



CITY COUNCIL AGENDA

MARCH 4, 2013

7:00 P.M. MEETING

PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

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 adopting **Resolution No. 2013-3037** authorizing a contract with Huber Technology, Inc. for purchase of dewatering system screw press components. (Pgs. 3-6)
2. Consider a motion approving the February 4, 2013, City Council meeting minutes. (Pgs. 7-10)

VII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2013-2758** amending the Newberg Municipal Code to add provisions for Peddlers, Solicitors, Street Vendors, and Temporary Merchants. (Pgs. 11-20) (**Legislative Hearing**)
2. Consider a motion adopting **Ordinance No. 2013-2760** amending the Newberg Municipal Code provisions regarding the Student Planning Commission position. (Pgs. 21-24) (**Administrative Hearing**)

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.

VIII. CONTINUED BUSINESS

Reconsideration of the motion to endorse the Mayor sending a letter to Yamhill County requesting they adopt the South Industrial UGB amendment. (Pgs. 25-30)

IX. NEW BUSINESS

Consider the Chehalem Valley Chamber of Commerce's 2nd Quarter Report. (Pgs. 31-34)

X. COUNCIL BUSINESS

XI. 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: March 4, 2013

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2013-3037

SUBJECT: A Resolution authorizing the city manager to negotiate and enter into a contract with Huber Technology, Inc. for the purchase of dewatering system screw press components, not to exceed \$1,000,000.00.

Contact Person (Preparer) for this Motion: Jason Wuertz, Project Manager
Jay Harris, City Engineer
Dept.: Public Works Department - Engineering

RECOMMENDATION:

Adopt Resolution No. 2013-3037 authorizing the city manager to negotiate and enter into a contract with Huber Technology, Inc. for the purchase of dewatering system screw press components, not to exceed \$1,000,000.00.

EXECUTIVE SUMMARY:

Design is underway for the upgrades to the dewatering facility at the wastewater treatment plant (WWTP). The dewatering facility upgrades will primarily include replacing the existing belt presses which are at the end of their useful life. The benefit of replacing the belt presses with Huber Technology, Inc. screw press dewatering equipment is higher performance and also extended benefits to the existing composting system.

On January 22, 2013 the City council adopted Resolution No. 2013-3031, which authorized the city manager to waive the competitive purchasing requirement and allow the sole source purchase of dewatering screw presses produced by Huber Technology, Inc.

The City is currently in negotiations with Huber Technology, Inc and would like to proceed with the purchase of two dewatering screw presses after the purchase price is negotiated. It is anticipated the cost of the two screw presses will not exceed \$1,000,000.00.

FISCAL IMPACT:

These upgrades are included in the fiscal year 2012-2013 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 (DEQ). City Council accepted this loan in February, 2011, by Resolution No. 2011-2926. The project expense sheet as it relates to loan funding is attached as Exhibit "A".

STRATEGIC ASSESSMENT:

This project will ensure Newberg has a cost effective and well designed Dewatering System as part of the WWTP Repair, Renovation and Expansion Project. The Huber screw will provide greater dewatering performance and will increase the capacity of the composting facility, thereby reducing operating costs.



RESOLUTION No. 2013-3037

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT WITH HUBER TECHNOLOGY, INC. FOR THE PURCHASE OF DEWATERING SYSTEM SCREW PRESS COMPONENTS, NOT TO EXCEED \$1,000,000.00

RECITALS:

1. 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 upgrade the solids dewatering system. Through onsite testing, the engineering and operations staff has determined the Huber Technology, Inc. screw press is the best available system to meet the dewatering needs.
2. On January 22, 2013, City Council adopted Resolution No. 2013-3031, which authorized the city manager to waive the competitive purchasing requirement and allow the sole source purchase of dewatering screw presses produced by Huber Technology, Inc.
3. The City is currently in negotiations with Huber Technology, Inc and would like to proceed with the purchase of two dewatering screw presses after the purchase price is negotiated. It is anticipated the cost of the two screw presses will not exceed \$1,000,000.00.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

City Council hereby authorizes the city manager to negotiate a contract with Huber Technology, Inc. for the purchase of dewatering screw press components, not to exceed \$1,000,000.00 per the project expense sheet 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: March 5, 2013

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

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 7th day of March, 2013.

Bob Andrews, Mayor

WWTP Project Cash Flow (Feb 2013)

Project	October Q4 - 2012	January Q1 - 2013	April Q2 - 2013	July Q3 - 2013	October Q4 - 2013	January Q1 - 2014	April Q2 - 2014	July Q3 - 2014	October Q4 - 2014	January Q1 - 2015	April Q2 - 2015
Headworks & Influent Pump Station & Dewatering (Current Phase)											
Design	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200	\$ 363,200
HDR	\$ 1,816,000										
Mort	\$ 321,964	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393	\$ 64,393
Construction	\$ 15,566,824										
- Dewatering			\$ 100,000	\$ 600,000	\$ 300,000						
City	\$ 1,000,000										
City Contingency	\$ 845,000										
City Cost	\$ 510,799										
Quarterly Totals	\$ 427,593	\$ 427,593	\$ 527,593	\$ 1,027,593	\$ 982,992	\$ 2,777,871					
Encumbered prior to current phase:	\$ 5,824,229										
Total Loan Expended:	\$ 6,251,822	\$ 6,679,415	\$ 7,207,007	\$ 8,234,600	\$ 9,217,593	\$ 11,995,463	\$ 14,773,334	\$ 17,551,204	\$ 20,329,075	\$ 23,106,945	\$ 25,884,816

LOAN 1 (11.4M) | LOAN 2 (14.5M)

	Loan Value
Encumbered Prior to Current Ph:	\$ 5,824,229
4th Clarifier Construction	\$ 4,425,521
Design Clarifier (incl CO)	\$ 559,088
Design Urgent Repairs	\$ 64,266
Precon TO 4B 4C	\$ 118,292
Mort Change Order	\$ 13,140
Const Urgent Repairs	\$ 226,198
PDR Design	\$ 388,000
PDR CM/GC	\$ 29,724
Total	\$ 25,894,000

Resolution #2011-2926 - Approved 2/7/11
Resolution #2012-3012 - Approved 6/18/12

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: March 4, 2013

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

SUBJECT: Approve the February 4, 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
FEBRUARY, 4, 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 was given by Barton Brierley, planning & building director, and Cody Gardner, code enforcement officer, regarding garage sale sign enforcement. 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
	Bart Rierson	Lesley Woodruff	Mike Corey
	Stephen McKinney		

Staff Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
		Jessica Nunley, Acting City Recorder
		Nicole Tannler, Minutes Recorder

Others Present: Justin St. James

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, city manager, reminded the Council of the upcoming League of Oregon Cities City Day at the Capitol happening on February 27, 2013, with RSVPs due February 13, 2013. There is now a camera installed in the Public Safety Building, but it is not active yet because they are working on power supply challenges. Wednesday night is the first organizational meeting for the July Special Olympics and meetings will be held monthly.

V. PUBLIC COMMENTS

Mayor Andrews opened and closed the public testimony; no citizens appeared.

VI. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2013-3033** authorizing purchase of a new replacement Vactor 2100.
2. Consider a motion approving the December 17, 2012, City Council meeting minutes.
3. Consider a motion approving the January 7, 2013, City Council meeting minutes.

TIME – 7:05 PM

MOTION #1: Howard/McKinney adopting **Resolution No. 2013-3033** authorizing purchase of a new replacement Vactor 2100, approving the December 17, 2012, City Council meeting minutes, and approving the January 7, 2013, City Council meeting minutes as amended. Motion carried (7 Yes/0 No).

VII. CONTINUED BUSINESS

Consider a motion adopting **Resolution No. 2013-3028** approving the Public Works Collective Bargaining Agreement.

TIME – 7:08 PM

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

Justin St. James, chief negotiator for AFSCME, stated many members are citizens of Newberg and their uniform love for the city was never lost. Working with the city was wonderful and everyone was very polite. He appreciated the professional demeanor the city showed during this negotiation.

MOTION #2: McKinney/Rierson adopting **Resolution No. 2013-3028** approving the Public Works Collective Bargaining Agreement. Motion carried (7 Yes/0 No).

VIII. NEW BUSINESS

Consider a motion adopting **Resolution No. 2013-3029** declaring Council District 3 position vacant.

TIME – 7:12 PM

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

Mayor Andrews said the language seemed to be the person appointed would be voting for their successor. Councilor Bacon said the interpretation seemed fine to her because she didn't plan on voting for her successor.

MOTION #3: Andrews/Bacon adopting **Resolution No. 2013-3029** declaring Council District 3 position vacant, as amended. Motion carried (7 Yes/0 No).

IX. COUNCIL BUSINESS

TIME – 8:29 PM

Mayor Andrews introduced Jose Antonio Saavedra as Student Planning Commissioner. Mayor Andrews said good recommendations have come to his attention and he is glad to have him join the Committee.

Councilor Bacon has met with him and he plans on running for office in the future. She plans on helping him when he does run.

MOTION #4: Andrews/Bacon appointing Jose Antonio Saavedra as Student Planning Commissioner. Motion carried (7 Yes/0 No).

Mr. Danicic stated they are being conservative and trying to estimate revenues the City will be getting over the next several months. He said we always meet or exceed our budget requirements, but a concern of the budget committee is we underestimate revenue and make unnecessary cuts. One way to avoid unnecessary cuts is to be less conservative. We made some budget changes by putting some staff to part-time, and we are thinking of

allowing a cost of living raise to staff with the extra funds. The temporary cost of living adjustment will be like a bonus, but it works better with taxes to call it a cost of living raise.

Councilor Bacon said she thinks this is a great idea, and doing this shows the other employees even though they are unrepresented they don't count less. Councilor Howard said it seems we don't have the money, but are just diverting it from other areas to pay for it.

Councilor Corey concurred this is a great idea and if we can foresee the money coming in, he would like to see the unrepresented employees get more.

Councilor Rierson stated both the represented and unrepresented employees need to be treated fairly. We are the "unrepresented" representation and it is important to treat them well.

MOTION #5: Corey/Howard to reconsider the motion to have the mayor endorse a letter to Yamhill County requesting adoption of the UGB amendment. Motion carried (6 Yes/1 No [Bacon]).

MOTION#6: Bacon/Andrews to table the main motion regarding the letter to Yamhill County to March 4th, 2013, and precede the discussion in executive session. Motion carried (7 Yes/0 No).

MOTION#7: Howard/ McKinney to notify Yamhill County of the action to withdraw the letter and ask them to table consideration of the UGB amendment. Motion carried (7 Yes/0 No).

X. ADJOURNMENT

The meeting adjourned at 7:40 PM

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

Norma I. Alley, MMC, Recorder

ATTEST by the Mayor this 7th day of March, 2013.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: March 4, 2013

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2013-2758 No.

SUBJECT: Amendments to the Newberg Municipal Code (Code), Chapter 5.5, Article II, dealing with Peddlers, Solicitors, Street Vendors, and Temporary Merchants

Contact Person (Preparer):
Motion: City Attorney with Chris Bolek, Patrol
Division Captain
Dept.: Legal and Police

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2013-2758.

EXECUTIVE SUMMARY:

This action is needed to address a deficiency in Code language which allows peddlers and solicitors to go door-to-door in the community without first requiring criminal background checks. The City currently requires a peddler, solicitor or street vendor to complete a registration form. The City has found an applicant will often sign the registration form certifying he/she is free from previous criminal history matters. However, it has been determined in some cases that the applicant, in fact, does have a disqualifying criminal history. This fact is often discovered after a member of the community has called the police due to the peddler's or solicitor's behavior.

Requiring a peddler or solicitor to register with the City before engaging in door-to-door peddling infers to citizens that certain criteria have been met by the peddler/solicitor. Solicitors or peddlers doing business by going to a person's home present potential safety concerns unique from a business conducted in a public place. In addition, temporary merchants are currently issued a license. By issuing a license, the City implies the temporary merchant has met certain criteria.

To address the deficiency in the current process and increase public safety, the City, through the police department, is willing to process a criminal background check to confirm the person(s) statement concerning any past criminal arrests or convictions is true.

FISCAL IMPACT:

There is no direct fiscal impact. Additional staff time required is expected to be minimal (approximately 30 minutes per applicant.) There will be a minimal increase in paper/printing cost for related forms.

STRATEGIC ASSESSMENT:

Public safety is a responsibility and concern for the City of Newberg. The change in Code language will give the police department a beneficial tool to aid in maintaining public safety, reducing crime, and the fear of crime within the community, thereby enhancing livability in the City of Newberg.

ATTACHMENT: Attached is the present Code language from Chapter 5.15.

Attachment to RCA for Ordinance No. 2013-2758

Chapter 5.15 TEMPORARY SALES

Sections:

Article I. Holiday Tree Lots

Article II. Peddlers, Solicitors, Street Vendors, and Temporary Merchants

- [5.15.050](#) Definitions.
- [5.15.060](#) Registration requirements for peddlers, solicitors and street vendors – Term.
- [5.15.070](#) Special standards for peddlers, solicitors and street vendors.
- [5.15.080](#) Appeals by peddlers and solicitors.
- [5.15.090](#) Requirements for temporary merchants – Term.
- [5.15.100](#) Exemptions for temporary merchants.
- [5.15.110](#) Special standards, application and fees for temporary merchants.
- [5.15.120](#) Licensing approval, authority and appeals of temporary merchants.
- [5.15.121](#) Temporary sales during the Old Fashioned Festival.
- [5.15.130](#) Penalty.

Cross-reference: Business licenses, see Chapter [5.05](#) NMC.

Article II. Peddlers, Solicitors, Street Vendors, and Temporary Merchants

5.15.050 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“**Peddler**” means a person or persons traveling from place to place selling and delivering at the same time. The term “peddler” does not include a person who has been specifically invited to a customer’s residence or business location, or a nonprofit organization as organized under the Internal Revenue Service Code.

“**Person**” or “**persons**” means any natural person and any firm, proprietorship, partnership or corporation.

“**Solicitor**” means a person or persons who travel from place to place not carrying goods, but taking orders for future delivery, or soliciting for money or other things of value. The term “**solicitor**” does not include a person who has been specifically invited to a customer’s residence or business location, or a nonprofit organization as organized under the Internal Revenue Service Code.

“**Street vendor**” means a person or persons traveling on public streets, public sidewalks, public property, or private streets, and carrying, conveying or transporting such items as food, beverages, flowers, and balloons,

offering and exposing the same for sale by hand or from a mobile-type device such as a push cart.

“Temporary merchant” means a person or persons occupying a temporary, fixed location, not within a permanent building, and selling or delivering from stock on hand, doing business in much the same manner as a permanent business. [Ord. [2546](#), 4-16-01. Code 2001 § 113.01.]

5.15.060 Registration requirements for peddlers, solicitors and street vendors – Term.

A. Registration. All peddlers, solicitors and street vendors shall register individually with the city prior to engaging in any activities defined in NMC [5.15.050](#). The registration shall be filed with the city on a form supplied by the city. Registrations will be accepted only during normal city business hours. Failure to provide complete and accurate information may result in a violation of this section and immediate revocation and/or denial of registration. Registrants must provide the following information:

1. Personal identification including date of birth, driver’s license number and/or other appropriate identification.
2. Copies of any state or county licenses which are required to operate or conduct activities proposed by the registrant.
3. A statement which confirms the registrant has no previous criminal history, including conviction or incarceration for a crime such as theft, burglary, robbery, fraud, deceit, or any other crime of violence, within the 10-year period prior to the date of registration.
4. Previous sales history in the community within the 10-year period prior to the date of registration.
5. A description of the goods or services offered for sale.

B. Term of Registration. A peddler, solicitor or street vendor registration is valid for a period of six months. After six months, reregistration is required before further business can be conducted. [Ord. [2546](#), 4-16-01. Code 2001 § 113.02.]

Penalty: See NMC [5.15.130](#).

5.15.070 Special standards for peddlers, solicitors and street vendors.

A. Peddlers and Solicitors. All peddlers and solicitors shall:

1. Limit their hours of operation to only those hours between 9:00 a.m. and 9:00 p.m.
2. Not enter uninvited into a private building, structure or room.
3. Not enter uninvited upon private property that is posted “no soliciting” or with a similar sign.
4. Within 30 seconds after beginning the conversation with a potential customer:
 - a. Provide identification of both the person and whom the person represents;

- b. Explain the purpose of the person's call;
- c. Provide a description in commonly understood terms of the goods or services offered for sale; and
- d. Inquire whether the person being solicited is interested in listening to a sales presentation and immediately discontinue the solicitation if the person being solicited gives a negative response.

5. During the course of the solicitation, state the total cost of the goods or services offered for sale and the number, timing and amount of installment payments if payment on an installment basis is available to the person being solicited.

B. Street Vendors. Sales operations shall be:

- 1. Limited to the period from one-half hour before dawn to one-half hour after dusk; and
- 2. Limited to not stopping adjacent to any lot in excess of 15 minutes in any one-hour period, except in C-3 zones, push carts may be located at specific locations on the public rights-of-way or sidewalk subject to approval by the city manager. [Ord. [2546](#), 4-16-01. Code 2001 § 113.03.]

5.15.080 Appeals by peddlers and solicitors.

Any registrant who does not meet the eligibility requirements provided in NMC [5.15.060](#) may appeal to the city manager. The city manager may accept or reject the appeal, waive any requirements imposed, or refer the matter to the city council. The applicant may further appeal the decision of the city manager to the city council. All appeals must be made by submitting a formal request to the city manager, together with a nonrefundable processing fee as established by city council resolution. [Ord. [2546](#), 4-16-01. Code 2001 § 113.04.]

5.15.090 Requirements for temporary merchants – Term.

A. Requirements. A temporary merchant who intends to operate a business for more than three consecutive days at any one location and who is not identified as exempt under the provisions of NMC [5.15.100](#) shall obtain a license from the city prior to engaging in any sales activities. Temporary merchants are authorized to set up only on properties within the C-2 community commercial or C-3 central business zoning districts. One temporary merchant license may serve as an umbrella license for several related organizations on one lot during the same license period.

B. Term.

- 1. A temporary merchant license is valid for up to 45 consecutive days for each location, after which it may be renewed, subject to a fee set by city council resolution.
- 2. A qualified temporary merchant who anticipates operating a business for more than 45 days at one location may apply for a temporary merchant license which has no expiration date, subject to a fee set by city council resolution. Under this provision, a seasonal business that is open year to year shall be allowed to open each year without relicensing, provided the location or physical size does not change.

C. Preexisting Temporary Merchants. Temporary merchants licensed prior to the effective date of the ordinance codified in this section and who have previously been through the process outlined in this section, or a similar regulatory review, shall be granted a license to operate at their current location without an application fee. Existing temporary merchants shall be subject to the licensing requirements of this section if the location or the size of the business changes. Seasonal businesses that are open year to year shall be allowed to open each year without relicensing, provided the location or physical size does not change. [Ord. [2546](#), 4-16-01. Code 2001 § 113.05.]

Penalty: See NMC [5.15.130](#).

5.15.100 Exemptions for temporary merchants.

The following temporary merchants do not require a license and are exempt from the application requirements contained within NMC [5.15.110\(B\)](#), but must meet the standards under NMC [5.15.110\(A\)](#). Residential garage and estate sales are regulated under NMC [15.415.060](#), home occupation standards.

- A. Any temporary merchant who is in operation for three or fewer consecutive days at the same location.
- B. A nonprofit organization selling goods, wares or merchandise, whose business is in operation on private property during one period not exceeding 45 consecutive days in any three-month period.
- C. Sales associated with events sponsored through city council or city manager action such as the Old Fashioned Festival, city auction, bike fair, and Turkey Carnival.
- D. Temporary construction offices in conjunction with the initial development of residential, commercial or industrial property. [Ord. [2546](#), 4-16-01. Code 2001 § 113.06.]

5.15.110 Special standards, application and fees for temporary merchants.

A. Standards.

1. The activities of the temporary merchant shall not impair or impede the proper flow of pedestrian or vehicular traffic on public or private property.
2. The activities of the temporary merchant shall not unduly restrict parking spaces on public or private property. Any parking spaces which are customarily in use during normal working hours shall not be used as a location for a temporary merchant.
3. Approved parking spaces shall be provided as is deemed appropriate by the city. Required parking spaces shall be located within 100 feet of the temporary merchant. In no case shall there be less than two available parking spaces per temporary merchant. Required parking spaces for temporary merchants are used on a temporary basis and they may be graveled, asphalt or concrete surfaces. In all other respects, parking areas shall meet the requirements of NMC [15.440.010](#) through [15.440.080](#).
4. Only one temporary merchant license will be permitted on any individual lot or development site at any given time, unless the proposal receives Type III conditional use permit approval. If the parcel on which the sales location is sited is five acres or greater in size, this requirement does not apply. Type III conditional use permit criteria are identified in NMC [15.225.060](#).

5. Licenses for a temporary merchant shall be displayed by the temporary merchant in a visible location and shown to any customer or city official on request.
6. The proposal shall comply with NMC [15.415.020](#) through [15.415.040](#) dealing with height restrictions and public access; and Chapter [15.410](#) NMC dealing with setbacks, coverage, vision clearance, and yard requirements. No storage, display or sale may take place inside the required front yard setback area.
7. A temporary merchant shall comply with all signage requirements of Chapter [15.435](#) NMC.
8. A temporary merchant shall comply with all applicable sanitation codes, including waste disposal. If self-contained facilities such as porta-potties are proposed, they must also meet all applicable city and state sanitation requirements.
9. A temporary merchant operating in the C-3 central business district, including temporary merchants operating their businesses under a merchant's umbrella license, shall not have a drive-up service window as part of its operation.

B. Application. Application for licensing shall be filed with the city together with the nonrefundable license fee. The application shall be on a form supplied by the city. Applications will be accepted only during normal city business hours. The applicant shall provide the following information:

1. A site map of the location of temporary merchant activities.
2. Personal identification including date of birth, driver's license number and/or other appropriate identification.
3. Copies of any state or county licenses which are also required to operate or conduct activities proposed by the applicant.
4. The name of a local agent to receive complaints against the business.
5. If the license is acting as an umbrella license, identify one single individual or organization to serve as the primary contact agent. The primary contact agent shall be responsible for and shall act on behalf of those merchants on the site who are operating under the umbrella license during the license period.
6. If located on private property, the temporary merchant shall obtain a signed, written consent from the owner of the property which authorizes the merchant to conduct business from the property.
7. If located on public property, the temporary merchant shall obtain a signed, written consent authorized by the city council or other public agency with authority to allow the merchant to conduct business from the publicly owned property. The city council is under no obligation to approve any request for such use.

C. Fees. All fees shall be charged as set by city council resolution. Fees are nonrefundable. [Ord. [2611](#), 11-15-04; Ord. [2546](#), 4-16-01. Code 2001 § 113.07.]

5.15.120 Licensing approval, authority and appeals of temporary merchants.

A. The city shall have the authority to approve or deny any application for a license to be issued under NMC [5.15.110](#). A license shall not be issued if the applicant has provided false information on the application form.

B. Any applicant for a license which is denied approval may appeal the decision to the city manager. The city manager may accept or reject the decision of city staff, waive any requirements imposed, or refer the matter to the city council. The applicant may appeal the decision of the city manager to the city council. All appeals must be made by submitting a formal request of an appeal to the city manager, together with a nonrefundable processing fee as established by city council resolution. [Ord. [2546](#), 4-16-01. Code 2001 § 113.08.]

5.15.121 Temporary sales during the Old Fashioned Festival.

During the Old Fashioned Festival, as proclaimed by the mayor and city council, an Old Fashioned Festival zone shall be in effect. The perimeter of the festival zone shall start Blaine Street at Ninth Street, and go north to Third Street, west to Main Street, north to Second Street, east to Blaine Street, north to Sherman Street, east to School Street, south to First Street, east to Meridian Street, south to Ninth Street, and west to Blaine Street, and specifically shall include properties abutting either side of the above perimeter streets. During the Old Fashioned Festival, no short-term temporary merchant or street vendor shall operate within the festival zone, except those operating under authority of the official Old Fashioned Festival committee. Vendors shall present identification necessary to show this authority. [Ord. [2739](#) § 1, 6-6-11; Ord. [2717](#), 6-15-09. Code 2001 § 113.20. Formerly 15.370.010.]

5.15.130 Penalty.

Any person who engages in activities within the corporate city limits without having first registered as provided in NMC [5.15.060](#) or without having first applied for and obtained the license herein provided for in NMC [5.15.110](#) or who violates any other of the provisions of this article shall have committed a city Class 2 infraction and shall be processed in accordance with the procedure set forth in the uniform civil infraction procedure ordinance, Chapter [2.30](#) NMC. Every day of a continuing violation shall be deemed a separate offense for the purposes of these penalties. [Ord. [2546](#), 4-16-01. Code 2001 § 113.99.]



ORDINANCE No. 2013-2758

AN ORDINANCE AMENDING NEWBERG MUNICIPAL CODE (“CODE”) CHAPTER 5.15 (TEMPORARY SALES, ARTICLE II) FOR THE PURPOSE OF EXPANDING THE REGISTRATION PROCESS FOR PEDDLERS, SOLICITORS, AND TEMPORARY MERCHANTS

RECITALS:

1. The City of Newberg currently has Code language governing peddlers, solicitors, street vendors and temporary merchants in Article II of Chapter 5.15.
2. The Code requires peddlers, solicitors, and street vendors to register with the City before conducting business within the City.
3. The Code requires temporary merchants to obtain a license from the City before conducting business within the City.
4. The City recognizes these temporary methods of conducting business within the City raise certain public safety concerns. The Code language change will aid the police department in maintaining public safety by allowing the department to process criminal background checks on applicants wishing to conduct temporary business within the City.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section One. The City Council amends a portion of Section 5.15.060 entitled “Registration Requirements for Peddlers, Solicitors and Street Vendors-Term” to read as follows:

5.15.060 (A)(3)

a. A statement which confirms the registrant has no previous criminal history, including but not limited to, a conviction or incarceration for a crime such as theft, burglary, robbery, fraud, deceit, or any crime of violence within the 10-year period prior to the date of registration.

b. For peddlers and solicitors whose method of sale is to travel door-to-door, the applicant must sign a form provided by the City that authorizes the City to conduct a criminal history background check for arrests, warrants, convictions, incarcerations and/or dispositions of charges that include but are not limited to theft, burglary, robbery, fraud, deceit, or any crime of violence within a ten (10) year period prior to the date of registration. The registrant will be deemed ineligible if the criminal history background check shows any of the above except for arrests and past warrants for arrests, which will be reviewed on an individual basis for determination of eligibility.

Section Two. The City Council amends a portion of Section 5.15.120 entitled “Licensing Approval, Authority and Appeals of Temporary Merchants” to read as follows:

5.15.120

A. The city shall have the authority to approve or deny any application for a license to be issued under NMC 5.15.110. A license shall not be issued if the applicant has provided false information on the application form or has a current arrest warrant for any crime or previous criminal history of arrests, warrants, convictions, incarcerations and/or dispositions of charges that include but are not limited to theft, burglary, robbery, fraud, deceit, or any crime of violence within a 10-year period prior to the date of registration, with the exception that any arrests and past warrants for arrests will be reviewed on an individual basis for determination of eligibility.

B. The application will be forwarded to the chief of police or his/her designee. If the application is returned by the chief of police or designee endorsed “Unsatisfactory”, the City will notify the applicant that his/her application has been disapproved and the reason thereof.

Section Three. The other provisions of Chapter 5.15 remain in full force and effect.

Section Four. The City Council makes the following findings:

- 1) Peddlers and solicitors who go door- to-door raise special concerns regarding public safety since they have access to people’s private residence and personal contact with citizens in a non-public place. In order to protect citizens, it is reasonable to require peddlers and solicitors to register with the City.
- 2) By requiring peddlers and solicitors to register with the City, the City has an obligation to ensure the information given to the City by the applicant(s) is true and correct. It is not a burden upon the City to perform a criminal background check of the registrant, nor is it an imposition upon the registrant to allow this.
- 3) It is reasonable to make a person ineligible to register for peddling and soliciting within the City if they have been involved in criminal activity within the last ten (10) years. If the criminal activity is over ten (10) years ago, it is reasonable to assume they have changed their behavior.
- 4) Temporary merchants generally carry on business for more than one day. They have stock on hand to sell, but no permanent location where citizens may contact them or return merchandise. Therefore, it is reasonable to require a City license from these merchants. Furthermore, it is reasonable to require temporary merchants to submit to a criminal background check to confirm their integrity due to the temporary nature of their business. If the background check confirms the applicant has no criminal history for ten (10) years or more, it is reasonable to assume that they do not engage in criminal behavior.

5) The above registration and licensing requirements for peddlers, solicitors, and temporary merchants conducting business within the City are reasonable for the protection and public safety for the citizens of Newberg.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: April 4, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of March, 2013 by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 7th day of March, 2013.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: March 4, 2013

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2013-2760 No.

SUBJECT: Amend the Newberg Municipal Code to establish a set term for the Planning Commission student member.

Contact Person (Preparer) for this
Motion: Terrence D. Mahr, City Attorney
Dept.: Legal

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2013-2760.

EXECUTIVE SUMMARY:

The city encourages student members on the Planning Commission. They also encourage having a student member on the Traffic Safety Commission. In 2011, the code provision dealing with the Traffic Safety Commissions' student member was changed to provide for the appointment to begin June 1st each calendar year. This change works better for the student since the student can serve during the summer months allowing the student to get used to the committee meetings before school begins. The term for the Traffic Safety Commission student member is for one (1) year. In order to give more students an opportunity to serve, re-appointment cannot exceed three (3) years. This has worked well for the Traffic Safety Commission. The Mayor recommends this same change for the Planning Commission.

FISCAL IMPACT:

There would be no additional costs.

STRATEGIC ASSESSMENT:

This would allow for the commission to recruit a student member and have the student member begin serving their term during the summer months. By having the term for one (1) year, it will allow more opportunities for students to participate.

Article IV. Planning Commission

2.15.220 Establishment.

There is reestablished a Newberg city planning commission for the City of Newberg, Oregon. [Ord. [2325](#), 4-6-92; Ord. [1718](#), 1-8-74. Code 2001 § 32.40.]

2.15.230 Membership.

A. The commission shall consist of seven members who are not officials or employees of the city and two ex officio nonvoting members, one who shall be the mayor and the second a student from one of the local high schools.

B. Six of the seven members shall have their principal place of residency inside the city limits. One member may live within one mile of the urban growth boundary of the city at the time of their appointment and during the term that they serve on the planning commission.

C. No more than one voting member of the commission may engage in the buying, selling or the developing of real estate for profit as individuals or be members of any partnership or officers of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall engage in the same kind of occupation, business, trade or profession. [Ord. [2374](#), 4-4-94; Ord. [1718](#), 1-8-74. Code 2001 § 32.41.]

2.15.240 Term of office.

A. Members of the planning commission shall be appointed by the mayor with the consent of the city council for a term of three years from the first calendar day of the year. The appointments of some members shall be for other than specified terms in order to establish an approximately equal expiration of terms each year. Members of the planning commission shall continue after expiration of their term until such time as their successors are appointed.

Article V. Traffic Safety Commission

2.15.330 Establishment.

There is established a Newberg traffic safety commission ("commission") for the City of Newberg. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.15.]

2.15.350 Terms of office.

The members of the commission will serve for a term of three consecutive calendar years. The terms will begin January 1st of the first calendar year and end December 31st of the last calendar year. The terms of the members will be established in approximately equal expiration of terms each year. **The term of the student members will begin June 1st of each calendar year and end May 31st of succeeding calendar year with reappointment not to exceed three years.** Members of the commission will continue after expiration of the term until such time as their successors are appointed. [Ord. [2743](#) § 1, 10-3-11; Ord. [2690](#) § 2(A), 2-4-08; Ord. [2427](#). Code 2001 § 32.17.]



ORDINANCE No. 2013-2760

AN ORDINANCE AMENDING NEWBERG MUNICIPAL CODE, ARTICLE IV. PLANNING COMMISSION, SECTION 2.15.240 TERM OF OFFICE, ESTABLISHING A SET TERM FOR THE PLANNING COMMISSION STUDENT MEMBER BEGINNING ON JUNE 1ST OF EACH CALENDAR YEAR FOR ONE (1) YEAR WITH A THREE (3) YEAR TERM LIMIT

RECITALS:

1. The municipal code provides for a student member of the Planning Commission.
2. In October, 2011, the Traffic Safety Commission changed the term for their student member, which has worked well. The amended term allows the student to start in June and get used to serving on the Commission before the school year begins.
3. The term of the Planning Commission student member is changed for similar reasons.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. Adoption of Code Provision – The Newberg Municipal Code is amended as follows (changes are underlined):

Article IV. Planning Commission, 2.15.240 Term of Office

A. Members of the planning commission shall be appointed by the mayor with the consent of the city council for a term of three years from the first calendar day of the year. The appointments of some members shall be for other than specified terms in order to establish an approximately equal expiration of terms each year. The term of the student member will begin June 1st of each calendar year and end May 31st of succeeding calendar year with reappointment not to exceed three years. Members of the planning commission shall continue after expiration of their term until such time as their successors are appointed.

2. All other Provisions of Article IV - Remain in full force and effect.

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

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of March, 2013, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 7th day of March, 2013.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: March 4, 2013

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

SUBJECT: Motion to endorse the Mayor sending a letter to Yamhill County requesting that they adopt the South Industrial UGB amendment

Contact Person (Preparer) for this Motion: Barton Brierley, AICP
Dept.: Planning and Building
File No.: UGB -09-001

(Continued from January 22, 2013 at point of deliberation)

RECOMMENDATION: Move to endorse the Mayor sending the attached letter to the Yamhill County Commissioners requesting that they adopt the South Industrial urban growth boundary (UGB) amendment.

EXECUTIVE SUMMARY: The attached letter requests the County Commissioners approve the South Industrial UGB amendment previously approved by the Newberg City Council.

The Newberg City Council adopted the South Industrial UGB amendment in August, 2012. The Yamhill County Commissioners met on December 6, 2012, to consider the amendment. They made two requests of the City: (1) to include the County's recently adopted population forecast, and (2) to consider dividing the UGB amendment into two parts. The commissioners did not make any other requests or identify any other issues they would like considered.

The population forecast was adopted through a separate ordinance. The attached letter responds to the second request, and asks the County to adopt the UGB change as a single amendment.

STRATEGIC ASSESSMENT: The South Industrial UGB amendment helps achieve many of the city's goals and visions, including the following:

Newberg vision statement: "Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity."

Newberg Comprehensive Plan Goal H: "To develop a diverse and stable economic base."

Newberg Comprehensive Plan Policies under Goal H:

2.a) "Industrial expansion shall be located and designed to minimize impacts on surrounding land uses;"

2.c) "Newberg shall actively pursue the inclusion of large industrial sites within the urban growth boundary;"

2.d) "The City shall undertake specific activities to encourage the growth of existing businesses, to encourage a diversity of businesses, and to attract new businesses to the community in industries that will provide local employment opportunities consistent with community needs and goals;"

2.f) "Concerted community efforts should be made to see that industrial development expands outward from existing areas rather than occurring in haphazard patterns;"

2.g) “The City shall identify land that will provide for expansion of existing businesses and/or attract new businesses and shall reserve that land for future industrial development that is consistent with community needs and goals.”

Keeping the application as a single amendment is the most beneficial option for the community for the reasons explained in the attached letter.

Attachments:

Draft letter to commissioners

414 E. First Street
P.O. Box 970
Newberg, OR 97132



503-537-1261
Fax 503-537-5013

OFFICE OF THE MAYOR

March 5, 2013

Yamhill County Commissioners
535 NE Fifth Street
McMinnville, OR 97128

Dear Commissioners:

RE: Newberg South Industrial UGB Amendment

The Newberg City Council has adopted the South Industrial Urban Growth Boundary amendment, and has adopted the modified population forecast as you have requested. We now ask that you also adopt the UGB amendment. We would like to share some information that we hope will help you in making your decision.

Newberg's Industrial Land Planning

First, we would like you to know that this urban growth boundary amendment is the result of a very deliberative process with substantial public involvement.

Beginning in 2004, we engaged in an extensive public involvement effort, led by a citizen committee, the Ad Hoc Committee on Newberg's Future. The committee held over 50 meetings and public events to solicit input on the type, amount, and direction of future development in the community. The committee considered employment needs, residential needs, needs for community services, and ways to keep Newberg a great place to grow. Among many recommendations, the committee recommended that, "Industrial development should support reasonable and well-planned growth, and provide a complete community where people can live and work." After considering available options, the committee recommended that the city expand the existing South Industrial area on Wynooski Street and add additional land along Highway 219.

In 2006, the city adopted an Economic Opportunities Analysis that was acknowledged by the State, and that showed a need for additional industrial land for the community.

In 2008, we had discussions with the DLCDC Director and staff about the best way to proceed to meet needs for industrial land. The DLCDC Director and staff strongly encouraged us to pursue an urban growth boundary amendment in the South Industrial area, and committed to help us with the process.

In 2009, the City developed the South Industrial Area Master Plan, containing plans for streets, utility service, zoning, environmental protections, and other information to make the South Industrial area viable. This plan was developed in conjunction with DLCDC, ODOT, other state agencies, Yamhill County Public Works, industrial development experts, land development experts, community members, and many more.

In 2009, the City adopted a new large lot industrial zoning district to apply to lands within the South Industrial area.

In 2010, the city received a grant from the Department of Land Conservation and Development to develop a financing plan for the South Industrial area. Again with consultation of state agencies, experts in industrial land development, community members, and others, we developed a plan to insure development of the area is financially feasible.

We also have engaged in extensive planning in related efforts, such as development of an affordable housing action plan. One strategy of the plan is to encourage economic development so that individuals can afford a place to live. Adopting the South Industrial UGB amendment will help to achieve this goal and many other community goals.

We would like you to know this is a process that we have taken very seriously, and that we feel is supported by and in the best interests of the community.

The UGB amendment complies with statewide planning goal and laws

Second, we would like you to know that the proposed UGB amendment complies with state law. We wouldn't propose it if it didn't. We have worked very carefully with DLCDC staff, expert professionals and legal staff to prepare amendments that meet the standards of law.

State law requires cities to have an adequate supply of industrial land. ORS 197.712 (c) requires that "Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies." Statewide Planning Goal 9 and the Goal 9 rule echo this requirement. It is our duty under law to make sure the community has the industrial land it needs, and the UGB amendment provides for it.

State law provides a process for including appropriate employment land within the UGB, and we have followed that process. We are not asking for goal exceptions or variances; we are proposing to meet state planning goals and state law, and to fulfill state requirements to have an adequate employment land supply.

Your welcomed suggestions

Third, we would like to let you know that we have welcomed and given serious consideration to your two suggestions regarding the UGB amendment.

Your first request was that we include the recently adopted county population forecast into the findings. We have done that. We appreciate your effort in contracting with Portland State University to provide this updated population forecast. We ask that you continue to update the forecast for future projects.

We are providing you copies of a few minor changes to the UGB amendment findings that show the updated population forecast. The updated population forecast is higher than the safe harbor forecast we previously used. We have not chosen to increase the size of the UGB amendment based on this change; the forecasted employment, land need, and area to be included have remained the same as the previously adopted amendment. This is because our employment forecast is not directly tied to a particular population growth rate. The adopted Economic Opportunities Analysis projects future employment based on documented information on regional employment forecasts and historic employment growth. See pages 29-32 of the Economic Opportunities Analysis.

We felt this was a more accurate way of forecasting future employment for a number of reasons. Most notably, we would like to provide employment opportunities for those who already live in Newberg but who are unemployed, or who currently work outside the community. Jobs are not just for those moving in. Also, Newberg is not an island: we are connected in many ways to the surrounding area. Thousands commute in to Newberg to work every day. The updated population forecast will provide greater opportunities for those already working here to someday make Newberg their home. State law recognizes and supports this method of forecasting. OAR 660-024-0040(5) states, “ * * * Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth. * * *”

Your second request was that we consider dividing the UGB amendment into two parts. We understand the intent of your suggestion was perhaps to expedite part of the UGB amendment. We appreciate the suggestion; as we certainly are committed to expediting the process. However, we don't anticipate dividing the amendment would expedite the process; rather, it could further delay it.

For background, we did meet with opponents several months ago and had serious discussions over several meetings to try to find common ground. Unfortunately we did not find any agreements that would be in the community's best interests and also avoid appeals.

Friends' current proposal is not simply to divide the UGB into two separate applications: it is to exclude certain properties (containing about two-thirds of the buildable land), and to change the factors and criteria so those excluded properties could not be included anytime in the foreseeable future. They have suggested instead redesignating certain apartment and commercial sites, but those cannot reasonably accommodate industrial uses. Thus the only available options for industrial land would be scattered sites that are not suitable for industrial uses. Hopefully you can see why this is not an acceptable solution in either the short or long term.

We also have spoken with the proponents, including major landowners in the area. They shared with us a very clear desire that the UGB amendment not be divided into separate applications. They feel, as we do, the UGB amendment meets state law, meets the needs and desires of the Newberg community, and ultimately will be in Newberg's best interests. None of them are out to make a quick buck: they share our desires that Newberg be a desirable community where people can work, live, shop, and play, and they are anxious to help us make this vision a reality. While they are frustrated by the delay, they understand we all are in this together for the long

haul, and they don't want to sacrifice the long term good of the community.

As a technical matter, while a UGB amendment can be divided into parts, you must divide it in a way that complies with state law. Adopting a UGB amendment that excludes the properties the opponents suggested does not comply with state law, so we cannot adopt it. This is because state law requires the decision of which lands of a particular priority class to include in the UGB be based on balancing of certain factors, known as the Goal 14 location factors. The properties opponents suggested excluding are in fact those properties that best meet the location factors. By law they must be included prior to other lands.

Also note that we already have divided the South Industrial area into two parts. The South Industrial Area Master Plan covers more area than that included in the current UGB amendment. We only have asked for a portion of the area to be included through this UGB amendment process: the portion needed for the 20-year planning period. Inclusion of any additional land covered under the plan would be considered under a future project. Note that industrial land planning is different than residential land planning, as you can't count on a certain number of acres being used consistently every year. A "5-year supply" can really be a "0-year supply" if it isn't available and the size, type, and location of land that prospective businesses are looking for.

We look after the best interests of the community in the long term, as we know you do. While we know this isn't a quick fix, we believe it is in the best interests of the community to proceed with the amendment as one application, and ask that you approve it as such.

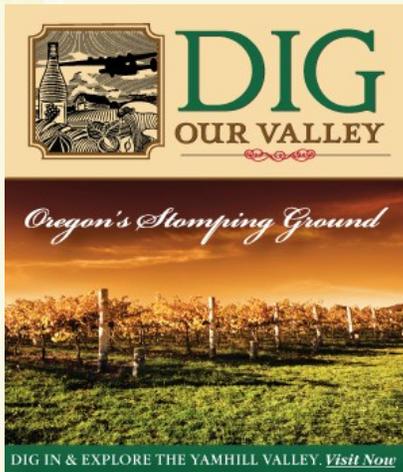
We appreciate your consideration, and look forward to your approval.

Sincerely,

Bob Andrews, Mayor
City of Newberg

Chehalem Valley Chamber Visitors Center Report

December 2012



The Chehalem Valley Visitor Center has joined Travel Yamhill Valley as a sponsor of their "Dig our Valley", promotion. The shoulder season promotion is designed to bring tourists to the area during the slower winter months. Check out the website at www.digourvalley.com to check out the special offers. Local participants include: The Painted Lady, Subterra, Recipe and LePuy Wine Country Inn.

Tourism Marketing Contributes to Local Tax Revenues

In 2003, Oregon faced one of its highest unemployment rates in history. Eager to create new opportunities for Oregonians, the **Oregon Tourism Investment Proposal** was created, enacted and signed into law. The bill made tourism and hospitality a pillar of Oregon's economy by reinvesting 1% of lodging revenue back into tourism development and marketing. Visitors generate significant spending, lawmakers reasoned, and businesses may look to relocate to Oregon after executives vacation here. With proper support, they believed tourism would be a powerful tool to bolster the state's flagging economy.

The results:

\$1.00 in State Marketing = \$193.00 in Visitor Spending

And

\$1.00 in State Marketing = \$8.00 in new state and local tax revenue

Source: Longwoods Research

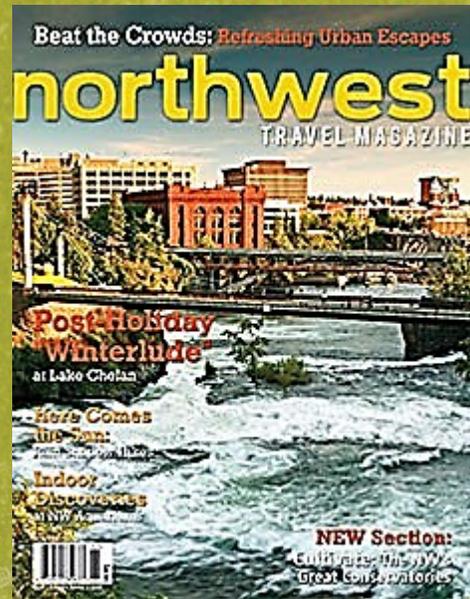
Newberg Featured in Travel Oregon Web Campaign

The Chehalem Valley visitor center is now marketing Newberg through a paid campaign on Travel Oregon's powerful website. The powerful tourism site has proven traffic and delivers 2.2 million unique visitors and more than eight million page views per year. The banner ad links directly to The Chehalem Valley Chamber Visitor pages. Currently the Visitor pages are the most frequently visited part of the Chamber website after the main landing page.



ODMO Conference Held at The Allison

The Oregon Destination Marketing Association held their Winter Conference at The Allison in December. ODMO is comprised of over 50 tourism marketing professionals that work collectively to market their travel destinations throughout Oregon. The convention provides members the opportunities to share "best-practices" and hear subject experts provide insight on effective destination marketing.



Chehalem Valley Visitor Center to Promote Newberg in Northwest Travel

Newberg will be featured in an upcoming advertising campaign in Northwest Travel Magazine starting with the upcoming March/April edition.

Northwest Travel Magazine has 105,000 readers in WA, OR, ID & Northern California. It is distributed by subscription and through over 550 retail locations throughout the Pacific Northwest. The ad cost is reasonable and the reader demographics are a great fit for our target market.

In addition to paid advertising we will be hosting the editor of Northwest Travel for a familiarization tour of Newberg in early March. I am hopeful that the hosted 48 hour tour will result in a feature story about Newberg as a tourist destination in an upcoming issue of the magazine.

**Newberg Visitor Information Center
2012 - 2013 Fiscal Year
Second Quarter Report
(October - December 2012)**

	Q2	YTD 12-13	Budget
REVENUE:			
City of Newberg	\$43,979.13	\$67,979.13	\$109,979.00
Newberg Chamber contribution	\$1,234.41	\$24,048.96	\$54,500.00
TOTAL REVENUES:	\$45,213.54	\$92,028.09	\$164,479.00
EXPENSES:			
Personnel	\$10,827.53	\$28,755.53	\$52,000.00
Marketing	\$2,095.00	\$9,837.50	\$41,500.00
Overhead/Utilities, etc.	\$8,714.01	\$29,858.06	\$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:	\$45,213.54	\$92,028.09	\$164,479.00

ODMO Budget/TRT Survey 2012

DMO -Tourism Budget	Total FY13 Tourism Budget	Ttl FY13 TRT Revenue to Bureau	Jurisdiction	TRT/TLT Rate	Total Jurisdiction TRT	% to DMO
Albany Visitors Association	\$ 338,900	\$ 338,900	City of Albany	9%	\$ 698,390	49%
Baker County	\$ 185,000	\$ 185,000	Baker County	5% nov-Apr 7% May-Oct		
Bandon Chamber of Commerce	\$ 158,200	\$ 158,200		6%-City		
Chehalem Valley Chamber of Commerce	\$ 164,479	\$ 109, 979*	City of Newberg	6%	\$ 416,656	25%
			*Includes prior year true-up amnt			
Coos Bay/ North Bend	\$ 235,000	\$ 235,000	Coos Bay, NB, Coquille Indidan Tribe	7% - cities, 8% tribe	\$ 875,000	27%
Discover Klamath	\$ 339,615	\$ 305,850	Klamath County	8%	\$ 1,500,000	20%
Grants Pass Tourism	\$ 307,862	\$ 280,600	City of Grants Pass	9%	\$ 951,000	30%
Lincoln City VCB	\$ 2,065,055	\$ 1,333,023	Lincoln City	9.50%	\$ 2,410,244	55%
Seaside	\$ 513,600	\$ 513,600	City of Seaside	8%	\$ 2,720,000	20%
Travel Lane County	\$ 1,727,691	\$ 1,475,241	Lane County	9 or 9.5% ind. cities	\$ 7,242,202	20%
Travel Medford	\$ 612,815	\$ 609,690	City of Medford	9%	\$ 2,438,760	25%
Travel Salem	\$ 652,950	\$ 479,000	Marion & Polk Cnties	9%	\$ 2,500,000	19%
Travel Portland	\$ 8,958,713	\$ 6,838,974	Portland / Multnomah County	6%-Portland, 5.5% county		
Visit Bend	\$ 1,260,000	\$ 1,100,000	City of Bend	9%		30%
Visit Corvallis	\$ 383,120	\$ 371,290	City of Corvallis	9%	\$ 1,240,000	30%
Visit Roseburg	\$ 412,000	\$ 406,000	City of Roseburg	8%	\$ 709,170	57.25%
Union County	\$ 126,504	\$ 98,000	Union County	LaGrande = 6% UC=3%	\$ 254,318	38.50%
Washington County	\$ 2,900,000	\$ 2,300,000	Washington County	9%	\$ 7,666,667	30%