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**City of Newberg  
City Council  
January 6, 2020**

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**WORK SESSION**

Meeting called to order at 6:00 p.m.

EXECUTIVE SESSION pursuant to ORS 192.660 (2) (H) Legal Counsel

Start: 6:04 p.m.

Stop: 6:12 p.m.

Topic: Metro West lawsuit settlement

Staff: CMPT Clyne, CA Stone

Other: Ron Guerra, Innova (sp?) Attorney

Councilors Present: Mayor Rick Rogers, Councilors: Stephanie Findley, Denise Bacon, Elizabeth Curtis Gerneroy, Elise Yarnell Hollamon, Gene Piro, and Patrick Johnson.

Staff Present: City Manager Pro Tem David Clyne, City Attorney Truman Stone, City Recorder Sue Ryan, Community Development Director Doug Rux, Finance Director Matt Zook, and Library Director Will Worthey.

Sean O' Day, Executive Director of the Mid Willamette Council of Governments, gave an introduction to goal setting. He discussed the pillars of public service, local government reading list, City government structure, roles and responsibilities of the Council, strategic level leadership, strategic planning framework, resource inventory, and developing smart goals.

**CITY MANAGER'S REPORT:**

City Manager Pro Tem Clyne reported on his activities including City Manager recruitment and negotiations. A candidate had been selected and would begin work on February 24. He announced there was an interim HR Director that had been hired. The IT Master Plan had been put on hold pending the arrival of the new City Manager. The budget process would begin in mid-January.

**COUNCIL COMMITTEE REPORTS:**

Councilor Johnson reported that the Parkway Committee would be meeting to discuss the short session and legislative work.

Mayor Rogers discussed the Point In Time Homeless Count which would be conducted on January 29.

## **BUSINESS SESSION:**

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, Patrick Johnson, and Gene Piros.

Staff Present: City Manager Pro Tem David Clyne, City Attorney Truman Stone, City Recorder Sue Ryan, Community Development Director Doug Rux, Finance Director Matt Zook, Senior Engineer Brett Musick, and Library Director Will Worthey.

## **COUNCIL PRESIDENT:**

The Council appointed Councilor Johnson as Council President for 2020 by a unanimous vote.

## **PRESENTATIONS:**

Finance Director Zook said the City received the auditor's report with no significant deficiencies or material weaknesses. There were a couple budget violations. They had received for the third year in a row the Certificate of Achievement for Financial Reporting Award.

Brad Bingenheimer of Boldt, Carlisle, and Smith presented on the audit process and standards that were applied. The report stated that in their opinion the City's financial statements presented fairly in all material respects, financial position, and results of operations for the year ending June 30, 2019. He gave some financial highlights from the audit. He then explained how the City's internal controls were evaluated.

Discussion: Risk management and insurance

Action: To accept the auditor's report and the comprehensive annual financial statements.

Motion: Councilor Johnson

Second: Councilor Curtis Gerneroy

Vote: 7 Yes, 0 No.

## **COUNCIL APPOINTMENTS:**

Ad Hoc Urban Renewal Citizens Advisory Committee

Action: Appoint Patrick Johnson, John Bridges, Molly Olson, Angel Aguiar, Don Clements, Joe Morelock, Francisco Stoller, Loni Parrish, Don Griswold, Shannon Buckmaster, Cassandra Ulven to the Ad Hoc Urban Renewal Citizen's Advisory Committee for terms effective from January 2020 to April 2021.

Discussion: The Urban Renewal study area would be from the downtown to the riverfront.

Motion: Councilor Findley

Second: Councilor Piros  
Vote: 7 Yes, 0 No.

#### Ad Hoc Economic Opportunities Opportunities Analysis Advisory Committee

Action: Appoint Gene Piros, Curt Walker, Allen Routt, Philip Higgins, Sid Friedman, Carr Biggerstaff, Bob Woodruff, Alvin Elbert, Keith Hansen, Isa Pena, and Jim Bush to the Ad Hoc Economic Opportunities Advisory Committee for terms effective from January 2020 to December 2020.

Discussion: This work would look at the land needed to meet economic and housing needs of the City.

Motion: Councilor Findley

Second: Councilor Johnson

Vote: 7 Yes, 0 No.

#### **PUBLIC COMMENTS:**

Lindsey Holloway spoke about a marijuana processing facility that had been approved and was currently being appealed on Highway 219 and Jaquith. This was outside the Newberg city limits, but it would affect Newberg residents. She asked the Council to send a letter with their position on it for the appeals hearing on Thursday.

Michael Gunn supported the Human Resources Director departure. He referred to a newspaper article about the Information Technology Director's lawsuit. He said the Council should demand answers from everyone named in the suit.

Pat Haight asked about lawsuits' cost to the taxpayers. She complained about the lack of notice for Council meetings.

Rebecca Wallis, Newberg resident, discussed the lack of response to her public records request questions. She noted how difficult it was to give comments to the Council at meetings, how Council was not communicating clearly with citizens, and did not respond in a timely manner. They needed to stand up for citizens and serve them.

Star Gibson said the Council was the only group not acknowledging wrongdoing, demanding answers, and forcing change. The City had four pending tort claims from four City employees. City administration needed to be replaced or the Council and Mayor needed to be recalled.

#### **ACTION ITEMS- Consent Calendar**

1. a) Resolution 2020-3636, A Resolution to authorize the City Manager to enter into a professional services agreement with Murray Smith, Inc. to complete Phase 2 of the Redundant Water Supply Project.

b) Resolution 2020-3635, A Resolution approving the settlement agreement and release between the City of Newberg and Metro West Ambulance Services, Inc. in Yamhill County Circuit Court Case No. 17CV24460.

Action: Approved consent calendar items as presented.  
Motion: Councilor Johnson  
Second: Councilor Curtis Gemeroy  
Vote: 7 Yes, 0 No.

### **NEW BUSINESS:**

#### 1. Resolution 2020-3633

Senior Engineer Musick explained the E Crestview Drive project, which included sidewalks, bike lanes, pavement maintenance, mini roundabout on West Lake Loop, utility undergrounding, stormwater replacement, street lights, and reuse and wastewater lines. The City needed right-of-way acquisition to do the project.

City Attorney Stone noted that the resolution allowed condemnation proceedings in the event that negotiations were unsuccessful.

Discussion: Street trees, driveways, roundabout, traffic, and condemnation process.

Action: Approved Resolution 2020-3633, A Resolution authorizing the acquisition of Right-of-Way and Easements for the E. Crestview Drive Improvement Project.

Motion: Councilor Yarnell Hollamon  
Second: Councilor Curtis Gemeroy  
Vote: 7 Yes, 0 No

#### 2. Construction Excise Tax Discussion

Community Development Director Rux said a Construction Excise Tax would be used to help address affordable housing. The tax would be imposed on new structures or new additional square footage to an existing structure. It would be a 1% tax for residential, commercial, and industrial development.

The Council discussed:

- Use of the funds
- Projects that qualified for the funds
- Definition of Affordable Housing & market supply
- SDC offset as an incentive
- Inclusionary housing provisions in master plans
- Developers' feedback and addressing concerns
- Measuring the success and effects
- Making the program simple and not taking much staff time
- Deed restrictions
- Consequences if they didn't do it
- Would it solve the problem

3. Resolution 2020-3638

CMPT Clyne said this resolution would approve the City Manager contract for Dan Weinheimer. He gave Mr. Weinheimer's background.

Discussion: Reasons for hiring this candidate

Action: Approved Resolution 2020-3638, A Resolution appointing Dan Weinheimer as City Manager effective February 24, 2020.

Motion: Councilor Curtis Gerneroy

Second: Councilor Findley

Vote: 7 Yes, 0 No

**COUNCIL BUSINESS:**

1. Issue Tracker

Discussion on marijuana farm traffic – CDD Rux explained the Council received an email in November about this issue. Mayor Rogers would work with staff to see how to effectively intervene if possible.

Discussion on public records requests and response to Ms. Wallis – City Recorder Ryan said she had responded to Ms. Wallis. CMPT Clyne would also respond to her. Discussion on Council's response to the litigation – The Council thought the investigative report was their response. They did not want to make statements that invited more litigation. It was suggested to have more education and people could reach out to individual Councilors with questions.

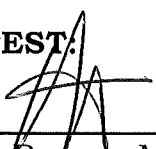
2. Willamette Falls Locks – this item was tabled to January 21


3. District 2 Vacancy Update – No applications had been received and the recruitment would be extended.

4. IT Director Brooks said the new sound system for the PSB training room would be ordered soon.

Meeting adjourned at 9:45 p.m.

**ATTEST:**

  
Rick Rogers, Mayor

  
Sue Ryan, City Recorder