



**CITY COUNCIL AGENDA
JUNE 3, 2013
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

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

1. Consider a motion recognizing Doris Brandt for her years of service on the Traffic Safety Commission. (Pgs. 3-4)
2. Consider a motion adopting **Resolution No. 2013-3049** supporting a grant application to develop a downtown revitalization plan. (Pgs. 5-8)
3. Consider a motion adopting **Resolution No. 2013-3046** adopting the procedures for hiring the city attorney. (Pgs. 9-28)
4. Consider a motion adopting **Resolution No. 2013-3048** authorizing a contract amendment for construction of an access road at the waste water treatment plant. (Pgs. 29-32)
5. Consider a motion approving the May 6, 2013, City Council meeting minutes. (Pgs. 33-40)

VII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2013-2769** creating the College Street Local Improvement District for the west side frontage improvement from Illinois Street to Aldercrest Drive. (Pgs. 41-80)
(Legislative Hearing – 1st Reading)

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.

2. Consider a motion adopting **Resolution No. 2013-3047** adopting the 2013-2014 Budget and including the election to participate in the State Revenue Sharing Program. (Pgs. 81-88)
(Administrative Hearing)

VIII. NEW BUSINESS

Consider a motion adopting **Resolution No. 2013-3050** approving the FY 2013-2014 Chamber Visitor Information Center Business Plan and FY 2012-2013 3rd Quarter Report. (Pgs. 89-108)

IX. COUNCIL BUSINESS

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 business 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: June 3, 2013

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve a proclamation recognizing Traffic Safety Commissioner Doris Brandt's resignation after 31 years of volunteer service on the Traffic Safety Commission.

Contact Person (Preparer) for this Motion: Neal Klein, Chair
Dept.: Traffic Safety Commission

RECOMMENDATION:

Approve a proclamation recognizing Doris Brandt for her 31+ years as a Traffic Safety Commissioner for the City of Newberg and her subsequent resignation from this position effective July 1, 2013.

EXECUTIVE SUMMARY:

The Traffic Safety Commission and Mayor Andrews have received a notice of resignation from Commissioner Doris Brandt, effective July 1, 2013. Commissioner Brandt has served the City of Newberg on the Traffic Safety Commission, and its different variations, for the last 31+ years. During Commissioner Brandt's tenure on the Commission, she has been appointed to several consecutive terms and also been elected into and held the position of Chairperson. This proclamation from the City Council is being requested by the entire Traffic Safety Commission, in order to recognize Commissioner Brandt's many years of outstanding service and leadership while on the Traffic Safety Commission and to the Citizens of Newberg.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The Newberg Traffic Safety Commission provides a valuable service to the City of Newberg by promoting traffic safety through investigation, study, and analysis of traffic safety programs; conducting educational efforts among the public in the matters of public safety; considering all traffic safety programs, which are referred to them for recommendation by the City Council; and making reports to the City Council on matters of traffic safety and traffic safety programs. The Traffic Safety Commission makes decisions regarding parking, crosswalks, safety zones, traffic lanes, truck routes, and all manner of traffic control devices within the community.



PROCLAMATION

A PROCLAMATION RECOGNIZING TRAFFIC SAFETY COMMISSIONER DORIS BRANDT FOR HER 31+ YEARS OF VOLUNTEER SERVICE TO THE CITY OF NEWBERG

WHEREAS, Doris Brandt, has served the citizens of Newberg for 31+ years as a commissioner on the Newberg Traffic Safety Commission, serving under three police chiefs and four mayors during this period; and

WHEREAS, Doris Brandt, Newberg native and former manager of the Newberg school bus service, and thus, being uniquely qualified, contributed significantly to sometimes controversial discussions and decisions about Newberg streets, pedestrian safety, traffic control devices, bike lanes, truck routes, and other identified traffic safety needs at regular monthly meetings; and

WHEREAS, Doris Brandt, who served as Chairperson for the Traffic Safety Commission, also participated in educational public safety campaigns and programs, assisted with obtaining grant funding, and traffic safety promotions during her tenure on the Traffic Safety Commission; and

WHEREAS, Doris Brandt, with her unique style of care, concern and compassion for the betterment of the City of Newberg, contributed greatly to an important infrastructure of the city, making commuting around the City of Newberg through multiple forms of transportation safer and more effective for the citizens and visitors to the City of Newberg; and

WHEREAS, Doris Brandt, has provided leadership, guidance and mentorship to new commissioners appointed to the Commission, thus developing the Traffic Safety Commission in its ability to better serve the Citizens of Newberg.

NOW, THEREFORE, IT IS PROCLAIMED by Mayor Bob Andrews and the City Council of the City of Newberg, Oregon, that the citizens of Newberg express their warmest appreciation and gratitude to Newberg citizen **Doris Brandt** for her 31+ years of dedicated service as a volunteer for the City of Newberg and its citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 3rd day of June, 2013.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 3, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3049

SUBJECT: Support for grant application to develop a downtown revitalization plan.

Contact Person (Preparer) for this
Motion: David Beam, AICP
Dept.: Planning and Building
File No.: GR-13-002

RECOMMENDATION:

Adopt Resolution No. 2013-3049, stating the City of Newberg's support for the submission of a grant application to the State of Oregon's Transportation Growth Management Program for the development of a Newberg downtown revitalization plan.

EXECUTIVE SUMMARY: The State of Oregon recently announced their acceptance of requests for grant funding under their Transportation Growth Management Program (TGM). The mission of the TGM is "To support community efforts to expand transportation choices. By linking land use and transportation planning, TGM works in partnership with local governments to create vibrant, livable places in which people can walk, bike, take transit or drive where they want to go." Grant applications are due June 14, 2013.

City staff has examined the TGM Program grant criteria and feel the development of a downtown revitalization plan would be a strong, competitive application. In addition, given that the Newberg/Dundee Bypass is planned to be completed in 2016, the development of such a plan would be timely as well. The bypass will provide a unique opportunity for Newberg to reimagine how our historic downtown can best reach its highest potential. Having a downtown revitalization plan completed prior to the completion of the bypass is an important first step in achieving a transformed downtown post-bypass.

In cooperation with the Newberg Downtown Coalition (NDC), city staff has been developing a preliminary scope of work for a downtown revitalization plan. The proposed geographic area for the plan will encompass the Central Business District (C-3 Zone), the Civic Corridor, Highway 99W along the Hess Creek area, and properties along Highway 99W at the southwestern entrance into the city. Potential project tasks and components of the plan may include the following:

1. Collection and review of relevant documents
2. Summarization of Task 1 documents
3. Review and revision of current downtown vision 2020
4. Transportation system improvement plan (vehicular, bike, pedestrian, transit)
5. Parking facilities design and management
6. Streetscape improvements
7. Building (external) and site improvements
8. Capital Improvement Plan
9. Downtown Management Plan
10. Economic Market Analysis

11. Financial plan
12. Draft plan public review process

Staff expects considerable public involvement will be part of the development of the plan's components. In addition, the NDC has expressed a desire and willingness to be a strong partner in the development of the plan. Other potential partners may include the Chehalem Valley Chamber of Commerce, Chehalem Park and Recreation District, George Fox University, and the Chehalem Cultural Center.

FISCAL IMPACT: The development of the proposed plan will be a comprehensive effort. The project cost is estimated to be \$235,000.00. The majority of the costs are expected to be attributed to the use of various consultants in the development of the plan. A minimum local match of 12% (\$28,000.00) of the total project cost is expected from the grant applicant. This match would be met through the value of the time dedicated by city staff and its local partners in the development of the plan.

STRATEGIC ASSESSMENT: As stated previously, the proposed project should allow the city to submit a strong application. Given the near future completion of the bypass, creation of a downtown revitalization plan is very timely.



RESOLUTION No. 2013-3049

A RESOLUTION SUPPORTING A GRANT APPLICATION TO THE STATE OF OREGON'S TRANSPORTATION GROWTH MANAGEMENT PROGRAM TO FUND THE DEVELOPMENT OF A NEWBERG DOWNTOWN REVITALIZATION PLAN

RECITALS:

1. The State of Oregon's Transportation Growth Management Program (TGM) is currently accepting grant applications for local community projects.
2. The Newberg/Dundee Bypass is currently under construction and is expected to be completed in 2016. This project will significantly reduce traffic congestion through Highway 99W in Newberg, especially where it runs through Newberg's historic downtown core.
3. Completion of the Newberg/Dundee Bypass provides a unique opportunity for Newberg to reimagine how its historic downtown can best reach its highest potential. To accomplish this task, the city must first develop a comprehensive revitalization plan for this area of the community.
4. A grant award from the TGM program to develop a Newberg Downtown Revitalization Plan would be a very timely action, given the unique opportunity to improve this area when the new bypass is opened in the near future.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City of Newberg supports the submission of a grant application to the State of Oregon's TGM Program to fund the development of a Newberg Downtown Revitalization Plan.
2. The City Manager is authorized to negotiate and execute necessary contracts associated with any resulting awards from the grant application.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 3, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of June, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 6th day of June, 2013.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 3, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3046

SUBJECT: Resolution adopting the procedures for hiring the city attorney (CA), confirming that the position has been advertised, soliciting public comment, stating the intention to consider the employment in Executive Session and confirming that the final decision shall be made in an open public meeting after an opportunity for public comment.

Contact Person (Preparer) for this
Motion: Terry Mahr
Dept.: Legal
File No.:

RECOMMENDATION:

Adopt Resolution No. 2013-3046 setting out the procedure for hiring the city attorney (CA) and indicating the Council will hold Executive Session to consider the employment.

EXECUTIVE SUMMARY:

The CA is retiring and will cease full-time employment on June 30, 2013, and will continue to deliver part-time services until the next CA is chosen. The City Charter provides that the Council appoints the CA. The City is working with the Mid-Willamette Valley Council of Governments (MWVCOG) in choosing the new CA. Executive Director Boyer has provided these services of helping the City choose persons for executive positions such as the city manager in the past.

This resolution establishes procedures, adopts a schedule, and confirms that advertising has been done and will continue to be done for the position. The City with this resolution meets all the prerequisites enabling it to consider the employment, such as considering applications and conducting interviews in Executive Session. The Mayor has appointed a subcommittee to conduct some of the initial screening and make recommendations to the Council.

FISCAL IMPACT:

The salary range for the position is \$104,000.00 to \$133,000.00. This is not an increase over the present salary range. Initially, the City indicated it will go with an in-house counsel, which should save money over full contracting for services.

STRATEGIC ASSESSMENT:

The City is a growing City and in need of legal services in many areas. The City has a full service police department, conducts a municipal court, contracts for construction projects, make land-use decisions, and runs an ambulance service, among many other activities. All these activities are required to be done legally correct and advice from legal counsel is necessary.

Attachments

Resolution 2013-3046 with

Exhibit "A": February 7, 2013, Letter from Ms. Boyer

Exhibit "B": Recruitment Procedure and Process Outline/Draft Schedule

Exhibit "C": City Attorney Position Available Profile

Exhibit "D": Position Description

Exhibit "E": Excerpts from Attorney General's Handbook for Public Records & Open Meeting



RESOLUTION No. 2013-3046

A RESOLUTION ADOPTING THE PROCEDURES FOR HIRING THE CITY ATTORNEY (CA), CONFIRMING THE POSITION HAS BEEN ADVERTISED, SOLICITING PUBLIC COMMENT, STATING THE INTENTION TO CONSIDER THE EMPLOYMENT IN EXECUTIVE SESSION AND CONFIRMING THE FINAL DECISION SHALL BE MADE IN AN OPEN PUBLIC MEETING AFTER AN OPPORTUNITY FOR PUBLIC COMMENT

RECITALS:

1. The present city attorney (CA) Terrence D. Mahr has been the permanent in-house CA since 1986 and is retiring from full-time employment on June 30, 2013, but will continue to deliver part-time services until the next CA is employed and available.
2. The City Charter, Section 35 provides as follows:
"The office of city attorney is established as the chief legal officer of the city government. A majority of the city council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any city attorney's office employees."
3. The Mayor has appointed a subcommittee of the Council to make recommendations to the full Council concerning the employment of the CA.
4. The City has contracted with the Mid-Willamette Valley Council of Governments (MWVCOG) Executive Director, Nancy Boyer, to assist and conduct the search for the new CA.
5. After meeting the required prerequisites, the City Council intends to meet in Executive Session to consider the employment of the CA.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City approves using the MWVCOG to conduct the search and assist the City in choosing a new CA as outlined in the letter of February 7, 2013 to Mayor Bob Andrews from Executive Director Boyer, which is attached to this resolution as Exhibit "A" and by this reference incorporated.
2. The City adopts the recruitment procedure and process along with the draft schedule as presented to the City by Executive Director Boyer of the MWVCOG, which is attached as Exhibit "B" to this resolution and by this reference incorporated.
3. The City affirms the profile to be used for the CA position which is posted on the City's webpage and titled "City Attorney Position Available". The profile is attached to this resolution as Exhibit

“C” and by this reference incorporated.

4. The City adopts the CA position description which has also been posted on the City’s webpage. It is marked as Exhibit “D” and by this reference incorporated.
5. The City has caused through the process and through Executive Director Boyer to have advertisement placed for the position. Such advertisement consists in part of posting on the City webpage and will be posted further with the League of Oregon Cities (LOC), the Oregon State Bar (OSB), the Oregon City Attorney’s List-Serve, the Local Government Personnel Institute (LGPI) website, the Yamhill County Bar Association (YCBA), and other advertisements as time to time may be recommended.
6. The subcommittee and the government body may hold Executive Session to consider the employment of the CA. This resolution has adopted the regular procedures for hiring and has confirmed that the position has been advertised. The public will be given an opportunity to comment on the employment by placing it on the agenda at the June 3, 2013 regular city council meeting. Excerpts from the Attorney General’s Handbook for Public Records and Open Meetings Law setting out the authority for Executive Session is attached as Exhibit “E” and by this reference incorporated.
7. The City Council shall make the final decision of hiring the CA at a regular open council meeting after giving the public an opportunity to comment on the proposed final decision.

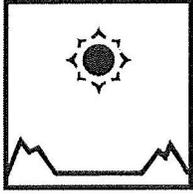
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 4, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of June, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 6th day of June, 2013.

Bob Andrews, Mayor



Mid-Willamette Valley Council of Governments

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February 7, 2013

Mayor Bob Andrews
City of Newberg
P.O. Box 970
Newberg, OR 97132

Dear Mayor Andrews:

The Mid-Willamette Valley Council of Governments (hereinafter referred to as "COG") would be pleased to discuss with you further the possibility of coordinating the recruitment process for a new City Attorney for the City of Newberg.

The scope of services for the recruitment process may, at the discretion of the Council, include any or all of the following activities:

- Develop a recruitment timeline
- Meet with the City Council to draft a position profile
- Draft and place the position advertisement
- Receive applications and send acknowledgement letters
- Screen applications down to those which most closely fit the position profile
- Respond to inquiries from candidates during the recruitment process
- Perform background/reference checks on finalist(s) chosen by the Council
- Work with the Council in determining the interview process and the development of interview questions
- Facilitate the interview process,
- Send out regret letters to unsuccessful candidates at appropriate times during the recruitment process

Based on the services outlined above, the total cost of this project is \$7,000.00, including background/reference checks on a maximum of five (5) finalists for the position. Additional background checks would be billed to the City at \$400 per background check. The City of Newberg would pay one-half of the project cost upon acceptance of the proposal and the remainder upon project completion. The City will be directly responsible for actual advertising costs and any finalist travel expenses (e.g., lodging, meals, and mileage) incurred during the recruitment process. Should the City significantly broaden the scope of services, the COG reserves the right to renegotiate the cost of the project.

I have attached a draft recruitment timeline which provides for interviews to be held in late June. This should result in a candidate being able to start shortly after the beginning of the new fiscal year. This is just a draft so that you and the Council would have some idea of the time involved and it can definitely be revised to meet the needs of the City and the City Council.

Please let me know if you have any questions or would like to discuss this proposal further either at a Council meeting or otherwise. I look forward to hearing from you.

Sincerely,

Nancy J. Boyer

Nancy J. Boyer
Executive Director
Mid-Willamette Valley Council of Governments

Recruitment Procedure and Process for the Position of City Attorney for the City of Newberg

- **Development of a Recruitment Schedule** – The schedule will outline the steps in the recruitment process and indicate targeted completion dates for each of the steps.
- **Meet with Recruitment Subcommittee to Develop a Position Profile** – The position profile will include information regarding the position and the knowledge, skills and abilities of the ideal candidate. The profile will be adopted by the City Council and will be utilized to develop appropriate advertisements and to screen applicants.
- **Draft and Place Advertisements** - Place the advertisements in those publications that have potential to attract qualified candidates for the position as approved by the City.
- **Screen Applications Based on the Position Profile and Prepare a Summary of those Candidates** – This information will be provided to the City for their review and to determine who they would like to see proceed in the process.
- **Perform Reference/Background Checks on Finalists Selected by the City** – The background checks will include contacting references for the candidates who are familiar with their employment background (including their knowledge, skills and abilities) and also verifying educational degrees. A criminal background check will be performed on the top candidate for the position following the interview process.
- **The Interview Process** - Work with the City to determine the interview process which will include determining interview questions, interview panels, rating sheets, candidate receptions, etc.
- **Selection of Successful Candidate** – The City will determine the successful candidate for the position and enter into negotiation with that individual.

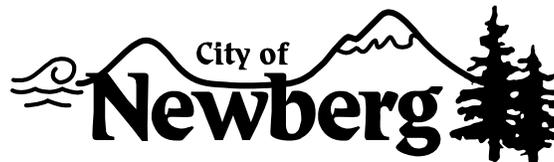
CITY OF NEWBERG
CITY ATTORNEY RECRUITMENT
SCHEDULE

STEPS	ESTIMATED TIME	TARGETED COMPLETION
1. Develop position profile		Meeting – April 22 nd Approved – May 20 th
2. Prepare advertisement and determine placement		Approved – May 20 th
3. Closing Date	Position should be advertised for a minimum of four weeks	June 17 th
3. Prepare and send acknowledgment letters	One week after closing	June 24 th
4. Screen applicants	Two weeks after closing	July 1 st
5. Council to select candidates for backgrounds or interview	One week following sending the Council the list of candidates with recommended finalists.	July 1 st
6. Conduct backgrounds/reference checks (if conducted before interviews)	3 – 4 weeks	July 29 th
7. Finalize candidates for interview		August 5 th
8. Candidate Interviews		Mid-August

(Council meetings are 1st and 3rd Mondays of the month)



City Attorney Position Available **(Closing date: June 17, 2013)**



The City of Newberg, Oregon, is offering an excellent career opportunity for an experienced legal professional to provide progressive, innovative leadership as Newberg's new city Attorney.

The Community

The City of Newberg (population 22,300) is located in the beautiful Chehalem Valley (Valley of the Flowers) on the Willamette River, about 25 miles southwest of Portland. It is situated on US Highway 99W, which is the major route between Portland and the Central Oregon Coast. Conveniently located near the many assets of the Portland metropolitan area, the community also retains a distinct physical separation from the metro region, buffered by a greenbelt of rural forests, rolling hills and agricultural lands.

Good schools, quality City services and active community involvement are among the attributes that help the City live up to its motto, "**Newberg, a Great Place to Grow.**" The City enjoys a highly diverse economic base. Many of the City's "home-grown" businesses have become leaders within their respective industries, such as dental equipment, electronics and manufacturing. George Fox University, offering bachelor's degrees in more than 40 majors, adult degree programs, and 12 master's and doctoral degrees; a branch of Portland Community College; and Providence Newberg Medical Center are located in the City.

Newberg is the second largest city in Yamhill County, which is famous for its wineries and vineyards. The area's wineries are among the finest in the state and have achieved world attention for their pinot noir varieties. Parks, boating, biking, hiking, hunting, fishing, golfing, athletic events, winery tours and tastings, a premiere destination resort, historic walking tours, the Hoover-Minthorn House, the Chehalem Cultural Center, theater and concerts, art galleries and special events bring tourists to the Newberg area. The community sponsors several major events each year including Tunes on Tuesday in the



Vineyards in the Newberg area

spring, Camellia Festival in April, the Old Fashioned Festival Days in late July, Friday Art Walk the first Friday of each month, as well as the boat races on Memorial Day weekend.

The community is on the threshold of some major changes. In the next year, construction of the first phase of a major state highway project will begin, which will result in a lot of truck traffic being taken out of the historic downtown Newberg. This will be known as the Newberg-Dundee Bypass, which has been 30 years in the planning. With this will come the continuing renaissance of the downtown area. The University is restarting their football program in 2014. The continuing reputation of the Allison Inn & Spa (both nationally and world-wide) will be attracting more visitors and likely residents to the city of Newberg.

A one-hour drive east will take one to the Cascade Mountains for skiing, climbing, camping, fishing and hiking. A one-hour drive east will also take you to the Columbia River Gorge for world class windsurfing, kite board sailing, and kayaking. A one and a half hour-drive west will take one to the breath-taking views of the Pacific coastline, with its many beautiful beaches for whale watching, surfing, and ocean kayaking.

The Newberg-Dundee area offers a wide variety of housing opportunities for its residents. The median sales price over the last twelve months since April 19, 2010, is \$225,800, which is a 4.5% increase from the prior twelve months. The property prices ranged from \$55,000, for a manufactured home in a park to \$1,500,000, for a country estate.

Newberg is a growing community that has still managed to maintain a relaxed pace that complements the friendly people who live here. It is a community where its citizens are rightfully proud of their Newberg heritage and its future.

The Organization

Incorporated in 1889, the City of Newberg is a Charter City and has a Council-Manager form of government. The City has a Mayor elected every four years and six Council Members who are elected to four-year terms as well.

The City has approximately 150 staff members with three unions (Police, Fire, and Public Works) and a FY 2012-13 budget of \$73 million, including \$13.6 million allocated to the General Fund. The City's Departments include City Manager's Office, Finance, City Attorney, Municipal Court, Police and Communications, Fire along with EMS (Ambulance Service), Library, Planning and Building, Engineering, and Public Works. The Council appoints the City Manager, the City Attorney and the Municipal Judge. Park and recreation services are provided by the Chehalem Park and Recreation District.

The City seeks to serve as a catalyst to create a "friendly, small city" next to the larger metropolitan area, be responsive to the physical and social needs of the community, support Newberg as an independent community that provides a broad range of services using all available public and private resources, and rely on



Rotary Centennial Park

innovative leadership and planning to achieve the vision of the future.

The City Council, the Mayor and staff are committed to quality leadership for the benefit of the residents of Newberg and will:

- be professional in their attitude and proficient in their tasks.
- encourage a spirit of cooperation in dealing with the mutual problems and challenges facing the community.
- expect and demonstrate courtesy and respect in all interactions.
- commit to total quality in all services provided.
- be accountable and effective stewards of the public trust and resources.
- display innovation and initiative in responding to the needs of the community.
- participate in and promote the exchange of ideas through open communications.
- recognize that all individuals living and working in the community are essential resources for achieving the City's mission and goals..

The City Attorney's Office

The City Attorney's Office provides a full range of legal services to the City, including general counsel, liability defense and misdemeanor prosecution. The City is fully insured by City County Insurance service, and the City Attorney's Office coordinates all court defense work with the City's municipal court. The City Attorney's Office provides legal advice on a wide variety of public sector legal issues including, but not limited to, public meetings and records; elections; land use; planning; labor and employment law; public sector collective bargaining; financing public infrastructure; local budget law; purchasing and procurement; real estate transactions; inter-governmental agreements; ethical inquiries; and code enforcement. The Attorney's Office drafts and reviews ordinances (code provisions), resolutions, contracts and other legal documents to ensure compliance with local, state and federal law; represents the City in civil actions in state and federal trial and appellate courts and administrative agencies and prosecutes misdemeanors in municipal and circuit court.



Newberg City Hall

The Attorney's Office is comprised of the City Attorney, two paralegals and a code enforcement officer. The proposed FY 2013-14 budget for the City Attorney's office is \$454,500.

The Ideal Candidate

The successful candidate will provide professional legal services and advice to the City Council, City staff, and City committees, commissions, and boards. The position is responsible for negotiating and finding creative solutions to issues in effort of preventing potential claims and lawsuits; drafting legal documents, preparing court briefs, prosecuting crimes, responding to and conducting civil lawsuits, advising city elected officials and staff as to legal rights, limitations and obligations; and other legal practices applicable to state, local and federal law. The City Attorney is an appointive officer of the City as provided for in Chapter VIII,

Section 35 of the City Charter. A majority of the council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any City Attorney's Office employees. The City prefers that the City Attorney reside within Newberg city limits.

Education and Experience

Graduation from an accredited law school with a Juris Doctor degree in law; three (3) years of experience as a practicing attorney; a license to practice law in the Oregon; member in good standing of the Oregon State Bar Association; and a valid state Driver License. Experience in the practice of municipal, local or governmental law with emphasis and experience in Oregon land use, employment law and elections is desired. Demonstrated prosecutorial experience is also preferred. Any combination of education, experience and training which provides the required knowledge, skills and abilities to perform the essential functions of City Attorney may be considered.

Qualities

The position requires:

- Extensive knowledge of state statutes relating to municipal affairs, and laws relating to the purchase of goods and services, contracting, labor, employment, land use, environment, and traffic.
- Working knowledge of modern policies and practices of municipal law and public administration.
- Knowledge of state laws and local ordinances, resolutions, and orders.
- Skill in preparing briefs and enforcing all provisions of the City's franchises, leases, contracts, and other legal documents.
- Ability to prepare and analyze comprehensive legal reports; ability to carry-out assigned projects to their completion; ability to effectively communicate verbally and in writing; ability to establish and maintain effective working relationships with employees city officials, the court system, and the public; ability to efficiently and effectively administer a municipal legal department.
- Ability to represent the City at community events.
- Ability to serve on committees, commissions, and boards on behalf of the City such as revolving loan fund boards.
- Ability to work with state and federal representatives on projects related to the City, as well as legislation on behalf of the City.
- Ability to demonstrate effective personal traits such as initiative, creativity, judgment, fairness, and impartiality. Ability to demonstrate respect for individuals and City's franchises, leases, and contracts.
- Ability to foster a work environment that supports and encourages the investigation and implementation of innovative applications.
- Skill in operating personal computer, including word processing, network-connected, copier/printer/scanner, and electronic-file management.

Compensation

The established salary range for the City Attorney position is \$104,000 to \$133,000. The starting salary will be dependent on experience and qualifications. An attractive benefit package is also provided, including medical, dental and vision insurance, life insurance, long-term disability, long-term care insurance and AD&D coverage. In addition, the City pays the full retirement contribution to Oregon PERS.

How to Apply

If you are interested in this outstanding opportunity, please submit a cover letter indicating your specific interest in this position; a detailed professional résumé that identifies the relevant qualifications and experiences outlined in this position profile; and a list of five professional references. Send the cover letter, résumé, City of Newberg Employment Application (found on the City's Website at <https://www.newbergoregon.gov/jobs>), and references to Newberg City Attorney Recruitment, c/o MWVCOG, 100 High Street SE – Suite 200, Salem, OR 97301 or email to nboyer@mwvcog.org. **Please note that original, signed Employment Applications must also be mailed.** The closing date is **June 17, 2013.**



Newberg City Library

Veteran's Preference – The City of Newberg provides qualifying Veterans and disabled veterans with employment preference in accordance with Oregon law. Veterans may claim preference by submitting a Veteran's Preference Form (available on the City's Website at www.newbergoregon.gov) and the required documentation with his/her application material.

Following the closing date, applicants will be screened according to the qualifications outlined above. Those deemed qualified will be provided to the City Council for review and selection of finalists. Interviews at the City of Newberg will be offered to those candidates named as finalists, with reference checks conducted after receiving candidates' permission. If you have any questions, please do not hesitate to call Nancy Boyer at (503) 540.1601. For additional information, visit the City's Website at: www.newbergoregon.gov.

The City of Newberg is an Equal Opportunity Employer

CITY OF NEWBERG
Position Description

TITLE: City Attorney

SALARY RANGE: \$104,220 - \$133,014

DEPARTMENT: Legal

LOCATION: City Hall

CHARTER LEVEL:

- **Position:** The Charter designates the city attorney position.
- **Personnel:** Legal department staff are supervised on a day-to-day basis and reviewed by the city attorney. The city attorney works under the guidance of the City Council and is subject to its direction.
- **Budget:** The city attorney is responsible for preparing and administering the budget for the legal department.

DIVISION: Office of City Attorney

DATE: April 24, 2013

GENERAL PURPOSE:

Performs high-level administrative, technical, and professional work in negotiating and finding creative solutions to issues in effort of preventing potential claims and lawsuits, drafting legal documents, preparing court briefs, prosecuting crimes, responding to and conducting civil lawsuits, advising city elected officials and staff as to legal rights, limitations, and obligations; and other legal practices applicable to state, local and federal law.

The city attorney is an appointive officer of the city as provided for in Chapter VIII, Section 35 of the Charter. This excerpt follows:

Section 35. City Attorney.

The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any city attorney's office employees.

SUPERVISION RECEIVED:

The city attorney works under the broad policy guidance of the City Council, and is subject to its direction.

SUPERVISION EXERCISED:

The city attorney shall exercise supervision over all legal department employees either directly or through subordinate supervisors.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Extensive knowledge of state statutes relating to municipal affairs, and laws relating to the purchase of goods and services, contracting, labor, employment, land use, environment, and traffic.
- Working knowledge of modern policies and practices of municipal law and public administration.
- Knowledge of state laws and local ordinances, resolutions, and orders; ensures that they are faithfully performed.
- Skill in preparing briefs and enforcing all provisions of the City's franchises, leases, contracts, and other legal documents.
- Ability to prepare and analyze comprehensive legal reports; ability to carry-out assigned projects to their completion; ability to effectively communicate verbally and in writing; ability to establish and maintain effective working relationships with employees, City officials, the court system, and the public; ability to efficiently and effectively administer a municipal legal department.
- Demonstrate effective personal traits such as initiative, creativity, judgment, fairness, and impartiality; demonstrates respect for individuals and City's franchises, leases, and contracts.
- Ability to foster a work environment that supports and encourages the investigation and implementation of innovative applications.

MINIMUM QUALIFICATIONS FOR EDUCATION, EXPERIENCE, AND LICENSURE

Graduation from an accredited law school with a Juris Doctor degree in law, three (3) years of experience as a practicing attorney, a license to practice law in the state, member in good standing of the state Bar Association, and a valid state driver's license.

TYPICAL EXAMPLES OF WORK:

The city attorney may perform a combination of some or all of the following duties that are a representative sample of the level of work appropriate to this position. However, these examples do not include all duties that an employee may be expected to perform, as directed by the City Council. The following examples do not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of employer and requirements of the job change consistent with contract of employment.

1. Management:

- a. Responsible for the management and supervision of the legal department to achieve goals within available resources by appropriately delegating duties.
- b. Oversees the administration of workloads and staff assignments by studying, standardizing, and determining work roles, responsibilities, and procedures to improve efficiency and effectiveness of operations; preparing work schedules to expedite workflow.
- c. Appoints and removes all department staff.
- d. Assures the training, motivation, and evaluation of legal department staff and directs changes as needed.

2. Planning Goals:

- a. Provides leadership and direction in the development of short and long-range plans with the legal staff and City Council.
- b. Administers plans, reviews progress, and directs changes as needed, based on new developments in technology, legislation, practices, and regulations.
- c. Investigates, integrates, and implements technology where administratively and fiscally feasible.
- d. Gathers, interprets, and prepares data for studies, reports, and policy recommendations.
- e. Coordinates department activities with other departments and agencies as needed.

3. Communications:

- a. Provides written and oral professional legal advice to the City Council, city manager, and department heads in a timely, clear, thorough, and concise manner.
- b. Communicates official plans, policies, and procedures to legal department staff and to the public.
- c. Presents information to councils, boards, commissions, civic groups, and to the general public.
- d. Production of the weekly "Legal Bulletin" to the City Council.
- e. Issues clearly written and concise oral instructions to assign duties and examine work for exactness, neatness, and conformance to policies and procedures.
- f. Maintains harmony among legal department staff and works to resolve grievances, including giving and accepting direction and instructions in a positive manner.

4. Fiscal Agent:

- a. Assures that assigned areas of responsibility are performed within budget and demonstrates effective and efficient use of budgeted funds, personnel, materials, facilities, and time pursuant to ORS Chapters 291-297.
- b. Performs cost control activities and monitors revenues and expenditures in all departments, to assure sound fiscal control and to encourage innovative practices.
- c. Prepares an annual legal department budget and administers the adopted budget.

5. Community Relations:

- a. Performs and assists legal department staff in performing duties to adjust errors and to address complaints.
- b. Projects a positive public image and is courteous to the public at all times.
- c. Maintain effective relations with media representatives.
- d. Promotes cooperation among the City Council, staff, and citizens in developing policies and to build a sense of community.

6. Intergovernmental/Interagency Relations:

- a. Maintains effective communication with local, regional, state, and federal government agencies.
- b. Provides legal advice to City staff pursuing financial resources (grants) from other agencies.
- c. Contributes to good government through participation in local, regional, state, and professional committees and organizations.
- d. Confers with colleagues with specialty areas of law to establish and verify basis for legal proceedings; and serves as a liaison between outside legal counsel and City officials on specialized legal issues.

7. Consultative Legal Services:

- a. Advises the City Council of legal conditions with current and future trends; issues legal opinions.
- b. Advise City officials of changes to state or federal laws affecting City operations.
- c. Interprets laws, rulings, and regulations for City officials and staff.
- d. Recommends for adoption by the City Council such measures deemed necessary and expedient.

8. Legal Preparation:

- a. Drafts ordinances, resolutions, contracts, agreements, deeds, leases, and franchises; reviews documents prepared by other departments, agencies, and parties.
- b. Approves ordinances, resolutions, and contracts as to legal form; provides legal advice as to substance.
- c. Gathers evidence in civil, criminal, and other cases to formulate defense or to initiate legal action; conducts research; interviews clients and witnesses, and handles other details in preparation for trial; prepares legal briefs, arguments and testimony; develops strategy in preparation for presentation in cases; files briefs in the appropriate court.
- d. Represents the City in court and before quasi-judicial or administrative agencies of government.

WORK CONDITIONS:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individual's with disabilities to perform the essential functions.

1. Must be bondable.
2. Ability to deal with distraught or difficult individuals.
3. Ability to attend monthly staff meetings and activities outside of normal working hours.
4. Ability and willingness to travel as needed and perform the duties and responsibilities.
5. Serves as city manager pro tem in the absence of the city manager and assistant city manager from the City.

REQUIRED TOOLS AND EQUIPMENT USED:

Skilled in operating personal computer, including word processing, database, and spreadsheet management, motor vehicle; ten-key calculator; phone; copy, scanner, and fax machine.

PHYSICAL DEMANDS:

While performing the duties of this job, the employee is frequently required to talk or hear; sit; use hands to handle, feel or operate objects, tools, or controls; and reach with hands and arms; stand or walk for considerable distances or time. Must occasionally lift and move up to 25 pounds. Specific vision abilities include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

SELECTION GUIDELINES:

The selection process includes a formal application; rating of education, experience, and certification; oral interview; and reference and background checks.

Approval by Motion on this 1st day of May, 2013.

By: 
Mayor

Signature Attest that Motion was duly passed accepting position description

Effective Date: July 1, 2013

Revision History: Adopted and approved July 6, 2010, via Resolution No. 2010-2912

Excerpt from AG Handbook on Public Records and Open Meeting Law:

II.E. Executive (Closed) Sessions

The Public Meetings Law authorizes governing bodies to meet in executive session in certain limited situations. ORS 192.660. An "executive session" is defined as "any meeting or part of a meeting of a governing body which is *closed* to certain persons for deliberation on certain matters."

The authority to go into executive session does not relieve a governing body of its duty to comply with other requirements of the Public Meetings Law.....

II.E.1. Permissible Purposes of Executive Sessions

A governing body may hold an open session even when the law permits it to hold an executive session. However, the governing body has the authority to hold closed sessions regarding the following (discussed in the order set forth in ORS 192.660):

II.E.1.a. Employment of Public Officers, Employees and Agents

A governing body may hold an executive session to consider the employment of a public officer, employee, staff member or individual agent, if the body has satisfied certain prerequisites. ORS 192.660(2)(a).

This provision applies to employment of the chief executive officer, other public officers, employees, and staff members of any public body only if the vacancy for the position has been advertised, regular procedures for hiring have been adopted, and, for a public officer, the public has had opportunity to comment on the employment. ORS 192.660(7)(d)(A)-(C).....

ORS 192.660(2)(a) does not apply to consideration of general employment policies, but relates only to the initial hiring of specific individuals.^[46] We have concluded that this provision does not allow discussion of an officer's salary to be conducted in executive session in connection with the hiring of that officer.^[47] This provision also does not apply to filling a vacancy in an elective office, or on any public committee, commission or other advisory group. ORS 192.660(7)(a), (b).

Excerpt from Checklist:

Permissible grounds for going into executive session are:

(a) To consider the employment of an officer, employee, staff member or agent if: (i) the job has been publicly advertised, (ii) regularized procedures for hiring have been adopted, and (iii) in relation to employment of a public officer, there has been an opportunity for public comment.

.....

This reason for executive session may *not* be used to fill vacancies in an elective office or on any public committee, commission or other advisory group, or to consider general employment policies.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 3, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3048

SUBJECT: A Resolution authorizing the city manager to negotiate and enter into a Guaranteed Maximum Price Contract Amendment for the construction of the Influent Pump Station Access Road at the Waste Water Treatment Plant with Mortenson Construction for an amount not to exceed \$510,000.00.

Contact Person (Preparer) for this Motion: Jason Wuertz, Project Manager
Jay Harris, City Engineer

Dept.: Engineering Services Department

RECOMMENDATION:

Adopt **Resolution No. 2013-3048** authorizing the city manager to negotiate and enter into a Guaranteed Maximum Price Contract Amendment for the construction of the influent pump station access road at the waste water treatment plant with Mortenson Construction for an amount not to exceed \$510,000.00.

EXECUTIVE SUMMARY:

Design is underway for the upgrades to the influent pump station (IPS), headworks, and dewatering facility at the wastewater treatment plant (WWTP). As part of the improvements in this phase of construction, an access road will be constructed to allow safer access to the existing IPS. This access road will have a grade of 8% which is significantly flatter than the existing access road. The new access road will also enhance the construction access in the expansion of the IPS.

Construction of the IPS, headworks, and dewatering facility is anticipated to begin in the winter of 2014. Construction of the access road to the IPS during the summer dry season prior to the commencement of the IPS expansion will reduce cost and provide for a high quality access road to the IPS.

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 the CM/GC contract by Resolution No. 2009-2876 on December 7, 2009.

City staff and their engineering consultant will monitor the procurement/bidding process that Mortenson uses to competitively bid the construction for the IPS access road. The final Guaranteed Maximum Price (GMP) will be negotiated and approved by the city manager.

FISCAL IMPACT:

These upgrades are included in the fiscal year 2013-2014 budget under account number 36.5150.706401, and funds are available through the original \$11.4 million Clean Water State Revolving Fund loan through the Oregon Department of Environmental Quality. City Council accepted this loan in February, 2011, by Resolution No. 2011-2926.

STRATEGIC ASSESSMENT:

This project will improve the safety of access to the IPS as well as provide for a lower cost of construction for the IPS expansion. This project is part of the WWTP Repair, Renovation and Expansion Project.



RESOLUTION No. 2013-3048

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A GUARANTEED MAXIMUM PRICE CONTRACT AMENDMENT FOR THE CONSTRUCTION OF THE INFLUENT PUMP STATION ACCESS ROAD AT THE WASTE WATER TREATMENT PLANT WITH MORTENSON CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED \$510,000.00

RECITALS:

1. In December of 2009, City Council approved Resolution No. 2009-2876 authorizing the city manager to enter into a contract with Mortenson Construction (Mortenson) to provide preconstruction and construction services for the Wastewater Treatment Plant (WWTP) Repair, Renovation and Expansion Project.
2. The second major phase of upgrades at the wastewater treatment plant (WWTP) is currently in the design phase. One component of this phase is to design and construct an access road to the influent pump station (IPS).
3. A 60% design and cost estimate has been completed for the IPS access road. It is anticipated the Guaranteed Maximum Price for the construction of the access road will not exceed \$510,000.00.
4. The desire is to construct the access road during the summer of 2013 in advance of the construction scheduled for the IPS.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council, acting as Contract Review Board for the City, does hereby authorize the city manager to negotiate and award a CM/GC Guaranteed Maximum Price Contract Amendment to Mortenson Construction for the WWTP IPS Access Road for a not to exceed price of \$510,000.00 per the 60% estimate documents shown 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: June 4, 2013

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of June, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 6th day of June, 2013.

Bob Andrews, Mayor

Task Order #7 - IPS Access Road**City of Newberg WWTP Repair Restoration and Expansion Project**

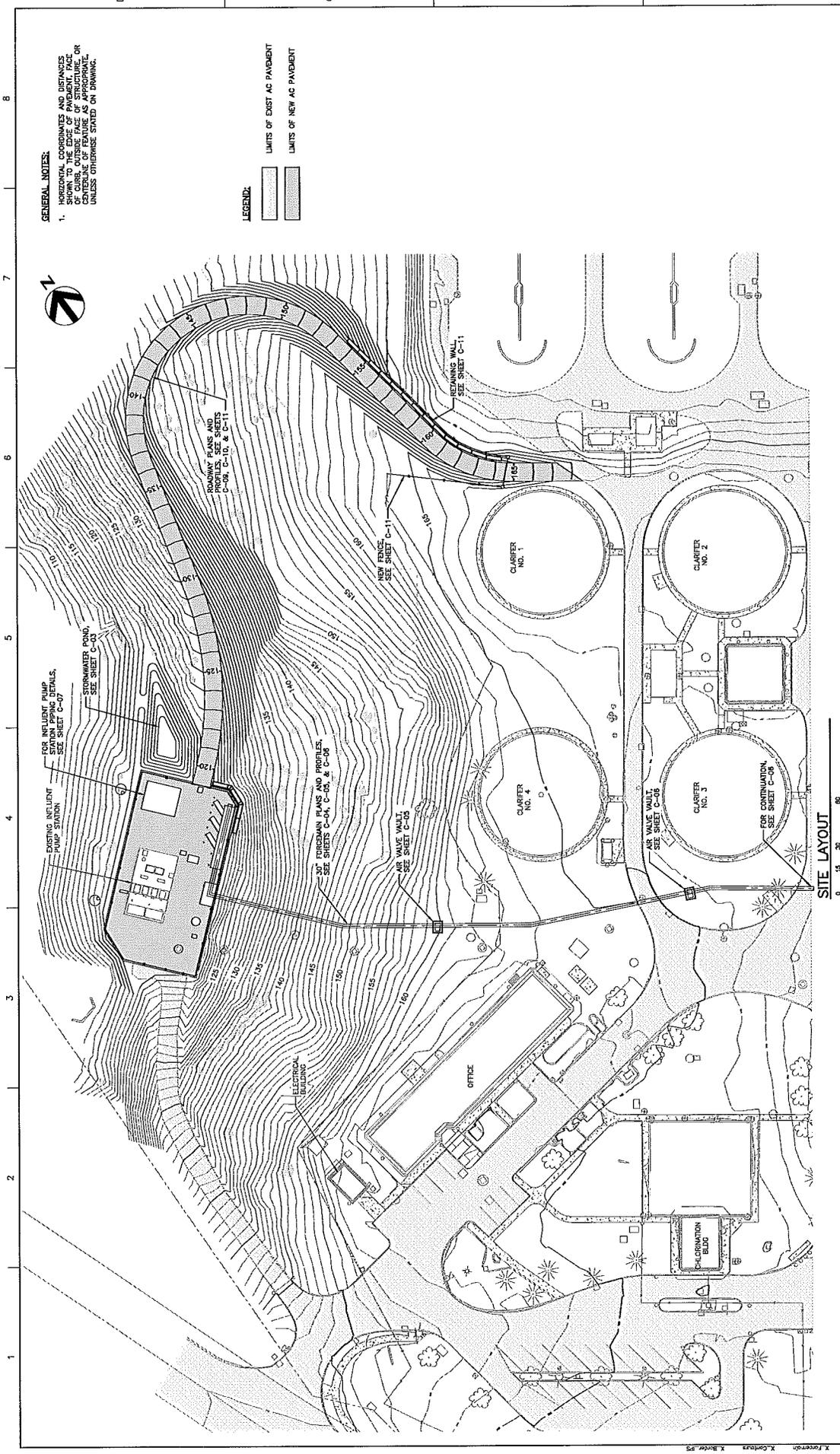
Newberg, Oregon

Project 60% Estimate Summary

Estimate Date: 5/14/2013



Description	TOTAL PROJECT
32 TREE REMOVAL	\$ 72,900
32 LAND SURVEY	\$ 4,000
32 EXCAVATION	\$ 85,400
32 AGGREGATE PLACEMENT	\$ 22,800
32 ASPHALT PLACEMENT	\$ 23,700
32 ROAD STRIPING	\$ 4,800
32 SHOULDER ROCK	\$ 5,200
32 RETAINING WALL	\$ 89,100
32 CHAIN LINK FENCE	\$ 9,000
32 ROAD DRAINAGE TO DITCH	\$ 12,100
<hr/>	
Subtotal Direct Construction Cost	\$ 329,000
Subcontract Bonds 1.00%	\$ 3,290
Cost Escalation 0.00%	\$ -
Subtotal	\$ 332,290
Estimating Contingency 6.00%	\$ 19,937
Subtotal	\$ 352,227
CM/GC Contingency 3.50%	\$ 12,328
<hr/>	
CM/GC Guaranteed Maximum Price (GMP)	\$ 364,555
CM/GC Builders Risk Insurance 0.5000%	\$ 2,253
CM/GC General Conditions (Lump Sum)	\$ 85,960
Subtotal	\$ 452,768
CM/GC Construction Fee (incl Insurance and P/P Bond) 4.900%	\$ 22,186
<hr/>	
Total Guaranteed Construction Cost (GCC)	\$ 474,954
Owner's Project Contingency 7.00%	\$ 33,247
Total (w/owner's contingency)	\$ 508,200



GENERAL NOTES:
 1. HORIZONTAL CURVES AND DISTANCE OF CURB, OUTSIDE FACE OF STRUCTURE, OR CENTERLINE OF ROADWAY AS SHOWN, UNLESS OTHERWISE SHOWN ON DRAWING.

LEGEND:
 [Patterned Box] LIMITS OF EXIST AC PAVEMENT
 [Patterned Box] LIMITS OF NEW AC PAVEMENT

SITE LAYOUT

		WWTP Repair, Restoration and Expansion Project Newberg, Oregon Task Order 07 Influent Pump Station		SITE LAYOUT FILENAME: C-01.dwg SCALE: AS NOTED		SHEET C-01	
PROJECT MANAGER: K. ROLLAND DESIGNED: K. DONOVAN DESIGNED: J. FUCHS DRAWN: S. PANKOWSKI CHECKED:				PROJECT NUMBER: 177397		0 15 30 60 FEET	
ISSUED FOR 60% DESIGN SUBMITTAL DATE: 4/15/2013 DESCRIPTION:		1 4/15/2013 ISSUED FOR 60% DESIGN SUBMITTAL		1 4/15/2013 ISSUED FOR 60% DESIGN SUBMITTAL		1 4/15/2013 ISSUED FOR 60% DESIGN SUBMITTAL	

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 3, 2013

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the May 6, 2013, 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
MAY 6, 2013
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A presentation from Jay Harris, city engineer, and Lee Elliot, assistant city manager, regarding the State of City Streets was given. No action was taken and no decisions were made. Councilors and the Mayor were present with Bart Rierson having an excused absence.

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
	Lesley Woodruff	Mike Corey	Stephen McKinney

Members Absent: Bart Rierson (excused)

Staff Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Janelle Nordyke, Finance Director	Barton Brierley, Planning & Building Director
	Jay Harris, City Engineer	Lee Elliott, Assistant City Manager
	Paul Chiu, Senior Engineer	Jessica Nunley, Acting City Recorder
	Nicole Tannler, Minutes Recorder	

Others Present: John Kerekanich, Patrick Johnson, Robert Soppe, Diane Gardner, Gay Welliver, Chuck Zickefoose, Raymond & Toni Doty, Roger P. Grahn, and Paul Bock

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. SPECIAL PRESENTATION

“If I Were Mayor...” Contest First Place Winner.

The winner for the City of Newberg is Newberg high school student, Travis Mattoon. He shared with the Council his winning PowerPoint presentation. He will be competing at the state level with his presentation.

V. PROCLAMATION

Consider recognizing Fernwood Grange as a long-serving and historic member of the community.

Mayor Andrews gave a small presentation and congratulations to the Grange.

VI. CITY MANAGER’S REPORT

Mr. Daniel Danicic, city manager, reported Sunday was the annual fire department pancake feed and it was very successful. Newberg Downtown Coalition received \$4,000.00 grant from Waste Management for wine barrel

planters to go throughout downtown Newberg. They are also having the annual downtown cleanup on May 18, 2013, at 10:00am. The annual open house for the police department is at the Public Safety Building from 10am-1pm on Saturday May 11, 2013. This Saturday, May 11, 2013, is also the Newberg bike safety rodeo at the Cultural Center. The second budget committee meeting will be tomorrow night.

VII. PUBLIC COMMENTS

TIME – 7: 18 PM

Mayor Andrews opened public comments.

Mr. Patrick Johnson, Newberg resident, said he wants to learn about the street system and said he learned a lot from listening at the work session. He wants to concur with councilors that something needs to be done and the data discussed was from 2010, and it is 2013 now. He believes street maintenance is a serious problem, and has seen other communities take the lead and pass things. He thanked the staff for the street presentation and said it was very well done. Councilor McKinney stated he too learned a lot from the presenters today and since it is 2013 it is probably around 50% of the streets needing to be done.

Mr. John Kerekanich, Newberg Ford, and also representing Chevrolet and Dodge, stated they received a letter regarding frontage signs. We understand signs need oversight, but we also believe very strongly in being able to merchandise along 99W. He met with the city representative and he was very professional, but said we were in violation of the sign regulations. We do employ many citizens from Newberg and we want to do the best we can to add to the local economy. We asked the city representative how to proceed and he suggested we bring up the issue at a council meeting. We request from council a grace period of 60 days to look at the codes and find some common ground.

Councilor Howard asked how many sign violations there were. Mr. Kerekanich said there is still some confusion as to what is considered a sign. He explained there are some strict regulations from their corporate office they must follow as well. Councilor Howard asked if the issue is with quantity but not type and size. Mr. Kerekanich said it is with both. Councilor Howard stated sign codes are often contested, but thinks council would be willing to work with them on the issues. Councilor McKinney said there may be some things council can do to compromise on the corporate level. The city needs to work for all of its components, including residents and businesses.

VIII. PUBLIC HEARING

TIME – 7:35 PM

Mayor Andrews introduced the administrative hearing and called for any conflicts of interest or abstentions; none appeared.

1. Consider a motion continuing the Public Hearing to June 17, 2013, regarding vacating a portion of the Ninth Street right-of-way dedicated to the City between Industrial Parkway and Highway 219.

Barton Brierley, planning and building director, recommends moving this hearing to June 17, 2013, to have adequate time to prepare.

MOTION: Bacon/McKinney continue the Public Hearing to June 17, 2013, regarding vacating a portion of the Ninth Street right-of-way dedicated to the City between Industrial Parkway and Highway 219.
Motion carried (6 Yes/0 No [1 Absent - Rierson]).

2. Consider a motion adopting **Ordinance No. 2013-2769** creating the College Street Local Improvement District for the west side frontage improvement from Illinois Street to Aldercrest Drive.

TIME – 7:37 PM

Mayor Andrews called for any conflicts of interest or abstentions; Mayor Andrews has a potential conflict due to membership in the First Presbyterian Church, none others appeared.

Mr. Lee Elliot, assistant city manager, and Mr. Paul Chiu, senior engineer, presented the staff report (see official meeting packet for full report).

Mayor Andrews stated 60% of the assessed amount is needed to declare remonstrance and staff sent out certified letters to every identified property. Councilor Bacon asked if they reached the 60%. Mr. Elliot replied they are not sure yet because they have until 7pm tonight to turn in the forms. Councilor McKinney asked about the waivers and how they relate. Mr. Terry Mahr, city attorney, said if they have a waiver they cannot remonstrate and they will not be counted toward the 60%, but they can speak against it.

Mayor Andrews asked if this LID (Local Improvement District) is something new the city has done. Mr. Danicic replied this is not new to the city of Newberg as they have found since 1979 there have been 17 LIDs enacted. Councilor Howard asked if there are any options for those who cannot afford the finance loan. Mr. Mahr replied the city can put a lien on the house and they have the opportunity to pay over time. Councilor Howard asked if the owner does not pay, is there interest on the length of the lien. Mr. Mahr said yes, the lien does draw interest. Councilor Bacon asked if the council gave credit to the Presbyterian Church on the sidewalks. Mr. Chiu said yes, they will consider that.

Mayor Andrews opened Public Testimony.

Mr. Robert Soppe, Newberg Resident, welcomes the new council members. He believes the improvements along College Street are greatly needed and appreciates the work to get the grants to help contribute. The discussion tonight should relate to who should fund the city's portion of the improvement, which are: the property owners with Waivers of Remonstrance; property owners without such Waivers; and contributors to the System Development Fund. The property owners with Waivers of Remonstrance are being asked to satisfy their agreement and pay for the improvements and the owners with waivers will only be paying 25% of what was originally owed. The owners without waivers are in a different position as they did not agree to pay for these improvements. It should be a reasonable expectation for any Newberg resident to participate in any sidewalk improvement in front of their property. He asked if these residents do not cover the cost, then who will. Mr. Soppe feels it would almost certainly have to be covered by transportation SDC's, but he does not know who would pay to replace those funds for future projects. He thinks it seems inappropriate for a future developer to fund this improvement, and not the property and surrounding area of their project. Mr. Soppe then said "We have a clear statement in NDC 3.15.070 regarding how objections by property owners representing 60% of the proposed assessment would require the Council to wait 6 months before continuing. In 3.15.050.6 it describes a notice that must be sent to the property owners regarding the public hearing for the LID. In this section it states the owners are to be told that objections by owners of 60% of the property can cause the LID to be suspended." He then said 60% of the property is very different from 60% of the assessed value. Staff should be directed to fix this discrepancy in the code.

Councilor McKinney asked how does the second paragraph subsequently change on page 27 – section 3.15.070 Mr. Mahr responded it is 60% of the assessed value of the homes, not 60% of the property owners.

Mr. Chuck Zickefoose, Newberg resident, stated "I was for this before I was against it". We are in favor of the project and it is the form of the LID that is a concern. I am in favor of helping some of our neighbors who are

going to be hit pretty hard. The citizens would like the city to pick up some of the load. I have a concern about the 60% and have sent one letter to our attorney. We have one question pending to our attorney where in one place it says if failure of the LID occurs the project would still go forward, and in another place it says it will be postponed for 6 months. That is still a concern of ours. Councilor Howard said he has three questions he would like the opponents to answer if they can: why should the city pay for sidewalk in front of your property if we are not collecting taxes on it, where would you recommend the funds come from, and considering we have state funds would you prefer not to take advantage of the funds from the state. Mr. Zickefoose replied this improvement will be good for more than just the property owners. He does want to see it go forward, but is concerned for their neighbors.

Mr. Roger Grahn, Newberg resident, stated on the south end of the map, partition plat 95-89, has two small lots and the addresses are North Main Street. At no time was there an indication these lots were part of the improvement, which means they must have been added after the fact. Mr. Grahn feels he would never have signed a waiver of remonstrance on those 2 lots. He stated that he believes the waivers of remonstrance were coerced because it is how the City does business. Tax lot 2300 and 2600 are not part of the agreement he signed, and although he does not have any paperwork to prove this, he would never have signed it. Mr. Grahn stated he is also opposed to it on another matter, as he is getting close to doing something to this property and we will have to do the improvements all over again if they participate. The process long ago was that it was added after it was recorded. Mr. Grahn suggests a modest improvement to get rid of the ditches, but the benefits are very minimal to the owners who are here.

Mr. Raymon Doty, Newberg resident, said the amount we as property owners are looking at is approximately \$9,500.00. He asked if the amount will go up next year with higher construction costs. Mr. Danicic replied the cost can go up or it may go down. Mr. Doty said concrete has gone up this year, and he is losing quite a bit of frontage and trees. He stated that he has no idea what he is getting for \$85 per square foot and the price of materials is not going to go down. Mr. Doty is for the sidewalks because the kids from the school are walking through my yard for safety and the ditch is a hazard. He explained when they bought the property they were first-time buyers and there was no disclosure. Councilor Howard asked where the funds could possibly come from within the city and if he would not want to use the grant money. Mr. Doty said the City needs to lower the cost and this is a large amount of money for him personally. Councilor Howard asked if Mr. Doty had thought of the benefit of increased value to his property from the sidewalks. Mr. Doty said he is losing all the trees, a large yard, and my privacy.

Ms. Diane Gardner, Newberg resident, stated she opposes the LID. She knows many will benefit from this and appreciates the grant offsetting the cost because it will cost her a third of the initial amount. She said she would change her vote if the city agreed to pay some of the cost. She asked the Council if they could explain where in her personal budget she can pay for the cost. Ms. Gardner suggested they both come up with part of it and look into their budgets to see if it could work. Mayor Andrews asked about her second mailing address and Ms. Gardner said she was currently renting the property on College.

Ms. Gay Welliver, Newberg resident, discussed the impact on Deskins Street. She believes she is going to lose property value with the improvement and she doesn't know how they will fit all the improvements on the street. She would like to see Deskins dead-ended instead, which can create green space and widen the sidewalk. She is concerned about the pedestrians because the street is gravel and very unsafe. Councilor Howard asked if she would care to answer where the funds should come from. Ms. Welliver replied she would like some kind of sidewalk on the street, but there has to be a better way to do it on Deskins Street. She feels sorry for the persons who are sharing the burden with her, and there is never enough funds, but there should be a better way to do it. Councilor McKinney asked if her property is the apartment complex. He stated most property owners have paid for their sidewalks and they met their obligations without a grant from the state. He is concerned about the cost of this and things can get more expensive. If the City were to help, the money comes from taxes which are other residents and property owners in town.

Paul Bock, Newberg resident, is representing a number of residents. Many had never heard of an LID or waiver of remonstrance and many of them have been poring over documents to figure out what is right and fair. They would like to propose improvements to College and understand having the improvement is a benefit to the property. They understand the city has already budgeted these funds and believe the city should share in a portion of the cost. The creation of sidewalks and bicycle lanes will benefit all of the members of the city. Other homeowners have had street improvements and we shouldn't expect to help us. Money is being saved because of the grant and they are not trying to get out of paying their fair shares, but feel the city should help pay for some of the project. Mr. Bock has some older neighbors living on social security and having to pay this amount of money would be very difficult for them. Oregon Department of Transportation (ODOT) is compensating three property owners for right-of-way and Mr. Bock and his fellow neighbors feel the city should help those of us within the city. (Please see official meeting packet for full testimony).

Mayor Andrews called for a 15 minute break at 8:40 pm.
TIME – 8:58 PM

Mr. Elliott reported the results are 13 out of 73 properties were against the LID, which is 18%, and based on assessment values 36.04% were against the LID. 60% is needed to defeat the LID. Councilor McKinney asked if they could choose as a City to not foreclose on the properties which do not pay, but instead wait for transfer of title. Mr. Mahr replied they can do that if financing totally internally but if bonds are used they are required to do full foreclosure. Mayor Andrews asked how it would apply to this LID. Mr. Mahr said they probably wouldn't be forced to foreclose on this project but would not be following through on past policy, which is not a good idea but not illegal.

Councilor Woodruff asked if there is a way to extend the 10 year loan period. Mr. Mahr replied if financing internally then they have some flexibility on time periods.

Mayor Andrews stated he wanted the Council to give consideration on modifying the ordinance to a lesser percentage of the city's participation in this loan from 100% to 75% or to 50%, questions raised on deferring action pending ODOT right-of-way acquisitions for reimbursement, and to try to identify some mitigation for Deskins Street.

Councilor Woodruff said if the loan period was extended she would feel more comfortable voting that way. Councilor McKinney replied he would be reluctant to favor 15 years, and that they should leave it up to the homeowner and what they can afford.

MOTION: Howard/Bacon adopting **Ordinance No. 2013-2769** creating the College Street Local Improvement District for the west side frontage improvement from Illinois Street to Aldercrest Drive allowing a 15 year loan period.

Councilor Howard countered Councilor McKinney's concern with the 3% interest rate and what the city can lose over 30 years. Mr. Elliott said the 3% is an example only. Ms. Janelle Nordyke, finance director, said the city would be financing it themselves. Councilor Howard asked what the source of the funds would be. Mr. Danicic said it would come from the transportation fund and the SDC's. Mayor Andrews said if this is not the interest rate they will be using then what are they adopting. He asked if it could be restated to say that citizens who pay in ten years get one interest rate and any added time will increase that number. Mr. Danicic responded they want to the number to be between 1.5% and 4% for financing. He would recommend fixing it as a lower rate instead of stepping it because it takes more work to track. Mr. Mahr said the assessment is assumed, and interest will be set at an interim rate. He explained once they assess the people they will need to have an agreed upon interest rate. Mr. Mahr further said the citizens can go get their own loan from a different entity and the city's suggested interest rate is 3.25%. When they go to levy the assessment this is what it would cost if the city had to borrow the money.

Councilor Bacon stated she did not think they will have another opportunity like this with the grant. She is confident they are doing the right thing and are being fair.

Councilor McKinney recommended a second reading. Mayor Andrews said it is a Council rule to have a second reading. Mayor Andrews stated he was going to vote to have a second reading. Councilor Howard asked if public testimony would be opened again. Mr. Mahr replied no, but if there is a lot of opposition they may want to consider it. Mr. Danicic said the second reading could be June 3, 2013.

Councilor Howard stated he appreciates everyone coming out and participating in the process. He agrees the street improvements will benefit everyone in the community and is in favor of a fee or tax, however that is not how infrastructure is currently paid for. I think it is fair for the homeowners to pay and it will benefit property value and livability.

Mayor Andrews asked if they are changing the language so the financing is for 15 years or up to 15 years. Councilor Howard said his intention is for there to be one financing option.

Councilor McKinney said he will not support this motion without giving the citizens more information. Councilor Corey asked if at the second reading they will give the interest rate. Mr. Mahr responded at the second reading the council will have the ordinance, the estimated assessments will be there, and the loan time period will be there. Councilor Corey stated his opinion is they need to make the financing very clear and affordable.

VOTE: Howard/Bacon adopting **Ordinance No. 2013-2769** creating the College Street Local Improvement District for the west side frontage improvement from Illinois Street to Aldercrest Drive allowing a 15 year loan period. Motion Failed. (3 Yes/3 No /1 Absent [Rierson]).

MOTION: McKinney/Howard tabling **Ordinance No. 2013-2769** to June 3, 2013, to allow staff to come back with options on the interest rate. Motion carried. (6 Yes/0 No/1 Absent [Rierson]).

IX. COUNCIL BUSINESS

TIME – 10:01 PM

Mayor Andrews discussed the city attorney position advertisement and asked if there is any objection to having it released. No opposition was expressed.

Councilor Howard said he would like to have a second work session on funding options for street improvements. Mr. Danicic asked if the council is comfortable waiting 3 months for methodology on funding for street improvements. Councilor Howard asked if this discussion fares better before or after the goal setting discussions. Mr. Danicic said it is better before goal setting.

Mayor Andrews brought forth a sign discussion and extending the companies a 60 day grace period due to the public comments made earlier. Councilor McKinney said these gentlemen are trying to be in compliance and he would say the 60 days is a little short. Councilor Bacon stated she is all for giving them 90 days to work on redefining some of the language. Mr. Danicic said they do need to sit down with the code and have staff at the work session. He would be comfortable not being too stringent during the time they are working on this. Mr. Danicic suggested scheduling the June 17, 2013, work session for this issue.

X. ADJOURNMENT

The meeting adjourned at 10: 35 PM.

ADOPTED by the Newberg City Council this 3rd day of June, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 6th day of June, 2013.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 3, 2013

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2013-2769 No.

SUBJECT: An Ordinance creating the College Street Local Improvement District to recoup a portion of the costs for the west side frontage improvement of N. College Street from Illinois Street to Aldercrest Drive

Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer
Dept.: Engineering Services Department

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2013-2769, creating the College Street Local Improvement District, to recoup an estimated \$194,197.00 of City's cost for the frontage improvement on the west side of N. College Street from Illinois Street to Aldercrest Drive.

EXECUTIVE SUMMARY:

The City entered into an intergovernmental agreement (IGA) with the Oregon Department of Transportation (ODOT) in June, 2011, with an amendment to the IGA in August, 2011. The IGA provides over \$800,000.00 in ODOT Transportation Enhancement (TE) grant funding 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. The City has provided the required matching funds and completed a portion of the improvements for the railroad crossing near the Vermillion/College Street intersection. The City's total cost for the improvements is estimated at \$194,197.00.

On February 19, 2013, staff presented an Engineer's Report (as directed by Council on December 17, 2012) for a potential College Street Local Improvement District (LID) that would recoup 100% of the City's total cost. City Council accepted the Engineer's Report (Resolution No. 2013-3036) and set a Public Hearing for May 6, 2013, to consider the formation of the College Street LID. The Engineer's Report for the LID is attached as Exhibit "A".

On April 2, 2013, City staff conducted an LID Informational Meeting that presented an overview of the proposed improvements, and provided information about the potential formation of the LID. City, ODOT, and OTAK (consultant) staff answered questions from approximately 30 people in attendance. Minutes from the meeting are available from City staff.

On April 18, 2013, notification for the College Street LID Public Hearing was sent to property owners by certified mail in accordance with Newberg Municipal Code §3.15.060. In the notification, property owners are advised to submit their written objections if they oppose the LID formation, at or before the said Public Hearing per Newberg Municipal Code §3.15.050. Properties with Waiver of Remonstrance Agreements are, however, obligated to participate in the LID. If written remonstrances (objections) are filed with the city

engineer by owners whose LID obligation would total at least 60% of the total LID assessment, action on the LID (ordinance) shall be suspended for at least 6 months, unless an emergency is declared by Council.

On May 6, 2013, all responses for or against the College Street LID were received and tallied after the LID Public Hearing. 36.04% of the total assessments were against the formation of the LID per Newberg Municipal Code §3.15.070. (21.92% of the total number of properties were against the formation of the LID using an interpretation of Newberg Municipal Code §3.15.050.) The LID response tally is attached as Exhibit “B”.

At the Public Hearing, Council directed staff to confirm the interest rate for the city loan that can be made available to the proposed LID property owners to pay for the assessments. Staff was also instructed to provide several term options for the loans for the June 3, 2013, Council meeting. This loan information shall replace Table 4 in the Engineer’s Report, dated January 23, 2013, and the table is attached as Attachment “1”. The first column is the amount the bank will charge the City for external borrowing. The second column is what staff recommends to City Council for internal borrowing.

A traditional repayment schedule considers a flat dollar amount to be repaid on a monthly basis with the split between interest and principal fluctuating as the interest amount decreases and the principal amount increases proportionately. The repayment plan offered by the City of Newberg provides for a flat principal amount calculated while the interest amount decreases over time. This allows the borrower to reduce the principal loan amount sooner. As the interest amount decreases the total payment amount decreases as well. See Attachment “2”.

FISCAL IMPACT:

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 the LID is formed, the City will recover these costs over a 15 year repayment period depending on those who choose to accept the City’s repayment plan. This will also allow the City to be in an improved financial position to leverage new state funding for the next phase of the N. College Street improvements extending from Aldercrest Drive to Foothills Drive.

STRATEGIC ASSESSMENT:

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

TABLES 4A THRU 4E (TWO PAGES):

TABLE 4A: BI-ANNUAL PAYMENTS ON 10-YEAR LOAN

Principal	Bi-annual Payment (3.67%) per US Bank	Bi-annual Payment (1.50%) per Staff
\$5,000	\$341.75	\$287.50
\$10,000	\$683.50	\$575.00
\$15,000	\$1,025.25	\$862.50
\$20,000	\$1,367.00	\$1,150.00
\$25,000	\$1,708.75	\$1,437.50
\$30,000	\$2,050.50	\$1,725.00

TABLE 4B: BI-ANNUAL PAYMENTS ON 15-YEAR LOAN

Principal	Bi-annual Payment (3.67)	Bi-annual Payment (1.50%) per Staff
\$5,000	\$258.42	\$204.17
\$10,000	\$516.83	\$408.33
\$15,000	\$775.25	\$612.50
\$20,000	\$1,033.67	\$816.67
\$25,000	\$1,292.08	\$1,020.83
\$30,000	\$1,550.50	\$1,225.00

TABLE 4C: BI-ANNUAL PAYMENTS ON 20-YEAR LOAN

Principal	Bi-annual Payment (3.67)	Bi-annual Payment (1.50%) per Staff
\$5,000	\$216.75	\$162.50
\$10,000	\$433.50	\$325.00
\$15,000	\$650.25	\$487.50
\$20,000	\$867.00	\$650.00
\$25,000	\$1,083.75	\$812.50
\$30,000	\$1,300.50	\$975.00

TABLE 4D: BI-ANNUAL PAYMENTS ON 25-YEAR LOAN

Principal	Bi-annual Payment (3.67)	Bi-annual Payment (1.50%) per Staff
\$5,000	\$191.75	\$137.50
\$10,000	\$383.50	\$275.00
\$15,000	\$575.25	\$412.50
\$20,000	\$767.00	\$550.00
\$25,000	\$958.75	\$687.50
\$30,000	\$1,150.50	\$825.00

TABLE 4E: BI-ANNUAL PAYMENTS ON 30-YEAR LOAN

Principal	Bi-annual Payment (3.67)	Bi-annual Payment (1.50%) per Staff
\$5,000	\$175.08	\$120.83
\$10,000	\$350.17	\$241.67
\$15,000	\$525.25	\$362.50
\$20,000	\$700.33	\$483.33
\$25,000	\$875.42	\$604.17
\$30,000	\$1,050.50	\$725.00

ATTACHMENT "2" ORDINANCE 2013-2769

College St LID - \$10,000 1.50%

Compound Period: Semiannual

Nominal Annual Rate: 1.500%

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	7/1/2013	10,000.00	1		
2 Payment Fixed Principal (+Int.)	1/1/2014	500.00	20	Semiannual	7/1/2023

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	7/1/2013				10,000.00
2013 Totals		0.00	0.00	0.00	
1	1/1/2014	575.00	75.00	500.00	9,500.00
2	7/1/2014	571.25	71.25	500.00	9,000.00
2014 Totals		1,146.25	146.25	1,000.00	
3	1/1/2015	567.50	67.50	500.00	8,500.00
4	7/1/2015	563.75	63.75	500.00	8,000.00
2015 Totals		1,131.25	131.25	1,000.00	
5	1/1/2016	560.00	60.00	500.00	7,500.00
6	7/1/2016	556.25	56.25	500.00	7,000.00
2016 Totals		1,116.25	116.25	1,000.00	
7	1/1/2017	552.50	52.50	500.00	6,500.00
8	7/1/2017	548.75	48.75	500.00	6,000.00
2017 Totals		1,101.25	101.25	1,000.00	
9	1/1/2018	545.00	45.00	500.00	5,500.00
10	7/1/2018	541.25	41.25	500.00	5,000.00
2018 Totals		1,086.25	86.25	1,000.00	
11	1/1/2019	537.50	37.50	500.00	4,500.00
12	7/1/2019	533.75	33.75	500.00	4,000.00
2019 Totals		1,071.25	71.25	1,000.00	
13	1/1/2020	530.00	30.00	500.00	3,500.00
14	7/1/2020	526.25	26.25	500.00	3,000.00
2020 Totals		1,056.25	56.25	1,000.00	

ATTACHMENT "2" ORDINANCE 2013-2769

AMORTIZATION SCHEDULE - Normal Amortization (Continued)

	Date	Payment	Interest	Principal	Balance
15	1/1/2021	522.50	22.50	500.00	2,500.00
16	7/1/2021	518.75	18.75	500.00	2,000.00
2021 Totals		1,041.25	41.25	1,000.00	
17	1/1/2022	515.00	15.00	500.00	1,500.00
18	7/1/2022	511.25	11.25	500.00	1,000.00
2022 Totals		1,026.25	26.25	1,000.00	
19	1/1/2023	507.50	7.50	500.00	500.00
20	7/1/2023	503.75	3.75	500.00	0.00
2023 Totals		1,011.25	11.25	1,000.00	
Grand Totals		10,787.50	787.50	10,000.00	

ANNUAL PERCENTAGE RATE

The cost of your credit as a yearly rate : 1.500 %

FINANCE CHARGE

The dollar amount the credit will cost you : \$ 787.50

AMOUNT FINANCED

The amount of credit provided to you or on your behalf : \$ 10,000.00

TOTAL OF PAYMENTS

The amount you will have paid after you have made all payments as scheduled : \$ 10,787.50



ORDINANCE No. 2013-2769

AN ORDINANCE CREATING THE COLLEGE STREET LOCAL IMPROVEMENT DISTRICT (LID) TO RECOUP A PORTION OF THE COSTS FOR THE WEST SIDE FRONTAGE IMPROVEMENT OF N. COLLEGE STREET FROM ILLINOIS STREET TO ALDERCREST DRIVE

RECITALS:

1. North College Street (aka State Highway OR-219) between Illinois Street and Aldercrest Drive currently does not have full frontage street improvements.
2. Oregon Department of Transportation (ODOT) provides over \$800,000.00 in Transportation Enhancement (TE) grant funding through an intergovernmental agreement (IGA) with the City of Newberg for right-of-way acquisition, survey, design, and construction of curb and gutter, sidewalk, and storm drain on the west side of North College Street, and bicycle lanes on both sides, from Vermillion Street to Aldercrest Drive.
3. The City provided a required match to the ODOT grant and completed a portion of the improvements at the railroad crossing near the Vermillion Street and College Street intersection. The total City's cost (contribution for the improvements) is estimated at \$194,197.00.
4. On February 19, 2013, City Council adopted Resolution No. 2013-3036, accepting the Engineer's Report for the potential College Street Local Improvement District (LID) and setting a Public Hearing for May 6, 2013, to consider the formation of the College Street LID that would recoup 100% of the City's cost. The Engineer's LID Report, which included the LID boundary and the established preliminary assessments for properties within the LID boundary, is attached as Exhibit "A".
5. After proper notice, City Council held a Public Hearing on May 6, 2013, to hear approvals and to receive remonstrances (objections) against the proposed LID. 36.04% of the total assessments were against the formation of the LID per Newberg Municipal Code §3.15.070. (21.92% of the total number of properties were against the formation of the LID based on an interpretation of Newberg Municipal Code §3.15.050.) The LID response tally is attached as Exhibit "B".

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. After proper notice, City Council held a Public Hearing on May 6, 2013, to hear approvals and to receive remonstrances (objections) against the proposed LID. 36.04% of the total assessments were against the formation of the LID per Newberg Municipal Code §3.15.070. (21.92% of the total number of properties were against the formation of the LID based on an interpretation of Newberg Municipal Code §3.15.050.) The LID response tally is hereby attached as Exhibit "B" and by this reference incorporated.

2. College Street Local Improvement District is hereby created with the boundaries shown in Exhibit "A", which is hereby attached and by this reference incorporated, and in accordance with the Engineer's LID Report approved by City Council in Resolution No. 2013-3036.
3. The loan repayment period shall be a maximum of 15 years for those who accept the City's financing opportunity.
4. City provided financing shall be at a 1.50% interest rate annually over the life of the loan repayment period.
5. The LID is formed to recoup the City's cost for the North College Street frontage improvements from Illinois Street to Aldercrest Drive, estimated at \$194,197.00. This cost is a portion or a reduced amount for the frontage improvements because of ODOT's grant funding.
6. The estimated LID assessments for each property are contained in Exhibit "A" and there shall be charges and liens against the properties. The final LID assessments will be determined upon the public bids and completion of the improvements, which is anticipated by the end of summer 2014. City Council shall approve the revised and final assessment made upon the actual City's cost with notice being provided to property owners and a public hearing at that time in accordance with Newberg Municipal Code §3.15.110.
7. City Council directs the initial assessments to be entered into the City lien docket and recorded on the Yamhill County Deed Records.
8. City Council directs staff to have detailed plans and specifications for the LID prepared and have public bids for the construction of the improvements per Newberg Municipal Code §3.15.080C.

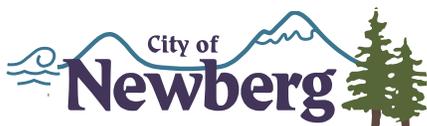
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: July 3, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of June, 2013, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 6th day of June, 2013.

Bob Andrews, Mayor



**Newberg Public Works Department
Engineering Division**

January 23, 2013

**COLLEGE STREET LOCAL IMPROVEMENT DISTRICT
ENGINEER'S REPORT**

EXECUTIVE SUMMARY

On December 17, 2012, the Newberg City Council adopted Resolution No. 2012-3020 directing the engineering division staff to prepare an Engineer's Report for the consideration of the formation of the College Street Local Improvement District (LID) along the west side of N. College Street from Illinois Street to Aldercrest Drive. The process for the formation of the LID follows the policies established in the Newberg Municipal Code §3.15.010 through §3.15.170.

In 2011, the City entered into an intergovernmental agreement (IGA) with the Oregon Department of Transportation (ODOT) to receive a State Transportation Enhancement (TE) grant to improve N. College Street (also known as Highway 219) from Vermillion Street to Aldercrest Drive. The grant provides over \$800,000.00 for right-of-way acquisition, survey, design, and construction of curb and gutter, sidewalk, and storm drain on the west side of the highway, and bicycle lanes on both sides. The City agreed to provide a grant match and to complete the southern portion of the improvements along N. College Street from Vermillion Street to Illinois Street including the sidewalk on the west side of the highway for railroad crossing. This southern portion of the improvements was completed on July 6, 2012. Conceptual design for the remaining improvements from Illinois Street to Aldercrest Drive was completed in 2012 and the final design is planned for 2013. Construction will occur in 2014. The City's cost for the remaining work is estimated to be \$194,197.00.

A preliminary report that offered various assessment methodologies was presented to City Council on December 17, 2012, following an initial presentation on June 4, 2012. The estimated construction costs for the proposed (a) curbs and sidewalks, and (b) storm drainage, are in the range of \$120,000.00 and \$260,000.00 respectively. Council indicated their preference to recoup 100% of the City's cost of the project. While many properties along this highway are encumbered by waiver of remonstrance agreements for street improvements, Council has directed that the costs be apportioned to all west side property owners regardless of whether they have waiver in place. The cost for each property owner will be substantially reduced due to ODOT's grant contribution. Property owners will be compensated by ODOT separately if additional right-of-way is acquired for the improvements.

The participation and support of benefitting property owners for the LID will place the City in a competitive and improved financial position to leverage future state funding for the next phases of improvements from Aldercrest Drive to Foothills Drive.

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1. Project Background

The City has an interest in improving N. College Street to enhance the safety of pedestrian and bicycling travel (see [Figure 1](#)). There is discontinuity in the sidewalk system along N. College Street which forces pedestrians to walk in the travel lane or behind the roadside ditch. Bicyclists use the travel lanes because there are no bike lanes and the existing shoulders are inadequate. N. College Street is classified as a minor arterial street per the Newberg Transportation System Plan.

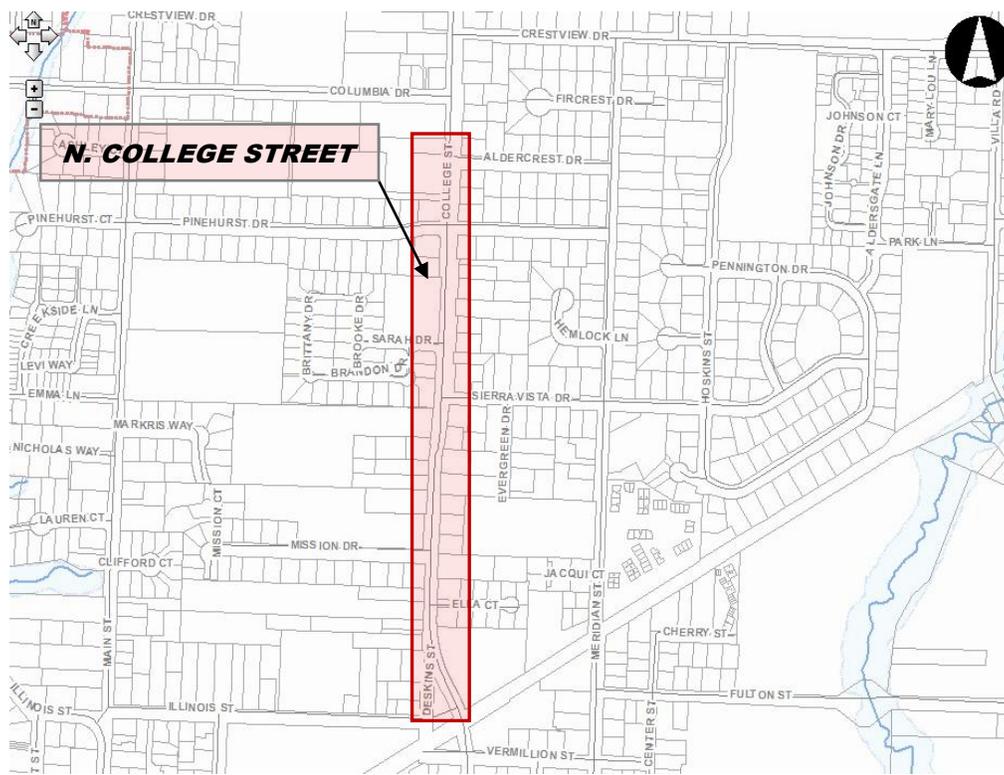


FIGURE 1: VICINITY MAP

On June 8, 2011, the Oregon Department of Transportation (ODOT) and the City entered into an agreement that ODOT would provide \$600,000.00 towards funding the pedestrian and bike lane improvements to N. College Street (Highway 219). On August 22, 2011, both parties signed an amendment that ODOT would provide an additional \$200,000.00 towards the project. In return, the City has agreed to contribute “matching funds” at 10.27% for the first \$660,000.00 and 50% for any portion above \$660,000.00 plus an additional \$24,000.00 and any non-participating costs. The City also agreed to improve the southern portion of the improvements from Vermillion Street to Illinois Street that included the pedestrian crossings at the railroad.

In June, 2012, the City completed the southern portion of the improvements in collaboration with Portland and Western Railroad Company and the ODOT Rail Division. The remainder of the improvements from Illinois Street to Aldercrest Drive is in the final design and right-of-way solicitation phase with bid solicitation planned for March, 2014, and construction in summer 2014. The City’s cost for the remaining work is estimated at \$194,197.00. The City has an opportunity to recoup this cost by initiating a Local Improvement District (LID) in this area. The LID process is outlined in the next section.

2. Local Improvement District Process

The Newberg Municipal Code §3.15 (see [Appendix A](#)) provides the criteria for creating a Local Improvement District and establishes the public process (refer to [Appendix B](#)) that must be followed in order to assess the benefitting property owners with the costs of constructing certain public improvements. An LID may be created 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 the identified properties for the costs to complete the improvements.

In the past, some developments were approved that purposely delayed public improvements until the formation of a future LID. The City required documents from the applicants that would waive their right to file a written objection to construct public improvements through an LID in the future. This document known as a waiver of remonstrance agreement is similar to an easement as it remains as an encumbrance on the property, or any portion of the original property through land divisions, regardless of changes of property ownership or land divisions, 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 for the improvements.

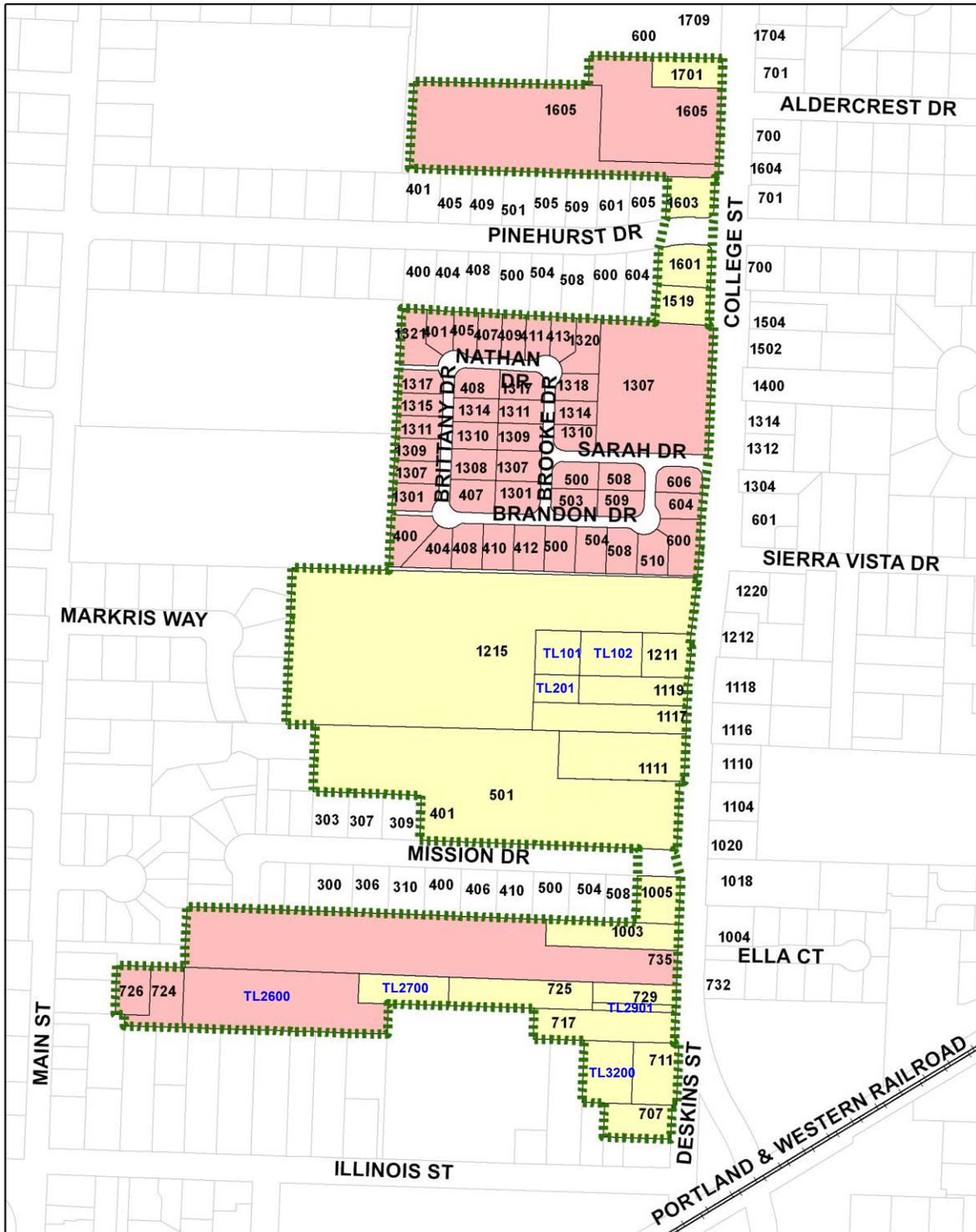
Should the City Council determine that the formation of an LID is warranted, the Municipal Code directs the Council to consider the objections made, and to adopt or modify the proposed assessments in proportion to the benefits to each property in the LID. The Municipal Code requires the use of a fair and reasonable method for determining an LID boundary and the apportioning of the costs among the benefited properties. The Municipal Code also prescribes that if written objection, or remonstrance, is filed against the proposed LID 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. Several exceptions to the 6 month waiting period exist for sidewalks or an emergency declared by City Council.

3. 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. The College Street improvement area is rather unique in that it has a relatively large number of properties with existing waivers of remonstrance to the improvements (see [Appendix C](#)). Essentially many property owners have already waived their rights to object to the creation of this LID, even though some properties do not directly front N. College Street (see [Figure 2](#)).

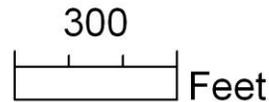
The relationship of waivers of remonstrance to actual street frontages is important in defining the LID boundary. There are a total of 73 properties along the west side of N. College Street from Illinois Street to Aldercrest Drive, excluding the NW corner lot at Illinois Street/Deskins Road and the SW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

FIGURE 2: WAIVERS OF REMONSTRANCE MAP



Legend

- LID Boundary
- Without Waiver
- With Waiver



Numbers shown are house addresses.
Properties without addresses are shown with tax lot (TL) numbers.

Date Saved: 10/16/2012 11:34:50 AM

Path: P:\GIS_Eng\Potential College Street LID\potential_college_st_LID.mxd

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).

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

	Direct Frontage	No Frontage	Total ↓
Waivers	7	43	50
No Waivers	17	6	23
Total →	24	49	

The proposed LID includes all 73 properties with a project length of 2,166.93 feet and 35.67% or 773.03 feet of the properties have signed waivers to the creation of an LID. The remaining properties without waivers represent 64.33% or 1,393.90 feet of the proposed LID, could object and 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	PERCENTAGE
FRONTAGE WITH WAIVERS (FT) =	773.03	35.67%
FRONTAGE WITHOUT WAIVERS (FT)=	1,393.90	64.33%

4. Improvement Description and Costs

The proposed College Street improvements with its limits described and shown in Section 3 above includes nearly 2,200 feet of half-street improvements to a minor arterial street standard that includes a bike lane, sidewalk, concrete curb and gutter, and a planter strip where feasible, on the west side of N. College Street from Illinois Street to Aldercrest Drive. The existing pavement in this area is in fair condition and does not require an overlay or reconstruction. Sidewalks, curb and gutter will not be constructed on 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. Since improvements are not proposed on the east side of N. College Street, the east side properties are not included in the proposed LID. The pavement width on the west side of College Street will be extended to accommodate the new bike lane. The improvements will meet design standards for a 36-foot roadway section as shown in Figure 3.

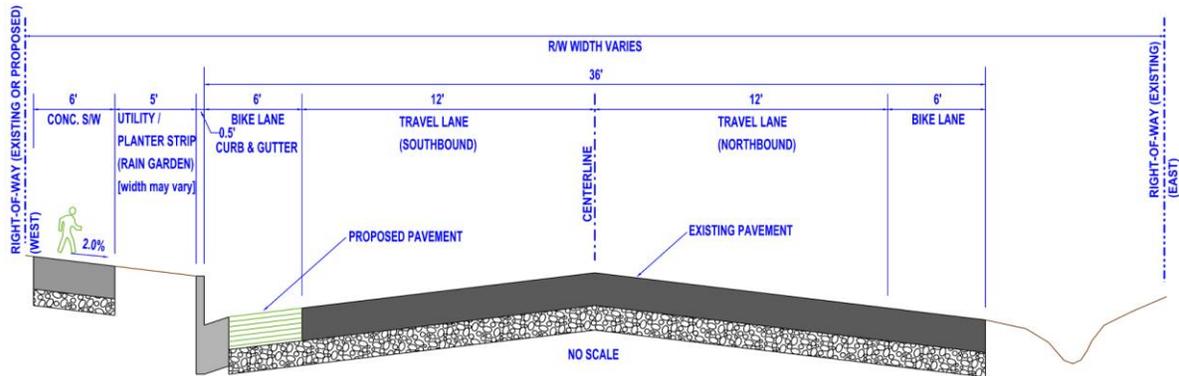


FIGURE 3: COLLEGE STREET TYPICAL CROSS SECTION (MINOR ARTERIAL FULL WIDTH STANDARD)

Improvements to water or wastewater systems on College Street are not needed at this time. However, the waterline does need to be relocated (using a separate City’s water fund) due to its shallow depth. Stormwater conveyance, water quality and quantity improvements will be provided to meet ODOT and City standards.

During the preliminary design phase, the total construction cost for the proposed improvements from Illinois Street to Aldercrest Drive was estimated to be \$762,000.00. The majority of this cost is funded by state and federal grants. The City’s cost for the grant match and internal project administration is estimated at \$194,197.00. The estimated construction costs for the proposed (a) curbs and sidewalks, and (b) storm drainage, are in the range of \$120,000.00 and \$260,000.00 respectively. The City Council has indicated their preference to recoup 100% of the City’s estimated cost of \$194,197.00 which is significantly less than the actual cost of design and construction for the sidewalk, curb and gutter, and the associated storm drainage improvements. The LID assessment for each property owner is therefore, substantially reduced because of ODOT’s grant contribution.

Property owners will be compensated separately by ODOT if additional right-of-way is needed to accommodate the improvements. ODOT will be 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, equitable and negotiable per state and federal guidelines. Compensation for right-of-way purchases will be treated separately to avoid mixing of funds with the LID assessments.

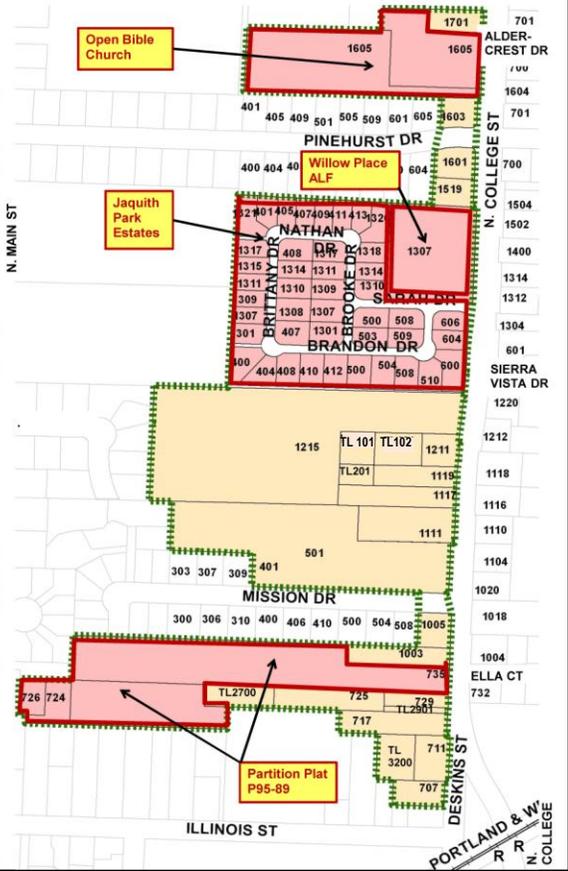
5. Recommended Assessment Methodology and Proposed Assessments

Staff recommends that the City’s estimated costs (\$194,197.00) be assessed to property owners based on a cost per a lineal frontage foot. Based on that recommendation, Table 3 shows a list of properties within the proposed LID boundary and the proposed assessments. These assessments have been calculated at \$89.62 per frontage foot. In cases where there are interior lots, all properties divided from each parent parcel share the total frontage costs equally.

Staff recognizes a property with a street address, 501 Mission Drive, has an existing sidewalk (a partial frontage improvement already completed). This property will see a reduced LID assessment. Another property at 703 Deskins Street (at the corner of Illinois) has a complete frontage improvement and is excluded from the LID.

TABLE 3: PROPERTY IDENTIFICATION & PROPOSED ASSESSMENTS

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	Jaquith Park Estates: 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' Partition Plat P95-89: Per Roger Grahm 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' TL's 3218 DB 100, 101, 102: 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' TL's 3218 DB 200, 201: These 2 lots shall share the total frontage improvement cost. TL200 has twice the area of TL201; so 2/3 for TL200 & 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' TL's 3218 DB 2900, 2901, 2800, 2700: These 4 lots shall share the total frontage improvement cost. TFL = 67.65' (TL2900 & 2901) The DFL is based on the percentage of the total 4 lot areas. TL2900 & 2901 have frontages; TL2800 & 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' TL's 3218 DB 3201, 3200: 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'
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	
Subtotal =			773.03	773.03	\$69,277.78	
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	\$9,142.70	
	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	
*** Assessment reduced for 501 Mission Dr. (City's responsibility for replacing existing sidewalk) =					\$3,636.00	
Subtotal =			1393.9	1393.9	\$124,919.22	
GRAND TOTAL =			2166.93	2166.93	\$194,197.00	
LID Costs Summary:						
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		
Total Recouped Costs (over total project length) =				\$194,197.00		



6. Assessment Timing and Financing

Assessments are due and payable in full upon completion of the LID improvements, which is anticipated near the end of 2014, and after notification of acceptance by City Council of the final assessments. The Newberg Municipal Code provides an option for the owners of assessed properties to finance the assessments. The term of loan is for 10 years and payments are made every 6 months. The City can generally offer interest rates that are lower than the average market rates. Table 4 provides a general idea of what the owners of assessed properties of the College Street LID would pay every six months if they chose to finance their assessments through the City assuming a 3.25% fixed rate were available. Actual rates will be determined when the properties are assessed. Property owners may also choose to obtain financing through an outside lending institution or pay the assessment in cash.

TABLE 4: BI-ANNUAL PAYMENTS ON 10-YEAR LOAN AT 3.25% INTEREST

Principal	Bi-annual Payment
\$5,000	\$331.25
\$10,000	\$662.50
\$15,000	\$993.75
\$20,000	\$1,325.00
\$25,000	\$1,656.25
\$30,000	\$1,987.50

APPENDICES

- A. Newberg Municipal Code Chapter 3.15
- B. The LID Public Process
- C. N. College Street Improvements Waiver of Remonstrance Agreements

APPENDIX A
Newberg 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

E313P0600

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: [Signature]
James A. Ringseth
President

By: [Signature]
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.



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

CITY OF NEWBERG

ACCEPTED AS TO FORM:

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

By: [Signature]
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: City of Newberg
414 E. First
Newberg OR 97132

STATE OF OREGON)
) ss.
COUNTY OF YAMHILL)

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 # [blank]
[Signature]
CHARLES STERN, COUNTY CLERK

1992 DEC 23 PM 1:20
F 279P2299

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.

1992 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 260 P 0542

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.

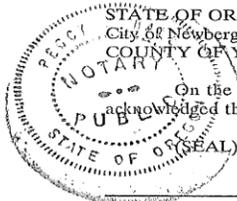
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO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

CITY OF NEWBERG:
By: [Signature]
City Manager



STATE OF OREGON)
City of Newberg) ss.
COUNTY OF YAMHILL)
On the 04th day of September, 1991, personally appeared the above-named individual(s) and acknowledged the foregoing instrument to be his/their voluntary act and deed.

[Signature]
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-3-91

STATE OF OREGON
COUNTY OF Clackamas } SS.
September 04, 19 91
Personally appeared Lowell W. Morse and
who being duly sworn, did say that the former is the
President of the Cypress Ventures, Inc.
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: [Signature]
JENNELLE N. ZORNADO
NOTARY PUBLIC - OREGON
My Commission Expires 6-21-94

APPENDIX C
Waiver of Remonstrance Agreements

GRAHN PARTITION PLAT P 95-89
Tax Lots 3218DB-2300, -2600

3218DB - 2300

WAIVER OF RIGHTS TO REMONSTRANCE
TO LAND USE

KNOW ALL MEN BY THESE PRESENTS, that R. P. Grahn, Inc., an Oregon corporation, and Roger P. Grahn, the owners of the real property herein described and hereinafter referred to as "Owners", make the following agreement. The real property which is located in Yamhill County, Oregon is more fully described as follows:

Parcels 2 & 3 of Partition Plat 95-89
Record of Plats for Yamhill Co., Oregon
AND

Tax Lots 2300 & 2600, 3218DB
(aka 735 N College, Newberg, OR)
~~(See xxxxxxxxxx xxxxxxxxxx xxxxxxxxxx)~~

The Owners agree that the above-described real property is held and shall be transferred, sold, and conveyed upon the condition that no remonstrance may be made against the other owner to any land use action undertaken by either party with respect to zoning, land use or construction of improvements.

This agreement shall be effective for 20 years from date of recording, and shall be binding upon all heirs or assigns.

Each Owner shall be individually and solely responsible for any costs incurred as a result of any action undertaken.

In Witness hereof we have executed this document on this 28th day of June, 1996.

by [Signature] pres.
R. P. GRAHN, INC.

by [Signature]
ROGER P. GRAHN

STATE OF OREGON
County of Yamhill

This instrument was acknowledged before me on this 28th day of June, 1996, by R. P. Grahn, Inc. and Roger P. Grahn.

*Roger P. Grahn as President of

[Signature]
Notary Public for Oregon
My Commission Expires: 5/6/97



R. P. Grahn
23287 LaSalle Lane
Sherwood, OR 97140

Recorded in Yamhill County, Oregon
CHARLES STERN, COUNTY CLERK
15.00

199610627 11:45am 07/03/96
001 032216 09 06 000200
1 0 035 1 5.00 10.00 0.00 0.00 0.00 0.00

Property Address with Waiver (covering 773.03 LF of frontage)	Remonstrance (against LID)	Assess. Costs (against LID)	Estimated Assessment Costs
(OBCh) 1605 N COLLEGE ST			\$14,582.72
(OBCh) 1605 N COLLEGE ST			\$2,688.55
(Willow PI) 1307 N COLLEGE ST			\$25,741.12
606 BRANDON DR	Y		\$449.72
604 BRANDON DR			\$449.72
600 BRANDON DR			\$449.72
510 BRANDON DR			\$449.72
508 BRANDON DR			\$449.72
504 BRANDON DR			\$449.72
500 BRANDON DR			\$449.72
412 BRANDON DR		N	\$449.72
410 BRANDON DR			\$449.72
408 BRANDON DR		N	\$449.72
404 BRANDON DR			\$449.72
400 BRANDON DR			\$449.72
1301 BRITTANY DR	Y		\$449.72
1307 BRITTANY DR			\$449.72
1309 BRITTANY DR			\$449.72
1311 BRITTANY DR			\$449.72
1315 BRITTANY DR			\$449.72
1317 BRITTANY DR			\$449.72
1321 BRITTANY DR			\$449.72
401 NATHAN DR	Y		\$449.72
405 NATHAN DR			\$449.72
407 NATHAN DR			\$449.72
409 NATHAN DR			\$449.72
411 NATHAN DR			\$449.72
413 NATHAN DR	Y		\$449.72
1320 BROOKE DR			\$449.72
1318 BROOKE DR	Y		\$449.72
1314 BROOKE DR			\$449.72
1310 BROOKE DR			\$449.72
500 SARAH DR			\$449.72
508 SARAH DR			\$449.72
509 BRANDON DR			\$449.72
503 BRANDON DR			\$449.72
1301 BROOKE DR			\$449.72
407 BRANDON DR			\$449.72
1308 BRITTANY DR		N	\$449.72
1310 BRITTANY DR			\$449.72
1314 BRITTANY DR	Y		\$449.72
408 NATHAN DR			\$449.72
1317 BROOKE DR			\$449.72
1311 BROOKE DR			\$449.72
1309 BROOKE DR			\$449.72
1307 BROOKE DR			\$449.72
724 N MAIN ST			\$346.38
726 N MAIN ST			\$346.38
(TL# 3218 DB 2600)			\$2,078.25
735 N COLLEGE ST			\$4,156.51
Subtotal =		\$0.00	\$69,277.78
Property Address without Waiver (covering 1,393.9 LF of frontage)	Remonstrance (against LID)	Assess. Costs (against LID)	Estimated Assessment Costs
1701 N COLLEGE ST	Y	\$5,914.82	\$5,914.82
1603 N COLLEGE ST	Y	\$6,641.63	\$6,641.63
1601 N COLLEGE ST	Y	\$7,159.62	\$7,159.62
1519 N COLLEGE ST		\$0.00	\$7,439.23
1215 N COLLEGE ST		\$0.00	\$11,112.69
1211 N COLLEGE ST		\$0.00	\$2,927.54
(TL# 3218 DB 0101)		\$0.00	\$2,927.54
(TL# 3218 DB 0102)		\$0.00	\$2,927.54
1119 N COLLEGE ST		\$0.00	\$3,719.17
(TL# 3218 DB 0201)		\$0.00	\$1,859.58
1117 N COLLEGE ST		\$0.00	\$5,578.75
1111 N COLLEGE ST	Y	\$9,409.94	\$9,409.94
(NPCh) 501 MISSION DR	Y	\$12,778.70	\$12,778.70
1005 N COLLEGE ST	Y	\$9,409.94	\$9,409.94
1003 N COLLEGE ST	Y	\$5,197.87	\$5,197.87
729 N COLLEGE ST	Y	\$1,192.65	\$1,192.65
(TL# 3218 DB 2901)		\$0.00	\$400.30
725 N COLLEGE ST		\$0.00	\$2,734.15
(TL# 3218 DB 2700)		\$0.00	\$1,735.59
717 N COLLEGE ST		\$0.00	\$6,062.69
711 DESKINS ST	Y	\$5,511.54	\$5,511.54
(TL# 3218 DB 3200)		\$0.00	\$5,511.54
707 DESKINS ST	Y	\$6,766.20	\$6,766.20
Subtotal =		\$69,982.91	\$124,919.22
GRAND TOTAL =		\$69,982.91	\$194,197.00
Percent of Assessment against LID = (per §3.15.070)		36.04%	
Percent of Property against LID = 16/73 = (per §3.15.050)		21.92%	

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 03, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3047

SUBJECT:

1. Hold Legislative Public Hearings on the 2013-2014 City Budget & State Revenue Sharing
2. Adopt Resolution No. 2013-3047, adopting the 2013-2014 City Budget

Contact Person (Preparer) for this
Motion: Janelle Nordyke
Dept.: Finance
File No.:

HEARING TYPE: ADMINISTRATIVE

RECOMMENDATION:

Adopt Resolution No. 2013-3047 adopting the 2013-2014 Budget, and appropriating as recommended by the Budget Committee on May 14, 2013, and including the election to participate in the State Revenue Sharing Program.

EXECUTIVE SUMMARY:

The Budget Committee met on April 30th, May 7th, and May 14th, 2013, to deliberate on the proposed 2013-2014 City Budget prepared by staff.

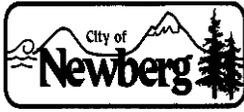
The Budget Committee made the following amendment to the proposed 2013-2014 Budget, which resulted in zero change to total appropriations:

1. General Fund (Fund 01)
 - Increased General Government Community Support (01-1110-592000) expenditures by \$7,000.00 with a corresponding reduction in the General Fund Contingency by \$7,000.00 for the following reasons:
 - a. Your Community Mediators' support increased by \$2,500.00 for a total of \$5,500.00
 - b. Yamhill Transit support increased by \$3,000.00 for a total of \$18,000.00
 - c. Homeward Bound Pets support increased by \$1,500.00 for a total of \$1,500.00

FISCAL IMPACT: The 2013-2014 Budget equals **\$75,704,501.00** with **153.85** FTE. The permanent property tax rate remains at \$4.3827 per \$1,000.00 assessed value. The City estimates it will collect \$6,989,274.00.

The Debt Service property tax levy equals \$450,000.00 for payments on the Public Safety Building and Fire Stations.

STRATEGIC ASSESSMENT: This is a balanced budget and reflects the direction and priorities of the City Council to meet the needs of this community.



RESOLUTION No. 2013-3047

**A RESOLUTION ADOPTING THE CITY OF NEWBERG, OREGON
BUDGET FOR THE 2013-2014 FISCAL YEAR, MAKING
APPROPRIATIONS, LEVYING A PROPERTY TAX, AND APPROVING THE
CITY OF NEWBERG'S PARTICIPATION IN THE STATE REVENUE
SHARING PROGRAM**

RECITALS:

1. Starting April 30, 2013, and ending May 14, 2013, the City Budget Committee met and reviewed the City Manager's proposed 2013-2014 City Budget.
2. The City of Newberg provides seven of the seven municipal services enumerated in ORS 221.760.
3. The City Budget Committee and City Council held public hearings on the uses of state revenue sharing funds pursuant to ORS 221.770 and on the proposed budget.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Pursuant to ORS 221.770, the City of Newberg elects to participate in the State Revenue Sharing Program for the fiscal year beginning July 1, 2013, and ending June 30, 2014, by allocating the funds received on a 50/50 percent basis to Police and Fire. The City Finance Director is directed to file a certified copy of this resolution with the State of Oregon, Department of Administrative Services, prior to July 31, 2013.
2. The City Council incorporates the revised Page 164 of the Proposed 2013-2014 Budget which moves \$10,000.00 from Books & Publications in 17-5110-551000 to Contractual Services in 17-5110-533000, and moves \$50.00 from Vehicle Maintenance in 17-5110-563000 to Books and Publications in 17-5110-551000, as Exhibit "A" which is hereby attached and by this reference incorporated.
3. The City Council adopts the City Budget for the City of Newberg for the fiscal year beginning July 1, 2013, and ending June 30, 2014, as approved by the City Budget Committee and as adjusted by the City Council, in the aggregate amount of \$75,704,501.00.
4. That the amounts for the fiscal year beginning July 1, 2013, and for the purposes shown below are hereby appropriated:

General Fund

General Government	359,354.00
Municipal Court	253,855.00
Police	5,620,501.00
Fire	3,350,770.00
Communications	981,140.00
Library	1,175,205.00
Planning	644,387.00
Transfers	41,575.00
Contingency	139,773.00

Total General Fund 12,566,560.00

Street Fund

Public Works	911,242.00
Transfers	651,518.00
Contingency	311,837.00

Total Street Fund 1,874,597.00

Civil Forfeiture Fund

Police	5,000.00
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Total Civil Forfeiture Fund 5,000.00

Capital Projects Fund

Capital Projects	3,522,000.00
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Total Capital Projects Fund 3,522,000.00

Emergency Medical Services Fund

Fire	1,556,721.00
Contingency	149,702.00

Total Emergency Medical Services Fund 1,706,423.00

Wastewater Fund

Public Works	4,506,446.00
Debt Service	724,259.00
Transfers	4,698,795.00
Contingency	3,869,023.00

Total Wastewater Fund 13,798,523.00

<u>Water Fund</u>	
Public Works	3,225,021.00
Debt Service	412,632.00
Transfers	3,140,444.00
Contingency	1,905,209.00
Total Water Fund	<u>8,683,306.00</u>

<u>Building Inspection Fund</u>	
Building Inspection	304,830.00
Contingency	229,669.00
Total Building Inspection Fund	<u>534,499.00</u>

<u>Debt Service Fund</u>	
Debt Service	875,871.00
Total Debt Service Fund	<u>875,871.00</u>

<u>City Hall Fund</u>	
Transfers	108,223.00
Total City Hall Fund	<u>108,223.00</u>

<u>9-1-1 Emergency Fund</u>	
Communications	235,009.00
Contingency	40,455.00
Total 9-1-1 Emergency Fund	<u>275,464.00</u>

<u>Economic Development Fund</u>	
Planning	288,048.00
Transfers	1,868.00
Contingency	392,851.00
Total Economic Development Fund	<u>682,767.00</u>

<u>Public Safety Fee Fund</u>	
Police	338,441.00
Contingency	140,112.00
Total Public Safety Fee Fund	<u>478,553.00</u>

<u>Stormwater Fund</u>	
Public Works	892,203.00
Transfer	809,000.00
Contingency	178,352.00
Total Stormwater Fund	<u>1,879,555.00</u>

<u>Street Capital Projects Fund</u>		
Capital Projects		1,283,500.00
Contingency		158,493.00
	Total Street Capital Projects Fund	<u>1,441,993.00</u>
<u>Library Gift & Memorial Fund</u>		
Library		148,600.00
Contingency		28,517.00
	Total Library Gift & Memorial Fund	<u>177,117.00</u>
<u>Cable TV Trust Fund</u>		
General Government		15,000.00
Contingency		26,894.00
	Total Cable TV Trust Fund	<u>41,894.00</u>
<u>Wastewater Replacement Fund</u>		
Public Works		-
Transfers		857,500.00
	Total Wastewater Replacement Fund	<u>857,500.00</u>
<u>Water Replacement Fund</u>		
Public Works		-
Transfers		2,038,250.00
	Total Water Replacement Fund	<u>2,038,250.00</u>
<u>Stormwater Replacement Fund</u>		
Public Works		
Transfers		70,000.00
	Total Stormwater Replacement Fund	<u>70,000.00</u>
<u>Admin / Support Services Fund</u>		
City Manager's Office		567,878.00
Finance		786,641.00
General Office		153,000.00
Information Technology		598,536.00
Legal		454,528.00
Public Works		528,347.00
Insurance		240,000.00
Contingency		491,831.00
	Total Admin / Support Services Fund	<u>3,820,761.00</u>

Vehicles / Equipment Replacement Fund

Information Technology	541,000.00
Police	190,000.00
Fire	10,000.00
Communications	19,000.00
Public Works	267,500.00
Facilities Repair / Maintenance	30,000.00
Contingency	1,112,006.00
Total Vehicle / Equipment Replacement Fund	<u>2,169,506.00</u>

Fire & EMS Equipment Fee Fund

Capital Outlay	256,483.00
Contingency	72,400.00
Total Fire & EMS Equipment Fee Fund	<u>328,883.00</u>

Wastewater Financed CIP's Fund

Capital Projects	8,100,000.00
Total Wastewater Financed CIPs Fund	<u>8,100,000.00</u>

Street System Development Fund

Transfers	70,000.00
Contingency	3,236,025.00
Total Street System Development Fund	<u>3,306,025.00</u>

Stormwater System Development Fund

Transfers	150,000.00
Contingency	244,607.00
Total Stormwater System Development Fund	<u>394,607.00</u>

Wastewater System Development Fund

Debt Service	281,294.00
Transfers	202,500.00
Contingency	2,732,884.00
Total Wastewater System Development Fund	<u>3,216,678.00</u>

Water System Development Fund

Debt Service	844,775.00
Transfers	203,750.00
Contingency	1,701,421.00
Total Water System Development Fund	<u>2,749,946.00</u>

Total Appropriated Budget 75,704,501.00

Unappropriated Fund Balance - General Fund	1,100,000.00
Unappropriated Fund Balance - Debt Service	197,565.00
Unappropriated Fund Balance - City Hall Fund	512,559.00
Reserves	9,063,632.00
Total Budget	86,578,257.00

5. The City Council of the City of Newberg imposes the taxes provided for in the adopted budget at the rate of \$4.3827 per \$1,000.00 of assessed value for general operating purposes and \$450,000.00 for Debt Service, and that these taxes are hereby imposed and categorized for the tax year 2013-2014 upon the assessed value of all taxable property within the City.

	<u>General Government Limitation</u>	<u>Excluded from the Limitation</u>
General Fund	\$4.3827 per \$1,000.00 AV	
Debt Service Fund		\$450,000.00

6. The Finance Director is authorized and directed to certify the levy with the Yamhill County Assessor and Yamhill County Clerk.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is June 04, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of June, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 6th day of June, 2013.

Bob Andrews, Mayor

EXHIBIT "A" TO RESOLUTION NO. 2013-3047

				FUND 17	STORMWATER FUND				
				REVENUES				Revised 04/30/2	
731,120	744,579	903,781	903,780	-	17-0000-300000	Beg F/B-Net Working Capital	-	899,201	899,201
-	(1,024)	-	973	-	17-0000-338000	Reimb Costs-Materials	-	-	-
5,500	3,465	-	10,000	-	17-0000-338002	Reimb Costs-Capital Project	-	-	-
8,473	3,503	1,500	1,736	-	17-0000-342004	Dev Review and Inspection Fee	-	1,500	1,500
659,579	770,841	828,665	828,665	-	17-0000-348000	User Fees	-	975,854	975,854
2,958	3,416	2,214	4,170	-	17-0000-361000	Interest Earned	-	3,000	3,000
1,407,630	1,524,780	1,736,160	1,749,324	-	TOTAL REVENUES		-	1,879,555	1,879,555
PUBLIC WORKS 51XX									
5110 STORMWATER ADMINISTRATION									
-	-	23,328	16,341	-	17-5110-410000	Administrative Salaries	0.40	39,984	39,984
-	-	-	-	-	17-5110-420000	Clerical Salaries	0.05	2,220	2,220
-	-	-	127	-	17-5110-440000	Misc Fringe Benefits	-	160	160
-	-	1,785	1,260	-	17-5110-441000	FICA/Medicare	-	3,241	3,241
-	-	491	288	-	17-5110-442000	Workers Compensation	-	778	778
-	-	163	130	-	17-5110-443000	Unemployment	-	381	381
-	-	3,114	964	-	17-5110-444000	Retirement-PERS	-	7,186	7,186
-	-	-	-	-	17-5110-444001	Retirement-Principal	-	506	506
-	-	816	191	-	17-5110-444002	Retirement-Pension Bond	-	1,284	1,284
-	-	4,842	1,396	-	17-5110-445000	Health/Life/LTD	-	4,064	4,064
-	-	34,539	20,696	-	Total Personnel Services		0.45	59,804	59,804
-	-	100	100	-	17-5110-510000	Office Supplies	-	250	250
-	-	500	500	-	17-5110-520000	Dues & Meetings	-	250	250
-	-	100	100	-	17-5110-523000	Supplies	-	500	500
-	-	500	500	-	17-5110-525000	Travel & Training	-	1,215	1,215
-	-	-	-	-	17-5110-533000	Contractual Services	-	-	10,000
-	-	50	50	-	17-5110-551000	Books & Publications	-	10,000	50
-	-	100	-	-	17-5110-562000	Fuel	-	50	50
-	-	-	-	-	17-5110-563000	Vehicle Maintenance	-	50	-
-	-	-	-	-	17-5110-590000	Internal Chrg-Admin Support Services	-	148,557	148,557
-	-	-	-	-	17-5110-590004	Internal Chrg-Facilities	-	7,780	7,780
-	-	-	-	-	17-5110-590006	Internal Chrg-Network Upgrade	-	26,750	26,750
-	-	1,350	1,250	-	Total Materials and Services		-	195,402	195,402
-	-	35,889	21,946	-	5110 TOTAL STORMWATER ADMINISTRATIO		0.45	255,206	255,206

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 3, 2013

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2013-3050	Motion ___	Information ___
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SUBJECT: Approve the Chehalem Valley Chamber Visitor Information Center Business Plan for fiscal year 2013-2014 and accept the fiscal year 2012-2013 3rd Quarter Financial Report

Contact Person (Preparer) for this Motion: Dan Danicic, City Manager
Dept.: Administration

RECOMMENDATION:

Adopt Resolution No. 2013-3050 approving the fiscal year 2013-2014 Visitor Information Center Business Plan and accepting the fiscal year 2012-2013 3rd Quarter Financial Report.

EXECUTIVE SUMMARY:

The Chehalem Valley Chamber of Commerce's (Chamber) contract requires the annual submittal of a Visitor Information Center Business Plan (Plan) for Council approval. The fiscal year 2013-2014 Plan is attached as Exhibit "A". Included with the plan is the proposed Chamber budget for fiscal year 2013-2014, attached as Exhibit "B". The Chamber contract also requires the submission of quarterly financial reports; the 3rd Quarter financial report is attached as Exhibit "C" for Council review and acceptance. For Council's information and reference, a copy of the current Chamber contract is attached here as Attachment "1".

On December 3, 2012, Council passed a motion directing staff to return to Council with an assessment and recommendation regarding the 25% share of transient lodging tax allocated to the Chamber contract for the operation of the Visitor Center. Prior to this current contract, the annual city contribution ranged between \$15,000.00 and \$30,000.00 per year. Since the current contract was executed, the annual payments have been as follows:

FY 2010-2011 - \$86,395.00
FY 2011-2012 - \$103,979.00
FY 2012-2013 - \$115,000.00 (estimated)
FY 2013-2014 - \$115,000.00 (estimated)
FY 2014-2015 – TBD (final year of the current contract)

Staff initially expressed concern with allocating additional funds for the Visitor Center during a time of high financial stress in the General Fund. While the economy has not fully recovered, it seems to have settled and is improving. Staff suggests the current contract remain in force and unchanged. The Council will have an opportunity to reassess the level of funding when the contract expires on June 30, 2015.

FISCAL IMPACT:

Approval of this Business Plan and the 3rd Quarter Financial Report does not alter the financial impact to the city as stipulated in the existing contract.

STRATEGIC ASSESSMENT:

The City Council has determined the operation of a Visitor Information Center is in the best interests of the City's business community by promoting tourism as a means of economic development in the Newberg area.

AGREEMENT
between
CITY OF NEWBERG
and
CHEHALEM VALLEY CHAMBER OF COMMERCE

This Agreement is entered into this 28th day of February, 2011, between the Chehalem Valley Chamber of Commerce, hereinafter referred to as "Chamber," and the City of Newberg a municipal corporation, hereinafter referred to as "City." This agreement supersedes all prior agreements between the City and Chamber.

RECITALS

1. Intent – The intent of the parties is to form a partnership arrangement in order for the Chamber to provide visitor information services. These services will be provided through a Visitor Information Center, referred to as "Center," for a period of five (5) years beginning July 1, 2010, and ending June 30, 2015.
2. Funding – Both the Chamber and the City will furnish funding for the Visitor Information Center's operations.
3. Exemption from Normal Solicitation Process – The City as the Contract Review Board is granting an exemption from the normal solicitation process. The exemption is specifically granted in the resolution (Resolution No. 2011-2927) authorizing the City to enter into this agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. TERM OF AGREEMENT

The term of this Agreement is for five (5) years subject to approval of the annual business plan as follows:

1. Initial Five (5) Year Term – The five (5) year term will be from July 1, 2010, until June 30, 2015, subject to the provisions in paragraph b.
2. Annual Business Plan Approval – The business plan for the first year is attached as Exhibit "A" and by this reference incorporated. Approval of the contract will constitute acceptance and approval of the first year business plan. Thereafter, an annual business plan for the following fiscal year as used by the City (July 1st through June 30th) will be presented to the City on or before May 1st. The City will take action concerning the business plan on or before June 30th that year. The City's rejection of the business plan will suspend the City's obligation to make payments under the contract. The City and the Chamber will discuss in good faith any issues concerning the business plan with the objective to continue to operate the Center.
3. Renewal After Five (5) Year Term – There will be no automatic renewal after five- (5-) year term, unless the parties agree to such renewal. The contract will terminate at the end of the initial term (June 30, 2015). However, the parties will meet and discuss renewal of the contract in order to continue operation of the Center. These discussions will begin no later than October of 2014.

II. SERVICES TO BE PROVIDED

The scope of services that the Chamber shall provide is as follows:

1. Management and Administration – Management and administration of the Center located in the City of Newberg. Chamber shall provide all necessary staff, materials, and services to adequately represent the City in meeting with visitors, dispensing information regarding the area, developing necessary informational programs and coordinating with associated agencies and entities.
2. Visitor Promotion Activities – Chamber shall provide all functions, literature, advertising, staff, supplies, equipment and support associated with an educational awareness program designed to promote the City of Newberg area as a destination for tours and visitors. Membership with the Chamber will not be a prerequisite for representation within the Center or its activities. Chamber shall coordinate its activities, as appropriate, with affiliated organizations such as the Oregon Travel Council and other visitor promotional entities.

III. BUDGETING

In consideration of the services provided in this agreement, the City agrees to provide public sector funds to Chamber for the operation, management and performance of services outlined in this agreement.

The City will make monthly payments to the Chamber equal to 25% of the actual collected Transient Lodging Tax (TLT) revenue. The payment will be made within 30 days of the hotels quarterly reporting/payment deadline. Payment for the first half of fiscal year 2010/2011 shall be equal to 25% of the actual collected TLT less any payments already made to Chamber.

The City expects that the Chamber shall maintain a financial investment in the operation and management of the Center. For the first year of this agreement, the Chamber shall contribute a minimum of \$40,725. The amount of the Chamber's annual contribution shall hereafter be established in each year's business plan.

IV. REPORTING

1. Annual Business Plan – On May 1 of each year, Chamber shall submit a Business Plan containing a detailed budget and identification of activities and a statement of performance goals for all activities contemplated pursuant to this agreement. The Business Plan for the first year of this agreement is attached as Exhibit "A".

Chamber shall notify City in writing of any significant change made to the Business Plan.

2. Quarterly Reports – Chamber shall report to the City on a quarterly basis. Such reports shall be furnished to the Newberg City Council no later than the first regular meeting of the City Council during the second month following the end of the calendar quarter. Each report shall be for the previous quarter. The reports shall be furnished to the City in writing in time to meet the regularly scheduled City Council agenda deadline. Such deadline is 10:00am two Fridays prior to the City Council meeting. Such deadline time may be changed by the City. Notification of deadline change shall be submitted to Chamber.

The report shall include the following information:

1. Financial reports, including Statement of Revenues & Expenditures which are specifically applicable to the Chamber's operation of the Center.
2. Activity report detailing progress on goals, objectives and tasks identified in the Business Plan.

V. RECORDS AND ACCOUNTING

Chamber shall maintain records and accounts that will allow the City to assure a proper accounting for all funds paid for the performance of this agreement. Within three business days of a written request by the City, Chamber shall make such records available for review by the City and other authorized entities requiring such records.

VI. HOLD HARMLESS

Chamber shall indemnify and hold harmless the City against any claims, damages or suits resulting from the operation of the Center. The Chamber shall furnish to the City a Certificate of Insurance showing that adequate insurance coverage has been provided and that the City has been named as an additional insured on the Chamber insurance policy. Such certificate shall be furnished to the City upon execution of the Agreement and additional proof of continued insurance coverage shall be furnished upon request by the City.

VII. TERMINATION OF AGREEMENT

This Agreement can be terminated as follows:

- a. At-will – By either party at will, without cause by giving notice of termination prior to January 1 for termination as of June 30 during the term of the agreement. Nothing in this notice of termination shall prohibit the parties from mutually agreeing to terminate the agreement at any time.
- b. Failure to Furnish Reports – If the Chamber fails to furnish quarterly or annual reports in a timely fashion as indicated under paragraph four (4) herein, the City may terminate the agreement subject to the notice and Chamber may be subject to reimburse the City for all payments made during the quarter for which the report has not been timely submitted; provided that Chamber has not within thirty (30) days, after written notice, provided a quarterly report.
- c. For Cause – The City has the right to terminate the Agreement for cause after notice to the Chamber if the Chamber has not corrected the situation where they are in violation of the contract within thirty (30) days after the notice.
- d. Notice – Notice required by the Agreement and under this paragraph will be mailed to the address indicated below for each party:

City Manager	Executive Director
City of Newberg	Chehalem Valley Chamber of Commerce
PO Box 970	415 E. Sheridan St.
Newberg, OR 97132	Newberg, OR 97132

- e. Liability for Payments – The City will have no liability for any payments after termination of the Agreement. Chamber has no rights to rely upon this Agreement in making any obligations to any person about future funding of any position with the Center.

VIII. BUDGET LAWS OF THE STATE OF OREGON

The City of Newberg is a municipal corporation and is obligated under the budget laws of the State of Oregon known as the Local Budget Law. Any provision of the Agreement which is not in conformance with the Local Budget Law is null and void. Further, the City cannot expend monies beyond the revenues received. The City authorizes expenditures in accordance with the City's Transient Lodging Tax Ordinance and its budget and revenue projections. If the City does not receive revenues in accordance with its projections, expenditures must be decreased.

IN EVIDENCE THE UNDERSIGNED HAVE EXECUTED THIS AGREEMENT:

CITY OF NEWBERG

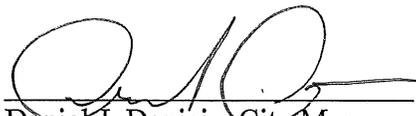
414 E. First Street
Newberg, OR 97132
By Authority of
Resolution No. 2011-2927
(passed January 18, 2011).

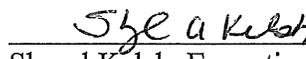
CHEHALEM VALLEY CHAMBER OF COMMERCE

415 E. Sheridan Street
Newberg, OR 97132

BY:

BY:

 2/23/11
Daniel J. Danicic, City Manager Date
Approved by Resolution No. 2011-2927

 2/28/11
Sheryl Kelsh, Executive Director Date

APPROVED AS TO FORM AND CONTENT:

 2/24/2011
Terrence D. Mahr, City Attorney Date

**VISITOR INFORMATION CENTER
CONTRACT FOR SERVICES**

The Chehalem Valley Chamber of Commerce will contract with the City to manage the Newberg Area Visitor Information Center, currently located at 415 E. Sheridan Street, Newberg. It is the mission of the Newberg Visitor Information Center to grow the economic impact of tourism through enriching local experiences.

The Chehalem Valley Chamber of Commerce will carry out that mission by providing the following services:

1. Maintain regular open hours:
Minimum: 9am – 5pm, Monday through Friday
Summer: Memorial Day to September 30th, weekends four hours minimum
Total Hours: Minimum 2,000 hours, open to public
2. Plans and procedures to respond to visitor and resident inquiries via telephone, and internet in a timely manner.
3. Trained staff with destination and customer service expertise. All new employees to acquire Q-Service certification within 90 days of employment.
4. Copies of the appropriate and current local visitor information including maps, community profile, demographics, brochures or information about events, activities tourist destinations and points of interest. (Currently stocking over 600 different maps and brochures)
5. Maintain availability of current statewide travel materials provided by Travel Oregon and the Oregon Department of Transportation.
6. Access to basic visitor information after hours through an outdoor brochure rack.
7. Provide information and directions to local and area businesses and organizations including access to the computer and printed mapquest directional guides.
8. Assemble and provide Newberg Destination information as part of relocation requests, visitor requests and/or New Employee information.
9. Participate and seek destination marketing “best practices” through membership with Travel Yamhill County and the Oregon Destination Marketing Association.
10. Compile, organize and distribute an annual community information guide and Newberg area street map.
11. Maintain an online calendar of community events.
12. Maintain a website with visitor information.
13. Supply large employers such as George Fox University, A-dec, Climax and others materials for their new employee packets.
14. Automobile parking within walking distance.
15. Drinking fountain or access to water during open hours.

16. Restrooms within walking distance, accessible to all members of the traveling public during open hours.
- 17 ADA Accessibility.
18. A landline telephone for staff or guest emergency use.
19. Report to City of Newberg:
 - a. Quarterly Financial Reports
 - b. Activity Report
 - c. Information relevant to local tourism

2010 - 2011 Visitor Information Center Budget
Chehalem Valley Chamber of Commerce

Income

		10-11	09-10
		BUDGET TOTALS	BUDGET
City of Newberg*		\$56,000	\$30,000
Chehalem Valley Chamber of Commerce Contribution		\$40,725	\$57,971
*Estimate provided by City of Newberg for period			
	TOTAL	\$96,725	\$85,971
Expenses			
Personnel - 1.5 FTE		\$44,975	\$44,975
Executive Director			
Director of Marketing & Programs			
Visitor Information Center Coordinator			
Visitor Information Center - Seasonal Help			
Bookkeeper (P/T)			
Benefits - Health Insurance & Retirement			
Taxes			
Marketing Expense		\$14,000	\$9,246
Newberg Graphic Tourism			
Travel Yamhill Valley - Co-op Ad Opportunities			
Willamette Valley Visitors Association - Co-op Ad Opportunities			
Governors Conference on Tourism - Oregon Destination Marketing Conference			
Visitor Information Center Brochure - Reprints & Tourism Inserts			
Website			
Travel Yamhill Valley - Membership			
Travel Oregon Co-op Advertising Opportunities			
Overhead		\$37,750	\$31,750
Calculated on 1/3 of overhead in Chamber Budget applicable to tourism			
Includes: Dues/Subscriptions, Admin. Insurance, Internet/Web,			
Miscellaneous, Supplies, Postage, Leases, Rent, Capital			
Improvements, Repair/Maintenance, Telephone, Utilities			
Yamhill Valley Visitors Association dues, Professional Fees			
Portland Oregon Visitors Association dues			
Rent* New starting 1/1/2011			
	TOTAL	\$96,725	\$85,971



RESOLUTION No. 2013-3050

A RESOLUTION APPROVING THE VISITOR INFORMATION CENTER BUSINESS PLAN FOR FISCAL YEAR 2013-2014 AND ACCEPTING THE FISCAL YEAR 2012-2013 3RD QUARTER FINANCIAL REPORT AS PRESENTED BY THE CHEHALEM VALLEY CHAMBER OF COMMERCE

RECITALS:

1. Resolution No. 2011-2927 adopted a contract for the operation of a Visitors Information Center. A requirement of the contract is for the Chehalem Valley Chamber of Commerce to present an annual Visitor Information Center Business Plan for approval by the Council.
2. The same contract also requires submission of quarterly financial reports for acceptance by the Council.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council hereby adopts the fiscal year 2013-2014 Visitor Information Center Business Plan, which is hereby attached as Exhibit "A" and by this reference incorporated, providing for a city Visitor Information Center to be operated by the Chehalem Valley Chamber of Commerce.
2. The City Council hereby accepts the proposed Chehalem Valley Chamber of Commerce budget for fiscal year 2013-2014, which is hereby attached as Exhibit "B" and by this reference incorporated.
3. The City Council hereby accepts the fiscal year 2012-2013 3rd Quarter Financial Report, which is hereby attached as Exhibit "C" and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 4, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of June, 2013.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 6th day of June, 2013.

Bob Andrews, Mayor



**Newberg Visitor and Information Center
Executive Summary**

Oregon's tourism and hospitality industry is a leading contributor to the state's socio-economic success. It is a \$9.2 billion industry and directly generates 91,100 jobs in Oregon and indirectly creates another 41,000 more in agriculture, construction, manufacturing and transportation making it the largest traded-sector (export oriented) employer in the state. The tourism and hospitality industry is also one of the Oregon's top contributors to the gross state product.

The mission of the Newberg Visitors Center is to encourage economic growth and to enhance the quality of life through the strengthened economic impact of tourism in Newberg and the surrounding areas. Travel Oregon does a fantastic job of recruiting visitors to the State of Oregon but it is up to Newberg to attract our share of visitors and their spending to our community.

Based on the statewide financial impact of tourism, The Chehalem Valley Chamber of Commerce (CVCC) has identified the expansion of our tourism product as one of the greatest and most immediate opportunities to increase dollars in our local community over any other activity prior to the completion of the bypass and expansion of the UGB.

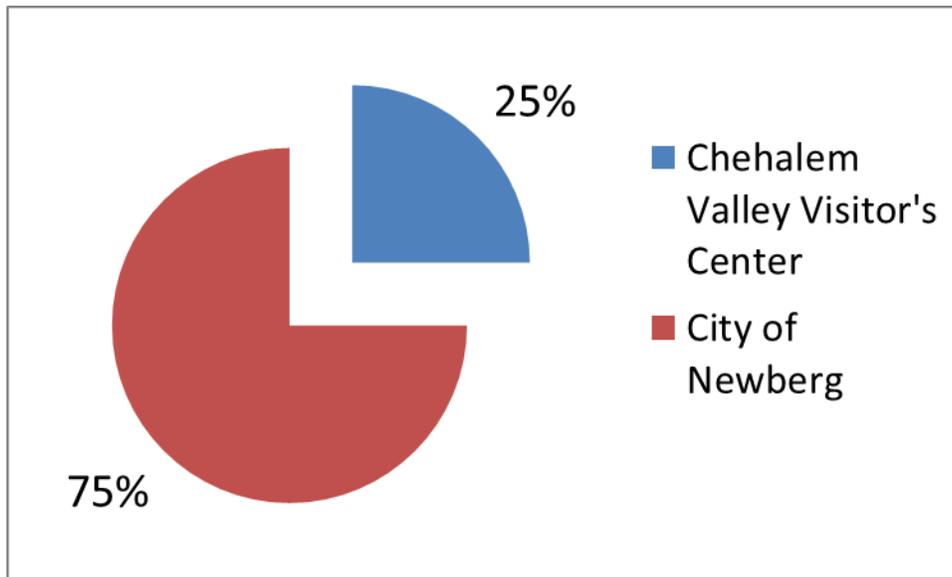
The purpose of the Visitors Center Destination Marketing plan is to expand the role of the Newberg Visitors Center to serve as a dynamic community marketing organization. As a marketing organization we will define strategies that will allow us to market our Visitor Destination product to people that have not already heard about us. We will methodically develop a plan that will bring new visitors and increased travel spending to the area.

Our legislators believe so emphatically that tourism promotion provides a sound return on investment that they passed a law in 2003 called the Oregon Tourism Investment

Act. The bill made tourism and hospitality a pillar of Oregon’s economy by reinvesting 1% of lodging revenue back into tourism development and marketing. The state of Oregon through Travel Oregon has been tracking the return on investment since that law and discovered through research that \$1.00 in State Marketing equates to \$193.00 in Visitor Spending and that \$1.00 in State marketing = \$8.00 in new state and local tax revenues.

In addition to creating the 1% statewide room tax the law also mandated that a minimum of 70% of local room tax collection must be dedicated to support tourism promotion and facilities. Municipalities with TOT statutes prior to July 1, 2003 were omitted from the provision but clearly the intent of the law was to ensure that significant portion of the room tax collection was invested in local tourism rather than funding other City general fund expenses.

A universally accepted method for measuring the effectiveness of a destination marketing program is through evaluation of the trends in Transient Occupancy Tax (TOT) collection. In 2012 TOT in Newberg increased from \$352,000 to \$416,656. The CVCC provides the City of Newberg value and destination marketing services that exceeds basic walk-in visitor center services. The CVCC destination marketing plan has significant impact on visitor spending in the Newberg area. The increase in local visitor spending adds to the bottom-line of the City of Newberg, who retain(s) 75% of transient occupancy tax that is collected. The better the CVCC does our job the more revenue the City of Newberg realizes.



For example in this diagram The City collected \$416, 656 and because the local TOT was in place prior to the Tourism Investment Act of 2003 they were able to retain 75% or \$312,492 in their General Fund and invest the balance of \$104,164 in tourism development through the contract with the Chehalem Valley Chamber. The Chamber

destination marketing plan makes a significant positive impact on the local economy and has produced measurable economic impact that benefits the City of Newberg.

As in previous years the Chehalem Valley Chamber of Commerce also contributes funding to the Visitor Center and Newberg Destination marketing plan. In 2013-2014 The Chehalem Valley Chamber of Commerce invested \$54,500 of their annual budget to augment the City of Newberg portion of the Newberg Destination Marketing Plan.

The budget for 2013-2014 is the same as 2012-2013, however the allocation will look slightly different. Last fiscal year we continued to invest in capital improvements associated with the opening of the Wine Education Center within the Newberg Visitor Center. Those improvements are complete and the center is open. This budget allocates \$15,000 more to personnel which will allow us to hire a P/T Public Relations person and add additional staffing to the busy visitor center.

The destination marketing plan and budget reflects the third year of a five year contract. The most significant increases during this period include the fact that when we started the contract we were in a different physical location and did not pay rent. Since that time we secured the highly visible location for the visitor center on Hwy 99W. There are increased expenses associated with the location and remodel of the building. The second area that has grown significantly is the portion of the budget that is spent on marketing. As the tourism budget has increased we have increased our investment in marketing programs that will increase tourism to Newberg. In addition we have cooperatively picked up some marketing expenses that were formerly funded directly by the City of Newberg.

The following chart outlines the basic requirements of the contract between the City of Newberg and The Chehalem Valley Chamber. The second chart itemizes the additional services over and above the contract that the Chamber provides as part of our destination marketing strategy. Page 7 through 9 outlines the Destination Marketing Plan for 2013-2014.

**Chehalem Valley Chamber of Commerce
Visitor Information Center
Contract Performance Report
April 16, 2013**

Basic Service Requirements	Actual:	
1. Maintain regular open hours: Minimum 2,000/Yr.	7/1/12 – 4/16/13 = 1791 Hours 4/17/13 – 6/30/13 estimated 514 hours = 2305 Hours	Note that we expand Visitor Center Hours to 7 days per week from Memorial Day to October 1 st each year
2. Visitor Response Procedures	Telephone calls within 3 rings Walk-ins within 15 seconds Internet requests within 24 hours	
3. Trained staff w/Q certification	Complete	
4. Visitor Center information materials & maps.	Over 1,000 different brochures, maps, magazines & periodicals are stocked. Titles are maintained in an extensive database for efficient tracking	
5. Travel Oregon & ODOT Materials stocked	Yes	Travel Oregon Magazine; Oregon Festival & Events Guide; Ski Oregon
6. After hours brochure access	Local and state maps and visitors magazines stocked in 24 hour access location in front and back of Visitor Center.	
7. Information and directions to local businesses	Visitors are provided Mapquest printouts as needed.	In addition staff is trained to act as an active concierge to visitors and often make calls to check on lodging availability or to make tour/tasting appts.
8. Fulfill relocation requests, visitor requests & new employer information	Fulfilled over 100 relocation & visitor information packets. Stocked over 500 guides for local employers to provide to new employees	Potential visitors can also make relocation requests in a form we have created online for 24 hour access.
9. Participate & seek marketing "best practices" through membership in Travel Yamhill Valley and ODMO	Currently serving as Past President on board of Travel Yamhill Valley & hosted ODMO conference in Newberg in December 2012	

10. Publish Newberg Community Guide	7,500 of the 64 page color guide is published annually in May and distributed throughout the community.	In addition to the community guide the chamber publishes a 16 page four color tourism magazines that has distribution of 17,500
11. Maintain Online calendar of events	The online calendar is available at www.chehalemvalley.org . In addition any community member may enter their community event online	In addition to an online calendar the Chamber runs a Community Calendar of events on the Visitor Center flat screen television.
12. Maintain a website with visitor information	Yes	
13. Provide information for employers to provide in new EE packets	Employers that regularly request directories for this purpose include: A-dec, Climax, GFU, Providence & Newberg School District	
14. Parking within walking distance	Yes	
15. Drinking fountain or access to water during open hours	Yes and for traveling pets too.	
16. Restrooms within walking distance	Yes	
17. ADA Accessibility	Yes	
18. Landline Telephone	Yes	
19 Quarterly report to The City of Newberg	Yes	

Chehalem Valley Chamber Destination Marketing Summary

Additional Services Provided per 2012-2013 Marketing Plan	Results:
1. Open Oregon Wine Education Center	The educational murals have been completed, video content created & visitors now have a place to stop and learn more extensively about the origin of winemaking in this region.
2. Visitor Center Service Improvements	Our new location and interior design of the new space has resulted in an increase in visitor traffic and people spending more time at the visitor center planning their activities in the area. This allows us more time to interact with the visitor to encourage them to stay in the Newberg area
3. Event Marketing & Promotion	A significant amount of staff time and marketing budget is spent promoting Tunes on Tuesday, Chehalem Valley Food Wine & Art Festival, First Friday Artwalk and The Camellia Festival. Attendance at all of these specific events has experienced significant increases of both local and out of town guests.
4. Website & Interactive Marketing	Additions to our visitor content on the website and itinerary planning has doubled the time that visitors are spending on the website. The Chehalem Valley Chamber is currently gathering bids to produce and add video content to the tourism section of the website.
5. Shoulder Season Promotions	The Chehalem Valley Chamber served as a sponsor and worked collaboratively with Travel Yamhill Valley's "Dig into Yamhill Valley" campaign to encourage increased shoulder season activity. Chehalem Valley Chamber is conducting a telephone survey with our tourism partners to measure perceived benefit of the campaign for the months of January, February and March.
6. Small Convention Recruitment	Small Convention Recruitment will continue to be an important Destination Marketing Strategy for Newberg. The potential for success will be greatly enhanced when the remainder of the Cultural Center is remodeled and available for rental. The Chehalem Valley Chamber continues to reach out to meeting planners for Portland Based conventions regarding pre and post-convention travel to Newberg
7. Community Leadership	Sheryl Kelsh currently serves on the Board of Travel Yamhill Valley. She is also a member of the Dundee Tourism Committee, Oregon Destination Marketing Organization and GROW Yamhill Steering Committee. In addition she has been asked to serve on a regional committee on Wine Tourism and Economic Development.
8. Research	The Chehalem Valley Chamber is currently collecting bids on a visitor demographic and behavior study for the area.
9. Continuing Education	Sheryl Kelsh attended the Oregon Governors Conference on Tourism in Salem April 7-9 th and attended the Agri-tourism Conference at OSU in March.

Chehalem Valley Chamber & Visitor Center (CVCC)
Destination Marketing Plan
Our six key objectives for 2013/2014

1. To increase visitor volume, visitor spending and economic impact for the Chehalem Valley by providing quality service in direct interactions with visitors and potential visitors.
 - a. Printed Collateral to support the objective includes production of the Community Guide & Directory, Wineries of the Chehalem Valley Magazine, rack-size promotional brochure and the city/county map.
 - b. The CVCC website is the most up-to-date tool available. On the website visitors access information on activities, events, restaurants and lodging.
 - c. Web pages highlighting sample itineraries/tours.
 - d. All CVCC staff and volunteers are fully trained in customer service, Chehalem Valley product knowledge and referral marketing.
 - e. All frontline staff is Q certified within their first three months of employment.
 - f. All frontline staff is trained to effectively serve the general visitor whether domestic or international.
 - g. All frontline staff will offer visitors reservation assistance for the local area.
 - h. Frontline staff participates in research trips to visit a wide variety of tourism destinations for increased product knowledge.

2. Travel Trade Sales & Marketing – To increase leisure visitor volume, visitor spending and economic impact for the Chehalem Valley through the promotion and distribution of the Chehalem Valley’ products to the travel trade.
 - a. Actively seek opportunities to promote the Chehalem Valley through travel trade partners through the following methods:
 - i. Quarterly presentations at the ODMO meetings on “Whats New” in the Chehalem Valley.
 - ii. Quarterly “What’s New” email to the Willamette Valley Visitors Association with annual invitation to host their regional meeting in Newberg.
 - iii. Continue to contact meeting planners through convention services at Travel Portland to solicit pre & post-convention trips to the Chehalem Valley.
 - iv. Produce “meeting planner” kit for the Chehalem Valley area.

3. Marketing & Communications – To increase visitor volume, visitor spending and economic impact for the Chehalem Valley by developing awareness and preference.
 - a. All tools discussed in objective 1.
 - b. Create a full color general press kit]
 - c. Create talking points or fact sheet for use when trying to increase editorial content through guidebooks and travel writers
 - d. The Chehalem Valley Chamber will continue to advertise in regional/niche publications such as Northwest Travel Magazine, Travel Portland and Travel Oregon publications to promote the Chehalem Valley as a tourist destination.
 - e. Leverage efforts of Travel Oregon and their contractors, to increase their knowledge of the Chehalem Valley product through personal research trips and communications.
 - f. The Chehalem Valley chamber will continue to develop a process for hosting media for “familiarization tours”, the objective of obtaining a minimum of 6 stories per year.
 - g. Monitor editorial calendars and pitch story ideas to appropriate leisure and travel trade publications for the Chehalem Valley.
 - h. The Chehalem Valley Chamber will engage in active print and electronic promotion of the following annual events:
 - i. The Newberg Camellia Festival
 - ii. Tunes on Tuesday
 - iii. The Old Fashioned Festival
 - iv. Brews & BBQ event
 - i. Increase the number of website users by 20%.

4. Influence the long-term development of the destination and its brand.
 - a. Embark on a community branding exercise that will define the Brand Platform for the Newberg & Chehalem Valley area.
 - b. Work with travel writers, editors, bloggers, online media and other influencers to generate beneficial media placement the will reinforce the brand.
 - c. Produce high-quality publications including the Chehalem Valley Community Guide and Wineries of the Chehalem Valley Magazine in a manner that reinforces the destination brand.
 - d. Working with community partners, make Newberg and the Chehalem Valley the best destination experience possible.
 - e. Whenever possible, exert influence in community decision-making that impacts Newberg and the Chehalem Valley’s quality of life and viability as a travel destination.
 - f. Maintain visibility in community; represent the interests of local tourism on decision-making committees, task forces and work groups; and provide input, as needed.

5. Deliver a consistently remarkable customer experience.
 - a. Operate a year-round visitor center that serves as many as 10,000 guests per year.
 - b. Survey visitors to acquire a better understanding of what they are seeking.
 - c. Develop a community-wide hospitality training program.
 - d. Develop systems and metrics to monitor customer satisfaction and take positive action to improve the customer experience based on this feedback.

6. Foster high-value relationships with our stakeholders.
 - a. Make quarterly visitor center reports to the Newberg City Council
 - b. Conduct two focus groups with tourism stakeholders each year.
 - c. Conduct one satisfaction survey with tourism stakeholders each year.

2013-2014 Visitor Center Budget Resolution No. 2013-3050
 Presented by The Chehalem Valley Chamber of Commerce

Income

	13-14	
	BUDGET TOTALS	12-13 BUDGET
City of Newberg	\$110,000	\$109,979
Chehalem Valley Chamber of Commerce Contribution	\$54,500	\$54,500
	TOTAL	\$164,500
		\$164,479

Expenses

Personnel	\$67,000	\$52,000
CEO		
Marketing Coordinator		
Visitors Center Coordinator		
Visitors Center - Seasonal Help		
Bookkeeper (P/T)		
*Add part-time Public Relations for Visitor Center/Destination Marketing		
Benefits - Health Insurance & Retirement		
Taxes		
Marketing Expense	\$44,521	\$41,500
Print Advertising		
Online Advertising		
Tourism Magazine - City Map		
Travel Yamhill Valley - Co-op Ad Opportunities		
Willamette Valley Visitors Association - Co-op Ad Opportunities		
Governors Conference on Tourism - Oregon Destination Marketing Conference		
First Friday Artwalk participation/Trolley Sponsorship		
Camellia Festival Support and Trolley Sponsorship for First Friday		
Newberg Christmas Lights Seasonal Electricity		
Event Marketing - Camellia Festival, Tunes on Tuesday, Brews & BBQ		
Website modifications		
Travel Yamhill Valley - Membership		
Travel Oregon Co-op Advertising Opportunities		
Travel Portland - Tradeshow		
Contingency marketing dollars set-aside for unique opportunities		
Shared Expenses	\$52,979	\$48,500
Calculated on 1/3 of overhead in Chamber Budget applicable to tourism		
Includes: Dues/Subscriptions, Bank Fees, Insurance, Internet/Web,		
Miscellaneous, Supplies, Postage, Leases, Printing, Rent, Capital		
Improvements, Repair/Maintenance, Telephone, Utilities		
Professional Fees		
Mileage,		
Capital Improvements to 115 N. College St.	\$0	\$16,500
Complete remodel of Kitchen & wine porch area		
Installation of Wine Education Center Murals and displays		
Reserves	\$0	\$5,979
	TOTAL	\$164,500
		\$164,479

Newberg Visitor Information Center
2012 - 2013 Fiscal Year
Third Quarter Report
(January - March 2013)

	Q3	YTD 12-13	Budget
REVENUE:			
City of Newberg	\$24,000.00	\$91,979.13	\$109,979.00
Newberg Chamber contribution	\$36,779.24	\$37,251.20	\$54,500.00
TOTAL REVENUES:	\$60,779.24	\$129,230.33	\$164,479.00
EXPENSES:			
Personnel	\$12,218.43	\$40,973.96	\$52,000.00
Marketing	\$15,050.77	\$24,888.27	\$41,500.00
Overhead/Utilities, etc.	\$9,933.04	\$39,791.10	\$48,500.00
Reserves	\$5,979.00	\$5,979.00	\$5,979.00
Capital Improvements	\$17,598.00	\$17,598.00	\$16,500.00
TOTAL EXPENSES:	\$60,779.24	\$129,230.33	\$164,479.00