

**CITY OF NEWBERG COUNCIL MINUTES**  
**FEBRUARY 3, 2014**  
**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 Mary Newell, support services manager, Jason Kirkpatrick, Kelly Dutra, Ron Polluconi, and Larry Hatch from Washington County Consolidated Communications Agency (WCCCA) on WCCCA/C800 communications system long range plan and the impact to Newberg. No action was taken and no decisions were made. All councilors and the mayor were present.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7: 00 PM.

**II. ROLL CALL**

Members Present: Mayor Bob Andrews Denise Bacon Ryan Howard  
Bart Rierson Stephen McKinney Mike Corey  
Lesley Woodruff

Staff Present: Lee Elliott, City Manager Pro Tem Truman Stone, City Attorney  
Norma Alley, City Recorder Barton Brierley, Building & Planning Director  
Nicole Tannler, Minutes Recorder

Others Present: Douglas Heuer, Francisco Stoller, Sheryl Kelsh, Tim Svenson, Dave Huber, and Jackie Lang

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. SPECIAL PRESENTATIONS**

Presentations were given by the sixth grade class of Mountainview middle school's design star program.

**V. CITY MANAGERS REPORT**

Mr. Lee Elliott, city manager pro tem, reported there were fifty-eight applicants for the city manager position which is now closed. We are in the process of evaluating our finances and coming to council hopefully by the end of February.

**VI. PUBLIC COMMENTS**

Mayor Andrews opened public testimony.

Mr. Douglas Heuer, a local resident, would like to open up a marijuana depository here in Newberg. He wants to ensure medical marijuana card holders have a place to get it, there is quality assurance, discourage them from going to black market to fill needs, and provide consistent and uniform approach regarding law enforcement. He is hoping the council does not ban this and believes provides the best safety and health for the city.

Councilor Stephen McKinney asked where people currently go. Mr. Heuer said there are places in Portland and Salem you can get it. Councilor McKinney asked if they have been able to get what they need. Mr. Heuer

replied yes, but they have had to go out of the county to do so. Councilor Bart Rierson asked if he would be growing his own. Mr. Heuer said no, there are specific facilities for growing. Councilor Rierson asked why he would want to open a business and not create any profit. Mr. Heuer said with the new law, the facility would be able to recover some costs.

Councilor McKinney asked if there is a difference with herbs and oils then with recreational marijuana. Mr. Heuer said just card holders can use the facility and can only use it with a prescription and doctors visit. We photo copy all identifications coming in.

Councilor Ryan Howard asked what the laws are for opening a dispensary. Mr. Heuer stated there are required cameras and security systems. Councilor McKinney said in relationship to the law, it cannot be within 1000 square feet of a school and church. Mr. Truman Stone, city attorney, said churches are not included, but schools are. The rules there are temporary and there was a map drawn by the planning department. There are definitely qualified locations in Newberg.

Mr. Francisco Stoller, representing the Chamber of Commerce Board of Directors, requested the Butler lot for "Brews and BBQ" at the Old Fashion Festival this year. Councilor Mike Corey stated last year the event seemed to go off really well. Mr. Stoller stated they will need Friday, July 25, 2014, and Saturday, July 26, 2014, for the event and the July 24 and 27, 2014, for set up and tear down. Ms. Sheryl Kelsh said as part of the old fashioned festival, we were able to contribute \$1,200 to it. Councilor Denise Bacon stated she was there last year and it is extremely secure with identification being checked for everyone.

Mr. Tim Svenson said he is one of the three candidates running for Yamhill county sheriff and wished to introduce himself. He said he wants the council to know who he is and what he stands for. He has left informational packets for everyone to look at. He wants to continue working on fiscal responsibilities for the county and make proper adjustments. A big challenge we will see in future is with technology and we will want to keep up with that as best we can.

Mr. Dave Huber, district manager of Waste Management, stated he wants to keep the council informed. First, they reduced waste by 1,000 tons by diverting it and sending it to Hillsboro. This is mostly construction debris and is sent to Hillsboro to be recycled. We have purchased some "new" used trucks and this is going to change the way trucks pick up garbage. The split trucks can cause safety risks and we are possibly looking at a re-route this spring. We are currently improving our customer payment system because we have closed our door and have replaced it with a drop payment system.

## VII. CONSENT CALENDAR

1. Consider a motion adopting Resolution No. 2014-3107 approving the assistant city manager's annual performance evaluation for the period of 10/01/2012 to 10/01/2013.
2. Consider a motion adopting Resolution No. 2014-3109 authorizing the city manager pro tem to enter into a contract with CivilWorks NW, Inc., for the waterline relocation project on North College Street.

**MOTION:** **Howard/McKinney** adopting the consent calendar including Resolution No. 2014-3107 approving the assistant city manager's annual performance evaluation for the period of 10/01/2012 to 10/01/2013 and Resolution No. 2014-3109 authorizing the city manager pro tem to enter into a contract with CivilWorks NW, Inc., for the waterline relocation project on North College Street. Motion carried (7 Yes/0 No).

## VIII. COUNCIL BUSINESS

Councilor Bacon asked the Council if there is anything they can put Mr. Mike Boyes name on a memorial. Mayor Andrews suggested a flag pole in his name. Councilor McKinney said it could be something other names can be attached to in the future as well. Councilor Rierson liked the thought of adding multiple names to something because we have a great community with a lot of people putting in a lot of work. Councilor McKinney thought it should be taken under advisement as there might be other prominent people they will want add. Mayor Andrews thought they should charge planning to come up with an idea to look at.

Councilor McKinney spoke of the city manager taking on requests in the past for alcohol and use of property in regards to "Brews & BBQ" and thought it would be better for everyone's time. Councilor Rierson said he liked the council making a gesture, showing them we all support the Chamber.

**MOTION: Rierson/Howard** to offer council's approval to allow the city manager to authorize and accept applications from the chamber for the "Brews & BBQ" event at the Butler property during the Old Fashioned Festival, which would run July 24-28, 2014, with the actual activity happening on July 25 and 26, 2014. Motion carried (7 Yes/0 No).

Mr. Truman Stone, city attorney, reported the medical marijuana dispensary law will be taking applications in March, 2014. Most cities are trying to figure out how to best deal with it and the county is wrestling with this as well as other jurisdictions. One of the main concerns is zoning regulations and where they would be located. Currently, they would qualify under general retail zoning which may open up the downtown area to a dispensary. Clearly, Portland Road from Villa Road to downtown would be considered. They would not be allowed in an industrial zone. The city needs to get ahead of this and decide if it will be allowed and where an appropriate zone would be.

Councilor Howard asked about a moratorium. Mr. Stone replied a moratorium is unlikely to be successfully challenged. Councilor Rierson said he would hate to have Newberg fight the battles and felt they should perhaps wait and see what other municipalities will do. It seems like a reasonable expectation there will be more security and police involvement; but, he would like to see if there is a way to re-coup possible profits through a business tax. Councilor Mike Corey felt doing nothing would be dangerous. He thought when the law is clearer, it would be better to discuss. It appeared to him our zoning is already there and he did not think the city could exclude certain businesses. Mr. Barton Brierley, planning and building director, said in his review of the development code it will fall in the general retail zones or commercial zones, not in manufacturing zones. He personally thought the city might get into trouble by excluding businesses.

Councilor Bacon said the police have the ability to do nuisance abatements, like at bars, if they are having multiple problems. She thought it was dangerous to build an image in their minds and people with ailments should be able to get what is needed. Mr. Stone said the total budget is \$400,000.00 with only two inspectors to oversee these licensee's. There are really significant security provisions needing to be put into place. These two inspectors are not coming out to check the systems, which can cause a problem.

Councilor Howard said the state has put thought into this and he thinks this will take a lot of wind out of the sails of the black market. He doesn't see an increase of crime because it is a regulated system and he thinks the city should work with the state and be one of the innovators.

Mr. Stone said several cities are going to welcome dispensaries and others have passed through business licensing not being under city compliance, which seems impractical. The majority of cities are going the moratorium route and looking to update zoning, business permits, and fees.

Mayor Andrews said he heard not doing anything right now and he believed Mr. Stone has a draft of a six month moratorium. Councilor Corey said he was not in favor of a moratorium. Councilor Woodruff said she thought it was a good idea to see what happens at the state level. Mr. Stone said he does not see any significant problems with a moratorium when it comes to a lawsuit. Councilor Corey said they are not talking about law changes, just zoning when it comes to applications. Councilor Howard said his position is they should not impose a moratorium as this is a state program and people are interested. Mr. Stone said the question is if the state will step in and allow municipalities to make their own decisions. He is hearing not to do anything at this points, so he will keep the council updated on any developments.

Mayor Andrews recessed the meeting briefly at 9:14 PM.

**IX. EXECUTIVE SESSION**

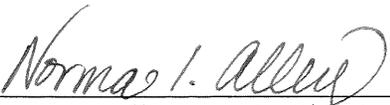
Executive session convened at 9:19 PM.

Executive session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

**X. ADJOURNMENT**

The meeting adjourned at 10:09 PM.

**ADOPTED** by the Newberg City Council this 7<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 10<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Bob Andrews, Mayor