

**CITY OF NEWBERG CITY COUNCIL MINUTES**  
**JANUARY 23, 2006**  
**6:00 P.M. SPECIAL MEETING**  
**PUBLIC SAFETY BUILDING - TRAINING ROOM**

**I. CALL MEETING TO ORDER**

Mayor Stewart called the meeting to order.

**II. ROLL CALL**

**Members**

**Present:** Mayor Bob Stewart                      Bob Andrews                      Mike Boyes  
Roger Currier                                      Mike McBride                      Dawn Nelson  
Robert Soppe

**Staff**

**Present:** James Bennett, City Manager  
Terrence Mahr, City Attorney  
Kathy Tri, Finance Director  
Barton Brierley, Planning and Building Director  
Norma Alley, Deputy City Recorder

**Others**

**Present:** Lon Wall

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**PUBLIC MEETING SECTION**

**IV. PUBLIC COMMENTS**

None

**V. CONSENT CALENDAR**

None.

**VI. PUBLIC HEARING**

1. Public Hearing to consider City Charter recommendations from the Charter Review Subcommittee.  
**Legislative Hearing**

**Terrence Mahr, City Attorney** presented a summary of the changes to the charter through a power point presentation to the Council.

**Councilor Currier** asked if this means someone could not get an initiative petition if they go and ask for annexation.

**Terrence Mahr, City Attorney** said that was correct.

**Councilor Soppe** asked, if someone had been convicted of a public offense ten years ago and it came to light, could they be removed from office. He assumed Section 32.b.6 was to mean while someone was in office.

**Councilor Andrews** said he interprets this section as affecting prospective applicants not as retroactive and suggested the language be clarified.

**Kathy Tri, Finance Director** suggested adding the word “orders” in Section 34.a and Section 34.e.3 to be consistent with the rest of the model charter.

**Councilor Boyes** asked if there is anything that states, after the manager is appointed, he has to live within the city limits.

**James Bennett, City Manager** answered that it is in his employment contract.

**Councilor Boyes** asked who else does that apply to.

**Mr. Bennett** said it is not required of any other staff, but is highly encouraged of department heads.

**Councilor Boyes** asked, if the city manager wanted to give raises to staff, does that come before the council.

**Mr. Mahr** said that would come before the council during the budget process.

**Mr. Mahr** clarified under Chapter X that if property owners with 60% of the total assessment do not want an improvement the City will not construct the improvement. Staff will look at this again.

**Councilor Currier** said that keeping the language about public parks preserves our right to keep them for public use. Eliminating this gives us the option to dispose of them without the vote of the people.

**Mr. Mahr** said that is correct, but staff would need to write an ordinance defining parks and their use.

**Mr. Bennett** said the language states “dedicated or used as a public park” and is not clear enough because someone could argue property is used for a public park even though it is not dedicated as one.

**Councilor Currier** suggested eliminating the word used.

**Councilor Soppe** said he had a problem with dedicated because there has been an example where a park was designated as a park during the land approval process and then the council removed that because the lot was too small. According to this language we could not do that.

**Councilor Andrews** said this constitutes a debate that we need to further resolve.

**Mr. Mahr** reviewed the table regarding other cities' mayor positions.

**Councilor Soppe** said the city attorney section does not address the issue of being included in discussion during the meetings.

**Mr. Bennett** said it is not included because the role of the attorney is only for legal advice and is commonly asked for.

**Councilor Boyes** asked if we are using all of the old charter.

**Mr. Mahr** said the new charter includes a section on general grant of authority that covers many of the items in the old charter that have been removed.

**Public Testimony:**

**Lon Wall, 625 N. Morton, Newberg**, stated his concern over the mayor being a voting position. The current mayor is fine, but since we do not know in the future who will hold that office, we have to always assume there might be someone in the position that is not always going to be magnanimous. He could see where it is awkward for the person chairing to vote. The person chairing is supposed to conduct the meeting in a neutral matter but, if they vote, it is sort of like having a double vote. If the mayor has something they strongly do not agree with, the council is not going to say anything against that authority. It is prejudicial.

**Councilor Soppe** asked if there was no requirement for a vote for small annexations, say an acre or less, would there be a problem to take that out of the Charter.

**Mr. Wall** said some people who originally drew that up thought the people would be more involved. He was from the opposite perspective where it was more of a veto power. He would be careful because some of those people had a grander expectation. He personally has no problem with that.

**Mayor Stewart** closed the public testimony.

**Council Deliberation:**

**Councilor Andrews** went over the list of recommended changes and noted that there have been some language changes, but no substantive changes.

**Councilor Soppe** said he suggested the increase of council compensation be added to the rules of the Council.

**Councilor Currier** expressed his concern for the mayor to move to a four-year term. It creates an unfair situation for the three positions that run concurrent with the mayor. To run for the mayor they would have to give up their position as a councilor where the other three would be able to remain in office during election.

**Mr. Bennett** said the reason for the change is what is best for the community not the desires of individual council members.

**Councilor Andrews** said he was hearing an issue of a disadvantage to the council. However, if it is an issue of what the public wants, he thinks it is the public that makes the real decision.

**Councilor Currier** said he did not think the public was going to get that informed of what the changes are. They are going to go with what seems like an update of the charter.

**Councilor Soppe** suggested including language for every councilor to vacate their position when running for mayor.

**Councilor Currier** said he likes the voters to have the mayor come before them every two years. The mayor should not be a voting member. It is not often the council splits, so why have an uneven vote.

**Councilor Soppe** followed up on the comment about the mayor's vote. The mayor should be as prepared for the meetings as the council in case of a tie vote. This puts an unfair burden on the mayor. You either get a mayor who does not prepare enough or one that works a whole lot more than they need to according to their vote. Second, six is a terrible number for a voting body. My resolution to that is to have an at large position. There would be only one and they would have a vote that gives us a nice number, seven. The role of mayor is very different than the role of council. The mayor represents the citizens very differently. To give the mayor a vote at every meeting gives too much power at each meeting. I am in favor of an at large member instead of a voting mayor.

**Councilor Andrews** said this creates the member at large concept by allowing the mayor to vote, but does not add a new member.

**Councilor Soppe** said another thing considered by the charter subcommittee was a seventh district, but no recommendation was made.

**Councilor McBride** asked the council how they felt about eliminating districts. We have seen how it did not work very well when trying to fill the position held now by Councilor Nelson. It was very hard to fill. Second, if someone wants to run for a position, but they do not want to run against a current member, they would be able to run if we did not have districts. I like the idea that it opens it up to possibly have more people run and may eliminate the possibility of having a hard time filling vacancies. I do not think this type of community needs districts.

**Councilor Currier** said the history is that four members of the council and the mayor all lived within one mile of each other and those people did not know what was happening in the parts of the city they did not live in.

**Councilor McBride** said the original intent was to have town halls in your district and that is not happening.

**Councilor Soppe** said given how recently districting was voted in by initiative, I would have a very hard time supporting anything to get rid of it other than a separate ballot measure asking the voters if they want to get rid of it. I would like to see it as a separate item.

**Councilor Boyes** said he thinks it is a good idea to make sure representation is happening everywhere in the city.

**Mayor Stewart** said council members are elected at large, but are representatives of their districts.

**Councilor Andrews** said our responsibility is to the entire city. I am really hesitant to make an amendment to remove it.

**Councilor McBride** said it should be a separate issue on the ballot.

**Councilor Boyes** asked if it has been a problem.

**Mr. Bennett** said there has been a problem with filling some vacancies.

**Motion: Andrews/Boyes** to accept the recommendations of the charter subcommittee.

**Councilor Soppe** said he would like to see the language modified in Section 4, Boundaries, to make it clear that state law may supersede voter annexation in some cases.

**Mayor Stewart** asked how many councilors think it should be reworded.

**Councilor Soppe** said yes; the remainder said no.

**Councilor Andrews** suggested adding “and other council business” at the end of the sentence of Section 11 and remove “enforces the council rules” under section 9.

**Councilor Soppe** asked does presides include enforces the rules.

**Terry Mahr** said yes it does.

**Councilor Soppe** suggested including “and other rules as necessary” instead of “other rules of the council” in Section 11. We need some rules and we need some guidelines. Not everything is a rule and not everything is a guideline.

**Councilor Currier** asked if the council would like the guidelines subcommittee to separate them.

**Councilor Nelson** asked if rules would apply more to the council meetings.

**Mr. Bennett** said the rules would be more of what the council does and the guidelines would be more about their conduct.

**Councilor Soppe** asked what happens if most or all of the council is removed or resigns.

**Mr. Bennett** answered by default it would fall to the county, state or the courts by state law.

**Councilor Andrews** said he would like to address the “conviction of a public offense” language in Section 32(b)(6).

**Mr. Bennett** suggested adding the words “while in office” after the word “conviction” in section 32.b.6.

**Councilor Currier** said he supports a two-year term instead of a four-year term.

**Mayor Stewart** asked the council who would like to keep the mayor position a two-year term.

Currier said yes; the remainder said no.

**Councilor Soppe** suggested putting language in Section 28(e) to the effect that if you run for mayor you vacate your position after the election.

**Councilor Currier** said he would not support adding this language.

**Councilor Andrews** said he would not support his language.

**Councilor Nelson** said she would not support it and she does not think this is an issue.

**Mayor Stewart** called a five-minute break at 8:55 p.m.

**Councilor Andrews** said the more he had looked into this and observed the role, he was not that enamored with the mayor being a voting member. But he did not oppose it.

**Mr. Bennett** asked if this is something the voters should decide.

**Councilor Andrews** said he would not want to encumber the election with that question. It may bog it down because the voters do not understand what the question is. I am supportive of the four years because it brings continuity.

**Councilor McBride** said he thought it was a good idea to have the mayor vote. It will force the mayor to stay up on the issues. I want to make sure all the council including the mayor is on the same page.

**Councilor Soppe** said one issue to resolve is do we present the revised charter on one ballot or do we take the controversial issues and separate them out.

**Mayor Stewart** said he believes that the Council should put it together to the best of the its ability and then present it to the voters. If it fails, then we ask them what the problems are. If we predetermine the problems, then we are asking for problems.

**Councilor Currier** said you are putting so much into expecting people to understand it and then, if it is not approved, you go back and explain it. It is not bad to go before the voters with separate issues.

**Mr. Bennett** said citizens are not going to be any more informed if they vote on it separately than if they vote on it as one item if we do not go out and talk with the community.

**Councilor McBride** said he thought it should be one ballot title.

**Councilor Andrews** asked what is critical to be in place before the November election.

**Mr. Mahr** said the term of the mayor.

**Councilor Andrews** suggested placing the mayor's term on the May ballot and placing the revised charter reflecting the May result in November.

**Councilor Soppe** said he liked that idea a lot, but he would also include the member at large.

**Councilor McBride** asked what the cost would be.

**Mr. Mahr** said the May and November elections are free, but there will be staff time.

**Councilor Soppe** said he was concerned what kind of opportunities there would be for citizen feedback between now and when we would have to put it before the voters.

**Mr. Bennett** said we would present it to the civic groups, the chamber forum, hold public meetings, have the media publish a story in the newspaper, and anything else we can think of. We can also put it on the city website.

**Ms. Tri** suggested putting a flyer in the utility bills.

**Mr. Mahr** suggesting having public hearings at the February council meetings.

**Mayor Stewart** asked the Council if they would to have the revised charter all at the same time in May or split it up between May and November.

**Councilor Soppe** and **Councilor Currier** wanted it to be split between May and November.

**Councilor McBride, Councilor Andrews, Councilor Nelson, and Councilor Boyes** wanted it to not be split and all of it to be on the May election.

**Mayor Stewart** asked the Council for their preference on the mayor being a voting member of the council.

**Councilor McBride, Councilor Nelson, Councilor Boyes** were in favor of the mayor as a voting member.

**Councilor Soppe, Councilor Andrews, Councilor Currier** were not in favor of the mayor as a voting member.

**Councilor Currier** asked if there were any other concerns with eliminating the use of public parks in the old charter. He suggested removing the words "or used for" after "dedicated to" in the first sentence.

**Ms. Tri** noted we do not own most of the parks and this governs all parks and probably should be revised to say city owned parks only.

**Councilor Soppe** said he did not want to see this be the reason the charter does not pass. Is the current Chehalem Park and Recreation golf course designated for public park purposes?

**Councilor McBride** said yes.

**Councilor Soppe** said, if read correctly, then we would have to go to a vote of the public to build the by-pass, which might be appropriate, but if we want to take six inches of land we wouldn't be able to because this is all inclusive. My inclination is to leave it out.

**Mayor Stewart** asked the council if they would like to put the use of public parks back in.

**Councilor Currier** said yes. The remainder said no.

**Councilor McBride** called the question

**VOTE:** To accept the subcommittee's recommendations and to include revisions agreed upon tonight. (4 Yes/2 No [Soppe/Currier]. Motion Carried.

### **BUSINESS MEETING SECTION**

#### **VII. NEW BUSINESS**

None.

#### **VIII. CONTINUED BUSINESS**

None.

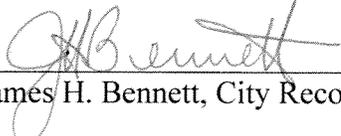
#### **IX. EXECUTIVE SESSION**

None.

#### **X. ADJOURNMENT**

**MOTION: Nelson/Boyes** to adjourn at 9:47 p.m. (Unanimous). Motion Carried.

**ADOPTED** by the Newberg City Council this 21<sup>st</sup> day of February, 2006.

  
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James H. Bennett, City Recorder

**ATTEST** by the Mayor this 23<sup>rd</sup> day of February, 2006.

  
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Bob Stewart, Mayor