

**MINUTES OF THE NEWBERG CITY COUNCIL
APRIL 19, 2004
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

I. CALL MEETING TO ORDER

Mayor Stewart called the meeting to order at 7:00 p.m.

II. ROLL CALL

Bob Andrews	Roger Currier
Bob Larson	Mike McBride
Doug Pugsley	Robert Soppe

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was administered.

IV. PRESENTATION BY FIRE DEPARTMENT:

Award to be given to Charli Woodard

Mayor Stewart thanked Ms. Woodard for administering medical assistance to her grandmother. Members of the Newberg Fire Department were in attendance.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Darlyn Adams, 131 Johanna Court, Newberg, presented the Animal Shelter Friends report. She had knee surgery and is back. The celebration for reaching \$100,000 in contributions was enjoyed by all who attended the festivities. They received \$181 from sales of raffle tickets. The Mega Wags and Whiskers yard sale will be held at the Zion Lutheran Church, located at Third and River, on Friday and Saturday. There are numerous items for sale with home baked goodies. They hope to raise \$5,000. Total to date is \$104,366.00. The donation containers have totaled \$6,945. They have a 12 foot skip which needs a paint job for sale for \$20.

VI. CONSENT CALENDAR

None.

VII. PUBLIC HEARING

None.

BUSINESS MEETING SECTION

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

1. Consider **Resolution No. 2004-2491** authorizing the extension of the interim financing agreement and note for the Crater Lane Local Improvement District.

Kathy Tri, Finance Director, presented the staff report. They are preparing to pay the final costs and make the final assessments for the LID. Interim financing was to be repaid in May. However, it will not be until the summer. They went back to US Bank and said they could extend the interim financing agreement for 6 months.

Councilor Larson asked if the interest rate is 1.65% and will remain the same. **Ms. Tri** said yes.

Councilor Andrews addressed the use of the word “desirable” rather than “necessary” in paragraph (2) of the resolution. **Ms. Tri** said the bond counsel made the change.

City Attorney Terry Mahr said it gives broader discretion to the staff in completing the transaction. He will bring it to the bond counsel’s attention.

MOTION: Pugsley/Andrews to approve **Resolution No. 2004-2491** authorizing the extension of the interim financing agreement and the note for the Crater Lane Local Improvement District. (Unanimous). Motion carried.

2. Consider **Resolution No. 2004-2492** authorizing Traffic School as an alternative for the first time municipal traffic violators.

Kathy Tri, Finance Director, said the traffic school program has been very successful. There is no county or state assessment to pay on the revenue the City receives. The program currently applies to Class C and D misdemeanors. This would extend that to Class B misdemeanors at the request of the police officers. The program is for 1st time offenders with a 3 year clean driving record. They are also looking at a Spanish speaking traffic school. They also have a hand-out that the officers will be providing to the person receiving the ticket.

Councilor Andrews asked for clarification about the requirements to participate in the program. It is unclear whether it applies to only first-time offenders or also to prior offenders who currently have a three-year clean driving record.

Councilor Pugsley asked why the state is agreeable. **Ms. Tri** said that it reduces court costs. She also noted that it can save on auto insurance for offenders and is a good way of refreshing the skills of older drivers. Discussion was held concerning holding the traffic school for Hispanic speaking traffic offenders.

Councilor McBride asked for clarification of the 3 year clean driving record. **City Attorney Mahr** said they have a diversion program for other violators who have not had their driver's license for any length of time. With the traffic school, when a ticket is dismissed, the City does not have to pay an assessment to the State for the ticket. To add Class B misdemeanors to the program, the Council is has to authorize the change. When we look at careless driving cases, there are serious insurance implications for drivers who benefit from the traffic school alternative. The police officers are in favor of the traffic school and value the training and education it gives to traffic offenders.

Councilor Currier asked about the officers' court appearances. **Mr. Mahr** said that the officers do want their cases to go to court. In B, C and D classes, they generally do not show up, however. **Councilor Currier** said the ultimate goal was to get people to adhere to the laws. Careless driving is a serious offense, as well as driving uninsured, etc., and to take all those and wipe them out at the end of 3 years is a problem. **Councilor McBride** said they are normally taken off DMV after 3 years.

Ms. Tri said that when there is a charge of careless driving, they generally have other citations involved. If someone has a good driving record, it is worth it to send them to traffic school and not penalize them. **Mr. Mahr** said that these are only people with clean records and first time offenders. It will not go on their record. The traffic school keeps track of them and the jurisdictions are notified if the offenders do not complete the school. Discussion was held concerning obtaining information and access from other jurisdictions.

Councilor Larson asked about the length of time to complete the on-line system. If an offender can not read, can they attend a class?

Discussion was held concerning evidence of proof of attending traffic school and having a clean record for 3 years. **Ms. Tri** said that, on the application form on page 10 under the 4th bullet, it requires that no other citation has been received over the past 3 years. Discussion was held concerning the Judge using his discretion for traffic school and the eligibility of offenders. **Mr. Mahr** said the Judge could consult with officers and court staff on Class B offenders to determine their eligibility.

Councilor Andrews asked about the costs for the traffic school. If the school is not completed and the full fine is required, does the individual pay the non-refundable \$100 fee plus the \$40 class fee plus the full fine? Yes. They are penalized for not completing the school.

Councilor McBride asked about the \$16,000 in revenue expected to be received. **Ms. Tri** said it may be about \$25,000 by the end of the year.

Councilor Soppe asked if people have a right to go into the program or does the Judge allow it? If offenders qualify, does the Judge has to allow them? **Mr. Mahr** said it is granted at the discretion of the Judge depending on the circumstances.

Councilor Soppe said he has a problem with including all Class B violations. We need to sort through them and determine which ones should qualify.

Councilor Andrews said he would suggest revising the language of the resolution to clarify the eligibility requirements including for those who have a new license.

MOTION: Andrews/McBride to table Resolution No. 2004-2492 authorizing Traffic School as an alternative for the first time municipal traffic violators. (5 Yes/1 No [Soppe] Motion carried.

3. Consider **Resolution No. 2004-2493** requesting the support of the Confederated Tribes of the Grand Ronde in financing the construction of the Newberg-Dundee Transportation Improvement Project.

Mayor Stewart said the resolution would request financial support in construction of the bypass. A similar resolution was sent to other public agencies including the City of McMinnville for consideration. If all agreed, a presentation could be made to the Grand Ronde Tribes to accelerate the design and construction of the bypass. A large number of people using Hwy 99W are going to the casino which is emphasized in the resolution. They are required to give away money each year. He noted that some people did not want the Tribes to give money to Newberg.

Councilor McBride addressed not asking for a specific dollar amount from the Tribe. He looks at the bypass as benefitting everyone, not just the casino.

Councilor Pugsley said there are other programs who already receive funds from the Tribes.

Mayor Stewart said he was told that the Siletz Tribe was also donating funds.

Councilor Larson objected to casino funds being brought into the bypass project. It is gambling money. He provided two articles on how Spirit Mountain is suspending payments and will be doing a one year allotment.

Councilor Soppe was concerned about the amount or magnitude of the request. Discussion was held concerning determining how much was needed and officials making a presentation to the Tribes.

Councilor Andrews asked about lottery funding from the State of Oregon that goes to the public schools. **Councilor Larson** said the Newberg School District gets \$12-13,000 per year.

Councilor Currier said they have been here twice about building within the City. The City did not have enough land to accommodate them. The City of Portland and the Tribe are working toward some agreement. The payouts are suspended until the end of the year. Does this request take away from funding other programs like Head Start? This could eliminate a large part of the donations to smaller groups. He thinks that they will have a lot of people that are doing smaller projects offended.

Tape 1 - Side 2:

MOTION: Pugsley/Soppe to approve Resolution No. 2004-2493 requesting the support of the Confederated Tribes of the Grand Ronde in financing the construction of the Newberg-Dundee Transportation Improvement Project.

Councilor Pugsley said there are valid concerns about funding for smaller organizations, but the Tribes are required to donate a certain amount of funds annually. **Councilor Andrews** said the Tribes have their own criteria for deciding who gets funded and how much.

MOTION TO AMEND: Andrews to add the language “together with the cities of Dayton, Dundee and McMinnville and Yamhill County” to the resolution. **(Motion failed for lack of a second).**

Discussion was held concerning whether the other agencies were given a copy of our resolution to view. How many other entities would benefit from the Newberg/Dundee bypass? **Mayor Stewart** said that other cities, including Tigard and Tualatin would also benefit. Discussion was held concerning people that support the bypass - individuals and companies.

Councilor Soppe asked if the Tribe would be expecting something from the City later? **Mayor Stewart** said, if we ask for money and are successful, it does not make us beholden to the Tribes in the future. Any request would still need to be voted on by the Council and/or citizens.

Councilor Larson said he received quite a few calls from people concerning this issue.

Discussion was held concerning other revenue generating activities for the Tribes other than gambling/casinos. **Councilor McBride** said that they do have logging/timber enterprises. **Mayor Stewart** said the resolution provides approval to negotiate with the Tribes.

ROLL CALL ON MOTION: 4 Yes/2 No [Currier/Larson]. Motion carried.

4. Report from the Library Director on Library Issue Update.

Leah Griffith, Library Director, presented an update to the Council on the Newberg Library. She presented a booklet of information on the Library. She commended the City staff for their efforts.

- Services: increased demand for assistance from staff.
- Circulation: a lot of changes in the library with the new computer system. People are not staying home and volunteering as much. They have over 100 volunteers.
- Expansion of Children's Room: they need to do this, but it is a big project. They are looking to do it with donations and gifts. The long range planning committee will be reviewing the project. The Library Friends will be using the annex which is part of the civic corridor. They are partnering with the Downtown Association for showing movies.
- Technology: they are getting rid of old computers and are going to be using the millennium system. Staff will be migrating data and patron information to the new system with minimal problems. Discussion was held concerning training staff with new skills. Discussion was held concerning card catalogs. Discussion was held concerning tracking over-due fines.
- Staffing changes: they have had a number of changes. Staff is doing well, some recovering from illness. Continuous changes are occurring. The baby in the brochure is her great niece Lilly.
- Building: the building is paid for. They plan on having a mortgage burning when the kick-off happens for the children's wing. The carpet still has about another 10 years left. They have some painting and maintenance issues.
- Technology - they have received grants and received 13 computers at no cost to the city over the past few years. The computer person has been helpful in working with the computers. The Library has a 10 hour a week technician. Ms. Griffith addressed increasing funds for assistance in maintaining and/or replacement of the computers.

- Programming: has been very successful. Includes community support, movies, lectures, sessions on gardening, crafts programs, writer's groups. Children's services is a great group and plans a tremendous amount of programs both for fun and brain development for small children. Some programs are in Spanish. She hopes to develop staff members who are fluent in Spanish. Discussion was held concerning a high school student that is paid for working with the Library on translations. Ms. Griffith said that the Library has many volunteers to provide this assistance. She noted the homebound assistance and volunteer care givers. She consulted with the City Manager concerning adding an hour to the library schedule by extending hours to 5:30 p.m. on two days.
- Long Range Planning Cycle - The committee will be meeting through the summer to craft a mission statement, prioritize and develop services, and address the non-resident issue.

Councilor Soppe asked about the FTE positions. The Oregon Library Association requires additional staffing due to the 2 floors of library space. They do a lot of programming that the community responds to. Materials are adequate. They do a lot of collaboration with the community groups.

Councilor Andrews asked about how the library computer system was set up. Ms. Griffith said the main computer is down at the head office at Chemeketa Library and one of the benefits that we don't have to have to manage or maintain it. The Council commended Ms. Griffith on the information.

5. Consider **Special Ordinance No. 2004-2599** interpreting the Newberg City Charter to allow the Mayor to be considered part of the "Governing Body" for purposes of the local budget law (ORS 294.305 to 294.565), with an Emergency Clause.

Mayor Stewart said that, if the Mayor is going to participate on the Budget Committee, he should be able to make motions and vote, etc. He will not attend the Budget Committee this year if he is not able to be a part of it. Mayor Stewart left the meeting room.

City Attorney Mahr said that he has done some research on this issue and looked at the charters of other cities like Ashland and Woodburn which are similar to Newberg's. State budget law requires the Budget Committee to be made up of the governing body and an equal number of citizens. The City Council can interpret the City Charter and define what the governing body consists of for Newberg. The Mayor does vote in the event of a tie and is considered as a member at those times. He attends the meetings and provides input. If the Council determines the Mayor's position is part of the governing body, he said he could defend this.

Councilor Soppe said he was uncomfortable about redefining the City Council for this one purpose. He liked what Ashland has done: consider the Mayor as part of the governing body for purposes of the Budget Committee. He said on page 23, item number 1, if we drop the words "the City Council as used in the definition of" he does not have a problem with it.

Tape 2 - Side 1:

MOTION: Andrews/Pugsley read by title only **Special Ordinance No. 2004-2599** interpreting the Newberg City Charter to allow the Mayor to be considered part of the "Governing Body" for purposes of the local budget law (ORS 294.305 to 294.565), with an Emergency Clause.

MOTION TO AMEND : Soppe/Pugsley to delete the words “the City Council as used in the definition of” from paragraph 1. Paragraph 1 shall read as follows:

1. The City Council interprets its own Charter for the purposes of the local budget law and specifically for the membership of the Budget Committee to allow the Mayor to be considered as a member of the “governing body” as defined in ORS 294.311(19).

ROLL CALL ON AMENDMENT (Unanimous). Motion carried.

Councilor Currier asked why the ordinance was being brought before them at this time and why was it needed? The Mayor can be part of the budget discussion without voting. Discussion was held concerning increasing participation by having two more members on the Budget Committee.

Councilor McBride talked about the Mayor being a part of the Budget Committee, but not being allowed to vote on issues before the Budget Committee. Discussion was held concerning the Mayor having voting powers in the budget process. **Councilor Currier** said he was against creating an ordinance for this purpose.

Councilor Soppe said, in response to Councilor Currier’s comment about the ordinance, he recalled that the Council asked for an ordinance. He said the Mayor’s input was valuable. He thought it was important to have the Mayor involved. He has serious second thoughts about the Mayor’s comments about not showing up for the meetings if he is not a member.

Councilor Andrews asked about how we can add a citizen to the Budget Committee without having a change to the Charter. He also was concerned about the statements made by the Mayor.

City Manager Bennett said it would apply to all future Mayors. There need to be an equal number of elected and citizen members. The only way to add a citizen member is to make the Mayor a member.

Councilor Pugsley said he looked at the ordinance without respect to the present Mayor. Discussion was held concerning how other Mayors may or may not have shown up at the Budget Committee meetings. Discussion was held concerning adding another citizen member not just necessarily the Mayor, although he has many contacts with the public. **Mr. Mahr** said the law requires that there be an equal number of elected officials and citizens on the Budget Committee.

Councilor Currier addressed the Mayor’s comments about being able to vote and that they were rude and offensive to him.

Councilor Pugsley asked how often the Mayor has made such comments. His commitment to the City is strong.

Councilor Soppe asked about interest in serving on the Budget Committee. **Finance Director Tri** said it is better than for the Citizens Rate Review Committee. There have been more applicants.

City Attorney Mahr read the ordinance as amended by title only and said that the emergency clause requires a 2/3 vote of the Council to pass.

ROLL CALL ON MOTION AS AMENDED: (4 Yes/2 No [Currier/Soppe]). Motion carried.

X. EXECUTIVE SESSION

1. Executive session pursuant to ORS 192.660(1)(h) relating to pending litigation. (Health plan demand for repayment - potential litigation)

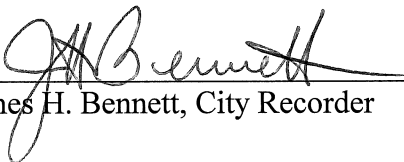
Executive Session was held during the Council's work session and was continued following the regular meeting at 8:48 p.m. No action was taken.

XI. ADJOURNMENT

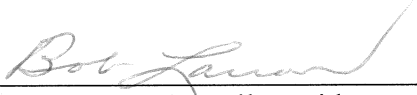
Mayor Stewart reconvened the meeting into open session at 9:33 p.m.

MOTION: Currier/Larson to adjourn at 9:33 p.m. (Unanimous). Motion carried.

APPROVED by the Newberg Council this 17th day of May, 2004.


James H. Bennett, City Recorder

ATTEST by the Council President this 19th day of May, 2004.


Bob Larson, Council President