

**CITY COUNCIL MINUTES
NOVEMBER 19, 2012
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 Associate Planner Jessica Nunley on the Safe Routes to School Program. All council members were present with Councilor Howard arriving at 6:08 PM; no action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:04 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
	Jessica Nunley, Assistant Planner	Norma Alley, City Recorder
	Brian Casey, Chief of Police	Mandy Dillman, Minutes Recorder

Others Present: Mike Ragsdale, Robert Soppe

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, city manager, reported the annual turkey carnival brought in around \$2,000.00 in revenue, the city lights for Christmas will be put up on Saturday and the library will be hosting their annual tree lighting ceremony on Thursday, December 29, 2012.

V. PUBLIC COMMENTS

TIME – 7:08 PM

Mr. Robert Soppe stated his meaning was captured incorrect in the October 1, 2012, meeting minutes. The minutes are currently written as, "He stated it seems appropriate for property owners to receive approval to put a sign in front of personal property regardless of zone." Mr. Soppe believes his comment would be more accurately represented written as "He stated that it seems appropriate to require approval by the property owner for anyone to put a sign in front of the property, regardless of zone." Secondly, Mr. Soppe commented on the incorrect minutes he brought to the Council's attention at a previous meeting. He believes the councilors have the capability of creating motions that convey their intent, with help from staff when needed, and that once they have selected their text for the motion and it has been voted on, that text should not be changed without Council's approval. Mr. Soppe commented it was inappropriate for staff to make changes without consulting with the Council. Mr. Soppe understands a motion to be a force of law when included with a resolution and when changed in the minutes, the motion may not convey the same intent the council had voted on (see official meeting packet for full testimony).

Councilor Bart Rierson said that he does not find it objectionable for minutes recorders to make changes. He mentioned the councilors get to review minutes and make changes before they get finalized. Mr. Soppe replied this mistake was factually incorrect with only three of four items included in the motion and the minutes were still recorded and approved that way. He felt the bigger concern was they approved the wording in the meeting, but the correct wording did not make it into the minutes.

VI. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2012-3021** for the surplus and sale or donation of a Fire Engine, a Water Rescue Vehicle, and a Rescue Ambulance and a motion to approve the October 1, 2012, City Council meeting minutes as amended.
2. Consider a motion approving the October 1, 2012, City Council meeting minutes.

TIME – 7:12 PM

The minutes were pulled from Consent Calendar and discussed under Council Business.

MOTION: Howard/Rierson to approve the Consent Calendar including **Resolution No. 2012-3021** for the surplus and sale or donation of a Fire Engine, a Water Rescue Vehicle, and a Rescue Ambulance, as amended. Motion carried (7 Yes/ 0 No).

VII. NEW BUSINESS

1. Consider a motion adopting **Resolution No. 2012-3022** supporting the Newberg Downtown Coalition’s Transforming Downtown Application.

TIME – 7:15 PM

Mr. Mike Ragsdale, Newberg downtown coalition (NDC) director, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report).

Mr. Danicic asked if this included any obligations of funding or involvement by the council. Mr. Ragsdale replied that they have no financial obligations.

Mr. Witherspoon questioned if the resolution was for them to support the application process and recommended language change under the first resolves to change the word “the” to “an”. Mr. Ragsdale said the resolution is for the Council to support NDC to participate in the transformation of downtown and would have no problem with that amendment.

Mayor Andrews asked Mr. Ragsdale if he was the “guaranteed local representative” mentioned in the application paperwork. Mr. Ragsdale replied he was.

Mayor Andrews also mentioned that the paperwork talked about guaranteed adequate financial support. Mr. Ragsdale answered that it is not a requirement of the state, but that the city does support them already and no more is expected.

NDC recommends approval of Resolution No. 2012-3022.

MOTION: Rierson/Howard adopting **Resolution No. 2012-3022** supporting the Newberg Downtown Coalition’s Transforming Downtown Application. Motion carried (7 Yes/0 No).

2. Consider a report on policy changes and additions to the Newberg-Dundee Animal Control Policy.

TIME – 7:27 PM

Chief of Police Brian Casey reported on the recent incident of Mr. Phil White's cat, William, being euthanized without his consent or knowledge. First he thanked Mr. White for his help in changing the animal control policies to prevent something like this from happening again. The new policies to be implemented are no animals can be euthanized without notifying the police department first, all animals must be held 72 hours beforehand, if it is an emergency and the animal can not be held for 72 hours a veterinarian will be consulted, the animal will be scanned for a chip or a license searched, a detailed report will be filled out before all animals are euthanized, and new items have been purchased to assist with the new policies. The items purchased are a net to help catch cats without alarming them as much as a cat pole does, a scanner with a longer handle to aid in finding chips without getting too close to a possibly dangerous animal, and a squeeze cage to help restrain cats when searching for chips or sedating them. With these new policies and equipment Chief Casey feels they are off to a good start with animal control issues.

Mr. Phil White spoke about how valuable it has been to work with Chief Casey and how appreciative he is of the council's involvement. He is sad it was his cat that this happened too, but glad of what has come out of it as to prevent it from happening to others.

Councilor Howard thanked Mr. White for coming back to speak again and for helping in the process. He then asked Chief Casey how he sees a similar situation playing out with the new policies and equipment in place. Chief Casey replied the condition of the cat would determine which tools they use and an animal is now guaranteed to be held for 72 hours upon which time someone from police management must give approval before euthanizing the animal.

Councilor Howard further inquired as to the distance of the wand to read chips and asked if it could work through the cage. Chief Casey believed the wand would work with the cat enclosed in the squeeze cage, which without that device they were unable to get close enough to William to scan him.

Mr. White mentioned there are a number of feral cat colonies in Newberg, which citizens take care of and feed; however, they felt in the past they had to hide the cats to prevent them from being picked up and euthanized. With these new policies in place they can be assured their cats will not be immediately put to sleep.

Discussion commenced on how the wand can be used for dogs as well, the staff at the animal shelter will undergo training for using the new devices as well as other continued education, all animal control devices will be used at the animal control officers discretion depending on each individual case, and having several veterinarians working with the shelter.

VIII. COUNCIL BUSINESS

1. Consider a motion approving the October 1, 2012, City Council meeting minutes.

TIME – 7:27 PM

MOTION: Andrews/Rierson to postpone October 1, 2012, City Council meeting minutes to the December 17, 2012, meeting directing staff to look into Mr. Soppe's recommended changes. Motion carried (7 Yes/0 No).

Councilor Shelton asked how long records are kept, in accordance to law. Mrs. Norma Alley, city recorder, replied written minutes are kept indefinitely; however, the city of Newberg's policy is to retain recorded minutes for only three years. The written minutes are the only formally recognized minutes by the State and are to be retained permanently.

Councilor Shelton explained he feels the issue Mr. Soppe brought forward is very important to the neighborhood. The fact that E1, E2, and C2 were the only ones recorded in the minutes being voted on discounted those citizens' needs that are affected by not including E3. He is concerned if they do not amend minutes they will lose that information when the recorded minutes are deleted in three years. Norma Alley stated the April minutes have been amended to include the E3 zone as well as the resolution correctly included all zones prior to collection of signatures.

2. Waste Management Franchise.

MOTION: Howard/Shelton directing staff to work with Waste Management on presenting council with options to move forward in residential glass recycling. Motion carried (7 Yes/0 No).

3. Introduction of newly elected Councilors.

Each councilor and staff gave a short introduction of themselves to the new councilors. Mayor Andrews thanked them for coming, mentioned they would start orientation on Wednesday, and invited them to attend the December Council meetings, the joint meeting on November 26, 2012, and the Local Government Dinner. Ms. Lesley Woodruff said she will be serving District 1 and was looking forward to serving on the council. She shared she was explaining to her children about attending more meetings to make Newberg a better place and her five year old suggested they plant more roses in Newberg. Ms. Woodruff said she might make that her first council agenda item. Mr. Mike Corey said he is representing District 5 and was glad to serve with the other councilors and for the city in this way. He is looking forward to being a part of a formulated government, knows it will not always be easy, and is looking forward to all of the thought provoking things he will encounter.

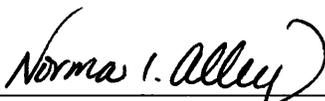
4. Other Items

Mr. Terry Mahr reported it has come to their attention that not allowing any weapons, including those carried by a person with a concealed hand gun permit, is not in order with the state statute, which states persons with concealed hand gun permits may bring weapons into city buildings just not into court rooms. Technically the council meets in a courtroom. However, court is not in session during council meetings so the rule does not apply. Mr. Mahr mentioned he will speak with the judge to see if he wants to press on the issue of stating the Training Room considered as a court room even when court is not in session. The sign outside stating "No Weapons" will probably not need to be repainted, however they may need to include a sign inside the building that is more specific. He will check with the judge and chief of police before deciding.

IX. ADJOURNMENT

The meeting adjourned at 8:26 PM.

ADOPTED by the Newberg City Council this 17th day of December, 2012.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 20th day of December, 2012.



Bob Andrews, Mayor