

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

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

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

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

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

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

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

V. PUBLIC COMMENTS

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

VI. CONSENT CALENDAR

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

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

3. Consider a motion approving the August 20, 2012, City Council meeting minutes.
TIME – 7:03PM

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

VII. NEW BUSINESS

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

TIME – 7:05PM

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

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

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

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

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

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

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

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

VIII. COUNCIL BUSINESS

TIME – 7:34PM

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

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

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

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

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

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

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

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

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

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

IX. ADJOURNMENT

The meeting adjourned at 8:25PM.

ADOPTED by the Newberg City Council this 5th day of November, 2012.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 8th day of November, 2012.



Bob Andrews, Mayor