

**NEWBERG CITY COUNCIL MINUTES  
REGULAR SESSION  
JULY 20, 2015, 7:00 PM  
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

The work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Stephen McKinney, Scott Essin, and Denise Bacon. Also present were Pro-Tem City Manager/ City Attorney Truman Stone, City Recorder Sue Ryan, City Engineer Kaaren Hofmann, Public Works Director Jay Harris, IT Director Dave Brooks, Community Development Director Doug Rux, Associate Planner Steve Olson, and Environmental Specialist Sonja Johnson.

**REVIEW OF COUNCIL AGENDA:**

Mayor Andrews said on the amended agenda, the term City Manager Pro Tem was used, and he asked the Council to apply the term to all of the Resolutions being considered that evening. There was consensus to use that term on the items being adopted that night.

Public Works Director Jay Harris introduced Sonja Johnson, Environmental Specialist for Newberg, who would give the presentation.

ES Johnson discussed the reasons for the Water Conservation Management Plan. This was a State requirement, the City was in a limited ground water area, there was public perception that they should conserve water, and they were currently in a drought year. A water supply assessment was done in May and it showed abnormally low levels. The US drought monitor had them at low water levels in April and they were now in extreme drought conditions. She explained the requirements of the Water Conservation Management Plan and four stage Curtailment Plan and ways staff had been decreasing demand. Staff looked for water losses, billed for all water use, gave public education, and looked for departmental reductions. She discussed monthly water production and demand. Changes staff and technology had made created a permanent reduction of water use. She explained the volume trends by user. In terms of system-wide use, the volume was close to the national average. The Water Conservation Management Plan was working and was aided by the efficiency standards and the fact that people thought twice before irrigating their lawn.

Councilor Essin asked about ways the homes around the golf course could tie into the reuse system at the golf course. PWSD Harris explained there was an RFQ for a consultant to prepare a Water System Master Plan and included in the work would be a reuse study and looking at developing additional users on the system.

Associate Planner Steve Olson gave a presentation on the Street Seats concept and pilot program. These were temporary platforms extending from sidewalks in an on-street parking space to give additional outdoor seating for adjacent businesses. This would be private seating and would require a City permit. It would be paid for, designed, and built by the applicant. Several large cities had been using these for years and he gave examples. For Newberg, it would be a two year draft pilot program, in the Downtown C-3 zone only, and would use no more than six on-street parking spaces. He defined what the City would be responsible for versus the applicant. He then explained some of the design constraints for the Street Seats including being easily removable for street maintenance, allowing for storm water drainage, ADA accessible, not blocking a fire hydrant, adjacent to the applicant's business, and located on side streets.

Councilor McKinney said it looked like there could be successful implementation of the Street Seats design that would work with the proposed "road diet" under the upcoming changes to Highway 99W. AP Olson said staff would bring this back to the Council on August 17 for adoption of the concept.

There was discussion regarding downtown parking and enforcement. CDD Rux said part of the Downtown Improvement Plan was to evaluate all of the on-street parking to see how the parking was currently utilized and how to better manage on-street parking for future redevelopment.

Mayor Andrews adjourned the work session at 6:45 p.m.

## **CALL MEETING TO ORDER**

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

## **ROLL CALL**

|                  |                                                                                                                                                                                                                          |                                                                                                                                                       |                  |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Members Present: | Mayor Bob Andrews<br>Lesley Woodruff                                                                                                                                                                                     | Scott Essin<br>Denise Bacon                                                                                                                           | Stephen McKinney |
| Staff Present:   | Truman Stone, City Attorney/City Manager Pro-Tem<br>Sue Ryan, City Recorder<br>Doug Rux, Community Development Director<br>Dave Brooks, IT Director<br>Steve Olson, Associate Planner<br>Leah Griffith, Library Director | Kaaren Hofmann, City Engineer<br>Brittney Jeffries, Public Affairs Officer<br>Chris Bolek, Captain/Acting Police Chief<br>Matt Zook, Finance Director |                  |

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was performed.

Mayor Andrews explained the amended agenda and the items that would be covered that night.

## **CITY MANAGER'S REPORT:**

City Manager Pro Tem Truman Stone reported that the Department Head directors met this morning following the emergency meeting of the City Council placing the City Manager on administrative leave. They reviewed the work load and had covered all of the immediate needs. That afternoon he met with the Oregon State Police, Interim HR Director Nancy McDonald, and Mayor Andrews. Any news or press releases on this issue would come from the Marion County District Attorney's office. He had retained independent counsel to take over the Police Department assessment process. He said the City had met this morning on the Police Association contract and they had reached tentative agreement on the new contract. The contract would come to Council on August 17.

## **PUBLIC COMMENTS:**

Mayor Andrews said any request for information should be made in writing and submitted to the City Recorder and it would be forwarded to the Mayor and appropriate staff. Staff responses would be reviewed by the Mayor and City Council before sending the responses by email or mail.

Nathalie Hardy, Newberg resident, thanked the Mayor and Council for their work and let them know citizens supported them as they worked through this issue. A group of citizens talked with County Commissioners about getting a life jacket kiosk at Roger's Landing and they approved moving forward with the idea.

Mark Wilcutts, Newberg resident, supported Chief Casey and thought he should be immediately reinstated and City Manager Betz should be immediately relieved of her duties.

Michael Gunn, Newberg resident, also supported Chief Casey. He was appalled at the circumstances of Chief Casey being put on administrative leave. He asked if the Council knew about the administrative leave before it happened or was it a unilateral move by the City Manager. What was the reason for his removal and what did the City Council do subsequent to his removal? Why didn't the City Council call an emergency meeting to ask the City Manager to justify the Police Chief's removal? Who authorized the hiring of the outside consultant by the City for assessment of the Police Department? What was the consultant supposed to do, who was the consultant, how much was the consultant going to cost, and what was the end result supposed to be? He did not think there was anything wrong with the Police Department. He knew Brad Berry professionally for 25 years and he would not issue a press release unless there was credible evidence. He agreed Chief Casey should be reinstated immediately.

Chris Casey, Newberg resident, discussed the leadership qualities of his brother, Brian Casey. He gave examples of how Chief Casey had good relationships with members of the community. He asked the Council to base the decision to reinstate Chief Casey on principle.

Colleen Casey and Julie Clark, Newberg residents, were there to support Brian Casey. Newberg was lucky to have him as Chief of Police.

Darlyn Adams, Newberg resident, was also in support of Chief Casey. She was appalled at the City Manager's actions and how she had tarnished the Police Chief's reputation. Chief Casey should be reinstated as soon as possible and he was owed an apology.

Timothy J. Casey, Newberg resident, said he got into law enforcement because of his brother, Brian Casey. For the past 24 years he had watched Brian serve the City with an unblemished record. He loved Newberg and his job. He looked forward to Brian serving as Chief for many more years to come. He was proud of his brother and stood beside him. He thought the Chief should be reinstated immediately.

Nikki Bowes, Newberg resident, had known Brian Casey for several years. He was a man of great integrity. The City Manager's action put the City at great risk legally without any true reason given for the action. It also put the City in a poor light. The Council should come forward with as much information as possible to counter the rumors and slanderous statements on social media. She urged reinstatement of the Chief immediately.

Al Le May, McMinnville resident, also supported Chief Casey. He thought reinstating him as soon as possible was in the City's best interest. Some people were questioning if the Council was asleep at the wheel and not involved with the City Manager they hired two years ago. He thought as much information as possible needed to go out to the public. Part of the leadership of the Council was to take time to know what staff was doing.

Roger Currier, Newberg resident, said Brian [Police Chief Casey] was an outstanding person and friend. It appeared to him the Council didn't know anything about it, but Councilor Bacon had stated that the Council was assured he would be treated fairly. Councilor Bacon said she and Mayor Andrews both knew about it moments before the press release was sent out. She was assured that the Chief would be treated fairly. Mr. Currier thought it was odd only two people on Council knew about it. There were personnel rules that governed what you could and could not do and it should have been discussed with Council. He thought the rules might have been violated on the emergency meeting held that morning as there had not been 24 hour notice. He also brought up the issue of the rumors that the City Manager had been bringing TVF & R to Newberg to replace the Newberg Fire Department. The way this had taken place was rude and crude.

Fred Casey, Newberg resident, was Chief Casey's father. He had moved here 57 years ago and they valued their name, reputation, and integrity. The Council were the elected officials and he asked that they find out what it was Chief Casey was supposed to have done. His son had spent 24 years working for the City and had never gotten in trouble for anything before. He was proud of his children and this was their community. The Council worked for and represented the citizens. He and the community wanted to know what was going on.

Mayor Andrews applauded the citizens for coming to the meeting and giving testimony in the way that they did. Council would not be taking any action that night, but he thanked them for sharing their concerns. Written questions would be answered. Councilor Bacon said the Council was as concerned as the citizens were and were diligently looking into this for a fast resolution. Councilor Essin asked CA/CMPT Stone to explain what had happened that morning.

CA/CMPT Stone explained that morning the Council placed City Manager Jacque Betz on administrative leave pending the investigation. The City Council under the Charter hired three employees, City Manager, City Attorney, and Municipal Court Judge. All other hiring and firing and discipline was done through the City Manager and the Council was not allowed to interfere with employment decisions or make employment decisions. In the temporary absence of a City Manager, the City Attorney would act as City Manager Pro Tem per the City's succession plan. If it was necessary for a City Manager to be acting for a longer period of time, the Council would choose an Interim City Manager.

#### **CONSENT CALENDAR:**

**MOTION:** Essin/Bacon moved to adopt the Consent Calendar, including Resolution 2015-3204, A Resolution to authorize the City Manager Pro Tem to execute an Intergovernmental Agreement with the State of Oregon that provided a marked crosswalk across Highway 219 at the Foothills Drive intersection, and Resolution 2015-3203, A Resolution to authorize the City Manager Pro Tem to enter into a construction contract with K & E Excavating, Inc. for the Pavement Rehabilitation, Wastewater Pipeline Replacement and the City owned parking lot located on Second Street Maintenance Project in the amount of \$942,915. Motion carried (5 Yes/ 0 No/ 2 [Corey/Rourke]).

**NEW BUSINESS:**

Resolution 2015-3190: CDD Rux said staff had been working with ODOT through the Transportation Growth Management Grant Program to obtain funding for a study on land use and transportation improvements in downtown Newberg. The scope of work had been discussed including the bypass and truck traffic reduction downtown and the concept of a "road diet." Because federal funds were part of the program, there were Title 6 civil rights acts requirements to be inclusive of all citizens on the opportunity to participate. He outlined the tasks in the scope of work including gathering the data and forming an advisory committee, holding stakeholder interviews, community visioning process, and drafting the downtown improvement plan. Part of the study would also look at parking downtown and result in a Parking Management Plan. There was a contingent task for traffic analysis on intersections that had not been studied as part of the Transportation System Plan process. Staff recommended adoption of the resolution.

**MOTION:** Essin/Bacon moved to adopt Resolution 2015-3190, A Resolution authorizing the City Manager Pro Tem to enter into an Intergovernmental Agreement with the State of Oregon, acting through the Oregon Department of Transportation, for a Transportation Growth Management Grant for the Newberg Downtown Improvement Plan in the amount of \$259,630. Motion carried (5 Yes/ 0 No/ 2 Absent [Corey/Rourke]).

**COUNCIL BUSINESS:**

The Mayor reminded everyone of the Newberg Old Fashioned Festival.

CA/CMPT Stone thanked the department heads for attending the meeting that night. The Fire Chief was in an important meeting with the Firefighters Volunteer Association and could not be in attendance.

Mayor Andrews said there would be no Council meeting on August 3<sup>rd</sup>. There would be a promotions ceremony at the Fire Department that night at 6:00 p.m.

Councilor McKinney explained the meeting this morning was held as an emergency meeting. He asked CA Stone to address the validity of the meeting and that it had complied with State law.

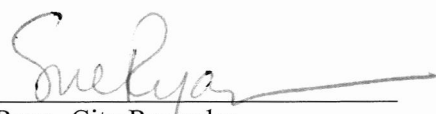
CA/CMPT Stone read from the Attorney General's Public Records and Meetings Manual regarding emergency meetings. An emergency meeting was a special meeting called on less than 24 hours' notice. It had to be an emergency, and he thought the criminal investigation of a city executive constituted an emergency. The law required that it be noticed as appropriate to the circumstances. He had sent an email to all interested media at 9 p.m. last night. He thought Council had complied with the statute.

Councilor McKinney thanked the Council for their dedication to the community. He was anxious for the resolution of this situation. He cautioned people to make sure their statements were truthful, honest, and fair and to resist speculation. He wanted the community to come together and hoped that all the parties involved would be left whole and happy and that their futures would be protected.

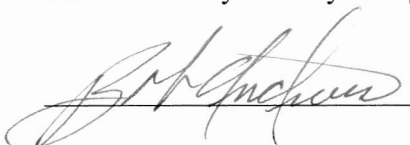
Mayor Andrews thanked Mr. Stone for stepping up into the City Manager role.

**ADJOURNMENT:** The meeting was adjourned at 8:05 p.m.

**ADOPTED** by the Newberg City Council this 17<sup>th</sup> day of August, 2015.

  
Sue Ryan, City Recorder

**ATTESTED** by the Mayor this 20<sup>th</sup> day of August, 2015.

  
Bob Andrews, Mayor