

**CITY OF NEWBERG CITY COUNCIL MINUTES
TUESDAY, JANUARY 18, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

An Executive Session was held during the Work Session prior to the meeting. Executive Session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:07 PM.

II. ROLL CALL

Members

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

Staff

Present:	Daniel Danicic, City Manager	Norma Alley, City Recorder
	Barton Brierley, Planning and Building Director	Jennifer Nelson, Recording Secretary
	Terrence Mahr, City Attorney (arrived at 8:13 PM)	

Others

Present: Michael A. Maloney

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reminded Council about the budgeting work session on January 24, 2011. There will be a general discussion on big picture items over the next five years and staff will be asking for guidance on the General Fund. He announced there were no issues at the wastewater treatment plant and pump stations during the recent period of heavy rainfall and followed-up on Ms. Pat Haight's questions from the previous Council meeting regarding the check for \$24,000.00 to Springbrook Hazelden; it was a refund for permit fees from their expansion, not for any drug rehabilitation services, for staff.

V. PUBLIC COMMENTS

Mr. Michael A. Maloney came to the Council with concerns over a recent water bill he received for \$468.00, when his monthly bill is usually around \$78.50. He has called City Hall twice trying to figure this out since he is on a fixed income and he would need substantial help to resolve this since he did not use the water he is being charged for.

Councilor Denise Bacon asked if he has received his bill for the month of January yet and if he has checked for water leaks. Mr. Maloney replied he has not yet received the next bill and is still waiting to see what is going on with the December billing; he had a plumber friend come over to take a look but he found nothing wrong with the system. He contacted staff twice, but has not heard back from anyone.

Councilor Bart Rierson said it sounds like something unusual has happened and is not satisfied he does not have any answers yet. He asked the City Manager if the water meter can be checked before the next bill comes out.

Mr. Maloney said staff informed him that according to their computer he is back to his regular water usage for January, but nothing has changed on his end.

Councilor Stephen McKinney spoke of two other cases similar to this where holes were found in the pipes between the meter and the home, and any leakage would be considered the responsibility of the homeowner; he said it would be important to have a professional assessment completed.

Mr. Danicic told Mr. Maloney he wished to work with him directly on this matter and find out more about the process, who he spoke to, and how it was handled. He said it is possible for the City to credit him for the breakage, but they will ask him to find out what the problem is quickly and get it taken care of.

Ms. Janelle Nordyke, Finance Director, asked about his irrigation system and if that had been turned off.

Mr. Maloney said he shut it off in late October and had to tighten it two days later when a wet spot was noticed; he was given an adjustment form the first time he came in, which he filled out and returned, but the City had no record of seeing that form.

Mr. Danicic gave him his card and said he would be in touch with him tomorrow to figure this out.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2930** approving the municipal judge's nine month evaluation.
2. Consider a motion approving City Council Minutes for December 6, 2010, and December 20, 2010.

MOTION: **Witherspoon/Bacon** approving the Consent Calendar including **Resolution No. 2011-2930** approving the municipal judge's nine month evaluation and the City Council Minutes for December 6, 2010, and December 20, 2010, as amended (7 Yes/0 No) Motion carried.

VII. NEW BUSINESS

1. Consider a motion accepting the Chamber of Commerce's 2009/2010 3rd and 4th quarter budget report.

TIME – 7:27 PM

Ms. Sheryl Kelsh, Director of Chamber of Commerce, presented the report, including a handout given to the City Recorder (see official meeting packet for full report).

Councilor Marc Shelton asked about their plans to relocate as a result of the Chehalem Park and Recreation District (CPRD) starting to charge them rent and how that would compare with what CPRD would be charging them. Ms. Kelsh replied if the rent would be comparable and that CPRD has not started charging them yet; they decided if they have to pay rent and there is not a large difference, it would be better to go for the location that will serve the customers best.

Mayor Andrews spoke of a video stream recently seen in Salem and if there has been any discussion of a public site where this kind of thing could be made available. Ms. Kelsh was not sure she had seen what he was talking

about but it was worth investigating and the natural place to have something like that would be at the Visitors Center.

Mayor Andrews asked if the City of Newberg and the Chamber of Commerce were the only two entities funding the Visitors' Center. Ms. Kelsh replied that the City of Dundee contributed \$2,000.00 in 2009 and \$2,500.00 in 2010 for the Visitors' Center.

Councilor Shelton asked if they have considered bringing this contribution formally into the budget. Ms. Kelsh said she would have to ask the finance committee how that would be done and if she can plan for it in the future it will be in there, but they cannot put it in if they cannot plan for it.

Councilor Wade Witherspoon asked if there was a way to get a report on the total number of tourism dollars coming into community on an annual basis. Ms. Kelsh spoke of a company producing a monthly report for Yamhill County and Travel Oregon is planning to pick up the tab on this report to see if they can get more details on the Willamette Valley region; they are not sure yet how detailed this will be.

Councilor Shelton asked about The Allison being online for a full year yet and what it is contributing to the Transient Lodging Tax (TLT). Mr. Danicic replied they are not yet at a full four-quarters of operation, but they are getting close.

Ms. Kelsh spoke about demands from people who want to do more things outside and efforts made for the future trail system and the kayak shack.

Councilor Shelton spoke of recent concerns with the Newberg-Dundee bypass plans and the 11th Street crossing and suggested keeping a close eye on this area to make sure user access will not be compromised to the riverfront and plans for this as a future tourist destination.

MOTION: Shelton/Rierson accepting the Chamber of Commerce's 2009/2010 3rd and 4th quarter budget report. (7 Yes/0 No) Motion carried.

2. Consider a motion accepting **Resolution No. 2011-2927** approving an agreement with the Chamber of Commerce to operate and manage a Visitor Information Center.

TIME – 7:51 PM

Ms. Jessica Cain, Chamber of Commerce Board Member, joined Ms. Kelsh to answer questions and voice concerns about the agreement.

Mr. Danicic presented the staff report and reviewed areas of suggested changes and corrections (see official meeting packet for full report).

Councilor Shelton asked for the legal clarification between a partnership and an agreement and at what point it fails to be partnership and become more like a contracted service. Staff said as long as the Chamber is contributing financially it maintains a partnership status

Councilor Witherspoon said the City's contribution is tied to a percentage and felt it would make sense the Chamber's is as well.

Councilor Rierson said he was not opposed to this, but he is concerned the TRT will grow at a faster rate than the Chamber member dues and other revenues will; he did not see the Chamber keeping up with that level of participation.

Councilor Ryan Howard agreed this was a good point, although he was in favor of a set percentage in the beginning to follow where the City's contribution was; but, he does not wish to leave it to be determined on an annual basis.

Councilor Shelton felt the business plan requirement is the mechanism put in place to evaluate the contributions.

Councilor Bacon was concerned with pricing the Chamber out of business if membership falls; she did not expect them to match the City's investment equally and she thought a year to year amount might challenge everyone to wonder what next year would bring. She felt a previously suggested \$50,000.00 is a lot to expect five years from now.

Ms. Cain said the \$50,000.00 did not work because it exceeds their budget and the business plan is a good opportunity to look at these matters annually and set the dollar amounts. Being tied to a percentage of the TLT also does not work because as that increases they still have to consider other obligations to their members, not just the Visitors' Center.

Councilor Shelton suggested the \$40,725.00 from the Chamber this year could represent the minimum and the \$56,000.00 from Council because he does not wish to start from square one each year.

Councilor Howard asked what the benefit was for Council to be locked into 25% of the TLT for the next five years then, rather than assessing this periodically.

Ms. Cain said they would not know how prepare their budget if the do not know what they will be receiving. She said their Board of Directors started a task force to create a five year plan to help meet the City's goals and they need some commitment from Council in order to commit to their lease.

Councilor Rierson said he liked the idea of an annual review because unforeseen issues come up, also the TLT will grow more quickly than the Chamber's revenue and there may be an opportunity to spend the money somewhere else. The Visitors' Center provides a good return on the investment, but this review allows for accountability if the City is contributing \$100,000.00 and the Chamber is only giving \$10,000.00. Citizens will want to know what is being done with that money.

Councilor Shelton added other partners, like Dundee, need to be encouraged to regularize their contributions and commit to a set amount as well.

Councilor Witherspoon said he supported an annual submission of a business plan, he just wished there was a clearer way to avoid haggling each year what the contribution figure is going to be, especially if the Council membership changes; but, he felt there is currently a good enough relationship between the City and the Chamber to work this out.

Ms. Cain discussed their concerns for the "at will" termination clause since they are looking into creating a lease obligation with the new location and there is already a mechanism in place to reject the business plan every year by not approving it. There was also discussion over the use of a clause about "not discriminating" since this is a hard term to define.

Mr. Terrence Mahr, City Attorney, explained the reasoning behind the "at will" clause to avoid litigation by giving a six month notice.

Councilor McKinney suggested making the corrections discussed and having a second reading of the complete, modified agreement.

MOTION: Shelton/Witherspoon to hold deliberations on **Resolution No. 2011-2927** until February 22, 2011. (7 Yes/0 No) Motion carried.

VIII. COUNCIL BUSINESS

TIME – 9:01 PM

Councilor McKinney spoke of a letter he received with the results of the City’s audit stating that the City is doing its job correctly; he wished to commend the Finance Director and the Finance department on a job well done.

MOTION: McKinney/Rierson to have the record include the letter issued from the auditor’s reporting the Finance Director and Finance department are doing an excellent job. (7 Yes/0 No) Motion carried.

Mayor Andrews recessed at 9:07 PM and reconvened into the Executive Session.

IX. EXECUTIVE SESSION

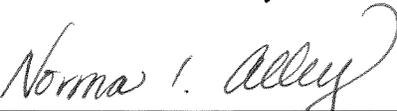
Executive Session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

TIME – 9:15 PM

X. ADJOURNMENT

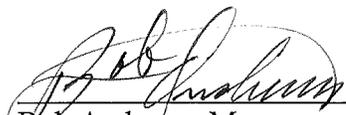
The meeting adjourned at 10:09 PM.

ADOPTED by the Newberg City Council this 22nd day of February, 2011.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of February, 2011.



Bob Andrews, Mayor