
**City of Newberg
City Council
November 4, 2019**

WORK SESSION

Meeting called to order at 5:30 p.m.

Councilors Present: Mayor Rick Rogers, Councilors: Elise Yarnell Hollamon, Stephanie Findley, Denise Bacon, and Patrick Johnson.
Elizabeth Curtis Gemeroy arrived at 5:50 p.m.

District 5 Seat Vacant.

Staff Present: City Manager Pro Tem David Clyne, City Attorney Truman Stone, City Recorder Sue Ryan,

District 5 candidate interviews:

Mayor Rogers explained the process for the vacant seat selection. The councilors would take turns asking questions.

Maryl Kunkel - She grew up in Vernonia, Oregon. The hard work ethic and community minded residents shaped her thinking. She would like to serve her community. The City had been going through a visioning process. She would like to add her voice in the decision making. She had a heart for resolution and making personal connections with people. She wanted to make personal connections through collaboration, teamwork, and a willingness to listen.

Ms. Kunkel stated Councilors represented the voices of their community through bigger picture projects such as visioning and goal setting as well as more detailed things like land use, zoning, and policy. Her experience was vast as well as her educational foundation. She was a non-profit organizer that worked to create round table discussions among youth, educators, and state policy makers. She had experience in creating inclusive space and bringing people to the table and creating dialogue. She was a small business owner. Her experience as a volunteer doula she had to develop communication and listening skills with the patient and care team. While her experience was varied, she had insights into a lot of the issues that were important to the community and Council.

Ms. Kunkel suggested the NewBERG vision plan be expanded to all youth and that they should start a Youth Council. She was in support of the Council's goal of increasing mixed use residential zoning for high density housing. She thought they should look at the costs for expanding the UGB to make sure that would be effective and get them to their goals

Ms. Kunkel thought the most imminent decision was the selection of a new City Manager. The visioning and goal setting was also important as well as finding ways of supporting the community and increasing communication with local residents. Looking at the big picture, they needed to find ways to increase the benefits of growth through smart policies, sustainable development, and capacity building and ensure wider and more inclusive access to services. Those things would unlock economic opportunities. Youth were calling for them to use sustainability as a lens.

Ms. Kunkel answered there were quite a few new people moving into the community. She was new, but worked hard at making personal connections with people. She planned to go out to the neighbors and ask them what was important.

Mike McBride -

He had always been involved in politics, and lived here his whole life. He wanted to work with a team of people that came up with ideas moving the town in a direction that kept it livable and viable. He wanted to be a part of this organization. He had served on the board of directors of CPRD for 35 years and liked being in the process and coming up with ideas to help people.

Mr. McBride said the role was to facilitate the policies the Council made, come up with ideas to help the community, and to be able to solve problems. His experience in working on CPRD helped. He was elected to Council in 2003 and served for three years until he had to move to a different district. He thought having experience on the Park District Board and Council gave him an advantage.

Mr. McBride discussed one decision made a year ago on affordable housing and going with smaller lots. It was not something he would have supported because he did not think it was the way to address the problem of affordable housing. He thought they needed to look at how to bring family wage jobs to the City by bringing more land into the Urban Growth Boundary for manufacturing. Another decision was when they lost control over the Fire Department. He had nothing against TVF&R, but he would have liked to see the City set up a special district instead and keep their own identity. One of the issues was if there was a bond measure in Washington County and it would increase taxes, and people in Newberg voted against it, but it passed because they were outvoted by the rest of the organization. That would be a concern for him. If he had been on Council at that time, he would have suggested looking at a special district. At the time, he had mentioned this to a Councilor, but that person did not think it was a viable option.

Mr. McBride said the most critical issue was planning for the future to have family sustaining jobs. If there were not these types of jobs, then what they had was people moving here and commuting to their jobs. It clogged up the roads and people were not attached to the community because they were spending most of their time at work and driving. By doing that they could keep their identity. Otherwise they would grow without a solid plan for not becoming a bedroom community. If they had good jobs here, it would bring people into the community which would help with the tax base.

Mayor Rogers asked since the seat became vacant they had not seen him at a City Council meeting. Mr. McBride stated he had been paring back, but if he was selected he would be

here. He explained how he planned to go to Israel the 13th of this month and would be gone on the date of the swearing in.

Nick Morace -

Mr. Morace said he had a passion to serve people. The job of representing a group of people needed to be at the forefront of decision making. He liked to walk and talk with people in the community. He had a good sense of what was going on out there. They needed to hold leadership responsible and remember the order of power. He had been asked before to run for Council, but now he had the time needed to dedicate to it and properly serve the community.

Mr. Morace thought a Councilor was to be the eyes and ears of the community members that lived in their district. The Council was a board of representatives. To truly represent a group of people they had to have an open line of communication between members. Personal agendas had a role in the thought process, but they could not drive logic when discussing policy. It was the responsibility of the Council to keep a respectful and open dialogue on all issues. Besides becoming familiar with the City Charter and Council goals, he had spent thousands of hours walking and talking with the community. He had served three terms on the Citizens Rate Review Committee. He also attended Council meetings as regularly as he could for the past 11 years. He had also managed to learn about respectful discussion with those who had a difference of opinion at the state level.

Mr. Morace discussed one decision made at the last Council meeting was the proclamation for October 31st for Pam Young Appreciation Day. What stood out to him was the sincerity of the Council and the time taken to honor someone who had done so much for the community. He was encouraged to see the genuine gratitude shown that night.

Mr. Morace said there were a lot of big ticket items and a lot of noise about certain topics such as affordable housing, taxes, and roads. However, the lack of public trust of this Council and limited communication from this Council to the community was the most critical issue right now. He was not saying this Council ignored the public, but it was the perception of many in the community. The public didn't have to agree with everything but had to feel heard in an open public forum. Transparency was key to trust.

Mayor Rogers asked how politically he differed from the Council as was written on his application. Mr. Morace meant he was a very conservative Republican and leaned a lot more to the right than most of the people on this Council.

Mr. Morace could not pick out a specific issue. Regarding housing, he thought he was different in his approach. He did not think the way to fix it was packing everyone into a tighter area with four houses in a half acre or tall apartment buildings. He thought they needed to get the City more involved with housing, such as providing the infrastructure and not putting it solely on builders and developers.

Gene Piros –

Mr. Piros said Newberg had been good to his family. He was retired and wanted the opportunity to give back to the community. He wanted to be open and listen to everyone. His goal was to find ways to help people reach out to one another.

Mr. Piros stated the role of a Councilor was to set policy and goals for the City. He had done this in business settings as well as volunteer work. He had a lot of experience in strategic planning and problem solving. He worked in customer service where there were a lot of complaints. He had to know how to deal with those and help people. He liked working with people who had different viewpoints and opinions.

Mr. Piros said the one that struck him most was the discussion about the new permanent City Manager. He was impressed by how the Council was taking this to heart and not taking it lightly. They had said they did not just want to pick a candidate due to a timeframe, but wanted to continue the search to get the best person for the City.

Mr. Piros thought it was livability which to him started with affordable housing for all who lived here. Livability also included jobs. There were some jobs here, but they needed more. When you lived and worked in a place then you had more time for your family and your community. Livability was about embracing the growing diversity here and not leaving long-time residents out.

Mr. Piros retired a year ago and had made an agreement with his wife not to volunteer for a year. His commitment in retirement was to support his wife. He was ready to commit and to put in the time and effort.

Chris Plummer

Mr. Plummer had been interested in government for a while and wanted to get more involved in the community. He had lived here his entire life and it was a good community.

Mr. Plummer said it was to be part of a team and to listen to the needs of the community. A Councilor worked with City employees to try to meet the needs. City Councilors should be part of the checks and balances and help set goals to help the community continue to thrive. He had been a coach here for 15 years and during that time he had learned that not every problem could be solved in the same way. You had to be flexible enough to figure problems out.

Mr. Plummer said in listening to the City Council, he would like to see the Waterfront property be developed to be more attractive.

Mr. Plummer thought it was to hire the right City Manager to lead the City out of its current problems. These problems included sustainable funding, homelessness, and affordable housing.

Mr. Plummer had been mainly listening to the meetings online.

Mayor Rogers asked if any of the candidates had questions for the Council.

Mr. Piros was curious about the districts and how they worked.

Councilor Bacon explained originally there were no districts, but then they were getting bulks of people from one area and not all neighborhoods were represented. Every time there was a census, the districts were changed based on population in order to remain fair.

Mr. Piros asked what happened when Councilors disagreed.

Mayor Rogers said when they voted as a Council, they were voting as a body. That was a representation of the City. Regardless of what their individual views were on that particular item, the vote was the position of the City.

Ms. Kunkel asked about the challenges of meeting their goals as a Council and some highlights they had serving on the Council.

Councilor Johnson said he was fiscally conservative. Some frustrations were the budget process. This year they had each department come make presentations to the Budget Committee. It helped them understand the bigger picture. Another frustration was comments on social media and on Facebook. When they had personnel matters, there were consequences attached to what they said publicly. The general public did not have all of the information and the Council could not share everything out of respect for the process. It was hard for someone like him who was in public relations. Sometimes it was not appropriate until investigations were done or until they got direction from attorneys or insurance companies.

Councilor Bacon had learned a lot. You had to learn to work with other people and to learn what really was the Council's job. But if there were things you cared about that weren't City business, you find ways because you had contacts now that you can work with. She was able with the contacts that she made to get warming shelters in place. There were consequences to Council's actions and it had changed her.

Councilor Findley said one of the challenges for her was the way she made decisions was process driven by talking with other people and getting feedback. That was not something they could do on the Council because of public meetings law. She could not spend a lot of time outside of meetings processing. It was good because it lent itself to transparency because the conversations they had were here and people could witness it.

Mayor Rogers passed out the score sheets to the Council.

Councilor Curtis Gerneroy asked for a quick synopsis of Ms. Kunkel's answers as she was not in the room when Ms. Kunkel was interviewed.

Ms. Kunkel summarized her responses.

Mayor Rogers handed the filled out score sheets to Finance Director Zook to tally the votes.

Mayor Rogers asked the Council to say who their top candidate was and why.

Councilor Yarnell Hollamon said she was between Mr. Piros and Ms. Kunkel. She had chosen Mr. Piros because she and Maryl were really similar and she was trying to choose someone else who would broaden the Council.

Councilor Bacon agreed that differences made them better. For her it was a tie between Mr. Morace and Mr. Piros. She ended up choosing Mr. Piros because if they all thought the same they were not fairly representing the citizens of Newberg.

Councilor Curtis Gerneroy had a tie between Ms. Kunkel and Mr. McBride. She chose Ms. Kunkel because her application was exhaustive and had good thought behind it.

Councilor Findley said her top choice was Ms. Kunkel. She agreed with Councilor Curtis Gerneroy that the details in her application stood out. Her experience in other places, education, and more global knowledge of things also stood out. When talking about City business it was important to keep things local, but they also needed a good global perspective. Her global perspective lent itself to a decision making process that looked different.

Councilor Johnson was between Mr. Piros and Mr. Morace. He was keeping in mind that this seat would be up for election in 12 months. With Mr. Piros, he couldn't decide whether this was more than he wanted to try especially with the time commitment. He thought Mr. Piros could be chosen and could see how it went for 12 months. He was impressed that Mr. Morace went out and got signatures as a petition to put his name on the ballot, and he had a great start to the election. But he did not want to give anyone a leg up on an election. Mayor Rogers was also between Mr. Morace and Mr. Piros. His choice was driven by the desire to have different voices on the Council. He voted for Mr. Piros because of his life experiences.

FD Zook said the clear top candidate was Gene Piros. Mayor Rogers thanked all of the candidates.

BUSINESS SESSION

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE – CITY MANAGER'S REPORT- PRESENTATIONS:

Meeting called to order at 7:00 p.m.

Councilors Present: Mayor Rick Rogers, Councilors: Stephanie Findley, Denise Bacon, Elizabeth Curtis Gerneroy, Elise Yarnell Hollamon, and Patrick Johnson.
District 5 Seat Vacant.

Staff Present: City Manager Pro Tem David Clyne, City Attorney Truman Stone, City Recorder Sue Ryan, Library Director Will Worthey, Finance Director Matt Zook, Planner Keshia Owens, Community Development Director Doug Rux, Public Works Director Jay Harris, City Engineer Kaaren Hofmann, Police Chief Brian Casey,

Information Technology Director Dave Brooks, multiple members of the police department.

PRESENTATIONS:

The Council proclaimed November 30, 2019 as Small Business Saturday.

CITY MANAGER'S REPORT:

City Manager Pro Tem Clyne reported on City activities including City Manager recruitment where 14 applications had been received. There would be a community meet and greet on December 15th at the Cultural Center and the interviews on December 16th. Council would have a regular meeting that night to decide if they wanted to make an offer to a candidate. They were also recruiting for a position that would be part library, part liaison with the Community Engagement position beginning November 12th. They had received a \$150,000 PGE grant of \$150,000 for the solar power bank. Regarding the climate change petition, the City had joined ICLEI.

COUNCIL APPOINTMENTS:

CRRC appointment

Action: To appoint Marie Maxwell to the Newberg Citizens' Rate Review Committee for a term effective November 4, 2019 to June 30, 2020.

Motion: Councilor Bacon

Second: Councilor Curtis Gemeroy

Vote: 6 Yes, 0 No.

District 5 Councilor Appointment

Action: To appoint Gene Piros to fill the District 5 seat on the Newberg City Council for a term ending December 31st, 2020, and be sworn in at the November 18th City Council meeting.

Motion: Councilor Curtis Gemeroy

Second: Councilor Findley

Vote: 6 Yes, 0 No.

PUBLIC COMMENTS:

Caitlin Karplus said she worked at Virginia Garcia Clinic in Newberg. She was concerned about safety for pedestrians along a section of road west of the clinic that had no sidewalk for 50-60 feet. The clinic served a diverse population with people with Medicaid, limited resources, some in wheelchairs, and some without cars who were walking to the clinic.

Joseph Falbey worked in the IT Department. The IT and Engineering Departments had been trying to organize since April. They had an initial negotiation session and had made progress, but the process had stalled since then. They just wanted the process to continue. He was hoping there was something the City Council could do to re-open the lines of communication.

Michael Gunn was interested in the Patton case. He didn't think the Council had been getting the right advice about the case. He attended part of the trial and was appalled at the allegations of an employee's destruction and tampering of evidence. He had seen a lot of documents on this case and a lot of it didn't make sense. He thought the Council should be asking what was going on. He referred to an alleged burglary of the HR Director's office, a police investigation, the mis-use of attorney/client privilege, and the potential lawsuits from city employees Brooks, Casey, and Kosmicki.

He was not trying to presuppose or cast aspersions, but it was the Council's duty to represent the citizens of Newberg not to cover City employee's wrongdoings. He hoped the City Attorney was not advising Council on this situation because he was a fact defendant. If there was a burglary, state statutes required that the City notify all of the employees that there was a potential data breach. He did not know if that had been done and there was tremendous liability if it had not.

Joe Eubanks, Newberg Dundee Police Association, said the group became aware of allegations made against the Police Chief and Captain. Any accusation of wrongdoing was serious especially when credibility was questioned. Credibility was their livelihood and affected everything they did and was held in the highest regard. He was submitting a document to Council to show total support of Captain Kosmicki and Chief Casey. They had fostered an environment that was inclusive, proactive, progressive, and enjoyable. They had an active police agency that had developed a domestic violence response team, mental health team, and a school resource program and participated in the Special Olympics, Shop with a Cop, and Tip a Cop. They were committed to ongoing outreach programs. The leadership had cultivated a work environment that made their officers want to perform at a higher level for citizens.

Brad Dickerson, Police Officer, expressed his support for Chief Casey and Captain Kosmicki. He researched several organizations before applying, and he only applied to Newberg. The Police Chief and Captain led, supported, and inspired them all. He routinely heard from other agencies how envious they were of the Newberg Police Department. He was in full support of Captain Kosmicki and Chief Casey who exuded integrity first, service before self, and excellence in all they did.

Rebecca Wallis asked about interpretation of the City Charter section on the City Manager Pro Tem powers of hiring and firing. She felt there were concerns in the community about communication and representation on the Council. Her husband was a Police Department reserve here as a Sergeant. She was proud of this department. They did things here that other departments didn't do, especially in community outreach. To have City employees make allegations against the Chief, Captain, and IT Director felt like an assault on the Police Department. How could the Council make the final say on employees if they were not apprised of City business or knew the employees?

Mayor Rogers thanked everyone for coming. The City was going through a difficult period of time. They never wanted to see the City in a sentence in the *Oregonian* with the word discrimination. All of the Council were collectively concerned with what was going on. If they could make this the very best place to work in the region, that was what they would want to see. They knew the dedication employees provided every day. When allegations

were being made, they looked into it. There was a larger process in government affairs than in private businesses. They understood the seriousness of this. He encouraged everyone to think strong about the City Manager position they were seeking to hire.

ACTION ITEMS- Consent Calendar

1. a) Resolution 2019-3612, A Resolution approving the Library Internet Use Policy.

b) Resolution 2019-3613, A Resolution approving the Library Collection Management Policy.

c) Support letter for George Fox University grant application to the Council for Independent Colleges – Humanities research for the Public Good to advance A NewBERG Community Vision.

d) Resolution 2019-3615, A Resolution indicating the intent to seek reimbursement for expenditure of funds from Fund 14 Economic Development Fund for funds authorized by Resolution No. 2018-3503 to conduct an Urban Renewal feasibility study and plan.

Action: Approved consent calendar items as presented.
Motion: Councilor Johnson
Second: Councilor Yarnell Holloman
Vote: 6 Yes, 0 No.

PUBLIC HEARINGS:

1. Resolution 2019-3604, Advanced Metering Infrastructure System exemption

Mayor Rogers opened the public hearing and read the hearing script. He asked for any conflicts of interest or abstentions. There were none.

Staff Report: City Engineer Hofmann said the advanced metering infrastructure was an integrated system of smart meters, communication networks, and data management system that allowed communication between the City and customers. She explained the benefits of the new system. The estimated contract price was \$350,000 for Phase 1 with an estimated total cost of \$1.2 million. That amount was already built into the water rates. She asked for approval of the exemption to the competitive solicitation requirement and to directly award the contract to Ferguson Enterprises by January 1, 2020.

Proponents: None
Opponents: None
Undecided: None

Mayor Rogers closed the public hearing.

Action: Approved Resolution 2019-3604, A Resolution authorizing the City Manager to waive the competitive solicitation requirement for an advanced metering infrastructure system from Ferguson Enterprises.

Motion: Councilor Findley
Second: Councilor Curtis Gemeroy
Vote: 6 Yes, 0 No.

2. Ordinance 2019-2852 Legal Description City Limits

Mayor Rogers opened the public hearing. He asked for any conflicts of interest or abstentions. There were none.

Staff Report: Community Development Director Rux said this was approval of the new legal description of the City limits. The Charter required the City to have an up-to-date description of the City, which was being done on an annual basis. There had only been one annexation this past year and this action would incorporate that parcel.

Proponents: None
Opponents: None
Undecided: None

Mayor Rogers closed the public hearing.

Action: To waive the second reading of Ordinance 2019-2852.

Motion: Councilor Johnson
Second: Councilor Bacon
Vote: 6 Yes, 0 No.

Action: Approved Ordinance 2019-2852, An Ordinance adopting a new legal description of the Newberg City limits to be read by title only.

Motion: Councilor Johnson
Second: Councilor Curtis Gemeroy
Vote: 6 Yes, 0 No.

3. Ordinance 2019-2848

Mayor Rogers opened the public hearing. He asked for any abstentions, conflicts of interest, ex parte contacts, bias, or objections to jurisdiction. There were none.

City Attorney Stone read the public hearing announcements.

Staff Report: Assistant Planner Owens said the proposal was to amend the Comprehensive Plan Map and Zoning Map designation from Medium Density Residential (MDR) and R-2 to Industrial (IND) and M-2 for a property located at 502 S. St. Paul Highway. When the applicant originally submitted the application, there was a small flag lot that led to the site, but the applicant had chosen not to purchase that but to access the property through an easement that went through the church property. Staff received public comments from the Fair Housing Council of Oregon as this application would take away some of the existing medium density residential in the City. There was currently a deficit in both medium density and industrial land. If this proposal was approved, they would still be at a deficit. She explained the subject site and how the majority of the surrounding properties were zoned M-2. There would not be a significant impact to the transportation system. Staff found the application to be consistent with the statewide goals and policies, it was an efficient use of the land, it would not impact the transportation system, and there were adequate public facilities to serve the site. Staff recommended approval.

Applicant: Mimi Doukas of AKS Engineering was representing the applicant. They were going through this process to expand a woodworking business. They had an agreement with the church property to do this expansion as it was unused land on the south side of the church. This land was more appropriate for industrial rather than residential as it was adjacent to a developed industrial complex. The application met the criteria. It would help expand an existing business within the City, it was served by infrastructure, and would have the same general transportation pattern as the residential designation. There was a shortage of both industrial and residential land. The church would separate this property from other residential uses. The Fair Housing Council of Oregon testified on every zone change and Comprehensive Plan amendment application that proposed to reduce residential land supply. She thought in this case it was theoretical residential land supply as to tuck residential into this industrial complex adjacent to a church would be awkward and not realistic. The City planned to add residential land in the Riverfront Master Plan which would help balance this loss out. She requested approval.

Discussion: There was discussion regarding possible impacts to the residential area to the north.

Proponents: None

Opponents: None

Undecided: None

Mayor Rogers closed the public hearing. CA Stone gave the legal announcements. The applicant waived the 7 day period for submitting final written arguments in support of the application.

Action: To waive the second reading of Ordinance 2019-2848.

Motion: Councilor Findley

Second: Councilor Bacon

Vote: 6 Yes, 0 No.

Action: Approved Ordinance 2019-2848, An Ordinance amending the Comprehensive Plan Map designation from Medium Density Residential (MDR) to Industrial (IND) and amending the zoning designation from R-2 (Medium Density Residential) to M-2 (Light Industrial) for a property located at 502 S. St. Paul Highway, Yamhill County Tax Lot R3221 01400 to be read by title only.

Motion: Councilor Findley

Second: Councilor Yarnell Hollamon

Vote: 6 Yes, 0 No.

COUNCIL BUSINESS:

Council Rules Discussion:

Mayor Rogers said a member of the community had asked about the timeline for the submittal of public comments for meetings. That person was asking if they could move the public comment deadline to the Friday before the Council meeting instead of Thursday. There was consensus for staff to bring back a resolution to make that change.

Council Committee Reports:

Councilor Johnson would bring a letter with updated facts for funding for the Bypass to the next Council meeting for approval.

Councilor Yarnell Hollamon stated there would be a Newberg Housing Solutions meeting next Friday. She reported on what had been going on at the County level on homelessness.

Councilor Curtis Gemeroy had a discussion with folks at Sustainable Solutions.

Councilor Bacon said they needed a new person on the Pension Subcommittee. Councilor Yarnell Hollamon volunteered until Mr. Piros decided what he wanted to do.

Councilor Findley had been appointed to the Head Start Board.

Mayor Rogers discussed the Family Place fundraiser. He had recently done a podcast.

Discussion of holding meetings around the community:

Councilor Curtis Gemeroy explained how she had come up with this idea. She did not want to make it laborious for staff, but maybe once a quarter they could meet in a different area to get different people coming in and make meetings more accessible. Councilor Johnson suggested it could be a Work Session only where they could listen to what people wanted to talk about. There was discussion regarding logistic issues. There was consensus for staff to schedule quarterly listening Work Sessions. CA Stone clarified they would be additional Council meetings, not on one of the regular nights.

Issue Tracker:

Mayor Rogers discussed items to add to the issue tracker from this meeting. These items included the AFSCME contract, role of the Council and CMPT duties per the Charter, and making See Click Fix applicable to all departments.

There was discussion regarding the sidewalk request near the Virginia Garcia Clinic. It was a section that had not been developed yet. Staff would come back with the cost.

Mayor read script. Went to City Hall for Executive Session

EXECUTIVE SESSION pursuant to ORS 192.660 (2) L Legal Counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Start: 8:55 p.m.

Stop: 10:25 p.m.

Topic: CIS Investigation

Staff: CMPT Clyne

Other: Attorney Todd Lyons, of Fisher & Phillips LLC.

The Council returned to open session at 10:28 p.m.

Resolution 2019-3621

Mayor Rogers read the recitals about the final investigative reports on the HR Director and Public Safety Officers.

Action:	Approved Resolution 2019-3621
Motion:	Councilor Curtis Gemeroy
Second:	Councilor Findley
Vote:	6 Yes, 0 No.

Meeting adjourned at 10:32 p.m.

ATTEST:



Rick Rogers, Mayor



Sue Ryan, City Recorder

