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**City of Newberg**

**City Council**

**February 1, 2021**

Meeting held electronically due to COVID-19 pandemic

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**WORK SESSION –**

Meeting called to order at 6:00 p.m.

Councilors Present: Mayor Rick Rogers, Councilors: Denise Bacon, Elise Yarnell Hollamon, Stephanie Findley, Julia Martinez Plancarte, Bryce Coefield, and Mike McBride.

Staff Present: City Manager Dan Weinheimer, City Attorney James Walker, City Recorder Sue Ryan, and Economic Health Manager Shannon Buckmaster.

**WORK SESSION:**

Newberg Economic Development Strategy Update:

Economic Health Manager Buckmaster presented the 2020 Newberg Economic Development Strategy Annual Report. It includes: community vision project, economic development priorities, livability and development priorities, COVID-19 priorities, progress on strategies for industrial sector, commercial sector, business and workforce development, Downtown Newberg, tourism and hospitality, and evaluation of 2020 Council Goals. She reviewed the 2021 NEDS Goals.

There was discussion regarding the integration of the Council Goals, reducing truck traffic on the downtown corridor, and working with George Fox University and the Newberg School District.

Committee changes youth presentation:

Student Planning Commissioner Colin Bolek presented on student representation on city committees. The Council discussed: committees that did not have student positions, incentives to attract youth, legislative changes, and outreach.

**BUSINESS SESSION:**

Councilors Present: Mayor Rick Rogers, Councilors: Denise Bacon, Elise Yarnell Hollamon, Stephanie Findley, Julia Martinez Plancarte, Bryce Coefield, and Mike McBride.

Staff Present: City Manager Dan Weinheimer, City Attorney James Walker, City Recorder Sue Ryan, Assistant City Manager/Human Resources

Director Kezia Wanner, Public Works Director Russ Thomas, City Engineer Kaaren Hofmann, and Interim Finance Director Rob Moody of Merina & Company.

Meeting called to order at 7:00 p.m.

**CITY MANAGER'S REPORT:**

City Manager Weinheimer reported on the Strategic Government Resources Civic Leadership Conference, budget preparation, League of Oregon Cities Day at the Capitol, and letter regarding COVID-19 vaccinations. The Council discussed: COVID-19 vaccines and availability, and a joint letter of support reminding Yamhill County to include Newberg, having the City Attorney present monthly on legal issues.

**RECOGNITIONS:** Black History Month proclamation:

Mayor Rogers proclaimed February 2021 as Black History Month.

**COMMITTEE APPOINTMENTS:**

Action: To ratify the Mayor's recommendation to form a Council subcommittee of Mayor Rick Rogers, Council President Stephanie Findley, and Councilor Denise Bacon for a term of February to September 2021 to review the city's committee system and make recommendations to the Council for adoption at a future date.

Motion: Councilor McBride  
Second: Councilor Yarnell Hollamon  
Vote: 7 Yes 0 No

**PUBLIC COMMENTS:**

Mayor Rogers read the submitted written public comments from Robert Soppe, Newberg resident (Exhibit A).

**CONSENT CALENDAR:**

Action: To approve the Consent Calendar including Resolution 2021-3715, A Resolution to authorize the City Manager to enter into a Capital Improvements contract with First Cascade Corporation, LLC for WWTP Admin Remodel project for \$260,530; and direct the City Manager to sign a letter of support of Oregon House Bill 2344, a bill that would require the labeling of Wet Wipes as "Do Not Flush" in a statewide effort to reduce the impacts of Wet Wipes on wastewater systems. City Council also authorizes a representative from the Public Works Department to testify about the City's experience with Wet Wipes and their impacts to our wastewater system at the House Water committee hearing if requested to do so.

Motion: Councilor Findley  
Second: Councilor Martinez Plancarte  
Vote: 7 Yes 0 No

**NEW BUSINESS:** WWTP Sawdust Bays Contract ( Item pulled from Consent for questions)

There was discussion on:

- The contract being over the projected budget amount.
- Cost savings from another wastewater project paying for this project.
- Additional four bays would provide capacity for the next 20 years.

Action: Resolution 2021-3716, A resolution to authorize the City Manager to enter into a Capital Improvements contract with R.L. Reimers Co. for the Newberg WWTP Sawdust Structure Project for \$579,375.

Motion: Councilor Findley

Second: Councilor Bacon

Vote: 7 Yes 0 No

**COUNCIL BUSINESS:**

Happy Birthday Traffic Safety Commission – The Commission was created on February 5, 1974 and was 47 years old. TSC Chair Tony Roos thanked the volunteers, and discussed their 2020 accomplishments and recent work.

EXECUTIVE SESSION ORS 192.660 (2) (H)

Start: 7:43 p.m.

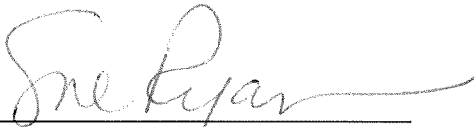
Stop: 8:21 p.m.

Councilors Present: Mayor Rick Rogers, Councilors: Denise Bacon, Elise Yarnell Hollamon, Stephanie Findley, Julia Martinez Plancarte, Bryce Coefield, and Mike McBride.  
Staff present: City Manager Dan Weinheimer, Assistant City Manager/Human Resources Director Kezia Wanner, City Attorney James Walker.

Others present: CIS Attorney Tracy McGovern, Miller Nash legal associate Erin Burris.

Topic: Current lawsuits

Meeting adjourned at 8:21 p.m.

  
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Sue Ryan, City Recorder

**ATTEST:**

  
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Rick Rogers, Mayor

To the Newberg City Council:

I would like to raise an issue to the Mayor and the 4 members of the Council who were present at the 12/21 meeting. As you may recall, at that meeting you unanimously approved the Resolution to award the City Attorney Services contract.

In the Resolution's "Resolves" section was the following item: "4. The Contract is attached as Exhibit A". Tonight I would like to ask those Council members who approved the Resolution on what basis they approved this item which was clearly false. As I stated in written testimony delivered well before the Council-designated deadline, the Contract was not, in fact, attached as claimed in item 4. Subsequent communications with the City Manager and with the Mayor have revealed that the Contract did not even exist at the time that the Council "approved" it with this Resolution. Why would the Council approve a Contract that it had not seen yet (because it didn't exist) and falsely claim that it was attached?

There is nothing in the original Resolution to address this discrepancy, nor did any Council members address it at the meeting, despite it having been raised to their attention. While there is a vague statement about "trade secrets", it specifically referred to the rates and not to the Contract. The Contract, had it existed at the time, could have been attached with the rates redacted. The Resolution also makes no mention of excluding either based on the "trade secrets" claim.

Does the Council consider it appropriate to approve a Resolution with a Resolves item that falsely claims to have a Contract attached when the Contract neither exists nor was attached? I wouldn't have thought so, but five of you apparently considered it acceptable. That is of very great concern to me.

Secondly, as I noted in my written testimony, I think that the claim of "trade secrets" is questionable and does not justify the lack of disclosure without further argument under the ORS mentioned. I'm very surprised that the Council felt that this warranted no comment at all. I'd be very curious to hear what legal opinion the City Attorney provided to the Council on this issue, but know better than to expect a response to that.

Thank you for your consideration of my comments

Robert Soppe

2/1/2021

City Council Meeting

Date: 2/1/2021

Re: City Attorney contract

Topic: Public Comments

Robert Soppe