

CITY OF NEWBERG COUNCIL MINUTES
MARCH 3, 2008
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

Work Session was held prior to this meeting. A presentation was made on water shut off procedures. 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	Mike Boyes	Roger Currier	Bob Larson
	Jeff Palmer	Bart Rierson	Marc Shelton	

Staff

Present:	Barton Brierley, Planning and Building Director	Dan Danicic, Public Works Director
	Terrence Mahr, City Attorney	Brian Casey, Police Chief
	Jennifer L. Nelson, Recording Secretary	Norma I. Alley, City Recorder

Staff

Absent: Robert I. Tardiff, City Manager Pro Tem

Others

Present: Bradley C. Berry, Kimberly Dunn, Charles Harrell, Timothy Speakman, John Trudel

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Terrence Mahr, City Attorney, presented the City Manager's report. He referred to updates on the audio/visual improvements to the Public Safety training room and the deadline for applicants to pull all building permits previously submitted by March 4, 2008 in order to avoid the new System Development Charges (SDCs).

V. PUBLIC COMMENTS

None.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2008-2771** establishing a citywide records request policy and updating the City's Public Records Fee Schedule.

2. Consider a motion approving **Resolution No. 2008-2772** filling the Court Clerk position in Finance.
3. Consider a motion approving City Council Minutes for February 4, 2008.

MOTION: Larson/Shelton to approve the Consent Calendar including the Regular Session City Council Minutes for February 4, 2008 as amended, **Resolution No. 2008-2771, Resolution No. 2008-2772** as amended. (Unanimous) Motion carried.

IX. NEW BUSINESS

Consider a motion approving **Resolution No. 2008-2770** adopting the Yamhill County Police Officer Use of Deadly Force Investigation Guidelines.

TIME – 7:04 PM

This item was heard out of agenda order.

Mr. Bradley C. Berry, Yamhill County District Attorney, presented a report (see official record for full report).

Councilor Mike Boyes asked how these guidelines compared to other cities in the County and other counties.

Mr. Berry stated he had not seen the guidelines for some of the ones he mentioned and noted there was an opportunity here to cover more than the basics required and put the top guidelines in place. There was also some discussion on response teams and multi-agency response teams.

Councilor Roger Currier commended the team for a job well done and felt there was adequate time spent in each section to address the officers' needs as well as securing the scenes. He asked if there were any ramifications for non-union police forces or if they fall under the same guidelines established.

Mr. Berry stated the officers would be treated just the same.

Councilor Marc Shelton inquired about there being no dates on the draft document and if there will be one on final document.

Mr. Berry replied the document as whole will go like it is and the date will be when each government adopts it.

Mayor Andrews felt this was a great step forward and liked seeing the two things put together and asked how many other jurisdictions have reviewed the guidelines and signed on.

Mr. Berry replied the City of Carlton, Yamhill, and the Board of Commissioners were all unanimous. After Newberg he will begin working with Amity and McMinnville.

Councilor Boyes asked about private guard services and what kind of investigation would occur and if they had their own policies.

Mr. Berry replied instances of deadly force by a private agency would be investigated by local police authorities. The protections offered to officers would not be the same as what would be given to a private security firm; they would have their own policy.

Discussion followed concerning appropriate levels of threat and the amount of training officers receive to diffuse situations where deadly force may have been necessary but was not. The frequency of deadly force issues in Yamhill County has only been two in the past 12 years.

Mr. Brian Casey, Police Chief, stated his support for the excellent document, commended the team for putting it together and recommended adoption.

MOTION: Larson/Currier to approve **Resolution No. 2008-2770** adopting the Yamhill County Police Officer Use of Deadly Force Investigation Guidelines. (Unanimous) Motion carried.

VII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2008-2692** withdrawing the NewB properties annexation from the May 20, 2008, ballot.

TIME – 7:33 PM

Mr. Barton Brierley, Planning and Building Director, presented the staff report and recommended approval (see official record for full report).

Councilor Bart Rierson asked what the required time interval would be to place the annexation on ballot again if the vote fails. Staff replied it would not be allowed on the ballot again until May of 2009 if it failed the election in May 2008.

Public testimony opened.

Proponents:

Ms. Kimberly Dunn spoke of her family-owned property and being long term residents of Newberg. She asked to withdraw the NewB annexation from the ballot in May 2008 for reasons of separately owned parcels being combined into one and her land no longer being a part of the collaboration. The original representation has expired and they are currently considering all options for the property. In order to move forward, they wish to create a good plan for development of the property and they want the citizens of Newberg to consider that plan before voting.

Councilor Rierson asked if it was the intent to file for the annexation to be included on the November 2008 ballot. She replied she believed they will try to do that.

Mr. Timothy Speakman, NewB Properties LLC, apologized and spoke of the expectations of the presidential primaries as a factor and stated his support for the intent to come back to place the annexation on the November 2008 ballot.

Mr. John Trudel, Oxberg Lake Estates Homeowners' Association Board, stated their position not to be annexed, discussed this property being worked on for over two years and his carefully given supportive testimony during the hearings. He offered his consistent support in favor of the development

contingent on a few things, like zoning and best practices. He supported the annexation and for moving to a better time for a more positive outcome.

Opponents: None appeared.

Public testimony closed.

MOTION: Palmer/Rierson to approve **Ordinance No. 2008-2692** withdrawing the NewB properties annexation from the May 20, 2008, ballot, read by title only. (Unanimous) Motion carried.

2. Consider a motion approving **Ordinance No. 2008-2693** adopting procedures for processing Measure 49 claims.

TIME – 7:48 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, or abstentions; none stated.

Mr. Brierley presented the staff report (see official record for full report).

Councilor Currier discussed vague terminology in the proposed process and the current fee of one thousand dollars not being enough to cover. Staff replied council could adopt a fee they feel is more appropriate and stated it would cost much more than one thousand dollars.

Councilor Bob Larson asked if there were any claims pending under Measure 37 or Measure 49. Staff replied there was only one under Measure 37 and discussed status of the Shilo Inn.

Mayor Andrews questioned if the one hundred foot radius for notification of hearings was sufficient or if it should be extended. Staff replied the 100 ft. standard was appropriate but Council could choose to make change and spoke of going through the land use process if action is taken to allow the claims, which would require a larger notice area.

Councilor Currier agreed 100 ft. was not sufficient when talking about larger parcels filing claims and would like to see notice go much farther.

Public testimony was opened and closed. No proponents or opponents appeared.

MOTION: Larson/Currier to approve **Ordinance No. 2008-2693** adopting procedures for processing Measure 49 claims, read by title only.

Mayor Andrews asked if Council would want to consider increasing the fees for these claims, maybe a base fee plus other fees associated.

Mr. Mahr reminded Council some of the Measure 37 discussions were centered on cities charging too much and the desire to keep the fee reasonable to give impression there was not a barrier being established.

Mayor Andrews suggested staff come back with a proposal as a resolution not part of this ordinance amending the fee schedule.

MOTION: Currier/Palmer to amend **Ordinance No. 2008-2693** sub paragraph C to notify all owners within 300 feet of property rather than 100 feet. (Unanimous) Motion carried.

VOTE: To approve **Ordinance No. 2008-2693** as amended (Unanimous) Motion carried.

VIII. CONTINUED BUSINESS

None.

X. COUNCIL BUSINESS

TIME – 8:10 PM

Councilor Jeff Palmer presented a report updating the Council on the Animal Shelter Sub-Committee. He reviewed the history, preliminary findings, and recommendations. Discussions followed regarding volunteer efforts and using peer court, day to day operations costs, construction and ownership of the building, and County collaboration.

Mr. Mahr mentioned an Amicus brief from the office of the Mayor to support PGE in their appeal to the 9th circuit court decision concerning their credit program.

Councilor Rierson gave updates on the Yamhill County Transit Authority Program and mentioned there would be one bus shelter and signs being posted shortly with new logos and website information. He spoke of the benefits of using GPS locator systems with cell phone services.

Norma Alley, City Recorder, reminded Councilors about their Statement of Economic Interests and outlined changes for this year. She encouraged them to submit them by April 15th because the penalties are enforced and have increased.

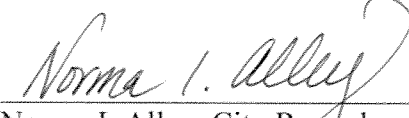
XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

MOTION: Larson/Palmer to adjourn at 9:07 PM (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 7th day of April, 2008.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of April, 2008.


Bob Andrews, Mayor