

*****THIS MEETING WAS NOT VIDEOTAPED*****

MINUTES OF THE NEWBERG CITY COUNCIL

MONDAY, MARCH 18, 1996

7:00 P.M. MEETING

NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

The pledge of allegiance was performed.

II. ROLL CALL

Roger Currier (RC)

Alan Halstead (AH)

Deborah Sumner (DS)

F. Robert Weaver (RW)

T. Dan Wollam (TDW)

ABSENT: Donna McCain (DM)

Dave McMullen (DMc)

VACANT: 1 Position (Don Wright's)

CITY STAFF:

Duane R. Cole, City Manager (DRC)

Terrence D. Mahr, City Attorney (TDM)

Robert Tardiff, Police Chief

Scott Jones, Newberg Police Department

Peggy R. Hall, Assistant City Recorder

OTHERS

PRESENT: Mike Herring, Carl Liggett (Valeri Park)

III. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

1. Recognition of D.A.R.E Car Donors by the Newberg Police Department

Police Chief Robert Tardiff requested that the matter be postponed to another date when the sponsors could be present. Mayor Proctor stated that the matter would be postponed to the April 1, 1996 meeting.

IV. CONSENT CALENDAR

None.

V. PUBLIC HEARING

1. Public hearing regarding the sale of property known as Tract "A" of Valeri Park Subdivision. **Resolution No. 96-1960** providing for the notice, procedure, terms, minimum bid and other matters concerning the sale of real property owned by the City of Newberg, formally known as Tract "A", Valeri Park Subdivision, Newberg.

Mayor Proctor reviewed the public hearing process concerning the sale of surplus property. City Attorney TDM reviewed the background. The property is Tract "A" of the Valeri Park Subdivision which was acquired by the City through the subdivision process. The City has followed the state laws concerning surplus property. The public hearing was noticed in the Newberg Graphic. The City has an appraisal on the property in the amount of \$14,400. TDM noted that this is also the way Yamhill County sells surplus property. The property is not developable by itself. The property could not obtain a building permit to place a residential home on the property. TDM suggested that the Resolution be amended to include that if no acceptable bids are received at the time of the sale, that the City Manager be authorized to enter into negotiations with the adjacent property owner for the purchase/sale of the property. The negotiated amount would be submitted to the Council for final review and approval prior to the final sale. The sale is scheduled for April 17, 1996.

Mr. Mike Herring, realtor with ProWest Properties, 312 Sunset Drive, Newberg, Oregon, referred to the letter from Mr. Liggett dated March 15, 1996. Mr. Liggett would like to purchase the Tract "A" property that abuts his own property. Mr. Herring stated that the process started almost one year ago. He is aware of the process that it takes to sell City surplus property. Mr. Herring stated that he cannot agree or disagree with the appraiser, Larry Hindman, on the amount of the appraisal - \$14,400. The property is unique in itself. Mr. Liggett is not trying to get something for nothing. He has not disagreements with the cost per sq. ft. as the appraisal reads. Mr. Liggett understands that when the tract came into existence, the developer was required to give it to the City (Richard Brown was the developer). It was part of the application/approval process to develop Valeri Park to give the Tract to the City. There was also a requirement by the City to install three sewer and water hookups in exchange for giving the property to the City. The developer was reimbursed for \$2595.00 for providing the three connections. Mr. Liggett does not disagree with that and it is valuable to have the connections. Mr. Liggett does not have any desire to develop the property at this time. He has no problem paying the \$2595.00 cost for the value of the hookups. There is no advantage for the City to own this piece of property. The City is not in the business to be active in real estate. Mr. Liggett did not attend any public hearings concerning the development of Valeri Park even though it was being developed adjacent to his property.

Mr. Herring stated that the property would be placed back on the tax rolls and Mr. Liggett would have to pay the property taxes. It does not seem fair to have the developer or Mr. Liggett pay twice for the improvements. Mr. Liggett's offer of intent of \$4474.00 (cash) stands. This amount would more than cover the City's expenses incurred (costs of sale, closing, escrow, publication, appraisal fees and recording fees). Mr. Liggett does not intend to bid on the property at the April 17th sale.

Discussion was held concerning the value of other City lots. Mr. Herring stated that the average lots are around \$30-32,000. Discussion was also held concerning putting a park on the property and whether or not it would be sufficient space for a park. Mr. Herring stated that Mr. Liggett is not ready to sell his property. He has lived in that area for 25 years.

Discussion was held concerning various alternatives concerning the property: City keeping the property and reselling it at a later time; Mr. Liggett purchasing the property, but upon resale of Mr. Liggett's entire parcel, including Tract "A", the City would receive a pro-rated share; or an amendment to the Resolution providing that if an acceptable bid is not received, the sale can be held at another time in the anticipation that the City could receive its requested acceptable bid.

MOTION: AH/TDW moved to close the public hearing. ((5 Yes/2 Absent(DMc/DM)/1 Vacant). Motion carried.

MOTION: AH/DS to adopt **Resolution No. 96-1960** as amended by TDM. If no acceptable bids are received at the time of sale, the City Manager is authorized to enter into negotiations with the adjacent property owner (Liggett) for the prospective sale of the property, upon final review of the terms and conditions by the City Council. (5 yes/2 Absent (DMc/DM)/1 Vacant(DW). Motion carried.

VI. CONTINUED BUSINESS

None.

VII. NEW BUSINESS

1. Review the City Charter.

Postponed to the April 1, 1996 City Council meeting.

IX.. COMMUNICATIONS FROM THE FLOOR

Mayor Proctor announced that there is compost available to citizens (free). One truck load per family. A date will be set for the compost to be available at the Waste Water Treatment Facility on Wynooski from 8:00 a.m. - 11:00 a.m. on a Saturday. Mr. Greg Scoles indicated that he does not think that there may be enough compost available for everyone. Limits may have to be placed. Discussion was held concerning the date, time and location.

MOTION: AH/RW to make compost available to citizens on a first come, first serve basis, (excluding elected officials and City staff, with donations accepted to be donated to the disaster relief.

Councilor TDW stated that Red Cross pulled out of some areas. Councilor AH stated that Red Cross was not listed, but the disaster relief agency was noted (neutral agencies).

Councilor RW called for the question.

ROLL CALL ON MOTION: (5 yes/2 Absent (DMc/DM)/1 Vacant (DW). Motion carried.

Discussion was held concerning the City being in compliance with State laws, including the Oregon Revised Statutes (ORS) and the Oregon Administrative Rules (OAR). Councilor RW stated that he received a packet of information from City staff (Terry Mahr) concerning the bidding process. Councilor RW thanked TDM for furnishing the information to him. The City should be in the process of publishing the notice of the bidding process for the visitor center. The Chamber does a good job, that is not the point, everyone should have a fair shake. Under State laws, the matter should be put up for bid.

MOTION: RW/DS to publish in the local newspapers that the City has funds available to fund a visitor center and that the City will be accepting bids (deadlines to file, etc.).

Councilor AH asked for clarification on the requirements. Is the City going to give a list of criteria that applicants must follow? Councilor RW noted that in the past, the City has actually stated what they want to have for the visitor information center. If the applicant receives \$23,000, they should follow the criteria set out by the City.

Discussion was held concerning Council members bringing forward information or requests without prior discussion, approval or notice given to the other Council members.

Councilor RC called for the question.

ROLL CALL ON MOTION: (5 YES/2 ABSENT(DMc/DM)/1 Vacant (DW). Motion carried.

Discussion was also held concerning the bid packet and related criteria for the applicants. DRC stated that the City Manager will provide the process, direction and criteria for the Council's review. Councilor AH questioned whether it would be a request for proposal (RFP) or bid process. It was discussed that a minimum standard would be requested, but the rest would be left open to the applicant to be creative. DRC and TDM noted that they would come back with the procedure and publication/advertising process. The City does not have to take the lowest bid providing they follow criteria that must be done.

Councilor RC stated that when you go to the landfill/transfer station with garbage and the garbage is not in plastic sealed bags, you are charged \$5 per untarped load. Discussion was held concerning the accuracy of the transfer station being able to charge such amounts. TDM stated that the County sets the rates and load requirements. Chief Tardiff noted that Marion County has similar rules.

MOTION: AH/RC to adjourn at 7:55 p.m. (5 yes/2 Absent(DMc/DM). Motion carried.

IX. EXECUTIVE SESSION

None.

ADOPTED by the Newberg City Council this 6th day of May, 1996.


Duane R. Cole, City Recorder

ATTEST by the Mayor this 6th day of May, 1996.


Donna Proctor, Mayor