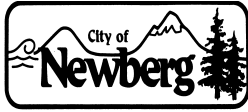


***TABLED AT THE JANUARY 7, 2008, CC MTG. TO AN
UNSPECIFIED DATE (AT LEAST 6 MONTHS)***

DENIED AT THE DECEMBER 15, 2008, CC MTG.



ORDINANCE No. 2008-2686

**AN ORDINANCE CREATING THE COLUMBIA DRIVE LOCAL
IMPROVEMENT DISTRICT GROUP A**

RECITALS:

1. On August 7, 2006, Council Resolution No. 2006-2668 was passed directing the City Engineer to prepare a report for the LID to improve the street frontage along Columbia Drive from Main Street to College Street and the frontage along the west side of College Street from Columbia Drive to Pinehurst Drive.
2. On December 3, 2007, City Council accepted the Columbia Drive Engineering Report and divided the LID into three separate LIDs (Exhibit A). Group A includes the residential developed lots on the south side and west end of Columbia Drive. Group B includes the undeveloped lots on the east end of Columbia Drive. These property owners petitioned to have the LID enacted. Group C includes the remaining properties along College Street.
3. At their December 3, 2007 meeting, City Council set a public hearing for January 7, 2008, at 7:00 p.m. at the Newberg Public Safety Building, to receive and consider objections to the LID and to the initial assessments, which are based on the estimated costs of the improvement (Exhibit B). Notice of this public hearing was provided to each benefited property owner.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Columbia Drive LID Group A is hereby created with the boundaries shown in Exhibit A.
2. The initial assessments shall be entered into the City lien docket and recorded on Yamhill County Deed Records.
3. The City Engineer is directed to prepare plans and solicit bids in accordance with ORS 279.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: February 7, 2008.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of January 2008, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of January 2008.

Bob Andrews, Mayor

****EXCERPT OF MINUTES****

CITY OF NEWBERG COUNCIL MINUTES JANUARY 7, 2008 7:00 P.M. MEETING PUBLIC SAFETY BUILDING - TRAINING ROOM

VIII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2008-2686** enacting the Columbia Drive Local Improvement District Group A.

TIME – 7:15 PM

Mr. Dan Danicic, Public Works Director, presented the staff report with assistance from **Mr. Jason Wuertz, Staff Engineer** (please see official record for full report).

Mayor Andrews pointed out language corrections concerning Group A being on the south side and west end of Columbia Drive. He also discussed cost mitigation differences between all three groups Local Improvement Districts (LID) being approved versus only one or two.

Councilor Jeff Palmer asked staff if the total of \$258,000 was the appropriate number to divide by when determining property owners' portions of the total costs. Staff concurred.

Discussion followed concerning what the actual benefits were to the residents for Local Improvement District (LID) projects.

Mayor Andrews called for any biases, conflicts of interest, ex-parte contact, or abstentions; none stated.

Councilor Palmer asked staff to define the term "heavily traveled" used within the assessment. Staff replied there is no numerical value associated with the term, but it is used because it is characterized as a major collector within the transportation plan.

Councilor Marc Shelton asked for a time frame of completion for the intersection at Main Street and if it will take care of the two properties at the end of Columbia Drive. Staff replied no time frame has been established yet on the Main Street LID. The properties on the end would be included in the Main Street LID and the intention was to be inclusive, so the owners were not hit with two separate LID projects.

Councilor Bart Rierson asked if there was a program for homeowners who can not pay for the improvements.

Mr. Terrence Mahr, City Attorney, explained there were no programs available for an LID.

Public testimony opened.

Proponents:

Mr. Bill Elder, representative for the Trustees of Trinity Church, expressed the church's intentions and advised not waiting until a later date because the costs will be even higher.

Opponents:

Mr. Jeff Citta distributed a petition to the City Council from residents opposing the LID (see official record for petition).

MOTION: Palmer/Rierson to accept the letters into the public record. (Unanimous) Motion carried.

Mr. Citta stated 73% of the residents were in opposition, which is greater than 60% required. He also stated homeowners would not be opposed to the improvements if they were City funded and the burden was not placed on the homeowners; he suggested using SDC funds.

Councilor Rierson stated he did not believe the City could use money from the SDC fund because that is for capital improvement projects; state funds are not available either, so this would have to come from an already tight general fund budget.

Public testimony closed.

Mr. Mahr calculated the objections and even discounting the remonstrances there is still 65% of owners in opposition and City Code prevents Council from proceeding with the LID for six months unless they can declare it an emergency.

MOTION: Currier/Palmer to table **Ordinance No. 2008-2686** enacting the Columbia Drive Local Improvement District Group A until there is more interest, no sooner than six months according to City Ordinance.

VOTE: To table **Ordinance No. 2008-2686.** (Unanimous) Motion carried.