

**CITY OF NEWBERG CITY COUNCIL MINUTES**  
**AUGUST 1, 2011**  
**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 was given by the city manager on Council goals. No action was taken and no decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:15 PM.

**II. ROLL CALL**

Members

Present: Mayor Bob Andrews                      Denise Bacon                      Ryan Howard                      Stephen McKinney  
                    Bart Rierson                      Wade Witherspoon (arrived at 6:10 PM)

Members

Absent: Marc Shelton (excused)

Staff

Present: Daniel Danicic, City Manager    Terrence Mahr, City Attorney  
                    Norma I. Alley, City Recorder    Jennifer Nelson, Minutes Recorder

Others

Present: Pat Haight and Hank Grum

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, reported on the success of the Old Fashioned Festival and thanked all the volunteers and participants. He announced the auditors will start their process soon and if the Council is invited to ask questions; a final report will be brought forward for acceptance. He also informed the Council of the demolition of the Buckley building beginning tomorrow.

**VI. PUBLIC COMMENTS**

Ms. Pat Haight spoke of the Old Fashioned Festival and questioned the tent sponsored by Rivermark and City of Newberg saying it was a slam to other business owners. She also said she heard talk about Hank's initiative and that one Council member is encouraging a Political Action Committee (PAC) to fight the people. She stated Councilor Stephen McKinney discussed different ways to change the people's votes at the last meeting because it would cause problems and that Councilor Denise Bacon said something about it being better to educate the people. She wondered how they expected to educate eighteen thousand people to vote against democracy and convince them to give up the right to vote.

Councilor Denise Bacon responded a lot of things in the initiative will be very spendy and cannot be done the way it is written; she said she has nothing against the voice of people, but representative government is the voice of the people. If the amount of information is given on every issue to the voters, they will not invest the time that she does as their representative to study the issue before she places her vote.

Ms. Haight asked how they are going to tell people you will decide what to have on their water and sewer bills. She said the City cannot add money onto utilities without a vote and asked how they will convince adult voters to give you that right.

Mayor Andrews closed the discussion by stating a PAC has been organized by citizens, not by the Council.

Mr. Hank Grum said he was seeking clarification on comments regarding the affluent reuse project and the statement by the city manager that the fifty-five million dollar project did not include improvements to affluent reuse. He read an excerpt, from a document submitted to the recorder, regarding his concerns to be assigned to staff for follow-up (please see official meeting packet for full report).

## VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2958** authorizing the city manager to enter into a contract with Hughes Fire Equipment, Inc., an Oregon company, for the refurbishment (remount) of one ambulance.
2. Consider a motion approving June 6, 2011, June 20, 2011, and July 5, 2011, City Council minutes.

**MOTION: Rierson/Bacon** approving the Consent Calendar including **Resolution No. 2011-2958** and City Council minutes from June 6, June 20, and July 5, 2011, as amended. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

## VII. NEW BUSINESS

Consider a motion approving **Resolution No. 2011-2963** authorizing the Mayor to amend the Employment Agreement with Daniel J. Danicic on behalf of the city.

TIME – 7:34 PM

Mr. Danicic presented the staff report (see official meeting packet for full report).

Councilor Wade Witherspoon asked for clarification on the contract being indefinite without any end terms other than the city manager's resignation or a Council decision.

Councilor Ryan Howard said he looked through the document and nothing changed except the term and salary; he felt this was acceptable with the support of the city attorney.

Mr. Terrence Mahr, City Attorney, stated a lot of city manager contracts have an indefinite period to ensure severance is available and other securities such as terminating for cause. If there is a term and the contract is not renewed beforehand, the employee has no security.

Councilor McKinney asked if this was customary and if this addressed the city manager's concerns. Mr. Mahr replied two previous city managers also had contracts like this where after a certain term the contract rolls over into an indefinite one. Mr. Danicic said this does address his concerns.

Councilor Howard added this would not prevent renegotiations of the contract. He asked the city attorney if he was comfortable with all the provisions in the contract. Mr. Mahr replied he was and helped put the contract together using standards from other managers and past contracts. The severance is at a reasonable level as well.

Mayor Andrews said after several discussions he felt comfortable with the intent and will vote to support this.

**MOTION: Howard/McKinney** approving **Resolution No. 2011-2963** authorizing the Mayor to amend the Employment Agreement with Daniel J. Danicic on behalf of the city. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

### VIII. COUNCIL BUSINESS

Discussion on the Initiative Petition

TIME – 7:48 PM

Mr. Mahr stated he had no more feedback from Council with an interest in a competing measure so he did not formally prepare one. They are prepared to file a ballot measure now and are preparing an explanation. Voter pamphlet arguments are due to the County Clerk by September 12, 2011.

Other Council Business

Mayor Andrews asked for an update to be sent to Council on how the City is doing to fill labor needs with volunteers.

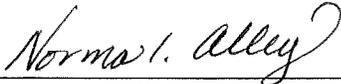
Councilor McKinney asked how many registered voters are in the City of Newberg because he thought it was only a little over ten thousand, not eighteen thousand voters as mentioned in public testimony. Staff researched the question and stated 15% of active voters were around 10,208. A brief discussion continued regarding signatures for the initiative and verification of those signatures and expelling some of the misconceptions regarding water reuse and certain entities getting special treatment.

Councilor Rierson agreed they often hear information presented at council meetings as fact, even if it is not, and he appreciates the opportunity for staff to think about these things and respond for the record to get facts out there about the water reuse program benefits and fees being charged to the Chehalem Park and Recreation District.

### IX. ADJOURNMENT

The meeting adjourned at 8:14 PM.

**ADOPTED** by the Newberg City Council this 6<sup>th</sup> day of September, 2011.

  
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Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 8<sup>th</sup> day of September, 2011.

  
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Bob Andrews, Mayor