date. I am informed by them that it may be possible to have this ordinance prepared for passage at this Monday, March 2, 1981 meeting of the Council. If so, I will supply the completed ordinance as soon as possible to you. If not, I suggest that it be an agenda item for the special meeting of the Council which will occur either March 9th or March 23rd of next month.

RDF:fj

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: February 27, 1981

SUBJECT: L.I.D. Bonding Project

1. Please refer to my memo on this subject of February 25, 1981, particularly paragraph 3.

2. Our bonding consultant and attorney were able to coordinate the production of the bond sale ordinance and it is attached to this memorandum for inclusion in the Council package for the Monday, March 2, 1981 meeting of the Council. As I mentioned in my previous memorandum, we were able to finalize the figures on Monday, February 23rd and I must commend very highly to you the work of our financial consultant and bond counsel in being able to gather the information needed for this bond sale ordinance and produce it in such a short time. The passage of this ordinance will enable us to do the necessary work to sell the bonds on April 1, 1981.

RDF:fj

ORDINANCE NO. 2045

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BANCROFT BONDS OF THE CITY AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Newberg, Oregon, pursuant to the authority vested in it by the laws of the State of Oregon and Charter of the City, has made local improvements within the City; and

WHEREAS, the costs of these improvements have been duly assessed against the benefited properties and certain of the benefited property owners have submitted applications to pay their assessments in installments pursuant to the provisions of the Bancroft Bonding Act (ORS 223.205 to 223.295); and

WHEREAS, $1,088,475.83 of the assessments for which Bancroft Bonding applications have been received remain unpaid, now, therefore,

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. The Bonds. The City of Newberg, Oregon, shall issue One Million Eighty-Eight Thousand Four Hundred Seventy-Five and 83/100 Dollars ($1,088,475.83) in general obligation improvement bonds of the City. The bonds shall be dated April 1, 1981, be numbered consecutively from 1 to 218, inclusive, be in denominations of $5,000 each (except

XI A

bond no. 1 which shall be in the amount of $3,475.83) and shall mature serially in numerical order on the first day of April as follows:

Year	Amount	Year	Amount
1982	$ 68,475.83	1990	$ 75,000.00
1983	$ 70,000.00	1991	$ 75,000.00
1984	$ 70,000.00	1992	$ 75,000.00
1985	$ 70,000.00	1993	$ 75,000.00
1986	$ 70,000.00	1994	$ 75,000.00
1987	$ 70,000.00	1995	$ 75,000.00
1988	$ 70,000.00	1996	$ 75,000.00
1989	$ 75,000.00		

Section 2. Interest and Place of Payment. The bonds shall be sold for a net effective rate of interest which does not exceed the maximum rate per annum permitted by law. Interest shall be payable semiannually on April 1 and October 1 of each year, commencing October 1, 1981. Principal of and interest on the bonds shall be payable at the office of the Recorder of the City of Newberg, Oregon.

Section 3. Redemption. Bonds of this issue that mature after April 1, 1989 are redeemable on April 1, 1989 and any interest payment date thereafter at a price of par plus accrued interest to the date fixed for redemption.

Section 4. Execution of Bonds. The bonds shall be executed with the facsimile signature of the Mayor and the manual signature of the Recorder and shall bear the actual or facsimile seal of the City. The bond coupons shall be executed with the facsimile signatures of the Mayor and Recorder.

Section 5. Bonds to be General Obligations. The full faith and credit of City of Newberg are hereby pledged to the successive holders of the bonds for the punctual payment of the bonds and the interest coupons as they become due. The City covenants with the holders of the bonds to levy a special ad valorem tax sufficient, together with other available funds, to pay maturing principal and interest on the bonds.

Section 6. Form of Bonds. The bonds and coupons shall be in substantially the following form:

STATE OF OREGON
COUNTY OF YAMHILL
CITY OF NEWBERG
GENERAL OBLIGATION IMPROVEMENT BOND
SERIES 1981

No. _____ $_____

KNOW ALL MEN BY THESE PRESENTS, that the City of Newberg in the County of Yamhill, State of Oregon, for value received hereby promises and agrees to pay to the bearer the sum of _____ DOLLARS ($_____) in lawful money of the United States of America on presentation and surrender of this obligation on the first day of April, 19__, without grace, with interest thereon in like lawful money from the date hereof until paid at the rate of _____ percent (___%) per annum payable semiannually on the 1st day of April and the 1st day of October in each year. Principal and interest are payable at the offices of the Recorder of the City of Newberg in Newberg, Oregon.

Bonds of this issue that mature after April 1, 1989 are redeemable on April 1, 1989 and any interest payment date thereafter at a price of par plus accrued interest to the date fixed for redemption.

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This bond is one of a series of bonds aggregating $1,088,475.83 in principal amount, and is authorized by the laws of the State of Oregon, and particularly by Oregon Revised Statutes Sections 223.205 to 223.295, inclusive.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all conditions, acts and things required to exist, to happen and to be performed precedent to and in the issuance of this bond have existed, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of Oregon and the Charter of the City of Newberg, and that the issue of which this bond is a part, and all other obligations of the district, are within every debt limitation and other limit prescribed by law.

This bond is a general obligation of the City of Newberg, and the City has covenanted to levy a special ad valorem tax sufficient, together with other available funds, to pay maturing principal of and interest on the bonds of this issue.

IN WITNESS WHEREOF the City of Newberg has caused this bond to be executed with the facsimile signature of its Mayor and the manual signature of its Recorder, to bear its corporate seal, and the coupons to be executed with the facsimile signatures of the Mayor and of the City Recorder, all as of this 1st day of April, 1981.

CITY OF NEWBERG, OREGON

By_____
Mayor

ATTEST:

By_____
City Recorder

(SEAL)

FORM OF COUPON

On the 1st day of _____, 19___, the City of Newberg, Oregon, upon surrender of this coupon at the offices of the Recorder of the City of Newberg, in Newberg, Oregon, will pay to the bearer the sum shown hereon in lawful money of the United States of America, for interest then due on its General Obligation Improvement Bond, Series 1981, dated April 1, 1981.

CITY OF NEWBERG, OREGON

By_____
Mayor

By_____
Recorder

LANGUAGE TO BE ADDED TO REDEEMABLE COUPONS:

"unless sooner redeemed as therein provided"

Section 7. Sale of Bonds. The bonds shall be sold at the date, time and place, and under the terms provided in the attached notice of sale. The notice of sale shall be published at least two times in the Newberg Graphic, a newspaper published and circulated within the City of Newberg. The first publication shall be not more than 25 calendar days nor less than 15 calendar days preceding the date of the bond sale, and the last publication shall be not more than 14 calendar days nor less than eight calendar days preceding the date of the bond sale. In addition, the

notice shall be published once in the Daily Journal of Commerce, a business and financial newspaper published in Portland, Oregon, not more than 25 calendar days nor less than 15 calendar days preceding the date of the bond sale.

Section 8. Official Statement. The preliminary official statement shall be prepared by Marshall & Meyer, Inc., as financial consultants to the City for this issue. Copies of the preliminary official statement shall be available for distribution to prospective bidders not later than the date on which the notice of sale is first published.

Section 9. Emergency. In order that the City may receive bond proceeds as soon as possible, an emergency is declared to exist, and this ordinance shall take effect immediately.

Read in full and passed at a regular meeting on the ____ day of March, 1981, by the following votes:

AYES: NAYS: ABSENT:

_____
Recorder

Approved by the Mayor this ____ day of March, 1981.

_____
Mayor

NOTICE OF BOND SALE

$1,088,475.83

CITY OF NEWBERG, OREGON

GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1981

TIME AND PLACE OF SALE

Sealed bids will be received for the purchase of this bond issue the Newberg City Hall, 414 East 1st Street, Newberg, Oregon, until 11:00 a.m., on

March 31, 1981

Immediately thereafter the bids will be publicly opened and announced, and within four hours thereafter the City Council will meet and act upon the bids.

DESCRIPTION OF BONDS

The Bonds will be negotiable general obligation coupon bonds of the City in the principal amount of $1,088,475.83, dated April 1, 1981, in denominations of $5,000 each, except bond no. 1 in the amount of $3,475.83, and will mature serially in numerical order on the first day of April as follows:

Year	Amount	Year	Amount
1982	$ 68,475.83	1990	$ 75,000.00
1983	$ 70,000.00	1991	$ 75,000.00
1984	$ 70,000.00	1992	$ 75,000.00
1985	$ 70,000.00	1993	$ 75,000.00
1986	$ 70,000.00	1994	$ 75,000.00
1987	$ 70,000.00	1995	$ 75,000.00
1988	$ 70,000.00	1996	$ 75,000.00
1989	$ 75,000.00		

REDEMPTION

Bonds of this issue that mature after April 1, 1989 are redeemable on April 1, 1989 and any interest payment date thereafter at a price of par plus accrued interest to the date fixed for redemption.

INTEREST RATE

The bonds will bear interest payable semiannually on April 1 and October 1 at such rate or rates, in multiples of one-eighth (1/8) or one-tenth (1/10) of one percent (1%), not exceeding the maximum interest rate allowed by law, as specified by the successful bidder. The bonds may have only one coupon for the interest due on any interest payment date, no bond may bear more than one rate of interest, and supplemental coupons will not be permitted. The highest coupon interest rate quoted may not exceed the lowest coupon interest rate quoted by more than one and one-half percent (1-1/2%).

AWARD OF BONDS

Bonds will not be sold for less than par value and the full amount of accrued interest. The City reserves the right to reject any or all bids; however, unless all bids are rejected, the bonds will be awarded to the bidder complying with the terms of this Notice of Bond Sale and submitting the bid which provides the lowest net effective interest rate to the City.

GOOD FAITH DEPOSIT; FORM OF BID

Each bid must be unconditional, and must be for the purchase of all bonds herein described. Each bid must be accompanied by a certified check or cashier's check in favor of the City, of or upon a bank doing business in the State of Oregon, in the sum of $21,770.00, and should be enclosed in a sealed envelope marked "Proposal for Bonds". No interest will be allowed on the deposit with the bid, and the check of the successful bidder will be retained as part payment for the bonds or to secure the City against any loss resulting from failure of the bidder to comply with the terms of its bid.

LEGAL OPINION

The successful bidder will be furnished, without cost, with the approving opinion of the law firm of Rankin, McMurry, Osburn, VavRosky & Doherty of Portland, Oregon, to the effect that the bonds are valid and legally binding obligations of the City of Newberg, Oregon, and that the interest on the bonds is exempt from taxation by the United States under present income tax laws and is also exempt from Oregon personal income taxes under present State laws. The legal opinion will be reproduced on each bond.

DELIVERY OF BONDS; NO LITIGATION

The bonds will be delivered complete and without undue delay at the expense of the issuer in Portland, Oregon, or at any other place designated by the successful bidder at its expense. Settlement for the bonds shall be made in funds immediately available to the issuer on the date and at the time and place of delivery of the bonds. The successful bidder will be provided with the usual closing documents, including a non-litigation certificate.

PAYMENT

Both the principal of and interest on the bonds will be paid at maturity or upon prior redemption at the offices of the Recorder of the City of Newberg in Newberg, Oregon.

CUSIP NUMBERS

It is anticipated that CUSIP numbers will be imprinted on the bonds; however neither the failure to print CUSIP numbers on any bonds nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser to accept delivery of and pay for the bonds. Cost of CUSIP registration shall be paid by the successful bidder; cost of CUSIP printing shall be paid by the issuer.

ADDITIONAL INFORMATION

The preliminary official statement for this issue may be obtained from Marshall & Meyer, Inc., 1705 Norton Building, Seattle, Washington 98104, telephone (206) 622-2405.

By Order of the
Recorder of the
City of Newberg, Oregon

XI A

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Larry Roberts/Ileana Daniel request for Vacation of Eastern half of the alley between Seventh and Eighth Streets and Chehalem and Willamette Streets.

I concur with the Planning Director's report that the vacation be approved subject to an easement over the entire portion of the alley way to be vacated for utility purposes.

Michael Warren
City Administrator

MW/bjm

Enc.

XI B

MEMORANDUM
24 February 1981

TO: Mike Warren, City Administrator

FROM: Clay W. Moorhead, Planning Director

RE: File No. VAC-2-81, A request by Larry Roberts/Ileana Daniel for a vacation of the eastern half of the alley way platted between 7th and 8th Streets and Chehalem and Willamette Streets.

The Planning Commission reviewed this matter at their regular February 17, 1981 hearing. The request is for a vacation of the eastern half of an alley way lying within a City block located between 7th and 8th Streets and Chehalem and Willamette Streets. The alley way at this location is currently not being used by any of the adjoining property owners. Proper notices and referrals were routed regarding this request and no objection was received with the exception that General Telephone Co. requests that the alley way remain subject to an easement for utility purposes. At the Planning Commission hearing a decision was made to recommend to the City Council that the vacation be approved subject to an easement over the entire portion of the alley way to be vacated for utility purposes.

ORDINANCE NO.

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

WHEREAS, a notice being given of a Public Hearing having held on Tuesday, February 17, 1981 by the Newberg Planning Commission and then again on Monday, March 2, 1981 by the Newberg City Council, to hear and consider any written objections or remonstrances to the aforesaid vacation; and

WHEREAS, the owners who abut the south side of the alley to be vacated have given their consent to this vacation, and there being no objections in writing from owners of property in the affected area of this vacation; and

WHEREAS, it has been determined that the alley way is currently used for utility purposes and thereby would require easements to continue these purposes; and

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

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

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

> That certain platted alley way, 12 feet in width running east-west between lots 1, 2, 3, 4 and lots 13, 14, 15, 16 of Block 46 of Edwards Addition Subdivision, said alley being the eastern half of the alley platted between 7th and 8th Streets and Chehalem and Willamette Streets.

BE, AND THE SAME IS VACATED.

Section 2. Nothing herein contained shall cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, and the right hereby is reserved for the owner of any such utility or thing to construct, maintain, continue, repair, reconstruct, replace, rebuild and/or enlarge any or all such things; that no building or structure of any kind shall be built within the lands subject to this vacation, and such lands shall remain subject to an easement for utility purposes.

Section 3. That the Recorder of the City of Newberg be and hereby is directed to file for recording with the Yamhill County Clerk and Ex-Officio Recorder of Conveyences of the County of Yamhill, State of Oregon, a certified copy of this ordinance and a plat of said street so vacated, and is further directed to file a copy and plat with the Surveyor and Assessor of said Yamhill County, Oregon respectively.

Section 4. That the title to the real property included within said alley way hereby vacated shall attach to the property abutting on said alley way, in accordance with the provisions of ORS 271.140.

PASSED by the Council of the City of Newberg this 2nd day of March, 1981, by the following votes:

AYES: NAYS: ABSENT:

Arvilla Page - City Recorder

APPROVED by the Mayor this 2nd day of March, 1981.

Elvern Hall - Mayor

XI B

MEMO

TO: City Council DATE: February 26, 1981

FROM: City Administrator

SUBJECT: Sidewalk Ordinance

The Ordinance Committee has approved the ordinance allowing for update of the sidewalk ordinance. Since the Committee has discussed this thoroughly and recommended for action, I presume they will answer any questions on this matter. It once again represents an improvement of future developments in the City of Newberg.

Michael Warren
City Administrator

MW/bjm

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: February 24, 1981

SUBJECT: Sidewalk Ordinance Amendments

Last year it was determined by the City Engineer and the Ordinance Committee that our sidewalk ordinance should be updated to conform to the ordinances of the City of Portland where Bob Sanders is originally from. He felt that in his experience it was best to have a sidewalk ordinance which allowed the City Engineer to not only order the repair of existing sidewalks but also to order the initial construction of sidewalks in areas of the City where they were needed. Our previous ordinance only allowed for the ordering of repairs where necessary and not new construction. As I understand it, there are a number of areas in the City which do need sidewalks for safety and other reasons. The amendments contained in this ordinance will allow the City Engineer, following the procedure set out in them, to require not only repairs but new construction of sidewalks where necessary.

This ordinance has been previously approved by the Ordinance Committee.

RDF:fj

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 929 PASSED AND APPROVED JULY 2, 1940, AS AMENDED RELATING TO SIDEWALKS IN THE CITY OF NEWBERG, OREGON TO UPDATE SAID ORDINANCE AND MODIFY IT TO ALLOW THE CITY ENGINEER TO REQUIRE THE PLACEMENT OF SIDEWALKS IN AREAS WHERE THERE IS NEED.

WHEREAS, City Engineer has recommended that Ordinance No. 929 be amended to extend his authority to require not only the repair of sidewalks within the City where needed but also to require the placement of new sidewalks where none currently exist where needed; and

WHEREAS, the Ordinance/Legislative Committee after due consideration has recommended that Ordinance No. 929 be amended to give the City Engineer the authority referenced above and also be amended to update certain provisions of the ordinance; and

WHEREAS, after due deliberation, the Council has determined that this measure would be in the best interests of the City of Newberg and it's citizens.

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

Section 1. That Section 21 of Ordinance No. 929 passed and approved July 2, 1940, as amended, shall be amended to read as follows:

> Section 21. Permits. Any person who may desire to construct or is required by the City Engineer to construct any sidewalk or curb upon public property in the City of Newberg shall, before commencing work thereon, apply to the City Engineer of said City for a permit therefor; and such application shall specify the property along which such walk or curb is to be laid, the name of the person for whom same is to be constructed, by whom the same is to be done, and the time within which same is to be completed.
>
> It is hereby made the duty of the City Engineer to issue permits and, upon the request of any person to whom a permit has been issued as herein provided and within a reasonable time thereafter, to set the grade and line stakes for the construction of the walk described in said permit, and to explain fully to such applicant the meaning and intent of such stakes. No person shall construct or cause to be constructed any walk or curb in the City of Newberg until such grade and line stakes have been set.

Section 2. Section 22 or Ordinance No. 929 passed and approved July 2, 1940, as amended, shall be amended to read as follows:

> Section 22. Records and Reports. The City Engineer shall keep a permanent record of all permits that are issued under and by virtue of this ordinance, and shall, once in each month, make a written report to the Council, which report shall contain all the information contained in said record.

Section 3. Section 23 of Ordinance No. 929 passed and approved July 2, 1940, as amended, shall be amended to read as follows:

Section 23. Construction and Maintenance Required. It is hereby made the duty of all owners of land adjoining any street within the City of Newberg, Oregon to construct when directed by the City Engineer, reconstruct and/or maintain in good repair sidewalks and/or curbs in front of, along or abutting upon such land.

Section 4. That Section 24 of Ordinance No. 929 passed and approved July 2, 1940, as amended, be amended to read as follows:

Section 24. Notice. If the owner of any such land adjoining any street in said City of Newberg shall fail to have and keep in good repair the sidewalk and/or curb in front of, along and abutting upon such land and/or where no sidewalk or curb exists and in the opinion of the City Engineer a sidewalk and/or curb or both is needed, the City Engineer of said City shall post a notice of such land describing the sidewalk to be constructed, repaired or reconstructed by termini or otherwise and directing such owner or his agent or the occupant of such land to immediately construct, reconstruct or repair such sidewalk in a good and substantial manner and in accordance with the provisions of this ordinance. Such notice shall describe such land by street number or otherwise shall state the date of posting same, shall require such owner, occupant or agent to complete such construction, reconstruction and/or repair within 90 days after such date of posting and shall state that a lien may be levied and assessed upon such land for the cost of the construction, reconstruction and/or repair of such sidewalk and that such owner, occupant or agent may be subjected to the penalties provided by this ordinance in the event of failure to so construct, reconstruct and/or repair said sidewalk within the time specified by said notice. Said notice shall also set forth the provisions of section 27 of this ordinance as amended. Said City Engineer shall file with the Recorder of City an affidavit of posting such notice stating the date and place of such posting and said Recorder shall upon receiving such affidavit of posting send a similar notice by mail to the owner of such land if known or to the agent of such owner if known, by mail to the owner of such land, if known, or to the agent of such owner, if known, directed to the last known post office address of such owner or agent or if no address is known, then such notice shall be mailed to Newberg, Oregon. A mistake in the name of the owner or agent or a name other than that of the true owner or agent of such property shall not render void such notice but in such case, the posted notice shall be sufficient.

Section 5. That Section 25 of Ordinance No. 929 passed and approved July 2, 1940, as amended, shall be amended to read as follows:

Section 25. Repair Permits and Enforcement. Before reconstructing and/or repairing any such sidewalks, such owner, agent or occupant shall obtain a permit from said City Engineer describing the nature and type of construction repair and/or reconstruction which is to be done, together with the materials and specifications therefor, and the name of the contractor who will do the work, all in accordance with the provisions of this ordinance. Said owner, agent or occupant shall proceed to complete such construction, repair and/or reconstruction in accordance with such permit in this ordinance within the said period of 90 days of posting such notice. If the owner, agent or occupant of such land shall fail, neglect or refuse to so complete such construction, repairs and/or reconstruction within said time, said City Engineer shall make and complete the same keeping an accurate record and account of cost of labor and materials for the work done on the sidewalk or sidewalks in front of or

abutting each parcel of land. Said City Engineer shall report to the Council of said City of Newberg the cost of such construction, repairs and/or reconstruction of segregated as to the sidewalk or portion thereof in front of, adjacent or abutting upon each separate lot or parcel of land. Said report shall also describe each lot or parcel of land in manner sufficient for identification.

Section 6. That Section 26 of Ordinance No. 929 passed and approved July 2, 1940, as amended, shall be amended to read as follows:

Section 26. Assessment. That Council of the City of Newberg, Oregon shall exercise general supervision and authority over all sidewalk construction, repairs and/or reconstruction within the said City and it shall inspect and examine all reports of sidewalk construction, reconstruction and/or repair made by said City Engineer and if it deems the cost thereof to be reasonable, it shall approve the same. Thereafter, said Council shall by ordinance, assess upon each of the lots, tracts or parcels of land fronting on or abutting or adjoining such sidewalk so constructed, repaired and/or reconstructed. The cost of such construction, repairs and/or reconstruction as approved by said Council, together with the additional sum of 10% of such cost to defray cost of notice, engineering and advertising. Such assessment shall be entered on the docket of the City liens and collected in the same manner as is provided for special assessments for street improvements. The provisions of this ordinance, relative to special assessment for sidewalk construction, repair and/or reconstruction shall constitute an alternative and additional method therefor, which may be used in lieu of the provisions of Ordinance No. 1348 of said City, passed and approved November 5, 1951, but which are not intended to replace said Ordinance No. 1348.

Section 7. That Section 29 of Ordinance No. 929 passed and approved July 2, 1940, as amended, shall be amended to read as follows:

Section 29.
(A) Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value at which is $5,000. or more except as the City Engineer may require on building permits of lesser value in accordance with Section 23, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:

PASSED by the Council this _____ day of _____, 1981 by the following votes:

Ayes: Nays: Absent:

_____
Arvilla Page - City Recorder

APPROVED by the Mayor this _____ day of _____, 1981.

_____
Elvern Hall - Mayor