CITY OF NEWBERG CITY COUNCIL MINUTES
NOVEMBER 21, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held prior to the meeting debriefing the Council on the election held November 8, 2011. 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
	Marc Shelton	Wade Witherspoon	Bart Rierson	

Staff Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma I. Alley, City Recorder
	Janelle Nordyke, Finance Director	Jennifer Nelson, Minutes Recorder

Others Present: Cathy Stuhr, Pat Haight, and Mike Boyes.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. APPOINTMENTS

1. Consider a motion appointing Jack Reardon and Lon Wall to the Budget Committee for terms expiring December, 2014.

MOTION: Rierson/Shelton appointing Jack Reardon and Lon Wall to the Budget Committee for terms expiring December 31, 2014. Motion carried (7 Yes/0 No).

2. Consider a motion appointing Cathy Stuhr and Phil Smith to the Planning Commission for terms expiring June, 2014.

MOTION: Rierson/McKinney appointing Cathy Stuhr and Phil Smith to the Planning Commission for terms expiring December 31, 2014. Motion carried (7 Yes/0 No).

V. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reported the Newberg Animal Shelter Friends (NASF) will be holding their annual Pictures with Santa for Pets fundraiser; the volunteer firefighters will be working this weekend to put up the Christmas decorations on the light poles; the Local Governments Dinner will be held on December 8, 2011; and the annual Holiday Tree lighting and the Newberg Downtown Coalition (NDC) Holiday Street Extravaganza will be held simultaneously at the library on December 1, 2011.

VI. PUBLIC COMMENTS

Ms. Pat Haight expressed hurt and anger regarding comments made by the Mayor and Councilor Bart Rierson on the audio recording from the previous Council meeting about her complaints about Christmas lights for City Hall. She felt the comments were trashy and hurtful. She said they need to examine their thoughts about the people they serve. Councilor Rierson offered his sincerest apologies and said the comments were inappropriate. Mayor Andrews thanked her for her comments and also apologized for the inappropriate comments.

Mr. Mike Boyes spoke of the failed initiative measure and his support for it. He spoke of Ms. Haight being his sister and although they do not always see eye-to-eye he did agree with her previous comments about the railroad tracks by SP Newsprint and agreed they were unsafe; he wondered why they had not been fixed yet. He also spoke of two Habitat for Humanity homes being built on 5th and River Streets commenting they were too close together and about pavers in the front yard being used for a driveway; he said he hoped it did not turn into a slum area and it just does not look good. He said low cost housing is not always well managed. He also spoke of driving out by Oxberg Lake Estates and the intersection work with roundabouts that has been done there; he said this area also does not look good. He referred to a news article in The News Register about reckless planning and the City building walls. Finally, he addressed the comments made on the audio recording about his sister, Ms. Haight, and said if they are not going to turn off their microphones then they should at least take the comments off the audio recording if it has not been done already. He also agreed with her, Christmas lights should be put up around City hall and said the City has ninety some employees with great benefits that could do it.

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2978** extending the City's workers' compensation insurance coverage to volunteers.

This item was pulled from the Consent Calendar and discussed under New Business.

2. Consider a motion approving October 3, 2011, City Council minutes.

TIME – 7:23 PM

MOTION: Witherspoon/Bacon approving the Consent Calendar including the City Council minutes from October 3, 2011. Motion carried (7 Yes/0 No).

VIII. PUBLIC HEARINGS

Consider a motion approving **Resolution No. 2011-2980** adopting revised City Council District Boundaries.

TIME – 7:24 PM

Mayor Andrews introduced the resolution and passed the gavel to Council President Bart Rierson to preside over the hearing.

Councilor Rierson called for any conflicts of interest or abstentions. Councilor Rierson asked about a potential conflict of interest for himself and Councilor Wade Witherspoon since they may share a district based on the outcome, but he would not be basing his decision on this. Councilor Witherspoon agreed with his statement. Mr. Terrence Mahr, City Attorney, clarified there were no financial interests in this matter and they were the only ones as council members who can make the decisions, so there were no conflicts.

Mr. Barton Brierley, Planning and Building Director, presented the staff report (see official meeting packet for full report).

Councilor Witherspoon asked what the significance was for splitting the Springbrook Properties area into two districts. Staff replied there were several hundred homes in that area and under Scenario 6, both Districts 4 and 5 would grow a bit, under Scenario 5 all the growth would be in District 4 and the potential to be out of balance would be quicker. Councilor Witherspoon asked if the split would be advantageous. Staff replied it would be as well as the fact the terms of expiration are different for him and Councilor Rierson.

Councilor Stephen McKinney spoke of this being the area with the greatest potential for disruption in numbers and asked if the disruption would require further redistricting. Staff replied there were slightly fewer electors under Scenario 5 and District 4 will become much larger upon the development of the Springbrook Properties; under Scenario 6, both Districts 4 and 5 will become somewhat larger and would need redistricting sooner.

Mr. Mahr took a moment to remind everyone these options for districting may look nice, but Councilors are still elected at large and do not represent a single district, but the City at large; they are just nominated from a district. He said this lowers the impact of the numbers and the size of the districts.

Mayor Andrews said he understood the significance of the districts, not in the representation as a district, but in the way it is defined by the citizens to ensure a reasonable spread of representation for purposes of nominating. Staff added this is only the formal reason; informally each councilor gets issues from the certain part of town in which they reside.

Councilor Shelton clarified that to do away with the districts would take a vote of the citizens because it is in the Charter. Mr. Mahr said this is correct and it was put in there because council members had become clustered and not spread out. Councilor Shelton spoke of Councilor Denise Bacon receiving a lot of calls when the Oregon Department of Transportation (ODOT) was looking at properties for the Newberg-Dundee Bypass as an affirmation of that informal relationship for citizens to call the councilor in their district.

Mayor Andrews asked about this issue of neighborhoods regarding the two scenarios. Staff said no one scenario could ever meet each provision ideally, but they felt in areas like a neighborhood there were concerns for divisions, but they had to occur because a line had to be drawn. Mayor Andrews continued discussions with staff regarding divisions between neighborhoods and districts in the scenarios and summarized of the two provisions, Scenario #6 appeared to give the most flexibility or resolve for potential future issues with growth. Staff agreed Scenario #6 accommodates for future growth for the next ten years without the need to redistrict.

Councilor Rierson opened and closed the public testimony as none appeared. Staff made their final recommendations for either Scenario 5 or 6 and recommended language to reflect that choice in the resolution.

Councilor McKinney asked about the effects of either scenario for District 2 regarding the Housing Authority's plans for development along Meridian Street and other future expansions and its effect on the numbers. Staff replied under Scenario 5 or 6 there would be balance for this.

MOTION: Shelton/Andrews approving **Resolution No. 2011-2980** adopting revised City Council District Boundaries Scenario 6, including all accompanying reference language into the resolves and the Scenario 6 map as Exhibit "A" of the resolution.

Councilor Shelton said he supported the motion for the flexibility for growth by splitting Districts 4 and 5 and the potential to get through to 2030 without needing to redistrict.

Mayor Andrews was also supportive of Scenario 6 by what Councilor Shelton expressed and because he believes it provides greater stability for continuation of the districts in the future; it does not impugn neighborhoods and gives credibility to future development and balances future distribution.

Councilor Shelton said he appreciated the work staff did with maintaining the current districts even though they are not historically traditional other than since 1995; he appreciated them trying to match them as closely as possible.

Councilor Rierson said he prefers Scenario 6 out of all of them because it gives them the most flexibility for future growth and accommodates so there may not have to be a redistricting. He also believes it does a better job of not dividing neighborhoods and gives geographical boundaries that are easier to explain to the citizens.

VOTE: Approving **Resolution No. 2011-2980**. Motion carried (6 Yes/1 No [McKinney]).

IX. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2011-2978** extending the City's workers' compensation insurance coverage to volunteers.

TIME – 8:01 PM

This item was pulled from the Consent Calendar.

Councilor Ryan Howard said he had some concerns with the fiscal impact and he would prefer to have the fiscal impact of the policy stated even if the impact is negative and in continuation of current policies he would like to see that for this resolution.

MOTION: **Howard/Shelton** to table **Resolution No. 2011-2978** extending the City's workers' compensation insurance coverage to volunteers to the December 19, 2011, City Council meeting.

Mayor Andrews also spoke of the issue of coverage to Council as they are technically employees under workers' compensation, not just the tax code; he wanted to make sure Council members were protected. Ms. Janelle Nordyke, Finance Director, stated since they are bringing this back they will include this amendment and discuss it at the next meeting.

Councilor Howard added on the application there is a question of whether Council or Mayors would be covered, but it can be discussed when it comes back. Councilor Shelton said as the second for the motion he would prefer to have this included in the Request for Council Action (RCA).

Councilor McKinney agreed Council is defined differently in many areas and it would be nice to know.

Mr. Mahr said they can discuss this specific question with the City's insurance company and discussed the distinctions between employees as public officials vs. elected officials and how they are treated differently.

Councilor Rierson added to the discussion the difference between when a Councilor leaves the position before the term ends and another is appointed to the position, which is different from being elected for the full term.

VOTE: To table **Resolution No. 2011-2978** to the December 19, 2011, City Council meeting, including addressing the issue of whether or not the status of the Council is covered under the workers' compensation. Motion carried (7 Yes/0 No).

XI. COUNCIL BUSINESS

TIME – 8:11 PM

Councilor Shelton wished to briefly discuss the draft proposal to support the Newberg-Dundee Bypass Phase 1 that was passed on October 3, 2011, that he was unable to attend. He mentioned the need for Dundee to be pushed to make some renovations as the City of Newberg has to improve the traffic situation on 99W.

Mayor Andrews said the resolution was for support to go after additional funding at the federal level and recognizing there would be local contributions. Councilor Shelton said there are no guarantees from ODOT for the reduction of truck traffic and this concerns him. Discussions continued about the pros and cons as well as the need for Dundee to consider making some concessions like expanding to four lanes downtown.

Councilor Shelton also wished to go on record to say he appreciated Councilor Rierson and Mayor Andrews' apology to the citizen and added that statement was one that all the council made because it was in their public meeting and picked up on a microphone. He felt they all also needed to say on the record that they heard it and did not say anything in response to it either. He spoke of the need to apologize as well to Ms. Haight and that although they say things off the cuff this is a reminder of respect and protocol and to hold others in high regard; he appreciated the apology.

XII. ADJOURNMENT

The meeting adjourned at 8:34 PM.

ADOPTED by the Newberg City Council this 3rd day of January, 2012.

Norma I. Alley

Norma I. Alley, City Recorder

ATTEST by the Mayor this 5th day of January, 2012.

Bob Andrews

Bob Andrews, Mayor