

**CITY OF NEWBERG CITY COUNCIL MINUTES
JANUARY 4, 2010
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 Engineering Department on the Springs Divestiture. No decisions were made.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Howard Hamilton, Public Works Director	Norma Alley, City Recorder
	Barton Brierley, Planning and Building Director	Jennifer Nelson, Recording Secretary

Others

Present: Pat Haight, Mike Roos, Jonia Pierce, and Diane Ochs

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. ELECTION OF COUNCIL PRESIDENT

<p>MOTION: Larson/Rierson to nominate and elect Councilor Marc Shelton as Council President. (7 Yes/0 No) Motion carried.</p>
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V. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, announced a budget meeting for next week and mentioned four council positions are up for re-election at the end of the year. He reminded everyone of the Citizens' Rate Review Committee (CRRC) Town Hall meeting in the Public Safety Building (PSB) on January 13, 2010, and encouraged council members to attend. Finally, he said the next Council meeting would be held on Tuesday, January 19, 2010, because of the Martin Luther King, Jr. holiday on Monday and noted the meeting would start early with an Executive Session at 5:30 PM.

VI. PUBLIC COMMENTS

Ms. Pat Haight stated she had been looking at previous Council minutes on the City's website and expressed concern for the number of favorable unanimous votes, noting that forty-nine out of fifty votes from May 4 to October 15, 2009, were all unanimous "yes" votes. She felt as elected officials there should be at least one member on the Council who would represent those in the community and vote against some of the proposed items, like the garbage rate increase and an additional charge on utility bills to fund new police officers.

Councilor Bart Rierson replied that he always votes according to his conscience. He commended the staff for doing a good job of thinking outside of the box before bringing items to the table. He said the Council members do not just vote yes to go along with everyone else, instead they work through their disagreements until they reach a consensus that will benefit the City and the citizens.

Ms. Haight replied that she did not intend to be a thorn in their side or put them on the defensive, she even commended the efforts of the City Manager for taking a real interest in benefiting the City and bringing people out of their apathy to be involved. She wanted them hear a citizen's perspective who takes great pride in her community.

Councilor Denise Bacon added the Council does not always agree and they often have to tell staff to come back with a solution that works best for everyone, after they have talked about it and come to a consensus. She added that she is just as economically challenged as the next person and is fully aware some decisions will affect her budget as well, but she votes what she believes will be best for everyone in the end.

Mr. Mike Roos, springs customer, offered to have any discussions of the history and City process regarding the springs water system and its customers to help with understanding and making a decision to get a good resolution concerning the springs water vestiture.

VII. CONSENT CALENDAR

Consider a motion approving **City Council Minutes** for December 7, 2009.

MOTION: Rierson/Larson to approve the Consent Calendar including the City Council Minutes for December 7, 2009. (7 Yes/0 No) Motion carried.

VIII. PUBLIC HEARING

Consider a motion to continue the Public Hearing on **Order No. 2009-0023** to February 16, 2010.

TIME – 7:21 PM

Councilor Witherspoon asked staff for a brief explanation as to why the continuance is necessary and the progress on this matter.

Mr. Barton Brierley, Planning and Building Director, stated the City is continuing negotiations for a resolution with the applicant and putting together a package, but staff needs time to gather data.

MOTION: Shelton/Larson to continue the Public Hearing on **Order No. 2009-0023** to February 16, 2010. (7 Yes/0 No) Motion carried.

IX. NEW BUSINESS

1. Information on a potential grant opportunity for housing rehabilitation for low-income persons.

TIME – 7:23 PM

Ms. Jonia Pierce, Housing Authority of Yamhill County, presented a brief report about the last round of the housing rehabilitation program in Newberg (see official meeting packet for full report).

Mayor Andrews asked if the funds were exhausted.

Ms. Diane Ochs, Housing Authority of Yamhill County, replied that it had been exhausted with improvements to seven homes and close to sixty people remain on a waiting list. By Council supporting the grant opportunity they would be placing Newberg in line as the preferred back-up recipient if Willamina does not qualify or if the funds are received by Willamina and the entire amount is not spent within the allotted time frame established by the federal government. If Newberg does receive any of the funds, they would go to the sixty applicants already on the waiting list; they have already helped those applicants do the preparatory work to prove readiness if the money is awarded.

Councilor Larson asked what was the full grant amount.

Ms. Pierce replied the full amount is for \$400,000.00.

Councilor Rierson commended the work done so far and supported the fact the money support local contractors. He suggested finding preferred contractors who would be willing to maximize the money spent by working with volunteers and in-kind donations. He offered his support for the entire program.

Councilor Witherspoon asked what criteria they used to prioritize the applicants for the dollars received.

Ms. Ochs stated that improvements for health and safety were of first priority followed by those living under the low income limit, the elderly, and single parents.

MOTION: Shelton/Rierson to direct staff to take necessary actions to support the 2010 Housing Rehabilitation Grant Application. (7 Yes/0 No) Motion carried.

2. Consider a motion approving the municipal judge job description.

TIME – 7:40 PM

Mr. Terrence Mahr, City Attorney, presented the staff report (see official meeting packet for full report).

Councilor Witherspoon asked about annual reviews of staff and if the judge has input on the process. Staff replied the annual review is done by the Finance Director acting under direction of the City Manager and, although the judge has input, the final authority is with the City Manager and Finance Director.

Councilor Rierson stated he did not see in the report the request for a judge who would spend additional time pursuing outstanding collections or past due items and wished it to be added.

Councilor Stephen McKinney asked for further explanation as to who is responsible for the judge. Staff explained the judge is hired and reports to the City Council and would be expected to cooperate with the Finance Director on a day to day basis.

Councilor Witherspoon spoke of including language about treating staff and citizens in an appropriate manner.

Councilor Shelton suggested using the job description to shape the evaluation and felt comfortable with the additional adjustments to the proposed description, but a crucial change would be to address the ability to secure funding or aggressively collect fines. Staff suggested adding language to include the judge showing initiation on things like amnesty programs, issues of contempt, and negotiation of fines. Discussion followed and further wordsmith continued for items suggested being included within the proposed description.

Councilor Shelton asked if providing a city issued cell phone to the judge would ensure access to the judge in situations where officers need to contact them during a driving under the influence stop for example. Staff

stated if it was warranted, one could be issued. A discussion followed about cell phones and availability during non-court hours.

Councilor Witherspoon wanted to ensure that criteria requiring the judge to be creative and develop alternative sentencing and diversion programs were included.

MOTION: Larson/McKinney to postpone the final decision until a complete copy could be reviewed with all the above mentioned changes. (2 Yes [Larson, McKinney]/5 No) Motion failed for lack of a majority.

MOTION: Shelton/Witherspoon to accept the proposed municipal judge job description as amended. (5 Yes /1 No [McKinney]/1 Abstain [Larson]) Motion carried.

Councilor Larson stated he abstained from voting since he had not yet seen the final, completed version.

MOTION: Rierson/Shelton to direct staff to use the amended municipal judge job description to develop evaluation criteria for the review process. (7 Yes/0 No) Motion carried.

X. COUNCIL BUSINESS

TIME – 8:28 PM

Councilor Rierson said he likes the new speed sign in front of Joan Austin Elementary School and wished to see one in every school zone or problem area. He heard the company demonstrating the sign has a solar powered version. He wished to hear more information about the sign.

Councilor Witherspoon expressed some concerns for the postponing of the decision on Order No. 2009-0023 and how this has gone on so long. He felt unjustified in taking away a source of income for a citizen and did not understand why this was a problem now when it has not been for twenty-five years.

Councilor Rierson stated he understood his concerns but was more concerned with the good of the community and did not feel making exceptions should be warranted on the merit of an individual citizen's contribution to society alone.

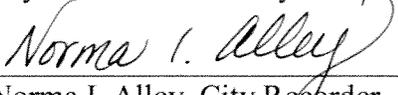
Mr. Mahr reminded the Council this is a quasi-judicial matter and all discussions need to be on the record, he encouraged them to hold their debates until the hearing in order to preserve the record.

Councilor Shelton brought up concerns expressed during the public comments about Council votes and spoke of his appreciation that this Council is able to have discourse and compromise; he felt it was a positive process.

XI. ADJOURNMENT

The meeting adjourned at 8:57 PM.

ADOPTED by the Newberg City Council this 1st day of February, 2010.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 4th day of February, 2010.


Bob Andrews, Mayor