

NEWBERG CITY COUNCIL MINUTES
APRIL 17, 2006
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Bob Stewart called the meeting to order.

II. ROLL CALL

Members

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

Members

Absent: Dawn Nelson (Excused)

Staff

Present: Leah Griffith, Library Director
Barton Brierley, Planning and Building Director
Dan Danicic, Public Works Director
Michael Sherman, Fire Chief
Dave Brooks, IT Manager
Janelle Nordyke, Asst. Finance Director
Tim Weaver, Police Sergeant
Kathy Tri, Finance Director
Kathleen Bochart, Recording Secretary

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

None.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Darlyn Adams, Newberg Animal Shelter Friends stated that the Wags-n-Whiskers Mega Yard and Plant sale is being held on April 28th and 29th from 8AM to 4PM at the Zion Lutheran Church on 3rd and River. There will also be cookies and coffee for sale for 25 cents each. All of the proceeds will go to the building fund. At the sale there will be a new item, the NASF license plate holder that says "I support Newberg Animal Shelter" and they are 2 for \$5 or \$3 each. NASF is also sponsoring a quilting contest. Entries will end on July 15, 2006 and judging will be

done by July 25, 2006. The quilts will be sold at the Newberg Old Fashioned Festival. The next Newberg Animal Shelter Friends meeting will be held on April 27, 2006 at the Public Safety Building.

Susan Keen stated that she is running for State Representative. Ms. Keen stated that she was not at the council meeting to campaign. Ms. Keen gave information on the State Legislature. Currently the Capitol Building is shut down due to an electrical problem. Ms. Keen stated that the Capitol Building is a lot like a museum. There is a lot of history there along with two restaurants and a gift shop. Representatives are paid \$1500 a month and receive it throughout their time in office. When meetings are in session they receive an extra \$99 a day. Ms. Keen stated that she hopes to implement an office in Newberg and one in Keizer. Ms. Keen stated that she is a 4th generation Oregonian.

VI. CONSENT CALENDAR

1. Motion to consider approving City Council Regular Session Minutes for March 20, 2006.

MOTION: Andrews/McBride to approve City Council Regular Session Minutes for March 20, 2006 as corrected. (Unanimous) Motion Carried.

VII. PUBLIC HEARING

None.

BUSINESS MEETING SECTION

VIII. NEW BUSINESS

1. Consider adopting **Resolution No. 2006-2638** adopting revised Personnel Rules and Regulations for City of Newberg Employees.

Becky Green, Human Resources Manager, presented a staff report. Ms. Green stated that the committee has been working on this for over a year now. The committee is made up of mostly department heads. Ms. Green stated some of the major changes that were made to the Personnel Rules and Regulations Manual. Ms. Green also stated that the revised manual has been sent to the police and fire unions for them to review.

Councilor Soppe stated that on council packet page 54, the first sentence under "Conflict of Interest" does not say that the conflicts must be with your job. Mr. Soppe stated that from that sentence it seems like one would not be able to invite a co-worker over for dinner.

Terry Mahr, City Attorney, stated that he looked at the State ethics rules and they do not say anything about attending social parties, anniversary parties or dinners. Mr. Mahr stated that they could include a sentence that states that it does not include attendance at social events, holiday parties, anniversary parties, etc.

Councilor Soppe stated that it needs to have some more clarification.

Jim Bennett, City Manager, stated that it has been his experience that if it feels right and you don't think it would go against these rules then it should be fine, but if there is a thought that there might be a problem, then it wouldn't be a good idea. Mr. Bennett stated that you should go with your first impression of the invitation.

Councilor Soppe stated that he is uncomfortable with employees wearing buttons that show their interest in a controversial topic while in the view of the public.

Mr. Bennett stated that the city is not allowed to prohibit it.

Councilor Currier stated that there was at one time a citizen that displayed a bumper sticker favoring a certain candidate and we prohibited them from parking in the employee/public parking lot.

Mr. Mahr stated that the city cannot prohibit that.

Councilor Soppe asked if they can put buttons on city issued clothing.

Mr. Mahr stated that it has never been an issue in the past.

Councilor Boyes asked Fire Chief Sherman what the fire department's policy is on this.

Mr. Sherman stated that there is a standard uniform that they are required to wear from the start of the workday to the end.

Councilor Boyes asked Public Works Director Danicic what their policy was.

Mr. Danicic stated that he is not aware of a specific policy. Mr. Danicic stated that he sees it as a potential safety issue, but it has not come up in the past.

Leah Griffith stated that there have been some library employees who have wanted to wear buttons and that she has encouraged them to not wear them. Ms. Griffith stated that she discourages it, but is not in the position to say that they cannot wear them.

Mr. Mahr stated they need to make it clear that it is their own opinion and not that of the city.

Councilor Andrews stated that with city issued clothing then we should discourage it. But if it was on your own clothes it would be reasonable.

Councilor Soppe stated that on council packet page 59 number 7, it says "engaging in immoral conduct..." Councilor Soppe stated that the sentence was pretty broad. He stated he was concerned about steps "B-D" on page 70. Councilor Soppe asked to whom the employees are being compared.

Mr. Bennett stated that they are compared to employees within the same job description.

Councilor Soppe stated that on page 75 of the council packet, it talks about emergency closings. Who and how does the city decide if it is a paid day or not.

Mr. Bennett stated that the last time city offices were closed it was a paid day.

Councilor Soppe stated there needs to be more clarification on that.

Councilor Andrews stated that the manual needs to let people know if days closed to emergencies are going to be taken away from paid vacation, holidays, etc. There needs to be a policy for emergency closures.

Councilor Boyes asked, if everyone was at work and transformers were damaged, would they be sent home with or without pay or would they be required to stay.

Mr. Bennett stated that approximately 8 months ago there was a battery problem where employees were evacuated and they received normal pay for that.

Councilor Andrews stated that one idea is that, if the closure is less than 24 hours, then they should get paid. If it is more than 24 hours, then it should come from their vacation time.

Tim Weaver, Police Sergeant, stated that people are back to work within a reasonable amount of time. When the truck hit the tree and the power went out, everyone on staff was trying to fix the problem.

Councilor Soppe stated there needs to be something that states whether or not they get paid for emergency closures and has no problem leaving this to the manager's discretion.

Dave Brooks, IT Manager, stated that with the battery issue, there were fumes and some people were feeling sick from them.

Mayor Bob Stewart stated that Mr. Bennett called and informed him of what was happening and he approved of evacuating the employees.

Councilor Andrews stated there needs to be a statement to listen to local radio stations and to acknowledge potential use of the CodeRed system.

Councilor Soppe stated that the table on page 83 was somewhat confusing. Councilor Soppe stated that it needs to say "per month" in the category of "up to 5 years"

Councilor Soppe asked if you are in the presence of someone using marijuana, can you fail the test if you inhale it, but don't actually use it.

Sergeant Weaver stated that it was not likely.

Councilor Currier stated that when Mr. Bennett was hired, most of the department head contracts were cancelled. Councilor Currier stated that he believes the council should be informed of these contracts.

Councilor Soppe stated that he would like to be informed of the contracts, but does not believe that they need to be approved by the Council.

Councilor McBride stated that contracts are within the city manager's scope. Mr. McBride stated that he would like to be notified if there was something of real significance.

Councilor Andrews asked staff to explain on call pay.

Kathy Tri, Finance Director, stated that there are a number of employees that wear pagers. Those people receive extra compensation for wearing those pagers. When the pager goes off and they come in, they get a minimum of 2 hours of call back pay.

Councilor Boyes asked what happens when there needs to be a change in the manual.

Mr. Bennett stated, if there needs to be a change, then it would go to the unions and the City Manager would issue an executive order. It would then be documented and kept in the City Managers office to be added to the manual at the next revision time.

MOTION: Soppe/Andrews to adopt **Resolution No. 2006-2638** adopting revised Personnel Rules and Regulations for City of Newberg Employees.

MOTION: Soppe/Andrews to amend **Resolution No. 2006-2638** so that the City Manager will make decisions about political buttons on city issued clothing. (Unanimous) Motion Carried.

MOTION: Soppe/Andrews to amend **Resolution No. 2006-2638** so that the City Manager has the authority to make the decision of compensation to city employees during city office closures due to emergencies. (Unanimous) Motion Carried.

VOTE: To adopt Resolution No. 2006-2638 adopting revised Personnel Rules and Regulations for City of Newberg Employees as amended. (Unanimous) Motion Carried.

Mayor Bob Stewart called for a 5-minute break.

2. Consider a motion appointing an alternate member of the Newberg Urban Area Management Commission.

Barton Brierley stated that NUAMC is looking for two alternate members. Phil Smith has applied for one and has served on the Planning Commission. The other alternate member needs to be from City Council.

Councilor Currier stated that he had no problem being the NUAMC alternative member.

MOTION: Soppe/Andrews to appoint Roger Currier as the alternate member to NUAMC from the City Council and Phil Smith as the alternative member from the Planning Commission. (Unanimous) Motion Carried.

IX. CONTINUED BUSINESS

None.

X. EXECUTIVE SESSION

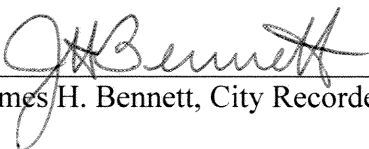
1. Executive Session pursuant to ORS 192.660(2)(e) relating to a real property transaction.

The Council went into Executive Session at 9:25 pm following the council meeting. No action was taken. The Council went back into regular session at 10:10 pm.

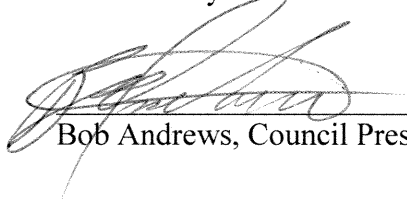
XI. ADJOURNMENT

MOTION: McBride/Boyes to adjourn the regular meeting at 10:11 p.m. (Unanimous) Motion Carried.

ADOPTED by the Newberg City Council this 15th day of May, 2006.


James H. Bennett, City Recorder

ATTEST by the Council President this 30th day of May, 2006.


Bob Andrews, Council President