

**CITY OF NEWBERG CITY COUNCIL MINUTES
JANUARY 3, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

A Work Session was held prior to the meeting. A presentation was given by Library Director Leah Griffith on the Chehalem Valley Transit. No decisions were made.

I. CALL MEETING TO ORDER

Council President Marc Shelton called the meeting to order at 7:08 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
		Jennifer Nelson, Recording Secretary

Others

Present: Hank Grum, Pat Haight, and Roger Wiltshire

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. OATH OF OFFICES

Municipal Judge Larry Blake led the Oath of Offices for Mayor Bob Andrews, Councilor Bart Rierson, Councilor Stephen McKinney, and Councilor Ryan Howard.

V. COUNCIL PRESIDENT ELECTION

Councilor Shelton and Councilor McKinney nominated Councilor Bart Rierson to be the new Council President.

<p>MOTION: Andrews/Shelton to elect Councilor Bart Rierson as Council President by an acclamation of unanimous votes. (7 Yes/0 No) Motion carried.</p>

VI. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, spoke of wrapping up 2010 with the newly adopted mission statement and looking forward to the new year with upcoming work on the vision statement and core organization values. He also spoke of the first City Council budget meeting coming up on January 24, 2011, to seek direction on tackling budget shortfalls.

VII. PUBLIC COMMENTS

Mr. Hank Grum spoke of an article that disturbed him concerning the lack of funding for Other Pension Employee Benefits (OPEB) and unfunded liabilities facing Newberg; he wondered if the city was aware of this and how they plan to address it. Mayor Andrews said the city is aware of the matter and of the actuary review.

Ms. Pat Haight addressed items she came across while reviewing the accounts payable ledger for the city regarding checks written to The Allison for a City/County Dinner not matching up, and a check written to Hazelden.

Mr. Roger Wiltshire reiterate his previous request for the resignation of the city manager, the reduction of his spending authority, and requiring him to have a computer at a meeting to produce immediate information to answer questions asked of him. Councilor Bart Rierson said he felt the city manager along with other staff members mentioned at previous meetings are doing a fine job and he is pleased with their work. He is sorry to hear there is some disagreement; but, although Mr. Wiltshire may not like what they are doing, there are others that do.

VIII. PUBLIC HEARINGS

1. Consider a motion approving **Order No. 2011-0030** amending the Comprehensive Plan map designation from Low Density Residential (LDR) to High Density Residential (HDR) and amend the Zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a property located at 1103 North Meridian Street.

TIME – 7:35 PM

Barton Brierley updated the Council on the meeting between the Housing Authority of Yamhill County (HAYC) and the Meridian Street neighbors. The group has asked for more time to pursue some alternatives suggested amongst the group. He requested a continuation to the February 7, 2011, meeting.

MOTION: Shelton/McKinney to postpone the deliberations and continue the hearing until the February 7, 2011, City Council meeting to allow for the citizens and HAYC to have a chance to meet again. (7 Yes/0 No)
Motion carried.

3. Consider a motion approving **Ordinance No. 2011-2735** establishing provisions for second-hand dealers to operate in the city.

TIME – 7:56 PM

This item was heard out of agenda order.

Mr. Mahr reported the legal department and police department have been working to establish this ordinance, modeling it off of what the City of Portland uses. Within this week, Portland had more feedback on the ordinance and there were discussions about coordinating with a county-wide ordinance and electronically interfacing efforts between the city, county, and other surrounding entities. The detective working closely with this matter requested postponing the decision until February 22, 2011.

Councilor Marc Shelton was concerned with making this too extensive. He is in favor of holding the decision over; however, he would like to see something that meets the requirements of the Oregon Revised Statutes (ORS) and not have the ordinance go beyond that.

MOTION: Shelton/Bacon to postpone deliberations on **Ordinance No. 2011-2735** until February 22, 2011.

Councilor Stephen McKinney wondered about distinguishing between resale brokers and pawn shops and what cooperative efforts would look like between Newberg, the County, and other cities to minimize the risk of criminal activity.

Councilor Rierson encouraged staff to closely examine the regulations dealing with the purchase of second hand scrap metals.

Councilor Shelton added they would like the ordinance brought back to them as clean as possible since the first reading has already brought about several questions. He also stated he would be more comfortable with second-hand or a consignment ordinance as the title rather than calling it the pawnbroker ordinance.

MOTION: To postpone **Ordinance No. 2011-2735** until February 22, 2011. (7 Yes/0 No) Motion carried.

2. Consider a motion approving **Ordinance No. 2011-2733** adopting the reformatted, indexed, and republished Newberg Municipal Code and declaring an emergency.

TIME – 7:54 PM

Ms. Norma Alley, City Recorder, presented the staff report (see official meeting packet for full report).

Councilor Ryan Howard expressed his discomfort for including an emergency clause when he felt it is not justifiable. He also referred to several items he considered substantive changes of the code and asked staff to clarify those changes. He referred to language changes on page 17 regarding non-voting members and page 29 changes to time period for removal of carcasses to five days.

Ms. Alley replied the changes to ex-officio and non-voting members were to bring the code into line with the current charter; the matter was passed by City Council, but not through code. The second change of a general statement to a number of specific days is to reflect the current standard for when a carcass becomes rotten. The reason staff did not consider items like this substantive is because it is just a matter of updating language to reflect current code, state laws, standards, or practices without changing the original intent of the code. Ms. Alley continued by addressing the declaration of the emergency clause; the purpose is to make it clear when changes are being made and reduce the error for personnel when citing the code, avoiding an unclear period between approval, changes made, and effective dates. It is also strongly suggested no ordinances be approved between now and the thirty days if emergency clause is not in effect.

Councilor Rierson referred to pages 11 and 15 concerning the references to “electors” and “voters” and preferred the terms would be consistent. He asked about page 14 and the current procedure for bonds for city officials. Staff stated this section is not currently being practiced and because it is more substantial it will be coming before Council at a later date; they researched this and it is not a requirement of ORS for bonding, but it is good practice and the city’s auditors would like to see it. Councilor Rierson also wanted to see the references to “the commission” under staff services and “planning commission” under conflict of interest on page 17 to be the same term. He also had concern with the change on page 31 to remove “and/or public intoxication, as defined...” because he did not feel that citizens looking at the code would understand when things are “as defined in the ORS”. He felt including the title of the ORS would help make the document more readable or simplified.

Councilor Wade Witherspoon asked why the whole section on section histories and statutory references was deleted. Staff replied it was unnecessary because this section is just highlighting what is clearly seen in the code and already in the state laws. Councilor Witherspoon discussed several other clarifications with staff and requested that page 33 under public danger, the reference to “him” should be “him or her” and these kinds of gender neutral references should be consistent throughout the document. Staff replied there will be an overall

search in the entire document to change gender specific references to be gender neutral. This is noted on the first page of the exhibit as the first star.

Councilor Denise Bacon suggested moving the comma on page 24 under administration forward one word. Also, there was a reference to “servant” in the definition of family in the definition section; she suggested finding what that term should be and change it.

Mr. Hank Grum stated he also had a list of concerns, but he is happy to say most were allayed by the Council. He also expressed concerns about references to State documents and what happens to the references when the State documents change and are no longer in agreement with what the city’s desires are. He also felt the emergency clause may be for the convenience of the codification company, not necessarily to the city’s benefit. He was concerned more substantive changes would be snuck into the code amendments and he appreciates the Council taking the time to look over this in detail.

Ms. Pat Haight wondered about the emergency clause and the possible loss of what was desired ten to fifteen years ago when the codes were established by cleaning them up. She also expressed concerns over trusting an outside organization and how much it costs the city for their services.

Mayor Andrews asked if the city is consistent with how they handle vacancies and removals among the various commissions/committees/boards. Ms. Alley replied the city is not currently consistent, but is considered a substantial change they are not bringing up within the recodification; this is an item staff intends to bring back to Council at another time.

Discussion followed about section 2.20.050 regarding retirement contributions and its relation to recent Budget Committee decisions. Staff stated this item will be removed from the recodification to be addressed and brought back to Council for action at a later time.

Brief discussions followed about the references to “the city” and what specific part of “the city” a citizen would need to address for various issues, the need for consistency with using a lowercase “c” verses an uppercase “C” when referring to “the city” throughout the document and other city documents, and checking the consistency with the use of the term “Planning Director” verses “Planning and Building Director”.

Councilor McKinney supported using the emergency clause because it would leave no ambiguity and settles things for now; items can always be addressed later if items are found in need of being rewritten.

Councilor Shelton added it was not the emergency clause itself he had a problem with, it was to correct the date. He wants to ensure the purpose of the emergency clause and why it is being enacted is clearly stated.

Staff was directed to make the recommended changes discussed and to postpone this item to February 7, 2011, in order to complete those changes.

MOTION: Shelton/Witherspoon to postpone Ordinance No. 2011-2733 until the February 7, 2011, City Council meeting. (7 Yes/0 No) Motion carried.

IX. COUNCIL BUSINESS

TIME – 10:03 PM

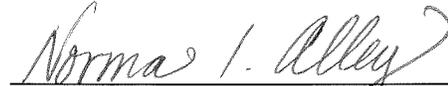
Councilor Rierson and Councilor Bacon spoke about the kayak rental facility project they are working on through the Ford Family Foundation and requested consideration of in-kind staff contributions from the city.

Discussions followed about the distribution of the Legal Bulletin and suggestions for making it more useful to the needs of the Council.

X. ADJOURNMENT

The meeting adjourned at 10:35 PM.

ADOPTED by the Newberg City Council this 7th day of February, 2011.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of February, 2011.



Bob Andrews, Mayor