



**CITY COUNCIL AGENDA  
NOVEMBER 5, 2012  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

**Mission Statement**

*The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.*

**Vision Statement**

*Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.*

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. CITY MANAGER'S REPORT**

**V. PUBLIC COMMENTS**

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

**VI. CONSENT CALENDAR**

Consider a motion approving the September 17, 2012, City Council meeting minutes. (Pgs. 3-6)

**VII. NEW BUSINESS**

1. Consider a motion adopting **Resolution 2012-3019** authorizing the city manager to issue a task order in the amount of \$321,964.00 to the existing CM/GC contract with M.A. Mortenson Company for pre-construction services related to the design of the WWTP Headworks, Influent Pump Station, and Dewatering System. (Pgs. 7-14)
2. Consider a motion adopting **Resolution 2012-3020** approving the formation of the College Street Local Improvement District. (Pgs. 15-52)

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

## VIII. COUNCIL BUSINESS

Discussion of the City's role in economic development. (Pgs. 53-66)

## IX. EXECUTIVE SESSION

Executive Session pursuant to [ORS 192.660\(2\)\(d\)](#) relating to labor negotiations and [ORS 192.660\(2\)\(f\)](#) to consider information or records that are exempt by law from public inspection.

## X. ADJOURNMENT

*ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.*

**Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 4:30 p.m. on the preceding Wednesday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.**

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 5, 2012

Order \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion XX Information \_\_\_  
No. No. No.

SUBJECT: Approve the September 17, 2012, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder  
Dept.: Administration

## RECOMMENDATION:

Approve City Council minutes for preservation and permanent retention in the City's historical records.

## EXECUTIVE SUMMARY:

The City of Newberg City Council held a public meeting and minutes were recorded in text. In accordance to Oregon State Records Management law, the City of Newberg must preserve these minutes in hard copy form for permanent retention.

## FISCAL IMPACT:

None.

## STRATEGIC ASSESSMENT:

None.

**CITY COUNCIL MINUTES  
SEPTEMBER 17, 2012  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. Due to extenuating circumstances the scheduled work session discussion did not occur; rather, department heads provided department updates. All Councilors and the Mayor were present; no action was taken and no decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Members Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Leah Griffith, Library Director	Norma Alley, City Recorder
		Nicole Tannler, Minutes Recorder

Others Present: Terry Tesmer, Mike Ragsdale, Chris Irwin, and Terry Emery

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, reported City Hall day is Thursday, September 20, 2012 and the new sports field at Newberg High school will be dedicated Friday, September 21, 2012. Habitat for Humanity is holding their Elected Officials day on Saturday, September 22, 2012, to help install partition walls and other items at the animal shelter. The Second Street Church building is removing their front façade to go back to its original look.

**V. PUBLIC COMMENTS**

Mayor Andrews opened and closed the public testimony as no one signed up to testify.

**VI. CONSENT CALENDAR**

1. Consider a motion adopting **Resolution No. 2012-3017** authorizing the city manager to amend the Professional Services Agreement with Kennedy/Jenks Consultants to provide design services for the Newberg Water Reservoir Seismic and Hydraulic Improvements Project.
2. Consider a motion allowing beer to be served and consumed at the Carnegie Court during the Newberg Early Birds Rotary Oktoberfest held on September 28 & 29, 2012.

Item VI.2 was pulled from consent calendar to be discussed under New Business.

3. Consider a motion approving the August 20, 2012, City Council meeting minutes.

TIME – 7:03PM

**MOTION: Witherspoon/Rierson** adopting **Resolution No. 2012-3017** authorizing the city manager to amend the Professional Services Agreement with Kennedy/Jenks Consultants to provide design services for the Newberg Water Reservoir Seismic and Hydraulic Improvements Project and the August 20, 2012, City Council meeting minutes. Motion carried (7 Yes/0 No).

## VII. NEW BUSINESS

Consider a motion allowing beer to be served and consumed at the Carnegie Court during the Newberg Early Birds Rotary Oktoberfest held on September 28 & 29, 2012.

TIME – 7:05PM

Leah Griffith, Library Director presented the staff report (see official meeting packet for full report).

Councilor Rierson asked if the OLCC has regulations to separate alcohol from non-alcohol areas. Ms. Griffith stated the renter or user will have a plan for the separation of the spaces, which Mr. Tom Tesmer will present.

Mayor Andrews stated they are asking for this provision to have beer served in addition to wine on September 28-29, 2012 only. Ms. Griffith responded yes.

Mr. Tom Tesmer, Newberg Rotary Club Oktoberfest Chair, testified on security and event layout (see official meeting packet for handouts). He stated the fence runs along Sheridan Street and the library annex and closes off at Sheridan again with an entrance at each end. The committee is not asking for alcohol to be served and consumed in the bocce ball area. There will be five stations for pouring beer on the Cultural Center property.

Mayor Andrews asked where specifically on the handout the beer garden was going to be placed. Mr. Tesmer stated it is inside the red dotted line and wine distribution will be in the same area.

Councilor Shelton asked how many people the committee anticipates attending. Mr. Tesmer answered approximately 600-800 on Friday and 1,000–1,200 on Saturday. Councilor Shelton asked if there are any other comparable numbers from similar events. Ms. Griffith stated seven years ago the Harvest Festival had 500-900 people the first year, and approximately 1,000 the final year. The Public Works Day put on by the library every year generates approximately 500-600 people.

Councilor McKinney asked what the plan is for security. Mr. Mike Ragsdale, Newberg Downtown Coalition Director, answered they have obtained a block permit, which requires a reserve officer to be present if there is over a certain number of people. Mr. Chris Irwin, Oktoberfest Committee Member, testified he is in charge of filling out the OLCC permit, which requires alcohol monitors and for every 2,000 people they require two reserve officers. There will also be a lot of volunteers checking IDs.

**MOTION: Rierson/Bacon** allowing beer to be served and consumed at the Carnegie Court during the Newberg Early Birds Rotary Oktoberfest held on September 28 & 29, 2012. Motion carried (7 Yes/0 No).

## VIII. COUNCIL BUSINESS

TIME – 7:34PM

Mr. Daniel Danicic, City Manager, discussed the history of the City accepting payments-in-lieu. A developer is subdividing some property on Mountainview Drive and would have to do frontage improvements on the property. Staff recognizes it is not the appropriate time to do this improvement and the builder is asking for

some mitigation on the required payment-in-lieu amount. Instead of the 120% engineer's estimate, the builder would like to give just the cost of the improvement. Mr. Danicic asked is there any interest in adjusting this particular policy this one time or a more permanent remediation.

Councilor Shelton inquired if it would be for the current improvement, which would obviously cost more in the future. Since we know it is going to exceed 100% is it acceptable to ask for 110% instead. Mr. Danicic stated it is difficult because Mountainview Drive is a major arterial and eligible for System Development Charges (SDC) reimbursement, which enables some of the cost to be offset.

Councilor Rierson stated he likes the way the payment-in-lieu program is now, but might like to consider an exception because it is a major arterial upgrade with use of SDC funds.

Mr. Terry Mahr, City Attorney, recommended the Council not decide a policy tonight; rather, delegate the authority to the city manager to decide, who will then come back to Council with his decision. He suggested these kinds of situations be given to the city manager's discretion in the future.

Councilor Howard stated he would be amiable to making an exception in this case, striking the overages and underages, and would like to look over the policy in the future.

Discussion commenced on the specifics of the motion and actions Council and staff would be taking on this request.

**MOTION: Shelton/Howard** acknowledging Resolution No. 2001-2329 sets out a procedure for payment-in-lieu for installing public improvement and accepting:

1. A developer has requested waiver of one of the conditions that provide for recovery of cost in case of overages/underages in 2.g. of the aforesaid resolution.
2. The amount posted by the developer is 110% of the estimated actual cost of construction.
3. The city manager is given the authority to waive the conditions of 2.g. in this particular case (the request from Mart Storm) if he deems it appropriate.
4. The city manager has the authority to require an additional amount above 110% if he deems it necessary to protect the city's risk.
5. The city manager shall report his decision to the City Council and make any appropriate recommendations for changes in the procedure. Motion carried (7 Yes/0 No).

Councilor McKinney requested a work session be held to discuss garage sale signs. Discussion commenced on the types of items to be discussed during the work session.

## **IX. ADJOURNMENT**

The meeting adjourned at 8:25PM.

**ADOPTED** by the Newberg City Council this 5<sup>th</sup> day of November, 2012.

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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 8<sup>th</sup> day of November, 2012.

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Bob Andrews, Mayor

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 5, 2012

Order \_\_\_      Ordinance \_\_\_      Resolution XX      Motion \_\_\_      Information \_\_\_  
No.                      No.                      No. 2012-3019

**SUBJECT: A resolution authorizing the City Manager to issue a task order in the amount of \$321,964.00 to the existing CM/GC contract with M.A. Mortenson Company for pre-construction services related to design of the WWTP Headworks, Influent Pump Station, and Dewatering System.**

Contact Person (Preparer) for this Motion: Jason Wuertz, Project Manager  
Jay Harris, City Engineer  
  
Dept.: Public Works Department - Engineering  
  
File No.:

## RECOMMENDATION:

Adopt Resolution No. 2012-3019 authorizing the City Manager to issue a task order in the amount of \$321,964.00 to the existing CM/GC contract with M.A. Mortenson Company for pre-construction services related to design of the WWTP Headworks, Influent Pump Station, and Dewatering System.

## EXECUTIVE SUMMARY:

The City of Newberg awarded a Construction Manager/General Contractor (CM/GC) contract to M.A. Mortenson Company for the pre-construction and construction services for the Wastewater Treatment Plant (WWTP) Repair, Renovation, and Expansion (RRE) Project. City Council authorized that contract by Resolution No. 2009-2876 on December 7, 2009.

The first phase of the project (Clarifier and Urgent Repairs) is currently under construction and is scheduled to be completed by June, 2013. Design efforts for the next major phase of construction are beginning, which will include the Headworks, Influent Pump Station, and Dewatering System at the WWTP. As part of the design, M.A. Mortenson Company will be providing pre-construction services. Those services, shown in Exhibit "A", include assisting and evaluating the on-going effort to ensure economical decisions related to materials and methods are integrated into the design to result in the lowest possible Guaranteed Maximum Price (GMP) Proposal at the end of the design process. City staff has negotiated the cost for these pre-construction services to be in the amount of \$321,964.00.

The City Engineer recommends the City Council authorize the City Manager to issue a task order in the amount of \$321,964.00 to the existing CM/GC contract with M.A. Mortenson Company for pre-construction services related to design of the Headworks, Influent Pump Station, and Dewatering System at the WWTP.

## FISCAL IMPACT:

This project is included in the Fiscal Year 2012-2013 budget under account number 36.5150.706400 and funds are available through the original \$11.4 million Clean Water State Revolving Fund loan through the Oregon Department of Environmental Quality (DEQ). City Council accepted this loan in February, 2011, by Resolution No. 2011-2926. The project expense sheet as it relates to loan funding is attached as Exhibit "B".

## STRATEGIC ASSESSMENT:

This project will ensure that Newberg has a cost effective and well designed Headworks, Influent Pump Station, and Dewatering System as part of the WWTP RRE Project.



## RESOLUTION No. 2012-3019

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**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A TASK ORDER IN THE AMOUNT OF \$321,964.00 TO THE EXISTING CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACT WITH M.A. MORTENSON COMPANY FOR THE PRE-CONSTRUCTION SERVICES RELATED TO DESIGN OF THE WASTEWATER TREATMENT PLANT HEADWORKS, INFLUENT PUMP STATION, AND DEWATERING SYSTEM**

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### RECITALS:

1. The City of Newberg awarded a Construction Manager/General Contractor (CM/GC) contract to M.A. Mortenson Company for the preconstruction and construction services for the Wastewater Treatment Plant (WWTP) Repair, Renovation, and Expansion (RRE) Project. City Council authorized that contract by Resolution No. 2009-2876 on December 7, 2009.
2. Resolution No. 2011-2941 authorized M.A. Mortenson Company to provide pre-construction services for the design of the fourth secondary clarifier, the first major phase of the WWTP RRE Project. That project is currently under construction, as authorized by Resolution No. 2012-3006.
3. Design effort is now beginning for the next phase which is the Headworks, Influent Pump Station and Dewatering System at the WWTP. As part of that effort, M.A. Mortenson Company will be providing pre-construction services, as detailed in Exhibit "A", which is hereby attached and by this reference incorporated.
4. City staff has negotiated the cost of these pre-construction services to be \$321,964.00.

### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council hereby authorizes the City Manager to issue a task order (a.k.a. amendment) as part of the existing CM/GC services contract with M.A. Mortenson Company in the amount of \$321,964.00 for work outlined in Exhibit "A" and per the project expense sheet shown in Exhibit "B", which are both hereby adopted and by this reference incorporated.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: November 6, 2012.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 5<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 8<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
Bob Andrews, Mayor

**CITY OF NEWBERG**  
 NEWBERG WWTP IMPROVEMENTS  
 Headworks, IPS & Dewatering



September 17, 2012

Preconstruction Phase Services in support of the Newberg WWTP Improvements:

- Participate in a design Value Engineering in conjunction with a third party hired by the City.
- Provide constructability recommendations to the Owner and Engineer.
- Schedule and attend meetings with the Engineer and Owner. Minutes by others.
- Review and provide input to in-progress design documents or on as need basis.
- Prepare and periodically update a Project Schedule.
- provide cost and budget information to facilitate design and scope decisions that add value to the project.
- Prepare a GMP estimate.
- Develop subcontractor and supplier interest in the project.
- Provide input to the Owner and Engineer regarding the current construction market.
- Oversee the bidding process.

**This proposal assumes the following:**

- Rates are to be billed at rates as shown herein.
- The schedule is based on the attached schedule for Preconstruction.
- No additional time is added for DEQ or other agency reviews, other than shown.
- No additional federal funding requirements other than those included within the current agreement.
- Only one 60% estimate and one GMP estimate is included. IPS, Headworks and dewatering will be estimated at the same time for each estimate.

RESPONSIBILITY	HOURS	RATE	EXTENSION
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<b>Task 1: PROJECT SET-UP</b>			
<b><u>Task 1.1 Construction Plan (safety, quality, disruption avoidance plans, startup/commx, site logistics and document management)</u></b>			
Construction Executive	8	\$ 144	\$ 1,152
Sr. Project Manager	16	\$ 115	\$ 1,840
Project Manager	40	\$ 115	\$ 4,600
Project Engineer	60	\$ 80	\$ 4,800
Superintendent	40	\$ 101	\$ 4,040
Safety Mgr	4	\$ 101	\$ 404
Quality Mgr	4	\$ 101	\$ 404
MEP Systems Engineer	8	\$ 100	\$ 800
Subtotal	180		\$ 18,040
<b>Includes early procurement of dewatering equipment</b>			
<b><u>Task 1.2 Construction Contract Packaging</u></b>			
Sr. Project Manager	55	\$ 140	\$ 7,700
Project Manager	120	\$ 112	\$ 13,440
Superintendent	16	\$ 98	\$ 1,568
MEP Systems Engineer	16	\$ 97	\$ 1,552
Subtotal	207		\$ 24,260
<b>Subtotal Task 1 Project Set-Up</b>		<b>387</b>	<b>\$ 42,300</b>

**EXHIBIT "A" TO  
RESOLUTION NO. 2012-3019**

<b>Task 2: MEETINGS</b>			
<b>2.1 Project Kick-off /Partnering Meeting (NA)</b>			
Construction Executive	4	\$ 144	\$ 576
Sr. Project Manager	4	\$ 115	\$ 460
Project Manager	4	\$ 115	\$ 460
Superintendent	0	\$ 101	\$ -
Sr. Estimator	4	\$ 111	\$ 444
			\$ -
Subtotal	16		\$ 1,940
<b>2.2 Regular Meetings - Owner / Design Team (NA)</b>			
	<b>Assume Weekly (15 months)</b>		
Construction Executive	16	\$ 144	\$ 2,304
Sr. Project Manager (2hrs ea mtg @ 50% of mtgs)	65	\$ 115	\$ 7,469
Project Manager (4 hrs/wk)	260	\$ 115	\$ 29,877
Superintendent	16	\$ 101	\$ 1,616
Sr. Estimator (8 hrs/mo for pricing support)	120	\$ 111	\$ 13,320
			\$ -
Subtotal	477		\$ 54,586
<b>2.3 Design VE Process Meetings</b>			
	<b>Three Days meeting</b>		
Construction Executive	24	\$ 144	\$ 3,456
Sr. Project Manager	24	\$ 115	\$ 2,760
Project Manager (Mtg + 16 hrs for support)	40	\$ 115	\$ 4,600
Sr. Estimator (mtg + 16 hrs pricing support)	40	\$ 111	\$ 4,440
			\$ -
Subtotal	128		\$ 15,256
<b>2.4 - Design Workshops with Ops Staff</b>			
	<b>4 hrs each (two at 60% design and one at 90%)</b>		
Sr. Project Manager	12	\$ 115	\$ 1,380
Project Manager	12	\$ 115	\$ 1,380
Superintendent (at 90% design only)	12	\$ 101	\$ 1,212
Sr. Estimator	12	\$ 111	\$ 1,332
			\$ -
Subtotal	48		\$ 5,304
<b>Subtotal Task 2 Meetings</b>		<b>669</b>	<b>\$ 77,086</b>

<b>Task 3 COST ESTIMATING</b>			
<b>3.1 - 30% Design Estimate (with VE Meetings)</b>			
<b>3.2 - 60% Design Estimate</b>			
Construction Executive	8	\$ 144	\$ 1,152
Sr. Project Manager	16	\$ 115	\$ 1,840
Project Manager	32	\$ 115	\$ 3,680
Superintendent	24	\$ 101	\$ 2,424
Chief Estimator	12	\$ 149	\$ 1,788
Sr. Estimator	40	\$ 111	\$ 4,440
Estimator	100	\$ 59	\$ 5,900
MEP Systems Engineer	24	\$ 100	\$ 2,400
Support Staff	8	\$ 37	\$ 296
			\$ -
Subtotal	264		\$ 23,920
<b>3.3 Cost Management Log Updates (real time estimating)</b>			
Project Manager (1 hr/wk)	65	\$ 115	\$ 7,469
Sr. Estimator (2 hr/wk)	130	\$ 111	\$ 14,419
MEP Systems Engineer	30	\$ 100	\$ 3,000
			\$ -
Subtotal	225		\$ 24,888

**EXHIBIT "A" TO  
RESOLUTION NO. 2012-3019**

<b>3.4 GMP Estimate (on 90% documents)</b>				
Construction Executive	8	\$	144	\$ 1,152
Sr. Project Manager	24	\$	115	\$ 2,760
Project Manager	40	\$	115	\$ 4,600
Superintendent	24	\$	101	\$ 2,424
Chief Estimator	8	\$	149	\$ 1,192
Sr. Estimator	60	\$	111	\$ 6,660
Estimator	80	\$	59	\$ 4,720
MEP Systems Engineer	24	\$	100	\$ 2,400
Support Staff	4	\$	37	\$ 148
Subtotal	272			\$ 26,056
<b>3.5 GMP Negotiation</b>		<b>NO CHARGE</b>		
<b>3.6 100% Design Document Reconciliation</b>				
Sr. Project Manager	8	\$	115	\$ 920
Project Manager	24	\$	115	\$ 2,760
Superintendent	8	\$	101	\$ 808
Sr. Estimator	24	\$	111	\$ 2,664
MEP Systems Engineer	12	\$	100	\$ 1,200
Subtotal	76			\$ 8,352
<b>Subtotal GMP Estimate</b>				
<b>Subtotal Task 3 Estimates</b>		<b>837</b>	<b>\$</b>	<b>83,216</b>

<b>Task 4: CONSTRUCTION SCHEDULES</b>				
<b>4.1 Construction Baseline Schedule</b>				
Project Manager	4	\$	115	\$ 460
Superintendent	16	\$	101	\$ 1,616
Scheduler	40	\$	98	\$ 3,920
Subtotal	60			\$ 5,996
<b>4.2 Update Precon Schedule (assume monthly)</b>				
Project Manager	14	\$	115	\$ 1,610
Superintendent	0	\$	101	\$ -
Scheduler	14	\$	98	\$ 1,372
Subtotal	28			\$ 2,982
<b>4.3 Construction GMP Schedule</b>				
Project Manager	16	\$	115	\$ 1,840
Superintendent	24	\$	101	\$ 2,424
Scheduler	40	\$	98	\$ 3,920
Subtotal	80			\$ 8,184
<b>Subtotal Task 4 Construction Schedules</b>		<b>168</b>	<b>\$</b>	<b>17,162</b>

<b>Task 5.2: MISCELLANEOUS</b>				
<b>5.1 BIM &amp; VDC - Precon Phase only (NA)</b>				
Project Manager	8	\$	115	\$ 920
Superintendent	24	\$	101	\$ 2,424
Integrated Construction Coordinator (Allowance)	80	\$	98	\$ 7,840
Subtotal	112			\$ 11,184

EXHIBIT "A" TO  
RESOLUTION NO. 2012-3019

<b>5.2 Permit Coordination (Construction Permits)</b>			
Project Manager	24	\$ 115	\$ 2,760
Superintendent	16	\$ 101	\$ 1,616
Subtotal	40		\$ 4,376
<b>5.3 Constructability Reviews (Allowance)</b>			
Project Manager	40	\$ 115	\$ 4,600
Superintendent	40	\$ 101	\$ 4,040
Subtotal	80		\$ 8,640
<b>Subtotal Task 5 Subject Specific Review Meetings</b>			
	232		\$ 24,200
Misc Materials/Expenses for the Above			\$ 18,000
Allowance for Additional Services			\$ 40,000
Allowance for Field Explorations			\$ 20,000
<b>Subtotal Additional Services Allowance</b>			
			\$ 78,000
<b>DIRECT COST - PRE-CONSTRUCTION</b>			
	2293		\$ 321,964
<b>GRAND TOTAL PRE-CONSTRUCTION</b>			
			\$ 321,964

**WWTP Project Cash Flow (October 2012)**

Project	Value	October Q4 - 2012	January Q1 - 2013	April Q2 - 2013	July Q3 - 2013	October Q4 - 2013	January Q1 - 2014	April Q2 - 2014	July Q3 - 2014	October Q4 - 2014
<b>Headworks &amp; Influent Pump Station &amp; Dewatering</b>	<b>\$ 20,130,587</b>									
Design HDR	\$ 1,816,000	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200				
CM/GC Design Services	\$ 321,964	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393				
Construction	\$ 16,566,824					\$ 3,313,365	\$ 3,313,365	\$ 3,313,365	\$ 3,313,365	\$ 3,313,365
City Contingency	\$ 845,000					\$ 169,000	\$ 169,000	\$ 169,000	\$ 169,000	\$ 169,000
City Cost	\$ 580,799				\$ 290,400	\$ 290,400				
<b>Quarterly Total:</b>		<b>\$ 427,593</b>	<b>\$ 427,593</b>	<b>\$ 427,593</b>	<b>\$ 717,992</b>	<b>\$ 4,200,357</b>	<b>\$ 3,482,365</b>	<b>\$ 3,482,365</b>	<b>\$ 3,482,365</b>	<b>\$ 3,482,365</b>
<b>Encumbered To Date (see below):</b>		<b>\$ 5,755,548</b>								
<b>Total Loan Expended:</b>		<b>\$ 6,183,141</b>	<b>\$ 6,610,734</b>	<b>\$ 7,038,326</b>	<b>\$ 7,756,319</b>	<b>\$ 11,956,676</b>	<b>\$ 15,439,041</b>	<b>\$ 18,921,405</b>	<b>\$ 22,403,770</b>	<b>\$ 25,886,135</b>
		LOAN 1 (11.4M)		LOAN 2 (14.5M)						

Encumbered To Date	Loan Value
4th Clarifier Construction	1 \$ 11,410,000 Resolution #2011-2926 - Approved 2/7/11
Design Clarifier	2 \$ 14,484,000 Resolution #2012-3012 - Approved 6/18/12
Design Urgent Repairs	<b>\$ 25,894,000</b>
Precon TO 4B 4C	
Mort Change Order	
Const Urgent Repairs	
PDR Design	
PDR CMGC	

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 5, 2012

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2012-3020	Motion ___	Information ___
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**SUBJECT: Consider the formation of the College Street Local Improvement District and direct staff to prepare an engineer's report.**

Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer  
Dept.: Public Works Department - Engineering  
File No.:

## RECOMMENDATION:

Adopt Resolution No. 2012-3020, considering the formation of the College Street Local Improvement District and directing staff to prepare an engineer's report.

## EXECUTIVE SUMMARY:

The City entered into an intergovernmental agreement (IGA) with the Oregon Department of Transportation (ODOT) to complete the N. College Street Improvement Project in 2011. The IGA provides over \$800,000.00 in Transportation Enhancement (TE) funding through an ODOT grant for right-of-way acquisition, survey, design, and construction of curb and gutter, sidewalk, and storm drain on the west side of N. College Street (also known as Highway 219), and bicycle lanes on both sides, from Vermillion Street to Aldercrest Drive.

As part of the IGA requirements, the City agreed to provide a grant match and complete a portion of the improvements near the Vermillion/College Street intersection at the railroad crossing. Those intersection improvements were completed in June, 2012. The City's budget for the remaining construction project is estimated at \$194,197.00 to cover the grant match and internal project administration.

On June 4, 2012, the City Council directed engineering division staff to prepare an informational report for a potential College Street Local Improvement District (LID) to recoup all or a portion of the City's costs for the project. The informational report attached as Exhibit "A" summarizes the LID process, provides a complete description of the planned improvements, explains the significance of the existing waivers of remonstrance agreements, and provides methodologies for three potential LID scenarios. City Council approval of the formation of the LID is required before staff can proceed.

## FISCAL IMPACT:

Although the bulk of this improvement project is being paid by grant funds, the City will contribute approximately \$194,197.00 to the project. Part of the project cost was budgeted and expended in Fiscal Year 2011-2012 under account number 18-5150-702165. The remaining project cost is included in the approved Fiscal Year 2012-2013 budget under the same account number. If Council directs staff to proceed with the LID, the City could recover all or a portion of these costs.

## STRATEGIC ASSESSMENT:

This project provides an improved pedestrian and bicyclist connection along a major state and city route in accordance with the City's Transportation System Plan and the Newberg ADA/Pedestrian/Bike Route Improvement Plan.



## RESOLUTION No. 2012-3020

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**A RESOLUTION APPROVING THE FORMATION OF THE COLLEGE STREET LOCAL IMPROVEMENT DISTRICT AND DIRECTING STAFF TO PREPARE AN ENGINEER'S REPORT**

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### RECITALS:

1. The City and Oregon Department of Transportation (ODOT) have an existing intergovernmental agreement to complete the College Street Transportation Enhancement Project along N. College Street. ODOT grant funds will pay for the majority of the project. The City's expense is estimated at \$194,197.00.
2. On June 4, 2012, City Council directed engineering division staff to prepare an informational report for a potential College Street Local Improvement District (LID) along the west side of N. College Street from Illinois Street to Aldercrest Drive to help recoup the city's project costs.
3. The informational report, attached as Exhibit "A", summarizes the LID process, provides a complete description of the planned improvements, explains the significance of the existing waivers of remonstrance agreements, and provides methodologies for three potential LID scenarios.

### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council approves the formation of the College Street Local Improvement District and directs staff to prepare an Engineer's Report based on the methodology options presented in Exhibit "A", which is hereby adopted and by this reference incorporated.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: November 6, 2012.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 5<sup>th</sup> day of November, 2012.

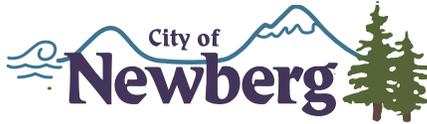
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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 8<sup>th</sup> day of November, 2012.

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Bob Andrews, Mayor



**Newberg Public Works Department  
Engineering Division**

November 5, 2012

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**COLLEGE STREET LOCAL IMPROVEMENT DISTRICT  
AN INFORMATIONAL REPORT**

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On June 4, 2012, City Council directed the engineering division staff to prepare an informational report for a potential College Street Local Improvement District (LID) project along the west side of N. College Street from Illinois Street to Aldercrest Drive.

**EXECUTIVE SUMMARY**

In 2011, the City received a grant from the Oregon Department of Transportation (ODOT) to improve N. College Street (also known as Highway 219) from Vermillion Street to Aldercrest Drive. As part of the grant approval process, the City is required to provide matching funds for the design and construction of sidewalks along the west side, and bike lanes on both sides, of the highway. The City's budget for the grant match and internal project administration is estimated at \$194,197.00. City Council may choose to recoup all or a portion of that expense through an LID process as established in Newberg Municipal Code Chapter 3.15.

The portion of the project near the Vermillion Street/College Street intersection at the railroad crossing was completed in June 2012. The remainder of the project from Illinois Street to Aldercrest Drive is currently in its preliminary design phase with construction scheduled to begin in spring of 2014. Total construction cost for that remainder portion only is estimated at \$762,000.00 with the majority of costs being paid by the ODOT grant.

This informational report summarizes the LID process, provides a complete description of the planned improvements, explains the significance of the existing waivers of remonstrance agreements, and provides methodologies for three potential LID scenarios. Staff requests further direction from City Council before proceeding with the LID.

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C. Waiver of Remonstrance Agreements ..... 25

D. Details of LID Scenarios.....33

## **1. Local Improvement District Process**

City of Newberg Municipal Code Chapter 3.15 (see [Appendix A](#)) provides the criteria for creating a local improvement district (LID) and establishes the public process (see [Appendix B](#)) that must be followed in order to assess the benefitting property owners with the costs of constructing certain public improvements.

The City may create an LID for a capital improvement project that provides special benefits to specific properties, or to rectify an existing problem such as a substandard improvement and assess those properties for the improvement costs that bring them to standard.

Historically, some public improvements triggered by land development applications have been purposely delayed until the formation of a future LID to complete the required improvements. The land use activities provide opportunities for the City to require documents from the applicants whereby they waive their right to file a written objection to any proposed construction of the required public improvements through an LID in the future. This document is called a waiver of remonstrance agreement and remains as an encumbrance on the property, or any portion of the property through land divisions, regardless of property ownership, until the improvement is completed. If a property is encumbered with a waiver of remonstrance agreement, the property owner is legally obligated to participate in an LID through the provisions outlined in the Municipal Code. The waivers of remonstrance do not take away the property owners' right to object to costs or the methodologies used in calculating the assessments.

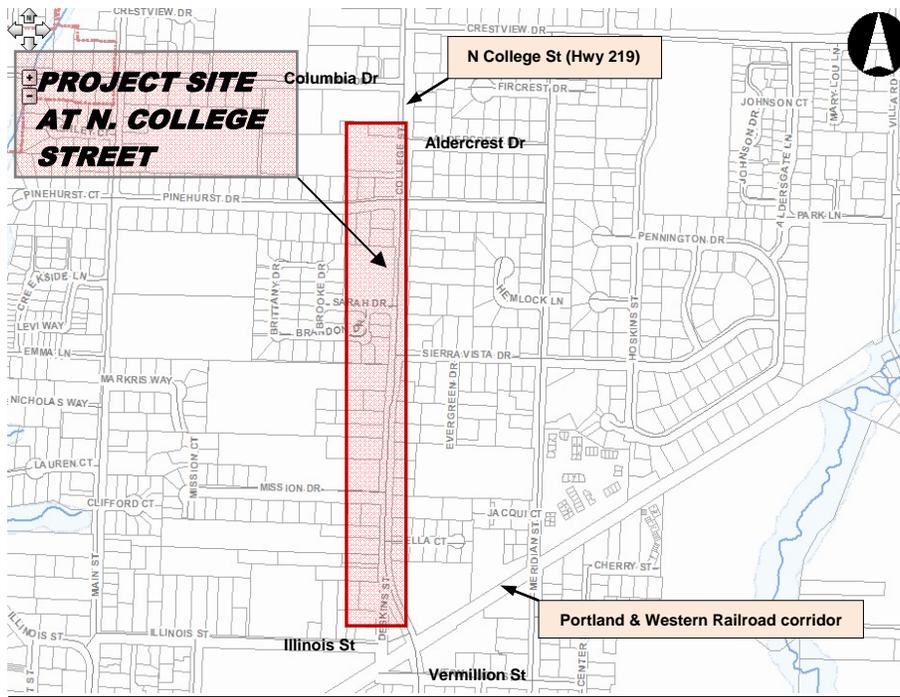
Should the City Council determine that the formation of an LID is warranted, the Municipal Code directs the Council to consider the objections or remonstrances made, and to adopt or modify the proposed assessments in accordance with the special benefits accrued to each property by the LID. The Municipal Code requires the use of a fair and reasonable method for determining an LID boundary and apportioning the costs among the benefited properties. The Municipal Code also prescribes that if written objection, or remonstrance, is filed against the proposed LID improvement from persons representing 60 percent or more of the proposed assessment within the district, or from owners of at least 60 percent of the properties within the district, the LID proceedings must be halted for at least six (6) months except in the case of an emergency as declared by City Council.

## **2. Project Background**

The City has an interest in improving N. College Street (also known as Highway 219) to enhance the safety of pedestrians and bicyclists. Discontinuity exists in the sidewalk system along N. College Street which forces pedestrians to walk in the travel lane, roadway shoulder or behind the roadside ditches. Bicyclists utilize the travel lanes intended for motorized vehicles because there are no bike lanes and the existing shoulders are inadequate.

On June 8, 2011, the Oregon Department of Transportation (ODOT) and the City entered into an intergovernmental agreement (IGA) that ODOT would provide \$600,000 towards funding the pedestrian and bike lane improvements to N. College Street from Vermillion Street to Aldercrest Drive. On August 22, 2011, both parties signed an amendment that ODOT would provide an additional \$200,000 towards the project. In return, the City has agreed to contribute "matching funds" to the project at 10.27%, and also agreed to improve that portion of the project near the Vermillion Street/College Street intersection at the railroad crossing.

In June 2012, the City worked in collaboration with Portland and Western Railroad Company and ODOT Rail Division to complete the portion of the project from Vermillion Street to Illinois Street which included the pedestrian railroad crossings. The remainder of the project to be completed extends from Illinois Street to Aldercrest Drive and is currently in its preliminary design phase with bid solicitation planned for September, 2013, and construction in spring, 2014 (see Figure 1).



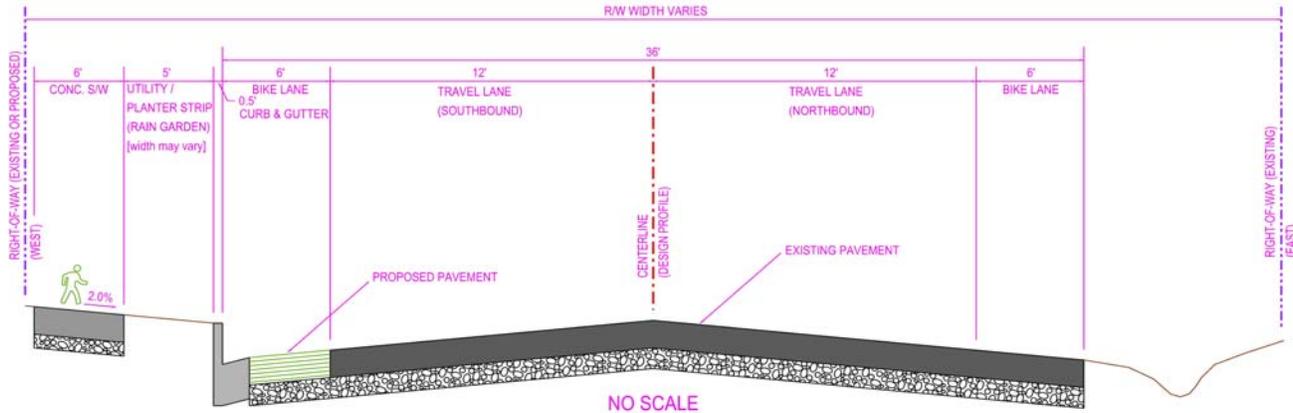
**FIGURE 1: VICINITY MAP**

### **3. Improvement Description and Costs**

N. College Street is classified as a minor arterial roadway per the Newberg Transportation System Plan. The proposed LID project from Illinois Street to Aldercrest Drive includes the installation of concrete curb and gutter, a planter strip when feasible, sidewalk on the west side of N. College Street and bike lanes on both sides of the roadway. The total length of improvements is approximately 2,167 feet.

The existing pavement on N. College Street is in fair condition and does not require an overlay or reconstruction. There is no curb and gutter nor sidewalks proposed for the east side of N.

College Street. The existing paved shoulder on the east side will be utilized and restriped to provide a bike lane. For that reason, the properties along the east side of N. College Street are excluded from all LID scenarios presented. The pavement width on the west side, however, will be extended to accommodate the new bike lane. The improvements will meet design standards for a 36-foot roadway section as shown below in [Figure 2](#).



**FIGURE 2: COLLEGE STREET TYPICAL CROSS SECTION  
 (MINOR ARTERIAL FULL WIDTH STANDARD)**

As part of the design process, subsurface utility exploration will be conducted to determine the depth of an existing telecommunication fiber optic line and a water line. Adequate stormwater conveyance and enhancement of the stormwater quality will be provided to meet ODOT and City standards.

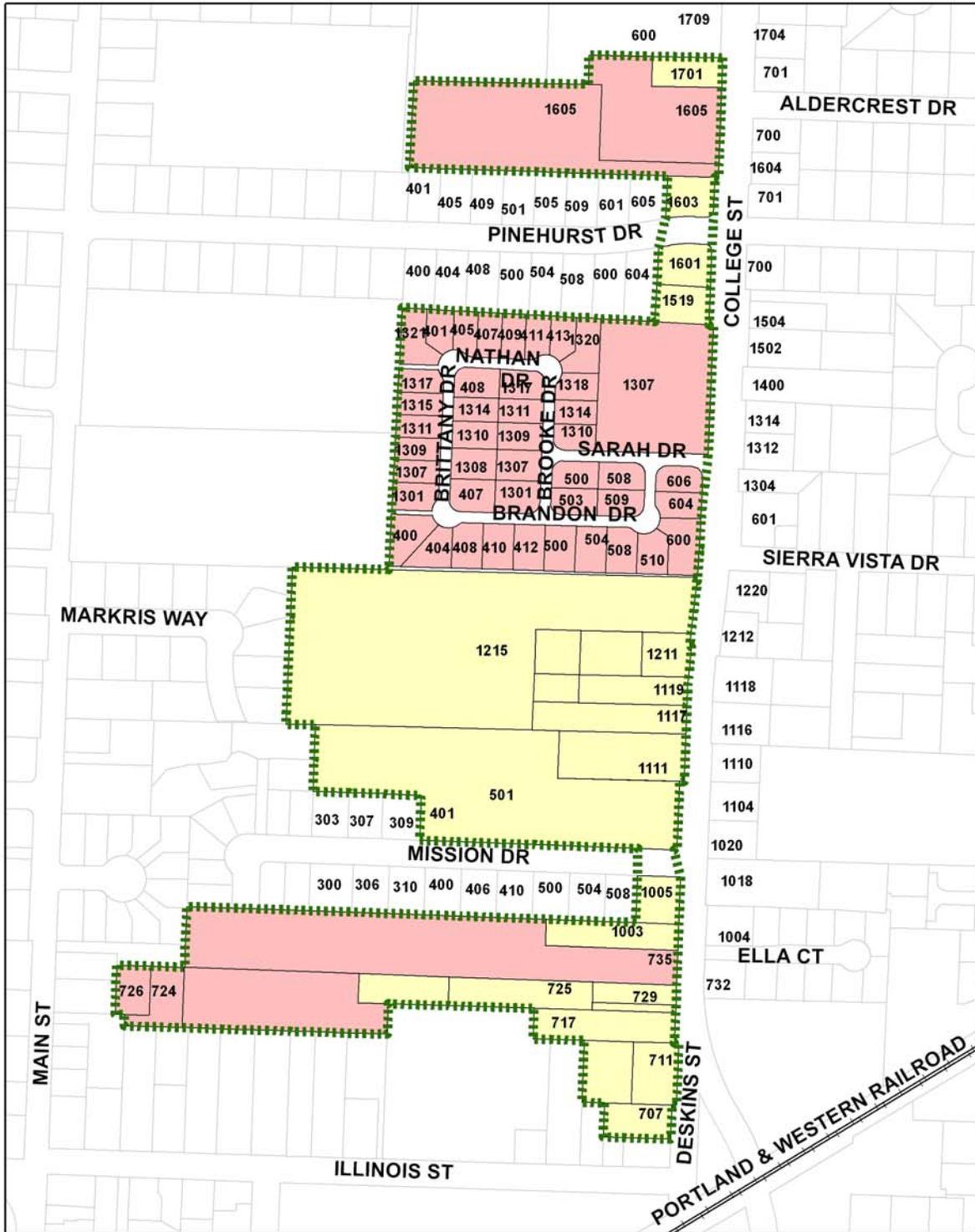
ODOT will be assisting the City during the design phase by working directly with the property owners to acquire any additional rights-of-way and easements needed for the project. Compensation offered to the property owners will be fair and equitable per state and federal guidelines. Compensation for right-of-way purchases will be treated separately to avoid possible confusion with the potential LID assessments.

Total construction cost for the proposed LID project from Illinois Street to Aldercrest Drive was estimated at \$762,000.00 during the preliminary design phase. The majority of this cost is covered by state and federal grant funding. The City’s budget for the grant match and internal project administration is estimated at \$194,197.00. City Council may choose to recoup all or a portion of that City cost (\$194,197.00) through the LID process by authorizing the formation of the College Street LID.

#### **4. College Street Waiver of Remonstrance Agreements**

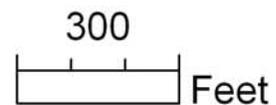
When an LID is created, a typical boundary would include all properties with frontages along the improvement area, which are considered the benefitting properties. This improvement area is rather unique in that it has a relatively large number of properties with existing waivers of remonstrance agreements related to these improvements (see [Appendix C](#)). Essentially many property owners have already waived their rights to object to the creation of this LID, even though their property may not directly front N. College Street (see [Figure 3](#)).

**FIGURE 3: WAIVERS OF REMONSTRANCE MAP**



**Legend**

- LID Boundary
- Without Waiver
- With Waiver



Numbers shown are house addresses.

Date Saved: 10/16/2012 11:34:50 AM  
Path: P:\GIS\_Eng\Potential College Street LID\potential\_college\_st\_LID.mxd

The relationship of waivers of remonstrance to actual street frontages is important in defining the LID boundary. There are a total of 73 properties along the west side of N. College Street from Illinois Street to Aldercrest Drive (excluding the NW corner lot at Illinois Street/Deskins Road and the SW corner lot at Columbia Drive/College Street which already have full frontage improvements). Of those 73 properties, 24 have direct frontages and 49 do not.

In terms of waivers, 50 properties have waivers of remonstrance agreements and 23 do not. Of those 50 with waivers, only 7 properties have frontages on N. College Street while 43 of them do not (see Table 1 below).

**TABLE 1: PROPERTIES WITH & WITHOUT WAIVERS AND/OR FRONTAGES**

	Direct Frontage	No Frontage	← Total
<b>Waivers</b>	7	43	<b>50</b>
<b>No Waivers</b>	17	6	<b>23</b>
Total →	<b>24</b>	<b>49</b>	

As explained in Section 1 of this report, Newberg Municipal Code Chapter 3.15 provides for a mechanism to halt the LID if 60% or more of the proposed properties object. Scenario #1 discussed in this report shows that if all 73 properties are included in the LID (project length of 2,166.93 feet), then 35.67% (773.03 ft) of them have waived their right to object to its creation. The remaining properties without waivers represent 64.33% (1,393.90 ft) of the proposed district and therefore could object and together could potentially halt the LID (see Table 2).

**TABLE 2: PROPOSED LID PROPERTY PERCENTAGE WITH & WITHOUT WAIVERS OF REMONSTRANCE**

TOTAL PROJECT FRONTAGE (FT) =	2,166.93	<b>PERCENTAGE</b>
FRONTAGE WITH WAIVERS (FT) =	773.03	<b>35.67%</b>
FRONTAGE WITHOUT WAIVERS (FT)=	1,393.90	<b>64.33%</b>

## **5. LID Scenarios**

There are a total of 50 properties with existing waivers of remonstrance agreements. Those property owners have otherwise agreed to fund their portion of the improvements to N. College Street and may or may not have been compensated for such agreement. Staff has evaluated several options for creating an LID boundary and assessment methodology that would provide the most benefit of honoring these existing waivers while recouping City costs for the project. Three possible scenarios are:

- Scenario 1: Apportion the City's costs among all properties with and without signed waivers on the west side of N. College Street within the project boundary. City would recoup the full \$194,197.00 (\$69,277.78 from properties with waivers and \$124,919.22 from properties without waivers). Properties without signed waivers represent 64.33% of this group (unless a reduced boundary is determined).
- Scenario 2: Apportion the City's costs among only those properties with signed waivers. The City would recoup the full \$194,197.00 and the individual assessments would be less than if those properties were assessed their portion of the total construction cost (without grant funding). Properties without signed waivers represent 0% of this group.
- Scenario 3: Apportion a pro-rated cost among only those properties with signed waivers. The City would recoup only \$69,277.78. Under this scenario the remainder of costs (\$124,919.22) not recouped would be the City's responsibility. Properties without signed waivers represent 0% of this group.

Figure 4 below represents a summary of all three scenarios. For illustration purposes only, an additional column has been added showing what the proposed assessment could be if the project were not primarily funded through an ODOT grant. Individual detail sheets for each scenario are included in Appendix D.

**FIGURE 4: SUMMARY OF ALL SCENARIOS**

Benefitting Property		Address	Estimated Assessment Costs (Recouped)			
			Without Grant Funding	Scenario #1	Scenario #2	Scenario #3
Open Bible Church	3218 AD 7100	1605 N COLLEGE ST	\$57,220.79	\$14,582.72	\$40,877.76	\$14,582.72
	3218 AD 7000	1605 N COLLEGE ST	\$10,549.56	\$2,688.55	\$7,536.46	\$2,688.55
Willow Place ALF	3218 AD 7401	1307 N COLLEGE ST	\$101,004.97	\$25,741.12	\$72,156.58	\$25,741.12
Jaquith Park Estates (43 lots)						
Lot 1	3218 AD 7621	606 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 2	3218 AD 7633	604 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 3	3218 AD 7634	600 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 4	3218 AD 7635	510 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 5	3218 AD 7636	508 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 6	3218 AD 7637	504 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 7	3218 AD 7638	500 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 8	3218 AD 7639	412 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 9	3218 AD 7640	410 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 10	3218 AD 7641	408 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 11	3218 AD 7642	404 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 12	3218 AD 7643	400 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 13	3218 AD 7628	1301 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 14	3218 AD 7627	1307 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 15	3218 AD 7626	1309 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 16	3218 AD 7617	1311 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 17	3218 AD 7616	1315 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 18	3218 AD 7609	1317 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 19	3218 AD 7608	1321 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 20	3218 AD 7607	401 NATHAN DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 21	3218 AD 7606	405 NATHAN DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 22	3218 AD 7605	407 NATHAN DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 23	3218 AD 7604	409 NATHAN DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 24	3218 AD 7603	411 NATHAN DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 25	3218 AD 7602	413 NATHAN DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 26	3218 AD 7601	1320 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 27	3218 AD 7612	1318 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 28	3218 AD 7613	1314 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 29	3218 AD 7620	1310 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 30	3218 AD 7623	500 SARAH DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 31	3218 AD 7622	508 SARAH DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 32	3218 AD 7632	509 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 33	3218 AD 7631	503 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 34	3218 AD 7630	1301 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 35	3218 AD 7629	407 BRANDON DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 36	3218 AD 7625	1308 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 37	3218 AD 7618	1310 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 38	3218 AD 7615	1314 BRITTANY DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 39	3218 AD 7610	408 NATHAN DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 40	3218 AD 7611	1317 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 41	3218 AD 7614	1311 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 42	3218 AD 7619	1309 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Lot 43	3218 AD 7624	1307 BROOKE DR	\$1,764.64	\$449.72	\$1,260.63	\$449.72
Partition Plat P95-89 (4 tax lots)						
(Parcel 3)	3218 DB 2403	724 N MAIN ST	\$1,359.13	\$346.38	\$970.95	\$346.38
(Parcel 2)	3218 DB 2402	726 N MAIN ST	\$1,359.13	\$346.38	\$970.95	\$346.38
	3218 DB 2600	No Address	\$8,154.81	\$2,078.25	\$5,825.68	\$2,078.25
	3218 DB 2300	735 N COLLEGE ST	\$16,309.61	\$4,156.51	\$11,651.37	\$4,156.51
<b>Subtotal from properties with waivers =</b>				<b>\$69,277.78</b>	<b>\$194,197.00</b>	<b>\$69,277.78</b>
	3218 AD 6900	1701 N COLLEGE ST	\$23,209.02	\$5,914.82	-	-
	3218 AD 7200	1603 N COLLEGE ST	\$26,060.92	\$6,641.63	-	-
	3218 AD 7300	1601 N COLLEGE ST	\$28,093.47	\$7,159.62	-	-
	3218 AD 7309	1519 N COLLEGE ST	\$29,190.62	\$7,439.23	-	-
	3218 DB 0400	1215 N COLLEGE ST	\$43,604.83	\$11,112.69	-	-
	3218 DB 0100	1211 N COLLEGE ST	\$11,487.30	\$2,927.54	-	-
(3 Tax Lots share frontage)	3218 DB 0101	No Address	\$11,487.30	\$2,927.54	-	-
	3218 DB 0102	No Address	\$11,487.30	\$2,927.54	-	-
(2 Tax Lots share frontage)	3218 DB 0200	1119 N COLLEGE ST	\$14,593.55	\$3,719.17	-	-
	3218 DB 0201	No Address	\$7,296.78	\$1,859.58	-	-
	3218 DB 0300	1117 N COLLEGE ST	\$21,890.33	\$5,578.75	-	-
	3218 DB 0900	1111 N COLLEGE ST	\$36,923.45	\$9,409.94	-	-
	3218 DB 0800	501 MISSION DR	\$50,142.04	\$12,778.70	-	-
	3218 DB 2101	1005 N COLLEGE ST	\$36,923.45	\$9,409.94	-	-
	3218 DB 2200	1003 N COLLEGE ST	\$20,395.81	\$5,197.87	-	-
	3218 DB 2900	729 N COLLEGE ST	\$4,679.80	\$1,192.65	-	-
(4 Tax Lots share frontage)	3218 DB 2901	No Address	\$1,570.71	\$400.30	-	-
	3218 DB 2800	725 N COLLEGE ST	\$10,728.48	\$2,734.15	-	-
	3218 DB 2700	No Address	\$6,810.26	\$1,735.59	-	-
	3218 DB 3100	717 N COLLEGE ST	\$23,789.25	\$6,062.69	-	-
(2 Tax Lots share frontage)	3218 DB 3201	711 DESKINS ST	\$21,626.59	\$5,511.54	-	-
	3218 DB 3200	No Address	\$21,626.59	\$5,511.54	-	-
	3218 DB 3400	707 DESKINS ST	\$26,549.72	\$6,766.20	-	-
<b>Subtotal from properties without waivers =</b>				<b>\$124,919.22</b>	<b>-</b>	<b>-</b>
<b>TOTAL RECOUPED COSTS =</b>				<b>\$194,197.00</b>	<b>\$194,197.00</b>	<b>\$69,277.78</b>

## **6. Assessment Methodology**

All three scenarios are considered reasonable methodologies for apportioning the City's cost of the College Street improvements. Scenario #1 is the only scenario presented that incorporates all properties that front the improvement area. However, due to the percentage of properties without signed waivers (over 60%), per City Code it is the only scenario that has the potential to be halted by the participants.

Scenario #2 and #3 were evaluated to incorporate only those properties with existing waivers of remonstrance. While property owners may object to the amounts of the assessments, they do not have the ability to halt the process or the project. Either of these scenarios would keep the project moving forward.

Scenario #2 would recoup the City's entire cost and Scenario #3 would recoup only a portion. While the individual assessments would obviously be less under Scenario #3 with the grant contribution from ODOT, both of the scenarios provide assessments that are considerably less than could have been anticipated when the waivers were signed and accepted by the property owners.

Other LID boundaries, assessment methodologies, and funding sources, can also be developed by City Council including the option not to recoup any of the City's cost through an LID.

# APPENDICES

- A. Newberg Municipal Code Chapter 3.15
- B. LID Process Summary
- C. College Street Improvements Waiver of Remonstrance Agreements
- D. Details of LID Scenarios

## APPENDIX A City Municipal Code Chapter 3.15

### ***LOCAL IMPROVEMENT DISTRICTS***

Sections:

- [3.15.010](#) Title.
- [3.15.020](#) Definitions.
- [3.15.030](#) Plans and specifications.
- [3.15.040](#) Assessing.
- [3.15.050](#) Resolution.
- [3.15.060](#) Notices to property owners.
- [3.15.070](#) Public hearing and remonstrances.
- [3.15.080](#) Ordinance creating local improvement district.
- [3.15.090](#) Call for bids.
- [3.15.100](#) Assessment ordinance procedures.
- [3.15.110](#) Lien recording – Payments over time or by cash.
- [3.15.120](#) Errors in assessment calculations.
- [3.15.130](#) Authority of city to make reassessment.
- [3.15.140](#) Consent or waiving requirement of notice.
- [3.15.150](#) Assessment of public property benefited by improvements.
- [3.15.160](#) Abandonment of proceedings.
- [3.15.170](#) Curative provision.

#### **3.15.010 Title.**

This chapter shall be known as the local improvement district ordinance. [Ord. [2444](#), 6-3-96. Code 2001 § 36.40.]

#### **3.15.020 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Actual cost” means all direct or indirect costs incurred by the city in order to undertake and complete a capital construction project. “Actual cost” includes, but is not limited to, the costs of labor, materials, supplies, equipment rental, property acquisition, permits, engineering, financing (bond issuance costs), reasonable program delinquencies, return on investment, required fees, insurance, administration, accounting, depreciation, amortization, operation, maintenance, repair or replacement and debt service, including debt service payments or payments into reserve accounts for debt service and payment of amounts necessary to meet debt service coverage requirements.

“Assessment for local improvement” means any fee, charge, or assessment that does not exceed the actual cost of a local improvement incurred by the city.

“Bonded indebtedness” means any formally executed written agreement representing a promise by the city to pay to another specified sum of money, at a specified date(s) at least one year in the future.

“Capital construction” means the construction, modification, replacement, repair, remodeling or renovation of a structure, or addition to a structure, which is expected to have a useful life of more than one year, and includes, but is not limited to:

1. Acquisition of land, or a legal interest in land, in conjunction with a capital construction of a structure.
2. Acquisition, installation of machinery or equipment, furnishings or materials which will become an integral part of a structure.
3. Activities related to the capital construction, such as planning design, acquisition of interim or permanent financing, research, land use and environmental impact studies, acquisition of permits or licenses or services connected with the construction.
4. Acquisition of existing structures, or legal interests in structures, in conjunction with the capital construction.

“Capital improvement” means land, structures, or facilities, as that term is defined in the Oregon Revised Statutes, machinery, equipment or furnishings having a useful life longer than one year.

“City engineer” means the duly appointed official or, if such official does not exist, a designated engineer or firm of engineers, charged with engineering responsibilities.

“Estimated assessment” means:

1. With respect to each property to be assessed in connection with a local improvement, the total assessment that, at the time of giving notice of the assessment and the right to object or remonstrate, the city estimates will be levied against the property following completion of the local improvement. The estimate shall be based on the estimated cost of the local improvement and the proposed formula for apportioning the actual cost to the property.
2. Estimated assessment shall be determined by:
  - a. Excluding the estimated financing costs associated with any bonds issued to accommodate the payment of the assessment in installments; and
  - b. Including the estimated financing costs associated with interim financing of the local improvement.

“Final assessment” means, with respect to each property to be assessed in connection with a local improvement, the total assessment levied against the property following completion of the local improvement. The total assessment shall be based on the actual cost of the local improvement and the formula for apportioning the actual cost to the property.

“Financing” means all costs necessary or attributable to acquiring and preserving interim or permanent financing of a local improvement.

1. The costs of financing may include the salaries, wages and benefits payable to employees to the extent the same are reasonably allocable to the work or services performed by the employees in connection with the financing of a local improvement or any part of a local improvement. However, as a condition to including of any salaries, wages or benefits payable to employees of the city as financing costs of a local improvement or any part of a local improvement, the city shall establish a record-keeping system to track the actual work done or services performed by each employee on or in connection with such local improvement.

2. Financing costs that are to be incurred after the levy of a final assessment may be included, whether directly in the final assessment or in the interest rate charged on installment payments, based on the city’s reasonable estimate of the financing costs if the city first documents the basis for the estimate and makes the documentation available to interested persons on request.

“Local improvement” means a capital construction project, or part of a capital construction project, undertaken by the city pursuant to the procedure to be followed in making local assessments for the benefits from a local improvement upon the lots which have been benefited by all or part of the improvement:

1. Which provides a special benefit only to specific properties or rectifies a problem caused by specific properties; and
2. The costs of which are assessed against those properties in a single assessment upon the completion of the project; and
3. For which the payment of the assessment plus appropriate interest may be spread over a period of at least 10 years by the property owner; and
4. For which the total of all assessments for the local improvement shall not exceed the actual cost incurred by the city in completing the project; and
5. For which the status of a capital construction project as a local improvement is not affected by the accrual of a general benefit to property other than the property receiving the specific benefit.

“Lot” means lot, block, or parcel of land.

“Manager” means the city manager of the City of Newberg.

“Owner” means the owner of the title to real property or the contract purchaser of real property of record as shown on the last available complete assessment roll in the office of the Yamhill County assessor.

“Property benefited” means all property specially benefited by the improvement, the relative extent of such benefit to be determined by any just and reasonable method of apportionment of the actual cost of the improvement between the properties determined to be specially benefited.

1. Real property may be described by giving the subdivision according to the United States survey when coincident with the boundaries, or by lots, blocks and additional names, or by giving the boundaries of the property by metes and bounds, or by reference to the book and page of any public record of the county where the description may be found, or by designation of a tax lot number, or in any other manner as to cause the description to be capable of being made certain.

2. If the owner of any land is unknown, the land may be assessed to “unknown owner(s).” If the property is correctly described, no final assessment shall be invalidated by a mistake in the name of the owner of the real property assessed or by the omission of the name of the owner or the entry of the name other than that of the true owner. Where the name of the true owner, or the owner of record, of any parcel of real property is given, the final assessment shall not be held invalid on account of any error or irregularity in the description if the description would be sufficient in a deed of conveyance from the owner, or is such that, in a suit to enforce a contract to convey, employing such description, a court of equity would hold it to be good and sufficient.

3. Any description of real property which conforms substantially to the requirements of this section shall be a sufficient description in all proceedings of assessment relating or leading to a final assessment for a local improvement foreclosure and sale of delinquent assessments, and in any other proceedings related to or connected with levying, collecting and enforcing final assessments for special benefits to the property.

“Remonstrance” means a written objection to the formation of a local improvement district.

“Single assessment” means the complete assessment process, including preassessment, assessment or reassessment, for any authorized local improvement which provides the procedure to be followed in making local assessments for benefits from a local improvement upon lots which have been benefited by all or part of the improvement.

“Special benefit only to specific properties” means the same meaning as “special and peculiar benefit” as that term is used in Oregon law.

“Structure” means any temporary or permanent building or improvement to real property of any kind, which is constructed on or attached to real property, whether above, on or beneath the surface. [Ord. [2444](#), 6-3-96. Code 2001 § 36.41.]

Cross-reference: See ORS [223.389](#) as found in ORS [310.140](#)(14).

### **3.15.030 Plans and specifications.**

Whenever the city council shall determine to proceed to make a local improvement to be paid for in full or in part by the property benefited, the city council shall, by motion, direct the city engineer to have a report prepared containing the following information:

- A. A description of the local improvement.
- B. Preliminary plans and outline specifications for the local improvement.

- C. A description of the boundaries of the local improvement.
  - D. A just and reasonable method of apportioning the actual cost of the local improvement to the properties benefited.
  - E. A list of properties benefited by the local improvement, including the name and address of each owner; the assessed value of each property, adjusted in accordance with Oregon law; and a statement of the amount of outstanding assessments against any property proposed to be assessed by the improvements.
  - F. The estimated cost of the improvement, including any legal, administrative and engineering costs attributable to the project.
  - G. The estimated share of the estimated cost of the local improvement to be assessed to each property.
  - H. The estimated share of the estimated cost of the local improvement to be paid by the city, if any. [Ord. [2444](#), 6-3-96. Code 2001 § 36.42.]
- Cross-reference: See ORS [223.389](#) as found in ORS [310.140](#)(14).

### **3.15.040 Assessing.**

The city council shall do the following in assessing the cost of the improvement:

- A. Use a fair and reasonable method for determining the extent of the district boundaries.
- B. Use a fair and reasonable method for apportioning the actual cost or estimated cost of the local improvement among the benefited properties.
- C. Consider payment by the city of all or part of the actual cost or estimated cost of the improvement when, in the opinion of the city council, on account of topographical, physical or other characteristics of the local improvement or expected unusual or excessive use by the general public, payment by the city would be appropriate or when the city council otherwise believes it would be just and reasonable for the city to pay all or part of the cost.
- D. Consider other available means of financing the improvement. In the event other means of financing are used, the city council may, subject to the constraints of the Oregon Constitution and Oregon laws, in its discretion, levy assessments to cover any part of the actual cost of the local improvement not covered by the alternative means of finance. The use of any available alternative means of financing lies solely within the discretion of the city council.
- E. Not give credits for corner lots.
- F. Assess unimproved property subject to a maximum depth of 200 feet. [Ord. [2444](#), 6-3-96. Code 2001 § 36.43.]

Cross-reference: See ORS [223.389](#) as found in ORS [310.140](#)(14).

### **3.15.050 Resolution.**

A. After the engineer's report has been filed with the city manager, after the city council has examined the report and found the same to be satisfactory and having found the estimated costs and apportionment to be reasonable and just, and after having found the boundaries of the improvement district to be properly determined, the city council may, by resolution, propose to make the improvement, and to create a local improvement district.

B. The resolution shall state:

1. The boundaries of the local improvement district.
2. The proposed method for apportioning the estimated cost of the local improvement among the benefited properties.
3. The portion of the estimated cost, if any, which the city will pay.
4. That the portion of the estimated cost which is assessed to the properties benefited shall be a charge and lien upon those properties.
5. The time and place for a public hearing before the city council to hear objections and receive remonstrances.
6. Directions to the city engineer to provide a notice of public hearing to the owners of the properties benefited which contains the following:
  - a. A brief and general description of the proposed local improvement and a statement that a more detailed description is set forth in a report on file in the city engineer's office and city manager's office.
  - b. That the city council proposes to create a local improvement district and will be holding a public hearing to hear objectives and receive remonstrances to the local improvement.
  - c. The date, time and place of the public hearing.
  - d. A description of the properties to be benefited, the owners of the properties, the estimated cost of the improvement and the estimated assessment for each property benefited.
  - e. A statement that if, at or before the public hearing, written remonstrances against the local improvement are filed with the city engineer by the owners of at least 60 percent of the property to be assessed, action on the local improvement shall be suspended for at least six months. [Ord. [2444](#), 6-3-96. Code 2001 § 36.44.]

### **3.15.060 Notices to property owners.**

A. Form of Notice. Any notice required hereunder shall be sent by registered or certified mail or by personal delivery to the owner of each property proposed to be assessed, and shall include the estimated assessment proposed for that property, the date by which time objections shall be filed with the city engineer, and that such objection shall state the grounds for the objection.

B. Delivery of Notice. Whenever a notice is required to be sent to the owner of a lot affected by a proposed assessment, the notice shall be addressed to the owner or the owner's agent. If the address of the owner or

the owner's agent is unknown to the city, the notice shall be addressed to the owner or the owner's agent at the city where the property is located. Any mistake, error, omission, or failure with respect to such mailing shall not be jurisdictional or invalidate the assessment proceedings, but there shall be no foreclosure or legal action to collect until notice has been given by personal service upon the property owner, or if personal service cannot be had, then by publication once a week for two successive weeks in a newspaper of general circulation in the city. [Ord. [2444](#), 6-3-96. Code 2001 § 36.45.]

### **3.15.070 Public hearing and remonstrances.**

A public hearing before the city council shall be held at the scheduled date and time and the city council shall hear and consider objections and receive remonstrances to the local improvement. If those persons representing 60 percent or more of the proposed assessment within the district file with the city engineer a written objection or remonstrance against the proposed improvement, the remonstrance shall be a bar to any further proceedings in the making of such improvement for a period of six months, except for a sidewalk or improvement unanimously declared by the city council to be needed at once because of an emergency. [Ord. [2444](#), 6-3-96. Code 2001 § 36.46.]

### **3.15.080 Ordinance creating local improvement district.**

A. Public Hearing. After the public hearing, the city council may create a local improvement district by ordinance. The ordinance shall describe the improvement(s) to be made, the boundary of the district, the estimated assessments against the properties benefited, and shall state that the assessment shall be charges and liens against the properties. The city may enforce collection of the assessments as provided in Oregon law.

B. Adoption Process. In creating the local improvement by ordinance, the city council shall consider the objections or remonstrances made and reasons stated for them. The city council may adopt, correct, modify or revise the proposed assessments or estimated assessments and shall determine the amount or estimated assessment to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement and shall by ordinance spread the assessments. The estimated assessment lien shall continue until the time the estimated assessment becomes a final assessment.

C. Plans. The ordinance shall also direct the city engineer to have detailed plans and specifications of the local improvement prepared and that, when appropriate, the city shall invite bids for construction of the local improvement. [Ord. [2444](#), 6-3-96. Code 2001 § 36.47.]

Cross-reference: See ORS [223.866](#).

### **3.15.090 Call for bids.**

A. Work to Be Done. The construction work may be done in whole or in part by the city, by a contractor, or by any other governmental agency, or by any combination of the city, a contractor, or a governmental agency.

B. Low Bids. If all or part of the improvement is to be constructed by a contractor, the city shall call for bids for making the local improvement and award the bid to the lowest responsible bidder.

C. Separate Bids. In the event that more than one local improvement shall be advertised for bids at the same time, all local improvement districts shall be bid separately.

D. Aggregate Bid. The city council shall have the authority to accept the lowest responsible aggregate bid which is in the best interest of the city for all of the local improvement districts bid at the same time, and allocate the proper amount of the total cost to each district separately.

E. City Council Discretion. The city council may reject any or all bids.

F. Rebidding. If no bids are received, or if all bids are rejected, the city council may call for other bids, change the manner in which the local improvement shall be constructed, or abandon the local improvement.

G. Excessive Bids. If the lowest responsible bid exceeds the estimated cost of the local improvement, and if accepted would cause any estimated assessment to increase by more than 20 percent, and if the city council wants to proceed with the local improvement, before proceeding the city council shall revise the estimated assessments, hold another public hearing, after notice to the owners of the benefited properties of the new estimated assessment, and shall proceed as if that was the original public hearing except that new bids need not be solicited.

H. Bond Required. The city council shall require bonding of all contractors for the faithful performance of the contract. All bidders shall be required to submit a certified check or bid bond in an amount equal to five percent of their bid, and the contractor to whom the award is made shall submit a performance bond in the amount of the awarded bid at the time the contract is awarded. All bonds shall be with bonding companies doing business in Oregon and given under Oregon law. Bonds shall incorporate the term of the plans and specifications and must be approved by the city attorney as to form. [Ord. [2444](#), 6-3-96. Code 2001 § 36.48.]

Cross-reference: See ORS [279.380](#).

### **3.15.100 Assessment ordinance procedures.**

A. Initial Assessments. If the city council determines that the local improvement district shall be created, the city council shall provide for the assessment or estimated assessment of the benefited properties, and for the apportionment of the assessment or estimated assessment to the properties benefited by ordinance by one of the following methods:

1. Actual cost of the local improvement; or
2. The estimated cost of the improvement.

B. Notice. The city engineer shall prepare the assessment or estimated assessment for the properties benefited and file it with the appropriate city office. Notice of such assessment or estimated assessment shall be given to each owner of the properties benefited. The notice shall state the amount of the assessment or estimated assessment proposed for that property and set forth the date, time and place for a public hearing before the city council to hear objections to the proposed assessments.

C. Consideration of Proposed Assessment. The city council shall consider objections to the proposed assessments and may correct, modify, or revise the proposed assessments. After determining that the

assessments meet the requirements of this chapter, the city council shall by ordinance spread the assessments.

D. Actual Cost. In determining the assessment or estimated assessment for the local improvement the city council shall use the actual cost.

E. Lien. The assessment ordinance shall provide that the assessments or estimated assessments against the benefited properties shall be a lien against the assessed properties and that the city may enforce collection of such assessments as provided by Oregon law.

F. Estimated Cost. If the initial assessment has been made on the basis of estimated assessment, and upon the completion of work the actual cost is found to be greater or less than the estimated cost, the city council shall make an assessment for the actual cost. Proposed revised assessments shall be made; notice to the owners shall be sent; a public hearing for receiving and considering objections shall be held; determination of the assessment against each property benefited shall be made as in the case of the initial assessment; and the revised assessments shall be spread by ordinance. In the event that an estimated assessment which was greater than a revised assessment has been paid, the payor or the payor's assigns or legal representative shall be refunded the difference. [Ord. [2444](#), 6-3-96. Code 2001 § 36.49.]

Cross-reference: See ORS [223.866](#).

### **3.15.110 Lien recording – Payments over time or by cash.**

A. Docket. After the passage of the assessment ordinance, the city manager shall direct to have entered in the docket of city liens a statement of the amount assessed upon each property benefited, together with a description of the improvement, the name of the owner(s) and the date of the assessment ordinance. Upon entry in the lien docket, the amount entered shall become a lien and charge upon the respective lots, parcel of land or portions of the lots or parcels of land which have been assessed. All assessment liens of the city shall be superior and prior to all other liens or encumbrances on the property insofar as the laws of the State of Oregon permit.

B. Foreclosure. After the expiration of 30 days from the date the assessment ordinance was adopted, the city may proceed to foreclose or enforce collection of the assessment liens in any manner provided for by the laws of the State of Oregon. The city may, at its option, enter a bid for any property being offered at a foreclosure sale, which bid shall be prior to all bids except those made by persons who would be entitled under the laws of the State of Oregon to redeem the property.

C. Final Assessment. After the final assessment has been adopted by the city council, the city shall publish the final assessments once in a newspaper of general circulation within the city and also send a copy by certified mail or deliver it personally to the owners of the properties to be assessed within 10 days after the adoption of the ordinance. The notice shall identify the local improvement for which the assessment is to be made, each lot to be assessed, and the final assessment for each lot. In addition, the notice shall state that the owner shall have the right to apply to the city for payment of the final assessment in installments as provided by this chapter.

D. Time Payments. Within 10 days after notice of final assessment is mailed, the owner of any property to be assessed, at any time, may file a written application at the finance department to pay:

1. The whole of the final assessment in installments; or

2. If part of the final or estimated assessment has been paid, the unpaid balance of the final assessment in installments. Failure to apply for installment payments within 10 days will require full payment of the assessment within 30 days from the date of the entry of the lien in the city docket.

E. Filing Deadline. At the option of the city, an installment application may be filed not more than 10 days after the notice of the final assessment is first published.

F. Waiver. The installment application shall state that the applicant does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings, including the apportionment of the cost of the improvement.

G. Period of Payments. The application shall provide that the applicant agrees to pay the assessment in installments over a period of not less than 10 years nor more than 30 years and according to such terms as the city may provide. The city may provide that the owner of the assessed property may elect to have the final assessment payable over a period of less than 10 years and according to terms determined by the city.

H. Interest. The application shall also provide that the applicant acknowledges and agrees to pay interest at the rate provided by the city. The interest shall be set at an interim rate which shall be applied to the unpaid balance until improvement bonds are sold to finance assessment bonds. Upon sale of bonds, the finance director shall adjust the interest rate to the rate received by the city on the bond issue (expressed as true interest cost). All subsequent payments will be made at the new adjusted rate.

I. Loan Fees. To recover the costs for administering the bond assessment program, applicants will be charged a loan origination fee and billing fee as set by resolution and reviewed periodically by the finance committee of the city council. Those who initially choose to pay the assessment in full will not be charged these fees.

J. Description of Property. The application shall also contain a description, by lots or blocks, or other convenient description, of the property of the application assessed for the local improvement.

K. Payment Dates. The amount and due date of each installment shall be determined by the city and shall be set forth in the installment application. The first installment, plus accrued interest and fees, shall be due and payable on the date determined by the city and subsequent installments plus accrued interest and fees shall be due and payable on subsequent periodic dates as determined by the city.

L. Delinquent Payments. If the installment payments or the interest or any portion of the interest are not paid within one year of their due date, then the city may pass a resolution:

1. Giving the name of the owner in default;
2. Stating the sum due, both principal and interest, and any unpaid late payment penalties or charges;
3. Containing a description of the property subject to the assessment; and
4. Declaring the whole sum, both principal and interest, immediately due and payable.

M. Collection. The city may then immediately proceed to collect all unpaid amounts owing and enforce collection by any method authorized by law for the collection of delinquent municipal liens. [Ord. [2444](#), 6-3-96. Code 2001 § 36.50.]

Cross-reference: See ORS [311.711](#) for assessment and collection of liens. See also ORS Chapter [319](#) for tax liens in general.

### **3.15.120 Errors in assessment calculations.**

Claimed errors in the calculation of final assessments shall be called to the attention of the city manager prior to any payments on the account. The city manager shall check the calculation and report the findings to the city council. If an error has been made, the city council shall amend the final assessment ordinance to correct the error. Upon the enactment of the amendment, the city manager shall make the necessary correction in the lien docket and shall send by registered or certified mail to the owner a corrected notice of the assessment. [Ord. [2444](#), 6-3-96. Code 2001 § 36.51.]

### **3.15.130 Authority of city to make reassessment.**

Whenever all or part of any assessment for a local improvement was or is declared void or set aside for any reason or its enforcement refused by any court by reason of jurisdictional or other defects in procedure, whether directly or by virtue of any court decision or when the city council is in doubt as to the validity of all or part of any such assessment by reason of such defects in procedure, the city council may by ordinance make a new assessment or reassessment upon the lots which have been benefited by all or part of the improvement to the extent of their respective and proportionate shares of the full value of such benefit. [Ord. [2444](#), 6-3-96. Code 2001 § 36.52.]

### **3.15.140 Consent or waiving requirement of notice.**

The provisions of NMC [3.15.050](#)(B)(6), insofar as it requires notice to the owners of the properties benefited, shall not apply if the owners of all assessable property within the proposed local improvement district have consented in writing to the local improvement and have waived the requirement for notice in the initial public hearing. [Ord. [2444](#), 6-3-96. Code 2001 § 36.53.]

### **3.15.150 Assessment of public property benefited by improvements.**

A. Whenever all or any part of the cost of a local improvement is to be assessed to the property benefited, benefited property owned by the city, county, school district, park district, state and any other political subdivision shall be assessed in the same manner as private property and the amounts of the assessment shall be paid by the city, school district, county, park district, or state, as the case may be.

B. In the case of property owned by the state, the amount of the assessment shall be certified by the city finance director and filed with the executive department as a claim for reference to the Legislative Assembly in the manner provided by Oregon law unless funds for the payment of the assessment have been otherwise provided by law. [Ord. [2444](#), 6-3-96. Code 2001 § 36.54.]

Cross-reference: See Section 1c of Article IX of the Oregon Constitution pertaining to financing for redevelopment and urban renewal projects.

### **3.15.160 Abandonment of proceedings.**

The city council shall have full authority to abandon and rescind proceedings for a local improvement at any time prior to the final consummation of the proceedings. If liens have been assessed upon any property, they shall be cancelled, and any payments received shall be refunded to the payor, the payor's assigns or legal representatives. [Ord. [2444](#), 6-3-96. Code 2001 § 36.55.]

### **3.15.170 Curative provision.**

No local improvement assessment shall be invalid by reason of a failure to give, in any report, on the proposed assessment ordinance, in the lien docket or elsewhere in the proceedings, the name of the owner of any lot or other parcel of land, or part of any lot or other parcel of land, or the name of any person having a lien upon or interest in such property, or by reason of any error, mistake, delay, omission, irregularity, or other act, jurisdictional or otherwise, in any of the proceedings hereinabove specified, unless it appears that the assessment as made, insofar as it affects the person complaining, is unfair and unjust, and the city council shall have power and authority to remedy and correct all such matters by suitable actions and proceedings. [Ord. [2444](#), 6-3-96. Code 2001 § 36.56.]

## APPENDIX B The LID Public Process

### LID Public Process

- A. **Council** decides whether to direct the City Engineer to prepare an Engineer's Report on the proposed LID improvements. The engineer's report will include a project cost estimate, recommended assessment methodology, and estimated individual assessments.
- B. After reviewing the Engineer's Report, **Council** decides whether to propose the formation of an LID at a Public Hearing. If Council decides to propose the LID, a Public Hearing date is set.
- C. **Council** holds a Public Hearing and then decides whether to form the LID.
- D. City Engineering Division completes site survey and construction plans and calls for contractor bids.
- E. Individual assessments are recalculated based on the low bid amount. **Council** holds another meeting to approve the bid. However, if the new assessments are 20% higher, or more, than the assessments estimated in the Engineer's Report, Council will set a date for another Public Hearing.
- F. Improvements are constructed
- G. Final assessments are prepared based on the final total cost of the project. **Council** holds a Public Hearing and sets the final assessments. Within 10 days, the final assessments are published in the newspaper and certified notice is sent to LID participants. If LID participants wish to finance the assessment through the City, they must, within 10 days of notice, make application to the City, or pay assessments within 30 days of notice.

# APPENDIX C Waiver of Remonstrance Agreements

**OPEN BIBLE CHURCH**  
**Tax Lots 3218AD-7000, -7100**

E 313 P 0600

CITY OF NEWBERG  
CITY RECORDER INDEX NO. 1360

## WAIVER OF RIGHTS TO REMONSTRANCE FOR PUBLIC IMPROVEMENTS

KNOW ALL MEN BY THESE PRESENTS, that the City of Newberg, a municipal corporation of the State of Oregon, hereinafter known as "City", and Newberg Open Bible Church, an Oregon Corporation, by James A. Ringseth, President and Garry J. White, Vice-Chair, on behalf of the corporation, the owners of the real property herein described, hereinafter referred to as "Owners", make the following agreement. The real property located in the City of Newberg, Yamhill County, Oregon is more fully described as follows:

See Attached Exhibit A

That the said real property is held upon the condition that in the event N. College Street, future streets, or public utilities, or any part thereof abutting upon said lots are constructed or improved in accordance with certain practices of the City upon petition of the property owners or upon resolution by the Council, no remonstrance to said proposed street or municipal utility improvements shall be made and such remonstrance is hereby waived.

This agreement shall be binding upon the undersigned, who are the legal owners of the real property described above, and shall binding upon their heirs, assigns, and legal representatives.

IN WITNESS WHEREOF, we have executed said document on this 18th day of July, 1994.

OWNERS: NEWBERG OPEN BIBLE CHURCH

By: *James A. Ringseth*  
James A. Ringseth  
President

By: *Garry J. White*  
Garry J. White  
Vice-Chair

STATE OF OREGON        )  
City of Newberg        ) ss.  
COUNTY OF YAMHILL    )

This instrument was acknowledged before me this 19th day of July, 1994, by James A. Ringseth, President and Garry J. White, Vice-Chair, of Newberg Open Bible Church, an Oregon corporation, on behalf of the corporation.



*Barbara Y. Ringway*  
Notary Public for Oregon  
My Commission Expires: 10-10-99

CITY OF NEWBERG

ACCEPTED AS TO FORM:

By: *Duane R. Cole*  
Duane R. Cole - City Manager

By: *Terrence D. Mahr*  
Terrence D. Mahr - City Attorney

Grantor: James A. Ringseth/Garry J. White  
1605 N. College  
Newberg OR 97132  
Grantee: City of Newberg  
414 E. First Street  
Newberg OR 97132

Return to Grantee after recording c/o Newberg City Attorney, File No: V-3-93,DR-13-93

APPENDIX C  
Waiver of Remonstrance Agreements

**OPEN BIBLE CHURCH**  
**Tax Lots 3218AD-7000, -7100**

EXHIBIT A  
NEWBERG OPEN BIBLE CHURCH

Original 3 Acres

-----The North 192.72 feet of the following described tract of land:  
Part of the Oliver J. Walker Donation Land Claim #53, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at an iron pipe set in center of County Road and on the West line of County Survey #2379 at a point 401.34 feet North and 726 feet West of the Quarter post between Sections 17 and 18, said Township and Range; thence North along the center of said County Road 339.40 feet to an iron pipe at Southeast corner of tract conveyed to Peter Hilbert and wife by Deed recorded May 27, 1920 in Book 81, Page 90, Deed Records; thence South 89°28' West along South line of said Peter Hilbert tract 715.35 feet to iron pipe and Southwest corner of said Peter Hilbert tract; thence South 00°31' West 322.90 feet; thence South 89°13' East 718.50 feet to the place of beginning, also being Lot #2 of County Survey NO. 2516½ of County Survey Records of Yamhill County, Oregon.

EXCEPTING therefrom any portion lying within the State Highway.

1 (one) acre Divided from Original 3 acres

Description of 1 acre tract surveyed for Newberg Open Bible Church.

Part of the Oliver J. Walker Donation Land Claim #53 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northeast corner of Lot #2 of County Survey 2516½ of County Survey Records, being a point in the center of State Highway No. 219, and 740.74 feet North and 726 feet West of the Quarter post between Sections 17 and 18 of said Township and Range; thence S 89°28' W 35 feet to a point on the West margin of said highway, being the true point of beginning, herein; thence S 89°28' W 267.7 feet to an iron rod; thence S 00°19' W 162.72 feet to an iron rod; thence N 89°28' E 267.7 feet to an iron rod on the West margin of said highway; thence N 00°19' E 162.72 feet to said true point of beginning. -----

Addition to 1-acre parcel

THE WEST 145 FEET OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

Situate, lying and being in Yamhill County, State of Oregon, and being a part of the Donation Land Claim of Oliver J. Walker, Claim No. 53, Notification No. 1706, in Yamhill County, State of Oregon, and the part of said claim herein conveyed being particularly described as follows, to-wit: Beginning at the Southeast corner of that certain tract of land conveyed by True French and Emma C. French, his wife, to Peter Hilbert and Clara Hilbert, his wife, by Deed dated May 25, 1920, and which Deed is now recorded in the Office of the Recorder of Conveyances for Yamhill County, State of Oregon, in Book of Deeds Volume 81, at Page 90; and running thence West along the South line of said tract; so conveyed by True French and wife, to Peter Hilbert and wife, 20 rods; thence North 4 rods; thence East parallel with the South line of the premises herein conveyed, 20 rods; thence South 4 rods to the place of beginning, in Section 18, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon.

APPENDIX C  
Waiver of Remonstrance Agreements

WILLOW PLACE ASSISTED LIVING FACILITY  
Tax Lot 3218AD-7401

WAIVER OF RIGHTS TO REMONSTRANCE  
STREETS, FUTURE STREETS, OR PUBLIC UTILITIES  
INCLUDING STORM SEWER, SANITARY SEWER AND WATER LINES  
CITY OF NEWBERG  
CITY RECORDER INDEX NO. 1297

KNOW ALL MEN BY THESE PRESENTS, that the City of Newberg, a municipal corporation of the State of Oregon, hereinafter known as "City", and Assisted Living Facilities, Inc., the owners of the real property herein described, hereinafter referred to as "Owners", make the following agreement. The real property located in the City of Newberg, Yamhill County, Oregon is more fully described as follows:

See Exhibit A attached hereto.

That the said real property is held upon the condition that in the event any streets, future streets, or public utilities, or any part thereof abutting upon said lots are constructed or improved in accordance with certain practices of the City upon petition of the property owners or upon resolution by the Council, no remonstrance to said proposed street or municipal utility improvements shall be made and such remonstrance is hereby waived.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

This Agreement shall constitute a covenant and restriction running with the land and shall be binding upon the undersigned, who are the legal owners of the real property, and shall bind their heirs, assigns and legal representatives.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 14 day of December, 1992.

By: [Signature]  
Donald E. Nielsen, President  
Assisted Living Facilities, Inc.

STATE OF OREGON )  
City of Newberg ) ss.  
COUNTY OF YAMHILL )

This instrument was acknowledged before me on the 14 day of December, 1992, by Donald E. Nielsen.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 10-16-95

CITY OF NEWBERG

ACCEPTED AS TO FORM:

016116

By: [Signature]  
Duane R. Cole - City Manager

By: [Signature]  
Terrence D. Mahr - City Attorney

Grantor: Assisted Living Facilities, Inc.  
Donald E. Nielsen, President  
208 SW Stark Suite 400  
Portland OR 97204  
Grantee: Ret City of Newberg  
414 E. First  
Newberg OR 97132

STATE OF OREGON )  
COUNTY OF YAMHILL ) ss.

Return to Grantee after recording c/o Newberg City Attorney, File No: DR-6-91

I hereby certify that this instrument was received and duly recorded by me in Yamhill County records.

Instrument # [Signature]  
CHARLES STERN,  
COUNTY CLERK

1992 DEC 23 PM 1:20  
F 279P 2299

APPENDIX C  
Waiver of Remonstrance Agreements

WILLOW PLACE ASSISTED LIVING FACILITY  
Tax Lot 3218AD-7401

EXHIBIT A

LEGAL DESCRIPTION

Being a tract of land located in the Oliver Walker Donation Land Claim in the East 1/2 of Section 18, Township 3 South, Range 2 West, Willamette Meridian in Yamhill County, Oregon, and being more particularly described as follows:

COMMENCING from a 5/8 inch iron rod on the South line of said Walker Donation Land Claim that is North 89°17'58" East 726.72 from a 5/8 inch iron rod at the Southwest corner of said Walker Donation Land Claim; thence North 89°17'58" East 687.94 feet to a 5/8 inch iron rod on the West right-of-way line of Hillsboro - Silverton Highway (O.S.H. 219) being 35.00 feet Westerly of the centerline and the beginning of a non-tangent 1874.86 foot radius curve to the left having a central angle 3°08'56", a chord bearing of North 01°34'28" East, and a chord distance of 103.02 feet; thence along said non-tangent curve to the left and West right-of-way line of Hillsboro - Silverton Highway (O.S.H. 219) 103.04 feet to a 5/8 inch iron rod; thence continuing along said right-of-way line North 00°00'00" East 166.06 feet to a 5/8 inch iron rod being the point of beginning of this described tract; thence leaving said right-of-way line South 89°17'58" West 245.00 feet to a 5/8 inch iron rod; thence North 00°00'00" East, parallel to the West line of said O.S.H. 219 right-of-way, 293.46 feet to 5/8 inch iron rod; thence South 89°14'40" East 245.00 feet to a 1 inch iron pipe in the West right-of-way line of said O.S.H. 219; thence South 00°00'00" West 287.23 feet to the point of beginning.

1997 DEC 23 PM 1:20

F 27 9P 2300

# APPENDIX C Waiver of Remonstrance Agreements

## JAQUITH PARK ESTATES Tax Lots 3218AD-7621, -7633, -7634

1991 OCT -4 PM 1:46 F 260P0542

CITY OF NEWBERG  
CITY RECORDER INDEX NO. 1264

### WAIVER OF RIGHTS TO REMONSTRANCE FOR STREET IMPROVEMENTS

KNOW ALL MEN BY THESE PRESENTS, that the City of Newberg, a municipal corporation of the State of Oregon, hereinafter known as "City", and **Cypress Ventures, Inc** the owners of the real property herein described, hereinafter referred to as "Owners", make the following agreement. The real property located in the City of Newberg, Yamhill County, Oregon is more fully described as follows:

Description of real property as in Exhibit "A" which is hereby attached and by this reference incorporated.

The City and Owners agree that the above-described real property is held and shall be transferred, sold, and conveyed upon the condition that in the event any street or future street, or any part thereof abutting upon said property or lots created therefrom, or improved and/or paved in accordance with the practices and procedures of the City, no remonstrances to said proposed improvements shall be made and such right to remonstrate is hereby waived.

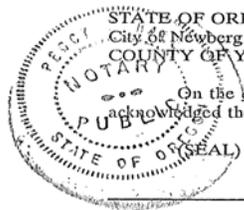
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

This agreement shall be binding upon the undersigned, who are the legal owners of the real property described above, and shall binding upon their heirs, assigns, and legal representatives.

IN WITNESS WHEREOF, we have executed said document on this 4th day of September 1991

OWNERS:  
By: Cypress Ventures Inc.  
By: Lowell W. Morse, President

CITY OF NEWBERG:  
By: [Signature]  
City Manager



STATE OF OREGON )  
City of Newberg ) ss.  
COUNTY OF YAMHILL )  
On the 26<sup>th</sup> day of September, 1991, personally appeared the above-named individual(s) and acknowledged the foregoing instrument to be his/their voluntary act and deed.

Peggy R. Haro  
Notary Public for Oregon  
My Commission Expires: 11-21-92

Grantor:  
Cypress Ventures, Inc.  
9781 Blue Larkspur Lane Suite 3  
Monterey CA 93940  
Grantee: City of Newberg  
414 E. First Street  
Newberg OR 97132

Return to Grantee after recording  
c/o Newberg City Attorney  
File No: CPA-2-91

STATE OF OREGON }  
COUNTY OF Clackamas } ss.  
September 04, 1991  
Personally appeared Lowell W. Morse and  
who being duly sworn, ~~did say~~ ~~that the former is the~~  
~~President of the~~ ~~City of Newberg~~ ~~and~~ ~~each of~~  
~~then acknowledged said instrument to be its voluntary act and~~  
~~deed.~~  
a corporation, and that said instrument was signed in behalf of  
said corporation by authority of its board of directors; and each of  
then acknowledged said instrument to be its voluntary act and  
deed.  
Before me: Jennelle N. Zornado  
JENNELLE N. ZORNADO  
NOTARY PUBLIC OREGON  
My Commission Expires 6-21-94

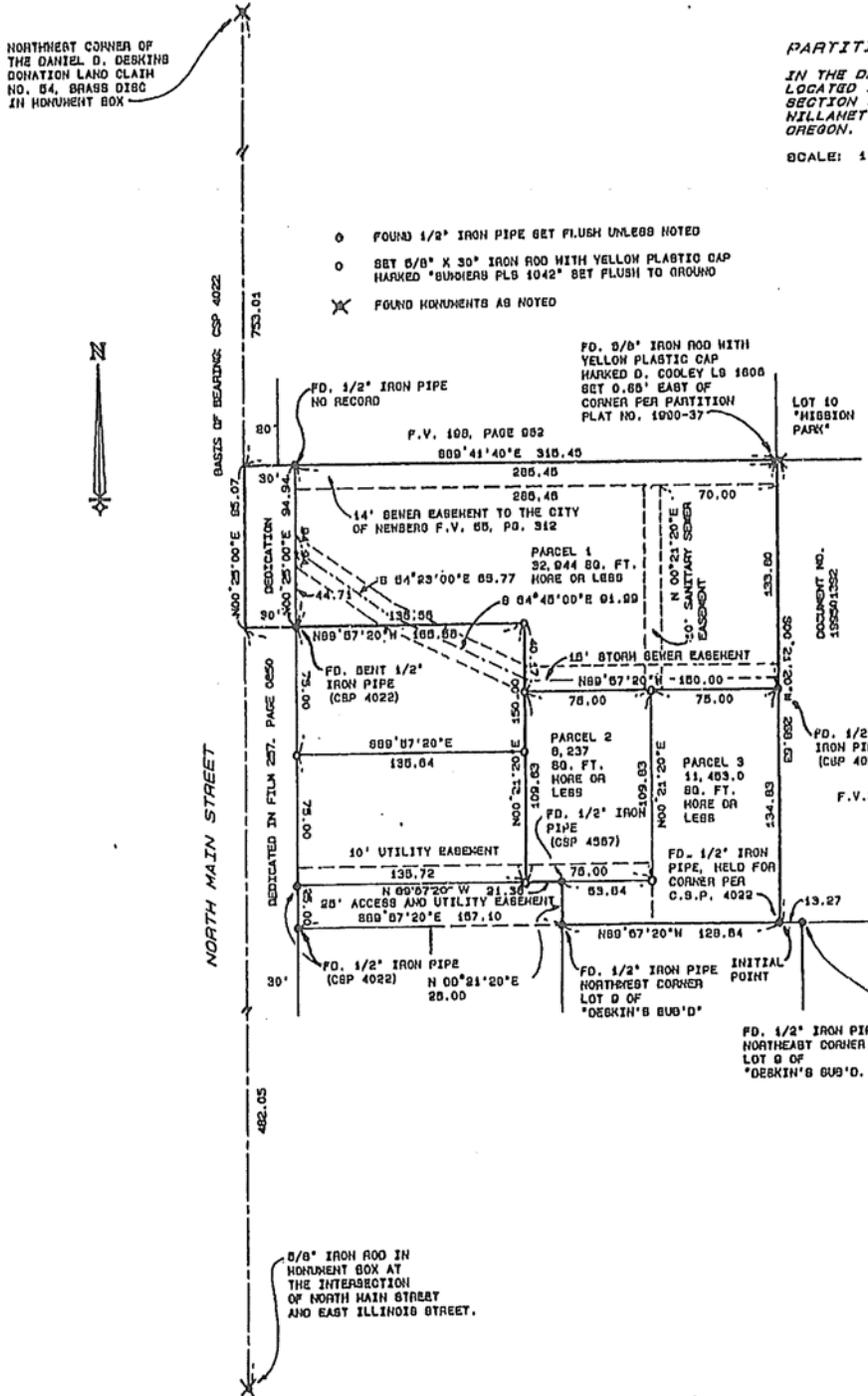
ORL-359 (7-81)  
Staple





APPENDIX C  
Waiver of Remonstrance Agreements

GRAHN PARTITION PLAT P 95-89  
Tax Lots 3218DB-2402, -2403 (Parcels 2 & 3)



95-89

PARTITION PLAT NO. 95-89  
 IN THE DANIEL D. DESKINS DONATION LAND CLAIM NO. 54, LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN, CITY OF MENLO, YAMHILL COUNTY, OREGON.

SCALE: 1"=50'

6 NOVEMBER 1998

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS, THAT CLIFFORD O. WILKELSON IS THE OWNER OF THE LANDS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND DEPICTED ON THE ANNEXED MAP AND THAT HE HAS CAUSED THE SAME TO BE PARTITIONED AND PLATTED INTO PARCELS AS DEPICTED ON THE ANNEXED MAP. HE ALSO DEDICATED 30 FEET FROM THE CENTERLINE OF NORTH MAIN STREET FOR ROADWAY PURPOSES AND ALL EASEMENTS SHOWN TO THE PUBLIC FOR PUBLIC USE. THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PROPERTY.

*Clifford O. Wilkelson*  
 CLIFFORD O. WILKELSON

ACKNOWLEDGEMENT:

STATE OF OREGON } B.D.  
 COUNTY OF YAMHILL }

THIS IS TO CERTIFY THAT ON THIS 30th DAY OF Nov, 1998 BEFORE ME APPEARED CLIFFORD O. WILKELSON WHO AFTER BEING DULY SWORN DID SAY THAT HE IS THE IDENTICAL PERSON NAMED IN THE FOREGOING INSTRUMENT AND THAT SAID INSTRUMENT WAS EXECUTED FREELY AND VOLUNTARILY.

*Carol A. Summers*



F.V. 308, PAGE 0020

APPROVALS:

APPROVED THIS 20th DAY OF Dec, 1998.  
 CITY OF MENLO COMMUNITY DEVELOPMENT DIRECTOR

BY: *[Signature]*

APPROVED THIS 19th DAY OF Dec, 1998.  
 CITY OF MENLO SURVEYOR

BY: *[Signature]*

APPROVED THIS 12th DAY OF Dec, 1998.  
 CITY OF MENLO RECORDER

BY: *[Signature]*

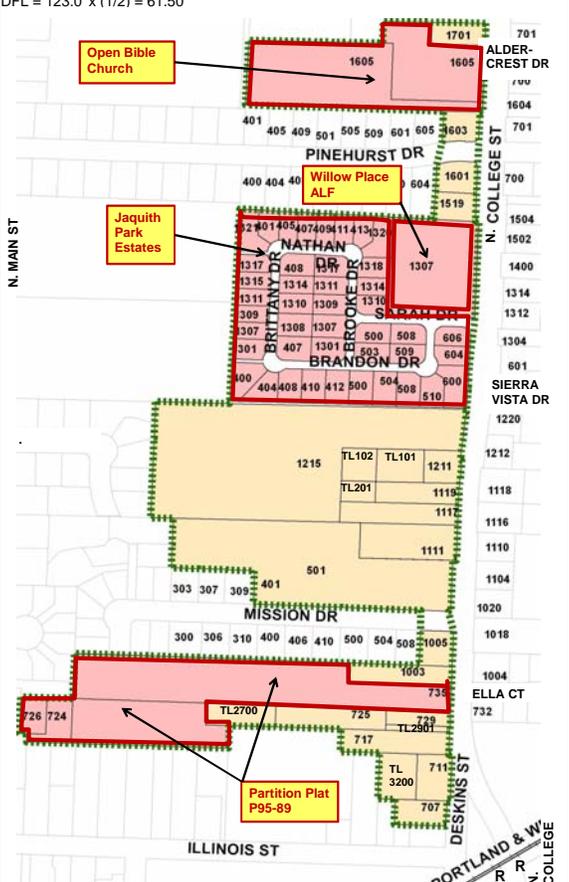
PERSUANT TO O.R.S. 22.008, TAXES HAVE BEEN PAID OR BOND POSTED TO THE DATE OF June 29, 1996

*Julia Stewart-Egan* 12-26-95  
 YAMHILL COUNTY TAX COLLECTOR

**APPENDIX D**  
**Details of LID Scenarios #1, #2 and #3**

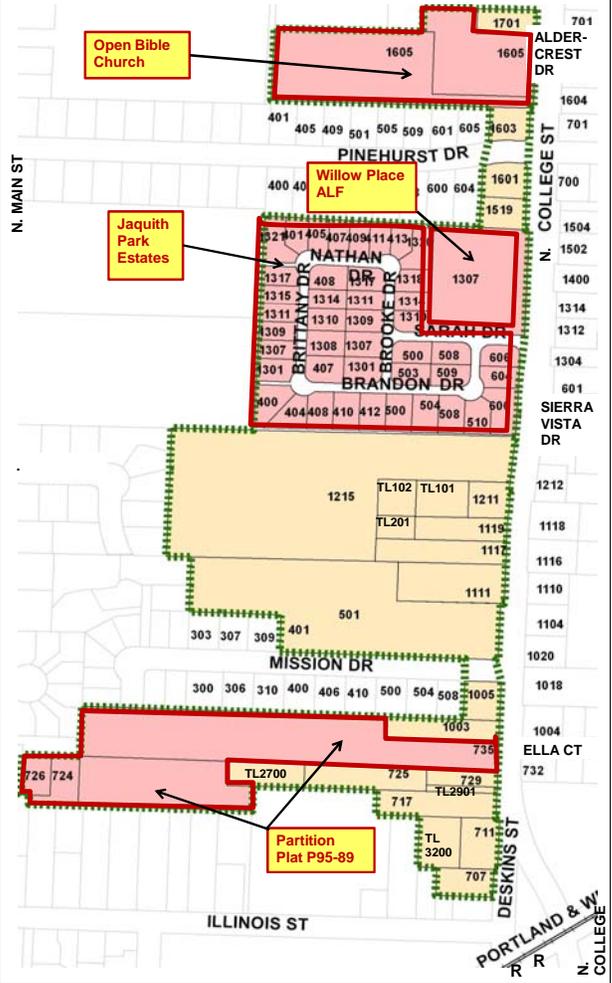
**COLLEGE STREET LID - SCENARIO #1**  
for properties with & without waivers

Property with Waiver (covering 773.03 LF of frontage)	Address	Abutting Frontage Length (feet)	*Distributed Frontage Length (feet)	Estimated Assessment Costs	*Distributed Frontage Explanation	
Open Bible Church	3218 AD 7100	1605 N COLLEGE ST	162.72	162.72	\$14,582.72	<p><b>Jaquith Park Estates:</b> Per Cypress Ventures Waiver of Rights to Remonstrance for Street Improvements, all 43 lots of Jaquith Park Estates (JPE) shall share the total frontage improvement cost equally.</p> <p>Lot 1 has 32.41'; Lot 2 has 57.75'; and Lot 3 has 125.62'.</p> <p>Total Frontage Length (TFL) for JPE = 32.41'+57.75'+125.62' = 215.78'. Distributed Frontage Length (DFL) for JPE = 215.78' / 43 = 5.0181'</p> <p><b>Partition Plat P95-89:</b> Per Roger Grahn Waiver of Rights to Remonstrance for Zoning, Land Use or Construction of Improvements, all 4 properties of Plat P95-89 shall share the total frontage improvement cost based on the Equivalent Single Family (ESF) unit of area.</p> <p>Tax Lot (TL) 2403 has 10,112 SF or 1 ESF unit; TL2402 has 8,237 SF or 1 ESF unit; TL2600 has 56,773 SF or 6 ESF units; and TL2300 has 112,430 SF or 12 ESF units.</p> <p>Total ESF units = 1+1+6+12 = 20. DFL for each ESF unit = 77.3' / 20 = 3.865'</p> <p><b>TL's 3218 DB 100, 101, 102:</b> These 3 lots shall share the total frontage improvement cost equally as each one has about the size of a single family lot. TFL = 98.0' DFL = 98'/3 = 32.67'</p> <p><b>TL's 3218 DB 200, 201:</b> These 2 lots shall share the total frontage improvement cost. TL200 has twice the area of TL201; so 2/3 for TL200 &amp; 1/3 for TL201. TFL = 62.25' DFL for TL200 = 62.25' x (2/3) = 41.50' DFL for TL201 = 62.25' x (1/3) = 20.75'</p> <p><b>TL's 3218 DB 2900, 2901, 2800, 2700:</b> These 4 lots shall share the total frontage improvement cost. TFL = 67.65' (TL2900 &amp; 2901) The DFL is based on the percentage of the total 4 lot areas. TL2900 &amp; 2901 have frontages; TL2800 &amp; 2700 don't; (TL2700 is the farthest from College.) TL2900 is 19.67%; DFL = 67.65' x 19.67% = 13.31' TL2901 is 6.60%; DFL = 67.65' x 6.60% = 4.47' TL2800 has 45.10%; DFL = 67.65' x 45.10% = 30.51' TL2700 has 28.63%; DFL = 67.65' x 28.63% = 19.37'</p> <p><b>TL's 3218 DB 3201, 3200:</b> These 2 lots shall share the total frontage improvement cost equally as they are similar in size. TFL = 123.0' DFL = 123.0' x (1/2) = 61.50'</p>
Willow Place ALF	3218 AD 7401	1307 N COLLEGE ST	287.23	287.23	\$25,741.12	
Jaquith Park Estates (43 lots)						
Lot 1	3218 AD 7621	606 BRANDON DR	32.41	5.01814	\$449.72	
Lot 2	3218 AD 7633	604 BRANDON DR	57.75	5.01814	\$449.72	
Lot 3	3218 AD 7634	600 BRANDON DR	125.62	5.01814	\$449.72	
Lot 4	3218 AD 7635	510 BRANDON DR	0	5.01814	\$449.72	
Lot 5	3218 AD 7636	508 BRANDON DR	0	5.01814	\$449.72	
Lot 6	3218 AD 7637	504 BRANDON DR	0	5.01814	\$449.72	
Lot 7	3218 AD 7638	500 BRANDON DR	0	5.01814	\$449.72	
Lot 8	3218 AD 7639	412 BRANDON DR	0	5.01814	\$449.72	
Lot 9	3218 AD 7640	410 BRANDON DR	0	5.01814	\$449.72	
Lot 10	3218 AD 7641	408 BRANDON DR	0	5.01814	\$449.72	
Lot 11	3218 AD 7642	404 BRANDON DR	0	5.01814	\$449.72	
Lot 12	3218 AD 7643	400 BRANDON DR	0	5.01814	\$449.72	
Lot 13	3218 AD 7628	1301 BRITTANY DR	0	5.01814	\$449.72	
Lot 14	3218 AD 7627	1307 BRITTANY DR	0	5.01814	\$449.72	
Lot 15	3218 AD 7626	1309 BRITTANY DR	0	5.01814	\$449.72	
Lot 16	3218 AD 7617	1311 BRITTANY DR	0	5.01814	\$449.72	
Lot 17	3218 AD 7616	1315 BRITTANY DR	0	5.01814	\$449.72	
Lot 18	3218 AD 7609	1317 BRITTANY DR	0	5.01814	\$449.72	
Lot 19	3218 AD 7608	1321 BRITTANY DR	0	5.01814	\$449.72	
Lot 20	3218 AD 7607	401 NATHAN DR	0	5.01814	\$449.72	
Lot 21	3218 AD 7606	405 NATHAN DR	0	5.01814	\$449.72	
Lot 22	3218 AD 7605	407 NATHAN DR	0	5.01814	\$449.72	
Lot 23	3218 AD 7604	409 NATHAN DR	0	5.01814	\$449.72	
Lot 24	3218 AD 7603	411 NATHAN DR	0	5.01814	\$449.72	
Lot 25	3218 AD 7602	413 NATHAN DR	0	5.01814	\$449.72	
Lot 26	3218 AD 7601	1320 BROOKE DR	0	5.01814	\$449.72	
Lot 27	3218 AD 7612	1318 BROOKE DR	0	5.01814	\$449.72	
Lot 28	3218 AD 7613	1314 BROOKE DR	0	5.01814	\$449.72	
Lot 29	3218 AD 7620	1310 BROOKE DR	0	5.01814	\$449.72	
Lot 30	3218 AD 7623	500 SARAH DR	0	5.01814	\$449.72	
Lot 31	3218 AD 7622	508 SARAH DR	0	5.01814	\$449.72	
Lot 32	3218 AD 7632	509 BRANDON DR	0	5.01814	\$449.72	
Lot 33	3218 AD 7631	503 BRANDON DR	0	5.01814	\$449.72	
Lot 34	3218 AD 7630	1301 BROOKE DR	0	5.01814	\$449.72	
Lot 35	3218 AD 7629	407 BRANDON DR	0	5.01814	\$449.72	
Lot 36	3218 AD 7625	1308 BRITTANY DR	0	5.01814	\$449.72	
Lot 37	3218 AD 7618	1310 BRITTANY DR	0	5.01814	\$449.72	
Lot 38	3218 AD 7615	1314 BRITTANY DR	0	5.01814	\$449.72	
Lot 39	3218 AD 7610	408 NATHAN DR	0	5.01814	\$449.72	
Lot 40	3218 AD 7611	1317 BROOKE DR	0	5.01814	\$449.72	
Lot 41	3218 AD 7614	1311 BROOKE DR	0	5.01814	\$449.72	
Lot 42	3218 AD 7619	1309 BROOKE DR	0	5.01814	\$449.72	
Lot 43	3218 AD 7624	1307 BROOKE DR	0	5.01814	\$449.72	
Partition Plat P95-89 (4 tax lots)						
(Parcel 3)	3218 DB 2403	724 N MAIN ST	77.3	3.865	\$346.38	
(Parcel 2)	3218 DB 2402	726 N MAIN ST	0	3.865	\$346.38	
	3218 DB 2600	No Address	0	23.19	\$2,078.25	
	3218 DB 2300	735 N COLLEGE ST	0	46.38	\$4,156.51	
<b>Subtotal =</b>			<b>773.03</b>	<b>773.03</b>	<b>\$69,277.78</b>	
Property without Waiver (covering 1,393.9 LF of frontage)	Address	Abutting Frontage Length (feet)	*Distributed Frontage Length (feet)	Estimated Assessment Costs		
	3218 AD 6900	1701 N COLLEGE ST	66	66	\$5,914.82	
	3218 AD 7200	1603 N COLLEGE ST	74.11	74.11	\$6,641.63	
	3218 AD 7300	1601 N COLLEGE ST	79.89	79.89	\$7,159.62	
	3218 AD 7309	1519 N COLLEGE ST	83.01	83.01	\$7,439.23	
	3218 DB 0400	1215 N COLLEGE ST	124	124	\$11,112.69	
(3 Tax Lots share frontage)	3218 DB 0100	1211 N COLLEGE ST	98	32.66667	\$2,927.54	
	3218 DB 0101	No Address	0	32.66667	\$2,927.54	
	3218 DB 0102	No Address	0	32.66667	\$2,927.54	
(2 Tax Lots share frontage)	3218 DB 0200	1119 N COLLEGE ST	62.25	41.5	\$3,719.17	
	3218 DB 0201	No Address	0	20.75	\$1,859.58	
	3218 DB 0300	1117 N COLLEGE ST	62.25	62.25	\$5,578.75	
	3218 DB 0900	1111 N COLLEGE ST	105	105	\$9,409.94	
	3218 DB 0800	501 MISSION DR	142.59	142.59	\$12,778.70	
	3218 DB 2101	1005 N COLLEGE ST	105	105	\$9,409.94	
	3218 DB 2200	1003 N COLLEGE ST	58	58	\$5,197.87	
	3218 DB 2900	729 N COLLEGE ST	50.65	13.30804	\$1,192.65	
(4 Tax Lots share frontage)	3218 DB 2901	No Address	17	4.46667	\$400.30	
	3218 DB 2800	725 N COLLEGE ST	0	30.50882	\$2,734.15	
	3218 DB 2700	No Address	0	19.36647	\$1,735.59	
	3218 DB 3100	717 N COLLEGE ST	67.65	67.65	\$6,062.69	
(2 Tax Lots share frontage)	3218 DB 3201	711 DESKINS ST	123	61.5	\$5,511.54	
	3218 DB 3200	No Address	0	61.5	\$5,511.54	
	3218 DB 3400	707 DESKINS ST	75.5	75.5	\$6,766.20	
<b>Subtotal =</b>			<b>1393.9</b>	<b>1393.9</b>	<b>\$124,919.22</b>	
<b>GRAND TOTAL =</b>			<b>2166.93</b>	<b>2166.93</b>	<b>\$194,197.00</b>	
<b>Scenario #1 Summary:</b>						
City's project budget for matching the grant & to cover staff time =				\$194,197.00		
Total project length (in feet) =				2166.93		
Estimated assessment cost per foot of total project length =				\$89.62		
<b>Total Recouped Costs (over total project length) =</b>				<b>\$194,197.00</b>		



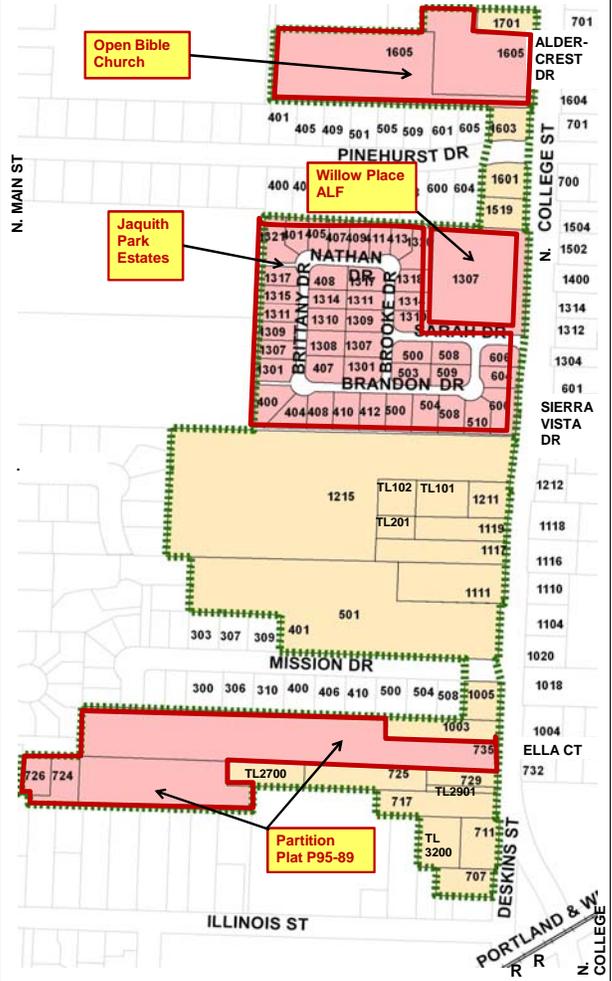
**COLLEGE STREET LID - SCENARIO #2**  
for properties with waivers only  
(only waivers pay all costs)

Property with Waiver (covering 773.03 LF of frontage)		Address	Abutting Frontage Length (feet)	*Distributed Frontage Length (feet)	Estimated Assessment Costs	*Distributed Frontage Explanation
Open Bible Church	3218 AD 7100	1605 N COLLEGE S	162.72	162.72	\$40,877.76	<b>Jaquith Park Estates:</b> Per Cypress Ventures Waiver of Rights to Remonstrance for Street Improvements, all 43 lots of Jaquith Park Estates (JPE) shall share the total frontage improvement cost equally. Lot 1 has 32.41'; Lot 2 has 57.75'; and Lot 3 has 125.62'. Total Frontage Length (TFL) for JPE = 32.41'+57.75'+125.62' = 215.78'. Distributed Frontage Length (DFL) for JPE = 215.78':43 = 5.0181'
Willow Place ALF	3218 AD 7401	1307 N COLLEGE S	287.23	287.23	\$72,156.58	
Jaquith Park Estates	(43 lots)					
Lot 1	3218 AD 7621	606 BRANDON DR	32.41	5.01814	\$1,260.63	<b>Partition Plat P95-89:</b> Per Roger Grahn Waiver of Rights to Remonstrance for Zoning, Land Use or Construction of Improvements, all 4 properties of Plat P95-89 shall share the total frontage improvement cost based on the Equivalent Single Family (ESF) unit of area. Tax Lot (TL) 2403 has 10,112 SF or 1 ESF unit; TL2402 has 8,237 SF or 1 ESF unit; TL2600 has 56,773 SF or 6 ESF units; and TL2300 has 112,430 SF or 12 ESF units. Total ESF units = 1+1+6+12 = 20. DFL for each ESF unit = 77.3':20 = 3.865'
Lot 2	3218 AD 7633	604 BRANDON DR	57.75	5.01814	\$1,260.63	
Lot 3	3218 AD 7634	600 BRANDON DR	125.62	5.01814	\$1,260.63	
Lot 4	3218 AD 7635	510 BRANDON DR	0	5.01814	\$1,260.63	
Lot 5	3218 AD 7636	508 BRANDON DR	0	5.01814	\$1,260.63	
Lot 6	3218 AD 7637	504 BRANDON DR	0	5.01814	\$1,260.63	
Lot 7	3218 AD 7638	500 BRANDON DR	0	5.01814	\$1,260.63	
Lot 8	3218 AD 7639	412 BRANDON DR	0	5.01814	\$1,260.63	
Lot 9	3218 AD 7640	410 BRANDON DR	0	5.01814	\$1,260.63	
Lot 10	3218 AD 7641	408 BRANDON DR	0	5.01814	\$1,260.63	
Lot 11	3218 AD 7642	404 BRANDON DR	0	5.01814	\$1,260.63	
Lot 12	3218 AD 7643	400 BRANDON DR	0	5.01814	\$1,260.63	
Lot 13	3218 AD 7628	1301 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 14	3218 AD 7627	1307 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 15	3218 AD 7626	1309 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 16	3218 AD 7617	1311 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 17	3218 AD 7616	1315 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 18	3218 AD 7609	1317 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 19	3218 AD 7608	1321 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 20	3218 AD 7607	401 NATHAN DR	0	5.01814	\$1,260.63	
Lot 21	3218 AD 7606	405 NATHAN DR	0	5.01814	\$1,260.63	
Lot 22	3218 AD 7605	407 NATHAN DR	0	5.01814	\$1,260.63	
Lot 23	3218 AD 7604	409 NATHAN DR	0	5.01814	\$1,260.63	
Lot 24	3218 AD 7603	411 NATHAN DR	0	5.01814	\$1,260.63	
Lot 25	3218 AD 7602	413 NATHAN DR	0	5.01814	\$1,260.63	
Lot 26	3218 AD 7601	1320 BROOKE DR	0	5.01814	\$1,260.63	
Lot 27	3218 AD 7612	1318 BROOKE DR	0	5.01814	\$1,260.63	
Lot 28	3218 AD 7613	1314 BROOKE DR	0	5.01814	\$1,260.63	
Lot 29	3218 AD 7620	1310 BROOKE DR	0	5.01814	\$1,260.63	
Lot 30	3218 AD 7623	500 SARAH DR	0	5.01814	\$1,260.63	
Lot 31	3218 AD 7622	508 SARAH DR	0	5.01814	\$1,260.63	
Lot 32	3218 AD 7632	509 BRANDON DR	0	5.01814	\$1,260.63	
Lot 33	3218 AD 7631	503 BRANDON DR	0	5.01814	\$1,260.63	
Lot 34	3218 AD 7630	1301 BROOKE DR	0	5.01814	\$1,260.63	
Lot 35	3218 AD 7629	407 BRANDON DR	0	5.01814	\$1,260.63	
Lot 36	3218 AD 7625	1308 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 37	3218 AD 7618	1310 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 38	3218 AD 7615	1314 BRITTANY DR	0	5.01814	\$1,260.63	
Lot 39	3218 AD 7610	408 NATHAN DR	0	5.01814	\$1,260.63	
Lot 40	3218 AD 7611	1317 BROOKE DR	0	5.01814	\$1,260.63	
Lot 41	3218 AD 7614	1311 BROOKE DR	0	5.01814	\$1,260.63	
Lot 42	3218 AD 7619	1309 BROOKE DR	0	5.01814	\$1,260.63	
Lot 43	3218 AD 7624	1307 BROOKE DR	0	5.01814	\$1,260.63	
Partition Plat P95-89	(4 tax lots)					
(Parcel 3)	3218 DB 2403	724 N MAIN ST	77.3	3.865	\$970.95	
(Parcel 2)	3218 DB 2402	726 N MAIN ST	0	3.865	\$970.95	
	3218 DB 2600	No Address	0	23.19	\$5,825.68	
	3218 DB 2300	735 N COLLEGE ST	0	46.38	\$11,651.37	
<b>GRAND TOTAL =</b>			<b>773.03</b>	<b>773.03</b>	<b>\$194,197.00</b>	
<b>Scenario #2 Summary:</b>						
City's project budget for matching the grant & to cover staff time = (Total project length, in feet = 2,166.93)					\$194,197.00	
Waiver frontage length (in feet) =					773.03	
Estimated assessment cost per foot of waiver frontage length =					\$251.22	
<b>Total Recouped Costs (over waiver frontage length) =</b>					<b>\$194,197.00</b>	



**COLLEGE STREET LID - SCENARIO #3**  
**for properties with and without waivers**  
(only waivers pay their pro-rated costs)

Property with Waiver (covering 773.03 LF of frontage)		Address	Abutting Frontage Length (feet)	*Distributed Frontage Length (feet)	Estimated Assessment Costs	*Distributed Frontage Explanation
Open Bible Church	3218 AD 7100	1605 N COLLEGE S	162.72	162.72	\$14,582.72	<b>Jaquith Park Estates:</b> Per Cypress Ventures Waiver of Rights to Remonstrance for Street Improvements, all 43 lots of Jaquith Park Estates (JPE) shall share the total frontage improvement cost equally. Lot 1 has 32.41'; Lot 2 has 57.75'; and Lot 3 has 125.62'. Total Frontage Length (TFL) for JPE = 32.41'+57.75'+125.62' = 215.78'. Distributed Frontage Length (DFL) for JPE = 215.78':43 = 5.0181'
	3218 AD 7000	1605 N COLLEGE S	30	30	\$2,688.55	
Willow Place ALF	3218 AD 7401	1307 N COLLEGE S	287.23	287.23	\$25,741.12	
Jaquith Park Estates	(43 lots)					<b>Partition Plat P95-89:</b> Per Roger Grahn Waiver of Rights to Remonstrance for Zoning, Land Use or Construction of Improvements, all 4 properties of Plat P95-89 shall share the total frontage improvement cost based on the Equivalent Single Family (ESF) unit of area. Tax Lot (TL) 2403 has 10,112 SF or 1 ESF unit; TL2402 has 8,237 SF or 1 ESF unit; TL2600 has 56,773 SF or 6 ESF units; and TL2300 has 112,430 SF or 12 ESF units. Total ESF units = 1+1+6+12 = 20. DFL for each ESF unit = 77.3':20 = 3.865'
Lot 1	3218 AD 7621	606 BRANDON DR	32.41	5.01814	\$449.72	
Lot 2	3218 AD 7633	604 BRANDON DR	57.75	5.01814	\$449.72	
Lot 3	3218 AD 7634	600 BRANDON DR	125.62	5.01814	\$449.72	
Lot 4	3218 AD 7635	510 BRANDON DR	0	5.01814	\$449.72	
Lot 5	3218 AD 7636	508 BRANDON DR	0	5.01814	\$449.72	
Lot 6	3218 AD 7637	504 BRANDON DR	0	5.01814	\$449.72	
Lot 7	3218 AD 7638	500 BRANDON DR	0	5.01814	\$449.72	
Lot 8	3218 AD 7639	412 BRANDON DR	0	5.01814	\$449.72	
Lot 9	3218 AD 7640	410 BRANDON DR	0	5.01814	\$449.72	
Lot 10	3218 AD 7641	408 BRANDON DR	0	5.01814	\$449.72	
Lot 11	3218 AD 7642	404 BRANDON DR	0	5.01814	\$449.72	
Lot 12	3218 AD 7643	400 BRANDON DR	0	5.01814	\$449.72	
Lot 13	3218 AD 7628	1301 BRITTANY DR	0	5.01814	\$449.72	
Lot 14	3218 AD 7627	1307 BRITTANY DR	0	5.01814	\$449.72	
Lot 15	3218 AD 7626	1309 BRITTANY DR	0	5.01814	\$449.72	
Lot 16	3218 AD 7617	1311 BRITTANY DR	0	5.01814	\$449.72	
Lot 17	3218 AD 7616	1315 BRITTANY DR	0	5.01814	\$449.72	
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Lot 22	3218 AD 7605	407 NATHAN DR	0	5.01814	\$449.72	
Lot 23	3218 AD 7604	409 NATHAN DR	0	5.01814	\$449.72	
Lot 24	3218 AD 7603	411 NATHAN DR	0	5.01814	\$449.72	
Lot 25	3218 AD 7602	413 NATHAN DR	0	5.01814	\$449.72	
Lot 26	3218 AD 7601	1320 BROOKE DR	0	5.01814	\$449.72	
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Lot 28	3218 AD 7613	1314 BROOKE DR	0	5.01814	\$449.72	
Lot 29	3218 AD 7620	1310 BROOKE DR	0	5.01814	\$449.72	
Lot 30	3218 AD 7623	500 SARAH DR	0	5.01814	\$449.72	
Lot 31	3218 AD 7622	508 SARAH DR	0	5.01814	\$449.72	
Lot 32	3218 AD 7632	509 BRANDON DR	0	5.01814	\$449.72	
Lot 33	3218 AD 7631	503 BRANDON DR	0	5.01814	\$449.72	
Lot 34	3218 AD 7630	1301 BROOKE DR	0	5.01814	\$449.72	
Lot 35	3218 AD 7629	407 BRANDON DR	0	5.01814	\$449.72	
Lot 36	3218 AD 7625	1308 BRITTANY DR	0	5.01814	\$449.72	
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Lot 39	3218 AD 7610	408 NATHAN DR	0	5.01814	\$449.72	
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Lot 41	3218 AD 7614	1311 BROOKE DR	0	5.01814	\$449.72	
Lot 42	3218 AD 7619	1309 BROOKE DR	0	5.01814	\$449.72	
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(Parcel 2)	3218 DB 2402	726 N MAIN ST	0	3.865	\$346.38	
		3218 DB 2600	No Address	0	23.19	\$2,078.25
		3218 DB 2300	735 N COLLEGE ST	0	46.38	\$4,156.51
<b>GRAND TOTAL =</b>			<b>773.03</b>	<b>773.03</b>	<b>\$69,277.78</b>	
<b>Scenario #3 Summary:</b>						
City's project budget for matching the grant & to cover staff time =					\$194,197.00	
Total project length (in feet) =					2166.93	
Waiver frontage length (in feet) =					773.03	
Estimated assessment cost per foot of total project length =					\$89.62	
<b>Total Recouped Costs (prorated over waiver frontage length) =</b>					<b>\$69,277.78</b>	



# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 5, 2012

Order \_\_\_      Ordinance \_\_\_      Resolution \_\_\_      Motion \_\_\_      Information **XX**  
No.              No.                      No.                      No.                      No.

**SUBJECT: City's role in economic development**

Contact Person (Preparer) for this  
Item: David Beam, Economic Development Planner  
Dept.: Planning and Building  
File No.: G-11-010

## EXECUTIVE SUMMARY:

The purpose of this memo is to provide the City Council with a summary of the city's recent economic development efforts and our complementary role with other organizations that have interests in economic development. Moreover, staff presents this information to the Council as a mechanism to solicit input from them regarding what should be the city's vision of its role in economic development.

Staff recommends at a minimum, the city should maintain its current level of economic development services. However, given the reductions in funding for economic development in the city's current fiscal year budget, providing these levels of services would be difficult, if not impossible. To maintain the current recommended service level, the city will need to identify and dedicate additional resources for economic development.

The city of Newberg's simple, clear goal for the community's economy is "To develop a diverse and stable economic base." This goal is stated in Section H of the city's Comprehensive Plan, along with an extensive list of policies supporting this goal as listed in Exhibit "A". To implement this goal and its policies, the city recently adopted an Economic Opportunities Analysis which provides a detailed description of the strategies that should be undertaken (Section IV). These strategies are shown in Exhibit "B".

In recent years, the city has taken many actions in support of the economic goal, policies, and strategies. City staff has provided, and continues to provide, a wide range of services directly impacting the economic health of the community. The following is a list of some of the more substantive and directly related economic development services provided by staff supporting the maintenance and expansion of local businesses as well as the recruitment of new businesses:

- Ensure **adequate supplies of land** are available to meet the needs of businesses. Seek solutions making available business sites "shovel-ready" and ensure that available existing commercial/industrial sites are being marketed well. Examples: developing and maintaining the city's Economic Opportunities Analysis, planning for development of industrial lands (e.g. South Industrial Area Master Plan as well as its companion infrastructure financing plan), and working with industrial brokers to market their properties on the [Expand in Oregon website](#) (e.g. Suntron, Marus, PPM, etc.).
- **Identify facility and/or land needs for new and existing businesses** and try to match those needs with existing available properties. Examples: Finding a new, larger facility for a

growing local company that makes specialized computer stations and marketing the former Suntron facility to potential clients.

- **Seek out local business needs and find solutions to resolve those issues.** Example: securing a \$286,000.00 grant from the State and matching up Yamhill County, city, and business resources to upgrade Second Street in front of Climax Portable Machine Tools.
- Collaborate with entities in their efforts to **revitalize the historic downtown area** (e.g. NDRC, NDA, and Cultural Arts Center). Example: physical improvement projects including banners, welcome sign, demonstration block, Hess Creek fencing, and decorative street lights.
- Promote and administer the city's **Economic Development Revolving Loan Fund (EDRLF)**, which is used to help support local business development efforts.
- **Maintain city website resources** supporting businesses, such as the economic development webpage and community videos; provide existing businesses and startups with assistance, including the location of suitable business sites; and help businesses with the permitting process and with finding additional outside business assistance resources.
- **Partner** and take leadership roles with multiple county, regional, and state private and public organizations, and utilize their resources to support Newberg's business interests. Examples: Yamhill County, Greater Portland Inc. (formerly Regional Partners), Oregon Economic Development Association, and the State of Oregon's Grow Oregon Council.

Identifying adequate funding to accomplish these important tasks has been a challenge in recent years. The current Fiscal Year 2012-2013 budget for city economic development staffing, materials, and services is approximately \$22,000.00, reducing economic development staffing levels from 0.6 FTE in Fiscal Year 2011-2012 to 0.1 FTE in Fiscal Year 2012-2013. The impact of this budget change could be a reduction in economic development services by the city. If this scenario were to occur, it is unclear if there are any appropriate organizations with the available resources to take over provision of those services.

On May 7, 2012, city staff and City Council held a workshop to discuss the funding issue, the current status of the Business License Program (the primary source of revenue for the Economic Development Fund), and potential changes to the Business License Program. During the workshop, the Council re-affirmed the importance of the city's economic development program. The Council expressed a willingness to consider an increase in business license fees if the program was designed in a manner so that small businesses would pay less than larger businesses. In addition, they recognized assessments on a per employee basis may be an equitable methodology, as long as those assessment rates decreased as the size of the business increased. Council expressed a desire for any new assessment program to be structured in a manner that does not discourage local business development. Finally, they directed staff to discuss any new assessment program with the Chehalem Valley Chamber of Commerce and key interests in the local business community. Staff is currently working to implement this directive.

In addition to the work city staff performs, the city provides additional financial resources to a variety of entities in support of economic development. First, the city provides funds to the Chehalem Valley Chamber

of Commerce to run a visitor's center, which supports tourism. The funding for the visitor's center varies each year, but the rate is set at 25% of the city's Transient Lodging Tax revenue. This budget year it is estimated to be approximately \$98,000.00. In addition, the city supports the work of the Newberg Downtown Coalition (NDC) with a contribution of \$8,500.00 in each of the last two fiscal years (Fund 01, Community Support).

In total, the city has budgeted about \$128,500.00 this fiscal year for economic development services provided by city staff, the Chamber of Commerce, and the NDC. This appears to place Newberg on the low end of the spectrum in the amount of funds it dedicates to economic development, according to a report titled "Local Economic Development Policies" (Upjohn Institute for Research Employment, 2003). This report cites a national survey by the International City Managers Association, which revealed that local cities with a population size equal to Newberg budget between \$155,610.00 and \$355,680.00 (1999 dollars) annually for economic development, not including any local tax incentives used to promote economic development.

In general, Newberg's economy can be broken down into the commercial sector, providing services to local citizens and tourists, and the industrial sector, manufacturing goods for sale. The focus of the Chamber of Commerce and the NDC are to provide services supporting the commercial sector. The city's efforts also support the commercial sector. However, the city's efforts also work to support the industrial sector, which is critical to the economic health of the community in terms of wealth creation and jobs. This complementary division of services serves the local community well, allowing each entity to work to its strengths. It ensures all sectors of the local economy have a support system, thereby helping to ensure the Newberg community is provided with a diverse and stable local economy.

The Chamber of Commerce and NDC provide progress reports to the City Council on a regular basis. City staff also confers with Council on economic development issues on an as-need basis as well as provides an annual report on the city's economic development effort.

The following is a general overview of the economic development roles by the city of Newberg and the Chehalem Valley Chamber of Commerce. This list is not intended to be exhaustive, and there are many overlapping roles.

## **City of Newberg and Chehalem Valley Chamber of Commerce Complementary Economic Development Roles:**

### ***Chehalem Valley Chamber of Commerce***

- Provide informational and promotional needs for the local tourism industry.
- Provide an organizational structure where local businesses can discuss issues in the local business community and devise solutions.
- Provide general community information to individuals and businesses interested in re-locating to the Chehalem Valley.
- Provide networking opportunities for businesses.
- Provide advertising opportunities for businesses.
- Provide training opportunities to improve business practices and prepare future leaders.
- Provide informational community forums regarding issues important to businesses.
- Promote and educate both the general population and political leadership of the importance of business to the general well-being of the community.

### ***City of Newberg***

- Ensure that an adequate land supply, in both quality and quantity, is available to meet the needs of existing and new businesses.
- Provide economic development direction and strategy for the community through maintenance of city's Comprehensive Plan and Economic Opportunities Analysis.
- Promote Newberg as a good location for business and identify good business candidates for re-location to the community.
- Identify facility and land needs for new and existing businesses and try to match those needs with existing available properties.
- Collaborate with entities in their efforts to revitalize the historic downtown area (e.g. NDA and Cultural Arts Center).
- Promote and administer the city's Economic Development Revolving Loan Fund.
- Maintain city website resources that support businesses, such as the economic development webpage and community videos.
- Provide existing businesses and startups with assistance, with a focus on support to traded-sector companies (e.g. manufacturers). Types of assistance include employee training, market research, capital financing, business efficiency, and suitable business site location.
- Help businesses with the permitting process and how to find additional outside business assistance resources.
- Partner and take leadership roles with multiple county, regional and state private and public organizations, and utilize their resources to support Newberg's business interests. (e.g. Greater Portland Inc. (formerly Regional Partners), Oregon Economic Development Association, and the State of Oregon's Grow Oregon Council).

It should be noted the above-mentioned roles are not absolute. The city and chamber should continually seek out collaborative opportunities to help achieve our mutual goal of a strong local economy.

**FISCAL IMPACT:** None

**STRATEGIC ASSESSMENT:** It is accepted that government does not create private-sector jobs; entrepreneurs do that. However, it should also be recognized that government can play an important role in creating an environment which supports and encourages businesses and the jobs they generate. In doing so, we create a healthier community overall.

*Newberg Comprehensive Plan*

**H. THE ECONOMY**

**GOAL:** To develop a diverse and stable economic base.

**POLICIES:**

**1. General Policies**

- a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance No. 2006-2634, January 3, 2006)
- b. The City shall encourage economic expansion consistent with local needs.
- c. The City will encourage the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.
- d. Newberg will encourage the development of industries which represent the most efficient use of existing resources including land, air, water, energy and labor.
- e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area.
- f. The City shall participate with local and regional groups to coordinate economic planning.
- g. The City shall encourage business and industry to locate within the Newberg City limits.
- h. Yamhill County history, products and activities should be promoted.
- i. The City shall encourage tourist-related activities and services such as motor inns, restaurants, parks and recreation facilities, a visitor center, conference and seminar activities.
- j. A mixed-use river-oriented commercial area should be encouraged to be developed near the Willamette River. (Ordinance No. 2002-2564, April 15, 2002)

- k. The City shall promote Newberg as a tourist destination location.
- l. The City shall promote the expansion of local viticulture and wine production as a method for increasing tourism.
- m. The City shall collaborate with project developers to construct and maintain the best utility systems possible (e.g. water and sanitary sewer), both from a quality as well as quantity (capacity) standpoint.
- n. The City, in cooperation with public and/or private entities, shall invest in the best telecommunications infrastructure possible.
- o. The City shall collaborate with other public and private entities and project developers to construct and maintain the best surface transportation infrastructure possible (e.g. roads, airport, railroad).
- p. The City shall strive to develop and promote a high quality of life in the community in order to attract and retain a diverse and highly skilled workforce.
- q. The City shall foster an environment of business innovation so that the community may remain economically competitive.

(m. through q. added by Ordinance No. 2010-2723, February 1, 2010)

## **2. Industrial Areas Policies**

- a. Industrial expansion shall be located and designed to minimize impacts on surrounding land uses.
- b. The City shall encourage industrial development, preferring firms that:
  - Meet or exceed state or local environmental standards;
  - Utilize the existing labor force and help to reduce seasonal unemployment fluctuations; and
  - Are efficient consumers of energy.
- c. Newberg shall actively pursue the inclusion of large industrial sites within the urban growth boundary.
- d. The City shall undertake specific activities to encourage the growth of existing businesses, to encourage a diversity of businesses, and to attract new businesses to the community in industries that will provide local employment opportunities consistent with community needs and goals. (Ordinance No. 2006-2634, January 3, 2006)

- e. Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation. Full urban services will be extended into the area if appropriate, if the extension of land use and services is consistent with all other goals and policies of the plan.
- f. Concerted community efforts should be made to see that industrial development expands outward from existing areas rather than occurring in haphazard patterns.
- g. The City shall identify land that will provide for expansion of existing businesses and/or attract new businesses and shall reserve that land for future industrial development that is consistent with community needs and goals.
- h. Where areas have been planned for large industrial sites, zoning regulations shall be developed and maintained to keep those sites intact. Such sites shall not be further divided except to create planned industrial parks that support a specific industry (Ordinance No. 2006-2634, January 3, 2006).
- i. Industrial land shall be reserved for industrial uses.

**3. Commercial Areas Policies**

- a. The City shall encourage the retention of the downtown core as a shopping, service and financial center for the Newberg area. New commercial developments shall be encouraged to locate there.
- b. Adequate neighborhood commercial areas will be provided to serve localized needs.
- c. Commercial development will be encouraged to be clustered and to develop off-street parking facilities in conjunction with other nearby developments.
- d. To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited access highway.
- e. Deleted by Ordinance No. 2004-2602, September 29, 2004.

**4. Riverfront District Policies**

## EXHIBIT "A"

- a. The City will enhance commercial diversity and activity in the Riverfront area by encouraging a business mix that provides goods and services to satisfy neighborhood and visitor needs and that also draws people from the greater region.
- b. The City will encourage development of the Riverfront District as a distinct river-oriented center that can help support a variety of local businesses.
- c. The City will encourage the development of commercial and retail uses that have a strong reason for locating near the Riverfront and support the vision of the Riverfront District as a walkable and bikeable mixed-use area (Ordinance No. 2002-2564, April 15, 2002).

## *City of Newberg - Economic Opportunity Analysis*

### IV. Newberg’s Economic Development Strategy

#### *Capitalizing on Comparative Advantages & Addressing Comparative Disadvantages*

**Table 12- 1: Strategies to Capitalize on Comparative Advantages**

Advantage	Strategy / Action
<b>1. Small Town Quality of Life</b>	<ul style="list-style-type: none"> <li>• Continue to provide relatively affordable housing opportunities.</li> <li>• Minimize adverse impacts on existing and planned residential neighborhoods from conflicting employment opportunities.</li> <li>• Continue revitalization efforts of historic downtown.</li> <li>• Support organizations that foster “social capital”.</li> <li>• Work to improve the pedestrian/bicycle network in Newberg.</li> </ul> <p><i>(Applicable Comprehensive Plan policies: 1.p., 1.q., 3.a.)</i></p>
<b>2. Access to Quality Education and Skills Training</b>	<ul style="list-style-type: none"> <li>• Continue to support the Newberg School District, George Fox University, Portland Community College, and other public and private schools in their efforts to train and motivate the kind of workforce required by existing and future employers in Newberg.</li> </ul> <p><i>(Applicable Comprehensive Plan policies: 1.f., 1.q.)</i></p>
<b>3. Strong Established and Growing Industry Clusters</b>	<ul style="list-style-type: none"> <li>• Provide sufficient land near existing industrial areas to allow for expansion.</li> <li>• Provide suitable sites with characteristics required by such industries to take advantage of industrial clusters in Newberg.</li> <li>• Encourage the reuse/redevelopment of properties in zones allowing business.</li> </ul> <p><i>(Applicable Comprehensive Plan policies: 1.b., 2.e., 2.g.)</i></p>
<b>4. Strong Local Support for Business and Employment Opportunities</b>	<ul style="list-style-type: none"> <li>• Continue to plan for future employment opportunities by providing suitable sites for industrial (export) and commercial uses.</li> <li>• Continue to work collaboratively with the State, Yamhill County, and local businesses to fund infrastructure and planning necessary to maintain and attract desired employment.</li> <li>• Continue to work with and support the Chehalem Valley Chamber of Commerce.</li> </ul> <p><i>(Applicable Comprehensive Plan policies: 1.m., 1.n., 1.o., 3.b.)</i></p>
<b>5. Proximity to Portland Metropolitan Region</b>	<ul style="list-style-type: none"> <li>• Continue to work with Metropolitan area partners in promoting the economic advantages of the region.</li> <li>• Provide opportunities for identified regional employment clusters in Newberg.</li> <li>• Continue to advocate for improved access to regional markets, via Highways 99W and 219 and the Interstate.</li> <li>• Continue to maintain rail and air access opportunities.</li> </ul> <p><i>(Applicable Comprehensive Plan policies: 1.f., 1.o., 2.g.)</i></p>
<b>6. Future Newberg-Dundee Bypass</b>	<ul style="list-style-type: none"> <li>• Continue to work with the Oregon Legislature and State agencies to build political support and ensure funding for the Bypass.</li> <li>• Encourage support, funding and construction of the full Bypass project.</li> </ul> <p><i>(Applicable Comprehensive Plan policies: 1.o.)</i></p>
<b>7. Oregon’s Statewide Planning Goals</b>	<ul style="list-style-type: none"> <li>• Newberg has taken advantage of Oregon’s Economic Development Program (Goal 9) by identifying comparative advantages (and disadvantages), targeting export-based employment clusters, identifying and providing for the site requirements necessary to maintain and attract such clusters in Newberg, and coordinating with Yamhill County and affected state agencies to retain and provide services to suitable employment sites. Newberg will continue to coordinate with these agencies.</li> </ul> <p><i>(Applicable Comprehensive Plan policies: 1.f.)</i></p>

Table 12- 2: Strategies to Address Comparative Disadvantages

Disadvantage	Strategy / Action
<b>1. Transportation and Access Issues</b>	<ul style="list-style-type: none"> <li>• Continue to work with the Oregon Legislature and State agencies to ensure funding for the Newberg-Dundee Bypass.</li> <li>• Continue to advocate for Highway 99W improvements to reduce congestion and maintain regional connectivity.</li> <li>• Continue to work with ODOT for review of all development proposals in areas that may impact a state highway facility. <i>(Applicable Comprehensive Plan policies: 1.o.)</i></li> </ul>
<b>2. Lack of Suitable Employment Sites</b>	<ul style="list-style-type: none"> <li>• Newberg has considered local, regional, state and national economic trends and identified industry clusters that the City has a reasonable likelihood of attracting to the community.</li> <li>• Newberg has also researched and identified the site characteristics demanded by firms within these industry clusters. Newberg is actively planning for a future industrial area that will meet both the industrial site characteristics and the land needs of the city’s population over the next 30 years. <i>(Applicable Comprehensive Plan policies: 2.h., 2.g.)</i></li> </ul>
<b>3. Limited Suitable Land Supply Outside UGB</b>	<ul style="list-style-type: none"> <li>• After considering the potential for rural residential exception areas to meet identified site requirements, the City has selected sites on agricultural land that will be reserved for identified employment needs. <i>(Applicable Comprehensive Plan policies: 2.e., 2.g.)</i></li> </ul>
<b>4. and 5. Stressed Commercial Sector and Retail Dollar Leakage</b>	<ul style="list-style-type: none"> <li>• Recruit businesses that can fulfill commercial needs that are currently being unmet locally.</li> <li>• Support small businesses that are adjusting these new retail realities by either focusing on high quality customer service and/or gearing their business plans toward niche markets.</li> <li>• Encourage local retail businesses to improve their online presence. <i>(Applicable Comprehensive Plan policies: 1.c., 1.i.)</i></li> </ul>
<b>6. Market Pressures on SP Newsprint</b>	<ul style="list-style-type: none"> <li>• Newberg will continually look for opportunities to work with SP Newsprint to help reduce their operational costs. <i>(Applicable Comprehensive Plan policies: 2.d.)</i></li> </ul>
<b>7. Oregon’s Statewide Planning Goals</b>	<ul style="list-style-type: none"> <li>• Newberg will continue to pursue Urban Growth Boundary amendments and Urban Reserve expansions to provide adequate land for future uses. <i>(Applicable Comprehensive Plan policies: 1.f.)</i></li> </ul>

**Regional Focus**

Newberg has recognized the importance of being part of a shared, regional economic vision. *Beyond the Vision: A Strategic Plan for the Chehalem Valley* is a document that was created cooperatively between five governmental entities located within the Chehalem Valley. This document was adopted by the Newberg City Council in January 2005. One section of this document, called *Economy and Employment*, describes the economic future of the area as follows:

*A diversified economy provides balanced economic opportunities for the residents of the Chehalem Valley. Agriculture and agribusinesses are an important component of the local economy. The natural beauty of the area encourages tourism and the wine industry. A carefully targeted retail recapture strategy has encouraged more local shopping and minimized buying outside of the area. Downtown areas are vibrant commercial areas that support the local economy.*

*Clean industries have been developed using a “campus” design. Plenty of family wage jobs are available for citizens of the area. Tourism is a major economic force, its*

*strengths based on the premise that the Chehalem Valley is 1) the gateway to the wine country; 2) characterized by a clean and comfortable environment; and, 3) offers the historical experience of a friendly, small town and village America in the earlier period of the 20th century. As a destination location for visitors, the community of Dundee now has two small exclusive hotels and bed and breakfast inns. The service industry has expanded, with the health industry and health research being a major provider of employment in this sector of the economy.<sup>1</sup>*

Key strategic steps laid out for the *Economy and Employment* section of the plan are as follows:

- Hold a broad community forum on economic development to build consensus.
- Invigorate the Chamber of Commerce Economic Development Committee.
- Seek financial aid in the form of grants.
- Develop community college training programs tailored to the labor force needs of prospective employers.

The regional economic development paradigm is expected to continue in the foreseeable future. Newberg has worked extensively with the Mid-Willamette Valley Council of Governments and the Oregon Business Development Department for many years. With an understanding that Newberg’s economic future is likely to be strongly linked with fortunes of the Portland region, the City has recently developed relationships with economic development organizations in the metropolitan area. In the summer of 2004, the City of Newberg joined the Association of Regional Economic Development Partners, Inc. (now the Portland-Vancouver Regional Partners Council for Economic Development.). The Partners is “a public-private partnership that focuses on shared economic priorities and works to implement business retention, expansion, and recruitment as well as marketing strategies and recommendations for policy development. The members are public and private sector economic development professionals in the region who have worked collaboratively for more than 10 years to retain and recruit businesses, and promote the metropolitan region as a vital economic center.”

On January 3, 2005, the Newberg City Council passed Resolution No. 2005-2554, which stated the city’s support for the framework of the Portland Regional Business Plan of the Regional Economic Development Partners.

### ***Locally Targeted Economic Development Industry Clusters (Targeted Industries)***

The majority of Newberg’s economic development efforts should continue to be focused upon supporting existing local businesses. In the economic development profession, there is a general principle call the “80/20 rule”, which means that 80 percent of an area’s economic development efforts should be dedicated towards the retention and expansion of existing local businesses. In addition, it is often said that “Your good businesses are your competitor’s best recruitment prospects!” Therefore, a community should ensure, as much as possible, that their local businesses are content and prosperous, or else they may look elsewhere to do business. In summary, it is far easier, effective and efficient to try to maintain and expand your economy through one’s local industries than to attract new ones.

As important as Newberg’s retention efforts are for its economic health, recruiting specific new businesses to Newberg such as those listed in the Portland-Vancouver Regional Business Plan and the Newberg EOA is a critical aspect of Newberg’s economic development strategy. Some of these

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<sup>1</sup> *Beyond the Vision: A Strategic Plan for the Chehalem Valley*

businesses can be recruited to strengthen existing clusters within the community. Others are new types of businesses that can be attracted based on combination of three factors: a business’ cluster strength in the Portland region; Newberg’s close proximity to the metro area, and Newberg’s unique high quality of life compared to other communities in the region. The City’s business recruitment efforts should be focused on identified strong, traded-sector clusters. These types of businesses will bring new wealth to the community and diversify the local economy, thereby creating an economic base that is stronger and more stable.

Table 12- 3 on page 4 lists industries on which Newberg should focus its economic development efforts.

Table 12- 3: Newberg Targeted Industries

<b>Business Cluster</b>	<b>Targeted business types</b>
<b>Manufacturing and Industry</b>	
High Tech Manufacturing	Semiconductors/silicon, imaging & display technology
	Nano & micro technology, cyber-security, health/medical information technology
	Biotech/bioscience (medical devices, bioinformatics, pharmaceuticals, genomics, anti-virals)
General Manufacturing	Dental equipment
	Metals, machinery, transportation equipment
	Lumber and wood products (value added)
	Sustainable industries (renewable energy, resource efficiency technologies, sustainable building materials, green chemistry)
	Distribution & logistics
	Sports apparel/recreation-related products
Aviation related	Specialty aircraft equipment, aircraft repair, machine shops, small entrepreneur business
Agriculture	Wineries
	Specialty foods and food processing
	Nursery and agricultural products (value added)
Services	Professional services architecture, engineering, legal and financial services, etc.
	Creative services (advertising, public relations, film and video, web/internet content and design)
<b>Health Care</b>	
	Providence Medical Center Expansion, medical offices, senior services
<b>Higher Education</b>	
	Portland Community College campus, George Fox University expansion, high school vocational training and college preparedness, private post-secondary training
<b>Wine/Tourism</b>	
	Wineries and tasting rooms, restaurants, art studios, theater and entertainment, recreation (golf, bowling), conference facilities, specialty retail

Source: Newberg Planning Division

***Comprehensive Plan Policies and Recommended Supportive Economic Development Actions***

Newberg has developed a vision for the community’s economic future. The City of Newberg’s

## EXHIBIT “B”

adopted Comprehensive Plan includes a list of goals and policies that help shape Newberg’s future economy (Section H. The Economy). The following is a list of Newberg’s recommended economic development actions and the applicable Comprehensive Plan policies they support. All of the Comprehensive Plan policies are from Section H (The Economy) and support the larger goal “To develop a diverse and stable economic base.”

1. Work with the State to “certify” industrial sites to shorten the development time of projects and provide certainty to a business that regulatory and permitting issues will not delay the project’s timeline.  
*Applicable Comprehensive Plan policies: 1.f., 2.g.*
2. Identify and implement cost and time saving measures that improve the development permitting process.  
*Applicable Comprehensive Plan policies: 2.d.*
3. Develop a financial incentives “toolbox” to recruit new businesses and encourage existing business expansions. The incentives should be applied only after a proposed project has been reviewed by a rigorous analysis that demonstrates a clear benefit to the City.  
*Applicable Comprehensive Plan policies: 1.b., 1.g.*
4. Maintain a useful economic development website that is easy to navigate and contains substantive content that meets the needs of business.  
*Applicable Comprehensive Plan policies: 1.a., 1.g.*
5. Work with local, regional and state educational and training resources (private and public) to assist with the workforce training needs of businesses and provide opportunities for workers to voluntarily upgrade their skills. The available workforce pool in the Newberg region is approximately 223,000. The regional workforce is estimated by using the assumption that a 23 minute mean commute time (2000 Census) draws workers from an approximately 15 mile radius from the center of Newberg Oregon is recognized for having an educated workforce, one with good basic work skill sets that allows them to be relatively easily trained.  
*Applicable Comprehensive Plan policies: 1.c., 1.f.*
6. Gauge the health of local businesses regularly and identify how the City can help resolve issues, when feasible. Focus should be on businesses of the traded-sector and local clusters. Anticipate local problem areas by keeping abreast of regional, national, and international business trends.  
*Applicable Comprehensive Plan policies: 1.p.*
7. Develop closer ties to organizations/businesses located within the Portland area with a similar interest in regional economic development (e.g. Regional Economic Development Partners, future Portland Economic Development District, etc). However, joining METRO will not be considered. Reevaluate current relationship with Mid-Willamette Valley Community Development Partnership.  
*Applicable Comprehensive Plan policies: 1.f.*
8. Develop a Downtown Revitalization Master Plan prior to the construction of the Newberg-Dundee Bypass. Identify funding sources necessary to implement the plan.  
*Applicable Comprehensive Plan policies: 3.a.*